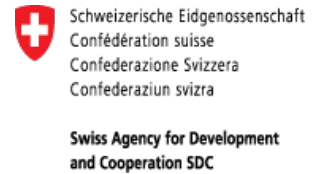




# Migration and the Law

**A new global database of national legal frameworks affecting the integration of economic migrants and refugees**

December 2020



This is a product of the Global Knowledge Partnerships on Migration and Development (KNOMAD). A global hub of knowledge and policy expertise on migration and development, KNOMAD aims to create and synthesize multidisciplinary knowledge and evidence; generate a menu of policy options for migration policy makers; and provide technical assistance and capacity building for pilot projects, evaluation of policies, and data collection.

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# Migration and the Law: Methodology Note<sup>1</sup>

## Project objective and design

*Migration and the Law* is a pilot project that has constructed a global database of national legal frameworks affecting the integration of economic migrants and refugees. For the purposes of the project, integration is defined as the extent to which economic migrants and refugees are legally provided the same treatment as citizens in four main dimensions of life and work: economic opportunity, health care, housing, and citizenship.

The project surveyed experts on integration laws affecting economic migrants in 152 economies and, separately, refugees in 134 economies in order to compare their respective treatment with that of citizens under formal national laws and regulations as of December 31, 2016.

The survey content and methodology were developed based on a review of migration literature and of similar projects such as the Migrant Integration Policy Index (MIPEX) and the World Bank's *Women, Business and the Law* and *Doing Business*. Previous studies primarily cover integration policies in mostly OECD countries and do not always differentiate between migrants and refugees. This project is among the first to feature detailed analysis of migrant and refugee integration policies in developed and developing economies—a critical contribution as developing countries face integration challenges distinct from those faced by developed countries. The *Migration and the Law* dataset thus takes a wider look at integration policies across regions (and income groups).

The research focuses on the *de jure* aspect of migration law to evaluate the current legal frameworks that govern economic migrants and refugees in host countries. Customary law is not accounted for unless it has been codified in national law. Many of the struggles that migrants and refugees face in integrating stem from absent, inadequate, or faulty legal platforms. While not a sufficient condition, without a proper legal foundation that enables integration, migrants and refugees are unlikely to successfully integrate in the various aspects of life.

## Group definitions

In contrast to previous studies, the *Migration and the Law* project examines economic migrants and refugees separately in different, but similar, surveys. These groups have their own particularities, and distinct laws and regulations may apply. In order to capture the nuances of domestic law, two questionnaires and databases were created, one for economic migrants and one for refugees.

An **economic migrant** is an individual who:

- has moved from his/her country of birth or usual residence to the host country for employment purposes
- is 18 years or older and is residing in the host country
- currently holds a work permit/work visa, which allows him/her to be employed in the host country for one year or more with the possibility of renewal (this does not include students, seasonal workers, or individuals traveling for business purposes)

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<sup>1</sup> Last update: December 11, 2020.

- is considered a temporary resident and not a permanent resident
- is either currently employed in the host country or looking for a job while residing in the host country.

A **refugee** is an individual who:

- has been granted legal refugee status, due to his/her well-founded fear of persecution for reasons of race, religion, nationality, membership in a particular social group, or political opinions
- is residing in [country].

## Country/Economy selection

### *Economic migrants*

To fill the gaps in research on developing countries, the project focused on collecting data from host economies in the developing world. The economies captured by the economic migrant database encompass 96.7 percent of the world economic migrant population as of 2016 (see table 1 for a list).<sup>2</sup>

