

# ***International Migration and Social Work: Key challenges to a viable future***

BASEL Summer School

*This address reviews the bigger picture, outlining what's going down and why. It seeks to emphasize why migration, migration law and policy, are central concerns to the world of social work today.*

## **Introduction to migration today**

Starting point : What is migration about ?

In other words, what are we here talking about?

In broad terms, migration is key to sustaining the world of work in the Twenty-First Century. Migration today is fundamentally about internationalized labour and skills mobility in a globalized world.

Or, as former mayor Ken Livingston said about his city: London would not make it to breakfast without migrants.

90% of all migration –of all migrants-- is bound up in employment outcomes, in economic activity, meaning people who are either working or dependent on those who are.

Migration today is key to the viability of labour markets worldwide. It is key to obtaining return on capital in a globalized capitalist economy. It is key to development yes, but especially, the viability, indeed the very survival of the developed economies depends on migration.

Migration rejuvenates workforces, maintains viability of agriculture, construction, health care, hotel, restaurant and tourism and other sectors, meets growing demand for skills, and promotes entrepreneurship, all this across Africa as well. Migrant remittances, transfer of skills, investments, and expanded trade enhance development and well-being in many countries.

A word about basis of being here in front of you, and what I'm telling you. This is my 40th year of full time work in inter-related fields of refugee resettlement, immigrant integration, anti-racism-non-discrimination, migration policy and human rights. All with a social work core First job was setting up and then directing for 4 years small social service agency supporting reception, resettlement and integration of refugees from Chile and Argentina in my native city of Seattle. Live demonstration of the effect of an intensive, appropriate

social work approach to migrant population: end result by measure of productive participation, welfare-well being and social cohesion:

### **Migration in Global Context**

There are an estimated 232 million foreign-born people residing today in countries other than where they were born or held original citizenship. ILO calculated that 105 million of the 214 million people living outside their countries of birth or origin in 2010 are economically active. That is to say: employed, self-employed or otherwise engaged in remunerative activity. That represents nearly all of those of working age. Given an estimate of one accompanying dependent for each active adult, well over 90 per cent of migration today is bound up in labour and employment outcomes.

Foreign born workers now comprise 10% to 15% of labour forces in Western European countries and around 18% in immigration countries of Australia, Canada and the USA. In cities, it is considerably higher.

An illustrative example is quintessentially Austrian Vienna where 49% of the population is foreign born or has at least one foreign born parent. Taking account of offspring of recent immigrants gives 20% or more of work forces “issue de l’immigration” in the larger EU member countries including France, Germany and the UK.

From 40% to over 90% of work forces in member States of the Gulf Coordination Council (GCC) and several other MENA (Middle East and North Africa) countries, notably Libya. It is 10-20% across Eurasia (Russian Federation, Caucasus and Central Asia)..

The common terms that shape perceptions –such as South-North and South-South-- do not accurately convey the reality that most migration is taking place within regions –not between. And much of that is within regional economic communities or common market spaces. 52% to over 60% of migration originating in Africa, Asia and Europe remains within those regions. Much migration today takes place within the twelve Regional Economic Communities that have formal regimes of free circulation of persons that involve a total of some 120 countries. 80% of migration originating in West Africa goes to other member states of the ECOWAS. It is 60% for the SADC -Southern Africa Development Community region. This proportion is similar in the European Union and Mercosur.

### **Value of migration today?**

The economic value of migration to the world economy may be on the scale of that of petroleum. Recent figures indicate that the annual flow of remittances is more than 500

billion US dollars. Some estimates exceed \$600 billion. That is considerably larger than total annual overseas development assistance (ODA - "foreign aid") and larger than total foreign direct investment (FDI). But remittances generally comprise less than 20% --at most-- of migrant earnings.

The value of economic activity by migrants to host countries may be at least 2.5 trillion dollars measured by an extrapolation of aggregate direct earnings. And that doesn't show the value added, created, by migrants' labour that is not returned to workers in remuneration or benefits but adds to the worth of employers, whether private or public, in formal and informal sectors. The acknowledged subsidy that undocumented migrant workers provide to the US Social Security system is estimated to be near 50 billion dollars over the last 5 years.

