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## AN ASSESSMENT OF THE EFFECTIVENESS OF GOVERNMENT CONTROLS ON IMMIGRATION

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### ABSTRACT

This paper examines the increasing concern of governments regarding immigration and the policies, strategies, and legislations they have explored to control it. The paper begins by defining immigration as an international movement of people from one country to another to settle permanently as residents or citizens. With around 281 million international migrants in the world in 2020, the paper identifies immigration as a growing concern for governments in this era of globalization. Governments have made efforts to limit immigration while balancing their liberal values with the need to keep their borders secure.

The paper is divided into two sections. The first section frames international immigration as a national security threat, while the second assesses the status of immigration governance in the world and debates its effectiveness in controlling the perceived problem of immigration. The paper finds that immigration control is not failproof, but it has been relatively successful. However, in the post-pandemic world, there has been a shift towards multilateral cooperation on immigration controls and regulation.

**Keywords:** immigration, policies, globalization, national security, multilateral cooperation.

## **Introduction**

Increasing trajectories of immigration growth in the twentieth century have made concerned governments look at exploring various policies, strategies, and legislations to control it. The term immigration refers to an international movement of people from one country to another where they are not citizens or natives to settle as permanent residents or citizens of that country (Refugee Council, 2016). According to recent global estimates, there were around 281 million international migrants in the world in 2020, which is almost 3.6 per cent of the entire world population demographic (IOM, 2020). Due to today's increased economic integration, international migration has gained renewed prominence in this era of globalization (Adamson, 2006). Additionally, this has led to an increase in government efforts to limit immigration, with many countries grappling to balance their liberal values with the need to keep their borders secure. The present paper aims to assess the extent to which governments around the world are attempting to arrest or control immigration. The present paper is divided into two sections. The first section frames international immigration as a growing concern for governments in the context of a national security threat. The concluding section assesses the status of immigration governance in the world while debating its effectiveness in controlling the perceived problem of immigration.

## **Framing the problem: International Immigration**

Migration is a complex heterogeneous process, that is today a natural, regular and formative phenomenon of the modern world. This explains why the biggest challenge of controlling and governing migration lies in its 'inevitability, volume, and heterogeneity' (Sasnal, 2018). In 2020, the total number of immigrants living in a host country, other than their home countries, was 128 million more than in 1990. This number is over three times the estimated number in 1970 (IOM, 2022). These immigration levels are only predicted to grow as conflicts and hostilities continue in most of the regions of sub-Saharan Africa and even the Middle East. Other reasons why immigration levels will rise can be attributed to the increasing global wealth inequalities, worsening climate change, and overpopulation in the developing world (Bennett, 2016). Migration can be of two types depending on the reason, interval, and legality of the movement. It can either be voluntary in nature or forced. The latter category includes internally displaced persons due to natural and man-made disasters and refugees, who could either be regular or irregular.

Immigration as a process is not innately bad or good. The effects of immigration are highly contingent on ‘Who, where, how, and when’ (Clemens., et.al, 2018). Its effects depend entirely on both, the context and the policy choices that choose to shape it. For example, numerous studies have shown that immigration can negatively impact employment for natives with the same work experience, skill set and job preferences as migrants (Gindling, 2009). On the other hand, numerous studies have also shown that immigration can also create more and better employment, primarily by encouraging the natives to upgrade their occupations (Foged & Peri, 2016). Immigration has also helped in raising the number of natives in labour force participation (Cortes & Tessada, 2011), and in filling labour shortages to raise short-term immediate productivity (Clemens, 2013). Correspondingly, it has been seen that immigration can either burden the taxpayers or deliver them fiscal benefits (Ruist, 2015). These diverse findings prove that immigration cannot be blanketed under the terms good or bad. If harnessed and well managed immigrant population bring numerous gains to the host countries, immigrants themselves and even their home countries.