**Table 1: Economies surveyed for dataset on economic migrants**

Region	Number of economies	Economies by region
East Asia & Pacific	14	Cambodia; China; Fiji; Hong Kong SAR, China; Indonesia; Lao PDR; Malaysia; Mongolia; Myanmar; Philippines; Singapore; Taiwan, China; Thailand; Vietnam
Europe & Central Asia	22	Albania; Armenia; Azerbaijan; Belarus; Bosnia and Herzegovina; Bulgaria; Croatia; Cyprus; Kazakhstan; Kosovo; Kyrgyz Republic; Latvia; Lithuania; Moldova; Montenegro; North Macedonia (formerly Macedonia FYR); Romania; Russian Federation; Serbia; Turkey; Ukraine; Uzbekistan
OECD high income	32	Australia; Austria; Belgium; Canada; Chile; Czech Republic; Denmark; Estonia; Finland; France; Germany; Greece; Hungary; Iceland; Ireland; Israel; Italy; Japan; Korea, Rep.; Luxembourg; Netherlands; New Zealand; Norway; Poland; Portugal; Slovak Republic; Slovenia; Spain; Sweden; Switzerland; United Kingdom; United States
Latin America & Caribbean	23	Antigua and Barbuda; Argentina; Bolivia; Brazil; Colombia; Costa Rica; Dominican Republic; Ecuador;

<sup>2</sup> The *Migration and the Law* project uses the World Bank regional and income group classifications, available at <http://datahelpdesk.worldbank.org/knowledgebase/articles/906519>. The World Bank does not assign regional classifications to high-income economies, which are assigned the “regional” classification of “high-income OECD.”

		El Salvador; Grenada; Guatemala; Haiti; Honduras; Jamaica; Mexico; Nicaragua; Panama; Paraguay; Peru; The Bahamas; Trinidad and Tobago; Uruguay; Venezuela, RB
Middle East & North Africa	18	Algeria; Bahrain; Djibouti; Egypt, Arab Rep.; Iran, Islamic Rep.; Iraq; Jordan; Kuwait; Lebanon; Malta; Morocco; Oman; Qatar; Saudi Arabia; Syrian Arab Republic; Tunisia; United Arab Emirates
South Asia	6	Bangladesh; India; Maldives; Nepal; Pakistan; Sri Lanka
Sub-Saharan Africa	38	Angola; Benin; Botswana; Burkina Faso; Burundi; Cameroon; Central African Republic; Chad; Côte d'Ivoire; Congo, Dem. Rep.; Equatorial Guinea; Ethiopia; eSwatini (formerly Swaziland); Gabon; Ghana; Guinea; Kenya; Madagascar; Malawi; Mali; Mauritania; Mauritius; Mozambique; Namibia; Nigeria; Congo, Rep.; Rwanda; São Tomé and Príncipe; Senegal; South Africa; South Sudan; Sudan; Tanzania; The Gambia; Togo; Uganda; Zambia; Zimbabwe

### **Refugees**

In the era of rapidly evolving globalization, the movement of refugees affects all parts of the world, especially developing countries, such as Turkey, Pakistan, Lebanon, the Islamic Republic of Iran, Ethiopia, Jordan, Kenya, and Uganda.<sup>3</sup> Given the heightened challenges that developing economies face with integrating refugees into labor markets, social programs, and housing, their integration laws are particularly important.<sup>4</sup> However, refugee outcome and integration data from developing countries remain scarce and unreliable.<sup>5</sup>

The 134 countries/economies selected for the refugee dataset include those most affected by the most recent refugee crisis and cover 86 percent of the total global refugee population as of 2016 (see table 2 for a list).

<sup>3</sup> <https://www.unhcr.org/en-us/figures-at-a-glance.html>

<sup>4</sup> Ratha, D., Mohapatra, S., & Scheja, E. (2011). "Impact of migration on economic and social development: A review of evidence and emerging issues." World Bank Policy Research Working Paper Series.

<sup>5</sup> Gest, J., Boucher, A., Challen, S., Burgoon, B., Thielemann, E., Beine, M., McGovern, P., Crock, M., Rapoport, H. and Hiscox, M., (2014). Measuring and comparing immigration, asylum and naturalization policies across countries: challenges and solutions. *Global Policy*, 5(3), pp.261-274.

