Introduction

Systematic comparative research on immigration policy has gained ground within the last decades and has lead to a quantification of data as well as policy index building. However, the field of immigration policy index building is still in its infancy and even though many innovative ideas have been brought forward in the construction of existing indices, several challenges are yet to be overcome. As stated by Munck and Verkuilen (2002), conceptualization is the first and most essential step of index building. Nevertheless, a systematic assessment of existing indices has shown that immigration policies have rarely been defined and conceptualized in a systematic and rigorous manner (Bjerre et al. 2013). This is a crucial problem for quantitative research on immigration policies since “what is badly defined is likely to be badly measured” (Nardo et al. 2005, 12). In response to this problem, this paper presents the conceptualization of immigration policies used in the Immigration Policies in Comparison (IMPIC) project.

The IMPIC project collected data on immigration policies for 33 OECD countries from 1980 to 2010. This large dataset allows us to tackle a broad range of research questions on the causes and effects of immigration policies. First, focusing on OECD countries allows us to hold some socio-economic and political factors constant. All countries are relatively rich, politically stable, and can be considered liberal democracies in which immigration policies are the output of democratic decision-making processes. Second, it allows us to retain cases that have had very different immigration experiences in the past.

A precise and comprehensive conceptualization of immigration policy based on four steps was the basis for the IMPIC data collection. These four steps are also presented in Helbling (2010) and

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1 The following discussion expands on aspects that are presented in Helbling (2010) and in the first part of Bjerre et al. (2013).
2 Exceptions are Hatton (2004, 19-20), Givens and Luedtke (2005, 3-6), Cerna (2008, 11) and Oxford Analytica (2008, 17-18) who specify the policy fields that are included in their indices. However, delimiting the policy fields constitutes only one among many aspects that need to be accounted for in order to conceptualize immigration policies.
3 In this paper we focus on the conceptualization of the IMPIC index. For space reasons the method of the data collection and construction of the index will be discussed in further publications.
Bjerre et al. (2013) and will be elaborated in the following sections. Firstly, in order to conceptualize immigration policies, a distinction between policy outputs and outcomes needs to be made. Secondly, immigration policies need to be distinguished from neighboring fields such as integration and naturalization policies. Since there are different reasons why states accept migrants, in the third step we need to differentiate between specific immigration policies that target different groups, namely labor migrants, family members, asylum seekers, and co-ethnics. Finally, we need to account for the various dimensions of immigration policies. For the first dimension, which we call “modus operandi,” we differentiate between regulations and control mechanisms. By regulations we understand the binding legal provisions that create or constrain rights; controls are measures set up to make sure that these regulations are upheld. For the second dimension, which we call “locus operandi,” we account for the fact that immigration is regulated and controlled both at the borders and inside national borders. Lastly, within regulations we differentiate between eligibility requirements and conditions, how secure an immigrant's status is, and which rights are associated with a specific status.

**Policy outputs versus policy outcomes**

Easton (1965, 351) defines “outputs” as “binding decisions, their implementing actions and [...] certain associated kinds of behavior,” while outcomes are “all the consequences that flow from [...] the outputs of the system” (for the immigration literature see Hollifield 1986, 114-115). In other words, the formal regulations on immigration are the policy outputs while immigration rates can be considered as policy outcomes (Helbling 2010; Bjerre et al. 2013). It is crucial to clearly distinguish these two terms, as they constitute two separate phases of a policy cycle (Helbling 2013). While some researchers focus on policy outcomes (Money 1999), the IMPIC index covers policy outputs.

Money (1999, 22) is certainly right in pointing out that the output is not necessarily related to the outcome and that investigating formal regulations does not tell us anything about how laws are controlled, interpreted and implemented, and thus does not tell us about the consequences of formal regulations: in this case, the actual numbers of admitted immigrants. Rather than dismissing output indices we suggest that both aspects need to be measured and studied separately (Helbling 2010; Bjerre et al. 2013). Otherwise, it would not be possible to investigate, for example, the effects of formal regulations on outcomes (e.g., migration inflow numbers). In order to make such comparisons, it is crucial not to include both outcome and output measures in the same index, as some indices have done in the field of citizenship (Koopmans 2005; Howard 2009) and immigration (Thielemann 2004).

**Immigration versus integration and citizenship policies**

Messina (2007, 23-24, citing Hammar 1985) provides the following definition of an immigrant: a person who migrates to a host country, and who theoretically possesses and practically exercises the right to settle indefinitely in the host country. This definition, however, is too narrow, since it would exclude a category to which an increasing number of immigrants belong, namely those who only get temporary residence and work permits. Accordingly, we define immigration as the movement of people from one nation state to another and thereby take up residence in the destination country. By "residence in the destination country" we mean the process by which persons change their place of residence or relocate their home for a specific period of time or permanently to a country other than their country of citizenship. Thus, we exclude commuting and
tourism, but consider labor migrants who might move to another country once or several times in their life for a specific period (e.g., guest workers etc.) as immigrants.4

