



Escaping the Deterrence Trap: Key Building Blocks for a Better Migration System

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A Note on Terminology and the Focus of the Paper

In this paper we use **migration** as an umbrella term to capture all the different types of movement by people across borders. Where we use it in conjunction with **human mobility**, migration refers to the medium-term-to-permanent movement of people across borders, whereas human mobility also denotes temporary movement across borders. **Migration system** refers to how the movement of people across borders is organized and regulated at the global level through laws, rules, principles, institutions, and governmental actions.

Mixed migration is used to highlight the particular circumstance of different people, such as those entitled to protection under international human rights law or those seeking better lives and opportunities, traveling along similar routes and by similar means – often irregularly or wholly or partially assisted by smugglers.¹ The term **displacement** is used where people are forced to move; for example, due to war, violence, or humanitarian crisis. The term **refugee** refers to forced migrants as per the definition of the 1951 Refugee Convention.

This paper is written primarily from the perspective of migrant-receiving countries in Europe and North America, the advanced economies in Asia, and Australia and New Zealand (sometimes referred to as the Global North). South-to-North migration accounts for a small fraction of global migration and mobility, but how these countries choose to respond has a disproportional impact on how migration is managed globally. Policy choices that further entrench inequality and unfairness as to who can move safely and regularly is likely to threaten the limited existing international cooperation on migration. Restrictive measures – from pushbacks to outsourcing asylum responsibilities – may fuel a global race to the bottom for standards and principles, especially when they are being normalized in these countries.

¹ Mixed Migration Centre (2024) *MMC's Understanding and Use of the Terms Mixed Migration and Human Smuggling* ↗.

Executive Summary

Today's migration system is ill-equipped to manage the current dynamics and complexities of migration and human mobility across borders. A record number of people have become forcibly displaced, migration journeys have become ever more perilous and deadly, growing numbers of asylum seekers and irregular migrants are straining asylum and reception capacities, and in many countries, demographic changes and labor shortages have created immigration needs that remain unfilled.

The **dominant go-to narrative** and policy measures in many countries have returned to calls for **more control, often narrowly conflated with deterrence measures** – intercepting migrants along migration routes, harsh enforcement measures, such as detention, among other things. However, these do not deliver. They are based on a **crude simplification of how migration works** in an effort to control uncertainty and complexity.

There is **no evidence to support** the claim **that deterrence measures alone** significantly reduce or steer migration beyond the short term; instead, **they involve complex trade-offs and often produce unintended and contradictory consequences.**

The **key question is how governments and political decision-makers can embrace complexity and uncertainty in managing migration**, rather than seeing them as obstacles to overcome and doubling down on measures that only give the illusion of control.

Political decision-makers need to take the new global realities driven by climate change, geopolitics, and

technological disruption and innovation seriously and shift their mindset and policies. **Migration and mobility will not go away and its dynamics will only become more complex.**

There is a need for a better framework for migration policies more suited to these realities. Systems thinking can identify core qualities these policies should have. **Policies must be “system-aware”**, in that they fully consider different migration dynamics as well as local contextual factors. They **must be flexible** and quickly adaptable, and they **must provide more options for people on the move.**

Current **innovations, policy pilots, and experimentation point to core building blocks for a revamped migration system** that better addresses and more sustainably and legitimately orders migration and human mobility in a complex and fast-paced world. Flexible approaches to protection, Safe Mobility Offices (SMOs) in Central and South America, pilot programs for labor migration such as Germany’s Western Balkan Regulation, community sponsorship initiatives, refugee labor mobility, emergency evacuations, and humanitarian visas are some examples. Unfortunately, policymakers often view these measures as *nice to have* or to be taken only when or after governments have controlled the number of irregular entries. However, failing to invest political capital in developing such new flexible tools in migration policy will lead to a lack of preparedness for and adaptation to what is to come.

Focusing on restrictive measures alone – from push-backs to outsourcing asylum responsibilities – may also fuel a global race to the bottom for standards and

principles, especially when they are being normalized in the Global North. **Any future-oriented migration policy should be built toward flexibility and options** to regain a real and more appropriate sense of control. This necessarily **includes devolving decision-making to a wider set of stakeholders, decentralizing a state-centered management logic, and granting more agency to other actors**, including migrants.

It is only **by letting go of their overly narrow understanding of control-as-deterrence that states can escape the “control dilemma” and be prepared for the future.**

l.

Introduction

Today's migration system is ill-equipped to manage the current realities of migration and human mobility across borders. While a record number of people have become forcibly displaced, migration journeys have become ever more perilous and deadly, growing numbers of asylum seekers and irregular migrants are straining asylum and reception capacities, and in many countries, demographic changes and labor shortages have created immigration needs that remain unfilled.

The dominant go-to narrative and policy measures in many countries of the Global North have returned to calls for more *control*, often narrowly conflated with deterrence measures. However, these do not deliver. In fact, despite a push for ever harsher enforcement measures, governments are struggling to curb the number of asylum seekers and unauthorized arrivals at borders. There is no evidence to support the claim that deterrence measures alone work to significantly reduce or steer migration sustainably and beyond the very short term. Instead, they involve complex trade-offs and produce unintended and contradictory consequences.

If we strip these measures of the politics that have motivated them, we find that they are based on a crude simplification of how migration works in an attempt to eradicate uncertainty and complexity. Instead, these features must be seen as intrinsic to human mobility. Moreover, in a fast-paced and interconnected world, the future is unlikely to be more predictable or certain, and migration and human mobility across borders will become even more complex. Instead of seeing uncertainty and complexity as obstacles to overcome, the starting point must be the key question of how governments and political decision-makers can embrace them in managing migration, rather than doubling down on measures that only give the illusion of control.

Calls to *stop the boats* or for more control of migration are partly fueled by a belief among many political leaders that signaling control through restrictive measures is necessary to appease concerned publics. However, research shows that public views on migration are far more complex and nuanced than this assumes, and can fluctuate as a result of political rhetoric and issues not related to migration (such as housing or war). In most countries, majorities are not against migration per se.² Underlying values and belief systems – for example, about fairness, order, or the rule of law – often drive views on immigration. By concentrating on these, rather than on creating a fleeting

² Banulescu-Bogdan, N. (2022) *From Fear to Solidarity: The Difficulty in Shifting Public Narratives about Refugees*. Migration Policy Institute.

sense of control, policymakers can shore up public trust in sustainable policies on migration. This can also create wider political windows of opportunity in countries that in fact are reliant on immigration for, say, offsetting skills and labor shortages.

This paper sketches out a realistic vision of how governments can regain a real and more appropriate sense of control through a workable system and with a toolbox of different interventions to offer options and flexibility to states, people on the move, and others. Thinking this way offers a different point of entry to better navigate policymaking in a highly polarized, politicized, and often seemingly intractable debate.

Our world of climate change and technological disruption is characterized by an unprecedented pace of change and great uncertainty related to all aspects of social, economic, and political order. Moreover, geopolitical power shifts and competition, new conflicts, war, increasing food insecurity, and inequality are all inextricably linked to migration and human mobility across borders. And, in turn, the choices made for managing migration today will directly influence the trajectory of how societies cope with a future profoundly impacted by climate change and technological disruption. Policy tools designed to better manage migration are necessary to adapt to this uncertain and complex future. This necessity for change also creates a window of opportunity to evolve the migration policy toolbox so that it is better equipped and able to actively shape humane, orderly, and safe ways for individuals to cross borders.

To increase the ability to integrate complexity and uncertainty, it is crucial to embed key insights from systems thinking into policy thinking on migration. This means looking at a set of different factors that may influence migration and at their dynamic relationships. Systems thinking also offers a different way to think about unknowns and uncertainty when making choices and designing policy tools and options.

Systems thinking identifies crucial qualities for better migration policy: tools and approaches are *system-aware* in that they fully consider different migration dynamics as well as local contextual factors, are highly flexible and adaptable, and are aimed at creating more options for people on the move in line with their aspirations and needs. Focusing on restrictive measures alone – from pushbacks to outsourcing asylum responsibilities – may also fuel a global race to

the bottom for standards and principles, especially when they are being normalized in main migrant-receiving countries in Europe and North America.

“Migration policy should be built on flexibility and options to uphold the ability of states to act.”

Current innovations, policy pilots, and experimentation point to core elements of what a revamped migration system could look like. These pointers include Safe Mobility Offices (SMOs) in Central and South America, community sponsorship initiatives, pilot programs in labor migration such as Germany’s Western Balkan Regulation, refugee labor mobility, or special visa and flexible approaches to protection. Unfortunately, policymakers often view these features as *nice to have* or to be added only when or after governments have controlled the number of irregular entries. However, failing to invest political capital in developing such new flexible tools will lead to a lack of preparedness and adaptation of migration policy to what is to come.

The examples discussed in this paper underline that any future-oriented migration policy should be built on flexibility and options as a central element for upholding the ability of states to act. This necessarily includes devolving decision-making to a wider set of stakeholders, decentralizing a state-centered management logic, and granting more agency to other actors in the system, including migrants. Changing the goals of migration policy toward increasing flexibility and options is essential in making migration more humane, orderly, safe, and regular.

II.

