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Measuring Migration Policies: Some Conceptual and Methodological Reflections¹

Hein de Haas, University of Oxford, imi@qeh.ox.ac.uk

Mathias Czaika, University of Oxford, mathias.czaika@qeh.ox.ac.uk

Introduction

The effectiveness of migration policies has been widely contested in the face of their oft perceived failure to control the movement of people. Because migration is driven by economic, demographic and political processes in origin and destination societies that are far beyond the scope of migration policies, the argument goes that policy restrictions only have a limited effect on inflows, and have several unintended, counter-productive effects such as encouraging irregular migration, discouraging return and pushing migrants into permanent settlement (Castles 2004; Cornelius et al. 2004; de Haas 2011; Massey et al. 1998). Furthermore, migrant networks and migration system dynamics are known to lower the costs and risks of



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migration. This can give migration processes their own momentum, for instance through continuing family migration (Castles and Miller 2009; de Haas 2010; Massey 1990; Massey et al. 1998). This has led some to state that 'borders are beyond control' (cf. Bhagwati 2003).

However, other scholars have countered the idea that there is a general migration control crisis and have argued that the capacity of states to control migration has actually *increased* (Brochmann and Hammar 1999; Broeders and Engbersen 2007). Several empirical studies seem to indicate that policies do have a significant effect on migration (Hatton 2009; Ortega and Peri 2013). One can also argue that there is certain bias in policy debates towards irregular and other forms of 'unwanted' migration, for instance the large number of Mexican undocumented migrants living in the US. This may obscure the fact that the large majority of migration takes place in a regular fashion and that most migrants abide by the rules by applying for visa, work and residence permits or by registering upon arrival. This would indicate that migration policy regimes are generally effective.

However, as a result of several conceptual and methodological problems, evidence has remained inconclusive. While migration researchers usually blame this on the lack of reliable migration and policy data, this is also related to a considerable degree of conceptual confusion about the very meaning of policy effectiveness, limitations and flaws in the ways migration policies are operationalized, and sometimes rather arbitrary specifications of quantitative empirical models. Even with infallible migration and policy data, these conceptual questions will not go away by ignoring them, and will thus continue to haunt us unless they receive more attention. This observation holds more generally for migration studies, which is a largely data-driven, but under-theorized field of social inquiry.

In this article, we will reflect on some of the major theoretical and methodological challenges in measuring migration policies. This will be based on the research conducted in the context of the DEMIG (The Determinants of International Migration) project at the International Migration Institute (IMI) of the University of Oxford, which aims to generate new conceptual and empirical insights into the role of receiving and sending states and the effects of their migration policies on the size, direction, timing and composition of international migration (cf. de Haas 2011, see also www.imi.ox.ac.uk/research-projects/demig).

Conceptual considerations

A first conceptual problem is that there is confusion on what policy effectiveness actually entails. In a recent paper, we have argued that, to a considerable extent, the public and academic controversy about this issue is spurious because of fuzzy definitions of policy effectiveness. This partly stems from a common confusion between (1) policy discourses, (2) policies on paper, (3) policy implementation, and (4) policy impacts. Although policies on paper and implemented policies seem to be the correct yardstick to factually assess policy effectiveness, in practice, the (generally more pronounced) discourses or stated policies are often used as an implicit benchmark in the migration policy literature to assess policy effectiveness (Czaika and de Haas 2011).

This 'discursive bias' can easily lead to an overestimation of 'policy failure'. For instance, if public declarations of politicians to drastically curtail immigration are not matched by actual policies, it should come as no surprise that immigration continues at high rates. In such cases, we can talk

about *perceived* policy failure. We therefore distinguished three immigration policy gaps: (1) The *discursive gap* (the discrepancy between public discourses and policies on paper); (2) *the implementation gap* (the disparity between policies on paper and their implementation); and (3) the *efficacy gap* (the extent to which implemented policies actually affect migration, controlling for the effects of other origin and destination country migration determinants) (Czaika and de Haas 2011). The bias of much research towards discourses and stated (instead of written) policies also explains the common assumption that immigration policies have become generally more restrictive on the whole, an assumption which recent evidence has questioned (cf. Ortega and Peri 2009).

