

THE TRANSFORMATION OF WORK: Challenges and Strategies



Irreconcilable Differences? Pursuing the Human Development Approach within the Global Governance of Migration



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**Irreconcilable Differences? Pursuing the Capabilities Approach
within the Global Governance of Migration**

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Executive Summary

The precipitous growth of monetary remittances from international migrants to less developed countries has made international labor migration of central importance to the contemporary global policy agenda. In particular, the potential for migration to contribute to development has captured the interest of policymakers and scholars. The quest to harness, maximize, and leverage the benefits of migration in order to promote economic growth and reduce poverty—the ‘migration-development nexus’—is now an established development ‘mantra’. In particular, attention has focused on how remittances offer migrant workers, their families, and their communities economic benefits that significantly outperform traditional top-down bilateral and multilateral aid. The general optimism of this debate is paired with a push to ‘manage’ migration through the global promotion of temporary migration programs and initiatives considered to support the regular movement of migrants. The purpose of the management of migration is to ensure circularity of human mobility and thus the return of remittances to their countries of origin, and to allow destination countries to balance their labor market needs while restricting permanent immigration. However, there is growing criticism of the passive acceptance of the predominant migration-development model and the managed migration agenda. More precisely, the dominant paradigm has been criticized for overlooking the economic, social, and psychological costs of migration for migrant workers and their families. Moreover, the exploitation and human rights abuses that accompany international labor migration for increasing numbers of migrants further challenge the optimism surrounding the connection between migration and development. As the costs of migration become more evident, discussion and debate are taking place in both policy and scholarly arenas concerning how and to what extent human rights and a rights-based approach should be integrated into migration and development initiatives. The discourse surrounding this debate largely draws on the capabilities approach as conceptualized by Amartya Sen and Martha Nussbaum, which sees expanding human capabilities as the central role of development. The capabilities approach has contributed to policy debate surrounding human development and directly informed the human development framework and a series of Human Development Reports authored by the United Nations Development

Programme (UNDP). Indeed, the human development framework is seen as an attractive and useful theoretical approach to meaningfully bring migration, development and human rights together. Yet despite growing concerns to emphasize the link between rights and development and prioritize migrants' rights using the human development framework, the resulting discourse and implementation are highly problematic. While the capabilities approach is a fundamental component of the human development framework, the approach is commonly misconstrued in both policy and scholarship leading to an incomplete reading and understanding of the approach and its application. In this paper, we argue that the recognition and protection of the rights of migrant workers, their families, and their communities must be the focal point of any application of the capabilities approach. Moreover, this focus can contribute to reconciling a rights-focused human development approach within global governance priorities for managing migration.

Introduction

Migration has become central to the global policy agenda of the 21st century. The number of international migrants is on the rise, reaching some 232 million worldwide in 2013. Their growing concentration in more developed countries, and the escalating volume of global remittance flows to the half-trillion dollar threshold are among the principal processes focusing international policy attention on cross-border mobility (OECD-UNDESA 2013). Similarly, the human tragedy of the thousands of migrants perishing each year as they struggle to reach their destination has also prompted renewed consideration of the powerful incentives to migrate despite the risk and the ever-tightening borders of the post-9/11 world. Indeed, international migration is capturing unparalleled attention from national governments and international organizations, as reflected in a multiplicity of regional and multilateral events, such as the United Nations High Level Dialogue on Migration and Development, the Global Forum on Migration and Development, and the Colombo and Abu Dhabi Processes (Basok and Piper 2012; Rother 2013). Much of the policy discussion has centered on integrating *migration* into the global development agenda (Adams and Page 2005; Ardittis and Laczko 2013) or, conversely, integrating *development* into the ways migration is addressed (OECD-UNDESA 2013). The policy spotlight has its echo within the academic literature, where the migration-development

nexus has become a familiar buzzword and a recognized sub-field (Faist 2008; Nyberg-Sørensen, Van Hear and Engberg-Pedersen 2002a; Vammen and Brønden 2012).

Dominating discussion in both policy and scholarly arenas is how to harness, maximize, and leverage the benefits of migration in order to promote economic growth, reduce poverty, and flatten inequality.

More recently, focus on the potential for migration to contribute to economic development has been accompanied by increasing attention to protecting the human rights of migrant workers by a number of multilateral organizations and origin country governments, particularly since the Global Forum for Migration and Development in 2010 (Basok and Piper 2012; Vammen and Brønden 2012). Thus while remittances are considered to have the potential to fuel economic growth in countries with high rates of poverty, whereby migrant workers are seen as more effective ‘agents of development’ than non-governmental organizations (NGO) or states, it is also acknowledged that these gains often come at the cost of their social and economic rights, including their worker’s rights. The trend towards including rights within the migration and development framework has been taken up selectively and to varying degrees by international organizations, in particular the United Nations Educational, Scientific and Cultural Organization (UNESCO), UN Women, and the International Labour Organization (ILO) (Basok and Piper 2012). The fact that rights have attracted attention partially reflects the growing influence of umbrella organizations of migrant NGOs, labor unions, and civil society organizations on migration governance at the national, regional, and international level. This influence is a result of both the increasing relevance of these organizations in providing services and information to migrants at the grassroots level and their organizational capacity in documenting migrant issues, allying with trade unions, and lobbying within and outside international organizations (Rother 2013). Rights are also a growing and contentious concern within academia, where some scholars suggest that rights are central to the development potential of migration (Basok and Piper 2012; Böhning 2009), while others propose that migrants may have to ‘trade off’ some of their rights for access to higher wages in northern labor markets in order to advance their human development (Ruhs 2013; Ruhs and Martin 2008).

This paper examines empirical evidence on the links between international labor migration and development from a rights-based perspective, focusing on movement of migrant workers from lesser developed countries (LDCs) to more developed countries (MDCs). Although the share of international migrants in the world population has not changed dramatically within the past 50 years, migration from LDCs to MDCs has grown rapidly, with certain countries becoming major poles of attraction (Castles 2013). These poles include both traditional countries of destination such as the United States and Australia and emerging economies such as Saudi Arabia and Singapore. As Stephen Castles (2013) points out, contemporary international migration flows cannot be regarded simply as South-North migration. Such a distinction fails to capture how uneven economic growth in many regions is leading to new migrant destinations within countries once considered part of the global South. Moreover, while recognizing that not all migration is economically focused, our paper focuses on migrant workers who form the majority of people crossing borders. Since the bulk of international migrants are workers moving for employment, global migration is truly much more a work and labor market issue than it is a humanitarian or security issue (Wickramasekara 2008).

In this paper, we begin by mapping out the contours of the dominant paradigm within policy frameworks on international labor migration in terms of the potential benefits migration holds for development as well as the proposed mechanisms for achieving them. We then critically examine the disproportionate focus on the potential for economic remittances to stimulate development in poor countries in light of conflicting evidence, particularly with respect to rights infringements for migrant workers and their families. Following this discussion, we interrogate the ways in which the language of rights is currently being grafted onto the migration and development debate. Migration, development, and rights are often discussed together with the capabilities approach and the human development framework that are currently vogue in development policy and practice. We argue that a more authentic implementation of the capabilities approach would acknowledge mobility as a basic entitlement, promote the removal of immigration and citizenship policies that violate or lead to violations of migrant workers' rights, and

foster the enjoyment of other freedoms that migrants are frequently denied. While we recognize that the capabilities approach as it is conceived is unlikely to translate into policies that national governments in destination countries will adopt, we reject pragmatic approaches that suggest migrants trade off their rights for economic gain or that organize rights hierarchically. We propose, rather, that achieving development through migration requires that 'triple win scenarios' based on mutual benefit are set aside and a focus on expanding rights and their exercise takes center stage.

Optimism and the Contours of Global Migration Governance

A distinguishing feature of development thinking and practice in the new millennium has been the wave of optimism regarding the link between migration and development. In 2004, the fervor surrounding the possibilities of the migration-development nexus led Devesh Kapur to propose that migration had become the new 'mantra' of development. Much of the energy fueling this position derived from the explosion in migrant remittances in the mid-1990s, both in absolute volume and relative to other sources of external development finance (Vammen and Brønden 2012). In 1995, officially recorded remittances to developing countries stood at \$50 billion; in 2013, this figure was calculated to reach some \$414 billion, with global remittance flows at \$550 billion (World Bank 2011; World Bank 2013). Since the World Bank argues that migrant transfers through informal channels add at least 50 percent to official estimates, remittances thus constitute the largest source of external capital in many developing countries (World Bank 2005). Indeed, migrants' financial transfers greatly surpass overseas development assistance (ODA) in many regions of the global South; in Latin America, remittances outrank aid by a factor of more than 9 to 1 (Driffield and Jones 2013). Apart from their growing volume both in absolute terms and, for many countries, as a portion of Gross Domestic Product (GDP), remittances represent a much more stable and resilient financial flow than those from ODA, private debt and equity, and foreign direct investment (FDI) (Kapur 2004; World Bank 2011). They may also be counter-cyclical relative to the remittance-receiving economy as they tend to rise in periods of a downturn in activity resulting from an economic shock, natural disaster, or political conflict, as migrants send more funds to support their households in times of crisis (Ratha 2007).

The rise of remittances as a principal capital flow into the global South has thus fostered optimism that they represent a new tool for poverty reduction and economic growth. Illustrative of this position are comments by proponent Dilip Ratha, lead economist at the World Bank: “[m]igration provides a fast path to poverty reduction, perhaps a faster path than that offered by trade, capital flows and technology transfer. Yet, it remains ignored, its potential untapped by the development community” (Ratha 2014). This enthusiasm has prompted other grand pronouncements from Bank economists such as Branko Milanovic, who argues that “migration is probably the most powerful tool for reducing global poverty and inequality” (2011:1). The positive take on remittances that emerged in the late 1990s continues to dominate policy circles (de Haas 2010; Piper 2009a). Moreover, the impacts of economic remittances on development have also captured the lion’s share of research on migration and social outcomes (Levitt and Lamba-Nieves 2011; Sørensen 2012).

