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Immigration policy effects – a conceptual framework

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Abstract

The aim of this paper is twofold. Firstly, it attempts to provide a conceptual framework for the analysis of immigration policy effects. As pointed out by Hollifield (2008), the challenge of theorists of international migration is not simply to demonstrate that the state and politics matter, but to show how. By proposing an encompassing conceptualisation of the effects of immigration policy on the stock and flow of immigrants, the paper makes a first step in overcoming this challenge. However, as immigration policies have different effects on different categories of immigrants, secondly, the paper aims at providing clarity on the categorisation of immigrants and the relationship between the different categories. In a first step, the categorisation of immigrants is thus discussed and the interplay between regular immigrants, asylum seekers and irregular immigrants is outlined. Second, immigration policy and immigration policy effects are defined and last, five types of immigration policy effects are identified: 1) admission effects, 2) deterrence effects, 3) deflection/substitution effects, 4) magnet effects and 5) a definition effect, and their effects on the three categories of immigrants are hypothesised.

Keywords: Immigration policy, immigration policy effects, categories of immigrants, interplay, regular migration, irregular migration, asylum

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Contents

	The IMI Working Papers Series	2
	Abstract	2
1	Introduction	4
2	Regular immigrants, irregular immigrants and asylum seekers	5
3	Immigration policy effects – defining the matter	8
4	Five types of immigration policy effects	9
4.1	Admission effect	11
4.2	Deterrence effect.....	11
4.3	Deflection/substitution effects	15
4.4	Magnet effect	18
4.5	Definition effects.....	19
5	Conclusion	21
6	References	23
7	Appendix	27

1 Introduction

That immigration policy¹ should have an impact on immigration is almost too obvious, nevertheless, I want to begin this paper with the naïve, yet relevant question: Why would we expect immigration policy to have an effect on regular and irregular immigration flows and stocks? The answer to this question is closely related to two other questions: What is regular/irregular immigration? And what are the determinants of migration? Thus, what does it take to promote/hinder international migration? A variety of theories have been proposed to explain how international migration is initiated and continued, yet, surprisingly little attention has been paid to the role of policy in this regard. In their review of theories of international migration, Massey et al (1993) include governments' latitude to govern migration within the different theoretical perspectives. This is, however, done with a broad focus on policy effects in general and without addressing the link between policies on the one hand and migration on the other; without addressing the how of policy effects. The same goes for the models within the so-called political economy approach. Even though these models stress the role of states in shaping the context in which immigration flows takes place, they fail to conceptualise the ways in which immigration policy affects immigration flows. To the best of my knowledge, de Haas (2011) is the only one who has engaged with this question. He addresses the effects of immigration policy on immigration volumes and hypothesises four types of policy effects. All four effect types, however, fall within the category of deflection/substitution effects which only cover one out of several types of immigration policy effects. The primary aim of this paper is to provide a sound basis for analysing the effects of immigration policies on immigration flows and stocks by proposing an encompassing conceptualisation of immigration policy effects that adds to the one of substitution effects. However, as immigration policy affects different categories of immigrants differently, in a first step, the paper sets out to provide clarity on the categorisation of immigrants and the relationship between the different categories. Due to the focus on immigration law, a special focus will be on the distinction between regular² and irregular³ immigration. Yet, a third category is of interest in this regard, asylum seekers⁴, as it is closely linked with both the category of regular and irregular immigrants. By discussing the constructedness of immigrant categories and outlining the interplay between asylum seekers, irregular and regular immigrants, clarity on the categorisation of immigrants and the implications for the analysis of immigration policy effects is provided.

¹ I use the following definition of immigration policy by Bjerre et al (2014) as 'government's statements of what it intends to do or not do (including laws, regulations, decisions or orders) in regards to the selection, admission, settlement and deportation of foreign citizens' (Bjerre et al 2014: 5, see also Helbling et al 2017). For further elaboration on the definition and the distinction from the neighboring field of integration policy see Bjerre et al (2014) and Helbling et al (2017).

² A 'regular immigrant' is an immigrant who is abiding the rules of entry and residence, and 'regular immigration' is the movement of a person across an international border in accordance with existing migration law.

³ 'Irregular immigration' is used here to cover a form of immigration that is 'not regular' or is 'unlawful' because of its violation of migration rules (Vogel & Jandl 2008: 7). An 'irregular immigrant' is thus a migrant who is contravening the rules of entry or residence (Vogel & Jandl 2008: 7), and irregular immigration is the process that leads to irregular residence (Vogel 2016a: 333).

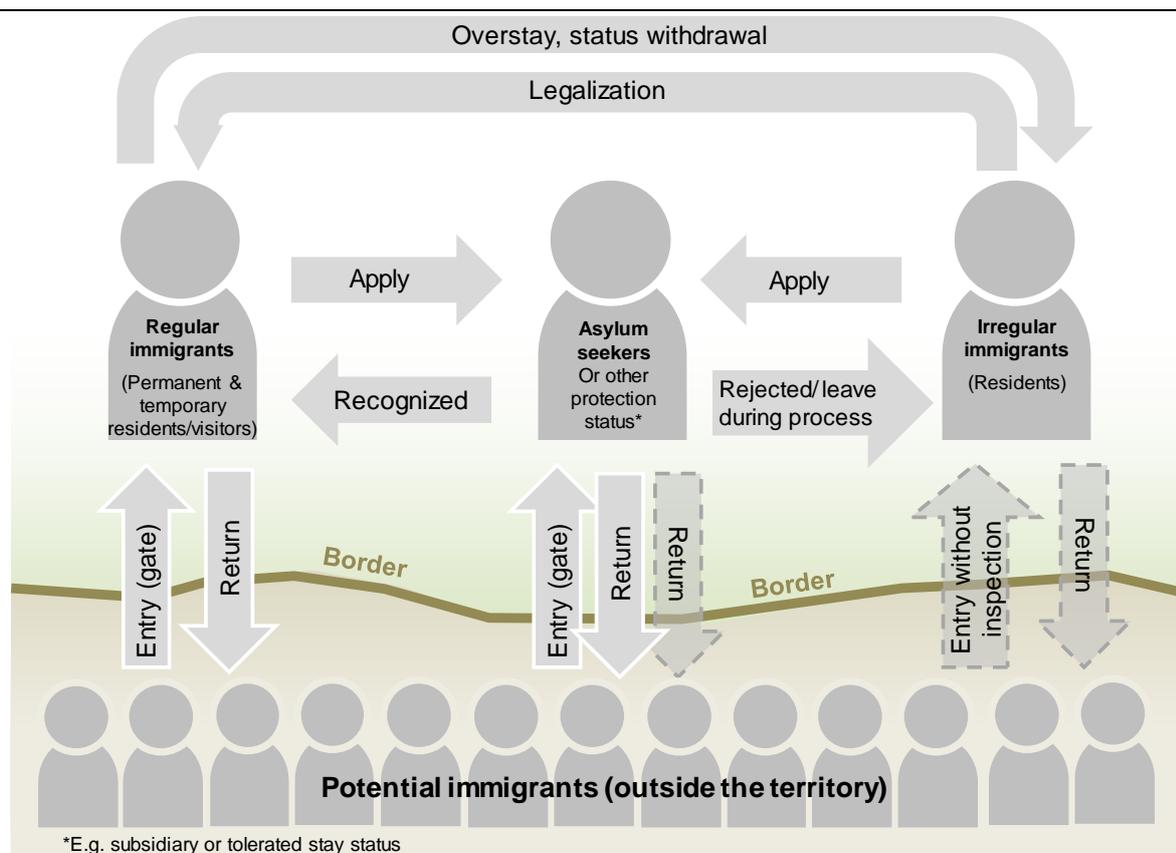
⁴ Following the UN High Commissioner for Refugees (UNHCR), an asylum seeker is defined as 'someone who says he or she is a refugee, but whose claim has not yet been definitively evaluated' (UNHCR 2016). Once granted refugee status according to the relevant international and national instruments, one is no longer an asylum seeker but a recognized refugee.

