Technocracy Versus Democracy in International Migration Management: Lessons from Europe

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APRIL 2018 GLOBAL SHIFTS COLLOQUIUM

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Who should be in charge of immigration policy: elected officials or experts? Putting immigration and refugee policies on partisan agendas or mentioning them during election season generates heated debates. Many claim such hyper-politicizing undermines a country's capacity to produce coherent immigration policy. Wouldn't it be preferable to adopt an evidence-based approach, and develop policy in a neutral, rational, and scientific way? A "technocratic mode of settlement" expects that political debates around immigration can be settled by recourse to expert knowledge or research.[1] In other variations, this paradigm sees politicians as incapable of creating sound, coherent policies due to electoral pressure. This portrays democracy as a political system inherently incapable of producing the right and rational policy. The 'solution' is for technocracy to replace politics.[2]

Is it possible to take politics out of migration policy? If so, to what extent and at what cost for democracy? While acknowledging the desirability of and need for evidence-based policy-making, this thought piece warns against the risks of technocratic hubris and interventions that depoliticize immigration policy by insulating it from democratic processes and deliberation. The article considers possible strategies to depoliticize migration policy-making, and discusses the effects depoliticizing attempts have had in Europe after the European Union (specifically, the European Commission) intervened to help EU member states cope with the migration crisis. The essay also draws on analyses of evidence-based approaches at the national level to generate policy recommendations. While international cooperation remains essential in migration management, it cannot be pursued in ways that disregard the need for national-level democratic dialogue and scrutiny, or the

implications immigration policy has for sovereignty and nation-building. Disconnecting migration policy-making from democratic deliberation undermines the legitimacy of resulting policies. It causes concerns about democratic deficit and backlash against responsible international institutions and national-level political actors, including mainstream political parties. It creates a political climate in which anti-immigration populism thrives, pointing fingers at non-transparent decision-making and denying the value of expertise as out-of-touch with the concerns of average citizens. Immigration policy should not be depoliticized; if anything, it needs to be re-politicized after addressing knowledge deficits by providing access to reliable information and opportunities to discuss about international migration and its effects.

At the national level, a depoliticized migration policy approach might rely on technocrats insulated from public opinion (imagine an immigration-policy equivalent of the Fed). Alternatively, it might simply reflect a belief among policy-makers that reforms ought to be fact-driven and rely on expert evidence. At the international level, depoliticizing involves new regimes for mobility management based on recommendations from intergovernmental or supranational organizations (bodies of specialists that provide 'scientific', 'technical' or 'managerial' expertise). Several institutions assist governments in migration management: the International Organization for Migration (motto: "Managing migration for the benefit of all"); the International Center for Migration Policy Development; the Organization for Security and Cooperation in Europe, the United Nations High Commissioner for Refugees, the Inter-Governmental Consultations on Asylum, Migration and Refugees. Despite their claim to neutrality,

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[1] Boswell, Christina. 2009. *The Political Uses of Expert Knowledge: Immigration Policy and Social Research.* Cambridge: Cambridge University Press.

[2] Oelgemöller, Christina. 2017. *The Evolution of Migration Management in the Global North.* London and New York: Routledge.

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these institutions have been criticized for being de-democratizing (secrecy and insulation from popular participation in setting standards); allowing governments to make policy-making even less transparent; claiming that the decisions implemented are those that any intelligent person in a position of authority would make when confronted with accurate information, and assuming that there is such a thing as uncontested and accurate information.[3] Critics point out that knowledge presented as 'factual', 'neutral' or 'objective' often reflects political orientations. Migration management negates the existence of divergent interests, asymmetries of power, and conflicts (between and within countries), to produce a façade of consensus (after all, who is in favor of disorderly migration, human trafficking or non-respect of migrants' rights?).[4]

Among EU institutions, the European Commission serves as a repository of knowledge and expertise, mandated to act in the general European interest, as an impartial and independent body. It administers European integration based on its extensive technical expertise.[5] The Commission is "a technocratic body. The individuals working there are selected based on their expertise rather than their political savviness."[6] The Commission's most powerful tool is its agenda-setting power (the right to propose legislation that the European Parliament and the Council then debate and adopt). The Commission facilitates increased cooperation: this includes de-bordering (removing obstacles to movement, dismantling physical borders between member states, reducing administrative requirements and necessary bureaucratic procedures for crossing

borders). Overall, the Commission is the EU institution tasked to provide expertise to depoliticize policy-making, to facilitate economic integration and prevent international conflict. To allow the free movement of goods, services, capital and people, the EU dismantled internal border controls among most of its member states. Cross-border mobility in the EU became one of the key rights associated with European citizenship. International migration across the EU's external border required the development of a common system of admission for migrants from outside the Union.