The broad appeal of financial remittances as a tool for poverty alleviation stems in part from their ability to circumvent traditional top-down bilateral and multilateral development aid channels to reach migrant families directly (Adams and Page 2005; Datta 2009; Hernandez and Coutin 2006; Ratha 2003). Kapur (2004) notes how remittances are considered a “third way” to cost-effectively deliver resources to the poor: “on the sending side it does not require a costly government bureaucracy, and on the receiving side far less of it is likely to be siphoned off into the pockets of corrupt government officials” (7). Others have argued that remittances overcome the costly administrative challenges of targeting associated with other sources of development funding by channeling finance directly to the poor (Durand and Massey 1992). Moreover, migrant remittances are lauded for their capacity to ‘bank the unbanked’ by connecting millions of the poor with limited access to traditional bank services to the formal financial sector, particularly through mobile remittance services that have reduced transaction costs significantly (Goldring 2004; Sivapragasam, Agüero and de Silva 2011; Vammen and Brønden 2012). Usage of Kenya’s M-Pesa service, a mobile-phone based money transfer and micro-financing service owned by British multinational Vodafone, had reportedly spread to more than half the country’s adult population in just three years following its launch in 2012 (Sivapragasam, Agüero and de Silva 2011).

At the most immediate level, remittances are seen to reduce poverty by providing the poor with financial resources, thus improving the welfare of household members and cushioning their vulnerability to external shocks. One study based on data from 71 developing countries found strong evidence of the poverty-reducing impact of remittances, demonstrating that a 10 percent increase in per capita official international remittances will lead, on average, to a 3.5 percent reduction in the share of people living in poverty (Adams and Page 2005). That migrants and their families generally consume and invest remittances in their home communities is also considered to affect poverty and boost local development through indirect multiplier effects and also macroeconomic effects (Böhning 2009; Datta 2009; de Haas 2005; Portes 2009; Ratha 2007). From this perspective, Migrants' remittances always have positive effects in sending economies because they stimulate demand which is met by domestic production. Massey et al. (1987; 1998), for example, argue that every 'migradollar' sent by Mexicans in the United States generates a \$2.90 contribution to Mexico's gross national product (GNP) (Portes 2009:7).

In addition to individual and family remittances, the term 'collective remittances' is used to describe money raised by organized groups of migrants for the benefit of a group or community with which they are affiliated, usually within their places of origin (Goldring 2004). A number of researchers have documented how collective remittances by migrant-organized home-town associations (HTAs) have funded infrastructure projects and other community initiatives back home, including roads, schools, water and sanitation systems, and public healthcare (Binford 2003; Faist 2008; Goldring 2004; Levitt and Lamba-Nieves 2011; Nyberg-Sørensen, Van Hear and Engberg-Pedersen 2002b; Scheffran, Marmer and Sow 2012). Some origin country governments have actively promoted collective remittances to encourage investment as part of a wider set of policies aimed at maintaining economic and political ties with their emigrants, such as Mexico's Three for One program that funded local development projects by matching every collective dollar raised at the municipal, state, and federal government level (Chi 2008; Goldring 2004). The active involvement of governments is not surprising, since in Mexico over half of the municipal

public works budgets are supported by funds remitted by some 3,000 HTAs (Silver 2011). Additionally, the involvement of national governments is evident in Senegal, where national policy assists migrant networks in their efforts to invest collective remittances in community infrastructure and water projects (Scheffran, Marmer and Sow 2012). The volume of remittances channeled individually and collectively has thus led to some heralding these processes as a form of 'globalization from below' (Portes 2009).

Economic remittances undoubtedly provide migrant sending states a vital source of foreign exchange that can help maintain their balance of payments (Chi 2008; de Haas 2005). In some smaller and lower income countries, remittances represent a sizable portion of the GDP. In 2013, the top recipient countries of remittances as a share of GDP were Tajikistan (48%), Kyrgyz Republic (31%), Nepal (25%), Lesotho (25%), and Moldova (24%) (World Bank 2013). Beyond enlarging foreign currency reserves, remittances can have other economic benefits, including improving the national credit rating as well as expanding the tax base through income taxes and migration-related fees such as the issue of passports and departure taxes (Chi 2008; Datta 2009). As a result of the perceived poverty alleviation and development potential of financial remittances, there are growing appeals and efforts for governments and the private sector to take measures to reduce or eliminate the transaction costs associated with the transfer of financial remittances (Adams and Page 2005; Sivapragasam, Agüero and de Silva 2011; Vammen and Brønden 2012).

In addition to the perceived economic benefits for migrants and origin countries, there is optimism about the potential for migration to spur human development for migrants and their families more broadly. Levitt (1998) coined the term 'social remittances' to show how remittances could be more than cash transfers of good to include ideas, values, and practices. In addition, enthusiasts of the development outcomes of migration contend that migrants, particularly the highly-skilled, may return home with enhanced skills or capacity to innovate that can translate into possible 'brain gain' or 'brain circulation' (Datta 2009; Faist 2008; Vammen and Brønden 2012). While many of these perceived gains are premised on migrant return, brain circulation may also entail the exchange of knowledge through virtual networks (Datta 2009; Faist 2008). These 'diaspora knowledge networks',

composed of individual scientists and professionals or private sector networks, have also been considered an asset to development that migration can enable (Faist 2008). In this regard, the migration of the highly skilled may also lead to enhanced investments and trade relations, as well as the exchange of knowledge, information, and innovation (de Haas 2005; Ruhs 2013). Moreover, there is some evidence that migration rewards for the highly skilled may incentivize non-migrants to improve their skills and qualifications (de Haas 2005). For policymakers, the potential to benefit from “brain transfer” is seen as dependent on “getting the policy environment right” (Datta 2009:125).

Achieving the best policy environment in order to harness the benefits of migration and leverage its development potential is increasingly cast within a governance frame that considers the interests of destination countries in exercising border sovereignty and the post-9/11 securitization agenda while recognizing respect for migrants’ rights. The migration-development debate is thus often on *managing* migration flows to benefit multiple stakeholders. The oft-cited ‘triple win scenario’ allows destination countries to meet labor demands while limiting permanent immigration, enables origin countries to benefit from the remittances their citizens send home and the skills they acquire abroad, and permits migrants to travel safely across borders to access higher wages and contribute to the well-being of their households (Basok and Piper 2012; Chi 2008; Preibisch 2012). For destination countries, managing migration aims to meet labor market needs at both ends of the skill spectrum, restrict irregular or undesirable migration, placate xenophobic tendencies among voters, and safeguard national security (Datta 2009).

One of the most prominent policy measures that has been promoted under the managed migration banner to achieve the proverbial ‘triple win scenario’ is temporary migration programs whereby governments grant migrants legal authorization to work for specific periods of time but do not extend rights to residency or citizenship. In 2005, the Global Commission on International Migration recommended that states and the private sector consider “introducing carefully designed temporary migration programmes as a means of addressing the economic needs of both countries of origin and destination” (Global Commission on International Migration 2005:16). While guest worker initiatives had

declined across Western Europe by the mid-1970s, by the close of the century there was a general return to such policies across the high-income world with a number of countries establishing schemes for the temporary or seasonal entry of limited numbers of workers to meet specific labor needs (Castles 2006; Martin, Abella and Kuptsch 2006; Plewa and Miller 2005). In essence, temporary migration programs grant migrants legal entry and employment authorization, thus allowing migrants to access higher wages while avoiding the risks associated with irregular movement, but preventing their permanent settlement. Such initiatives often inhibit migrants, particularly those entering low-skilled occupations, from migrating with their families and often tie their employment to a specific employer. For destination countries, temporary migration programs enable them to meet their labor demands selectively, particularly in those industries that have difficulties retaining citizen workers (often because of low wages or dangerous and demanding working conditions), without the promise of eventual settlement (Faist 2008; Portes 2009; Ruhs 2013). They thus align with pressures within high-income states to infuse order within a context of rising economic-induced migration by largely undocumented laborers through targeted inflows, allowing them to address xenophobic tensions among voting citizens on the one hand and concerns over the national security implications of irregular migration and human trafficking, money laundering, and terrorist funding on the other (Basok and Piper 2012; Castles 2006; Chi 2008; Datta 2009). Temporary migration programs are also championed as a means for destination states to control irregular flows, an issue that is increasingly addressed in collaboration with countries of origin (Plewa 2007). Within the dominant paradigm then, governments in migrant-origin countries are encouraged to manage their emigration flows in a more orderly manner and safeguard the cross-border mobility of their citizens, while benefitting from the development impacts of economic remittances that temporary or circular migration enables (Chi 2008; Plewa 2007).

Overall, the dominant paradigm within policy frameworks on international labor migration offers an optimistic view in which migration holds multiple benefits for development provided the appropriate mechanisms are put in place to manage it and that states cooperate to maximize its potential. For countries of origin, leveraging the benefits of migration is cast as addressing issues such as irregular migration, human trafficking, and

migrant rights using temporary migration programs, bilateral agreements, and other policies regarding assisted return (Datta 2009). Getting the policy environment right further entails channeling economic remittances towards development, including facilitating financial transfers, reducing transaction costs, and matching collective remittances with state funds. In sum, it is argued that with the right mechanisms in place policymakers can seek to “capture migration’s development potential in a new global framework for development” (Lacy Swing 2013: 4). The positive view of migration, while dominant among policymakers and researchers, however, has a significant number of critics in trade unions, migrant rights organizations, non-governmental organizations, and academia. As challenges to the optimistic link between migration and development mount, one scholar has suggested that we may be heading towards a “backswing of the migration and development pendulum” towards a pessimism that prevailed in the 1980s, prior to the spike in remittances (de Haas 2012). In the following section, we critically assess the disproportionate focus on the potential for economic remittances to stimulate development in poor countries in light of conflicting evidence, particularly with respect to rights infringements for migrant workers and their families.

