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Leaving matters

The nature, evolution and effects of emigration policies

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Abstract

Debates on migration policies are strongly focused on *immigration* control, revealing a general receiving-country bias in migration research. To fill this gap, this paper reviews the nature, evolution and effects of emigration policies. Only a declining number of strong, authoritarian states with closed economies are willing and capable of imposing blanket exit restrictions. Paradoxically, while an increasing number of, particularly developing, countries *aspire* to regulate emigration, their *capability* to do so is fundamentally and increasingly limited by legal, economic and political constraints. The attitude of states is often intrinsically ambiguous, as they face a complex trade-off between the perceived economic and political costs and benefits of emigration, in which *who* leaves greatly matters. This motivates states to adopt more subtle policies to encourage or discourage migration of particular skill, gender, age, regional or ethnic groups. Since state policies simultaneously constrain *and* enable migration of different groups to different destinations, states can play a significant role in *structuring* emigration through influencing the (initial) composition and spatial patterns of emigration. Even 'laissez-faire' policies require active state agency to create the structural conditions for 'free' emigration. However, the effect of emigration policies on overall volume and long-term trends of migration seems limited or even insignificant because of the preponderance of other economic, social and cultural migration determinants. This review reveals the need to improve insights into how states and policies shape migration processes in their interaction with other migration determinants in sending and receiving countries.

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Contents

Introduction

Debates on migration are strongly biased by a receiving-country, Euro-Atlantic perspective. In the same vein, debates on the effects and effectiveness of migration policies are almost automatically associated with efforts by receiving states to regulate and control *immigration*. This coincides with a near total neglect of the role of emigration policies pursued by origin countries, which is striking in view of the fact that many states have attempted to affect the volume, direction and composition of emigration. The fact that most research on migration policy effects only considers immigration policies renders these studies inherently biased. For instance, researchers often wonder why migration to wealthy countries has increased over the past decades despite the implementation of apparently more restrictive immigration policies.[1] On the one hand, this might be explained by non-migration policy related factors such as economic liberalization, demand for particular types of high- and low-skilled labour, or wage differentials between destination and origin countries. On the other hand, this may also be explained by decreasing restrictiveness or, alternatively, decreasing effectiveness of emigration policies pursued by origin countries.

The striking neglect of emigration policies is part of a broader tendency to ignore origin-country migration determinants. However, in order to achieve a comprehensive picture of the factors determining migration flows, there is a need to correct this bias and to fully integrate such factors in theoretical and empirical models. Apart from common Eurocentrism, the neglect of origin-country migration policies might also be related to the assumptions that, in the post Cold War era, most countries have abolished exit controls,[2] and that sending-country governments would be largely indifferent to the departure of their citizens, particularly when they represent surplus low-skilled labour force. In particular, the work of Zolberg (2007: 37) has emphasized the great historical shifts in emigration policies from the sixteenth century, when European states enacted barriers to prevent the loss of their valued human resources required for labour and defense purposes, to *laissez-faire* emigration policies. This has apparently coincided with a progressive shift of the responsibility of migration control to the immigration policies of receiving countries.

The lack of attention to emigration policies is misleading as it ignores the fact that many states still have policies to encourage or discourage particular forms of emigration. The term 'emigration policies' perhaps evokes a view of past times when governments established emigration bureaus and other infrastructure to encourage migration to the New World and in which authoritarian governments controlled the movement of their subjects. Although today only a few countries have maintained blanket exit restrictions, this does not mean that emigration policies are something of the past. According to data from the United Nations Population Division,[3] in 2009 almost one hundred states *officially* declared that they had policies to influence emigration of entire populations or of particular gender, skill, regional, ethnic or religious groups. For instance, several states aim to discourage large-

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[1] In itself, the hypothesis that immigration policies have generally become more restrictive can be questioned as being too general and, sometimes, counterfactual. The evolution and effects of immigration policies are reviewed in other DEMIG working papers; see de Haas (2011) and Czaika and de Haas (2011).

[2] In 2005, the US State Department identified 11 state governments which obligated their citizens to obtain permission to exit the country (McKenzie 2005); in 2011 the Human Rights Watch report identified nine countries (Afghanistan, Burma, China, Cuba, Israel, Jordan, North Korea, Saudi Arabia and Turkmenistan) as violating freedom of movement of their own citizens to varying degrees.

[3] United Nations World Population Policies 2009.

scale emigration of high-skilled citizens out of a perceived fear of a 'brain drain' (Skeldon 2005), while the same or other states encourage emigration of low-skilled workers, which is often seen as a 'safety valve' to generate remittances, decrease poverty and avoid political tensions (de Haas 2007b). Instruments implemented by states include exit visas, recruitment schemes, protection for vulnerable migrants, and 'education taxes' for qualified emigrants, among others.

Although there is some literature on the policies pursued by 'sending states', the focus is rarely on the nature and effects of emigration policies. For instance, there is a considerable and growing literature on the 'externalization' of migration controls, which analyses how European states try to conclude agreements with sending and transit states (such as Libya, Morocco and Tunisia) to 'export' immigration controls and to readmit irregular migrants, in exchange for financial support, quota for legal immigration, arms deals or some other benefits (Paoletti 2010; Betts and Milner 2006; Boswell 2003). However, the focus of such literature is on controlling immigration to Europe and largely ignores the interests and policies that origin countries' states might deploy to regulate, encourage or restrict the exit of their own citizens.

Other studies focus on the transnational engagement of emigrants, their potential in economic development through remitting and investing, and the resulting attempts by sending states to foster ties with their citizens abroad (Gamlen 2006; Gamlen 2008a; Gamlen 2008b; Brand 2002; Østergaard-Nielsen 2003). However, such 'diaspora engagement policies' (Gamlen 2006) focus on the period *after* emigration, and do not directly pertain to the regulation of the actual movement of citizens. As far as there is a literature on emigration policies, it largely focuses on the active role of origin countries in regulating and restricting emigration *in the past* with just a few exceptions (Green and Weil 2007; Dowty 1987; Zolberg 2007; Teitelbaum 1984). There is a conspicuous absence of studies explicitly studying recent and current emigration policies.

In order to fill this striking 'emigration policy gap' in migration determinants research, this paper aims to assess the nature and evolution of emigration policies pursued by states, their rationale for implementing such policies as well as the extent to which such policies have been able to affect the volume, direction and composition of emigration flows. The starting point of this paper is John Torpey's (1998) notion of the monopolization of the legal 'means of movement' by modern states. It is essential to understand that there is an inherent tension between the obligations of governments (particularly of liberal democracies) to respect human rights and the freedom of movement guaranteed by the Universal Declaration of Human Rights on the one hand, and their desire to control and account for their citizens on the other (Torpey 1998; Douki 2007). By regulating most aspects of the lives of citizens, including registrations of births, marriages, and deaths, and the issuance of identity cards and passports, modern states are able to monitor citizens' behaviour and whereabouts. In the past, authoritarian states have used instruments such as registration and passport requirements to prevent or control exit, with serious migration-constraining effects, such as in the former Soviet Union (Matthews 1993). Also in more democratic contexts, the issuance of passports and other documents necessary for travel may not be conceived as a means of intervening in individuals' freedom of movement, but in practice they regulate migration and may potentially prevent the movement of certain segments of the population.

Several states aim to take targeted steps towards the regulation of emigration by creating policies. Public policies can be defined as decisions made by governments to reach certain stated objectives, which are officially seen as desirable based on social values and ideals. Defining desirability is difficult. Since states and societies are not monolithic entities with a singular perspective and well-defined interests, political processes and policy formation almost inevitably involve tension, contradictions and compromises between a variety of, often conflicting, interests. Particularly in liberal democracies, a government is expected to take these various interests into account, hence the resulting policies should be the outcome of negotiations and compromise. This is one of the reasons why public policies often appear to be inconsistent or even internally conflicting, as has also been observed for immigration policies (Czaika and de Haas 2011).

In concrete terms, emigration policies can be defined as laws, rules, measures, and practices implemented by national states with the objective to influence the volume, origin, destination and internal composition of emigration flows. *Regulation* of movement does not automatically imply *restrictiveness*, but covers a broad range of policies varying from encouraging departure, *laissez-faire* policies (or 'policy of no policy') to the forceful prevention of exit. To succeed, all these policies (including *laissez-faire* policies) require complex and efficient bureaucratic systems regulating access of citizens to passports, visas and other documentation enabling emigration. Emigration policies might also include laws, rules, measures and practices on the protection of rights and conditions of citizens abroad, and in that context, they sometimes regulate conditions upon return, particularly if exit was irregular, including rights to entry and to benefits to which the citizen was entitled before departure.

Section 1 of the paper gives a brief historical overview of emigration policies adopted by states. A more detailed discussion of the Russian, Italian and Mexican cases serves to explore in more detail the reasons why states adopt particular emigration policies. The sending state is kept centre stage by exposing the mixed, frequently conflicting motivations and interests that drive states to encourage or restrain emigration of particular groups of citizens. Section 2 discusses the close links between the (authoritarian vs. democratic) nature of states and levels of economic development on the one hand and emigration policies on the other. This analysis allows us to elaborate a basic typology of emigration policies and associated policy instruments. Section 3 outlines how domestic factors and, in particular, relations between sending and receiving countries shape emigration policies, and questions some assumptions on state autonomy in emigration policy formation.

Section 6 assesses the effectiveness of emigration policies by linking the ability and willingness of states to regulate emigration to the levels of authoritarianism and relative strength of states as well as to other economic, political and social determinants of migration. These other migration determinants fundamentally constrain the extent to which emigration policies can be effective. The analysis and the hypotheses proposed in this paper will contribute to a broader research effort (i.e. the DEMIG project, see cover page) to generate new theoretical and empirical insights into the way states and policies shape migration processes in their interaction with other migration determinants in receiving and sending countries. The hypotheses in the final section will be tested by future research within the DEMIG project.

1 States' approaches towards emigration: a brief historical overview

The phenomenon of emigration (and immigration!) control is closely associated to processes of modern state formation. There is a close connection between the formation of nation states, the establishment of modern bureaucracies and the growing interest of states in regulating exit. Torpey (1998) argued that as centralized national governments consolidated, they acquired the right to control the movement of their citizens in the nineteenth century, and that their control on movement is reinforced by their ability to grant permission to leave, based on the issuance of identity documents, including passports. It is the very ability of states to maintain written records of the population that has given states the power to grant their citizens permission to leave based on passport issuance, thus to control movement.

From the sixteenth to the eighteenth century, emerging modern mercantilist states in northern Europe increasingly saw the population as a valuable resource for productive activities and as reserve recruits for the military. At the same time, state-building ideals favoured conformity, which pushed many modern states to pursue ethnic and cultural homogeneity among the population, even if it meant the expulsion of individuals who were physically or culturally different – for instance, the French expulsion of the Huguenots (Zolberg 1978). From the early nineteenth century, industrialization and the spread of modern capitalism and its emphasis on more open labour systems combined with population growth and increasing urban poverty, also brought more positive attitudes towards emigration. In Great Britain, for instance, emigration to the colonies was seen not only as a way to deal with overpopulation but also to open new markets to goods produced at home. But it would be incorrect to assume that this was a period of complete openness. The emigration of low-skilled, poor people was encouraged, while permanent emigration of skilled workers was rather discouraged.

