TRANSATLANTIC COUNCIL *on* MIGRATION

A Project of the ***Migration Policy Institute***

MAINTAINING PUBLIC TRUST IN THE GOVERNANCE OF MIGRATION

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Executive Summary

As governments around the world face increasingly complex migration challenges, the difference between success and failure can often hinge on the ability of policymakers to win and maintain public trust. When there is little or no trust in a government's ability to manage immigration, the capacity to test creative immigration and integration ideas is severely curtailed, and the penalties for missteps become disproportionately higher. In fact, the persistent belief that government is unequal to the task of managing immigration well—that the system is "broken"—is the greatest threat to public confidence in the immigration arena. This threat cannot be underestimated. Even an immigration system that in fact delivers most of its programs well can be thought to be failing if the public perceives significant disorder in a major component of its portfolio.

Factors that can erode public trust encompass both external forces and the structure of government itself. While politicians and public servants responsible for migration cannot control external factors such as war and other forms of conflict, instability, and vast opportunity differentials that may give rise to large-scale migration—they *can* address a host of interlinked governance challenges that affect how management of immigration is perceived by the public. Ways to build public trust include developing immigration policies that reflect public priorities (and articulating those priorities clearly); implementing immigrant integration policies that foster social cohesion and maximize the potential gains from migration; minimizing illegal flows and ensuring that inflows are legal, orderly, and not so large that they overwhelm public infrastructure; and building more productive relationships with countries of immigrant origin and transit.

The persistent belief that government is unequal to the task of managing immigration well—that the system is "broken"—is the greatest threat to public confidence in the immigration arena.

More specifically, two aspects of migration management systems are particularly important for public trust: the ability to select a significant majority of a country's newcomers, and to properly assess asylum claims for those who present themselves at a country's external borders. Unlike Canada and Australia, the United States and most European states get the majority of their immigrants through channels over which they have limited or no control—namely family (re)unification and the international protection system. The United States constantly contends with another immigration stream that undermines its system's legitimacy: illegal immigration. In recent decades, illegal immigration has accounted for roughly 20 to 30 percent of the U.S. foreign-born population. In Europe, although as many as half of asylum applicants in a given year may not qualify for protection, failed claimants are difficult to remove and thus are seen as succeeding in "gaming the system." Unsurprisingly, the effect of these trends in undermining public trust—and broader support for immigration—is massive.

A government, however, cannot manage complex challenges alone. Without the trust and buy-in of key civil society and thoughtful advocacy groups, a government's ability to explain and gain support for its policies can be seriously hampered. Creating and maintaining a positive narrative around immigration is exceptionally difficult, and must include several elements: (1) presenting a clear, easily understood plan for policy reforms that will benefit the society at large; (2) demonstrating that the government takes seriously its responsibilities to protect borders and reduce abuses of the immigration system; (3) setting realistic goals rather than pursuing a level of perfection that sets the government up for failure—such as the goal of zero illegal immigration (an intermittent element of U.S. political rhetoric) or specific (low) immigration levels when the government has no control over a large component of such flows (the United Kingdom in recent years); (4) addressing head-on the tensions and difficulties caused by the rapid pace of change in

local communities that large-scale immigration brings; and (5) clearly explaining tradeoffs so that the public understands the drivers and consequences of policy decisions.

The most important way to secure public trust, however, is to show results. Providing accessible and full information on immigration programs and the results that policies yield is at the heart of this challenge—in addition to taking on board and addressing the concerns of those who lose out as a result of immigration. The benefit of following these rules is simple: navigating treacherous policy fields is easier with the support of the public behind you.

I. Introduction

Both immigration policymaking and the management of immigration systems have become much more complex in the last decade, a trend that will only intensify and further impede the ability of government to inspire and maintain public confidence. The capacity to test creative immigration and integration ideas—and build a system that learns from its experiences and particularly its mistakes—suffers enormously, and the public's tolerance for missteps becomes easily exhausted, when trust in the government's ability to manage migration is low. Conversely, winning and maintaining public confidence allow policymakers the political and management space to experiment and maneuver, while mitigating the penalty for the occasional "failure"—an inevitability in managing any complex system.

Governments face a constellation of challenges, several of which are beyond their control. The specific issues (and their salience) vary among states, but fall into three broad categories: (1) geopolitical disruptions and conflicts that create regional instability, with both direct and indirect migration consequences; (2) growing mobility aspirations among would-be immigrants who are increasingly determined (and able) to reach desirable destinations; and (3) the host of governance challenges that complicate the task of effectively running complex systems.

Winning and maintaining public confidence allow policymakers the political and management space to experiment and maneuver, while mitigating the penalty for the occasional "failure."

While politicians and public servants responsible for migration cannot control these external factors, they *can* address a host of interlinked governance challenges that affect how an immigration system is perceived by the public. These include developing and implementing thoughtful immigration policies that respond to public priorities (and articulating those priorities well); pursuing diligently the twin goals of integration and social cohesion; controlling illegal immigration and resisting special-interest pressures that advocate for larger immigration flows than either the labor market or society can absorb; and engaging countries of immigrant origin and transit on an ongoing basis about issues of shared interest.

In addition to governance, several other factors build or undermine trust and confidence levels. For instance, an immigration system that allows the state to choose most of its immigrants (through selection systems that clearly respond to economic and labor market needs) builds confidence in migration policy management. Conversely, even governments that run orderly and effective systems can face public doubts if one part of the system—such as asylum flows—appears to slip from their grasp. Moreover,

governments must be able to demonstrate their ability to evaluate past actions, learn from missteps, and adapt future policies accordingly.

