

How powerful is policy?

The role of policy in shaping migrant decision-making

August 2017

Introduction

As European states have implemented increasingly tougher measures to limit migration in recent years, the need for discussion around the effectiveness of these government policies has become more pronounced. While there has been plenty of critical evaluation of EU policy responses to migration, relatively few studies have explored the specific relationship between migration policy and the actual decision-making processes of refugees and other migrants prior to leaving home: If migration policy aims to deter irregular migration, or encourage the uptake of regular pathways, do we know if these policies are actually having their desired impact? By drawing on the few studies that shine some light on the issue, this article will provide a short overview of the role of policy in shaping migration decisions. Reviewing the factors that motivate the decisions of refugees and other migrants to leave home is essential in order to inform more effective policy response.

Policies of containment and deterrence

Measures of containment and deterrence have been amongst the most prominent features of policy response to the rise in the number of asylum seekers arriving in Europe since 2014.¹ Five forms of deterrence policy can be identified: 1) non-admission policies limiting access to asylum procedures, 2) non-arrival measures preventing access to the territory of asylum states through migration control, 3) offshore asylum processing and relocation of refugees to third countries, 4) criminalisation of irregular migration and human smuggling, and 5) indirect deterrence measures intended to make the asylum country less attractive.² Policies of this kind aim to do two things: 1) create physical barriers that limit movement, and 2) alter the mindsets of individuals who are thinking about migrating to Europe.³

Information campaigns

Information campaigns have been implemented by European governments in countries such as Afghanistan and Lebanon with the aim of dissuading people from leaving for Europe. In 2015, the German Embassy in Afghanistan led a campaign on social media and television and radio stations to inform people of the risks involved with

¹ Gammeltoft-Hansen, Thomas and Tan, Nikolas F (2017) The End of the Deterrence Paradigm? Future Directions for Global Refugee Policy, Centre for Migration Studies of New York, JMHS 5:1, pp28-56.

² *Ibid*

³ Overseas Development Institute (2016) Journeys to Europe: The role of policy in migrant decision-making., February 2016.

traveling to Europe.⁴ In the same year, the Danish government placed advertisements in Lebanese newspapers to broadcast their refugee policies.⁵ Belgium and Norway used similar tactics in Iraq.⁶ These campaigns assume unawareness among the population of the risks involved in journeying to Europe. Research shows, however, that such campaigns have little effect; people are aware of the risks but move regardless.⁷ This type of information dissemination places the onus of responsibility for risk on the individual who chooses to migrate, rather than on restrictive policies that risk undermining international obligations to provide protection.⁸

Awareness of migration policies prior to departure

Research shows that prior to leaving home refugees and other migrants often have a general level of awareness of migration policy along the route and in the intended destination country.⁹ However, precise awareness of the deterrence policies that may impact the journey ahead, such as border closures,¹⁰ deportation,¹¹ delayed asylum procedures, or limited access to services is not necessarily known prior to departure.¹² This is in part due to the fact that the policy environment changes rapidly, and staying abreast of the latest developments at both national and regional level is challenging, especially in recent years as policies have often responded erratically to the “crisis”. For example, asylum seekers have reported being unaware of the consequences of the Dublin Agreement before setting off,¹³ or of Germany’s sudden decision to issue subsidiary protection over refugee status.¹⁴ Similarly, in a study conducted by Warwick University in 2017, non-Syrian asylum seekers interviewed in Kos revealed that they were unaware that Syrian applications were dealt with much faster, while others, for example Pakistanis, were kept waiting.¹⁵ Based on numerous research studies, the Platform for Undocumented Migrants (PICUM) asserts that migrants are not usually aware of detention policies in their selected destination country.¹⁶

It is not guaranteed that increased knowledge of deterrence policies would significantly impact the decisions of people to leave home, nor would it guarantee they are deterred from moving. This is because there is a range of factors that have proven to be more influential in shaping decision than policy.

