

Managing migration through legitimacy?

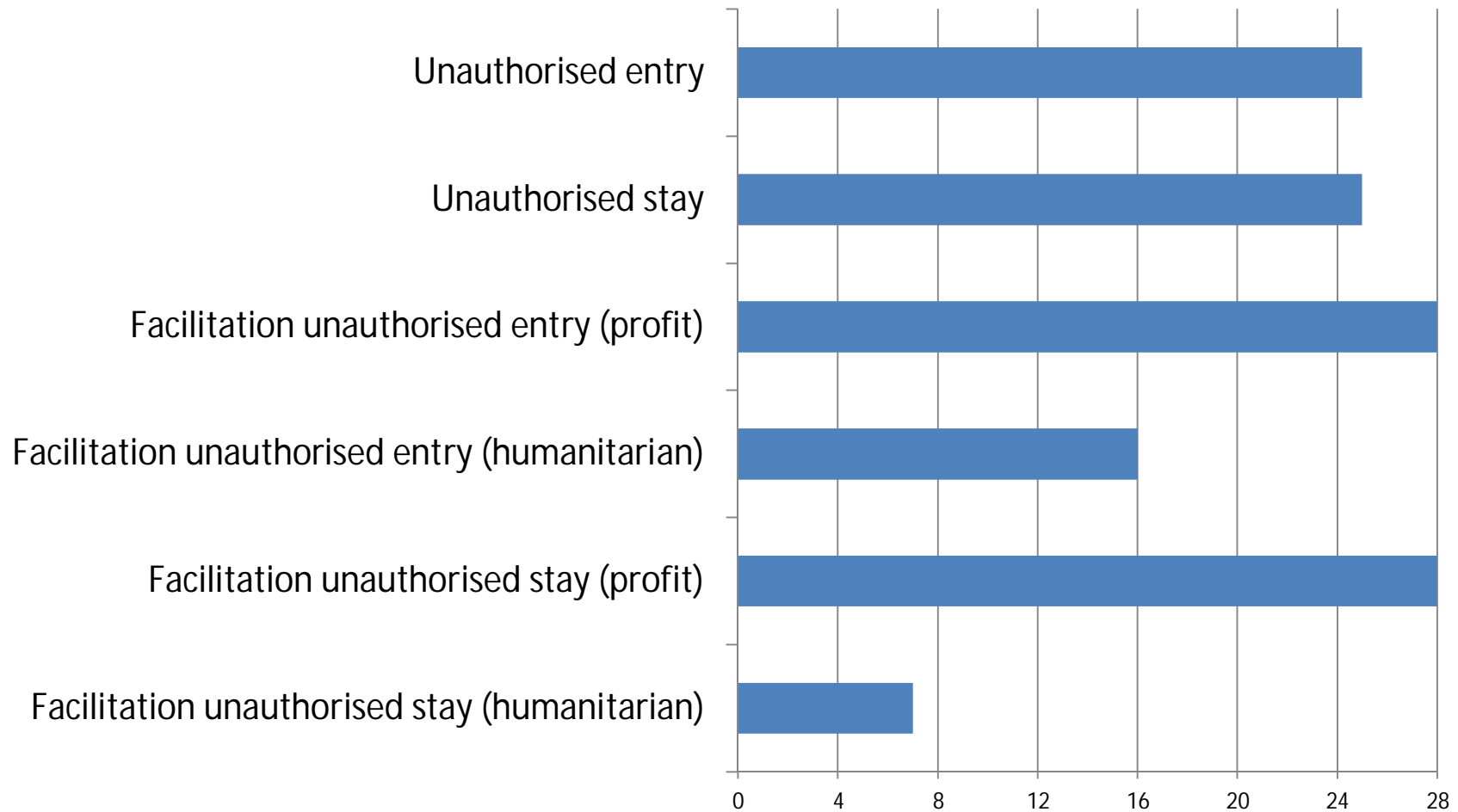
Alternatives to the
criminalisation of unauthorised
migration

Overview

- The criminalisation of unauthorized migration
- Models of compliance
- Managing migration through legitimacy: migrants
- Managing migration through legitimacy: states
- Conclusion

