

Does regularisation have a pull effect?

Conceptual reflections and empirical evidence

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Introduction

50 years of debate on the pull effect

from a problem that can be fixed

(1) The problem

ICM [IOM] Seminar 6th Seminar on current issues in international migration (1983), Conclusion Nr. 6:

„It is recognized that whilst regularization of status (such as amnesty) may provide a solution to a particular problem, constant repetition of this process will be self defeating in that it will encourage further illegal entry and stay in the country in the expectation of yet further regularization.“ (International Migration, 17, 2 (1983))

(2) The solution

W.R. Bohning (1983): Regularizing the irregular immigrant

„As the announcement of a regularisation might encourage additional irregular inflows, the cut-off point of eligibility must be fixed in such a way as to minimise that danger.“ (International Migration, 17, 2 (1983))

to a principled problem that cannot be overcome

*"It must not be overlooked that such legalization measures represent an enormous pull factor for attracting further illegal migrants (...). Such a signal effect to potential migrants should be avoided. Due to this pull effect, mass legalizations run counter to the goal of orderly immigration and in no way contribute to managing any potential migration pressure."
(Response MoI AT, REGINE study 2009).*

*"Mass legalizations represent a pull factor for illegal immigration, which does not only affect the legalizing state. Furthermore, due to the removal of internal border controls and European regulations on permanent residence rights, the affected individuals have the opportunity, both in practical and legal terms, to migrate to other member states"
(Response MoI DE, REGINE Study 2009)*

... and in the recent return proposal



Establishing an effective and common EU system for returns is a central pillar of the Pact on Migration and Asylum. For any migration management system to function, it must have a credible and effective policy on return. When people with no right to stay remain in the EU, the entire migration and asylum system is undermined. It is unfair to those who have played by the rules, it undercuts Europe's drive to attract and retain talent and ultimately erodes public support for open and tolerant societies. It incentivises illegal arrivals and exposes those staying illegally to precarious conditions and exploitation by criminal networks. At present, only around 20% of third-country nationals ordered to leave the Union actually do. Persons ordered to leave frequently escape the authorities, often moving on to other Member States. In addition, the current patchwork of 27 different national return systems, each with its own approach and procedures, undermines the effectiveness of returns at the Union level. This calls for a thorough overhaul of the way return policy is legislated in the EU.

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

establishing a common system for the return of third-country nationals staying illegally in the Union, and repealing Directive 2008/115/EC of the European Parliament and the Council, Council Directive 2001/40/EC and Council Decision 2004/191/EC

Different dimensions of the pull effect argument in policy debates

- Regularisation (whether actually implemented or just realistically contemplated) sends a signal to prospective migrants in expectation of a future regularisation;
- The implementation of regularisation may lead to onward migration from other countries;
- Regularisation in EU countries may lead to post-regularisation onward migration (long term residence directive, or via liberal naturalisation rules [,transnational side effects of citizenship ']);
- Regularisation have multiplier effects on future migration through family reunification.
- Regularisation undermines the deterrent effect of repressive policy responses to irregular migration, notably return.



Regularisation, Migration Decisions and Pull Effects

Conceptual Reflections

Theoretical Underpinning

Regularisation policy of destination country may:

- Increase the perceived capabilities of potential migrants to remain in the country of destination and achieve their life aspirations.
- Tilt the cost-benefit calculation of migration by reducing the perceived risks and increasing the expected benefits.

