

# The trade-migration nexus: venue-shopping for international mobility

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Flavia Jurje and Sandra Lavenex, University of Lucerne

# Starting point

- «Absence of international migration regime» thesis and restrictive/selective domestic migration policies

versus

- Dynamic liberalization agenda in trade-related mobility issue

➤ How can we explain this expansionist liberalization agenda in spite of prevailing restrictionism on migration?

# Analytical framework

## 1. Venue-shopping by service industries and developing countries in WTO (GATS mode 4) and bilateral FTAs

- Trade-context shielded from immigration debates
- Dominated by trade ministries (→ immigration ministers side-lined)
- Intransparent
- Technocratic, depoliticized
- Liberal normative context (openness, non-discrimination, MFN...)

## 2. Power shifts

- Rising economic power of mobility-promoters (esp. India, Mexico)
- Resistance against minimal deals in WTO and promotion of liberal norms in plurilateral and bilateral FTAs

## 3. Institutional dynamics within multilayered regime complex

- «Lock in» effect of WTO-deals
- Expansionism of MFN-clause in GATS for bilateral/plurilateral treaties
- Dynamic interpretation of GATS commitments through bilateral/plurilateral treaties

# Dynamism in the Trade-Migration Nexus – Bilateral Level

## 1. Expansion of categories of service providers

	Highly Skilled	Non Highly Skilled
Related to commercial presence	Intra-corporate transferees Business visitors Traders/Investors (e.g. FTAs: Mexico-Peru, Mexico-Colombia, India-Singapore, India-Malaysia)	Trainees (envisaged in the EU-India FTA)
Independent from commercial presence	Self-employed/independent professional (e.g. FTAs: India-Malaysia, India-Japan, India-Korea) Contractual Service Suppliers (e.g. FTAs: India-Singapore, India-Malaysia, India-Japan, India-Korea)	Technicians (e.g. Mexico-Peru FTA) Installers (e.g. India-Malaysia)

## Dynamism in the Trade-Migration Nexus – Bilateral Level (cont'd)

2. Expansion of sectors covered
3. Expansion of durations of stay (e.g. FTAs India-Japan, Mexico-Japan)
4. Abolition of regulatory barriers (ENTs, qualification requirements, quantity restrictions, etc.)
5. Family rights for spouses/dependents (e.g. FTAs: India-Singapore, India-Malaysia, India-Japan, India-Korea)

## Conclusion: Will liberalization progress?

### Negative outlook:

- trade venue may be closed by immigration ministers in the face of increasing salience and manifest interdependencies between service-mobility provisions and migration policies (see US Congress against USTR)

### Positive outlook:

- Power shifts and hard negotiations by India (and possibility others) will make future trade deals conditional on wider concessions
- Support for liberalization agenda from service industries
- And changing labour demand in Western countries (ageing etc.)