Unintended Consequences of EU External Action

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ABSTRACT
Unintended consequences arising from EU external migration policy are a result of the multi-actor nature of this policy and of policy interactions. In addition, scholars face serious methodological challenges in establishing what the EU's 'intent' is in external migration policy and, therefore, in determining which consequences are intended and which are unintended. The literature on the implementation and evaluation of EU external migration policy is in its infancy, and future work should take into account all policy outcomes – both those that were intended and those that were not.

In 2015, Europe was stunned by an unprecedented inflow of migrants (see e.g. Council on Foreign Relations 2015; Migration Policy Institute 2015).[1] Largely as a result of the crisis in Syria, over 1.3 million people filed asylum applications in one of the 28 EU 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. Frontline 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 migrants, on the one hand, and Europeans welcoming weary migrants at train stations, on the other.

The EU response aimed partly at reducing the burden on frontline 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, and by sending support teams from the European Asylum Support Office to frontline member states to help them 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" (European Commission 2015, 5), and the most well-known outcome was the 2016 deal with Turkey which stipulates that the Turkish government will accept the

[1] Asylum policy regulates the admission of persons who fear persecution in their home country, in line with the 1951 UN Refugee Convention. Asylum-seekers are those who have filed an application for asylum in a host country, and refugees are those whose asylum application has been granted. Migration policy regulates the admission of migrants, i.e. those who move for any other reason than asylum – employment, education, family, retirement, etc.

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readmission of all irregular migrants who cross into 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 Syrian refugees from Turkey to the EU, and €3 billion in funding to the Refugee Facility for Turkey (European Commission 2016a; European Council 2016).

This policy is the focus of the present article. 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 cooperating with non-EU countries if the EU is to achieve its migration policy objectives (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 facilitated issuance of visas to citizens of non-EU countries (see Carrera *et al.* 2015; García Andrade *et al.* 2015).[2]

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; Wunderlich 2013b; Wunderlich 2012; Reslow 2017; Reslow 2015). 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. This article contributes to the fledgling literature on the implementation and evaluation of EU external migration policy by considering what *unintended* consequences this policy has had.

The analysis in this article 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 out 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 form an essential component of future research. For now, this article does not aim to make generalisations about *all* 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.

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

[2]This article is not concerned with the external effects of internal policies or the 'reverberation' of the EU outside its borders, but only of those policies which are negotiated together with non-EU countries. The EU's visa list (Council Regulation (EC) No. 539/2001) is an example of an internal policy that undoubtedly has external effects, in that it states which countries' citizens need a visa to enter the EU. But the list itself is determined within the EU, between the Council and the European Parliament, therefore this is not an instance of EU external migration policy.

which were undesirable and unintended 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 for considering that policies can have unforeseen or unintended consequences, which can be positive, negative, or neutral in relation to the initial and stated objectives.

In analysing the unintended consequences of EU external migration policy, one can draw on the literature specifically on EU external migration policy, but also the related (and broader) literature on migration or EU external action. In the migration literature, there is significant debate as to the consequences of migration policy: scholars disagree on whether or not migration policies actually have an impact on migration flows (Czaika and de Haas 2013). On the one side, there 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, 99). Cornelius *et al.* (1994) coined the term "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" (Castles 2004, 209-210). At the national level, states try to balance between different interest groups in the policy formulation phase, meaning that migration policy objectives are misrepresented, giving rise to "undisclosed intended effects" (Keijzer and Lundsgaarde 2018, 211). 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 in 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 on 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 less attention is focused on the potential for unintended consequences to arise (see Burlyuk 2017), and the literature on EU external migration policy barely considers what this policy means in practice, let alone conducts a systematic analysis of consequences. This article contributes to the fledgling literature on the implementation and evaluation of EU external migration policy by analysing the 'what', 'why' and 'how' of unintended consequences in this policy area: what types of unintended consequences does this policy have, why do these unintended consequences arise, and how do they play out? To do so, it relies on the framework developed by Burlyuk (2017) and integrates this with the multi-level governance literature.

