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Horizontal and vertical diversity: unintended consequences in EU external migration policy

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Abstract

This paper applies the analytical framework developed by Burlyuk (2017) to analyse the unintended consequences surrounding EU external migration policy. In line with Burlyuk, the paper argues in favour of analytical disaggregation, both horizontally and vertically. It is divided into two main sections: first, it analyses unintended consequences for the various actors which play a role in EU external migration policy – the EU institutions, the member states, and the non-EU countries. However, it also highlights the links between these actors through their policy choices: an unintended consequence of member states' own external migration policies is arguably that they undermine EU external migration policy. Secondly, the paper considers the link between different policies: between internal and external action on the one hand; and between different sectoral policies on the other. Finally, the paper shows that scholars face serious methodological challenges in establishing what EU 'intent' is in external migration policy, and therefore in determining which consequences are intended and which are unintended. This hampers research into the impact of EU external migration policy.

1. Introduction

In 2015 Europe was stunned by an unprecedented inflow of migrants (see e.g. Council on Foreign Relations, 2015; Migration Policy Institute, 2015). Largely as a result of the crisis in Syria, over 1.3 million people filed asylum applications in one of the EU 28 member states in the course of 2015. 3,771 migrants died trying to cross the Mediterranean, a measure of the desperation driving these migration flows. Front-line member states struggled to cope with a huge backlog of asylum applications and provide basic services to asylum-seekers. The reintroduction of border controls by EU member states threatened to undo the achievements of the Schengen area. Extraordinary and conflicting scenes emerged across Europe: groups protesting the arrival of asylum-seekers on the one hand, and Europeans welcoming weary asylum-seekers at train stations on the other.

The EU response aimed partly at reducing the burden on front-line member states, for instance by relocating asylum-seekers in clear need of international protection from Greece and Italy to other member states, where their claims would be processed,¹ and by sending support teams from the European Asylum Support Office to front-line member states to help them to register, identify and fingerprint asylum-seekers (European Commission, 2015). However, the EU response to the 'migration crisis' was also characterised by the externalisation that has driven EU migration policy over the past decades. The European Agenda on Migration already highlighted the need to "[work] in partnership with third countries to tackle migration upstream" (p.5), and the most well-known outcome was the 2016 deal with Turkey which stipulates that the Turkish government will accept the

¹ In reality, member states have been slow to commit to the scheme and only 20% of relocations have so far taken place (European Commission, 2017).

readmission of all irregular migrants who cross to Greece and who either do not apply for asylum or whose asylum application is rejected. In return, European politicians promised eventual visa-free travel for Turkish citizens to the EU, a reinvigoration of the Turkish accession process, the resettlement of Syrians refugees from Turkey to the EU, and €3 billion in funding to the Refugee Facility for Turkey (European Commission, 2016; European Council, 2016).

This policy is the focus of this paper. EU external migration policy refers to the incorporation of migration into the EU's external relations. In other words, the EU tries to influence migration from and the migration policies of non-EU countries. EU policy documents dating back to the 1990s have consistently highlighted the necessity of cooperation with non-EU countries if the EU is to achieve its migration policy objectives (e.g. Council of the European Union, 1999; European Commission; 2001). In concrete terms, this externalisation has led to the creation of a toolbox of EU policy instruments, ranging from non-binding, soft policy instruments such as political dialogue and information tools, to legally-binding international agreements on the readmission of irregular migrants and the issuance of visas to citizens of non-EU countries (see Carrera et al., 2015; Andrade et al., 2015).

Although there has been extensive scholarly attention for EU external migration policy (e.g. Cassarino, 2007; Chou, 2009; Menz, 2015; Papagianni, 2013; Wolff, 2014), there is very little focus within this literature on policy implementation or evaluation (but see Wunderlich, 2013a; 2013b; 2012; Reslow, 2015; forthcoming). Scholars overwhelmingly direct their analytical attention to the decision-making process underlying this policy area and the interests and preferences of the different actors involved. As a result, it is not well-understood what this policy actually means in practice, once it is implemented. A lack of attention to implementation and evaluation might signal an assumption that the policy on paper is the policy that will be implemented in practice, something which the public policy literature tells us is unrealistic. Policy in theory (on paper) is one thing; policy in practice may be quite another (Versluis, 2004, p.13). This paper contributes to the fledgling literature on the implementation and evaluation of EU external migration policy by considering which *unintended* consequences this policy has.