A Critical Assessment of the Migration-Development Nexus

The growing opposition to the dominant, optimistic view of the migration-development nexus and the extent to which it has permeated international and national migration policy has been both ideological and empirical, taking aim at the political agenda of this paradigm and providing contradictory evidence to what some critics allege is naïve optimism at best. In particular, critics contend that the dominant approach to the migration-development paradigm ignores the structural realities of the global political economy that create migration in the first place. Moreover, migration, far from fostering development in origin countries, may actually do the reverse (Binford 2003; Chi 2008; Delgado Wise, Márquez Covarrubias and Puentes 2013). Skeptics of the positive link between development and migration also demonstrate how the paradigm rests on a specific ideological framework that promotes neoliberal globalization, thus leaving unaddressed and unquestioned a series of processes that have led to growing global mobility as a result of deepening economic and social inequality within and between nation states, as well as political and

climate-induced displacement (Castles 2010; Delgado Wise, Márquez Covarrubias and Puentes 2013). Furthermore, they note how the dominant approach to migration and development has failed to examine the non-economic costs of migration for migrants and their families (Castañeda 2013; Piper 2009a; Silver 2011). Critics have also provided evidence to show that while protecting the human rights of migrants is increasingly part of academic and policy debate around migration and development, this agenda is often subordinated to policies aimed at migration control (Basok and Piper 2012; Rother 2013; Sørensen 2012). Fundamentally, critics allege that the dominant paradigm is flawed in theory and practice (Chi 2008; Delgado Wise, Márquez Covarrubias and Puentes 2013). In the following section, we address the key issues that the optimistic paradigm obscures.

One of the key criticisms is that the prevailing approach is embedded in a particular ideological framework. As Sørensen (2012:65) notes, the conceptualization of the migration–development nexus as the engine for development fueled by financial and social remittances, “mirrors the dominant development paradigm, namely that of economic development.” In this dominant paradigm, the prevailing model of global economic growth is taken for granted, a position that places the neoliberal model and its possible contributions to undermining development, fueling migration, and restrictive immigration policy above critical scrutiny (Binford 2003; Boucher 2008; Delgado Wise, Márquez Covarrubias and Puentes 2013). As a result, the dominant position in the migration-development debate fails to consider the impact and scope of neoliberal globalization, including how increasing economic integration since the 1970s has resulted in growing human insecurity, inequality, and underdevelopment (Binford 2003; Castles 2010; Delgado Wise, Márquez Covarrubias and Puentes 2013). Raúl Delgado Wise and colleagues (2013) argue that economic restructuring on a global scale has fundamentally transformed migration dynamics, principally through the creation of strong pressures to migrate. Neoliberal globalization has fostered, and at times, forced human mobility as a result of environmental degradation, climate change, growing political insecurity, land dispossession, and unemployment in the global South, among other migration-inducing processes (Castles 2010; Delgado Wise, Márquez Covarrubias and Puentes 2013). These processes often push migrants to seek out dangerous or illegal means of migration that

make them vulnerable to exploitation. Understanding how these complex, inter-related processes encourage people to pursue their livelihoods across borders is not straightforward. For example, the collapse of rural livelihoods due to trade liberalization might lead directly to international migration from these areas, but also internal rural-urban migration which, in turn, creates downwards pressure on urban wages that induces city-dwellers to pursue transnational livelihoods as well (Castles 2013; Solidarity Center 2009). Further, the focus of the dominant migration-development model on international labor migration as the result of individual economic decisions obscures the structural realities of the global political economy, including growing inequality between countries and within communities, development failures, and poor governance (Binford 2003; Castles 2010; Chi 2008; de Haas 2008; Delgado Wise, Márquez Covarrubias and Puentes 2013; Rother 2013). As Stephen Castles acknowledges, “people rarely leave their home communities just to gain higher incomes, as long as their ways of living and working are still viable. It is the undermining of these modes of existence that triggers departure” (2013:125-6). Moreover, charting social and economic transformations within countries of destination is fundamental to understanding contemporary migration, including the demand for migrant labor as a result of demographic change and economic restructuring (Castañeda 2013; Castles 2013; de Haas 2008).

Apart from the problematic theoretical underpinning of the dominant migration-development paradigm, there are also issues with its practical implementation. Within the migration-management framework, migrant-sending countries are encouraged to deepen their cooperation with international organizations and governments in destination countries around a number of principles, including the protection of migrant rights. Migrant-sending countries, however, may lack the institutional capacity necessary to implement policies espoused in the managed migration framework, resulting in regulatory gaps (Chi 2008; Wickramasekara 2011). While international organizations such as the International Organization for Migration (IOM) make it their mandate to provide technical assistance to help less developed countries facilitate migration, delegating responsibilities

Box 1: State Capacity and the Temporary Agricultural Workers to Canada Project

When Canada made changes to its Temporary Foreign Worker Program in 2002 that ushered in a new wave of temporary employment authorization for low-skilled migrants, the Guatemalan government sought to capitalize on the opportunity. After talks between the government and the agricultural industry in the province of Quebec to establish and operate a system of labor recruitment and management, the Temporary Agricultural Workers to Canada (TAWC) Project was created in 2003. This was completed through a Letter of Understanding signed by the Guatemalan office of the IOM and a private sector organization representing agricultural producers in Quebec, FERME (Fondation des entreprises pour le recrutement de la main-d'oeuvre étrangère) (Valarezo and Hughes 2012). The Guatemalan government ceded administrative responsibilities to the IOM with the intention of eventually developing their own capacity to independently manage the migration program (Valarezo and Hughes 2012). The TAWC Project quickly achieved its goal of facilitating the temporary migration of Guatemalan farm workers into Quebec, growing some 16 times from its inception by 2011. The TAWC Project, however, has garnered numerous allegations of exploitation and corruption, including within the IOM, by labor unions and migrant rights organizations (Asociación de Guatemaltecos Unidos Por Nuestros Derechos 2013; United Food and Commercial Workers Canada 2010). In 2010, guest workers terminated from the TAWC created the Association of Guatemalans United for Our Rights (AGUND, *Asociación de Guatemaltecos Unidos Por Nuestros Derechos*) to denounce blacklisting and other corrupt practices in the Project. That same year, the United Food and Commercial Workers of Canada launched a campaign to address the rights of Guatemalan farm workers, including extortionate rental rates and pre-departure bonds instituted by the IOM Guatemala to incentivize migrant return. The IOM responded to international pressure, replacing the Head of Mission and suspending the bond policy. Although these changes were promising for migrants, in 2012 Quebec producers created their own, privately-run recruitment scheme to move Guatemalan farm workers into the provinces, effectively depriving the IOM of the bulk of their clientele. The IOM has since closed its Guatemala office, leaving recruitment not in the hands of the Guatemalan government, but privately-run business. According to migrants, the new FERME-controlled office continues to be plagued by informal recruitment fees that significantly increase the costs of migration for workers, making them vulnerable to debt bondage and other forms of economic coercion.

to non-state actors can be problematic, such in the case of the Guatemalan farm workers in Canada's Temporary Foreign Worker Program (Box 1). Moreover, curbing irregular migration and accepting readmissions has dominated collaborative policy making and implementation between countries of destination and origin around migration and development, while institutional capacity building within origin countries has not been prioritized (Basok and Piper 2012; Wickramasekara 2011).

Further opposition to the excitement and claims surrounding the 'development potential' and general benefits of financial remittances for migrant families and origin countries comes in the form of conflicting evidence. In particular, there is a serious question about the ability of monetary remittances to actually alleviate poverty. This contention is predicated on a number of arguments, including the fact that a small proportion of individuals within lesser developed countries actually participate in international migration and are meaningfully employed in more developed countries. Although migration from LDCs to MDCs has grown rapidly over the past 50 years, migrants represent only a fraction of most sending state populations. International migration is a highly concentrated social phenomenon, as most flows occur between major emigration areas (e.g. the Philippines) and principal destination countries (e.g. Australia) (Castles 2013). While some emigration countries have seen the formation of communities that are dependent on remittance income to be socially and economically viable or derive a significant share of their GDP from the money workers remit home, other areas of the world face considerable barriers to migration. Overall, the expectation for international migrants to play a significant role in national poverty alleviation in their country of origin where international migrants represent a small proportion of the population is arguably problematic (de Haas 2007). Further, the distribution and impacts of financial remittances are highly selective and heterogeneous within sending states (de Haas 2005; de Haas 2012; Nyberg-Sørensen, Van Hear and Engberg-Pedersen 2002b). Studies have shown that international migrants tend to have some level of financial means and social mobility or networks prior to engaging in their migration journey, thus implying that the absolute poorest members of origin countries neither participate in international migration nor benefit from remittances (de Haas 2005). As individuals living in extreme poverty are often excluded from international migration, remittances are viewed not as a tool for poverty alleviation, but as a mechanism for deepening existing economic and social inequalities between households within origin communities and regions (de Haas 2012).

Another principal argument mitigating the development potential of migration contends that the loss of skilled human capacity is too detrimental to be reversed by the transfer of

financial remittances (Raghuram 2009). OECD figures show how small countries and island states in Africa and Latin America experience 'brain drain' most acutely (OECD-UNDESA 2013). For example, close to 90 percent of highly skilled people born in Guyana live in OECD countries (OECD-UNDESA 2013). Additionally, although highly skilled migrants arguably receive higher incomes than lower skilled migrants for their work in destination countries, there is evidence that suggests that remittances decrease as the education levels of migrant workers increase (Niimi, Ozden and Schiff 2010).

Further, despite what the dominant migration paradigm claims about the potential for 'brain circulation' between origin and destination countries, the disconcerting reality for many migrant workers is that their migration journey often involves some degree of 'brain deskilling' or 'brain waste' (Datta 2009; Faist 2008; Raghuram 2009). Instead of human capacity and skill building, brain deskilling is especially evident in light of the growing number of temporary migration programs in high income countries of destination. With temporary job openings in industries such as construction, agriculture, or domestic service, these opportunities represent the best prospect for some individuals, regardless of their skill level, to access labor markets in the global North. Skill-level aside, major emigration areas are losing much of their prime working-age population to migration (Silver 2011). In the context of low-skilled migration, more relevant to the migration-development debate is the so-called "brawn drain" whereby the exodus of young men from rural areas contributes to agricultural labor shortages, a decline in agricultural productivity, and a loss of those most likely to be agricultural innovators (de Haas 2010).

