The ‘right to work’ as a Policy Tool in Response to the Venezuelan Migrant and Refugee Crisis in Aruba

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Short Summary

This paper has the ambitious task of attempting to combine a number of different theories, from a number of disciplines, in order to conceptualise recent developments in migration policy in Aruba. These current developments in migration policy are namely the opening of ‘alternative pathways to stay’, which primarily involves extending the ‘right to work’ for asylum seekers and forced migrants. These migration policies can be seen as part of a wider development strategy in Aruba, which relies on the recruitment of immigrant labour for mass hotel and resort-orientated tourism development. ‘Alternative pathways to stay’, through temporary work visas, can be seen as a renewal of the immigration policies which were adopted in the 1980’s following Aruba gaining its current status of autonomy within the Dutch Kingdom, known as ‘status aparte’. Following this mass tourism and immigration strategy, Aruba’s Gross Domestic Product (GDP) and Human Development Index (HDI), by the beginning of the 2000s, was comparable to most European countries (Croes and Hooimeijer 2010). GDP growth slowed after the tourism industry became fully established at the end of the 1990s and immigration drastically decreased after 2006 due to stricter immigration policies (Alberts 2016, Central Bureau of Statistics Aruba 2015).

Currently, the government of Aruba is trying to negotiate down a deal that was struck by the previous government of 8,000 additional hotel rooms to be added to the current 2,900 active rooms in Aruba (Danguillaume P. Oduber, Minister of tourism, 02.05.19; Hose Gregorio Figaroa, Vice president of Aruban Workers Federation, 08.04.19). The continuation of mass tourism development in Aruba, as indicated by the new hotel rooms, has coincided with changes to migration policies. These changes can be seen through the increased availability of temporary work permits and therefore, an extension of the ‘right to work’ to more asylum seekers and forced migrants (Kelly Bendelow, UNHCR Protection Officer, 24.04.19; Kathleen Ruiz-Paskel, Director DIMAS, 06.05.19).

This research also has the added dimension of analysing these changes in migration policies in Aruba as a humanitarian response to the Venezuelan migrant and refugee crisis, which has seen more than 3.6 million people fleeing to neighbouring countries in the region (UNHCR and IOM 2019). The United Nations High Commissioner for Refugees (UNHCR) and the International Organisation for Migration (IOM) have, as of 2019, formed a coordination
platform to design and manage a joint-led response to the Venezuelan refugee and migrant crisis in the region. The IOM and UNHCR, are responding to the crisis with an emphasis on temporary work permits as a way to ensure the legal status of Venezuelan migrants and asylum seekers in the region (UNHCR and IOM 2019). Aruba has only now, since 2019, begun processing Venezuelan asylum applications, and providing the ‘right to work’ to asylum seekers, with the support of the UNHCR who arrived in Aruba in 2018 (Kelly Bendelow, UNHCR Protection Officer, 24.0419).

There are currently two far-reaching yet sensitive policy issues being negotiated simultaneously in the parliament of Aruba; the number of new hotel rooms and migration policies relating to the ‘right to work’ for Venezuelans. In order to understand who and what is driving the readoption of old migration and development practices in Aruba, which are expansive migration policies coinciding with mass tourism development, political science and economic theories of migration are employed. The ‘right to work’ as a policy response to the Venezuelan crisis, is similarly encouraged by the IOM and UNHCR. Consequently, this paper uses theories of international governance and norm-setting to better understand the role of the IOM and UNHCR in the formulation of the ‘right to work’ as a policy response in Aruba.
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Introduction

Aruba is a small island tourist economy (SITE) situated in the south Caribbean Sea, 29km from the Venezuelan coast. It is 179 square kilometres in size and has a population of 105,000 people, there are additionally thought to be 16,000 undocumented Venezuelans living on the island (UNHCR 2018). Aruba, Bonaire and Curacao are three islands in the Dutch Kingdom, Aruba and Curacao are constituent countries, and have autonomy over their domestic but not foreign affairs (The Government of the Netherlands 2019; Van Woudenberg 2005). These islands, known as the ABC islands, are facing extreme migration pressures resulting from an exodus of people fleeing the social and economic crisis in Venezuela (UNHCR and IOM 2019). This paper is in response to the current negotiations of development and migration policies in Aruba at a time when the island’s immigration and asylum systems are facing unparalleled pressure.

There is growing concern among an increasing number of researchers, including those in the field of migration, that the proponents of neoliberalism are continuing their market-driven policies despite evidence that these policies do not produce inclusive or sustainable growth (see Stiglitz 2002, Krissman 2006, Rodrik 2011). In migration literature a lot has been written about the relationship between capitalism and migration policies (Rhus 2013, Lahav and Guiraudon 2006, Freeman 1995, Krissman 2006, Cheliotis 2017, Noll 2008). Within this migration framework, and in humanitarianism more generally, there exists a debate surrounding a trade-off between ‘numbers’ and ‘rights’, in which liberal market economies are generally expected to tolerate high numbers of migrants and asylum seekers at the expense of the rights provided to them (Rhus 2013). Aruba is a liberal market economy where the continuation of mass tourism development, operated by transnational tourism corporations, was recently agreed to by the former sitting government (Hose Gregorio Figaroa, Vice President of the Aruban Workers Federation, 05.04.19; Danguillame Oduber, Minister of Tourism, 02.05.19; Glenbert Croes, Minister of Labour, 02.05.19; Daniel Tecklenborg, Director of CEDE Aruba, 17.04.19). Therefore, it is not surprising that migration policies in Aruba currently favour a ‘numbers’ over ‘rights’ approach, which follow the principles of the market, especially given the anticipated construction of new hotels. This paper adds to the literature surrounding the political economy of migration policy and the ‘numbers vs rights’ debate in liberal market economies through an
analysis of the new coordinated response between the United Nations High Commission for Refugees (UNHCR) and the International Organisation for Migration (IOM) to the Venezuelan migrant and refugee crisis in the region that centers around the ‘right to work’ as a policy response. The argument this paper will follow is based on three main theoretical approaches in migration literature; the constructivist institutionalism approach, interest group theory and theories of international governance and norm-setting. These theories will be set within a broader framework of globalisation and historical-structural theories of migration.

The IOM and the UNHCR are jointly tasked with responding to the Venezuelan refugee and migrant crisis in the region, as people who are fleeing Venezuela are a combination of refugees and economic migrants (UNHCR and IOM 2019). In scholarship and the policy arena humanitarian and economic migration are traditionally treated as separate domains. However, there is a growing realisation that there is very little benefit in this strict categorisation between the two, as the economic and humanitarian motive to migrate is very difficult to disentangle (Castles, de Haas and Miller 2014; Kelly Bendelow UNHCR Protection Officer 24.04.19). The ‘number vs rights’ model highlights how immigration and asylum policy choices, under budget constraints, follow the same trend (Rhus and Martin 2008, Rhus 2013). This manifests as a trade-off between a host state’s openness in terms of access to its territory (numbers) and the extensiveness of rights granted (e.g. right to social welfare, right to education, right to work etc.). The types of rights that migrants and asylum seekers have access to vary according to the state, usually with social and economic rights, rights relating to family reunion, and residency being those that are most commonly restricted (Rhus 2013). Most refugee literature supports, either directly or indirectly, that some form of a ‘numbers vs rights’ trade-off can also be applied to asylum policy (Noll 2003; Neumayer 2005; Andersson and Nilsson 2009).

As asylum seekers in Aruba are given the ‘right to work’ and the ‘right to education’, the same rights afforded to economic migrants, there is reason here to view the current asylum and immigration policies in Aruba as two sides of the same coin, which will be elaborated on further in the findings section of this paper. There is fear that if there is no separation between economic migration and humanitarian migration, then the provision of humanitarian protection will only be given on the basis of labour demand (Noll 2008). This paper questions the invariable separation of economic and humanitarian migration in scholarship, although in practice it is already being bridged through migration policies such as the ‘right to work’ and the support of such migration
policies by the new UNHCR and IOM partnership. This paper will argue that there has been a conflation between asylum and immigration policy in Aruba on the basis of labour demand, and that the provision of rights to asylum seekers and migrants is left in the hands of the market.

This thesis will argue that these developments in migration policy reinforce employer gains and result in the theoretical separation between economic and humanitarian migrants in Aruba as arbitrary and perhaps, futile. The aim of this paper is to highlight the main migration policy drivers in Aruba and explore why migration policy is being developed around the principle of ‘the right to work’. Therefore, the research question which has guided this paper is; Why is the ‘right to work’ the preferred policy response to the Venezuelan migrant and refugee crisis in Aruba?

This paper will begin by outlining the theoretical framework which is three-fold; the constructivist institutionalism theory, the interest group theory and finally theories of international norm-setting and governance. It will then move to an explanation of the methods used in the development of this paper which were centered around in-depth interviews conducted across the migration system in Aruba. Finally, the findings are presented in which the theory, outlined in the theoretical framework, is used to conceptualise the migration policy response to the Venezuelan migrant and refugee crisis in Aruba.

1. Theoretical framework

1.1. Definitions and General Framework

To begin the theoretical framework, commonly used terminology will be defined. Subsequently, the main body of theory that is used to structure the argument of this paper will be outlined. The definition of migration policy given by the IOM’s Migration Governance Framework is defined as “law and policy affecting the movement of people” which includes policy surrounding economic migrants, asylum seekers, family reunion, et cetera (IOM 2017). Immigration policy is defined as the incorporation of migrants into a society, in other words, what rights they possess, vis-à-vis the citizen population (Hammar 1985). Asylum policy regulates the type of international protection offered to people that flee from persecution and
serious harm in their own country and is viewed as a fundamental right and international obligation, separate from immigration policy (European Commission 2016 (a)). Immigration policy, concerning economic or labour migration, differs from asylum policy or humanitarian migration, as all states have autonomy over their immigration policies, in other words, how many people can come into the state and what type of rights they possess once they are there. Whereas states which are party to the Geneva convention are bound by the non-refoulement clause and cannot deny claims of asylum if those in question may face persecution (European Commission 2016 (a)).

The neo-marxist historical-structural theories of migration outline how the actors involved in migration policy are constrained in their choices which leads to greater disequilibria within the migration system. Within this theory, migration is seen as the provision of cheap, exploitable workers that serve the interests of the rich, viewing the large scale recruitment of migrants as a channel to mobilise cheap labour for the purpose of capital creation (Castles, de Haas and Miller 2014). Furthermore, due to the international nature of ‘the rich’ in the Aruban context, involving transnational hotel corporations which are served through the provision of a cheap, immigrant labour force, there is a need to understand migration dynamics in Aruba through the lens of globalisation (Hose Gregorio Figaroa, Vice President of the Aruban Workers Federation, 05.04.19). Theories of globalisation view certain migration practices as serving the interests of transnational corporations (TNCs) and the (usually northern) nation states to which they belong (Castles, de Haas and Miller 2014). TNCs are drivers of globalisation as they move capital, goods, technology and crucially in this context, people across borders (Stiglitz 2002). As the profits from the development of TNCs are typically exported, it can thus be seen as a new form of imperialism (Castles, de Haas and Miller 2014, Stiglitz 2002). Dani Rodrik argues that the forces of globalisation constrain national autonomy. He argues that the freedom to move capital across borders is particularly likely to limit the state’s ability to set taxes and regulations (Rodrik 2011). Furthermore, the UN agencies, the UNHCR and the IOM, as international intergovernmental institutions, are themselves representatives of globalisation (Stiglitz 2002).

Lahav and Guiraudon argue that migration literature needs to expand the analysis to better understand the various actors and venues where migration policy is formed and where the ‘gap’ between migration policy objectives and its outcomes lie (Lahav and Guiraudon 2006). Therefore, in order to understand the potential outcomes of migration policies in Aruba, this
thesis will attempt to analyse the actors that influence migration policies and the venues in which these actors are working in order to better understand why migration policies are formulated as such.