The Poor Law Amendment Act introduced by the Whig government in England in 1834 provides an excellent example of early emigration policy developments (Constantine 1990). Before the introduction of this Act, overseas migration was sponsored by local parishes and landowners, who cared for the needs of the poor, and took charge of the expenses for destitute peasants who aspired to emigrate. The Act, which institutionalized provisions for the poor, also included emigration as an option. The government considered it to be less costly to pay for the expenses of a poor person's emigration, mainly to Canada and Australia, than to continue supporting them at home. Local parishes could borrow money to sponsor emigration and landowners could be reimbursed for half of the costs needed to assist emigrants. The Act made a local practice into a national responsibility[4] (Zolberg 2007). The 1834 Poor Law was also used as the legal basis to send children of poor families as emigrants to Canada. This practice was later continued through the Reformatory and Industrial Schools Act of 1891 and the Children's Act of 1908, while to support the

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[4] However, curiously, the parishes found that reducing the number of indigents in the parish would reduce the assistance they would receive from the state under the new law, which decreased their interest in encouraging emigration. At the same time, because the Act allowed individuals to receive assistance in all parishes, poor individuals who might have opted for emigration beforehand found an opportunity in internal migration and continued right to assistance (Zolberg 2007).

emigration of unemployed adults and their families the government enacted the Unemployment Workmen's Act of 1905 (Constantine 1990).

In a process which he describes as the 'exit revolution', Zolberg (2007: 55) argued that 'by the mid-nineteenth century, the burden of [migration] control shifted largely to the receivers' (i.e. primarily North America), which began to show greater interest in controlling flows. Moreover, as states have gradually moved towards more democratic forms of governments and increasingly respect human rights, it has also become more difficult to implement emigration policies that exert direct control of movement. This is connected with a global trend towards more liberal economic and labour market policies. Bourguignon (1977) argued that this shift coincided with a growing conviction that immigration policies are much more effective at regulating flows than emigration policies. Also, in more recent years, an increasing number of states have abolished absolute exit controls. In the second half of the twentieth century, and particularly after the fall of the Berlin wall, states have gradually lifted absolute exit barriers. In 1987, 21 countries were listed as having general emigration restrictions, while in 2005 the number had decreased to 11 (Dowty 1987; McKenzie 2005).

However, the term 'exit revolution' can be deceiving, as there have been periods, particularly in the early twentieth century, where many states re-introduced exit restrictions. Starting in the 1920s emerging communist and fascist states operated emigration control policies. Highly regulated systems of movement control were instituted to regulate exit, as in Italy, and to regulate all internal and external movement, as in the Soviet Union (Douki 2007; Matthews 1993). Through the twentieth century, the consolidation of new (nation-) states has often coincided with the expulsion (or forced assimilation or genocide) of unwanted 'minorities' that were officially described as threatening to the official, unitary ideology of nation states (Dowty 1987). Particularly if notions of citizenship are strongly based on commonly imagined religious or ethnic affiliation, states are often driven to expel 'minorities' while encouraging the immigration of co-religious or co-ethnic population in order to create 'homogeneous' populations. The population exchanges in post-Ottoman Balkan states, the 1923 population exchange between Greece and Turkey and the population exchange following the 1947 partition between India and Pakistan, the Palestinian exodus (the Nakbah) during the 1948 Arab–Israeli war, and the massive displacement during the 1991–1995 Yugoslav wars are some more recent, illustrative examples. This also exemplifies the intricate relation between immigration and emigration policies.

Furthermore, notwithstanding the general shift towards fewer emigration restrictions, the image of an 'exit revolution' conceals the fact that many states still try to regulate emigration, although perhaps in different ways than they did previously. Although blanket exit restrictions have become increasingly rare, many states still aim to encourage or restrict the emigration of *particular* groups. In this context, it is interesting to observe that poor and wealthy states often have opposed interests with regards to the kind of migrants they prefer to attract or drive away, respectively. Zolberg (2007) conceptualized this as part of a 'tug-of-war', in which poorer states seek to prevent the emigration of 'valuable population' (generally the highly skilled) and welcome opportunities to 'shovel out' the surplus of low-skilled labour, while richer states generally favour immigration of the highly skilled while being less prone to favour entry of the lower skilled.

Despite the image of a general 'exit revolution', there remain remarkable differences in the nature and evolution of emigration policies. States are often ambivalent about emigration policies, as they are shaped by often conflicting domestic political and political interests as well as foreign relations. Furthermore, the evolution of emigration policies is often anything but a linear and smooth progression from restrictive to liberal. To further illustrate this, the following sections briefly analyse emigration policy formation and implementation in three states: the former Soviet Union, Italy and Mexico.

1.1 Migration restrictions in the Soviet Union and Russia

Russian restrictions on internal and international movement were not the invention of the Soviet system. Movement was already highly restricted in the seventeenth century, with restrictions that mainly pertained to internal mobility. Serfdom, consolidated in Russia in 1649, limited peasants' ability to leave, and village passes were introduced to control the peasants' internal mobility (Torpey 2007). The emancipation decree of 1861 freed serfs from the direct control of landowners, but changed little in the daily lives of the peasants. While the rights of landowners to restrict serfs' movements were being lifted, restrictions on movement started to be imposed by the czarist state, which required that people obtained permission to depart and introduced early versions of the internal passport and state passports in 1857 (Matthews 1993). In the late eighteenth and early nineteenth century, passport requirements were somehow relaxed for most of the population. Most people who left were Jews fleeing anti-Semitic violence, and Poles, and their departure was generally welcomed by the Russian elite, who considered both groups as problematic (Torpey 2007; Dowty 1987).

Exit was liberalized with the October Revolution,[5] but was reintroduced with the ensuing of the Civil War conscription and with that a series of registration procedures were introduced (Torpey 2007). In 1932 the Soviet state reintroduced the internal passport and the residence permit (*proposka*), which allowed the control of population movement. By the early 1930s the Stalinist regime had grown increasingly oppressive, with a need to exert internal social, economic and political control and to seal the frontiers from external capitalist influences. Stringent measures were adopted to better account for the population, identify individuals associated with industry, those who were not engaged in productive labour, and criminals (Matthews 1993). In the 1960s and 1970s, the Soviet state created 'closed cities', which were the capitals of national republics and all cities above 500,000 inhabitants. Outsiders' access to these cities was highly regulated, although not always successfully as there is evidence of significant numbers of workers residing irregularly in these cities (Torpey 2007).

Emigration abroad remained very restricted, typically granted to minorities who were seen as undesirable segments of the population. To travel abroad, an international passport was needed in addition to the internal passport. This was typically issued only to trusted functionaries of the state, security personnel and journalists for diplomatic or

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[5] Freedom of movement was an important principle of the revolutionaries, a break away from a past in which mobility for the masses had been prohibited. Similarly, the French revolutionaries had also removed all barriers to movement previously established by the King to prevent the movement of peasants. As security issues mounted, the new French government reinstituted restrictions to movement, including a new passport law in 1792 (Torpey 2007).

professional purposes (Dowty 1987). In 1990, the requirement of an exit stamp (or visa) was removed, granting individuals the right to travel abroad with the Soviet international passport (Matthews 1993).

1.2 The Italian emigration state

Italy has had a generally positive, but rather ambiguous, attitude towards emigration. Emigration from Italy had grown to significant proportions even before the birth of the Italian Republic in 1861. After discussions, the leaders of the young republic decided that emigrants should be recognized as an intrinsic part of the Italian population. Hence, the government would defend Italian migrants' rights in the destination country and in so doing would gain the loyalty of the destination country and its participation in the construction of Italy as a nation (Douki 2007). As a result, a comprehensive emigration-encouraging policy was established in what Cometti (1958) called the '"golden period" of Italian emigration legislation'. The adoption of the first 'organic' (comprehensive) emigration law of 31 January 1901, and subsequent legal modifications, created a national bureaucracy and a set of regulations to carefully manage the departure of Italian citizens.[6]

Italian emigration policy institutionalized emigration. It strongly encouraged emigration as an effective outlet for the unemployed, although it occasionally introduced restrictions to specific destinations, such as to the coffee plantations (*fazendas*) in Brazil in 1902, to avoid the exploitation of Italian workers abroad.[7] The Italian emigration policy included three main components: 1) the creation of a bureaucratic apparatus to implement measures to control movement; 2) measures to guarantee a safe and successful journey for migrants; and 3) measures to protect the rights of migrants abroad (Cometti 1958).

With the advent of Fascism, emigration policy slowly evolved to suit ideological objectives. The early 1920s saw an emphasis on the temporary nature of Italian migration to other European countries. However, the *de facto* permanent character of much migration could no longer be denied when the US Immigration Acts of 1921 and 1924 were introduced. The failure of bilateral USA–Italy negotiations to increase the quota allocated to Italians exemplified the stronger position of the US government (Cometti 1958). In 1923, the Italian government proposed to Britain a scheme for emigration, but the offer was dismissed (Roe 1990). In spite of the attempt of the Fascist regime to uphold Italian migrants and guarantee them a destination, in 1927 a new policy was made official: 'permanent emigration had to be opposed because it weakened the nation from both a quantitative and a qualitative point of view' (Cannistraro and Rosoli 1979: 687). The Commissariat for Emigration was renamed General Direction of Italians Abroad in 1927, the Emigration Fund was dismantled, entry and exit were restricted, and clandestine emigration was punished.

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[6] See Douki (2007) for a thorough account of the regulation of emigration through the creation of a category (the emigrant) and the key role of local authorities, the police and the statistical agency that aimed to 'count' emigrants.

[7] Endoh (2009) shows that Italy's restriction of emigration towards Brazil at this time provided an opportunity for the Japanese government, which was looking for possible destinations for its citizens. The government of Japan focused on relieving domestic economic and political pressure more than on protecting the rights of Japanese workers abroad. Brazilian coffee producers had an active role in promoting immigration from Japan to fill the labour shortages left by Italian immigrants.

With the rise of Fascist ideology, emigration could not be reconciled with the image of a great self-sufficient Italian nation. However, faced with economic constraints and widespread poverty, eventually Mussolini accepted the need for emigration and loosened emigration restrictions, but only after reframing emigration as part of the Italian colonizing mission, such as in Libya (Cometti 1958). In this context, many Italians settled in Libya for instance. Italian emigration policies under Fascist rule exemplify the fundamental ambiguity that characterizes the attitudes of many authoritarian states *vis-à-vis* emigration. They also show the limited ability even authoritarian governments possess to contain emigration, as the Italian government had to abandon its efforts to regulate historical emigration channels that had been established over the past century.

After the Second World War, emigration was once again seen as a necessity in the war-torn country. New institutions, such as the High Commission for Work Abroad and the Superior Council of Emigration were created, not only to provide migration services but also to address the welfare of emigrants. Italy developed into a relentless supporter of 'freer movement of manpower in Europe' (Cometti 1958: 833). Interestingly, in the late 1980s, when Italy was already a country of immigration, the Italian government was still pursuing an emigration policy, but attention was paid particularly to the right to vote of Italian emigrants and to providing assistance to emigrants in difficult situations (OECD 1990).

1.3 Mexico's limits to emigration control

The Mexican case exemplifies a situation in which emigration policies were eventually abandoned in face of their overall ineffectiveness accompanied by a shift in national ideology. The basic acceptance of freedom of movement was already incorporated in the Mexican constitutions of 1857 and 1917. Over much of the twentieth century the Mexican government stimulated anti-US nationalism and pursued emigration control policies to reduce emigration to the USA. However, these policies were abandoned in the 1970s. At this time the government saw emigration as an effective response to poverty, high population growth and the inability of the state to provide appropriate social services. As a result, from 1974 the Mexican government allowed migrant workers to leave without a contract. Consequently, it informed the USA that Mexico was no longer interested in renewing the *Bracero* guest-worker agreement. Over half a century, the federal Mexican government had been largely unable to implement and enforce emigration policy and exert effective control over the flows. Curiously, the US law that restricted immigration was just as ineffective to stop Mexicans migrating due to job opportunities offered by US businesses (Fitzgerald 2006). This indicates the limited abilities of migration policies to control migration that is driven by strong economic incentives.

