

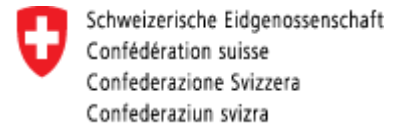


WORKING PAPER 34

# Migrant Rights Database

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# Migrant Rights Database<sup>\*</sup>

Justin Gest and Tom K. Wong<sup>†</sup>

## Abstract

Policy makers and activists are pursuing a global standard for migration governance and the protection of migrant rights. However, there remains a paucity of data about the baseline of international legal standards and the extent to which this baseline is reflected in the national legal frameworks of different destination states. The Migrant Rights Database applies a novel instrument to create an objective, cross-national accounting of the laws protecting migrant rights enshrined in national legal frameworks. The database permits aggregation, disaggregation, and an objective system of benchmarking—all contained in an efficient coding instrument that can be applied cross-nationally and over time. In this study, we apply the database's 65 binary indicators to five principal destination states—Germany, Mexico, the Russian Federation, South Africa, and Turkey. The results validate the design of the questionnaire and reveal variation within and across the selected countries—the principal goals of the pilot study. The analysis of these results may be deepened and will hold more weight once they can be contextualized for a broader range of destination countries.

In aggregate terms, South Africa and Mexico demonstrate the most complete protection of migrant rights. South Africa offers strong protections of rights relating to vulnerable migrants; life; nationality; and freedom of thought, opinion, and assembly. Mexico offers strong protections related to family, education, expulsion, asylum, and non-refoulement. Russia and Turkey demonstrate the most incomplete protection of migrant rights. However, disaggregating the scores by category shows that Turkey features the most complete protection of migrant rights related to labor (access to labor market)—the most substantial

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category of indicators. The greatest variation appears in categories related to the rights of legal personhood, vulnerable migrants, family, expulsion, asylum, and non-refoulement.

The pilot database demonstrates its use beyond such comparative accounting. It is a means of revealing where derogation takes place. For example, although they are the pilot countries that most completely enshrine international protections in their national laws, South Africa and Mexico remain behind the international baseline in several dimensions. Further, the results suggest the potential of the data to reveal “low-hanging fruit” for negotiation of the Global Compacts—the areas in which there is a near international consensus on the protection of migrant rights. From the initial coding, promising areas of law include rights associated with nationality; freedom of thought, conscience, and religious belief; freedom of opinion and expression; access to the labor market; and equal protection.

Key words: migration, rights, global, law, database, protection, freedom, Global Compact

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## 1. Background

The current negotiations for a Global Compact on the movement of people across international borders represents a milestone in the global governance of human migration. Until now, the rights and movement of people crossing international borders have been inadequately governed and incompletely protected by a fragmented patchwork of institutions and norms. In response, policy makers and activists are pursuing a global standard. However, there remains a paucity of data about the baseline of international legal standards and the extent to which this baseline is reflected in the national legal frameworks of different destination states.

The Migrant Rights Database, piloted by the World Bank's Global Knowledge Partnership on Migration and Development (KNOMAD), seeks to address this gap. The database applies a novel instrument that permits the objective, cross-national accounting of the laws protecting migrant rights enshrined in national legal frameworks. After rigorous testing on five principal destination states—Germany, Mexico, the Russian Federation, South Africa, and Turkey—it has demonstrated its capacity to produce a comprehensive, reliable examination of migrant protections across space, time, and legal systems. The results represent a powerful tool for identifying common legal baselines and benchmarking state progress.

This tool reflects the World Bank's ongoing interest in developing indicators that provide new, robust ways to measure social, economic, and legal phenomena across borders. It also reflects KNOMAD's mission to inform public debate and diplomatic deliberations with rich, reliable, and valid research on migration-related matters. The associated research links to the process- and outcome-based research simultaneously undertaken by KNOMAD—grounding that work in standards of international law and normative development. Further, the data represent a practical application of the International Migrants Bill of Rights (IMBR)—a comprehensive, coherent soft-law articulation of the legal framework that protects the rights of international migrants. (See appendixes A and B for reference.)

## 2. State of the Field<sup>1</sup>

Despite the growing role of civil society, nonstate actors, and local policy makers in the implementation of immigration policy, the power of national sovereignty persists. Nearly 30 years ago, Martin (1989, p. 547) began an article by writing that “[u]nder what many still consider the time-honored classical doctrine, international law plays no real role in shaping migration policy and practice. Migration policy,” he continues, “[i]s often regarded as the last major redoubt of unfettered national sovereignty.” Mattila (2000) similarly argues that governments, as the acceding parties to international human rights instruments, remain the principal actors as guardians of the human rights of all individuals residing in their territories. Schindlmayr (2003, p. 110) writes that although the phenomenon of human migration has been global, “the legal frameworks in place to deal with [it] have been nationally oriented, diverse and fragmented.” Such a contention echoes previous studies that observed states' increasing desire to curtail

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<sup>1</sup> This review of the state of the field is partially based on material prepared for a special issue of the *Georgetown Immigration Law Journal* (Gest 2011).

unsolicited flows of migrants (Brubaker 1994; Freeman 1998; Joppke 1998). However, this represents one side of a debate that has inspired a great deal of response.

On the other side, some scholars argue that there has been a decline in state power that is attributable to the increasing relevance of an international human rights regime that overrides state decisions about border crossings (Jacobson 1996). Other commentators argue that the international regulation of migration must not be reduced to a competition between the strength of state sovereignty and human rights. Aleinikoff (2003, p. 11) writes that “[i]t is sometimes said that states have complete authority to regulate the movement of persons across their borders—that anything less than complete authority would undermine their sovereignty and threaten their ability to define themselves as a nation. Against this claim, it is regularly asserted that migrants have fundamental human rights that state regulations of migration cannot abridge.” Aleinikoff argues that such a model fails to reflect the reality that states have already circumscribed themselves by ratifying “a fairly detailed—even if not comprehensive—set of legal rules, multilateral conventions, and bilateral agreements that constrain and channel state authority over migration” (Aleinikoff 2003).

Still, this international human rights regime had to be approved by states before becoming relevant. In the same manner, states retain the capacity to afford migrants certain protections or deny them any such provision. Indeed, the recent history of migration policy making is a testament to the enduring freedom that states possess to determine their own policy despite international commitments, enforce such policy with often arbitrary discretion, and eschew international obligations. Much of this is the product of promoting what governments deem to be the “national interest”—often political expediency shrouded by the subjective interpretation of international legal regimes that apply to “human beings,” without differentiating citizens from migrants.

This reflects a fundamental difference between migration and other global issues, such as trade liberalization and environmental degradation, to which states are equally susceptible. Money changes hands faster than governments can follow, and an open border for imports represents an open border for exports. Rising seas do not discriminate one shore from another. Polluted air and water flow across one border and the next simultaneously. However, an individual migrant can only approach one border at a time. Thus, migration’s macrocosmic transnationalism is merely bilateral at the microcosmic level—meaning that each individual’s border crossing is controllable, one at a time. Moreover, unlike the (conventionally perceived) exclusively economic benefits that trade can usher, migrants represent “more than just a pair of hands.” Migrants require social, economic, and political provisions, which entail significant social costs that—unlike the costs of environmental deterioration—are not spread across societies. They are situated in the specific communities that permit their entry. This returns the focus of global governance to the state level, where the soft law derived from customary international standards has legitimated non-state actors’ demands for the observance of agreed-upon norms.

To this point, there has been little comparative empirical, quantitative research comparing the supranational commitments that states have made with the laws that states have ratified at the national level. Recently, the Economist Intelligence Unit and International Organization for Migration (2016) released a report on migration governance, with a section on migrant rights. Although the report is ambitious in scale, the research methods make the findings highly questionable. First, the scoring system

is opaque and highly subjective. Second, the classification system implies that openness is correlated with the maturity of governance—which seems to be a false progression. Third, half of the migrant rights indicators are coded using the Migration Integration Policy Index (MIPEX) database (Migration Policy Group 2015), which is unconcerned with rights and rather concerned with access to welfare programs. MIPEX is conventionally understood as outcome indicators, which confounds the report’s stated focus on policy levers. Fourth, several of the indicators are not specific enough to generate sufficient variation. Fifth, large dimensions of rights are omitted (for example, life; liberty; justice; freedom of conscience, assembly, and speech; and rights associated with expulsion and refoulement). And finally, not all the questions are binary or ordinal, which leaves further questions about scoring.