The relationship between actors and venues, are in other words, the socio-economic institutions of a state, which will be outlined in the political economy of migration section below. The socio-economic institutions of a state can help explain the nature and size of migration flows in respective political economies and can further highlight the intricate relationship of causality between capitalism and migration (Afonso and Devitt 2016). Additionally, the interest group theory, due to Aruba’s dependence on the tourism sector, will be used to analyse its migration policies. Aruba, like other small island tourist economies (SITEs), is largely made up of transnational tourism corporations where workers are dependant on transnational employers, who reside outside local governance (Hose Gregorio Figaroa, Vice President of the Aruban Workers Federation, 05.04.19; Lee, Hampton and Jeyacheya 2014). Additionally, as the new partnership between the UNHCR and the IOM is of central importance to this paper, there is a need to outline theories of international norm-setting and governance. Therefore, the subsequent sections of the theoretical framework will be used to analyse the current migration policy drivers in Aruba and will be structured as follows:

1) the political economy of migration theory, through the constructivist institutionalism approach and interest group theory
2) the role of the employer in migration policy
3) theories of international norm setting and governance in migration.

1.2. The Political Economy of Migration

There is a need, in the context of this research, to understand migration policy through both the lens of political science and economics, and thereby to integrate the concepts used in their respective approaches. This integration of political science and economic approaches to international migration, is done in order to get a better picture of how markets and politics interact with each other in the creation of migration policies (Freeman and Kessler 2008; Afonso and Devitt 2016; Mc Govern 2007). Political science analyses migration policy through the roles
of states, institutions and interest groups in channelling economic and non-economic preferences into migration policy, and how these different actors more generally shape the prevailing policies. Whereas in the field of economics, migration policy is understood largely to be the result of economic costs and benefits to migration in a host society, and therefore, providing the answer to the underlying incentives that influence the policy preferences of the actors involved (Freeman and Kessler 2008).

Migration policy in political science literature, largely rests on three approaches; the statist, the institutionalist and the interest group. The latter two will be employed in this paper. The state’s role in constructing policy has gone through considerable change as a result of globalisation and the liberalisation of markets, therefore the statist approach is losing traction in political science literature (Stiglitz 2002; Rodrik 2011; Freeman and Kessler 2008; Krissman 2006; Lahav and Guiraudon 2006). However, within certain schools of thought, namely the realist school, the state remains a unitary and powerful actor which shapes migration policy on the basis of national interest (Freeman and Kessler 2008). The institutionalist perspective promotes the idea of ‘path dependence’ and that factors influencing migration policy are complex and policy legacies and history matter when analysing migration policy. Lastly, the interest group approach understands migration policy as being formed through the organisation of collective interests of groups within society and the varying degrees to which these groups are able and willing to organise and promote their collective interests (Freeman and Kessler 2008).

In economics, immigration is understood as the movement of people for the purpose of work. This equates the migrant to labour power and therefore, human capital. From the economic perspective, migrants add to the productive capability and resources of an economy, which in turn increases national income, albeit with the added concern of depressing wages (Freeman and Kessler 2008, McGovern 2007). In addition, the economic approach accounts for the fiscal costs and benefits of certain migration policies. The fiscal impacts of migration generally concern issues of public finance and the net contribution to government revenue that immigrants (or asylum seekers and refugees) will create, which indicates support for certain policies over others. The type of migrant, whether low-skilled or highly-skilled, and the amount of taxes paid versus the amount of public services they consume may be determining factors in certain migration policies being implemented over others (Freeman and Kessler 2008, Rhus 2013). Therefore, if
labour market effects of immigration are less of a concern to society at large, then fiscal considerations will be a deciding factor and vice versa.

The institutionalist perspective is largely based around the idea that actors in the policy field are constrained by factors of history, ideas and institutional legacy that delimit which policy options are feasible and/or even thinkable (Freeman and Kessler 2008, Boswell and Hampshire 2017). However, there is debate within the institutionalist account about how these ideas impact policy. The instrumentalist account views ideas as tools used by policy actors to achieve their own ends. Whereas, the institutionalist account views ideas as fixed framings of problems which determine the discourse around an issue and therefore limit the range of possible solutions (Boswell and Hampshire 2017). This paper will use the theory of constructivist institutionalism to analyse migration policy drivers in Aruba. The constructivist account is a combination of the instrumentalist and institutionalist account, which views actors in policy development as simultaneously being constrained by ‘background ideas’ while still having the ability to adjust, reinterpret and deploy old ideas (Boswell and Hampshire 2017).

Therefore, when joining the institutionalist perspective with the economic, one questions whether the subsections and various institutions of the state have similar policy objectives. For example, institutions matter when immigration objectives vary according to different branches of government, some of which may be largely focused on long term (the executive branch) or short term (bureaucratic agencies) gains from migration (Freeman and Kessler 2008). Concerning the fiscal impacts, institutions become important as there are various forms of welfare systems in states: social democratic, corporatist and liberal. Naturally, the more inclusive a welfare institution, the more likely pressure is experienced from increased migration, which will in turn, create issues for other state institutions (Freeman and Kessler 2008, Afonso and Devitt 2016). Migration policy is also largely determined by the relationship between the state, capital and labour in the host society. This is otherwise known as the ‘varieties of capitalism’ which are generally organized into two groups of political economy; the coordinated market and the liberal market. A coordinated market, for example, would be expected to develop, maintain and enforce stricter labour market regulations and policies. This is done with the aim of reducing the prominence of dual labour markets and large sectors of the economy that are dominated by immigrant workers. Conversely, liberal market economies generally tolerate high levels of illegal
immigration and unauthorised labour, as well as a more segmented labour market (Freeman and Kessler 2008).

The concept of path dependency is central to understanding migration, and development more generally, through the institutionalist and economic theories of migration. Path dependency is the idea that actors in the policy field are restricted by development agendas of the past and are thus bound by these ‘paths’ in their formulation of solutions to contemporary problems (Freeman and Kessler 2008, Alfonso and Devitt 2016, Boswell and Hampshire 2017). However, according to the constructivist interpretation, actors in the policy field are also able to use these old paths and framing to their own benefit thus not being solely victims to institutional legacies (Bowell and Hampshire 2017). Institutions have the added role of shaping interest group organisation and what these groups think they can, and do, achieve (Freeman and Tendler 2012).

The interest group approach, in relation to economics, is a simple calculation as to who wins from certain immigration policy scenarios, through the supply and demand of labour. The type of labour, skilled and unskilled, and the organisation of labour and employers is of importance here in predicting to whom the costs and benefits are going to fall (Freeman and Kessler 2008, Freeman and Tendler 2012). For example, if the benefits of immigration are concentrated and the costs are diffused, this produces client politics which is dominated by beneficiary groups, as originally outlined by Olson (Olson 1965; Freeman and Kessler 2008; Freeman and Tendler 2012). The interest group theory in relation to migration policy, seen through the lens of economics, highlights the origins of preferences of interest groups in the policy making field. This is usually through the interplay of preferences relating to wages, profits and net-fiscal benefits (Freeman and Tendler 2012).

Therefore, by bringing political science approaches, the institutionalist and interest group theories, and the economic approaches together to understand migration policy drivers, one is closer to understanding how migration policy is formed. These theories of the political economy of migration provide frameworks that enable one to analyse which actors or groups of actors are involved in migration policy development and also which factors incentivise and restrict these actors in support of various migration policies.

As this thesis focuses on migration policies in Aruba, there is a need to outline certain characteristics of institutions and interest groups in liberal market economies. As previously mentioned, the role of history and institutional legacy is of importance when analysing the
development of migration policies in liberal democratic states. Freeman provides the example of British settler colonies such as Canada, Australia and the US and how immigration was institutionalised early on in their development paths, and played a decisive role in the development and survival of these states. Freeman highlights how the legacies of immigration still impact current migration policy formulations in these liberal market economies (Freeman 1995). Therefore, when analysing migration policies in Aruba which has a history of economic development that coincided with mass immigration, similar to the US and Canada, institutions and path dependency becomes of utmost importance when understanding their contemporary policy responses.

Liberal market economies, have various interests and actors to conciliate when designing migration policies. According to Freeman, the direction of policy in liberal market economies is the result of which fragments of the public have the greatest incentives and resources to organize (Olson 1965, Freeman 1995). As mentioned above, when the gains of migration are concentrated, those who benefit directly are better organized than are those who bear the costs of immigration, which are usually diffused. According to Freeman, employers in labour-intensive industries, that are reliant on an unskilled workforce, are those that profit the most from increased immigration and a population increase (Freeman 1995). This is client politics as discussed above, when small well-organised groups work with state officials in designing migration policies, which are strongly characterised by expansive migration outcomes and which are usually organised outside the public view (Freeman 1995). The following section will further outline the role of the employer, as an organised interest group, in the development of migration policy.

1.3. Employers and Migration Policy

The role that employers and their organised interests play in the formulation of migration policy is the focus of Krissman’s paper ‘Sin coyote ni Patron’. The literature surrounding migration, according to Krissman, has placed too much emphasis on the role of migration networks in increasing and assisting migration flows, and consequently has ignored the role of employers (Krissman 2006). According to Krissman, employers are the ones which promote and
gain the most from both informal and formal labour programmes (Krissman 2006). Even though formal recruitment programmes are implemented by the state, it is done so to provide immigrant workers to private employers (Krissman 2006). The state by-way becomes the facilitator in linking ‘willing employers with willing workers’ by helping private companies recruit all over the world. However, it is not only state-led formal recruitment programmes that link employers and workers, but also informal channels through which employers informally source their labour in order to decrease costs and dampen the attempts to provide adequate standards of protection and rights to migrants (Krissman 2006, Ruhs 2013). Employers actively pursue these informal forms of recruitment through the use of intermediaries and sub-contractors. Employers, according to Krissman, use their socioeconomic power to get others to recruit for them, whether it be the state or labour recruitment agencies, and at often times are unaware how the labour force they employ was recruited. This provides employers with plausible deniability when it comes to escaping criminal charges in cases of informal recruitment practices (Krissman 2006).

Furthermore, the political economy of border enforcement outlines how the recruitment of irregular migrants in the informal labour market is something which the state aides employers in achieving (Facchini and Testa 2015). External border control (eg. airports, coast guard) and internal border control (eg. work site inspections) are two ways in which the state can police irregular migration, the latter of which is more effective (Facchini and Testa 2015). Despite work site inspections being the most effective way to police irregular migration, states rather often implement policies which focus on external border control and ignore or underfund internal border control. This is done to have the utilitarian optimum number of irregular migrants in the labour market, in order to protect the sectors of the economy which rely on cheap labour and in turn, protect the economy as well from inflationary pressures (Facchini and Testa 2015).

Krissman provides five trends which outline the actions and influence of employers on increasing migration flows and why it needs to be given more weight in migration literature. The first is that “after employers use immigrant workers once, they are more likely to do so again” which highlights the importance of path dependence and history in migration policy creation. Second, “employers are more likely to use immigrant workers if they know other employers use such labor” which would point to the importance of the political economy of the state, whether it be a liberal market economy or not. Thirdly, “when socioeconomic barriers to using immigrant workers rise, dependence on intermediaries to obtain that labor increases”, which highlights the
insatiable desire for immigrant labour. Fourthly, “employers seeking to maintain substandard labor market conditions are more likely to prefer immigrant workers” which, perhaps most importantly for this thesis, highlights that viewing the employment of immigrants and asylum seekers as amnesty is highly problematic. Lastly, “employers in industries and/or regions where immigrant labor is common are more likely to use such workers” which highlights the importance of the sector where the immigrants are largely employed. According to Krissman, it is the enterprise owners, made up of executives, board members, and shareholders who capture most of the value within a migration network (Krissman 2006 p. 35).

