

Policy adoption is the stage when relevant institutions of government process the new policy to enable it to take effect. The necessary authorization for adoption can be secured through various mechanisms, and will depend on the migration policy.



1

ESTABLISH THE POLICY AUTHORITY

- Who has final responsibility for approving the policy?
- What kind of authorization is needed?
- Which stakeholders (internal and external) need to provide authorization for the policy to proceed, including the release of funds and other financial authority?

PROCESSES FOR POLICY ADOPTION

Processes for policy adoption are very context specific. Subject to the nature of the policy, the process of adoption can include:

- Passage of legislation, regulations, instructions, guidelines or other regulatory instruments.
- Approval by the executive arm of government including for the release of funds.
- Other necessary financial authorization.
- Approval at the level of the bureaucracy.
- Signing and/or ratifying international agreements.
- Establishment of arrangements to govern implementation.
- Appointments such as to decision-making or advisory bodies.



The process of adoption often pushes the policy into the political and public domain, particularly if new laws, spending approval or institutional arrangements are required and contested. Therefore:

- Clearly articulate policy rationale and how the programme is expected to work to inform the debate.
- Prepare briefing or explanatory documentation to inform stakeholders and raise and address potential concerns.

2

MAKE THE REQUIRED LEGAL, REGULATORY AND ADMINISTRATIVE CHANGES

- Are there global, regional or bilateral agreements that will inform policy adoption? Is there a need for legislative changes to implement policy? What laws are needed to secure policy adoption? What other regulatory instruments are needed?
- Are there other policies that would need to be adjusted to adopt this policy?
- What is the process to obtain approval for, and implement such changes?
- Who will draft the administrative instructions and guidelines?

LEGAL AND REGULATORY FRAMEWORK

A sound legal and regulatory framework is an indicator of effective migration governance, and can:

- Provide predictable processes and decision-making;
- Prevent risks for arbitrariness in how migrants' cases are dealt with;
- Set legitimate public expectations;
- Create accountability in the process;
- Create accountabilities regarding migrants' rights and obligations;
- Sets expectations on what happens if migrants' rights are violated as a result of the policy or when the policy itself is violated.

3

DETERMINE ACCOUNTABILITY FOR POLICY DELIVERY

- What accountabilities are needed to implement the policy?
- Does accountability rest in a single institution or is it split among various institutions and actors?
- Who is accountable to whom and for what in delivering the policy?
- What is the process for ensuring the accountabilities are in place?

See example of establishing accountabilities in the EMM2.0 Handbook.