Symposium: Managing Mixed Migration

Visa Policies, Migration Controls, and Mobility Aspirations: Mixed Migration as a Response to Global Regimes of Closure

Craig Damian Smith[†]

This Essay traces the emergence and development of what I call *global regimes of closure* and their effects on mixed migration. Regimes of closure comprise progressive and cumulative visa restrictions for Global South states, externalized migration controls, and changes to the international refugee regime to keep displaced people in regions of origin. As a result of such developments, increasing numbers of people with mobility aspirations undertake irregular journeys on mixed routes—diverting from regular migration pathways to asylum, entering countries clandestinely, or overstaying temporary visas. The cumulative nature of regimes of closure means that potential migrants act on new information about mixed routes to fulfill otherwise frustrated mobility aspirations. To illustrate these dynamics, I present a brief case study about new mixed flows to Canada from 2016 to 2020, when nearly 60,000 people made their way to the Canadian border via the United States to claim asylum.

INTRODUCTION

In the autumn of 2021, thousands of migrants from the Middle East, South Asia, and North Africa were trapped in forests between Belarus and Poland on their way to seek asylum in the European Union (EU). The situation drew broad media attention as migrants attempted to make their way through razor-wire barriers and lines of Polish security services. The EU's external border agency, Frontex, coordinated with national authorities to erect border walls in neighboring Lithuania, with plans to build permanent barriers on the Polish border. Migrants were first brought to the country by Belarus's national air carrier, then transported to the Polish border by state actors.[1] These dynamics mirror those of preceding crises. In the early 2010s, Turkey changed its visa policies to increase its role as a transit hub and boost the profile of Turkish Airlines, offering visa-free travel from a range of countries across Africa, the Middle East, and South Asia.[2] The country soon became a transit point for mixed migration flows, which were bolstered by hundreds of thousands of Syrian refugees—culminating in the 2015-16 European migration emergency.

Belarus and Russia orchestrated the 2021 flow as reprisals for economic sanctions; Turkey compelled mixed migration to push EU membership negotiations and extract billions of euros in aid. While scholars have long recognized the politicized use of mixed migration for coercing states, less attention has been paid to the fundamental fact that engineering migration crises requires a global pool of people with unfulfilled mobility aspirations.[3] The lack of options for regular mobility or international protection leaves people willing to undertake journeys in which the expected reward exceeds significant risk. While small in comparison to the numbers of irregular migrants who simply overstay their visas, mixed flows draw outsized political attention.

Visa restrictions and closed irregular routes have resulted in new mixed flows. This Essay argues that new routes are a symptom of what I call *global regimes of closure*—comprising global visa inequality, an international regime geared towards keeping refugees in regions of origin, and externalized migration controls. My analytical framework contributes to scholarship by arguing that global regimes of closure are progressive and cumulative, foreclosing options in the face of growing mobility aspirations. I use the term *regime* to illustrate that global mobility restrictions are predicated on international cooperation and a clear process of policy diffusion and emulation, rather than on accidents of policy convergence. Their cumulative and global nature offers a lens for understanding why new mixed routes have become more intercontinental over the last decade and particularly acute since 2015-16.

---

1.   *See* Steve Rosenberg, *Belarus's Lukashenko Tells BBC: We May Have Helped Migrants into EU*, BBC (Nov. 19, 2021), https://www.bbc.com/news/world-europe-59343815.

2.   *See* Ahmet İçduygu, *Turkey's Evolving Migration Policies: A Mediterranean Transit Stop at the Doors of the EU* (IAI Working Paper, Working Paper 15(31), 2012), https://www.iai.it/sites/default/files/iaiwp1531.pdf.

3.   *See, e.g.*, KELLY M. GREENHILL, WEAPONS OF MASS MIGRATION: FORCED DISPLACEMENT, COERCION, AND FOREIGN POLICY (2010); Emanuela Paoletti, *Power Relations and International Migration: The Case of Italy and Libya*, 59 POL. STUD. 269 (2011).

I begin by providing a brief historical framing to argue that contemporary mixed flows emerged in the immediate post-Cold War period, when visa and immigration policies liberalized mobility between Global North states but truncated mobility from the Global South. Changes in the international refugee regime and externalized controls pushed mixed flows to longer, more dangerous routes. I then jump forward to the post-2016 global migration landscape, when the European migration emergency and election of U.S. President Donald Trump caused influential liberal democracies and major destination states to double down on efforts to stop irregular migration. At the same time, the international community negotiated the Global Compact for Migration (GCM) and Global Compact on Refugees (GCR), which were supposed to increase international responsibility-sharing for displaced populations and facilitate safe and orderly mobility. Suffice it to say, by the time of writing, neither had significantly altered state behavior or alleviated demand for mixed migration. I then describe research on mobility aspirations and route choices for irregular journeys. My case study shows that regimes of closure helped drive mixed migration to Canada. Despite its image as an open country for immigrants and refugees, visa rejection rates track closely with countries of origin for the 60,000 who claimed asylum at Canada's land border from 2016 to 2020, until pandemic-related travel and border restrictions closed the route.