The interest group with the most to gain will be the most successful in lobbying for their optimal outcomes in migration policy, employers being those with the most to gain (Krissman 2006). Employers have varying degrees of success depending on the ‘variety of capitalism’ or institutions in place. Unlike in a coordinated market, if the political economy of the state is a liberal market economy, the segmentation of the labour market, informal practices and therefore the subversion of migrant rights become more commonplace (Rhus 2013). However, it is not only in liberal market economies that migrant rights are being subverted, as all over the world states do not wish to view migrant rights as human rights. This is highlighted by the fact that the Convention for the Rights of Migrants (CMW), is the least ratified of all human rights treaties (Ruhs 2013). There are other human rights regimes which should theoretically ensure the rights of migrants, such as the European Court of Human Rights, however, according to Ruhs, it has done little to enhance the social rights of foreigners as these rights are usually based on national citizenship (Ruhs 2013). As mentioned above, states prefer to attract high-skilled migrants due to fiscal and labour market considerations and therefore compete with each other to attract these high-skilled migrants by providing an array of rights (Ruhs 2013). The opposite is true regarding low-skilled migrants where one witnesses a ‘trade-off’ between numbers and rights - the more open an immigration policy is, the less rights are provided to migrants. These rights usually consist of social and economic rights and also rights concerning family reunion and residency (Ruhs 2013). The host state makes distinctions between different categories of migrants and their corresponding rights. The categorisation of migrants is based on the status of residency eg. permanent resident status, temporary migrant status and illegal status - restriction of rights is usually reserved for temporary status and those with illegal status (Ruhs 2013).
Ruhs, similar to Freeman and Krissman, highlights the role of employers in the creation of immigration policies, thereby challenging the perception of the state as an independent actor. As mentioned above, as the benefits for employers are concentrated, they are incentivised to organise and lobby their interests. The result is client politics for the purpose of expanding immigration, whether it to be in the interest of the state or not (Ruhs 2013). Liberal market economies create more low paying jobs and as a result have a greater demand for unskilled labour, further segmenting the labour market (Rhus 2013). As low skilled workers make smaller tax contributions, but yet would theoretically put more strain on social services, a simple cost/benefit analysis is made by the state which usually amounts to the conclusion that rights cost money and therefore, develop policies to avoid this (Rhus 2013). In liberal market economies, according to Ruhs, immigration is a tool that is used to provide employers with low-skilled, flexible, cheap labour which can be denied an array of rights and which therefore adds to the employers’ low cost production systems and does not put strain on the state welfare system (Ruhs 2013).

1.4. *International Governance and Norm-Setting*

The power of international organisations in international norm-setting and enforcement, has grown alongside increasing globalisation. However, in the field of international migration the will of states to cooperate has often been lacking, as highlighted above by the lack of ratification of the CMW (Castles, de Haas and Miller 2014). There are two prominent UN bodies in the arena of the international governance of migration; the newly adopted International Organisation for Migration (IOM) and the United Nations High Commission for Refugees (UNHCR) which have, as of 2019, began to collaborate closely in the area of migration and refugee protection (UNHCR 2019 (a)).

There is a consensus in the literature surrounding the international governance of migration that on the international level there is a general trajectory of liberalisation regarding migration policy (Koch 2014). This liberalising tendency, however, has been called into question by a small number of scholars, which point out that the international level may in fact be implicated in restrictive migration policies (Guiraudon 2000; Schain 2009; Koch 2014). These
scholars focus on the role of governance at the international level in providing alternative policy venues that actors pursuing restrictive migration policies can turn to (Guiraudon 2000; Schain 2009).

In a paper exploring the role of the UNHCR and the IOM in the return of migrants, Anne Koch explores how these international organisations are involved in norm-building in relation to the social and political acceptability of state-induced returns (Koch 2014). Not only do international organisations, according to Koch, set certain minimum standards regarding a state’s treatment of the immigrant population, international actors also aid these states in upholding control over these populations. She outlines that rather than replacing state-led regulation in return-migration, the IOM and UNHCR, instead support state governments in reaching their migration control objectives, and in doing so contribute to the stabilisation of state sovereignty in the governance of migration (Koch 2014). This paper will use these insights to analyse the role played by the UNHCR and IOM in migration policy developments in Aruba.

To conclude, this thesis is centered around a critique of the impending market driven migration policies in Aruba which are supported by the UNHCR and IOM. To understand the underlying incentives and processes which amount to the ‘right to work’ being the favoured policy tool in Aruba, historical-structural theories of migration and theories of globalisation will be used. Similarly, the political economy and international governance theories of migration policy will be used to answer the research question which has guided this paper; Why is the ‘right to work’ the preferred policy response to the Venezuelan migrant and refugee crisis in Aruba?. By joining the economic theories of migration policy - the calculation of who wins through certain migration policies, and political science theories of migration policy - how actors channel their preferences into migration policy creation, one is able to analyse why the ‘right to work’ is the current migration policy of choice in Aruba. More specifically for the context of this research, the constructivist institutionalism approach which outlines how actors are both constrained and aided by institutional legacies in policy making and the interest group theory, through the role of the employer, will be used to analyse their roles in migration policy creation. As the ‘right to work’ is similarly encouraged by the UNHCR and IOM, this brings theories of international governance of migration and asylum into view. Why the ‘right to work’, for immigrants and asylum seekers alike, is the policy response of choice in Aruba, will be presented in the findings.
2. Methodology

In order to understand the processes, context and actors involved in the development of migration policy in Aruba, there was a need to conduct qualitative research across the migration system. Additionally, due to the focus of the new IOM and UNHCR partnership, there was a need to analyse the documents which outlined the partnership’s objectives. Before the beginning of this research, there was an acknowledgment that immigration is viewed differently in various parts of the globe and therefore, the cultural, social and economic contexts of a particular population in relation to immigration would have to be understood. As migration is an emotionally and politically sensitive issue, the prevailing contexts and experiences of people in Aruba was considered as relevant in order to understand the responses to migration pressures which were taking place.

A number of documents were central to this research, namely the joint letter from the UNHCR and IOM announcing their new close partnership (UNHCR 2019(a)), the UNHCR and IOM’s regional response plan to the Venezuelan migrant and refugee crisis (UNHCR and IOM 2019) and the World Travel and Tourism Council’s report on the economic impact of tourism in Aruba (World Travel and Tourism Council 2018). The qualitative research method chosen for this research was in-depth interviews in order to gain insight into the variation of experiences of those working in the migration system in Aruba. As there was no guarantee, at the beginning of the field work in Aruba, which dynamics and actors were actively participating in the construction of migration policy, the qualitative interviewing process provided much needed flexibility. Semi-structured interviews allowed for changing of interview questions as the interviews proceeded and allowed for more relevant data to be collected. However, as the majority of data collected is based on what I was told by interviewees, there is significant variation at times regarding facts and figures, which has resulted in certain findings being inconclusive.

As the nature of this research simultaneously involved migrants, of both regular and irregular status, as well as policy makers and international representatives, there was some difficulty in finding interviewees. The main interviewees were either a segment of the population
whose status might deter them from speaking openly, which was especially significant for irregular migrants, or those who are active in asylum and immigration policy creation, a politically sensitive topic, details of which were not yet being made known to the local population. This created problems concerning willing participants for interviews, which is why the method of snowball sampling was used, using the social and professional networks of those already interviewed in order to generate more interviews.

Overall, there were 18 face-to-face interviews, 2 of which were conducted in January 2019 and the subsequent 16 were recorded over a five week period in April/May 2019. At the beginning of the research the interviewees were made up largely of Venezuelan migrants. However, as my research progressed there was a need to change my research objectives and therefore participants, which resulted in requesting interviews with people who were involved in the development of migration policy in Aruba and those that dealt with the fall-out of certain migration policies, such as labour unions and NGOs. The first set of interviews with Venezuelan migrants, Aruban teachers and law enforcement officials gave little data concerning formal recruitment programmes and migration policy formulation on the island and were therefore used to provide context and depth of understanding to the policy area.

Immigration and asylum are sensitive issues that have resounding effects on people's lives. Therefore, when conducting this research, there was a need to understand the potential ethical dilemmas that could be encountered. As the range of interviews involved people across the migration system and dealt with both legal and illegal activity, there was a need to be sensitive about the information that was collected, in order to avoid negative consequences for people that participated in the study and in order to avoid misunderstandings between different actors in the system. The main data collected from each interview and documents were analysed and coded in line with the theories that have been outlined in the theory section above. The information that fell in line with interest group theories, institutional theories of migration policy and international governance was coded as such.

3. Findings
The backdrop of the Venezuelan migrant and refugee crisis and the development of new hotels is the context in which migration policies are currently being developed in Aruba. In the findings section below, the actors and incentives influencing the ‘right to work’ as the preferred migration policy response, will be proven to be heavily interlinked and highlight the need for both economic and political science theories of migration to be utilised in order to understand the economic incentives and institutional constraints that influence policy actors in Aruba.

The findings of this research will be presented as follows; firstly, characteristics of the tourism industry in small island tourist economies (SITEs) will be outlined; secondly, the influence of the tourism industry on Aruban labour market and migration policies will be discussed; thirdly, the current workings and challenges facing the Aruban migration system will be presented; and finally, the influence of the UNHCR and IOM in the development of migration policy in Aruba will be highlighted.

3.1. *Tourism and Development in SITEs*

The nature of Caribbean island tourism or small island tourist economies (SITEs) is highly competitive. Most small, caribbean island states are offering the same tourism product, luxury island holidays, and are competing on the same market, which is largely North American (Lee, Hampton and Jeyacheya 2014). As SITEs have reorganised their economies with the tourism sector as their main source of employment, Foreign Direct Investment (FDI) and income, this creates issues of dependency, especially when one considers that these tourism sectors are primarily owned by transnational tourism corporations (Wong 2015; Lee, Hampton and Jeyacheya 2014). This high dependency on tourism is both very precarious for the island economies themselves and for those employed in the tourism sector. These island states become reliant on good economic conditions in North America and Europe and the consent and investment of large transnational tourism corporations (Wong 2015; Lee, Hampton and Jeyacheya 2014).

The consent of transnational tourism corporations typically depends on the offered low-cost structures on the island and the amount of profit that can be exported from the tourism sector. For example, in Aruba, during the mass tourism development of the 1980s and 1990s, many of the hotels owned by transnational tourism corporations were all-inclusive. The all-
inclusive-holiday package attracts a lot of tourists but due to its all-inclusive nature, it does little to boost local businesses (Hose Gregorio Figaroa, Vice President of the Aruban Workers Federation 05.04.19). Currently in Aruba, there are plans to build an all-inclusive hotel in one of the most economically and socially disadvantaged parts of the island, which the vice-president of the Aruban Workers Federation said would bring very little sustainable development to the area (Hose Gregorio Figaroa, VP of FTA 05.04.19). The current government, is in favour of boutique tourism development were every hotel would be no more than 50-100 rooms in an attempt to negotiate away from the mass, all-inclusive tourism development which was agreed upon by the previous government (Daniel Tecklenborg, Director of CEDE Aruba, 17.04.19). However, the minister of tourism indicated that the all-inclusive style of development, operated by the TNCs will more than likely go ahead (Danguillaume Oduber, Minister of tourism, 02.05.19). This all-inclusive style of development is not known to be particularly beneficial for the local population as the majority of profits will leave the island; this is how the Aruban tourism industry was established in the 1980s and 1990s (Daniel Tecklenboug, Director of CEDE, 17.04.19). The current government and the local population does not want this type of development anymore, and are more in favour of small, boutique style development which would also encourage more local investment and result in more profit staying on the island (Daniel Tecklenbourg, Director of CEDE, 17.04.19; Danguillaume Oduber, Minister of Tourism, 02.05.19; Hose Gregorio Figaroa, Vice President of Aruban Workers Federation, 05.04.19).

This might be viewed as ‘path dependency’, as development strategies of the past are heavily influencing the current formulation of development policy. The continuation of ‘all-inclusive’ tourism perhaps also highlights theories of interest groups and globalisation, whereby transnational corporations extract profit from SITEs and may carry disproportionate weight in the SITE’s development agenda.

The impact tourism has on economic development of SITEs can be seen through the multiplier effects that the industry has on the local economy. The multiplier effect is the injection of cash flow into an economy, as a result of its services being consumed, in this case, the services provided to tourists. Ideally this cash flow becomes a source of jobs and income for the people who provide services and the re-spending of incomes creates additional economic activity, known as the multiplier effect (Croes 2007). According to Croes, the tourism sector in Aruba has the highest multiplier effect for the local economy, with every 1 dollar spent by
tourists, an extra 2.4 dollars of economic activity is created on the island. However, Croes further acknowledges that the multiplier effects from the tourism industry are lower for small economies than large economies. This is due to small economies’ reliance on imports. Similarly, Croes outlines that the significant multiplier effect that tourism has on the Aruban economy is due to the share of wages that it produces, and does not account for the low-wages that the workers in the sector receive (Croes 2007). Therefore, one can conclude that the tourism sector in Aruba is more responsible for increased gains for the local community than any other sector in the economy. However, this research does not explore the unequal distribution of the increased gains for the poorest and most vulnerable populations in Aruban society. This research is now 12 years old and has not been updated, however, the tourism industry in Aruba still accounts for 87% of total employment on the island and therefore, the high multiplier effect is likely still in effect (World Travel and Tourism Council 2018).

