International Immigration Policy

A Theoretical and Comparative Analysis

Fytan Meyers

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Introduction

Migration is a growing global phenomenon, which has a tremendous impact on the demography, culture, economy, and politics of the state. In 2000, an estimated 175 million people lived outside their country of birth, an increase of 46 percent since 1990, and double the number in 1975. Of these, about 159 million were considered international migrants, approximately 16 million were recognized refugees fleeing a well-founded fear of persecution, and about 900,000 were asylum seekers.[1] On January 1, 1998, the total foreign or non-national population of the 15 European Union (EU) Member States was 19.1 million of the total population of 375 million.[2]

Immigration is now the key demographic factor responsible for population growth in most Western societies. In the United States, immigration accounts for more than half the population growth (when U.S.-born and naturalized children of recent immigrants are included), and according to some projections, about 93 percent of the population growth in the year 2050 will result from immigration that has occurred since 1991.[3] In 2001, the EU's population rose by 1.6 million, with 75 percent of the growth due to net migration (immigration minus emigration).[4] In the future, the importance of immigration in demographic terms will further increase. Since the birth rate in EU countries does not reach the replacement level, their population would decline if not for immigration.[5]

Immigration also has a tremendous impact on the composition and culture of the countries of destination. Europeans are attempting to cope with the transformation brought about by immigration, from relatively homogenous to multicultural societies. Cultural conflicts with regard to the position of Muslims in predominantly Christian societies have further intensified following the September 11, 2001 terrorist attacks. In the United States, the Hispanic community just turned into the largest ethnic minority, surpassing the Afro-American one.[6]

During the past two decades, immigration has become a prominent political issue in most Western democracies. The growing economic and demographic disparity between North and South, the civil war in the former Yugoslavia, the collapse of communist regimes in Eastern Europe, and wars and natural disasters in other parts of the world have sent hundreds of thousands of asylum seekers into Western Europe. They have joined millions of foreign residents already living in Western Europe, many of them former migrant workers with limited political rights, which undermines European ideals of democracy and equality. In addition, an estimated 500,000 foreigners a year enter the EU illegally, and there are believed to be three million unauthorized foreigners living in Europe. The host of the EU 2002 summit in Seville, Spanish Prime Minister Jose Maria Aznar, said that reducing illegal immigration was "the most important question in European politics at the moment." His comment was largely in response to xenophobic tensions, anti-immigrant violence, and extreme-right anti-immigrant parties that have spread throughout Europe. In France, Le Pen reached the second round of the 2002 presidential elections, where he won 18 percent of the vote. The Pim Fortuyn party received 18 percent of the vote in the May 2002 Dutch elections, and became the second largest party in Parliament. In Austria, Haider's Freedom Party won 26.9 percent of the vote in the October 1999 national elections, and joined the ruling coalition. And the Swiss People's Party (UDC), headed by Christopher Blocker, gained 22.5 percent of the vote in the October 1999 Swiss national elections.

Meanwhile, in the United States, there has been a continuing debate over how to handle the surge of illegal immigrants—particularly from Mexico—and how to cope with Haitian and Cuban refugees. In 1993, President Clinton asserted that one of the biggest domestic challenges the United States will face in the 1990s will be how to stem the increasing flow of illegal immigrants while maintaining the American commitment to legal immigration and legitimate political refugees.[7] In 1996, the INS (Immigration and Naturalization Service) estimated that there were five million unauthorized foreigners living in the United States, which was about 2 percent of U.S. population. Another estimate, in 2002, put the number of unauthorized immigrants in the United States at nine million.[8]

The growing immigration also became a source of friction as well as of cooperation in the international arena. For example, fear of Turks pouring into the EU in search for jobs has been one of the main reasons for the delays in accepting Turkey into the Union. But the shared immigration pressures have also contributed to the gradual movement toward a common EU migration and asylum policy.