A more reliable attempt to examine quantitatively the extent to which migrant rights are protected comes from a study undertaken by Ruhs (2013). Ruhs identifies a set of rights that are specific to migrant labor, and studies their integration in national legal protections. Although his research team was comprised of graduate students rather than lawyers, they meticulously coded statutes across several dozen countries. In this way, Ruhs’ work represents an important precursor to this study, albeit with a scope limited to a single category of rights. In our study, which integrates several of Ruhs’ indicators on labor rights, we broaden the scope to encompass 17 categories of migrant rights.

A crucial reason why the field lacks more comprehensive research is that there has been no comprehensive catalogue of germane supranational commitments, until now. IMBR provides a rigorous consolidation of the rights enshrined in international treaties, conventions, and norms that apply to migrants—specifically or in recognition of their equal humanity. Based on this reference point, it is possible to evaluate the extent to which this suite of migrant rights is reflected in national statutes and case law, country-by-country.

### **3. Methods**

The Migrant Rights Database indicators contribute a rigorous dimension that permits aggregation, disaggregation, and an objective system of benchmarking—all contained in an efficient coding instrument that can be applied cross-nationally and over time (appendix C). The database’s 65 indicators are composed of several features in the interest of methodological rigor. The indicator questions have the following characteristics:

1. Binary, with answers ranging from 0 to 1
2. Standardized for aggregation on scales evaluating the protection of migrants’ rights by law
3. Consistently framed and measured across 17 categories of migrants’ rights
4. Versatile to accommodate any national context and period (pilot states were coded for 2017 only)
5. Completed with fields for the citation of statute or case law, to establish objectivity, replicability, and transparency
6. Derived directly from IMBR (appendixes A and B).

The measures permit various means of aggregation. In this initial analysis, we weight each indicator equally across all categories of rights. We then calculate an average score (between 0 and 1) for standardized observation across countries.



Two highly qualified, independent (nongovernment) attorneys who were accredited in each relevant country coded the five pilot countries. The countries—Germany, Mexico, Russia, South Africa, and Turkey—were selected by the KNOMAD Secretariat. To mitigate inter-coder reliability bias, each attorney coded independently from the others. Any coding discrepancies were then resolved through intermediation. This approach enables the creation of comparable, reliable country reports and profiles, along with a broader database of migrants’ rights for use by government, civil society, and individual observers. It is a key tool for benchmarking and the spread of knowledge worldwide.

#### **4. KNOMAD Research Context**

The Migrant Rights Database complements KNOMAD’s investigations of immigration policy implementation, legal mechanisms of accountability, and measurable outcomes elsewhere (Cernadas, LeVoy, and Keith 2015). A good deal of KNOMAD’s preceding work has focused on the Mexican case (Alcaraz 2017) and Tunisia (Hanafi 2017), where the proposed indicators specifically related to migrant rights concentrate on measurable outcomes. Such a focus on implementation is of paramount importance, especially in countries like Mexico, which are notoriously lax in their application of ambitious national standards. The concern with measurable outcomes also reflects new approaches to immigration policy studies (for example, see Boucher and Gest 2015). An Argentine case study examines migrants’ rights and social provisions compared with those of low-income natives. The study finds similarities in many circumstances, but discrepancies in migrant access, due to discriminatory rules and implementation gaps (Cortes 2017).

However, three considerable difficulties arise. First, for several of the indicators, valid measurement is nearly impossible. For example, the denominators for indicators such as “the share of migrants whose children attend compulsory schooling” and “the share of migrants with access to health care” have measurement issues in regions like Central America and North Africa, which have high unrecorded, irregular stocks. Second, other indicators are likely to be underreported. Consider the indicator accounting for “the adjudication of alleged rights violations” or “income.” Governments are largely unaware of rights violations because exploited migrants are averse to alerting authorities to violations, because they fear they will be deported or caught in legal proceedings that hinder their northbound ambitions. And an indicator for income is unlikely to account for money earned in the informal economy, where a disproportionate number of migrants to Mexico work. Third, and perhaps most important for cross-national research, even if data for such proposed indicators were available, the prospects of identifying comparable data in other countries would be grim. Few of the proposed measures are standardized across space and time.

A principal limitation of the Migrant Rights Database is that it is exclusively focused on de jure protections of migrant rights in the statute and case law of different states, and thus does not account for de facto implementation of the standards under consideration. However, without a grasp of what standards are in place, the international community cannot undertake examinations of implementation. Therefore, this research represents an essential, initial step toward more comprehensive understanding. By establishing the state of protection in law, it opens the possibility of fresh examinations of implementation gaps, by comparing the data with outcome data collected by other researchers (for example, Migration Policy Group 2015). Indeed, the Migrant Rights Database indicators are aligned with the outcomes that KNOMAD

seeks to evaluate—specifically, the protection of rights to equal treatment, education, health, and decent work. The latter three categories comprise a quarter of the Migrant Rights Database questionnaire; standards of equal treatment and nondiscrimination constitute another quarter of the instrument.

Further, the indicators fulfill the standards for the measurement and evaluation of human rights set by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in its core publication, *Human Rights Indicators: A Guide to Measurement and Implementation* (OHCHR 2012). This document acknowledges the ways in which the quantifiable measurement of human rights protections can “help to assess some qualitative aspects of human rights enjoyment more objectively and comprehensively” (OHCHR 2012, 21). The document seeks to “underline that the use of indicators, whether quantitative or qualitative and/or fact-based or judgment-based, in human rights assessments provides options that are, in most instances, complementary and mutually supportive” (OHCHR 2012, 25). The Migrant Rights Database also advances OHCHR’s desire to assess the compliance of States parties through benchmarking techniques that “strengthens their accountability by making them commit to a certain performance standard on the issue under assessment” (OHCHR 2012, 20).

## **5. Summary Results**

The early results validate the design of the questionnaire and reveal substantial variation within and across the pilot countries. Table 1 summarizes the aggregate results, as well as the scores for each category of rights coded. Among the observed countries, South Africa and Mexico demonstrate the most complete protection of migrant rights in aggregate terms (73.4 percent for South Africa, and 72.3 percent for Mexico) and in several categories. South Africa offers strong protections of rights relating to vulnerable migrants; life; nationality; and freedom of thought, opinion, and assembly. Mexico offers strong protections related to family, education, expulsion, asylum, and non-refoulement.

Among the observed countries, Russia (65.7 percent) and Turkey (66.4 percent) demonstrate the most incomplete protection of migrant rights. However, illustrating the deep insights that are to be gained from this project, disaggregating the scores by category shows that Turkey features the most complete protection of migrant rights related to labor—the most substantial category of indicators. The greatest variation appears in categories related to the rights of legal personhood, vulnerable migrants, family, expulsion, asylum, and non-refoulement.

It is noteworthy that South Africa and Mexico—which are the pilot countries that most completely enshrine international protections in their national laws—remain behind the international baseline in several dimensions. This suggests the importance of the database, not merely as a means for comparison across states, but also as a means of revealing where derogation takes place.

The results also suggest the potential of the data to reveal “low-hanging fruit” for negotiation of the Global Compacts—the areas in which there is a near international consensus on the protection of migrant rights. From the initial coding, promising areas of law include rights associated with nationality; freedom of thought, conscience, and religious belief; freedom of opinion and expression; access to the labor market; and equal protection.

## 6. Country Profiles

### A. Germany

Germany represents the most significant migrant destination among the pilot countries. This profile has grown in importance, as the government has admitted approximately one million asylum seekers since summer 2015. Germany's image as a highly restrictive immigration regime reflects its historical implementation of a broad guest worker program that sought to mitigate the permanent settlement of foreigners and limit the protections of membership to ethnic German repatriates.

However, with its integration into the European Union and particularly since the extraordinary 2015 influx, Germany now resembles many of the world's other principal destinations in the global North. These countries are gradually diversifying but cautious about extending full rights to migrants, to appease xenophobic constituencies and deter unwanted migrant arrivals. The countries offer relatively generous welfare states and government provisions and are wary of committing to international obligations that limit their sovereignty, but are simultaneously interested in upholding a rhetorical commitment to human rights. In Germany, this has been made difficult by recently publicized allegations that migrants are participating in organized crime, human trafficking, smuggling, terrorist attacks, and benefits fraud. Matters have been complicated by local authorities' mismanagement and the ineffective administration of asylum and refugee settlement. Consequently, Germany is moving toward more restrictive migration policies, including a cap on asylum seekers, tighter border control, and more selective labor migration policies.

