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## **The effectiveness of immigration policies**

A conceptual review of empirical evidence

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DEMIG project paper 3



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### Abstract

In the face of the apparent dispute in migration research about the effectiveness of migration policy, this paper scrutinizes the nature, evolution and effectiveness of immigration policies and provides an analytical framework for future research. In order to reduce analytical confusion and reconcile apparently conflicting views, this paper defines what constitutes migration policy and distinguishes policy *effectiveness* and policy *effects*. It identifies three policy gaps which can explain perceived or real policy failure. First, the ‘discourse gap’ is the considerable discrepancy between the stated objectives of general public migration discourses and *concrete* policies. Second, the ‘implementation gap’ is the disparity between policies on paper and their actual implementation. Third, the ‘efficacy’ gap is the extent to which an implemented policy has the capacity to affect migration flows. The paper argues that studies should use *concrete* policies rather than public discourses as the evaluative benchmark. While we question the received idea that immigration policies have necessarily become more restrictive, available evidence suggests that migration policies have a significant effect on migration, but that the effect is limited compared to other migration determinants. Their effect might be further limited through various spatial, categorical and inter-temporal ‘substitution effects’. The paper hypothesizes that policies seem more effective in determining the selection and composition of migration rather than the overall volume and long-term trends of migration. However, robust evidence is still scarce and existing studies are generally unable to test for various ‘substitution effects’. The paper also suggests conceptual and methodological avenues for improving insights into policy effectiveness and effects.

**Keywords:** immigration, migration policy, migration determinants, effectiveness, political discourse

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# 1 Introduction

There is a dispute in migration research about the effectiveness of migration policy. While many migration scholars argue that efforts of policy makers to regulate and, particularly, restrict immigration have largely failed (Bhagwati 2003; Düvell 2005; Castles and Miller 2009), this is contested by others (cf. Brochmann and Hammar 1999). At the same time, the scarce quantitative empirical literature (Beine et al. 2010; Mayda 2010; Hatton 2005) finds rather unambiguous evidence that restrictive immigration policy measures do have significant effects on the magnitude and composition of immigration flows targeted by such policies. Why do researchers studying the same phenomenon end up with such different conclusions?

The quantitative evidence challenges blanket claims that migration policies are ineffective, and therefore needs to be taken very seriously when we consider how to conceptualize the relation between policy and migration. But does this simply prove the hypotheses from the qualitative literature wrong? How can we explain that various migration policy instruments turn out to be significantly effective, and that, nevertheless, migration policies are often perceived as not reaching their stated and intended objectives? Does this reflect more general divisions between disciplines and, particularly, qualitative and quantitative approaches with regards to epistemological questions and, hence, the validity of research methodologies to measure the relation between social phenomena? Or can it be that both literatures are in fact looking at different questions at different levels of aggregation and time-scales? And, from there, is it possible to reconcile these apparently opposing views?

Based on a detailed analysis of the theoretical and empirical literature on the effects of immigration policies on migration flows, we argue that it is possible to reconcile these views to a significant extent. This can only be done if we reduce conceptual confusion and bring more precision into the theoretical debate by 1) defining the different concepts such as ‘effectiveness’ which the literature is addressing; and 2) disentangling the quite different time-scales and levels of aggregation which the qualitative and quantitative literature tend to address. In particular, while the empirical literature on policy effects generally focuses on the effects of *specific* measures on *specific* (primarily legally defined) categories of migration over relatively limited time periods, the qualitative literature on migration policy effects tends to address the effects of *overall* levels of policy restrictiveness on *overall* (gross) and long-term volumes, trends and patterns of international migration; or uses general policy discourses (rather than the actual implemented policy) as a benchmark for measuring policy effectiveness. It is therefore not surprising that they reach rather different conclusions, because they are often measuring something different.

The crux is that answering these quite different questions also requires rather different methodological tools – the issue is therefore not to disqualify ‘the other’ approach, but to bridge them analytically and make them communicate. On this basis, this paper argues that, rather than contradicting, both strands of literature can and should reinforce each other and increase our understanding of the role of policies and, more generally, states in migration processes. We suggest conceptual and methodological avenues for achieving this.

## 2 What is immigration policy? A definition

Part of the academic dispute about the effectiveness of migration policies is rooted in conceptual confusion around the various – often implicit – meanings attached to ‘migration policy’ and ‘effectiveness’. First of all, what is a migration policy? Many policies affect migration such as labour market, macro-economic, welfare, trade and foreign policies. Because they affect fundamental economic migration drivers, their influence might actually be larger than specific migration policies, which perhaps have a greater effect on the specific patterns and selection of migrants rather than on overall magnitude and long-term trends, which seem to be more driven by structural political and economic factors in origin and destination countries.

But where should we draw the line between migration and non-migration policies? In some cases, such as foreign or macro-economic policies, this seems relatively easy. Other policies, such as labour market, development or education policies, might be partially affected by migration concerns, and changes in regulations to access of labour markets and education can directly affect migration propensities. The distinction between migration and non-migration policy becomes particularly blurred in the case of integration policies or citizenship law, which can have rather explicit migration objectives and effects.

Although the lines are blurred conceptually, the practical yardstick with which to define migration policy is to refer to their explicit (that is, stated) objectives. Based on this, we can say that international migration policies are *laws, rules, measures, and practices implemented by national states with the stated objective to influence the volume, origin and internal composition of immigration flows*. The volume refers to the objectives to increase or reduce migration flows or to maintain them on similar levels. The origin pertains to policies intended to change the composition of migrant flows in terms of countries (or regions) of origin. The internal composition of flows relates to the frequent objective to increase or decrease particular categories of migrants, either irrespective of or in conjunction with national origin criteria. Examples include policies aiming to reduce the arrival of asylum or family migrants and policies aiming to increase the number of high-skilled labour and student migrants. Such ‘selective’ policies generally aim to affect the skills, income and class composition of migrant inflows.

Obviously, the objectives of these policies can overlap, especially if migrants from particular origin countries tend to belong to particular class, ethnic, religious or income groups. Because national origin criteria can be seen as discriminatory, with the exception of the preferential access many states give to descendents of ‘ethnic’ nationals (such as German ‘*Aussiedler*’ or the Japanese heritage population in Latin America), immigration policies selecting migrants on class background can be an *indirect* measure to influence national, ethnic and religious origins of migrants. Sometimes such objectives are made explicit and these stated objectives might well differ across political parties and interest groups. For instance, the Dutch anti-immigration politician Geert Wilders has explicitly presented restrictions on family migration from former ‘guest worker’ countries such as Morocco and Turkey as a measure to reduce immigration from Muslim countries, whereas other political parties presented it as a measure to decrease so-called *kansloze* (‘without standing a chance’) immigration. Immigration policies favouring high-skilled migrants can also have the – generally less explicitly stated – objective of reducing immigration from poor, or culturally more distinct countries.