This article will particularly pick up on two arguments proposed by Burlyuk, thereby showing that unintended consequences are a result of the multi-level governance of EU external migration policy (see also Reslow forthcoming). This multi-level governance results in: (1) a multi-actor policy system; and (2) policy interactions. Firstly, Burlyuk (2017, 1013) argues that the EU is a "complex political actor" which should be unpacked according to the component actors relevant for the policy area at hand: the member states, 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. The central tenet of multi-level governance is "the existence of overlapping competencies among multiple levels of governments and the interaction of political actors across those levels. Member-state executives, although powerful, are only one set among a variety of actors in the European polity" (Marks *et al.* 1996, 167). This article shows how these linkages and relations between the actors involved in making and delivering EU external migration policy cause unintended consequences to arise. Thus, the question addressed in the first empirical section is: *which actors experience unintended consequences of EU external migration policy?*

Secondly, Burlyuk (2017, 1017) 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. Multi-level governance has been applied in various policy fields, including environmental policy, migration policy, economic policy, and most notably cohesion policy (see Stephenson 2013, 822-823 for an overview). In other words, there is no single system of multi-level governance; rather different patterns manifest across different policy areas. In policies which bring together several distinct policy areas, such as EU external migration policy, unintended consequences will arise as a result of competing or even contradictory policy objectives. The question addressed in the second empirical section is: *how do policy interactions cause unintended consequences of EU external migration policy?* The overall aim of the article is thus to plead for vertical and horizontal disaggregation in the study of unintended consequences of EU external action.

Methodological considerations: establishing 'EU intent'

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 what consequences of a policy were intended, it is impossible to isolate the unintended ones.

This challenge stems partly from the nature of migration policy. Politicians seeking to address voters' concerns about immigration and integration often adopt a 'tough' discourse, while in reality they 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).[3] 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" (2013, 491), and for the EU this situation must be multiplied by 28 and added to 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, often adopting very different approaches. 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? With so many actors and preferences, prioritisation of objectives is a challenge. The empirical examples introduced in the following section disaggregate 'the EU' by considering the roles and preferences of particular member states and EU institutions.

Policy interactions raise additional questions. EU external migration policy sits at the intersection of migration policy and foreign policy, and therefore all the sub-dimensions of those policies: visas, returns, border control, trade, development, aid, etc. The intent of one of these policy areas is not the same, and may even run counter to, the intent of another; the penultimate section of this article shows that the objectives of development policy do not seem to square with the mostly repressive and control-oriented migration policies of the EU and its member states.

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

[3]The policy analysis literature acknowledges that ambiguity of policy objectives may be purposeful because it allows a broader range of actors to throw their support behind a policy (Hogwood and Gunn 1984, 222).

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. This section shows that a neat distinction between actors producing unintended consequences and actors experiencing unintended consequences is not possible. With regard to non-EU countries, for example, the literature is divided: non-EU countries are not simply passive recipients of EU policy proposals, yet the degree to which they can influence policy outcomes – and therefore be co-responsible for producing unintended consequences – is disputed (e.g. Reslow 2012). No clear line can be drawn between policymaking and implementing actors, because the EU institutions and member states are responsible for both making and implementing EU external migration policy (Reslow 2015); they are in a sense both principals and agents (see Menz 2015). Migrants are arguably the only actors experiencing unintended consequences whilst having no role in producing them.

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 can offer a glimpse into a policy field closely guarded by member states, namely labour migration policy. Although the supranational EU institutions play an important role in EU migration policy, some elements of this policy are still very much within the purview of the member states; the EU treaties, for example, state that the article on a common EU immigration policy "shall not affect the right of Member States to determine volumes of admission of third-country nationals coming from third countries to their territory in order to seek work". This was the case with the EU Mobility Partnerships: 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, 139). In terms of managing this unintended consequence, the Commission at least is clearly aiming to reinforce it.

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 a decision at some point in time. Again, the Mobility Partnerships provide an empirical example of 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 latter two *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 (Reslow 2013, 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, 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 regard 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 2017 referendum which critics saw as a 'power grab' by Erdogan (Deutsche Welle 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 2017a). 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.

For the non-EU countries that are targeted by EU external migration policy, a strengthened bargaining position is not the only possible unintended consequence. There is anecdotal evidence of positive unintended consequences, for example sharing of experience and best practices between Mobility Partnership countries (e.g. Ministry of Foreign Affairs and European Integration of the Republic of Moldova 2014, 21). However, particularly cooperation on readmission brings with it negative unintended consequences.

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. 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 no longer familiar with (Carrera *et al.* 2016, 6). As a result, cooperation with the EU on readmission is coupled with high domestic costs for the governments of non-EU countries. These governments seek to manage these unintended consequences pre-emptively: the prospect of domestic political and public opposition is exactly the reason why countries such as Morocco resisted pressure from the EU to sign a readmission agreement for several years (Wolff 2014).

The EU in turn tries to manage such unintended consequences by linking readmission agreements to positive incentives for non-EU countries, such as a visa facilitation agreement (European Commission 2011a). However, the ability of the EU institutions to manage such unintended consequences is limited due to 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 so a management tactic would be to create legal migration opportunities for those countries. 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. One Commission official phrased it in the following way: "third states need to get something to be interested [but…] most of the things they are interested in are still in the hands of our member states" (Reslow 2013, 140).

