



**POLICY BRIEF
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Migration and Inclusive Democracy: Impact of COVID-19 in Asia

BACKGROUND

On 23rd April 2020, the UN Secretary General HE Antonio Guterres referred to the pandemic, in a video message, as causing ‘economic crisis, social crisis, human crisis and human rights crisis’. The COVID-19 pandemic has brought about significant changes in migration governance and has reoriented state and society focus upon immigrant and emigrant populations. Issues that prevailed in labour migration governance regarding the access and opportunity of services and pathways to redressal for migrant workers have taken immediate precedence among all stakeholders. However, civil society and migrant rights advocates point out that quick implementation of previously and oft-recommended measures without consulting or providing space to migrant voices may diminish or even prove detrimental to migrant worker needs.

Under pressing circumstances (the span of which is undetermined), governments of both countries of origin and destination have been forced to analyse critical components of demand and supply chains of basic goods and services and rethink inclusive mechanisms of migration governance. At the global level, this would include focusing efforts and attention to Sustainable Development Goals 16 “focusing on peaceful and inclusive societies, providing access to justice for all and building effective, accountable and inclusive institutions at all levels” and SDG 17 “focusing on strengthening the means of implementation and revitalising global partnerships for sustainable development”, observing and implementing targets within these goals through finance, technology, capacity building and trade, based upon policy and institutional coherence, multi-stakeholder partnerships and data accountability mechanisms.

The below brief has been derived from MFA’s contribution to discourse around migration governance during the pandemic, organised by the Korean Association for Human Rights (KAHRS), in partnership with the Korea International Cooperation Agency (KOICA), on the impact of COVID-19 on migration, human rights and inclusive democracy in the Asia-Pacific, based upon Sustainable Development Goals 16 and 17.

PARTICIPATION AND INCLUSION OF MIGRANT VOICES

Migrant workers contribute immensely to both their country of destination and origin. The prominence of migrant community networks has also been noted as a vital factor in ensuring migrant workers 'feel' included and are able to participate at the most basic level. Without becoming citizens, migrant workers experience several different forms of memberships in social, cultural and political spheres of their migrant life, which Baubock refers to as 'constellations of citizenship'. The process of migration links migrants to several structures and institutions throughout their migration journey, such that their rights and duties are inevitably established by these 'constellations'. International migration, in essence, has redefined citizenship or membership such that the 'demos' stretches beyond pre-conceived state borders and consists of migrant networks and other individuals that belong to several jurisdictions (Dzanic, 2016)

Cross-border movement and the ensuing establishment of migrant communities are considered to challenge the traditional concept of the nation-state, since they 'question the loyalty' to a single state and complicate the notions of national membership. This is indeed true as migrant workers remain in a transitional state of not being the resident of their country of origin nor becoming a citizen or permanent resident of the country of destination – the marginalisation of their identity further exposed by terming them 'temporary' or 'contractual' workers by international bodies and state actors.

While they are recognised as providing valuable services to both their country of destination and origin, their right to participate and be considered as members of the same societies are not. Migrant workers challenge traditional concepts of nation-state as, despite being members of society, they are commonly in situations where states fail to fulfil international human rights standards (such as protection from discrimination, family reunification, etc.) – even if states are not signatories to these conventions, they are considered moral obligations or legal norms that are universally applicable. (Aleinikoff, 1999: 241) (Dzanic, 2016)

As an international covenant, the UN Sustainable Developmental Goals encapsulates the principle of 'leaving no one behind' within its transformative agenda. The principle is based upon concepts of absolute deprivation and relative disadvantage. '**Absolute deprivation**' refers to 'living in multidimensional poverty or below other minimally accepted standards of security, income, public services, infrastructure or well-being'; and '**relative disadvantage**' refers to the state of 'exclusion, discrimination and/or entrenched inequalities, which disallow people to gain influence, get educated, survive setbacks, acquire wealth, access job markets or technologies, have shorter, riskier lives, rank below median in SDG outcomes and opportunities'. For migrant workers, these particular situations unfortunately occur as a driver in the choice to migrate and as a function of their choice.

Cohen and Sirkeci (2016) argue that despite complex underpinnings of migrant worker identity, neoliberal ideologies fail to recognise the influence of such networks and social groups upon the migrant worker. By emphasising the migrant workers as rational decision-makers solely responsible for their choice to migrate and the consequences thereafter, it fails to account for the importance of social belonging and shared values and practices – primarily the concept of social inclusion of a migrant worker in their origin and destination communities. Ostensibly, migrant workers are not economic beings alone, motivated by personal gain and success – and the process of migration cannot be reduced to only the decision of an individual mover – in fact it should be considered as a function of their inclusion into different groups of family, household, community, gender, etc. (Cohen & Sirkeci, 2016)

Within the context of migration, it becomes necessary to examine the concept of participation as a principle of inclusive democracy. This would include understanding, creating and maintaining spaces, mechanisms and program for migrant workers to exercise their agency and determine their course of action. Granted not all destination countries are democracies that allow for participative processes, the requirement is for countries of origin to either provide these spaces or push for migrant-centred collaborative spaces, ensuring governance that empowers migrant workers. A 2018 discussion paper published by UNDP particularly emphasised the importance of empowering and enabling migrant voices and participation as a step towards implementing the pledge/principle of ‘leaving no one behind’.