The Limits of the Current System

Policy Ill-Equipped to Manage Current Realities

Migration policymaking is faced with conflicting objectives and inadequate instruments, and it fails to deliver in a highly complex and uncertain world. In 2022, the number of people forced to flee their home reached a staggering 108.4 million globally, of which 34.6 million sought some form of protection across state borders.³ According to the Global Trends Report of the United Nations High Commissioner for Refugees, 2022 saw the highest number of individual asylum claims reported in a single year (2.9 million in 162 countries), a 68 percent increase from 2021 and up 30 percent from the pre-pandemic level of 2019.⁴ An additional 4.2 million received some form of international or temporary protection, 13 times more than in 2021.⁵ In European Union countries, over one million asylum applications were registered in 2023, in addition to close to six million Ukrainians receiving protection under the Temporary Protection Directive since Russia's full-scale invasion of Ukraine in February 2022.⁶ In 2023, an estimated 520,000 migrants – by far the highest number recorded for a single year – crossed the Darién Gap between Colombia and Panama.⁷ At the Mexican-US border, the U.S. Customs and Border Protection Agency recorded 2.46 million encounters of migrants, refugees, and asylum seekers between October 2022 and September 2023, including about 200,000 per month in 2023.⁸

A dominant perception that migration is *out of control* and calls for ever more draconian measures to control the movement of people are yet again dominating headlines and political debates in Europe and the US, and they have become a rallying cry for growing right-wing, nationalist, and authoritarian movements across the world. Meanwhile, migration routes have become more dangerous and deadly: the number of missing and dead migrants in the Mediterranean between 2014 and 2022 is estimated to have been over 28,000.⁹ Other routes, such as the Darién Gap, across the Sahara Desert, or maritime routes in Southeast Asia are no less dangerous.¹⁰

Meanwhile, demographic changes and skills and labor shortages in many OECD countries¹¹ require unprecedented levels of immigration, while a new global competition for talent, especially in sectors like healthcare and information technology, has made recruitment harder. Some estimates have Germany needing a net immigration of 400,000

3 UNHCR (2023) *Global Trends Report 2022* ↗.

4 *Ibid.*, p.30.

5 *Ibid.*

6 EU Agency for Asylum (2023) *Latest Asylum Trends* ↗; UNHCR (2023) *Ukraine Refugee Situation* ↗. Operational Data Portal; Horwood, C. & Frouws, B. (Eds.) (2023) *Mixed Migration Review 2023* ↗, p.177.

7 The New Humanitarian (2024) *Darién Gap Migration Crisis: Six Graphs and One Map* ↗.

8 Horwood, C. & Frouws, B. (Eds.) (2023) *op cit*, p.137; US Customs and Border Protection (2023) *Nationwide Encounters* ↗.

9 IOM Missing Migrants Project (2023) *Migration within the Mediterranean: Central Mediterranean Route* ↗.

10 Horwood, C. & Frouws, B. (Eds.) (2023) *op cit*, p.9.

11 OECD (2023) *Labour Shortages – and the Challenges of Managing Talent* ↗.

(or a gross immigration of 1.5 million) a year to make up for demographic changes and shortages in special skills – about 40 percent of German companies reported they were unable to fill vacant positions for the first half of 2022.¹² In Italy, companies report similar worker shortages and the working-age population is forecast to shrink by about 630,000 in the next three years.¹³ Canada's new immigration plan targets 500,000 new permanent residents annually in addition to hundreds of thousands of expected applications for temporary work permits or labor migration channels.¹⁴ State bureaucracies and administrative systems in many countries, however, are often inefficient and overly bureaucratic, and many jobs that could be held by would-be migrants remain unfilled.

The global system of human mobility is greatly unequal and unfair: it prevents certain nationalities and types of people from accessing mobility options, including visas for travel or study,¹⁵ and visa decisions based on a high degree of officer discretion are often opaque. Applying for asylum in Europe has been likened to a lottery that favors those close to European territory, with enough resources to pay smugglers, and in good physical condition, rather than those most in need of protection.¹⁶ The system thus also exacerbates existing inequalities between peoples and countries.

The Deterrence Trap and the Illusion of Control

Despite the many different areas of migration that require attention, political narratives and government policies have once again focused overwhelmingly on a very limited notion of control, which is often conflated with deterrence measures: reinforcing borders, deterring would-be migrants, or engaging countries along migration routes to prevent the movement of people. The dominant objective of deterrence is to keep out *unwanted migrants* – be it through visa systems, carrier sanctions, *safe third country* concepts, or sophisticated borders. However, deterrence alone often does not work beyond the short term because it overestimates the effectiveness of these measures, while not paying attention to the many other factors that influence why people move across borders and the role state policies can play. As a result, deterrence often means only redirecting

12 For Germany, see [tageschau.de \(2023\) 1,5 Millionen Zuwanderer im Jahr erforderlich and Fachkräftebedarf so hoch wie seit zehn Jahren nicht ↗](#).

13 [Financial Times \(2023\) Italy's Labour Shortage Puts Post-Pandemic Recovery at Risk ↗](#).

14 [Immigration, Refugees and Citizenship Canada \(2023\) Stabilizing Canada's Immigration Targets to Support Sustainable Growth ↗](#).

15 [Henley & Partners \(2023\) The Henley Passport Index 2023 ↗](#).

16 [Koopmans, R. \(2023\) Die Asyl-Lotterie ↗](#). C. H. Beck.

unwanted migrants to other routes and channels, including irregular ones. And, since deterrence has become the dominant response for many governments, each has to adopt increasingly harsh measures to try to keep out people who may have been deterred away from other countries. Those who move thus incur more suffering – loss of dignity, violence, and, at worst, death. Liberal democracies and the open societies that sustain them suffer too as violence is normalized and accepted.

These measures are all too often traps for governments and decision-makers: they raise expectations but there is no evidence to support the expectation that alone they can significantly contribute to permanently reducing the number of irregular migrants and allow for humane, orderly, and safe migration channels. Publics perceive the failure to deliver on these expectations as a *loss of control* or an inability to *do what it takes*, to which governments respond by doubling down on signaling measures of control.

“Calls for more deterrence are all too often traps for governments and decision-makers.”

This creates a vicious circle that undermines necessary and creative rethinking, and that closes political windows of opportunity for devising policy tools and options that would actually create more order. It is only by expanding our understanding of control – away from a narrow one of deterrence or enforcement and toward one that actually creates more order and regular migration – that we can begin to develop such policy tools and options.

Rethinking Control – Leaving Behind Old Migration Paradigms

The dominant control reflex present in government policies, which is hyper-focused on deterrence and territorial access, cannot be seen in isolation from the political and social order we live in. The state’s duty and ability to control the “**legitimate means of movement**” of people¹⁷ across its borders is often considered as the “**last bastion**

17 Torpey, J. (1998) *Coming and Going: On the State Monopolization of the Legitimate “Means of Movement”* ↗. Sociological Theory.

of state sovereignty”, going back to the formation of the state system itself based on the holy trinity of state, territory, and citizens. We have accepted that, as part of the globalized world, many areas influencing economic and social life are not entirely under state control, but rather part of a broader complex and interconnected system of many actors. But clinging to the old paradigm of state control has been particularly strong in the migration field. As Hein de Haas observes: **“No serious person would ask an economist whether he is in favour of or against the economy, or markets. Or a geographer whether she is in favour of or against urbanization [...] Still, this is the way the migration debates are usually conducted, particularly in the media and politics.”**¹⁸

“What states deem legitimate tools of control is actually less fixed than what we may think.”

As Hannah Arendt observes: **“sovereignty is nowhere more absolute than in matters of ‘emigration, naturalization, nationality, and expulsion.’”**¹⁹ This state-centered logic peaked during the two World Wars. It was during the First World War that the infrastructure of documentation in terms of passports, identity checks and documents, and state approval for travel became enshrined as the primary means by which states administer and legitimate this assertion of state sovereignty.²⁰ It is through this lens that scholars and politicians have focused on a perceived loss of control by states to manage migration. Accordingly, states face a **“control dilemma”**²¹ with liberal policies and laws in that these curtail the legitimate means and legal tools by which states control access to and stays in their territory – for example, the principle of non-refoulement.²² Attempts to regain this conception of control have influenced highly divisive and consequential political decisions, such as Brexit.

However, what states deem legitimate tools of control is actually less fixed than we may think and has significantly changed over time. In other words, the notion of what constitutes proper and legitimate means of control is historically contingent and fairly recent. For example, once considered a legitimate means to control the movement of citizens, the requirement for exit visas had fallen to only 16 percent of bilateral (country to country) migration corridors by 2008 from 26 percent in 1973.²³ While the United States used such restrictions to limit the travel of civil rights leaders in the 1950s, today their use

18 De Haas, H. (2023) *How Migration Really Works* ↗. Penguin Books, pp.4–5.

19 Arendt, H. (1973) *The Origins of Totalitarianism*. Harcourt Brace, p.278.

20 Bixby, P. (2023) *License to Travel. A Cultural History of the Passport* ↗. University of California Press.

21 Joppke, C. (1998) *Why liberal states accept unwanted immigration* ↗. *World politics*, 50(2).

22 *Office of the High Commissioner for Human Rights* ↗: “The principle of non-refoulement guarantees that no one should be returned to a country where they would face torture, cruel, inhuman or degrading treatment or punishment and other irreparable harm. This principle applies to all migrants at all times, irrespective of migration status.”

23 De Haas, H. (2019) *International migration: Trends, determinants, and policy effects* ↗. *Population and Development review*, 45(4), p.34.

would be considered far less legitimate (if not unconstitutional).²⁴ Further, there is a broad consensus that family reunification for immediate family members should be possible – over a third of all permanent-type migration to OECD countries occurs via this principle (though what constitutes immediate family differs depending on country or legal status).²⁵ And global labor mobility today is determined by labor immigration policies that (with some bilateral and regional exceptions) have largely moved away from state-controlled and top-down planning models – such as the guest-worker agreements in the 1950s and 1960s of Northern European countries with Greece, Italy, Portugal, Spain, and Yugoslavia, and later with Morocco and Turkey – and toward a more universal model based on local labor market needs, where individual and skills-based qualifications determine movement rather than solely agreements between states (though much improvement remains necessary in this area).