Migrant social networks convey information about regularisation opportunities

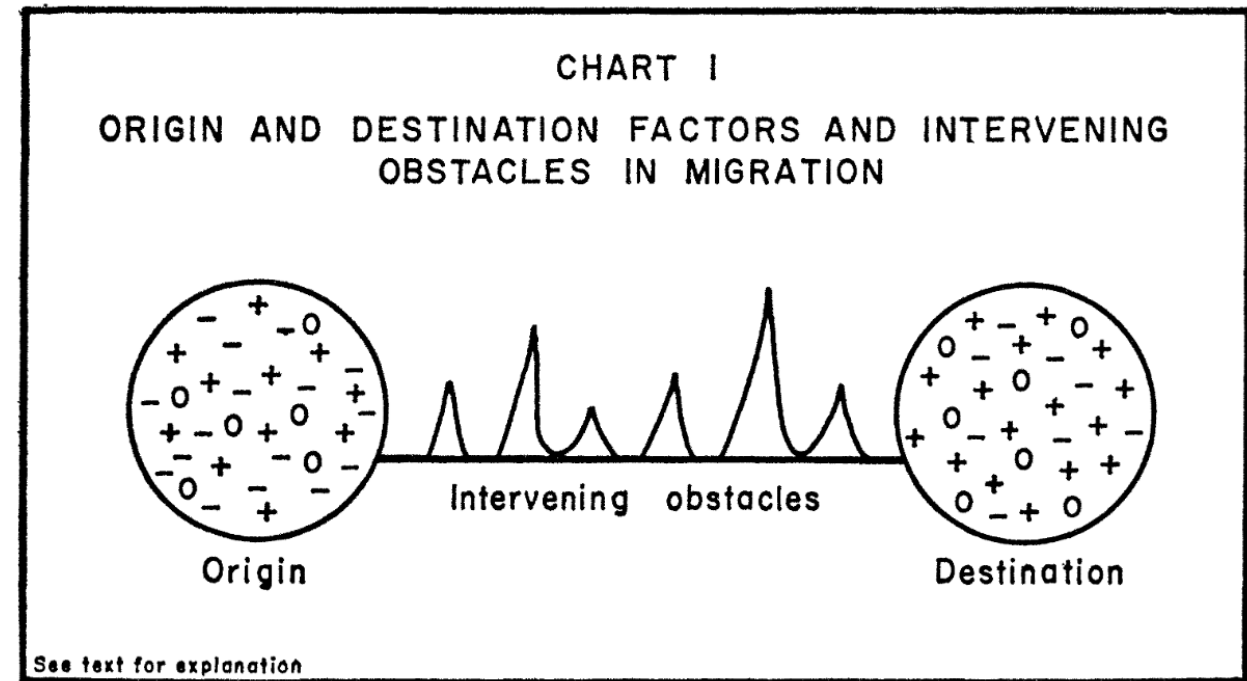
- Networks can facilitate migration regardless of official policy stances.

Original formulation of the push/pull model

“Every act of migration involves an **origin**, a **destination**, and an **intervening** set of **obstacles**” (p. 4)

Involved factors:

1. Origin factors
2. Destination factors
3. Intervening obstacles
4. Personal factors



Unpacking 'Pull Effect'

Pull effect manifests differently across groups

- For populations in origin countries, regularisation policies may funnel through information channels and shape people's perception.
- For migrants decided to move or en route, regularisation policies can affect their choice of final destination and their determination to persist through challenges on the way.
- Migrants already residing in other countries, particularly those in irregular situations, may be responsive to regularisation policies.

Yet pull effect is intertwined with economic, political, sociocultural factors.

Not only 'pull' – other policy effects

Deflection: migrants altering their destinations hoping to benefit from regularisation opportunities.

Retention: Beneficiaries of regularisation are encouraged to remain and integrate in the host country.

Onward migration: Migrants may relocate to countries with greater regularisation prospects.

Deterrence: Migrants 'scared away' from destination countries - associated with restrictive policies. Linked to regularisation through fear of counterproductive effects of regularisation policies (retention).

Yet temporality of policy effects are different – and different policy responses may combine different effects.

