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In Each Other's Shoes: Making Migration Policies Equitable Across Borders



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Publisher: International Organization for Migration
17 route des Morillons
P.O. Box 17
1211 Geneva 19
Switzerland
Tel: + 41 22 717 91 11
Fax: + 41 22 798 61 50
E-mail: hq@iom.int
Internet: www.iom.int

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In Each Other's Shoes: Making Migration Policies Equitable Across Borders

Binod Khadria

Executive summary

To celebrate multilateral and bilateral negotiations on international migration as one that could be called “the longest-running plays” would be one thing, but the hard truth staring in our face is that actual policy making in migration has remained a one-sided game, that of the immigration country calling the shots. To talk of making global migration policy more symmetrical through equitable participation of countries across borders – something that I have been arguing for more than a decade to see happening, has therefore, ironically, but suddenly dawned on me as a conundrum – “a modern-day maze, a logical postulation, an intricate and difficult problem that evades easy solution”. There are both recent and old burning examples of the failures of bilateral and/or multilateral frameworks, e.g., Brexit, the Scotland referendum, the Catalonia referendum, the European refugee crisis, the US travel ban, the Mexico wall, the Australian boat people, the Bangladeshi migrants in India, and now the latest Myanmar expulsion of Rohingya refugees, and so on – are each one contributing to the drifting of migration away from rather than coming closer to becoming SOR – “safe, orderly and regular”, what the Global Compact for Migration aims for alongside achieving the SDGs by 2030.

These aberrations in the global scenario – either in anticipation or as a follow-up of perceived migration outcomes - have all been the results of unilateral top-down policy decisions devoid of willful, empathic or active involvement of the counterpart country or countries. This is why the dichotomy between the two complementary streams in migration – emigration and immigration – has often led to inconsistent, contradictory and paradoxical positions being taken by the same policymakers and implementing officials of a country when it comes to their immigration (including transit) and emigration policies. Little wonder then that multilateral and bilateral negotiations aimed at facilitating user-friendly human mobility often end up being game-theoretic hide-and-seek strategies, more than even those under the WTO and GATS negotiations on free mobility of capital, goods and services through international trade.

Driven by divisive politics and fired by overzealous attitudes of 3S - sovereignty, security, and social cohesion through assimilation and integration rather than multiculturalism, immigration policy making is often shrouded in secrecy, mistrust and the “race to the bottom” among countries to outsmart each other. The outcome is what I would call “migrant-blind policies”, which have in turn created turbulences in migration trends with adverse effects of macro-economic uncertainty on the otherwise stable micro-economic mobility decisions of the migrants at the individual and family levels. There is obviously no great Feel-Good-Factor (FGF) in it even for the policy makers or the officials; not to talk for the migrants.

To ameliorate this trend of adversely targeted policies, this paper offers two recommendations towards constructive and viable policy making strategies. Countries can practice them unilaterally by moving back from ineffective multilateral or bilateral pretension without having to get entangled in the conundrum of equitable adversary analysis that necessarily calls for the support of the counterpart country or countries: (i) IDC or Inter-Diaspora Cooperation; and (ii) DCGC or Dual Citizenship for the Global Commons. Destination countries satisfying three preconditions would help pre-empt the conundrum of trying to step into each other's shoes for adversary analysis to make migration policies equitable across countries.

Introduction

The title of my paper may sound like the solution of a conundrum I am suggesting. It is not; rather it is my late realization that it is the conundrum itself! Beginning as far back as in 2007 at a Conference on “Transnationalisation and Development(s): Towards a North-South Perspective” at the University of Bielefeld, Germany, I have often proposed what I call an Equitable Adversary Analysis (EAA) approach to multilateral and bilateral negotiations on migration policy making. I had submitted one of my early papers on this idea to the IOM Migration Research Leaders Syndicate.¹ Over the years, it seemed to me that what I proposed as a policy tool has not been experimented with because it sounded like a utopia. Today, I think even if tried with full sincerity, it might not have worked because it was a conundrum – “a modern-day maze, a logical postulation, an intricate and difficult problem that evades easy solution”.