The results from the Migrant Rights Database reinforce this image of caution. Compared with the other pilot cases, Germany offers moderate protections to migrants, but falls short of international standards as they relate to rights to life, assembly, civil and political engagement, health, and education—most of which pertain to the incorporation of migrants alongside citizens. German migration law creates a distinction between migrants from the European Union and migrants from other countries. The migration law concerning migrants from the European Union is comprehensive and mandates access to the labor market, health care, and retirement pensions. By contrast, the regulations and law concerning the status of migrants from third countries are comparatively deficient in their provisions. Migrants originating from third countries do not have the same access to the labor market, health care, or retirement pensions. Importantly, however, the legal rights protected by law are reportedly well implemented by the government and court system. This contrasts with countries like Mexico.

A principal problem in Germany is the legal status, rights, and entitlements of undocumented migrants, who are unrecognized by German law. According to German law, undocumented migrants effectively do not exist; they have no official rights whatsoever and no access to health care or schools. Within Germany's federalized system of governance, some provinces tolerate undocumented children's access to schools, health care, and other social services, but federal and provincial laws technically do not permit this. Since the 2015 influx of asylum seekers and migrants, the German government has become less tolerant. In the most recent German elections in September 2017, the radical right party, Alternative for Germany, won the third greatest share of seats in the Bundestag, reflecting the growing pressure on centrist parties to curtail immigration and immigrants' entitlements.

**Table 1: Aggregate Measures of Migrant Rights Protection**

<b>CATEGORY (number of indicators)</b>	<b>Germany</b>	<b>Mexico</b>	<b>Russian Federation</b>	<b>South Africa</b>	<b>Turkey</b>
<b>Vulnerable migrants (3)</b>	0.667	1	0.333	1	1
<b>Life (3)</b>	0.333	1	0.333	1	0.333
<b>Liberty (6)</b>	0.667	0.667	0.833	0.667	0.667
<b>Legal personhood (4)</b>	0.750	0.500	0.875	0.875	0.750
<b>Due process (4)</b>	0.750	0.500	0.750	0.750	0.750
<b>Victims of crime (2)</b>	1	1	0.500	0.500	1
<b>Expulsion, asylum, and non-refoulement (8)</b>	0.813	0.929	0.571	0.786	0.714
<b>Nationality (5)</b>	0.900	0.800	0.900	0.900	0.700
<b>Family (4)</b>	0.625	0.750	0	0.625	0.375
<b>Freedom of thought, conscience, and religious belief (1)</b>	1	1	1	1	1
<b>Freedom of opinion and expression (2)</b>	1	1	1	1	1
<b>Freedom of peaceful assembly and association (2)</b>	0	0.500	0.500	1	0.5
<b>Civil and political life (2)</b>	0	0	0	0	0
<b>Labor (12)</b>	0.729	0.625	0.729	0.708	0.792
<b>Health (4)</b>	0.500	0.500	0.500	0	0
<b>Education (2)</b>	0.500	1	0.5	0	0
<b>Equal protection (1)</b>	1	1	1	1	0
<b>AGGREGATE MEAN (65 indicators)</b>	<b>0.691</b>	<b>0.723</b>	<b>0.657</b>	<b>0.734</b>	<b>0.664</b>

**Note:** The scale is 0 to 1 with 1 is the most complete coverage, 0 the least.

## **B. Mexico**

Mexico is conventionally considered a sending country that, like many of the world's other principal sending states, has aggressively pursued international legal protections for migrants, ostensibly in the interest of their expatriates abroad. However, Mexico has become an important country of transit and, with the development of its economy, a destination. Although the majority of migrants in Mexico have origins in Central and South America, new reports suggest increasing arrivals of people from Sub-Saharan Africa, East Asia, and the Caribbean. Although the vast majority of these migrants arrive with the intention ultimately to move north to the United States, Mexico has been confronted with reports of abuse, exploitation, and crime against migrants during their time in Mexican territory. Consequently, the implementation of the international legal protections that Mexico has adopted has been tested, to mixed reviews.

The results from the Migrant Rights Database reflect the Mexican government's enduring commitment to de jure migrant protections. Among the observed countries, Mexico demonstrates among the most complete protection of migrant rights in aggregate terms and in several categories relating to family, education, expulsion, asylum, and non-refoulement. However, Mexico features the least complete protections related to access to the labor market and legal personhood among the observed countries and, like the other states, does not protect migrants' rights to engagement in civic and political life.

Generally, Mexican law recognizes the rights of migrants and people in need of international protection. In the protection of rights, shortcomings are visible in (1) the blanket use of detention without an individualized court decision that makes use of established principles of exceptionality, necessity, and proportionality; (2) Article 111.V of the Migration Law, which conditions access to justice to the deprivation of liberty; (3) Article 18 of the Asylum Law, which provides 30 days to present an asylum claim; (4) difficulty in obtaining regular migration status through a visa; and (5) persistent government focus on national security, detention, and deportation, at the expense of human rights. These shortcomings aside, the main problems in Mexican law have to do with the implementation of the law; access to justice and rights are consistently denied. Likewise, the cases in which violations take place are rarely brought to justice.

In this way, Mexico's policy is effectively bipolar. It commits to extensive migrant rights to render its diplomats the moral authority to demand reciprocity for its emigrant population in the United States, but simultaneously violates the rights of immigrants within its territory. The pressure from the U.S. government to securitize prospective migrants and migrants in transit is increasingly strong. Mexican programs, like Programa Frontera Sur (South Border Program), follow American policies on detention and deportation in its territory, so it is unlikely that these circumstances will change in the coming years. However, it is worth acknowledging that the Mexican government remains open to alternatives to detention for children and asylum seekers, and continues to implement transnational justice programs. The government is also willing to receive training from regional and international organizations on human rights.

### **C. Russian Federation**

Although Russia does not attract migrants globally, it is a significant destination for migrants from the former Soviet Republics. Citizens from these surrounding countries have easy access to Russia through visa-free travel agreements that only require documentation or labor authorization after a short duration of time in Russian territory. This system has created a reportedly enormous number of irregular migrants who are vulnerable to exploitation and rights violations. However, unlike Mexico, the results from the Migrant Rights Database suggest that these migrants are not as well protected under Russian law. Compared with the other pilot cases, Russia offers the least complete protections of migrant rights in its national legal framework. The only rights that Russian law protects better than any other pilot country are those related to liberty. And like Mexico, questions surround the implementation of the rights that are enshrined in national law.

A recent study by the Russian nongovernmental organization 21st Century Migration found that migrant rights abuses increased fourfold after the country's recent liquidation of the Federal Migration Service ([migranto.ru](http://migranto.ru) 2017). The principal sources of abuses of migrants' rights are in circumstances when migrants are in police custody or in contact with government authorities, subject to illegal administrative expulsion, or denied full salaries by employers. And there are incomplete protections available for migrant children. The Russian government has attributed its generally incomplete protection of migrant rights to the large number of immigrants residing within its territory. With an estimated 14 million migrants currently resident in Russian territory, the government has argued that it cannot adopt many international conventions related to the protection of migrant rights because of the strains that doing so would create on Russian health care and social systems. The government has instead turned its attention to combatting irregular migration and terrorism, which it alleges are correlated.

Public interest activists and lawyers have had some small successes in ensuring the protection of some migrant rights through litigation. In 2015, a constitutional court decision exempted HIV-positive migrants with relatives in Russian territory from administrative expulsion. Lawyers can rely on rather developed legislation pertaining to migrant employment, access to the labor market, and access to Russian citizenship. Greater rights are also available to migrants originating from the Eurasian Economic Union, which is comprised of former Soviet Republics such as Armenia, Belarus, Kazakhstan, and Kyrgyzstan. Since 2015, a substantial number of Ukrainian nationals have received expanded privileges related to residence, employment, and accessing Russian citizenship.

