Numbers vs. Rights: Trade-Offs and Guest Worker Programs

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This paper examines the relationship between the number and rights of low-skilled migrant workers in high-income countries. It identifies a trade-off: Countries with large numbers of low-skilled migrant workers offer them relatively few rights, while smaller numbers of migrants are typically associated with more rights. We discuss the number-vs.-rights trade-off in theory and practice as an example of competing goods, raising the question of whether numbers of migrants or rights of migrants should get higher priority. There is no easy or universal answer, but avoiding an explicit discussion of the issue – as has been done in recent guest worker debates – can obscure an important policy choice.

INTRODUCTION

Although declared “dead” more than two decades ago (Castles, 1986), guest worker programs that admit migrant workers on a temporary basis to fill jobs in high-income countries are once again in vogue. The World Bank, The Global Commission on International Migration, the World Trade Organization's General Agreement on Trade in Services (GATS) Mode 4 negotiations, the International Organisation for Migration, and voices in both high-income and lower-income countries are calling for more temporary labor migration through new guest worker programs (see Winters et al., 2003; GCIM, 2005; IOM, 2005; World Bank, 2005). The result should be “win-win-win” outcomes, as migrant workers win by earning higher wages abroad, migrant-receiving countries win with additional workers who expand employment and

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Economic theory and experience confirm that moving workers from low-income to higher-income countries benefits migrants and raises global income while creating small net economic benefits in receiving countries, largely because the migrants hold down wages and prices (see, for example, Borjas, 1995; Freeman, 2006). For the US in the mid-1990s, a National Research Council report estimated that the net economic benefits of immigration ranged from $1 billion to $10 billion, meaning that US economic output was this much higher because of immigration (Smith and Edmonston, 1997). Proponents of immigration stressed the positive economic benefits of immigrants; opponents pointed out that a then $8 trillion economy expanding by 3 percent grows by $240 billion a year, or $10 billion in two weeks.

The new twist in proposals for more guest workers is the argument that low-income countries would benefit by sending more workers abroad. The World Bank estimated that moving an additional 14 million workers from low-income to higher-income countries would generate a global income gain of over $350 billion, exceeding the $300-billion gain from completing the Doha round of trade negotiations (World Bank, 2005). The press release accompanying the World Bank’s Global Economic Prospects report for 2006 argued that more “managed migration programs, including temporary work visas for low-skilled migrants in industrial countries . . . would contribute to significant reductions in poverty in migrant sending countries, among the migrants themselves, their families and, as remittances increase, in the broader community.” In its report to the Secretary-General of the United Nations, the Global Commission on International Migration recommended “carefully designed temporary migration programs as a means of addressing the economic needs of both countries of origin and destination” (GCIM, 2005:16).

If these recommendations are followed, we can expect a new wave of guest worker programs, increasing the number of migrant workers legally working outside their countries of origin. The new guest worker programs would, however, also involve restrictions of at least some of the rights of migrant workers. For example, by definition, guest workers have a time-limited right to residence and employment in the host country. Time spent in employment as a guest worker usually does not count or help a migrant earn permanent residence rights. Most guest worker programs restrict migrants to employment in certain sectors, do not allow migrants to freely change employers, and require them to leave the country if they lose their jobs. Under many proposals for new guest
worker programs, migrants are also likely to have very restricted access to unemployment and welfare benefits and no right to family reunion.

All guest worker programs restrict the rights of migrant workers. However, the United Nations (UN) and the International Labour Organization (ILO) have enacted a number of international Conventions that outline a comprehensive set of rights for migrants, including the right to equal protections under labor laws, antidiscrimination laws, and family laws (for an overview, see Weissbrodt, 2003). For example, the International Convention on the Protection of All Migrant Workers and Members of their Families (ICMR), adopted by the General Assembly of the UN in 1990, sets out a very broad set of rights for migrants, including those living and/or working abroad illegally. The ICMR has become a cornerstone of the “rights-based approach” to migration advocated by many international and national organizations concerned with the protection of migrants (see, for example, ILO, 2005). According to Grant, the essential elements of a rights-based approach include

the observance of international human rights norms, including equality and non-discrimination, standard setting and accountability, the recognition of migrants as subjects and holders of rights, the participation of communities and the integration of a gender, child’s rights and ethnic perspective. (2005:26)

With some international organizations calling for increasing the number of labor migrants, while others call for more migrant rights, this paper explores the relationship between migrant numbers and rights. An understanding of this relationship is important for debates on guest workers as well as for more general discussions of labor immigration. Our basic argument is that there is a trade-off, i.e., an inverse relationship between the number and rights of migrants employed in low skilled jobs in high-income countries. The primary reason for this trade-off is that employer demand for labor is negatively sloped with respect to labor costs, and that more rights for migrants typically means higher costs. The result is that more migrants tend to be associated with fewer rights for migrants, and vice versa.