This report outlines the principal, interlinked challenges to public trust that policymakers face—including both external forces as well as the structure of government itself—and reflects on *why* it is so crucial for immigration policymaking to win back public confidence, and on the role of sound migration governance in doing so. The report concludes by recommending several strategies for governments to demonstrate that migration is effectively managed, including the critical partnerships with civil society and the media that underpin successful policy actions. Public confidence hinges on not just concrete policies and their results, but also on how government activities and outcomes are interpreted and presented to the public. Creating an honest but nuanced narrative about immigration and how it benefits society at large—coupled with straightforward explanations of the tradeoffs that certain decisions require, and thoughtful policies to address the inevitable losers from immigration—is essential to gaining and maintaining trust in the immigration system.

II. Emerging Challenges to Public Trust

A. Large-Scale and Growing Instability

Both wealthy immigration destinations and countries bordering conflicts face the seemingly unstoppable migration consequences of war, generalized violence, and political instability in most of the world's regions—the worst, by far, since the end of World War II and the massive population displacements that followed it. Unresolved ethnic, religious, and political struggles (both active and simmering), recurring subregional violence, and the reemergence of extreme forms of authoritarianism have turned vast swaths of the world into dangerous places. In fact, according to the United Nations High Commissioner for Refugees (UNHCR), 2015 saw the highest number of forcibly displaced persons on record (59.5 million); 20.2 million of whom had sought refuge outside their home countries.[1]

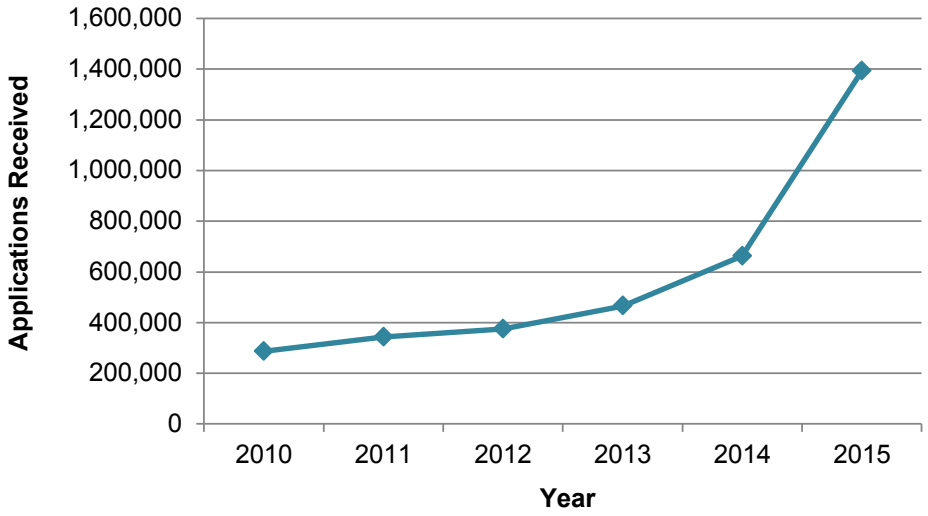
While countries in the neighborhood of such conflicts have borne the heaviest burden of caring for the displaced,[2] the effects have also become profound for Europe. In 2015, European Union (EU) Member States received twice as many asylum applications as they did in the preceding year—and nearly three times the number in 2013 (see Figure 1).[3]

1 United Nations High Commissioner for Refugees (UNHCR), *UNHCR Mid-Year Trends 2015* (Geneva: UNHCR, 2015), www.unhcr.org/56701b969.html.

2 The six largest refugee-hosting states (Turkey, Pakistan, Lebanon, Iran, Ethiopia, and Jordan, in that order) together host more than one-third of the world's refugee population; UNHCR, *Mid-Year Trends 2015.* The mid-year trends for 2016 will show a significant rise in total numbers, but are not expected to change the rankings among refugee-hosting states.

3 Migration Policy Institute (MPI), "Asylum Applications in the EU/EFTA by Country, 2008-2015," accessed May 5, 2016, www.migrationpolicy.org/programs/data-hub/charts/asylum-applications-euefta-country-2008-2015.

Figure 1. Total Asylum Applications Received by European Union/European Free Trade Association Member States, by Year, 2010-15



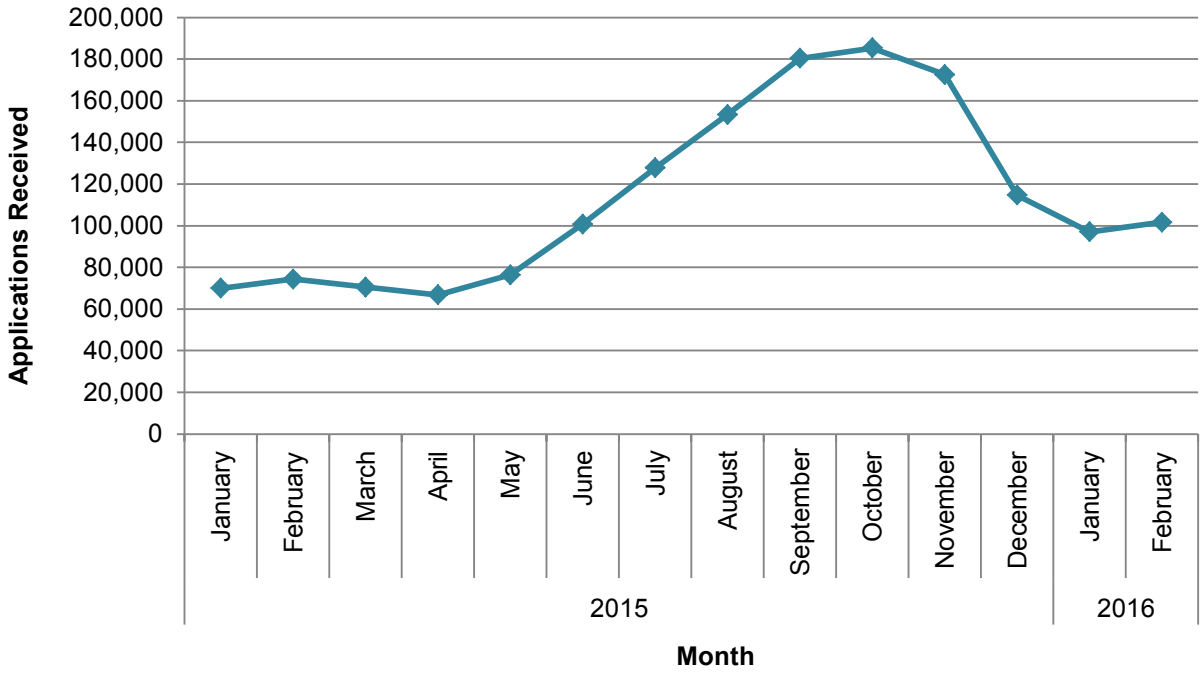
Note: The data include asylum applications for European Union (EU) Member States as well as the European Free Trade Association (EFTA) countries: Iceland, Liechtenstein, Norway, and Switzerland.
Source: Migration Policy Institute (MPI), "Asylum Applications in the EU/EFTA by Country, 2008-2015," accessed May 5, 2016, www.migrationpolicy.org/programs/data-hub/charts/asylum-applications-euefta-country-2008-2015.