VISA REGIMES, MIGRATION CONTROLS, AND REGIMES OF CLOSURE

The immediate post-Cold War period witnessed significant changes in both global mobility and displacement dynamics. Driven by domestic political agendas and anti-immigrant sentiment, European states began imposing restrictive immigration policies on countries that had previously been connected by circular migration systems.[4] More migrants overstayed visas, increasing the stock of irregular migrants.[5] Another large proportion of migrants diverted from regularized mobility pathways or temporary labor schemes to asylum.[6] Europe's asylum crisis saw an increase in claims from 320,000 in 1989 to 695,000 in 1992. States reacted with stricter asylum and reception conditions, temporary protection directives, and a series of safe third-country and safe country-of-origin designations, which effectively pushed responsibility to less capable states outside Europe.[7]

From the late 1990s and early 2000s, the EU began pushing border controls further east and south through conditionalities with candidate states. Controlling

---

4. *See generally* KLAUS J. BADE, MIGRATION IN EUROPEAN HISTORY 276-333 (2003); Hein de Haas, *What Drives Human Migration?*, *in* MIGRATION: A COMPAS ANTHOLOGY 184 (Bridget Anderson & Michael Keith eds., 2014).

5. *See* HEIN DE HAAS, STEPHEN CASTLES & MARK J. MILLER, THE AGE OF MIGRATION: INTERNATIONAL POPULATION MOVEMENTS IN THE MODERN WORLD 122-123 (2020).

6. *See* Randall Hansen, *Migration to Europe since 1945: Its History and its Lessons*, 74 POL. Q. 25 (2003).

7. *See* Khalid Koser, Martha Walsh & Richard Black, *Temporary Protection and the Assisted Return of Refugees from the European Union*, 10 INT'L J. OF REFUGEE L. 444 (2005); Cathryn Costello, *The Asylum Procedures Directive and the Proliferation of Safe Country Practices: Deterrence, Deflection and the Dismantling of International Protection?*, 7 EUR. J. OF MIGRATION & L. 35 (2005).

external borders, adopting common visa lists, and taking on asylum directives were non-negotiable criteria for EU membership and free mobility within the Schengen area.[8] At the same time, the EU began a (still ongoing) process of mainstreaming migration deals in foreign relations with peripheral states.[9] Likewise, the United States securitized its southern border and began pushing migration controls south through bilateral deals with Mexico and Central American countries, in addition to ramping up deportations and immigration enforcement.[10]

Global North visa policies and immigration policies generally select the immigrants that states regard as most desirable, an approach that filters out large numbers of applicants annually. Canada, the focus of the case study below, is characterized by official multiculturalism policies, and for decades has drawn large numbers of immigrants—the majority of whom become fully-enfranchised citizens—as a means of population growth and socioeconomic development.[11] While political parties across the spectrum support large-scale immigration, Canada has imposed increasingly selective, points-based immigration criteria and proportionately limited family-class and humanitarian immigration.[12] Canada was also among the immigrant-receiving states that cooperated to develop a series of externalized controls, including carrier sanctions and liabilities; support transit state security and border services to halt mixed flows and deport migrants; facilitate the return of third country nationals to transit states; and coordinate visa policies to keep asylum seekers at bay.[13] In the worst cases, mobility controls involved militarized borders and migrant pushbacks at sea and land borders.[14] Taken together, these policies created demand for irregular migration and fostered criminal smuggling networks.[15]

At the same time, the refugee regime shifted from an "exilic bias"[16] to considering return to countries of origin as the "preferred durable solution" for

8.   *See generally* HEATHER GRABBE, THE EU'S TRANSFORMATIVE POWER: EUROPEANIZATION THROUGH CONDITIONALITY IN CENTRAL AND EASTERN EUROPE (2005); ELI GATEVA, EUROPEAN UNION ENLARGEMENT CONDITIONALITY (2015).

9.   *See* Sandra Lavenex, *Shifting Up and Out: The Foreign Policy of European Immigration Control*, 29 W. EUR. POL. 329 (2006).

10.   *See* Bill Frelick, Ian Kysel & Jennifer Podkul, *The Impact of Externalization of Migration Controls on the Rights of Asylum Seekers and Other Migrants*, 4 J. ON MIGRATION & HUM. SEC. 190 (2016).

11.   *See* Phil Triadafilopoulis, *Good and Lucky: Explaining Canada's Successful Immigration Policies*, *in* PUBLIC POLICY SUCCESSES: LEARNING FROM CANADIAN EXPERIENCES (Michael Howlett, Evert Lindquist, Grace Skogstad, Genevieve Tellier & Paul 't Hart eds., forthcoming 2022).