As previously mentioned, the consent of large transnational tourism corporations is largely dependent on the offered low cost structure on the island, which realises their main objective - the minimisation of costs for the maximisation of profit (Wong 2015). In addition to the all-inclusive style of tourism development, low-wages are also a way that transnational tourism corporations maximise profits. Alfred Wong conducted empirical tests for Caribbean island states and found that the wage structure may be a factor in the number of tourist arrivals to an island. For example, islands with high minimum wages, such as the French oversea territories, have significantly lower tourist arrivals than islands with low minimum wages due to higher cost structures (Wong 2015). Therefore, it appears that island state governments are eager to suppress wage increases in order to maintain the competitiveness and attractiveness of their tourism industries (Wong 2015; Lee, Hampton and Jeyacheya 2014). Wong outlines that local governments are often bribed by these tourism corporations to maintain low wages and corporation tax in order to preserve their profit driven objectives (Wong 2015).

As increased tourism cannot always be met by the local labour supply and in addition to the low wages associated with the tourism sector, governments rely on labour immigration to meet the labour demand. This therefore points to the role of the tourism sector in intensifying the dual-labour market conditions for migrants in island states (Croes 2007). Dual-labour-market theory is a theory on how capitalist economies are segmented into a capital-intensive labour market where workers enjoy high wages and job security and a labour-intensive sector which is
characterised by low wages and insecurity of employment (Piore 1978). In addition to low wages, workers in the tourism sector must contend with the uncertainty of demand for their labour and therefore the insecurity of their employment, due to the transitory nature of the tourism industry (Lee, Hampton and Jeyacheya 2014). In accordance with the dual-labour-market theory, immigration is demand-driven and is built into the economic structure of advanced industrial societies (Piore 1978). Therefore, according to the dual-labour-market theory, immigration is not the result of poor socio-economic conditions in sending countries or ‘push factors’ but is instead the result of the “chronic and unavoidable need for foreign workers” in receiving countries, the ‘pull factor’ (Croes 2007 p.21).

According to Wong and Lee, Hampton and Jeyacheya, by maintaining low wages, any of the economic benefits felt by an increased tourist inflow do not reach the workers in the tourism sector (Wong 2015; Lee, Hampton and Jeyacheya 2014). The increasing inequality for low-skilled workers, as the result of aggressive tourism development, is likened by Wong to the plantation workers on these Caribbean islands during colonial times, where increased profit margins are captured by transnational corporations and are extracted for export, leaving little compensation for workers (Wong 2015). Interestingly, Wong highlights that even if there is a change in development objectives towards more niche or luxury tourism rather than mass tourism, where tourists are expected to come in lesser numbers but with higher disposable incomes, this would not have positive implications for workers in the tourism industry, as incremental gain is always captured by the transnational tourism corporations (Wong 2015).

The 1998 UN report from the Economic Commission for Latin America and the Caribbean: ‘The impact of immigration on Caribbean microstates: Bahamas, British Virgin Islands, Saint Maarten, United States Virgin Islands’, appears to be the most comprehensive research done on the effects of immigration on small island tourist economies (SITEs) such as Aruba. Despite Aruba not being one of the islands studied in the report, the analysis and recommendations may be still highly applicable to Aruba’s current situation. SITEs are generally characterised by their open, liberal market economies which can act as their strength but can also exacerbate their vulnerabilities. The vulnerabilities associated with small island states in general are acutely specialised domestic production and dependence on the service sector for growth. In the case of SITEs, like Aruba, the service sector in question is tourism, which has the added complication of being a labour intensive sector (Irving 2010). This dependence on the tourism
sector for growth, and the dependence of the tourism sector on low-skilled labour, creates its own difficulties for states such as Aruba, where they must rely on labour immigration to satisfy their tourism development and labour market needs (UN 1998). A negative consequence of immigration on the economy of SITEs, according to this report, is that cheap labour makes businesses in these societies less competitive as it keeps low productivity firms in business. However, positive consequences, shown in empirical studies, is that immigrants exert positive growth effects on wages and employment opportunities of natives (UN 1998). The report highlights how it is employers who benefit the most in society when labour and wages can be easily replaced and this benefit, enjoyed by employers, is at the expense of the natives and the immigrants themselves (UN 1998).

This section highlights how the tourism industry in SITEs impacts migration and development policy through institutional legacies and interest groups as these SITEs are constrained by development and migration practices of the past and employers profit driven objectives. Path dependence and employer interests can be seen through the structural need for immigrants in order to maintain low cost structures and the all-inclusive style of tourism development emerging again in Aruba despite local objection. SITEs are constrained by these development and migration practices, which are to the benefit of the transnational employers, over the local population and migrants. In the context of the ongoing Venezuelan migrant and refugee crisis, one witnesses how these institutional legacies - mass tourism development operated by TNCs coinciding with mass immigration- are being utilised to create the ‘right to work’ as a policy response in Aruba.

3.2. **Tourism and its Effects on Labour Market and Migration Policies in Aruba**

Aruba is characterised as having an economy that is highly dependent on tourism. In 2017, tourism and travel contributed to 86.5% of Aruba’s total GDP and 87% of its total employment (World Travel and Tourism Council 2018). According to a report on tourism and travels’ contribution to the Aruban economy, Aruba places 2nd in world, relative to size, for the contribution that tourism makes to GDP (World Travel and Tourism Council 2018). Aruba has used high levels of immigration to sustain mass tourism in the past, and according to Cole and
Razak, has already reached its tourism capacity (Cole and Razak 2009). The initial period of economic growth in the 1980s, after launching their new development strategy, was largely achieved by government incentives to encourage private investors and high levels of labour immigration in order to achieve “high-intensity tourism facilities” (Alberts 2016 p. 78). A paper by Ajen Alberts explores whether this form of tourism development is sustainable in the long run as Aruba has been relying on quantity tourism rather than productivity to maintain their levels of growth (Alberts 2016). Alberts and Cole and Razak state that the population density of Aruba is already too high which means that it is not sustainable to continue relying on an increasing population (facilitated by immigration) for their increasing GDP (Alberts 2016, Cole and Razak 2009).

An intensity driven tourism strategy resulted in tourism volume growing more than 60% in terms of stayover capacity and has more than doubled the number of nights spent since the 1990s (Alberts 2016). GDP growth overtook all previous levels within two years of launching their new tourism development strategy (Alberts 2016). Labour immigration in the 1980s and 1990s was initially seen as rotationary, where migrants were expected to temporarily stay on the island and then return, which allowed Aruba to modify its labour supply when needed, but the majority of temporary migrants stayed. This supply of foreign labour became integral to their development model of high-intensity tourism, of which without it, would not have succeeded (Alberts 2016, Cole and Razak 2009). According to Alberts, at each stage of increased FDI in Aruba, the increase was matched by an increase in labour supply, through immigration (Alberts 2016). The simultaneous increase of immigration and development in the tourism sector, resulted in native Aruban people moving out of the tourism, construction or retail industries and into the higher employment categories. This scenario is typical of this development strategy as people moved up the employment ladder and were replaced at the bottom by immigrants (Alberts 2016).

Currently, Aruba, after a decade of slow growth and low levels of immigration, has returned to its development strategy of the past which is based on the development of mass tourism facilities to be sustained by increased immigration. The return to strategies of the past is exemplified by the construction of new hotels and an extension of the ‘right to work’ to more Venezuelan migrants and asylum seekers.

Employers prefer low-wage labour to be supplied by immigrant workers as their economic rights can be more easily subverted (Krissman 2006). In an interview with
the Vice President (VP) of the Aruban Workers Federation (FTA), the relationship between the TNCs in the tourism sector and workers rights was discussed. According to the VP of the FTA, there is a lot of resistance to labour unions from the main transnational hotel chains in Aruba which are namely the Marriott, the Renaissance and the Ritz Carlton (Hose Gregorio Figaroa, VP of FTA 05.04.19). The Marriott, for example, flies in union busters to put pressure on workers not to vote and the only parts of the hotel industry in Aruba that are unionised are a select couple of restaurants. Overall only 12% of the jobs on the labour market in Aruba are unionised and fixed contracts are not the norm (Hose Gregorio Figaroa, VP of FTA 05.04.19). The reason for this, according to the VP of the FTA, is because the implementation of unionisation is not followed through by government. The VP highlights that the government is dependent on these TNCs for campaign financing, of which there is no regulation on in Aruba (Hose Gregorio Figaroa, VP of FTA 05.04.19). This highlights the role of TNCs, the main employers in Aruba, in maintaining low-wages and subverting working rights for those who work in the tourism sector, typically immigrant workers.

The impending construction of new hotels in Aruba has a need for immigrant workers to both construct and then service the new hotels. The way in which the recruitment of labour happens in the construction and hotel industries increases employer gains from immigration, and therefore, is important in understanding why the ‘right to work’ for asylum seekers and migrants is the preferred policy response to the Venezuelan crisis in Aruba. According to the VP of the FTA, both the hotel and construction industry in Aruba, use subcontractors to recruit their labour (Hose Gregorio Figaroa, VP of FTA 05.04.19). The hotel industry do this for the purpose of risk management, so that if their recruitment practices or standards of protection for employees are questioned, then it is the smaller, subcontracted firms who are responsible and face the legal ramifications. This allows the main hotel corporations to continue the subversion of rights and the recruitment of illegal labour without fear of damaging their reputation or encountering legal ramifications (Hose Gregorio Figaroa, VP of FTA 05.04.19; Krissman 2006).

Similarly, in the construction sector the use of not only subcontractors, but sub-subcontractors is routine for the recruitment of labour (Hose Gregorio Figaroa, VP of FTA 05.04.19). According to the VP of the FTA, there is no collective working agreement for the construction sector and it is the sector where the majority of illegal immigrants are employed (Hose Gregorio Figaroa, VP of FTA 05.04.19). The VP of the FTA highlights that there is little
effort, on behalf of the internal border control, to police the large construction sites in Aruba which employ the most illegal migrants. He stated that they have a tendency to inspect the smaller construction sites and ignore the larger construction sites that are operated by the TNCs (Hose Gregorio Figaroa, VP of FTA 05.04.19). This highlights how the state is complicit in helping employers perpetuate both the formal and informal labour markets for immigrants on the island. Interestingly, the VP of the FTA mentioned that currently there are less illegal migrants employed in hotel sector than was the case in the 1980s and 1990s and that illegal immigrants are now more easily absorbed into the construction sector. Immigrant labour can be denied an array of rights and typically accept low wages which works for the profit driven strategies of the construction and hotel industries. The above sections highlight how transnational corporations in the hotel and construction sector in Aruba use their socio-economic power to get the state and subcontracting firms to recruit immigrant labour for them. By providing the ‘right to work’ for asylum seekers and forced migrants, the state is providing a large pool of exploitable labour to the tourism and construction industries in Aruba. Similarly, as only 10-20% of failed asylum seekers are deported (Lahav and Guiraudon 2006), failed asylum seekers in Aruba who are not deported, will inevitably enter the informal labour market. Consequently, the state would provide employers with a large pool of even more exploitable labour, of which the internal border control has the precedent and incentive to ignore.

‘Path dependency’ regarding labour market dynamics, is also apparent from the interviews in relation to current policy developments in Aruba. In an interview with the Minister of Labour, his biggest concern was the need for Aruba to keep evolving its labour market, away from labour-intensive jobs that may be threatened by technological advancements and towards a more professionalised, capital-intensive labour market (Glenbert Croes, Minister of Labour, 02.05.19). This is, however, not the current trajectory for Aruba which is currently undertaking more mass tourism development and is in the process of extending the ‘right to work’ to more Venezuelans, in order to fill this labour demand. When asked about how this vision of developing a more highly-skilled labour market fits with the economy’s current reliance on the tourism sector, the answer given was that he was unsure about current labour trends in the tourism sector, but that the government needs to invest in the education of the Aruban youth so that they may move up the employment ladder into higher-skilled professions (Glenbert Croes, 02.05.19). This signifies the government’s encouragement towards a greater segmented
economy, whereby, immigrants (and asylum seekers in this case) are given the ‘right to work’ in the low-wage sector and the native born population are encouraged to gradually leave this sector of the economy which offers the most employment on the island (Croes 2007). This can be seen as simply path dependence regarding labour market and development dynamics. However additionally, it can be viewed as the use of old development strategies to respond to the Venezuelan migrant and refugee crisis, by readily absorbing low wage labour into an already heavily segmented labour market.

