



Research and Documentation Centre

Cahier 2022-2

Migrating EAST

*The potential application of
behavioural insights in Dutch
migration policy*

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Cahier

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Preface

In recent years, public policy has seen an increase in interventions based on insights from the behavioural sciences. While this is true for a wide range of policy areas, so far there have not been (intentional) efforts to introduce behavioural insights into Dutch migration policy. The current report considers whether migration policy could benefit from the application of such policy tools. Based on a review of relevant literature and policy documents as well as an original survey among European migration services and an interview with experts from the Norwegian migration service (UDI), we conclude that there is indeed potential for the application of behavioural insights in Dutch migration policy.

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Executive summary

How can Dutch policymakers manage migration more effectively? Migration policymakers are confronted with issues that prove hard to solve using traditional policy tools. Against the background of an increasing interest in behavioural policy interventions within the Ministry of Justice, the present study asked whether behavioural insights could be of relevance to the field of migration policy as well.

Based on a combination of reviews of literature and policy documents as well as an original survey of European migration services and an expert interview, the study set out to answer three main questions:

- 1 How are behavioural insights applied in Dutch public policy and what lessons can we draw from this?
- 2 Does the nature of migrant decision-making lend itself to the application of behavioural insights and is this done already in migration policy abroad?
- 3 Is Dutch migration policy suited to the application of behavioural insights?

The analysis follows the UK Behavioural Insights Team's EAST model (Service et al., 2014), which posits that desired behaviour can be encouraged by making it Easy, Attractive, Social, and Timely.

Results

Considering behavioural interventions in Dutch public policy in terms of the EAST model, what stands out is that behavioural insights have been applied targeting a wide range of different audiences. There does not seem to be an obvious reason why migrants should be an exception. A recurring pattern among the reviewed examples is that the interventions target very specific behaviours (e.g. increasing uptake of preschool education among low-income parents) rather than large abstract themes (e.g. social inequality). By analogy, this suggests that behavioural insights could be applied to specific issues in migration policy as well (e.g. 'obtaining valid documents' rather than 'return migration').

Turning to the field of migration, we find that there are many commonalities between the nature of migrant decision-making and the EAST model that would allow for the application of behavioural insights. More specifically, migrant decision-making tends to be influenced by the simplicity and attractiveness of the available options, is highly dependent on social factors, and is time sensitive in several respects. This suggests that migration policy would be suited to the application of behavioural insights, and we indeed find several examples of behavioural interventions in the field of migration policy from across the world. This is a further indication that behavioural insights could be applied in Dutch migration policy. Interestingly, the overview of behavioural interventions in international migration policy also reveals that often, behavioural insights are applied unintentionally.

Finally, the analysis suggests that the context of Dutch migration policy lends itself to the application of behavioural insights. In the Dutch migration policy domain, a number of issues persist where the legal limits of adopting further (restrictive) measures have been reached. This would allow for the introduction of behavioural

insights. A 'quick scan' of a number of specific policies reveals that, to some extent, behavioural elements have already been incorporated into Dutch migration policy. However, there is still room for the further development of a behavioural agenda.

A call for a systematic approach

The finding that behavioural insights are commonly applied unintentionally in (international) migration policy suggests that it is done intuitively, and therefore we would not need a policy paradigm change in order to incorporate behavioural insights into Dutch migration policy. While this may be a positive take on the unintentional nature of some behavioural interventions, it also begs the question of whether or to what extent these have been applied following a careful (scientific) approach. Ideally, the application of behavioural insights follows a systematic procedure that also includes ethical considerations. Especially when applied to a group with a vulnerable position vis-à-vis the government, such as migrants, ethics must not be disregarded when applying behavioural insights. Moreover, behavioural policy tends to be the outcome of an iterative process including (series of) experimentation. Whether it is ethically acceptable to experiment with migration policy will depend on the specific design and the ultimate goal of an intervention.

An additional advantage of adopting a systematic approach to the application of behavioural insights is that it allows for the evaluation of the impact of an intervention, in addition to the process itself. In our quest to gain a better grasp of the potential for behavioural insights in migration policy, having an understanding of what does and does not work is indispensable.

In short, a systematic approach to behavioural insights is important for ethical as well as analytical reasons.

Conclusion

In summary, our knowledge of behavioural policy as well as insights into migrant decision-making and the Dutch policy context suggest that there is potential for the application of behavioural insights in Dutch migration policy. When doing so, policymakers should take ethical considerations that apply to migrants and to behavioural policy more generally into account. To this end, a systematic approach is indispensable, as are evaluations of existing behavioural efforts in migration policy. Future research should see to this.

On a final note, behavioural insights should be seen as complementary to traditional policy tools. Certainly, they can form a valuable addition to the public policy toolkit – but only when used in conjunction with, rather than at the expense of, more traditional measures.

1 Introduction

From solar panels and vaccinations to littering and speeding: governments try to influence citizens' behaviour through public policy. Depending on the desired outcome, policy can be aimed at encouraging certain behaviours while discouraging others. For instance, a government trying to improve public health might encourage athletic activities among citizens while discouraging the use of tobacco. Traditionally, public policy tries to influence behaviour through the use of financial incentives, i.e. taxes or fines and subsidies. However, as evidenced by the fact that people still smoke despite ever increasing taxes on cigarettes, these traditional policy tools do not always have the desired effect. Rather than trying to solve imperfect policy outcomes by developing further legislation, as is sometimes done in Dutch public policy (e.g. *Kamerstukken II 2020/21*, 35 387, no. 4; *Kamerstukken II 2019/20*, 31 490, no. 284), a solution could lie in considering alternative tools to improve quality of policy. In recent years, behavioural insights have become an increasingly popular tool for improving policy outcomes. Public policy based on behavioural insights differs from more traditional policymaking in that it is derived from actual (and often observed) human behaviour, rather than assuming that people behave according to what is considered rational from a theoretical perspective.

The application of behavioural insights in Dutch public policy is not entirely new, as evidenced by the 2014 foundation of the 'Behavioural Insights Netwerk Nederland' (BIN NL), a government-wide network of policymakers and other interested parties which exchange knowledge of and experiences with behavioural policy (BIN NL, n.d. a). The Dutch Ministry of Justice, as well, values the application of behavioural insights in policy. In 2021, the then-minister for legal protection Sander Dekker announced steps to ensure that the incorporation of behavioural insights into public policy would become standard practice in Dutch policymaking (*Kamerstukken I 2020/21*, 31 731, no. I). As an initial step, the Ministry of Justice has recently founded a Behavioural Insights Team (ibid.).

Migration policy is one of the many responsibilities of the Ministry of Justice. The present study explores the potential of behavioural insights for this policy area. Worldwide, behavioural insights are applied in various policy areas, and the present study will provide an overview of applications in Dutch public policy as well as examples of behavioural insights in migration policy in other (European) countries. The current chapter outlines the aim and scope of the study, and discusses relevant theories and the methodological approach.

1.1 Potential applications of behavioural insights in migration policy

Every day, migrants arrive in the Netherlands to work or study, to be with their families, or in search of international protection. The Netherlands aims to manage migration flows by encouraging some forms of migration (e.g. highly-skilled migrants) while discouraging others (e.g. irregular migration by people from origin countries which are considered safe). In this respect, migration policy is much like any other type of public policy in that it strives to affect people's behaviour and achieve different policy outcomes, depending on the type of migrant. Traditionally, this is done using a combination of (economic) incentives and restrictive measures. However, policymakers

note that migration policy does not always have the desired effect while the legal options to impose further (restrictive) measures are limited (e.g. *Kamerstukken II* 2018/19, 19 637, no. 2470; *Kamerstukken II* 2019/20, 19 637, no. 2541). This begs the question of whether behavioural insights might help improve policy outcomes.

A behavioural approach to migration policy implies a thorough understanding of actual behaviour, as opposed to basing policy on what is considered rational. For instance, the Netherlands offers a resettlement fee to migrants whose asylum application has been rejected if they return to their country of origin voluntarily. While it may seem rational to accept this financial contribution and return rather than staying in the Netherlands illegally, many rejected migrants do not return to their country of origin. A behavioural approach, instead, analyses underlying motivations and the conditions under which people will display the desired behaviour – even if this does not match expectations that follow from theory. In the case of return policy that might mean that other, non-financial factors trump the relevance of a resettlement fee in a migrant’s decision of whether or not to return.

It is well possible that Dutch migration policy already includes elements which can be considered good practices from a behavioural point of view. However, given that there has not been a conscious attempt to apply behavioural insights in migration policy, any such elements would be examples of unintentional applications of behavioural insights. As discussed in more detail below, the application of behavioural insights in public policy ideally entails a careful approach. In the case of unintentional applications, it seems unlikely that such an approach has been followed.

1.1.1 *Aim of the study*

As will be discussed in more detail in Chapter 4, the Netherlands articulates different desired policy outcomes depending on the type of migrant, but the desired goals are not always achieved. Often, the legal possibilities to impose further restrictions or incentives are limited, paving the way for a more behavioural approach. The present study aims to review applications of behavioural insights from different fields of public policy and to discuss whether such tools could be relevant to the field of Dutch migration policy.

1.1.2 *Scope of the study*

This study looks at the relevance of behavioural insights for Dutch migration policy following a step-by-step approach. Firstly, we provide an overview of existing applications of behavioural interventions in Dutch public policy in order to uncover potential particularities in terms of approach and target audiences. Secondly, we consider to what extent the nature of migrant decision-making lends itself to the application of behavioural insights, and collect examples of applications of behavioural insights in migration policy from across the world, with a particular focus on EU member states and Norway. Finally, we discuss the Dutch policy context, and consider behavioural opportunities for two existing policies. Throughout the report, we discuss the general approach that has been adopted, its relevance for Dutch migration policy, and general caveats for the application of behavioural insights in migration policy. Following this step-by-step approach, the present study aims to answer the question of whether there is potential for the application of behavioural insights in Dutch migration policy. The overviews of behavioural policies provided in this study are exclusively intended to serve this purpose. In other words, the study does not attempt

to quantify or quantitatively analyse any current behavioural efforts in (migration) policy, nor to or evaluate the effectiveness of any such intervention.

1.2 Behavioural insights

For decades, disciplines such as psychology and behavioural economics have studied human decision-making in the broadest sense of the word. Numerous studies in these fields have demonstrated how human decision-making differs from what might be considered rational behaviour from a more (economic) theoretical perspective, and instead tends to follow cognitive shortcuts or heuristics, 'rules of thumb that simplify decisions, especially under conditions of uncertainty' ('Heuristic', n.d.). This is especially true when making swift, intuitive decisions (see Kahneman, 2011 for a detailed discussion of modes of thinking). When we speak of behavioural insights in policymaking, we simply refer to such insights into how humans *actually* behave, typically obtained from experimental or observational studies or policy experiments (see the summary of key definitions in text box 1.1). Often, policy tools rooted in behavioural insights concern 'low-cost, common-sense adjustments that are relatively easy to implement but have the potential for significant impact' (Benton et al., p. 3). For instance, something as simple and virtually cost-free as automatic enrolment of employees in a pension fund is found to significantly increase saving behaviour and can thereby benefit people in the long run (Thaler & Sunstein, 2008).

In 2008, behavioural scientists Thaler and Sunstein published their book 'Nudge', which departs from the idea that designing the context in which decisions are made (the 'choice architecture' in the authors' words) with behavioural insights in mind can help maximise outcomes for the decision-makers. In other words, a carefully-designed choice architecture can nudge decision-makers towards positive outcomes. The idea of nudging proved highly influential in academic research and policymaking alike. Across the world, so-called 'nudge units' were founded, sometimes within governments, as was the case for the British Behavioural Insights Team (BIT UK). In the US, Nudge author Sunstein was appointed head of the Office of Information and Regulatory Affairs (OIRA) by the Obama administration (Whitehead et al., 2014). By 2017, there were an estimated 200 nudge units worldwide (Della Vigna & Linos, 2020). Aside from the direct influence these offices have (had) on policymaking, we can also observe a more indirect effect of the behavioural sciences through conferences and training programmes for policymakers (Lunn, 2014). In fact, behavioural training is now mandatory for UK policymakers (Sanders et al., 2018). Meanwhile, the Dutch government is currently developing a training programme aimed at policymakers and legislators (*Kamerstukken I* 2020-2021/31 731, no. I). Behavioural insights have been applied in policy areas as diverse as tax compliance, pensions, consumer protection, health, and environmental behaviour (e.g. BIT n.d.; OECD, 2017; Thaler & Sunstein, 2008), to name a few.

Box 1.1 Key definitions

Behavioural insights: insights into how humans actually behave, typically obtained from experimental or observational studies or policy experiments. These insights may or may not be in line with expectations derived from (economic) theory, for instance with regard to how people respond to financial incentives.

Nudging: an application of behavioural insights, whereby people are encouraged to display the desired behaviour by tweaking contextual factors (i.e. the 'choice architecture'). Nudging preserves freedom of choice and does not impose material costs on decision-makers.

1.2.1 *Applying behavioural insights in policy*

Nudging is based on the premise that people often do not act in their own best interest, but can be gently pushed (or indeed, nudged) to do so by introducing factors that speak to mental heuristics. Importantly, nudging does not entail limiting options or imposing fines. In Thaler and Sunstein's (2008) words, 'to count as a mere nudge, the intervention must be easy and cheap to avoid' (p. 6) and 'must fully preserve freedom of choice. If an intervention imposes significant material costs on choosers, it might of course be justified, but it is not a nudge' (Sunstein, 2015, p. 417). For instance, a commonly cited nudge to encourage a healthy diet is to place healthy foods at eye level rather than banning junk food (Thaler & Sunstein, 2008).

While nudging is one way of motivating people to behave in certain ways, policy can benefit from the application of behavioural insights more generally. To this end, the UK 'nudge unit' BIT UK has developed the EAST model, a framework for the application of behavioural insights (in policy) consisting of four elements (Service et al., 2014). According to EAST, behaviour can be successfully influenced through interventions which make behaviour Easy, Attractive, Social, and Timely. As explained in further detail below, the EAST model outlines general directions for effective behavioural interventions. For an intervention to be effective, it is not necessary to speak to each of the four elements: interventions which are only easy or social, for instance, can also affect behaviour.

Behavioural insights can be applied at different stages of the policymaking process. Firstly, we might think of applications at the policy design level – that is, the way a policy is created or reformed, before there is any interaction with its target audience. The absence of interaction with citizens, however, does not mean that choices made at the policy design level do not affect people on the receiving end. On the contrary, carefully formulated policies can have a significant impact on people's behaviour. For instance, as discussed in more detail below, proper formulation of policy defaults can encourage the desired behaviour. Despite considerable potential (Benton et al., 2018), examples of applications at the policy design level are limited, and even too limited according to some (see for instance Loewenstein & Chater, 2017). To date, behavioural insights have mostly been applied at the implementation stage of the policymaking process (ibid.), a second level at which behavioural insights can be applied. Applying behavioural insights at the implementation level concerns the way the target audience actually experiences policies through more or less tangible factors such as the way institutions communicate with people or the way people have access to services (Benton et al., 2018). For instance, this concerns the way information is

presented or framed (see below). Often, behavioural interventions at the implementation stage come in the form of nudges, which are meant to 'ensure that the policy works smoothly' (Loewenstein & Chater, 2017, p. 28). The EAST model includes directions that apply to either level of policymaking.

Importantly, the EAST model provides general guidelines for the application of behavioural insights in public policy but it is not a toolkit in and of itself. Applying behavioural insights without a more general behavioural approach to policymaking is bound to fail. This means that in order to know which tools to apply in what way, a thorough understanding of the issue at hand is needed, as well as of the desired behavioural outcome and citizens' underlying motivations. After this initial analysis, behavioural interventions can be designed and tested, often in a randomised control trial, before being scaled up (if the intervention produces the expected outcomes) (Service et al., 2014; OECD, 2019a).