12.   *See* Jeffrey Reitz, *Canada: New Initiatives and Approaches to Immigration and Nation-Building*, *in* CONTROLLING IMMIGRATION: A GLOBAL PERSPECTIVE 88 (James Hollifield, Philip L. Martin & Pia Orrenius eds., 3rd ed. 2016).

13.   *See id.*; DAVID FITZGERALD, REFUGE BEYOND REACH: HOW RICH DEMOCRACIES REPEL ASYLUM SEEKERS 48 (2019).

14.   *See generally* REECE JONES, VIOLENT BORDERS: REFUGEES AND THE RIGHT TO MOVE (2017).

15.   *See* Khalid Koser, *Dimensions and Dynamics of Irregular Migration*, 16 POPULATION, SPACE & PLACE 181 (2010); PETER TINTI & TUESDAY REITANO, SURVIVE AND ADVANCE: THE ECONOMICS OF SMUGGLING REFUGEES AND MIGRANTS INTO EUROPE (2015), https://issuu.com/thebroker/docs/paper289-2/30.

16.   Bupinder S. Chimni, *From Resettlement to Involuntary Repatriation: Towards a Critical History of Durable Solutions to Refugee Problems*, 23 REFUGEE SURV. Q. 55, 58 (2004).

refugees.[17] Less than one percent of refugees were resettled annually, and return to countries of origin became less likely given protracted civil conflicts, increasing the stock of intergenerational refugee populations.[18] The United Nations High Commissioner for Refugees UNHCR)(and states introduced the concept of common but differentiated responsibilities—essentially meaning that the Global South would host refugees while the Global North funded humanitarian operations.[19] Larger numbers of recognized refugees began leaving host countries to seek asylum elsewhere through "irregular secondary movement" on mixed routes.[20] Economic migrants and refugees constituted what has come to be known as "complex mixed flows."

MOBILITY ASPIRATIONS AND ROUTE CHOICES

To put my argument succinctly, cumulative and increasingly global regimes of closure deeply influence mixed migration routes. While visa-free travel has increased between Global North states and within regional free mobility regimes like the EU's Schengen Area, South America's MERCOSUR, and West Africa's ECOWAS, the ease of global travel is functionally divided along North-South lines.[21] Tight Global North visa regimes limit options for large portions of the world's population,[22] which means that people with mobility aspirations are prevented from fulfilling them through regular means.[23] The lack of regular options results in the substitution of asylum migration for labor or family-based immigration, or irregular for regular routes.[24] In turn, states coordinate to further tighten visa access and push for more externalized controls in a pernicious cycle of control policies and new mixed migration dynamics.[25]

It is now well-established that truncated options often push migrants to longer, more hazardous routes or trap them in transit states.[26] For example, in the

---

17.   GIL LOESCHER ET AL., THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES (UNHCR): THE POLITICS AND PRACTICE OF REFUGEE PROTECTION INTO THE 21ST CENTURY 87 (2008).

18.   *See* James Milner et al., *Protracted Refugee Situations*, *in* THE OXFORD HANDBOOK OF REFUGEE AND FORCED MIGRATION STUDIES 151 (Elena Fiddian-Qasmiyeh et al., eds., 2014).

19.   *See* Rebecca Dowd & Jane Mcadam, *International Cooperation and Responsibility-Sharing to Protect Refugees: What, Why and How?*, 66 INT'L & COMPAR. L. Q. 863 (2017); Michael Doyle, *Responsibility-Sharing: From Principle to Policy*, 30 INT'L J. OF REFUGEE L. 618 (2018).

20.   Susan E. Zimmermann, *Irregular Secondary Movements to Europe: Seeking Asylum Beyond Refuge*, 22 J. OF REFUGEE STUD. 74 (2008); *see also* Johannes Van Der Klaauw, *Refugee Rights in Times of Mixed Migration: Evolving Status and Protection Issues*, 28 REFUGEE SURV. Q. 59 (2009).

21.   *See* Steffen Mau et al., *The Global Mobility Divide: How Visa Policies Have Evolved over Time*, 41 J. OF ETHNIC AND MIGRATION STUD. 1192 (2015).

22.   *See generally* Mathias Czaika & Hein De Haas, *The Effect of Visas on Migration Processes*, 51 INT'L MIGRATION REV. 893 (2017).

23.   *See* Maryam Alsany, Jørgen Carling, Mathilde Bålsrud Mjelva & Tone Sommerfelt, *Systematic Review of Determinants of Migration Aspirations*, QUANTMIG PROJECT DELIVERABLE D2.2 (2021), https://migration.prio.org/Publications/Publication/?x=321.