Nowadays, border control and policing have also been abandoned because of their unconstitutionality. The right of exit provides a justification to the government's inaction towards undocumented emigration. Instead, the Mexican government has increasingly emphasized protection and rescue to border crossers in difficulty. In addition, a new concept of emigration policy has emerged since the 1990s, which emphasizes collaboration with regular *and irregular* migrants living in the USA to encourage their contribution to national development through investment programmes, and their participation in Mexican elections (Fitzgerald 2006; Waldinger 2009).

2 Governments' views on emigration: increasing concerns, decreasing capabilities?

The cases of the former Soviet Union/Russia, Italy and Mexico exemplify the variety of ideological factors and economic interests that shape national emigration policies. They also show that the evolution of emigration policies has not been a smooth progression from restrictive to *laissez-faire* or to emigration-encouraging policies. Moreover, these examples highlight the close connection between the nature of the state and the type of emigration regimes, with authoritarian states with closed economies being able to impose higher levels of exit restrictions than more open, democratic societies.

Figure 1: Government views on the level of emigration, by development level[8]
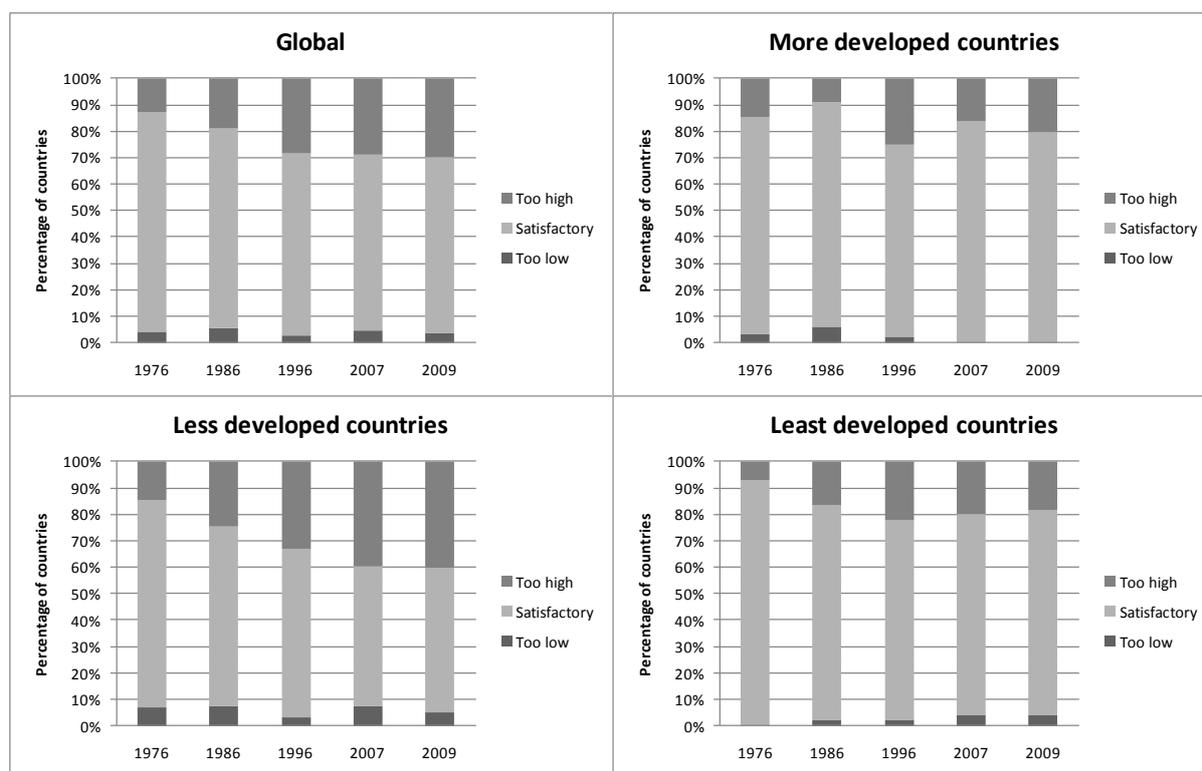
Source: UN World Population Polices, 2007 and 2009

However, it is important to stress that while the ability and willingness of states to forcefully block exit has gone down, their desire to control and, particularly, decrease migration may persist. In fact, despite its severe limitations, the UN database on world population policies[9] seems to suggest that the proportion of states worldwide that view the level of emigration

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[8] The more developed countries include Northern America, Europe and the countries of Australia, Japan and New Zealand. The least developed group includes 49 countries mainly located in sub-Saharan Africa and South Asia (for further details, see UN World Population Policy 2009).

[9] The UN World Population Policy 2009 database is compiled using various governmental and non-governmental sources, and provides a general overview of government views and policies on migration. The database allows only one general policy objective for each government, which may hide conflicting policy measures that differentiate between segments of the population (e.g. the high- and low-skilled, women and children). Also the category of 'maintaining' emigration can be problematic as such 'maintaining' can both apply to emigration-lowering and emigration-raising policies. Notwithstanding the limited value of this database, it may generate general, tentative insights, which should be further investigated.

as 'too high' has significantly gone up from 13 to 30 per cent between 1976 and 2009 (see Figure 1). In fact, these worries might exactly be *because of* their decreased ability to increase emigration. Figure 1 also shows that concerns about emigration are highest in the middle category of 'less developed' countries. It is perhaps not surprising that these countries are more preoccupied with emigration as it is countries with moderate levels of development which typically experience the highest emigration rates (de Haas 2010c). A breakdown by continent shows that about half of all states in Latin America and the Caribbean view emigration as too high, and none as 'too low'. These percentages are much lower elsewhere, although they have been increasing in Africa. In fact, preliminary regression analysis revealed that emigration rates have a significant positive effect on views that emigration levels are too high as well as on policies to lower migration.

Figure 2: Government views on the level of emigration, by world region
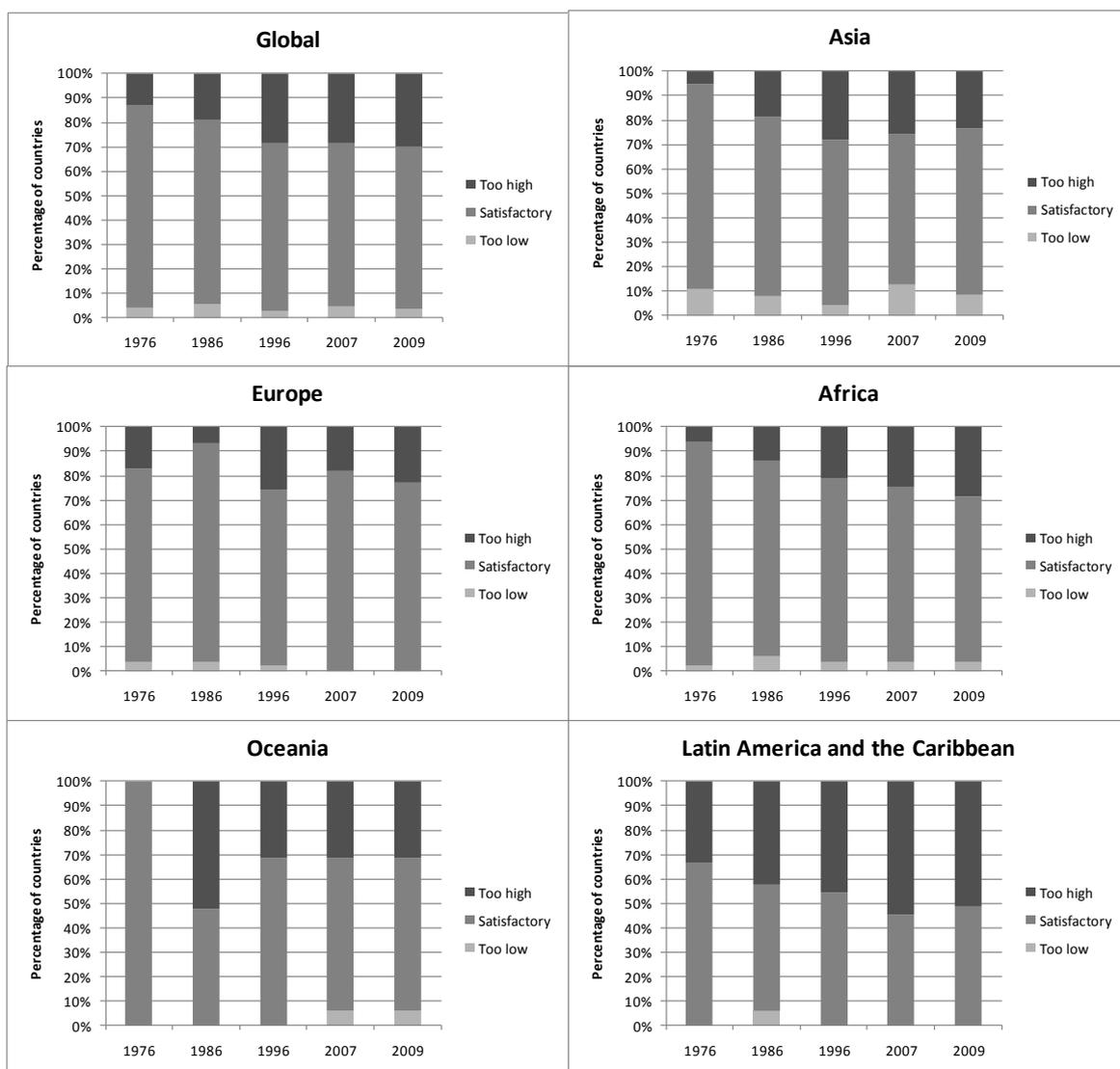
Source: UN World Population Polices, 2007 and 2009

Remarkably, Asia shows an opposite trend, which seems to reflect the labour export model which many Asian states have embarked on. Several Asian countries view migration as an essential source of economic stability and remittance-fuelled growth. Although much more

research is needed, this also suggests that it is hard to dissociate perceptions of emigration with development ideologies. In Africa and Latin America, views that emigration can undermine development are presumably more prevalent. In Africa, in particular, this seems to coincide with public fears of a 'brain drain'.

Although the percentage of governments that view emigration as too high has increased from 13 to 30 per cent between 1976 and 2009 (Figure 2), only 22 per cent of governments have declared that they have policies to lower emigration (Figure 2). Interestingly, 5 per cent of all national governments aim to *increase* emigration (Figure 3).[10] The UN data do not clarify what these policies concretely entail, to what extent they are implemented or how effective they are. Furthermore, it is important to emphasize that 73 per cent of all countries either have no emigration policy (52 per cent) or have a policy to maintain emigration (21 per cent).