The extent to which policies are implemented varies widely, and depends on factor such as the availability of financial and human resources, competing policy priorities and the discretion of civil servants and other state agents (Boswell 2007; Czaika and de Haas 2011). However, it is notoriously difficult to assess the 'street-level' implementation of policies, and this requires detailed qualitative field research (cf. Brachet 2005; Infantino 2010). It seems unrealistic that implementation can be quantitatively measured for a range of immigration policies in various countries over extended periods of time.

The quantitative measurement of immigration policies seems only realistically possible at the level of policies on paper (Czaika and de Haas 2011), and even under imaginary circumstances of 'perfect' data and empirical models, we would not be able to disentangle implementation and efficacy gaps. Although this does not mean that we should not aim at measuring policies' effects, it does imply that researchers involved in quantitative assessments of policy impacts should have a thorough awareness of the qualitative literature on policy implementation and, more generally, the political and social context in which policies are implemented. This will increase the capacity to interpret results from quantitative analyses and, hence, to make more reliable assessments of policy effects.

In particular, the specification and interpretative power of quantitative models could be significantly improved by a better awareness of the context in which migration policies have evolved. Some of the best studies in the migration policy impact literature, such as by Hatton (2009), and, more generally, in the migration determinants literature (cf. Hatton and Williamson 1998) show a deep awareness of the broader historical, economic, demographic, social and political context – and are therefore able to specify the role of states and migration policies with more authority and precision.

Likewise, and notwithstanding the sophistication and quality of this debate, the literature on the political economy of migration policies sometimes has the tendency to become detached from implementation and migratory realities on the ground. Their very focus on political processes can leave the question of implementation and effectiveness largely unanswered. Indeed, the literature on the post-Schengen 'externalization' (or 'outsourcing') of EU migration policies towards non-EU countries such as Morocco and Turkey pays extensive attention to the formation of such policies, but often does not address the extent to which such policies are actually implemented.

Research gaps

This brief review points to a considerable research gap: there is not only a clear need for a better measurement of migration policies and their implementation as such, but also for empirical studies to improve (1) our knowledge of the nature and evolution of immigration *and* emigration policies;

(2) the extent to which stated migration policies are actually implemented on paper (discursive gap) and in practice (implementation gap); and (3) the effects of such policies on long-term migration patterns and trends.

With regard to the measurement of policy effectiveness, it seems important to broaden our view, away from the one-sided focus on short-term effects of policies on inflows of the targeted migration category (e.g., asylum seekers, which is the best studied category more generally). This is particularly important because attempts of specific policies to influence targeted migration categories can have knock-on effects on other migration flows. In another paper, de Haas (2011) hypothesized four 'substitution effects' which can limit the effectiveness of immigration restrictions: 1) *spatial substitution* through the diversion of migration to other countries; 2) *categorical substitution* through a reorientation towards other legal or illegal channels; 3) *inter-temporal substitution* affecting the timing of migration such as 'now or never migration' in the expectation of future tightening of policies; and 4) *reverse flow substitution* if immigration restrictions also reduce return migration and make the effect on net migration fundamentally ambiguous (de Haas 2011).

Drawing on project-generated migration policy and bilateral flow databases, the DEMIG project aims to analyse these substitution effects using double comparative analysis which simultaneously studies the migration of multiple origin groups to and from multiple destination countries (de Haas 2011). The existence of substitution effects also demonstrates the need to look at the 'externalities' of *specific* policy measures that often go beyond the (short-term) effects on *targeted* (e.g., asylum, family) migration categories by considering (short *and* long-term) effects of specific migration policies on other, untargeted immigration and emigration flows. This emphasizes the need to look at the broader picture by embedding the study of particular policy effects in the broader context of long-term migration system dynamics. This shows the importance of combining quantitative tests of migration determinants with qualitative studies to improve our understanding of the context in which policies are formulated and implemented (Czaika and de Haas 2011).

Approaches to measure immigration policies

The complex and multi-faceted nature of immigration policies poses significant dilemmas in terms of methodological choices. Scholars have used a range of methodological approaches to measure migration policies. A standardized approach seems almost illusory given the highly diverse nature of migration policies, with some countries using particular instruments (e.g., quotas or citizenship tests) which other countries do not use at all (see also Ruhs 2011). Other policy instruments (e.g., visas, residence permits, naturalization) are more universal, but there is large variation in the practical formulation and implementation of such policies. Major overhauls in immigration policies can also imply a change in policy instruments (e.g., the introduction of a point system in the UK in 2008) which can complicate consistency of measurement over time.

