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## INTRODUCTION

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# 1

## THE DILEMMAS OF IMMIGRATION CONTROL

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All countries in the world today face the reality of controlling or managing migration. The dilemmas of control are especially acute in the advanced industrial democracies, where economic pressures push for openness to migration while political, legal, and security concerns argue for greater control. How do the major immigrant-receiving countries cope with this dilemma?

This book is a systematic, comparative study of immigration policy in fifteen industrialized democracies and the European Union (EU): the United States, Canada, Australia, Britain, France, Germany, the Netherlands, three Scandinavian countries (Sweden, Denmark, and Norway), Switzerland, Italy, Spain, Japan, and Korea. It has two central, inter-related theses. The first, which we call the “convergence hypothesis,” is that there is growing similarity among industrialized, labor-importing countries in terms of (1) the policy instruments chosen for controlling immigration, especially unauthorized immigration and refugee flows; (2) the results or efficacy of immigration control measures; (3) integration policies—that is, the measures adopted by labor-importing countries that affect the rate and extent of social, economic, and political integration among immigrants who become long-term residents; and (4) general-public reaction to current immigrant flows and assessment of government efforts to control or manage them.

Our second hypothesis is that the gap between the goals and results of national immigration policy (laws, regulations, executive actions, and court rulings, to name a few) is growing wider in the major industrial democracies, thus provoking greater public hostility toward immigrants in general (regardless of legal status) and putting pressure on political parties and government officials to adopt more restrictive policies. We refer to this as the “gap hypothesis” (see Hollifield 1986).

Beyond testing these two general hypotheses against the comparative evidence gathered in the fifteen countries and regions represented here, we seek to explain the efficacy of immigration control measures in today’s labor-importing countries in an era of globalization and unprecedented international labor mobility (Sassen 1988). In each of the in-depth country and regional profiles, the authors explain why certain immigration control

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measures were chosen (or not chosen) by that country or region and why these measures either succeeded or failed to achieve their stated objectives. Each chapter is followed by one or two commentaries that offer a critique of its principal findings, supplementing them and, in some cases, offering an alternative interpretation.

Our findings generally support the hypothesis of increased “convergence” among industrialized, labor-importing countries, along the lines described above, as well as the “gap hypothesis” emphasizing the divergence of immigration policy outputs and outcomes. Despite significant increases in immigration control efforts in most of the countries under study and the tightening of entry restrictions and monitoring of unauthorized immigrants already working in those countries, officials acknowledge that the challenge of managing migration is more difficult than ever and that they are less confident that governments can regulate immigration flows. In some countries and sectors, there is a structural element to employer demand for foreign workers, such as in agriculture, construction, health care, domestic help, and hospitality. That is, employers continue to hire foreign workers regardless of legal status and irrespective of the business cycle. If governments continue to find it hard to prevent the entry and employment of foreign labor from lower-wage countries, the gap between immigration policy goals and outcomes is likely to persist.

The country studies here highlight the administrative, political, legal, and economic difficulties of immigration enforcement in relatively open and pluralistic societies. Bureaucratic power in all of these countries is routinely open to contestation by a variety of social and economic groups, and reducing the “demand-pull” factors that attract migrants—shortages of manpower and human capital and demographic decline—is extremely difficult. Competing interests in pluralistic societies lead to policymaking gridlock that, in the face of ever-stronger economic incentives, permits immigration to continue in one form or another. Such policy paralysis sends mixed signals to prospective migrants in the labor-exporting countries, encouraging them to overcome additional obstacles placed in their path at borders (external controls) or in the workplace (internal controls). Moreover, amnesties for settled migrants create a potential moral hazard that makes prospective migrants more likely to risk crossing borders and working illegally.

On the other hand, industrialized countries cannot, at least in the short term, realistically hope to reduce the “supply-push” pressures in the principal labor-exporting countries—rapid population growth combined with low rates of economic growth and high unemployment, especially among the young—to which they are increasingly linked by globalization (Joppke 1998; Hollifield 2004). And severing the family- and employer-based networks that link high-emigration and labor-importing nations is becoming harder rather than easier. If demand-pull and supply-push forces, together with networks that link sending and receiving societies, are the necessary conditions for migration to occur, the granting of some kind of legal status (rights) to foreigners is the sufficient condition. These rights most often derive from domestic sources of law, especially constitutions, but migrants are increasingly protected by international law and human rights conventions. This is especially true in Europe (Joppke 2001; see also Chapter 14). Despite the rise of rights-based politics (Hollifield 1992, Hollifield and Wilson 2011) and regimes that check the action of states trying

to control migration, in recent decades policies have increasingly targeted migrant rights (civil, social, and political) as a way of controlling immigration.

Legal and constitutional constraints notwithstanding, “fixing” immigration control systems that are buckling under the pressure of new waves of refugees and economic migrants has become a political imperative in most of the countries we have studied. The principal exceptions are Japan and South Korea, where the numbers of new immigrants are still relatively small, and Canada, where general-public hostility to immigration remains relatively low. The severe recession that began in 2008 has led to a stabilization of flows, especially in the United States, and the politics of immigration has shifted somewhat from control to integration of a large illegal population (Hollifield 2010). Integration dilemmas also are acute in Western Europe and the United States, Canada, and Australia—*nations of immigrants*—where sources of immigration have become much more diverse (Favell 1998; Bloemraad 2006; Schain 2012).

However, even in the *de facto countries of immigration*—France, Germany, the Netherlands, Switzerland, Britain, and the Scandinavian countries—where immigration is not part of the founding ideal as it is in the nations of immigrants, general publics and the politicians and political parties that respond to them are increasingly uneasy about the long-term implications of current immigration flows for maintenance of national culture, language, and identity. Debates over the integration of Muslim immigrants in largely Christian societies have been especially vociferous and divisive in Europe (Kepel 2012). Even if foreign workers and their dependents living in industrialized democracies are not illegal aliens (there are millions of settled, legally admitted foreign “guest workers” in European countries), they are often unwanted as a permanent component of the population for non-economic reasons—specifically, low tolerance for cultural, racial, and ethnic diversity; fear of crime and terrorism; and overcrowding in major urban areas (Fetzer 2000; Sides and Citrin 2007; Brader, Valentino, and Suhay 2008).

Public hostility generates strong incentives for officials in labor-importing industrial democracies to redouble their efforts toward immigration control, by fine-tuning existing control measures like employer sanctions (internal control), investing more heavily in border enforcement (external control), and pursuing new experiments to restore at least the appearance of control (so-called trainee programs in Japan and South Korea). For this reason, the politics of immigration in many receiving countries has a strong symbolic dimension (Rudolph 2006); in addition to the wide gap between policy outputs and outcomes, we observe a similarly puzzling gap between public opinion, which wants immigration reduced, and liberal admissions policies (Freeman 1995; Sides and Citrin 2007). The more advanced agenda of anti-immigration and anti-immigrant forces in these countries today is (1) to curtail the access of illegal immigrants to tax-supported public services, including education and nonemergency healthcare, and roll back social rights in general; (2) to block any policies and programs that would accelerate the socioeconomic and cultural integration of settled immigrants and their offspring, opposing legalization programs and denying voting or political rights; and (3) to take steps to discourage permanent settlement, such as tightening citizenship requirements for legal permanent residents, denying citizenship to

the native-born children of illegal immigrants, and generally limiting civil rights. It remains to be seen how much of this anti-immigration agenda can be translated into law and public policy in the labor-importing countries and, if so, whether such measures can serve as an effective deterrent to future unwanted migration.

## IMMIGRATION CONTROL AND IMMIGRANT INTEGRATION

Immigration has become a central issue of politics and public policy in the advanced industrial democracies (Messina 2007). In Europe, immigration is already a driving factor in electoral politics (Lubbers, Gijsberts, and Scheepers 2002; Lahav 2004; Givens 2005), and it is becoming an increasingly potent electoral issue in the United States (at least in the five states with large immigrant populations; see Chapter 2). After decades of importing foreign labor as “guests,” many European nations are confronted with the challenge of assimilating large numbers of culturally different, permanent resident aliens and their offspring. In Japan and South Korea, the influx of foreign workers, eagerly sought by small and medium-sized labor-hungry employers, into racially and culturally homogeneous societies with large and growing demographic deficits looms as a volatile issue for national policy (see Chapter 13). In the United States, the fourth wave of largely Hispanic and Asian immigrants has provoked nativist reactions, especially at the state and local levels (Ramakrishnan 2005; Hollifield 2010), even though immigration does not have the political salience there that it does in other industrial democracies (Norris 2005).

In addition to its impact on domestic politics, the increasing international mobility of workers and their dependents has had a dramatic effect on international relations. The major labor-importing states have scrambled to find ways to consult with each other and coordinate policies for controlling migration, especially refugee flows (Betts 2011). This new dynamic is particularly evident in Europe, where the relaxation of internal borders (associated with the Dublin and Schengen processes and the drive for greater political and economic integration) is pushing states to seek common visa and asylum policies (Thielemann 2003; see also Chapter 14).

The end of the Cold War contributed to this sea change in international relations by increasing the movement of populations from east to west, without slowing or stopping south-to-north migration flows. As a policy issue, international migration has moved from the realm of “low politics” (i.e., problems of domestic governance, especially labor market and demographic policies) to the realm of “high politics” (i.e., problems affecting relations between states, including questions of war and peace). Haiti and the former Yugoslavia provide early examples of this phenomenon, and political instability—associated with war in South Asia (Afghanistan and Pakistan) and upheavals in North and Sub-Saharan Africa, not to mention the so-called “Arab Spring” in the Middle East—has increased the propensity for migration from south to north. With the rise of terrorism in the first decade of the twenty-first century, many governments have recast migration as a problem of national security, and international organizations such as the United Nations High Commission for Refugees have come under intense pressure to help states manage increasing flows (Greenhill 2010; Rudolph 2006; see also the commentary by Betts in Chapter 14).

Should we conclude that the increasing movement of people across national borders is primarily a function of changes in the international system? Clearly, there is a connection between structural changes in the international political economy and the increasing mobility of people (Sassen 1988; Hollifield 2000, 2004). However, we argue that endogenous factors are the key determinants. As much as the principal immigrant-receiving countries may wish to ignore or avoid dealing with the structural factors that drive the supply of and demand for foreign labor, they must eventually recognize that the “crisis of immigration control” that they are experiencing derives largely from changes occurring in the international political economy. For example, competition for the highly skilled (human capital) is increasingly fierce in a global labor market (Chiswick 2011), and the imbalance in global population growth, between the North and the South, is growing.

On the economic and demographic side of the equation, neoclassical “push-pull” arguments provide us with a simple and straightforward explanation for increases in immigration. Demand-pull in the US and European economies during the 1950s and 1960s was so great as to stimulate large-scale migrations from the poorer economies of the “periphery” (Mexico, Turkey, North Africa, etc.). These labor migrations were initiated and legitimized by the receiving states, in Western Europe through the so-called guest worker programs and in the United States through the Bracero Program of contract labor importation (1942–1964). But what started as an optimal movement of labor from south to north became, in the 1970s and 1980s, a sociopolitical liability as economic growth in Western Europe and North America slowed in the aftermath of the first big postwar recessions, which began with the first oil shock in 1973–1974 (Hollifield 1992).

Stopping immigration, however, even during a period of sharp economic contraction, proved exceedingly difficult, in part because of powerful underlying push-pull factors. Demand-pull migration had initiated processes that continued to have unanticipated consequences, from the micro level—employers wanting to retain their “guest workers” indefinitely—to the macro level—the expanding role of immigration in host-country population and labor force growth as well as the dependence of sending-country economies on multibillion-dollar migrant remittances (Hollifield, Orrenius, and Osang 2006). Moreover, supply-push migration reached new heights as the populations of peripheral countries like Turkey, Mexico, and Algeria grew at a very rapid pace even as their economies slowed as a result of the global recession. Migration networks developed during the years of expansionary immigration policies, helping to spread information about job opportunities, modes of entry, and residence in the receiving countries. These transnational social networks, perhaps more than any other factor, helped to sustain migration—especially family reunification in Europe and illegal labor migration from Mexico to the United States—during periods of high uncertainty regarding employment prospects in the labor-importing countries. Thus, despite a series of economic recessions, culminating in the “great recession” of 2008, immigration has continued at historically high levels, forcing governments to scramble to redesign immigration control and refugee admission policies to cope with the rising tides.

Push-pull forces and the imbalances between the economies of the North and South (as well as the West and East in Europe) provide necessary but not sufficient conditions for immigration, especially on the scale experienced in recent decades. To explain what Myron

Weiner (1995) labeled the “global migration crisis,” we must look beyond macro- and microeconomics, and even social networks, to trends in the political development of the major receiving countries.

The difficulties of immigration control today are closely linked to the rise of rights-based politics (Hollifield 1992, 1999, 2008). This new brand of politics is especially evident in debates over immigration, naturalization, and asylum policies in all of the major democracies, which must grapple with the fundamental issues of how many migrants to accept, from which countries, and what rights (status) to provide to them. Civil rights–based policies help immigrants not only to get in but also to remain and settle. At the same time, human rights and refugee conventions have underscored the rights of asylum seekers, migrant workers, and their families. In sum, it is to both political and economic changes within states and internationally that we must look for explanations of immigration policy.