The prevailing political climate surrounding immigration presents grave challenges. Most of the new guidelines aim to stop rather than shape migration (Clemens., et.al., 2018). Thus, for any dialogue on immigration to be constructive, it needs to focus on what works and what does not. Also, it needs to engage with both, policymakers, and citizens alike about the potential benefits of pragmatic and realistic approaches to immigration, along with potential costs and adjustments for specific host groups. This involves understanding that the continued movement of migrants and refugees, in increasing numbers will continue and that the serious political implications of whether people immigrants move regularly or irregularly, will both have practical policy implications.

### **Immigration as a Security Dilemma**

The current political climate surrounding immigration presents us with significant challenges. For example, there are concerns that most new policies aim to discourage rather than shape immigration (Clemens., et.al., 2018). Governments in countries hosting immigration flows are under strain to show they can control immigration. Most countries have introduced new laws and stricter regulations to enable governments to control international migration in an era of increasing populace mobility (Amersfoort, 1996). Policymakers around the world must balance two persistent and complex imperatives to managing immigration

(Colette, 2016). This involves maintaining safe and credible borders and isolating unauthorized migrants from the most vulnerable people in need of humanitarian protection, especially those at risk of conflict and seeking refuge from persecution.

The varied channels through which immigration can pose security dilemmas have been extensively discussed in the wider security literature (Alexseev & Hofstetter, 2006). First, international migration flows can convey an image of weakness and call into question the determination and ability of a state to maintain territorial legitimacy (Weiner, 1992). Routine border control activities such as checking travel documents, checking cargo and luggage, patrolling beaches and airports, arresting illegal immigrants, etc., are part of what gives a nation an image of authority and power (Andreas, 2003). The perception that governments cannot defend their borders increases the security concerns of people in host countries. Secondly, demographic changes favouring immigrants make host countries economically vulnerable. This implies that societies may also react negatively to immigration if it is perceived as a social or economic burden.

Immigration can burden the ability of a state to provide adequate housing, education, and transportation services to the general public, which can lead to local antipathy and backlash against immigration. A good example is the United States where the prevailing perception of immigrants is of *'nonworking beneficiaries, or even abusers, of a generous welfare system'* fuelling anti-immigrant attitudes against them (Demleitner, 1998, p.9). Third, in the face of immigration, host countries receiving immigrants may find it difficult to maintain their language, values, norms and customs. For example, the European security debate regularly discusses the threat to European culture posed by the influx of Muslim immigrants unwilling or unable to integrate into society.

The security predicament facing host countries becomes especially strong when there is suspected offensive posturing attributed to the intention of immigrants. For example, immigrant actions such as failing to return to their home countries and inviting over family to build a stronger lobby for a larger share of local resources can be dubbed as 'offensive' (Alexseev & Hofstetter, 2006). These suspicions are made worse when the very intent of the home country is suspected of encouraging immigration to deliberately destabilise the sovereignty of the host country. A case in point is the strong apprehension and suspicion around the immigration of the Chinese to the Russian Far East over the past two decades (Alexseev &

Hofstetter, 2006). This has largely been perceived as a deliberate attempt by China to reclaim its lost territories.

### **Migration Governance: Regulations and Controls**

Migration policies impact immigration flows. A recent definition describes migration policies as, ‘a government’s statements of what it intends to do or not do (including laws, regulations, decisions or orders) in regard to the selection, admission, settlement and deportation of foreign citizens residing in the country’ (Bjerre et al., 2015). Migration policy is integral to international migration governance and is sadly widely used without it being clearly stated or even defined. Other terms commonly related to it include migration control, restrictions, and regulation. A 2019 study comparing migration flows and immigration policies for 33 Organisation for Economic Cooperation and Development (OECD) destination countries for the period 1982–2010, found that migration policies do indeed have a detrimental effect on the pattern of immigration flows (Helbling & Leblang, 2019). This study found that states are able to successfully control their borders and that their ‘control capacities’ play a big role in ‘attracting or deterring immigrants’. The study noted that the preventive effect of restrictive immigration policies rises when unemployment rates in host countries are high.

Trends in immigration policy cannot be readily tracked, as the accessible indicators cover distinct aspects of immigration, such as distant time periods and regions. The OECD data sourced from the International Migration Policy and Legal Analysis (IMPALA) database shows a trend ‘toward more complex and often more restrictive regulations since the 1990s’ (Beine et al., 2015). Other studies (de Haas, et.al., 2016) have found that while policies aimed specifically at irregular migrants and their families have become more restrictive over time, other policies for students, and high and low-skilled workers have become less restrictive since the end of the Second World. These and many other investigations have sparked a booming interest in comparative migration analysis.

