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State Provision of Social Protection to International Migrants: The Relevance of Social Protection Frameworks

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Tracy Swemmer

Summary

How relevant are social protection frameworks to understanding the provision of social protection to international migrants? Such frameworks have evolved against a backdrop of social protection which has been provided mainly to resident citizens, with international migrants often excluded from access. However, following an increase in remittance flows, more governments have moved to facilitate and promote migration and have extended the provision of social protection to citizens working abroad.

By examining the policies of a major labour-sending country, the Philippines, as well as policies from other countries where migration for employment is facilitated, it becomes apparent that dominant frameworks do inform policy-making for international migrants. The analysis shows that policies which reflect the risk management and basic needs frameworks are most common. In the case of the Philippines, the rights framework is evident in the extension of political and social rights to international migrants, an extension which is less evident elsewhere. Policies rooted in asset-based approaches are more limited in scope, as are transformative social protection policies for migrants.

Overall, while the frameworks are potentially useful as theoretical bases, the features of the international system limit the effectiveness of the policies themselves. In addition, policies often appear to be contradictory, reflecting both the importance of ideology and the tension between the objectives of social protection for migrants and the economic imperatives of migration policy in labour-sending countries.

Keywords: migration; social protection frameworks; policy; Philippines.

Tracy Swemmer has a Masters in Gender Studies and a Masters in Globalisation and Development, which she obtained from IDS in 2013. Her interests in social protection, the access of migrants to social protection, and labour rights have been largely informed by four years spent as a low-skilled migrant worker. She is currently interning with a migrant rights organisation in Hong Kong which focuses on migration issues in the Greater Mekong Subregion.

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1. Introduction

Since the 1980s social protection has increased in importance at both the national and international levels and is now increasingly on the policy agendas of both middle- and lower-income countries. Conceptual thinking on the topic has evolved and frameworks for understanding different approaches have been developed. Currently, dominant frameworks focus alternatively on meeting basic needs, managing risk, building assets, providing social protection as a right, or transforming the unequal power structures which underlie vulnerability and risk.

The uptake of social protection has taken place alongside a shift in the discourse on international migration and development. As remittances to developing countries have increased, international organisations and a number of national governments have increasingly been framing international migration as a means to development. As part of efforts to facilitate and promote this, some form of social protection has often been extended to these international migrants.

This is noteworthy because, notwithstanding global human rights discourses and related international conventions, the provision of social protection has taken place predominantly at the national level. It is such provision which has served as the backdrop for the development of conceptual frameworks, which raises questions about their relevance when it comes to the provision of social protection to international migrants. As Brysk and Shafir (2004: 3) point out, the basis for the allocation of claims for about two centuries has been political membership of the nation state. In predominantly host countries, citizenship has been used as a basis to exclude international migrants from various claims on the state (Basok, Ilcan and Noonan 2006: 267). In origin countries, claims have in practice required not just political membership but also residency, leaving migrants with very few options once they leave their own countries.

This paper aims to assess how coherently social protection policies which are aimed specifically at international migrants reflect conceptual frameworks. The analysis is based chiefly on policies in place in the Philippines, with a focus on women who migrate as domestic workers. It also draws on examples from other countries where migration is promoted and social protection is provided to migrant workers. To the author's knowledge, the relevance of these dominant conceptual frameworks for international migrants has not been explicitly examined. To what extent are they also relevant to non-resident citizens? Can they underlie the provision of social protection to citizens beyond the borders of the nation state? If so, what are the limitations of their use?

It is important to note that the focus is on assessing the usefulness of the conceptual frameworks. A discussion of the effectiveness of the policies themselves is beyond the scope of this paper. Furthermore, while recognising that civil society organisations also provide social protection to international migrants, the paper restricts itself to state provision of social protection to regular international migrant workers.

It will be argued that the frameworks are potentially useful when formulating policies for this group, but that limitations arising from the features of the international system need to be taken into account. In addition, tensions arise, most notably between the aims of social protection and the economic imperatives of migration policy in countries where governments are attempting to increase migration.

The remainder of the paper is structured as follows. Section 2 will outline five conceptual frameworks of social protection used in the analysis, followed by Section 3 which will highlight links between migration, development and social protection. Section 4 will then assess the relevance of these frameworks for international migrants with reference to social

protection policies aimed at international migrants. Section 5 will highlight tensions and limitations inherent in the use of the frameworks when formulating social protection policy for international migrants, and Section 6 will conclude.

2. What is Social Protection?

No single definition of social protection is universally accepted. Described as an emerging paradigm for social policy (Barrientos and Hulme 2008: 3), it is perhaps unsurprising therefore that it appears to be characterised more by debate than agreement. Certain common elements and features of different definitions can, however, be identified.

Firstly, all definitions highlight the key aims of social protection, namely reducing poverty and managing vulnerability, albeit that these terms themselves are conceptualised differently (Avato, Koettl and Sabates-Wheeler 2010: 456; Holzmann and Kozel 2007: 9; Sabates-Wheeler and Waite 2003: 5). This aim is alternatively presented as one of risk management, as is evident, for example, in the approaches of the World Bank (World Bank 2001: ix), the UK Department for International Development (DFID 2006: 1) and the Asian Development Bank (Ortiz and Yablonski 2010: 36). Risk too is conceptualised in different ways.

Secondly, most definitions tend to incorporate a reference to the measures which are regarded as constituting social protection. Two components are fairly widely accepted. Firstly, social assistance comprises publicly-financed actions which are aimed at transferring resources to groups regarded as deprived, such as social pensions for the elderly. Secondly, social insurance aims to pool risk by combining individuals or households into a single fund. Examples include unemployment benefits and health insurance (Sabates-Wheeler and Waite 2003: 6). In addition, organisations also include other components, such as labour standards (DFID 2006: 6) and child protection (Ortiz and Yablonski 2010: 42).

