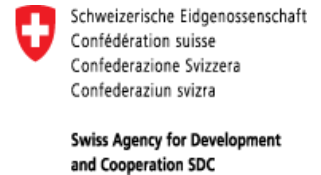




KNOMAD STUDY

Migration and the Law Project:
From Immigration to Integration

February 2022



The KNOMAD Paper Series disseminates work in progress under the Global Knowledge Partnership on Migration and Development (KNOMAD). A global hub of knowledge and policy expertise on migration and development, KNOMAD aims to create and synthesize multidisciplinary knowledge and evidence; generate a menu of policy options for migration policy makers; and provide technical assistance and capacity building for pilot projects, evaluation of policies, and data collection.

KNOMAD is supported by a multi-donor trust fund established by the World Bank. The European Commission, Germany's Federal Ministry of Economic Cooperation and Development (BMZ), and the Swiss Agency for Development and Cooperation (SDC) are the contributors to the trust fund.

The views expressed in this paper do not represent the views of the World Bank or the sponsoring organizations. Please cite the work as follows: KNOMAD. 2022. "Migration and the Law Project: From Immigration to Integration.", World Bank, Washington, DC.

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Acknowledgements

Data collection and analysis for the *Migration and the Law* project were conducted by a team led by Ganesh Seshan (Senior Economist) and Valentina Saltane (Senior Private Sector Development Specialist) under the overall guidance of Dilip Ratha (Head of KNOMAD).

Members of the core research team include Maja Vezmar, Isabela Franco Emerick Albergaria, Kate Aoife Brolley, Immaculate Nafula Machasio, and Laura Elizabeth McElroy. Data collection was undertaken by Bidisha Das, Albe Gjonbalaj, Kurt Ambroze Hagemann, Emirjon Kacaj, and Jacqueline Elisabeth Guignane Youm. Preliminary data analysis was conducted by Haoua Cisse Coulibaly and Bingying Wu.

Funding for *Migration and the Law* was provided by the Global Knowledge Partnership for Migration and Development (KNOMAD), Knowledge for Change (KCP), and the Research Support Budget (RSB).

The team is grateful for the valuable comments provided by colleagues both within and outside the World Bank Group. Thanks to Augusto Lopez-Claros, Carolin Geginat, and Soonhwa Yi for their inputs at the initial stages of the project and to François Crépeau, Eung Ju Kim, Rebecca Ong, Sonia Plaza, Supriyo De, Nadege Yameogo, Sona Kalantaryan, and Melissa Johns for their comments and feedback. Peer reviewer comments were gratefully received from Melissa Johns and Sona Kalataryan.

The *Migration and the Law* database was made possible by the generous contributions of close to 700 lawyers, immigration specialists, scholars, intergovernmental agencies, refugee centers, and nongovernmental organizations from 169 economies. The global contributors listed are entities that have completed multiple questionnaires from their various offices around the world.

Summary

The *Migration and the Law* project is envisioned as a tool for strengthening evidence-based policy making on integration measures across the globe. Even though developing economies receive a large proportion of immigrants each year, available data on integration measures are generally limited to high-income countries. The lack of data and resources impinges on the ability of developing countries to formulate appropriate integration policy responses.

A key objective of the *Migration and the Law* study is to fill this data gap by putting in place a new pilot database of indicators that reflect integration laws and policies affecting economic migrants in 152 countries and refugees in 134 countries. The database draws upon self-administered surveys of legal experts on integration laws across four dimensions: economic opportunity, housing, health, and political integration as of December 2016. A total of 20 indicators are used to gauge integration policies as written in formal laws and regulations. The country-level dataset for each group is hosted on the [website](#) of the World Bank's Global Knowledge Partnership on Migration and Development (KNOMAD).

The main message that emerges from legal analysis of *Migration and the Law* data is that the world's integration laws and policies show great complexity and heterogeneity. Even at the country level, laws that govern the integration of migrants/refugees are often incoherent, fragmented, or even contradictory. This is because national legal frameworks contain various legal acts enacted in different time periods and that are thus influenced by the ideologies and interests prevailing at the time.

In general, high-income countries of the Organisation for Economic Co-operation and Development, and countries of Europe and Central Asia, Sub-Saharan Africa, and Latin America and the Caribbean (as categorized by the World Bank), have legal frameworks that generally support the integration of economic migrants and refugees. Most regions are relatively more accommodating of refugees than of economic migrants with respect to economic opportunities and access to health services, but tend to grant the latter greater housing and political integration rights. Economic migrants tend to receive relatively more favorable treatment in the East Asia and Pacific, Middle East and North Africa, and South Asia regions, where limited ratification of the 1951 Convention relating to the Status of Refugees and its 1967 Protocol oftentimes render refugees without legal status.

Initiatives directed to promote regional freedom of movement have been accompanied by progressive policy changes and extensive promulgation of new laws in relatively less developed parts of the world. For instance, after the formation of the Southern Common Market (MERCOSUR), many countries in Latin America and the Caribbean enacted generous laws, mostly in line with relevant regional standards and international human rights law. It could be argued that the right to free movement, residence, and employment throughout the bloc has made these countries more accommodating toward migrants in general.

Economic opportunities. The *Migration and the Law* database shows that sampled economies impose a variety of restrictions or conditions on an economic migrant's ability to work formally. Foreigners are often prevented from working private sector jobs involving closely regulated or professional bodies, those that represent a part of national tradition and identity, or that are related to the management of human resources. However, in recent years, acute labor shortages have induced several countries to lift restrictions on the employment of foreigners in prohibited sectors. The database also alludes to three distinct patterns with regard to the employment rights of refugees. In the first case, national laws treat refugees on par with citizens, lifting employment-related restrictions applicable to economic migrants. In the second pattern, laws bestow on refugees the most favorable treatment provided to foreigners, subjecting them to more lenient requirements short of treating them on par on citizens. Finally, in a third pattern, national legislation fails to provide special protection for refugees, thereby compelling them to present themselves as migrant workers in order to enter the formal employment market.

Housing. The *Migration and the Law* database reveals that national legal frameworks by and large allow economic migrants to rent or purchase property, though in many cases, migrants may be subjected to onerous conditions. For example, there may be restrictions on ownership of land so that foreigners are allowed to buy only (above-ground) apartments. The situation for refugees is more complex—they may not always be able to rent or purchase property.

Health. The *Migration and the Law* database shows that most governments strive to legally provide equal access to health care to citizens and migrants alike. However, migrants and refugees often confront additional barriers in accessing public health services. Migrants who are employed, pay taxes, and contribute to social security or those with permanent residency tend to qualify for government health benefits on par with citizens; others may face obstacles. Unlike economic migrants, refugees can qualify for public health care programs based solely on their refugee status.

Political integration. Access to permanent residency, a stepping-stone toward citizenship, often depends on migrants' personal characteristics and whether they are deemed able to make a productive contribution to the host country (e.g., by being financially self-sufficient or having a specific skill/academic degree, good moral character, clean criminal record). Permanent integration of skilled migrant workers tends to dominate policy agendas on immigration in most surveyed countries. The *Migration and the Law* database indicates that national legal frameworks provide more legal avenues for admission and permanent integration of highly qualified (skilled) migrant workers. Integration policies often directly or indirectly prioritize financially stable, highly educated individuals with certain skill sets over low-paid migrant workers. Burdensome and slow permanent residency/naturalization application processes further amplify precarities of lower-paid and less-skilled migrants (as seen in the Sub-Saharan Africa and East Asia and Pacific regions).

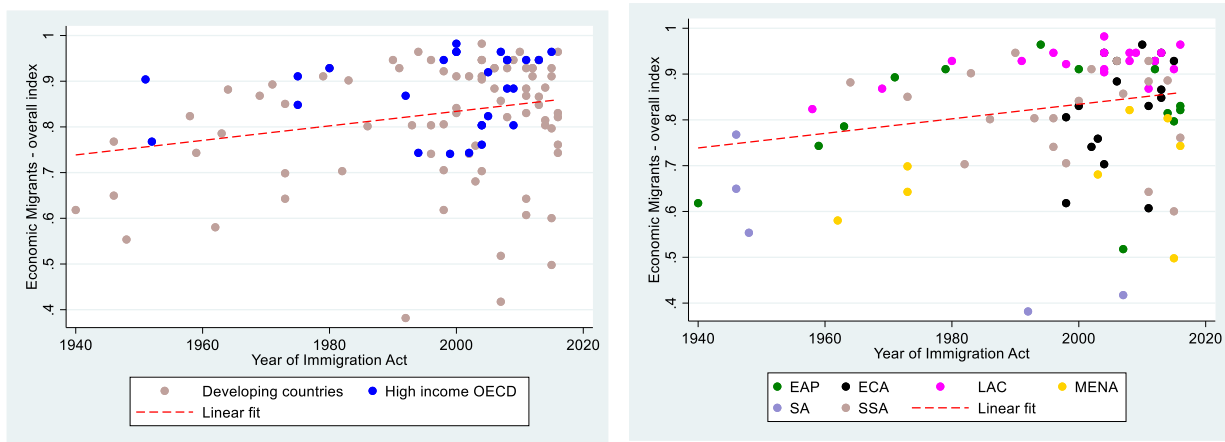
While none of the surveyed countries in the *Migration and the Law* database explicitly precludes migrants from becoming citizens, stringent conditions may render it virtually impossible. Citizenship may be reserved for migrants who belong to a specific religious or ethnic group, or those who have made exemplary contributions to the host country. In cases where citizenship is an option for refugees, several

countries have comparatively more lax requirements for them, relative to economic migrants. The *Migration and the Law* data also show that the health status of migrants can be an important factor in the integration process. The absence of chronic, infectious, or communicable illnesses is not only a common entry requirement, but also a mandatory prerequisite for obtaining more permanent status such as naturalization in many surveyed countries.

Recently Enacted Laws Are More Accommodating of Economic Migrants

This rich database yields interesting analytical findings. For example, a tentative assignment of a score (Yes = 1, Conditionally = 0.5, No = 0) to each of the 20 indicators would yield an overall index that could then be compared and analyzed with other variables. For economic migrants, the overall index tends to be higher in countries where laws were enacted more recently. Immigration systems that rest on archaic pieces of legislation (enacted in the 1940s and 1950s) fail to reflect contemporary immigration challenges, allowing little or no labor mobility, instituting weak health care protection, and limiting avenues for permanent settlement of migrants and their families.

Figure 1. Economies with More Recent Immigration Laws Tend to Score Higher on the Overall Integration Index for Economic Migrants



Source: Based on data from the *Migration and the Law* database.

Note: EAP = East Asia and Pacific; ECA = Economic Commission for Africa; LAC = Latin America and the Caribbean; MENA = Middle East and North Africa; SA = South Asia; SSA = Sub-Saharan Africa; OECD = Organisation for Economic Co-operation and Development.

The same cannot be said for refugees. The rights of refugees are clearly defined under the 1951 Refugee Convention and 1967 Refugee Protocol. In many countries, provisions of the convention have been directly incorporated into domestic laws. Hence, no significant differences were observed between refugee laws enacted far apart in time, as long as they are in line with the convention and other relevant regional treaties.

Considering that immigration legal frameworks are frequently modified depending on the exigencies of the political landscape, this study and database would benefit from regular updates to map the evolution of national immigration legal frameworks over time.

List of Abbreviations

EAP	East Asia and Pacific
ECA	Europe and Central Asia
EU	European Union
GCC	Gulf Cooperation Council
HIO	high-income OECD countries
KNOMAD	Global Knowledge Partnership on Migration and Development
LAC	Latin America and the Caribbean
MENA	Middle East and North Africa
MERCOSUR	Southern Common Market
MIPEX	Migration Integration Policy Index
OECD	Organisation for Economic Co-operation and Development
SA	South Asia
SSA	Sub-Saharan Africa
UNHCR	United Nations High Commissioner for Refugees
WHO	World Health Organization

1. Introduction

International migration often dominates headlines and is a polarizing political issue around the world. In 2019, there were an estimated 272 million migrants, of whom 244 million (90 percent) were economic migrants with the rest being refugees. Notwithstanding the impact of COVID-19, many analysts have anticipated a bigger upsurge in migration due to demographic imbalances, income disparities, regional turmoil, climate change, as well as increasing connectivity and falling transportation costs (World Bank 2019).

A growing body of literature recognizes that massive gains from migration are possible, exceeding even those from further liberalization of trade and capital movement (Clemens 2011; World Bank 2006; Ahmed, Go, and Willenbockel 2016). Benefits that accrue from increased economic migration include a growth in remittances flowing to countries of origin (Giovanni et al. 2014), an increase in innovation and economic growth in host countries (Giannoccolo 2015), as well as rising levels of educational aspirations and brain gain (Böhme 2015).

In order to capitalize on these benefits, it is important to evaluate integration policies that national governments may or may not have in place. Though there is wide acknowledgment of the importance of integrating migrants, there have been no concerted efforts to evaluate existing integration policies, to study their efficacies, or to formulate best practices. Only a few cross-country initiatives measure existing integration policies, and these tend to narrowly focus on developed economies (see appendix A). In this era of growing human mobility, additional research is needed to determine how host societies globally can more effectively integrate migrants and refugees.

The *Migration and the Law* report and accompanying database aims to fill a critical gap in the research by providing, for the first time, a global benchmark of legal integration policies for economic migrants and refugees. While the data presented in this report reveal the complexities of integration policy, they also provide migration stakeholders with newfound context and nuance. The goal of this report is to pave the way for informed, evidenced-based decisions that benefit migrants and their host countries. For the purposes of the project, integration is defined as the extent to which economic migrants and refugees are legally provided the same treatment as citizens across four main dimensions of life and work: economic opportunity, health care, housing, and political integration.

The data for the *Migration and the Law* project were collected in a standardized way and through self-administered surveys of close to 700 lawyers, immigration specialists, scholars, intergovernmental agencies, refugee centers, and nongovernmental organizations from 169 economies. Two separate surveys were issued, one concerning economic migrants and the other refugees¹ (see box 1 for definitions).

The survey results were used to generate a total of 20 qualitative indicators used to measure integration policies as written in formal laws and regulations as of December 2016. The indicators were based on

selected qualitative questions from the questionnaires that were assigned labels of “Yes,” “Conditions,” and “No,” indicating the level of a country’s migration integration policy restrictiveness or openness. “Conditions” indicate that additional conditions/requirements apply beyond those for citizens, and “Yes” indicates that a country’s accommodation of economic migrants (and refugees) in the legal framework is on par with that of its citizens. The classifications are based on an assessment of the answers provided by survey respondents. Of the 20 indicators, 13 are attributed to the economic opportunities dimension, two cover health access, three are for housing, and two are associated with political integration (see appendix B).

The signing of the 2016 New York Declaration and subsequent Global Compacts on migration and refugees brought migration to the forefront of global policy discussions. This study is also a timely complement to the United Nations’ 2030 Agenda for Sustainable Development Goals (SDGs), with SDG target 10.7 calling for “well-managed migration policies” to facilitate safe and responsible migration, and with the general commitment that “all” equally benefit from the objectives contained in the agenda.

Box 1. Definition of Economic Migrants and Refugees

For the purposes of the *Migration and the Law* project, survey respondents were asked to rely on the following definitions:

An economic migrant is an individual who:

- Has moved from his/her country of birth or usual residence to the host country for employment purposes, is 18 years or older, and is residing in the host country.
- Is considered a temporary resident and not a permanent resident.
- Currently holds a work permit/work visa, which allows him/her to be employed in the host country for one year or more with the possibility of renewal. This does not include students, seasonal workers, or individuals traveling for business purposes in addition to undocumented migrant workers and migrant workers with short-term visa/work permits.
- Is either currently employed in the host country or looking for a job while residing in the host country.

A refugee is an individual who:

- Has been granted legal refugee status in the host country, due to his/her well-founded fear of persecution for reasons of race, religion, nationality, membership in a particular social group, or political opinions.

2. Economic Opportunities

The economic opportunities indicators of the *Migration and the Law* project address whether national laws facilitate economic migrants' and refugees' ability to navigate the labor market in the host country. Labor market integration is a multifaceted process that conceptually spans the economic life of an immigrant in the destination economy. Research to date has shown that relaxing or eliminating restrictive admission policies could result in huge financial gains, measured in trillions of dollars globally (Klein and Ventura 2009; Clemens 2011; Moses and Letnes 2004). Inflows of migrants may increase the labor supply in a host country, expanding production and resulting in higher gross domestic product, which can contribute to additional job creation (Ortega and Peri 2009; Boubtane and Dumont 2013; Ortega and Peri 2014).

Realizing these economic benefits at the national level, however, hinges on how well economic migrants and their family members are integrated into a host country's labor market (OECD and ILO 2018; OECD et al. 2017; Föbker 2019). When countries harness the full potential of economic migrants, they also augment their total labor productivity (Ortega and Peri 2014). The introduction of highly qualified migrants into host economies may raise the quality and skill level of the wider labor force (OECD 2014). Low-skilled migrants can fill existing job shortages and free up the local workforce so that citizens can move into higher-productivity occupations (Blanchflower and Shadforth 2007; Ratha et al. 2011; Borjas 2001).

While many studies focus on the economic benefits of migration, there is a paucity of literature systematically examining whether national laws and policies on migrants are accommodating of labor market integration and the impact thereof. Ruhs's analysis of migrant labor and admission policies in more than 40 countries is one of the few notable exceptions (Ruhs 2013). Another example is the Migration Integration Policy Index (MIPEX) study that scored labor market mobility policies in 38 different, mainly European Union (EU) countries (2007–14), and was extended to 56 countries in 2014–19. The study suggested that aligning national laws with international or regional standards is a necessary but insufficient condition to achieve full integration, the latter resulting from an effective implementation of the said laws (Huddleston et al. 2015). A 2018 exploratory study commissioned by the Global Knowledge Partnership on Migration and Development (KNOMAD) echoes these findings in five pilot countries.²

The economic opportunities indicators in the *Migration and the Law* database capture economic migrants' ability—and, separately, refugees' ability—to work in the private and public sectors through exploring several labor market integration topics. Specifically, the tentative indicators measure migrant and refugee integration in four areas, namely (1) accessing formal jobs in the labor market; (2) navigating the labor market; (3) accessing social protection; and (4) exercising the right to join trade unions and enjoy freedom of association (see table 1).

Table 1. Migration and the Law Economic Opportunities Indicators

1. Accessing the Labor Market

- Can a migrant (refugee) work in the private sector?
- Can a migrant (refugee) work in the public sector?
- Can a migrant (refugee) open a business?
- Are foreign academic qualifications recognized for migrants (refugees)?
- Are foreign vocational qualifications recognized for migrants (refugees)?
- Can the families of economic migrants (refugees) work in the formal sector?

2. Navigating the Labor Market

- Can a migrant (refugee) change jobs?
- Can a migrant (refugee) move and travel within the host country without any restriction?