### **Greater mobility anticipated**

*The world of work needs skills and labor where the action is. And we ain't seen nothin' yet.*

Within 15 years, the majority of world's countries and populations will be in serious work force decline. Germany loses 5 million members of its work force in the next fifteen years, the Russian Federation has lost 10 million since 2000, and the current rate means nearly 1 million workers less per year in its domestic labour force. The Japanese labour force shrinks 37% between 1990 and 2030. A recent study says that Switzerland will need 400,000 additional workers by 2030. Qatar, where I did trainings last week, anticipates bringing in another 1 million workers up to 2022, in addition to a million and a half now. And there's the big one: China's work force will decline by as many as 100 million people in the next 30 years.

Some 140 of 224 recognized countries and political territories are at or well below zero population growth fertility rates. Examples from regions, starting with Africa: Botswana, Libya, Mauritius, Morocco, Namibia, Seychelles, and South Africa, Tunisia. Asia: Bhutan, Brunei, Hong Kong (SAR-China), Indonesia, both South and North Korea, Malaysia, Mongolia, Singapore, Sri Lanka, Taiwan province of China, Thailand, Vietnam. Americas: Brazil, Canada, Chile, Colombia, Costa Rica, El Salvador, Nicaragua, Paraguay, Uruguay, USA, plus nearly all Caribbean states. Argentina, Mexico, Peru are 'almost there' with 2.25 rates in 2013. All EU member countries. Eurasia: Armenia, Azerbaijan, Belarus, Georgia, Moldova, Russian Federation, Ukraine, Uzbekistan. Middle East: Bahrain, Iran, Lebanon, Qatar and Saudi Arabia.

Over the next 15 years, all of these countries face increasing departures from the work force uncompensated by the decreasing numbers of youth entrants. This means increasingly intense global competition for the most crucial economic resource of all today, trained skills at all levels. The likely consequence for many developing countries will be even greater drain of skilled and educated human resources. It also means looming crises for contributory-based social security systems as declining work force numbers face increasing numbers of retired workers.

Pressures for labour displacement and emigration from countries North and South remain intense; in some situations they have significantly intensified in the last five years. The main factor remains the absence of jobs and decent work in countries with growing youth populations. In many developing countries, job creation has remained consistently flat while youthful populations are increasing, adding millions of new workers each year to labour markets in which new jobs created only match numbers of jobs lost. Significant population growth is expected to continue over the next three decades across sub-Saharan Africa, with fertility rates and population growth gradually decreasing by mid-century. A major consequence will be millions more youth reaching working age with no prospects for employment and many with no training or qualifications to meet employer needs.

Meanwhile, financial crises and austerity measures that devastated national economies as well as social protection systems in several European countries resulted in youth unemployment rates at or above 50% in several countries. New waves of emigration, especially of young skilled workers, are departing from Greece, Ireland, Italy, Portugal and Spain.

### **Skills and training constraints**

No country today can form or train the entire range and number of evolving skills needed to perform the ever more complex work done on its territory. This drives a constantly increasing, international mobility of skills, competences and labour at all skill levels.

The skills crisis is getting critical. A forecasting study by the McKenzie Global Institute estimated that the global shortage of high skilled and trained technical skills is projected to reach 85 million by 2020. 40 million skilled workers with tertiary education will be lacking, especially in developed countries. Another 45 million will be missing with needed technical, vocational and scientific skills, particularly in developing countries, notably across Africa. This in seven years when employers and their associations around the world

today –including in Africa-- complain that they cannot fill one in three jobs on offer with the needed level of skills.

It is a huge challenge of mismatching in both numbers and quality. The needed skills largely do not 'exist;' far too few people are being prepared with the needed and appropriate skills for today's or tomorrow's needs. At the same time, educational, vocational and technical training systems are not accessible to many youth seeking relevant, employable skills and qualifications, in many parts of the world.

### **Contention between economic actors**

In economic actor terms, migration is a key terrain of contention between capital and labour: between the employers/private sector versus workers/especially organized unions. It is where the division of wealth is fought out-- how much of what is generated is returned to capital versus how much goes to working people as remuneration and to and populations as public services.

