

- Early draft paper – please do not circulate or cite -

Global Migration: A modern global public policy regime

Anja Mihr, HUMBOLDT VIADRINA Center on Governance through Human Rights

amihr@governance-platform.org

Introduction & Hypothesis

Global governance challenge state centric public policy concepts by putting national borders and rule of law regime to the margins of governance. The current development of the migration regimes bring citizens and people into the center of governance and changes parameters and modes of governance. Current flows and the fragmentation of the migration regime is shifting and policy makers are urged to

1. Connect public services with the economic and labor integration and adaptation which is predominantly run by the private business and corporate sector with its own dynamic and rules; and
2. adapt to cultural shifts in the wider public. Cultural shifts are predominantly public policy issue when dealing with different ethnic, religious, language or values challenging the public sector and value system of the destination state. Nevertheless, governments still respond to these challenges with classical domestic policy tools that are no longer adequate and have come to their limits over recent years, because they no longer match the reality of migrants seeking or not seeking permanent residence and citizenship of the destination country.

In this paper I will focus on the way global, domestic and local migration policies are still state and citizen centric. But the migration regime is currently in shift. Today's migration moves demands global public policy solution that are directly linked to local communities, city councils and urban governance regime, because most migrants live and work in urban areas, not rural. Even if they come as refugees, they aim to be integrated as soon as possible in the labor market, even though they aim to go back to their home country one day. Thus,

migration policies affect specific urban areas in the country first. Only after they are settled into local communities their impact, i.e. economically, culturally, is seen on the national level.

However, current migration policies resemble the migration policies of the mid 20th and earlier centuries, in which migrants were either forced to flee and aimed to go back as soon as the political or economic situation in their home countries would allow for it; or they migrate for economic and labor reasons for good, when settling in the new country and aiming to gain full citizenship and integration in their country of choice. These two major types of migrants no longer exist, neither does the temporarily or permanent motivation fit for today's over 240 Mio international and more so domestic migrants. Second, new migrants, regardless whether they come as labor forces, trafficked, refugees, illegals, asylum seekers or ex-pats do not enjoy citizen rights in the country of destination and thus their possibility of influencing and impacting domestic public policy processes are marginal with zero tendency. That is why migrants' interests and needs, if they do not form advocacy coalitions, will not be adequately represented in domestic policy processes and can lead to long term exclusion, conflicts and tensions in the country of destination..

Whereas the benefits and challenges of economic and labor migration are widely discussed and agreed on, for example in terms of local development, their contribution to the service and health sector and in terms of remittances to their countries of origin; the cultural and societal consequences on governance the public policy framework are still to be discussed.

The UN, the WTO, the World Economic Forum and OECD – to name but a few economic fora - unanimously highlight the importance and significance migrants have for the development of the country of destination and the one of origin. Remittances and development are key push factors for domestic policy makers to economically integrate migrants. Today's remittances through labor migration outnumber by far international governmental development aid and money transfer. The OECD highlights, for example, that domestic public policy can play an important role in creating an enabling environment for optimising the volume and the use of remittances. Coherent domestic and global policies can make it easier to send and receive remittances, and can guide productive remittance investment. Remittances are sent and used, more general sectoral policies can influence remittance behaviour indirectly by affecting individual and household characteristics as well

as institutions and infrastructure.¹ This highlights, that from an economic development point of view, migration is seen as a source of progress and development. However, the transfer and migration of cultural values and resources such as habits, values, languages etc., are not seen as a development factor but rather a cost-benefit calculation, which is often seen as misadventures and costly for the destination country.

This is where this paper aims to contribute to, by arguing that migration today is no longer a re- or settlement and labor policy issue. Rather it is a 'floating migration' regime that contributes to the world's economic, ethical and social development, but only if the obstacles and limits of citizen and non-citizenship rights are to be overcome. The flow of migration will contribute to democratizing global public policy regimes by adapting local problem solving policies and modes of governance (sanctuary cities) with global norms (UN SDGs Agenda 2030). Sanctuary cities are seen as an example for local problem solving when it comes to handling 'illegal' migration but also migrant settlements in general. They are cities with city councils, mayors and local officials that do not ask about a person's immigration status, but provide them with legal means to work in order for them to pay taxes and in return they provide them basic public services, such as health, education and access to justice.² There are thousands of these cities in today's destination countries throughout North America, Europe, Asia and Australia. However, their way of dealing with immigrants varies from city to city and changes from city council to city council. There is no common public policy, for example, on how these policies towards 'illegal' migrants should be exercised or how to integrate refugees concerning their temporary status. Each city has its own policies but with the common target, to make the life of migrants as durable and beneficial for all as much as possible.