3. Accessing Social Protection

- Does the minimum wage law apply equally to migrants (refugees) and citizens?
- Is a migrant (refugee) entitled to receive social security benefits?
- Is a migrant (refugee) entitled to receive unemployment benefits?
- Does the law provide for maternity leave for economic migrants (refugees) in the same manner as for citizens?

4. Exercising the Right to Organize and Freedom of Association

- Can a migrant (refugee) join a trade union in the same manner as a citizen?

Economic Migrants

Accessing the Labor Market in Host Countries

The *Migration and Law* database reveals that sampled countries impose a variety of restrictions and conditions on an economic migrant's ability to work. The most common condition, holding a job offer³ prior to obtaining work authorization, demonstrates a high reliance on the private sector (employers) when identifying the number and profile of potential migrant workers. The observed dominance of demand-driven (employer-led) systems over points-based migrant admission schemes could further suggest that migration policies in most countries still respond to current rather than long-term labor market needs.

Admission policies and labor market integration policies are highly interwoven and cannot be easily separated. Namely, different work visa categories allow different levels of access to private sector jobs. At the same time, the visa category itself is often determined by a specific job offer or limited to workers with a particular set of skills. In general, highly educated and highly paid migrants enjoy greater labor mobility compare with low-paid migrants.⁴ In many countries, only highly qualified workers can apply for a "job seeker visa," which allows them to enter the country as economic migrants, without securing employment beforehand (as seen in Australia, Germany, Norway, etc.).⁵

Beyond job offers, countries use different migration policy tools to smooth imbalances between labor supply and demand, including setting quotas on the size of the foreign workforce, restricting migrants to certain professions, creating labor market tests, singling out certain countries for preferential treatment,

imposing geographical restrictions, creating lists of deficient occupations, and imposing foreign-worker levies (figure 2).

Figure 2. Economic Migrants Holding a Job Offer Need to Overcome Additional Labor Market Entry Barriers



Source: *Migration and the Law* database.

Preferential treatment of migrants coming from certain countries, and geographical restrictions.

Countries are more inclined to allow free cross-border movement of labor among states that are part of regional groups, in which case a job offer is not required. Examples include various political/economic blocs such as the European Union, the Southern Common Market (MERCOSUR), and the Eurasian Economic Union. Even in the absence of a regional agreement, certain nations may be singled out for preferential treatment due to their political, historical, or ancestral linkages. In the Republic of Korea, ethnic Koreans (H2 visa holders) are allowed to freely navigate the labor market. The Albanian Foreigners Act No. 108/2013 enables American nationals to enjoy the same employment rights as Albanian citizens. Nationals of Senegal, Tunisia, and Algeria are exempt from applying for a work permit in Morocco.

A more extreme version of this trend has been observed as well. Countries, especially those located in the East Asia and Pacific region, tend to impose geographical restrictions, allowing recruitment of workers from specific countries only. Malaysia’s temporary employment passes for foreign workers in five different industries are open exclusively to nationals of 15 countries. In Singapore, jobs available for blue-collar workers in sectors such as construction and manufacturing are tied to nationality as well.⁶

Deficient occupations lists, and restricted professions. Beyond job offers and country-specific limitations, countries apply different policy tools and selection methods to determine the profile of prospective economic migrants. Across all seven regions, governments regularly make systematic assessments of deficient occupations and skills to better inform migration policy of current labor market needs (e.g., Australia, Malaysia, Japan, and Mexico).

More than a fifth of the economies sampled restrict migrants to certain professions within the private sector. Foreigners are often prevented from engaging in private sector jobs involving professions that are closely regulated by governments or professional bodies (e.g., accounting, engineering, law, medicine, etc.). Other occupations may be unavailable to foreigners as they represent part of a country's tradition and identity. For example, Egypt's Labor Law No. 12 of 2003 prohibits foreigners from working as tour guides, export and customs clearance employees, and, until 2004, belly dancers.⁷ Thai laws prevent migrants from working in woodcarving, and making Thai musical instruments or traditional Thai dolls, gold ornaments, and images of the Buddha.

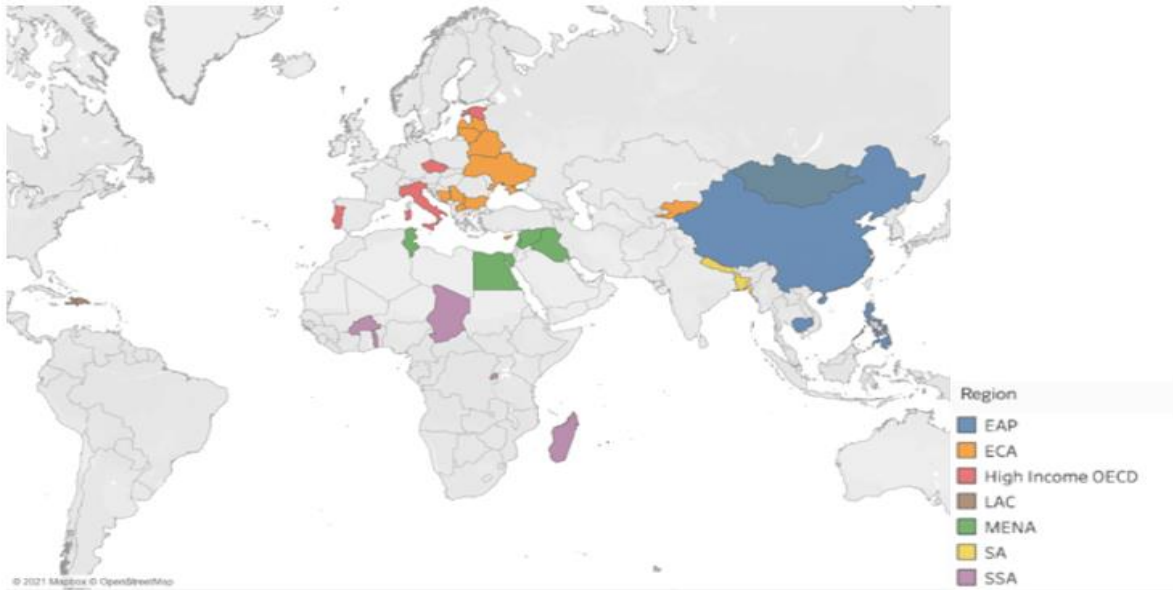
Favoring recruitment of local workers through labor market tests and foreign-worker levies. Numerous countries condition the acceptance of foreign workers upon the absence of qualified/available citizens (e.g., the Islamic Republic of Iran, Cameroon, Poland, Nepal, Djibouti). Iranian labor laws condition the employment of the foreign labor force upon the absence of employable Iranian citizens. In Cameroon, a migrant can be offered a job in certain occupations only if the National Labor Advisory Board has certified that its nationals are unable to fill them.⁸ Economies such as Singapore, Malaysia, and, more recently, Saudi Arabia (starting in 2018) impose fees or levies on employers hiring foreign workers.⁹ When proposing such fees, national authorities are usually required to take into account the ability of citizens to compete in the labor market, as seen in Bahrain.¹⁰

Numerical limitations on the foreign labor force. To get around oftentimes demanding and complicated labor market tests but still maintain a certain level of control over the admission of the foreign labor force, countries set up numerical limitations on migrant workers. Bosnia and Herzegovina, Italy, Estonia, the Kyrgyz Republic, and North Macedonia are just some of the countries that set up an annual cap based on their specific labor market needs.¹¹ High-skilled migrants can be exempt from these numerical limitations, as seen in Italy.¹²

Public Sector Employment

In the public sector, under one-third of the countries sampled prohibit economic migrants from working in the public sector, while 55 percent (81 countries) restrict employment to specific public sector jobs. While work in the private sector is typically governed by a country's labor laws, the public sector is often regulated by civil service or public service legislation that tends to heavily restrict migrants' ability to work in the public sector. Some states even place outright prohibitions on migrants in public sector employment (figure 3). Nearly all the sampled countries legislate some level of restriction on migrants working in the public sector. Legislative, executive, judicial, and national security fields are especially restricted.

Figure 3. Sampled Countries That Prohibit Migrants from Working in the Public Sector



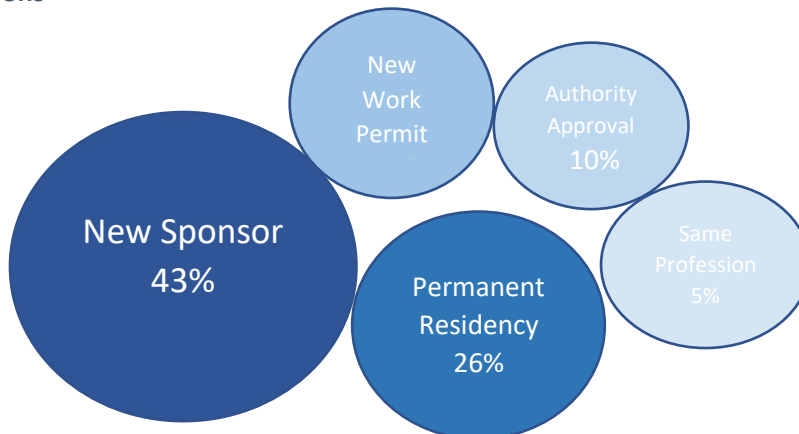
Source: *Migration and the Law* database.

Note: In Bulgaria, Cyprus, Latvia, Lithuania, the Czech Republic, Estonia, Italy, and Portugal, the prohibition does not apply to EU/European Economic Area nationals as they are entitled to work in the public sector in Member State countries. EAP = East Asia and Pacific; ECA = Economic Commission for Africa; LAC = Latin America and the Caribbean; MENA = Middle East and North Africa; SA = South Asia; SSA = Sub-Saharan Africa; OECD = Organisation for Economic Co-operation and Development.

Navigating the Labor Market

As migrants spend more time in their host countries, they continue to look for employment opportunities that better match their skill levels, qualifications, and aspirations. Conditions for changing jobs can come in the form of obtaining a new sponsor (and often a new work visa), attaining permanent residency status, getting an explicit approval from appropriate government authorities (or former employer), or remaining in the same profession.

Figure 4. Most Surveyed Countries Allow Economic Migrants to Change Jobs, Albeit under Stringent Conditions



Source: Based on data from the *Migration and the Law* database.

Note: The set of conditions is not meant to be exhaustive or mutually exclusive and is based on a textual analysis of responses from survey participants.

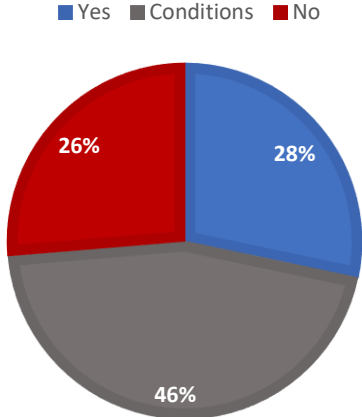
Changing jobs can be challenging for migrants considering that a work authorization card is usually tied to a specific employer or a specific profession. If fired or terminated through no fault of their own, migrants may be given a few months to search for a new job (as seen in Armenia and Sweden) or asked to leave the country and submit a new out-of-country work permit/residence application. However, certain categories of migrants, such as permanent residents and highly skilled workers, enjoy a higher level of labor mobility in many surveyed countries. Holders of a professional visa (E1–E7) in Korea or a skilled visa in Norway are entitled to change jobs without applying for a new residence/work permit.

Family Access to the Labor Market

The *Migration and the Law* project also surveyed whether economic migrants’ family members have access to the labor market in host countries. Family members are subject to the same employment rights as the primary or principal migrant in less than one-fourth of sampled countries (figure 5). Yet, their right to work as well as the promptness of the work authorization process depends on the visa type held by the principal migrant. For instance, under Belgian law, spouses of third-country nationals holding a type-A permit are automatically entitled to the same type of employment permit.¹³ In the United States, spouses of L (intracompany transfers) and E (treaty traders and investors) visa holders are authorized to work,¹⁴ while in Japan this entitlement is limited to spouses of highly skilled professional visa holders. It seems that enabling labor market participation to family members of low-wage migrants is less of a political priority.

Figure 5. In Most Surveyed Countries, Family Members Do Not Enjoy the Same Employment Rights as the Primary or Principal Migrant

SPONSORED FAMILY MEMBERS ELIGIBLE FOR EMPLOYMENT



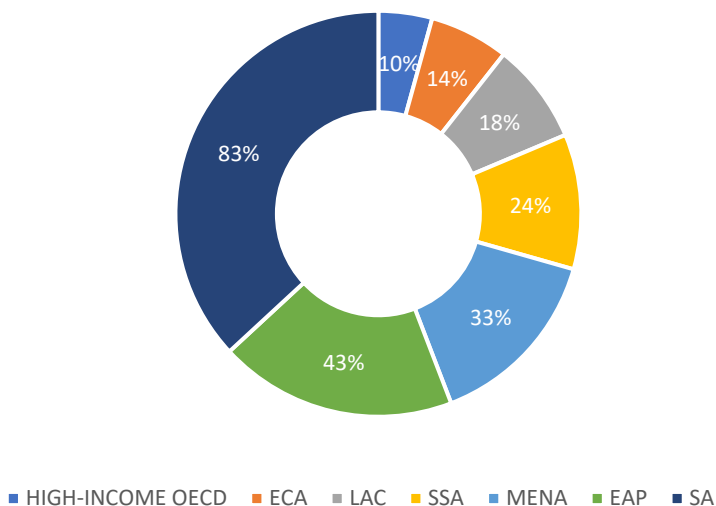
Source: Based on data from the *Migration and the Law* database.

Several countries impose an outright ban on employment of family members. The South Asia, East Asia and Pacific, and Middle East and North Africa regions are the most restrictive, indicating that permanent

integration of migrants and their family members might not be the primary goal of national migration policies (figure 6).

Figure 6. Family Members of Principal Migrants Face Myriad Legal Obstacles and Restrictions When Entering the Labor Market, especially in SA, EAP and MENA Regions

NO LABOR MARKET ACCESS FOR FAMILY MEMBERS



Source: Based on data from the *Migration and the Law* database.

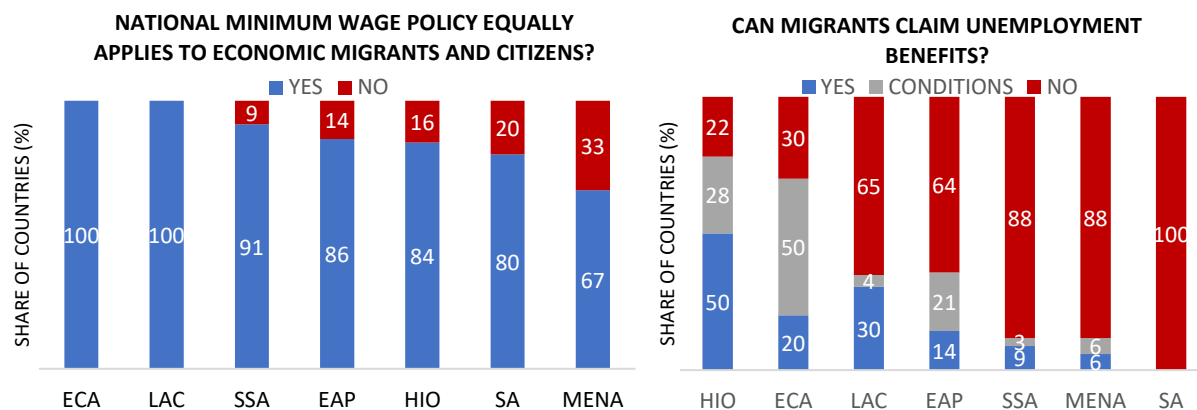
Note: The figure presents the distribution of “No” answers as a percentage of total (all) answers for each region separately. EAP = East Asia and Pacific; ECA = Economic Commission for Africa; LAC = Latin America and the Caribbean; MENA = Middle East and North Africa; SA = South Asia; SSA = Sub-Saharan Africa; OECD = Organisation for Economic Co-operation and Development.

Minimum Wage and Social Protection

Economic migrants move in search of opportunity, but not all are able to quickly or consistently fulfill this goal and may face financial hardships or job losses. When adversity arises, social protection policies can relieve the financial pressure on migrant families and ensure that they do not fall further behind. National legislation regarding minimum wages and social security benefits is a traditional recourse for citizens, but access to social protection for migrants varies substantially across countries.

The *Migration and the Law* database shows that the regions of Latin America and the Caribbean and Europe and Central Asia are the most permissive in entitling migrants to the same minimum wage that is provided to citizens (figure 7). The Middle East and North Africa, on the other hand, is the most restrictive region. For example, Saudi Arabia does not legally provide a minimum wage for economic migrants; Oman prescribes a current minimum monthly salary of RO 325 (\$844) for citizens alone; and Bahrain’s minimum wage legislation is applicable only to the public sector and for citizens.¹⁵

Figure 7. ECA and LAC Regions Are the Most Likely to Apply Minimum Wage Laws Equally to Citizens and Economic Migrants, while HIO and ECA Are the Most Generous in Granting Unemployment Benefits



Source: Based on data from the *Migration and the Law* database.

Note: EAP = East Asia and Pacific; ECA = Economic Commission for Africa; HIO = high-income OECD countries; LAC = Latin America and the Caribbean; MENA = Middle East and North Africa; SA = South Asia; SSA = Sub-Saharan Africa; OECD = Organisation for Economic Co-operation and Development.

Migrants’ access to unemployment benefits differs significantly across regions as well (see figure 6). Three regions—South Asia, the Middle East and North Africa, and Sub-Saharan Africa—largely restrict a migrant’s access to unemployment insurance. This is likely because work visas in these regions are typically tied to a specific work contract and are often automatically terminated upon losing the job, compelling migrants to leave the country (in the absence of another job offer) and rendering them ineligible for unemployment benefits.

Refugees

A total of 134 countries were surveyed for laws affecting the integration of refugees for the *Migration and the Law* database. The database alludes to three distinct patterns with regard to the employment rights of refugees.

First, some national laws and regulations are more accepting of refugees than they are of economic migrants. National legislation tends to make specific reference to refugees, lifting all employment-related restrictions or requirements and treating them on par with citizens. For instance, in a vast majority of cases, economic migrants are obliged to secure an explicit job offer and employment permit before engaging in the host labor market. In contrast, refugees are often entitled to work without the issuance of any special permission (as in Belarus, Belgium, Armenia, Bulgaria, and Kazakhstan). This is unsurprising if one takes into account that most state parties to the 1951 Convention have incorporated Article 17 of the convention into their national legislation to provide “sympathetic consideration to assimilating the rights of all refugees with regard to wage-earning employment to those of nationals.” Some countries confirm their commitment to the international refugee protection system through government orders, without enacting a specific law that would permanently facilitate refugees’ access to safe and lawful

employment. For instance, the Philippines confirmed its commitment to the 1951 Convention by issuing DOJ Department Circular No. 058-12 and Order No. 146-15, 2015, which allow refugees to engage in gainful employment.¹⁶

Second, in countries that offer no official refugee legal protection, refugees must present themselves as migrant workers in order to enter the formal employment market. Put differently, in these economies, laws make little to no distinction between refugees and economic migrants. In Singapore, if an individual, recognized as a refugee by the United Nations High Commissioner for Refugees (UNHCR), manages to obtain a work permit by satisfying the relevant requirements for work permits applicable to foreigners in general, this would be independent from his/her status as a refugee. In Hong Kong SAR, China, persons with substantiated protection claims are not automatically granted working privileges.¹⁷ The director of immigration may extend permission to work to a refugee who is supported by a sponsoring organization. Even then, work rights are limited to the discretion of the director of immigration, and the arduous process of obtaining this permission can take up to two years to finalize.

