The Effects of Migration Policies on International Migration Flows

An empirical assessment

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Long abstract

How do the migration policies of receiving and sending states affect the size, direction and nature of international migration? This is the central question addressed by the DEMIG research project (The Determinants of International Migration: A theoretical and empirical assessment of policy, origin, and destination effects). This project aims to generate new theoretical and empirical insights into the way states and policies shape migration processes in their interaction with other migration determinants in receiving and sending countries.

In wealthy countries, immigration, in particular of low-skilled and culturally distinct people from poorer countries, is increasingly perceived as a problem in need of control. The common – but not unproblematic – perception is that policy-makers have reacted to this pressure by implementing restrictive immigration policies and increasing border controls (Castles and Miller 2009; Massey et al. 1998). However, the effectiveness of such policies has been often contested in the face of their oft-supposed failure to significantly affect the level of immigration and their hypothesized unintended, perverse and often counter-productive effects such as pushing migrants into permanent settlement, discouraging return and encouraging irregular movements and migration through alternative legal or geographical channels (Castles 2004b; de Haas 2007; Grütters 2003). However, other scholars have argued that, on the whole, state policies have been largely effective (Brochmann and Hammar 1999; Collyer 2006; Strikwerda 1999), which also seems to be partly confirmed by a limited number of quantitative studies indicating that specific policy interventions can have a significant effect on migration flows (Czaika and de Haas 2011a).

However, due to fundamental methodological and conceptual limitations, evidence has remained inconclusive. While the migration policy research is often descriptive and receiving-country biased, migration determinants research tends to be based on obsolete, theoretically void push-pull and gravity models which tend to omit crucial non-economic, sending-country and policy factors. More fundamentally, this state-of-the-art reveals a still limited understanding of the forces driving migration. Although there is consensus that macro-contextual economic and political factors and meso-level factors such as networks all play ‘some’ role, there is no agreement on their relative weight and mutual interaction.

Despite apparently increasing immigration restrictions, the volume of South–North migration has only increased over the past few decades. But does this mean that migration policies have failed and that states are generally unable to control migration? Not necessarily. First of all, we
should not confuse statistical association with causality, which is particularly difficult to establish because we generally lack counterfactual cases. For instance, one might argue that the migration-reducing effects of immigration restrictions are counterbalanced by the migration-increasing effects of growing economic gaps between sending and receiving countries or economic growth in receiving countries, or the lifting of exit restrictions by origin countries (cf. de Haas and Vezzoli 2011). Hence, sustained or increasing migration does not necessarily prove policy ineffectiveness – asmigration volumes might have been higher without migration controls. The other way around, a decrease in migration does not prove the policy successful – although politicians are generally eager to make such claims – as such a decrease might for instance also be the result of economic growth or an end of conflict in origin countries, or an economic recession in destination countries. So, finding better methodological approaches to establish (multiple) causality constitutes the first challenge facing research on this issue.

Besides the huge difficulties involved in ‘proving’ causality as such, a second challenge is to bring more precision in research by assessing the relative importance of immigration policies compared to the effects of other migration determinants. After all, it can hardly be surprising that most policies discouraging or encouraging particular manifestations of migration will have ‘some’ effect. The real question is about the relative magnitude of this effect compared to macro-contextual migration determinants, which will eventually also determine the effectiveness and efficiency of policies. Although some studies assert a statistical relation between certain policy measures and particular migration flows, the relative importance of policy effects compared to the effects of other migration determinants remains largely unclear. It is one thing to find that restrictions on, say, low-skilled labour migration have a significant effect on decreasing inflows, but the real question is how large this effect is compared to the effect of other factors such as economic growth, employment, violent political conflict and personal freedoms. If the latter factors explain most variance in migration, one might for instance conclude that policies have a certain, but also limited effect on overall volumes and trends of migration. In other words, if most variance in migration is explained by structural migration determinants or other (e.g. labour market or macro-economic) policies, the margin of manoeuvre for migration policies is fundamentally limited.