Local initiatives by city mayors and local civil society affect global migration policies with the aim to set standards to better govern migration movements. Bearing in mind that statistically 1:8 persons is affected at least once in her or his life-time being a migrant of some sort, there is a tendency for policy shifts on global, domestic and local levels. Public sectors such as health, education, security and safety, religion and to be governed by same standards, despite the fact that migrants generally have no citizenship and thus lack of legal participation

¹ OECD, Interrelation between Public Policy, Migration and Development, Paris 2017, P. 235 <http://www.oecd-ilibrary.org/docserver/download/4116181e.pdf?expires=1498316233&id=id&accname=guest&checksum=F8FF1D328AAD652CFA26C0FBBF6FCD71>

² What are sanctuary cities, New York Times, 6 Febr. 2017
<https://www.nytimes.com/interactive/2016/09/02/us/sanctuary-cities.html>

tools, such as voting rights. Yet, they do have human rights as benchmarks to which national governments are bound as well as local and global governance regimes.

Definition & Facts & Figures

If global public policy is the way in which governments and international organization govern the increase of cross-border financial and economic activities and peoples' movements along with their needs and ambition; then the global migration regime is much underdeveloped because it is fragmented and without common standards and policies. This is because there are various definitions – on global and domestic level alike - of what a migrant is and what rights and entitlements migrants have according to their status. By UN definition, for example, an international migrant is a person who is living and working in a country other than his or her country of birth for over 3 years. A Migrant is defined by domicile principle (citizenship), meaning that someone who has not the citizenship of the country he or she resides in, is automatically a migrant. A migrant also can be an ex-pat, refugee and asylum seekers and although there are universal norms and standards defining refugee, asylum seeker or labour migrant, those standards are dramatically modified and adapted by government according to their own political or economic interests. In other words: what is a migrant and what rights he or she may enjoy lays in the hands of domestic governments alone. Governments enjoy the last word in this debate and in using their resort in defining the legal, economic and political status of anyone not holding citizenship of its country.

Today, we count approx. 244 Mio migrants (2017) that do not live in their country of origin. If we add those people who migrate and move within their own state which are approx.. another 740 Mio people we amount up to 1 bio migrants out of total world population of 8 bio people. That makes 1:8 person to become a migrant or person on the move whilst change location/home to live and work. Out of these numbers 15 Mio are refugees (60 Mio internal displaced persons) out of the 244 Mio. Even though the majority moves within their state or region, moving homes and locations often deprives them from rights, entitlements, inheritances or access to resources, as seen for example in Chinese internal migration policies. There, people moving from one province to another lose their right of free education and basic health services for their children. They become 'illegals' in their own country.

In sum there are three times more international migrants in 2015 than in 1970, but relative to the population it has remained stable over the last few decades, approx. 3.5% of the world's population are international migrants. Almost half of them (48%) are women and the average age of a migrant is 39 years of age. Approx. 20 Mio humans are trafficked and forced into labour or marriage and out of these 50% are women, 20 % are men, 20% minors, 10% infants. More females (55%) are trafficked in total than men (42 %). Human trafficking is one of the largest 'industries' with the annual benefit of 150 bio US dollars for the traffickers.³ They are mostly undocumented and forced into labour and slavery and thus hardly registered.

Approx. 40% of migrants move among Global South countries. Some of the top 10 countries with over 50% of migrant population are Qatar and the UAE receiving migrants from India, Philippines, Malaysia, China; and most African and Latin American countries etc. 55 Mio of working migrants move North-North. Nevertheless, another large part of migrants (86 Mio) move from the South to North, particularly from South to North America and towards Europe. Only 14 Mio migrate from the North to the South and those who migrate belong mostly to an educated labour and ex-pat community.