There are also a number of other human rights conventions that protect all persons, including migrants. The 1966 International Covenant on Civil and Political Rights, for example, bans slavery and forced labor in Article 8. Article 12 grants persons lawfully in a state the “right to liberty of movement and freedom to choose his residence,” a right routinely denied to guest workers because their lawful stay in the country depends on continued employment with a specific employer.

Since the focus of this paper is on labor migration, we use the terms “migrants” and “migrant workers” interchangeably.
The paper has four parts. It begins with a discussion of the relationship between migrant numbers and migrant rights in theory. We distinguish between labor markets for skilled and low or unskilled migrant workers and argue that in high income countries the demand for low skilled migrant labor is downward sloping with respect to rights that have costs. The second part presents selected empirical evidence of the numbers-vs.-rights trade-off in the employment of migrants in low-skilled jobs. We then briefly explore how the trade-off affects migrants and their countries of origin. The conclusion discusses the implications of our analysis for current debates about new guest worker programs. We argue that any informed normative position on guest worker programs and migrant rights needs to take account of the existence and potential impacts of the numbers-vs.-rights trade-off, including its consequences for migrants and their countries of origin.

We do not discuss the equally important question of whether and how guest worker programs are feasible in the sense that they can avoid the unintended consequences of the past. There is a substantial literature that discusses the “failures” and “policy lessons” of past temporary migration programs, especially of the Bracero program in the United States during 1942–1964 and the Gastarbeiter program in Germany during 1955–1973 (see, for example, Martin and Teitelbaum, 2001; Plewa and Miller, 2005; Abella, 2006; GAO, 2006; Martin et al., 2006; Castles, 2007). Other studies propose policy principles and/or specific policy measures for avoiding past policy mistakes (see, for example, Martin, 2003; Schiff, 2004; Amin and Mattoo, 2005; Ruhs, 2006a). Although considerations of feasibility are obviously of paramount importance, the trade-off between numbers and rights that underlies all guest worker programs – and, as we argue in this paper, the employment in low skilled migrants more generally – deserves equal attention.

**NUMBERS AND RIGHTS IN THEORY**

It is useful to conceptualize the numbers and rights of migrants employed in high income countries as the outcome of the policies/actions of three key actors: states, employers, and migrants. At its core, the design of a labor immigration policy – including guest worker programs – requires states to make policy decisions that affect labor markets.

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4This formulation recognizes that many migrants working in low-skilled jobs in high income countries are in fact skilled or even highly skilled in terms of their qualifications. This should be kept in mind whenever we talk about the demand for “low-skilled migrants,” a formulation adopted in this paper for linguistic convenience.
decisions on parameters that include the number of migrants to be admitted; the selection of migrants (e.g., by skill or nationality); and the rights that migrants are granted after admission. States’ control over immigration is inevitably incomplete, and migration policies may be inconsistent and generate unintended consequences (see, for example, Joppke, 1998; Castles and Miller, 2003; Cornelius et al., 2004). However, high income countries can and do make decisions on the mechanisms that determine the numbers, selection, and rights of migrants in order to achieve certain policy objectives. These objectives can include goals such as: maximizing economic growth and minimizing adverse distributional consequences; minimizing fiscal costs; maintaining social cohesion and national security; and/or complying with international human rights treaties and maintaining a certain minimum level of rights for all workers and residents (see, for example, the discussion in Spencer, 2003).

In their policy decisions on how to regulate the number and selection of migrants, states may assign employers varying degrees of control. At one extreme, states can – and many do – strictly regulate the maximum number of migrants legally admitted for employment purposes (e.g., through annual quotas) and specify strict criteria for selection (e.g., high-skilled migrants to be employed in the IT sector only). At the other extreme, states may have a “laissez faire” admissions policy that allows employers to determine how many and what type of migrants to employ. In this case, the total number of migrants admitted is simply the aggregate of the recruitment decisions of individual employers. The role assigned by the state to employers in regulating the number and selection of migrants will depend, to a large degree, on the extent to which the interests of individual employers match those of the state. For example, where labor immigration is perceived to have significant social costs that are carried by the state and society at large rather than by employers, the state will be unlikely to let employers decide freely on the number and selection of migrant workers.