Migrants are also vectors of contention over conditions of work and investment in safety and health protections versus lowering costs to obtain higher returns on capital.

Migration poses the question of whether – not just to what extent-- working people remain organized to defend and advance their interests. Migrant workers are key to whether and how workers freely associate and organize to collectively bargain for fair remuneration and decent work conditions. They are making or breaking unionization in industrialized countries.

Exploitative conditions commonly experienced by migrants are structurally driven. For many enterprises in many countries, for entire economic sectors, low cost foreign labour is the only ticket to survival. Labour dependent agriculture would not be viable in Europe nor in North America nor in South Africa --nor could a part of the population afford to eat-- without cheap immigrant labour. Health, home care and schooling for children and care for populations of ageing people increasingly depend on migrants in all regions as do hotel, restaurant and tourist sectors in many countries. Global competition, free trade, and the race to the bottom phenomena push against costs of labour and provision of social services; indeed they challenge the very social function of States.

Keeping some migrants cheap, docile, flexible –and removable without social costs-- becomes not just highly desirable. It becomes imperative to keep jobs at home and

economies afloat, no matter what those jobs are and who is doing them. Despite rhetoric about controlling migration, migrant workers remain in irregular situations, tolerated because they provide that cheap, flexible labour needed to sustain enterprises, employment and competitiveness.

An excerpt from the executive summary of a report on the UK sums up features consistent with data from other EU countries:

“Migrants, especially those from outside the EU15 who have limited access to social security provisions, face the paradoxical position of being welcomed by businesses and the state due to their high flexibility and minimal utilisation of the welfare state on the one hand, whilst facing increasing unease and hostility from anti-immigrant groups, the same state that welcomes them, and large numbers of the general public on the other.

The highly unregulated and flexible economy has allowed many migrants to easily find work and businesses to remain competitive whilst simultaneously creating the conditions for widespread exploitation and producing divisions amongst workers, both between (native) born/migrant and between different groupings of labour migrants.”

### **Gender Specificity**

The feminization of migration is less about the gender proportions of migration. Female participation has been above 45% for decades and is nearly 49% today. The difference is that today most if not nearly all women migrants are economically active. They often migrate on their own rather than as dependants. This is generally true in all regions.

In a context of stratification of employment and segmentation of labour markets, women migrants hold particular appeal for employers as they are sought after and recruited for 'women's work' that, not coincidentally, is usually low paid and unprotected: domestic work, healthcare, agriculture, hotel and restaurant, semi-skilled manufacturing in export processing zones. What's common across many of these is that while some workplaces may be highly socialized they are not organized, meaning no unions or associations for mutual defense and solidarity, nor any bargaining power to press for decent work conditions.

Women and girl migrants face high risks of sexual and gender based exploitation as well as violence, both in the migration process and in destination countries. Adoption of ILO Convention 189 on Decent Work for Domestic Workers has brought attention to a sector of

activity almost entirely comprised of women workers. Attention to the risks faced by migrant domestic women workers should be a springboard to highlight the generalized lack of effective protection faced by women migrant workers in agriculture, in textile sweatshops and elsewhere. Testimony abounds of women working in these sectors subject to exploitative working conditions, sexual harassment, unprotected exposure to dangerous pesticides or chemicals, and other risks.

### **The clear and present danger of xenophobia**

A burning concern is the recognized generalized rise in both discriminatory practices and of racist, xenophobic behaviour against migrants. Hostility towards migrants is being manifested worldwide. Not only are manifestations generalized across many countries in all regions, numerous reported incidents suggest increasing intensity: shootings of groups of migrant workers at or near workplaces, commonplace individual or mob attacks on and killings of migrants, and in some cases police round-ups and mass detention of migrant workers in concentration camps.

The concern is aggravated by the absence, with one or two exceptions, of vigorous responses by governments to anticipate, discourage, prevent manifestations of racist and xenophobic hostility against foreigners, and to prosecute perpetrators. It is further aggravated by discourse and action by some governments that engage in public brutality and violent repression against migrants.