The claim that financial remittances act as a safety net and protect or, at the very least, diminish the impact of external shocks for migrant households has also been questioned. Criticism stems from the perceived unstable and unreliable nature of financial remittances at the individual household level and the dependency that they are seen to create for origin households (Binford 2003; Datta 2009). For example, despite the relative success of Kenya's M-Pesa service and other similar mobile money transfer systems, there are also risks and limitations associated with these remittance transfer mechanisms that

disadvantage migrant workers and their families.¹ In addition, there are empirical challenges in measuring and determining how remittances and the influence of international migration operate individually and together in the lives and decisions of sending household members (Amuedo-Dorantes, Georges and Pozo 2010). However, several studies have attempted to investigate the impacts of international out-migration and remittances on household level investment and the educational attainment of female and male children left behind in different contexts. (Amuedo-Dorantes, Georges and Pozo 2010; Edwards and Ureta 2003; Kuhn 2006; Lahaie et al. 2009; McKenzie and Rapoport 2011; Yang 2008). In Mexico, McKenzie and Rapoport (2011) found that when remittances become the primary source of income for migrant sending households, the perceived promise of greater economic returns abroad prematurely propel male children out of the classroom and into their own migration trajectories, while female children are more likely to leave school early to meet increased household work demands. Although context specific, this evidence adds weight to Reichert's (1981) 'migrant syndrome' whereby households and communities become dependent on remittance income and the lifestyles they enable. In addition, the heavy investments made by migrants in improving their children's human capital with the intention of broadening their employment opportunities within the country of origin may not deter their better-educated children from migrating but rather, in some contexts, produce a more highly educated (and subsequently deskilled) workforce for the labor markets within more-developed countries. This is particularly salient in light of the lack of investment in and attention to creating decent work by origin

¹ In discussions with consumers, Mallat (2007) found at least seven limitations of mobile money transfers. The first is the risk of the unauthorized use of the mobile phone to transfer money. The second is a lack of transaction records, which makes the confirmation, documentation, and tracking of mobile money transfers difficult. The third risk is the possibility of errors in payment transactions. If a mistake is made through the mobile money transfer, it can be difficult to correct. The fourth risk is the vagueness of the transactions and lack of control. Once the transfer has been submitted, it is often unclear how long it will take for the money to be transferred along with other key pieces of information one may want included in the transfer of money. The fifth limitation is device and network reliability. The speed and success of the mobile money transfer is often dependent on the strength of the mobile network and efficiency of the mobile device. The sixth risk is the compromise of privacy, as some users do not feel comfortable disclosing their personal information to payment service providers. All of these risks mentioned above contribute to the final and most important risk, which is the overall concern regarding consumers' trust in mobile payment services. These concerns demonstrate that although mobile transfer technology is promising and has proven to be successful in some regions, transfers between migrant workers and their families using this technology is not straightforward and involves risk for those involved.

governments, which would create higher-wage and higher-skilled jobs at home. Indeed, research shows that the external shocks that migrant households experience are complex and vulnerability cannot necessarily be reduced with an injection of financial resources.

There is further skepticism surrounding the seemingly natural transition between the 'conspicuous consumption' and 'productive investment' of financial remittances particularly for poor migrant households (Datta 2009). Consequently, questions emerge about whether financial remittances will ever be able to meet and support more than the most basic needs of migrant households (Binford 2003; Chi 2008). Additionally, while collective financial remittances and the work of HTAs are seen as evidence of cooperation among migrant workers, critics argue that the dominant paradigm perpetuates the misleading narrative that the transfer of collective financial remittances via diaspora networks seemingly equates to migrant worker participation in not only democracy, but also development. More dangerously, there are concerns about how some proponents of the dominant migrant-development paradigm view private collective remittances as a possible replacement to official development assistance (Goldring 2009). There is also evidence that HTAs can be non-democratic organizations characterized by gendered power dynamics between migrants and non-migrants (Goldring 2009).

The critical analyses surrounding financial remittances have also been directed at the macroeconomic level. There are concerns that the injection of remittances into the weak economies of some countries will not promote economic growth, but will rather create an unstable dependency on these monetary transfers (de Haas 2012). Arguably, weak states may rely too heavily on remittances to support development initiatives and poverty alleviation efforts instead of investing in domestic development strategies (Chi 2008; Delgado Wise, Márquez Covarrubias and Puentes 2013). This dependency can undermine efforts to build institutional capacity in migrant origin countries which, in turn, limits their ability to meaningfully partner with countries of destination in crafting managed migration partnerships (Chi 2008). It may also compromise the representation of migrant interests and the defense of their rights by countries of origin who may prioritize the access to higher-wage labor markets that temporary migration programs provide and the flow of

remittances that they enable. The 'brain circulation' of highly skilled workers is also limited by the institutional capacity of origin countries. In the absence of attractive investment environments and the necessary infrastructure whereby 'brain circulation' can effectively take place, there is little incentive for highly skilled workers to return to their native residence after successfully integrating into the labor market of more developed countries (Portes 2009).

Moreover, the focus on financial remittances as a means to alleviate poverty and fuel economic growth obscures other costs suffered by migrants and their families. Of greatest concern are the transit risks associated with irregular migration flows (Andrijasevic 2006). Indeed, the growing death toll of thousands of North African migrants that have perished off the coast of Spain in sea crossings prompted Pope Francis to make the tiny island of Lampedusa the site for his first trip outside of Rome (Pullella 2013). The death toll along the US-Mexico border between 1994 and 2009 is estimated to range from over 3,800 to 5,600 deaths, representing more than a 100 percent increase in the number of deaths since the enactment of stricter immigration control measures (American Public Health Association 2009). Researchers have demonstrated the extent to which restrictive immigration policies and border controls, rather than halting irregular migration, have increased the risks and costs of migration by funneling migrants into more dangerous routes and crossing points as well as increasing the financial rewards to smugglers and traffickers (de Haas 2008; Sørensen 2012).² Indeed, the amount that "migrants invest in crossing these very borders deducts substantial amounts from their much-celebrated remittances, thus weakening the migration–development nexus" (Sørensen 2012:72). Increasingly restrictive border controls in the global North inflate the costs of migration, bolstering the fees charged by smugglers and those received by corrupt agents within government and the private sector managing temporary migration programs. The optimism surrounding remittances thus obscures the enormous amount of financial

² In August 2010, 72 migrants from Central and South America traveling to the United States were murdered by drug cartel gunmen in northeastern Mexico after refusing to pay ransoms in what became known as the San Fernando massacre (Rother 2012).

resources flowing from migrants and their families into more developed countries through transit and migration costs. As Ruhs (2013:124) explains,

Emigration is of course not without financial costs for migrants. These costs can include visas fees, travel expenses, payments to recruitment agencies, and in some cases a range of illegal payments such as bribes and other “kickbacks” demanded by different actors involved in facilitating the migration process. These costs vary considerably across different migration corridors and also across different types of migrants within the same corridor. Legal migration costs can be multiples of monthly earnings abroad. If illegal payments are involved, the cost of migrating can in some cases exceed annual earnings.

The rising costs of migration as a result of ever-tightening borders in the global North have increased cases of debt bondage, channeling the funds raised by migrants and their families into the hands of moneylenders, recruiters, employment agencies, and gangmasters (Stoll 2010; Toruño 2010). Continuous deportations are further constraining the migration-development potential of remittances (Sørensen 2012). Moreover, the construction of illegality and vulnerability within varying national contexts is closely tied to and often drives trafficking. When the implications of illegality are considered within the migration-development nexus, it becomes clear that there are serious limitations to the dominant, optimistic paradigm. Notions of illegality and belonging are integral parts of immigration policy and have emerged under different historical contexts among nation states in the global North (Castles 2003).

The growing use of migration management procedures have also increased the opportunities for third parties to benefit from the fruits of migrants’ labor. The rise of the ‘migration industry’, the range of authorized and clandestine actors within government, the private sector, and civil society that are linked to the facilitation and control of migration, is intimately tied to managed migration (Sørensen 2012). In the United States, internationally-recruited workers on temporary employment authorization often arrive with considerable debt linked to recruitment fees and other travel and visa-related costs

(Centro de los Derechos del Migrante 2013; Southern Poverty Law Center 2007; The International Labor Recruitment Working Group 2013). In particular, international labor recruiters charge workers staggeringly high fees for the opportunity to work in the United States. Many workers often finance these fees by borrowing money at high interest rates. Migrants under the H-2 program, for example, arrive in the United States with a fee-related debt ranging from \$500 to well over \$10,000 (Southern Poverty Law Center 2007). Similarly, migrant workers in Canada's Temporary Foreign Worker Program have been charged recruitment fees totaling more than two-thirds of their expected annual earnings. This is common practice in temporary migrant worker programs globally, whether in North America, Europe, Asia or the Gulf Countries. That these debt-financed recruitment fees and other costs derive directly from the structure and operation of 'managed migration' initiatives casts doubt on the promise of these programs to deliver a 'win' to migrants.

Apart from the risks and costs of moving across borders, migrants often face restrictions on their rights, barriers to accessing the rights they are accorded, and exploitation. The host of structural constraints and oppressive labor arrangements migrant workers encounter in the country of destination severely restrict their capacity to be 'agents of development.' Since manually-skilled workers are the numerical majority of temporary migrants, opponents contend that the dominant optimism that characterizes the migration-development debate overstates the agency of migrant workers or views it in isolation from other contextual factors that may compromise an individual's ability to financially support her or his household or community while abroad (Anderson and Ruhs 2010; Binford 2003). To begin, migrants face a significantly different set of labor rights than permanent residents and citizens. For migrants with temporary employment authorization, the most crucial restriction is the right to leave one's employer and to work for another employer without interference or sanction by the state (Anderson 2008). Under most temporary migration programs, particularly those supplying manually-skilled workers, migrants' employment authorization is valid with a single, designated employer. Research has shown that tied work permits create a significant power imbalance in the employment relationship, severely curtailing migrants' ability to exercise their rights. In the extreme,

migrants' dependence on employers for their right to remain in the country can lead to situations similar to indentured servitude (Bonnici 2009). Migrants on temporary work permits have been dismissed and deported for a number of reasons, including for failing to agree to work longer hours or refusing to do unsafe work (Faraday 2012; Griffith 2006; Preibisch and Hennebray 2011). The deportation of migrant workers who have been fired is often arranged by the officials of the country of origin and/or private sector actors managing temporary migration programs who seek to remove unwanted workers and thus maintain the 'circularity' (i.e. return) that underlies the popularity of these initiatives. Migrants working in countries where their social networks with co-ethnics are weak or non-existent often comply with their deportation since they do not have the financial or legal means to sustain themselves without pay while they wait for employment authorization with a new employer. Those migrants working in destination countries where their social networks are more developed may rely on family and friends, but they now face new vulnerabilities without legal status to work and/or remain.

