

Migration governance through trade agreements: Insights from the MITA Database

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Abstract

While conflicts of interest within and between developed and developing countries hamper multilateral cooperation on migration, preferential trade agreements (PTAs) increasingly include migration provisions. This article sheds light on this hitherto understudied phenomenon by introducing a new dataset on migration provisions included in PTAs - the MITA database. Distinguishing between three types of migration provisions (the facilitation of international mobility, the control of unauthorized migration, and the protection of migrant rights) and covering 690 agreements signed between 1960 and 2020, this dataset is the most comprehensive in terms of variables coded and agreements covered. After presenting descriptive evidence on the frequency and evolution of these provisions, we illustrate the dataset's usefulness by investigating how far the migration content of PTAs responds to the dilemmas of multilateral cooperation. We find that the migration provisions have seen an overall steep proliferation in PTAs. Yet their patterns of inclusion reflect only partial resort from the conflicts of interest paralyzing the multilateral arena. The provisions that have proliferated most strongly are those facilitating the temporary mobility of business persons, yet primarily in agreements concluded among developed economies. Migration control provisions in contrast appear nearly exclusively in agreements signed between the EU and developing countries, which suggest that the former increasingly uses PTAs to leverage its market power in fighting unsolicited migration. Migrant rights provisions finally stand out being included less frequently over time and showing no clear pattern in terms of signatories' development levels. The MITA database will allow researchers and policymakers to track the evolution of the trade-migration nexus and systematically investigate the motives for and effects of various migration provisions in preferential trade agreements.

Key words: trade, migration, preferential trade agreements, issue-linkage, venue-shopping

Word count: 9144 (without appendix and abstract)

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13 **Abstract**

14 *While conflicts of interest within and between developed and developing countries hamper multilateral cooperation on migration, preferential trade agreements (PTAs) increasingly include migration provisions. This article sheds light on this hitherto understudied phenomenon by introducing a new dataset on migration provisions included in PTAs - the MITA database. Distinguishing between three types of migration provisions (the facilitation of international mobility, the control of unauthorized migration, and the protection of migrant rights) and covering 690 agreements signed between 1960 and 2020, this dataset is the most comprehensive in terms of variables coded and agreements covered. After presenting descriptive evidence on the frequency and evolution of these provisions, we illustrate the dataset's usefulness by investigating how far the migration content of PTAs responds to the dilemmas of multilateral cooperation. We find that the migration provisions have seen an overall steep proliferation in PTAs. Yet their patterns of inclusion reflect only partial resort from the conflicts of interest paralyzing the multilateral arena. The provisions that have proliferated most strongly are those facilitating the temporary mobility of business persons, yet primarily in agreements concluded among developed economies. Migration control provisions in contrast appear nearly exclusively in agreements signed between the EU and developing countries, which suggest that the former increasingly uses PTAs to leverage its market power in fighting unsolicited migration. Migrant rights provisions finally stand out being included less frequently over time and showing no clear pattern in terms of signatories' development levels. The MITA database will allow researchers and policymakers to track the evolution of the trade-migration nexus and systematically investigate the motives for and effects of various migration provisions in preferential trade agreements.*

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41 **Introduction**

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43 An increasingly mobile and interconnected world calls for international cooperation in the management of migration
44 flows. Yet, states are reluctant to concede national sovereignty on international migration and to enter into binding
45 commitments. Two main explanations have been proposed for the lack of international cooperation. Domestically,
46 states have to reconcile diverse and frequently incoherent policy objectives such as economic demand for mobility
47 with political calls for closure. This trade-off is particularly pronounced in wealthy democracies and has been coined
48 as the 'liberal paradox' (Hollifield 1992). To these domestic constraints adds the asymmetry of migration flows which
49 means that internationally, states' interests in cooperation are rarely reciprocal (Hatton, 2007; Lahav and Lavenex,
50 2013; Money and Lockhart, 2018; Peters, 2019). This explains why – with the exception of the ill-ratified ILO and UN
51 Conventions regarding migrant workers and the 1951 Refugee Convention -- there is no international migration regime
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1 (Betts 2001). The legally non-binding set of objectives agreed under the 2018 UN Global Compacts for Migration and
2 Refugees change little in this regard (Kainz and Betts 2021).

3 While the limits of multilateral migration fora are well documented much less attention has been paid to alternative
4 venues such as the inclusion of migration provisions in preferential trade agreements (PTAs). Largely shielded from
5 heated political debates, provisions facilitating the mobility of natural persons have been included in the 1995 General
6 Agreement on Trade in Services (GATS) of the WTO (Mattoo and Cazarniga 2003) and have proliferated in bilateral
7 and plurilateral PTAs. While such provisions can be partly justified on commercial grounds, also provisions protecting
8 migrant rights and, with even less connections to trade, on fighting unauthorized migration have found entry into
9 legally binding PTAs.

10 What is the migration policy content of PTAs and how do these provisions contribute to global migration governance?

11 This article sheds light on these developments by introducing the Database on Migration Provisions in Trade
12 Agreements (MITA) and examines how far the migration policy content of PTAs signals a resort from the dilemmas
13 hampering multilateral cooperation. Covering the migration provisions in 690 PTAs signed between 1960 and 2020
14 worldwide MITA constitutes the most comprehensive dataset in terms of variables coded and agreements covered.
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16 Our analysis shows that embedding migration provisions in PTAs, while not offering a panacea, partly mitigates the
17 challenges constraining multilateral cooperation. Regarding the 'liberal paradox', facilitating mobility in conjuncture
18 with commercial relations allows limiting commitments to clearly circumscribed categories of 'desired' professionals
19 and underscores the temporary character and economic benefits of labor mobility, thereby sidelining political
20 contenders. Regarding interest asymmetries, PTAs offer numerous opportunities for issue-linkages, thereby allowing
21 for arrangements generating mutual gains. This means, for instance, that a country's reluctance towards cooperating
22 on curbing unauthorized migration may be alleviated by trade concessions.
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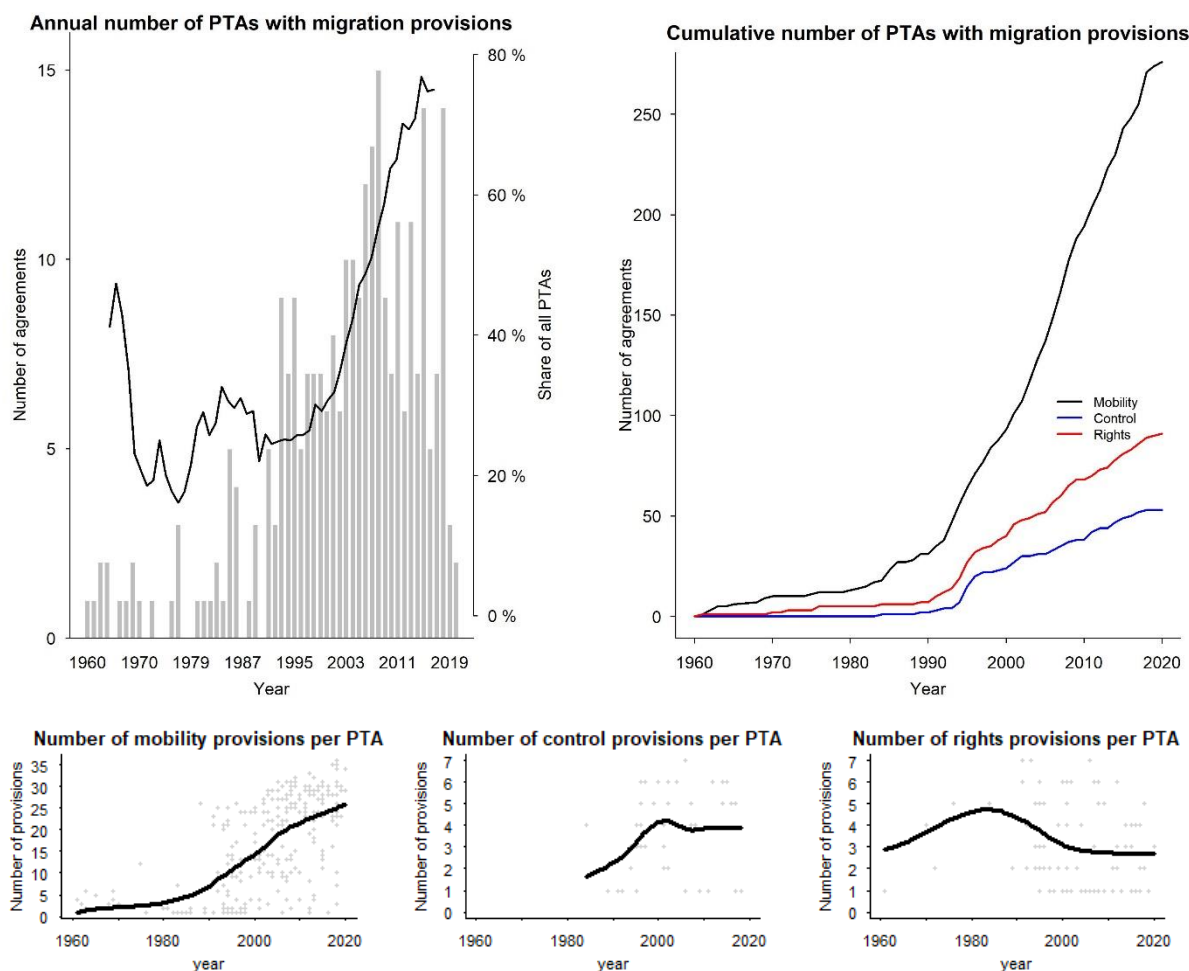
43 Our analysis contributes to a better understanding of the design of trade agreements and adds a salient policy field,
44 migration, to the burgeoning research on "trade and" linkages with non-trade issues such as human rights, labor or
45 environmental protection (i.a. Dür et al. 2014; Lechner, 2018; Milewicz et al., 2018; Morin et al., 2018; Raess and Sari,
46 2018). Second, we bring the migration content of PTAs to the attention of migration policy debates and investigate
47 these patterns based on expectations derived from the theoretical literature on international migration cooperation (i.a.
48 Betts, 2011; Geddes, 2020; Money and Lockhart, 2018; Peters, 2019; Sykes, 2013). The main contribution of this article
49 is however the introduction of the original MITA dataset, its measurement and classification of migration-related
50 commitments in trade agreements as a basis for future investigations of the trade-migration policy nexus.
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Conceptualizing and theorizing migration provisions in PTAs