More than half of these applications came in the four-month period between August and November 2015 (see Figure 2). And more than one-quarter of asylum applications in 2015 came from Syrians, while other conflict-riven countries—including Afghanistan, Iraq, Somalia, and Nigeria—supplied another one-quarter.[4] Eritreans, fleeing an oppressive regime, accounted for 3 percent of applications. Ninety percent or more of both Syrians and Eritreans, and 86 percent of Iraqis, received some form of protection. Meanwhile, less than 5 percent of applications by nationals of Kosovo and Albania[5] (who accounted for more than 10 percent of applications) were approved.[6]

Although most advanced industrial states are not on the frontline of these conflicts, government officials in departments charged with thinking in geopolitical terms (understanding the threat of regional political instability, the spread of ethnic and religious violence, etc.) are increasingly confronted with the consequences of too many years of relative complacency. For their part, migration policymakers must focus on better understanding and preparing for a different kind of fallout from this instability: the fast-growing migration flows and the public anxiety that such arrivals typically generate. In Europe, in particular, this fallout has turned into a near-existential threat for the one "project" that has been the continent's greatest post-World War II achievement: the European Union.

4 Author's calculations using data from MPI, "Asylum Applications in the EU/EFTA by Country, 2008-2015."
5 Both countries, as well as the former Yugoslav Republic of Macedonia (FYROM), were designated "safe countries of origin" by Germany in September 2015, which effectively slowed to a trickle inflows from these countries and allowed Germany to expedite the applications of new arrivals and begin to remove them. (Many have been leaving voluntarily.)
6 Eurostat, "First instance decisions on applications by citizenship, age and sex. Annual aggregated data (rounded)," updated May 4, 2016, http://ec.europa.eu/eurostat/data/database.

Figure 2. Total Asylum Applications Received in European Union/European Free Trade Association Member States, by Month, 2015-16



Source: Eurostat, "Asylum and first time asylum applicants by citizenship, age and sex. Monthly data (rounded) [migr_asyappctzm]," updated May 6, 2016, http://ec.europa.eu/eurostat/data/database.

B. *Greater Aspirations for Upward Mobility Through Outward Mobility*

A second category of events is much less well understood. It is the remarkable revolution in the mobility aspirations of would-be immigrants—and their willingness and ability to act on such aspirations. These individuals are willing to persevere, and pay whatever price is necessary, in their quest to access the vast opportunities that rich countries *appear* to offer.

When taken together with the large-scale migration of people fleeing persistent violence, war, and instability, these "economic" migrants add to the sense of chaos felt by the public in destination countries and, for governments, complicate the process—and add to the expense—of separating out refugees from unauthorized migrants.

The actions of these would-be immigrants are more rational than they may appear to be. They are fueled in part by the confluence of four forces—a combination of push and pull factors—presented here in an intentionally provocative manner so as to prompt reflection:

1. ***Often careless predictions of impending demographic "implosions" across the developed world that require large-scale immigration.*** Supranational and national politicians and officials, advocates for much more immigration, and too many analysts across the developed world have often been too expansive in their rhetoric about the consequences of demographic decline. While the pitfalls are very real—both in terms of shortened new worker pipelines and worsening old-age dependency ratios—treating demography as *destiny* and simply asserting that migration is *the* answer is often shortsighted. Specifically, while demographic change is real, relentless advocacy for more, *much more*, immigration reflects a poor understanding

of demography—and of the need to address it with a panoply of policy initiatives. Such initiatives will inevitably include immigration, but not *any* form of immigration and certainly not unselected immigration. Moreover, the argumentation does not exhibit an adequate appreciation of the changing labor markets in advanced industrial societies, which will most likely require better skilled *and fewer* workers in the future (due in part to accelerating innovations in labor-saving technologies)—workers that mass immigration typically does not provide. Furthermore, investing in the training and labor market preparation of existing populations that are too often only marginally attached to the labor force—such as women (particularly in Germany and Japan), minorities, earlier immigrants, and older workers—offers important means to mitigate some of the labor market consequences of lower fertility. Yet certain ideological and political agendas have tended to ignore these groups in favor of new immigration, as the less expensive and perhaps even preferable policy solution—a contestable position at best. As these musings about the need for much more immigration make their way to migrant-origin countries, they give rise to a false sense of the job and economic prospects, to say nothing of the social reception, that might await migrants at their destination.