Thirdly, some definitions rest on a distinction between formal and informal social protection, with organisations and governments providing the former, and individuals and groups making their own arrangements in the case of the latter.

Ultimately, defining social protection implies drawing an arbitrary boundary (Gentilini 2009: 150). Different organisations have drawn this line in different places, leading to a plethora of definitions and varying understandings of what social protection is and what it should do.

3. Conceptual Frameworks

Conceptual frameworks shed light on the differences highlighted above, in that different definitions and approaches largely reflect different conceptual underpinnings. Five conceptual frameworks will now briefly be discussed with reference to their conceptual origins, key aims and justifications for social protection.

The frameworks reflect evolving thought about social protection over time, although all remain relevant. They need not be regarded as mutually exclusive or incompatible, and indeed, clear links can be drawn between different frameworks. A single organisation or government may also draw on more than one framework in its policy-making, and a single instrument in a particular setting can reflect aspects of more than one framework.

It is important to note that there is no right or wrong framework, as both conceptual underpinnings and instruments will be shaped by particular political economy contexts.

Although not without their limitations, the value of the frameworks lies in the way in which they facilitate an understanding of the underlying justification for social protection in a particular setting, thus increasing the potential for an intellectually and operationally coherent social protection programme.

3.1. Basic Needs

Programmes aimed at ensuring that peoples' basic needs are met were particularly common in the 1980s, evident in the use of safety net programmes (World Bank 2001: x), with targeted policies to reduce poverty beginning to take precedence in the early 1990s (Lautier 2006: 81). Social protection was aimed chiefly at those regarded as most vulnerable and those least able to meet their own needs, although as Lautier (2006: 95) points out, there is little consensus on the substance or hierarchy of these needs.

Munro (2008: 34) highlights Thomas Hobbes' work on a decent life as the starting point of basic needs approaches to social protection, with more recent roots in the 'basic needs' school which was dominant in development studies in the 1970s. The latter emphasised the importance of ensuring a level of subsistence to all members of society (Spalding 1990: 90-91).

Justifications for social protection include moral, instrumental and political arguments. Morally, ensuring that people's basic needs are met is in itself intrinsically valuable (Munro 2008: 35). Secondly, an instrumental argument highlights the extent to which education, sanitation and nutrition increase people's human capital, thus making them more productive and better able to contribute to society as a whole (Munro 2008: 35-36). Its ability to facilitate development and pro-poor growth has also been highlighted (Gentilini 2009: 151). Finally, a political argument is sometimes advanced, namely that meeting basic needs could be beneficial to both rich and poor people, in that the former benefit from the presence of a healthy, educated and productive workforce (Munro 2008: 36). It has also been argued to be more expensive in the medium and long term for a society not to have social protection (Gentilini 2009: 152; Barrientos and Hulme 2008: 7-8). More cynically, the provision of social security is also said to regulate the poor, control social relations and defuse conflict in a society (Lautier 2006: 79).

Examples of social protection which seek to address basic needs include basic services for health, education and water (Marcus with Piron and Slaymaker 2004: 26), as well as cash transfers, such as the Benazir Income Support Programme (BISP) in Pakistan, which targets households deemed to be vulnerable.

3.2. Social Risk Management

Social protection for risk management is a framework developed and advanced by the World Bank (2001), and risk is widely incorporated as an important element of social protection as defined by a number of organisations.

Risk was initially conceptualised in a generic fashion, namely the inability to earn an income through work (Lautier 2006: 81-82), although the concept is now understood more broadly. Vulnerability itself can be understood as both risk and the lack of ability to deal with a shock, with social protection needing to address both aspects (Ellis, Devereux and White 2009: 6, 24). By focusing on risk, social protection thus aims to reach not only those who are regarded as poor, but also those who could become poor in the absence of safety nets or insurance.

The framework allows for a distinction between measures which aim to mitigate risk, for example, through unemployment benefits and micro-insurance; those which reduce risk, through interventions targeting particularly vulnerable groups; and measures which enable

people to cope with risk, through social transfers and public works programmes, for example (Gaarder 2012).

The focus is justified on the grounds that people who are poor have fewer and less effective risk management strategies, leading ultimately to reductions in human capital (World Bank 2001: x). In addition, people with fewer risk management strategies are less likely to take on riskier activities which have higher returns (Carter and Barrett 2007: 34). Social protection can thus enable people to take on these higher return activities, and in this way serve as a springboard to improved welfare (Gaarder 2012).

An example of social protection which aims to address risk is The Self-Employed Women's Association (SEWA) in India, a labour union for women working in the informal economy which provides, amongst others, insurance policies for members (Chatterjee and Ranson 2006: 110).

3.3. Asset-based Approaches

Asset-based social protection has its roots in asset-based approaches to poverty reduction, which were prominent in the 1990s. Following the work of Sen (1981), the focus here is on the assets and 'entitlements' that people need and use in the face of shocks (Moser 2006: 7), with assets defined as the resource endowments and capabilities which people use to sustain their livelihoods and enhance their welfare (Dani and Moser 2008: 5). The approach incorporates nuanced understandings of assets, with a common distinction being made between physical, financial, natural, social and human capital (Moser 2006: 5-6).

While some authors have distinguished asset-based approaches from social protection (for example, Moser (2008: 43), and although asset-based approaches incorporate different strands (Moser 2006: 8), they share common principles. Key here is the assumption that resilience in the face of shocks involves the ability to mobilise assets and entitlements (Moser 2008: 58), and that those who lack a sufficient level of assets will be unable to generate livelihoods above the poverty line (Barrientos 2007: 9).