More powerful than policy

When one asks whether or not policy has the power to influence the decision-making process of refugees and other migrants, the question being asked is whether policy has the power to alter mindsets. A 2016 study conducted by ODI explains that in order to answer this question we must think about the way individuals process information and how they assess available options.¹⁷ The Overseas Development Institute highlights three factors that are significant

⁴ Oeppen, Ceri (2016) ‘Leaving Afghanistan! Are you sure?’ European efforts to deter potential migrants through information campaigns, Department of Geography, University of Sussex.

⁵ The Independent (2015) Refugee: Denmark discourages asylum seekers with newspaper adverts in Lebanon, 8 September 2015.

⁶ Gammeltoft-Hansen, Thomas and Tan, Nikolas F (2017) The End of the Deterrence Paradigm? Future Directions for Global Refugee Policy, Centre for Migration Studies of New York, JMHS 5:1, pp28-56.

⁷ Oeppen, Ceri (2016) ‘Leaving Afghanistan! Are you sure?’ European efforts to deter potential migrants through information campaigns, Department of Geography, University of Sussex.

⁸ Oeppen, Ceri (2016) ‘Leaving Afghanistan! Are you sure?’ European efforts to deter potential migrants through information campaigns, Department of Geography, University of Sussex.

⁹ Mixed Migration Platform (MMP) (2017) Separated Families: who stays, who goes and why?, April 2017; IRIN (2017). Hardening refugee policies keep children away from their families, 20 April 2017.

¹⁰ Médecins du Monde Belgium (2015) Barbed wire fences and other border measures are a threat to health and humanity.

¹¹ Platform for Undocumented Migrants (PICUM) PICUM Submission to the UN Committee on the Protection of the Rights of all Migrant Workers and Members of their Families, 22 April 2013.

¹² University of Warwick (2017) Crossing the Mediterranean Sea by Boat: Mapping and Documenting Migratory Journeys and Experiences *Final Project Report*. May 2017; Crawley Heaven, Duvell Frank, Jones Katherine and Skleparis Dimitris. Unveiling the Mediterranean Migration Crisis (MEDMIG) (2016) Understanding the dynamics of migration to Greece and the EU: drivers, decisions and destinations, September 2016.

¹³ The Dublin Agreement stipulates that an asylum seeker should be returned to first EU country of entry and it is this country that is then responsible for processing the asylum claim. The objective is to stop people from submitting multiple claims in different countries.

¹⁴ IRIN (2017) Hardening refugee policies keep children away from their families, 20 April 2017.

¹⁵ University of Warwick (2017) Crossing the Mediterranean Sea by Boat: Mapping and Documenting Migratory Journeys and Experiences *Final Project Report*, May 2017.

¹⁶ Platform for Undocumented Migrants (PICUM) (2013) PICUM Submission to the UN Committee on the Protection of the Rights of all Migrant Workers and Members of their Families, 22 April 2013.

¹⁷ Overseas Development Institute (2016) Journeys to Europe: The role of policy in migrant decision-making, February 2016.

in shaping how potential migrants think, and for migration policy to influence thought enough to determine action, these factors need to be addressed:

Trusted information: People make decisions on the basis of trusted information. Often the most trusted sources are friends and relatives already on the move. Migration policies intend to communicate a message that dissuades people from leaving home, but in order for these messages to be heard and respected, they need to override the preference individuals have on receiving information first hand from their existing social networks.¹⁸

This assumption is supported by research findings that reveal how information shared through social media is significant in influencing how people make their decisions and plan their journey. This form of communication has been found to be more informative than anything disseminated from international organisations or country authorities.¹⁹

Social norms: Migration is normal and has always been so. Patterns are quickly normalised and therefore seem viable despite the risk involved. A sense of familiarity with the journey ahead develops, and the idea of the 'imagined community' becomes influential in shaping decisions.²⁰ Participants in research studies have most commonly expressed that their decisions are heavily influenced by the fact that family, friends or acquaintances have already made the journey.²¹

Appeal of destination country: The perception that a particular country is welcoming is commonly reported as a factor that influences decisions. Destination countries are often selected based on where people believe they may find the best long-term opportunities. Access to education and livelihood opportunities are significant in shaping where people may choose to try to claim asylum.²² Research studies have also revealed that people have commonly referred to the likelihood of being granted refugee status and family reunification as being influential in shaping their intended destination choice.^{23 24} Ultimately, asylum seekers' choice of destination is founded on a complex mix of factors, and often based on a long-term vision for their future prospects, rather than as a short-term response to reactive migration policies.