Background

The conundrum of equitable adversary analysis is based upon the fallacy that the origin and destination countries operating on two sides of an “uneven-playing field” i.e., across the borders can and would come together. Dialogues between emigration and immigration countries (or blocks of countries) are by nature asymmetrical and unbalanced because even though emigration and immigration are two sides of the same coin, it is the latter that dictates the terms of the game. It is a myth then that they would have common goals in setting migration policy and targeting migration outcomes – safe, orderly and regular (SOR). The fact that we make no distinction between emigration and immigration countries, or for that matter via-a-vis transit countries, is evident in the multilateral negotiations taking place at the UN or other international bodies, where the countries are distinguished as destination and origin countries, what I have termed as the “hubs” and the “hinterlands” respectively. Ultimately it is the immigration country that calls the shots and that is the hard fact.

Analysis

Why else did Brexit happen and still remains unresolved? Why Scotland referendum happened and is likely to happen again? Why Catalonia referendum was approved in the provincial assembly? Why Bangladeshi problem in India is eluding a solution? Why refugee issues are persisting? Why travel ban got imposed in the US and went into legal juggling? Why Mexico wall is taking its toll? Why boat people are in a limbo? The most generic common factor in these different phenomena, to my mind, has been that these have all been outcomes of unilateral policy decisions without autonomous, empathic or active involvement of the counterpart country or countries. This is why the dichotomy between the two streams in migration – emigration and immigration – has often led to inconsistent, contradictory and paradoxical positions being taken by the same policymakers and implementing officials of a country when it comes to their immigration (including transit) and emigration policies. Little wonder then that multilateral and bilateral negotiations aimed at facilitating user-friendly human mobility have ended up being game-theoretic hide-and-seek strategies more than even those dealing with the WTO and GATS negotiations on free mobility of capital, goods and services through international trade. Driven by divisive politics and fired by overzealous attitudes of 3S - sovereignty, security, and social cohesion through integration, they have been seen ending up in secrecy, mistrust and the “race to the bottom” to outsmart each other. There is obviously no great Feel-Good-Factor (FGF) in it for the policy makers or the officials; certainly not for the migrants. The outcome is what I would call “migrant-blind policies”, which have in turn created turbulences in migration trends with adverse effects of macro-economic uncertainty on the otherwise stable micro-economic mobility decisions of the migrants at the individual and family levels. Can this trend of adversely targeted policies be ameliorated by constructive policy making strategies, which could be practiced unilaterally without depending upon the conundrum of equitable adversary analysis that necessarily calls for the support of the counterpart country or countries?

¹ Khadria, B., 2009, “Adversary Analysis and the Quest for Global Development: Optimizing the Dynamic Conflict of Interest in Transnational Migration”, *Social Analysis*, vol. 53, issue 3, winter, pp. 106-122.

Conclusions

Consular practices, like the proverbial “holy cow”, are kept out of the public gaze and public scrutiny in multilateral fora. This is a byproduct of an overhyped notion of each country’s sovereignty, and a tit-for-tat approach to bilateral affairs, the migrant being at the receiving end in the middle of the storm. Often there are questionable practices applied under the garb of discretion of the “officer on the spot” manning the consulates and immigration posts, practices which deviate from stated policy of the destination country.² There are no foolproof mechanisms to monitor them for feeding into the preparation of some “global norms and codes of conduct”, as I have argued elsewhere.³ The vulnerability of the migrant that begins at the gate of the consulate prevails throughout the journey of migration. Barring a handful few countries, consulates by nature lack transparency and faster amenability to technology adaptation in visa regimes.⁴ The Global Compact for Migration (GCM) 2018 could be an opportunity to bring visa issues out of the mist and on to the table for constructive discussion towards making migration more user-friendly than what it is.

Until then, upholding the SDG principle of “leaving no one behind”, I propose two experiments to be undertaken. One, for minimizing the “incapability” of the poorer migrants that drives them to risk the “necessity” of unsafe, disorderly and irregular migration; and two, to minimize the collective societal pain arising from the selectivity of the so-called “talent war” that leads to seemingly “choice-determined” brain drain of those in abundance of “capability” and therefore not-so-poor migrants from countries of origin. These two experiments are:

(i) Institutionalize “Inter-Diaspora Cooperation” (IDC)

To tap the so-called diaspora resources, countries of origin have lately been wooing their respective diasporas to invest in their ancestral homeland. This has led to an exclusive obsession with the model of “Diaspora for Homeland Development”. GCM can encourage them to transcend this obsession, institutionalize what I call “Inter-Diaspora Cooperation” (IDC) and engage in South-South Cooperation for adopting a “third-country development (TCD) model”, i.e., to serve another country where the need for sustainable development is much more, say for example, an Ebola-affected country.⁵ Keeping in view the SDG goal of global partnership, this could be done by one diaspora group joining hands with another diaspora group in the same country of destination where they live (see the illustration in Diagram 1 provided in the Appendix).

