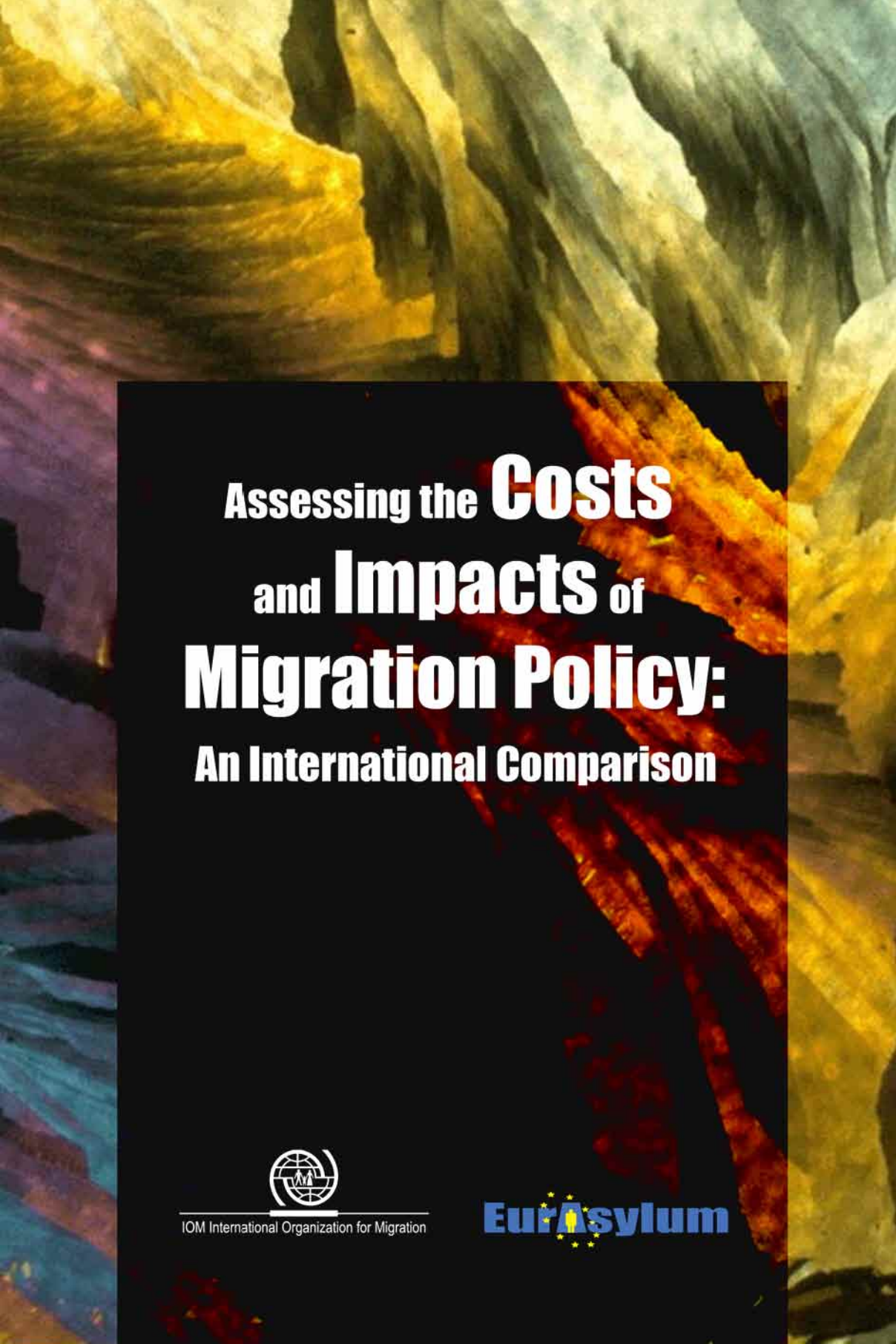
Assessing the Costs
and Impacts of
Migration Policy:
An International Comparison
IOM International Organization for Migration
EurAsylum

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Edited by

Solon Ardittis and Frank Laczko

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Preface

Brunson McKinley*

Issues related to international migration now confront policymakers throughout the world. However, our understanding of migration, and how to take advantage of it, live with it and manage it has not kept pace with the growth of the phenomenon.

Migration can be a constructive economic and social force, bringing about a dynamic labour force, economy and community, and rich cultural diversity. But migration can also have negative consequences, especially in cases of human trafficking and labour exploitation. As societies become more and more affected by migration, the central challenge is how to manage migration to maximize its positive effects and minimize potentially negative results. To do this effectively, States need to be able to monitor and evaluate the impact of their migration policies.

In practice, the evaluation of migration policies is often a challenging task. For example, the impact of migration reaches far beyond the confines of the economy. When migrants arrive, a country does not simply get labour units, it gets people and often their families too, with all the complexity that this entails. Migration raises issues of identity, social cohesion and social interaction both for the host community and for migrants themselves.

Therefore, migration policy cannot be evaluated solely in economic terms, policymakers also have to take into account the linkages between migration and issues such as international security, human rights, public health and national identity. No straightforward methodology for quantifying the effects of migration and migration policy is available to assist in this task.

Despite these challenges, interest among governments in migration policy evaluation seems to be growing. Partly, this is a response to concerns about the need to ensure public confidence in States' ability to manage migration effectively. Partly, it is because migration has become

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a much more important element of government policy as more countries are affected by migration and the number of migrants grows.

There have been few comparative studies of national policy evaluation approaches, methodologies and implementation mechanisms. And there has been very little analysis of how much countries are actually spending on migration programmes.

This book is very timely as it describes and compares the ways in which some of the major immigration countries in the world and some key international bodies, such as the European Commission, assess the costs and impacts of their migration policies and programmes. An innovative feature of the book is its comparison of government spending on migration programmes.

One of the objectives of the book is to promote a better understanding of the complex challenges that policymakers face when they seek to assess the impact of migration programmes. Another key aim is to promote a better exchange of information between countries about current policy evaluation approaches and methodologies. At present, there is no dedicated forum or database where national approaches to migration policy evaluation are shared.

A key recommendation of the book which I would particularly like to underline, is the need to strengthen capacity-building in migration policy evaluation. To give but one example, for officials working in the field of development there are training courses available to help them understand how development policies can be evaluated. In the case of migration, it is much more difficult to find examples of similar opportunities for training. Other ideas for capacity-building, include a more systematic sharing of information about "innovative" evaluation practices, and more investment in the development of training tools, and migration policy evaluation guides and manuals.

As the number of migration programmes around the world continues to increase such measures to support policy evaluation are likely to become increasingly important, as States seek ways to develop more effective migration management systems. I hope this book will contribute to better understanding and thus better policies, which in the end will benefit us all.

Foreword

Antonio Vitorino*

Since the late 1990s international migration has assumed increased political importance in Europe and internationally. It has also gained in complexity, with asylum figures gradually falling in most recipient countries and with emphasis being increasingly placed on the management of legal migration, the development of pro-active migration policies that address issues of demographic imbalance and skill shortages, and the active prevention of various forms of illegal migration. The growing complexity of contemporary migration dynamics was further determined by the need to increase cooperation with source countries, encompassing both increased development cooperation aid and the negotiation of EU readmission and resettlement schemes.

Within the European Union, and particularly since the European Council in Tampere in October 1999, the European Commission has been active in developing a relatively comprehensive set of principles and rules, including binding directives, to harmonize approaches and regulations in the field of asylum and migration policy. In 2004 the European Union concluded the first set of minimum common rules on asylum that is now in force in all 27 Member States. This has embraced the full asylum/migration policy spectrum, from common definitions of a refugee and common status determination procedures and reception conditions, to legislation on third-country nationals, a common readmission policy, harmonized sanctions on human traffickers and smugglers, and the development of integration measures for legal immigrants. However, the missing link in this set of legislation is clearly a common approach to legal admission of migrants in European societies beyond the existing common framework on family reunion.

The development of increasingly more complex, cross-national and multi-stakeholder legal and policy instruments in the field of migration has given impetus to the need for appropriate systems to monitor and evaluate the relevance, efficiency, effectiveness and impact of public interventions, both at national and regional levels. This was further determined by the growing emphasis placed on evidence-based

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policymaking since the late 1990s and by the need to increase public confidence and accountability in such a politically sensitive area as migration and asylum.

During my term as EU Commissioner for Justice and Home Affairs, I have advocated and supported actively the introduction of systematic measures to monitor and evaluate EU policy and legal interventions in the field of migration. This has included, amongst other initiatives, the introduction of the so-called Tampere scoreboard, which aimed to assess progress in the achievement of the various Tampere Programme's objectives. This was followed by the adoption, in 2004, of the Hague Programme, which stated that "evaluation of the implementation as well as of the effects of all measures is, in the European Council's opinion, essential to the effectiveness of Union action". Within the new framework designed under The Hague Programme, an enhanced version of the scoreboard was established, which assesses both the ways in which measures adopted at EU level are put in place by the Member States and examines whether they are implemented timely and in their entirety. In addition, all the major EC legal and financial instruments in the field of migration and asylum are now evaluated at various stages of the policy cycle, including at ex ante, mid-term and ex post stages.

Despite the growing development, by national and international public administrations, of systems and measures to evaluate major interventions in the field of migration, it is surprising how little information is today publicly available about the performance and impacts of national and international migration policies. Such lack of information relates not only to the costs and effects of public interventions at a national level, it also applies, as importantly, to the evaluation of migration policies on a cross-national, comparative basis. This is particularly relevant at the present moment when the European Union is exploring new paths for its migration policy (particularly on circular migration, mobility partnerships with countries of origin and transit and a common approach to highly skilled migrants) and at the same time is preparing the second stage of its asylum policy, which aims to complete by 2010 a fully comprehensive Common European Asylum System.

This book by IOM and Eurasylum provides, in my opinion, an informative and much-needed account of the current state of development of public evaluation systems in major host countries, and within regional and international organizations. It discusses a range of

areas in which public policy evaluation systems could be strengthened and further developed, and identifies new approaches and mechanisms to improve the design and implementation of migration evaluation systems.

The conclusions of the book, which I broadly share, point to the need for additional research and technical cooperation to enhance the ability of public administrations to produce, and share cross-nationally, policy-relevant evaluation findings. There would be merit for this book to be presented and discussed at relevant fora over the coming months, and for some of its more pressing recommendations to be given attention and support by appropriate institutional players.

About the Authors

Solon Ardittis is a Director of Eurasylum Ltd. He has over 20 years experience in research, evaluation, policy development and technical cooperation in the fields of immigration and asylum policy in Europe and in several transition and developing countries. He has worked as consultant to several Directorates-General of the European Commission (DG Justice, Freedom and Security, DG Employment and Social Affairs, EuropeAid, DG External Relations, DG Education and Culture, DG Regional Policy, DG Research, DG Environment, DG Development, DG Enlargement and the Secretariat General), as well as for ILO and IOM and as a researcher at the European Centre for Work and Society in Maastricht. He is a Research Fellow at the Institute for the Study of Labor (IZA, Bonn), and a Research Associate of the Center for Comparative Immigration Studies (CCIS) at the University of California at San Diego.

Holger Bonin graduated in Quantitative Economics at the University of Kiel in 2000, and holds a Ph.D. in Economics from the University of Freiburg. He was a Research Associate at the Institute for the Study of Labor (IZA), Bonn, from 2000 to 2007, and from 2003 to 2007 he was also Deputy Program Director of Evaluation of Labor Market Programs at IZA. Since October 2007, he has been Head of the Research Department Labour Markets, Human Resources and Social Policy at the Centre for European Economic Research, Mannheim. Holger Bonin's research interest centres on the economic impact of migration, wage and employment flexibility, labour supply and generational accounting. In addition to his academic activities, Holger Bonin frequently serves as a policy advisor.

Frank Laczko is Head of Research and Publications at the International Organization for Migration which has its headquarters in Geneva. Before moving to Geneva, he held posts with IOM in Budapest and Vienna. IOM has a large and varied research and publications programme. More than 400 publications are listed in IOM's 2007 "Publications Catalogue", and more than 100 research projects in IOM's Research Compendium 2005-2007. Current priority areas for IOM research include: Understanding the impact of migration policies and programmes on development; Analysing the likely effects

of climate change on migration patterns; Developing new approaches to the study of human trafficking, as part of the UN Global Initiative to Combat Trafficking; Trends in Migration from China to Europe; South America: Labour Migration Report.

Richard Lewis is a Senior Associate of Eurasylum and a Senior Research Fellow at the Institute for European Studies, Free University of Brussels (VUB), where he specializes in migration issues. The main part of his career, spanning the best part of 30 years, was as an official of the European Commission. His varied responsibilities included external relations in Asia and Eastern Europe and, more recently, as acting head of the unit on asylum and immigration. He is also active in conflict theory and management and is a qualified mediator and Member of the Chartered Institute of Arbitrators. Richard Lewis holds degrees from the Université Catholique de Louvain and the University of Bristol.

Amir Naqvi is a former official of the European Commission. His principal field of work was in development cooperation, including issues relating to evaluation and migration. His last post was as Director responsible for the EC aid programme to African, Caribbean and Pacific countries under the Cotonou Convention. Previous postings included serving as EC Ambassador in Latin America and Eastern Europe, responsibility for the Phare programme of support to Central and Eastern Europe during their transition to a market economy and EU accession, and cooperation with North Africa, Middle East and sub-Saharan Africa.

Rowan Roberts graduated from Australian National University where she obtained her M.A. in Economics in June 2006, having earlier obtained a First Class Honors Degree in Economics and a B.A. (Politics) from the University of Adelaide in South Australia. During her studies she already worked as a policy analyst at the Australian Department of the Treasury in Canberra. Her research interests include migration, demography and development. She is a Research Affiliate with IZA, the Institute for the Study of Labor, having worked with the IZA Migration Program in 2006 and 2007. Rowan currently works at the Cape York Institute for Policy and Leadership during her secondment from the Australian Department of the Treasury.

Joanne van Selm has over fifteen years of experience in policy and academic research on EU immigration, asylum and refugee issues. During almost five years at the Migration Policy Institute (MPI) in Washington, DC she worked closely with the Greek and Dutch Presidencies of the European Union (2003 and 2004), as well as with DG Justice, Freedom and Security of the European Commission. Dr. van Selm is the author of several books and articles, has lectured in political science at the University of Amsterdam and the Vrij Universiteit Amsterdam, and holds a Ph.D. in International Relations from the University of Kent at Canterbury. She is the co-editor of the *Journal of Refugee Studies* (OUP) and was President of the International Association for the Study of Forced Migration from 2003 to 2005.

Klaus F. Zimmermann has been Director of the Institute for the Study of Labor (IZA) and Full Professor of Economics at the University of Bonn since 1998. He also serves as President of the German Institute for Economic Research (DIW, Berlin), Honorary Professor of Economics at the Free University of Berlin and Honorary Professor at the Renmin University of Beijing. He has held positions as a Research Fellow of the Centre for Economic Policy Research (CEPR) in London, Associate Research Fellow of the Centre for European Policy Studies (CEPS) in Brussels, Research Associate of the Center for Comparative Immigration Studies (CCIS) at the University of California-San Diego and Fellow of the European Economic Association. He is also adviser to the President of the European Commission (2001-2003 and since 2005), Chairman of the Society of the German Economic Research Institutes/ARGE and Editor-in-Chief of the *Journal of Population Economics*.

Introduction

Solon Ardittis* **and Frank Laczko****

International migration has advanced to the top of the policy agendas of a growing number of countries. As the number of immigrants and irregular migration pressures grow, so does spending on migration policy programmes as increasing numbers of countries devote more financial and human resources to migration management in a range of different policy areas, such as border management, integration policy, labour migration, and counter-trafficking measures.

This book is concerned with how states, in some of the main immigrant destination countries in the developed world, go about assessing the impact and effectiveness of their migration policies. It is widely recognized that a mechanism for evaluating migration policies should be part of an effective immigration system.

In its recent report the Global Commission for International Migration highlighted the importance of assessing the impact, efficiency and effectiveness of migration policies:

"It is hard to formulate and implement effective policy when it is not clear who the targets of that policy are, how many they are, where they are and what their problems are. And it is simply bad practice not to assess the efficiency, effectiveness and impact of policy" (Report of the Global Commission on International Migration, 2005).

Since the late 1990s, there seems to be growing emphasis on evidence-based policymaking as national, regional and international public authorities tend to increasingly base the formation or continuation of key policies and legislation on appropriate policy research and evaluation findings. This process has been fostered, in particular, by the need to increase public confidence and accountability as regards the effectiveness, efficiency and impact(s) of public initiatives on migrants and migration.

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Issues of effectiveness are related to policy/programme implementation and outcomes, particularly as regards the achievement of outputs targeted directly by specific policies or programmes.

Issues of efficiency relate to the costs of public interventions and to the relationship between inputs and outputs, relative to possible alternative implementation methods and other counterfactuals, i.e. could national policies and programmes have been carried out in more cost-effective ways?

Impact and added value are usually measured in relation to:

- the improvement in the situation of the specific groups or policy areas targeted by migration policies and programmes;
- changes in key national priorities or national strategies;
- improvements in national systems, e.g. drafting of new laws, and design of new or improved procedures and practices in specific areas of public migration policy.

Today, all donor and public implementing agencies resort to some form of evaluation to accompany some or all stages of the policy cycle, i.e. ex ante to assess the anticipated impact and viability of planned policies and programmes; at mid-term to assess the ongoing outputs of policies and programmes, and ex post to measure the final outputs and impact of policies, and their sustainability.

However, despite this growing emphasis on evaluation, it is surprising how little information is available about the impact and cost-effectiveness of migration policies and programmes, and there is a dearth of comparative data to permit cross-national comparisons. The actual impact of migration policy measures is often unknown and performance indicators may be very rudimentary. To take but one example, since 2001 the US government has provided USD 375 million in anti-trafficking assistance to foreign governments and NGOs to help combat trafficking. Yet the US government Accountability Office recently reported that government authorities tasked with combating trafficking have not "developed an evaluation plan or established government-wide performance measures against which the US government can evaluate the overall impact of its international anti-trafficking efforts".[1]

[1] GAO: Human Trafficking – Better Data, Strategy, and Reporting Needed to Enhance US Antitrafficking Efforts Abroad, July 2006, p. 24 (http://www.gao.gov/new.items/d06825.pdf).

Several studies, especially in the USA, have tried to assess the costs and benefits of immigration. However, there have been few cross-national attempts to assess how countries evaluate their migration policies and programmes, and the procedures and mechanisms they use.

For example, although public spending on immigration is rising in many OECD countries, very little comparative data are available on migration policy spending. In many areas of public spending, for example, health, social security and defence, it is possible to find international comparisons of spending levels in relation to GDP or as a percentage of total public spending. This is not the case in relation to migration. We do not know, for instance, whether the UK spends more per capita on managing migration than Germany. Nor do we know how efficient public spending is and to what extent, from a comparative perspective, certain programmes and policies may be considered to be "value for money". Part of the problem is that migration or immigration policies tend to cut across many government departments and may not always be clearly defined. What is more, as van Selm has pointed out,[2] different countries have different approaches to managing migration at central government level, with different ministries in the lead. Another problem is that it is often extremely difficult to devise performance indicators, especially when the goals of policy are not clear. For example, most integration indicators relate to economic integration, such as levels of unemployment among migrants, but not to levels of cultural or social integration which are more difficult to measure.

Against this background, this volume has set out to explore, perhaps for the first time from a cross-national, comparative perspective, some of the key issues at a policy and practical level relating to the design, implementation, benefits and challenges of public evaluation policies in the field of migration. In particular, one of the key aims of this book is to clarify the debate on the extent to which public administrations, whether at national, regional or international level, have both the political will and the practical means to design and implement evidence-based policies in the field of migration and asylum.

[2] Van Selm, Joanne: Where migration policy is made: starting to expose the labyrinth of national institutional settings for migration policymaking and implementation, Geneva: Global Commission on International Migration, *Global Migration Perspectives* No. 37, July 2005, (http://www.gcim.org/attachements/GMP%20No%2037.pdf).

Key questions and issues addressed by this study include:

- the current state of critical knowledge, including statistical data, qualitative research and evaluation findings, enabling public authorities to inform key policy and legal decisions in the field of migration and asylum;
- the extent to which public authorities have sufficient access to, or are expressing a sufficient need for, key evaluation findings on which to base major policy and programme initiatives;
- the current policy evaluation approaches, methodologies and implementation mechanisms applied by different types of public actors, and the extent to which there is a regulatory framework governing the conduct of evaluations;
- the ways in which existing mechanisms could be improved and systematized to increase production, dissemination and exchanges of adequate and reliable policy research and evaluation findings within and amongst relevant government agencies, and
- how to enhance data-collection and priorities for further cross-national analysis.

The book is organized around three main chapters that review the above policy areas.

The chapter by van Selm provides an extensive overview of the various types of evaluation system currently in place in three EU member states and the USA, as well those operated by relevant regional and international organizations, such as the European Commission, IOM and UNHCR. Van Selm discusses, in particular, the regulatory and institutional settings of evaluation policy; the different aspects and stages of migration policy that are evaluated, and the extent to which there are mechanisms in place, including the political will, to integrate evaluation findings into policy formation.

The chapter by van Selm is organized around five case studies of the public evaluation systems in the Netherlands, the United Kingdom, the United States, the European Commission, the International Organization for Migration (IOM) and the United Nations High Commissioner for Refugees (UNHCR). For each of these case studies, in-depth interviews were conducted with relevant public officials and independent experts to collect key primary data relating to various stages and aspects of current evaluation systems, as well as to discuss

their benefits, challenges and possible shortcomings. The selection of country case studies was largely guided by the understanding that these were the three countries where public evaluation systems in the field of migration policy were developed and therefore most likely to produce sufficient information to enable a better understanding of the use of evaluation as a means for governments to assess the efficiency and effectiveness of public interventions in favour of migrants, and as a key input into the formation of new policy and legislative initiatives.

The second chapter, by Lewis and Naqvi, expands on one of van Selm's case studies relating specifically to evaluation practices within the European Commission. The rationale for preparing a separate, expanded case study on EU evaluation policies was determined by the fact that the EU institutions are today one the most prominent sources of legislation and policies in the field of migration and asylum, affecting 27 major European host countries, and one of the most important donor agencies in the area of migration policy worldwide. The chapter by Lewis and Naqvi, which is based on face-to-face interviews with public officials at the Directorate-General for Justice, Freedom and Security, and the Directorate-General for Humanitarian Aid (ECHO) of the European Commission, discusses the key approaches, mechanisms and outcomes of EU evaluation policies in the field of migration. Interestingly, it also assesses the complexities involved in supporting exchanges of experience on evaluation practices and outcomes among EU member states when their immigration and asylum policies are still guided by national interests and national policy objectives. This is particularly true in relation to positive competition among member states (e.g. the need to attract highly skilled labour) and negative competition (e.g. burden sharing in the area of asylum).

The third chapter, by Bonin, Roberts and Zimmermann, reviews the levels of public expenditure in key migration policy areas, e.g. immigration control, integration of legal immigrants, in five major host countries: Canada, Denmark, Germany, Ireland, and Sweden, as well as the ways in which the cost-effectiveness of national migration policies are or can be measured in each country and compared cross-nationally. This chapter can be considered as groundbreaking on many methodological fronts. It discusses both the determinants and composition of migration expenditure at the national level and the practical challenges inherent in the application of traditional evaluation techniques, such as those pioneered in labour economics, in the

immigration sector. Through an analysis of the fiscal cost of current immigration policy, the chapter nevertheless provides a relatively informative account of the levels of expenditure on migration in the five countries, using a number of different variables. For each of the five countries the chapter thus provides the aggregate real expenditure on migration; the expenditure on migration as a proportion of gross domestic product, and the expenditure on migration per immigrant. This analysis further enables the identification of those components of migration expenditure that receive the most funding and the ways in which the proportions of funding components have changed over time, according to political changes in the national immigration and asylum systems. The chapter by Bonin, Roberts and Zimmermann is particularly enlightening in that it demonstrates the extent to which, and the particular areas in which, public expenditure data in the field of immigration - now one of the most important public policy issues in the developed world - is still lagging behind the quality, level of refinement and availability of datasets produced for other major areas of economic importance, such as education, health and defence. The extent to which this is hampering a proper analysis, not least on a cross-national basis, of the effectiveness and efficiency of migration policies in major host countries is particularly dismaying.

Finally, the concluding chapter of the book outlines some key policy and practical recommendations for improving the design and implementation of evidence-based and accountable policies in the field of migration. Whilst this book can only be seen as an initial attempt to identify some of the key challenges and opportunities in the field of public evaluation policies on migration, enquiries conducted within the framework of this project have allowed some of the most pressing priorities to surface more clearly. However, it will also be essential that this book be followed by more extensive initiatives, including both well tailored, cross-national research and policy and technical workshops that closely involve and are supported by the public authorities concerned, in order to enhance the policy relevance and public benefits of migration evaluation systems.

How is Migration Policy Evaluated?

Joanne van Selm*

The evaluation of existing policies and practices is an essential and seemingly logical part of policymaking – particularly where claims are made to a process of "evidence-based" policymaking. This holds for all policy fields, including migration.[3] When one asks migration experts about evaluations, however, many answer with a question: "Is migration policy evaluated?"

One reason for that question might be that while there is actually quite a lot of evaluation of the implementation of various migration programmes, there is little or no evaluation worldwide of the essence of any country's policies towards immigration, emigration, internal migration or integration (What migration evaluation there is generally focuses on receiving countries, and their national interest. Less attention is given to evaluating migration policy within the development context, although the development agencies generally conduct more programme and policy evaluation on other aspects of their work than government departments concerned with migration do.).

As such, if stronger evaluation of migration policies is a goal, which it seems to be,[4] many questions need to be raised about what exactly an evaluation is; how it is conducted; who should conduct evaluations; who should manage evaluations; where evaluations fit in an institutional

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3 This chapter considers "migration policy" in the broadest sense, including integration policies for immigrants, although for the states considered in some detail there is little or no policymaking on emigration or on internal migration, and thus only immigration policy is frequently considered. However, the process of evaluation and policymaking should, it is suggested, hold true for all facets of migration policy, including on emigration policy for those countries which are active in stimulating short- or long-term emigration as an economic driver (e.g., the Philippines, Mexico, India), those which might wish to stop strong flows of emigration – particularly irregular flows which cause international political problems or bring physical harm to citizens, skilled migration, and those with a significant Diaspora that they are keen to harness for remittances or political purposes (e.g., several states in the western Balkans and Caucasus) as well as on internal migration.

4 See e.g., Global Commission on International Migration, *Migration in an interconnected world: new directions for action* October 2005, http://www.gcim.org/attachements/gcim-complete-report-2005.pdf p.68.

context; what exactly should be evaluated, and how evaluations should or could feed into the policy decision making process.

This paper seeks to raise questions on how evaluations of migration policy are currently conducted and looks at the process of migration policy evaluation from various angles in order to provoke further thinking and debate on the subject. The intention is not to be definitive on how migration policy should or could be evaluated, and certainly not to evaluate how migration policy is currently evaluated.

The rest of this introductory section will discuss evaluation as part of evidence-based policymaking, which is made up of existing expertise, research and perceptions of public opinion. There is a widespread perception that current migration policymaking is largely reactive to perceptions of public opinion – although many governments talk about basing their policies on evidence. The main questions for this paper are:

- What can evaluation contribute to the evidence?
- How are governments currently seeking evidence regarding their policies and the impact of their implementation through evaluation?
- Does experience to date on migration evaluation suggest any "right" or "wrong" ways of conducting evaluations in this field?
- How might evaluation processes and evaluations themselves be improved in the future?

There have been several attempts by various governments over the past two or three decades to improve policy evaluation in different ways. The next section of this chapter sets out to explore some of the approaches to migration policy evaluations. It asks what might be thought to be the "ideal" way to conduct evaluations and, indeed, whether there is, in fact, an ideal way. It lists how a limited number of countries and organizations currently conduct evaluations:

- What institutional settings do they use?
- Who does the evaluating?
- Are evaluations actually used and, if so, how?

Each overview concludes with a set of issues and questions that arise from the foregoing information. None of these "country overviews" can

be viewed as complete. Rather, they are intended to sketch a picture of the various possible approaches to policy evaluation and their impact on and implications for policymaking.

This raises questions about what it is that actually makes an evaluation "an evaluation", and not simply a research report. Some comparisons are made between the state of play in the migration field and humanitarian work – though they are in some ways related, as far as evaluations are concerned, the latter is more advanced. The questions and issues which arose in the course of the country and organization overviews form the basis for a comparative section, which, in essence, investigates whether there is an "ideal" way for evaluations to be conducted and institutionally organized.

Throughout, the paper discusses general policy evaluations compared to detailed issue evaluations, ex ante and ex post evaluations, and raises issues of transparency, particularly through the publication of evaluations.

The major aim in this paper is to raise as many questions as possible. While some questions will be answered, many others cannot in a paper of this scope and nature, and are rather subjects for debate, discussion, policy decisions and, potentially, more research.

1. Evidence-based policymaking

Perhaps it is instructive when thinking about the evaluation of migration policy to start by considering how evaluation fits into the policymaking process. To do that, we can look at how the idea of an "evidence-based" process works in other fields:

> Evidence based medicine is healthcare practice that is based on integrating knowledge gained from the best available research evidence, clinical expertise, and patients' values and circumstances. ... The public must wonder on what basis medical decisions are made otherwise. … The public must also wonder what happens to the research evidence in which they have invested … directly through taxes … if it is not guiding clinical practice.

> How could something so intuitively obvious to lay people not be similarly viewed by clinicians?[5]

The term "evidence-based medicine" first appeared in 1991. The first medical article on "Reasoning Foundations of Medical Diagnosis" appeared in 1959. If the thinking about an "evidence based" approach is so recent in a major scientific field such as medicine, it is perhaps not surprising that a policy area such as migration has still some way to go before this approach is fully operational.

The above citation on public perception is very telling when thinking about migration policy. Substitute "migration policy" (or indeed "immigration policy" or "emigration policy") for "medicine" and the statement would still seem very valid. The public must indeed wonder on what basis migration policy decisions are made, and what happens to the research evidence (in which they have often invested directly through taxes whether it is conducted within a university setting or with public sources of research funding) if it does not guide migration policy. Indeed, in drawing up the Hague Programme in 2004, the EU Heads of State and Heads of Government stated that evaluation and monitoring would be key to live up to the real expectations of European citizens.[6]

1.1 Public opinion: one part of the evidence

Although this paper deals primarily with the evaluation component of evidence-based migration policymaking, it is worth reflecting on what currently drives much of migration policy, in order to understand the value (or not) of increasing evaluation capacity.

In theory, evidence-based migration policy (a buzz word in several countries since the late 1990s) would be based on integrating knowledge from policy research (including evaluation), existing migration expertise and, perhaps, substituting for "patients", "values", and "circumstances"

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5 Kay Dickersin, Sharon E Straus, Lisa A Bero, *Evidence-based medicine: increasing, not dictating, choice*, British Medical Journal, 6 January 2007 (Medical Milestones). http://www.bmj.com/cgi/content/full/334/suppl_1/s10 accessed on 1 February 2007.

6 Commission of the European Communities, Communication from the Commission to the Council and the European Parliament: Evaluation of EU Policies on Freedom, Security and Justice, COM(2006) 332 final {SEC(2006) 815}Brussels, 28 June 2006.

in the medical world, also an understanding of "national values and circumstances".

This last element is, on the one hand, where the notion of "evidence-based policymaking" for migration policy might start to unravel and, on the other, perhaps the driving force behind current policymaking – a driving force where policymakers and others might like to see changes in the interests of taking a balanced approach.

Immigration policy, in particular, is seen as being about "who we are" as a nation. When there are no apparent problems with immigration generally, the policy is all but invisible. When there are problems – a major terrorist attack perpetrated by non-nationals or by naturalized individuals; race riots; a general sense of "otherness" based on, or giving rise to, fears of the "difference" in cultures and religions, as seems to have been the case in most of the developed world for about a decade now, immigration policy is seen as a crisis area and as something in which everyone wants a say because, indeed, it is seen as contributing to defining the nation.

Some would suggest that migration policymaking, and particularly immigration and integration policymaking, are being guided primarily or even solely by politicians' measurements of the public "temperature". If so, this would suggest that "scientific" evidence is not being properly incorporated into policymaking – perhaps because of the doubts about the conclusiveness of the evidence available. However, in order to be "evidence-based" all elements – the knowledge, expertise and opinions, have to be incorporated.

Even if the label "national values and circumstances" used above were to be accurate for the information required to support evidence-based policymaking, an understanding of the general attitude towards migration, as well as the "national identity" is primarily subjective. Given the relative invisibility of migration policies when things are "normal", by definition the apparently prevailing attitude when there is a time of apparent "crisis" is one of concern, and a high level of exclusion.

The public cannot be polled on every single issue that contributes to "national values and circumstances" every time some slight and even tangential change occurs. And even if they could be, there are significant

question marks about whether the attitudes expressed through polls and surveys are accurate – particularly as they frequently presume knowledge of immigration, asylum and integration issues which those being surveyed simply do not have.[7]

It sometimes seems that the best method policymakers and politicians in most countries have for measuring public opinion on national values and circumstances is to see how the media – particularly the populist media – deals with given issues. Yet, it is often hard to know what the driving force behind attitudes towards immigration is – media reporting or public opinion or, indeed, political debate. As a 2006 study commissioned by the European Commission states:[8]

> Perceptions and policy areas influence each other in both positive and negative ways. Public perception of migration is not uniform in the 25 Member States. Polls on attitudes towards migrants show large differences between Member States, between income groups and social classes, and between the types of fear and apprehension that migration arouses. Despite these differences and despite notable exceptions, the overall conclusion is that *public perception of migration tends to be increasingly negative* throughout Europe.

1.2 Existing expertise and policy research – the other two elements

In the light of the above description of the role, or perception, of public opinion many critics see the so-called "evidence-based policymaking" by governments rather as "policy-based evidence gathering", and evaluations have, in some countries, taken on an aura of scepticism. As noted by a researcher when discussing evidence-based policymaking generally, and in the UK specifically: "There was a time when 'evidence'

7 See Heaven Crawley, Evidence on Attitudes to Asylum and Immigration: What we know, don't know and need to know, Compas Working Paper No. 23, Oxford, October 2005 http://www.compas.ox.ac.uk/publications/Working%20papers/wp-05-23.shtml. Also Nissa Finney, Key Issues: Public Opinion on Asylum and Refugee Issues, ICAR Navigation Guide October 2005 http://www.icar.org.uk/?lid=5064.

8 Ricklef Beutin, Marcel Canoy, Anna Horvath, Agnes Hubert, Frédéric Lerais, Peter Smith, Myriam Sochacki [Bureau of European Policy Advisers (BEPA)], Migration and public perception, European Commission 04 October 2006 http://ec.europa.eu/justice_home/doc_centre/immigration/studies/docs/BEPA_migration_2006_en.pdf.

was what detectives looked for in making up their minds … nowadays, seemingly, 'evidence' is as necessary to political conviction as it is to criminal conviction."[9]

Although this researcher was referring to the UK, the point made has broader implications. Evaluations (and other forms of evidence gathering) take place within a political context – and the ways in which questions are posed, as well as the subjects they concern and the ways in which results are interpreted might often depend on that context and on the priorities of policymakers.

Researchers sometimes seem to sense that, when working as consultants for governments on evaluation projects, they are expected to find evidence to suit the administration's pre-determined policy approach. As the cases presented below will demonstrate, policymakers might also feel that some researchers have their own bias and will adapt their approach to suit their own political leanings, or advocacy-type perspective. Many academics and think tank staff also have difficulty ensuring that their independent work reaches policymakers – and even if it does it is often not read, in large part because its presentation is often not in a policy appropriate format. Thus, ensuring that existing expertise and emerging knowledge are useful to the policymaking process places burdens on both researchers and policymakers, and communication between the two that go beyond questions of evaluation processes (and thus beyond the scope of this paper), but which have a bearing on the relationships between the two groups in the contracted evaluation processes discussed below.

Questions arising on the specific roles of policy research and the use of existing expertise in evidence-based policymaking, which are relevant to thinking about policy evaluation, include:

- Are academic researchers best placed to conduct evaluations on behalf of governments, or are internal evaluation teams better positioned?
- Does it depend on the nature of the evaluation?
- How does the fact that policy evaluations almost inevitably contain

[9] William Solesbury, Evidence-based Policy: Whence it Came and Where it is Going, ESRC UK Centre for Evidence-based Policy and Practice: Working Paper 1, October 2001, http://evidencenetwork.org/cgi-win/enet.exe/biblioview?404.

some element of bad news impact on management decisions on how to conduct evaluations?
- How do issues such as accountability and resources affect decisions on how to conduct evaluations?

This leads to questions about what an evaluation is, and what is to be evaluated:

- Is or should the entire policy approach to migration be a subject for evaluation – or is it more important or immediately relevant to evaluate individual, detailed programme elements?
- At what stage(s) of policymaking and implementation is evaluation critical?
- Is the first order of the day to establish whether implementation of a particular policy through specific programmes is working?
- Or is priority given to determining whether the overall "big picture" policy is the right one?
- Might academic researchers be more inclined to, and more useful for, evaluating the "big picture", while very technical evaluators, often working in major consultancy firms without expertise on any given policy area, but with expertise in ascertaining whether policy implementation is meeting stated policy goals, are more suited to detailed programmatic evaluations?
- How are the results of evaluations disseminated and fed into the policymaking process?

If criticisms of migration policymaking as "driven by public opinion" are in any way accurate, then those policy decisions do not, to date, seem to have brought about entirely satisfactory migration policies. However, due regard to public mood or "national values and circumstances" is surely necessary as part of fully rounded evidence-based migration policymaking and, indeed, public pressure for policy-based on knowledge might provide the impetus towards ever higher levels of policy evaluation. Thus, increasing the role of the other components of evidence-based policymaking, i.e. evaluation and use of existing expertise, and improving the perceived balance between the three components of evidence-based policymaking, would seem to provide a truer test of this approach in the migration field.

Evaluations, in particular, help policymakers to gain more information on the strengths and weaknesses of existing policies. Wider media

reporting on evaluations might also feed into greater awareness of migration facts among the population at large – making polls and other forms of public opinion testing a little more reliable.

2. How and by whom is migration evaluation currently being conducted?

In many cases, the public, which, as most would agree, primarily wishes to see their governments in "control" of migration as an issue and a phenomenon, would probably expect administrations to be putting the best expertise to use in crafting migration policies. The public would probably also expect consistent and thorough evaluations of migration policies and their impacts to take place.

Governments and inter-governmental organizations working on migration issues would probably like to know how their policies are working. Politicians in particular, however, would probably not like (nasty) surprises from the results of evaluations. At the end of the day, however, the need to know whether a policy is effective, in advance of a big nasty surprise if it were really not working, may suggest that having a system for policy evaluation on a regular basis is useful.

However, where migration policy is concerned, few governments have established a smooth operating system of policy evaluation; and those that have tried, have often run into difficulties. In many countries several government bodies are involved in migration policies – particularly if one includes integration policies under that broad heading. This dispersal of policymaking and implementation might contribute to the difficulties in developing coherent evaluation programmes, as well as to the apparent vagueness of broad migration approaches.

The subsections that follow set out information on evaluation processes in the United States, the United Kingdom and the Netherlands. These countries have perhaps undertaken most public work on migration related evaluations – and thus the most easily retrievable through web-based research.[10] The UK and the Netherlands have perhaps the most broadly developed evaluation systems specifically on migration policy

[10] Indeed, searches for information on evaluations in several other countries on the web produced very limited results, if any. That is not to say that evaluations are not conducted in those countries – they may well be, but then the results are not made (easily) accessible to the public.

in the EU.[11] Further case studies look at the evaluation practices of three organizations: the European Commission; the International Organization for Migration (IOM) and the United Nations High Commissioner for Refugees (UNHCR).

As noted, none of these "case studies" is exhaustive. The nature of this chapter as a discussion piece rather than a long-term research project means information gathering has been limited to internet searches and, where feasible, telephone conversations with relevant actors.[12] In some cases the information available seems "sketchy" or "patchy" – and the reflection of that information in this paper may thus seem to be less than thorough to some of those directly involved in the evaluation processes discussed, including to the people with whom I have discussed the subject. While the author of this paper is responsible for its contents, any errors are innocent and some may be the result of the way in which evaluations are currently presented to the public, and thus instructive in themselves. Indeed, the implication of this – that relatively few evaluations of migration policy were found through a search of open sources – is a potentially useful finding for governments wishing to promote the evidence-based nature of their policymaking.

2.1 The United States

One of the longest-standing systems for evaluating elements of migration policy can be found in the United States. There are several forms of migration policy evaluation conducted in the US. Some of them are specific to migration (-related) policy, others are parts of general systems for policy evaluation created in the "checks and balances" system operating in the US.

