



GENDER
AND TRADE
COALITION

EXPLAINER #3

MIGRATION & TRADE

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IN COLLABORATION WITH



Women in Migration Network

The Gender and Trade Coalition was initiated in 2018 by feminist and progressive activists to put forward feminist trade analysis and advocate for equitable trade policy.

This article is the third in a series of short, Q&A format 'explainers' unpacking key trade issues produced for the Gender and Trade Coalition by Regions Refocus. It was written by Erica Levenson (Regions Refocus) with inputs from Carol Barton (WIMN) and Catherine Tactaquin (WIMN). The authors give their thanks to Neha Misra (Solidarity Center), Irem Arf (ITUC), Liepollo Lebohang Pheko (Trade Collective), and Mariama Williams (ILE), who reviewed various versions of the article and provided helpful feedback.

Citation: Levenson, Erica, Carol Barton, and Catherine Tactaquin. 2024. "Migration and Trade Explainer." Gender and Trade Coalition Explainer Series. Regions Refocus and Women in Migration Network (WIMN).



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1. What Does Trade Have to do With Migration?

The movement of people is a phenomenon as old as human history, and indeed predates nation-states. Migration is not something that begins and ends so much as it is a process, from the roots of the conditions which form the imperative to migrate, to the migration journey, gradual integration, and complex notions of citizenship and identity. This is precisely what makes migration flows a reflection of the social, economic, and political context in which they happen. Modern migration flows, then, reflect the stark structural inequalities that exist in the global economic order. This view correlates to the core-periphery model of migration, which sees migration as the result of acute labor shortages in capitalist centers that need to be filled through migration inflows from peripheries, drawing parallels to the Marxian concept of a reserve army of labor.¹ As feminist scholars have argued, continuous flows of labor power from the Global South to the North are possible not simply due to the will of the Global North, but because institutions in countries of origin facilitate them.²

Rather than this core-periphery model of migration, a simplistic push-pull model guides migration provisions in international trade agreements. Informed by neoclassical economics, the push-pull model assumes that migration is the result of micro-level decision making processes that weigh the 'pros and cons' of migration, envisioning a simplistic calculation of factors such as perceived wage differentials, employment conditions, and migration costs. Migration is effectively reduced to a household decision meant "to minimize risks to family income or to overcome capital constraints."³

There is a persistent assumption in trade governance that migration and trade are substitutes. Both European Union and United States policymakers have tried to substitute open markets for open immigration policies: to open their markets to exports from states in the Global South in order to reduce

migration. This was the explicit goal of former US President George H.W. Bush when he signed NAFTA, and of the EU in liberalizing trade with Northern African states.⁴ Simultaneously as the US and EU agreed to liberalize trade, they increased their border policing and passed restrictive migration policies. But these and other free trade agreements have failed to curb migration through substitution because of a key flaw in their assumption: that increasing free trade leads to increases in GDP and wages in developing countries. In fact, quite the opposite is true— trade liberalization has severely hindered the economies of developing countries. Consequently, free trade agreements have actually increased migration in the long-term.⁵

There is a clear gap in structural understandings of the relationship between trade and migration and a need to challenge the ideologies of the people governing them. It is high time to acknowledge the many unfulfilled promises which have been hung on trade liberalization and the socioeconomic catastrophes it has instead led to.⁶ A critical feminist analysis of the relationship between trade and migration points out the numerous connections between deeply unequal trade and migration governance regimes and illuminates urgent areas in need of improvement.

2. How Does Trade Create Conditions That Prompt Migration?

Trade is a central fulcrum of what has been heralded as the latest phase of imperialism: financial imperialism. Unequal terms of trade for the Global South create perpetual indebtedness to international financial institutions (IFIs), and this indebtedness creates a power dynamic which opens the door for predatory loan conditionalities. These conditionalities call for trade liberalization, free capital flow, and austerity measures that benefit Global North economies and enable foreign direct investment, effectively divorcing Global South states from control over their means of production and terms

of trade. World Trade Organization (WTO) rules enforce these conditionalities, with bilateral trade and investment agreements (which Global South countries are dependent on, and which reinforce their indebtedness) adding an additional layer of enforcement. The effects of this disastrous cycle produce conditions which prompt migration (whether voluntary or forced, though the line is becoming increasingly blurred as both the frequency and severity of economic crises in the Global South increases and intersects with climate change).