It is precisely the deportability of migrants that makes them a particularly flexible workforce (Hahamovitch 2003). For most migrants within temporary migration programs, the binding of their right to employment and often residence in the destination country to a single employer acts as extra-economic coercion to acquiesce to substandard and often unsafe working conditions, illegal salary deductions, and long and/or variable working hours. As mentioned previously, migrant workers are often reticent to exercise their rights, including organizing or joining unions, as those who do so not only risk losing their current job but all future employment if they are blacklisted with labor contractors or public sector officials who manage overseas recruitment (Bonnici 2009). Migrants have found that the national governments of their countries of origin may purposefully undermine their efforts to organize, unionize, or expand their rights when working abroad. In Canada, for example, there is evidence of Mexican government agents visiting farms that participate in the Seasonal Agricultural Workers Program (SAWP) to threaten and intimidate workers who are considering unionization with blacklisting from future participation in the program (Russo 2011). Recently, the British Columbia (B.C.) Labour Relations Board found the Mexican government guilty of blacklisting migrant Mexican union supporters from

subsequent work through the SAWP in a case brought forward by the United Food and Commercial Workers Union (UFCW) (Carman 2014). The mechanisms of coercion are different for migrant workers without employment authorization. For these migrants, the

Box 2: Olympic (Tarnished) Gold - The Sochi Olympics and the Exploitation of Migrant Workers in Russia

While the Sochi Olympics were pronounced a success by the International Olympic Committee (IOC), the over 16,000 migrant workers from outside of Russia who helped to build the impressive infrastructure for the games may have faced working conditions that were far less favorable. Many of the workers, who came from Armenia, Kyrgyzstan, Serbia, Tajikistan, Uzbekistan, and Ukraine, experienced exploitative and abusive working conditions, including confiscation of passports, forced overtime, and nonpayment of wages (Human Rights Watch 2013). There have even been allegations that the Russian government used unlawful detentions and deportations to silence workers who complained about abuse, and to help companies from having to pay backwages (Margolin 2014). International unions have also raised allegations of human trafficking. For example the Building and Wood Worker's International (BWI) levelled criticism on both the Russian government and the IOC as the 2014 Winter Olympics opened in February 2014. According to BWI (2014), "Unpaid wages, unsafe working conditions, 12-hour or more shifts, poor housing, and trafficked migrant workers compose the collage of workers exploitation that will be the legacy of this Olympics. On 17th of October 2013, a Russian construction worker named Roman Kuznetsov sewed his mouth shut in protest against the non-payment of his wages in Sochi." Trade unionists continue to denounce the widespread and systematic exploitation of migrant workers in Sochi and the possibility of repetitions in the 11 Russian host cities of the FIFA World Cup 2018.

Construction booms leading up to mega-sporting events like Russia's Olympic Winter and the FIFA World Cup in Russia in 2018 and Qatar in 2022 have become common sources for migrant worker exploitation. To secure a bid to host global sporting events, countries often undercut workers' rights, wages, and health and safety protections. As noted by the AFL-CIO (2014), "Construction has a long tradition of exploiting migrant labor from lower wage countries. Migrant workers in this sector are too often subjected to a range of abuses, including threats, intimidation, wage theft, confiscation of travel documents, black listing, violence and even human trafficking and forced labor. Their migration is generally not driven by choice, but by poverty and a lack of decent work. To secure work, many workers must utilize international labor recruiters, who force them to pay high fees to obtain a visa, which can result in debt bondage as workers toil in an indentured state to repay high-interest loans."

While still eight years away, with the awarding of the 2022 FIFA World Cup to Doha, international attention and scrutiny has turned to Qatar as the country races to prepare itself for this global sporting event. As part of its successful bid, Qatar pledged the construction of massive infrastructure projects

including nine new stadiums to welcome the world. These projects are largely being built by migrant workers primarily from Bangladesh, India, Nepal, Pakistan, and Sri Lanka who make up an estimated 94 percent of Qatar's total workforce (Human Rights Watch 2012). Since 2010 when Qatar was awarded the 2022 World Cup, reports and evidence have surfaced documenting the widespread exploitation of migrant workers and the deplorable conditions in which these individuals work and live.

International unions and NGOs have made appeals to the IOC, FIFA, host governments, and several of the companies involved in tendering and planning the infrastructure projects for these major international sporting events to recognize the legal obligations of the national government to protect the rights of migrant workers and to eliminate highly exploitative employment arrangements. These appeals are often ignored, as neither the IOC nor FIFA show signs of incorporating adherence to international labor standards for national and migrant workers into their awarding or implementation of games. As 2018 and 2022 approach, human rights groups and international organizations will need to continue to monitor the situation in Russia and Qatar and apply pressure to groups involved in recruitment and employment of migrant workers.

constant threat of deportation shapes their vulnerability to exploitation by employers, contractors, smugglers, and traffickers (Anderson 2010; Heyman 2010; Ruhs 2013; Solidarity Center 2009). Indeed, the managed migration agenda does not legitimize 'illegal' forms of migration as these mobility patterns are seen as a failure of the agenda's mandate. As national governments aim to resolve the 'problem' of 'illegal' migration through policy and enforcement, undocumented workers in this precarious legal position continue to struggle to evade detection and provide for their families.

The restricted mobility of migrant workers further shapes their agency to exercise their rights. Migrants are often employed in rural and remote areas that are underserved, part of the reason jobs in these areas fail to attract citizen workers. Moreover, many migrant workers on temporary employment authorization are obliged to live in employer-provided accommodation or camps. Employer-provided housing has been linked to restrictions on migrants' mobility, including through restrictions on visitors and curfew policies, as well as surveillance technology. In order to further restrict their movement, employers, supervisors, and labor contractors often require migrants to surrender their passports and

other identity documents upon arrival in the destination country (Ali 2010; Griffith 2006; Scott, Craig and Geddes 2012). Further, migrant housing has been found to be sub-standard, unsafe, over-crowded, and at times, over-priced. Squalid, unsanitary migrant labor camps are common in emerging economies such as Saudi Arabia, the United Arab Emirates, or Qatar (Ali 2010), but they are not the preserve of non-OECD destination countries. Both Canada and the United States have drawn sharp criticism for problems with housing provided to temporary migrants (Oxfam America 2004; Tomic, Trumper and Aguiar 2010).

Lower-skilled temporary migrant workers are also more vulnerable to rights violations than the highly-skilled because they take up jobs at the bottom of the occupational hierarchy that citizens reject precisely because of low wages, poor and unsafe working conditions, and lack of worker protections (Piper 2009b). In some oil-rich emerging economies, migrant workers constitute the bulk of entire occupational categories for manually-skilled work. In Qatar, the country with the highest ratio of migrants to citizens in the world, migrant workers comprise a staggering 94 percent of the workforce, particularly in construction (Human Rights Watch 2012). Investigations into the construction industry have uncovered pervasive employer exploitation and abuse, including extremely low wages and wage theft, contract violations, and unhealthy and often dangerous working conditions (Gibson and Patisson 2014; Human Rights Watch 2012). The construction boom that found new momentum in Qatar's successful bid for the 2022 World Cup has been particularly deadly for migrant workers, with a death toll of 185 among Nepalese men in 2013 (Gibson and Patisson 2014) (Box 2). While migrant construction workers may fare better in the economies of more industrialized countries, trade unions and other advocacy groups have raised a range of concerns regarding the exploitation of migrants, including human trafficking (Faraday 2012; Murphy 2013). In 2010, a human rights court in the Canadian province of British Columbia found discrimination to be present against construction workers from Latin America who had been adversely treated compared to Canadian and European workers, including significantly less pay, fewer benefits, and worse housing (Shantz 2011). Construction work is an industry that is often unionized within more developed countries and, in the case of the Latin American migrants, it was the union

representing the construction workers that filed the human rights complaint in British Columbia. Domestic work and agriculture, however, are two prime examples of occupations that hire high numbers of migrants that are excluded from basic labor rights and protections in many countries, including the right to unionize. Migrants taking up domestic work or in the entertainment industry—predominantly women—are among the most isolated. This is a situation that lends itself to a range of exploitative practices, including long working hours, sexual harassment, and sexual violence (Bakan and Stasiulis 2013; Bonnici 2009; Solidarity Center 2009). Given the gendered nature of labor markets, which tend to become more segregated under temporary migration programs (Lenard and Straehle 2013), migration holds specific gendered consequences for women migrants (Bonnici 2009).

While authorized status may mitigate some of the precariousness migrant workers experience, both authorized and unauthorized migrant workers face conditions placed on their access to public goods and resources that limit their enjoyment of social rights (Goldring and Landolt 2013). Social rights represent a broad group of rights that are granted with citizenship and can include full access to services, depending on the national context, such as healthcare, education, public housing, and police protection (Basok 2009). Within some destination countries and under particular migration schemes, access to basic healthcare can be either restricted or completely denied, even if the worker had healthcare coverage prior to migrating (Avato, Koettl and Sabates-Wheeler 2010). In cases where migrants are afforded access to basic healthcare, such as the case of temporary migration programs, migrants face a number of barriers to addressing their health needs, including foregoing treatment in order to safeguard their jobs (Preibisch and Hennebry 2011) (Box 3). The example of healthcare costs demonstrates how migrant workers, as a result of their transnational livelihoods, are often forced to give up many or all of the social protections that are afforded to them through citizenship in their native country. As Avato *et al.* (2010) argue, the lack of portability of social protection across state boundaries represents a major cost incurred by migrant workers that may not be refunded purely through wages accrued through employment abroad. Since rights to social protection in most countries are tied to periods of employment, contributions, or residency, migrants face particular

challenges accessing benefits and retaining their entitlement to social protection not only in the destination country but also their country of origin. For example, the Global Commission on International Migration Report found that the overwhelming majority of migrant workers face major obstacles to the portability of their pension and health care benefits (Bonnici 2009).