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3 Migration policy has many facets reaching from the economic mobility of labor and the protection of migrant workers'
4 socio-economic rights to the hosting of refugees and the control and repression of unauthorized flows of people. To
5 capture this broad range of migration-related content, we understand migration in a broad sense as the movement of
6 natural persons across international borders irrespective of a specified duration of stay in the country of destination.
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8 We define 'migration provisions' in PTAs accordingly as rules and regulations that aim to govern international
9 migration. We then classify migration provisions based on the cooperation objectives of states and distinguish between
10 mobility provisions, control provisions, and rights provisions. These different types relate to different dimensions of
11 national migration policies such as admission policies in the case of mobility provisions, immigration deterrence and
12 enforcement in the case of control provisions and integration and labor policies in the case of rights provisions. Each
13 provision type responds to distinct prerogatives and constellations of international interdependence, thus posing
14 different motivations for linking up with PTAs.
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18 A brief overview on the evolution of migration provisions in PTAs shows that they have become increasingly common
19 over time (see Figure 1). A few selected agreements with migration provisions were signed in the decades after the
20 Second World War, their proliferation however coincides with the negotiation and conclusion of the GATS in 1995
21 with the highest number of new agreements reached in the early 2000s. This increase is largely independent from the
22 overall rise in the number of PTAs: Between 1960 and 2020 the share of new trade agreements with migration
23 provisions has continuously increased from rare occurrences before the 1980s to around 80% of new PTAs signed in
24 the last decade from 2010 to 2020. Mobility and rights provisions have entered PTAs earlier, while control provisions
25 only appear since the 1990s. Also, mobility provisions have seen a much steeper proliferation than provisions
26 concerning migrant rights and immigration control. Mobility provisions come in two shapes: linked to trade in services
27 (N=210 agreements) and, more rarely, as liberalization of labor mobility (N=36 agreements). As shown in the plots
28 on the right, mobility provision have proliferated not only across PTAs but also within PTAs: while the number of
29 control provisions per PTA has stagnated and for rights even decreased, PTAs have continuously included more
30 mobility provisions. This suggests a growing precision and potentially widening scope of liberalization.
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Figure 1: Evolution of PTAs with migration provisions



Note: Descriptive statistics based on the MITA database. The figures on the top display the frequency of PTAs with at least one migration provision. The plot on the upper left shows the annual number of new PTAs signed that include migration provisions (bars) and their share on the total number of PTAs signed as a moving average over a decade (line). The plot on the upper right displays the cumulative number PTAs with the three types of migration provisions over time. The three plots below display a smoothed line indicating the average number of mobility/control/rights provisions per PTA over time. Based on N=685 observations.

These charts show that migration has joined the broader trend of introducing non-trade issues such as environmental protection or human rights in PTAs (Milewicz et al. 2018). In contrast to the latter, migration is much less regulated through multilateral treaties and organizations. International codification concentrates on states' responsibilities towards refugees with the 1951 Geneva Convention and its 1967 Protocol, and towards migrant workers as laid down in the 1949 and 1975 International Labour Organization's (ILO) Conventions on Migrant Workers and the 1990 UN Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (UNCMRW). The latter however have been ratified only by a minority of mainly migrant-sending countries (Chetail 2019). The core of labor migration policy - the rules regulating access to a foreign jurisdiction and labor market - remain, apart from a limited set of commitments included in the GATS (see below), so-far unaddressed at the multilateral level (Trachtmann 2009). The same is true for the third type of migration provisions, measures to control migration and counter unauthorized flows (Money and Lockhart, 2018). The first multilateral instrument to acknowledge a common objective

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to develop 'pathways for regular migration', to 'manage borders' and to 'cooperate in facilitating safe and dignified return and readmission' of unauthorized migrants is the Global Compact on 'Safe, Orderly, and Regular Migration' adopted, together with the Global Compact on Refugees, in 2018. Explicitly framed as non-legally binding, voluntary arrangements, these Compacts are far from creating common rules, and have yet to prove their capacity to catalyze meaningful cooperation (Lavenex 2020).

Extant research attributes the weakness of multilateral rules to the complex and often diverse objectives driving states' migration policies (such as human rights, economic or security considerations) (Betts 2001; Hollifield 1992; Lahav and Lavenex 2012); concerns over national sovereignty (Chetail 2019); and the asymmetric structure of interdependence which opposes countries identifying themselves primarily as a destination for unauthorized immigration to countries identifying themselves mainly as countries of origin (Hollifield 1992; Money and Lockhart, 2018; Ruhs 2013; Sykes 2013). In the following, we discuss these cooperation obstacles separately for economic mobility, migration control and migrant rights before we formulate hypotheses on states' motives to cooperate through PTAs that guide the introduction of our MITA dataset.

Mobility provisions

The proliferation of provisions facilitating mobility in PTAs over the last two decades is rather surprising considering the hardening political climate around migration around the world. This development seems to concur with a long-standing observation in migration research according to which in liberal democracies, economic demand for the freer allocation of the factor 'labor' motivates more generous immigration policies than public opinion and the official political discourse suggest (Freeman 1995; De Haas et al. 2018). This 'liberal paradox' (Hollifield 1992) showcases the tensions between employers' demand for a flexible work force and citizens' concerns over protection of the labor market from foreign competition. This tension is exacerbated by the notion of a 'rights versus numbers trade-off' (Ruhs 2013; Ruhs and Martin 2008), i.e. the argument that an expansion of the number of economic immigrants comes at the expense of their level of socio-economic protection. This co-existence of partly incompatible policy objectives in states' economic migration policies is a significant factor explaining their reticence towards tying their hands to international cooperation. Indeed, states have traditionally regulated the intake of foreign workers unilaterally, sometimes supported by bilateral labor agreements with countries of origin convening temporary intakes of defined numbers of specified workers (Peters 2015). The main exception to states' sovereign prerogative over the intake of economic migrants has hitherto been the liberalization of (labor) mobility in regional integration frameworks (Geddes 2021; Lavenex 2018). The inclusion of legally binding commitments on the temporary mobility of certain well-delimited

1 and mostly highly skilled categories of labor migrants in the GATS and PTAs constitutes a second, hitherto neglected
2 exception (see for an early discussion of this development Ghosh 1997).

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4 The fact that states have entered into legally binding international commitments facilitating these flows points at the
5 existence of important economic interests. The turn to service- and knowledge-based economies, the ensuing global
6 'race for talent', the proliferation of multinational enterprises and more generally the intensification of transnational
7 investment and business practices are the key economic drivers motivating the liberalization of business migration in
8 advanced economies (Weinar and Klekowski 2020). Powerful associations of service industries such as the European
9 Services Forum and the US Coalition of Service Industries have long been lobbying for a facilitation of business
10 mobility, arguing that the mobility of natural persons is often inseparable from the delivery of a service or transnational
11 investment (Sapir 1999). Eventually, this focus on highly skilled business migration linked to investment has shaped
12 commitments in the GATS, sidelining demands for wider openings also for less-highly skilled workers independent
13 from foreign investment held by developing countries under the lead of India (Dawson 2013; Lavenex and Jurje 2021).

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25 Considering that states have several institutional venues from which to 'shop' when seeking international agreements
26 (Alter and Meunier 2009; Alter and Raustiala 2018), PTAs have additional advantages over for instance a dedicated
27 international migration agreement, particularly from the point of view of wealthy economies. On the one hand, the
28 bilateral or plurilateral set-up of PTAs brings power differentials to bear which are more contained in a multilateral
29 framework. On the other hand, the choice of a trade (rather than a dedicated migration) venue may mitigate domestic
30 political concerns with cooperation in wealthy democracies. PTAs may also mitigate the conflicts of interests between
31 flexible labor and labor market protection expressed in the 'liberal paradox' by framing labor migration as a matter of
32 economic mobility within a wider set of commercial ties deemed amenable to economic growth and prosperity
33 (Hoffmeyer-Zlotnik 2020; Lavenex and Jurje 2015). The focus on temporary mobility and on categories of workers
34 that are generally excluded from political debates about the potentially negative effects of labor migration on wages,
35 labor conditions or welfare states such as highly skilled managers, specialist and other business people reinforces the
36 de-politicizing effect of trade agreements. This also shows in the relatively weak involvement of migration ministries
37 in negotiating such commitments. Analyses of the Uruguay Round negotiations leading to the GATS corroborate the
38 leadership of trade ministries, acting in concert with economic lobbies, over migration ministries. Using highly technical
39 language such as 'mode four' liberalization to designate measures to facilitate the cross-border mobility of natural
40 persons, trade talks circumvented the use of migration terms and thus largely avoided political debates (Drake and
41 Nicolaïdis 1992; Lavenex and Jurje 2015). That these questions nonetheless raise sensitive issues of visa requirements
42 and immigration was prominently stated by the US Congress in the debates surrounding ratification of the PTAs
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1 concluded with Chile and Singapore which led to an effective ban on the US Trade Representatives' competence to
2 negotiate new commitments on labor mobility in PTAs after 2005 (Umberger 2008).

3 From these considerations, we can draw the expectation that the interests in facilitating this type of business migrants
4 in PTAs should be particularly strong among developed countries. This is because most of them dispose of export-
5 oriented service economies, they have a large presence of multinational businesses demanding mobile work force, and
6 they are more exposed to the 'liberal paradox' motivating the search for alternative venues to attract and move
7 economically desired professionals.

8 Whereas the inclusion of mobility provisions in PTAs may thus mitigate the first impediment to international
9 cooperation, conflicts of interest resulting from the 'liberal paradox' *within* developed economies, the same cannot be
10 expected for the second impediment which is the asymmetry of interdependence and hence conflicts of interest *between*
11 developed and developing countries. Highly skilled business migration is less pertinent for developing countries that
12 do not dispose of large, export-oriented service economies nor promote outward foreign investment through
13 multinational companies. Apart from these economic factors, developing countries should also be reluctant to ease the
14 outward mobility of highly skilled workers as this would exacerbate the risk of brain drain (Özden and Schiff 2006).
15 Instead, developing countries favor mobility particularly for low-skilled workers in order to export overflow labor and
16 reap remittances (Peters 2019). This type of labor migration however is in abundant supply and developed countries
17 can satisfy their needs unilaterally through domestic policies or bilateral labor agreements (Peters 2019; Ruhs 2013).
18 This means that migration provisions regarding labor mobility should be more frequent in PTAs signed between
19 developed countries. These considerations result in the following hypothesis:

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38 *Hypothesis H1: Mobility provisions are most frequent in PTAs between developed countries.*

39 40 41 42 43 *Migration control*

44 Whereas asymmetric interdependence is expected to limit the extent to which developed economies will include
45 mobility provisions in PTAs with developing countries, we expect it to have the inverse effect on the second type of
46 migration provisions found in PTAs, those dealing with migration control. We understand control provisions as related
47 to immigration enforcement and the prevention of unauthorized immigration. The capacity to curb irregular migration
48 and to deport unauthorized migrants has become a top priority in Europe, Australia or North America (Money and
49 Lockhart 2018). Yet reaching these objectives depends in large parts on the collaboration of the sending and transit
50 countries. The latter however have little benefits from cooperating on controlling emigration or forced return because
51 it is costly; it reduces their benefits retrieved from emigration such as remittances and creates challenges related to the
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1 reintegration or relocation of returned migrants. Thus, there is a fundamental conflict of interest between sending and
2 transit countries, that tend to be developing countries, and high-income receiving countries (Ellermann 2008: 171)
3 which leaves few opportunities for mutual gains from cooperation (Axelrod and Keohane 1985). This fundamental
4 conflict and the collective power of developing countries in global institutions makes it unlikely that cooperation on
5 migration control will materialize in multilateral settings (Lahav and Lavenex 2013: 757f). Developed economies have
6 intensified their efforts to enlist sending and transit countries in such cooperation through capacity building, training,
7 and political pressure (Money and Lockhart 2018), but with limited success.