**Table 2: Economies surveyed for dataset on refugees**

Region	Number of economies	Economies by region
East Asia & Pacific	12	Cambodia; China; Hong Kong SAR, China; Indonesia; Lao PDR; Malaysia; Mongolia; Myanmar; Philippines; Singapore; Taiwan, China; Thailand.
Europe & Central Asia	23	Albania; Armenia; Azerbaijan; Belarus; Bosnia and Herzegovina; Bulgaria; Croatia; Cyprus; Georgia; Kazakhstan; Kosovo; Kyrgyz Republic; Latvia; Lithuania; Moldova; Montenegro; North Macedonia (formerly Macedonia FYR); Romania; Russian Federation; Serbia; Tajikistan; Turkey; Ukraine.
High income OECD	29	Australia; Austria; Belgium; Canada; Chile; Czech Republic; Denmark; Estonia; Finland; France; Germany; Greece; Hungary; Iceland; Israel; Italy; Japan; Korea, Rep.; Luxembourg; Netherlands; New Zealand; Norway; Poland; Portugal; Spain; Sweden; Switzerland; United Kingdom; United States
Latin America & Caribbean	17	Argentina; Bolivia; Brazil; Colombia; Costa Rica; Ecuador; Guatemala; Haiti; Honduras; Mexico; Nicaragua; Panama; Paraguay; Peru; St. Kitts and Nevis; Uruguay; Venezuela, RB
Middle East & North Africa	11	Algeria; Djibouti; Egypt, Arab Rep.; Iran, Islamic Rep.; Iraq; Jordan; Kuwait; Lebanon; Malta; Morocco; Yemen
South Asia	7	Afghanistan; Bangladesh; Bhutan; India; Nepal; Pakistan; Sri Lanka
Sub-Saharan Africa	35	Angola; Benin; Burkina Faso; Burundi; Cameroon; Central African Republic; Chad; Côte d'Ivoire; Congo, Dem. Rep.; Equatorial Guinea; Eritrea; Ethiopia; Gabon; Ghana; Guinea; Kenya; Madagascar; Malawi; Mali; Mauritania; Mozambique; Niger; Nigeria; Congo, Rep.; Rwanda; Senegal; Somalia; South Africa; South Sudan; Sudan; Tanzania; The Gambia; Togo; Uganda; Zimbabwe

## Data collection

The *Migration and the Law* survey aimed to include the perspective of key country practitioners in migration law and policy. The contributors are a combination of lawyers, academics, and members of civil society organizations, all working on integration issues.

The economic migrants study surveyed:

- Specialized law firms and attorneys
- Directors of immigration clinics
- Heads of research departments
- Heads of immigration departments
- Expert scholars

Contributors to the study of refugees include:

- Refugee centers
- Distinct international organizations
- Intergovernmental agencies
- Focused nongovernmental organizations
- Expert scholars

The data for the *Migration and the Law* project were collected in a standardized way and through several rounds of interaction with the contributors. Two separate surveys were administered, one concerning economic migrants (as defined earlier) and the other on refugees. The surveys were made available in three languages: English, French, and Russian. For each group, at least five potential respondents were contacted for every country in anticipation of receiving an average of three completed surveys per country, separately for economic migrants and refugees. Communication with contributors was a key part of the data collection process, with contributors invited to participate in the research through electronic correspondence and phone interactions. Upon receipt of the completed surveys, the *Migration and the Law* team conducted an initial assessment of the questionnaire and, if necessary, made queries about the responses. Additional desktop research was conducted for data points for which there was a discrepancy between contributors' responses.

## Classification of Indicators

A total of 20 indicators are used to measure integration policies as written in formal laws and regulations as of December 2016. Answers to the underlying questions for these indicators are based on *de facto* laws; the extent to which laws are observed or implemented in practice is not taken into consideration in the current database.

The 20 indicators were based on selected qualitative questions from the survey questionnaire that were amenable to classification and assigned labels of "Yes", "Conditions," and "No," indicating a country's legal restrictiveness on access relative to that of its citizens. "Conditions" indicate that additional conditions apply beyond those for citizens, and "Yes" indicates that a country's accommodation of economic migrants (and refugees) in the legal framework is often on par with that of its citizens. The classifications are based on an assessment of the answers provided by survey respondents.