Figure 3: Stated emigration policies by countries
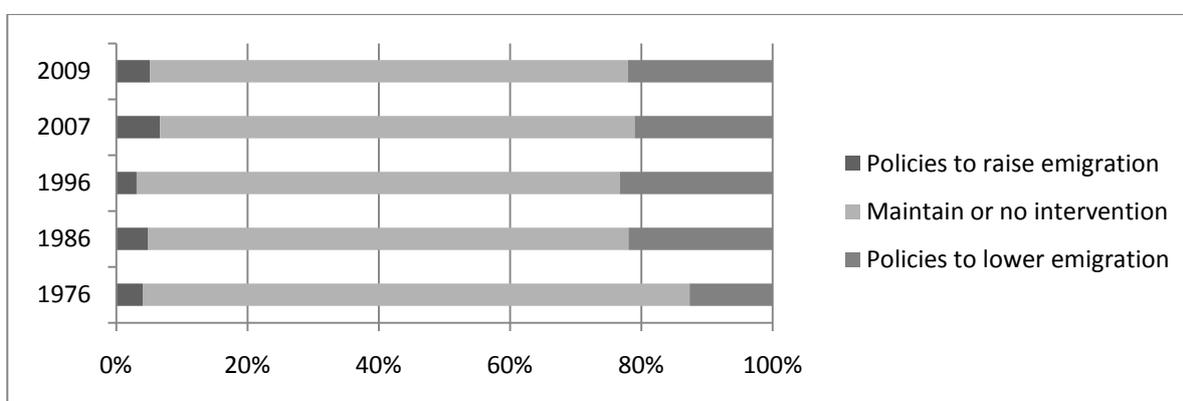
Source: UN World Population Polices, 2007 and 2009

Figure 4: Share of governments pursuing emigration policies, by level of development
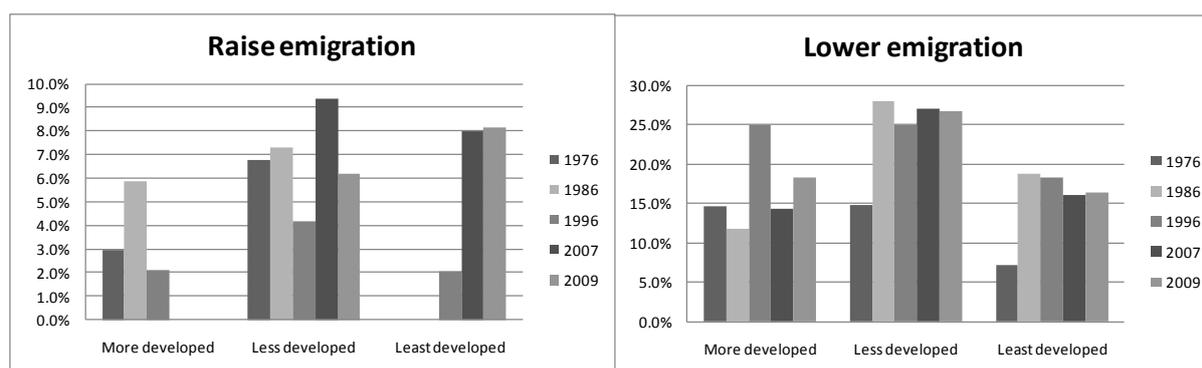
Source: UN World Population Polices, 2007 and 2009

The UN World Population Policies database presented in Figure 4 also suggests that there is a weak, but certain correlation between level of economic development and emigration reduction policies, which are most prevalent in less-developed countries, particularly over recent years. While most countries aim to lower emigration, a minority of less and least

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[10] Bangladesh, Honduras, Indonesia, Jordan, Nepal, Pakistan, Tunisia, Tuvalu, Viet Nam and Yemen.

developed countries aims to increase emigration. Remarkably, among the most developed nations, no single country aims to increase migration, and still a significant minority aims to reduce out-migration. Figure 5 shows that the steepest increases in the relative number of states aiming to reduce emigration are found in Africa and Oceania, whereas the number is high but decreasing in Latin America and the Caribbean. It also confirms earlier observations that most emigration-encouraging states are located in Asia. This mostly takes the form of 'labour export' policies pursued through bilateral agreements with labour-scarce countries in the Middle East and elsewhere. Finally, Figure 6 shows that virtually all emigration-encouraging countries are located in the Eastern hemisphere whereas emigration-discouraging countries are mainly located in sub-Saharan Africa, the Middle East, Eastern Europe and Latin America.

Figure 5: Share of governments pursuing emigration policies, by world region
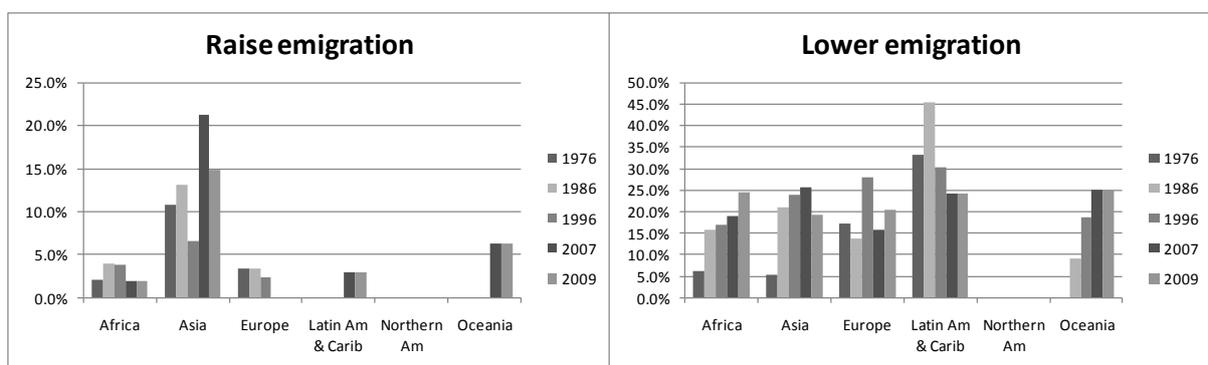
Source: UN World Population Polices, 2007 and 2009

Figure 6: World map indicating emigration policies by national governments
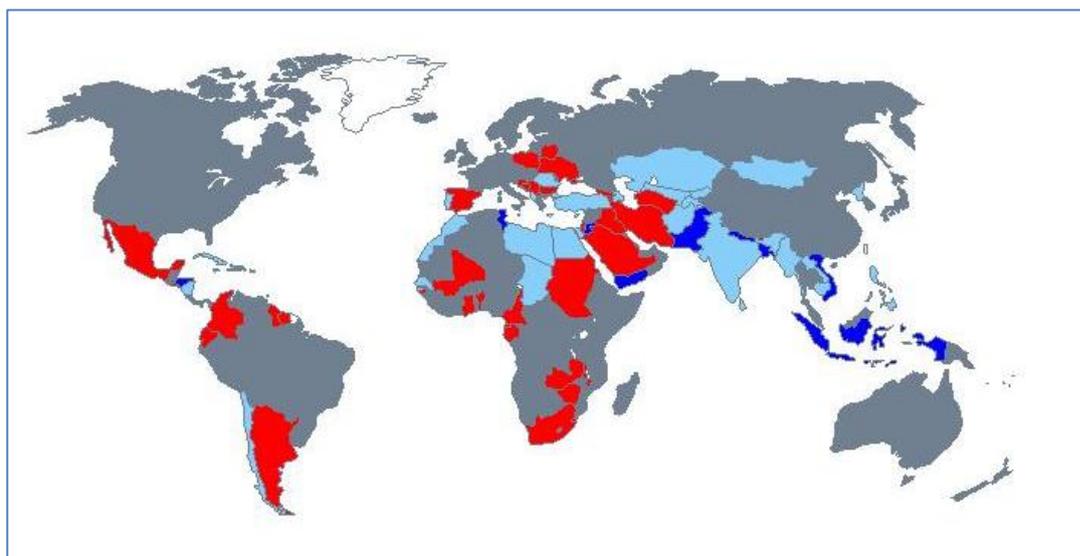
Source: UN World Population Polices, 2009
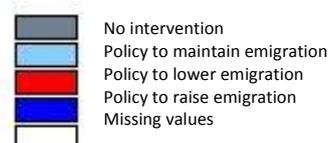
3 Policy ambiguities: emigration as an opportunity and a threat

Political and economic factors often explain why governments may see emigration as an opportunity or a threat, or perhaps more often a combination of these at the same time. Often, emigration is simultaneously seen as an opportunity to export surplus labour and get rid of intellectuals and other troublemakers, decrease poverty and unemployment, generate remittances, stem domestic political unrest and maintain the political status quo; as well as a potential 'brain and brawn drain', undercutting national economic development, undermining innovation and production, and generating a potential force of dissidence or revolution from abroad. This reveals an intrinsic ambiguity, in which governments face a trade-off between the perceived costs and benefits of emigration, in which it generally hugely matters *who* is prohibited, allowed or even encouraged to leave the national territory. At the same time, emigration policies are affected by foreign policy considerations and, particularly, bilateral relations with (potential) migration destination states.

There seems to be a correlation between the level of state authoritarianism and ideology and governments' *aspirations* and *capabilities* to constrain emigration. While the economic motivations that drive authoritarian states to favour or restrict emigration may not be fundamentally different from those of more democratically governed states, the political motivations often are. This particularly applies for totalitarian regimes (where authoritarianism coincides with a state-imposed ideology dominating most dimensions of public and private life), which typically aim to curb emigration as much as possible. Totalitarian states are characterized by a strong ideologically driven nationalism, with explicit roles for the masses and a leader who ensures that citizens fulfill their role. There is no room for opposition as 'totalitarian dictators view opposition, even neutrality, as treason' (Sondrol 1991: 604). Emigration is often seen as a vote of no confidence and an embarrassment to the presumed superiority of the nation and society. In particular, exiles may form an opposition from abroad. This may lead totalitarian governments to choose repressing the opposition within the country rather than allowing the departure of dissidents. Nevertheless, this is apparently a difficult trade-off as some regimes have also tacitly encouraged emigration of potential dissenters and intellectuals to get rid of critics, as was the case in the early years of Gaddafi's rule in post-revolutionary Libya (Martinez 2007).

Countries with closed economies and totalitarian regimes generally only allow migration to ideologically and economically aligned countries. This was particularly applicable to the former Soviet bloc. For example, Cuba provided skilled workers to Eastern European as well as to African countries aligned with the Soviet Union (Diaz Briquets 1983). In the same vein, Vietnamese workers were allowed to migrate to Eastern European countries, while many young Africans from Soviet-aligned nations (such as Ethiopia, Mozambique, Libya or Algeria) were allowed travel to the Soviet bloc to obtain an education. These forms of mobility also served as a tool to strengthen social, economic and ideological ties among communist nations. Still, many Soviet-aligned governments tried to block exit as much as possible. Socialist Algeria, for instance, which denounced emigration as a form of post-colonial dependence (Fargues 2004) formally suspended all migration to France in 1973 (OECD 1974), based on the assumption that booming oil revenues would allow Algeria to employ its own people.

Authoritarian, non-totalitarian states with more open economies are generally less concerned with enforcing internal ideological consensus and may tolerate some forms of

opposition or political parties, although they often resort to (the threat of or real) violence to instill fear in the population if the regime is seriously threatened (Sondrol 1991). They are less likely to oppose emigration particularly when migration is seen as economically beneficial, although some authoritarian governments might prefer to retain 'disloyal' individuals within national boundaries.

Although their attitudes towards emigration vary considerably according to economic, political and ideological circumstances, what really distinguishes authoritarian governments is their larger *capability* to control emigration. Authoritarian governments typically enjoy a larger degree of control over their citizens' movements than more democratic governments because they have a greater tendency to ignore human rights. For instance, identity cards and/or passports are used by all states as a way to identify individuals, allow international travel and extend protection to citizens abroad. Authoritarian governments are more likely to use the issuance of identity documents and passports to control their populations and their movements, whether internally (such as in the Soviet Union and China) or abroad.