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### THE “LIBERAL PARADOX”

The extension of rights to minorities and foreigners in the decades following World War II is one of the most salient aspects of political development in the advanced industrial democracies. The creation of new legal spaces for marginal groups (including foreigners) in societies as different as Germany, the United States, and Japan is linked to a much broader change in international and democratic politics, which originated with the adoption of the Universal Declaration of Human Rights in 1948 and in the American civil rights struggles of the 1950s and 1960s. A new type of rights-based politics has taken shape at many levels of the democratic polity and in the international system itself: in legislative acts, partisan and interest group (especially ethnic) politics, and, most important of all, in judicial rulings (Schuck 1998). Judicial activism has gained many supporters and detractors, and has helped to spawn a plethora of advocacy groups ranging from social movements and political parties on the extreme right to new civil and human rights organizations on the left.

Even though the history of rights-based politics in the United States is quite different from that in Europe, its impact on immigration policy has been much the same: expanded rights for marginal and ethnic groups, including foreigners. These historical developments have provoked a rethinking of classical liberal theory in the works of scholars who place civil and human rights at the center of a new social contract (see, for example, Rawls 1971; Walzer 1983; Hirsch 1992; Soysal 1994; Bauböck 1994; Jacobson 1996; Benhabib 2004). Redefining the relationship between the state and individuals and groups, through a process of political struggle, has had a great impact on the capacity of democratic states to control immigration, and it has given rise to a new multiculturalism that in many ways has redefined the social contract (Kymlicka 1995). While legislative acts as well as judicial rulings in recent decades have whittled away at some of the rights and protections accorded to immigrants, the legal and political legacy of the postwar era continues to constrain the executive authorities of democratic states in their attempts to achieve territorial closure and to exclude certain individuals and groups from membership in society (Schuck 1998; Benhabib 2004).

It is the confluence of markets (the push-pull factors described above) and rights that explains much of the contemporary difficulty with immigration control, highlighting what

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Hollifield (1992) has called “the liberal paradox.” How can a society be open for economic reasons and at the same time maintain a degree of political and legal closure to protect the social contract? This political-economic dynamic has weakened the historically close linkage between business cycles and “admissionist” or “restrictionist” immigration policies (Hollifield and Wilson 2011). Efforts by some states to regain control of their borders all point to a gradual recognition that immigration control may require a rollback of civil and human rights for noncitizens (Canada and to some extent Australia would seem to be notable exceptions; see Chapters 3 and 4). Examples include the 1996 US Illegal Immigration Reform and Immigrant Responsibility Act, which tightened restrictions on legal as well as illegal immigrants, the German decision to amend Article 16 of the Basic Law to restrict the blanket right to asylum, the Pasqua and Debré laws in France in the 1990s, and, in the aftermath of the terrorist attacks of the 2000s, new and often sweeping powers granted to police and intelligence services to carry out surveillance and identity checks and to detain individuals without charge for extended periods.

Ruhs and Martin (2008) have argued that there is a tradeoff between numbers and rights—states can have more foreign workers with fewer rights, or they can have fewer foreign workers with more rights, but they cannot have both high numbers (open labor markets) and rights.

The postwar development of rights-based politics has not prevented nationalist and nativist backlashes against immigration. The French Front National is perhaps the most widely known anti-immigrant political movement, but many others have emerged in almost every industrialized country that has experienced large-scale immigration in recent decades (Kitschelt 1995; Money 1999; Norris 2005; Mudde 2007; Hopkins 2010). These backlashes are nationalist, particularist, and exclusionary. Their principal target is immigrants, but they also level criticism at liberal parties and politicians who support the expansion or preservation of civil and political rights for ethnic minorities.

The growth of extreme right anti-immigrant parties places center-right politicians under tremendous electoral pressures (Thränhardt 1996; Perlmutter 1996; Arzheimer and Carter 2006). How can a “liberal” society tolerate the presence of individuals in it who are members but not citizens? Should not all individuals who are members (i.e., permanent residents) of a liberal society be accorded the full panoply of rights (social and political as well as civil) enjoyed by those who are citizens? This is the paradox or dilemma that “liberals” face, and it is particularly acute in countries that have large, multigenerational resident-alien populations that remain just outside the social contract.

In sum, immigration in most of the countries studied in this book can no longer be debated strictly in economic or demographic terms; citizenship, membership in national and local communities, and basic human rights must also be addressed (Brubaker 1989; Carens 2000).

## NATIONS OF IMMIGRANTS

In settler nations like the United States, Canada, and Australia, immigration is part of the founding ideal (or myth). But like all immigrant-receiving countries, these countries must

address key issues such as how many foreigners to admit, from where, and with what status. We define as “nations of immigrants” those founded, populated, and built by immigrants in modern times; as a result, immigration is a fundamental part of the founding myth, historical consciousness, and national identity of these countries, which normally anticipate and welcome large numbers of immigrants. This does not mean, however, that they have always been so open; nor does it mean that immigration is not currently a source of social tension and political conflict (see, for example, Schlesinger 1992; Smith 1997; Huntington 2004). Indeed, during the last twenty years the United States and Australia have been nearly as prone as the “reluctant” labor importers (to be discussed) to adopt restrictive measures that roll back immigrant rights and indulge anti-immigrant public opinion.

Of all the countries included in this study, the United States has by far the largest gap between the stated goal of controlling immigration and the actual results of policy: historically high immigration levels and a large and growing illegal immigrant population. Recent US efforts to reduce the influx of unauthorized migrants entering via Mexico—through concentrated border enforcement operations, deportation, and other control measures—have not reduced the stock of such immigrants; instead, they have produced a more stable, settled population (Massey, Durand, and Malone 2002). By the beginning of the twenty-first century, 10 percent of low-wage workers in the United States were unauthorized immigrants; in agriculture, they were between 50 and 60 percent (Martin 2009; see also Chapter 2).

The US insistence on maintaining such ineffective immigration control policies prompts Martin to ask, in Chapter 2, whether those policies are genuine efforts to reduce unauthorized immigration or primarily an attempt to manage public opinion using the illusion that illegal immigration is under control. Although enforcement of immigration laws in the workplace is potentially a much more effective means of immigration control, employer sanctions have been ineffective because of the widespread availability of fraudulent documents among immigrant workers and insufficient numbers of inspectors.

The political debate over immigration in the United States is fueled by the large numbers of unauthorized immigrants who find their way into the country; by the perceived impacts of immigration in general on the life chances of native-born workers; and by the alleged failure of recent immigrants (especially Mexicans) to assimilate into society. The general public continues to assume that immigrants depress wages, compete unfairly (and effectively) for jobs that would otherwise be taken by native workers, and drain public services. Martin notes that most empirical research does not support such assumptions (see also Orrenius and Zavodny 2010).

Martin describes the debate between integrationists (assimilationists) and pluralists (multiculturalists) over the extent and pace of immigrant assimilation into US society. Previous attempts to incorporate immigrants through cultural assimilation have been replaced by a greater multicultural tolerance that enables immigrants to attain socioeconomic mobility while retaining cultural differences. Although the United States does not have an official immigrant integration policy, it has provided immigrants with differential access to rights, benefits, and social services depending on legal status (King 2000; Tichenor 2002). Martin argues, however, that there is a rights-numbers trade-off in the United States, just

as there is in other industrialized democracies, which means that countries can have high numbers of immigrants with few rights or low numbers with more rights (see also Ruhs and Martin 2008).

Martin observes that US immigration policy has long followed a “zigzag” pattern, with expansionary periods followed by restrictionist periods. After the terrorist attacks of September 11, 2001, the United States clearly entered a new restrictionist phase, as immigration control was conflated with protection of national security. Tightened border controls, much closer monitoring of foreign students, and ethnic/religious profiling to identify and detain potential terrorists became accepted practice in the post-9/11 era. Nevertheless, as Martin notes, there has been no concerted effort to substantially reduce the number of immigrants admitted, thus demonstrating both the resilience of the ideology that the United States is a nation of immigrants and the power of market forces driving immigration.

Among the countries represented in this book, Canada seems to be the most comfortable with its immigration policy. As Jeffrey Reitz in Chapter 3 makes clear, Canada has a consensual and relatively open approach that is geared more toward nation building and national economic development than is US policy. As a result, Canada has maintained an expansionary, skills-based immigration system that sees three times the number of immigrants admitted per capita than the United States. Despite such high immigration levels, the Canadian public remains quite tolerant of immigrants. Reitz attributes the differences between the United States and Canada to different economic structures, cultural factors, and institutional arrangements. Canada has a fixed-target policy of admitting each year a number of immigrants equal to 1 percent of its population (about 300,000 immigrants per annum), regardless of short-run economic conditions. However, unlike the US system, which is based primarily on family ties, Canada has a carefully managed points system that selects immigrants according to their education, skills, and linguistic ability, in an effort to meet the country’s long-term labor needs. In recent years, the selection process has placed more emphasis on attracting the young and skilled. Noneconomic immigrants admitted through family reunification or as refugees are proportionately fewer, although Canada has a relatively liberal policy toward asylum seekers.

Given such clear policy objectives, it is relatively simple to measure gaps between policies and actual outcomes in the Canadian case. In terms of the number of immigrants actually admitted, Canada has consistently and significantly fallen short of its 1-percent-of-population target, which, as Reitz notes, is quite interesting since most countries receive more immigrants than desired. It is more difficult to assess whether Canadian policy has been effective in providing the country with enough highly skilled and economically successful immigrants. In the past, immigrant educational levels were higher than native Canadian levels, but the gap has narrowed and virtually disappears when immigrants are compared to young native-born urban workers. Immigrant earnings are higher than in the United States but not relative to qualifications.

The Canadian case is also distinguished by a relatively high level of public support as compared to the United States and Australia, with majorities of Canadians consistently favoring maintaining or increasing current immigration levels. The political discourse on immigration has also remained positive, with all major political parties officially supporting

it. Reitz suggests a number of explanations for this: the positive association of immigration with nation building and population maintenance, a small population of illegal immigrants, and simple cultural tolerance. Another reason for public acceptance of high immigration levels may be Canada's policy of selecting immigrants according to skills and other qualifications to meet labor market needs, which gives the public the impression that immigrants are making a positive contribution to the economy.

Canada gives immigrants immediate access to various social services, settlement programs, and a relatively easy naturalization process. The country's official immigrant integration ideology seems to have followed a course somewhat similar to that of the United States: an earlier assimilationist paradigm has been replaced by a multiculturalist approach. Unlike the United States, however, Canada has an explicit and official multiculturalism policy (see also Kymlicka 1995). The greater feeling of social acceptance that this policy generates among immigrants may be one reason that rates of naturalization are higher than in the United States.

Canada is something of a deviant case among the countries considered in this book because of its reaffirmation of expansionary immigration policies. The September 11 terrorist attacks on the United States did not provoke a restrictive turn in Canadian immigration policy, despite increased cooperation with the United States on border security. But Reitz suggests that the widening gaps between policy and outcomes—that is, Canada's inability to attract a sufficient number of immigrants and the recent downward trends in immigrant job-seeking success and earnings—may erode the currently positive economic perception of immigration. Moreover, there is growing concern about the spatial distribution of immigrants; more than 80 percent of new arrivals head for only three cities: Toronto, Montreal, and Vancouver. Finally, it will become increasingly difficult for Canada to keep the proportion of family-based immigrant admissions low, given that the skills-based immigrants already living in the country eventually will want to bring in family members. Such trends may force the government to adopt policies that converge more with those of the United States.

The immigration histories of Australia and Canada have a number of important similarities. Both countries originated as British colonies and in the past pursued racist (white-only) immigration designed to keep their countries white and European. However, they eventually abandoned such discriminatory policies in favor of a skills-selection (points) system and a multicultural policy toward immigrant integration. Both still regard immigration as a means of economic development and nation building. The critical difference is that Australia is currently much more ambivalent than Canada about high levels of immigrants—especially refugees and asylum seekers.

According to Stephen Castles, Ellie Vasta, and Derya Ozkul in Chapter 4, the Australian government has fashioned a carefully managed immigration program modeled on the Canadian system, one that admits skilled immigrants based on a qualification points test and generates a low proportion of family-based and humanitarian immigrants (refugees and asylum seekers). Australia also has a large temporary foreign worker program for immigrants who are highly skilled. Castles, Vasta, and Ozkul find that the gap between immigration policies and outcomes is rather small in Australia. The points system has been relatively

effective in attracting the desired skilled, economically successful immigrants. Indeed, the average skill level of recent immigrants is higher than that of native-born workers, and both first- and second-generation immigrants have experienced substantial occupational mobility. The illegal immigrant population is small, partly a consequence of Australia's geographical isolation from poorer, less developed countries. In terms of immigrant integration, Australia seems to have followed the American and Canadian trajectory: an assimilationist policy has given way to a multiculturalist stance that recognizes the nation's cultural diversity and improves immigrant rights and access to social services and institutions. As in the United States, there is not a large difference in the rights conferred to citizens and permanent residents, and the requirements for naturalization are minimal.