The past ten years have witnessed numerous attempts by policy researchers to evaluate and compare policies and government regulations across countries on immigration and integration. These efforts have been boosted by the United Nations Sustainable Development Goals (SDGs). As per the SDG target 10.7., all Member States of the United Nations (UN) are to ensure 'orderly, safe and responsible migration and movement of people, including through the implementation of planned and well-managed migration policies by 2030' (UN, 2015).

According to available 2019 data on the implementation of this SDG indicator 10.7.2, more than half (54 per cent) of all governments support 'orderly, safe, regular and responsible migration' and promote human mobility. Additionally, 91 per cent of governments have established inter-agency coordination mechanisms for immigration and 90 per cent have bilateral immigration agreements with other countries. This ensured cooperation between countries and stakeholder engagement in the difficult task of regulating safe migration (UN DESA, IOM and OECD, 2019). Meanwhile, the UN notes that immigration policy implementation still needs urgent improvement. This is largely because policies are often inconsistent with other equally relevant policies such as climate change, disaster management, and sustainable development.

In the past few decades, immigration studies have slowly settled into the mainstream of political science (Holyfield & Wong, 2013). Systematic comparative research on immigration policy has been conducted over the past few decades, quantifying data and creating policy indicators. To further distinguish different aspects of migration policy, we first distinguish between regulatory and governance mechanisms (Bjerre et al., 2013). Regulation is understood as a mandatory legal provision that establishes or limits rights. Restricting access to very few people is an important aspect of it. However, without mechanisms to control the flow of migrants and the status of migrants within the country, such regulation will not be sufficient. Control mechanisms include, for example, information exchange systems between countries, liability rules for carriers that transport illegal immigrants, monitoring of asylum seekers, and sanctions against employers who employ illegal immigrants (Dreher, 2002). Most laws on irregular immigration fall under the control mechanisms subcategory. Because some of these mechanisms are aimed at controlling regular immigration, primarily to prevent regular immigration from becoming irregular. For example, reporting requirements and identity documents represent control mechanisms aimed at ensuring that regular immigrants do not exceed their work and residence permits.

Immigration can create conflicts and security dilemmas that can disrupt the established social order and lead to political instability on the ground. Immigration can affect political stability when conflicts between disparate groups of people living nearby become endemic during the migration process. If so, the government can respond with pre-emptive militarization. The results of the two-stage least-squares estimation show that higher immigration rates significantly reduce political stability (De Soysa & Numayer, 2008).

Moreover, through the channel of political stability, higher immigration rates increase government military spending. The negative impact of immigration rates on political stability is stronger where there are assimilating citizenship laws (Gebremedhin & Mavisakalyan, 2013). Therefore, in such cases the military costs are seen to be much higher than before.

### **Assessing Effectiveness of Government Control**

Western democracies have evolved complex strategies for managing immigration flows. Much of the academic literature and policy debate assumes that countries are becoming increasingly selective, prioritizing economic inclusion. Despite explicit efforts by policymakers to differentiate between refugees and migrant workers, how countries combine different policy aspects and what specific factors influence the relative There is little research on what shapes openness. As a result, it is often argued that the public and academic controversy concerning the effectiveness of immigration policies is spurious (Czaika & De Haas, 2013). This is largely because of unclear definitions of policy effectiveness, stemming from confusion between policy narratives, policies on paper, their implementation and lastly their impact on the ground. Politically, host countries face two challenges with regard to immigration. These are the balance between security and liberty and the harmonization of international obligations and national law (Sasnal, 218). This explains why immigration control practices are more or less the same around the world.

