

WHAT does it take to formulate migration policies?

“Because migration is a dynamic social process (...), (im)migration policy cannot be viewed as a gate that opens and closes”¹.

A catalyst for migration policy-making

Since its inception, the joint EU-ICMPD Migration EU eXpertise (MIEUX) initiative has provided expertise to numerous governments all over the world to develop migration-related policy frameworks.

The lessons learnt from ten years of experiences are summarised in a series of four thematic factsheets² explaining the ‘why’, ‘how’, ‘who’ and ‘what’ of migration policy-making.

What are the ‘elements’ for policy-making?

Since MIEUX started operations in 2009, much progress has been achieved in the area of migration governance and policy locally, nationally, regionally and globally.

States and multiple stakeholders have gained a more robust understanding of the complexity, dynamics, development outcomes and policies linked to migration, whereas an increasing number of governments have begun to put in place governance structures, designing holistic migration (and development) policy frameworks, engaging with more actors, or advancing regional and international cooperation.

The inclusion of migration in the 2030 Agenda on Sustainable Development (2015), the adoption of the New York Declaration for Refugees and Migrants (2016) and, finally, the endorsement of the Global Compact for Safe, Orderly and Regular Migration (2018) corroborated and prompted significant

momentum. These new global commitments found their basis in the following elements:

- Migration is a multidimensional reality of major relevance for country development ;
- Migration represents an opportunity for migrants and their families;
- Migrants contribute to sustainable development;
- The interrelationship between migration and development is complex;
- Development hinges on the facilitation of safe, orderly, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies; and
- Greater international cooperation is needed with a view to improving migration governance.

MIEUX’s vast and unique global experience testifies that migration policy-making is not and should not be based on a common ‘recipe’ or a ‘one-size-fits-all’ approach given the legitimate right of States to control of access to their territories, and regulating behaviour within their borders which, in turn, determines the typology of migration governance and policy they operate.

That said, in light of the commitments and interests deriving from the most recent global political developments, the growing interaction and cooperation between governments, and the transboundary effects of their policies, it transpires that these elements represent important entry points and common denominators for policy-making at sub-national, national and regional levels.

These are all anchored in the recognition that migration contributes to achieving the development outcomes under the 2030 Agenda framework on the basis of coherent and holistic responses and policies.

¹ Goldin, Cameron and Balarajan (2011) “Exceptional People – How Migration Shaped Our World and Will Define our Future”.

² All factsheets are available to download on <https://www.mieux-initiative.eu/en/resources>

What are the main assumptions to make policies work from the outset?

Although no common recipe exists for policy-making, several factors that may determine the success of policies can be drawn from past experiences:

1. The causal relationship between the policy's intended **objectives and expected results** should be established through an evidence-based choice of pragmatic, feasible and relevant policy instruments, options and frequent monitoring.

2. For migration policies to be relevant, effective and efficient, they have to be based on updated and reliable evidence.

The lack of accurate data affects the correct understanding of the complex dynamics and impact of migration, and poses a further challenge to harnessing its full development potential. It is important to also generate, collect and make use of data at the following levels:

- **Micro:** targeting individuals and families; refers to drivers of migration; how the decision to migrate is taken; and what goals, values, aspirations and desires individuals and groups have in relation to the migration process.

MIEUX Practice

Consultations in diaspora policy making

Ghana, Madagascar and Malawi developed their diaspora policies by exchanging directly with diaspora members in order to better understand their intentions, expectations or motivations.

- **Meso:** refers to social capital, relationships, transnational networks, social norms, knowledge, systems. For instance, exposure to, inclusion in and affiliation of individuals to migration networks account for why and how certain people migrate and others do not.
- **Macro:** Policy-making should consider and be based on data concerning demographic shifts and projections, economic development and forecast, social context, environmental changes or political situations.

Evidence needs to feed the contextualisation and understanding of migration which, in turn, underpins the entire policy cycle.

Policymakers are expected to take up the context in the policy arena, devise policies and take decisions responding to the identified issues and concerns, and correct errors in policy assumptions.

3. Inclusive institutional settings with appropriate political, policy, operational, budgetary and coordination capacities concerning all aspects of the policy cycle³, with a well-defined leadership and responsibilities distributed across the board (clear chain of accountability).

As described in Factsheet no. 3 'WHO', the institutional landscape has been incrementally changing and reformed in all MIEUX's partner countries, with governments opting for a broader and more inclusive governance system.

It is therefore important that the whole-of-government and society approaches are continuously deployed, going beyond the process of developing or consulting draft policy documents. Irrespective of their administrative structures, there is scope, in most countries, to strengthen the national capacity for coherent policy-making and implementation in relation to migration.

