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Introduction

Marie McAuliffe¹ and Michele Klein Solomon²

There continues to be wide acknowledgement that much more needs to be done to support safe, orderly and regular migration. Now is a decisive time in international migration, with the 2018 Global Compact on Migration presenting a unique opportunity to develop, commit to and begin implementing innovative ideas and practical solutions. Member States have indicated that the Global Compact on Migration, as expressed in the September 2016 New York Declaration for Refugees and Migrants, is to “...set out a range of principles, commitments and understandings among Member States regarding international migration in all its dimensions.” Taking stock of, and drawing upon, the existing evidence on key aspects of migration will be critical in shaping the Global Compact, and provides an opportunity to draw on the latest thinking underpinned by research and analysis to support international cooperation and effective responses. If the Compact is not grounded in evidence and knowledge, the risk of unintended consequences could be high.

To assist in this task, IOM has convened a Migration Research Leaders’ Syndicate, which comprises senior migration researchers from around the world. The Syndicate is made up of 36 members with diverse geographic origins, thereby gathering perspectives from traditional origin, destination and transit countries. The Syndicate has been designed as a policy-focused group and includes researchers from a range of disciplines including law, geography, economics, demography, international relations, sociology and political science. Importantly, the Syndicate serves as a framework and space to enable leading members of research and policy practitioner spheres to contribute their knowledge and ideas to the Compact process. IOM believes that it is fundamental to inform the GCM process with the latest thinking and migration research, and so providing the space for innovative ideas that are grounded in evidence is a modest

but valuable contribution. Importantly, the views expressed in the papers do not necessarily reflect those of IOM or its Member States.

Syndicate members were invited to contribute technical papers on migration policy conundrums and innovative ideas for effective responses designed to encourage aspects of safe, orderly and regular migration. In total, 26 papers have been produced that will be brought together in a consolidated publication for release in late November. In the meantime, we have selected a handful of Syndicate papers that focus on some of the more pressing issues that have emerged during the Compact process thus far.³ In the first paper, Jorgen Carling steps through how migration arises and lays the foundation for how the Compact could shape migration dynamics. Carling refers to the difficulties in focusing on the ‘root causes’ of migration, suggesting that migrants’ aspirations need to be afforded more weight. In their paper on border security, migration governance and sovereignty, Susan Martin and Elizabeth Ferris consider how a non-binding global compact could best be formulated in ways that do not threaten sovereignty but allow for a range of measures to be implemented, including through mini-multilateralism.

In the third paper on supporting communities under pressure to migrate, Linguere Mously Mbaye outlines three key areas that need to be strengthened so that migration can become an option rather than a necessity for more people: creating greater opportunities in countries of origin; improving information on migration in terms of both quality and delivery; and improving community resilience to shocks. In focusing on how to effectively create regular migration pathways and avoid unintended consequences, Marie McAuliffe outlines a multilateral visa model—the Human Development Visa Scheme—that would apply policy levers in origin and destination

1 Marie McAuliffe is the Head of the Migration Policy Research Division and Co-Convener of the Syndicate.

2 Michele Klein Solomon is the Senior Policy Adviser to the Director General and Co-Convener of the Syndicate.

3 Please note that papers have not been edited by IOM, the Syndicate co-conveners or the editors of *Migration Policy Practice*.

to create strong incentives for migrants to undertake safe, orderly and regular migration, even in situations where migration pressures and aspirations that have typically led to irregular migration may be high.

Anne Gallagher's paper 'Whatever happened to the migrant smuggling protocol?' outlines a brief analysis of the extent of the drift away from the smuggling protocol and explores why this has occurred. Gallagher proposes several concrete measures to reaffirm commitment to the protocol, which is the cornerstone for countering migrant smuggling globally.

Kathleen Newland addresses the critical importance and complexities of return migration and reintegration, and argues that a greater focus on

developing standards and practices is likely to yield considerable benefits. Newland argues that the Global Compact provides an opportunity to bring consistency, transparency and order to the return and reintegration of migrants.

In the final paper, Eric Kaufmann examines recent shifts in migration narratives in the context of changing political landscapes. He makes the case for a more nuanced narrative at the international level that acknowledges the concerns of some about migration, including through greater awareness of the ethno-cultural dimensions of migration and greater recognition of the need to address the cultural anxieties that exist in communities through new, targeted migration narratives. ■



How Does Migration Arise?

Jørgen Carling¹

Executive summary

Ambitious policy documents such as the New York Declaration are phrased in very general terms, yet require action that is based on more specific understandings of the processes at work. This paper seeks to lay out—in a comprehensive yet concise way—how migration comes about. It stops short of prescribing particular policy interventions, but lays the foundation for identifying how migration dynamics and their outcomes may be shaped by government policy.

The paper presents a model of migration that draws upon recent developments in migration theory. It is broadly applicable across different categories of migrants, including refugees. The model is built around three steps:

1. *The formation of a desire for change.* This is driven by people's current conditions, their perception of prospects for the future, and their life aspirations. The desire for change may be focused on personal security, living conditions, professional development, or other spheres of life.
2. *The channelling of a desire for change into migration aspirations.* People could respond to a desire for change by seeking a future elsewhere. Alternatively, they could pursue local opportunities—either for changing their personal circumstances or contributing to social change. These responses could be constructive (e.g. pursuing education, entrepreneurship, or political activism) or destructive (e.g. radicalization or violent mobilization).
3. *The outcomes of migration aspirations.* A wish to migrate could be converted into actual migration, depended on opportunities and resources. But it could also result in an *unsuccessful migration attempt* in the form of death, being trapped *en route*, or having to return against one's will. A third

outcome is involuntary immobility—wishing to leave but being unable to do so. This is a largely invisible outcome, but a potentially damaging one for individuals and communities.

The idea of containing migration by addressing root causes is fashionable but misguided. The model illustrates the potential pitfalls and shortcomings of such an objective. Instead, policy should specifically seek to reduce the number of unsuccessful migration attempts and the extent of involuntary immobility.

Introduction

The Sustainable Development Goals include a call for 'orderly, safe, and responsible migration and mobility of people' (target 10.7) as a pathway to reducing global inequalities.² Similarly the *New York Declaration for Refugees and Migrants*, adopted by the UN General Assembly in 2016, supports 'safe, orderly and regular migration'. The Declaration includes specific language on addressing the root causes of migration, making the most of the potential benefits of migration, and preventing human suffering in the context of migration.³

Ambitious policy documents such as the New York Declaration are phrased in very general terms, yet require action that is based on more specific understandings of the processes at work. This paper seeks to lay out—in a comprehensive yet concise way—how migration comes about. It stops short of prescribing particular policy interventions, but lays the foundation for identifying how migration dynamics and their outcomes may be shaped by government policy.⁴

1 Jørgen Carling is Research Professor of migration and transnationalism studies at the Peace Research Institute Oslo (PRIO).

2 United Nations General Assembly (2015).

3 United Nations General Assembly (2016).

4 Parts of the text are revised content from Carling and Talleraas (2016). I am grateful to comments from participants at 'Ideas to inform international cooperation on safe, orderly and regular migration' Migration Research Leaders Syndicate Workshop, International Organization for Migration, Geneva, 28–29 September 2017.

The question in the title—‘How does migration come about?’—is carefully phrased. It alludes to dynamic *processes* at work. By contrast, asking ‘what are the causes of migration?’ or ‘why do people migrate?’ suggest a static list of causes or motivations.

The notion of root causes

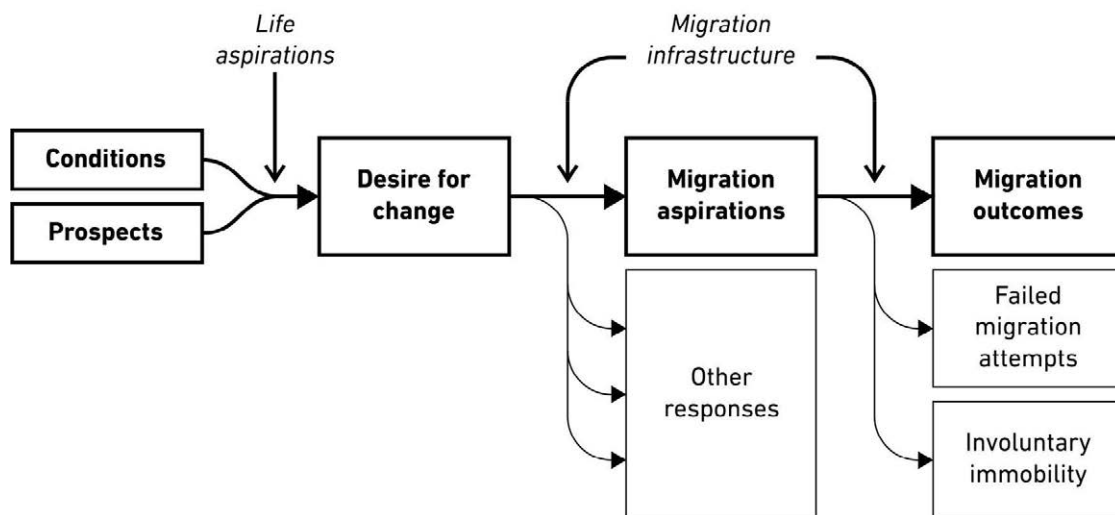
The idea of managing migration through addressing ‘root causes’ became part of European policy in the 1980s and gained popularity through the 1990s.⁵ By the 2000s, the root-causes doctrine had become engrained in European policy thinking about migration and development.⁶ It has partly been a dormant idea, however, and re-emerged in an unprecedented way with the establishment of the Emergency Trust Fund for Africa in 2015.

The notion of ‘root causes’ appears to have originated in debates about conflict-driven displacement.⁷ In this field attempts to tackle root causes have centred on humanitarian action to prevent violence, end human rights abuses, and facilitate peace-building.

The preventative logic has been transferred to economically motivated migration where the assumption has been that migration can be stemmed by alleviating poverty and creating jobs. Since the 1990s, the two fields have partly merged, as governments and international agencies increasingly recognize the mixed nature of migration flows and migration motivations.

The ‘root causes’ approach appears intuitive and welcome, but is, in fact, analytically weak and politically problematic. Researchers have demonstrated that socio-economic development in poor countries tends to *increase* migration rather than reduce it.⁸ Consequently, the idea of poverty as a ‘root cause’ of migration is misleading, even if individual migrants feel that they are compelled by poverty. Armed conflict, repression, and societal breakdown can more easily be seen as causes of migration. But, politically and ethically, that is not how these issues should be framed by the international community. People’s suffering should be addressed because it is a humanitarian concern, not because suffering people could become mobile.

Figure 1. A model of the mechanisms that produce migration



5 Castles and Van Hear (2011). Although the term ‘root causes’ was introduced in the 1990s, there is a longer history of attempting to limit economic migration through development of the regions of origin.

6 Crush (2015:42).

7 The arguments in this paragraph draw upon Castles and Van Hear (2011), who provide the most thorough analysis of the root causes doctrine in migration policy thinking.

8 Carling and Talleraas (2016), Clemens (2014), de Haas (2007).

A desire for change

Figure 1 displays a model of migration that does away with the notion of root causes. It reflects newer approaches to migration theory that see migration as the outcome of, first, the formation of migration aspirations, and second, the ability to realize those aspirations.⁹

The model is a general framework for all types of migration, including refugee flows. While refugees are a distinct category in legal terms, the difference with other migrants is not an analytically clear-cut one. There is enormous variation in the balance of choice and constraint among migrants, and this variation does not map neatly onto legal classifications.

As shown in Figure 1, the origins of migration lie in the conditions of states, communities, and individuals that underlie a *desire for change*, which, in turn, produces *migration aspirations*. A desire for change means a recognition that action is needed to alter the course of one's life—be it to ensure survival, escape repression, finance children's education, fulfil professional ambitions, or other reasons. Across these diverse circumstances, it matters that there is a difference between the present conditions and the desired state of affairs.

The effect of present conditions interacts with the prospects for improvement. It is often not destitution that makes people turn to migration, but rather a feeling of inescapable stagnation.¹⁰ If there is hope that things will get better, hardships might be easier to endure. Whether or not certain conditions and

prospects create a desire for change also depends on peoples' *life aspirations*. For instance, it matters to what extent poor people can imagine, and actively seek, a better life.¹¹ If a country experiences rapid but uneven growth, *conditions* might not change much for the majority of poor people, and the prospects for improvement might be dim. But their *life aspirations* could rise in response to other people's visible wealth.

Migration aspirations

People who desire change might seek it in myriad ways, individually or collectively. Some develop *migration aspirations*. This term is commonly used to describe preferences or desires for migration, regardless of the context and the urgency of the desire.¹² Civilians threatened by conflict, university graduates faced with unemployment, and farmers hurt by environment degradation might all reach the conclusion that their best option is to leave. They can then all be said to have migration aspirations. This is the first step towards actually migrating.

The concept of 'migration aspirations' might seem at odds with the notion of forced migration. Surely, people who are forcibly displaced have no wish to move? They do in the sense that they have considered the options and considered flight the best strategy for survival. The point becomes clearer by considering all those who make the same assessment but lack the resources to escape.¹³ ('Forced migration' is increasingly abandoned in favour of other terms, such as 'wartime migration'¹⁴ or 'survival migration'¹⁵, which are more aligned with the dynamics at work.)

9 Carling (2002), Carling and Schewel (in press), de Haas (2014), Docquier *et al.* (2014).

10 See, for instance, Frederiksen (2013), Hernandez-Carretero and Carling (2012), Mains (2007, 2011).

11 Appadurai (2004) examines this in terms of 'capacity to aspire'.

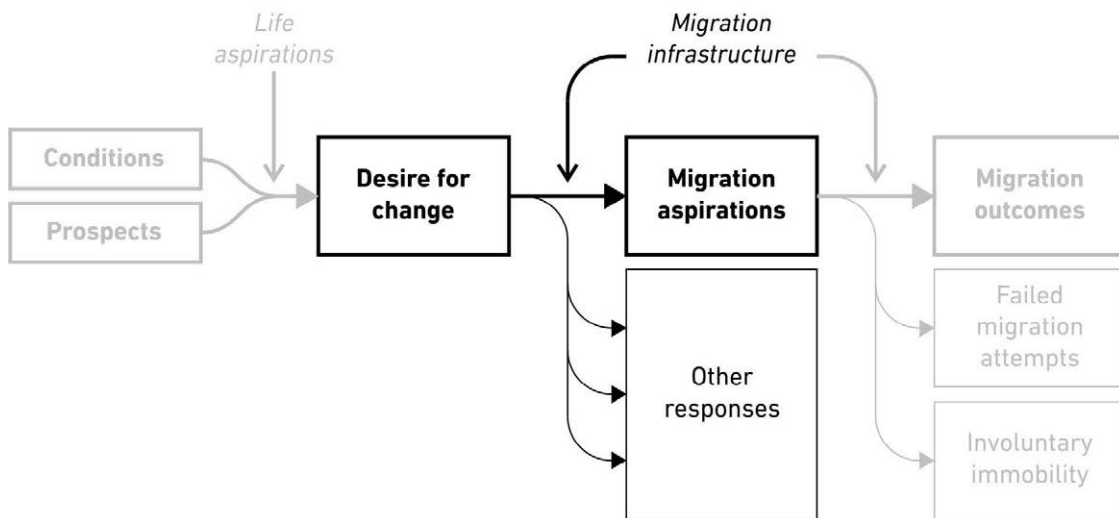
12 Carling and Schewel (in press).