Causes for migration are multiple. They range from climate change induced migration, overpopulation and bad distribution of resources, poverty, labour situation for young people, war and conflict, ethnic, religious and faith based disputes, career options and social status, female marriage migration due to male surplus and many other reasons. Thus, since long migration is a global governance issue by definition, but it is mostly dealt with on domestic and local levels.

Thus, regardless whether migration is the cause of consequence of globalization, the way we deal with it, is at odds with public policy in its core sense. Global movements and dynamics, such as migration, cannot be fully held accountable to on domestic levels, because the way public policy regimes are set up dealing predominantly with domestic affairs- or boarder and cross-border affairs at its most, i.e. EU migration policy focusing less on global development but more on border control through FRONTEX. In this context of globalization, Hay argues, public policy cannot be held to account publicly and hence democratically to the same extent

³ UNDOC https://www.unodc.org/documents/data-and-analysis/glotip/2016_Global_Report_on_Trafficking_in_Persons.pdf

to which people in democratic societies are accustomed to.⁴ Yet, democratic societies are the ones that generally speaking of often on the receiving end of migrant, particular those who leave their countries do to political oppression or war. Even less so, since the people moving to these destination countries, often do not enjoy full citizenship rights and thus, have to be dealt with under either asylum or refugee laws which gives them only limited access to participation and resources. There is no universal policy and no global migration regimes that shares the same standards, guidelines or laws that would be guiding for domestic or local policies and their implementation. Thus, globalization and the rapid paste of global cross-border movements diminish the policy-making capacity and autonomy of the nation state⁵, resulting in a displacement of functions from public to civil society groups, brave city mayors or private enterprise.

Triggered by these massive global shifts, Ian Goldin calls for a paradigm shift and seeing these moves as a chance for a new 'new civilization'. This is one which ought to play according to the same global standards and rules, that are implemented and enforced anywhere in the world. He recalls the common rules in sports which are the same anywhere, for example, whether you play a soccer match at the World Cup or in the streets of Hebron and a Marathon is 4,195km long, anywhere in the world. Why then do we not have common standards for migrants? Our 'new civilization' is predominantly composed of migrants, referring to the fact that all of us have been migrants at some stage in our family history and will be more so in the future.⁶ Shifting to this paradigm, migration becomes a source for development and progress and advancement. Hence, policy option will have to change and therefore become more global and local at the same time.

Instead, not global civilization, but national citizenship, passports and social security numbers in its most narrow and exclusive sense defines migration today. Those lucky ones, who have citizenship of the country they reside, live and work in, are not migrants and enjoy all possible civil rights in particular in the desirable democracies; those who have not the same status have no or limited civic and participatory rights, including economic, social and cultural rights, practice their traditions, language or religion. But in todays world, they often live and work and celebrate side by side, send their children to the same schools, pay taxes to the same

⁴ Colin Hay, Globalization and Public Policy, Chapter 29, in Moran/Rein/Goodin (eds.), The Oxford Handbook of Public Policy, 2008, p. 588

⁵ *ibid*, 590.

⁶ Ian Goldin, *Exceptional People: How Migration Shaped our World and Will Define our Future*, Princeton University Press, 2011

authorities and buy in the same super-market. Why then have different standards for participation and enjoyment of civil rights? To integrate migrants not only as labor forces and potential tax-payers, but also as part of the joint civilization and citizenship is where migrants impact public policy regimes today. It is here where domestic migration shapes goals, aims and expectations of policy makers in deciding to pursue (or not) some course of action and outcome with the help and support of certain techniques and instruments such as campaigns, laws, guidelines, missions, doctrines. These new policies ought to be based on values, visions, ideas, concepts, strategies, that differ from being citizen or non-citizen.⁷ However, these changes are driven by organized migrant communities without citizen rights and thus cannot be seen as democratic participation in a narrow sense. Citizens enjoy different access and possibilities in the agenda setting and decision making process of public policies. They have voting rights and can be voted into domestic policy making positions. Migrants cannot. Instead, migrants adapt to these standards democratic procedures through civic volunteer activism and thus influence policy making. They trigger public debates and controversies, in particular in terms of values, habits, religion, and in order to achieve the anticipated outcome of more inclusion of their traditions and culture, migrants have to form lobbies, organize groups and become an active part of policy making, despite their dispraised status.⁸

