

MIGRATION RESEARCH LEADERS SYNDICATE  
IN SUPPORT OF THE GLOBAL COMPACT ON MIGRATION

# **The Human Development Visa Scheme:**

**Applying Practical and Sustainable  
Policy Levers to Actively Encourage  
Migrants to Undertake Safe, Orderly  
and Regular Migration**



International Organization for Migration (IOM)

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The UN Migration Agency

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Suggested citation: McAuliffe, M. (2017) 'The Human Development Visa Scheme: Applying Practical and Sustainable Policy Levers to Actively Encourage Migrants to Undertake Safe, Orderly and Regular Migration', in McAuliffe, M. and M. Klein Solomon (Conveners) (2017) *Ideas to Inform International Cooperation on Safe, Orderly and Regular Migration*, IOM: Geneva.

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# The Human Development Visa Scheme: Applying Practical and Sustainable Policy Levers to Actively Encourage Migrants to Undertake Safe, Orderly and Regular Migration

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## Executive summary

The need to adapt to globalisation and related transformations that are changing people's lives around the world is placing increasing pressure on States to reform and adjust national policies and practices, including on migration. Likewise, there is increasing pressure at the international level to strengthen existing mechanisms and find new ways to facilitate and support regular migration and prevent and reduce large-scale displacement and irregular migration. Regular pathways are often proposed as a major part of the solution. But what does this mean in practice and how can unintended consequences be avoided?

This paper sets out an approach to enhancing international cooperation through actionable commitments that are aimed to be more effective for both migrants (and their communities) and States (and their residents and citizens). The paper argues for a shift in how we formulate incentives and disincentives, with a clearer focus on accounting for increasing migrants' ability to undertake migration, particularly irregular migration. By focusing more on non-State actors as active participants in migration processes, most especially migrants themselves, and utilising a hybrid approach to incorporate national and multilateral policy levers, a mix of incentives and disincentives can be formulated to encourage regular migration. Policy levers could include ballots, quotas, visa conditions (such as accompanying family) and links to development assistance.

This short technical paper explores why and how incentives and disincentives at the individual/family level could be better incorporated into structural (policy) settings that are more attuned to migrants' views, decision making and behaviours. It draws heavily on literature on specific aspects of international migration—irregular/forced migration, migrant smuggling and (irregular) migrant decision-making—as well as knowledge accumulated in (irregular and regular) migration policy development and immigration/visa programming.

## Introduction

In modern history, for the most part, the prevailing governance of international migration has served many nations reasonably well. Orderly movement has been largely the norm and has contributed to growth in economies, increased human development, the capacity to protect large numbers of people facing persecution, and the ability of hundreds of millions of people to forge meaningful lives abroad. There is growing concern, however, that the less desirable aspects of international migration are increasing in significance and magnitude. The growth in irregular migration (including migrant smuggling and human trafficking); the increasing restrictiveness of entry policies, including for those in need of protection; a sense that national identities are being threatened (not just that they are changing); rising exploitation of migrants

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all the way along the migration pathway; and increasing harm to migrants, including substantial numbers of deaths during journeys; all threaten the overall positive dividends of international migration. Understandably, irregular migration has in recent times become a significant public policy issue and the focus of considerable human, financial, diplomatic, technological, intelligence, operational and other efforts. Of particular salience are the responses to irregular migration—or more specifically, the entry, movement, and stay of people into, through and in countries without authorisation. The importance of the issue is reflected in the New York Declaration for Refugees and Migrants of September 2016, which sets out the commitment to develop a global compact for migration and a global compact on refugees. This technical paper, with its focus on irregular migration journeys, discusses movement and entry, rather than irregular stay.

Research and analysis indicate that in recent years the pace, scale and diversity of some irregular migration flows—and irregular maritime migration more visibly—have intensified and increased, in part because of transformations associated with globalisation and human development (e.g. advances in telecommunications technology, population increases and the emergence of more/larger diaspora). People, communities and societies are more interconnected and interdependent now than at any other time in history and while this is resulting in the expansion of opportunities and benefits for many (but not all), it is also resulting in considerable challenges for governance and the regulation of migration.<sup>2</sup> One of the consequences is that current policy thinking on irregular migration must increasingly account for the potential for irregular migration flows that can change quickly but that are in general *larger*, more *diverse*, increasingly *inter-connected* and increasingly *enduring* than those seen in the past.