24.   *See* HEIN DE HAAS, STEPHEN CASTLES & MARK J. MILLER, THE AGE OF MIGRATION: INTERNATIONAL POPULATION MOVEMENTS IN THE MODERN WORLD 225-247 (2020); Mathias Czaika & Mogens Hobolth, *Do Restrictive Asylum and Visa Policies Increase Irregular Migration into Europe?*, 17 EUR. UNION POL. 345 (2016).

25.   *See generally* James C. Hathaway & Thomas Gammeltoft-Hansen, *Non-Refoulement in a World of Cooperative Deterrence*, 53 COLUM. J. OF TRANSNAT'L L. 235 (2015).

26.   *See* Michael Collyer, *Stranded Migrants and the Fragmented Journey*, 23 J. OF REFUGEE

late 1990s and early 2000s, Spain used sophisticated radar and sea interdictions to stop boat migration from Morocco across the Strait of Gibraltar. It subsequently encircled the North African enclave cities of Ceuta and Melilla with razor-wire fencing and supported Moroccan security services who deterred migrants with physical force and pushed them back over the border with Algeria.[27] Closing those routes eventually pushed flows to boat migration to the Canary Islands from the West Coast of Africa, and from Libya to Malta and Italy—which would become the most-trafficked and deadliest irregular migration route to Europe.[28] The same was true for routes through Mexico to the U.S. border, which were pushed to the Sonoran Desert, leading to far higher migrant mortality rates and increased profits for criminal actors.[29] This process has continued over the intervening two decades, with irregular routes becoming more intercontinental and route choices dictated by visa access to transit states and the availability of facilitators like smugglers.[30]

International organizations, particularly the International Organization for Migration, also play a key role in the process of closure, with programming largely driven by donor state interests.[31] Not only do they facilitate deportations, but they also run public deterrence campaigns to discourage people from undertaking irregular journeys. These campaigns assume that potential migrants are unaware of the risks. While imperfect information and rumors influence decision-making, deterrence campaigns and control policies do little to influence underlying mobility aspirations.[32]

THE POST-2016 GLOBAL MOBILITY LANDSCAPE

Global North visa and externalization policies continued on their trajectory of control from the immediate post-Cold War period into the early 2010s, and were largely reactive to new mixed flows. 2015 and 2016, however, represented a pivotal and contradictory moment in state policies, global migration governance, and public attitudes towards mixed migration. Europe's 2015 migration crisis, which saw over one million people enter the EU through the

STUD. 273 (2010); Jan-Paul Brekke, Marianne Røed & Pål Schøne, *Reduction or Deflection? The Effect of Asylum Policy on Interconnected Asylum Flows*, 6 MIGRATION STUD. 65 (2017).

27.   *See* Human Rights Watch, *Abused and Expelled: Ill-Treatment of Sub-Saharan African Migrants in Morocco* (Feb. 10, 2014), https://www.hrw.org/report/2014/02/10/abused-and-expelled/ill-treatment-sub-saharan-african-migrants-morocco.

28.   *See* Michael Collyer, *Geopolitics as a Migration Governance Strategy: European Union Bilateral Relations with Southern Mediterranean Countries*, 42 J. OF ETHNIC AND MIGRATION STUD. 606 (2016).

29.   *See* Gabriella Sanchez, *Critical Perspectives on Clandestine Migration Facilitation: An Overview of Migrant Smuggling Research*, 5 J. ON MIGRATION & HUM. SEC. 9, 18 (2017).

30.   *See* Nicholas Van Hear, Oliver Bakewell & Katy Long, *Push-pull Plus: Reconsidering the Drivers of Migration*, 44 J. OF ETHNIC & MIGRATION STUD. 927 (2018).

31.   *See* Antoine Pécoud, *What Do We Know about the International Organization for Migration?*, J. OF ETHNIC & MIGRATION STUD. 1621 (2018).

32.   *See* Marie McCauliffe & Dinuk Jayasuriya, *Do Asylum Seekers and Refugees Choose Destination Countries? Evidence from Large-Scale Surveys in Australia, Afghanistan, Bangladesh, Pakistan and Sri Lanka*, 54 INT'L MIGRATION 44 (2016); Heaven Crawley & Jessica Hagen-Zanker, *Deciding Where to go: Policies, People and Perceptions Shaping Destination Preferences*, 57 INT'L MIGRATION 20 (2018).