### 3 Immigration policy effectiveness: objectives, outcomes, and gaps

Next, it is important to define what we mean by '*effectiveness*' of migration policies. There seems to be a substantial amount of spurious disagreement in the debate on migration policy because of divergent implicit meanings attributed to the concept of '*effectiveness*'. In addition, the term is rarely defined, which increases the blurred nature of the debate. In order to bring more precision into the debate, it is therefore highly important to overcome this analytical fuzziness and clearly define this central concept. According to the Webster dictionary, effectiveness pertains to 'producing a decided, decisive, or desired effect'. According to the same dictionary, an 'effect' is the 'power to bring about a result'. So, the key difference between effectiveness and effects is that the former is linked to a *desired* effect and that the latter related to the 'actual' fact. The very term '*effectiveness*' does create a relation to policy objectives, and gives an additional, evaluative (and subjective) dimension to studying the 'effects' of migration policies. So, a policy may have an effect, but this effect may not necessarily be large enough to meet the stated policy objective or may even be in the opposite direction to the intended effect.

This reveals two further problems. First, how to establish causality and prove that a change in migration flows is the result of a policy change? For instance, it is tempting to attribute the recent substantial decline of Turkish migration flows to European countries to increasing restrictions – but it is not clear to what extent this is a policy effect or rather the result of rapid economic growth in Turkey which may have contributed to an *overall* decline in Turkish emigration. The methodological inference is that any empirical strategy to measure policy effects needs to control for other *destination* and *origin* country migration determinants. Unfortunately, most analyses on policy effects have remained largely blind for the origin country migration determinants.

Second, while the measurement of policy *effects* on migration is primarily a theoretical and methodological challenge, a more fundamental problem is to determine what the 'intended' effect is and whether 'the real' objective can be identified at all, as policy objectives are rarely singular. There is also often a considerable discrepancy between the stated and 'real' or 'hidden' objectives of migration policy. There is often a considerable gap between explicit policy rhetoric or 'discourse' and actual policy measures.

Restrictive, or 'tough' discourses on immigration often serve to address concerns about immigration among politicians' constituencies (cf. Castles and Miller 2009). While this clearly serves electoral interests, it does not necessarily mean that this is the *intended* effect or that the *de facto* policies reflect the discourse. But the crucial question is whether we can objectively determine the 'real' intention of migration policy at all. As with any policy, the *de facto* migration policy is typically a compromise between multiple, potentially competing interests. For instance, while business lobbies typically lobby in favour of more liberal immigration policies, trade unions have historically seen large-scale immigration as threatening the interests of native workers and undermining their power basis.

In the case of migration, democratically elected politicians have to juggle popular concerns about perceived 'mass' or 'uncontrolled' immigration with economic interests and business lobbies generally favouring liberal immigration policies, pushing governments either to avoid adopting too harsh immigration laws or to turn a blind eye to illegal immigration, residence and employment. In addition trade unions, ministries of social

affairs, justice, foreign affairs, economic affairs, and international development often have competing interests and try to influence migration policy outcomes.

This alone cannot explain the gap between the frequently 'tough' migration rhetoric and the often more watered-down policies actually put in place, but it does show that the objectives of migration policies are often not singular, but simultaneously aim to serve a broad range of often competing interests. The fact that migration policies often serve multiple (short- and long-term) objectives also explains some of the mixed outcomes of migration policies. For instance, after the 1973 oil crisis, West European governments ostentatiously suspended recruitment programmes to address popular concerns about large-scale immigration, but at the same time continued to issue new work permits to low-skilled immigrants and used family reunification as an alternative channel for 'importing' migrant labour (SOPEMI reports 1974–1980).

So, it is difficult if not impossible to define a singular, objectively identifiable 'objective' of migration policies, as they typically serve multiple interests, and the same policy measure might also be explained differently by different political parties and interest groups. Here, it might be useful to frame migration policy as the subject of so-called 'discursive coalitions'. Building upon earlier work by Hajer (1993) and Jobert (2001), Pian (2010) used this concept to understand the formulation of migration policies which might seem irrational or incoherent from the outside. The idea of a discursive coalition implies that all stakeholders in the coalition agree a common definition of a situation or a policy objective – for instance, to 'fight' or 'combat' illegal migration. However, the formation of a discursive coalition does not necessarily imply sharing a values or belief system, as each stakeholder is focused on the pursuit of its own – often different – interests (Pian 2010). A discursive coalition 'may well unite actors with opposing views on the interests they intend to promote, but who agree on the cognitive frame and the institutions to manage their conflict' (Jobert 2001: 5). However, the underlying (often not publicly stated) interests are likely to vary substantially.

Particularly in democratic states, discursive coalitions around migration policy serve to win electoral and parliamentary support for policies (and even in authoritarian states, rulers have to take into account possible feelings of xenophobia<sup>1</sup>), but the interests and also intentions of the various stakeholders are likely to differ substantially. Stated differently, migration policies are typically the outcome of a compromise. Therefore, the stated objectives by the policy makers with regards to real migration policy changes as enshrined in written laws, rules and regulations are probably the most objective yardstick against which to evaluate the effectiveness of migration policy. However, we have to be aware that even establishing the 'stated objective' can be problematic, not only because different stakeholders might give other rationales for the same policies, but also because the rationales given for the same policy might change over time.

In order to improve precision of the analysis of migration policy effects and policy effectiveness, it is also important to distinguish *specific* and *general* policy objectives. Specific policy objectives refer to laws, measures and regulations targeting one specific (generally legally defined) category of migrants. For instance, high- and low-skilled workers,

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<sup>1</sup> For instance, in Libya there was a popular anti-immigration backlash in the early 2000s, during which several sub-Saharan migrant workers were killed after street riots. This has presumably played a role in the harshening of Gaddafi's immigration policies. See Hamood (2006).

work permit issuance, family reunification, student migrants, migrants from OECD vs. non-OECD countries, all tend to be subject to different immigration regimes; and policy changes often target particular categories. On this level, migration policies can be seen as effective if statistical analysis shows that they have the desired effect on inflows or outflows of the targeted category *when controlling for all other relevant sending- and receiving-country migration determinants*.

So, if suspension of recruitment or carrier sanctions lead to a significant decrease in officially registered labour migration or asylum applications, respectively, the specific policy can be seen as effective to varying degrees. However, within 'effective' one can envisage a scale of low to high levels of effectiveness – with reference to *the extent to which* policy objectives have been met. Such valuation leaves considerable room for ambiguities and subjectivities when considering whether to qualify a policy as barely, moderately or highly effective. Another source of ambiguities is the time-scale. While some policies might have an immediate effect, these are not necessarily sustained over a longer time period, as migrants might adjust their migration strategies.

It is important not to confuse migration policy *effectiveness* with policy *efficiency*, which refers to the amount of resources needed to accomplish a policy goal. For instance, the erection of a border fence or a Berlin Wall or other border protection system might be very expensive, but as long as it prevents people from migrating it can be seen as technically effective. Effectiveness is not a moral term, but refers to *the extent to which policies have the desired (as measured by the stated objectives) effect* when controlling for other migration determinants.