The Australian government seems to have done an effective job of convincing the public that their country primarily admits skilled immigrants who contribute to the economy. However, Castles, Vasta, and Ozkul document growing public ambivalence toward immigration, driven by rising unemployment and economic uncertainty, and the emergence of the anti-immigrant One Nation party. Globalization and increased regional integration (both of which have increased the number of countries sending immigrants to Australia) together with the recent arrival of boat people (undocumented immigrants and asylum seekers) have contributed to a sense that the country's tightly controlled immigration system is under threat. In response to this anti-immigrant backlash, government policies have taken a restrictive turn, marked by a draconian tightening of refugee and asylum policy and stronger border controls. Australia's multiculturalism program has also been downgraded and partly dismantled. However, a pro-immigrant movement is emerging, led by a conglomeration of unions and other NGOs. Although Australia has a bureaucracy-dominated immigration policymaking regime, it actively consults with various interest and advocacy groups and is responsive to public pressure.

## COUNTRIES OF IMMIGRATION

Immigration has long been a fact of life in Europe, but it is not part of the founding ideal of any European country. Germans, for example, emigrated across the globe as early as the seventeenth century, but in the last decades of the twentieth century, Germany became a country of immigration, facing the same issues as traditional settler nations. We consider "countries of immigration" those that have a history of immigration but officially deny that they are countries of immigration or that have acknowledged this fact only recently. Immigration has not been a fundamental part of their national identity or their nation-building process, and the attitudes of political elites and general publics toward it generally have been more negative than in the classic nations of immigrants. These countries recruit most migrants temporarily (that is, as guest workers) rather than as permanent additions to the labor force, and in effect they are "reluctant lands of immigration." France, as we will see, is a partial exception because of its revolutionary history and early demographic transition.

James Hollifield argues in Chapter 5 that France has been a relatively liberal immigration country because of the strength of its political ideology of republicanism—initially a form of left-wing, rights-based politics—buttressed by the labor requirements of French

capitalism and the policy preferences of government economic planners in the post–World War II era. Liberal immigration and naturalization policies also derived from the early establishment, in the nineteenth century, of a pattern whereby immigrant labor was recruited privately by French industry, often with government sanction but with very little state control. The organization of foreign labor importation by the private sector largely bypassed official institutions created to manage immigration flows. The historical pattern has been for such flows to accelerate to the point where the state is compelled, for political reasons, to try to regain control. However, the general ineffectiveness of France’s immigration control policies has created a substantial gap between stated policy objectives and actual outcomes.

Consistent with its republican tradition, France has been willing to accept immigrants and incorporate them into the French nation under a generous naturalization policy and with no significant exclusions from the country’s welfare state. However, since World War II there have been repeated efforts to curtail immigrant rights, including limiting family reunification, encouraging repatriation, restricting labor permits and employment opportunities, toughening the asylum adjudication process, and expanding the powers of police to detain and deport unauthorized immigrants. Some of these measures were part of a “grand bargain” struck by left-wing governments, in which tightened control over new immigration flows was accompanied by efforts to accelerate the social integration of immigrants already settled in France, through legalization and the granting of citizenship rights. In recent years, more conservative-minded governments have attempted to make France’s citizenship and naturalization laws more exclusionary and to limit the civil and social rights of immigrants, partly in an effort to placate the anti-immigrant National Front and win back its supporters.

France’s increasingly negative policy stance on immigration led to strong pro-immigrant reactions from civil society. This is despite public anxiety about the rapidly increasing number of Muslim immigrants (the largest concentration in Western Europe) and the threat of terrorism fed by Islamic fundamentalism. The governments of Jacques Chirac and Nicolas Sarkozy secured the enactment of a national ban on the wearing of Muslim head scarves and other religious symbols in public schools. Although the legislation was justified as necessary to protect France’s strict doctrine of separation of church and state (*laïcité*), it was also a clear response to public concerns about immigration and the fact that roughly one in five French voters supported the National Front in the last three presidential elections. Part of the public backlash against Muslim immigrants is a concern that they cannot be assimilated in accordance with the republican model.

Republican ideology has not been the sole *determinant* of French immigration policy, but it has acted as a *constraint* on government actions. For example, French courts have ruled repeatedly that laws violating the civil liberties of immigrants are unconstitutional on the grounds that they are inconsistent with the country’s republican values, which are derived from universal human rights. The government’s anti-immigrant measures have also aroused large-scale public protests in an active civil society. As Hollifield argues, France and other liberal democratic states have certain built-in constraints that prevent them from crossing the “invisible line” and infringing on the basic civil liberties of citizens and denizens in violation of their founding principles.

For much of the postwar period, Britain was *not* a country of immigration, given that flows remained relatively modest compared with other labor-importing countries and that Britain succeeded, where other countries failed, in controlling immigration, matching outputs to outcomes. For this reason, Gary Freeman in earlier editions of this book referred to Britain as “the deviant case.” Nevertheless, despite having a supposedly “zero-immigration” policy since the 1970s, immigration in Britain has been steadily rising in the past two decades. Randall Hansen in Chapter 6 sees this policy shift as a conscious choice made by Labour governments led by Tony Blair at the end of the twentieth century.

Thus, Britain reversed a trend toward increasingly restrictive immigration policies that had begun in 1962, when the country started to impose stringent controls on immigration from its colonies and the British Commonwealth. In the early 1970s, the government created a work permit system that generally did not allow family reunification or permanent residence. Additional restrictions, as well as a crackdown on visa overstayers, were implemented during the conservative governments of the 1970s and early 1980s. Britain further tightened its immigration system by adopting a narrower definition of British citizenship (the partiality rule), which denied most former British subjects the right to immigrate. And unlike other Western European countries, which granted free movement across borders to EU nationals under the Schengen Group protocols, Britain retained strict border controls. In 2004, however, Britain was one of the few EU member states to grant free movement immediately to the formerly communist states of East Central Europe when they acceded to EU membership, with the result that large numbers of workers from these states, especially Poland, came to Britain in search of work.

Hansen argues that the main driver of British immigration policy has been the demand (or lack thereof) for foreign labor. This is in contrast to the arguments advanced by Zig Layton-Henry in previous editions of this book. Layton-Henry attributed low levels of immigration to British racism and intolerance. Indeed, the British public and mass media have been hostile to large-scale immigration out of concern that it threatens the country’s national character and overburdens the welfare system. Conservative and Labour governments once assumed that large numbers of racially and culturally different immigrants would cause a strong public backlash and lead to ethnic and racial conflict—hence Conservative politician Enoch Powell’s comment in a 1968 speech that, if immigration were not controlled in Britain, there would be “rivers of blood.” Immigration controls were viewed at that time as necessary not only for good race relations but also to reassure the public that immigration was being carefully managed to promote national economic interests. However, these policies of strict immigration control were reversed in the late 1990s and early 2000s by the “New Labour” governments of Tony Blair.

While historically Britain has had much more restrictive immigration policies than those of other countries of immigration, the gap between policy outputs and outcomes is no less prominent. Britain now has one of the largest ethnic minority populations in Western Europe. The government has had great difficulty in reducing the number of asylum seekers, resulting in greater politicization of immigration policy. Not surprisingly, Britain’s reluctance to fully accept its status as a major country of immigration has made it less willing to adopt a proactive and coherent immigrant policy. This has forced local governments to bear most

of the burden of providing basic human services to immigrants and asylum seekers. However, periodic race riots have vividly illustrated the uneven socioeconomic incorporation of immigrants, spurring the government to pay more attention to this issue.

The turn in the early 2000s toward more liberal admission of skilled immigrants—driven in part by a shortage of professional service workers—was accompanied by efforts to convince the public of the economic benefits of immigration. This policy was to some extent reversed by the Conservative-Liberal coalition government of David Cameron, who pledged in 2011 to cut the number of immigrants to 100,000 per year, raising the specter of a new gap between the supply of and demand for immigrant visas.

The Federal Republic of Germany, formerly the “*Gastarbeiter* (guest worker)” country par excellence, recoiled from the waves of foreigners that descended on it following the collapse of East European Communism in 1989. The arrival of 1 million foreigners in 1990 alone—including ethnic Germans relocating from the former Soviet Union and its satellites, relatives of immigrants already settled in Germany, applicants for political asylum, and legal and illegal foreign workers—made it by far the leading recipient of immigrants among OECD nations, even while German leaders declared that their country was “not, nor shall it become, a country of immigration, *Deutschland ist kein Einwanderungsland*.” It was not until January 2005 that Germany passed its first comprehensive immigration law covering issues of labor migration, family reunification, and integration.

In previous decades, as Philip Martin in Chapter 7 makes clear, Germany implemented a series of ad hoc immigration control policies, all of which went awry with major unintended consequences. In fact, the history of German immigration is one of huge gaps between policy outputs and outcomes. This is best illustrated by the country’s guest worker programs, begun in the 1950s, which were intended to recruit foreign workers on a strict rotation basis. Although no numerical quota was set nor serious limits placed on foreign worker recruitment, a much larger number of guest workers migrated to Germany than expected, and a third of them settled there. Employers wanted them for longer periods, the workers prolonged their stays because of the high cost of living in Germany (which lengthened the time needed to accumulate savings), and many brought their dependents.

Germany’s asylum policy follows a similar story line. Despite its generous and open-ended commitment to provide asylum to those fleeing political persecution—a legacy of World War II—the government clearly did not expect the huge flood of asylum applicants that it received beginning in the late 1980s, nor was it ready to accommodate them. The volume of illegal immigration has also been quite large; estimates of the stock of unauthorized workers vary widely between 150,000 and 1.5 million.

The government’s attempts to assert control over immigration have met with limited success. While it was able to shut off guest worker recruitment in the early 1970s—owing mainly to the deep recession caused by the Arab oil embargo and the first oil shock—subsequent attempts to reduce the foreign worker population failed. Since the 1993 revision of Article 16 of the Basic Law, which stated broadly that “persons persecuted for political reasons shall enjoy the right of asylum,” the government has been considerably more effective in reducing the flow of asylum seekers and convincing some of them to repatriate. However, attempts to control illegal immigration seem to have run into the same obstacles

faced by other countries: insufficient resources for border control and internal enforcement, lack of political will due to opposition from employers and pro-immigrant NGOs, and concerns that stringent controls would be economically harmful to both Germany and immigrant-sending countries. According to Martin, Germany has been quite ambivalent in its efforts to socially integrate its unexpectedly large population of immigrants given that it has been simultaneously urging them to repatriate. Naturalization has been more difficult in Germany than in other liberal democracies, but in 1999 the red-green (SPD-Green) coalition government modified the *jus sanguinis* nationality law and accepted limited dual nationality.

Large gaps between policy outputs and outcomes inevitably created a popular perception that the German government had lost control over immigration, encouraging a public backlash led by right-wing extremists and nationalist politicians. Anti-immigrant actions (including violent attacks on foreigners) mushroomed in the 1990s, when the flood of asylum seekers was seen as an unacceptable economic burden in a context of high structural unemployment, especially in the former East Germany. In recent years labor-force participation among immigrants has dropped sharply, and their unemployment rate is twice that of natives, further reinforcing the public perception that they are an economic burden.

The government apparently has learned from its mistakes. Germany's new guest worker programs are very limited, project-specific, and carefully managed. Its so-called "green card" program, launched in 2001, is intended for highly skilled information technology professionals. In devising a new comprehensive immigration policy, Germany has looked to Canada and its points system, not to the United States. German governments apparently feel that, if immigrants are admitted based on a Canadian-style skills/qualifications test, and if efforts are made to reduce noneconomic, humanitarian migration, fiscal impacts will be reduced and anti-immigrant sentiment in the general public will deflate.

Although Germany has "converged" with the Canadian/Australian system, it remains to be seen whether it will be able to close the gap between policy outputs and outcomes as effectively as those two countries have. First, Germany has been unable thus far to attract the number of skilled immigrant workers it desires because the English-speaking, higher-paying United States, Canada, and Britain remain the favorite destinations of such workers. Second, pursuing a narrowly skills-based immigration policy in a country whose economy continues to demand large numbers of unskilled workers undoubtedly will produce a large gap between policy outputs and outcomes. Even so, Germany has bounced back strongly from the financial crisis of 2008 and the German economy has become once again a high-growth machine as well as a magnet for foreign workers.

At one time the Netherlands was a country of emigration, but it became a serious labor importer decades ago. Only in recent years, however, have some government officials begun to acknowledge that the Netherlands is, indeed, a country of immigration. This notion remains highly controversial, and as a result the country does not have a comprehensive policy based on an overall vision of itself as a country of immigration. Instead, it employs a series of ad hoc policies formulated in response to changing economic and social conditions.