13 Black and Collyer (2014), Carling (2002), Lubkemann (2008b).

14 Lubkemann (2008a).

15 Betts (2013).

Figure 2. A model of the mechanisms that produce migration (focus on the formation of migration aspirations)



When people develop a desire for change in their lives, directing this desire towards migration is only one possibility. As Figure 2 highlights, there are also paths that lead to other responses. The range of possible responses depends on the context. For instance, inhabitants of a country with a dictatorial regime could seek to escape, but they could also fight for change, or protect themselves through allegiance to the regime in power. Versions of these three options—presented as ‘exit, voice, and loyalty’ in a classic framework¹⁶—often apply.

Another situation that often spurs migration—or other responses—is the blockage of transition to independent adulthood. The ensuing frustrations are not simply about poverty, but also about social and political structures that marginalize young people. Migration is one possible response, but so is joining an insurgency or vigilante group.¹⁷ In other words, the ‘root causes’ of migration are also root causes of other, no less important phenomena.

A desire for change can also be a positive force. The frustrations and energies that turn people towards migration could conceivably be channelled to education, or entrepreneurship for instance. But that requires the right conditions. Education must be accessible and have a real impact on job prospects; the business environment must be conducive to small-scale entrepreneurship.

Where people direct their desires for change depends on the *relative* appeal and feasibility of the different possible responses. Even when it is risky, migration can hold greater promise of a better future than the alternatives. Conversely, when migration is blocked, people could be more inclined to other responses, such as joining violent movements.¹⁸

Migration might not feature as a possibility in people’s minds. But it probably will if many others have already left the same community. Few things predict migration as much as social networks with past migrants.¹⁹ This is one aspect of *migration infrastructure*, a concept that was recently introduced to migration theory. As indicated in Figure 2, migration infrastructure affects the likelihood that people’s desire for change will be directed towards migration aspirations.

Migration infrastructure consists of the diverse human and non-human elements that enable and shape migration.²⁰ They can be grouped into five dimensions: the commercial (brokers, smugglers), the regulatory (state apparatus and procedures), the technological (communication, transport), the humanitarian (NGOs and international organizations), and the social (migrant networks).

16 Hirschman (1970).

17 Vigh (2006).

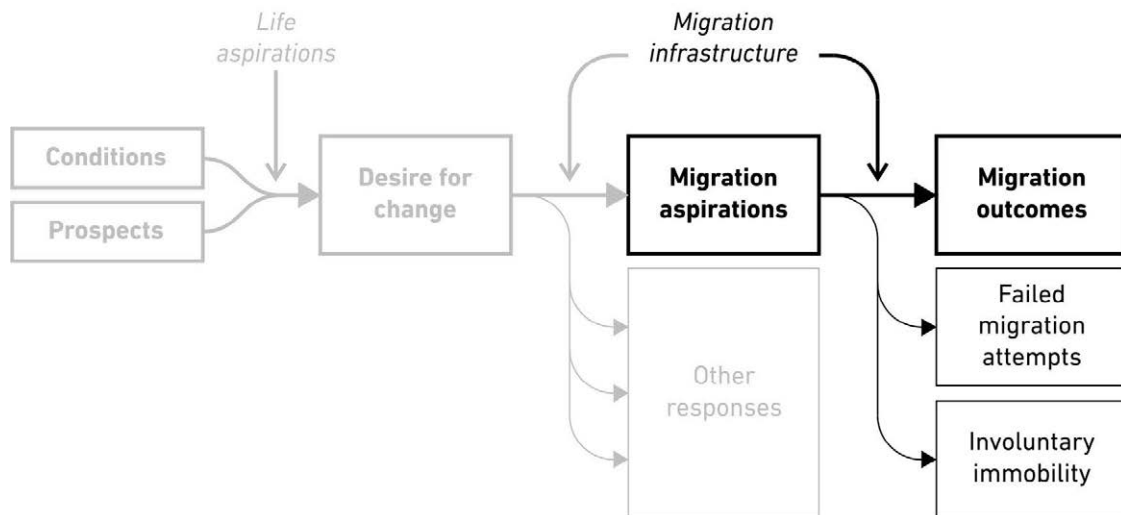
18 Ware (2005).

19 Cohen and Sirkeci (2011), Faist (2000), McKenzie and Rapoport (2007).

20 Xiang and Lindquist (2014).

Importantly, migration infrastructure plays two distinct roles. First, it affects how people perceive the possibility of migration and whether or not they develop migration aspirations. Second, migration infrastructure affects whether or not such aspirations are realized.

Figure 3. A model of the mechanisms that produce migration (focus on migration outcomes)



Migration outcomes

As Figure 3 illustrates, migration aspirations are one step removed from actual migration. And this is a decisive step. Survey data from the Gallup World Poll suggest that about 14 per cent of the world population would like to migrate permanently to another country.²¹ This is a much higher proportion than the 3 per cent who have actually migrated. The share of people who want to migrate varies greatly by region and country. Nowhere is it greater than in West Africa (39 per cent). Other regions with a high proportion of potential migrants are the rest of Sub-Saharan Africa (29 per cent), Non-OECD European countries (24 per cent), North Africa (24 per cent) and South and Central America (21 per cent).²²

Having a wish to migrate is not the same as acting upon it. Both the Gallup World Poll and other surveys have therefore asked additional questions about plans and preparations.²³ In the case of West Africa, 5 per cent plan to move within the next 12 months,

and 2 per cent have started making preparations. These are much smaller proportions than the 39 per cent who express migration aspirations, but still represent substantial numbers of people (20 million and 6 million, respectively).

For people who have developed migration aspirations, there are essentially three possible outcomes (Figure 3). First, they could succeed in migrating. This does not imply that migration is a ‘success’ for the individual, but it means reaching the destination. Possibilities for converting migration aspirations into actual migration depend on migration regulations, access to information, social networks, and other dimensions of migration infrastructure.

The second possible result of migration aspirations is a failed migration attempt. The most extreme—but not uncommon—form of failure is death. Several thousand people die every year in the attempt to migrate.²⁴

21 Esipova and Ray (2009), Esipova et al. (2011).

22 OECD (2015).

23 Laczko et al. (2017), OECD (2015).

24 Global Migration Data Analysis Centre (2016).

Many others are apprehended and returned soon after arriving. In addition, thousands of migrants manage to leave home, but get stuck on the way. For instance, many Sub-Saharan Africans headed for Europe are trapped in North Africa without the means to make the final leg of the journey. Failed migration attempts are a serious burden also for migrants' families and communities of origin.

The third type of outcome occurs when migration aspirations are thwarted at the outset and people fail to leave. They are then in a situation of *involuntary immobility*.²⁵ This is a largely invisible outcome, but nevertheless a consequential one. When people have their hopes pinned on leaving, they are less likely to invest resources in local livelihoods and locally relevant skills. Even in communities where emigration has brought significant benefits, involuntary immobility can drain resources away from development processes. In the context of humanitarian crises, involuntary immobility can exacerbate hardships and increase the number of fatalities.²⁶

Conclusions

The 'root causes' agenda is focused on restricting migration that is seen as problematic. The chain of mechanisms presented in Figures 1–3 implies that there are many possible strategies for doing so. But just as important, the chain raises questions about what objectives should be.

The different strategies have different implications for the lives of individuals and the development of communities of origin. When migration is prevented in conventional ways, through restrictive immigration policies, it can result in involuntary immobility. It can also make people direct their desires for change towards other responses, which may be disruptive or detrimental to development processes.

If policy interventions are successfully directed at earlier stages in the chain—towards the left-hand side of the Figures 1–3—people would stay because they want to, and not because they are blocked from leaving. The potential for such a strategy lies not only in creating jobs, raising standards of living, and eliminating repression and violent conflict, but also in nurturing foundations for hope. Prospects for social

mobility and social change are crucial. For instance, it is not only *provision of* education that matters, but equally important, *returns to* education.

Recommendations

- Policy objectives that seek to address the so-called 'root causes' should focus not on containing migration, but rather on reducing (1) the number of unsuccessful migration attempts and (2) the extent of involuntary immobility. The negative consequences of involuntary immobility are theoretically plausible, but not yet well-researched.
- Unsuccessful migration attempts may be possible to avert through communication activities. But current efforts of this kind suffer from a mismatch between official messages and prospective migrants' other sources of information.²⁷
- Involuntary immobility can be reduced by expanding migration opportunities and/or contributing to lowering migration aspirations. The latter is primarily a matter of establishing faith in local futures. This is an elusive but extremely important policy objective that is not well reflected in the SDGs.
- Development cooperation should, as a rule, not be reoriented towards reaching migration management objectives. Such reorientation carries risks of making development interventions less effective, and at the same time not contributing successfully towards better migration management. ■

References

- Alpes, M.J. and N.N. Sørensen
2015 *Migration risk warning campaigns are based on wrong assumptions*. DIIS Policy Brief. Copenhagen: Danish Institute for International Studies.
- Appadurai, A.
2004 'The Capacity to Aspire: Culture and the Terms of Recognition.' in Rao, V. and Walton, M. (eds) *Culture and Public Action*. Stanford: Stanford University Press, 59–84.

25 Carling (2002).

26 Black and Collyer (2014).

27 See Alpes and Sørensen (2015), Schans and Optekamp (2016).

- Betts, A.
2013 *Survival Migration. Failed Governance and the Crisis of Displacement*. Ithaca: Cornell University Press.
- Black, R. and M. Collyer
2014 'Trapped' populations: Limits on mobility at times of crisis.' in Martin, S.F., Weerasinghe, S. and Taylor, A. (eds) *Humanitarian Crises and Migration: Causes, Consequences and Responses*. Abingdon: Routledge, 287-305.
- Carling, J.
2002 'Migration in the age of involuntary immobility: Theoretical reflections and Cape Verdean experiences.' *Journal of Ethnic and Migration Studies*, 28(1):5-42.
- Carling, J. and K. Schewel
in press 'Revisiting aspiration and ability in international migration.' *Journal of Ethnic and Migration Studies*, n/a(n/a):n/a.
- Carling, J. and C. Talleraas
2016 *Root Causes and Drivers of Migration*. PRIO Paper. Oslo: Peace Research Institute Oslo.
- Castles, S. and N. Van Hear
2011 Root causes.' in Betts, A. (ed.) *Global Migration Governance*. Oxford: Oxford University Press, 287-306.
- Clemens, M.
2014 *Does development reduce migration?* Working Paper, 359. Washington, DC: Center for Global Development.
- Cohen, J.H. and I. Sirkeci
2011 *Cultures of migration. The global nature of contemporary mobility*. Austin: University of Texas Press.
- Crush, J.
2015 'The EU-ACP migration and development relationship.' *Migration and Development*, 4(1):39-54.
- de Haas, H.
2007 'Turning the Tide? Why Development Will Not Stop Migration.' *Development and Change*, 38(5):819-841.
2014 *Migration Theory: Quo Vadis?* Working Paper, 100. Oxford: International Migration Institute, University of Oxford.
- Docquier, F., G. Peri and I. Ruysen
2014 'The cross-country determinants of potential and actual migration.' *International Migration Review*, 48(s1):S37-S99.
- Esipova, N. and J. Ray
2009 *700 Million Worldwide Desire to Migrate Permanently*. Gallup News Brief. Princeton, NJ: Gallup.
- Esipova, N., J. Ray and R. Srinivasan
2011 *The World's Potential Migrants. Who They Are, Where They Want to Go, and Why It Matters*. Washington, DC: Gallup.
- Faist, T.
2000 'Transnationalization in international migration: implications for the study of citizenship and culture.' *Ethnic and Racial Studies*, 23(2):189-222.
- Frederiksen, M.D.
2013 *Young men, time, and boredom in the Republic of Georgia*: Temple University Press Philadelphia, PA.
- Global Migration Data Analysis Centre
2016 *Global Migration Trends 2015 Factsheet*. Berlin: GMDAC.
- Hernandez-Carretero, M. and J. Carling
2012 'Beyond "Kamikaze Migrants": Risk Taking in West African Boat Migration to Europe.' *Human Organization*, 71(4):407-416.
- Hirschman, A.O.
1970 *Exit, Voice, and Loyalty: Responses to Decline in Firms, Organizations, and States*. Cambridge, MA: Harvard University Press.

- Laczko, F., J. Tjaden and D. Auer
2017 *Measuring Global Migration Potential, 2010–2015*. Data Briefing Series, 9. Berlin: IOM Global Migration Data Analysis Centre.
- Lubkemann, S.C.
2008a Culture in chaos. *An anthropology of the social condition in war*. Chicago,: University of Chicago Press.
2008b 'Involuntary Immobility: On a Theoretical Invisibility in Forced Migration Studies.' *Journal of Refugee Studies*, 21(4):454-475.
- Mains, D.
2007 'Neoliberal times: Progress, boredom, and shame among young men in urban Ethiopia.' *American Ethnologist*, 34(4):659-673.
2011 *Hope Is Cut : Youth, Unemployment, and the Future in Urban Ethiopia*. Philadelphia: Temple University Press.
- McKenzie, D. and H. Rapoport
2007 'Network effects and the dynamics of migration and inequality: Theory and evidence from Mexico.' *Journal of Development Economics*, 84(1):1-24.
- OECD
2015 *Connecting with Emigrants. A Global Profile of Diasporas 2015*. Paris: OECD Publishing.
- Schans, D. and C. Optekamp
2016 *Raising awareness, changing behavior? Combatting irregular migration through information campaigns*. Cahier, 2016-11. The Hague: Wetenschappelijk Onderzoeken Documentatiecentrum (WODC), Ministerie van Veiligheid en Justitie.
- United Nations General Assembly
2015 *Transforming our world: the 2030 Agenda for Sustainable Development* Resolution, 70/1. New York: United Nations.
2016 *New York Declaration for Refugees and Migrants (Resolution 71/1)*. New York: United Nations.
- Vigh, H.
2006 *Navigating terrains of war: Youth and soldiering in Guinea-Bissau*. New York: Berghahn Books.
- Ware, H.
2005) 'Demography, migration and conflict in the Pacific.' *Journal of Peace Research*, 42(4):435-454.
- Xiang, B. and J. Lindquist
2014) 'Migration Infrastructure.' *International Migration Review*, 48:S122-S148.



Border Security, Migration Governance and Sovereignty

Susan Martin and Elizabeth Ferris¹

A time of paradoxes

We live in an increasingly borderless world where funds can be transferred across borders with a swipe on a smartphone, where automobiles and computers are made up of parts produced in many countries, and where music can be streamed and cyberattacks launched with no impediments from national borders. At the same time – and herein lies the paradox – governments are increasingly trying to exert ever greater control over the movement of people across borders. Walls and fences have gone up where only a few years ago, people freely crossed into other countries. Would-be asylum-seekers are prevented from entering territories by interdiction, by outsourcing control of maritime borders, and by offshore processing. Populist politicians promise to impose more draconian measures to keep people out of their countries. At a time when borders are becoming less restrictive in terms of movement of goods, services and communication, they are becoming more important politically.

Sovereignty is the bedrock of today's international system. While there are different definitions of sovereignty, sovereignty is generally understood as the authority of a polity to govern itself, recognition of the autonomy of all states and the principle of non-intervention in the affairs of other states.² Within this context, national security—whether defined as

political, economic, social, or cultural — underlies the decisions of sovereign states with regard to border control.³

In practice, of course, there are limits on the sovereignty of states – limits which states have collectively imposed on themselves because the benefits of multilateral cooperation were perceived as being more beneficial than the costs of limiting sovereignty.

Why do States accept limits on sovereignty?