For example, the EU “principally imports raw materials from Africa (with the exception of Morocco) and exports principally manufactured and processed goods” while simultaneously threatening to penalize African states if they adopt active industrial policies such as import substitution which could change their primary commodity export dependence.⁷ Across the Global South, this pushes small businesses (especially those owned by women) out of the market and more people into poverty and unemployment– creating the need to search for livelihoods elsewhere.⁸ This economic precarity also intersects with the political instability that displaces people across borders, which some scholars argue has roots in the post-colonial political inheritance.⁹

The same people designing and enforcing repressive economic policy prescriptions (many of which are aimed at facilitating the free flow of capital) criminalize and police the mobility of anyone escaping conditions they helped create. The ongoing imperialist project of the Global North to subjugate states across the Global South therefore cannot be separated from the increasing securitization of borders in the Global North and restrictive, racialized immigration laws. These laws have exponentially increased the number of people migrating

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through irregular channels on extremely dangerous journeys, leading thousands of people to their deaths.¹⁰ The United Nations Office on Drugs and Crime, among others, has identified overlaps between the root causes of human trafficking (poverty and lack of legal avenues of migration) and irregular migration. Women and girls are particularly at risk of gender-based violence (GBV) during migration journeys. Fundamentally unequal and inadequate governance of migration and trade regimes have produced a multidimensional crisis, which is already being compounded as climate change worsens.¹¹

3. How do Trade Agreements Influence Migration Policy, and Vice Versa?

A long list of multilateral migration compacts and treaties (from the 1951 and 1967 Refugee Conventions, to the 1990 UN International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, to 2018's non-binding Global Compact on Safe, Orderly, and Regular Migration and Global Compact on Refugees) have been adopted and ratified. Yet they are notoriously sidestepped by signatory states in the Global North and Global South, making both global cooperation on migration and realization of migrant human rights commitments difficult. Virtually all developed countries and an increasing number of middle-income countries have restrictive entry laws, intense border securitization, and 'externalization' policies which seek to prevent people from reaching (let alone entering) their borders in the first place and can even include the deportation of migrants to third countries. As more and more trade agreements include migration provisions, some scholars argue that bilateral trade agreements have become substitutes for flailing multilateral migration governance.¹² This deflection of responsibility presents a "liberal paradox" in which there is a need to "reconcile economic demands for mobility with political calls for closure."¹³

Migration provisions in trade agreements, such as the WTO's infamous Mode 4 of the General Agreement on Trade in Services (GATS), facilitate mobility solely as it relates to trade in services. The GATS divides trade in services into four "modes," with Mode 4 encompassing the temporary movement of people as services suppliers. Mode 4 is the centerpiece of international trade legislation governing the mobility of people yet benefits a narrow group of people classed under highly qualified professional and business categories who are usually already of some financial means.

The most common kind of trade agreements that include migration provisions are preferential trade agreements (PTAs), which aim to facilitate trade between two or more states through special trade rules such as a reduction in tariffs or

facilitating investment; 70% of all PTAs signed in the last 10 years have included migration provisions.¹⁴ The majority of migration provisions in PTAs selectively liberalize economic migration for people already in high earning jobs, while the remaining provisions exchange trade concessions for policing irregular migration flows.¹⁵ It is almost exclusively the EU and UK who include migration control provisions in PTAs, and both overwhelmingly use these provisions in agreements with less wealthy states (usually countries of origin rather than destination) to curb their migration obligations under international law.^{i, 16}



ⁱ The EU is also complicit in financing violent policing operations of irregular migration flows abroad: a mountain of evidence shows that the EU funds every part of these operations, from national coast guards to 'black sites' where people are abused and indefinitely detained (Amnesty International 2017; Hayden 2022; Human Rights Watch 2023; Salah 2023). Similarly, the UK left the EU largely due to anti-immigration sentiment, and its 2023 Illegal Migration Act gave the government the power to deport anyone arriving irregularly, even asylum seekers (McGee 2023). Emboldened by these clear shirks of international law, in June 2024 the US passed nearly identical legislation enabling deportation of anyone arriving at its Southern border irregularly, including asylum seekers (Kim et al. 2024).