Social cohesion can only be maintained by deliberate legal, institutional and practical measures. Demonstrable proof is that in a few countries –such as Ireland-- there have been almost no racist killings of migrants nor burnings of businesses, homes or places of worship of foreigners. Anti-immigrant politicians and political parties have gained no traction and no prominence. Discrimination against foreigners may be manifested there, but it has been made unacceptable.

### **The governance framework**

Despite academic literature and discourse to the contrary, there is indeed a comprehensive international framework for governance of migration. Much of it is designed to support good governance and administration at the national level, where most of the responsibilities and issues lie.

This framework is based on a broad set of complementary international legal standards in several areas of law. It comprises supportive mandates and responsibilities in a range of

international and regional agencies and organizations. It includes globally applicable policy recommendations elaborated in formal, authoritative international conferences.

The legal framework is provided by 1) the nine main Human Rights Conventions; 2) all up-to-date International Labour Standards; 3) the widely ratified 1951 Convention and 1967 Protocol on the Status of Refugees, 4) the Vienna Convention on Consular Relations; and 5) the Protocols on trafficking in persons and smuggling of migrants to the Convention against transnational organized crime.

At the core of the global legal regime for migration governance are three complementary, sequential instruments on international migration: ILO Convention 97 on Migration for Employment (1949), ILO Convention 143 on migrant workers (Supplementary Provisions) of 1975, and the 1990 International Convention on the Protection of All Migrant Workers and Members of Their Families (ICRMW). All three contain norms for governance and administration of migration and provisions for international dialogue and cooperation as well as specific standards recognizing and protecting the rights of migrant workers and their families.

Oft repeated propaganda notwithstanding that these instruments are irrelevant and poorly ratified, 87 countries have ratified at least one of these three instruments, including 26 in Africa and nearly all countries in Central and South America. Counting in not yet ratified signatories of the ICRMW, 98 countries are legally committed to uphold international standards governing migration.

Fitting for a large global population present in many countries, the international institutional structure mirrors the multitude of concerns that face a large population, whether within a particular state or spread in many. A number of specialized international institutions address relevant aspects of migration in their mandates, competencies and activity, whether labour and employment, health, security, development, education, human rights, criminal justice, etc.

Despite the growing clamour to designate or create a super agency, there is no way that one international agency could possibly address the range of specific concerns of governing a population, society or state, each requiring specialized knowledge, law, competencies and functions. No more than any national government could abolish its 12 or more ministries dealing with specific areas of governing a country and its population to instead operate with sole one super-ministry.



## **Restructuring Governance: redefining a new regime for labour?**

The governance structure for migration –as well as the ideology and practice of governance of migration – is changing in old and new immigration countries. The locus of migration governance in immigration, migrant-receiving States over previous decades was generally in labour and employment-concerned ministries. This reflected the primacy of regulating labour markets and protecting workers as well as overseeing employment relations and social dialogue. Those ministries retain important competences in labour market administration and in mediating dialogue and negotiation between social partners: the employers and the unions representing workers collectively. Those ministries have vital regulatory and administrative functions concerning migrant workers, in particular labour inspection and social security.

Security and control institutions of States now predominate in managing migration and controlling migrants. Ministries of the interior or home affairs officially carry lead responsibilities on migration in most countries in all regions.

This consolidation of home affairs' lead responsibility for migration is coincident with a broad redefinition of conditions for labour. The treatment imposed on a substantial migrant component of work forces can and does influence treatment of the work force broadly. Administration of the foreign component of work forces by interior or home affairs ministries has significant consequences in shifting emphasis of law enforcement affecting workplaces from labour standards to immigration enforcement and in imposing policing solutions to labour conflicts at the expense of social dialogue.

Coincidentally, movement monitoring and control measures have been strengthened worldwide. Enhanced border and movement control measures within regional economic community spaces have large implications in impeding, slowing and raising costs of free and flexible movement of labour, skills and commerce.

Movement control measures also undermine exercise of freedom of association rights in internationalized labour markets and employer chains. Tightened control on movement facilitates tightened control on workers and work forces, restricting realization of rights to change employers or workplaces to escape exploitative, oppressive conditions –or to organize across sectors, industries and production chains that are increasingly organized across borders.

