



**GLOBAL COMMISSION ON  
INTERNATIONAL MIGRATION (GCIM)**

COMMISSION MONDIALE SUR LES MIGRATIONS INTERNATIONALES (CMMI)  
COMISIÓN MUNDIAL SOBRE LAS MIGRACIONES INTERNACIONALES (CMMI)

[www.gcim.org](http://www.gcim.org)

## **GLOBAL MIGRATION PERSPECTIVES**

**No. 37**

**July 2005**

**Where migration policy is made:  
starting to expose the labyrinth of national institutional settings for  
migration policy making and implementation**

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## **Global Commission on International Migration**

In his report on the 'Strengthening of the United Nations - an agenda for further change', UN Secretary-General Kofi Annan identified migration as a priority issue for the international community.

Wishing to provide the framework for the formulation of a coherent, comprehensive and global response to migration issues, and acting on the encouragement of the UN Secretary-General, Sweden and Switzerland, together with the governments of Brazil, Morocco, and the Philippines, decided to establish a Global Commission on International Migration (GCIM). Many additional countries subsequently supported this initiative and an open-ended Core Group of Governments established itself to support and follow the work of the Commission.

The Global Commission on International Migration was launched by the United Nations Secretary-General and a number of governments on December 9, 2003 in Geneva. It is comprised of 19 Commissioners.

The mandate of the Commission is to place the issue of international migration on the global policy agenda, to analyze gaps in current approaches to migration, to examine the inter-linkages between migration and other global issues, and to present appropriate recommendations to the Secretary-General and other stakeholders.

The research paper series 'Global Migration Perspectives' is published by the GCIM Secretariat, and is intended to contribute to the current discourse on issues related to international migration. The opinions expressed in these papers are strictly those of the authors and do not represent the views of the Commission or its Secretariat. The series is edited by Dr Jeff Crisp and Dr Khalid Koser and managed by Rebekah Thomas.

Potential contributors to this series of research papers are invited to contact the GCIM Secretariat. Guidelines for authors can be found on the GCIM website.

## Introduction

“Where you sit determines where you stand” is one of the oldest adages of bureaucratic and organizational thinking. But what determines where you sit? That is: what determines the institutional setting within which different policy-making decisions will be made? And specifically for this paper, what, over time, has determined the various departmental or ministerial locations of migration policy decision-making in different states? Why does one state have a ministry which is totally and solely devoted to migration matters, a second state put immigration in its entirety within a broader ministry dealing with all internal or all foreign affairs, and a third distribute migration policy making across two, three or four separate ministries? Why do some states have migration policy making and the implementation of the policies joined in one ministerial setting and others separate them?

Although there is much discussion about the need for ‘joined up’ policy making where migration is concerned and the linking of policy areas, e.g. migration and development,<sup>1</sup> there has been little written on the domestic institutional context of policy decision-making and planning. Perhaps many people simply take it for granted that policies are drafted and managed within a specific institutional setting in the state they are most familiar with – and are dealt with differently elsewhere, and give it no further thought.

However, at a regional and global level, the disparities must give rise to some further questioning. Simply identifying the most appropriate counterpart for an international exchange of policy ideas can require a full organigramme search of several ministries and their departments. At the EU level, for example, for policy harmonization or approximation discussions, representatives of several different ministries can be seated around the table. Although they come from ministries with different names (and in their own country there may be a ministry by the same name, which does not deal with the migration issues at all – e.g. Foreign Affairs; Justice or Interior) they deal with the same subjects. They just have colleagues who deal with entirely different subjects, and may rotate between postings which contrast remarkably, e.g. prisons within a justice ministry or trade relations with another country within a foreign ministry. The officials may therefore also come from quite different backgrounds, which can influence their approach to policy directions.

At any international conference, several ministry titles will also be on view – again, not simply identifying the subject of migration by different words, but also diverging between an inward looking (interior or justice ministry) and an outward looking (foreign or development ministry) approach. And for a global process such as that undertaken by the Global Commission on International Migration to have impact on national policies it is surely important to consider not only the political and cultural settings within which migration policy decisions are made, but also the national institutional settings.

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<sup>1</sup> See for example OXFAM’s submission to the UK Parliament’s International Development Committee at [http://www.oxfam.org.uk/what\\_we\\_do/issues/conflict\\_disasters/migration\\_development.htm](http://www.oxfam.org.uk/what_we_do/issues/conflict_disasters/migration_development.htm).

A further reason for this investigation is less practical and more philosophical. If where you sit indeed determines where you stand, might the institutional settings of migration policy making and implementation provide information about the fundamental basis to given countries' approaches to this issue? And might some of that information, because they have never considered the institutions, just taken it for granted that in their own country a certain system is the norm, surprise even the politicians and bureaucrats involved in migration policy? If some countries once stopped to think about what their migration policy making institution in and of itself says about the image they have and project towards immigration, emigration and immigrant integration, might they re-think to shape institutions in the image of their current broader migration thinking?