There are many examples in which state sovereignty has given way to more collaborative approaches in addressing important transnational issues. In the 1920s, states accepted the Nansen Passport, issued by the League of Nations office of the High Commissioner for Refugees, thereby allowing an international organization to assume one of the functions of a state in identifying and vouching for refugees who had no state protection. Article 33(1) of the 1951 Refugee Convention expanded the notion, stating that: 'No Contracting State shall expel or return ('refouler') a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.' These prohibitions on refoulement have acquired the status of customary international law. Other human rights instruments – from the Universal Declaration on Human Rights to the International Covenants on Political and Civil

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2 The classic work on sovereignty, Stephen Krasner's *Sovereignty: Organized Hypocrisy*, (Princeton University Press, 1999) adds a third understanding of sovereignty – legal sovereignty manifest when a state is recognized by others, is able to join international organizations and has the right to represent itself.

3 See for example, Myron Wiener, ed., *International Migration and Security* (Boulder, Co: Westview Press, 1993) and Saskia Sassen, *Losing Control? Sovereignty in an Age of Globalization*. (NY: Columbia University Press, 1996) on the connections between sovereignty, security and migration. For a more recent review of the literature, see Fiona B. Adamson, "Crossing Borders: International Migration and National Security," *International Security*, vol. 31, no. 1 (Summer 2006): 165-199. Also see Donald Kerwin, "The Use and Misuse of 'National Security' Rationale in Crafting U.S. Refugee and Immigration Policies," *International Journal of Refugee Law*, 2006. www.researchgate.net/profile/Donald_Kerwin/publication/31038440_The_Use_and_Misuse_of_'National_Security'_Rationale_in_Crafting_US_Refugee_and_Immigration_Policies/links/556e018908aec2268308c08f.pdf

Rights and on Economic, Social and Cultural Rights—have committed signatory governments to respecting human rights of people within their territories. The endorsement of the ‘responsibility to protect’ concept at the World Summit in 2005 was another example of classical notions of sovereignty giving way to more expansive ones that emphasized that international actors can step in, without violating the UN Charter, when sovereign states engage in genocide, war crimes and crimes against humanity.⁴ In other words, there was a recognition that the benefits of living in a world in which human rights are widely respected outweighs the limitations to the freedom of action of governments to abuse the rights of those living within the borders of their countries.

These are all cases where states have voluntarily and collectively accepted limitations on their sovereign authority to act within the borders of their own countries because there was a perceived greater good of having a multilateral system that contributed to order and security. To some extent, this willingness to restrict sovereignty, particularly through ratification of binding international law, reflects growing recognition that sovereignty requires a robust framework of human rights that apply not only to one’s own citizens but others who seek to enter the country. As Don Kerwin has argued, “sovereignty is not only about national defense, border control, or homeland security. Sovereign states also exist to safeguard rights and (more broadly) to provide the conditions that allow their residents to thrive, which invariably requires that they maintain a level of social order, peace and cohesion.”⁵ In other words, sovereignty is responsibility, not merely control over the territory of the state.⁶

The limits to sovereignty are also derived from changes in the nation-state system that conveys sovereignty. Some of these changes are directly related to migration. As Adamson observes: “Ever larger flows of people across borders; increasingly multicultural populations; and the emergence of informal, migration-based, transnational networks that circulate capital, goods and ideas – all challenge

notions of the territorial state as a bounded entity with a clearly demarcated territory and population.”⁷ States limit their sovereignty when doing so allows them to engage with other states and actors, including civil society, the private sector and migrants themselves, to manage more effectively complex movements of people across borders. Policies adopted unilaterally are often impossible to implement as they do not take into account the interests of other key stakeholders. Instead, states turn to bilateral, regional and sometimes global agreements that spell out the responsibilities of all parties.

This is increasingly the case with regard to border control, which is seen as a quintessential exercise of sovereignty. State control over borders has several purposes: maintaining control of populations, limiting access to labor markets and maintaining internal security. Even as governments are devoting more resources to policing of borders and to enhanced use of technology in border control, strengthening border controls also challenges sovereignty in that close inter-state collaboration is necessary for effective border management. International migration “does create incentives for states to selectively relinquish dimensions of their autonomy so as to increase their capacity to control their borders. International cooperation on migration and border control can be seen as essential to maintaining a state’s capacity to regulate population flows, and is therefore a vital component of a state’s national security policy.”⁸ By giving up some sovereign authority (for example, by relying on information collected by other states), states are able to strengthen their ability to control borders and hence their security.

Even as states voluntarily enter into international agreements, they retain the right to renege on these commitments if observance would threaten national security. For example, the 1951 Refugee Convention explicitly excludes from the refugee definition those who have committed a crime against peace, a war crime, or a crime against humanity; those who have committed a serious non-political crime; and those who have been guilty of acts contrary to the purposes and principles of the United Nations (Article 1f). Article 32 permits states to expel a refugee lawfully in their territory on grounds of national security or public order. The bar on refoulement (Article 33) does not apply to a refugee who is “a danger to the security of the country in which he is, or who, having been

4 Francis Deng, Sadikiel Kimaro, Terence Lyons, Donald Rothchild, and I. William Zartman, *Sovereignty as Responsibility: Conflict Management in Africa*, Washington, DC: Brookings Institution Press, 1996 (2nd ed., 2010).

5 Don Kerwin, “International Migration, Human Dignity, and the Challenge of Sovereignty,” 2014. <http://cmsny.org/publications/kerwin-migrationdignitysovereignty/>

6 See Deng et al. for a fuller discussion of this evolving notion of sovereignty as responsibility.

7 Adamson, p. 175.

8 Adamson, p. 180.

convicted by a final judgment of a particularly serious crime, constitutes a danger to the community of that country. The 1990 Migrant Workers Convention includes numerous rights which cannot be abridged “unless compelling reasons of national security require otherwise.”⁹ States also make reservations when they ratify conventions if they believe that certain clauses are not in their national interest or limit their sovereignty. For example, several parties to the Migrant Workers Convention indicated they would not be bound by article 92, paragraph 1 which provides that disputes between state parties about the interpretation of the Convention could be submitted to arbitration or to the International Court of Justice at the request of either party. In effect, restricting one’s sovereignty is not as significant a move when governments negotiate escape clauses that respect their national security interests.

States are also willing to restrict their sovereignty when they have flexibility in interpreting the provisions that they ratify. Non-refoulement is a case in point. The non-refoulement bar in the Convention against Torture (CAT) is broader than it is in the Refugee Convention. Article 3(1) states: No State Party shall expel, return (“refouler”) or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.” There are no security exemptions to non-return of those who demonstrate they would face torture if returned.¹⁰ Yet, States have found ways around the bar on non-refoulement. For example, states have sought diplomatic assurances from governments receiving back those covered by CAT that they will not torture in this particular case.¹¹

Finally, states are willing to cooperate with others because they expect certain benefits to accrue from a better managed immigration system. The research

is clear that immigration leads to economic growth which is definitely in a country’s interest.¹² For example, the postwar economic boom in Germany would have been impossible without migration and economic growth in the US owes much to labor migration flows of all kinds. Migration also creates diasporic relationships between people in source and destination countries that can accrue to the benefit of both.

Why do states resist loss of sovereignty with regards to migration?

Despite these benefits of migration and cooperative action, the phenomenon presents challenges for states, particularly to traditional notions of citizenship and state boundaries. Not everyone in either source or destination countries believe that they are the beneficiaries of migration. Rather, many believe that migrants undermine cultural, national and religious identity and compete for jobs and wages.

An inability to control migration—whether perception or reality—can have political consequences. Perhaps the starkest example of the relationship between control of borders and political collapse was the experience in former Eastern Europe in 1989 when the collapse of borders between East Germany, Hungary and Austria led in November to opening the border between East and West Germany and a process of political change that led to the demise of communism in Eastern Europe. Perceptions that governments have ceded control over their borders to other states can lead to rising nationalism and, when coupled with xenophobia, can exacerbate political instability. The Brexit vote in the United Kingdom and President Trump’s call for a border wall with Mexico and renegotiation of the North American Free Trade Agreement (NAFTA) demonstrate how concerns about immigration, trade and regional agreements conflate and lead to calls for re-enforcement of sovereignty.

What does this mean for the Global Compact on Safe, Orderly and Regular Migration?

The case should be made that strengthening global governance of migration – and in particular, promoting

9 See, for example, Articles 8 (exit), Article 22 (expulsion), Article 26 (trade unions), Article 39 (liberty of movement), and Article 40 (association).

10 See David Weissbrodt and Isabel Hortreiter, *The Principle of Non-Refoulement: Article 3 of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in Comparison with the Non-Refoulement Provisions of Other International Human Rights Treaties*, 5 *Buff. Hum. Rts. L. Rev.* 1 (1999), available at http://scholarship.law.umn.edu/faculty_articles/362

11 Human Rights Watch, *Torture and Non-Refoulement Briefing to the 60th Session of the UN Commission on Human Rights*, January 2004, available at www.hrw.org/news/2004/01/28/torture-and-non-refoulement. See also Department of Homeland Security Inspector General, *DHS Detainee Removals and Reliance on Assurances*, November 2011 available at www.oig.dhs.gov/assets/Mgmt/OIG_11-100_Nov11.pdf

12 See, for example, OECD, ‘Is migration good for the economy?’ *Migration Policy Debates*, May 2014. www.oecd.org/migration/OECD%20Migration%20Policy%20Debates%20Numero%202.pdf and *Economic Implications of Remittances and Migration*, Global Economic Prospects 2006, Washington: World Bank, 2006.

more pathways for safe, orderly and regular migration is in the collective interests of all states. The current system is a patchwork of unilateral, bilateral and regional policies which sometimes work at cross-purposes. Steps to regularize migration would create a more orderly and predictable system. States don't like surprises; they are much more likely to respond positively to migration – even to greater numbers of migrants – that is regular and managed. The benefits of such a system would outweigh any restrictions on a particular state's sovereignty.

The Global Compact offers a relatively non-threatening way to move in the direction of global governance as its provisions will likely be non-binding – offering an easy opt-out for states with particular concerns. The Global Compact is also likely to endorse further work on mini-multilateral initiatives, in which 'coalitions of the willing' work together to devise principles and share good practices on specific groups of migrants (such as the disaster-displaced and migrants in countries in crises--MICIC¹³). Again, these do not threaten sovereignty because governments can choose whether or not to participate.

While it seems unlikely that the Global Compact will be able to obtain full consensus on a wide range of multilateral policies related to irregular migrants – in part because of its obvious relationship to sovereignty – small steps could be taken by developing guidance on responding to migrants in vulnerable situations. This was a recommendation of the *New York Declaration* and agreement on principles relating to a particular subset of migrants in vulnerable situations – perhaps unaccompanied children, or survivors of sexual and gender-based violence encountered on route – could serve as confidence-building measures for future agreements on other, more politically-sensitive issues. In particular, clear guidance on return to home countries or relocation elsewhere for this population could help states to formulate agreements on irregular migrants in general. The success of the MICIC initiative in promulgating principles, guidelines and effective practices for protecting one set of vulnerable migrants shows the promise of this approach. Relevant to this examination of sovereignty, it is worth mentioning that many of the effective MICIC practices called for

collaboration among source, transit and destination countries.

Finally, if progress is to be made on global governance generally and on the Global Compact on Migration in particular, the language adopted in 2018 must go beyond rhetoric to include practicable steps to balance security and migrant rights issues. Two particular areas will need to be addressed – both of which relate directly to sovereignty and both of which are difficult for both governments and migrants' rights advocates. First, destination and transit countries need assurance that their security concerns about border control will be taken seriously by other states and by migrant advocates. At the same time, source countries and migrant rights advocates need assurance that those attempting irregular entry will be treated humanely and in accordance with international law. The thorny issue of returns will also need to be addressed when migrants are interdicted at sea or are found inadmissible after entry into a country. Identifying effective practices that balance these two important components of public policy—security and rights—is essential to overcoming concerns about sovereignty in the context of international cooperative efforts to management movements of people.

The second issue to be addressed is the toxic narrative around migration and the conflation between regular and irregular migration that is fueling growth in nationalism. It will be difficult to find common ground between those advocating for tighter border control and for expanded pathways to safe, orderly and regular migration if public opinion is negative and political leadership is absent or, still worse, willing to engage in anti-immigrant rhetoric. Public education about the realities of immigration must accompany adoption and implementation of a sound Global Compact. Information about immigration is woefully lacking in most countries. When armed with better information, however, publics are much less likely to be opposed to migration.¹⁴ Presumably, they would also be more supportive of international cooperation in pursuit of more manageable global migration. ■

13 See Susan Martin, "New Models of International Agreement for Refugee Protection," *Journal of Migration and Human Security*, 4:3 (2016): 60-75. Also Elizabeth Ferris and Jonas Bergmann, "Soft law, migration, and climate change governance," *Journal of Human Rights and the Environment*, March 2017. www.elgaronline.com/view/journals/jhre/8-1/jhre.2017.01.01.xml

14 The Transatlantic Trends survey on immigration found that respondents in most European and North American countries overestimated the proportion of the population in their countries that were immigrants by double and sometimes triple the actual numbers. An experiment that informed half of respondents about official statistics on migration found that the informed respondents were much less likely to say there were too many immigrants in the country than was true of the non-informed. See http://trends.gmfus.org/files/2014/09/Trends_Immigration_2014_web.pdf



Supporting Communities Under Migration Pressure: The Role of Opportunities, Information and Resilience to Shocks

Linguère Mously Mbaye¹

Executive summary

International migration is at the core of the international debate. However, while a major part of the discussions focus on migration policies in receiving countries, it is important to recall that most people are not willing to migrate permanently to another country. It is thus crucial that policymakers also support those who prefer to remain in their communities of origin to resist the migration pressure they may be facing. Consequently, this analysis aims first to identify what drives this migration pressure, and second to formulate a set of recommendations to support those communities.

With regard to the drivers, evidence suggests that, contrary to a common belief, poverty reduction will not necessarily alleviate migration pressure. Reducing poverty is an aim, per se, no matter its effect on migration. However, it is not a panacea, and other factors explaining the migration pressure should be considered. The urge to move can be due to the fact that potential migrants, in particular those willing to migrate illegally, tend to formulate biased expectations about their earnings and living conditions abroad. For people who have not moved yet, expectations from the migration experience are often based upon perceptions of the living conditions of their families and relatives who migrated. Those relatives – through their remittances and the status their families that are left behind acquire within the communities – can lead some to think that success is guaranteed with migration. This in turn can spark the desire to move at any cost, raising the issue of relative concerns about what matters in the decision to leave. Another possible driver of migration pressure is negative shocks, such as adverse climatic conditions. Climatic factors and natural disasters can lead to more migration if other survival strategies have failed, when the severity of the shocks does not leave any other option than moving, and when people can afford migration costs.

It is important to recall that, in the face of adverse conditions, migration remains a mitigation strategy. Consequently, the best way to support sedentary communities is not necessarily by stopping them from migrating but enlarging their set of choices. To alleviate the migration pressure on communities, it is thus crucial to make migration one option among others, and not the only choice available. We thus formulate various recommendations to deal with the aforementioned causes and support people who would like to stay in their communities. Recommendations include creating opportunities which could guarantee that success is also possible at home. Innovative and affordable tools such as information and communications technology could be used to support such initiatives. Other options consist of improving the quality of the information potential to which migrants have access. This could be a good way of lowering misrepresentations of living conditions abroad. Finally, it is also crucial to build resilience to shocks through private and public mechanisms.

