

Migrant Rights Protections and Their Implementation in 45 Countries¹

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Abstract

To what extent do national governments protect the human rights of migrants, and what are the political and economic circumstances associated with more robust

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¹As of the date of publication, an interactive data visualization of the Migrant Rights Database is available at www.migrantrights.info

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protection? To address these questions, we leverage a rigorous, novel database of migrant rights derived from international laws and standards. We evaluate the extent to which 64 indicators—divided into 17 different categories of migrant rights—appear in national statute and case law in 45 of the world’s principal destination states. We find that 61% of the indicators of migrant rights in the Migrant Rights Database, derived from the international human rights baseline, are reflected in the letter of national law—nearly two out of every three. However, we also find that national authorities implement these *de jure* protections 71% of the time. Taken together, about 44% of migrant rights are both protected and implemented in the countries examined. In a correlational analysis, we find that governments tend to protect more rights when their countries are more democratic, maintain more independent judiciaries, protect more rights in their constitutions, ratify more human rights treaties, permit stronger civil society, and are characterized by more political stability. There is also a weak trade-off between *de jure* migrant rights protections and the number of migrants a country admits.

Keywords

human rights, international law, comparative

Introduction

The list of migrant rights specifically enumerated by international treaties is extensive, but the ratification and implementation of the relevant treaties is another matter. The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW) of 1990 only entered into force in 2003 and remains the most comprehensive set of migrant rights articulated by an international treaty. Twenty years later, however, its ratification rate is very low. Out of the 193 countries in the UN system, only 59—predominantly, though not exclusively, migrant-sending countries—have ratified it as of April 2024 (OHCHR 2024). Refugee law is another important source of treaty law protecting the rights of some, but not all, migrants.¹ International labor law is also another robust source, with a range of specific treaties protecting particular migrant rights; some aspects, however, also suffer from low ratification.²

¹This includes the 1951 Convention Related to the Status of Refugees and its 1967 Protocol. While this international regime gives us rights that apply only to those who have a fear of persecution due to one of five specific grounds, the African and Americas regions have broader definitions that include conflict and generalized violence and other serious disturbances of public order.

²The International Labor Organization (ILO) Constitution predates human rights law and speaks of the “protection of the interests of workers when employed in countries other than their own.” Other core ILO instruments protect the rights of all workers. The most significant are ILO 97 (Migration for Employment), ILO 143 (Migrant Workers), and ILO 189 (Domestic Workers).

In contrast, the range of migrant rights protected by widely ratified general human rights treaties—which protect all people, including migrants—is arguably extensive (Bench 2013; Kysel, 2016).

In the domain of safeguarding migrant rights, despite the broad ratification of core human rights treaties,³ research suggests that migrants, documented or not, often have their rights violated.⁴ Around the world, scholars have found that migrants “are regularly harassed, humiliated, pushed into an economically vulnerable position, prevented from accessing medical care and other social goods, detained and deported” (Dembour and Kelly 2011, 1).

Despite the significance of the issue, there is a limited amount of empirical, quantitative research that compares states’ supranational commitments with the laws they have put in place and the demographic outcomes of these policies (see Boucher and Gest 2018). Current knowledge is largely based on qualitative case studies at the state or local level (Martin 1989; Medeiros, Henrique Sabino de Farias and Ana Gabriela 2021). Studies that pursue a broader comparative perspective have struggled with methodological limitations and the complexity of different legal systems (e.g., EIU & IOM 2016). The studies that surmount these challenges are focused on a region (e.g., Boucher 2022) or scoped to a specific category of rights (e.g., Ginn et al. 2022; Ruhs 2013).

Crucially, the scarcity of such research is because there has been no comprehensive cataloging of countries’ enforcement of their commitments to protect migrant rights. In this study, we provide rigorous documentation of the rights enshrined in international law and standards that apply to migrants in recognition of their humanity and dignity. We evaluate the extent to which 64 indicators grouped into 17 different categories of migrant rights appear in national law across 45 countries (see Figure 1).

We find that 61% of the indicators of migrant rights built into the universal human rights baseline are reflected in the letter of national law—nearly two out of every three. In the evaluation conducted by our team of independent legal experts from each country, these *de jure* legal protections are implemented by the relevant national authorities 71% of the time. Accounting for the share of legal protections that are actually implemented, we find that the average share of *implementation-adjusted* migrant rights approximates 44% in the case countries.

³For example, the Covenant on Civil and Political Rights has 174 state parties, the Covenant on Economic Social and Cultural Rights has 172, the Convention on the Rights of the Child has 196, the Convention on the Elimination of All Forms of Discrimination against Women has 189, and the Convention on the Elimination of all Forms of Racial Discrimination has 182 state parties. The list of ratifications can be found at https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx

⁴In the Migrant Rights Database (MRD), we use “migrant” to mean any person outside their country of citizenship or, in the case of a stateless migrant, their country of habitual residence. This definition includes refugees as well as visitors of short stay duration.

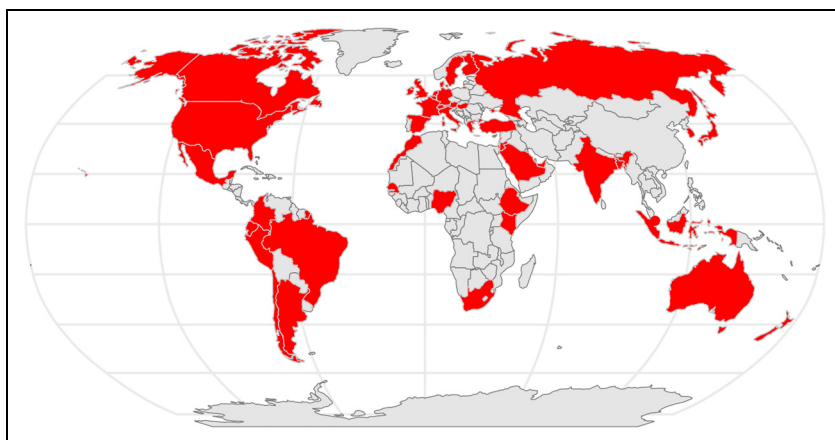


Figure 1. Migrant Rights Database's 45 Case Countries.

Using correlational analysis, we evaluate the relationship between migrant rights protections and a series of meta-trends in governance. We find that governments tend to protect more rights when they are more democratic, have more independent judiciaries, have broader constitutional protections, have ratified more international human rights treaties, are more politically stable, and have stronger civil societies. Migrant rights related to nationality, labor, health, education, freedom of peaceful assembly and association, expulsion, asylum, and nonrefoulement, in particular, demonstrate multiple, statistically significant relationships with these phenomena.

There also appears to be a weak trade-off between migrant rights protections and the number of migrants a country admits: countries that admit more migrants are shown to protect fewer migrant rights. This negative relationship aligns with previous scholars' work that showed a trade-off between the number of migrants admitted into a country versus the rights granted to them, especially for low-skilled migrant workers (Ruhs and Martin 2008). In a similar fashion, research has suggested more openness and right protections for higher-skilled migrants, with this trend being more pronounced in high-income countries (Ruhs 2013). For our sample countries, the weak trade-off between rights protections and flows disappears once the rights protections are adjusted for implementation gaps. This suggests that governments admitting fewer immigrants may be more willing to adopt migrant rights protections into their laws but are no more willing to implement them than governments admitting more migrants.

State of the Field

Because of limitations in scope or methodological rigor, the firmest conclusion that can be drawn from a survey of previous studies on migrant rights worldwide is that

protection varies across space and time. However, this variation is not systematically understood or well conceptualized. Most scholarship entails qualitative case studies of specific states (Martin 1989; Medeiros, Henrique Sabino de Farias and Ana Gabriela 2021). Where work is comparative, research is limited in scope to specific regions with comparable legal systems and data availability, such as Europe (Joppke 2001; Koopmans, Michalowski and Waibel 2012), Anglo-settler states (Boucher 2019), or the Arab Gulf states (Ali 2010; Auwal 2010; Fargues 2011; Gardner 2010; Winn 2018). But more generally, knowledge about the global state of migrant rights protections in national law reflects the patchwork that characterizes human rights implementation, reporting, and enforcement.

What Explains Variation in Migrant Rights Protections?