The analysis in this paper is based on secondary literature; in other words, it is not the intention here to carry out in-depth case studies, but rather to sketch the value of the analytical framework for the policy area as a whole, and thereby set an agenda for future research. Given the varied nature of EU external migration policy instruments – in terms of their legal nature, content, and countries targeted – in-depth case studies will be necessary going forward. For now, this paper does not aim to make generalisable statements about *all* of EU external migration policy, but rather seeks to direct researchers' attention towards the importance of analysing the impact of this policy – both that which was intended and that which was unintended.

2. Unintended consequences in EU external migration policy

Analysing the intended versus the unintended consequences of EU external migration policy relates to debates on policy impact and policy effectiveness. 'Impact' is a neutral term, and considering which consequences of a policy were desired and intentional and which were unintentional and unforeseen can provide nuance to analyses of EU external migration policy in action. Policy 'effectiveness' is more normative and concerns the extent to which policy objectives were either achieved or not achieved. Evaluation in terms of the stated policy objectives does not leave room to consider that policies can have unforeseen or unintended consequences, which can be either positive, negative or neutral in relation to the initial and stated objectives.

In the migration literature, there is significant debate as to the consequences of migration policy: scholars disagree on whether or not migration policy actually has an impact on migration flows (Czaika and de Haas, 2013). On one side are those who argue that “paradoxically, the ability to control migration has shrunk as the desire to do so has increased. The reality is that borders are beyond control and little can be done to really cut down on immigration” (Bhagwati, 2003, p.99). Cornelius et al. (1994) coined the ‘gap hypothesis’ to refer to the divergence between increasingly restrictive immigration policies in industrialised countries and the outcomes of those policies. Various theoretical and empirical explanations are advanced for this state of affairs. Joppke (1998) argues that liberal democratic states are bound domestically by the rule of law which protects the rights not only of citizens but of all persons within the territory of the state. Castles (2004) argues that migration is driven by factors completely unrelated to stated migration policies, at the individual, national and transnational levels. At the individual level, migrants have agency and are embedded in communities and networks, so that “migratory movements, once started, become self-sustaining social processes” (pp.209-210). At the national level, states try to balance between different interest groups in the policy formulation phase, mean that policies may purport to pursue one objective, while actually seeking the opposite outcome. Transnational factors are also relevant: both developing and developed countries are structurally dependent on migration; inequality between the global North and South drives migration; and globalisation spreads the knowledge and means of migration. Czaika and de Haas (2013) argue that migration policies *appear* to be ineffective due to three ‘gaps’: the discursive gap (the gap between public discourse and actual migration policies on paper); the implementation gap (the gap between migration policies on paper and their actual implementation in practice); and the efficacy gap (the gap between migration policy objectives and their actual impacts on migration flows).

Migration scholars have also recognised that, in addition to not being ‘effective’ (i.e. not achieving their stated objectives), migration policies can have unintended consequences. One example is the increase of border controls by the United States during the 1990s, which not only did not decrease irregular migration – its stated objective – but actually led to an increased number of migrant deaths at the border (Castles, 2004). In other words, this policy was both ineffective and had unintended (and tragic) consequences. Migration policies can be ineffective precisely because of or by virtue of their unintended consequences: restrictive immigration policies aim to reduce migration inflows but can instead lead to spatial substitution effects (diversion of migration flows to countries with less restrictive immigration policies); categorical substitution effects (diversion of migration flows to other legal or irregular channels as a result of restrictions to one particular migration channel); inter-temporal substitution effects (a surge in migration before a migration restriction is due to take effect); or reverse flow substitution effects (restrictive immigration policies discourage return migration) (de Haas, 2011).