In a third pattern, countries adopt a middle position, with laws granting refugees the most favorable treatment provided to foreigners. Refugees are subject to the most lenient requirements, short of treating them on par with citizens. In Uganda, refugees enjoy the same treatment accorded to legal foreign residents.¹⁸ In Ethiopia, only certain categories of refugees enjoy preferential status. Legislation states that restrictive measures applicable to employment of foreign nationals shall not apply to refugees who are married to Ethiopian nationals or have one or more children in possession of Ethiopian nationality.

While public sector jobs are generally reserved for host country nationals, a substantial proportion of sampled countries in Latin America and the Caribbean and Europe and Central Asia, and high-income countries of the Organisation for Economic Co-operation and Development (OECD), do allow refugees to work in the public sector though mostly under certain conditions. Notably, one of the most rigid regions for economic migrants in terms of public job access, Europe and Central Asia, turns out to be one of the most generous regions for refugees.

Box 2. Lack of Refugee Protection in the South Asia and East Asia and Pacific Regions

Most South Asia and East Asia and Pacific countries surveyed for the *Migration and the Law* database have not developed any legal structure to deal with refugee issues, even though they host large refugee populations. Generally, governments reject legal responsibilities under the pretext of prioritizing national interests and national security (Klug 2013; Kneebone 2016; Yesmin 2016;). Regional organizations also seem reluctant to address the issue of refugee legal protection. Both the Association of Southeast Asian Nations and the South Asian Association for Regional Cooperation follow the principle of noninterference in internal affairs, perceiving refugee protection as a strictly domestic matter or a bilateral issue between the country of origin and the host country (Suhrke 1992).

Several factors appear to be at play in explaining the lack of refugee legislation. First and foremost, in this part of the world, the international refugee regime is seen as Euro-centric, based exclusively on the European war experience (Loescher 2017; Davies 2006). In the views of many, it tends to disregard specific local realities as governments often struggle to meet the needs of their own citizens, let alone the needs and vulnerabilities of

refugees (Yesmin 2016; Kaur 2007). Consequently, only a handful of countries signed the 1951 Refugee Convention.

Colonial heritage is another important factor. Immigration systems of many countries continue to rely on archaic pieces of legislation. Colonial-era immigration laws of India, Pakistan, and Bangladesh criminalize certain forms of migration, failing to distinguish between refugees and other foreigners. This is not surprising as they were introduced with the intention to regulate “the mobility of colonized subjects” (Ramachandran 2019). Following the decolonization period, perceptions of migration as a threat to national security and newly acquired independence led to the creation of a system based on voluntary and time-bound de facto contributions. This noncompulsory and time-restricted system was built on the premise that refugees will be either resettled in third countries or returned home by the United Nations High Commissioner for Refugees (UNHCR) (Klug 2013). As such, it leaves little space for adequate protection and integration of refugees into the host communities.

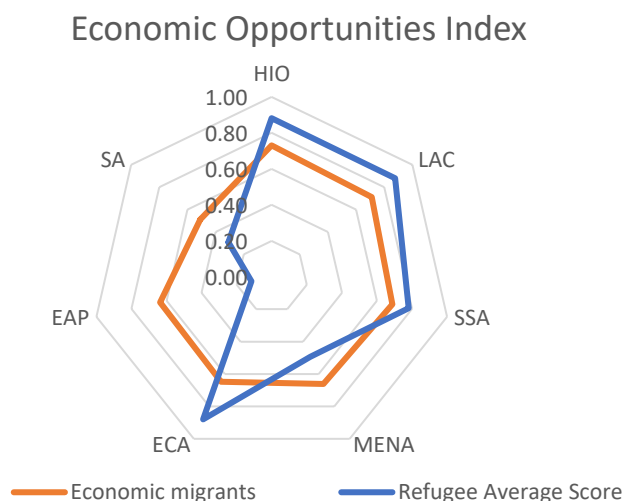
Even bilateral agreements rarely address the rights of refugees, focusing mostly on repatriation and relocation issues. To illustrate, in November 2017, a bilateral agreement was concluded between Bangladesh and Myanmar aiming to repatriate all “eligible” Rohingyas. Similarly, the Tripartite Repatriation Agreement between UNHCR and the governments of Pakistan and Afghanistan established a legal and operational framework for the voluntary repatriation of Afghan nationals who had sought refuge in Pakistan.

The cases of Malaysia and Bangladesh further highlight the instability of the voluntary protection system. Although Malaysia has a long history of hosting refugees and providing temporary shelter to those in need, the country has no laws in place to recognize refugees and protect their rights (Wurscher 2018). Hence, the government’s policies toward refugees have been quite inconsistent. For example, in 2004, Malaysia announced its policy to regulate residency status for 12,000 Rohingya refugees, but the plan was suspended (Lewa 2010). A year later, the government completely changed course by launching a nationwide operation focused on capturing all undocumented migrants, Rohingyas included (Refugee International 2007). Bangladesh has also practiced inconsistent policies with regard to admission, recognition, and stay of refugees. In the period 1978–92, the country opened its door to more than 450,000 Rohingya fleeing violence in Myanmar. However, in the early 1990s, the government shifted its policy and expressed its unwillingness to accept more people (Yesmin 2016).

Comparative Analysis

The *Migration and the Law* analysis reveals a mixed picture of the economic opportunities of migrants and refugees around the world. To broadly compare host countries’ treatment of economic migrants and refugees, the regional indices for each were tentatively scored using a common set of countries for both groups (figure 8). Each of the 13 qualitative indicators making up the economic dimension was assigned a score (Yes = 1, Conditionally = 0.5, No = 0), which was then averaged for each country (equally weighted).¹⁹ The regional index was an average of the country-level scores for a particular region. Further details of the scoring methodology can be found in appendix B. The results are mixed. The legal frameworks in Europe and Central Asia, Latin America and the Caribbean, high-income OECD countries, and Sub-Saharan Africa are relatively more accommodating of refugees than of economic migrants. In these regions, sampled countries are more likely to have legal frameworks that are generally in accordance with Articles 17 and 18 of the 1951 Refugee Convention, which stipulate refugees’ rights to work and start businesses.

Figure 8. East Asia and Pacific, South Asia, and Middle East and North Africa Countries Are More Accommodating of Economic Migrants than Refugees



Source: Based on data from the *Migration and the Law* database.

Note: Scores (Yes = 1, Conditionally = 0.5, No = 0) are tentatively assigned to each of the 13 indicators for a common set of countries. EAP = East Asia and Pacific; ECA = Economic Commission for Africa; HIO = high-income countries of the Organisation for Economic Co-operation and Development; LAC = Latin America and the Caribbean; MENA = Middle East and North Africa; SA = South Asia; SSA = Sub-Saharan Africa.

By contrast, the Middle East and North Africa, South Asia, and East Asia and Pacific tilt in favor of economic migrants. The refugee composite scores attributed to the South Asia and East Asia and Pacific regions are particularly very low, though this is not surprising because both regions have low rates of accession to the Refugee Convention and the International Convention on Migrant Workers. High-income OECD countries and Latin America and the Caribbean scored high for both refugees and migrants: nearly all were parties to the Refugee Convention, but only one high-income OECD state—Chile—was party to the International Convention on Migrant Workers.

The divergence in legal frameworks with respect to economic opportunities for migrants and refugees is quite evident in two regions: East Asia and Pacific and Sub-Saharan Africa. East Asia and Pacific countries exhibit the greatest disparity: economic migrants are highly favored compared to refugees. By contrast, the Sub-Saharan African region depicts the least disparity between the two groups, implying that the legal frameworks pertaining to economic opportunities for economic migrants and refugees are almost on par in the region.

3. Housing

Affordable and decent housing is a crucial first priority upon arrival in a host country (European Commission 2016; Carter and Polevychok 2004). In the cities, towns, and neighborhoods in which migrants live, facilitating their integration into housing has immediate and powerful ramifications for community cohesion (Spoonley et al. 2005; Papillon 2002; Archer and Stevens 2017). Some researchers regard homeownership as a better proxy for the overall integration of economic migrants than employment, as purchasing a home requires longer-term economic success and confidence in being able to establish roots in the host country. It represents a strong symbol of permanency in a host country and of commitment to the community (Constant et al. 2009; Alba and Logan 1992).

Despite governmental recognition of the importance of decent and affordable housing, migrants frequently struggle to find suitable accommodation. A European Commission policy review found that economic migrants often face hardship and exclusion in both the public and private housing markets, with many immigrants living in underserved areas and in low-quality, overcrowded housing (Baptista and Marlier 2019; Fonseca et al. 2010). Studies have hypothesized that migrants reside in enclaves as they are discriminated against elsewhere or because enclaves initially reduce the need to learn the local language of the host country, which may come at the expense of broader integration (Chiswick and Miller 2005; Lazear 1999; Dill and Jirjahn 2014). Selective immigration policies, length of stay in a host country, and citizenship status all have a significant impact on homeownership rates among immigrants (Sinning 2010; Chandrasekhar 2004; Johnston et al. 2008). Even in the rental market, studies conducted in Germany, Italy, and Spain all found a high level of discrimination against migrants (Baldini and Federici 2011; Auspurg et al. 2017; Bosch et al. 2010).

The housing indicators in the *Migration and the Law* database depict the regulatory frameworks for economic migrants and refugees to assess three facets of housing access, as outlined in table 2. The scored indicators cover (1) the ability to reside anywhere in the host country free of restrictions; (2) the ability to rent property in the host country; and (3) the ability to purchase property. Conditions for accessing public housing and buying and renting property are also examined but not scored.

Table 2. *Migration and the Law*—Access to Housing Indicators

1. Place of Residency

- Does the law allow economic migrants (refugees) to reside anywhere in the host country without restrictions?

2. Buying Property in the Host Country

- Can economic migrants (refugees) buy property in the host country?

3. Renting Property in the Host Country

- Can economic migrants (refugees) rent property in the host country?

Economic Migrants

Data from the *Migration and the Law* database show that, overall, economic migrants can mostly reside in areas of their choosing, and largely rent and buy property though they are subjected to many conditions.

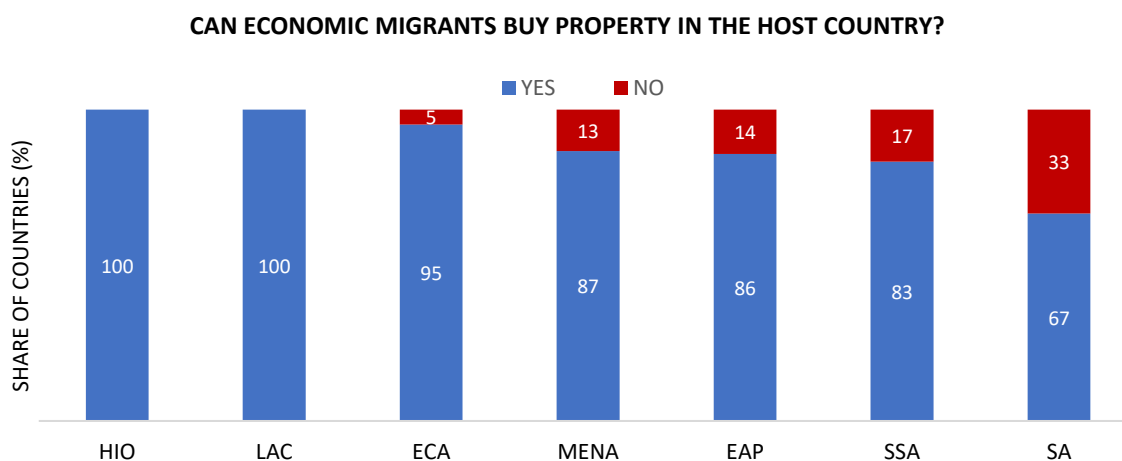
Freedom to Reside Anywhere in the Host Country

The vast majority of countries in the *Migration and the Law* database allow economic migrants to reside anywhere in the host country without restrictions, while others impose certain limitations. Survey respondents from the Persian Gulf states of Bahrain, Oman, and Saudi Arabia noted that low-wage migrant workers are usually accommodated in dormitories away from the local population, though their laws do not explicitly place restrictions on where the former can reside.^{20, 21} Qatar has a specific law that establishes “no-go” zones, making it illegal for employers to house groups of migrant workers in residential areas where families reside.²²

Buying Property

Generally, surveyed countries allow economic migrants to purchase property, albeit often with conditions (figures 9 and 10). All sampled high-income OECD countries and those in Latin America and the Caribbean allow property ownership, followed by 95 percent of sampled countries in Europe and Central Asia. South Asia is comparatively the most restrictive region, where one-third of sampled countries prohibit property ownership by economic migrants.²³

Figure 9. Countries in South Asia Are the Least Accommodating in Permitting Migrants to Purchase Property



Source: Based on data from the *Migration and the Law* database.

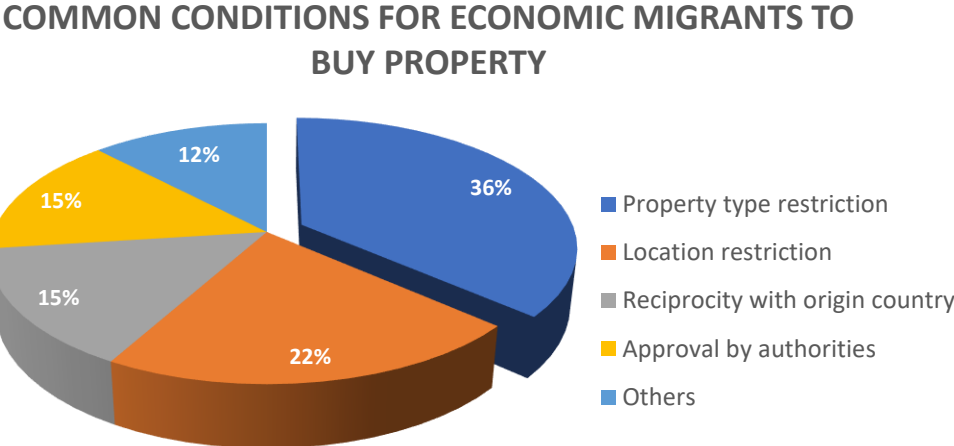
Note: EAP = East Asia and Pacific; ECA = Economic Commission for Africa; HIO = high-income countries of the Organisation for Economic Co-operation and Development; LAC = Latin America and the Caribbean; MENA = Middle East and North Africa; SA = South Asia; SSA = Sub-Saharan Africa.

The most salient legal barriers are related to the purchase of agricultural, forest, or rural land by foreigners (as seen in Argentina, Albania, Estonia, Hungary, the Kyrgyz Republic, Jordan, Lebanon, Montenegro, Tunisia, etc.). Lebanese laws allow foreigners to acquire up to 3,000 square meters of land, while in Jordan the total area of land may not exceed 10 acres. In Montenegro, migrants can purchase up to 5,000 square meters of agricultural land, but only if a residential building is located on that land. Under Argentinean laws, foreign nationals cannot acquire more than 15 percent of the total amount of rural land. Such policies are likely targeted at achieving a range of social, political, and economic objectives including national security, indirect immigration control, prevention of land speculation, control of the direction and amount of foreign investment, and control over food production.

In certain instances, when migrants are not legally entitled to purchase land, they can acquire a leasehold.²⁴ In Albania, foreigners are entitled to lease land for decades at a time and to transfer the lease to their children for the duration of the lease term. At the expiry of the lease, ownership reverts back to the landlord. Ghana, Indonesia, and Kenya have similar laws.

Another variation of a property-type restriction is when national laws and regulations specify the type and size of buildings or dwellings available to migrants. The Philippines limits foreign ownership of condominiums to no more than 40 percent of all units in a particular project,²⁵ whereas in Vietnam it is no more than 30 percent.²⁶ Some countries go even further by placing restrictions on the building level. For example, Cambodia allows economic migrants to buy units only above the ground floor, whereas in Sri Lanka they can buy only above the third floor. These restrictions are likely instituted to prevent foreigners from buying land outright. Finally, countries such as Australia and Egypt limit the size of the property that can be purchased by foreign nationals or the number of dwellings.

Figure 10. Economic Migrants often Face Restrictions on the Type of Property (land or building) They Can Purchase



Source: Based on data from the *Migration and the Law* database.
Note: The set of conditions are not meant to be exhaustive and are based on a textual analysis of responses from survey participants. *Property type restriction* = limitation on nature of property; *location restriction* = limitation on location of the property; *approval by authorities* = need for authorities to formally approve purchase; *reciprocity with origin country* =

reciprocity agreement needed between host country and country of origin; *minimum residency period* = migrant must have resided in the host country for a designated period of time; *leasehold only* = unit to be leased for a fixed term and upon expiry of the lease, reverts to the freeholder or landlord.

Aside from property-type restrictions, countries also limit areas where property can be purchased by foreigners (i.e., location restriction). Latin American and Caribbean countries such as Mexico, Brazil, and Honduras tend to limit migrants' ability to purchase property in the border regions, perhaps reflecting historical boundary disputes or national security issues. Chile limits the ability of migrants from neighboring countries to buy property at the border, while Haiti disallows migrants from owning buildings near its border with the Dominican Republic.

In the Balkans, it is common for countries to introduce reciprocity to their legal frameworks on property ownership. Serbia, Slovenia, and North Macedonia allow an economic migrant to purchase property only if their own nationals may do so in the migrant's country of origin. In Romania, private property can be acquired only under the terms of relevant international treaties, on a reciprocal basis, and through legal inheritance.²⁷

Other conditions specified for property purchase include attaining permanent residency, a minimum residency period, restrictions related to mandatory reporting or approval procedures, and forfeiting of legal protection from the origin country. In Poland, migrants must wait five years after the issuance of a permanent residence permit to buy property. Foreign nationals in India may purchase property if they have resided in the country for at least 182 days of the preceding financial year and indicate their intention to stay in the country for an indefinite basis. However, this legal entitlement remains unavailable to nationals of certain countries.²⁸ In Turkey, citizens of Syria, Armenia, the Democratic People's Republic of Korea, Cuba, and Nigeria are prevented from obtaining property, while nationals of Iraq and the Islamic Republic of Iran need to acquire special permission from the government.

