



## **IMISCOE Policy Brief**

### ***Innovative Concepts for Alternative Migration Policies***

**Report on the ICMPD / IMISCOE Workshop**

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Michael Jandl (project coordinator)\*

International Centre for Migration Policy Development (ICMPD), Vienna

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\* Michael Jandl is Senior Research Officer at the International Centre for Migration Policy Development (ICMPD). The views expressed in this article are those of the author and participants in the workshop only, and not those of ICMPD as a Vienna-based intergovernmental organization or of its member states.

Daily media coverage of dramatic events on the EU's external borders have fostered the widespread public perception that current migration regimes do not produce generally desired migration outcomes. More and more, migration researchers and policy makers concur that traditional mechanisms of migration management have run into severe trouble and that new, innovative concepts for the regulation of migration are called for. Yet, new ideas for regulating regular migration, dealing with irregular migration and providing international protection to those in need of it remain elusive and far between. To stimulate new thinking, therefore, an international workshop was convened by ICMPD in Vienna under the umbrella of the IMISCOE Network of Excellence with a special call for papers that had the explicit purpose to bring forward new, alternative and innovative approaches to the management of migration. Participants were asked to produce brief overviews of innovative policy concepts that were then subjected to close scrutiny and criticism from researchers and practitioners.

The policy brief in front of you is directed at researchers and policy makers at all levels. It is divided into two parts. The first part identifies some common themes and principles in the design of alternative migration policies that run across the eleven proposals presented at the workshop. The second part then provides a short overview on the cutting-edge thinking presented by our participants. The full papers and a longer workshop report will be compiled in a forthcoming Conference Volume.

### **Common Themes and Principles in the Search for Innovative Migration Policies**

One quite obvious theme that runs through all the presentations and proposals discussed at the workshop is a general dissatisfaction with the current situation in migration policy. And while participants agreed that not all problems conventionally labelled as “migration problems” can be tackled by migration policy alone – indeed many of the proposed schemes explicitly point to the complex interplay between migration and wider policy areas such as trade, welfare, labour market and development policies – all presenters were actively looking for change and for innovative concepts and policy instruments of how to bring that change about.

For most participants this desire for change is grounded in a sober look at reality. Indeed the second major theme that can be identified in the search for innovative migration policies is the demand for an unflattering recognition of the reality of current migration policy – the fact that migration policies fall far short of their ambitions while producing a whole range of undesired and unintended consequences. On the other hand, even when producing visions that go far beyond the imagination of current policy discourse, presenters made no claim of devising the ultimate solution for all migration policy problems (reducing irregular migration, upholding protection, accommodating public fears, etc.). What is searched for are migration policies that are better suited to reality than current policies are.

A third theme that runs through all proposals is a strong re-focusing on the migrant, his or her motives and the incentive structure that the migrant is presented with. Putting the

migrant and the range of possible options a (potential) migrant can choose from at the centre of all policy making recognizes the agency of the migrant and is seen as a necessary prerequisite for the design of policy instruments that are not frustrated by the diverging interests – and consequently unintended behaviour – of their target group. In addition, several presenters explicitly incorporate a life-time perspective on migration into their proposals (temporary migration, savings goals, education, return migration, family formation, child care, etc.). Using an incentive-aligned approach (whether for migration, work or remittances) will not prevent all unintended side-effects of migration policy from occurring but is seen as a powerful instrument for reaching desired migration outcomes.

Seeing the migrant as a rational agent who responds to powerful incentives also leads to a fourth common theme in many proposals which is a re-evaluation of the role of the nation-state in migration policy making and a re-appreciation of the role of markets. In several proposals market forces and in particular labour markets play a larger role in the regulation of migration than they do currently, while governments do less. This seems to be perfectly in tune with the mood of the time, as governments everywhere are seen to be retreating from the provision of public goods (health care, education, transport facilities, etc.), forging new public-private partnerships and limiting their role to oversight and monitoring tasks. While in EU-internal migration (applying the concept of free movement for all Union Citizens), the supremacy of market forces has long been recognized, participants recognized that it would be more difficult to extend the same principle beyond the EU. At the same time, attention is shifted from the level of the nation-state upward to the multi-national or downward to the local levels.

Whatever the proposed institutional arrangement may be, a fifth common theme in many proposals is the search for the most suitable levers that policy instruments can apply for exerting real influence. Such levers are searched for either strictly within migration regimes (e.g. return investment premium, in-country processing arrangements, secure residency rights, etc.) or in other policy areas (welfare schemes, labour markets, development aid, etc.). Setting the right incentives in each of these policy areas can provide powerful leverage for the attainment of important migration policy goals, provided they are coherent and do not contradict each other.