In the Cold War era, geopolitical realignment of nations and concomitant ideological shifts often coincided with dramatic changes in emigration policies. Egypt's radical shift in migration policies after the 1970s is a striking case in point. In the 1950s, the Egyptian state actively discouraged labour emigration, mainly through 'exit visa' requirements (Choucri 1977; Sell 1988). Within Nasserist socialism, migration was seen as endangering national development through the 'brain drain'. The emigration that was allowed was strongly driven by ideological arguments. Nonetheless, over this period and until the mid-1960s high-skilled migration of teachers to the Gulf states was allowed as a gesture of solidarity of pan-Arabism (Roman 2006), again showing the importance of state ideology in explaining migration patterns.

A striking turnaround in Egyptian migration policies occurred after Sadat came to power in 1970. Sadat's *infitah*, or open door policies, meant a reorientation from the Soviet Union towards the United States, and a move from a centralized plan economy towards liberalization and increasing opening of the Egyptian economy to foreign investment. In 1971 all legal barriers to migration were lifted, and government workers were allowed to emigrate and maintain the right to return to their jobs (IOM 2005; Roman 2006). However, it is deceiving to explain this change only according to ideological factors. Surging Egyptian emigration was also driven by new work opportunities in the booming oil economies of Libya and the Gulf states in what can be described as a 'remarkable reversal of relative economic conditions' (Sell 1988: 93) between Egypt and its eastern and western Arab neighbours, which became even more pronounced after the 1973 Oil Crisis and the surge in oil prices. Temporary migration started to be seen as a means to alleviate demographic pressures and stimulate economic growth.

Castro's opening of the border in 1980 via the Mariel sea-lift may be at least partly explained by the dismal socio-economic conditions in Cuba (Diaz Briquets 1983). In the past, the authoritarian governments of Japan, Italy, Spain, Portugal and Yugoslavia encouraged migration for economic reasons by creating emigration bureaucracies and concluding recruitment agreements with destination countries (Cannistraro and Rosoli 1979; Schierup 1995; OECD 1986), in ways that are not entirely dissimilar from the labour-export policies of the Philippines. Two important differences seem to be that, nowadays, states have a greater

interest in protecting their citizens abroad, and they have a greater willingness to invest in providing potential migrants with the skills needed abroad.

This shows that for authoritarian governments, economic interests are often as important as political and ideological incentives. Particularly in poor countries, economic difficulties can create pressure to tacitly allow or even encourage emigration in order to decrease unemployment, generate remittances, reduce poverty and encourage investments by return migrants. The dilemma is perhaps the following: while emigrants are seen as a potential force of opposition *from abroad*, not allowing emigration can breed poverty, unemployment and political discontent *from within*. This is the political reason why several poor and authoritarian states, such as Morocco, have on the one hand encouraged emigration (particularly of the low skilled), but have typically also tried to tightly control and actively prevent 'subversive' political activities of emigrants (de Haas 2007a).

Particularly after the fall of the Berlin wall, many authoritarian, communist regimes have shifted from state-led to capitalist, liberal economic models. This has also coincided with more liberal attitudes towards emigration, although concerns about the potentially development-undermining role of very high emigration have not disappeared or, if we may use the UN data as a yardstick, have perhaps even increased. Democratic states are less concerned about migrants forming a 'fifth column' from abroad. At the same time, the very democratic nature of such states and their greater respect for human rights also implies a decrease in their *capability* to effectively control emigration. Most states have little rationale for restricting emigration of the low-skilled, while they are often concerned about the emigration of the high-skilled. National development strategies of middle-income countries may emphasize the need for highly skilled professionals to take the country onto a development path. Hence, concerns about 'brain drain' may explain why, according to the UN data cited above, many middle income countries *aspire* to limit emigration, although the *capabilities* to do so are fundamentally limited, particularly in more democratic states.

A shift from authoritarian to more democratic systems does not necessarily lead to a significant change in the aims and objectives of emigration policies. Besides Italian emigration to the Americas and Northern Europe throughout the twentieth century, emigration from Japan to Latin America from the beginning of the twentieth century to the 1960s provides a significant example of the continuity of emigration policies across ideologies. A weak economy marked the period from before the First World War to after the Second World War, which compelled the Japanese government to promote emigration beyond Hawaii and the United States, the typical destinations of Japanese emigration, towards Latin American countries. Hence, Japan signed bilateral agreements with countries such as Bolivia, Brazil, Peru, Paraguay and the Dominican Republic.

The labour export schemes adopted by the pre-wars authoritarian government and the post-wars more democratic (though conservative) governments[11] were strikingly similar. The rationale for and implementation of the schemes was also largely the same before and after the wars. Although 'overpopulation' and poverty were used as the public rationales for the state-led emigration schemes, there were also political motives. The government aimed to find an outlet for dissatisfied population groups in the south-west of the country as well as for the *buraku*, descendants of outcast communities of the feudal era. Persuasion rather

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[11] In 1952, after a seven-year occupation (1945–1952), Japan reclaimed national sovereignty, adopting a parliamentary system.

than force was used to encourage emigration. Promises of land and idyllic conditions in Latin America were used to attract potential emigrants and their families (Endoh 2009). However, the Japanese government failed to protect their rights and to help them to return to Japan.[12] In fact, the real intention of the Japanese government in the 1950s and 1960s was to resettle the emigrants *permanently* (Endoh 2009: 37).

This challenges the idea that (more or less) democratic governments respect human rights obligations *vis-à-vis* their citizens within and outside their country. This case exemplifies the blurred distinction between democratic and authoritarian governments, which might have similar economic motivations to stimulate or discourage emigration. It is also more appropriate to talk about *degrees* of authoritarianism and personal freedoms rather than to make a dichotomous distinction between democratic and authoritarian states. Furthermore, while most predominantly democratic states have abandoned broad catch-all policies to block exit or force people to leave, they may deploy more subtle, less forceful, policies to encourage or discourage the emigration of particular segments of the population that are considered more or less valuable for national development. In parallel with a possible trend among immigration policies (Czaika and de Haas 2011), we may hypothesize that in more democratic states emigration policies affect the composition or selection ('who leaves') rather than the overall volume of emigration.

4 Emigration policy instruments: a typology

On the basis of the prior analysis, it is useful to make a distinction between three categories of emigration policies: 1) minimal regulation or *laissez-faire*; 2) encouraging emigration; and 3) restricting emigration. The following sections will briefly review these three basic policy types and the instruments states use to implement them. Although there seems to be an association between certain types of policies and the level of state authoritarianism, it is important to emphasize that this is not a perfect correlation. While *laissez-faire* policies may be a more typical attribute of liberal democracies, authoritarian states, particularly if they have open economies, can also adopt *laissez-faire* policies towards emigration. For instance, this seems to be the case for many African countries. In the same vein, policies to encourage emigration (for instance through bilateral recruitment agreements) are an attribute of both authoritarian and democratic states, although they perhaps occur more often in the second category. By contrast, policy that restricts emigration seems to be a specific, although not exclusive, attribute of authoritarian states, as the implementation often involves serious human-rights restrictions and a bureaucratic apparatus to enforce control.

A second layer of complexity is added through the fact that emigration policies generally target particular skill, ethnic, religious or gender groups. For instance, some states have imposed particular restrictions on the emigration of women, others encourage the emigration of the low-skilled while discouraging departure of the high skilled, or the other way around (Dowty 1987; Fargues 2004; Go 2004; Hugo and Stahl 2004; Zolberg 2007). The fragmentary and 'composite' nature of emigration policies can be better understood if we conceive of (democratic and autocratic) states as arenas where a large variety of actors and groups compete and further their own, often conflicting interests. The outcome is generally

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[12] In certain countries, Japanese migrants faced harsh living conditions. In the Dominican Republic the conditions were so poor that some of the communities faced starvation and recurrent violent threats by the native population.

a rather incoherent set of policies, which treat different groups differently and are rather 'selective'.

This corroborates the more general hypothesis that most migration (emigration and immigration) policies affect the composition rather than the overall volume of migration flows (cf. Czaika and de Haas 2011; de Haas 2011). While overall magnitude and long-term trends in migration seem primarily driven by general economic and developmental factors, the ability of governments to affect overall migration levels seems to decrease as the level of authoritarianism goes down. However, there is a need to look beyond the role of migration policies *per se* and to explore the ways in which states affect the migration process more generally.

4.1 Minimal regulation and laissez-faire

For some governments emigration is not a particularly pressing issue as they do not see it as an important lever or threat to national development. As a result they adopt a minimalistic emigration policy. This stance is typical of most industrialized, wealthy and democratic countries. Although they also often have high levels of emigration alongside immigration, they often do not perceive the emigration of their own citizens as a particular threat to national economic development. Nevertheless, concerns about emigration and 'brain drain' often flare up in wealthy countries during times of economic recession and protracted periods of net emigration. For instance, since 2001 Italy has introduced a policy (Ministerial Decree 26 Jan 2001 no. 13) and an initiative named *ControEsodo*[13] (Against the Exodus) in an attempt to attract qualified Italians who work abroad. In fact, the British Royal Society coined the expression 'brain drain' to describe the migration of scientists and technologists to the United States and Canada in the 1950s and early 1960s, which led the UK government to propose measures to improve the prospects of the high-skilled (Balmer et al. 2009).

However, even if there are *concerns* about emigration, in practice there is often little that states can *practically* do to curb emigration aside from improving the general economic and political climate. This seems particularly true for democratic states, but applies also to authoritarian but relatively poor states, which often lack the administrative and financial means to effectively control population movements. Such was the case of the Mexican federal government which adopted a policy of no policy starting in 1974, after it had failed to regulate emigration for most of the twentieth century (Fitzgerald 2006).

On the other hand, it is important to emphasize that '*laissez-faire*' is a rather misleading term as it falsely suggests that 'unconstrained' and free emigration will occur without state interference. In fact, and in strong analogy with economic *laissez-faire* policies, the paradox is that strong bureaucracies and regulatory frameworks are a necessary condition for '*laissez-faire*' migration to occur. In other words, granting citizens the legal right to emigrate is not enough. Besides the fact that people need access to economic and human resources in order to be able to emigrate, they also need passports, visas and the documentation (such birth certificates, bank statements, or certificates of no criminal conviction) required to obtain these.

For instance, a recent study by McKenzie (2005) suggests that high passport costs constitute a significant constraint on emigration. Inefficient and corrupt bureaucracies may

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[13] More information at www.controesodo.it/.

therefore constitute a formidable constraint on emigration, even if states do not actively attempt to curb emigration. This may provide further explanation for the finding that the poorest countries generally experience relatively low levels of emigration (de Haas 2010c). The paradox is that liberal or *laissez-faire* policies require efficient bureaucracies that are able to provide such documents to all citizens at affordable prices so as to endow them with the actual *capabilities* to migrate. Weak or authoritarian states that are not willing or capable of providing quick and easy access to documentation are effectively constraining or obstructing emigration. This exemplifies that so-called *laissez-faire* policies require pro-active policy interventions in order to facilitate emigration, which is a conscious choice and, hence, a form of state agency too. The inference is that it is more appropriate to talk about *degrees* of constraints on free migration rather than to assume a dichotomous distinction between *laissez-faire* and blanket exit blockage.

4.2 Encouraging emigration

Economic pressures can weigh heavily on governments which are unable to offer short-term solutions to unemployment and poverty. Emigration can then be perceived as an opportunity to reduce popular discontent and revolutionary tendencies. In such contexts, many governments have adopted labour recruitment or 'labour export' schemes, which allow governments to take an active role in encouraging emigration. A range of benefits can be perceived to arise as a result of these policies: relieving unemployment and political discontent; improving emigrants' skills and knowledge; generating remittances and migrants' investment in origin countries. There is a heated debate on how beneficial these schemes and emigration really are for long-term development of origin communities and countries (Taylor et al. 1996b; Taylor et al. 1996a; de Haas 2010b; de Haas and Vezzoli 2009). However, in the short term such policies have a real potential to reduce the number of unemployed, often male workers, and therefore are an appealing option for governments seeking to release economic and political pressure (Miles 1986; Endoh 2009).

