

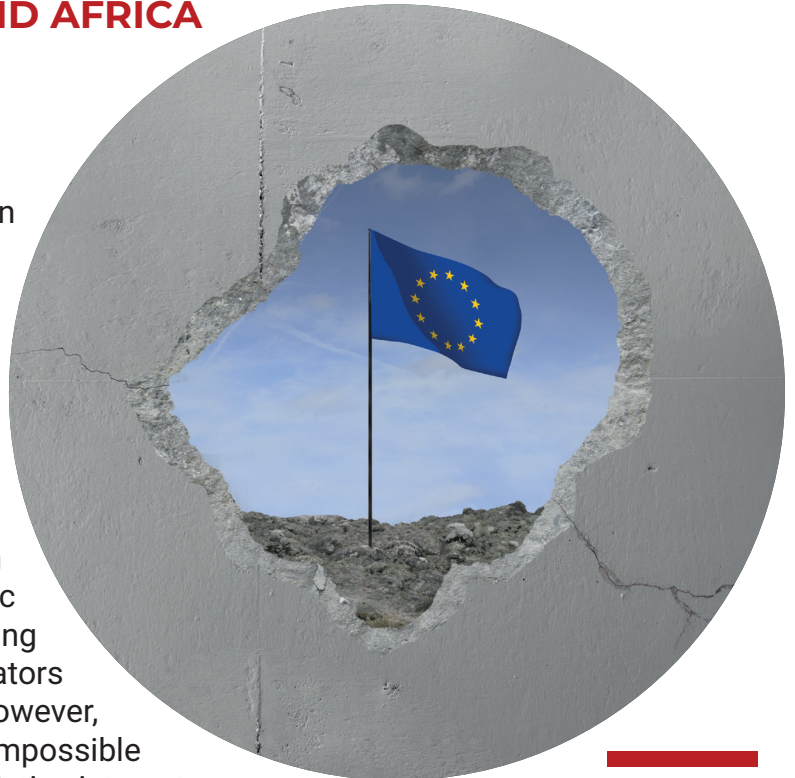


THE 'IRREGULAR' DISTRACTION IN THE NEW PACT

ENTRY POINTS FOR EUROPE AND AFRICA

ABSTRACT

In September 2020, the European Commission presented a 'New Pact on Migration and Asylum' that proposed "a comprehensive approach, bringing together policy in the areas of migration, asylum, integration and border management, and European Union's (EU) relations with third countries". The proposal consists of an intricate and complicated set of legislation that, at least in theory, should reform the EU's current asylum and migration policy, and ensure a holistic approach to migration management. According to the agreed roadmap, the European legislators should adopt the 'new' Pact by May 2024. However, the outcome of the ongoing negotiations is impossible to foresee, as EU member states' deeply conflicting interests may eventually jeopardise a final agreement. In its current form, the Pact has been criticised by many observers, who regard it, beyond the dominant rhetoric that speaks of reform, as 'old wine in a new bottle'. The Pact, in fact, insists on the existing EU strategy, focused on curtailing 'irregular migration' and on the securitisation of migration. Such a regressive approach does not comply with human rights standards and worsens migrants' vulnerabilities. Furthermore, the Pact does not take into consideration the interests and needs of the origin and transit countries it will have an impact on. This policy brief argues that only a negotiated strategy between Africa and Europe that reflects a common understanding of migration, mobility and development can eventually benefit both continents.



AUTHOR

OTILIA ANNA
MAUNGANIDZE

Head of Special Projects,
Institute for Security Studies
(ISS), South Africa

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**THE FOUNDATION FOR EUROPEAN
PROGRESSIVE STUDIES (FEPS)**

European Political Foundation - N° 4 BE 896.230.213
Avenue des Arts 46 1000 Brussels (Belgium)
www.feps-europe.eu
@FEPS_Europe

IN PARTNERSHIP WITH:



**FRIEDRICH-EBERT-STIFTUNG
FLIGHT & MIGRATION COMPETENCE
CENTER (FMCC)**

Arada Kifleketema
Queen Elizabeth II street
P.O. Box 8786 Addis Ababa (Ethiopia)
@fes_fmcc



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1. Introduction¹

The EU's migration and development policies are permanent construction sites. For many years, migration and asylum policies have been marked by ongoing disputes over, among other things, fair burden sharing and the externalisation of borders and asylum. The EU's development cooperation, on the other hand, has been the subject of constant re-evaluation of its funding and implementation. But particularly contentious is the interface between these two policy fields. Migration policy actors, for example, have a strong interest in instrumentalising development cooperation for the management of migratory movements. Development experts, on the other hand, insist that development policy has and must pursue independent goals and that financial resources for development can and should only be used for genuine development policy goals. In view of the growing migration challenges, it is to be expected that the pressure from migration stakeholders on development actors will increase and that conflicts over these policy areas will intensify.

