Sarah Diehl

Migration as a global challenge

A study of governance strategies pursued by state and non-state actors between 2015 and 2021 based on a comparison between Mexico and Germany

wbg Young Academic

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This thesis was submitted to Andrássy University Budapest as a master's thesis in 2021 and awarded the highest grade. Based on a recommendation by both supervisors, Prof. Dr. Ulrich Schlie (University of Bonn) and Dr. Heinrich Kreft (Andrássy University Budapest), the thesis was accepted into the wbg series "Young Academic".

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List of Abbreviations

AMCHR	American Convention on Human Rights
AsylG	Asylgesetz [German Asylum Law]
AsylbLG	Asylbewerberleistungsgesetz [German Asylum Seekers Benefits Act]
AufenthG	Aufenthaltsgesetz [German Residence Act]
BAMF	Bundesamt für Migration und Flüchtlinge [German Federal Office for Migration and Refugees]
BMI	Bundesministerium des Innern, für Bau und Heimat [German Federal Ministry of Interior, Building and Community]
BND	Bundesnachrichtendienst [German Federal Intelligence Service]
BfV	Bundesverfassungsschutz [German Federal Office for the Protection of the Constitution]
COMAR	Comisión Mexicana de Ayuda a Refugiados [Mexican Commission for Refugee Aid]
EBCG	European Border and Coast Guard Agency
ECHR	European Convention on Human Rights
EFTA	European Free Trade Association
EMIF-SUR	Encuesta sobre Migración en la Frontera Sur [Survey on Migration in the Southern Border]
EU	European Union
FAO	Food and Agriculture Organisation of the United Nations
GCM	Global Compact for Safe, Orderly and Regular Migration

GCIM	Global Commission on International Migration
GCR	Global Compact on Refugees
GDP	Gross Domestic Product
GG	Grundgesetz [German Constitution]
ICESC	International Covenant on Economic, Social and Cultural Rights
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
IGO	Intergovernmental Organisation
ILO	International Labour Organisation
INM	Instituto Nacional de Migración [National Institute for Migration]
IOM	International Organisation for Migration
NAFTA	North American Free Trade Agreement
NGO	Non-governmental Organisation
OHCHR	Office of the High Commissioner for Human Rights
RCP	Regional Collaborative Platform
SDGs	Sustainable Development Goals
SEGOB	Secretaría de Gobernación [Mexican Ministry of the Interior]
TEU	Treaty on European Union
TFEU	Treaty on the Functioning of the European Union
UDHR	Universal Declaration of Human Rights
UN	United Nations

UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNRIC	United Nations' Regional Information Centre
US(A)	United States of America

Preface by the Author

Migration is a phenomenon deeply intertwined with human nature. It is, however, also the root of countless conflicts and subject to controversial debates. This comparative study set out to examine the way in which state and non-state actors responded to challenges posed by migration. The basis of the study titled "*Migration as a global challenge. A study of governance strategies pursued by state and non-state actors between 2015 and 2021 based on a comparison between Mexico and Germany*" is extensive research of both countries' governance strategies with a special focus on the period following 2015.

The desire to conduct this research has originally come from my academic and personal engagement with migration and its governance in Germany since the so-called 'refugee crisis' of 2015. When writing my bachelor's thesis on the EU's 'poly-crisis' in 2018, migration was still one of the major bones of contention threatening to lead to its disintegration. Although these predictions, fortunately, did not come true, the topic remains on the agenda and could resurface any time as the current Russian war in Ukraine has shown. Furthermore, when offering counselling for asylum-seekers during my voluntary work with the Munich-based NGO Arrival Aid, I experienced the shortcomings and the ineffectiveness of the current migratory system at the individual level first-hand. Therefore, I wanted to delve deeper into the structural factors behind this policy, its effects on Germany and see how they compare to migration policies other states chose in similar circumstances. Mexico is another highly interesting case as it has made the transition from a mainly sending to a mainly receiving country in terms of migration. As both countries tried to come to terms with a considerable migratory influx from 2015 onwards, it was obvious to use this period as the basis for the study.