In attempting to cope with shocks, households risk depleting their assets and dropping below the asset threshold, thus becoming caught in the so-called 'poverty trap'. Anticipation of shocks, meanwhile, means people are less willing to use scarce resources to accumulate risky assets (Barrett, Carter and Ikegami 2008: 3). The links between assets, risk and poverty are well-documented (Siegel and Alwang 1999: 4-5), and it is these links which serve as the basis for the focus on assets. Social protection programmes thus focus on measures which ensure that people do not fall below a defined minimum, or asset threshold (Carter and Barrett 2007: 35-36).

An example of social protection which focuses on assets is conditional cash transfers, which require that children attend school, thus building their human capital. An oft-cited case is that of *Oportunidades* in Mexico, in which households receive a transfer provided that children attend school and access health care services.

3.4. Social Protection as a Right

The rights framework can be understood against the broader background of rights discourses in development. The principles of the latter are rooted in Enlightenment ideas about people being by their very nature endowed with inalienable rights (Brysk 2004: 13). Since the 1990s rights approaches have taken hold to a significant degree, and human rights have since increasingly become a basis for development policies (Townsend 2009: 29).

At the international level, the United Nations Declaration of Human Rights of 1948 states that all people have a right to social security (United Nations 1948, Article 22), with Cornwall and Nyamu-Musembi (2005: 9) maintaining that such internationally-agreed norms provide a

stronger basis for citizens to both make claims and hold states accountable for enhanced access.

In the literature, two reasons are generally forwarded for regarding social protection as a right. Firstly, it is maintained that poverty itself is a violation of human rights (Munro 2008: 38). Secondly, in addition to rights formulated at the global level, a rights-based approach to social protection has been grounded in the idea of a social contract. This can be defined as the relationship between the state and citizens which holds the former accountable to citizens, who are both rights-bearers and claimants (Chopra and te Lintelo 2011: 10). Citizenship has increasingly come to be used as a basis for claiming social rights and benefits, informed by Marshall's linking of citizenship rights and welfare in 1950 (Sabates-Wheeler and Feldman 2011: 28). In practice, rights-based arguments for social protection are based firmly on the ideas of nation states, citizenship and the obligations of a national government to its resident citizens (for example, see Lautier 2006).

An oft-cited example which is relevant here is that of India's Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA). This act based in law the obligation of the government to provide at least 100 days of waged employment per financial year to each rural household that wants it (Sharma 2010: 268-269).

3.5. Transformative Social Protection

Transformative social protection arose in the early 2000s with advances in thinking about vulnerability and risk. These are argued to be better understood as socially constructed and embedded in the socio-political context, a conceptualisation which allows for a focus on the transformation of social, global, political and economic structures (Sabates-Wheeler and Devereux 2008: 67-69; Carter and Barrett 2007: 34). The concepts are also broadened to include non-economic aspects thereof (Devereux and Sabates-Wheeler 2007: 33). By adding a focus on the status and rights of marginalised people, social protection is thus also aimed at promoting social justice and addressing social exclusion (Ortiz and Yablonski 2010: 40; Sabates-Wheeler and Devereux 2008: 71). It thus seeks to go beyond merely addressing symptoms of poverty and vulnerability by focusing on underlying causes.

A distinction is made between different functions of social protection, which allows for an incorporation of approaches outlined above. Social protection for provision seeks to provide relief from deprivation, while preventative social protection aims to avoid deprivation from occurring. Promotive social protection aims to enhance income and capabilities, and transformative social protection addresses social exclusion by looking at power relations (Sabates-Wheeler and Devereux 2008: 71; Sabates-Wheeler and Waite 2003: 9). The transformative approach is thus invariably linked to the rights approach, in that it focuses on strengthening the capability of marginalised groups to make claims as citizens (Kabeer, Cook, Chopra and Ainsworth 2010: 20).

Cash transfer programmes which target women, such as the BISP, can be transformative as they potentially heighten the status and voice of women within the household (Koehler 2011: 99). Minimum wage laws are another example, with Devereux and Sabates-Wheeler (2004: 20) locating their transformative element in the way they empower those people who are in low paid jobs where they have little or no bargaining power.

4. Migration, Development and Social Protection

About 3.1 per cent of the global population, representing about 214 million people, are estimated to live outside their own countries. About 37 per cent have moved from developing to developed countries, about 60 per cent between developed or between developing countries, and about 3 per cent from developed to developing countries¹ (United Nations Development Programme 2009: 21, 23). The majority of migration is undertaken by low-skilled workers (International Labour Organisation 2010: 26).

An increase in remittances in the 1990s and their perceived potential for poverty reduction and development has prompted a shift in thinking on the links between migration and development (Piper 2009: 62). Although this shift has not necessarily been reflected in the immigration policies of destination countries, several low- and middle-income countries have moved to facilitate and promote international migration as a means of increasing national income and promoting development.²

This is taking place alongside the increased promotion by international organisations of temporary/circular migration schemes, and the increased adoption thereof by origin and destination countries (ILO 2010: 29). These schemes are described as a 'win-win-win' for host country, sending country and migrant, in that human capital is circulated, remittances are sent, and labour shortages in host countries are addressed by migrants who will later return to their own countries (Vertovec 2007: 5). However, it is worth noting that the extent to which these schemes really benefit all, particularly the migrant worker, is by no means a given, and particular circumstances are important in this regard (Wickramasekara 2011).