1. Introduction

Population movement is more than ever at the core of the international debate. According to the Gallup World Poll, 710 million people, representing 14 per cent of the world adult population, were willing to migrate permanently to another country between 2013 and 2016. However, there are disparities between regions. Sub-Saharan Africa is the continent with the highest score, with one third of its adult population desiring to migrate. Moreover, although the share of the adult population in the Middle East and North Africa region willing to migrate permanently has increased compared to its 2010–2012 level (+3 percentage points), it is estimated at 22 per cent, which is comparable to that of the European Union, estimated at 21 per cent of its adult population.²

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2 N. Esipova, J. Ray and A. Pugliese, Gallup News, "Number of Potential Migrants Worldwide Tops 700 Million", 8 June 2017. Available from www.gallup.com/poll/211883/number-potential-migrants-worldwide-tops-700-million.aspx

These figures reveal interesting features. First, they show, *de facto*, that 86 per cent and 69 per cent of the world and African adult population, respectively, do not want to migrate permanently. Subsequently, as receiving countries wonder about migration policies at the destination, policymakers should also care about ways to support the major part of the population which prefers to remain at home. Second, this survey highlights that, in some cases, the desire to migrate can be comparable between regions experiencing adverse shocks and those that are relatively more stable. This indicates that helping sedentary communities is a complex issue because there is not a single type of migration pressure. Supporting people who prefer to remain at home thus implies identifying what explains the pressure to move and tailoring answers and recommendations to each of these drivers.

The literature has explored various causes for people's displacement. However, in this study, we start by discussing why poverty reduction is not a panacea for decreasing migration. We then focus on other factors – such as relative concerns, climatic shocks and natural disasters – that are among the most challenging issues that could drive migration pressure. They can be identified as push factors, taking into account the drivers of migration from the source countries' perspective. However, migration decisions are also taken by comparing the situation between origin and destination countries, and the picture would not be complete if we do not also consider the pull factors from the receiving countries' perspective by looking at the role of potential migrants' expectations. Finally, we propose concrete and pragmatic measures that can be taken to deal with these issues in the short term and reinforced in the long term.³

The structure of the paper is as follows. Section 2 describes the relationship between poverty reduction and migration before exploring the role of expectations, relative concerns, climatic conditions and natural disasters in determining the migration pressure. Section 3 concludes and presents recommendations on the ways to support people who prefer to remain at home.

3 We do not focus on migration pressure due to conflict or institutional issues such as lack of democracy or political instability, because the implication of promoting peace-building and good governance in migrants' source countries is straightforward.

2. On the drivers of migration pressure

Identifying the drivers of migration pressure precedes knowing how to support sedentary communities. In this section, we start by discussing why poverty reduction will not necessarily reduce migration pressure. We then focus on the role of other determinants, such as expectations of potential migrants, relative concerns, climatic shocks and natural disasters.

2.1. Poverty reduction and migration

A piece of conventional wisdom is that development of poor countries will decrease their emigration flows. While this rhetoric has been widely used, it has not been empirically verified. Moreover, it is argued that a perspective that considers poverty as the only driver of migration would be too narrow.⁴ First, richer countries do not necessarily have lower emigration rates than poorer countries. Second, the relationship between development and migration presents some non-linearities. Indeed, evidence suggests that development is associated with an increase in emigration among low- and lower-middle-income countries. The relationship between development and migration becomes negative among countries above an estimated level of income per capita of USD 6,000–8,000 adjusted for purchasing power parity.⁵ Put differently, this means that, in poor countries, development will first increase emigration and will start decreasing it only once the countries have reached a status of upper-middle- and high-income countries. Among the reasons explaining this non-linear relationship is the fact that, as people get richer, they can afford migration costs and have more expectations and incentives to migrate. This is consistent with the idea that immigrants are positively selected compared to the remaining population of their origin countries and do not necessarily belong to the lower part of the income distribution.⁶

Reducing poverty should be the priority no matter its effect on migration. However, these findings suggest that decreasing migration pressure is not about

4 De Haas, H., "Turning the Tide? Why Development Will Not Stop Migration", *Development and Change*, vol. 38, No. 5, 2007, pp. 821–844.

5 Clemens, M. A., "Does development reduce migration?", *International Handbook on Migration and Economic Development*, 2014, pp. 152–185.

6 Chiquiar, D. and G.H. Hanson, "International migration, self-selection, and the distribution of wages: Evidence from Mexico and the United States", *Journal of Political Economy*, vol. 113, No. 2, 2005, pp. 239–281.

solving poverty issues only. Consequently, in the following part of this section, we discuss other drivers, such as the role of expectations, relative concerns and climatic shocks.

2.2. The role of expectations

Expectations can positively affect the willingness to migrate, in particular by using illegal methods. It is thus interesting to know how these expectations are formed. Migrants' networks play a crucial role in generating those expectations. In general, they help reduce migration costs, and share information on labour market conditions in the receiving country, border crossings and funding opportunities.⁷ However, their role goes further, since potential migrants also derive their expectations from the perceptions of their relatives' earnings abroad. Family and friends' relatives who have successfully migrated can send remittances and help people left behind, and also provide information on their living conditions, which may or may not correspond to reality. Subsequently, migrants' networks can misrepresent their situation in the receiving country and shape potential migrants' beliefs that success is guaranteed with migration. This is illustrated from findings of a survey conducted in Dakar, Senegal, between 2006 and 2007, where information on the characteristics and motivations of potential legal and illegal migrants was collected. Results of this study show that the expected earnings of people willing to migrate illegally are positively related to their migration intentions. Moreover, they are closely related to their perceptions of the earnings of their relatives who have successfully migrated. More interestingly, expectations with respect to earnings were quite high and did not necessarily match reality. The average and median expected monthly wages of potential illegal migrants were estimated at EUR 1,740 and EUR 1,218, respectively. For comparative purposes and according to the Instituto Nacional de Estadística of Spain, in 2007, the annual average income in this country – which was the preferred destination country for potential illegal migrants – of an immigrant coming from outside the European Union was estimated at EUR 5,792 per person, corresponding to EUR 483 per month.⁸

2.3. The role of relative concerns

The role of relative concerns is closely related to that of potential migrants' expectations. The aforementioned survey shows that 77 per cent of potential illegal migrants interviewed are willing to accept risking their lives. Moreover, half of them are willing to accept a risk of death equal to or higher than 25 per cent. This indicates that people willing to migrate illegally are fully aware of the risks, but also signals a large utility gap between staying in Senegal and migrating. The important question here is, "What explains this utility gap?" – in particular in a context where there is no conflict and the political situation is stable. A possible answer lies in the role that migrants play in their communities. In many countries, migrants have an important economic power through their remittances, which can contribute significantly to economic growth. For instance, in Tajikistan, remittances represented 41.7 per cent of gross domestic product in 2014, making it the number one remittances-receiving country with respect to the share of gross domestic product. For the same year, migrants' transfers represented 24.6 per cent and 10.3 per cent of gross domestic product in Liberia or Senegal, respectively.⁹ In the context of Senegal, many households with good living standards, both in rural and urban areas, have migrants abroad. Migrants' families also have a higher social status within their communities, which reinforces the idea that success is guaranteed with migration. This also highlights the role of relatives and peers as a source of information that is more trusted than official channels, such as media or local institutions.

2.4. The role of climatic shocks and natural disasters

The relationship between climatic factors, natural disasters and migration is a complex one. Migration responses to climatic factors and natural disasters depend on various factors, such as the nature and severity of the shock, the level of vulnerability of people and the liquidity constraints they face. Consequently, people will migrate only if other survival strategies have failed, if the nature of the shock (e.g. rapid onsets such as floods or storms) do not leave the option to stay, and if they are not bound by liquidity constraints and are able to afford

7 Dolfin S. and G. Genicot, "What do networks do? The role of networks on migration and 'coyote' use", *Review of Development Economics*, vol. 14, No. 2, pp. 343–359.

8 Mbaye, L.M., "'Barcelona or die': Understanding illegal migration from Senegal", *IZA Journal of Migration*, vol. 3, No. 21, 2014.

9 World Bank Group, *Migration and Remittances Factbook 2016*, third edition, (Washington, D.C., 2016). Available from <https://openknowledge.worldbank.org/handle/10986/23743>

migration costs.¹⁰ Moreover, climatic shocks can also affect migration through an indirect channel, such as their negative impact on agricultural productivity.¹¹

3. Moving forward: Recommendations on how to make migration an option among others

It is important to highlight that the aim is not necessarily to prevent migration, which remains a coping strategy and a way to diversify risk in case of adverse shocks, but to support communities whose people would not migrate if they were not forced to do so. We thus formulate recommendations on how to provide various options which could allow communities to resist the migration pressure.

3.1. Recommendation 1: Create opportunities in countries of origin

With the example of Senegal, we have seen that migration pressure can be high, even in countries that are politically stable. Illegal migration is an expensive project for many people; in the aforementioned survey, migrants were asked why they did not choose to invest the money they collected for migrating into a professional project at home. The answers revealed that among people willing to migrate illegally, 74.47 per cent declared that it was because they thought that, in any case, the project would fail. There were 57.45 per cent who declared that it was because they would not receive any assistance to start a business, while 31.91 per cent declared that they did not have the needed skills to do so. In this context, illegal migration is the result of the perception that success is only possible abroad. This suggests that potential illegal migrants perceive that the rate of return on investing abroad may be much higher than investing in a project at home. However, this is conditional on having a successful migration experience, implying high risk in the case of illegal migration. It is thus crucial to provide to the population – above all the youth – opportunities, incentives and favourable labour market conditions for succeeding in their countries of origin with good jobs that are safe and sustainable, and allow a decent life.

10 Mbaye, L.M., “Climate change, natural disasters, and migration”, IZA World of Labor, March 2017. Available from <https://wol.iza.org/articles/climate-change-natural-disasters-and-migration/long>

11 Cai, R., S. Feng, M. Oppenheimer and M. Pytlikova, “Climate variability and international migration: The importance of the agricultural linkage”, *Journal of Environmental Economics and Management*, vol. 79, 2016, pp. 135–151.

3.2. Recommendation 2: Rely on tools such as information and communications technology

One way of enhancing the business environment is to rely on new tools, such as mobile phones or information and communications technology more generally, which are affordable and could be used to encourage and develop local initiatives. According to the International Telecommunication Union, 95 per cent of the world population lives in areas covered by mobile cellular networks. In developing countries, the penetration rate is estimated at 41 per cent and is growing very fast.¹²

It has been demonstrated that mobile phones and new information technologies help connect not only individuals, but also services and markets. They reduce information and communication costs in many sectors, such as the agricultural and service sectors. For instance, mobile phones can be used to provide price information in marketplaces or learn about job opportunities in different cities. Moreover, the pioneering initiative of M-PESA in Kenya has allowed the development of mobile banking and helped millions of people to use their mobile phones for financial transactions and money transfers.¹³

This example shows that mobile phones can become an important tool for financial inclusion, which indirectly also leads to social inclusion. Another way to use technologies could be through a television show demonstrating success in areas such as agriculture which is, a priori, not attractive to young people, and which could shape their expectations. This would also provide alternative narratives of success and showcase role models who succeed at home.

3.3. Recommendation 3: Improve the quality of the information delivered to potential migrants

A priori, it could seem contradictory that, in an era of globalization and wide use of mobile phones, as we have just discussed, people can still be misinformed on what to expect from their migration experience. However, in reality, there is no contradiction, if we consider that the nature of the information they get also depends on the filter through which they receive

12 International Telecommunication Union, *ICT Facts and Figures 2016* (2016, Geneva).

13 Aker, J.C. and I.M. Mbiti, “Mobile phones and economic development in Africa”, *The Journal of Economic Perspectives*, vol. 24, No. 3, 2010, pp. 207–232.

it. In section 2, we have explained how having relatives who have migrated can both decrease information asymmetry related to costs, job opportunities and travel procedures, and at the same time reinforce misrepresentations of the migration experience. It is thus crucial to design effective tools to improve the quality of the information mediated by trusted sources and received by potential migrants to help them formulate expectations closer to reality and adjust their migration decisions accordingly.

3.4. Recommendation 4: Build resilience to shocks

In a context of economic uncertainty and climate change, it is necessary to reinforce private and public mechanisms to deal with shocks to support people willing to stay in their communities. With respect to private mechanisms, previous community members who migrated can support those left behind through their remittances, in case they face adverse shocks. This will allow sedentary communities not to be forced to move when they have to deal with such risk. Such solutions could be supported with a reduction of the costs of sending remittances,

which remain too high. Public mechanisms require that governments build resilience before and after the occurrence of shocks.¹⁴ Moreover, public mechanisms will help people who cannot necessarily rely on private insurance channels to deal with shocks, and are thus complementary with private mechanisms. Consequently, support should be provided to governments in source countries to build insurance mechanisms and better social protection, to face not only adverse climatic conditions, but also more generally economic instability. Finally, it is important to stress that, in most poor countries, the economy still relies heavily on the agricultural sector, which is sensitive to climatic factors and subject to commodity price volatility. Building resilience for populations highly dependent on these sectors will also require scaling up the sector from subsistence-oriented agriculture to business agriculture, and a diversification of the economy. ■

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14 Mbaye, L.M., "Climate change, natural disasters, and migration", IZA World of Labor, March 2017. Available from <https://wol.iza.org/articles/climate-change-natural-disasters-and-migration/long>



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

Marie McAuliffe¹

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 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 on 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.

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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.² 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.³ 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.

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).⁴ 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.⁵ For many who are unable to access visas, irregular migration is a feasible alternative, notwithstanding the risks, potential dangers and uncertainty it presents.

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

3 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.

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.

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.⁶ 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.⁷

6 Keely, 1996, pp. 1057.

7 McAuliffe, 2016a.

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 migration⁸) while recognising the need for States to protect sovereignty and manager 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).⁹ 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

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).

9 McAuliffe and Jayasuriya, 2016; Triandafyllidou, 2017.

from different locations, with different protection and other needs and in different circumstances).¹⁰ 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:¹¹

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).¹²
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.

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

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

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

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 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).

<p>Why would the scheme be valued by migrants?</p>	<ul style="list-style-type: none"> • 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 	<p>What are the incentives for migrants?</p>	<ul style="list-style-type: none"> • 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 <i>additional</i> development assistance • If selected for a visa, migrants have access to work, education, ability to remit and higher mobility (enabling return visits to origin)
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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 as has been acknowledged and articulated in a range of analyses of irregular migration.¹³

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.¹⁴ 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.

¹³ Please see, for example, Carrera 2007, GCIM 2005, Papademetriou & Somerville, 2014.

¹⁴ See, for example, discussion in McAuliffe, 2017 and McAuliffe et al, 2017.

In *Resolving policy conundrums: Enhancing humanitarian protection in Southeast Asia*¹⁵, 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 region¹⁶,
- 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.

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. ■

15 McAuliffe, 2016b.

16 '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.