The use of behavioural insights in public policy is not without criticism. There are several ethical considerations to take into account, for instance with regard to individual autonomy, especially among vulnerable groups. As discussed in more detail in Section 5.2.1, we do not believe these issues disqualify the use of behavioural insights in migration policy, but we stress the need for cautious application.

Making it easy

As observed and emphasised repeatedly, including by Thaler and Sunstein (2008), the easier it is to exhibit a certain behaviour, the more likely people are to do it. Service et al. (2014) propose a number of general ways to do so, at different stages of the policymaking process (for a discussion of applications at different stages of the policymaking process, see Benton et al., 2018 and Loewenstein & Chater, 2017). At the policy design stage, the authors propose making use of default options, whereby the desired behaviour or outcome will take effect if individuals do not make a choice. Harnessing the inherent inertia of the human mind (Thaler & Sunstein, 2008), smart default options cause people to be nudged into accepting certain options while maintaining the possibility to opt out for those who are opposed. Two commonly cited examples of defaults are national organ donation registration systems (where the default is to be a donor) and pension savings schemes (ibid.), while common commercial applications of defaults include automatic transfers, standard (privacy) settings, and so on (Service et al., 2014). Another possible intervention at the design level to facilitate the desired behaviour is by reducing hassle, for instance by simplifying processes. At the implementation level, then, simplifying messages could contribute to making the desired behaviour even easier to display (ibid.). If people are more likely to do something as it gets easier, this implies that the opposite is also true: undesirable behaviour can be discouraged by making it particularly hard to display. This idea, termed 'sludge' by Thaler and Sunstein (2021), is applied extensively in the private sector, for instance by complicating unsubscribe processes (ibid.). In some cases, examples of sludge also appear in public policy, whether intentionally or unintentionally. For instance, complicated forms or procedures to access public services could form an example of unintended sludge.

Making it attractive

People are more likely to perform a given behaviour if it is attractive. This concept is well understood by the private sector, which aims to convince people to buy products by making them attractive through channels such as advertising. Service et al. (2014) propose a number of tools for public policy to make desired behaviour attractive,

mostly at the policy implementation level. Firstly, the authors recommend designing interventions in a way that attracts attention. This can be done for instance by personalising messages, making emotional appeals, or framing messages to emphasise certain aspects of the desired behaviour. Indeed, Thaler and Sunstein (2008) discuss the use of framing as a relevant nudging tool. A second behavioural tool to increase attractiveness of a certain behaviour is by carefully designing rewards and sanctions (Service et al., 2014). Rather than imposing fines for undesirable behaviour or merely providing monetary incentives, which does not qualify as nudging (see above), a behavioural approach to rewards and sanctions takes heuristics into account to make the desired behaviour attractive. Examples of such an approach include lotteries, but also non-monetary tools to increase attractiveness such as emphasising scarcity, drawing attention to people's self-image, and gamifying activities.

Making it social

A third set of behavioural tools aims to influence behaviour by 'making it social' (Service et al., 2014). Humans are social animals who are aware of and likely to emulate the behaviour of others. Speaking to the social nature of desired behaviours, or introducing a social component, can therefore be a powerful behavioural tool. BIT UK (ibid.) proposes three main ways of doing so, all at the policy implementation level. Firstly, the authors propose using social norms to affect behaviour. Social norms influence behaviour through informational power and through pressure to conform. Specifically, social norms prescribe what other people do in a given situation and can therefore help people decide how to behave in case they do not have a clearly defined course of action (Thaler & Sunstein, 2008). At the same time, people may feel pressure to conform. Seeking to avoid disapproval by others, they are likely to adhere to the prevalent social norm (ibid.). These two factors make that social norms can be used to influence behaviour, and this is indeed often done, for instance by informing people about how the majority of people behave (Dolan et al., 2010). In general, research has shown that the more specific the reference group, the more effective the social norms will be (Goldstein et al., 2008).

A second way to 'make' behaviour social is by using the power of networks (Service et al., 2014). People are connected with others through a series of weaker and stronger relationships, and share information in these networks. Besides characteristics of the message itself, the source of a message is highly influential, with people attaching more importance to information received through their networks. In other words, we can speak of a 'messenger effect' (e.g. Dolan et al., 2010). Thirdly, due to humans' social nature, publicly committing to a certain action, for instance to quit smoking, significantly increases the likelihood of someone following through as not doing so would mean losing face (Service et al., 2014).

Making it timely

A final set of behavioural tools aims to influence behaviour by 'making it timely' (Service et al., 2014). As the name implies, these tools are based on the insight that people respond differently depending on when they are exposed to stimuli. In other words, the success of any given intervention hinges on when it is implemented. In this respect, Service et al. (ibid.) offer three pieces of advice. Firstly, the authors recommend 'prompt[ing] people when they are likely to be most receptive' (p. 37), for instance by sending reminders shortly before a deadline or exposing people to an intervention when they are already performing a related action (for instance asking them to leave money to charity at the moment of writing their will; ibid.). A second aspect to consider is the timing of costs and benefits. Often, people struggle to make

choices that will benefit them in the long term (for instance saving for retirement) because of the immediate costs involved. Designing a different payoff structure, in which immediate costs are delayed or long-term benefits are anticipated, can help nudge people to exhibit the desired behaviour. Thirdly, people can be helped to make better decisions by encouraging them to plan their responses. This approach is commonly applied in health psychology, for instance by encouraging people who want to quit smoking to write down how they will act in case they feel the urge to smoke.

1.2.2 *The role of behavioural insights in public policy*

While the surge in the number of nudge units across the world points to enthusiasm about applying behavioural insights in policymaking, this does not necessarily mean that this should be done at the expense of more traditional policy tools. On the contrary, especially relevant interventions combine features of both traditional and behavioural policy tools. In this regard, Loewenstein and Chater (2017) mention the example of introducing a tax and framing it in a certain way to increase its efficiency, or rewarding good behaviour and varying the way in which outcomes are delivered (in terms of money, participation in a lottery, vouchers, etc.). Behavioural policy tools thus support and complement traditional instruments, rather than replacing them. In many cases, behavioural insights alone are simply not powerful enough to tackle the issue at hand – obesity will not be solved by merely placing healthy foods at eye level. Relatedly, merely changing the organ donor default to an opt-out system without also improving information about organ donation in hospitals does not yield higher numbers of organ donations (*Kamerstukken I 2016/17*, 33 506, no. 1). This limited power is not necessarily problematic: especially in the case of cheap interventions, the value of small (sometimes even additive) effects of behavioural interventions should not be underestimated (John, 2018). In other words, behavioural policy tools are not merely a fun addition to the public policy toolkit that have zero impact whatsoever. Rather, behavioural insights should be seen as complementary to traditional policy instruments, which can streamline their implementation and amplify their impact while not eliminating their need (*Kamerstukken I 2016/17*, 33 506, no. 1; see also Benton et al., 2018; John, 2018; Benartzi et al., 2017).

1.3 **Research questions**

The present study aims to answer the following research questions:

- 1 How are behavioural insights applied in Dutch public policy and what lessons can we draw from this?
- 2 Does the nature of migrant decision-making lend itself to the application of behavioural insights and is this done already in migration policy abroad?
- 3 Is Dutch migration policy suited to the application of behavioural insights?

1.4 **Methods**

The data collection consisted of three elements: (1) a search of applications of behavioural insights in Dutch public policy; (2) a search of applications of behavioural insights in international migration policy; and (3) an ad hoc query among members of the European Migration Network (EMN), supplemented by an interview with specialists from the Norwegian Directorate of Immigration UDI. We will discuss the various methods below.

1.4.1 *Search of Dutch policy documents*

We searched for Dutch policy documents via the website 'officielebekendmakingen.nl' using the keywords 'nudge', 'nudges', 'nudging', 'gedragwetenschap' [behavioural science], 'gedragseconomie' [behavioural economics], 'gedragsinzichten' [behavioural insights], and 'gedragkennis' [behavioural knowledge]. We also tried more indirectly related keywords including potential synonyms of nudge such as 'encourage', 'discourage', and 'push'. We took further examples from an overview of applications of behavioural insights in the Netherlands by the European Commission (Sousa Lourenço et al., 2016) and from the BIN NL website (see above). Aside from the examples included in the BIN NL online repository, we used the network's biannual reports to look for studies which may not have been published on the website (BIN NL, 2017, 2019). We excluded interventions which had not (yet) been completed, measures that were not described in detail, hypothetical interventions, and measures that had only been announced or suggested. This yielded a total of 55 examples. A complete overview of the examples collected is reported in Appendix 2.

We analysed the examples by coding them in terms of the EAST model and the level of intervention (design vs. implementation).

Some of the retrieved examples reported on the effectiveness of the described interventions. The quality of this information varied considerably, with some adopting an experimental design and others simply reporting that the intervention was more or less successful. A meta-analysis of the effectiveness of the various interventions goes beyond the scope of the present study. Therefore, we have taken the reported information at face value.

1.4.2 *Search of international policy documents*

We performed a search of international policy documents using a set of keywords relating to nudges and migration to determine whether any policies had been implemented using behavioural insights to target the domain of migration. Our selection of countries was driven by our linguistic expertise. Most of the materials were found through official government websites (see Appendix 3 for an overview of sources). We placed particular emphasis on countries which had an existing 'nudge unit', as we assumed they were more likely to utilise nudges in their policies. Our search for major nudge units was based on an OECD illustration listing institutions which applied behavioural insights in public policy (Naru, 2018). In these cases, our search involved looking at multiple websites for a single country.

We carried out our search using the keywords 'nudge', 'nudges', 'nudging', 'encourage', 'discourage', 'push', and 'behavio[u]ral science'. A translated variation of the latter four keywords was used for German, French, and Italian in the applicable regions, although we still used the English keywords for nudges as these are universal terms. Moreover, whenever our search revealed that a nudge unit was involved in a project related to migration, we performed a targeted search of policy documents to understand whether the results had been implemented in public policy. A full list of the keywords and sources used is included in Appendix 3.

For most countries, the keyword search yielded few to no policies. When our search yielded a substantial number of results (i.e. more than one page), we also included a number of keywords relating to migration in the search. These were 'immigration', 'migration', 'migrant', and 'asylum'. We found significantly more results for the UK and US using terms related to behavioural insights compared to other countries, which was why we included also the term 'choice architecture' to narrow down the search to the behavioural term. We also included the keyword 'citizenship' for these two countries to

see whether the results from specific studies found earlier (i.e. Hainmueller et al., 2018; and Hotard et al., 2019; see also Section 3.2) were used in policy. As the policy document search did not reveal any examples of behavioural insights in migration policy, we collected further international examples from reports by the World Bank (Manning et al., 2020), the United Nations (UN) Development Program (Shankar & Foster, 2016), and the UN Innovation Network (2021). This yielded a total of thirteen examples, mostly from the International Organisation for Migration (IOM)'s global 'IOM X' project. This approach yielded a total of nineteen examples. The retrieved examples were coded following the EAST model and the level of intervention (design vs. implementation).

1.4.3 *EMN ad hoc query and UDI interview*

EMN ad hoc query

In order to collect examples of behavioural insights being used in migration policy in Europe, we distributed a short questionnaire among EMN members. The questionnaire followed the EMN format of an 'ad hoc query', consisting of a short introduction and a maximum of six questions regarding specific policy responses at the national level. Given this format, we limited the scope of the query to return policy and inquired about a number of specific behavioural tools. The full text of the questionnaire is included in Appendix 4.

The ad hoc query was published through the EMN platform on 8 October 2021, with member states given a period of six weeks to respond. On 11 November, the responses were compiled. Aside from the Netherlands, eighteen EU member states responded to the query: Austria, Belgium, Croatia, Czech Republic, Estonia, Finland, Germany, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Poland, Portugal, Slovakia, Slovenia, and Sweden. The EMN Contact Point in Austria indicated that their responses should be considered confidential and were therefore not considered for analysis. The responses of the other member states yielded a total of twenty examples of (both intentional and unintentional) applications of behavioural insights, which were combined with the examples collected in the UDI interview (see below) as well as those retrieved in the international policy document search. The resulting data set was once again coded following the EAST model and the level of intervention (design vs. implementation). All non-confidential responses to the EMN query can be consulted in full via the EMN website: <https://emnnetherlands.nl/onderzoeken/ad-hoc-onderzoeken>.

Interview with Norwegian migration policy specialists

Following reports about the possible application of behavioural insights in Norwegian return policy, we conducted an interview with two specialists from the Norwegian Directorate of Immigration (UDI). The interview focused on the Norwegian approach to voluntary return, the method and practicalities of communication with rejected asylum seekers, the background of the approach, the outcomes of the approach in terms of return figures, the extent to which UDI had consciously chosen to apply behavioural insights, and reactions from both UDI colleagues and the public. The interview took place via the online conferencing platform Webex and lasted approximately two hours. The relevant programmes and approaches mentioned in the interview were added to the dataset of collected behavioural examples and coded following the approach outlined above.

1.5 Outline of the report

The outline of the report is as follows. Chapter 2 concerns behavioural policy broadly defined and discusses examples of behavioural insights in Dutch public policy in terms of the EAST model and the level of application. Chapter 3 zooms in on migration and describes scientific insights on migrant decision-making from the EAST perspective as well as providing an overview of international examples of behavioural insights in migration policy. Chapter 4 focuses on Dutch migration policy, providing a short overview of the policy context as well as two 'quick scans' of migration policies from the EAST perspective. Chapter 5 summarises the findings and discusses the relevance of behavioural insights for Dutch migration policy and possible (ethical) obstacles.

2 Behavioural insights in Dutch public policy

The online search reveals 55 cases of applications of behavioural insights in Dutch public policy. These cases concern a wide range of policy fields, including (but not limited to) student loans, employment, agriculture, consumer protection, public health, transportation, taxes, and sustainability. Relatedly, the target audience of the interventions varies greatly, ranging from students and young people more generally to schools and companies, pig farmers and soldiers, and many other groups. Moreover, the search of policy documents reveals discussions of potential applications of behavioural insights to combat racism, reduce waste in the fashion industry, increase truthful reporting among cattle farmers, decrease unemployment, reduce littering, and fight obesity. In short, a wide range of (potential) applications of behavioural insights seem to exist in the Dutch public policy context.

Importantly, the extent to which this is done intentionally is unclear; in this analysis we speak of '*aiming to target behaviour by making it easy, attractive*', and so on, but it is entirely possible that policymakers simply applied behavioural insights (or followed their gut feeling) without being aware of the EAST model (or behavioural insights more generally). We do not consider this problematic for the present analysis, as its main goal is to describe and order the retrieved examples rather than analyse the underlying policy process. Considering the application of behavioural insights more generally, however, intentionality is of course of relevance. We return to this point in Chapters 3 and (mostly) 5. In the present chapter, we provide an overview of behavioural interventions in Dutch public policy, and highlight relevant examples in the text boxes throughout the text.

2.1 EAST interventions in Dutch public policy

According to the EAST perspective, behaviour can be changed by making it easy, making it attractive, making it social, and making it timely (Service et al., 2014). Importantly, it is not necessary for an intervention to speak to all these elements in order to be effective, although the lines between the different categories tend to be somewhat blurry. Consider, for instance, building bike shelters to encourage people to commute by bike instead of car (Sousa Lourenço et al., 2016). This intervention will make the desired behaviour easier (because it is not necessary to search extensively for a place to park the bike) while also making it more attractive (by increasing the salience of cycling). The analysis of behavioural interventions in Dutch public policy indeed reveals many examples of overlapping categories. Below, the analysis discusses the retrieved examples by category without going into the question of overlap.