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9 The classic solution to one-way problems and asymmetric interests is issue-linkage and the conclusion of package deals.
10 Thereby, two or more issues are linked and discussed simultaneously in order to gain leverage in negotiations, create
11 benefits on both sides and thus reach a joint settlement. Against this background, PTAs may constitute an attractive
12 venue within which wealthy liberal democracies can mobilize their economic leverage through strategic issue-linkage,
13 i.e., demanding inclusion of migration control provisions in PTAs with developing countries in exchange for
14 commercial concessions (Jurje and Lavenex 2014). In this case, the inclusion of readmission and border control
15 measures in PTAs constitute an instance of strategic venue shopping and issue-linkage on the part of developed
16 countries who use PTAs to leverage on their superior market power in order to extract concessions on the part of the
17 economically weaker developing countries. Based on these reflections, we expect that

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31 *Hypothesis H2: Migration control provisions are most frequent in PTAs between developed and developing countries.*

32 33 34 35 36 37 *Migrant rights*

38 Interest asymmetry across countries prevails also regarding the third type of migration provisions found in PTAs:
39 migrant rights. These regulate the rights enjoyed by the citizens of a sending country in a receiving country. Sending
40 countries have traditionally sought to protect the rights of their citizens residing abroad and have promoted
41 cooperation on migrant labor rights in multilateral venues. Unlike international mobility or migration control, migrant
42 socio-economic rights are codified at the multilateral level in the ILO Conventions and 1990 UNCRMW (Lonroth
43 1991; Cholewinski et al. 2009). Immigrant-receiving countries have traditionally been reluctant towards binding
44 commitments on migrant rights that they perceive as a costly and/or symbolic constraint to their discretion over
45 migration (Ruhs 2012). In consequence, no country of the global north has ratified the UNCRMW. We therefore
46 assume that the inclusion of migrant rights commitments in PTAs is rather a demand from sending countries.
47 Theoretically, such commitments could be the result of an issue-linkage in which developing countries make their
48 concessions towards developed countries conditional on such clauses. Yet developing countries have little leverage to
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engage in such bargains. Also, compared to migration control provisions, which impose considerable costs on countries of origin and transit of migrants, it should be noted that developed democratic countries already guarantee a certain level of protection for migrants' economic and social rights as part of their commitment to human rights, even if they do not support further codification in international law (Chetail 2019). The fact that developed countries sign up to migrant rights provisions in PTAs but not in multilateral treaties is probably better explained by the possibility to include only selected provisions in PTAs and exclude more controversial issues such as the rights for unauthorized migrants figuring in the UNCRMW. Therefore, we assume that it is less strategic issue-linkage but rather the human rights character of migrant rights and the possibility to exclude controversial norms together with the demand from emigration countries that explains the inclusion of such commitments. Therefore, our third hypothesis reads:

Hypothesis H3: Migrant rights provisions are most frequent in PTAs between developed and developing countries.

Summing up, and coming back to the question of PTA's potential contribution to global migration governance, the review of the literature and theoretical reflections lead to mixed expectations. Regarding mobility provisions, we expect PTAs to mitigate conflicts of interests within wealthy democracies (the 'liberal paradox') but not conflicts of interests between developed and developing countries, so that we expect such mobility provisions to concentrate in 'north-north' PTAs. For migration control provisions in contrast, which target one-sidedly developing countries, we expect PTAs to be used as a venue to overcome interest asymmetries via issue-linkage. Therefore, such provisions should concentrate in 'north-south' PTAs. For migrant rights, finally, the strategic advantage of including them in PTAs is less pronounced, we nevertheless expect the selective content of PTAs to mitigate developed states' reluctance to binding international commitments and hence favor their inclusion, especially in PTAs between developed and developing countries.

While well established in the migration literature, this broad categorization in developed and developing countries hides rich variation within each category. For instance, within the group of developed countries, we have collective actors such as the EU with its common commercial and evolving migration policy while within the group of developing countries the emerging economies share a number of economic incentives with developed countries. In our discussion of the empirical results, we therefore address this variation and point at the potential for future, more fine-grained analyses.

Migration Provisions in Trade Agreements – the MITA Database

In the following, we introduce the Migration Provisions in Trade Agreements database (MITA) as a comprehensive

1 data source on migration-related content of international trade agreements. The endeavor to establish this database
2 inserts itself in the broader trend towards the quantification of policies in the fields of migration (De Haas et al., 2015;
3 Helbling et al. 2017) and trade policy, including non-trade issues such as environmental and labor standards (Dür et al.
4 2014; Lechner 2018; Milewicz et al., 2018; Morin et al., 2018; Raess and Sari, 2018). So far, these efforts have remained
5 unconnected. The existing datasets on migration policy focus primarily on national policies and leave out relevant
6 international governance. Thus far, we lack a systematic attempt to study the progressing nexus between trade and
7 migration in PTAs.¹ The most detailed dataset on migration provisions so far is that by Pauwelyn et al. (2019) included
8 in the World Bank Deep Trade Agreements database addressing provisions categorised as "Visa and asylum" by the
9 WTO (see footnote 1). This dataset covers 100 trade agreements and codes a selection of 30 variables capturing
10 commitment that go "beyond what is covered under GATS mode 4" (idem: 228). Another source with partial coverage
11 of migration provisions in PTAs is the extended version of the DESTA database (Dür et al. 2014) coding provisions
12 on the temporary entry of business persons. The nine variables in this area capture the general inclusion of business
13 mobility into PTAs, but do not offer systematic data on which categories of persons is offered facilitated mobility and
14 under which conditions, nor do they address migration control and migrant rights provisions. The MITA database
15 goes beyond these pioneering studies as it covers all migration provisions in PTAs (i.e. also those categorized as "illegal
16 migration" and "social matters" by the WTO, see footnote 1) including their modalities, which adds up to a total of
17 236 variables and allows for measuring the scope and depth of commitments. To build our dataset, we have identified
18 690 preferential trade agreements that were signed between 1960 and 2020.² We cover bilateral, plurilateral and regional
19 agreements. Each agreement constitutes a unit of observation. This makes the MITA database one of the broadest and
20 most inclusive datasets on trade agreements.

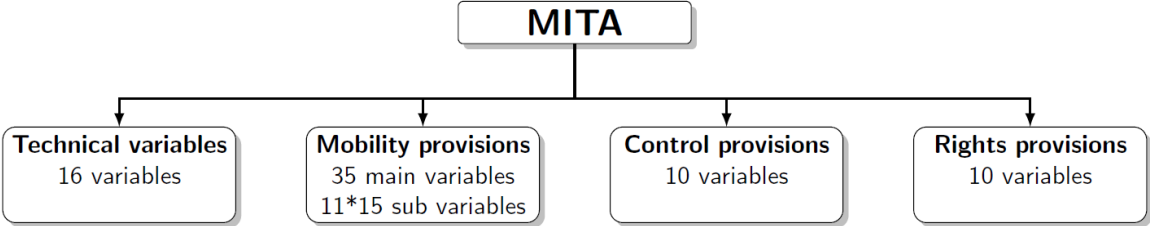
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41 We code the migration-related content of PTAs following a detailed codebook (see Appendix). The codebook was
42 evaluated by external experts and refined in several rounds of explorative coding. To ensure reliability, each agreement
43 has been coded by two independent coders and disagreements between the two coders were subsequently discussed
44 and jointly resolved with a referee to decide about the final codes. We use a common dichotomous scale to code
45 whether a particular provision is absent or present in the agreement. The MITA database consists of four parts (see
46 Figure 2). The technical variables relate to the agreement itself such as signing parties, year of signature, and agreement

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56 ¹ So-far we know only of one official international categorization scheme, the list of WTO-X policy areas that includes "illegal immigration", "visa
57 and asylum" and "social matters" as migration-related regulations (Horn et al., 2010). The policy area "Visa and asylum" includes the exchange of
58 information, drafting legislation and training (including international movement of persons), "Illegal immigration" comprises re- admission
59 agreements and the prevention and control of illegal immigration. The area of "social matters" is migration-related as it includes the coordination
60 of social security systems and the non-discrimination regarding working conditions.

61 ² To reach maximal coverage, we combined various data sources such as the World Trade Organization, the DESTA database (Dür et al., 2014) and
62 websites of governments and intergovernmental organizations. See Appendix for the full list of agreements.

type. These variables provide valuable context information and allow for the merging with additional data related to the signing parties or the agreements (e.g. DESTA dataset by Dür et al. 2014). The other parts cover the three types of migration provisions whereby the mobility section is in part organized around 11 categories of people (see below) and thus contain a number of sub-variables per category. The remainder of this section outlines the measurement of the migration provisions in more details.

Figure 2: Structure of the MITA dataset



Mobility provisions

The category of 'mobility provisions' comprises all provisions that regulate the facilitation of international migration of natural persons. The variables on mobility provisions come in three types: commitments that allow for specific forms of mobility, commitments that specify the modalities of mobility, and indicators of the status of mobility provisions within a PTA. Two forms of mobility are coded: general labor mobility as the access of migrants to the labor market and service mobility as the access of migrants to the service market.³ Both imply labor migration in the sense of entering the partner country for the purpose of work. In addition, we code the specific categories of natural persons whose mobility is facilitated by an agreement. In most cases, these provisions correspond to what has been defined in the GATS as "Mode-4" where countries grant temporary access to another country for the purpose of service provision while excluding long-term settlement and access to citizenship (cf. Lavenex and Jurje 2015, Mattoo and Carzaniga 2003). There are four main categories of such service persons: independent professionals (IP), business visitors (BV), intra-company transferees (ICT), and contractual service suppliers (CSS).⁴ While IPs move as self-employed individuals, BV can move as either self-employed or as representatives of a company wishing to do business in the other country. ICT and CSS in contrast have an employment contract with a firm in their country of origin. CSS

³ In addition, we code three categories of non-business persons: cultural professions, tourists as well as students and researchers.