The problem is not in positing the state as the primary arbiter in setting the rules for human mobility across borders *per se* (again, the entire geopolitical order rests on this fact). Nor does it mean giving up or downgrading security concerns or abolishing security checks. Rather, the problem lies in how states define the nature of the challenge. Most governments treat migration as a public challenge to which they apply an overly simplistic, top-down, state-centered, and deterrence-based logic. This approach, paradoxically, has not led to a capacity to act in ways that actually create a system of humane, orderly, and safe migration across borders. The question thus should not be how to stop as many people as possible from moving but how to build a system that best addresses and sustainably and legitimately orders migration and human mobility in today's complex and fast-paced world.

The Deterrence Slant of Migration Control Measures

The key policy focus conflating migration control with deterrence measures over the past decades is evident in the emphasis on border controls and in how states have tried to lessen their “**control dilemma**” regarding territorial asylum through deterrence and externalization policies: stopping people before they enter territory – be it

²⁴ Bixby, P. (2023) *op cit*, p. 163.

²⁵ OECD (2023) *International Migration Outlook 2023* ↗.

“The question should be how to build a system that legitimately orders human mobility.”

through physical and digital border fortification, different versions of extraterritorial processing of asylum claims, and as part of migration agreements with third countries. Other deterrence policies include cutting access to welfare benefits or the labor market for asylum seekers.

Borders, Borders Everywhere

Regarding border fortification, the number of physical border barriers has grown from a dozen to 74 since the end of the Cold War, with most erected in the last 20 years. These, including walls, have become a central feature on all continents: from a stone wall between Turkey and Iran, fences in China's Yunnan Province along Myanmar's Shan State and at South Africa's Beitbridge border post with Zimbabwe, barbed wire around the Spanish enclave of Ceuta, or new barriers on the borders with Russia that lie between Lithuania's and Poland's borders with neighboring countries, and their borders with Belarus.²⁶ With the proliferation of digital technologies, digital fortification is increasingly employed as well – from the use of satellite imagery to autonomous surveillance towers, heartbeat detectors, unmanned drones, and infrared cameras to monitor physical borders to the newly digitally fortified **controlled access centers** on the Greek islands. Automated border-control gates and the increasing use of biometrics and data-sharing infrastructure between governments, airlines, and other actors are now part of points of entry like airports or seaports.²⁷

External and Offshore Processing

States have further expanded the external processing of asylum seekers and refugees, as in Australia's **offshore processing**²⁸ in Nauru and Papua New Guinea. Recent proposals such as the United Kingdom's plan to transfer asylum claims and processing permanently outside the country in Rwanda, or Italy's announced agreement with Albania aimed at processing people rescued at sea (though the implementation details remain unclear) follow this trend. Germany's government has commissioned a feasibility study to examine the potential of such offshore processing.²⁹ Efforts by the US government, first under President Donald Trump's **remain in Mexico** policy, under Title 42 during the Covid-19 pandemic, or under Title 8 and other measures currently under discussion, as well as the border-procedures element in the new EU Pact on Asylum and Migration agreed in December 2023, are less explicit in limiting territorial

26 Vallet, É. (2022) *The World Is Witnessing a Rapid Proliferation of Border Walls* ↗. Migration Policy Institute.

27 Bither, J. (2022) *The Emerging Digital Nervous System* ↗. Mixed Migration Centre.

28 Australia sought to deter people from coming to seek asylum by boat by forcibly transferring them to Nauru and Papua New Guinea.

29 For Germany, see Die Zeit (2024) *Länder fordern Bund zur Prüfung von Asylverfahren in Drittstaaten auf* ↗.

asylum, but they are steps in that direction as they at least seek to curtail it and limit its application.³⁰

Varying Priorities of Migration Agreements

Agreements between countries and regions to cooperate on managing the movement of people across borders – including with barriers, rules on entry, visas, legal migration, and cooperation on returns – are not a problem per se; in fact, good migration policy and diplomacy require them. Neither is it wrong for such migration agreements to include cooperation on enforcement measures. What migration agreements entail can vary widely, from a narrow enforcement focus to one explicitly on labor migration. There are also examples of long-standing cooperation on migration that are part of wider foreign policy and diplomatic relations, such as the cooperation between Morocco and Spain.

However, deterrence-as-control thinking based on faulty logic and assumptions often pervades the discussion of such agreements. Therefore, they cannot produce the desired outcome. Deterrence has also been a guiding impetus for many recent migration agreements, such as the partnerships proposed under the EU Trust Fund for Africa, or the EU-Turkey statement, which originally included other aims such as visa liberalization for Turkish citizens but has been overwhelmingly debated in terms of how well its deterrence measures will work.³¹

A Race to the Bottom?

The trend of calls for more deterrence poses the danger of a spiral of ever harsher measures, and it has resulted in “**normalizing the extreme**” in the efforts to control migration.³² One example is the ongoing debate in Europe about sea rescues and whether letting people drown is an acceptable deterrence measure. Another extreme case is the reported killing by security officials of over 1,000 Ethiopian migrants at Saudi Arabia’s border with Yemen.³³ Moreover, the separation of children from their families, as was the case for migrants arriving at the US border during the Trump administration, or the increasingly hostile and racist rhetoric that often accompanies the call for harsher measures have serious negative impacts on societies and communities too. As more extreme measures become normalized, there is a real risk that countries compete with each other in applying ever more draconian measures to deter people.

30 De Oliveira, P. & Tan, N. (2023) *External Processing: A Tool to Expand Protection or Further Restrict Territorial Asylum?* ↗ Migration Policy Institute.

According to the report, these external-processing initiatives can be *additional* to territorial asylum or *conditional*, meaning their “introduction would be accompanied by restrictions on access to territorial asylum, often with the aim of deterring spontaneous arrivals.” Further policy tools include humanitarian visas, emergency evacuation mechanisms, and external processing centers, which in theory could all be employed with a more or less explicit emphasis on deterrence.

31 European Council (2016) *EU-Turkey statement* ↗.

32 Morland, A. (2023) *Normalizing the extreme 2023* ↗. Mixed Migration Centre.

33 Mixed Migration Centre (2023) *The most violent border in the world? Migrants in Yemen targeted by Saudi security forces* ↗. Mixed Migration Review 2023, p. 124.

The Faulty Assumptions and Unintended Consequences of Control-as-Deterrence

The fundamental question of whether harsher deterrence measures are effective remains strikingly absent from many public debates. One main reason is that the predominant logic is based on overly simplistic and deterministic assumptions that lead to false causal reasoning as to why people move and where. As a consequence, measures are often too broad in ambition or give too much weight to single factors (like cutting welfare benefits). The reality is that, as with other complex phenomena, what works and what does not is hard to attribute to a single causal factor and is highly context-dependent. But we can start by isolating what does not work to help determine what could work better and what we need more of.

Take for example the approach to why people move across borders that often subsumes different resources – such as through development cooperation – to eradicate all *root causes* that may drive them to do so. This framing persists in policy circles even though there is clear evidence that a certain threshold of economic development *increases* outward migration.³⁴ Root-cause models overemphasize economic conditions or humanitarian concerns at the expense of other factors that influence people’s decision to migrate via irregular or regular channels. The reality is far more nuanced and very context-specific. One study found that the **“single strongest prediction of future migration”** is whether or not individuals or one of their family members had contact with emigrants abroad.³⁵ It also found that **“conditions and events that spur migration in one context may have no effect in another [...] it is the interaction of various factors and conditions rather than any one variable alone that motivates people to migrate.”** The root-cause model is too simplistic to build migration policy on.

Cutting access to social services or welfare for asylum seekers in many European countries, such as the Nordic countries and more recently France and Germany, is another case in point.³⁶ Numerous studies attempting to analyze the **welfare magnet hypothesis** have produced mixed results and any demonstrable effect observed was minimal at best. For example, a 2019 study found that the drastic cutting of welfare benefits for asylum seekers by about 50 percent in Denmark is likely to have reduced arrivals by an estimated 3.7 percent.³⁷

34 Clemens, M. (2020) *Emigration Rises Along with Economic Development. Aid Agencies Should Face This, but Not Fear It* ↗.

Centre for Global Development.
35 Fratzke, S. & Salant, B. (2018) *Moving Beyond “Root Causes”: The Complicated Relationship between Development and Migration* ↗. Migration Policy Institute, p.6.

36 Horwood, C. (2023) *The chill factor: the changing politics of immigration in Nordic countries* ↗ Mixed Migration Review 2023, pp. 180–190; Deutsche Welle (2023) *Germany wants to cut benefits for refugees* ↗; BBC (2023) *French MPs pass controversial immigration reform* ↗.

37 Mediendienst Integration (Last updated 2023) *Sind Sozialleistungen ein „Pull-Faktor“?* ↗

Scholars agree that immigration restrictions have some effect on migration levels, but they differ on the actual magnitude. One study conducted for the period 2001–2006 found that more restrictive policies are likely to have contributed to one-third of a total decline of 330,000 asylum applications to 19 countries.³⁸ The results of such studies differ according to context and time period and any mono-causal assumptions about the effects of restrictions are prone to lead to simplistic policy measures and interventions. Australia's offshore processing, for example, was not only found to be ineffective, but also to have enormous human and financial costs.³⁹

Unintended Consequences

The overemphasis on deterrence-based control policies to the detriment of other factors has led to unintended consequences that, in turn, change the environments in which these more restrictive asylum or visa measures are supposed to work. For example, one 2016 study concluded that **“a 10% increase in asylum rejections raises the number of irregular migrants by on average 2% to 4%, and similarly, a 10% increase in short-stay visa rejections leads to a 4% to 7% increase in irregular border entries.”**⁴⁰

Harsh control measures aimed at reducing migration numbers can even have the opposite effect: the end of the Bracero program for agricultural workers from Mexico in the United States in 1964 and the end of the guest-worker agreements in Europe in the 1970s actually led to more permanent settlement and immigration. The surge in border enforcement in the United States during the Reagan administration in the 1980s also led to a surge in the undocumented population from 3.5 million to 11 million.⁴¹ As restrictions and enforcement measures increase, incentives to return to countries of origin may decrease, as often the option of circular migration evaporates and many people may opt for permanent settlement when faced with the potential of the immigration door closing forever. Similarly, studies have found that *not* being able to migrate can *increase* the aspirations of people to do so.⁴²

Finally, the fixation on stopping people from entering territory and gearing cooperation toward this aim also has led to an instrumentalization of migrants and migration issues as a tool of coercion, as illustrated by the crisis on the Belarusian-Polish border since 2021.⁴³ This has made the fate of many would-be migrants or asylum seekers part of a more transactional approach in externalization policies,

38 Czaika, M. & Hobolth, M. (2016) *Do restrictive asylum and visa policies increase irregular migration into Europe?* ↗ *European Union Politics*, 17(3), p.346.