It then becomes important to look at the structural and systemic barriers that are present within the lives of migrant workers.

In the context of Asia, particularly in the Gulf and Southeast Asia which are major corridors in Asian migration, the mobility of migrants is commonly determined by a contract. These contracts exemplify the existing power dynamic between the migrant worker and employer in several dimensions and have long-lasting repercussions. Contracts are not negotiated between employee and employer, they are only ‘offered’ to the migrant – which is expected to be accepted by the potential migrant worker. The migrant worker only has the ‘power’ to ask more details from their recruiting agency. Nonetheless, the migrant worker commonly has the option of denying or accepting the offer, they have no say in the conditions that may determine their migration journey. This is notwithstanding the fact that the awareness the migrant worker is provided with is perfunctory and only enough to be aware of their working and living conditions; while it is not necessary that workers must be aware of international conventions, the underlying argument is that migrant workers are rarely allowed to participate in the process of negotiation or bargain with their employer or agent.

The space for participation that is warranted for the migrant worker, or rather the lack of it, becomes evident from the pre-employment period. Once employed, the work permit system and the bonded nature of their contracts, which are now seeing reform in certain countries, are coercive and restrictive, affecting occupational mobility – and in the case of domestic

workers, physical mobility as well. Terms of employment and termination all lie at the discretion of the employer, wherein the migrant worker may be threatened with deportation, without access to legal aid or reparations. (Bal, 2015) Migrant workers also struggle to access grievance redressal and justice mechanisms – this becomes particularly true in the case of irregular and low-skilled migrants as the right to legal counsel is restricted by several factors.

Consequently, the process of alienization begins for migrant workers from the point of their decision-making on migration. They give up on a system that exists for them (whether job opportunities, easier grievance redressal, social support, etc.) in favour of economic interests - and then, are placed in a policy environment where they are part of two or more state machinery, labour markets and societies such as COO, COD, and transit, which all fail to take responsibility in assuring them their rights and protecting them from vulnerabilities.

COVID-19 AND BEYOND

During COVID-19, the exposed vulnerabilities of migrant workers forced many state and non-state stakeholders to mobilise, organise and act – not only to preserve the supposed rights that exist for migrants in these countries, but to ensure basic survival. The aforementioned concepts and situations were largely exacerbated during the crisis as we will see below.

This pitiful state of migration governance during such a crisis, however, still only provoked top-down reactions by state, adapting their modalities of ‘welfare’ to return and repatriation services or payments from contributory schemes, farcically applied, and maintained by a leisurely-paced bureaucracy. Not to mention, struggling civil society actors dealt with this situation on the ground focused upon ensuring seamless service provision with crisis-based advocacy measures – some of them underfunded, severely affected by mobility measures and unable to devote time to issue-based advocacy during the initial months of the pandemic. Migrant workers were affected in a myriad of ways but primarily, by a lack of voice, inclusion, and participation to determine their conditions of return/repatriation. The Justice for Wage Theft campaign arose out of growing grassroots level reporting and documentation of wage and compensation theft by employers for unexpected massive lay-offs, coerced resignations, and arbitrary visa and work permit cancellations.

- **CRISIS OF COMMUNICATION**

The pandemic gave rise to a variety of secondary crises – one of them being a crisis of communication. In usual efforts at awareness, there is a complete lack of direct communication between migrant workers and state actors in the COD. State actors create web-based apps, websites etc., but frontline workers are usually only police and labour inspectors. Accessibility to information for migrant workers is affected in three ways –

language, supporting infrastructure such as ICT facilities, and **lack of grassroots-level efforts by state**. All other forms of communication from state is expected to be through employers – again, placing power in the hands of employers rather than promoting proactivity among workers. During the pandemic, a major response among CSOs and governments was mass translation of information materials, announcements, precautions, and measures on the pandemic on a daily basis in order to make them available to migrants. This emphasizes that the pandemic is not only a health crisis, but it must also be addressed as a communication crisis - a key element of inclusion within societies.