Of the 20 indicators, 13 are attributed to the economic opportunities dimension, 2 cover health index, 3 are for housing and 2 are associated with the political integration dimension (see table 3).

**Table 3: Migration and the Law Indicators, by dimension**

<b>Economic Opportunities</b>
1. Can an economic migrant (refugee) work in the private sector? <i>Yes, Conditions, No</i>
2. Can an economic migrant (refugee) work in the public sector? <i>Yes, Conditions, No</i>
3. Can an economic migrant (refugee) open a business in the same manner as citizens? <i>Yes, No, Not allowed</i>
4. Are foreign academic qualifications recognized for economic migrants (refugees)? <i>Yes, Conditions, No</i>
5. Are foreign vocational qualifications recognized for economic migrants (refugees)? <i>Yes, Conditions, No</i>
6. Can the families of economic migrants (refugees) work in the formal sector? <i>Yes, Conditions, No</i>
7. Can an economic migrant (refugee) change jobs? <i>Yes, Conditions, No</i>
8. Can an economic migrant (refugee) move and travel within the host country without any restriction? <i>Yes, Conditions, No</i>
9. Does the minimum wage policy apply equally to economic migrants (refugees) and citizens? <i>Yes, No</i>
10. Is an economic migrant (refugee) entitled to receive unemployment benefits? <i>Yes, Conditions, No</i>
11. Is an economic migrant (refugee) entitled to receive social security benefits? <i>Yes, Conditions, No</i>
12. Does the law provide for maternity leave for economic migrants (refugees) in the same manner as for citizens? <i>Yes, Conditions, No</i>
13. Can an economic migrant (refugee) join a trade union in the same manner as a citizen? <i>Yes, Conditions, No</i>
<b>Access to Health Care</b>
1. Can an economic migrant (refugee) access to public health care services in the same manner as a citizen? <i>Yes, Conditions, No</i>
2. Can family members of an economic migrant (refugee) access public health care in the same manner as a citizen? <i>Yes, Conditions, No</i>
<b>Access to Housing</b>
1. Can an economic migrant (refugee) reside anywhere in the host country without restriction? <i>Yes, Conditions, No</i>
2. Can an economic migrant (refugee) rent property in the host country? <i>Yes, Conditions, No</i>
3. Can an economic migrant (refugee) buy property in the host country? <i>Yes, No</i>
<b>Political Integration</b>
1. Does an economic migrant (refugee) have a path to citizenship? <i>Yes, No</i>
2. Can an economic migrant (refugee) become a permanent resident? <i>Yes, No</i>

### ***Economic opportunities***

The economic opportunities index measures the extent to which national laws in the host country facilitate the ability of economic migrants and refugees to navigate the labor market. The index has 13 indicators that take into account the level of migrants' and refugees' integration along four dimensions, namely (1) accessing formal jobs in the labor market, (2) navigating the labor market, (3) accessing social protection, and (4) exercising the right to join trade unions and freedom of association. An elaboration of how individual indicators are classified follows.

#### *Accessing the labor market*

**Can an economic migrant (refugee) work in the private sector?** "Yes" is assigned if the economic migrant (refugee) can legally access formal private sector jobs without restrictions. Specifically for economic migrants, "Conditions" is assigned if a job offer is a prerequisite for obtaining authorization to work in the private sector. The label "Conditions" is also assigned if employment for economic migrants (refugees) is restricted by law to certain professions. "No" is assigned if economic migrants (refugees) are legally prohibited from working in the private sector.

**Can an economic migrant (refugee) work in the public sector?** "Yes" is assigned if the economic migrant (refugee) can legally access formal public sector jobs without restrictions. Specifically for economic migrants, "Conditions" is assigned if a job offer is a prerequisite for obtaining authorization to work in the public sector. "Conditions" is also assigned if employment for economic migrants (refugees) is restricted by law to certain professions. "No" is assigned if the economic migrant (refugee) is legally prohibited from working in the public sector.