Migration scholars are therefore aware that migration policies may not always have (only) the effects intended. Unfortunately, within the study of EU external action there is less attention to the potential for unintended consequences to arise (see Burlyuk, 2017), and the literature on EU external migration policy barely considers at all what this policy means in practice, let alone conducts a systematic analysis of impacts. This paper contributes to the fledgling literature on the implementation and evaluation of EU external migration policy by analysing which unintended consequences this policy has and how these play out. To do so, it relies on the framework developed by Burlyuk (2017). Her analytical framework sets out a classification of ‘unintended consequences’. This classification implicitly rests on a number of empirical questions: Was the consequence anticipated or unanticipated? Is the consequence desirable or undesirable? Does the consequence help or hinder achievement of original

intention? Which actor is responsible for the consequence? Who is affected by the consequence? And finally, is the consequence acknowledged or not? As such, Burlyuk aims to arrive at a typology which can be applied by other scholars in future empirical research in order to “frame empirical reality, generate research questions, and stimulate inquiry” (p.4). In a second step, she seeks explanations of why these unintended consequences occur: due to a failure to see the wider picture; due to incorrect assumptions about what other actors will do; due to a willingness to ignore unintended consequences because the intended consequences are highly important and desirable; because an action or policy is considered necessary due to basic values, regardless of the consequences; due to a lack of concern and willingness to take risks; or due to contextual factors.

This paper will particularly pick up on two arguments proposed by Burlyuk, by showing that unintended consequences are a result of: (1) the multi-actor EU external migration policy; and (2) policy intersectionalities in a complex area of EU external action. Firstly, Burlyuk (2017, p.5) acknowledges that the EU is a “complex political actor” which should be unpacked according to its component actors relevant for the policy area at hand: the member states, the EU institutions, departments within member states’ administrations or EU institutions, and EU or member states’ representations in non-EU countries. Unintended consequences may also impact on others, namely those that are targeted by the EU action. Thus, the first question addressed in this paper is: *which actors experience unintended consequences of EU external migration policy?* Secondly, Burlyuk (p.9) lists “contextual change, or a constantly shifting relationship between instruments, eventual end and mediate end” as a cause of unintended consequences of EU external action. This seems particularly relevant for a policy area which links several other policy areas: first and foremost migration policy with foreign policy, but also with others, notably development policy. The second question addressed in this paper is: *how do policy intersectionalities cause unintended consequences of EU external migration policy?* It thus pleads for vertical and horizontal disaggregation in the study of unintended consequences of EU external action.

3. Unintended consequences for whom? Unpacking the ‘EU’ in EU external migration policy

This section will disaggregate ‘the EU’ to consider the unintended consequences of EU external migration policy for individual actors, including the non-EU countries targeted by this policy. The existing literature on EU external migration policy tends to focus on the influence of policy actors on policy content; for example, member states’ interior and justice officials are considered to have an inflated role in EU external migration policy through bodies such as the High Level Working Group on Asylum and Migration (Chou, 2009; Lavenex and Kunz, 2008; Boswell, 2003). However, the feedback loop – the impact of policy on those actors – is missing, probably as a side-effect of the general lack of attention in the literature for policy implementation and evaluation.

Firstly, EU external migration policy provides an empirical example of the argument made by Burlyuk that unintended consequences may be both anticipated and considered desirable. For the Commission, EU external migration policy may offer a glimpse into a policy field closely guarded by member states, namely labour migration policy. This was the case with the EU Mobility Partnerships: clearly it was not a stated policy objective, but Commission officials considered it a happy side-effect that these partnerships gave some insight into member states’ activities in the area of legal migration and cooperation with non-EU countries. The Mobility Partnerships are a ‘soft’ tool as they are non-binding frameworks for political cooperation, and yet the information collection and collation involved offer the Commission a very small step forward in the overall supranationalisation of this policy field. As one Commission official put it: “anything on legal migration, even one action, that is

really a moment when we can say the EU has placed its foot in the member states' stronghold" (see Reslow, 2013, p.139).