### **D. South Africa**

After its settler state history and tumultuous postcolonial period, South Africa has emerged as a regional destination for many Sub-Saharan African migrants—particularly from Zimbabwe and Mozambique—working in the country's prosperous mining, agriculture, and hospitality industries. Although most statistical analyses estimate that migrants comprise less than 10 percent of the South African population, many migrants are thought to work informally and reside without authorization (Budlender 2013). Still, South Africa has a long history as a destination state that once attracted millions of Europeans and sought to incorporate them swiftly. The results from the Migrant Rights Database reflect this experience. Compared with the other pilot cases, South African law offers the most complete protections to migrants, but falls short of international standards as they relate to the rights to assembly, civil and political

engagement, health, and education—most of which pertain to the incorporation of migrants alongside citizens.

In historical perspective, South Africa has come a long way. Its earliest laws served the politics of apartheid, which sought to denationalize the indigenous population (Marais 1998). Much of the 20th century was characterized by the progressive consolidation of a system labeled the “two-gate policy”: “one front gate welcoming populations corresponding to the criteria of attractiveness defined by the minority in power, the other, the back gate, with a double function, on the one hand preventing unwanted migrants from entering and on the other, letting in but only on a temporary basis cheap and docile labor” (Kabwe-Segatti 2013, p. 164). The country’s Immigration Act of 2002 and its regulations opted for continuity and incremental transformation from the two-gate policy, rather than for reform through profound transformation of the existing system. First was the continuation of an immigration policy relatively open to qualified immigration while being protectionist on access to the unqualified labor market. Second was the perpetuation of a hegemonic position in Southern Africa and the entire African continent, despite the socioeconomic consequences resulting from the qualified and unqualified migrant labor flows toward South Africa (Kabwe-Segatti 2013). Since then, incomplete protections arise from the treatment of undocumented migrants and policies related to pervasive xenophobia—vulnerable migrants, family reunification, and civil rights.

#### **E. Turkey**

Long one of European migrants’ principal countries of origin, Turkey is now a crucial destination for many asylum seekers fleeing conflict in Iraq and especially the Syrian Arab Republic. This has generated increasing interest in the extent to which migrant rights are structurally protected inside Turkish borders. Unlike Mexico, which has eagerly adopted international migrant rights standards in its legal system, Turkey exhibits among the least complete protection of migrant rights across the pilot countries considered in the Migrant Rights Database. The country’s aggregate score is just a fraction ahead of that of Russia. Turkey ranks very low in the protection of migrants’ rights related to life, family, civil and political life, health, education, and equal protection. However, Turkey features the most complete protection of migrant rights related to labor—the most substantial category of indicators.

In 2014, Turkey reformed its immigration and asylum legislation, the Foreigners and International Protection Law (FIPL), as part of its bid to join or become more integrated into the European Union. FIPL provides several protections, including (1) alignment with the European Union of procedural guarantees provided to all foreigners in cases of deportation, (2) clarifications on the procedure of international protection statuses, (3) qualifications for residency permits, and (4) establishment of a civil institution (the Directorate General of Migration Management) responsible for administrative procedures related to foreigners. FIPL has also contributed to the progress of Turkish asylum law through its “asylum-specific” provisions. Further, the recent enactment of the International Labor Force Law can be seen as a progressive step to clarify and complete the issues related to foreigners’ right to work. However, Turkish law remains incomplete as it relates to matters of immigrants’ integration and individuals in need of international protection. Examples include the following: long-term residency status does not have procedural guarantees against removal; access to long-term residency permits is denied to international protection status beneficiaries and temporary protection beneficiaries; international protection status

holders and temporarily protected individuals are deemed to lack an intent to settle, which is a requirement for access to citizenship; and temporarily protected individuals cannot sponsor family members for residency permits. Of current concern, temporary protection—which is provided to Syrian refugees—is not designated by an act of parliament. The law grants wide discretion to administrative authorities, which can be arbitrary and without legal transparency. FIPL remains new and without affirmed definition in courts, so it will require some time before its effects on implementation and adjudication are visible and consistent.

Incomplete protections of migrant rights in Turkey largely derive from a security-oriented historical perspective, which prioritized the admission and accommodation of foreigners with Turkish origin over others. Many government officials have not evolved and continue with arbitrary practices that are unaligned with current law. Such violations have often been justified by the declared "state of emergency," which has also led the government to amend certain provisions of FIPL. Moreover, because Turkey was long a transit country between Asia and Europe, lawmakers never prioritized the development of integration policies. Although the FIPL reforms will address some shortcomings, the country still lacks the infrastructure to facilitate immigrant integration and access to rights and entitlements. Progress has also been inhibited by security concerns emerging from the influx of four million asylum seekers fleeing civil war in Syria. Their arrival has halted the effective implementation of the new legislation and reduced the appetite for providing greater rights to migrants. In many cases, the Turkish government is seeking more flexible solutions for acute humanitarian needs, rather than seeking to ensure the fulfillment of legal entitlements.

## **7. Avenues for Analysis**

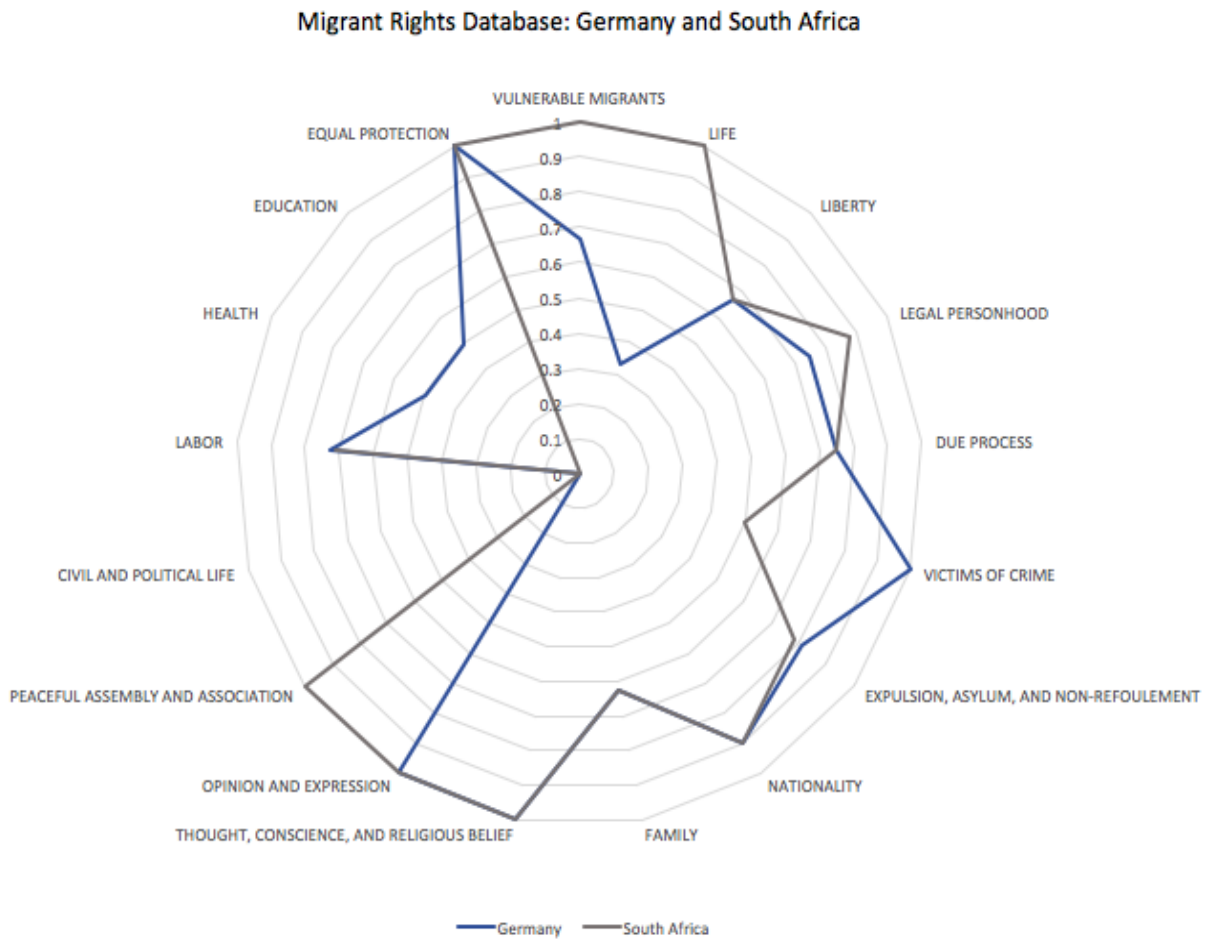
The Migrant Rights Database permits deeper evaluation beyond the comparison of means. For example, in analyzing the pairwise correlation between countries by each category of rights for which data are collected (vulnerable migrants, due process, and so forth), we can not only uncover whether countries are similar or dissimilar in the aggregate, but also identify the areas of rights in which they are similar or dissimilar. Beyond a call to improve rights protections vis-à-vis migrants, such analyses can provide more detailed and actionable policy guidance. For example, table 2 shows the pairwise correlations between the countries coded to date when distinguishing between their means for each category of rights for which data are collected.