This paper will ask four seemingly straightforward questions:

- What different ministerial settings are there for the migration and immigrant integration issues?
- How were such different settings arrived at within domestic policy-making configurations over the years?
- Does it really matter: is migration managed in a 'better' way in any particular type of ministerial setting? And
- Has migration become such a major issue for every country of the world that attempts need to be made to consistently establish the same institutional mechanisms within national governments to deal with the issue, as might be the case for other issues of primary international importance?

These seem like straightforward questions – but, as will be seen below, they are not. Indeed, this working paper cannot pretend to be definitive on any aspect: there are too many countries in the world for full information to be either sought, or provided, on all of them for the empirical questions (the first two above). Meanwhile, the full analysis leading to answers to the last two questions is hampered both by the inability to present all empirical evidence for all countries – and by the fact that this paper forms a first foray into thinking about these issues. By raising the questions, and giving some information and presenting some thinking which could lead to answers, however, it is hoped that more attention will be paid to these questions, in the interest of optimal policy making for states and individuals alike.

### **What different ministerial settings are there for the migration and immigrant integration issues?**

Two points have already been noted. Firstly, this overview will, by the necessity of its being provided in the context of an early working paper and not a full blown book or PhD project, be far from exhaustive. Of course, it would be useful to have a global overview (and is to be hoped that one day such an overview could be provided). However, the breadth of covering all countries is hardly needed to illustrate the second point already made above. In different countries the type of ministerial setting for migration and immigrant integration issues can range from a single ministry dealing with all or most of

the issues involved, to a department within a broader ministry holding these portfolios, to the portfolios being spread across several ministries. The intention in this descriptive section of the paper is to highlight the distinctions in ministerial settings among countries. The countries selected for description demonstrate the range of ministerial and other administrative settings employed by states dealing with migration issues. As dictated by the various limitations in embarking on this research, the countries selected are also those which have readily accessible information on their bureaucracies on the web, in one of the languages spoken by the author, or they are countries with which the author has reasonable familiarity on the basis of other migration research. As such they are not fully representative – and demonstrate the type of setting that exists, rather than every setting in all their nuances.

Citizenship and Immigration Canada (CIC) was established in 1994, according to the governmental department's website, "to link immigration services with citizenship registration, to promote the unique ideals all Canadians share and to help build a stronger Canada."<sup>2</sup> CIC deals with immigration, refugee, asylum, integration and citizenship policies. Its mandate covers the admission of immigrants and visitors to the country; resettling, protecting and providing a safe haven to refugees; helping newcomers adapt to Canadian society and become Canadian citizens and, linked to all its other activities, the management of access to the country in an effort to protect the security and health of Canadians and the integrity of Canadian laws. CIC not only deals with policy making, but also with implementation at all levels of immigration service, visa officers overseas etc.

The one migration related area that is now out of CIC's control is actual border management. In December 2003 a new agency, the Canada Border Security Agency (CBSA) was created.<sup>3</sup> It took over the Interdiction and Enforcement programme from CIC, as well as border related activities customs and import and food inspections from other departments.

Australia's Department of Immigration and Multicultural and Indigenous Affairs (DIMIA) was established in 2001, through a combination of two previous Departments: the Department of Immigration and Multicultural Affairs (previously the Department of Immigration) and the Department of Aboriginal Affairs. DIMIA's mission statement reads:<sup>4</sup>

"Australia, enriched through the entry and settlement of people; valuing its heritage, citizenship and cultural diversity; and recognising the special place of Indigenous people as its original inhabitants."

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<sup>2</sup> About the Department [www.cic.gc.ca/english/department/index.htm](http://www.cic.gc.ca/english/department/index.htm)

<sup>3</sup> <http://www.cbsa-asfc.gc.ca/agency/menu-e.html>

<sup>4</sup> Fact Sheet 3, The Department of Immigration and Multicultural and Indigenous Affairs [www.dimia.gov.au/facts/03department.htm](http://www.dimia.gov.au/facts/03department.htm).

DIMIA deals with all the immigration, refugee, asylum, integration and citizenship policies and their implementation, in addition to dealing with affairs relating specifically to indigenous people. Besides its offices in Australia, border post officers and detention responsibilities, DIMIA has officers stationed in more than seventy countries dealing with immigration issues. Much of Australia's visa issuance is conducted electronically.

Denmark is the only EU Member State to have created a specific and separate ministry for migration issues. The Ministry is, in its English translation, called the Ministry for Refugee, Immigration and Integration Affairs, although the shorthand version in both languages reduces it to the Ministry of Integration, perhaps reflecting the most deep-seated Danish political concern.

The Ministry was created in November 2001, taking over several aspects of what had previously been other Ministries' business. These included, areas previously covered by the Ministry of the Interior; Ministry of Justice; Ministry of Education; Ministry of Finance; Ministry of Housing and Urban Affairs; Ministry of Social Affairs; Ministry of Labour; and the Ministry of Business and Industry. This list gives an idea of the dispersal of migration related issues across ministries in many states.