⁴ It is however important to note that there are no agreed definitions even on the most common categories of natural persons so that agreements use a range of different definitions. Also, the national immigration rules often allow for entry under different schemes and definitions than those defined in PTAs – by way of example, while an ICT retains the work contract by the sending company according to PTAs, in practice the same person can often also obtain a local work contract and thus enter via the national labour immigration rules.

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are sent by the firm in the home country to deliver a service in the host country, whereas ICT move from one branch of a multinational company to another, while retaining their work contract in the country of origin. These categories are completed by a series of general categories of business people (executives, managers, specialists, investors, installers, business sellers, trainees, other business persons) and non-business people (such as tourists, students and researchers). A second group of mobility commitments consists of modalities that regulate mobility between the signing parties. These modalities can either constrain or facilitate the mobility of natural persons. Constraining modalities comprise employment restrictions (limitation of business activity/sector, economic need tests, proportional employment restrictions, quantitative limits, limited duration of stay, skill, experience and pre-employment requirements) and mobility restrictions (mobility restriction in the case of national security or public health interests, technology transfer requirements, restrictions of permanent settlement/mobility within the country). Facilitating modalities comprise employment facilitations (recognition of professional qualifications, sector expansion, limitation of quota and economic need tests, right to domestic employment, spouses' rights), mobility facilitations (most-favoured-nation clause, national treatment, information provision, fee limitation, facilitated application and entry procedure, visa renewal mechanism, regulatory cooperation, dispute settlement mechanism) and compliance commitments (GATS, other international agreements facilitating mobility). These modalities allow us to measure the frequency and content of mobility provisions in detail. Finally, the status of mobility provisions in an agreement is measured by whether the facilitation of mobility is defined as an overall objective of the agreement and whether mobility provisions have their own dedicated chapter.

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To assess the validity of our measurement, we cross-check it by comparing our aggregate number of mobility-provisions with the number of commitments on business mobility in the DESTA dataset (Dür et al. 2014). We find a high correlation of $r=0.83$ between the two datasets using different coding categories and aggregation methods (details in the annex). This provides confidence in the validity of our measurement.

Control provisions

We measure control provisions via three categories of commitments: measures to curb unauthorized migration, regulatory cooperation between the signing parties, and the status of migration control in the PTA. The first category comprises commitments to prevent migrants from leaving their countries, development-related commitments that aim for the strengthening of state control over undesired migration flows as well as commitments on the readmission and re-integration of unauthorized migrants. The second category includes commitments on establishing a dialogue or regulatory cooperation on migration control (for both prevention and enforcement) as well as compliance provisions

1 related to existing migration control agreements. Finally, the status of migration control is measured by whether
2 migration control is mentioned as an overarching objective of the agreement and whether there is a dedicated chapter.
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6 *Rights provisions*

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9 The third type of migration-related provisions relate to the rights of labor migrants and refugees and is likewise measured
10 as commitments to protect migrant rights, regulatory cooperation between the parties and the status of migrant rights
11 in the PTA.⁵ Migrant rights provisions in PTAs cover general anti-discrimination clauses and specific economic and
12 social rights such as equal access to social security, the right to transfer social insurance capital or access to the labor
13 market for refugees. Regulatory cooperation commitments involve dialogue and regulatory cooperation on migrant
14 rights as well as compliance provisions (international conventions on migrant rights such as the UN Refugee
15 Convention or the Convention on the UNCRMW). As with the other provision types, the status of migrant rights
16 provisions is measured by whether they appear in the agreements' objectives and by whether there exists a dedicated
17 chapter on the matter.
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29 This fine-grained measurement of migration provisions in PTAs provides a valuable data source for descriptive and
30 analytical purposes, in particular through various ways of aggregating the dataset variables to build higher-level indices
31 for different theoretical purposes. In this article, we confine our analysis to the assessment of aggregate frequencies by
32 the level of development of the signing parties. For that purpose, we build a dummy variable for each of the three
33 migration provision types on whether an agreement contains any migration provisions falling into their range, as well
34 as a continuous frequency measurement constituted by the number of different provisions of each provision type.⁶
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41 This frequency measurement reveals the extent and the level of detail of migration-related content in a PTA, rather
42 than a substance weighing of different provisions.⁷ To test our hypotheses on the pattern of migration provisions, we
43 choose two strategies to classify countries based on their level of development that structure their position in the global
44 migration dynamic: developed countries attract most of the world's migrants, whereas developing countries send most
45 of the world's migrants.⁸ First, we distinguish OECD countries from non-OECD countries. As a robustness test, we
46 use an alternative operationalization of distinguishing high-income countries from non-high-income countries based
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55 ⁵ It is important to note, that we do not code general labor provisions, but only those that refer specifically to migrant workers.

56 ⁶ The sub-variables for the mobility categories that measure modalities of the mobility provisions are not included individually but merged to
57 dummy variable on whether a modality is present or absent in the agreement (see also variable list in the Appendix)

58 ⁷ The continuous frequency measure is only applied to PTAs with at least one provision. This allows us to have a separate dimension from the
59 dichotomous frequency that measures whether or not provisions are included.

60 ⁸ We do not classify countries based on their status as migrant-receiving and -sending country as no accurate data is available for the whole period
61 of analysis.
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1 on the income classification by the world development indicators of the World Bank.⁹ Accordingly, we group
2 agreements based on whether they are established between developed countries, between developing countries or in
3 mixed agreements with both developed and developing countries as signing parties. The analysis is based on a
4 descriptive analysis of our two types of frequency measurements and pair-wise mean comparisons using t-tests to
5 assess how migration provisions vary across different agreement groups.
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10 **Migration cooperation in PTAs: which countries sign which provisions?**

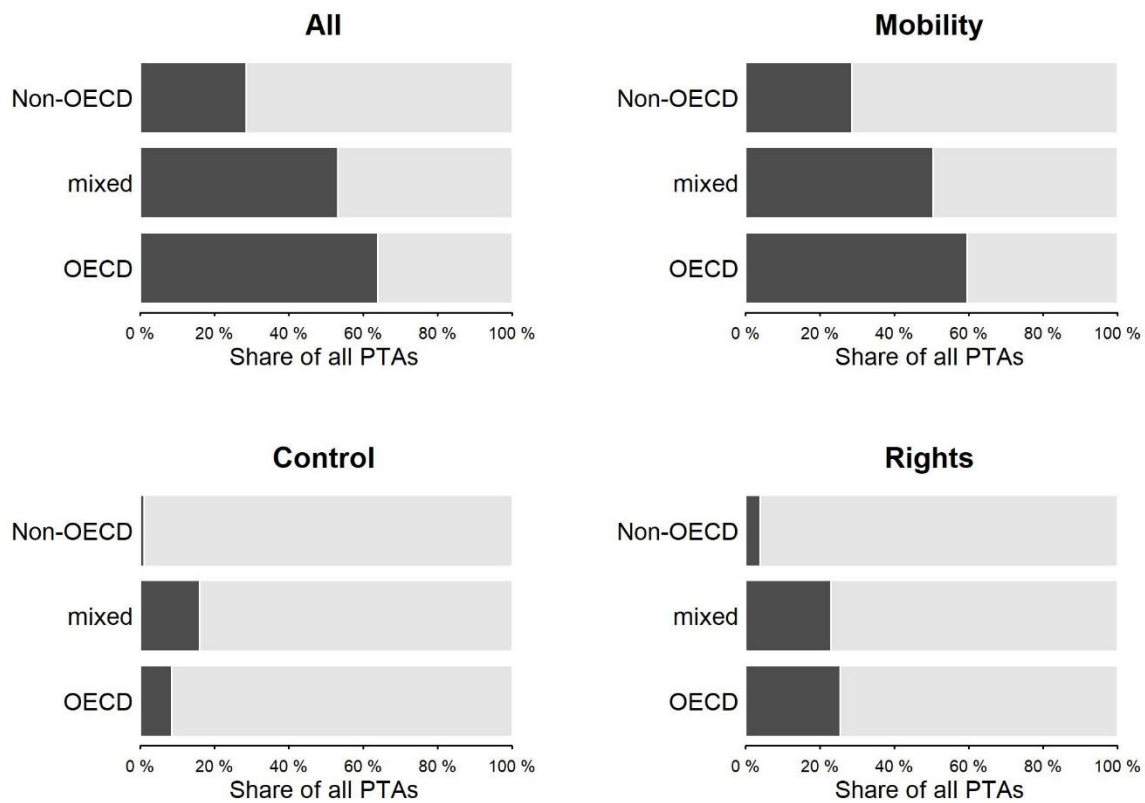
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15 As argued above, conflicts of interests within and between developed and developing countries have hitherto hampered
16 multilateral cooperation on migration. In order to explore the role of PTAs as a venue for migration policy cooperation
17 now examine to what extent these conflicts of interest also shape the migration content of PTAs. To do this, we
18 compare the pattern of migration provisions across signatories' levels of development. We then do the same with the
19 number of provisions referring to mobility, control and rights, which gives additional insights in the depth of such
20 commitments. Finally, we differentiate our broad categorization of developed versus developing countries and
21 highlight the specific roles played by the European Union (EU) on the one hand and emerging economies on the
22 other.
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34 *Type of migration provisions by levels of development*

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36 First, we assess the share of agreements that include migration provisions of different types (see Figure 3). Over the
37 whole dataset, mobility provisions are most common with around 40% of all PTAs including at least one such
38 provision. In contrast, control and rights provisions are only present in around 10% of agreements. We further
39 differentiate these patterns by classifying agreements into three categories based on the signing parties and their level
40 of development: Across all three categories of agreements, mobility provisions are the most common type of migration
41 provision, followed by rights and control provisions.
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⁹ This classification is available from 1987 onwards, so that a few older agreements drop out from the analysis.

Figure 3: Migration provisions by level of development



Note: The bar plots display the share of PTAs with migration provisions (in dark grey) based on parties' level of development.