2. ***Concerns about skill mismatches and labor shortages and the consequent race for skilled foreigners.*** Related to the issue just discussed, fears of various types of shortages (not always anchored in a comprehensive assessment of the available evidence) have driven widespread elite narratives in many countries about the need to attract large numbers of foreigners of various skill levels to address real and projected labor deficits. Since few countries have the ability and commitment of, for example, Germany to train and prepare workers—or the export-led economic model that fuels that country's appetite for well-trained newcomers—extrapolation from Germany's thirst for labor to the rest of Europe requires more caution than it receives.

3. ***The limits placed on the sovereign power of states by international and supranational commitments.*** International legal obligations and the language of rights have placed up-front limits on the sovereign powers of the state to act of its own accord on far too many migration-related issues. Existing and emerging norms advocated by European institutions and certain EU Member States, and courts across most wealthy democracies—as well as the (slightly more nuanced) form in which these norms are actually put into practice, particularly across Europe—in some ways undermine the viability of the state system itself by giving even unauthorized migrants, de facto at least, ample opportunities to remain in their preferred destination.

4. ***Migrants' much greater access to necessary resources and willingness to undertake long and dangerous journeys.*** Access to resources and to instant and remarkably accurate information have provided would-be immigrants with a greater ability to pay smuggling fees, obtain real-time knowledge of migration opportunities, and navigate complex and ever-changing migration routes. This is coupled with the increasing willingness of smuggling syndicates to collect part of their fee through various forms of exploitation (before, during, and after the journeys they facilitate).

Would-be migrants are "pulled" by the first two forces and emboldened by the third one; and greater numbers than ever before can now access the financial means to act on their aspirations, often with funds remitted to them by those who have already settled abroad. The result is completely predictable and, depending on the context, may play out in either a virtuous or a vicious cycle. In the virtuous one, young people invest in themselves in the hope that they might be selected by a wealthy country interested in foreign workers with verifiable (and typically higher-end) skills. More to the point, those not selected can put their now-higher skills and education to the service of their country's economy and thus create the win-win situations that are the foundation of growth and competitiveness. In the vicious scenario, increasing numbers of households spend their typically meager resources, and risk paying prices far more severe than monetary (that include trafficking, rape, extortion, horrible dangers and deprivations en route,

and for some, death), just to make it to a desired destination. And of those who arrive, many will lead marginal lives in jobs below their skill level—or, worse, in the underground economy, where various forms of exploitation prevail.

Could the second outcome be more perverse? And yet it is an inescapable consequence of certain elements of the current international migration system.

C. *Impediments to the Effective Governance of Migration*

The challenges discussed so far are relevant for all high-income countries, if to different degrees. At their core, most are beyond the ambit, let alone control, of migration policymakers. A third set of variables, however, is more directly within their reach, even if these typically implicate multiple domestic agencies and thus require a whole-of-government approach. This set falls under the broader rubric of governance.

There are five principles that underpin the good governance of migration policy:

1. Developing and implementing thoughtful immigration policies that respond to clearly articulated and understood public priorities

2. Solving the Gordian knot of immigrant integration and social cohesion

3. Implementing immigration (and integration) programs effectively and with integrity so as to gain more from immigration

4. Minimizing illegal flows *and* resisting the irresponsible growth of immigration

5. Building cooperative relationships with other countries, and taking the interests and concerns of countries all along the migration arc more seriously so as to identify and address mutual interests—and thus have a better opportunity to deliver *sustainable* immigration outcomes at home.

These variables are deeply intertwined. For example, countries with orderly and effective immigration systems that respond to well-understood economic and labor market needs are much better prepared to incorporate newcomers successfully—starting with the labor market. When immigration policy is shaped in large part by economic considerations, and all the requisite preparations for integrating newcomers and their families are in place, governments can also demonstrate that they are minding the store; that the system's integrity is a first-tier priority; *and* that immigrants, receiving communities, and immigrants' families in sending countries are all drawing benefits from the process.

In the absence of a sense that immigration is being successfully governed, certain conditions and perceptions (both in and beyond a government's control) can fuel public anxieties. These include:

- The perception of unfairness that arises when unauthorized immigrants are seen to be breaking the law with impunity while benefiting both from what amounts to "queue jumping" and from access to always-scarce public resources

- The persistence of high levels of un- and underemployment among certain immigrant and immigrant-origin groups—a phenomenon that is all too common in Europe, but also occurs intermittently in other immigrant-receiving states—that reinforces the perception of dependency

- The belief, heightened by the still-large labor market consequences of the 2008-09 economic crisis and the consequent sovereign debt crisis in a number of countries, that immigrants compete with native workers for scarce jobs, and reduce both their wages and their opportunities

- The profound (but at times inflated) sense in many countries that illegality and disorder at physical borders are pervasive—an issue with which the United States, Australia (intermittently), and many EU Member States have to contend on an ongoing basis

- Finally, concerns about large-scale immigration's effect on national identities, a topic that extends into the extremely difficult issues of language, religion, and cultural practices.

These anxieties persist even when publics are presented with such objective evidence as: improvements in border security and reductions, sometimes dramatic, in illegal entries (as is the case in the United States); legal and unauthorized populations that are typically smaller than much of the public believes (virtually throughout the industrialized world); the relatively modest effects of immigrants on wages and ever smaller effects on job displacement (a contentious but nonetheless near-consensus view among *formal* economists); and the (admittedly hard-to-understand and incomplete) estimates of immigrant costs and benefits.

Instead, the enduring, and often exaggerated, perception of disorder polarizes debates and narrows the space necessary for smart policy ideas and initiatives to flourish. For example, fears about the radicalization of second-generation youth and "homegrown" Muslims—and the intermittent terrorist conspiracies and incidents a few of them have been responsible for—have provoked broader concerns around the effectiveness of integration efforts in several Western countries. In parallel, a resurgence of apprehension about the effects of immigration on community cohesion has made the integration issue even more salient in public debate. These debates are on display in the media and advocacy literature in most wealthy states (and well beyond), where aspects of immigration are often hotly contested and laden with deep emotional resonance.

