

The Effectiveness of Immigration Policies

MATHIAS CZAIKA

HEIN DE HAAS

THE EFFECTIVENESS of immigration policies has been widely contested. Over the past decades, many scholars have argued that efforts by states to regulate and restrict immigration have often failed (e.g., Bhagwati 2003; Castles 2004a; Cornelius et al. 2004; Düvell 2005). The argument is that international migration is mainly driven by structural factors such as labor market imbalances, inequalities in wealth, and political conflicts in origin countries, factors on which migration policies have little or no influence. Rather than affecting overall volumes of inflows, immigration restrictions would primarily change the ways in which people migrate, such as through an increased use of family migration or irregular means of entry.

Furthermore, the argument continues, once migration reaches a critical threshold level, migration networks, employers, and the "migration industry" (recruiters, lawyers, smugglers, and other intermediaries) facilitate the continuing movement of people (Castles and Miller 2009; Krissman 2005; Massey 1990). Such internal dynamics explain why migration can become self-perpetuating (de Haas 2010; Massey 1990). Finally, states have limited legal and practical means to control immigration because they are bound to human rights such as the right of family unification and the protection of asylum-seekers, children, and other vulnerable groups. In this context, Hollifield argued that liberal democracies in particular face embedded constraints in the form of constitutional norms and principles that "constrain the power and autonomy of states both in their treatment of individual migrants and in their relation to other states" (Hollifield 1992: 577).

These factors in combination would explain why immigration policies have only a limited effect on the long-term volume and trends of migration. According to Bhagwati, "the ability to control migration has shrunk as the desire to do so has increased. The reality is that borders are beyond control and

little can be done to really cut down on immigration" (2003: 99). To many, the fact that immigration to North American, European, and other wealthy countries has risen substantially over the past decades, notwithstanding efforts by states to curtail it, seems to corroborate the idea that immigration policies have been ineffective.

Other migration researchers have countered such skepticism about the effectiveness of immigration policies by arguing that, on the whole, immigration policies have been effective and have in fact become increasingly sophisticated (Bonjour 2011; Brochmann and Hammar 1999; Geddes 2003). Broeders and Engbersen (2007) contended that the capacity of states to effectively implement immigration policies such as the detection of irregular migrants has increased. Drawing on fieldwork done in the developing world, researchers like Carling (2002) have argued that it has become more difficult for poor people to migrate to wealthy countries as a result of the introduction of visa requirements and stricter border controls. Studies of historical and contemporary migration have also pointed to the major role of states in shaping migration patterns (Skeldon 1997; Strikwerda 1999). This line of argument seems to be supported by a growing number of quantitative empirical studies which indicate that immigration restrictions do significantly affect the magnitude and composition of immigration flows (Beine, Docquier, and Özden 2011; Hatton 2005; Mayda 2010; Ortega and Peri 2013).

This controversy raises the question why researchers reach such different assessments about the effectiveness of immigration policies. How can we explain the fact that even though policies have significant effects on immigration, they are nonetheless often perceived as ineffective? We argue that, to a considerable extent, the controversy reflects conceptual confusion about what constitutes migration policy effectiveness. Depending on whether public policy discourses, the implicit objectives of policies on paper, or the implemented policies are used as benchmarks for evaluating migration outcomes, studies tend to reach different conclusions about policy effectiveness. Hence, the controversy is rooted not only in the scarcity of empirical evidence on the impact of immigration policies (Ardittis and Laczko 2008; de Haas 2011; Massey 1999), but also in the conceptual fuzziness of this debate. Further, while some analyses of policy effects focus on the impact of specific measures on specific immigration categories over limited time periods (e.g., Hatton 2005), other studies offer more generic assessments of the effects of migration policies on long-term migration trends (e.g., Castles 2004a). Because different studies ask and answer different questions, it is not surprising that they also reach potentially opposed conclusions.

To increase clarity, we provide a conceptual framework for the empirical assessment of migration policy effectiveness.¹ We argue that it is possible to reconcile apparently opposing positions on migration policy effectiveness by clearly distinguishing the different dimensions and levels of aggregation at

which we assess migration policy outcomes. Before embarking upon a definitional discussion of policy effectiveness, we define what a migration policy actually entails and make a vital distinction between the specific effect of migration policies and the more general role of states in migration processes.

What is immigration policy?

The controversy about the effectiveness of migration policies is partly related to the various implicit meanings attached to the term migration policy. Broadly defined, migration policies are established in order to affect behavior of a target population (i.e., potential migrants) in an intended direction. Many policies not usually seen as migration policies nevertheless influence migration, and their effects may in certain cases be even larger than those of targeted immigration policies. Examples include labor market, macroeconomic, welfare, foreign, military, colonial, and aid policies. In other words, the role of states in migration processes is much greater than a narrow focus on migration policies alone would suggest.

This raises the question of where we draw the line between migration and non-migration policies. In some cases, such as with foreign or macroeconomic policies, there seems little doubt that these are non-migration policies. In the case of labor market, development, or education policies, this distinction becomes less clear, as these may also be affected by concerns to stimulate or discourage immigration. Even if this is not the case, regulations concerned with labor markets and education can have a significant effect on migration propensities. For instance, scholars have argued that the trend toward more flexible labor market policies and the "neoliberal globalization" of the past few decades have boosted the demand for both high- and low-skilled migrant labor, which would explain increasing migration despite the political desire to curb immigration (Castles and Miller 2009; Sassen 1988, 1991). The distinction between migration policy and non-migration policy becomes even more blurred with policies on integration and citizenship, which often also aim to affect immigration.