In essence, every legal, social, political, cultural and economic policy issue related to immigration, asylum and integration is now housed in this one ministry. The Danish Immigration Service also falls under the mandate of the Ministry, so the implementation of policies regarding admission is also part of its purview. The Danish Immigration Service points to other 'competent authorities', but, with the exception of the police force which is responsible for the deportation of rejected asylum seekers, these all fall under the Ministry.<sup>5</sup>

The first Minister to head this new Ministry, Bertel Haarder was also, from September 2004 to February 2005, Minister for Development. Although the development portfolio institutionally remained within the Ministry of Foreign Affairs in that period, one Minister had the responsibility for really all aspects of migration for this brief period.<sup>6</sup> In the cabinet reshuffle of 18 February 2005 the Ministry went to one new Minister and Development to another, so these two roles were again separated.

In the Netherlands there has, since 2002, been a Minister for Immigration and Integration, but no separate ministry. Rather the civil service apparatus responsible to this Minister is part of the Justice Ministry – and there is of course still a Justice Minister too. The creation of the new Minister's post meant that aspects of immigration were put under the responsibility of this Minister rather than the Minister of Justice and the (junior – non-cabinet position of) State Secretary for Immigration as had previously been the case. In addition, immigrant integration affairs were taken over from the Interior Ministry. The Immigration and Naturalization Service is also part of the Justice Ministry. Meanwhile

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<sup>5</sup> Danish Immigration Service website, Page: Which Authorities are Competent?  
[http://www.udlst.dk/english/About+us/which\\_authorities.htm](http://www.udlst.dk/english/About+us/which_authorities.htm).

<sup>6</sup> Minister Haarder saw this full combination of tasks as being essential to have complete management of the issue (Private conversation with the Minister in November 2004).

the independent national body responsible for the reception of asylum seekers in special facilities is not directly part of the Ministry of Justice, but receives all of its funding from that Ministry. Elements of migration policy remain the responsibility of the Ministry of Foreign Affairs, in particular visa issuance, key elements of Dutch representation in international fora on the subject and much of the Dutch financial contributions to organizations such as UNHCR, as well as country of origin reports for use by the Immigration and Naturalization Service in assessing asylum claims.

Sweden has a Minister for Migration and Asylum Policy, one of three Ministers in the Ministry of Foreign Affairs. Integration policy is dealt with in the Justice Ministry, which has two Ministers (integration of all, including immigrants, being the responsibility of the Minister for Democracy, Metropolitan Affairs, Integration and Gender Equality). The Ministers and their staff hold responsibility for policy. However, the 'frontline' in terms of implementation is the Migration Board and the Integration Board. These are separate government entities.

The Migration Board is responsible for permits for visits to Sweden; the asylum procedure in all its aspects; citizenship affairs; selection for resettlement; assisting with voluntary return; contributions to international settings such as the EU and UNHCR and ensuring that all the public bodies working on migration issues in Sweden collaborate constructively and effectively. In their work the Migration Board cooperate with the Ministries noted above; embassies and consulates around the world; the Aliens Appeals Board, an independent body which reviews decisions if an applicant lodges an appeal and those voluntary agencies that operate in Sweden to assist migrants, asylum seekers and refugees.<sup>7</sup> The Migration Board was established as the Swedish Immigration Board in 1969, at which point it also incorporated integration activities. The Integration Board was established in 1998 with the aim of providing equal opportunities and serving all of Swedish society.

In the United Kingdom, the Immigration and Nationality Directorate (IND) within the Home Office is responsible for immigration control, permission to stay, the asylum procedure and citizenship issues. This Directorate deals with migration law, policy, country reports on the countries of origin of significant groups of asylum seekers and the implementation of border controls. It is one of eleven directorates in the Home Office. Apart from the more administrative directorates, such as Communications, the majority of the other directorates deal with crime related issues. The Home Secretary heads the whole Home Office and is seconded on immigration issues by a Minister of State for Citizenship and Immigration.

While this directorate within the Home Office has full in-country authority on immigration and citizenship issues, the Foreign and Commonwealth Office deals with many overseas issues, including visa issuance (although at some embassies and consular posts Home Office staff are also posted, dependent on the type of cases anticipated). The Department for International Development has become increasingly involved not only in humanitarian issues during refugee and displacement situations overseas (which may

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<sup>7</sup> 'Presenting us and our activities' [www.migrationsverket.se/english/everket/eviochvar.html](http://www.migrationsverket.se/english/everket/eviochvar.html)

result in asylum claims in the UK) but also on issues related to migrant remittances from the UK to countries of origin.<sup>8</sup>

On integration issues, although the IND has some policy role, there is also a Home Office Directorate called Communities, which includes a Race Equality Unit. While not all immigrant integration issues are directly related to race, many of the key integration issues do fall in this area, as has been demonstrated by the work of the quasi-governmental Commission on Racial Equality, which is supported by this unit in the Home Office. Meanwhile all issues related to financial benefits and welfare support are dealt with for all residents of the UK, including immigrants and refugees, by the Department of Work and Pensions.