This last point leads us to a sixth common theme in the discussion of proposed policy innovations. This is the recognition of a whole range of migration policy goals that an innovative policy should ideally achieve. These could be provisionally sketched as 1) labour market, integration and welfare goals in receiving countries, 2) development impact on sending countries, 3) human rights and refugee protection, 4) the reduction of irregular migration and human smuggling and 5) public opinion and the promotion of an informed and rational public discussion. Most proposals are aimed at fulfilling – at least parts of – these goals simultaneously. In other words, they strive for an integration of target areas – countries of origin, countries of destination and the fluid world of migrants themselves – for which possible migration solutions are sought (colloquially also known as “win-win-win solutions”).

However, it was also recognized that there are often trade-offs between these goals. For example, while encouraging circular migration –through schemes such as redesigned temporary migration programmes or the free movement of labour – is often said to bring benefits both to the receiving and sending countries as well as to the migrants, such a policy may have negative impacts on integration and the family life of migrants. Moreover, temporary migration programmes may run into difficulties when incentive structures change, when family ties are newly established or when migrants later change their minds and fail to return, thereby running counter to the attainment of policy goals 1), 2) and 5) above. Thus, even innovative policies will not be able to fully solve some of the major dilemmata of current migration regimes but they may help to reduce the escalating costs of migration control and avoid some of the paradoxical consequences of current regulations.

Related but not quite the same is a seventh theme that ran through many proposals for policy innovations. This is the need for a broad consensus on the goals and instruments of migration policy if it is to attain a sustainable outcome that is not annulled by counteracting forces. This search for consensus does not deny the existence of serious conflicts of interest among the stakeholders – which at times can even attain the level of violent conflict – but represents an attempt of constructively dealing with such conflicts in alternative ways. One proposal explicitly suggests applying principles of sustainable conflict resolution strategies in migration decision-making while in other papers the need for multi-party consensus is recognized implicitly by reference to the prevailing public opinion or the requirement for policy instruments gaining acceptance among migrants.

Which leads us to an eight and final common theme of proposed policy innovations. None of the proposed policy options was targeted at halting or significantly reducing immigration to Europe, a goal that was unanimously seen as both undesirable and unrealistic. On the other hand, none of the proposals advocated a complete dismantling of migration controls either – not even the proposal on “Open Borders, Close Monitoring”. Rather, what the proposals suggest in their various forms are new “policy-mixes” of policy instruments and control tools. Generally, the proposed shifts are away from border controls and physical exclusion (as these are seen to be increasingly untenable and counterproductive) and towards new forms of regulating, tracking and monitoring the activities of migrant populations. And here is another dilemma: liberalizing access to labour markets and expanding temporary work programmes will likely require closer control at the workplace, pricing entrance fees or selling visas necessitate higher document security, providing return incentives involves tackling corruption, opening up borders implies stricter internal controls and so on. The upshot is that the new policy instruments will bring both desired and undesired consequences with them. In policy innovations, as in so much else, it is a question of finding a better balance than the current system provides.

## Eleven Proposals for innovative migration policies

During the two-day workshop sessions a total of 11 innovative concepts were presented and discussed. In the following section only very brief summaries of each presentation are provided that try to capture the proposed policy innovations in a nutshell but can hardly do justice to the full arguments put forward by the authors.<sup>1</sup>

In his presentation on the *Potentials and Problems of Temporary Migration Programmes (TMPs)*, Jeff Crisp noted a renewed interest in many countries in the potential of such programmes despite a number of serious problems TMPs have entailed in the past. To improve performance, Crisp identified a number of prerequisites that need to be in place such as: a clear delineation of the length of contracts, accurate information to (potential) migrants on the terms of TMPs, equal treatment on the labour market, job protection for nationals, regulation of recruitment agents, rigid inspections and employer sanctions, portable pensions and savings schemes to enable returns, etc. In conclusion, Crisp noted that an expansion of TMPs is likely to entail a greater regulation of national labour markets, an approach that states may be reluctant to pursue in a time of general liberalization of labour and product markets.