There continues to be much discussion on the need to create more, and expand existing, regular migration pathways in order to reduce irregular migration, including during the informal thematic consultations conducted as part of the global compact process. This would appear reasonable, with the logic being that if people could travel regularly, they would be less likely to have to resort to irregular migration and use migrant smugglers. However, this may not be so straightforward. One fear is that, for example, the demand for regular migration will further exacerbate issues of demand outstripping capacities, and risks unintended consequences, such as increases in irregular migration and smuggling along specific corridors. Some migrant smugglers, for example, have been found to exploit positive messages expressed by political leaders and governments, such as increases in regular pathways, acceptance of asylum seekers, etc, as a means of marketing their services and expanding their activities.

## What underlies the ‘problem’?

Irregular migration presents ongoing challenges and continues to raise compelling humanitarian, political, social, economic and security concerns. It can be daunting for policymakers to try to balance these concerns while developing effective and sustainable strategies to manage regular migration and mobility, irregular migration and borders. Irregular migration often poses a ‘double-edge sword’ for migrants: financial costs are high, risks substantial and potentially catastrophic, uncertainty inherent, but the chance to realise a better life (however defined) for migrants and their families can outweigh the potential downsides.

Notwithstanding many States’ strong preferences for managed, orderly entry of people into their territories (including as reflected in media discourses), the harsh reality is that for many people throughout the world, orderly entry is not available to them because they have limited/no ability to get a visa.<sup>3</sup> This significant limitation on regular and orderly migration is most keenly experienced by stateless persons but also affects many other populations. For example, refugees and asylum seekers in pursuit of safe and meaningful lives may resort to irregular migration as a last, viable option - one that may be possible only through using migrant smugglers, including those who exploit and abuse migrants with impunity.

<sup>2</sup> See, for example, discussion in Friedman (2016) and McAuliffe & Goossens (2017).

<sup>3</sup> Please note that while ‘regular’ migration does not necessarily require visas, the discussion refers to visas because it is often a requirement and most especially for migrants from developing countries. In addition, the term ‘visa’ is much more widely understood than ‘regular’ by migrants and the general public.

The country in which a person was born, and the passport they hold, in large part reflects their ability to secure a visa. The “lottery of birth” is both at once real and currently very difficult to overcome, most especially for those from unstable and highly fragile countries (see the table in Appendix 1 for related indices on selected countries).<sup>4</sup> Increasingly, with tremendous advances in telecommunications technology, the issue of relative deprivation (in terms of wealth, opportunity *and* mobility) is more visible and perhaps better understood than ever before, including by people in some of the most marginalised and remote communities globally.<sup>5</sup> For many who are unable to access visas, irregular migration is a feasible alternative, notwithstanding the risks, potential dangers and uncertainty it presents.

## A strong leaning towards States

Historically, international governance has generally involved setting normative frameworks, standards and obligations that are cumbersome to adapt, revise and adjust for broader changes occurring globally; and they are certainly impossible to adapt quickly. The contexts—technological, environmental, functional (political, economic, security)—in which migration is occurring have evolved significantly and will continue to do so at an accelerated pace.

International responses continue to be largely State-centric (i.e. driven/drafted from a State perspective and with State-focused incentives structures) and stem from a regulatory system that is rooted in an earlier era, with much less account for migrant experiences and perspectives. Some have reflected that the development of the international protection system and the Refugees Convention, for example, was more about shoring up States’ position in the context of “an international system of States that is threatened when States fail to fulfil their proper roles” and was not based on a sense of humanitarianism.<sup>6</sup> At a more practical level, it has been argued that when the Convention was devised, it was done so within a particular context that favoured States and reflected a period during which States had much greater authority and control:

One of the fundamental principles of the international refugee regime is that people must have crossed a border in order to be refugees; there is also an implicit right to claim asylum in another country. When the Refugee Convention was finalized in 1951, industrialised states had significant control over media and public information, resettlement was controlled by states (including under the UN), and states largely controlled movements of people beyond immediate areas of displacement. In this environment, the system that was developed made sense geopolitically to destination countries—people could not in reality get very far. A system that incentivised movement when movement was very constrained and highly controlled was perhaps more about maintaining the status quo.<sup>7</sup>

International cooperation on migration will increasingly need to take greater account of the self-agency of migrants, and the ability of more people to realise migration outcomes as access to information, money, advice and travel services proliferates. While this should not be overstated, changes in migration and mobility (regular and irregular) indicate that even small shifts in feasibility can result in significant impact, such as large-scale irregular migration flows, including of refugees and asylum seekers.