Among the other twenty-one EU Member States, several (the Czech Republic, France, Germany and Spain being key examples) place migration issues broadly within their Interior Ministries, while others (e.g. Malta) place migration issues in their Justice Ministries. In Greece, domestic migration issues are dealt with by the Ministry of Public Order, although the Ministry of Foreign Affairs is centrally involved in representing Greece and Greek policy making at the European Union level. In most cases, other ministries, in particular those dealing with Foreign and with Social or Employment related affairs will also have a role to play, either domestically or in the issuance of visas overseas, for example. In some cases, additional independent or semi-independent bodies are established to adjudicate individual cases or deal with an appeals process. The combination of ministries and precise location of the responsible departments or directorates will vary, sometimes significantly, from one state to the next.

At the European Commission level, where policy thinking and creation on migration and refugee and asylum issues is quite new, even if the European Union's (EU's) Member States, as demonstrated already, have quite different institutional settings, a Directorate General (DG) on Justice, Security and Freedom has been created. Initially just a unit within the Secretariat General, then a Task Force, a Directorate General dealing with these issues was created after new weight was given to them in the 1997 Treaty of Amsterdam, which entered into force in 1999. After five years (2000-2004) under the title of Justice and Home Affairs, the new title was accorded to the DG by Commission President Barroso in late 2004 as he developed his new team. The new title of Justice, Security and Freedom reflects the Treaty's text, which calls for the creation of an area of freedom, security and justice.

This setting for migration policy making, in a context which could be created at the EU level from 'scratch', situates immigration and asylum issues alongside policies towards drugs and judicial cooperation. The basic model is therefore that of a Justice or Interior (or Home Affairs) ministry. Over time, the range of interests related to migration in the EU has expanded, and so the role of the DGs dealing with External Affairs (or 'Foreign' Affairs) and of the European Commission's Humanitarian Office (ECHO) has also increased, particularly where migration policy impacts international relations (eg on

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<sup>8</sup> See eg [www.sendmoneyhome.org](http://www.sendmoneyhome.org) for DfID's increasing role in this area.



readmission agreements), development issues (eg through remittances) and assistance in regions of origin of refugees.

For Social and Employment Affairs, the story has been more changeable. The first European Commissioner responsible for immigration issues was also responsible for social affairs. The issues were separated, and migration linked to justice more closely, but in the last few years, Social and Employment Affairs has again developed a stronger role, not least on the integration issue.

The EU does not currently play a strong role on immigrant integration matters, as the principle of subsidiarity indicates that this is something for Member States to do independently. However, in autumn 2004 a document of Common Basic Principles was agreed to by the ministers responsible for immigrant integration. The DG Justice, Security and Freedom took the lead for the European Commission, although the DG Employment and Social Affairs was also involved, and may seek a greater role as the issue takes hold.

In the United States policy making on immigration, refugee and asylum matters in terms of government departments is split between the Department of Homeland Security and the Department of State. The Department of Homeland Security (DHS), created in 2003 to bring together numerous agencies that had been scattered between other government departments prior to September 11, 2001, but which, it was thought, could better be under on roof to cooperate fully on avoiding any future such attack on US soil, or should the worse happen, effectively deal with its aftermath. The service and benefit functions of what had been the Immigration and Naturalization Service (INS) became the office for Citizenship and Immigration Services (USCIS).<sup>9</sup> This office deals with:

- adjudication of immigrant visa petitions;
- adjudication of naturalization petitions;
- adjudication of asylum and refugee applications;
- adjudications performed at the service centres, and
- all other adjudications performed by the INS.

Meanwhile, immigration enforcement activities and operations, which had previously been part of the INS formed other branches of DHS as Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP).<sup>10</sup> ICE conducts investigational activities. CBP employs the agents who deal with the entry of both people and goods to the US.

The Department of State's Bureau for Population, Refugees and Migration deals with the international aspects of US migration policy, and represents the country in many international fora.<sup>11</sup> On refugee issues, PRM plays a leading role in the US refugee resettlement programme as far as the pre-admissions phase is concerned. Once resettled

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<sup>9</sup> <http://uscis.gov/graphics/index.htm>

<sup>10</sup> <http://www.ice.gov/graphics/index.htm> and <http://www.cbp.gov/>.

<sup>11</sup> <http://www.state.gov/g/prm/>

refugees arrive in the US, policies dealing with their reception and short-term integration are managed by the Office for Refugee Resettlement in the Department of Health and Human Services.<sup>12</sup>

In the US, as elsewhere, the real decision-making as to the broad lines of migration policy lies with the legislative branch. Sub-committees of Congress are among the strongest policy makers on this as on all other issues, although the Departments will, of course, deal with the finer details and day-to-day policy decisions.

In Georgia, migration is a relatively minor policy issue.<sup>13</sup> The status of and assistance to the approximately 250,000 internally displaced persons (IDPs) is a top priority, and the Ministry of Refugees and Accommodation has prime responsibility in that area. The State Minister of Conflict Resolution is charged with working on the ways to resolve the conflicts in the two break-away regions of Abkhazia and South Ossetia, which gave rise to the IDP movements in the early 1990s. Meanwhile, the Ministry of Foreign Affairs deals with visa issues and policy related to immigration, which to date has primarily been of international organization's and NGO's staff as well as foreign embassy personnel. As a result of the limited priority placed on developing an immigration policy, the lack of attention to Georgian emigrants and the absence of capacity to deal with these issues, international organizations such as the International Organization for Migration (IOM) and the United Nations High Commissioner for Refugees (UNHCR) are very much relied on for training purposes for border guards, for example, in the case of IOM, but also for policy advice.