(ii) Promote “Dual Citizenship for Global Commons” (DCGC)

Scarce human capital, like the STEM professionals (in science, technology, engineering and mathematics) could be declared as the “Global Commons”, like air, water, outer space, Antarctica, and the internet – resources that are essential for the benefit of the entire humanity. GCM 2018 can devise ways for sharing these scarce human capital between and among countries for sustainable development that would help reduce the migration conflicts between origin and destination countries and thereby contain migration that is not safe, orderly or regular. One recommendation I have often made towards this purpose is to encourage countries to move from the concept of mono-nationality to dual citizenship.⁶ Dual citizenship would promote “temporary return” of scarce human capital to the country of origin in place of their “temporary migration” to the country of destination in the first place (I call it TR 4 TM; see illustration of “circulatory migration/temporary return” vis-à-vis “temporary migration/return migration” in Diagram 2 in the Appendix). It would do so by eliminating the

2 Khadria, B., 2005, “Migration in South and South-West Asia, RS6, Global Commission on International Migration, Geneva, www.iom.int/jahia/webdav/site/myjahiasite/shared/shared/mainsite/policy_and_research/gcim/rs/RS6.pdf

3 Khadria, B., in UK Government’s Foresight Project, Migration and Global Environmental Change, www.unescobkk.org/fileadmin/user_upload/epr/Quality/Khadria-Free_Mobility_in_Asia-State_of_science_review_for_Foresight_Report_on_Migration_and_Global_Environmental_Change_2011.pdf

4 My observations as a member of the International Advisory Committee of the Civil Society Days, GFMD, Athens, Greece, 2009, incorporated in the Report of the Proceedings, page 10, accessible at https://gfmd.org/files/documents/gfmd_athens09_report_of_the_proceedings_en.pdf

5 Khadria, B., 2012, “Migration of health workers and health of international migrants: Framework for bridging some knowledge disjoints between brain drain and brawn drain”, *International Journal of Public Policy*, 8, 4-6, pp. 266-280.

6 See, Khadria, B., 2012, “Immigration and return migration to India”, chapter 7 in Khadria, B., *India Migration Report 2010-2011: The Americas*, Cambridge University Press, New York.

fear of not being allowed re-entry into the destination country once a migrant leaves that country temporarily to visit and contribute to the home country or a third-country. The net effect would be more or less the same as that of temporary migration policy, but with the added benefit of better management and governance of mobility towards making migration 100 percent safe, orderly and regular.

Recommendations

The present paper has built and expanded on a “migration narrative” – a hands on blue print for operationalizing the idea into practice – towards making migration SOR – safe, orderly and regular aimed at by the proposed 2018 Global Compact for Migration – through two strategic innovations of “regular pathways”, viz., “Inter-Diaspora Cooperation (IDC)” and “Dual Citizenship of the Global Commons (DCGC)”.

As the thematic expert of the second informal thematic session on drivers of migration held at New York on 22-23 May 2017, I had the opportunity to flag these two policy innovations in my report as “the way forward” for the GCM.⁷ My present paper written for the September workshop in Geneva and subsequent publication of the IOM for the UN GCM 2018 is aimed at proposing a roadmap for policymakers and the implementing bureaucracies to optimize the space for a balanced, healthy and constructive engagement with policy making towards operationalizing these innovations. In my opinion, there are three potential preconditions which needs to be satisfied through unilateral macro-level commitments and action by the immigration/destination states. These would be crucial to bring about a sea-change in the management and governance of migration in a sustainable way:

User-friendly consular practices:

Consulates all over the world are by legacy the slowest institutions in doing away with archaic practices. For example, there are only a few select countries that have done away with the practice of requiring hardcopy submission of documents for visa applications. Even frequent travellers have to submit same documents every time they apply for visa. I have often remarked that in an age of gigabyte and terabyte, it is ironical that our consulates have no memory! The more papers they ask for the more they contribute to destruction of forests and environment, leading to climate change and natural disasters that forces people to migrate in unsafe, disorderly and irregular way.