On the opposite end of the spectrum, some unintended consequences are clearly unanticipated and considered undesirable. Hybrid policy tools which are applied to different types of non-EU countries on a rolling basis may make it more difficult for actors to predict the potential consequences flowing from one decision at one point in time. Again, the Mobility Partnerships provide an empirical example for this: although the policy tool as a whole is non-legally binding and based on voluntary participation by member states, these partnerships bring together various other instruments, such as migration profiles, political dialogues, operational cooperation, and – significantly – readmission and visa facilitation agreements. These two latter *are* legally binding international agreements regulating the readmission of irregular migrants to non-EU countries and the facilitated issuance of visas to non-EU countries' citizens. The Austrian government was extremely opposed to the Mobility Partnerships because of their perceived similarity to the guest-worker schemes of the past (which led to large-scale permanent immigration to Austria). The government decided to let the policy tool go ahead on the basis that it would be voluntary for member states, so it could simply decide not to participate. However, Austrian officials were furious when they later discovered that Austria, as a full member of the Schengen area, would still be legally bound by the readmission and visa facilitation agreements signed within the framework of the Mobility Partnerships. So even though Austria does not participate in any Mobility Partnerships, it must still facilitate the issuance of visas to countries which have signed such a partnership, very much against its will (p.167).

EU external migration policy may have the unintended consequence of altering the bargaining power of the EU and non-EU countries in their bilateral relations more generally. Cooperation on migration may be used as a bargaining chip in other negotiations, thus altering the outcomes of those negotiations. This is the argument made by Greenhill, who defines 'coercive engineered migration' as "those cross-border population movements that are deliberately created or manipulated by state or non-state actors in order to induce political, military and/or economic concessions from a target state or states" (2016, p.320). In other words, knowing the importance that the EU attaches to cooperation with non-EU countries on migration issues, those countries may try to turn this into a bargaining advantage. This may reduce the leverage of the EU and make it more difficult for it to respond to international crises pertaining to those countries. Arguably we see exactly this situation currently with regards to Turkey: the Turkish government is using the leverage it gained as a result of the 'refugee deal' to fend off EU criticism of its domestic political and human rights situation, and to push for progress in its accession talks and visa liberalisation process. Since the deal was agreed, there has been widespread concern over the Turkish government's crackdown on academics and journalists, and the recent referendum which critics see as a 'power-grab' by Erdogan (Deutsche Well, 2017). In response to international concerns, the Turkish government has repeatedly threatened to rip up the refugee deal and turn its back on the EU accession procedure (The Guardian, 2016; EUObserver, 2017). So while the domestic political situation in Turkey was not caused by the refugee deal, the dynamics in the EU-Turkey relationship signalled by that deal have weakened the EU's authority and influence over the Turkish government.

EU external migration policy has unintended consequences for migrants, which may in turn affect the EU's international power and role in general. EU external migration policy undoubtedly does not aim at endangering migrants' lives, and yet NGOs, academics, journalists and international organisations argue that this is exactly what happens: because the EU chooses to cooperate with countries with poor human rights records, it opens up migrants to abuse at the hands of the authorities in these countries. Criticism has been particularly

directed towards the refugee deal with Turkey (Amnesty, 2016) as well as EU cooperation with Morocco (IRIN, 2015; Carrera et al., 2016), Libya (Kuschminder, 2017) and Afghanistan (FIDH, 2016). Given the importance that the EU attaches to migration cooperation with non-EU countries (see introduction), this is likely a case of wilful ignorance towards unintended consequences because the intended consequences of the policy are so desirable (Burlyuk, 2017, p.8). The risk here is that the EU's 'normative power' in the international system will be undermined. The EU is often said to promote "universal norms and principles" in its external relations, including "the consolidation of democracy, rule of law, and respect for human rights and fundamental freedoms" (Manners, 2002, p.241). However, these norms and principles are weakened if the EU is willing to relegate them when strategically important topics (such as migration) are at stake. If the EU's international power derives from its normative status, then EU external migration policy may serve to weaken the EU in the international system as a whole.