Western Balkans and brought the regional bloc to a political crisis, was effectively ended through border closures, a deal with Turkey to stop the flow of migrants from and through the country and return asylum seekers, and the creation of squalid detention camps in Greece to prevent onward migration to the rest of Europe.[33] The post-crisis electoral landscape saw a groundswell in support for anti-immigrant and Euroskeptic parties, which further undermined supranational responsibility-sharing.[34]

The EU and its member states relied instead on new rounds of deals with transit and refugee host states throughout Africa and the Middle East, which included the provision of material support to the Libyan Coast Guard and Directorate for Combatting Illegal Migration to securitize its southern borders, incarcerate migrants, and conduct sea interdictions—with the collusion of security services engaged in human trafficking.[35] At the same time, the EU touted increased development aid, the ultimate goal of which was to forestall mixed migration.[36] Finally, governments in Italy, Greece, and Malta, and in several U.S. states, launched legal and regulatory attacks on non-governmental organizations engaged in humanitarian rescue operations.

2016 also saw the election of U.S. President Donald Trump, whose platform largely rested on anti-immigrant and anti-refugee policies. The Trump Administration immediately enacted a series of executive orders, banning immigrants and refugee resettlement from Muslim majority countries, truncating skilled mobility pathways, undermining the U.S. asylum system, and slashing refugee resettlement from 130,000 in 2016 to 15,000 in 2020.[37] It also used aid and trade leverage to block access to asylum seekers arriving at the U.S.-Mexico border and unilaterally designated Central American states as safe third countries and countries of origin.[38] To summarize, by the end of 2016, mixed migration routes to both Europe and the United States had been severely truncated, and visa policies limited access by regular means. Yet there is no evidence to suggest that

---

33.   *See* Kelly M. Greenhill, *Open Arms Behind Barred Doors: Fear, Hypocrisy and Policy Schizophrenia in the European Migration Crisis*, 22 EUR. L.J. 317 (2016).

34.   *See* Daniel Stockemer, *Structural Data on Immigration or Immigration Perceptions? What Accounts for the Electoral Success of the Radical Right in Europe?*, 54 J. OF COMMON MARKET STUDIES 999–1016 (2016); Eiko Thielemann, *Why Refugee Burden-Sharing Initiatives Fail: Public Goods, Free-Riding and Symbolic Solidarity in the EU*, 56 JOURNAL OF COMMON MKT. STUD. 63 (2018).

35.   *See* United Nations Security Council, *Final Report of the Panel of Experts Established Pursuant to Resolution 1973 (2011)* 47 (Feb. 23, 2015), http://www.securitycouncilreport.org/atf/cf/{65 BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9}/s_2015_128.pdf; CRAIG DAMIAN SMITH, HISTORICAL AMNESIA AND EUROPE'S MIGRATION RELATIONS WITH LIBYA OPEN DEMOCRACY (2017), https://www. opendemocracy.net/en/north-africa-west-asia/historical-amnesia-and-europe-s-migration-relations-with-l/.

36.   *See* Nathan Lauwers, Jan Orbie & Sarah Delputte, *The Politicization of the Migration–Development Nexus: Parliamentary Discourse on the European Union Trust Fund on Migration*, 59 J. OF COMMON MKT. STUD. 72 (2021).

37.   *See* RANDY CAPPS ET AL., REVVING UP THE DEPORTATION MACHINERY: ENFORCEMENT AND PUSHBACK UNDER TRUMP (2018); Michele Waslin, *The Use of Executive Orders and Proclamations to Create Immigration Policy: Trump in Historical Perspective*, 8, 64 J. ON MIGRATION & HUM. SEC. 54 (2020).

38.   *See* PETER J. MEYER, U.S. STRATEGY FOR ENGAGEMENT IN CENTRAL AMERICA: POLICY ISSUES FOR CONGRESS 12-17 (2019); Nicole Narea, *Trump's Agreements in Central America Are Dismantling the Asylum System as We Know It*, VOX (Nov. 20 2019), https://www.vox.com/2019/9/26 /20870768/trump-agreement-honduras-guatemala-el-salvador-explained.

control policies, deterrence campaigns, or development aid reduced demand for migration.[39]

At the same time, in late 2016, the international community came together at the New York Summit, which started the process of negotiating the Global Compact for Migration (GCM) and Global Compact on Refugees (GCR). Adopted as non-binding U.N. General Assembly resolutions in 2018, both compacts recognized that cooperation was required to manage international mobility. The GCM was framed as an effort to foster "safe and orderly" migration, ensure the rights of migrants, and harness the potential of global migration for sending, transit, and destination states.[40]

The GCR essentially restated core norms of the international refugee regime and failed to include binding responsibility-sharing mechanisms.[41] Its implementation focused on new development financing mechanisms to incentivize host states to integrate refugees, bolster asylum capacity in transit states, and move towards additional pathways for refugee resettlement. At the time of writing, refugee resettlement remained stagnant at roughly one percent per year, and the COVID-19 pandemic together with U.S. policies meant that global resettlement had dropped to a twenty-year low of 107,800 in 2019, out of more than 26 million refugees globally.[42] Both the GCM and GCR included language suggesting that part of their purpose was to forestall mixed migration, yet they included very little to open new mobility pathways.