Of course, these dynamics play out differently across high-income and high-immigration states. Some have a more difficult task than others—not least because the size, geography, and "orderliness" with which a country's immigration system is governed shape its ability to keep track of its immigrant population and ensure compliance. Even more important, however, is a country's ability to closely track immigrants' effects on its labor market, contributions and costs to its social welfare system, and integration outcomes. In that regard, two aspects of migration management systems are particularly influential (and have the potential to undermine the system if poorly managed): the ability to select a significant majority of a country's newcomers and to properly assess and adjudicate asylum claims for those who present themselves at a country's external borders—and fairly, humanely *but efficiently* remove those who do not qualify for international protection.[7]

1. The Challenge of Unselected Flows

One crucial consideration is relevant to all states that are substantial immigration players: the fundamental distinction between states that primarily *choose their migrants*, and those whose migrants *choose them*. Some countries, such as Australia and Canada, have maintained a considerable degree of public confidence in systems that select immigrants based on clear economic, labor market, and humanitarian criteria—even if these countries are not immune to the risks that unwanted immigration flows can create.

On the other hand, most European countries get almost all of their immigrants through channels over which they have limited or no control, namely the international protection system, migrants who evade controls and/or overstay their visas in large numbers, family unification, and the freedom-of-movement

7 That is, effectuate removals quickly so that these people don't develop roots within the host community.

requirements of the European Union.[8] Giving a fair hearing to those seeking protection and providing reunification access to close family members are based on strong legal obligations to which European states agreed long ago. And intra-EU free movement—one of the European Union's signal achievements—is enshrined in supranational law and equally outside Member States' control.

For most states, the first two streams—family reunification and asylum—have expanded in both lawful and extra-legal ways. In the case of families, this has been the result of effective advocacy campaigns by pro-family immigration coalitions and their allies, as well as court decisions. In the case of asylum, flows of legitimate applicants are mixed with uninvited migrants who attempt to use the asylum system to gain entry into and stay in destination countries—despite the fact that as many as half do not qualify for either core or subsidiary forms of protection.[9] (These flows are distinct, of course, from refugee resettlement programs, over which governments have direct control.) Europe's failure to adjudicate claims quickly, *and remove expeditiously those whose applications fail*, has contributed to the chaos the European Union is facing in this regard and the gathering storm of negative public reaction to most immigration.[10]

For most states, the first two streams—family reunification and asylum—have expanded in both lawful and extra-legal ways.

2. The Risks of Insufficient Attention to the Fast and Fair Adjudication of Asylum Claims and Removal of Failed Applicants

Many of those who do not qualify for protection are difficult to remove—although some countries are more successful in doing so than others, and all governments have tools at their disposal to make removals much easier than they often are. Returns are made unnecessarily difficult when governments are either not willing to invest the resources, including political ones, that are needed in order to make timely decisions and execute swift deportations, or when they believe that they cannot deport unauthorized arrivals (for example, because an individual's country of origin is "unknown," will not cooperate and accept its citizens back, or is simply too unstable). As a result, the threat to the orderly administration of the immigration system comes not only from those who seek to evade border controls and/or abuse the terms of their visas—both mainstays in the day-to-day management of every migration system—but from those who game the system. Such migrants present themselves at a physical border or set out to sea on the completely realistic expectation that they will be rescued and allowed to make claims for protection for which they do not qualify, but to which destination states are obligated to respond. And even when a claim is denied, the probability that they can remain in the country illegally makes the effort worthwhile. Unsurprisingly, the effect of these trends in undermining public trust—and broader support for immigration—is massive.

But if governments are clearheaded about addressing the areas of governance outlined above, the dividends in terms of public trust can be huge. Success in this effort reduces public anxieties about immigration and builds the sense of trust so essential to the stability of immigration systems and, more broadly, political

8 This is a political issue for only a few Member States, most notably the United Kingdom and the Netherlands.

9 Eurostat data show that 52 percent of asylum decisions taken in 2015 resulted in a grant of protection (including refugee status, subsidiary protection, or other humanitarian protection). Recognition rates, however, vary greatly based on country of origin and nationality. For example, while more than 90 percent of Syrian and Eritrean applicants in 2015 received protection, fewer than 5 percent of Kosovar and Albanian applicants did. See Eurostat, "First instance decisions on applications."

10 About 60 percent of the return decisions issued in the European Union in 2015 were actually carried out, although it should be noted that nationals of Western Balkan countries comprise over a quarter of effective returns. See Frontex, *Annual Risk Analysis*, 2016 (Warsaw: Frontex, 2016), http://frontex.europa.eu/assets/Publications/Risk_Analysis/Annula_Risk_Analysis_2016.pdf.

systems. Unfortunately, only a handful of countries can claim success in more than one of these policy areas, and even fewer can argue that they are making real progress on two or more.

III. Understanding the Consequences of Failure

One of the greatest threats to public confidence in the immigration system is the persistent belief among citizens that their government is unequal to the task of managing immigration well—that the system is "broken." This threat cannot be underestimated. Even an immigration system that in fact delivers most of its programs well can still be thought to be failing if the public perceives significant disorder in a major component of its portfolio.

Lack of public confidence in the immigration system ties a government's hands. It denies policymakers the political space to maneuver and test creative immigration and integration ideas, thus effectively removing what is arguably the most effective tool from a government's policy tool kit: the political ability to change policies to reflect knowledge gained through ongoing evaluation and experience. For the political class, the worst fear is that even the perception of failure can contribute to the government's losing power through the electoral process. Strong public confidence in the system, by contrast, allows governments to use judgment, to experiment, and even to make (and learn from) mistakes.

