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Growing Restrictiveness or Changing Selection? The Nature and Evolution of Migration Policies¹

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This paper demonstrates that, since 1945, migration policies have overall become less restrictive. Challenging common assumptions, this long-term trend is robust across most of the 45 countries included in the DEMIG POLICY database. While the period after 1989 is characterized by a slowing down of the rapid post-WWII liberalization of migration policies, liberal policy changes have continued to outnumber restrictive policy changes until today. Yet policy developments differ across policy types and migrant categories: Entry and integration policies have become less restrictive, while border control and exit policies have become more restrictive. Also, while policies towards irregular migrants and family migrants have been tightened in recent years, less restrictive changes have dominated policies targeting high- and low-skilled workers, students, and refugees. The essence of modern migration policies is thus not their growing restriction, but their focus on migrant selection.

INTRODUCTION

This paper investigates the nature and evolution of migration policies over the twentieth and early twenty-first centuries. Such analysis is crucial to shed a more informed light on the heated debate about the nature and

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effectiveness of migration policies. While some argue that states are generally effective in regulating migration (Brochmann and Hammar 1999; Geddes 2003), others claim that borders are “beyond control” (Bhagwati 2003; see also Castles 2004; Düvell 2005). This debate is based on the — often unquestioned — assumption that migration policies were more liberal in the past and have undergone a restrictive turn in recent decades. However, a closer look at the available evidence yields a mixed and generally inconclusive picture on the evolution of migration policy restrictiveness in recent decades.

On the one hand, research focusing on so-called South–North migration — particularly from Mexico to the United States and from North Africa to Europe — tends to portray contemporary migration policies as increasingly restrictive. This impression is reinforced by metaphors such as “Fortress Europe,” by increasingly technically sophisticated systems of border control, the erection of border fences, and the detention and expulsion of irregular migrants (Massey 1999; Geddes 2003; de Haas 2008a). In addition to the powerful imagery around such restrictive measures, the scholarly debates on the “externalization” of European border controls toward neighboring non-EU countries or private agents (Infantino 2010; Paoletti 2010) and the debate about the “securitization” of migration (the linking of migration to national security issues, including terrorism; cf. Ibrahim 2005; Boswell 2007a) tend to reinforce the belief that migration policies have generally become more restrictive.

On the other hand, several researchers have argued that international and national human rights law and courts limit the extent to which liberal democracies can restrict migration and the rights of certain migrant categories like family members or asylum seekers (cf. Hollifield 1992; Guiraudon and Lahav 2000; Bonjour 2011). Freeman (1995) argued that migration policies of liberal democracies are inherently “expansive” (i.e., become more liberal) despite public pressure for restriction. Indeed, many states have facilitated the entry of particular immigrant categories (such as the high-skilled and family members) and have made it easier to acquire citizenship (Joppke 2008). Such arguments also seem to fit into broader narratives according to which national borders and nation states matter less and less in an age of economic and political globalization (cf. Ohmae 1990; Sassen 1996).

These contrasting narratives about the nature and evolution of migration policies reveal a more fundamental conceptual and methodological problem: How useful is it to talk in terms of *general* levels of migration policy restrictiveness in the first place? After all, migration policies are typically “mixed bags” of measures, containing multiple laws or decrees that target

various national, skill, and income groups in quite different and often contradictory ways. Migration policy making typically involves bargaining and compromising divergent interests of political parties, businesses, trade unions, or human rights organizations, who favor or oppose the migration of particular groups (cf. Freeman 1995; Boswell 2007b). For instance, in the 1960s Dutch right-wing political parties and business lobbies favored the migration of “guest workers” and their family members from Mediterranean countries, whereas left-wing parties and trade unions initially saw recruitment as a threat to the interests of native workers (Bonjour 2011). At the same time, left-wing parties and human rights organizations often favor the granting of residency and socioeconomic rights to asylum seekers, irregular migrants and other “vulnerable” immigrant groups, while the granting of such rights is often opposed by right-wing parties (de Haas and Natter 2015). Such divisions are also reproduced within government bureaucracies, which are anything but homogeneous entities, with ministries of justice and interior often taking a more restrictive stance toward migration than ministries of economic affairs or labor (Bonjour 2011).

Because of their diversity, and because they are subject to different arenas of political bargaining, migration policies are bound to display internal incoherencies “by design,” depending on the specific migrant categories and policy areas at stake. For instance, Ruhs and Martin (2008) argued that we need to distinguish between the *number* of migrants states allow in and the (post-entry) *rights* granted to them. If their hypothesis holds that there is a trade-off in policy making between rights and numbers, the “expansionary” drive of liberal democracies to increase the post-entry rights of migrants (e.g., permanent residency, right to family reunification, and naturalization; Freeman 1995; Hollifield 2004) should coincide with increasingly restrictive entry policies. This exemplifies the need to consider such different types of policies separately, in addition to aggregating them into indices measuring overall restrictiveness.