**Can an economic migrant (refugee) open a business in the same manner as citizens?** "Yes" is assigned if an economic migrant (refugee) can start a business under conditions that equally apply to citizens of that country. "Conditions" is assigned if conditions unique to the economic migrant (refugee) apply. "No" is assigned if an economic migrant (refugee) is legally prohibited from opening a business.

**Are foreign (academic/vocational) qualifications recognized for economic migrants (refugees)?** Separately for academic and vocational qualification, "Yes" is assigned if foreign qualifications are recognized for economic migrants (refugees) in the same manner as foreign qualifications obtained by citizens. A label of "Conditions" is assigned if conditions unique to the economic migrant (refugee) apply. "No" is assigned if foreign qualifications held by economic migrants (refugees) are not recognized.

**Can the families of economic migrants (refugees) work in the formal sector?** "Yes" is assigned if the sponsored family member of the principal economic migrant (refugee) is legally eligible for formal employment (private, public, or self-employed). A label of "Conditions" is assigned if conditions unique to the economic migrant (refugee) apply. "No" is assigned if the law prohibits sponsored family members of economic migrants (refugee) from employment.

#### *Navigating the labor market*

**Can an economic migrant (refugee) change jobs?** "Yes" is assigned if an economic migrant (refugee) can change jobs without restrictions. "Conditions" is assigned if conditions unique to the economic migrant (refugee) apply. "No" is assigned if an economic migrant (refugee) is legally prohibited from changing jobs.

**Can an economic migrant (refugee) move and travel within the host country without any restriction?**

“Yes” is assigned if an economic migrant (refugee) can freely move and travel without restrictions. “Conditions” is assigned if conditions unique to the economic migrant (refugee) apply. “No” is assigned if the law outright prohibits an economic migrant (refugee) from movement and travel.

*Accessing social protection*

**Does the minimum wage policy apply equally to economic migrants (refugees) and citizens?** “Yes” is assigned if economic migrants (refugees) are entitled to receive the same minimum wage as citizens. “No” is assigned if the law does not provide for a minimum wage for economic migrants (refugees).

**Is an economic migrant (refugee) entitled to receive unemployment benefits?** “Yes” is assigned if an economic migrant (refugee) is entitled to receive unemployment benefits without restrictions. “Conditions” is assigned if conditions unique to the economic migrant (refugee) apply. “No” is assigned if an economic migrant (refugee) is disallowed from accessing unemployment benefits.

**Is an economic migrant (refugee) entitled to receive social security benefits?** “Yes” is assigned if an economic migrant (refugee) is entitled to receive social security benefits without restrictions. “Conditions” is assigned if conditions unique to the economic migrant (refugee) apply. “No” is assigned if an economic migrant (refugee) is disallowed from accessing social security benefits.

**Does the law provide for maternity leave for economic migrants (refugees) in the same manner as for citizens?** “Yes” is assigned if economic migrants (refugees) have the same legal rights to maternity leave as citizens. “Conditions” is assigned if conditions unique to the economic migrant (refugee) apply. “No” is assigned if the law does not provide for maternity leave for economic migrants (refugees).

*Exercising the right to organize and freedom of association*

**Can an economic migrant (refugee) join a trade union in the same manner as a citizen?** “Yes” is assigned if an economic migrant (refugee) is accorded full rights to join a trade union under conditions that equally apply to citizens of that country. “Conditions” is assigned if conditions unique to the economic migrant (refugee) apply. “No” is assigned if an economic migrant (refugee) is prohibited from joining a trade union.