2.1.1 *Making it easy*

A common way to nudge people to display the desired behaviour in Dutch public policy is by '*making it easy*' (Service et al., 2014). This is typically done by simplifying messages, processes, or sometimes both. For instance, merely rearranging information in a newsletter encouraging farmers to inform themselves about an annual fiscal procedure led to an increased number of website visits (BIN NL, n.d. c) and providing step-by-step explanations and checklists yielded positive results among

students (e.g. text box 2.1), people with a high-risk mortgage (BIN NL, n.d. d), and firework sellers (BIN NL, n.d. e), among others.

Box 2.1 Increasing uptake of the supplemental grant

Data on borrowing behaviour among first-year students in higher education showed that one quarter of those who qualify for a supplemental grant for students from low-income backgrounds do not request this. Despite qualifying for the grant, 40% of the students in this group do take out a student loan, which has to be paid back after graduating. To increase uptake of the supplemental grant (thereby decreasing unnecessary debts among students), student finance authority DUO approached potential future students from low-income backgrounds to inform them about the opportunities to apply for a grant.

Potential future students received an email on the day of their secondary school graduation. Besides including factual information about the existence of the grant, the email mentioned the maximum amount of the grant, the number of people who qualify, the fact that many of those do not request the grant, and a step-by-step explanation of how to apply. Furthermore, DUO tested the effects of reducing 'loan fear' (by pointing out that the vast majority of grant recipients graduate within ten years and do not have to pay back the money), reducing complexity (by emphasising that students do not need to worry about calculating what they are entitled to, as DUO does this for them), and a combination of both. The combination of behavioural techniques proved most efficient: two months after the intervention there were 25% more requests for the supplemental grant among this group and 6% fewer requests for a student loan as compared to the group who did not receive an email.

The results have been applied to scale among more senior students and DUO is currently testing whether it is more effective to contact potential recipients by email or by letter.

Source: BIN NL (n.d. b)

Besides simplification, another important (albeit less common) tool for making desired behaviours easier is through default settings. The most obvious example of this is changing the default for organ donation registration from an opt-in to an opt-out system (Rijksoverheid, n.d.), thereby making it more likely that people will be registered donors. Other situations in which behaviour is targeted by changing defaults include ones involving students (for instance with regard to student loans; BIN NL, 2017), buyers of risky financial products (Sousa Lourenço et al., 2016), and people taking out telephone contracts (see text box 2.2).

Box 2.2 Banning pre-filled values for income on application forms

The Authority for the Financial Markets (AFM), which supervises all telecom providers in the Netherlands by law, observed that virtually all of them used pre-filled values for income (based on the customer's family situation) in application forms for new telephone contracts. The AFM worried that these values would serve as so-called 'anchors', thereby biasing the information required for taking out the contract, and increasing the risk that customers would take out contracts that they could not afford. Instead, telecom providers argued that pre-filling income options would help customers provide the correct information.

To test the effect of the pre-filled values, the AFM conducted an experiment with real customers on the website of a telecom company. Out of 2,500 users taking out a new contract, half were provided with the standard form with the pre-filled income option, while the other half were presented with a blank field. Given that allocation to the conditions was random, there was no reason to assume there would be income differences between the two groups. Nonetheless, customers who filled out the form with pre-filled options reported values matching or close to the pre-filled amount significantly more often, indicating that using pre-filled values for income biases credit ratings.

Based on these results, the AFM has now prohibited telecom providers from using this practice.

Source: Autoriteit Financiële Markten (2018)

While these last examples are applied at the policy design level, most interventions encouraging the desired behaviour by making it easier are applied at the policy implementation level, specifically in communications with citizens.

Among the interventions that include a description of effectiveness, only one is found not to be effective.

2.1.2 *Making it attractive*

Analysing the cases from the EAST perspective (Service et al., 2014), it seems that most interventions in Dutch public policy target behaviour by 'making it attractive'. This is commonly done through the use of framing and by personalising communications. An example of the former is provided in text box 2.3: the Ministry of Defence recognised the importance of family relations for Malians, and therefore framed IEDs as a threat to people's families in their campaign. More everyday examples of framing include student grant authority DUO's attempt to increase uptake of the supplemental student grant (see text box 2.1), unemployment authority UWV's attempt to increase attendance at a workshop (BIN NL, n.d. f), and the tax authority's attempt to convince people to report fraudulent accountants (Sousa Lourenço et al., 2016). Examples of personalisation include addressing people by name in communications, signing messages with a name (rather than an organisation), and providing personalised feedback (see text box 2.4 for an example). Less frequently, interventions aimed at increasing the attractiveness of the desired behaviour by increasing salience, for instance by providing appealing graphics and illustrations or by using a weighted envelope, sparking the recipients' curiosity about its contents (Broer et al., 2019). Finally, a number of interventions make the desired behaviour attractive through the use of incentives such as discounts, presents, and lotteries.

Box 2.3 IEDs in Mali

The Dutch ministry of Defence aimed to reduce instances of improvised explosive devices (IED)-related injuries in Mali by convincing the local population to report these for safe removal. Earlier research among the local population in the city of Gao showed that many people were aware of the locations of IEDs but were reluctant to report these, for both emotional (e.g. fear, distrust of authorities) and practical reasons (e.g. not sure what an IED is, not sure where to report). Therefore, the ministry opted for a behavioural approach. The intervention emphasised the negative value of IEDs and encouraged people who had any information to call an anonymous phone number. Based on insights about the importance of family relations for Malians, the campaign pointed out how IEDs are dangerous to people's families and children. Moreover, all communications emphasised a cooperative perspective (i.e. solving the issue of IEDs *together*). The main communication channels were word of mouth, posters, and the radio. The last of these, in particular, was an important source of information for many local residents as many did have a radio but no television or internet access, or were illiterate. There were three radio stations, and the intervention was broadcast via a highly trusted station with local anchors. An army commander or a victim of an IED would speak, highlighting the core message of the campaign as well as providing a phone number to call with information. Posters were hung at strategic locations with high visibility such as ports, markets, hospitals, and buses – these last two were especially crucial as they gave an immediacy to the threat of IEDs. Dutch soldiers or a Malian storyteller provided explanations in conjunction with the posters. The campaign was received enthusiastically by the Gao population and several people reported IEDs.

Source: BIN NL (2017); M. Kuipers (personal communication, 20 April 2021)

Box 2.4 Avoiding rush hour in Noord-Brabant

The Dutch province of Noord-Brabant tried to persuade commuters to avoid the rush hour through a combination of behavioural techniques. Participants in the programme were encouraged to make a detailed plan of how they were going to avoid the rush hour, and they received periodic emails reminding them of this plan, along with feedback about their performance. These messages also contained information about other people's rush hour avoiding behaviour, thereby communicating a social norm. Participants who had made a personal plan were found to avoid rush hour more often than others, and this effect was long lasting, to the extent that a self-persuasion intervention that had been developed to prevent extinction of the behaviour proved unnecessary.

Source: D&B (2012)

While the majority of interventions aimed at encouraging the desired behaviour by making it attractive are applied at the policy implementation level, there are a few exceptions. For instance, one intervention aims at encouraging the uptake of preschool among low-income parents by providing free trials – thereby making this a financially attractive option (Jepma et al., 2020). Another intervention changes the context by building bike shelters in an attempt to encourage people to commute by bike rather than by car, thereby making cycling a more salient option (Sousa Lourenço et al., 2016).

Although not all collected interventions include descriptions of effectiveness, those that do are found to be effective.

2.1.3 *Making it social*

Behavioural interventions in Dutch public policy also include examples of 'making it social' and 'making it timely' (Service et al., 2014), although these are less common than interventions targeting behaviour by making it easy or attractive. Half of the interventions aimed at making behaviour social do so by pointing out that most other people are already exhibiting the desired behaviour, i.e. by emphasising the social norm. For instance, the previously mentioned people with a high-risk mortgage were three times more likely to contact a financial advisor if the letter stated that 70% of their peers had already switched to a safer alternative than if it did not (BIN NL, n.d. d). Other audiences targeted through social norms interventions include, but are not limited to, students (e.g. BIN NL, n.d. h), pig farmers (BIN NL, n.d. i), and commuters (see text box 2.4).

Other tools used to make behaviour social are social modelling (for instance among at-risk youth; Gubbels et al., 2018), (public) commitment (e.g. among gym users setting personal exercise goals; BIN NL, 2017), and the use of messengers (e.g. in the Ministry of Defence's campaign against IEDs in Mali; see text box 2.3).

The interventions referred to were all applied at the policy implementation level. In most cases, the retrieved examples of interventions making behaviour social proved effective (with only two exceptions).

2.1.4 *Making it timely*

With regard to 'making it timely' (Service et al., 2014), the most common tool among the retrieved examples is encouraging people to plan their responses (including providing deadlines); half of the interventions aimed at making behaviour timely use this. For instance, students who qualify for a supplemental student grant receive a message on the day of secondary school graduation (see text box 2.1). Another adopted technique is to send out reminders.

Van der Werf (2020) introduced time as a factor in student loan decisions by informing students taking out a monthly loan about their projected debt at the end of their studies. In addition, the students were presented with an interactive online tool allowing them to explore how changing their monthly loan amount would alter their final debt. Anticipating remote consequences in this way made students more likely to decrease their monthly amount.

While most of these interventions were again applied at the policy implementation level, one example of a timely intervention at the design level (which touches upon the attractiveness dimension, as well) is the adaptation of luncheon trays to increase the salience of healthy foods (BIN NL, n.d. g). In this case, the message (to eat healthy) is sent when people are actually making dietary decisions.

Again, the vast majority of the retrieved examples proved effective.

2.2 **Drawing lessons from behavioural policy**

The above overview demonstrates that the application of behavioural insights in Dutch public policy is hardly controversial: behavioural interventions appear across the public

policy landscape, targeting a wide range of different audiences. This suggests that migration policy could benefit from the application of behavioural insights, as well.

The retrieved examples from Dutch public policy speak to each of the EAST elements, although interventions most commonly try to encourage the desired behaviour by making it easier or more attractive. Looking at the level at which behavioural insights are applied in Dutch public policy, it seems that most of the interventions were applied at the implementation level – a result which is in line with the observations of Loewenstein and Chater (2017). This is true for interventions that speak to any of the EAST elements. Importantly, this does not necessarily mean that potential behavioural interventions in Dutch migration policy should also be applied at the implementation level, or that these should only aim to make desired behaviour attractive or easy. As Loewenstein and Chater (ibid.) point out, there is great potential for behavioural applications at any of the policy levels, and careful analysis of the issue at hand should inform the exact design of an intervention.

Relatedly, while not all the retrieved examples include a behavioural analysis of the target audience, thorough knowledge of people's reasons for behaving in a certain way is essential to the success of a behavioural intervention (e.g. Service et al., 2014; OECD, 2019a). Among the interventions reported here, however, there does not seem to be a relationship between success rates and behavioural analyses prior to implementation. This might of course be the result of a publication bias: successful interventions are more likely to be reported (see also Della Vigna & Linos, 2020 for a discussion of publication bias in academic nudging research). Indeed, the vast majority of behavioural interventions in Dutch public policy were found to be effective. Whether this is an indication of a publication bias or, perhaps, luck, the high number of effective behavioural policy interventions suggests that there is certainly potential for the application of behavioural insights across Dutch public policy – including migration policy. Moreover, as the costs of most of the described interventions tend to be limited, even those with a modest impact can still be considered relevant.

Effectiveness also plays into the question of whom to target. Certainly, as argued above, virtually any group of people could respond to a behavioural intervention. However, this does not mean that *every member of every* group of people will respond (equally strongly) to interventions. This is evidenced by the evaluations of behavioural interventions: in no case do we see that every member of a target audience displays the desired behaviour after being exposed to a behavioural intervention. Indeed, no policy intervention, whether behavioural or traditional, should expect a 100% success rate. Therefore, it seems pointless to target people who are entirely convinced of the right course of action. Rather, there is room for movement among those who are uncertain, have doubts, or have other reasons not to display the desired behaviour. Again, a thorough understanding of the issue at hand is essential to a successful intervention.

Based on this overview, it is not possible to say which types of situations are better or less suited to the application of behavioural insights. It seems safe to say, however, that a behavioural component is essential – there is little reason to apply behavioural insights to issues that do not have any behavioural aspects. What does stand out, however, is that the retrieved examples target very specific issues and situations. For instance, one intervention asks 'how can we get people to cycle rather than drive?' rather than targeting 'sustainability' or even 'commuting behaviour'. By analogy, it seems that an issue such as 'return migration' will be too large and complicated an

issue to tackle using behavioural insights, whereas the question of 'how can we make sure that people go to the embassy to obtain a valid ID in order to return?' could be suited to behavioural interventions.

3 Behavioural insights and migration policy

3.1 Migrant decision-making and EAST

To understand the potential relevance of behavioural insights to migration policy, it can be helpful to interpret the migration process as a series of decisions. For instance, migrants take the decision to leave, the decision on where to go, whether to stay, and so on. Migration scholars have long studied these decision-making processes and these insights can help us understand whether migrant decision-making should indeed be affected by behavioural insights. To this end, we first discuss insights on migrant decision-making from the EAST perspective.

Importantly, the overview provided here by no means constitutes an exhaustive account of insights into migrant decision-making. That would go beyond the scope of the present study. Rather, by highlighting relevant insights, we aim to demonstrate how migrant decision-making fits in with the EAST model. Throughout the review, it is important to keep in mind that migrant decision-making does not simply concern one-off decisions regarding destination, mode of travel, and so on. Rather, migration should be seen as a continuous process consisting of multiple decisions which are inextricably linked, and which can change depending on the circumstances. The arrival at a destination does not necessarily mean the migration process has ended, even if the migrant left home with this destination in mind. The discussion below presents a simplified account and does not go into the complexities of these trajectories. Rather, as mentioned above, it focuses on the aspects of migrant decision-making that tie in with the EAST model.

3.1.1 *Making it easy*

Like other kinds of decision-making, migrant decision-making, too, seems to be affected by the complexity of certain behaviours. This is reflected, for instance, in destination choice, which is determined to a large extent by factors such as geographical (and cultural) proximity, as well as opportunities to reach the destination safely and legally (Hagen-Zanker & Mallett, 2020). In other words, migrants are likely to select destinations that are easier to reach or to adapt to. Similarly, knowledge of favourable migration policies in potential destination countries can affect migrant decision-making (Kuschminder & Koser, 2017).

It is entirely possible that the complexity of migration decisions varies according to legal status, with things like destination choice, travel and other aspects of the migration experience being arguably easier for regular than for irregular migrants. Nonetheless, complexity still factors into migration decisions among regular migrants. For instance, highly-skilled migrants in the Netherlands cite distance from the country of origin, lenient migration policies, expectations about how easy it is to find a job, and local language proficiency among their reasons to come to the Netherlands (Kulu-Glasgow et al., 2014).

Besides simply making the desired behaviour easier, simplifying processes and messages can also help reduce cognitive load. It is a well-documented fact that coping with stressful circumstances such as poverty consumes cognitive resources. This, in turn, forms an obstacle to systematic decision-making, often resulting in suboptimal decisions (e.g. Kahneman, 2011). Reducing the cognitive load of procedures, for instance through simplification or removal of complicating factors, can help people maximise the outcomes of their decisions. This seems especially relevant to migrants,

who often face a language barrier, sometimes on top of poverty, traumatic experiences, or other stressful factors, and are therefore likely to experience high cognitive load (Benton et al., 2018).