South Africa has longer experience with migration issues, and has all 'services' and policy related to citizens and immigration housed in its Home Affairs Ministry.<sup>14</sup> These range from the issuance of identity and travel documents to citizens, registration of births, marriages and deaths, and for immigrants, consideration of applications for temporary and permanent residence and for asylum. Initial visa issuance is conducted by Foreign Ministry officials in embassies and consular offices overseas. The Department of Home Affairs deals with renewals of visas within South Africa.

Besides institutions dealing with immigration, Mexico and the Philippines have established offices within their own state apparatus which deal with the affairs of their nationals who have emigrated. President Vicente Fox of Mexico initially established a Presidential Office for Mexicans Abroad in 2000. Political wrangles led to a change in the system, and in June 2002 this Office was replaced by a National Council for Mexican Communities Abroad. This Council has an Interdepartmental Commission made up of representatives from the full range of government departments in Mexico, and is intended to raise the level of government attention directed towards the Mexican communities abroad.<sup>15</sup> The Council itself is made up of 120 members – 72 of them are Mexican immigrants in the US; 28 are US-born citizens of Mexican descent. Of the other 20

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<sup>12</sup> <http://www.acf.hhs.gov/programs/orr/geninfo/>

<sup>13</sup> See Georgia country profile by Joanne van Selm at [www.migrationpolicy.org](http://www.migrationpolicy.org) (June 2005)

<sup>14</sup> <http://homeaffairs.pwv.gov.za>

<sup>15</sup> Internet System of the Mexican Presidency, <http://envivo.presidencia.gob.mx/?Art=3461&Orden=Leer>.

members, half represent US-based Latino organizations and half represent Mexican state governments. While the position of Mexicans as immigrants in the US is a key topic of concern to the Council, it is also looking at issues such as absentee voting for these emigrants in Mexican elections.

The Philippines has established an Overseas Workers Welfare Administration (OWWA) within its Department of Labour and Employment.<sup>16</sup> The OWWA serves the interests and welfare of its membership – drawn from the Overseas Filipino Workers. For a US\$25 contribution members receive life insurance and health care benefits as long as they are working on their employment contract overseas; can get a pre-departure and a family assistance loan; has access to education and vocational scholarships; have their repatriation and reintegration at home in the Philippines facilitated. In this way the Philippines effectively contributes to the protection of its workers who go overseas, and encourages at least short-term migration for its income generation potential for the country as a whole.

### *Conclusion*

There are a wide range of migration related issues in which domestic political and policy institutions can have an interest ranging through immigration; refugee resettlement; asylum; visa issuance; in country immigration regularization; policy making; integration and emigration. A country's specific focus may be on quite different combinations or a prioritized hierarchy of these issues, although many of the basics will frequently be the same, particularly for countries with similar economic and political levels of development. However, how any country manages migration would appear at first sight to be less about its migration concerns per se, and more about the cultural, political and economic decisions that have been taken historically about national institutions and their relationship with and understanding of migration matters.

**How were such different settings arrived at within domestic policy-making configurations over the years?**

In many ways this is the most deceptive of the seemingly straightforward questions with which we set out on this preliminary investigation. Understanding why a specific institutional setting was developed is susceptible to changing understandings of bureaucratic history – and changes in political leadership or context, which adds another layer of understanding. So the information provided below reflects statements made on websites, and the personal understanding of the author based on conversations with people either inside some of the ministries referred to, or who closely observe institutional changes in particular countries. However, the initial intentions of those who created the ministries and departments may have been different from current understandings and interpretations.

This working paper cannot pretend to offer more than an approximate overview of some of the background to establishing some of the existing institutions. A much more

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<sup>16</sup> See [www.owwa.gov.ph/abtowwa.html](http://www.owwa.gov.ph/abtowwa.html).

complete and robust survey of not only what the institutional arrangements are in various countries, but also how and why they came into existence, would be a vital key in achieving better global migration management, covering all aspects of the migration spectrum.

In Canada the claim is frequently made that the government and the people in general see immigration as ‘nation-building’, and thus Canadian citizenship is promoted as a natural next step from time of immigration onwards, especially for those admitted (‘landed’ in the Canadian terminology) on a permanent basis. Thus, constructing a single ministry which would manage immigration (of all sorts), immigrant integration and the naturalization process and on-going civic duties and rights of citizens matches the nation-building project. The CBSA, which took away part of the CIC’s role on border related issues was clearly established in response to Canada’s understanding of US concerns post-9-11. With the two countries’ Safe Borders Agreement of 2002, the issues requiring closer cooperation were set out – and the vast majority were the direct result of US pressure and interests.<sup>17</sup> Part of Canada’s response was the creation of this new institution.