Refugees

When refugees are legally recognized, they are granted a significant level of rights, often on par with those enjoyed by other migrants and citizens. Gaining refugee status typically affords the refugee a residency permit and identification document, which are needed to legally stay in public housing, to rent a unit, or to purchase property.²⁹

Refugees lacking credential documents issued by the host country are often unable to conclude a rental agreement. Most surveyed countries in the South Asia and East Asia and Pacific regions lack meaningful national refugee legislation, which renders local UNHCR offices the primary providers of documentation certifying refugee status and identity. Put another way, refugees are not explicitly permitted or forbidden from renting or buying property—there are simply no laws on the issue, leaving refugees in a legal limbo. They are often considered undocumented immigrants, and therefore technically cannot rent or buy property.

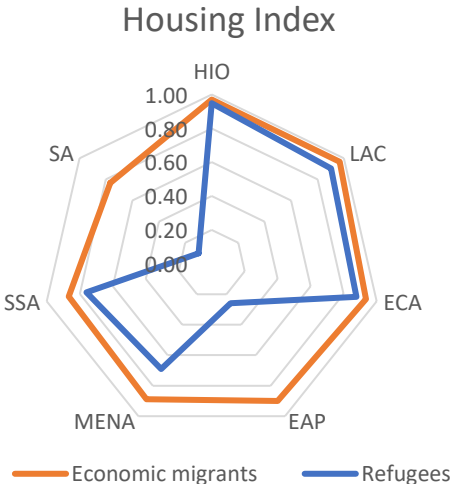
The *Migration and the Law* database reveals that laws that typically place conditions on foreign ownership of property in general make no distinction between economic migrants and refugees. Hence, new conditions or legal limitations specifically aimed at refugees have not been identified.

On the contrary, refugees are often exempt from certain prerequisites, especially the requirement of reciprocity. Countries tend to completely lift a reciprocity requirement for refugees who are, by definition, unprotected by their origin countries. In Iraq, foreigners cannot buy property unless there is a reciprocity agreement in place, but an exception is made for Palestinian refugees who are treated as Iraqi citizens in rights and duties for this purpose.^{30, 31} Likewise, Serbia’s Asylum Act prescribes that a person shall be exempted from possible reciprocity measures after three years of continuous residence in the country as a recognized refugee.³²

Comparative Analysis

Using a common set of countries included in the *Migration and the Law* database, a comparative analysis of composite housing scores for both economic migrants and refugees reveals that, worldwide, national legal frameworks largely allow economic migrants to rent or purchase accommodations, though in many cases migrants may be subject to onerous conditions. The picture for refugees is more mixed. While they enjoy housing rights almost on par with economic migrants in high-income OECD countries, Latin America and the Caribbean, and Europe and Central Asia, their housing rights are limited in other host regions of the world. The largest disparity in favor of economic migrants is observed in the East Asia and Pacific region, followed by South Asia (figure 11).

Figure 11. On Average, Surveyed Countries in All Regions Guarantee Economic Migrants Greater Rights to Housing than Refugees



Source: Based on data from the *Migration and the Law* database.
 Note: Scores (Yes = 1, Conditionally = 0.5, No = 0) are tentatively assigned to each of the three indicators for a common set of countries. EAP = East Asia and Pacific; ECA = Economic Commission for Africa; HIO = high-income countries of the Organisation for Economic Co-operation and Development; LAC = Latin America and the Caribbean; MENA = Middle East and North Africa; SA = South Asia; SSA = Sub-Saharan Africa.

4. Health Care

Legal regimes around the world vary significantly with respect to the rights of migrants to access both public and private health care plans. The 2015 MIPEX study of primarily EU countries finds that in almost all economies studied, entitlement to health care was conditional. Conditions largely related to duration of residency and having employer-paid insurance, though some exemptions were made for vulnerable groups (i.e., victims of trafficking), minors, and people with infectious diseases (MIPEX 2015). Laws limiting entitlement and access to health care would often lead migrants to rely on out-of-pocket payments, which substantially reduced their access to primary care (O'Donnell et al. 2016).

Examples of obstacles include financial constraints, unequal entitlements, lack of information about available health services, and even refusal of treatment due to migration status (Banfi and Boccagni 2012). A significant barrier to accessing health care under public programs is also the complex and time-consuming nature of the administrative process. Many migrants have difficulties obtaining all the necessary paperwork, including residence papers, work permits, and other forms of personal identification, and often receive no assistance in locating these (Stanciole et al. 2009).

The World Health Organization (WHO) released several reports in 2018 and 2019 based on a global call for contributions of evidence-based information, best practices, experiences, and lessons learned in addressing the health needs of refugees and migrants. The WHO's report for the European region found that most countries strive to align their national health policies and laws with international human rights law principles, though some governments appear to use restrictions on health care access as a tool of immigration control (WHO 2018a). Research focusing on East Asia and Pacific revealed that migrants have historically faced significant challenges in accessing public health systems (Amrith and Amrith 2016). According to the WHO's Western Pacific regional report (2018), only a few countries have introduced migrant-specific health-relevant laws and policies (e.g., Vietnam and the Philippines) (WHO 2018b). The WHO's regional study for the Americas found that most countries have legislation that allows migrants to access primary health care on par with citizens, a finding supported by the *Migration and the Law* database (WHO 2018c).³³ Despite the existing inclusive legal frameworks, income levels and economic conditions appear to be major obstacles to accessing health care in Latin America (IOM 2013).

Few studies have examined the association between integration policies and health outcomes. A 2014 study compared the health outcomes of migrants living in 14 European countries categorized as "multicultural," "assimilationist," and "exclusionist," based on their migrant integration policies. The researchers found that migrants in exclusionist host countries have worse health outcomes than migrants in multicultural and assimilationist states (Malmusi 2015). Another analysis of Eurostat data revealed that the health of non-EU citizens is negatively affected by living in countries with less robust integration policies (Giannoni et al. 2016).

With these considerations in mind, this section of the *Migration and the Law* summary report studies the processes by which countries' legal frameworks facilitate or in some cases hinder access to health services

for economic migrants and refugees. Specifically, the study investigates whether national laws entitle economic migrants and refugees to access health care services on an equal basis with citizens, as well as whether laws provide their families/dependents access to health care services (see table 5). In addition, various conditions under which economic migrants (and refugees) can be covered by the public health care system are also explored. Details on the classification of each indicator can be found in the methodology note in appendix B.

Table 3. *Migration and the Law*—Health Care Indicators

1. Access to Health Care Services

- Can an economic migrant (refugee) access health care services in the same way as citizens?

2. Family Member Access to Health Care Services

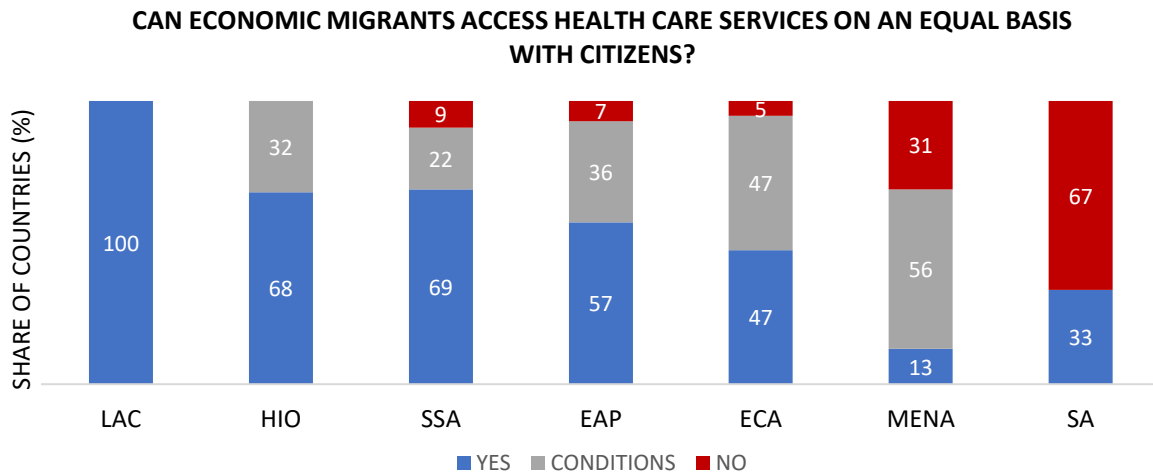
- Does the law allow an economic migrant’s (refugee’s) family members access to health care services on an equal basis with citizens?

Economic Migrants

Assessment of the current legal framework on health is one of the key steps to ensuring migrants’ successful integration into host societies. Among the regions, Latin America and the Caribbean is the most accommodating, as all the sampled countries grant economic migrants access to public health services on par with citizens (see figure 12). By embedding principles of equality and nondiscrimination into their national legislation, and upholding the right to health, Latin American and Caribbean countries have entitled everyone who meets general requirements to qualify for public health care protection. Argentina has extremely welcoming health care laws: the right to health and medical assistance is not denied or restricted to any foreigner in the country, irrespective of his/her migration status.³⁴ Yet, the realization of these rights remains questionable as legal entitlements are not always aligned with the *de facto* situation.

In the Middle East and North Africa region, laws and regulations often oblige employers to cover basic health insurance costs for migrant workers, while limiting public health insurance exclusively to citizens. In Kuwait and the emirates of Dubai and Abu Dhabi (United Arab Emirates), employers are required to pay for a health insurance policy that covers basic medical services.³⁵ Their noncompliance may result in fines or disciplinary actions.^{36, 37} Similarly, Bahrain’s legislation obliges employers to provide basic health care to migrant workers, including medical examinations, laboratory analyses and x-rays, and minor surgical operations.^{38, 39}

Figure 12. LAC Is the Most Accommodating, while SA and MENA Are the Most Restrictive for Health Care Access to Economic Migrants



Source: Based on data from the *Migration and the Law* database.

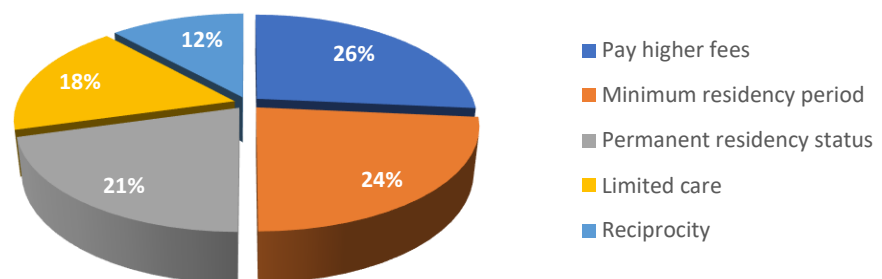
Note: EAP = East Asia and Pacific; ECA = Europe and Central Asia; HIO = high-income countries of the Organisation for Economic Co-operation and Development; LAC = Latin America and the Caribbean; MENA = Middle East and North Africa; SA = South Asia; SSA = Sub-Saharan Africa.

Conditions for Access to Health Care

Though notable variations exist in the administration and delivery of health care, most public health systems rely on collected revenues from earning-related contributions or general taxation.⁴⁰ Typically, only migrants who are employed and pay social security contributions/taxes or those who have attained a higher level of integration tend to qualify for government health benefits on par with citizens. Moving beyond making social security contributions, which are often applicable to both citizens and migrants alike, other obstacles include strict residency requirements, financial constraints, limited health care services, or reciprocity requirements (figure 13).

Figure 13. Eligibility to Health Care Access Mostly Related to Residency Status

COMMON CONDITIONS FOR ECONOMIC MIGRANTS TO BE COVERED BY THE PUBLIC HEALTH CARE SYSTEM



Source: Based on data from the *Migration and the Law* database.

Note: Public health care eligibility is usually dependent on the legal status of a migrant. As the *Migration and the Law* study presumes that economic migrants already hold a residency permit in a host country, this specific requirement has not been addressed. The set of conditions is not meant to be exhaustive and is based on a textual analysis of responses from survey participants.

Residency. In most developed countries, legal impediments to health care access are mostly related to residency status and fulfilling a minimum period of residency in a host country. The *Migration and the Law* database reveals that a permanent residency requirement is characteristic of European economies (e.g., Croatia, Bulgaria, the Czech Republic), where a person first needs to attain a higher level of integration by obtaining permanent residence status in order to claim government benefits on par with citizens.^{41, 42} A few non-European countries, such as the United States and Singapore, also impose permanent residency restrictions. The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 limits eligibility for Medicaid (a public program) to US citizens and “qualified aliens”—lawful permanent residents and humanitarian immigrants.⁴³

Higher costs. Migrants’ access to public health care programs is often associated with higher costs. In Qatar, migrants who want to obtain a medical card that grants access to the public health system are required to pay a slightly higher fee than nationals of the Gulf Cooperation Council (GCC) countries.^{44, 45} Under Bahrain’s national laws, employers are obliged to pay the Ministry of Health a fee of BD 72 (\$191) a year for every non-Bahraini worker they hire, which is much higher than the BD 22.5 (\$60) paid for every Bahraini worker.⁴⁶ The Malaysian government’s legislation⁴⁷ establishes significantly higher medical fees for foreign persons (including economic migrants) than citizens.⁴⁸

Limited care (primary or emergency care access). Access to health care for economic migrants can be restricted to emergency life-saving care or infectious disease prevention services. For example, migrants in Kazakhstan may receive free medical care for only acute and communicable diseases, a list of which is determined and updated by a regulatory health authority, unless otherwise specified in international treaties ratified by the Republic of Kazakhstan.⁴⁹ Morocco provides free primary care for everyone including foreigners, as well as vaccinations, ambulatory consultations, and maternity care. However, costs for further medical analyses or treatments, such as prescriptions or x-rays, are covered only in certain cases.

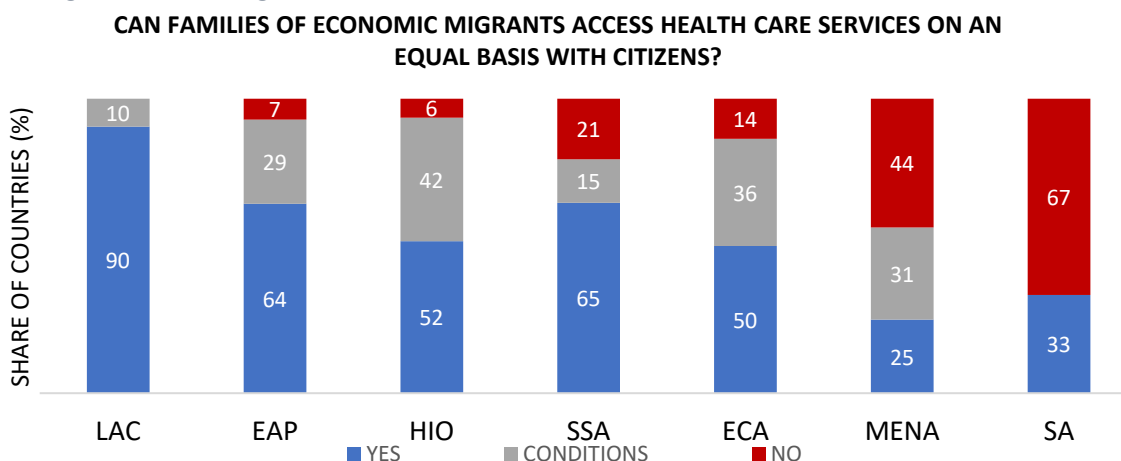
Reciprocity. Economic migrants’ access to health care may depend on reciprocity agreements between host and origin countries. As a general rule, nationals of a sending country that has a bilateral health care agreement with the host country will be able to obtain medical care within the scope specified in the agreement. In Australia, Egypt, and Kazakhstan, foreigners may access public health care schemes only if the host country has a bilateral agreement with their country of origin.⁵⁰ These types of agreements generally follow the principle of reciprocity, but their material scope and coverage may vary significantly. The EU health care framework represents one of the most comprehensive systems based on reciprocity. The arrangement between participating countries entitles all migrants with the European Health Insurance Card to automatically access state-provided health care in any participating country.⁵¹

Family access to health care

The *Migration and the Law* database also inquires whether economic migrants' family members have access to health care services on an equal basis with citizens. The database reveals that most countries extend health care entitlements of the principal migrant to his/her family members. If an economic migrant is under a labor agreement and makes contributions to the social security system, or simply enjoys access to the health care system as a legal resident of the host country, then his/her family members are also covered by the national health system (as seen, for example, in Colombia, Croatia, Panama, and Thailand).

Only two regions—the Middle East and North Africa, and South Asia—deviate from this general rule (see figure 14). Across the former region, migrant families' access to public health care systems is usually constrained or depends upon various conditions. Gender is a consideration under Iranian health care law—if the father of a migrant family has social security, his family may also benefit from it, but this is not the case for mothers.

Figure 14. The Middle East and North Africa and South Asia Are the Most Restrictive Regions in Granting Families of Migrants Access to Health Care



Source: Based on data from the *Migration and the Law* database.

Note: EAP = East Asia and Pacific; ECA = Europe and Central Asia; HIO = high-income countries of the Organisation for Economic Co-operation and Development; LAC = Latin America and the Caribbean; MENA = Middle East and North Africa; SA = South Asia; SSA = Sub-Saharan Africa.

Refugees

The *Migration and the Law* database shows that, compared with economic migrants, refugees face far fewer legal restrictions on health care access, mostly due to the fact that they are automatically recognized as a vulnerable group with special legal entitlements.

Unlike economic migrants, refugees may qualify for public health care programs based solely on their unique immigration status. As beneficiaries of international protection, refugees in Greece enjoy free access to the public health care system, even if they are not registered with a relevant social security

institution.⁵² In Portugal, asylum seekers and refugees are exempt from any fees when accessing the national health system.⁵³ Spanish law provides full access to the public health care system for all asylum seekers and refugees on par with citizens and documented third-country nationals.⁵⁴ In Bosnia and Herzegovina, the Ministry for Human Rights and Refugees is legally required to pay health insurance contributions on behalf of refugees if they are not already insured on some other grounds.⁵⁵ In the United States, as soon as refugees obtain legal status, they can join government-run health programs, such as Medicaid and the Children’s Health Insurance Program.

On the other hand, as mentioned earlier, many economies in South Asia, East Asia and Pacific, and the Middle East and North Africa have no comprehensive national legal framework for refugees. Consequently, governments treat refugees as economic migrants or even “illegal immigrants.” By blurring the line between different categories of migrants, refugees are often prevented from obtaining proper legal and health protection in these countries. However, the lack of domestic refugee legislation does not always mean a complete absence of legal protection. The Supreme Court of India has held that the fundamental rights enshrined in the Indian Constitution apply equally to refugees on the Indian soil (Ananthachari 2001). The state’s legal responsibility to protect the health of recognized refugees was confirmed through several court judgments.