This complex reality, in which restrictive and liberal policy changes can occur simultaneously across different policy areas and migrant categories, calls for a well-thought-through conceptualization and categorization of migration policies that should be reflected in the methodological design of migration policy data collection. Until recently, there has been a lack of appropriate data that would enable detailed and more precise analyses of the long-term evolution of migration policies. Such data are however necessary to ascertain to what extent the idea of growing policy restrictiveness reflects a real policy trend or rather discourses of politicians

who wish to sound “tough” on migration. Indeed, there is often a considerable gap between political discourses and the “policies on paper.” Such a “discursive gap” (Czaika and de Haas 2013) implies that enacted policies may be strongly watered-down versions of the “tough talk” of politicians promising to bring immigration down, to increase border patrols, and to “fight illegal migration.” Some scholars have argued that such hard-line rhetoric is not primarily about limiting migration in practice, but mainly fulfills a symbolical function, in which “elected leaders and bureaucrats increasingly have turned to *symbolic* policy instruments to create an *appearance* of control” (Massey et al. 1998, 288). This could, for instance, imply that increased border controls or policies that specifically target undocumented migrants are not necessarily paralleled by policies which restrict the actual entry and stay rights given to migrants.

Because of the scarcity of empirical studies that systematically evaluate the long-term evolution of migration policies across a large number of countries, crucial questions remain unanswered: What characterizes contemporary migration policies? Have migration policies really become more restrictive over the past decades? Or do we see considerable differences between countries, periods, types of policies, and categories of migrants? This paper aims to partly fill this research gap by systematically investigating the nature and evolution of migration policies across 45 countries between 1900 and 2014. Given the heavy focus of the existing migration policy literature on Western countries, and to provide a fruitful contribution to ongoing discussions, this article puts a particular emphasis on the migration policies of 22 liberal democracies located in Western Europe and North America, as well as Australia and New Zealand, in the post-1945 period. However, the paper will broaden the focus beyond these countries by also analyzing policy trends in 23 countries located in Central and Eastern Europe (CEE), Latin America, Asia, and Africa and the Middle East (Table A2, Annex). It does so by drawing on the recently compiled DEMIG POLICY database — the largest migration policy dataset publicly available to date (see <http://www.imi.ox.ac.uk/data>) — that tracks over 6,500 migration policy changes and provides an assessment of the nature and evolution of migration policy restrictiveness across different migrant groups, policy areas, and world regions.

This paper and the DEMIG POLICY database complement prior historical-comparative analyses of migration policy trends. Several historical studies have investigated migration policies of “traditional” immigration countries such as Canada and the United States, as well as some European countries (Kubat 1993; Papademetriou and Heppel 1996; Brochmann and

Hammar 1999; Geddes 2003; Cornelius et al. 2004). Other researchers have examined “late adopters” of migration policies, such as Italy and Spain (Sciortino 1999; Ortega Perez 2003; Pastore 2004). More recently, researchers have also compiled quantitative policy indices that focus on a specific migrant group or particular time periods. For instance, Hatton (2009) analyzed the impacts of asylum policies between 1981 and 1999 across the EU-15 area (except Luxembourg); Peters (2015) analyzed migration policies for low-skilled workers across 19 countries from the nineteenth to the twenty-first century; and Ruhs (2011) investigated labor migration policies of 46 high- and middle-income countries in the year 2009.

Other databases have aimed to take stock of the entire range of migration policies by collecting data according to preset indicators or questions, which make such data potentially comparable across countries. For instance, in its most recent version, the IMPALA database covers policy data for nine countries over the 1999–2008 period (Beine et al. 2015) and the IMPIC database, which was primarily collected through expert surveys, covers migration policy data for 33 OECD countries between 1980 and 2010 (Bjerre et al. 2014). For a more thorough discussion of existing databases, please refer to Ellerman (2013) and de Haas, Natter, and Vezzoli (2015). By focusing on migration policy *change* instead of “absolute” indicators, DEMIG POLICY follows an alternative methodological approach that complements other databases. The analysis presented in this paper provides profound insights into the nature and evolution of migration policy in 45 countries around the world over the twentieth and early twenty-first centuries and allows to gauge whether migration policies have really become more restrictive and how selection mechanisms have changed over time.

METHODOLOGY AND DATA

DEMIG POLICY was compiled between 2010 and 2014 as part of the DEMIG project (*Determinants of International Migration: A Theoretical and Empirical Assessment of Policy, Origin and Destination Effects*).² The DEMIG project aimed to generate an improved understanding of the evolution of migration policies and to evaluate the effect of these policies on international migration. DEMIG POLICY tracks 6,505 changes in migration policies in 45 countries, 23 of which are located outside the “Western liberal

²Tables A1 and A2, as well as Figures A1–A8, are crucial to the arguments made in the article. They are presented in Annex simply to avoid fragmentation of the text.

democratic sphere” (i.e., Western Europe, North America, Australia, and New Zealand) on which most of the existing migration literature focuses (Table A1, Annex). About 91 percent of all policy changes recorded were enacted between 1945 and 2014, but for 25 countries, reliable data reach back to the beginning of the twentieth century (Table A2, Annex). The database records “policies on paper” and therefore disregards policy discourses and issues of implementation. It defines migration policies as the “rules (i.e., laws, regulations and measures) that national states define and [enact] with the objective of affecting the volume, origin, direction, and internal composition of [. . .] migration” (cf. Czaika and de Haas 2013).