However, it is important to consider the broader picture by looking beyond the effects of *specific* policy measures on *specific* migration flows by looking at the effects of the ensemble of specific policies on the ensemble of migration flows. This is not only important because migration policy objectives are often formulated in a general way – for instance, to reduce overall inflows to a certain level – but also because the effects of *specific* policies on specific categories of migration are likely to have knock-on effects on other migration inflows and outflows. 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 decrease return migration and thus limit the effect on net migration.

#### **4 Have immigration policies really become more restrictive?**

'Fortress Europe' is a common term often used by the media and some policy makers to describe the overall perception of the current level of restrictiveness of European immigration policy. Also in North America, the overall perception is one of increasing immigration policy restrictiveness. This idea is fuelled by tough immigration discourses, militarization of border patrols, images of sophisticated border surveillance systems and the construction of border walls and fences. But, does this perception adequately mirror the developments of past decades in Europe? Is it a general trend going on in Europe and

beyond, or rather an amorphous, self-referring discourse based on some cases repetitively used in a heated debate?

These are questions that must be answered by migration research using cross-country evidence preferably based on a large number of randomly selected cases. Although further research is needed to understand the nature and evolution of migration policies, a closer look at the evolution of migration policies over the last decades at least casts considerable doubt on the blanket assertion that immigration policies have become more restrictive overall. At least, there is a question about the usefulness of such general statements, which ignore differences across countries and considerable non-linear variations in time. They also ignore the fact that immigration policies are typically a 'mixed bag' of various, incoherent and potentially contradictory laws, measures and regulations that serve different interest groups and/or target different migrant categories – and which make them difficult to summarize under the generic nomenclature of 'overall restrictiveness'.

Based on the work done by Mayda and Patel (2004), Ortega and Peri (2009) reviewed hundreds of immigration laws and regulations of 14 OECD countries to identify a general trend of migration policies for the years 1980–2005. They find that countries such as Australia, Germany, Luxembourg, Sweden and Canada significantly loosened their entry laws beginning around 1990 (except for their asylum laws), while Denmark and Japan tightened their entry laws. There is often also considerable variation through time. For instance, they find that the USA loosened its immigration policy regarding entry during the 1980s and 1990s and tightened policy from around 2000. Surprisingly, they found that the remaining countries had not considerably changed the tightness of their immigration policies regarding entry (Ortega and Peri 2009). This indicates that there is often a considerable gap between general migration discourse – which strongly gives the impression of increasing restrictiveness – and actual policies in the forms of laws, rules, measures, and practices.

Furthermore, tighter border controls and more restrictive immigration laws seemed not to be the general rule but rather to pertain to particular migration categories in particular countries. At best, 'Fortress Europe' may be an adequate metaphor to characterize policies towards asylum seekers and refugees (Hatton 2004), but seems inappropriate for, in particular, skilled migrants or family members intending to join their relatives, wherein policies have remained much more constant, or have even become less restrictive over particular periods.<sup>2</sup> Even countries with relatively restrictive migration policies still tend to accept a substantive number of 'unwanted' (legal and irregular) migrants who are attracted by economic and non-economic incentives and use legal and/or enforcement loopholes in destination countries (Mayda 2010). Dominant policy discourses on immigration tend to obscure the fact that migration to wealthy countries is fuelled by a structural demand for high- and low-skilled migrant labour in formal and informal sectors

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<sup>2</sup> For instance, entry rules for high-skilled migrants have become less restrictive in many countries over the past decade. For family migration, policy change might be non-linear. For instance, over the 1970s and 1980s, many European countries facilitated family immigration by liberalizing entry rules and giving family migrants quicker access to labour markets and permanent residence. In more recent years, some European countries have tried to make family migration more difficult by introducing language tests and income criteria. However, this generally applies only for family migrants in particular, low-skilled migrant categories from non-OECD countries, while entry rules for spouses and children of high-skilled workers have become more liberal in many countries.

(de Haas 2008). This partly explains the considerable gap between ‘tough’ immigration *discourses* and ‘softer’ *policy practices*. Despite lip service being paid to restrictionist aims, receiving states do not always have much economic interest and legal means to implement policies that would match the discourses.

## 5 Operationalization of migration policy

The existing empirical literature on migration determinants is mainly focused on economic and demographic factors, and typically tends to disregard the role of states and policies in affecting migration flows. This is partly related to the difficulties associated with the operationalization of migration policies. However, some scholars have attempted to include immigration policies in quantitative estimates of migration determinants.<sup>3</sup> The operationalization of migration policy is far from being standardized and scholars therefore choose very different methodological approaches to ‘test’ for the effects of their migration policies and legal instruments. Policies, laws and regulations are mostly ‘qualitative’ in nature and are therefore difficult to express in numerical terms.

So far, empirical tests on the effectiveness of policy interventions, or more precisely, their qualitative-directional and quantitative-numerical effects on stocks or flows of different types of migrants, have basically applied the following two techniques. First, some studies use a migration policy dummy variable measuring the effect of the implementation of a *particular* type of policy. Other studies use a country-year dummy indicating the year in which *any* migration policy change has occurred. The second approach consists of constructing a (composite) migration policy index that scales differences in the intensity of policy restrictiveness. Although the empirical literature on migration policy effectiveness is very scarce, both approaches try to capture and measure policy effects. In the following we discuss and evaluate these approaches in some more detail.

### 5.1 Migration policy dummy

Vogler and Rotte’s (2000) study provides an example on how to use country-year dummy variables for capturing the effects of migration policy measures. In their analysis of African and Asian migration to Germany between 1981 and 1995, they employ three different dummy variables that proxy institutional reforms implemented in Germany: the expansion of the temporary work ban for asylum seekers from two to five years in 1987; the relaxation and subsequent complete abolishment of the work ban for asylum seekers in 1991; and the drastic asylum reform of 1993. Qualitatively, the 1987 and 1993 reforms were restricting work-related rights for asylum seekers while the 1991 reform was increasing these rights. As expected, the statistical effects of the three dummy variables used on both total and asylum inflows are negative for the 1987 and 1993 reforms and positive for the 1991 reform.

Obviously, the relatively brief periods between these institutional changes allow, at best, only a test for short-term effects. For instance, the long-term effect of the 1987 reform is compromised by the 1991 ban in work restrictions and overlaps with the effects of the very restrictive (and complex) changes in 1993. Because their study only captures migration data until 1995, the analysis is unable to measure the long-term effects of the 1991 and 1993 reforms and is also unable to test for possible inter-temporal substitution effects (de

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<sup>3</sup> There are apparently no studies which try to quantitatively measure the effects of *emigration* policies.

Haas 2011). Because the study focused on only one receiving country, it is also not able to test for ‘spatial substitution’ effects, that is, possible diversion of migration flows to other countries. Although the empirical results on the effectiveness of these policy interventions are supportive of the hypothesis that migration policies do have some effect, they should therefore be interpreted with caution.

In a similarly designed study on UK immigration and emigration between 1976 and 2000, Hatton (2005) applies time dummies to capture the effects of major immigration policy changes in the UK. For instance, Hatton uses a 1997 dummy to test whether ‘the sharp rise in the number of work permits issued in the late 1990s is indicative of a significant relaxation of policy adopted by the Labour administration from 1997 onwards, including an increased allocation of work permits and relaxation of controls on non-economic immigration.’ Consequently, this dummy is not directly linked to a particular immigration policy reform but to a general change in government and all its implications, that is, capturing immigration policy changes only indirectly as part of a larger political shift.