DIMIA’s mission statement, cited above, shows a similar ‘nation-building’ orientation in Australia. The DIMIA website also conveys a strong sense of this singular entity having greater control over the entire process, including in preventing or at least limiting irregular immigration. It is difficult to work out whether that ‘control’ facet is a relatively recent political creation, or was part of the rationale for the previous entities out of which DIMIA was constructed too. More historical research would be needed. Nevertheless, the idea that a single ministerial department adds a more sophisticated ability to manage and control is an interesting one in thinking about optimal bureaucratic policy-making and implementing settings.

The notion of ‘nation-building’ may be construed, at least superficially, as one that should apply to all of those countries described variously as ‘new’, ‘post-colonial’ and ‘traditional countries of immigration’ or ‘countries of immigrants’. However, the US approach, both institutionally and in broader policy, is quite distinct from that of Canada or Australia.

The decision to move policy on immigrant admissions, citizenship and services for citizens, as well as border enforcement into the new Department of Homeland Security was a direct result of the impact of the events of September 11, 2001. The fact that the nineteen terrorists who hijacked the planes that were flown into the World Trade Center towers and the Pentagon and that crashed into a field in Pennsylvania, were all immigrants, all having entered the country legally in the first instance although several had overstayed their legally admitted period of stay, meant that immigration became a security issue for the US.

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<sup>17</sup> See Deborah Waller Meyers, [Does 'Smarter' Lead to Safer? An Assessment of the Border Accords with Canada and Mexico](#), Migration Policy Institute Insight No. 2, June 2003.

However, some very legal aspects of immigration policy remain with the Justice Department, and it has not even been fully clear to those within the Department of Homeland Security how the relationship between Justice and themselves might play out. Likewise, the longstanding cooperation between the State Department's Bureau for Population, Refugees and Migration and the Immigration and Naturalization Service was severely tested when DHS was first created and 'finding its feet' – even if the individuals in policy positions remained more or less the same (though perhaps with different titles and shifting into newly constructed divisions and units within DHS). Perhaps, over time, the DHS role will be one of blending the notion of nation-building with that of building a secure nation, but its foundation lies clearly in national security.

The Swedish model with non-Ministerial boards began in 1969 with a single board combining migration and integration. It was "considered important at that time to keep together immigration policy (the rules specifying which foreign citizens were allowed to visit or settle in Sweden) and immigrant integration policies."<sup>18</sup> In 1997 the Parliament decided to separate immigration and integration, creating the new National Integration Office in 1998. During the 1990s some of what had been police activities, including on detention, came into the mandate of the Swedish Immigration Board as it was then called, and also activities on return – plus a coordination role. Ministerial responsibility lying with the Foreign Ministry and the Justice Ministry for immigration and integration respectively seems to reflect the separation between immigration policy having a strong outward looking component, and integration being an entirely domestic concern.

The rise of immigration and immigrant integration as very hot political and electoral issues gave rise to the institutional changes of 2001 in Denmark and 2002 in the Netherlands. In Denmark, the relative success of the extreme right-wing People's Party brought immigration and integration into focus. In response, the centre-right government, which had to respond actively to the extreme right within the Parliamentary setting, drew together all the separate elements of immigration and immigrant policy in one new ministry, thereby telling all voters that the concerns of a strong and very vocal minority had been heard, and something would be done.

In the Netherlands, meanwhile, the 2002 elections, shortly after the assassination of Pim Fortuyn brought his eponymous party into a coalition government with the centre right Christian Democratic and Liberal parties. The Lijst Pim Fortuyn followed its late-leader in its absolute opposition to the large-scale immigration of people who would not or could not be integrated into the long-standing tolerant Dutch society as equally tolerant members. They had scored a significant 'win' in the elections, coming in second as a brand new party.

Although some people who voted for them were almost certainly expressing their horror at Fortuyn's death just a week previously, many followed this same line on immigration and integration. Since the late 1990s, there had been quite widespread political disquiet on asylum and integration issues across the country. The decision to upgrade the junior 'state secretary' post on immigration to a Minister's post, and to join with it in the Justice

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<sup>18</sup> "History of the Swedish Migration Board" [www.migrationsverket.se/english/everket/ehistoria.html](http://www.migrationsverket.se/english/everket/ehistoria.html)

Ministry the previously Interior Ministry issues related to integration was, as in Denmark, a way of stating clearly to the voters that their concerns were being listened to. It is one of the moves made by the short-lived coalition cabinet of the CDA, the VVD and the LPF which survived into the next government, created after early elections in 2003.

For the majority of the other EU Member States there simply has always been one setting – the Justice Ministry, Interior Ministry or Home Office – within which the major part of the relatively little immigration that took place, until recently, was handled. Migration in any of its forms has never (or not until recently) been seen as such an issue in Europe that it required its own Ministry to deal with all its facets, as has been the case in Canada and Australia.

For the European Commission linking the migration and asylum issues to drugs policy and judicial cooperation would appear to have resulted from two converging sets of circumstances. When the discussions in these areas started in the mid-1980s, the focus was on the legal issues related to anti-drugs policy and anti-drug smuggling measures as well as terrorism and cross-border crime. The ministers dealing with those issues were from Justice or Interior Ministries, or in the UK's case the Home Office, in countries where this institutional context had simply always been the same. Almost by coincidence, most, if not all of the ministers around the table at informal meetings on those subjects also dealt with immigration issues (this was prior to the enlargement bringing Sweden, Finland and Austria into the Union in 1995) so they could cease the meeting on the criminal issues and effectively just switch to the initial informal discussions of migration issues. This being the case, a Commission department within the Secretariat General which dealt with all of the issues together would make sense, particularly when all the Commission was doing was following inter-governmental discussions and it had no active role.