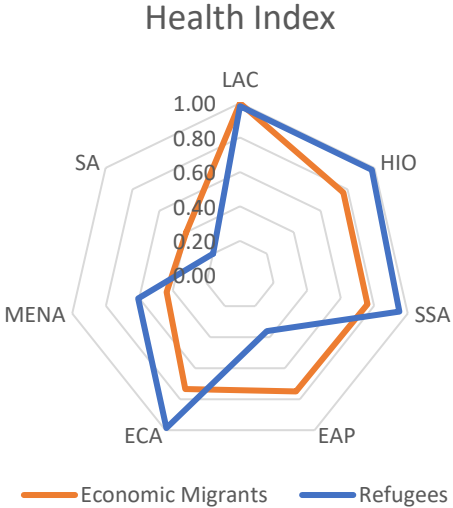
Though countries may have laws that ensure the right of refugees to health care (either through local law or the codification of international law into national statutes), in practice, people seeking protection are often stranded in overcrowded camps, detention or reception areas, or throughout urban centers where they are unable to fully access their rights to health care. The inability to access care can stem from overstretched services, neglect, or outright denial. Refugees’ acute and immediate health needs are often addressed by UNHCR or other humanitarian organizations, and not by host governments, particularly in states where policy and legal environments lack inclusivity (Matlin et al. 2018).

Comparative Analysis

A robust national legal framework is a necessary, though not sufficient, condition for migrants and refugees to integrate into national health care systems. Migrants’ and refugees’ access to health services also largely depends on each country’s wider health care framework and the availability of affordable health care.

The *Migration and the Law* database shows that for a common set of countries, legal provision for health care services is relatively more favorable for refugees relative to economic migrants in Europe and Central Asia, Sub-Saharan Africa, the Middle East and North Africa, and high-income OECD countries (figure 15). On the other hand, economic migrants enjoy relatively more favorable treatment in the East Asia and Pacific and South Asia regions, where refugees are more likely not to have legal status. The region with the smallest discrepancy in health care access between refugees and migrants is Latin America and the Caribbean, where in most countries both groups enjoy access to health care on par with citizens.

Figure 15. Most Regions Are More Open to Integrating Refugees into the Public Health Care System than Economic Migrants, except for East Asia and Pacific and South Asia



Source: Based on data from the *Migration and the Law* database.
 Note: Scores (Yes = 1, Conditionally = 0.5, No = 0) are tentatively applied to each of the two health indicators for a common set of countries. EAP = East Asia and Pacific; ECA = Europe and Central Asia; HIO = high-income countries of the Organisation for Economic Co-operation and Development; LAC = Latin America and the Caribbean; MENA = Middle East and North Africa; SA = South Asia; SSA = Sub-Saharan Africa.

5. Political Integration

A host country's willingness to allow migrants to become permanent residents and naturalized citizens involves critical questions of who belongs in a society (Evans 1988).⁵⁶ The public declaration of commitment to a host country implied by gaining permanent status or citizenship enhances migrants' sense of belonging and shared identity and can positively influence their integration and overall social cohesion (Zapata-Barrero et al. 2013; Enchautegui and Giannarelli 2015; Mazzolari 2009).⁵⁷

Naturalization—the means by which immigrants gain citizenship and often the right to vote—can be viewed as a final step on a migrant's path to political integration. When immigrants are engaged in their host country's political system, they can make their voices heard and laws that encourage quicker naturalization processes have been found to encourage migrants to get involved in politics (Bloemraad 2000; Marwah and Triadafilopoulos 2009). Moreover, acquiring citizenship places immigrants in a position to enjoy additional rights and opportunities, particularly economic gains accruing through the labor market (OECD 2011; Steinhardt 2011; Enchautegui and Giannarelli 2015).

Existing literature shows that political integration can foster financial and intrinsic benefits for migrants, their families, and the economy of the host country (Shierholz 2010). Whereas temporary migration can lead to more frequent employee turnover and associated higher costs, employers have greater incentive to invest in training for naturalized and permanent status workers, whom they anticipate will stay in their employment longer (Amin and Mattoo 2005). Consequently, if migrants have longer-term work authorization, employers can invest in increasing productivity and migrant families can benefit from increases in their income, purchasing power, and consumption—which in turn benefits the wider host economy (Pastor and Scoggins 2012; Gathmann and Keller 2014).

A body of research has emerged on the topic of citizenship laws and migrant integration policies, primarily focusing on European and OECD countries. The Civic Integration Policy Index (CIVIX), a study focused on recent developments in European integration policies (until 2012), suggests that civic integration programs, courses, and tests often act as selection mechanisms, aimed at attracting and retaining only certain categories of migrants (mostly high-skilled workers) (Goodman and Wright 2015). The 2015 Migrant Integration Policy Index study echoes these findings by pointing out that the tests and language aspect of the naturalization process can be too onerous, costly, and unreachable for many migrants (MIPEX 2015). As part of the Access to Citizenship and its Impact on Immigrant Integration Project, citizenship law indicators have been created in an effort to analyze general features of citizenship laws across Europe (Bauböck et al. 2010). It has been discovered that, despite inclusive laws, vague and discretionary administrative procedures hinder the naturalization process. Finally, the Indicators for Citizenship Rights of Immigrants examine the evolution of citizenship rights across 10 European countries until 2011. Based on the obtained results, a few European countries have moved toward more restrictive policies, especially when it comes to nationality acquisition through family ties (Koopmans et al. 2012).

The political integration indicators in the *Migration and the Law* database explore the regulatory frameworks surrounding economic migrants' and refugees' right to participate in a host country's political system (see table 4). The indicators address whether (1) migrants or refugees can become permanent residents, (2) migrants or refugees can become citizens, and (3) (only) economic migrants have the right to vote. The database also probes the conditions that migrants must meet to access these rights. Details on the classification of each indicator can be found in the methodology note in appendix B.

Table 4. Migration and the Law—Political Integration Indicators

Political Integration Indicators

- Can economic migrants/refugees become permanent residents?
- Do economic migrants/refugees have a path to citizenship?

Economic Migrants

Permanent Residency

The political integration indicator in the *Migration and the Law* database explored the regulatory frameworks surrounding economic migrants' right to become permanent members of host societies. The statutory requirement related to minimum length of continuous residency varies among surveyed economies, but is generally three to ten years. In Latin America and the Caribbean, the time frame ranges from 21 months of continuous residency in Ecuador to five years in Colombia.

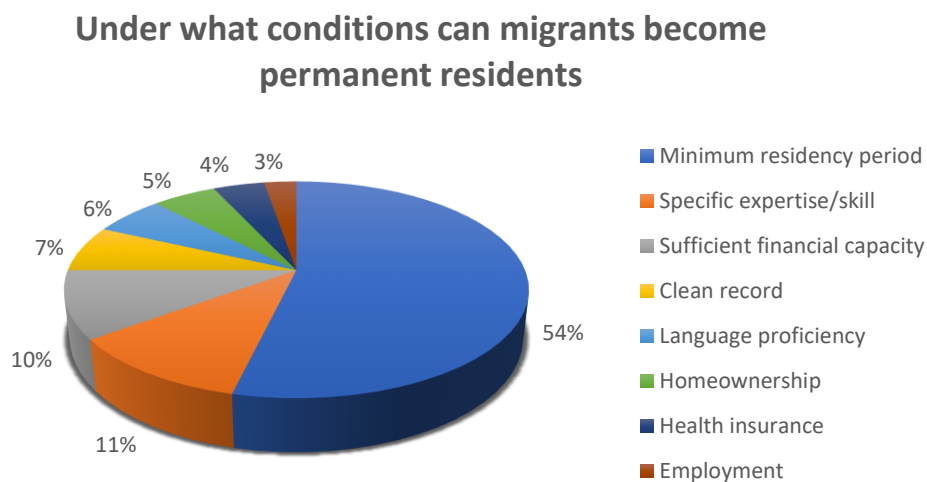
In principle, access to permanent residency depends on migrants' personal characteristics and whether they are able to make a productive contribution to the host country by being financially self-sufficient or having a specific skill set, expertise, good moral character, clean criminal record, and so on (figure 16). Such a complex set of legal requirements may directly or indirectly give priority to high-paid and financially stable individuals over low-paid migrant workers.

In certain cases, national laws focus exclusively on integration of high-skilled migrants, thereby preventing blue-collar, manual, and domestic workers from obtaining more permanent status. This especially applies to the East Asia and Pacific region, where economies, such as Singapore; Hong Kong SAR, China; and Taiwan, China, draw a strict dividing line between merely temporary migrants and those who are eligible to apply for a more permanent status (usually high-skilled foreign professionals).

Sufficient and stable source of income and homeownership (or having enough living space) are often perceived as crucial preconditions to permanent integration in Europe and Central Asia. In Kazakhstan, migrants are obliged to submit proof of having enough funds to purchase a home, with at least 15 square meters per family member in the locality where the applicant intends to reside.⁵⁸ Under Romanian and Armenian laws, migrants must present evidence of sufficient funds and of a place of residence in order to obtain the status of permanent residents. In Croatia, Albania, Cyprus, and Romania, potential applicants

must demonstrate possession of valid health insurance, thereby proving they do not represent a potential burden on the national health care systems.

Figure 16. Duration of Stay Is the Most Common Requirement for Economic Migrants to Obtain Permanent Residency

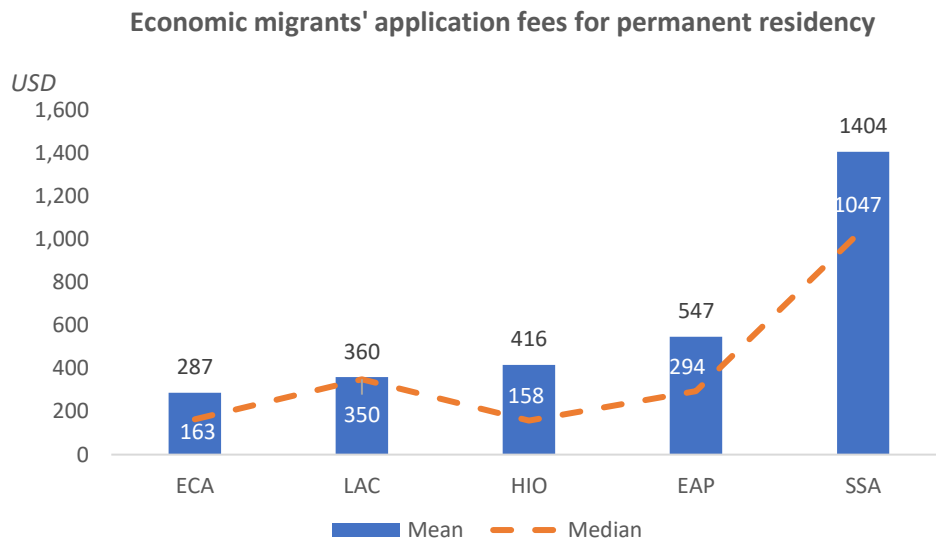


Source: Based on data from the *Migration and the Law* database.

Note: The set of conditions listed is not meant to be exhaustive or mutually exclusive and is based on specific survey queries about residency duration and skills requirements, in addition to those derived from a textual analysis of “other conditions” provided by survey respondents. Legal requirements related to acquisition of permanent residency through marriage, family ties, or investor schemes have not been depicted as they constitute separate avenues for acquiring permanent residency.

In addition to mandating conditions, most countries charge fees for permanent residency applications, and there is substantial variability among sampled countries in the database, ranging from approximately \$3.60 in the Kyrgyz Republic to several hundreds of dollars in many other countries, with rates noticeably higher in Sub-Saharan Africa (figure 17).⁵⁹ Kenya has one of the highest application fees for permanent residency—K Sh 510,000 or almost \$5,000. It is an outlier when compared to its neighbors in the Sub-Saharan region, where the median rate is around \$1,040—which is still over three times the median fee charged in sampled countries in Latin America and the Caribbean, the region with the second-highest fees. Some countries impose different fees depending on the migrant’s country of origin. For example, Argentina charges MERCOSUR citizens approximately \$40 and non-MERCOSUR citizens twice as much. Australia charges different fees for different visa categories. Fees range from approximately \$285 for *skilled regional subclass 887* to more than \$1,000 for other categories. The South Asia and Middle East and North Africa regions have been excluded, as bureaucratic procedures regarding acquisition of permanent residency in these two regions are quite unclear and often arbitrarily applied.⁶⁰

Figure 17. Average Application Fees for Permanent Residency Are Highest in Sub-Saharan Africa



Source: Based on data from the *Migration and the Law* database.

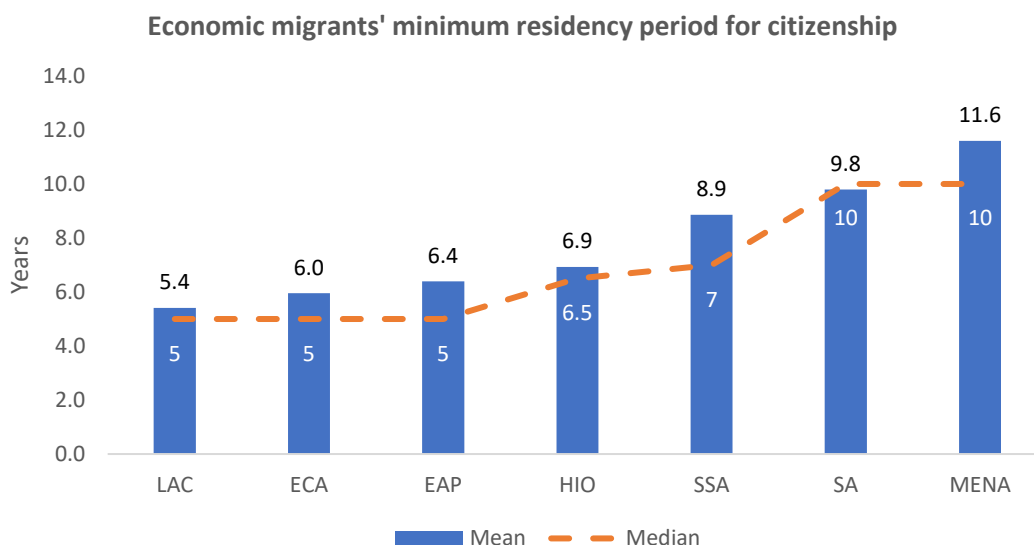
Note: EAP = East Asia and Pacific; ECA = Europe and Central Asia; HIO = high-income countries of the Organisation for Economic Co-operation and Development; LAC = Latin America and the Caribbean; SSA = Sub-Saharan Africa.

Citizenship

Three legal principles govern the acquisition of citizenship in most countries: *jus sanguinis* (citizenship determined by the nationality of parents), *jus soli* (citizenship automatically conferred to all persons born in the country), and *naturalization* (acquisition of citizenship after meeting certain legal requirements). Acknowledging the multifaceted nature of the naturalization process, the *Migration and the Law* project identifies several naturalization avenues (through family ties; investment; or ethno-cultural, political, or historical connections with a host country) but focuses mostly on ordinary, residence-based naturalization.

Notably, none of the surveyed countries in the *Migration and the Law* database explicitly prevent migrants from becoming citizens, though they greatly limit the ability of migrants to acquire citizenship (or in some cases make it virtually impossible) through imposing strict conditions and requirements.⁶¹ Citizenship may be perceived as unattainable in the six Gulf Cooperation Council countries because of restrictive conditions. For instance, to acquire Kuwaiti nationality, a foreigner must have resided in Kuwait for at least 20 successive years (or 15 successive years if he is an Arab from an Arab country); have a (legal) means of living, be of good conduct, and never have been condemned in a “crime breaching honor or honesty”; know the Arabic language; be self-sufficient or provide services needed by the country; and be Muslim by birth or embrace Islam.

Figure 18. The Middle East and North Africa Has the Longest Residency Period to Meet Citizenship Requirements



Source: Based on data from the *Migration and the Law* database.

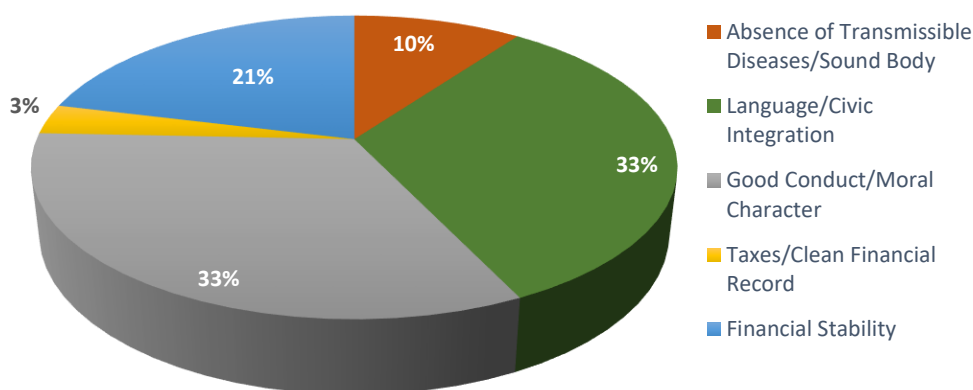
Note: EAP = East Asia and Pacific; ECA = Europe and Central Asia; HIO = high-income countries of the Organisation for Economic Co-operation and Development; LAC = Latin America and the Caribbean; MENA = Middle East and North Africa; SA = South Asia; SSA = Sub-Saharan Africa.

Regionwide analysis depicts the longest average minimum residency length in the Middle East and North Africa region (11.6 years), mostly attributed to the GCC countries, where citizenship is extremely difficult to obtain and immigrants are expected to wait for an extended time period (approximately 20 years) (figure 18). The average minimum length of residency in Latin American and Caribbean countries, on the other hand, is less than half of that of the Middle East and North Africa. However, the regional average in the Latin America and the Caribbean region hides disparities among the various countries. For example, migrants in Peru need to reside in the country for only two years to apply for citizenship, while in Venezuela they must be domiciled in the country for at least 10 years.

As in many other regions, in Latin America and Caribbean, the minimum number of years required for citizenship depends on the economic migrant's nationality. In Costa Rica, foreign nationals from Central America, Spain, or Latin American countries (that were former Spanish or Portuguese colonies) must wait for a minimum of five years before applying for citizenship, whereas for migrants of all other nationalities it is a minimum of seven years. Similarly, in Venezuela economic migrants must continuously live in the country for at least 10 years immediately preceding the naturalization request, but if they are from Spain, Portugal, Italy, Latin America, or the Caribbean, the minimum period of residence is only five years.⁶²

Figure 19. Common Conditions to Gain Citizenship Include Language and Cultural/Civic Proficiency and Being a Permanent Resident

Under what conditions can migrants become citizens?