The share of agreements with different provision types provides tentative support for our hypotheses. While almost 60% of agreements between OECD countries include mobility provisions, only every fourth agreement between non-OECD countries does so. Mixed agreements including both an OECD and a non-OECD country have mobility provision in about half of all cases. These differences across levels of development are even more pronounced when we rely on the Worldbank-classification (see Figure A4 in the Appendix). Hypothesis H1 is therefore confirmed in its general tendency that the facilitation of mobility takes place primarily between developed countries. Nevertheless, we find a substantial number of provisions in mixed agreements involving non-OECD countries. In a second step, we therefore disaggregate the group of developing countries and check whether this applies in particular to PTAs signed by emerging economies (see below).

Unlike mobility provisions, control provisions are rather the exception than the norm in PTAs. As expected, such provisions figure in particular in mixed agreements involving both OECD and non-OECD countries with around 20% of agreements, followed by around 10% in agreements between OECD countries. Control provisions are however practically absent in agreements that do not involve OECD countries. The differences to the pattern using the

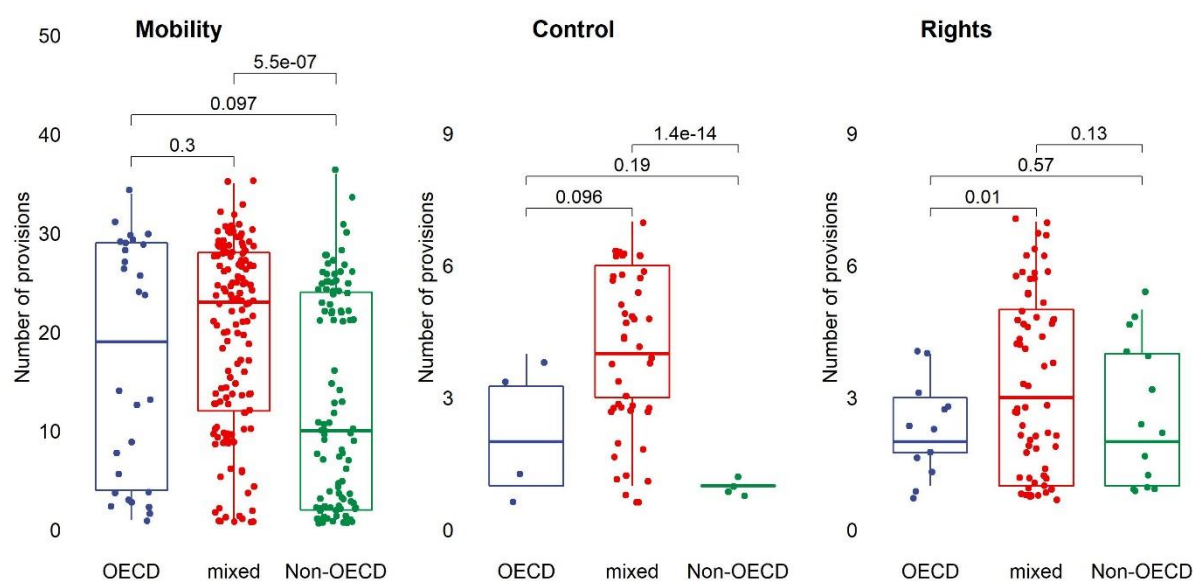
Worldbank-classification are minor (see Figure A4 in the Appendix). This result confirms the expectation of hypothesis H2 that developed countries include control provisions in PTAs to address unauthorized migration from less developed countries.

The third category of rights provisions shows a similar pattern to control provisions: They are included almost exclusively in agreements that involve an OECD country, where they appear in around 20% of cases. In contrast to our expectations, rights provisions appear even slightly more often in agreements between OECD countries than in mixed agreements. Also here, the pattern is confirmed when using the World-Bank-classification. Hypothesis H3 is thus confirmed only in part (see Figure A4 in the Appendix); the inclusion of rights provisions does not seem to stem primarily from developing countries' demand vis-à-vis wealthy destination countries.

Depth of commitments by levels of development

Our fine-grained dataset not only allows mapping the presence of migration provisions in PTAs, it also indicates the number of commitments per type of migration provision. This number of migration provisions can be seen as an indicator for the precision and hence also the depth of corresponding commitments. For that purpose, we compare the number of provisions by provision type among the agreements with at least one such provision. In Figure 4, the distribution of the continuous frequency variable is displayed together with the p-values of pairwise mean comparisons across agreement types using t-tests. This allows us to answer the question whether the number of migration provisions does vary dependent on signing parties' level of development. For mobility provisions, we find that the number of these provisions tends to be highest for agreements of OECD countries with no significant differences between pure OECD-agreements and mixed agreements. PTAs signed among non-OECD countries have the lowest number of mobility provisions, a pattern confirmed when using the World-Bank-classification (see Figure A5 in the Appendix). A clearer pattern emerges for control provisions, where we find a high number only in mixed agreements. In all other agreements, the number of control provisions is confined to the lower half of the frequency scale. The World-Bank-classification yields the same pattern (see Figure A5 in the Appendix). This finding corroborates the expectation that control provisions target developing countries which tend to be also source and transit countries for irregular migrants heading towards developed countries. No significant mean differences are found for rights provisions. There is a slight tendency that rights provisions are more numerous in agreements that involve developing countries, as we would expect. These differences are however not substantial. This analysis allows for the conclusion that the differences across signing parties' level of development is more strongly associated with whether specific types of provisions are included than the variation in the number of provisions.

Figure 4: Migration provisions by signing parties



Note: Boxplots showing the distribution of the number of provisions in PTAs based on the type of signing parties. Each dot represents a PTAs. The box plots show the observations (jittered to reduce over-plotting) and p-values for pairwise group mean comparison based on t-tests.

Zooming in: The role of the EU, US and emerging countries

While reflecting overarching trends highlighted in the literature on international migration cooperation, the broad distinction between developed and developing countries also hides important variations within each of these categories. With regard to economic dynamics one group of countries that fits uneasily between these two categories are emerging economies, primarily the BRICS countries. These countries share developed countries' interests in both inward and outward investment and in facilitating the mobility of business-people in multinational companies (Ekman and Engblom 2019: 170; Lavenex and Jurje 2021). In the category of developed countries, the traditional market powers and international standard setters, the EU and the United States, merit a closer look.

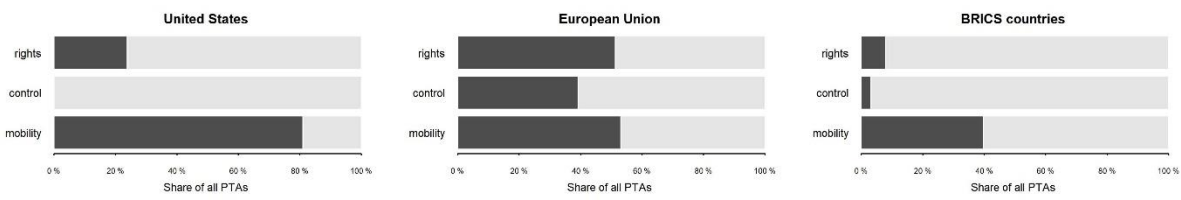
The PTAs concluded by these emerging and traditional trade powers show distinct patterns (see Figure 5). EU agreements stand out for including all three provision types to a similar extent: between 40 and 60 percent of EU PTAs include mobility, rights and control provisions. While the presence of mobility provisions is in line with the PTAs designs of other developed economies, the EU stands out for its significant inclusion of rights and, in particular, control provision. Especially control provisions feature nearly exclusively in EU PTAs, the only non-EU agreements including such provisions are the 2006 Japan-Philippines and 2010 South Korea-India PTAs, the PTAs between Peru and Costa Rica, Guatemala (both 2011) and Panama (2012) – albeit with much more limited scope. As argued above, provisions against irregular migration have the weakest link to commercial exchanges from all three types of migration

1 provisions found in PTAs. This is one reason why other developed countries, while sharing the concern with irregular
2 migration, have hitherto not engaged in this issue-linkage. At the same time, the fact that we find this issue-linkage in
3 EU agreements and not so much elsewhere is linked to the EU's reliance on PTAs as instruments of 'market power'
4 in external relations (Damro 2002) and the political priority accorded to migration control in the process of European
5 integration. Originally a domestic competence, immigration from third countries has come on the EU agenda in
6 connection with the abolition of internal border controls provided by the 1985 Schengen Agreement. Consequently,
7 the predominant aim of the evolving common immigration policies has been to ensure strict entry requirements and
8 high standards of control at the EU's external borders (Geddes 2018). The presence of provisions in PTAs enlisting
9 partner countries in the fight against irregular migration and committing them to readmit migrants staying irregularly
10 in the EU signals the advancement of migration policy considerations in EU external relations (Carrera et al. 2019).
11 Considering that such cooperation is primarily in the interest of the EU, this trade-migration control linkage can be
12 read as a move to leverage the EU's market power in order to incentivize third countries' support (Jurje & Lavenex,
13 2014).¹⁰ The case of the EU thus provides support for our Hypothesis H2 that expects migration control provisions
14 to reflect a strategic issue-linkage on the part of wealthy countries towards developing ones. Yet this strategic issue-
15 linkage remains a specificity of the EU. The US, although sharing concerns about irregular migration, has never
16 included migration control provisions in its PTAs. Its commercial commitments are limited to provisions on migrant
17 rights and, up to the vote of US Congress in 2004 (see above), labor mobility.

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34 PTAs concluded by the BRICS finally document a strong interest in facilitating trade-related mobility and more limited
35 commitments on migrant rights. Migration control provisions are absent with the exception of the 2010
36 Comprehensive Economic Partnership Agreement between the Republic of Korea and India which includes a
37 readmission clause. With around 40% of their agreements including mobility provisions the BRICS clearly contrast
38 with the PTAs concluded by other developing countries which include such provisions much less frequently (see
39 above). Both China and, more vocally, India have also played an active role in the promotion of such provisions in the
40 stalled Doha Round of multilateral trade negotiations in the WTO and have sought far-reaching commitments in
41 bilateral trade negotiations (Lavenex and Jurje 2021). For the time being, however, the inclusion of mobility provisions
42 in PTAs concluded by the BRICS remains below the level found in PTAs among developed economies.

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¹⁰ See, for a similar argument with regard to EU foreign and security objectives in PTAs (Ariel & Haftel, 2021).

Figure 5: Migration provisions of important trade actors



Note: The bar plots display the share of PTAs with migration provisions (in dark grey) across three different trade actors.