Government officials and agents guard borders, identify migrant populations, arrest illegal immigrants, and detain and deport those who have no right to stay. As a result, many people are discovered, arrested, detained and deported each year. Quite a few people die trying to reach their goals. Many other groups live in transit states or camps, in virtual purgatory. Many other groups simply stand still, fully aware that attempts to emigrate abroad will be futile. States usually go for a mix of different strategies and legislative policies to stem irregular migration. For example, a comparative analysis of 33 OECD countries from 1980 to 2010 examines the patterns and drivers behind the mix of immigration policies of these countries (Schultz, et.al., 2021). The results show that overall immigration policies across countries have strongly converged towards more liberal policies, despite shifting political compassion from asylum to labour migration. The policy mix of immigration policies largely reflects competitive political pressures that limit the government's room for manipulation.

## Debating the Effectiveness of Immigration Control

Migration controls are not failproof, but they have been proven to work relatively well. As a result, most migrants travel with the required paperwork and legally enter their host countries. For instance, recent studies have shown that in the specific case of African migration to Europe, nine in ten Africans migrate within the law (de Haas et al., 2019). Nevertheless, the debate over the efficiency of immigration policies persists, with many scholars asserting that state efforts to check and confine immigration are often unsuccessful (eg, Düvell, 2005). They argue that international migration is primarily driven by structural variables like inequalities in wealth, labour market imbalances and political conflicts in origin countries, that immigrants themselves have no control over. Therefore, putting in place restrictive immigration policies would not affect the overall volumes of migrant inflows, rather they would essentially change the ways and means by which these people migrate. These irregular means of entry would include the use of family migration. Once immigration reaches a capacious entry-level, immigration networks and the immigration industry, which includes recruiters, brokers, and all the middlemen involved, ensure immigration continues (Castles & Miller, 2009). This largely explains why immigration is not going to stop anytime soon, no matter how restrictive the entry-level policies become. Migration thus becomes 'self-perpetuating' (de Haas, 2010). Another argument about why states find it difficult to control immigration is that they are bound to preserve human rights. Human rights of immigrants include the right to 'family unification, protection of asylum-seekers, children, and other such vulnerable groups' (Hollifield, 1992, p. 577). This explains why most modern states that are democracies face entrenched ethical constraints that hinder their power and authority over the treatment of immigrants.

Globally, in the last five years alone there has been a shift in cooperation on immigration controls and regulation. This has been bought on by the historic adoption of the Global Compact for Safe, Orderly, and Regular Migration (GCM) and the unforeseen COVID-19 pandemic (Demetrios, et.al, 2022). The pandemic has done three things in the context of the ongoing migration crises. One, it has accelerated it. Second, it has revealed once and for all the obvious limitations of unilateral migrant control policies and strategies. Lastly, the pandemic has exposed the lacune in the existing state frameworks to govern migration, and thereby strengthened the calls for coordinated action in this field. Positive changes on the ground are already visible. For example, Thailand has become one of the first governments to comply with its commitments under the GCM and change its laws to stop holding children in immigration



detention. Countries have also largely understood that irrespective of their restrictive immigration policies, they cannot stop it. Thus, some countries have chosen to harness the potential of immigrants headed their way. Lithuania is one such country. The government here has piloted a temporary legal labour migration program with Nigerian information and communications technology workers to bridge their labour shortages in the sector (Stefanescu, 2020). Portugal is another example that has granted all migrants with pending residence permit applications as of March 18, 2020, legal status and allowed them access to health care in light of the pandemic (Raposo & Violante 2021). Zambia is another country taking proactive actions (Darwin, 2022). By choosing to scale up its use of report orders that allow migrants to check in with immigration officers for further determinations, without being detained. This has also helped avoid overcrowding in detention facilities.

## **Conclusion**

Immigration control has emerged as one of the toughest challenges of the twenty-first century. This influx of people looking for a new home will only increase in the coming years due to a shrinking world, increased economic integration, climate, and man-made disasters. Concerned governments have explored various policies and strategies to control it while trying to balance their liberal democratic values. The paper finds immigration controls are not failproof, but they have been proven to work relatively well. However, in the post-pandemic world of today, there has been a shift from unilateral to multi-lateral cooperation on immigration controls and regulation. Encouraged by their commitments to the GCM, more countries are putting in place more progressive and humane processes to cope with their immigration inflows.

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