Stability in visa policy changes:

Visa regimes in most destination countries change at frequent but unpredictable intervals without advance signal. In contrast, individual and family decisions for investment in education and career choices contingent upon the demand in global labour markets are mostly long-term, once-for-all and non-reversible. This dichotomy creates vulnerability of the migrants and families when the doors of labour markets in an immigration country suddenly start closing, driving migrants to resort to unsafe, disorderly and irregular mobility. To minimize this dichotomy between visa policy changes and migration decisions, I have often recommended that states should be requested to declare an intended “best-before date” whenever visa rules are changed, and then to commit to honour that date excepting for in extremely unavoidable circumstances, like, for example, sudden onset of recession and large scale laying off that happened in 2008.

Migration data literacy:

Countries can learn of the best practice in collecting and disseminating migration data from each other, like from the prime destination countries like the US and Australia. In the US, with growing security concerns, like in the post 9/11 years, a few important categories of data have ceased to become available in the public domain. Often access to data is prohibitively priced by some countries. Apart from making a plea for data to be made freely available, what is also important is to conduct refresher courses in “data literacy” to root out

⁷ http://refugeesmigrants.un.org/sites/default/files/t2_p3_binodkhadria.pdf, and <http://webtv.un.org/search/4th-meeting-preparatory-process-for-the-intergovernmental-conference-to-adopt-a-global-compact-for-safe-orderly-and-regular-migration-general-assembly-71st-session/5445577372001?term=migration>

the stereotypes, myths and fallacies that lie at the root of many a conundrum. For example, one pervasive misinterpretation I come across arises from the policy makers' failure to make the basic distinction between stock and flow data on migration – often migrant stock data are cited to make a point about their flow.⁸ The remark that “migration now has reached a historically unprecedented high” would raise some eyebrows whereas the fact remains that historically cumulative figures would naturally go on increasing – a simple tautology! Little wonder then that the popular saying continues to do the rounds: “There are three kinds of lies – lies, damn lies and statistics!” There is obviously a need that GCM starts data-literacy courses in migration, both for academics/researchers and policy makers/activists, and feed that experience in the generation, compilation and dissemination of reliable time-series statistics.

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⁸ See, Khadria, B., 2016, “Involuntary and Illegal Migration to India: The Case of Bangladesh”, *NORRAG News, Special Issue on Refugees, Displaced Persons and Education: New Challenges for Development and Policy*, 53, May, pp. 118-119.

Appendix

Diagram 1: Inter-Diaspora Cooperation (IDC)