39 Gleeson, M. & Yacoub, N. (2021) *Cruel, costly and ineffective: The failure of offshore processing in Australia* ↗. Kaldor Center for International Refugee Law.

40 Czaika, M., & Hobolth, M. (2016) op cit.

41 De Haas, H. (2023) op cit, p. 7.

42 De Haas, H. (2021) *A theory of migration: the aspirations-capabilities framework* ↗. *Comparative Migration Studies* 9, 8, p. 19.

43 Bielecka, A. (2022) *Poland Finally Lifts State of Emergency at Belarus Border* ↗. Human Rights Watch; Toth, K. (2023) *The Hottest Forest in the World* ↗. *Foreign Policy*; Kandul, E. (2023) *Hundreds of migrants fight for survival on the Polish-Belarusian border waiting to cross into the EU* ↗. Euronews.

II. The Limits of the Current System

with them being used as bargaining chips. It has also changed the power dynamics between countries.

There are other unintended consequences. For example, smuggling networks have adapted to more restrictive measures, which often makes journeys more costly and more dangerous. And they are particularly ineffective in relation to large structural determinants of migration, such as demand for migrant workers in low-skill or low-pay jobs in sectors like agriculture where a lack of migration opportunities coupled with lax employer or workplace conditions oversight will likely lead to more irregular migration.

Overall, the effects of stricter enforcement or deterrence measures alone are extremely hard to pinpoint but they are many, including unintended consequences. Why, when, how, and where people move is fundamentally complex. Signaling control through calls for deterrence measures is bound to fail because it is not based on correct causal reasoning and it does not acknowledge the many other results, sometimes unintended or even counterproductive, that these measures can have.

Systems thinking teaches that complex challenges are better addressed by probing and sensing the right mix of measures, being adaptive in tools and approaches, and working with stakeholders beyond government. Applying this to migration policy means creating more flexibility and options as well as engaging a wider set of stakeholders in the design and implementation of policies. Counterintuitively, it is only by letting go of their overly narrow understanding of control that states can escape the control dilemma and be prepared for the future.

III.

Policymaking in Complexity and Uncertainty

Traditional public governance is weak at getting right how to address complex public challenges. A key reason is that uncertainty and complexity are rarely acknowledged in traditional policymaking. Systems thinking – looking at a set of different factors that may affect an issue and their dynamic relationships – is a way to increase our ability to integrate complexity and uncertainty in problem solving. It can help reduce **“the gap between the problems governments must address and their capacity to do so.”**⁴⁴ Looking more closely into systems thinking for migration policymaking is useful and yet rarely done.

In policymaking, **“systems approaches are rarely labelled as such.”**⁴⁵ However, new ways of going about public governance have been informed by or are building on assumptions and principles of systems thinking. They include attempts to become more agile in policymaking. This is associated with a process of designing and implementing policies in which there is continuous learning, especially through gathering feedback from those affected by policies or involving them in policy design, testing new ideas, and continuously revising policies. This requires a mindset of flexibility. Policymakers must be willing, and allowed, to adjust and adapt their way of addressing public challenges.⁴⁶ These new ways of policymaking also redefine the role of governments.

Finland’s approach of experimental policymaking, for example, prescribes more humility in the public sector. This acknowledges that governments may not have the best ideas and all the answers. Instead, governing should be **“about continuously learning and collaborating rigorously in inventive new ways”**⁴⁷ to manage complexity and uncertainty. This can entail giving the mandate to find solutions to other stakeholders, especially to those closer to the issues or directly affected by them, while providing an overall framework and preserving public values, such as fairness.

44 OECD-OPSI (n.d.) *Working towards holistic solutions* ↗.

45 OECD (2017) *Systems Approaches to Public Sector Challenges: Working with Change* ↗, p. 141.

46 Sabel, C.F. & Zeitlin, J. (2012) *Experimentalist Governance* ↗. The Oxford Handbook of Governance.

47 Leppänen, J. (2022) *How Humility Can Help Governments Regain Trust* ↗. World Economic Forum.

Finland’s ambitious approach is not unique. Many governments are trying to advance innovation in the public sector to contend with complex and interconnected problems. Successful public-sector innovation often involves collaborating more effectively across the complex government machinery as well as with actors beyond the public sector and experimenting with new approaches. What this means for policy development depends on the issue and context, but the qualities that systems-thinking approaches share – a more agile public sector, more flexibility in using policy tools, a mindset

“A systems perspective means appreciating the complex set of elements that influence migration and their dynamic relationship.”

that supports testing and adapting new ideas, and being open to redefining the role of the state in the formulation and implementation of policies – are central and necessary for meaningfully addressing highly complex and uncertain policy fields.

As demonstrated in the preceding section, most policymaking in the field of migration is based on a crude simplification of how migration works and can be changed. Taking a systems perspective in migration policy means appreciating the complex set of elements that influence migration and their dynamic relationship. This can rarely be achieved through thinking and acting alone; instead it often entails involving more stakeholders in the design and implementation of policies, including refugees and migrants. It also means abandoning assumptions of being able to separate sub-problems from each other, to fully comprehend the causes and effects for a given problem and to reliably predict the outcomes of interventions. Systems thinking does not offer magical solutions; rather, it offers a **“radical reappraisal of what can be achieved as well as the means whereby it might be achieved.”**⁴⁸

48 Chapman, J. (2002) *System failure: Why governments must learn to think differently* √. Demos, p.68.

IV.

The Emerging System: Creating System Awareness, Flexibility, and Options in Migration Policy

Migration policy is a stronghold of traditional public governance. As a result, the complexity of migration and the uncertainty when it comes to policy decisions is rarely acknowledged. The last decade, however, has seen innovations and experimentation in migration policies not only in Europe and North America, but also in Latin America. In the last five years or so, there has been significant momentum behind the scale and scope of these new approaches. While they frequently exist in parallel to traditional approaches, they are disrupting the habitual way in which governments manage migration – that is, they diverge from a narrow control-based approach. Some have evolved out of experimentation with existing migration policies; others have been rapidly scaled up in times of crisis. They span a wide range of problem solving related to migration. While some are new approaches to addressing mixed migration and perilous journeys of people on the move, others are responses to strained asylum systems or overwhelmed reception capacity in times of crisis. The examples presented below share three distinctive features: they are system-aware, allow for more flexibility, and create more options for people on the move.

The Key Features and Their Relevance

System Awareness

The examples of innovation and experimentation that we analyze are system-aware; that is, they build bridges between different policies and their objectives, in contrast to thinking in terms of discrete policy interventions. This allows for dealing better with complexity. Isolated policy interventions are often pursued in bilateral migration partnerships, which is an important reason why they prove ineffective. The persistent challenge of mixed movements – people moving across borders along different routes, including irregular ones, and for different reasons, among them individuals who need international protection – is one example of why discrete policy interventions fall short. Addressing mixed movements by focusing on deterring people from claiming asylum, for example, is likely to increase irregular entries.⁴⁹ Isolated action on smuggling is just as unlikely to be effective. Insufficient regular ways to migrate, combined with a demand for migrant workers to fill jobs in countries of

⁴⁹ Czaika, M. & Hobolth, M. (2016) *op cit.*

destination, will sustain the business of smuggling. Moreover, a lack of regular ways to migrate for work is likely to strain asylum systems if claiming asylum constitutes the only accessible regular way to cross borders. Safe Mobility Offices, an initiative aimed at providing information and access to different safe and regular ways for migration to people in countries of origin or transit countries in the Americas, is one example of how bridges can be built between different policies. In addition, and unlike many bilateral migration partnerships, the SMOs build on a comprehensive political framework (the Los Angeles Declaration on Migration and Protection) for cooperation on migration between North and South American countries. Germany's Western Balkan Regulation is another example. Being system-aware, however, does not only mean considering effects across different policies and programs or the unintended consequences of governmental actions, but also being more attuned to regional and local contexts.

Flexibility

The examples that we discuss allow for more flexibility, which can contribute to dealing better with uncertainty, by creating broader frameworks rather than rigid and tightly controlled programs. Rigid and tightly controlled programs come not only with implementation costs but also with costs when decision-makers are unable to adapt actions in ways that may be most suitable to address the challenges at hand. A complex and uncertain phenomenon like migration is likely to lead to myriad challenges that are hard to predict and prepare for. Flexibility can relate to different aspects of policy design and implementation. It may mean being able to quickly change criteria for who can get access to territory and who may be granted protection, rather than defining this in detail and assessing it on an individual basis. In times of crisis, this can be an effective way to manage pressure on asylum systems.⁵⁰ Flexibility may also mean setting up structures and processes in which actors outside the state can be involved in decision-making or providing a (digital) infrastructure that allows for their quick and nimble implementation. This may lead to gains in effectiveness and efficiency. The application of the EU's Temporary Protection Directive that allowed Ukrainian refugees to choose their residency is one example. Community sponsorship schemes that empower groups of people to host displaced people are another. In the context of refugees from Afghanistan and Ukraine, community sponsorship has proven a flexible tool for governments to rapidly expand reception capacity.⁵¹

50 Selee, A. et al. (2024) *Expanding Protection Options? Flexible Approaches to Status for Displaced Syrians, Venezuelans, and Ukrainians*. Migration Policy Institute.

