

Migration and Social Protection: Exploring Issues of Portability and Access

Gallery 1, Conference Centre, Bramber House, University of Sussex

Session 1: Portability regimes and formal provisions

Wednesday 5 November 2008 10.30 – 13.00

Global Numbers on Legal and Undocumented Migrants and their Access to Social Rights

Johanna Avato, HDNSP, World Bank and Johannes Koettl, ECSHD, World Bank

Access to social rights, in particular social security rights, differs widely amongst international migrants. This paper makes an effort to quantify the status of social protection of international migrants as belonging to one of four different regimes of social protection. Using global data on bilateral migrant stocks, social security law, and bilateral social security agreements, the authors have attempted to quantify how many legal migrants fall under each regime, and an assessment of the situation of undocumented migrants.

Looking at emerging patterns on a global level as well as on regional and sub-regional level, preliminary results suggest that about one quarter of global migrants fall under the favorable Regime I, but these are largely intra-EU migrants and other North-North migrants. On the other hand migrants from developing countries, in particular South-South migrants, are in a far less favorable position. Nevertheless, some developing countries with large migrant stocks have been able to protect a considerable portion of their emigrants through bilateral social security agreements. These arguably constitute cases of best practice, which could be used to inform policy discussion.

For the Good of the Global Economy: Social Protection for the Migrant Worker

Chris Brailey, IBM Global Business Services

Contemporary challenges arising from globalisation of trade, vastly improved communications and mobility and demographic change mean that social security schemes are no longer aligned to the way that increasing numbers of citizens now live. For instance, we are seeing significant changes in the patterns of migration as well as increases in the absolute number of migrant workers.

Providing social protection for workers under these new conditions is challenging. From a policy perspective, there are good examples where bilateral and multilateral agreements exist to achieve this. But translating these arrangements into practice is not easy. There are substantial issues arising from matters such as different objectives for schemes, different definitions of terms and complex administration arrangements.

The challenges arising from the migration of workers is an international one. Ultimately the solution will be international as well. The case is made for a 'supranational clearing house' which takes responsibility for managing definitional and legal issues and providing a service to governments to operationalise agreements by delivering services on a day to day basis.

Regional Overview of Social Protection for Non-Citizens in the Southern African Development Community (SADC)

Marius Olivier, University of Johannesburg

This report gives an overview of the social security status of non-citizens in SADC, describes measures and efforts to support labour mobility through the enhanced social security protection of non-citizens in SADC, and makes recommendations as to how to improve the social security status of the said non-citizens, including through the portability of acquired benefits and other cross-country co-ordination arrangements.

After dealing with the relevant conceptual framework, the report highlights the current diversity of social security systems in SADC countries and the problems this diversity creates for the mobility of people in SADC and their social security status. Restrictions contained in the legal system are in particular emphasised. This is followed by a high-level overview of those developments, initiatives and measures at a national, regional and international level which enhance the social security status of non-citizens in SADC.

Finally, the paper proceeds with an analysis of how the problems experienced by non-citizens in SADC in social security terms, might be solved, where the shortcomings of the current initiatives are, and how to overcome these shortcomings. In this regard this final part also considers the potential to introduce cross-border social security arrangements, with particular reference to the maintenance of acquired social security rights, the aggregation of insurance periods, and the portability of social security benefits. It furthermore reflects on a range of other measures which need to be introduced in order to enhance and standardise the social security position of intra-SADC migrants.

Session 2: Migrants and Host Welfare Systems

Wednesday 5 November 2008 14.00 – 15.30

'An Increasingly Uncomfortable Environment': Access to Healthcare for Documented and Undocumented Migrants in the UK

Rosalind Bragg, Medact and Rayah Feldman, Visiting Fellow, London South Bank University

Recent policies towards health care for migrants in England have differentiated entitlements to care for different groups of migrants according to their immigration status, whereby people given leave to remain and asylum seekers awaiting a decision are entitled to full NHS services, but refused asylum seekers and other undocumented migrants only have restricted access to health care in the UK. Such differentiation leads to confusion among both migrants and providers and affects access for all migrants, regardless of their actual entitlements.