Key aspect: there is a range of policy responses to migrant irregularity

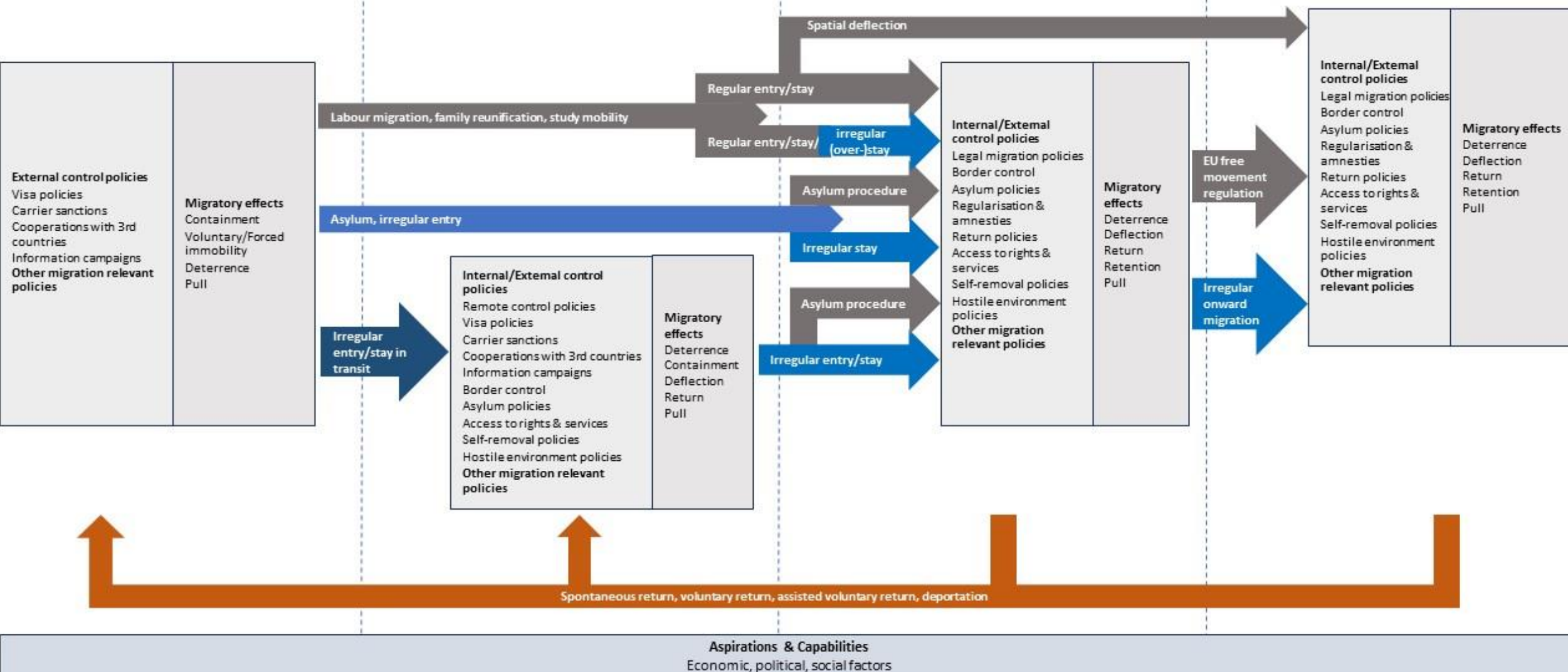
Country of origin

Non-EU transit country

EU destination

Alternative EU destination

Aspirations & Capabilities
Economic, political, social factors



Methodological challenges

A black and white photograph showing two people walking away from the camera on a path. The path is flanked by tall, thin vertical bars or poles, creating a sense of being enclosed or restricted. The background is slightly blurred, showing some foliage and a building in the distance. The overall mood is contemplative and somewhat somber.