Immigration policy is the crucial element determining immigration patterns. Given the large number of people who would like to emigrate to the industrialized countries for economic or political reasons, and the strictly limited opportunities to do so, it is immigration control policy that mainly determines the scope of global migration (including, it could be argued, illegal migration).[9] As Aristide R. Zolberg wrote: "All the countries to which people would like to go restrict entry. This means that, in the final analysis, it is the policies of potential receivers which determine whether movement can take place, and of what kind."[10] In 1976, 7 percent of the 150 UN member-nations had policies to restrict immigration. Today, 40 percent of the UN's 193 member-nations have policies aimed at restricting immigration.[11]

This book offers a theory of international immigration policy. It explains how governments decide on the number of immigrants they will accept; whether to differentiate between various ethnic groups; whether to accept refugees and on what basis; and whether to favor permanent immigration over migrant workers.

Chapter 1 briefly analyzes the major theories of immigration control policy, and presents the main themes and hypotheses of this study. Chapters 2–5 examine the aforementioned hypotheses in four case studies: chapter 2 deals with the United States, chapter 3 with Britain, chapter 4 with the Netherlands, and chapter 5 with Germany. Each chapter offers a historical description of the country's immigration control policies, followed by an analysis of the factors determining these policies. Chapter 6 explains the similarities and differences between immigration control policies of various countries. Chapter 7 summarizes the arguments and findings of the book, and briefly discusses the influence of regional integration on the immigration policies of the member states.

Part of chapter 6 was first published as "The Causes of Convergence in Western Immigration Control," *Review of International Studies*, 28(1), pp. 123–41, 2002, and was reprinted with the permission of Cambridge University Press. Several paragraphs of chapter 1 first appeared in "Theories of International Immigration Policy," *International Migration Review* 34(4), pp. 1245–82, and were reprinted with the permission of the Center for Migration Studies of New York.

All four countries examined in the study are important countries of immigration, and, at the same time, they vary with regards to the type of immigration received. The United States has been the largest recipient of immigrants globally and has the largest foreign population. Germany has received more refugees and asylum seekers than any other European country, and in 1998 it had over half of the EU's non-EU

foreign residents.[12] In proportion to the size of the local population, the Netherlands is dealing with the second largest number of asylum seekers in the EU, preceded only by Sweden. At the same time, the countries examined vary with regards to the type of immigrants received. Britain and the Netherlands accepted large colonial immigration, while Germany and the United States have not. Many immigrants to Germany and the Netherlands were originally viewed as temporary migrant workers, and only later became permanent residents. In contrast, Britain mostly accepted permanent immigration, and the United States admitted both migrant workers and permanent immigration, but did not naturalize most of the migrant workers.[13]

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CHAPTER 1

A Theory of Immigration Policy

This book has two goals: to offer a theory of the socioeconomic and foreign policy factors shaping immigration control policy, and to describe and analyze the immigration control policies of the United States, Britain, Germany, and the Netherlands between the late nineteenth and the early twenty-first centuries.

Chapter 1 starts with a review and a critique of current theories about racism and immigration control policy. It then presents the main themes of the study, the types of immigration policy analyzed (i.e. the dependent variable), and the socioeconomic and foreign policy factors shaping immigration control policy (hypotheses 1–7). The third part of the chapter describes how the type of immigration determines the relative influence of the aforementioned socioeconomic factors on immigration control policy (hypotheses 8–11 and table 1.1). The fourth part notes two factors rejected by the theory, and adds a short discussion of illegal/undocumented immigration. Finally, it offers an explanation for the similarities and differences between immigration policies of the major receiving countries (hypotheses 12–14).

Theories of Immigration Control Policy: A Review and Critique

Theories explaining racism and immigration control policy can be categorized into three major groups: theories that focus on the economic competition between the native-born and the immigrants; theories that highlight the cultural discord between the two groups; and studies that deal with the impact of international relations and multilateral agreements on immigration control policy.

The first group of theories focuses on the economic competition between the native-born and the immigrants. According to Husbands,

theories of this kind explain racism by competition between ethnic groups for a scarce resource, for example jobs, housing, private and public welfare benefits.[1] According to Money, theories of economic interests view immigration policy as an outcome of the preferences of economic actors within the host society.[2] These preferences are attributed to the differential economic impact of immigrants on groups in the host society. And according to Fetzer, theories of "class politics" or "economic self-interest" point to immigration's supposed threat to natives' economic well-being.[3]