Migration is linked to social protection in two ways, both of which are relevant in the light of the trends described above. On the one hand, migration is itself an informal social protection strategy, and on the other hand, implies potentially heightened vulnerability which necessitates social protection.

4.1. Migration as Social Protection

Firstly, the use of migration as a social protection or livelihood strategy is well-established (Sabates-Wheeler and Waite 2003: 21-22). Low-skilled migration, in particular, is arguably predominantly informed by what the ILO (2010: 18-19) describes as the key underlying drivers of international migration: global economic disparities, demographic trends in developed and developing countries, and decent work deficits, with increases in both the number of people unemployed as well as the number of 'working poor' - people who are employed but who live on less than US\$2 a day. Where an absence of adequate employment opportunities occurs alongside an absence of adequate public provisioning, migration becomes an option which a household may consider. It is worth noting in this

¹ 'Developed' refers here to those countries with a Human Development Index higher than 0.9 on a scale of 0 to 1 (UNDP 2009: 21).

² For example, Vietnam (Huy 2008), Mauritius (Newland 2009: 23), Sri Lanka (Ministry of Foreign Employment Promotion and Welfare 2008), Nepal (Seddon 2005), Indonesia (International Organisation for Migration 2010a: 9-39), Morocco (Dudwick 2011: 449-452), Pakistan (Government of Pakistan 2010), Bangladesh (Ray *et al* 2007), Albania (Naik *et al* 2008: 22, Republic of Albania 2010), India (Sasikumar and Hussain 2008), Jamaica (Thomas-Hope *et al* 2012: 57) and African countries like Uganda now considering the possibility as a development strategy (see Bakunda and Mapanga 2011). A number of countries also include migration as a focus in their Poverty Reduction Strategy Papers (UNDP 2009: 82).

regard that the very poorest are invariably unable to migrate internationally due to the initial costs that this involves (Young 2006: 225).

Studies show that the function of such an informal social protection strategy depends on the specific context. As Avato *et al* (2010: 463) point out, migration can serve as an economic safety net for households in the absence of public provisioning, and can thus ensure that the basic needs of the household are met. Migration can also serve preventative and promotive functions. In terms of the former, migration can be a strategy for insurance and risk diversification for the household, as well as preventative for migrants, such as when financial benefits are channelled towards investment and inheritance (Sabates-Wheeler and Waite 2003: 22). Furthermore, migration allows households to build up assets (Avato *et al* 2010: 463), and can thus also serve promotive functions. Finally, migration can contain transformative elements, with Sabates-Wheeler and Waite (2003: 25) citing sensitisation campaigns by labour-sending governments on issues like trafficking and HIV as an example.

The active facilitation and promotion of international migration by a government arguably constitutes a domestic social protection policy in itself. This is important because it potentially implies that the government in question may be under less pressure to provide social protection to resident citizens. Skeldon (2008: 2) argues that promoting migration as a means to national development diverts attention away from obstacles to development in the migrant's home country, which is confirmed by Dudwick's (2011) analysis of international migration from the Philippines and Morocco.

4.2. Social Protection for Migrants

The second link involves the provision of social protection to international migrants. If, as argued above, vulnerability is conceptualised as comprising both risk and the inability to deal with a shock, low-skilled international migrants face limited options.

As Sabates-Wheeler, Koettl and Avato (2011: 91) point out, migrants are vulnerable due to the way in which they move between labour markets and between social security systems. In addition to risks which all people face, migrants also encounter migrant-specific risks, such as exclusion from welfare services, and migrant-intensified risks, due to being concentrated in specific sectors with poor work practices, for example (Sabates-Wheeler and Feldman 2011: 10). Four aspects of vulnerabilities can be identified: temporal, based on both the stage in the migration process and the length of the migration period; spatial, namely both geographical isolation as well as 'remoteness' from welfare services; socio-cultural, due to the ways in which different norms, values and customs inform local constructions of migrants; and socio-political, namely institutional constraints which migrants face (Sabates-Wheeler and Feldman 2011: 11-14).

Given these heightened vulnerabilities, it is unsurprising that international migrants are over-represented among the poor, even in high-income countries (Midgley 2010: 22). Migrants increase their opportunities and access to resources and networks but face potential disadvantages: risks faced when crossing international borders, increased stress and vulnerability, psychological and educational disruption for children, and exploitative conditions (Eversole 2008: 96). Low-skilled international migrants, in particular, are more likely to end up doing work described as the three Ds: dirty, demeaning and dangerous (Bloom and Feldman 2011: 54).

In practice, formal social protection for migrants depends very much on both the sending and host country contexts. Relevant here are formal social protection or welfare provision in both host and origin countries, portability of social security between countries, and labour market conditions in host countries alongside recruitment processes in origin countries. The first two apply only to regular migrants, with irregular migrants facing additional risks and limited access. Also significant is the extent to which migrants from the South are in a less

favourable position than those who migrate between countries of the North (Avato *et al* 2010: 455-456). This point is confirmed by Macauslan and Sabates-Wheeler (2011), who categorise access to social protection for migrants into market-based distribution systems, non-market systems established by governments and NGOs, and network-based systems, noting the barriers to access which migrants face in each.

Governments which promote migration have moved towards a range of forms of co-operation in order to protect migrant workers. Firstly, social security agreements are broadly aimed at ensuring equal access to social security for nationals and migrants by stipulating rules of co-operation between social security institutions (Sabates-Wheeler and Feldman 2011: 100-101). The EU is often cited as an advanced example of such an agreement. Other examples are that of The Caribbean Community (CARICOM) Agreement on Social Security which covers old age pensions, disability, survivorship and death benefits (Pasadilla and Abella 2012: 23-24), and the Southern African Development Community's recommendation of the 2007 SADC Code on Social Security, which outlines stipulations on access of migrant workers to social security in member countries (McGillivray 2011: 30-31).