4. Horizontal coherence between migration-related policy areas (e.g. visa, labour migration, return, diaspora, etc.) and other public policies, as well as **vertical coherence** between institutions, is essential in order to agree on the national objectives of migration policies, to foster a strong nexus between migration and other public policies, unlock the development impact of migration, create opportunities through synergies, as well as maintaining consistent and regular cooperation across the board.

Conversely, incoherent policy-making and eventually policy implementation impact directly on the ownership of migration policies, commitment and leadership, which are indeed other essential factors for the success of policies.

5. Scarce resources, be they of financial, knowledge or human nature, impede the process of developing, rolling out, understanding and assessing national policies. A combination of resources at each stage of the policy cycle increases the chances of success.

³ Factsheet no. 2 "How"

What are the guiding principles of policy-making?

Policy-making is one of the main attributes of governments. The migration policy-making process is inherently based on and determined by the sovereign right of States to choose their national migration policy and their prerogative to govern migration. The exercise of this right, however, should not be contradictory to obligations under international law.

In fact, reflecting the spirit of international agreements, MIEUX's partner countries have enshrined a range of established legal principles guiding their national migration policies, such as equality in rights between migrants and citizens, rule of law, security solidarity, responsibility of States towards their citizens, or supremacy of national interests, taking into account national realities, priorities and legislation.

In addition to these fundamental prerequisites, MIEUX has been promoting and enlarging the set of guiding principles, including, but not limited to:

- gender-responsive policy measures, which have been reflected in a majority of policy documents drafted within MIEUX interventions;
- child-sensitive policies,
- whole-of-government system and whole-of-society approaches, and
- sustainable development.

MIEUX Practices

Gender-responsive migration policies⁴

Costa Rica, Kyrgyzstan, Madagascar, Malawi, Mauritius and Sierra Leone include gender-specific responses or dedicated sections in their national holistic or migration-related policies.

Child-sensitive policies and intervention⁵

In Mexico, MIEUX shared expertise and best practices concerning children's best interests and protection within mixed migratory flows.

MIEUX also brought together Guatemalan, Honduran and Mexican government officials to identify regional solutions and policy interventions targeting unaccompanied children.

What are the policy 'linchpins'? 5Ps

Policy and institutional coherence

The multidimensional nature of migration implies that it cannot be addressed by one policy and by one sector alone. For this reason, whole-of-government needs to ensure horizontal and vertical policy and institutional coherence across all sector levels of government.

It is therefore of the utmost importance that migration policies contribute to the fulfilment of national goals that stem from overarching national development plans and other sectoral policies (e.g. education, employment, health, environment, finance, etc.).

Through a systemic approach, policymakers, alongside other stakeholders involved in the process, should analyse, identify and address the critical interaction between policies, such as synergies and trade-offs, as well as the likely national and transboundary effects and long-term impact.

Creating synergies among various policy domains is a process that, depending on the mix of migration and other public policies, for instance, could aim to further develop the human capital of a country, to invest in and create better jobs and living opportunities so as to tap into the potential of people, to provide opportunities to those who decide to migrate as a choice so that they have the necessary safeguards at their disposal at all stages of the process, as well as creating and keeping in place protection measures catered towards foreigners who decide to live, reside or work in a country.

Equally important is to identify the trade-off between the objectives of policies and different policy levels, and to understand what type of gains may be achieved by sacrificing something in exchange. One example is the relationship between migration and health priorities in situations where medical personnel may decide to leave the sector.

Institutionally, governments should make sure that their ministries or departments do not pursue different objectives through working in siloes and that information is effectively shared amongst those entities. In this respect, the importance of a whole-of-government approach is evident.

⁴For more information: https://www.mieux-initiative.eu/files/MIEUX_Factsheet%20Gender_EN_final.pdf

⁵ https://www.mieux-initiative.eu/files/MIEUX_Factsheet_UAM_EN.pdf

MIEUX Practice

Mauritius – Migration and Development Policy

The policy was developed by transversally analysing the relationship and effects between migration and other sectors, such as finance, economy, environment, education, health, ICT and investments; and by identifying synergies and possible areas of divergence (e.g. admission policies vs. sectoral objectives). At institutional level, the Government put in place a Steering Committee, whose mandate and scope was expanded and enhanced upon adoption of the Policy by the Cabinet, in June 2018.

Prosperity

Migration policies should not be developed in a vacuum but instead, they must respond to and underpin the 2030 Agenda and national Sustainable Development Goals (SDGs). As such, they should also aim at addressing various ongoing and future development challenges and tapping into different opportunities brought about by migration and human mobility.

For this reason, they should be framed with the purpose of managing the volume and composition of migratory flows required to fulfil the forward-looking vision of countries in terms of sustainable and human development, prosperity and growth as one of the main objectives that receives large consensus nationally.