Since 2020, the European Commission has attempted to revive stalled negotiations on the reform of the Common European Asylum System (CEAS). This includes several proposals on asylum and labour migration. However, with limited consensus between member states on the strategic direction and the specifics of implementation, progress remains stifled, despite an agreement between the European Parliament and the Council of the EU on a roadmap to speed up negotiations before 2024. While the EU's rhetoric has been that of 'reform', civil society actors, including the Progressive Migration Group, argue that the 'New Pact' is regressive, does not factor in sufficient consultation with African partners, and could worsen vulnerabilities by lowering protection standards and focusing on securitisation of migration. This tension between political expediency and pragmatism is at the heart of the migration discourse and formed the basis of discussions by the Progressive Migration Group in June and September 2023.

The heart of the issue is whether the adoption of the New Pact will affect the relationship between the EU and Africa on migration management, protection and regular pathways. But beyond a critical take on the EU's strategy, if Europe and Africa are to forge a constructive way forward on migration, it should be through a negotiated joint strategy and approach based on a common understanding of the challenges and solutions. This policy brief, based on my past analysis,² identifies areas of more constructive collaboration. Of course, as positions further diverge from each other, this may be easier said than done.

2. A 'new' pact or old wine in a new bottle?

Since 2014, the EU has grappled with how to develop a strategy on migration that its member states agree on and that aligns with its broader foreign policy objectives. At the heart of this debate was (and still is) the need to address rising irregular migration into Europe. While the largest numbers of international migrants to Europe (including through irregular channels) are from Eastern Europe and Asia, the sticking point has been and remains Africa. While this policy brief does not delve in much detail into the many possibilities for why this is, scholars have raised the issue of race (and thus, racism) in analysing this approach.³ Regardless of the motivations, the most obvious aspect of the discourse within the EU on migration is that it centres its strategy around responding to 'irregular' migration – which is a mix of forms of migration that follow unlawful and unregulated pathways and include people fleeing conflict, those smuggled and/or trafficked, and those that enter into Europe irregularly. The current European strategy is about a particular category of migration (and thus, migrants) from Africa into Europe. It does not focus much, if at all, on migration within Africa and/or from other regions of the world – though these do get some passing mention.

In January⁴ and February 2023,⁵ two high-level discussions were convened by European leaders to discuss migration. This follows on from previous commitments under the EU-African Union (AU) partnership and the New Pact on Migration and Asylum.⁶ The main outcome from these engagements is tighter measures on migration, including punitive approaches towards countries that reject returns and readmissions from Europe and/or do not partner with Europe on programmes to counter irregular migration from Africa to Europe.

The EU's New Pact on Migration and Asylum,⁷ which is the basis of Europe's strategic engagement on migration, has a securitised approach to migration management. There is dissonance between this 'new' approach and the EU's policy coherence for development and Africa's efforts for regional integration and development.⁸



At its core, the 'New' Pact is all about responding to irregular migration: a 10-year-old strategy by Europe that raises questions as to whether it is a 'new' approach at all.



The EU's Emergency Trust Fund for Africa⁹, for example, has seen Europe using funding for development cooperation for migration controls, including in attempting to curb migration via the Central Mediterranean route.¹⁰ This has had varying success. Significantly, it has resulted in growing insecurity and instability and increased smuggling, particularly in countries where the social compact between the population and the state is weak or non-existent.

Thus, at its core, the 'New' Pact is all about responding to irregular migration: a 10-year-old strategy by Europe that raises questions as to whether it is a 'new' approach at all. While opinions vary, the main point that cuts across the varied analyses of the New Pact is

that migration and mobility are central to the relationship between the EU and Africa, and engagement on these is unavoidable.