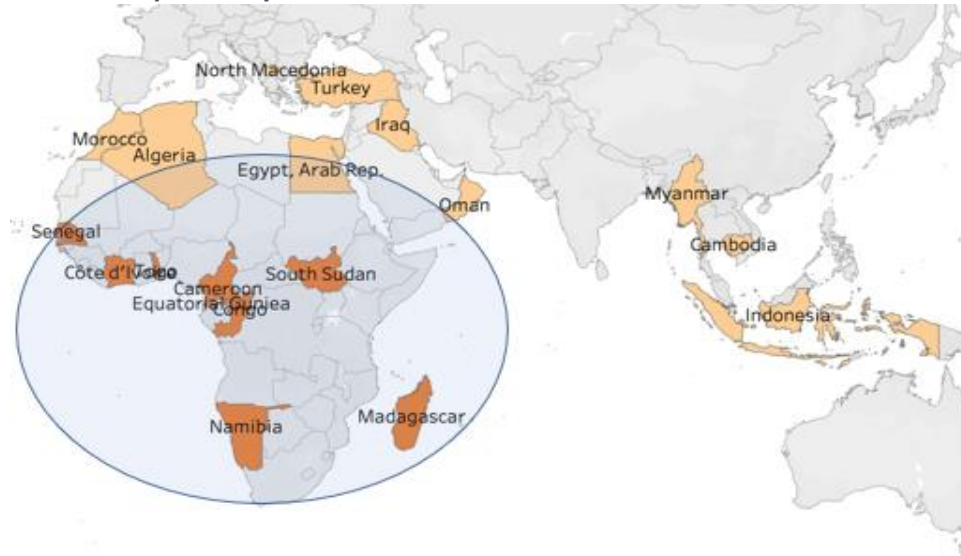
Source: Based on the *Migration and the Law* database. The shares are derived from the sum of frequency of each stated condition across all sampled countries.

Note: The set of conditions are not meant to be exhaustive and are based on specific survey queries about language proficiency, cultural/civic proficiency, and being a permanent resident, in addition to those derived from a textual analysis of “other conditions” provided by survey respondents.

Legal analysis of *Migration and the Law* data revealed that eligibility for citizenship depends mostly on migrants’ ability to prove that they are successfully integrated into the receiving societies—for example, by having a certain level of proficiency in the local language, by demonstrating cultural or civic proficiency, and by proving their financial stability (see figure 19).⁶³ In Latin America and the Caribbean, Europe and Central Asia, East Asia and Pacific, and high-income OECD regions, integration and financial stability seem to be more relevant than years of residency. Once again, though such eligibility requirements may seem like objective and unbiased indicators of positive incorporation into the host society, they could signal a preference for naturalization of highly skilled, highly educated, and highly paid individuals.

In light of the ongoing COVID-19 pandemic, one specific naturalization requirement has attracted interest: absence of contagious diseases and good health among potential applicants. Survey respondents from 15 different countries, located mostly in Sub-Saharan Africa,⁶⁴ noted that national citizenship laws impose a requirement of proving good physical health, which usually includes the absence of contagious diseases (figure 20). The laws of Cambodia, the Republic of Congo, Senegal, and Madagascar specifically exclude people with diseases that constitute a danger to public health or a burden to society. Cameroon excludes people who have not been found to be of sound body and mind.

Figure 20. Migrants Have to Demonstrate Good Physical Health and Absence of Contagious Diseases to Obtain Citizenship in Many Countries



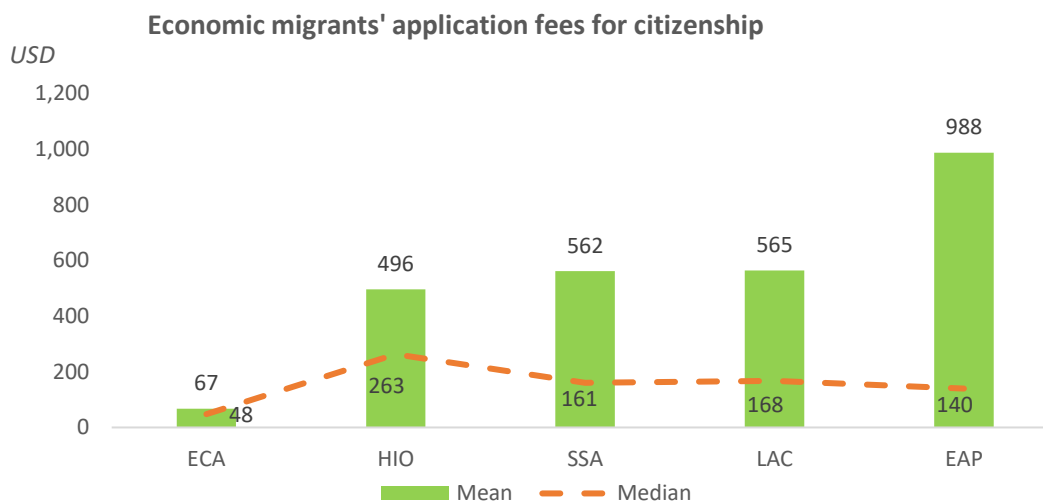
Source: *Migration and the Law* database.

Note: Shaded countries are those that impose a health requirement for naturalization, mostly in the Sub-Saharan Africa, East Asia and Pacific, and Middle East and North Africa regions.

Legislation designed to prevent naturalization of migrants with certain medical conditions is likely to hamper a country's compliance with its international human rights obligations. In addition, such naturalization policies could have a disproportionately negative effect on permanent integration of low-paid migrants (and refugees), who are at higher risk of being exposed to contagious diseases in host countries due to their poor living and dangerous working conditions.

The *Migration and the Law* database further finds that there is substantial variability in citizenship application fees among sampled countries, ranging from approximately \$2 in Armenia to hundreds of dollars in many other countries (figure 21).⁶⁵ While average fees for citizenship applications are the highest in the East Asia and Pacific region, this is influenced by Indonesia, which is an outlier at Rp 5 million (or about \$3,726) in the entire database. To avoid the outsized influence of outliers, the use of median fees indicates that citizenship costs of \$263 in sampled high-income OECD countries are higher than those in other regions.

Figure 21. Application Fees for Citizenship Are Highest in East Asia and Pacific



Source: Based on data from the *Migration and the Law* database.

Note: EAP = East Asia and Pacific; ECA = Europe and Central Asia; HIO = high-income countries of the Organisation for Economic Co-operation and Development; LAC = Latin America and the Caribbean; SSA = Sub-Saharan Africa.

Refugees

Permanent Residency

With respect to refugees, permanent residency is understood by UNCHR as “the right, granted by the authorities of a host country, to a non-national, to live and work in that country on a permanent (unlimited or indefinite) basis.” While receiving asylum does not guarantee that a refugee will get permanent residency status, the *Migration and the Law* database shows that these two concepts are often closely connected.

In several countries, refugees are immediately eligible for permanent residency, though the process of issuing permits varies across countries. For example, in Latvia, Azerbaijan, Albania, and Armenia, refugees automatically get permanent resident status upon receiving a positive decision on their asylum request, while in Canada they must submit a separate request to start the permanent residency application process. In Australia, refugees accepted offshore through the UNHCR resettlement programs are instantly entitled to permanent residency. In Bulgaria, a person who has been granted refugee status is de jure treated as a permanent resident. Though the law equalizes refugees with permanent residents, it does not explicitly grant permanent residency to refugees. Hence, in a case of final cancellation or cessation of refugee recognition, refugees may lose the right to reside in the country.

In other countries, refugee and permanent residency status are mutually exclusive. For example, in the United States, refugees need to reside in the country for one year before they apply to become permanent residents—upon successfully getting lawful permanent residency status, they are no longer deemed

“refugees.” Similarly, once a refugee has been granted permanent residence in Montenegro, his/her refugee status immediately terminates.

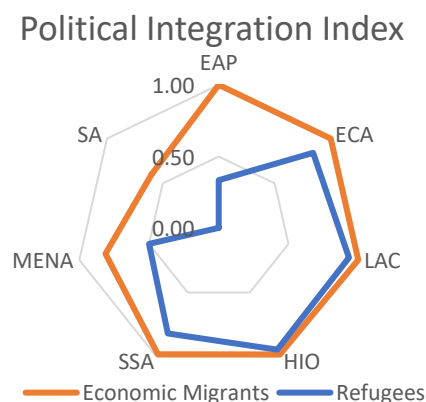
Naturalization

In most countries, naturalization acts refer to foreigners in general, making no specific reference to refugees. However, if and when a naturalization law specifically mentions refugees, it is mostly in the context of lifting or easing general legal requirements. In Finland, refugees are obliged to reside four years in the country prior to applying for citizenship while economic migrants need to be domiciled for five years without interruption. A refugee in the United States can count all the years spent in the country toward the required five years of permanent residence for naturalization eligibility purposes. France goes a step further by allowing refugees to naturalize without meeting the requirement of a probationary period. Spanish national laws make a clear distinction between persons who have been granted refugee status and those with *subsidiary protection*.⁶⁶ Namely, laws impose a 10-year legal residency requirement for receivers of subsidiary protection while refugees need to wait only five years.

Comparative Analysis

Comparing the political integration indices for economic migrants and refugees for a common pool of countries reveals similar regional patterns—regions that are accommodating to migrants seeking citizenship are also open to refugees, with the exception of the East Asia and Pacific, South Asia, and Middle East and North Africa regions (figure 22). This may be explained by the fact that many host states view refugeehood as a temporary situation, the length of which is contingent on the security situation in the refugee’s home country. Some countries require that refugees leave upon the cessation of the conditions that led to their displacement. If a state believes refugees are only in their territory temporarily for protection, there is little incentive to grant them more permanent status. Besides, many countries are found to have a lack of legal protection for refugees, categorizing the whole group as “illegal immigrants.”

Figure 22. All Regions Have Legal Frameworks Most Amenable to Economic Migrants for Granting Permanent Residency and Citizenship



Source: Based on data from the *Migration and the Law* database.

Note: Scores (Yes = 1, Conditionally = 0.5, No = 0) are tentatively applied to two political integration indicators for a common set of 107 countries. EAP = East Asia and Pacific; ECA = Europe and Central Asia; HIO = high-income countries of the Organisation for Economic Co-operation and Development; LAC = Latin America and the Caribbean; MENA = Middle East and North Africa; SA = South Asia; SSA = Sub-Saharan Africa.

6. Migration and the Law: Some Findings in the Light of the COVID-19 Crisis

As countries across the globe have enforced mass closures and strict movement restrictions to fight the spread of COVID-19 since early 2020, unrestricted access to job opportunities, health care, housing, and essential public services has become vital for all persons, migrants included. In extraordinary circumstances, such as the ongoing COVID-19 pandemic, examining whether and to what extent migrant workers and refugees enjoy legal protection in host communities becomes even more important. A systematic review of national laws and regulations may help policy makers to easily identify unsuitable policies and act in a speedy manner to ensure the health, safety, and prosperity of the whole community.

Many host countries have introduced on a temporary basis new policies or relaxed existing legal requirements related to labor market access and enjoyment of basic public services (see table 5). Most of the newly introduced measures target foreigners in general, or migrant workers in particular. Though it seems that asylum seekers and refugees rely mostly on the help of UN agencies and civil societies, some governments have explicitly included these two groups in their COVID-19 pandemic responses.

Table 5. Selection of Immigration-Related Policy Responses to COVID-19

Migration and the Law Identified Legal Obstacles	Selected Policy Responses to the COVID-19 Crisis
<p>Economic Opportunities Vocational/academic recognition of foreign diplomas is usually contingent upon completion of a domestic qualification procedure. Particular professions are subject to more extensive licensing regulations (e.g., medicine, law).</p> <p>Work visas are typically time limited and tied to a specific work contract, compelling migrants to leave the country after losing a job or rendering them ineligible for unemployment benefits.</p>	<ul style="list-style-type: none"> • The European Union issued guidance to help Member States speed up the recognition of health workers' professional qualifications. Germany, Spain, and Luxembourg have relaxed/lifted certain qualification recognition requirements. • During the COVID-19 crisis, the Chilean National Health Service has been authorized to hire foreign health workers who lack recognized qualifications. • The United Kingdom authorized a year-long extension of work visas for frontline migrant health care workers. • New Zealand lifted constraints to allow lower-skilled temporary health care workers to work in the country for an additional 12 months. • The United States introduced temporary policy changes amending certain requirements for H-1B foreign medical graduates and H-2A temporary agricultural workers. • France, Poland, and Italy extended the validity of residence/work permits for migrant workers, thereby preserving their social security benefits. • The Ministry of Administrative Development, Labor and Social Affairs of Qatar decided that all employees, including migrant workers, who are quarantined, or undergoing COVID-19–related treatment, will receive full salaries. • The Polish government initiated the solidarity allowance for all workers, including migrants, whose contracts were terminated after March 15, 2020.

Housing

National laws may prevent economic migrants from residing in a certain location or limit their place of residency within areas specified in their work/residence permits. Migrants often face restricted lease duration, or they need to gain local authorities' approval.

Common conditions on migrants attempting to buy a property include property type restriction, size/location limitations, and gaining approval from local authorities.

- Qatar issued the Ministerial Decision No. 105, 2020, prohibiting housing over five migrant workers within a family residential area, as part of government measures to prevent the spread of the coronavirus.
- As a response to the ongoing COVID-19 crisis, the Indian government obliged states to provide adequate accommodation for all migrants and issued an order stipulating that landlords cannot demand rent from migrant workers for the duration of one month.
- In Australia, amid the COVID-19 pandemic, the monetary screening threshold for foreign property acquisition has been reduced to \$0.
- The Malaysian state of Penang reduced the minimum price threshold for foreign home buyers to up to 40 percent due to the COVID-19 crisis.

Health

Access to public health care for economic migrants is often subject to strict residency requirements and higher fees; or limited in scope and focused exclusively on the prevention of infectious disease.

- In Portugal, all immigrants with pending residence applications have been given access to the public health care system until July 1, 2020.
- The Malaysian government exempted foreign workers from registration, examination, treatment, and hospitalization fees related to the treatment of COVID-19.
- Kazakhstan included “all public health emergencies of international significance” in the list of diseases for which migrants are entitled to receive free medical care.
- Many countries, such as the United Kingdom, Saudi Arabia, Ecuador, and the Republic of Korea, guarantee free COVID-19 medical care for all migrants, often regardless of their immigration/residency status.
- Colombia ensured that Venezuelans have access to testing and treatments related to COVID-19.

Political Integration

Access to permanent residency and citizenship often centers on the integration of high-skilled migrants and depends on whether migrants are able to make a productive contribution to the host country.

- The Portuguese government declared that all immigrants with pending residence applications will be treated as permanent residents by July 1, 2020.
- The Emirate of Dubai has granted 10-year golden visas to 212 doctors as a token of appreciation for their efforts in the fight against COVID-19.
- The United Kingdom announced plans to grant permanent residence to family members of medical staff who passed away after contracting COVID-19.

7. Conclusion

The *Migration and the Law* project is a large-scale pilot study meant to allow for a comparative understanding of different integration policy responses in both developed and developing countries, covering both economic migrants and refugees. Overall, it has been found that legal frameworks in the high-income OECD, Latin America and the Caribbean, Europe and Central Asia, and Sub-Saharan Africa regions enable migrants' and refugees' integration, while countries of South Asia, East Asia and Pacific, and Middle East and North Africa lag behind in the protection of both groups.

By highlighting the most common legal obstacles in the integration process, the *Migration and the Law* database enables policy makers to identify existing legal gaps in the protection of economic migrants and refugees. In addition, the database could be used as a benchmarking tool for discovering policy shifts in migration management with future efforts to produce indicators with similar coverage.

Despite this stated ambition, there are limitations to the approach used in this project. We rely on legal experts' judgement from survey respondents while pursuing additional legal research when conflicting responses were received from multiple survey respondents on a question/topic. Critically, while de facto laws are covered in this report, it does not address the extent to which laws are observed or implemented in practice. Such an exercise would also require data on comparable outcomes that differentiate citizens, economic migrants, and refugees—data that are currently lacking on a global basis. Another important caveat is that most laws are often written in a gender-neutral manner, but can be applied in a discriminatory manner in practice.

Finally, this study is based on integration policies as written in formal laws and regulations as of December 2016. Considering that immigration legal acts and policies are being frequently modified depending on the exigencies of the political landscape, this study and database would benefit from regular updates in order to remain relevant in its conclusions and to map the evolution of national immigration legal frameworks over time.

Notwithstanding these limitations, the analysis done using the *Migration and the Law* database alludes to several policy goals that host countries could consider to better facilitate integration, which are categorized by the dimensions investigated in this study (table 6).

Table 6. Recommended Policy Goals for Host Countries

<p>Economic opportunities</p>	<ul style="list-style-type: none"> • Align national legal frameworks with international human rights principles and international labor standards. • Harmonize migration policies on a regional level and develop mechanisms to encourage regular labor mobility. • Lower restrictions on migrants’ ability to access and navigate the labor market, thereby fostering safe and regular labor migration channels and reducing countries’ reliance on informal work. • Delink migrants’ ability to work and stay in the host country from a specific employer (sponsor), especially in the case of low-paid workers. • Make comprehensive assessment of both short- and long-term labor market needs through collaboration with the private sector (potential employers) and adjust migration admission systems accordingly. • Promote normalization of the family life of migrants by relaxing family reunification policies and facilitating dependents’ access to the labor market. • Extend social security protection measures to migrants, thereby reducing their vulnerability and mitigating the effect of large-scale shocks (such as the ongoing COVID-19 crisis). • Allow migrants to reside in the host country for a certain period of time after losing a job on which their residency was contingent.
<p>Housing</p>	<ul style="list-style-type: none"> • Allow migrants access to adequate and affordable housing. Lift statutory restrictions for foreign ownership of property situated in areas reserved for citizens.
<p>Health</p>	<ul style="list-style-type: none"> • Guarantee mandatory medical insurance to all workers and develop mechanisms to effectively address health challenges related to environmental and occupational exposures, especially in the case of low-wage migrants. • Place migrants’ health policies into the domain of law, thereby removing political discretion and ad hoc or case-by-case approaches, which are more evident in the treatment of refugees. • Develop national policies and programs that respond to the specific health needs of migrants, with an emphasis on policies that are responsive to gender, children, and the elderly. • Ensure that employers do not hinder employees from accessing COVID-19 tests and receiving medical care, and that workers who test positive are provided with suitable facilities to self-isolate and are entitled to paid sick leave. • Beyond national legislation, regional arrangements such as the Association of Southeast Asian Nations could consider provisions for making benefits portable, which can help keep mobile migrant workers healthy irrespective of where they move and reside within the regional group (Hall 2012).