Theories of economic competition include a Marxist and a non-Marxist/pluralist variants. *The Marxist approach*—presented by Beard and Beard, Gorz, Marshall, Marx, Castells, Nikolinakos, Castles and Kosack, Miles, and Bovenkerk et al.—argues that economic factors and a class-based political process shape immigration policies.[4] It asserts that capitalists import migrant workers in order to exert a downward pressure on wages and thereby increase their own profits, and in order to divide the working class. They achieve the latter by encouraging racism among the working class. *Domestic politics and pluralist models* assume that the state serves as a neutral arena for societal interests: interest groups and parties. Policymaking is the result of bargaining as well as of compromises between these interests, or sometimes it reflects the fact that one or more of these actors has succeeded in capturing the state.[5] In the context of economic competition, the two prominent interest groups are the employers and the unions. Both the Marxist and the pluralist approaches argue that employers' demand for labor, and fluctuations in the economy and in the labor market influence immigration control policy.

The second group of theories highlights the cultural discord between the native-born and the immigrants. According to Husbands, such theories see racism as a spontaneous response to what is strange and unfamiliar, and in later stages as based upon negative responses to customs and habits of the arriving groups.[6] Another variant of that theory explains racism as based on moral and symbolic challenges to the racial status quo in society generally. According to Money, these theories emphasize the primacy of cultural values, and often consider national identity a primary determinant of immigration policy.[7] Fetzer analyzes two approaches that mostly relate to the this group of theories: marginality theory, which emphasizes the impact of cultural differences between immigrants and natives of dominant ethnicity, waves of culturally different immigrants, and recessions; and contact theory, which emphasizes the impact of the percent of foreign-born.[8]

Some variants of the culture-based theories explain changes in immigration control policy as a response to the size of immigration and to the cultural differences between immigrants and natives. Another variant—the national identity approach—argues that the unique history of each country, its conceptions of citizenship and nationality, as well as debates over national identity and social conflicts within it, shape its immigration policies (see Higham, Jones, Herbert, Brubaker, Leitner, Kurthen).[9] In comparison to the other theories delineated here, the "national identity" approach downplays the importance of external and "situational" factors. Instead, it explains the timing of immigration policies on the basis of social conflicts and debates over national identity. It relates variations in immigration and citizenship policies between countries of destination to their different conceptions of national identity or different characteristics. Three such distinctions, which partially overlap, are (a) between settler societies, which accept large-scale immigration, and ethnic states, which tend to reject such immigration; (b) between homogeneous and heterogeneous countries; and (c) between countries whose citizenship laws tend toward *jus sanguinis* and those countries whose citizenship laws tend toward *jus soli*.[10]

A third group of studies focuses on the impact of international relations and multilateral agreements on immigration control policy (see Miller, Miller and Papademetriou, Teitelbaum, Weiner, Loescher and Scanlan, Mitchell, Bach, Tucker, Salomon, Hollifield, Miller, Zolberg, Hartigan, Loescher, Skran, Teitelbaum and Weiner, Koslowski).[11] Some studies, which relate to the realist approach, argue that actual or potential conflicts among states, including military ones, have influenced immigration policies. Others, adopting a neoliberal institutionalist approach, argue that international institutions and regimes facilitate cooperation between countries with regard to immigration control policies.

I describe the aforementioned theories in detail, and analyze their main strengths and weaknesses, elsewhere.[12] To summarize, each of these approaches contributes to our understanding of immigration policy or specific types of such policy. The economic competition theories correctly predict the short-term correlation between the economic cycle and immigration policies. In particular, they shed light upon policies regarding migrant workers and in some cases illegal immigrants. The culture-based theories spotlight importance of the cultural differences between immigrants and natives. Theories of international relations and of multilateral institutions particularly contribute to our understanding of refugee policies and of immigration policies within the EU.

However, each of these approaches also suffers from certain weaknesses. With regard to the Marxist approach:

(a) Its prediction of long-term growth in immigration as a structural part of capitalism is debatable. It may be argued that illegal migration and asylum seekers have replaced the traditional labor migration in terms of its role in the labor market. But it is not clear why the capitalists would resort to such replacement given their alleged control of the state.
(b) The Marxist approach fails to explain the tendency to impose restrictions on immigration of dissimilar ethnic origin. According to the Marxist approach, the state (in the service of the capitalists) encourages the importation of immigrants of dissimilar racial and ethnic composition in order to expand the labor force and cause racial tensions between immigrants and local labor. In practice, however, immigration policies have discriminated against immigrants of dissimilar racial and ethnic composition.
(c) The exclusive focus of the Marxist approach on the economic motive lessens its ability to explain refugee policies and other permanent immigration policies that are influenced by foreign policy considerations.
(d) The Marxist focus on the economic motive also prevents it from explaining restrictions on permanent immigration, passed in various countries during major wars (e.g. World War I), despite a growing demand for labor.

