

LABOUR MIGRATION AND SOCIAL RIGHTS

Speaking notes: Ann Singleton

A contribution to the discussion about whether a rights-based approach to migration in the EU is achievable.

Is a rights-based approach ambitious enough?

If a rights-based approach succeeds in achieving the ratification of international instruments setting out the rights of migrant workers, will this result in any significant changes to the economic and social realities faced by migrant workers in the EU?

Is it better to aim for social justice, than for a rights-based approach? The Member States of the European Union have fewer legal obligations to protect the rights of non-EU citizens, than they do to protect the fundamental rights of EU citizens.

What is known from official statistics on labour migration?

What is not known from official data is more important than what is known.

In some senses, official data obscure the picture, rather than enlighten us on the patterns of labour migration in the EU. The official data provide a basis for estimates of the size of the migrant population but each source covers a different set of labour migrants. In some cases there is duplication in the figures, in others there are large gaps. The Labour Force Survey captures one part of the picture, but is most reliable only at the level of total numbers of labour migrants. (Any disaggregation of the figures, results in unreliable data because of the small numbers in the sample.). By definition, there are no statistics on unrecorded migration, which represent some of the most dynamic flows resulting from the globalisation of the labour market. These flows include EU and non-EU labour migrants. Importantly, many of the data sources produce information that embodies the racialisation of categories of migrants. These categories, including the term 'labour migrants' result from previous immigration control measures, rather than statistical data gathering exercises. Current terms used in policy and legislation have reproduced these categories, because of the limitations of the data sources. People move for a mix of reasons, albeit economic ones often being main drivers. They negotiate and renegotiate identities in a dynamic context. They should not be reduced solely to the category assigned to them by their work and legal or migration status. So the data are inadequate tools to produce the information needed to explain the new dynamics of migration, including labour migration in the EU.

There are no comprehensive migration policies, only different variations of control of immigration policies. This has produced negative effects on non-EU citizens and on EU society.

Human mobility has not always been seen as problematic. There are historical reasons for the emergence of the concept of 'international migration' which has been an integral element in the development and consolidation of the nation-state. EU Member States all wish to control their own geographical borders, as well as the external frontier of the EU, and to control who is allowed to cross

those borders to enter their territory. These policies and practices come at a cost, both to the migrants to EU citizens. Many of the 'unintended consequences' of ever-tighter controls have resulted in vulnerable migrants being placed in ever-more vulnerable situations. At the same time, the increased securitisation of migration control has also had consequences for the civil liberties and freedom of movement of EU citizens.

Borders

Borders exist in different forms, visible and invisible. How a migrant's movements are controlled depends on who they are, where they are and when they are there. Citizenship, or perceived identity, can determine if and how border controls are implemented. The consequences of current policy and practice are:

increased vulnerability of migrants, especially those living 'under the radar' whilst working in the 'hidden economy'.

securitisation of migration policy and the criminalisation of migration for many innocent people as a result of the conflation of immigration control policies with policies on anti-terrorism and anti-trafficking (of drugs, weapons and people).

Measures which affect the total population of the EU:

increased surveillance, checks on movement, transfer of personal information and loss of privacy;

less security and less social cohesion or social justice, this affecting everyone.

What is needed?

- Protection of the rights of all people working in the EU.
- Effective monitoring and inspection of workplaces, to ensure health and safety legislation is observed, living wages are paid and workers rights are respected, for all workers.
- Migration policies that acknowledge migrants as people, not simply as units of labour.
- Transformation of the Mediterranean from a place of fear and death for thousands of migrants, in which Frontex polices the external border of the EU, to a zone of cultural and economic exchange and human mobility between different countries and economies.
- Integration policies designed for the whole population, including all groups of excluded EU citizens living in poverty, as well as EU and non-EU labour migrants.

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