Recognising that, for both Europe and Africa, migration and mobility are key areas is one thing. Understanding the divergence in views and approaches is another. The respective priorities for Africa and Europe on migration differ. For Africa, migration is a development and demographic issue. For Europe, as the New Pact shows, it is a technical, security-centred issue. Nevertheless, there is increasing acceptance that most African migration is within the continent. Furthermore, data shows that of those African migrants that leave the African continent, most go to Europe, with the majority following safe and regular channels of migration.¹¹ Then, the majority of asylum seekers entering Europe are from the Middle East and Asia, not Africa, while Africa is playing a key role in the comprehensive refugee response. Finally, there is mutual recognition that African countries host almost a third of the world's refugees and that they do so with limited resources.

All these dynamics, however, do not mean that migration between Africa and Europe is a 'lesser' issue. As the human cost of irregular migration continues to take its toll, both Europe and Africa need pragmatic discussions on the right policies and practices on migration and mobility. These should be designed in a collaborative, comprehensive and consultative manner. Does the New Pact do this? Not quite, but it can.

3. Are lessons ever learnt? Building bridges over troubled waters

The New Pact is framed as an attempt at a 'carrot and stick' approach. African countries are 'rewarded' (the carrot) for limiting irregular migration out of Africa to Europe, and 'penalised' (the stick) when they fail to do so. The practice, to date, however, is imbalanced: the EU uses a very big stick and provides a barely visible carrot.



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The practice, to date, however, is imbalanced: the EU uses a very big stick and provides a barely visible carrot.



Part of the issue lies in focusing on addressing the symptom of the issue (i.e., people migrating) over the underlying challenges wrought by the reasons people move, which include limited economic opportunities, poor governance, and dwindling safety and security. Addressing these underlying issues requires a longer-term investment that election cycles don't always align with. The New Pact was pitched as attempting to do this. The reality, however, is that it is a continuation of current practice hoping for different outcomes.

These practices include shifting principles and values; opting for securitisation and externalisation¹² (examples here include the partnership with the Libyan coastguard);¹³ relying on a returns framework that has proven ineffective; and conflating forced displacement with voluntary migration.

As the Progressive Migration Group noted, these practices will not yield longer-term desired impact, partly because the New Pact is an 'internal' European stance focused on an 'external' issue. The quick solution, thus, could be developing a negotiated strategy between Africa and Europe that reflects a common understanding of migration, mobility and development. This consultative collaboration would be between the AU and the EU and could form part of the longer-term strategy between the two blocs.

This new strategy could form the basis for

sustained migration cooperation between Africa and Europe that includes joint efforts to, among others:

- Address inequality and unemployment;
- Regularise remittances;
- Improve returns and readmissions (are they voluntary?);
- Uphold effective international protection mechanisms;
- Find durable solutions to irregular migration that recognise that migration has no single 'root cause', but is motivated by multiple push and pull factors;
- Combine humanitarian support to refugees and host communities with development plans;
- Create legal labour migration pathways;
- Encourage coherence on approaches to migration governance; and
- Leverage migration's connection with regional integration and free trade can help stimulate development and economic growth.

This long list can be further condensed to three potential entry points for greater engagement in a more constructive and collaborative manner between Africa and Europe. These are legal labour migration pathways, remittances and international protection.¹⁴

4. Legal labour migration pathways

Legal labour migration pathways are the preferred avenue for migration for both the AU¹⁵ and the EU.¹⁶ However, due to often resource-intensive and restrictive application requirements, many people cannot pursue this avenue. Facilitating legal migration within Africa and from Africa to Europe can address this and reduce the number of people opting for irregular migration.

The Joint Labour Migration Programme (JLMP) – developed and implemented by the AU, the International Labour Organization, the

International Organization for Migration and the UN Economic Commission for Africa – provides a useful and constructive framing of how best to facilitate legal labour migration pathways.¹⁷ This can be done through the JLMP's 2020-2030 Strategic Framework.¹⁸ Central to the framework is the critical economic contribution of African migrant workers.

There are other avenues for constructive engagement, such as through the Global Gateway¹⁹ and the Global Skill Partnership.²⁰ Combined, these two initiatives can bridge the gap between education, upskilling and labour mobility. While it may be too early to tell how impactful these can be in practice, examples of bilateral partnerships rooted in technical and financial support under the Global Skill Partnership suggest potential for longer-term sustainable success. These include the partnership between Morocco and Belgium,²¹ and between Nigeria and the EU,²² for information and communications technology; a multisectoral initiative for Moroccan youth,²³ and a partnership between Nigeria and Germany for construction;²⁴ and Egypt and Tunisia are part of a pilot project with five EU countries (Belgium, France, Germany, Lithuania and Spain) to address labour shortages through innovative labour migration models.