If immigration is about people crossing borders of nation states and settlement, we can distinguish policies according to whether they aim to regulate the former or the latter. These two policy fields can be perceived as reflecting two modes of social closure of nation states: at the territorial border and inside the territorial border (see Weber 1946: 78; Brubaker 1992: ch.1). For Money (1999) immigration control and immigrant integration follow very different political logics and therefore should be studied as two separate policy areas (see Givens and Luedtke 2005: 2). While immigration control policies address the question of who is granted access to the territory of a state, immigrant integration policies are directed at those people that have already crossed the national borders (Helbling 2013; Bjerre et el. 2013). In other words, immigration policies can be understood as “the rules and procedures governing the selection, admission and deportation of foreign citizens” (Brochmann 1999a, 9; see also Meyers 2000: 1246; Andreas 2003, 78).

Hammar (1990, 21) subdivides immigrant integration policies into two, regulation of the status of denizens and of citizens, thereby differentiating between the three following gates: entry, settlement and full membership. While “entry” concerns immigration policies, “settlement” refers to regulations of status of denizens, which Hammar (1990, 13) defines as foreign residents that have gained a secure residence status without, however, becoming naturalized citizens. Settlement regulations stipulate the expectations and conditions immigrants have to meet in order to stay in a country and become a part of the society, as well as the rights they are granted. One of the main differences between “settlement” and “full membership” is that only the latter grants the right to become a naturalized citizen with full political rights.

While the separation into three entrance gates provides a useful analytical instrument for comparing neighboring policy fields, we should not forget that the respective regulations often overlap. Integration regulations (settlement) might attract or deter immigrants and compensate for restrictive or liberal access regulations (entry). On the other hand, immigration laws (entry) could be considered the most efficient means of integration (settlement); selecting migrants upon entry might make it easier to integrate them later.

Policy fields
Immigration policies can be subdivided into four fields, reflecting the main reasons why a state may accept immigrants (Helbling 2010; Bjerre et al. 2013) (see Table 1): labor migration, family reunification, asylum/refugees, and co-ethnicity (see also Givens and Luedtke 2005, 3).

First, states may accept non-nationals for economic reasons, for example in case of labor shortages in one or several sectors of the economy (Freeman 1978; 1979; Hollifield 1992; 1998). Accordingly, labor migration policies regulate the admission of immigrants for work purposes. Second, humanitarian reasons may play a role. A state may decide to offer shelter to persons being

4 We prefer not to refer to a specific time span in our definition as nowadays, especially in the labor sector, there exists a large variety of different programs. More important is the fact that an immigrant relocates his or her home for a specific period or permanently.
persecuted for political or other reasons, or people fleeing from war or famine. Asylum and refugee admission policies concern asylum seekers, recognized refugees, and the protection of people who are not recognized refugees (subsidiary/humanitarian protection). Third, social aspects may be important, especially when immigrants who already settled down in a country are accorded social rights, such as being with their family members (Cholewinski 2002; Honohan 2009). Family reunification policies regulate how citizens or foreign residents can bring in their family members. Fourth, cultural and ethnic criteria may become relevant when, for example, a state accepts individuals from the same ethnic group who do not possess citizenship before immigration (Groenendijk 2006; Jerónimo and Vink 2011). This group of people can be called co-ethnics. They do not possess citizenship, but are entitled by immigration law to easier access to immigration and/or citizenship because of cultural or historical affiliations to the nation-state. Germany and Israel, who define themselves as national homelands of their diasporas abroad and grant diaspora members the right of return, are cases in point in this regard (Joppke 2005).

### Table 1: The IMPIC Conceptualization of Immigration Policy

<table>
<thead>
<tr>
<th>Policy dimensions</th>
<th>Policy fields</th>
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<tbody>
<tr>
<td><strong>Modus Operandi</strong></td>
<td><strong>Locus Operandi</strong></td>
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<td>Regulation</td>
<td>External</td>
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<td>Internal</td>
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**Policy dimensions**

To further differentiate between different aspects of immigration policies, we make a first distinction between *regulations* and *control mechanisms* (modus operandi; see Table 1) (Helbling 2010; Bjerre et al. 2013). Dreher (2002) defines regulations as binding legal provisions that create or constrain rights. Restricting access rights to very few people is a crucial aspect. However, such regulations are not enough if there are no mechanisms to control the inflows of immigrants or the status of immigrants that are in the country. Control mechanisms include, for example, information-sharing systems between countries, carrier liability rules for transporting undocumented migrants, the surveillance of admitted refugees or sanctions against employers that have hired irregular migrants.