There are myriad potential applications of these interventions to migration policy, for instance with regard to simplified visa application processes, letters that are sent to migrants, and so on. With regard to the decision to migrate, one might also expect reduced irregular migration if legal options for migration are available. Defaults could be applied in migration policy to sign people up for programmes or training. For instance, recognised refugees could be automatically signed up for language training and social benefits, while those whose asylum applications have been rejected could be registered for training that focuses on transferrable skills or paired automatically with a returnee in the country of origin in a remote buddy system. The concept of sludge (see above), or rather the idea of creating barriers in order to prevent undesired behaviours, seems to be relevant to migrant decision-making, as well. To some extent this phenomenon is already present in Dutch migration policy: maintaining only one office in the far north of the country where to submit repeat asylum applications (*Kamerstukken II 2019/20*, 19 637, no. 2541; see also Section 3.3.1) can be interpreted as an intentional barrier to repeat applications (hence intentional sludge). Other possible barriers might involve the location of reception centres (for instance by isolating migrants who display antisocial behaviour; e.g. *Kamerstukken II 2019/20*, 19 637 no. 2572) or application processes. An illustration of the latter is the mandatory integration exam that aspiring family migrants have to pass prior to travelling to the Netherlands (Nicolaas et al., 2011).

3.1.2 *Making it attractive*

Attractiveness plays a role in migrant decision-making, as well, most prominently when it comes to destination choice. Factors like a shared cultural or linguistic background can make certain destinations more attractive, but also policy factors such as visa requirements play a role (Hagen-Zanker & Mallett, 2020). Again, we can distinguish between regular and irregular migrants with respect to what is considered attractive. For the latter group, safety is the most important criterion in choosing a destination, as well as future prospects (Kuschminder & Koser, 2016). This includes policies for family reunification (Kulu-Glasgow et al., 2018). Arguably, safety is less of a priority for regular migrants, while factors relating to comfort or future prospects can contribute to the attractiveness of a destination. For instance, research among highly-skilled migrants in the Netherlands shows how they value factors such as economic prospects (Kulu-Glasgow et al., 2014) and designated tax cuts (Buers et al., 2018).

In migration policy, the attractiveness of the desired behaviour can be increased by varying salience or rewards and sanctions in different ways. Generally speaking, communications with migrants could be personalised to increase attractiveness, and authorities and organisations should consider how to frame their communications – i.e. which elements to emphasise. More specifically, framing could play a role in return policy, by speaking of ‘future orientation’ rather than ‘return counselling’, and interventions could aim at reducing the number of rejected migrants who disappear ‘off the radar’ by highlighting negative aspects of living in the Netherlands undocumented. Moreover, interventions could harness the power of emotional appeals, speaking to emotions such as pride for the country of origin or helping reduce feelings of shame about a failed migration project.

With regard to designing rewards and sanctions, the US 'diversity visa lottery' comes to mind. Through this programme, which was first introduced in the early 1990s, 50,000 people who have applied for a specific 'diversity visa' are granted a green card annually (Law, 2002). Given the human tendency to focus on the size of the prize rather than on the odds of winning it, lotteries are an exceptionally cost-effective tool for nudging people to exhibit particular behaviour (e.g. Service et al., 2014). One of the reasons for introducing the diversity visa lottery was in order to reduce the number of migrants residing illegally in the US (Law, 2002). While we are not aware of a scientific evaluation of the policy in this respect, it is entirely possible that the opportunity to obtain a visa through a lottery system encourages potential migrants to engage in regular rather than irregular migration.

3.1.3 *Making it social*

It is a widely accepted fact that migrant decision-making is social in nature, too. Having been studied traditionally at the individual level, migration decisions are currently perceived as the outcome of a social process (e.g. Hagen-Zanker & Mallett, 2020) involving relevant others such as family members. For instance, in a study among unaccompanied minors in the Netherlands, Kulu-Glasgow et al. (2018) describe how the decision to migrate as well as subsequent decisions (e.g. the destination, modes of travel, and so on) were commonly made at the family level rather than by the minor themselves.

The social nature of migration is evident at other levels as well. For instance, it has been documented that migrants tend to distrust information that comes from governments while relying on messages from other migrants (e.g. Schans & Optekamp, 2016; Dekker et al., 2016). In some cases, such information from migrant networks concerns advice on where to go, but also practical information such as how to access services, how to avoid border controls, and so on (Collyer, 2007). In other cases, the diaspora provides first-hand information to aspiring migrants about potential destinations, sometimes even functioning as 'gatekeepers' (Kuschminder et al., 2019). Importantly, the fact that migrants rely on information from their peers for their migration trajectory does not necessarily mean that this information is always correct or reliable (e.g. Suter, 2012). As Dekker et al. (2016) show, in some cases, people are aware of this, but they feel they do not have any other choice but to rely on what they read online.

Besides transmission of information through networks, the very reasons for migration can be of social nature, too: the desire to reunite with family members abroad can be a powerful driver for migration (ibid.), both for 'pioneers' and people applying for family reunification (e.g. Kulu-Glasgow et al., 2018). Relatedly, the means for migration often tend to rely on social contacts, with established migrants sending money to family members in transit (e.g. Collyer, 2007). Finally, social networks act as a barrier to return (ibid.): in line with the importance of public commitment outlined above, for many migrants returning home after an unsuccessful migration attempt would mean losing face. Moreover, for many people their very journey was financed by social contacts in the home country and returning empty-handed would mean having to pay back those investments or loans.

While these examples mostly concern irregular migration, decision-making has a social component for regular migrants, as well. For instance, research among highly-skilled migrants showed that social ties (in particular the presence of a partner) was an important reason for people to choose to come to the Netherlands (Kulu-Glasgow et al., 2014).

Given the highly social nature of migration decision-making, there seems to be considerable potential for the application of behavioural insights. Messengers in particular seem to be of relevance here. For instance, return migrants can inform potential or rejected migrants about their experiences (a tool which is indeed applied by the International Organization for Migration; see below) while professional networks can be used to spread information in order to attract highly-skilled migrants – a similar structure could be relevant to attract students from abroad. Social norms could be of interest too, for instance to affect decisions to return among rejected migrants by informing them about the number of peers who have returned or who have at least considered doing so.

3.1.4 *Making it timely*

Timing seems to be important for migration decision-making, as well. For instance, there is some (anecdotal) evidence relating to chance encounters among irregular migrants: migrants recount how they met someone en route whose advice affected their decision, for instance with regard to their destination, in some cases in spite of prior plans (e.g. Gladkova & Mazzucato, 2017; Kulu-Glasgow et al., 2018). Furthermore, Hagen-Zanker and Mallett (2020) explain the fact that migrants often take big risks during their journey by pointing out that they tend to operate within a timeframe which favours long-term benefits over short-term costs.

The relative importance of social factors can change over time as well, with the social pressure to succeed at a migration project (and therefore the social barrier to return unsuccessfully) increasing over time (Collyer, 2007).

Time is of importance as well once migrants have applied for a (asylum) permit. Research shows that longer procedures harm wellbeing, even among migrants who end up receiving a residence permit (e.g. Bakker, 2016). Relatedly, timing matters at different stages of the application process. As Kulu-Glasgow et al. (2021) demonstrate, unaccompanied minors whose asylum applications have been rejected are not ready to discuss voluntary return as long as they still have even the slightest hope of obtaining a permit after appeal. Relatedly, in the experience of the International Organization for Migration (IOM) in the Netherlands, people who originate from countries with harsh winters tend to return in spring or summer, to avoid the risk of finding themselves without accommodation during the cold season upon their return (L. Carpier, conference presentation at the Dutch Ministry of Justice, 14 December 2021). While informing rejected asylum seekers about voluntary return in the autumn or generally at an early stage of the application process might seem timely from a policymaker's (or even the receiving society's) point of view, concerned migrants would evidently beg to differ.

While factors like chance encounters and cognitive timeframes are of course hard to influence, that does not mean that timing is irrelevant to migration policy. On the contrary, timing is an important factor to take into account in communications with migrants, regular and irregular alike. For instance, potential students from abroad should be informed about opportunities to study in the Netherlands once they start exploring possible steps in their academic career (which will likely be towards the end of their studies rather than shortly after starting). Moreover, campaigns informing potential migrants about the risks of irregular migration will arguably be more effective when timed at a moment that people are still in their country of origin, rather than already in transit.

In addition, the length of application procedures could be relevant to behavioural interventions. Procedures should be short enough to avoid any negative outcomes of

an extended period 'in limbo', but need to be long enough for the decision to be perceived as having been made carefully. Moreover, discussing issues such as participation in training or (voluntary) return should be timed properly so that people are receptive to the topics being presented. As illustrated by the IOM example, there can even be a seasonal component depending on a migrant's country of origin. Once again, having a thorough knowledge of people's underlying motivations is essential.

3.2 Behavioural insights in migration policy worldwide

As the above discussion shows, the nature of migrant decision-making suggests that there is certainly potential for the application of behavioural insights. Indeed, our research has revealed a number of relevant examples in international migration policy. The retrieved examples span a wide range of topics in the field of migration policy, including return, integration, exploitation, human trafficking, irregular migration, migrant regularisation, and access to services. Moreover, two academic articles provided examples of potential applications of behavioural insights in the field of citizenship. As mentioned above (Section 1.4.2), many of the examples form part of IOM's 'IOM X' programme, a global initiative focused on actively encouraging safe migration practices (International Organization for Migration, 2018).

Interestingly, while some of these examples concern intentional applications of behavioural insights, other initiatives can be interpreted as good practices from a behavioural point of view, despite not being intentionally behavioural. Indeed, several respondents in the EMN query comment on this point, remarking for instance that 'there has not been a conscious effort to develop policies founded on behavioural insights with regard to nudging, but unconsciously certain policies could be interpreted in such a sense' (EMN contact point (ECP) Belgium) or that certain relevant interventions were 'not defined with basis on behavioural sciences but as a way to better communicate and show how assistance works' (ECP Portugal). The policy experts from the Norwegian UDI, too, questioned to what extent (elements of) their approach to return should be considered behavioural, as these were not intended as such.

It seems unlikely that unintentional applications of behavioural insights in migration policy have been introduced following a systematic behavioural approach that includes behavioural analyses and evaluations. While this may on its own be considered concerning (a point to which we return in Chapter 5), it is not necessarily problematic for the purposes of this chapter as it is merely intended to illustrate potential approaches to behavioural migration policy by providing international examples. For this same reason, we do not go into detail regarding the effectiveness of the examples provided, even though some of these have indeed been subject to evaluation.

3.2.1 *Making it easy*

The retrieved examples applying behavioural insights in order to make the desired behaviour easy rely on the use of a number of tools. Firstly, applied in countries ranging from Myanmar and Cambodia to Mexico and Guatemala, the IOM X campaigns often promote safe migration behaviour by emphasising the importance of performing one simple action, such as checking a recruiter's license (thereby lowering the risk of becoming a victim of human trafficking), checking the legitimacy of a visa (in order to

avoid ending up abroad undocumented and vulnerable), or discussing migration plans with a village elder (thereby limiting the risk of forced marriage). A second way in which the desired behaviour is made easier is by facilitating access to relevant information. All of the IOM X campaigns cited do so by providing potential migrants with reliable sources of information about the migration process. In some cases, access is further facilitated through the use of a Facebook-based chatbot which answers migration-related questions. Similarly, with regard to return migration, IOM Slovakia makes information for potential returnees more accessible by using pictures and videos as well as offering the opportunity to speak to IOM counsellors in the country of origin so that people can discuss and verify information in their native language (ECP Slovakia).

While the examples cited above are carried out at the implementation level, there is considerable potential for interventions applied at the design level to make the desired behaviour easier, such as automatic enrolment or defaults. While the EMN query suggests that applications of this kind are only limited in EU return policy, ECP Croatia mentions that certain vulnerable groups (such as victims of human trafficking or unaccompanied minors) automatically qualify for individually tailored reintegration assistance. Interventions at the design level can come in many forms, however, as is illustrated by an example provided by Manning et al. (2020). Aiming to increase vaccination rates in Kyrgyzstan, the World Health Organization noticed how internal migrants could not register for vaccinations at the local health services due to difficulties obtaining a residence permit. A Ministerial Order 'clarifying the right to vaccination of all citizens regardless of residence' (p. 167) as well as training of health staff helped remove this barrier. A further example of an intervention at the design level is provided by the UN Development Program (UNDP), which describes an intervention aimed at facilitating the recognition of foreign degrees and diplomas, thereby removing an oft-encountered barrier for migrants desiring to participate in the labour market abroad (Shankar & Foster, 2016).

Finally, in a series of field experiments testing behavioural interventions at the implementation level, researchers of the Immigration Policy Lab (IPL) show how citizenship applications among low income migrants can be increased by making the process easier. The researchers targeted migrants in the US who had expressed their interest in naturalisation by registering in a programme and whose financial situation made them eligible for a fee waiver. At the end of the registration phase, people were shown a link that led to more information regarding naturalisation in addition to highlighting nearby services which could help with the application itself. Compared to people who were only informed about their fee waiver eligibility without being provided with any additional aid, citizenship applications four to eight months later were significantly higher among those who had seen the nudge (Hotard et al., 2019). To date, these findings have not been implemented in citizenship programmes in the US (David Laitin, personal communication, 27 March 2021).

3.2.2 *Making it attractive*

The majority of the retrieved examples of behavioural insights in international migration policy try to encourage the desired behaviour by making it attractive. Again, different tools are applied in order to do so. For instance, the IOM X campaigns typically include the use of multimedia campaigns, large festive screenings with music, and the involvement of celebrities.

A second way to make the desired behaviour attractive is through the use of emotional appeals. Recognising the importance of emotions in the decision to return, counsellors

of the Norwegian Directorate of Immigration UDI focus on positive aspects of the country of origin in order to activate emotions like pride (instead of commonly experienced emotions such as shame). Similarly, an Italian campaign for assisted voluntary return 'focused on the positive aspects of returning into his/her own country of origin, by highlighting the prefix "Re" and the key message "Dream is Reality Re-Turning and Re-Starting at Home is possible"' (ECP Italy). This particular example also touches upon the concept of framing.

A further way to increase attractiveness is through personalisation. In the field of return migration this can be done by personalizing information about voluntary return assistance depending on the migrant's situation (e.g. ECP Slovakia).

Finally, interventions may aim to make the desired behaviour attractive through incentives. In return policy, this is commonly done by offering (financial) reintegration assistance, but incentives can be relevant to other areas of migration policy, as well. For instance, UNDP aimed to facilitate the integration of Syrian refugees in Jordan by decreasing prejudice among the local population. Targeting the perception that refugees would outcompete locals in the labour market, UNDP set up a skills exchange programme with Jordanian participants and Syrian trainers, thereby making it attractive for Jordanians to interact with refugees and removing prejudices along the way (Shankar & Foster, 2016).

3.2.3 *Making it social*

The social nature of migrant decision-making (see above) offers great potential for tools such as messengers and social norms to nudge migrants to display the desired behaviour. Interventions of this kind are found in the domains of irregular migration and return migration. With regard to the former, IOM's Migrants as Messengers (MaM) campaign, co-funded by the Dutch government is an example of this. MaM is based on the finding that migrants tend to discount communications by official authorities and instead rely on their peers for migration-related information. To this end, MaM has return migrants in West Africa recount their experiences to potential migrants through channels such as video testimonies, town hall meetings, and so on. A randomised control trial studying the impact of the MaM campaign in Senegal showed that the subjective information level and information-seeking behaviour, as well as risk awareness had increased as a result of the campaign (Manning et al., 2020). Indeed, the EMN query reveals that several other EU member states make use of similar campaigns or materials in the field of return migration, and in one case, in integration policy, as well. Similarly, UDI makes the decision to return social by inviting IOM employees who are stationed in countries of origin to provide information about life after return. In line with what is known about the messenger effect, this approach tends to result in a higher attendance than deploying local IOM employees. Anecdotally, ECP Croatia also observes that word of mouth plays an important role in assisted voluntary return, with people having returned from Croatia to Vietnam through IOM encouraging conationals to do the same.