“

Migration and mobility are important aspects of the relationship between Africa and Europe. However, they are also increasingly the most contentious and divisive, as countries differ on approaches. Meeting each other halfway and bridging the gap in positions between the two continents requires developing policies and approaches that limit the risks while leveraging the benefits of migration.

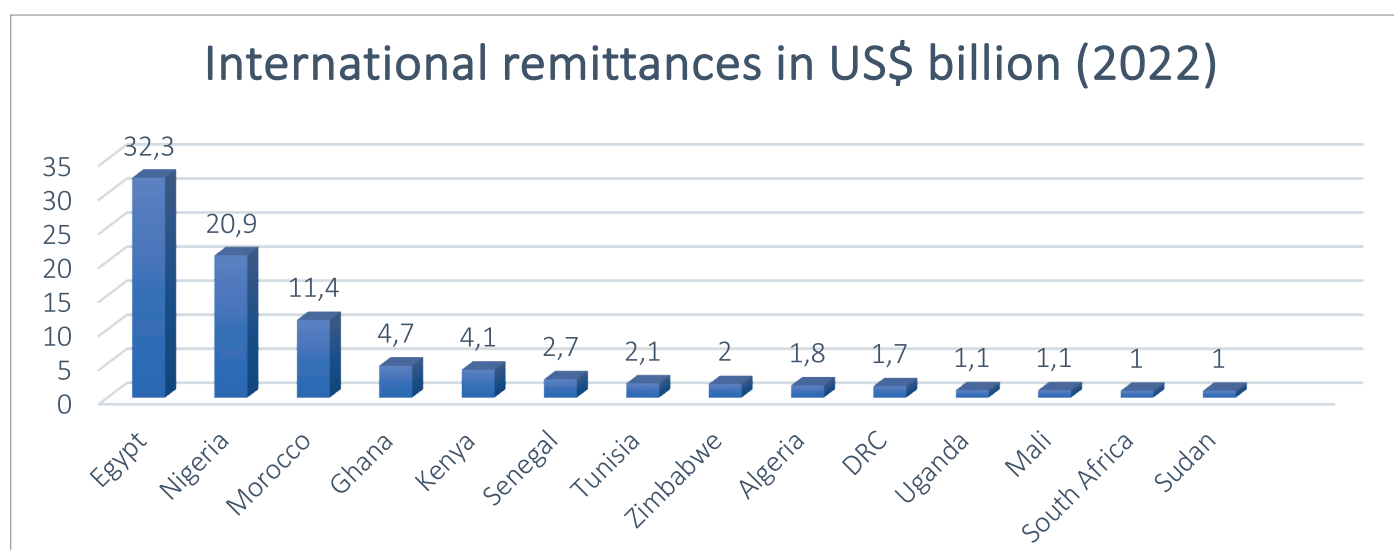
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Recognising that most African migrants remain within the continent, in addition to the intercontinental arrangements detailed above, intra-African regional cooperation and the harmonisation of labour migration policies is key to advancing legal pathways within and out of the continent. African states would have to collaborate to harmonise national policies and frameworks on migration, mobility and labour.

5. Remittances

Remittances have long been recognised as a key 'cog' in Africa's quest for economic development. They are factored into the AU's Migration Policy Framework for Africa and

Figure 1. Top remittance recipients in Africa.



Sources: KNOMAD/World Bank staff; World Development Indicators; IMF balance of payments statistics.