Most legislation on irregular immigrants falls under the subcategory of control mechanisms as some of these mechanisms aim at controlling regular immigrants, most often with the aim of preventing

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5 Demographic reasons and the practicalities of "replacement migration" are sometimes also discussed as a means of counteracting the trend toward natural population decline in industrialized countries (Coleman 2002; Brochmann 1999b, 299). They, however, concern all immigration groups and so far there are hardly any signs that policies have been strongly shaped by such considerations (Brochmann 1999b, 299).
them from becoming irregular. Requirements for registration or identification documents, for example, constitute control mechanisms for regular immigrants that are intended to keep them from overstaying their working or residence permits. On the other hand, sanctions for forged documents, schooling rights for children of irregular migrants, or carrier sanctions are control mechanisms that concern irregular migrants more specifically. Thus, we also integrate legislation on irregular immigration in our framework, but not as a separate policy field.

We define irregular immigrants as “all immigrants that have not been admitted for economic, humanitarian, social, or cultural reasons, but nonetheless cross national borders, or did not leave the country when their residence or work permits had expired (i.e. overstayers)” (Bjerre et al. 2013). It has been argued that flows of irregular migrants increase relative to legal flows when controls mount (Zolberg 1990). In other words, if the “main gates” close the “back doors” become more important.

We also need to take into account that states regulate and control immigration both at their borders and within their territories (locus operandi, Table 1) (Helbling 2010; Bjerre et al. 2013). Accordingly, we need to take into account, first, how difficult it is to cross national borders (external) and, second, how secure the status of immigrants already in the country is, and what rights are associated with a specific status (internal) (see Brochmann and Hammar 1999; Doomernik and Jandl 2008).

Finally, we distinguish between several subdimensions within the regulations. Following the Migration Integration Policy Index (MIPEX) (MPG 2006; Niessen et al. 2007), we distinguish within external regulations between eligibility requirements and conditions that need to be fulfilled. Eligibility and conditions belong to the external dimension because they regulate who is given access in the first place. More specifically, eligibility requirements classify types of applicants that are granted access (which nationalities, which kind of refugees, which family members etc.). The conditions in turn define requirements that need to be met by those groups (economic and cultural requirements, formal application procedures etc.). The internal dimension of regulations is composed of the two subdimensions, namely security of status and the rights associated with the respective status. While the former concerns the duration of residence and the possibilities to renew permits, the latter includes aspects that go beyond the rights of a special status: for example, vocational training rights for labor migrants or labor rights for refugees.

Especially in regard to immigrant rights it becomes clear that the distinction between immigration and integration policies is not as clear as one might think, but that the two in fact overlap to some extent. Extensive rights might not only attract more immigrants, compensate for restrictive eligibility criteria or conditions and thus make immigration policies less restrictive, they might also be considered a crucial factor in integrating immigrants. Nevertheless, the two policy fields can still be differentiated insofar as rights related to an immigrant status constitute only one specific aspect of integration policies. As we have argued (Bjerre et al 2013), integration policies focus more on rights that are related to immigrant groups (instead of individual status) as well as requirements for long-term or permanent residence.
Outlook
The comprehensive definition of the IMPIC index allows us to measure immigration policies in a more thorough way and to tackle a variety of research questions. The differentiation between output and outcome measures enables us to investigate how these two phases of the policy cycle are related to each other. We will analyze how formal immigration regulations affect immigration rates and thus to what extent nation states are capable of controlling immigration. Do more restrictive policies lead to lower immigration rates? And how important are the effects of policies in regard to socio-economic factors that might attract immigrants or prevent them from coming? Since we collected data across time, we are also able to test the inverse effects: How do nation states respond to increasing immigration? Do higher immigration rates lead to more restrictive policies?

The differentiation between different entry gates allows us to investigate how policies influence each other and whether they can be explained by the same factors. On the one hand, we can analyze how integration policies compensate for restrictive or liberal access regulations and how selective immigration laws effect immigrant integration. On the other hand, we will also investigate how these social closure mechanisms follow different logics. Immigration policies are not only about setting factual and figurative limits to national membership and cultural belonging; they also reflect vital and tangible economic and political interests—especially when labour migration is at stake (Freeman 1978, 1979). On the other hand, integration and citizenship policies might be more directly shaped by cultural considerations as they are focused much more on the question of who belongs to the national community.

Differentiating between policy fields and dimensions provides further important research opportunities. The causes and effects across the four policy fields can be compared. We will explore to what extent these fields follow different logics. Since the four fields address different immigration groups, nation states might pursue different goals in the four fields. It might, however, also be the case that the overall objectives of a nation state have an equal impact in all four fields. Also, we will investigate how regulations in one field affect regulations for other fields. Is it possible that the closing of doors in one field leads to higher inflows in another?

Not only the effectiveness of individual policies, but also those of different policy dimensions can be compared. Are nation states similarly restrictive or generous outside and inside their borders or is it possible, for example, that generous rights attributed to immigrants compensate for a high number of conditions that need to be fulfilled before one can cross the borders? And which aspects have a higher impact on preventing immigrants from emigrating to another country: restrictive border controls or the security of the immigrant status?

This is only a selection of research questions that can be tackled with the new dataset. As it appears, a clear conceptual framework allows us, on the one hand, to formulate detailed research questions and hypotheses. On the other hand, it gives the reader a better idea of whether the data are valid and appropriate to answering certain research questions.

References