2 Regular immigrants, irregular immigrants and asylum seekers

As several scholars have pointed out before me, there is no clear cut category of the regular or irregular migrant. ‘Irregularity is first and foremost a juridical status that entails a social relation to a state’, as de Genova puts it (de Genova in Cvajner & Sciortino 2010: 395). The same can be said in regards to asylum or any other immigrant category for that matter. They are consequences of laws and regulations, which label certain forms of mobility as legal and others as illegal. If movement was not restricted, there would be no irregular immigration (Castles et al 2012: 118), or asylum or other categories of immigrants. All flows would just be ‘migration’ without any further labelling. However, borders are not open, and modern states do not treat all immigrants the same, they select and differentiate (Castles et al 2012: 11). And by the making of immigration policy – by defining categories of migrants, eligibility criteria and conditions to be met – types of immigrants are constructed. This does not only mean that there is no irregular immigration or asylum ‘outside of the law’ so to speak. It also means that categories change with changing policies, and varies across countries. Immigrants considered unlawful in one country might be part of the regular population in another country or another point in time, depending on for example visa policies and general immigration legislation (Kraler & Rogoz 2011: 8). However, once one falls within one or the other category, different rules and regulations apply, as different legal and institutional regimes exist for the different categories of immigrants (with varying rights to entry, residence, and to economic and social entitlements). However, as clear cut as the laws, and thus the legal categorisation of immigrants, is, the people categorised and their migration careers are not. Not only are many irregular immigrants potential asylum seekers (Castles 2007: 39, Schmoll 2016: 361), many legal migrants have also experienced periods of partial⁵ or complete irregularity (Kraler and Reichel 2011: 102), and there can be many transitions in and out of the regular and irregular migrant population. Building on Vogel (2016b), I have depicted the interplay between the stock of regular immigrants, irregular immigrants and asylum seekers in figure 1 below.

⁵ See Appendix A1 on the classification of irregular/undocumented migrants for an elaboration of partial irregularity/quasi legal positions.

Figure 1: Interplay between asylum seekers, irregular immigrants and regular immigrants



Source: Vogel 2016b and own elaboration

Aside from the geographical flows⁶ in and out of each immigrant category (people entering and leaving by crossing the border, with or without inspection), one can talk about three links: 1) the link between asylum seekers and irregular immigrants, 2) the link between asylum seekers and regular immigrants and 3) the link between irregular and regular immigrants.

Asylum and irregular immigration is linked in three ways: through irregular entrance and subsequent status as an asylum seeker and through status as an asylum seeker and subsequent status as an irregular migrant, either by disappearing during the asylum procedure or failing to return after the claim is rejected (Kraler & Hollomey 2010: 52). As stated by Hatton, the fact that it is necessary to reach the destination in order to claim asylum often means entering illegally (Hatton 2004: 16). In case of entry by air, however, it is possible to ask for asylum at the border authorities in the transit area. In some countries, e.g. France, one can also apply for asylum by the authorities in the harbour if arriving by sea. Due to the introduction of carrier sanctions, a significant number of asylum

⁶ Vogel and Jandl (2008) distinguish between three types of in- and out-flows of the irregular migrant population: 1) demographic, 2) geographic and 3) status related flows. Demographic flows include birth into illegality and deaths. Geographic flows concerns movement over a border and thus include irregular entrance and emigration, while status related flows concern all flows into irregular residence from a regular status and *vice versa*, e.g. overstaying or status withdrawal (in-flows) or regularisation (out-flow) (Jandl & Vogel 2008: 9-10).

applications lodged at the border⁷ is, however, unlikely. Hatton finds that four-fifths of all asylum applications in Denmark in 1995-99 were submitted from within the country. In the U.K, the proportion of in-country submissions were 68% in 1999 falling to 59% in 2001 (Hatton 2004: 13). Furthermore, Hatton shows that by the end of the 1990s, removals and voluntary departures made up less than half of the asylum claims that were rejected in the EU countries (Hatton 2004: 15), meaning that more than half of the asylum applicants went underground, remained in a state of limbo or immigrated to another country in order to try to claim asylum there. Although the Dublin regulation in theory put an end to ‘asylum shopping’ (at least when in force⁸), it might happen that rejected asylum seekers give it a second try in another country. As to the state of limbo, this might entail subsidiary or tolerated stay status⁹.

One of the ways in which asylum seekers and regular immigrants are linked is through recognition of refugee status, yet if refugee status is not granted but the immigrant cannot be returned or is in need of international protection, he or she might stay in an in-between position, not belonging to the population of asylum seekers or recognised refugees, or irregular immigrants for that matter, yet with a regular protection status (which often comes with a reduced package of rights, though, lowering the standards of protection (Pestana 2012: 38). The second way, in which the population of asylum seekers and regular immigrants are linked, is through regular entrance and subsequent status as an asylum seeker, e.g. entering with a student visa and then applying for asylum once within the country.

The stock of irregular immigrants and regular immigrants are linked through a status shift due to granting or withdrawal of regular status or due to overstay. As a means to curb irregular migration (and/or long-term subsidiary/tolerated stay), states have implemented legalisation procedures either on an individual case-by-case basis or as collective programs, granting people regular temporary or long term status. The other way around, regular status can be withdrawn for example after a serious criminal offence (Vogel & Jandl 2008: 10). However, a significantly greater part of the inflow into irregularity occurs when immigrants who entered the country on a tourist or other temporary visa overstay the allowed period of residence (Vogel & Jandl 2008: 10, Kraler & Rogoz 2011: 8). Within the literature as well as in the general public, much attention has been paid to irregular border crossings, especially in the North American context. According to Düvell, it is also assumed that 60-70 percent of migrants entered the U.S. clandestinely, yet, in the EU, it is assumed that as many as 80-90 percent of all irregular migrants have entered regularly (Düvell 2011: 60-61), meaning that regular entry followed by overstaying by far is the number one route into irregularity in the EU.

The links between the three categories of immigrants is essential in regards to the potential effects of immigration policy on the stocks and flows of immigrants. I will return to this when hypothesising the impact of the five different immigration policy effect types below. Yet, for now, it

⁷ Although the act sanctioned is helping people *across* the border and not *to* the border, a consequence will often be that immigrants without documents won't be accepted onboard in the first place, lowering the number of potential applications 'at the border'.

⁸ In consequence of the current so-called refugee crisis, the Dublin regulation has been partially suspended by several EU countries, e.g. by Hungary who stopped receiving back applicants who crossed the borders to other EU countries on 23 June 2015, and Germany, who on 24 August 2015 decided to make use of the 'sovereignty clause' to voluntarily assume responsibility for processing Syrian asylum applications for which it is not otherwise responsible under the criteria of the Regulation.

⁹ Subsidiary protection is the legal mechanisms for protecting and according a status to a person in need of international protection who does not fulfill the definition of 'refugee' as interpreted by the destination country (Bjerre et al 2016: Part 4.C). The definition of tolerated stay differs across countries but is often granted to persons whose removal is impossible either for practical reasons or because their removal would be tantamount to refoulement (Pestana 2012: 38).

should be noted, that although regular immigration, irregular immigration and asylum are distinct legal categories, migration careers and immigrant categories are a complex phenomenon, and the line is blurred (Cornelius & Rosenblum 2005: 102); A policy set out to increase the number of regular immigrants might result in increased numbers of irregular immigrants instead due to the interplay of the categories (see for example hypothesis III below).