Erasmus

Criminalisation of unauthorized migration in the EU



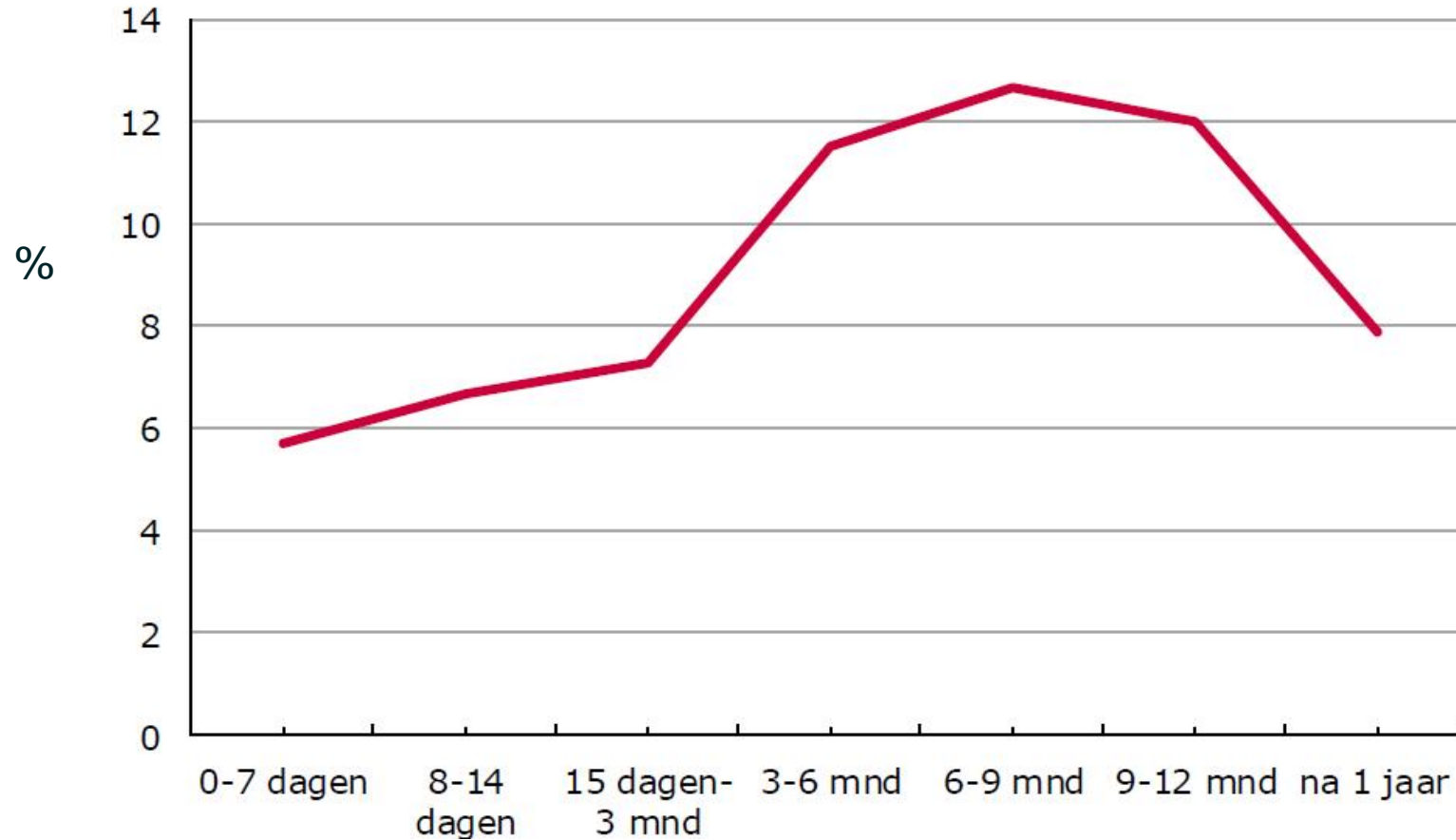
Source: European Agency for Fundamental Rights (2014)

Instrumental and normative models of compliance (cf. Tyler)

- Instrumental
 - ✓ Negative incentives (Deterrence)
 - ✓ Positive incentives (Rewarding / facilitation)
 - Normative
 - ✓ Outcome legitimacy
 - ✓ Process legitimacy
 - Force
- Tension between, on the one hand, force and instrumental models (especially using deterrence) and, on the other hand, normative models

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Status determination time and % rejected asylum seekers returning with IOM