CASE STUDY: GLOBAL REGIMES OF CONTROL AND MIXED MIGRATION TO CANADA

The Liberal Party of Canada came to power in late 2015 after a decade of Conservative leadership, partly on promises to increase refugee resettlement, help address the Syrian refugee crisis, and reengage with multilateral institutions. It built a global brand, based on Canada's successful refugee and immigrant integration, as a welcoming society with a rule-of-law asylum system.[43] Strong public support for large-scale immigration and refugee reception is due in part to the fact that Canada has largely been able to manage migration for economic gain for decades.[44]

---

39.   *See* Gabrielle Restelli, *The Effects of Development Aid on Irregular Migration to Europe: Deterrence or Attraction?*, 39 DEV. POL. REV. 926 (2021); Michael A. Clemens & Hannah M. Postel, *Deterring Emigration with Foreign Aid: An Overview of Evidence from Low-Income Countries*, 44 POP & DEV. REV. 667 (2018).

40.   ELIZABETH G. FERRIS & KATHERINE M. DONATO, REFUGEES, MIGRATION AND GLOBAL GOVERNANCE: NEGOTIATING THE GLOBAL COMPACTS 76-99 (2020).

41.   *See* James C Hathaway, *The Global Cop-Out on Refugees*, 30 INT'L J. OF REFUGEE L. 591 (2018); NICHOLAS R. MICINSKI, UN GLOBAL COMPACTS: GOVERNING MIGRANTS AND REFUGEES (2021).

42.   *See* UNHCR, RESETTLEMENT DATA FINDER GENEVA: UNITED NATIONS HIGH COMMISSION FOR REFUGEES (2021), https://rsq.unhcr.org/en/#6Ij3.

43.   *See* Craig Damian Smith, Shauna Labman & Geoffrey Cameron, *A Model for the World? Policy Transfer Theory and Challenges to 'Exporting' Private Sponsorship to Europe*, *in* STRANGER TO NEIGHBOURS: PRIVATE REFUGEE SPONSORSHIP IN CANADA AND BEYOND (Shauna Labman & Geoffrey Cameron eds. 2020).

44.   *See* Irene Bloemraad, *Commentary*, *in* CONTROLLING IMMIGRATION: A GLOBAL PERSPECTIVE (James F. Hollifield, Philip L. Martin & Pia M. Orrenius eds. 3rd ed. 2013); Randy Besco

Canada's distance from regions of origin for refugees, strict visa regimes, and geographical position renders it largely insulated from large-scale mixed migration. The majority of asylum seekers claim asylum at airports or inland after arrival. The 2004 bilateral Canada-United States Safe Third Country Agreement (STCA) means that Canada has been able to return asylum seekers who arrived at ports of entry on its land border.[45] But in 2016, Canada began to experience its first large-scale mixed migration flows from the United States since a "border rush" of predominantly Central Americans in the late 1990s led Canada to seek the STCA in the first place.[46]

From late 2016 to early 2020, almost 60,000 people claimed asylum between official ports of entry, bypassing the STCA's regulations.[47] The first groups had resided in the United States with precarious immigration status. However, a growing number either flew to the United States directly with the goal of transiting to Canada[48] or undertook longer intercontinental routes from Africa, the Middle East, and South Asia to countries with more favorable visa regimes in order to join established mixed routes from South and Central America to the United States and Canada.[49]

The post-2016 global context of closure is key to understanding the new flow. Signaling from the Canadian government (including a well-publicized goal of increasing immigration to 300,000 people annually) against the backdrop of closed options to Europe and the United States led to drastic increases in visa applications to Canada.[50] Temporary visa applications jumped from approximately 1.5 million in 2015 to approximately 2.4 million in 2018—the majority from South Asia, sub-Saharan Africa, Southeast Asia, and the Middle East. But as the desire to enter Canada increased, the likelihood of visa approvals declined.

Canada's visa policies are responsive to global asylum trends and forward-

---

& Erin Tolley, *Does Everyone Cheer? The Politics of Immigration and Multiculturalism in Canada in* FEDERALISM AND THE WELFARE STATE IN A MULTICULTURAL WORLD 294 (Elizabeth Goodyear-Grant, Richard Johnston, Will Kymlicka & John Miles eds. 2019).

45.   *See* Audrey Macklin et al., *A Safe Country to Emulate? Canada and the European Refugee*, *in* THE GLOBAL REACH OF EUROPEAN REFUGEE LAW 99 (Hélène Lambert, Jane McAdam & Maryellen Fullerton eds., 2011); Efrat Arbel & Alletta Brenner, *Bordering on Failure: Canada-US Border Policy and the Politics of Refugee Exclusion*, (Harvard Immigration and Refugee Law Clinic Programme, Criminal Justice, Borders and Citizenship Research Paper No. 2420854, 2013), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2420854.