Absent much systematic comparative study, a number of hypotheses on migrant rights can be discerned. These stem from the literature on comparative immigration and citizenship policy, and to a lesser extent, from the literature on international human rights compliance. The former, more comprehensive literature is grounded in far more plentiful data about admissions, naturalization, and integration laws, which have been more systematically coded (e.g., Banting et al. 2011; Beine et al. 2015; De Haas and Czaika 2014; Goodman 2012; Howard 2009). The latter literature on international human rights compliance has not specifically focused on the protection of migrant rights (e.g., Fariss 2014; Hafner-Burton and Tsutsui 2005).

Several scholars point to a convergence thesis—a trend toward extending more rights over time (Koopmans, Michalowski and Waibel 2012, 1205; Solano, Schmid and Helbling 2023). For example, Solano, Schmid and Helbling (2023) find that migrant integration policies have become marginally more liberal between 2010 and 2019, except in OECD countries outside Europe. While scholars disagree about the factors leading to this convergence (Bal and Gerard 2018; Bloemraad and Provine 2015; Joppke 2001; Risse-Kappen, Ropp and Sikkink 1999; Western, Lockhart and Money 2019), one recurring theme is the influence of democracy and related institutions. For example, many emphasize the power of the judiciary to explain policy trends (Cornelius, Martin and Hollifield 1994; Koopmans, Michalowski and Waibel 2012, 1206). Joppke's research on Western Europe suggests that "rights expansion originates in independent and activist courts, which mobilize domestic law and discourses, often against restriction-minded, democratically accountable governments" (Joppke 2001, 339). Likewise, human rights scholars posit a relationship between rights and democracy (Hafner-Burton and Tsutsui 2005), while others tie the expansion of rights to long-term processes of democratization (Caramani and Grotz 2015).

Broadly, the variation in the expansion of rights tends to be related to the different ways in which states incorporate societal and group interests into the policy-making process within the framework of their (democratic) institutions and overarching interests in maintaining legitimacy (Boswell 2007). Taken together, the literature suggests that greater protections of migrant rights are expected under democratic institutions

—our first correlational hypothesis. A second correlational hypothesis we explore is that higher judicial independence would be associated with more rights protections. Additionally, we explore whether migrant rights protections are associated with the formal recognition of fundamental rights in law, either in national constitutions (a third hypothesis) or as reflected by the ratification of binding multilateral human rights treaties (a fourth hypothesis).

Given that interests regarding migration and rights are influenced by institutional contexts, weaknesses in these institutions may be connected to migrant rights. Research on bureaucracies, for example, illustrates the importance of these institutional and organizational environments (Mascia 2021; Wakisaka 2021). Similarly, work on subnational political structures illustrates that while national-level incentives are important for rights adoption, rights implementation can depend on the extent of decentralization (Betts and Sterck 2022). Institutional weakness, then, may affect both the *de jure* rights that states extend and the *de facto* capacity to implement these rights. Moreover, weaker states may be more likely to be influenced by external forces, pushing protections in directions favored by others. For example, due to pressure from the United States, Mexican authorities have often tightened their policies toward Central American migrants (Bada and Gleeson 2019; Isacson, Meyer and Morales 2014). These dynamics have become more common, especially since the September 11, 2001, terrorist attacks, with the militarization of borders, criminalization of migration, physical alterations of border crossings themselves, and an increase in apprehensions of migrants in transit (Bada and Gleeson 2019). Thus, we might expect to find a correlation between migrant rights protections and state fragility,⁵ including political stability—a fifth correlational hypothesis.

Beyond governance and institutions, economic and civil factors are also important. Various case studies from around the globe show the key role civil society has played in advocating for migrant rights (Arcaz and Freier 2015; Chung 2010; Filomeno and Vicino 2021; Mosler and Pedroza 2016; Natter 2021; Velasco 2020), whether by lobbying unelected city officials and collaborating with aligned associations (De Graauw 2016) or by reporting violations to the United Nations Human Rights Council and organizations such as Amnesty International (Bal and Gerard 2018). Furthermore, variation in rights protection tends to relate to the power that large commercial and interest groups may hold over government decisions, especially in countries with less independent court systems (Freeman 1995; Joppke 2001). The need for and effect of interest groups' advocacy also differs by economic sector (Tham, Campbell and Boese 2016; Underhill and Rimmer 2016) and is ultimately subject to voter preferences and party-partisan responses (Bale 2008; Brobbey 2018; Fitzgerald and Cook-Martín 2014; Koopmans, Michalowski and Waibel 2012; Milner 2009; Natter

⁵We use the Fragile State Index, which combines four main factors: political stability, social cohesion, economic performance, and security. More information at: <https://fragilestatesindex.org/methodology/>.

2021).⁶ Comparative legal and human rights scholars also take an interest in the influence of economic liberalism and development on rights (Hafner-Burton and Tsutsui 2005; Law and Versteeg 2011). Thus, we study whether the strength of civil society and of economic liberalism are correlated with migrant rights protections—the sixth and seventh correlational hypotheses we consider.

Finally, the influence of economic and civil factors may depend on the number of migrants in the country and the characteristics of migration flows. In some contexts, high migration levels, citizenship uptake, and settlement patterns in urban areas elevate the importance of immigrant voters, raising the cost of anti-immigrant politics (Triadafilopoulos and Taylor 2021). Alternatively, heavy migrant inflows might influence the public positively, primarily through mechanisms outlined by intergroup contact theory (Tropp and Pettigrew 2004) or negatively due to the public perceptions around economic security and redistribution, key areas that governments are often responsive to (Boswell 2007). Thus, taken together, a relationship between the number of regular migrants and protections may become apparent—our final, eighth, correlational hypothesis.

Attempts to Compare National Legal Protections

Despite states' sovereign discretion in migration governance and rights protection, some scholars have pointed out that states are accountable to a global standard because they have endorsed “a fairly detailed—even if not comprehensive—set of legal rules, multilateral conventions, and bilateral agreements that constrain and channel state authority over migration” (Aleinikoff 2003). Therefore, there is reason to expect that a fundamental baseline of migrant rights protections should be present across prominent destination states. However, there has been limited research that systematically compares how national laws reflect the supranational commitments that states have made, and which protect migrant rights alongside those of all humans. Among the studies that do so, there are clear limitations.

There is no systematic comparative legal study of the incorporation of international law protecting migrants at the domestic level. In arguably the most significant monograph, Plender (1972, 1988) robustly considers comparative evidence related to mobility and visa regimes but omits the treatment of a range of individual rights issues. The most significant recent legal study of the international legal foundations of the rights of all migrants is by Chetail (2019), but his lengthy treatment of migrant rights in the context of human rights treaty law and practice is not focused on domestic practice (Chetail 2019; see also Lillich 1984).

⁶In the broader subfield of immigration policy, scholars have also examined relationships between legal protections and historical institutions. Gary Freeman highlighted differences between English-speaking settler societies and European nation-states (Freeman 1995). However, scholars have also shown vast variation among countries with similar historical legacies (Boucher and Gest 2018; Gest and Boucher 2021; Bloemraad and Provine 2015).

Up to now, there have been various efforts to quantitatively measure immigration policy and migrant rights, each with various scopes and emphasis (Cerna 2008; De Haas et al. 2020; Klugman and Pereira 2009; Lowell 2005; Pedroza 2022; Ruhs 2013; Solano, Schmid and Helbling 2023). Some of the prior efforts have been subject to significant limitations, such as the 2016 Economist Intelligence Unit-International Organization for Migration report (EIU & IOM 2016) that used an opaque and highly subjective scoring system, making several of the indicators not specific enough to generate sufficient variation across states. Furthermore, critical categories of rights were omitted (e.g., life, liberty, justice, freedom of conscience, assembly, and speech, and rights associated with expulsion and refoulement). Additionally, about half of the migrant rights indicators in the EIU & IOM report were coded using the Migration Integration Policy Index database (Migration Policy Group 2015), which focused less on rights and more on access to welfare programs. Migration Integration Policy Index is also conventionally understood as establishing *outcome* indicators, which confounds the report's stated focus on policy levers.

Likewise, to the extent that other cross-national databases measure migrant rights, such as the Determinants of International Migration, Every Immigrant Is an Emigrant, Immigration Policies in Comparison, and International Migration Law and Policy Analysis, they do so as part of a focus on other overarching interests, and primarily migration policy and integration (see Beine et al. 2015; Helbling et al. 2017; International Migration Institute 2024; Pedroza 2022). As migrant rights are secondary focuses in these studies, relevant measures skew heavily toward social and labor rights, with some attention to political rights. None are comprehensive. They also address *de jure* rights without attention to implementation, a key contribution of this paper.⁷

A more reliable attempt to quantitatively examine the extent to which certain migrant rights are protected was undertaken by Ruhs (2013). Ruhs identified a set of rights specific to migrant labor and studied their integration into national legal protections. Although his research team comprised graduate students rather than lawyers, they coded statutes across several dozen countries. In this way, Ruhs' work represents an important precursor to this study, albeit with a scope limited to a single category, labor rights, and without an evaluation of implementation gaps.