Such indicators are generally used to capture shifts in the international migratory regime such as proxies for the Maastricht Treaty in 1992 – introducing free labour mobility for workers in most EU member states – or the implementation of the Schengen agreement, which facilitated intra-EU movement for citizens of the signatory countries but introduced more restrictive border controls to enter the ‘Schengen’ territory (Ortega and Peri 2009). Other regional dummies are used for EU enlargements in 1986 and 1995 (Hatton 2005). Obviously, the ‘migration policy attribution gap’ is a serious shortcoming of this approach, and therefore, this approach is rather an option of last resort, which makes it a difficult tool for the more precise measurement of the effect of particular laws, measures and regulation adopted by states.

## **5.2 Migration policy index**

Hatton (2004), Thielemann (2004), Ortega and Peri (2009), and Mayda (2010) are recent examples of studies that constructed policy indices to measure the effect of policy changes on migration flows or stocks. Thielemann (2004) designed an ‘asylum deterrence index’ for European countries as proxy for the toughness of national asylum policies, claiming that policy makers often use migration policy instruments to make sure that their country will not be seen as a ‘soft touch’. This index on deterrence policies is a composite index based on the following three policy categories: access control, the determination process, and migrant integration policies. As instruments, Thielemann defines five dummy variables which measure 1) the implementation of ‘safe third country’ provisions; 2) whether a country is below the European average (sample mean) in awarding a subsidiary protection status; 3) the existence of a dispersal scheme; 4) the provision of welfare benefits to asylum seekers through cash payments instead of ‘in kind’ or voucher systems; (5) the granting of work permits during assessment of the asylum claim.

This qualitative information on the asylum policy measures of 20 OECD countries for the period 1985 to 1999 was retrieved from the OECD’s ‘Trends in International Migration’ (SOPEMI) reports and the ‘World Refugee Survey’ by the US Committee for Refugees. Thielemann defines five dummies and aggregates them to an equally-weighted composite deterrence index ranging between zero (none of all five measures in place) and five (all five measures in place). Clearly, Thielemann focused on a specific set of policy categories and at

the same time disregarded other policy measures which potentially affect the number of asylum applications (the dependent variable) such as carrier sanctions, right of appeals, or detention and deportation policies. Therefore, although broad in scope, the index does not cover all political factors affecting the decision-making processes of asylum seekers. The aggregation of sub-indices (dummy variables) to one overall measure is an ambiguous affair: on the one hand, it provides a proxy for the overall level of policy restrictiveness, levelling out some incoherence in policy instruments included, as well as some likely collinearity between the instruments. On the other hand, information on the effects (and effectiveness) of each instrument is lost if lumped together. Principal component analysis would provide further information on the possible collinearity among the policy instruments. Alternatively, including the policy instruments separately in a regression would be useful to reveal their *relative importance* in affecting asylum applications. In fact, Thielemann (2004) did test the aggregate index as well as each instrument separately. This analysis showed that only two out of five instruments contribute to the overall (negative) effect.<sup>4</sup>

A slightly different approach for quantifying migration policy was used by Mayda (2010), who constructed a broader defined immigration policy index based on information from an initial review of migration laws done by Mayda and Patel (2004). Mayda (2010) relates variation in the number of immigrants to a given receiving country with *changes* in that country's migration policy. Her immigration policy index identifies the timing and subjectively assesses the direction of substantial immigration policy changes by qualifying them as either more or less restrictive. Contrary to the asylum-policy indices by Thielemann (2004) or Hatton (2004; 2009), Mayda (2010) does not clearly define the scope and types of migration policies under consideration; she only states that 'issues of citizenship' are excluded (Mayda 2010, fn. 19). Similar to Hatton (2004), this index on immigration policy changes has no set limits on its range; that is, it does not have absolute upper or lower limits. This means that gradual versus 'big bang' changes of migration policies might be very differently reflected in the two types of index. So, the scale points reflect neither the relative magnitude of the change nor the absolute level of 'restrictiveness', but solely indicate whether there has been a sequence of reform steps during the observation period.

This operationalization of immigration policy puts some serious limits on the implication of the statistical results. Thus, in Mayda's and Thielemann's studies, a sequential adoption of more (or less) restrictive policies and laws increases (or decreases) both indices similarly, with the only difference that Thielemann's index may hit the upper bound at some point. A 'big bang' reform, on the contrary, is very differently reflected in the values of the two types of indices: Thielemann's index jumps instantaneously up to the maximum while Mayda's index changes only by one unit on the scale which can be equivalent to only a minor policy change. Beyond controlling for policy changes explicitly, Mayda (as other authors) tries to capture time-invariant and unobserved features of a country's overall level of immigration policy 'tightness' by including destination country fixed effects. However, this is a rather interpretative artifice since it captures all other unobserved (and uncontrolled) country-specific characteristics that are beyond different levels of immigration policy restrictiveness.

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<sup>4</sup> Hatton (2004, 2009) designs a similar asylum policy index on an open-ended scale tracking asylum policy and law changes starting at value zero at the beginning of the observation periods (1980 in Hatton (2004), 1997 in Hatton (2009)).

Ortega and Peri (2009) adopted Mayda's design of the policy index but they extend its scope by covering a longer time period (1980–2005) and by including information on social policy reforms in the same 14 OECD countries.<sup>5</sup> They tried to overcome some of the shortcomings of Mayda's approach by distinguishing clear categories of immigration policies. On that basis, they constructed three migration policy indices: a first for entry, a second for residency laws of legal immigrants, and a third for entry and residence laws for asylum seekers. Reforms of entry and stay laws were broadly categorized in 1) requirements, fees or documents for entry and to obtain residence or work permits; 2) the introduction of the possibility or change in the number of years of temporary residence and work permits; 3) a change in the number of years to obtain a permanent residence permit; and 4) policies on the social integration of immigrants. Similar to Mayda (2010), the initial value of the index is zero (in 1980) for all countries neglecting the base levels of restrictiveness – which severely limits cross-sectional comparative abilities – but also tries to capture them by destination country fixed effects.