Emigration-encouraging policies are typically implemented through bilateral agreements on the recruitment of labour. Recruitment is not a new, post Second World War invention. With modern industrialization and the realization that labour was essential and cheap labour was desirable, labour needs were filled through slavery, indentured workers and the coolie system, which sustained the economic growth of nations and empires. The introduction of labour recruitment schemes in post Second World War Europe was an attempt to encourage the circulation of migrants in order to achieve a more optimal allocation of capital and labour between wealthy and poorer nations in Europe and the Mediterranean. Progenies of the 1950s labour recruitment schemes exist today, often targeting temporary seasonal employment.

In some instances, the involvement of the sending state and the local communities seems to be much greater than in the past. A relevant example is the Recognised Seasonal Employer (RSE) work New Zealand established in 2007 with 11 Pacific Island states, which includes the involvement of sending-country governments to regulate recruitment (Hammond and Connell 2009). Sending states act as an important regulator, by defining the terms of successful migration, stipulating migrants' minimum rights for protection and providing information and training for would-be migrants. Hugo and Stahl (2004) describe in detail the strategies adopted by Asian labour export countries including the roles played by governments in enforcing regulations.

To organize the movement of labour, governments can choose between state-led recruitment and market-driven recruitment led, in practice, by private recruitment agencies (Abella and Lönnroth 1995). The state-led recruitment pursued by China and Viet Nam is marked by a proactive role of the state, which is directly engaged with recruitment agencies and also acts as a recruitment channel for priority sectors (Miles 1986). In the 1970s, the Republic of Korea channelled migrant workers through a state-owned company in the construction sector (Miles 1986). The *Bracero* programme was heavily managed by the Mexican state, although a high level of corruption often meant that individuals were accepted via clientelist practices that bypassed the state (Fitzgerald 2006). Other governments prefer to limit their involvement by defining the rules of the labour schemes and setting standards to guarantee the protection of their citizens working abroad, while the recruitment process is left in the hands of private recruitment agencies. The Indian government has adopted this approach and it has instituted standard government-approved contracts which it requires foreign employers to adopt in order to simplify the approval process of aspiring migrant workers.

The pre-eminence of 'labour export' in many, primarily Asian, countries does not mean that these policies come at no costs or risk. In fact, they often encounter opposition in the origin countries. Governments increasingly enter into negotiations with immigration-country governments in order to regulate the movement of workers and offer their citizens security and protection (Miles 1986; Go 2004). The potential for exploitation to which migrant workers are exposed, in particular women in domestic and entertainment work, is a recognized issue that governments are often unable to resolve. Moreover, opponents of 'labour export' policies argue that heavy reliance on emigration can put a country on a dependency path, making it less prone to bring about the necessary political reforms and more vulnerable to outside shocks. The 1973 Oil Crisis has been an important lesson in this regard. In spite of existing bilateral recruitment agreements, once immigration countries stopped needing workers they halted the recruitment programmes, regardless of the consequences of this sudden action on the sending countries (OECD 1974; OECD 1976).

4.3 Restricting emigration

Although the number of countries blocking the exit of most citizens has been decreasing, several states continue to limit emigration of particular groups of citizens. In recent years, cases have been reported in Tunisia, Saudi Arabia, Syria and the United Arab Emirates of people experiencing difficulties obtaining passports because of their gender, opposition to the government or for being related to critics of the government.[14] It has also been reported that the Muslim Rohingya minority in Burma has experienced difficulties in obtaining identity documents and passports as they are not considered citizens by the state (Human Rights Documentation Unit 2009). Even when there are no legal barriers to obtaining a passport, high fees to obtain supporting documents and the passport, or the necessity for rural citizens to sustain travel expenses to reach passport offices in urban areas, may be real obstacles for poorer segments of the population (McKenzie 2005). This exemplifies the point made above that it is somehow difficult to determine where *laissez-faire* ends and restricting emigration begins.

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[14] Human Rights Watch World Report 2011; Human Rights Watch, *Syria: The Price Of Dissent*, 1 July 1995; Tunisia: Arbitrary Denials of Passports to Former Political Prisoners, 24 March 2010.

In India, obtaining a passport is not a problem *per se*, but a citizen's lower socio-economic status, aside from ability to pay for the passport, will also determine whether the passport is stamped, on release, with Emigration Check Required (ECR) or Emigration Check Not Required (ECNR). The stamp Emigration Check Required will force the citizen to go through further bureaucratic procedures to emigrate. The Indian case illustrates that exit visas are still more common than many imagine. In this specific case, it is imperative to understand that many Indians are exempt, primarily the educated, high-skilled and semi-skilled migrants, those who travel to Western countries, and spouses of professionals among others. However, if an individual holds an Emigration Check Required (ECR) passport, this person needs an exit permit.

There are instances in which exit permits are required in the law but not enforced. The Mexican constitution states that the government must verify that Mexican citizens have an entry visa before they are allowed to exit, although this is not enforced (Fitzgerald 2006). In Iran there are different types of exit permits and all set specific penalties for Iranian citizens who do not return within the time limits set by the permit.[15] Exit visas are required for Iranian citizens as well as foreign citizens visiting Iran, but Iranian citizens are also burdened with an exit fee of IRR 100,000 (about US$10) for the first exit and of IRR 150,000 for any extra exit during the same calendar year. Moreover, Iranian nationals leaving on international flights must pay a Tourism Tax of IRR 30,000 (just under US$3) at the airport in addition to an airport fee.[16] The costs associated with exit visas are as much a constraint as those for passports. The case of the Soviet Union offers a very good example of the multiple possibilities available to state officials to restrict emigration, even in periods such as between the mid 1970s and early 1980s, when some emigration was allowed. Aside from cumbersome procedures for obtaining permission to leave, Soviet citizens had to pay high fees to obtain foreign passports[17] and all the required permits, which was difficult for most citizens (Matthews 1993).

While blanket exit controls are primarily reserved for authoritarian governments, other forms of emigration-discouraging policies may be implemented by more democratic states. In 1991, the Hungarian government adopted the Foreign Exchanges Act, which required Hungarian emigrants to 'forfeit certain privileges: they lose their pensions and they are obliged to have their property and savings valued by officially recognized experts. The more valuable paintings, furniture, jewels and tableware immediately become a part of the 'national heritage' (OECD 1992: 101). While it is not clear whether this Act was implemented, it may have acted as a deterrent to emigration.

Given the limitations of broad exit restrictions, most states target either specific destinations or, more commonly, specific groups of potential emigrants. As mentioned above, within the Soviet bloc, it was generally easier to travel to other communist countries than to the capitalist world. During the Cold War period, mobility across the socialist and capitalist blocs was highly restricted. Some of these restrictions continue, such as between the USA and Cuba. In 1956, Italy temporarily stopped the recruitment of workers destined to work in the Belgian mines because of their poor treatment and low wages reserved for

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[15] UNHCR's Refworld, www.unhcr.org/refworld/topic,463af2212,49709cc62,45f147525,0.html
[16] This information was obtained from IATA's TIM Travel Information Manual, October 2008.
[17] This is different from the internal passport that has been required of Soviet citizens since 1932, including rural dwellers starting in 1974 (Matthews 1993).

Italians (Cometti 1958). A similar suspension was used by the Philippines for domestic workers directed towards Singapore in the 1990s (Hugo and Stahl 2004).

States often impose restriction on emigration of four specific categories of citizens: 1) political dissidents and ethnic minorities; 2) young men subject to military conscription; 3) women; and 4) specific groups of workers, which are seen as essential for national development. The dilemma caused by political dissidents and ethnic minorities, particularly in authoritarian governments, has already been discussed. The restrictions placed on the emigration of young men are justified by their obligation to serve in the military. This was the main reason why restrictions on movement were reintroduced in France and Russia after their respective revolutions. Today, 29 countries worldwide have mandatory military service.

Ensuring the protection of 'vulnerable' emigrants has become a significant motivation for governments to deny exit to specific categories. In India, low-skilled Indians who do not belong to any of the several exempt categories can be denied an exit visa if the working and living conditions set up by the recruiter do not guarantee the well-being of the migrant worker. In Bangladesh, concerns over the possible exploitation of women have pushed the government to allow the emigration of unskilled and semi-skilled women only when accompanied by a male partner (Siddiqui 2003 as cited in World Bank 2006). Women are often subjected to restrictions, and in the Asian labour export programmes, their age and the professions (e.g. domestic work, nursing, entertainment industry) they wish to follow abroad are carefully considered. In certain instances, it is a combination of age, profession and destination which will determine whether women are allowed to exit (Hugo and Stahl 2004). Indian women who wish to seek employment as domestic workers in Western Asia or North Africa must be 30 years old or older to be granted permission to emigrate (Lim and Oishi 1996 as cited in Hugo and Stahl 2004).

Another form of emigration restriction applies to high-skilled people and is usually motivated by the desire to prevent a 'brain drain' (Hugo and Stahl 2004). In Asia, while India facilitates the exit of many skilled workers, Bangladesh, Sri Lanka, Thailand and the Philippines try to restrict the departure of workers with scarce skills (Hugo and Stahl 2004). In many cases, such policies take the form of retention programmes rather than attempts to block exit. China has encouraged new academic programmes as part of a collaboration between foreign and Chinese universities, which have apparently reduced the number of Chinese students going abroad (World Bank 2006). This case also exemplifies the often blurred line between migration and non-migration policies.

Proposals to introduce 'brain drain taxes' and other schemes have been advanced in some countries, but little progress has been made in creating solutions that cannot be evaded or that do not automatically discourage the return of migrants (World Bank 2006). In 1972, the Soviet Union introduced an 'education tax' of 4,000 to 25,000 roubles for people who had received a state-sponsored higher education at Soviet institutions (Matthews 1993).[18] The Iranian government has instituted bonds that must be posted by nationals who

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[18] Public protest and pressure from the outside, mainly from the USA, led the Soviet Union to reduce the fees and practically abandon this policy in 1973, less than a year after it was introduced (Matthews 1993). The unsuccessful experience of dealing with this sensitive issue of a highly controlled totalitarian government is a good indication of the potential for success in liberal democratic governments.

were educated at the government's expense and request a single-journey exit permit.[19] To discourage the departure of its health workers, doctors and nurses, the Ghanaian government proposed a combination of measures that would create better working conditions and greater benefits, but would also withhold recent graduates' degrees for a fixed period of time (Sagoe 2005).

Aware that departure of the highly skilled may not always be prevented, some governments have put measures in place to punish the 'defectors' upon possible return. For instance, in Morocco and Egypt (for Egypt, see Roman 2006), for many years a public servant who abandoned his or her post to emigrate would not be able to return to public post upon return. However, such policies seem to have a rather perverse effect in discouraging return. Many sending-country governments have therefore eased severe restrictions, also because they increasingly realized that high-skilled emigration is difficult to prevent and sometimes is even desirable, particularly if confronted with increasing unemployment among graduates. Other governments do not aim to discourage emigration but focus on securing benefits to the national economy, particularly through maximizing and channelling remittances. For instance, South Korea gave exit permits on the condition that at least 30 per cent of the migrant's earnings would be remitted through the Korean banking system (Athukorala n.d. as cited in Hugo and Stahl 2004).