51 Fratzke, S. & Einsporn, H. (2023) *Achieving Meaningful International Cooperation on Displacement: Can the 2023 Global Refugee Forum Deliver?*

Options

The examples presented below also acknowledge the complexity of migration by creating more options for people on the move. The traditional migration-management toolbox of governments too often insufficiently accounts for the different, evolving aspirations and needs of individuals. The imminent need of those escaping a threat to life or other harm by seeking protection in a neighboring country, for example, is usually followed by the quest for a stable life and to develop their talents and potential. Safe and regular ways for permanent or temporary movements across borders, however, are often too small-scale to make a meaningful difference, do not consider the diversity of would-be migrants, or fit people into fixed categories (such as refugees or migrants) between which they are hardly able to move back and forth. As a result, people revert to irregular channels, or they are redirected to the few existing regular channels despite the little chance they may have to successfully use them. Enabling refugees to seek employment in other countries is one example of the potential of thinking out of the traditional toolbox and categories.

Key Mechanisms That Make These New Tools and Approaches Work Better

Incorporating Social Networks

First, these policy innovations work *with* social networks. Social networks between countries of origin and destination shape migration and mobility⁵² – why people migrate and what the outcome of migration is, among other things. Policies that leverage these networks, rather than ignore or work against them, are often more effective. Social networks can provide migrants with emotional and financial support, or they may help them with employment and housing. A case in point is the EU’s Temporary Protection Directive, which was used in response to the large-scale movement of people displaced from Ukraine. It has allowed Ukrainians to choose their residency. As a result, displaced Ukrainians were able to use their social networks consisting of “**family and friends in the numerous diaspora networks across the EU.**”⁵³ This flexible approach relying on social networks stands in contrast to more rigid approaches of distributing refugees among different territorial authorities within a destination country, or in the EU across countries, based on mechanisms that

⁵² Fratzke, S. & Salant, B. (2018) *op cit*, p.6.

⁵³ European Parliament (2023) *One Year of Temporary Protection for People Displaced From Ukraine* ↗.

solely consider criteria such as tax revenue. Algorithmic-matching may also be used to help integrate social networks in individuals' decision-making. The application of Germany's Western Balkan Regulation, in which social networks have been a key element of success, is another example. Far-sighted migration policy not only leverages existing social networks but also actively shapes new ones. High-income countries find themselves in a new *race for talent*. The demand for skilled labor is global and increasingly competitive. At the same time, shortages in skills and labor overall are increasing, especially due to demographic shifts. Labor-migration policies can only be strengthened when complemented with cultural diplomacy and cultural, educational, or professional exchanges that actively build on social networks, as well as by considering networks in policy planning.⁵⁴

Engaging Stakeholders in Design and Decision-Making

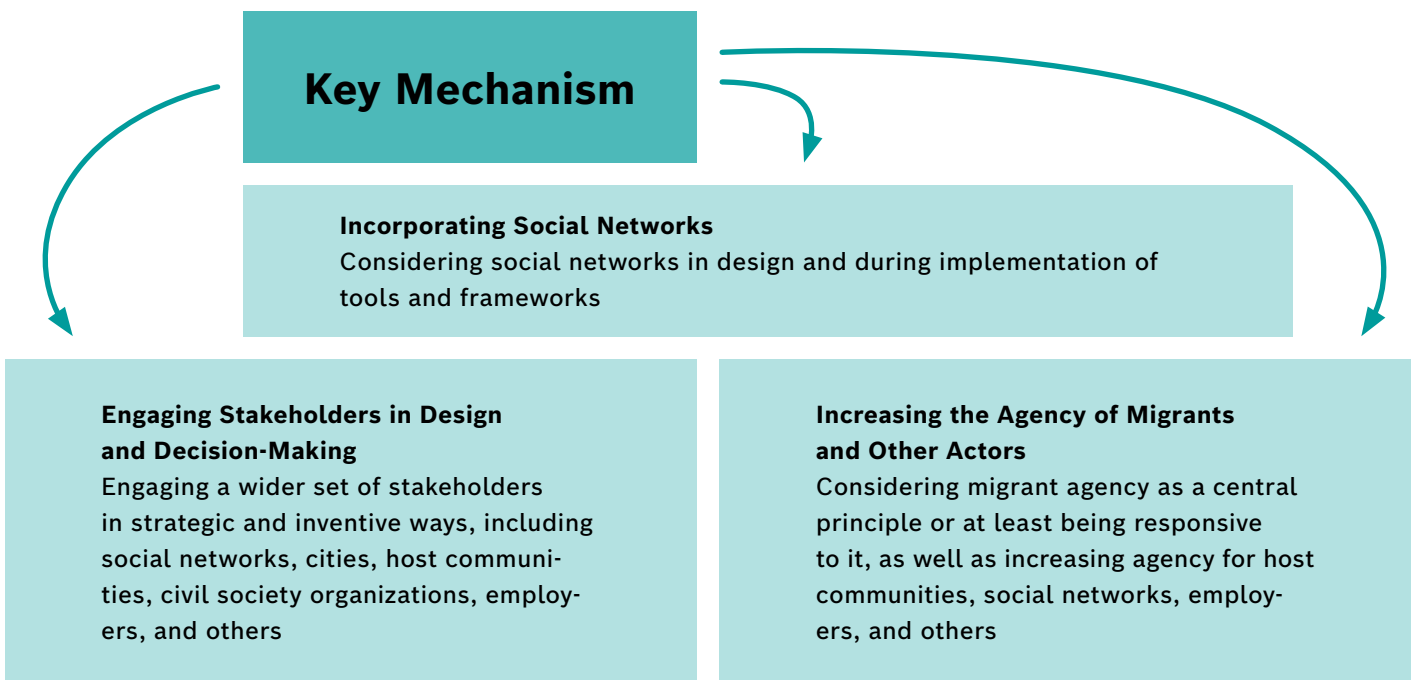
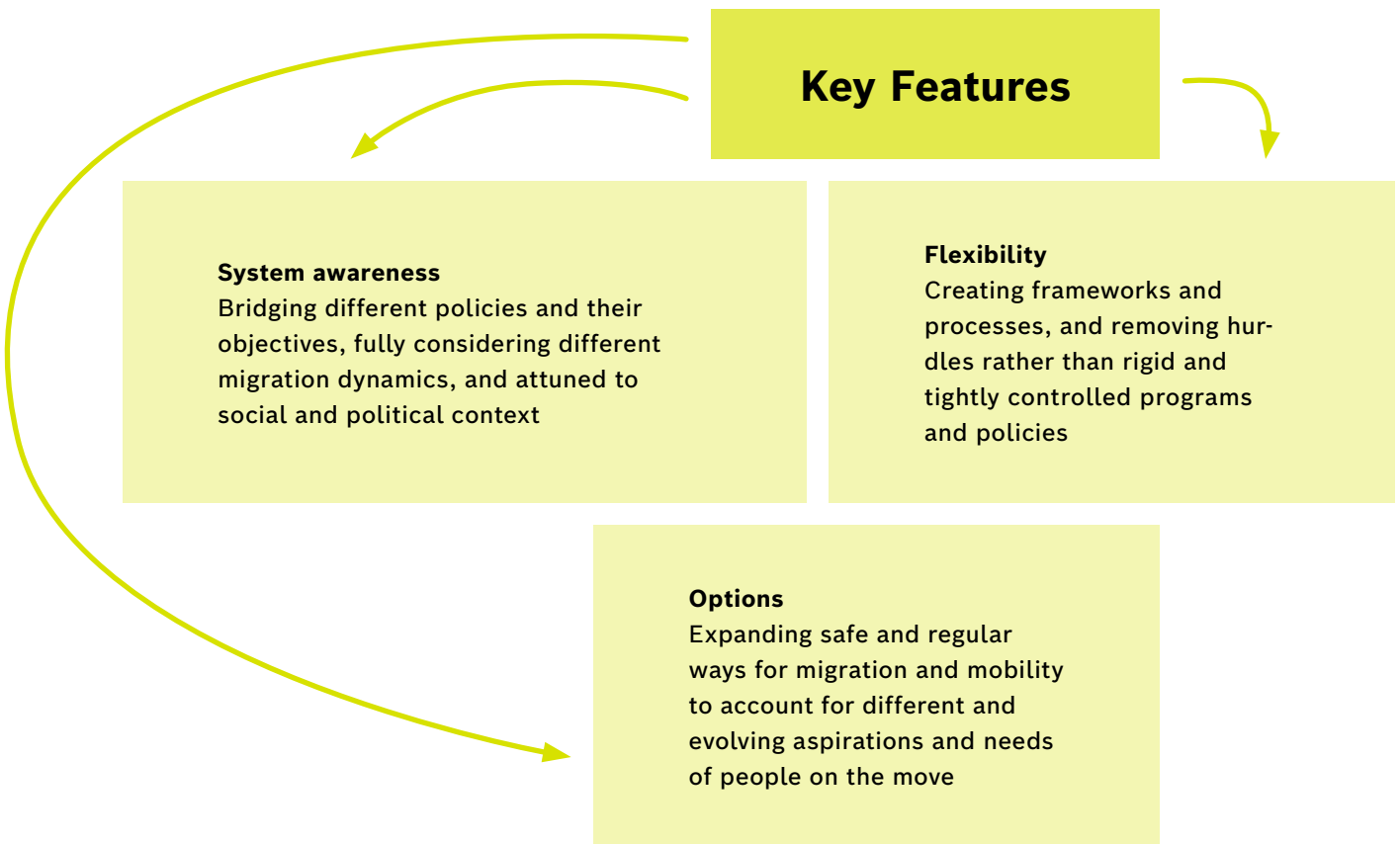
Second, the examples engage a wider set of stakeholders in strategic and inventive ways. This includes actors that have traditionally had little space in policy discussions and no mandate to take on some of the decision-making – civil society, cities, and employers as well as migrants and refugees themselves. Legislators and governments can set broad frameworks in which actors that are closest to issues find solutions. A key example are the initiatives for community sponsorship of refugees or refugee labor mobility that allow for relatively self-organized matching between displaced talent and employers or between refugees and welcoming communities. The role of the government here is primarily to support a well working infrastructure – for example, with fair and efficient visa processing, including security checks – and to set broad criteria. This also means freeing government resources to focus on other policies. Another example are the broad frameworks for labor migration, such as the Western Balkan Regulation in Germany, where the public sector is enabling self-regulation, rather than identifying labor shortages, and designing schemes or quotas for specific occupations. Empowering communities or cities to decide on additional or locally adapted welcome of refugees is an important way of establishing **social licenses** for these flexible policy frameworks in that they enhance their broad public acceptance.