The database is built on an extensive review by the DEMIG team of all reports of the OECD’s Continuous Reporting System on Migration (the so-called SOPEMI reports, since 2006 known as the OECD’s *International Migration Outlook*) published yearly between 1973 and 2014. This information was complemented by the systematic reading and evaluation of national migration profiles compiled by the Migration Policy Institute, the Migration Policy Centre, Focus Migration, and the European Migration Network. Further sources included academic articles on the evolution of migration policy in the 45 countries under study, national official documents and websites, legal texts, and other reports and overviews compiled by international organizations, think tanks, and NGOs.³ To cross-check the comprehensiveness of our data collection, every country dataset was reviewed by a national migration policy expert.⁴ This proved to be a highly valuable mechanism to include additional literature in national languages, improve the accuracy of the data, and increase the overall quality of DEMIG POLICY. The conceptual and methodological underpinnings of DEMIG POLICY, as well as a detailed outline of

³The database is accompanied by a comprehensive bibliography containing all sources used for each country. The complete sourcebook is available online at <http://www.imi.ox.ac.uk/> data.

⁴The authors would like to thank the following researchers for their commitment and review of the individual country datasets: Adolfo Sommaribas, Agnes Hars, Alan Gamlen, Amparo Gonzalez Ferrer, Antero Leitzinger, Aurelia Segatti, Axel Kreienbrink, Aysen Ustubici, Biao Xiang, Camila Baraldi, Camilla Devitt, Christel Baltes-Loehr, Cristian Dona Reveco, Daniel Ghezlbash, Daniel Naujoks, Didier Ruedin, Eduardo Domenech, Eivind Hoffmann, Elaine Moriarty, Electra Petrakou, Eva Janska, Ferruccio Pastore, Frida Thorarins, Garbi Schmidt, Henrik Emilsson, Irina Muetzelburg, Jeanne Batalova, Junichi Akashi, Khadija Elmadmad, Ki-seun Chung, Laura Robbins Wright, Lucia Kurekova, Magdalena Lesinska, Miguel Vilches Hinojosa, Neza Kogovsek, Olga Chudinovskikh, Reiko Ogawa, Saskia Bonjour, Serge Slama, Sonia Pires, Stephanie Mayer, Sylvain Besch, Tally Kritzman-Amir, Vladimir Grecic, and Wayne Palmer.

the data collection and coding scheme, can be found in de Haas, Natter, and Vezzoli (2015).

DEMIG POLICY allows for a fine-grained analysis of the long-term evolution of migration policies. Each entry recorded in DEMIG POLICY reflects a *policy change*. For each policy change, we assigned a code indicating whether the measure introduces a change in a more or less restrictive direction, compared to the preexisting policy framework. To determine this, we evaluated whether that policy measure increased or decreased the *rights* granted to the migrant group targeted. While a restrictive policy change was coded +1, a policy change toward less restriction was coded -1. Because migration reforms often comprise a multitude of policy measures targeting different migrant categories in rather different ways, we disaggregated larger policy reform “packages” into their different sub-measures. For example, a reform that at the same time restricts the right to work for asylum seekers and opens family reunification for temporary workers cannot be assigned a single policy restrictiveness code. Thus, we split such a reform into two measures and coded them separately. Policy reforms often consist of three or more sub-measures, which were all included as separate entries in the databases and assigned a restrictiveness code.

Because not all policy changes are equally important, and to allow weighting, we also assessed the relative magnitude of each policy measure using two criteria. First, the *degree of coverage* was used to measure whether a policy change targets an entire migrant category (such as “all migrant workers”) or only a subsection of a migrant category (such as “high-skilled workers”). Second, *the degree of departure* measures whether a policy change represents a fundamental departure from the preexisting policies or not. Using these two criteria, each policy change was classified on an ordinal scale as “fine-tuning measure” (weight 1), “minor change” (weight 2), “mid-level change” (weight 3), or “major change” (weight 4). The resulting ordinal variable can be used to “weight” policy changes according to their relative importance.⁵ All figures in the paper use weighted scores. However, analyses

⁵Because this scale is ordinal, we cannot assume that the differences between the four magnitudes of change are proportional. The scale is useful to ascertain that a “fine-tuning measure” represents a smaller change than a “mid-level change.” However, we cannot, for instance, assume that three “fine-tuning measures” are equal to one “mid-level change.” The weighted scores should therefore only be seen as a second-best approximation of migration policy restrictiveness change, providing more nuance than the non-weighted scores, and a way to verify whether an over- or underrepresentation of restrictive measures among major or smaller policy changes does not bias results.

using unweighted data yielded very similar results to the weighted data in terms of observed levels and trends of restrictiveness.

The data show that the proportion of “major” and “mid-level” policy changes has decreased over time, while the proportion of “fine-tuning” policy changes has increased (Figure A1, Annex). This suggests that contemporary migration policy making is increasingly about modifying existing legal frameworks through frequent fine-tuning rather than about enacting major overhauls of migration regimes, as has been the case in the post-WWII decades. The data also reveal that fine-tuning, minor, mid-level, and major changes are fairly evenly distributed across more and less restrictive policy measures (Figure A2, Annex). This explains why analyses using weighted and unweighted data lead to similar findings.

DEMIG POLICY also coded each policy measure according to four variables that capture its content: (1) policy area; (2) policy tool; (3) migrant category (or target group); and (4) geographic origin. The *policy area* variable measures whether a policy change deals with border and land control; legal entry and stay; integration and post-entry rights; or exit regulations.⁶ The *policy tool* variable records the instrument used to implement the measure by distinguishing 27 policy tools — such as work visas, recruitment programs, regularizations, or employer liabilities. The *migrant category* variable reflects the specific migrant group that is targeted by the policy measure, distinguishing between 14 possible categories, such as high-skilled workers, low-skilled workers, family members, irregular migrants, asylum seekers, or international students. This code reflects the legal channels under which people migrate rather than their intrinsic characteristics. For instance, “low-skilled workers” can be highly educated individuals performing manual work and “irregular migrants” are only categorized as such because they lack the papers required by the state bureaucracy. Finally, the *geographic origin* variable specifies whether the policy measure targets all foreign nationalities, EU citizens, citizens, or specific nationalities. For a detailed definition of the codes, please refer to Table S1 in the online supporting information.

