

THE PRICE OF RIGHTS

REGULATING
INTERNATIONAL
LABOR
MIGRATION

MARTIN RUHS

Princeton University Press
Princeton and Oxford

Contents

Acknowledgments	vii
Abbreviations	xi
Chapter 1	
The Rights of Migrant Workers: Reframing the Debate	1
Aims and Approach of the Book	2
Outline of the Chapters and Main Arguments	4
Terminology and Scope of This Book	10
Chapter 2	
The Human Rights of Migrant Workers: Why Do So Few Countries Care?	13
International Migrant Rights Conventions	13
Ratification: Record and Obstacles	16
Effectiveness	22
Migrant Rights, Citizenship Rights, and Immigration Policy	23
Chapter 3	
Nation-States, Labor Immigration, and Migrant Rights: What Can We Expect?	26
The Objectives of Labor Immigration Policy	26
Constraints and Variations in the Migration State	33
Three Hypotheses	39
Chapter 4	
An Empirical Analysis of Labor Immigration Programs in Forty-Six Countries	53
Existing Research and the Scope of My Analysis	53
Indicators for Measuring Openness to Labor Immigration	59
Indicators for Measuring Migrant Rights	65
Methods, Data, and Limitations	71
Openness to Labor Immigration	74
Migrant Rights	80
Summary of Findings	87
Chapter 5	
Regulating the Admission and Rights of Migrant Workers: Policy Rationales in High-Income Countries	91
Explaining Greater Openness to Higher-Skilled Migrant Workers	91
Why More Rights for Skilled Migrant Workers?	104

Explaining Trade-Offs between Openness and Rights	111
The National Interest: Expected Impacts Drive Labor Immigration Policies	120
Chapter 6	
Labor Emigration and Rights Abroad: The Perspectives of Migrants and Their Countries of Origin	122
Migrants: Emigration, Rights, and Human Development	122
Sending Countries: Interests and Policy Choices	134
Engaging with Trade-Offs	152
Chapter 7	
The Ethics of Labor Immigration Policy	154
What Consequences Should National Policymakers Care about, and for Whom?	156
The Ethics of Temporary Labor Immigration Programs	166
What Rights Restrictions Are Justifiable, and for How Long?	172
Making Temporary Migration Programs Work	178
Summary: The Case for Tolerating Some Trade-Offs between Openness and Rights	185
Chapter 8	
The Price of Rights: What Next for Human Rights–Based Approaches to International Labor Migration?	187
Blind Spots and Unintended Consequences of Human Rights	189
UN Agencies’ Reluctant Engagement with the Price of Rights	191
Reframing the Human Rights–Based Approach to Migration	196
Open Debate	199
Appendix 1 Tables A.1–10	201
Appendix 2 Overview of Openness Indicators	217
Appendix 3 Overview of Migrant Rights Indicators	221
References	227
Index	243