As a result of these policies and practices, many vulnerable migrants are denied healthcare or deterred from seeking care. The rationale for the restrictions has varied over time and the emphasis has shifted from cost recovery to refusing treatment. Patient exclusion based on immigration status also leads to contradictory outcomes in terms of health policy, for example increasing use of A&E, poorer maternal health, and increased risks to public health. The issues of health care go beyond health impacts alone, whether on individuals or on groups. Invidious distinctions between different groups are likely to increase barriers to access for all whose status is uncertain to the gatekeepers and legitimise discriminatory practice against foreigners.

Do Migrants Use/Abuse/Help to Maintain Social Welfare Benefits?

Fofo Amétépé and Claudia Hartmann-Hirsch, CEPS/INSTEAD

Luxembourg is a country with strong double immigration: it receives an important share of highly-qualified immigrants, as well as immigrants with little or no qualification. Nationals lie in the middle of the 'pyramid' with modest levels of education. The wealth produced in Luxembourg is to a certain extent the product of these immigrants at the top of the socio-professional scale (HARTMANN-HIRSCH, 2008). Luxembourg, just as other

countries, is looking for well-selected immigration. It stands out owing to the fact that it has had highly-qualified immigration running the economy for decades.

This paper reports on the initial findings of a comprehensive project which tackles several issues around social security. One of our topics is to investigate the varying 'dependency' of migrants¹ and nationals on different categories of benefits, divided into five groups.

The paper seeks to identify which of the immigrant groups contribute to or take up which types of benefits, and whether the system can be sustainable with or without the different groups of immigrants. This should give us an insight into whether the Luxembourgish generous social welfare system is an incentive to migrate to Luxembourg and/or to settle in Luxembourg on a more long-term basis, including for retirement.

Session 3: Policy frameworks

Wednesday 5 November 2008 16.00 – 17.30

The Issue of Social Security for Migrants in the DRC

Kawaya Sefu Papa, IOM Kinshasa

In DRC, the National Institute for Social Security has a state monopoly over the provision of Social Security and is faced with major challenges: how to adapt its work in the context of an extensive informal sector, how to operationalise the various branches of social security in accordance with ILO recommendations, and how to develop schemes to facilitate the portability of social security for migrants returning to their country of origin. These issues suggest that significant measures need to be developed, and call for an investigation of each of these problem-areas.

Furthermore, this paper explores DRC efforts in establishing links with the Conference InterAfricaine de Prevoyance Sociale [InterAfrican Conference for Social Insurance], a structure through which significant progress has already been made to harmonise legislation and procedures in this field across the region. Similarly, the government of the DRC is seeking to revisit and put into practice the Convention which exists under the framework of the Economic Community of the Great Lakes Countries.

Overall, the DRC has important challenges lying ahead in the field of social security provision, both internally and externally. These will require synergies to be created in order to support the efforts required, both through South-South and North-South cooperation.

Migration and Social Protection in SADC: Emerging Evidence and Challenges Ahead

Billisoni Itaye, University of Zimbabwe

This paper reviews available evidence on individual member-state national, bilateral and multilateral policies on the portability of social security systems, both formal and informal, for migrants in the Southern Africa Development Community (SADC). The Protocol of the SADC and the SADC Code on Social Security can be viewed as both a commitment to and an understanding of the migration-social protection nexus in the overall objective of deepening economic integration in the region of the SADC grouping. However, it is argued here that the limited practices and policy processes reflect a significant level of inertia in the implementation as well as promotion of systems and structures in the field of migration and social protection in the region.