**Table 2: Pairwise Correlations between Case Study Countries**

Country	Germany	Mexico	Russian Federation	South Africa	Turkey
Germany	1				
Mexico	0.627	1			
Russian Federation	0.674	0.331	1		
South Africa	0.387	0.446	0.482	1	
Turkey	0.542	0.335	0.394	0.599	1

**Figure 1: Spider Plot for Germany and South Africa**

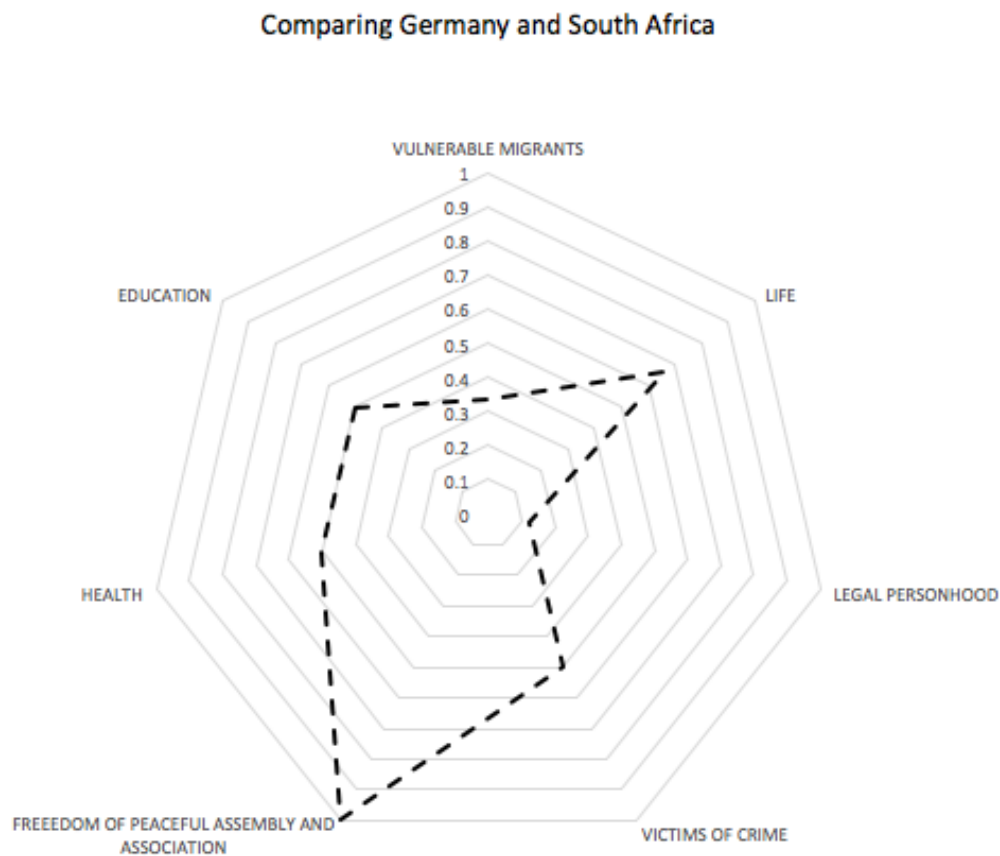


For example, Germany is most dissimilar to South Africa, a result that is not apparent in the comparison of means. The spider plot in figure 1 compares Germany with South Africa across all the categories of

rights. Figure 2 shows exactly where Germany and South Africa diverge. The two countries diverge most significantly in freedom of peaceful assembly and association, as the mean for Germany on the two indicators is 0 and the mean for South Africa is 1. The two countries also diverge in protections of life, victims of crime, health, education, and vulnerable migrants.

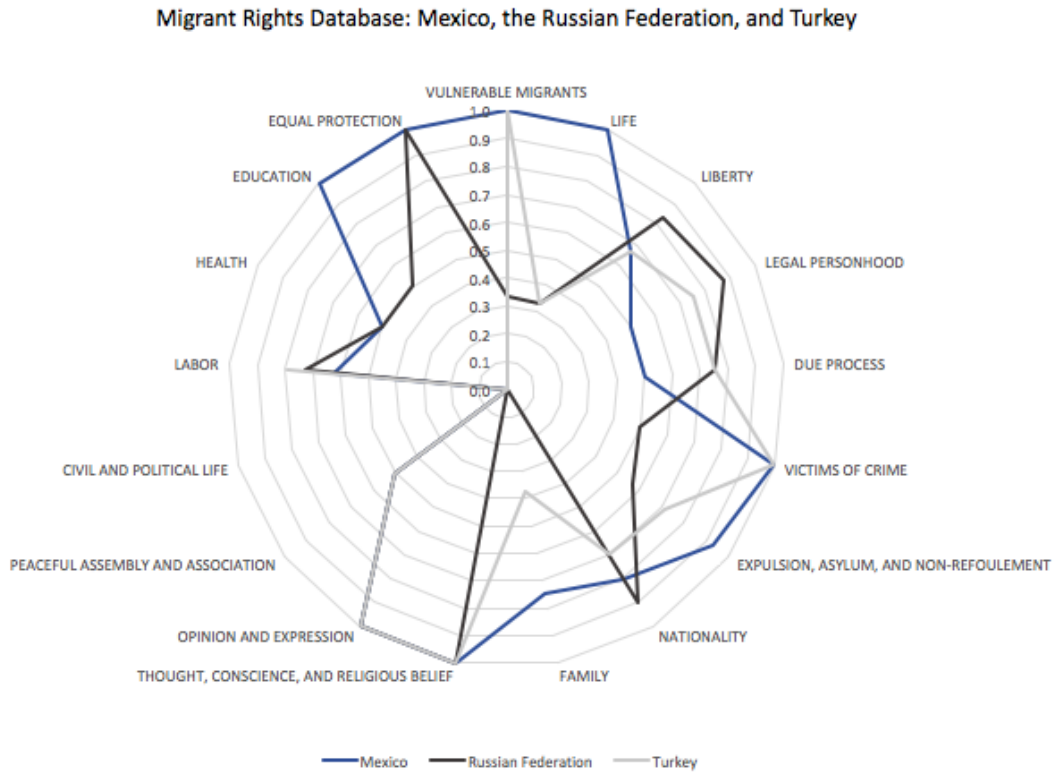
Mexico is most dissimilar to Russia, with Turkey close behind. The spider plot in figure 3 compares Mexico with Russia and Turkey across all the categories of rights. Figure 4 shows exactly where Mexico and Russia, as well as Mexico and Turkey, diverge. As the figure shows, Mexico and Russia diverge on different categories of rights than do Mexico and Turkey (which is also hidden in the basic comparison of means). Mexico and Russia diverge most on protection of family. Mexico and Turkey diverge most on equal protection and education.