Regardless of how admission and selection are regulated, nation states always determine the rights – including the economic and social rights – that migrants are to be granted after admission. In the labor market, it is useful to think of migrants’ (employment) rights as minimum standards that employers must satisfy (unless they choose to employ migrants “illegally,” i.e., outside the legal framework set by the state).

Importantly, the state can only provide the “framework conditions” within which the legal immigration and employment of migrants may occur. In the end, migrants will not be employed in high income countries unless employers demand migrant labor and workers are willing to migrate and take
up employment abroad at the conditions offered. This suggests that any
discussion of the relationship between the number and rights of migrant
workers must put employers and migrants at the heart of the analysis while
taking account of the state’s role in setting the framework conditions for labor
immigration.

Given this simple conceptualization of labor immigration policy and the
employment of migrants, what relationship can we expect between the number
and rights of migrants employed in high income countries? From an economic
point of view, we can expect an important asymmetry in the relationship
between the numbers and rights of skilled and low-skilled migrants.

The international market for skilled and highly skilled migrant workers
is characterized by “excess” demand for labor, i.e., a significant number of high-
income countries are competing for a relatively small pool of highly qualified
workers willing to migrate. As a result, qualified migrants are able to choose
among competing destinations, and their choice of destination is likely to
depend on both expected earnings and expected rights in destination areas.
Consequently, countries and employers seeking to attract skilled workers are
likely to offer them not only high wages but also substantial rights, generating
a positive relationship between the number and rights of highly skilled
migrants.

In contrast, the demand for low-skilled migrant workers is likely to be
downward sloping with regard to migrants’ rights. There is an almost
unlimited supply of migrants willing to accept low-skilled jobs in high-income
countries at wages and underemployment conditions significantly lower than
those mandated by local laws and international norms. Migrants, whose “frame
of reference” (Piore, 1979) is the labor market in their countries of origin, may
not demand equal treatment in the labor markets of higher-income countries,
especially if they plan a limited and relatively short spell of employment
abroad.

From the employer’s point of view, more employment rights for workers
generally mean increased labor costs, generating a numbers-rights trade-off.
This trade-off is familiar, as when employers oppose minimum wage increases
because they assert that higher labor costs will mean fewer jobs. The analogy
to migrants’ rights is clear: if migrants have the “full rights” laid out in ILO and
UN conventions, including the right to equal wages and all work-related
benefits, their cost will be higher and fewer will be employed. On the other
hand, more limited migrant rights may mean lower costs for employers and
more migrants employed. In this sense, increasing the rights of migrants affects
their employment in the same way that a higher minimum wage can reduce the
number of jobs (for all workers, not just migrants). Of course, it needs to be added that not all rights create significant costs for employers, just as raising minimum wages does not always lead to reduced employment (see Card and Krueger, 1994; Neumark and Wascher, 2007). Nevertheless, it is clear that significant increases in labor costs will, ceteris paribus, encourage profit-maximizing employers to reduce the number of jobs on offer.

The numbers-rights trade-off described above rests entirely on the rational behavior of employers and workers, and can be expected to hold in any competitive labor market, regardless of the framework conditions set by the state. If the state stipulates a relatively high set of employment rights for low-skilled migrants, employer demand – and thus the number of migrants legally employed in low-skilled jobs – can be expected to be lower than what it would be if migrants had fewer rights.

There may also be a second factor, stemming from the interests and policies of the state rather than the actions of employers and workers, that helps to generate a negative relationship between the number of low-skilled migrants and their rights: the fiscal effects of immigration. The public finance impacts of migrants, the balance between the taxes they pay and the cost of tax-supported services they receive, depends largely on their age, wages, and eligibility for and take-up of government benefits and public services (see, for example, Smith and Edmonston, 1997). Migrants with lower than average incomes, i.e., those in low-skilled and low-wage jobs, tend to pay less in taxes and, because of their lower incomes, may be eligible for more government-funded services, especially if their families are with them. In order to minimize the fiscal costs of low-skilled migrants, high-income countries may be expected to limit migrant numbers or their access to welfare benefits.