The advocacy coalition framework (ACF) helps to assess the shortcomings and possibilities of migrants and their way is influencing the current global and local governance regime. Willingly or unwillingly, they organize pressure and interest groups and entities that force policy makers to respond and issue policy reforms. Non-organized groups, of faith based communities without connection to local policy makers remain unheard and hardly influence policy making. Being excluded from the public policy making cycle due to lack of citizenship, or because of remaining in one's own language and religious or ethnic ghetto community decreases the chances of being recognized and integrated into the new home country dramatically. Therefore, the ACF explains this actor specific process of change. The ACF stands opposed to the Narrative Policy Framework that focuses on the deliberative powers common narratives, debates and knowledge transfer have on policy transfer.⁹ But one framework does not entirely exclude the other, but for migrant policies, actors specific

⁷ Lasswell 1958; Walsh 1994

⁸ Anne Larason Schneider, Helen Ingram, Public Policy and Democratic Citizenship: What kinds of citizenship does policy promote, Chapter 22, in in: Fischer, Miller, Sidney (eds.) Handbook of Public Policy Analysis, Theory, Politics and Methods, CRC Press, Taylor & Francis 2007, p. 332.

⁹ Mark K. McBeth, Michel D. Jones, Elizabeth A. Shanahan, The Narrative Policy Framework, in Sabatier/Weible (eds.) Theories of the Policy Process, Westview Press, 2014, p. 225-266.

approach is pivotal to policy change. It does not matter whether the ACF pressure groups come as refugees, skilled workers, forced and trafficked or induced by climate change to leave one place and settle into another. All migrants share a common interest, namely that of living and working in dignity in a different place other than their home. Dignity not only encompasses liberty rights to speak up but also to participate freely and be heard, and thus forming migrant coalitions to interact with policy makers in one way to change policies. Civil society, business as well as urban planning and policies respond to these groups, either through integration, adaptation but also by exclusion and discrimination due to lack of citizen rights. Interestingly enough most migrant based interest groups are cultural and value based (religious congregations, language groups, festivals etc.) and not economically – despite the fact that migrants are seen mostly under the lenses of economic cost-benefit assessment.

Migrants do share economic interest in the same way, as any other citizens does. But cultural, ethnical, religious, language or otherwise cultural orientated groups often aim at other forms of integration in the new country. Cultural integration is much more tense and conflictual than economic and labour integration. Religious habits, gender traditions and value systems often conflict with those in the countries destination whereas working habits and specific skills to complete a work do not. Thus is by the nature of culture and habits where problems, tensions, conflicts between migrants and non-migrants occur, on the local level and where thus policy parameters are challenged and adapted through the ACF. Only organized coalitions can influence policy makers on all levels to change distribution and resource policies in the same way as attitudes, sociocultural values, social structures as well as constitutional set ups of the destination country need to newly negotiated.¹⁰ But whereas the private business sector in a country, lobbies successfully policy makers to change laws and regulations to allow for working permits and flexible labour policies for migrants, the same migrants do not have a citizen lobby to support them when changing guidelines for their cultural interest, i.e. language course in public schools, faith based facilities – if those migrants are not an electoral entities and thus have not become full-fledged citizens in that particular country.

