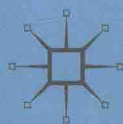


Migration and Social Protection

Claiming Social Rights Beyond Borders

Edited by
Rachel Sabates-Wheeler and Rayah Feldman

RETHINKING INTERNATIONAL DEVELOPMENT



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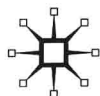
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Preface © Don Flynn 2011

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Preface by Don Flynn

The new global economy, which emerged in phases from the drive towards deregulation and the expansion of capital markets in the 1980s, firmly strapped prospects for high future growth rates to the ever more rapid movement of the factors of production and commerce across national frontiers. The capacity of the nation state to act on its own to stimulate the levels of demand needed to counter downturns in the business cycle was reduced, as the levers which allowed for economic management – control of exchange rates, direct state involvement in sectors commanding the heights of the national economy, and extensive regulation of production and markets – were dismantled in favour of an economic liberalism which assumed that more rapid growth would be assured by the unfettered operation of market forces.

This model, aggressively pursued by the governments which were at the core of the Washington Consensus that had emerged in coherent ideological form by the end of the 1980s, produced consequences which are highly relevant to the issues discussed in this collection of essays on migration and social protection. In developing countries it led to a sharp reduction in the levels of social provision made for welfare and protection against hardship as the structural adjustment programmes imposed by the International Monetary Fund on fragile economies bit deep. The public sector contracted, incomes fell and systems of governance came under huge strain as countries in the developing South struggled to find a place in the globalized economy.

In response to these changes, hundreds of thousands of people from the regions of Africa, Asia, Latin America and the Caribbean were obliged to consider migration as a livelihood strategy to replace the work which had formerly been available on farms, in the education and health sector, and in government-sponsored infrastructure development projects. For most of these people, the migration trail took them on journeys measured in hundreds rather than thousands of miles, as they moved from rural to city areas or across the immediate borders of their countries to seek employment in neighbouring states. For this group at least, being close to home meant that some semblance of the social protection structures that had existed in their home countries could be rebuilt in the often informal networks of mutual aid and support which are typical of transnational communities.

Yet one of the notable effects of globalization was to open up options for migratory journeys, which took some individuals far beyond their home regions to seek employment opportunities in the developed economies of the North. This group typically had occupational skills or education qualifications which had derived from previous global expansions, reproducing the education systems of the metropolitan heartlands, and their forms of management and administration, in the countries of their various peripheries.

For this group, migration had extended the lines of communication with their home regions and thinned the capacity of networks of co-nationals to provide even basic levels of mutual aid and support. However, the reduced opportunities for these types of solidarities could be compensated for by access to social rights and protection provided by mature welfare systems in the host countries. The immediately preceding generation of migrants, whose entry into the metropolitan countries had been facilitated by the old relations of colony and empire, had benefited from the relative equality of access to health, education, welfare and social security systems they usually enjoyed with the citizens of those states.

But equality of access can less safely be assumed for the migrants who were propelled into movement by the new economic order of the 1980s and onwards. For one thing, the same restructuring that had changed the prospects for livelihoods in the developing countries was also rolling over the forms of welfare state which had been established in developed countries on the presumption of social and political control over markets during the immediate post-Second World War period. The greater ease of movement now enjoyed by capital rendered the revenue basis for the welfare state markedly less secure. The emerging political elites accommodated themselves to this dilemma by rethinking the principles of universalism which had underpinned the more radical versions of welfare societies, changing the rules governing entitlement and access for many categories of citizens and other residents.

With these political moods driving welfare reform in many countries it is perhaps not surprising that migrants would be particularly vulnerable to exclusion from the mainstream forms of social welfare and protection available in the developed countries. Yet if these matters stopped at this point, the accounts of welfare dilemmas and migrants' lives would not be as intriguing and suggestive of vibrant political discourse as those described in the chapters in this collection. For the fact is that the story is not one of simple, straightforward migrant exclusion from mainstream welfare provision, but a much more complex and

nuanced narrative, which takes into account regional integration, political contest, civil society activism and the perennial striving of migrants themselves for agency and influence within systems which appear to be driving down exactly this possibility.

The authors of these studies invite the reader to consider actual experiences and the real practices of welfare and social protection systems, including the ways in which they interact with the strivings of migrant communities for inclusion. The example of the European Union is cited on several occasions as having singularly paradoxical features in that it aims simultaneously for strict control of migrant inflow ('Fortress Europe') but at the same time also for the rapid integration of those who do cross its frontiers. Among the best protected, in formal terms at least, are those migrants who hold citizenship of a member state and who therefore benefit from the right of equality of treatment in respect of welfare and social security. But the EU also provides for the position of long-term migrants, who reside lawfully in any one member state for five or more years, and who are at this point assimilated into the protection of the free movement regime.

But a more complete account of the story requires that we look beyond what is prescribed in formal law to examine the relations which exist between host societies and people who have newly arrived in them. The studies here draw attention to asymmetries which exist even when the law provides for equality, in the form of the vulnerabilities which derive from cultural uncertainty, language deficits and presumptions in favour of the power of employers over wage earners, which are critical elements in determining the outcomes of social protection.

A further component of these dilemmas comes from the reassertion of the category of citizenship in deciding matters of access, which is a feature of the ways in which migration is managed in many countries. The holding of full citizenship is increasingly the condition of access for a growing range of social welfare services. Even for some EU nationals, the imposition of transitional arrangements limiting access to social security and welfare arrangements for citizens of the 'accession 8' countries which joined the EU in 2004, and the 'accession 2', who joined in 2007, has had a significant impact on their integration into the realm of legal rights and entitlements.¹ In the case of the UK, limitations on inclusion were intended to expire after one year of registered employment, and thereafter the migrant acquired full equality with British citizens. But the experience of the recession from 2008 onwards has revealed the fact that the concentration of these workers in employment in casual and informal sectors has meant that many were not able to accrue the

required record of continuous employment and are now experiencing real hardship. These often young migrant workers remain excluded from mainstream social security systems even after contributing through tax and national insurance for four or more years.