**Figure 2: Comparing Rights Protections: Germany and South Africa**

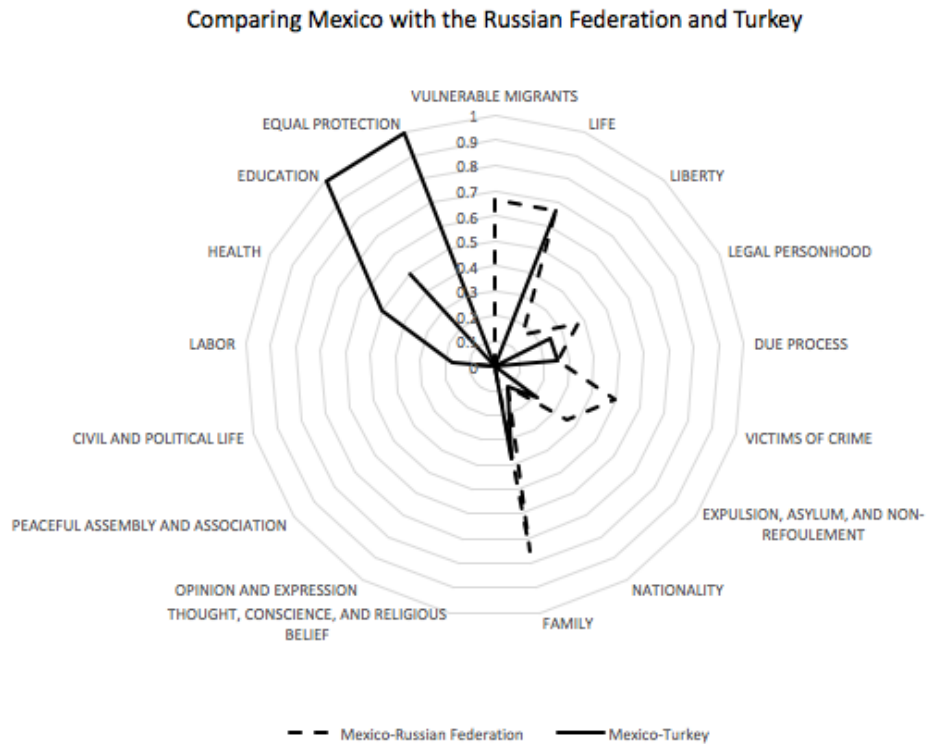


Note: The dashed line represents the absolute difference in the scores between Germany and South Africa. For example, on legal personhood, Germany scores .8 and South Africa scores .9 for an absolute difference of .1. Points near the center of the spider plot signal convergence in scores and points closest to the outermost edge signal divergence.

**Figure 3: Spider Plot for Mexico, the Russian Federation, and Turkey**

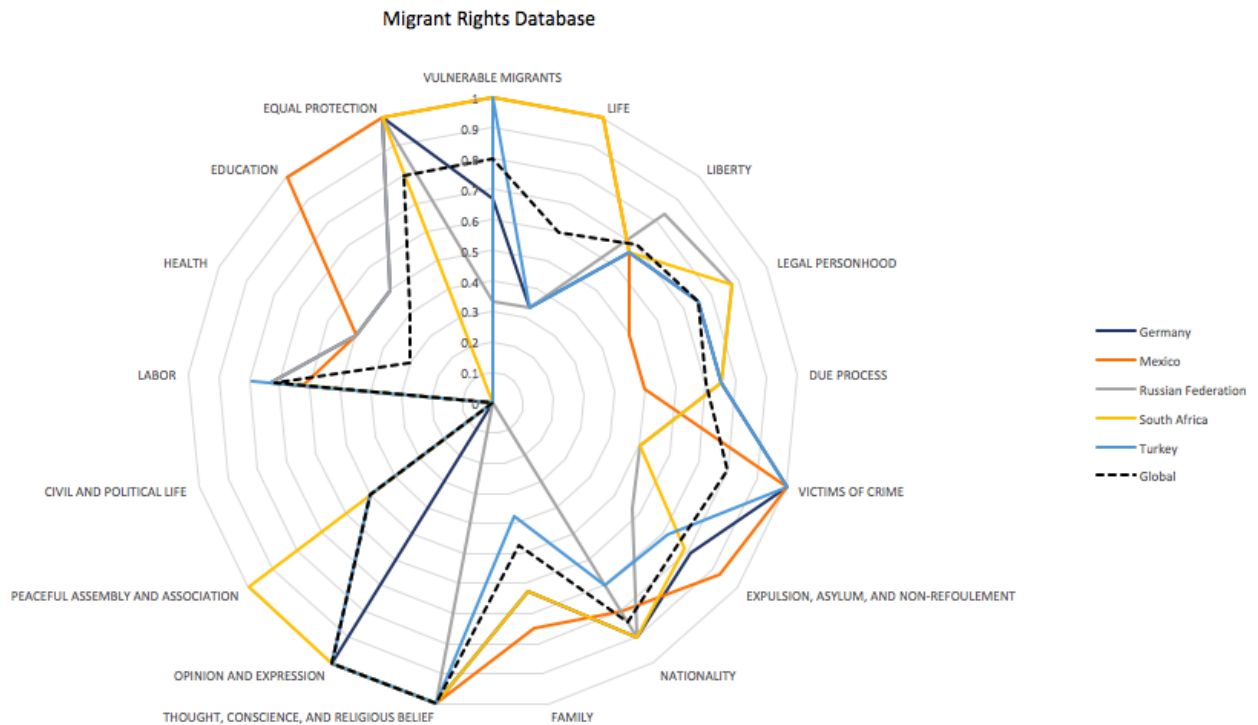


**Figure 4: Comparison of Rights Protections: Mexico–Russian Federation–Turkey**



Note: The dashed line represents the absolute difference in scores between Mexico and Russia. For example, on victims of crime, Mexico scores 1 and Russia scores .5 for an absolute difference of .5. The solid line represents the absolute difference in the scores between Mexico and Turkey. For example, on equal protection, Mexico scores 1 and Turkey scores 0 for an absolute difference of 1. Points near the center of the spider plot signal convergence in scores and points closest to the outermost edge signal divergence.

**Figure 5: Comparative and Global Mean Spider Plot**



As more countries are coded, the Migrant Rights Database will be able to compare countries with a global average. The global average will be a “tether” that can be used to evaluate how close or far countries are to realizing the protection of the human rights of migrants. Figure 5 provides a graphical representation. The black solid line represents the global average based on the pilot countries that have been coded thus far.

Another layer of analysis involves identifying the most frequent (or core) indicators that governments have “on the books.” Not only does this identify a specific set of rights (the low-hanging fruit) that can be used to ease into conversations about more robust rights protections that governments can adopt, but the coding and reporting of similarly situated countries (for example, comparable countries in migration flows, economic conditions, and so forth) can provide case studies for governments that are considering adopting these rights protections.

Moreover, factor analysis, which can be used to identify unobserved latent variables, can identify indicators that potentially work at cross-purposes—in other words, when a “yes” to a particular right or set of rights often means a “no” to another right or set of rights. We do not assume that improving rights

protections for migrants will represent a case of linearly increasing policy diffusion, as trade-offs will undoubtedly be part of the conversations that governments have. Thus, we can use the Migrant Rights Database to identify the specific indicators or set of indicators over which the issue of trade-offs may be most salient, and use this information to anticipate obstacles and inform bargaining strategies. However, this can only be done if more countries are coded.

As more countries are coded and more data become available, it will also be possible to evaluate the impact that protecting the rights of migrants has on the range of economic, social, and political outcomes that are available in various World Bank data sets. The questions to be explored include the following:

- Does better protecting the rights of migrants improve economic outcomes and shared prosperity for receiving countries? More specifically, do protections for migrants affect macro-economic outcomes? If so, which ones and in what direction? Do protections for migrants affect poverty?
- Does better protecting the rights of migrants improve economic outcomes for sending countries? More specifically, how do certain protections affect remittances?
- Does better protecting the rights of migrants improve immigrant integration outcomes? Do education protections for migrants improve educational attainment? Do education protections for migrants decrease education gaps? Do health protections for migrants improve mortality? Reproductive health? Nutrition and growth?

These are just some of the questions that can be answered by combining the Migrant Rights Database with the World Development Indicators. Moreover, to the extent possible, more rigorous differences-in-differences designs can be employed for purposively selected cases. By comparing the outcomes of interest before and after policy adoption, and comparing these trends with comparable countries without policy adoption, we can more confidently evaluate the causal effects of protecting the rights of migrants across key outcomes of interest.

## **8. Implications**

The potential of the Migrant Rights Database is substantial. The instrument permits a holistic, country-level evaluation of the extent of migrant rights protections across states, which may be systematically extended to new destinations and over time. These data are invaluable for evidence-based policy making, as the database creates new avenues to explore an entire suite of policy-relevant questions, including the extent to which state policy contexts influence migratory flows, the extent to which integration outcomes are tied to policy interventions, and societal responses to state efforts to extend or contract migrants' rights. The data support comparisons with reference to other states, but also with reference to the international baseline of migrant rights protections (appendix B). The instrument also permits analysis of within-country variation across the major categories of rights coded in the database.