- **INCLUSION**

As mentioned earlier, migrant workers are considered temporary and are being referred to as contractual – as though their temporary stay and the contractual nature of their employment justifies the withdrawal of certain rights particularly those of organising, mobilising, and participating. These references further feed into the analysis of neoliberal notions of migrant workers by Cohen and Sirkeci (2016). For migrant workers, their world or work is still a primary determinant of their migration experience. This would of course include protections against discrimination and violence (SDG 16, 16.1). Nonetheless, being employed abroad is no guarantee for well-being, stability and security to follow – the substance and quality of work is equally important, contributing to more inclusive societies at the local level (Overseas Development Institute, 2018). Not only in the COD, it becomes necessary to also look at migrant worker rhetoric in COOs – how often they are a target group included in policymaking decisions, the extent to which they are publicly considered as a social group, their inclusion into mainstream labour governance.

- **INTEGRATION**

Here, we consider integration to represent desegregation of migrant workers in a more physical sense – in housing, employment, education, health etc. More often, particularly for low-skilled migrant workers, there is segregation of housing arrangements and public spaces and facilities available to them. This is evident from dormitories and labour camps for migrant workers, located in industrial areas, or specially created zones – away from the sight of the common populace. Certain public spaces are restricted for ‘bachelors’ or reserved for ‘families’ during weekends – effectively creating the perception that such spaces are reserved for citizens and high-skilled migrant workers, the only other population allowed to have their families in the COD.

Another minor practice is when workers have their identity cards randomly verified by public officials – arbitrary ‘verification’ of work permits or resident visas in public locations intensifies segregation. This verification process is focused upon the ‘validity of duration’ of their documentation, not necessarily to establish their identity – that is, the official is looking to see

whether the migrant worker has a regular status, not whether they are a legal resident. Moreover, instead of verifying documentation at the workplace, particularly in labour systems where the responsibilities of documentation essentially lie with the employer, it is verified in public places or at migrant accommodations – impinging upon personal space of the migrant worker and upon their rights to leisure or enjoy public spaces and facilities. Depending upon the results of such verification, migrant workers may face repercussions on the spot including arrest or detention and deportation. In countries that provided extremely limited mobility for domestic workers and other female migrant workers, such measures only serve to increase fear and feelings of isolation among the migrant community.

During the pandemic, measures of desegregation were intensified – the first areas that were declared containment zones were migrant worker accommodations and residential areas, erroneously believed by state actors to restrict the spread, further based upon xenophobic notions. This was observed in several Gulf states and prominently, Malaysia – where migrant worker accommodations were targeted and raided in what public officials called “efforts to contain the spread”. Migrant experiences negotiating spaces – where access to public spaces is limited and personal spaces are relegated to the peripherals– denote an inherent dehumanisation by state actors and employers. This is true of internal migrants, stateless persons, and refugee experiences in Asia.

- **PARTICIPATION**

The concept of social distancing introduced during the pandemic did not cause widespread changes in migrant worker lives since it is similar to the social isolation they face on a regular basis as mentioned earlier. If one equates democracy with empowerment and representation, it is clear that migrant workers lose account of this as they move to CODs with poor democratic records including Singapore and Malaysia – during COVID-19, civil society observed that migrant workers were entirely marginalised in terms of representation and participation. Civil society would need to challenge not only these conceptions but also institutions and spaces that claim to be participatory. This would also include trade unions, where migrant workers are not allowed to join either in COO or COD, and looking at spaces for their languages, communication and leadership to be included.

While the policies of COD in Asia restrict migrant participation in the economic dimension, migrant workers are also given little space in COO to participate, with the exception of Philippines and Indonesia, where returnee migrants have significant civil society presence.

- **VOICE**

Due to visible and invisible conditions of exclusion and segregation, migrant workers’ voices are often represented by other state and non-state bodies including civil society, academia, missions of COO and international organisations that report through different mechanisms. The primary issue here becomes whether migrant voices are appropriately, responsibly and

effectively represented – if not, whether the spaces for migrant workers to represent themselves is at all possible. Moreover, the restriction of civil society spaces, limited platforms and lack of freedoms of expression and association in many countries of destination is a natural impediment for any dialogue to occur.

While stakeholders that represent migrant voices face organisational and infrastructural limitations of their own, spaces that are ‘for migrants’ and involve migration governance and policymakers requires transformational change in the way it is organised. These spaces are self-serving and despite civil society efforts and progress, all forms of decision-making continue to be top down. While state actors, private sector and civil society are represented in varying degrees, such spaces have only continued to shrink and is plagued by a culture of gatekeeping. Civil societies would need to endeavour to create these spaces and allow state actors or others become observers, placing migrant voices as priority, and facilitating bottom-up discourse.