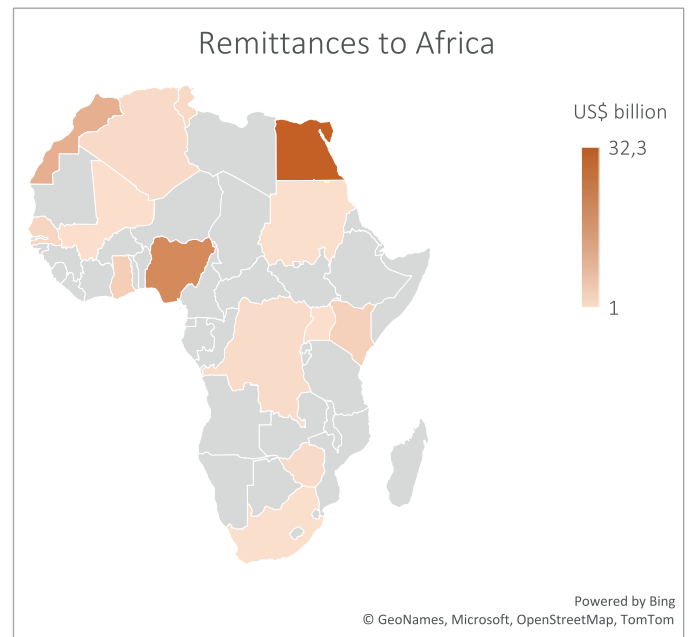
the continent's long-term vision for growth in Agenda 2063. Migration and remittances are seen as central to Africa's integration agenda.²⁵ For Africa, remittances are a main source of foreign income, contributing billions of US dollars in revenue annually (Figures 1 and 2).²⁶ In 2020, despite predictions that the Covid-19 pandemic would adversely impact flows, remittances amounted to \$540 billion globally, with Africa accounting for 15.37% of global remittance inflows.²⁷ For several countries, such as Egypt, Ghana, Kenya, Morocco, Senegal and Zimbabwe, remittances exceed official development assistance and foreign direct investment (FDI) combined.²⁸ UNCTAD's 2022 World Investment Report details how FDI grew significantly between 2020 and 2021, with Southern Africa recording an 895% increase in investments.

Meanwhile, remittances also grew, albeit slower in 2022 than in 2021. The World Bank estimates that remittances to sub-Saharan Africa increased by 5.2% in 2022.²⁹ In the Middle East and North Africa, they grew by 2.5%.³⁰

The AU sees remittances as key to reducing poverty and lessening inequality in Africa.³¹ The African Institute of Remittances (AIR), established in 2015 by the AU, forms part of the continent's long-term strategy of harnessing the important role of remittances in Africa's development.³² Some communities across Africa are developing from remittances, for example, Gandiol in Northern Senegal.³³ Remittances diversify the source of household incomes, and in some cases have allowed recipients to build homes and maintain community buildings, and invest in enterprises, as well as new farming and fishing techniques.

However, remittance infrastructures remain expensive. According to the World Bank, sub-Saharan Africa is the most expensive region to send money to, with an average commission of 8.2% in 2021.³⁴ Sending money in Eastern and Southern Africa is the most expensive.

Figure 2. Top remittance recipients in Africa.



Sources: KNOMAD/World Bank staff; World Development Indicators; IMF balance of payments statistics.

For example, sending money from Tanzania to Uganda costs 24%; from Angola to Namibia 22%; and from South Africa to Botswana 19.6%, to Angola 19%, to Malawi 16% and to Zimbabwe 14%.³⁵ On the other hand, according to research by the AIR, the average cost of sending money from the EU to AU countries in 2021 was 5.68% (down from over 8% in 2015). Some Europe-Africa corridors have average remittance costs under 5%.³⁶ These include France-Cameroon (3.5%), Spain-Nigeria (3.52%), France-Senegal (3.83%) and Portugal-Mozambique (4.11%).

Drawing on Europe's experience in reducing costs of remittances, Europe and Africa can work better together to lower remittance costs within Africa. This would go a long way to increasing the potential of remittances to contribute significantly to receiving countries.

In addition to reducing costs, there are other opportunities too. The AIR is already spearheading work to better understand the remittances landscape and connect it with development. Partnerships, here, can also push for the AIR to provide useful guidelines on how this otherwise 'informal' channel

of financing families can be formalised for greater developmental impact. Furthermore, the Swedish International Development Cooperation Agency and the UN Capital Development Fund are leading a process to help harmonise the different rules governing remittances.³⁷ The long-term vision is to create coherent frameworks to support remittance flows. For Africans (both at home and in the diaspora), this will be a lifeline.

6. International protection

International protection remains critical, as people are forced to migrate for various reasons, including conflict, other situations of violence, persecution and climate disasters. The AU and the EU need to develop a long-term plan for inclusive protection that is rooted in international law (including international human rights law). This may prove the most difficult, as the New Pact proposes sweeping changes to the asylum-seeking and refugee processes in Europe. Ironically, in the field, Europe can learn from Africa. African countries host almost a third of the world's refugees with very limited resources.³⁸ Some of these countries are already rolling out the UN Refugee Agency's (UNHCR's) comprehensive refugee response framework. However, to ensure success, they do need support – financial and technical.