Coercive policies that are typically enacted by destination governments, therefore, can be seen as largely ineffective, as the message that they intend to convey does not outweigh the influence of these three factors. Notably, while the factors mentioned above are salient in influencing migration, they do not detract from the fact that amongst other reasons, the security conditions in the home countries of people on the move are most often cited as the main driver for leaving home and that migration is commonly understood as necessary in the pursuit of finding safety.²⁵ Just as policies are not static, migration decision-making is also dynamic, and can change at different stages along the journey.

¹⁸ *Ibid.*

¹⁹ University of Warwick (2017) *Crossing the Mediterranean Sea by Boat: Mapping and Documenting Migratory Journeys and Experiences Final Project Report*, May 2017.

²⁰ Overseas Development Institute (2016) *Journeys to Europe: The role of policy in migrant decision-making*, February 2016.

²¹ Mixed Migration Platform (MMP) (2017) *Separated Families: who stays, who goes and why?* April 2017; University of Warwick (2017) *Crossing the Mediterranean Sea by Boat: Mapping and Documenting Migratory Journeys and Experiences Final Project Report*, May 2017; Crawley Heaven, Duvell Frank, Jones Katherine and Skleparis Dimitris. *Unveiling the Mediterranean Migration Crisis (MEDMIG) (2016) Understanding the dynamics of migration to Greece and the EU: drivers, decisions and destinations*, September 2016.

²² Overseas Development Institute (2016) *Journeys to Europe: The role of policy in migrant decision-making*, February 2016.

²³ For example, with regard to family reunification, the definition of family is narrow. Often it will include parents but not siblings. IRIN reports on a case whereby the parents of unaccompanied children in Germany were unaware that should one of their children become entitled to family reunification they would then be forced to choose whether they then leave other children behind. See: IRIN (2017) *Hardening refugee policies keep children away from their families*, 20 April 2017.

²⁴ Crawley Heaven, Duvell Frank, Jones Katherine and Skleparis Dimitris. *Unveiling the Mediterranean Migration Crisis (MEDMIG) (2016) Understanding the dynamics of migration to Greece and the EU: drivers, decisions and destinations*, September 2016.

²⁵ Crawley Heaven, Duvell Frank, Jones Katherine and Skleparis Dimitris. *Unveiling the Mediterranean Migration Crisis (MEDMIG) (2016) Understanding the dynamics of migration to Greece and the EU: drivers, decisions and destinations*, September 2016; International Organisation for Migration (IOM) (2008) *Assessing the Costs and Impacts of Migration Policy: An International Comparison*.

Changes along the way

Research shows that the importance of migration policy in shaping decisions grows along the journey, as this is when the reality of certain policies becomes more apparent.²⁶ In interviews conducted by Warwick University, asylum seekers in Greece commonly expressed that poor reception conditions, infrastructure and preparedness – as a result of poor refugee policy – influenced their intention to travel onwards to western or northern Europe.²⁷ Similarly, if people become aware that they are at risk of deportation they may also be motivated to move onwards, when they may have otherwise not planned on doing so.²⁸ ²⁹ Social encounters, as well as interaction with smugglers, en route may result in people choosing to alter their journeys. In some cases, initial plans become obsolete, as smugglers will unilaterally choose an alternative route. People on the move are also forced to adapt their plans as they encounter unexpected border closures.³⁰ Decisions made at the outset, therefore, are rarely final.³¹ ³²

Consequences of coercive policies

The idea that policies that focus on deterrence and containment will eliminate the desires that people have to move is mistaken and unsustainable. Prior to leaving home, refugees and other migrants are usually aware of the risks that come with migration but choose to leave regardless. Coercive policies may shape the trajectory of the journey once en route, but they will not change the final decision to leave.³³ Rather than keeping people at home, these policies simply redirect the flow, force people to take more dangerous routes, and make them more reliant on smugglers.³⁴ ³⁵ Furthermore, as the Mercator Dialogue on Asylum and Migration (MEDAM) asserts, policies that intend on keeping people away perpetuate intolerance and create division between those already legally in the country and the rest of the population, and therefore potentially hinder the process of integration and worsen relations between countries.³⁶