The ACF address this relation between governmental and state based power institutions and new and old parameters such as laws, rules and the attitudes, knowledge and level of education of its old and ‘new’ citizens. Coalitions consider changes in ideas and perceptions

¹⁰Christopher M. Weible and Paul A. Sabatier, A guide to the Advocacy Coalition Framework, Chapter 9, in: Fischer, Miller, Sidney (eds.) Handbook of Public Policy Analysis, Theory, Politics and Methods, CRC Press, Taylor & Francis 2007, p. 124-125.

as a central factor of policy.¹¹ The context of migration the ACF conceptualizes local as well as global governance regimes and their ways to jointly set up new standards for migrant communities around the world, in order to govern best the dramatically transforming relations between state and an increasingly multi-cultural plural society. Urban local communities and cities and their policy makers and CSOs are the key actors in this policy shifts, because they not only have the practice (sanctuary cities) but also the local interest groups, business and migrants, on their side, to solve problems and distribute resources on a day-to-day basis. These communities and groups are today represented at the World Economic Forum, at UN assemblies or EU summits and this exercise their universal right to speak and participate despite their precarious status. City mayors have to react quickly, for example, if migration occurs after a natural disaster or a violent conflict within one's own country or in neighboring countries. To have a common global migration policy in place, helps not only to face challenges quicker and more effective, but also reduces institutional and human costs on all sides. On the global level, the ACF helps to evaluate the practicability of how global norms, i.e. international conventions, guidelines by IOM, OECD, SDG or UNHCR, suit current demands and how they can or cannot impact the swift and peaceful integration of migrants depending on their status. Much disputed for example, is the 1951 Refugee Convention or the 1990(2003) Convention for the Rights of Migrant Labors and their Families and whether these norms and standards still respond to today's reality of refugees and labour migrants? The normative orders established to suit the situation after WWII in Europe or migration during the Cold War until 1990 where open-borders where the exception not the rule, however, often collide with local reality. The constant circular and temporary and unforeseen flow of migrants for various reasons no longer represents the situation of the 20th century. In addition, most of these international norms and orders are state and citizen centric. Migrants, instead, enjoy general human rights, but not necessarily constitutional ones. Yet , if 1:8 people on the planet are affected of being on the move and seek their rights to fair access and protection, a 'glocal' migration seems much mor adequate.

Migrant driven process transfers knowledge and change of behaviour that can be voluntary, coercive or interdependent. A migrant driven local ACF is interest groups focused, that is local civil society as well as city council policy makers form a policy subsystem that established new practises and thus policies that more or less adhere to national and global norms and laws. Although violation of these norms are not an exception, generally speaking

¹¹ Sabatier/Weible (eds.) Theories of the Policy Process, Westview Press, 2014.

most migrants, if registered, do receive basic services and have access to limited political participation. But migrant coalitions aim to become equal and more powerful subsystems that aim to transform the current national (restrictive) as well as global migrating regime into a global public policy regime. In this regime, actors such as international organization like the UN or EU, domestic governments and local authorities and civil society collectively collaborate and take shared responsibilities to deal with economic and cultural effects of migration. Thus multi-stakeholder based ACF succeed in making policy changes, if they seek out to other allies, i.e. refugees to labour migrants and ex-pats, or new migrants to those from the same country, region or religious believe who already have resident status and thus, they reach out to groups with similar core believes or problems and experience. They form coalitions among different migrants, old-and new or similar cultural identities. Climate change induced migrants form coalitions, for example in New Zealand and Australia, when coming from different small Pacific islands and with different citizenship, but with a shared interest in residing in a new territory. These coalitions –although a minor number compared to the overall migration population – post an interesting question to the migration system. Climate change forces them to leave their homes, not wars, politics, poverty or other man-made causes. Thus when moving to Australia or New Zealand they do claim refuge, but they do not aim to give up their citizenship, culture or any entitlements they had in their home countries. Instead they claimed to keep all their citizen rights as a Tuvalu or Fidji citizen and even keeping their own government as the main governance body they adhere to, whilst residing in a foreign country. International Law, let alone refugee law, has no answer to these new type of forced migrants. But once more these new challenges cause the global regime to reassess and change their policies.¹²

In short: citizenship should no longer matter when enjoying full civil, political, cultural and economic rights in any place of the world. Regardless of passports it is the way on how and to what extent to participate in policy processes, be heard, acknowledged and respond to. The international human rights framework can be the benchmark for setting up such a new migration policy regime.¹³ Migrants from South America, regardless of which country join coalitions in the US due to their *linguae francae* and legal statues; Migrants in Europe from different Arabic or other Muslim communities join faith based coalition groups to seek

¹² Manou, Baldwin, Cubie, Mihr, Thorp (eds.): *Climate Change, Migration and Human Rights, Law and Policy Perspectives*, Routledge Studies in Environment Migration, Displacement and Resettlements, Routledge, 2017.