- **PERPETUAL STATE OF TRANSIENCE AND DISENFRANCHISEMENT.**

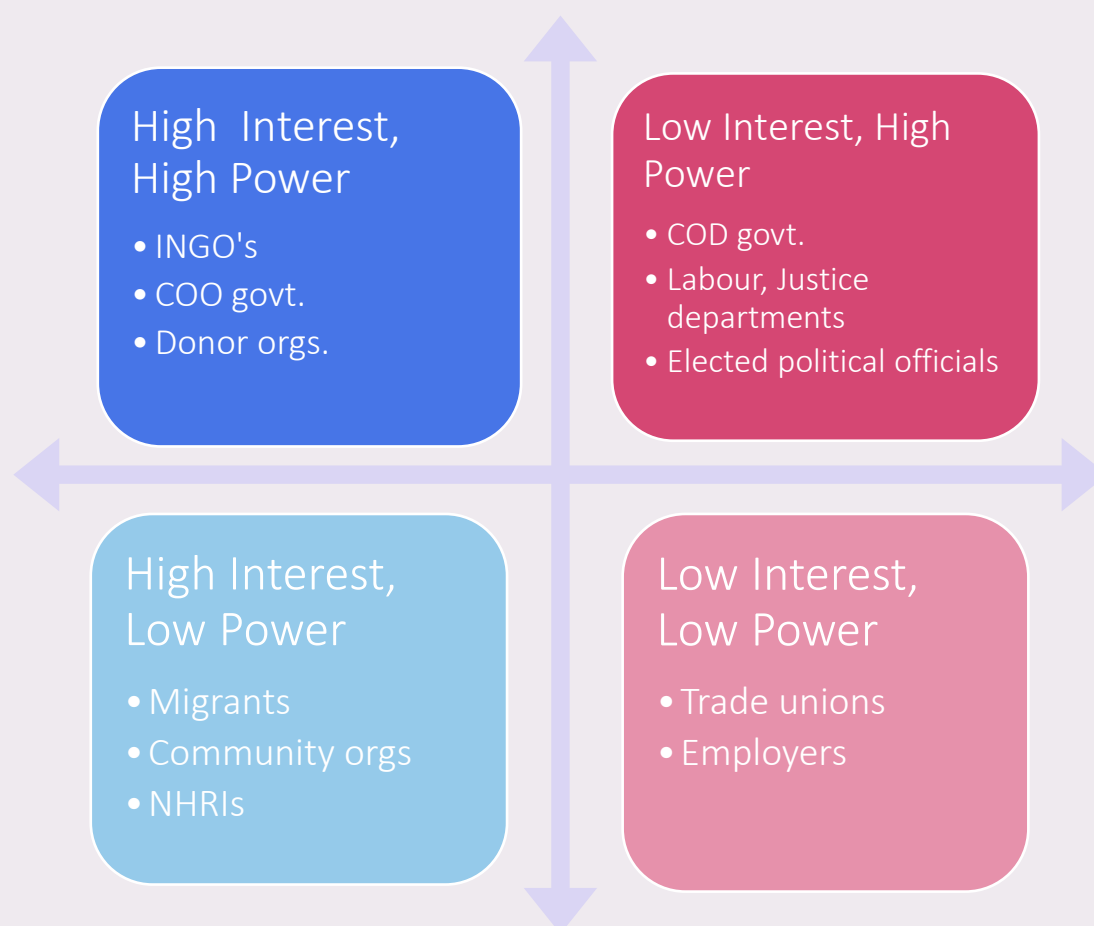
Currently, among South Asian and South-East Asian countries, there are only 5 countries that allow migrants to vote through absentee voting: Philippines, Indonesia, Thailand, Malaysia and Pakistan. India in 2018 has allowed for ‘proxy voting’ which involves giving the migrant’s vote to a designated person within the country. However, in practice, it is barely used due to bureaucratic red-tape. For other countries in the region that have not enforced such law, their migrant workers are then disenfranchised and do not have the space for political participation.

Despite their contributions to the socio-economic fabric of their countries, migrants are neither completely acknowledged in the political spectrum nor are they accorded their political rights. Even traditionally migrant-dependent and remittance-dependent economies have failed to recognize the value of migrant involvement with nation-building and development efforts. Apart from their contribution via remittances, migrants and their families are further subject to tax regulations separate from their fellow non-emigrant citizens in several origin countries – indicative of their identity linked only to their economic capability.

International law too does not consider the impact of migration on the composition of voters. The right for non-residents and non-citizens to be involved in democratic processes has been considered only as a function of self-determination despite progress of enfranchisement for women, minority communities and other disenfranchised categories (Arrighi & Baubock, 2017). According to Baubock (2007), the argument to extend voting rights builds upon the fact that states should involve all members of a polity in democratic processes to ensure their autonomy, well-being and the right to collective self-government. While this becomes relevant in the case of COO, the lack of inclusion in the COD is evident despite migrant workers taking up permanent residency as well (Arrighi & Baubock, 2017).

LAYERS OF VULNERABILITY

Migrant workers face vulnerabilities in layers – as migrants, as labour, depending upon their gender, nationality, ethnicity, status of regularity, etc. Vulnerabilities arise out of not only their identities but functions as a by-product of the discriminatory migration policy environments.