**Access to housing**

The housing index depicts the regulatory frameworks for the housing opportunities of economic migrants (refugees) across three facets: (1) the ability to reside anywhere in the host country free of restrictions, (2) the ability to rent property in the host country, and (3) the ability to purchase property (inclusive of land and dwellings) in the host country. The housing index is therefore composed of three corresponding indicators:

**Can an economic migrant (refugee) reside anywhere in the host country without restriction?** “Yes” is assigned if an economic migrant (refugee) can legally reside anywhere without restrictions. “Conditions” is assigned if conditions unique to the economic migrant (refugee) apply. “No” is assigned if an economic migrant (refugee) is legally restrained from residing in certain locations.

**Can an economic migrant (refugee) rent property in the host country?** “Yes” is assigned if an economic migrant (refugee) can legally rent property in the host country without additional restrictions that are unique to economic migrants (refugees). “Conditions” is assigned if conditions unique to the economic

migrant (refugee) apply. “No” is assigned if an economic migrant (refugee) is prohibited from renting property in the host country.

**Can an economic migrant (refugee) buy property in the host country?** “Yes” is assigned if the law allows an economic migrant (refugee) to buy property in the host country subject to fulfilling certain conditions. “No” is assigned if an economic migrant (refugee) is prohibited from buying property in the host country.

### ***Access to health care***

The health index assesses whether national laws entitle economic migrants (refugees) access to health care services on an equal basis with citizens, as well as whether laws provide their families/dependents access to public health care services. The health index has two indicators:

**Can an economic migrant (refugee) access public health care services in the same manner as a citizen?** “Yes” is assigned if an economic migrant (refugee) is entitled to access public health care services on an equal basis with citizens. “Conditions” is assigned if conditions unique to the economic migrant (refugee) apply. “No” is assigned if the law does not provide public health care access to economic migrants (refugees).

**Can family members of an economic migrant (refugee) access public health care in the same manner as a citizen?** “Yes” is assigned if family members of an economic migrant (refugee) are entitled to access public health care services on an equal basis with citizens. “Conditions” is assigned if conditions unique to the economic migrant (refugee) apply. “No” is assigned if the law does not allow family members of an economic migrant (refugee) to access public health care services.

### ***Political integration***

The political integration index measures the extent to which host country laws allow economic migrants (refugees) to access permanent residency and citizenship. Two indicators constitute the political integration index:

**Does an economic migrant (refugee) have a path to citizenship?** “Yes” is assigned if a legal path for an economic migrant (refugee) to becoming a citizen exists. “No” is assigned if there is no path to citizenship for an economic migrant (refugee).

**Can an economic migrant (refugee) become a permanent resident?** “Yes” is assigned if the law allows a pathway to permanent residency for an economic migrant (refugee). “No” is assigned if the law does not offer permanent residency to an economic migrant (refugee).

## **Migration and the Law Dataset**

The accompanying dataset for economic migrants (and refugees) consists of individual indicators for each dimension along with references to cited local laws for each indicator. Additional comments and suggestions are welcomed and can be addressed to the *Migration and the Law* team at [migrationandremittances@worldbank.org](mailto:migrationandremittances@worldbank.org).

## Acknowledgements

Data collection and analysis for the *Migration and the Law* project were conducted by a team led by Ganesh Seshan (Senior Economist) and Valentina Saltane (Senior Private Sector Development Specialist) under the overall guidance of Dilip Ratha (Head of KNOMAD).

Thanks to Maja Vezmar for her extensive contributions as a core team member. Other members of the research team were Isabela Franco Emerick Albergaria, Kate Aoife Brolley, Immaculate Nafula Machasio, and Laura Elizabeth McElroy. Data collection was undertaken by Bidisha Das, Albe Gjonbalaj, Kurt Ambroze Hagemann, Emirjon Kacaj, and Jacqueline Elisabeth Guignane Youm. Preliminary data analysis was done by Haoua Cisse Coulibaly and Bingying Wu.

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The *Migration and the Law* database was made possible by the generous contributions of close to 700 lawyers, immigration specialist, scholars, intergovernmental agencies, refugee centers, and nongovernmental organizations from 169 economies. The global contributors listed are entities that have completed multiple questionnaires from their various offices around the world.