54 Harnoss, J. et al (2023) *The Next Billion Workers: How Can Countries Attract the Global Workforce of the Future?* ↗. World Economic Forum.

Increasing the Agency of Migrants and Other Actors

Third, while the government's rationale and interests are central to traditional migration policy design, policy innovations allow for

the consideration of migrants' and refugees' aspirations, talents, and needs. Migrant agencies come in many shapes and forms. It is a central principle of the policy innovation and experimentation that has emerged – or these innovations are at least responsive to it. The reason is often a matter of principle, but this reflects all the more a realization that policies that do not allow for agency or are not driven by those closest to the issue will be inadequate and eventually fail. Ensuring that migrants, host communities, and other constituencies participate in policymaking and have greater agency as result of new policies avoids wasting political capital on ineffective or failed initiatives. Options are key in creating more agency for people on the move. Initiatives for refugee labor mobility are a case in point. They allow refugees in countries of first asylum, where they may find themselves in protracted limbo, to access opportunities for employment in other countries. Another example are the US-led efforts to create Safe Mobility Offices along key migration routes in Central and South America. The reasons why people move are diverse and often evolve or shift as they move. Providing information and access to options – such as family reunification, temporary work, and humanitarian, study, or work visas – along migration routes acknowledges the complex reality of migration journeys.



Examples: Innovations, Policy Pilots, and Experimentation Toward a Revamped Migration System

Flexible Approaches to Protection – the Temporary Protection Directive

What?



The application of the Temporary Protection Directive by the EU on March 4, 2022, eight days after the start of Russia's full-scale invasion of Ukraine allowed for the immediate protection of Ukrainian nationals without them having to undergo an individual determination of protection needs. Registering in an EU member state and receiving documentation of status was often done in days. Temporary protection status for Ukrainians came with several rights, such as freedom of movement within the EU and work authorization.

Why?



The application of the directive in the case of Ukraine alleviated pressure on national asylum systems by foregoing the individual determination of protection needs, and it set out to harmonize the rights that displaced people were able to enjoy throughout the EU. Being able to travel quickly and unhampered by bureaucracy to friends, family, or other hosts in various European countries, as well as to places where they had a good chance of finding a job, increased responsibility sharing in the EU.⁵⁵ This reduced pressure on accommodation and support services in states bordering Ukraine, such as Poland.

Features



The way the Temporary Protection Directive was designed and applied in the context of the war in Ukraine allowed the incorporation of system awareness, flexibility, and options to Europe’s “**fastest escalating and largest displacement crisis since the Second World War.**”⁵⁶ The flexibility in providing temporary protection on a group basis and *prima facie* allowed for a better management of with the large-scale arrival of protection seekers that could have easily overwhelmed national asylum systems. The response was system-aware by considering the context, especially acknowledging that Ukrainians were able to also receive support from their social networks in the EU. The freedom to choose their residency within the EU also increased the options for Ukrainian refugees. It gave them a status with which they were able to better meet their evolving needs and aspirations. This could mean, for example, moving to a neighboring country to seek immediate safety and later moving to a different country for a job.

Results



The application of the Temporary Protection Directive in the case of the war in Ukraine allowed the EU to bypass the notoriously intractable negotiations over specifying national responsibilities for hosting refugees. Instead, the freedom of movement of Ukrainians helped to ease pressure on neighboring countries and share responsibility within the EU. The directive was adopted in 2001 following the conflicts in the former Yugoslavia. However, it had not been triggered before 2022. This demonstrates the value of preparing tools even if their application is not immediately anticipated.

55 Selee, A. et al. (2024) op cit, p.22.

56 Ibid, p.19.

Safe Mobility Offices

What?



The Safe Mobility Offices (SMOs) were set up in mid-2023 under the broader framework of the Los Angeles Declaration on Migration and Protection, a political declaration concluded between the countries of the Western Hemisphere. They are led by the United States but operate in partnership with the host countries and are intended for **“the expansion of lawful pathways to the United States [or other countries] for refugees and migrants in South and Central America.”**⁵⁷ The initial phase was launched in Colombia, Costa Rica, and Guatemala (June 2023), and later in Ecuador (October 2023). Migrants and refugees of certain nationalities can assess in these offices if they may qualify for resettlement, family reunification, humanitarian parole, temporary worker visas, or other legal pathways.⁵⁸ The exact eligibility requirements and the nationalities to which they apply differ from country to country.

Why?



The design and implementation of the SMOs is part of the broader regional initiative under the Los Angeles Declaration to **“strengthen national, regional, and hemispheric efforts to create the conditions for safe, orderly, humane, and regular migration and to strengthen frameworks for international protection and cooperation”**⁵⁹ and as part of a far-reaching plan to address large-scale migration across the Western Hemisphere. This broader framework also includes enforcement measures and cooperation on other areas for better managing and steering the movement of people across borders.

Features



The SMO approach is very system-aware in that it recognizes the mixed migration realities in many of the countries in Central and South America. It provides a more flexible system that allows for cooperation among different actors – involving, for example, the United Nations High Commissioner for Refugees and the International Organization for Migration – as well as direct cooperation for access to legal pathway options with the governments of Canada, Spain, and the United States. The SMOs also provide concrete options to people on the move; for example, giving access to such pathways to people in transit.

Results



As of mid-January 2024, 115,000 individuals had applied to processes offered by the SMOs, and 3,200 refugees had been resettled in the United States.⁶⁰ It remains to be seen whether the SMOs will have a significant effect on the scale and shape of mixed and irregular migration in the region, which will also depend on how they are able to scale and how the different eligibility criteria play out in each country. For example, a Mixed Migration Centre survey in Colombia and Costa Rica among migrants of nationalities eligible to apply to the SMOs found that **“almost all respondents (98% in Colombia and 99% in Costa Rica) would not be eligible for the Safe Mobility Offices’ processes because they reported having entered the country after the required date.”**⁶¹ Depending on how the SMOs are used in practice, the eligibility criteria could be revisited. The flexible setup and pilots point to the potential of also including other governments and programs in each SMO, thus increasing the number of potential options for individuals using these processes.

57 US Department of State, cited in Mixed Migration Center (2024) *Safe Mobility Offices: Awareness, Migrants’ Interest, and Potential Influence on Mixed Migration Dynamics in Latin America and the Caribbean* ↗.

58 Ibid.

59 The White House (2022) *Los Angeles Declaration on Migration and Protection* ↗.

60 Mixed Migration Center (2024) op cit.

61 Ibid.

Western Balkan Regulation

What?



In 2015, Germany's government introduced the Western Balkan Regulation (WBR) as part of a set of policy measures aimed at curbing the large increase in asylum applications by citizens of the six Western Balkan states (Albania, Bosnia and Herzegovina, Kosovo, Macedonia, Montenegro, and Serbia). The WBR opened up new legal pathways through Section 26.2 of Germany's Employment Regulation by greatly reducing hurdles to regularized labor market access. Specifically, it removed barriers based on skill and qualification levels, with no minimum language or professional qualification required (except for certain regulated professions where the qualification standards still apply). The only requisite is to have a job offer from an employer.⁶² The WBR was set up as a temporary measure for a five-year period and capped at 25,000 persons a year. After an evaluation, it was renewed indefinitely and the cap of workers will rise to 50,000 a year in 2024.⁶³

Why?



Since 2010, there had been a steady increase in the number of citizens of Western Balkan countries filing for asylum in Germany, of which less than 1 percent qualified for some form of protection. These six countries accounted for about a quarter of applications as the total number rose continuously from 17,476 in 2012 to 120,882 in 2015. Amid the high numbers of new asylum seekers and refugees from Afghanistan, Iraq, and Syria, reducing arrivals from the Western Balkan states was a political priority by 2015.

The WBR was something of an unintended experiment in migration policy. It originally was not meant as a tool to fill critical labor shortages; labor mobility was included in the package of measures to make stricter rules on asylum and returns more palatable as part of a concession to federal states with center-left governments. The German Association of Employers, for

instance, stated at the time: **“from the beginning, we have been skeptical towards special immigration rules for people from the Western Balkans that are not based on specific needs of the German labor market.”**⁶⁴

Features



Though not perfect, the WBR combines different migration-related goals of asylum and labor market needs. In this sense it is system-aware, providing through the removal of hurdles and requirements a far more flexible avenue for employers and workers to respond to labor needs and vacancies. It is self-regulating in that it is directly tied to labor market needs and a current job offer.