Nevertheless, as Willem Maas in Chapter 8 argues, migration has been a central feature of Dutch political development going back to the founding of the Dutch state itself, and

Dutch society has been defined by core liberal values of pragmatism, tolerance, and humanism. These national values have prevented the government from veering too far toward a restrictionist immigration policy. Rather, Dutch policy has been a constant search for balance between pragmatic economic interests and humanitarian concerns. Responding to the economy's need for immigrant labor, the Netherlands operated a German-style guest worker program from the early 1960s to the mid-1970s. At the same time, because of its strong tradition of humanitarianism, it maintained a liberal asylum system, similar to Germany's pre-1993 regime, despite the importance of postcolonial migrations. In this respect the Netherlands is more similar to Britain than to Germany.

Immigration policymaking in the Netherlands has been a story of emerging gaps between policy outputs and outcomes, followed by attempts to close those gaps by tightening immigration controls. Virtually all of the country's immigration policies have produced serious unintended consequences. The guest worker program of the 1960s and early 1970s brought more immigrant workers to the Netherlands than initially anticipated, and they did not repatriate as expected. After the guest worker program was officially ended, recruitment of foreign workers was allowed to continue on a smaller scale. The generous Dutch asylum system was quickly overwhelmed as the country became one of the most attractive destinations for asylum seekers. The Dutch have been more lenient than the Germans and the British in allowing family reunification for asylum seekers, guest workers, and postcolonial immigrants, which has given employers "back-door" access to foreign-born labor. Like other immigrant-receiving countries, the Netherlands recently began to recruit temporary, highly skilled workers from abroad to meet the needs of its increasingly important knowledge-based industries. The Dutch immigration system has become a *gedoogbeleid* (a policy that unofficially tolerates what is officially prohibited), and the most densely populated country in Europe has experienced a large influx of immigrants from Islamic countries.

As the gap between policy outputs and outcomes grew and demographers predicted that the largest Dutch cities would have Muslim majorities within ten years, a serious public backlash developed. The initial lightning rod for anti-immigrant sentiment was Pim Fortuyn, a former Marxist academic turned populist-conservative who came close to being elected prime minister in 2002 by arguing that the Netherlands was "full up" and calling Islam a "backward religion." Fortuyn's ambitions were thwarted by a fanatic protester who assassinated him a few days before the election. His makeshift political party (Lijst Pym Fortuyn) has faded since then, but he succeeded in turning immigration and asylum seeking into issues that must be addressed by the "mainstream" Dutch parties.

Immigration politics in the Netherlands was further inflamed with the assassination in late 2004 of the controversial filmmaker Theo van Gogh, who was killed by a Muslim extremist. The mantle of anti-immigrant politics subsequently was taken up by Geert Wilders, the leader of the radical right People's Party for Freedom and Democracy, which had a minor role in the government following parliamentary elections in 2010. As Maas illustrates, the rise of anti-immigrant politics has had a profound effect on Dutch policies with respect to immigration, integration, and citizenship.

Attempts to narrow the gaps between immigration control policies and outcomes have included repeated, ultimately ineffective, efforts to limit family-reunification immigration,

as well as numerous measures to discourage asylum seekers. None of these attempts have changed the Netherlands' image as a welcoming destination. In February 2004, the Dutch parliament voted to round up and expel up to 26,000 failed asylum seekers who had arrived in the Netherlands before April 2001—a harsher remedy than has been applied to asylum seekers in any other EU country. Legalization programs and stronger controls against clandestine immigration have also been attempted, but the latter have mainly had the effect of increasing migrants' reliance on professional people smugglers.

Meanwhile, Dutch integration policies remain generous and inclusive. Paradoxically, these policies are justified as efforts to prevent the establishment of “ethnic minorities” while allowing immigrants to maintain their cultural identities. Despite heated political battles, the system has been successful in terms of housing, education, and legal rights for immigrants and has produced high rates of naturalization. However, it has been less successful in promoting economic incorporation.

In Chapter 9, Grete Brochmann writes about the Scandinavian countries of Denmark, Norway, and Sweden, which since the 1960s have become countries of immigration. The Scandinavian case differs from others in that this subset of European countries operates according to the “Nordic model,” whereby the social contract is assured by a comprehensive (cradle-to-grave) and universal welfare state. Guaranteeing the welfare of all citizens and legal residents is fundamental to the Nordic model of government, and for this reason it is impossible to talk about immigration or immigrant policies outside of the context of the welfare state. Moreover, immigration poses an acute dilemma for Scandinavia to the extent that it weakens social solidarity and undermines the welfare state (Freeman 1986; Crepaz 2008). This is similar but not identical to the “liberal paradox” described above.

Scandinavian countries have had fairly generous admission policies, especially for refugees and asylum seekers, but, as Brochmann notes, the emphasis on social solidarity and tight regulation of labor markets has made it more difficult for immigrants to integrate into the economy and society. Sweden has a longer history of immigration than Denmark or Norway, and its politics of immigration have been more liberal (open and tolerant), similar in some respects to that of Canada. Denmark has had the most restrictionist and, some would say, xenophobic politics, promoted by the Danish Peoples Party, and Norway is somewhere in the middle. Likewise, Sweden has embraced the more liberal Schengen system of free movement of persons and open borders (within the EU), while Denmark has opted out of many EU regulations with respect to migration and asylum seeking. Norway, on the other hand, while not a member of the EU, has adhered to its migration and asylum policies as well as the Schengen system. Overall, Brochmann argues, there are marked similarities in the “Nordic approach” to immigration control, characterized by careful admission policies and integration of immigrants via the welfare state. The Scandinavian welfare state serves paradoxically as a mechanism of strict immigration control and as a means of rapid integration for landed immigrants.

Finally, Switzerland, among the older countries of immigration, is a rather unique case, with a long and detailed history of immigration similar to that of France, dating back to the period of industrialization in the late nineteenth century. As Gianni d'Amato points out in Chapter 10, Switzerland is a confederal state with a multicultural society, located in

the heart of Europe and always fearful of *Überfremdung* (overforeignization) and of being overrun by more powerful neighbors, clinging to its tradition of strict neutrality. Yet despite the delicate nature of the Swiss constitution and Swiss society, the country has relied heavily on foreign labor to fuel economic growth throughout the twentieth century and into the twenty-first. During economic reconstruction in Europe after World War II, the foreign population increased steadily, but Switzerland maintained a rather strict guest worker, or rotation, policy that forced many foreign workers to return home following the economic downturns of the 1970s. D'Amato argues, however, that the politics of immigration shifted in the 1980s in favor of a more "rights-based" and integrationist policy that allowed foreigners to settle and obtain citizenship, even though the process of naturalization remains highly decentralized and depends almost entirely on the consent of the commune for accepting and naturalizing foreigners.

The confederal and consociational nature of the Swiss political system has made immigration policymaking difficult, with multiple actors and veto points leading to frequent referenda, usually framed in terms of overforeignization. As in other small European democracies (the Netherlands, Austria, and Denmark are good examples), the rise of right-wing populist parties has upset the delicate balance between the need for foreign/immigrant labor, the need for maintaining social solidarity based on a strong welfare state, and the need to protect citizenship in increasingly multicultural societies. D'Amato argues that Switzerland is unlikely to embrace the more liberal approaches to immigration and citizenship characteristic of other EU countries, and that it will remain more parochial in its approach to migration management.

## LATECOMERS TO IMMIGRATION

With rapid industrialization, economic growth, and democratization in Southern Europe and East Asia, a new group of nations has become a destination for immigrants. How have these countries managed this quick transition, and are they as welcoming of newcomers as settler nations? Latecomers to immigration are those countries that did not have notable immigration in the early decades of the post-World War II era (the 1950s through the 1970s) because labor demands could be successfully met by *internal* migration from poorer regions, increased utilization of previously untapped labor sources, and/or mechanization and rationalization of production.

In recent decades, however, these countries have begun to import large numbers of immigrants because of negative demographic trends (which are worse than in other countries), as well as structural economic and labor market needs mainly created by relatively recent economic growth (after the 1970s in some cases). However, the percentage of foreign-born residents remains quite low in most of these countries, which generally do not officially consider themselves to be countries, much less nations, of immigrants. In addition, all of these countries were prominent *exporters* of immigrant labor in the recent past, when they were less industrialized than other countries and going through rapid economic and social change with a concomitant rural exodus. As a result, they all made the transition from countries of emigration to countries of net immigration only in recent decades.

Among the latecomer immigration countries, Italy has the largest population of recently arrived, noncitizen residents, the vast majority of whom originated in Asia, the Middle East, and North and Sub-Saharan Africa. Here is a classic country of *emigration* for most of its history, but this trend reversed in the early 1980s. Although Italy (like Spain) was initially a way station for immigrants attempting to get to other European destinations through the “back door,” it is now one of the major countries of immigration in Western Europe. In Chapter 11, Ted Perlmutter shows that Italy faces the same dilemmas of immigration control and integration as more advanced immigration countries as it attempts to negotiate a balance between strong demand for foreign labor, especially in the large informal sector of the Italian economy, and the need to maintain at least the appearance of immigration control. The need for control became more acute when Italy joined the Schengen Group in the 1990s, requiring various Italian governments to hastily construct highly ad hoc immigration policies to satisfy EU demands.

The reasons that Italy became dependent on foreign workers are common to most of today’s major labor-importing countries. However, the demographic implosion—stagnant and declining birth rates—is more serious in Italy than in any other advanced industrial country. Italy has the world’s lowest birthrate and the most rapidly aging population. Together with a native workforce that shuns arduous, low-wage jobs, the result has been a potentially crippling labor shortage. The strong demand for foreign labor also reflects a social welfare state that encourages underemployment and early retirement among native workers, as well as powerful labor unions that make cheap, undocumented foreign labor more attractive. As has been the case throughout its history, Italy has maintained a dual labor market, with a highly regulated formal sector and a largely unregulated informal, secondary labor sector.

Perlmutter argues that government interventions to control immigration are eventually overwhelmed by powerful market forces and by the extreme volatility of Italian politics, which saw fifteen different governments in the twenty-year period from 1990 to 2010. Mainstream political parties are whipsawed between xenophobic and nationalist forces of the Northern League on the one hand and fragile coalition politics on the other, making it extremely difficult to achieve consensus on the contentious issue of immigration control. Italian politicians find themselves making promises to the public about controlling immigration that they cannot possibly keep, enacting many laws and creating a tangled and ineffective control system. Substantial gaps between policies and outcomes are virtually guaranteed by quotas that are set too low and become *de facto* legalization programs for unauthorized immigrants already in the country; employer sanctions that are not enforced because of legal challenges by the courts and because of government confusion and division over policy implementation; a high percentage of illegal immigrants who work in the underground economy; and amnesty programs that fail because of the fiscal burdens that they impose on employers (a newer program based on legalization initiated by the immigrants themselves has been more successful).

Meanwhile, the stock of illegal immigrants has continued to rise, and pressure on Italy continues to mount from other EU members to improve its external border controls in order to reduce the influx of unauthorized migrants, especially from North Africa and the

Middle East. This pressure to control its porous border has become even more acute in the aftermath of the Arab Spring and the collapse of North African and Middle Eastern authoritarian regimes.

Italy's recent record on immigrant integration is mixed. The latest immigration law affirms labor rights for immigrants and provides access to basic human services. However, some provisions have been obstructed by local officials who fear a community backlash. Naturalization remains difficult, and multiculturalism has not been pursued as a social integration policy because of the widespread belief that African immigrant cultures threaten Italy's social cohesion and national identity.

Italian public opinion on immigration is highly polarized. Opinion surveys indicate that the Italian public is one of the most tolerant in Europe, but there is growing antagonism toward immigrants based on the belief that they threaten public safety, especially with the rise of terrorism during the 2000s. Right-wing political parties have made considerable headway in some parts of the country using anti-immigrant appeals. But anti-immigration political forces have been counterbalanced by a powerful coalition of pro-immigrant groups, including employers, labor unions, NGOs, and religious organizations that press the government for more open policies and measures to reduce the illegality and marginality of foreign workers. Italian labor unions, well entrenched in the formal economy and thus largely insulated from foreign worker competition, have been particularly strong supporters of rights for undocumented immigrants. As Perlmutter notes, however, because the hallmark of Italian immigration policy is extreme politicization and polarization, it is difficult for the country to settle on a coherent policy.

Like Italy's, Spain's experience with immigration is historically limited. Only since the mid-1980s have migrant workers, mostly from North and West Africa, replaced "sunbird" northern Europeans as Spain's most numerous foreign group. The foreign-born population grew rapidly in the 1990s, to nearly 1.7 million by the end of 2003, with most of it coming from non-EU countries. Although many foreign workers continue to pass through on their way to destinations in Northern Europe, Spain itself has become an important destination country for unauthorized migrants from Africa, Latin America, and East Asia. However, as Miryam Hazán notes at the beginning of Chapter 12, the economic collapse that began in 2008 and the resulting high levels of unemployment throughout the Spanish economy have stopped immigration in its tracks and shifted the dilemma from one of control to one of integrating a large, settled foreign population.

