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## List of Abbreviations

Abbreviation	Full name
BAMF	<i>Bundesamt für Migration und Flüchtlinge</i> , Federal Office for Migration and Refugees (Germany)
EU	European Union
EU+	European Union plus Iceland, Liechtenstein, Norway and Switzerland
EUAA	European Union Agency for Asylum
IRCA	Immigration Reform and Control Act (United States)
OTL	Order-to-Leave
OECD	Organisation for Economic Co-operation and Development
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
US	United States

## Abstract

This working paper examines how return and regularisation policies influence migration patterns, with a focus on their intended and unintended effects on migration decision-making and flows. Our review of empirical evidence suggests that these policies exert only modest direct influence on migration patterns. Their effectiveness depends on a range of interacting factors, including migrant networks, information flows, and economic conditions, all of which mediate migrants' responses to policy signals.

We examine variations in migration outcomes across different contexts and policy implementations, providing a nuanced exploration of "pull effects" often associated in political discourse with the non-enforcement of return policies and regularisation. The paper explores potential outcomes such as deterrence, deflection, pull effects, return, and retention, providing a comprehensive overview of how these policies influence migrants' decisions. By analysing both in-migration and onward migration, we assess how these policies affect choices regarding migration destinations and subsequent movements.

# 1. Introduction

In December 2023, Greece’s parliament passed a regularisation bill granting residence permits to 30,000 irregular migrants, earning praise from UN agencies as a progressive and inclusive policy (Wallis, 2023). However, just two months earlier, Germany’s chancellor Olaf Scholz had advocated for “*more often and faster*” deportations (Hickmann & Kurbjuweit, 2023), echoing French President Emmanuel Macron’s 2019 call to expel “*all the people who have nothing to do here [in France]*” (as cited in Pascual, 2022). These contrasting approaches highlight the core tension in European migration policy: balancing strict enforcement of immigration law with humanitarian considerations and practical constraints.

The scale of this challenge is underscored by the numbers. In 2023, EU countries detected 380,000 irregular border crossings and received over one million first-time asylum applications – the highest level since 2016 (EUAA, 2024; Frontex, 2024). However, of the 430,560 orders to leave issued to irregular migrants, only about a quarter resulted in actual returns (Eurostat, 2024a, 2024b). This persistent gap between policy goals and outcomes raises a critical question: how and to what extent do return and regularization policies shape migration patterns - both intended and unintended?

Two competing narratives surround these policy debates. The first argues that lenient policies, such as regularisation programs or weak enforcement of deportations, act as “pull factors,” encouraging irregular migration. The second contends that strict enforcement has limited impact on migration flows while potentially violating human rights. The empirical evidence behind these claims, however, is often limited, inconsistent, and context dependent.

This working paper synthesizes insights from across social science disciplines to assess how return and regularisation policies influence migration patterns and dynamics. Specifically, it examines how these policies affect migrants’ decisions to stay, leave, change routes, or remain within host countries. The evidence shows that the effects of such policies on migration patterns are modest at best, Influenced by a range of interacting factors such as migrant social networks, information dissemination, and economic conditions. These complexities often lead to outcomes that diverge from policymakers’ stated intentions (Czaika & de Haas 2013).<sup>1</sup>

This paper proceeds as follows. First, it introduces a conceptual framework to understand how migration policies interact with migration decision-making and flows. Second, it reviews empirical evidence on return enforcement and regularisation programs, drawing on case studies from Spain, Italy, and the United States. Third, it analyses the social factors and informational factors that mediate policy effects. Finally, it discusses implications for policy design and implementation.

## 2. Assessing migration policy effects

Migration policies in the global North embody a duality: they aim to enable desired types of mobility while curbing unwanted flows (FitzGerald, 2020; Spijkerboer, 2018). Rather than as absolute barriers, these policies function as selective filters. Spijkerboer (2018) notes that while the expansion of

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<sup>1</sup> Policies usually are not fully coherent and sometimes outright contradictory. Eventually, any policy reflects compromises and therefore competing interests and expectations what a policy should or indeed can achieve. As a corollary, ‘success’ or ‘failure’ of a policy is not a simple measure of whether an intended outcome has been met, but equally is about the process success, i.e. how a policy reflects and manages to build a certain consensus and legitimacy around a policy, and political success, i.e. to what extent, a policy reflects electoral preferences and maintain or generates electoral support (See McConnell, 2010, chapter 2). In this paper, we are focusing of what McConnell conceptualises as the ‘programme’ aspect of policies, i.e. the stated objectives of a policy intervention.

exclusionary ‘non-entrée’ policies and enforcement measures in Northern immigration countries has intensified, an equally significant trend has been the liberalization of migrant admission policies over recent decades, facilitating greater access for migrants from the global South (Czaika et al., 2024). This tension between openness and closure is a hallmark of migration policies in liberal democracies and is often referred to as the ‘liberal paradox’ (Hollifield et al., 2020).

Migration policies addressing both regular and irregular migration aim to balance legal enforcement with humanitarian and socio-economic imperatives. Return policies, which mandate the compulsory removal of irregular migrants through deportation procedures, often face enforcement challenges due to legal, practical, or strategic constraints (See on different policy rationales Hendow et al., 2024). For instance, legal constraints like human rights protections, non-cooperation by third countries to which returnees should be removed, or resource and capacity constraints can impede states’ ability to enforce return. Strategic non-enforcement of return may occur due to foreign policy considerations, domestic political resistance (e.g., protests against deportation), or economic interests, leading to temporary non-removal or eventual regularisation (Hendow & Qaisrani, 2024; Kraler & Ahrens, 2023). Regularisation, whether as an alternative to return or a proactive strategy, serves as a critical tool to manage irregularity, enabling the incorporation of undocumented migrants and enhancing governance. It reflects a broader strategy to address irregular migration challenges while supporting integration.

Migration decisions are generally shaped by a mix of individual, structural, and policy factors across origin, transit, and destination contexts (Koser & Kuschminder, 2016). Decisions are influenced by life stage, aspirations, and capabilities, and the temporal and local context of policies (de Jong et al., 2020; Ramos, 2018; de Haas, 2021).<sup>2</sup> While migration-specific policies are one of many factors, their impacts are often inconsistent and context-dependent.

To assess the impacts of migration policies, we must distinguish between spatial, legal, and temporal dimensions of regular and irregular pathways from non-European countries of origin to European destinations. We may categorize migration policies into:

1. Migration-targeting policies, such as border control policies or visa regulations.
2. Migration-relevant policies, like trade agreements, development aid and humanitarian initiatives, that indirectly shape migration flows (Czaika et al., 2021; Kuschminder & Koser, 2017).
3. Internal policies, which regulate the presence and rights of migrants within European territories, including law enforcement and regularisation mechanisms.
4. External policies, influencing mobility and access to European destinations ‘upstream’ in countries of origin and transit. While European countries engage in such ‘externalisation’ through cooperation with third countries, transit countries also develop their own external migration policies, either independently or in response to incentives or pressure from European countries or the European Union (Czaika et al., 2023).

These interventions generate a mix of intended and unintended effects on migration flows, categorized as deterrence, deflection, return, retention, and ‘pull’ effects. This framework highlights the political nature of origin, transit, and destination categorizations, emphasizing their fluidity and overlap depending on context (Düvell, 2012). Figure 1 integrates the roles of countries within migration processes, the types of policies enacted, and their intended and unintended effects on migrants’ trajectories.

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<sup>2</sup> It also needs to be taken into account that migration towards Europe and intra-European migration are regulated by different migration policies (Razin & Wahba, 2011).

## 2.2. Migration trajectories and policy intersections

A 'typical' migratory journey encompasses several interconnected stages, from initial aspirations to eventual realization through regular or irregular pathways. These stages include:

1. **Initial assessment:** Potential migrants assess their migration aspirations and capabilities (Carling 2002, De Haas 2021) by considering push and pull factors (Lee 1966) such as economic opportunities, safety concerns, and social networks. This stage involves a cost-benefit analysis of the feasibility and desirability of migrating.
2. **Planning the journey:** Migrants gather information on possible routes, legal requirements, and risks associated with both regular and irregular pathways. The strategies they develop during this stage are crucial for their preparations.
3. **Decision-making:** Migrants choose between regular options (e.g. visas, work permits, asylum applications) and irregular alternatives (e.g. smugglers, unauthorized crossings) based on their personal resources and circumstances, available information, and perceived risks.
4. **Implementation:** Migrants embark on their chosen pathways. Regular migrants navigate legal processes and official channels, while migrants face the challenges of evading detection and dealing with uncertainties, including risks to safety and access to resources.
5. **Continuous evaluation and adaptation:** Migrants adjust their strategies in response to policy shifts, border controls, and social network support, often mixing regular and irregular pathways.