It is possible to make a distinction between three basic techniques that researchers have used to measure migration policies: (1) policy dummies, (2) the tracking of major policy changes within each country and (3) comprehensive policy indices, which generally assess the 'absolute' level of restrictiveness (for an overview, see Czaika and de Haas 2011). In the first type of study, researchers capture the effect of one or particular policy changes on immigration by including dummy variables in empirical models (e.g. Karemera et al. (2000) for the US and Canada; Vogler and

Rotte (2000) for Germany). Other studies use dummies to capture the effects of regional integration processes (see e.g. Hatton (2005) for the EU enlargements in 1986 and 1995, Beine, Docquier and Özden (2011) and Ortega and Peri (2009) for the effect of the Schengen agreement or the Maastricht Treaty on European migration).

A second method to measure migration policy change is used by Mayda (2010) to track major migration policy changes. She captured *changes* in migration policies over time in 14 OECD countries between 1980 and 1995 using an ordinal scale of increasing or decreasing restrictiveness. Mayda coded each policy change as a step towards either more or less restrictive immigration regulations, resulting in a one point increase or decrease of her index. Ortega and Peri (2009) extended Mayda's index to cover a longer time period (1980–2005) and including data on social policies. In the DEMIG project, building upon Mayda's original approach, we are currently elaborating an extended migration policy database, which tracks policy changes in immigration *and* (the oft-ignored) *emigration* policies for most OECD and some non-OECD countries.

A third approach consists of the construction of *immigration policy indices*. In their studies on the effects of policies on asylum migration, Hatton (2004) and Thielemann (2004) measured changes over time for a limited number of key policy indicators, which they combined in indices of policy restrictiveness. Ruhs (2011) constructed two separate indices that measure the (1) openness of 46 high- and middle-income countries to admitting migrant workers of various skill levels as well as the (2) legal rights (civil and political, economic, social, residency, and family reunion rights) granted to migrant workers after admission. The MIPEX (Migrant Integration Policy Index) uses 148 policy indicators to measure the extent to which migrants are guaranteed equal rights, responsibilities and opportunities. MIPEX currently covers 31 European and North American Western countries for the years 2007 and 2010 (www.mipex.eu, see also Niessen and Huddleston 2009).

The use of policy dummies, policy change tracking and comprehensive policy indices have each proven their value in empirical studies. In fact, the choice for an optimal methodology largely depends on the specific research question at hand, so 'more' is not automatically 'better', particularly if we take into account the resource-intensive and time-consuming nature of generating reliable policy data. Policy dummies can be a useful and efficient method to study the effects of particular policy changes, but the obvious drawback is that it obscures the role of other policy changes that often happen concurrently. The policy change tracking approach seems useful for time-series analyses that aim to measure the effect of changes towards more or less restrictiveness within each country. Because the scale of these immigration policy change indices is ordinal, the scale points only capture the direction of change in either a more or less restrictive direction, not the relative importance of a policy change or the absolute level of restrictiveness. This seems to render this approach unsuitable to compare policies, for instance levels of restrictiveness, between countries.

Comprehensive policy indices aim to capture an absolute level of policy making. This seems to make them more suitable for cross-country analyses and to take stock of the entire immigration policy regime instead of the focus on (potentially relatively marginal) effects of policy changes over time. Inter alia, the study by Ruhs (2011) has shown the usefulness of this approach, for instance for

studying the relation between entry restrictiveness and migrants' access to rights across a large range of countries. The main practical drawback is the laborious nature of collecting and coding detailed policy data from a range of countries, and most existing indices are only available for one or a limited number of years. Therefore, indices seem more useful for cross-sectional analyses.

However, this seems ready to change in the future thanks to new initiatives. The IMPALA project (see Beine et al. in this newsletter and www.impaladatabase.org), is currently gathering comparable and comprehensive data on immigration and integration law and policy in over 25 countries between 1960 and 2010. The IMPIC project is building an immigration policy index which covers 33 OECD countries for the years 1980-2010 (see Helbling et al. in this newsletter). Once available, these databases will dramatically increase the capacity to construct longitudinal indices which are suitable for the analyses of panel datasets covering a range of countries over a large number of years.