46.   *See* MARIA CRISTINA GARCIA, CANADA: A NORTHERN REFUGE FOR CENTRAL AMERICANS MIGRATION INFORMATION SOURCE (2006), https://www.migrationpolicy.org/article/canada-northern-refuge-central-americans.

47.   *See* Jake Halpern, *The Underground Railroad for Refugees*, THE NEW YORKER (Mar. 13, 2017), https://www.newyorker.com/magazine/2017/03/13/the-underground-railroad-for-refugees.

48.   *See* Luisa Feline Freier & Kyle Holloway, *The Impact of Tourist Visas on Intercontinental South-South Migration: Ecuador's Policy of Open Doors as Quasi-Experiment*, 53 INT'L MIGRATION REV. 1171 (2019).

49.   *See* Craig Damian Smith, CHANGING U.S. POLICY AND SAFE-THIRD COUNTRY 'LOOPHOLE' DRIVE IRREGULAR MIGRATION TO CANADA MIGRATION INFORMATION SOURCE (2019), https://www.migrationpolicy.org/article/us-policy-safe-third-country-loophole-drive-irregular-migration-canada.

50.   *See* Oliver Bakewell & Dominique Jolivet, *Broadcast Feedback as Causal Mechanisms for Migration* (Int'l Migration Inst. Working Paper 113, 2015), https://www.migrationinstitute.org/publications/wp-113-15 (illustrating how broadcast mechanisms can cause migration).

looking intelligence about asylum migration.[51] From the time of its election in 2015, Canada's Liberal government slashed temporary visa rates for the countries most represented among asylum seekers—with far higher rejection rates than the previous Conservative government. From 2017 to 2019, I conducted a research project that interviewed over 300 asylum seekers who entered Canada at the land border in order to understand their aspirations and route choices. Of the research participants who had left countries of origin or habitual residence, 18.3 percent had applied for and been denied a Canadian visa in the previous three years. A larger proportion, 23.2 percent, were denied European visas. An additional 18.3 percent reported that they did not attempt to obtain Canadian or European visas given the perception that it would have been a waste of time and money. All reported that for several years they had sought to leave countries of origin or residence, and that new information about mixed routes spurred their decisions to undertake irregular journeys as a means of adapting to frustrated mobility aspirations.

With the exception of the United States, all countries of origin in the top twenty-five of cross-border asylum statistics require visitor visas to Canada and the EU.[52] Although it is not possible to make broad causal claims with available data, strong correlations exist between the countries of origin and Canadian visa approval rates. As described in Table 1, visa rejections closely track countries with endemic security issues requiring international protection.[53]

51.   *See* Lisette Gilbert et al., *Visas as Technologies in the Externalization of Asylum Management: The Case of Canada's entry requirements for Mexican Nationals*, *in* EXTERNALIZING MIGRATION MANAGEMENT: EUROPE, NORTH AMERICA, AND THE SPREAD OF 'REMOTE CONTROL' PRACTICES (Ruben Zaiotti ed. 2016); Vic Satzewich, POINTS OF ENTRY: HOW CANADA'S IMMIGRATION OFFICERS DECIDE WHO GETS IN 19-36 (2016); AUDREY MACKLIN & JOSHUA BLUM, COUNTRY PAPERS COUNTRY FICHE CANADA (2021), https://www.asileproject.eu/country-papers.

52.   U.S. citizenship in asylum statistics is the result of families with U.S.-citizen children, either from mixed documented/undocumented households in the United States, or families with other citizenships who had previously traveled to the United States for the purposes of childbirth.

53.   Immigration and Refugee Board of Canada (IRB), *Refugee Claims Statistics* (2021), https://irb.gc.ca/en/statistics/protection/Pages/index.aspx.

Table 1: 2016-2020 Canadian Border Asylum and Visa Approval Rates (Top 25 Countries of Origin)