The use of social norms to encourage voluntary return is limited. While the Czech ECP describes informing potential returnees that 'many rejected asylum seekers have chosen voluntary return', ECP Sweden points out that the use of social norms in this respect is not considered very useful as the number of people opting for voluntary return is rather low. Similarly, ECP Finland observes that in their experience, most migrants are aware that many of their peers have in fact stayed in Europe rather than returning. While not forming an actual example of a behavioural intervention, this remark illustrates how information shared among migrants can communicate descriptive social norms, thereby affecting behaviour.

3.2.4 *Making it timely*

Examples of nudging migrant decision-making by making the desired behaviour timely are only scarce; the few respondents to the EMN query who mention the element of timeliness merely refer to discussing and planning the future with potential returnees. However, an interesting example is provided by UDI, which does so by varying payoffs at different times. In the Norwegian system, migrants whose applications have been rejected have two to three weeks to leave the country or to apply for voluntary return. If they do so before the deadline, they receive 15,000NOK (€ 1,500) per family member. Instead, if the migrant leaves or applies for voluntary return only after the deadline, the contribution drops to 5,000NOK (€ 500) per family member. Since the introduction of this system in September 2009, Norway has seen an increase in applications before the deadline.

UDI experts also note, however, that simply varying incentives is not always enough to achieve the desired outcome. If migrants whose applications have been rejected opt to stay in Norway, their financial allowance in the reception centre is decreased significantly, but, as the experts observe, for some people this scarce situation is still enough. Similarly, in their field experiments among low-income migrants, IPL researchers found that merely making naturalisation timely by sending out different types of reminders and calls to schedule appointments did not lead to an uptake in naturalisation applications (Hainmueller et al., 2018). In other words, making behaviour timely can be an effective tool for behavioural change, but only if it is applied carefully.

4 Is Dutch migration policy EAST?

As the above discussion shows, the nature of migrant decision-making lends itself to the application of behavioural insights, and indeed our research reveals a number of international examples. To better understand the potential application of behavioural insights for Dutch migration policy, it is important to first understand the policy goals. To this end, we now provide a brief overview of relevant elements of Dutch migration policy, after which we will perform a quick scan of two specific policies from a behavioural point of view. The quick scans focus on communication about voluntary return and the orientation year for highly educated migrants, respectively. These topics were selected merely to illustrate how behavioural insights could be relevant to achieve very different outcomes – this selection is not intended to imply that there are any specific limits to the topics that could be suited to the application of behavioural insights in migration policy.

4.1 Policy goals

At the time of writing this report, the migration policy in the Netherlands was based on the so-called 'integrated migration agenda' (Harbers et al., 2018), also known as 'the six pillars of migration policy'. Departing from the idea that migration is a dynamic and complex phenomenon that calls for a multi-tiered approach, the policy outlines six main goals at both the national and international (e.g. European) level. In this way, the government aimed to ensure a system that allows protection to those in need while harnessing public support. Specifically, the six main goals (or indeed, pillars) of this approach are:

- 1 prevention of irregular migration;
- 2 strengthening protection of refugees and displaced people 'in the region';
- 3 a solid asylum system characterised by solidarity in both the EU and the Netherlands;
- 4 fewer undocumented migrants, more return migration;
- 5 Encouraging legal migration routes;
- 6 stimulating integration and participation.

Within each of these broader goals, more specific policies are defined, again at both the national and international level. We will now discuss a number of nationally-defined policies in more detail.

With regard to preventing irregular migration through national policy (pillar 1), the Netherlands aims to do so firstly by targeting migrants from countries which are considered safe. Migrants from these countries are subjected to accelerated procedures in case they do apply for asylum, less financial support for voluntary return is offered for this group, and the government has intensified cooperation between parties in the asylum seeker reception and the criminal justice systems. However, while the number of asylum seekers from countries which are considered safe has decreased, the extent to which this is due to the measures taken is unclear, and it is unlikely that additional measures will further reduce the influx of these types of migrants (*Kamerstukken II 2018/19*, 19 637, no. 2470). Secondly, the Netherlands uses information campaigns to try and combat irregular migration (*Kamerstukken II 2017/18*, 19 637, no. 2375), emphasising, among other things, the risks of the

journey and the low odds of obtaining a residence permit. While this is common practice across European countries, research shows that these information campaigns are typically founded on false assumptions with regard to migrant decision-making and the psychological factors involved, and that their impact is unclear (Schans & Optekamp, 2016; see also *Kamerstukken II* 2016/17, 30 573, no. 136).

With regard to the broader policy goal of having 'fewer undocumented migrants' and 'more return migration' (pillar 4), a number of more specific policy goals can also be distinguished. Most of these are aimed at return (*Kamerstukken II* 2019/20, 33 199, no. 32; *Kamerstukken II* 2017/18, 19 637, no. 2375), either to the country of origin or (if people have already started an asylum procedure elsewhere) to the European country deemed responsible under the Dublin agreement (Regulation 604/2013). Indeed, migrants who travel across Europe applying for asylum and taking advantage of services in several countries are seen as especially problematic as they are considered to be burden on the asylum system, harm solidarity between EU member states, and undermine public support for immigration (*Kamerstukken II* 2019/20, 32 317, no. 579). In an attempt to motivate people who do not qualify for residency to return to their country of origin, the Netherlands has adopted a series of measures. For instance, based on the insight that successful departure mostly depends on migrants' motivation (rather than on practical issues such as documents), in 2016 the Repatriation and Departure Service (DT&V) decided to adopt motivational interviewing as the main communication method in their contacts with rejected asylum seekers (*Kamerstukken II* 2015/16, 19 637, no. 2063). At the time of publication of a large-scale evaluation regarding the efficacy of Dutch return policy, this approach had not yet been evaluated, but the initial experiences of DT&V employees are positive and it seems that motivational interviewing could contribute to positive outcomes with regard to return migration (Ministerie van Justitie en Veiligheid, 2019). Most measures aimed at motivating migrants to return to the country of origin are more restrictive in nature, however. Examples include intensifying forced return (on the assumption that this will increase voluntary return as well), reducing the notice period for forced return to 36 hours, and an accelerated deportation process for people for whom it seems especially likely that a return can be organised (for instance if they have a passport). Furthermore, the government has studied the possibility of detaining rejected asylum seekers to avoid them going off the radar (*Kamerstukken II* 2019/20, 19 637, no. 2540). The effect of these measures is unclear. A large-scale evaluation of Dutch return policy concluded that it was impossible to quantify the efficiency or efficacy of these measures, but observed that policy only has a limited impact on the decision to return – in contrast to factors such as perceptions of the Netherlands as well as of the country of origin, and personal factors such as subjective health (Ministerie van Justitie en Veiligheid, 2019).

Research has shown that asylum seekers often appeal against negative outcomes of their asylum application in a (successful) attempt to delay their departure, as they are entitled to stay as long as their application is pending. To counteract this pattern of repeat applications, migrants are now required to file appeals in person at the registration centre in Ter Apel, in the far north of the country. Moreover, the migration service now automatically rejects appeals that are incomplete, and is no longer required to have a hearing with the person in question if the case manager believes the appeal has no chance of success.¹ Researchers also observe, however, that it is not possible to further reduce the length of undesired migrants' stays by imposing further restrictions (*Kamerstukken II* 2019/20, 19 637, no. 2541).

1 It is unclear whether this policy will be continued, as a recent ruling by the European Court of Justice determined that this approach currently has no legal basis (Stronks, 2021).

With regard to 'encouraging legal migration routes' (pillar 5), highly-skilled workers form an interesting group. The Netherlands aspires to be an attractive destination country for highly-skilled migrants (*Kamerstukken II* 2018/19, 30 573, no. 171) and aims to attract them by offering economic incentives in the form of a (temporarily) reduced tax rate, and accelerated application procedures which are further facilitated for employees of certain companies through the 'recognised sponsor' programme. While most migrants appreciate these opportunities, research shows that younger migrants sometimes think that the required salary in order to be recognised as a highly-skilled worker is too high, and some people feel that the application procedure is still too complicated for employees of smaller industries or companies which are not included in the facilitated category. Moreover, many highly-skilled migrants say that the living conditions in the Netherlands have exceeded their expectations, which suggests a lack of knowledge of this aspect among potential migrants (Buers et al., 2018).

Finally, with regard to 'stimulating integration and participation' (pillar 6), different policies are in place for different groups of migrants. For instance, many policies have been developed for the social integration of recognised refugees. An example of this is the 'logeerregeling', a programme allowing people with an asylum permit who are waiting to be housed in a municipality to stay temporarily with family, friends, or a Dutch host family. The rationale behind the logeerregeling is that staying with others who have already settled in Dutch society contributes to participation and social integration on the part of asylum permit holders (*Kamerstukken II* 2019/20, 33 042, no. 37). Research shows that the programme indeed contributes to this, but there are obstacles with regard to the recruitment of host families (given the lack of awareness of the programme and concerns about possible fiscal consequences), as well as with practical matters. For instance, asylum permit holders who participate in the programme and therefore stay somewhere other than an asylum seeker reception centre, often lack an official contact who can assist with administrative issues, and the obligation to report on weekly basis to a nearby reception centre tends to interfere with permit holders' activities such as work or language classes. Solving these obstacles could contribute to a higher participation in the logeerregeling programme among asylum permit holders, thereby contributing to social integration as well as freeing up spaces in asylum seeker reception centres (ibid.).

With regard to highly-skilled migrants who are in the Netherlands already, the aim is to retain them. While the study cited above (Buers et al., 2018) shows that highly-skilled migrants are generally satisfied with life here and most of them do indeed plan to settle in the Netherlands (at least for a while), they have frequently voiced criticisms regarding a lack of opportunities for social integration and practical information (e.g. on regulations, insurances, health care, and so on), and the scarcity of (employment) opportunities for partners of highly-skilled workers. For some people these are a reason to return to the country of origin or look for employment elsewhere. The researchers observe that there is no specific policy aimed at integrating highly-skilled workers in the Netherlands (ibid.).

In short, the integrated migration agenda articulates a range of policy goals, some of which are not being met using traditional policy tools. This paves the way for a more behavioural approach. While there are no intentional applications of behavioural insights in Dutch migration policy to date, it may well include certain behavioural elements already. We now turn to a quick scan of two specific migration policies from the EAST point of view, which will confirm whether we can indeed observe behavioural elements, and reveal opportunities for the (further) application of behavioural insights.

4.2 Quick scan: communication about voluntary return

As outlined above, Dutch return policy aims to increase return among migrants whose (asylum) application has been rejected, and this is true for voluntary return in particular. The government tries to encourage this through communication with migrants, procedural justice in contacts with migrants, (financial) return aid, and programmes aimed at activating migrants, and by limiting access to services for rejected migrants (Ministerie van Justitie en Veiligheid, 2019). We consider below whether communication with rejected migrants meets the EAST criteria from the migrants' perspective.

There are two main types of parties involved in communications about voluntary return with migrants. Firstly, governmental organisations such as the Central Agency for the Reception of Asylum Seekers (COA), the Repatriation and Departure Service (DT&V), and the Immigration and Naturalisation Service (IND) inform migrants about the options for voluntary return as well as the legal consequences of not returning voluntarily. Secondly, DT&V funds NGOs such as the International Organization for Migration (IOM) to reach out to and support migrants who wish to return. Here, we consider both sources of information (Ministerie van Justitie en Veiligheid, 2019).

4.2.1 *Is it easy?*

Dutch return policy is based on the idea that making reliable information about return accessible will help people decide whether or not to return (Ministerie van Justitie en Veiligheid, 2019). In other words, the policy aims to make access to information easy for people, and it seems that this is done successfully.

Migrants can access information about return through different channels and at different points in their application process. Even before a final decision on their asylum application has been made, migrants can obtain information through DT&V and through NGOs such as IOM, which service all asylum seeker reception centres in order to provide easy access to information. Moreover, most reception centres provide computers where people can look up information about the situation and relevant services in countries of origin (Brouwer et al., 2017). In the letter informing people about the result of their application, then, IND informs rejected asylum seekers about the options for return assistance through IOM (Ministerie van Justitie en Veiligheid, 2019). Rejected asylum seekers meet regularly with DT&V, which informs them about the options for voluntary return through NGOs as well as deportation in case people refuse to return voluntarily. Most notably, IOM informs migrants about options for voluntary return by organising events, distributing leaflets, and offering office hours where people can come in to ask questions. Often, events are organised in easily accessible venues or locations such as markets, mosques, and churches that are frequented by migrants (Wörmann, 2016). These events are aimed at both rejected asylum seekers and undocumented migrants who have never filed an asylum application of any kind.

While these measures would appear to promote easy access to information, it is unclear to what extent they simplify the core message itself. One arguably complicating factor is the language of communications. IND letters are written in both Dutch and English (Wörmann, 2016), which presents an additional obstacle for many recipients on top of the possible complexity of the information itself. Many other return communications, issued for instance by DT&V and IOM, are provided in additional languages, however. An especially relevant example of straightforward communication

are the IOM posters and flyers in eight different languages which simply ask 'are you considering return?' and provide a phone number of a counsellor who speaks the respective language so that people can request further information by phone (ibid.). Furthermore, the IOM website on return makes extensive use of visual information. While simplification is a relevant behavioural tool in general, it seems to be even more important in the field of migration policy given that simplification also serves to reduce cognitive load. As mentioned above (Section 3.1.1), migrants are especially likely to experience an accumulation of stressors and therefore simplifying messages could make them significantly more accessible. Further research is necessary to analyse the complexity of return communications.

Defaults can be relevant too to further simplify access to return communications. Whereas rejected asylum seekers are automatically exposed to return information by parties such as DT&V and IOM, undocumented migrants who have never filed an asylum application are not informed about their options for return by default (Wörmann, 2016). Access to this type of information could be facilitated by including the relevant information and contacts in (IND) letters concerning people's legal status. Moreover, while rejected asylum seekers are automatically signed up for meetings with DT&V counsellors, contacts with IOM and their native counsellors (see below) happen on a voluntary basis. Given IOM's successful approach to voluntary return, automatic enrolment in IOM meetings, a buddy system, or similar, could further ease access to return communications.

4.2.2 *Is it attractive?*

While the topic of return might not in and of itself be attractive to the migrants themselves, the different organisations involved do try to make their communications attractive. For instance, IOM tries to increase attractiveness through the use of visual information. In part, this involves visuals on the website, which also make information more accessible. Other uses of visual information include video testimonies as well as photographic materials documenting the life of returnees and possibilities in the country of origin. Moreover, IOM uses different platforms which could be attractive to migrants, such as Facebook pages and migrant radio, which broadcasts interviews with returnees (Wörmann, 2016).

While the use of native languages might be considered a first step, it seems that there is considerable potential for increasing attractiveness through personalisation. Tailored messages and even simple changes such as addressing people by name could increase salience, and thereby attractiveness. In addition, different ways of framing communications could increase attractiveness. For instance, people will arguably respond differently to a meeting on 'future prospects' than to one on 'return' – even if the messages are identical in all other respects. Further research is necessary to study the framing of communication about return to the country of origin and potential improvements. Finally, the attractiveness of the communication could be improved by including emotional appeals. Whereas return after an unsuccessful migration journey is often surrounded by fear, shame, or disappointment (e.g. Klaver et al., 2015), focusing on positive emotions such as pride for the country of origin could increase salience and thereby make return communication more attractive.

