Citation: Gleeson, Shannon & Xochitl Bada, "Institutionalizing a Binational Enforcement Strategy for Migrant Worker Rights" (2019) 35:2 Intl J Comb Lab L & Ind Rel 255

Abstract: An emerging literature has focused on the role of state-of-origin actors in managing the migrant diaspora and implementing their rights. This article instead examines the perspective of destination-state actors who are engaged in national and local partnerships with consular institutions to enforce the rights of migrant workers. In doing so we ask what drives these binational collaborations, what sort of resource investments are necessary to ensure meaningful exchange, and what are the distinct challenges that emerge across place. By bridging the literature on diaspora policies with the literature on tripartite models of co-enforcement of labour standards we argue that a bilateral perspective is necessary for understanding the dynamics of migrant rights enforcement. Our data draws from official documents and memoranda of understanding, as well as interviews with twenty different federal agency officials in the United States. These findings cast light on how agencies in destination states navigate binational collaborations, and the challenges that emerge through these partnerships. These stem in large part form the limits of claims-driven enforcement regimes, the challenge of coordinating across distinct agency missions and priorities, and the power inequities inherent in mismatched agency staff and resource levels. We also find that bureaucratic actors exercise a great deal of discretion in their work, resulting in wide variation across jurisdictions. We conclude that while bilateral co-enforcement agreements are not a panacea to solve the structural dysfunction of labour rights enforcement for migrant workers, they are also not a useless mechanism that should be easily dismissed.