Though it alone cannot account for the reduction in asylum applications by people in the Western Balkans, the WBR broke new ground in allowing for a context-specific tool to increase options for individuals and employers to access different forms of regular migration channels.

The WBR has played out differently in practice in the six Western Balkan states, with diaspora networks and information channels having an important role. The preexisting ties of diaspora networks, alongside employers and recruitment from the region, are considered a key factor that helped the swift and continued use of the WBR pathway.⁶⁵

Results



Asylum applications from the Western Balkan states decreased significantly following the introduction of the WBR. However, it is not possible to isolate the effect of this measure as it was part of a wider set of restrictive measures, and sat alongside other greater initiatives like the closure of the Western Balkan route.

The WBR was originally set up for a five-year period and was renewed indefinitely after an evaluation in 2020. The cap of 25,000 workers a year will be raised to 50,000 in June 2024, and today the WBR is largely discussed as a labor-mobility tool. There are also calls to apply a similar model to other countries or regions. However, the possibility and desirability of doing so need to be carefully weighed for each individual country in question. Importantly, the WBR is not an agreement between Germany and the Western Balkans countries – it is a one-sided change in Germany’s Employment Regulation, and concerns over brain drain are present in some of the six countries. Others have called for more measures regarding the protection of workers and oversight of working conditions in order to make sure the WBR is not abused.⁶⁶

62 Bither, J. & Ziebarth, A. (2018) *Creating Legal Pathways to Reduce Irregular Migration. What we can learn from Germany’s “Western Balkan Regulation”* ↗ Migration Strategy Group on International Cooperation and Development.

63 German Federal Employment Agency (n. d.) *Leben und Arbeiten in Deutschland: Westbalkan-Regelung* ↗, accessed March 28, 2024.

64 Bither, J. & Ziebarth, A. (2018) op cit, p. 16.

65 Ibid, p. 20; Falkenhain, M. & Raab, M. (2022) *Die Westbalkanregelung als Blaupause? Erwerbsmigration fair gestalten und langfristig denken* ↗. IAB Forum.

66 Ibid. Bither, J. & Ziebarth (2008)

Community Sponsorship

What?



Sponsorship is about connecting refugees and other people in need of protection with communities – municipalities or groups of people – that are eager to welcome them. There are various forms of community sponsorship: some rely on social networks between sponsors and refugee communities as the former identify refugees (referred to as **naming**), and some involve governments or other institutions matching sponsors and refugees. Sponsors commit to providing social, financial, or emotional support, or a mix of all three, for a specified period.

Why?



The support from communities contributes to better reception and integration of refugees upon arrival. In times of crisis, sponsorship has proven to be a relatively flexible tool to complement and expand capacity to receive and integrate refugees. To respond to the crises in Afghanistan and Ukraine, for example, refugee sponsorship has become a critical tool in the United Kingdom and the United States. Homes for Ukraine in the former and Uniting for Ukraine or Operation Allies Welcome for Afghans in the latter have contributed to thousands of people receiving a temporary stay. A form of community sponsorship was also used in Germany to provide rapid assistance to people affected by the earthquake in Syria and Turkey in early 2023 by allowing relatives in Germany to sponsor visa applications.⁶⁷ This is one example of how sponsorship programs may also provide options to people who fall outside the definitions of a refugee in the Geneva Convention and regional legal instruments.

Features



Community sponsorship tends to be more flexible and adaptable than traditional refugee resettlement programs. Governmental support is usually about setting up structures, rather than rigid and tightly regulated programs, that can match refugees with sponsors and ensure that sponsors are suited for their roles and

receive adequate support when needed. In the case of naming, this matching is done without involving governments, based upon eligibility criteria. Community sponsorship means building a societal infrastructure for refugee reception. This infrastructure improves outcomes for refugees and communities, such as integration and employment. It can also be mobilized in times of crisis to flexibly expand reception capacity. When being offered in addition to traditional resettlement, community sponsorship expands options for displaced people.

Results



Over 700,000 refugees have benefited from community sponsorship since 2021.⁶⁸ Close to 40 sponsorship programs⁶⁹ have been established since 2016 when the Global Refugee Sponsorship Initiative was launched.⁷⁰ Sponsorship programs have played a critical role in the context of the Afghanistan and Ukraine displacement crises. In the United Kingdom, for example, 182,600 visas had been issued to Ukrainians through the Homes for Ukraine scheme as of March 2024.⁷¹ Following the rollout of a program in the United States that allows up to 30,000 individuals per month from Cuba, Haiti, Nicaragua, and Venezuela, who meet certain criteria and have a sponsor, to receive a temporary stay, irregular entries from these nationalities significantly dropped.⁷² The extent to which sponsorship programs have been used in recent crises shows their potential as a reliable tool for governments to better manage uncertainty and the complexity of migration.

67 German Federal Ministry of the Interior (2023). *Pressemitteilung: Weitere Hilfe für türkische Erdbebenopfer in Deutschland* ↗.

68 Global Refugee Sponsorship Initiative (2023) *Celebrating Community Sponsorship Past, Present, and Future* ↗.

69 Ibid.

70 The Global Refugee Sponsorship Initiative is a multistakeholder partnership led by the Government of Canada, the United Nations High Commissioner for Refugees, The Giustra Foundation, the Open Society Foundations, The Shapiro Foundation, Pathways International, Porticus, and Robert Bosch Stiftung.

71 UK Home Office (2024). *Ukraine Family Scheme, Ukraine Sponsorship Scheme (Homes for Ukraine) and Ukrainian Extension Scheme visa data* ↗, accessed March 28, 2024.

72 United States District Court, Southern District of Texas, Victoria Division (2024) *CivilActionNo.6 :23- CV- 00007* ↗, accessed April 2, 2024.

Refugee Labor Mobility

What?



Many refugees are potential employees but are often stuck for years in a country where they lack job prospects. The default way of dealing with refugee situations is keeping people in place – overwhelmingly in countries neighboring their country of origin – where they too often live precarious lives. Refugee labor mobility is about facilitating refugees' ability to seek employment in other countries and thereby enable them to pursue opportunities on par with migrants.

Why?



The majority of the world's refugees are in long-term displacement, with scarce chances to use their talents and fulfill their aspirations, or even to lead a stable life. They are often not allowed to work in their country of first asylum⁷⁹ while they are also locked out of opportunities for skilled migration. At the same time, many advanced economies experience critical shortages in skills and labor. The fact that governments are now considering refugee labor mobility represents a mindset shift, as until recently many were hesitant, or even unwilling, to link refugee and migration policies.

Features



Offering refugees more mobility opportunities, including through employment in other countries, bridges different policy objectives, providing solutions to refugees while addressing the need for labor migration. Most importantly, the option of seeking employment in a different country addresses the evolving needs of refugees. In other words, refugee labor mobility addresses the complexity of migration.

Results



Australia, Canada, and the United Kingdom have dedicated programs that allow refugees seeking work to immigrate, and other countries like Italy or the United States are in the process of creating such paths. Refugee labor mobility requires establishing an infrastructure to bring together refugees and employers. One example is Talent Beyond Boundaries' Talent Catalogue, in which refugees, but also a broader category of people who that have been displaced, but who do not necessarily fit the refugee definition, can register with their education, qualifications, and professional experience while employers register with their needs for skills and talent. Initiatives on refugee labor mobility also require addressing the issue of travel documents for refugees, which is often a barrier for refugees to access employment abroad.⁷⁴ The initiative for a widely accepted alternative travel document – a 21st century Nansen Passport – is a recent attempt to address this challenge.

73 Gin, T. et al. (2022) *2022 Global Refugee Work Rights Report* ↗. Center for Global Development.

74 Davidoff-Gore, S. (2024) *The Mobility Key: Realizing the Potential of Refugee Travel Documents* ↗. Migration Policy Institute.

Emergency Evacuations and Humanitarian Visas

What?



People seeking protection are often compelled to use dangerous and irregular routes to seek safety. Evacuating people at risk from their country of origin or from transit countries, or providing them with visas to travel safely and legally to a country that assesses their claims, offers an alternative. Emergency evacuations were used after the Taliban's takeover in Afghanistan in 2021 and in Central America with the Protection Transfer Arrangement. Humanitarian visas are mostly “**ad hoc, time-limited, and target specific populations,**” such as Canada offering Authorization for Emergency Travel to Ukrainians.⁷⁵ The ideas are not new – see, for example, the United States' Orderly Departure Program following the Vietnam War. However, recent years have seen a renewed interest in such approaches.

Why?



In a large-scale crisis or when people face imminent threats, emergency evacuations and humanitarian visas can be viable tools to increase the routes to safety and to reduce the reliance of protection seekers on irregular and often dangerous ways, including smuggling. These measures may also intend to prevent people from claiming protection at the border but, nonetheless, they provide alternatives to the option of people spontaneously arriving at borders and claiming protection.

Features



Emergency evacuations and humanitarian visas can increase the options for people seeking protection. They also offer flexibility for destination countries in that they can be quickly set up and wound down when immediate protection needs have been met. In principle, they can also be attuned to the specific crisis at hand by having a relatively high degree of discretion as to who can access them. They can thus allow governments to better deal with the uncertainty and complexity of displacement.

Results



Many governments reacted late and/or were unprepared for the situation in Afghanistan in 2021, and their responses were chaotic. However, as they scrambled to bring people in immediate danger to safety, they also reacted with innovative and flexible ways to help them. This included evacuating people to safer locations from where they could permanently relocate to another country or humanitarian visas issued at embassies to allow people to eventually file asylum claims in the issuing country. The movement of thousands of Afghans in just a few months was also due to combining these approaches with community sponsorship – connecting refugees with communities willing to support them. This dwarfed the response of existing resettlement programs, which proved too slow and too small to be adequate. At the same time, the often chaotic circumstances in which emergency evacuations and humanitarian visas are applied, as well as the discretion that comes with them, may also lead to arbitrary decisions and to an overreliance on connections for who gets access to them.