POWER-INTEREST MATRIX OF STAKEHOLDERS IN ENSURING CIVIL & POLITICAL RIGHTS

1. HOSTILE ENVIRONMENTS

Bal (2015) explains how vulnerabilities of migrant workers are manifested through the 'creation of hostile environments' at their workplace and accommodation. He further postulates that workers navigate such environments with what he calls 'tactical accommodation'. While workers are entirely aware of the lack of mobility, possibilities of deportation and other threats to their working life, they informally negotiate the effort-reward bargain as confronting the situation would be to their detriment alone. Employers combine intimidation tactics and threats with individual concessions for their employees. Bal further

says: *“In a context where labour as a collective force has been repressed and debt-laden migrant workers are deprived of many legal-political rights, these dynamics of production tend to close off spaces for agitation while opening up opportunities for informal negotiation”*. (Bal, 2015)

However, such tactical accommodation strategies do little to change the overall environment of dismal work and living conditions and lack of basic civil freedoms; neither can tactical accommodation be used in all contexts. Political powerlessness and exclusion from collective bargaining that workers face, remain embedded in economic and socio-political contexts and as such, few workers are able to contest disputes, typically seeking the involvement of other stakeholders such as community organisations, missions of COO (Bal, 2015).

During the pandemic, such powerlessness was explicitly displayed with rampant wage theft and unexpected job losses driving a mass exodus of migrant workers, many of whom had approached the community leaders and NGOs to file and settle disputes and claims. In certain CODs, cases were taken up at Courts and judgements were passed in favour of the workers granting them compensation, largely in high-profile cases or with a large group of employees under one company. In terms of job security, while businesses and employers were given grants and programs aimed at their needs, local workers were also given assistance, but this was not extended to migrant workers.

2. MIGRANT IDENTITY AS A PREDETERMINANT OF RIGHTS

The manner in which a migrant is identified and his residence or existence in the COD is validated, becomes a precursor the rights that he enjoys in the COD. In certain visa regimes, these are incorporated into the conditions by which they obtain their work permit and visas. For example, Singapore has a clear-cut system of passes for each ‘type’ of migrant worker such as the Employment pass meant for skilled labour who are allowed to bring their spouses and their family – dependent on their fixed income, S Pass for those with a particular trade qualification or ‘mid-skilled’, and the Work Permit or R pass for low-wage migrant workers largely in the field of construction, domestic worker and service sector. In other CODs, similar demarcations exist although even for high skilled workers, the power to decide such rights is given to the employer.

Saunders (2018) attempts to understand the determination of status of a refugee as a Foucauldian ‘dividing practice’ – which referred to social processes that divide the ‘subject’ inside himself or from others giving both a social and personal identity – in this case as a migrant, a worker, a non-resident, non-citizen, etc. While their frame of reference is for refugees, all forms of migrant workers undergo similar processes of determination of identity. Saunders argues that once asylum seekers were denied refugee status, they were immediately given another identity- that of ‘illegal immigrant’, ‘economic migrant’, etc. Similarly, migrant workers, once their documentation expired or their work contracts were broken were

relegated to the status of 'undocumented', 'illegal', 'criminal', 'squatters' and other unsavoury terms which imply that the migrant did not 'deserve' certain rights and they should 'accept' deprivation of their rights. This was further 'justified' since they did not follow instruments of state authority and looked to assert freedoms than what was prescribed for them as an economic migrant. Saunders states that for the refugee, pursuing work at the country of destination or transit, "*makes one an 'irregular migrant', a 'bogus asylum seeker', an economic migrant in disguise...because a 'genuine' refugee seeks safety from persecution, not 'economic gain'*"

The pandemic saw increased instances of hate speech and racism against migrant workers. Inherent racist and discriminatory social attitudes compounded by such prescribed identities meant that irregular migrant workers were targeted, evidenced by actions in KSA where migrant workers were trapped in unknown detention centres and Malaysia where their accommodations were raided. In the UAE, the Higher Committee of Human Fraternity, comprising of international religious leaders dedicated to mutual understanding and peace, condemned using the coronavirus as an excuse to incite racial discrimination and urged that citizens work together to not spread xenophobic, bigoted or hateful rhetoric. On social media, civil society that serve migrant workers, including irregular, refugees and the stateless, have also been targeted by hate speech and criticism for the support they extended. Such scenarios emphasize embedded fears during the pandemic that are rooted in xenophobia and racism towards migrant workers. This again builds into the argument that where prescribed identities and the baggage that it carries embed attitudes among non-inclusive groups within COD societies, these particular group of migrants do not 'deserve' to enjoy basic human rights.

