Chapter 1.3[1]

Evaluating Migration Policy Effectiveness

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1.3.1 Introduction[2]

The effectiveness of immigration policies is a highly contested issue. While some scholars argue that, on the whole, immigration policies have been effective (Brochmann and Hammar 1999), others counter that efforts by states to regulate and restrict immigration have often, if not mostly, failed (Castles 2004a; Cornelius, Martin and Hollifield 2004; Düvell 2005). Migration policy 'pessimists' usually argue that international migration is mainly driven by structural factors such as labour market imbalances, inequalities in wealth and opportunities, and violent conflicts and persecution in origin countries. Because migration policies have little or no influence on such factors, immigration restrictions would primarily change the ways (or modes) in which people migrate, but leave long-term trends and volumes largely unaffected. They argue further that once migration communities in destination countries reach a certain size, migrant networks, employers, and the 'migration industry' create an internal dynamic of self-perpetuating movements of people which is hard to stop (Castles 2004a; Haas 2010).

It is also argued that states, and liberal democracies in particular, have limited legal and practical means to control immigration because they face institutionally embedded constraints in the form of constitutional norms and principles that 'constrain the power and autonomy of states both in their treatment of individual migrants and in their relation to other states' (Hollifield 1992, p. 577). This all suggests that 'the ability to control migration has shrunk as the desire to do so has increased. The reality is that borders are beyond control and little can be done to really cut down on immigration' (Bhagwati 2003, p. 99). The fact that migration to wealthy countries has risen substantially over the past decades, notwithstanding apparently

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substantial efforts by states to curtail it, seems to corroborate the perception that immigration policies have largely been ineffective.

However, migration policy optimists countered such scepticism by arguing that immigration policies have largely been effective and, in fact, have become increasingly sophisticated (Brochmann and Hammar 1999; Geddes 2003). Despite extensive media and academic attention to irregular and other forms of officially unwanted migration, these scholars argue that the majority of migrants abide by the rules and therefore the bureaucratic systems that regulate migration are largely under control. Broeders and Engbersen (2007) contended that the capacity of states to effectively implement immigration policies such as the detection of irregular migrants has increased, and as a consequence, it has become more difficult for poor people from developing countries to migrate to wealthy countries as a result of the introduction of visa requirements and stricter border controls (Carling 2002). Such assessments seem to be supported by a growing number of quantitative empirical studies which indicate that immigration restrictions do significantly affect the magnitude and composition of immigration flows (Hatton 2005; Mayda 2010; Beine, Docquier and Ozden 2011; Ortega and Peri 2013; Czaika and de Haas 2014, Czaika and Parsons forthcoming).

1.3.2 Migration Policy Effects vs Effectiveness

So, why are migration policies often perceived as ineffective despite having significant effects on immigration? First of all, the observation that the effect of a policy is significant does not necessarily mean that the magnitude of that effect is large compared to the effects of other migration determinants. Furthermore, Czaika and de Haas (2013) argue that, to a considerable extent, the controversy reflects conceptual confusion and fuzziness about what constitutes migration policy, policy effects and policy effectiveness. Generally, migration policies are established in order to affect behaviour of a target population (i.e., potential migrants) in an intended direction. However, many non-migration policies – which do not target (potential) migrants – also influence migration, and their effects may be even larger than those of migration policies. For instance, labour market and higher education policies are also likely to affect immigration although not being the prime target of such policies. This implies that the lines between migration and other migration-relevant public policies are often blurred.

In addition, the controversy on migration policy effectiveness partly stems from confusion between policy discourses, policies on paper, policy implementation, and policy impacts. Based on this, we can distinguish three policy gaps: the 'discursive gap', which reflects the discrepancy between public discourse and policies on paper; the 'implementation gap', which is the disparity between policies on paper and their implementation; and finally, the 'efficacy gap', that is the extent to which implemented policies actually affect migration controlling for other migration determinants such as economic growth and labour market demand (Czaika and de Haas 2013). While implemented policies seem to be the most appropriate yardstick to measure policy effectiveness, in practice the relatively tough discourses are often taken as a point of reference. This can easily lead to an overestimation of 'policy failure' (Czaika and de Haas 2013). A recent analysis of the evolution of immigration policies since 1945 questions the common assumption that immigration policies have become more restrictive. In reality, immigration policies have become more and more complex and focused on selection rather than curbing immigration per se (de Haas, Natter and Vezzoli 2014), although the generally 'tougher' discourses used by politicians suggest the latter.

From this, we can derive three methodological inferences (de Haas and Czaika 2013). First, an appropriate measurement of the effects of migration policies requires consideration of implemented policies and concrete policy instruments. Second, migration policy evaluation requires not only an assessment of whether (or not) a particular migration policy has a (statistically) significant effect, but also what the relative magnitude of this effect is compared to the effect of other migration determinants. Third, empirical studies on policy effectiveness should not only focus on the immediate effects of policy measures on the inflow of the targeted migrant category specific policy, but also consider the long-term knock-on effects such measures can have on (other) migration flows, which may partly or entirely undermine the intended effects.