Another redefinition is aggressive promotion of short term, temporary, and seasonal

migration regimes, often under the generic misnomer “circular migration.” Advocates of 'circular migration' characterize it as the solution to both employment needs and to protecting 'national cohesion and cultural integrity' of nation states demanding migrant workers. 'Circular' temporary regimes tend to offer explicitly restricted labour rights, in particular exclusion of freedom of association while subjecting migrants and their employers to reduced- or non-application of labour standards.

### **The price of rights**

A justificatory discourse associated with these initiatives posits that the level of rights protections for migrants is negotiable. The terminology of *rights versus numbers* and *the price of rights* is used to show the advantages of trade offs where wider access by migrant workers to higher wage labour markets would be obtained by accepting reductions in application of labour rights. The argument that lowering wages instigates creation of more jobs is not infrequently invoked in this discourse.

A fundamental premise implicit in this discourse –and in policy initiatives in many countries-- is that foreigners are not equal, nor are they equally entitled to protection or inclusion under law or ideology of the nation State.

In practical terms, the popularized notion stresses that limiting rights of migrant workers will incentivize greater opportunities for migrant access to labour markets in higher income countries. And as a consequence, greater development gains, resulting from:

- More jobs created
- More jobs available for migrants
- More access by employers to needed skills and labour in host countries
- More remittances – financial, investment, skills enhancement, etc -- being returned to home countries of migrants.

### **Deliberate regimes of family separation and offshoring social reproduction costs**

We noted above the so-called feminization of migration being marked by change in roles more than change in proportions. In addition to the greater number of women engaged in economic activity, a far greater proportion migrate on their own –meaning leaving spouses and children 'at home.'

Issues of migrant family disruption, dysfunctional family dynamics or behaviour, and family disintegration are largely driven by the dominant global legal and social regimes that

demand family separation as a basic conditionality for migration.

The direct consequence of circular or temporary migration regimes is enforced family separation, meaning by definition family disruption. Despite a dearth of academic examination, examples abound of the measurable social consequences. Higher suicide and alcoholism rates, higher adolescent mortality, higher school leaving, higher incidences of socially dysfunctional or delinquent behaviour. Higher risks of relational ruptures, extramarital relations, risks of STDs, including risks of HIV-AIDS.

Where migrants can move as family units, all of the issues of family cohesion, social participation, breadwinner employment, children's schooling, healthcare, social protection apply, complicated for most migrants by class, racial-ethnic, and cultural factors, or better said, intercultural issues of differentiated expectations on family and gender roles between origin and host cultural contexts.

A major issue of family in migration and indeed for international relations, is the increasing structural offshoring of social reproduction costs for the work force and part of population. What this means is that the costs of raising, socializing, schooling and training the people doing the work and providing skills to make country run are paid elsewhere.

While this reduces social, educational and training costs in immigration/employment country, it represents huge costs for origin countries, in uncompensated investment in schooling and training, in loss of work force and skills, and in social costs of disrupted families and dysfunctional youth.

It also represents a transfer of wealth from poor to rich, usually from less to more developed countries. In aggregate terms, that represents a *foreign aid* subsidy primarily from South to North. To suggest a notion of value, assuming that each migrant with tertiary education represents at least \$40,000 in cost of higher education, the movement of 100,000 skilled migrants represents an aggregate transfer of that educational investment adding up to 4 billion US dollars. This figure is merely suggestive, research on costings and aggregate values has never been done other than a few sample studies.

## **10 key challenges for social work**

All are inter-connected issues of law, policy and practice; all clearly engage the role, responsibilities and engagement of social work. All are areas where governments are taking action, or not. All are areas where there is civil society activity, albeit in some cases

minimal. A risk of ignoring any of these is that what may be gained in one area is lost elsewhere.

- 1. Lack of legal protection, non-recognition of migrants; non-recognition of rights in law.**
- 2. Utilitarian instrumentalization of migrants, subordinating humanity and human rights to economic interests.**
- 3. Criminalization of migrants**
- 4. Prevalence of sub-standard, abusive employment relations and conditions of work**
- 5. Increasing xenophobic hostility and violence against migrants worldwide**
- 6. Systematic/structural discrimination and exploitation of migrant women**
- 7. Suppression of migrant worker organization and participation**
- 8. Lack of health care and OSH; denial of health rights.**
- 9. Absence of social protection and social security for many migrants**
- 10. Family disruption and decomposition**

### **Agenda for Action**

An agenda for social work on migration comprising policy lines, political demands and practical actions for a rights-based approach to social work is the agenda for appropriate governance of migration.