¹³ Anja Mihr, *Climate justice, migration and human rights*, in: Manou, Baldwin, Cubie, Mihr, Thorp (eds.): *Climate Change, Migration and Human Rights, Law and Policy Perspectives*, Routledge Studies in Environment Migration, Displacement and Resettlements, Routledge, 2017, p. 45-67.

influence in decision making. They all share common experience and interest in negotiating the best deal for their settlement in the new country, regardless whether this settlement is temporarily or permanent. But apart from common value, faith, cultural or otherwise interests, they also need to engage to a nontrivial degree within society, when coordinating and organization set up, in order to achieve policy change.¹⁴ This is often not the case because of the dilemma that as non-citizens they do not have full access to policy makers, elections or being elected, and because Asylum seekers and ex-pats even from the country of origin do not necessarily share the same legal status in the destination country, despite their same interests. Whereas the one group may primarily seek security and basic work to survive and later return to their home country; the other group from the same country, seeks careers, settlement and progress in the same destination country. Migration communities are highly fragmented and so are their status by definition and by law. Thus, a common global normative framework, that would define the interest of all migrants, regardless why they had or wanted to migrate – namely to work for their living, live in peace and dignity and maintain their core cultural identity.

Among the many obstacles is the lack of democracy of many global regimes and policies. International politics are state centered and non-democratic, because at the UN or other World Fora it is governments and not citizens delegates. Although multi-stakeholder approach is entering all spheres of global governance, i.e. climate change regime, Internet Governance Forum and even the WTO; it is far from being democratic. Let alone the lack of democracy within most of the source country of which the majority of migrants come, i.e. DRC, Sudan, Bangladesh or the Philippines. There is, of course a causal relationship, between the lack of democracy, conflict and migration within these countries.

On the receiving end, the destination countries, rule of law and fundamental lack of democracy is not the main problem, but curiously enough the rule of law abating societies pose a problem for flexible migration policies in cities and for city councils. That is why sanctuary cities often operate at the border line of national law. The decade long development of migration statutes, the laws, the established guidelines and policies no longer match migration reality but are executed by courts and policy makers in these countries, such as in Australia, Canada or in most EU countries. But according to the ACF the free and equal citizen is in the core of legitimate political decision-making and self-governance. Political

¹⁴ Christopher M. Weible and Paul A. Sabatier, A guide to the Advocacy Coalition Framework, Chapter 9, in: Fischer, Miller, Sidney (eds.) Handbook of Public Policy Analysis, Theory, Politics and Methods, CRC Press, Taylor & Francis 2007, p. 128

legitimacy of the regime turns on the defensible reasons, explanations and accounts of public decisions. The key objective is the transformation of private preferences via process of deliberation into positions that can withstand public scrutiny and test.¹⁵ This is a dilemma for the ACF and the migration policy regime around the world. Domestic policy processes do not fit global challenges.

Global Migration Policy

Despite the obstacles that democratic and non-democratic policy regimes currently post to form a common global migration regime, policy making is adapting on various levels, mostly on the local one. Migration policies are dealt with on

1. horizontal and local levels, because migrants first meets local policy makers and not national governments, once they are in the country. City council then are often urged to a factual breach of existing domestic migration laws, whilst solving problems and integrating, for example undocumented minors. They ought to be flexible and catalytic migration practice (wage, temporary employment, giving permits etc.).
2. vertical governmental level in terms of security of national borders and maintaining citizenship versus non-citizens;
3. actors and group level. The ACF specific approach shows how country integrate migrants but also how migrants integrate into society and the labor market willingness or obligation to learn, exchange and contribute through language, share skills, habits, customs and open up to secular religious practice.