In fact, there is no clear objective yardstick we can use to distinguish migration from non-migration policies. The only practical yardstick to define immigration policy is by the mostly implicitly stated objectives of policies on paper. Bearing this consideration in mind, we can say that international migration policies are rules (i.e., laws, regulations, and measures) that national states define and implement with the (often only implicitly stated) objective of affecting the volume, origin, direction, and internal composition of immigration flows.

Volume refers to objectives to increase or reduce migration flows or to maintain them at current levels. Immigration quotas as used by traditional immigration countries such as the United States and Australia, or the im-

migration caps recently implemented by the United Kingdom, are examples of policies that seek to affect the volume of inflows. Other policies intend to change the *composition* of migrant flows in terms of countries or regions of origin. Before the immigration reforms of the 1960s and 1970s, traditional immigration countries such as the United States and Australia favored white settlers and discriminated against immigrants of non-European origin. In recent decades, such regulations have been abolished. Nowadays countries increasingly favor immigration of citizens of free-mobility regimes, such as in the European Union or the Economic Commission of West African States (ECOWAS). This often goes hand in hand with increasing restrictions directed at immigrants from "third countries" (Geddes 2012).

Other policies target the internal composition of flows by encouraging or discouraging the immigration and settlement of particular categories of migrants, such as asylum-seekers, family migrants, high- and low-skilled labor migrants, business migrants, and students. Such selective policies generally aim to affect the skills, income, and class composition of migrant inflows, based on perceived economic needs and social desirability of different types of immigrants. Over the last two decades, for instance, increasing restrictions on low-skilled labor migrants have co-evolved with policies that favor immigration of high-skilled labor migrants and students.

Obviously, the objectives of these policies can overlap, especially if migrants from certain countries tend to belong to particular class, ethnic, religious, or income groups. With the exception of the preferential access many states give to descendants of "ethnic" nationals (such as German *Aussiedler* or Japanese *Nikkeijin* in Latin America), policies selecting migrants according to class background (such as through point systems) can be an indirect and covert measure to influence the national, ethnic, and religious origins of migrants. Policies favoring high-skilled migrants can also have the objective of reducing immigration from poor or culturally distinct countries. Sometimes such objectives are made explicit, reflecting the agenda of anti-immigration political parties and interest groups. For instance, in the Netherlands, Geert Wilders, the leader of an anti-immigration political party, has presented restrictions on family migration from countries such as Morocco and Turkey as a measure to reduce Muslim immigration, whereas mainstream political parties presented it as a measure to decrease low-skilled immigration.

Immigration policy effectiveness: Objectives, outcomes, and gaps

To bring greater clarity to the debate about migration policy effectiveness, we need to define policy effectiveness in general. The relevant migration literature rarely defines this term, and, as we argued, the resulting confusion may account for much of the disagreement about immigration policy effective-

ness. According to Webster's dictionary, effectiveness pertains to "producing a decided, decisive, or desired effect." According to the same dictionary, an effect is the "power to bring about a result." So, the key difference between effectiveness and effect is that the former is linked to a *desired* effect and the latter to the *actual* effect. Thus, the term "effectiveness" establishes a relation to policy objectives, and thus adds an evaluative and subjective dimension to the analysis of the "effects" of migration policies. In other words, a policy may have an effect, but this effect may be judged too small to meet the stated policy objective or may even be in the opposite direction to the intended effect.

This situation reveals two problems. First, how can we empirically attribute a change in the volume, timing, or composition of migration to a particular policy change? The mere existence of a certain correlation between policy and migration trends obviously does not prove there is a causal link. Nor does the absence of such a correlation or the existence of a negative correlation prove that policies are ineffective. After all, the counterfactual argument is that, without immigration restrictions, the level of immigration would have been even higher. The empirical assessment of policy effects is complicated by the difficulty of quantifying migration policies and by the limited availability of good migration data.

While the measurement of policy effects on migration is primarily a methodological challenge, a second, more fundamental problem is how to determine what the intended effect is. There is often a considerable discrepancy between publicly stated and "real" objectives of migration policy, resulting in a wide gap between policy rhetoric and actual policy objectives and policies on paper. "Tough" discourses on immigration often serve to address concerns about immigration among politicians' constituencies (e.g., Castles and Miller 2009; Massey et al. 1998). In this context, Massey et al. (1998: 288) observed that "elected leaders and bureaucrats increasingly have turned to symbolic policy instruments to create an appearance of control." Hence, the stated intention does not necessarily match the intended effect. But that brings us to the related question of whether it is possible to objectively determine the real intention of migration policy. As with most policies, migration policies are typically a compromise between multiple competing interests (Bonjour 2011; Boswell 2007; Boswell and Geddes 2011; Freeman 1995). For instance, while business associations typically favor more liberal immigration policies, trade unions have historically seen immigration as threatening the wages and interests of native workers, although more recently trade unions in several countries such as the US have become more favorable toward immigration, since migrants can also be seen as new constituencies. Such competing interests also exist across and within political parties, governments, and bureaucracies. Ministries of social affairs, justice, foreign affairs, economic affairs, and international development are often involved in a continuous tug-of-war in trying to influence migration policy outcomes.

Particularly in democratic states, elected politicians have to balance popular concerns about perceived “mass” or “uncontrolled” immigration with human rights, economic interests, and business lobbies generally favoring liberal immigration policies. These competing interests compel governments either to avoid adopting harsh immigration laws or to turn a blind eye to illegal immigration, residence, and employment. This competition alone cannot explain the gap between the often tough migration rhetoric and the often more watered-down policies on paper, but it shows that the objectives of policies are not singular, but simultaneously serve competing interests and objectives. This may also explain the ambiguous, composite, and apparently “incoherent” nature of many migration and other policies (e.g., Boswell 2007). For instance, after the 1973 OPEC oil crisis, West European governments suspended labor recruitment programs in response to popular concerns about immigration, but continued to issue new work permits to low-skilled immigrants and used family reunification as an alternative channel for importing migrant labor (OECD 1980).