In addition to finding better ways to measure the existence and relative magnitude of policy effects, a third, related, challenge is to improve insights into the very nature and evolution of migration policies. There seems to be reason to question the general assertion that migration policies have become more restrictive over the past decades. Although this idea is often taken for granted, the diverse and multiple nature of migration policies raises questions about our ability and utility to measure ‘overall’ levels of restrictiveness, and even about the overall assumption that policies have become more restrictive. While several countries have raised barriers for particular categories of migrants (for instance, low-skilled workers and asylum seekers), not all countries have done so, and immigration of other categories (for instance, family migrants and high-skilled workers) has often been facilitated. Changes in migration policy typically facilitate the entry of particular origin groups while simultaneously restricting the entry of other groups. For instance, ‘Fortress Europe’ may be an adequate metaphor to characterize policies towards asylum seekers and refugees (Hatton 2004), but seems inappropriate to characterize the immigration policies of EU or OECD countries as a whole (cf. Czaika and de Haas 2011a).
Another example is the US Immigration and Nationality Act of 1965, which ‘equalized’ immigration policies by ending positive discrimination of European immigrants and contributing to increasing non-European migration. This also reveals the strong Eurocentric bias underlying common views that migration to the USA, Canada, Australia and New Zealand was largely ‘free’ until at least the mid twentieth century (cf. Hatton and Williamson 1998) – it may have been relatively free for Europeans, but this was certainly not the case for Asians or Africans, for whom recent reforms have meant a liberalization. Also countries’ membership and accession to regional blocks such as the European Union typically coincides with liberalization of migration of citizens of member states, while immigration restrictions for ‘third-country’ nationals are sustained or further tightened. Because migration policies typically consist of a ‘mixed bag’ of various measures targeting particular groups of immigrants, there is a considerable risk of over-generalizing. While migration policies are likely to affect patterns of migration selectivity, the impact on the overall magnitude of migration flows is more uncertain as these are strongly affected by other macrostructural factors, while migrants’ agency and strategies tend to create meso-level structures (such as migrant networks) which facilitate migration over formally closed borders. Since state policies simultaneously constrain or enable immigration and emigration of particular (age, gender, skill, ethnic, regional) groups along particular geographical pathways, states perhaps play a more significant role in structuring emigration through influencing the (initial) composition and spatial patterns of migration, rather than in affecting overall volumes and long-term trends, which, particularly in liberal democracies, appear to be primarily affected by other, economic, social and cultural migration determinants.

These examples show that any serious inquiry into the effect of migration policies not only needs to define the concept, but also to ‘unpack’ or disaggregate ‘migration policies’ into the multitude of laws, measures and regulations states deploy in their attempts to regulate immigration and emigration along categories that are based on national origin and further characteristics such as gender, age, education, occupation and officially defined main migration motives (e.g. labour, refugee, family, student). As migration policies are typically affected and shaped by different, often opposed, interests, policies are typically internally incoherent, which further emphasizes the need to break down policies into the specific measures and regulations they comprise.

In addition, conventional views of increasing migration policy restrictiveness typically ignore emigration policies pursued by origin states, which are as diverse and multiple as immigration policies, but which seem to have become less restrictive overall. Only a declining number of strong, authoritarian states with closed economies are willing and capable of imposing blanket exit restrictions. Paradoxically, while an increasing number of, particularly developing, countries seem to aspire to regulate emigration, their capability to do so is fundamentally and increasingly limited by legal (human rights), economic and political constraints (de Haas and Vezzoli 2011). The ability of governments to affect overall immigration and emigration levels seems to decrease as the level of authoritarianism goes down. This also reveals the need to look beyond the role of migration policies per se and to explore the ways in which states affect the migration process more generally.

This paper aims to fill part of this gap through a quantitative assessment of the short and long-term effects of immigration (emigration) policy measures on the volume of gross and bilateral immigration (emigration) flows between 1950 and 2010 when controlling for the effects of other sending- and receiving country migration determinants. The paper is part of the ERC funded DEMIG (Determinants of International Migrations Project) and draws upon new, unique data sets generated
by the project: DEMIG C2C (bilateral flows from 1946 to 2011 for about 30 countries); DEMIG TOTAL (gross flow); DEMIG MIGPOL (migration policy); DEMIG VISA (global visa database).

A double comparative design is applied involving the simultaneous comparison of migration of multiple origin groups to and from multiple destinations. This allows for the simultaneous analysis of origin and destination effects and the examination of a specific origin-by-destination “community effects” (e.g., networks, cultural distance, policies) to analyse whether the migration of specific groups react differently to similar contextual and policies determinants. Country-level variables will be made time-dependent. This design will create at least 15,000 “year cases” of emigration and immigration per origin-by-destination (country-to-country) migrant group. Theory-derived hypotheses on migration determinants will be tested through pooled and receiving-country specific, multi-level regression analysis of interannual variations in contextual and policy variables on interannual fluctuations in (i) inflows; and (ii) outflows. This comparative design will enable a unique, simultaneous test for hypotheses on the effect of contextual, meso-level and policy factors on the level of emigration and immigration flows from specific origin to specific destination countries.