### ***Policy effects on migration decisions and patterns***

Migration policies significantly shape each phase of the journey. External policies, such as visa rules or information campaigns, shape the formation of aspirations and capabilities in origin and transit countries. Internal policies, such as border enforcement, admission and stay policies, return policies, and regularisation policies, regulate presence and rights within destination countries, impacting migrants' ability to enter, remain, or return (cf. Czaika et al. 2023).

These policies collectively produce outcomes ranging from deterrence to retention, influencing not only individual decisions but also aggregate migration patterns.

1. **Deterrence Policies:** These aim to influence potential and undocumented migrants' decisions to either stay in their country of origin or seek alternatives to migration. Examples include:
  - *Visa restrictions:* Stricter visa policies may deter individuals from attempting to migrate by legal means.
  - *Information campaigns:* Disseminating information about the risks and realities of irregular migration can discourage potential migrants from embarking on perilous journeys.
  - *Increased border controls:* Enhanced security and surveillance at borders can deter undocumented migrants by making crossings more difficult and dangerous.
2. **Deflection and displacement policies:** These result in changes to migration routes or destinations as migrants seek alternative paths in response to obstacles or opportunities created by these policies. Examples include:
  - *Border enforcement:* Strengthening border controls in one region may lead migrants to seek less monitored and potentially more hazardous routes elsewhere.
  - *Regional agreements:* Bilateral or multilateral agreements between countries to manage migration can shift migration flows to other areas not covered by such agreements.



- *Transit country policies*: Policies in transit countries, such as temporary protection or pushbacks, can redirect migration flows to different routes or destinations.
3. **Policies aimed at or unintentionally creating “pull effects”**: “Pull effects”<sup>3</sup> occur when policies attract migrants to a specific destination. These can affect both migrants already residing in the host country (‘retention’) and new arrivals. Key pull factors include:
- *Labour market opportunities*: Policies that facilitate employment for migrants can attract individuals seeking better economic prospects.
  - *Social welfare benefits*: Generous social welfare programs may draw migrants looking for improved living standards.
  - *Family reunification policies*: Policies that allow for family reunification can encourage migrants to move to or stay in a country where their family members reside.
  - *Integration initiatives*: Programs aimed at integrating migrants into the host society, such as language courses, employment support, and cultural orientation, can enhance retention by improving migrants' quality of life and prospects.
  - *Regularisation policies*: Offering pathways to legal status for undocumented migrants can incentivize them to stay and integrate into the host country. The prospect of possible future regularisation may also encourage irregular migration that might not occur to the same extent without such programmes.
  - *(Non-enforced) Return policies*: Effective return policies, including voluntary return and reintegration assistance, can encourage migrants to return to their home countries or dissuade them from irregular migration by demonstrating the possibility of eventual return. Conversely, non-enforcement may encourage irregular migration.
4. **Self-removal policies**: These are designed to encourage undocumented migrants to leave a country voluntarily without government intervention by creating conditions that make it difficult for undocumented migrants to live and work in the host country, thereby incentivizing them to return to their country of origin on their own. Key elements include:
- *Limited access to public services*: Restricting access to healthcare, education, and other public services for undocumented migrants.
  - *Employment restrictions*: Imposing strict penalties on employers who hire undocumented workers, making it difficult for these migrants to find work.
  - *Financial incentives*: Offering financial assistance or other incentives to migrants who voluntarily return to their home countries.
  - *Legal assistance*: Providing legal and other information and support to help undocumented migrants navigate the return and reintegration process.
5. **Hostile environment policies**: These aim to create an environment so difficult for undocumented migrants that they are compelled to leave the country voluntarily. These policies are often controversial due to their harsh nature and potential for, and in extreme cases, reliance on human rights abuses. They can include a range of measures designed to make daily life challenging for undocumented migrants, such as:
- *Identity checks*: Increasing the frequency and scope of identity checks to identify undocumented migrants.
  - *Expanding reporting obligation*: Obliging services providers such as health services or schools or other governmental actors to identify and report irregular migrants.

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<sup>3</sup> We are aware of the criticism of the (simplistic) notion of the pull effect and the related push and pull model of migration. Nevertheless, given the currency of the term in political discourse, we have opted to keep the term, while at the same time covering the complexity of migration decision making.

- *Housing restrictions*: Enforcing rules that prevent undocumented migrants from renting property, often by requiring landlords to check tenants' immigration status.
- *Banking restrictions*: Prohibiting undocumented migrants from opening bank accounts or accessing financial services.
- *Legal penalties*: Imposing fines, detention, or other penalties on undocumented migrants and those who assist them, such as employers or landlords.

Both self-removal and hostile environment policies are aimed at reducing the number of undocumented migrants in a country, but they differ in approach and implementation. While self-removal policies focus on encouraging voluntary departure by making living conditions challenging but manageable, often with some form of assistance or incentive. In contrast, hostile environment policies are more coercive, aiming to force undocumented migrants to leave by making their day-to-day lives intolerable.

### ***Challenges and unintended effects***

Many of these policies face challenges and can backfire, leading to unintended effects.

1. *Prolonged stay*: Deterrence policies can increase the duration of irregular stays as migrants may turn their circular migration into permanent settlement (Massey, 2020). Stricter border enforcement, for example, can make undocumented migrants less likely to return voluntarily due to the high costs and risks of re-entry (Flahaux, 2017; Massey, 2020).
2. *Displacement to riskier routes*: Stricter border enforcement may drive migrants towards more dangerous paths (Czaika & de Haas 2013).
3. *Legitimacy issues*: Self-removal and hostile environment policies may undermine the legitimacy of immigration law and authorities perceived by migrants and third-country governments, leading to non-compliance with return (Leerkes & van Houte, 2020; Kuschminder & Dubrow 2023).
4. *Integration barriers*: restrictive policies can limit migrants' ability to accumulate resources, hindering their eventual return or regularisation (Flahaux 2017).

### ***Policy gaps and failure***

Migration policies frequently fail to achieve intended outcomes due to the dynamic interplay of aspirations, capabilities, and structural factors. Policies targeting specific elements of stages of the migration process, such as deterring irregular migration or incentivizing return, often overlook the broader context of migratory decision-making. This oversight limits their effectiveness and can lead to unintended consequences.

Hagen-Zanker and Mallett (2020) emphasize the critical role of micro-level factors—such as aspirations, behavior, and decision-making processes—in determining policy outcomes. Building on the "policy gaps" framework identified by Czaika and de Haas (2013), they highlight two key gaps that contribute to policy inefficacy:

- The *communication gap* arises when migrants receive incomplete or distorted information about policy objectives and content. Social networks, informal channels, and information

campaigns play a significant role in shaping migrants' understanding of policies (e.g. Blumenstock et al., 2022; Kuschminder & Koser, 2017; Neumayer, 2004). However, misinformation or selective interpretations can alter migrants' decision-making processes in often unexpected ways (e.g. Elrick & Ciobanu, 2009; Haug, 2008; Manchin & Orazbayev, 2018; Browne, 2015; Oeppen, 2016; Tjaden et al., 2018).

- The *perception gap* refers to the ways individual interpretations and (mis-)perceptions of policy content diverge from policymakers' intentions. These subjective factors are difficult to measure but play a significant role in shaping migrants' responses to policies (Hagen-Zanker & Mallett, 2020). Cognitive biases and trust levels further complicate the processing of policy information (Czaika et al., 2021).

### ***Dynamics of migration decision-making***

Migrants' aspirations and perceptions influence how they interpret and selectively apply policy information in their decision-making. This explains variations in risk tolerance and re-migration behaviour (Hagen-Zanker & Mallett 2020). These migration decisions are dynamic, evolving in response to both internal factors (such as subjective information processing and perception) and external factors (e.g., migration policies, economic and living conditions, changes in residence status).

Czaika et al. (2021) argue that migration decisions occur within varying time horizons – they may build up over protracted periods or be taken within a short time frame, influencing the receptiveness to policy signals. Another dimension Czaika et al. (2021) point to is the level of perceived and actual control migrants have over their own decision-making processes, conceptualised as “locus of control”. A high internal locus of control means individuals feel they have the power and resources to influence their migration journey and outcomes, while a high external locus of control indicates that individuals perceive their decisions and outcomes as being heavily influenced by external forces beyond their control. The way migrants respond to policies varies significantly depending on these perceptions of control (see also Klabunde et al., 2017).