Newer research by Boucher (2022) also takes a rigorous approach, focusing on migrant rights violations. Cognizant of national legal frameworks, Boucher cataloged rights abuses of temporary-labor visa holders in Australia, Canada, England, and the US state of California. In Australia, she coded all available court cases that were brought by visa

⁷This topic gained some attention from the think-tank community in 2022. The Global Refugee Work Rights Report (Ginn et al. 2022) and the Refugee Opportunity Index (ROI) (RIN & EIU 2022) were both efforts to explore *de jure* and *de facto* rights protections in various countries. Our data differ as it covers a broader category of migrants, measures protections across a larger set of rights, and employs legal experts to answer the same survey questions in multiple countries.

holders before relevant workplace relations tribunals. Additionally, she examined rights violations as they are covered in media to determine patterns of rights abuses. Though limited to three countries and one US state, Boucher's work represents an alternative means of studying national legal protections while accounting for their implementation.

In the present study, we extend Ruhs' approach to coding to a more comprehensive set of migrant rights beyond those only related to labor. We also apply Boucher's concern with implementation while adjusting its scale to examine the extent to which rights are protected by national law in a significant number of countries. In doing so, we explore the factors correlated with migrant rights protection differences among the countries. Unlike previous works, we also collaborate with legal scholars and practicing attorneys who specialize in immigration law but are independent of government in each specific state to produce a highly reliable, broadly comparative data set.

Methods

The Migrant Rights Database inquiries about the extent to which states protect the rights of migrants in national legal frameworks. In the interest of methodological rigor, its 64 indicators are:

1. Predominantly binary, though some allow partial protection (0.5);
2. Standardized for aggregation;
3. Consistently framed and measured across 17 categories of migrants' rights;
4. Versatile to accommodate any national context; and
5. Substantiated with citations of statute or case law for objectivity, replicability, and transparency.

The measures permit various means of aggregation. In this analysis, we weigh each indicator equally. Indicators are drawn from earlier research (Bench 2013) to map how widely ratified human rights treaties establish a baseline of rights applicable to all migrants, regardless of the cause of their migration. A list of these—an international migrant's bill of rights, it could be called—is available in Appendix A. This research grouped such protections under 23 principles correlating with core rights protections in the Universal Declaration of Human Rights. These principles then formed the basis for elaborating on the database's 64 indicators. Because some principles could be conceptually combined into a single category, the database has been further sorted into 17 categories. In some areas, this has resulted in conceptual consolidation, such as combining the recognition of the rights to seek and enjoy asylum in other countries, the right to be free from and not returned to torture, and the right against return to harm, *nonrefoulement*.

For each of the 17 categories, we calculate the average protection scores. Furthermore, we calculate the average of these 17 categories to produce an index of migrant rights covered by national law. Higher values in the index indicate more comprehensive legal protections. In all cases, the indices have been rescaled to range from 0 (no protection) to 100 (full protection).

At least two expert coders provided their coding for each country (for a total of 94 coders across 45 cases), focusing on laws enacted by January 1, 2020. The coders were highly qualified, independent legal scholars and/or practicing immigration attorneys, not affiliated with government, the vast majority of whom were accredited for legal practice in each relevant country.⁸ They evaluated whether each right was protected in a statute enacted by the legislature, case law from the judiciary, or binding administrative law or precedent promulgated by the executive branch. Coders were directed to focus on formal codification in law—our definition of protection—and protection of all or substantially all categories of migrants. Some indicators explicitly limit coverage to subgroups, such as migrant children or regular migrant workers, and these explanations were provided to the coders via survey instructions and/or a frequently asked questions sheet. If a state protected a right only as a matter of policy, executive branch, or administrative agency practice that did not have indicia of law (e.g., could be modified from one day or one case to the next), a right was not considered to be protected. Likewise, coders were instructed to cite all applicable sources of law.

In all instances, the goal was to code as protected only those rights that national, not subnational, law (including national law implementing transnational legal commitments) formally and actually did protect while accounting for variations in the types of legal systems (e.g., civil law vs. common law; written constitutions vs. common law individual rights protections, etc.).⁹ During the scoring process, each coder's response was checked against a rubric in order to ensure a consistent evaluation of the results. In instances where the coder's citation or comment did not align with the coding or when there were important differences between the same-country coders, follow-up questions were asked to reach reconciliation.

The countries in our study are a selection of destination states spread across all inhabited continents. Countries in our sample contained 73.9% of the global migrant stock, 26.3% of Africa's total stock, 58.1% of Asia's total stock, 84.2% of Europe's stock, 76.7% of Latin America's stock, 100% of North America's stock, and 96.7% of Oceania's stock as of 2020 (UNDESA 2020).

To mitigate intercoder reliability bias, each expert coded blindly and in isolation from other coders. Across countries, coders agreed on their initial coding 83.6% of the time, on

⁸ In the course of selecting cases, we initially focused on cases with the highest proportion of global migrant stock, with an emphasis on geographical diversity. However, where it was challenging to find coders, we shifted our focus to other countries while prioritizing breadth of coverage.

⁹ In so-called "monist" states, in which duly ratified international treaties immediately have a domestic effect, coders were instructed to cite the legal provision giving treaties immediate effect as well as the treaty protecting the right. A similar approach was taken to state parties to regional treaty-based communities directly or indirectly establishing rights for migrants. When coders could only point to a generic legal provision as capable of theoretical extension to the protection of the rights of migrants, a right was coded as not protected unless some branch of government clearly treated such broad protection as guaranteeing the rights of migrants.

average. In case of discrepancies in the initial codes, the issue was resolved through inter-mediation. We facilitated communication between the coders in each country to reach a consensus on how each individual right should be coded according to the rubric.¹⁰

A principal limitation to studying national laws is that these de jure protections of migrant rights do not necessarily imply their de facto implementation. For this reason, we also ask our coders to evaluate the extent to which each indicator was consistently implemented in practice by governing authorities—our definition of implementation—on a 5-point scale: Effectively never (0), Rarely (0.25), Sometimes (0.5), Usually (0.75), and Effectively always (1). Coders were instructed to evaluate the consistent implementation of each right for all migrants generally and without regard to how a right was implemented (e.g., via consistent practice by state officials vs. via an individual judicial remedy). Similar to protection scores, coders in each country had high levels of agreement (80.5% on average) in implementation scores. In relatively rare cases with large discrepancies between coders' implementation evaluations, we employed the same reconciliation process as for protection scores. Otherwise, we averaged the coders' evaluations to produce the implementation score for that right.

It is worth acknowledging that, unlike our legal coding, which requires the citation of statute, case law, and/or binding executive branch-established law, these implementation scores are more subjective. They are based on the coders' experiences as legal scholars and/or immigration attorneys and their professional observations, which may or may not be substitutes for specific outcomes such as the share of successful appeals, the number of reported violations, or the number of enrolments in certain government programs. However, such specific outcomes are exceptionally challenging to collect across a set of migrant rights categories as comprehensive as those explored in this study. Governments do not always collect such data or do not make the results public. Moreover, the metrics would be unlikely to be truly comparable across countries because of different programming, procedures, and measurement standards. For these reasons, the expert measures reported in this database are the best approximation of implementation gaps now available.

Because we anticipate that some observers will wish to see raw legal protection scores independent of implementation gaps, we always present these legal scores first before adjusting them for reported implementation. When we do adjust them, we treat implementation as a multiplier that discounts the raw legal protection scores by their implementation. Thus, all implementation-adjusted scores are equal to or less than the raw legal protection score.

The principal drawback of calculating the adjustment as a discount is that in rare cases, when implementation scores equal zero, the adjusted score will also equal zero. This has the effect of assigning no credit to a state that at least has the relevant

¹⁰Some countries had lower initial agreements between coders. In particular, Nigeria and Ethiopia coders agreed slightly more than 60% of the time.

migrant rights reflected in national law. There are, however, very few cases when both coders assign an implementation score of zero. When they do, there is a legitimate argument that an implementation-adjusted protection score of zero is a fair outcome for a country with a de jure right that is effectively never put into practice.

Descriptive Results

Global Overview

We begin by describing global trends related to migrant rights provisions. Overall, the global mean level of de jure protection in national legal systems is elevated. Across the 45 case countries, 61% of migrant rights examined are formally protected in national law before adjusting for implementation—nearly two out of every three migrant rights.