Stretching the concept of temporary labour migration to its logical limit, the concept of Teun van Os van den Abeelen of *A New European Employment Migration Policy* proposes a system of temporary employment migration with enhanced options for return migrants to become economically active in their countries of origin. This system involves the admission of temporary workers from selected developing countries for up to seven years, complemented by free education and occupational training and a sizeable financial return incentive. This “investment premium” would be capital accumulated over the working period in the host country through a) social security savings b) pension savings and c) a share of development aid money and could amount to as much as € 30,000 (including compound interest) for a migrant returning after seven years. In addition, there would be schemes for facilitating the productive investment of the return premium, e.g. through business start-up training, tax breaks and complementary micro-credit schemes.

Further elaborating on his previous proposal on managing regular and irregular migration with the *People Flow Approach*, Theo Veenkamp presented new ideas on a composite innovative concept termed “*Multiple Track Partial Privatization of the Gatekeepers Function*”. This approach relies heavily on private agents (“linking pins” like employers, universities, tourist agents, etc.) in the decision making on admission, while confining the role of governments to supervision and screening on security and health risks. Potential migrants are offered the choice between three tracks. The first track is for target-oriented migrants who have an evident counterpart in the recipient country (like employers) and who can be processed directly by the linking pins. The second track addresses potentially irregular migrants who can simply register with a newly established temporary work agency and are provided with a totally new residential status as “explorers”. This status

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<sup>1</sup> For a richer description, please see the Conference Report and the forthcoming Conference Volume with all papers presented at the workshop. The proposals are discussed here in the order of their presentation at the workshop.

offers only a modest net salary excluding social security or pension benefits. The difference between the net salary and the “normal” gross salary that employers have to pay is administered by the agency and is used for covering basic health care, education and other costs. The third track is meant for potential refugees, termed “protection-seekers”. Improvement of the effectiveness of this track becomes possible when many explorers who are now clogging asylum systems are tempted away to their own – and for them more profitable – track.

Noting that arguments over migration often represent a form of social conflict, Franck Duvell suggests the application of *Sustainable Conflict Resolution (SCR) Strategies in Disputes over Migration*. This method suggests the inclusion of as broad a number of stakeholders as possible – and particularly the migrants – into the process of migration policy making. After discussing the use of fundamental principles of SCR in migration disputes, Duvell suggests a step-by-step approach tackling wider conflicts along separate issues, with the conclusion of partial agreements before moving on to more comprehensive issues. It was also noted that reaching consensus on a contested issue does not imply the attainment of all possible goals one may wish to reach. Rather, a negotiated settlement implies the finding of a compromise formula through “re-framing” techniques that leaves everyone around the table better off than they would be without a negotiated solution. The challenge lies in identifying possible settings for the application of SCR strategies where “non-zero-sum solutions” could be found and implemented.

Also applying a bottom-up approach to migration issues, albeit from a different perspective, Jonathan Chaloff asks whether the notion of *Co-development* – when applied to migration – is a *Myth or a Workable Policy Approach*? He starts from the premise that new forms of mobility and circular migration (transnationalism) can be positive factors for co-development and observes, somewhat counter-intuitively, that a secure residence status that leaves open the option to return (“back and forth rights”) can foster circular migration, rather than narrowing the migratory project into early settlement. When it comes to policy options, rather than placing the burden for co-development on single migrants, investment in the community and migrant networks is seen as the better option, as not all migrants are ideal candidates to become development agents. Here, capacity building and training may help to identify those few agents who really can make a difference. In addition, institutions in the home country must be strengthened in order to make better use of the skills of returning migrants. Finally, co-development links are seen to be especially promising between specific groups and limited areas (“translocal” links).

In his presentation on *New Approaches to Migrant Remittances*, Rainer Münz raised many of the same points made in relation to co-development. For example, when it comes to increasing remittance levels, circular migration should be promoted based on the empirical observation that circular migrants send home more. Likewise, promoting the productive use of remittances in homelands or stimulating investment by migrants in public projects is seen as problematic as the migrants sending the remittances have their own legitimate priorities for using their hard-earned money. Here, too, fostering translocal links is seen as the best way of getting diasporas engaged with their historical homelands. In a more critical perspective, remittances must be seen as having not only

positive economic impacts on home countries (increased consumption, poverty reduction, etc.) but also negative impacts (increasing income disparities, de-motivation effects on local entrepreneurship, etc.) that should be dealt with.