In their analysis on the role of aid policy in relation to migration stocks, Berthélemy et al. (2009) used another type of migration policy index which is part of the larger Commitment to Development Index (CDI) developed and regularly updated by the Center of Global Development (CGD). The design of this migration index goes back to Grieco and Hamilton (2004) but has significantly been adjusted by CGD. This composite index is a weighted average of five indicators, namely 1) change in the number of unskilled residents from developing countries; 2) recorded inflow of developing country migrants; 3) number of students from developing countries as a fraction of all foreign students; 4) tuition for developing-country students relative to national students; 5) refugees and asylum applications accepted, divided by the host country's gross domestic product (see Roodman 2010). This migration component of the larger CDI basically ranks between one and ten (although boundaries are not inviolable), with higher scores corresponding to more openness with respect to immigration. This index is outcome-based. This implies that it does not operationalize actual migration laws and policies. Interpreting the effects of this index as an indication of the effectiveness of migration policy is therefore quite problematic because of endogeneity. Nevertheless, thinking about methodologies of linking 'law-based' policies and 'outcome-based' information of policy implementation to characterize a country's migration policy restrictiveness in a meaningful and realistic way is a challenge for future research to overcome the obvious paucity of robust, comprehensive and coherent migration policy indices.<sup>6</sup>

Finally, Clark et al. (2007) have systematically used quotas as numerical indicators for measuring the restrictiveness of immigration policy. In their study on US immigration between 1971 and 1998, quotas for different visa preference categories relative to the total

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<sup>5</sup> Information on social policy reforms originates from the Fondazione Rodolfo DeBenedetti (FRDB) Social Reforms database (2007).

<sup>6</sup> A comprehensive index on integration policy, the Migrant Integration Policy Index (MIPEX), was developed in 2007 (Niessen et al. 2007). The MIPEX, which covers 25 EU Member States and three non-EU countries, combines about 100 policy indicators across six policy areas including labour market access, family reunion, long-term residence, political participation, access to nationality, and anti-discrimination laws (see more on [www.integrationindex.eu](http://www.integrationindex.eu)). This research provides a wide range of comparative, quantitative measures of immigration and integration policies across European states. However, the index has not been used so far for evaluating the effectiveness of immigration policies.

population of the countries eligible for these categories serve as proxies for the level of US immigration policy restrictiveness. Covering the four main categories of visa for non-immediate relatives, employment visa, 'diversity' visa, and refugees and asylum seekers separately, Clark et al. (2007) were able to evaluate the effects of these immigration measures in numerical terms, which can put statements on policy effectiveness on a more solid quantitative ground. However, quotas and similar quantity measures are only used in a few countries, mainly the classical Anglo-Saxon immigration countries. Furthermore, a quota often only applies to some migration categories. Thus, 'substitution effects' such as immigrant flows shifting to other migrant categories with a more relaxed or no quota can bias the results on 'quota' effectiveness.

## 6 Immigration policy effects: the evidence

### 6.1 Policy effects on total immigration

For 14 OECD destination countries, Ortega and Peri (2009) and Mayda (2010) find very similar and robust results for the effectiveness of immigration policy measures. Ortega and Peri show that restrictiveness of entry has a significant negative effect on overall immigration flows in most specifications, finding that *any* reform introducing less restrictive measures increased, on average, total immigration flows by around 10 per cent (Ortega and Peri 2009). Obviously, this estimate has to be treated with some reservation since the relative magnitude and importance (relevance) of the reforms is not weighted in any form. By interacting the same immigration policy index with *GDP per worker*, Mayda (2010) finds that the effect of economic 'pull' factors becomes more positive while the effects of economic 'push' factors turns negative when a receiving country's immigration policy is taken into account. Thus, overall immigration is reduced due to restrictive immigration policies in OECD countries; however, to what extent is unclear. Furthermore, factors such as distance, the origin country's income level, or the share of young population in sending countries have larger effects if destination countries' immigration policies are less restrictive. A similar interaction effect between economic factors and immigration restrictions holds for the demand-side: if immigration policy becomes more liberal, destination countries' economic variables play a stronger role in attracting migrants.

Thus, policy effects and effectiveness have always to be assessed in the light of the overall economic, political, and social context. In other words, a clear-cut immigration policy reform might have very different effects if applied in countries at a different stage of the business cycle, level of economic or social development, or other confounding policies in place. Although economic forces seem preponderant in determining immigration flows, available evidence suggests that migration policies play a significant, but limited, mediating role.

While Mayda (2010) only provides a qualitative interpretation of her results, Ortega and Peri (2009) boldly state that an 'average' immigration policy reform affects average immigration flows by 5 to 9 per cent. For Canada, accordingly, they claim that the loosening of immigration policy between 1985 and 2005 (by 6 points on their scale) should have increased immigration rates by 25 to 54 per cent, and thus attribute the entire increase in immigration flows to the change in immigration policy. However, the quality of such

estimates of the quantitative effects of immigration policy highly depends on the quality of the instrument used for policy.

The results for the various types of policy dummies tested are rather ambiguous. Beine et al. (2010) find that a Schengen dummy, which indicates whether bilateral pairs of countries are subject to the Schengen agreement, is only associated to a higher share of high-skilled migration, whereas total flows are not significantly affected. This relatively weak effect for the Schengen agreement is confirmed by Ortega and Peri (2009); instead, they found a strong and significant migration-accelerating effect for those countries and years in which the Maastricht treaty was in place.

In their study of the determinants of migration from 70 countries to the USA and Canada between 1976 and 1986, Karemera et al. (2000) used a dummy variable to identify the effects of the reforms of US immigration law in 1976, 1980 and 1986 on immigration flows to the USA, excluding refugees. For Canada, the same dummy identifies the effects of the Immigration Acts of 1976 and 1978 in restricting entry to Canada. The results suggest that all these changes in US and Canadian immigration law did have some significance in restricting immigrant inflows to a certain extent. By using the same country-year dummy technique, Vogler and Rotte (2000) find similar significant effects for the institutional reforms of immigration law in 1986, 1991, and 1993 in both directions; that is, for immigration tightening as well as loosening reforms.

In his analysis on UK immigration between 1976 and 2000, Hatton (2005) finds a strong effect on net inflows due to the EU enlargement in 1995 (Austria, Finland, Sweden), whereas a similar effect was not identifiable for the accession of the Southern European countries (Spain and Portugal) in 1986. Unfortunately, Hatton did not assign country-year dummies to these EU acceding sending states but only a dummy for overall inflows from EU member states which makes the interpretation of these results on EU enlargement rather speculative. Beyond, Hatton used a time dummy for the years 1997 to 2000 to test the effects of an allegedly more liberal immigration policy under the Labour government. This variable has a positive and significant effect. This apparently supports their interpretation that under Labour, immigration policy was less restrictive. On the other hand, the structural increase in migration under Labour might also be related to non-migration policies, such as labour market and trade policies and growing economic integration in the EU, which have indirectly affected migration.

In their case study on the determinants of migration to the UK over the period 1981 to 2000, Mitchell and Pain (2003) use a dependent variable reflecting total inflows into the UK expressed as a proportion of the UK population relative to the same relative-to-population inflows for Belgium, France, Germany and the Netherlands to proxy for the relative restrictiveness of UK immigration policy compared to immigration policies in these four EU member states. The effect of this proxy variable that is intended to capture the relative ease with which it is possible to enter the UK turns out as positive but not significant. However, this variable might, instead of measuring the 'absolute' effectiveness of UK immigration policy, rather proxy the spatial substitution of migration flows between the UK and the other four countries that is potentially caused by a change in the relative restrictiveness of UK immigration policy or any other factors, most notably economic growth and labour demand. This highlights the problematic and endogenous nature of such 'outcome-based' construction of policy restrictiveness proxies. Spatial substitution effects across countries caused by respective policy changes are, acknowledging some exemptions

such as Hatton (2004), a neglected issue in many empirical studies and should be strengthened in future empirical research in order to understand how the migration policies of individual states affect migration flows to other states.