3 Immigration policy effects – defining the matter

Before turning towards the ways in which immigration policy affects the stock and flow of different categories of immigrants, we need to take a closer look at immigration policy itself. Or rather, at the conceptual building blocks of immigration policy: immigration control and immigration regulation (Helbling et al 2017 building on Doornik & Jandl 2008). The terms *immigration control* and *immigration regulation* are widely used synonymously within the literature (Brochmann & Hammar 1999: 9), often understood in a broad sense as all rules and procedures introduced by states in their attempt to regulate the size and composition of immigration including means to control immigrants once on the country's territory (see for example Hammar 2009[1985], Doornik & Jandl 2008). I will adopt a more narrow understanding of the term immigration control, namely the following provided by Vogel which defines immigration control policies as 'all governmental efforts to prevent access to seemingly legal entry, residence or work by foreign nationals who are not eligible by law, especially if they try to gain access under false pretences, identities or with fraudulent documents, to prevent illegal entry, residence or work by ineligible foreign nationals' (Vogel 2000: 390-91). Control policies are thus aimed at preventing access for the ineligible, not on the construction of the eligible, thereby excluding policies on e.g. the selection and size of immigration, leaving a great part of immigration policy to be something outside of immigration control. Following Bjerre et al (2014) and Helbling et al (2017), these policies 'outside of control' are immigration regulations.

Regulations can be understood as the binding legal provisions that create or constrain a right in regards to entry, residence or work of foreign citizens (Bjerre et al 2014: 9). Roughly speaking, one could say that immigration regulations target regular immigrants whereas immigration control targets irregular immigrants. To give an example: A regulation might say that only spouses can migrate as family members. A corresponding control mechanism would be measures to prevent a sham marriage, e.g. individual interviews with both partners, house visits and/or proof of living together. This broad classification, however, leaves out one special sub category of policies, namely policies regulating the rights of irregular immigrants. Although few in kind, they conceptually belong to the category of immigration regulation and not immigration control; more precisely, to the sub-category of internal immigration regulation. Both immigration regulation and immigration control can namely be further differentiated in internal and external regulations/controls (Bjerre et al 2014: 9, Helbling et al 2017). External regulations are targeting the entrance and comprise the eligibility requirements an immigrant has to fulfil to qualify for a certain entry route and the additional conditions that need to be fulfilled, whereas internal regulations regulate the duration of stay and the rights the immigrants receive according to the status (rights that enable the immigrant to sustain a living in the country) (Bjerre et al 2014: 9, Helbling et al 2017).

External control measures are those applied before and at entry and hence include control at the border together with extraterritorial control, e.g. control by airport liaison officers or control in the country of origin by visa issuing authorities (for further elaboration of remote control see Laube 2013). Internal control measures are the ones applied after entry, meaning that they 'deal with the limitations of opportunities during residence and the enforcement of return' (Vogel 2000: 396). Both internal and external control can be further differentiated according to the type of control as

gatekeeping or fencing (Vogel 2015). Gatekeeping ‘involves the determination of eligibility of foreign national who come forward to authorities to gain entry, residence, services or rights’. Fencing ‘involves detecting and stopping clandestine and undocumented entry, residence and work’ (Vogel 2015). Examples of external gatekeeping and fencing could be visa policies and border control, respectively, whereas examples of internal gatekeeping and fencing could be issuance and control of identification documents and employer sanctions, respectively. Table 1 depicts the conceptualisation of immigration policy applied here. The distinction between internal and external regulations and controls are important since the different policy dimensions could have very different or even opposite effects on the stock and flow of immigrants. Merging the dimensions could thus disguise pivotal effects.

Table 1: Conceptualisation of immigration policy

Immigration policy								
<i>Modus operandi</i>	Regulation				Control			
<i>Locus operandi</i>	External		Internal		External		Internal	
<i>Sub dimension</i>	Eligibility	Condi- tions	Security of status	Rights associ- ate d	Gate- keepin g	Fencin g	Gate- keepin g	Fencin g

Source: Bjerre et al 2014, Helbling et al 2017, Vogel 2005 and own elaboration

The policy part of ‘policy effects’ should be clearer now, yet, the effects part still needs to be clarified. Czaika and de Haas (2011) make a distinction between policy effect and effectiveness. The latter refers to the extent to which a desired outcome is achieved and the former to the actual impact of a policy, the policy outcome so to speak (Czaika & de Haas 2011: 6). Focus here is on the effect, not the effectiveness of immigration policy. Effectiveness includes a strong subjective dimension which is difficult to assess. The policy objective might be manifold and there might be a gap between the policy rhetoric and the ‘real’ intention, making it questionable whether or not the objective of a certain policy ever can be identified, as pointed out by Czaika and de Haas (2011). Moreover, one might be interested in the impact of immigration policies on immigrant flows, migration patterns and migration conditions irrespective of the intentions behind the policies. Laws might have been written for one or the other reason, but the effect of a certain policy might be significant for the immigrants affected by the law even though the effect is smaller than intended, not intended at all or if the law is not efficient in accomplishing its goals. By focusing on the effects of immigration policy and not the effectiveness, the evaluative aspect is excluded and focus is kept on the factual outcome.

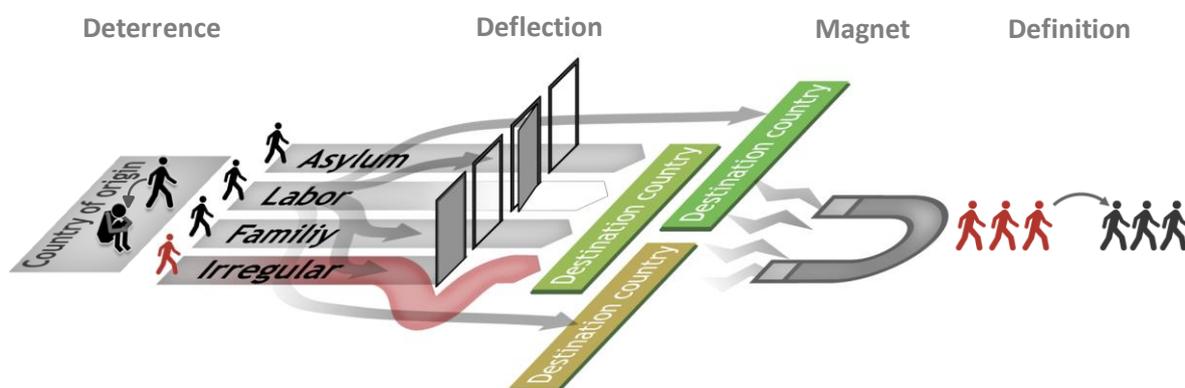
4 Five types of immigration policy effects