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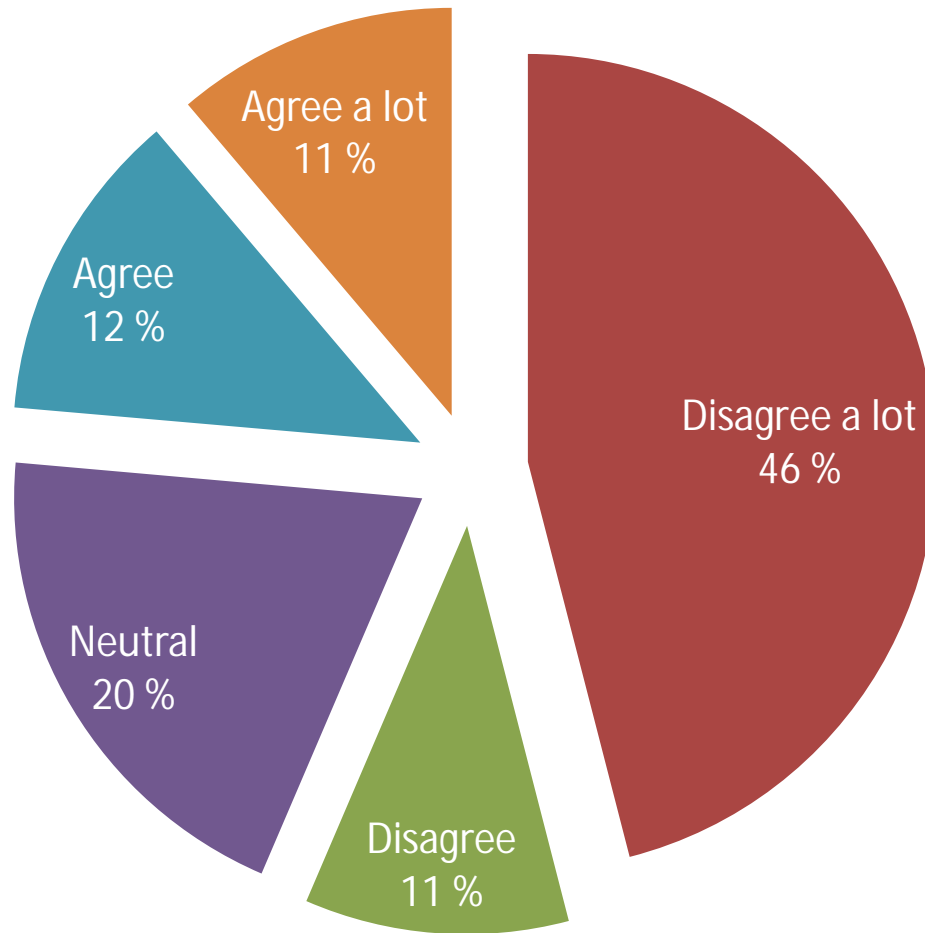
Native counsellors and IOM-assisted return



Ezafun

Deterrence, legitimacy and support in immigration detention

“Since I have been detained, my willingness to leave the Netherlands has increased” (N=411, 2012)



Erasmus

Determinants of self-reported changes in willingness to leave

<i>Satisfaction regarding</i>		
Food	neg	ns
Hygiene	neg	ns
Activities	neg	ns
Health care	neg	ns
Safety	neg	ns
Autonomy	neg	ns
Contact opportunities	neg	ns
<i>Number of times detained (ref: 2, 3 or 4 times)</i>		
First time	neg	sig
5 times or more	neg	sig
<i>Duration of stay (ref: less than 1 month)</i>		
1-6 months	pos	ns
more than 6 months	pos	ns
Outcome legitimacy	pos	sig
<i>Process legitimacy</i>		
Satisfaction rules and rights	pos	ns
Satisfaction guards	pos	ns
Perceived support	pos	sig

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Detainees' migration preferences and detention outcomes

	Released	Deported	AVRD	Total
2003 study				
Countries aspiring EU membership^a / Surinam:				
Wants to return	1 (9%)	10 (91%)	Na	11 (100%)
Does not want to return	4 (19%)	17 (81%)	Na	21 (100%)
Total	5 (16%)	27 (84%)	Na	32 (100%)
Other countries:				
Wants to return	18 (32%)	38 (68%)	Na	56 (100%)
Does not want to return	96 (50%)	97 (50%)	Na	193 (100%)
Total	114 (46%)	135 (54%)	Na	249 (100%)
2011 study				
Relatively 'cooperative' countries^b				
Wants to return	4 (50%)	3 (38%)	1 (13%)	8 (100%)
Does not want to return	15 (52%)	13 (45%)	1 (3%)	29 (100%)
Total	19 (51%)	16 (43%)	2 (5%)	37 (100%)
Relatively 'uncooperative' countries^c				
Wants to return	6 (67%)	0 (0%)	3 (33%)	9 (100%)
Does not want to return	31 (89%)	4 (11%)	0 (0%)	35 (100%)
Total	37 (84%)	4 (9%)	3 (7%)	44 (100%)

Conclusion

Effective migration policies require a systematic fairness-based approach:

- Admission criteria (channel for low-skilled labour migration??)
- Status determination and return procedures

Ezra

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