In this context, it is useful to view migration policy as the subject of “discursive coalitions.” Building upon earlier work by Hajer (1993) and Jobert (2001), and based on her research on return migration policies in Senegal, Pian (2010) used the concept of discursive coalitions to evaluate migration policies that appear irrational or incoherent. The idea is that all stakeholders in such a coalition agree upon a common, publicly stated definition of a situation or a policy objective—for instance, to “combat” illegal migration from Africa to Europe. However, the formation of a discursive coalition around such belligerent rhetoric does not necessarily imply the genuine sharing of a system of values or beliefs, since each stakeholder is focused on the pursuit of its own interests (*ibid.*). A discursive coalition may therefore “unite actors with opposing views on the interests they intend to promote, but who agree on the cognitive frame and the institutions to manage their conflict” (Jobert 2001: 5).

Particularly in democratic states, discursive coalitions seek to win electoral and parliamentary support for particular migration policies. An example is the tendency to insist that immigrants be allowed only temporary entry, even if policymakers realize that many temporary migrants will eventually settle. The need to form such coalitions and to take into account a multitude of interests is not the exclusive prerogative of democratic states. Even in authoritarian states such as those in the Persian Gulf, rulers have to take into account anti-immigration sentiments or may actively promote xenophobia in order to garner support, and also the interests of the various stakeholders are likely to differ substantially. For instance, Libya experienced a popular anti-immigration backlash in the early 2000s, during which several sub-Saharan migrant workers were killed after street riots. This presumably played a role in the stiffening of Gaddafi’s immigration policies, although he may also have actively stimulated anti-immigrant sentiments to deflect public attention from internal political and economic problems (Hamood 2006).

Migration policies are thus typically the outcome of a compromise. Because interests and objectives are multiple and often not explicitly stated, it is frequently impossible to identify a singular “real” objective of a given policy. Publicly stated intentions and objectives of politicians and various other stakeholders are problematic benchmarks for any evaluation of policy effectiveness, because vote-winning and effective lobbying may require narratives that do not fully reflect real intentions. This implies that meaningful analyses of immigration policy effectiveness cannot be conducted without knowledge of the objectives and interests of multiple stakeholders and the political debates and processes that have led to certain policies.

It is also useful to distinguish between *specific* and *general* policy objectives. While specific policy objectives refer to laws, measures, and regulations targeting a particular category of migrants, general objectives are concerned with the overall volume and composition of the immigrant population. For instance, high- and low-skilled workers, work permit issuance, family reunification, student migrants, and migrants from OECD vs. non-OECD countries all tend to be subject to different immigration regimes. On this level, migration policies can be seen as effective if analyses show that they have the desired effect on inflows or outflows of the targeted category when simultaneously taking into account all other theoretically relevant sending- and receiving-country migration determinants.

For example, if suspension of labor recruitment or the introduction of carrier sanctions leads to a measurable decrease in registered labor migration or asylum applications, respectively, the specific policy can be seen as having a significant effect. However, we can envisage a continuum of low to high levels of effectiveness with reference to the extent to which policy objectives have been met. Such valuation leaves considerable room for ambiguity and subjectivity. When can we say that a policy has failed? How large should the effect be to qualify a policy as barely, moderately, or very effective? Statistical studies of policy effectiveness focus on statistical significance, but generally ignore (with the notable exception of Hatton 2009) the relative magnitude of policy effects compared to other sending- and receiving-country migration determinants. Another source of ambiguity is the time-scale. While some policies might have an immediate effect, these effects are not necessarily sustained over a longer time period, as migrants might adjust their migration strategies.

Conceptualizing policy gaps: Discourse, implementation, and efficacy

Our discussion has shown that part of the debate about immigration policy effectiveness is the result of unclear definitions of effectiveness and the frequent confusion between policy effects and policy effectiveness. Another source of disagreement about migration policy effectiveness is rooted in misguided assumptions about the nature of a policy change. Empirical