It seems reasonable that immigration policies, especially if implemented, would have some effect on immigration. However, in order to investigate if this is actually the case, the crucial questions are: Which effects? How are these effects brought about? What should be accounted for in an analysis on the effect of immigration policy on the flows and stocks of immigrants? Building on existing scholarly work (among others Lee 1966, de Haas 2011 and Borjas 1999), I have identified five types of *immigration policy effects*, which could be argued to have an impact on immigration: 1) admission effects, 2) deterrence effects, 3) deflection/substitution effects, 4) magnet effects and 5) a definition effect. The five effects are to be understood as the different mechanisms through which an intervention, i.e. an introduction of an immigration policy or change to an existing policy, leads to a certain outcome, i.e. increase or decrease in the flow and/or stock of immigrants. If one thinks of

immigration regulation as the door to the destination country, *admission effects* are the effect of opening the door. The *deterrence effect* of immigration regulation is the other side of the coin, so to speak, the preventive effects of closing the door. *Deflection effects* cover the (un)intended effects of restricting immigration policy, namely the adaptation to the policies and the potential ‘jump’ of migrants to other and more accessible categories/new ‘doors’, to other countries with open doors, or to other points in time. *Magnet effects* concern the pull effect of granting a certain category of immigrants right or a more secure status, while the last type of immigration policy effects, *definition effects*, is related to the constructedness of immigrant categories and concern the effect of constructing or re-constructing categories of immigrants, e.g. decreasing the number of irregular immigrants while increasing the number of regular migrants by giving amnesty to a certain sub-group of the irregular population. The latter differs from the other four effect types in that it affects the composition of immigrants, not the immigration process or the ‘decision’ to migrate in itself. The intervention and the mechanism (i.e. the re-definition) cannot be separated. The effect on the stock of immigrants is ‘direct’ and the immigrant to a large degree ‘passive’, meaning that the category is ascribed whether or not the immigrant act or deliberately take part in the re-categorisation. The other four effect types can be said to work indirectly in that the intervention, i.e. changes in immigration policy, in different ways affect the actions of the immigrants and thus the immigration process, as will be shown in the following. Furthermore, they are ‘flow-effects’, meaning that they have an impact on the in- and out-flow of immigrants and thus only subsequently on the stock of immigrants. The second type of effects, deterrence effects, has received the most attention within the literature (although seldom mentioned explicitly). This is unfortunate since the different types of effects work in opposite direction, potentially cancelling each other out. Disregarding one or more effect types could thus lead to incorrect interpretations of the effect of immigration policy.

I have depicted the different policy interventions (opening/closing the ‘door’, attracting immigrants etc.) and their potential effect in figure 2. In the following, I will elaborate on each of the effect types and formulate hypothesis on the effects on the flows and stock of immigrants. I will distinguish between immigration policy effects on irregular immigration, asylum and refugees and regular migration. The effects on other sub types of regular migration, e.g. labour and family migration, will only be spelled out when differing from the general hypothesis concerning regular flows and stocks.

Figure 2: Immigration policy effects



4.1 Admission effect

As mentioned above, admission effects can be thought of as the pull effect of opening the doors for immigrants. The ‘door’ is here to be understood as external regulations, and the idea is that easing external immigration regulations i.e. widening the eligibility criteria or lowering the requirements prospective immigrants have to fulfil, would attract potential immigrants. If for example the list of family members eligible for family reunification got expanded or the financial requirements withdrawn, the number of immigrants migrating as family dependents is expected to increase. In consequence of permissive external regulations, the inflow of regular immigrants is thus expected to increase (*hypothesis I*, Table 2). At the same time, the inflow of irregular immigrants is expected to decrease (together with the inflow of asylum seekers, depending on which legal channels are ‘opened up’¹⁰). Whether or not immigrants ‘rise to their potential’, i.e. pursue a regular route in consequence of more permissive policies, has to the best of my knowledge, only been studied in regards to visa policies (Czaika and de Haas 2014). Maybe this effect is considered too straight forward – if one can enter as a migrant worker or family member, then why pursue an irregular route? This might, however, be the case due to fear of failing to qualify for regular entry, lack of knowledge of the existing immigration laws, lack of trust in the system or advantages of irregular residence. Cziaka and de Haas, however, find that immigrants do react to liberalisations in visa policies, although the response time is slower than for introductions of visa requirements (Czaika & de Haas 2014: 15). Following from the expected decrease in irregular entrants (and asylum seekers), a decrease in the stock of irregular immigrants and asylum seekers is also to be expected, if more people are led in on the road to permanent residence (*hypothesis II*, table 2). However, if only temporary stay is eased, the stock of irregular residents is expected to increase, as this potentially could lead to more overstayers (*hypothesis IIIK*, table 2).

Table 2: admission effect hypotheses

<i>Hypothesis</i>	
I	Easing external immigration regulation → increase in the inflow of regular immigrants and decrease in the inflow of irregular immigrants (and the inflow of asylum seekers, depending on the legal channels eased).
II	Easing external immigration regulation regarding permanent stay → decrease in the stock of irregular residents (and asylum seekers)
III	Easing external immigration regulation regarding temporary stay → increase in the stock of irregular residents

4.2 Deterrence effect

Deterrence is usually defined as ‘*the preventive effect which actual or threatened punishment of offenders has upon potential offenders*’ (Ball 1955: 347). Although seldom pronounced explicitly, the concept of deterrence effects of immigration policy is implicitly inherent in the functional push-pull

¹⁰ If asylum policy is eased, the inflow of asylum seekers is expected to increase and not decrease, however, since other legal channels, e.g. labor and family migration in most cases are more favorable, an increase in asylum is only expected to take place if asylum is the only field in witch external regulation are more permissive (or if the alternatives are less favorable).

models prominent in the greater part of the literature on determinants of immigration (see among others Lee 1966, Todaro 1969, Stark & Bloom 1985). Within this line of theory, people are expected to move as a function of the costs and benefits associated with moving in accordance with the maximisation of net lifetime returns. Thus, raising the expenses of migration to the level of irregularity ('closing the door') is expected to deter regular immigration (*hypothesis IV*) (see among others White et al 1990, Cornelius & Rosenblum 2005: 111, Schaeffer & Kahsau 2011). If for example external labour migration regulation gets more restrictive, a drop in the number of labour migrants is expected to follow, as those who no longer fulfil the criteria will abstain from immigrating. Yet, if it was that simple, if external immigration regulation was the only determining factor, no irregular immigration would take place and only immigrants fulfilling the eligibility criteria and the required conditions would immigrate. To a large extent, this might be the consequence of restrictive policies – migrants stay put or 'pick' another destination country – but it is clearly not the case for all immigrants, meaning that the expenses need to be higher than just the level of irregularity (or tolerated stay, in the case of rejected asylum seekers whose removal is impossible). Thus, measures of immigration control are applied to further deter migrants from entering, residing and working irregularly. When it comes to the deterrence effects of immigration control policies, we can expect them to work through two modes: 1) through punishment directed specifically at foreigners entering, residing and/or working irregularly and/or at those assisting them, or 2) through systems developed to select, identify and monitor immigrants, thus enabling the detection of irregular immigrants and the enforcement of immigration law. Examples of direct punishment could be sanctions for forged documents or employer sanctions for hiring immigrants without a valid work visa. Imposing penalties ('actual or threatened punishment') should thus deter immigrants from committing these actions. Examples of prevention through the second, indirect type of punishment could be border enforcement or sharing of information with other countries.

By enhanced surveillance, collaboration and control, the chance of getting caught (or at least the perception of the chances of getting caught) increases, thereby discouraging potential irregular immigrants from entering and residing irregularly (*hypothesis IV*, table 3). Or at least this is the intention behind this type of control measures (among others¹¹), and goes for both gate-keeping and fencing. Following the logic of the control measures, both internal and external control measures are thus expected to decrease the inflow of irregular immigrants, for example, legal compulsory identification documents as well as carrier sanctions or penalties for forged documents is expected to deter irregular immigrants. In consequence, the inflow of asylum applicants, since a great part enter irregularly in order to then subsequently apply for asylum (*hypothesis V*, table 3). Or the other way around: increase the inflows if immigration control is eased (what one could call 'reverse deterrence'). As a result, the stock of both irregular residents and asylum seekers is also expected to decrease or increase, respectively. This is among others argued by Kobach, who states that an immediate effect on the level of illegal immigrants has been shown from the initiatives taken by U.S. states to deter illegal migration (Kobach 2008: 482). Due to his focus on state level policies, Kobach focus solely on irregular immigrants' rights and on internal immigration control measures (from denying public benefits or drivers licenses to irregular immigrants to prohibiting the employment of unauthorised immigrants), yet, it has been argued that internal control measures could have the opposite effect than intended. Based on a simple two-country model of international and intersectional migration, Djajic argues that internal enforcement measures aimed at reducing the stock of irregular migrants (e.g.