There is significant variation across the 17 categories of rights. As Table 1 shows, rights related to *Freedom of Thought, Conscience, and Religion or Belief* are the most prevalent (86.7%) in the national laws of the countries considered. These rights relate

Table 1. Average Protection and Implementation Scores Across All Countries for Each Category.

Category	Average Protection Score	Average Implementation Score
Freedom of Thought, Conscience and Religion or Belief	86.7	78.8
Victims of Crime	83.3	67.3
Legal Personhood	79.4	80.0
Freedom of Opinion and Expression	75.6	77.9
Nationality	70.7	75.3
Equal Protection	70.0	61.2
Vulnerable Migrants	67.4	59.9
Freedom of Peaceful Assembly and Association	65.6	73.2
Expulsion, Asylum, and Non-refoulement	63.6	66.8
Due Process	61.1	73.4
Liberty	59.0	69.9
Education	57.8	77.3
Labor	56.7	69.9
Family	50.3	74.6
Life	44.8	71.7
Health	43.3	67.7
Civil and Political Life	2.2	84.4

to migrants’ freedom of thought, conscience, and religion or beliefs on an equal basis with citizens. Other rights are also widely protected, like those related to *Victims of Crime* (83.3%), *Legal Personhood* (79.4%), *Freedom of Expression* (75.6%), and *Nationality* (70.7%). Conversely, rights related to *Civil and Political Life* are the least likely (2.2%) to be articulated in the domestic laws of the countries studied. This means that the national laws rarely ensure migrants can either vote in local or regional elections or run for public office. Additionally, rights associated with *Health* and *Education* are frequently overlooked. Implementation scores of protected rights, overall, do not vary as much by category of rights.

National Protection Scores

Moving to the national level, Table 2 presents the mean levels of migrant rights protection and implementation in each of the 45 case countries. Among the countries surveyed, Brazil leads with 85% of migrant rights covered in their national law, followed by France (82%). In Ecuador, Spain, Argentina, Kenya, Sweden, Colombia, the Netherlands, and Peru, migrant rights are covered at a rate of 75–80%. In Greece, Switzerland, Italy, Denmark, Ethiopia, and Nigeria, migrant rights coverage ranges from 70% to 75%.

Saudi Arabia’s national laws offer the fewest protections for migrant rights (19%) among the countries observed. Bangladesh and South Korea (26%) rank second in

Table 2. Protection, Implementation, and Adjusted Protection Scores.

Protection Scores mean = 63		Implementation Scores mean = 71		Adjusted Protection Scores mean = 64	
Brazil	85.0	Denmark	68.7	Denmark	72.2
France	82.0	Singapore	83.3	Sweden	71.4
Ecuador	79.0	Sweden	84.3	Brazil	65.6
Spain	79.0	Germany	85.1	Spain	65.6
Argentina	77.0	Spain	83.3	Netherlands	62.8
Kenya	76.0	Ireland	83.2	Argentina	59.3
Sweden	76.0	Netherlands	82.4	Germany	59.2
Colombia	75.0	United Kingdom	80.7	Switzerland	58.4
Netherlands	75.0	Switzerland	79.6	Italy	57.8
Peru	75.0	Hungary	78.9	France	55.8
Greece	74.0	New Zealand	78.7	United Kingdom	54.3
Switzerland	74.0	Italy	78.3	Kenya	53.1
Italy	73.0	Brazil	78.1	Ecuador	52.7
Denmark	73.0	Israel	77.2	Colombia	52.1
Ethiopia	70.0	United Arab Emirates	75.2	Israel	50.3
Nigeria	70.0	Senegal	75.1	Greece	49.3
Russia	69.0	Argentina	74.9	Hungary	49.2
Germany	68.0	Belgium	74.7	Belgium	48.6
Austria	68.0	Jordan	73.1	Finland	48.4
Mexico	68.0	Finland	72.7	Nigeria	47.7
United Kingdom	68.0	Indonesia	70.6	Austria	46.9
United States	67.0	Kenya	70.5	United States	45.6
Finland	66.0	Japan	70.2	New Zealand	45.0
Israel	64.0	India	70.0	Ethiopia	44.5
Belgium	64.0	Chile	69.2	Japan	41.0
Hungary	61.0	Morocco	68.9	Ireland	40.6
Turkey	61.0	France	68.3	Canada	40.2
South Africa	60.0	Colombia	67.9	Russia	40.2
Canada	59.0	Canada	66.6	Indonesia	40.2
Japan	58.0	Ecuador	66.5	Senegal	39.8
Morocco	57.0	Australia	66.6	Morocco	39.7
Indonesia	56.0	United States	66.3	Turkey	37.6
New Zealand	54.0	Bangladesh	65.8	Peru	37.5
Senegal	53.0	Nigeria	65.8	United Arab Emirates	36.1
Lebanon	51.0	Austria	65.7	Singapore	35.5
Chile	50.0	Greece	65.3	South Africa	34.7
United Arab Emirates	50.0	Saudi Arabia	62.8	Chile	34.7
Ireland	46.0	Turkey	62.4	Mexico	31.8
India	36.0	Ethiopia	62.2	India	27.5
Singapore	36.0	Russia	58.6	Jordan	25.6
Jordan	35.0	South Africa	58.2	Lebanon	24.0
Australia	25.0	South Korea	51.6	Bangladesh	13.5
South Korea	25.0	Peru	52.9	Australia	18.0
Bangladesh	26.0	Lebanon	49.0	South Korea	14.5
Saudi Arabia	19.0	Mexico	46.4	Saudi Arabia	11.0

terms of providing the least amount of protection in their national laws, followed by Australia (28%)—although it is worth noting that more rights are protected in provincial law in Australia.¹¹ They are followed by Jordan (35%), Singapore (36%), and India (39%).

The second column of Table 2 shows the mean level of migrant rights implementation as a proportion of those rights protected by law. Denmark and Singapore rank the highest among the countries surveyed, with implementation scores over 98%, followed by Sweden (94.3%). Germany, Spain, Ireland, the Netherlands, and the United Kingdom have implementation scores ranging from 80% to 90%. According to coders, Mexico has the least comprehensive implementation of rights protections, at 46.4%. Lebanon closely follows with a 49% implementation rate, while Peru, South Korea, South Africa, and Russia all fall below 60%.

The third column of Table 2 presents the implementation-adjusted migrant rights protection scores. Denmark, Sweden, Brazil, Spain, and the Netherlands rank the highest among the countries surveyed, with scores ranging between 62% and 75%. When adjusted for implementation, Saudi Arabia (11%), South Korea (14.5%), Australia (18%), and Bangladesh (18.8%) registered the least comprehensive protection scores.

Scores by Category of Rights

The above presentation of overall country scores aggregates protection scores across 17 categories of rights, which encompass significant variation in scoring across these different categories. By disaggregating into category-specific protection scores (see Tables 3 and 4), we can gain a better understanding of the factors that contribute to countries' overall rights protection and identify gaps in coverage more effectively.

As noted earlier, the most pervasively protected migrant right is *Freedom of Thought, Conscience, and Religion or Belief*, which relates to whether the national laws recognize and safeguard the right of freedom of thought, conscience, and religion or belief for migrants on an equal basis with citizens. While most of the case countries protect this right at the national level, Australia, Bangladesh, Ireland, Morocco, Saudi Arabia, and South Korea do not (Table 3). Once adjusted for implementation (Table 4), the rights associated with these freedoms consistently received high scores. Argentina, Denmark, Ecuador, Germany, Singapore, and Sweden provide full protection (100%).

Rights associated with *Victims of Crime* relate to migrants' access to criminal proceedings and whether the state provides migrant victims of crime with an avenue to immigration status or relief from expulsions resulting from being the victim of a crime. Approximately 69% of our case countries afford full protection of these

¹¹ This database focuses exclusively on rights enshrined at the national level, such that they may be applied universally within sovereign territory, without exception.

Twenty countries provide full protection (100%), whereas Bangladesh, Chile, Japan, Jordan, Saudi Arabia, and Singapore do not provide any protection within this context. Adjusting for implementation, Spain and the UAE provide the most complete protections (83.3% each), closely followed by Belgium (79.2%). A number of countries with high levels of de jure protections regress significantly once we account for implementation. Mexico's score dropped from 100% to 25%, and Peru's from 100% to 41.7%.