With data for more states, the framework can be used to determine the completeness of any international standards that may emerge from the New York Declaration and future Global Compacts on migrants and refugees. It can also inform negotiations by revealing what standards are already present across many national legal frameworks and what standards are largely absent. Furthermore, with an eye toward strengthening rights protections, future work has the potential to shed new light on heretofore undiscovered relationships between migration, state efforts to protect migrants' rights, and positive

integration outcomes that not only improve the lives of migrants, but also improve societies more generally.

This research works to fulfill Sustainable Development Goal 10.7—“to facilitate orderly, safe, and responsible migration and mobility of people, including through implementation of planned and well-managed migration policies”—and responds to calls for the collection of better cross-national data. In 2012, OHCHR set standards for the measurement and evaluation of human rights in its core publication, *Human Rights Indicators: A Guide to Measurement and Implementation*. This document acknowledges the ways in which the quantifiable measurement of human rights protections can help in assessing some of the qualitative aspects of human rights enjoyment more objectively and comprehensively<sup>4</sup>. Indeed, the document seeks to underline that the use of indicators, whether quantitative or qualitative and/or fact-based or judgment-based, in human rights assessments provides options that are, in most instances, complementary and mutually supportive.

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<sup>4</sup> Link to the UNODC publication on the SDGs: [https://www.unodc.org/unodc/en/about-unodc/sustainable-development-goals/sdg10\\_reduce-inequalities.html](https://www.unodc.org/unodc/en/about-unodc/sustainable-development-goals/sdg10_reduce-inequalities.html)

## Appendix A: List of Migrant Rights Principles

The following is a list of principles underpinning the migrant rights protections this study evaluates. The principles are a product of the International Migrants Bill of Rights Initiative, which extended these 23 principles into a 23-Article document that serves as a reference point and international legal baseline (available at [www.imbr.info](http://www.imbr.info)).

- 1) Every migrant has the right to *dignity*, including physical, mental, and moral integrity.
- 2) Every migrant has the right, without any discrimination, to the *equal protection* of the law of any state in which the migrant is present.
- 3) *Vulnerable migrants*, including children, women, and disabled migrants, have the right to the protection and assistance required by their condition and status and to treatment that takes into account their special needs.
- 4) Every migrant has the inherent right to *life*.
- 5) Every migrant has the right to *liberty and security of person*.
- 6) Every migrant has the right to recognition everywhere as a *person before the law*.
- 7) Every migrant has the right to an effective *remedy*.
- 8) Every migrant has the right to *due process* of law.
- 9) Every migrant *victim of crime* has the right to assistance and protection, including access to compensation and restitution.
- 10) Every migrant has the right to protection against discriminatory or arbitrary *expulsion* or deportation, including collective expulsion.
- 11) Every migrant has the right to seek and enjoy *asylum* in other countries.
- 12) Every migrant has the right *against refoulement*.
- 13) Every migrant has the right to a *nationality*.
- 14) Every migrant *family* has the right to protection by society and the state.
- 15) Every migrant has the right to *freedom of thought, conscience, and religion or belief*.
- 16) Every migrant has the right to *freedom of opinion and expression*.
- 17) Every migrant has the right to *freedom of peaceful assembly and association*.
- 18) Every migrant has the right to participate in the *civil and political life* of the migrant's community and in the conduct of public affairs.
- 19) Every migrant has the right to be *free from slavery, servitude, or forced or compulsory labor*.
- 20) Every migrant has the right to *work* and to just and favorable conditions of work.
- 21) Every migrant has the right to the highest attainable standard of physical and mental *health*.
- 22) Every migrant has the right to an *adequate standard of living*.
- 23) Every migrant has the right to *education*.
- 24) Every migrant has the right to enjoy the migrant's own *cultures* and to use the migrant's own languages, either individually or in community with others, and in public or private.

## **Appendix B: International Baseline of Migrant Rights Protections**

- Universal Declaration of Human Rights
- International Covenant on Civil and Political Rights
- International Covenant on Economic, Social and Cultural Rights
- International Convention on the Elimination of All Forms of Racial Discrimination
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- Convention on the Rights of the Child
- Convention on the Rights of Persons with Disabilities
- European Convention on Human Rights
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
- Convention Relating to the Status of Refugees (1951 Refugee Convention)
- Protocol Relating to the Status of Refugees (UNTS 267)
- Convention Concerning Decent Work for Domestic Workers (ILO Convention 189)
- Convention Concerning Migration for Employment (ILO Convention 97)
- Convention Concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers (ILO Convention 143)
- Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol)
- Convention Concerning the Protection of the World Cultural and Natural Heritage (UNTS 151)

Note: For a full commentary deriving each right from these documents, see the International Migrants Bill of Rights commentaries at [www.imbr.info](http://www.imbr.info).



## Appendix C: Migrant Rights Database Coding Instrument

All the coders were qualified, licensed attorneys in the country of reference and currently in private or public interest practice. At the time of coding, no coders were employed by the government of the country they examined.

Category	#	Question	Coding
Vulnerable migrants	1	Does the national law provide special protections that change the normal application of the law to migrant minors (such as "best interests of the child" principle)?	0 - no; 1 - yes
	2	Does the national law provide special protections that change the normal application of the law to migrant women who are vulnerable?	0 - no; 1 - yes
	3	Does the national law provide special protections that change the normal application of the law to migrants with disabilities?	0 - no; 1 - yes
Life	4	Does the national law prohibit the use of force by its officers or agents as a means of preventing migrants from entering the state's territory?	0 - no; 1 - yes
	4a	Does the national law prohibit the use of lethal force by its officers or agents as a means of preventing migrants from entering the state's territory?	<i>If the answer to question 4 is "0 – no," proceed to question 5; if the answer to question 4 is "1 – yes," proceed to question 4a:</i> 0 - no; 1 - yes
	5	Does the national law prevent trafficking and regulate smuggling?	0 - no; 1 - yes
Liberty	6	Does the national law entail an obligation to allow consular officials and migrants (who are nationals of the consular sending state) to communicate, for example under Article 36 of the Vienna Convention on Consular Relations?	0 - no; 1 - yes
	7	Does the national law prohibit the detention of children on the basis of their status as a migrant?	0 - no; 1 - yes
	8	Does the national law prohibit the detention of migrants solely based on their immigration status?	0 - no; 1 - yes
	9	Does the national law allow migrants to appeal legality, conditions, or length of detention?	0 - no; 1 - yes
	10	Does the national law require an individualized determination for the detention of a migrant?	0 - no; 1 - yes
	11	Does the national law provide that migrants have a right to be free from torture and cruel, inhumane, and degrading treatment?	0 - no; 0.5 - right to be free from torture but not cruel, inhumane, and degrading treatment; 1 - yes

Legal personhood	12	[Do migrant workers have the right not to have identity documents confiscated by anyone, other than a public official duly authorized by the law?]	0 - no, no such right specified or implied in any law; 0.5 - yes, right implied by existing laws (for example, constitutional laws); 1 - yes, right for migrants explicitly specified
	13	Does the national law require registration of the births of migrant children, regardless of their status?	0 - no; 1 - yes
	14	Does the national law issue documents that recognize migrants' residency status, work status, or identity?	0 - no; 1 - yes
	15	Does the national law make it illegal for anyone to destroy documents that recognize migrants' residency status, work status, and identity?	0 - no; 1 - yes
	16	Does the national law provide migrants with the right of equal protection of the law before administrative, civil, and criminal courts and tribunals, on the basis of equality with citizens?	0 - no; 1 - yes
Due process	17	Do migrants have a right to counsel at government expense in proceedings related to their legal status as a migrant?	0 - no; 1 - yes
	18	Do migrants have a right to interpretation at government expense in criminal proceedings?	0 - no; 1 - yes
	19	Does the national law include provisions permitting civil or criminal sanctions for acts or omissions that can only be committed by migrants (such as for unauthorized entry)?	0 - yes; 1 - no
	20	Does the national law provide migrant victims of crime with the right of access before criminal proceedings, on the basis of equality with citizens?	0 - no; 1 - yes