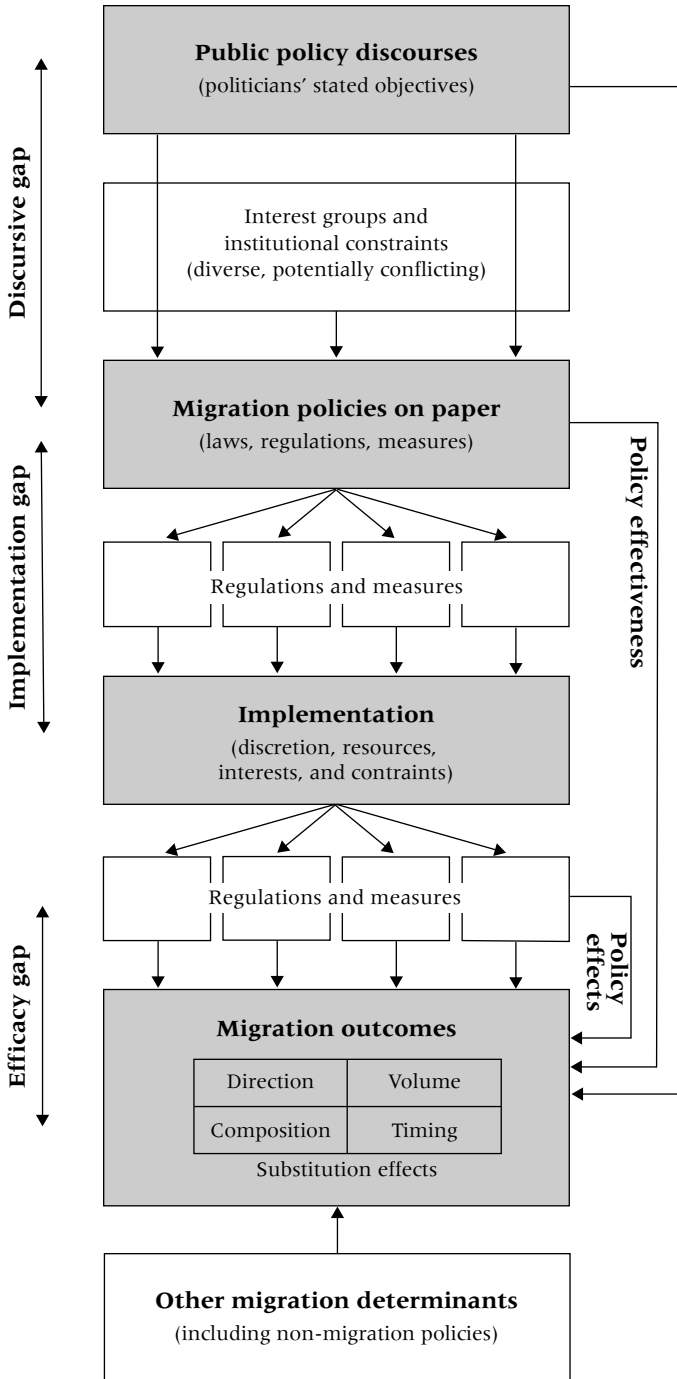
evidence challenges the broadly shared assumption that immigration policies have become more restrictive (e.g., Ortega and Peri 2009, 2013). This misperception invalidates the argument that increasing immigration despite greater restrictiveness is an indirect proof that policies have failed, because this is based on the probably erroneous assumption of increasing general policy restrictiveness. A third, related observation is that there is often a considerable gap between tough immigration discourses by politicians and actual migration policies, which are generally much more nuanced and varied. Tough rhetoric may give the misguided impression that immigration policies have become more restrictive.

We need to further dissect policy practices by acknowledging the considerable difference between policies on paper and their interpretation and implementation in practice. The extent to which written policies are implemented varies widely and depends on factors such as financial and human resources, the weighing of different and potentially competing policy priorities, and the discretion of civil servants and other state agents. Although politicians often pay lip service to restrictive aims and introduce robust measures against irregular immigration, governments do not always provide the resources to implement these policies fully. For example, governments of countries with restrictive migration policies accept officially “unwanted” (legal and irregular) migrants, particularly if they are perceived to fulfill a useful economic role in agriculture, construction, catering, domestic work, or other low-skilled service.

Figure 1 synthesizes the preceding insights.² It distinguishes between the four levels at which migration policies can be conceptualized: public policy discourses, actual migration policies on paper, policy implementation, and policy (migration) outcomes. This fourfold distinction allows for the identification of three “immigration policy gaps”: the *discursive gap*, or the discrepancy between public discourses and policies on paper; the *implementation gap*, or the disparity between policies on paper and their implementation; and the *efficacy gap*, or the extent to which implemented policies are able to affect migration. Because each of these three gaps can be considerable, taken together they can amount to a wide gulf between policy discourses and policy practices.

The discursive gap is the often considerable discrepancy between discourses and actual migration policies in the form of laws, regulations, and measures on paper. While this gap may reveal considerable “hypocrisy” in the eyes of many, gaps between discourse and practice are common in public policy and should therefore not be automatically equated with policy failure. Discursive gaps are explained by three main factors. First, migration policies are influenced by the intentions and agenda of various parties and interest groups such as business, trade unions, and civil society groups, and are often the result of a compromise at the end of the political process (e.g., Boswell 2007; Freeman 1995). Second, various political, economic, and legal constraints limit the policy options, particularly in liberal democracies.

FIGURE 1 Conceptual framework of migration policy effects and effectiveness



For instance, international and national human rights and refugee laws put limits on the extent to which liberal democracies can restrict inflows and rights of family migrants and asylum-seekers, respectively (cf. Hollifield 1992). Third, migration discourses are often of a general, broad-sweeping nature (“fighting illegal migration,” “zero immigration,” “comprehensive immigration reform,” “attracting talent”), whereas in practice migration policies often target specific categories and groups of migrants. One must avoid interpreting such discursive gaps as policy failure, since discourses are not necessarily related to concrete policy formulation. What is seen as migration policy failure may thus often reflect the considerable gap between public discourses and policies implemented in practice, rather than the effect of actually implemented policies on migration. The discursive gap may therefore account to a considerable extent for what is falsely perceived as immigration policy failure.

The implementation gap is the discrepancy between policies on paper and their actual implementation. Some rules and regulations are not or only partly implemented because of practical, planning, or budgetary constraints or as a consequence of corruption, ignorance, or subversion. Politicians, civil servants, or private companies (e.g., airlines implementing carrier sanctions, asylum case workers, border agents, or public or private institutions processing work visa requests) often have considerable discretion in the way they implement policy (Ellermann 2006; Infantino 2010; Wunderlich 2010). This implementation gap seems to be particularly significant when a large degree of discretion and assessment is involved in policy implementation. This leaves considerable scope for subjective interpretation and political or public pressure, for instance in refugee status determination and work permit applications (e.g., Ellermann 2006). For example, assessing whether an asylum-seeker has a “well-founded fear of persecution” or determining whether no citizens are available for a job for which a foreigner seeks to obtain a work permit leaves considerable room for subjective judgment.