## Approaches that place more emphasis on migrants’ self-agency and access to greater choice

Balanced approaches that draw on existing knowledge of how (potential) migrants and their households and communities contemplate migration, including irregular migration (and in the context of forced migration<sup>8</sup>)

4 Monson, 2010; Shachar 2009.

5 Research, for example, conducted in Cox’s Bazar in 2014 found that the vast majority of respondents wanted to migrate regularly (86 to 94%) but understood their chances of being able to do so were very low - just 2 to 6% indicated they were likely to migrate regularly.

6 Keely, 1996, pp. 1057.

7 McAuliffe, 2016a.

8 For example, refugees who migrate irregularly, such as Syrian refugees in Turkey who travelled to Greece by boat in large numbers in 2015 and 2016, as well as asylum seekers who migrate irregularly (and who may or may not be in need of international protection).

while recognising the need for States to protect sovereignty and manage borders are likely to be more effective and sustainable in the longer term.

It is increasingly recognised—and particularly since the large-scale irregular migration of people from Turkey to Greece, and on to other parts of Europe, in 2015—that migrant self-agency is becoming a more important aspect of migration dynamics, and that it is intensifying (albeit unevenly).<sup>9</sup> Supported by changes in transnational connectivity, for example, people now have greater access to information and advice to (mis)inform their decisions about migrating. The enhanced ability of non-State actors (such as smugglers) to operate transnationally is providing for irregular migration options that have become more feasible over time but with little regard to risk and harm.

### What is valued by migrants at risk of undertaking irregular migration?

There has been substantial research undertaken over many years on migrants' motivations, decision making, smuggling processes and impacts (amongst other things), which has shed light on how people think about and contemplate irregular migration (including from different locations, with different protection and other needs and in different circumstances).<sup>10</sup> While there is always more to learn—especially in such highly dynamic environments—it is possible to make the following general observations based on empirical research, particularly in relation to people from fragile, least developed and insecure States<sup>11</sup>:

1. Acting within the law is generally preferred.
2. Visas, and the form of protection they bring during journeys, entry and stay, are valued highly.
3. High risk irregular migration journeys are more likely to be undertaken by males (aged from 15 years or older, depending on the cohort).<sup>12</sup>
4. People are increasingly able to access information in real-time before and during irregular migration journeys.
5. Many migrants take into account long-term considerations (including of the next generation) as well as those related to family and community.
6. There exist (increasing) pressures to migrate internationally in some locations/corridors.
7. Family separation (parents from children) takes its toll, has gender dimensions and while usually unavoidable, is often not preferred.

### Adaptable and sustainable solutions for migrants and States: A human development visa scheme that employs practical policy levers

Ideas to better reconcile the inability of people from some countries to access visa and immigration options while at the same time managing the potential demand will be central to any expansion or enhancement of regular migration pathways. This would be in addition to existing international frameworks and agreements (such as the international protection system) and regional, bilateral and unilateral programs and agreements.

Maximising **positive incentives** that exist within potential/actual migrant communities—migrants' desires to "seek a better life"—are important elements in responses to irregular migration. Recasting and revising such incentives based on what we know about irregular migration decision making would be effective in alleviating

<sup>9</sup> McAuliffe and Jayasuriya, 2016; Triandafyllidou, 2017.

<sup>10</sup> There are many works but notable examples include Carling 2002, Robinson & Segrott, 2002; Van Hear et al 2012; van Liempt, 2007.

<sup>11</sup> These general observations necessarily vary between different groups, including by country/location of origin, age, sex, ethnicity, etc.

<sup>12</sup> While data are limited, Italian Coast Guard data, as published by UNHCR, show this aspect starkly (UNHCR 2016); Khoo et al 2017.

pressure on some communities to migrate and shaping preferences toward regularity. Ways to recast and strengthen incentives to positively influence migrant decision making is summarised in the text box below. Models of international cooperation that incorporate incentives that are of high value to migrants would better enable a ‘tipping of the balance’ away from unsafe, irregular and disorderly migration options.