Partnerships

The formulation, but more importantly, the implementation and monitoring of any policy rely on a high degree of communication, coordination, cooperation and partnerships among multiple actors⁶.

For instance, the national coordination structures established in many MIEUX partner countries facilitate thematic or institutional partnerships geared towards the implementation of specific policy objectives or measures.

One of the prerogatives of these entities is, in fact, to encourage, accelerate and facilitate various forms of multi-stakeholder partnerships and channels of

cooperation in view of achieving policy and institutional objectives in a mutually beneficial fashion and creating innovative ways of implementation.

It is recommended that governments further capitalise on the work and dynamic of the structures created for policy-making processes with respect to other phases of the policy cycle, and to upgrade and strengthen them after endorsement of the policy by the Cabinet or other legitimate actor.

MIEUX Practice

Cabo Verde – The National Immigration Strategy

The Strategy's formulation and implementation was accompanied by new partnerships with diverse immigrants' associations based across the archipelago, and a series of local authorities representing various islands of Cabo Verde.

In addition to national partnerships that take varied forms, involve traditional and non-traditional actors, and respond to various priorities, governments are expected to nurture day-to-day partnerships with their citizens (voters), residing within and outside of its borders.

The aims behind these partnerships include communicating the much-needed migration-related policy choices, making efforts to create a narrative enabling social cohesion, avoiding possible social tensions, as well as focusing on public perceptions and attitudes.

By the same token, governments should continuously engage with their foreign populations working and living on their territories, ensuring their smooth integration and supporting them in understanding and embracing local culture, customs and practices.

In the regional and international arenas, migration policies should also aim at fostering partnerships between neighbouring countries or between countries of origin, transit and destination, as well as regional actors or international organisations.

This is relevant, in particular, when it comes to the transboundary effects of policies and government

⁶ see Factsheet 3 'WHO'

commitments to implementing either regional or global norms and standards.

Protection

Protection of various target groups represents one of the core tasks of governments deriving from their mandate endorsed by citizens, and international bi- and multi-lateral commitments, as well as various ongoing policies and legislation.

Therefore, migration policies should emphasise governments' roles in protecting the rights and interests of persons targeted by their scope, including citizens living within and outside a country, different categories of foreigners living, studying, working, residing or seeking protection in a country, and vulnerable migrants – and strengthening the measures and tools directed towards the provision of protection at different stages of the migration process and under various circumstances.

It is paramount that migration policies draw on, reinforce and translate into action the commitments, principles and human rights-based approaches deriving from regional and international standards signed by a State.

People-centred

Any public policy, including migration policy, affects individuals and communities. By their very nature, policies, at least in theory, embody tools to make a difference in people's lives. Depending on how they are crafted or implemented, migration policies could positively impact or negatively affect individuals, families or communities.

People's mobility is one of the driving forces of human progress, and the objective of migration policies should therefore be to harness the potential of human migration and mobility, to capitalise on and invest in human development, and to meet individuals' needs and aspirations.

In particular, this is needed given that people do not always respond to policies in the ways governments expect them to do given a variety of reasons that require understanding and dialogue focusing on and with the people concerned (whole-of-society approach).

10 lessons learnt on policy-making and 10 next steps

1. Migration policy-making mirrors the state of play of other public policies

The process of formulating migration policies is often regarded as a push factor or an 'eye opener' to single out and grasp the deficiencies of and gaps in other public policies or sectors and eventually to start intervening and mitigating them, with a view to removing those factors impeding realisation of a migration policy's objectives.

In other words, the shortcomings of the vocational education training sector could, for example, impact the volume of migration flows. Thus, the objective and the prerogative of education policies should be also to devise and implement solutions to existing challenges by seeking synergies and coherence with migration policy, whenever relevant, and based on the impact analysis of policies with each other.

However, migration policies should not be regarded as 'panacea' to work out structural issues pertinent to other sectors.

→ **Next steps.** *Coherence between different public policies and migration should constantly be ensured and become a regular exercise and practice for policymakers.*

2. Acknowledge the challenges to overcome them

Policy-making and policy implementation face various challenges, whether of *institutional* (e.g. weak coordination, underdeveloped partnerships, clarity of mandates, authority, etc.) or *legislative nature* (implementation of norms lag behind); also *lack of funds* (the envisaged policy options may not be budgeted from the outset, creating major consequences throughout implementation); *capacities*; *toxic narrative* on migration and migrants; or *coherence*.

→ **Next steps.** *Challenges should be identified and addressed on a regular basis, not only during the first stage of the policy cycle.*

3. Amplify the existing opportunities through the right policies and a more positive narrative

Undoubtedly, in the last decade, governments have undertaken determined and concrete steps to enhance overall migration governance and policy-making processes by integrating relevant actors, strengthening their institutional capacities or creating spaces and opportunity structures to conduct dialogue, and identify solutions and practices.