Until the economic depression of 2008, Spain was fairly typical of the latecomers to immigration, grappling with how to preserve legal access to the foreign labor on which major parts of the Spanish economy depended, especially its booming construction sector, while not allowing illegal immigration to get out of control and create opportunities for political extremists. As in Italy, most illegal immigrants in Spain worked in labor-intensive and service industries, such as construction, domestic service, restaurants and hotels, healthcare, and agriculture, which until 2008 were the most dynamic, labor-short sectors of the economy. As in Italy, the country's vast underground economy absorbed much of this foreign labor. With one of Europe's best-performing economies until 2008, a native-born workforce no longer willing to migrate internally for employment or settle for low-wage manual jobs,

and a demographic profile that cried out for an expansionary immigration policy (rock-bottom fertility rates, rapid population aging), Spain was destined to be a large-scale importer of foreign workers in the twenty-first century. However, as Hazán notes, this changed dramatically in 2008.

Gaps between Spanish immigration control policies and their outcomes were and are quite large and growing. Attempts to crack down on migrant smuggling in the Strait of Gibraltar only shunted the traffic westward to the Canary Islands. None of the five different legalization programs (amnesties) carried out since 1986 reduced the stock of illegal immigrants, and a dysfunctional system of interlinked work and residence permits turned once legal foreign workers into *irregulares* with dismaying regularity. A quota system enabling employers to import foreign workers, mostly on short-term visas, fell far short of meeting demand. Moreover it was limited to nationals of five countries with which Spain had signed bilateral migrant labor agreements. Employer sanctions were inhibited by the high percentage of illegal workers in the underground economy and by the closeness of government-business ties.

As in Italy, in Spain high demand for foreign labor and a large informal economy combined to create high levels of illegal immigration, leading governments of the right and left to pursue amnesty, regularization, and legalization. Hazán explains that from the Plan GRECO, enacted by the right-of-center Aznar government in 2000, through the 2005 legalization put in place by the left-of-center socialist government under Zapatero, Spanish immigration policy emphasized quick and generous legalization of the large foreign work force to allow the foreign population to integrate as rapidly as possible. This approach to migration management, combined with a fairly decentralized policymaking process that relies on the autonomous regional governments to implement immigration policy, stymied xenophobic and populist parties. But, once again like Italy, Spain has been under pressure from the EU to control its borders and prevent African and Latin American migrants from transiting Spanish territory on their way to other EU destinations. Hazán concludes by pointing out that the severe economic crisis of the late 2000s has put pressure on native Spanish youth to emigrate in search of gainful employment, bringing Spain full circle: a sending country, to a receiving country, and once again a sending country.

Although past Japanese and Korean emigration was never on the scale of Italy's or Spain's, hundreds of thousands of Japanese did emigrate to the Americas from the late nineteenth century through the mid-twentieth century, creating large communities of Japanese descendants in the United States and Brazil. Koreans emigrated in large numbers to Japan, especially during the colonial period, and eventually many went to the United States as well. The economic and demographic factors that have turned Japan and Korea into countries of immigration are similar to those operating in Italy and Spain. However, unlike Italy and Spain, until recently Japan insisted on a closed-door immigration policy that prohibited unskilled migrant workers and permitted only highly skilled and professional workers. Korea, on the other hand, as Erin Chung in Chapter 13 notes, has taken a somewhat more liberal approach to immigrant settlement.

Both the Japanese and South Korean governments maintained a restrictive stance toward immigration through the high-growth periods of the 1980s (in the Japanese case)

and the 1990s and 2000s (in the South Korean case). Both countries wanted to maintain their ethnic homogeneity and feared that large numbers of racially and culturally different immigrants would provoke social unrest. Japan's bureaucratic and centralized immigration policymaking regime made it relatively insensitive to lobbying by small and medium-sized employers and other pro-immigration groups. However, demographic decline has placed great pressure on Japan to open its economy and society to higher immigration levels, despite the so-called lost decades of slow economic growth in the 1990s and 2000s. The Japanese population has ceased to grow and is projected to decline by 22 million during the next fifty years, assuming current levels of fertility and immigration. Since 2001, Japanese aged 64 years and older outnumber those under age 15. A similar though less acute demographic force is at work in Korea, which has been much more economically dynamic than Japan.

As a result, the gaps between immigration policy and actual outcomes in Japan and South Korea are substantial. Despite attempts to exclude the importation of unskilled foreign workers, the two countries have become countries of immigration. Large economic disparities exist between Japan and South Korea on the one hand and South and Southeast Asia on the other; with high levels of growth in Japan in the 1980s and in South Korea over the last twenty years, foreign workers from the south have found ways to settle and integrate into both societies, although, as Chung argues, the mechanisms of settlement and the acquisition of rights have been quite different. Some immigrants to Japan were smuggled in clandestinely—most notoriously in the construction sector during the boom years of the 1980s and more recently in the home healthcare and sex industries—and many entered both Japan and South Korea on short-term visas and simply overstayed. Even after the bubble burst in the construction and housing sectors and after the financial collapse of the 1990s in Japan and the Asian financial crises of 1997–1998 that led to a sharp economic downturn in South Korea, neither state was able to crack down on illegal immigration because key sectors in both economies already were dependent on foreign labor and rights were accruing to foreigners in both societies. The Japanese and Korean governments seemed to recognize that employers were dependent on foreign labor and that a crackdown would further depress the economy. Meanwhile, both governments undermined otherwise restrictive policies by enabling large numbers of unskilled foreign workers to be imported through various “side-door” mechanisms: as company trainees, students, entertainers, and, in the case of Japan, ethnic Japanese return migrants from Brazil—the so-called *dekasegi*.

Japan's insistence on treating all foreign workers, except for ethnic Japanese returnees, as short-term “guests”—not potential permanent settlers—delayed explicit, national-level policies and programs to facilitate the social integration of settled immigrants. But, as Chung demonstrates, local governments and NGOs, as well as other actors in the civil society, provided basic social services and protections to foreign residents, creating a mechanism for integration that allowed foreigners to acquire rights. In the process, they transformed Japanese politics and society.

Thus far, the Japanese public—well known for its ethnic insularity—has shown surprising tolerance toward the immigrants arriving over the past decades, despite the long-running recession that followed the collapse of the “bubble economy” of the late 1980s. This relative tolerance is partly a function of the widely shared belief that foreign workers

are alleviating Japan's labor shortage and thus contributing to the economy. But it also is indicative of the weakening of traditional conceptions of citizenship and nationhood, as Chung illustrates (see also Chung 2010).

Like Japan, Korea historically was a labor-exporting country that did not begin importing immigrants until the late 1980s. Also, like Japan's its foreign workers constitute only a small segment of the population, concentrated in the manufacturing and construction sectors with a growing presence in the service industries. Korea has traditionally denied that it is a country of immigration, officially forbidding the entry of unskilled immigrant labor and rejecting asylum seekers. But, as Chung shows, Korea, like Japan, has de facto side-door mechanisms through which significant numbers of unskilled foreign workers have been admitted, and the Korean state has taken an accommodating approach to integrating the foreign population.

Policy convergence between Korea and Japan, according to Chung, is partly due to strong local institutions and the willingness of civil society to incorporate de facto immigrants. Like Japan, Korea takes a monocultural approach to citizenship, even though it is more ethnically homogeneous. Both states still reject large-scale, permanent immigration, and they eschew multiculturalism. Nevertheless, Korean demand for immigrant labor has acquired a structural character because high levels of economic growth have been coupled with low fertility and population aging, a wealthy and highly educated native workforce that shuns unskilled jobs, and limited alternative sources of manpower. In addition, Korea has a Japanese-style, bureaucracy-dominated immigration policymaking system that has responded in similar fashion to the contradictory pressures of keeping the country immigrant-free and meeting domestic labor shortages. As a former Japanese colony, it inherited Japanese laws and subsequently imported many Japanese policies, copying wholesale several Japanese immigration control policies and programs. Nonetheless, as long as Korean and Japanese civil societies remain tolerant, these latecomers to immigration may converge toward the more "liberal" immigration policies of Euro-American countries, even though citizenship remains largely closed to foreigners.

## THE FUTURE OF IMMIGRATION CONTROL

Barring a cataclysmic event like war or economic depression, international migration is likely to increase in the coming decades. Despite the 9/11 terrorist attacks on the United States and the great recession of 2008, liberal democracies have remained relatively open to immigrants. Global economic and demographic inequalities mean that supply-push forces remain strong, while at the same time demand-pull forces remain constant. Growing demand for highly skilled workers coupled with demographic decline in receiving countries has created economic opportunities for migrants in all of the countries studied here. Transnational networks have become more dense and efficient, linking sending and receiving societies. These networks help to lower the transaction costs of migration, making it easier for people to move across borders and over long distances. Moreover, when legal migration is not an option, migrants increasingly turn to professional smugglers. The result is a flourishing global industry of migrant smuggling—often with the involvement of organized crime.

But migration, like any transnational economic activity (such as trade and foreign direct investment), does not take place in a legal or institutional void. As the country studies presented in this volume illustrate, governments have been and still are deeply involved in organizing and regulating migration and the extension of rights to non-nationals has been an extremely important part of the story of immigration control in the post–World War II era. For the most part, rights that accrue to migrants come from the legal and constitutional protections guaranteed to all “members” of society. Thus, if an individual migrant is able to establish some claim to residence on the territory of a liberal state, his or her chances of being able to remain and settle increase. At the same time, developments in international human rights law have helped to solidify the position of individuals vis-à-vis the state, to the point that individuals (and certain groups) have acquired a sort of international legal personality, leading some to speculate that we are entering a postnational era characterized by “universal personhood” (Soysal 1994), the expansion of “rights across borders” (Jacobson 1996), and even “transnational citizenship” (Bauböck 1994).

Others have argued that migrants have become transnational because so many no longer reside exclusively on the territory of one state (Glick-Schiller 1999; Levitt 2001), opting to shuttle between a place of origin and a place of destination. This line of argument gives priority to agency as a defining feature of contemporary migrations, but it ignores the extent to which state policies continue to shape the choices that migrants make (Zolberg 1981, 1999; Waldinger and Fitzgerald 2004; Hollifield 2008). Regulating international migration requires liberal states to be attentive to the (human or civil) rights of the individual—if those rights are ignored or trampled on, the *liberal* state risks undermining its own legitimacy and *raison d'être* (Hollifield 1999). As international migration and transnationalism increase, pressures build on liberal states to find new and creative ways to cooperate, to manage flows. The country cases in this volume provide ample evidence that today's countries of immigration (official or de facto) are so integrated into a global labor market that few can afford to reduce immigration without major negative consequences for their economies. Virtually all of the countries under study in this volume, with the partial exception of Canada and the other nations of immigrants, would prefer to classify themselves as reluctant or unwilling importers of foreign labor.

In each of these cases, we can observe the interaction of four key trends: (1) high emigration from less developed countries, where economic and demographic push factors are strong and likely to remain so in the foreseeable future; (2) demographic profiles in the receiving countries that are changing in ways that inevitably increase the demand for foreign-born labor; (3) persistent demand in receiving-country economies for low-cost, flexible labor—a *structural* demand that has become decoupled from the business cycle—and for highly skilled workers who provide much-needed human capital in an increasingly competitive global market; and (4) frequent symbolic efforts by receiving-country governments to deter new immigration and discourage permanent settlement of immigrants and refugees, under pressure from hostile public opinion. In labor-importing country after labor-importing country, this confluence of trends produces deep ambivalence about immigration. There is grudging recognition of the economic and demographic need for it, but

that recognition is coupled with keen sensitivity to the challenge of integrating ethnically and culturally diverse populations.

The cases that we examine in *Controlling Immigration* vividly illustrate the difficulties of intervening in the migration process to stop chain migration, break up migration networks, and roll back the rights of migrants, their families, and refugees. The historical record is littered with the wreckage of government interventions that appeared to work reasonably well at first but had little staying power, or that had long-term consequences exactly the opposite of initial intentions. These interventions rarely dry up “unwanted” migration flows or even significantly reduce them; more often, they simply rechannel the flows and create more opportunities for people smugglers to cash in on the traffic. Yet governments continue to tinker with the control measures to which they have committed themselves in order to improve their performance. Some have taken drastic and unprecedented steps to control immigrant and refugee flows (for example, the US experiment with “concentrated border enforcement operations” since 1993), and they continue to invest in such measures, even in the face of mounting evidence that they are not efficacious.

Why do failed immigration control policies persist in today’s labor-importing countries, often long past the point when it becomes apparent that they are not working? Some political parties in labor-importing countries clearly see votes to be gained from advocating such measures (Perlmutter 1996; Arzheimer and Carter 2006). Governments with widely varying ideologies fine-tune their immigration policies and devise new ones because these measures are seen as useful in convincing the general public that the governments have not lost control. This political calculus has caused even liberal and moderate governments to crack down periodically on illegal immigration and “toughen” the political asylum process.