Such flexibility is crucial because policy that is not constantly reviewed with an eye to improving it can calcify in many different ways. Constituencies get organized and "settle" into the status quo—be they analysts, employers, religious communities and pro-immigrant advocacy organizations, organized labor, families, teaching and training institutions, *or even the public servants responsible for migration*. This makes major change difficult unless a strong and particularly gifted politician is willing to take on the task.

Flexibility is crucial because policy that is not constantly reviewed with an eye to improving it can calcify.

A recent Canadian example may suffice to make the point. Long a leader in policy innovation, Canada allowed its points selection system—the part of the country's policy architecture that governs the selection of permanent (economic) immigrants—to become ossified, by failing to adapt adequately to new realities. The result was that Canada brought in successive cohorts of well-educated newcomers who were all too often unable to find work in positions commensurate with their qualifications. Simply put, Ottawa's selection process was failing an important test of success. (The fact that provinces were not recognizing the qualifications of immigrants as they sought to enter local labor markets exacerbated this "failure.") Moreover, the system became less and less responsive to the country's economic and labor market interests, in ways that many of its supporters had not imagined. Nonetheless, important constituencies blithely supported the points system, typically engaging in attempts to "refine" rather than rethink it.

This reality changed in the past few years under the leadership of an energetic and persuasive minister who put his weight behind a radically restructured system that relied much more on the up-front assessment of applicants' credentials and the creation of applicant pools judged most likely to succeed in Canada. Prior experience in Canada, provincial selection, and employment offers were put front and center in the selection criteria. By thus strengthening the opportunity for newcomers to integrate successfully—starting with the "ground zero" of integration: the labor market—Canada is again becoming a hotbed of policy innovation. The lesson is clear: building and maintaining public confidence in the management of a migration system

Box 1. How Is Public Confidence Measured?

The most common gauges of public opinion on any issue are statistically representative, and thus reproducible, surveys that track reactions to questions about the benefits and costs of immigration, as well as trust in a government's management of the immigration system, systematically and over time. Such surveys can be a useful policy and political tool, as long as policymakers understand the surveys' limitations. For instance, responses are sensitive to the timing of the survey (if a survey is taken immediately after a policy or management "failure," the result will be skewed in predictable ways) and the sequencing and wording of the questions, making results at times difficult to interpret correctly. Nor are most poll respondents prepared to consider nuanced policy questions and tradeoffs. As a result, many inadvertently hold inconsistent views about desirable solutions. Moreover, members of the public do not keep track of immigration policy changes and are often unaware of key facts that may alter their perspective. For instance, the public systematically overestimates both the scale of immigration and the relative importance of parts of the system—such as illegal immigration and "asylum" flows—toward which it may be least favorable. A simple and compelling illustration of this dynamic comes from the September 2014 *Transatlantic Trends: Immigration* (TTI) survey, where respondents who were given basic data about immigration volumes were much less likely to report a belief that there were "too many" immigrants in their country than respondents who were not given access to the same information. In the United Kingdom, for example, the share of respondents who believed there were too many immigrants in the country fell from 54 percent to 31 percent when respondents were given the official immigration numbers.

The best public surveys (such as TTI) aim for a great deal of objectivity and take these difficulties into account. Nonetheless, governments should consider public surveys to be just one of the means at their disposal for gauging public reactions to migration management. Surveys should be used alongside other tools—such as regular town hall meetings and routine contact with constituents, private surveys, and well-managed focus groups—that can give them additional insight on questions of public confidence.

Source: German Marshall Fund of the United States (GMFUS), *Transatlantic Trends: Mobility, Migration and Integration* (Washington, DC: GMFUS, 2015), http://trends.gmfus.org/files/2014/09/Trends_Immigration_2014_web.pdf.

depends heavily on the ability to self-correct on the basis of ongoing evaluation. This, in turn, strengthens the perception that the system remains responsive to the country's needs.[11]

IV. Obtaining Buy-In from Key Constituencies in Civil Society

Crucially, the actions of government are interpreted and presented to the public in large part through the lens of civil society and the media. This section and the one that follows deal with these two actors in turn.

Without the trust and buy-in of key civil society and thoughtful advocacy groups, a government's ability to explain and gain support for its policies can be seriously hampered. Several variables play a role in the structure, quality, and effectiveness of the relationship between the government and organized constituencies active in the immigration sphere, and the ability of the latter to influence policy. These include:

11 Maria Vincenza Desiderio and Kate Hooper, *The Canadian Expression of Interest System: A Model to Manage Skilled Migration to the European Union?* (Washington, DC: MPI, 2016), www.migrationpolicy.org/research/canadian-expression-interest-system-model-manage-skilled-migration-european-union.

- ***The way a political system is organized.*** For instance, solidarity-based systems make decisions on a more or less consensual basis that creates a greater expectation that the government and its social partners will support important policy decisions. On the other hand, in instances of multiparty governing coalitions that include or rely on the support of immigration skeptics—including, at times, extreme skeptics (as in the case of Denmark, Belgium, the Netherlands, Austria, and, intermittently, Italy)—the room for policy maneuvering is constrained and the influence of key constituencies and civil society becomes very complicated.

- ***The location of the immigration function within the executive branch.*** It is a basic rule of thumb that subagencies quickly adopt the priorities and personality of the agency of which they are part, while independent agencies have the opportunity to develop their own culture and personality, and cabinet-level ones are best positioned to gain support *and cooperation* from across the government. The location of the function thus shapes not just the relative influence of various interests but more notably how complicated the exercise of that influence can be. In the three examples that follow, the complexity lessens as one approaches the dedicated cabinet-level authority. In this regard, one might think of Spain, where only part of the immigration function resides within the Department of Labor; the United States and the United Kingdom, where it resides within the Department of Homeland Security and the Home Office, respectively; and Canada and Australia, where a dedicated cabinet-level ministry is responsible for the issue.