To be sure, the state’s interest in setting migrants’ rights may be complex and will most likely be determined by a range of economic and noneconomic considerations that go beyond fiscal impacts. For example, states that make egalitarianism and/or compliance with international human rights norms key components of their national identity may be reluctant to restrict migrant rights. Restricting migrants’ rights may also generate significant social costs, especially if the restrictions are long term and lead to the emergence of a large group of “second-class residents.” These are potentially important considerations that may have an impact on how states establish and enforce migrant rights. Nevertheless, policies that lead to sustained fiscal losses are often politically unpopular and may be unsustainable in the long term, so it is reasonable to expect fiscal considerations to play an important and perhaps dominant role in the “politics” of migrant rights.
NUMBERS VS. RIGHTS IN PRACTICE

This section provides selective case-study evidence of the relationship between the number and rights of migrant workers in practice. It is important to note that when comparing countries of different sizes in terms of population and labor force, the analysis of “migrant numbers” needs to take account of the relative share of migrant workers in the labor force, rather than just absolute numbers. We do not present a comprehensive empirical test of the numbers-vs.-rights hypothesis. Our aim instead is to illustrate and indicate the relevance of the trade-off suggested by theory to motivate further research and empirical testing of the issue.

Because there is a global quest for talent (Kuptsch and Pang, 2006), high-income countries recognize the need to grant skilled migrants substantial rights in order to attract significant numbers. For example, Canada and Australia, two countries that have long been successful at attracting skilled migrants, grant qualified migrants permanent residence and the associated comprehensive set of rights immediately upon arrival (see, for example, Richardson and Lester, 2004). The UK’s Highly Skilled Migrant Programme aims to attract qualified migrants by offering them the opportunity to migrate to the UK without a job offer and with the right to apply for permanent residence after five years of residence in the UK (Home Office UK, 2006a). Ireland is introducing a long-term residence status to attract migrants with scarce skills in short supply in the Irish economy (Department of Justice, Equality and Law Reform, 2006). In contrast, Germany’s “Green Card” program for attracting IT workers from abroad offered a five-year work permit rather than permanent residency status, and attracted fewer than the 20,000 visas offered (for a discussion, see Kolb, 2005).

In contrast, high-income country policies for regulating low-skilled labor immigration are typically characterized by a negative relationship between migrant numbers and rights. Singapore and many of the Persian Gulf States in the Middle East are examples of countries operating “high number – low rights” policies toward unskilled migrants. Both admit large numbers of migrants to fill low-wage jobs – migrants constitute over 95 percent of Kuwait’s private sector workforce (Kuwait Institute of Banking Studies, 2006) and about 25 percent of Singapore’s low-skilled workforce (Statistics Singapore, 2006).

Following the failure of the Green Card system to attract significant numbers of highly skilled migrants, Germany passed a new immigration law in 2004 that provides for unlimited residence permits for highly qualified migrants and their families.
However, in both Kuwait and Singapore, the protections of local labor laws do not apply to certain types of migrants, such as domestic workers. In Singapore, migrants employed in low-wage jobs are officially prohibited from co-habiting with or marrying a Singaporean resident, an effort to limit the costs of migrants by limiting settlement (see Piper and Iredale, 2003).

Bell and Piper (2005) contrasted the numbers-vs.-rights trade-off in Singapore and Hong Kong for domestic helpers with Canada’s Live-in Caregiver program, which admits a small number of migrants to be in-home helpers but allows them to earn permanent residence after two years of employment. Bell and Piper note that “the choice, in reality, is between few legal openings for migrant workers with the promise of equal citizenship and many openings for migrant workers without the promise of citizenship” (Bell and Piper, 2005:209).

Although less extreme, trade-offs between numbers and rights of low-skilled migrants can also be observed in the labor markets and labor immigration policies of liberal democracies in Europe and North America. For example, in May 2004, the UK, Ireland and Sweden granted workers from the eight Central European states (“A8 countries”) that joined the EU in 2004 the right to enter and work. Sweden offered A8 workers full access to the social welfare system. In contrast, the right to work in the “flexible” labor markets of the UK and Ireland was accompanied by restrictions on migrants’ access to unemployment and welfare benefits (see National Economic and Social Council of Ireland, 2006a; Ruhs, 2006b). By 2006, a million East European workers had migrated to work in the UK and Ireland after EU enlargement (Home Office UK, 2006b; National Economic and Social Council of Ireland, 2006b), but only 5,000 found jobs in Sweden in 2005 (see Doyle et al., 2006; Tamas and Munz, 2006).