The Government Accountability Office (GAO) is the audit, evaluation and investigative arm of Congress, and, according to its mission statement it:

> exists to support Congress in meeting its constitutional responsibilities and to help improve the performance

[11] Sweden apparently has some evaluation particularly of social policies which relate to integration, while France also evaluates some of its social policies relating to migrants, but not the immigration and asylum issues. Evaluation is frequently not well developed, if it is established at all, in government departments dealing with Home Affairs issues.

[12] Listed, where the collocutor agreed, at the end of this paper.

> and accountability of the federal government for the American people. GAO examines the use of public funds; evaluated federal programmes and policies; and provides analyses, recommendations, and other assistance to help Congress make informed oversight, policy, and funding decisions.[13]

GAO conducts hundreds of evaluations on the full range of policy areas each year. Its evaluations are conducted by GAO staff. On some issues, GAO is required by law to undertake periodic evaluations. For example, section 902(k) of the Haitian Refugee Immigration Fairness Act of 1998 requires that the Comptroller General report every six months:[14]

> on the number of Haitian nationals who have applied and been approved to adjust their status to legal permanent residence. The reports are to contain a breakdown on the numbers who applied as asylum applicants, parolees, children without parents, orphaned children, or abandoned children; or as the eligible dependants of these applicants, including spouses, children, and unmarried sons or daughters. The reports are to be provided until all applications have been finally adjudicated.

Part of GAO's 2004 to 2009 Strategic Plan seeks to assess federal efforts to enforce immigration and customs laws.[15] There are four key efforts in this area: to evaluate the border enforcement efforts of the Department of Homeland Security (DHS); to assess the implementation of DHS systems for tracking people and cargo entering the United States; to assess DHS efforts to process aliens' applications for benefits more efficiently, and to assess DHS efforts to enforce immigration laws inside US borders. All of these efforts are to audit DHS and its policy implementation and ensure accountability, and not assessments of policy.

[13] Mission statement found on the back of all GAO reports.

[14] See e.g. the first such report of April 1999 at http://archive.gao.gov/paprpdf2/162052.pdf. The latest report was released on 9 November 2006, http://www.gao.gov/new.items/d07168r.pdf.

[15] GAO, Strategic Plan 2004-2009 Subject Area Supplement http://www.gao.gov/sp/d04534spsupplements.pdf Performance Goal 1.5.3 p. 44.

The GAO designated DHS as high risk[16] upon its formation in 2003, as it had to bring together some 22 disparate government agencies, many of which were facing their own management and mission challenges, into one department.[17] DHS remains on the high-risk list and, over the last four years, GAO has documented the progress in DHS and the remaining challenges.

The Department of Homeland Security has created a Bureau of Customs and Border Protection and a Bureau of Immigration and Customs Enforcement, but these two new bureaus are enforcing laws which were developed for the pre-DHS predecessors. What is more, since 9/11, the areas they cover have become some of the most sensitive on the US political agenda. DHS is applying laws strictly, has a massive budget, and is developing and applying advanced technologies to conduct its work in checking people and cargo passing through US ports of entry.

According to its Strategic Plan, GAO seeks to assist with a range of outcomes, including ensuring that the agencies are better positioned to detect, deter, and prevent illegal entry; that there are enhanced options to improve the work site enforcement programme and enhanced knowledge of the foreign-born population in the United States; that there is greater attention to the appropriate use of immigration laws in combating terrorism and enhanced capability to provide services to aliens (such as quicker turnaround times and smaller backlogs).[18]

GAO's most recent evaluations of DHS activities include a report and Congressional testimony on the management and operation of the US-VISIT programme.[19] Like other evaluations on US migration

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16 As of 2007 the GAO has 27 policy issues on its high risk list – a list that was started in 1990.

17 GAO, Testimony before the Subcommittee on Homeland Security, House Appropriations Committee, Homeland Security Management and Programmatic Challenges Facing the Department of Homeland Security, Statement by David M. Walker, Comptroller General of the United States, US Government Accountability Office, GAO-07-398T 6 February 2007, http://www.gao.gov/new.items/d07452t.pdf

18 Op.cit., supra, note 13.

19 Report to Congressional Committees Homeland Security, Planned Expenditures for US Visitor and Immigrant Status Program Need to be Adequately Defined and Justified, GAO 07-278, February 2007 http://www.gao.gov/new.items/d07278.pdf and GAO Testimony Before the Subcommittee on Homeland Security, Committee on Appropriations, US House of Representatives, Homeland Security: US-Visit Has not fully met expectations and longstanding program management challenges need to be addressed, statement by

policy, these are very much programme oriented: they are about costs, management and implementing policy and achieving goals as set out in legislation. That is the GAO's task – it is not mandated to evaluate whether laws and policies are appropriate.

Other evaluation mechanisms in the US include various Congressional Commissions and evaluations conducted by the departments conducting various elements of migration policy. Commissions, in particular, are much more about evaluating and recommending changes to broad policy, and not about policy implementation.

The last Congressional Commission specifically on immigration policy was the US Commission on Immigration Reform. It was created by Congress under the Immigration Act of 1990 to assess US immigration policy and make recommendations regarding its implementation and effects. The Commission undertook public hearings, fact-finding missions, and expert consultations to identify the major immigration-related issues facing the United States, and reported between 1994 and 1997.[20]

The members of the Commission included a former secretary of the department of education and judge, an academic, a journalist, a lawyer and representatives of foundations. The Commission staff included academics, lawyers and staff seconded from the various departments involved in migration policy.

Another example of research into immigration issues mandated by Congress is the report on Expedited Removals[21] of February 2005,

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Randolph C. Hite, Director, Information Technology Architecture and Systems Issues, Richard M. Stana, Director, Homeland Security and Justice Issues, 16 February 2007 GAO-07-499T http://www.gao.gov/new.items/d07499t.pdf.

20 US Commission on Immigration Reform, US immigration Policy: Restoring Credibility 1994 http://migration.ucdavis.edu/mn/cir/94report/exec.htm; Legal Immigration: Setting Priorities, (1995), Refugee Policy: Taking Leadership http://migration.ucdavis.edu/mn/cir/Refugee2/Text.htm (July 1997) and Becoming and American: Immigration and Immigrant Policy (September 1997) http://migration.ucdavis.edu/mn/cir/97Report1/titlepgs/titlepgs.htm. The Commission's documents are available at http://migration.ucdavis.edu/mn/resources_mn.php and http://www.utexas.edu/lbj/uscir/.

21 US Commission on International Religious Freedom, Report on Asylum Seekers in Expedited Removal, February 2005 http://www.uscirf.gov/countries/global/asylum_refugees/2005/february/index.html. Expedited removal was introduced to authorize immigration inspectors to summarily remove aliens who did not have appropriate travel documents, or who had fraudulently obtained their travel documents. Congress included provisions in the law to prevent the expedited removal of refugees fleeing persecution.

prepared by the Commission on International Religious Freedom. This report was prepared by a team of researchers appointed by the Commission which had been authorized by the International Religious Freedom Act of 1998 "to appoint experts to conduct a study to advise whether certain legislative changes to asylum, enacted in 1996, were impairing America's obligation – and founding tradition – of offering refuge to those suffering persecution."

The findings included serious flaws in the implementation of expedited removals, placing legitimate asylum seekers at risk of being returned to countries where they risked persecution. It also found DHS detention conditions to be inappropriate, in particular it found that asylum seekers were kept in jail-like conditions and in actual jails. "In some facilities, asylum seekers slept alongside convicted criminals or criminal aliens awaiting deportation."

The Commission's 2006 Annual Report notes that since the release of the study, the DHS has expanded expedited removals throughout the United States, without, however, correcting any of the flaws identified that placed those asylum seekers at risk. In February 2006, Homeland Security Secretary Michael Chertoff appointed a Senior Refugee and Asylum Policy Advisor, a move, the Commission notes, in response to a key recommendation of the Commission's report, as indicated by him. In addition, although none of the recommendations of the study requires legislation to be implemented, in April 2006, Senators Lieberman and Brownback introduced the "Safe and Secure Detention and Asylum Act of 2006", which would implement many of the study's recommendations relating to expedited removal and detention.[22]

At least four US government departments (State, Homeland Security, Health and Human Services, and Labor) have conducted evaluations

Someone who indicates an intention to apply for asylum or a fear of return is entitled to what is called a "credible fear interview" by an asylum officer. If that officer determines that there is a "significant possibility" of establishing eligibility for asylum, he can ask the immigration judge for relief from removal. If credible fear is not found, the asylum officer orders the alien removed (although this decision is subject to review by an immigration judge). Congress also required that aliens, including asylum seekers, subject to Expedited Removal be detained until the United States physically removes them, after which they may not return to the United States for five years. If an asylum officer determines that an alien has credible fear, however, the alien may be considered for release while waiting for an asylum hearing.

[22] Annual Report Of The United States Commission On International Religious Freedom, May 2006 http://www.uscirf.gov/countries/publications/currentreport/2006annualRpt.pdf#page=1.

of their policies relating to migration over the years. The Department of Labor (DoL) had a Division of Immigration Policy and Research until 2003.[23] While DoL conducts evaluations in all areas, ensuring, in particular, the attaining of measured targets, no migration-specific evaluations seem to have been conducted since 2003. Through its international department, the DoL currently works on child labour and human trafficking, as well as being part of the management of certain short-term worker arrangements.

As noted, the Department of Homeland Security (DHS) is a complex new organization that draws together many parts and, perhaps, does not yet constitute a coherent whole. Its Directorate of Science and Technology has recently made public its plan for a broad programme of research activities in all DHS areas, including migration. While the type of research to be funded does not necessarily constitute evaluations as such, it seems to be intended to contribute to the whole process of increasing knowledge and expertise.

The office of US Citizenship and Immigration Services of the DHS includes a policy division which is the body directly involved in immigration policy decision-making processes. It manages evaluations of the implementation of policies by other DHS units. The management process includes project design, calls for, and selection of, contractors, input to report design, including the published version and any supplemental versions which the office might use in some form as part of its own internal reporting and to Congress.[24] The evaluators do not report to anyone other than the policy office, which thereby maintains its direct policy position.

For example, in its former guise within the Immigration and Naturalization Service, it had contracted two organizations, the Institute for Survey Research at Temple University,[25] and Westat,[26] to conduct an evaluation of a basic pilot project on employment verification via the electronic input of data.[27] Evaluation of the pilots,

[23] The Division appears to have closed when the last staff member who had conducted research and evaluations for many years retired.

[24] See Report to Congress on the Basic Pilot Program June 2004, http://www.uscis.gov/files/nativedocuments/BasicFINALcongress0704.pdf.

[25] See http://www.temple.edu/ISR/index.htm.

[26] See http://www.westat.com/.

[27] Institute for Survey Research, Temple University and Westat, INS Basic Pilot

prior to the development of national policy in this area, is continuing. The initial evaluation of the basic pilot looked at whether the volunteer pilot programmes in a handful of states were demonstrating that policy goals could be achieved, whether it was cost effective, and whether it should be continued. The first evaluation report did not discuss whether employment verification is a useful policy tool, for example, but it did highlight particular problems in the design and implementation of the pilot.

In addition, there are regular overviews of particular issues, often as requested by Congress, including quantitative reports on dealing with the backlog of immigration claims, and reports on specific categories such a temporary highly skilled worker visas (H1Bs).[28]

The Department of Homeland Security also shares recommendations made by the Citizenship and Immigration Service Ombudsman, and the Department's responses thereto. The Ombudsman was established in July 2003 and the first recommendations appeared on 18 June 2004. Since then, there have been 31 recommendations (up to 8 February 2007). The recommendations range from detailed elements of immigration or asylum policy and practice to quite general procedural issues.

DHS has an Inspector General. Its 2007 Annual Performance Plan sets out a number of subjects within Immigration and Customs Enforcement[29] as well as US Citizenship and Immigrant Services,[30] on which inspections and audits will be conducted – some being carryovers from 2006. As is the case for GAO and the Office of the Inspector General in the Department of State (DoS), these are all evaluations of policy implementation, not of actual policy.

The DoS website includes several references in sections on the Bureau for Population, Refugees and Migration (PRM) to evaluation and

Evaluation Summary Report, Submitted to the Department of Justice, Immigration and Naturalization Service, 29 January 2002 http://www.uscis.gov/files/nativedocuments/INSBASICpilot_summ_jan292002.pdf.

[28] See http://www.uscis.gov/portal/site/uscis/enuitem.eb1d4c2a3e5b9ac89243c6a7543f6d1a/?vgnextoid=2c039c7755cb9010VgnVCM10000045f3d6a1RCRD&vgnextchannel=2c039c7755cb9010VgnVCM10000045f3d6a1RCRD.

[29] The Department of Homeland Security, Office of Inspector General, Fiscal Year 2007 Annual Performance Plan http://www.dhs.gov/xoig/assets/OIG_APP_FY07.pdf pp.32-36.

[30] Ibid., pp. 65-66.

monitoring in NGO activities it funds. However, while the Department does not generally conduct evaluations of its own policies or their implementation, PRM occasionally hires consultants to conduct studies or write reports. Some, such as David Martin's *The United States Refugee Admissions Program: Reforms for a New Era of Refugee Resettlement* might come close to evaluating existing policy, although the terms of reference for such a study are more along the lines of offering forward looking reform suggestions.[31] The Reports listed on the PRM website include only annual reports to Congress on the Refugee Admissions (Resettlement) programme, and the report by David Martin.

The Inspector General of the State Department conducts inspections, investigations and audits to prevent waste and fraud. One of three declassified reports available on the Office of the Inspector General's website is a review of non-immigrant visa issuance policy and procedures.[32] (This report was published following a Freedom of Information request – quite a frequent tool for receiving reports which are otherwise not made public in the US, the UK and other countries). Similar to GAO reports, the Inspector General's reports are concerned with policy implementation, not with overall policy. For example, a summary of an inspection on the Diversity Visa Programme (otherwise known as the Green Card Lottery) recommends that the Department of State:[33]

- Propose legislative changes that would bar from the DV programme all aliens from states that sponsor terrorism;
- Propose legislative changes that would permanently bar all adults identified as fraudulent applicants from future DV programmes;
- Request legal authority to make the DV programme self financing; and
- Establish standards to improve the application of DV eligibility criteria.

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[31] David Martin, The United States Refugee Admissions Program: Reforms for a New Era of Refugee Resettlement, report to the Department of State later published as a book by the Migration Policy Institute, Washington, DC 2005. The report to the Department of State is online at http://www.state.gov/documents/organization/36495.pdf.

[32] US Department of State Office of Inspector General Review of Non-immigrant Visa Issuance Policy and Procedures Memorandum Report ISP-I-03-26, December 2002, http://oig.state.gov/documents/organization/16215.pdf.

[33] Office of the Inspector General**,** Diversity Visa Program (ISP-CA-03-52) http://oig.state.gov/oig/lbry/isprpts/domestic/27079.htm.

Since 2000, the DoS has been mandated by Congress to submit an annual report on foreign governments' efforts to eliminate severe forms of trafficking in persons.[34] DoS prepared the report on the basis of information provided by its own diplomatic posts (which, as stated in the 2005 report, is itself based on "thorough research, including meetings with a wide variety of government officials, local and international NGO representatives, international organizations, journalists, academics and victims"[35]). Other sources include meetings with foreign government officials, NGOs, international organizations, published reports, research trips to all regions and information submitted through tipreport@state.gov, an email address established for NGOs and individuals to report information on government progress in addressing trafficking. The report is effectively an evaluation of other governments' activities in this specific area, and is linked to a significant budget (USD 82 million in 2004) used for anti-trafficking activities by foreign governments, NGOs and international organizations. A 2006 GAO evaluation of government-wide anti-trafficking activities was critical of the State Department's handling of the annual report.[36]

The Department of Health and Human Services (DHHS) includes an Office for Refugee Resettlement (ORR), currently located within the Administration for Children and Families.[37] ORR provides grants to many voluntary organizations (VOs) and mutual assistance associations to operate assistance programmes primarily for resettled refugees, but also for unaccompanied minors and victims of trafficking. Organizations receiving grants must report annually on the use of the funds, and ORR staff must evaluate their performance as part of their programme management function. There are also annual conferences of grant receiving agencies for consultations on current programmes, policies and problems. ORR submits annual reports to Congress detailing the Office's programmes, activities and financial records.

Previously, when resettlement was a hot political issue in the 1980s, ORR had a section dealing with research and policy evaluations, conducting

[34] Department of State, Trafficking in Persons Report June 2005 http://www.state.gov/documents/organization/47255.pdf.

[35] Ibid., p.30.

[36] GAO, Report to the Chairman, Committee on the Judiciary and the Chairman, Committee on International Relations, House of Representatives HUMAN TRAFFICKING Better Data, Strategy, and Reporting Needed to Enhance US Anti-trafficking Efforts Abroad July 2006, http://www.gao.gov/new.items/d06825.pdf.

[37] See http://www.acf.hhs.gov/programs/orr/geninfo/index.htm.

studies internally and contracting consultants to conduct studies. DHHS has an Assistant Secretary for Planning and Evaluation whose office conducts studies and evaluations in various DHHS policy areas.[38] In recent years, some studies have been conducted on immigration and the foreign-born, for example: *How are Immigrants Faring?*[39]

There are many researchers, lobbyists, activists and practitioners on migration policy in the US, including several institutes in Washington, DC, which form the body of existing non-governmental expertise on migration. These range from very political bodies on one extreme or the other of the immigration politics spectrum to NGOs or voluntary agencies working with resettled refugees and asylum seekers; from associations formed by particular immigrant communities to independent think tanks and university based institutes. Many have a role in policy thinking, if not the policymaking process. In the more independent think tanks and universities, in particular, there are individuals who have previously held government positions – and probably people who will do so in future.

While these bodies would find it hard to measure their actual policy influence, regular briefings and conferences, many attended by staff of government agencies, as well as well circulated publications and frequently visited websites would suggest that there is at least interaction.[40] Few of these institutions are, however, directly involved in policy evaluation in terms of evaluating specific policy implementation

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[38] See http://aspe.hhs.gov/pic/index.cfm.

[39] How Are Immigrants Faring After Welfare Reform? Preliminary Evidence from Los Angeles and New York City, *submitted by:* Randy Capps, Leighton Ku and Michael Fix Chris Furgiuele, Jeff Passel, Rajeev Ramchand, Scott McNiven, Dan Perez-Lopez [The Urban Institute] Eve Fielder, Michael Greenwell and Tonya Hays [Survey Research Center, University of California at Los Angeles] *submitted to:* Office of the Assistant Secretary for Planning and Evaluation US Department of Health and Human Services March 4, 2002 http://aspe.hhs.gov/hsp/immigrants-faring02/. The online summary states that "This report primarily provides analyses based on a telephone survey of 3,447 immigrant families (i.e., families with at least one foreign-born adult) in New York City and Los Angeles County, including detailed data on 7,843 people in those families. It describes the living conditions and immigration status of about 4.8 million people in Los Angeles County and 3.5 million people in New York City who lived in immigrant families in late 1999 and early 2000. The survey was conducted in five languages and had a response rate of 69 per cent. In addition, the report includes information from personal and follow-up interviews with 100 households in each city; and comparative information on native citizen families."

[40] The two most pertinent examples may be the Migration Policy Institute, www.migrationpolicy.org and the Institute for the Study of International Migration at Georgetown University http://isim.georgetown.edu/index.html.

programmes and activities. More are involved in independent policy research and benefit from access to government officials in ensuring the accuracy of the information on which their own policy thinking and recommendations are based. Because they are independent they can play a part in the policy and political process – but there is no guarantee that any policymaker actually reads, listens to or acts on any report or recommendation.

2.1.1 Points of interest and questions to draw from the US example

There are a number of questions that arise and several observations that can be made regarding the US example.

Government agencies are subject to government inspection and audit through the GAO and their own Inspector Generals. These inspections and audits focus primarily on sound financial management and accurate policy implementation. Meanwhile, several government agencies seek more detailed evaluation of policy implementation feeding into on-going policy development. This evaluation can come both before (ex ante) and after (ex post) policy has been developed and put in place.

Much of the evaluation in the US is mandated in individual pieces of legislation (i.e. linked to creating the law or policy in the first instance, the Congress asks GAO for evaluation of specific aspects).

One key observation is that government agencies tend to hire non-migration experts to conduct evaluations of policy implementation, focusing rather on experts in evaluations. There are several probable reasons for this. Government agencies require step-by-step thorough evaluations of elements of policy and, most specifically, its implementation. Migration experts might be thought more likely to delve into the appropriateness of the policy *per se*. At the same time, migration experts might actually not be interested in conducting evaluations of policy implementation as it could hold them back in their independent activities through which they are involved in political and policy discussions e.g. through testimony to Congress, as well as their own think tank or university events and publications. They may also not be interested in evaluating implementation, as their key interest would be in evaluating overall policy.

From the government agency perspective, the creation of the big picture policy, and future policy decision making is thus kept in the hands of policy departments (i.e. departments which do not implement policy, but rather, partly through evaluations, examine/monitor the progress of implementation and whether it is achieving the policy as stated). Agencies, such as the Department of Homeland Security, wish to keep the policy chain clear, i.e. the agency officials speak to the legislative and executive branches of government which decide on law and policy, and, if the goals are not being achieved, then work out whether it is the policy which is at fault, or its implementation.

Government policymakers may take recommendations from independent migration experts into account – and are often involved in think-tank and university-led discussions/conferences. Indeed, US experts have significant access to policymakers, and often individuals move in and out of the government and policy research worlds, particularly with changes of Administration, so there is a strong two-way understanding, as well as sharing of information and ideas.

This model is not repeated in many other countries. Again, there could be several reasons for this. The US has very extensive policy machinery, and Washington, DC is full of various branches of what might be called the "policy industry". These include quite distinct organizations that work on policy evaluation as their primary activity. Such organizations may not be as developed – or culturally appropriate – in other countries. The easy switching between academia or think-tanks and government posts is also not often repeated elsewhere in the world, again most likely due to differences in political and policy systems. The US has many more levels of political appointees, for example, and a less extensive civil service career structure than many European countries. In addition, experts in think-tanks and universities can draw on significant resources from foundations (soft money) so are not dependent on winning government contracts for their survival, which is more often the case for European experts.

The closest the US comes to managed evaluations looking qualitatively at the broad policy agenda are Congressional Commissions. However, it might be asked whether something more than this is needed to look holistically at immigration law and policy development?

Given the wealth of think-tanks and academics working on migration issues in the US, and the element of "use of existing expertise" in evidence-based policymaking, it is also important to ask whether the independent "advice" or "recommendations" of think tanks and academics are taken into account, particularly at the highest levels? Think tanks frequently involve key Senators and Representatives in their own "Commissions",[41] but those high ranking officials rarely have the time to attend meetings, and it is not clear how much influence the documents they receive through their membership has on shaping their own policy proposals or voting. Few if any think tanks or academics can really quantify their impact, though they frequently try with lists of citations of their reports or speeches, or by comparing legislative proposals to their own publications. The extent of the "truth" of this influence, and the extent to which it is a window dressing of sorts, is not clear.

2.2 The United Kingdom

Since the late 1990s, the UK's government has put strong emphasis on "evidence-based policymaking". According to one of the chief engineers of this approach in the former Blair government:[42]

> This requires policymakers, and those who implement policies, to utilize the best available evidence from national statistics, academic research, economic theory, pilots, evaluations of past policies, commissioned research and systematic consultation with delivery agents.

In the United Kingdom serious efforts have been made to establish a strong process of policy research and evaluation within the Home Office.

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[41] See for example the Migration Policy Institute's Independent Task Force on Immigration and America's Future, http://www.migrationpolicy.org/ITFIAF/index.php. The Task Force was co-chaired by Spencer Abraham, a former Republican senator and President Bush's first energy secretary, and Lee Hamilton, president of the Woodrow Wilson International Center for Scholars and a former Democratic congressman from Indiana (who was also co-chair of the 9-11 Commission). Currently serving members of Congress on the Task Force (including John McCain and Edward Kennedy) were not asked to endorse the Task Force's recommendations.

[42] Philip Davies PhD (Government Chief Social Researcher's Office, Prime Minister's Strategy Unit, UK Cabinet Office), Policy Evaluation in the United Kingdom (Paper presented at the KDI International Policy Evaluation Forum, Seoul, Korea May 19-21, 2004), http://www.policyhub.gov.uk/docs/policy_evaluation_uk.pdf p.3.

The Home Office, as it existed until 8 May 2007, was responsible for "the police service and the justice system in England and Wales, national security and immigration"[43] and had a long established research service particularly on criminal justice issues in the Research Development and Statistics (RDS) Directorate.

The "New Home Office" announced on 9 May 2007, following a division of the former Home Office into a new Ministry of Justice and Home Office, will specialize "in fighting crime and terrorism and protecting our borders". Among its list of priority focus areas are:[44]

- strengthening our borders, fast-tracking asylum decisions, ensuring and enforcing compliance with our immigration laws and boosting Britain's economy
- safeguarding people's identity and the privileges of citizenship

With the Home Office, and its new Border and Immigration Agency (replacing the Immigration and Nationality Directorate) in a period of reform, it is difficult to set out exactly what the current nature of UK evaluation and research on migration policy is or will become in the next year or two.

An independent Inspectorate for Immigration is being created, intended to:[45]

> provide an external review that will be independent of IND, provide assurance to Ministers and the public about the safe and proper delivery of IND services, including IND's operations in local communities, contribute to the improvement of those services, report in public and deliver value for money.

In addition, a Migration Advisory Committee was established in 2007, which will "commission research as it sees fit, within a set budget".[46]

[43] Home Office, http://www.homeoffice.gov.uk/about-us/.

[44] Home Office, http://www.homeoffice.gov.uk/about-us/news/new-home-office

[45] Home Office, Fair, effective, transparent and trusted: rebuilding confidence in our immigration system. An independent and transparent assessment of immigration Policy Statement, March 2007, http://www.ind.homeoffice.gov.uk/6353/6356/17715/inspectorateconsultationres1.pdf

[46] Home Office, Terms of Reference Migration Advisory Committee, http://www.ind.homeoffice.gov.uk/6353/6356/17715/MAC_TOR.pdf.

The reforms will certainly impact RDS and the Immigration Research and Statistics Service which served the Immigration and Nationality Directorate. However, at the time of writing, it is not clear what these impacts will be. In March 2007 the Home Secretary called for a "research pause", [47] although the Home Office has not set out clearly or publicly what this means. As such, for the purposes of this broad overview, we can look at the background to research and evaluation on migration policy matters in the UK, but not at the current situation or projections into the future.

Part of the aim in establishing the Immigration Research and Statistics Service (IRSS) within RDS in the late 1990s was to develop a strong and reliable research service on immigration and asylum policy issues.[48] The Service also supplies, as part of National Statistics, quarterly and annual asylum data and annual statistics on immigration control and citizenship.[49]

On the statistical side, an evaluation conducted for National Statistics and published in 2006 by both National Statistics and the Home Office gives several recommendations to significantly improve the provision of immigration control data.[50] Meanwhile, the Office for National Statistics has a project aimed at improving migration and population statistics and, in particular, to avoid the problems seen in the 2001

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[47] See e.g., Alan Travis, Warning on shifting asylum seekers to dangerous areas is revealed Guardian, 16 March 2007, http://www.guardian.co.uk/immigration/story/0,,2035533,00.html.

[48] Immigration statistics had been included in the work of RDS for almost a century, but this was the start of Home Office research on migration issues.

[49] The Economist, in two articles (*Lies, damned lies* p.13 and *Ministering to the truth*, p.36) recently pointed to the problem with UK (as well as some other countries') statistics, where there is either a National Statistics Office supplied with data by government departments (as is the case in the UK) or no national statistics office. In order to provide reliable statistics that are not open to doubt about political/ministerial manipulation, independence is required, The Economist states. UK data on migration, including asylum seeker arrivals and removals of failed asylum seekers, have been questioned, and there is a review underway about how migration statistics are collected and reported, although it is not clear this could mean any change in the system of the Home Office's Research and Statistics Department providing the data. The Economist, Volume 382, Number 8518, 3-9 March 2007. In January 2007 it emerged that statistical provision in one in five of the Home Office's key policy areas was unreliable. Alan Travis, *One in five Home Office statistics are unreliable, says department head* The Guardian, 16 January 2007.

[50] Denis Allnutt, Review of Home Office publications of Control of Immigration Statistics**,** National Statistics Quality Review Series, Report No.46 2006 http://www.homeoffice.gov.uk/rds/pdfs06/immig_review_06.pdf.

Census which differed by 1.2 million from the regular mid-year population estimates.

There is also an Inter-Departmental Task Force on Migration Statistics established by the National Statistician "to recommend timely improvements that could be made to estimates of migration and migrant populations in the United Kingdom, both nationally and at local level".[51]

One result of the efforts to deal with problems in migration statistics to date is the realization of the need to look at definitions of various categories of migrants, as exemplified in a feasibility study on short-term migration statistics.[52]

In terms of evaluations, reviews and studies, the IRSS has commissioned many reports in its existence to date. The research agenda has been set in a variety of ways: the policy staff would indicate which projects they would like to see evaluated, and what their information needs are for the development of policies in new areas. Research priorities for major projects (one example being a longitudinal survey of migrants) are set at the highest levels in the Home Office. Meanwhile, IRRS itself also has included projects and, though less frequently, whole policies on which research should be conducted.

One of the first migration policy studies resulting from this new focus on analysis, evaluation and research was a joint Home Office and Cabinet Office study, *Migration: an economic and social analysis.*[53] This is perhaps the broadest piece of policy-focused research to result from the activities in this area in the UK to date.[54]

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[51] Inter-departmental Migration Task Force Report, Executive Summary, December 2006, http://www.statistics.gov.uk/about/data/methodology/specific/population/future/imps/updates/downloads/ExecutiveSummary151206.pdf.

[52] Short-term Migration Feasibility Report January 2007, http://www.statistics.gov.uk/about/data/methodology/specific/population/future/imps/updates/downloads/Short-termMigrationFeasibilityReport.pdf

[53] Stephen Glover, Ceri Gott , Anaïs Loizillon, Jonathan Portes, Richard Price, Sarah Spencer, Vasanthi Srinivasan and Carole Willis Migration: an economic and social analysis Home Office: RDS Occasional Paper No. 67 (2001) http://www.cabinetoffice.gov.uk/strategy/downloads/files/migrationreport.pdf.

[54] In the light of later discussion of the use of internal staff and/or external consultants to conduct evaluation it is worth noting that the team of authors included one seconded external expert, and was otherwise split between the Home Office and the Performance and Innovation Unit of the Cabinet Office.

In the beginning, following a large research conference in 2000 to which many academics had been invited, there seemed to be a significant involvement of the UK-based academic community in research. Many of the initial evaluations and studies were apparently contracted to academics, following open tender procedures.

Several academic researchers involved in the early projects indicate that particular problems arose over differences in understandings of the methodology to be used, with changes requested by IRSS after the conclusion of a contract.[55]

A number of reports produced by external consultants were not published following a series of reviews led by IRSS. [56] In March 2007, some previously unpublished Home Office reports were released following requests based on the Freedom of Information Act. At least one of these concerned asylum (on dispersal). The release, focusing on the critical report on the outcome of the asylum seeker dispersal policy, was reported in several major newspapers.[57]

It is not clear whether the process leading to this situation is based on systemic problems, including internal policies and practices, in the Home Office, or on the personal decisions taken by (past) research department staff. It is clear from the FoI releases that while IRSS had frequently claimed that reports were not judged to be of a quality that IRSS wished to publish, some of the reports in fact were critical of Home Office policy, based on research evidence. As noted in the Introduction, government departments need to "manage" the bad news elements of evaluation – and perhaps it is natural for some outsiders, including the researchers involved, to suspect that a deliberate process

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55 In the interests of transparency, the author of this paper should indicate membership in a team of researchers whose work on a report for IRSS never reached publication, although it did appear to feed into the policymaking process on the issue under study. However, the references to academic experience reported here certainly go much more broadly than this personal experience.

56 It is impossible to check how many reports have not been published, as records of tendering procedures over the years are not available. However, there were many calls for tenders in 2002, for example, few of which seem to have resulted in publications – and at least two of which resulted in publications only after Freedom of Information Act requests. IRSS is now aware that reports not published may be subject to FoIA Requests, and thus takes the approach that in principle all reports will be published.

57 See e.g. Alan Travis, Warning on shifting asylum seekers to dangerous areas is revealed Guardian, 16 March 2007, http://www.guardian.co.uk/immigration/story/0,,2035533,00.html and Nigel Morris, Dispersal policy "put asylum-seekers at risk, The Independent, 16 March http://news.independent.co.uk/uk/politics/article2362749.ece.

of obscuring criticism had taken place (as the newspaper reports cited here suggest). Some researchers have simply taken this to be yet another sign of the general malaise in the Home Office which the 2007 reforms are intended to overcome,[58] particularly as their experiences with other government departments have apparently been quite different.

To date, this process seems to have yielded at least two results. One is that the flow of publications diminished, particularly between 2005 and 2007. The other is that the most recently published reports are either written by IRSS staff only or together with one or two external consultants, or by major consultancy firms, with considerable evaluation experience, but little or no specific knowledge or expertise concerning migration issues.

Studies and evaluations that have been published concentrate on issues such as asylum seeker dispersal; social networks and decision-making processes of asylum seekers; English Language training for refugees; the Voluntary Return programme; the labour market performance of immigrants; the impact of EU enlargement on migration flows; a broad study "mapping the field" on integration policy; estimates of the irregular migrant population and, most recently, the decision making by Immigration Officers in stopping non-EEA passengers for extra questioning at airports.[59] The Home Office produces online publications, online reports, findings and Home Office Research Studies (HORS). Between July 2002 and September 2003, three HORS on immigration and asylum issues had been published, while seven findings and 19 online publications or reports were published between 2002 and 2005.[60]

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[58] The Home Office was described by the in-coming Home Secretary, Dr John Reid, as "not fit for purpose" in June 2006 (see e.g. BBC Home to roost? http://news.bbc.co.uk/2/hi/programmes/the_westminster_hour/5046582.stm), following several high profile scandals, including in the Immigration and Nationality Service. Investigations were conducted, and reforms have been proposed, and some (including splitting the Home Office into two new ministries as proposed by the Home Secretary) have been put into effect.

[59] Kandy Woodfield, Liz Spencer, Susan Purdon, Joanne Pascale, Robin Legard, Allen Anie, Carolyne Ndofor-Tah, Jamila Mouden, Fernne Brennan, Exploring the decision making of Immigration Officers: a research study examining non-EEA passenger stops and refusals at UK ports Home Office Online Report 01/07, 17 January 2007 http://www.homeoffice.gov.uk/rds/pdfs07/rdsolr0107.pdf.

[60] The annotations on the different types of reports would seem to suggest that HORS are the most thorough, followed by Findings and Online Publications, but this is not really spelt out anywhere. In addition four occasional papers were published (1997-2002) and three conference reports were published, in 2001, 2002, and 2003.

The latest reports at the time of writing[61] were a literature review on human trafficking (by three IRSS staff),[62] and a report on decision making by Immigration Officers (by IRSS staff), published in January 2007. The research for the latter study was conducted in 2005. An evaluation of European Refugee Fund and Challenge Services in the UK[63] (conducted by a large consultancy firm, BMRB[64]) was published in 2006.

The Home Office is not the only government department in which UK policy on migration related issues is made or implemented. A total of seven government departments are involved to some degree in policies on migration, including integration, and implementation. Besides the Home Office, these are Communities and Local Government, the Department for Education and Skills, the Department of Health, the Department of Trade and Industry (DTI), the Department for Environment, Food and Rural Affairs (DEFRA) and the Department of Work and Pensions. Not all of these government departments seem to make evaluations publicly available, although some of the researchers interviewed who have worked on studies for these departments, as well as for the Home Office, indicate a much smoother working procedure with, for example, Communities and Local Government and DEFRA. All government departments are supposed to conduct Regulatory Impact Assessments (RIAs) of policy proposals.[65] When public consultation takes place, these RIAs are part of the consultation documentation package.

Communities and Local Government established a fixed term independent Commission on Integration and Cohesion in June 2006.[66] The Commission members include local councillors, academics and representatives of non-governmental bodies working on various issues relating to the social problems facing immigrants and communities. The Commission's Terms of Reference are:

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61 May 2007.

62 Samantha Dowling, Karen Moreton, Leila Wright, Trafficking for the purposes of labour exploitation: a literature review Home Office Online Report 10/07, 23 March 2007.

63 Susie Macdonald and Helen Barnard, Evaluating ERF and Challenge Fund Services report, Home Office Online Report 22/06, 2006 htttp://www.homeoffice.gov.uk/rds/pdfs06/rdsolr2206.pdf.

64 See http://www.bmrb.co.uk.

65 See http://www.cabinetoffice.gov.uk/regulation/ria/ria_guidance/index.asp.

66 See http://www.integrationandcohesion.org.uk.

- Examining the issues that raise tensions between different groups in different areas, and that lead to segregation and conflict.
- Suggesting how local community and political leadership can push further against perceived barriers to cohesion and integration.
- Looking at how local communities themselves can be empowered to tackle extremist ideologies.
- Developing approaches that build local areas' own capacity to prevent problems, and ensure they have the structures in place to recover from periods of tension.

The Commission was due to report in June 2007. It has issued a consultation document under the title *Your chance to tell us what you think,*[67] asking seven basic questions of national and local bodies and individuals. By the time it released an interim statement in February 2007, 600 responses had been received.[68]

Evaluations and assessments of good practice in the Department for Education and Skills appear to focus more on ethnic minorities than on immigrants, asylum seekers or refugees.[69] The Department of Health offers guidance on both the employment of overseas medical staff and the conduct of health checks at ports of entry, but does not appear to have any evaluation studies specifically related to migration.

The Department of Trade and Industry does not appear to have specific evaluations on migration policies either. Its web-based list of publications includes only two-page handouts for migrant workers on knowing their rights, and guidelines to employers in the construction industry to uphold the law on employing migrant workers. However, for example, a June 2004 DTI Economics Paper drafted by DTI staff discusses migration at length (promoting the benefits of migration to

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[67] Commission on Integration and Cohesion, Your chance to tell us what you think, November 2006, http://www.communities.gov.uk/pub/316/CommissiononIntegrationandCohesionYourchancetotelluswhatyouthink_id1504316.pdf.

[68] Commission on Integration and Cohesion, Our Interim Statement, February 2007, http://www.integrationandcohesion.org.uk/upload/assets/www.integrationandcohesion.org.uk/cicinterim.pdf.

[69] An email of early March 2007 to the Department for Education and Skills enquiring about evaluations relating to immigrants (including refugees) has received no response at the time of writing (late May 2007).

the UK economy).[70] The description of the series of papers of which this was the tenth explains that:

> The reviews of the DTI in autumn 2001 placed analysis at the heart of policymaking. As part of this process, the Department has decided to make its analysis and evidence base more publicly available through the publication of a series of DTI Economics Papers that will set out the thinking underpinning policy development.

The Home Office website does, however, have a 2002 report on Knowledge Migrants, published jointly by the Home Office and DTI, with the research conducted by external consultants NOP Business (NOP) and the Institute for Employment Studies (IES), managed by DTI.[71]

The Department for the Environment, Food and Rural Affairs does not have specific migration evaluations available on its website; but, again, migration is an issue raised in reports such as a 2003 study on future science needs.[72] This report considers the need for immigration to the UK and the EU more generally, particularly in the agricultural sector – and the impact of rural-urban migration domestically.

The main role of the Department for Work and Pensions has been in issuing National Insurance numbers to migrant workers, and providing periodic data on the numbers issued.[73]

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[70] *Liberalisation and Globalisation: Maximising the Benefits of International Trade and Investment,* DTI Economics Paper No. 10, July 2004, http://www.dti.gov.uk/files/file14763.pdf pp.37-41.

[71] Knowledge Migrants: The Motivations and Experiences of Professionals in the UK on Work Permits, Home Office and Department of Trade and Industry, November 2002, http://www.homeoffice.gov.uk/rds/pdfs2/knowmigrants.pdf

[72] Exploring Future Science Needs for Defra Part of the Science Forward Look 2004-2013 Final Synthesis Report PREST and TNO-STB for Defra Synthesis Report by Kieron Flanagan and Paul Cunningham (PREST) Maurits Butter (TNO-STB) Based on Studies conducted by Richard Ashford (LSTM) and Ian Douglas (University of Manchester) Maurits Butter and Arnold Tukker (TNO-STB) Ludger van der Eerden (TNO-STB) Maarten Kuijper (Delft Hydraulics) Kieron Flanagan with Heidi Pearson (PREST) December 2003 (Revised May 2004), http://www.defra.gov.uk/science/documents/forwardlook/FinalSynthesisReportDefraFutureScienceNeeds.pdf pp.14-18.

[73] The role of DWP is expected to develop with measures to seek compliance with visa regulations through the workplace. Texts to deter illegal migrants, BBC News online, 7 March 2007 http://news.bbc.co.uk/2/hi/uk_news/6424377.stm.