Box 3: Access to Health Care for Migrant Farm Workers in Canada

Research on migrant farm workers with employment authorization in Canada's temporary migration programs has found that although these migrants have formal access to workers' compensation and provincial and/or private health care, they face numerous challenges to using these forms of social protection (Preibisch and Otero 2014). Fear of reporting concerns to employers is particularly rampant, with 45 percent of migrants surveyed in Ontario and 48 percent in British Columbia reporting that their co-workers would keep working despite illness or injury because they were afraid of telling their employer (Hennebry, Preibisch and McLaughlin 2010). An even higher share reported their co-workers worked while ill and injured to avoid losing wages. Other barriers such as rural location and lack of transportation further hampered their access to health care, as did limited understanding of their rights and entitlements. Further, employers have been found to delay or deny migrants' requests for medical services and many of the sick or injured have been repatriated before their health issue was fully investigated and treated. Employers, supervisors, and even health service providers have further posed challenges to migrants' accessing their workers' compensation benefits.

Despite widespread acknowledgement of the particular vulnerabilities faced by migrants, destination countries have been slow to acknowledge and address protection gaps. Most immediately, few countries of destination have ratified and applied international treaties on the protection of migrant workers. Migrant workers are protected under three international migrant worker conventions that define an international charter of rights and obligations, namely the ILO Migration for Employment Convention (Revised), 1949 (No 97); the ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No 143); and the International Convention on the Protection of the Rights of All Migrant Workers and Their Families (ICRMW). While 70 countries have ratified at least one of these instruments, Libya is the only major destination country to have ratified the ICRMW (Wickramasekara 2008). Even if they have not ratified specific conventions, however, countries are bound to respect, promote and realize the group of rights and principles deriving from the eight

fundamental ILO Conventions that apply to all migrant workers regardless of their status, by virtue of ILO membership alone (Bonnici 2009). This set of enabling legislation includes: the right to equality and non-discrimination in employment and occupation; the abolition of forced labor; the elimination of child labor; and freedom of association and the right to collective bargaining (Bonnici 2009). Further, despite a litany of legislation at the international, regional, and national level aimed at curbing migrant exploitation, countries of destination have failed to implement the formal legal mechanisms to avoid discrepancies between the law and actual practice (Bonnici 2009; Piper 2009b; Taran 2009).

Unscrupulous employers and actors involved in labor recruitment benefit from these legal vacuums that allow them to minimize their obligations in terms of working conditions, worker protections, and worker rights (Wickramasekara 2011). Thus, the enforcement of rights for migrant workers at multiple levels can be difficult to achieve in different contexts due to the intentional disregard of international human rights conventions, contradictory national policies and practices, and abusive practices by recruiters or employers. This underscores the importance for multiple stakeholders such as trade unions, international organizations, and civil society to continue to work together to advocate for multiple levels of enforcement to be recognized and implemented while at the same time exposing policies and practices that contravene international human rights standards (Basok 2009).

The costs of international migration are also social, emotional, and psychological. Contemporary temporary migration programs are predicated on a productive/reproductive split, whereby states grant short-term employment authorization to migrants but do not extend rights of family reunification within the borders of the receiving nation (Paciulan and Preibisch 2013). Family separation is the norm, as origin and destination governments often recruit migrants into these programs on the basis of family status with the perception that familial ties will strengthen the migrant's attachment to his or her community of origin, deter visa overstays, and minimize attempts to secure permanent residence through marriage to a citizen. Such policies are also perceived to contribute to sustained remittances flows, since temporary migrants remit more of their income than permanent immigrants who tend to decrease their remittances as their

attachment to the host country deepens (Böhning 2009; Faist 2009; Glytsos 1997). Employers also benefit from temporary worker programs that imply family separation, as this policy produces a more reliable labor force than citizen workers whose parental and/or spousal obligations impinge upon the work schedule or discourage their acquiescence to long, anti-social hours. The global re-emergence of temporary migration programs as a policy instrument has thus contributed to the transnationalization of families and care under contemporary capitalism (Paciulan and Preibisch 2013). Moreover, increasingly restrictive border policies severely restrain unauthorized migrants from visiting their families and origin communities (Schmalzbauer 2004; Silver 2011). The International Labour Organization Director-General noted in a 2014 report to the International Labor Conference that a “de facto segregation has emerged between the concentration of lower skilled workers in temporary migration schemes and higher skilled workers who have much greater chances of permanent residence” (ILO 2014). Indeed, the right to live with one’s family and raise one’s own children is extremely selective and class-specific, as highly qualified workers sought after by destination countries in the global quest for talent are often afforded rights not offered to manually skilled workers, including incentives such as residence and work permits for family members (Bonnici 2009; ILO 2014; Ruhs and Martin 2008). This is creating an entire class of low-wage workers who are in practice being denied basic family rights, generation after generation. Highly skilled, authorized migrants have both considerably more rights than manually skilled workers and are able to exercise these rights more effectively, but there have been moves in some countries to deny permanent residency and family rights to nurses and teachers (Bonnici 2009).

The overwhelming attention directed to the economic potential of worker remittances has overshadowed the social, emotional, and psychological costs of global migration. While international migration allows the transnational families of migrants to improve the nutrition, housing, education, and healthcare available to household members in some cases, researchers have also poignantly emphasized the toll of immigration policies that divide families across borders, including negative academic, behavioral, and emotional outcomes for non-migrant children and caregivers (Boehm 2011; Lahaie et al. 2009;

Mazzucato and Schans 2011; Schmalzbauer 2004). Specific stressors induced by migration include family separation, the breakdown of social support networks, and the reconstitution of roles and responsibilities within the household (Silver 2011). Scholars have demonstrated the gendered nature of these processes, emphasizing the importance of analyzing gender as a central organizing principle shaping migration and the organization of migrants' lives (Hondagneu-Sotelo 2003; Lutz 2010). Women have been found to be more vulnerable to the stresses implied by family member migration because of the central role families assume in their lives as a result of the structural organization of the labor market whereby women are likely to have a more tenuous connection to the workforce and a stronger focus on home and family (Silver 2011). Silver (2011) found that child migration was strongly associated with depressiveness in non-migrant men and women, with the effect twice as large for the latter. Family separation also requires transnational families to adopt new roles and forge new familial relations in the absence of the migrant(s) (Schmalzbauer 2004; Silver 2011). Studies have found that in households where fathers migrate, mothers tend to expand their gendered responsibilities to adopt the roles previously performed by the migrant (Parreñas 2005). Research has pointed to this role adaptation as involving significant strain as mothers adopt additional responsibilities and tasks (D'Aubeterre 1995; Silver 2011).³ Conversely, in households where the mother migrates, men are often reluctant to take up feminine-typed activities, leaving non-migrating women—largely grandmothers and daughters—to take up the responsibilities left by the migrant (Parreñas 2005; Schmalzbauer 2004). In addition, patriarchal gendered expectations regarding men's and women's behavior place heavy restrictions on the mobility of the wives of non-migrants, on the one hand, while stigmatizing women who migrate, particularly mothers, on the other (Parreñas 2005; Preibisch and Hermoso Santamaría 2006). Studies on masculinities have also shown how migrant men, in fulfilling their dominant gender role of breadwinner, accept the dangers of unauthorized border crossing and/or employment at the bottom of the occupational ladder where they endure racism and heavy exploitation (Lutz 2010). Further, while migrant women must often

³ While researchers have shown how this role expansion has resulted in increased autonomy for some non-migrating women, they position these gains within the context of the significant physical and psychological costs.

perform work that conforms with conventional understandings of femininity and female sexuality when hired for domestic or entertainment services, men must also demonstrate their aptitude for ‘natural’ male competencies such as strength, hardiness, and bravery in the industries where their employment is concentrated (Lutz 2010).

In sum, the optimistic link between migration and development that permeates international and national migration policy has come under fire on both ideological and empirical grounds. While there is compelling evidence to show how remittances can have economic and even social benefits for the households and communities that receive them, these findings are uneven and contradictory and cannot justify the exclusion of other approaches and areas of inquiry within the broad camp of migration and development. In particular, the denial of economic and social rights to unauthorized migrants that are embedded within the structure and operation of managed migration initiatives for authorized migrants limit the development gains of migration for workers, their households, and their communities. In addition, rather than take current models of economic development for granted, further research and analysis must also question how these have contributed to the economic, political, and climate-induced displacement underlying the majority of labor migration flows. Further, by broadening the approach to migration and development beyond a fixation on economics, dimensions of growing human mobility are brought into focus that have been obscured by the optimism of remittance flows, highlighting the social, psychological, and emotional costs experienced by migrants and their families. This multi-faceted view further expands our definition of development. It is competing notions of development to which our analysis now turns, exploring how rights are currently being grafted onto the migration and development debate with specific focus on the capabilities approach and human development framework that are currently in vogue in development policy and practice.

Migration as Freedom? Bringing a Capabilities Approach into the Migration-Development Nexus

In light of the current realities of international migration flows, including the growth of temporary migrant worker programs and the increasing recognition of the economic and

non-economic costs associated with migration, there is debate among policymakers and scholars surrounding how, and to what extent, rights for migrant workers can be secured and meaningfully integrated into the migration-development nexus. Recently, the human development framework, strongly informed by Amartya Sen's capabilities approach, has emerged as a popular theoretical framework to guide and inform scholarship, policy, and practice on this issue. However the inconsistent application of Sen's capabilities approach within the human development framework among scholars and policymakers contributes to a policy arena in which the rights of migrant workers have lacked priority. This section addresses several of the inconsistencies evident in the contemporary application of the capabilities approach within the human development framework and revisits the origins of this framework to offer a more authentic reading of it. A more accurate and authentic implementation, we argue, would recognize mobility as a basic freedom, address immigration policies and citizenship policies that violate or lead to violations of migrant workers' rights, and facilitate migrant workers' enjoyment of other freedoms that they are often denied. This reading of the capabilities approach that puts the rights of migrant workers and their families at the center of the debate may not directly lend itself to increased ratification of international migrant worker rights conventions and their implementation in destination countries as it challenges interests within the global political economy that benefit from the labor of underpaid and insecure migrants and principles of state sovereignty (Basok 2009; Bosniak 1991; Ogre 2009; Pécoud 2009). Regardless, we argue that this interpretation of the capabilities approach and the subsequent implications for the human development framework represent an appropriate starting point for future debate at the international, national, and local level on the integration of rights, migration, and development.