¹¹ In addition to deter immigrant from immigrating due to the high risk of being caught, thereby lowering the number of unwanted immigrants, the aim might be to send a signal or to add to a certain discourse on immigration.

employer sanctions or identity checks) could lead to an increase in the inflow of irregular immigrants. Instead of choosing not to enter, irregular immigrants may choose to move into other locations or sectors ‘further away’ from the control mechanisms, thereby ‘opening up’ new areas and sectors to irregular migration which gives a rise in the information of networks and stimulates still larger inflows (Djajic 1999: 47) (*hypothesis VI*, table 3).

A similar argument on ‘avoidance of the control mechanism’ followed by an increase in the stock of irregular immigrants, this time due to decreased outflows and not increased inflows, has been put forward by Rosenblum in regards to external immigration control, more particular in regards to border control (*hypothesis VII*, table 3). Rosenblum describes what he has termed a ‘caging effect’ as an unintended consequence of increased border control consisting of long term settlement (instead of working temporarily and then returning home) due to the more expensive and dangerous border crossings (Rosenblum 2012: 33). This effect has also been shown by Reyes et al (2002), Massey (2005) and by Cornelius et al who found a similar ‘reduced circularity in migration’ as an effect of the enhanced border control and the drying up of the U.S. job market (Immigration Policy Center 2009). A similar decrease in circularity has been shown with regards to visa policies, although only pertaining to regular migration¹² (Czaika & de Haas 2014: 20). The otherwise straight forward decrease in the stock of immigrants due to the deterrence effect of restrictive immigration policies is thus contested, or to say the least, to be interpreted in a more complex setting. As pointed out by Reyes et al (2002), this does not necessarily mean that increased border control does not have the expected deterrence effect on irregular border crossings, only that it also affects the outflow and thus the stock of irregular immigrants in the opposite direction. In fact, White et al (1990) showed a decline in illegal border crossings following the implementation of the U.S. 1986 Immigration Reform and Control Act (White et al 1990: 110). This finding is contested by Massey (2013) though.

Table 3: Deterrence effect hypotheses

<i>Hypothesis</i>	
IV	Restricting external immigration regulation for one category → decrease in the inflow of that category
V	Restricting internal and external immigration control → decrease in the inflow of irregular immigrants and asylum seekers, thus decrease the stock of irregular residents and asylum seekers
	<i>‘Reverse deterrence’:</i>
	Easing internal and external immigration control → increases the inflow of irregular immigrants, thus increase the stock of irregular residents and asylum seekers
VI	Restricting internal immigration control → decrease in targeted sectors, but increase in new sectors, thus an increase in the inflow and stock of irregular immigrants
VII	Restricting external immigration control → decrease in the outflow of irregular immigrants,

¹² In their study on bilateral immigration and emigration flows, Czaika and de Haas (2014) show that visa restrictions decrease immigration and emigration, thus decrease circularity (Czaika & de Haas 2014: 20). Since overstaying is one of the three pathways into irregularity, decreased circularity in regular migration is expected to decrease the inflow and outflow of irregular immigrants.

Following these conflicting findings, an overall hypothesis of the deterrence effect of immigration control on the flow of irregular immigrants is left open. On the one hand, internal and external control measures are expected to either directly or indirectly deter irregular entrance and residence thereby decreasing the inflow of irregular immigrants and asylum seekers. On the other hand, the same measures might lead to decreased outflow and/or increased inflow into untargeted sectors, thereby increasing the stock of irregular immigrants. However, for immigration policies to have a deterrence effect at all, a certain level of information is required. Yet, irregular immigration might just be a result of lack of knowledge of the rules and regulations in the destination country, as argued by Papademetriou (Papademetriou in Thomsen 2010: 35). And the same might be the case for regular migration, one might add. Immigrants may simply not be aware of who is allowed to immigrate and who is not. Especially forced immigrants might lack this information. Based on a literature review of refugee and asylum seeker choice of destination, Spinks notes that asylum seekers know very little of asylum policies in potential destination countries and much of what they think they know is often incorrect (Spinks 2013: 12). Human smugglers, on the other hand, might very well be up-to-date with state's carrier sanctions, asylum procedures etc. In their analyses of migrants who have been smuggled to the Netherlands, van Liempt and Doomernik shows that smugglers sometimes choose destination countries that differs from the ones the migrants prefer, and that the state's regulation plays a crucial role in this decision (van Liempt & Doomernik 2006: 179-180).

Information might also travel through networks or along the migratory path. As Koser and Pinkerton observe, transit countries have become locations where asylum seekers can receive information on destination countries they did not have when leaving their country of origin (Koser & Pinkerton in Spinks 2013: 13). If the migration plans take shape while in transit, as argued by Papadopoulou-Kourkoulou in her book *Transit migration: The missing link between emigration and settlement* (2008), restrictive immigration policies will most likely lead to immigrants heading for more permissive countries, thus affecting the immigration decision, but not the decision to emigrate. This is also argued by Baumann, Lorenz and Rosenow who in their book *Crossing and Controlling Borders* (2011) conclude that border control might influence the way migrants move but the effect on the decision to emigrate in itself is very limited (Baumann, Lorenz & Rosenow 2011: 274). However, as shown by Brekke and Aarset, this decision differs across groups of immigrants. In their study of asylum seekers in Norway, they found that while asylum seekers from Eritrea had made the decision of immigrating to Norway while in transit, the destination country has been predetermined by Russian and Iraqi asylum seekers headed directly to Norway (Brekke & Aarset 2009: 91). In case of the latter, information might also influence the decision to emigrate.

A further prerequisite for policies to deter potential immigrants is that migrants are risk averse and will stay put or settle in another country if they deem the risk too high. However, if migration is shaped by factors outside national government's control, such as historical ties, reputational factors or networks, the deterrence effect of restricting immigration might be cancelled out or overruled, and certain countries will remain popular independent of the immigration policy in force (see among others Thielemann 2004: 28 and Neumayer in Spinks 2013: 16 for this argument). If this is the case, one would expect the deterrence effects of immigration policies to be very limited – irrespective of the level of knowledge.

4.3 Deflection/substitution effects

The conventional way of studying the effect of immigration policy on migration flows has been to categorise different types of migrants and develop specific theories to describe the actions of these particular groups and the policies developed to steer them (e.g. asylum seekers or labour migrants) – without questioning the very idea of types of immigrants or addressing the potential ‘jump’ between categories (see among others Thielemann 2004, Cerna 2008, Ruhs 2011, Fitzgerald et al. 2014). Focus has been on the deterrence effects of policies, and it is widely argued that restrictive immigration policy (e.g. asylum or labour policy) has a deterrence effect on migration (see among others Hatton 2005, Mayda 2010, and Ortega & Peri 2009). But what if the number of other types of migrants has risen in consequence? In 2016, the time refugees had to wait on family reunion in Denmark was changed from one to three years. If family members of refugees had turned towards the asylum track themselves as a result of this change, there might have been a decrease in the number of family migrants to Denmark, but not in the total number of immigrants.