One of the reasons for the paucity of A8 migrants in Sweden is the tight regulation of Swedish labor markets, which gives migrant workers full employment rights and makes them as expensive as local workers. Most wages and benefits in Sweden are set via collective bargaining and, with most workers in unions, wages and benefits adhere to industry-wide standards. At the time of EU enlargement in 2004, Sweden introduced a number of measures aimed at preventing immigration from undermining existing labor market regulations and collective bargaining structures (Tamas and Munz, 2006). With effective labor-law compliance, there was little incentive for employers to hire A8 migrants to save money. The UK’s and Ireland’s relatively “low-rights” policies combined with flexible labor markets to attract large numbers of A8 migrants, while Sweden’s “high-rights” policies were associated with far fewer A8 migrants.
Trade-offs between the number and rights of migrants can also be observed in the United States, which in 1996 elected to keep legal immigration high by restricting access to means-tested welfare benefits and adopting a one-strike and you are out policy toward immigrants who committed felony crimes. The Commission on Immigration Reform, reacting to the perceived cost of providing tax-supported services to immigrants that led to approval of Proposition 187 in November 1994 in California, urged Congress to reduce immigrant admissions but maintain immigrant access to social safety net programs (US Commission on Immigration Reform, 1995). Congress rejected this recommendation, and instead kept immigrant numbers high and reduced migrant access to benefits (see the discussion in Tichenor, 2002).

Irregular migration represents an extreme end of the numbers-vs.-rights spectrum, the place where high numbers are often associated with very few rights. In the US, for example, there are about seven irregular workers for each legal guest worker, and most are employed in low-skilled jobs (Passel, 2005). In the UK, estimates of irregular migrants range from 310,000 to 570,000, with a median estimate of 430,000, equivalent to about 0.7 percent of the UK population (Woodbridge, 2005). Most irregular migrants in the UK are thought to be working in low-wage jobs in agriculture and food processing, construction, the care sector, cleaning, and in hospitality. In both the US and UK, the debate over how to deal with irregular migration includes the argument that better enforcement of employment laws would reduce the demand for irregular migrant labor by raising its cost (see, for example, Abraham and Hamilton, 2006; Denham, 2006), suggesting a numbers-rights trade-off.

BALANCING NUMBERS AND RIGHTS: THE PERSPECTIVES OF MIGRANTS AND THEIR COUNTRIES OF ORIGIN

The trade-off between numbers and rights is generated by markets and politics in migrant-receiving countries, but it also has important implications for migrants and their countries of origin. Large numbers of migrant workers are employed in countries that severely restrict migrants’ rights, suggesting that many workers are willing to accept fewer rights in exchange for higher wages. Of course, the mere presence of migrants in countries with “high numbers – low rights” policies does not mean that such policies are in the migrants’ best

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6The purpose of Proposition 187 was to deny illegal aliens and their children welfare benefits, nonemergency healthcare, and public education. Proposition 187 was approved by voters in California but later declared unconstitutional by a federal court (see Tichenor, 2002).
interests and therefore desirable. Nevertheless, the fact that migrants often pay significant recruitment fees to work in such countries highlights the need for a more explicit discussion of the choices that many workers in developing countries face. Rights-based approaches to migration rarely discuss the agency of migrant workers, i.e., their capacity to make rational and independent decisions when faced with limited options. Instead they often tend to treat migrants as victims of recruiters and smugglers rather than rational economic agents maximizing within constraints.

The numbers-vs.-rights trade-off also affects sending country governments that have the dual and sometimes competing interests of, on the one hand, promoting the rights of their nationals abroad, and, on the other, maximizing the economic benefits from emigration. Some migrant-sending countries would like receiving countries to restrict the right of migrants to settle in order to maximize remittances and returns. For example, the Mexican Agricultural Seasonal Workers Program is an MOU under which seasonal workers have gone to Canada since 1974 (see Martin et al., 2006). For most of the past three decades, only married men with children could participate, leaving their families behind and returning with evaluations in sealed envelopes that had to be delivered to Mexican authorities to avoid being dropped from eligibility lists for next season. Other migrant-sending countries are reluctant to ratify the ICMR for fear of losing jobs for their nationals abroad (Piper and Iredale, 2003).

The numbers-vs.-rights dilemma for sending countries was also highlighted during the WTO’s GATS negotiations, which aim to liberalize the movement of “service providers.” Mode 4 of the GATS involves the “movement of natural persons.” Many low-income countries would like to see more Mode 4 movements, with India leading a group of countries demanding, inter alia, changes in high-income country policies that would open more doors for their nationals seeking to provide services. The goal is a “GATS visa” that would allow access to any WTO member country for one to three years (Chanda, 2001); refusal to allow entry and employment would be a reason to file a complaint with the WTO.