Trade-Offs and Consideration

What may be some of the trade-offs when considering and implementing the above-described new approaches and, more generally, of the distinctive features – system-awareness, flexibility, and options – that we have discussed? If one objective of a migration system is to also protect refugees, a key measure to evaluate it is the degree to which it provides protection to those who need it most. Changes to the way refugees are currently protected are often resisted with the argument that they would be less effective in this regard. This critique may be directed, for example, against the use of community sponsorship or refugee labor mobility on a greater scale, for which social networks or the right skills may be assessed on top of protection considerations. An honest debate, however, would acknowledge that the current system falls short of serving those who need protection the most.⁷⁶ The Common European Asylum System, for example, has

⁷⁵ De Oliveira, P. & Tan, N. (2023) op cit, p. 13.

⁷⁶ Fratzke, S. (forthcoming) *The Post-Asylum Protection System?* Migration Policy Institute.

been likened to an “**asylum lottery**”⁷⁷ that favors those close to European territory, with enough resources to pay smugglers, in good physical condition, and with enough luck, among other things, rather than those who are most in need of protection.

The approaches described above offer a starting point and practical ways to address migration and mobility. But, in a heated and often polarized debate about migration, even this may be considered too risky. Even if political decision-makers agree with the need for a new approach, they may see proposing one as a waste of their political capital if they think there is no public acceptance for it.

“The described approaches offer a starting point and practical ways to address migration and mobility.”

However, this perspective misses two points. First, publics are very rarely against any type of migration per se, but they are against a system that does not provide a sense of order and fairness. Second, by increasing the capacity of states to act and demonstrating this to their public, political leaders can build more trust in government and, in turn, can create more political capital to navigate difficult and often divisive discussions about identity and potential conflicts in diverse societies.

⁷⁷ Koopmans, R. (2023) *Die Asyl-Lotterie*. C.H. Beck.

Building a Responsible Digital Infrastructure to Increase Flexibility and Options in Migration Policy

Digital technologies have the potential to build the necessary infrastructure to enable the flexibility and options in a new migration system, even if they carry some risks. The deployment of digital technologies has proliferated in the migration space in recent years, from the increasing use of biometrics

for immigration processing or border procedures to the creation of large interoperable migration databases, like the eu-LISA system, to automated decision-making via AI-enhanced systems (for example, in visa processing or algorithmic matching for asylum seekers and refugees with reception





communities, or the use of predictive analytics for migration forecasting or risk scoring).⁷⁸ We are at a crossroads in terms of on which trajectory and toward which goals we are building this digital infrastructure, as well as of the values and safeguards we build into this digital system for human mobility.

Risks regarding the use of digital technologies and their potential impact on the protection of civil liberties and human rights have already become apparent. These technologies are part of a growing surveillance apparatus by states, and cooperation with third countries on border management or returns now increasingly include digital components and infrastructure.⁷⁹ Without safeguards or left unchecked, this could directly feed a growing digital authoritarianism, and create harmful conditions in countries that lead to more people seeking to leave or to find some form of international protection. Other important risks include issues of security and

privacy. There is also the potential of algorithmic bias or of enshrining existing inequalities, racism, and other forms of structural discrimination through automated systems. Important questions remain regarding democratic oversight, privacy, and consent.

Having said that, a responsibly designed digital infrastructure could increase options and flexibility for human mobility while also safeguarding rights. It could offer the backbone for flexible and adaptable tools that can be applied rapidly to changing rules and demands – for example, a digitalization of visa services that could more easily incorporate new requirements and changes in labor demands or adapt to sudden disasters or crisis situations. Such a digital infrastructure could also help to overcome bureaucratic inefficiency and arbitrariness – a large reason for the inflexibility of the current system – and enable tools for decision-making that is decentralized and involves a wider set of stakeholders.

78 Bither, J. (2022) op cit.

79 See Napolitano, A. (2023) *Artificial Intelligence: the new frontier of the EU's border externalisation strategy* ↗. EuroMed Rights; Privacy International (2023) *Who profits from the UK's 24/7 tracking of migrants?* ↗.

Building Blocks for the Future: Managing Migration and Mobility in the Context of Climate Change

The approaches looked at in this paper provide a starting point and building blocks for a fairer and fitter system to manage migration in the face of its diverse challenges. These building blocks can lead to better navigating current and future complexity and uncertainty. Climate change, in particular, is one key driver of this complexity and uncertainty for migration, with its impacts on people's movement in the future particularly hard to assess. How can a new approach centering flexibility, options, and more delegation of responsibilities to more stakeholders therefore help to better prepare for these challenges?

Climate-related migration is already a reality for millions of people⁸⁰ and will increase as climatic conditions worsen.⁸¹ However, climate change often interacts with other reasons for why people move. Predictions of who will move where, when, and how are becoming more sophisticated, yet they are riddled with uncertainties.⁸² This is in part because migration and mobility – the permanent and temporary movement of people – are important strategies to adapt to the impacts of climate change. People may move in anticipation of a climate-change impact, such as desertification or loss of biodiversity, on their livelihoods and quality of life in their places of habitual residence.

What are the implications for migration policy? We currently do not have adequate migration policy tools to address these changing circumstances, which is also an opportunity to be daring and creative in designing new responses. First, creating the status of *climate refugee* will fall short of addressing the magnitude of the issue. Such a status would be a lifeline for a relatively small number of people whose places of residence will imminently become uninhabitable due to the impacts of climate change; for example, inhabitants of low-lying, small island states. However, we will also need to account for migration or displacement that takes places in the context of climate change but where its impacts are less clear or may interact with other reasons to move. Second, a rigid and inflexible approach to providing protection will not be enough for contending with the sud-

⁸⁰ See, for example, Internal Displacement Monitoring Centre (2023) *GRID 2023* ↗, p.9.

⁸¹ Clement, V. et al. (2021) *Groundswell Part 2: Acting on Internal Climate Migration* ↗. The World Bank.

⁸² German Expert Council on Integration and Migration (2023) *Jahresgutachten 2023: Klimawandel und Migration: Was wir über den Zusammenhang wissen und welche Handlungsoptionen es gibt* ↗, pp.61–63.

den and unanticipated movement of people due to shocks such as weather-related disasters.

Faced with this complexity and uncertainty, governments will need to be system-aware in their responses; that is, to bridge different policy objectives such as labor migration and protection, understanding local political and social contexts and actors, and incorporating these in tools, agreements, and financing instruments. They will need to create flexible approaches and instruments, and to expand the options for people moving in the context of climate change. In such an approach, for example, a protection status for people whose places of habitual residence become uninhabitable would be one option among many for the growing number of people impacted by climate change. In addition, there could be ways to access labor markets in other countries (see, for example, the Australia-Tuvalu special visa arrangement) or easily receive temporary protection if places of habitual residence are temporarily uninhabitable. Flexible tools, such as community sponsorship, could help governments to rapidly expand reception capacity when faced with climate-related shocks, while creating processes that allow for many stakeholders to be included, such as social networks, cities, or people directly affected by new policy instruments, would allow tools to be quickly adaptable (rather than having to design new tools for each climate-related setting or event). A responsibly designed digital infrastructure would enable the creation of the necessary backbone to administer such flexible instruments to a degree and pace not previously possible.

V.

The Road Ahead

Policymaking is about solving public challenges or, at a bare minimum, making a positive contribution to their resolution. Migration policymaking, however, too often fails to align different objectives, to invest in inadequate instruments, and thus to navigate complexity and uncertainty. What keeps us from doing better is a failure to realistically appraise what control means in a complex and uncertain world. The often too narrow understanding of control as deterrence and misguided simplistic thinking about how migration works and can be changed lead us astray. Instead of feeding the narrow control reflex, we should focus our efforts on what it takes to address migration as a complex public challenge.

Systems approaches and the different policy innovations and experimentation that have emerged in the last decade show us an alternative and more compelling way forward that can improve governments' capacity to act. This playbook of migration policy features:

- **System-awareness** to bridge different policies and their objectives, and being attuned to context,
- **Increasing flexibility** by creating frameworks and processes that remove hurdles rather than rigid and tightly controlled programs and policies, and
- **Increasing options** by expanding safe and regular ways for migration and mobility to account for the different and evolving aspirations and needs of people on the move.

The mechanisms ideally will:

- **Work with social networks** instead of against them,
- **Engage a wider set of stakeholders** in strategic and inventive ways, and
- **Consider migrant agency** as a central principle or at least be responsive to it.

The recent policy innovations and experiments showcased above are examples of strategic, inventive ways of creating more flexible policies, increasing options for migration and mobility, and engaging a wider set of actors, including communities or cities, with migrant agency as a key objective and leveraging social networks.

Unfortunately, policymakers often view these measures as *nice to have* or to be taken only when or after governments have controlled the number of irregular entries. However, political decision-makers

“What keeps us from doing better is a failure to realistically appraise what control means in a complex and uncertain world.”

and others involved in designing new migration partnerships and instruments should resist focusing on deterrence measures alone, and rather take these features as core elements of any new migration agreements between states or political regional frameworks. They should also ask: Are these system-aware? Do they increase flexibility? Do they provide options for people on the move? These features and mechanisms should also serve as guiding principles as we incorporate digital technologies or as we seek to address human mobility induced by climate change.

Fully adopting such a new approach to managing migration requires courage and political will. Yet, doing more of what we already know does not work is complacent and upholds an untenable status quo. We have the tools to create a better system for migration and human mobility across borders that aligns with the uncertain and complex world of today and tomorrow. It is high time to embrace this opportunity for change.