The concept of deflection effects is based on the idea that restrictions within one immigration field or on one category of immigrants will lead to increased inflows of other categories. Meaning that if one field becomes less permissive (e.g. family migration becomes more restrictive), immigrants will just turn towards other entry routes (e.g. asylum or irregular migration) (*hypothesis VIII*, table 4). De Haas has termed this type of shift *categorical substitution effects*. They consist of shifts of migration flows from one immigration category to another in response to changing policies for one particular immigration category (de Haas 2011, Czaika & de Haas 2011). In relation to irregular immigration, categorical substitution effects concern the (un)intended rise in irregular immigration in response to restricting legal forms of immigration. The underlying assumption of categorical substitution effects is that there is no clear-cut distinction between types of migrants. Restricting immigration might deter some prospective immigrants, but due to economic, social, cultural or other determinants, and migrants’ creative ability to adapt and adopt new migration strategies, immigration will still occur. Or as Stephen Castles puts it: ‘Potential migrants do not decide to stay put just because the receiving state says they are not welcome – especially if the labour market tells a different story’ (Castles 2004: 209). Although it is only anecdotal evidence, this indeed seems to have been the case in South Africa where the number of asylum seekers increased in consequence of highly restrictive labour migration policies (Makinana 2011, Wellman & Landau 2015).

When it comes to the link between regular and irregular migration, this is studied to a greater extent and goes by many names. Jandl and Kraler refer to it as the ‘model of interconnected pipes’ (Jandl & Kraler 2006: 340). Jandl and Kraler theoretically dismiss the model of interconnected pipes by use of the two following arguments: 1) the underlying assumption of a fixed flow of migrants does not correspond to reality, and 2) the structure of legal immigration that states might wish to expand and the structure of the illegal immigration does not correspond (Jandl & Kraler 2006: 340-41). While the latter might hold in regards to high-skilled immigration (which is also the example they give), the boundaries between family migrants, low-skilled migrants, asylum seekers and irregular immigrants might be less clear cut. In absence of sufficient legal channels for unskilled labour, e.g. asylum seekers might be illegally employed, as argued by Castles (Castles 2004: 215). When it comes to the argument of a fixed flow of immigrants, this goes back to the discussion of risk averseness and the factors shaping migration patterns. Jandl and Kraler argue that since migration is mediated by intermediate structures such as employment agencies, networks and human smugglers, an expansion of legal opportunities for some may not lead to a decrease in illegal migration for others (Jandl & Kraler 2006: 340). However, if immigration is driven by e.g. networks, a culture of migration or historical ties, the inflow of immigrants to a given country might very well be fixed, at least to some

extent, regardless of the country's policies. Jandl and Kraler furthermore test the model of interconnected pipes by looking at the correlation between gross immigration to Germany and border apprehensions. Instead of an inverse relationship, they find a positive relationship (both legal immigration and border apprehensions dropped between 1994 and 2003), by which they (again) reject the model of interconnected pipes (Jandl & Kraler 2006: 362). By using gross immigration as a measure, they mix up policy output and outcome, and instead of measuring 'legal migration opportunities' they measure 'legal migration'. In consequence, one could interpret their results a bit differently.

The positive correlation could be taken as a sign of general interest (or disinterest) in the country leading to an increase (or decrease) in both regular and irregular immigration, thereby supporting the idea that immigration is shaped by other factors than immigration policy, affecting all types of flows, rather than contesting the internal substitution between regular and irregular immigrants. It might also be that studying just the gross immigration to a country camouflages some of the substitution between categories, e.g. if asylum policy got more restrictive while family migration got more permissive. At least, two studies have shown a substitution effect between certain legal migration categories and irregular migration. In their study of the deterrence and deflection effects of asylum policy on irregular immigration, Czaika and Hobolth (2014) shows that not only does more restrictive asylum policies lower the number of asylum application the following year (deterrence effect) they also increase the inflow of irregular immigrants, thus confirming a substitution effect between asylum and irregular immigration. This inflow could be due to an increase in irregular entrants as well as an increase in status related inflows. If external immigration regulation for asylum seekers are restricted, e.g. an increase in the number of safe countries of origin, as it happened in Germany in 2014 and 2015, respectively, where first Serbia, FYR Macedonia and Bosnia-Herzegovina, and later Albania, Kosovo and Montenegro were added to the list of safe countries of origin, immigrants from those very same countries might pursue alternative entry routes. At the same time, the restrictions would lead to an increased number of rejections, thus to an increase in the number of irregular residents in the case of non-returns (*hypothesis IX*, table 4). Restricting low-skilled labour has also been shown to deflect some of the inflow towards irregular immigration. In their studies of Mexican migration to the U.S., Massey and Pren (2012) show how restricting temporary labour migration in the U.S. has led to an increase in irregular immigration. Whether this effect holds for other policy fields than asylum and low-skilled labour migration, and for other years and countries, is still to be investigated, as the empirical evidence is limited. Categorical deflections effects are, however, only a consequence of changing regulations, not control, since immigration regulations create the rights to enter, so to speak; And more specifically, only the effect of external immigration regulations, which defines the eligibility criteria and conditions for qualifying.

In addition to categorical substitution effects, de Haas (2011) has hypothesised three substitution effects: 1) Spatial substitution, 2) Inter-temporal substitution and 3) Reverse flow substitution. Spatial substitution occurs through the diversion of migration to other countries with less restrictive policies for similar categories of migrants (de Haas 2011: 27) (*Hypothesis X*, table 4). Immigrants are thus expected to turn towards more permissive entry routes in other (most likely neighbouring) countries if policies are restricted. One could imagine this type of substitution to happen in consequence of stricter immigration policy as a whole, meaning in consequence of both restricted regulations as well as restricted control. If there are fewer conditions, more rights, greater security of status or less control in another country, immigrants might head there instead. Cases of spatial substitution have recently been shown in regards to asylum seekers by Barthel and Neumayer (2015) and by Brekke, Røed and Schøne (2015). They both look at asylum policy at the overall level, and while Barthel and Neumayer find a spill-over or deflection effect of asylum policies becoming

both relatively more or less restrictive in geographically proximate target countries, Brekke et al find that a stricter policy in other main destination countries increases the inflow to the specific receiving country (Brekke et al 2015: 29).

Inter-temporal substitution affects the timing of migration and occurs in the expectation of future tightening of policies. De Haas (2011) labels this ‘now or never migration’, as it entails an increased inflow in response to a fear of ‘closed doors’ in a near future (*Hypothesis XI*, table 4). If one should migrate it would have to be ‘now or never’. It could, however, also be the other way around, postponing the migration event due to future changes, as shown by Hönekopp (1987) in his study of assisted return before and after the introduction of the German return promotion law at the end of 1983. Hönekopp finds not only that more people returned right after the introduction of the law and fewer later, but also that fewer people returned right before (Hönekopp 1987: 304, 308-309). Better wait until the law is in force and the return is supported, seems to have been the reasoning. One could also imagine inter-temporal substitution in combination with spatial substitution, in that restrictions in one country could impose fear that restrictions would follow in the neighbouring countries, leading to further increased inflows in the neighbouring countries (*Hypothesis XII*, table 4). The last type of substitution, reverse flow substitution, occurs when restrictions decrease outflows, what I have referred to above as reduced circular migration (a type of deterrence effect). I will thus not go into further detail here.