References

- Carling, J.R.
2002 Migration in the age of involuntary immobility: theoretical reflections and Cape Verdean experiences. *Journal of ethnic and migration studies*, 28(1), 5-42.
- Carrera, S.
2007 *The EU Border Management Strategy: Frontex and the Challenges of Irregular Immigration in the Canary Islands*. CEPS Working Documents No. 261.
- Friedman, T.
2016 *Thank you for being late: An optimist's guide to thriving in the age of accelerations*, Allen Lane.
- Global Commission on International Migration
2005 *Migration in an inter-connected world: New directions for action*. Geneva, Switzerland: GCIM.
- Keely, C.B.
1996 How nation-states create and respond to refugee flows. *International Migration Review*, 1046–1066.
- Khoo, C.Y., M. Platt and B. Yeoh
2017 Who migrates? Tracking gendered access to migration within households 'in flux' across time. *Journal of Immigrant and Refugee Studies*, 15(3), 326–343.
- McAuliffe, M.
2016a The EU-Turkey deal: Coming to terms with the application of migration. *The Interpreter*. Sydney: Lowy Institute for International Policy.
2016b *Resolving policy conundrums: Enhancing humanitarian protection in Southeast Asia*. Paper prepared for the January 2016 MPI Trans-Atlantic Council meeting in Berlin. Migration Policy Institute: Washington D.C.
2017 Protection Elsewhere, Resilience Here: Introduction to the Special Issue on Statelessness, Irregularity, and Protection in Southeast Asia, *Journal of Immigrant and Refugee Studies*, 15(3), 221–231.
- McAuliffe, M. and D. Jayasuriya
2016 Do asylum seekers and refugees choose destination countries? Evidence from large-scale surveys in Australia, Afghanistan, Bangladesh, Pakistan and Sri Lanka. *International Migration*, 54(4), 44–59.
- McAuliffe, M., A. Kitimbo, A.M. Goossens and A. Ullah
2017 'Understanding migration journeys from migrants' perspectives' in IOM's *World Migration Report 2018*, edited by McAuliffe, M. and Ruhs, M., forthcoming. Geneva: IOM.
- Monson, T.
2010 Loading the Lottery of Birth: Forced Migration and the International State System, *The Forum*, special issue on International Migration, Fall 2010, 34–37.
- Papademetriou, D. and W. Somerville
2014 *A strategic framework for creating legality and order in immigration*. Washington DC: Migration Policy Institute.
- Robinson, V. and J. Segrott
2002 *Understanding the decision-making of asylum seekers*. UK Home Office Research Study 243. London, England: UK Home Office Research, Development and Statistics Directorate.
- Shachar, A.
2009 *The Birthright Lottery: citizenship and global inequality*, Cambridge, Massachusetts: Harvard University Press.
- Triandafyllidou, A.
2017 Beyond Irregular Migration Governance: Zooming in on Migrants' Agency, *European Journal of Migration and Law*, 19(1): 1-11.
- United Nations High Commissioner for Refugees (UNHCR)
2016 *Central Mediterranean data snapshot - 31 Dec 2015*, Refugees/Migrants Emergency Response – Mediterranean portal. <http://data.unhcr.org/mediterranean/documents.php>

Van Hear, N., O. Bakewell and K. Long

2012 *Drivers of migration*. Migrating out of Poverty Research Programme Consortium Working Paper 1. Brighton, England: University of Sussex.

van Liempt, I.

2007 *Navigating Borders: Inside Perspectives on the Process of Human Smuggling into the Netherlands*. Amsterdam: Amsterdam University Press.

Appendix A

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

	Country (in HDI rank order)	Human Development Index 2016	Visa Restrictions Index 2017	Fragile States Index 2016
		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
	France	21	4	158
	Italy	26	3	148
Greece	29	6	130	
High Human Development	Malaysia	59	13	115
	Iran (Islamic Republic of)	69	95	47
	Turkey	71	52	79
	Sri Lanka	73	95	43
	Lebanon	76	96	40
	Mexico	77	26	107
	Thailand	87	67	74
	Tunisia	97	73	88
Libya	102	99	25	
Medium Human Development	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

	Country (in HDI rank order)	Human Development Index 2016	Visa Restrictions Index 2017	Fragile States Index 2016
		Rank		
Low Human Development	Syrian Arab Republic	149	101	6
	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	Human Development Visa Scheme	Participating States	Suitable for regional or subregional implementation or much larger scale
Interests <ul style="list-style-type: none"> • Securing a better life for family/self • Greater certainty • Staying within the law • Prestige in community • Safer, easier travel • ‘Visa’ concept easily understood 	<ol style="list-style-type: none"> 1. Voluntary initiative 2. Hybrid model with ‘core’ elements & national-level elements 3. Respects States’ and migrants’ needs, rights & obligations 	<ul style="list-style-type: none"> • Managing orderly entry & stay • Discouraging irregular migration • Positive international cooperation • Relevant control & review mechanisms 	Interests <ul style="list-style-type: none"> • Illicit migration agents/ smugglers • smugglers less relevant as people have other, safer options to migrate and <i>not</i> migrate
Incentives <ul style="list-style-type: none"> • Apply and remain on an application list • No minimum skill level • Genuine visa (valuable entry & stay) • Family inclusion • Access to work, education & ability to remit 	<ol style="list-style-type: none"> 4. Encourages safe, orderly & regular migration AND discourages unsafe, disorderly & irregular migration 5. Supports human development and capacity building 	<ul style="list-style-type: none"> • Participation voluntary • Reflects existing knowledge/ evidence • Domestic political support achievable • Balances sovereignty and migrants’ rights • Does not affect existing norms 	Incentives <ul style="list-style-type: none"> • harder to market services to migrants • marginalised but still present
Policy levers <ul style="list-style-type: none"> - Visa entry & stay conditions - Ballot system - Security & health (extreme) vetting 	<ul style="list-style-type: none"> - Quota controls - Support for visa applicants in origin - ODA eligible/offsets (support in origin) 	Policy levers	<ul style="list-style-type: none"> • operational responses to counter smuggling remain crucial
Implementation	Social/traditional media & messaging; origin country participation; destination country participation and operational management; NGOs/CSOs service providers; maximises domestic support for participation	Implementation	
Review	Built in review and evaluation processes; participating States’ own review mechanisms	Review	

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).
 - 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.



Whatever Happened to the Migrant Smuggling Protocol?

Anne Gallagher¹

Executive summary

In December 2000, the international community adopted a new legal framework to address transnational organised crime. Two treaties, one dealing with trafficking in persons and the other with migrant smuggling, were part of the package. The Trafficking Protocol has proved to be a game-changer – shaping international, regional and national legal and policy responses in profound ways. But the Migrant Smuggling Protocol has been much less influential, with State practice reflecting a strong desire to develop tailored responses to migrant smuggling unfettered by international legal rules that are not perceived to reflect and advance national interests. This paper uses evidence from a recent UNODC study into implementation of the international legal definition of migrant smuggling to expose the extent of the drift away from the Protocol and explore why States have responded in this way. It concludes by (i) considering the deeper implications of this rejection for global migration policy and practice; (ii) proposing several concrete measures that must be taken to reaffirm commitment to the Protocol, most particularly its agreed definition of migrant smuggling and its rejection of the criminalization of smuggled migrants.

1. Background and context

‘Smuggling of migrants’ is a new concept in international law and policy. Prior to the adoption of an international legal definition less than two decades ago, the term was used informally, often interchangeably with ‘migrant trafficking’ to refer to a range of conduct related to the facilitation of unauthorized entry into a country and sometimes also unlawful stay.

States have long criminalised certain aspects of illegally facilitated migration but the push for international legal regulation only began in the early 1990s: initiated and led by wealthy destination countries of western and central Europe, North America, and elsewhere that had experienced a significant increase in the number of “unauthorized arrivals”, apparently facilitated by criminal groups that were organized and sophisticated enough to exploit legislative, policy and law enforcement weaknesses.²

Deficiencies in international law were seen as particularly acute and detrimental: there was no agreed definition of smuggling of migrants, no obligation of criminalization, and no obligation to extradite or prosecute perpetrators, resulting in a “legal lacuna under international law [that] is increasingly perceived as an obstacle to the efforts of the international community to cope in an efficient manner with the phenomenon of smuggling of illegal migrants for criminal purposes”.³ The default position: a purely national approach to sanctioning those who facilitated such migration, supplemented by *ad hoc* and largely ineffective bilateral cooperation – was seen to be playing directly into the hands of smugglers.

Interest in developing an international regulatory framework around migrant smuggling gained momentum throughout the 1990s, finally coalescing around the UN Crime Commission’s work against transnational organized crime. After initially agreeing to develop a treaty on “trafficking of migrants”, the Crime Commission eventually decided that two instruments were necessary: one dealing with facilitated illegal movement of migrants and the other dealing essentially with the movement of individuals into exploitation. The *Protocol against the Smuggling of Migrants by Land, Sea and Air* (Migrant Smuggling Protocol) and the *Protocol against Trafficking in*

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2 See “Measures to Combat Alien Smuggling: Report of the Secretary-General,” UN Doc. A/49/350, 30 Aug. 1994.

3 “Letter dated 16 September, 1997 from the Permanent Representative of Austria to the United Nations addressed to the Secretary-General,” UN Doc. A/52/357, 17 Sept. 1997, at paras. 2–3 (transmitting a draft of the proposed convention).

Persons, especially Women and Children (Trafficking Protocol) were both adopted in late 2000 along with their parent instrument, the *United Nations Convention against Transnational Organized Crime* (Organized Crime Convention).

The Trafficking Protocol proved to be a game-changer, triggering unprecedented levels of action at the national, regional and international levels. Ratification was extremely rapid, allowing it to enter into force less than three years after adoption. And States very quickly began to incorporate its core provisions into national law. Today, “trafficking”- generally defined in accordance with the Protocol - is now criminalized in just about every country.⁴ Most national anti-trafficking legislation includes comprehensive provisions on victim protection and support – often going well beyond the lowest-common-denominator obligations set out in the Protocol. This trend has been sharpened by a raft of international and regional legal and policy instruments that affirm the central tenets of the Protocol while expanding its rather meagre human rights provisions.⁵ A vigorous, diverse and well-resourced anti-trafficking ‘industry’ ensured that responses to trafficking are under close scrutiny - and that the pressure on States to align their legislative and policy response with international standards is constant and intense.

While it has attracted substantial ratification (146 States Parties compared to 172 States Parties to the Trafficking Protocol as at 16 October 2017) the Response to the Migrant Smuggling Protocol could not have been more different. For example, apart from some desultory legal and policy development within Europe, the Migrant Smuggling Protocol has provided neither a trigger – nor a template, for further normative development. Certainly, there is no anti-smuggling ‘industry; no well-funded organizations focused on scrutinizing responses and holding States to account. That is especially significant because, in implementing their legislative and regulatory responses, States have moved substantially away from the core tenets of the Protocol. The following sections detail just two of the many examples of the Protocol’s

lack of influence. The first relates to the widespread failure to accept the international legal definition of migrant smuggling; the second concerns the trend towards criminalization of smuggled migrants and marginalization of their rights. In its concluding section the paper briefly considers the deeper implications of this rejection for global migration policy and practice.

2. Counter-trend: An expanded concept of migrant smuggling

Under the definition set out in the Protocol, migrant smuggling will occur if the offender engaged in the act (procuring illegal entry of a person who is not a national or permanent resident), and did so intentionally for the purpose of obtaining a financial or other material benefit. States Parties to the Protocol are required to criminalize migrant smuggling and smuggling-related production and possession of fraudulent travel or identity documents. They are also required to criminalize enabling illegal stay when this is committed intentionally and in order to obtain a financial or other material benefit.

The inclusion of “intention to obtain a financial or other material benefit” as an element of the crime of migrant smuggling was explicitly intended to narrow its scope by excluding the activities of those who facilitate migration for humanitarian or family reunification reasons. In the official records of their proceedings, drafters affirmed that: “It was not the intention of the Protocol to criminalize the activities of family members or support groups such as religious or non-governmental organizations”,⁶ and that: “the Protocol should not require States to criminalize or take other action against groups that smuggle migrants for charitable or altruistic reasons, as sometimes occurs with the smuggling of asylum-seekers”.⁷

A 2016 study by UNODC, led by the present author, sought to examine the extent to which States had incorporated the Protocol’s definition of migrant smuggling into their national law, with specific reference to the ‘financial or other material benefit’

4 In 2003 only 33 countries had enacted specific legislation criminalizing trafficking on the basis of the Protocol’s definition. By August 2016 that number had risen to 158. UNODC Global Report on Trafficking in Persons (2016), p. 48.

5 For a detailed overview of the international legal framework see Anne T. Gallagher, *The International Law of Human Trafficking* (Cambridge University Press, 2010).

6 Interpretative notes, UN Doc. A /55/383/Add.1, 3 November 2000, para. 88.

7 United Nations Office on Drugs and Crime, *Legislative Guides for the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto*, UN Sales No. E.05.V.2 (2004) p. 333, para. 19.

element.⁸ The study examined national legislation and case law and interviewed 122 practitioners from a sample of 13 States.⁹

The results of the survey are unsettling. Of the States surveyed, none had incorporated the Protocol's definition, unchanged, into their domestic law. Only two of the 13 (both countries of origin) included financial benefit as an element of the offence of facilitated entry. This means that 85% of surveyed States have retained legislative capacity to prosecute facilitated entry that is not motivated by financial reward.¹⁰ And nine of the 13 (70%) have retained the capacity to prosecute the act of facilitating the stay of a person who has been smuggled and / or who is otherwise irregularly present in the country. These deviations from the international legal definition were typically defended as necessary to ensure that States retained the flexibility to respond to all situations of facilitated illegal entry and stay. Practitioners interviewed for the study pointed to the heavy evidentiary burden that would result from the inclusion of the financial element in smuggling offences.

Countries participating in the study were carefully selected to ensure geographical balance; a balance of civil, common and mixed law systems; and a range of migrant smuggling experiences. It is therefore possible to safely extrapolate the results and conclude that most States Parties to the Migrant Smuggling Protocol have effectively dismantled one of the central tenets of the international legal framework: expanding the definition of migrant smuggling – and thereby the obligations of criminalization and cooperation – well beyond that intended by the drafters.

3. Counter-trend: Criminalization and marginalization of smuggled migrants' rights

The Smuggling Protocol requires States to criminalize smuggling and related conduct as defined in that instrument; to strengthen their borders against smugglers; and to cooperate in preventing and combating smuggling. However, these obligations are tempered by a number of caveats and limitations that are too often forgotten. Article 5, for example, prohibits States Parties from prosecuting smuggled migrants themselves for having been smuggled. In the words of the Protocol's drafters: "[smuggled] migrants [are] victims and should therefore not be criminalized".¹¹

Protection of the rights of migrants is identified as one of the three purposes of the Protocol. And States Parties are explicitly required to take all appropriate measures, consistent with their obligations under international law, to preserve and protect the rights of smuggled migrants including the right to life; the right not to be subject to torture or other cruel, inhuman, or degrading treatment or punishment; and the right to consular access. They are further required to afford migrants protection against smuggling-related violence and appropriate assistance if their lives and safety are endangered through the smuggling process. The Protocol also includes a very specific savings clause to the effect that none of its provisions can impact on existing rights and obligations including those related to human rights, international humanitarian law and refugee law. The savings clause was hard-won and its significance and impact should not be trivialized.

While a collision of norms (for example between the right of States to control their borders and the obligation of *non-refoulement*) may still occur, the correct outcome has been clearly articulated: any State Party that acts against the letter or spirit of international law, including international refugee law, in implementing its obligations under the Migrant Smuggling Protocol is in violation of one of its central provisions.

8 United Nations Office on Drugs and Crime, *The Concept of "Financial or other Material Benefit" in the Smuggling of Migrants Protocol: Issue Paper* (UNODC, 2017).

9 Australia, Canada, Germany, Greece, Indonesia, Italy, Malaysia, Mexico, Morocco, Sri Lanka, Tunisia, the United Kingdom and the United States of America.

10 Note that the legislation of an additional three surveyed States does provide at least partial protection from punishment (not prosecution) for humanitarian motivated facilitate entry.

11 United Nations Office on Drugs and Crime, *Travaux Préparatoires of the Negotiations for the Elaboration of the United Nations Convention against Transnational Organized Crime and the Protocols Thereto* (2006), p. 483.

It is not possible, within the confines of the present paper, to provide even a cursory assessment of international, regional and State practice against these standards. But there is abundant and compelling evidence of States Parties distancing themselves from the Protocol's goal of protecting smuggled migrants and ensuring their basic human rights. For example, almost all EU Member States have legislated to establish irregular entry and stay as offences, often punishable with custodial sentences.¹² In Australia and elsewhere, laws, policies and practices effectively punish migrants for the fact of having been smuggled – and humanitarian actors assisting recognised refugees to access protection have been prosecuted for smuggling.¹³ Very few States would be able to defend their actions against migrant smuggling as conforming to the letter and spirit of the Protocol with regard to smuggled persons rights under that instrument including their right to consular access; to assistance; and to protection from inhuman or degrading treatment.