Citizenship	2016-2020 Border Asylum Rates	2010 Approval Rate	2015 Approval Rate	2019 Approval Rate	Ten Year Change	
Colombia	3070	68%	80%	76%	8	Positive
Sri Lanka	635	56%	74%	59%	3	
Bangladesh	565	56%	48%	55%	-1	0-10%
Eritrea	880	31%	45%	27%	-4	
DR Congo	1990	41%	40%	35%	-6	
South Africa	240	95%	95%	89%	-6	
Ethiopia	400	50%	55%	40%	-10	
Rwanda	490	55%	61%	43%	-12	11-20%
Egypt	595	72%	70%	57%	-15	
Haiti	7700	45%	43%	29%	-16	
Pakistan	2085	57%	55%	41%	-16	
Turkey	1600	89%	90%	73%	-16	
Palestine	530	47%	47%	27%	-20	
Azerbaijan	245	70%	71%	50%	-20	
El Salvador	385	73%	69%	52%	-21	21-30%
Brazil	545	95%	95%	73%	-22	
Zimbabwe	420	68%	72%	46%	-22	
Afghanistan	250	38%	20%	16%	-22	
Mauritania	200	67%	53%	45%	-22	
Honduras	220	75%	74%	52%	-23	
Sudan	1535	47%	49%	22%	-25	
Burundi	810	48%	48%	23%	-25	
Djibouti	315	55%	55%	28%	-27	
Nigeria	14610	60%	58%	33%	-27	
Venezuela	805	75%	74%	47%	-28	
Stateless	520	59%	51%	31%	-28	
Libya	420	84%	54%	49%	-35	30-40%
Syria	725	64%	25%	26%	-38	
Chad	640	73%	49%	30%	-43	41-50%
Yemen	1025	63%	37%	17%	-46	
Angola	1450	64%	57%	17%	-47	

*Source: Data transmitted to author by Immigration, Refugees, and Citizenship Canada. 2019 latest available Temporary Residence Visa (TRV) data.

Visa rates for Burundi, Sudan, Eritrea, and Haiti all fell to below thirty percent. Asylum recognition rates for Burundi in 2021 were close to one hundred percent; for Sudan, ninety-five percent; for Eritrea, ninety percent; and for Haiti, the much lower rate of forty percent. Visa approval rates for countries enduring record-level humanitarian disasters and war, including Afghanistan and Yemen, fell below twenty percent. Acceptance for all states well-represented in asylum rates demonstrably decreased. Equally important, these states have high rates of asylum approval in Canada. To take but a few examples, Canadian visa acceptance rates for Yemenis dropped from thirty-seven percent in 2015 to seventeen percent in 2019, second only to Afghanistan in visa application rejections, which likewise has a close to one hundred percent asylum recognition rate.[54] DRC asylum applications have an almost fifty-five percent recognition

---

54.   *Id.*

rate, yet visa approval rates declined from forty percent in 2015 to thirty-five percent in 2019. I highlight these countries because their needs for out-migration for humanitarian protection are among the most extreme in the world, as is the likelihood that granting temporary visa applications to people from these states will result in successful asylum claims. The drastic decline and very low overall visa approval rates illustrate that Canada's visa policies are designed to keep asylum seekers at bay, despite the fact that refugee resettlement rates from these regions are among the world's highest.[55]

In-depth interviews revealed that participants from these countries undertook irregular journeys against the backdrop of the need for mobility and limited options for regular travel. Visa policies to manage unwanted asylum migration comport with global trends, but they fly in the face of Canada's reputation as a place of refuge.[56]

CONCLUSION

By using the global regimes of closure framework, this Essay attempts to show that singular migration crises should be understood in light of cumulative and global trends in which visa policies and externalized migration controls serve to insulate states in the Global North from mixed migration. My claim that these policies represent a form of regime is a recognition that control policies are predicated on international cooperation and policy diffusion and emulation, rather than on simple accidents of policy convergence. Polling suggests that on average, roughly 750 million people, not including the world's more than 26 million refugees, would emigrate if they could. The United States, Canada, and Europe rank among the top destination choices.[57] Yet the possibilities for regular travel and durable international protection have become more limited, even as aspirations remain constant or increase. In this context, the global pool of people willing to undertake mixed migration grows while Global North states seeks more effective management. Analysis and policy interventions on novel mixed routes, like the one that emerged to Canada from 2016 to 2020, should treat mixed migration as a symptom of frustrated mobility aspirations in the face of progressive and cumulative global regimes of closure. A large global pool of people willing to undertake mixed migration, and the instrumentalization of those people as a tool for politically motivated migration emergencies, will likely remain an enduring feature of the international system in the absence of safe and legal channels for mobility.[58]

---

55.   *See* UNHCR, *UNHCR Projected Global Resettlement Needs 2022* (2022), https://www.unhcr.org/protection/resettlement/60d320a64/projected-global-resettlement-needs-2022.html.

56.   *See* Annick Pijnenburg, *Containment instead of Refoulement: Shifting State Responsibility in the Age of Cooperative Migration Control?*, 20 HUM. RTS. L. REV. 306 (2020).

57.   *See* Neli Esipoya, Anita Pugliese & Julie Ray, *More than 750 Million Worldwide Would Migrate if They Could* (Dec. 10, 2018), https://news.gallup.com/poll/245255/750-million-worldwide-migrate.aspx.

58.   *See* Anne Mcnevin, *Learning to Live with Irregular Migration: Towards a More Ambitious Debate on the Politics of 'The Problem'*, 21 CITIZENSHIP STUD. 255 (2016).