Likewise, maximising **negative disincentives** that exist, particularly within smuggling and trafficking networks, administrative authorities (such as involving corruption) as well as potential/actual migrant communities also remain critical aspects of approaches that are designed to encourage regular migration. Knowledge from counter migrant smuggling agencies as well as migration researchers would ideally support the formulation of disincentives focusing on smuggling and trafficking networks. The provision of alternatives that are more attractive to and highly valued by migrants (and managed by States) would make it more difficult for smugglers to market services, however, counter migrant smuggling measures would remain critical.

To support this, the application of policy levers developed at the national and sub-national levels could help manage migration and assist in preventing irregular migration through international cooperation at sub-regional, regional or global levels. Core elements, for example, could be set at the international level, and complemented at the national level, providing adaptability in response to changes in migration dynamics. In terms of specific elements, **core common settings** could include:

- visa applicant eligibility based on citizenship of participating States (not policy category such as student, migrant worker, etc),
- centralised ballot-based selection of migrants,
- accompanying family provisions,
- links to additional development assistance (e.g. community-based projects or schemes).

**Additional elements** would be set by individual (destination) States, such as:

- an annual quota that could be revised depending on factors such as migration dynamics and labour market conditions,
- specific health and security checks, and
- specific visa conditions (such as those related to work, study and length of stay).

**Why would the scheme be valued by migrants?**

- Opportunity to secure a better life for family/self
- ‘Visa’ concept easily understood and highly valued
- Greater certainty than other options
- Able to stay within the law
- Prestige in community
- Safer, regular, easier travel
- Provides strong incentives to stay in origin until a visa is offered

**What are the incentives for migrants?**

- Migrants in participating States can apply for a HD visa
- No minimum skill level required
- Genuine visa (valuable entry & stay)
- Family inclusion
- Ballot selection means opportunity remains real and possible
- Remaining on the ‘application list’ tied to access to *additional* development assistance
- If selected for a visa, migrants have access to work, education, ability to remit and higher mobility (enabling return visits to origin)

Implementation could draw upon the existing expertise in visa program and related IT systems that exist in some States as well as acknowledge and manage current weaknesses and potential risks in some States (such as corruption and fraud). Exploitation of social media by States and migrants would assist in communicating visa schemes that are of high value to migrants. Aspects of the Human Development Visa Scheme could be implemented through apps and social media platforms as well as play a key role in dissemination. The key features of the Human Development Visa Scheme are set out in [Appendix B](#) (see Figure 1 in the appendix). Importantly, such approaches to better manage regular migration for people historically unable to access visas would be one component of a multi-faceted response to irregular migration that operates in the interests of migrants (including refugees and asylum seekers) as well as States, such has been acknowledged and articulated in a range of analyses of irregular migration.<sup>13</sup>

Multi-faceted responses are more pressing for populations who are at risk of irregular migration and/or further displacement, such as refugees in host countries, people under pressure to migrate as migrant workers as well as young people, including children, who are growing up in ‘cultures of migration’ where migration is becoming an expectation and/or a symbol of success.<sup>14</sup> In addition, models that incorporate regular pathways should not be considered a cure-all or ‘silver bullet’ for a complex transnational issue, but one approach that incorporates and better reflects current knowledge along with the ability to adjust policy settings (at the national and multinational levels) in response to changing migration dynamics.

In *Resolving policy conundrums: Enhancing humanitarian protection in Southeast Asia*<sup>15</sup>, a total of 15 recommendations were made to policymakers to improve the region’s ability to prevent and respond to migration-related crises in a sustainable way. This paper focused on the May 2015 crisis involving Bengali and Rohingya irregular maritime migrants, and while recommendations were tailored for this case study, most recommendations have general application beyond the region. Recommendations included the development of a regional visa initiative with quotas and ballots to provide a viable and attractive alternative to irregular migration. Other recommendations included, for example:

- promoting regional bilateral and multilateral efforts to improve protection infrastructure,
- expanding resettlement countries,
- supporting track-two processes in the region<sup>16</sup>,
- establishing a regional humanitarian migration response unit,
- improving the day-to-day lives of people at risk of irregular migration through increased aid,
- supporting inter-faith dialogue and initiatives to prevent violent extremism (particularly relevant to Myanmar), and
- continuing counter smuggling and trafficking initiatives as well as anticorruption programs.

<sup>13</sup> Please see, for example, Carrera 2007, GCIM 2005, Papademetriou & Somerville, 2014.