4. Implications for global migration policy and practice

The impetus behind the Migrant Smuggling Protocol is not difficult to fathom. For States that felt themselves especially affected, a focus on the facilitators of migration as a way of dealing with irregular migration made strong political sense. As subsequent experience has shown, criminalization of irregular migrants themselves is always an option. But this approach can be problematic for liberal democracies – especially given the reality that many asylum seekers, including those with genuine claims to refugee status, use the services of smugglers in their often-desperate search for protection. Criminalization of the facilitation of such migration can be seen and sold quite differently: less an attack on individual migrants than on those who are profiting from their vulnerability and desperation. And, by emphasizing the connection with transnational organized crime, States are more easily able to characterize migrant smuggling as a threat to public order and national

security. This in turn helps to both explain and justify measures that might otherwise appear extreme, such as externalization of border controls and militarization of migration management.

The separation of migrant smuggling from trafficking in persons has been critical in shaping public perception of migrant smuggling as a crime against the State, and of smuggled migrants being complicit in their own misfortune and thereby not 'victims' deserving of protection and support. While the new international rules around migrant smuggling acknowledge the possibility of harm and the need to preserve the human rights of migrants, that has done little to dispel those entrenched perceptions. As a result, those protections that should, in theory, be available to smuggled migrants are rarely acknowledged or applied.

The very different fates of the migrant smuggling and trafficking protocols reflect a multitude of factors. Despite the complicated politics with which it has also been associated, trafficking is relatively straightforward for States. The ethics of human exploitation for private profit are not ambiguous or contested. Without compromising their core interests, all States can promise to support and protect victims; all can commit to addressing the root causes that make individuals and groups vulnerable to trafficking. An in-principle victim-centered and rights-based response has been further encouraged by abundant funding for anti-trafficking interventions; vigorous civil society involvement; and the existence of multiple external compliance mechanisms – not least the annual *U.S. Trafficking in Persons* report that evaluates the response of every country. None of these factors has been at play in relation to the Migrant Smuggling Protocol. The result is unsettling if unsurprising: a perceptible shaping of the Protocol and expectations around its implementation to meet the evolving policy preferences of States. This situation threatens the fragile international legal framework around this issue and consolidates the inexorable erosion of the rights and protections that the framework delivers to smuggled migrants.

12 European Union Agency for Fundamental Rights: Criminalization of Migrants in an Irregular Situation and of Person Engaging with Them (2014).

13 See Andreas Schloenhardt, "Non-Criminalization of Smuggled Migrants: Rights, Obligations, and Australian Practice Under Article 5 of the Protocol Against the Smuggling of Migrants by Land, Sea, and Air", *International Journal of Refugee Law*, 25 1: 39-64, (2013).

5. Smuggling and the global compact for migration

Since the adoption of the Protocol in 2000, migrant smuggling has evolved from a fringe criminal activity into the ‘new normal’ in international migration: the means of movement for many migrants, including most asylum seekers.¹⁴ The Global Compact for Migration must address migrant smuggling openly and honestly. At a minimum, States and others negotiating this instrument have a clear responsibility to confront the drift away from commitments made in 2000 and agree to correct them.

In relation to the definition: corruption of the international legal definition of migrant smuggling threatens the integrity of the carefully constructed legal framework around migrant smuggling and undermines efforts to secure a common understanding

of the problem and of what is required to address it. States and involved international organizations should clearly *affirm the internationally recognized definition of migrant smuggling: the intentional facilitation of irregular entry for financial or other material benefit.*

In relation to the criminalization of smuggled migrants: the international community must make clear, through the Global Compact for Migration that *international rules around migration and migrant smuggling do not provide any legal basis for the de jure or de facto criminalization of persons who have been smuggled.* Actions against migrant smuggling must be assessed against the international legal commitments that States have freely entered into. These commitments extend to those provisions of the Migrant Smuggling Protocol that affirm the preeminence of existing rights and obligations including those related to human rights, international humanitarian law and refugee law. ■

14 See further J. Carling, A. Gallagher and C. Horwood, ‘Beyond Definitions: Global Migration and the Smuggling-Trafficking Nexus’ www.regionalmms.org/images/DiscussionPapers/Beyond_Definitions.pdf



Migrant Return and Reintegration Policy: A Key Component of Migration Governance

*Kathleen Newland*¹

Introduction

The sharply increased movements of people across the Mediterranean starting in 2014 generated heightened interest in return migration. The arrivals included many people who would not be considered refugees, from countries such as Côte d'Ivoire, Senegal and Nigeria (few of the Nigerian migrants come from the conflict-affected region in the Northeast of the country, according to IOM) and even as far away as Bangladesh. While the epicenter of return and reintegration policy debate was in Europe and international policy forums, actual mass returns were taking place from Iran and Pakistan to Afghanistan and from the Dominican Republic to Haiti, and were threatened from Kenya to Somalia. These large-scale returns were not the primary focus of debate about return and reintegration policy in international institutions and forums, and for this reason they will not be the primary focus of this paper.

Return migration takes place along a spectrum from voluntary to involuntary movement, with at least six identifiable points.

Return Spectrum

Solicited → Voluntary → Reluctant → Pressured → Obligated → Forced

- At one extreme is return that is not only wholly voluntary but solicited by the country of origin. Many countries, including China, Ireland and South Korea actively court emigrants and members of the diaspora—especially highly skilled and talented migrants or potential investors—and may offer incentives for them to repatriate.
- Other migrants are not necessarily asked to return but do so voluntarily, some to retire or reunite with family, others because they believe their prospects in the country of origin have improved or they have achieved their migration goal of, for example, acquiring a skill or a nest egg.

- A third group of migrants decide to return voluntarily but reluctantly, even though they have not lost their legal right to remain. They may feel that going home is the best of a suboptimal set of options; perhaps the political and social climate in the country of destination has become inhospitable, they have not succeeded in pursuing their goals, or they are simply homesick.
- A fourth point on the spectrum holds migrants who are strongly pressured by the countries of destination to return, with some governments offering voluntary returnees a cash payment which may be available only for a limited time; this often occurs in times of economic crisis with high unemployment.
- A fifth category is obligatory return, for migrants who have not secured the right to remain legally in the country of destination and are ordered to leave. Return and repatriation assistance is often made available to those who comply with the obligation to return while those who do not comply, and continue to stay as unauthorized migrants, face legal sanctions.
- Finally, the other extreme of the spectrum is forced return, in which migrants who are legally required to leave the country of destination and have avoided doing so are physically detained and forcibly deported.

The acute policy conundrums surrounding return migration on the second half of this spectrum are the focus of this brief policy paper.² On the one hand a) states have the right to return migrants who have no legal authorization to remain, b) removal of unauthorized immigrants is understood to be

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² Countries of origin face a very different set of policy conundrums in trying to attract back their emigrant nationals. For example, special incentives offered to returning migrants may generate resentment among citizens who never left. One of the most difficult challenges is generational. The return of children and youth to a “home” country they do not know well fosters alienation. These challenges faced by countries of origin in the front half of the return spectrum often overlap with those on the second half, but are appropriately the subject for another paper.

an essential element of effective management of orderly migration c) states are determined to remove unauthorized migrants and many governments believe that they must do so in order to retain credibility with their citizens and legally resident non-citizens. On the other hand, states find it extremely difficult to remove unwilling migrants in an orderly and humane way. This is one conundrum.

A second conundrum is that when return takes place, whether voluntary or compelled, sustainability is often difficult to achieve. Reintegration in the country of origin will obviously be easier for migrants who return voluntarily, but all returnees must go through some kind of reintegration process. Governments who wish to encourage return migration, either as countries of origin or destination, have reason to consider what policies can help to make return migration sustainable. The timing of return is critical: if the same conditions that motivated migration in the first place—violence (of a criminal or political nature), corruption, high unemployment, dysfunctional public services, poor infrastructure, widespread poverty and lack of opportunity—are still pervasive, reintegration is likely to be difficult and returned migrants may try to leave again. Voluntary returnees may find that social and psychological reintegration into the country of origin is more difficult than they had imagined, or that they are unable to make a living.

A third conundrum arises from the reality that countries of origin and destination may have different views and interests in the return of migrants. While some states may welcome migrants back to the home country, and in some cases have actively encouraged return, others have little motivation to cooperate in the return of their nationals. Emigration may be seen as a crucial safety valve for poverty and unemployment (and in some cases, for political discontent). Migrants' remittances are an important proportion of gross national income in many countries, and may overbalance any threat of sanctions³ for failure to cooperate in the return of migrants. Countries of origin may simply be unable to reintegrate the migrants satisfactorily, and in case of large-scale returns, the human costs of repatriation may be very high. Long-settled emigrants may retain little practical connection with their countries of origin.

Background

The governments of many countries of destination today want to encourage return migration, particularly of unauthorized migrants, failed asylum seekers, people whose visas have expired, or those whose period of temporary protection has come to an end—in other words, migrants who do not have legal permission to remain. Some governments, such as that of the United Kingdom, have also articulated a desire to have lower “net migration,” which implies lower immigration, higher rates of return, or some combination of the two. Some governments want to encourage return migration of refugees when the conflicts that produced refugee flows have wound down (or even before, as with current returns to Afghanistan from a number of countries, and Turkey's interest in creating “safe zones” within Syria to which refugees could return even as fighting continues in parts of Syria). Some governments act unilaterally to return people, motivated by domestic political pressures or geopolitical strategic concerns.

Among Western democracies, the United States has been relatively successful at removing unauthorized immigrants, with 3.7 million formal returns carried out in 2003–13. This rate of return has risen in 2017, as the Trump administration gives priority to deportation of unauthorized migrants and could rise even more sharply if the administration removes protection from deportation from several groups. These include the roughly 800,000 beneficiaries and potential beneficiaries from the Deferred Action for Childhood Arrivals (DACA) program, and some nationalities benefitting from Temporary Protected Status (TPS), which now covers nearly 300,000 people.

Among European liberal democracies, return has proven to be quite difficult. This is in part because so many unauthorized immigrants apply for asylum, and asylum determination systems work very slowly. In many countries their capacity has been overwhelmed by the high number of applications from 2014 onwards (although arrivals have slowed considerably in Europe and the United States in 2017). The 28 EU members plus Norway and Switzerland received about 2.5 million asylum applications in 2015 and 2016. At the end of 2016, more than half were still waiting for their cases to be resolved, 40 percent had been approved, and about 3 percent (approximately 75,000 people) had been returned. A residual 5 percent,

3 The United States has curtailed visa issuance to nationals of Cambodia, Eritrea, Guinea and Sierra Leone because of lack of cooperation in receiving migrants returned to those countries.

mostly composed of rejected asylum seekers, could not be located.⁴ Even when decisions are concluded, they are difficult to execute. To illustrate, only 60 percent of the return decisions issued by EU countries in 2015 were actually carried out.⁵ Similarly, in the United States, despite high rates of removal, the backlog of asylum adjudications exceeded 617,000 cases in 2017, and the wait for most asylum seekers extended more than two years.

For countries of destination in Europe, the attraction of voluntary return has increased with the volume of asylum seekers and the growth of backlogs. (The United States does not offer reintegration assistance to many returned migrants.⁶) Offerings of payments and other kinds of assistance have grown more common. They serve two purposes, addressing both the first and second conundrums described above: to encourage migrants to return voluntarily to their countries of origin and to increase the sustainability of return.

Many governments work with the International Organization for Migration (IOM), which has managed Assisted Voluntary Return Programs (AVRR) since 1979. IOM provided AVRR assistance to 98,403 migrants in 2016, compared to 69,540 in 2015 and an average of 34,000 a year from 2005-2014. Some 83 percent of the returning migrants among these beneficiaries were returned from Europe; 54 percent from Germany alone (chiefly to Albania, Iraq and Serbia).⁷

IOM's AVRR programs provided US\$32.7 million in support to 39,000 returnees, in cash or in kind, in 2016—an average of \$838 per person. About 62 percent of the total was disbursed as small cash payments and about 31 percent consisted of in-kind support for micro-business start-up. Smaller proportions were made available for health care

and housing, and less than one percent each for services such as education, vocational training, social protection, job placement and legal services.

Most research on the subject seems to suggest, however, that the success of return incentives offered directly or indirectly by countries of destination is generally modest. Few assisted voluntary return programs have large uptake among rejected asylum seekers, in part because they are not well known or understood. Many migrants who take up return assistance were planning to return in any case. Return incentives are not usually large enough to make a big difference in the success of the individual's post-return plans. The efficiency and effectiveness of return payments and programs have not been rigorously evaluated in very many cases.

Some countries of origin have very limited ability to absorb returning citizens or to offer them meaningful reintegration assistance. Afghanistan is one of the most extreme examples. About 10,000 Afghans returned from Europe in 2016, almost 70 percent of them through IOM (although only about 1,100 received reintegration assistance). In the same year, well over one million Afghans were returned under duress from Pakistan and Iran, even as the country experienced an increase in attacks on civilians. With one of the lowest per capita incomes and human development indexes in the world, along with rising insecurity, reintegration in Afghanistan poses an enormous challenge.⁸ The same could be said of Haiti, where more than 202,000 people have been deported or returned under pressure from the Dominican Republic since mid-2015.⁹ Other countries of origin have greater capabilities to reintegrate returnees. Mexico's "Somos Mexicanos" program, for example, welcomes returnees at ports of entry and provides assistance and counselling.

4 Phillip Connor, "Still in Limbo: About a Million Asylum Seekers Await Word on Whether They Can Call Europe Home," Pew Research Center, September 2017, www.pewresearch.org

5 Demetri Papademetriou, "Maintaining Public Trust in the Governance of Migration," Transatlantic Council on Migration, Migration Policy Institute, May, 2016.

6 There are some exceptions, such as \$50,000 grant to an Salvadoran non-profit intended to help facilitate reintegration and support business start-ups with technical advice and financial education.

7 IOM, *Assisted Voluntary Return and Reintegration: 2016 Key Highlights*, www.iom.int/sites/default/files/our_work/DMM/AVRR/AVRR-2016-Key-Highlights.pdf

8 Nassim Majidi, "Between a Rock and a Hard Place: Assessing the Impact of Forced Returns to Afghanistan," Transatlantic Council on Migration, Migration Policy Institute, forthcoming, 2017.

9 In June, 2017, IOM opened a Border Resource Center in cooperation with the Haitian government to assist migrants returning from the Dominican Republic. "UN Migration Agency Opens Haiti's First Border Resource Center to Help Returning Haitians," IOM June 20, 2017, www.iom.int/news/un-migration-agency-opens-haitis-first-border-resource-centre-help-returning-haitians

Analysis

Data on the return experience and the viability of reintegration is remarkably thin. Few reintegration programs have been systematically evaluated or their participants followed-up for more than a short period; therefore, the opportunity to learn from experience has been limited.¹⁰ Four areas of weakness emerge from the academic and policy literature:

- Most reintegration programs are focused on the individual migrant rather than the household or community, which leads to a tendency to overlook gendered aspects of return and may exacerbate social integration problems.
- An over-reliance on entrepreneurship as the answer to economic self-sufficiency is the dominant approach, which recognizes the weakness of labor markets in countries of origin but does not appear to have a good record for sustainability.
- Most programs are confined to the economic aspects of sustainability while excluding social and psychological needs.
- Consultation and cooperation between countries of destination and countries of origin is more the exception than the rule. This is of particular concern when the host country prioritizes the return of criminals. Return is something that is done to countries of origin, although there seems to be some shift toward greater cooperation, for example in the joint EU-Afghan agreement on return of 2016.¹¹

Some of the best examples of sustainability can be found in projects that are generated by migrants themselves, and are carried out by a self-formed group. The groups are often based on common place of origin. Moroccan returnees from France established rural electrification projects to sustain small businesses and producer coops in the intra-Atlas

region. Turkish returnees from Germany, inspired by an expatriate engineer, established a workers' cooperative wallpaper factory, while a successful hydraulic equipment factory was started by Slovenian returnees.¹²

Conclusion

There is little agreement on what sustainable return means. To IOM, reintegration is sustainable when returnees are economically self-sufficient, socially accepted and enjoy psychosocial well-being.¹³ Richard Black and Russel King set a lower bar: "Return migration is sustainable for individuals if returnees' socio-economic status and fear of violence or persecution is no worse, relative to the population in the place of origin, one year after their return."¹⁴

Certain preconditions for successful and sustainable return can be identified based on experience. At the top of the list is a basic level of physical security. Without that, and a conducive socio-economic environment, return and reintegration assistance is not likely to produce durable settlement. A secure and stable environment includes access to resources, adequate infrastructure, available health care, accessible education, and institutions capable of enforcing respect for basic rights. Conflict affects all of these factors negatively.