When asked about the extra 8,000 rooms the previous government gave permission to build, the Minister of Labour said that the current government is trying to negotiate down to 4,000 extra rooms. However, even 4,000 extra rooms would take 12,000 extra employees to service these rooms (Glenbert Croes, Minister of Labour, 02.05.19). The Minister of Labour said they would try and find the workers in Aruba first, due to the high unemployment rate, especially among the youth. However, according to the Minister, the problem is that young Arubans do not want to work for minimum wage anymore (Glenbert Croes, Minister of Labour, 02.05.19). The Minister further mentioned how unhappy the business community is after a recent consumer price index adjustment of 3%, along with current inflation rates of 5% (Glenbert Croes, Minister of Tourism 02.05.19). Therefore, the option of increasing the minimum wage, in order to encourage the local population to work in the tourism sector, does not currently appear to be a viable option for the government. This, therefore, results in immigrants and asylum seekers taking the low-paying jobs that Arubans do not want to do (Hose Gregorio Figaroa, VP of FTA, 05.04.19). As Arubans do not want to work in the hotel or construction sector in Aruba due to low wages, it results in a structural need for immigrants, which would be recruited through the ‘right to work’ policy.

This paper argues along the lines of the constructivist institutional account of migration policy, whereby actors in the migration policy field are both simultaneously constrained and aided by institutional legacies. In the case of the Aruban labour market, the government is unable to entice the local population into working in the low-wage economy which has been heavily segmented since the 1980s. There will be a vast amount of jobs added to the low-wage labour market with the upcoming development of hotels and these jobs will remain unattractive for locals and will become more attractive to Venezuelans, the longer the social and political crisis in Venezuela persists. Therefore, one can see how the segmentation of the labour market in
Aruba means that any development of tourism in Aruba, will depend on immigrant labour because of ‘path dependencies’ and a structural need for low-wage labour. However, these labour market and development dynamics also make the absorption capacity of migrants, at a time of unparalleled migratory pressure in Aruba, all the greater. This can be seen as policy makers being able to use institutional legacies and ‘path dependency’ to their own advantage. In Aruba, this results in the extension of ‘right to work’ to more Venezuelans in the low-wage economy.

The Minister of Tourism outlines that the government finds the provision of temporary work permits, or the extension of the ‘right to work’, a more attractive option than the provision of refugee status. However, the minister for tourism maintains that the ‘right to work’ is an easier policy option to implement when the local unemployment rates are between 2-4%; currently the unemployment rate is around 8-9% (Danguillaume Oduber, Minister of Tourism, 02.05.19). This therefore poses the same disconnect as previously highlighted in the interview with the Minister of Labour - the government wants to decrease the unemployment rate among locals by ensuring that their needs are taken care of before the Venezuelan population, regarding employment opportunities. However, if the creation of employment is in the tourism sector which is largely comprised of low-wage jobs, and there is little hope of increasing the minimum wage, these occupations will remain unattractive for the local population and therefore, will be filled by immigrants and asylum seekers, further segmenting the labour market. Even before the current revived need for migrant labour, the labour market in Aruba was largely made up of low-paying jobs (Hose Gregorio Figaroa, VP of FTA, 05.04.19). Consequently, the youth are creating their own jobs as entrepreneurs in the informal economy, creating problems for the fiscal balancing of the economy (Hose Gregorio Figaroa, VP of FTA, 05.04.19).

The issue of low-wage job creation and a relatively high local unemployment rate, according to the director of National Fund for Social Development (CEDE) and the director of the Red Cross in Aruba, could be one of the reasons why the government has yet to make public statements about their development and migration policy agenda (Daniel Tecklenbourg, Director of CEDE, 17.04.19; Michel La Haye, Director of Red Cross Aruba, 16.04.19). This is due to the fear that these policies will be seen to be only in the interest of migrants and asylum seekers and will have very little positive impact on the local Aruban population (Daniel Tecklenborg, Director of CEDE, 17.04.19; Michel La Haye Director of Red Cross Aruba, 16.04.19). This is an
example of the scenario, highlighted by Krissman, concerning client politics, whereby expansive migration policies are being discussed outside the public view (Krissman 2006).

The structural need for immigrant workers who can be denied an array of rights is not the only impact that the tourism sector has on migration policies in Aruba. The maintenance of Aruba’s reputation as a ‘safe’ island is also a factor in migration policy. Venezuelan and American tourists traditionally made up the majority of tourist arrivals in Aruba. Before the economic and social crisis in Venezuela, there were 150,000-350,000 visitors from Venezuela per year, and were Aruba’s second largest tourism market. In 2018, there were only 60,000 Venezuelan visitors to the island (Danguillaume Oduber, Minister for tourism, 02.05.19). This is an interesting scenario when one considers that Venezuelans previously travelled to Aruba as tourists and now are leaving Venezuela as either migrants or asylum seekers to work in the tourism industry. The Venezuelan crisis has negatively affected the Aruban economy, as the Venezuelans who used to visit Aruba were affluent high spenders on the island. The tourism sector, due to the fall in Venezuelan tourist arrivals, filled the gap with visitors from the US, and is currently dependant on 70-80% of their visitors coming from the US (Danguillaume Oduber, Minister for tourism, 02.05.19).

According to the minister of tourism, American tourists are very concerned about issues of safety when travelling to another country. Aruba draws a lot of its competitiveness as an island tourism destination through its reputation as a ‘safe’ island, and Aruba is very concerned about preserving this reputation, especially now that the island is more dependent on tourism from the US (Danguillaume Oduber, Minister for tourism, 02.05.19). According to the minister of tourism and the director of CEDE, the maintenance of such a reputation, in order to preserve their competitiveness in the US market, was a factor in asylum policy decision making (Danguillaume Oduber, Minister of Tourism, 02.05.19; Daniel Tecklenbourg, Director CEDE Aruba 17.04.19). The minister for tourism provides the hypothetical scenario of refugee camps in Aruba and if the pictures were to be posted on social media or in the news. This, he says, would damage the ‘safe’ reputation of the island and the island would suffer from an additional drop in their tourist arrivals, this time from their biggest market, the US (Danguillaume Oduber, Minister of Tourism, 02.05.19). This concern with the competitiveness of the island as a tourism destination, highlights some of the vulnerabilities associated with SITEs. Furthermore, the ‘right to work’ as a migration policy tool is not only implemented due to employers’ profit driven
strategies and fiscal considerations but also due to issues of reputation and economic stability, further outlining ‘path dependency’ and institutional constraints. However, similar to the labour market policies in Aruba which are constrained by path dependence, this concern with the ‘safe reputation’ of the island can also be reinterpreted to increase support for migration policies relating to the ‘right to work’. If it is framed that Aruba is *unable* to have refugee camps due to the need to preserve its reputation as a ‘safe’ island, this highlights institutional constraints. However, policy makers can also use this framing to forward their own policy agendas. If social services for asylum seekers is portrayed as risking the reputation and therefore, economic stability of Aruba then the only other viable policy option is the ‘right to work’. This provides another example of the constructivist institutionalism account, whereby institutional constraints, issues of reputation in this case, both constrain and enable migration policy development.

The agreement on immigration and asylum policy between the government and the UNHCR is still being negotiated and this includes the possibility of a regularisation campaign for the undocumented population in Aruba (Daniel Tecklenborg, Director of CEDE, 17.04.19; Kelly Bendelow, UNHCR Protection Officer, 24.04.19; Glenbert Croes, Minister of Labour, 02.05.19). The current policy options for the Aruban government, due to the impending tourism development, are either a regularisation campaign for the undocumented population already residing in Aruba or for the mass importation of labour to work in the construction and hotel sector (Daniel Tecklenborg, Director of CEDE, 17.04.19; Kelly Bendelow, UNHCR Protection Officer, 24.04.19; Glenbert Croes, Minister of Labour, 02.05.19; Hose Gregorio Figaroa, VP of FTA, 05.0419; Fredis Jose Refunjol, Former Governor and Labour Minister, 30.04.19). Aruba, traditionally, has always imported people. However, most of the importation of labour was of workers with specific skills. For example, 2,000 Turkish people were imported to refurbish the oil refinery and similarly, 1,500 Italians were imported in the early 2000s to remodel the Renaissance hotel, a high end resort (Fredis Jose Refunjol, former Governor and Labour Minister, 30.04.19). According to the former Governor and Labour Minister and the Vice President of the FTA, the importation of low-skilled labour would not be received well by the local population; yet the regularisation of a large swathe of the undocumented population would not be financially viable due to fiscal concerns (Fredis Jose Refunjol, former Governor and Labour Minister, 30.04.19; Hose Gregorio Figaroa, VP of FTA, 05.04.19). Work visas and the importation of labour is under the control of the Ministry of Justice and Security and Integration,
not the Ministry of Labour (Fredis Jose Refunjol, former Governor and Labour Minister, 30.04.19). This perhaps, further highlights the separation between the labour market for migrants and asylum seekers and the labour market for the local population, as the respective policies are coming from two separate ministries.

The creation of low-skilled jobs is suited to the current objectives of the UNHCR and IOM which emphasise work permits as a humanitarian response to the Venezuelan crisis, and for the transnational tourism corporations, who profit the most from increased immigration (UN 1998, Krissman 2006, Rhus 2013). However, to what degree these policies will be enacted, perhaps against the wishes of the local community, is what the UNHCR and the Aruban government are currently negotiating and will be discussed below. The Vice President of the FTA said that they had a meeting with the International Monetary Fund (IMF), 2 weeks prior to this interview, and the FTA told the IMF that there was no sense in creating more low-paying jobs as Aruba already has a problem matching jobs with people (Hose Gregorio Figaroa, VP of FTA 05.04.19).

Therefore, in light of the findings above, one witnesses further segmentation of Aruban labour market through new development and migration policies. This is the result of the minimum wage remaining low and the protection of worker’s rights in the tourism industry being unlikely to materialise due to the competitive nature of caribbean island tourism to maintain low-cost structures, campaign financing from large tourism corporations and fiscal considerations (Wong 2015; Lee, Hampton, Jeyacheya 2014; Glenbert Croes, Minister of Labour, 02.05.19). Therefore, these policy developments can be seen as furthering the dual labour market for immigrants and asylum seekers in Aruba. This is a typical scenario of liberal market economies who are less concerned with labour market segmentation and are more concerned with the fiscal costs of certain migration policies that provide extensive rights to migrants and asylum seekers (Rhus 2013). Aruba is continuing development strategies of the past by matching increased tourism development with an increase in low-wage labour supply, which is provided to employers through the migration policies of the state. These migration policies open ‘alternative pathways to stay’ for Venezuelans in Aruba, through the provision of temporary legal status and ‘the right to work’. These policies are supported by the UNHCR and IOM as a way to provide basic protection to Venezuelan migrants and asylum seekers in the region.
Humanitarian protection has the objective of saving lives, alleviating morbidity and maintaining human dignity (European Commission 2016 (b)). These are also the fundamental principles of the Red Cross (Michel La Haye, Director of Red Cross Aruba, 16.04.19). In an interview with the Red Cross Aruba, the director believed that the provision of jobs in the Aruban economy is the best way to provide humanitarian protection to both the Venezuelan forced migrants and the local community (Michel La Haye, Director of Red Cross Aruba, 16.04.19). The director of the Red Cross explained how the situation in Aruba for Venezuelans, in the past couple of years, has been neglected. This was due to immigration restrictions and an asylum system which did not give refugee status to Venezuelans (Michel La Haye, Director of Red Cross Aruba, 16.04.19). The director stated that jobs are the best way that Aruba can respond to this humanitarian crisis (Michel La Haye, Director of Red Cross Aruba, 16.04.19). However, this paper argues that the provision of temporary legal status and the ‘right to work’ should not be presented solely as a humanitarian solution to a humanitarian crisis. Rather this policy option, if followed through, should also be presented as an increased demand for low-wage labour in the Aruban economy being satisfied with an increased supply of forced migrants, who can be denied healthcare, housing and welfare. The underlying incentive that these migration policies realise, other than providing basic access to work to Venezuelans, is an increase in the profits of transnational tourism corporations, limited impact on the fiscal balancing of the Aruban economy and safeguarding the island’s safe reputation. This therefore points to how policy actors in Aruba are currently both constrained and aided by ‘path dependencies’ in their current policy responses to the Venezuelan crisis through the ‘right to work’. Similarly, one witnesses how employer interests are channelled into securing these development and migration paths of increased tourism development and availability of the ‘right to work’ for Venezuelans, which in the end, one could argue, benefits the employer more than the people whom these humanitarian policy responses are designed to serve.