Freedom of Peaceful Assembly and Association ensures that migrants are free to associate and assemble in a manner commensurate with citizens. Twenty-four of 45 case countries provide full protection of these rights, 10 countries provide no protection whatsoever, and a further 11 countries provide only partial protections. After adjusting for implementation, Denmark and Sweden provide the most complete protections (100%), followed by the Netherlands (93.8%).

Rights associated with *Expulsion, Asylum, and Nonrefoulement* relate to whether migrants must be told that they could seek asylum, be given an opportunity to respond and submit reasons they should not be deported before actually being expelled, and whether national law prohibits expulsion to countries where migrants are likely to be subjected to serious deprivation of human rights, persecution, or torture. Greece and Italy provide the most complete protections (93.8%) of these rights. India provides the least complete protections (0%), followed by Saudi Arabia (12.5%) and the UAE (18.8%). Adjusting for implementation, Denmark shows the most complete protections (87.5%). Italy's score dropped from 93.8% to 68% after accounting for implementation. Ecuador, Greece, Lebanon, Mexico, and South Africa have experienced even greater drops.

Rights associated with *Due Process* relate to whether national law provides migrants with the right of equal protection of the law before administrative, civil, and criminal courts and tribunals. It also relates to whether migrants have a right to counsel at government expense in proceedings related to their legal status as a migrant. Brazil, Colombia, Ecuador, Spain, and Turkey provide the most complete due process rights (100%). The least comprehensive protections are offered by South Korea (0%), followed by Australia, Austria, Bangladesh, Indonesia, and Senegal (25% each). Adjusting for implementation, Spain ranks the highest with the most complete protections (90.6%).

Rights associated with *Liberty* relate to whether national laws prohibit the detention of different categories of migrants on the basis of their status and whether the migrants can appeal the legality, conditions, or length of detention if needed. Austria, Brazil, and Ecuador offer the most complete level of protection (100%), followed by Ethiopia (94.5%). South Korea (0%), Australia (11.2%), and Saudi Arabia (16.7%) offer the least complete rights associated with liberty at the national level. When we adjust for implementation, Austria offers the most complete level of protection (87.5%), closely followed by Brazil, Denmark, and Ecuador (81.2% each). Ethiopia regressed in the rankings from 94.5% to 57.7% coverage when adjusted for implementation.

Rights associated with *Education* relate to whether the national law guarantees migrants access to public elementary and adult educational institutions and services on an equal basis with citizens and whether this access depends on migrant status. Six countries provide the most complete education rights (100%), while another 17 provide significant protections (75%). Five countries—Australia, Canada, Ireland, Saudi Arabia, and Singapore—provide no protection of these rights. Adjusting for implementation, Israel exhibits the most complete protections (100%), followed by Argentina and France (87.5%).

The *Labor* rights category contains the most elaborate and multidimensional set of rights in the database. These rights relate to provisions for equal pay, employment conditions, free choice of employment, and access to pensions, benefits, and redress in case of disputes. Some indicators evaluate protections for migrants with work permits, while others evaluate rights for irregular or informal migrant workers. Ecuador provides the most complete labor protections (90.9%), followed by Argentina, Brazil, and Spain (86.4% each) and Denmark (84.1%). Bangladesh provides the least complete protections (4.5%), followed by Singapore (18.9%), Lebanon, and India (22.7% each). Denmark offers the most complete protections after adjusting for implementation (77.3%). There are significant drops in protections after adjusting for implementation. For example, in the case of Argentina, the coverage dropped from 86.4% to 54.5%.

Rights associated with *Family* relate to whether national laws provide settled migrants with legal avenues to facilitate reunification with immediate or nondependent family members and whether there is a judicial remedy to challenge government denials of requests for family formation or reunification. These rights also relate to the recognition of same-sex marital relationships. Argentina offers the most complete protection of family rights (100%), followed by Brazil and Israel (87.5% each). The least complete protections are offered by Bangladesh, Jordan, and South Korea (0% each). After adjusting for implementation, Argentina (78.1%) and Brazil (75%) continue to top the rankings.

Rights associated with *Life* relate to the use of force by countries' officers or agents as a means of preventing migrants from entering the territory. These rights also relate to whether national laws exempt trafficked and/or smuggled migrants from criminal prosecutions. Ethiopia and Greece provide complete protection of rights associated with life (100%), followed by Morocco and South Africa (83.3%). Australia, Italy, and Saudi Arabia offer no protection of these rights. When adjusted for implementation, Ethiopia continues to top the ranking (75%), followed by Denmark and Sweden (66.7% each).

Rights associated with *Health* relate to migrants' equal access to health care services and public housing programs when compared with citizens. Brazil, Kenya, Mexico, and Switzerland provide complete protection of these rights, while eight other countries show no protections in this category. Adjusting for implementation, Brazil, Chile, and Switzerland display the highest levels of protection (68.8% each), closely followed by Kenya (62.5%).

Finally, rights associated with *Civil and Political Life* relate to whether migrants can vote in local or regional elections or run for public office in host countries, with a focus on migrants lawfully present being able to exercise the right within two years of arrival.¹² Most case countries do not protect this right, with only two providing partial protection: Finland and Ireland (50%). When adjusted for implementation, these figures drop to 46.9% and 37.5%, respectively.

Country Clusters

Here, we explore a classification of countries based on the degree to which they protect migrant rights and the extent of their implementation gap (the difference between protection and implementation-adjusted protection scores). These clusters were built using the K-Means algorithm with the number of clusters selected using the “elbow” method. This result is the four clusters depicted in Figure 2.

Cluster 1 (squares) comprises countries with low protection scores overall. Cluster 2 (diamonds) comprises countries that provide moderate levels of protection for migrants, with some variation in their implementation gap.

Clusters 3 and 4 both have high protection scores but differ in their implementation scores. Countries in Cluster 3 (circles) tend to have small implementation gaps and concentrate in Western Europe. Additionally, this cluster includes two Latin American nations (Argentina and Brazil), but their implementation gaps are the highest within this cluster. Cluster 4 (triangles), on the other hand, is composed of countries with relatively large implementation gaps. Most of this cluster are middle- and lower-income nations, but it also includes some richer nations such as the United States, Austria, France, and Greece. Notably, the more developed nations in this cluster have smaller implementation gaps (but still higher than the gaps of countries in Cluster 3).

Appendix B shows additional descriptive analyses, including correlations between rights categories and principal component analyses. Overall, those findings show that when countries protect more migrant rights, they tend to do so across the board.

Correlational Analysis

With such a diverse group of case countries containing about 75% of the world’s migrant stock, we study the extent to which migrant rights protections correlate

¹²Measurement of rights to influence the conduct of public affairs and the civil and political life of one’s community is an area with increasing amounts of subnational variation (Finn 2024) necessarily not captured in the database’s scoring. However, such nuance is often captured in the legal citations and explanations for each coding response and publicly available on the Migrant Rights Initiative (IMBR 2018) website at <https://www.migrantrightsinitiative.org/en/legislation>.

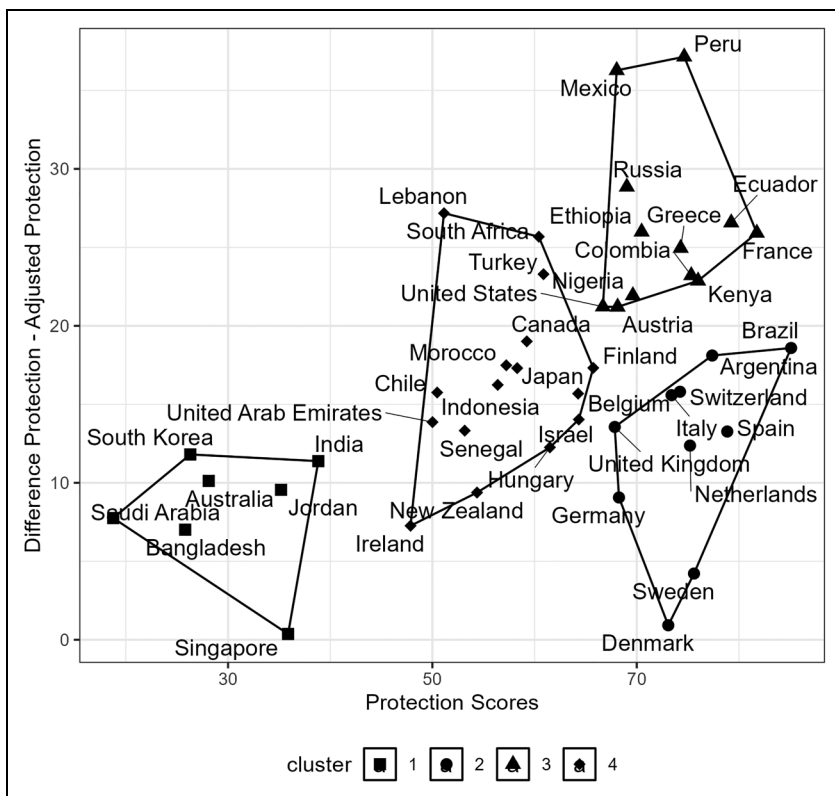


Figure 2. Country Clusters.

with variables hypothesized to affect the provision of human rights. These include the strength of democratic governance, the number of rights protected by countries’ constitutions, the number of major human rights treaties ratified, the independence of the state’s judiciary, levels of political instability or state fragility, the strength of civil society, levels of economic freedom, and countries’ migrant stocks.