### ***Pull-in effect of return and regularization policies***

This conceptual framework helps to explain why the “pull in” effects of return and regularisation policies on potential migrants often appear contested and require further empirical assessment. As migration decisions emerge from the interplay of individual aspirations, capabilities, and structural opportunities. Policies targeting only one dimension of the migration (decision-making) process are unlikely to produce their intended effects because migrants tend to develop and adapt their strategies as a consequence of multiple factors and sources of information. Understanding these adaptations, and how they vary across different contexts and migrant groups, is crucial for explaining why similar policies can lead to divergent outcomes. The next section will provide a review of the existing empirical evidence on the effects of return and regularization policies on future migration ('pull-in' effects).

## **2.4 Summary**

Migration policies in the global North balance openness to desired mobility with restrictions on unwanted flows, reflecting a “liberal paradox” which turns migration policies into “filters” or “firewalls” (Walters, 2006). While exclusionary policies like border enforcement and returns have grown stricter, access to the global North has also expanded through liberalized admission pathways. This duality underpins “mixed migration policies,” which address both regular and irregular migration by enforcing legal frameworks while considering humanitarian and socio-economic factors.

Return policies, key to this framework, involve compulsory removals but are often unenforced due to legal, practical, or strategic reasons. Non-enforcement can lead to temporary stays or regularization. Policies targeting migration pathways, whether regular or irregular, influence migrants' aspirations, strategies, and decisions at various stages of their journeys. External policies, like information campaigns or border controls, aim to shape migration at its source, while internal policies address migrants within destination countries through enforcement or integration measures.

The effects of these mixed migration and return policies are complex and often unintended. Stricter enforcement can prolong irregular stays, while non-enforcement may create pull effects. Migrants' decisions are shaped by aspirations, capabilities, and opportunity structures, influenced by factors like social networks and policy signals. This interplay explains why similar policies yield different outcomes, emphasizing the need for nuanced approaches to understanding and designing migration policies.

### 3. Migratory effects of regularisation and return policies: a review of empirical evidence

Migration policy continues to grapple with a core tension between the liberal protection paradigm, which advocates for freedom of movement, individual autonomy, and voluntary migration, and the control paradigm, which emphasizes population control management, collective interests, and enforcement (Noll, 1999). While research demonstrates that migration policies influence migration flows (Brekke et al., 2017; Czaika & Hobolth, 2016; Helbling & Leblang, 2019), the scope and nature of this influence remains contested. Kuschminder and Koser (2017) caution against overestimating policy effects, highlighting the interaction of policy measures with other variables (ibid., 2017). Similarly, Di lasio and Wahba (2024) argue that restrictive policies on labour market access and welfare have minimal effects on the number of asylum seekers, suggesting that lifting employment bans could reduce state dependency, exploitation risks, and integration challenges. Fasani et al. (2021) underscore the economic costs of such restrictions, estimating €37.6 billion in output losses across the EU and Schengen states due to employment bans imposed on refugees from the 2015 crisis.

Destination countries often implement strict migration policies, such as detention and deportation, aiming to deter irregular migration (Rosina, 2022). Policymakers assume that heightened penalties and risks associated with unauthorised migration will discourage potential migrants from entering or staying irregularly (Leerkes & Kox, 2017). This assumption aligns with neoclassical theory of migration, which posits that individuals weigh the costs and benefits of migration, with enforcement intended to tip the balance against it (Leerkes & Kox, 2017; Riosmena, 2024; Rosina, 2022).

However, empirical studies challenge this presumption, revealing significant unintended effects of restrictive migration policies (Brekke et al., 2017; Czaika & Hobolth, 2016; Gammeltoft-Hansen & Tan, 2017), such as deflection and displacement effects. Migrants often reroute to alternative destinations or turn to smuggling networks, exposing them to longer, riskier journeys (De Haas et al., 2019). For example, Czaika and Hobolth (2016) analysed the deterrence and deflections effects of restrictive asylum and visa policies on immigration across 29 European countries, confirming that while restrictive policies deter migration, they also demonstrate *that this effect is counter-balanced by the unintended displacement of asylum seekers into irregularity (ibid., p. 19)*. Brekke et al. (2017)<sup>4</sup> concur, finding that

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<sup>4</sup> Brekke et al. (2017) examined the relation of restrictive asylum policies with asylum outflows and analysed the effects of changes in asylum policies in Austria, Belgium, The Netherlands, Switzerland, Germany, Denmark, Sweden, Norway, and the UK (northern part of Western Europe) from 1985 to 2010, based on UNHCR's numbers of registered asylum seekers. They therefore draw on two dependent, interlinked variables: the

stricter asylum policies deflect flows to other countries without substantially reducing overall migration flows.

State-enforced returns, such as deportation, may temporarily alter migrants' risk perceptions but often fail to address underlying push factors like economic hardships, poverty, and conflict, prompting re-migration. Moreover, immigration detention – intended as a deterrent - lacks robust empirical support for its effectiveness and raises substantial ethical scrutiny.

Conversely, policymakers often express concerns that more open policies and inclusionary policies, such as regularisation, could incentivize migration. Historical examples, such as Spain's 2005 mass regularisation, was criticised by other EU countries fearing onward migration and welfare burdens (Finotelli, 2011). In response, the 2008 European Pact on Immigration and Asylum restricted mass regularisations, favouring case-by-case evaluations for humanitarian and economic purposes (ibid.).

Despite these fears, evidence suggests that factors like economic opportunities and social networks play more substantial roles in shaping migration decisions than regularisation policies. Economic remains hereby a pivotal determinant in migrants' decision-making. Studies consistently emphasize the importance of labour market access, with asylum seekers often favouring destinations with robust economic opportunities over those with restrictive employment policies (e.g., Di Iasio & Wahba, 2024; Kuschminder & Waidler, 2020; Matsui & Raymer 2020).

Neumayer (2004) conceptualizes asylum applications as utility-maximizing decisions influenced by economic factors, welfare provisions, policy stringency, and existing migrant networks (Neumayer, 2004, p. 164). While this finding affirms the link between migration and the economic attractiveness, they also reveal that unemployment and (low) economic growth rates in destination countries do not necessarily deter asylum seekers, potentially due to incomplete or skewed perceptions among migrants (Neumayer, 2004).

Balancing liberal and restrictive migration policies is further complicated by conflicting research findings and methodological limitations. Policymakers rely on research to guide decisions but face challenges due to inconsistent data, ethical concerns in studying irregular migrants, and emotionally charged public discourse. Scholars stress the need for improved methodologies, theory development, and transparency in data collection to counter migration-related misinformation and hysteria (Koser, 2010, p. 191).

### 3.1. Return policies

Return policies encompass voluntary return programmes, assisted return and reintegration efforts, and forced deportations. In practice, when EU+ countries issues orders for irregular migrants to leave, there are three possible outcomes: voluntary departure, assisted or incentivized return (facilitated through assisted voluntary return and reintegration programs), or forced return (deportation). The latter two are collectively referred to as enforced return, coerced return, or state-induced returns (Koch, 2014; Sahin Mencutek et al., 2023). However, many EU+ countries face an enforcement gap, where a significant proportion of third-country nationals ordered to leave cannot be effectively returned. In such cases, irregular migrants may find themselves in 'limbo' situations, where they are

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dyadic, yearly flows of asylum seekers from country of origin<sup>4</sup> to one of the nine destination countries; the yearly total outflow of asylum seekers from every sending country to all OECD host countries. To assess changes in laws, rules, and practices of asylum policies Brekke et al. (2017) include sub-indexes: The asylum policy index access (APIA), the asylum policy index process (APIP), the asylum policy index welfare (APIW) and the asylum policy index (API), which aggregates the three indexes' changes.

either *de facto* or officially tolerated, or, in some instances, granted residence permits (Strban et al., 2018).

Despite the wide range of return policies, there is empirical evidence about their direct effects on migration decisions. Instead, research has focused on related factors such as the influence of asylum recognition rates on migrant destination choices (Di lasio & Wahba, 2024; Matsui & Raymer, 2020; Neumayer, 2004; Toshkov, 2014), and the role of social networks in disseminating information about conditions and policies in potential destination countries (Blumenstock et al., 2022; Di lasio & Wahba, 2024; Elrick & Ciobanu, 2009; Haug, 2008; Manchin & Orazbayev, 2018). Additionally, information campaigns have been analysed as external deterrence instruments to influence migrants' decision-making (Morgenstern, 2023; Oeppen, 2016; Tjaden, 2023; Tjaden et al., 2018). We will review these studies in the subsections that follow.