Recent qualitative and ethnographic field studies have confirmed that such implementation gaps can be sizable (e.g., Brachet 2005; Infantino 2010; Wunderlich 2010), particularly when policies on paper are unrealistic or detached from concrete migration experiences. More generally, Massey argued that states’ capacity to implement immigration restrictions is dependent on five basic factors: the power and autonomy of the state bureaucracy; the number of immigrants; the degree to which political rights of citizens and noncitizens are constitutionally protected; the relative independence of the judiciary; and the existence of an immigration tradition (Massey 1999: 315).

The implementation gap is a first source of a possible real “policy failure.” In most cases, it is practically impossible to measure the degree to which policies on paper are implemented. In many quantitative studies, the official

policy on paper (or the budget spent on it) is assumed to be implemented. Therefore, an understanding of the particular political and economic context in which policies have emerged and, if possible, qualitative research on policy implementation, are necessary in order to judge the extent to which this assumption can be maintained.

Finally, the *efficacy gap* reflects the degree to which the implemented laws, regulations, and measures have the intended effect on the volume, timing, direction, and composition of migration flows. This efficacy gap is the second source of possible policy failure. Policy efficacy is constrained because migration is driven by structural determinants in origin and destination countries (such as labor market imbalances) as well as by the aforementioned internal dynamics of migration networks and systems. This explains why migration often continues despite the introduction of restrictions or border controls.

The attempts of targeted policies to influence particular migration categories can have often unintended effects on other migration flows. De Haas (2011) proposed four “substitution effects” that can limit the effectiveness of immigration restrictions: 1) *spatial substitution* through the diversion of migration to other countries; 2) *categorical substitution* through a reorientation toward other legal or illegal channels of immigration; 3) *inter-temporal substitution* affecting the timing of migration, such as “now or never migration” in the expectation of future tightening of policies; and 4) *reverse flow substitution* if immigration restrictions reduce not only inflows but also return migration, which can make the effects on *net* immigration rather ambiguous. The existence of such substitution effects also demonstrates the need to examine “policy externalities” that go beyond the intended effects but have often short- and long-term implications for other, non-targeted immigration and emigration categories.

Within this framework, policy effectiveness refers to the relation between the objectives of policies on paper and actual migration flows, with implementation and efficacy gaps potentially undermining the effectiveness of policies. However, a policy’s limited effect is not automatically “policy failure,” but only an “inefficient policy,” implying that policy outcomes may not justify the amount of resources invested in producing these outcomes. The fact that migration is also shaped by factors other than immigration policy is not a reason to qualify the policy as a failure as long as it has had a substantial effect in the desired direction when controlling for other migration determinants. Obviously, it ultimately remains open to subjective judgment how big an effect has to be to qualify as minor, substantial, or large. Moreover, as illustrated at the bottom of Figure 1, the effect of other migration determinants may mask the fact that apparently ineffective policies are really having the desired impact; it is just that other factors are working in the opposite direction.

Measuring policy effectiveness: Methodologies and evidence

The considerations discussed to this point have implications for the measurement of migration policies and their effect on migration patterns. Because of their diverse and qualitative nature, migration policies, laws, and regulations are difficult to express in numerical terms. Although some scholars have recently included immigration policy variables in quantitative analyses of migration determinants, they use very different methodological approaches to test policy effects. Most approaches focus on written policy because implementation is often impossible to measure. This means that quantitative tests inevitably confound implementation and efficacy gaps, and that contextual knowledge and qualitative assessment are essential to assess which of the gaps appear to be most important in explaining policy ineffectiveness. Keeping in mind these conceptual and empirical considerations, the available empirical evidence suggests that migration policies have at least some (statistically significant) effects on overall levels of immigration, whereas effectiveness is more contestable with regard to policies that target particular migrant categories and seek to affect the composition of immigration populations.

To date, quantitative empirical research has applied two alternative techniques to assess migration policy effectiveness. The first approach is to use a binary migration policy (“dummy”) variable to indicate the years in which either a particular policy or any policy change has occurred. The second approach consists of constructing composite migration policy indexes that measure differences in the intensity of policy restrictiveness.

The first approach was used by Karemera, Oguledo, and Davis (2000) in their study of the determinants of migration from 70 countries to the US and Canada. The authors used binary time variables to assess the effects of reforms of US immigration law in 1976, 1980, and 1986 and the Canadian Immigration Acts of 1976 and 1978. Their results suggest that immigration restrictions significantly decreased immigration to both countries. Vogler and Rotte (2000) used similar binary time variables to evaluate the effects of major policy changes on African and Asian immigration to Germany between 1981 and 1995. They found significant effects of three immigration reforms during that period: the expansion of the temporary work ban for asylum-seekers from two to five years in 1987; the relaxation and subsequent abolishment of the work ban for asylum-seekers in 1991; and the drastic asylum reform of 1993. While the 1987 and 1993 reforms restricted work-related rights for asylum-seekers, the 1991 reform increased these rights. As expected, the 1987 and 1993 dummy variables had a negative effect and the 1991 dummy had a positive effect on both total immigration and asylum inflows. The main problem with these approaches is that the relatively brief periods between policy changes only allow for assessing short-term effects. The long-term effect of the 1987 restrictions is

compromised by the 1991 ban on work restrictions and overlaps with the drastic restrictions introduced in 1993. Because their study used migration data only through 1995, the analysis could not capture the long-term effects of the 1991 and 1993 reforms and was therefore unable to test for possible inter-temporal substitution effects (cf. de Haas 2011). Moreover, because the study focused on only one receiving country, it could not test spatial substitution effects in the form of possible diversion of migration to other countries.