<sup>14</sup> See, for example, discussion in McAuliffe, 2017 and McAuliffe et al, 2017.

<sup>15</sup> McAuliffe, 2016b.

<sup>16</sup> ‘Track one’ diplomacy involves official channels of communication and negotiation, whereas as ‘track two’ diplomacy involves discussions between non-governmental, informal and unofficial contacts, often on issues that have been difficult to resolve through traditional ‘track one’ efforts.



### Could such an approach be applied globally?

Arguably yes. However, the application of regional or sub-regional approaches may allow for development of effective models that could better reflect migration dynamics of specific geographic and geopolitical areas. Advantages of regional/sub-regional models with common 'core' elements may include that:

- agreement on a meaningful action-oriented model would be more likely,
- implementation may be more feasible in regional settings,
- adjustment/adaptation linked to evaluation and review may be viewed more positively between regional partners.

Countries currently linked to high-pressure irregular migration corridors from West and Central Africa to Europe, for example, may benefit from such 'hybrid' models that incorporate international and national level elements as summarised in [Appendix B](#).

### Conclusions and recommendations

This brief technical paper provides a high-level discussion of an adaptable Human Development Visa Scheme that could be used regionally or globally to actively and effectively encourage safe, orderly and regular migration while discouraging unsafe, disorderly and irregular migration. It is focused on people who are at greater risk of irregular migration and how we might be able to develop adaptable models of international cooperation that can be adjusted to take account of changes in migration dynamics while better reflecting the present realities facing migrants and potential migrants.

It is recommended that in deliberations on regular migration pathways, consideration be given to exploring and formulating international cooperation models, including a Human Development Visa Scheme, that:

- take greater account of what we know about migrants' decision making as well as irregular migration patterns in policy deliberations with a focus on creating clearer incentives and disincentives, including through the use of policy levers such as visas, ballot selection, quotas and family accompaniment;
- involve adaptable models of international cooperation, including for regions and sub-regions, that have a common 'core' supplemented by national-level elements;
- include 'hybrid' approaches utilising aspects of international/multilateral responses as well as national-level policy be considered and explored;
- are designed to complement existing operational counter migrant smuggling measures in origin/transit countries, which remain a crucial disincentive to smugglers.

### Acknowledgements

I am grateful to several informal peer reviewers for their helpful comments on an earlier draft, and to participants at the September 2017 Migration Research Leaders' Syndicate workshop for useful feedback.

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## Appendix A

Table 1: Human development, fragility and visa rankings, selected countries

	Country (in HDI rand order)	Human Development Index 2016	Visa Restrictions Index 2016	Fragile States Index 2016
		Rank	Rank	Rank
Very High Human Development	Norway	1	4	177
	Australia	2	7	172
	Switzerland	2	6	174
	Germany	4	1	165
	Denmark	5	3	175
	Singapore	5	4	161
	Canada	10	6	169
	United States	10	3	159
	Sweden	14	2	171
	UK	16	4	162
High Human Development	France	21	4	158
	Italy	26	3	148
	Greece	29	6	130
	Malaysia	59	13	115
	Iran	69	95	47
	Turkey	71	52	79
	Sri Lanka	73	95	43
	Lebanon	76	96	40
	Mexico	77	26	107
	Thailand	87	67	74
Medium Human Development	Tunisia	97	73	88
	Libya	102	99	25
	Egypt	111	88	38
	Indonesia	113	79	86
	Iraq	121	103	11
	Morocco	123	78	89
	India	131	87	70
	Bangladesh	139	95	36
	Pakistan	147	102	14
	Low Human Development	Syria	149	101
Haiti		163	86	10
Sudan		165	97	4
Yemen		168	98	4
Afghanistan		169	104	9
Ethiopia		174	96	24
Eritrea		179	98	18
Somalia		n/a**	100	1
A number 1 ranking means:		Very high human development	Most mobile passport citizenship	Most fragile country
The lowest ranking means:		Low human development	Least mobile passport citizenship	Least fragile country

Sources: UNDP, Human Development Index 2016 (Human Development Report 2016); Fund for Peace, Fragile States Index 2016; Henley & Partners, Visa Restrictions Index 2017.

Notes: Somalia is not included in the HDI. According to UNDP, to include a country in the HDI requires recent, reliable and comparable data for all three dimensions of the Index. For a country to be included, statistics should ideally be available from the national statistical authority through relevant international data agencies.