This paper further explores the linkages between these policies and the existing practical evidence of international migration management capacities. Stark differences in the quality of life, degree of risks and

¹ A) Highly qualified immigrants (EU and non EU), B) highly qualified nationals, C) nationals with qualification or little qualification ; D) EU and E) non EU immigrants with qualification and little qualification.

vulnerabilities constitute key drivers of human migration in SADC. Besides, growing interdependence across the region suggests the need for a common response in actively developing a common framework and charter on migration-social protection nexus, particularly as SADC is soon to become a free-trade area. As such, this research suggests taking a regional approach in order to achieve SADC goals and aspirations of economic and social integration and co-operation.

Session 4: Conceptualising Access

Thursday 6 November 2008 09.00 – 11.00

Migrants' Access to Social Protection: A Case Study of the Public Distribution System in Delhi

Ian MacAuslan, Oxford Policy Management

This paper analyses migrants' ability to benefit from social protection. Despite a broad body of literature exploring migrants' vulnerabilities, this particular area remains under-researched. This piece contends that the 'Schafferian access' framework is useful to analyse migrant-related disadvantages in benefiting from social protection programmes that distribute goods but introduce eligibility criteria (such as social transfers). This framework is applied to a case study of India's Public Distribution System (PDS) in Delhi. Findings from fieldwork are presented to show that the PDS performs quite poorly in Delhi, and to identify various migrant-related disadvantages created by the PDS design.

A Historical Perspective on Immigration and Social Protection in the Netherlands

Melissa Siegel and Chris de Neubourg, Maastricht Graduate School of Governance, Maastricht University

This paper takes a historical perspective to look at immigrant access to social protection in the Netherlands, which has changed quite markedly over time. It introduces a theoretical framework (the *Welfare Pentagon*) for how immigrants cope when they do not have access to formal social protection. The Welfare Pentagon embodies the five central institutions that households or individuals could use to assuage needs in a given society (family, markets, social networks, membership institutions and public authorities).

We consider social protection as “the range of public, private, formal and informal measures that address actors' (individuals', households' and communities') vulnerability to outcomes that negatively affect their well-being (typically defined in terms of consumption and income)” (Sabates-Wheeler and Macauslan, 2007).

Starting in the early 1950's, immigration in the Netherlands has shown a positive trend and since the early sixties onwards has been a country of strong immigration (until recently). Dividing post WWII immigration into 4 distinct periods, it appears that access to different types of social protection has changed over time in the context of shifting notions of fairness. This paper explains these historical developments and gives recommendations (best practices) to fix some of the many asymmetries in entitlement and contributions.

A Market Place for Migrants: The case of Sunday Bengali Markets in Kerala

Mythri Prasad, Centre for Development Studies, Trivandrum

The paper questions the concept of social protection using evidence from intensive fieldwork on Sunday Bengali markets for migrant workers in Perumbavoor in Kerala. These markets which sprang up in response to the specific needs of migrant workers from West Bengal, Bihar and Nepal serve also as a 'meeting point' of workers. Besides traders selling wares from across India and construction workers, many men working in cloth making units, spice factories, plywood factories and so on are to be found on the markets. These markets, by acting as a point of contact, facilitate a network of migrant workers, contractors, traders, money lenders and trade unions.

Could these markets be construed as a site of interaction which ensures a form of social protection? By tracing the history of place-making and the emergence of the market, this paper seeks to critique the dichotomous understanding of formal and informal social protection. It is a site which is used for accessing both formal and informal social protection. In fact, the very existence of a sociality which is deemed 'informal' facilitates the protection of more formal rights. At the same time, the ever changing nature of the migrant population puts limits to the emergence of a right-based formal trade union. I argue that understanding the 'social' in social protection is important for policy making which requires going beyond the formal and informal categories.