Conclusions

Preferential Trade Agreement constitute a hitherto under-researched venue of international migration governance. Considering the dearth of multilateral cooperation in this field, the inclusion of provisions facilitating economic mobility, fighting irregular migration and promoting migrants rights in legally binding trade instruments is surprising. Why do states consent to such commitments in PTAs while shunning away from them in multilateral arenas? Does the inclusion of migration provisions in PTAs provide a way out of the dilemmas frustrating global cooperation? This article addresses this question by introducing a new comprehensive dataset on migration provisions in PTAs and by exploring the patterns of commitments in the light of the existing cooperation dilemmas.

The literature on international migration relations attributes the lack of cooperation to conflicts of interest within and between states. The first constellation is captured by the notion of the 'liberal paradox' characteristic of wealthy democracies where economic demand for openness confronts political calls for closure. The second constellation denotes opposing interests between developing and developed states arising from the asymmetry of migration flows. Against this background, PTA's bi- or plurilateral, malleable set-up, the opportunities they offer for issue-linkages, and the de-politicizing effect of framing migration norms as commercial commitments make them particularly attractive for advancing some cooperation on international migration where it otherwise fails.

Providing a systematic coding of all migration-related provisions in PTAs worldwide since 1960, the MITA dataset introduced in this article allows us to assess the shape and evolution of migration provisions in PTAs against varying interest constellations. Regarding the 'liberal paradox', our findings corroborate the expectation that PTAs only partially help overcome the cooperation dilemmas. On the one hand, we see a steep rise in the number of PTAs containing mobility provisions and also a dynamic evolution of the number of such provisions per PTA. On the other hand, commitments focus on highly skilled migrants linked to investment, trade in services and multinational corporations – that is, categories of persons that are primarily in the interest of developed economies. In consequence, mobility commitments concentrate in PTAs signed by developed economies with other developed economies. Against our expectations, however, an important number of PTAs signed between developed and developing countries also include

such provisions which points at the active role of emerging economies in this agenda.

We also find strong support for our second hypothesis according to which PTAs provide a venue for developed countries to overcome conflicts of interests with developing countries via issue-linkage when it comes to cooperation on migration control. However, this issue linkage is, with a few exceptions, so far largely limited to PTAs signed by the European Union. This corroborates the notion that trade connections constitute the primary tool of EU foreign policy and signals the EU's willingness to mobilize its market power in the pursuit of non-trade related migration policy goals.

The least clear patterns appear for the third type of migration provisions found in PTAs, those protecting migrant rights. Such provisions belong, together with mobility provisions, to the oldest type found in PTAs. In contrast to the latter, however, we do not observe a proliferation but rather a decline in their frequency over time. Contrary to our expectation, such provisions also do not concentrate in PTAs signed between developing countries – which are the traditional promoters of this agenda in multilateral arenas – and developed economies. In sum, these findings suggest in contrast to mobility and, at least for the EU, migration control provisions, which have established a firm presence in PTAs, migrant rights are not at the top of developed or developing countries' migration policy agenda.

The purpose of this article has been to introduce the MITA dataset and propose first avenues for theory-guided empirical research. The dataset allows moving much further in the study of the trade-migration policy nexus and enables more fine-grained causal analyses of the driving forces behind the different types of migration provisions, i.e. business mobility, migration control and rights, and the depth and scope of commitments. MITA can be used to systematically analyze why countries link trade and migration, what explains the inclusion and substance of migration provisions in PTAs, and what effects these provisions have on a series of economic and political outcomes, such as for instance on migration legislation, migration flows or commercial exchanges. We hope that the dataset is of value to scholars of migration and trade governance in comparative politics and international relations alike.

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Appendix

Data selection and coverage

The MITA database is among the broadest and most inclusive databases on preferential trade agreements with regard to migration. We include all international trade agreements that were signed between 1960 and 2020 and whose text is publicly available. This includes bilateral, plurilateral and regional agreements. We exclude framework agreements. We do not list accessions and withdrawals to existing agreements as they only constitute a change in the signing parties but not a change in an agreement's provisions. Accordingly, we include consolidated PTAs that include additional migration provisions to the initial agreement. Signing parties can be countries but also group of countries such as regional and supranational organizations. Beside the main text of an agreement, we also take into account annexes and side-letters that are part of an agreement. To maximize the coverage of the database, we combined various data sources such as the World Trade Organization, the DESTA database (Dür et al., 2014) and websites of governments and intergovernmental organizations. As source data, we consider all text documents that are an integrated part of an agreement, such as the main text, annexes, side letters and additional protocols that were signed together with the main agreement.

Details on operationalization:

Variable list (0=absence, 1= presence)

- MOBOBJ: Does the agreement mention the objective of facilitating migration?
- MOBCHP: Does the agreement text contain a dedicated part on the mobility of natural persons?
- MOBLAB: Does the agreement allow access to the labour market for natural persons?
- MOBSER: Does the agreement allow access to the service market for natural persons?
- MOBMRA: Does the agreement contain a commitment on the mutual recognition of qualifications?
- MOBDSM: Does the agreement contain a dispute settlement mechanism for mobility provisions?
- MOBPER: Does the agreement mention limitations of mobility commitments regarding permanent settlement and citizenship?
- MOBREG: Does the agreement contain a commitment on regulatory cooperation regarding the mobility of natural persons?
- MOBMFN: Does the agreement contain a most-favoured-nation (MFN) clause for the included mobility provisions?
- MOBNTR: Does the agreement contain a national treatment clause for the included mobility provisions?
- MOBFEE: Does the agreement contain a commitment on the limitation of application fees?
- MOBINF: Does the agreement contain commitments on the provision of publicly available information regarding the mobility of natural persons?
- MOBSEC: Does the agreement contain a limitation of mobility commitments based on security interests?
- MOBTEC: Does the agreement contain technology transfer requirements?
- MOBRES: Does the agreement contain within-country mobility restrictions?
- MOBVIS: Does the agreement contain a commitment on visa facilitation?
- MOBPRC: Does the agreement contain a commitment on the facilitation of the application process?
- MOBGTS: Does the agreement require compliance with the 'General Agreement on Trade in Services' (1995)?
- MOBCOM: Does the agreement require compliance with an international agreement that facilitates the mobility of natural persons?
- MOBIP: Does the agreement allow the movement of independent professionals?
- MOBBV: Does the agreement allow the movement of business visitors?
- MOBICT: Does the agreement allow the movement of intra-corporate transferees?
- MOBCSS: Does the agreement allow the movement of contractual service suppliers?
- MOBTR: Does the agreement allow the movement of (graduate) trainees?
- MOBINS: Does the agreement allow the movement of installers?
- MOBINV: Does the agreement allow the movement of investors?
- MOBEXE: Does the agreement allow the movement of executives?
- MOBMAN: Does the agreement allow the movement of managers?
- MOBSPC: Does the agreement allow the movement of specialists?
- MOBBS: Does the agreement allow the movement of business (service) sellers?
- MOBCUL: Does the agreement allow the movement of artists, sportsmen or fashion models?
- MOBOBP: Does the agreement allow the movement of other business people?
- MOBTRS: Does the agreement allow the movement of tourists?
- MOBEDU: Does the agreement allow the movement of students and/or researchers?
- MOBENT1: Does the agreement contain an ENT reservation?
- MOBENT2: Does the agreement contain an ENT exemption or limitation?

MOBQUO1 : Does the agreement allow for the imposition of quotas?
MOBQUO2 : Does the agreement prohibit the imposition of quotas?
MOBDRN: Does the agreement define maximum length of stay for the mobility of natural persons?
MOBEMP: Does the agreement contain employment restrictions for the mobility of natural persons?
MOBEXT: Does the agreement contain a mechanism for the extension of stay for the mobility of natural persons?
MOBEXP: Does the agreement contain a requirement of prior professional experience for the mobility of natural persons?
MOBSKL: Does the agreement contain a skill-level limitation for the mobility of natural persons?
MOBSCT1: Does the agreement contain a sector limitation for service mobility?
MOBSCT2: Does the agreement contain a sector expansion beyond services?
MOBSPS: Does the agreement contain a provision for the rights of spouses and dependents?
MOBPRE: Does the agreement contain a pre-employment requirement for the mobility of natural persons?
MOBDOM: Does the agreement contain a provision that allow for employment in the receiving country?
MOBDIR1: Is the mobility provision asymmetric?

CONOBJ: Does the agreement mention the objective of migration control?
CONCHP: Does the agreement contain a dedicated chapter on migration control?
CONDIA: Does the agreement include a commitment on a dialogue on migration control?
CONREA: Does the agreement include a commitment to re-admit nationals?
CONRTN: Does the agreement include a commitment to support the reintegration / hosting of (returned) migrants and refugees?
CONIRR: Does the agreement include a commitment to prevent irregular migration?
CONDSM: Does the agreement contain a dispute settlement mechanism for migration control provisions?
CONREG: Does the agreement include a commitment on regulatory cooperation on migration control?
CONDEV: Does the agreement draw a link between migration control and the development of sending countries?
CONCOM: Does the agreement require compliance with an international agreement regulating migration control?

RIGOBJ: Does the agreement mention the objective of protecting migrant rights?
RIGCHP: Does the agreement contain a dedicated chapter on migrant rights?
RIGDIA: Does the agreement contain a commitment on dialogue on migrant rights?
RIGTRA: Does the agreement include a commitment on social insurance transfers?
RIGDIS: Does the agreement include a commitment on non-discrimination of migrant worker?
RIGSOC: Does the agreement include a commitment on equal access to social security?
RIGDSM: Does the agreement contain a dispute settlement mechanism for migrant rights provisions?
RIGREG: Does the agreement include a commitment on regulatory cooperation on migrant rights?
RIGREF: Does the agreement include a commitment to the protection of refugees?
RIGCOM: Does the agreement require compliance with an international agreement regulating the right of migrants?

Frequency measurement: indices (for each type of migration provisions):

Dichotomous frequency: Does at least one migration provision appear in an agreement (value 1) or not (value 0) ?

Continuous frequency: The absolute number of migration provisions of a PTA. Calculated as the sum of all (dichotomous) variables of the same provision type.