In Europe, as Geddes illustrates in Chapter 14, governments lend their support to ongoing regional efforts to “harmonize” immigration and asylum policies, to restrict labor mobility within an enlarged EU, and to forge new repatriation agreements with African and Asian sending countries. But meaningful, supranational immigration controls remain elusive, even in Europe, where these policies are the most advanced and global governance of migration is weak, with the partial exception of the international refugee regime (Hollifield 2000; Betts 2011). Nation-states retain their capacity to control immigration, but that capacity is limited by client politics (the privileged position of business in particular) and by rights-based politics at the domestic level (constitutional protections for migrants are strong in many of the countries under study here, especially those with active judiciaries) and at the international level in the form of human rights conventions. As a result, large gaps persist between policy outputs and outcomes because the number of domestic stakeholders in an expansionary (de facto) immigration policy is significant and likely to increase as demand-pull and supply-push factors intensify in the twenty-first century. Ineffective and “symbolic” immigration control measures are thus perpetuated because they reduce the potential for a broad public backlash.

One major question posed repeatedly here but not necessarily resolved, concerns the extent to which future governments in the labor-importing countries will succeed in rolling back the legal, political, and social rights of “within-country” immigrants that have made

remaining easier for unauthorized immigrants who entered one of these countries in recent decades. Curtailing the rights of immigrants and asylum seekers is a tempting course for governments of labor-importing countries in the face of basic market and demographic forces that drive migration in both sending and receiving countries. This approach also avoids or mitigates most of the diplomatic costs associated with more stringent border enforcement or imposition of tough new visa restrictions on the nationals of high-emigration countries. However, a large body of research indicates that the curtailment of welfare rights is unlikely to appreciably stem the flow of new migrants because the availability of social services or entitlements is not a powerful magnet for would-be unauthorized entrants as compared with other demand-pull factors (Bommes and Geddes 2000). Moreover, migrant civil rights once extended have a very long half-life and it is exceedingly difficult for governments that operate under liberal constitutions with active judiciaries to simply roll them back (Hollifield 1999).

At what point in the future will the politics of appeasing anti-immigrant public opinion collide with the national interests of the receiving countries, defined in terms of economic growth and global competitiveness, along with individual citizens' desire to maintain lifestyles often made possible by immigrant service providers and producers of low-cost goods? When that point is reached, the goals of national immigration policy may have to be redefined in order to reduce the large and constantly widening gap between policy goals and outcomes. Redefining the goals of national immigration policies will compel reluctant countries of immigration, like Japan and Korea, to confront rather than ignore or downplay the trade-offs between more effective immigration control and other societal goals and principles.

What basic values and civil liberties, how much in tax revenues and future economic growth, will be sacrificed to gain greater control over unauthorized immigration and reduce the size of a foreign-born population? The outcomes of ongoing debates over these questions will determine whether persistently high levels of immigration—in whatever form—will be tolerated in the long term. Meanwhile, market forces and demography, along with transnational social networks, will be powerful drivers of international migration dynamics in the twenty-first century, like a powerful engine pulling a train down the tracks whose switches will be controlled by states, politicians, and policymakers. It is the switches that will determine whether the train continues along a safe course or plunges off a cliff (Hollifield 2008).

Some governments, as well as some international organizations, continue to hope for market-based/economic solutions to the problem of regulating international migration. It is hoped that trade and foreign direct investment—bringing capital and jobs to people through either private investment or official development assistance—will substitute for migration, alleviating both supply-push and demand-pull factors (Hollifield, Orrenius, and Osang 2006). Trade can lead to factor-price equalization in the long term, but, as we have seen in the case of the EU, in the short and medium term exposing developing countries to market forces often results in increased (rather than decreased) migration, as is evident with NAFTA and the US-Mexican relationship (Martin 1993). Likewise, trade in services can stimulate more “high-end” migration because these types of product often cannot be

produced or sold without the movement of the individuals who make and market them (Ghosh 1997).

In short, the global integration of markets for goods, services, and capital entails higher levels of international migration; therefore, if states want to promote freer trade and investment, they must be prepared to manage higher migration levels (Bhagwati 1998). Many states (like Canada, Australia, and even Germany) are willing, if not eager, to sponsor high-end migration because the numbers are manageable and there is likely to be less political resistance to the importation of highly skilled individuals (Hainmueller and Hiscox 2010). However, mass migration of unskilled and less educated workers is likely to meet with greater political resistance, even in sectors like construction and healthcare, where there is high demand for this type of labor. In these instances, the tendency is for governments to go back to the old guest worker model in hopes of bringing in just enough temporary workers to fill gaps in the labor market but with strict contracts between these workers and their employers that limit the length of stay and prohibit settlement or family reunification. The alternative is illegal immigration and a growing black market for labor—a Hobson's choice, which is the dilemma facing the United States in the 2010s as the Obama administration searches for another grand bargain that will allow comprehensive immigration reform (Orrenius and Zavodny 2010; Hollifield 2010; see also Chapter 2).

#### CONCLUSION: SOLVING THE DILEMMA OF IMMIGRATION CONTROL

The nineteenth and twentieth centuries saw the rise of what Richard Rosecrance (1986) has labeled the *trading state*. The latter half of the twentieth century gave rise to the *migration state*. From a strategic, economic, and demographic standpoint, trade and migration go hand in hand because the wealth, power, and stability of the state are heavily dependent on its willingness to risk both trade and migration. As they have done in trade and finance, states must find ways to cooperate and use migration for strategic gains (Hollifield 2000, 2004). Likewise, international security and stability are dependent on the capacity of states to manage migration, but it is extremely difficult, if not impossible, for states to manage or control migration either unilaterally or bilaterally. Some type of global migration governance (Betts 2011) is required, similar to what the EU has achieved at the regional level for nationals of its member states. The EU model, as described by Geddes in Chapter 14, points the way to future migration control regimes because it is not based purely on *Homo economicus* but incorporates rights for individual migrants and even a rudimentary European citizenship that continue to evolve. Of course, the problem in this type of regional migration regime is how to deal with third-country nationals (TCNs). As the EU expands and borders are relaxed, the issue of TCNs, immigrants, and ethnic minorities becomes ever more pressing, and new institutions, laws, and regulations must be created to deal with it. In the end, the EU, by creating a regional migration regime and a kind of supranational authority to deal with migration and refugee issues, allows member states to finesse, if not escape, some of the dilemmas of immigration control described above, if not to solve the liberal paradox itself.

Regional integration reinforces the trading state and acts as midwife to the migration state (Hollifield 2004). As Geddes points out, in the EU migrants are gradually acquiring the rights that they need to live and work on member states' territories. Regional integration blurs the lines of territoriality, lessening problems of integration and national identity. The fact that there is an increasing disjuncture between people and place—which in the past might have provoked a crisis of national identity and undermined the legitimacy of the nation-state—is less of a problem when the state is embedded in a regional regime like the EU. This does not mean, of course, that there will be no resistance to freer trade and migration. Anti-globalization protests and nativist or xenophobic reactions against immigration have been on the rise throughout the OECD world (Joppke 1998). Nonetheless, regional integration—especially when it has a long history and is deeply institutionalized, as it is in Europe—makes it easier for states to open their economies and societies to immigration and trade, and for governments to construct the kinds of political coalitions that will be necessary to support and institutionalize greater openness.

The United States, in contrast, is reluctant to move rapidly on economic integration in North America, especially after the terrorist attacks of September 11, 2001, preferring instead to create new guest worker programs or continue with the current immigration system, which strictly limits the number of visas (and green cards) while tolerating high levels of unauthorized migration from Mexico and Central America. However, it is clear that North America is the region closest to taking steps toward an EU-style regional migration regime; meanwhile, the United States is facing the prospect of another legalization program similar to the 1986 Immigration Reform and Control Act (IRCA). In the long run, it is difficult for liberal states like the United States to sustain a large, illegal population, which undermines the rule of law and the social contract. For this reason, amnesties, legalizations, or regularizations have become a common feature of immigration policy throughout the OECD world.

Even though there are large numbers of economic migrants in Asia, this region remains divided into relatively closed and often authoritarian societies, with little prospect of rights for migrants and guest workers. The more liberal and democratic states, like Japan, Taiwan, and South Korea, are the exceptions; however, as Chung points out in Chapter 13, they have only just begun to grapple with immigration control and integration and on a relatively small scale. In Africa and the Middle East, which have high numbers of foreign workers and refugees, there is much political and social instability, and states are fluid with little institutional or legal capacity for dealing with international migration.

In conclusion, we see that migration is both a cause and a consequence of political and economic change. International migration, like trade and foreign direct investment, is a fundamental feature of the relatively liberal world in which we now live. Moreover, as states and societies become more liberal, more open, and more democratic, migration will increase. Will the increase be a virtuous or a vicious cycle? Will it be destabilizing, leading the international system into greater anarchy, disorder, and war? Or will it lead to greater openness, wealth, and human development? Much will depend on how migration is managed by the powerful liberal states because they will set the trend for the rest of the globe. To avoid a domestic political backlash against immigration, the rights of migrants must be respected

and states must find ways to use migration for strategic gains; they must also cooperate in managing it. As states come together to manage this extraordinarily complex phenomenon, it may be possible to construct a truly international migration regime, under the auspices of the United Nations. But we are not sanguine about this possibility because the asymmetry of interests between the North and the South is too great. Even as states become more interdependent in an era of globalization, they are likely to remain trapped in a liberal paradox for decades to come.

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**COMMENTARY**

Overcoming the Challenges of Immigration Control

*Marc R. Rosenblum*

This third edition of *Controlling Immigration* revisits the two most important arguments about immigration policy and policymaking from the last two decades of academic research on the subject: that the industrialized world is converging around a common set of immigration challenges and policy responses and that those responses are failing when it comes to effective migration control. As the contributors here point out, it is easy to marshal a certain amount of empirical evidence for both claims: migration inflows remain a source of controversy around the world, prompting the politicization of the issue; industrialized states rely on a similar set of enforcement tools at their borders and ports of entry, at work-sites, and in their communities; and yet in spite of ongoing control efforts since the 1980s, unauthorized immigrant populations reached all-time highs in most industrialized states during the first decade of the twentieth-first century.

These observations raise four questions. First, is the failure of immigration control in the four decades after 1970 a political or a practical problem? That is, is the “gap” between political demands and policy outputs or is it between policy outputs and migration outcomes? As the introduction argues, there is no shortage of arguments in the immigration literature about political obstacles to effective policies or why we would expect “image of control,” rather than real enforcement, to be the goal. The authors review several of these arguments, including those focused on interest groups, international relations, and liberal political institutions.

Yet, after four decades of illegality and increased investment in migration control (regardless of its intention), this history creates powerful asymmetries that favor increased investment in migration enforcement over alternative immigration policies, such as legalization, new guest worker programs, or other types of visa reform.<sup>1</sup> Unauthorized immigrants are a visible and quantifiable reflection of flawed immigration policies, and tough enforcement offers a concrete and direct policy response: every alien detained and deported is one fewer unauthorized immigrant in the host state. Arguments about matching the supply and demand of labor through visa reform rely on sophisticated assumptions about complex social and economic systems. Similarly, unauthorized immigrants have made a choice

that has resulted in their illegal status, and they bear some individual responsibility for that choice. There is no individual-level “blame” to be assigned for structural design flaws in the immigration system, however. For this reason, immigration enforcement is a “valence” issue: it is easy for politicians from all political backgrounds to support immigration controls, and difficult to defend a vote against enforcement or one in favor of additional visas or legalization. These dynamics create a ratchet effect with a progressive tightening of migration control measures over time.

In addition, the tacit acceptance of unauthorized immigration in most industrialized countries has relied on the *nonenforcement* of laws put in place beginning in the 1970s governing immigration controls at borders, at worksites, and within host-state communities. Thus, while legalization and visa reform require legislatures to pass new laws, in most states reducing immigration through tougher controls requires only that states “enforce the laws on the books”—laws that already permit fewer admissions and more deportations than now occur.

A final source of asymmetry relates to the political economy of migration enforcement. After decades of investment in migration control, key stakeholders in migrant-receiving states now have a financial interest in maintaining or expanding existing enforcement infrastructures, including detention facilities, border fencing and surveillance technology, and responsible law enforcement and civil service agencies. Turning Freeman’s classic argument (1995) about the politics of immigration policy on its head, these actors derive concentrated benefits from enforcement while the direct costs of enforcement are borne by diffuse taxpayers through central governments and by unauthorized immigrants and their families—groups with little political power that face significant barriers to effective political organizing.

These asymmetries in the immigration debate exist in a context of persistently high unemployment; uneven integration by many immigrant groups; migration-related security concerns about terrorist attacks in the United States, England, and Spain; and the growing influence of anti-immigrant parties and movements in virtually every country considered here. Thus, the more pressing question is not about the politics of immigration policy but rather about why we continue to observe a gap between tough immigration policies—at least some of which are “sincere”—and inconsistent enforcement outcomes?

The answer to this question is that migration control is challenging not because it is a problem of enforcement but rather because it is a screening and filtering problem that requires the state to distinguish between citizens, diverse classes of legal immigrants, and unauthorized immigrants, and that requires enforcement of different sets of rules and protection of distinct rights and privileges for all of these groups. At and around borders, migration control policies must prevent illegal entries *while also* facilitating trade, tourism, and other legal flows. Moreover, within host states such policies seek to remove unauthorized immigrants and other deportable aliens *while also* promoting successful immigrant integration, avoiding undue enforcement against citizens and legal immigrants, and ensuring that even potentially deportable aliens are given the chance to petition for whatever forms of humanitarian relief they may be entitled to (including political asylum and judicial relief from deportation). More broadly, while host states seek to deter future illegal migration by denying unauthorized immigrants access to labor markets and certain social benefits, they

must do so in a way that minimizes the burden on employers and on legitimate users of such benefits.