Unlike refugees for whom the responsibility of legitimisation is placed upon them and refugee agencies, migrant workers are generally disallowed the ability to renew their work permits and visas and self-determination of their status. It becomes necessary to note that such statuses are 'fabricated' by the state and those assigned these particular identities may not necessarily subscribe to them – yet the only identities put upon them determine their quality of life, their rights accorded by the state, their ability to exercise agency, etc. During documentation of their situation, migrant workers further become 'cases', with their fingerprints, photographs and personal information becoming records of their identity and existence (Saunders, 2018). Such identities again result in exclusion particularly for irregular migrants by pushing them further into clandestine labour. By excluding them from social protection, access to healthcare and services, and imposing tighter controls through detention and other practices, it only serves to disrupt 'natural' patterns of return and circular migration (Overseas Development Institute, 2018). During the pandemic, civil societies clearly observed the hesitation of undocumented workers to access services due to the threat of arrest and deportation, despite early government responses assuring healthcare access regardless of status.

In their COOs, migrant workers, once given the identity of ‘non-resident’, lose certain civil and political rights. While this paper stresses on the right for overseas voting, in reality, migrant workers upon return are not necessarily able to organise or be included into trade unions. They are ‘othered’ and without a supportive social and familial network, lose crucial access to the local labour market, knowledge on reintegration schemes and financial assistance for entrepreneurial activities.

3. WOMEN MIGRANT WORKERS

Women migrant workers, particularly those in the domestic work sector are disproportionately affected when it comes to participation and inclusive democracy. Recent activities of unionization, and the resolution of C189 has changed the policy environment around domestic worker, however, without global ratifications and lack of civil freedoms in countries of destination or a lack of recognition of domestic worker unions in their COO. Moreover, for domestic workers, the concept of voice and participation is lost when their voice in question becomes locked within the confines of a private household, where their work is not recognized and legitimized. The same goes for women in the health care, agriculture, and services sector. Their voice is often stifled because migrant women are employed as a consequence of a market economy that requires a gendered dimension of mobility. Moreover, due to restrictive labour regimes, the well-being of the domestic worker portrays the state as protector and legitimises this role – while states are indeed responsible, there is less accountability placed upon the employer as a result. This human rights discourse carries unacknowledged costs that women must navigate as they claim their rights (ILO, 2016).

Mobility and employment create opportunities for female migrants, but gender norms and other shared ideas about the different capabilities and ‘natural’ roles of women and men, girls and boys create and enforce these vulnerabilities, as do institutional failures to address discrimination. Studies show that female migrants are less able to advance their own interests in the COD and upon return. They also possess less decision-making powers within the home and are also less likely to have the resources and time to engage with political decision-making and policy processes (Overseas Development Institute, 2018).

During the pandemic, there were few COOs that prioritised the needs of domestic workers in return and repatriation efforts. Many any missions of COOs had no such record of the number of domestic workers at their Mission Post. Moreover, few COD governments and missions of COO neither made concerted efforts to assure access to healthcare, sanitizers or masks for domestic workers nor did they appeal to employers of domestic workers on the same. This is despite the fact that the pandemic and consequent lockdowns lead to a vast increase in workload for domestic workers. There was no way for governments to assure that domestic workers were able to take their weekly day off.

NECESSARY STEPS FOR AN INCLUSIVE FUTURE

The issues of prescribed identities and consequent rights lead to a disintegration of migrant worker agency and the perception of passive victims of circumstance who must accept the decisions made on their behalf by the international system. This however becomes a Catch-22 situation as recognition of the workers' agency would also lead to legitimisation of increased migration restrictions and border management.

Saunders (2018) opines that action and opinion only become effective and significant when the community these are placed in is willing to recognise them as such. They further use Hannah Arendt's argument that a jailed criminal would be in a better position as compared to a refugee as the former is still recognised as a member of society and his actions are recognised, although he is without a legal status and having civic rights curtailed. Meanwhile, the refugees only enjoy greater freedom of movement although they are treated not on the basis of their actions, but because of their identity as a person lacking legal status; furthermore, their actions and voice are unrecognised as significant. Nonetheless, in the case of all migrants, conferring legal status becomes valuable only as long as it enables significance to actions and opinions. This further implies that legal status as a migrant worker can fail to be such a guarantee or that it can poorly enable such experience (Saunders, 2018). While legal status as a migrant worker can ensure certain rights such as access to services and mechanisms, it cannot ensure that the worker's voice is recognised.

For migrant voice and participation to become significant and effective, it becomes necessary that they possess access to public platforms of collective action – it is not enough that migrant workers receive the right to vote or participate in democratic processes, this must be supplemented by spaces to engage in discourse and positive action. Similarly, through pluralisation of political space can marginalised sections such as migrants overcome perceptions of prescribed identities and xenophobic public rhetoric, what Saunders refers to as '*ejection from the state-people-territory trinity*' (Saunders, 2018).