Together with the DEMIG Policy Database, the DEMIG project is currently compiling a Travel Visa Database, containing bilateral information on travel visas for both entry and exit regulations. This database compiles information for 45 countries on visa issuance between 1973 and 2013 and is being extended to for all countries in the world. Visas are one of the main migration policy instruments and will be used as proxy variable to assess bilateral migration restrictiveness.

Methodological dilemmas

The increasing availability of policy and bilateral migration data promises to significantly increase the capacity for generating improved insights into the nature and effects of immigration (and increasingly also of emigration) policies. However, it is important to stress that, in themselves, data improvements do not solve conceptual and methodological problems. This particularly applies to the validity and usefulness of constructing policy indices. First, the complex, fragmented and often incoherent nature of most immigration policies raises the question whether it is valid to speak in terms of *general* restrictiveness (or permissiveness) of immigration policies. Immigration policies often aim at affecting the selection of immigrants rather than overall levels. Immigration policies are typically a 'mixed' bag of contradictory laws, measures and regulations aiming at decreasing (or stimulating) migration of particular national, ethnic, class, skill, age and gender groups (cf. Czaika and de Haas 2011). This raises the question whether it is methodologically justifiable to lump such very different types of policies with regards to issues such as entry, employment, settlement, and exit together in one index. This may make it difficult to speak of 'general levels' of restrictiveness, particularly if we talk about the entire policy regime instead of a policy targeted towards a particular migrant group (e.g., asylum seekers).

A second fundamental problem is related to the weighing of different policy indicators within an index. Apart from the question what policy indicators to include (e.g. are integration policies part of immigration policies? Where do we draw the boundary between migration and non-migration policies? The attribution of weights to particular policy indicators is a delicate and partly subjective affair, as there is no objective yardstick to assess the relative importance of a policy component *a priori* (see Czaika and de Haas 2011). After all, the very purpose of empirical analyses in this field is to determine the relative importance of the effects of particular policies. However, in assigning weights, we already build in assumptions on the relative importance of particular policies in the

index before we start the actual analysis. Because the relative importance of policy components cannot be objectively established *a priori*, weighing thus inevitably involves a degree of subjective assessment. Again, this shows the importance of a strong theoretical embedding of empirical models and in making decisions on the construction and weighing of indices.

Conclusion: The importance of theory and methodological openness

The above analysis showed that the different methodologies to measure migration policies all have their own value. It showed the continued relevance of policy dummies and qualitative field and case studies in order to determine the real effects of *particular* policies. It also shows that there is a certain elegance in the use of ordinal scales by policy change tracking indices, because this methodology implicitly acknowledges the conceptual impossibility of providing an *a priori* assessment of the relative importance of a particular policy change.

Even if we possess the 'whole grail' in terms of 'perfect' migration and policy data, this does not solve fundamental methodological problems such as weighting and the conceptual validity of policy indices. More in general, there is a danger in seeing more data as the only or main solution. Even if we have data, we still face the problem that we can only assess the relative effectiveness of migration policies if we develop empirical models that correctly specify and incorporate other theoretically relevant migration determinants in both sending and receiving countries.

This exemplifies the continued importance of good theory and contextual insight to inform methodological choices. All too often, migration determinants research tends to be based on obsolete push-pull and gravity models which ignore recent developments in migration theory and therefore omit crucial migration determinants such as non-economic factors as well as relevant origin country migration determinants and emigration policies (de Haas and Vezzoli 2011).

There has been a recent surge in interest for the measurement of migration policies and their effects. This has created the potential to radically improve our insight into the nature, evolution and determinants of migration policies, and, more generally, into the role of states and policies in migration processes. However, it is important not to see better data as a panacea, but instead to work to better embed our empirical models in existing theory as well as to adopt an interdisciplinary attitude and an open, eclectic approach in terms of methodologies - one in which the choice of methodology is guided by the specific research question at hand. Often, trade-offs have to be made between the laborious comprehensiveness of policy indices and the efficiency and deeper insights that can be achieved by focusing on the implementation and effects of some particular policies. Each methodology has its advantages and drawbacks, and each has its place, as long as it does not claim to be the only correct one.

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