The main weaknesses of the "national identity" approach are its inability to explain concurrent immigration policies in various countries, and its vaguely defined explanatory variables. First, the "national identity" approach is unable to explain the fact that various countries have adopted similar immigration policies at the same time (see chapter 6). Such resemblance undermines the argument that immigration policies are shaped by each country's unique history, social cleavages, and perception of national identity. And second, the approach is vague with regard to identifying social conflicts and debates over national identity. For instance, there is no doubt that the Civil War constituted a major social conflict in U.S. history, and the same is probably true of the civil rights movement of the 1960s. But it is hard to reach a consensus on whether other historical events can be seen as social conflicts and signify a "loss of national confidence," including these presented by Higham and Jones. Vague definitions of this type risk being tautological, where

the independent variable (social conflicts and debates over national identity) are chosen according to the dependent variable (restrictions on immigration).

Finally, with regard to theories of international relations, neither realist nor neoliberal institutional approaches have significantly contributed to the study of immigration control policies. With regard to realism:

(a) The theory emphasized security, while viewing social issues as less important. Consequently, realist works tended to neglect the issue of immigration.
(b) Realism defines the state as a unitary rational actor. But such a perspective cannot explain why some scholars (notably economists) criticize immigration policy for being inefficient or irrational.[13]
(c) Realism focuses on power as a key concept; but global power relations usually do not determine immigration policy.

With regard to the neoliberal institutionalist approach, most studies conclude that supranational organizations and international regimes have had little impact on the immigration policies of individual countries, with the partial exception of the EU and the refugee regime.

However, the greatest weakness of most literature on immigration control policy is that it does not relate to any theoretical approach. Numerous studies explore immigration policies of individual receiving countries. But these studies are (a) empirically oriented and lack a general theory, and (b) they mostly examine the policy of a single country during a limited period or, in a few cases, are volumes in which each country is analyzed independently. Zolberg notes that immigration policy literature tends to be a-theoretic, focusing on specified periods and particular countries, and constitutes an array of discrete bits.[14] Myron Weiner writes:

> High on a list of priorities for future research should be the study of determinants of exit and entry rules. While the policies of some individual countries have been studied, except for the recent work by Aristide Zolberg, Astri Suhrke, and Michael Teitelbaum there is little systematic comparative and theoretical work on such issues as how and why states make their access rules, the interplay between domestic and international considerations, the relationship between regime type and access rules, and how the rules are affected by internal political transformations.[15]

This study offers such a theory of international immigration policy. It explains how governments decide on the number of immigrants they will accept; whether to differentiate between various ethnic groups; whether to

accept refugees and on what basis; and whether to favor permanent immigration over migrant workers. The theory does not belong to any one group of theories, but rather combines elements from all three groups. It refers to economic recessions (hypothesis 1), which are identified with the economic competition theories; to immigration of dissimilar racial or ethnic composition (hypothesis 2), and liberal/racist ideological trends (hypothesis 7), which relate to culture-based theories; and to the impact of wars, external threats, and considerations of foreign policy (hypotheses 3–6), which are part of the international relations literature. At the same time it rejects the influence of social conflicts and industrial unrest, which are identified with the national identity approach. But most importantly, the study attempts to present a set of socioeconomic and foreign policy factors that determine immigration control policy, and to demonstrate the relative importance of each factor under various circumstances.