However, as highlighted above, the extent to which these types of agreements benefit workers from developing countries is still limited: in 2009 about 98 per cent of workers moving between high-income OECD countries were covered by social security agreements between origin and host countries, compared with only 15 per cent of Latin American immigrants, for example (OECD 2009: 6). Likewise, despite the high levels of labour flows between members of the Association of South East Asian Nations (ASEAN), there are no social security agreements in place between member countries (Pasadilla 2011: 15). For migrant workers from developing countries, it is often not only the absence of effective social security agreements between countries which is problematic, but also the absence of social security for both nationals and migrant workers in host countries, as McGillivray (2011: 15) notes in the case of migrant workers in African countries.

Temporary migration schemes which enable workers to go to a specific country allow migrants access to certain benefits, although these also put in place various restrictions. For example, Australia provides no health care coverage to Pacific Island migrants but does allow them to claim pension benefits on departure, while Canada provides portability of pension benefits to migrants from the Caribbean states and Mexico, as well as health care coverage (Global Forum for Migration and Development n.d.: 5-6).

Co-operative processes can also be important. An example here is the Abu Dhabi Dialogue³, in which countries have co-operated on developing a framework for respecting the rights of international migrants travelling between member countries (Omelaniuk 2012: 10). Another example is the Colombo Process⁴, which in 2011 adopted the Dhaka Declaration, undertaking to protect and promote the rights of migrants and their families (Colombo Process 2011).

The facilitation and promotion of international migration thus takes place alongside limited access to social protection for international migrants, whose departure from their own countries heightens their vulnerability. In response, some governments have moved to co-operate with host countries and other sending countries, as well as extend the provision of social protection to citizens who migrate to work abroad. The extent to which such provision is coherent with conceptual frameworks will now be examined.

³ The Abu Dhabi Dialogue involves the following countries: Afghanistan, Bahrain, Bangladesh, China, India, Indonesia, Kuwait, Nepal, Oman, Pakistan, the Philippines, Qatar, Saudi Arabia, Sri Lanka, Thailand, United Arab Emirates, and Vietnam.

⁴ Afghanistan, Bangladesh, China, India, Indonesia, Nepal, Pakistan, the Philippines, Sri Lanka, Thailand and Vietnam are members, while Bahrain, Italy, Kuwait, Malaysia, Qatar, Republic of Korea, Saudi Arabia and the United Arab Emirates have observer status.

5. Applying the Frameworks

Several governments have formulated social protection policies aimed at citizens who are international migrants. By assessing the extent to which such policies reflect the different frameworks, conclusions can be drawn about their potential relevance for this group. This section will be based chiefly on an analysis of government policies aimed at Filipina migrant domestic workers. The Philippines was chosen due to the diverse array of policies it has in place to protect migrant workers. It is widely regarded as a model for countries wishing to promote international migration, and labour-sending country governments have looked to emulate Philippine policies which facilitate international migration, as well as those which aim to protect migrant workers (Bakunda and Mpanga 2011: 14; Naik, Koehler and Laczko 2008: 26). The range of policies in place makes it a suitable starting point for considering the usefulness of conceptual frameworks. In addition to this, the analysis will be supported by highlighting similar policies in place in other major labour-sending countries.

The Philippines has a long history of migration. International migration became increasingly formalised in the 1970s with the passing of the 1974 Presidential Decree 442, which stipulated the promotion of overseas employment of Filipino workers (Brillo 2008: 37-38). It was in the 1990s, following a widely-publicised case of a migrant worker sentenced to death in Singapore, that the government was increasingly held responsible for the impacts of its policies (Rodriguez 2005: 9-10, 12). Alongside increased protection and welfare measures, the government, as Rodriguez (2010: 53) has illustrated, continues to monitor labour markets around the world, facilitate the training of labour, and actively market this labour internationally.

Approximately 2.2 million people were estimated to be working outside the Philippines in 2011 (Republic of the Philippines National Statistics Office 2012), and remittances made up about 10 per cent of GDP in 2010 (Philippines Overseas Employment Administration n.d. c: 6). The analysis focuses on policies aimed at domestic workers, who in 2010 made up the largest single category of those migrating for land-based employment. Ninety-eight per cent of these workers were female (POEA n.d. a: 21-22).

5.1. Meeting Basic Needs

The basic needs of Filipina migrants are explicitly addressed in particular circumstances. These include illness or disability, which are covered by health insurance, and emergencies, in which migrant workers are repatriated and offered airport assistance, temporary shelter, counselling, and transport or fares to their own homes (Overseas Workers Welfare Fund (OWWA) website). Such provision thus serves emergency safety net functions. Contracts also stipulate a minimum salary for domestic workers, which ensures a certain level of income and consumption while they are working outside the Philippines.

Government policies reflect an aim to expand the access of low-income households to international migration itself. Measures are in place to reduce the initial costs of migration, such as the prohibition of placement fees (POEA Governing Board 2006, Resolution 06), and access to low-interest pre-departure loans (OWWA n.d: 15). The Philippines Overseas Employment Administration (POEA), in partnership with the Anti-Poverty Commission, has also increasingly held Job Fairs for migrants in parts of the country where large proportions of people are poor (POEA n.d. b: 13). Studies have indicated that for some Filipino households remittances ensure that basic needs are met, with increased expenditure on medical care, housing and education (Tabuga 2007: 10).