For the non-EU countries that are targeted by EU external migration policy, a strengthened bargaining position is not the only possible unintended consequence. Readmission agreements, which are the cornerstone of EU external migration policy, aim to regulate the readmission of irregular migrants back to the non-EU countries they originate from or transited through on their way to the EU. However, given that these agreements include non-citizens and that the countries concerned tend not to have their own network of readmission agreements, non-EU countries essentially risk becoming responsible for a large number of irregular migrants who are not citizens but who cannot be sent back to their country of origin (see e.g. Coleman, 2009). Even the readmission of own nationals who have resided in Europe for many years is controversial, as this group may be difficult to reintegrate into the society of a country they are not familiar with (Carrera et al., 2016, p.6). These are anticipated unintended consequences, in the sense that they actually influence the outcome of negotiations on readmission agreements: the prospect of these unintended consequences is exactly the reason why countries such as Morocco have resisted pressure from the EU to sign a readmission agreement for several years (Wolff, 2014).

Finally, actors are linked through their policy choices. One unintended consequence of member states' external migration policies is that they potentially undermine EU external migration policy. This was the case when the EU proposed a Mobility Partnership to the Senegalese government: because of its existing and long-standing migration cooperation with France, Spain and Italy, the Senegalese government judged that bilateral avenues offered greater benefits than a Mobility Partnership would. The "existence of such bilateral alternatives [therefore] undermined the EU's credibility and negotiating leverage" (Reslow, 2012, p.411). The question is whether this is an intended or unintended consequence of member states' external migration policies? Given that the French and Spanish governments have competed to offer Senegal the most favourable terms for cooperating on migration (p.413), it is not unthinkable that member states intentionally design policies to make them more attractive than anything the EU can offer. This is also a function of the division of competence over migration within the EU: non-EU countries seek increased legal migration opportunities for their citizens to travel to the EU as the price for cooperating with the EU's migration control agenda. And yet member states, maintaining control as they do over labour migration policy, are best placed to create legal migration quotas that meet the preferences of non-EU countries.

This section has argued that unintended consequences of EU external migration policy must be considered for all the actors involved in making this policy or targeted by it – the EU institutions, the member states, the non-EU countries, and migrants themselves. In addition to this disaggregation of 'the EU', it has showed that actors are linked and unintended consequences for actor B may flow from the policy choices made by actor A. The coherence

and complementarity of the preferences of all the actors involved must therefore be central in analyses of the impacts of EU external migration policy.

4. Unintended consequences of what? Policy intersectionalities in EU external migration policy

This section will conduct a horizontal disaggregation of EU external migration policy, in order to consider the links between the different policy areas that this includes. EU external migration policy sits at the intersection of migration policy and foreign policy, and therefore all the sub-dimensions of those policies: visas, return, border control, trade, development, aid, etc. These linkages may cause unintended consequences to spill from one policy area to another.

Firstly, the EU's internal and external actions are linked. In particular, the externalisation of migration policy is a result of increased irregular migration, which is in turn an unintended consequence of the limited options for regular migration to the EU. Migrants' agency and autonomy is central to understanding migration flows, and should not be relegated below an analysis of states' migration policies. Restrictive immigration policies in Europe which limit the options for legal migration, particularly for low-skilled workers, are likely to lead to increased irregular migration as migrants seek another entry point instead (e.g. van Liempt and Doornik, 2006; Castles, 2004). So an unintended consequence of restrictive migration policies is increased irregular migration – although, given the research conducted by migration scholars into the diversification of channels of migration and substitution effects, including irregularity, this should not be considered unanticipated (e.g. de Haas, 2011).