The UK Audit Commission is:[74]

> an independent body responsible for ensuring that public money is spent efficiently and effectively, to achieve high-quality local services … as an independent watchdog, we provide important information on the quality of public services. As a driving force for improvement in those services, we provide practical recommendations and spread best practice. As an independent auditor, we ensure that public services are good value for money and that public money is properly spent.

As such, it does not evaluate national government policy implementation but rather looks at the working of local government authorities. Of course, migration affects these local governments also and, in 2007, the Audit Commission published its first report on migrant workers, *Crossing borders: responding to the local challenges of migrant workers.*[75]

This first report by the Audit Commission on migrant workers includes an overview of the main issues facing local authorities including, in particular, police and housing issues. It notes that the majority of the significant numbers of new migrant workers (primarily from countries which joined the EU in 2004) do not bring their families, at least not in the first instance, and are young – so they do not seek support from the more expensive social services, such as health and education. However, the need for language instruction and interpretation is great. The report also notes the need for local governments to act to dispel myths among the local population and to bring community actors together in various fora to deal with migrant-related local issues. The Audit Commission further indicates that it will be working with Communities and Local Government as well as the Improvement and Development Agency throughout 2007 to help local authorities to share good practice on their approaches to migrant workers and their integration.

The National Audit Office, meanwhile, scrutinizes public spending on behalf of parliament. It has produced several reports in recent years on

74 The Audit Commission, http://www.audit-commission.gov.uk/aboutus/index.asp

75 The Audit Commission, Crossing borders: responding to the local challenges of migrants workers, 31 January 2007, http://www.audit-commission.gov.uk/reports/NATIONAL-REPORT.asp?CategoryID=&ProdID=05CA5CAD-C551-4b66-825E-ABFA8C8E4717&fromREPORTSANDDATA=NATIONAL-REPORT

the implementation of immigration and asylum policies. These reports measure performance against stated policy goals and analyse the costs involved in implementing – and the failure to implement – policies, where relevant. Examples include reports on the return of unsuccessful asylum applicants,[76] asylum and immigration statistics[77] and visa entry to the UK[78]

There are many individual researchers on migration across the UK, an increasing number of whom in research centres. The Centre on Migration Policy and Society (COMPAS), established at the University of Oxford in 2003 and funded by the Economic and Social Research Council, is perhaps the one focusing most on policy issues. One of its aims is:

> *Policy Assessment* – Drawing on new research evidence, policy experts at *COMPAS* evaluate national, European and international policy options and practices for effective and just migration management.

Publications include *Refugees and other new migrants: a review of the evidence on successful approaches to integration,*[79] commissioned by the Home Office for its 2004 National Integration Conference, as well as several other reports and academic articles. Several think-tanks and, more recently, foundations are also involved in producing independent reports on migration policy and practice.

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[76] National Audit Office, *Returning failed asylum applicants,* Report by the Comptroller and Auditor General, HC 76, Session 2005-2006, 14 July 2005 http://www.nao.org.uk/publications/nao_reports/05-06/050676.pdf.

[77] National Audit Office, *Asylum and migration: a review of Home Office statistics*, Report by the Comptroller and Auditor General, HC 625, Session 2003-2004: 25 May 2004 http://www.nao.org.uk/publications/nao_reports/03-04/0304625.pdf

[78] National Audit Office, *Visa Entry to the United Kingdom: The Entry Clearance Operation***,** Report by the Comptroller and Auditor General, HC 367 Session 2003-2004: 17 June 2004.

[79] Refugees and other new migrants: a review of the evidence on successful approaches to integration http://www.compas.ox.ac.uk/publications/papers/Refugees_new%20migrants-Dec06.pdf Edited by Sarah Spencer**,** Associate Director, COMPAS, University of Oxford, Contributors: Mark R. D. Johnson (Health); Deborah Phillips (Housing); Anja Rudiger (Community relations); Will Somerville and Patrick Wintour (Employment); Simon Warren (Education).

Among think-tanks, the left-leaning (or progressive) Institute for Public Policy Research has perhaps the most high-profile programme on Migration, Equalities and Citizenship.[80]

Several academics, as well as representatives of NGOs and international organizations, are members of the Advisory Panel on Country Information (APCI).[81] APCI is an independent body established under the Nationality Asylum and Immigration Act 2002, "to consider and make recommendations to the Secretary of State about the content of country information". The Panel specifically (as noted in the minutes of meetings, all of which, together with APCI commissioned reviews and evaluations of Country of Origin Information documents, are available on the APCI website) does not diverge into evaluating general asylum policy, but restricts itself to advising on the content of Country of Origin Information Documents.[82]

It is difficult to judge how much influence these academics and think-tanks actually have on policymaking. It has been rare in the UK for individuals to move between the public administration and the academic or think-tank environment. In spite of a push by the Blair government to introduce more inside expertise to the (higher levels of the) Civil Service, there seems to have been little development in the migration field.[83] Only a limited number of individual policy researchers seem

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80 See http://www.ippr.org.uk/research/teams/?id=85&tid=85.

81 See http://www.apci.org.uk/.

82 The Terms of Reference for APCI say the panel should "review and provide advice about: the content of country of origin information (COI) material produced by the Home Office, to help ensure that this is as accurate, balanced, impartial and up to date as possible; the sources, methods of research and quality control used by COI Service, to help ensure that these support the production of COI material which is as accurate, balanced, impartial and up to date as possible; the relevance, format and 'user-friendliness' of COI Service's COI material." It is further specified that: "It is not the function of the Advisory Panel to endorse any Home Office material or procedures. In the course of its work, the Advisory Panel directly reviews the content of selected Home Office COI material; but neither the fact that such a review has been undertaken, nor any comments made, should be taken to imply endorsement of the material. Some of the material examined by the Panel relates to countries designated or proposed for designation for the Non-suspensive Appeals (NSA) list. In such cases, the Panel's work should not be taken to imply any endorsement of the decision or proposal to designate a particular country for NSA, nor of the NSA process itself." (Terms of Reference amended April 2006) http://www.apci.org.uk/APCITermsOfReference.html.

83 See Ruth Levitt and William Solesbury, *Evidence-informed policy: what difference do outsiders in Whitehall make?* ESRC UK Centre for Evidence Based Policy and Practice: Working Paper 23, 2005, http://www.evidencenetwork.org/Documents/wp23.pdf. This paper notes a longer tradition of bringing outsiders into the UK Civil Service, but a

to have found acceptance by civil servants and politicians. IPPR, in particular, has been successful (while the Labour government has been in power) in generating access to political decision makers, ensuring that policy ideas are heard, whether or not they are being heeded and acted upon.

2.2.1 Points of interest and questions arising from the UK example

The UK example directs particular focus on institutional issues relating to evaluating migration policies. As most research and evaluation specifically on migration policy is conducted by, or under contract to, the Home Office, most of these questions and observations relate more to IRSS than to other government departments. That is not to suggest that additional points would not arise in the context of a broader investigation into the UK evaluation system, going beyond this primarily web-based research.

Firstly, the Immigration and Nationality Directorate in the Home Office essentially had three branches dealing with policy, implementation and research, respectively. Does this institutional arrangement work if the goal is to involve evaluation and research as part of evidence-based policymaking? (The UK is not alone in having three branches dealing with the three separate aspects. Yet, unlike the Netherlands, which will be discussed below, the UK has included them in what was until the spring of 2007, the Immigration and Nationality Directorate, whereas the Netherlands deals with research on a clearly ministry-wide basis through a semi-distinct institution). Furthermore, it seems that the policy branch has always been involved in the review of evaluations. This means there could be some political influence and manipulation involved in publication decisions, or to alter reports to suit the desires of the policymakers whose work is, in fact, the subject of the evaluation.

No obvious system is in place to check the extent to which evaluations (published and unpublished) have fed into the policymaking process.

waning of that practice from the 1970s onwards. The researchers note a rate of 23.3% of all members of the Home Office Civil Service staff being external recruits in 2004, but they do not break this down between subject areas covered. None of the highest level external recruits to the Home Office listed (pp. 53-54) are involved in migration related work (except to a degree Prof. Paul Wiles – the Head of RSD). The researchers also note that the patronage of more senior career civil servants appears essential to both recruitment and, more importantly, influence once inside.

Individual experience on the part of researchers suggests that where pre-policymaking informational reviews were conducted (as opposed to actual ex ante evaluations of new policies, which do not appear to be conducted as such) and where communication with policy staff was easy (which may depend on character issues rather than being an institutional requirement) some use was made of research findings. However, many researchers report having no access to the policymakers – not even at review meetings - and learning of their comments on the research only through the research staff. In other words, if research evidence is being used in migration policymaking in the UK, then such use is generally obscured not only from the public but also from the external researchers involved. One exception would be if the research were intended to be used in relation to a policy subject to a public consultation process. In that case it is noted in a Regulatory Impact Assessment or an Equality Impact Assessment that accompany the consultation documents.[84]

This raises questions as to whether evaluations can best be managed by either policy or research staff. (For comparison, which will be developed below, the US system involves policy, but not implementing staff managing evaluations, whereas the UK system has involved research staff to manage evaluations.) Is it better to have the policy staff keep some distance? If so, how much distance, and how real can the distance be, particularly if policy staff are the ultimate "consumers" of the evaluation or research product?

Part of the inquiry related to the (past) UK system will also have to address the question whether concerns in the Home Office about methodology and institutional issues, including matters between the research and policy arms and the general sensitivity of all concerned about the public perception of immigration control, could have been getting in the way of achieving evaluation and gaining policy insights? If that is the case, what can be done to resolve those issues? How many of the issues are about research staffing choices, and how many are about institutional practices and long-term decisions?

Questions also arise regarding the timing of research and the publication of findings. Many of the reports published by the Home Office are based on data which, by the time of publication, are at least two years old. While the information may have previously been used internally,

[84] See below at note 171.

their usefulness in informing debate (which may or may not be an aim of publication) has to be questioned.

Under the UK system, until 2005 at least, academic researchers were very much involved in the evaluation process, in many cases without significant success for either the Home Office or the researchers involved. This contrasts with the US system described above. Some academics who are dissatisfied with the whole process, indicate they will no longer tender for Home Office research work. This must say something about the use of existing expertise and research in the policy development process. However, it may also be an indication that, in fact, evaluation is best conducted by experienced policy evaluators – and not by experts in their own particular field – whose work and careers involve putting forward (constructive) criticism of overall policy and policy goals and of independent ideas for adaptation by policymakers.

Another contrast with the US system described above is that the UK civil service structure and academic system do not encourage movement between government and policy research. This means that only few individuals have been able to gain experience in both areas. Is one or the other system more advantageous to the constructive use of expertise and evaluation in policymaking? In the UK, access to government officials is also often difficult for most academics active in the migration field – as noted above, even those conducting Home Office studies for the IRSS often do not even get to see the policymakers working on the subject under review. However, some academics working on migration issues do have significantly more access to policymakers in government departments other than the Home Office, including the Department for International Development, as well as some of those detailed above.

Perhaps as a result of the difficulties faced by some of the same academics have faced in working on reviews, studies and evaluations for IRSS, some APCI members have suggested that, in the early days, they felt the panel was to some degree a legitimatization exercise on the part of the government, in which they felt they had nonetheless some degree of control. However, others stress that the APCI mandate was only to assess and improve country of origin information (COI), and not to pronounce on how COI is used. While problems remain, looking only at the functioning and use of APCI within the narrow parameters of its mandate (as one perhaps should), this system of independent review of COI has been a success, and is held up by many as a model that other

countries should follow.[85] For example, both the Advies Commissie Vreemdelingen Zaken and the Commissie Meijers in the Netherlands (see below) have recommended that that country follow the UK model and establish an independent review or monitoring panel similar to the APCI.[86] Germany and Austria already have such quality control panels.[87]

Finally, the issue of publication of research and evaluation findings needs to be addressed. It is impossible to know why so many studies have not been published by IRSS – or only following a Freedom of Information Act request. A number of questions arise – to which it is difficult to find answers:

- If, according to IRRS, the research or drafting is not up to standard, is there not an obligation to work with the researchers to improve them?
- Are the IRSS requirements with regard to drafting, style etc. made sufficiently known in a timely manner? (Policy-oriented writing can be significantly different from writing for an academic journal, for example).
- Is there a need to be more careful at the tendering stage and to take a more critical look at writing samples from candidates?
- Is there a need to do what IRSS has done since 2005, viz. to primarily conduct research and evaluation through large consultancy agencies

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[85] See e.g.,ECRE, Way Forward: Europe's role in the global refugee protection system *Paper 3, Towards Fair and Efficient Asylum Systems in Europe* Sept. 2005, http://www.ecre.org/files/ECRE%20WF%20Systems%20Sept05.pdf p.23. Some would argue that it is not useful to look at the narrow COI mandate of APCI, because, due to the length of COI, adjudicators are also given Operational Guideline Notes (OGNs) which are shorter. The OGNs include instructions on policy towards particular groups – as well as limited country of origin information. OGNs are not covered by the APCI mandate, so not subject to their review or commentary. The suspicion is that adjudicators use OGNs not COI – meaning the COI can be great (and they have improved significantly), but if they are not used, their improvement has no influence at all on the asylum process – and the whole system involving APCI is perhaps still just a form of "window dressing".

[86] Commissie Meijgers, Notitie geheime informatie en ambtsberichten in de vreemdelingenrechtelijke procedure (Brief on secret information and country of origin information in the immigration law procedures), March 2007, http://www.commissie-meijers.nl/assets/commissiemeijers/Commentaren/2007/CM0705%20Notitie%20individuele%20ambtsberichten%2C%207mrt07.pdf.

[87] ICMPD for the ACVZ, Comparative Study on Country of Origin Information Systems: Study on COI systems in 10 European Countries and the potential for further improvement of COI cooperation, April 2006, p.29, http://www.acvz.com/publicaties/VS-ComparativeStudyonCOISystems.pdf.

with evaluation expertise (with or without migration experts and consultants), or should research be conducted in-house?
- The core question is, of course, whether decisions to publish are politically motivated – aimed at keeping criticism of existing policy and practice out of public debate?

2.3 The Netherlands

The Netherlands employs several means to evaluate and assess migration policies.

Ex ante evaluation is conducted during the policy development process, particularly through the assessment by the Immigration and Naturalization Service (Immigratie en Naturalizatie Dienst – IND) of the practical implications of implementing a draft policy. In addition, the Council of State (Raad van State – both an advisory body and an administrative court) advises on legislative proposals on migration (as well as other) policies. The advice of the Council of State is made public[88] – the IND assessments are not.

Ex post evaluation is conducted in various ways. The most significant among these is that conducted by *Wetenschappelijk Onderzoek- en Documentatiecentrum* (WODC) or Scientific Research and Documentation Centre under the Ministry of Justice. Others involve the *Adviescommissie voor Vreemdelingenzaken* (ACVZ) or Advice Commission on Immigration Affairs and, to a significant degree, the National Ombudsman.

The WODC provides research support to the Ministry of Justice. It conducts research, occasionally offers advice and recommendations and engages in publicity with the aim of spreading information and knowledge. It has existed as a documentation centre for more than fifty years, and has conducted research for more than thirty years.[89]

One of the five fields on which the WODC concentrates is Immigration and Integration Policy. This research is run by the Asylum, Migration

[88] http://www.raadvanstate.nl/.

[89] WODC Visiedocument inzake de koers van het WODC: wat is bereikt en hoe verder? (Vision Document regarding the course to be taken by the WODC: what has been achieved and how to continue?) April 2005, http://www.wodc.nl/organisatie/015_Visitatierapport/#.

and Integration department, which deals with questions related not only to these, but also drugs and international affairs.[90] The department analyses the concrete and less tangible effects of Dutch immigration and reception policies, as well as the societal position, opportunities and problems related to specific groups of asylum seekers and other immigrants. Some of the research compares the Dutch situation with that in other EU countries. This enables conclusions to be drawn about the quality and effectiveness of Dutch policy compared to that of other member states, and allows the WODC to determine which elements of the Dutch approach could be suggested for transfer to the EU level, and which elements of other states' policies the Dutch might do well to consider adopting themselves.

The WODC's own researchers conduct some of the projects, but they also commission research from external consultants from both consultancy firms and academia.

Among the most significant recent work of the WODC is the research supporting the Evaluation Commission on the 2000 Aliens Act.[91] This Evaluation Commission had seven members, including several academics, lawyers and a mayor, and was supported also by a Secretary drawn from the policy staff of the Ministry of Justice.[92] Evaluation of the Aliens Act 2000 was mandated by a Parliamentary decision during the negotiations on the law in 1999.[93] The first evaluation was to take place three years after the Act came into force, with further evaluations to be conducted every five years. The Commission was established in 2003 and reported in 2006 – five years after the Act had come into force.

According to the parliamentary request for evaluation, the first evaluation should concern at least the following objectives pursued by the legislative branch in enacting the law:

- Improve the removal procedures of foreigners who no longer have the right to stay in the Netherlands.

90 See http://www.wodc.nl/organisatie/organisatie/.

91 Commissie Evaluatie Vreemdelingenwet 2000.

92 Commissie Evaluatie Vreemdelingenwet, Scheltema, M. (Chair) Advies *Commissie Evaluatie Vreemdelingenwet 2000* [Advice: Evaluation Commission on the 2000 Aliens Act] (Den Haag: Boom Juridische uitgevers) 2006, http://www.wodc.nl/images/02067_advies_volledige%20tekst_tcm11-119691.pdf.

93 The motion was introduced by D66 member of parliament, Boris Dittrich: Motie-Dittrich, TK 1999/00, 26 732, no. 76.

- Ensure the effective, non-discriminatory inspection of foreigners.
- Improve the quality of decisions in the first round.
- Speed up the procedure in all its aspects.
- Avoid appeals.

As requested by the Minister for Immigration and Integration, the Evaluation Commission focused on the last three points on the asylum procedure, and inquired into the following:

- How the new elements work in relation to the asylum procedure as a whole.
- Whether the stated aims of the law in relation to asylum procedures were being achieved.

Research was conducted on all five questions as stipulated by Parliament, and the findings were published from 2005 onwards.[94]

In evaluating the new law the Commission was looking to see improvements, which meant comparing the old situation with the new. The lack of a "zero-reading" (for which the Commission had been created too late) as well as the absence of an independent assessment of the old situation from that time made this difficult. Indeed, the

[94] The final report of the Commission on the asylum procedure was published as: Commissie *Evaluatie Vreemdelingenwet, Scheltema, M.(voorz.)Evaluatie Vreemdelingenwet 2000 - De asielprocedure (deel 1 en 2) [Evaluation of the Aliens Act 2000 – the asylum procedure (parts 1 and 2)]*, (Den Haag: Boom Juridische uitgevers) 2006. Several other reports and documents on the individual research questions were also published, see e.g.,Commissie Evaluatie Vreemdelingenwet 2000 (voorz. M. Scheltema), Kromhout, M.H.C., Kiwa Management Consultants, Bureau Boekhoorn Sociaal-Wetenschappelijk Onderzoek *Evaluatie Vreemdelingenwet 2000; terugkeerbeleid en operationeel vreemdelingentoezicht [Evaluation of the Aliens Act 2000; return policy and operational inspection of foreigners]* (Den Haag: Boom Juridische Uitgevers) 2004; Kromhout, M.H.C., Olde Monnikhof, M., Kulu-Glasgow, I., Munk, K., Beenakkers, E.M.Th., *Zorgvuldigheid van asielbeslissingen; een vergelijking tussen de oude de nieuwe Vreemdelingenwet [The quality of asylum decisions. A comparison between the previous and the new Aliens Act]* (Den Haag: WODC)2006, English summary at http://www.wodc.nl/images/02067b_zorgvuldig_summary_tcm11-119721.pdf ; Kromhout, M.H.C., Kok, L.D., Munk, K., Beenakkers, E.M.Th , *Invoering en uitvoering van de Vreemdelingenwet 2000 met betrekking tot asiel: een procesevaluatie [Entry into force and implementation of the Aliens Act 2000 in relation to asylum: a process evaluation]*. (Den Haag: WODC) 2006 English summary available at http://www.wodc.nl/images/02067a_asiel_summary_tcm11-119708.pdf; and Olde Monnikhof, M., Vreede, J. de, *Terugkeerbeleid voor afgewezen asielzoekers; evaluatie van het terugkeerbeleid "99 en het terugkeerbeleid onder de Vreemdelingenwet 2000 [Return Policy for Rejected asylum seekers: evaluation of the return policy of 1999 and the return policy contained in the Aliens Act 2000* (Den Haag: Boom) 2004. All are available in Dutch on www.wodc.nl.

Commission noted that even the new situation was poorly documented, although many interested parties were seeking the information which the adequate registration of applicant details and procedures would reveal. The Commission therefore noted that quantitative evaluation was difficult to achieve.[95] Where data existed, both the implementing agencies and the researchers had doubts about their quality and reliability.

The Commission stated that better data needed to be collected to assist future evaluations as well as to improve the quality of the work of the Immigration and Naturalization Service. The Commission also found that better information was required about the capacity of the services dealing with procedures – how many workers did they have, for how long, etc. – than was available to them, since, when considering the time necessary to complete the procedures, the available operating capacity was an important variable.

The Evaluation Commission protested that the methodology employed by the minister in establishing the Commission and its terms of reference was deficient. The Commission was presented with pre-established research questions and sub-projects, which meant that the nature of the research was already predetermined by the minister, and that researchers had already been identified. The Evaluation Commission found that it would be more normal for the Commissioners to receive a politically formulated question of fact, and to then participate in the process of elaborating on that question to determine the different elements required to conduct full research and come to a well-founded answer. It advised that this be done differently for the next evaluation.

The Commission pointed to a number of very detailed problems with the asylum procedures, particularly regarding the rapid 48-hour procedure and the "normal" procedure, where the former was found to be quick but careless, and the latter too lengthy though careful. In addition, the Commission found that stakeholders needed to be more involved in the implementation (as they had been in the drafting of the

[95] The Commission also noted that ultimately the inability to do a "before and after" comparison might not be as important as it first seemed, given that the context of implementation had changed dramatically. In addition, if the evaluation of the new law would show that its aims were not being achieved, that would require changes in the law or its implementation, and not a return to the old practices.

law) and that a system of quality control be established, making use of the knowledge and experience gained in other policy areas.

The Ministry of Justice is currently working on proposals for changes to the asylum procedures, accommodating both the recommendations of the Evaluation Commission and the standpoint of the coalition government which took office at the end of February 2007.

Other recent WODC reports include work on the return and departure of unaccompanied children,[96] and an Integration Monitor.[97] Since 2005, the WODC has also collaborated with the Centraal Bureau voor de Statistieken (CBS – Central Statistical Office) and the Sociaal-Cultureel Plan Bureau (SCP – Socio-Cultural Planning Office) on an annual Integration Report.[98] This is a descriptive report, produced at the request of the Minister for Immigration and Integration – without recommendations.

The ACVZ is an independent advisory body that publishes advice on Aliens Law and Immigration Policy, sometimes at the request of the government or parliament, sometimes on its own initiative.[99] It was established in the 2000 Aliens Act, and started work in its current form in November 2001. The Commission has twelve members, including a judge (the chair of the Commission), a mayor, academics, a medical doctor and a former high ranking civil servant.

The ACVZ formulates three different types of "advice". (a) Advice in reaction to existing policy and law, where the Commission offers research into whether or not the existing policy and law are efficient and effective and, where necessary, recommendations

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96 Kromhout, M.H.C., Leijstra, Y.H., *Terugkeer en MOB bij Alleenstaande Minderjarige Vreemdelingen; landelijk beleid en lokale praktijk [Unaccompanied underage asylum seekers: repatriation and departure for unknown destinations, national policy and local practice]* (Den Haag: WODC) 2006, http://www.wodc.nl/images/ca06-5_summary_tcm11-127993.pdf.

97 Bijl, R.V., Zorlu, A., Rijn, A.S. van, Jennissen, R.P.W., Blom, M. *Integratiekaart 2005; de maatschappelijke integratie van migranten in de tijd gevolgd: trend- en cohortanalyses [The Integration Monitor 2005 The progress of the social integration of migrants: trends and cohort analyses]* (Den Haag: WODC) 2005, http://www.wodc.nl/images/ca2005-16_summary_tcm11-86821.pdf.

98 CBS, SCP and WODC, *Jaarrapport Integratie 2005 (Annual Integration Report, 2005)*, The Hague, September 2005, http://www.cbs.nl/NR/rdonlyres/F019B5DE-15B7-4F87-9B1C-878117066EE8/0/2005jaarrapportintegratiepub.pdf.

99 See www.acvz.com.

for improvement. (b) Proactive policy advice focuses on expected developments and problems, where the ACVZ offers alternative courses of action. With both of these types of policy-related advice,

the minister[100] informs both houses of parliament within three months of the cabinet's position in relation to the advice received. The ACVZ publishes these policy advice notices itself, eight days after sending the relevant document to the minister. (c) Legal advice, which is not offered to parliament, but instead a new law or decision from the minister will note the advice offered by the ACVZ, and the advisory document itself is published only after a proposed law has been sent to parliament or a decision has been published in the official register.

The ACVZ sets an annual work programme of subjects on which it has been asked by the minister to advise, or on which its members decide that advice is needed. An internal work group, including commissioners and staff of the secretariat, and chaired by a member of the Commission, is formed for each subject. These internal work groups prepare reports and advisory documents. Sometimes external consultants are asked to prepare a preparatory study or to participate in an expert meeting. The final advisory document is discussed in a plenary meeting of the Commission, which seeks consensus (although dissenting opinion is, when necessary, also noted in final publications).

The 2007 work programme has five subjects:[101]

1. *The MVV procedure (Temporary residence permit for non-EEA citizens).* For those who need it, an MVV must be obtained before arrival in the Netherlands. Testing is done as part of the procedure for granting such a permit. The same testing is repeated for a regular residence permit after arrival in the Netherlands. The ACVZ has been asked to advise on how to avoid duplication of work and delay, as well as

[100] From 2002 to early 2007, the Netherlands had a Minister for Immigration and Integration within the Ministry of Justice. With the formation of a new cabinet at the end of February 2007, the situation with regard to immigration reverted to the previous structure of a secretary of state (junior minister) within the Justice Ministry, while the integration portfolio was taken over by a Minister for Living, Neighbourhoods and Integration (Wonen, Wijken en Integratie).

[101] ACVZ, Werkprogramma 2007, September 2006, http://www.acvz.com/publicaties/WP_2007_NL.pdf. All of these topics were requests for advice from the previous minister and cabinet. It remains to be seen whether the coalition which began work on 22 February 2007 will alter any of the requests for advice.

on the pros and cons (both legal and administrative) of alternative methods to grant permits and a more efficient procedure for issuing regular residence permits.

2. *An international comparison of nationality issues***.** Dual nationality has become an important political issue in the Netherlands. The ACVZ has been asked to advise on the consequences in certain countries of origin of trying to renounce nationality and to investigate how other countries of immigration deal with dual nationality.
3. *Biometrics in the chain of aliens' administration***.** The ACVZ has been asked to look at the use of biometrics – including issues of privacy, verification of identity and security issues in tackling identity fraud.
4. *Maintenance framework in the modern migration policy*. The cabinet proposal "Towards a modern migration policy" includes fines and penalties for "covenant holders" in a system in which, it is proposed, responsibility will be shared by the government and an individual or organization (employer or university, for example) standing guarantee for an immigrant. The ACVZ has been asked to advise on how such a "fines and penalties" system can be organized and it also wants to advise on the general maintenance of the system.
5. *Medical aspects of the modern migration policy*. The ACVZ has been asked to advise on how to ensure that the manner in which medical circumstances might be applied in the asylum procedures will not lead to their "medicalization".

Additional ad hoc advice will be offered as and if needed. Recent advisory documents concern the labour market position of foreign graduates[102] and a new, fast and safe asylum procedure.[103]

The Central Statistical Office is responsible for publishing statistics on demographic indicators in the Netherlands and reports on aspects of life and integration regarding immigration, integration, emigration and related subjects.[104] The Immigration and Naturalization Service (part of the Justice Ministry) also prepares annual reports, statistics and overviews

[102] ACVZ, Profijt van studiemigratiebeleid. Een advies over de arbeidsmarktpositie van buitenlandse afgestudeerden, (Taking advantage of student migration policy. Advice concerning the labour market position of foreign graduates), 20 February 2007, http://www.acvz.com/index.php?id=16,216,0,0,1,0.

[103] Secuur en Snel. Voorstel voor een nieuwe asielprocedure (Safe and fast. Proposal for a new asylum procedure), 4 February 2007, http://www.acvz.com/index.php?id=16,207,0,0,1,0.

[104] See www.cbs.nl.

of the immigration process, including statistics on indicators such as the countries of origin of asylum seekers and other migration issues.[105]

The National Ombudsman has published many reports on individual asylum cases in which questions were raised about procedures and their implementation. Such reports reflect the number of complaints received regarding the Immigration and Naturalization Service – at almost 1,500 in 2005 it was, as has traditionally been the case, one of the highest (in this case second to the institute applying workers' insurance regulations).[106] The most recent high-profile research started by the current Ombudsman in early February 2007 is focused on the quality of individual country of origin reports[107] used in asylum cases.[108] This research was prompted by indications that some country of origin reports were incomplete and some even inaccurate. Pursuant to the recommendations formulated in a previous report by the Ombudsman (1998) on country of origin reports, the Ministry of Foreign Affairs, responsible for the country reports, conducted its own evaluation in 2001. Other recent examples of the Ombudsman's research include a major report on the presentation of rejected asylum seekers to overseas authorities prior to their return, which, according to the Ombudsman, must be conducted in a more transparent manner by the Immigration and Naturalization Service. [109]

Critical reviews of policy implementation are also formulated by special parliamentary committees, usually established when some crisis situation has come to light and the reputation and position of a Minister depends on close inspection of what has actually occurred. Recent examples in relation to migration are the special committees on returns of rejected asylum seekers to Syria and Congo, where it was suggested that information on the asylum claims handed over by IND officials to local government officials had led, in respect of the Congo case, to post-return persecution of the individuals involved.

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[105] See http://www.ind.nl/nl/inbedrijf/overdeind/cijfersenfeiten/archief/Download/index.asp.

[106] De Maakbare Overheid, Samenvatting, Verslag van de Nationale Ombudsman over 2005 (The Repairable Government: Summary of the National Ombudsman's 2005 Annual Report), http://www.nationaleombudsman.nl/ombudsman/jaarverslag/2005/jv2005-samenvatting.pdf pp5-6.

[107] Called *ambtsberichten* in Dutch, and prepared by the Ministry of Foreign Affairs.

[108] See http://www.nationaleombudsman.nl.

[109] Presentatie ex-asielzoekers moet transparanter (Presentation of ex-asylum seeker has to be done in a more transparent way) 27 February 2007, http://www.nationaleombudsman.nl/rapporten/grote_onderzoeken/2007_exasiel/index.asp.

The Netherlands Court of Audit (Rekenkamer) conducts annual research into financial management at the ministries, as well as special research into specific policy areas at the request of ministries or parliament.[110] The most recent research on migration issues, released in 2005, examined the work of the Immigration and Naturalization Service at the request of the Minister. A significant backlog had built up in the processing of requests for residence permits, in particular. The Court of Audit does not comment on policy, but examines implementation.

The Netherlands has many advice councils. Although their main functions and interests lie in other areas, several offer advice related to various questions concerning migration. The Socio-Economic Research Council, for example, has a commission on labour migration and has advised on language training among minorities through work, for example, [111] while the Council for Public Health and Care has advised on extending quality healthcare to immigrants.[112]

Several individual academics, particularly those based in the migration-related research centres at the Universities of Amsterdam, Utrecht, Leiden, Nijmegen, and the Vrij Universiteit, Amsterdam, interact closely with the government, but there is mistrust on both sides. Several, in particular lawyers, though not exclusively, are members of bodies such as the ACVZ.

An independent body composed primarily of academic lawyers and whose unsolicited reports, particularly its advice on country of origin reports (ambtsberichten) wields considerable influence, is the Commissie Meijers.[113] The Commissie reports on Dutch immigration and asylum law and policy issues, as well as issues arising at EU level.

Whether or not the Minister or, since February 2007, Junior Minister, takes the solicited or unsolicited reports and advice into account, Members of Parliament and civil servants may, and indeed do, use all forms of published reports to exert pressure on ministers for changes

[110] http://www.rekenkamer.nl/

[111] www.ser.nl.

[112] www.rvz.net

[113] Formally the Standing Commission of Experts in International Immigration, Refugee and Criminal Law (Permanente commissie van deskundigen in internationaal vreemdelingen-, vluchtelingen- en strafrecht), but known as the Commissie Meijers after its first Chair and founder, Prof. Dr. Herman Meijers. The Commission is independent, established and supported by the Dutch Order of Lawyers (Nederlandse Orde van Advocaten), the

and revisions to the law, policy and implementation – or at least as a basis of pertinent information with which to exert pressure to bring about the desired changes. For such advice to be as useful as possible, advisory bodies are concerned to take the political context into account, without, however, compromising their role as independent bodies.

2.3.1 Points of interest and questions arising from the Dutch example

Whether directly or indirectly (through parliamentary or civil service pressure), the (Junior) Minister has to take note at least of the ACVZ and WODC reports and advice, even if no immediate action is taken.

The involvement of academics in official evaluation, research and committees is generally seen to be smooth although, on occasion, particularly on the immigration side, (perhaps more so than on the integration side) the minister and ministry have preferred to keep Dutch academics out of the picture (e.g., because of the ongoing and known controversies and antagonisms). Academics take part in public and political debates on migration issues: whether they are always taken seriously or not they are clearly part of the process.

Very few individuals move between civil service and academia in the course of their careers, although some have. However, many do have strong connections to both civil servants and politicians – serving as advisors to political parties, for example, or as active members of those parties.

NGOs, which are key service and volunteer organizations in the Netherlands, are not involved in any of the formal, government appointed independent advisory bodies. They might be consulted as stakeholders in the process, but their representatives never form part of official commissions undertaking research and evaluations. They are, however, included in the Commissie Meijers sub-committees, for example (and are, of course, the collective founders of that Commissie).

Dutch Refugee Council (VluchtelingenWerk Nederland), the Dutch Centre for Foreigners (het Nederlands Centrum voor Buitenlanders) – replaced in 1996 by the organization FORUM, which also hosts the Commission secretariat – the National Office for the fight against racial discrimination (het Landelijk Bureau ter bestrijding van Rassendiscriminatie) and the Dutch Lawyers Committee for Human Rights (Nederlands Juristen Comité voor de Mensenrechten) http://www.commissie-meijers.nl/commissiemeijers/pagina.asp?pagnaam=commissiemeijers.

The biggest or most obvious problems currently facing the Dutch system in this area might be the coordination of the various advisory bodies. Even requests to WODC and ACVZ are not coordinated, and it might happen that although one or the other has already dealt with a given issue the previous year, they are requested to handle it this year, and so on. There are other advisory bodies related to other government departments that are sometimes approached to undertake research on migration-related topics without the knowledge of, or input from, the specialist migration advisory and evaluation bodies. There are efforts to reduce the number of advisory bodies, perhaps by consolidating some of them, but that is likely to be a lengthy political process.

2.4 The European Commission

As will be discussed in more detail in Lewis' and Naqvi's chapter below, on "*Evaluation of EU Policies in the Field of Migration and Asylum*", the Directorate General for Justice, Security and Freedom (known as JLS – abbreviated from the French *Justice, Liberté et Securité*) has variously monitored and evaluated migration policies, among others in its portfolio, over the last few years.[114]

One example of the monitoring activities of DG JLS is the biannual Scoreboard, which lists the targets set out in the work programmes and the progress made to date.[115] Among evaluations conducted are

[114] See http://ec.europa.eu/dgs/justice_home/evaluation/dg_coordination_evaluation_annexe_en.htm for an overview of evaluation activities in the area of justice, freedom and security.

[115] A Commission Communication to the Council and Parliament "Scoreboard to review progress on the creation of an area of freedom, security and justice in the European Union" was presented every six months since the Tampere European Council and December 2003. The references are as follows: COM(2000)167 final, 24.3.2000; COM(2000)782 final, 30.11.2000; COM(2001)278 final, 23.05.2001; COM(2001)628 final, 30.10.2001; COM(2002)261 final, 30.5.2002; COM(2002)738 final, 16.12.2002; COM(2003)291 final, 22.5.2003; COM(2003)812 final, 30.12.2003. In 2004 the Commission produced an assessment of the implementation of the Tampere work programme: Commission of the European Communities, Communication from the Commission to the Council and the European Parliament, Area of Freedom, Security and Justice: Assessment of the Tampere programme and future orientations**,** {SEC(2004)680 et SEC(2004)693} Brussels, 2.6.2004 COM(2004) 4002 final. On 28 June 2006 the Commission produced a package of assessments of the operation of the Hague Programme until that date, included on a more sophisticated webpage, together with a complete European and national level scoreboard, see http://ec.europa.eu/justice_home/news/information_dossiers/the_hague_2006/index_en.htm – see note 122 below on Scoreboard Plus.

the externally commissioned interim and final evaluation studies of the European Refugee Fund (ERF), which the Commission administers.[116] The Commission also released its own staff document summarizing the key findings of the evaluation of the ERF first phase (2000-2004).[117] These evaluations focus on programme implementation as well as the impact of policy at the national level. The final evaluation of the ERF programme covering the period from 2000 to 2004 also sought input to the subsequent ERF programmes.

DG JLS also commissioned a number of studies[118] and feasibility studies[119] on major policy decisions potentially to be taken by the

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[116] Danish Institute for Human Rights, Eurasylum and Migration Policy Institute, *European Refugee Fund: Final evaluation of the first phase (2000-2004), and definition of a common assessment framework for the second phase (2005-2010) Final Report*, March 2006 http://ec.europa.eu/justice_home/funding/2004_2007/refugee/doc/evaluation_2006/dg_eval_European_0306_en.pdf and PLS Ramboll *DG Justice and Home Affairs Mid-term Evaluation of the European Refugee Fund Final Report*, December 2003, http://ec.europa.eu/justice_home/funding/2004_2007/refugee/doc/evaluation/erf_final_report_en.pdf.

[117] Commission of the European Communities, *Commission Staff Working Document: Final evaluation of the European Refugee Fund for the period 2000-2004* SEC(2006) 1636 Brussels, 1.12.2006, http://ec.europa.eu/justice_home/funding/2004_2007/refugee/doc/evaluation_2006/dg_eval_European_dec06_en.pdf .

[118] See e.g.,British Institute of International and Comparative Law, The Law and Practice on Safe Country Principles Against the Background of the Common European Asylum System and the Goal of a Common Asylum Procedure, Final Report DG JAI-A2/2002/04 2004, http://ec.europa.eu/justice_home/doc_centre/asylum/studies/docs/safe_countries_2004_en.pdf ; Nina M. Lassen with Leise Egesberg (Danish Refugee Council), Joanne van Selm with Eleni Tsolakis (Migration Policy Institute), Jeroen Doomernik (Institute for Migration and Ethnic Studies), Study on the transfer of protection status in the EU, against the background of the common European asylum system and the goal of a uniform status, valid throughout the EU, for those granted asylum Final Report Tender no. DG.JAI/A2/2003/001, 25 June 2004, http://ec.europa.eu/justice_home/doc_centre/asylum/studies/docs/transfer_protection_status_rev_160904.pdf; Kai Hailbronner, Study on the single asylum procedure "one-stop shop" against the background of the common European asylum system and the goal of a common asylum procedure 2003, http://ec.europa.eu/justice_home/doc_centre/asylum/studies/docs/study_one_stop_shop_en.pdf; Beutin, *et al* **op.cit.** note 6; and ICMPD, Study: Admission of Third-country Nationals to a EU Member State for the Purpose of Study or Vocational Training and Admission of Persons not Gainfully Employed Final Report, European Commission, August 2000, http://ec.europa.eu/justice_home/doc_centre/immigration/studies/docs/icmpd_report_2000.pdf.

[119] See Joanne van Selm, Tamara Woroby, Erin Patrick and Monica Matts, Study on the Feasibility of setting up resettlement schemes in EU Member States or at EU Level against the background of the common European asylum system and the goal of a Common Asylum Procedure, Tender No. DG.JAI-A2/2002/001, 2003, http://ec.europa.eu/justice_home/doc_centre/asylum/studies/docs/resettlement-study-full_2003_en.pdf; Gregor Noll, Study on the feasibility of processing asylum claims outside the EU against the background of the common European asylum system and the goal of a common asylum procedure - Final report 2002 http://ec.europa.eu/justice_home/doc_centre/asylum/studies/asylumstudy_dchr_2002_en.pdf

Member States. Rather than evaluating existing policies, these are about key policy questions, how policy could be crafted, and what the underlying legal and political issues are. DG JLS also produced several internal "studies" issued as Staff Working Documents, including two Annual Reports on Migration and Integration.[120]

JLS has frequently hired external consultants to undertake evaluations and studies. While consultancy firms have been contracted to undertake some evaluations, migration and asylum experts have also conducted both studies and evaluations for the Commission.