The study aims to convince readers that even though migration can be a challenging phenomenon, it is one that cannot be halted and one that host societies can benefit from if managed well through effective governance. Furthermore, the study also offers recommendations regarding policy measures at the national and international level to make migration governance more effective. In sum, with this

study I hope to make at least a small contribution to the scientific debate about migration governance in different political and socio-economic settings.

This study has been written to fulfil the graduation requirements of my post-graduate studies in International Relations and Governance (Staatswissenschaften), a joint degree program offered by Andrássy University in Budapest in cooperation with the University of Passau. My research question was formulated together with my supervisor at Andrássy University Prof. Dr. Ulrich Schlie, who is now the holder of the Henry Kissinger Chair for Security and Strategic Studies at the Institute for Political Science and Sociology at the University of Bonn. I was engaged in researching and writing this thesis from September 2020 to May 2021, therefore all data used in this research dates from this period except for some minor corrections. I experienced the process of writing this thesis as very instructive and fruitful because it enabled me to deepen my knowledge on the subject and to improve my scientific skills.

Writing and publishing this work would not have been possible without support of my supervisor Prof. Ulrich Schlie, whom I particularly would like to thank for his guidance, knowledge, and support during the writing process and for being available and willing to answer my queries. Besides, I would also like to thank the co-reader, Dr. Heinrich Kreft, for taking a critical while constructive look at my thesis.

Last but not least, I am really grateful for the kind support and assistance I received by my friends and family: I benefited a lot from debating issues with you. If I ever got off course, you kept me motivated. My spouse Gregor and my parents-in-law deserve a particular note of thanks: Your wise counsel, unfailing encouragement and kind words have, as always, served me well.

I hope you enjoy your reading.

Munich, July 2022
Sarah Diehl[2]

[2] At the time of publishing, Sarah Diehl is a member of the German diplomatic corps. The views expressed in this work are solely those of the author and do not in any way represent the views of the German Federal Foreign Office.

Abstract

This study examines migration governance in Mexico and Germany from a cross-country perspective in order to draw broader conclusions regarding the mitigation strategies of state and non-state actors in different settings. The 2 countries were chosen as they are both grappling to come to terms with important migratory pressures, albeit of different kinds. The study focussed on the period from 2015 to 2021. One initial hypothesis was that approaches to migration would differ considerably given that both countries find themselves in a quite different socio-economic and (geo-)political situation. After laying the foundation for the in-depth analysis through providing an overview of migration theory and relevant international law, which is an important instrument of governance at the international level, 2 case studies were conducted. Within this framework, relevant national legal provisions as well as responses by state and non-state actors were analysed before turning to a comparative analysis. The most important finding of this study is that, despite their different socio-economic, social and (geo-)political situation, both countries face similar challenges regarding migration such as the inability to reconcile migrants' human rights with the concept of national sovereignty. Besides, in Mexico as well as in Germany, there is a considerable gap in the way highly demanded migrants (that is high-skilled workers) and unwanted migrants are treated. In the latter case, both countries employ similar mitigation strategies like the reliance on a security approach to control migration flows. Furthermore, in both cases non-state actors play an important role in the governance of migration. The paper concludes by presenting possible recommendations for action at the level of individual countries as well as at the global level. What stands out in this respect is that a change in attitude to migration as well as further international cooperation are indispensable to provide for effective migration governance.