This agenda in fact derives from and was consistently identified in UN World Conferences in 1994, 1995 and 2001 and in the Resolution and Plan of Action on Migrant Workers adopted by the International Labour Conference in 2004 as well as multiple trade union and civil society forums.

#### **1. Full recognition and legal protection of all migrants**

- a) Assertively promoting ratification and full implementation of the specific legal standards recognizing and protecting rights of all migrants: the **ICRMW, ILO C-97, ILO C-143**.
- b) Calling for and assisting in **regularization** of migrants in unauthorized situations.

#### **2. People based discourse**

- a) Identify migrants as rights-holders first and foremost
- b) Call for respect for four freedoms for all migrants: Freedom of choice; freedom of movement; freedom to stay; freedom of association and participation.

### **3. Decriminalization of migrants, refugees, and migration:**

- a) De-criminalization/non-criminalization of immigration law and infractions to it
- b) Non-detention/ending detention of migrants for non-criminal offences
- c) Treatment of minors according to best interests of the child
- d) Repeal of generalized migrant/traveller identify control, surveillance and restriction measures
- e) Lift border controls and eliminate in-country travel/transport inspection-control posts within established areas of regional, multi-country free circulation of persons

### **4. Decent Work for all migrants: Vigorous enforcement of labour standards**

- a) Promotion of adoption and application of International Labour Standards, particularly those applying to places and conditions where migrants are working
- b) Extending and providing capacity for labour inspection in sectors and workplaces where migrants concentrated.
- c) Fully 'fire-walling' labour inspection from immigration control.

### **5. Stop Xenophobia, racism and discrimination against migrants**

- a) Repeal of discriminatory legislation and policy and reinforcement of non-discrimination/equality of treatment law and practice
- b) Defining and implementing national action plans against racism, xenophobia, discrimination
- c) Denounce and call for political and public repudiation of any and all acts of xenophobic violence.
- d) Demand anti-racist, anti-xenophobia political discourse, media reporting and school curricula.

### **6. Support freedom of association participation of migrants in unions and associations**

- a) Advocate for legislation ensuring freedom of associations rights for migrants
- b) Support migrant organizing in unions, by unions
- c) Conduct outreach to engage migrants in unions, associations, CSOs where they live and work.

### **7. Gender-specific approaches and practice**

- a) Ensure equality of rights, opportunities and protection for all migrant women and girls
- b) Obtain gender specific policy, measures and practices recognizing specific gender-

based risks and ensuring equality of outcomes as well as intent.

## **8. Health for all migrants, health is a right for all.**

- a) Ensure full access by migrants to health prevention and care services and facilities
- b) Demand elaboration of national public health and OSH policy on health for migrants
- c) Advocate for and monitor adequate occupational safety and health (OSH) protection for migrants in all workplaces

## **9. Social Security-social protection for migrants**

- a) Advocacy for immediate unilateral measures to extend social security coverage and portability to migrant workers in both origin and employment countries
- b) Support for regional efforts to incorporate and harmonize social security access in regional integration spaces.
- c) Promote wider ratification and implementation of ILO C-102 (social security) C-118 (social security portability)

## **10. Family Unity and family support**

- a) Demand family unity provisions in all immigration and migration regimes
- b) Ensure immigration law facilitates family reunification
- c) Call for government and other support measures to sustain socialization and education for children and adolescents remaining at home while one or both parents are abroad.

To conclude, history tells that migration has been an essential ingredient of development and human welfare. However, unless regulated by appropriate laws and policies –supported by active social work, migration entails high costs in violations of rights of persons, in social disruption, in reduced productivity, and in social and family disruptions.

Migration must be governed under the rule of law, with the involvement of key stakeholders --government, parliaments, social partners, civil society, migrants themselves. And social workers.

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