3.3. The Workings of and Challenges to the Migration System in Aruba

As mentioned in the introduction, this paper will try to highlight the growing need to understand immigration and asylum policy together, rather than treating them as two separate
policy domains. This is despite having separate legal frameworks. There are fears among refugee lawyers that if immigration and asylum are not separated into distinct policy fields then the basis for granting asylum will be based on labour demand (Noll 2008). Gregor Noll, however, maintains that this separation has not stopped states from imposing strict asylum regulation or the granting of asylum based on labour demand (Noll 2008). Noll argues that the European asylum system is used to regulate the informal labour market, as asylum seekers do not have the ‘right to work’ and therefore must rely on the informal economy when their claim is being processed (Noll 2008). Similarly, Lahav and Guiraudon argue that because only 10-20% of failed asylum seekers are deported, failed asylum seekers resort to the informal labour market once their claim has been denied (Lahav and Guiraudon 2006). This paper argues that the granting of protection in Aruba, either through the ‘right to work’ policy for asylum seekers, a mass regularisation programme of irregular migrants, or the importation of labour, is fundamentally grounded in labour demand. This paper will similarly argue that the conceptualisation of asylum and immigration policy as separate domains in Aruba disguises additional incentives for providing temporary legal status to Venezuelans. Those additional incentives, other than upholding standards of international protection, are driven by interest groups and institutional legacies which need cheap labour for the purpose of profits and economic growth.

Information about the workings of the asylum and immigration system in Aruba was sourced from an interview with Kathleen Ruiz-Paskel, the Director of the ‘Departamento di Integracion, Maneho y Admision di Stranhero’ (DIMAS), which handles the applications for permits, declarations and statements for entry and stay in Aruba and is a part of the Ministry of Justice, Security and Integration. Additional information was sourced from an interview with Janice Poeran, an immigration lawyer who works for the Minister of Justice, Security and Integration.

Aruba has been a signatory of the Geneva Convention since 1986, which outlines standards for international protection of refugees and since then, the state has been handling all asylum applications (Kathleen Ruiz-Paskel, Director of DIMAS, 06.05.19). However, according to a UNHCR report on the Netherlands, Aruba did not enact specific legislation in order to uphold its obligations under the convention (UNHCR 2017 (b)). Aruba has had a procedure for processing asylum claims since 1986, however, due to missing legislation (the absence of a law
regulating asylum), Venezuelan asylum requests have been largely ignored in the last three years and Aruba only began processing Venezuelan asylum applications in 2019 (Kelly Bendelow, UNHCR Protection Officer, 24.04.19). Aruba did not accept the Cartagena declaration on refugees, which allows for a broader definition of a refugee, instead they use the definition of a refugee that is found in the Geneva Convention (Kathleen Ruiz-Paskel, Director of DIMAS, 06.05.19). The director says she has worked at DIMAS since 2006, and in the years between 2006 and 2016 there had been no more than 10 asylum applications per year. However, since May 2016, there has been a major increase in asylum applications in Aruba. According to the director, applications are still increasing. For example, she highlights that in the first 4 months of 2019, the department has already surpassed their overall number of asylum applications requested in 2018 (Kathleen Ruiz-Paskel, Director of DIMAS, 06.05.19).

According to the immigration lawyer, asylum is something very new that Aruba is dealing with (Janice Poeran, Immigration Lawyer, 06.05.19). Before the surge in asylum applications in 2016, asylum decisions were informed by an intergovernmental committee, which conducted interviews, reviewed files and then gave their advice to the Minister of Justice, Security and Integration. Currently, in response to the Venezuelan crisis, they have formed a team specifically for assessing the claims and making decisions on the refugee status of Venezuelans called the Asylum Action Team (AAT) (Kathleen Ruiz-Paskel, Director of DIMAS, 06.05.19). Aruban asylum policy will soon be reflected in legislation and Aruba will soon have a law that regulates asylum (Kelly Bendelow, UNHCR Protection Officer, 24.04.19). The government has been trying to put this legislation in place for the last year, however, the government department for Integration, Management and Immigration (DIMAS) has already begun processing cases and issuing decisions and accommodating people that are applying at the airport. Before this however, it was the UNHCR who arrived in 2018, that was doing the registration of Venezuelans, when the government was either unable or unwilling to do so (Kelly Bendelow, UNHCR Protection Officer, 24.04.19). So the current process is the transitioning of responsibility to the government, whereby asylum seekers who were given a temporary UNHCR certificate against deportation are now having their cases processed by DIMAS to determine who is a refugee and who is not (Kelly Bendelow, UNHCR Protection Officer, 24.04.19).

Regarding immigration policy, in order to apply for a working permit in Aruba as an economic migrant, one has to do so from abroad. First one needs to have an employer in Aruba,
to act as a guarantor, in order to request a work permit and if the request is accepted, the migrant must go to Aruba, to the DIMAS center, to complete the final application stage which involves health checks, criminal record and passport registration. Companies which want to recruit foreign labour must first publish the job opening in Aruba and after a period of three weeks, if the job is not filled by a local person, the employer has permission to recruit from abroad (Janice Poeran, Immigration lawyer, 06.05.19).

Currently in Aruba there are a lot of undocumented people, both economic migrants and potential refugees, with temporary UNHCR visas which stops them from being detained and deported (Kathleen Ruiz-Paskel, Director of DIMAS, 06.05.19; Kelly Bendelow, UNHCR Protection Officer, 14.04.19). However, according to the Director of DIMAS, these UNHCR visas are not the start of the asylum or immigration process. In order to claim asylum people must either register themselves for asylum at the DIMAS center or when they arrive at the airport (Kathleen Ruiz-Paskel, Director of DIMAS, 06.05.19). The rights afforded to asylum seekers in Aruba are the ‘right to education’, which is given based on the Convention on the Rights of the Child, and the ‘right to work’ (Kathleen Ruiz-Paskel, Director of DIMAS, 06.05.19). The provision of the ‘right to work’, according to the Director of DIMAS, is because there is no asylum or refugee center in Aruba and the ‘right to work’ allows asylum seekers to stay on the island pending a decision on their status (Kathleen Ruiz-Paskel, Director of DIMAS, 06.05.19). Interestingly, people that are already in Aruba before claiming asylum will not be given the ‘right to work’, as it is only given to those that claim asylum on entry at the border or claim asylum at DIMAS immediately after arriving. According to the Director, people who request asylum from the detention center in Aruba have their cases processed in the shortest time frame, which is usually five days (Kathleen Ruiz-Paskel, Director of DIMAS, 06.05.19). Those that claim asylum at the border and are provided the ‘right to work’ are given a temporary work visa for a delimited period of time and if there is no decision made on their asylum claim, their work visa is reinstated until a decision is made. Refugee status is given to between 1-3% of people who request asylum in Aruba (Kathleen Ruiz-Paskel, Director of DIMAS, 06.05.19).

At the time of the interviews and the writing of this paper, the border between Aruba and Venezuela is closed, which means that people cannot arrive in Aruba from Venezuela through regular channels and must travel to Aruba from either Panama or Colombia (Kathleen Ruiz-Paskel, Director of DIMAS, 06.05.19). Despite the border being closed and having been closed
for the preceding months of 2019, DIMAS is currently experiencing a 34 week backlog of asylum claims and, according to the director, this is at a time when the pressure on the asylum system is not that significant due to the border closure (Kathleen Ruiz-Paskel, Director of DIMAS, 06.05.19). The director highlights that the only support that they have received from the Dutch Kingdom is three extra colleagues that will stay in Aruba for three weeks to help with the backlog of asylum claims. However, she maintains that they have been requesting technical support from the Dutch government for the eventuality of the border reopening and the department being inundated with asylum requests, however, nothing had been agreed upon at the time of the interview (Kathleen Ruiz-Paskel, Director of DIMAS, 06.05.19).

The director of DIMAS outlines that asylum is not the solution to the Venezuelan migrant and refugee crisis on the island. She points out that the type of comprehensive humanitarian protection offered to Venezuelans in Colombia, Costa Rica and the Dominican Republic is not a politically viable option in Aruba due to its population density, which is one of the highest in the world (Kathleen Ruiz-Paskel, Director of DIMAS, 06.05.19). The director outlines that Aruba has an issue with the supply and demand of labour and that this is where a potential solution to the current crisis could lie. She mentions that DIMAS has a yearly meeting with the private sector in Aruba but states that there is a need in Aruba for social dialogue platform between the private sector and the migration department in order to assess Aruba’s labour market and fiscal needs (Kathleen Ruiz-Paskel, Director of DIMAS, 06.05.19). Aruba’s fiscal needs, according to the director, is that a large percentage of the population is reaching retirement age, and an addition of labour migrants could help support the pension fund (Kathleen Ruiz-Paskel, Director of DIMAS, 06.05.19). Labour migrants themselves would not have pension entitlements if they are in Aruba on temporary visas (Kathleen Ruiz-Paskel, Director of DIMAS, 06.05.19). The director highlights that the assessment of the needs of migrant receiving countries is the subject of the Symposium on Migration and Socio-Economic Development which took place on the 9th of May 2019, organised by the socio-economic councils of Aruba, St Martin and Curacao. The main question the symposium wanted to address was ‘How to optimize the benefits and minimize the costs of labor migration in relation to sustainable socioeconomic development of the three countries?’ (Kathleen Ruiz-Paskel, Director of DIMAS, 06.05.19). This provides an overall indication as to the type of migration policies that these islands are considering, which appears to be focused on labour migration rather than humanitarian migration. According to the director of
DIMAS, the biggest impediment to having a mass labour recruitment strategy for Venenzuelan migrants and asylum seekers entering Aruba is the absence of official documents. She states that giving out regular work permits and regularised status to Venezuelans without official documents is very difficult for the government to do (Kathleen Ruiz-Paskel, Director of DIMAS, 06.05.19). The director mentioned that the ‘alternative pathways to stay’, centering around temporary work visas, are being negotiated in the Aruban parliment, but no decisions have yet been made.

These interviews highlight that Aruba is currently more concerned with fiscal rather than labour market impacts of migration. Similarly, the solutions to the current refugee and migrant crisis are being constructed around the policy of the ‘right to work’, as Venezuelans will not likely receive other rights, such as the right to healthcare, housing or welfare, once they have obtained temporary legal status in Aruba. There was also no concerns expressed about how to deal with failed asylum seekers and overstayers, who will inevitably fall into the informal labour market after their ‘right to work’ expires. Currently, the government is looking for solutions to this humanitarian crisis in the private sector, through the supply of jobs, and with the support from the UNHCR and the IOM.

3.4. *The UNHCR and the IOM in the International Governance of Migration*

This next section will look at the role of the UNHCR and IOM in the international governance of migration from a general standpoint and will then move onto their role in migration policy development in Aruba. In international governance, the coordination between immigration and asylum policy took place when the International Organisation for Migration (IOM) and the United Nations High Commission for Refugees (UNHCR), announced a new coordination platform between the two organisations in January 2019 (UNHCR 2019 (a)). The IOM used to be a separate organisation but has become part of the UN in recent years (Kelly Bendelow, UNHCR Protection Officer, 24.04.19). This decision was agreed upon after the Global Compact for Safe, Orderly and Regular Migration (GCM) and the Global Compact for
Refugees (GCR), in which afterwards, both organisations released a joint letter stating that their decision to work in close corporation was due to the fact that ‘‘refugees and migrants are entitled to the same universal human rights and fundamental freedoms, which must be respected, protected and fulfilled at all times. However, refugees and migrants are distinct groups governed by separate legal frameworks’’ (UNHCR 2019 (a) p.1). They further reiterate the distinct roles and responsibilities of the two organisations; the IOM will continue to respect the international refugee law and uphold the different terminologies and categories of people on the move and will help the UNHCR fulfil its mandate, whereas the UNHCR recognises IOM’s lead in helping vulnerable migrants (UNHCR 2019 (a)).