Three main sources of bias may have remained in DEMIG POLICY: First, there may be an overrepresentation of politically salient policies, while some minor or older changes may not have been recorded.

⁶A detailed justification for the inclusion of integration policies in DEMIG POLICY, as well as the definition of what falls under “exit” regulations, can be found in our methodological paper (de Haas, Natter, and Vezzoli 2015).

However, cross-checking of data through the use of multiple sources as well as the reviews by national migration policy experts for each country is likely to have significantly reduced such bias. Second, this database does not enable to analyze the implementation of migration policies. Implementation is not only dependent on resources, but also a matter of discretion of state and non-state workers involved in the day-to-day carrying out of policy measures (cf. Eule 2014). This means that, in practice, policies may become more or less restrictive without any formal policy change (Infantino 2014). Finally, while the strength of DEMIG POLICY is its ability to track and compare long-term policy changes for a wide range of countries and to evaluate whether and which policies have become more and less restrictive, its focus on *changes* makes it less suitable for cross-country comparisons of “absolute” levels of migration policy restrictiveness at a given point in time, which is the focus of other migration policy databases, such as IMPIC and IMPALA (cf. Helbling et al. 2013; Bjerre et al. 2014; Gest et al. 2014).⁷

GROWING RESTRICTIVENESS?

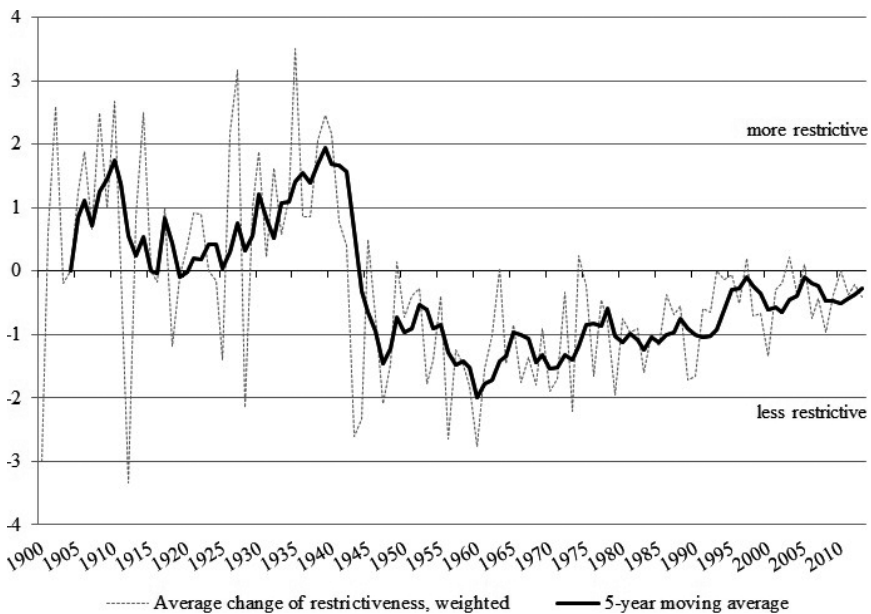
Figure I shows yearly changes in migration policy restrictiveness over the twentieth and early twenty-first centuries across all 45 countries covered by DEMIG POLICY. This *policy restrictiveness index* was obtained by calculating the average of weighted changes in restrictiveness (between -4 and 4) of all policy measures enacted in a given year. A score above zero means that the number of restrictive policy changes introduced in that particular year was larger than the number of less restrictive policy changes, while a score below zero means that less restrictive changes prevailed. Although the pooling of all policy changes conceals how migration policies have evolved across different policy areas and migrant categories (which will be analyzed subsequently), this policy restrictiveness change index gives a first general overview of policy trends over the entire twentieth century, including earlier decades for which the lower number of

⁷While these databases allow comparing absolute levels of restrictiveness between countries, they are based on a predetermined set of policy variables, which means that country-specific migration policies can be missed out. Given the advantages and disadvantages of both types of (“comparative” and “tracking”) databases, they can be highly complementary: For instance, comparative databases could be used to calibrate tracking databases by providing a baseline level of restrictiveness across a number of policy areas, while tracking databases can provide historical depth and country-specific details to comparative databases.

entries preclude a more detailed — policy- and target group-specific — analysis. What the graph does not show is that the frequency of policy changes has increased over the years, which reflects an intensification of migration policymaking around the world and can account for the lower degree of oscillation observable in Figure I for more recent decades.