## **6.2 Effects of immigration category-specific policies**

Categorical substitution effects consist of shifts of migration flows from one immigration category to another (for instance, from labour to family or asylum migration) in response to changing policies for one particular immigration category (de Haas 2011). While categorical substitution effects are another reason for limited effectiveness or even failure of migration policies, empirical research has hardly addressed this issue so far. Most studies either focus on total gross or net flows, or only on one specific migration category such as asylum. There are no studies that disaggregate total inflows into different categories to study the effects of specific measures on inflows from all categories so as to test for categorical substitution effects.

The multivariate studies that investigate the determinants and role of policy restrictions on asylum flows (Hatton 2004; Holzer et al. 2000; Thielemann 2004) find some, but limited robust evidence of an immigration-reducing effect of a tightening of asylum laws and regulations. For instance, Hatton's (2004) asylum policy index as well as Thielemann's (2004) deterrence index indicate that more restrictive asylum laws implemented in many Western countries in the 1980s and 1990s have had an inflow-reducing effect. Hatton (2009) estimates that for 19 Western destination countries the tightening of asylum access policies between 2001 and 2006 in many of those countries reduced the number of asylum applications on average by 14 per cent, while the tougher regulations on asylum processing account for a reduction of about 17 per cent. However, he also argues that 'while tougher [asylum] policies did have a deterrent effect, they account for only about a third of the decline in applications since 2001.' Thus, although (asylum) policy has a significant effect on curbing inflows it is, although an important one, only one factor among others.

However, by their very empirical design, these studies are not able to study categorical substitution effects. Such 'category jumping' is likely to occur when, for instance, migrants whose prospect of legally entering a country as labour migrants has decreased due to more restrictive laws or regulations on issuing work permits, choose other legal (or illegal) channels to access the destination country's territory and labour market. Only Hatton's (2004) study attempts to look at such broader issues. In his analysis on determinants of asylum applications between 1980 and 1999 in European Union member states, besides the direct effects of restrictiveness measured by an asylum policy index, he also assesses the indirect effect of the overall immigration policy restrictiveness by including a (crude) trinomial dummy variable based on the United Nations' periodic survey of government immigration policies. The negative significant effect of this immigration policy proxy implies that general immigration policy restrictiveness does not induce substitution towards the asylum category, but instead, both policy variables are rather complementary in their deterrence effect and work in the same direction by reducing the number of asylum applications. However, this result seems methodologically not very robust, and a better assessment of categorical substitution effect would require simultaneous statistical assessment of the effect of general and specific immigration policies on various inflow categories.

### **6.3 Effects of selective policies on the composition of immigration**

Although most studies focus on the effect of immigration policies on the volume of migration flows, only a few quantitative studies have looked at the effect of immigration policies on the composition of immigration flows according to skills or occupational group. Green and Green (1995) examined the effect of changes in the Canadian point-system on the composition of the immigration flow. By using data from 1955 to 1993 on immigration flows by entry class and intended occupation, they were able to evaluate the effectiveness of the Canadian point system, introduced in 1967, in realizing the ‘compositional’ policy objectives. They found that the introduction of the point system in 1967 had a strong effect on the occupational composition of the newly entered immigrant population, but later on, only large and significant policy shifts – measured by the assigned points for different entry categories – had served the compositional policy objectives. They concluded that although the point system provided some control over the overall occupational composition of inflows, it was not able to ‘fine-tune’ immigration inflows.

### **6.4 Assessment of the empirical evidence on policy effectiveness**

This review has revealed that empirical research on the role of immigration policies in determining the volume, direction and composition of migration flows is still in its infancy, and that much work needs to be done to further investigate migration policy effects as well as spatial, categorical, intertemporal and other substitution effects. Nevertheless, the empirical multivariate literature that is available seems to indicate that most policies do affect immigration flows *in the intended direction*. This means that, in one way or another, the instruments that states have used to implement migration policy have produced desired effects. However, this does not imply that immigration policies necessarily meet their stated or unstated objectives to a considerable extent. In fact, quantitative research designs may be able to assess *effects* of policies, but they are typically not able to measure the ‘degree of effectiveness’, which is related to the extent to which objectives have been achieved, and which is more a normative affair. Furthermore, the finding that immigration policies have intended effects on the targeted categories does potentially disregard how particular migration policies might lead to diverse substitution effects, thereby reducing their effect on total inflows.

The available evidence also suggests that although policies do have some effects, the effect of policies may be *relatively small* compared to other, economic and political determinants of migration. This also explains why migration policies mostly do have an effect, but that effectiveness is often limited because migration is also driven by other factors, which interact with migration policy factors. This exemplifies the importance of ‘non-migration policies’. Migration flows are not only affected by *migration policies*, but to a considerable, maybe even larger extent also by macro-economic, labour market, social welfare, education, aid or trade policies.

Some studies test these complementary (or sometimes confounding) effects of some policy interventions that cannot be classified as migration policies, but do nevertheless affect migration at least indirectly. Such policies can be “measured” by taking the costs of policy implementation as a proxy and are, hence, somehow quantifiable in monetary terms. An example of such a ‘quantifiable’ migration-related policy is provided by Pedersen et al. (2008), who investigated the ‘welfare magnet’ hypothesis by using the amount of public

social expenditures (as percentage of GDP) as a proxy for the size of the welfare state. They tested for the existence of a 'pull effect' of higher social expenditures on migration inflows, thereby implicitly assuming that provision of welfare benefits towards immigrants becomes also collinearly more generous with an increasing amount of social expenditure. However, their results do not support the hypothesis of a 'welfare magnet pattern' in migration flows. In a similar vein, Berthélemy et al. (2009) analyse the hypothesized positive effect of aid policy on migration working through two transmission channels: first, direct economic effects of aid flows on national expenditures and domestic wages in the aid-receiving country, and second, the increasing attractiveness of the donor countries as migration destinations through increased information flows reducing transaction costs of would-be migrants. They find that migration and aid policies are in a substitutional relationship indicated by the fact that an average increase in migration policy restrictiveness by one point on their migration policy index is equivalent to an average reduction of aid level by around 24 per cent. However, bilateral aid is not independent of bilateral migration flows. As Czaika and Mayer (2011) show, the presence and inflows of migrants do positively influence the aid allocation pattern of bilateral donors.

Beyond the effects of 'non-migration' policies, the effects and effectiveness of migration policies is often decreased by the fact that they typically serve a multitude of (potentially contradictory) policy goals and because of the constraints posed by other immigration policies. For instance, Beine et al. (2010) argue that that 'policies aiming at increasing the educational quality of the migrants might be highly constrained by the existing migrants' network. In the presence of large diasporas, more selective migration policies might fail unless family reunification programs are deeply reformed and limited. The same holds for policies that would aim to favor ethnic diversity of the migrants.'