In a similarly designed study on UK immigration and emigration between 1976 and 2000, Hatton (2005) applied time dummies to capture supranational policy changes. He found ambiguous effects of the two rounds of EU enlargements in 1986 (Spain and Portugal) and 1995 (Austria, Finland, and Sweden) on net immigration; only the EU enlargement in 1995 led to a significant increase in migration to the UK. Hatton could not identify immigrants by their EU-accessing country of origin; thus, the effects of the liberalized migration policies might not (only) have originated from the new EU member states, but might also have stemmed from other European countries that were affected by these EU enlargements.

Beine, Docquier, and Özden (2010) found that a “Schengen dummy,” which indicated whether pairs of countries comply with the Schengen agreement, had a significant effect on the skill composition of immigration by raising the share of high-skilled migrants while it did not affect total immigration. However, their study did not identify whether this result pointed to the existence of a categorical (more high-skilled, less low-skilled) or a spatial (more Europeans, fewer non-Europeans) substitution effect. Ortega and Peri (2009) found similar results for the Schengen agreement and also a strong migration-accelerating effect of the Maastricht treaty. The question, however, is whether the Maastricht dummy actually captured migration policy effects, or something else such as broader macro-economic effects of the common market indirectly affecting EU migration patterns. Although the Maastricht treaty (signed in 1992) introduced a common migration policy mainly referring to third-country (i.e., non-EU) nationals, it did not lead to a common set of immigration regulations across EU member states. Even 20 years after Maastricht and despite various efforts at an EU-wide harmonization of labor migration policies toward non-EU citizens, regulations are still under the domain of national governments.

Hatton (2005) also used a time dummy for the years after 1997 (marking the onset of an allegedly liberal shift in UK immigration policy) to test whether “the sharp rise in the number of work permits issued in the late 1990s is indicative of a significant relaxation of policy adopted by the Labour administration from 1997 onwards, including an increased allocation of work permits and relaxation of controls on non-economic immigration” (Hatton 2005: 726). Thus, this dummy did not explicitly test a particular immigration policy reform but a change in government from Conservative to Labour,

implicitly assuming an immediate shift toward more liberal immigration policies. This assumption was questionable since higher immigration under Labour may also be related to labor market and trade policies and to economic integration in the EU.

As an alternative to the dummy approach, Hatton (2004), Thielemann (2004), Ortega and Peri (2009), and Mayda (2010) have constructed policy indexes to measure the effect of policy changes on migration flows or stocks. For instance, to measure the effects of policies on the number of asylum applications, Thielemann (2004) designed an “asylum deterrence index” as a proxy for the restrictiveness of national asylum policies in 20 OECD countries between 1985 and 1999. This index was a composite of three major aspects of asylum policies: access control; determination procedures; and integration policies, which are operationalized by the existence of a dispersal scheme, the provision of welfare benefits to asylum-seekers through cash payments instead of in-kind or voucher systems, and granting of work permits during assessment of the asylum claim.³ Aggregation of these five (equally weighted) policy dimensions yields a composite deterrence index that ranges from zero (none of the measures in place) to five (all measures in place).

By selecting specific policy categories, Thielemann excluded other relevant aspects of asylum policymaking, such as carrier sanctions, right of appeals, and detention and deportation policies. Furthermore, weighting and aggregation procedures of index components are complicated by the fact that the underlying assumptions might not reflect their *de facto* relative importance. Indeed, the relative importance of policy index components cannot be objectively established *a priori*, and thus inevitably involves some subjective assessment. Another disadvantage of a policy index is that information on the effects of each policy category is lost if all categories are lumped together. Therefore, the unaggregated inclusion of policy categories seems preferable for identifying the isolated effects of specific policy measures. In fact, when Thielemann (2004) tested each of his instruments separately, he found that only two out of five instruments contributed to the (negative) effect of deterrence on asylum applications.⁴

Mayda (2010) constructed an immigration policy index based on a broader review of migration laws and policies in 14 OECD countries (Mayda and Patel 2004). Her index used an ordinal scale to capture changes in migration policies over time. She assessed the direction of substantial immigration policy changes by characterizing them as a shift in a more or less liberal direction. Contrary to the asylum policy indexes constructed by Thielemann (2004) or Hatton (2004, 2009), Mayda (2010) included any type of immigration reform but excluded “issues of citizenship” (Mayda 2010, fn. 9). Ortega and Peri (2009, 2013) adopted Mayda’s index and extended its scope by covering a longer time period (1980–2005) and including information on social policy reforms in the same 14 OECD countries.⁵ They also provided a

categorization by constructing three separate policy indexes: one for entry policies, a second for residency laws of legal immigrants, and a third for entry and residence laws for asylum-seekers.

Similar to Hatton (2004), but in contrast to Thielemann (2004), Mayda's and Ortega and Peri's immigration policy change indexes do not have any upper or lower bounds. Because the index is ordinal, the scale points capture neither the relative "importance" of a policy change nor the absolute level of "migration policy restrictiveness," but solely indicate whether there has been a reform toward more or less liberal regulations. This approach places substantial limits on the interpretation of statistical results.

Both Mayda (2010) and Ortega and Peri (2009, 2013) assigned an index value of zero in 1980 for 14 OECD destination countries, which conflates all differences in absolute levels of restrictiveness across countries. These studies sought to capture time-invariant and unobserved features of overall immigration policy restrictiveness by including a destination-country (fixed effect) dummy variable. However, such fixed effects also capture all other unobserved country-specific characteristics, which may not be related to migration policy but rather to other (e.g., economic, labor market, and education) policies or to the role of the state more generally. Thus, this approach does not solve the attribution problem in evaluating migration policy effectiveness.