5 Foreign policy and the interplay between emigration and immigration policies

Emigration (and immigration!) policies can perhaps best be seen as the outcome of a struggle or a compromise between multiple groups with various, often conflicting interests. Interest groups in favour of or against particular forms of emigration are found both within the country and at the international level. In this sense, emigration and immigration policies show strong similarities. Yet emigration policies suffer from particular constraints that limit the scope of policy-making and implementation. On the one hand, the very nature of controlling exit violates an individual's freedom of movement. Preventing exit will generate negative 'human rights abusing' international publicity. On the other hand, encouraging exit does not violate any international norm, but the implementation of such policies (e.g. labour export programmes) is likely to encounter barriers of receiving countries whose governments are often not equally open to immigration.

Thus, emigration policies are not only determined by internal factors, but are closely intertwined with foreign policy. The interconnectedness between foreign and population policies has affected the movement of people throughout history. The settlement in colonial lands is perhaps the most significant example. Settlement of natives overseas has been the classic method of colonizing foreign lands. Although it certainly cannot be compared to colonization, where the balance of power was reversed, modern 'emigration states' are not entirely passive and powerless and often integrate emigration issues into broader foreign policy goals. For instance, emigration itself can be used as a foreign policy tool (Teitelbaum 1984). In 1922, Benito Mussolini openly declared that emigration was one of the aspects of Fascist foreign policy and emigrants were the manner in which Italian culture could be spread to other countries (Cannistraro and Rosoli 1979). In recent times, North African

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states such as Morocco, Tunisia and Libya have been able to use their perceived ability to control emigration as a lever to secure aid and direct foreign investment (Fargues 2004) or, as in the case of Libya, the lifting of the EU arms embargo (de Haas 2007c).

Evidence shows that hostile governments have fewer reservations in using emigration as a provocation. Viet Nam is thought to have encouraged and possibly organized the departures of boat people in the 1970s after the end of the war with the United States. These actions put the US government in great difficulty and forced it to negotiate with other Asian countries to provide first refuge to Vietnamese refugees after having guaranteed that it would provide assistance to resettle them to third country or, eventually, to the United States (Teitelbaum 1984).

The three waves of emigration from Cuba to the United States in 1965, 1980 and 1994 were breaches of Castro's strict policy which normally prevents the exit of Cuban citizens. Frustrated by the US policy of welcoming all Cuban emigrants, Castro decided to open the borders. This action put the US government in a difficult position as it could not afford to refuse entry based on its strong ideological anti-Cuban stance. Tensions arose as each country attempted to force the other to close its borders. In each of these three instances Cuba and the USA came to a mutual agreement to close the borders and prevent migration (Colomer 2000).

In addition, Libya's Gaddafi has frequently used the 'mass migration threat' in foreign policy. For instance, in August 2010 Gaddafi threatened[20] that the EU should pay Libya at least €5bn a year to stop illegal African immigration and avoid a 'black Europe'. More generally, Gaddafi has effectively used Libya's position as a destination country and a Mediterranean migration crossroads to regain international respectability and to lift various embargos (Paoletti 2010). As these cases illustrate, the importance of allowing or restricting emigration flows may become secondary, and instrumental, to more important foreign policy objectives.

There is often a close relationship or interaction between emigration policies pursued by sending countries and the immigration policies of receiving countries, which has remained largely unexplored. In Italy, for instance, Mussolini's emigration policy was guided by the quota system introduced by the US Immigration Acts of 1921 and 1924. Italian government representatives entered into negotiation with US government officials to ask for an increase in the allowed quota of Italian immigrants. While these efforts were futile, they led to a change in policy in Italy. The policy of 'selective emigration' was adopted, which saw the Italian Commissariat of Emigration screen about 250,000 yearly applications to select the yearly quota of 42,000 allowed by the USA. This resource-heavy approach was used by the Italian government as a sign of goodwill to the US government in the expectation that the USA would recognize the value of Italian immigrants and would once again open its doors. When the USA introduced a literacy test for immigrants a few years later, the Italian government introduced adult schools for literacy and training for specific trade skills. Eventually, given the ongoing restrictive immigration policies, the Italian government started thinking of new outlets for Italian labour, mainly to lands such as Libya, occupied during the Fascist government's colonial efforts, where emigrants settled to work in agricultural developments and public works promoted by the Italian government (Cometti 1958).

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[20] www.bbc.co.uk/news/world-europe-11139345

For the government of the Philippines, emigration is a national development strategy (Asis 2008). To secure the fair and equal treatment of Filipino migrant workers, the Philippine government has signed bilateral labour agreements with a range of countries. However, the Philippine government has not been successful in concluding any agreements with Japan and Saudi Arabia, where most Filipino migrant workers live (Go 2004). This reveals the more general point that sending countries are generally in a weaker position in bilateral agreements, exemplified by the tendency among receiving countries to unilaterally cancel bilateral labour agreements, as happened in Europe after the Oil Crisis (OECD 1974). This severely limits the ability of sending states to 'channel' migration.

Immigration policies seem generally less constrained by restrictive emigration policies rather than the other way around, because many more countries are willing and able to restrict entry rather than exit. In other words, the relations between emigration and immigration countries are typically asymmetrical, with the balance of power being generally in favour of (predominantly wealthier) immigration countries. If a sending country restricts exit, receiving countries will typically still receive immigrants from other countries open to emigration, so it may not be forced to enter into dialogue with that specific emigration country.

Table 1 represents such bilateral migration relations in a schematic way, in which four basic bilateral combinations are possible depending on whether the two countries are relatively open or closed towards immigration and emigration. This analysis suggests that it is typically more in the greater interest of emigration countries to enter into dialogue with receiving countries rather than the other way around. However, this does not mean that sending countries are entirely powerless, as they can either use 'mass emigration' as a (real or constructed) threat or tacitly allow or encourage legal and illegal emigration by adopting a *laissez-faire* attitude, as has been quite typical for classical emigration countries such as Mexico and Morocco. Nevertheless, in practice it seems more difficult to restrict than to encourage emigration. And, in many cases, immigration countries seek agreements with emigration countries in efforts to regulate migration as well as repatriation (readmission) of irregular migrants. For origin countries, bilateral agreements can create opportunities for legal emigration of its citizens and may facilitate the protection of migrants' rights while abroad. However, when immigration countries are able to draw potential immigrants from several origin countries, they may be reluctant to enter into negotiations which would oblige them to respect certain conditions with respect to immigrant rights. Saudi Arabia's resistance to negotiate an agreement with the Philippines is a case in point.

Table 1: Incentives for diplomatic dialogue by governments' openness and closedness to migration

		Receiving country	
		Open	Close
Sending country	**Open**	Dialogue likely, reciprocal interests, but stronger for sending country (for improvement of numbers, conditions, protection) (labour export scheme)	Dialogue started by sending country to secure destination for its migrant workers (irregular entries/readmission agreements; new destinations for labour export scheme)
	Close	Dialogue started by sending country if large outflows (brain drain)	Dialogue likely, started by either party if flows are deemed too large (irregular flows)

6 Effects and effectiveness of emigration policies

To our knowledge, there are no empirical studies that quantitatively assess the impact of emigration policies on actual migration flows. In part, this reflects a more general bias in the migration policy literature towards immigration and receiving-country perspectives. However, it is also part of a more general weakness in migration studies when it comes to empirically estimating the effect of migration policies. First of all, for the sake of conceptual clarity, it is crucial to make a clear distinction between the concepts of policy *effects* and *effectiveness* (de Haas 2011; Czaika and de Haas 2011). While *effectiveness* refers to the extent to which policies meet their stated objectives, *effects* refer to the impacts on migration flowsof the laws, measures and regulations that are actually implemented. So, a policy can have a significant effect in the desired direction (decreasing or increasing particular flows) without fully or nearly meeting its objectives.

It is also important to bear in mind that there is often a considerable 'discursive gap' between the general migration discourses that policy makers deploy and concrete policies on the ground. There is also another 'implementation gap', which pertains to the frequent disparity between the official policies as they are written on paper (laws, regulations, decrees, circulars, and so on) and the actual implementation of policies (see Figure 1). The extent to which policies are effectively implemented is primarily conditioned by bureaucratic efficiency, the financial and human resources available, and corruption. Civil servants and other agents implementing policies often have considerable leeway in interpreting and implementing laws and regulation. The level of policy implementation also depends on the level of centralization and the relation between central states and regional and local authorities.

The Mexican case offers an insightful example where local authorities – which were bypassed during policy making – did not implement national emigration policies, because they saw it running against their interests. For them, emigration was a 'safety-valve' to alleviate economic and political tensions. Moreover, bureaucracy and corruption further obstructed policy implementation, while regular and irregular migrants continued to be welcome on the US labour market. This practically rendered ineffective all Mexican policy efforts (Fitzgerald 2006).

However, it would be misleading to think that such diversions or 'subversion' from official policies only occur in poor countries or weak states. Customary practices that are not recognized by laws and regulations also happen within diplomatic spheres. There is evidence that foreign ministers of sending countries in the Caribbean and Mexico have exerted diplomatic pressure on the USA to facilitate emigration from their countries. In the US case, at the request of the ambassador, the embassy may be more agreeable to grant visa applications, in fact going against the implementation of immigration restrictions (Teitelbaum 1984).

Taken together, discursive and implementation gaps explain the often considerable discrepancy between the official policy discourses and actual implementation. While this observation seems as relevant for immigration as for emigration policies (and for policies in general), the gaps seem particularly relevant when state power is relatively weak. For instance, many states in sub-Saharan Africa have formulated policy objectives such as preventing brain drain and preventing illegal migration (IOM 2005). However, such general policy objectives are not always translated in actual policies on the ground, and often states seem to have a limited capacity to implement them and to effectively prevent people from leaving.

Interestingly, such 'limits on control' provide the mirror image of the difficulty receiving states have to prevent immigration under circumstances of high economic growth and the existence of migrant networks (Czaika and de Haas 2011). De Haas (2011) hypothesized four substitution or 'perverse' effects which can limit the effectiveness of immigration restrictions: 1) *spatial substitution* through the diversion of migration to other countries; 2) *categorical substitution* through a reorientation towards other legal or illegal channels; 3) *intertemporal substitution* affecting the timing of migration such as or 'now or never migration' in the expectation of future tightening of policies; and 4) *reverse flow substitution* if immigration restrictions decrease return migration and thus limit the effect on net migration.

Also for emigration countries, there is some evidence that restrictions imposed on existing emigration seem to be largely unable to stop people from moving and can create somehow similar 'perverse' or substitution effects. One such case was the emigration ban imposed in the late 1980s by Bangladesh, the Philippines and Thailand to prevent emigration of domestic workers to countries where they were not protected by law, such as Singapore and the Middle East. However, potential migrant workers bypassed the ban by moving to a third country and then entering the banned destination country. The rules imposed by some countries, such as India, on the utilization of government-approved contracts for migrant workers going abroad, may also have pushed migrants unable to find compliant recruiters into irregular channels (Hugo and Stahl 2004).