The Main Themes of the Study

The main themes of this study are:[16]

- Immigration control policy is determined by an interaction between (a) socioeconomic and foreign policy factors and (b) the type of immigration.
- Immigration control policies of various countries are determined by the same set of socioeconomic factors.
- The type of immigration—for example temporary labor migration, permanent dissimilar immigration, permanent similar immigration, refugees and illegal immigration—determines the relative influence of the various socioeconomic and foreign policy factors on immigration control policy.
- The type of receiving society—that is settler societies versus ethnic states—mainly influences immigration control policy in an indirect fashion, through the type of immigration accepted by the country. In other words, the socioeconomic factors leading to labor migration policy in settler societies will *resemble* those leading to labor migration policy in ethnic states. The socioeconomic factors leading to labor migration policy in settler societies will *differ* from those leading to permanent immigration policy in the same societies.
- Interdependence between the socioeconomic and foreign policy factors that lead to immigration control policies in various countries explains most of the similarity among the immigration control policies of these countries.

- The structural factors of each country (i.e. population density, geo-political position, and economic structure) affect the preference for specific types of immigration, and consequently, which socio-economic and foreign policy factors will influence immigration policy the most. Thus, they are the "basic" factors causing the differences between immigration control policies of various countries at any given time.

The Dependent Variables

The study seeks to explain how governments decide on the number of immigrants they will accept, whether to differentiate between various ethnic groups, and whether to favor permanent immigration over migrant workers. The three dependent variables are:

- The number of immigrants accepted: "liberal policies" indicate a decision to accept more immigrants, while "restrictive policies" indicate a decision to accept fewer immigrants;
- Which immigrants to accept: "liberal policies" indicate a greater willingness to accept immigrants of dissimilar racial, ethnic, and cultural composition, while "restrictive policies" indicate a lesser willingness to accept such immigrants, instead favoring immigrants of similar composition.
- The decision of whether to favor permanent immigration over migrant workers.

In practice, the first two decisions are closely linked because (a) most immigration to Western societies during the past century and a half has been regarded as dissimilar;[17] and (b) countries tend to apply more liberal policies toward permanent similar immigration (see hypothesis 10). Consequently, policies with regard to the size of immigration, and those dealing with its composition, tend to converge, and the main decision most countries make is *how many immigrants of dissimilar composition to accept*. For example, according to hypothesis 2, immigration of dissimilar composition causes countries to restrict immigration in term of composition (i.e. to limit the number of dissimilar immigrants), which in turn decreases in the overall number of immigrants. According to hypotheses 6 and 7, considerations of foreign policy and general liberal attitudes cause countries to liberalize immigration policy in terms of composition, which in turn increases the number of immigrants. At the

same time, recessions have led countries to limit the number of immigrants, which in practice mainly affected dissimilar immigrants, thus influencing the composition of immigration.

The Socioeconomic and Foreign Policy Factors Shaping Immigration Control Policy

I argue that immigration control policy is determined by five factors: the state of the economy, the volume of immigration of dissimilar composition, wars, foreign policy considerations, and ideological cycles. Policies on different types of immigration are influenced by these factors to varying degrees, a topic which is dealt with in the section that follows.

Hypothesis 1 Recessions cause countries to accept fewer immigrants (i.e. to restrict immigration), while economic prosperity causes them to accept more immigrants (i.e. to liberalize immigration control policy).

The state of the economy influences immigration policy through the interest group channel, and, under certain circumstances, also through the partisan channel. In times of economic decline, when people are unemployed or earn lower wages, pressures to restrict immigration mount. Workers view the immigrants as competitors for scarce employment opportunities and as the cause for stagnant or declining wages because immigration expands the supply of labor. The worse the state of the economy, the more workers will invest resources in fighting immigration. The employers, who face a reservoir of workers willing to work for lower wages, limit their investment in immigration advocacy because the marginal utility of such an effort declines. The government, whose aim is to maximize votes, as well as support from interest groups, faces growing pressures for restrictions on immigration on the part of the workers, and declining pressures for immigration liberalization on the part of the employers. Consequently, it restricts immigration. In contrast, during economic prosperity, employers are desperate for additional manpower, and they invest resources in promoting liberal immigration policies. The workers in low-paying jobs limit their opposition to immigration because the inflow of immigrants into these jobs allows them to climb the social and professional ladder. The government, faced with pressures for additional migrants on the part of the employers, liberalizes immigration policy.

The state of the economy sometimes also influences immigration policy through the partisan channel. Economic crises produce dissatisfaction with government policies and increase the support for extremist parties, including (but not restricted to) anti-immigration parties. The latter