Figure I shows that while migration regimes in the first half of the twentieth century were dominated by restrictive changes, *since 1945 migration policies have overall become less restrictive*. Although the relatively lower number of policy changes recorded for the pre-World War II (WWII) period partly explains the more erratic patterns shown in the figure, the long-term trend toward more restrictiveness in the late 1920s and early 1930s is robust. This is consistent with the research literature describing the general turn toward protectionism and nationalism affecting Europe and North America following the 1929 stock market crash and the ensuing Great Depression (Timmer and Williamson 1998), as well as mounting international tensions due to the rise of communism, fascism, and Nazism. This period also coincided with the introduction of modern

Figure I. Yearly Average of Weighted Changes in Migration Policy Restrictiveness, 45 Countries, 1900–2014

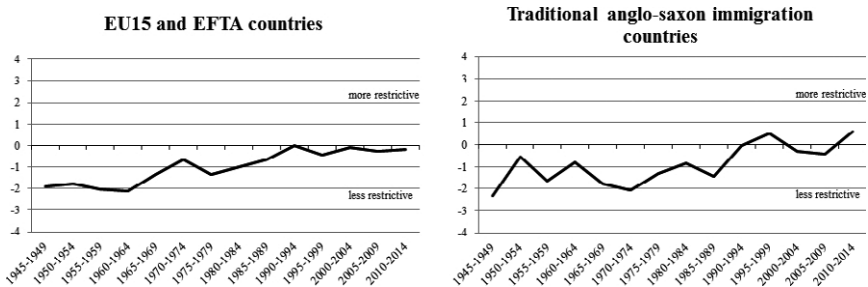


passport systems (Torpey 2000) and an increasing focus on immigration policies, which replaced the previous preoccupation with exit policies (Zolberg 2007).

Since WWII, yearly averages of weighted changes in migration policy restrictiveness have generally remained below zero, which means that less restrictive changes prevailed. As mentioned above, the same results were achieved with the unweighted data. Thus, over this 70-year period, the number of less restrictive changes enacted each year was higher than the number of more restrictive changes — with the exception of nine years (1945, 1949, 1963, 1974, 1993, 1997, 2003, 2005, and 2010) in which positive weighted averages were recorded (this was 10 years using unweighted data). In sum, 54 percent of the policy changes recorded over the entire post-WWII period introduced a change toward less restriction, while only 36 percent of the changes went in a more restrictive direction. The remaining 10 percent of recorded policy changes did not introduce a change in restrictiveness. Figure I further shows that the period from the 1950s to the 1980s was characterized by an *accelerated liberalization* of migration policies, while since 1990, the relative proportion of more restrictive policy changes has increased. However, instead of the expected reversal toward restrictiveness, the post-1990 period is still dominated by liberal changes and thus rather characterized by a *decelerated liberalization*. These findings also hold when the analysis includes only immigration policies, that is, border control and entry policies, rather than all types of migration policies including integration and post-entry rights.

As Figure II shows, this trend is also robust when focusing only on the 22 liberal democracies located in Western Europe and North America, as well as Australia and New Zealand, which are the usual focus of the

Figure II. Average of Weighted Changes in Migration Policy Restrictiveness for the 22 Liberal Democracies of Western Europe, North America, Australia, and New Zealand, 1945–2014



academic literature on migration policies. This challenges the rather widespread assumption that migration policies of these countries have become more restrictive over the past decades. In fact, their migration policies are characterized by a rapid liberalization in the 1945–1970 period, followed by a period of decelerating liberalization between 1970 and 1989, while since 1990 more and less restrictive policy changes have kept each other in balance. There are, however, important differences between countries (Figure A8, Annex): Before 1990, despite the robustness of the overall trend toward less restriction, a few countries such as Austria, France, the United States, or the United Kingdom⁸ have witnessed short periods where restrictive changes prevailed — mostly at the end of the 1960s and beginning of the 1970s. And while in Finland, Portugal, Spain, or Sweden less restrictive changes have continued to dominate through the 1990s and 2000s, more restrictive policy changes started to outnumber less restrictive ones in Belgium, Denmark, France, the Netherlands, and the UK over that same period, although this trend has reversed again in several countries since 2005.

A detailed look at the restrictiveness of “Western” migration policies over time shows that the period between the mid-1940s and the mid-1970s is characterized by a strong dominance of less restrictive changes. In Europe, this reflects labor demand fueled by post-WWII reconstruction efforts and rapid economic growth, as well as the numerous recruitment agreements between Western European destination countries (principally Germany, France, Belgium, the Netherlands, and Austria) and Mediterranean countries (initially Italy, Portugal, Greece, and Yugoslavia and later Turkey, Morocco, and Tunisia). This period was also characterized by the establishment of a groundbreaking refugee protection system and by the general welcoming of refugees from the “Eastern Bloc” countries.

In the United States, Canada, Australia, and New Zealand, the strong prevalence of less restrictive changes until the 1980s mainly reflects

⁸DEMIG POLICY assesses the relative change in migration policy restrictiveness within each country and not absolute levels of restrictiveness. Thus, the fact that post-WWII Britain shows a high number of restrictive changes does not imply that British migration policies are more restrictive compared to other countries. It only suggests that the changes enacted since 1945 were more restrictive compared to the changes enacted in other countries. This can perhaps be traced back to the fact that British migration policies were initially more liberal compared to most other countries given the right of Commonwealth citizens to migrate and settle in the UK. From the 1960s onward, these free migration rights of colonial subjects were progressively eroded.

the removal of national and “whites only” selection criteria in migration rules and a shift toward family and skilled migration channels: Australia abolished the “racial” entry criterion in immigration rules in 1973, opening the way for growing migration from Asian countries; in 1965, the United States replaced the national-origins quota system that favored European immigration by a migration regime that prioritized family reunification; and in 1967, Canada established a points-based system to facilitate entry for skilled migrants.