In 2015, at the peak of the migration crisis, the so-called Dublin system that EU countries use for managing refugee migration came under severe pressure. According to European legislation, asylum seekers have to apply for refugee status in the country that constitutes their first point of entry on EU territory; that member state accepts or rejects the claim. To prevent asylum shopping, migrants cannot simultaneously apply in multiple member states or restart the process in another jurisdiction. As migrant inflow from the Middle East and Africa rose to unprecedented levels (2 million irregular entries in 2015), member states on the EU's external border – Italy, Greece, Croatia and Hungary – were overwhelmed. Not only did they not have the capacity and resources to process so many migrant arrivals, but they also faced resistance as migrants hoping to transit these countries' territory did everything they could to escape authorities trying to register them at the point of entry. Asylum seekers had no intention of staying in Eastern or Southern

[3] Oelgemöller, Christina. 2017. *The Evolution of Migration Management in the Global North.* London and New York: Routledge.

[4] Geiger, Martin, and Antoine Pécoud (eds.). 2010. *The Politics of International Migration Management.* Basingstoke: Palgrave Macmillan.

[5] Nugent, Neill. 2001. *The European Commission.* Basingstoke: Palgrave.

[6] Kostadinova, Valentina. 2017. The European Commission and the Transformation of EU Borders. Palgrave Studies in European Union Politics. London: Palgrave; p. 20.

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Europe: instead, they wanted to reach Western Europe or Scandinavia where they had better chances to receive refugee status and benefit from generous integration programs and social services. In Hungarian train stations, migrants chanted "Hungary no! Germany yes!" when local police tried to prevent them from boarding trains towards the West.

The Schengen system – the agreement to dismantle internal border controls between member states to allow freedom of movement on EU territory – was breaking down. Austria and Germany initially opened their borders to refugees and migrants, only to reinstitute border controls when they realized the magnitude of migrant flows.[7] Several countries imposed temporary border checks (Belgium, Denmark, France, Norway, Sweden); others built fences (Austrian-Slovenian border, Hungarian-Serbian border).

The Commission stepped in to protect free movement in the EU and coordinate migration crisis response. It proposed a Common European Asylum System (CEAS) to develop common procedures and uniform status across the EU for refugees. It established asylum-related funds. It created the European Asylum Support Office. It advocated the relocation to other EU member states of asylum seekers, centralizing decision-making at the EU level. The proposal was justified as a "fairness mechanism" based on compulsory relocation quotas that would kick in when a country was seen as handling a disproportionate number of asylum applications. The plan, adopted in 2015 by a majority of EU interior ministers, works as follows: if the number of asylum-seekers in a member state reaches over 150% of a predetermined reference number, all further new applicants in that country are relocated across the EU until the number of applications is back below the reference number. If a member state refuses to take part in the relocation scheme, it must make a 'solidarity contribution' of 250,000 euro for each applicant for whom it would have otherwise been responsible to the member state that receives the person.

Several countries opposed the quotas from the start (Hungary, Poland, the Czech Republic, Slovakia, Romania): their objections were dismissed without serious consideration, and the system implemented without modification. While meant to promote solidarity among EU members, the quota system further divided Europe without providing much-needed relief to countries on the EU border. To this date, 33,000 refugees have been relocated through the system; the target number was 160,000 – a small proportion of the overall number of arrivals. The President of the European Council, Donald Tusk, criticized refugee quotas as "divisive and ineffective," a characterization that the Commission has resisted. Germany, Italy, and the Netherlands have supported the quotas' continuation. Anti-immigration, Eurosceptic political parties (the *Front National* in France, *Alternative für Deutschland* in Germany, *Lega Nord* in Italy, the *Dansk Folkeparti* in Denmark, the Austrian Freedom Party, the Finns Party in Finland, the Dutch Freedom Party, UKIP) gained ground in democratic elections across Europe. The poor management of the migration crisis coupled with the EU-imposed quotas revived Eurosceptic platforms among voters in new Eastern European member states (more EU-enthusiastic than their Western counterparts).