Contemporary understandings of the capabilities approach that appear within scholarship and policy and make use of the human development framework are informed by the work of scholars such as Amartya Sen (1989; 1990; 1999; 2005) and Martha Nussbaum (1997; 1999; 2003; 2004) and serve as a critique to utilitarian, liberal, and biological assessments of poverty and deprivation that are grounded in neo-classical economics (Johnson 2009). Sen defines development as focusing "on the ability – the substantive freedom – of people

to lead the lives they have reason to value and to enhance the real choices they have” and also removing sources of “unfreedoms” such as poverty and inequality (1999:293). One of the central aims of this theoretical framework is to better conceptualize human rights, social justice, freedom, power, and equality and how these ideas can be galvanized in the construction of a development paradigm. Within this approach, the concept of capabilities is used to demonstrate the ability of individuals to achieve meaningful outcomes for themselves and their families. For Sen, the range of human capabilities is diverse, and the valuable capabilities vary from elementary freedoms of being free from hunger to complex abilities as achieving self-respect (1989). For these reasons, protecting and enhancing individual and family capabilities is considered to have theoretical and policy implications for contemporary debates surrounding the necessary connections between human rights and development.

Nussbaum’s (1997) version of the capabilities approach departs from Sen’s in proposing a set of ten basic entitlements that are required for all people to live a meaningful human life. It also represents a foundation for the requirements of global justice (1997).⁴ A look at Nussbaum’s list of central capabilities shows that her approach is a clear departure from neoliberalism’s focus on economic growth and utility maximization. Moreover, Nussbaum’s specific contribution lies not only in establishing the prerequisites for living a life of dignity for all, but also in her proposal of how to integrate these basic entitlements in policy and practice. According to Nussbaum, pursuing global justice from the capabilities approach requires that the achievement of the set of the basic entitlements for all human beings is prioritized over international co-operation envisaged as a contract for mutual advantage (e.g. a ‘triple win scenario’). This understanding of social co-operation focuses on fellowship grounded in a shared principle of a world in which all persons enjoy the minimum of what is required to live a dignified life. Correspondingly, a capabilities

⁴ While Sen does not specify what the most central human capabilities are, Nussbaum (1997; 2001) is explicit about the kinds of capabilities that may be used to guide future political planning. For Nussbaum, the central capabilities are not just instrumental for planning but, “they are held to have value in themselves, in making a life fully human” (1997: 286). Her ten central capabilities are: 1) life, 2) bodily health, 3) bodily integrity, 4) senses, imagination, and thought, 5) emotions, 6) practical reason, 7) affiliation, 8) other species, 9) play, and 10) control over one’s environment (Nussbaum 1997: 287-288).

approach further stresses that people who begin from a position of social disadvantage of unequal needs require special attention. Thus, the capabilities approach is closely allied with a rights-based perspective, “it informs us that our goal is not merely ‘negative liberty’ or absence of interfering state action—one very common understanding of the notion of rights—but, instead, the full ability of people to be and to choose these very important things” (Nussbaum 2004:17).

The capabilities approach’s ability to weave development and human rights together has made it particularly attractive to scholars and policy makers who use the human development framework to focus on the migration-development nexus. Indeed, the human development framework, now a guiding paradigm in development studies and practice, is increasingly referenced with respect to human mobility (Newland 2009; UNDP 2009). Most notably, the UNDP’s 2009 *Human Development Report* entitled *Overcoming barriers: Human mobility and development*, focuses on migration through the supposed lens of the capabilities approach. The *Report* reinforces the general optimism surrounding the prevailing approach to the migration-development nexus, highlighting the positive economic contribution of migration in both countries of origin and destination. In sum, the *Report* views human mobility as a freedom that is fundamental to development and movement as “a natural expression of people’s desire to choose how and where to lead their lives” (2009: 18). Moreover, the *Report* argues that the recognition and protection of mobility as a capability is fundamental to framing our understanding of international migration flows and linking migration and development strategies. With this capability as a foundation for policy, increased economic efficiency and social equality at the national and international scale represent the logical outcomes of reducing or eliminating barriers to human mobility claimed by this report (Castles 2013).

Unsurprisingly, the *Report* has been criticized for its apparent exaggeration of what different migration patterns can accomplish in terms of development for migrant workers, their families, and their communities. Some have accused it of misinterpreting the capabilities approach altogether (Gamlen 2010; Wickramasekara 2011). These critiques add to the skepticism and debate concerning the practical use of a capabilities approach as

a framework to guide the creation of meaningful, integrated migration and development policies (Wickramasekara 2008; Wickramasekara 2011).

Fundamental to the 2009 *Report* is the belief that human mobility inevitably involves trade-offs for migrants—for example, access to higher earnings in exchange for a loss of civic rights—and that understanding and analyzing these trade-offs must be central to formulating appropriate policies. This ‘rights versus numbers’ debate has gained considerable traction among scholars who debate the position of human rights in the migration-development nexus. This self-identified ‘pragmatic’ approach argues that migrant worker rights may need to be ‘traded-off’ in order for migrant workers to be able to access labor markets with higher wages and in an attempt to maximize the macroeconomic benefit of migration for destination countries (Ruhs 2013; Ruhs and Martin 2008). More specifically, Ruhs (2013) views migrant rights as an inherent part of labor immigration policy and consequently, he contends that policymakers and scholars cannot fully study and understand one without considering the other. Three interrelated hypotheses compose the basis for Ruhs’ (2013: 39) argument that he explores using available empirical evidence and global case studies. First, he contends that national labor immigration programs and policies that aim to attract high-skilled migrant workers are more open than the programs and policies targeting low-skilled migrant workers. Second, higher-skilled migrant workers are afforded more rights through these labor immigration programs and policies than lower-skilled migrant workers. Finally, in the construction of labor immigration policy, destination countries must balance the protection of migrant worker rights with their openness to the admission of low-skilled migrant labor. Consequently, Ruhs hypothesizes that as openness to migrant labor increases, some human rights are ‘traded-off’ within labor immigration programs leading to fewer legislated social benefits and employment-related protections for lower-skilled migrant workers.

In Ruhs’ (2013) argument, economic considerations in destination countries are viewed as the primary driver for determining this balance between openness and human rights, presuming that the protection and enforcement of human rights requires financial resources. Granting more rights leads to an increased macroeconomic and social cost borne

by destination countries and communities, which in turn, leads to the admission of fewer migrant workers. The perceived skill level of migrant workers also factors into the trade-off decision, as low-skilled workers are often considered to be a 'drain' on the social welfare system due to their seemingly low earning potential. Consequently, the admission of low-skilled migrants can be tightly controlled through temporary migration worker programs or through restricting the legal and social protections of these workers. Other considerations such as the domestic population's perceptions concerning migrant labor and its societal cost or benefit can also factor into immigration admission policy decisions.

Ruhs (2013) utilizes the human development framework to structure his argument relating to the perceived trade-offs between destination country openness and rights. In particular he argues,

A key feature of the human development [framework]...is its explicit recognition of the possibility of conflicts and trade-offs between different dimensions of development (or between different components of capability), and the consequent need to engage in public debate and reasoning about how to value and prioritize competing capabilities and objectives (Ruhs 2013:123).

In Ruhs' (2013) interpretation of the human development framework, he chooses to value and prioritize the macroeconomic growth and stability of destination countries in his analysis of immigration admission policies and migrant rights. This approach regards the protection and promotion of migrant worker rights as an unattainable expectation for destination countries and effectively validates status quo policies that attempt to integrate migration and development without adequate attention to rights. This is especially problematic, as we have shown in the previous section, where the overarching optimism that currently dominates the migration-development debate and the managed migration agenda fails to adequately consider (and indeed estimate) the costs incurred in the migration process by migrants and their families and the concomitant impacts for development. Along the same lines, Ruhs and Martin's (2008) conceptualization of the tradeoff between rights and openness in destination countries is also critiqued for reducing migrant workers to commodities who must accept violations to their human rights in order

to access employment instead of receiving protection that is guaranteed under the international human rights framework (Wickramasekara 2008). While the analysis by Ruhs (2013) represents a strong empirical foundation for further investigation into the connections between migration, development, and human rights, his notion of a trade-off between rights and openness is theoretically flawed with potentially dangerous consequences for migrant workers and their families.

Although scholars and policymakers have been quick to co-opt the capabilities approach and have advocated for this theoretical framework to inform international and national migration policy agendas, we argue that this acceptance is commonly predicated on a misreading of the capabilities approach and a misapplication of this approach within the human development framework.⁵ Some of the incomplete interpretations of the capabilities approach have led to an undervaluing, in both policy and scholarship, of the interests of countries of origin and the economic and social rights of migrant workers. Moreover, the prioritization of the macroeconomic growth and stability of destination countries via the commodification and exploitation of migrant labor becomes the normative standard whereby the success or failure of managed migration strategies are measured. Framed in this way, the capabilities approach fails to address many facets of the migration-development nexus that are overlooked by the dominant migration paradigm including human rights abuses, structural inequalities both within and between countries, and political, economic, or climate-induced displacement.

⁵ It is important to clearly differentiate between the capabilities approach and the human development framework. While Sen's capabilities approach constitutes the core principles of the human development framework, the two approaches differ in their view and acceptance of neoliberalism. While Sen is opposed to neoliberalism because of its neglect of rights, freedoms, and human agency (Sen and Williams 1982), the human development framework accepts the neo-liberal growth model and attempts to make changes within this model as opposed to fully rejecting it. In addition, the conceptual framework of the capabilities approach and how it has been operationalized within the human development framework and more specifically the human development index (HDI) need to be considered as separate entities. According to Sen (1989:45) "There are many ambiguities in the conceptual framework of the capabilities approach... if an underlying idea has an essential ambiguity, a precise formulation of that idea must try to capture that ambiguity rather than attempt to lose it". But by operationalizing the capabilities approach first through the human development framework and then through the human development index which is limited to three main indicators, a great deal of this ambiguity has been lost. As such, the human development concept can become "trapped inside its reduced measure" (Fukuda-Parr 2003:307).