In line with the 2004 Hague Programme, which sets out the Member States' vision of their work programme and priorities from 2005-2010, JLS is starting to focus on a greater level of evaluation of policy implementation. The Hague Programme states that "evaluation of the implementation as well as of the effects of all measures is, in the European Council's opinion, essential to the effectiveness of Union action".[121]

EU Heads of State and Government called for evaluation of the implementation of Justice, Freedom and Security policies, including immigration, asylum and the free movement of citizens, to ensure that progress in this area continues and is constantly reviewed. They noted that this was important "to respond to the real expectations of European citizens."[122]

In response to the mandate for evaluation conveyed in the Hague Programme, the European Commission decided to end the existing fragmented approach to monitoring and evaluation. In 2007 the Commission therefore set out a proposal for a "coherent and comprehensive mechanism for evaluation of EU policies on freedom, security and justice, in a spirit of partnership with Member States and

[120] European Commission, Second Annual Report on Migration and Integration SEC(2006) 892, http://register.consilium.europa.eu/pdf/en/06/st11/st11526.en06.pdf; Commission of the European Communities, *Communication from the Commission to the Council, the European Parliament, the European Economic and Social committee and the Committee of the Regions - First Annual Report on Migration and Integration*, COM/2004/0508 final, 16 July 2004, http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52004DC0508:EN:NOT

[121] *The Hague Programme*, Annex 1 to the Presidency Conclusions of the Brussels European Council, November 2004.

[122] *Op.cit*., note 4.

EU institutions."[123] This mechanism should include monitoring of implementation[124] and evaluation of policy results aimed at providing extensive information to all stakeholders.

In 2000, the European Commission had defined evaluation generally as "*judgement of interventions (public actions) according to their results, impacts and the needs they aim to satisfy*", with the main aim to inform policymakers of the impact and effectiveness of activities planned and carried out.[125]

As a caveat to its 2007 proposal, the Commission notes that the political context in which considerations of national sovereignty mean compromises have to be made at EU level, as otherwise implementation would be hampered, will have to be taken into account in evaluations.

The proposal would involve both internal and external evaluations, depending on the issues in question, and "transparent consultations" with evaluation reports made public – although the need for confidentiality in some areas (e.g. terrorism) is also noted. During the consultation process, the key players would be governments, followed by the European and national parliaments, other EU institutions, where appropriate, and civil society.

Parallel to the setting up of the proposed evaluation system, the Commission notes that the quality, availability and analysis of statistics on freedom, security and justice will have to be improved.

The Commission proposal of June 2006 on the implementation of the evaluation mechanism called for in The Hague Programme met with a reluctant response by Member States. Although Member States themselves had drafted the Hague Programme, including the call for enhanced evaluation, the vast majority of the 27 governments now realize that they are not in any position domestically to contribute to an evaluation process on migration policies and programmes simply because they have no evaluation system themselves. Another reason for their reluctance to back the Commission proposal might be that,

[123] Ibid.

[124] Communication on "Strengthening Freedom, Security and Justice in the European Union: report on the implementation of The Hague Programme for the year 2005".

[125] Commission of the European Communities, Communication to the Council and the European Parliament on Evaluation SEC(2000) 1051 Brussels 2000.

although the heads of government emphasized evaluation in the Hague Programme, Member States now feel that there are, or should be, other priorities for the Commission on completing proposals needed for the fulfilment of the work programme.

While there have been programme evaluations led by the European Commission, evaluations of legislation are a more recent phenomenon. The first in the whole area of Freedom, Security and Justice dates from 2005 (on the European Arrest Warrant).[126] There is a recently completed evaluation of the Directive on minimum standards for the reception of asylum seekers – the first on legislation on a migration-related issue. An evaluation of the implementation of all ten directives adopted in the field of immigration and asylum is currently underway.

In its 2006 proposal on evaluations, the Commission defines ex ante and ex post evaluations. Ex ante evaluation is defined as:[127]

> Evaluation performed before implementation of a measure. For the purposes of the Commission, ex ante evaluation is defined as a process that supports the preparation of proposals for new or renewed Community activities. Its purpose is to gather information and carry out analyses that help to define objectives and to ensure that these objectives can be met, that the instruments used are cost-effective and that reliable subsequent evaluation will be possible.

In the same document, ex ante evaluation is in fact only referred to on one occasion: in discussing evaluation of legislation.[128]

> The introduction of impact assessments of EU legislation has led to systematic ex ante appraisal, which should greatly facilitate further interim and/or ex post evaluation. In this context, systematic scrutiny of legislative proposals and other draft instruments to

[126] Commission of the European Communities, Report from the Commission based on Article 34 of the Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States {SEC(2005) 267} Brussels, 23.02.2005 COM(2005) 63 final http://ec.europa.eu/justice_home/doc_centre/criminal/doc/com_2005_063_en.pdf.

[127] Op.cit. note 4, p.97.

[128] Ibid., p.94.

ensure that they are compatible with the Charter of Fundamental Rights should serve the same purpose.

Since 2005, the Commission has started to conduct impact assessments for its new proposals, often through external consultants, though not yet released as separate public documents. This non-release could be simply a matter of resources in terms of updating the JLS website, or there could be other reasons for keeping the impact assessments from public view.

In the search for reliable and current information and analysis as a basis for policymaking, the EU established the European Migration Network in 2002 – eight years after the European Commission started investigating the possibilities for some kind of Observatory, including a pre-feasibility study, feasibility study and Commission working papers. The reluctance by Member States to be involved in such ventures lasted well into the phase when the EMN had been established.[129] The EMN has a multi-headed structure, made up of the European Commission and a Scientific Coordinator.[130]

The network is "driven" by National Contact Points (NCPs). There are 17 established NCPs, the vast majority (10) in government ministries such as the Ministry of the Interior (Belgium, Czech Republic, Germany, Portugal, Slovenia and Latvia), Ministry of Justice (the Netherlands), or statistical offices (Finland) or a combination of government offices in the case of Sweden (Statistics Sweden, Integration Board, Migration Board). Two NCPs are located in research institutes (Ireland, Greece), one is an intergovernmental organization (IOM Austria) and another is an NGO (Estonia). In Slovakia the NCP is the Police Academy; in Italy the NCP is a collaborative effort between the Department for

[129] For a timeline and overview of member state hesitation see European Policy Evaluation Consortium (EPEC), *Evaluation Of The Activities Of The European Migration Network Final Report to the European Commission DG Justice, Freedom and Security* (Contact point GHK Consulting Ltd Petra van Nierop) July 2005, pp.45-46, http://ec.europa.eu/justice_home/doc_centre/immigration/studies/docs/epec_final_2005_en.pdf.

[130] Ibid., points out that the Berlin Institute for Comparative Social Research (BIVS) and the Technical University of Berlin (TUB) were selected in November 2003 to act as Scientific Coordinator of the Network. The Computation and Information Structures Group (CIS) of the TUB, is responsible for the conceptualization, design and development of the computer-based information system. According to the European Migration Network website, this function lasted only until the end of 2006, and there is currently no coordinator, nor any legal basis for a coordinator. See http://www.european-migration-network.org.

Citizens' Freedoms and Immigration of the Ministry of Interior, and an NGO (Caritas). In France, the NCP is also composed of a variety of collaborators, including researchers, academics and six ministries. There are reportedly some tensions between some of the academics and the officials regarding the priorities for the work programme.

The NCP outputs to date are limited and none is an evaluation of policy or programmes, even though the EMN website states the network's objectives as follows:[131]

> The EMN does not engage in primary research per se, instead drawing together, evaluating and making accessible already available data and information. This improves availability, comparability and harmonization of existing information, as well as contributing to evidence-based policymaking. The desk research undertaken ranges from a longer-term detailed analysis of a particular migration phenomenon to short-term ad hoc requests, arising from the development of a particular policy by a Member State.

The evaluation of the EMN concluded that though the network was relevant, in that it considers immigration and asylum issues high on the political agenda across the EU, it would probably not be missed if it were to be discontinued. The evaluators proposed a stronger observatory to replace the network.[132]

Academics, centres and other organizations in Europe have all participated in European Commission evaluations and studies, and there are many individuals and organizations which produce their own reports and policy recommendations on EU migration policy issues. Prominent among these are the Centre for European Policy Studies[133] and the European Policy Centre in Brussels.[134] Another organization, Eurasylum, specializes solely on the provision of evaluation, research,

[131] FAQs, http://www.european-migration-network.org/.

[132] EPEC, op.cit., pp. 9 and 115-137.

[133] See CEPS' Justice and Home Affiars Programme at http://www.ceps.be/Article.php?article_id=16.

[134] See EPC's Multicultural Europe Programme at http://www.epc.eu/en/iwp5.asp?TYP=TEWN&LV=187&see=y&PG=TEWN/EN/listing_t&l=7.

consulting and training services specifically on immigration and asylum issues at the EU and international levels.[135]

2.4.1 Points of interest and questions arising from the EC example

It is interesting that the EU Member States have sought evaluations of the implementation, including their own implementation, of policies at EU level, whereas many conduct minimal or piecemeal evaluations "at home". However, perhaps it is a lack of experience regarding evaluations domestically that is the cause for the current hesitation.

Another way of looking at this issue is to consider that Member States requested evaluations of policy and legislation as well as programme implementation – but it is not clear whether this assessment of policy and legislation would, in fact, be "evaluation" as such. It would be providing information assessing the policy document – but if it is about policy and not about implementation of the policy, it is not clear what the starting point would be (the "zero picture"), nor what it is that would be measured.

In the EU context motives and (real) objectives for policy and legislative decisions in the migration field are often implicit rather than explicit, and depend very much on the political context. It is thus difficult to evaluate policy and legislation, in particular, whereas the evaluation of programme implementation can take the explicit objectives as being those which the programme was intended to meet.

The European Commission is engaged in proposing broad policy to be implemented by Member States, subject to negotiations before a final, often very politicized, decision on policy or legislation is taken. So far, evaluations have concerned the impact of implementation of legislation and policy at the national level, rather than of the actual content of the policy, or of its impact at the pan-EU level. Nonetheless, evaluation is an activity conducted within the same Directorate, albeit by a different unit or sub-division, which determined the policy, the implementation of which is being evaluated. Can it be that the final policy is so significantly removed from the initial proposal that this does not pose any problems? When implementation is being evaluated, and given that implementation is the business of Member States and

[135] See www.eurasylum.org.

not the Commission, is it most sensible to have evaluations conducted at the Commission level – and thus to have comparative cross-national evaluations rather than national evaluations at Member State level? Can policy and legislation be usefully evaluated only ex ante or also ex post?

As the Commission is not going to implement any policies, can it really conduct ex ante evaluations/impact assessments? Indeed, can an external consultant hired by the Commission effectively do that, or should it be Member States, i.e. those who will be impacted, or should both Member States and the Commission actually conduct impact assessments, contributing to the policy/legislation negotiation process? Is consultation with Member States during the impact assessment process sufficient to ensure the input of those states, and that the states are fully sensitized to everything that the implementation of a policy will entail?

2.5 International Organization for Migration

The International Organization for Migration (IOM) conducts evaluations through the Office of the Inspector General (OIG), while the Migration Policy, Research and Communications Department also conducts and commissions studies on a wide range of topics related to international migration.

The Office of the Inspector General conducts Audits, Inspection and Monitoring of Monitoring[136] as well as evaluations. According to the IOM website the main objectives of Evaluation/OIG are to:[137]

- undertake and promote thematic evaluations of IOM policies, strategies and/or programmes;
- evaluate the performance and success of selected programmes and projects;
- promote the use of evaluation findings and recommendations in policy and programme formulation within the Organization;
- oversee the evaluation function in IOM and promote the inclusion of an evaluation component in IOM programmes and projects;
- develop and/or adjust evaluation guidelines and methods applied for programme evaluation throughout the Organization;

[136] See http://www.iom.int/jahia/page625.html.

[137] Ibid.

- reinforce partnerships and participation in networks for evaluation with bilateral and multilateral organizations.

Three different types of evaluation are conducted: OIG, internal and external evaluations. Full texts of evaluations are generally limited to Member States, although most are available on request.[138] Summaries of OIG evaluations are available online. Many of the external evaluations (i.e. those conducted by consultants rather than by IOM staff) seem to be related to projects funded by specific donors. OIG and internal evaluations appear to be often concerned with broad IOM policies, although several focus on specific programmes or areas of work.

Recent evaluations include:

- Evaluation of the Gender Mainstreaming Policy and Strategy in IOM (November 2006) (conducted by OIG).
- Support to the Demobilization and Reintegration of Former Combatants and Detainees in the Indonesian Province of Aceh, IOM/EC, by C. Riallant, (September 2006) (internal).
- Evaluation of the Humanitarian Assistance to Deported Migrants at the South Africa-Zimbabwe Border (Beitbridge): A Reception and Support Centre, IOM, by *Sciences Po - Institut d'Etudes Politiques de Paris* (February 2007) (external).

IOM's Migration Policy, Research and Communications Department includes a Strategic Policy and Planning, and a Research and Publications Division, as well as conducting the International Dialogue on Migration.[139] The Strategic Policy and Planning Division works on internal IOM policies and "has created a process that will eventually result in the production of policy guidelines addressing specific migration issues. These are not of a sweeping, theoretical or binding

[138] Conducting research for this paper, I requested to receive six full evaluation reports, two in each category. I received five of them. The sixth, an external evaluation, was not released to me, as its distribution was restricted to member states owing to methodological weakness in the evaluation report and the lack of supporting evidence for some of the statements made, I was told. I was told that only three reports listed on the website are limited in this way, and assured that the conclusions of the report in question were positive regarding IOM work, but that the weaknesses in the paper could create confusion about IOM methods. It should be noted that the evaluations staff were not informed of my request that this paper was commissioned by IOM through Eurasylum, and they nonetheless sent me a very candid and useful response.

[139] See http://www.iom.int/jahia/page68.html.

nature, but rather tools to identify and address issues through an approach of sharing "best practice".[140]

The Research and Publications Division derives its mandate from the IOM Constitution, which specifically refers to a role in "conducting studies in order to develop practical solutions". Thus the Research Unit:[141]

> collates and analyses statistical and other relevant data on migration and establishes a methodology for making such information widely available on a regular basis and in a reliable and comprehensible manner. Research also contributes to IOM's efforts to provide policy guidance to governments and to inform and shape policy agendas.

IOM has, on request, also assisted some of its Member States to evaluate their own policies. For example, in 2006 the Research Division prepared a report for the National Economic and Social Council of Ireland entitled "Managing Migration in Ireland: A Social and Economic Analysis". The report discusses strategic directions for migration policy in Ireland and was launched by the Prime Minister of Ireland.

2.5.1 Points of interest and questions arising from the IOM example

Some governments and organizations do not release evaluations or, where applicable, do so only as a result of Freedom of Information requests, while others have a policy of publishing all evaluations. IOM's approach of providing evaluations on a case by case basis is interesting, and raises certain questions. Is there a desire to know who is reading the evaluations? Are the restrictions due to foresight – in case there are various evaluations that member states do not want to be made public, or evaluations IOM itself is not happy with for various reasons? Researchers who do not try (or perhaps dare) to ask, might be suspicious of the contents of reports that they see in a list, but cannot access.

The other aspects of IOM's current approach to evaluations that raise questions is the fact that evaluations fall under the inspection function

[140] Ibid.

[141] Ibid.

rather than the policy and research area of the organization. In countries where evaluations are conducted by the Inspector General's Office, they focus exclusively on the financial and management aspects of projects or programmes. Judging by the titles of IOM evaluations, this does not seem to be the case. Do evaluations fall under the inspector function rather than the policymaking function because of the nature of IOM evaluations? Are they only concerned with assessing past project implementation, rather than contributing to future policymaking? Are links between departments sufficiently established to allow for the implementation of appropriate recommendations? Is policy, research and communications involved in the determination of what evaluations are needed, when, how, by whom and so on?

2.6 United Nations High Commissioner for Refugees

As the specialized UN agency concerned with refugee and asylum issues, as laid down in the Geneva Conventions, the UNHCR seeks to secure the safety of refugees worldwide and their eventual return, or resettlement in third countries, in accordance with its mandate.

UNHCR has long been encouraged to evaluate its policies and, in particular, its programmes. All UNHCR evaluation reports are made public. Between February 1994 and November 2006, 115 evaluations conducted by UNHCR's Evaluation and Policy Analysis Unit have been made available online.[142] Some were conducted internally by UNHCR's own evaluation staff, others were conducted by external consultants. Of the external consultants, the majority have been academics and policy researchers specialized in refugee and humanitarian issues.

UNHCR's evaluation function originally fell within the purview of the IGO; however as there were reservations concerning the transparency of such evaluations, since 1999 it has been linked to policy analysis. The UNHCR evaluation of the Kosovo crisis was in many ways a turning point for the conduct and role of evaluations in the organization.[143] UNHCR's evaluations focus primarily on programme implementation, often specifically on programmes funded by earmarked contributions

[142] See http://www.unhcr.org/research/3b850c744.html.

[143] Astri Suhrke, Michael Barutciski, Peta Sandison, Rick Garlock, The Kosovo refugee crisis: an independent evaluation of UNHCR's emergency preparedness and response, EPAU/2000/001, February 2000 (pre-publication edition), http://www.unhcr.org/research/RESEARCH/3ba0bbeb4.pdf.

from donors. Many donors are keen to see UNHCR (like NGOs and other grantees) conduct self-monitoring and evaluations.

Although UNHCR's activities, including its policy development activities, contribute to debates on asylum and, on occasion, on "mixed flows", and thus also migration, few evaluations have considered work specifically on asylum issues. Of the 115 evaluations published online, two concern gender issues in Europe[144], one is on work with NGOs in Europe,[145] one, from 1998, deals with the implementation of UNHCR's strategy in the EU, [146] one (from 1996) concerns capacity building in central and eastern Europe,[147] while another (from 1994) concerns resettlement,[148] and involves policy issues in several industrialized countries. There are no evaluations that specifically consider UNHCR's work in the US, Australia, Canada or New Zealand.

This means that just 6 per cent of UNHCR's evaluations consider industrialized countries, although only two of them actually relate to policies which lead to resettlement (the evaluations on resettlement and on UNHCR's strategy in the EU, referred to above).

Two other thematic evaluations were commissioned in Greece by the UNCHR office in Athens. Neither is specifically on asylum policy, but rather they are about specific communities in Greece.[149]

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[144] Ramina Johal, Women's Commission, and Ron Pouwels, UNHCR, *Country evaluation of the age and gender mainstreaming pilot project, Greece*, EPAU/2005/3-4, April 2005 http://www.unhcr.org/research/RESEARCH/4253e0eb2.pdf and Heaven Crawley and Trine Lester, AMRE Consulting, UK, *Comparative analysis of gender-related persecution in national asylum legislation and practice in Europe*, EPAU/2004/05, May 2004, http://www.unhcr.org/research/RESEARCH/40c071354.pdf.

[145] Vine Management Consulting, UK, Evaluation of UNHCR/ECRE cooperation in Central Europe, EPAU/2002/08, August 2002, http://www.unhcr.org/research/RESEARCH/3d57c1c54.pdf.

[146] *Inspection and Evaluation Service Implementation Of Unhcr's Strategy In The European Union* EVAL/04/98, July 1998, http://www.unhcr.org/research/RESEARCH/3ae6bd480.pdf.

[147] A Review of Capacity Building in Central and Eastern Europe, http://www.unhcr.org/research/RESEARCH/3ae6bcf44.html.

[148] John Fredriksson and Christine Mougne, Resettlement in the 1990s: A Review of Policy and Practice, UNHCR EVAL/RES/14 December 1994, http://www.unhcr.org/research/RESEARCH/3ae6bcfd4.pdf.

[149] Theodora D. Tsovili (Department of Social & Educational Policy, University of Macedonia, Greece) and Eftihia Voutira (Department of Balkan, Slavic & Oriental Studies, University of Macedonia, Greece) Asylum-seeking single women, women head of families and separated children: reception practices in Greece, commissioned by the UNHCR Representation in Greece and supported by the Evaluation and Policy Analysis

In contrast, of 140 working papers on "New Issues" contributed by researchers from around the world between May 1999 and December 2006, 33 concern activities in Europe, Australia and issues facing primarily industrialized countries (i.e., a relatively high 24% of the working papers).[150]

2.6.1 Points of interest and questions arising from the UNHCR example

UNHCR has placed significant emphasis on evaluation – perhaps because its work is not about migration-related aspects of refugee and asylum issues, but concerned foremost with humanitarian assistance. Evaluation of humanitarian and development activities is highly developed within other development and donor agencies, and UNHCR clearly has to keep up in this area.

The subjects of UNHCR evaluations indicate that asylum and refugees in the western world have received little if any attention in terms of evaluation of programmes, policies and impact. This might indicate a choice of priorities; it could also point to limited resources. Is it perhaps also a matter of choice on the part of those commissioning evaluations? Or does it reflect donor priorities to evaluate the programmes they fund, rather than to evaluate their own policies and programmes?

2.7 Overarching questions and observations arising from the broad overview of current evaluations

A number of common points – or points of broader interest – arise from the overview of current evaluations policy and practice set out above. First among these is that the institutional settings of current evaluation systems vary significantly. Following a discussion of this point, five key areas of further interest will be presented.

Unit, October 2004 http://www.unhcr.org/research/RESEARCH/4235556c2.pdf and Dr. Sophia I. Wanche, An Assessment of the Iraqi Community in Greece, Commissioned by the UNHCR Representation in Greece and supported by the Evaluation and Policy Analysis Unit, January 2004, http://www.unhcr.org/research/RESEARCH/40a4dd4b4.pdf.

[150] See http://www.unhcr.org/doclist/research/3b8a11284.html.

Institutional settings

The subject of institutional setting of migration policy evaluation has arisen in all case studies:

- In the US, evaluation within DHS is conducted by the Policy Division. Other evaluations, inspections or audits are conducted by the GAO (for Congress) and by inspectorates general within government agencies.
- In the UK, migration evaluation in the Home Office has been conducted by IRSS, which is part of Research, Development and Statistics, but was also linked to the Immigration and Nationality Directorate until May 2007. Other government departments have various units dealing with evaluations, and audits are also conducted by the National Audit Office and, more recently, related to local government, by the Audit Commission.
- The Netherlands has a scientific "branch" of the Justice Ministry, as well as advisory councils that conduct policy research and evaluation. Audits are also conducted by the Rekenkamer. Ex ante evaluations are conducted by the Immigration and Naturalization Service, which also implements policies.
- The European Commission conducts evaluations on migration policy within the Directorate General responsible for migration policy.
- In the IOM evaluations are conducted by the Inspector General's Office.
- UNHCR combines policymaking and evaluation in one particular division, and evaluations are no longer conducted by the Inspector General.

In the countries and organizations referred to, the respective institutional setting of evaluations and evaluation management are quite distinct.

Do any of the settings either work particularly well – or fail spectacularly? The answer to both questions is probably no.

There seem to be logical reasons for linking the evaluation function, particularly the ex ante evaluations, to policymaking, and to have policymakers involved in setting the parameters for the evaluations to be conducted, whether internally or by external consultants. Keeping policymakers and external consultants separate does not seem to be

particularly productive either for the purpose of achieving a useful evaluation or to ensure that the resources committed to evaluations can be shown to be well spent through the actual use of the findings.

Policy evaluation, in particular, is about much more than the resources committed for evaluation purposes, however. Thus an (almost) exclusive focus on audits, or placing the evaluation function purely within the Inspector General's purview would seem to be limiting the evaluation process.

All the countries reviewed above face the challenge of coordinating both policy determination and the evaluation of policy across government departments – and this would be true of most other governments also, as few combine all migration-related policy in one single department.[151]

The US and the Netherlands offer examples of mandated evaluations of migration policy where the evaluation of the implementation and impact of a particular law or policy is foreseen in the initial legislation. In the US the regulatory framework is perhaps the strongest, with the GAO mandated by Congress to evaluate very specific elements of legislation, as well as broader laws and indeed departments on a regular basis. The Netherlands sees such mandated evaluation relatively rarely, although evaluation was included in the 2000 Aliens Act by Parliament.

Does a regulatory framework specifying evaluation help in the formulation of new policies and their implementation? This is an important question, although a full investigation of the answer(s) goes beyond the scope of this paper.

Five key issues:

1. The case of the UNHCR, in particular, illustrates the wide gap between evaluations in humanitarian and development policy contexts, and migration policy. National cases, if the subject of study were to be evaluations in a broader sense, would also demonstrate that evaluation has more depth, a longer history and is considered a

[151] This gathering of migration (including integration) policy in a single institutional setting is really only seen in Canada, Australia and Denmark – and there is always overlap, at least on the integration side, with government departments dealing with education, health and employment, for example. See Joanne van Selm, Where migration policy is made: starting to expose the labyrinth of national institutional settings for migration policymaking and implementation, July 2005, Global Migration Perspectives No. 37.

matter of course for development agencies, such as USAID, DfID (in the UK), but also SIDA (in Sweden) and DANIDA (in Denmark).

2. Individual evaluations of programmes, focusing on implementation and operational details, are most often conducted within government departments responsible for migration policies, whether by specific research wings or by the main department itself. Financial and managerial type evaluations are conducted as audits by national auditing or accounting bodies, or by inspectors within a ministry or organization. Broader evaluations of general policy, if conducted at all, are primarily assigned to mandated Commissions or other such (partly) external bodies.
3. Ex post evaluations are more common and more often publicly available than ex ante evaluations. The fact that ex ante evaluations are rarely made public or shared with experts in the migration field means that, while they may contribute to policy development, they do not contribute to increase the knowledge or expertise in the particular area of migration policy. It could be asked whether ex ante evaluations are actually more important than ex post evaluations, because, theoretically at least, they should have a more direct impact on policymaking. Ex post evaluations might lead only to a "tweaking" of policy instruments and their implementation (although, as and when appropriate, they should, of course, also lead to more fundamental policy changes).
4. There is a certain tension between experts outside and those within government. Research and evaluation that are not directly commissioned by a government department rarely feeds into the policy process (though this will depend on the perceived status of the researcher(s) involved, and/or the status of the organization funding the research). It seems unusual for research undertaken or commissioned by NGOs to be accorded policy-related credibility. Both academics and NGO experts are often excluded from evaluation processes commissioned by the government. Obstacles are to some degree overcome where individuals switch easily between the government, NGOs and/or academia/think-tanks during their career.
5. Where migration policymaking is share among several government agencies, there is little coordination of evaluation or policy advice mechanisms (which may or may not reflect an absence of coordination on policymaking itself).

The five observations previously listed lead to more questions:

A. Why is evaluation more highly developed in the humanitarian field, including development work, than in the migration field?

One answer to this question might be that evaluating humanitarian work concerns, almost by definition, the evaluation of programmes and their implementation. The principle that "humanitarianism is good" or "development is valuable" implies that little or no evaluation is required of the basic tenets underlying policy in these areas, unlike migration.

As a reflection of the advanced nature of evaluation in the development context as opposed to migration as such, there are courses available in Development Evaluation. Interestingly, the participant profile for the International Programme for Development Evaluation Training reveals a strong emphasis on government employees, followed by the UN and its agencies (accounting together for 46% of participants). [152] Researchers and consultants constitute 13 per cent of participants:

- Government ministries or agencies: 33 per cent.
- Financial institutions (e.g. development banks, central banks): 7 per cent.
- International/regional development organizations: 9 per cent.
- Research institutes, think-tanks or universities: 8 per cent.
- NGOs: 10 per cent.
- The World Bank Group: 9 per cent.
- UN or UN specialized agencies: 13 per cent.
- Private enterprise/consultants: 5 per cent.
- Other: 6 per cent.

This might suggest that the managers of evaluations are more likely to be enrolled in such a course than the external consultants they hire, or that the bulk of internal evaluations are conducted by governments and the UN.

There are no courses on migration policies or programmes. It may be asked, therefore, whether governments, and those contracted by governments to conduct evaluations, would not stand to benefit from some kind of focused migration evaluation course?

[152] See e.g., International Program for Development Evaluation Training, http://www.ipdet.org.

B. Who is hired to undertake evaluations, and on what basis?

Among the limited cases examined above, the US, the European Commission and IOM seem to hire external consultants most often to undertake evaluations. Sometimes, the decision to hire external consultants is based on staffing and resource allocations (neither IOM nor the European Commission's DG JLS have sufficient staff to conduct all their own evaluations). The Netherlands tends to use a mixed system of internal staff (WODC) or appointed experts (ACVZ), with external experts involved in Commissions (WODC) or, on occasion, providing research services (ACVZ). UNHCR also has a mix of internal and external evaluators, although reports are usually conducted by individuals or two to four evaluators at most. The UK Home Office had a large amount of research and evaluation conducted by academic experts on migration between 2000 and 2005, but appears to have shifted towards more research being conducted by internal staff, with occasional evaluations conducted by external evaluation experts, and the occasional inclusion of external consultants in an otherwise internal team.[153]

The European Commission and IOM seem to tend towards contracting migration experts (individuals or institutes) to conduct research and evaluation, whereas the US (DHS) tends more towards contracting evaluators as consultants. While the UK Home Office has shifted towards internally conducted research and evaluations, it includes (selected, primarily academic) migration experts among its reviewers for reports.

C. Is there a "best" method for (a) determining who should be hired to undertake research and evaluations; (b) determining whether evaluations should be conducted internally or externally and (c) determining which areas within migration policy should be evaluated?

The answers to these questions will probably depend primarily on institutional concerns underlying the evaluation systems, and the way in which the departments responsible for evaluations are staffed.

[153] It is, of course, difficult to know whether reports published as being by an internal team with one or two external experts in fact started out as research conducted by external consultants only, which later in the review process was converted to a joint effort for the changes required internally to be actually effected.

(Political) independence in the evaluation process is probably an essential factor, as is impartiality, since evaluation is certainly not an exercise in advocacy (although advocates, primarily based in NGOs, but sometimes found in academia also, have a role to play in promoting policy ideals through their own research and evaluations of NGO activities). As noted in the case studies above, migration experts in the US resist an evaluation role, and any role in government contracted evaluations for them is resisted by the government agency primarily responsible for immigration policy and implementation. In the Netherlands, NGOs are not involved in the evaluation or advisory process, although academics with close ties to NGOs are included in these processes.

This leads to further questions:

- Is expertise in the subject matter in question necessary for the evaluation to be sound? Some would say yes, others might suggest that such particular expertise can be acquired, and that longer-term skills in evaluation methods are more important.
- How can government departments contracting evaluators assess the independence and impartiality of potential consultants, particularly in a politically sensitive area such as migration? In contrast, any personal approaches, opinions or bias of experts in the field may be ascertained through their publication record. With evaluation experts, on the other hand, there is potentially no way of knowing whether they might harbour particular opinions.

Meanwhile, in selecting evaluators, the WODC notes that to ensure an independent evaluation it is important to maintain a distance between the evaluator and the policy to be evaluated. In particular in the case of evaluation research, the WODC does not include stakeholders in the advisory or supervisory committees and instead considers the inclusion of stakeholders in special meetings, discussion groups and information gatherings.[154]

[154] WODC Visiedocument inzake de koers van het WODC: wat is bereikt en hoe verder? (Vision Document regarding the course to be taken by the WODC: what has been achieved and how to continue?) April 2005, http://www.wodc.nl/organisatie/015_Visitatierapport/# op.cit., note 87.

D. How should evaluations be managed?

A number of issues arise when considering how evaluations ought to be managed. Among the case studies here, UNHCR and the UK are most prominent in the publication of general guidelines on policy evaluation.[155] UNHCR's guidelines include seven steps for managing evaluations:[156]

1. Planning
2. Key elements in developing ToRs
3. The team
4. Consultants
5. Implementation and monitoring
6. Assessing results
7. Effective use of findings

These steps would seem straightforward and include appropriate actions (determining the subjects for evaluation; the questions to be answered in the evaluation; establishing the context – institutionally, historically and politically – of the subject and existing information and similar issues).

For instance, UNHCR establishes a steering committee for each evaluation early on in the process. Others referred to above also follow this approach, e.g. the WODC in the Netherlands and the European Commission. This is a key means to ensure quality from the earliest stages in the evaluation process. Such a steering committee should start work at the very beginning of evaluation planning, and can also be part of the review process when draft evaluations are prepared.

As the UNHCR approach points out, the terms of reference must be clearly established in advance by the evaluation manager, including the type of team required (internal, external or mixed) and the methodology to be used to achieve a successful and useful evaluation.

[155] The UK government has established a Policy Hub website aiming "to promote strategic thinking and improve policymaking and delivery across government. It endeavours to provide users with access to a range of perspectives on policy matters. However, their suitability and value is a matter for individual users to judge and Policy Hub cannot and does not endorse any materials included on this site which originate in non-UK government organizations." http://www.policyhub.gov.uk/.

[156] UNHCR, EPAU, How to manage evaluations: *Seven steps,* EPAU/2005/10, May 2005 http://www.unhcr.org/research/RESEARCH/429d7c792.pdf.

The examples discussed above demonstrated that particular pitfalls can occur when the terms of reference are not established sufficiently clearly in advance, particularly concerning methodological issues. Tendering and supervision processes are often part of the internal culture and subject to regulations (e.g. whether a tendering process is necessary, depending on the budget available, etc.).

The issue of proximity to policy decision makers and the legislative branch arises again in the management of evaluations. A research department manager may seek to keep (external) evaluators separate from policy staff, either for organizational or more subjective reasons. The US case above demonstrated how external evaluators are contracted by policy staff and evaluations are managed by them, whereas they are kept at a distance from the legislative (or policy decision making) branch. The UK case demonstrated that external researchers often have no contact with the policy staff, except perhaps in steering group meetings.

These examples invite questions on whether evaluators can fully evaluate policy if they have no, or very restricted, contact with the policymakers; after all, only those who determine the policy, or are involved in developing new policy, can offer insights into the full background and context of the specific policy development process.

Further questions arise over the review process for evaluations:

- How well are reviewers briefed concerning the details of the subject to be evaluated?
- Is reviewing an evaluation sufficiently similar to a peer review process of academic journals for academic experts to act as reviewers of (internal and/or external) evaluations?
- To what extent can or should evaluation managers and other research or policy staff of a department insist on changes to a report, particularly where such changes appear to be politically motivated, and to perhaps cover up or suppress the actual findings?

In embarking on evaluations, whether ex ante, interim or ex post, the managers and other policy staff have to be prepared that the results may indicate that they, or their policy, have failed, and foresee mechanisms to take such results on board.

Once the evaluation process is finalized, further questions arise on how much time can or should elapse between the research study and

the publication of the evaluation, if any and, if so, how widely that publication will be accessible. Countries and organizations where everything is published and rendered fully accessible, certainly benefit from the appearance of openness; in contrast, the image of those where access to evaluations is restricted or impossible is tainted, in particular if evaluations were to come to public attention all the same, and perhaps in a more dramatic form, for instance through the media, than would have been the case had they been quietly but fully published in the first instance.

Ultimately, the key to the successfully management of the evaluation process is probably trust – mutual trust between the evaluation manager, associates and the evaluators. Sometimes, establishing such trust may imply a more or less important cultural shift, or simply opening the evaluation process to reliable external actors. Besides such considerations, the evaluation process itself and how such issues as contracting are handled, can also determine how much trust in the policy process is forthcoming.

E. To what extent do countries and organizations learn from each other?

To what extent do countries and organizations learn from their respective experiences of evaluations practice? Since relatively little evaluation exists, or is publicly available, can experiences be shared and "best practices" developed through other sources or venues?

The European Migration Network offers one such forum for EU Member States, although so far its work does not seem to be advancing practice to any significant degree. Other fora, such as the Inter-Governmental Consultations on Asylum, Refugee and Migration Policies in Europe, North America and Australia (IGC) provides a forum in which like-minded countries meet to exchange information on asylum, refugee and migration issues in an informal and non-binding manner, and where they may exchange experiences also in regard to their respective evaluation practices.

However, based on the above review and the variety of approaches adopted by the different actors, there seems to be little if any replication of respective experiences, nor any efforts to adapt them or the lessons to be drawn to fit different national contexts. An exception

to this might be in the form of audits or inspections, as national audit offices meet under the auspices of the International Organization of Supreme Auditing Institutions where they can compare practices. What is not known is the extent to which the general discussions on auditing might have any direct impact on evaluations of migration-related activities.

F. Are coherent evaluation strategies emerging and what is their impact?

The three countries reviewed in this chapter have quite different approaches to what might be called an "evaluation strategy".

In the US, several layers are involved in evaluation, with Congress and the GAO being the most thorough and well resourced, although focus primarily on management, audit and inspection activities, rather than policy content. While the Department of Homeland Security (DHS) might have fewer resources available for evaluation activities, its approach appears to be strategic and to feed into the policymaking process, for instance through the use of pilot studies. On the other hand, it would seem that the Department of Health and Human Services (DHHS) used to have a more strategic approach to consistent evaluation than is currently the case.

In the UK the official approach seems to be primarily concentrated in the Home Office, despite the role of other government departments, although some joint evaluations and studies are conducted. Owing to the multiple inputs to research and evaluation priorities in the Home Office several policy areas can be covered, and the reference to studies and evaluations in consultation documents and policy impact assessments suggest that the evaluation and research component is having some influence on policy.

In the Netherlands the coordination and coherence between the various bodies responsible to evaluate, study or advise on migration policy issues in accordance with their respective and clearly stated priorities, may need to be enhanced. It is also unclear from the Dutch case just how much direct impact advice and evaluations have on migration policy: a major evaluation such as that of the 2000 Aliens Act, mandated by Parliament, is clearly taken very seriously; however other advice or lesser studies might have less impact, or at least it is less clear and direct.

The case studies in this paper have thus shown that different organizations and individuals have different things in mind when referring to an *evaluation*, as a few examples will illustrate. [157]

The European Commission defined evaluations in 2000 as "*judgement of interventions (public actions) according to their results, impacts and the needs they aim to satisfy*", with the main aim being to provide policymakers with information on the impact and effectiveness of activities.[158]

In 2007 the European Commission noted that the emphasis on evaluation in the Hague Programme pursued the aims to: [159]

1. further improve the way policies, programmes and instruments are set up by identifying problems and obstacles encountered during implementation;
2. lay down more systematic rules on the financial accountability and scrutiny of policies;
3. favour learning and the exchange of good practice; and
4. develop an evaluation culture throughout the Union.

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[157] Some discussions of what constitutes an evaluation include references to best or good practices – both contested terms. While many involved in evaluation and research struggle to find a way to describe their view of "best practices", others simply give up – see e.g., the March 2005 UNESCO report: *Searching for Best Practices to Counter Human Trafficking in Africa: A Focus on Women and Children*, by Thanh-Dam Truong and Maria Belen Angeles (report commissioned by UNESCO) http://portal.unesco.org/shs/en/ev.php-URL_ID=7255&URL_DO=DO_TOPIC&URL_SECTION=201.html. "Considering the complexity of the problem and the context of our research – being without the benefit of field research and observation of practices in action, it is both impossible and unethical to make pronouncements on the impact of a particular practice, let alone to name any of them as 'best practices'." (The research in question was conducted via emailed questionnaires). UNESCO itself describes best practices as follows http://portal.unesco.org/shs/en/ev.php-URL_ID=3450&URL_DO=DO_TOPIC&URL_SECTION=201.html: A "best" or "good" practice can be defined as a creative and sustainable practice that provides effective response based on the idea of direct knowledge utilization, which can have potentials for replication as "inspirational guideline" and contribute to policy development. Best Practices are defined as successful initiatives which:
- have a demonstrable effect and tangible impact on improving people's quality of life;
- are the result of effective partnership between the public, private and civic sectors of society;
- are socially, culturally, economically and environmentally sustainable.

[158] Commission of the European Communities, Communication to the Council and the European Parliament on Evaluation, SEC(2000) 1051 Brussels 2000.

[159] Commission of the European Communities**,** op.cit**.**, note 4.

UNHCR, meanwhile, defines evaluation generally as the systematic, objective analysis and assessment of the organization's policies, programmes, partnerships and procedures[160] and notes that:[161]

> According to Administrative Instruction ST/SGB/2000/8, Regulation 7.1, the objective of evaluation is to determine as systematically and objectively as possible the relevance, efficiency, effectiveness and impact of the Organization's activities in relation to its objectives [in order] to enable the Secretariat and Member States to engage in systematic reflection, with a view to increasing the effectiveness of the main programmes of the Organization by altering their content and, if necessary, reviewing their objectives.
>
> Rule 107.2 of the same Instruction indicates that all programmes shall be evaluated on a regular, periodic basis.