- ***How deeply the political class reaches into a department/agency.*** In the United States, for example, the reach is very deep and many federal departments have hundreds of political appointees, a fact that often dilutes the power of the professional class. In contrast, in most parliamentary systems, the political class is allotted a very limited number of slots and the power of the professional public service tends to be much greater. On average, the exercise of influence from the outside tends to be much higher the greater the number of political access points.

- ***How disciplined a political system is.*** This matter goes directly to a system's ability to not only seek, obtain, and follow advice (as appropriate) from its professional class (i.e., senior public servants), but also expect the professional class to stand firmly behind the letter and spirit of government policy. Understandably, a common front between the professional and political classes tends to produce more consistent policy outcomes that are implemented with greater coherence—and reduce the opportunities for outside interests to "divide and conquer" through their demands on the system.

- ***The nature of the immigration challenges a country faces.*** Governments that receive primarily unselected flows, and feel constrained in their ability to change this, will encounter advocacy and civil-society communities under a much different, and likely more challenging, set of circumstances than countries with primarily selected arrivals. Clearly, under regular conditions, working *with* constituencies and civil society produces the most stable policy and execution outcomes. This "rule," however, tends to break down during crises, when the interests of different constituencies—and civil society generally—may diverge from those of the government, at least for a period of time. The current European migration crisis is a case in point.

Notwithstanding the many differences among advanced industrial democracies in these regards, the key observation about the relationship between government and civil society is that *trust is essential*. This trust is built over time and is reinforced by frequent and ongoing consultation, transparency, effective communication, and genuine collaboration—even partnership, when it promises better outcomes for society as a whole.

A strong relationship with civil society has several hallmarks. *First*, it relies on consultation that is routine and ongoing—not just invoked when the government is in trouble or policies are changing. Consultation must also be genuinely reciprocal and thus convey to civil society faith in, and respect for, its own agency and influence. *Second*, the government sees organized constituencies as having a legitimate stake in decisions, viewing affected groups as partners, rather than adversaries, and providing opportunities for redress through open and legal channels. *Third*, when civil society can deliver programs effectively—for example, in the field of immigrant integration—the government relies on it to provide services that extend the government's capacity to reach immigrant populations.

In putting all of these elements in place, the ultimate governance goal is to build and maintain a relationship in which affected interests respect policy decisions even when they lose an argument. This is in large part because they know and understand that their views have been solicited and their perspectives fully considered—and that while civil society advocates for specific constituencies, the task of government is to govern on behalf of society as a whole. The failure of successive U.S. administrations to build public confidence in immigration management is a case in point: by providing at times too little and at other times too much access to various components of civil society—and typically only when in crisis—a government undermines both confidence in many of its decisionmaking processes and also the predictability of, and support for, the outcomes of its policies.

V. Creating a More Nuanced and Resilient Public Narrative

The level of trust in migration management both shapes and is shaped to an extraordinary degree by the media, which have the ability to influence not just what the public thinks on an issue but also what the public thinks *about*.

Creating consistently positive narratives about immigration policies in the media is exceptionally difficult. In the United States, private foundations and individual philanthropists supporting pro-immigration advocacy have poured hundreds of millions of dollars into building more robust pro-immigration civil-society institutions and creating and refining positive immigration narratives in recent years. And while they have had considerable success, the edifice of public support for immigration is always brittle. (The public reaction to the sizeable numbers of Central American unaccompanied minors and mothers with young children arriving at the U.S.-Mexico border in 2014, and again in the latter part of 2015 and 2016, is evidence of this.) Governments can shape media reactions toward immigrants and immigration policy only at the margins, and reporters and their editors respond to their own incentives and motivations—particularly the need to attract audiences with combinations of compelling and provocative stories. Nonetheless, governments can attempt to create an open and honest dialogue with the media by being direct and transparent in the way they present their actions and their results. Credibility is an essential element in the government's relationship with the media, and a standard that is often very hard to maintain.

Much of the responsibility for such a dialogue falls to the political class. The requisite tasks include (1) presenting a clear, easily comprehensible plan for reforms that will benefit the society at large; (2) demonstrating that the government takes seriously its responsibilities to protect borders and reduce abuses of the immigration system; (3) setting realistic goals rather than pursuing a level of perfection—such as the goal of unrealistically low levels of illegal immigration or the setting of immigration targets

that cannot be met[12]—that sets governments up for failure; (4) addressing head-on the tensions and difficulties caused by the rapid pace of change in local communities; and (5) clearly explaining tradeoffs so that publics understand the drivers and consequences of policy decisions. Most broadly, a successful narrative, *if honest and well nuanced*, can create the political space to talk about and enact more far-reaching reforms.

The professional class has an important role to play in supporting political leaders as they navigate this course, in large part by helping them bridge the gap between policy and practice. Even when policies are carefully crafted to serve the public interest, implementation often falters. Matching implementation to policy goals is an immensely difficult task for all governments, and only the most disciplined and well-staffed agencies can succeed. Those that do are the ones in which policy clarity is near absolute, where discretionary and nontransparent decisionmaking is reduced to a minimum, and where outcomes are consistent and predictable both across the country and across the range of individuals and interests the immigration system serves.

Political leaders and the public servants who support them need to clearly communicate what concrete actions have been taken and give examples of how policies have been effective.