There is a need and opportunity to refine the debate surrounding the position of rights within the migration-development nexus using the capabilities approach as the theoretical framework guiding and grounding this debate. To begin, the realities of contemporary international migration flows including the social and economic costs borne by migrant workers and their families and the lack of protections that these individuals experience must be acknowledged and challenged as a core component of this new debate. Structural barriers and interests within the global political economy that benefit from cheap, insecure migrant labor need to be exposed for their role in perpetuating and entrenching the ‘unfreedoms’ of migrant workers. Furthermore, the rights of migrant workers, their families, and their communities must be placed at the center of this debate and take precedence over the macroeconomic growth of destination countries or the presumed economic benefits for origin countries of remittances (Bonnici 2009). In addition, ‘triple win scenarios’ in which all partners supposedly benefit must be put aside in order to prioritize the minimum basic entitlements required to live a life of dignity for all.

Utilizing a more authentic interpretation of the capabilities approach, we argue that there are two primary reasons why this debate needs to be refocused around the protection and advancement of migrant worker rights. First, as previously mentioned, the capabilities approach offers a strong foundation for scholars and policymakers who aim to integrate human rights into the migration-development nexus. However, any policy or scholarship that attempts to justify putting limits on the rights of migrant workers represents an inappropriate use of the capabilities approach as the abuse and exploitation of migrant workers cannot be an outcome of this theoretical framework. Instead, the appropriate application of this approach requires us to return to the origins of this theory and consider how to utilize the capabilities approach in a way that values and prioritizes the rights of migrant workers and their families. We argue that returning to Nussbaum’s list of dynamic, basic entitlements represents an important step in providing the capabilities approach, and subsequently the human development framework, with a normative standard whereby the extent or degree of human capabilities and freedoms in a specific context can be assessed.

For example, the capability of bodily integrity encompasses an individual's ability "to move freely from place to place and to be secure against violent assault, including sexual assault and domestic violence" (Nussbaum 1997:287). This capability is particularly powerful in the context of human rights and international migration as the human development framework would argue that individuals should have the freedom to engage in international migration if they choose to do so. The realization of this capability for migrant workers not only challenges increasing border securitization and restrictive immigration admission policies, but also the implicit 'sedentary bias' that exists in structuralist arguments surrounding development and migration; that is, the idea that the poor constitute a threat to the prosperity and stability of receiving countries when they migrate and should therefore be encouraged to stay at home (Castles 2010; Sørensen 2012). If taken seriously, policy agendas in origin and destination countries would need to develop strategies that relax immigration restrictions and labor mobility rather than obstructing them. Additionally under this capability, the abuse and exploitation that is too often synonymous with transit between countries would need to be addressed through coordinated efforts between origin and destination countries. Furthermore, recognizing this capability would challenge the power of employers to terminate employment without justification. It would also call for greater regulation of the workplace. At the individual level, promoting this capability in policy would address many of the gendered means of exploitation and abuse, and require that safe working conditions for all workers, regardless of their legal status, must be prioritized and secured. More broadly, recognizing this capability could have implications for ensuring that the concept of gender justice is prioritized and incorporated into policy and scholarship surrounding the connections between migration and development (Seguino 2013).

Second, and as demonstrated throughout this paper, the connection between migration and development is neither linear nor as straightforward as policymakers and scholars who subscribe to the dominant paradigm optimistically claim (Geiger and Pécoud 2013). Rather, human rights and development appear to be intricately linked and development on any level cannot be achieved unless the rights of migrant workers are protected and enhanced. This view is grounded in the argument that securing migrant rights under conditions that

promote their 'freedoms' is a strong predictor of the development potential of migration and the development capacity of migrant workers. Drawing on Sen's capabilities approach as a guiding theoretical framework, Böhning (2009) argues that depending on the 'basket' of rights a migrant worker is allocated upon admission into a host country, there are corresponding implications for financial and social capital accumulation and transfers, irrespective of skill level. Overall, Böhning (2009) argues that the greatest potential for positive development outcomes is not dependent on whether low-income or high-income migrant workers are involved in migration processes, but rather on the extent to which migrant workers are guaranteed rights that usually correspond with full admission to a destination country: "If politicians really cared about the migration-development nexus, they would acknowledge the central role of migrants' rights and do something about it. Lack of rights severely curtails the development potential of migration; many rights greatly expand it" (Böhning 2009: 669).

In her assessment of the work and livelihoods of Filipina overseas domestic workers (FODWs) in Paris, Leah Briones (2009) applies the human development framework to connect migrant worker experiences and migratory processes with the participation of these workers in their own development. Emphasizing migrant worker rights throughout her analysis, she argues that the human development framework can be used in this context to assess the degree to which an individual is guaranteed certain freedoms. Additionally, the human development framework provides an opportunity to build improved national and international policy instruments that recognize the central importance of human rights at all stages of migration processes and employment. Utilized in this way, efforts to promote and protect the rights of migrant workers that are informed by a human development framework that authentically applies the capabilities approach have the potential to shift political will in origin and destination countries towards valuing and protecting migrant worker rights through national policy and the ratification of international human rights conventions.

Policymakers, scholars, and activists recognize and advocate for the need of a rights-based approach to frame the debate surrounding migration and development processes and

policy and to facilitate the development potential of international migration (Basok and Piper 2012; Battistella 2009; Taran 2009). However, the contemporary realities of the global governance of migration include poor rates of ratification of international human rights conventions and contradictory practices and policies at the national level within origin and destination countries that do not meet international standards. Despite these realities, we see an opportunity for an authentic application of the capabilities approach within the human development framework to be used to contribute to the debate surrounding the connections between migration and development and also advance a rights-based approach within the global governance of migration. Joining together with the ongoing work of human rights organizations, trade and labor unions, and scholar-advocates, we argue this authentic application of the capabilities approach that prioritizes protecting and promoting the rights of migrant workers and their families has the potential to meaningfully bridge human rights and development in scholarship, policy, and practice and enhance the development potential of international migration.

Conclusion

This paper has provided arguments to temper the optimism surrounding the potential for international labor migration to lead to development. Although financial remittances have brought material benefits to households and communities within emigration countries as well as made significant contributions to the overall macroeconomic stability within these states, the over-emphasis on these positive outcomes has overshadowed the costs of international labor migration and obscured a more complex analysis of the global political economy in which growing human mobility is both a feature and an outcome. In particular, we have shown how migrant rights are systematically undermined not only through irregular migration but also the temporary migration programs that are the hallmark of policymaking in the name of migration-led development. The lack of rights exposes migrants to abusive practices at each stage of the labor migration cycle from recruitment to return, including exorbitant fees by smugglers, labor recruiters/contractors, employment agencies, and traffickers; workplace illness and injury; underpayment, wage-theft, and job insecurity; unhealthy living conditions; uneven access to social protection; physical, psychological, and sexual abuse; and exploitation in general. The lack of rights also has

social, emotional, and psychological costs for migrants and their families. Despite growing concerns to emphasize the link between rights and development and prioritize migrants' rights, the resulting discourse and implementation are highly problematic. In particular, scholars and policymakers have borrowed from the capabilities approach to bring migration, development, and human rights together. The ways in which this has occurred, however, represent a partial reading at best and, at worst, a misinterpretation of the capabilities approach. On the one hand, the human development of migrants has been subordinated to the security concerns and economic advantage of destination countries. On the other, the commodification of migrant rights as something to be traded off for labor market access is inconsistent with the philosophy of this approach, which celebrates mobility as a basic freedom and defines development as freedom to exercise many of the fundamental rights that migrants are frequently denied. Recognizing that pursuing a rights-based agenda faces considerable challenges at the current political juncture, future research should address this impasse by exploring the range of projects and ideas from alternative paradigms that could be mounted and possibly implemented. In addition, greater attention is needed to the strategies that are currently being pursued that seek to reconcile the rights-focused human development framework within global governance priorities for managing migration.

Recommendations

- Within policy and scholarship, when applying the capabilities approach through the human development framework to the migration-development nexus, it is of central importance to prioritize and value the rights of migrant workers, their families, and their communities. Beyond this, efforts made by civil society, trade unions, international organizations, and other actors to expose national policies that contravene international human rights standards must be supported and expanded. This course of action will promote a more consistent and authentic use of the capabilities approach within the human development framework, which may lead to a more coherent debate and the possibility of the meaningful integration of a rights-based agenda into the creation of migration and development policy.

- At the international level, standards and conventions that were created by the ILO, the UN, and other regional and sub-regional groups need to be revisited to determine the reasons for low rates of ratification or low rates of uptake by national governments. Pressure should be applied to national governments to support ratification and uptake of these standards.
- Also at the international level, and as acknowledged by Basok and Piper (2012), the position of the IOM as an intergovernmental organization affords it the opportunity and also the responsibility to champion a rights-based approach within and outside of international and national migration management priorities. However, the IOM must do more on the ground to ensure that a rights-based agenda is not subjugated by the current global emphasis on migration management.
- At the international level, governments and other stakeholders should promote the role of the ILO as a rights-based tripartite body focused on the development and implementation of labor standards for all workers - migrant and national, documented and undocumented. The ILO needs to play a stronger and more prominent role with the UN system and more generally on international labor migration policy.
- At the national level, increased funding by national development organizations (e.g. USAID, DFID, etc.) should be devoted specifically to protecting and advocating for the rights of migrant workers. This funding should be channeled through partnerships with trade unions, migrant rights groups, and other civil society groups and actors both domestically and abroad who are best positioned to advocate for the rights of migrant workers and change within legislation.
- Also at the national level, there is a need for more equitable partnerships between origin and destination countries in terms of implementing the managed migration agenda. The social and economic needs of origin countries must be valued in these partnerships, and action must be taken to acknowledge and reduce the costs associated with international migration for origin countries in addition to the economic, social, and psychological costs borne by migrant workers and their families. More balanced partnerships can also be used to better address migrant exploitation by brokers and smugglers.

- At the local level, support, incentives, and education through trade unions, migrant rights groups, and other civil society groups and actors for employers of migrant workers need to be established to ensure that the rights of migrant workers are valued and protected through legislation and local community-based efforts.

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