## Global Contributors

### **ECONOMIC MIGRANTS DATABASE**

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*Arias Law Firm*

*International Organization for  
Migration (IOM)*

*Harvey Law Group*

*Pricewaterhousecoopers (PWC)*

### **REFUGEES DATABASE**

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*Asylum Access*

*Danish Refugee Council (DRC)*

*United Nations High  
Commissioner for Refugees  
(UNHCR)*

*International Organization for  
Migration (IOM)*

*Norwegian Refugee Council  
(NRC)*

*Caritas*

## Frequently Asked Questions<sup>6</sup>

### 1. What is the *Migration and the Law* project?

The *Migration and the Law* project seeks to benchmark national regulations that facilitate or impede the integration of two completely different migrant categories: (1) economic migrants and (2) refugees. For the purposes of the project, integration is defined as the extent to which economic migrants and refugees are legally provided the same treatment as citizens across four main dimensions of life and work: economic opportunity, health care, housing, and citizenship.

The project surveyed legal experts on integration laws affecting economic migrants in 152 economies and refugees in 134 economies to compare their respective treatment with that of citizens under formal national laws and regulations as of December 31, 2016. Data are provided for 20 indicators across four dimensions: economic opportunities, health care, housing, and political integration. For more information on the construction of the methodology, please see the **Methodology Note**.

### 2. What topics are covered by the *Migration and the Law* database?

The survey covered the dimensions of economic opportunities, health care, housing, and political integration of economic migrants and separately, refugees.

**Economic opportunities:** The indicator measures the ease of (1) accessing formal jobs in the labor market, (2) navigating the labor market, (3) accessing social protection, and (4) exercising the right to join trade unions and freedom of association.

**Health care:** The indicator measures (1) accessing health care services on an equal basis with citizens, and (2) whether laws provide families/dependents of migrants and refugees access to health care services.

**Housing:** The indicator measures (1) the ability of economic migrants and refugees to reside anywhere in the host country free of restrictions, (2) the ability of economic migrants and refugees to rent property in the host country, and (3) the ability of economic migrants and refugees to purchase property.

**Political integration:** The indicator measures (1) whether migrants and refugees can become permanent residents, and (2) whether migrants and refugees can become citizens.

For more information on the classification of the indicators, please see the **Methodology Note**.

### 3. How is the *Migration and the Law* database different from other integration-focused databases?

*Migration and the Law* is a global benchmarking database whose indicators complement existing immigration and integration measures such as the Migrant Integration Policy Index (MIPEX), Civic Integration Index (CIVIX), Determinants of International Migration (DEMIG), Determinants of International Migration (DEMIG), Immigration Policies in Comparison Index (IMPIC), International Migration Policy and Law Analysis (IMPALA), International Migrants Bill of Rights Initiative (IMBR), and

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<sup>6</sup> Updated on Feb 8<sup>th</sup> 2021.

the Openness to Labor Migration Index. These databases have focused largely on high-income OECD countries with limited coverage of developing economies that now receive the greatest number of migrants and refugees.

The *Migration and the Law* database, by contrast, uniquely examines the integration efforts of developed as well as developing economies. The project surveyed experts on integration laws affecting economic migrants in 152 economies and separately, refugees in 134 economies. To date, this is the largest coverage of integration policies affecting immigrants.

**4. How is the Migration and the Law project related to the Refugee Policy Review Framework?**

The Refugee Policy Review Framework (RPRF) resulted from an IDA commitment to “conduct a systematic review of refugee policy and institutional environments in countries eligible for the Window for Host Communities and Refugees (WHR).” It covers only the WHR eligible countries and while incorporating a part of the areas covered by the Migration and the Law project, it also encompasses other policies, notably the ones related to host communities. The RPRF also adds an element of implementation or de facto analysis in addition to the de jure situation, as well as updating the information to 2020. Both efforts are intended to identify policy reform efforts and in the case of the RPRF, to inform WHR support.