These policies are similar to those in place in other countries, although the Philippines stands out for its stipulation of a minimum monthly salary for domestic workers. Bangladeshis who migrate to the United Arab Emirates also receive a stipulated minimum salary, which varies depending on whether their contract covers food (Agunias with Aghazarm and Battistella 2011: 50), but such policies are not yet common.

The Sri Lankan government also implements policies which serve safety net functions in emergencies, including the provision of air tickets to stranded workers, and the presence of safe houses which provide food and shelter to workers in host countries (Ministry of Foreign Employment Promotion & Welfare 2011: 8).

5.2. Accumulating Assets

The Philippine government has policies in place to support asset accumulation among returned migrants, although these are limited and focus on financial and human capital. For example, training in financial literacy and entrepreneurial development is available to return migrants, who also have access to finance through a range of loan facilities, one of which is aimed at enterprise development (OWWA website). The Direct Housing Home Facility also provides loans to support the government programme aimed at providing low-cost housing to overseas Filipino workers (Republic of the Philippines Social Security System webpage).

Migration itself has been described as one of the most successful ways for people who are poor to accumulate assets (Moser 2006: 21). Although most remittances are generally spent on consumption (Hamada 2012: 65; IOM 2010b: 16), research has also indicated the higher propensity of remittance receivers in different parts of the world to save (IOM 2010b: 12-13). Quisumbing and Niven (2007) find that in rural households in the Philippines remittances have the greatest impact on non-land assets (although this was driven by spending on consumer durables) and educational expenditures. This is in line with global trends, with expenditures on physical assets and human capital, through money spent on health and education, typical (Ang, Sugiyarto and Jha 2009: 8).

Policies which specifically aim to facilitate asset accumulation among migrants are generally limited, and are usually aimed at return migrants as part of reintegration programmes. Such policies aim to capitalise on links between asset accumulation by the return migrant and the broader economic development of the country. This is evident in Albania, for example, where the government is committed to supporting 'the return and reintegration of its citizens with the view to ensure sustainable return and optimise the migration benefits' (Republic of Albania 2008: 6). Where temporary migration scheme agreements allow for the training of workers in the host country there is a potential for an accumulation of human capital, although it has been noted that these schemes rarely meet the need for skills in the origin country (Naik *et al* 2008: 40).

5.3. Managing Risk

Philippine policies predominantly reflect the aims of the risk framework. Firstly, measures aim to reduce risk, such as the regulation of recruitment agencies (POEA Website), the banning of migration to destinations deemed dangerous (Republic of the Philippines 2010: 9-10), and the provision of information in the compulsory pre-departure programs (OWWA website, Battistella and Asis 2011: 19). Measures are also in place to mitigate risk, such as medical insurance which is provided through compulsory membership of the Overseas Workers Welfare Administration (OWWA), access to finance, as well as bilateral agreements concluded with more than 20 countries (POEA website). Noteworthy is that risk is conceptualised broadly. For example, language lessons and the provision of information on destination countries serve to prepare migrants and potentially reduce feelings of alienation.

Shifting the focus to the facilitation of migration itself, it is important to note that migration, as discussed above, heightens risk considerably. This is particularly the case for women migrating as domestic workers, as they often work unprotected by basic labour laws (Asia Pacific Forum on Women, Law and Development 2010).

Social protection policies for migrant workers from other countries also reflect the dominance of the risk framework. Governments have often set a minimum age for female migrant workers, purportedly in order to reduce risk. India, for example, raised the minimum age at which women are allowed to migrate to 30 if the woman migrates to a so-called restricted country (Agunias *et al* 2011: 25). A more extreme measure is to ban migration to a particular country where abuse is rife, as Indonesia did in 2009 for domestic workers going to Malaysia (Agunias *et al* 2011: 39).

The provision of health insurance is also common, with the Indian government requiring migrants to join an insurance scheme which also covers the cost of a return flight should the migrant arrive to find no employment or a contract which differs substantively from the one the migrant had agreed to (Sasikumar and Hussain 2008: 18). Increased regulation of the recruitment process also serves to reduce risk. Indonesia passed laws in 2004 and 2006 which stipulated, amongst others, that overseas missions are to check that recruiting agencies have the necessary accreditations (Agunias *et al* 2011: 30).

5.4. Social Protection as a Right

Migrant workers in the Philippines are described as having rights both as workers and as human beings (see Republic of the Philippines 2010), and political and social rights have been progressively extended to international migrants. Critical here was the Republic Act 8042 of 1995, referred to as the Magna Carta for migrants, which has been followed by, for example, the right to vote in national elections while working abroad. A further point is that migration itself is framed as a right, with the amended 1995 law stating that migration is promoted in the interests of the dignity and fundamental human rights and freedoms of citizens (Republic of the Philippines 2010: 3).

Despite a rights-based approach, rights are not always consistently recognised. Age restrictions on female domestic worker migrants, for example, limit their ability to exercise this right to migrate. On the whole, though, the extension of full citizenship rights to Philippine international migrants has been significant in informing the provision of social protection to this group, with an active civil society playing a critical role in this regard (see for example Center for Migrant Advocacy 2011). The rights framework has been used as a basis for provision to resident citizens, and the way in which it has been used to extend social protection to international migrants from the Philippines represents an important adaptation in the use of the framework.

Such adaptation is less evident in other countries, notwithstanding a discourse which suggests otherwise. The National Labour Policy of Pakistan (2010), for example, while referring to workers and citizens' rights throughout, fails to mention these in the fourth section on 'Export of Manpower', where the emphasis is entirely on the promotion of labour export and the facilitation of investment by migrants (see Government of Pakistan 2010: 16-17). And, as in the case of the Philippines, the National Labour Policy (2008) of Sri Lanka stipulates that migration is a right that all citizens enjoy (Ministry of Foreign Employment Promotion and Welfare 2008: v). In practice, though, adult women younger than the minimum age set by the government find this right restricted.