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Trade concessions have proven to be decisive components in otherwise lost political battles over the local integration of refugees. For example, the 2016 Jordan Compact brokered a deal in which “in exchange for lowered trade barriers with the EU, US\$700 million in grants and nearly \$2 billion in loans,

the Jordanian government agreed to create special economic zones and issue 200,000 work permits for Syrian refugees.”¹⁷ The same type of arrangement was secured by Ethiopia with its 2016 Jobs Compact, which exchanged foreign direct investment in the Ethiopian economy for the Ethiopian government’s issuance of work permits to refugees, a battle which UNHCR had long been unsuccessfully fighting.¹⁸ However, many people have expressed concern over the

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close relationship of trade concessions and migration policy, citing dangers of rentierismⁱⁱ and refugee commodification, and noting the limited emphasis on decent work in these agreements.¹⁹

4. How is Trade Governance Related to Migrant Labor Exploitation?

Both migration and trade policies have particular effects on women, “either entrenching inequalities and traditional roles, or challenging and changing them.”²⁰ Women face more obstacles to be able to migrate and in finding decent work in a destination country.²¹ Since almost no women service



ⁱⁱ See Tsourapas 2021 for a discussion of refugee rentier states, defined as “refugee host states that seek to secure external economic and political concessions in return for continuing to maintain forcibly displaced communities within their borders” (251).

providers are covered under Mode 4 or selective liberalization in PTAs, and because of gendered hierarchies in the labor market of countries of origin and destination, most women who migrate for work are occupationally crowded into low-wage jobs— especially women who are undocumented.²² This amplifies structural gender inequality, meaning most women migrant workers get worse jobs for lower pay than their male counterparts, intensifying segregation of labor market outcomes.²³ Migrant women are also at high risk of GBV in the world of work due to their immigration status, whether on stringent worker visas or undocumented.

The International Labor Organization’s (ILO) 1949 Migration for Employment Convention sets out a commitment to “equal treatment between nationals

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and regular migrants in areas such as recruitment procedures, living and working conditions, access to justice, tax and social security regulations.”²⁴ The 1990 Migrant Workers Convention extends protections to workers with irregular migration status. It asks employers to “respect the basic human rights of all migrant workers” while simultaneously allotting a larger portfolio of rights to workers with regular migration

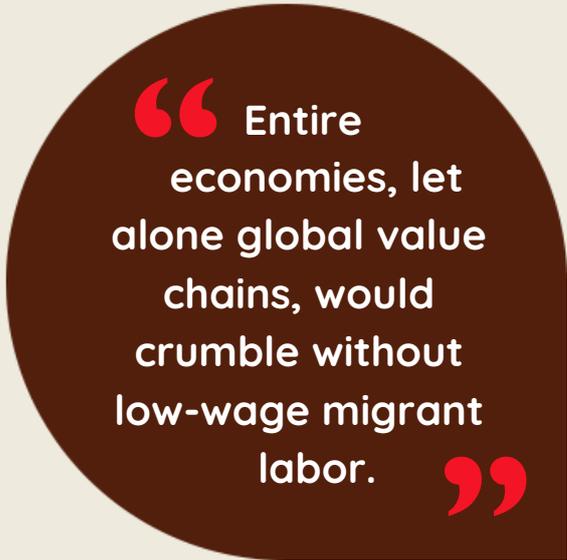
status than those with irregular ones.²⁵ Only 59 states have ratified or acceded to this convention.