Political integration	<ul style="list-style-type: none">• Expand legal pathways to permanent residency and citizenship for temporary, seasonal, and low-paid workers.• Facilitate permanent integration of all migrants by expediting permanent residency and naturalization procedures and reducing the charges and costs of such proceedings.
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Appendix A. Other Integration-Focused Databases

Migration and the Law is a global benchmarking database whose indicators complement existing immigration and integration measures such as the Migrant Integration Policy Index (MIPEX), Civic Integration Index (CIVIX), Determinants of International Migration (DEMIG), Immigration Policies in Comparison Index (IMPIC), International Migration Policy and Law Analysis (IMPALA), KNOMAD’s Migrant Rights Database, International Migrants Bill of Rights Initiative (IMBR), Openness Index and Migrant Rights Index, Cerna’s Index, Deterrence Index, Asylum Policy Index, and Index of Legal Obstacles of Integration (see table A.1).

These databases have focused largely on high-income countries of the Organisation for Economic Co-operation and Development with limited coverage of developing economies that now receive the greatest number of migrants and refugees. The *Migration and the Law* database, by contrast, uniquely examines the integration efforts of developed as well as developing economies—a critical contribution as developing countries face integration challenges distinct from those faced by developed countries. To date, this is the largest coverage of integration policies affecting immigrants. Further, while most studies focus on admission-related issues or only one aspect of the integration process, *Migration and the Law* measures integration policies across four different dimensions: economic opportunity, housing, health, and political integration. Finally, this project provides a unique opportunity to compare laws governing integration of economic migrants with those regulating integration of refugees.

Table A.1 Selected Datasets on Migrant Immigration and Integration Policies

Name of Study	Years Covered	Country Sample	Immigration/Integration Policy Covered
Civic Integration Index (CIVIX)	2010	15 EU Member States	Integration policies regarding acquisition of citizenship: language, country-knowledge, and value-commitment requirements for immigrants hoping to acquire citizenship.
Determinants of International Migration (DEMIG)	1945–2013	45 mostly OECD countries	Mostly immigration policy changes, including issues related to legal entry, stay, and exit of migrants and issues of border and land control.
High-Skilled Immigration Index (HSII)	2008	20 EU member states	Immigration and integration policies capturing quotas, labor market tests, employer portability rights, and work rights for spouses. However, it also addresses some areas that relate to integration, such as rights for temporary migrants to obtain permanent residence and labor protection for migrant workers.
Immigration Policies in Comparison Index (IMPIC)	1980–2010	33 OECD countries	Immigration policies, including both regulations and control mechanisms.

International Migration Policy and Law Analysis (IMPALA)	1999–2008	20 OECD countries	Immigration policies, specifically capturing trends in immigration selection policy, naturalization policy, illegal immigration policy, and bilateral agreements.
	2007–14	All EU Member States plus Australia, Canada, Iceland, Japan, South Korea, New Zealand, Norway, Switzerland, Turkey, and the United States	Integration policies across 167 indicators that are organized under eight main pillars of integration policies: labor market mobility, education, health, access to nationality, political participation, family reunion, permanent residence, and anti-discrimination.
Migration Integration Policy Index (MIPEX)	2014-2019	Coverage was extended to 56 countries.	A core set of 58 indicators covering the same eight pillars.
	2009	46 high- and middle-income countries	Immigration/admission policies, encompassing the “openness” of countries to admitting migrant workers, while also measuring the legal rights of migrants after admission (civic and political, economic, social residency, and family reunion rights).
Openness to Labor Migration Index	2009	46 high- and middle-income countries	Immigration/admission policies, encompassing the “openness” of countries to admitting migrant workers, while also measuring the legal rights of migrants after admission (civic and political, economic, social residency, and family reunion rights).
KNOMAD’s Migrant Rights Database	2018	5 principal destination states—Germany, Mexico, the Russian Federation, South Africa, and Turkey	Laws protecting migrant rights enshrined in national legal frameworks. The extent to which the baseline of international legal standards is reflected in the national legal frameworks of different destination states.

Appendix B. Methodology Note

Project Objective and Design

Migration and the Law is a pilot project that has constructed a global database of national legal frameworks affecting the integration of economic migrants and refugees. For the purposes of the project, integration is defined as the extent to which economic migrants and refugees are legally provided the same treatment as citizens in four main dimensions of life and work: economic opportunity, health care, housing, and citizenship. The project surveyed experts on integration laws affecting economic migrants in 152 countries and, separately, refugees in 134 countries in order to compare their respective treatment with that of citizens under formal national laws and regulations as of December 31, 2016.

The survey content and methodology were developed based on a review of migration literature and of similar projects such as the Migrant Integration Policy Index (MIPEX) and the World Bank's *Women, Business and the Law*. Previous studies primarily cover integration policies in mostly Organisation for Economic Co-operation and Development (OECD) countries and do not always differentiate between migrants and refugees. This project is among the first to feature detailed analysis of migrant and refugee integration policies in developed and developing economies—a critical contribution as developing countries face integration challenges distinct from those faced by developed countries. The *Migration and the Law* dataset thus takes a wider look at integration policies across regions (and income groups).

The research focuses on the de jure aspect of migration law to evaluate the current legal frameworks that govern economic migrants and refugees in host countries. Customary law is not accounted for unless it has been codified in national law. Many of the struggles that migrants and refugees face in integrating stem from absent, inadequate, or faulty legal platforms. While not a sufficient condition, without a proper legal foundation that enables integration, migrants and refugees are unlikely to successfully integrate in the various aspects of life.

Country Selection

Economic Migrants

To fill the gaps in research on developing countries, the project focused on collecting data from host countries in the developing world. The economies captured by the economic migrant database encompass 96.7 percent of the world's economic migrant population as of 2016 (see table B.1 for a list).⁶⁷

Table B.1 Countries/Economies Surveyed for the Dataset on Economic Migrants

Region	Number of Countries/Economies	Countries/Economies by Region
East Asia and Pacific	14	Cambodia; China; Fiji; Hong Kong SAR, China; Indonesia; Lao PDR; Malaysia; Mongolia; Myanmar; Philippines; Singapore; Taiwan, China; Thailand; Vietnam

Europe and Central Asia	22	Albania; Armenia; Azerbaijan; Belarus; Bosnia and Herzegovina; Bulgaria; Croatia; Cyprus; Kazakhstan; Kosovo; Kyrgyz Republic; Latvia; Lithuania; North Macedonia; Moldova; Montenegro; Romania; Russian Federation; Serbia; Turkey; Ukraine; Uzbekistan
OECD High Income	32	Australia; Austria; Belgium; Canada; Chile; Czech Republic; Denmark; Estonia; Finland; France; Germany; Greece; Hungary; Iceland; Ireland; Israel; Italy; Japan; Korea, Rep.; Luxembourg; Netherlands; New Zealand; Norway; Poland; Portugal; Slovak Republic; Slovenia; Spain; Sweden; Switzerland; United Kingdom; United States
Latin America and the Caribbean	23	Antigua and Barbuda; Argentina; Bolivia; Brazil; Colombia; Costa Rica; Dominican Republic; Ecuador; El Salvador; Grenada; Guatemala; Haiti; Honduras; Jamaica; Mexico; Nicaragua; Panama; Paraguay; Peru; Bahamas, The; Trinidad and Tobago; Uruguay; Venezuela, RB
Middle East and North Africa	17	Algeria; Bahrain; Djibouti; Egypt, Arab Rep.; Iran, Islamic Rep.; Iraq; Jordan; Kuwait; Lebanon; Malta; Morocco; Oman; Qatar; Saudi Arabia; Syrian Arab Republic; Tunisia; United Arab Emirates
South Asia	6	Bangladesh; India; Maldives; Nepal; Pakistan; Sri Lanka
Sub-Saharan Africa	38	Angola; Benin; Botswana; Burkina Faso; Burundi; Cameroon; Central African Republic; Chad; Côte d'Ivoire; Congo, Dem. Rep.; Equatorial Guinea; Ethiopia; Gabon; Ghana; Guinea; Kenya; Madagascar; Malawi; Mali; Mauritania; Mauritius; Mozambique; Namibia; Nigeria; Congo, Rep.; Rwanda; São Tomé and Príncipe; Senegal; South Africa; South Sudan; Sudan; Eswatini; Tanzania; Gambia, The; Togo; Uganda; Zambia; Zimbabwe

Refugees

In the era of rapidly evolving globalization, the movement of refugees affects all parts of the world, especially developing countries, such as Turkey, Pakistan, Lebanon, the Islamic Republic of Iran, Ethiopia, Jordan, Kenya, and Uganda.⁶⁸ Given the heightened challenges that developing economies face with integrating refugees into labor markets, social programs, and housing, their integration laws are particularly important (Ratha, Mohapatra, and Scheja 2011). However, refugee outcome and integration data from developing countries remain scarce and unreliable (Gest et al. 2014).

The 134 countries selected for the refugee dataset include those most affected by the most recent refugee crisis, and cover 86 percent of the total global refugee population as of 2016 (see table B.2 for a list).

Table B.2 Countries/Economies Surveyed for the Dataset on Refugees

Region	Number of Countries/Economies	Countries/Economies by Region
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East Asia and Pacific	12	Cambodia; China; Hong Kong SAR, China; Indonesia; Lao PDR; Malaysia; Mongolia; Myanmar; Philippines; Singapore; Taiwan, China; Thailand
Europe and Central Asia	23	Albania; Armenia; Azerbaijan; Belarus; Bosnia and Herzegovina; Bulgaria; Croatia; Cyprus; Georgia; Kazakhstan; Kosovo; Kyrgyz Republic; Latvia; Lithuania; North Macedonia; Moldova; Montenegro; Romania; Russian Federation; Serbia; Tajikistan; Turkey; Ukraine
High-income OECD	29	Australia; Austria; Belgium; Canada; Chile; Czech Republic; Denmark; Estonia; Finland; France; Germany; Greece; Hungary; Iceland; Israel; Italy; Japan; Korea, Rep.; Luxembourg; Netherlands; New Zealand; Norway; Poland; Portugal; Spain; Sweden; Switzerland; United Kingdom; United States
Latin America and the Caribbean	17	Argentina; Bolivia; Brazil; Colombia; Costa Rica; Ecuador; Guatemala; Haiti; Honduras; Mexico; Nicaragua; Panama; Paraguay; Peru; St. Kitts and Nevis; Uruguay; Venezuela, RB
Middle East and North Africa	11	Algeria; Djibouti; Egypt, Arab Rep.; Iran, Islamic Rep.; Iraq; Jordan; Kuwait; Lebanon; Malta; Morocco; Yemen
South Asia	7	Afghanistan; Bangladesh; Bhutan; India; Nepal; Pakistan; Sri Lanka
Sub-Saharan Africa	35	Angola; Benin; Burkina Faso; Burundi; Cameroon; Central African Republic; Chad; Côte d'Ivoire; Congo, Dem. Rep.; Equatorial Guinea; Eritrea; Ethiopia; Gabon; Ghana; Guinea; Kenya; Madagascar; Malawi; Mali; Mauritania; Mozambique; Niger; Nigeria; Congo, Rep.; Rwanda; Senegal; Somalia; South Africa; South Sudan; Sudan; Tanzania; Gambia, The; Togo; Uganda; Zimbabwe

Data Collection

The *Migration and the Law* survey aimed to include the perspective of key country practitioners in migration law and policy. The contributors are a combination of lawyers, academics, and members of civil society organizations, all working on integration issues.

The economic migrants study surveyed:

- Specialized law firms and attorneys
- Directors of immigration clinics
- Heads of research departments
- Heads of immigration departments
- Expert scholars

Contributors to the study of refugees include:

- Refugee centers
- Distinct international organizations
- Intergovernmental agencies
- Focused nongovernmental organizations
- Expert scholars

The data for the *Migration and the Law* project were collected in a standardized way and through several rounds of interaction with the contributors. Two separate surveys were administered, one concerning economic migrants (as defined earlier) and the other on refugees. The surveys were made available in three languages: English, French, and Russian. For each group, at least five potential respondents were contacted for every country in anticipation of receiving an average of three completed surveys per country, separately for economic migrants and refugees. Communication with contributors was a key part of the data collection process, with contributors invited to participate in the research through electronic correspondence and phone interactions. Upon receipt of the completed surveys, the *Migration and the Law* team conducted an initial assessment of the questionnaire and, if necessary, made queries about the responses. Additional desktop research was conducted for data points for which there was a discrepancy between contributors' responses.

Classification of Indicators

A total of 20 indicators are used to measure integration policies as written in formal laws and regulations as of December 2016. Answers to the underlying questions for these indicators are based on de facto laws; the extent to which laws are observed or implemented in practice is not taken into consideration in the current database.

The 20 indicators were based on selected qualitative questions from the survey questionnaire that were amenable to classification under assigned labels of "Yes," "Conditions," and "No," indicating a country's legal restrictiveness on access relative to that of its citizens. "Conditions" indicate that additional conditions apply beyond those for citizens, and "Yes" indicates that a country's accommodation of economic migrants (and refugees) in the legal framework is often on par with that of its citizens. The classifications are based on an assessment of the answers provided by survey respondents.

Of the 18 indicators, 11 are attributed to the economic opportunities dimension, 2 cover the health index, 3 are for housing, and 2 are associated with the political integration dimension (see table B.3).

Table B.3 Migration and the Law Indicators, by Dimension

Economic Opportunities
1. Can an economic migrant (refugee) work in the private sector? <i>Yes, Conditions, No</i>
2. Can an economic migrant (refugee) work in the public sector? <i>Yes, Conditions, No</i>
3. Can an economic migrant (refugee) open a business in the same manner as citizens? <i>Yes, No, Not allowed</i>
4.a. Are foreign academic qualifications recognized for economic migrants (refugees)? <i>Yes, Conditions, No</i>
4.b. Are foreign vocational qualifications recognized for economic migrants (refugees)? <i>Yes, Conditions, No</i>

5. Can the families of economic migrants (refugees) work in the formal sector? <i>Yes, Conditions, No</i>
6. Can an economic migrant (refugee) change jobs? <i>Yes, Conditions, No</i>
7. Can an economic migrant (refugee) move and travel within the host country without any restriction? <i>Yes, Conditions, No</i>
8. Does the minimum wage policy apply equally to economic migrants (refugees) and citizens? <i>Yes, No</i>
9.a Is an economic migrant (refugee) entitled to receive unemployment benefits? <i>Yes, Conditions, No</i>
9.b. Is an economic migrant (refugee) entitled to receive social security benefits? <i>Yes, Conditions, No</i>
10. Does the law provide for maternity leave for economic migrants (refugees) in the same manner as for citizens? <i>Yes, Conditions, No</i>
11. Can an economic migrant (refugee) join a trade union in the same manner as a citizen? <i>Yes, Conditions, No</i>
Access to Health Care
1. Can an economic migrant (refugee) access public health care services in the same manner as a citizen? <i>Yes, Conditions, No</i>
2. Can family members of an economic migrant (refugee) access public health care in the same manner as a citizen? <i>Yes, Conditions, No</i>
Access to Housing
1. Can an economic migrant (refugee) reside anywhere in the host country without restriction? <i>Yes, Conditions, No</i>
2. Can an economic migrant (refugee) rent property in the host country? <i>Yes, Conditions, No</i>
3. Can an economic migrant (refugee) buy property in the host country? <i>Yes, No</i>
Political Integration
1. Does an economic migrant (refugee) have a path to citizenship? <i>Yes, No</i>
2. Can an economic migrant (refugee) become a permanent resident? <i>Yes, No</i>

Economic Opportunities

The Economic Opportunities Index measures the extent to which national laws in the host country facilitate the ability of economic migrants and refugees to navigate the labor market. The index has 13 indicators that consider the level of migrants' and refugees' integration along four dimensions, namely (1) accessing formal jobs in the labor market, (2) navigating the labor market, (3) accessing social protection, and (4) exercising the right to join trade unions and enjoy freedom of association. An elaboration of how individual indicators are classified follows.

Accessing the labor market

Can an economic migrant (refugee) work in the private sector? "Yes" is assigned if the economic migrant (refugee) can legally access formal private sector jobs without restrictions. Specifically for economic migrants, "Conditions" is assigned if a job offer is a prerequisite for obtaining authorization to work in the private sector. The label "Conditions" is also assigned if employment for economic migrants (refugees) is restricted by law to certain professions. "No" is assigned if economic migrants (refugees) are legally prohibited from working in the private sector.

Can an economic migrant (refugee) work in the public sector? “Yes” is assigned if the economic migrant (refugee) can legally access formal public sector jobs without restrictions. Specifically for economic migrants, “Conditions” is assigned if a job offer is a prerequisite for obtaining authorization to work in the public sector. “Conditions” is also assigned if employment for economic migrants (refugees) is restricted by law to certain professions. “No” is assigned if the economic migrant (refugee) is legally prohibited from working in the public sector.

Can an economic migrant (refugee) open a business in the same manner as citizens? “Yes” is assigned if an economic migrant (refugee) can start a business under conditions that equally apply to citizens of that country. “Conditions” is assigned if conditions unique to the economic migrant (refugee) apply. “No” is assigned if an economic migrant (refugee) is legally prohibited from opening a business.

Are foreign (academic/vocational) qualifications recognized for economic migrants (refugees)? Separately for academic and vocational qualification, “Yes” is assigned if foreign qualifications are recognized for economic migrants (refugees) in the same manner as foreign qualifications obtained by citizens. A label of “Conditions” is assigned if conditions unique to the economic migrant (refugee) apply. “No” is assigned if foreign qualifications held by economic migrants (refugees) are not recognized.

Can the families of economic migrants (refugees) work in the formal sector? “Yes” is assigned if the sponsored family member of the principal economic migrant (refugee) is legally eligible for formal employment (private, public, or self-employed). A label of “Conditions” is assigned if conditions unique to the economic migrant (refugee) apply. “No” is assigned if the law prohibits sponsored family members of economic migrants (refugee) from employment.

Navigating the labor market

Can an economic migrant (refugee) change jobs? “Yes” is assigned if an economic migrant (refugee) can change jobs without restrictions. “Conditions” is assigned if conditions unique to the economic migrant (refugee) apply. “No” is assigned if an economic migrant (refugee) is legally prohibited from changing jobs.

Can an economic migrant (refugee) move and travel within the host country without any restriction? “Yes” is assigned if an economic migrant (refugee) can freely move and travel without restrictions. “Conditions” is assigned if conditions unique to the economic migrant (refugee) apply. “No” is assigned if the law outright prohibits an economic migrant (refugee) from movement and travel.

Accessing social protection

Does the minimum wage policy apply equally to economic migrants (refugees) and citizens? “Yes” is assigned if economic migrants (refugees) are entitled to receive the same minimum wage as citizens. “No” is assigned if the law does not provide for a minimum wage for economic migrants (refugees).

Is an economic migrant (refugee) entitled to receive unemployment benefits? “Yes” is assigned if an economic migrant (refugee) is entitled to receive unemployment benefits without restrictions. “Conditions” is assigned if conditions unique to the economic migrant (refugee) apply. “No” is assigned if an economic migrant (refugee) is disallowed from accessing unemployment benefits.