Regarding operational approaches, the letter maintains that this must stem from the distinct terminology, for example, when the movement of people is largely made up of refugees then the UNHCR will take the lead, whereas when the movement is largely composed of migrants, it will be the IOM who will lead the response. Where the movement of people is a mix between refugees and migrants then there will the establishment of a ‘Refugees and Migrants coordination platform’ to ensure effective coordination. The joint letter further outlines the commitment of the two organisations to expand their coordination platforms for operational partnerships to more situations of mixed migration (UNHCR 2019(a)). Furthermore, the letter highlights the intentions of the UNHCR and the IOM to strengthen national systems to deal with the processing and the availability of rights for migrants and refugees as well as helping states to implement the objectives of the Global Compact on Migration and the Global Compact on Refugees (UNHCR 2019(a)).

There is also reason to understand the coordination between the UNHCR and the IOM through the new framing, in the area of humanitarian protection and solutions, towards the concepts of self-reliance and resilience (UNHCR 2017 (a)). The objective is to increase the resilience of people, communities and institutions in response to shocks that either cause the forced displacement of people or the shocks that are caused by the forced displacement of people. This framing of humanitarian protection and solutions around these concepts aims to achieve the UN’s goal of sustainability, and avoid any short term, temporary solutions. Self-reliance, in respect to humanitarian protection, is increasing people’s capabilities so they may act autonomously and not rely on state or NGO assistance for survival (UNHCR 2017 (a)). Self-reliance is in line with the graduation approach currently being followed by the UNHCR. The
graduation approach targets the most vulnerable refugees through specific interventions to build their economic self-reliance. The graduation approach has the objective of helping refugee families transfer their productive assets, save money and improve technical skills and vocational training in order to enhance their economic self-reliance and therefore, resilience (UNHCR 2010).

The IOM and UNHCR, under their new coordination platform, are tasked with co-leading the humanitarian response to the Venezuelan migrant and refugee crisis in the region of Latin America and the Caribbean (UNHCR and IOM 2019). It is an inter-agency response plan and the main areas of intervention are; direct emergency assistance, socio-economic and cultural integration and strengthening the capacities of the host government (UNHCR and IOM 2019). The Regional Migrant and Refugee Response Plan (RMRP), states that it has been developed in order to facilitate a coordinated approach between national governments and that it has the objective of supporting and complementing the national authorities across the region. The RMRP outlines the need to respond to the Venezuelan population’s needs in a holistic and comprehensive manner, that is in line with government's’ priorities and that complements the host government's response plans (UNHCR and IOM 2019). The RMRP has a dual purpose of 1) providing direct emergency/humanitarian assistance to those in need and 2) to build resilience at the individual benefactory level and at the institutional level (UNHCR and IOM 2019). The current projected figures are that by the end of 2019, there will be more than 5.3 million migrants and refugees from Venezuela in neighbouring states. The RMRP highlights that currently the most urgent need for refugees and migrants from Venezuela is access to a regular status and documentation framework, which would allow them to enjoy their rights, access the labour market and social services (UNHCR and IOM 2019).

The RMRP has a section dedicated to the IOM and the UNHCR’s Caribbean sub-regional response which is focused on the main Caribbean islands affected by increased arrivals of Venezuelans namely Aruba, Curacao, the Dominican Republic, Guyana, and Trinidad and Tobago. It is highlighted that the limited absorption capacity of the islands in this region has resulted in the adoption of tighter restrictions on the regular migration of Venezuelans (UNHCR and IOM 2019). The restrictive reaction to the crisis materialised as the reinstatement of visa requirements for Venezuelans and the visas that were issued had much more limited time periods. Unlike neighbouring states such as Colombia, Ecuador, Brazil and Peru, Caribbean
states did not sign the ‘Declaration of Quito on the Human mobility of Venezuelans’ and therefore, the restrictive and non-entry practices in Caribbean states led to instances of refoulement (UNHCR and IOM 2019). There are many Venezuelans in Caribbean states who entered regularly and are now in situations where they are unable to extend their visas and as a result are falling into irregular status. The response plan highlights that there are limited options for regular stay in these Caribbean host states, and those refugees and migrants that do not have regular status are at high risk of being detained and deported. Additionally, the plan highlights that the asylum systems in these states are in their infant stages, which are in need of support and enhancement in order to provide international protection to those in need (UNHCR and IOM 2019).

The projected number of refugees and migrants from Venezuela in the aforementioned Caribbean states will amount to around 222,000 by the end of 2019 and of this number, 177,500 are expected to be in need of direct humanitarian assistance (UNHCR and IOM 2019). The growing response needs in these Caribbean states are linked to access to territory, access to asylum, access to regular status and finding alternatives to legal stay. The plan is also dedicated to increasing the pathways to formal employment or frontlining ‘income generating interventions’ for Venezuelans as part of their socio-economic and cultural integration objective, which falls in line with their graduation approach mentioned above (UNHCR and IOM 2019 p. 4; UNHCR 2010). Furthermore, the plan is committed to assisting host governments in mapping their national services in order to understand the gaps in services, namely health and education, experienced by Venezuelans and addressing them (UNHCR and IOM 2019). As previously mentioned, in Aruba, ‘fresh’ Venezuelan asylum seekers and regular migrants are given the ‘right to work’ and their children the ‘right to education’ (Kathleen Ruiz-Paskel, Director of DIMAS 06.05.19).

The conclusions that can be drawn from analysing these three UN documents the; ‘Joint Letter from the IOM and the UNHCR on collaboration between the two organisations’, ‘Resilience and self-reliance from a protection and solutions perspective’ and the ‘Regional refugee and migrant regional response plan’ all amount to a new direction that the UN is taking in relation to the movement of people and humanitarian protection. This new direction is largely developed around jobs as a way to keep the vulnerable population self-reliant and keep the host communities resilient. There is also emphasis on emergency relief and protection for vulnerable
populations in host states or in transit, however, as the response plan is directly in line with the host government’s objectives and priorities, it appears that the plan is an ad-hoc response in providing support for host governments preferences and ‘style’ of protection, whatever they may be. This can be extremely beneficial for migrants and refugees due to the probable increased willingness of governments to provide protection to more people if it is the protection which suits the government better. However, it also opens up questions of whether basic economic rights such as the ‘right to work’ can be considered protection or amnesty if employers prefer migrant workers because they can easily subvert their rights and if the profits of labour are not captured by the Venezuelans themselves.

This represents a key dilemma in the human rights based approach, where one may provide all possible rights to refugees and migrants but in doing so would simultaneously restrict people’s opportunities to work or find refuge abroad (Rhus 2013). The documents above appear to signal a turning point in the approach of UN agencies towards providing basic rights to a greater number of people instead of previous strategies of full comprehensive rights which are often met with restrictive immigration and asylum policies and is an example of the ‘numbers vs rights’ model regarding migration policy.

The aim of the joint coordination platform that the UNHCR, IOM and the other various UN agencies and NGOs are involved, has been to develop a strategic direction that is jointly shared among all these actors (Kelly Bendelow, UNHCR Protection Officer, 24.4.19). The platform was also setup to channel funding in the region, usually to either NGOs or governments. Governments and the EU provide the UNHCR with 85% of its core funding, whereas the IOM is contracted for certain projects and does not have a core pool of funding. In Aruba, the NGOs that provide humanitarian relief do so on a small scale and voluntary basis which makes it difficult for the UNHCR to channel funding through their organisations. Therefore the largest portion of funding goes to the Aruban government (Kelly Benelow, UNHCR Protection Officer, 24.4.19). If the Aruban government requires funding for the education or registration of asylum seekers, key areas in line with the UNHCR’s mandate, the UNHCR will provide the government rather than NGOs with such funding (Kelly Bendelow, UNHCR Protection Officer, 24.04.19).

The UNHCR and the IOM, due to their joint coordination platform, are the primary international actors providing protection and assistance to refugees, asylum seekers and migrants
alike. This is due to the line between migrants and refugees being very unclear (Kelly Bendelow, UNHCR Protection Officer, 24.4.19). As refugee status is a politically sensitive issue, many governments in the region are preferring to hand out other legal statuses such as temporary state provisions, a visa based on nationality or democratic responsibility visas. There is a political preference in the region for alternative migration pathways, rather than refugee status, due to its controversial nature (Kelly Bendelow, UNHCR Protection Officer, 24.4.19). According to the Protection Officer, the distinction between who is a refugee formally and who is not, is not helpful in the current situation in the region as there are many people who are refugees but are not formally recognised as such. As the majority of issues concern legal status and access to services and protection, the distinction between what type of status one has, has not been very helpful (Kelly Bendelow, UNHCR Protection Officer, 24.04.19). Instead, the UNHCR and IOM are advocating for those that want to apply for asylum are able to do so and for a humanitarian approach to anyone who does not wish to apply for asylum (Kelly Bendelow, UNHCR Protection Officer, 24.04.19). Determining who is a refugee and who is not, and thereby only giving protection to those with refugee status, is not the way that the UN would like governments to respond to this crisis. The political messaging is that “there are refugees in the region and they deserve refugee status and protection and those that are not should be given some form of temporary visa due to the fact that it is so difficult to survive in Venezuela at the moment” (Kelly Bendelow, UNHCR Protection Officer, 24.04.19).

This approach is taking shape in Aruba. The Hebrew Immigrant Aid Society (HIAS), currently contracted by UNHCR in Aruba, is responding to the needs of the undocumented population. According to the Protection Officer, “the Aruban government is not in a position itself to be responding to undocumented people” (Kelly Bendelow, UNHCR Protection Officer, 24.04.19). Currently, it is the Aruban government who decide refugee status (Kathleen Ruiz-Paskel, Director of DIMAS, 05.05.19). The government is aware that it is a time consuming and costly process to determine refugee status, and to go through the appeal and finally court proceedings for some of the 16,000 people who currently reside on the island (Kelly Bendelow, UNHCR Protection Officer, 24.04.19). This is why the UNHCR is providing recommendations to the government including a recommendation to allow people to apply for a work permit inside the state, (currently it has to be done from abroad) which would enable a lot of undocumented Venezuelans to stay on the island without needing to request asylum (Kelly Bendelow, UNHCR
Protection Officer, 24.04.19). The government is analysing and considering the latter recommendation. However, the concern is that a mass regularisation campaign could cripple the Aruban fiscal budget (Kelly Bendelow, UNHCR Protection Officer, 24.04.19). Migrants with temporary visas are not afforded with healthcare, social security or pension entitlements in Aruba but there is an acknowledgement that temporary migrants largely become permanent residents over time and due to the connection in Aruba to Dutch law, people with permanent status in Aruba have pension entitlements (Kelly Bendelow, UNHCR Protection Officer, 24.04.19). The Protection Officer acknowledges that the budget in Aruba cannot provide extensive rights to a lot of people who are low-tax payers, as financially it would not be feasible. The Protection Officer, maintains that the UNHCR, the IOM and HIAS are very aware of the practical limitations facing Aruba, and acknowledges that, in spite of these limitations, the government is in fact sincerely trying to respond to the crisis (Kelly Bendelow, UNHCR Protection Officer, 24.04.19). The Protection Officer, like the Director of DIMAS, said that asylum is not the answer to the situation in Aruba, not only because of the numbers but also because not everyone is a refugee in Aruba under the definition. Therefore, there is a sense that the government does not have to promise an ‘eternal life’ to all Venezuelans but rather a temporary form of protection, as there is hope that when the situation in Venezuela stabilises, people will return (Kelly Bendelow, UNHCR Protection Officer, 24.04.19).

People who currently arrive at the main airport in Aruba and claim asylum, do have immediate access to a work permit and education. According to the Protection Officer, this could be a potential middle ground option for the government. This creates an interesting dynamic whereby the Venezuelans who are already on the island and do not have the ‘right to work’, while ‘fresh’ asylum seekers do. The ‘right to work’ for asylum seekers is something that the UNHCR advocates for. The work permit is also a way to mitigate social problems that arise when mass inflows of refugees and migrants do not have adequate access to basic rights, and may also reduce violence and xenophobia in Aruba (Kelly Bendelow, UNHCR Protection Officer, 24.04.19). The protection officer intimated that they are basing their approach of social support, along with HIAS, on the graduation model in order to encourage self-sufficiency and the best use of limited resources (Kelly Bendelow 24.04.19).