The exploitative nature of the work performed and working conditions of low-wage migrant workers (including those migrating within countries), especially undocumented migrants, forms the backbone of economies across the world. Male migrant workers are occupationally crowded into low-wage jobs including construction, agricultural, and meatpacking sectors; this played out devastatingly during the COVID-19 pandemic as low-wage male migrant workers in the meatpacking and meat processing industries were the first to be infected by the virus and accounted for the largest number of fatalities.²⁶ Women migrant workers are occupationally crowded

into domestic work, service, agricultural, and informal jobs; during the COVID-19 pandemic they played a major role in upholding national health systems through low-paid and high-risk service roles.²⁷ A deeper look at national economies reveals the same story playing out across the globe: Filipina housekeepers in Hong Kong; Cambodian and Burmese agricultural and manufacturing workers in Thailand; Mexican agricultural, meatpacking, construction, and domestic workers in the United States; Central Asian construction workers in Russia; Bangladeshi construction, domestic, and service workers in the Gulf states; Indonesian construction workers in Malaysia– the list goes on.²⁸ Entire economies, let alone global value chains, would crumble without low-wage migrant labor.

The private sector, including major corporations, in destination countries is the primary beneficiary of both the lack of legal avenues of migration and the gaps in legislation protecting the rights of migrant workers. Temporary labor migration programs (TLMPs), in which corporations are the primary sponsors, funnel workers into one of the few regular avenues of migration only to enable severe human rights violations which have garnered comparisons to slavery.²⁹ For women, participation in TLMPs comes at high risk of GBV in the world of work due to the nature of tied employer visas. Given the limited avenues of regular migration, including the narrow scope of Mode 4, women’s choice is effectively to accept these risks or to migrate irregularly, despite the safety and GBV risks they face on irregular migration journeys.

Corporations benefit either way, as TLMPs offer a near endless supply of cheap labor and continuing irregular migration gives them a steady stream of people to exploit for even lower wages without labor rights. TLMPs and other forms of migrant labor exploitation undermine the rights of all workers. By creating labor hierarchies, they undercut labor rights demands of both migrant and national workers, supporting corporations’ brazen efforts to undermine all workers’ rights.



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5. Strategic Policy Proposals

The phenomenon of migration governance through trade legislation is unlikely to end anytime soon. If anything, the increasing financialization of the economyⁱⁱⁱ will only increase the importance of trade, leaving a gaping hole in balancing economic, political, and social considerations. The crucial importance of low-wage migrant labor, especially the low-wage labor performed by migrant women, is absent in text yet at the heart of migration provisions in trade agreements, which grant mobility in exclusionary terms and increase irregular migration flows. These narrow regimes of mobility create a legally vulnerable workforce for employers to continue exploiting for cheap labor while enabling the regular movement of highly skilled workers, meeting employers' labor demands at the cost of workers' rights. Not only are millions of people left without safe and viable avenues of migration, but the majority of migrant workers do not have adequate protections, and the potential benefits of migration are not fully realized for either people migrating or for destination countries. While migrant rights advocates continue to push for more robust, binding migration policies that affirm rights, including labor rights, there is a clear need to address the problem on the side of trade governance as well. To this end, it is necessary to:

1

Widen avenues of regular migration, a long-standing call of migrant rights and labor rights organizations and advocates. This is a necessity to reduce the number of people migrating through irregular channels on dangerous journeys and living in precarious situations, whether they are in search of work or asylum. A rights-based, feminist approach to migration calls for increasing migrants' pathways to decent work, family unity, permanent residency, and



ⁱⁱⁱ See Dutta 2018 for a discussion of financialization, defined as “a process in which financial intermediaries and technologies have gained unprecedented influence over our daily lives” (2).

citizenship. Any labor migration pathways considered should be developed in partnership with workers organizations in origin and destination countries to ensure they fully protect workers' rights and do not undermine labor standards, either in origin or destination countries. Moreover, these pathways must be based on an independent labor market analysis conducted by civil society rather than the private businesses creating the jobs.

2

Acknowledge the trade-climate-migration nexus in international law. The lines between economic and climate-related migration are hardly distinguishable anymore: changes to landscapes, increasing numbers of extreme weather events, and loss of livelihoods are making more and more places (especially across the Global South) unsurvivable. As trade is one of the primary drivers and enablers of climate change, international trade-climate-migration legislation needs to address the right to stay (with community-driven loss and damage compensation and sustainable economic/climate adaptation measures) and to lay the foundation for rights-based, gender-responsive safe and regular avenues of migration for people displaced by climate and environmental-related factors.