Policies on legal and irregular migration can be considered 'internal' in the sense that they are agreed between the EU institutions and the member states, according to their respective competences, and implemented within or at the EU's borders. However, these internal policies are linked to external migration policy because over the past years the EU response to increased irregular migration has been remarkably consistent: in order to achieve its migration control objectives, the EU needs to cooperate with non-EU countries. This approach was reiterated in the light of the 'migration crisis' (e.g. European Commission, 2015). It is therefore not, or not only, the case that externalisation of migration policy causes more migrants to die (Burlyuk, 2017, p.11). Rather, irregular migration and the tragic deaths of migrants have driven the externalisation process; events in Ceuta and Melilla in 2005, for example, gave a significant boost to the externalisation of migration policy at EU level (e.g. Lavenex and Kunz, 2008).

It is also important to consider the linkages between different external policy areas as another source of unintended consequences. Notable in the case of EU external migration policy is the link between migration policy and development policy, which has been the subject of numerous academic studies. Firstly, migration may have both positive and negative effects on the development levels of countries of origin of migrants. On the positive side, migrants send remittances which benefit families and communities of origin; migrants act as ambassadors for their countries of origin by facilitating cultural, political and economic exchanges with the country of destination; and return migrants bring with them skills and experience which can benefit the country of origin (e.g. Ghosh, 2006; Nyberg-Sørensen et al., 2002; Portes, 2009). However, developing countries may also permanently lose their highly-skilled and talented citizens through emigration – the so-called 'brain drain' (e.g. Adams, 2003). The effect of development on migration can also go two ways: if one assumes that international migration is motivated by the desire for improved employment opportunities and general quality of life, then intuitively emigration will decrease as levels of development of countries of origin increase. However, scholars argue that higher levels of development will actually lead to more migration, at least initially. Generally, the poorest do not migrate

because there are considerable costs associated with migrating, such as paying for visas or for the services of recruitment companies or even traffickers or smugglers; making the poorest richer will therefore provide a larger pool of people with the means to migrate (e.g. Massey, 1988).

Particularly this latter connection is poorly understood and reflected in EU policy documents, which tend to focus on the effects of migration on development without considering the effect that development has on migration flows (e.g. European Commission, 2013; 2005). The European Agenda on Migration acknowledges that development cooperation “plays an important role in tackling global issues like poverty, insecurity, inequality and unemployment, which are among the main root causes of irregular and forced migration” (European Commission, 2015, p.8), in other words that increasing levels of development can be a strategy for reducing migration flows, but neglects that this strategy may also have the exact opposite effect. EU development policy has as its main focus the eradication of poverty (European Commission, 2011), and EU migration policy – certainly in the current context of the ‘migration crisis’ – focuses on border management, targeting smuggling networks, and facilitating the entry to the EU of skilled and talented migrants (European Commission, 2015). These two are on a collision course: if EU development policy is successful in raising levels of development, then more citizens of developing countries will gain the financial means to try to migrate to the EU, coming up against the roadblocks that EU migration policy tries to put in place to prevent their entry. Unintended consequences are therefore unavoidable in EU external migration policy, which brings together different policy dimensions with very different or even contradictory objectives.

5. Intended or unintended consequences?

This paper has demonstrated, based on empirical examples, that EU external migration policy has unintended consequences, stemming from the various preferences of the actors involved in making and implementing that policy and the links between them, and from policy intersectionalities between EU internal and external action and between different external policy areas. However, EU external migration policy presents a particular methodological challenge when analysing unintended consequences, namely: how can ‘intent’ be established? This is significant because without knowing which consequences of a policy were intended, it is impossible to isolate its unintended consequences.