A country which has extended full political rights to citizens is Mexico, with Mexican migrants able to vote from abroad since 2006, although requirements for participation in the process have been argued to make it impossible for many to exercise this right in practice (Justice in Mexico Project 2012).

5.5. Transformative Social Protection

The policies aimed at women migrating from the Philippines as domestic workers are arguably not transformative, evident in the ideas about gender and ethnicity which serve to perpetuate structural inequalities of power both nationally and globally. The same can be said of the way in which migration itself is promoted.

Firstly, traditional gender roles and ideas about gender-appropriate behaviour are reified. For example, women need to be accorded extra protection because of their 'gender' and because they are inherently vulnerable (POEA Governing Board 2006, Resolution 08), and not because of societal structures which facilitate and condone the abuse and exploitation of a particular section of the population. Compulsory pre-departure seminars convey the need for migrant domestic workers to be docile and accept adversity in employment, and to be 'good women' in the interests of the Philippine nation (Rodriguez 2010, chapter 5). Another example is the restricted availability of scholarships to the children of married migrant workers only (OWWA website), thereby actively perpetuating the marginalisation of a vulnerable group in Philippine society.

With regards to migration itself, research has shown that this is potentially a personally empowering experience for many women (Asis, Huang and Yeoh 2004: 204-205). However, by promoting the migration of women as domestic workers, the government arguably perpetuates ideas about care and domestic work, and women's 'natural' ability to do this work. Racial and ethnic stereotypes are also heavily relied upon in marketing campaigns, with references to the 'uniquely Filipino value' of being able to 'endure long gruelling hours of work for the sake of others' (POEA n.d. b: 1-2).

While the extension of political rights and social protection to migrants potentially shifts the relationship between the state and migrant workers, not least because the latter now represent a formidable proportion of voters who enjoy an enhanced ability to make claims, this is counteracted by an insidious positioning of the state in a paternalistic role towards women, and the perpetuation of gender and ethnic stereotypes.

The provision of transformative social protection for migrants is limited in other countries as well. Aspects of certain programmes do have transformative potential, for example, in Sri Lanka, basic literacy courses are provided to migrants who lack writing skills (Aguinias *et al* 2011: 46). The Guatemalan government issues consular ID cards or passports to irregular migrants abroad, which increases their ability to access essential services and public life in the US (Petree 2006 in Naik *et al* 2008: 28). Measures to combat exclusion and discrimination and international conventions protecting international migrants have been forwarded as examples of transformative social protection (Neto 2011), although the success of these relies on implementation in host countries.

6. Tensions and Limitations – Implications for Sending Countries

The above discussion indicates that the policies pertaining to migrant workers which have been implemented by the Philippine government are, to a greater or lesser extent, coherent with social protection frameworks. Although these frameworks evolved against a backdrop of provision to resident citizens, they can thus potentially inform policy-making for the growing number of governments looking to international migration as a way to boost income and address domestic levels of unemployment. The provision of social protection to international migrants can, in theory, be grounded in non-resident citizens' rights, ensuring that the basic

needs of international migrants are met while addressing the risks which international migrants encounter. Furthermore, policies can encourage long-term enhancement of welfare by facilitating asset accumulation, as well as seek to reduce structural vulnerability by challenging power relations and working to increase the status of those who are marginalised.

However, in practice, policies informed by these frameworks need to reach beyond the borders of the nation state. Therefore, although conceptual frameworks themselves are useful as theoretical bases for policy-making, the features of the international system pose significant challenges to the effectiveness of the actual policies implemented. The principles of sovereignty and non-interference which underlie the international system limit the effectiveness of unilateral policies. For example, due to host country requirements, meeting the basic needs of migrants in distress, or those who have been dismissed from or left their jobs, invariably involves bringing them back to their country of origin. Hong Kong's 'two week rule,' for example, gives domestic workers two weeks to find a new job before requiring them to leave (Government of Hong Kong Immigration Department). During this period, workers have no recourse to financial and other assistance from their own government, and in emergencies social protection may require removing the worker from the place in which they wish to work. With regards to the risk framework, in particular, the ability of the state to help citizens manage risk while abroad is limited, and workers cannot be protected to the same degree, nor their standards of living assured, once they have crossed national borders. Conditions in host countries are critical in this regard.

Tensions are also partly rooted in the inherent conflict between migration policies which seek to facilitate and promote labour migration on the one hand, and social protection policies which seek to protect migrant workers on the other. Women migrating as domestic workers are essentially encouraged to enter situations which heighten their vulnerability significantly. The implementation of policies to deal with enhanced risk and vulnerability can be viewed as social protection which enables households to undertake potentially welfare-enhancing activities. However, this arguably also reflects a contradiction between migration policies and social protection, in that the former acts to deliberately increase the vulnerability of citizens, which the latter then needs to counter.

To effectively provide social protection which enables migrants to better manage risk, the co-operation of destination countries is required. This, as Blank (2011: 201) has illustrated in his discussion of bilateral agreements, is politically often extremely difficult to obtain. Agreements reflect a balance of power between negotiating parties which may leave sending countries eager to open up labour markets in relatively weaker positions. Governments tend to promote national development and economic growth in ways which are not favourable to the welfare of working-class migrants, who lose out to employer needs in destination countries (Young 2006: 20). Critical here is the distinction between low-skilled migrants and highly-skilled professional migrants. The latter enjoy the right to mobility and the development of their skills, and their individual rights outweigh the imperatives of national development, while in the case of the former, market and state imperatives are paramount (Young 2011: 149-150).