Session 5: Overcoming Constraints at Destination

Thursday 6 November 2008 11.30 – 13.30

Migration Outcomes, Legal Status and Social Protection: A Quantitative Study of Malawian Returnees From South Africa and the UK

Rachel Sabates-Wheeler, Migration DRC and IDS

This paper investigates the constraints and conditions of access to specific social protection instruments for migrants. Access to social protection is of crucial concern for all migrants, regular and irregular. If we are concerned with poverty reduction and inclusive development then access to social protection is a prior question to that of portability. A central focus of this enquiry relates to the legal work status of migrants and how this interacts with positive migration outcomes and access to the labour market. A further theme of focus relates to the non-formal nature of social protection. We look at the advantages of informal social protection for labour migrants and the determinants of positive migration outcomes.

The research has three specific aims: firstly, to collect information, in terms of migrant characteristics and migration outcomes, on labour migrants from Malawi; secondly, to interrogate the relationship between migration and legality (legal work status); and finally, to better understand the interactions between migration and social protection (formal and non-formal) in order to inform initiatives that can help migrants make the most of their migration experiences. Recognising migrants' rights and aiding them in overcoming vulnerabilities associated with the migration process will have positive impacts on growth in host and source countries and will go a long way to reducing poverty.

Domestic Work and Social Protection in Greece: The Case of Albanian and Ukrainian Women's Access to Social Insurance, Health and Pre-school Care Services.

Iordanis Psimmenos, Christoforos Skamnakis and Vasilis Lolis, Panteion University

The paper looks at the issue of social protection for Albanian and Ukrainian women domestic workers currently employed in private households in Greece. Working as day cleaners and live-in care-givers, domestic workers experience a number of obstacles in accessing welfare goods and services. This is especially true in relation to social insurance benefits, access to public medical care and pre-school care facilities. Both early and more recent studies from Panteion University² (Center of Social Morphology and Social Policy) have shown that access to social services is usually dependent on state policies, the availability of resources and the relationship between migrants and welfare agencies.

The analysis here focuses on the latter by exploring in-depth the ways in which access to formal / informal social protection is being shaped by the micro-level interaction between domestic workers, employers and welfare officials. Based upon the findings from a recent research study on *Gender, Occupation and Migration* (2005-2007, PYTHAGORAS I project)³ and seventy in depth cases examined, it is claimed that barriers to

2 IAPASIS project 2000-2004, K. Kassimati, I. Psimmenos

3 PYTHAGORAS I, Professor K. Kassimati and C. Mousourou, KEKMOKOP – Center of Social Morphology and Social Policy, Panteion University of Social and Political Sciences

welfare are mostly reinforced by two main social processes: firstly, by the ways women gradually adapt to informal and low status jobs, operations and social expectations and secondly, by the ways these women and the jobs they are performing, are perceived by state welfare officials.

This approach leads on to the authors outlining the policy dilemmas involved, and how the Greek Government and NGOs are currently addressing the issue of non-insured domestic work.

Social Protection for Migrant Labour in the Ghanaian Pineapple Sector

S. Barrientos, J. Anarfi, N. Lamhauge, A. Castaldo, N. Akua Anyidoho

Pineapples are a new export crop from Ghana, contributing to poverty reduction. Production is labour intensive, and heavily dependent on internal migrant workers. Employment in pineapples can enhance the protection of migrant workers and their dependents, but it also involves protection risks, particularly due to volatile export markets. The aim of the project has been to assess the comparative risks and vulnerabilities faced by migrant workers in pineapple exports, and how social protection can be effectively adapted for migrant labour.

The study draws on the analysis of global production networks (GPNs) as socially-embedded commercial activity generating employment opportunities and risks for migrant workers, and the analysis of social protection combining formal provision and informal regimes. The research compares the position of primary migrants, who had themselves moved in search of employment whose hometown was elsewhere, and secondary migrants who were born in their current place of residence or brought there as a child, but consider their 'hometown' to be elsewhere.

In sum, pineapple employment and informal networks of reciprocity provide mixed and varied levels of protection depending on employment position within the GPN, migrant status and level of association to hometown. Different actors can contribute to enhancing protection, including exporter social standards and enhanced legal protection for casual workers. Dynamics of hometown associations and informal migrant networks play an important role, but are likely to change over time depending on insertion into GPNs and wider socio-economic trends in Ghana.