4.2.3 *Is it social?*

The social nature of migration is included in return communications in a number of ways. Firstly, as mentioned above, DT&V adopted motivational interviewing, an approach which focuses on building a relationship of trust with the migrant, thereby encouraging him or her to make an informed decision about voluntary return. Throughout the process, migrants have one appointed DT&V counsellor with whom they discuss their situation and options. It is possible that this approach adds a social component to the communication provided by DT&V.

IOM, too, works with counsellors, but adds to the social aspect through the use of so-called 'native counsellors', who come from the same countries of origin as many undocumented migrants. Specifically, a 2014 report (Leerkes et al.) lists IOM counsellors coming from Ukraine, Burundi, Rwanda, Eritrea, China, Iraq, Morocco, and Sudan. These counsellors render themselves visible and approachable by frequenting the same places as undocumented migrants, such as coffee houses, mosques, shops run by migrants, and so on. In this way, they become known to the community and can be approached easily by migrants who are potentially interested in returning (Wörmann, 2016). The rationale behind the use of native counsellors aligns with the messenger effect discussed above: migrants are more likely to trust information that comes from a peer rather than from a governmental organisation or a Dutch person (Leerkes et al., 2014). Indeed, it seems that native counsellors contribute to an increase in voluntary return (ibid.; Wörmann, 2016).

While we may conclude that the delivery of return communications has a social component, it is unclear to what extent this is true of their content. Specifically, there might be potential to increase (openness to) voluntary return by mentioning that a majority of people in the same situation have considered voluntary return – a statement that can, of course, only be made if it is indeed true. Moreover, there might be potential for the use of public commitments: having people tell relevant others that they intend to return (or at least to explore this option) should make them more likely to follow through. Finally, to be successful, the communication should also take into account the inherently social nature of the very decision to migrate. As outlined above, this is often not a personal decision but one made in consultation with family members or others. The decision to return, then, should take this into account and potentially involve relevant others as well.

4.2.4 *Is it timely?*

The extent to which return communications are timely is unclear. Surely, the Dutch government thinks it is important for migrants to understand at the stage of the asylum procedure that not every application is successful and that those migrants who are rejected are expected to return to their country of origin (Ministerie van Justitie en Veiligheid, 2019). To this end, as described above, the relevant parties involved in voluntary return are present at asylum seeker reception centres in order to ensure information is easily accessible. The question is, however, to what extent migrants will be open to information about a potential return if they believe they may still be able to obtain an asylum permit. As Kulu-Glasgow et al. (2021) demonstrate, even intensive daily preparation for a future in the country of origin is unlikely to be successful as long as people still believe they may still be granted a permit. In other words, what may seem timely from the government's perspective may not necessarily be perceived that way by migrants.

In the letter informing people about the result of their application, IND informs rejected asylum seekers about the options to receive assistance through IOM (Ministerie van Justitie en Veiligheid, 2019). While this prompt seems to come at the right moment, it could be made more effective by combining it with automatic enrolment in IOM services or other interventions that simplify the access to relevant information. To what extent communication aimed at other groups (i.e. people who have never applied for asylum) is timely, is unclear. Timeliness could be further improved by encouraging people to make detailed plans or by varying costs and benefits, similar for example to the way the Norwegian IUD does this (see Section 3.2.4).

4.2.5 *Are return communications EAST?*

In short, it seems that return communications meet some of the EAST criteria, with easy access to information, the use of different platforms and visuals, the use of social elements, and prompting at the moment that people are informed about their rejection. There is still potential for a wide range of behavioural interventions at each of the EAST elements. Moreover, these interventions could strengthen one another, for instance by incorporating elements of timeliness in combination with elements of simplification.

4.3 **Quick scan: the orientation year for highly-educated migrants**

As outlined above (Section 4.1), the Dutch government aims to attract and retain highly-skilled migrants. To this end, the Netherlands allows specific groups of highly-skilled migrants to reside in the Netherlands and find a job within a year. Originally consisting of separate regulations aimed at highly-skilled migrants and international students, as of 1 March 2016 (Bulletin of Acts and Decrees 2016/86), an orientation year visa is available to all those who have graduated no more than three years prior at a Dutch or internationally-acclaimed academic institution, or finished scientific research in the Netherlands during that period. Here, we consider whether this 'orientation year' meets the EAST criteria from the perspective of its prospective users.

In 2017, some 2,050 international students applied for an orientation year visa, thereby making up about 70% of the visa applications filed by international students who were enrolled during that year. In the same year, about 500 applications for an orientation year visa were filed by highly-skilled migrants (Lodder, 2019). These figures indicate that the orientation year is an important tool for attracting and retaining highly-skilled migrants. With a 25% increase in applications since its introduction, it seems that the 2016 policy change has contributed to its success (Ministerie van Justitie en Veiligheid, 2018).

4.3.1 *Is it easy?*

As mentioned above, the current orientation year regulation combines two previous policies, targeting different groups, which had to meet different criteria. The existence of two different regulations with different conditions, despite the goal ultimately being the same (i.e. to benefit the Dutch economy by attracting highly-skilled migrants), was considered complex and confusing (Government Gazette 2016/10593). The current policy aimed at simplifying matters by introducing a single procedure for a wider group of highly-skilled migrants. Indeed, it seems the current orientation year programme

can be considered easier than the previous ones. This is true firstly because confusion or doubts about the difference between both policies has been removed by merging them (ibid.), but also because the conditions have been simplified. For instance, the underlying point-based system to qualify for a visa has been replaced by a language proficiency requirement (either Dutch or English). Moreover, all holders of an orientation year visa now have free access to the Dutch labour market, a situation which only applied to orientation year visa for international students in the previous system (ibid.). This makes it easier for migrants to actually find a job, as it is no longer necessary to apply for a work permit first.

Filing an application for an orientation year visa, too, seems to be rather easy. People who do not need to request an entry visa (including those who already reside in the Netherlands and incoming migrants of certain nationalities; see www.ind.nl) can apply for an orientation year visa online. In case of questions, the IND website provides a wide range of ways to get in touch.

While offering a wide variety of ways to contact IND does contribute to the 'easiness' of the orientation year, the IND webpage leaves some room for improvement. The information page about the orientation year visa mostly contains a video demonstration of how to file an application, but otherwise provides only long texts, without visuals or other tools to facilitate information processing.

Moreover, the process could be further simplified by introducing defaults or at least prefilled forms. On its website, IND now urges migrants who already reside in the Netherlands (for instance on a study visa) to apply for an orientation year visa in time so as to avoid a 'residency gap' (IND, n.d.). If the goal is to retain as many international students and researchers as possible, it could also be an option to automatically enrol potential candidates in the orientation year procedure. Based on experiences with automatic enrolment in other fields, this should lead to higher numbers of applications. Another option would be to send an automatic reminder about the option and deadline for applying for the visa when potential candidates' current visa is about to expire. Finally, the application process could be facilitated further by providing prefilled forms.

4.3.2 *Is it attractive?*

The orientation year offers a number of attractive conditions to highly-skilled migrants and students who wish to settle in the Netherlands. All orientation year visa holders have unlimited access to the Dutch labour market (IND, n.d.). While this can of course be considered attractive to migrants themselves, it also makes them more desirable to potential employers, as it is not necessary to go through the process of applying for a work permit for their potential hires (ibid.). Moreover, while most incoming migrants have to demonstrate that they have sufficient funds in order to obtain a residence permit in the Netherlands, migrants who apply for an orientation year visa are exempted from this requirement, as the primary aim of the visa is to enable its holder to find a job (Government Gazette 2016/10593). This does not mean that orientation year visa holders can rely on social benefits, however; they are expected to be able to support themselves but simply do not have to prove that they are able to do so (ibid.). The orientation year offers attractive conditions for a subsequent visa too, as it entails a reduced salary criterion for the highly-skilled migrant permit (IND, n.d.). Again, this can make it more attractive for employers to hire migrants, as well, as there is more flexibility when it comes to the salary they offer to highly-skilled migrants who have previously held an orientation year visa.

Besides in terms of its conditions, the attractiveness of the orientation year visa may relate to the way in which it is promoted to potential candidates. Whereas the IND

website, as mentioned above, mostly contains text and therefore cannot be considered very attractive, the orientation year is advertised through various other channels which contribute to its attractiveness. For instance, Nuffic, an 'organisation for internationalisation in education in the Netherlands' (Nuffic, n.d.), promotes the orientation year for students through videos along with practical information on its 'study in Holland' website and through social media channels such as YouTube and Instagram. Moreover, Nuffic and IND co-organise (online) events where interested students can meet, ask questions, and exchange experiences. These promotional activities are aimed at students; the extent to which the orientation year is promoted among highly-skilled migrants is unclear based on the online search. However, a 2018 evaluation of Dutch migration policy however concludes that familiarity with the orientation year abroad is limited (Ministerie van Justitie en Veiligheid, 2018). This suggests that there are probably not many promotional activities to report. It seems that the attractiveness of the orientation year visa can be increased primarily by targeting highly-skilled migrants abroad, as well. Moreover, several behavioural tools such as framing, emotional appeals, and personalisation could be relevant to further increase attractiveness. Since an elaborate analysis of the nature of promotional efforts goes beyond the scope of the present quick scan, it is possible that these instruments are (to some extent) already in use.

4.3.3 *Is it social?*

Promotional efforts related to the orientation year seem to tap into the social nature of migrant decision-making to some extent. The Nuffic 'study in Holland' programme works with student ambassadors who share several aspects of their study abroad experience in videos on social media (Study in Holland, n.d.). Some of these refer to the orientation year and the associated practical matters. Moreover, the Study in Holland website includes a blog post by an international student and a video to promote the orientation year. As such, these efforts make use of messenger effects. To further capitalise on this, it could be useful to employ (former) students as messengers, including at events in countries of origin. Similarly, highly-skilled migrants could help promote the orientation year visa among potential candidates in their country of origin, for instance at job fairs or through local branches of multinational companies. This would contribute to familiarity with the orientation year among highly-skilled migrants abroad.

4.3.4 *Is it timely?*

The timely nature of the orientation year seems evident, given that it is basically a policy that offers people time (to find work). Time can be a factor in other aspects of the policy as well, however. Firstly, there is an accelerated application procedure for orientation year applicants who apply online, with an estimated 2-week processing time (IND, n.d.). A second way in which time can be of relevance relates to when people first hear about the orientation year. For instance, international students can be informed or reminded about the orientation year shortly before graduating so that any interested students can apply right away. Moreover, any reminders can be combined with interventions that make it easier to apply (see also Section 4.3.1), for instance by combining reminders with automatic enrolment.

4.3.5 *Is the orientation year policy EAST?*

In short, the orientation year policy includes a number of EAST elements, especially when compared to its predecessors. The procedure is relatively fast and easy, the conditions are attractive, and the promotional efforts aimed at international students in particular can be considered attractive and social. At the same time, there is room for improvement with respect to each of the EAST elements, either in isolation (for instance by making information more easily accessible) or in conjunction with each other (for instance by combining automatic enrolment with careful timing).

5 Discussion and conclusion

How can Dutch policymakers manage migration more effectively? Migration policy, like other types of public policy, tends to be rooted in assumptions about rational human behaviour. For instance, information campaigns aimed at discouraging irregular migration often assume that informing (potential) irregular migrants about the risks of migration and the reality of living undocumented should suffice to make them change their minds (Schans & Optekamp, 2016). Behavioural scientists might point out that irregular migrants tend to distrust communications from authorities and rely on information from their peers instead (ibid.). Therefore, from a behavioural point of view, an effective information campaign should make use of social networks to get the message across, as is done in the International Organization for Migration (IOM)'s Migrants as Messengers campaign.

The Dutch Ministry of Justice has expressed the desire to improve the quality of policymaking by applying behavioural insights (*Kamerstukken I 2020-2021/31 731*, no. I). Migration policymakers are confronted with the limits of traditional policy tools while the intended goals of encouraging and discouraging different types of migration are not always achieved. As the above example illustrates, insights into migrants' underlying motivations can help formulate more effective policies. Of course, this is merely one example and it is unclear to what extent the application of behavioural insights could improve policy outcomes in the field of migration policy, as well. This report has explored this possibility by asking:

- 1 How are behavioural insights applied in Dutch public policy and what lessons can we draw from this?
- 2 Does the nature of migrant decision-making lend itself to the application of behavioural insights and is this done already in migration policy abroad?
- 3 Is Dutch migration policy suited to the application of behavioural insights?

In this final chapter, we will discuss the results of the analysis and their implications for behavioural policymaking in the field of migration policy. The analyses presented here are based on the UK Behavioural Insights Team's EAST model (Service et al., 2014), which posits that people can be nudged to display the desired behaviour by making it Easy, Attractive, Social, and Timely. Conversely, discouraging certain behaviour can be done by making sure it is the opposite of EAST – a concept referred to as 'sludge' by Thaler and Sunstein (2021). As the analysis shows, migrant decision-making speaks to each of the EAST elements, and there are indeed international examples of behavioural interventions in migration policy for each element. The main conclusion following from these findings is that there is potential for the application of behavioural insights in Dutch migration policy. However, the analysis also reveals that existing efforts are often not intentionally behavioural, and (therefore) lack a systematic approach including ethical considerations and evaluations. We urge to remedy this in future policy development as well as research.

5.1 Results: the potential for behavioural insights in Dutch migration policy

5.1.1 *How are behavioural insights applied in Dutch public policy and what lessons can we draw from this?*

As the analysis shows, the application of behavioural insights in Dutch policymaking is certainly not new. As illustrated by the overview in Chapter 2, behavioural interventions have been used in a wide range of public policy fields, targeting groups ranging from students and pig farmers to soldiers and commuters, to name a few. Given this broad range of applications and target audiences, there does not seem to be a logical reason why migration policy would not lend itself to the application of behavioural insights, too.

The retrieved examples are mostly found to be effective, although that does not mean that every person targeted by the intervention displays the desired behaviour. Of course, it would be unrealistic to expect a 100% success rate from any policy intervention, whether behavioural or traditional. It seems that those who are not (yet) entirely sure about the right course of action should be particularly receptive to behavioural interventions. This has some relevant implications for the potential application of behavioural insights in migration policy. For some people, traditional (restrictive) policy tools might still yield the best results, whereas others might be convinced to display the desired behaviour through behavioural interventions. Relatedly, we may conclude that a thorough understanding of the target audience and their underlying motivations is essential to a successful application of behavioural insights in policy.

Something the retrieved examples have in common, despite the considerable variation in terms of scope and target audience, is that they target very specific behaviours with measurable outcomes. Rather than trying to tackle abstract issues (i.e. social inequality), these interventions focus on specific behaviours (i.e. encouraging the uptake of preschool among low-income parents). For the purposes of behavioural migration policy, it seems wise to adopt a similar approach: rather than targeting abstract themes such as irregular migration or return migration, policymakers should select specific behaviours to target through behavioural interventions.

While most of the retrieved examples from Dutch public policy are applied at the policy implementation level, there seems to be unfulfilled potential for behavioural interventions at the policy design level. Policymakers should ideally adopt a holistic approach to behavioural policy and consider the application of behavioural insights at all stages of the policymaking process.