The UN Sustainable Development Goals (SDGs) intend exactly this: modify global governance regime under same political and legal standards and connect them more with local needs and communities. Within the normative ‘glocal’ SDGs approach migration is seen in the way Goldin proposes his paradigm shift, namely as a resource of development and a ‘ new civilization’ . The SDG define new paradigms of what integration means today and in the future and surprisingly or not, it is not only economic and labour integration but a cultural one. The ‘open borders’ literature proposes similar approaches to migration. Bauder argues that the mobility of people across border is still highly controlled and limited and thus borders remain a main source not only of labour inefficiencies, but also of human suffering and

¹⁵ Held, 2006 : 237

injustices.¹⁶ He emphasises the importance of policy shifts towards open-borders and no-border as a chance for global development in a similar vein as Goldin argues from an economic and political point of view. The no-border concept would help to overcome mayor obstacles of current migration regime and it is ACF driven, namely, that

1. depending on birth (citizenship is inequality) freedom of migration hampers equality leads to exclusion and impoverishment of migrant communities;
2. open mobility, instead, increases market economy and financial benefits;

The fear in many societies, that migrants only aim to seek social benefits, impose new and alien cultural values and habits, abuse the welfare regime of the destination countries, take jobs or lower wages, has not been proven anywhere over the medium or long term. But these effects occur on a short term basis and when migrants live and remain in ghettos or in large communities shortly after refugees have entered a country and specific places in high numbers. With distribution and settlement policies in the long run, however, these figures are balanced out by the economic and cultural benefit these migrant communities post to the residence society. Values change, but deliberately, not by force of imposition through migrants. An example for this is also how European society at large stands up for their democratic values and freedom rights, every time radical religious motivated terror attacks and groups aim to target and erode the value system of France, the UK or Germany over the past years.

The inclusion of migration in the 2030 Agenda for Sustainable Development confirms and reinforces the important relation between migration and development. By integrating migration, including forced displacement, into the Sustainable Development Goals (SDGs), the heads of State and governments acknowledged that migration needs to work for development and that development needs to work for migration as highlighted by the OECD.¹⁷ Around 2000 global migration dialogue started, World Economic Forum, UN (MDG/SDG), The Migration Convention (1990/2003)¹⁸ with only 43 ratifications by governments, UN level, IOM, OECD, IMF, World Bank etc., because migration moves remained rather stable in terms of numbers (3%) and had a long term impact on economic and

¹⁶ Harald Bauder, *Perspectives of Open Border and No-Border*, Geography Compass, Wiley Publisher, 2015, at <http://onlinelibrary.wiley.com/doi/10.1111/gec3.12224/abstract>

¹⁷ OECD Report 2017 <http://www.oecd-ilibrary.org/docserver/download/4116181e.pdf?expires=1498316233&id=id&accname=guest&checksum=F8FF1D328AAD652CFA26C0FBBF6FCD71>

¹⁸ International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CMW.aspx>

societal development of the receiving country. Thus the global migration regime needs to be discussed under cultural and societal aspects, the mobility of social capital and impact of public sector such as health (disease, HIV etc.), values (ethnic and religious integration), human rights, good governance and education, to name but a few public issues,

The existing legal regime and closed-border policies pose the major challenges to the migration regime. The rule of law argument by democratic countries in the global North and the exploitation and exclusion argument by policy makers in the global South are symptoms of how difficult it is to reconcile the current fragmented regimes and sub-regimes. Government are no longer in sole control of migrants (i.e. US 11 Mio illegal working migrants) as many of them are ‘illegal’ or temporarily and therefore cannot openly participate but also not being controlled. However, even reformist governance attempts, such as by most member states of the European Union since 2005 as part of their ‘Global Approach to Migration and Mobility’ (GAMM), in which they combine national migration politics, i.e. visa and labor policies, with development and aid policies in third countries, face their limits and are still state centric. The EU’s neighborhood policies are based on domestic migration policies, i.e. refugee and asylum policies. This policy is based on a rule of law based system although it aims to build trust between the EU and its member state in general and the ‘sending countries’ out of which migrants come to the EU. But it mostly ignores the need for more flexibility on local and city level. The European migration regime focuses on business and labor issues, security threats and border control and thus on criteria to exclude and discourages migration towards Europe instead of guiding it. And despite many CSO based initiatives the EUs migration regime is not a cultural and social one.¹⁹ However, as long as destination countries or regions, such as North America, Australia and Europe condone employment of illegal migrant workers and are having difficulties controlling their borders by the current way of handling security and safety policies (building borders and fences instead in Macedonia and the US), it remains their problem, and not that one of the source or sending countries.²⁰ The non-reconcilable migration policies between the destination countries and the source countries, the domestic focus and citizenship policies by most of the destination countries such as the US and the EU, are obstacles for forming a global migration regimes. At the same time local and city driven policy changes and practices, such as the sanctuary cities