The latter is necessary because, rather than affecting overall volumes of inflows, immigration restrictions often change the *way* in which people migrate. Therefore, it is useful to distinguish the effect of migration policies on (i) the volume, (ii) the spatial orientation, (iii) the composition (i.e. legal channels and migrant characteristics), (iv) the timing, and (v) the direction of migration flows. Based on this distinction, de Haas (2011) identified four substitution effects that can impact the effectiveness of immigration restrictions: (1) *spatial substitution* through the diversion of migration to other countries; (2) *categorical substitution*

through a re-orientation towards other legal or illegal channels (Czaika and Hobolth 2014); (3) *inter-temporal substitution* affecting the timing of migration such as 'now or never migration' in the expectation of future tightening of policies (see also Peach 1968; van Amersfoort 2011); and (4) *reverse flow substitution* if immigration restrictions also reduce return migration making the effect of restrictions on net migration ambiguous (Czaika and de Haas 2014).

These substitution effects also show the need to consider the certain externalities of specific policy measures that may go beyond short-term effects on targeted (e.g., asylum, labour or family) migration categories by considering short and long-term effects of specific migration policies on other immigration and emigration flows that are not explicitly targeted by the policies. In other words, it is only by looking at policy effects on overall migration dynamics that we can obtain more fundamental and comprehensive insights into the role of policies in migration processes. This is important because substitution effects may counteract the intended effects to such an extent that they may make some policy measures ineffective or even counterproductive. Some of these policy and substitution effects have recently been assessed empirically and conclude that migration policies have at least some effect on migration flows, which is perhaps not really surprising. The key challenge seems rather the assessment of the relative magnitude of these (intended and unintended) policy effects compared to the impact of other migration determinants.

1.3.3 Empirical Evidence

While some analyses of policy effects focus on the impact of specific measures on specific immigration categories over limited time periods (Hatton 2005), other studies offer more generic assessments of certain historical cases where migration policies have failed to affect long-term migration trends in the intended direction (Castles 2004a). Notwithstanding various methodological challenges (Czaika and de Haas 2013), more recent studies have begun to quantify migration policy effects (Mayda 2010; Ortega and Peri 2013). For instance, Hatton (2009) investigated the determinants of asylum migration and concluded that the decline of asylum applications in the industrialised countries of Europe, North America and Australasia should largely be attributed to the decline of violence and terror in origin countries, and that more restrictive policies account for only about a third of the decline in applications since 2001.

Yet while most of these studies find some (statistically) significant impact of immigration policies on inflows, they do not assess the effect of immigration policies on flows in the opposite direction. This is problematic as the effectiveness of policy restrictions can be undermined by a reverse flow substitution effect if they not only reduce inflows from particular countries but also return migration thereby decreasing overall circulation and diminishing the policy effect on net migration. In other words, immigration restrictions may push migrants into long-term or permanent settlement. This argument has been made in the context of the guest-worker policies implemented Western European countries or the US (Entzinger 1985; Massey and Pren 2012). Using a large bilateral migration dataset, we provided quantitative evidence that policy restrictions simultaneously decrease immigration *and* emigration from and to particular origin countries (Czaika and de Haas 2014). Our results show that the immigration-reducing effect of visa restrictions was largely counterbalanced by their emigration-reducing effect. The main effect of restrictions was thus decreasing circularity with ambiguous effects on net migration.

This shows the vital importance of addressing such reverse flows substitution effects in order to understand how policies affect overall migration dynamics and circulation over longer time periods. The danger of exclusively focusing on the inflow targeted by policy is to overestimate its net effect. For instance, existing evidence suggests that many policy interventions that aim at stimulating circular migration through restricting migrants' access to rights and encouraging return may actually achieve the opposite by discouraging return and pushing migrants into permanent settlement.

Another shortcoming of prior migration policy evaluations is the implicit methodological assumption that the effects of migration policy change in a more liberal direction have the reverse ('mirror') effects of a policy change in the opposite more restrictive direction. Czaika and de Haas (2014) find evidence that policy effects may be highly asymmetrical. We found that while the introduction of a visa had a delayed effect, the lifting of visa restrictions had an almost immediate effect. After the introduction of visa requirements, levels of immigration decline only gradually, and even after a decade immigration and emigration are still at significantly higher levels compared to the long-term average levels of migration in visa-required migration corridors. The migration-facilitating function of migration networks seems

to partly explain these delayed effects and the only gradual decline of migration volumes after the introduction of entry restrictions.