5.1.2 *Does the nature of migrant decision-making lend itself to the application of behavioural insights and is this done already in migration policy abroad?*

The nature of migrant decision-making is a second reason to conclude that there is potential for the application of behavioural insights in Dutch migration policy. As outlined in Chapter 3, migrant decision-making is highly social, while factors concerning ease or simplicity, attractiveness, and timing also play a role in decisions related to migration. This is true for both regular and irregular migrants. Indeed, the same chapter provides an overview of applications of behavioural insights in migration policy from across the world. Again, the fields of application are various, including return policy, human trafficking, and integration, just to name a few. This international experience with the application of behavioural insights in migration policy is a third reason to conclude that there is potential for behavioural interventions in Dutch migration policy.

The overview of behavioural migration policy worldwide also reveals, however, that behavioural insights are often applied unintentionally. This may be problematic for scientific as well as ethical reasons (a point to which we return below). Moreover, it complicates drawing conclusions about the effectiveness of these behavioural migration policies, as it seems unlikely that unintentionally behavioural policies have been evaluated systematically (at least from a behavioural point of view). To better understand exactly which international examples could be relevant for Dutch migration policy, more thorough evaluations are necessary.

5.1.3 *Is Dutch migration policy suited to the application of behavioural insights?*

At the time of writing this report, Dutch migration policy was based on the 'integrated migration agenda', which was formulated according to six general policy goals. As discussed in Chapter 4, migration policymakers face a number of challenges which are hard to solve using traditional policy tools, and could therefore benefit from a more behavioural approach. 'Quick scans' of two specific policies show that there are already some elements in Dutch migration policy which adhere to the EAST model. However, the analysis also reveals that there is still potential to further develop a more integrated behavioural approach.

In short, based on the analysis presented here, there certainly seems to be potential for applications of behavioural insights in Dutch migration policy. Further research is necessary to identify specific issues that would benefit from behavioural interventions and to test these.

5.2 **Applying behavioural insights in migration policy**

A careful approach to applying behavioural insights in policy ideally follows a number of steps (Service et al., 2014). Firstly, the desired outcome (behaviour) should be clearly defined, preferably in a measurable way. This implies that the first step to applying behavioural interventions in public policy lies in the formulation of policy goals. In the case of Dutch migration policy, it seems that these goals could sometimes be made more explicit to facilitate the application of behavioural interventions.

Secondly, there should be a thorough understanding of the problem context (ibid.). This includes the actual context in which decision-making takes place (which, as the choice architecture literature shows, has far-reaching effects on behaviour; Thaler & Sunstein, 2008) and people's underlying motivations. Basing interventions on false assumptions is bound to lead to disappointing results. Service et al. (2014) further recommend considering the impact any intervention might have on service providers. As far as Dutch migration policy is concerned, this implies that the discussion of migrant decision-making included in Chapter 3 is merely an initial step in the process of applying behavioural interventions targeting migrants. In order to design successful interventions, thorough analyses of specific situations including underlying motivations and contextual factors are necessary.

Thirdly, based on a good understanding of the desired outcome and the obstacles preventing this behaviour, an intervention can be designed using a set of behavioural principles such as the EAST model (Service et al.). Finally, the intervention should be evaluated and possibly adapted (and retested) before being applied on a large scale.

While the study revealed a number of examples of behavioural interventions in migration policy, it is unclear to what extent these were developed following the above step-by-step approach. Several respondents to the EMN query mention that the provided policy examples may speak to behavioural insights, but that they lack an underlying behavioural strategy. On the one hand, this can be interpreted as a positive result: the application of behavioural insights apparently comes naturally, and thus should not constitute a radical change to policymaking if implemented on a larger scale. On the other hand, the absence of intention implies that behavioural insights have not been applied systematically. Behavioural policy is ideally implemented according to a careful procedure such as the one described above, with due regard of the related ethical considerations. The fact that the application of behavioural insights often seems to happen unintentionally begs the question of whether these policies meet these (scientific) quality standards.

The unintentional application of behavioural insights further implies that existing behavioural interventions in migration policy have not been evaluated systematically. For this reason, it is hard to draw any conclusions about the expected impact such interventions might have if applied in Dutch migration policy. Either way, policymakers should be realistic about the expected magnitude of effects. Behavioural insights are not a silver bullet that will magically solve all issues in migration policy. Rather, they are a valuable tool that can complement traditional policy tools, streamlining their implementation and amplifying their effects (*Kamerstukken I 2016/17*, 33 506, no. 1; see also Benton et al., 2018; John, 2018; Benartzi et al., 2017). Since behavioural insights tend to be relatively cheap to implement, even modest effects should be welcomed. In other words, behavioural insights are unlikely to solve all the prevailing issues in migration policy but can be a worthwhile addition to the policy toolkit, nonetheless.

Besides applying behavioural insights more carefully, policymakers could consider different operational areas for behavioural intervention. While the focus of the reported examples of behavioural insights in migration policy is on migrants, there are other aspects of policy which lend themselves to behavioural interventions. As the OECD (2019b) points out, organisations ultimately consist of individuals, and their behaviour can have significant effects on policy-relevant outcomes. This means that it is important to consider the organisational level as well for the application of behavioural insights. With regard to Dutch migration policy, streamlining processes in organisations in the migration domain, such as the Central Agency for the Reception of Asylum Seekers (COA), the Repatriation and Departure Service (DT&V), and the Immigration and Naturalisation Service (IND), but also organisations involved in border control, might be considered. Specific issues might include the way migration professionals interact with migrants (i.e. incorporating behavioural techniques in conversation skills), but also more formal and operational processes such as surveillance methods or the coordination between people or organisations might benefit from the application of behavioural insights. As with behavioural interventions targeting migrants, it is essential to first gain a thorough understanding of the issues at hand and people's underlying motivations for behaving in a certain way.

5.2.1 *Ethics*

Behavioural interventions in public policy should meet certain ethical standards. While this is true for any public policy, be it behavioural or traditional (Sunstein, 2015), policymakers should be especially aware of ethical considerations when applying

behavioural insights. Commonly-voiced criticisms about behavioural policy concern potential manipulation and limitation of people's autonomy (De Ridder et al., 2020). While these concerns are typically dismissed by pointing out that behavioural insights could actually improve outcomes for decision-makers (e.g. *ibid.*; Sunstein, 2015), and that nudging merely steers people in a certain direction rather than limiting options (Sunstein, 2015; see also *Kamerstukken I 2016/17*, 33 506, no. I), the extent to which this applies to migration policy can be considered a topic of debate. Much will depend on the specific intervention and its target audience: highly-skilled workers might agree that policymakers have their best interests at heart, and will help them achieve the best outcomes, while rejected migrants might see that differently. Similarly, even if nudges do not limit options in theory and people are free to choose what they prefer, the question is to what extent this applies in practice, especially considering a group that may struggle with issues such as a foreign language, traumas, worries about family abroad, and/or a generally vulnerable position with respect to the government. With respect to the more general behavioural approach to policymaking, one could also question the ethics of 'experimenting' on vulnerable groups such as migrants. While this may sound like a warning against applying behavioural insights in migration policy, the truth is that behavioural interventions are not unique in this respect: as mentioned above, every policy instrument, whether behavioural or traditional, should be able to pass an ethics check (Sunstein, 2015). Similarly, vulnerable groups are always vulnerable and they deserve special consideration in policymaking more generally (*Kamerstukken I 2016/17*, 33 506, no. I).

While some might say that it is naïve to assume that nudging can be avoided altogether as the choice architecture inevitably affects behaviour (Thaler & Sunstein, 2008), this does not imply that conscious attempts to do so should not undergo ethics evaluations (OECD, 2019a). This seems especially relevant when it comes to intentional sludge. For instance, is it really ethical to have people travel to the outskirts of the country for them to file a repeat asylum application or is this an example of intentional sludge introduced by the government to try and evade their legal obligation to grant international protection to those who qualify? Governments are bound by international agreements and legislation and behavioural insights ought not serve as an instrument to circumvent these legal obligations. Moreover, while it may be justifiable (from a legal perspective) for a country to subject its own citizens to behavioural interventions, can the same be said of interventions aimed at third country nationals (i.e. migrants) or in foreign territories (e.g. information campaigns)? Some of these issues can be avoided by taking into account the 'publicity principle' (Thaler & Sunstein, 2021): authorities should be (willing to be) transparent about their policies out of respect to the people who will be affected by them as well as for the simple reason that exposure of unethical policies would lead to public embarrassment. Importantly, research shows that being transparent about the fact that people are being exposed to nudges should not undermine their efficiency (De Ridder et al., 2020; John, 2018). Again, this principle does not apply uniquely to behavioural insights but should guide public policy more generally.

Even when the design of an intervention itself meets the ethical standards, policymakers should also take the context and people involved in the implementation of the intervention into account. For instance, while the IOM Migrants as Messengers campaign might exemplify a behaviourally sound information campaign, the Finnish Contact Point of the European Migration Network (EMN) remarks in their reply to the EMN ad hoc query that many returnees regret having taken part in the campaign.

Policymakers should ensure that all contributing parties do so on a voluntary basis, and provide easy exit options for those who wish to withdraw their participation. Of course, the importance of taking into account all parties and contextual factors applies to behavioural interventions other than information campaigns, as well.

Policymakers, whether or not they are considering applying behavioural insights, would be well advised to consider the ethical implications of their interventions at every step of the process – from the behaviour that is targeted to the way it affects specific groups, and even the way people’s personal information is treated – and be prepared to be transparent about the choices they make at each of these points in time (OECD, 2019a). In short, while the concerns with regard to the application of behavioural insights in public policy are certainly valid, these are not unique to behavioural policy and they do not seem to disqualify the use of behavioural policy tools on ethical grounds.

5.3 What’s next for behavioural insights and migration policy?

Considering migration with the concepts of EAST and sludge in mind can help articulate behaviourally coherent policy goals. For instance, if we observe that irregular migration persists despite increasingly restrictive policy measures, we may conclude that there are insufficient legal options to migrate, or at least that migrants perceive irregular migration as the easier option. If the reality is that it is easier for migrants to cross deserts and seas to get to Europe than to obtain a visa, the solution might lie in facilitating legal migration options rather than imposing further restrictions in order to discourage irregular migration. This simple example leads to two (very different) conclusions. Firstly, the behavioural perspective shows that different forms of migration are inevitably related – a point in favour of the Dutch ‘integrated’ migration policy agenda, which indeed conceives of migration as a complex system of interrelated behaviours. Secondly, behavioural interventions warrant careful analyses of the behaviour exhibited and people’s underlying motivations.

A third observation that can be made following the example above is that there is a political dimension to the question of applying behavioural insights in migration policy, as well. Even if irregular migration could be reduced by extending the opportunities for legal migration, it is ultimately a political decision to decide which options the Netherlands wants to offer to aspiring immigrants. In general, expanding avenues for immigration tends to be a politically unpopular decision. This implies that, to some extent, the discussion of whether and when to apply behavioural insights in migration policy should be held at the political level.

Political opinions can of course be backed by evidence. For this reason, proper evaluations of behavioural interventions in (migration) policy are indispensable. This means that, where possible, existing behavioural interventions should be evaluated systematically. Given the various examples of unintentional behavioural interventions, careful analysis of existing programs could yield important information that would contribute to our understanding of behavioural migration policy. Moreover, future efforts to apply behavioural insights should follow the systematic approach outlined above, including evaluations (using randomised control trials or other scientific methods). This should provide further insight into the expected impact of different interventions. While questions like expanding avenues for legal migration might be ill-

suited to experimentation, behavioural insights can be of relevance to many other (minor) aspects of migration policy, as discussed throughout the report.

A more thorough understanding of the underlying motivations for migrant decision-making will further contribute to evidence-based policy. This requires clearly defined policy goals (to specify the behaviour of interest) as well as behavioural analyses of the target audience. A better understanding of the drivers of migrants' behaviour might allow us to consider issues in migration policy in more general terms, and borrow insights from other policy fields to their benefit. For instance, the question of how to attract highly-skilled workers is ultimately a recruitment issue – a topic that has been researched by various behavioural scientists (e.g. Nicks et al., 2021). Similarly, there are several examples of behavioural studies and programmes targeting problematic or criminal behaviour (e.g. Nolen & Van Harreveld, 2017), and policy aimed at reducing nuisance caused (mostly) by rejected asylum seekers could benefit from the insights derived from these. In short, drawing parallels between migration-related questions and issues in other policy fields could help us understand how to apply behavioural insights in migration policy. This requires behavioural analyses of migrant decision-making, which can confirm whether any apparent parallels between issues in different policy fields do in fact hold true. This again points to the need for a systematic application of behavioural insights. All too often, it seems that behavioural insights are applied unintentionally. While this suggests that behavioural policymaking is very much intuitive (and would therefore not require a paradigm change), it is crucial for behavioural interventions to be designed and evaluated carefully. Future efforts in policymaking and research alike should take this into account.

Samenvatting

Migrating EAST

Mogelijke toepassingen van gedragsinzichten in het Nederlandse migratiebeleid

Hoe kunnen Nederlandse beleidsmakers migratie beter managen? Het Nederlandse migratiebeleid kent verschillende issues die moeilijk aan te pakken zijn door de inzet van traditionele beleidsinstrumenten. Binnen het Ministerie van Justitie speelt een groeiende interesse in beleidsinterventies gestoeld op gedragsinzichten. Tegen deze achtergrond richt dit onderzoek zich op de vraag of gedragsinzichten ook relevant kunnen zijn op het terrein van migratiebeleid.

Het onderzoek stelde de volgende drie onderzoeksvragen centraal:

- 1 Hoe worden gedragsinzichten toegepast in Nederlands beleid en wat kunnen we hiervan leren?
- 2 Leent de aard van besluitvorming onder migranten zich voor het toepassen van gedragsinzichten en wordt dit al gedaan in migratiebeleid in het buitenland?
- 3 Leent de Nederlandse migratiebeleidscontext zich voor het toepassen van gedragsinzichten?

Deze vragen werden beantwoord met behulp van een combinatie van literatuuronderzoek, beleidsdocumenten, een originele survey onder Europese migratiediensten en een expert interview. De analyse gaat uit van het EAST model (Service et al., 2014) van het Britse Behavioural Insights Team, dat stelt dat gewenst gedrag kan worden bevorderd door het gemakkelijk (Easy), aantrekkelijk (Attractive), sociaal (Social) en actueel (Timely) te maken.

Resultaten

Het onderzoek biedt een overzicht van gedragsinterventies in Nederlands beleid vanuit het oogpunt van het EAST model. Dit overzicht laat zien dat gedragsinzichten zijn toegepast op een breed scala aan doelgroepen. Er lijkt geen logische reden te zijn waarom migranten hier niet een van zouden kunnen zijn. Een terugkerend patroon onder de beschreven interventies is dat deze zich richten op zeer specifiek gedrag (bijv. het stimuleren van voorschoolse educatie onder ouders met een laag inkomen) in plaats van grote, abstracte thema's (bijv. sociale ongelijkheid). Voor migratiebeleid impliceert dit dat ook hier specifieke issues zich waarschijnlijk het best lenen voor het toepassen van gedragsinzichten (bijv. 'het verkrijgen van geldige documenten' in plaats van 'terugkeer van afgewezen migranten').

Kijken we naar besluitvormingsprocessen onder migranten vanuit het oogpunt van het EAST model, dan zien we dat er veel aanknopingspunten zijn voor het toepassen van gedragsinzichten. Besluitvorming onder migranten wordt beïnvloed door het gemak en de aantrekkelijkheid van de verschillende opties, is in hoge mate gebaseerd op sociale factoren en is tijdssensitief in verschillende aspecten. Dit suggereert dat het veld van migratie zich goed kan lenen voor het toepassen van gedragsinzichten. De analyse wijst uit dat dit inderdaad al gebeurt in het migratiebeleid van verschillende landen.