At the same time, there was a drastic increase in the number of asylum applications in the EU in 2022. According to the European Commission, there were 924,000 applications in 2022 compared to 630,000 in 2021.³⁹ This would not include the four million Ukrainians granted special protection by the EU following the Russian invasion. However, this total is still 400,000 less than the 2015 peak of 1.3 million, which saw many Syrians and Afghans flee war.

Supporting refugee host communities in both continents is instrumental in international protection.⁴⁰ The Global Compact for Refugees provides a useful guide on how best to do this,

including through combining humanitarian support for refugees and host communities with development plans.

7. Conclusion

Migration and mobility are important aspects of the relationship between Africa and Europe. However, they are also increasingly the most contentious and divisive, as countries differ on approaches. Be that as it may, the AU and the EU must deal with them together. They can do this by identifying key areas where collaboration is most feasible and can benefit both continents. Meeting each other halfway and bridging the gap in positions between the two continents requires developing policies and approaches that limit the risks while leveraging the benefits of migration. Legal labour migration pathways, better remittance systems and advancing international protection are three key entry points. Ultimately, the AU and the EU should focus more on mutually beneficial migration governance over divisive securitisation.

Endnotes

- 1 This policy brief follows discussions at two meetings of the Progressive Migration Group in Barcelona (June 2023) and Addis Ababa (September 2023). It draws on past analysis by the author, including a policy brief published by the ISS: "Africa and Europe: Building consensus on migration", 23 November 2021. It also builds on research conducted with Tsion Tadesse Abebe (IOM) for two reports as part of an Istituto Affari Internazionali (IAI) project, "A new European consensus on asylum and migration". Report 1: O. A. Maunganidze and T. T. Abebe (2020) "Implications of the COVID-19 pandemic for the Africa-EU Partnership Agenda on Migration and Mobility: A continental perspective". 16 December. Report 2: T. T. Abebe and O. A. Maunganidze (2021) "Implications of COVID-19 on East Africa-EU Partnership on Migration and Forced Displacement". 2 March.
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About the author



Ottilia Anna Maunganidze

Ottilia Anna Maunganidze joined the Institute for Security Studies (ISS) in 2009 and is the Head of Special Projects in the Office of the Executive Director. She is a legal expert, analyst and strategist whose work promotes human security, peace and justice. Ottilia previously worked as a junior legal advisor and a human rights education coordinator. She holds a Master of Laws (LLM) in Fundamental Rights Litigation and International Human Rights Law.

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European Political Foundation - N° 4 BE 896.230.213 | Avenue des Arts 46 1000 Brussels (Belgium)

www.feps-europe.eu | X/Twitter/Instagram: @FEPS_Europe | Facebook: @FEPSEurope

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The FES Flight and Migration Competence Center (FES FMCC) in Addis Ababa, established in 2019, facilitates migration dialogue among AU member states, migration experts and civil society organisations on the African continent. Focusing on four thematic areas, FES FMCC works with African and European stakeholders on EU-Africa dialogue, climate mobility, migration and development as well as gender and migration.

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**BRIDGING THE GAP BETWEEN
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**TOWARDS AN UPDATED POLICY COHERENCE
FOR DEVELOPMENT APPROACH**

ABSTRACT

Migration policymakers often desire to use development cooperation to manage migration, while development experts insist that development policy should be first and foremost about the Sustainable Development Goals. This policy brief examines how this approach is reflected in the current reform of the Common European Asylum System (CEAS) and other policy initiatives, to what extent the current use of development cooperation for migration management is in line with the SDGs, and whether and how the controversies between the two policy areas can be overcome. It concludes that the EU's current migration and asylum policies are at odds with the SDGs and the EU's Aid Effectiveness Agenda, both in spirit and in practice, for example when it comes to the use of conditionality. The policy brief points that a progressive migration policy could even argue for the instrumentalisation of migration policy for development goals, promoting fair and well-regulated migration arrangements to foster economic and social development.