The numbers-vs.-rights trade-off becomes clear when dealing with wage parity for GATS service providers. ILO Conventions 97 and 143 call for migrant and local workers to receive the same wages for the same work. However, Chaudhuri et al. (2004:366) assert that equal wages would limit numbers: “Wage-parity . . . is intended to provide a nondiscriminatory environment, [but] tends to erode the cost advantage of hiring foreigners and works like a de facto quota.” Chanda (2001:635) goes further, asserting that wage parity “negates the very basis of cross-country labor flows which stems
from endowment-based cost differentials between countries.” In other words, if GATS opened new channels for migrants, would they be paid wages equal to those of local workers, which may limit their numbers, or could migrants work for lower wages, which would presumably increase their numbers?

**CONCLUSION: IMPLICATIONS FOR GUEST WORKER DEBATES**

Governments that face public opposition to labor immigration often see guest worker programs – which, by design, increase migrant numbers but restrict migrant rights – as the best compromise between the extremes of no borders and no migrants. The arguments for legal guest worker programs as “middle path policies” that increase the number of migrants legally employed in high-income countries seem compelling. Employers argue they need guest workers because they cannot find local workers to fill vacant jobs at prevailing wages and working conditions, and many migrants want to fill these jobs because they will receive higher wages than at home. Sending countries can benefit from more guest workers via remittances and the return of migrants with new skills. With worries about integrating second- and third-generation foreigners, and about the fiscal and social costs of immigration more generally, receiving-country governments find it appealing to use guest worker programs to “borrow” workers from lower-wage countries, and to restrict the rights of migrants in order to minimize their costs.

Most recent discussions of new guest worker programs have been concerned with their feasibility, *i.e.*, whether and how to avoid past policy mistakes that have, among other things, led to the permanent settlement of what were supposed to be temporary workers. An equally fundamental but little discussed question that guest worker programs raise concerns the relationship between the numbers and rights of migrant workers employed in low-skilled jobs in high-income countries. This paper argues that the relationship between the number and rights of migrant workers employed in low-skilled jobs in high-income countries is characterized by a trade-off: countries with large numbers or shares of low-skilled migrant workers offer them relatively few rights, while smaller numbers of migrants are typically associated with more rights. The primary reason for this trade-off is that rights can create costs for employers, and rising labor costs are typically associated with a reduced demand for labor. A second reason stems from the political imperative in most high-income countries to minimize the fiscal costs of low-skilled immigration, either by keeping migrant numbers low or by restricting migrants’ access to the social welfare system. Although we have not provided a comprehensive empirical test, we have given empirical examples
that, in our view, provide convincing evidence of the relevance of the numbers-vs.-rights trade-off in practice.

In practice, migrants and migrant-sending countries often tolerate restrictions of migrant rights in order to gain legal access to low-skilled labor markets in higher-income countries. Of course, it does not automatically follow that restricting migrant rights under a guest worker program is a desirable policy from a normative point of view. Whatever the logic of the market and the interests of receiving countries, migrants, and their countries of origins, there may be strong normative arguments against restricting migrant rights. For example, Carens (2007:4) argues that, even if there is a trade-off between migrant numbers and rights, restricting the rights of migrants is always morally problematic “because they violate the state’s own understanding of morally acceptable conditions of employment.” In contrast, Bell and Piper (2005:214) suggest that unequal rights under a guest worker program could be morally justified if three conditions are met: (a) if they benefit migrant workers, as decided by migrant workers themselves; (b) if they create opportunities for people to improve their lives; and (c) if there are no feasible alternatives to (a) and (b).

We are not trying to determine where high-income countries should locate themselves on the numbers-rights spectrum. Instead, we argue in this paper that any normative and policy discussion of guest worker programs and migrant rights needs to carefully consider (as Carens (2007) and Bell and Piper (2005) have done) the trade-off between migrant numbers and rights, and its consequences for all sides, including the impacts on migrants and their countries of origin.

Most advocates and critics of more guest workers or a strict rights-based approach to labor migration have not dealt with the fundamental dilemma that inequality motivates the movement of people, but most norms call for equal treatment after arrival. Countries in which this equality norm is ignored have the most migrants (“high numbers–low rights policies”), as in the Middle East, while countries which adhere to the equality norm have fewer migrants (“high rights–low numbers” policies), as in Scandinavia. There is no easy or universal answer as to whether numbers or rights should get higher priority, but avoiding an explicit discussion of the numbers-vs.-rights trade-off altogether simply confuses the issue and can conceal an important policy choice.

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