Cooperation among states is a key to resolving these issues, both to fostering conditions conducive to sustainable return and to resolving their different priorities about the timing and conditions of return.

10 Germany's development agency Gesellschaft für Internationale Zusammenarbeit (GIZ) has commissioned an evaluation of the government's return programs, which is expected to be completed in 2018.

11 Nassim Majidi, op. cit.

12 Rosemarie Rogers, "Return Migration, Migrants' Savings and Sending Countries' Economic Development: Lesson from Europe," Working Paper No. 30, Commission for the Study of International Migration and Cooperative Economic Development, Washington, DC, May 1990.

13 International Organization for Migration, *Enhancing Migrant Well-Being upon Return through an Integrated Approach to Reintegration*, Global compact Thematic Paper: Reintegration, 2017.

14 Richard Black and Russel King, "Editorial Introduction: Migration, Return and Development in West Africa," *Population, Space and Place*, 10 (2), pp. 75-82, 2004.

Recommendations

The UN Secretary-General's first Special Representative for Migration, Peter Sutherland, in his 2017 Report,¹⁵ called on states 'to start a dialogue among countries of origin, transit and destination on return practices and standards, with a view to establishing a common understanding and, ultimately, shared principles to govern cooperation on return and reintegration in all world regions.' This recommendation is echoed in the list of possible topics for the Global Compact on Migration set out in the New York Declaration for Refugees and Migrants, Annex II, "Toward a global compact for safe, orderly and regular migration."¹⁶ It is a crucial first step to bring consistency, transparency and order to the return and reintegration of migrants. The standards called for in the Sutherland Report could address issues like the portability of earned social benefits, reintegration programs that benefit the community of return as a whole rather than migrants only, and the involvement of local authorities and other community-level actors in reintegration planning and practice. One principle that could be recognized is that flexible rules governing mobility can promote return and reintegration. People are more likely to take the risks involved with return migration if they know they have an option to go back to the country of origin under prescribed conditions—to visit family, conduct business, undergo additional education or training, and so forth. This kind of circular migration recognizes the ties that people build up over long periods of expatriation, and can activate these ties as assets for development. ■

15 Recommendation 7, Report of the Special Representative of the Secretary-General on Migration, UN A/71/728, February 3, 2017.

16 Resolution adopted by the General Assembly on 19 September 2016 as the outcome document of the High-Level Plenary Meeting on Addressing Large Movements of Refugees and Migrants, "The New York Declaration for Refugees and Migrants," A/Res/71/1, Annex II, paragraph 8(s).



Why Values, not Economics, Hold the Key to the Populist Right - and to Crafting New Migration Narratives

Eric Kaufmann¹

Opposition to immigration was the primary driver of the Brexit vote in Britain and Donald Trump's support in the primaries in 2016, even if some who voted for Trump on election day were lukewarm towards their candidate. Norbert Hofer's 48 percent of the second round vote in the Austrian election of the same year, and populist right polls or votes of between 20 and 35 percent across Sweden, Denmark, France, Norway, Switzerland and the Netherlands during 2014-16 show how important right-wing populism currently is in the West. Immigration currently (9/17) ranks second in the Eurobarometer after terrorism as the most important issue for European publics and has been first or second-ranked since 2014. Why this rise - and what lessons does this hold for international policymakers?

Culture and psychology matter most

A wealth of academic work supports the contention that concern over immigration is the factor most closely associated with support for the populist right in the West. Furthermore, these worries are predominantly cultural and security-oriented, not economic, in nature.² Panel studies, which are much more accurate than cross-country comparisons at one point in time, suggest economic differences between countries have no consistent effect on attitudes or populist right voting but the share and increase of immigrants in a country is associated with opposition to immigration and higher populist right support.³ Immigration tends to polarize publics by values much more than income. So-called authoritarian values,

such as support for strict childrearing or the death penalty, correlate much more closely with opposition to immigration than income or class. So do measures of conservatism such as 'things in my country were better in the past.' Just 16 percent of white Americans who think the past was not better than the present want immigration reduced a lot. This rises to 58 percent among those who say the past was better, and 72 percent among those who strongly agree the past was better.⁴

Consider figure 1, which shows that White British people who strongly agree that things in Britain were better in the past score towards the most restrictive on a 0-10 scale of admitting immigrants while those who most disagree rank above a 5, meaning they are happy with the current level. By contrast, the tight cluster of lines for income levels shows that being rich or poor makes no difference to immigration opinion when one controls for orientations to the past. Only among those who refused to answer the question do we find a significant effect.

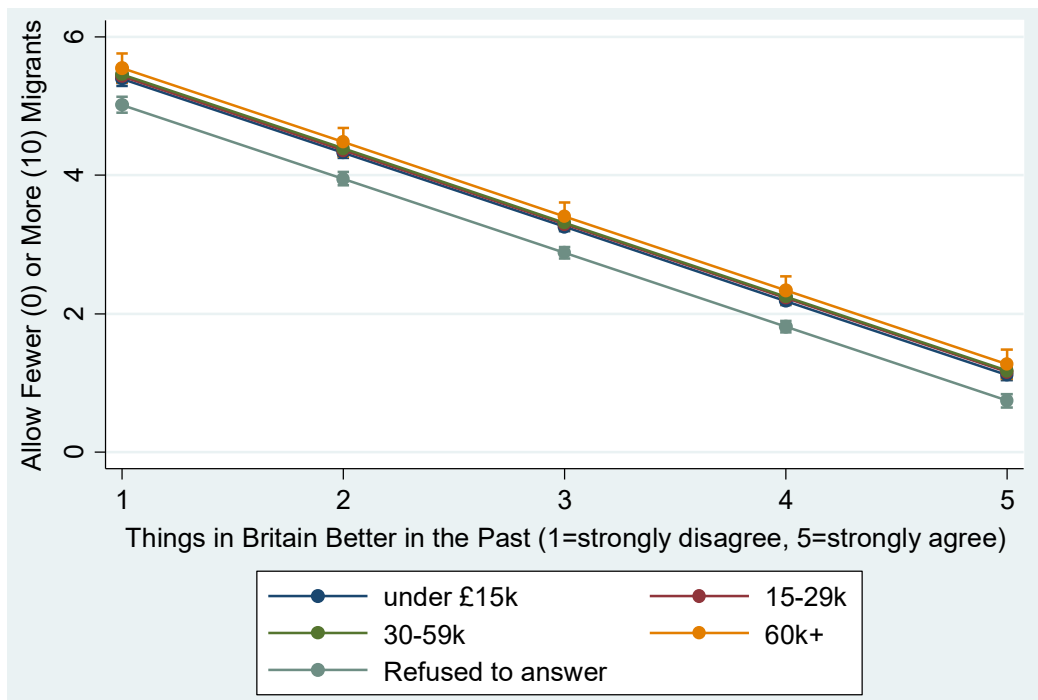
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2 Hainmueller, J. and D. J. Hopkins (2014). "Public Attitudes Toward Immigration." *Annual Review of Political Science* 17: 225-249.

3 Hatton, T. J. (2016). "Immigration, public opinion and the recession in Europe." *Economic Policy* 31(86): 205-246; Davis, L. and S. S. Deole (2015). "Immigration, Attitudes and the Rise of the Political Right: The Role of Cultural and Economic Concerns over Immigration."; Stockemer, D. (2017). "The success of radical right-wing parties in Western European regions—new challenging findings." *Journal of Contemporary European Studies* 25(1): 41-56.

4 Policy Exchange-YouGov-Birkbeck survey, 16-17 August 2016. Data at: https://d25d2506sfb94s.cloudfront.net/cumulus_uploads/document/aage6nsrqqj/PolicyExchangeResults_160907_Authoritarianism_US.pdf

Figure 1. Allow more migrants, Income and Conservatism (BES 2017)



Source: British Election Study Internet Panel Survey wave 7-9.⁵

Social psychology, in the guise of deep cultural orientations, is key to whether an individual supports or opposes immigration. It is possible to map people's values across a large battery of questions in two-dimensional space, as has been done by psychologist Shalom Schwartz and by Cultural Dynamics, a values research firm.⁶ These exercises show that opponents of immigration tend to cluster in one section of the map which Cultural Dynamics term 'Settlers.' Settlers prefer security and stability over novelty and change. By contrast, 'Pioneers' value novelty and experimentation, and tend to be pro-immigration and universalist in outlook. A third group, 'Prospectors,' tend to be materialistic and oriented toward success and display, and are more agnostic on the issue.⁷ While age and education are somewhat predictive of values, most value differences are intra-group, and are rooted in genes or early childhood experiences.

A rural-urban divide?

Maps of England, America, the Netherlands and Austria all showed islands of liberalism around large cities and college towns, with most of the countryside painted in the colours of populism. Pundits rapidly jumped to the conclusion that rural voters, who had the least contact with immigrants and diversity, were most hostile. Thus many turned to 'left behind' explanations based on economic stagnation or popular discontent with metropolitan elites. In fact there is precious little evidence that either is an important driver of anti-immigration or populist right sentiment. The BES asks a battery of five questions on anti-elitism such as 'the people not politicians, should make our most important policy decisions' or 'politicians in the UK parliament need to follow the will of the people.' None of these items sorts Leavers from Remainers: socialist Corbyn supporters and Greens also tend to agree. In America, a small survey I conducted in March 2017 showed that more Clinton than Trump supporters resented the American elite. Most Clinton supporters disliked American elites for being rich and powerful while most Trump voters disliked them for being 'politically correct.'

5 Fieldhouse, E., et al. (2017). British Election Study, 2017: General Election Results Dataset [computer file], July.

6 For examples, see www.cultdyn.co.uk/

7 Rose, C. (2011). What Makes People Tick: The Three Hidden Worlds of Settlers, Prospectors and Pioneers, Matador.

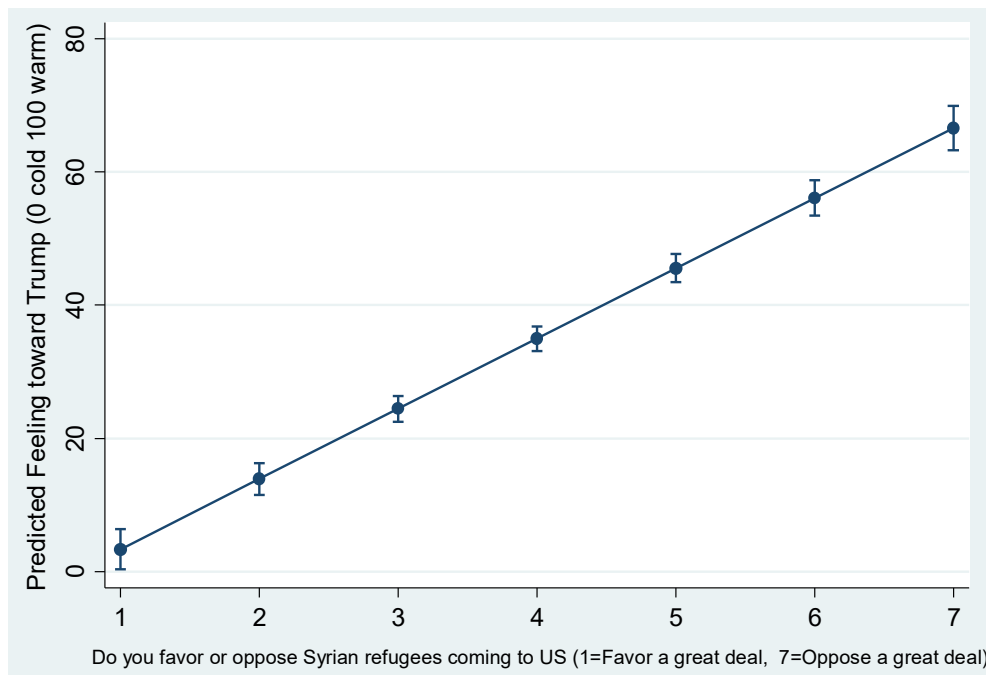
Inequality – tied to the ‘left behind’ theory - is a concern of Remain and Clinton supporters not Leave voters and Trump supporters.⁸ Free Trade exercises the populist right much less than immigration.

Thus ideology and values, not elitism, lie at the heart of today’s polarized politics. Hence it is no surprise that when it comes to immigration and populism, it is hard to fit a paper clip between a white working-class Londoner and a white working-class Briton from rural England. As in the past, rural-urban differences are largely illusory: cities like London and Paris have more young people, ethnic minorities and professionals with degrees than the countryside. These demographic components, not the cosmopolitan atmosphere of these cities, underlies the difference. In diverse neighbourhoods, contact with immigrants does produce somewhat higher toleration among local whites, but this is counterbalanced by heightened threat perceptions about immigration in the ‘halo’ of whiter exurban zones which tend to ring diverse cities and districts.⁹

Refugees and immigrants

Public opinion tends to be more favourable when surveys ask about ‘immigrants’ than the more abstract ‘immigration’, and especially when questions focus on a particular person, such as Syrian child Aylan Kurdi whose body was found on a beach. Most western publics do not, however, draw sharp distinctions between refugees and immigration. They support refugees in principle, but also include refugee inflows as part of immigration. Those who oppose immigration often oppose refugees and vice-versa. When refugees are Muslim, polarizing effects are especially severe because sensationalized security and liberty concerns blend with cultural worries. No question in the 2016 American National Election Study (ANES) pilot survey identified Trump support during the Republican primaries as well as that on Syrian refugees. Those who most opposed admitting the Syrians ranked Trump a 70 and those most supportive scored him nearly zero (figure 2).

Figure 2. Trump rating and Opinion on Syrians (US Whites), ANES Pilot - Jan 2016



Source: ANES Pilot Survey, January 2016.