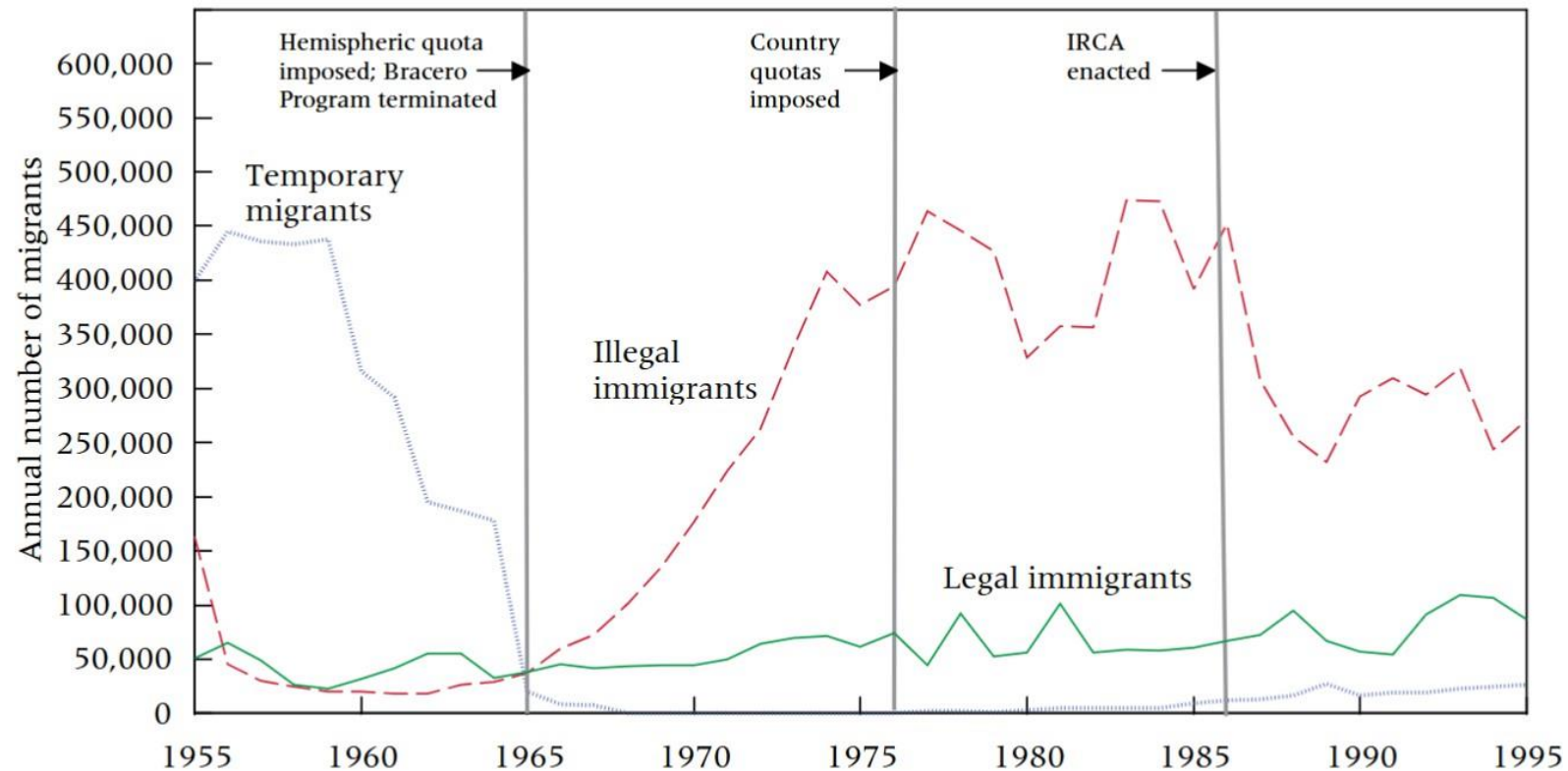
Measuring Pull Effects

How does a policy change (restrictive or liberal) affect migration decisions?

- We only can assess change, or comparatively, assess the presence/absence of policies in a comparative perspective.
- Answering these questions requires overcoming the selection issues at the heart of migration decisions, and methodologically, causal inference methods
- We need to have a good measure of (irregular) migration
- Migrating irregularly or not (e.g., individuals and households) depends on: abilities, wealth, risk preferences, information, family ties, ambition, and a host of other observable (X) and unobservable characteristics (U)
- If we can observe all factors that affect migration, then we can estimate the causal impact of some policy change Z on migration M by comparing the outcomes of individuals who were affected by the policy change to those who were not affected by the policy change

The USA and undocumented migration

FIGURE 1 Mexican immigration to the United States in three categories, 1955–95



SOURCE: US Department of Homeland Security (2012). See text and Table A1.