Indeed, as the contributors to this book point out on many occasions, complexity is the dominant feature of modern social welfare systems, producing not only the rules which include and exclude, but which also organize citizens and residents into multi-layered hierarchies where nationality and immigration status open doors to access some types of service or benefits, but not others. Bilateral and multilateral arrangements which set out the availability of reciprocal relations between citizens of specified states are a feature of the systems operating in Europe and the Americas, and to a much lesser extent in Africa and Asia. This complexity might be considered an undesirable component of modern administration but for the fact that, in the immigration context, it provides a justification for enrolling welfare agencies and services into the task of maintaining surveillance over the movements of migrant groups and a theoretically increased capacity to enforce rules and regulations.

All of these factors provide a very difficult set of circumstances for migrants as they attempt to pursue their livelihood strategies in host countries. On the face of it, the question of whether they succeed or not wholly depends on their good fortune in finding a decent employer who is prepared to honour legal and moral obligations to pay the fair rate for the job and provide a safe and secure working environment. The absence of accessible mainstream welfare systems means that there appears to be precious little scope for the migrant to endure any level of adversity, such as sickness and unemployment, or to counter the actions of an employer whose business strategy requires excessive exploitation.

In practice, the very worst of these experiences are mitigated by the actions of migrants in establishing networks which provide a degree of mutual aid. The motivation for this activity can be, and often is, altruistic and springs from moral, ethical and sometimes political sentiments which mandate solidarity with co-nationals or other migrants involved in the same area of work. Traditions of savings clubs allow people to pool resources and plan escape from particularly exploitative sectors, typically by gaining access to business and self-employment opportunities. Migrant networks provide information resources which improve the chances of gaining better standard accommodation, jobs with decent employers or general practice doctors indifferent to the immigration status of their patients.

Migrant networks can also be the starting point for the accumulation of the social capital needed to open negotiations with representatives of the mainstream host society. Providers of public health services or local authorities concerned with public health standards in the private rented sector will often find aspects of their work facilitated by good working relations with groups which represent migrant interests. Migrant communities in turn will see the benefits to be had from nurturing individuals equipped with the language and personal skills needed to make the case for better treatment. In time the process can advance to the stage where formal alliances are made with organizations rooted in the civil mainstream, like trade unions, faith communities, tenants and residence associations, and others working for integration and social cohesion.

However, this process also produces its own tensions and dilemmas. Communities can be preyed on by individuals selling self-proclaimed skills as legal experts or go-betweens, often asking high prices for indifferent services. The trust required to maintain voluntary networks can be abused, with one-time representative advocates abandoning their associations in pursuit of personal advantages. These uncertainties can make migrant support networks unstable and unreliable mechanisms for promoting welfare over longer periods of time, but they are nevertheless an important feature of the social protection systems which are discussed in this volume.

The theoretical perspectives set out here, and the detailed discussions of actual experience make this a valuable book that will hopefully inspire more research and thinking into what is currently a poorly considered aspect of migrant life. But one final feature of the approaches taken by virtually all the chapters which follow is the rigorous insistence on addressing the situation of undocumented migration at the heart of the dilemmas which need to be considered in this area of social policy.

Undocumented, or irregular, migration is commonly presented by government and immigration control agencies as a choice made on the part of an individual to attempt to defraud a system in order to gain benefits and entitlements to which he or she has no legal or moral claim. From this perspective it is a criminal activity that fully deserves the proscription of 'illegal migration' and the heavy penalties it merits. This is an unworthy approach to understanding a phenomenon which properly needs to be understood as the outcome of a prolonged social and economic process in which the formal and legal choices of the migrant are successively closed down to the point where only the options of marginality and undocumented survival are left. What pushes migrants

in the direction of irregular migration is seldom a cynical desire to gain an advantage at the expense of others, but rather the fact that it becomes the only remaining way of pursuing a livelihood strategy. For this reason the consideration of irregular migration as a set of circumstances which take place largely within the realm of action-promoting welfare, security and protection is wholly appropriate, and the insights gained from situating the subject in this context in the various chapters in this book should be thoroughly welcomed.

This book is a valuable addition to the currently small but growing literature on the welfare dimension of migration and it will no doubt take its place as a resource used by academic researchers. But its perspective and core arguments also need to be assimilated into the working practices of those dealing directly with the needs of migrant communities, such as policy makers, public service administrators, civil society activists and the proponents of the rights of migrants. Current trends towards the exclusion of migrants from systems providing adequate levels of protection from risk and hardship might become more entrenched during what is likely to be a long period of recovery from the financial crisis of recent years. Nevertheless, arguments for placing limits on such exclusion and returning to a logic of protection and inclusion will be available to those who follow closely the dynamics of migration in the years ahead.

Note

1. The **2004 enlargement of the European Union** concerned the following countries: Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia. Part of the same wave of enlargement was the accession of Bulgaria and Romania in 2007.

Acknowledgements

This book arose from a conference on Social Protection and Migration at the University of Sussex in November 2008. The conference represented the culmination of a four-year piece of research on Social Protection for Migrants that was conducted as part of the DFID-funded Development Research Centre (DRC) on Migration, Globalisation and Poverty at the University of Sussex, England.

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