This challenge stems partly from the nature of migration policy in general. Politicians seeking to address voters’ concerns about immigration and integration often adopt a ‘tough’ discourse, however in reality face various constraints (such as the interests of business leaders and the obligations arising from international and national human rights laws) in trying to adopt corresponding policy measures. The policy on paper may therefore not match the policy discourse, and the actual ‘intent’ of migration policy becomes difficult to ascertain (Czaika and de Haas, 2013). However, for EU external migration policy the situation is even more complicated due to the number of different actors involved. Czaika and de Haas point out that “ministries of social affairs, justice, foreign affairs, economic affairs, and international development are often involved in a continuous tug-of-war in trying to influence migration policy outcomes” (p.491), and for the EU this situation must be multiplied by 28 and added to the existence of the EU institutions. Member states essentially have 28 different external migration policies: each member state is engaged in cooperation with non-EU countries on migration, but often adopting very different approaches. The French and Spanish governments, for instance, have opened up quotas for legal migration in return for African countries’ cooperation on preventing irregular migration, whilst the Austrian government is not willing to facilitate legal migration but has sponsored information campaigns on the dangers of irregular migration. Many aspects of EU external migration policy are also based

on selective participation of member states, leading to a patchwork of ‘intents’ at the EU level: different member states bring different objectives to the table, and across EU external migration policy participate in different instruments. These intentions collide with the EU institutions in Brussels and abroad, which are also not uniform actors: different DGs in the Commission may well have very different takes on EU external migration policy (Boswell, 2008; Wunderlich, 2010). What then is the sum of ‘EU intent’?

Policy intersectionalities raise additional questions, because the intent of one policy area is not the same, and may even run counter to, intent in another. This is the case for migration policy and development policy: the scholarly literature on migration and development has demonstrated that increasing levels of development lead, at least initially, to higher levels of migration as a broader segment of society acquires the means to migrate (see above). The objectives of development policy therefore do not seem to square with the mostly repressive and control-oriented migration policies of the EU and its member states.

Burlyuk (2017) identifies the establishment of intent as a particular challenge of research into unintended consequences, and the analysis in this paper supports this with empirical examples from EU external migration policy. It has showed, for example, that actors’ activism can blur the lines between intended and unintended consequences: if an actor foresees a consequence and cheers it on (as the Commission did with the chance to get an insight into member states’ policies on legal migration through the Mobility Partnerships), is this still an unintended consequence? Drawing the line between intended and unintended consequences is complicated. This is not to say that the unintended consequences of EU external migration policy should not be studied. Clearly it is important to know what the broader impacts of EU external action are, beyond those effects it intends to achieve. However, researchers must be sensitive to these challenges and adopt an approach which takes into account these nuances. To untangle all these elements would seem to be an almost impossible task for EU external migration policy as a whole, and case studies of individual instruments, building on existing research (e.g. Coleman, 2009 on readmission agreements), is therefore the most viable approach.

6. Conclusion

This paper has argued that unintended consequences of EU external migration policy arise from two factors: firstly, the multi-actor nature of this policy, which brings together the EU institutions, the member states, and the non-EU countries; and secondly policy intersectionalities, between the EU’s internal and external policies, and between different external policy areas. However, precisely also these features of EU external migration policy make ‘intent’ difficult to disentangle amongst the voices of 28 EU member states each with their own external migration policy and administrative turf-wars, and the competing objectives of different elements of EU external action. Nevertheless, studying the impact of EU external migration policy is crucial due to the central importance assigned to this policy in the wake of the ‘migration crisis’ and the high stakes involved – many migrants are willing to risk their lives to reach Europe, and NGOs have argued that EU external migration policy may put them at even greater risk of ill-treatment or death. Despite such high stakes, evaluation of EU external migration policy has not been at the top of policy-makers’ priority list, and the academic literature on the impact and effect of EU external migration policy is in its infancy. That means that this paper makes a very timely point, namely that future research should include systematic analysis also of the unintended consequences of this policy. Given that we are at the very start of this research agenda, methodologies, approaches and analytical frameworks are not yet set in stone but are still at an exploratory stage. This presents an opportunity for establishing a standard practice within this body of literature to analyse *all* aspects of what EU external migration policy means in practice, both its positive and negative

and intended and unintended consequences. Due to the varied nature of the instruments within EU external migration policy – in terms of their legal nature, content, and countries targeted – the most appropriate strategy going forward is to conduct case studies of individual instruments.

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