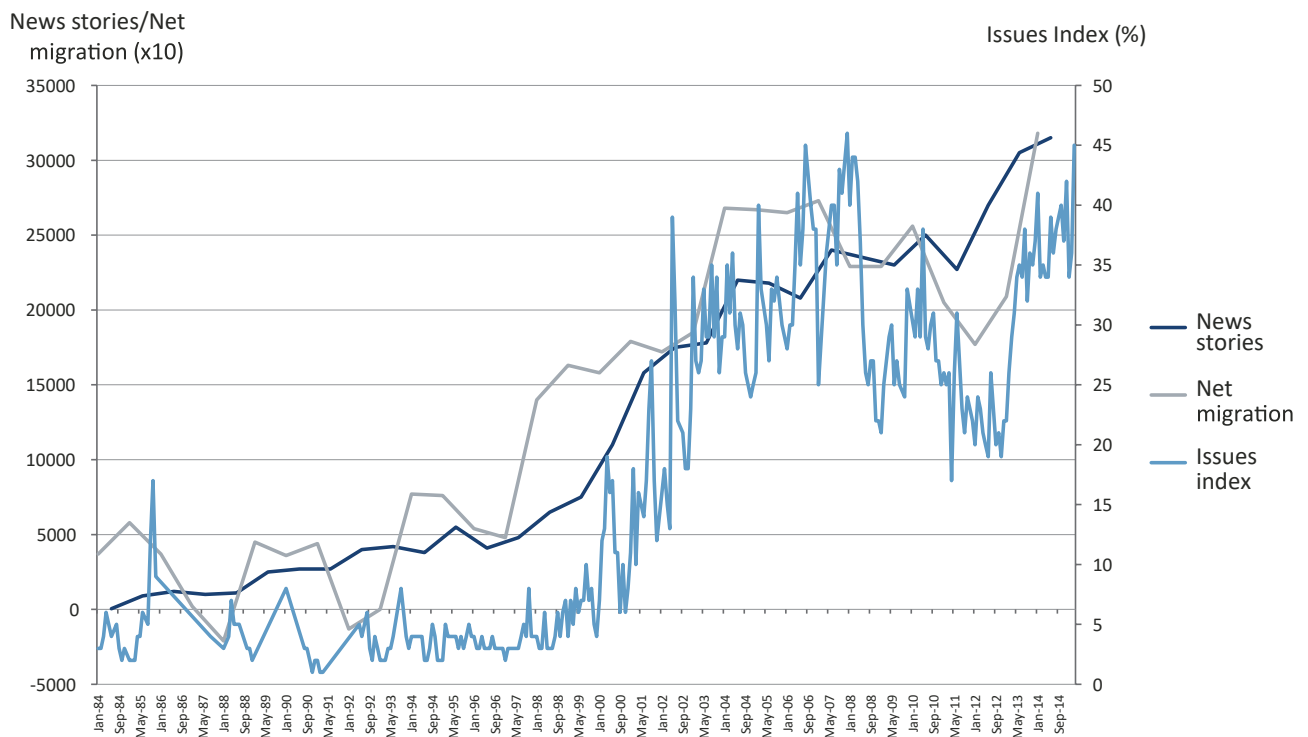
8 Kaufmann, E. (2016). 'Trump and Brexit: why it's again NOT the economy, stupid'. LSE British Politics and Policy blog.
9 Kaufmann, E. and G. Harris (2015). "'White Flight' or positive contact? Local diversity and attitudes to immigration in Britain." *Comparative Political Studies* 48(12): 1563-1590; Rydgren, J. and P. Ruth (2013). "Contextual explanations of radical right-wing support in Sweden: socioeconomic marginalization, group threat, and the halo effect." *Ethnic and Racial Studies* 36(4): 711-728.

When do conservatives become politicized?

The value divides which underlie immigration opinion do not automatically translate into political action. A change in the rate of immigration, heightened media coverage or cues from political leaders are typically required in order to activate conservative ‘Settler’ opinion. The *rate* of immigration is extremely important: rapid increases in immigration are

often correlated with the heightened *salience* of immigration. That is, the issue moves up people’s list of priorities and receives more media coverage, though it is not possible to tell whether the media is reflecting or shaping public opinion. Figure 3 shows a high correlation between smoothed time series for net migration, salience of immigration and media stories on immigration in Britain between 1984 and 2015.¹⁰

Figure 3. News stories about immigration, those mentioning immigration as an issue and net migration over time



Source: Ipsos-Mori ‘Shifting Ground,’ 2015, p. 5.

¹⁰ Ipsos-Mori ‘Shifting Ground,’ 2015, p. 5. www.unboundphilanthropy.org/sites/default/files/shifting-ground-attitudes-to-immigration-2016.pdf

Very similar patterns have been noticed in the Netherlands, Spain and Germany.¹¹ Once immigration is salient, political actors move in to cater to the new political demand. When mainstream parties find immigration too toxic to handle for ideological or reputational reasons, populists may enter this terrain. This could be for ideological reasons or to exploit an electoral opportunity. In Germany, for instance, Frauke Petry's transformation of the AfD from a libertarian party into an anti-immigration one in 2015 led to a dramatic jump in party fortunes, which correlates with Germany's considerable refugee inflows during the crisis.¹² Once the populist right succeeds in this space, this prompts centrist parties to attempt to match populist rhetoric – as occurred to an extent in the Netherlands with the PVV and in Britain with the Conservatives in 2017 – in order to win back these votes, which shifts the policy consensus towards restriction.

Policy solutions

Any attempt to address such anxieties must therefore focus more on cultural than traditional economic solutions such as directing resources to high-immigrant areas. Most who oppose immigration and refugees do not live in such places and even those who do are more motivated by a sense of cultural dislocation than by actual material deprivation. In order to reach cultural conservatives, those who wish to keep the doors at least somewhat open need to speak to their concerns.

First, this means attempting to address factual misperceptions about the size and growth of immigrant and Muslim populations. These may not matter to 'Pioneers' or what David Goodhart calls 'Anywheres', whose sense of identity is tied to self-exploration and

mobility. However it does matter to the 'Somewheres' who comprise perhaps half the population of many western countries.¹³ No West European country will be more than 10 percent Muslim in 2030. In 2050, France is projected to be 10.4 percent Muslim. Yet Ipsos-Mori's 2016 'Perils of Perception' report shows the average French person thinks France will be 40 percent Muslim in 2020, a few years from now, instead of the actual 8 percent. Across Europe, the average overestimate of 2020 Muslim share is 25 points.¹⁴ Previous work by Bobby Duffy and Tom Frere-Smith at Ipsos-Mori shows that people across the West routinely overestimate immigrant share by a factor of two or three.¹⁵

Attempts to spread demographic literacy can help counteract claims by viral videos whose warnings of Muslim takeover are believed by many.¹⁶ A recent survey experiment finds that when people are given accurate information about the share of foreign born in their country then asked a month later what the share is, they adjust their estimates 12 points closer to reality.¹⁷ Pew Forum projections, based on the best immigration, fertility and switching data we have, show that the rate of Muslim growth in Europe is tapering. In 2050, no West European country will be more than 12.4 percent Muslim, far lower than most think is the case today.¹⁸ This needs to be more clearly presented to conservative audiences, preferably by a trusted figure.

There is also an important role for telling a story about immigration in which inflows may leave the country relatively unchanged. After all, if history is our guide, it is far from clear that immigration leads to a wholesale change in the ethnic composition or culture of a society. Consider the following passage,

11 Dennison, J. et al. (2017). "The Dutch aren't turning against immigration—the salience of the immigration issue is what drives Wilders' support." LSE European Politics and Policy (EUROPP) Blog.; Boomgaarden, H. G. and R. Vliegenthart (2009). "How news content influences anti-immigration attitudes: Germany, 1993–2005." *European Journal of Political Research* 48(4): 516–542.; Morales, L., et al. (2015). "The gap between public preferences and policies on immigration: A comparative examination of the effect of politicisation on policy congruence." *Journal of Ethnic and Migration Studies* 41(9): 1495–1516.

12 Kappe, R. (2016). Media attention, party positioning and public support for right-wing populist parties: The emergence of the "Alternative für Deutschland" (AfD) party in Germany. Elections, Political Parties and Public Opinion (ePop) conference. University of Kent.

13 Goodhart, D. (2017). *The Road to Somewhere: The Populist Revolt and the Future of Politics*, Oxford University Press.

14 www.ipsos.com/sites/default/files/2016-12/Perils-of-perception-2016.pdf

15 www.ipsos.com/sites/default/files/publication/1970-01/sri-perceptions-and-reality-immigration-report-2013.pdf

16 I.e. 'Muslim Demographics'. www.youtube.com/watch?v=6-3X5hIFXYU

17 Grigorieff, A., et al. (2016). "Does Information Change Attitudes Towards Immigrants? Representative Evidence from Survey Experiments." London School of Economics. www.lse.ac.uk/IGA/Events/PDF/Siracusa/Ubfal.pdf

18 Pew Forum on Religion in Public Life (2011). 'The Future of the European Muslim Population'. V. Skirbekk, Bilal Barakat, Anne Goujon, Samir KC, Eric Kaufmann, Erling Lundevaller, and Marcin Stonawski.

which I had one third of a sample of 1,500 White British adults read:

Immigration has risen and fallen over time, but, like the English language, Britain's culture is only superficially affected by foreign influence. According to Professor X of the University of London, a large share of the children of European immigrants have become White British. Historians tell us that French, Irish, Jews and pre-war black immigrants largely melted into the white majority. Those of mixed race, who share common ancestors with White British people, are growing faster than all minority groups and 8 in 10 of them marry whites. In the long run, today's minorities will be absorbed into the majority and foreign identities will fade, as they have for public figures with immigrant ancestors like Boris Johnson or Peter Mandelson. Britain shapes its migrants, migration doesn't shape Britain.

This contrasts with a more conventional storyline, read by a second group of 500 in the survey:

Britain is changing, becoming increasingly diverse. The 2011 census shows that White British people are already a minority in four British cities, including London. Over a quarter of births in England and Wales are to foreign-born mothers. Young Britons are also much more diverse than older Britons. Just 4.5% of those older than 65 are nonwhite but more than 20% of those under 25 are. Minorities' younger average age, higher birth rate and continued immigration mean that late this century, according to Professor Y, White British people will be in the minority. We should embrace our diversity, which gives Britain an advantage in the global economy.

The first passage seeks to reassure those who are concerned about White British ethnicity, but are open to absorbing newcomers through assimilation. The second seeks to reassure those who are concerned only about British state nationalism and not the ethnic or cultural makeup of the country. Among conservative (Leave/UK Independence Party) voters, those who read the first passage were 20–35 points less willing to sacrifice 5 percent of their income to halt EU migration than UKIP/Leave voters reading the second or no passage.¹⁹

Policy implications: toward a new migration narrative

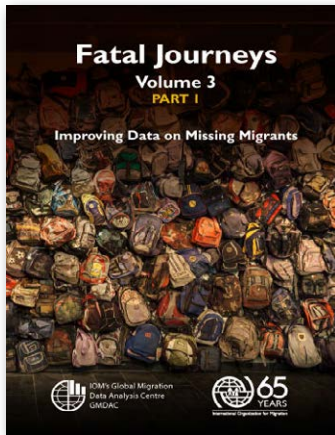
The lesson is not for policymakers to talk about assimilating new immigrants: this is threatening to immigrants and signals to white conservatives that assimilation is not taking place. Instead, what is recommended is to devise different political communications about immigration for conservatives and liberals/minorities. This 'constructive ambiguity' has long been a currency of politics, and recognizes that there is no single 'hymn sheet' of national identity. Just as people identify with an entity like the Social Democrats in different ways (gender, class, minority ethnicity), they do so with the nation in different ways (civic, ethnic, ideological).

Political communications need to embody this. The attention of conservative audiences can be drawn to successful indices of assimilation – not just language, but intermarriage rates and minority identity shifts toward the majority - which are often considerable but presently go under the radar. Half of French Algerian men marry outside their group, for instance, while many children of East Europeans in Britain identify as White British. The contemporary diversity-with-civic nationalism approach should persist only for liberal or diverse audiences. My research suggests that a sustained campaign of majority reassurance and demographic literacy helps allay fears about the culturally disruptive effects of immigration. Ideally, liberals and conservatives should be free to read what they want to into a government message on immigration. By contrast, as leading social psychologist of authoritarianism Karen Stenner persuasively argues, attempting to sell the merits of diversity - i.e. 'we are all becoming diverse and multicultural' - to conservative audiences is likely to exacerbate authoritarian fears and stiffen resistance.²⁰ At the international level, an effective strategy to counter growing resistance to migration would be to show greater awareness of the ethno- cultural dimensions of migration and recognise the need to address the cultural anxieties of majority-group conservatives through new, targeted, migration narratives. These should highlight assimilation and continuity rather than change, and correct demographic misperceptions. ■

19 Kaufmann, E. (2016). 'Can narratives of national identity reduce support for Hard Brexit and Trump?: a survey experiment'. Nuffield College, Oxford.

20 Stenner, K. (2005). *The authoritarian dynamic*, Cambridge University Press.

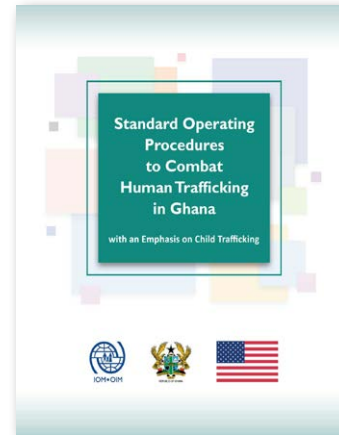
Publications



**Fatal Journeys Volume 3 Part 1
Improving Data on Missing Migrants**
2017/136 pages
ISSN 2522-7335/E-ISBN 978-92-9068-744-3
English

Since 2014, more than 22,500 migrant deaths and disappearances have been recorded by the International Organization for Migration globally. The real figure could be much higher, but many deaths are never recorded. Fatal Journeys Volume 3 – Part 1 provides a global review of existing data sources, and illustrates the need for improvements in the ways that data on missing migrants are collected, analysed and communicated.

The report highlights three key ways in which to improve the collection, sharing and reporting of data on missing migrants. First, a growing number of innovative sources of data on missing migrants, such as “big data”, could be used to improve data on migrant fatalities. Second, much more could be done to gather data to increase identification rates, such as developing intraregional mechanisms to share data more effectively. Third, improving data on missing migrants also requires more thought and improved practice in the use and communication of such data. Improving information and reporting on who these missing migrants are, where they come from, and above all, when they are most at risk, is crucial to building a holistic response to reduce the number of migrant deaths.



Standard Operating Procedures to Combat Human Trafficking in Ghana with an Emphasis on Child Trafficking
2017/368 pages
English

Over the past 15 years, Ghana has taken significant steps towards restoring justice for victims of trafficking. To succeed in this fight and fully implement the existing law and policy; however, national stakeholders must coordinate their respective efforts to combat human trafficking. One major challenge to coordination has been the lack of common standards for assistance and referral guidelines for all national stakeholders. Guided by law and international good practices, these standard operating procedures (SOPs) answer that call, containing information relevant to all national stakeholders in a position to combat human trafficking. These SOPs were developed through the framework of the Child Protection Compact Partnership, a bilateral agreement between the United States of America and Ghana, and guided by key stakeholder inputs at the national, regional and district levels, and with participation of both government and non-government agencies.

As reference material, certain chapters will be more relevant than others depending on the reader’s functional role and responsibility. Chapter 1 is widely relevant as it describes identification and screening protocols, a shared responsibility among stakeholders. Chapter 2 is for caregivers, especially social workers, as it explores the trauma-informed assistance process. The second chapter is followed by a special chapter that outlines the human trafficking legal framework and is aimed at a broad audience. Chapter 3 guides law enforcement officials through a victim-centred investigation process, while chapter 4 is also meant primarily for law enforcement officials as it offers strategies to prosecute suspected human traffickers. Finally, chapter 5 presents a data-driven referral and case management system.



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- Not exceed five pages and be written in a non-academic and reader-friendly style.
- Cover any area of migration policy but discuss, as far as possible, particular solutions, policy options or best practice relating to the themes covered.
- Provide, as often as applicable, lessons that can be replicated or adapted by relevant public administrations, or civil society, in other countries.

Articles giving account of evaluations of specific migration policies and interventions, including both evaluation findings and innovative evaluation methodologies, are particularly welcome.

To discuss any aspect of the journal, or to submit an article, please contact:

- **Solon Ardittis** (sardittis@eurasylum.org); and
- **Frank Laczko** (flaczko@iom.int)