EU external migration policy has unintended consequences for migrants, which may in turn affect the EU's international power and role. 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 migrants up to abuse at the hands of the authorities in these countries. Criticism has been particularly directed towards the deal with Turkey (Amnesty 2016), as well as EU cooperation with Libya (Kuschminder 2017) and Afghanistan (FIDH 2016). Given the importance that the EU attaches to migration cooperation with non-EU countries, this is likely a case of wilfully ignoring unintended consequences because the intended consequences of the policy are so desirable (Burlyuk 2017, 1016). Indeed, the fact that new agreements have been made on the back of long-standing criticism of cooperation with countries like Morocco (IRIN 2015; Carrera *et al.* 2016) implies that the EU has no interest in managing this unintended consequence.

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, 241). However, these norms and principles are weakened if the EU is willing to put them aside when strategically important topics (such as migration) are at stake. If the EU's international power derives from its normative status, then the EU's external migration policy may end up weakening the EU in the international system as a whole.

Finally, actors are linked through their policy choices. One unintended consequence of member states' external migration policies is that they potentially undermine the

EU's 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, 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 competed to offer Senegal the most favourable terms for cooperating on migration (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 competences over migration, as outlined above.

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 the migrants themselves. Actors may try to manage these unintended consequences, but face challenges in doing so, due to the hybrid nature of policy tools that make consequences difficult to predict or to their limited legal competences to act. In addition to this disaggregation of the EU, the analysis has shown that actors are linked and that unintended consequences for actor B may flow from the policy choices of actor A. The coherence and complementarity of the preferences of all the actors involved must therefore be central in analysis of the impacts of EU external migration policy.

Unintended consequences of what? Policy interactions 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. These linkages may cause unintended consequences to spill over from one policy area to another.

First, the EU's internal and external actions are linked. External actions can render internal actions less relevant: for example, the efficacy of the EU-Turkey deal in reducing the numbers of asylum-seekers arriving in Greece caused the ambition of the internal EU scheme for relocating asylum-seekers to be downscaled (EUObserver 2017b). Furthermore, 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 forgotten in analysing 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 other ways to enter (e.g. van Liempt and Doomernik 2006; Castles 2004). As a result, 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 no longer 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 the EU's response to increased irregular migration over the past years 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, 1019). 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 the migrants' countries of origin. 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 more 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 create a larger pool of people with the means to migrate (e.g. Massey 1988).

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, 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 2011b), and EU migration policy – certainly in the current context of the migration crisis – focuses on border management, targeting smuggling networks, and facilitating the entry into 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 is trying 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.

Conclusion

This article has argued that unintended consequences of EU external migration policy arise from the multi-level governance of this policy area. In particular, two factors are relevant: first, the multi-actor nature of this policy, which brings together EU institutions, member states, and non-EU countries; and second, policy interactions between the EU's internal and external policies and between different external policy areas. Burlyuk (2017) identifies the establishment of intent as a particular challenge of research into unintended consequences, and the analysis in this article supports this with empirical examples from EU external migration policy. It has shown, 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 it still an unintended consequence? Drawing the line between intended and unintended consequences is complicated.

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 policymakers' priority lists, and the academic literature on the impact and effect of EU external migration policy is in its infancy. 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 to establish 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 complexity of the policy field – in terms of actors, instruments, and policy interactions – future research should take a pragmatic approach and draw on a variety of research traditions (Friedrichs and Kratochwil 2009). To untangle all the elements identified in this article 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) and adopting specific timeframes of analysis is therefore the most viable and pragmatic approach.

The literature suggests that "the multi-levelness and multi-actorness of migration policy is first and foremost an everyday reality" in European and North American countries (Caponio and Jones-Correa 2017, 11) due to complex relations of interdependency between the different governmental, administrative and territorial units charged with making and implementing migration policy. The challenges and unintended consequences arising from the multi-level governance of EU external migration policy should therefore not, or not only, be considered peculiar to the EU and its manner of conducting external relations, but rather symptomatic of the dynamics of migration policy in developed countries more generally. It is therefore unsurprising but still unfortunate that the new policy instruments introduced by the EU in

response to the migration crisis, such as the Migration Partnership Framework (European Commission 2016b), display the same propensity for unintended consequences. Collett and Ahad (2017, 35) argue that the "myopic focus [of the Migration Partnership Framework] on a singular goal – migration management – risks deprioritising other critical challenges, such as weak governance and broader security challenges. Doing so could undermine stability in key regions and, in turn, cause more migratory pressures." Clearly then the lessons of previous experience with regard to unintended consequences of policies have not been learned.

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