This table is from a chapter in the forthcoming World Migration Report 2018 titled 'understanding migration journeys from migrants' perspectives' (IOM, 2017).

## Appendix B

### Key features of a Human Development Visa Scheme

Table 1: Human Development Visa Scheme

	Migrants	Participating States	Interests
<b>Interests</b>	<ul style="list-style-type: none"> <li>• Securing a better life for family/self</li> <li>• Greater certainty</li> <li>• Staying within the law</li> <li>• Prestige in community</li> <li>• Safer, easier travel</li> <li>• 'Visa' concept easily understood</li> </ul>	<ul style="list-style-type: none"> <li>• Voluntary initiative</li> <li>• Hybrid model with 'core' elements &amp; national-level elements</li> <li>• Respects States' and migrants' needs, rights &amp; obligations</li> <li>• Encourages safe, orderly &amp; regular migration AND discourages unsafe, disorderly &amp; irregular migration</li> <li>• Supports human development and capacity building</li> </ul>	<ul style="list-style-type: none"> <li>• Managing orderly entry &amp; stay</li> <li>• Discouraging irregular migration</li> <li>• Positive international cooperation</li> <li>• Relevant control &amp; review mechanisms</li> </ul>
<b>Incentives</b>	<ul style="list-style-type: none"> <li>• Apply and remain on an application list</li> <li>• No minimum skill level</li> <li>• Genuine visa (valuable entry &amp; stay)</li> <li>• Family inclusion</li> <li>• Access to work, education &amp; ability to remit</li> </ul>	<ul style="list-style-type: none"> <li>• Participation voluntary</li> <li>• Reflects existing knowledge/evidence</li> <li>• Domestic political support achievable</li> <li>• Balances sovereignty and migrants' rights</li> <li>• Does not affect existing norms</li> </ul>	<ul style="list-style-type: none"> <li>• Illicit migration agents/smugglers</li> <li>• smugglers less relevant as people have other, safer options to migrate and <i>not</i> migrate</li> <li>• harder to market services to migrants</li> <li>• marginalised but still present</li> <li>• operational responses to counter smuggling remain crucial</li> </ul>
<b>Policy levers</b>	<ul style="list-style-type: none"> <li>• Visa entry &amp; stay conditions</li> <li>• Ballot system</li> <li>• Security &amp; health (extreme) vetting</li> </ul>	<ul style="list-style-type: none"> <li>• Quota controls</li> <li>• Support for visa applicants in origin</li> <li>• ODA eligible/offsets (support in origin)</li> </ul>	<b>Policy levers</b>
<b>Implementation</b>	Social/traditional media & messaging; origin country participation; destination country participation and operational management; NGOs/CSOs service providers; maximises domestic support for participation		
<b>Review</b>	Built in review and evaluation processes; participating States' own review mechanisms		
			<b>Review</b>

The Human Development Visa Scheme is a voluntary ‘hybrid’ approach that draws on:

- aspects of (national level) visa programming, systems and compliance as well as aspects of (international/multilateral) movement agreements (e.g. Schengen, Australia-New Zealand agreement, ECOWAS<sup>1</sup>).
- An approach that focuses on implementation that is non-normative but is aligned with current international norms; an approach that can operate with a small or large number of participating States.
- An adaptable approach that respects and supports migrants’ rights and State sovereignty, and accounts for the different but overlapping interests of States and migrants as well as possible incentive structures and policy mechanisms (e.g. ballots, quotas, inclusion of immediate family) that can be used to maximise its effectiveness and sustainability, and reduce the likelihood and impact of unintended consequences.
- It would comprise common core elements (e.g. centralised ballot-based selection) as well as specific national-level settings (e.g. security and health vetting, specific visa conditions).
- It could involve operational management by States with a high degree of expertise, experience and resources; oversight by a governing body that could comprise participating States and service delivery partners (such as NGOs, IOs and CSOs) with a strong implementation focus.
- It could involve one or more forms of development-related assistance in origin countries for visa applicants; assistance that would ideally be ODA eligible and so more easily able to be supported by donor countries.
- It could incorporate several implementation elements, such as the use of positive social/traditional media messaging and the use of technology, such as apps, to reach potential/actual visa applicants.

<sup>1</sup> ECOWAS stands for the Economic Community of West African States.



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