### **3.1.1 Return Enforcement: evidence of deterrence and deflection effects**

Studies indicate that return enforcement alone has limited impact on asylum flows (Bertoli et al., 2022; Di lasio & Wahba, 2024; Diop-Christensen & Diop, 2022). These studies measure asylum flow by the number of first-time asylum applications to EU member states and return enforcement by the return rate, where a high return rate indicates a high risk of repatriation for rejected asylum seekers. Bertoli et al. (2022) and Di lasio and Wahba (2024) found no statistically significant relationship between repatriation risk and asylum flows across EU member states, indicating that repatriation risks play a limited role in influencing asylum destination choices. Di lasio & Wahba (2024) suggest that social networks are more important drivers than by the fear of repatriation.

Bertoli et al. (2022) demonstrate that the risk of repatriation interacts with other policy factors, such as asylum recognition rates and processing times, influencing asylum flows. In high-return-risk corridors, shorter processing times are associated with fewer applications, while in low-return-risk corridors, longer processing times tend to attract more applications. Bertoli et al. (2022) argue that the combination of prolonged processing times and moderate return enforcement creates a temporary legal migration pathway, attracting migrants with low chances of obtaining refugee status. This dynamic not only affects the overall volume of applications but also alters the origin composition of asylum seekers.

For deportees, re-migration intentions often arise from the intersection of deportation experiences and persistent challenges in their countries of origin. Unlike voluntary returnees, deported individuals are often given little time to prepare for their return, leading to immediate economic hardships (Monti & Serrano, 2022). The abrupt nature of deportation exacerbates challenges in mobilizing resources and reintegrating into their home communities. Deportees frequently face stigmatization within their communities, being seen as failures or carriers of foreign influence that challenge traditional sociocultural norms (Schuster & Majidi, 2015). This stigmatisation can compel deportees to consider re-migration as a way to shed negative labels and regain social status. Additionally, deportation often fails to address the underlying push factors – economic, political, or security issues – that prompted migration initially. Many deportees return to unchanged or worsening conditions (Schuster & Majidi, 2013), further restricting their access to opportunities compared to those who never left or returned voluntarily. These compounded challenges hinder deportees' ability to fulfill financial obligations, such as repaying debts or supporting their families (Johnson & Woodhouse, 2018; Menjivar et al., 2018; Schultz, 2022).

The impact of enforced return extends to factors such as the size and resilience of migrant networks, which are crucial for potential migrants. In Senegal, Beber et al. (2024) surveyed 989 men aged 18–40 across four cities and found that international migration to Europe was widely discussed as a tangible

possibility. Respondents demonstrated varied levels of awareness of the asylum process and their chances of Success, with the median estimate of asylum recognition rates aligning with actual figures, although individual perceptions varied significantly. When asked about migration destinations, respondents prioritize existing migrant networks and income opportunities. Spain was frequently cited as a preferred destination due to its established Senegalese communities and perceived economic prospects (Beber et al., 2024, p. 12). However, the authors caution against generalizing these findings to other populations. The influence of migrant networks depends on the scale and frequency of return enforcement. Sporadic returns may only slightly reduce these networks, allowing potential migrants to rely on broader social support at their intended destination.

Beber and Scacco (2022) highlight the role of optimism bias in shaping migration decisions. Optimism bias describes a tendency to “overestimate the likelihood of favourable future outcomes and underestimate the likelihood of unfavourable future outcomes” (Bracha & Brown, 2012). A survey conducted in Benin City, Nigeria, a major departure point for Europe-bound migrants, revealed that respondents overwhelmingly believed in their ability to reach Europe and secure asylum (Beber & Scacco, 2022). This optimism was even more pronounced when respondents assessed their personal chances versus the general odds for Nigerians attempting the journey. About 80 percent of respondents rated their chances of reaching Europe as “somewhat likely” or “very likely” (Beber & Scacco, 2022, p. 24). Despite demonstrating a realistic understanding of European livelihoods, such as per capita income and unemployment benefits. Optimism bias distorts risk perception, making migrants less likely to account for the degree of return enforcement.

Deportation can also discourage further migration by altering potential migrants’ risk-benefit perceptions. Auer and Schaub (2023) conducted a geolocated survey in Senegal and The Gambia, finding that each additional returnee from Europe in a census unit correlated with a one percent decrease in migration intentions. In contrast, returnees from neighbouring African countries had no significant effect. These findings suggest that migrants are influenced by “unsuccessful” stories of returnees from Europe, perceiving irregular migration as increasingly risky and less rewarding. Similarly, Schultz (2021), through ethnographic research in Mali, found that young men were acutely aware of the growing risks of irregular migration, including heightened chances of death and difficulties abroad, which served as a deterrent for some.

Detention abroad represents another critical factor in migration experiences. Although formally an administrative measure to prevent migrants from absconding before deportation, and thus not intended as a punishment, detention is often employed as a deterrent to discourage unauthorized migration (Hasselberg, 2014; Leerkes & Broeders, 2010; Leerkes & Kox, 2017). It seeks to erode migrants' resistance to deportation (Campesi, 2015) while signalling deterrence to potential future arrivals (Leerkes & Broeders, 2010; Mainwaring, 2012; Martin, 2012; Silverman, 2012).

The level of individual control over migration decisions is deeply shaped by external conditions. In cases of forced migration, where sudden and severe disruptions occur, individual agency is significantly diminished, often overriding rational decision-making (Czaika et al., 2021; Kent, 2021). This challenges the binary distinction between voluntary and forced migration and calls into question the effectiveness of deterrent measures. As Kent (2021) argues: *"If mixed migration involves a high degree of voluntariness, then shaping the preferences of migrants and refugees through deterrence may succeed. But if, as research reveals, refugees and migrants end up in destination countries for reasons beyond rational control, then policymakers should rethink deterrence."* (Kent, 2021, p. 93).

### **3.1.2 Non-Enforcement of Return**

The Dublin Regulation, which mandates that asylum claims be processed in the first EU member state of entry, played a significant role in shaping migration patterns during the refugee crisis. The suspension of enforcement during key periods altered migration dynamics across Europe. Chancellor Merkel's 2015 decision to allow asylum seekers into Germany did not induce new migration trends but rather occurred at the peak of an existing one (Pries, 2020; Tjaden & Heidland, 2024). Data from the German Office for Migration and Refugees (BAMF) indicate a steady increase in refugee arrivals leading to Merkel's announcement, with numbers peaking shortly afterward before declining (Pries, 2020). Tjaden and Heidland (2024) confirm that Merkel's decision had no significant impact on increasing migration to Germany.

The non-enforcement of the Dublin Regulation during this period, however, significantly influenced secondary migration strategies within Europe. In other words, non-enforcement of return can contribute to deflection effect for migrants already in Europe to move from one EU+ country to another. Brekke and Brochmann (2015) note that asylum seekers arriving in Greece often moved to other European countries, circumventing the risk of being returned to Greece. This pattern illustrates how the lack of enforcement enabled migrants to adjust their routes and destinations based on perceived opportunities in different EU member states.

The strategic responses of migrants to enforcement gaps are further explored in the work of Jørgensen and Fischer (2022). They examined the agency of migrants resisting deportation and found that, by 2019, Belgium had adopted a more lenient stance toward reconsidering asylum claims from Palestinians. With relatively high acceptance rates for Palestinian asylum seekers at the time, Belgium became an attractive destination for some irregular migrants. Migrants would often remain unauthorized in Belgium for six months – until their fingerprints were removed from the Eurodac database – before submitting new asylum applications.

Similarly, Lindberg (2022) highlights how rejected asylum seekers challenge deportability through onward migration. Around 2017, some Afghan migrants whose asylum applications were denied in Sweden sought to relocate to France, informed by reports that France was reevaluating asylum requests from Afghan nationals. These cases underscore the ways in which migrants leverage gaps in enforcement and inconsistencies across national asylum policies to navigate restrictive systems. This evidence further demonstrates how non-enforcement of return regulations shapes migration patterns and strategies, enabling migrants to exploit legal and procedural loopholes. It also highlights the challenges EU member states face in harmonizing migration policies and ensuring consistent enforcement, particularly during periods of high migratory pressure.