One of these negative effects of remittances was pointed out by John Davies in his proposal for dealing with the *Orphan Pensioners*. Based on the study of Albanian elderly who have been reduced to mere recipients of remittances by their offspring abroad, having become inactive long before retirement age and faced with the consequences of a “care drain”, Davis calls for free movement rights for the over 50’s. Having their elders join young migrant families abroad would have a number of advantages – better management of family income and child care resulting in higher female labour force participation, stronger links with countries of origin passing on culture and language skills to grandchildren and leading to more returns, more social stability and lower crime, etc. On the other hand, it was acknowledged that such a policy would also have to deal with several negative effects – higher health costs for the elderly, more social inequalities, less integration, etc.

While protection issues have been acknowledged by most presenters as important and valid concerns to be taken into account, Judith Kumin’s presentation on *In-country “Refugee” Processing Arrangements: a Humanitarian Alternative?* was the only proposal to tackle protection issues directly. In her view, states have a moral, if not a legal, obligation to offset progressively restrictive control measures with alternative means of providing protection to persons in need of it. At the same time, traditional resettlement arrangements from countries of first asylum are increasingly viewed as problematic due to their “pull” effects and their negative impacts on voluntary repatriation. In this context, Kumin argues that “orderly departure” arrangements directly from countries of origin (as currently already practiced in certain states by the US and Canada) may provide a humanitarian alternative for European states and an alternative to irregular migration for migrants in distress.

In the view of Jeroen Doomernik measures to control migration at the (external) borders have failed to prevent unwanted migration while having a number of negative consequences such as forcing migrants to invest high amounts on overcoming barriers to migration, thereby increasing profits of migration facilitators and discouraging return and circular migration. Instead, he presents the case for *Open Borders*, coupled with an internal control system of *Close Monitoring* through registration in a comprehensive biometric database. In this proposal, the regulation of migration is left to the labour market, while demands on the welfare state are strictly tied to contributions (taxes, social security payments, pension accounts, etc.). Once registered, there would be no more grounds for exclusion from the territory, unless there are good reasons for it (such as security reasons or a criminal record). Hence, issues like irregular migration, human smuggling and fraudulent asylum applications would become a thing of the past.

The issue of irregular migration and human smuggling is also at the heart of the proposal put forward by Michael Jandl in his presentation *The Development Visa (DV) Scheme Revisited*. The basic idea of this scheme is the selling of legal entry permits (DVs) at

prices at or around the prevailing smuggling fees to anybody who cannot get another type of “free” visa (e.g. for study or tourist purposes) and who is not explicitly excluded from the scheme (e.g. for past violations of migration rules). Visa quotas, prices, length and terms would be based on realistic demand and be set annually for each eligible source country by the EU Council of Immigration Ministers, who also decide upon the distribution of visas among host countries. The visa fee is divided into three equal parts and is used for 1) development projects 2) social security/health care expenditures and 3) a return incentive payable upon return of the migrant to the home country. The scheme is complemented by an elaborate plan for monitoring, safeguarding and evaluating performance and outcomes.

Last but not least, a proposal for *Pricing Entrance Fees for Migrants* was put forward by Holger Kolb along the lines of an argument made by economist Gary Becker. In this proposal, a fixed price is charged for the right to immigrate, which is set according to the calculated costs of the consumption of public goods (welfare benefits, health care, congestion, etc.) by the immigrant and is subject to only the most basic pre-requisites (health and security check, no criminal record). Adjustments to the price would be made for accompanying family members and for temporary migration. The system would be efficient as market mechanisms would take care of the selection of migrants, the entrance fee would lead to a positive self-selection of productive migrants and banks would be willing to extend credit for financing entrance fees for high-potential migrants. Providing legal entry channels would also lead to less irregular migration, reduce control costs and cut down extensive immigration bureaucracies.

## **Outlook**

The first ICMPD / IMISCOE workshop on Innovative Concepts for Alternative Migration Policies, held in Vienna on 24-25 March 2006, was designed as a first explorative attempt at developing much needed innovative ideas for migration policy making. In this sense, the preceding call for papers and the workshop itself were a big success already, which will be followed up by similar events. It is hoped that through wide dissemination of this policy brief and the other workshop products our efforts will stimulate further debate and new thinking at the academic as well as the policy level.

### **For comments and suggestions, please contact:**

Michael Jandl

Senior Research Officer

International Centre for Migration Policy Development (ICMPD)

Gonzagagasse 1, A-1010 Wien, Austria

E-mail: [michael.jandl@icmpd.org](mailto:michael.jandl@icmpd.org)

Homepage: [www.icmpd.org](http://www.icmpd.org)

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