Figure A1: Correlation plot migration provisions

Mobility variables

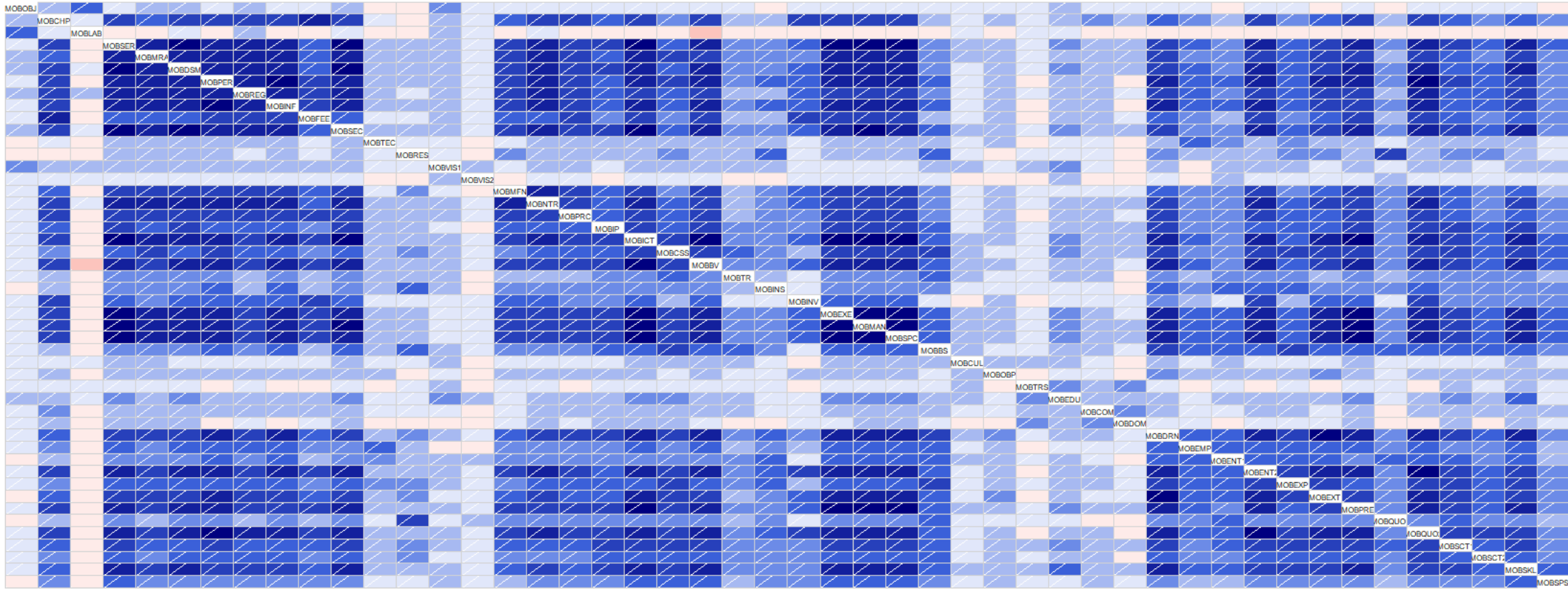


Figure A2: Correlation plot control provisions

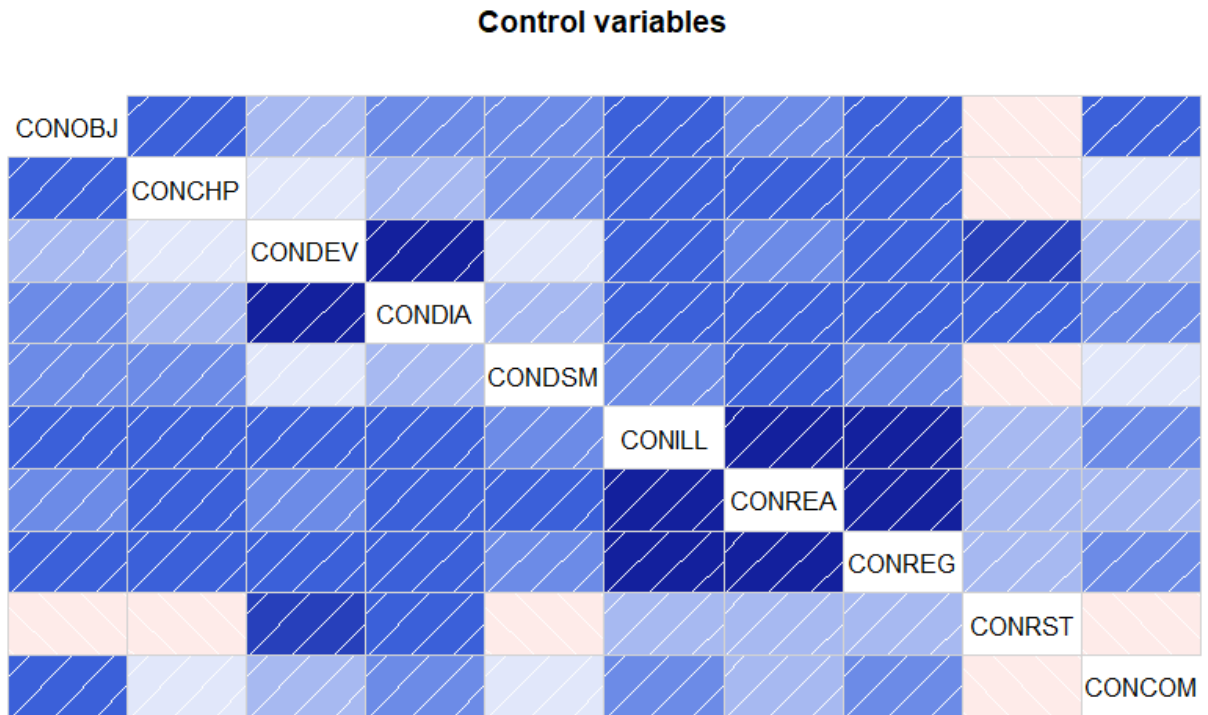


Figure A3: Correlation plot control rights provisions

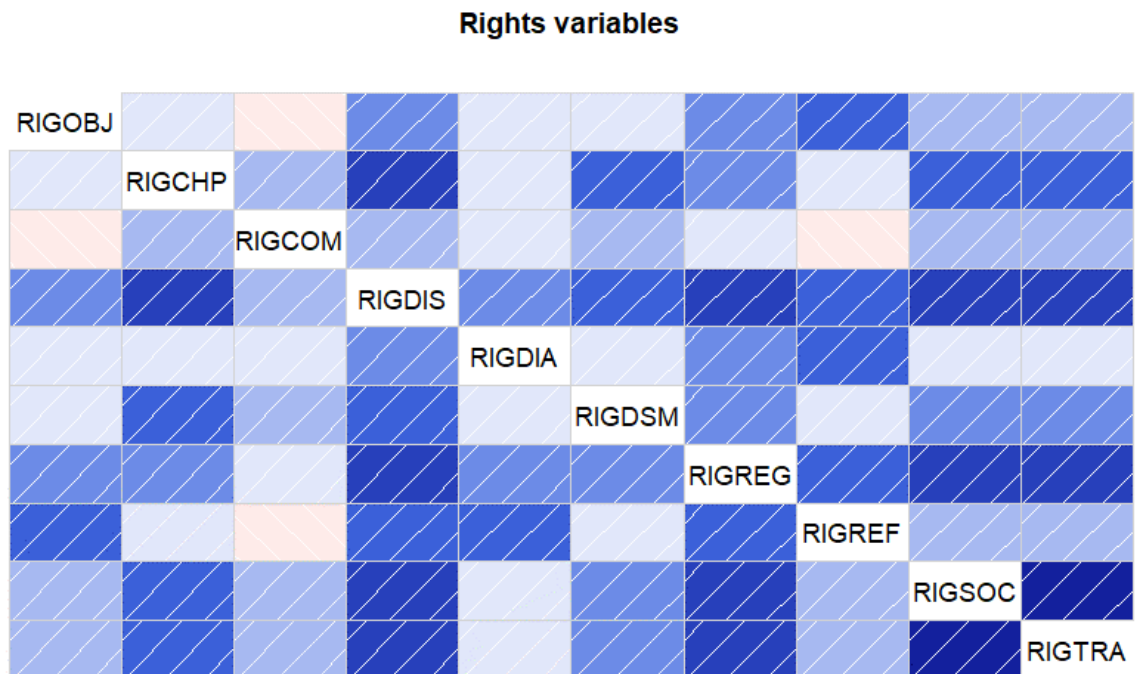


Figure A4 : Migration provisions by level of development (alternative classification)