Conclusion

Policies of deterrence and containment are ineffective in stopping migration.³⁷ Moreover, such policies often challenge the core principles of international human rights and refugee law, triggering national and EU level failures to protect the basic rights of refugees and other migrants. Policy makers should recognise that migration is a social and highly dynamic process that is connected to a complex web of factors, which do not necessarily alter because

²⁶ University of Warwick (2017) *Crossing the Mediterranean Sea by Boat: Mapping and Documenting Migratory Journeys and Experiences Final Project Report* May 2017; Mercator Dialogue on Migration and Asylum (MEDAM) (2017) *Assessment Report. A Country of Origin Perspective: migration decisions, development assistance and how migrants help shape values at home*; Crawley Heaven, Duvell Frank, Jones Katherine and Skleparis Dimitris. *Unveiling the Mediterranean Migration Crisis (MEDMIG) (2016) Understanding the dynamics of migration to Greece and the EU: drivers, decisions and destinations*, September 2016.

²⁷ University of Warwick (2017) *Crossing the Mediterranean Sea by Boat: Mapping and Documenting Migratory Journeys and Experiences Final Project Report*. May 2017.

²⁸ *Ibid.*

²⁹ Crawley Heaven, Duvell Frank, Jones Katherine and Skleparis Dimitris. *Unveiling the Mediterranean Migration Crisis (MEDMIG) (2016) Understanding the dynamics of migration to Greece and the EU: drivers, decisions and destinations*, September, 2016.

³⁰ University of Warwick (2017) *Crossing the Mediterranean Sea by Boat: Mapping and Documenting Migratory Journeys and Experiences Final Project Report*, May 2017.

³¹ Overseas Development Institute (2016) *Journeys to Europe: The role of policy in migrant decision-making* February 2016.

³² Crawley Heaven, Duvell Frank, Jones Katherine and Skleparis Dimitris. *Unveiling the Mediterranean Migration Crisis (MEDMIG) (2016) Understanding the dynamics of migration to Greece and the EU: drivers, decisions and destinations*, September, 2016.

³³ Keynote speech at Refugee Law Initiative Second Annual Conference, London, 5-7 June 2017.

³⁴ *The Independent* (2016) *Refugee Crisis: Welfare cuts and anti-migration policies 'will not stop' asylum seekers coming to Europe* – report, 10 February 2016.

³⁵ University of Warwick (2017) *Crossing the Mediterranean Sea by Boat: Mapping and Documenting Migratory Journeys and Experiences Final Project Report*, May 2017.

³⁶ Mercator Dialogue on Migration and Asylum (MEDAM) (2017) *Assessment Report. A Country of Origin Perspective: migration decisions, development assistance and how migrants help shape values at home*.

³⁷ Gammeltoft-Hansen, Thomas and Tan, Nikolas F (2017) *The End of the Deterrence Paradigm? Future Directions for Global Refugee Policy*, Centre for Migration Studies of New York. *JMHS* 5:1, pp28-56.

of an increase in restrictive deterrent and containment policies.³⁸ Instead of reacting to public fears over the perceived negative consequences of migration and a growing nationalist rhetoric perpetuated by certain media,³⁹ policies should be proactive and positive, aimed at facilitating safe migration. In addition a mechanism for evaluating migration policy must be understood as an essential element of any immigration system.⁴⁰ The factors that motivate people to migrate need to continue to be analysed and understood, and this includes gathering an understanding of the role of policy in influencing decision. Failure to do so will result in the continued implementation of policies that are based on incorrect assumptions that further undermine basic human rights.

³⁸ Castles, S. (2003) Towards a sociology of forced migration and social transformation, *Sociology*, 37(1) p12-34.

³⁹ International Organisation for Migration (IOM) (2008) Assessing the Costs and Impacts of Migration Policy: An International Comparison.

⁴⁰ *Ibid.*