For each of these factors, we estimate correlations with each of the 17 migrant rights categories. It should be noted that there are no control variables in these bivariate regressions, and as such, they should be viewed as highlighting initial relationships and paths for future research. Table 5 presents a summary of this correlational analysis based on the sign of the correlation. Dashed symbols represent a nonsignificant correlation, light-filled symbols represent correlations significant at the 10% level, and dark-filled symbols capture correlations significant at the 5% level. Our discussion here focuses on correlations that are significant at the 5% level. Appendix B shows similar results using adjusted protection scores instead.

Table 5. Correlates of Migrant Rights Protections.

	Polity V Score	Judicial Constraints on Executive	Number of Constitutional Rights	Human Rights Treaties Ratified	Log State Fragility	Civil Society Index	Heritage Economic Freedom	Log Migrant Stock
Religion	+	+	+	+	-	+	-	+
Victims	+	+	+	+	-	+	-	+
Personhood	+	-	+	+	+	-	-	-
Opinion	+	+	+	+	-	+	-	+
Nationality	+	+	+	+	-	+	-	-
Equal Prot	+	+	+	+	-	+	-	-
Vulnerable	+	+	+	+	+	+	-	-
Assembly	+	+	+	+	-	+	+	-
Asylum	+	+	+	+	-	+	-	-
Due Process	-	-	+	+	+	-	-	+
Liberty	+	-	+	+	+	+	-	-
Education	+	+	+	+	+	+	-	-
Labor	+	+	+	+	-	+	+	-
Family	+	+	+	+	-	+	-	-
Life	+	+	+	+	-	+	-	-
Health	+	+	+	+	-	+	-	-
Political	+	+	-	+	-	+	+	+

To explore the extent to which the protection of migrant rights relates to democratic governance, we rely on Polity Scores—which code the democratic (or undemocratic) characteristics of states using a variety of indicators (Center for Systemic Peace 2021). The Polity Score is positively related to almost all rights categories, which suggests that democracies tend to provide greater protection for migrant rights. While some correlations are statistically nonsignificant, the Polity Score is positively and statistically significantly correlated with rights on *Expulsion, Asylum, and Nonrefoulement; Family; Freedom of Peaceful Assembly and Association; Labor; Education; Nationality; Freedom of Thought, Conscience, and Religion or Beliefs; Equal Protection; and Health.*

The second column in Table 5 shows how migrant rights provisions relate to the Judiciary Constraints on the Executive Index from the Varieties of Democracy Database (Coppedge 2024), a proxy for judicial independence. This index has statistically significant positive correlations with rights on *Nationality; Labor; Family; and Health.*

Our third and fourth correlational hypotheses relate to the number of rights for citizens that are constitutionally protected and the extent to which countries have ratified major human rights treaties, respectively. Data on the number of rights protected by countries’ constitutions come from the Comparative Constitutions Project (Elkins, Ginsburg and Melton 2024), while data on treaty ratification comes from the Office

of the United Nations High Commissioner for Human Rights. Per column 3, the number of constitutionally protected rights has a positive and statistically significant correlation with rights related to *Vulnerable Migrants; Liberty; Due Process; Nationality; Labor; Health; and Education*. Per column 4, the number of human rights treaties ratified has positive and statistically significant correlations with many of the same migrant rights categories: *Liberty; Due Process; Expulsion, Asylum, and Nonrefoulement; Nationality; Family; Labor; Health; and Education*.

We also explore the relationship between migrant rights protections and political instability using the Fragile States Index (The Fund for Peace 2023). The Fragile States Index is based on 12 risk indicators, with lower scores representing greater stability. Because of the presence of some outliers we use its logarithm instead. State fragility is negatively related to the majority of migrant rights categories, meaning that political instability is associated with fewer migrant rights protections. However, most of the results are statistically insignificant, with the exception of rights related to *Labor; Civil and Political Life; and Expulsion, Asylum, and Nonrefoulement*.

Our sixth and seventh hypotheses relate to the strength of civil society and the degree of economic freedom (or economic liberalism) in the destination countries, both expected to correlate positively with migrant rights protections. To measure the strength of civil society, we rely on the Civil Society Index from the Varieties of Democracy Database (Coppedge 2024), and to measure economic freedom, we use the Index of Economic Freedom from the Heritage Foundation (2023).

Our results show that a majority of migrant rights categories have a positive correlation with the strength of civil society. Countries with stronger civil society tend to protect more migrant rights. The categories of rights with statistically significant correlations include those related to *Expulsion, Asylum, and Nonrefoulement; Nationality; Family; Freedom of Peaceful Assembly and Association; Equal Protection; Labor; Health; and Education*. Migrant rights protections, however, do not show a clear relationship with economic freedom, and almost all categories are statistically nonsignificant, except *Education*, which is negatively correlated.

Finally, we examine the relationship between migrant rights protections and migrant stock, the share of each country's total population that is foreign-born. We use its logarithm because of some notable outliers (e.g., UAE). Countries' migrant stock is negatively correlated at a statistically significant level to multiple categories of rights across the 45 case countries. Migrant rights related to *Life; Health; and Education* are all *less likely* to be protected as migrant stock levels increase (although these relationships are no longer statistically significant when correlating to adjusted-protection scores, see Appendix C).

In sum, migrant rights are significantly correlated with meta-trends in governance. Our results exhibit a number of relationships between multiple categories of migrant rights protections and democratic governance, judicial independence, constitutionally protected rights, human rights treaties ratification, state fragility, and the strength of civil society. The majority of migrant rights categories

showed several statistically significant relationships with these phenomena. On the other hand, rights related to Freedom of Thought, Conscience, and Religion of Belief; Freedom of Opinion and Expression; Victims of Crime; and Legal Personhood tend not to correlate with our variables. Not coincidentally, these categories are the most protected ones across the world. The lack of correlation we discover therefore highlights their near-universality.¹³ Finally, there also appears to be a weak trade-off between the protection of migrant rights and the number of migrants a country admits. This provides some limited evidence that governments admitting fewer immigrants may be more willing to adopt migrant rights protections into their laws, but they are no more willing to implement them than governments admitting more migrants.

Discussion

Until this study, no set of indicators or database existed that allowed researchers to evaluate the structure of national laws against the universal international human rights baseline protecting all migrants, let alone government compliance with this baseline. This research thus represents the first significant data showing the extent to which countries comply with their obligations to protect the rights of all migrants, regardless of migrants' status or their reasons for moving across an international border.

These data—and the discoveries they provide—arrive at a pivotal time in the development of an infrastructure for global migration governance. First, standardized, cross-national, quantitative data—particularly with regular monitoring—will allow states and researchers alike to evaluate the implementation of the Global Compact on Refugees and the Global Compact for Safe, Orderly and Regular Migration, as well as the impact of the work of the UN Network on Migration, and its effect on compliance with international human rights law. Regular updates will allow ongoing evaluation of formal compliance with the law and identify opportunities for norm promotion.

Second, this cross-national analysis shows how widely accepted the universal baseline protecting the rights of migrants is, suggesting that support for its standards should be less controversial. As an avenue for depoliticizing state compliance with widely accepted rights commitments, we identify areas of high compliance and consistent implementation across 45 principal destinations. With greater transparency and objective reporting, these data should help harmonize law, policy, and practice.

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¹³ Similarly, Civil and Political Life shows almost no connection to correlates mainly due to the fact that these rights are very rarely protected.

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Supplemental Material

Supplemental material for this article is available online.