Asset-based social protection potentially offers migrants longer-term benefits, yet appears to inform very few policies in practice. Policies which do exist tend to target return migrants and are limited in scope, reflecting reintegration programmes which often look like an afterthought. As highlighted above, skills training is dictated by the needs of host countries, which fails to adequately benefit the migrant worker once she has returned. However, for governments wishing to support and facilitate asset accumulation amongst migrants, it is critical that this role remains facilitative and that measures do not effectively serve to dictate the way in which remittances are used.

With regards to the rights framework, there are clearly significant political obstacles to its use in a number of cases. The extension of rights to Filipina migrants is arguably context-specific, with Rodriguez (2002: 347) arguing that this needs to be viewed in conjunction with the government's promotion of international migration, a role which has arguably facilitated this extension. For international migrants from countries in which the government does not actively promote migration, or in countries where the proportion of the population which migrates is smaller, there will be significant political barriers to convincing a government to extend the provision of social protection. The ability to ground provision in the rights framework may be an option which is less available to these migrants, particularly those who are irregular migrants. It is also arguably of little use to political refugees who may well be attempting to escape an abuse of their rights.

The rights framework produces numerous tensions of its own, which often reflects inconsistent use thereof on the part of policy-makers. Describing migration as a right, as many governments do, is somewhat disingenuous as it conceals the importance of the economic motives behind government promotion of international migration, as well as conflicts with policies, such as age limits, which restrict migration in some way. It also conceals the very restrictive nature of the temporary contract schemes under which workers migrate, with Piper (2009: 68) noting that migration periods are limited, workers are tied to specific employers or sectors, and family reunification is restricted. Migration may be framed as a right, but low-skilled workers' enjoyment thereof requires the signing over of other rights.

Where governments do highlight the 'right to migrate' of citizens, it becomes necessary also to examine the line between the right to migrate and the right to not migrate. The latter surely presupposes the ability to remain in one's own country without sacrificing a certain standard of living, necessitating the availability of employment which pays a living wage and reliable formal social protection. The absence thereof raises the question of the nature of migration promoted by governments: a right to be enjoyed through choice, or a necessary form of social protection in itself?

Critical here are also discrepancies between rights and social protection provided to international migrants and those provided to resident citizens. While it is often assumed that the latter enjoy greater rights and access to protection, this is not always the case. For example, the Domestic Workers Bill in the Philippines, which covers minimum labour standards for domestic workers working in the country, was first tabled in 1995 but was only eventually passed by both the Senate and the Congress in December 2012 (Geronimo, 14 December 2012). Consequently, the large numbers of women who are domestic workers in the Philippines have not had access to the same welfare provision and legal protection as those who migrate to do this work, reflecting a noteworthy discrepancy between the rights of resident citizens and those who migrate abroad. What are the implications of policies which require citizens to leave their country in order to access social protection and protection under labour laws?

Finally, the use of the transformative framework is particularly challenging for governments which wish to promote and maximise the employment of migrants abroad. Policies with transformative potential may effectively reduce the employability of international migrants, at least in the short-term. For example, if what Gardiner Barber (2009: 48) calls 'performed subordination' contributes to the employability of migrant domestic workers, assertive workers who know their rights will effectively be competing against those who are offering what employers want. Transformative policies will require trade-offs which governments looking to increase remittances may find difficult to accept. The use of the transformative framework is also limited by the way in which paternalism is presented as protection. This is evident most notably in the decisions of governments to ban the migration of women to particular countries where abuse is widespread, and the prohibition on women migrating before a certain age. States which restrict the movement of adult female citizens on grounds

of protection do nothing to challenge gendered assumptions about women, and the way in which they are often treated like children in need of additional care.

7. Conclusion

From economic safety nets aimed at ensuring that people can meet their basic needs, social protection has moved on to incorporate a dynamic element by focusing on risk. Such a focus is often found in conjunction with measures to facilitate asset accumulation in order to advance longer-term increases in welfare. Rights-based approaches to development served as the immediate backdrop for grounding social protection in a rights framework, a political advance which enables those who are marginalised to make claims as citizens. Finally, a more radical element has emerged, which aims to address also the power imbalances and structures which underlie and perpetuate vulnerability.

The social protection programmes which have informed the evolution of these frameworks, however, are generally aimed at resident citizens at the national level. International migrants are thus largely excluded as a result of their inability to access social protection in either origin or host countries, where the provision of social protection to this group is invariably intensely political. The limited nature of this access exists alongside the heightened risk and vulnerability which low-skilled migrants experience outside their own countries.

Countries which look to promote migration, ostensibly in the interests of development, have increasingly implemented policies aimed at addressing this gap in access. These policies allow for a consideration of the relevance of conceptual frameworks for international migrants. The discussion of policies implemented in the Philippines, as well as other labour-sending countries, indicates that the frameworks have varying degrees of relevance. Certainly, the conceptual frameworks which currently underpin the provision of social protection in a national setting can be used as theoretical bases for extending this provision to international migrants. However, the state system implies that unilateral policy-making will be limited in effectiveness, and that partnerships are essential. Such partnerships will need to incorporate trade-offs between the provision of social protection to international migrants on the one hand, and the economic imperatives of migration policies on the other. In addition, the discussion has highlighted the extent to which policies inconsistently reflect the principles of conceptual frameworks, and the role of ideology in this regard. Such inconsistencies do not indicate flaws in the frameworks themselves, but rather, reflect the political realities of policy-making in a variety of settings.

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