Session 6: Social Protection in Source Country and for Returnees

Thursday 6 November 2008 14.30 – 16.30

The Pension of Returning Retired Migrants in the Maghreb: a Sustainable Development Factor?

Sofiane Bouhdiba, University of Tunis

Migration from the Maghreb to Europe started in the 1960s, after the wave of post-colonial countries acceding to independence. Since 2000, we have witnessed the return of thousands of these migrants, upon reaching retirement age, to their countries of origin.

This socio-demographic study examines how the pensions of the retired returning migrants are used. Globally, two main possibilities exist: pensions can be used entirely for consumption purposes (including the purchasing of houses), but they can also be partly reinvested in the local economies. If we consider that there exists a consistent difference in wages (and in pensions) between the European and the Maghrebian employment markets, then we can assume that the pension of retired returning migrants is a main factor of sustainable development in Morocco, Algeria and Tunisia.

What is the proportion of pensions used to start projects by retired returning migrants? Is it enough to consider their pensions as an element of sustainable development in the Maghreb? What are the strategies developed

by the Maghrebian governments to attract these pensions in the investment process? These are some of the questions this presentation will try to answer.

By way of conclusion a series of recommendations will be formulated within the framework of best practices in the circulation of the pension flows originated by the retired returning migrants in the Maghrebian economies.

Migrants' Social Protection as a Multi-actor Process: Public Policies and Emigrants' Own Initiative in the Case of Ecuador

Paolo Boccagni, University of Trento

The paper builds on exploratory transnational research, via documentary analysis and empirical fieldwork, on the sources of social protection at stake in a recent migration flow – the Ecuadorian one to Europe – with a particular focus on the role of the sending country. It analyzes first the emerging discourse and policies in Ecuador, with respect to the social protection “from a distance” of the citizens expatriated in recent decades. It then looks at the comparative weight and relevance of migrants' own practices and resources, in social protection terms. It finally takes stock of the interactions – both the current and the potential ones – between formal, top-down mechanisms and resources, and informal, bottom-up ones in ensuring social protection to migrants – and indirectly to their households, and even (to a degree) to their local communities.

From this viewpoint, the tiny Andean country provides a promising terrain for exploring the connections between migration and social protection: whether sending states' increasing attention to their citizens abroad may result, *inter alia*, in greater investments in their social protection; or if, instead, a more traditional (and realist) vision of emigration as a safety valve only, or at most as a lever for remittances, is more apt to describe sending states' interests, strategies and practices. Or indeed, to what extent do the two approaches intermingle with one another, and what is the aggregate role of emigrants' social protection practices, in accounting for this?

Migration and Wellbeing of Mothers and Children of Migrant Fathers: Challenges for Social Policies Addressing Paternal Child Maintenance

Delali Badasu, University of Ghana, Accra

Many recent research findings on migration recommend that policies addressing the effects on migration should seek to maximize the benefits while minimizing the negative impacts of migration. However, understanding the social issues associated with international migration processes is no less important. They include the transformations taking place in families as a result international migration.

The present paper, based on qualitative research, looks at the effect of the international migration of Ghanaian fathers to Europe on the lives of their wives and children in Accra. The main findings show that the absence of the fathers brought hardship to their children and their mothers as the fathers were not able to send any remittances to them as a result of a number of circumstances. Some mothers received support from extended family members in caring for their children, whilst others also sought assistance from the Social Welfare Department and the Domestic Violence and Victims Support Unit (DOVVSU) of the Ghana Police Service that implement national policy on child maintenance. But these institutions are unable to assist the mothers as they do in cases on child neglect within the borders of the country. The study concludes that international migration poses a completely new challenge to policy makers as they seek to improve the wellbeing of mothers and children in the Ghana. It is recommended that international collaboration among governments be considered in addressing this area of social governance.