3

Increase efforts to collect gender disaggregated data on low-wage migrant labor. A major obstacle to informed policy making is a lack of longitudinal data (especially for undocumented migrants) on occupational mobility, as well as wage growth and employer workplace violations.³⁰ An increase in data will shed light on the conditions migrant workers live and work in and allow governments to take a more active role in the labor market. This includes, for example, investing in job creation in strategic areas to ensure balanced economic development that improves the lives of people, with a particular focus on gender equity. At the same time, there is a danger in increased data collection on migrants, especially related to migration enforcement agencies' digital surveillance and the exacerbation of racialized border policing and enforcement. As such, all data collected on migrants (especially undocumented migrants) must uphold robust data security standards and be kept completely

confidential from all migration enforcement agencies ('firewalls'), with oversight from independent experts and civil society to ensure transparency.

4

Adopt and implement anti-discrimination legislation. Even when avenues of regular migration have been widened, neither employment nor an appropriate job-skills match is guaranteed. A myriad of economic studies provide evidence that employer discrimination plays a decisive role in the occupational crowding and odds of employment of migrant workers, in all their diversity.³¹ Pairing provisions that create avenues of regular migration with requirements for states to have and enforce anti-discrimination laws specifically aimed at the barriers that different migrant groups, and in particular women and racialized migrants, face in the labor market is therefore a necessity.³²

5

Increase recognition of overseas professional and academic credentials. This will widen the number of service providers eligible for Mode 4 mobility, which is particularly impactful for women. Professions where most women service providers are employed, such as, for example, health and domestic care, fall into the category of 'accredited' or 'regulated' professions where credential recognition is particularly important. Given that the GATS allows member states to set up bilateral or plurilateral Mutual Recognition Agreements (MRAs) of academic and professional qualifications, not much technical maneuvering needs to be done in order to facilitate this— it's a matter of increasing the participation of states in the Global South. This can be accomplished through policy advocacy at national and multilateral levels.

Notes

¹ Sassen-Koob 1981.

² Nawyn 2010.

³ Aldaba 2000, 6.

⁴ Campaniello 2014.

⁵ Orefice 2013.

⁶ Aguinaga et al. 2013; Benería, Deere, and Kabeer 2012; Flynn and Kofman 2004; Hannah, Roberts, and Trommer 2021; Harrison 1997.

⁷ Schmieg 2019, 26.

⁸ Capasso 2021; Inter-Agency Network on Women and Gender Equality 2011.

⁹ Fonkem 2020; Mamdani 2002.

¹⁰ Grant 2005; Hayden 2022; Migration Data Portal 2024.

¹¹ Hansen et al. 2017.

¹² See for example: Lavenex, Lutz, and Hoffmeyer-Zlotnik 2023a.

¹³ *Ibid.*, 3.

¹⁴ Lavenex, Lutz, and Hoffmeyer-Zlotnik 2023b.

¹⁵ Lavenex, Lutz, and Hoffmeyer-Zlotnik 2023a.

¹⁶ *Ibid.*

¹⁷ Freier, Micinski, and Tsourapas 2021, 2757.

¹⁸ *Ibid.*

¹⁹ *Ibid.*; see also Gordon 2019; Tsourapas 2021.

²⁰ Inter-Agency Network on Women and Gender Equality 2011, 8.

²¹ Nawyn 2010.

²² Nawyn 2010; UN Women 2020.

²³ Benería, Deere, and Kabeer 2012.

²⁴ Taran and Geronimi 2003, 12.

²⁵ *Ibid.*, 13.

²⁶ Hansen 2020.

²⁷ UN Women 2020; Vaillancourt-Laflamme et al. 2022.

²⁸ Hansen 2020.

²⁹ Costa and Martin 2019; OHCHR 2022.

³⁰ Grant 2005.

³¹ See for example: Duran 2018; Morrar and Rios-Avila 2021; Weichselbaumer 2016; Zschirnt 2020.

³² Fossati et al. 2022.

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