Between the mid-1970s and the mid-1990s, the relative proportion of restrictive changes increased in the 22 Western European and traditional Anglo-Saxon immigration countries, although the number of liberalizing changes continued to dominate. In the aftermath of the 1973 Oil Crisis and the ensuing economic recession and rising structural unemployment, most European governments stopped active recruitment and tried to encourage return by giving financial premiums or other return assistance to migrants.⁹ For instance, in 1975 France introduced a free-of-charge repatriation for foreign unemployed workers, which was supplemented with financial assistance from 1977 onward. In 1979, both Germany and Switzerland started vocational training courses for Spanish workers intending to return.

Also, the growing importance of the United Nations (UN) and the European Union (EU) led to the progressive enshrining of international human rights into national legislation, and Western European countries expanded workers’ political and socioeconomic rights, their right to family reunification, and the acquisition of citizenship. For example, in 1974 Germany introduced the generic right to family reunification into law; in 1975, Sweden granted foreigners the active and passive right to vote in municipal and provincial elections after three years of stay; and in 1985, Belgium and the Netherlands granted access to citizenship to children of foreigners born in the country. Thus, although the post-1973 recruitment stop and other measures to restrict migration may have created an impression of “Europe shutting its door,” the long-term direction of migration

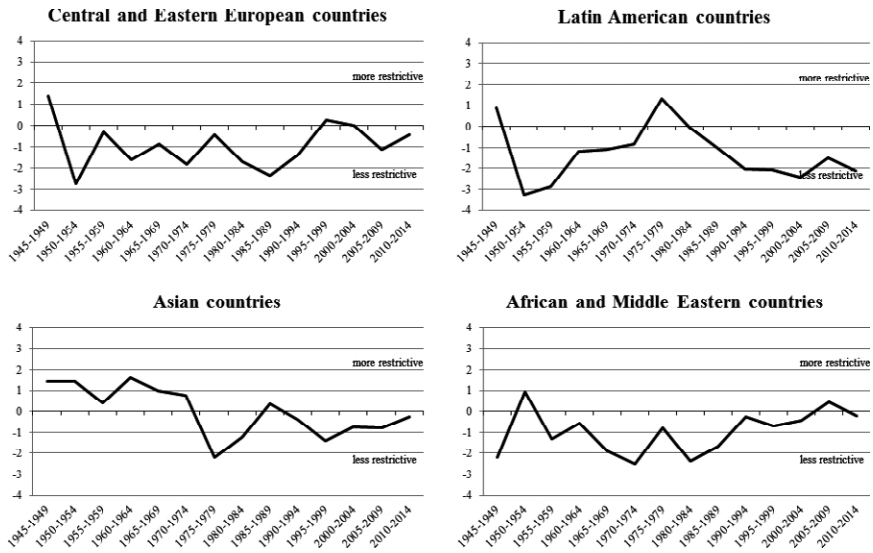
⁹As explained in the methodology section, the benchmark for coding policy measures as a change toward more or less restrictiveness was their effect on the rights available to migrants. Following this rationale, voluntary reintegration programs that include financial bonuses or other special rights provide an additional right to migrants and thus introduce a change toward less restriction. Following the same rationale, however, compulsory return programs (including detention and deportation) that deprive migrants of rights and involve the use (or threat) of state violence were coded as more restrictive.

policies has indeed been predominantly “expansive” as other researchers have argued previously (cf. Freeman 1995).

Since the mid-1990s, the numbers of more and less restrictive migration policy changes in “Western” liberal democracies have balanced each other out. This seems to reflect a political climate in which migration has become increasingly associated with socioeconomic problems and security issues in political and media discourses. However, on average, less restrictive changes still prevail and migration policies have not undergone a clear turn toward restrictiveness as suggested by the literature. This is partly due to the continued expansion of migration opportunities for students and high-skilled workers in the wake of the so-called global race for talent (Boeri et al. 2012), but also to the continued expansion of temporary labor and refugee protection programs. In the European Union, growing restrictions for particular categories of non-EU immigrants have coincided with the opening-up of internal borders. In North America, Canadian policies have continued to move into a less restrictive direction, while US policies show a restrictive turn that largely results from a focus on “fighting illegal migration” at the Mexican border, as well as from laws enacted in reaction to the 9/11 terrorist attacks, such as the 2001 Patriot Act, the 2002 Enhanced Border Security and Visa Entry Reform Act, or the 2005 Real ID Act (Figure A8, Annex).

Yet, DEMIG POLICY is not limited to the 22 liberal democracies located in Western Europe, North America, Australia, and New Zealand and enables to compare trends across an additional 23 countries located in other world regions. Figure III shows the average of weighted changes in migration policy restrictiveness between 1945 and 2014 for the Latin American, Asian, Central and Eastern European (CEE), as well as African and Middle Eastern countries covered by DEMIG POLICY. Although some of these clusters contain a low number of countries and can therefore not be seen as representative of these regions, this disaggregation suggests that there are clear regional differences in policy trends. Policies of CEE countries, as well as of the African or Middle Eastern countries (Morocco, South Africa, Israel, and Turkey) in our dataset, portray an increasing prevalence of less restrictive changes up to the 1990s and a more balanced picture in recent years. Interestingly, Asian and Latin American countries in DEMIG POLICY portray the reversed pattern, with rather high levels of restrictiveness up to the 1970s, and an opening-up of their migration regimes since then. These patterns are

Figure III. Average of Weighted Changes in Migration Policy Restrictiveness for the CEE, Latin American, Asian, and African and Middle Eastern Countries in DEMIG POLICY, 1945–2014



generally robust when considering country-level trends, notwithstanding differences across countries (Figure A8, Annex).