In Asia, however, public platforms of collective action and social dialogue are still organised in a top-down manner and in some countries, there is none at all. Particularly during the pandemic, governments seldom connected with civil societies, trade unions and grassroots-level actors on the ground – decision-making was restricted to state actors alone without consultations, displaying a clear lack of collaborative capacity and political will. In this situation, Member States fail to recognize the key role of trade unions and civil society in promoting and ensuring job security. Tripartite dialogue with employers, trade unions and civil societies which were commitments taken by governments and regional processes such as the ASEAN were neither fulfilled nor undertaken as an emergency measure. The ILO Employment and Decent Work for Peace and Resilience Recommendation (No. 205) becomes an important tool with respect to promoting social dialogue within the SDG 16 and 17.

As a means to emphasize the use of social dialogue in developing response to the pandemic, South Korea is highlighted as a prime example in this regard. South Korea established in March a Tripartite Declaration to overcome COVID-19, developing measures to protect workers in all aspects, and a Health Care Sector Tripartite Agreement to promote occupational safety in the health sector.

For this, we propose significant broad alternatives to be pursued:

1. **Expanding Scope of Migrant Rights:** Governments must ensure that all migration and development policies designed and implemented at national, regional, and international levels are based on a human centred approach. This means giving primacy to the needs, priorities and rights of migrants and refugees as humans, rather than as economic entities - vital in the context of emerging policies that externalize and militarise borders, undermining the human rights of migrants and refugees.

States must also endeavour to transform racist and xenophobic narratives against migrants and refugees, and to embrace the social and cultural wealth that migrants bring to countries of destination. It is key for development and migration policies to be inclusive and not targeted at specific groups alone. They also need to be aimed explicitly at expanding rights and opportunities. A concrete step to be taken in this regard would be to enhance capacity building among state actors with respect to the significance of migrant inclusion, representation and participation at CODs.

2. **Centering Migrant Voices:** Migrants must be publicly and actively involved in the processes that affect their lives. At this critical juncture for global migration governance, support by States for meaningful and sustained involvement of migrants, trade unions, and civil society organisations in multiple ongoing processes at regional and international levels is needed. This includes the GFMD, Colombo Process, Abu Dhabi Dialogue, South Asian Association for Regional Cooperation (SAARC), Association of Southeast Asian Nations (ASEAN), among others.

SDG 16.7 mentions ensuring 'responsive, inclusive, participatory and representative decision-making at all levels'. When long-term migrants, and subsequent generations, settle permanently in large numbers and are barred from political participation as non-citizens, decision-making is not fully representative. Policies excluding migrants may prove popular with a non-migrant electorate or avoid close scrutiny, because migrants must rely upon proxy representation, for instance, through members of family who are resident in order to influence the outcome of political debate.

This leads to the debate on integration and reintegration of migrant workers in both COO and COD. Now that migrant workers are being recognized as essential workers and that

they are a key component in economic development of countries, it would be pertinent to look at opening up more regular pathways for migrant workers, which is one of the critical points under the Global Compact for Migration. We must also no longer look at migrant workers as ‘temporary’ workers but to find pathways to citizenship or residency, taking to account their significant contributions in countries of destination while in a permanent cycle of contracts. Additionally, we must also look at voter education inclusive of the migrant worker cause, to be a significant step in COOs as well as disseminated through Missions at CODs.

In terms of goal 17 on partnerships, civil societies in COOs would have to observe reintegration programs and trends of localization of economies. In terms of SDGs, governments would need to be willing to look at the GCM as a multilateral framework in pursuing partnerships with local authorities in countries of origin that develop reintegration programs for migrant workers.

3. **Equality and Access to Justice for Migrants:** The two-tiered economic systems in countries of destination that differentiate between migrant workers and citizens in terms of pay and access to social protections need to be extensively reformed. States must ensure that migrants have access to social security and labour rights in both countries of origin and destination and can also access justice mechanisms to adjudicate these rights.

In origin countries, availability of social protection and decent work can also alleviate the pressure to migrate. Social protection measures may include financial assistance for unemployed, cash transfers or in-kind benefits as well as providing relief on rent, utilities, and other auxiliary payments, etc. Currently, among CODs, only Thailand offered such relief during the pandemic to informal sector workers while Bahrain offered to all residents including migrant workers a three months’ waiver of payment for electricity and water charges. Social transformation will be required inclusive of recognising standards for the informal sector as well as broader recognition of workers in the sector.

There is urgent need for countries of origin to develop greater cohesiveness and solidarity through mechanisms such as regional MoUs, to establish common standards like zero recruitment fees, a living wage, decent work conditions, and reduced remittance costs, and avoid a “race to the bottom”. There should be no exceptions or exclusion zones for different categories of workers. The right to organize too must be enshrined in the regional MoU and be fulfilled by the countries of destination.

COO governments should ensure support mechanisms in the COD by building the capacity of their embassies and employing labour attaches to provide support. They should focus on providing justice mechanisms for workers that are not only compensation oriented, but

also hold the perpetrators accountable. Migrants who lack secure permanent legal status may suffer a deprivation of other essential rights including access to justice, basic services and work. Opaque and arbitrary naturalisation processes – sometimes deliberately intended to exclude migrants – may contribute to official corruption and bribery.