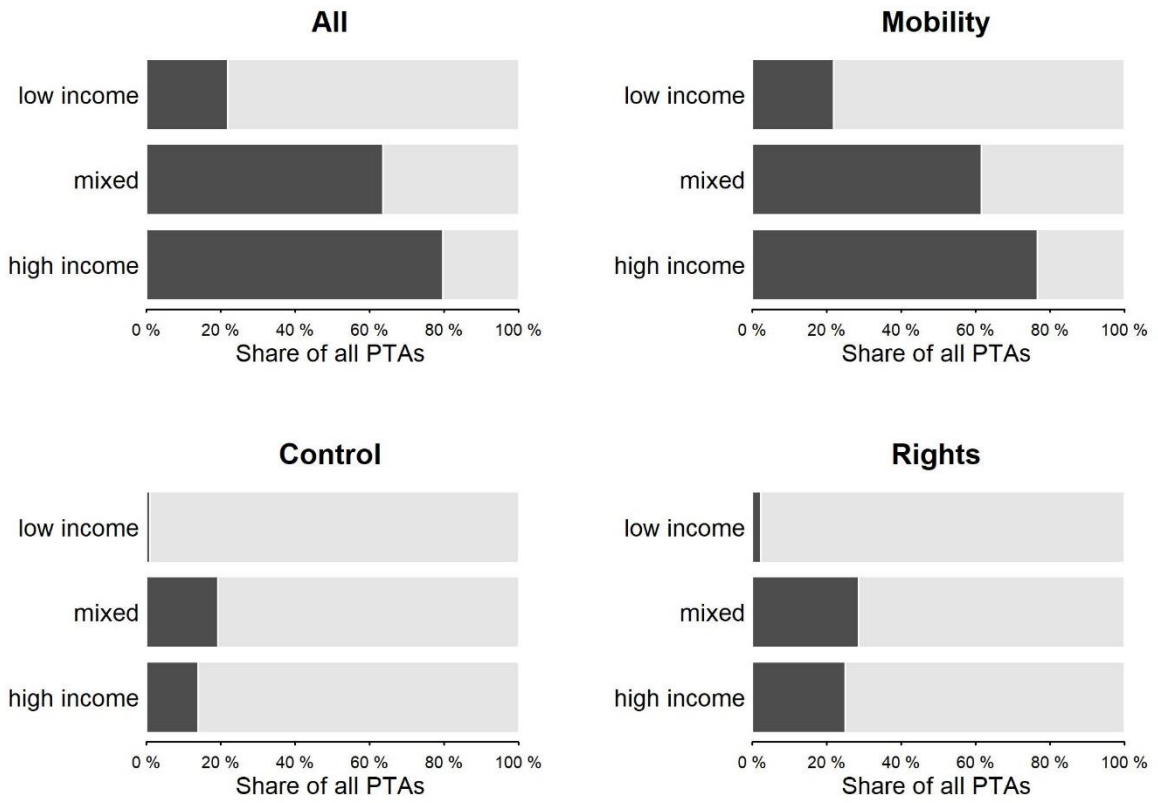
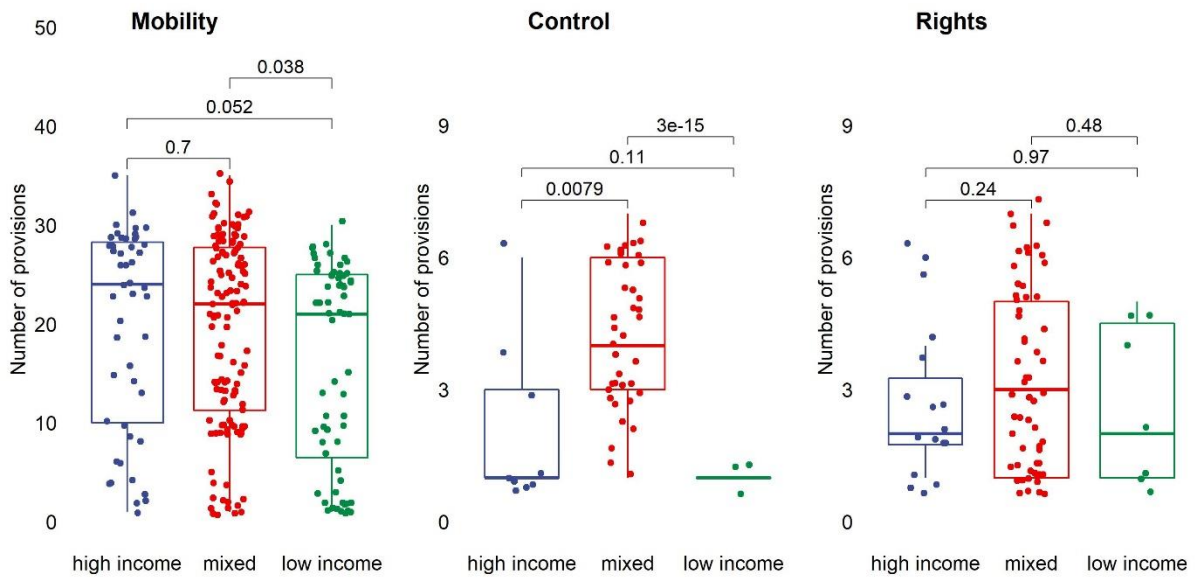


Figure A5 : Migration provisions by signing parties (alternative classification)



Country classification:

Version 1: OECD-membership

0 = non-member states 1 = member states

List of OECD countries (year of accession): Australia (1971), Austria (1961), Belgium (1961), Canada (1961), Chile (2010), Colombia (2020), Czech Republic (1995), Denmark (1961), Estonia (2010), Finland (1969), France (1961), Germany (1961), Greece (1961), Hungary (1996), Iceland (1961), Ireland (1961), Israel (2010), Italy (1962), Japan (1964), Korea (1996), Latvia (2016), Lithuania (2018), Luxembourg (1961), Mexico (1994), Netherlands (1961), New Zealand (1973), Norway (1961), Poland (1996), Portugal (1961), Slovakia (2000), Slovenia (2010), Spain (1961), Sweden (1961), Switzerland (1961), Turkey (1961), United Kingdom (1961), United States (1961)

Version 2: World Bank classification

Data source: *World Development Indicators. Washington, D.C.: The World Bank.*

0= not classified as high-income 1 = classified as high-income

Country classification based on annual income threshold (12,695 USD) measured by using gross national income (GNI) per capita, in U.S. dollars, converted from local currency.

Validity test

We are not the first scholars coding PTA content. There are two research projects that have previously coded migration-related content in trade agreements (Dür et al. 2014 and Pauwelyn et al. 2019). Although these datasets are more limited than our dataset, they allow us to check the reliability and validity of our results.

DESTA dataset (Dür et al. 2014)

Coverage: 712 PTAs signed between 1948 and 2019

Migration content: temporary entry of business persons

Variable list: nine dichotomous variables (0=no, 1=yes)

[temp_ser_movement] Does the agreement allow the movement of natural persons in the provision of services?

[temp_ser_movement_gatsplus] If there are provisions on the movement of natural persons: do the provisions match GATS-commitments or go beyond GATS-commitments?

[temp_ser_movement_gatsextra] If there are provisions on the movement of natural persons: do the provisions match GATS-commitments or do they even include new areas of regulation for each member of the agreement?

[temp_visa_cooperation_transparency] Are there provisions on transparency and co-operation to facilitate visa for business persons?

[temp_visa_mechanism] Are there provisions on specific mechanisms to facilitate visa for business persons?

[temp_visa_freedom] Does the agreement create for a visa-free movement?

[temp_inv_mov_bus_per] Does the agreement allow for the temporary Movement of Business or Natural People?

[temp_inv_boardmembers_requirements_limited] Does the agreement include limiting provisions (restrictions) on the free appointment of board members and senior managers?

[temp_inv_boardmembers_requirements_prohibited] Does the agreement include prohibiting provisions on the free appointment of board members and senior managers?

The DESTA dataset covers temporary mobility (mostly in the context of trade in services) and thereby overlaps with mobility provisions in the MITA dataset. To assess validity, we correlate the aggregate number of mobility provisions per agreement from the MITA dataset with the aggregate value of the nine DESTA-variables. The resulting value is $r=0.84$ indicating a high level of correlation. Given that the number of mobility variables diverge significantly between the two datasets, this suggests that DESTA and MITA measure indeed largely the same concept in a valid manner. Moreover, the comparison reveals that the MITA dataset has – as expected - a broader coverage than the DESTA dataset not only with a higher number of provisions identified but also with a substantially higher number of PTAs with at least one mobility provision.

Deep Trade Agreements database at Worldbank (Pauwelyn et al. 2019)

Coverage: 108* PTAs signed between 1975 and 2018

**some plurilateral agreements receive multiple entries separating the bilateral pairs, that however receive the same codes.*

Migration content: The database covers migration-related content of PTAs, focusing on provisions that facilitate the mobility of natural persons. Only provisions that go beyond what is contained in the GATS and its Mode 4 provisions are contained in the dataset (Pauwelyn et al. 2019, 225).

Variable list:

I. Migration Goals/Objectives
Does the agreement call for freedom of movement of workers/people
Does the agreement call for regulatory cooperation or harmonization in migration regulation?
II. Coverage and Types of (WTO-extra) Movement of Natural Persons
Does the agreement address the movement of investors?
Does the agreement address the movement of non-commercial visitors?
Does the agreement address the movement of migrant workers already employed by a company in the country of destination?
Does the agreement address the movement of migrant workers seeking employment in the country of destination?
Does the agreement positively address or facilitate persons obtaining residency in either party?
Does the agreement positively address or facilitate persons obtaining nationality/citizenship in either party?
Does the agreement address the movement of the dependents of natural persons?
Does the agreement address the movement of undocumented migrant workers?
Does the agreement address the movement of refugees?
III. Facilitation of the (WTO-extra) Movement of Natural Persons
Does the agreement encourage parties to expedite the application procedures for immigration formalities for natural persons?
Does the agreement limit the time for processing applications requesting temporary entry of natural persons?
Does the agreement limit the fees for processing applications for temporary entry of natural persons?
Does the agreement encourage parties to publish online if possible or otherwise make publicly available information regarding the current requirements for temporary entry?
Does the agreement encourage parties to provide facilities for online lodgment and processing (electronic visa)?
Does the agreement provide an entry/visa denial explanation mechanism?
Does the agreement provide a mutual recognition scheme (on qualifications, training, work experience)?
Does the agreement provide a visa extension or renewal mechanism?
Does the agreement provide a quota on number of visas to be issued to natural persons of parties?
IV. Exceptions and Limitations
Does the agreement explicitly exclude questions or measures regarding employment on a permanent basis?
Does the agreement explicitly exclude questions or measures regarding residency?
Does the agreement explicitly exclude questions or measures regarding nationality/citizenship?
Does the agreement specifically allow parties to bar entry of natural persons based on public security/order reasons?
Does the agreement allow parties to undertake temporary safeguard measures to bar entry of natural persons?
V. Reference To Other International Instruments
Does the agreement refer to bilateral agreements related to migration concluded by the parties?
Does the agreement refer to multilateral agreements relating to migration, refugees or trafficking?
VI. Institutional Arrangements and Dispute Settlement
Does the agreement set up a dedicated organ or sub-committee to oversee migration issues?
Does the agreement encourage parties to undertake mutually agreed cooperation activities?
Does the agreement allow for retaliation to ensure compliance with the dispute settlement system's outcomes in migration disputes?

The Worldbank dataset does cover a broad range of mobility provisions with important parallels to the MITA dataset by covering some category-specific mobility provisions, concomitant modalities, compliance provisions, dispute settlement and regulatory cooperation. However, by only coding WTO-extra provisions the Worldbank dataset has a substantially narrower scope than the MITA dataset, which includes all migration-related provisions including those that are also contained in the GATS. As a validity check, we correlate the aggregate index of the Worldbank variables with the aggregate index of mobility provisions in the MITA dataset. The resulting value is $r=0.34$ and therefore only a medium level of correlation. While the two datasets code largely the same agreements as including mobility provisions (with the exception of five agreements), the low correlation is likely to stem from the different numbers of provisions identified per agreement as result of the different coding logics. This notably reduces the set of categories of natural persons covered by the Worldbank dataset, with MITA differentiating business people in much more detailed way than the Worldbank dataset. Note that the two datasets have a different logic of coding migration provision: while the Worldbank variables tend to be more general (whether a specific content is addressed), the MITA variables are more specific by taking into account the regulatory purpose and whether a provision is facilitating or restricting mobility. Finally, we correlate the DESTA-index with the Worldbank-index and find a weak correlation of $r=0.1$. This suggests that these two datasets do measure substantively different content and that the MITA database with its broad coverage can tap into both of them.

The validity test was also used as a quality check. We identified agreements where MITA and DESTA or Worldbank disagree about the inclusion of migration provisions and reassessed our codes. The same procedure is applied for variables that appear in both MITA and DESTA or Worldbank dataset.