### **3.2. Regularisation policies: evidence of pull-effects, retention, and deflection**

Regularisation policies aim to integrate migrants who have established lives in a destination country but lack formal status. These policies encompass both large-scale amnesties and targeted, case-by-case mechanisms that address specific circumstances such as non-returnability, social and family ties, vulnerability, or labour market needs. Baldwin-Edwards and Kraler (2009) categorize these mechanisms into two types: one-off, large-scale programs and individualized, case-by-case processes. Hinterberger (2023) further identifies six main purposes for regularisation: addressing non-returnability, fostering social ties, ensuring family unity, protecting vulnerable individuals, meeting employment and training needs, and serving other national interests.

Regularisation primarily serves two purposes:

1. Regularizing “fait accompli” cases: These involve migrants who have established lives in the host country without formal status, contributing socially and economically over time.



2. Protecting migrants from harm: This includes safeguarding migrants from sudden deportation or adverse conditions in their country of origin<sup>5</sup>.

The intended outcome of regularisation is to enable migrants to formally participate in civic life and the labour market, fostering integration and reducing exploitation. However, an unintended consequence may arise: these policies can signal to potential migrants that eventual acceptance is achievable despite unauthorized entry or stay (Baldwin-Edwards & Kraler, 2009). Such perceptions can influence migration patterns, prompting shifts in the timing and destination of journeys as migrants anticipate possible regularisation opportunities (De Haas et al., 2019). Social network theories further suggest that migrants often learn from their networks and predecessors' experiences (Blumenstock et al., 2022; Manchin & Orazbayev, 2018), encouraging others to embark on similar journeys in the hope of regularisation.

The effects of regularisation policies on migration are complex and varied. While some studies suggest that these policies or programmes do not significantly act as a “pull factor”, others highlight nuanced impacts. Wehinger (2014), for instance, found that between 1997 and 2006, EU15 countries implementing amnesty programmes experienced a slight increase in per capita apprehensions of unauthorized aliens in subsequent years. Secondary movements of irregular migrants have also been observed, as individuals move within or toward countries with regularisation opportunities. Outcomes are influenced by the socioeconomic context, labour market dynamics, and structural characteristics of the host country. The success or unintended consequences of regularisation depend on how these factors interact with policy implementation.

Next, we focus on the case examples of Spain, the United States, and Italy to illustrate the different regularization mechanisms and their varied effects. Spain demonstrates substantive initiatives like the 2005 amnesty program and ongoing case-by-case processes such as *arraigo* (Perna & Puig Batalla, 2024). The United States' Immigration Reform and Control Act (IRCA) of 1986 represents a landmark policy combining border enforcement, employer sanctions, and amnesty programs (Inda, 2013). Italy's numerous regularisation programs showcase the interplay between immigration and the labour market (Perna & Puig Batalla, 2024).

### 3.3. Case examples

To illustrate the diversity and impacts of regularisation mechanisms, the following case studies are examined:

1. Spain has implemented significant initiatives, including the 2005 amnesty program, which addressed the status of many migrants, and ongoing case-by-case mechanisms like *arraigo*, which regularizes individuals based on social and economic integration (Perna & Puig Batalla, 2024).
2. The 1986 US Immigration Reform and Control Act (IRCA) is a landmark policy that combined border enforcement, employer sanctions, and amnesty programs, offering a comprehensive approach to addressing irregular migration (Inda, 2013).

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<sup>5</sup> Leibbrandt (2024) discusses the example of Germany's *Duldung* status, which suspends deportation for irregular migrants “as long as deportation is impossible on factual or legal grounds” (p. 25). Its variant *Ausbildungsduldung* allows rejected asylum seekers take vocational training to fill labour market shortages; this status “has the same legal basis as the regular *Duldung*” with slightly different “rights and obligations attached” (p. 26).

3. Italy's numerous regularisation programs highlight the interplay between immigration and labour market needs, with policies frequently tailored to address workforce shortages while integrating irregular migrants (Perna & Puig Batalla, 2024).

#### *Spain (mixed evidence on pull-effects)*

Spain provides a compelling case study of both large-scale regularisation programmes and individualized mechanisms aimed at integrating irregular migrants. Over the years, Spain has implemented notable one-off amnesty initiatives, granting legal status to approximately one million immigrants. Key programmes include regularisations in 1991 (108,000 individuals), 2000 (200,000), 2001 (230,000), and 2005 (561,000) (Sabater & Domingo 2012). Following legislative changes in 2006, Spain introduced case-by-case regularisation mechanisms centred around the concept of *arraigo* ("rootedness"). These mechanisms address irregular migrants' ties to Spain through criteria such as employment history, family connections, social integration, and, more recently, educational training (Hinterberger, 2023).

The *arraigo* framework operates along two main pathways:

1. Labour Settlement: This option applies to irregular migrants who have resided in Spain for a minimum of two years and, with the support of a trade union, can demonstrate a year-long employment history with a specific employer.
2. Social Settlement: This option is for migrants who have lived in Spain for at least three years and can provide proof of a year-long work contract at the time of application. Additional criteria include family ties in Spain or evidence of social integration within the local community (Della Torre, 2017; Hinterberger, 2023; Sabater & Domingo, 2012).

The impact of these programmes on migration patterns is mixed. Some studies find no evidence of a "magnet effect". For instance, Larramona and Sanso-Navarro (2016) observed that while Spain's foreign population grew between 2001 and 2008, the trend was comparable to countries that did not implement regularisation measures. Similarly, Elias et al. (2024) found no substantial increase in non-EU immigrant populations following Spain's 2005 amnesty, with growth rates mirroring those in countries without such policies.

However, evidence also suggests that secondary migration of irregular within the EU countries may be influenced by Spain's regularisation opportunities. Jørgensen & Fischer (2022) mention that Spain served as a destination for migrants avoiding return enforcement in other EU member states. Van Meeteren (2014) documented migration flows from the Netherlands to Spain among Moroccan migrants seeking residence and employment opportunities: "*They get resident papers there, work; many people have gone ... many Moroccan people I know have gone to Spain*" (ibid., p. 122). Boland et al. (2024) similarly reported cases of Moroccan-origin individuals relocating from Belgium to Spain to register for future regularization programmes.

#### *United States*

The United States offers a contrasting example with its Immigration Reform and Control Act (IRCA) of 1986, which combined amnesty measures with enhanced border enforcement and employer sanctions. Orrenius and Zavodny (2003) studied IRCA's impact on future irregular migration, using border apprehension data as a proxy for migration flows. Their regression models, incorporating government defence spending as an instrumental variable for border enforcement efforts (p. 444), showed an immediate decline in border apprehensions after IRCA's passage. However, this effect was short-lived; apprehension levels returned to pre-IRCA rates during the amnesty application period and remained consistent in the long term. The researchers concluded that IRCA did not significantly alter the undocumented migration pattern.

Wong and Kosnac (2017) explored the impact of anticipated regularisation programmes on migration intentions in Mexico, using data from the 2007 Mexican Migration Field Research Program survey. Their finding revealed that awareness of potential regularisation policies had no significant effect on respondents' migration intentions, suggesting that the existence of such programmes does not necessarily act as a strong pull factor.

### *Italy*

Italy's regularisation programmes are closely tied to the labour market, addressing mismatches between labour demand and migration policy frameworks. Since its first regularisation initiative in 1985, Italy has implemented numerous amnesty programmes and annual flow decrees (since 1990), which allocate work permits to address labour shortages. These policies reflect the structural challenges of a large informal economy and weak internal controls (Finotelli & Arango, 2011; Finotelli & Sciortino, 2009).

The 2002 amnesty programme in Italy required applicants to have arrived before a specific date and to hold employment at the time of application. Devillanova et al. (2018) noted that migrants meeting these criteria were more likely to secure jobs, suggesting that the anticipation of regularisation can influence employment outcomes even before legalisation. Di Porto et al. (2018), using longitudinal microdata, found that while mass amnesty had no significant long-term effects of firm productivity or native worker displacement, 73.5 percent of regularized migrants remained in the formal labour market for at least four years, indicating high mobility across industries and regions.

The broader implications of these case studies are that the potential for regularisation programmes to act as a "pull factor" remains a contentious issue in both academic and political debates. While some argue that regularisation attracts irregular migration (Gonzalez Beilfuss & Koopmans, 2021; Hinterberger, 2019), empirical evidence remains inconclusive. For instance, Finotelli & Arango (2011) and Larramona & Sanso-Navarro (2016) found no consistent link between regularisation and increased migration. Studies show that regularisation programmes' effects are complex and require considering various variables (Baldwin-Edwards & Kraler, 2009; Helbling & Leblang, 2019). The outcomes of these programmes largely depend on contextual factors such as labour market conditions, enforcement practices, and social networks.

