

Institution: University of Oxford, Department of Social Policy and Intervention

Unit of Assessment 22: Social Work and Social Policy

Title of case study: Regulating labour immigration: Labour markets, welfare states and public policy

1. Summary of the impact

The regulation of labour immigration and the rights of migrant workers are among the most contested public policy issues in high-income countries. Oxford research by Ruhs and Anderson, in conjunction with Martin (UC Davis), on how labour markets, welfare states and other public policies shape the demand for migrant workers, has directly impacted on: labour immigration policymaking in the UK (via the recommendations of the Migration Advisory Committee); the development of legislation for comprehensive immigration reform in the US; and policy debates in the Netherlands. The related research by Ruhs on the trade-offs between openness and rights in labour immigration policymaking has also informed debates and proposals about the global governance of international labour migration at the United Nations and other international institutions.

2. Underpinning research

Findings of the research underpinning this impact case study have been published in two books and a series of academic research articles. The key researchers involved are:

- Martin Ruhs (University Lecturer in Political Economy; Research Associate, Department for Social Policy and Intervention; and Senior Researcher, Centre on Migration, Policy and Society (COMPAS), Oxford University);
- Bridget Anderson (Professor of Migration and Citizenship, Centre on Migration, Policy and Society (COMPAS), Oxford University); and
- Philip Martin (Professor of Economics, UC Davis), who authored a book chapter and co-authored a journal article with Martin Ruhs.

Labour immigration and public policy: Labour immigration is often viewed as a discrete area of policy, and the relationships between immigration, labour demand and other public policy areas typically remain unrecognised in public debates and policymaking. The multi-disciplinary research for *Who Needs Migrant Workers?* [Section 3: R1] analyses the role of migrant workers in six different sectors of the UK economy, and includes a comparative discussion with the US [also see R3]. The research shows how labour immigration and employer demand for migrant workers are closely related to a wide range of institutions and public policies that go beyond immigration policy. Labour market policies, housing policies, and a wide range of social policies, have in many countries created incentives for employers, especially in low-waged sectors, to develop a preference for recruiting migrant over domestic workers. Reducing or at least slowing down the growth in the reliance on migrant labour – a policy goal of many governments – will not happen without fundamental changes to the policies and institutions that create the demand in the first place. In the UK, the research recommends that this includes greater labour market regulation in some sectors, more investment in education and training, better wages and conditions in some low waged public sector jobs, improved job status and career tracks, and better regulation of employment agencies [R1].

Openness vs Rights: Many low-income countries and development organisations, such as the World Bank, are calling for greater liberalisation of labour immigration policies in high-income countries. At the same time, many human rights organisations and migrant rights advocates, such as the International Labour Organisation (ILO) demand more equality of rights for migrant workers. The international comparative research for *The Price of Rights* [R2] shows that it is not always possible to have both. Examining labour immigration policies in over forty countries, as well as policy drivers in major migrant-receiving and migrant-sending states, the research shows that high-income countries' labour immigration policies are characterised by a trade-off between openness to admitting migrant workers, and some of the rights granted to migrants after admission. More

open admission policies are associated with greater restrictions of migrant rights (especially, but not only, social rights giving access to the welfare state) [also see **R4**]. This implies that insisting on equality of rights for migrant workers can come at the price of discouraging the liberalisation of international labour migration, especially for lower-skilled workers whose international movement is currently most restricted. How to respond to the openness-rights trade-off is one of the most important questions for global and national debates about international labour migration [**R1**, **R5**].

3. References to the research

[R1] Ruhs, M. and Anderson, B. eds. (paperback 2012, hardback 2010) *Who Needs Migrant Workers? Labour Shortages, Immigration and Public Policy*, Oxford University Press [This book is based on research commissioned by the UK's Migration Advisory Committee (MAC) which advises the Government on labour immigration policy. Competitive tender. Value: £30,000].

[R2] Ruhs, M. (2013) *The Price of Rights: Regulating International Labor Migration*, Princeton University Press [Research for this book began in 2007 and Ruhs has presented and discussed various chapters with policy-makers throughout 2008-13] www.priceofrights.com.

[R3] Martin, P. and Ruhs, M. (2011) Labor Shortages and U.S. Immigration Reform: Promises and Perils of an Independent Commission, *International Migration Review* 45(1), pp.174-187 [world leading journal in migration studies].