References

- Aleinikoff, T. A. 2003. "International Legal Norms and Migration: A Report." In *Migration and International Norms*, edited by T. A. Aleinikoff and V. Chetail, 1–1. The Hague: TMC Asser Press.
- Ali, S. 2010. *Dubai: Gilded Cage*. New Haven: Yale University Press.
- Arcarazo, D. A., and L. F. Freier. 2015. "Turning the Immigration Policy Paradox Upside Down? Populist Liberalism and Discursive Gaps in South America." *The International Migration Review* 49 (3): 659–96. <https://doi.org/10.1111/imre.12146>
- Auwal, M. A. 2010. "Ending the Exploitation of Migrant Workers in the Gulf." *Fletcher Forum of World Affairs* 34 (2): 87–108. <https://www.jstor.org/stable/45289506>
- Bada, X., and S. Gleeson. 2019. *Accountability Across Borders: Migrant Rights in North America*. Austin: University of Texas Press.
- Bal, C. S., and K. Gerard. 2018. "ASEAN's Governance of Migrant Worker Rights." *Third World Quarterly* 39 (4): 799–819. <https://doi.org/10.1080/01436597.2017.1387478>
- Bale, T. 2008. "Turning Round the Telescope: Centre-Right Parties and Immigration and Integration Policy in Europe." *Journal of European Public Policy* 15 (3): 315–30. <https://doi.org/10.1080/13501760701847341>
- Banting, K., R. Johnston, W. Kymlicka, and S. Soroka. 2011. "Are Diversity and Solidarity Incompatible?" *Inroads* 28: 36–49. <https://inroadsjournal.ca/archives/1881>
- Beine, M., A. Boucher, B. Burgoon, M. Crock, J. Gest, M. Hiscox, P. McGovern, H. Rapoport, J. Schaper, and E. Thielemann. 2015. "Comparing Immigration Policies: An Overview from the Impala Database." *International Migration Review* 50 (4): 827–63. <https://doi.org/10.1111/imre.12169>
- Bench, Z., M. Bitar, E. Bruemmer, S. Filippova, S. Fink, J. Follick, J. Fraterman, et al. 2013. "An International Migrants Bill of Rights and Commentaries." *Georgetown Immigration Law Journal* 28: 9. <https://heinonline.org/HOL/P?h=hein.journals/geoimlj28&i=31>
- Betts, A., and O. Sterck. 2022. "Why Do States Give Refugees the Right to Work?" *Oxford Review of Economic Policy* 38 (3): 514–30. <https://doi.org/10.1093/oxrep/grac017>

- Bloemraad, I., and D. M. Provine. 2015. "Immigrants and Civil Rights in Cross-National Perspective: Lessons from North America." *Comparative Migration Studies* 1 (1): 45–68. <https://doi.org/10.5117/cms2013.1.bloe>
- Boswell, C. 2007. "Theorizing Migration Policy: Is There a Third Way?" *International Migration Review* 41 (1): 75–100. <https://doi.org/10.1111/j.1747-7379.2007.00057.x>
- Boucher, A. 2019. "Measuring Migrant Worker Rights Violations in Practice: The Example of Temporary Skilled Visas in Australia." *Journal of Industrial Relations* 61 (2): 277–301. <https://doi.org/10.1177/0022185618783001>
- . 2022. "What is Exploitation and Abuse? A Classification Schema to Understanding Exploitative Workplace Behaviour Towards Migrant Workers." *New Political Economy* 27 (4): 629–45. <https://doi.org/10.1080/13563467.2021.1994541>
- , and J. Gest. 2018. *Crossroads: Comparative Immigration Regimes in a World of Demographic Change*. New York: Cambridge University Press.
- Brobby, C. A. B. 2018. "Democratization and Legitimization of Xenophobia in Ghana." In *The Political Economy of Xenophobia in Africa: Advances in African Economic, Social and Political Development*, edited by A. Akinola, 69–81. Cham: Springer.
- Caramani, D., and F. Grotz. 2015. "Beyond Citizenship and Residence? Exploring the Extension of Voting Rights in the Age of Globalization." *Democratization* 22 (5): 799–819. <https://doi.org/10.1080/13510347.2014.981668>
- Center for Systemic Peace. 2021. "The Polity Project." <https://www.systemicpeace.org/polityproject.html>.
- Cerna, L. 2008. Towards an EU Blue Card: The Proposed Delegation of National Immigration Policies to the EU Level. Working paper 08-65. Oxford: Center on Migration, Policy, and Society.
- Chetail, V. 2019. *International Migration Law*. Oxford: Oxford University Press.
- Chung, E. A. 2010. "Workers or Residents? Diverging Patterns of Immigrant Incorporation in Korea and Japan." *Pacific Affairs* 83 (4): 675–96. <https://doi.org/10.5509/2010834675>
- Coppedge, M., J. Gerring, C. H. Knutzen, S. I. Lindberg, J. Teorel, D. Altman, F. Angiolillo, et al. 2024. "V-Dem [Country-Year/Country-Date] Dataset v14." Varieties of Democracy (V-Dem) Project. <https://doi.org/10.23696/mcwt-fr58>
- Cornelius, W. A., P. L. Martin, and J. F. Hollifield. 1994. *Controlling Immigration: A Global Perspective*. Stanford: Stanford University Press.
- Czaika, M., and H. De Haas. 2014. "The Globalization of Migration: Has the World Become More Migratory?" *International Migration Review* 48 (2): 283–323. <https://doi.org/10.1111/imre.12095>
- De Graauw, E. 2016. *Making Immigrant Rights Real: Nonprofits and the Politics of Integration in San Francisco*. Ithaca: Cornell University Press.
- De Haas, H., M. Czaika, S. Vezzoli, M. L. Flahaux, E. Mahendra, and K. Natter. 2020. "DEMIG: Determinants of International Migration." <https://www.migrationinstitute.org/data/demig-data/demig-policy-1>.
- Dembour, M. B., and T. Kelly. 2011. "Are Human Rights for Migrants?" In *Critical Reflections on the Status of Irregular Migrants in Europe and the United States*, ii–iii. London: Routledge.

- Economist Intelligence Unit and International Organization for Migration (EIU & IOM). 2016. *Measuring Well-Governed Migration: The 2016 Migration Governance Index*. Washington, D.C: Economist Intelligence Unit, commissioned by the International Organization for Migration.
- Elkins, Z., Tom Ginsburg, and James Melton. 2024. "Comparative Constitutions Project." <https://www.comparativeconstitutionsproject.org> lProject. Online at Melton. Comparative Constitutions Project. Online at.
- Fargues, P. 2011. "Immigration Without Inclusion: Non-Nationals in Nation-Building in the Gulf States." *Asian and Pacific Migration Journal* 20 (3–4): 273–92. <https://doi.org/10.1177/011719681102000302>
- Fariss, C. J. 2014. "Respect for Human Rights has Improved Over Time: Modeling the Changing Standard of Accountability." *American Political Science Review* 108 (2): 297–318. <https://doi.org/10.1017/s0003055414000070>
- Filomeno, F. A., and T. J. Vicino. 2021. "The Evolution of Authoritarianism and Restrictionism in Brazilian Immigration Policy: Jair Bolsonaro in Historical Perspective." *Bulletin of Latin American Research* 40 (4): 598–612. <https://doi.org/10.1111/blar.13166>
- Finn, V. 2024. *Globally, Voting Rights Have Increased for Immigrants and Emigrants*". Washington, DC: Migration Policy Institute.
- Fitzgerald, D., and D. Cook-Martin. 2014. *Culling the Masses: The Democratic Origins of Racist Immigration Policy in the Americas*. Cambridge: Harvard University Press.
- Freeman, G. 1995. "Modes of Immigration Politics in Liberal Democratic States." *International Migration Review* 29 (4): 881–902. <https://doi.org/10.2307/2547729>
- The Fund for Peace. 2023. "Fragile States Index." <https://fragilestatesindex.org/>.
- Gardner, A. M. 2010. *City of Strangers: Gulf Migration and the Indian Community in Bahrain*. Cornell: Cornell University Press.
- Gest, J., and A. Boucher. 2021. "A Segmented Theory of Immigration Regime Development." *Polity* 53 (3): 439–68. <https://doi.org/10.1086/714325>
- Ginn, T., R. Resstack, H. Dempster, E. Arnold-Fernandez, S. Miller, M. G. Ble, and B. Kanyamanza. 2022. *2022 Global Refugee Work Rights Report*. Washington, DC: Refugees International, Center for Global Development, Asylum Access, and Refugees International. <https://www.refugeesinternational.org/reports/2022/7/25/2022-global-refugee-work-rights-report>.
- Goodman, S. W. 2012. "Fortifying Citizenship: Policy Strategies for Civic Integration in Western Europe." *World Politics* 64 (4): 659–98. <https://doi.org/10.1017/S0043887112000184>
- Hafner-Burton, E. M., and K. Tsutsui. 2005. "Human Rights in a Globalizing World: The Paradox of Empty Promises." *American Journal of Sociology* 110 (5): 1373–411. <https://doi.org/10.1086/428442>
- Helbling, M., L. Bjerre, F. Römer, and M. Zobel. 2017. ""Measuring Immigration Policies: The IMPIC Database"." *European Political Science* 16 (1): 79–98. <https://link.springer.com/article/10.1057/eps.2016.4>
- Heritage Foundation. 2024. "Index of Economic Freedom." <https://www.heritage.org/index/>.
- Howard, M. M. 2009. *The Politics of Citizenship in Europe*. New York: Cambridge University Press.