Despite the lack of conclusive evidence, the political perception of regularisation as a pull effect persists, influencing migration policy at both the EU and national levels (Papadopoulou, 2005). Continued research is needed to improve the evidence base and to better understand the long-term implications of these programmes, considering their complex interplay with economic, social and legal systems.

### **3.4. Effects of migration policies on onward migration and return: evidence of deflection and self-removal effects**

Migration decision-making is inherently dynamic, shaped by a sequence of mobility decisions influenced by individual experiences, opportunities, and state policies (Jeffery & Murison, 2011). Migration policies significantly affect migrants' decisions to remain, move onward, engage in circular migration, or return, often creating a tension between individual agency and structural constraints. While an increasing number of studies focus on out-migration, relatively few address the determinants of onward migration (Ahrens, 2013; Ahrens et al., 2016; Bijwaard & Wahba, 2023; Constant, 2021), and even fewer examine the role of migration-specific or migration-related policies in shaping these decisions.

Migrants with prior migration experience and extensive knowledge often require less information to make mobility decisions. Baláž et al. (2016) found that experienced migrants prioritize life satisfaction and climate over other factors compared to first-time migrants. Migration experience also influences risk and time preferences. Gibson and McKenzie (2011) found that risk-takers are 6 to 8 percentage points more likely to emigrate, while 'patient' individuals exhibit even higher probabilities (12 to 13 percentage points) compared to risk averse individuals. Deole and Rieger (2023) observed that immigrants tend to have greater patience compared to natives, attributing this to the inherent trade-offs between short-term costs and long-term benefits of migration. These time preferences significantly influence intentions to stay, re-migrate, or pursue onward migration (Deole & Rieger, 2023, p. 750).

Kuschminder and Koser (2017) distinguish between migration-specific (e.g. asylum and naturalisation) and migration-relevant policies (e.g. economic or public finance policies). They found that adverse<sup>6</sup> migration-relevant policies, such as austerity measures in Greece, often outweigh the favourable effects<sup>7</sup> of migration-specific policies, transforming previously intended destination countries into transit points. For example, even migrants with refugee status in Greece often pursued onward migration due to economic hardships and restricted access to opportunities.

The interplay between favourable policies, migration experiences, and external conditions often shapes onward migration. For instance, migrants may reassess their mobility decisions when faced with unmet expectations or adverse conditions, such as limited employment prospects or bureaucratic hurdles (Baláž et al. 2016). Life course factors, integration challenges, living conditions, economic considerations, and social networks further influence these decisions (Ortensi & Barbiano di Belgiojoso, 2018; Ahrens, 2013; de Jong et al., 2020; Gemi, 2014; Klabunde et al., 2017; Ramos, 2018; Stewart & Shaffer, 2015).

Regularisation programmes in countries like Italy, Spain, and Greece influence onward migration. Economic recessions and policy changes in Greece, for instance, prompted Albanian migrants leave the country, opting for return or onward migration (Gemi 2014). Similarly, Ahrens (2013) documented how Spain's economic crisis and administrative challenges caused many irregular migrants to lose regular status and entitlements, forcing them into precarious conditions and onward migration. Kubal (2013) documented the experiences of Ukrainian migrants navigating semi-legal status across multiple European countries, showcasing challenges driving onward migration.

Migrants who secure legal status in one country often relocate to other destinations in search of better economic opportunities, even at the risk of becoming irregular again. This phenomenon is common among naturalized citizens who pursue onward migration despite their legal status (Ahrens et al., 2016; Della Puppa et al., 2021). Migration-decision making is constrained by external factors impacting (onward) mobility choices and possibilities (Bijwaard & Wahba, 2023; Kley, 2017). A negative decision on an asylum application and related measures (e.g., detention, area restrictions, departure deadlines)

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<sup>6</sup> Adverse effects of migration specific policies in transit countries are no protection status and no right to work for migrants. Adverse effects of migration relevant policies are austerity measures that cut social care subsidies, undemocratic policies, employer sanctions and employment raids. In countries of destination the list of adverse migration specific policies is a lot more comprehensive, including "[...] border patrols to restrict entry, information campaigns to prevent movement, return provisions and readmission agreements, detention and incarceration of irregular migrants" (p. 7). Adverse migration-relevant policies are the same as in countries of transit but exclude undemocratic policies.

<sup>7</sup> For transit countries favourable effects of migration-specific policies comprehend protection visas (asylum or temporary protection status), the right to work, opportunity for resettlement and regularisation. In the case of migration-relevant policies named favourable effects are the ability to work, democracy, social protection benefits, access to education, access to health care and language accessibility. In countries of destination favourable migration-specific policies are identical, but don't include opportunities for resettlement. Named favourable migration relevant policies in countries of destination are identical with those in countries of transit.

can create significant pressure, leading migrants to abscond, move on and risk becoming irregular, return to their country of origin or another third country, or take further legal steps. In the Schengen area, migrants ordered to leave, with precarious residence status or staying irregularly, can migrate undetected to other countries (Leerkes & Kox, 2017). Although the Dublin III Regulation (EC 604/2013) controls asylum applications across countries, only a small proportion of transnational mobility of irregular migrants can be traced (ibid.).

Within the EU, strict immigration enforcement can push migrants into legal limbo, triggering secondary movement. For example, Jørgensen (2020) examined Denmark's response to the refugee crisis, highlighting restrictive measures like the confinement of non-deportable migrants in remote "deportation centres" with minimal provisions. These measures, reflective of an incoherent return regime - a strong desire for return enforcement without the necessary policy frameworks to facilitate it (Leerkes & van Houte, 2020) — often result in migrants disappearing from authorities' view and moving to other EU countries. Despite the Dublin III Regulation (EC 604/2013), which governs asylum applications across member states, a significant proportion of transnational mobility by irregular migrants remains undetected (Leerkes & Kox, 2017).

Detention policies also influence onward migration. In the Netherlands, Leerkes and Kox (2017) found that immigration detention often shifts migrants' preferences toward return or onward migration. Their study revealed that the proportion of detainees preferring to remain in the country decreased from 65% to 46%, while preferences for return (from 12% to 21%) and onward migration (from 15% to 20%) increased. Migrants who perceived detention as illegitimate were more likely to consider onward migration to other European countries (Leerkes & Kox, 2017).

Restrictive migration policies can also impact return decisions. (Flahaux, 2017).<sup>8</sup> explored the return migration<sup>9</sup> of Senegalese migrants in France, Italy, and Spain, showing that restrictive access policies may act as barriers to return by increasing the difficulty of re-entry. Conversely, these policies can also hinder migrants from accumulating the necessary resources to return, effectively extending their stay. Migrants with 'investment aspirations' - seeking to achieve specific financial or personal goals – may delay their return until these objectives are met. Similarly, those with settlement aspirations or goals of legalisation face challenges when integration difficulties arise, influencing their decisions to stay or pursue onward migration.

### 3.5. Summary

Migration policies in the global North embody a tension between liberal protection paradigms promoting freedom of movement and control paradigms prioritizing enforcement and collective interests. While stricter enforcement measures, such as deportations and detention, aim to deter irregular migration, their effectiveness is often undermined by unintended consequences like

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<sup>8</sup> The study by Flahaux (2014) is for several reasons interesting. It illustrates the comprehensive data requirements to capture the influence of migration policies on return migration of Senegalese migrants, considering individual (transnational and time-varying data) and contextual data that allows to assess changes of the level of restrictiveness of migration policies for different categories of migrants (irregular, high skilled, low skilled, asylum seekers and students) as well as by destination country. Furthermore, yearly data about the situation in the country of origin is considered to capture the possible impact on a return decision. The author has drawn on the MAFE survey (transnational and biographical data from the Migration between Africa and Europe) (individual data) and the DEMIG policy and travel visa databases (contextual data) to study and analyse (event history logistic regressions) the effectiveness of different types of migration policies and the effect of migration policies on the return of Senegalese migrants in France, Italy, and Spain between 1960 and 2008 (ibid.).

<sup>9</sup> Flahaux (2014) conceptualises return migration "[...] as a function of individual's aspirations and capabilities to return, [...]" (p. 19)

displacement to alternative routes and reliance on smuggling networks. Empirical evidence suggests these policies rarely lead to a significant reduction in migration flows, as they frequently provoke adaptive strategies among migrants.