**5. How accurate is the *Migration and the Law* database?**

The *Migration and the Law* initiative relies mostly on the responses/legal judgments of survey respondents as legal statutes are rarely self-evident and must be read in context. Additional legal research was undertaken when conflicting responses was received from multiple survey respondents on a question/topic. The *Migration and the Law* team welcomes additional insights and suggestions on how to improve the data. If you find an error, please alert us at [migrationandremittances@worldbank.org](mailto:migrationandremittances@worldbank.org).

**6. Does the *Migration and the Law* project make a distinction between legal constraints and mandatory legal requirements/obligations?**

As the *Migration and the Law* study compares the treatment of migrants with that of citizens under formal national laws, legal constraints and mandatory legal requirements can be both recognized as legal obstacles if they exclusively target migrants/refugees (non-citizens). In both cases, the answer will be classified as “Conditions,” indicating that migrants’ enjoyment of a right is conditioned or partially limited. Unlike legal constraints (e.g., inability to buy a property in certain locations), legal requirements (e.g., minimum residency period requirement) can be fulfilled, implying that migrants can overcome these legal barriers.

If legal constraints completely prevent migrants/refugees from enjoying certain rights, the answer will be classified as “No,” indicating that migrants/refugees are deprived of certain rights and entitlements.

**7. Does the absence or lack of legal requirements imply better legal protection and an easier path to integration for economic migrants/refugees?**

Not necessarily. The absence of legal requirements or lack thereof does not automatically imply better legal protection. Lack of mandatory legal requirements may indicate that a country has not developed



a system that would enable realization of the rights guaranteed under international treaties/national legal framework. A system of rules, legal requirements, and procedures can help reduce legal uncertainties. Otherwise, national laws run the risk of becoming inoperative.

**8. What happens if a country has no legislation dedicated exclusively to the protection of migrants/refugees?**

While not ideal, even in the absence of specific legislations that addresses migrants, the latter may still enjoy a certain level of legal protection under a nation's general laws and regulations (as described in a country's constitution, labor laws, social security acts, etc.) or even international agreements (especially when international treaties become legally binding immediately upon ratification, without legislative action at the national level).

**9. Does the *Migration and the Law* project measure the effectiveness or implementation of national laws?**

The current study does not measure effectiveness of laws nor does it make any assessment with respect to realization of the rights guaranteed under national laws. If incoherence in national laws and regulations results in no real protection for economic migrants/refugees, such outcome will not be captured by this study.

**10. Is it possible for nationals of certain countries to enjoy more favorable treatment in a host country compared to other migrants?**

The *Migration and the Law* project acknowledges that migrants originating from certain countries may enjoy preferential treatment in a host country, especially if the country of origin and the host country belong to the same regional economic/trade bloc (e.g., MERCOSUR, EU). Still, the study focuses on the legal treatment of economic migrants/refugees in general, disregarding regional or bilateral agreements.

**11. Based on the *Migration and the Law* data, all surveyed countries offer some route to citizenship for economic migrants. Does this refer exclusively to residency-based naturalization processes?**

In some cases, survey respondents did not make a clear distinction between residency-based naturalization process and other avenues for obtaining citizenship (e.g., descent, marriage, investment). None of the surveyed countries impose an outright prohibition on obtaining citizenship through residency-based naturalization. Still, numerous countries greatly limit migrants' ability to apply for citizenship through a variety of conditions and requirements, rendering it virtually impossible.

**12. Why is a job requirement categorized as a legal obstacle to accessing a labor market?**

The *Migration and the Law* database reveals that admissions policies and labor market integration polices are highly interwoven and cannot be easily separated. Different work visa categories allow different level of access to private sector jobs. At the same time, the visa category itself is often determined by a specific job offer or limited to workers with a particular set of skills. Hence, while a job offer is more related to the admission/visa status of a potential economic migrant, it cannot be removed from a discussion of labor market openness. A migrant who is applying for employment authorization is often required to hold a certain visa/immigration status.