The primary purpose of the evaluation function is to provide UNHCR managers, staff and partner organizations with useful information, analysis and recommendations, thereby enabling the organization to engage in effective policymaking, planning, programming and implementation.[162]

Looking at a dictionary, "to evaluate" is defined as: to ascertain or set the amount or value of; to judge or assess the worth of; appraise.[163]

The common understanding of "evaluation" seems to relate to financial accountability and to assess the actual outcomes in relation to initial policy goals, i.e. to ascertain whether the desired results have actually been achieved.

[160] United Nations High Commissioner For Refugees, Evaluation and Policy Analysis Unit, How to Manage Evaluations, op.cit., note 154.

[161] Ibid.

[162] United Nations High Commissioner For Refugees, Evaluation And Policy Analysis Unit, UNHCR's evaluation policy, September 2002.

[163] Collins English Dictionary.

Several government sources in the UK discuss the meaning of evaluation and how it is conducted. Thus, the National Audit Office, discussing how research is used in policymaking, stated: [164]

> *On evaluation* - Although government departments carry out evaluations of ongoing and completed research, they have no systematic mechanisms for measuring the overall impact of their research effort, or for identifying and sharing best practice through interdepartmental benchmarking. Measuring the performance and results of research is problematical as they are often not quantifiable and it is difficult to attribute a policy impact to a particular research result. Despite this, it is important that those responsible for research in departments can justify the need for research and ensure its quality and relevance. In recognition of this, the Office of Science and Technology is developing a new programme of external scrutiny of departments' research programmes. This should include: the development of a common evaluation framework; the use of standardized research performance indicators; consultation with research users and providers; peer review to assess department research programmes, and the dissemination of best practice among departments.

Meanwhile the *Magenta Book*, which might be called the "Bible" of evaluation in the UK government, states: [165]

> Policy evaluation uses a range of research methods to systematically investigate the effectiveness of policy interventions, implementation and processes, and to determine their merit, worth or value in terms of improving the social and economic conditions of different stakeholders.

[164] National Audit Office, Getting the Evidence: Using Research in policymaking, report by the Comptroller and Auditor General, 586-I Session 2002-2003: 16 April 2003, http://www.nao.org.uk/publications/nao_reports/02-03/0203586-I.pdf p.7.

[165] Government Chief Social Researcher's Office (Prime Minister's Strategy Unit, Cabinet Office) The Magenta Book: Guidance Notes for Policy Evaluation and Analysis (Chapter 1: What is Policy Evaluation?) July 2003 http://www.policyhub.gov.uk/downloads/Chapter_1.pdf; pp. 3-4.

> The importance of a *range* of research methods is paramount. Policy evaluation uses quantitative and qualitative methods, experimental and non-experimental designs, descriptive and experiential methods, theory-based approaches, research synthesis methods, and economic evaluation methods. It privileges no single method of inquiry and acknowledges the complementary potential of different research methods. The methods used in policy evaluation and analysis are usually driven by the substantive issues at hand rather than a priority.

In discussing policy evaluation in the UK since 1997, Philip Davies of the Prime Minister's Delivery Unit sets out a number of different types of evaluations:[166]

> ***Impact evaluations***, including evaluating outcome attainment; evaluating the net effect of policies; randomized control trials; regression discontinuity designs; single group pre- and post-test designs; matched comparison designs; interrupted time series designs, and regulatory impact evaluations.
>
> ***Implementation evaluations*** primarily through qualitative research.
>
> ***Performance management*** including resource allocation according in part to evaluations undertaken by the Prime Minister's Delivery Unit of "Service Delivery".

In some cases, some appear to see little difference between what is labelled "evaluation" and what might be called simply "research" or a "review". Hence, in the evaluation field some seem to prefer to reserve the term "evaluation" for assessments of policy implementation, and not to use it for broader assessments of policy itself, or for broader studies of policy issues.

[166] Davies, op.cit., note 40.

Three important questions or issues arise from this overview of what "evaluation" might be:

1. At which stage are evaluations important?
2. How can the managers or clients of evaluation processes and the (contracted) evaluators reach agreement on what "evaluation" is, when the term is understood in many different ways?
3. What are or should be the objective of migration (policy) evaluation?

This paper has referred to both ex ante and ex post evaluations. In many of the cases presented the emphasis has been on evaluations that are conducted at what could be called the end of the policy cycle – when policy has been created and implemented and outcomes and impacts are being assessed, potentially to lead to policy adaptations, if necessary, or to provide an overview of a finished programme. Such emphasis is partly due to the availability of more information on that particular type of evaluation – perhaps because it is conducted more frequently, or because it intervenes at a point where a government or organization is prepared to be more receptive. Perhaps ex post, interim or mid-term evaluation reports are more frequently published because they are more often prepared by external consultants.

However, ex ante evaluations probably have the strongest policy impact, as they precede policy determination and implementation (other than perhaps in pilot form). An ex ante evaluation assesses the potential impact and seeks to demonstrate weaknesses as well as strengths in the proposed policy instrument and the capacity to meet the stated objectives. It is also the point at which questions can still be raised concerning the objectives, and whether their realization is both reasonable and viable given a particular context.

Questions that need to be raised in this context include:

- Are governments and civil servants reluctant to receive expert advice at the policymaking stage?
- Is it an indication of why relatively little contracting of external consultants occurs at the ex ante stage, except by the European Commission?
- Or is there a perception that a surfeit of advice and ideas might hinder rather than assist the policymaking process?

- To what extent are consultation exercises held? Are open consultation exercises an adequate substitute for receiving specific expert advice?
- What role, if any, do elected bodies play in migration policymaking, and do they seek independent expert advice?
- Do policymakers have sufficient access to independent research, to make it unnecessary to conduct or commission targeted, pre-policy research and assessments?
- Do researchers and lobbyists have sufficient marketing skills to target their publications to reach all relevant actors and relevant organizations, and are written in a style and format accessible to policymakers?

More extensive research and consideration is needed to answer many of these questions. One area that can be discussed in brief is *consultation exercises*. The UK, for example, conducts many consultation exercises.

The most recent Home Office consultation concerns the prevention of irregular migrant working in the UK.[167] Annex 1 of the Consultation document shows that the Home Office seeks input from some 176 organizations, primarily from government bodies and businesses.[168] The list includes several NGOs, plus COMPAS and the Institute for Public Policy Research (ippr). It also includes "Universities UK", but that organization responds in its own right to the consultation itself, without forwarding such documents to university-based experts and researchers for their input.[169]

Clearly the input of these bodies is important, and the Home Office acknowledges that the consultation exercise will have a major effect on

[167] Home Office, Border and Immigration Agency, Prevention of Illegal Working Immigration, Asylum and Nationality Act 2006: Consultation on the Implementation of New Powers to Prevent Illegal Migrant Working in the UK, May 2007 http://www.ind.homeoffice.gov.uk/6353/6356/17715/preventionofillegalworkingc1.pdf.

[168] Previous consultations on the establishment of a Migration Advisory Committee (29 November 2006 to 31 January 2007) and an Immigration Inspectorate (18 December 2006 to 16 February 2007) had been sent to 4,000 (via email alerts) and 50 key stakeholders respectively. There were responses 142 responses (of which 9% indicated they were individuals) to the consultation on a Migration Advisory Committee and 34 to the consultation on an Immigration Inspectorate (of which 33 from organizations and 1 from an individual). See Home Office, *Results of the public consultation on proposals for a Migration Advisory Committee*, March 2007, http://www.ind.homeoffice.gov.uk/6353/6356/17715/closedconsultationsmac_cons1.pdf and Home Office, *Fair, effective, transparent and trusted: rebuilding confidence in our immigration system. An independent and transparent assessment of immigration Policy Statement,* March 2007, http://www.ind.homeoffice.gov.uk/6353/6356/17715/inspectorateconsultationres1.pdf.

[169] Personal communication with the Information Officer of Universities UK.

the final policy. However, it is not clear that independent (academic) experts on migration, including such who specialize in "irregular migrant working" will get to see the Consultation document (unless they work at COMPAS or ippr, or consult the Home Office website and submit their comments independently), or be encouraged to take the time to respond to it. The public consultation process means that the public, including academic experts on the subject, could respond to the consultation. Nonetheless, the question remains whether in this "evidence-based policymaking" process, existing expertise is, in fact, being sufficiently harnessed.

The consultation process includes an Equality Impact Assessment,[170] which in this case reveals that research conducted for the IRSS has fed into the policy proposal on which consultations are held.[171] The previously published Regulatory Impact Assessment[172] also reveals, however, that the proposed legislation is based on commitments made in the five-year strategy for asylum and immigration, *Controlling Our Borders: Making Migration Work for Britain,*[173] and builds on the strategy set out in the 2002 White Paper, *Secure Borders, Safe Havens: Integration with Diversity in Modern Britain*[174] and the measures taken to implement that strategy.

On the other cases referred to above, the European Commission also conducts consultation exercises. In the Netherlands, broad consultations (in line with the Dutch "polder model" of including stakeholders in the policymaking process) were conducted prior to the passing of the 2000 Aliens Act. This included meetings or seminars involving civil servants, politicians, NGO representatives and academic experts. Such consultations are not employed in the US, although there is strong interaction among policymakers and experts in academia and think-tanks, and significant public discussion of immigration reform in the

[170] Home Office, Border and Immigration Agency, *Prevention of Illegal Working Immigration, Asylum and Nationality Act 2006 Equality Impact Assessment,* May 2007 http://www.ind.homeoffice.gov.uk/6353/6356/17715/annexd_equalityimpactassess1.pdf.

[171] Sally Dench, Jennifer Hurstfield, Darcy Hill, Karen Akroyd (Institute for Employment Studies), *Employers' use of migrant labour: Summary report*, Home Office Online Report 03/06 http://www.homeoffice.gov.uk/rds/pdfs06/rdsolr0306.pdf.

[172] Home Office, *Illegal Working Taskforce, Regulatory Impact Assessment For Immigration, Asylum And Nationality Bill*, 22 June 2005, http://www.ind.homeoffice.gov.uk/6353/18383/18469/ria11.pdf.

[173] http://www.archive2.official-documents.co.uk/document/cm64/6472/6472.pdf.

[174] http://www.archive2.official-documents.co.uk/document/cm53/5387/cm5387.pdf.

media. Experts are called upon to testify to Congressional Committees preparing immigration legislation (as is the case for other areas of legislation also). In the UK, Parliamentary Committees also call on experts to provide "evidence" in discussions on various (migration) policy issues.

As to access to existing research: the Magenta Book in the UK notes the difficulty for any individual of accessing and processing all literature relevant to a subject, but also the need for such overviews prior to embarking on evaluations.[175] The challenge for researchers and the government managers of evaluations and reviews is to agree on the methodology for the assessments of relevant literature – particularly in a field where qualitative research prevails over quantitative research, and where judgements or assessments of "useful", "good" or "best" policy or practice are often influenced by (unstated) ethical or political judgements.[176]

The Magenta Book also asks: [177] *Can the policy, programme or project be evaluated?*

> Another important question to ask is whether or not a policy, programme or project can be evaluated at all. Some policy initiatives and programmes can be so complicated and diffuse that they have little prospect of meeting the central requirements of evaluability. These are that the interventions, and the target population, are clear and identifiable; that the outcomes are clear, specific and measurable; and that an appropriate evaluation design can be implemented.

Regarding migration issues this is a very pertinent question, not least because the perspective from which the evaluation is to be conducted can be diffuse. Is migration policy about protecting the national interests of

[175] Government Chief Social Researcher's Office, Prime Minister's Strategy Unit, Cabinet Office, *The Magenta Book: Guidance Notes for Policy Evaluation and Analysis,* Chapter 2: What do we Already Know? July 2003 http://www.policyhub.gov.uk/downloads/Chapter_2.pdf.

[176] These issues are also dealt with in Liz Spencer, Jane Ritchie, Jane Lewis and Lucy Dillon, *Quality in Qualitative Evaluation: A framework for assessing research evidence A Quality Framework*, 2003 http://www.policyhub.gov.uk/docs/a_quality_framework.pdf.

[177] Magenta Book, Chapter 1 op.cit., p.6.

the host country? In other words, is the object of migration policy the local population, presumed to want to see control mechanisms in place, and their own lives and livelihoods protected? Or are the (potential) immigrants and/or the development interests of their countries of origin the object? Alternatively, could the object be both the legally resident local population *and* (potential) immigrants and, if so, would that make evaluation, or whether migration policy is amenable to evaluation, open to question?

3. Future directions for migration evaluation

As this chapter aimed to demonstrate, considerably more evaluation of migration policy and programmes is actually occurring than many experts in the field (or the public) might suppose. The questions raised concerned primarily the manner in which evaluation is being conducted as well as the usefulness of evaluation, based on existing practice. By way of conclusion it is important to look at questions and observations concerning the future, and which arise as a result of the above discussion of evaluation practice in diverse fora.

3.1 Which areas of migration policy require evaluation?

The answer to this could be everything, both within migration policy itself and beyond, i.e. the impact of other policies, such as those in the employment or education fields on immigration, emigration and integration. Given that this could range from a major "migration audit", covering migration-related policies in all departments, to institutional questions such as whether the location of policymaking and implementation within the government apparatus is most appropriate for the intended policy outcomes, e.g. law and order versus social cohesion, to very specific migration programmes, such as the impact of information campaigns or particular forms of training for immigration officials. As such, this all-inclusive answer is not really particularly useful.

Therefore, it seems more appropriate in line with the spirit of a chapter that seeks to rather raise issues than provide prescriptions, propose additional questions that need to be asked, such as:

- What can evaluation contribute to the evidence for better policymaking in a specific migration area than would be the case if no evaluation were conducted?

- At which stages are evaluations important? Is ex ante evaluation necessary to assess potential impacts and/or implementation difficulties for certain new policies?
- In terms of an overall evaluation strategy, who is to decide what is to be evaluated and on what basis? Is it an individual policymaker or a team? Should such responsibility lie with a management team, or are decisions to be taken by a manager or a management based on recommendations formulated by desk officers?
- On what basis is a decision to conduct an evaluation to be taken?
- What is the impact of resource constraints and what can be done to overcome them?

The implementation of policies, or of specific migration programmes, might appear to many as the most obvious – and often easiest areas for evaluation as opposed to broad policy approaches, because programmes and implementation of specific policies have, in principle, quantifiable aspects and can be assessed for cost-effectiveness. However, many of the programmes concerning which politicians, experts and the public might have a strong interest related to their effectiveness, are inherently difficult to evaluate in any conclusive way. This is particularly the case when trying to measure the impact on potential future migration is concerned, or to evaluate the impact of a programme on immigration or emigration numbers.

Significant elements of migration policy are currently based on hypotheses and assumptions, rather than on knowledge. For example, the EU's Dublin System is based on assumptions about the choices made by asylum seekers as to where to file their requests for asylum – including "soft" status determination and easy welfare access, for example not on any firm knowledge of what motivates a person to request asylum in a particular state (which could be existing social networks or language knowledge, for example).

Some issues might lend themselves to cross-country evaluations. One example might be the gathering, sharing and use of Country of Origin Information.

What can be said on the basis of the information gathered above is that evaluation of most policies would seem to be important at both the ex ante and ex post stages, and that in order to continue to contribute to the knowledge and evidence process, all evaluations, including those

revealing policy failures, should be publicly available and thus require a media/public relations strategy, as well as a link to accountability mechanisms.

3.2 What can and cannot be evaluated – and why?

In another sense, the answer to this question could be that "nothing" should be evaluated, as all migration policy is too complicated to be evaluable. However, the cases set out above demonstrate that this would not be the appropriate answer; indeed, various aspects of migration policy are and more could be evaluated.

Nonetheless, serious methodological and feasibility questions arise.

In searching for evidence, there is often a tendency to seek hard, quantifiable data. On some aspects (e.g. how much does a programme cost? How many people did a programme reach?) it might be possible to ascertain such data. However, much of migration policy evaluation is likely to require qualitative rather than quantitative methodologies – and then it is particularly important for there to be a common understanding between all parties concerned - managers, contractors, consultants, reviewers and readers.

How to qualify information can differ significantly from one field or discipline to another. Thus, basing evaluation in part on literature reviews, for example, and to qualify each piece of literature as a "useful contribution" or as demonstrating "best practice", requires clear definitions, clear use of the terms and definitions, and a broad common understanding.

Issues that would require clarification include:

- What is expected of an evaluation?
- How is a particular evaluation to be designed and conducted?
- What is the methodology to be used? Is it quantitative or qualitative, or does it involve both?
- Who or what is/are the object(s) of the policy and the evaluation? Can they be reached for evaluation purposes, and are they likely to be useful contributors to the evaluation exercise, e.g. to provide accurate information in surveys?

3.3 What might countries and organizations wish to achieve through migration policy evaluation?

Even before asking about the goals of policy evaluation, it is necessary to ask whether governments are willing to clearly articulate the goals of their migration policies - both the broadest goals which influence all policy decisions, and the specific goals related to specific individual programmes.

Without clear articulation of the initial goals it is virtually impossible to evaluate policy and its impact. Policy success can only be measured in relation to the stated goals.

What would be the goals of migration policy evaluation? A major goal ought to be greater policy coherence – lining up the various aspects of policies that impact migration so that they all achieve the same results (e.g. if a broad policy goal is to accept an increase in highly skilled immigration, or to ensure that foreign students can access degree programmes in the host country, because they might stay on after completing their course). Evaluations might thus not be only concerned with single specific policy documents or terrains, but involve several government departments and policy approaches.

3.4 What are the broad resource implications of evaluation – and are they justified?

It is not the purpose of this chapter to enter into specific resource or financial aspects of evaluations or of migration-policymaking. However, it is clear that an evaluation strategy would have significant resource implications such as the costs of conducting evaluations at any stage in the policy process, the staffing levels required, whether for management and review of externally contracted evaluations or internal conduct of evaluations.

It is clear that there would be significant resource implications for broader migration policy evaluation strategies – and that these resource factors would in turn constrain the choices that can be made as to what to evaluate and how to evaluate it. The question therefore becomes one of whether evaluation is worth the cost involved or, put another way, there would need to be an ex ante evaluation of an evaluation strategy to determine whether this was the best use of the available resources, or of

the resources required to raise the capacity and successfully implement an evaluation strategy.

4. Conclusion

It is clear from the limited scope of this chapter that an evidence-based policy process requires more evidence than is currently available on migration issues, and thus some form of evaluation strategy has a role to play.

Part of establishing the optimal means and methods of evaluation is connected to whether policymaking is, in fact, proactive or reactive. Generally speaking, policy on legal immigration, for example, is mostly proactive, whereas policy on combating illegal immigration or dealing with asylum seekers, for example, is reactive. The impression that phenomena such as irregular immigration and asylum often seem to be out of control means that public opinion in part dominates that reactive policymaking. This also means that proactive policymaking, for instance, regarding legal immigration becomes more difficult as the issue becomes tainted by concerns about other migration issues. At the same time, proactive policymaking, in particular, could be subject to significant and useful ex ante evaluation. Reactive policymaking could benefit from this also, although by its nature it is often made "on the hoof", meaning there is little or no time for such advance impact assessments. Nonetheless, for effective policymaking, based on evidence, to be conducted, even what is now often a reactive agenda on illegal immigration and asylum needs to be adapted to a proactive policymaking approach, including effective use of all evaluation instruments.

To make migration policy evaluation more effective, ways need to be found to gather the "evidence" in a timely fashion, to effectively understand and use the evidence available and to deal with the fact that much of the evidence might be inconclusive, or that some of it may remain hidden.

This chapter has sought to provide information on how evaluations are currently conducted in a limited number of cases, and to raise questions as to how evaluation might play a stronger role in migration policymaking. Much more reflection, discussion and investigation of this subject are required to make migration policymaking as much of an evidence-based process as possible.

References and List of People Interviewed[178]

Chris Attwood, Director of Research, Immigration Research and Statistics Service, Home Office, UK

Professor Stephen Castles, International Migration Institute, University of Oxford, UK

Dr Jeff Crisp, UNHCR, Geneva

Dr David Howell, Deputy Director, Policy and Planning Office, US Citizenship and Immigration Services, Department of Homeland Security, US

Dr Khalid Koser, Fellow, Brookings Institution, Washington, DC and Chair of the UK's Advisory Panel on Country Information

Professor Susan Martin, Director Institute for the Study of International Migration, Georgetown University, Washington, DC, US

Alexander Sorel, Head of European Union Section, Ministry of Justice, The Netherlands

Dr Loes van Willigen, Independent Consultant on refugee health issues, and member of the ACVZ, The Netherlands.

Professor Roger Zetter, Director Refugee Studies Centre, Oxford, UK

An official of the European Commission

This paper has also benefited from extensive comments from, and discussions with, Solon Ardittis (Eurasylum) and Frank Laczko (IOM), as well as comments on the Netherlands specifically from Mariska Kromhout (WODC).

[178] These were open-ended discussions, all by telephone, between January and March 2007.

Evaluation of EU Policies in the Field of Migration and Asylum

Richard Lewis* **and Amir Naqvi****

1. Introduction and Background: EU Migration and Asylum Policy in the Framework of an Area of Freedom, Justice and Security (FJS)

Free movement of persons, together with free movement of capital and goods, has been written into the legal fabric governing the European Community, now the European Union, since the Treaty of Rome of 1957. In its original conception, this meant free movement within and between the Member States and the right of establishment of an EU citizen on the territory of another Member State. This did not include third-country nationals, nor did it extend to the control of persons entering the EU from a third country.

In the early years following the Single European Act in 1986, EU policy was more devoted to the creation of a true single market for goods than to dealing with issues relating to immigration and asylum. However, it became rapidly clear that, as for goods moving without barriers across frontiers, the notion of free movement of persons *within* the Union implied a higher degree of coordination than hitherto of persons crossing external borders, because they, too, could theoretically have free access to the entire territory of the Union. Thus, the Schengen area, allowing the passport-free movement between Member States as also the right to opt out for the UK, Ireland and Denmark, was created following the Single European Act.

In addition, Member States realized that they could not tackle the increasing problems of terrorism, drug control and organized crime, without also increasing the level of coordination within the Union. Thus, it was that the Treaty on European Union (the Treaty of Maastricht) in 1991 set out a number of areas "of common interest": asylum, crossing external borders, combating drug addiction and international

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fraud, judicial cooperation in civil and criminal matters, customs and police cooperation, all of which are of relevance to the immigration and asylum policies as they all concern the control of borders. This resulted in an inter-governmental process involving policy debate but few concrete achievements. The real breakthrough came with the Treaty of Amsterdam in 1999, of which article 63 sets out a five-year timetable for action in the fields of immigration and asylum. This led to a special European Council in the Finnish city of Tampere, which established a programme of action until 2004, when a more extensive policy range was agreed in The Hague (i.e. the so-called Hague Programme). However, six basic areas were identified in Tampere that remain valid as a point of reference:

- The development of a comprehensive EU approach to migration.
- The establishment of a Common European Asylum System based on the full and inclusive application of the 1951 Geneva Convention.
- A common approach to issues of temporary protection for displaced persons.
- The establishment of a system for the identification of asylum seekers (the Eurodac finger-printing system).
- Fair treatment of third-country nationals residing lawfully on the territory of a Member State.
- More efficient management of migration flows at all stages.

The European Commission then launched a series of Communications (White papers) and draft Directives aimed at the priority issues. These included a family reunification Directive, the first stage of a common asylum system (common reception conditions and common procedures, and the so-called Dublin 2 Regulation, setting out the country of first asylum application, and the "qualification" Directive defining who is a refugee), a temporary protection Directive, a Directive on the status of third-country nationals who are long-term residents, and common basic principles on the integration of immigrants. The Commission has attempted to make inroads into an EU policy on admission of third-country nationals for employment and self-employment, but to date has had no success in persuading Member States of the merit of their case. In addition, the Commission initiated policy debate and legislation to combat illegal migration and frontier reinforcement, including on common standards for the return of illegal migrants and the creation of a common border guard agency, known as FRONTEX. It also

initiated negotiations with third countries on readmission agreements. The migration debate also has obvious implications for development policy and, in 2005, the Commission published a Communication on migration and development. Much effort has also been devoted to creating databases to aid the control of migratory flows, including the second version of the Schengen Information System and a Visa Information System.

The EU has also adopted measures allowing it to deploy funding for the implementation of these policies. Building on the experience of "joint actions" and the Odysseus programme in the late 1990s, the Aeneas programme for cooperation on migration issues was adopted in 2004; funding was made available for cooperating with third countries on migration; a European Refugee Fund was established (now in its second phase), and a programme known as INTI was set up to assist the integration of third-country nationals. In the Financial Perspectives 2007-2113, approximately € 850 million were made available for Freedom, Security and Justice (FSJ) policies, including immigration and asylum.

The above does not purport to be an exhaustive description of what has been achieved in the Tampere programme or subsequently, but an overview of many of the issues addressed. In terms of the success or failure of the Tampere programme, the EU has largely achieved what it set out to do with the exception of economic migration. Under the Hague Programme, it is now embarking on the second stage of an asylum policy, namely a common asylum system, a revamped economic migration Directive, more extensive efforts to combat illegal migration and trafficking of persons, and enhanced work on migrant integration.

Two preliminary observations can be made. Until the Amsterdam Treaty, the EU had few powers in the field of immigration and asylum and only thereafter launched a vigorous programme of policy papers and draft legislation and, flowing from this, it is clear that a policy area of this scope will require many more years of work before its real impact can be assessed. Two factors point to an easier future for this policy area at EU level. First, the Member States now see clear added value resulting from enhanced cooperation to date. Second, the political agreement at the European Council in June 2007 on a new EU treaty will boost the powers of the EU institutions to act in this field.

This chapter aims to illustrate van Selm's analysis of various national and international public approaches to evaluation by providing a more detailed description and assessment of the European Commission's evaluation mechanisms in the field of migration and asylum. This case study is enlightening in that it relates to a regional organization whose prerogatives in the field of evaluation are shared with the relevant government authorities in the 27 Member States. The EU's approaches to evaluation also merit consideration in that the European Commission is today one of the most important policymaking bodies and donor agencies, including in the field of migration and asylum policy, internationally.

2. The European Commission's general evaluation framework

The European Commission has an established system for evaluating policies and programmes.

At a general level, the Financial Regulation provides the overall basis for evaluation, with further details listed in its Implementing Rules.

A detailed *ex ante evaluation* of all new initiatives that have an impact on the budget, including staffing, is required when presented for approval (article 28). This covers virtually all programmes. A requirement for *monitoring or interim evaluation* is indicated in the Implementing Rules (article 21). However the provisions for *ex post evaluation* (article 27.4) only apply to programmes "which entail significant spending".

Thus, the requirement for ex post evaluation does not cover programmes where the main output is legislation or other non-funding operations, such as networks or expert groups, which are an important part of JFS policies. In such cases the provisions need to be specified in the regulatory framework applicable to the particular policies or programmes concerned.

This distinction between programmes that require significant budgetary expenditure and legislative and other instruments is understandable. An important part of the provisions for evaluating funding programmes relates to issues such as financial control, auditing, cost/benefit analysis and, in particular, considerations of financial accountability. These topics are of less concern for legislative and other non-funding operations.

The main focus here is on effectiveness in applying the Directives or other instruments (e.g. transposition into national law and their impact in terms of key policy objectives). Covering monitoring and ex post evaluation in the specific regulatory framework for such instruments gives the flexibility needed to adapt the system to their particular characteristics.

In addition to the Financial Regulation and its Implementing Rules, a number of other Communications and Documents provide guidance and information on evaluation and related standards and good practice.[179] The approach is based on existing good practice principles and is consistent with internationally accepted criteria, such as those of the OECD-DAC.[180] However, given this background, the general focus of these documents also tends to be on funding programmes rather than legislative and other non-funding operations.

3. The Regulatory Framework for Policies on Freedom, Security and Justice (FSJ) and Current Practice

FSJ policies cover a number of instruments:

- funding programmes (significant expenditure from the EC budget);
- directives and legislation;
- agencies (e.g. the External Borders Agency), and
- networks for exchange of information, expert groups and similar items.

The regulatory framework and current practice for ex ante evaluation, monitoring and interim or mid-term evaluation is given in this section. Ex post evaluation is covered in section 4.

In terms of internal organization within FSJ, the primary responsibility for impact assessments and evaluations lies with the operational units in

[179] Further details are available on the Commission website - http://ec.europa.eu/budget/evaluation. See also "Evaluation in the Commission - Reporting on Results", annual review for 2006. COM(2007) 300 - May 2007.

[180] The OECD-DAC approach to programme evaluation is based on the concept of:
- relevance (responding to real needs);
- efficiency (implementing on time, within budget and in line with project purpose);
- effectiveness (results that achieve the general and specific objectives of the project);
- sustainability (long-term impact rather than transitional effects).

charge of the respective programmes. The evaluation section provides support - methodological advice, guidance, participation in steering groups, and comments on reports. It is responsible for policy and general issues related to evaluation. The section is part of the Planning and Programming Sector, which comes under the Strategic Policy, Evaluation and Institutional Affairs Unit, in the Directorate covering horizontal issues.

3.1 Ex ante evaluation

As indicated above the Financial Regulation requires an ex ante evaluation, or impact assessment,[181] of almost all new initiatives. Normally, ex ante evaluation covers the three main headings of social, economic (including financial issues and budgetary needs) and environmental impact. The Implementing Rules (article 21.1) provide an outline and items to be included in the assessment (e.g. needs to be met, objectives, expected results, indicators, risks, lessons from past operations, resources required, monitoring systems).

The approach is applicable to funding as well as legislative and other non-funding programmes, and the substance of the exercise is quite similar in both cases. In the latter case there is less emphasis on the financial aspects and it is often referred to as *impact assessment* rather than ex ante evaluation. Comprehensive guidelines are available for such impact assessments.

Whilst responsibility for impact assessments always lies with the Commission, a considerable number of such assessments are contracted out. The final results delivered by the consultants are then reviewed and adapted by the Commission, and turned into a Commission document.

The methods used include desk research, lessons learnt from previous programmes, and past evaluations. If the operation involves a new policy (or indeed affects an existing policy) then consultation with civil society, expert groups and other institutions form part of the process. An example is the INTI programme (on the integration of migrants) where extensive prior consultations were held. Parliamentary hearings often provide a useful forum for this purpose.

[181] Whilst "ex ante evaluations" only apply to initiatives with budgetary implications, "impact assessments" can cover any type of initiative.

The ex ante evaluation of *funding programmes* requires the overall approval of the Directorate General for Budget since expenditure is involved. For *legislative and other programmes* which do not involve any expenditure, this is not necessary.

The approval documents for the programmes include details on ex ante evaluation and impact assessment, and these are normally available on the Commission website.

3.2 Monitoring and interim evaluation

The purpose of monitoring is to follow implementation on a regular basis, assess the process (e.g. is it on schedule, are interim targets being reached?) and make adjustments as necessary. For larger programmes with a longer duration, more formal interim evaluations or mid-term reviews are often required.[182]

In terms of the regulatory framework the Implementing Rules of the Financial Regulation require a monitoring system to be set up (article 21.1) and interim evaluations to be carried out (article 21.2). However, as indicated in section 2, the approach of most supporting documents on methodology and good practice was designed primarily with funding programmes in mind, rather than legislative or other instruments, and needs to be supplemented in the case of the latter.

3.2.1 Funding programmes

For funding programmes monitoring reports, interim evaluations and mid-term reviews are a normal part of project management, and based on well established methodology and practice.

Regular reporting on progress is normally done by the project manager. For projects with a longer duration, two to three years or more, interim evaluations or mid-term reviews are undertaken as required, and carried out by external consultants. Information on these evaluations and reviews is available on the relevant website.

[182] It should be stressed, however, that the Commission differentiates between "monitoring implementation" and "evaluating". The Communication on the evaluation of FSJ policies, which is discussed in Section 5, explains this difference.

3.2.2 Legislative and other non-funding programmes

As indicated above, the provisions of the Financial Regulation and supporting documents for monitoring and interim evaluations are not fully applicable to legislative and other non-funding operations. In the case of FSJ, a number of Council Conclusions, Decisions and Regulations provide for this, including:

a) The Tampere Scoreboard

The Tampere European Council of 1999 asked the Commission to maintain a *scoreboard* to keep track of the implementation of policies in the field of FSJ, in particular in respect of the schedules and measures specified in the Amsterdam Treaty, the Vienna Action Plan, and the Tampere programme. This covers both legislation and other operations. The first scoreboard was presented in March 2000, followed by updates every six months, including any new objectives set by successive Councils.

The scoreboard lists the objectives and deadlines, the responsibilities for different stages of the implementation process, indicates progress by identifying outstanding proposals and notes the stage of Council and Parliamentary proceedings and progress in the work plans. The transposition of legislation and other instruments is covered in a specific section of the scoreboard.

The last scoreboard was produced in June 2004, covering the end of the first five-year period from 1999 to 2004. It was continued for the subsequent Action Plan on an annual basis. A revised and strengthened scoreboard is currently under preparation (see section 5).

b) Treaty provisions for reviewing implementation of legislation

- *The EC Treaty*

The Commission has an obligation to monitor the implementation by EU Member States of Community legislation coming under the EC Treaty, concerning free movement of persons, justice cooperation in civil issues and rights of citizens. This includes aspects of asylum, immigration and visa policy. In case of non-

compliance, infringement proceedings can be brought before the Court of Justice under article 226 of the Treaty.

However the extent to which the monitoring provision is applied tends to vary with the sector. Some reports go beyond simple monitoring and look at actual results or ex post outcomes.[183] Others are limited to the basic requirements under article 226.

For example, the four directives adopted by the Commission on illegal migration do not provide for specific monitoring reports. In such cases, however, the Commission normally takes the initiative to prepare the reports in line with the spirit of the Financial Regulation.

- *Title VI of the Treaty on the European Union*

Title VI of the EU Treaty concerns police and judicial cooperation in criminal matters, and may affect asylum and migration issues. Unlike in the case of article 226 of the EC Treaty, instruments coming under the above Title VI do not contain a comparable compliance mechanism.

In practice, Council Framework Decisions adopted under title VI require EU Member States to provide the Council and the Commission with the details of their national implementation measures on the basis of which a report is produced. As in the case of operations coming under the EC Treaty, the Commission normally prepares monitoring reports even when there are no formal monitoring obligations.

It can be seen from the above that, although fairly comprehensive monitoring systems are in place for legislative and other non-funding instruments, the situation is complex, with some potential shortcomings, viz.:

- Unlike the case of funding programmes, where the regulatory framework is clear and well established and recognized project management practices exist, for legislative and other

[183] An example is the report on the functioning of the derogation aimed at facilitating the visa application and issue for the participants of the 2004 Olympic and Paralympic Games in Athens; SEC(2005) 1051.

instruments the rules and guidelines are diverse and somewhat confusing. This can result in variations in the scope and content of monitoring systems for different operations, and the risk that reports may not be comparable with each other.

- Secondly, the scoreboard approach and the Treaty-based monitoring systems focus on *the transposition of the legislation and passage* (e.g. is the transposition in line with the Framework Decision, is it clear and does it provide legal certainty, was it done within the deadline?). They do not aim at quality control or look at the actual results in terms of policy objectives. Thus, the above monitoring arrangements would need to be complemented by an evaluation system that takes these considerations into account.

- Finally, a key issue is the availability of reliable data. This is discussed further under (c).

Concerning organization and practice, regular monitoring and reporting for legislative and other non-funding programmes is generally done internally rather than by external consultants. In exceptional cases (for example, owing to the volume of work or the specialized nature of the topic) a specific monitoring report may be contracted out.

The information sources include project data, questionnaires and other forms of standardized information obtained from Member States, expert groups and institutions (see below).

c) Exchange and gathering of information

One of the key issues in monitoring and analysing progress of policies for asylum and migration is the absence of reliable, comparable and up- to-date data. Mechanisms have been established to promote the exchange and gathering of information in this context. These include:

- A *Committee on Immigration and Asylum (CIA)* composed of Member Sates experts, which provides a forum for civil society, institutions such as the UNHCR or IOM, and social partners to discuss and present issues, and a basis for consultation on policies and initiatives.

- The *National Contact Points on Integration (NCP),* which allow to exchange information on integration across EU Member States and help to follow progress in this policy area.

- The *European Migration Network (EMN),* which was established to help in exchanging information on migration and asylum. The principal purpose of the EMN is to make such information available by collecting and storing data on migration and asylum from EU Member States and carrying out appropriate analyses.

Other sources include SOPEMI (the OECD's yearly International Migration Outlook), the IOM, UNHCR and private policy groups such as the Migration Policy Institute in Washington.

4. Ex post evaluation

4.1 General

Ex post evaluation assesses the extent to which the programme has achieved both its overall and specific objectives after completion of the programme. The results are usually divided into the following:

- *Outputs* – the immediate results of implementation, measured towards the end of the project and soon after its completion (e.g., were the provisions of the asylum Directive transposed into national legislation, and are they being applied).

- *Outcomes* – the medium-term consequences, normally observed some time after project completion (e.g., reduction in fictitious asylum claims and improved protection for asylum seekers).

- *Impact* – the longer-term results (e.g. guarantee of minimum levels of protection for asylum seekers across the EU).

One of the key issues in evaluation involves the definition of reliable indicators to measure actual achievements (e.g. length of time for processing asylum applications) against the objectives of the programmes and, equally importantly, the availability of reliable data for this purpose.

In regulatory terms, the Financial Regulation requires the ex post evaluation for all funding programmes but, as indicated earlier, the provisions for operations that do not include significant funding are less clear. However, the 2004 Hague Programme for Freedom, Security and Justice, approved by EU Heads of State and Heads of Government, makes explicit reference for evaluation in this field. This is discussed further in section 5.

It should be noted that asylum and migration policies are quite recent compared to older fields, such as development cooperation or regional funds. For this reason a relatively limited number of ex post evaluations have been carried out so far and it is too early for any definitive assessment of the approach and its impact. However, the basic regulatory framework, internal organization and guidelines on methodology and good practice are largely in place to ensure the continuing evaluation of policies and programmes in this sector.

4.2 Funding programmes

As in the case of ex ante and interim evaluation, the provisions for ex post evaluation for funding programmes are well established and the subject of internationally agreed principles. Apart from the general rules of the Financial Regulation, supporting documents provide guidance, methodology and standards for ex post evaluation based on international good practice (see section 2).

DG Budget has set up an evaluation network to coordinate evaluation policy and practice in the Commission.

Ex post evaluations are normally carried out by external consultants on the basis of terms of reference prepared by the services. The evaluation is done independently and is the responsibility of the experts or consultants concerned. The draft and final reports are commented upon, with a steering group often established for this purpose by the Operational Unit, with participants from the evaluation section and other units, as necessary. Once completed, a synthesis of the main results and recommendations is prepared for senior management. The results are discussed with MS expert groups or other bodies, as necessary. A summary of the evaluations is put on the website, with the full report

available on request.[184] The site also contains a quality assessment grid for the evaluations.

In the field of FSJ a major recent example is the European Refugee Fund (ERF), a funding programme. The ex post evaluation of ERF I was finished in 2006 and the report has been published. The mid-term evaluation of ERF II has been completed and the report is being prepared for publication. ERF III is expected to start in early 2008, and the results of the evaluations have affected the new programme. For example, experience showed that it is difficult to have standard procedures for all countries – therefore, more flexibility will be built in. It was also felt that projects of a minimum size should be financed rather than a large number of small operations, where effectiveness and value added were generally limited.

4.3 Legislative and other non-financial instruments

In principle, the same approach is applicable to legislative and other instruments, although without the specifically financial aspects required for funding programmes.

Legislative programmes in the field of FSJ are fairly recent and, in most cases, comprehensive ex post evaluations have not been undertaken. However, one example is the evaluation of the Directive on Minimum Standards for the Reception of Asylum Seekers,[185] which has been completed. A conference, jointly organized by the ODYSSEUS network and the UNHCR, was held in September 2006 to discuss the results. The Commission services will issue their own report on the evaluation. Both the Commission report and the evaluation report will be published on the website.

Concerning other instruments, the first phase of the European Migration Network was evaluated recently with a view to providing a basis for continuation in the future. No significant changes are expected as a result of the evaluation.

[184] Europa.eu.int/comm./dgs/justice_home/evaluation/dg_coordination_evaluation.

[185] Council Directive 2003/9/EC of 27 January 2003.

4.4 Evaluation of policies

The main thrust of ex post evaluation in the field of FSJ has been on the *instruments* of the policies, rather than the policy as such. The evaluation of the instruments is certainly necessary to assess their effectiveness and results. But an exclusive focus on individual instruments has its own shortcomings. For example, in the case of legislative programmes, the emphasis tends to be on the transposition into national law, rather than more fundamental objectives, such as the impact on the target population (see section 3.2.2). A systemic evaluation of the *policy framework*, in addition to that of individual instruments, will ensure that a coherent picture is obtained on the achievement of both the overall and the specific policy objectives - so providing clearer guidance for the future.