For 14 OECD destination countries, Ortega and Peri (2009) and Mayda (2010) found similar impacts. Ortega and Peri found that, on average, loosening of any restrictions increased total immigration by around 10 percent. Obviously, this estimate ignored the relative magnitude and, thus, the relative importance of each reform and therefore must be treated with some reservation. Although restrictions significantly affect overall levels of immigration, it remains unclear which particular policy change led to this effect.

Assessments of the relative magnitude of policy effects are further complicated if we acknowledge that migration policies may interact with other migration determinants. For instance, after interacting her policy index with GDP per worker, Mayda (2010) reported that the more liberal immigration policies reinforced the positive effect of income levels on immigration. Similarly, factors such as distance or the relative number of young people in sending countries had larger effects if immigration policies were less restrictive. So, the effects of migration policies and other migration determinants may be either mutually reinforcing or counterbalancing. While Mayda (2010) provided a qualitative interpretation of her results, Ortega and Peri (2009) were more explicit, stating that the liberalization of Canada's immigration policy between 1985 and 2005 (by 6 points on their scale) increased immigration rates by 25 to 54 percent. Their estimates were based on the assumption that the liberalization of immigration policy had an independent short-term effect on immigration. This ignores other factors, such as the role of (presumably more restrictive) immigration policies in other countries (a "multilateral

resistance effect"). This may have given rise to spatial substitution effects by which immigrant flows were deflected to Canada.

In their study on the determinants of migration to the UK over the period 1980–2007, Mitchell et al. (2011) calculated the ratio of the UK immigration rate (i.e., inflow relative to UK population) to the weighted average of immigration rates for Belgium, France, Germany, the Netherlands, and the US as a measure of the relative restrictiveness of UK immigration policy. Obviously, this measure captured not the cause but the assumed consequence of immigration policy changes. Outcome-based measures create problems of endogeneity and are therefore inherently problematic in assessing policy effects: an outcome-based index does not quantify actual migration policies, but captures their potential effects.⁶

While most studies have looked at the effects of policy reforms on total or net immigration, some that focused on asylum migration found that asylum policies have statistically significant, but rather moderate effects (Hatton 2004; Holzer, Schneider, and Widmer 2000; Thielemann 2004). Both Hatton's (2004) asylum policy index and Thielemann's (2004) deterrence index indicated that restrictive asylum laws in the 1980s and 1990s significantly reduced inflows. Hatton (2009) estimated for 19 Western destination countries that the tightening of asylum policies between 2001 and 2006 reduced the number of asylum applications on average by 14 percent, while restrictions on asylum processing accounted for a reduction of about 17 percent. He therefore concluded that "while tougher [asylum] policies did have a deterrent effect, they account for only about a third of the decline in applications since 2001" (Hatton 2009: 183). For instance, the reduction in the number of conflicts in origin countries also played an important role in explaining the decline in asylum migration.

Only a few studies looked at the long-term effect of immigration policies on the composition of immigration flows. Using data from 1955 to 1993 on immigration flows by entry class and intended occupation, Green and Green (1995) found that the introduction of the Canadian point system in 1967 initially had the intended strong effect on the occupational composition of new immigrants. Once the system was in place, however, only large policy shifts significantly affected the composition of immigration. The authors concluded that although the point system provided some control over the occupational composition of immigrants, the system was unable to "fine-tune" immigration. As a result, the effect of skill-selective entry policies waned over time, which may be attributable to the increasingly autonomous role of network dynamics in continuing family migration.

This outcome in Canada reflects the general argument that the effectiveness of particular immigration policies is often constrained by the effects of social networks and other internal dynamics of migration (de Haas 2010). For instance, Beine, Docquier, and Özden (2010) argued that the effectiveness

of policies that aim to increase the educational level of immigrants may be thwarted by the presence of a strong diaspora enabling the influx of less-educated migrants. Thus, in the presence of large immigrant populations, skill-selective migration policies might be ineffective unless family reunification programs are deeply reformed and limited, which is generally not possible because of constitutional and human rights constraints.

In sum, the limited evidence we examined supports the conclusion that the effects of migration policies on immigration are relatively small compared to other social, economic, and political determinants, which may confound the effectiveness of intended migration policy. In particular, non-migration policies such as macro-economic, labor market, social welfare, education, aid, and trade policies might often play a much bigger role than typical migration policies. This means that such policies—or social and economic indicators capturing the effects of such policies—should be taken into consideration when conducting empirical analyses of immigration policy effectiveness.

Conclusion

We have argued that, to a considerable extent, the public and academic controversy about the effectiveness of immigration policies is spurious because of an unclear conceptualization of immigration policy effectiveness. Acknowledging that non-migration policies have a potentially large, albeit indirect effect on immigration, we defined immigration policies as the laws, regulations, and measures national states design and implement with the (implicitly or explicitly) stated objective of altering the volume, origin, and internal composition of immigration flows.

In qualitative and quantitative assessments of the effectiveness of immigration policies, it is often unclear whether policy discourses, policies on paper, or implemented policies are used as an evaluative benchmark. To improve conceptual clarity, we elaborated a framework for analyzing immigration policy effectiveness based on the distinction between three policy gaps: the discursive gap (the discrepancy between public discourses and policies on paper), the implementation gap (the disparity between policies on paper and their implementation), and the efficacy gap (the extent to which implemented policies affect migration). To avoid confusion, empirical evaluations should specify the policy gap they are addressing.

Frequently, the (generally tougher) public discourses are implicitly or explicitly used as an analytical benchmark in evaluating migration policy effects and effectiveness, which can easily lead to an overestimation of policy failure. For instance, if we assume that governments want to stop migration based on politicians' aggressive public statements, it is tempting to conclude that policies have failed if immigration continues or increases. However, public discourses are often not matched by policy formation and implemen-

tation. Discursive gaps are very common in public policy and should not be automatically equated with policy failure.