The reviewed empirical evidence indicates that both return, and regularization policies have limited direct effects on migration patterns. While strict enforcement measures, such as deportations and detentions, may temporarily influence migration flows, they often result in spatial displacement rather than a sustained reduction in overall migration. Similarly, concerns that regularization programmes create significant "pull effects" lack substantial empirical support. Instead, the outcomes of these policies are heavily influenced by broader contextual factors, including socioeconomic conditions and existing migrant networks. Case studies from Spain, Italy, and the United States demonstrate that similar policies can yield different results depending on local circumstances. This underscores the need for nuanced, evidence-based approaches to migration governance that consider the complex interplay between policy measures and the environments in which they are implemented.

## 4. Mediating factors of policy effects

### 4.1. Social factors

Migration decision-making processes are often non-linear and unpredictable, influenced by changing circumstances (Erdal et al., 2023). The locus of control and level of self-determination in migration decisions vary, ranging from individual choices made by the migrant themselves to group-based decisions influenced by families, households, and external social and political forces (Czaika, Bijak, et al., 2021). Group-based decision-making can be deeply embedded in family and households' dynamics, with economic considerations such as diversifying and securing household income playing a significant role (Massey et al., 1993; Tsegai, 2007). Moreover, a household's income and available resources to support migration impact the feasibility of migration decisions (Klabunde et al., 2017). The influence of social networks and social capital must also be considered in a broader context (Czaika, Bijak, et al., 2021).

Social networks can explain the gap between intended and actual outcomes of migration policies by *"facilitating irregular movement and employment, generating 'chain' migration, or encouraging people to switch from temporary to permanent settlement"* (Elrick and Ciobanu, 2009). Various studies demonstrate the influence of social networks and communities in destination countries on migration-decision making and the choice of destination (e.g., Blumenstock et al., 2022; Di Iasio & Wahba, 2024; Neumayer, 2004). Social networks function as information channels about conditions in potential destination countries and as social resources providing support and material assistance. This allows for capturing the role of social networks and network structures, as well as social capital, specifically information capital and cooperation capital, in economically motivated migration decisions (Blumenstock et al., 2022).<sup>10</sup>

Research by Blumenstock et al. (2022) shows that for certain types of migration, such as repeat migrations, short-distance migrations, and long-term migrations, there is a positive correlation between the number of friends of friends and migration rates. In contrast, for first-time, long-distance, and short-term migration, a statistically negative effect is observed. Therefore, most migrants tend to head for destinations where they have extensive networks, possibly due to limited information about

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<sup>10</sup> The authors analysed mobile phone activities of about one million individuals in Rwanda including all mobile phone activities in Rwanda from January 2005 until June 2009. The Call Detail Records were provided by Rwanda's near-monopoly telecommunications company and entail about one billion mobile phone calls.



unknown destinations. At the same time, migrants respond strongly to the interconnectedness of their networks of friends and relatives and are attracted to well-connected and embedded networks (ibid.).

Studies on regularisation programmes have shown their impact on migration flows and social networks (Ciafaloni, 2004; Pastore, 2004b; Semi, 2006, in the context of the Italian regularisation initiative 2002). Elrick and Ciobanu (2009) explore the mediating effect of social networks on policy changes using the example of two Romanian communities (Feldru and Luncavița) and Romanian–Spanish migration based on multi-sited fieldwork. They state that Spanish regularisation programmes have impacted migration flows since 1996. The prospect of regularisation raises migrants’ expectations of obtaining long-term residence permits and basic rights, reduces fears of expulsion, and increases the inflow of irregular migrants. Only the 1996 regularisation measure offered the prospect of applying for an unlimited residence permit.<sup>11</sup> Existing Romanian communities supported new migrants in obtaining proof of residence or employment and sustained them until a new regularisation programme was introduced. Findings revealed a positive correlation between the history of migration, the development of the migration network, and knowledge about migration and legalisation strategies. In Feldru, the network resources (information and support) were more extensive than in Luncavița (ibid.).

However, not all resident migrants motivate others to migrate or support new arrivals. Snel et al. (2016) found in their study on Moroccan residents in the Netherlands that the willingness to support and feedback mechanisms are dependent on the political (migration policies), societal (reception of immigrants), and labour market context. A majority would not recommend migration to the Netherlands. Older migrants would even transform from “gatekeepers” to “gateclosers”, discouraging further migration to the Netherlands. Stricter migration policies can thus lead to the irregular status of new migrants and negatively influence potential benefactors’ willingness to offer support services. Therefore, “[...] social networks can also have negative migration-undermining effects. The refusal of settled migrants to support potential newcomers reinforces the effects of the macro-developments in the three ‘contexts of reception’ on migration.” (Snel et al., 2016, p. 152)

Access to and control over information and knowledge<sup>12</sup> can significantly contribute to a cost-benefit analysis of migration and the expected outcomes in terms of fulfilling aspirations (Czaika, Bijak, et al., 2021). The process of acquiring, evaluating, and applying information is a complex cognitive process, and outcomes might be closely related to the framing and perceived credibility of information (Czaika, Bijak, et al., 2021; Hagen-Zanker & Mallett, 2020; Oeppen, 2016).

## 4.2. Information and perception

Another source of information in the country of origin is information campaigns. These campaigns are an inexpensive and externalized tool of migration and aspiration management, perceived as instruments of remote migration control and an externalization strategy (Carling & Collins, 2018; Morgenstern, 2023; Oeppen, 2016; Tjaden et al., 2018; Vammen, 2023; Watkins, 2017). While not new, migration information campaigns in Europe and Australia have seen increased political interest, resources invested, and number of campaigns implemented over the last two decades (Tjaden & Dunsch, 2021; Van Dessel, 2023). However, there is a lack of comprehensive and methodologically

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<sup>11</sup> Preconditions were a proof of residence or work contract, as well as that a person entered before 1996 and the financial resources to manage their stay.

<sup>12</sup> As previously stated and in relation to the information and perception gap of Hagen-Zanker and Mallett (2020), it has to be considered that the amount of information available on the various factors varies and information might be incorrect (Czaika, Bijak, et al., 2021; Hagen-Zanker & Mallett, 2020; Kuschminder & Koser, 2017), or it may not be considered in the migration decision due to perceived credibility (Hagen-Zanker & Mallett, 2020; Koser & Kuschminder, 2016; Kuschminder & Koser, 2017; Oeppen, 2016).

high-quality evaluations of these campaigns (Tjaden et al., 2018), and their actual effects are questionable (Browne, 2015; Oeppen, 2016; Tjaden et al., 2018). The framing of information and its further cognitive processing or credibility are factors that influence its effect on migration decision-making. Uncertainties about information on policies and the associated loss of trust in the system can also contribute to a tendency to accept risks of irregular transit (Mallett et al., 2017). The framing of information, addressed in prospect theory, influences migration decisions and migration flows (Czaika, 2015). *"The way information is framed or presented does influence the evaluation of migration options and, consequently, migratory action and inaction"* (Czaika et al., 2021, p. 21). If potential migrants question the credibility of information campaigns, this information is also neglected in the migration-decision making process (Oeppen, 2016). Even if information campaigns with deterrent messages influence migration decisions, their use must be ethically scrutinized (Morgenstern, 2023).

Tjaden et al. (2018) identified 65 campaign evaluations in 60 reports/articles<sup>13</sup>. The campaign messages addressed policy restrictions/situations at destination (3), irregular migration (18), smuggling (8), trafficking (39), risks of the journey (12), and alternatives to migration (8). Based on quality criteria by Jesson et al. (2012) and the Cochrane Quality Study Guide (2013)<sup>14</sup>, the authors ranked the evaluations (1 to 5, Rank 1 if all criteria have been met), finding that none met all criteria for providing a reliable and quantifiable evaluation of programme impact.<sup>15</sup> Efforts targeting behaviour change stated success in about half of the cases. Evaluations of campaigns focused on attitude alteration tended to demonstrate only a modest effect in the desired direction. Assessments of campaigns aiming to enhance knowledge or awareness typically yielded positive outcomes, at least in the short term. Although success claims must be seen in the context of the quality and reliability of the evidence (Tjaden et al., 2018).