Figure 1: Conceptual framework of migration policy effects and effectiveness
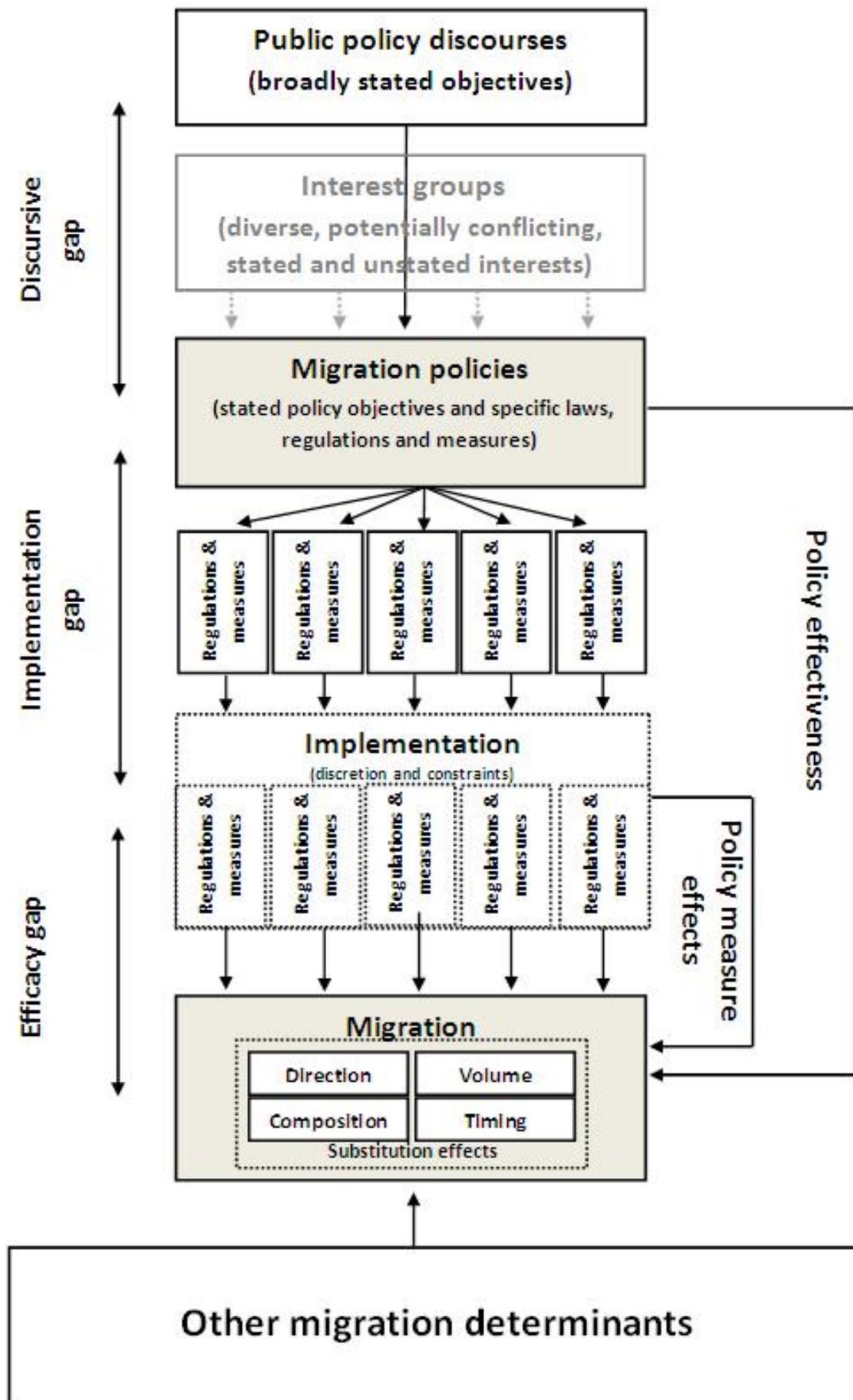
While resource limitations and human rights as well as economic drivers of migration are fundamental constraints on the extent to which states can *restrict* exit, it seems relatively easier to *encourage* exit through removing constraints on movement. This also seems to mirror immigration policies, where it is generally also easier to initiate or reinforce flows than to stop already existing migration processes. This can be done through various mechanisms such as the simplification of passport issuance, the establishment of emigration offices where potential migrants can register, or bilateral recruitment agreements. This also exemplifies the somehow blurred line between *laissez-faire* and 'encouraging exit' policies, as *laissez-faire* policies also comprise a general facilitating element. Over the twentieth century, numerous developing countries have deployed 'labour export' policies aiming to encourage the emigration of low-skilled citizens through labour recruitment agreements. The Tunisian, Moroccan, Yugoslav, Greek, Italian, Spanish 'guestworker' agreements with north-west European states or the Mexican *Bracero* programmes with the USA (de Haas and Vezzoli 2009), or the labour export schemes of small Pacific states (Bertram 1999) are cases in point.

It has been argued that recruitment programmes are often important in the initial phase of migration, but that once a certain number of migrants has settled at the destination, the formation of migrant networks and other 'internal dynamics' often facilitate onward movement and can give migration processes their own momentum (de Haas 2010a). It has therefore been argued that the relative importance of official recruitment mechanisms is often overestimated. For instance, in 1976, only 13 per cent of the Moroccans living in the Netherlands had migrated through formal recruitment, 43 per cent through personal relations ('networks'), and 24 per cent through direct recruitment by companies (Shadid 1979).

However, there are no quantitative tests available that estimate the effect of such programmes on migration flows while testing for other migration determinants. An example of a quantifiable policy aim is Indonesia's 'National Programme for the Export of Indonesian Workers', which aimed 'to double the number of overseas workers to 1.25 million and raise the inflow of remittances sevenfold to US$8.4 billion between 1994 and 1999' (Hugo and Stahl 2004). In mid 2006, officials indicated that 2.7 million Indonesian workers were deployed overseas with official permission (Hugo 2007). While this seems to indicate that the programme has been a huge success, the challenge is to estimate what the size of these flows would have been without such policies.

This leaves aside the question of the *efficiency* of emigration policies. Creating an official system to manage labour migration entails high costs and time-consuming bureaucratic processes, and creates considerable scope for corruption. This often leads to migrants circumventing official recruitment channels through spontaneous, often irregular, migration, as was the case for instance for the Mediterranean guestworker programmes or, more recently, irregular migration flows from Indonesia to Malaysia (Hugo and Stahl 2004).

To a considerable extent, the 'elephant in the room' in the whole discussion around policy effectiveness and policy effects, is that migration is driven by macro-contextual factors that go way beyond the scope of migration policies *per se* and even the power of individual states. This has already become evident in the discussion about the relation between the *nature of states* and emigration policies. The degree of authoritarianism sets fundamental conditions on the extent to which states, if they wish to do so, can impose their will onto individuals, ignore human rights and control their mobility. From this, we can

derive the hypothesis that authoritarian, strong states are 'by nature' more effective in controlling emigration than democratic, open states.

Only strong, authoritarian regimes seem to be able to impose an 'iron fist' control over the inflow and outflow of people. Democratic as well as 'weak' states have a much lower capacity to translate emigration policy objectives into effective policies because human rights constrain their room for manoeuvre, while weak states (whether democratic or autocratic) generally have limited resources to implement such restrictions. More generally, migration is determined by domestic and international economic and political processes which often extend way beyond the reach of migration policies *per se*, explaining why their effectiveness is often rather limited. For instance, in recent decades, states like Mexico and Turkey have found it almost impossible to effectively control emigration despite policy aims to do so, as the proximity of wealthy destination countries and the presence of transnational migrant networks undermined efforts to regulate migration.

This does not mean that emigration policies have no effect whatsoever, but rather that their effect is limited and conditioned by other migration determinants. How limited their effect is exactly, and which types of policies are more and less effective under which conditions, are all questions that remain largely unanswered. This also highlights the need for a systematic empirical research that creates more insights in how emigration policies shape migration processes in their interaction with other migration determinants in sending and receiving countries.

Conclusion: structuring emigration

This paper analysed the nature and evolution of emigration policies pursued by states in recent history as well as the motivations for implementing such policies. It tentatively assessed the effects of these policies on the volume, direction and composition of emigration flows. Debates on migration in general, and on migration policies in particular, are strongly biased by a receiving-country, Eurocentric perspective. This coincides with a near-total neglect of the role of emigration policies pursued by origin countries. This is striking in view of the fact that many states have attempted either to restrict or encourage emigration, for example through exit visas, recruitment schemes, protection for vulnerable migrants, and 'education taxes' for qualified emigrants.

The analysis suggests that overall levels of emigration restrictiveness have gone down over the past half century, and that this trend is an intrinsic part of more general political and ideological shifts, in particular the demise of the Soviet bloc, and broader trends towards democratization, economic liberalization, increasing respect for human rights, and perhaps a relative shift of power towards immigration countries.

The attitudes of states *vis-à-vis* emigration are often intrinsically ambiguous. Emigration can simultaneously be seen as an opportunity to export surplus labour, to get rid of troublemakers, generate remittances, decrease poverty and unemployment, stem domestic political unrest and maintain the political status quo; as well as a potential 'brain and brawn drain' undercutting national economic development, undermining innovation and production, and generating a potential force of dissidence or revolution from abroad. States therefore face a difficult trade-off between the perceived economic and political costs and benefits of emigration. Hence it matters greatly *who* is prohibited, allowed or even encouraged to leave the national territory.

While there has been a move away from more or less blanket exit restrictions, this does not mean that emigration countries have lost their desire and all their power to regulate emigration. It would be erroneous to consider emigration policies as something of the past. In 2009, over 50 national governments declared that they had policies to restrict, encourage or otherwise influence emigration of entire populations or of particular gender, skill, regional, ethnic or religious groups. Rather, an evolution seems to have occurred from more general exit restrictions to more fine-tuned policies that target the composition of emigration through favouring or restricting emigration of particular age, gender, ethnic or skill groups. Alternatively, some emigration policies influence the spatial orientation of flows, as through implemented bilateral agreements.

The analysis also reveals the extent to which encouraging and restricting migration are two sides of the same coin: by favouring the emigration of particular groups, access to emigration of other groups will be comparatively impeded. In the same vein, favouring migration to particular countries – for instance, through recruitment agreements – will make migration to other destinations less likely. This shows how 'structure', as embodied by state power and states' policies, simultaneously *constrains* and *enables* migration of different groups to different destinations. Other states have adopted *laissez-faire* policies, although we argued that '*laissez-faire*' is a rather misleading term as it falsely suggests that 'unconstrained' and free emigration will occur without state interference. In fact, the paradox is that strong bureaucracies and regulatory frameworks are a necessary condition for '*laissez-faire*' migration to occur. So, *laissez-faire* is also a policy choice (and a form of agency) requiring pro-active interventions by state actors.

So, states have considerable influence in *structuring* emigration by setting spatial and social patterns, which are often reproduced over time once networks and migration systems are established. In parallel with immigration policies, this also suggests that states have stronger capabilities in creating new migration corridors rather than curbing migration occurring in well-established migration systems.

As with immigration policies, the effects and effectiveness of emigration policies are limited by their own internal lack of coherence, and implementation problems, as well as the influence of other migration determinants. Emigration policies are shaped by various, often conflicting domestic interest groups, foreign policy considerations and, particularly, bilateral relations with (potential) migration destination states. This complexity and ambiguity often results in a considerable gap between discourse and practice and rather fragmentary and often haphazard policies. Rather than states' migration policies *per se*, it seems primarily the place of states on the authoritarianism–democracy continuum that determines the extent to which states are both *willing* and *able* to control exit.

As with immigration policies, the effect of emigration policies seems to be larger with regards to the social composition and spatial patterns of migration than with regards to overall volumes of migration. Only authoritarian, strong states seem to be able to exert considerable levels of exit control, whereas in more democratic or 'weak' states, state influence is more limited. Other economic, political and social migration determinants often seem to have a much greater influence on migration than emigration policies *per se*. This also reveals the need for systematic empirical research that creates more insights into how states shape migration processes in their interaction with other migration determinants in sending and receiving countries.

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