The fundamental challenge of migration control, then, is not about a philosophical tension between open markets and closed states. Indeed, in the two decades since Hollifield identified the “liberal paradox,”<sup>2</sup> courts, legislatures, and voters have repeatedly demonstrated their openness to rolling back the civil and even human rights of immigrants—including those of legal immigrants. Rather, the core barrier to successful enforcement is that there is no reliable way to limit the effects of enforcement to deportable aliens without imposing costs on legal immigrants and host-state citizens. In general, lawmakers must choose between erring on the side of underenforcement, permitting some illegal immigrants to remain within host states, or erring on the side of overenforcement, in which case some legal immigrants and citizens will be caught up in the enforcement process and all host state residents will suffer a range of potentially severe adverse effects. The complexity of immigration policy in most states and the strategic behavior of unauthorized immigrants and their supporters (including employers) exacerbate this tension.

The challenge of enforcement targeting, together with the long history of unintended consequences of immigration policy described in this introductory chapter, raises a third question: Can states resolve this dilemma through more and smarter investments in migration control technology, infrastructure, and personnel? Undoubtedly, the enforcement choices that states make matter. One set of choices concerns where enforcement occurs. As this chapter observes, in an era of globalization, lawmakers have a greater capacity to curtail rights within host states than to raise barriers to entry; they have even less capacity to alter the structural pushes, pulls, and social networks at the heart of most migration decision making. Yet the same hierarchy applies to the resulting adverse effects: “easy” enforcement tools that take away immigrant rights to services and access to the labor market impose the greatest costs on host-state citizens; more costly interventions at the border are better able to target legal and unauthorized immigrants; and efforts to reshape global migration pushes and pulls may require the greatest long-term investment and may be the least certain to achieve their desired effect but also the least likely to harm host-state residents.

A second set of choices concerns how and how much states invest in migration control. Even in an era of globalization and increased trade and tourism, states decide how much to spend on port infrastructure and inspections—investments that speed legal admissions while also increasing the capacity to detect contraband and illegal immigrants—versus how much to spend on surveillance and infrastructure between ports of entry. Individual host states choose between targeting immigrants for removal—through task forces and by erecting filters in the criminal justice system and at other points of contact—and how much to spend on deterrence by requiring employers and benefits providers to participate in the enforcement process.

Many migration control measures passed beginning in the 1980s may indeed have been largely “symbolic efforts” at control, as this introductory chapter asserts, and unauthorized immigrants have undoubtedly received a *de facto* message that once they make it into the host state they are relatively safe from deportation. But the cumulative effect of three decades of enforcement and new technologies may mean that policies on the ground have

begun to catch up to and even exceed original enforcement goals. In the US case, for example, weak employer sanctions on the books since 1986 may be transformed into a real obstacle to unauthorized employment as a function of the growing E-Verify electronic eligibility verification system, which now screens one out of four new hires to prevent some types of document fraud; also, unauthorized employment may become far more difficult if E-Verify administrators work out a system to prevent identity fraud and the system becomes universally mandated. Employer screening was reinforced by high-profile worksite raids during the final years of the Bush administration and by thousands of employer audits under President Obama. The US Border Patrol has grown to 20,000 agents, supplemented by 650 miles of fencing and a sophisticated surveillance network of cameras, motion detectors, and unmanned aerial vehicles. Moreover, laws passed in 1996 to streamline the deportation process for many types of removable aliens have taken on far greater importance in the context of new screening programs and federal-state and federal-local partnerships that soon will allow immigration enforcement agents to review biometric records of every person arrested in the country. These control efforts have not come cheap; the enforcement agencies of the Department of Homeland Security spent \$18 billion in 2012—an amount that does not begin to account for the indirect costs of enforcement to US businesses, immigrant communities, and citizens.

With these programs in place, the United States deported a record number of immigrants in twelve of the last thirteen years, including just under 800,000 during the first two years of the Obama administration, even as apprehensions of new unauthorized immigrants fell to a 40-year low.<sup>3</sup> Likewise, the estimated unauthorized population fell by about 1 million from its high point of about 12 million in 2007.<sup>4</sup> This chapter correctly observes that these numbers do not prove that “enforcement works,” because they do not control for the economic downturn that has resulted in reduced migration pull factors—and it is especially important to distinguish between the effect of enforcement on new inflows and that of removal of long-time unauthorized immigrants.<sup>5</sup> It is equally true that poor job growth does not prove that enforcement has *not* contributed to these numbers, and it is a stretch to assume that enforcement has not been a factor in these unprecedented declines.

Thus, the final set of questions raised by this discussion regards how we weigh the costs and benefits of migration enforcement—that is, back to the politics of immigration policy—and the future of migration control. Will existing investments in migration enforcement at the border and within the United States continue to prevent growth in the unauthorized immigrant population even as a healthy level of employment creation resumes? Will European states converge around these more or less successful US enforcement tools if they do? Or, as the economy recovers and the natural generational process of immigrant integration unfolds, will the citizens of these host states come to view robust enforcement as too costly to maintain?

## NOTES

1. See Marc R. Rosenblum, *US Immigration Policy since 9/11: Understanding the Stalemate over Comprehensive Immigration Reform* (Washington, DC: Migration Policy Institute, 2011).

2. James F. Hollifield, *Immigrants, Markets and States: The Political Economy of Postwar Europe* (Cambridge, MA: Harvard University Press, 1992).

3. US Department of Homeland Security, *Yearbook of Immigration Statistics* (Washington, DC: DHS, 2009), <http://www.dhs.gov/files/statistics/publications/yearbook.shtm>.

4. Jeffrey Passel and D'Vera Cohn, *U.S. Unauthorized Immigration Flows Are Down Sharply since Mid-Decade* (Washington, DC: Pew Hispanic Center, 2010), <http://pewhispanic.org/reports/report.php?ReportID=126>.

5. Although the question has not been examined thoroughly, research suggests that reductions in the US unauthorized population do not reflect a significant increase in return migration over historical levels, as for many years about half a million unauthorized immigrants annually have returned to their countries of origin. Rather, it reflects continuity in return flows combined with a sharp drop in new inflows.

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**COMMENTARY**

Conceptual Challenges and Contemporary  
Trends in Immigration Control

Tom K. Wong

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Immigration is one of the most prominent and enduring features of globalization. Since publication of the first edition of *Controlling Immigration* in 1994, the number of international migrants has increased by nearly 50 million,<sup>1</sup> so it is no wonder that the control and management of immigration continues to be one of the most pressing policy issues for the governments and legislatures of most advanced industrialized democracies. This introductory chapter asks how states have responded to increased large-scale immigration and how they have coped with the simultaneous and competing pressures for more openness to certain types of migration and tighter restrictiveness over others. Using a comparative research design unrivaled in its breadth of coverage and depth of analysis, this book answers these questions. It is organized around two central ideas: one, that there is convergence among immigrant-receiving democracies in the policy instruments used to control and manage international migration, as well as convergence in the efficacy and the effects of these policies; and, two, that the gap between immigration policy goals and outcomes has widened over time. While these two interrelated theses have served as the point of departure for much of the research that has followed since the first edition, they are also the source of continued scholarly debate.

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**CONCEPTUAL CHALLENGES**

One question that *Controlling Immigration* raises centers on conceptualization: epistemologically prior to the analysis of immigration policies and their effectiveness is the question of what constitutes immigration control. Immigration control refers broadly to the policies and practices used to deter “unwanted” migration, meaning migration that is occurring despite and against the intentions of states (Joppke 2001). Substantial disagreement exists, however, over the depth of the deterrence objectives of immigration control. For example, one immigration policy priority in the United States is “operational control,” which the Secure Fence Act of 2006, authorizing 700 miles of fencing along the US-Mexican border, defines as the “prevention of *all* unlawful US entries.”<sup>2</sup> In contrast, the Customs and Border Patrol agency (CBP), which is at the front line of immigration control efforts, defines its

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mission not as preventing all unlawful entries but rather as establishing a “substantial probability” of apprehension.<sup>3</sup> Indeed, the meaning of immigration control is not just a subject of academic debate; definitional controversies exist even between policymakers and immigration enforcement bureaucrats within the same country.

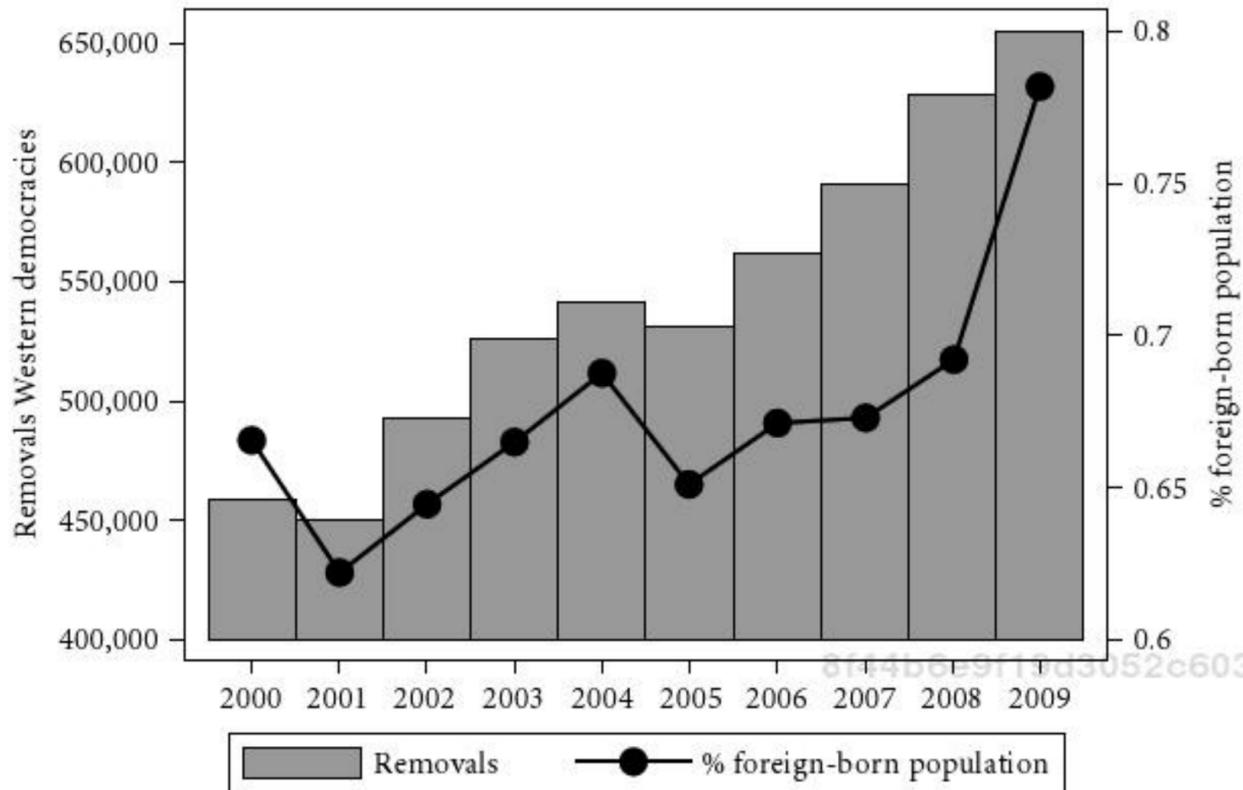
Moreover, most of the work on immigration control has yet to deconstruct and analyze the components of the increasingly complex regimes in advanced industrialized democracies or the different venues that serve as the locus of control (e.g., interior efforts, including employer sanctions and the apprehension, detention, and deportation of unauthorized immigrants, as opposed to external efforts, including border enforcement and cooperation with third countries). This risks conflating disparate aspects of immigration control that may be governed by distinct factors and behavioral logics.