¹⁹ European Commission, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Region, The Global Approach to Migration and Mobility, COM 2011, 743 final, Brussels 18. November 2011.

²⁰Rey Koslowski, Possible steps towards an international regime for mobility and security, Global Migration Perspectives, No. 8, Geneva, October 2004, p. 19,

of Toronto, Baltimore, Sydney, London or Lyon show that the way to such a regime can be driven by simple and practical responses that suit migrants and local economies at the same time and benefit public services. SDG goals aim to guide policy makers towards this shift by naming explicitly migrants and their contributions for development, for example in goal no. 3 on Health, no 4 on Education, no 5 on Gender Security, no. 8 on decent or adequate working conditions, no 11 on reducing inequality, no. 11 on sustainable cities, no 13 on climate change and actions, no 16 on peaceful and human rights based societies and no. 17 on public partnerships.²¹ Particularly goal no. 11 on cities refers to the potential and the benefits local communities and cities today have by welcoming and including migrants in the core sense of the medieval terms ‘citizens’ namely those who live and work in cities and thus enjoy the same rights as every ‘citizens’ of that city, regardless of their origin.

Today destination countries, of which most are democracies and rule of law based societies want national and domestic rules that are enforceable on their migrant community. As beneficiary rule of law is for everyone, it can also limit flexibility and adaptation policies on local levels. In addition, domestic policy makers aim for solutions that prefer ‘circular migration’. As a migrants we come in a country as long there is work and peace and leave again when we find either better options somewhere else or we return to their homes countries (German: Gastarbeiter = guest worker). WE all do cost-benefit assessment where to move and stay and these costs and benefits are not only economically but also cultural. Global mobility, resettlement, migration is also much more easy today than it was 100 years ago. Although source countries from which migrants move still prefer ‘permanent migration’ in order to receive a constant flow of remittance and solve often local conflicts about distribution of natural resources, unemployment, inequality etc. For them, emigration is a win-win situation in the sense that the predominantly young msle population leaves, and by doing so also ease down political tensions because young angry men are often the root cause of political conflicts in these countries. By encouraging them to leave and work abroad the source country and governments not only increases its chances of economic development but also avoid being politically challenged by their own citizens. This way, also many corrupt and autocratic governments limit their chances of being challenged. This become even more prevalent when seeing that today’s migrants remittances already exceed international

²¹ SDG related goals to migration: https://www.iom.int/sites/default/files/our_work/ICP/MProcesses/IOM-and-SDGs-brochure.pdf

development aid. However, at the same time many of these countries suffer a dramatic brain drain and emigration of skilled workers which also hampers the development in the country.

Consequently, neither circular or permanent migration policies meet the needs that globalization poses. Instead today's migration moves combine both: people migrate to cities/urban areas to work, live and share their skills and values and move on to another place somewhere around the world. Global mobility paired with local problem solving determines the modern global migration regimes. The obstacles to overcome are national, border and citizenship based policies of the 19th and 20th century, that no longer match realities and often is the root cause for migration in the first place.

Conclusion

Mixed and global-local migration policies, neither circular nor permanent match best the current 'floating migration' regime of today, and through the ACF it integrates culture (habits, religious, food, habits, values etc.). A global migration policy in which citizenship and participation rights are guaranteed regardless of citizenship, no-border policies are seen as a source of development and domestic politics by which city mayors, national governments, migrant coalitions and international organization agree on common norms and standards could be an alternative to the existing fragmented migration regime. With over 80 % of world's population living urban areas and over 90% of all migrants moving to these areas, including local and city council modes of governance on the global level might be a way to shape new 'glocal' policies.