[R4] Ruhs, M. and Martin, P. (2008) Numbers vs Rights: Trade-offs and Guest Worker Programs, *International Migration Review*, 42(1), pp. 249-265.

[R5] Ruhs, M. (2008) Economic Research and Labour Immigration Policy, *Oxford Review of Economic Policy* 24(3), pp.1-29.

4. Details of the impact

Building on the two-way pathways to impact, Ruhs' team regularly works in a co-productive manner with various external partners, and as such their research has had significant influence on government policymaking and debates relating to migration in the UK, US, and the Netherlands, as well as for various UN agencies dealing with migration issues.

UK policy

Through Ruhs' team's collaborative work with the UK's **Migration Advisory Committee** (MAC), the research on labour immigration and public policy has directly informed and heavily impacted on the MAC's work in drawing up a list of "shortage occupations" (where employers get easier access to migrant workers), which helps regulate labour immigration from outside the EU within "Tier 2" of the UK's points-based system for immigration. To include a job on this list, the MAC needs to agree that the job is *skilled*, that there is a labour *shortage* and that it is '*sensible*' to respond to the shortage with labour immigration. The research for *Who needs migrant workers?*

[R1] (initially commissioned by the MAC, thereby involving them in the co-productive research process) has developed the framework for addressing the '*sensible*' question in all MAC analysis since 2008 [**Section 5: C1, C2**]. All the shortage occupation lists recommended by the MAC since 2008 have been accepted by the Government, so there has been a direct and clear policy impact of the research (via the analysis and policy recommendations of the MAC). According to David Metcalf, Chair of the MAC: "Successive governments have accepted all six shortage occupation lists produced by the MAC. This is in large part down to the initial input via the Ruhs' research." [**C1**]

The insight that the UK's growing reliance on migrant workers is closely related to a wide range of public policies that have encouraged employers to recruit migrants over British workers [**R1; C11**], has had an important impact on the development of a new approach to immigration by the **Labour Party** [**C3**]. Ed Miliband's first major speech on immigration [**C4**], given in June 2012, drew directly from the research. After a 45 minute discussion of the book with Ruhs in a private meeting in early June 2012, Miliband argued in his speech a few days later that there was a need for "a new approach to immigration based on building a different kind of economy."

Miliband's Special Advisor commented: 'Mr Miliband's speech subsequently drew directly on the analysis in that book and Mr Miliband has continued to make arguments that build from those

central insights i.e. that in order to reduce low skilled immigration we need to build a different type of economy, with better training, enforcement of labour standards and more effective regulation of recruitment agencies, including his last two conference speeches [...] In a world in which the divide between academia and policy can often be very wide, Martin is one of those whose work bridges the gap.' [C3; R1].

The research on employer demand for migrant labour also impacted on **media and public policy debates in the UK**. Ruhs and Anderson produced a policy primer based on the book [C11], and published on the publicly accessible website of Oxford University's Migration Observatory (over 3,000 unique hits since mid 2011). The primer was cited in the Financial Times and discussed in an interview with Mark Easton on the BBC 6:00 p.m. primetime news. Ruhs and Anderson also published an opinion piece in the print version of the Guardian.

Policy beyond the UK:

Outside the UK, the research has had considerable impact on **debates and legislation on immigration reform in the US [C5, C6]**. *Who Needs Migrant Workers?* [R1] was launched at the Economic Policy Institute, a major think-tank linked to trade unions, in Washington DC in late 2010. Martin and Ruhs drew on the book for an article on the role of independent commissions in US immigration reform [R3] which was discussed in meetings with officials at the Department of Labor, the Department for Homeland Security, and with staffers working for the Senate Judiciary Committee. In early 2013, Ruhs and Martin's research on independent commissions in labour immigration policy [R3] was discussed at a hearing on comprehensive immigration reform by the Senate Judiciary Committee, and in an op-ed in the Financial Times [C10]. In April 2013, a group of eight Senators published a major bipartisan bill for comprehensive immigration reform [C6]. The bill proposes the establishment of a "Bureau of Immigration and Labor Market Research" which recommends the annual quota for a new work visa programme (W-Visa), and identifies shortage occupations based on analysis of the issues discussed in the research [R3]. The bill passed the Senate in May 2013, and Congress is expected to vote on it in the autumn of 2013. If it passes, it will lead to the biggest reform of US immigration policy since the 1980s. Ray Marshall, U.S. Secretary of Labor, 1977-1981, has played a central role in policy debates about new immigration legislation in the US. He says that the research [R1] has "helped us enormously in gaining broad political support for the Bureau of Immigration and Labor Market Research that was included in the US Senate's 2013 comprehensive immigration reform bill. The Senate version needs revision to make it more independent, but Martin's work will help us with these refinements." [C5]