Questions about the conceptualization of immigration control feed into more substantive questions regarding the causes and the extent of policy gaps. The gap hypothesis assumes a central role in the literature, as it directs our attention to the contentious politics of immigration and challenges scholars to better understand the causes and implications of the gaps that exist between immigration control policies and outcomes. However, in disaggregating the mesh of policies and practices that constitute immigration control, it becomes necessary to question whether the causes of policy gaps are generalizable across this complex tangle and whether they monotonically increase in size across the different areas of immigration control. With respect to the former question, recent work on Germany and the United States shows that the same factors that encourage greater restrictiveness in the policy design stage of immigration control—namely, public opinion—work to produce less restrictive outcomes during policy implementation (Ellermann 2009). With respect to the latter question, emergent trends in immigration control suggest that policy gaps may, at least in some areas, be decreasing. For example, Figure 1.1 shows total deportations across Western immigrant-receiving democracies over the past decade. Since 2000, total deportations have increased by 43 percent. In 2000, the countries combined to account for approximately 460,000 deportations, and this number increased in 2009 to approximately 660,000. The figure also shows that the total number of deportations as a percentage of the foreign-born population increased across the sample.<sup>4</sup>

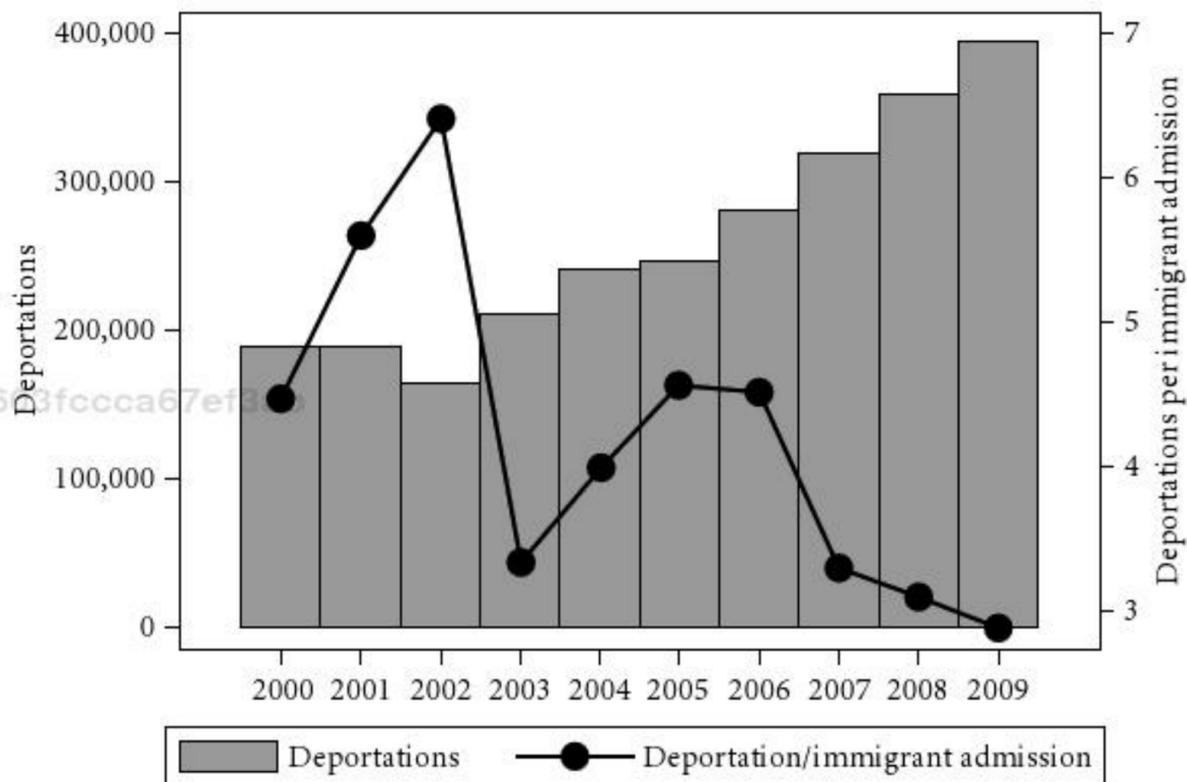
The US case is more striking. Figure 1.2 shows that deportations increased significantly in the first decade of the twenty-first century; from 2000 to 2009, they increased by 109 percent. In fact, we saw more deportations in the first year of the Obama administration than at any point in US history.

A look at other fundamental cogs in the machinery of immigration control suggests not just that policy gaps are deficits between policies and outcomes but that they also reflect the selectivity of immigration enforcement. Immigration detention in the United States provides one example of this. Figure 1.3 illustrates trends in immigration detention from 2005 to 2010. Since 2005, the total number of immigrants detained by Immigration and Customs Enforcement (ICE) increased by 64.3 percent. In 2005, 233,417 people were detained for immigration-related reasons, and by 2010 this number had increased to 383,615.

The period since 2005 is significant because it marks the start of the Secure Borders Initiative (SBI), a multiyear Department of Homeland Security (DHS) strategy that includes

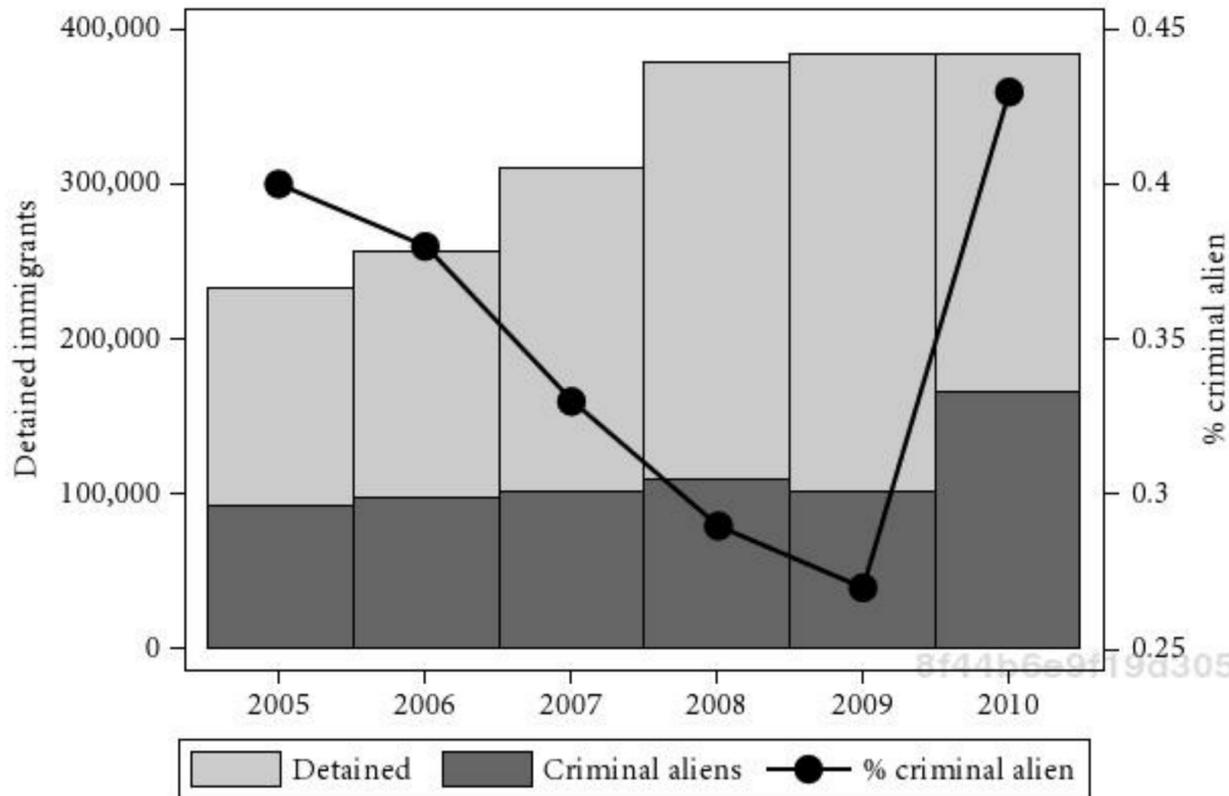


**Figure 1.1** Total deportations and deportations as a percentage of the foreign-born population, Western immigrant-receiving democracies, 2000–2009. *Source:* Author’s calculations taken from various national sources. See Tom K. Wong, *Human Rights, Deportation, and Detention in an Age of Immigration Control* (Stanford, CA: Stanford University Press, forthcoming).



**Figure 1.2** Total deportations and deportations per immigrant admission in the United States, 2000–2009. *Source:* DHS, USCIS.

expanded immigration detention and removal capabilities.<sup>5</sup> In addition to expanding the capabilities of enforcement agencies, the Obama administration has focused its efforts on “criminal aliens” as opposed to low-priority cases.<sup>6</sup> Accordingly, in the first year of the administration the detention of criminal aliens increased by 60 percent.<sup>7</sup> What this illus-



**Figure 1.3** Total of criminal aliens detained in the United States, 2005–2010. *Source:* DHS, TRAC.

trates is purposiveness behind the selectivity of immigration enforcement priorities and how this results in certain categories of migrants becoming more or less subject to immigration control (the focus on low-priority cases recently evolved into administrative relief from deportation for some 800,000 undocumented youth). Such “on the ground” realities are not exclusive to the US case, but are reflective of the strategic logic of immigration control. Because it occupies the space between policies and outcomes, greater attention to this strategic logic would go far in improving our understanding of policy gaps.

Selectivity also becomes apparent when looking at asylum recognition rates. As Figure 1.4 shows, recognition rates for Western immigrant-receiving democracies have been steadily declining. In 2008, the combined rate for these countries was 15.8 percent. The commensurate rate for all other countries in the world during the same year was over double that, at 35.9 percent.

### MOVING AHEAD

What does this all amount to? In turning back to initial questions about the meaning of immigration control and what it constitutes, we see that it is important to disaggregate the components of increasingly complex regimes, as doing so may reveal that the distinct mechanisms of immigration control exhibit opposite and competing trends over time. It may also reveal that the theorized determinants of immigration policy affect each of these cogs in different and sometimes unexpected ways.

Altogether, disassembling the machinery of immigration control not only provides another lens through which to analyze and investigate the empirical validity of the convergence and gap hypotheses; it also offers a way to build from the seminal ideas of this volume and, perhaps, chart new territory in the study of immigration control.

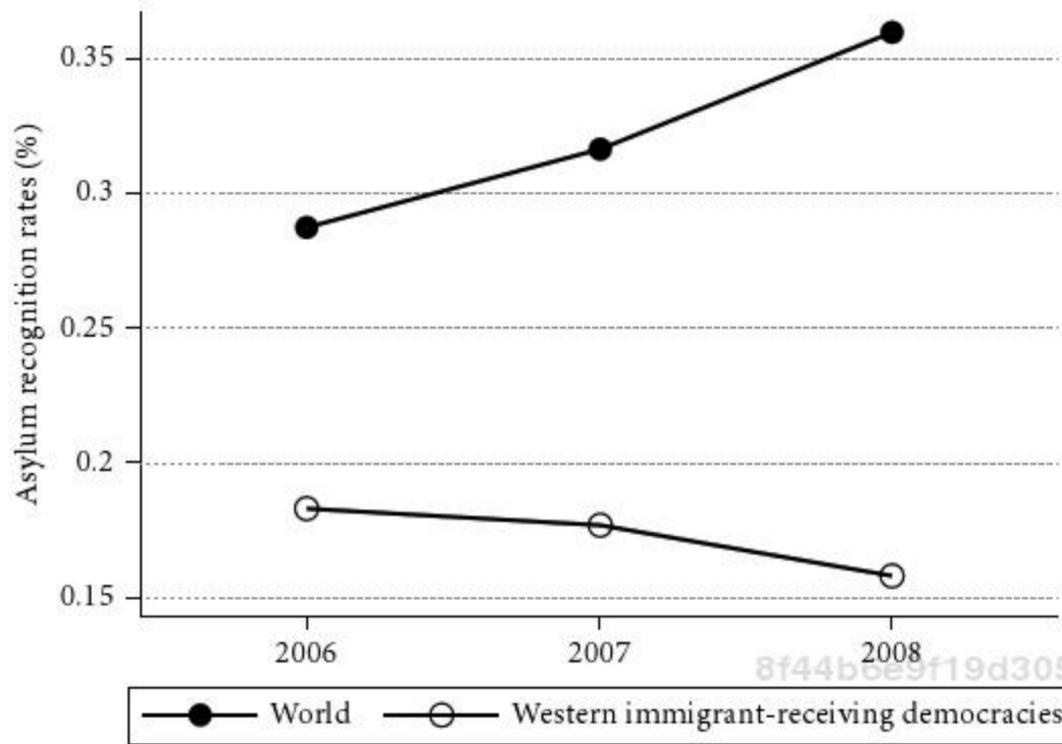


Figure 1.4 Asylum recognition rates in Western immigrant-receiving countries and the world, 2006–2008. *Source:* UNHCR.

#### NOTES

1. United Nations Population Division, Global Migration Database.
2. US Secure Fence Act of 2006, Pub. L. 109–367, 120 Stat. 2638–2640. Emphasis added.
3. US Homeland Security Council, *National Strategy for Homeland Security*, October 2007.
4. Though the trend was upward during the first decade of the twenty-first century, the annual number of deportations as a percentage of the foreign-born population was less than 1 percent in 2009.
5. The Department of Homeland Security (DHS) describes the Secure Borders Initiative (SBI) as a “comprehensive multi-year plan to secure America’s borders and reduce illegal immigration” through infrastructure improvement, comprehensive and systemic upgrading of technology, more border patrol and immigration enforcement agents, and expanded detention and removal capabilities.
6. “Criminal alien” is a legal term that refers to noncitizens residing in the United States legally or illegally who are convicted of a crime.
7. These data should not be interpreted to suggest only that the administration’s immigration enforcement strategy has been successful, as substantial controversy exists over how the administration has defined criminal aliens and how it has distinguished low-priority cases from others.

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