Multiple objectives and contradicting political agendas of various stakeholders and interest groups often 'make or unmake' migration policies (Castles 2004) in such a way that the effectiveness of a particular migration policy instrument is reduced or counteracted by other policy instruments. This is intrinsically related to the occurrence of various substitution effects, in which migrants shift to other legal (e.g. family, asylum, student), illegal or spatial channels to migrate. As has been argued above, migration policies are shaped in a complex political economic context in which voters' attitudes towards immigrants, pressure by interest groups such as employers and trade unions, political parties, policy makers' preferences, and the institutional structure of government interact and compete with each other (Facchini and Mayda 2008; Facchini and Willmann 2005; Mayda 2006).

## **7 Bridging the 'discursive gap' on the effectiveness of migration policy**

In the introduction, we argued that there is an apparent dispute in migration research about the effectiveness of migration policy. At first sight, our review of the empirical literature seems to reinforce this impression. While in the policy-oriented and qualitatively-oriented literature the dominant hypothesis is that increasingly restrictive migration policies have largely failed to meet their objectives, the few quantitative studies that *are* available almost invariably show that a higher level of migration restrictions does lead to decreased inflows, and *vice versa*.

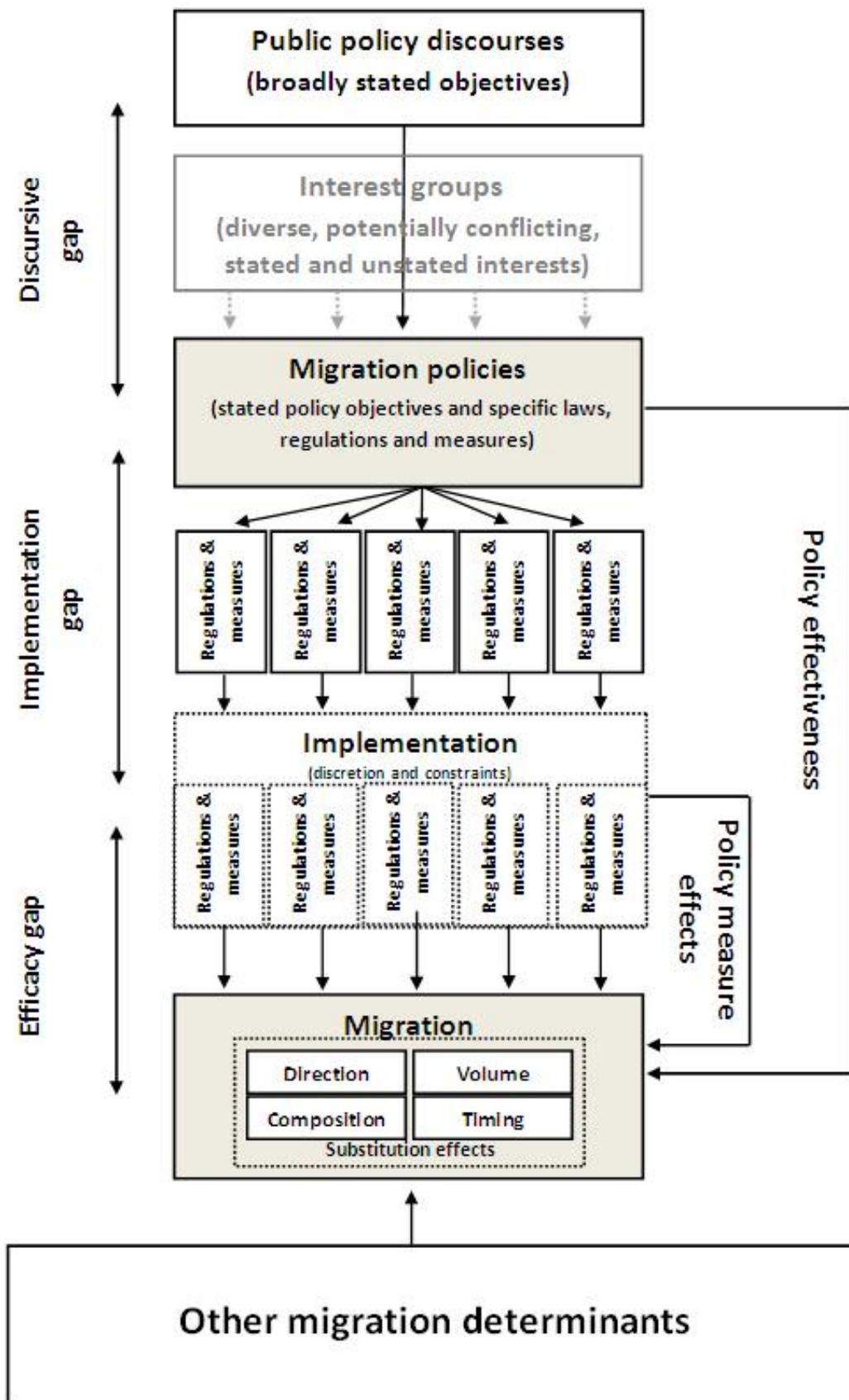
Does this reflect a fundamental difference in methodological approaches, and do we therefore have to identify the most appropriate method which 'adequately' measures policy effectiveness? Or can both views be reconciled? We argue that the latter is the case to a significant extent. We have tried to argue that this can be done by clearly distinguishing policy *effects* from policy *effectiveness*. Policy *effects* refer to the 'causal' ability of policies to affect the level, direction or composition of migration flows. Assuming that we have the appropriate migration, contextual and policy data and theoretically informed, comprehensive empirical models, such effects can be measured in principle. This is what the sparse empirical studies reviewed above try to do, notwithstanding the various methodological and data limitations that still severely limit the ability to measure the association, let alone to firmly establish causal links.

The notion of *effectiveness* does create a relation to the objectives of policies, and gives empirical assessments an additional, evaluative but therefore also subjective dimension. First of all, it is difficult to establish 'the' objectives of migration policies because 1) different interest groups and political parties might have different objectives with the same policies; and 2) there may be a considerable gap between the stated and real objectives of policies. While the various points of view, interests and objectives of different groups can potentially still be mapped through fieldwork and research of documents, it is very difficult or impossible to distil 'the' policy objective of 'a state', because it may simply not exist apart from the level of official state discourses expressed in white papers or official addresses by head of states or prime ministers.

This brings us to the second, more fundamental problem, which is the impossibility of identifying the 'real' versus the stated, discursively measurable, objectives of migration policies. Even if we could identify the 'real' objectives, they can be as multiple as the objectives of different interest groups and political parties that try to influence migration policies. Hence, the inherent problem of generalizations about 'migration policy failure' is that they seem to describe the considerable gap between general, often ideologically informed discourses on immigration as expressed by politicians on the one hand and the persistence of migration flows on the other hand, instead of assessing the effects of *actual policies* in the form of laws, regulations and other measures. While this might reveal considerable 'hypocrisy' in migration policy making, gaps between discourse and practice are very common in public policy and should not be equated with policy failure.