- Key conclusions:
 - restrictive policies created the increase in undocumented migration and overall migration.
 - Shift from circular migration to a settled pattern of migration
- No causal inference used

Massey, D.S. and Pren, K.A. (2012), Unintended Consequences of US Immigration Policy: Explaining the Post-1965 Surge from Latin America. *Population and Development Review*, 38: 1-29. <https://doi.org/10.1111/j.1728-4457.2012.00470.x>

Summary of Evidence



Evidence from public administrations

Concrete Evidence in the Procedure

Poland 2012: Just under 10,000 applications. Among the rejected applications, there were applications from "regularization tourists," primarily Pakistanis and Vietnamese (the latter mainly from CZ) (Kraler 2014 et al.).

Suspicion from Authorities of Various Countries

Allegedly increased irregular transit of Ukrainians, Romanians, etc., in Austria at the time of the last Spanish regularization programme (2005).

According to a memo from the Belgian Minister of the Interior, rumors of an impending regularization were one reason for the massive decrease in voluntary returns in 2006/7 (REGINE study, 2009).

→ Largely anecdotal knowledge regarding regularization tourism. No evidence of any impact on future irregular entries.

Scientific evidence: No Significant Pull Effect (1)

Most early quantitative studies use the 1986 IRCA as an example

- e.g. Woodrow and Passel (1990) and Orrenius und Zavodny (2003, 2004) do not find substantial effects.
- But particular context: IRCA linked to massive increase of border control and immigration enforcement.

European study (Wehinger 2014) using CIREFI apprehension data

- Overall finds that dynamics of apprehension statistics correlate with major drivers of migration.
- Finds small effect of regularisation
- Yet extremely poor quality of underlying data (no differentiation between apprehension of new arrivals/border controls and apprehension of persons resident for a longer period of time).

Recent study by Elguezabal & Martínez-Zarzoso (2024)

- Uses immigration flow data (OECD database) for 32 OECD destinations. Very heterogenous results across geographical regions and across countries depending on level of development. Suggests regularisations are a pull facto for lower-income OECD destinations

Scientific evidence: No Significant Pull Effect (2)

Spain's 2005 amnesty program

- While Spain's foreign population increased in 2001-2008, the trend was comparable to countries without such regularisation measures.
- No substantial increase in non-EU immigrants following the amnesty, and the growth rate remained consistent with countries without amnesty program.

Larramona & Sanso-Navarro, 2016; Elias et al., 2024

Unpublished study based on MAFE survey (Migrations between Africa and Europe) covering ES, FR and IT

- Implementation of regularisation increases likelihood of immigration of Senegalese migrants in Spain, but not to France or Italy
- Generalisability?

Evidence: Secondary Movement

Largely qualitative evidence

Migrants who irregularly stay in other EU countries may move to country with the hope of regularisation. Jørgensen & Fischer, 2022

Moroccan migrants in Belgium the Netherlands had left for Spain hoping to get residence and employment: “They get resident papers there, work; many people have gone ... many Moroccan people I know have gone to Spain”. Van Meeteren, 2014; Boland et al., 2024

Conclusions

- No clear conclusions can be drawn from existing research
 - Modest impact (if at all) of regularisations on movement. Socio-economic environment matters more.
 - Only minimal effects on secondary movements (“regularisation tourism”)
 - The perception of the general policy mix may be more important (in particular in view of the trend towards permanent regularisation mechanisms rather than individual one-off programs)
 - Generally, relationship between policy and migration pattern resembles a complex feedback system
 - Methodologically, it is difficult to measure effects of continuous programs, yet easier to study policy change (i.e. programs).
- Planned M_{IrreM} study of 2022 Irish (and potentially other) regularisation programmes using the ‘synthetic control method’