For CEE countries, the immediate post-war years were marked by the resettlement of large numbers of people to adjust the national and “ethnic” composition of the populations to the newly drawn borders. Also, between 1945 and 1948, Poland, Hungary, and Czechoslovakia introduced strict exit requirements for their own citizens, following Yugoslavia and the Soviet Union, which had already implemented such rules in 1921 and 1929, respectively. In the 1960s and 1970s, recruitment agreements became prominent migration channels for the populations of Soviet allied countries around the world. Yugoslavia was the only CEE country that entered into large-scale recruitment agreements with Western European countries. Most other recruitment migration remained within the communist bloc. Examples include the agreement between East Germany and Cuba in 1978, or Czechoslovakia and Vietnam in 1980.

The observable peak in less restrictive measures in the late 1980s coincides with the fall of the Iron Curtain and the ensuing generic liberalization of the strict exit control policies characteristic of communist states. Also, several countries in this region introduced very open laws on entry

and access to citizenship for their citizens and “co-ethnics” living abroad. For instance, the Polish Repatriation Act of 2000 grants “repatriates” (ethnic Poles returning from the former Soviet Union) Polish citizenship upon entering the country and the Hungarian Status Law of 2001 created a certificate for ethnic Hungarians living in Slovakia, Romania, Ukraine, Slovenia, Serbia–Montenegro, and Croatia, which entitled them to simpler procedures to obtain the right to enter, work, or study in Hungary. Furthermore, most CEE countries have extended family reunification rights to refugees in the process of their accession to the EU in the 1990s and 2000s. But while the fall of the Iron Curtain and the end of communist rule initially entailed a general liberalization of migration and border regimes, the proportion of less and more restrictive policy changes has become more balanced since the mid-1990s. Increasing immigration, particularly to Russia, and the accession of several of these countries to the EU (and the concomitant necessity to implement the *acquis communautaire*¹⁰) has partly fueled the relative increase of restrictive policy changes. This particularly pertains to the adoption of the “safe country” principle in refugee status determination rules, the proliferation of readmission agreements, as well as the stepping-up of border controls (Lavenex 1999).

Like many other Mediterranean countries, in the 1960s the Moroccan and Turkish governments embarked upon labor export policies by signing recruitment agreements with Western European countries. This was followed by the introduction of reintegration policies for returnees in the 1970s and 1980s. Yet, while recruitment of Turkish and Moroccan workers by European countries was suspended, the post-1973 oil boom led to recruitment by governments in the Gulf and Libya. These developments reflect policy trends in other North African and Middle Eastern countries such as Tunisia, Algeria, Egypt, Jordan, and Yemen (Sell 1988; Zohry and Harrell-Bond 2003; Fargues, Cassarino, and Latreche 2005; de Haas 2008b; Natter 2014). Since the mid-1990s, Morocco and Turkey started to collaborate with the EU through adopting more restrictive migration laws and increased border controls. On the other hand, because of their own geopolitical and economic interests, governments of these countries have also continued to facilitate the entry of migrants from

¹⁰The “*acquis communautaire*” is the body of EU laws and court decisions that regulate various policy areas, including the freedom of movement of persons within and to the EU, and which new member states have to adhere to before accession.

particular countries and have generally remained lukewarm toward the adoption and implementation of readmission agreements.

In South Africa, a racial segregation (apartheid) policy was adopted in the 1950s alongside active recruitment of (white) Europeans (Crush 2008; Segatti and Landau 2011). In Israel, the development of an active Jewish settlement and integration policy after 1948 contributed to the dominance of less restrictive policies throughout this whole period (Kruger 2005). The increasing proportion of restrictive changes in Israel and South Africa over the 2000s can be traced back to these countries' consolidation into main destinations for refugees and low-skilled workers, which coincided with the adoption of policy tools to strengthen border control activities and regulate labor migration. However, as is the case in many European and North American countries, South Africa has implemented amnesties in 1996, 1999, and 2010, granting regular status to more than 680,000 nationals of neighboring countries. In Israel, recent restrictive policies mainly pertain to the development of an extensive detention and expulsion policy toward undocumented migrants (Lijnders 2013).

Policy making in the five Asian countries included in DEMIG POLICY (India, Indonesia, South Korea, Japan, China) was dominated by restrictive changes over the 1950s and 1960s. These were associated in India, Indonesia and South Korea with protectionist economic policies after their independence from colonial powers, as well as in China and South Korea with the introduction of stringent exit regulations for their own citizens. Over the 1970s and 1980s, the end of the rather isolationist economic policies pursued after WWII and an increasing demand for foreign workers led to more liberal policies toward immigration in the wealthier countries of Japan and South Korea, while most of the poorer countries in the region such as Indonesia (and the Philippines) gave up exit controls and started to embark upon "labor export policies" through recruitment agreements. Thus, Japan slowly lifted its restrictive policy toward Koreans and Taiwanese and passed emergency laws allowing admission of Vietnamese ("Indochinese") refugees. In South Korea, emigration controls were lifted in the 1980s, and in China, the launch of the 1978 "open door" policy contributed to a relative removal of barriers for citizens' internal migration and emigration. This shows how more liberal economic policies tend to coincide with more liberal policy choices toward migration (Kim 1996).