Figure 1 is a conceptual framework which depicts the various closely related, but analytically distinct concepts with regards to policy effects and policy effectiveness. Although these concepts should be clearly distinguished in order to achieve more precision in the estimation of policy effects, they are commonly confused in academic debates on this issue and therefore cause considerable fuzziness and lack of clarity. According to this framework, there are three main gaps explaining the often considerable discrepancy between policy discourses and the evolution of actual flows.

Figure 1: Conceptual framework of migration policy effects and effectiveness<sup>7</sup>



<sup>7</sup> We are grateful to Simona Vezzoli for her contribution to Figure 1.

## **7.1 The discursive gap**

There is often a considerable gap between discourses and actual, concrete migration policies in the forms of laws, measures and regulations, with the latter often being a watered down version of the first, which is primarily explained by the fact that various business and other interest and lobby groups significantly influence migration policy outcomes.

We call this the ‘discursive gap’ in migration policies. However, it is important not to interpret this discursive gap as ‘policy failure’, which is nevertheless rather common practice in many (pessimistic) assessments of policy effectiveness. This can lead to spurious assessments about policy failure. It can even become outright misleading if the trends in discourses do not reflect the actual policy trends. The latter is often the case, as we reviewed evidence that immigration policies of Western countries have not become unilaterally more restrictive as the ‘tough’ policy discourses would suggest. We have even seen that in some countries and during some periods, migration policies have actually become less restrictive for large groups of immigrants.

This may provide further evidence for Massey et al.’s (1998: 288) observation that ‘elected leaders and bureaucrats increasingly have turned to *symbolic* policy instruments to create an *appearance* of control’. But it also shows the danger of assessing policy effectiveness on the basis of a comparison between official policy discourses and migration outcome, as the discourse might not have a relation to the concrete policy outcomes.

The often considerable gap between migration policy discourse and policy practice is influenced by three main factors. First, migration policies are influenced by the more or less hidden agendas of various parties and interest groups such as business, trade unions, and civil society groups, which often need to be compromised. Second, various political, legal and economic domestic and international constraints limit the range of possible policy options. For instance, international and national human rights and refugee law put certain limits on the extent to which liberal democracies can restrict inflows and rights of family migrants and asylum seekers, respectively. A third and partly related point is that migration discourses are often of a general nature, whereas migration policy is by its very nature specific for particular categories and groups of migrants. For instance, if politicians claim that they want to restrict inflows, the policies in practice will generally only target specific groups.

## **7.2 The implementation gap**

There is often a considerable gap between the policies on paper and their actual implementation. Some rules and regulations are not or are only partly implemented for practical, planning or budgetary constraints or as a consequence of corruption, ignorance or subversion. In many cases, politicians, civil servants or private companies (e.g. airlines implementing carrier sanctions, asylum case workers, border agents, or private companies processing UK work visa requests) have considerable discretion in the way they implement policy on the ground. This ‘implementation gap’ seems to be particularly large if there is a large degree of corruption or qualitative assessment involved in policy implementation, which leaves open considerable leeway for interpretation or political pressure, such as may be the case in refugee status determination and work permit applications. For instance,

assessing whether an asylum seeker has a 'well founded fear of persecution' (according to the respective UN Convention 1951/67), or whether there are no citizens available for a job for which a foreigner seeks to obtain a work permit, leaves open considerable room for subjective judgement. This implementation gap is comparatively less problematic for policies which use clear, objective criteria for determining the right to entry, such as age, education or marital status. Another effectiveness-reducing factor is that a migration policy which aims, for instance, for the 'reduction of marriage migration', often consists of a package of laws, regulations and measures, some of which may be very effective and others not at all, or might even have opposite effects.

However, the practical problem is that it is almost impossible to quantitatively measure the actual implementation of a policy; the official policy on paper is assumed to correlate with and to be a proxy for the implemented policy. Careful, qualitative judgement is necessary to assess the extent to which this assumption can be maintained for each study on policy effects. However, it is important to be aware that a considerable part of perceived 'policy failures' can be attributable to such implementation gaps.

### ***7.3 The efficacy gap***

Finally the 'efficacy gap' stands for the extent to which a change in an effectively implemented policy has the capacity to produce an effect. This pertains to the actual effect of the implemented laws, measures and regulations on the volume, timing, direction and composition of migration flows in the intended direction. Most empirical studies reviewed in the paper concentrated uniquely on the effect of policies on the volume of migration, either within a specific category, or on gross inflows. Almost all studies found a significant effect of the policies on the volume of migration flows, which points to (at least) partial efficacy, or success of these policies. However, these studies also showed that the policy efficacy is limited by the fact that migration is also affected by other, particularly economic and political migration determinants, which are affected by other, 'non-migration' policies. However, we need to be careful not to automatically interpret this as policy failure. Perhaps we can say that a policy has only failed entirely if it has produced no effect at all or even an effect in the opposite direction; the fact that migration is also influenced by other factors is not a reason to qualify the policy as a failure, as long as the policy has had a significant effect in the desired direction when controlling for other migration determinants.

However, there is an important methodological caveat, since almost all available quantitative studies are not able to assess possible categorical, spatial and intertemporal substitution effects, which occur when restrictions for one migrant category lead to a partial diversion of migration flows to other categories, destinations or an acceleration or delay in the timing of migration (de Haas 2011). Such substitution effects might further limit policy success or even explain policy failure. Due to limitations in data and research design, available quantitative studies are not able to properly assess for the occurrence of such substitution effects; and might therefore underestimate the degree of policy failures resulting from substitution effects. For instance, a study only focusing on the effect of more restrictive work permit regulations on labour migration cannot capture potential diversion of these flows to family or student migration channels, which severely limits the extent to which these results say something about the effects of these policies on overall, long-term migration patterns.

This further exemplifies the fact that the qualitative and empirical (quantitative) migration policy literature is to a considerable extent looking at different questions at different levels of aggregation and time-scales, and that it is possible not only to reconcile these views, but also to synthesize them and, from there, derive better research questions and methodologies. While the quantitative literature tends to focus on the efficacy of *specific* policies on *specific* categories of migration over relatively limited time periods, the qualitative literature on policy effects tends to highlight the considerable gap between the 'restrictionist' aims of migration-related public discourses and general trends and patterns of migration.

Generally, the evidence suggests that migration policies are more effective in affecting the *selection*, that is, the origin and internal composition of migration, rather than the overall volume and long-term trends of migration. This also helps us to identify a future research agenda. After clarifying some major conceptual issues, it also becomes clear that the generic 'policy failure' hypothesis has no empirical grounding if we assess failure on the basis of the effects of actual policies rather than the often 'tough' and 'bold' objectives stated in public discourses. On the other hand, most quantitative studies have severe methodological limitations in terms of their ability to assess how particular policies affect migration through other categories and destinations in the longer term. Because they miss out the 'bigger picture', they are not able to test for the various substitution effects hypothesized in the qualitative literature.

In other words: there is a huge research gap and a formidable opportunity in bridging the gap between the imaginative and theoretically rich qualitative migration policy literature and the empirically innovative empirical literature. This can be done by better embedding the empirical analysis of policy effects into a comprehensive theoretical framework of the economic and non-economic forces driving international migration in sending and receiving countries.

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