- The International Migrant Bill of Rights Initiative (IMBR). 2018. *Handbook for Applying the International Migrants Bill of Rights*. Washington D.C.: Georgetown University Law Center. https://res.cloudinary.com/dvewyhxk/image/upload/v1667219117/IMB_Rhandbook2015_c3cce3cb97.pdf
- International Migration Institute. 2024. "Determinants of International Migration." https://www.migrationinstitute.org/completed-projects/demig_
- Isacson, A., M. Meyer, and G. Morales. 2014. "Mexico's Other Border: Security, Migration, and the Humanitarian Crisis at the Line with Central America", WOLA, June 2014. <https://www.wola.org/files/mxgt/report/>.
- Joppke, C. 2001. "The Legal-Domestic Sources of Immigrant Rights: The United States, Germany, and the European Union." *Comparative Political Studies* 34 (4): 339–66. <https://doi.org/10.1177/0010414001034004001>
- Klugman, J., and I. Pereira. 2009. *Assessment of National Migration Policies: An Emerging Picture on Admissions, Treatment, and Enforcement in Developing and Developed Countries. Human Development Research Paper 2009/48*. New York: UNDP. <https://hdr.undp.org/content/assessment-national-migration-policies>
- Koopmans, R., I. Michalowski, and S. Waibel. 2012. "Citizenship Rights for Immigrants. National Political Processes and Cross-National Convergence in Western Europe, 1980–2008." *The American Journal of Sociology* 117 (4): 1202–45. <https://doi.org/10.1086/662707>
- Kysel, I. M. 2016. "Protecting the Recognition and Protection of the Rights of All Migrants Using a Soft Law International Migrants Bill of Rights." *Journal of Migration & Human Security* 4 (2): 29–44. <https://doi.org/10.1177/233150241600400201>
- Law, D. S., and M. Versteeg. 2011. "The Evolution and Ideology of Global Constitutionalism." *California Law Review* 99: 1163–258. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1643628.
- Lillich, R. B. 1984. *The Human Rights of Aliens in Contemporary International Law*. Manchester: Manchester University Press.
- Lowell, L. 2005. *Policies and Regulations for Managing Skilled International Migration for Work*. New York: United Nations, Mortality and Migration Section of the Population Division/DESA. https://www.un.org/development/desa/pd/sites/www.un.org.development.desa.pd/files/unpd_egm_200507_p03-llowell.pdf
- Martin, D. A. 1989. "Effects of International Law on Migration Policy and Practice: The Uses of Hypocrisy." *International Migration Review* 23 (3): 547–78. <https://doi.org/10.2307/2546428>
- Mascia, C. 2021. "How Bureaucracies Shape Access to Rights: The Implementation of Family Reunification in Belgium." *Journal of Ethnic and Migration Studies* 47 (9): 2127–43. <https://doi.org/10.1080/1369183X.2020.1726734>
- Medeiros, M., I. Henrique Sabino de Farias, and B. Ana Gabriela. 2022. "Foreign Policy Versus Migration Legislation: The Case of Brazil (1979–2017)." *Brazilian Political Science Review (Online)* 16 (1): 1–29. <https://doi.org/10.1590/1981-3821202200010004>
- Migration Policy Group. 2015. "Migrant Integration Policy Index (MIPEX)". <https://www.mipex.eu/>.
- Milner, J. 2009. *Refugees, the State and the Politics of Asylum in Africa*. Basingstoke: Palgrave Macmillan.

- Mosler, H. B., and L. Pedroza. 2016. "An Unexpected Pioneer in Asia: The Enfranchisement of Foreign Residents in South Korea." *Ethnopolitics* 15/2: 187–210. <https://doi.org/10.1080/17449057.2014.954318>
- Natter, K. 2021. "'Tunisia's Migration Politics Throughout the 2011 Revolution: Revisiting the Democratisation–Migrant Rights Nexus'." *Third World Quarterly* 7: 1551–69. <https://doi.org/10.1080/01436597.2021.1940126>
- OHCHR. 2024. "United Nations Human Rights Treaty Bodies / UN Treaty Body Database", https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?Treaty=CMW&Lang=en.
- Pedroza, L. 2022. "IMISEM Dataset." German Institute for Global and Area Studies (GIGA).
- Plender, R. 1972. *International Migration Law*. Leiden: A. W. Sijthoff.
- . 1988. *International Migration Law* (2nd Ed.). New York: Springer Publishing.
- RIN & EIU (Refugee Investment Network and Economist Intelligence Unit). 2022. Refugee Opportunity Index. <https://refugeeinvestments.org/refugee-opportunity-index/>.
- Risse-Kappen, T., S. C. Ropp, and K. Sikkink. 1999. *The Power of Human Rights: International Norms and Domestic Change*. Cambridge: Cambridge University Press.
- Ruhs, M. 2013. *The Price of Rights: Regulating International Labor Migration*. Princeton: Princeton University Press.
- , and P. Martin. 2008. "Numbers vs. Rights: Trade-Offs and Guest Worker Programs." *International Migration Review* 42 (1): 249–65. <https://doi.org/10.1111/j.1747-7379.2007.00120.x>
- Solano, G., S. D. Schmid, and M. Helbling. 2023. "Extending Migrants' Rights but Limiting Long-Term Settlement. Migrant Integration Policy Trends in EU and OECD Countries Between 2010 and 2019", *International Migration Review*, 1–24.
- Tham, J. C., I. Campbell, and M. Boese. 2016. "Why is Labour Protection for Temporary Migrant Workers So Fraught? A Perspective from Australia." In *Temporary Labour Migration in the Global Era: The Regulatory Changes (Kindle Version)*, edited by J. Howe and R. Owens, 244–82. London: Hart Publishing.
- Triadafilopoulos, T., and Z. Taylor. 2021. "The Political Foundations of Canadian Exceptionalism in Immigration Policy." In *International Affairs and Canadian Migration Policy*, edited by Y. Samy and H. Duncan, 13–40. New York, NY: Palgrave Macmillan.
- Tropp, Linda R., and T. F. Pettigrew. 2004. *When Groups Meet: The Dynamics of Intergroup Contact*. Washington, DC: American Psychological Association.
- Underhill, E., and M. Rimmer. 2016. "Layered Vulnerability: Temporary Migrants in Australian Horticulture." *Journal of Industrial Relations* 58 (5): 608–26. <https://doi.org/10.1177/0022185615600510>
- United Nations Department of Economic and Social Affairs, Population Division (UNDESA). 2020. International Migrant Stock 2020, <https://www.un.org/development/desa/pd/content/international-migrant-stock>.
- Velasco, S. A. 2020. "From Ecuador to Elsewhere: The Configuration of a Transit Country." *Migration and Society: Advances in Research* 3 (1): 34–49. <https://doi.org/10.3167/arms.2020.111403>

- Wakisaka, D. 2021. "Beyond Street-Level Bureaucracy: The Organizational Culture of Migration Policy Making and Administrative Elites." *International Migration* 60 (1): 150–63. <https://doi.org/10.1111/imig.12919>
- Western, S. D., S. P. Lockhart, and J. Money. 2019. "Does Anyone Care About Migrant Rights? An Analysis of Why Countries Enter the Convention on the Rights of Migrant Workers and Their Families." *The International Journal of Human Rights* 23 (8): 1276–99. <https://doi.org/10.1080/13642987.2019.1597716>
- Winn, T. 2018. "'Convergence of Gender Equality in Citizenship Rights and a Child's Right to Education: The Cases of Jordan, Kuwait, and Lebanon'." In *Unequal Protection of the Law: The Rights of Citizens and Non-Citizens in Comparative Perspective*, edited by R. T. Middleton, 17–50. Minnesota: West Academic Publishing.