1 The Challenge of Effective Migration[3] Governance

Human migration has been a constant throughout the species' history and it can fairly be argued that looking for a better place to live forms part of mankind's nature.[4] However, ever since humans settled in almost all inhabitable parts of the planet, this process has always been accompanied by a struggle for resources occurring between 2 different groups: the inhabitants of the said area and the newcomers. Even though homo sapiens created more and more sophisticated societies over time, which resulted in the inception of sovereign states or state-like entities, this basic conflict line remains relevant to this day. The first 2 decades of the 21st century thus were no exception. Human migration may be due to different motives and can take different forms, but it nevertheless remains a global phenomenon – at that, one which is increasingly gaining momentum due to the phenomenon of climate change rapidly altering living conditions in large parts of the planet. According to a study conducted by the United Nations (UN) "the number of international migrants […] reached 244 million in 2015 for the world as a whole, a 41 per cent increase compared to 2000"[5]. In 2019 that number was up to 272 million, with further growth predicted in the coming years.[6] Because of

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[3] In this paper, the terms immigration and migration shall be used interchangeably, except where noted. In the latter case, immigration will refer to temporary or more permanent settlement while migration shall denote movements or intentions to move across international boundaries.

[4] Cf. Garcia Zamor, Jean-Claude (2018): Ethical Dilemmas of Migration. Moral Challenges for Policymakers, Cham: Springer, p. 1.

[5] United Nations (2016): 244 million international migrants living abroad worldwide, new UN statistics reveal, (https://www.un.org/sustainabledevelopment/blog/2016/01/244-million-international-migrants-living-abroad-worldwide-new-un-statistics-reveal/, accessed on 04.03.2020).

[6] Cf. United Nations (2019a): Population Facts No. 2019/4. International migrants numbered 272 million in 2019, continuing an upward trend in all major world regions, (https://www.un.org/en/development/desa/population/migration/publications/

its (potential and de-facto) economic, social, and cultural impacts, migration as a phenomenon is increasingly contested in in host societies preferred by migrants. This is especially true in the global North, where a decline in economic growth[7] together with the securitisation of immigration led states to adopt a more restrictive approach.[8] *Collier* in this context even speaks of "a phenomenon overloaded with toxic associations"[9] when it comes to migration from poor to rich countries.

Migration governance has thus become an increasingly important field of action for state and non-state actors alike at the national as well as the international level. This is especially true for the period since 2015, when migration eventually popped up on the agenda of the European Union's (EU) policymakers, thereby destabilising the hitherto most successful effort of creating a supranational regional entity. The ensuing crisis after the influx of more than 1 million people in 2015 and 2016 and the breach of trust between EU-member states has still not been overcome.[10] Despite the importance of migration governance, there is not a lot of research in the field of political sciences, especially not in the form of comparative studies.[11] Besides, the existing cross-country comparative research focusses mainly on industrialised countries. The given thesis thus tries to fill in a gap by comparing the mitigation efforts employed by 2 countries in considerably different (geo-)political situations and varying levels of socio-economic development.

In the light of this, the main aim of this thesis is to analyse responses to mitigate the challenge migration poses for host societies and their governance. How did policy makers respond to the migratory pressure and were those responses

populationfacts/docs/MigrationStock2019_PopFacts_2019-04.pdf, accessed on 04.03.2020).

7 Cf. Rana, Kishan (2011): 21st Century Diplomacy. A Practitioner's Guide, London/New York: Continuum, p. 13.

8 Cf. Üstübici, Aysen (2018): The Governance of International Migration. Irregular Migrants' Access to Right to Stay in Turkey and Morocco, Amsterdam: Amsterdam University Press, p. 17.

9 Collier, Paul (2013): Exodus. How Migration is Changing Our World, Oxford: Oxford University Press, p. 11.

10 Cf. Pew Research Center (2016): European opinions of the refugee crisis in 5 charts, (https://www.pewresearch.org/fact-tank/2016/09/16/european-opinions-of-the-refugee-crisis-in-5-charts/, accessed on 04.03.2020).

11 Cf. Scholten, Peter (2020): Mainstreaming versus Alienation. A Complexity Approach to the Governance of Migration and Diversity, Cham: Palgrave MacMillan, p. 195.