Establishing and managing clear channels of communication with civil society and the media are essential. However this is never sufficient to maintain support for policies. Governments must also be able to show results. Providing accessible and full information on immigration programs and the results that policies have yielded is at the heart of this challenge. Political leaders and the public servants who support them need to clearly communicate what concrete actions have been taken and give examples of how policies have been effective. This is particularly the case when it comes to public security; despite significant investments (and success), there is a persistent public perception in many countries that borders are out of control and interior enforcement is lax or ineffective. The U.S. debate among Republicans who were vying to become the party's standard bearer in the 2016 election is a case in point. Hard figures that show drops in illegal crossings at borders, more effective interior enforcement, and concrete evidence of cooperation by transit and sending countries—and the results of such cooperation—should be publicized to the extent possible in order to counter the popular belief that efforts committed toward the goal of effective migration management are insufficient.[13]

Finally, migration officials must also adhere closely to the rule of law, and demonstrate fairness. For example, enforcement policies will be viewed more favorably across the public spectrum if they show a certain degree of proportionality and nuance (including in distinguishing between criminal and administrative offenses committed by unauthorized immigrants). They must also exhibit the practicality, sensitivity, and sense of fairness that most citizens of advanced democracies expect of their governments.

12 For a discussion of the UK migration targets, see Sunder Katwala and Will Somerville, *Engaging the Anxious Middle on Immigration Reform: Evidence from the UK Debate* (Washington, DC: MPI, 2016), www.migrationpolicy.org/research/engaging-anxious-middle-immigration-reform-evidence-uk-debate.

13 Of course, "understandings" with transit countries are sometimes better kept out of the headlines. Examples include the cooperation of Mexico in addressing the surge of unaccompanied children and families coming to the United States, and Morocco's cooperation in curbing illegal immigration to Spain. Such understandings are typically the fruits of deeper engagement and better appreciation of the longer-term benefits of cooperation for both parties.

VI. Conclusion

Immigration policy is a treacherous terrain for both politicians and public servants. The pathway to success is well known though not always followed: setting realistic goals, dedicating resources to careful implementation, providing transparent and honest information, taking on board the concerns of those with a legitimate stake in the system, and minding, *always*, those who lose out as a result of immigration. The benefit of following these simple rules is obvious: navigating treacherous policy fields is easier with the support of the public behind you. However, even governments that follow all of the principles described here cannot guarantee success. Facts and transparency matter, but when crises arise and when difficult decisions land on ministers' desks, they matter much less than many policymakers—*and the analytical community*—imagine. While governments can do their best to lay the foundations for a better public dialogue on migration, their influence in this sphere will inevitably be constrained.

This reality requires that governments take the public opinion challenge seriously if they aspire to develop well-managed immigration systems that adapt over time, learn from their own experience, and can show resilience even in the face of inevitable mistakes and failures.

While there is no straightforward "recipe" for improving public trust in the immigration system, there are a number of important principles that governments should consider:

- ***Delivering the migration function as effectively as possible.*** Migration policymakers (politicians and senior public servants) must learn how to work across government portfolios—a principle that is essential to good policy. Part of this means ensuring cooperation among government ministries, especially among crucial departments such as development, foreign policy, and employment. Ministers responsible for immigration should also impress upon their ministerial colleagues the importance of incorporating migration-related priorities into their portfolios. Finding examples of good practice to draw upon will help ensure success in these areas.

- ***Maintaining the policy course in the face of political pressure.*** Governments must search for ways to "fireproof" their policies to ensure that core policies and programs are pursued diligently in the heat of public debate. Politicians, in particular, should be disciplined enough to respond to public anxieties about immigration while avoiding promises that cannot—and at times should not—be kept.

- ***Balancing important interests and priorities, and explaining the tradeoffs to the public.*** States must balance competing goals in migration policy, and explain policy decisions—in effective and nuanced ways—to the public and the media. It is worth examining and learning from how some governments have successfully navigated the difficult issues of balancing economic competitiveness goals with the risks of competition between newcomers and the domestic labor force, and how they balance interest in and commitment to family unity with the economic objective of opening the system further to skilled immigrants.

- ***Building and maintaining robust relationships with civil society that can withstand the inevitable disagreements over policy and practice.*** Policymakers should search out the most effective approaches to working cooperatively with stakeholders, and learn from success stories of productive collaboration—particularly when a government decision has affected an important constituency adversely.

- ***Providing better and more relevant information.*** Policymakers and officials should be mindful of which data and reporting mechanisms are considered most useful for evaluating

policies and their impacts, sharing them to better inform a debate that is often based on values, emotion, and self-interest. Greater information sharing in this area allows states to articulate and defend the "public interest" in the face of particularistic views as to what that interest is.

- ***Dealing with the immigration consequences of political instability within one's region.*** Migration policymakers would do well to examine how decisionmakers elsewhere have dealt with such consequences, how they secured the cooperation needed from other departments or other governments in the region, and what worked or did not work in that regard.

- ***Responding to crises.*** Single incidents can undermine public trust in even the best-governed immigration systems. How governments have handled the fallout from such incidents on public confidence, and the lessons they have drawn from such experiences, are instructive for future crises.

There are no simple, or uniform, answers to these questions: the solutions will differ depending on the governance structure and the most critical challenges each country may confront. The common denominator, however, is that adhering to these principles has the potential to build strong public confidence in the migration system, which will in turn allow governments the all-important space necessary to experiment, innovate, and learn from their mistakes.

For more on MPI's Transatlantic Council on Migration, visit:
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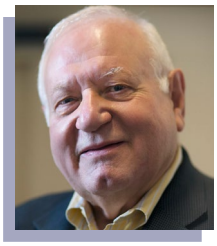

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The Migration Policy Institute is a nonprofit, nonpartisan think tank dedicated to the study of the movement of people worldwide. MPI provides analysis, development, and evaluation of migration and refugee policies at the local, national, and international levels. It aims to meet the rising demand for pragmatic and thoughtful responses to the challenges and opportunities that large-scale migration, whether voluntary or forced, presents to communities and institutions in an increasingly integrated world.

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