The other set of circumstances were that these were a set of new issues to the then European Community. The other new issues were foreign and security policy. At the time, migration was not viewed as a particularly 'international' matter, and not linked to security as it is today. As the Maastricht Treaty on European Union in 1992 established three 'pillars' of EU working, migration remained linked to the legal affairs on drugs and crime in the third pillar, with a different working style than either the established 'first pillar' economic issues or the equally new common foreign and security policy in the second pillar. Over time, as the issue has gained in importance, the institutional setting has become stronger. Yet migration has remained institutionally linked to justice issues within the European Commission even as its handling has switched for the most part to a 'first pillar' style, and increasing coordination has been required with other Commission services.

In Georgia, as an example of a country in which migration is a very new topic (and not a matter of immigration, but of internal displacement and migration and of emigration) no clear choice has been made as to where policy is decided upon. The Ministry for Refugees and Accommodation clearly reflects concern about internal displacement. However, the fact that there is no ministry really dealing fully with immigration or transit

migration issues demonstrates the fact that they figure only very vaguely on the political radar screen.

Where focusing domestic attention on a country's emigrants is concerned, Mexico began its moves towards focusing on its communities abroad in part as an acknowledgement of the political clout this very large and growing group of Mexicans has at home, and in part as a result of the significant impact of remittances on the country's economy. An additional reason, which holds for Mexico as its emigrants are primarily in one country – the northern neighbour, the US – the Council for Mexican Communities Abroad can be a rallying point for lobbying the US government for better conditions, including status regularization, for the Mexicans who have gone north. Other countries which have undertaken this type of initiative, including in the past India,<sup>19</sup> Italy, Morocco and Turkey, have had more dispersed emigrants, and so different agendas. The Philippines has a broader agenda, focused primarily on the welfare of its citizens, but also acknowledging the general economic benefits of their migration for employment.

### *Conclusion*

All of these institutional settings have been decided upon and established in a particular moment in political and national-cultural context. Of course, the full range of ministries cannot change every time a new political development occurs – or with every change of government. Institutional memory is important – it is no easy matter to reverse a bureaucratic culture and institute something new. Indeed where changes have taken place in the last five years, they still have to settle. However two questions remain from this analysis:

- Have the institutional settings been decided upon with optimal migration policy as the key motivation? And:
- Has the point been reached at which, for some states, migration (and in particular immigration) are such important political issues that the only way to express to the electorate, and the rest of the world, that the maximum possible is being done to effectively manage policy towards migration is to have a single, focused, Migration Ministry?

### **Does it really matter? Is migration managed in a 'better' way in any particular type of ministerial setting?**

Some argue that the Canadian or Australian model of a single ministry with full, or very close to full, authority over every aspect of the migration issue, including policy and implementation, immigration and asylum and refugee protection, and the integration of all immigrants, is the optimal model for the most coherent migration policy. The fact that Denmark has headed in this direction in response to political upheaval over immigration and immigrant integration, and that the Netherlands has made a partial step in this

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<sup>19</sup> See [http://www.labour.nic.in/main/cit\\_charter.htm](http://www.labour.nic.in/main/cit_charter.htm).

direction might reinforce the argument, at least in terms of how the politicians creating institutional settings believe they can best respond to voter disquiet – and convince the public that something is being done.

The proof of the pudding must come in the eating, however, or in this case in the policy making. The fact of a pattern appearing to emerge when immigration becomes a major political issue is not sufficient to say this way is best. The actual policies developed, their implementation, and the satisfaction across the political, social, cultural and economic spectrum within a country must be measured. The scope of this working paper does not allow such a full evaluation. The rather anecdotal evidence is somewhat mixed. For Canada there seems to be broad satisfaction with CIC. Nonetheless, some specifically border-crossing related elements were taken over by the Canada Border Security Agency when security, and impressing the US with Canada's commitment to security on its northern border, became key political issues following 9-11.

The political climate surrounding immigration in Australia does not seem to have been specifically impacted by there being a single ministry responsible: although perhaps the dissatisfaction expressed by many advocates and academics stems in large part from the control-oriented focus apparent in much of DIMIA's work. If that hypothesis would stand up to scrutiny then it might not actually be having a single institution that is as important as managing the perception of immigration and integration – and playing to those who are for reasonable amounts of immigration and stand up for immigrants' rights, as well as those who are opposed to all immigration.

Even if the 'image' or 'perception' issue is key, however, joining up migration related policy by locating it in a single institutional setting may in itself contribute to the image of managing migration well (whether that means keeping them out, or letting them in, or finding the right balance between the two). Indeed, balance may be the vital point – and then the question is whether balance on the issue can best be found by striking the right balance between domestic institutions, or by working within one institution on the issue in its own right.