Contradictory views on immigration policy effectiveness can also be partly reconciled by clearly distinguishing policy effects from policy effectiveness. Policy effects refer to the ability of policies to influence the level, direction, timing, or composition of migration. Assuming that appropriate data are available, that policies can be operationalized, and that other sending- and receiving-country migration determinants are accounted for, empirical analysis can assess whether a migration policy exerts a significant effect. However, the notion of effectiveness creates a relation to a desired outcome, or policy objectives, that introduces an inherently subjective dimension to assessments. The difficulty lies partly in the fact that the objectives are often multiple because various stakeholders, interest groups, and parties favor measures with often opposing objectives. While the various interests and objectives can be discerned through qualitative research, it seems methodologically impossible to identify a unique state policy objective, because states are not homogeneous and policies are not singular.

This discussion brings us back to our initial argument about the intrinsically and almost inevitably incoherent nature of immigration policies. Multiple objectives and competing political agendas of various interest groups often “make or unmake” migration policies (Castles 2004b) in such a way that the effectiveness of a particular policy is reduced or counteracted by another policy. Migration policies are shaped in a political-economic context in which the attitudes and preferences of politicians and voters, interest groups such as employers and trade unions, and human rights organizations compete with one another (e.g., Boswell 2007; Facchini and Mayda 2008; Facchini and Willmann 2005; Mayda 2006). This competition results in policy regimes that are typically a mixed bag of regulations and measures. Migrants see these as opportunity structures and are likely to opt for the most convenient migration channel.

Empirical evidence suggests that although policies significantly affect migration outcomes, these effects seem to be limited compared to other migration determinants. However, we must not automatically interpret this outcome as policy failure. The fact that migration is also influenced by other factors is not a reason to label the policy a failure, and perhaps we can say that a policy has only failed entirely if it has produced no effect at all or even an effect in the opposite direction. Policy restrictions may also have unintended substitution effects that occur when migrants shift to other legal or spatial channels to migrate, adjust the timing of their migration, or reconsider their return migration (de Haas 2011). Because of limitations in data and research design, existing studies cannot properly test for such substitution effects. Because they overlook the bigger picture, they are unable to assess the various substitution effects hypothesized in the qualitative literature, and may there-

fore overestimate the effects of policies on migration patterns. The scarcity of empirical evidence on such categorical, inter-temporal, or geographical substitution effects exemplifies the need for more empirically informed insights about the short- and long-term effects of migration policies on separate migration categories.

To reach a valid assessment of migration policy effectiveness, one must also distinguish between major systemic transitions in a migration regime and minor policy changes within an existing regime. Most immigration regimes are relatively time-invariant, such as regulations concerning visa acquisition or naturalization and citizenship. Compared to systemic changes in immigration policy paradigms through major policy overhauls (like the introduction of the point system in Canada in 1967, or the Immigration and Nationality Act of 1965 in the US), the fine-tuning of migration policies (like a change in the age limit for migrants' children to be eligible for family reunification) seems bound to have limited effects, in particular when targeted toward certain immigrant groups. This exemplifies the need for a clearer understanding of the broader policy regimes and the political context of specific policy changes.

The limited effect of migration policies does not imply that states have a minor influence on migration processes. In this context, one must distinguish the preponderant role of states in shaping migration processes from the more limited effect of specific migration policies themselves. Over the course of modern history, trends and patterns of migration have been intrinsically linked to processes of state formation and decline, economic and territorial imperialism, and warfare (e.g., Castles 2010; Skeldon 1997). The very notion of international migration presumes the existence of national states and clearly defined territorial and institutional borders. The importance of factors such as economic growth, labor market structure, education, inequality, and conflict points to the role of non-migration policies and institutions—and, more generally, of nation-states—in shaping migration processes.

Notes

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1 Although our empirical and analytical focus is on immigration policies of Western,

liberal nations, it may potentially apply to immigration policies in other contexts as well.

2 We are grateful to Simona Vezzoli for her contribution to Figure 1, which is the result of numerous discussions within the DEMIG team.

3 Information on these asylum policy measures was taken from OECD's annual *Trends in International Migration* (SOPEMI) reports and the World Refugee Survey by the US Committee for Refugees (Thielemann 2004).

4 Hatton (2004, 2009) designed a similar asylum policy index on an open-ended scale

tracking changes in asylum policy and law starting at value zero at the beginning of the observation periods (1980 in Hatton (2004), 1997 in Hatton (2009)).

5 Information on social policy reforms was taken from the Fondazione Rodolfo De Benedetti Social Reforms database (2010).

6 In their analysis of the relation between aid policy and levels of migration, Berthélemy, Beuran, and Maurel (2009) used another outcome-based migration policy index that was originally developed by the Centre for Global Development (CGD) and is part of their Commitment to Development Index (CDI). The design of this migration index is based on Grieco and Hamilton (2004) but has been significantly adjusted by CGD. This composite

index is a weighted average of five indicators primarily based on data on stocks and inflow of migrants, students, and asylum-seekers from developing countries (Roodman 2010).

The Migrant Integration Policy Index (MIPEX), a comprehensive mix of output and outcome indexes, was developed in 2007 (Niessen et al. 2007). The MIPEX, which covers 25 EU member states and three non-EU countries, combines some 100 policy indicators across six policy areas: labor market access, family reunion, long-term residence, political participation, access to nationality, and anti-discrimination laws (see more on www.integrationindex.eu). This provides a wide range of comparative, quantitative measures of immigration and, particularly, integration policies across European states.

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