Some policy evaluations have been started, for example the evaluation of the action plan on drugs,[186] or the mechanism for the peer assessment of national anti-terrorist arrangements within the Member States cooperation system.[187] However, the Commission has recently proposed setting up a more comprehensive system applicable to the FSJ policy framework as a whole. This is described below.

4.5 Monitoring and evaluation in the field of integration

4.5.1 Policy context

Following a request by the Justice and Home Affairs Council of October 2002, a network of National Contact Points on Integration (NCP) was established. The role of the NCPs is to monitor progress across several policy areas relating to the integration of third-country nationals in all the Member States, and to ensure that efforts at national and EU level are mutually reinforcing. One of the Network's main activities is the production of a Handbook on Integration for Policymakers and Practitioners, the first edition of which was published in November 2004.[188]

[186] See document COM(2004) 707.

[187] Council Decision 2002/996JHA, 28 November 2002, establishing a mechanism for evaluating legal systems and their implementation at national level in the fight against terrorism.

[188] http://ec.europa.eu/justice_home/doc_centre/immigration/integration/doc/handbook_en.pdf.

In its Communication on Immigration, Integration and Employment,[189] the Commission set out a holistic approach to integration, which takes into account not only the economic and social aspects of integration, but also issues related to cultural and religious diversity, citizenship, participation and political rights.

The Hague Programme adopted by the European Council on 4 to 5 November 2004 underlined the need for greater coordination of national integration policies and EU initiatives in this field. It further stated that a framework, based on common basic principles, should form the foundation for future initiatives in the EU. The Justice and Home Affairs Council of 19 November 2004,[190] therefore adopted the following 11 Common Basic Principles relating to the integration of third-country nationals into the EU:

CBP1: "Integration is a dynamic, two-way process of mutual accommodation by all immigrants and residents of Member States".

CBP2: "Integration implies respect for the basic values of the European Union".

CBP3: "Employment is a key part of the integration process and is central to the participation of immigrants, to the contributions immigrants make to the host society, and to making such contributions visible".

CBP4: "Basic knowledge of the host society"s language, history and institutions is indispensable to integration; enabling immigrants to acquire this basic knowledge is essential to successful integration".

CBP5: "Efforts in education are critical to preparing immigrants, and particularly their descendants, to be more successful and more active participants in society".

CBP6: "Access for immigrants to institutions, as well as to public and private goods and services, on a basis equal to national citizens and in a non-discriminatory way is a critical foundation for better integration".

CBP7: "Frequent interaction between immigrants and Member State citizens is a fundamental mechanism for integration. Shared

[189] Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions on immigration, integration and employment COM(2003) 336 final.

[190] http://ue.eu.int/ueDocs/cms_Data/docs/pressData/en/jha/82745.pdf.

forums, intercultural dialogue, education about immigrants and immigrant cultures, and stimulating living conditions in urban environments enhance the interactions between immigrants and Member State citizens".

CBP8: "The practice of diverse cultures and religions is guaranteed under the Charter of Fundamental Rights and must be safeguarded, unless practices conflict with other inviolable European rights or with national law".

CBP9: "The participation of immigrants in the democratic process and in the formulation of integration policies and measures, especially at the local level, supports their integration".

CBP10: "Mainstreaming integration policies and measures in all relevant policy portfolios and levels of government and public services is an important consideration in public policy formation and implementation".

CBP11: "Developing clear goals, indicators and evaluation mechanisms is necessary to adjust policy, evaluate progress on integration and to make the exchange of information more effective".

Since 2004, the European Commission has published an "Annual Report on Migration and Integration", which is based on information received from the Member States on the implementation of the 11 Common Basic Principles.

In September 2005, the Commission further adopted a "Common Agenda for Integration – Framework for the Integration of Third-Country Nationals in the European Union".[191] The primary aim of this Communication was to provide the Commission's first response to the invitation of the European Council to establish a coherent European framework for integration. The cornerstones of such a framework were proposals for concrete measures to put the Common Basic Principles into practice, together with a series of supportive EU mechanisms.

4.5.2 Development of EU indicators in the field of migrant integration policy

Since 2003, under the INTI (Integration of Third-country Nationals) Programme, the Commission has supported various projects aimed at

[191] http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52005DC0389:EN:HTML.

establishing specific indicators to measure the impact of integration legislation, policies and programmes.

One of these projects, the European Inclusion Index,[192] presents the legal and policy framework favouring immigrant integration in the EU Member States by ranking over 100 indicators in six policy areas against a common framework:

- Long-term residence
- Family reunion
- Naturalization
- Labour market access
- Anti-discrimination
- Political participation

The Index is produced bi-annually and provides a quick-reference guide to Migrant Integration Policy in the EU.

The Index has established a common analytical framework, which is informed by a set of normative criteria that are largely derived from the Member State commitments in the field of migrant integration policy. The normative criteria are grouped into a common framework against which Member States can be held up for comparison. This framework enables, in particular, country comparisons to be conducted under two sets of criteria. Firstly, it can compare countries against the framework of desirable policy; in other words, the spirit of past promises. Secondly, it enables country comparisons to be conducted on the basis of each Member State's performance. The normative framework sets out the policy conditions that are most favourable to immigrant inclusion. The measures are about creating favourable policy conditions for immigrant inclusion – they do not describe the actual position of immigrants in society or policy effectiveness, which would require a different set of indicators. The indicators used by the Index do not establish whether or not inclusion has been successful, but whether or not favourable conditions in policy and law have been created. The normative framework is based on existing EU legislation, international conventions and NGO proposals.

[192] http://www.integrationindex.eu.

Another project funded by INTI, entitled Indicators of Immigrants Integration,[193] which is implemented by government authorities and universities in five Member States (Germany, Italy, Netherlands, Portugal and Spain), aims to develop a set of common indicators at the EU level that incorporate the perceptions of integration by three different groups of stakeholders: national governments, local authorities, and the immigrant populations themselves. The project also aims to establish a sustainable mechanism for the constant incorporation of different points of view into a European Integration Indicators System so as to support a participative approach to the measurement of the effects of national integration policies.

Finally, the European Commission is about to establish an Integration Portal, which will aim to provide a platform for the collection and exchange of information on integration for various stakeholders across the EU.

5. The Commission Communication on Evaluation of FSJ Policies[194]

The 2004 Hague Programme, adopted by EU Heads of State and Heads of Government and the subsequent Action Plan, requested a comprehensive monitoring and evaluation of FSJ policies and operations. This was seen not only as a means of assessing the effectiveness of legislative or other programmes, but also as providing the basis for the future improvement of policies, for greater accountability and scrutiny, for promoting good practice, and generally for helping to develop an evaluation culture.

On this basis, the Commission put forward a proposal aimed at setting up a "coherent and comprehensive mechanism for evaluation of EU policies on Freedom, Security and Justice, in a spirit of partnership with Member States and EU Institutions". The proposal is under discussion with the Member States, and will start once the discussions are completed.

[193] http://www.inti.mtas.es/php/elproyecto/introduccion.php.

[194] Communication on Evaluation of EU Policies on Freedom, Security and Justice. COM(2006) 332.

Existing systems for *monitoring* implementation of financial, legislative and other programmes were described above. These will be reviewed and made more comprehensive, and are referred to as the *scoreboard plus.* Further details are given in the Communication on "Strengthening Freedom, Security and Justice in the European Union, report on the implementation of the Hague Programme for the year 2005".[195]

The above Communication therefore focuses on *evaluation.* The paper recognizes that FSJ is a very diverse policy area, and in some cases bears on sensitive topics such as national sovereignty. In addition, as shown above, the existing legal framework is complex and the time needed to achieve results varies considerably for different policy areas.

For this reason a three-stage approach is proposed:

1. Setting up an information gathering and sharing mechanism.
2. Establishing a reporting system based on the above information.
3. On this basis, carrying out in-depth strategic evaluations of selected policy areas, taking into account the timeframe for the implementation of the different policies.

The exercise will be conducted in full partnership with Member States and EU institutions, and based on information provided by them. Other stakeholders, such as the European Parliament, national parliaments, the Committee of Regions, and civil society will also be involved.

5.1 Information gathering and sharing system

The basic element in this will be the *fact sheet* (one per policy area). It will contain the overall policy objectives and list the main instruments for implementation (financial, legislative and others). For each policy the expected achievements will be described, together with a set of indicators linked to the objectives.

For *legislation,* the indicators and related assessment system will concentrate on the actual *results (outcomes or impact)*, rather than the process of transposition into national law or its impact on the national legal system (see sections 3.2.2 and 4.4). The latter is part of the scoreboard plus monitoring exercise indicated above.

[195] COM(2006) 333.

For *funding* programmes, the fact sheets will build on existing interim and ex post evaluations, which are carried out in line with the Financial Regulation.

Where evaluations exist for *other types of programmes* (agencies, networks), these will also be incorporated.

The fact sheets will be filled in by Member States and sent to the Commission for review and completion, as required. The Commission will already have included any existing information in advance. They will also be forwarded to stakeholders and civil society for consultation. Member States will be requested to nominate national *contact points* to coordinate local responses and liaise with the Commission.

5.2 Reporting

After the completion of the fact sheets the Commission will review the information provided, consolidate and analyse the contents and prepare a general *evaluation report* for each policy area. The report will contain policy recommendations.

5.3 In-depth strategic evaluations

Following examination of the above general evaluation reports, an *in-depth strategic evaluation* will be carried out for selected areas. The purpose is to provide the basis for future policy decisions in each major FSJ field. Apart from the normal aspects common to all ex post evaluations, the strategic evaluations will include:

- a focus on policies rather than individual instruments;
- an analysis of the coherence of the different instruments involved and whether or not they reinforce each other (e.g., do the funding programmes support the implementation of EU legislation in the area);
- the contribution of the policy to the general objective of setting up an area of freedom, security and justice and its rate of achievement, and
- the achievement of basic key objectives related to the policy area (such as greater integration of migrants into society).

It is proposed that the fact sheet and evaluation report exercise will be carried out twice every five years for each policy area, including asylum

and migration. It is hoped that this timing will allow the results of the evaluation reports to be available as one of the elements for the preparation of a new strategic programme after the expiry of the current Hague Programme in 2009.

6. Evaluation of ECHO operations

6.1 General

The European Community Humanitarian Office (ECHO) provides humanitarian relief in regions outside the EU, generally using organizations such as the Red Cross, UNHCR, or humanitarian NGOs as implementing agencies. Support is provided in the case of both natural and man-made disasters.

Some ECHO programmes have an indirect link with EU asylum and migration issues. An affected population may be a source of future asylum claims. Funding through organizations such as the Red Cross or UNHCR may indirectly contribute to schemes such as family reunification or identity establishment programmes – with possible implications for asylum and migration. For this reason, a brief description of ECHO's evaluation system is given below.

ECHO humanitarian operations involve funding programmes. The Office is consulted on legislation, but is not directly involved with such instruments and so not responsible for this type of evaluation.

6.2 The regulatory framework

As indicated in section 2, article 27.4 of the EC Financial Regulation requires that all funding programmes should be regularly assessed and evaluated. This covers virtually all ECHO operations.

In addition, article 8 of the Humanitarian Regulation[196] requires that the Commission "regularly assess humanitarian aid operations financed by the Community in order to establish whether they have achieved their objectives and to produce guidelines for improving the effectiveness of subsequent operations." The general approach used for evaluation of funding programmes described in sections 2 and 3 is applicable to ECHO programmes.

[196] Humanitarian Regulation (1996) no. 1257.

In addition, ECHO programmes must attempt to ensure an EC value added, notably *complementarity* with other donors, *coordination* of aid efforts and *coherence* within the EU policy framework (the so-called three Cs.)

Finally evaluations must check for compliance with international humanitarian law, principles and conventions, such as those of UN Protocols, Red Cross codes, or the Madrid Declaration. Any violations are expected to be reported.

6.3 Evaluation process

The Evaluation Section (or Sector) is part of the Strategy and Policy Unit that is attached to the Director-General.

Given the nature of ECHO programmes, *impact assessment* does not normally need to be as comprehensive as is the case for longer-term funding programmes, and is normally done internally. However a fuller ex ante evaluation is sometimes carried out for major operations (see section 6.3).

Monitoring is implemented in the normal way through field visits and inspections by external specialists or ECHO staff, and a reporting system.

Ex post evaluation is carried out for programmes as well as for thematic sectors. Implementing agencies are also subject to evaluation given their important role in the execution of ECHO programmes.

The evaluation is contracted out to external consultants or specialist institutions. The Terms of Reference are established by the Evaluation Sector in consultation with the operational and other units.

The consultants are expected to carry out their work in accordance with international standards and practice, the methodology being made clear and all conclusions to be supported by evidence. The consultants are expected to take into account existing international standards for humanitarian operations, such as the "Principles and Good Practice of Humanitarian Donorship" of the Stockholm Conference. Consultants are also encouraged to take a participative approach with workshops at the start and end of the field visits.

6.4 Dissemination and use of results and exchange of experience

The Evaluation Sector organizes briefing and debriefing sessions with the consultants that include the programme managers and staff from operational and other units. Reports are made to senior management on the findings (they often attend debriefings). The results are thus taken into account for future operations. The main reports are placed on the ECHO Evaluation website.

In terms of exchange of experience, the findings are discussed with Member States in the Humanitarian Committee. ECHO takes part in the internal evaluation network organized by DG Budget, and participates in the production of the Commission's Annual Evaluation Review. It also participates in the external evaluation network maintained by the Overseas Development Institute of the UK.[197]

Concerning specific examples:

- The ex post evaluation in 2004 of the operations financed in Zimbabwe led to a modification of the approach. They were evaluated again in 2006.
- A major ex ante evaluation of the needs of the Sahel led to a commitment of 25 million euros in humanitarian aid for the region.

7. An interim view of the effectiveness of EC evaluation policies in the area of Migration and Asylum

As has been observed, immigration and asylum are relatively new policy areas in terms of EU competence; therefore, assessing the effectiveness of the measures already undertaken, let alone their longer-term impact, is problematic. However, drawing on the experience of other policy areas, and given that the general principles of evaluation for immigration and asylum policies and instruments are inspired by the European Commission's general financial regulatory framework, a number of comments can be made.

In the first place, it should be said that much of the evaluation methodology used by the European Commission has been drawn

[197] www.alnap.org.

from experience in other institutions, even though none of these is a legislating body in the manner of the EU. What is more, some aspects of this policy area are highly susceptible to political events outside the control of EU politicians and officials. For example, assessing the impact of the Temporary Protection Directive is impossible if there has been no mass influx of persons as a result of a disaster situation, as in the case of the conflict around Kosovo. Again, it is unproductive to take the raw asylum data and declare the effectiveness of EU policies because the numbers of asylum seekers have substantially decreased since the mid-nineties. The figures were very high at that time because of the war in Bosnia. There are, however, other policy instruments, notably financial instruments, where such analytical constraints do not apply.

7.1 Ex ante measures

In the case of legislation, all texts result from both political instructions (e.g., the Tampere and Hague Programmes, the Vienna Action Plan) and an exhaustive analysis of the situation, as well as public or expert consultations. One salient example is the qualification directive defining who is a refugee in terms of the 1951 Geneva Convention. The Commission convened an expert group from many different countries, including from outside the EU, in order to arrive at a policy proposal. In addition, because of the high visibility and human rights aspects of asylum proposals, interested third parties (the UNHCR and the European Council on Refugees and Exiles plus numerous non-governmental organizations) react when such proposals are made and before they become legislative acts. Therefore, the Commission already has built-in control mechanisms both in formulating texts and after transmission to the Council, and before the latter institution has deliberated on them. The same applies to immigration proposals where employers' federations and large multinationals hold strong views on Commission initiatives that can affect transfers of executives or their rights. The net result is that the rigour of the measures proposed is tested throughout the legislative and policymaking process.

7.2 Interim evaluation and monitoring

Because the vast majority of asylum and immigration proposals are directives or Council decisions for implementation by the Member States, the *Scoreboard* mechanism, although effective in monitoring the progress of transposition into national legislation, in the final analysis is only a scheduling mechanism.

Most of the effective monitoring systems apply to financial instruments for two purposes. First, because every budget line must, by a ruling of the European Court of Justice, have a legal basis defining its use and limitations, it is mandatory for the Commission to ensure that all projects conform to the criteria as laid down in that legal basis. This means that in selecting projects, the Commission has to be cautious in defining the criteria in the calls for applications and in the selection process. Secondly, the Commission has to monitor at all stages that the project managers or the Member States' administrations are using the funding for the purpose for which the legislator intended it. For example, in the case of the European Refugee Fund, projects must benefit refugees and not economic migrants with which it is easy to confuse them. Interim reports and on the spot checks, as well as financial auditing, do result in projects being prematurely curtailed or cancelled entirely if they are not satisfactorily managed or are not in conformity with the legal basis.

7.3 Ex post evaluation

The problems facing the developed world in relation to asylum and immigration are complex and not susceptible to easy solutions. They can be likened to the flow of water: if it is blocked at one point, it finds an outlet at another. In addition, as a developed and largely rich area, the EU attracts migrants of one category or another from its poorer neighbours, the so-called "pull factor", and as a result of "push factors", such as war or famine. Thus the effectiveness of migration policies is subject to the eddies of world events and cooperation not only between the Member States, which is important on account of the accession of former socialist countries of eastern and central Europe, but also with both receiving and sending countries through consultation and budgetary means.

The main tasks facing the EU in assessing the impact of their policies in the coming years can be summarized as follows:

- Facing up to the demographic deficit and putting in place a minimum of measures at EU level for economic migration.
- Completing the second phase of a common asylum system.
- Stemming illegal migration in a humane manner.
- Learning to improve integration strategies by what does and does not work in the integration of immigrants in Europe and other parts of the world.

These are huge challenges and cannot be achieved without a high degree of cooperation within and outside the EU. Therefore, in discussing evaluation policies, not only do the standard methods have to be used (e.g. have the measures achieved the desired effects? Or do the measures result in measurable impacts on the target groups?), account has to be taken of external events and competition between countries. Put another way, for example, if one aim is to attract high-skilled economic migrants to the EU, how does the EU performance measure up to, say, the United States? It also has to be borne in mind that there is both positive (high-skilled migrants) and negative (burden sharing in the field of asylum) competition between the Member States. When assessing impacts, the cooperative policies of the Member States (taking also into account the opt-out by some states) must reach a critical mass, which in many respects they have not.

8. Summary and conclusions

8.1 Migration and asylum

The broader policy issues facing any evaluation of migration and asylum programmes and policies have been described in section 7.

In terms of the evaluation process, however, it can be seen that there is an established system in the European Commission that also applies to the FSJ sector.

The obligation to carry out regular evaluations is specified both in the general regulatory framework (the Financial Regulation and its Implementing Rules) and the specific Decisions and regulations that apply to FSJ policies.

In this context it should be noted that the Financial Regulation, as well as the guidelines on good practice, methodology and standards for evaluation, were designed primarily with *funding programmes* in mind – that is, operations involving budgetary expenditure. For *legislative and other non-funding instruments*, which are probably more significant in terms of key FSJ policy objectives, the situation is more complex. The Hague Declaration of 2004 stressed the need for a comprehensive and regular evaluation of FSJ policies. But, in practice, FSJ evaluations are subject to a number of distinct regulatory provisions, such as the Tampere scoreboard or the monitoring obligations of the EC and EU

Treaties, which sometimes leads to varying approaches to evaluation for the different instruments.

Asylum and migration *funding* programmes, such as the European Refugee Fund, have been regularly evaluated, including at the ex post stage, on the basis of the existing system.

The emphasis in the case of *legislative* instruments, however, has been on monitoring the passage and transposition into national law, rather than on the actual *results* in terms of programme objectives. Yet, it is the latter that is the principal purpose of evaluation.

A further key issue is *policy* evaluation. For asylum and migration, the focus of the evaluations so far has been on the instruments, whether funding or legislative. But the main interest for stakeholders is the implementation of the policy as a whole, and the extent to which both its overall and specific objectives have been achieved. In this context, the Commission has recently submitted a proposal for policy evaluation that is under discussion with Member States and will be come into force once agreed.

In conclusion, it can be said that although asylum and migration policies are relatively new when compared to older fields, such as development cooperation or regional funds, there is a sound regulatory framework for evaluation and adequate provisions are in place in terms of internal organization and responsibilities within DG JFS of the European Commission, consultation of stakeholders, publication and dissemination of results and their inclusion in future policies and programmes.

Issues for the future include:

- Consolidation of the existing system and ensuring a regular evaluation, including at ex post stage, of all programmes, funding, legislative and others.
- Further development of methodology and practice for evaluating legislative instruments in terms of results and achievements, rather than the process. The issue of defining appropriate indicators to measure results is of particular importance in this respect.
- Ensuring the early approval and operation of the new framework and system for overall EU policy evaluation for migration and asylum, in time for the next Hague programme.

The broad policy considerations described in section 7 remain, however, and will need to be addressed in the context of the future process of systemic evaluation in this field.

8.2 ECHO

Echo operations are essentially funding programmes, and are evaluated regularly on the basis of the existing system.

The framework for evaluation is provided by the Financial Regulation and the regulation governing humanitarian aid, together with the guidelines available on methodology, good practice and standards. However, ECHO programmes are subject to additional features, including the need to ensure coherence with other EU policies, in particular external relations and development, as well as coordination and complementarity with other sources of aid (the three Cs). External considerations range from the general OECD-DAC guidelines and the good practice principles of the Stockholm Conference for Humanitarian Aid, to international codes, standards, laws and conventions of the UN, Red Cross and other bodies.

Thus the situation is somewhat complex. For this reason, ECHO has recently launched a review of its evaluation practice with the aim of establishing a standard methodology for humanitarian aid.

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Comparing and Evaluating Public Expenditure on Migration

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Introduction

Immigration is one of the most important public policy issues in the developed world today. This is particularly so in Europe, as most European countries are now net immigration countries. For countries such as France, Germany, Sweden and Denmark, this has been true since at least the 1960s. Other former net emigration countries, such as Ireland, Spain and Greece, have recently become net receiving countries, as economic growth and the expansion of the European Union have increased immigration inflows to these "new" immigration nations.

Immigration is therefore now more than ever crucial to Europe, economically, culturally and socially. It is also a source of significant and often intense debate for policymakers, politicians, citizens and the media. However, despite its importance in public policy, there are severe knowledge gaps which hamper informed decision making regarding immigration policy throughout most of Europe. In particular, public expenditure on migration has not been subject to widespread scrutiny, in contrast with other major areas of expenditure such as health, education, the environment and defence.

Information about public expenditure on migration is crucial because any judgement of immigration policy requires a clear understanding of the costs of that policy. However, in many countries the true nature of this cost is not easily accessible. This chapter aims to begin to close this knowledge gap, by presenting and comparing migration expenditure data for a range of countries. The chapter selects four European countries, Germany, Denmark, Sweden and Ireland, and examines their public expenditure on migration, comparing it with Canada, a traditional immigration country.

The first section of this chapter examines the underlying determinants of migration expenditure and defines migration expenditure for

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use in this context. Subsequently, we outline the optimal evaluation framework for policy, highlighting the difficulties inherent in applying this framework to immigration policy and illustrating the importance of having a sound understanding of fiscal costs. The chapter then explores the complications of cross-country comparisons and argues that a comparison of expenditure is beneficial given that the many knowledge gaps which exist in this field can make other comparisons unreliable. Data on immigration expenditure is then presented for each of the five countries reviewed in this study. As migration policy and patterns vary between countries, it is clear that migration expenditure will also be different. As such, the expenditure data are accompanied by an analysis of each country's migration history, policy and current immigration inflows, in order to understand the factors that drive expenditure in these countries. Using such data and contextual information, a cross-country comparison of the data is presented and some implications of this comparison are examined.

1. Migration expenditures and evaluation

1.1 Determinants of migration expenditure

Public expenditure on migration depends on a country's immigration system, the underlying demand for and supply of legal migrants, asylum seeker inflows and the incidence of illegal migration. Immigration systems vary significantly throughout the world and, more specifically, between the countries examined here. Immigration systems can target skilled or unskilled labour, or focus more heavily on family reunion or asylum migration. Further differences arise in the way in which systems are administered and in the absolute and relative numbers of types of immigrants allowed to enter. In these respects, there is great variation between immigration systems both across Europe and in comparison with the traditional immigration countries, such as Canada. The differences in systems can be expected to underpin differences in migration expenditure because the systems determine how immigrants are processed and the numbers and proportion of different types of immigrants that are allowed to settle, determining both administrative costs and the ongoing costs of integration.

The parameters of the immigration system are influenced, among other things, by demand for immigrants. This demand is determined by the economic and demographic needs of the receiving country.

For example, a country with an ageing population and falling labour market participation rates will be likely to have a higher demand for young workers. It is important to remember, however, that migration is not only an economic and demographic phenomenon, but can also be influenced by politics and sentiment. In this respect, demand for immigrants can be curtailed by the existence of anti-immigrant sentiment.

The supply of legal immigrants can be seen as the aggregation of many individual labour migration decisions. These labour migration decisions respond largely to expected differences in prosperity between the sending and receiving countries. Migration supply is therefore driven by factors such as earnings, unemployment rates, cost of living, public goods and the extent of public transfers. The cost of migration also plays a role. This includes not only the monetary costs, like passage to the receiving country, and forgone earnings during the move, but also psychological costs arising from the separation from home (Constant and Zimmermann, 2005). Relative location also matters, as risks and costs increase with greater distance between sending and receiving countries. In addition, the existing immigrant networks in the receiving country can increase migration flows from the same source country by increasing information and lowering costs and risks. Migration decisions are also affected by the propensity of individuals to migrate, which is likely to increase with education and decrease with age and risk-aversion (Constant and Zimmermann, 2005; Hatton, 1995 and 2001).

The balance between supply of and demand for legal immigrants will impact expenditures. If there is a large supply of immigrants, then processing costs will be high as the applicants will need to be assessed in order to be accepted or rejected, and the need to monitor illegal migration might increase. If demand is high, the numbers of legal immigrants will rise, increasing processing and integration expenditure as more immigrants arrive and are assisted to settle.

Another influence on expenditure are asylum seeker flows. It is arguable that some of the factors underlying legal migration also drive asylum seeker flows, although they are clearly exacerbated by war and conflict (Neumayer, 2004). The policies of receiving countries towards asylum seekers can also contribute to determining the size of these flows (Zimmermann, 1996; Hatton, 2005). Increased asylum seeker inflows

are likely to increase expenditure on integration-related components of expenditure, such as language training, as asylum seekers will be less likely than other migrants to have invested in education and training that are relevant in the host country before their migration.

With regard to illegal immigration, it is clear that standard economic push factors, such as higher expected income, drive much of the inflow. However, from the destination country perspective, illegal immigration is determined by proximity to source countries, networks of existing legal and illegal immigrants and porous borders. These factors matter because they lower the cost of migration, which is a much larger driver of illegal than legal migration (Chiswick, 2003). Expectations of access to illegal employment or of transit to another country also contribute to illegal migration inflows. As illegal migration increases, expenditure on border control and other measures to combat illegal immigration can be expected to increase also.

These factors, i.e. immigration systems, supply of and demand for immigrants, asylum seeker inflows and illegal migration, vary between countries. This is likely to lead to a different combination of policies, resulting in divergent aggregate expenditure levels. The different economic and political environment faced by each country's policymakers can also mean that the form of policy response will vary, leading to differing expenditure.

1.2 Definitions

Given the many factors that affect migration policy and hence expenditure, it is important to define clearly migration expenditure when making a cross-country comparison. For the purposes of this chapter, public migration expenditure is defined as expenditure on implementing policies on legal migration and preventing illegal migration. This includes: assessment and processing of legal migrants, refugees and asylum seekers; border control; policing of illegal immigrants, and policy measures which are implemented to assist with the integration of legal migrants and accepted asylum seekers and refugees. Where possible, all of these elements will be presented and discussed in the comparative analysis. When data availability constraints will prevent all elements of expenditure from being presented, information about the precise nature of included and excluded components will be provided.

The measures of migration expenditure presented here do not include public health care, education or welfare funding for immigrants that is also available to the population as a whole. This evaluation only includes programmes that are solely targeted at immigrants or accepted asylum seekers. This chapter does not aim to evaluate the net economic impact of migrants after migration, through taxes and welfare transfers, an issue which is addressed elsewhere in the literature (see for example, Bonin, Raffelhüschen and Walliser, 2000; Hansen and Lofstrom, 2003; Riphahn, 2004). Rather, we examine the costs of enforcing and implementing migration policy, including those social policy measures that are targeted solely at immigrants.

While this chapter does not aim to evaluate the net economic impacts of migration policy, it is important that any comparison of migration expenditure be situated within an appropriate and well-articulated evaluation framework. The subsequent section outlines the components of policy evaluation that are relevant for migration policy in order to illustrate why a cross-country comparison of migration expenditure is useful and where it fits into the evaluation process.

2. Evaluation framework for immigration policy

Immigration policy can be evaluated in many ways. Firstly, there are broad indicators that reflect the operation of immigration policy, enabling the identification of who comes in and what they do once they have arrived. In this respect, looking at stocks and flows of migrants, as well as their education, employment and welfare use profiles provide useful indicators. These allow an analysis of whether the current immigration policy is meeting its objectives, or not. For example, if the policy targets a certain number of skilled immigrants in a particular occupation each year, these measures will indicate whether this target is being met.

However, in order to analyse whether a nation's immigration policy itself is the right policy, it is necessary to know whether the policy is of net benefit to society. In this respect, these gross indicators are of limited use. What is needed is an evaluation of the policy that compares the benefits of the programme with its costs.

In this regard, the policy evaluation literature that has evolved in labour economics contains many useful insights for the evaluation

of migration policy. That literature highlights three dimensions of evaluation relevant to an assessment of policy. Firstly, individual microeconometric policy evaluation is required to estimate the impact of the policy on individuals. Secondly, policy should be examined from a macroeconomic perspective to see if it yields net social gains. Finally, from a cost-benefit perspective, it is necessary to see whether the best possible outcome has been achieved relative to the cost of the policy.

Ideally, a policy evaluation will contain all of these three steps (Caliendo and Hujer, 2005), but applying these techniques to immigration policy is not always straightforward. These evaluation methodologies have arisen in a labour market context where the economic objectives are unambiguous. In contrast, immigration policy often pursues a number of objectives, many of which are beyond the purely economic domain. For example, many of the European immigration systems involve a significant humanitarian or family reunion component. Quantifying all of the elements of migration policy is difficult, given their intangible nature.

Even within the economic realm, there are often competing interests at play that complicate the analysis. As Borjas (1999) argues, "the objective of immigration policy reflects a political consensus that incorporates the conflicting social and economic interests of various demographic, socio-economic and ethnic groups, as well as political and humanitarian concerns". The variety of sometimes competing objectives underpinning immigration policy should be taken into account when applying this evaluation framework. With this in mind, the following section provides a brief theoretical overview of each of the three steps within the evaluation framework.

2.1 Microeconometric analysis

The aim of microeconometric programme evaluation is to estimate the impact of a programme on its participants. For example, if a migrant attends a language class, this evaluation technique could be used to estimate whether this class has had an impact on his or her employment outcome. However, estimating this "treatment effect" is challenging because it is only possible to observe people who have participated in the programme and those who have not; but we cannot observe the same person in both states.

Solving this problem requires estimates of the counterfactual, i.e. the outcome that would have occurred if the person had not participated

in the programme. Using the above example, where the programme is a language class and the desired outcome is employment, solving the evaluation problem requires an estimate of whether the migrant who has participated in the language class and become employed, would have been employed without participating in the class.

The method that arguably offers the most accurate results in estimating the counterfactual is to use data from random assignment social experiments. In these experiments, people who would participate in a programme are randomly assigned into two groups. The first group is the treatment group, which participates in the programme, while the second group, the control group, is excluded from it. Since these groups do not differ from each other in observable or unobservable characteristics on average, the control group can be considered as "identical" to the treatment group. Because the groups are identical, the average difference in outcomes between the two groups provides a consistent estimate of the treatment effect.[198]

Whilst this kind of social experiment has beneficial programme evaluation characteristics, in practice it may not be feasible to randomly assign groups of newly arrived immigrants into treatment and control groups. This can complicate the analysis. For example, when programme participation is voluntary, there is a high likelihood that migrants are self-selecting into the programme on the basis of higher skills or motivation. In this case, the treatment and control groups cannot be assumed to be identical, and the treatment effect must be estimated using statistical techniques that filter out the unobservable characteristics of a participant, such as motivation, from the effects of the programme itself. Alternative methods, such as matching, are based on comparing the observable characteristics of participants and non-participants in order to match their probability of participating in the programme and compare the outcomes between the matched pairs (Smith, 2000).[199]

[198] Caveats to this conclusion apply in situations of randomization bias, differential programme drop-out and substitution by control group members into alternative programmes.

[199] It must be noted that these non-experimental estimation techniques require some strong assumptions to be made. Essentially, this technique assumes that only observable characteristics affect the probability of programme participation and that all other unobservable characteristics are irrelevant. Clearly, a large amount of data relating to observable characteristics is required for confidence in this assumption.

Microeconometric policy evaluation techniques, as briefly surveyed above, are relevant to the aspects of immigration policy that specifically target immigrants for welfare changes, training or participation in integration programmes that are designed to enhance their job market and general integration outcomes (see for example, Rosholm and Vejlin, 2007). If an integration programme is in place, this evaluation technique allows policymakers to judge whether it provides sufficient benefits to justify the cost.

2.2 Macroeconomic analysis

In macroeconomic analysis, the focus is not on individual effects as outlined above, but on the total macroeconomic impact of the overall immigration policy package. Identifying these effects is not a straightforward task. It requires analysis of the total impact of immigration on the labour market, product markets, the welfare system, public revenues and the capital stock. The magnitude of these effects will depend on many factors, chief among which is the system of migration that is in place and the number and type of immigrants that it permits to settle.

There is a large literature that aims to estimate some of the elements of the macroeconomic impact of immigration. One area of extensive research is based on evaluating the effects of immigration on taxes and transfers. In a growing literature that began with Chiswick (1978) and Borjas (1985) there is clear evidence that immigrants differ from natives in their employment and income status. The employment and earnings capacity of immigrants determines their net impact on the public purse, as either tax payers or unemployment benefit recipients. This is in turn determined by many factors, including the skill level of immigrants, as skilled labour migrants can be expected to make a greater contribution through taxes and are less likely than other types of migrants to become dependent on the welfare system (Constant and Zimmermann 2005; Jasso and Rosenzweig, 1995; Hansen and Lofstrom, 2001 and 2003). The skill level of the immigrant population is largely the outcome of the mechanisms used to select immigrants. Thus the effect on the economy is to a large extent determined by the immigration system and its selection mechanisms.

Economic impacts through income taxes and transfers are just one component of the total macroeconomic effect of immigration. As outlined above, there will also be product market, capital stock, public

revenue and other labour markets effects brought about by immigration. These effects will depend on who is migrating and on how these new immigrants interact with existing economic conditions and institutions. For a given set of conditions and institutions, the macroeconomic effect is largely determined by the composition of migration, which depends on the system of migration.

This kind of macroeconomic analysis is therefore more suited to evaluating the system of migration, by enabling policymakers to judge whether appropriate migrants are being attracted, and what net impact they are having on the economy. This type of analysis can be used to establish which system would generate the greatest benefit and, once this system is in place, cost-benefit analysis can be used to judge the success of its implementation.[200]

2.2.1 Cost-benefit analysis

Cost-benefit analysis attempts to identify all the costs and benefits arising from a policy or programme to provide an assessment of its impact. By determining whether the benefits outweigh the costs, cost-benefit analysis can inform decisions on whether a policy should be continued. The net benefit can be compared with that of alternative schemes in order to determine whether an alternative policy would be more beneficial.

In the immigration context, cost-benefit analysis should incorporate the micro- and macroeconomic impacts outlined above. The balance of the costs and benefits then indicate whether the migration policy in place is achieving results that justify the expenditure.

The costs of immigration to the host country consist of both the direct expenditures incurred to introduce and support the immigrants and the potential displacement costs incurred by local workers in the labour market. It also includes the direct costs of administering legal immigration flows and policing and controlling illegal immigration flows. Other costs may be imposed by increased social tensions if it is perceived that immigrants are not integrating.

[200] It should be noted that estimates of the net macroeconomic effect of immigration are contentious, given the uncertainties surrounding measurement of labour market, product market, capital and government revenue effects. Given these uncertainties, it is important to examine carefully the assumptions underlying any calculation of the macroeconomic impact of immigration.

Potential benefits from immigration include increases in economic welfare through the labour market, product market and government revenue channels outlined above. There is also a benefit from increased cultural diversity, and the greater range of products and services that accompany it.

There are important caveats to the use of cost-benefit analysis in the context of immigration policy. Firstly, conducting a cost-benefit calculation is complicated by the fact that there are important elements of both cost and benefit that are difficult to quantify. For example, the cost of social tensions and divisions is difficult to assess. On the benefit side, factors like cultural diversity are also difficult to quantify and are prone to subjectivity.

There is also the question of who bears the costs and benefits. Any cost-benefit analysis of immigration policy must consider the costs and benefits that accrue to three groups, the natives, the immigrants and the rest of the world (Borjas, 1999). There is a large literature that tries to establish the effect of immigration on natives and immigrants (see Zimmermann, Bonin, Fahr and Hinte, 2007 for a survey of this literature). The emerging "brain drain" literature is beginning to examine the impacts of migration on donor countries (Commander, Kangasniemi and Winter, 2003; Faini, 2006). However, there remain many unquantifiable or as yet unresearched elements of the outcomes of migration for all parties involved that make cost-benefit analysis a challenging technique to implement in this context.

2.2.2 Practical challenges

As outlined above, the application of the traditional evaluation techniques as pioneered in labour economics is not always feasible in the immigration context. Indeed, numerous studies that aim to evaluate immigration policy at the national level encounter many of the problems identified above. Particular problems relate to the unquantifiable elements of immigration objectives and outcomes. Measuring the impacts on different groups within an economy is also challenging.

However, even when measurement is possible, lack of data can hamper evaluation. Indeed, many studies cite data availability as a key factor in impeding evaluation, as confirmed by a recent study of the impact

of immigration in Germany for the European Migration Network which points to a lack of appropriate micro- and macroeconomic data (Bundesamt für Migration und Flüchtlinge, 2005). Similarly, an Irish study cites biases in the presentation of information, a lack of consistent independent analysis and a lack of government data as major obstacles for the evaluation of the impact of immigration on the Irish economy (Hughes and Quinn, 2004).

Even when there is data available, the evaluation techniques outlined previously can lead to starkly different conclusions, depending on which methodology is used. The labour market impact of immigration is a case in point. As with any other factor of production, the introduction of additional labour will change factor returns. Theoretically, the effects of immigration on returns to labour and capital in this context will, among other things, depend on the skill composition of the existing workforce, the underlying production technology and the rate of involuntary unemployment (Zimmermann, Bonin, Fahr and Hinte, 2007). Empirically, it has proven difficult to establish consistent estimates of the interaction with these elements and the overall impact of immigration on the labour market. Borjas (1999) describes this as an issue in which there is a "deep chasm" between findings from different academic studies, noting that many econometric studies find that the impact of immigration on the labour market outcomes of the local population is small or non-existent, while others find significant impacts. These estimates depend crucially on the methodology used, and on the assumptions made.[201]

Thus there are a number of practical challenges to be faced in implementing these evaluation techniques. Some factors cannot be quantified. For others that can be quantified, there is insufficient data available. Even when there is sufficient data for both descriptive analysis and econometric estimation, the use of different estimation strategies or different underlying assumptions can lead to crucial differences in conclusions. In some cases, when comparison of studies is needed, methodological differences make

[201] As Borjas notes, results based on a spatial correlation approach which compares immigrant receiving with non-immigrant receiving areas differ significantly from outcomes under the "factor proportions" approach, which argues that a change in the skill compositions of the workforce changes the returns to these skills. So, if immigration changes the skill composition, it will also change the wages being paid to workers in these skill groups. Any estimation of the impact of migrants on the local population depends crucially on how skill levels are defined. It also depends on the theoretical framework that describes how the labour market adjusts from a change in labour supply to a change in wages.

a comparison of results impossible. These factors must be taken into account when making cross-country comparisons.

3. Cross-country comparisons

3.1 The challenge of cross-country comparisons

The difficulties inherent in evaluation at a national level make a cross-country comparison of the net cost or benefit of immigration difficult. There have been assessments made for the entire European Union (EU), which have brought together existing research on individual countries in order to make an EU-wide assessment (see, for example, Münz, Straubhaar, Vadean and Vadean, 2006). However, this type of comparison is hampered by methodological differences in the underlying analysis, as well as differences in data availability and definitions. Indeed, in comparing existing analyses on migration effects on the labour market, public finances and the balance of payments for EU countries, Münz, Straubhaar, Vadean and Vadean (2006) concede that different methodologies used and different data availability limit the possibility of making cross-country evaluations within the EU. They conclude that there is a need for more and better data for the EU as a whole, as well as for the individual EU Member States.