Table 4: Deflection/substitution effect hypotheses

<i>Hypothesis</i>	
	Categorical:
VIII	Restricting external immigration regulations for one category → increases the inflow of other categories
IX	Restricting external immigration regulation for asylum seekers → increase in the irregular resident population
X	Spatial:
	Restricting immigration policy for one category → increases the inflow of this categories to the neighbouring countries
XI	Inter-temporal:
	Restricting immigration policy for one category → additional increased inflow of this category now and fewer later
	<i>or</i> Easing immigration policy for one category → additional increased inflow of this category now, and fewer beforehand
XII	Spatial x inter-temporal:
	Restricting immigration policy for one category → additional increased inflow of this category in the neighbouring countries now and fewer later

All of these effects reduce the ‘classic’ deterrence effect of immigration policy in that they work in the opposite direction, so to speak, meaning that people are not discouraged from immigrating; What might change is the label under which they migrate and whether one or the other neighbouring country will be the country of destination, not the migration decision itself. This,

however, does not mean that only the entrance and categorisation is shaped by restricting immigration, the path can certainly also be shaped within this perspective. The ‘deflection’ is not necessarily simple and straight forward, but might entail alternative and dangerous migration routes, additional funding and the use of smugglers in order to reach the destination. Furthermore, what the idea of deflection/substitution effects illustrates is that there might be an even more important question than the one of effects of a single country’s policy in itself, namely the one of *relative restrictiveness*. If one entry route or one country is relatively less restrictive, immigrants might head in that direction. In consequence, there might not be a significant effect of restricting immigration regulation and control if this is not done across all categories or if other countries do the same at the same time. Meaning that the overall inflow of immigrants might stay the same if the inflow just change from one entry route towards another or if the neighbouring countries are introducing similar policy changes simultaneously (*Hypothesis XI*, table 5). If the immigration policy is getting equally restrictive in geographically proximate countries, for example if border control is enhanced across all EU countries with borders to the outside, it will still be easier to cross the border to e.g. Spain than to France. There is therefore no reason to believe that migration routes would change; hence no spatial deflection is expected to take place.

Table 5: Relative restrictiveness hypothesis

Hypothesis

XI Change in immigration policy → overall effect on the inflow of immigrants *only* if the change occurs in relative terms (in comparison to other categories or countries), not just in absolute terms.

4.4 Magnet effect

In addition to definition, deterrence and deflection/substitution effects, a fourth type of immigration policy effect is identified: the so-called ‘magnet’ effect. This term is widely used in regards to welfare state research. The welfare state is seen as a powerful pull factor affecting the likelihood to migrate even though for instance the chances of finding a job are low. The welfare magnet hypothesis claims that more generous welfare provisions attract potential migrants (Borjas 1999). In their study: *Why Norway?* On asylum seekers choice of destination country, Brekke and Aarset find that a strong welfare state is among the highest ranked reasons for coming to Norway, albeit understood in a broad way and not just as welfare provisions for asylum seekers. Asylum seekers ranked the reasons for coming to Norway and ‘future’, understood as access to the labour market, education for children and a welfare state, came in second (Brekke & Aarset 2009: 95). Translated into the context of immigration policy, the hypothesis would be that more permissive internal regulations – increasing the rights associated with the status of a certain category of immigrants, or the security of status for that category – would attract potential migrants from that category (*hypothesis XII*, table 6). For example more people would immigrate as family migrants if they were granted permanent instead of temporary stay, or that more migrants would enter as labour migrants if it was easy to renew a work permit. Coutin argues along these lines by stating that ‘in theory, reducing undocumented immigrants’ eligibility for public services – particularly the right to work authorisation – eliminates the ‘magnet’ that leads them to immigrate in the first place’ (Coutin 2005: 13). In this way, reducing the rights associated with irregular status, e.g. right to public schooling, health care, work, accommodation, driver’s license etc., is expected to lower the inflow of irregular immigrants; or the other way around,

the more rights granted to irregular immigrants, the higher the likelihood of people ‘choosing’ irregularity. Or, the higher the likelihood of discouraging immigrants who ‘fall into’ irregularity from returning to their source countries, in this way decreasing the outward flow and increasing the stock.

In a similar vein, it has been argued that regularisation programs have a magnet effect and attracts more irregular immigrants by signalling that it is possible to be legalised although one does not fulfil the eligibility criteria for immigrating (Jandl & Kraler 2006: 341). The existence of pull-effects of legalisation procedures is, however, disputed within the literature. In their study of the effect of the 2005 regularisation program in Spain, Larramona and Sanso-Navarro find that 8% of the stock of immigrants in 2008 can be attributed to the amnesty that was implemented three years before and come to the conclusion that regularisation programs produce a magnet effect (Larramona & Sanso-Navarro 2011: 12). However, since their dependent variable is the stock of *legal* immigrants, perhaps their result should rather be interpreted as a proof of chain migration. That initial immigration (in this case through regularisation programs) is followed by others does not necessarily mean that regularisation is the magnet in itself. The increase in regular immigration might be brought about by the migrants bringing in their extended family. This interpretation is in line with Sandells findings. In his study of migration to Spain, Sandell not only shows that there is no significant rise in Spanish immigration in 2005 compared to the previous years, he also finds a decrease in the irregular migrant population following the 2005 regularisation campaign (higher than the number of regularized migrants), which suggests a rejection of the magnet hypothesis (Sandell 2006: 11); At least when it comes to rights in the form of regularisation. At the same time, Sandell argues that the unconditional rights to healthcare and education that Spanish law grants irregular immigrants facilitate and incentivise irregular immigration (Sandell 2006: 14), thereby supporting the idea of a magnet effect of rights within the framework of immigration policy. A large body of research, however, indicates that it takes more than curtailment of welfare rights to stem the flow of undocumented entrants (Hollifield et al 2014: 28), and in their study of drivers of Mexican migration to the U.S., Massey and Espinosa find a negative effect of welfare benefits, no significant effect of medical benefits, and a positive but rather weak effect of access to schooling on the odds of migrating irregularly (Massey and Espinosa 1997: 963-964), leaving the power of this magnet in question – at least when it comes to irregular immigration. Also when it comes to the magnet of the welfare state on regular immigration, results are mixed (Römer 2016: 29).

Table 6: Magnet effect hypothesis

<i>Hypothesis</i>	
XII	Permissive internal regulation (increased rights associated with the status of a certain category of immigrants together with the security of status of that category) → increases the inflow of this category
	<i>In case of right for irregular residents:</i>
	→ decreases the outflow, thus increase the stock of irregular immigrants

4.5 Definition effects

The fifth (and slightly different) type of immigration policy effect, definition effects, is related to the constructedness of migration. As mentioned above, irregular immigration only exists by virtue of immigration policy restricting the admission to a territory. Thus any means taken to regulate legal migration indirectly affects irregular migration (Triandafyllidou 2010: 25). Therefore, there is a direct

effect of immigration policies on the composition of immigration in that they construct the categories of immigrants, i.e. widen or narrow down the category of regular/irregular immigrants. One could call this a ‘definition effect’.