The government appears to be keeping current developments off the radar, with the UNHCR, IOM and HIAS also staying quiet, as it is not in the organisations’ interest to talk
publicly about what the government should or should not be doing. Instead, the Protection Officer outlines that their purpose in Aruba is to have technical conversations with the government and to monitor and improve their processes (Kelly Bendelow, UNHCR Protection Officer, 24.04.19). Legally speaking, people must be able to claim asylum in states which have signed the Geneva convention and additionally, people must be given the means to support themselves when they do (European Commission 2016 (a)). If states are unwilling to provide adequate services to asylum seekers, due to fiscal considerations, the ‘right to work’ is the only pathway to support themselves. This is again highlighting the ‘numbers vs rights’ model, but in this context in relation to asylum seekers.

The commissioning of new hotel rooms in Aruba has resulted in a major increase in the demand for low-skilled labour to construct and work these new hotel rooms. The new labour demand will inevitably result in more open migration policies, which restrict the rights of migrants and asylum seekers, and act as a channel for the recruitment of temporary workers in the tourism sector. This then becomes a question of ‘the right to work’ as a policy tool. There are both advantages and disadvantages of this policy tool, which is the basis of the problem that humanitarianism faces more generally - is it better to provide lesser protection that is available to more people or more protection that is available to a lesser number of people? (Rhus 2013). The Aruban government has decided to go with the numbers direction, with the aid of the UNHCR and the IOM.

There are many takeaways from this interview with the UNHCR protection officer, the main ones are as follows; firstly, that the IOM’s contributions to the response in Aruba were not mentioned directly but are instead seen through the response of the UNHCR, which is currently more concerned with encouraging legal, temporary pathways for Venezuelans to stay in Aruba through work permits, rather than asylum support; secondly, a mass regularisation programme for the undocumented Venezuelan population currently living in Aruba is under discussion but the likelihood of such a programme being implemented remains doubtful due to fiscal considerations; lastly, there again appears to be no concerns expressed about the provision of temporary work permits for asylum seekers and economic migrants and how this may lead to a situation of failed asylum seekers and overstayers, remaining on the island with illegal status and entering into the informal economy in greater numbers.
The UNHCR and IOM are currently assisting the Aruban government in responding to the Venezuelan migrant and refugee crisis and, as highlighted in the RMRP, are committed to assisting Venezuelans in a way which complements the host state’s priorities (UNHCR and IOM 2019). The current priorities of the government in Aruba appear to be satisfying low-wage labour demand, fiscal balancing and maintaining their reputation as a safe island. However, if the UNHCR and IOM are assisting the Aruban government in satisfying low-wage labour demand, a demand created by transnational tourism corporations, it would appear that the UNHCR and IOM are complicit in promoting migration policies, concerning protection, based on labour demand. The UNHCR and IOM are responsible for outlining minimum standards of protection, which in response to the Venezuelan crisis, is finding ‘alternative pathways to stay’ through the extension of the ‘right to work’ for more Venezuelans. However, these two organisations are also involved in the international governance of migration, and have a role in norm-building in relation to the social and political acceptability of the type of international protection offered to forced migrants.

States implementing asylum policies on the basis of labour demand is not a new phenomenon (Noll 2008). However, the UNHCR in promoting these market driven policies in relation to humanitarian protection, is perhaps, a recent development. This can perhaps be traced to the new partnership between the UNHCR and IOM, and a new strategic direction which prioritises ‘numbers’ over ‘rights’ for humanitarian and economic migrants alike.

Conclusion

In conclusion, the economic and social crisis in Venezuela is forcing neighbouring states and the UNHCR and IOM, to develop migration policy responses to manage the large exodus of people who are a mix of economic migrants and asylum seekers (UNHCR and IOM 2019). In Aruba the policy responses are centered around the ‘right to work’ which is currently provided to Venezuelan asylum seekers and will potentially be extended to economic and undocumented migrants, so they may legally stay on the island. As this paper has argued, migration policies in Aruba are being developed around the ‘right to work’ due to institutional constraints, which are largely the result of the island’s liberal market economy being dependent on the tourism sector
for economic growth and the dependence of the tourism sector on low-skilled labour migration. This development-migration nexus affects the type of development, labour market and therefore, migration policies on the island. However, in line with the constructivist institutionalism account, the institutional constraints in Aruba eg. fiscal considerations and issues of reputation, which Aruban policy makers cite as reasons for not providing more comprehensive protection to Venezuelans, are used to justify the ‘right to work’ as the only viable policy option. Similarly, the power that transnational tourism corporations, which own and operate most of the tourism sector in Aruba, wield over policy making in Aruba is evident. Transnational tourism corporations which are the largest employer on the island, influence migration policy making through the consent to do business on the basis of low-cost structures and direct campaign financing. The demand for low-skilled labour in the Aruban economy has recently increased due to the impending construction of hotels. Therefore, we see a direct link between the ‘right to work’ as a policy tool and the demand for low-skilled labour due to hotel construction. Aruba is currently finding solutions to this humanitarian crisis in the private sector, through the supply of jobs.

The ad-hoc policy responses in Aruba are based on the limited resources of the island. In line with the ‘gap’ hypothesis, outlined by Lahav and Guiraudon, one can already see the gap that will appear regarding this policy outcome. The exploitation of migrants in the tourism sector of small, island tourist economies is already a reality (Lee, Hampton and Jeyacheya 2014). However, as temporary work visas eventually expire and Venezuelan asylum claims are generally rejected, and most rejected asylum seekers are not deported, people will fall into the informal sector, which will result in decreased cost structures for the transnational tourism corporations (Kathleen Ruiz-Paskel, Director of DIMAS, 05.05.19; Lahav and Guiraudon 2006). The UNHCR Protection Officer outlined that people relying on the informal sector for protection is the worst possible outcome which is why they encourage the ‘right to work’ as a policy response (Kelly Bendelow, UNHCR Protection Officer, 24.04.19). However, as this paper argues, the temporary provision of the ‘right to work’ may in fact act as a channel for recruitment in the informal sector once their ‘right to work’ has been revoked. As wages and labour, with the coming arrival of forced migrants, will be easily replaceable, one will expect to see the increasing exploitation of migrants and asylum seekers both in the formal and informal sectors (UN 1998; Krissman 2006).
If transnational tourism corporations in Aruba are being encouraged to both provide amnesty, through employment, and regulate the amount of people that get offered amnesty, through the demand for low-skilled labour, this would appear to render the state, indeed, merely a facilitator in providing temporary workers to employers, with the added complication that it is done under the guise of the international protection of the UNHCR/IOM partnership. This guise disguises the underlying capitalist forces which regulate both systems, in cases like Aruba. The UNHCR and the IOM embarked on their partnership because of the belief that asylum seekers and migrants should be afforded the same fundamental rights (UNHCR 2019(a)). Similarly, the UNHCR is currently emphasising economic self-sufficiency for asylum seekers through employment, which brings economic and humanitarian migrants closer together with regard to policy. However, by bridging the two partly, but not completely, one can see how this system could be exploited by employers.

This is, perhaps, a new approach to humanitarian protection that the two organisations are taking, which allows markets to regulate protection in order to provide it to a greater number of people. This appears to have worked in Aruba, as one can see how the conflation between humanitarian and economic migration in Aruba, through the ‘right to work’, has increased the state’s willingness to provide protection. As discussed, the ‘right to work’ is viewed to be the only viable policy response for Aruban policy makers and the UNHCR and IOM. This is due to the practical and institutional limitations of a small, densely populated island which is experiencing extreme migration pressures. In the particular case of Aruba, and the scale of the Venezuelan exodus, it is understandable that the UNHCR and IOM view the ad-hoc ‘right to work’ policy as the only way to provide protection to Venezuelans. However, as these organisations have responsibility for norm-building in the international community, these market driven policies can create a precedent and a degree of acceptability for humanitarian protection being offered on the basis of labour demand. A system of international protection regulated by the market, would disguise the increasing profits from, and control over migration systems by employers, as acts of amnesty.

Discussion
The world is slowly becoming aware of the unequal development that market-driven, neoliberal policies have, and continue, to generate (Stiglitz 2019, Rodrik 2011). Inequality has been rising considerably since the 1980s and without environmental and financial regulation, the market will drive modern societies further into environmental degradation and increasing inequality (Stiglitz 2019, Rodrik 2011). However, the forces of globalisation in Aruba have been successful in continuing a neo-imperial project of mass tourism development and influence over policy towards the greater deregulation and segmentation of the labour market. The example of Aruba, highlights the continuation of market-driven development and migration policies despite local opposition and scientific evidence that it is no longer a sustainable development path for the island to follow (Hose Gregorio Figaroa, VP of FTA, 05.04.19; Alberts 2014, Cole and Razak 2009).

What chance do small island states have against the large forces of globalisation which pursue profits above sustainability and inclusive growth? There is a responsibility, at an international level, to help small states resist forces of globalisation and their profit-driven strategies, seeking to exploit both migrants and small island economies. Furthermore, there is also the responsibility of policy makers to see beyond market solutions and actively break the bonds of institutional legacies which will continue to undermine sustainable and inclusive growth into the future.

Bibliography


UNHCR and IOM 2019, *Regional Refugee and Migrant Response Plan for Refugees and Migrants from Venezuela*, viewed 10 May 2018,


## Appendix

**Interview Guide**

<table>
<thead>
<tr>
<th>Name</th>
<th>Occupation</th>
<th>Date</th>
<th>Length of Interview</th>
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<tbody>
<tr>
<td>Oscar Antonio Quero Rodriguez</td>
<td>Undocumented Venezuelan</td>
<td>05.04.19</td>
<td>26 minutes</td>
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<td>Omaro Jesus Fonseca Hurtado</td>
<td>Undocumented Venezuelan</td>
<td>05.04.19</td>
<td>25 minutes</td>
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<tr>
<td>Julie Maruma</td>
<td>Venezuelan migrant</td>
<td>22.04.19</td>
<td>33 minutes</td>
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<td>Rohalbid Jesus Revilla Herman</td>
<td>Undocumented Venezuelan</td>
<td>04.02.19</td>
<td>28 minutes</td>
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<td>Danito Reyez</td>
<td>Undocumented Venezuelan</td>
<td>05.04.19</td>
<td>35 minutes</td>
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<td>Erik Bisslik</td>
<td>Business Owner</td>
<td>05.02.19</td>
<td>27 minutes</td>
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<td>Michel La Haye</td>
<td>Director of Red Cross Aruba</td>
<td>16.04.19</td>
<td>49 minutes</td>
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<td>Stephanie Noguerra</td>
<td>Police Officer</td>
<td>18.04.19</td>
<td>1 hour 12 minutes</td>
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<td>Emlyn Thiel</td>
<td>Board of Directors of SOKA (Catholic education)</td>
<td>12.04.19</td>
<td>31 minutes</td>
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<td>Lilith Rosanna Rasmijn</td>
<td>Principal of a Primary School</td>
<td>05.05.19</td>
<td>36 minutes</td>
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<td>Kelly Benedelow</td>
<td>UNHCR Protection Officer</td>
<td>24.04.19</td>
<td>1 hour 6 minutes</td>
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<td>Danguillaume P. Oduber</td>
<td>Minister of Tourism</td>
<td>02.05.19</td>
<td>48 minutes</td>
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<td>Glenbert Croes</td>
<td>Minister of Labour</td>
<td>02.05.19</td>
<td>19 minutes</td>
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<td>Janice Poeran</td>
<td>Immigration Lawyer</td>
<td>06.05.19</td>
<td>38 minutes</td>
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<tr>
<td>Kathleen Ruiz-Paskel</td>
<td>Director of DIMAS (Gov department for Integration, Management and Immigration)</td>
<td>06.05.19</td>
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<tr>
<td>Fredis Jose Refunjol</td>
<td>Former Governor and Labour Minister of Aruba</td>
<td>30.04.19</td>
<td>56 minutes</td>
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<td>Hose Gregorio Figaroa</td>
<td>Vice President of the Aruban Workers Federation</td>
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<td>Daniel Tecklenborg</td>
<td>Director of CEDE Aruba (National Fund for Social Development)</td>
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