One crucial issue is data comparability. A simple but important example is the definition of categories of immigrants in national migration statistics. Migration statistics in most countries are defined on the basis of national systems and are not generally oriented towards international comparability. Differences in the definitions of various categories of immigrants can result in the fact that in many cases direct cross-country comparisons of the figures are not possible at all or are very restricted. Thus, even comparing the stocks and flows of migrants across countries is a complicated issue (see the OECD Migration Outlook 2006 for a detailed discussion of comparative migration statistics). Cross-country comparisons of the *impact* of migration raise even more data comparability issues.

The difficulties outlined in the previous section are compounded when conducting analyses at the European or international level. Existing studies on European migration point to knowledge gaps that make cross-country comparisons of the net effect of immigration difficult. However, given the importance of immigration for the economic and

social future of Europe, it is crucial that these knowledge gaps be filled. The "unquantifiables" and methodological issues outlined earlier pose difficult challenges. However the first step, that is identifying the extent of the cost of immigration policy, is not only possible, but also essential. Understanding the fiscal cost of migration policy is the preliminary step of any evaluation of migration policy. The remainder of this chapter introduces comparable data on migration expenditure in order to begin to fill this knowledge gap.

3.2 Comparisons of migration expenditure

Introducing comparable data on migration expenditure answers the first question needed in any analysis, that is, what is the fiscal cost of current immigration policy? This information can then be used in subsequent cost-benefit analysis. However, it is also useful information in its own right. Knowing how much is spent per migrant, or on various components of immigration policy gives some insight into the operations of immigration policy, even in the absence of a full cost-benefit analysis.

In undertaking this cross-country expenditure comparison, this chapter will detail how much is being spent on migration in Canada and the four European countries reviewed here, using a number of different measures. For each of the five countries examined in this study, we will present where possible: aggregate real expenditure on migration; expenditure on migration as a proportion of gross domestic product, and expenditure on migration per immigrant. Moreover, this analysis will enable identification of those components of migration expenditure that receive the most funding, and the way in which the proportions of funding components have changed in recent times.

However, analysing the components of migration expenditure in further detail is difficult due to data limitations. For example, even where it is possible to acquire information on border control expenditure, it is generally not possible to distinguish general border control from immigration-specific border control. Likewise, it is not possible to answer the question of how much of border control spending is spent on combating illegal migration and how much is spent on combating other offences that occur at the border. Due to these limitations, we will refrain from including border control expenditure in the comparison between countries in the final sections of the paper.

As outlined previously, a country's underlying immigration system is one of the fundamental drivers of migration expenditure. Immigration systems can be both proactive and reactive; they can be driven by economic criteria such as labour market needs, or can be based on family reunion as well as humanitarian criteria. The immigration system affects not only processing costs, but also determines the skill composition of the subsequent immigrants. If immigrants are chosen in part on the basis of criteria that help them integrate into society and the labour market, then it can be expected that language training and other integration costs will not be as high as when a large proportion of immigrants come under family reunion or humanitarian criteria. Indeed, integration programmes vary significantly across EU countries. Some countries, such as Germany, have introduced significant and obligatory integration programmes, while others, such as Spain, have no integration policy to speak of, or, like Ireland, have only recently indicated that integration policy will become a policy priority (Carerra, 2006).

Besides the immigration system, different attitudes towards the organization of the provision of services may impact differences in spending levels. Countries that follow a policy of outsourcing services to the private sector may show systematically different spending levels compared to countries where provision through the state sector is common. Due to data limitations, we will not attempt to estimate private migration expenditure. As the private sector may have more or less responsibility for migration programmes, it is thus possible that some of the measured expenditure differences reflect different shares of public/private expenditure on migration.

When assessing the data in the subsequent section, it is important to bear in mind that some of the expenditure differentials are driven by these systemic differences. It is not the intention of this chapter to analyse optimal immigration policy; the debate about skill matching, quotas and optimal migration is left to another branch of the literature (Zimmermann, Bonin, Fahr and Hinte, 2007; Simon, 1989). However these systemic differences must be taken into account when making a cross-county expenditure comparison. As such, we provide some contextual information about the immigration history and systems of Sweden, Germany, Canada, Denmark and Ireland, before presenting the migration expenditure data for each country.

4. Country data

This section provides a brief overview of the post-World War II immigration situation in each of the five countries, before presenting migration expenditure data from 2001 to 2006. Each overview will provide the country's recent immigration history, an examination of current policy settings and immigration patterns, as well as a profile of the current stock of immigrants and a brief summary of integration policy. The presentation of migration expenditure data will include measures of real expenditure per immigrant and the ratio of expenditure to GDP. Where possible, the components of expenditure will also be examined.[202]

4.1 Denmark

4.1.1 Recent migration history

Migration in Denmark has undergone a number of distinct phases. The early post-war period was characterized by high unemployment and the net emigration of Danish citizens, who were leaving Denmark in search of better prospects elsewhere. However, the situation changed as from the late 1950s, when full employment in the Danish labour market increased demand for labour, leading to a considerable inflow of guest worker immigrants, largely from Yugoslavia and Turkey. The guest worker era ended in 1974, when all guest worker programmes were terminated in response to the global economic downturn following the 1973 oil crisis. Until the mid-1980s immigration inflows were small, predominantly consisting of family reunions among guest workers, mainly for those of Turkish origin.

In the second half of the 1980s immigration increased again with continued family reunion, but also a strong increase in the number of refugees arriving in Denmark, mainly from Poland, Iran, Iraq, Lebanon and Sri Lanka. More recently, in the 1990s, immigration has been dominated by a new wave of refugees, mainly from the former Yugoslavia and Somalia. Since 2002, the profile of immigration changed again with new integration laws and amendments to immigration legislation enacted in the last decade restricting asylum

[202] Detailed information on the statistics used in this section and in subsequent comparisons, including deflators, exchange rates and national accounts information is presented in the attached data appendix. For a broad European picture of migration history and the subsequent labour market effects, see Zimmermann (2005).

seeker, refugee and family reunion migration (Pedersen and Smith, 2001; Gil-Robles, 2004).

4.1.2 Current policy settings and immigration patterns

Currently, entry and residence in Denmark is regulated by the Danish Aliens Act. As mentioned above, comprehensive amendments to the Aliens Act concerning asylum and immigration were passed in 2002. In addition, it was made easier for foreign nationals with special qualifications in professions suffering from a shortage of qualified local labour to obtain a work permit. Subsequent amendments to the Aliens Act were passed in 2003, which introduced, among other things, new procedures to encourage the repatriation of rejected asylum seekers; faster processing of applications for a humanitarian residence permit, and new rules on family reunification. In 2004, the maximum age for children applying for family reunification with parents living in Denmark was lowered from 18 to 15 years. In May 2004, in response to the enlargement of the European Union, a transitional plan concerning citizens of the new EU Member States came into force.

The amended Aliens Act determines how work and residence permits can be granted to non-Danish nationals. Nationals of Finland, Iceland, Norway and Sweden may enter and reside in Denmark without prior permission; however, rules vary for nationals of other countries. In brief, EU citizens or nationals of countries belonging to the European Economic Area (Norway, Iceland, Liechtenstein) may obtain a residence permit if they are employed, self-employed or have a right of residence as students, workers or pensioners under EU directives. Nationals of the new EU Member States have fewer rights to residence, but may reside in Denmark under some specified conditions, for example if they hold full-time employment in Denmark. In other cases they must apply in the same manner as third-country nationals. Third-country nationals may apply under various asylum, family reunion or student admission procedures, or must be in possession of a work permit to reside in Denmark.[203]

[203] A third-country national is a non-Nordic, non-EU/EEA citizen. For third-country nationals to be granted a work permit, it must be established that labour market conditions warrant a permit, for example if there are no qualified individuals currently residing in Denmark to perform a specific job. However, foreign nationals from professions where there is a lack of qualified labour, such as in healthcare and technology, have easier access to residence and work permits.

The tightening of family reunion and asylum criteria and the expansion of targeted skilled immigration has changed the profile of immigration to Denmark since 2002. The underlying trend in recent years has been an increase in permits for work, study and EU/EEA certificates, and a decrease in asylum and family reunification admissions. In 2005, work, study and EU/EEA permits made up approximately 88 per cent of the total. Family reunion accounted for nine per cent of all permits, while asylum permits accounted for only three per cent. This compares with 53 per cent, 30 per cent and 17 per cent in these categories in 2001, respectively (Danish Immigration Service, 2006).[204]

4.1.3 The stock of immigrants and integration policy

The overall proportion of immigrants to the native population in Denmark is relatively low by European standards, at around 6.5 per cent in 2006 (Statistics Denmark, 2007). Thirty-five per cent of these immigrants originate from EU member states, Nordic Countries outside the EU, other non-EU European countries, North America, Australia and New Zealand. The remainder come from other countries, predominantly Turkey, Bosnia-Herzegovina, the former Yugoslavia, Somalia, Iraq, Lebanon, Pakistan, Iran and Morocco.

Underlying the recent tightening of family reunion and asylum immigration policy are significant socio-economic differentials between natives and immigrants, which have become of growing concern in Denmark. In particular, the labour market integration of immigrants has been a key issue in public debate, reflecting gaps between the employment rates of immigrants and the native-born that are among the highest in the OECD. Gaps in educational attainment and vocational training are also significant (Liebig, 2007). As such, integration policy became a focus of significant public policy attention, leading to the passing of the Integration Act of 1999 and the creation of the Ministry for Refugee, Immigration and Integration Affairs in 2001.

The 1999 Integration Act established labour market integration as an explicit policy objective, and integration measures have been progressively strengthened since that time. Immigrants from outside the

[204] The proportion of asylum admissions fell significantly as a result of a drop in applications and approvals, which combined to cause a 20 per cent decrease in the total number of admissions between 2001 and 2005. While the level of applicants for family reunion permits remained largely unchanged in 2005, the number of permits granted decreased to a third of the level in 2001.

EEA over the age of 18 must now complete a three-year introduction programme which consists of language courses and a range of labour market integration measures. The scope of each programme is fixed with an individual contract, the stated aim of which is to integrate newly arrived immigrants either into employment or into further education on the basis of an assessment of the respective immigrant's skills. The integration programme is administered at the municipal level and each municipality has some flexibility as to how it implements the objectives of the Integration Act. The municipalities are also responsible for the provision of housing and financial aid. However, the costs of the various components of integration are reimbursed to a large extent by the Danish Government (Ministry of Refugee, Immigration and Integration Affairs, 2001).

Other components of the government's integration strategy focus on education and training for immigrants and children of immigrants, and on increasing incentives to work by reducing the level of government assistance available to immigrants for a maximum period of seven years following their arrival in the country.

4.1.4 Migration expenditure

The majority of expenditures on migration is incurred by the Ministry for Refugee, Immigration and Integration Affairs, which is responsible for issuing work permits, conferring citizenship and other elements of the administration of immigration law. The Ministry is also responsible for the provision of Danish language courses and for labour market initiatives with a special immigrant focus. In concert with the changes in immigration policy outlined in the previous section, the profile of immigration spending through the Ministry has also changed.

Overall migration expenditure through the Ministry has declined significantly in recent years, falling by 54 per cent in real terms between 2001 and 2006. As a proportion of GDP, this represented a decrease from 0.32 per cent to 0.13 per cent. On a per immigrant basis, expenditure fell from € 17,117 in 2001 to € 7,813 in 2006, despite a slight increase in overall immigration in this period.

Disaggregating this expenditure, it becomes clear that integration spending accounted for the bulk of migration-related costs in this period, averaging 68 per cent of total annual expenditure between

2001 and 2006. The majority of integration expenditures was directed towards the integration programme and associated language training. However, in recent years there has been an increase in funds for targeted labour market programmes (Liebig, 2007). Administration accounted for the remainder of total annual spending, with an average of 20 per cent of the total relating to the processing of asylum claims and 10 per cent to the processing of other migrants.[205]

The fall in overall expenditure appears to be due to decreases in integration expenditure and the processing costs of refugees of 56 and 66 per cent, respectively. These falls can largely be explained by the large decrease in the inflow of refugee and family reunion immigrants in recent years, as outlined above, which reduced initial administrative costs as well as integration costs. The administration costs associated with non-refugee immigrants rose in this period, reflecting the higher proportions of non-refugee immigration in overall immigration.

Denmark's recent policy changes have seen a significant reduction in overall migration expenditure. If recent trends continue, it is likely that spending will continue to decrease, particularly on integration, as both asylum migration and family reunions account for a declining proportion of overall migration inflows.

4.2 Sweden

4.2.1 Recent migration history

Sweden has been a net immigration country since the Second World War. Refugees from Scandinavian countries and from the Baltic States came to Sweden during the war, many of whom chose to remain after the war ended. In the post-war period, immigration was dominated by unrestricted inflows of immigrant labour from other parts of Scandinavia as well as from Italy, Greece, Yugoslavia, Turkey and other countries.

After this period of liberal immigration policy, regulations on labour migration were introduced in the late 1960s, requiring that all immigrants obtain residence permits prior to entry. For a permit to be granted, a written job offer was required and it had to be determined

[205] This analysis does not include spending on border control, which is the responsibility of the border police and is not included in the expenditure of the Ministry for Refugee, Immigration and Integration Affairs.

that there was no unemployed persons in Sweden able to perform the job in question. These restrictions did not apply to Nordic citizens, asylum seekers and persons applying to be united or reunited with their families in Sweden. This change in policy slowed the inflow of non-Nordic immigrant labour and increased family reunion and asylum seeker migration.

Asylum inflows increased throughout the 1970s and into the 1980s, predominantly from Iran and Iraq, Lebanon, Syria, Turkey and Eritrea. Towards the end of the 1980s, asylum applications were mainly lodged by individuals from Somalia, Kosovo and Eastern Europe. In the 1990s the number of asylum seekers from Iran, Iraq and Lebanon began to fall, while asylum applications submitted by persons from ex-Yugoslavia increased dramatically, with over 100,000, mostly Bosnians, being granted residence in Sweden. Throughout this period, the number of asylum seekers per year increased considerably. In the late 1960s and 1970s, the average number of asylum seekers was 2,400. At the end of the 1980s the number of asylum seekers had risen to between 20,000 and 30,000 per year. After a fall in applications and some variability in the 1990s and the early 2000s, the number of asylum seekers stood at 18,000 in 2005 (Swedish Migration Board, 2007).

4.2.2 Current policy settings and immigration patterns

Currently, citizens of other countries require a residence permit to be allowed to settle in Sweden. The conditions governing the granting of residence permits are defined in the 2005 Aliens Act. Residence permits may be granted on the following grounds: need for protection; humanitarian grounds; family ties; work, and study. These restrictions do not apply to nationals of Nordic Countries, who do not need to register or have a work permit in order to live ad work in Sweden. Nationals of EU/EEA countries are also exempt from these requirements.[206]

While many enter Sweden because of a need for protection or on humanitarian grounds, family reunion is by far the most common reason for settling in Sweden. In 2005, 54 per cent of non-Nordic nationals were granted residence permits based on family reasons.

[206] As of 2006, EU/EEA nationals no longer require a work permit but are required to register their presence with the Swedish Migration Board. Sweden remains one of the few EU-15 countries to allow unrestricted labour market access to nationals from new EU Member States.

Much smaller proportions immigrated for work (13%), study (9%), need for protection (8%) or on humanitarian grounds (9%). However, because of the history of protection-related migration, most family reunion migrants move to Sweden to join someone who had previously received a residence permit for protection (Swedish Migration Board, 2007, Lemaître, 2007).

Altogether, 165 nationalities were represented in immigration inflows in 2005. Excluding Nordic and returning Swedish citizens, the most common nationalities among immigrants to Sweden in recent years were Polish and Iraqi. In addition, immigration from new EU member countries continued to rise (Swedish Migration Board, 2007, Statistics Sweden, 2006).

4.2.3 The stock of immigrants and integration policy

The waves of immigration outlined above contributed to a large and growing proportion of foreign-born people residing in Sweden. Indeed, the proportion of foreign-born residents in Sweden rose from 4 per cent to 12.4 per cent between 1960 and 2005. The largest groups of foreign-born citizens are from Finland, the Former Yugoslavia, Iraq, Bosnia-Herzegovina and Iran. There are also large groups of immigrants from Denmark, Poland, Germany, Norway and Turkey (Swedish Integration Board, 2006).

Economic outcomes for these groups, particularly in education and employment, do not always match those of native-born Swedes. Employment rates for third-country nationals decreased throughout the 1990s and early 2000s from around 78 per cent at the end of the 1980s to 64 per cent in 2005. The level of employment among people from African, Asian or European countries (other than the EU-15) is lower than for those born in other regions.

Integration of immigrant groups has been an explicit policy objective since the 1970s, when the Swedish Government began to offer language training to immigrants. Growing unemployment among immigrant groups led to the development of specific labour market measures for immigrants. Additionally, a system to convert foreign educational qualifications to their Swedish equivalents was introduced. In 1998 the government established the Integration Board, which is responsible

for monitoring the progress of integration policy objectives,[207] promoting integration, preventing ethnic discrimination, xenophobia and racism, and developing introductory procedures for new refugee arrivals (Lemaître, 2007; Swedish Integration Board, 2007).

The Integration Board disperses funds to municipalities to administer an introduction programme for refugees and their families, which aims to prepare the immigrant for entry into the labour market. The introduction programme is not compulsory, but once it has been entered into, a failure to participate results in a reduction of social benefits. All immigrants are entitled to participate in this programme and to receive language training.

4.2.4 Migration expenditure

The majority of expenditures on migration in Sweden is administered through the Swedish Migration Board and the Integration Board. The Migration Board is responsible for issuing work permits, assessing asylum applications, conferring citizenship and dealing with repatriation. The Integration Board has the functions outlined in the previous section and oversees spending by municipal authorities, which is funded by the central government.

Across these different functions, total migration expenditure by the central government increased between 2001 and 2006. In this period, real migration expenditure increased by 31 per cent from € 644 million to € 842 million. As a proportion of GDP, this represented an increase from 0.26 per cent to 0.30 per cent. On a per immigrant basis, expenditure actually fell, as the 80 per cent increase in immigration inflows outpaced growth in expenditure over the period. As such, real expenditure per immigrant fell from € 14,600 in 2001 to € 10,289 in 2006.

These expenditures can be disaggregated into administrative costs, integration spending, removals and border control.[208] Administrative

[207] The integration policy objectives are ensuring equal rights, responsibilities and opportunities for all regardless of ethnic or cultural background, and encouraging a community based on diversity and characterized by mutual respect and tolerance.

[208] The key components of administrative expenditure are funding for the Migration Board, the Ombudsman against Ethnic Discrimination, migration policy measures and the Immigration Committee. Integration expenditure includes funding for the Integration Board, integration measures, reimbursements to municipalities for refugee reception, home equipment loans, the reception of asylum seekers and legal assistance in

costs accounted for around 15 per cent of total annual expenditure on average between 2001 and 2006. Integration expenditure accounted for 62 per cent of annual expenditure on average over this period. Concurrently, border control expenditure was only 20 per cent of all migration spending, with an additional 1.5 per cent of expenditure being used to fund the deportation of rejected asylum applicants.

The increase in absolute spending between 2001 and 2006 appears to be due to an increase in administrative spending. Growth in administrative costs roughly tracked the growth in immigration inflows, increasing by 79 per cent compared to an 85 per cent increase in inflows. Integration expenditure also grew, but at a less dramatic 18 per cent. Border control spending grew by 16 per cent, while expenditure on removals increased by 57 per cent, albeit from a very low base.

It should be noted that 2006 saw an exceptional increase in immigrant inflows, as the temporary asylum law made it easier to obtain a residence permit for families with children who have been in Sweden for a long time. Increased mobility within the EU and unrest in the Lebanon and Somalia also contributed to considerable immigration. The 2006 increase exacerbates what was otherwise a relatively moderate growth in immigrant inflows over the period. Excluding this increase and its associated administrative burden, growth in expenditure has been driven since 2001 by increasing integration costs, by far the largest and fastest growing component of expenditure, with the exception of removals.

In the absence of major policy changes, the outlook for ongoing migration spending is likely to be one of stable and moderate ongoing growth in expenditure, admittedly from an already high level. Increases in administrative spending correlate closely with the increased administrative burden introduced by larger inflows of immigrants. Assuming that the increase in immigrant numbers in 2006 only related to the temporary asylum law and does not represent a permanent upward shift in average annual immigrant numbers, growth in administrative spending is likely to be more moderate in the future. However, judging from the experience to date, the government's significant commitment to integration in an increasingly diverse Sweden will generate continuing growth in expenditure on integration programmes.

aliens processing systems. Deportation refers to any spending undertaken to secure the outward journey of the deported and refused immigrants. Border control expenditure is administered through the customs service and the coast guard.

4.3 Germany

4.3.1 Recent migration history[209]

Germany experienced significant migratory inflows immediately following World War II, as millions of Germans were expelled from Eastern Europe. Immigration of foreign nationals was not prevalent until the early 1960s, when labour shortages led to the targeted recruitment of foreign labour. These labourers were predominantly guest workers from Italy, Greece, Portugal, Spain and Turkey. Guest workers were introduced through the signing of bilateral agreements with the above countries, as well as with Morocco, Yugoslavia and Tunisia. Guest worker immigration continued until the first oil crisis in 1973, when labour migration was halted. Up to that point, Germany had accepted a total of around 3.5 million immigrants.

After the termination of labour migration programmes, migration inflows were largely driven by family reunion. Many labour migrants from the guest worker programme era settled in Germany and were joined by family members. It is estimated that over half of all immigration between 1974 and the mid-1980s was related to family reunion (Zimmermann, Bonin, Fahr and Hinte, 2007).

Asylum migration was the other main channel of immigration following the freeze on labour migration, and it grew in significance from the 1980s onwards. With the collapse of Communism, total asylum applications grew significantly from 1989 into the 1990s. Many asylum applicants came from Eastern Europe and the former Yugoslavia, although there were also inflows of non-European migrants. The fall of the Iron Curtain also led to large numbers of ethnic Germans resettling in Germany from Central and Eastern Europe.

From the post-war period through to the 1980s, immigration policy was a complex mix of provisions made by the federal states, as no comprehensive federal provisions on residence for immigrants existed. The first Federal Aliens Act was introduced in 1991, which provided detailed regulations on the residence entitlements of foreign nationals. Following the introduction of the Act, the 1990s saw some changes to immigration policy. While the ban on labour migration remained, some

[209] For an overview of the German migration history and the labour market consequences, see Bauer, Dietz, Zimmermann and Zwintz (2005).

labour migration was again encouraged through changes to immigration regulations regarding contract, guest and seasonal workers. Exclusions to the ban were made for some occupational categories, most notably scientists, teachers, nurses and IT specialists (through the 2000 "Green Card" programme).

In the same period, asylum laws were tightened with the aim of excluding asylum applicants who had transited through safe third countries. The entry rights of ethnic Germans from Eastern and Central Europe were also reduced, with quotas and language proficiency tests being introduced. Asylum seeker numbers and ethnic German immigration both fell as a result of these policy changes. Since the peak of asylum applications of 438,000 in 1992, numbers subsided to well below 100,000 asylum applications per year as of 1998. In 1988, the number of ethnic Germans moving to Germany rose to 203,000 and, in 1990, had reached nearly 400,000. From 1987 to 1999, Germany took in a total of 2.7 million ethnic German repatriates from the territory of the ex-Soviet Union. Since 2000, the annual figures have fallen well below 100,000 (Federal Ministry for the Interior, 2007).

4.3.2 Current policy settings and immigration patterns

EU and EEA citizens are not required to hold a residence permit to live and work in Germany. This does not apply to nationals of the new EU member states who need an EU work permit to work in Germany. Nationals of non-EU/EEA countries require a residence permit to live in Germany.

Currently, the entry of third-country nationals is governed by the Immigration Act 2004. The Act focuses on labour migration, humanitarian regulations, integration and security. The Act maintains the ban on the recruitment of unqualified and low-qualified persons, but introduces permanent residence opportunities for highly skilled labour.[210] It also foresees increased access to the German labour market for foreign students who have completed a course of study in Germany. The Act provides for asylum migration consistent with EU directives and allows for family reunion migration for the family members of residence permit holders.[211]

[210] A residence permit may be issued only when a concrete job offer has been made, although approval of the position may also depend on the situation on the labour market.

[211] Under the Act, a limited residence permit is issued to persons present for the purpose

Until 2004, immigration was still largely influenced by family reunion migration, asylum seekers and the ad hoc labour migration policies in place. Inflows from EU and EU accession countries were large. The most common countries of origin for new immigrants were Poland, Turkey, the Russian Federation, Romania, Serbia and Montenegro, Italy, Hungary and the United States. As the Immigration Act came into effect on 1 January 2005 and data from this period is not yet available, it is not yet clear to what extent the new legislation will change the pattern of immigration.

4.3.3 The stock of immigrants and integration policy

Given the domination of guest worker and subsequent family reunion migration, it is not surprising that the three largest groups of foreign-born persons residing in Germany are Turkish, Italian and Greek. Migrants from the former Yugoslavia also make up a large proportion of foreigners in Germany, followed by Austrian, Ukrainian, Portuguese, Spanish and Dutch nationals. Together, the foreign-born population makes up 8.8 per cent of the total population of Germany.

Prior to 2005 there was no integration policy for foreign-born persons living in Germany. Perhaps because of its lack of an official and coherent immigration policy and the perceived temporary nature of immigration, Germany did not respond to the needs of the growing numbers of immigrants residing within its borders for decades. The subsequent failure to integrate not only first-generation guest workers but also following generations, has led to pressure to introduce a wide-ranging integration policy in recent years.

As a result, the Immigration Act 2005 provides for legal entitlement to an integration course. This right applies to new immigrants who have received their first residence permit. Immigrants are obliged to attend the course if they do not have simple oral language skills, and a failure to meet this obligation can be detrimental to future residence applications. Foreigners already living in Germany who receive employment benefits or have "special integration needs" are obliged to participate in courses where these are available. Cuts in welfare benefit are possible in case

of education or training, gainful employment, or on humanitarian, political or family reunion grounds. An unlimited settlement permit can be issued if an immigrant has possessed a residence permit for five years and fulfils additional requirements, including secure income, no criminal record and an adequate command of the German language. The Act also outlines integration policy and the grounds for expulsion from Germany.

of non-attendance. The courses focus on language training but also include an orientation course aimed at providing participants with information about the legal system, the culture and history of Germany. The German Federal Government covers the cost of these integration courses (Ordinance on Integration Courses, 2004).[212]

4.3.4 Migration expenditure

Unlike many other countries, in Germany migration expenditure is not the responsibility of one single body. Rather, responsibility is divided among a number of Federal Ministries as well as the Länder (state) governments. At the federal level, elements of immigration policy are implemented by the Ministry of Foreign Affairs, the Ministry of the Interior, the Ministry of Economics and Technology, the Ministry of Labour and Social Affairs, the Ministry of Family Affairs, Senior Citizens, Women and Youth, and the Ministry of Education and Research. The complexity generated by this shared responsibility for immigration makes it difficult to establish accurately the level of expenditure on migration.

The absence of overall data on migration expenditure for Germany shows that meaningful country comparisons of migration expenditure are extremely difficult because of the different traditions of reporting. Reporting policies reflect to some degree differences in attitudes toward immigration. The traditional self-image of Germany has been that of a non-immigration country, which may explain why specific data reporting systems covering immigration issues are underdeveloped.

The figures presented here are based on allocated federal budget funding for each of the above departments between 2001 and 2006. Given that the administrative load is shared among different departments, it is difficult to assess the exact administrative cost of Germany's immigration policy. Instead, this assessment focuses on specific integration measures implemented in this period at a federal level.

[212] The integration course consists of a basic and an intermediate language course, totalling 600 hours of instruction, as well as an orientation course totalling 30 hours of instruction. The language training is intended to achieve a level of proficiency that enables immigrants to deal on their own with everyday situations, to conduct conversations and express themselves in writing commensurate with their age and education. The orientation course emphasizes the democratic state system, the principles of the rule of law, equal rights, tolerance, and freedom of religion. EU nationals resident in Germany are entitled to take these courses and receive funding where there are places available.

Between 2001 and 2006 real spending on integration actually decreased, despite the implementation of the new integration course provision under the Immigration Act. Integration spending fell by more than half from around € 740 million in 2001 to € 352 million in 2006. As a percentage of GDP, this represented a fall from 0.035 per cent in 2001 to 0.017 per cent in 2006.[213]

This fall in expenditure was largely driven by a decrease in integration funding for ethnic Germans, as funds allocated specifically for programmes for ethnic Germans fell from € 538 million to zero over this period. Throughout this period, and particularly following the introduction of the Immigration Act, funding increased for courses and other measures aimed at all immigrants rather than for narrowly defined sub-categories of immigrants. Indeed, between 2001 and 2006, funding allocated to general integration measures aimed at all immigrants almost tripled from € 63 million in 2001 to € 235 million in 2006.

The ongoing costs of integration are hard to estimate. However, it is likely that the overall fall in recent years is not indicative of continued reductions in expenditure. The aggregate fall masks a shift in priorities from narrowly targeted programmes for specific groups to greater spending on the integration of all immigrants and foreign nationals in Germany. This broader and more inclusive approach to integration policy could lead to ongoing increases in expenditure in the future.

4.4 Ireland

4.4.1 Recent migration history

The immediate post-WWII period saw massive emigration from Ireland, with around 35,000 people on average leaving Ireland annually between 1946 and 1961. In the 1970s, the annual net migration balance turned positive for the first time in decades; however sluggish economic growth in the 1980s reversed this trend and generated significant emigration until the end of the 1980s. After achieving an almost zero net migration balance in the early 1990s, a period of tremendous economic growth

[213] It is not appropriate to present expenditure in per immigrant terms, as German data on inflows of immigrants does not include ethnic Germans. As a high proportion of expenditure on integration has been focused on ethnic Germans, it is important that a per migrant measure of expenditure include ethnic German migration.

from the mid-1990s signalled a new era of immigration. With an annual average economic growth of 9 per cent between 1995 and 2000 spurring employment growth, labour market shortages appeared, stimulating inflows of skilled and unskilled migrants. Though the pace of economic expansion has slowed somewhat in recent years, employment continues to expand and the inflow of workers to Ireland continues to increase.

A significant amount of immigration from 1995 consisted of Irish nationals returning to Ireland. However, the share of non-nationals in immigration has been increasing from about 35 per cent in the early 1990s to 73 per cent to April 2006, as will be outlined in more detail in the following section.

At the same time as the economic boom caused greater inflows of labour migration, asylum migration also increased, with the number of people seeking asylum in Ireland rising steeply from 360 in 1994 to 4,300 in 2005. There was a significant peak in asylum applications between 2000 and 2002, when a total of almost 33,000 foreign nationals claimed asylum in Ireland. The bulk of recent asylum applications have been filed by nationals of Nigeria, Romania, Somalia, the Democratic Republic of Congo, Moldova, the Czech Republic, Sudan, Iran and Iraq (Hughes & Quinn, 2004; O'Connell & Doyle, 2006).

4.4.2 Current policy settings and immigration patterns

Until recently, the entry of non-nationals into Ireland was governed by the Aliens Act 1935 and the Aliens Order 1946, together with the regulations implementing the EU Rights of Residence. This legislation has recently been augmented by a number of bills, including the Refugee Act 1996, the Immigration Acts of 1999, 2003 and 2004 and the Employment Permits Acts of 2003 and 2006, which have been introduced to account for the recent dramatic changes in Ireland's immigration profile.

Prior to the enlargement of the EU, Ireland allowed free labour market access to EEA nationals, consistent with EU Rights of Residence directives. Following the 2004 EU enlargement, Ireland was one of only three EU Member States to allow access to its labour market to nationals of the 2004 Accession States (EU-10).[214] Prior to and following the

[214] The Employment Permits Act 2003 facilitated free access to the Irish labour market of nationals of the new EU Accession States with effect from 1 May 2004.

accession of the EU-10, official government policy was to encourage employers to meet their foreign labour requirements from within the enlarged EU (O'Connell & Doyle, 2006). At the latest EU expansion, Ireland took a different approach, restricting access to nationals of the two new member states. Despite being EU nationals since 1 January 2007, applicants from Romania and Bulgaria are required to have a permit to work in Ireland. However, their applications are given preference over those of non-EEA nationals and Romanian and Bulgarian nationals who were already legally resident in Ireland prior to accession do not need work permits.

For non-EEA nationals, entry to Ireland can occur through a system of work permits. Under the Employment Permits Act 2003 and the Employment Permits Act 2006 there are four types of employment permits: work permits;[215] Green Card permits for skilled migrants or migrants in occupations with skill shortages;[216] spousal/dependant work permits, and intra-company transfer permits.

Without a work permit, the only alternative for non-EEA nationals to enter Ireland is as a refugee, a family member of a recognized refugee, a student, a spouse or parent of an Irish citizen or as a person refused refugee status but granted leave to stay on humanitarian grounds.

The number of immigrants into Ireland in the twelve months to April 2006 stood at around 87,000, which is unprecedented in recent decades. This compares with annual inflows of only 20,000-25,000 in the late 1980s, which were offset by significant emigration. In 2006, 73 per cent of immigrants were non-Irish nationals. Nearly half of all immigrants were nationals of the 10 new EU accession states which had joined the EU on 1 May 2004. 26 per cent (22,900) of immigrants were from Poland, while 7 per cent (6,100) were from Lithuania.

[215] These permits are for those on a salary of €30,000 or more and are subject to a labour market needs test to establish whether the job in question cannot be filled by Irish or other EEA nationals. Some occupational categories are not eligible for work permits. Work permits are initially valid for two years, and may be extended.

[216] Green Cards can be granted for professionals earning €60,000 or more or, in a limited number of cases, for those with a salary of €30,000 or more. Current occupations in which a Green Card may be granted are predominantly in the fields of information technology and healthcare. The Green Card permit is issued first for two years, and will normally lead to the granting of long-term or permanent residence.

Non-EU nationals accounted for 30 per cent of all inflows in 2004; in 2005 this figure dropped to 13 per cent as a result of the EU enlargement and the government's policy to encourage the use of labour from the enlarged EU. The same factors caused work permits issued and renewed to fall from 47,600 in 2003 to 27,100 in 2005. The largest groups to be granted work permits in 2005 were from Romania, the Philippines, Malaysia, Indonesia, China, Brazil, the USA, Venezuela and South Africa.

4.4.3 The stock of immigrants and integration policy

As a result of the rapid increase in immigration in the last decade, the proportion of foreign-born residents in Ireland increased significantly. As of April 2006, they made up 7.4 per cent of the total population (a significant increase from an estimated 2.5% in the early 1980s). More than two-thirds of foreign residents in Ireland are EU passport holders, as would be expected, given Ireland's liberal migration policy towards the new EU Member States.

However, as the result of the work permit programme and the increase in asylum applications outlined above, the number of non-EU nationals residing in Ireland is also significant. In 2006, the number of non-EU nationals in Ireland was around 101,000, representing 2.4 per cent of the total population. These non-EU nationals consist largely of immigrants and asylum seekers from Asia, Africa, non-EU European countries and America.

Because the rapid growth in immigration has been so recent, the presence of a large foreign-born population in Ireland is a new phenomenon. As such, integration policy has not developed to the same extent as in more traditional immigration destinations within Europe. Current integration programmes are managed by the Reception and Integration Agency, which was established in 2001 to coordinate service provision to asylum seekers and refugees and to coordinate the implementation of integration policy. Integration policy has mainly focused on refugees and those granted leave to stay in Ireland on humanitarian grounds, in the key priority areas of housing, health, education and employment. There are no compulsory elements in the Irish integration programme, but all refugees are entitled to certain health and housing assistance and education opportunities, for example access to English language training programmes.

In addition to the integration policies focusing on refugees, 2006 and 2007 saw the commencement of programmes that also target immigrant workers. These programmes aim to encourage integration through employment, language, sport and community development (RIA, 2007). It is likely that future trends in integration policy will include labour migrants as well as refugees.

4.4.4 Migration expenditure

In Ireland, the majority of spending on migration occurs through the Department of Justice, Equality and Law Reform.[217] This department is responsible for expenses associated with the processing of asylum applications, including the costs of judicial reviews when awarded against the State, operation of the Refugee Legal Service which provides legal aid and assistance, and costs for the accommodation of asylum seekers. These functions have historically represented the bulk of immigration related spending undertaken by the Department.

The department also carries out functions that are not related to asylum immigration, such as processing citizenship applications, deportations, visas and integration. While expenditures on these functions cannot be precisely disaggregated, in recent years reduced asylum applications have allowed the department to reassign staff from the asylum determination process to visa processing, citizenship and general immigration functions.

Integration policy has so far been a negligible part of overall spending on immigration. This is because Ireland's integration policy has until recently only addressed recognized refugees, who, at under five per cent of all immigrants in 2006, constitute only a small group of the overall inflow. With recent policy announcements regarding the extension of integration programmes to all immigrants, the integration component of spending is likely to increase in future.

[217] While the Department of Justice, Equality and Law Reform is the main department responsible for immigration, other departments have some associated responsibilities. For example, the Department of Enterprise, Trade and Employment administers the employment permits schemes. It is assumed that the expenditure in this Department is relatively small, as the costs incurred by the Department of Enterprise, Trade and Employment are administrative only, the number of work permits issued has fallen significantly in recent years post-EU accession and because permit application fees allow a substantial proportion of administrative costs to be recouped.

Given that the change in Ireland's immigration situation is relatively recent, the department's expenditure profile has changed quite significantly. In real terms, spending on migration has increased more than threefold from € 31.7 million in 2001 to € 118.6 million in 2006.[218] This increase represents more than just an increase in immigrant numbers; the ratio of spending per immigrant has also increased in this period from € 970 per immigrant in 2001 to € 1,764 in 2006 in real terms. The proportion of GDP spent on migration remains relatively low, rising from 0.03 per cent to 0.08 per cent over the same period.

This can be seen as a period of catching up with the massive increase in inflows in the last decade, where the institutional response led to significant increases in expenditure. In future, given a stable or increasing immigration profile, Ireland is likely to see migration expenditure increase, particularly given the currently very low levels of integration funding.

The prospect is that the massive inflows in recent years eventually translate into increased migration expenditure across both integration and administration functions. Administrative funding increases will precede integration funding when a government is in its first phase of responding to unprecedented immigration inflows. The first step is about receiving immigrants to meet economic needs, and only the second step is to ensure that the immigrants become integrated to curb social tensions. In fact, new integration measures have already been announced, and more can be expected in future. Nevertheless, a factor that is likely to suppress prospective funding is the high proportion of intra-EU immigration to Ireland, which keeps administration costs low.

4.5 Canada

4.5.1 Recent migration history

Unlike many European countries, Canada has always been, to a greater or lesser extent, a country of immigration. Immediately following World War II, Canada's immigration policy was relatively restrictive. However, labour shortages led to mounting pressure to liberalize

[218] This figure represents spending on immigration by the Department of Justice, Equality and Law Reform, it does not include spending on border control or other measures taken to prevent illegal migration.

immigration. In 1947, Canada liberalized its immigration policy significantly in a fundamental shift in policy that still influences the Canadian immigration system to this day. The new policy aimed to ensure the selection and permanent settlement of immigrants who would be advantageous to the Canadian economy. This policy allowed hundreds of thousands of European immigrants to settle in Canada in the following decade. The first wave of immigrants included many people from Britain, but also from continental Europe, especially Germany, Italy and the Netherlands, many of whom were displaced persons, selected by Canadian authorities with a view to addressing labour shortages in Canada.

In subsequent years, the admission criteria were broadened to allow immigrants from any part of Europe and from some parts of Asia, as long as they were healthy, of good character, able to contribute to the economy and integrate well into Canadian society. In the early 1960s, the government eliminated all discrimination based on race, religion and country of origin from the immigrant selection process. This allowed any immigrant with the required education or skills to be considered for entry. Thus, emphasis was placed even more firmly on the contribution that the prospective immigrant could make to the Canadian economy. While some details of immigration policy changed and the selection process became more sophisticated, this remained the fundamental pillar of Canadian immigration policy.

In 1967, the government introduced a points system for immigration selection aimed at evaluating the ability of independent immigrants to contribute to the Canadian economy. The points system assigns points to prospective immigrants in several categories, such as education, age and fluency in English or French. Only those who meet the minimum points required are eligible for entry.

The promotion of Canada's demographic, economic, cultural and social goals was clearly articulated as one of the primary objectives of immigration policy in the 1978 Immigration Act, which remains the foundation of present-day immigration policy.[219] This Act was

[219] The Act defined the fundamental principles and objectives of Canadian immigration policy as the promotion of Canada's demographic, economic, cultural and social goals; family reunification; the fulfilment of Canada's international obligations in relation to the United Nations Convention (1951) and its 1967 Protocol relating to refugees; non-discrimination in immigration policy, and cooperation among all levels of government and the voluntary sector in the settlement of immigrants in Canadian society.

supported by the 1977 Citizenship Act, which declared that naturalized and native-born citizens are equally entitled to all the powers, rights and privileges of a citizen, but that they are also equally subject to all the obligations, duties and liabilities of a citizen, all provisions which are still in force today.