Dit is een aanvullende aanwijzing dat gedragsinzichten kunnen worden toegepast in het Nederlandse migratiebeleid. Overigens blijkt dat gedragsinzichten in het buitenland regelmatig niet bewust worden toegepast.

Tot slot biedt ook de Nederlandse beleidscontext op het terrein van migratiebeleid ruimte voor het toepassen van gedragsinzichten. Het Nederlandse migratiebeleid kent een aantal issues waarbij de juridische grenzen om aanvullende (restrictieve) maatregelen te introduceren, zijn bereikt. Dit biedt perspectief voor het toepassen van gedragsinzichten. Een 'quick scan' van een aantal specifieke cases wijst uit dat het Nederlandse migratiebeleid tot op zekere hoogte al elementen kent die aansluiten bij inzichten uit de gedragswetenschappen. Er is echter nog ruimte voor het verder ontwikkelen van migratiebeleid gestoeld op gedragsinzichten.

Het belang van een systematische aanpak

De bevinding dat gedragsinzichten regelmatig onbewust worden toegepast in (buitenlands) migratiebeleid suggereert dat dit intuïtief gebeurt, en dat er dus geen grote cultuuromslag nodig zou zijn om gedragsinzichten op grotere schaal toe te passen in het Nederlandse migratiebeleid. Hoewel dit een positieve interpretatie is van dit resultaat, doet het ook de vraag rijzen in hoeverre deze gedragsinterventies zijn ontwikkeld volgens een zorgvuldige (wetenschappelijke) aanpak. Idealiter worden gedragsinterventies ontwikkeld aan de hand van een systematische aanpak, waarbij ook ethische aspecten in ogenschouw worden genomen. Met name wanneer het een doelgroep betreft met een kwetsbare positie ten opzichte van de overheid, zoals migranten, vormen ethische overwegingen geen overbodige luxe. Bovendien volgt beleid gestoeld op gedragsinzichten in de regel uit (series van) experimenten. Of het al dan niet ethisch wenselijk is om te experimenteren met migratiebeleid zal afhangen van het specifieke design en het uiteindelijke doel van een interventie. Een bijkomend voordeel van een systematische aanpak van gedragsinterventies is dat het mogelijk is om zowel de uitkomsten als het proces zelf te evalueren. Om meer grip te kunnen krijgen op het potentieel van gedragsinzichten voor migratiebeleid is het essentieel om te begrijpen welke interventies wel en niet effectief zijn en waarom. Een systematische aanpak van gedragsinterventies is dus belangrijk voor zowel ethische als praktische redenen.

Conclusie

Samenvattend wijzen inzichten in zowel bestaand beleid gestoeld op gedragsinzichten als besluitvormingsprocessen onder migranten en de Nederlandse beleidscontext erop dat er potentieel is voor het toepassen van gedragsinzichten in het Nederlandse migratiebeleid. Hierbij dienen wel ethische overwegingen meegewogen te worden, zowel met betrekking tot gedragsinterventies in het algemeen als specifiek met betrekking tot migranten. Om deze reden zijn een systematische aanpak en evaluaties van bestaande gedragsinterventies in migratiebeleid essentieel. Toekomstig onderzoek dient zich hierop te richten.

Tot slot dient opgemerkt te worden dat gedragsinzichten complementair zijn met traditionele beleidsinstrumenten. Gedragsinzichten kunnen een relevante toevoeging aan het beleidsinstrumentarium zijn, maar alleen in samenspraak met (en niet ten koste van) traditionelere beleidsinstrumenten.

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Appendix 1 Advisory committee

Chair

Wilco van Dijk

Leiden University

Members

Katie Kuschminder

Maastricht University / UNU-Merit / University of Amsterdam

Michiel Swinkels

Direction Migration Policy, Ministry of Justice and Security

Karin Zwaan

Radboud University Nijmegen

Appendix 2 Results of the search of Dutch public policy

Theme	Organisation	Source
1 Student loans	DUO	https://www.binnl.nl/kennisbank/projectenbank/1820837.aspx
2 Employment	Ministry of Social Affairs	https://www.binnl.nl/kennisbank/projectenbank/1783328.aspx
3 Social affairs	Ministry of Social Affairs	https://www.binnl.nl/kennisbank/projectenbank/1770306.aspx
4 Agriculture	Ministry of Economic Affairs	https://www.binnl.nl/kennisbank/projectenbank/1770229.aspx
5 Financial market	Netherlands Authority for the Financial Markets	https://www.binnl.nl/kennisbank/projectenbank/1765480.aspx
6 Employment	Employee Insurance Agency	https://www.binnl.nl/kennisbank/projectenbank/1762529.aspx?t=Meer-deelnemers-aan-webinars-UWV
7 Employment	CAK	<i>Kamerstukken II</i> 2019/20, 24 515, no. 496
8 Student loans	DUO	BIN NL (2017)
9 Student loans	DUO	BIN NL (2017)
10 Infrastructure	Ministry of Infrastructure	Sousa Lourenço et al. (2016)
11 Public health	Ministry of Justice	<i>Kamerstukken II</i> 2020/21, 25 295, no. 771
12 Military	Ministry of Defence	https://www.binnl.nl/kennisbank/projectenbank/1765999.aspx
13 Public health	Ministry of Health	https://www.rijksoverheid.nl/onderwerpen/orgaandonatie-en-weefsel-donatie/actieve-donorregistratie
14 Personal finance	DUO	https://www.binnl.nl/kennisbank/projectenbank/1772708.aspx
15 Sustainability	Ministry of Infrastructure	https://www.binnl.nl/kennisbank/projectenbank/1782718.aspx
16 Sustainability	Ministry of Economic Affairs	https://www.binnl.nl/kennisbank/projectenbank/1772386.aspx
17 Student loans	DUO	https://www.binnl.nl/kennisbank/projectenbank/1769852.aspx
18 Finance	Netherlands Authority for the Financial Markets	https://www.binnl.nl/kennisbank/projectenbank/1766035.aspx
19 Public Safety	Local authority	https://www.binnl.nl/kennisbank/projectenbank/1765316.aspx
20 Sustainability	Food and Consumer Product Safety Authority	https://www.binnl.nl/kennisbank/projectenbank/1764491.aspx

Theme	Organisation	Source
21 Transportation	Ministry of Infrastructure	https://www.binnl.nl/kennisbank/projectenbank/1939214.aspx
22 Transportation	Ministry of Economic Affairs	https://www.binnl.nl/kennisbank/projectenbank/1816979.aspx
23 Employment	Employee Insurance Agency	https://www.binnl.nl/kennisbank/projectenbank/1805262.aspx
24 Sustainability	Ministry of Economic Affairs	https://www.binnl.nl/kennisbank/projectenbank/1778518.aspx
25 Military	Ministry of Defence	https://www.binnl.nl/kennisbank/projectenbank/1765408.aspx
26 Education	Ministry of Education	https://www.binnl.nl/kennisbank/projectenbank/1805231.aspx
27 Public Safety	Ministry of Health	BIN NL (2017)
28 Employment	Employee Insurance Agency	https://www.binnl.nl/kennisbank/projectenbank/1767380.aspx
29 Public finance	Netherlands Enterprise Agency	https://www.binnl.nl/kennisbank/projectenbank/1758473.aspx
30 Employment	Ministry of Social Affairs	https://www.binnl.nl/kennisbank/projectenbank/1765943.aspx
31 Taxes	Tax and Customs Administration of the Netherlands	https://www.binnl.nl/kennisbank/projectenbank/1761967.aspx
32 Debt prevention	DUO	<i>Kamerstukken II 2019/20, 23 645, no. 721</i>
33 Education	Ministry of Education	<i>Kamerstukken II 2019/20, 27 020, no. 108</i>
34 Agriculture	Ministry of Agriculture	<i>Kamerstukken II 2019/20, 29 683, no. 252</i>
35 Children's rights	Ministry of Health	<i>Kamerstukken II 2020/21, 26 150, no. 189</i>
36 Public health	Ministry of Health	<i>Kamerstukken II 2020/21, 25 295, nos. 874, 950</i>
37 Agriculture	Ministry of Economic Affairs	https://www.binnl.nl/kennisbank/projectenbank/1976023.aspx
38 Agriculture	Ministry of Economic Affairs	https://www.binnl.nl/kennisbank/projectenbank/1975971.aspx
39 Agriculture	Ministry of Economic Affairs	https://www.binnl.nl/kennisbank/projectenbank/1769013.aspx
40 Student loans	DUO	https://www.binnl.nl/kennisbank/projectenbank/1766900.aspx
41 Debt collection	Employee Insurance Agency	https://www.binnl.nl/kennisbank/projectenbank/1763959.aspx
42 Sustainability	Ministry of Infrastructure	BIN NL (2019)
43 Public Safety	Ministry of Infrastructure	BIN NL (2019)
44 Sustainability	Ministry of Infrastructure	BIN NL (2019)
45 Sustainability	Food and Consumer Product Safety Authority	BIN NL (2019)

Theme	Organisation	Source
46 Public health	Food and Consumer Product Safety Authority	BIN NL (2019)
47 Consumer protection	Authority for Consumers and Markets	BIN NL (2019)
48 Consumer protection	Authority for Consumers and Markets	BIN NL (2017)
49 Taxes	Tax and Customs Administration of the Netherlands	BIN NL (2017)
50 Taxes	Tax and Customs Administration of the Netherlands	BIN NL (2017)
51 Taxes	Tax and Customs Administration of the Netherlands	BIN NL (2017)
52 Public health	Ministry of Health	BIN NL (2017)
53 Trust in government	Ministry of the Interior and Kingdom Relations	Sousa Lourenço et al. (2016)
54 Taxes	Tax and Customs Administration of the Netherlands	Sousa Lourenço et al. (2016)
55 Consumer protection	Netherlands Authority for the Financial Markets	Sousa Lourenço et al. (2016)

Appendix 3 Public policy sources and keywords

Country	Website used	Keywords used
Australia	legislation.gov.au	nudge, nudges, nudging, encourage, discourage, push, behavioral science
Austria	https://www.parlament.gv.at	nudge + Einwanderung; nudge + Zuwanderung; nudging + Zuwanderung; nudge + Ausländer; nudging + Ausländer; Entscheidungsarchitektur; Entscheidungskontext; Verhaltensökonomie
Belgium	https://www.vlaamsparlement.be/parlementaire-documenten	nudge, nudges, nudging, overtuig
Canada	openparliament.ca	nudge, nudges, nudging, encourage, discourage, push, behavioral science
France	Legifrance.gouv.fr	nudge; nudging; pouce; (économie) comportementale; encourager; décourager; architecture; choix
Germany	https://www.bundestag.de/dokumente https://dipbt.bundestag.de/dip21.web/bt	nudge; nudging; Entscheidungsarchitektur; Entscheidungskontext; Verhaltensökonomie
Ireland	irishstatutebook.ie	nudge, nudges, nudging, encourage, discourage, push, behavioral science
Italy	normattiva.it	nudge; nudges; nudging; spinta; spinta + immigrazione; psicologia + immigrazione; immigrazione + architettura (+ scelte); immigrazione + incoraggiare; immigrazione + scoraggiare; immigrazione + behavioral; immigrazione + influenzare; scelta + immigrazione; scelta + immigrato; scelta + immigrati; architettura + immigrati
New Zealand	legislation.govt.nz	nudge, nudges, nudging, encourage, discourage, push, behavioral science
Singapore	parliament.gov.sg	nudge, nudges, nudging, encourage, discourage, push, behavioral science
South Africa	pmg.org.za gov.za	nudge, nudges, nudging, encourage, discourage, push, behavioral science
United Kingdom	nationalarchives.gov.uk	nudging / nudge/ nudges + immigration / migration / migrant / asylum / citizenship, choice architecture + migration
United Kingdom	gov.uk legislation.gov.uk	behavioural insights team, BIT, nudge, nudges, nudging, migrant, migration, immigration, asylum

Country	Website used	Keywords used
United States	congress.gov	nudg*, nudge, nudges, nudging, encourage, discourage, push, behavioral science (search under immigration policy)
United States	gsa.gov	migrant, migration, immigration, asylum, citizenship

Appendix 4 EMN ad hoc query

Background information

Migration policy, like most public policy, is typically based on traditional policy tools such as incentives and punishments. In some cases, policy goals are met only partially, while legal options to impose further measures are exhausted. For instance, motivating rejected asylum seekers in the Netherlands to return to their country of origin is a continuing issue, while options to develop stricter policy using traditional policy tools are limited. For this reason, the migration department of the Dutch Ministry of Justice is interested in potential applications of innovative policy instruments, such as insights from the behavioural sciences. The Netherlands would like to learn how other MS make use of such insights in migration policy.

The behavioural sciences offer a number of potentially relevant tools to nudge migrants into certain behaviour, among which social norms, messengers, framing, and defaults. These are already applied in many public policy areas, and we discuss a (hypothetical) example for the case of migration policy below:

- Social norms: people tend to follow others' behaviour, and informing them about how many others already perform the desired behaviour can lead to increased compliance. In return policy, this could potentially be used by informing rejected asylum seekers that a majority of their peers have returned voluntarily or that the majority has actively considered voluntary return (if this is indeed the case).
- Framing: in communicating with an audience, reactions are determined to a large extent by what aspect of the message is emphasized. In return policy, this could potentially be used by speaking of 'future orientation' rather than 'return counselling' in communications with rejected migrants.
- Messengers: the source of a message is crucial to the importance and trustworthiness that people attach to the information. This insight is used in the 'Migrants as Messengers' campaign, an information campaign by the International Organization for Migration (IOM) aimed at discouraging irregular migration by sharing actual migrants' experiences.
- Defaults: people tend to be prone to decision-making inertia, making defaults and automatic enrolment a powerful policy tool. In return policy, this could potentially be used by automatically enrolling people for programs or trainings focused on transferrable skills or automatically pairing them with a returnee in the origin country in a remote buddy system.

In order to better understand the potential and see the viability of these innovative policy tools for migration issues, this ad hoc query asks whether other member states have applied them in return policy. It would be useful to know about broad applications (such as encouraging voluntary return) as well as specific examples, such as motivating migrants to take part in a program or training. Moreover, we are interested in applications in other fields of migration policy as well.

The scope comprises policy designs (or aspects thereof) that aim to motivate certain behaviour without using force, i.e. without using economic incentives (monetary rewards or fines) or direct consequences (whether positive (e.g. access to services) or negative (e.g. restraining orders)). Please note that the examples provided above

merely serve illustrative purposes, and we are interested in any application of the described tools (as well as others) in migration policy in your MS.

Questions

- 1 Has your country applied social norms in return policy? Yes / No If yes, please elaborate on the way this tool is applied.
- 2 Has your country applied framing in return policy? Yes / No If yes, please elaborate on the way this tool is applied.
- 3 Has your country applied messenger effects in return policy? Yes / No If yes, please elaborate on the way this tool is applied.
- 4 Has your country applied defaults or automatic enrolment in return policy? Yes / No If yes, please elaborate on the way this tool is applied.
- 5 Has your country applied policy instruments based on other behavioural insights in return policy? Yes / No If yes, please elaborate on the way this tool is applied.
- 6 Do you have examples of the application of behavioural insights mentioned in Q1-5 in other areas of migration policy? Y/N If yes, please elaborate how they were applied. (Please note it is not necessary to provide an exhaustive list of policy instruments, but rather to gather some examples).

The WODC (Research and Documentation Centre) is the knowledge centre in the field of the Dutch Ministry of Justice and Security. The WODC carries out independent scientific research for policy and implementation purposes; by itself or the WODC commissions the research.

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