The research has also **informed key individuals working on labour and immigration across Europe**. In the **Netherlands**, a summary of [R1] was translated into Dutch for a book chapter published by the Dutch Scientific Council for Government Policy [C7] and discussed with the Minister of Social Affairs and Employment who used the research, especially Ruhs' insight that immigration is linked to a wide range of public policies, to formulate the official Dutch **cabinet's view on labour migration [C7]**. According to a senior member of the scientific staff of the Scientific Council for Government Policy, "the impact of Ruhs' work has been substantial [...] the Council used Ruhs' contribution, based on the *Who need migrant workers* book [R1], to draft a number of policy recommendations concerning the future of labour migration in the European Union [...] in our opinion, Ruhs convincingly argues that labour migration should be regarded in the wider context of labour market policies and the structure of the Dutch labour market." [C7]

The research for *The Price of Rights* book [R2], which analysed the tension between openness to admitting migrant workers and migrant rights after admission, had a major impact on policy debates at various **UN agencies and international organisations**, including the International Labour Organisation, the United Nations High Commissioner for Human Rights, the United Nations Development Programme, and the International Organisation for Migration (IOM) [C8]. Specifically at the IOM, the Director of Policy Research stated that: "Ruhs' research [...] has encouraged more explicit debate among international agencies about the potential tensions between access and rights in labour immigration policy, and about the pros and cons of a core rights approach to the global protection of migrant workers". [C8]

Ruhs presented the research at all these agencies and held a series of discussions with officials during 2009-13. The UNDP's *Human Development Report 2009* was dedicated to migration, and

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included an extensive discussion of the idea of a trade-off between openness and rights in labour immigration policy. The research [R2] also informed the *European Development Report 2013* for which Ruhs wrote a background paper discussing the role of migration and migrant rights in the post-MDG (Millennium Development Goals) international development agenda. [C9]

5. Sources to corroborate the impact

[C1] Chair of Migration Advisory Committee (MAC) – will confirm impact of research on work of MAC and policy-making in practice.

[C2] Migration Advisory Committee (2008) *Skills, Shortage, Sensible. The first recommended Shortage Occupation List for the UK*. MAC, London.

[C3] Special Advisor to Labour Leader – will confirm impact of research on development of new proposals for immigration policy by the Labour Party.

[C4] Ed Miliband speech on immigration. <http://www.politics.co.uk/comment-analysis/2012/06/22/ed-miliband-s-immigration-speech-in-full>

[C5] Former US Labor Secretary – can confirm impact of research on immigration policy debates and development of immigration legislation in the US.

[C6] “Border Security, Economic Opportunity, and Immigration Modernization Act” (US Senate Immigration Bill, passed in May 2013). <http://www.schumer.senate.gov/forms/immigration.pdf>

[C7] ‘*In Betere Baanen*’. <http://www.wrr.nl/en/publicaties/publicatie/article/in-betere-banen/>; staff of the Dutch Scientific Council for Government Policy can confirm impact on policy-making in the Netherlands.

[C8] Director of Policy Research, International Organisation for Migration - will confirm impact of research on UN and international debates on migrant rights and labour migration.

[C9] Overseas Development Institute et al. (2013) *European Development Report 2013*, Brussels; and Ruhs, M. (2013) ‘Towards a post-2015 development agenda: What role for migrant rights and international labour migration?’, Background Paper for the ERD2013, published by ODI et al.

[C10] Ruhs and Martin published a Comment in the Financial Times (18 February 2013), see <http://www.ft.com/cms/s/0/fce0445a-79e4-11e2-b377-00144feabdc0.html>).

[C11] Ruhs, M and B. Anderson (2011) ‘Responding to Employers: Labour Shortages and Immigration Policy’, Policy Primer, Migration Observatory, Oxford University.