These changes profoundly altered the face of Canadian migration throughout the 1960s and 1970s. In 1966, 87 per cent of Canada's immigrants had been of European origin. By the beginning of the 1970s, 50 per cent of immigrants came from the West Indies, Guyana, Haiti, Hong Kong SAR, India, the Philippines and Indochina. This trend continued throughout the 1970s and 1980s, when immigrants originated predominantly from Africa, Asia, the Caribbean and Latin America (CIC, 2000).

Alongside the development of the points system for labour migration, Canada also received many different groups of refugees from the 1950s onwards. These included Hungarians in the 1950s, refugees from Czechoslovakia in the 1960s, Tibetans, Chileans, Ugandans and large numbers of Vietnamese, Cambodians and Laotians in the 1970s. Asylum migration continued during the 1980s and 1990s, with many refugees arriving from the former Yugoslavia and the former USSR.

4.5.2 Current policy settings and immigration patterns

Currently, entry and residence in Canada are governed by the Immigration and Refugee Protection Act of 2001. Under this Act, foreign-born people may immigrate to Canada permanently as skilled immigrants through the points system, as business immigrants,[220] as a nominee from the provinces, as workers selected by Quebec, for family reunion purposes or as refugees or asylum seekers. Temporary access is granted to visitors, student and temporary workers under the same Act.

In 2006, of a total of 252,000 permanent resident immigrants, 55 per cent entered under one of the economic criteria, viz. as skilled workers, investors, entrepreneurs, self-employed or regional applicants. Family class migration accounted for 28 per cent of total migration and refugee migration accounted for 13 per cent of the total. This is broadly representative of the pattern of permanent immigration in the

[220] This includes investors, entrepreneurs and the self-employed.

last decade. Of the annual flow of around 205,000 temporary residents in 2006, half were students and temporary workers, with the remainder coming under humanitarian categories.

Regarding the countries of origin, China, India, the Philippines, Pakistan, Iran, the United Kingdom, Romania, France and the United States have been the most significant contributors of immigrants to Canada in recent years (CIC, 2006).

4.5.3 The stock of immigrants and integration policy

As of 2004, 18 per cent of the Canadian population was foreign-born. The stock of foreign-born people in Canada has been shaped over six decades of post-war immigration policy, including phases of restrictions on country of origin. Europe is heavily represented, with people born in the United Kingdom, Italy, Poland, Portugal, Germany and the Netherlands making a significant contribution to the stock of foreign-born people. Other large foreign-born groups are from China, India, the United States, the Philippines, Viet Nam, former Yugoslavia, the former USSR and Jamaica.[221] Whilst the profile of the stock of foreign-born has changed somewhat over the years, Canada has always had significant proportions of foreign-born people and has adopted a variety of measures over time to ensure that the foreign population is integrated successfully into Canadian society.

The Federal Government of Canada has delivered basic settlement assistance to newcomers since the 1970s. Over time, the integration policy objectives broadened beyond settlement assistance. In the 1970s, the government began to offer language training to immigrants, particularly aimed at adults not destined for the labour market, primarily immigrant women and refugees. Soon thereafter, the "Host Programme" was established to improve opportunities for refugees by linking them with natives who could assist them to adjust to life in Canada.

The current integration programme is run by the Department of Citizenship and Immigration Canada. The primary components of the integration programme are the Immigrant Settlement and Adaptation Programme (ISAP), the Language Instruction for Newcomers to Canada

[221] The data are sourced from the 2001 Census. 2006 Census data will be available in late 2007 but was unavailable at the time of printing.

(LINC) and the Host Program.[222] Through these programmes, the government works with and funds businesses, non-profit organizations, non-governmental organizations, community groups, educational institutions and provincial, territorial or municipal governments to deliver integration services to new immigrants.

In addition to these three core components of the programme, government assisted refugees are entitled to extra financial support during their initial resettlement phase. In recent years, the government has introduced additional programmes aimed specifically at labour market integration. The government also runs campaigns that promote integration, citizenship and the importance of immigration in Canada.

4.5.4 Migration expenditure

Perhaps because Canada has had a long history of immigration, immigration policy responsibilities are clearly defined and overall spending in this area is easy to track. The two government departments with immigration responsibilities are Citizenship and Immigration Canada (CIC) and the Canadian Border Service Agency (CBSA), which was created on 12 December 2003. CIC administers the immigration programme, deciding on immigration applications and resettling successful immigrants. The CBSA manages border crossings and controls the inflows of people into Canada. It also manages immigration detention centres for those who enter Canada unlawfully.

The combined spending of both departments has increased in the past six years despite immigration inflows remaining steady at around 500,000 people per year. Since 2001, overall migration spending in Canada has almost doubled in real terms, increasing from CAD 903.6 million to CAD 1,790 million in 2006. In real per immigrant terms,

[222] The ISAP programme funds the delivery of services such as general information on life in Canada, translation and interpretation, referral to community resources, solution-focused counselling and basic employment related services. Settlement workers are available to help newcomers with the initial adjustments to day-to-day living through a programme of reception, orientation, interpretation services, counselling and employment related services. The LINC Programme provides basic language training to adult newcomers in one of Canada's official languages in order to facilitate social, cultural and economic integration into Canada. The Host Programme aims to find a volunteer host or a group of hosts for every newcomer to Canada, to provide personal support and friendship. Host volunteers help immigrants to learn about available services, practice their language skills, develop contacts in their employment field and participate in community activities.

this represents an increase from CAD 1,695 to CAD 3,525 (or from € 1,220 to € 2,480). Spending as a proportion of GDP has risen from 0.08 per cent to 0.14 per cent in the same period.

This spending can be disaggregated into administrative costs, integration spending and border control.[223] As would be expected from a country with such a large and administratively intensive immigration programme, administrative and processing costs have been a large proportion of overall immigration spending, averaging 35 per cent of overall annual spending over the period. Integration spending accounted for 18 per cent of total annual spending on average in this period, while border control accounted for 42 per cent of total spending.

Disaggregating the expenditure by function also allows an analysis of what has been behind the increase in expenditure in recent years. The clear driver of this increase was border control expenditure, which increased almost six-fold between 2001 and 2006. Much of this increase can be attributed to increased security concerns following September 11, which led to increased border control measures, including the signing of a border agreement with the United States. In contrast to the large jump in border expenditure, administrative costs rose by 26 per cent, largely due to increased processing costs for legal immigrants. Spending on integration fell by 22 per cent, largely due to a reduction in expenditure on integration measures for refugees.

The heightened security awareness is likely to lead to a persistently higher level of border security spending. Whether there is ongoing growth in this area remains to be seen, but this will be driven more by international security concerns than by immigration policy. The elements of immigration policy that are not related to border security have only experienced moderate growth in recent years. Clearly, Canada does not need to spend as much as other countries on integration because it selects immigrants whose integration needs will be low. A highly selective immigration policy also requires enforcement, hence the spending on border control.

[223] Administrative costs include the processing costs of immigrants and asylum seekers and the grant for the Canada-Quebec Accord, under which the Canadian Government funds the Quebec managed immigration programme for Quebec. Integration spending consists of funding for the LINC Programme, the Host Programme and the ISAP Programme, as well as contributions made for integration funding and other spending in provinces other than Quebec. Border control spending was undertaken by the CIC before 2004 but after 2004 consists of the CBSA funding that was designated to control flows of people.

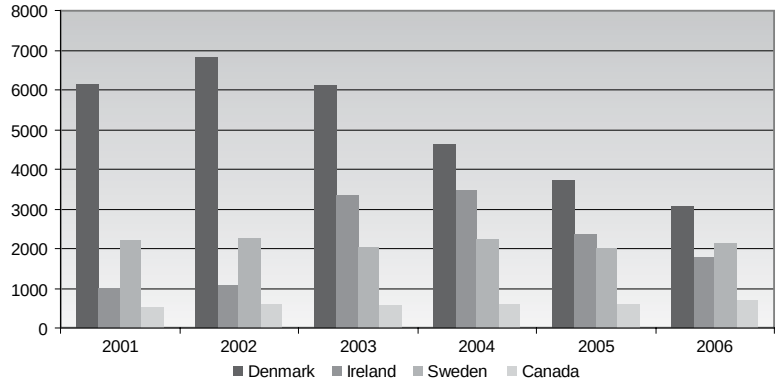
However, it should also be stressed that one of the reasons why Canada spends so much money on border control is that it shares a border with the United States – the bulk of the border control funding increase was post-September 11 and was related to new border control agreements with the US. As such, in the absence of future security shocks increasing the need to invest into border security, the outlook for migration spending is likely to be one of moderate growth that maintains migration spending at a level well below that of the European countries examined above.

5. Cross-country comparisons

It is evident from the expenditure data presented above that the different ways in which immigration policy is administered in different countries make a one-to-one comparison of total expenditure difficult and potentially misleading. For some countries, data on border security is unavailable, for others, such as Germany, the only easily accessible component of migration expenditure is integration expenditure. Other countries, such as Ireland, have negligible expenditure on integration and spend the major part of their migration budget on administration. Given these limitations, we will not attempt to present a comparison of total migration expenditure. Rather, comparisons of the components of expenditure will be made, where possible, on a per migrant basis and as a percentage of GDP.

Administrative expenditure is a large proportion of all countries' migration expenditure. For Ireland, almost all spending is administrative in nature given the negligible size of integration expenditure. For Denmark, one-third of all spending is administrative, while for Sweden it is only around 15 per cent. Canada spends 35 per cent of overall funding on administration. These comparisons illustrate the relative importance of administration within each country's immigration programme. However, comparatively speaking, such comparisons are not particularly informative, as they do not reflect either the size of the immigration programme or that of the economy.

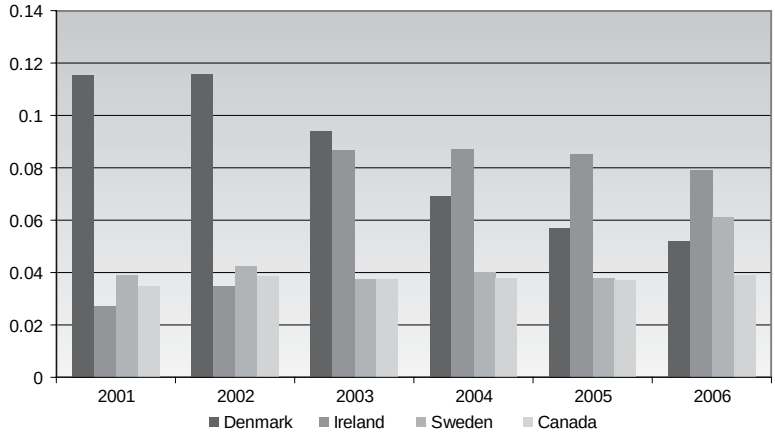
Figure 1 - Immigration Administration Expenditure per Immigrant



On a per migrant basis, as can be seen in Figure 1, Canada has by far the lowest spending on administration, despite dedicating a high proportion of immigration spending to administration and the fact that, by definition, a skills-focused points system incurs a heavy administrative burden. This spending has also been relatively constant over time. Sweden's administrative expenditure per migrant has also been stable in the last few years and has been relatively low by European standards. Of the European countries, Denmark has by far the highest spending per migrant throughout this period, reflecting a high administrative burden given the comparatively small size of overall immigrant inflows. However, recent Danish policy changes have played a key role in the consistent reduction in spending per year. The difference between Denmark and Sweden could in part reflect Sweden's decision to allow free intra-European immigration, which reduced the administrative burden of providing permits to EU citizens. Ireland's expenditure per migrant increased from very low levels to a peak in 2004, before falling again in 2005 and 2006. This is most likely illustrative of the institutional changes made in the early 2000s, which increased expenditure per migrant before such expenditure was reduced due to a significant decrease in immigration inflows.

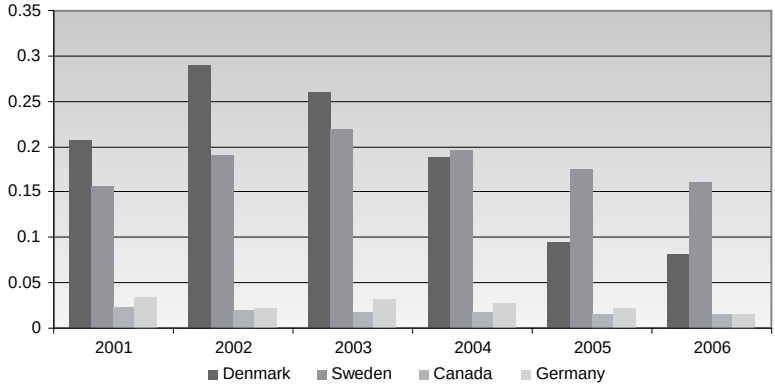
The expenditure pattern is similar when expressed as a percentage of GDP. Canada's administrative expenditure remains low and relatively stable (Figure 2). Swedish expenditure is also low but peaks in 2006, reflecting a large increase in immigration inflows in that year. Danish expenditure represented in these terms is high, but has been falling consistently every year. In contrast, Irish expenditure has been rising as a percentage of GDP, as Ireland became an increasingly important

Figure 2 - Immigration Administration Expenditure as a Percentage of GDP



immigration destination and devoted larger shares of economic activity to manage the growing inflows of immigrants.

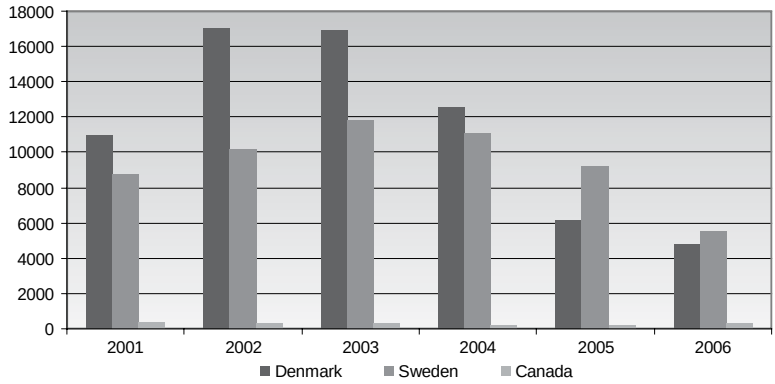
Figure 3 - Integration Expenditure as a Percentage of GDP



Examining integration expenditure, it becomes clear that spending in this area also varies significantly between countries. As a proportion of overall migration spending, integration represents two-thirds of expenditure in Denmark and Sweden, but only 20 per cent in Canada. As outlined previously, such expenditure has been negligible in Ireland up to this point. Because it is difficult to assess overall immigration expenditure for Germany, it is not possible to present the proportion of integration spending relative to total spending. However, a comparison can be made of integration spending as a percentage of total economic activity. As can be seen from Figure 3, Denmark and Sweden clearly spend the most on integration as a percentage of GDP. Integration expenditure is lower in Germany and lower again in Canada. This is

despite the fact that these two countries have a much higher intake of immigrants per year than Sweden and Denmark.

Figure 4 - Integration Expenditure per Immigrant



Looking at it on a per migrant basis, it is clear that expenditure on integration in Denmark and Sweden far exceeds integration expenditure in Canada (Figure 4).[224] This can largely be explained by the different composition of immigrants in these countries. Canada selects immigrants on the basis that they have the skills necessary to integrate, whereas Sweden and Denmark have historically had much larger proportional inflows of asylum seekers and family reunion migrants, and have not made integration potential a policy criterion. Interestingly, as the composition of Denmark's immigration inflows has changed in recent years to reduce asylum migration and family reunion migration, its expenditure on integration has more than halved and is now lower than in Sweden.

6. Conclusions

In making country comparisons of public migration expenditure, one needs to be extremely cautious. First, country differences may merely reflect differences in reporting. Second, available expenditure items may not allow exact assignment of immigration-related expenditure. An example is border control expenditure, where it is generally impossible to disaggregate the costs of general border control and of immigration-specific border control. Third, it is possible that some of the measured expenditure differences reflect different shares of public/private expenditure on migration.

[224] German expenditure per migrant cannot be included due to the incompatibility of inflow data with the recipients of the integration expenditure referred to in note 113 above.

But even where it is possible to catch expenditure accurately, as is the case for the majority of countries included here (except Germany), it is extremely important to present the expenditure data in context. The interpretation of data requires reference to the specific migration policy system in place and the history of migration to date.

In general, spending on migration varies across Europe and Canada due to differences in the respective immigration systems and the subsequent profile of immigration inflows, which are determined by the supply of and demand for labour migrants, the extent of asylum migration and family reunion migration. Across Europe, the expansion of the European Union and historical flows of labour migrants, family reunion migrants and asylum seekers have all proved important in shaping current immigration profiles. Canada's migration history is different and focused on the value of immigrants to the Canadian economy and their ability to integrate. These and other fundamental differences underpin the significant differences in expenditure on migration to date.

It is evident from the evaluation framework outlined early on in this chapter that a full understanding of this expenditure is crucial to an evaluation of immigration policy. Fiscal costs are the easiest element of migration policy to quantify and they are essential in performing cost-benefit analyses. In addition to contributing to broader analyses of immigration policy, an evaluation of expenditure is valuable in its own right, as it gives an insight into which elements of migration expenditure are prioritized, how spending in these areas varies among countries and how expenditure might be expected to change in future.

As the analysis in this chapter illustrates, respective spending by these countries differs in absolute terms, per migrant and as a percentage of GDP. Moreover, the relative importance of the components of expenditure vary greatly, with some countries, such as Ireland, spending the vast majority of all immigration funds on administration, while others, such as Sweden, heavily prioritize integration policy. When comparing the components of expenditure in conjunction with contextual information about each country's immigration system, history and current immigration profile, it is possible to draw a number of conclusions which can be extrapolated to other European countries.

First, the costs of integration policy are likely to be an ongoing issue for many European countries. For those with limited existing integration

funding, costs can be expected to increase. For new immigration countries, including Ireland, but also Italy, Spain and Greece, this will be the result of the increased diversity of the population. For traditional immigration countries, the pressure to integrate existing stocks of foreign-born residents and new immigrants is likely to result in increasing levels of integration expenditure. This conclusion is based on the recent German experience, but is likely to be equally applicable to other traditional immigration countries such as France, the United Kingdom and the Netherlands. For those with already generous integration funding, such as the Scandinavian countries, it appears that only concerted (and somewhat contentious) policy change will reduce integration expenditure.

Another lesson for the new immigration countries is the increase in administrative costs that often accompanies increased immigration flows. That costs as a percentage of GDP will rise as immigration increases seems unavoidable. However, it should be possible to maintain relatively constant costs per immigrant. In this respect, Canada and Sweden provide good examples of countries where the respective agencies are capable of maintaining a constant administrative cost per immigrant. It is important for new immigration countries to develop an efficient and capable immigration administration that is able to deal with increased immigration inflows without significant increases in costs per immigrant.

Possibly the most important lesson from this exercise is the need for high-quality, publicly available data. Many countries could not be included in this analysis due to a lack of data. Even for the countries examined here, there are knowledge gaps and areas of insufficient disaggregation which hamper analysis. In contrast, data on public expenditure on other major areas of economic importance, such as education, health and defence, are readily available. Given the ongoing importance of immigration in Europe and the need for an informed debate in this area, it is crucial that information about migration expenditure is made easily accessible, as is the case with other major areas of expenditure.

It is also clear that many practical and theoretical challenges remain in assessing immigration policy overall. However, by providing and comparing immigration expenditure, this chapter has begun to bridge existing knowledge gaps. Continued efforts in this area will enable more considered and informed judgements to be made about migration policy.

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Data Notes

Information on government expenditure on migration was collected from individual government sources in each country, as discussed in the text in Section 5. Sources were: the Danish Statsregnskab for finansårene 2001-2006; the Swedish National Financial Management Authority; the Revised Estimates for Public Services from the Irish Department of Finance; the German Federal Budget 2001-2006; Citizenship and Immigration Canada DRPs 2000-2001 (Table 3), 2001-2002 (Table 3), 2003-2004 (Table 3), 2004-2005 (Table 4), and 2005-2006 (Table 1), and Performance Report for the year ending 31 March 2003 (Table 3).

GDP data for the European countries was taken from Eurostat (indicator: na-b1gm-cp-mio-eur, Gross domestic product at market current prices). European GDP and migration expenditure data were deflated using the European Central Bank's Harmonised Index of Consumer Prices (HICP) on an annual basis for each of the individual countries. Expenditure data from non-Euro countries was exchanged at the exchange rate used by Eurostat in GDP comparisons (indicator: pps_nac National currency units (including "euro fixed" series for euro area countries)

Canadian GDP data was taken from Statistics Canada, CANSIM, table 380-0002: Annual Gross Domestic Product (GDP). Canadian GDP and migration expenditure data were deflated using the Consumer Price Index provided by the Bank of Canada. The Canadian dollar to Euro exchange rate was the average exchange rate in each year, as provided by the Bank of Canada.

Conclusions

Solon Ardittis* **and Frank Laczko****

As noted in the Introduction to this volume, this is an exploratory study. The three chapters in this volume can only be seen as a first attempt to identify and compare the state of development of public evaluation policies and data collection systems in a few major host countries and regional and international organizations. Whilst the study has raised as many questions as it has tried to answer, several conclusions and recommendations can be drawn at this stage.

A key conclusion of this volume is that, despite the growing development by national and international public administrations of systems and measures to evaluate major interventions in the field of migration, it is surprising how little information is today publicly available about the performance and impacts of national and international migration policies. Such lack of information relates not only to the costs and effects of public interventions at the national level, it also applies in equally important measure, to the evaluation of migration policies on a cross-national comparative basis.

Public policy evaluation, whether in the field of migration or in other policy areas, is often considered to be a distinctive approach, adhering to specific rules and well-defined methodologies. Evaluation entails a relatively regulated and systemic exercise looking at the relevance, efficiency, effectiveness, internal and external coherence, complementarity and synergies, impact, added value and sustainability of the policies or programmes being evaluated. It is commissioned by, and directed at, policymakers and aims to feed directly into the policy formation process. Following this definition, this preliminary study suggests that relatively little evaluation activity is implemented by national and international public administrations active in the field of migration. Despite the proliferation of public declarations and key policy documents on the need to integrate evaluation at every stage of the policy cycle, the conclusion must be drawn that there are still very few established procedures within most national administrations, let alone a common evaluation culture within key regions such as the EU.

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A second key finding of this study is that there is considerable diversity in national approaches to migration policy evaluation. The institutional settings of migration policy evaluation still vary greatly according to countries or regional/international organizations. Such variations can relate to the policy areas that are evaluated; the stage(s) of the policy cycle at which evaluations are conducted; the frequency of evaluations; the status of evaluators (internal or external, academics or consultants) and the processing of evaluation findings, particularly the ways in which they are used – or not – to feed into policy formation and the extent to which they are made public and contribute to public debate on migration policy. Furthermore, as pointed out in the paper by van Selm, most countries are faced with the challenge of coordinating both policy and the evaluation of policy across different government departments, given that few governments collect all their migration-related policies in one single department.

Although the term "evaluation" is often defined as a type of systematic policy research designed to help policymakers to make the right choices about future programming, the interviews and enquiries conducted within the framework of this study with both public officials and academics in fact show that the term is generally used in a myriad of contexts, settings and circumstances. In the scholarly literature, policy fora and the general media, the concept of "evaluation" appears to be much too often used generically to refer to such notions as "study", "examination", "assessment" and "analysis", rather than to a systematic, methodical and fully rounded examination of a given policy or programme cycle.

One of the recurrent questions raised by some of the chapters in this volume related to the extent to which effective evaluation systems should be seen as a *sine qua non* to evidence-based policymaking, or whether evaluation was becoming increasingly driven by public opinion and aimed at responding to the growing concern or questioning by citizens and the general media. On the basis of the enquiries conducted within the framework of this study, the point must be made that very few public administrations today approach evaluation proactively and view evaluation as the foundation of both effective policymaking and public accountability. In addition to the selective and unregulated way in which policy evaluation reports are made publicly available, it is also surprising to note the limited involvement of parliaments and other elected bodies in the commissioning, or the use of, evaluation reports.

Overall, most of the enquiries conducted within the framework of this study have thus pointed to the current discrepancy between public official discourses on the need for more evidence-based migration policies, and the limited state of development of active and proactive evaluation systems within most public administrations. Furthermore, one element of this analysis that the previous chapters of this volume have only partly captured, but which the UN High-Level Dialogue and subsequent fora have started to highlight, is the growing realization by many governments and international organizations of the need to look not only at the domestic implications and impacts of their migration policies, but also, and increasingly so, to their development implications in the source countries. However, whatever the objectives and policy context of public evaluation initiatives, the point must be made again that the complexities involved in assessing the impacts of migration policies, and the fact that many different public entities and stakeholders will be involved in the formation or implementation of such policies, can also largely explain the current state of development of public evaluation systems.

Another key finding of this study is that, in many countries, evaluation is not governed by any specific regulations, nor is it compulsory (with the exception of the USA and, to a large extent, the European Commission). Furthermore, evaluation is far more developed and far-reaching in the humanitarian and development cooperation field than on migration policy. In the field of migration policy, more often than not, evaluations focus on the implementation and operational aspects of programme interventions rather than on policy justification, relevance and impacts. Moreover, ex post evaluations tend to be much more common within national administrations, the European Commission and international organizations and made publicly available more often than ex ante evaluations, which entail a closer examination of the policy construct and rationale.

A recurrent theme in this volume and, in particular, in van Selm's chapter, was thus the extent to which there is today sufficient political will in most national, regional and international administrations, to encourage, support and make proper use of policy evaluation as opposed to assessments of resources utilization, delivery and direct programme effects.

This is reflected, in particular, in some of van Selm's findings showing that:

- many public administrations tend to hire evaluation experts rather than migration experts to conduct evaluations of policy implementation;
- there is usually limited interaction between public administrations and migration researchers, and limited mobility between civil service and academia;
- NGOs are rarely involved in the conduct of evaluations or, with the exception of the UK, in formal, government appointed independent advice bodies;
- evaluation reports are published selectively, without any explicit criteria guiding the publication policy;
- there are no systematic rules and mechanisms to ensure that evaluation findings can feed into policy formation or revision.

At the EU level, as was discussed by Lewis and Naqvi, immigration and asylum are relatively new policy areas falling within EU competence; therefore, assessing the effectiveness of the measures already implemented, let alone their longer-term impact, can be problematical. What is more, in discussing the evaluation of EU policies, not only do standard methods have to be used (e.g. have the measures achieved the desired effects? Do the measures result in measurable impacts on the target groups?), but account must also be taken of external events and competition between states. For example, assessing the impact of the EU Temporary Protection Directive is impractical in the absence of any mass influxes of persons resulting from a conflict situation. Similarly, in the field of asylum policy, it is unproductive to declare the effectiveness of EU policies on the basis of raw asylum data showing, for example, that the numbers of asylum seekers have fallen drastically since the mid-nineties. Qualitative factors, such as the adoption and implementation in all the EU Member States of comparable reception and integration standards, and the development of an adequate responsibility-sharing mechanism throughout the EU, are much more pertinent considerations, which must be integrated into any evaluation of EU policy and legislative impact. It must also be borne in mind that, in view of both positive (highly skilled migrants) and negative (burden-sharing in the field of asylum) competition between the Member States, one of the preconditions for any assessment of policy impacts at the EU level is that the cooperative policies of the Member States (taking also

into account the opting out by some) reach a critical mass, which in many respects they have not yet done.

1. Spending on migration

In terms of public spending on migration and asylum policy, the paper by Bonin, Roberts and Zimmermann is enlightening in a number of methodological and policy areas, and highlights important differences in national spending trends. Essentially what this paper shows is that whilst it is extremely difficult to compare spending patterns across countries in a meaningful way, it is possible to identify very interesting trends in migration spending at the national level. For example, since 2001 Canada has seen a sixfold increase in spending on border controls, while in Germany total spending on integration services has fallen. Cross-national comparisons are very difficult to make because definitions of what counts as migration spending vary enormously across countries, and data may not be available. Public expenditure depends largely on a country's immigration system, namely the underlying demand for and supply of legal migrants, the levels of asylum claims and the incidence of illegal migration. Immigration systems can target either skilled or unskilled labour, or they can focus more heavily on family reunion or asylum migration. The systemic differences can be expected to underpin differences in expenditure because the systems determine how immigrants are processed and the number and proportion of different types of immigrants allowed to settle, thus determining both the level of administrative costs and the ongoing costs of integration. Spending also depends on the public/private mix, as in some countries the public sector's role in providing migration services may be more limited than in others.

It follows that there are three key dimensions in the evaluation of public spending on migration. First, individual microeconometric policy evaluation is required to estimate the impact of policy on individuals. Second, policy should be examined from a macroeconomic perspective to assess the extent to which it yields net social gains. Finally, from a cost-benefit perspective, it is necessary to assess whether the best possible outcome has been achieved relative to the cost of each policy. However, applying these techniques to immigration policy at the national level is not always straightforward, and even less at a cross-national, comparative level. This is largely due to issues of data comparability; for example, migration statistics in most countries are defined on the basis

of national systems and not generally oriented towards international comparability. Definitions of various categories of migrants can also vary significantly according to major host countries.

Nevertheless, as was discussed by Bonin, Roberts and Zimmermann, one way of examining public spending on migration internationally is to measure the fiscal cost of current immigration policy. This provides a valuable insight into those elements of migration expenditure that are being prioritized; how spending in these areas varies among countries and how expenditures might be expected to change in future. On that basis it appears that, in recent years, administrative spending accounted for a large proportion of migration expenditure in most countries, even if, on a cross-national basis, such information is necessarily of limited value since it does not reflect either the size of the respective immigration programmes being implemented or the size of the economy. On the other hand, integration expenditure varies significantly internationally, which can largely be explained by the different composition of the immigrant population in each country. For example, Canada selects immigrants on the basis that they have the skills necessary to integrate, whereas, historically, Sweden and Denmark have had much larger proportional inflows of asylum seekers and beneficiaries of family reunion programmes and have not made the "integration potential" a policy criterion. Interestingly, however, as the composition of Denmark's immigration inflows changed in recent years and the share of migration based on asylum or family reunion declined, expenditure on integration has dropped by more than half and is now lower than in Sweden.

However, it should be stressed again that any national differences identified through available expenditure data may largely reflect differences in reporting, or the fact that available expenditure items may not allow of the exact assignment of all migration-related expenditures.

In relation to public expenditure policies, a key conclusion of this study relates to the lack of high quality, publicly available data in the field of migration and asylum policy. Many countries could not be included in this study due to a lack of data. Even for the countries examined here, there are knowledge gaps and areas of insufficient disaggregation which hamper analysis. For example, even where it is possible to acquire information on border control expenditures, it is generally not possible

to distinguish general border control from immigration-specific border control. More broadly, the aggregate cost of specific interventions in the field of migration, taking account of both government and private sector funding, still cannot be measured with any accuracy in most countries. Cross-national comparisons are thus hindered by the fact that countries that follow a policy of outsourcing services to the private sector may show systematically different spending levels compared to countries where provision through the state sector is more common.

However, the paper by Bonin, Roberts and Zimmermann was instrumental in highlighting the ways in which key budget priorities were determined by evolving immigration patterns and policy options (particularly according to whether these were proactive or reactive), and the extent to which the costs of integration policy were likely to remain a critical issue for many European countries, particularly for relatively new immigration countries such as Ireland, Italy, Spain and Greece.

By way of conclusion and, as was mentioned above, although this study can only be considered as a first step in the identification of challenges and opportunities in the field of public evaluation policies on migration, interviews and enquiries conducted within the framework of this project have enabled the study team to formulate an initial set of policy and practical recommendations. Most of these will require extensive discussions and fine-tuning at both national and cross-national levels and it is suggested that a series of well-tailored workshops in Europe and internationally could be organized in the course of 2008 to bring forward and expand on some of the most pressing policy priorities outlined below.

2. Recommendations

With migration gradually reaching a similar public policy standing as other mainstream policy areas, such as education, health and defence, it is becoming critical that all major host countries and international organizations establish adequate evaluations systems, entailing the adoption of regulations, clear strategies and appropriate means, to accompany all stages of policy formation and implementation. Evaluation should not only focus on issues of resource utilization and delivery, it should also question the relevance of public policy goals and strategies. However, as van Selm has pointed out, this requires that the fundamental goals of migration policies in major host countries be

adequately articulated, particularly in relation to whether such policies are only about serving and protecting national interests, or whether they also encompass international humanitarian and development concerns.

The key recommendations brought to light by this study can be summarized under four main headings:

1. Exchange of information about innovative practices
2. Capacity-building and training
3. Research and data collection
4. Migration and its impact on development

2.1 Exchange of information about innovative practices

There is a growing interest among governments and international organizations in migration policy evaluation. At the EC level there is a relatively new Communication COM (2006) 332, which deals specifically with the evaluation of EU policies on freedom, security and justice matters (including migration). There are today no dedicated fora in which evaluation experiences can be shared and best practices developed, either regionally or internationally. At the EU level, one attempt to establish such a forum is the European Migration Network. However, to date, its activities do not appear to have advanced evaluation practice in the EU to any significant degree. Another forum, the Inter-governmental Consultations on Asylum, Refugee and Migration Policies in Europe, North America and Australia (IGC) provides at least a facility for participating states[225] to observe each other's policies and practices in a number of areas, although the issue of evaluation has only recently been introduced in its agenda.

Despite this, it is difficult to find information about national approaches to migration policy evaluation, and the results of evaluation exercises and research studies. It might therefore be useful to create a dedicated information network, which could be a source of information about national developments and experiences. This network could include a database where new evaluation research findings could be shared. The database could also contain information about innovative evaluation strategies and the development of new indicators to measure the costs

[225] Australia, Belgium, Canada, Denmark, Finland, Germany, Greece, Ireland, Netherlands, New Zealand, Norway, Spain, Sweden, Switzerland, UK and USA.

and impacts of migration policies. In order to maximize the benefits of information exchange, the network should not be limited to only one region of the world, nor be accessible only to civil servants working for national governments.

An interesting conclusion of this study is that there is today very little *cross-national* analysis and evaluation of key migration policy initiatives, particularly as regards their relevance, effectiveness and efficiency, and the identification of best practices and state-of-the-art delivery mechanisms that could adequately be transposed to other national contexts. This is particularly true in relation to labour migration policies, where increased legal and policy initiatives at national and regional levels regarding the admission of highly skilled foreign labour, temporary workers and students, are only rarely supported by cross-national comparative ex ante evaluations.[226]

An "international migration policy evaluation network" could be a source of information on innovative practices. For example, a cross-national mechanism that would merit consideration in non-EU countries and non-EU regional organizations is the Hague Scoreboard (the so-called *Scoreboard plus*) which, within the EU, monitors policy implementation in the field of Freedom, Security and Justice (FSJ) and, in particular, assesses the implementation and outcomes of FSJ measures at national level. This approach consists of (i) setting up a national information gathering and sharing mechanism; (ii) establishing an adequate reporting system, and (iii) based on this system, carrying out in-depth strategic evaluations of selected policy areas, taking account of the timeframe set for the implementation of different policies.

Sharing of information about national approaches to migration policy evaluation might also facilitate efforts to promote greater "policy coherence". Migration and asylum policies cannot be approached and evaluated in isolation since they are intertwined with a range of other key policies, particularly in the employment, education, foreign affairs and development areas. An information network would also have to include data on multisectoral approaches to the evaluation of migration policies.

[226] See ILO/IOM/OSCE: "Labour Migration Handbook", IOM 2006, for an example of an attempt to assess best practices in the labour migration field.

2.2 Capacity-building and training

In the development field it is possible for a government official to go on a training course that deals specifically with the evaluation of development policies. In the migration policy field, no such evaluation course exists. The institutional capacity of public administrations to design and manage meaningful evaluation strategies, including self-evaluation systems, needs to be strengthened. This could entail the production of well-tailored evaluation guides and manuals intended for public officials, as well as the organization of methodological workshops and practical training events. Another mechanism through which the institutional capacity of public administrations could be enhanced would be the establishment of national evaluation committees on migration policy, bringing together government, parliament, independent experts, employers and civil society, and entrusted with the prior examination and ex post evaluation of key policies and legislation. An example of such a committee is the Migration Advisory Committee and the Migration Impacts Forum recently established in the United Kingdom.

The development of comprehensive public policy evaluation systems further requires careful consideration and the training of evaluators. Individual external evaluators, irrespective of whether they are from academia or private consultants, cannot be expected to make a representative, multi-stakeholder judgement on the adequacy of the founding objectives of major national policies and legislation in isolation. For major policy and legislative initiatives; rather, evaluation can gain legitimacy and political weight if conducted collectively by teams of individual experts, policymakers from all the major policy departments concerned, elected bodies and other stakeholders, such as representatives of civil society and social partners.

2.3 Research and data collection

In view of the increasing importance of immigration internationally and the need for an informed debate in this area, it is crucial that the quality of migration data, including on public expenditure, be enhanced and for such data to be made more widely available. This study has also identified many gaps in our knowledge where further targeted research is required. To give but one example, with regard to public spending on migration, there is a need for further research on what we might

call "paying for migration", i.e., what is the role of other stakeholders besides the state in funding migration programmes?

In order to promote and facilitate valid cross-country comparisons it is essential that mechanisms and harmonized methodologies be established to measure the total, cumulative costs of migration-related interventions in each country, taking account of both public and private expenditure.

Regarding migration statistics, there is a need to strengthen and develop existing data collection systems and to facilitate greater cross-national harmonization of various definitions under the auspices, and with the support of, the United Nations Statistics Division (UNSD) and Eurostat. Within the EU, the "Regulation of the European Parliament and the Council on Community Statistics on Migration and International Protection", which largely follows the United Nations Recommendations on Statistics of International Migration, and which was adopted in July 2007, should be seen as a starting point for the development of fully operational and comparable data collection systems. The Regulation aims to establish a common framework for the collection and compilation of Community statistics on international migration, as well as to reduce the impact of discrepancies in definition and data sources on the comparability of statistics. However, whilst the Regulation will require that Member States produce statistics that meet, "as closely as possible", harmonized definitions, it will not oblige Member States to introduce completely new data sources or to change administrative systems for immigration or asylum.

Data collection systems on public expenditure in the field of migration and asylum should also be enhanced considerably and gradually brought into line with the level and quality of datasets available in other key sectors, such as health, employment and education. This will require, in particular, that greater coordination and centralization of migration expenditure data produced by various government departments at central government level and by local authorities be facilitated. It will also require an appropriate level of disaggregation of data collected, both as regards specific policy areas, such as border controls (e.g. data should be able to distinguish between expenditure related to combating illegal migration, and resources spent to prevent other offences occurring at the border) and mainstream policy areas benefiting both immigrants

and natives, such as health, education, vocational training and other active employment measures.

In order to promote and facilitate valid cross-country comparisons it would also be essential to establish mechanisms and harmonized methodologies to measure the total cumulative costs of migration-related interventions in each country, taking account of both state and private expenditure. Among other benefits this would enable the benchmarking of the unit costs of key migration-related interventions, which, in the case of the EU, could also contribute to a more balanced distribution of EC funds across EU Member States.

2.4 Migration and its impact on development

Another area that deserves additional work is the evaluation of the likely impact of migration policies on development. There is a growing interest among states for a better understanding of how migration can contribute to development. At both the UN General Assembly High-Level Dialogue on International Migration and Development (HLD), held in September 2006, and the Global Forum on Migration and Development (GFMD), held in July 2007, it was widely agreed that migration holds considerable potential for economic and social development (see for example, the discussions at the Global Forum for Migration and Development www.gfmd-fmmd.org). But there has been relatively little detailed assessment of the development implications of migration policies. Although in many countries migration policy is not perceived as a direct policy instrument to promote development, migration policies often do have an impact on development. For example, admission policies will influence the extent to which people from low-income countries can migrate to wealthier countries of the North. Return migration policies may influence the scale and the manner of returns to a developing country, and whether or not reintegration assistance is available to returnees. However, as Lucas (2005) has observed "the migration policies of high-income countries have tended to be almost entirely determined in their own interest, and that is how they have been evaluated". How migration policies can enhance the development benefits of migration, and which migration policies are most likely to achieve such benefits and in which circumstances, has not been well studied (Grieco and Hamilton, 2004). It is therefore essential for the impact of migration policies not to be assessed merely from the perspective of the effects of migration on countries of destination.

Finally, the above conclusions point to the need to develop a comparative policy evaluation/assessment programme to advise and support governments regarding their own research and evaluation initiatives. This programme need not be prescriptive, but it could provide a very useful means to support information exchange, capacity-building and research to enhance governmental efforts to assess the costs and impacts of their migration policies and programmes.

References

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