Victims of crime	21	Does the national law provide migrant victims of crime an avenue to immigration status or relief from expulsion as a result of being a victim of a crime?	0 - no; 1 - yes
	22	[How, if at all, do criminal and other convictions affect residence status?]	0 - minor convictions (administrative offenses) can lead to loss of residence status; 0.5 - only major convictions (criminal offenses) can lead to loss of residence status; 1 - convictions do not affect residence status
	23	Does the national law ban refoulement on the basis of a risk of return to torture or cruel, inhuman, or degrading treatment or punishment?	0 - no; 1 - yes
	24	Does the national law ban refoulement on the basis of a risk of return to persecution on the basis of race, religion, nationality, membership of a particular social group, or political opinion?	0 - no; 1 - yes
	25	Does the national law ban refoulement on the basis of a risk of serious deprivations of fundamental human rights (such as the right to life)?	0 - no; 1 - yes
Expulsion, asylum, and non-refoulement	26	Does the national law require a person to be advised of the possible availability of asylum before being expelled or prevented entry?	0 - no; 1 - yes
	27	Does the national law ban expulsion to any country where a migrant is likely to be subjected to refoulement through a subsequent expulsion?	0 - no; 1 - yes
	28	Does the national law provide that a migrant can be expelled only when justified by facts relevant to the individual concerned and only pursuant to a decision reached in accordance with and authorized by law?	0 - no; 1 - yes
	29	Does the national law provide migrants with an opportunity to submit the reasons against expulsion and to have their case reviewed by the competent authority before being expelled?	0 - no; 1 - yes

Nationality	30	How, if at all, do criminal and other convictions affect citizenship status?	0 - minor convictions (administrative offenses) can lead to loss of citizenship status; 0.5 - only major convictions (criminal offenses) can lead to loss of citizenship status; 1 - convictions do not affect citizenship status
	31	Do <i>economic</i> migrants have access to citizenship?	0 - no; 1 - yes, there may be residency requirements that have to be met
	32	Do <i>humanitarian</i> migrants have access to citizenship?	0 - no; 1 - yes, there may be residency requirements that have to be met
	33	Do <i>family</i> migrants have access to citizenship?	0 - no; 1 - yes, there may be residency requirements that have to be met
	34	Does the national law allow migrants to obtain dual nationality?	0 - no migrants may obtain dual nationality; 0.5 - conditional, depending on the country of origin; 1 - yes, all migrants can obtain dual nationality
Family	35	Does the national law provide settled migrants with legal avenues to facilitate reunification with immediate or nondependent family members?	0 - no; 0.5 - conditional; 1 - yes
	35a	[Is there a judicial remedy to challenge the refusal by the authorities to allow family formation/reunification?]	<i>If the answer to question 35 is "0 – no," proceed to question 36; if the answer to question 35 is "0.5 - conditional" or "1 – yes," proceed to question 35a and then 35b:</i> 0 - no; 0.5 - conditional; 1 - yes
	35b	Are same sex marital relationships recognized under the family reunification framework?	0 - no; 0.5 - conditional; 1 - yes
	36	Does the national law require that a migrant demonstrates the ability to meet certain resource conditions (such as income, insurance, residence, and so forth) for family reunification?	0 - yes; 1 - no
Freedom of thought, conscience, and religion or belief	37	Does the national law recognize and protect the right of freedom of thought, conscience, and religion or belief of migrants on an equal basis with citizens?	0 - no; 1 - yes
Freedom of opinion and expression	38	Does the national law provide migrants with full freedom to hold opinions commensurate with that afforded citizens?	0 - no; 1 - yes
	39	Does the national law provide migrants with full freedom of expression commensurate with that afforded citizens?	0 - no; 1 - yes
Freedom of peaceful assembly and association	40	Does the national law recognize and protect the right of freedom of association commensurate with that afforded citizens?	0 - no; 1 - yes
	41	Does the national law recognize and protect the right of freedom of assembly commensurate with that afforded citizens?	0 - no; 1 - yes
Civil and political life	42	[Does admission under this program create a legal right for migrants to vote in local and/or regional elections?]	0 - no right to vote in any election; 0.5 - right to vote in local/regional elections after some time; 1 - immediate right to vote in local/regional elections
	43	[Does admission under this program create a legal right for migrants to stand for election?]	0 - no right to vote in any election; 0.5 - right to vote in local/regional elections after some time; 1 - immediate right to vote in local/regional elections

Labor	44	[Do migrant workers have the right to equal pay to that received by local workers doing the same work?]	0 - no; 1 - yes
	45	[What restrictions, if any, are there on migrant workers' right to free choice of employment?]	0- employment tied to specific employer and no change of employer possible; 0.5- employment tied to specific employer, change of employer possible, but requires new work permit application; 0.75 - workers can freely change employers within a specific sector/occupation/region; 1 - migrant workers have completely free choice of employment
	46	[Does the spouse/partner of the principal migrant have the right to work (without having to apply for permission)?]	0 - no; 0.5 - yes, but limited (for example, by sector or occupation); 1 - yes, unrestricted right to work
	47	[How, if at all, does loss of employment affect residence status?]	0 - loss of employment automatically implies loss of residence permit; 0.5 - loss of employment implies loss of residence status unless new job found within specified time period; 1 - loss of employment does not affect residence status
	48	[Beyond the issue of equal pay, do migrant workers have the same rights to equal employment conditions and protections (for example, overtime, hours of work, weekly rest, paid holidays, sick pay, health and safety at work, and protection against dismissal) as citizens?]	0 - no, migrant workers have significantly fewer legal rights; 0.5 - migrants have rights to most of the employment conditions and protections for citizens; 1 - yes, rights to same employment
	49	[Do migrant workers have the right to form trade unions and other associations?]	0 - no; 1 - yes
	50	[Do migrant workers admitted under this program have the right to legal remedies/redress in case of withdrawal or nonrenewal of residence permit, or in case of a deportation order?]	0- no; 0.5 - yes, but relatively limited; 1 - yes
	51	[Do migrants have the right to equal access to public retirement pension schemes?]	0 - no access to any public retirement pension schemes; 0.5 - access to some, but not all types of public retirement pension schemes, no equal access under this program; 0.75 - equal access to all types of public retirement pension schemes after some time; 1 - yes, immediate equal access to all types of public retirement pension schemes
	52	[Do migrant workers have the right to equal access to unemployment benefits?]	0 - no access to any unemployment benefits, 0.5 - access to some, but not all types of unemployment benefits, no equal access under this program; 0.75 - equal access to all types of unemployment benefits after some time; 1 - yes,
53	Does the national law provide temporary or irregular migrant workers avenues to become lawfully settled?	0- strictly temporary residence permit, with no opportunity to acquire permanent residence status; 1 - temporary status, but with opportunity to switch to permanent status after certain conditions met	

	53a		If yes, is it unconditional on visa type?	<i>If the answer to question 53 is "0 - strictly temporary residence permit," proceed to question 54; if the answer to question 53 is "1 - temporary status," proceed to question 53a:</i> 0 - no; 1 - yes
	54	[Do migrant workers have the right to redress if the terms of their employment contract have been violated by their employer?]		0 – no; 0.5 - yes, but limited; 1- yes, same as citizens
Health	55	Does the national law guarantee access to health care services on an equal basis with citizens?		0 - no; 1 - yes
	55a		Does the national law deny access to health care services to some groups of migrants on the basis of status (such as economic, family, humanitarian, temporary, or irregular migrants)?	<i>If the answer to question 55 is "0 – no," proceed to question 56; if the answer to question 55 is "1 – yes," proceed to question 55a:</i> 0 - yes; 1 - no
	56	Does the national law guarantee access to public housing programs to migrants on an equal basis with citizens?		0 - no; 1 - yes
	56a		Does the national law deny access to public housing programs to some groups of migrants on the basis of status (such as economic, family, humanitarian, temporary, or irregular migrants)?	<i>If the answer to question 56 is "0 – no," proceed to question 57; if the answer to question 56 is "1 – yes," proceed to question 56a:</i> 0 - yes; 1 - no
Education	57	Does the national law guarantee access to public adult educational institutions and services to migrants (such as degree-level courses and vocational training) on an equal basis with citizens?		0 - no; 1 - yes
	57a		Does the national law deny access to adult education institutions and services to migrants on the basis of status (such as economic, family, humanitarian, temporary, or irregular migrants)?	<i>If the answer to question 57 is "0 – no," proceed to question 58; if the answer to question 57 is "1 – yes," proceed to question 57a:</i> 0 - yes; 1 - no

Key: Coding ranges from 0 (nonprotective of migrants' rights) to 1 (protective of migrants' rights). Codes from 0 to 3 are converted to the 0 to 1 range.

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