Conversely, migration flows respond almost immediately to the removal of visas, with levels of immigration and emigration reaching the long-term average levels of visa-free corridors after one to three years, after which they temporarily 'overshoot' these levels for several years. This may indicate the existence of temporal substitution effects upon visa removal, whereby people partake in 'now or never' migration, for instance because prospective migrants may fear re-introduction of migration restrictions. This new study suggests that policy restrictions and liberalisations have indeed asymmetrical effects: while the lifting of immigration restrictions are more likely to have immediate effects, the effects of restrictions may be smaller or at least tend to take more time to materialise. This seems particularly the case when established migrant networks facilitate the continuation of migration across legally closed borders, such as through increasing reliance on family reunion and irregular migration (Böcker 1994; Massey and Pren 2012).

While migration scholars have previously argued that restrictions compel migrants to migrate over different geographical routes, to cross borders illegally or to overstay visas, recent quantitative-empirical research has generated nuanced evidence for such spatial and categorical substitution (or *deflection*) effects. For instance, although toughened asylum regimes might deter some asylum seekers from coming, such policies also tend to have the unintended effect of compelling asylum seekers into an irregular status (Massey and Pren 2012). As access to refugee protection becomes more circumscribed, some potential or rejected asylum seekers may instead choose to go 'underground'. Czaika and Hobolth (2014) find evidence of such a 'deflection into irregularity', which has considerable bearing on our understanding of (asylum) policy effects and effectiveness. While earlier studies suggested that restrictive changes in government rules and practices could claim a success in terms of a reduction in the number of asylum claims, a more comprehensive assessment suggests that this conclusion is at least problematic since some of the intended deterrence effect is counterbalanced and re-directed towards other, often irregular entry channels. Furthermore, the intended deterrence effect of immigration restrictions can be further undermined by deflecting migration to other more liberal destination countries (Czaika and de Haas forthcoming). This for instance suggests that restrictions put in place by individual EU countries may have some effect on migration to those countries, but that the overall effect on

migration to the EU as a whole may be much smaller because migrants have moved to other European destinations.

1.3.4 Conclusions

Multiple objectives and competing political agendas of various interest groups often 'make or unmake' migration policies (Castles 2004b) in such a way that the effectiveness of a particular policy measure is reduced or counteracted by another (migration or non-migration) policy. Migration policies are shaped in a political-economic context in which the attitudes and preferences of politicians and voters, interest groups such as employers and trade unions, and human rights organizations compete with one another (Boswell 2007; Facchini and Mayda 2008; Cerna 2014). This competition results in policy regimes that are typically a mixed bag of regulations and measures. Migrants see these as opportunity structures and are likely to opt for the most convenient legal and geographical migration channel, sometimes after adjusting the timing of their move and procrastinating or even cancelling return migration plans.

Overall, empirical evidence suggests that although policies significantly affect migration, the magnitude of these effects seem to be limited compared to other migration determinants. However, we must not automatically interpret this outcome as policy failure. The fact that migration is also influenced by other factors is not a reason to label the policy as a failure. Perhaps we can say that a policy has only failed entirely if it has had no effect at all or even an effect in the opposite from the intended direction. So, instead of conceptualising migration policy effectiveness in dichotomous terms of 'failure vs success,' it seems more appropriate to conceive of different degrees to which a policy has succeeded or failed to achieve its stated objectives. In reality migration policies are highly targeted and aim to encourage or discourage migration of people from very specific skills, educational, wealth and national backgrounds, and they are rarely designed to bring overall numbers down. We should therefore not hastily jump to conclusions that migration policies have failed because migration has continued or even increased, which would be to misunderstand the nature of migration policy making.

The ongoing and possibly growing demand for low-skilled labour in many European and other wealthy countries has made the increasing efforts by governments to curtail labour

migration seemingly unsuccessful because migrants continue to enter through other channels such as family and irregular migration. International migration is mainly driven by structural factors such as labour market demand, wealth inequalities between rich and poor countries, development and conflicts in origin countries, in combination with self-sustaining internal migration dynamics. Therefore, migration policies which intend to work against these structural migration drivers in origin and destination countries are bound to fail. Effective migration policies are based on a profound understanding of the social, economic, demographic and political structures that drive migration. In many ways, such broader migration drivers set the boundaries or margins within which migration policies can have real, although inherently limited, effects. An example can for instance be skilled-immigration policies adopted by many countries over recent years. These seem relatively successful in achieving their objectives because they mirror and positively interact with structural labour market demand and supply dynamics. Conversely, policies that 'row against the tide' are bound to fail on the longer term, for instance restrictive immigration policies for low-skilled workers that ignore the structural demand for such labour. Because migration is driven by long-term macro-level processes of structural change, migration policies also need a long-term perspective and should be designed accordingly.

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