A direct case of a definition effect is inherent in the concept of legalisation procedures such as regularisation or amnesty programs. By re-defining the group eligible for legal residence, e.g. by including people working and living in the country prior to a certain date, like the Spanish 1985 regularisation program (Levinson 2005a: 48), these procedures have a direct effect on the irregular, and thus also on the regular, immigrant population. Thereby not everybody is eligible for regularisation from one day to the next considering their changing status. Besides from a time-component, factors like distrust of the system might discourage some from taking advantage of the program, as it has been argued in regards to former U.S. president Obama’s executive amnesty program¹³. Nevertheless, by expanding the definition of legal residence (and work), legalisation procedures re-construct the population of irregular immigrants, and – at least for as long as the program is running¹⁴ - the immigrants can and will (at least upon detection) legalise, thereby reducing the stock of irregular immigrants and increasing the stock on regular immigrants (*hypothesis XIII*, Table 7). This statistical link between regularisations and the stock of irregular immigrants (the stock of irregulars is reduced) has been shown by Jandl and Kraler (2006: 344). One should, however, keep in mind that the definition effect of regularisation only affects the stock of immigrants, not the flow. That legalisation procedures also could have an effect on the inflow of irregular immigrants to follow, e.g. lead to an increase, is discussed above under magnet effects. Other examples of a definition effect on the stock of immigrants by re-defining and thus re-composing the immigrant categories are the collapse of the Soviet Union, leading to former Soviet citizens suddenly becoming non-nationals of newly created states (Castles et al 2012: 122) and the EU enlargement to Central and Eastern Europe which worked as de facto regularisation of a large number of citizens of new EU Member States who were irregularly staying in an EU-15 Member State (ICMDP 2009: 39). From one day to the other, citizens of the Soviet Union were excluded from the definition of citizens, thus being subject to another set of laws. The same was the case for citizens of the new EU member states who all of the sudden were included in the definition of EU-citizens, thus also being subject to another set of laws. In this way, redefinition led to an increase in the stock of irregular immigrants in the case of the collapse of the Soviet Union, and to a decrease in the case of the EU enlargement. Although the two latter examples extend the scope of immigration policy, including broader aspects of foreign and domestic policy, they exemplify how definitions are changing and how these changes have an immediate effect on the categorisation and legal position of people. Yet, within the framework of immigration policy, definition effects are only brought about by external immigration regulation comprising the eligibility criteria defining the different migration categories – who are included and who are excluded – together with the conditions to be fulfilled in order to qualify.

¹³ In November 2014, U.S. president Obama announced a series of immigration executive actions, among others entailing one new amnesty program and the expansion of another. Due to the possibility that the program could be repealed, and those who had taken advantage of the program deported, if a Republican rises to power in the white house, it has been argued that many irregulars might decide it is safest to remain in the shadow (Lewis & Yuhas 2014).

¹⁴ Most regularisation programs fall into one of two categories: 1) de facto programs, which automatically grant permanent residency to migrants after they have lived in a country for a certain number of years or 2) ‘one shot’ regularisations that target a finite number of migrants who have specific residency and work requirements. Da facto programs are implemented on a rolling basis and can end by being overturned while ‘one shot’ programs have a deadline for applications (Levinson 2005b).

Table 7: Definition effect hypothesis

Hypothesis

XIII Regularisation or other types of redefinition of people have a direct 1:1 effect on the stock of regular and irregular immigrants

5 Conclusion

That immigration policy has an effect on the flow and stock of immigrants is at the core of migration management, yet, little attention has been paid to the ways in which immigration policy effects are brought about. Although few serious social scientist would disagree with the proposition that politics matter, the challenge of theorists of international migration is not simply to demonstrate that the state and politics matter, but to show how, as Hollifield puts it (Hollifield 2008: 221). By proposing an encompassing conceptualisation of the effects of immigration policy on the stock and flows of immigrants, this paper has made a first step in overcoming this challenge.

It has been shown that immigration policy is a multidimensional concept consisting of a diverse set of rules, each of which (although conceptualised in groups of external and internal immigration regulations and immigration control) potentially affect immigration in its own way. Corresponding to the different policy fields we find the different categories of immigrants targeted (e.g. asylum seekers targeted by asylum policies, irregular immigrants targeted by immigration control). Despite the clear cut legal categorisation of immigrants constructing the different types of immigrants, there is a significant interplay between categories. The link between regular immigrants, irregular immigrants and asylum seekers has been outlined, and it has been argued that not only are the three categories of immigrants affected differently by different immigration policies, *because of* the link, policies targeted at one category, potentially have (un)intended effects on the other categories. Border policies also affect asylum seeker for whom it is necessary to reach the destination in order to claim asylum, and policies granting permanent stay potentially decreases the number of immigrants otherwise overstaying their visa and entering into irregularity, just to give a few examples. In continuations hereof, five distinct types of effects have been conceptualised: 1) admission effects, 2) deterrence effects, 3) deflection/substitution effects, 4) magnet effects and 5) a definition effect, and the potential impact on regular immigrants, irregular immigrants and asylum seekers has been hypothesized.

As pointed out by Czaika and de Haas, ‘empiric research on the role of immigration policies in determining the volume, direction and composition of migration flows is still in its infancy, and much work needs to be done to further investigate migration policy effects’ (Czaika & de Haas 2011: 17). In this endeavour, it is extremely important to separate out the different effects of immigration policy, as mentioned above, and to account for the multidimensionality of immigration policy. If for example policy change is measured at the overall level as either getting more restrictive or permissive, as e.g. Ortega and Peri (2009), do in their study of determinants of migration flows, different types of effect are conflated (examples of other studies of immigration policy studying the overall policy landscape for a given point in time are Hatton 2004, Mayda 2005, Pham & Van 2014 and Timmer & Williams 1998). This could not only lead to biased results with regards to under- or overestimating the effect of policy, but also to directly misleading results in the case where opposing effects cancel each other out; Or to an incomplete picture if deflection/substitution effects are left out of the picture. By spelling out the five different effect types and their hypothesised effect on different categories of immigrants, a framework for future analysis grasping the overall effect of immigration policies, not just the effect on one specific category of immigrants or on one country, is provided. Furthermore, the concept of

deflection effects introduce the question of relative restrictiveness, meaning that in order to obtain effects on certain categories of immigrants or on the overall volume of immigration, the categories/overall immigration policy would have to be comparatively more restrictive (or liberal) than the one of the neighbours, all other things being equal. That immigration policy pursued on this background very well could lead to a race towards the bottom, is another discussion. Here, what has been shown is the relevance of always including the context when estimating the effect of immigration policy, whether it being other categories of immigrants or countries. By outlining the relationship between regular immigrants, irregular immigrants and asylum seekers and by advancing the existing conceptual framework on immigration policy effects to include admission, deterrence, deflection/substitution, magnet and definition effects, a sound basis for analyses of immigration policy effects on the volume, direction and composition of migration flows is provided. Hopefully, resulting analyses will serve to inspire innovation in theories of international migration.

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7 Appendix

7.1 A1 Classification of irregular/undocumented migrants

Irregular status can be classified related to entry, residence and work, and all migrants are somewhere on a continuum from regularity to irregularity (Castles et al 2012). Table 8 shows the different classifications of irregular status. As a result of the many different combinations and positions, a patchwork of quasi-legal positions occurs.

Table 8: Categories of irregular status

Entrance	Residence	Work	Types
Regular	Regular	Regular	Full lawfulness, e.g. UN resettlement refugees
Regular	Regular	Irregular	Working without valid work permit/violating the right to work, e.g. students, migrants from new EU member states violating their right to work)
Regular/Irregular	Regular	Regular/Irregular	Asylum seekers
Regular/Irregular	Irregular	Irregular	Overstayers or rejected asylum seekers
Regular/Irregular	Irregular	Irregular	Asylum seekers who are not yet admitted to the asylum procedure
Irregular	Irregular	Regular	Irregular residents working regularly, e.g. the Dutch so-called ‘white illegals’
Irregular	Irregular	Irregular	Legal exclusion, a) Personally financed and organised (smuggling), b) Debt based relation to smugglers or employers (trafficking)

Source: Socialstyrelsen 2010 (p. 269) and own elaboration