Much frustration came from the fact that, in setting reference numbers and calibrating its "fairness mechanism," the Commission ignored member states' attempts to inform the EU about their respective resources and circumstances. In Romania, the Immigration Office communicated its refugee receiving capacity (estimated at 1,330). The EU

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[7] De Genova, Nicholas (ed.). 2017. The Borders of "Europe": Autonomy of Migration, Tactics of Bordering. Durham and London: Duke University Press

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pressured the country to commit to accepting 6,205 refugees over 2 years, instead. In 2016, Romania agreed to the quota, despite the fact that it is one of Europe's poorest countries where resources for integrating refugees are scant. Refugees themselves appear to understand the situation better than the EU: only 463 migrants have come to Romania. Refugees enroll in the EU relocation program hoping for country assignments to Western or Northern Europe, where many of them have friends, families and support networks. Romania has yet to join Schengen, which makes it difficult for refugees assigned to Romania to later move to other EU countries. In Romania, refugees receive between six and twelve months of government support for expenses, transportation and rent; after that, they must find a job and support themselves. Most jobs involve language requirements and evidence of qualifications, employment and degrees (documents that most refugees do not have). If refugees leave for other European countries, they lose support; even so, many think about leaving Romania to seek a better life elsewhere. Syrian refugees that have relocated to Romania say the country should not take in more migrants: "how are they supposed to handle them if they can't help us?" Despite pushback and concerns about lack of genuine dialogue, the EU has continued its move towards centralization of asylum policy on the grounds of fairness and superior expertise. This has come at a considerable political cost, undermining the Union's legitimacy that had already been badly shaken after the Eurozone crisis.

At the national level, research on evidence-based interventions in European immigration policy-making also shows that reliance on expert knowledge does not guarantee consensus. In the late 1990s and early 2000s, despite the fact that UK debates were relatively technocratic and concerned the economic effect of migration, both sides drew on expert knowledge and right-wing media used it to challenge the government's record on migration management. In Germany, the debates on immigration reform of 2000-2003 saw the government focusing on economic considerations, but opposition parties and mass media concentrating on societal interests and values instead, with little coverage of expert knowledge in the press.[8]

In the UK, the technocratic turn was relatively short. In 1999, Immigration Minister Barbara Roche and other government officials began to review and commission research on the economic and social impacts of immigration. A new research service was set up in the Home Office to provide an 'evidence base' for policy on immigration and asylum. Until the mid 2000s, political speeches frequently referenced research findings on the economic benefits of immigration. In the mid-2000s, political elites and the general public started questioning the view that immigration brings economic benefits. Research use became itself politicized: expert knowledge was strategically and selectively deployed to support different sides of the debate. This generated skepticism about scientific objectivity. As research on immigration became discredited, and policy-making predicated on it was portrayed as out of touch and elitist, demands for shifting back to a "democratic mode of settlement" brought the technocratic turn to an end.[9]

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[8] Boswell, Christina. 2009. The Political Uses of Expert Knowledge: Immigration Policy and Social Research. Cambridge: Cambridge University Press.

[9] Boswell, Christina. 2016. "Can debates on immigration be 'evidence-based'? And should they be?" Blog: Politics, Knowledge & Migration. March 18. https://christinaboswell.wordpress.com/2016/03/18/can-debates-on-immigration-be-evidence-based-and-should-they-be/

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What can be learned from European experiences with evidence-based policy-making on immigration and refugees?

- Technocracy cannot replace democracy (democratic politics). Immigration policy is deeply connected with sovereignty, solidarity, and national identity. Disconnecting migration policy-making from democratic deliberation can backfire, creating fertile ground for anti-immigration, populist, isolationist backlash, and discrediting expert knowledge and the mainstream parties using it as out of touch with average citizens. Instead, evidence-based immigration policy should be pursued so as to not corrode national solidarity (multicultural policies are most successful when supplemented with nation-building policies).[10]

- Immigration policy needs to be re-politicized after addressing knowledge deficits and providing access to reliable information, as well as opportunities to talk about international migration and its effects. Germany provides an example: when the Social Democrats tried to liberalize labor migration in the 2000s, reform was blocked. Chancellor Gerhard Schroeder set up a cross-party commission on immigration, that included representatives from the main political parties, trade unions, business, religious groups and NGOS. It invited a range of witnesses and experts to provide evidence. It triggered debates that allowed Germans to air concerns, feel they are being taken seriously, and put migration-associated anxieties in context. This, rather than top-down, elite-led efforts to "educate" the public, ultimately paved the way for liberalization from the late 2000s onwards.[11]

- Politicians and experts should learn from each other. International/supranational organizations must resist technocratic hubris and engage in genuine dialogue with political elites and citizens. Knowledge comes not only from research, but also from listening to policy-making partners and taking into account the specifics of their situation. Migration management cannot evacuate questions of power, principles, interests or conflicts. To be effective, it needs to address these questions and develop policy solutions that take political ramifications into account.

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[10] Kymlicka, Will, and Keith Banting. 2006. "Immigration, Multiculturalism, and the Welfare State." Ethics & International Affairs 20 (3): 281-304.

[11] Idem supra.