Is an economic migrant (refugee) entitled to receive social security benefits? “Yes” is assigned if an economic migrant (refugee) is entitled to receive social security benefits without restrictions. “Conditions”

is assigned if conditions unique to the economic migrant (refugee) apply. “No” is assigned if an economic migrant (refugee) is disallowed from accessing social security benefits.

Does the law provide for maternity leave for economic migrants (refugees) in the same manner as for citizens? “Yes” is assigned if economic migrants (refugees) have the same legal rights to maternity leave as citizens. “Conditions” is assigned if conditions unique to the economic migrant (refugee) apply. “No” is assigned if the law does not provide for maternity leave for economic migrants (refugees).

Exercising the right to organize and enjoy freedom of association

Can an economic migrant (refugee) join a trade union in the same manner as a citizen? “Yes” is assigned if an economic migrant (refugee) is accorded full rights to join a trade union under conditions that equally apply to citizens of that country. “Conditions” is assigned if conditions unique to the economic migrant (refugee) apply. “No” is assigned if an economic migrant (refugee) is prohibited from joining a trade union.

Access to Health Care

The health index assesses whether national laws entitle economic migrants (refugees) access to health care services on an equal basis with citizens, as well as whether laws provide their families/dependents access to public health care services. The health index has two indicators:

Can an economic migrant (refugee) access public health care services in the same manner as a citizen? “Yes” is assigned if an economic migrant (refugee) is entitled to access public health care services on an equal basis with citizens. “Conditions” is assigned if conditions unique to the economic migrant (refugee) apply. “No” is assigned if the law does not provide public health care access to economic migrants (refugees).

Can family members of an economic migrant (refugee) access public health care in the same manner as a citizen? “Yes” is assigned if family members of an economic migrant (refugee) are entitled to access public health care services on an equal basis with citizens. “Conditions” is assigned if conditions unique to the economic migrant (refugee) apply. “No” is assigned if the law does not allow family members of an economic migrant (refugee) to access public health care services.

Access to Housing

The housing index depicts the regulatory frameworks for the housing opportunities of economic migrants (refugees) across three facets: (1) the ability to reside anywhere in the host country free of restrictions, (2) the ability to rent property in the host country, and (3) the ability to purchase property (inclusive of land and dwellings) in the host country. The housing index is therefore composed of three corresponding indicators:

Can an economic migrant (refugee) reside anywhere in the host country without restriction? “Yes” is assigned if an economic migrant (refugee) can legally reside anywhere without restrictions. “Conditions” is assigned if conditions unique to the economic migrant (refugee) apply. “No” is assigned if an economic migrant (refugee) is legally restrained from residing in certain locations.

Can an economic migrant (refugee) rent property in the host country? “Yes” is assigned if an economic migrant (refugee) can legally rent property in the host country without additional restrictions that are unique to economic migrants (refugees). “Conditions” is assigned if conditions unique to the economic

migrant (refugee) apply. “No” is assigned if an economic migrant (refugee) is prohibited from renting property in the host country.

Can an economic migrant (refugee) buy property in the host country? “Yes” is assigned if the law allows an economic migrant (refugee) to buy property in the host country subject to fulfilling certain conditions. “No” is assigned if an economic migrant (refugee) is prohibited from buying property in the host country.

Political Integration

The political integration index measures the extent to which the host country laws allow economic migrants (refugees) to access permanent residency and citizenship. Two indicators constitute the political integration index:

Does an economic migrant (refugee) have a path to citizenship? “Yes” is assigned if a legal path for an economic migrant (refugee) to becoming a citizen exists. “No” is assigned if there is no path to citizenship for an economic migrant (refugee).

Can an economic migrant (refugee) become a permanent resident? “Yes” is assigned if the law allows a pathway to permanent residency for an economic migrant (refugee). “No” is assigned if the law does not offer permanent residency to an economic migrant (refugee).

Limitations of the Migration and the Law database

Like any other large-scale study, the *Migration and the Law* project provides some great insights and novel data analysis, but it also suffers from certain limitations due to its complex and extensive research subject.

Assignment of tentative scores. Data collected from the surveys were used to tentatively assign a score (Yes = 1, Conditionally = 0.5, No = 0) to each of the 20 indicators, thereby generating an overall index for economic migrants and refugees separately. Tentative scores are assigned based on the answers/information obtained from the respective survey respondents. Thus, the findings are rather suggestive than conclusive. The goal of this study is not to outright rank countries, but to identify the most prominent patterns and inconsistencies in migration integration policies, highlight potential areas for improvement, and point out the progress made.

Reliance on legal experts’ judgments. The *Migration and the Law* initiative relies mostly on the responses/legal judgments of survey respondents, as legal statutes are rarely self-evident and must be read in context. Additional legal research was undertaken when conflicting responses were received from multiple survey respondents on a question/topic.

Measuring effectiveness or implementation of national laws. Critically, while de facto laws are covered in the report, it does not address the extent to which laws are observed or implemented in practice. Such an exercise would also require data on comparable outcomes that differentiate citizens, economic migrants, and refugees—data that are currently lacking on a global basis. If incoherence in national laws

and regulations results in no real protection for economic migrants/refugees, such an outcome would not be captured by this study.

Ambiguity of national laws and regulations. National laws play a critical role in migrant and refugee integration as they establish basic rights and opportunities. Yet, national legislation is often ambiguous, incomplete, or necessarily read in conjunction with other national or international laws. In such cases, the *Migration and the Law* report attempts to acknowledge ambiguities, contradictions, and gaps, but does not necessarily resolve them.

Distinguishing between legal constraints and mandatory legal requirements/obligations. As the *Migration and the Law* study compares the treatment of migrants with that of citizens under formal national laws, both legal constraints and mandatory legal requirements can be recognized as legal obstacles if they exclusively target migrants/refugees (noncitizens). The *Migration and the Law* project has not developed a way to distinguish between the two. Both answers are being classified as “Conditions.” If legal constraints completely prevent migrants/refugees from enjoying certain rights, the answer is classified as “No,” indicating that migrants/refugees are completely deprived of certain rights and entitlements.

Defining economic migrants. Economic migrants are a diverse group from the legal standpoint, and their legal entitlements depend on the specific visa or work permit they hold. The *Migration and the Law* project acknowledges that it is not presently feasible to collect data on integration policies for every type of permit/visa category, as such an approach would require tailoring the questionnaire to each country separately. However, the project recognizes certain differences between different categories of economic migrants in its legal analysis.

Gender aspects. Another important caveat is that most laws are often written in a gender-neutral manner, but can be applied in a discriminatory manner in practice.

Migration and the Law Dataset

The accompanying dataset for economic migrants (and refugees) consists of individual indicators for each dimension along with references to cited local laws for each indicator. Additional comments and suggestions are welcomed and can be addressed to the *Migration and the Law* team at migrationandremittances@worldbank.org.

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Endnotes

- ¹ The refugee questionnaire also selectively covered asylum seekers but this group was excluded from the subsequent analysis and database.
- ² The KNOMAD database covers five principal destination states—Germany, Mexico, the Russian Federation, South Africa, and Turkey.
- ³ While a job offer requirement is more related to admission/visa status of a potential economic migrant, it cannot be removed from the discussion about labor market openness.
- ⁴ In competition for global talent, the EU Blue Card scheme was established to attract highly skilled and educated workers/migrants to the European Union.
- ⁵ Similarly, the new German Skilled Workers Immigration Act, which will enter into force on March 1, 2020, exclusively entitles highly qualified foreign workers to enter the country without obtaining a job offer beforehand.
- ⁶ <https://www.mom.gov.sg/passes-and-permits/work-permit-for-foreign-worker/sector-specific-rules/construction-sector-requirements>.
- ⁷ The ban related to the employment of foreign belly dancers was lifted in September 2004.
- ⁸ As per Law No. 92/007 of 14 August 1992 on the Labor Code, s. 113 and Decree No. 93/571/PM of 15 July 1993 Laying down Conditions of Employment of Workers of Foreign Nationality for Certain Occupations or Levels of Professional Qualifications, S1.
- ⁹ Saudi Arabia started imposing monthly fees (SRI 300 or 400) on private sector firms for each foreign worker employed starting January 2018. This came on the heels of a new monthly fee (SRI 100) migrants were charged for each dependent beginning July 2017.
- ¹⁰ Article 42 of the 2006 Law No. 19 Regulating the Labor Market of Bahrain.
- ¹¹ Articles 63 and 64 of the Aliens Act of Bosnia and Herzegovina.
- ¹² Article 27 of the Legislative Decree No. 286 of 1998.
- ¹³ Migrants who have worked for 4 years under a type-B permit within a 10-year period are entitled to apply for a type-A permit. Yet, certain workers are not allowed to apply for a type-A work permit in Belgium, such as highly skilled workers, au pairs, trainees, workers on temporary assignment, researchers and guest professors, and specialized technicians.
- ¹⁴ In certain cases, spouses of H1B holders can be authorized to engage in employment.
- ¹⁵ Qatar is a recent exception, following a November 2017 migrant labor reform law that established a temporary minimum wage of around QR 750 (\$195) per month for migrant workers. The country also enacted a new law guaranteeing a minimum monthly wage of \$275 to all workers, immigrants included.
- ¹⁶ In 2017, Department Order No. 186-2017 was issued allowing refugees to participate in the labor market and exempting them from securing an employment permit.
- ¹⁷ People seeking nonrefoulement in Hong Kong SAR, China, are not to be treated as “refugees.” They are protected under the United Nations Convention against Torture. Hong Kong is not party to the Refugee Convention and has no refugee legal framework.
- ¹⁸ Unlike other foreigners, refugees are exempt from the requirement to pay any charges or fees in Uganda.
- ¹⁹ Assigning numerical values to a text answer is a challenging task, especially because of the complex and dynamic nature of integration laws and policies. Yes (1) and No (0) represents two extremes in terms of having rights on equal terms with citizens, while an intermediate situation for which a score of 0.5 is assigned are for situations where the enjoyment of rights is limited, or additional requirements need to be met to enjoy such rights on par with citizens. Other policy indicator studies such as MIPEX also adopt intermediate scoring (e.g., 50 or 75 out of a 100). There are alternative approaches to weighing the indicators involving qualitative judgement and/or statistical methods such as with a principal component where weights would be more heavily assigned to indicators that contribute more to the overall variation in given indicator. The latter approach would be beneficial if the aim is to select a parsimonious set of indicators from a large set of underlying indicators. Given the modest number of indicators in this study (i.e., 20) and potentially subjective assessments of the importance of certain indicators over others, it was decided at the pilot phase to equally weigh each indicator.
- ²⁰ The *kafala*, or sponsorship, system used to admit migrant workers into the Gulf Cooperation Council countries gives their sponsors-employers enormous discretion in determining where workers, particularly low-paid workers, can reside. A few countries recently passed laws focused on overhauling the *kafala* system (e.g., Bahrain, Kuwait, Qatar, the United Arab Emirates).

²¹ It should be noted that Article 8 of the Unified Economic Agreement between the Countries of the Gulf Cooperation Council assures that all nationals of Member States have the same treatment as is granted to citizens in terms of freedom of movement, work, and residence.

²² Law No. 15 of 2010 Prohibition of Workers Camps within Family Residential Areas states that it is prohibited for owners of estates or those who have the right to run such estates, or employers, or their representatives to lease, rent, or allocate property or parts of property of whatever nature to be a residence for worker groups within family residential areas.

²³ Bangladesh, India, Pakistan, and Sri Lanka permit the purchase of property by economic migrants, while Maldives and Nepal prohibit it.

²⁴ Civil law countries and common law countries hold divergent views on lease/leaseholds. The former perceive it as a pure contractual relation while common law countries define it as a right of property—an interest in land.

²⁵ The 1987 Philippines Constitution prohibits foreigners from owning land. Foreigners may purchase a condominium unit pursuant to Republic Act No. 4726 or the Condominium Act, provided they do not own more than 40 percent interest in the condominium project.

²⁶ Vietnamese Housing Law No. 65/2014/QH13.

²⁷ This ban refers to migrants coming from non-EU Member States.

²⁸ Nationals of Pakistan, Bangladesh, Sri Lanka, Afghanistan, China, Iran, Nepal, Bhutan, Macau, Hong Kong SAR, China, or the Democratic People's Republic of Korea are not allowed to acquire immovable property in India without prior permission of the Reserve Bank (except Overseas Citizens of India).

²⁹ By contrast, asylum seekers often must live in specially designated accommodation or detention centers and are not entitled to public housing or to transact in the housing market until refugee status is granted.

³⁰ Iraqi Real Estate Registration Law No. 43 of 1971.

³¹ Iraq's Revolutionary Command Council decision of 12 September 2001, Decree 202, establishes that Palestinians shall be treated as Iraqi citizens in rights and duties, thereby allowing them property ownership.

³² Article 7 of the Refugee Convention 1951 specifies that refugees shall be exempted from reciprocity requirements.

³³ Article 8 of the Immigration Law, No 25,871 (Argentina).

³⁴ Article 8 of the Argentinian Migration Law 25871.

³⁵ Article 2 of the Kuwait: Law No. 1 of 1999 on Alien Health Insurance and the Imposition of Fees against Medical Services.

³⁶ Article 23 of the Dubai Health Insurance Law No. 11 of 2013.

³⁷ Article 9 of the Kuwait: Law No. 1 of 1999 on Alien Health Insurance and the Imposition of Fees against Medical Services.

³⁸ Order No. (29) of 2014 With Regard to Specifying and Regulating Basic Health Care for Workers of Corporations of Bahrain.

³⁹ New Bahrain Law No. 23 of 2018 introduced a mandatory health insurance coverage for all citizens, residents, and visitors.

⁴⁰ As the purpose of this project is to evaluate countries' integration policies by comparing treatment of migrants and citizens under the law, general requirements that equally apply to both groups, such as making social security contributions or paying general taxes, were not highlighted as legal obstacles. Further, it should be noted that the *Migration and the Law* project does not address practical difficulties in accessing health care, quality of health care services, or legislation implementation level.

⁴¹ Under EU law, permanent/long-term residents enjoy the same protection as citizens in terms of social security and public services.

⁴² Permanent residency requirement does not apply to European Health Insurance Card holders.

⁴³ Additionally, qualified immigrants are subject to a five-year waiting period prior to obtaining Medicare coverage.

⁴⁴ A Health Card in Qatar costs QR 50 for GCC nationals and QR 100 for other expatriates.

⁴⁵ According to Article 13 of Law No. 7 of 2013 on the Social Health Insurance System of Qatar, employers shall be responsible for payment of health insurance premiums for non-Qatari employees and members of their families.

⁴⁶ Order No. (29) of 2014 With Regard to Specifying and Regulating Basic Health Care for Workers of Corporations.

⁴⁷ Fees (Medical) (Amendment) Order 2014 (P.U.(A) 364/2014) and Fees (Medical) Order 1982 (P.U.(A) 359/82).

⁴⁸ For instance, while citizens pay a daily rate of RM 120 (about \$29) for a one-bed room in the hospital, economic migrants are obliged to pay RM 320 (\$77).

⁴⁹ Resolution of the Government of the Republic of Kazakhstan dated September 2, 2015, No. 735.

⁵⁰ Egypt enacted new law-Universal Health Insurance Law (2/2018).

⁵¹ EU Members States, certain EEA/EFTA nations, and Switzerland.

⁵² Article 33 of the Greek National Law 4368/2016 establishes free-of-charge health care to all uninsured and vulnerable social groups, including refugees.

⁵³ Portuguese Law Decree 113/201.1.

⁵⁴ Article 18 of Spanish Law 12/2009 of 30th October, Regulating the Right of Asylum and Subsidiary Protection.

⁵⁵ Article 4-6 of the Bylaw on the Procedure to Exercise Health Insurance by Persons under International Protection in Bosnia and Herzegovina (O.G. no.54/10).

⁵⁶ For the purposes of this study, citizenship for economic migrants and refugees refers to citizenship by acquisition through a naturalization process. The terms *citizenship* and *nationality* are used interchangeably.

⁵⁷ Though many host countries require naturalized migrants to relinquish their former citizenship, research shows that dual-nationality migrants are exposed to more employment opportunities and higher salaries, which results in decreased reliance on welfare (Mazzolari 2009).

⁵⁸ Public Service Standard on “Registration and Issue of Permission to Foreigners and Persons without Citizenship for Permanent Residence in the Republic of Kazakhstan.” Article 4 of the Law “On the Legal Status of Foreigners” states that foreigners must prove their solvency in the manner and amounts determined by the Government of the Republic of Kazakhstan.

⁵⁹ Based on exchange rates as of December 31, 2016.

⁶⁰ Most countries, such as Bangladesh, Algeria, and Oman, do not even offer permanent or long-term residency status to foreigners. Other countries limit permanent residency to certain categories of migrants. For example, in India, eligibility conditions relate to the applicant being of Indian origin, or being married to, or having parents/grandparents who are citizens of India.

⁶¹ In such cases, the path to citizenship often depends on things that are beyond migrants’ control (e.g., belonging to certain ethnic or religious groups, gender, or original nationality).

⁶² Migrants that marry a Venezuelan citizen can obtain their citizenship after five years of marriage.

⁶³ Still, the path to citizenship can be reserved for migrants who belong to a specific religious or ethnic group, or those who have performed exemplary contributions to the host country. For instance, in Sri Lanka only persons of Indian origin who have been residing in Sri Lanka since 1964 and their descendants,⁶³ and stateless people of Chinese origin living in Sri Lanka,⁶³ are eligible to apply for citizenship. Indian citizenship by naturalization can be acquired if a person has resided in the country for 12 years. However, the government may grant an exemption to a person who has rendered distinguished service to the cause of science, philosophy, art, literature, world peace, or human progress generally.⁶³

⁶⁴ The survey respondents from Algeria, Cambodia, Cameroon, Egypt, Indonesia, Iraq, North Macedonia (former Macedonia, FYR), Madagascar, Myanmar, Namibia, Oman, the Republic of Congo, Senegal, South Sudan, and Turkey noted that their laws impose the health requirement.

⁶⁵ Based on exchange rates as of December 31, 2016.

⁶⁶ Foreigners who are not refugees (i.e., who do not fall under the Geneva Convention’s definition of being persecuted) but who do not wish to return to their native country for reasons that imply a genuine risk of suffering in any of the following ways: death sentence, torture or inhumane or degrading treatment, and serious threats against their life or integrity by reason of indiscriminate violence.

⁶⁷ The *Migration and the Law* project uses the World Bank regional and income group classifications, available at <http://datahelpdesk.worldbank.org/knowledgebase/articles/906519>. The Bank does not assign regional classifications to high-income economies, which are assigned the “regional” classification of “high-income OECD.”

⁶⁸ <https://www.unhcr.org/en-us/figures-at-a-glance.html>.