AUTHOR
Steffen Angenendt
Senior Fellow and head of the migration unit of the German Institute for International and Security Affairs (DII), Berlin

NADINE BIEHLER
Associate at the German Institute for International and Security Studies (DII), Berlin and member of its migration unit

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POLICY BRIEF
November 2023

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A NO-WIN SITUATION

**DECONSTRUCTING THE EFFICACY
OF EU EXTERNALISATION POLICIES
FROM AN AFRICAN PERSPECTIVE**

ABSTRACT

Migration policy discourses within the European Union have favoured a trend towards the so-called 'externalisation' of migration policies, aimed, at least theoretically, to mitigate 'irregular migration'. African countries have been a key target of this approach. EU narratives around externalisation are centred on the large and 'dangerous' flows of African migrants arriving by sea, and ignore the stories of the thousands of asylum seekers stuck in border countries in inhumane conditions or of the millions of Africans who prefer to migrate within their continent for trade and work purposes. This policy brief highlights the political, economic and social transformations caused by European externalisation policies within African states. The EU and its member states – using their political and economic leverage – are making deals with African states, urging them to replace their existing free movement protocols with the EU's requirement to stop migration flows. The emphasis on restricting migration to Europe combined with the shortage of legal migration pathways is contributing to prolonged displacement in border towns and camps where asylum seekers and refugees suffer deprivation and fall prey to smugglers and traffickers. The funds from externalisation deals are being channelled towards the militarisation of borders and are bolstering the capacity of both state and non-state actors – especially in Libya and Tunisia – to perpetrate human rights abuses against African migrants. This policy brief surmises that externalisation perpetuates immobility amongst historically mobile African groups, results in the loss of livelihoods, introduces new forms of displacement, creates a surge in human smuggling and trafficking, and leads to unprecedented human rights abuses.



AUTHOR
FELICITY OKOTH
Coordinator of the International Migration and Ethnic Relations (IMER) research network in Bergen, Norway

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**TOWARDS A HUMANE
REFUGEE POLICY FOR
THE EUROPEAN UNION**



Gesine Schwan
with the collaboration of Malisa Zobel

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**COMMUNICATING ON MIGRATION:
CHOOSE YOUR BATTLES**

ABSTRACT

Media, policy and public debates about migration in European countries, and around the world, are often polarised and negative, contributing to demand for restrictive migration policies.

Where organisations are keen to shift this paradigm they commonly work to insert themselves and their more positive messages more firmly into public debates on migration. This paper discusses whether this proactive engagement is more effective in shifting public debates than the counter-intuitive strategy of attempting to lower the volume of the debate through less participation. We consider these options by examining the question through the lenses of framing and agenda-setting theories.



AUTHOR
ROB MCNEIL
Researcher and consultant specialising in migration in the media and Deputy Director of the Migration Observatory at the University of Oxford's Centre on Migration, Policy and Society (COMAPS)

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A CASE FOR COMMUNICATING
HONESTLY**


ABSTRACT

Migration is commonly framed in policy and media debates as a crisis (or crises) to be solved. In recent years public concerns shaped by this crisis framing have increasingly driven European voters toward populist political parties who offer ostensibly 'simple' answers such as numerical limitations on migration, migrant push-backs or mass deportations.

These policies are harder to implement than to promise, and as a result will tend to disappoint voters. They are unlikely to end public concerns about migration, nor resolve the migration challenges facing the states who put them into effect.

On the other side, advocates for more liberal policymaking commonly propose their own simplistic solutions such as the expansion of safe and legal routes to reduce dangerous or irregular migration flows, despite little evidence that these approaches would be effective.

These approaches on both sides fuel polarisation, understate the complexity of migration, overstate the likely efficacy of the policy tools available to manage migration and ignore potentially difficult consequences. This paper explores the implications of this for policy debates and considers how to reduce polarisation and work toward honest and realistic migration policymaking.



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ABSTRACT

The words we use to discuss any issue have a bearing on how we understand it, and this is particularly true of migration debates, where the terms we use can be infuriatingly vague – creating generalised impressions of 'who people are' that can be entirely misleading and lead to policy decisions that may be misguided, affect the rights and opportunities of individuals or even place lives at risk.

This paper argues that terminology matters in the policymaking process, and that nuance and clarity are vitally important. It sets out suggested guidelines for policymakers and media dealing with the issue of migration.



AUTHOR
ROB MCNEIL
Researcher and consultant specialising in migration in the media and Deputy Director of the Migration Observatory at the University of Oxford's Centre on Migration, Policy and Society (COMAPS)