Migrants' lack of access to permanent residency and/or citizenship status can cement their political exclusion, resulting in their marginalisation. A possible strategy to avoid such exclusion or improve existing conditions would be to promote the creation (or enhance inclusiveness) of Workers Committees and formations of trade unions in CODs and COOs.

4. **Climate Justice and Migration:** States and international organisations must include climate migrants/refugees in the definition of refugees. They must recognize climate change as one of the root causes that pushes people, especially the most vulnerable, into migration. States should address this root cause by putting more resources into climate adaptation, water security and food security.
5. **Corporate Accountability:** States must hold multinational corporations accountable on labour standards through binding treaties and regulations. Voluntary initiatives and loose commitments are not enough. This will ensure that the workers, regardless of their status, would be fairly treated and protected.

States would need to make concerted efforts to engage with employers to promote broader wellbeing factors such as autonomy in the workplace, opportunities for learning and self-development, voice and accountability, and personal safety. Employers and the private sector capacity must be built regarding decent work and wellbeing into the design of new employment initiatives.

Initiatives with respect to irregular migrants must move beyond allocation of work permits and visas, to include improved systems of labour inspections and more active attempts to link permit holders to social-security systems (Overseas Development Institute, 2018).

In the same view, state and non-state actors would also need to look at the **new social contract**. Civil societies observed opportunity in trends of workers in 3D jobs being deemed 'essential' – turning into a socio-economic lifeline during a crisis, it becomes necessary to look at opening up more regular pathways to migrant workers. The rights of migrant workers of course would further need to be incorporated into the broader community through laws, policies, attitudes, etc.

6. **Global Governance of Migration:** Governance mechanisms, including the Global Compacts on Migrants and Refugees, and the stakeholders entrusted with their negotiation, must

fulfil the highest international rights standards. To this end, states must look at existing international standards on labour rights and migrant rights, acknowledge the intersectionality of these rights with other rights areas, the related conventions which must continue to be ratified and implemented.

State actors would need to rethink migration as a development strategy – whether migration is truly a choice and the impacts faced by migrant workers when remittances fall. In many countries such as Nepal, where 7% of its GDP is reliant on remittances and the Philippines with 12% of its GDP reliant on remittances, there will be a need to determine what impact this will have on migration as a development strategy. Governments need to reject development models that commodify humans and depend on exploitative, precarious work in the absence of sustainable development.

According to the World Bank, 20% of remittances will fall across the globe and there is an increase in localisation of economies. The government will need to look at what reintegration programs should open up for migrant workers including skills recognition and development. To improve the transformative agenda as enshrined in the SDGs, state actors would necessarily include initiatives with the Paris Principles, GCM and SDGs as its foundational basis, further focused upon internal and external migrants that have returned to their villages.

Commitments to the goals and targets enshrined in the 2030 Agenda for Sustainable Development must be implemented and delivered through comprehensive national plans, where migrant constituencies are recognized as core to the monitoring, follow-up and review processes.

Regional and International Frameworks

- ILO Core Labour Conventions: Few countries of origin and destination have ratified conventions with respect to decent work, domestic workers and social protection. Countries that have ratified major labour conventions also lack in supplementing this with non-discriminatory implementation - by law and by practice. There is a need to create stronger linkages between organisations such as the IOM with CSOs – currently, slow responses to make such linkages have been observed, considering the framework and resources available to them.
- Regional Frameworks: Non-binding, regional frameworks generally contain and aim to contribute to promoting and ensuring rights of migrant workers. However, their non-binding nature, lack of inclusion in labour laws of Member States have hampered the implementation.

- Global Compact for Safe, Orderly, and Regular Migration (GCM): One of its action points/objectives indicating the strengthening of international cooperation and global partnerships for safe, orderly and regular migration is closely linked with both SDG 16 and 17. However, a gap found in the general framework of the GCM is that it is lacking a health component that can specifically target and guide COVID-19 response with respect to migrant workers.
- Sustainable Development Goals: The 2030 Agenda of the SDGs includes goals that refers to migrant workers in its targets (Goal 5, 8, 10, 16, 17) and, being closely linked to the agenda of the GCM, recognizes the need for international cooperation to ensure safe, orderly, and regular migration.

The underlying thought is that for a community to develop political space and possess a voice within institutions (such as citizenship, and laws guaranteeing human rights), the lack of continued action to manifest principles of equality, inclusion and participation devalues these very spaces and institutions. All institutions and communities – no matter how ‘perfectly’ or in how much detail they may be ‘designed’ – contain the risk that they may decay and cease to be inclusive spaces for collaborative action and voice if the possibility and spaces which could maintain them, do not exist (Saunders, 2018).

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