Additionally, the level of understanding of migration has improved, while its recognition as a development strategy, and the opportunities brought by migration and migrants, is largely accepted and consolidated at international level.

- **Next steps.** *Capitalise on what has been achieved so far, invest in these efforts, further strengthen the constituents of migration governance, and frame and promote evidence-based and balanced narratives about migration, including by addressing the fears of citizens and individuals.*

4. The '3Is' approach is the thread of policy-making and governance

Policy-making is the outcome of the competition between Ideas, Interests and Institutions (3Is). The understanding of these three variables⁷ could facilitate the management of expectations and obtaining of much-needed buy-in and institutional commitment, clarify roles and responsibilities, ensure legitimacy of the policy process, forge a decisive leadership and create political willingness.

- **Next steps:** *permanently deepen the understanding of the inter-play between the actors involved in migration policies, their vested interests, and their potential and added value to the process. Whole-of-government and whole-of society approaches should become the norm.*

5. Policy-making should be accompanied by capacity development

In some instances, public officials are involved for the first time in designing migration policy frameworks, and their capacities in this domain are limited.

The process requires thematic knowledge, but also technical skills, such as analysis, drafting, solution identification, among others.

- **Next steps.** *continue investing in peer-to-peer capacity development through a whole-of-government approach.*

6. Flexible policy implementation and robust monitoring and evaluation are equally important

The policy cycle phases should not be prioritised. Ultimately, well-designed policies become irrelevant unless implemented, and permanently monitored and evaluated.

Implementation may lag behind due to various internal and external factors, whereas monitoring and evaluation is often sidelined due to lack of expertise and methods to conduct it.

Moreover, the implementation process requires a certain degree of flexibility given the constant and occasionally unexpected changes, including external factors that have direct repercussions on it.

- **Next steps.** *Identify the constraints to implementation on a regular basis and address them through the existing coordination structures, as well as investing in monitoring and evaluation capacities and tools. Likewise, the involvement of as many stakeholders as possible in these exercises is key to success. Flexible indicators for policy achievement, measuring governance or policy coherence should become an integral part of thinking and practice.*

⁷ Please refer to Factsheets 1 "WHY" and 3 "WHO"

7. The policy cycle demands constant, flexible and innovative methods and tools

Any tool, methodology or approach underpinning the realisation of each stage of the cycle should be deployed, depending on the human, institutional and financial resources available.

Data sharing, external consultations, coordination, partnerships, policy coherence, system analysis, stakeholder mapping, cost analysis, mainstreaming development into migration policies, etc., are some of the tools at the disposal of policymakers.

→ **Next steps.** *Fine-tune and adjust existing policy tools and deploy them in an inclusive way.*

8. Practicing the phases of the policy cycle, and ensuring policy coherence, practices and partnerships

The policy cycle is a non-linear process, inevitably being accompanied by successes and failures. To make the most of its stages, advantages and methods, public officials and stakeholders co-opted into the policy process should create the habit of regularly testing new forms of implementation, applying innovative solutions, understanding and implementing policy coherence, establishing new practices, proposing new instruments or framing strategic partnerships, all through participatory approaches.

→ **Next steps.** *Governmental and non-governmental actors should build more trust across the policy cycle in view of jointly achieving the policy goals through new tools and instruments.*

9. Perpetual quest for evidence, building scenarios and the rise of Knowledge Management

Despite recent advances, many governments are still struggling to collect, process, create, analyse and use data or conduct research due to various constraints.

Striking a balance between statistical and administrative sources, research on new types of data (e.g. Big Data) and the political nature of policy-making add an extra layer of complexity to data management efforts.

In this respect, Knowledge Management becomes crucial to formulate coherent strategies aimed at improving the flow of information and knowledge to support horizontal and vertical coordination and policy formulation.

→ **Next steps.** *Governments and other actors should better prepare for the future by comprehending what will drive migration.*

Therefore, there is a need to invest more in Big Data and Knowledge Management, build anticipatory capacities, conduct forward-looking analyses, strategic foresight and scenario planning, also through the coordination structures available at national level.

10. Migration is development

Migration and human mobility are sources of prosperity, growth, innovation, and human and sustainable development. Their positive impact can be optimised by improving migration governance and putting in place the right policies facilitating safe, orderly and regular migration.

→ **Next steps.** *The inter-play between migration and development is increasingly recognised, yet it remains under-explored. Hence, it is necessary to continue generating analysis and knowledge of the complex nexus between migration and development, and mainstream migration into development and development into migration policies.*

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