### *Conclusion*

From this preliminary overview it cannot be concluded that migration can better be managed through any particular institutional setting. Much more research and policy thinking would be needed in states separately, considering their own domestic context with the central question of whether the system they have suits them best. To be complete and robust, such research and policy thinking should establish criteria for comparison across contexts, looking at what other states think works well, and why. Similar research and reconsideration would also be useful at the multi-national level, whether in established regional entities such as the EU, between neighbours for whom migration matters such as the US and Canada, or the states of South East Asia, for example, or indeed at the global level. If we are serious about optimal management of all aspects of migration, there is a need to pay more attention to the institutions that make



migration policy. Is it possible to have sensible and constructive policies if the institutional context within which the policy is formulated is not optimally set for clear and full consideration of migration and all its facets?

**Has migration become such a major issue for every country of the world that attempts need to be made to consistently establish the same institutional mechanisms within national governments to deal with the issue, as might be the case for other issues of primary international importance?**

Would having uniformity from one country to the next be a reason for suggesting that every state ought to have a Migration Ministry just as every state has a Foreign Ministry (even if it is called a State Department)? Would this bring about better understanding of how other states were working on migration policy which is, as endeavours such as the Global Commission and the Berne Initiative demonstrate, becoming a global issue?

The answers to these questions might, for some people, be a resounding yes. However, even if the answer would not be a resounding no we do need to ask whether even if all countries did indeed have a Migration Ministry (by whatever specific name they might give it) those ministries would in fact be such mirror images of each other as to make a total difference. After all, all countries might have a Foreign Ministry by one name or another, but the very fact that some of them include nothing on immigration matters, others only include consular affairs with visa issuance, and yet others deal with all migration issues shows that these ministries are in no way uniform – and perhaps they do not need to be for states to have international relations with one another.

Posing these questions brings out what are perhaps the really big questions. Is migration actually the same everywhere? Would it help to all have a Migration Ministry and minister if one country's major concern is immigration, another country's is emigration and a third is internal migration? And those interests are likely, of course, to shift over time. Does the simple fact that countries view migration (immigration, emigration and internal migration) differently mean that they could not have the same or broadly equivalent institutional settings for policy making and implementation? Or do the answers to these big questions actually indicate that they should all have a focused ministry dealing with migration – ministries that can talk to each other, since the emigration from one country is the immigration to another country or countries, and being able to cooperate with relative ease in terms of finding who to speak to at least, might advance cooperation in dealing with migration as a whole? At the very least, ought regions that cooperate on immigration issues and often transit migration too, such as the EU and North America, to have institutions that look more like each other in order to advance and facilitate their cooperation.

## **Conclusion**

Little attention has been given to date to the domestic institutions that formulate and implement migration policy, and their impact on both migration management and the popular migration debate. Perhaps this has not been an area of focus because researchers and policy makers have been in some senses 'blinded' by the sovereign nature of all that is migration. If immigration is a matter of sovereign 'control' as is so often said, then surely the institutions that exercise that control are entirely subject to the sovereign or those bodies that exercise sovereignty. This focus on sovereignty in migration management is open to ever increasing discussion. As that discussion expands, part of it should be about the institutional context, in the interest of each state, of the international 'community' of states and for the benefit of migrants themselves.

We need to ask whether when migration policy is made in a ministerial or institutional context that also deals with other issues (be they prisons, anti-drug policy, anti-terrorism or international trade) the combination benefits overall migration policy making or not. This is a particularly important question for those states in which civil servants are required to rotate through the range of policy areas that a single ministry handles. Are you, as an individual civil servant, likely to have a useful mindset for migration policy creation if you have just arrived from a posting on cultural relations with a given set of countries, or one on the management of remand centres for juvenile delinquents?

Most democratic systems of government, particularly in new democracies and in those states which are relatively flexible where their institutions are concerned (as is the case of many European states) would allow for a reconsideration of departments and ministries at least in the period following an election. If migration has been a major electoral issue, reflection on how and where migration policy is made and implemented would seem to be a pre-requisite for those forming a new government. They may decide to leave things as they are, but letting the public know that there was reflection about the need for change could be an important signal for calming debate.

In such reconsiderations of the institutions involved, attention must be given to the full range of migration related issues including: immigration; refugee resettlement; asylum; visa issuance; in-country immigration; regularization; policy making; integration and emigration. Again, if migration in any of these forms is a national or international priority, it could be time to put the migration issue itself ahead of any longstanding domestic cultural, political and economic decisions on national institutions and their relationship with and understanding of migration matters.

Likewise, consideration must be given to the fact that even if the 'image' or 'perception' issue is key, rather than 'genuine' control, then locating migration policy making and implementation in a single institutional setting may in itself contribute to the image of managing migration well (whether that means keeping them out, or letting them in, or finding the right balance between the two).

There is increased thinking about the global institutions that deal with migration, or bring states together to discuss migration matters. As part of that process it would seem to be essential to ask, and to research much more deeply than has been possible in the context

of this paper, the question of whether national migration management and policy institutions are really well enough crafted yet to enable regional or global approaches to migration issues to fulfil their potential.