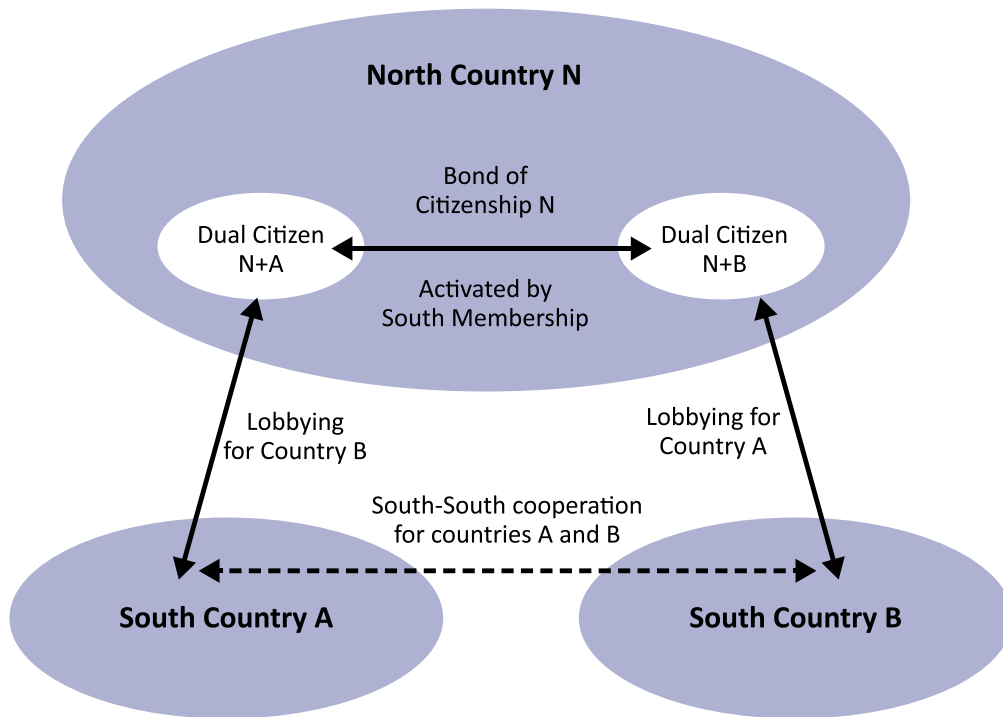
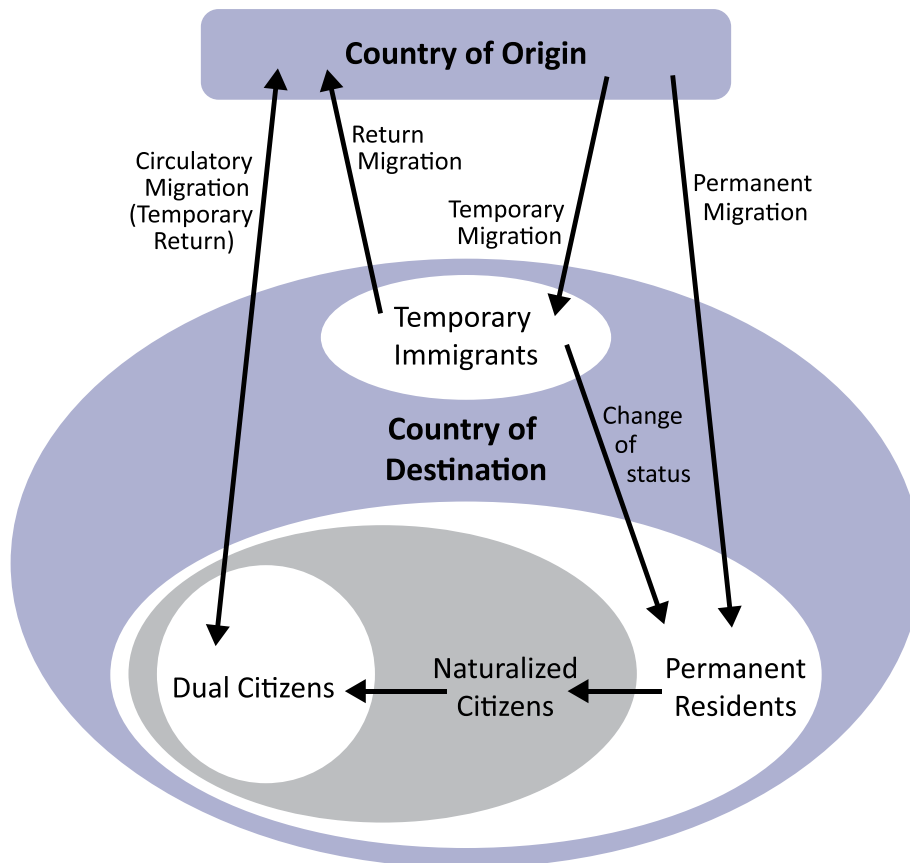


Diagram 2: Dual Citizenship for the Global Commons (DCGC)



Source: Khadria, B., 2009, "Adversary Analysis and the Quest for Global Development: Optimizing the Dynamic Conflict of Interest in Transnational Migration", *Social Analysis*, vol. 53, issue 3, winter, pp. 106-122.



Binod Khadria is a professor of economics and education at Jawaharlal Nehru University (JNU), New Delhi, and Director of International Migration and Diaspora Studies (IMDS) Project. Presently holding the coveted Indian Council for Cultural Relations (ICCR) Chair of Contemporary Indian Studies at Rutgers, The State University of New Jersey, Professor Khadria is also Deputy Chair for South Asia and Regional Coordinator for India at the Asia Pacific Migration Research Network (APMRN). Additionally, he is a member of the Boards of a number of organizations, like IOM Migration Research and Training Centre (MRTC) at Seoul, South Korea; International Network on Migration and Development (INMD) at Zacatecas, Mexico; International Geographical Union (IGU), and International Union for the Scientific Study of Population (IUSSP). Apart from being a member of the International Steering Committee of the Metropolis International for many years, he has just launched one of its Asia Secretariats in New Delhi.

International Organization for Migration
17 route des Morillons, P.O. Box 17, 1211 Geneva 19, Switzerland
Tel.: +41 22 717 9111 • Fax: +41 22 798 6150
E-mail: hq@iom.int • Website: www.iom.int