Morgenstern (2023) found evidence that information campaigns reduce intentions to migrate irregularly, especially when campaigns use anxiety-triggering emotional messages. Morgenstern follows rational choice theory, assuming that the information mediated in the campaigns increases the costs of irregular migration and therefore reduces the probability of a decision for irregular migration. Still, she emphasizes the limited generalizability of results considering varying campaign messages, the information sender, and the audience. Oeppen (2016) argues, based on findings from ethnographic research in Afghanistan, that Afghans don't believe the information provided by the campaigns and therefore questions their possible impact. Furthermore, the symbolic power of information campaigns must be considered, meaning that not only potential migrants are the targeted audience but also European publics, governments of migrants' countries of origin, migrants, and diasporas.

### 4.3. Summary

Migration decision-making is shaped by social networks, perception, and access to information, with these factors often mediating the effects of migration policies. Social networks, including family and community ties, play a crucial role in facilitating or deterring migration by providing support, resources,

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<sup>13</sup> Fifty-eight "grey literature," two peer-reviewed journal articles, about 50 percent publicly available.

<sup>15</sup> Approximately the same number of campaign assessments received Ranks 2, 3, and 4. These assessments encompassed non-randomized control-group designs (Rank 2), pre- and post-campaign measurements (Rank 3), and a straightforward large-N post-campaign survey (Rank 4). Two-thirds of the assessments were ranked lowest, suggesting limited generalizability and reliability of findings. The assessments in this category predominantly comprised qualitative, small-N, and/or pilot studies. (Tjaden et al., 2018) These results must also be taken into account when assessing the success of the campaigns: even if the majority claim positive success, an assessment of the defined objectives of the programs reveals a mixed picture.



and information. However, they can also discourage migration if settled migrants face restrictive policies or social pressures, reducing their willingness to assist newcomers.

Information campaigns are a popular tool for influencing migration decisions, aiming to manage aspirations and deter irregular migration. These campaigns often highlight risks or legal restrictions, but their effectiveness is limited by factors such as the framing and perceived credibility of the information. Research shows mixed outcomes, with some campaigns impacting behaviour or attitudes, while others fail due to mistrust or inadequate messaging. Ethical concerns also arise, particularly when campaigns use fear-based tactics.

Overall, the interplay between social factors, networks, and information underscores the complexity of migration decisions and the challenges in designing effective policies or interventions.

## 5. Policy implications

Despite the relatively limited and often mixed evidence on migration policies, policymakers are expected to address the underlying causes and drivers of irregular migration and non-return. Policy responses to perceived “pull effects” related to regularisation, non-enforced return, asylum systems, or welfare systems often reflect political and public discourse tensions, sometimes described as symbolic policies (Ataç & Schütze, 2020; Schiller & Jonitz, 2023; Slaven & Boswell, 2019).

Malheiros and Peixoto (2023) highlight the gap between political rhetoric and effective policies, noting criticism from politicians and officials in northern and central European EU countries regarding the extraordinary regularisations in southern European countries during the 1990s and 2000s. Visa facilitations for non-EU Eastern Europeans during this period increased irregular migration in countries like Italy or Portugal. However, these actions aligned with the economic and geopolitical interests of Northern and Central European EU countries, which also implemented general mass regularisations, albeit more limited and specific (e.g., France 1997 to 1998 or Germany 2007). This perspective underscores the importance of understanding the interdependencies of migration flows and their management within the European Union (ibid.).

Policymakers often respond to increased “asylum pressure” with tighter asylum policies, stricter border enforcement, and lower asylum application recognition rates (Hatton et al., 2004). While these measures can reduce migrant inflows, they also cause unintended effects by redirecting migrants and asylum seekers both spatially and categorically rather than reducing their actual numbers (Brekke et al., 2017; Czaika & Hobolth, 2016; Neumayer, 2004). Narrow and ad hoc policy approaches fail to address the complex interplay of structural migration drivers and often neglect unintended effects, necessitating a long-term perspective (Czaika & Hobolth, 2016).

Bratu et al. (2020) recommend considering the spillover effects of national migration policies when developing new ones. Policymakers who assume that liberal migration policies create a pull effect may compete to avoid being the most liberal, risking a race to the bottom. Recognizing spillover effects is central to the EU debate on whether immigration policy should be regulated at the European or national level. Brekke et al. (2017) argue “[...] *that a tightening of asylum policies in one receiving country reduces the number of new asylum seekers, both by deflecting the flow to other destinations and by reducing the registered outflow of applicants from the countries of origin. The deflection effect spurs tension and conflict between receiving countries and, at the same time, creates a strong urge for international coordination around asylum policy*” (p.22).

A narrow focus on return and regularisation policies overlooks the importance of combining different measures. Clemens and Gough (2018) found that enforcement measures effectively reduced irregular

migration at the United States-Mexico border when combined with expanded regular migration options. Regularisation programmes should be part of broader policy reforms addressing the underlying drivers and ‘root causes’ of irregular migration. Effective labour immigration policies are crucial given the impact of economic factors on migration decisions (Finotelli & Arango, 2011). For example, regularising undeclared workers in Italy increased social security contributions and tax payments (Di Porto et al., 2018).

Effective communication of information is vital for migration-decision-making (Kuschminder & Koser, 2017). Tjaden et al. (2018) recommend promoting the exchange of involved actors, integrating campaign evaluations into funding schemes, and making them public to foster learning processes. The ethical dimensions of disseminating deterrent information must also be considered (Morgenstern, 2023).

## 6. Conclusion

This working paper highlights several knowledge gaps in return and regularisation policies as well as their effects. There is only limited amount of systematic quantitative analysis on the relationship between return enforcement outcomes and migration flow. It also remains unclear what factors may mediate this relationship. FAiR will develop database on intergovernmental return frameworks, enforced return outcomes, asylum migration flows, and country characteristics regarding economy, politics, society, culture, and geography. The database would cover both EU+ and third countries in the years of 2008-2023. This would lay the foundation for quantitative analysis across country and time.

To study migration responses to non-enforcement, we need to explain the wide variation regarding return enforcement outcomes across EU+ countries. FAiR will examine what factors explain the variation in rates of enforced return between country pairs, moving beyond descriptive statistics and qualitative case studies.

While scholars have explored the relationship between return enforcement and asylum migration flow, we know little about the extent the relationship differs across migrant groups. FAiR will analyse how various policies – from return enforcement to asylum recognition rate – interact with migrant networks to influence asylum migration of women and men. This work will help fill a gap in our understanding of how gender mediates return policy effects.

Finally, the working paper points to the scant evidence on regularisation programme’s effect on migration flow, especially (1) the predominant geographic coverage of Southern Europe and United States, (2) the limited temporal focus on regularisations dating back to at least a decade ago, and (3) the reliance on qualitative evidence for individual responses to regularisation. Future research can analyse recent regularisation initiatives, adopting quantitative tools for causal inference.

Return and regularisation policies affect migration in subtler and more complex ways than either proponents or critics generally recognise. We find that migration policies do not act as straightforward controls on migration flows, but rather as signals that interact with other factors like social networks, economic conditions, and information flows to shape migration flows. Our analysis of the literature reveals varied effects of these policies – deterrence, deflection, displacement, pull, retention, and self-removal.

Three key findings emerge from our analysis. First, while return policies aim to deter irregular migration, the effects are modest in reducing irregular migration. Strict return policies can produce unintended consequences: migrants facing risk of deportation in one EU+ country may move to another EU+ country with less stringent enforcement. However, the scale of these secondary movements is minimal compared to the inflow from outside the EU. Second, the evidence can allay

concerns that regularisation policies are strong “pull factor.” Studies on regularisation programmes from Spain to the US show only modest effects on future migration flows. What matters more is the broader socioeconomic environment in which these programmes operate. Third, social networks often play a greater role than official policies in shaping migration patterns. Migrants rely on informational and material assistance from family and friends who have already migrated. These social networks may amplify or dampen policy effects.

Some questions remain unanswered and deserve further research. We need better data to examine the interplay of individual decisions and broader policy landscapes across geographical and temporal settings. We need more rigorous evaluation of policy interactions: how different measures in the policy mix influence each other. Future research should focus on the (un)intended effects of migration policies, particularly the impact of return and regularisation policies on migration decision-making and flows. We also need to unpack how mediating factors reinforce or undermine official policies. Insights into the decision-making processes of potential migrants, the influence of previous migration experiences, and the role of social networks are crucial.

Migration governance will likely present mounting challenges given that climate change, political instability, and economic inequality drive more people to seek better lives elsewhere. As migration dynamics evolve, so too must our perceptions and policies. It requires moving beyond simplistic assumptions about policy levers, to engage with the multifaceted reality of how migrants make decisions and respond to policy changes.

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