Since the 1990s, many Asian governments embarked upon "diaspora engagement policies" (cf. Gamlen 2008) to facilitate (re)entry, allow double citizenship, and grant socioeconomic and sometimes also political

rights to their citizens residing abroad, often including their descendants. For example, the Indian government in 1999 created the Person of Indian Origin Card (PIO Card) that grants socioeconomic rights to foreign citizens of Indian origin, and in 2000, South Korea granted stay and employment rights to ethnic Koreans for a two-year period. At the same time, as in Europe and North America, Asian countries introduced more complex legislation to regulate migration. On the one hand, such legislation opened new possibilities for regular labor migration such as through the extensive “trainee” recruitment programs launched by Japan (Technical Internship Training Programme) and Korea (Industrial and Technical Training Programme) in 1993, as well as the 2008 Chinese Recruitment Program of Global Experts to attract skilled workers from abroad. Also, points-based systems for skilled migrants have spread to Asia since the mid-2000s. On the other hand, these developments went along with increasingly restrictive policies toward irregular migrants and the stepping-up of border control through the introduction of carrier and employer sanctions, detention and expulsion mechanisms.

The Latin American countries included in DEMIG POLICY show an atypical pattern: While in the 1970s and 1980s most policy changes tended toward a more restrictive direction, since the 1990s policies have generally become less restrictive. The observed peak in restrictive measures occurred in a period of military coup d'états and the establishment of autocratic regimes, lasting in Argentina from 1976 to 1983, in Brazil from 1964 to 1985, and in Chile from 1973 to 1990. The restrictive peak is particularly pronounced in Chile, where the 1975 Immigration Act established a very detailed sanctions regime for irregular entry and stay, which, for instance, required owners of hotels, houses, and flats to check the residency status of foreigners.

Since the turn of the twenty-first century, however, Latin American migration policies have become more liberal through the expansion of refugee protection and the granting of socioeconomic and family reunification rights to migrants (Cantor, Freier, and Gauci 2015). Argentina even established a “right to migrate” in art. 4 of Law 25.871 passed in December 2003.¹¹ In the same period, several Latin American states embarked upon diaspora engagement policies. Also, regional integration

¹¹Art. 4 stipulates that “The right to migrate is essential and inalienable to all persons and the Republic of Argentina shall guarantee it based on principles of equality and universality.”

after the 2002 Agreement on the Southern Common Market (MERCOSUR) has played an important role in introducing regularizations of irregular migrants from the region and the partial abolishment of borders and migration restrictions among member countries (Acosta Arcarazo and Freier 2015). The observed tendency toward more liberal and human rights-oriented migration policies seems strongly linked to the democratization process in those countries. Yet this supposed link between democratization and open migration policies can by no means be taken for granted. As FitzGerald and Cook-Martín (2014) recently showed in their historical study on the evolution of immigration policies in the Americas between 1790 and 2010, democracies were the first countries to select immigrants by race, and undemocratic states the first to outlaw discrimination.

CHANGING SELECTION?

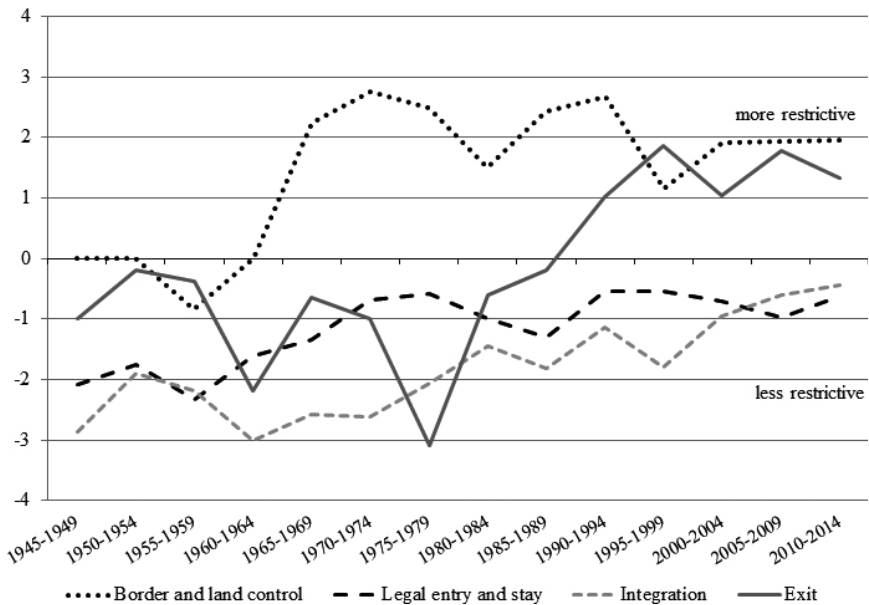
As emerges from the above analysis, post-WWII migration policy making has not been characterized by a generic turn toward restriction. More nuances are clearly needed when analyzing the evolution of migration policies, be it within the “Western” world, or beyond. Also, a one-sided focus on restrictiveness would conceal various substantive changes that migration policies have undergone over the past decades. Instead of a restrictive turn, we have observed a growing balance between more and less restrictive changes since the 1990s that reflect two underlying trends: (1) changing migration policy priorities in terms of policy areas and migrant categories, and (2) a growing emphasis on migrant selection through combining skill, class and nationality admission criteria. This section focuses on the countries that have stood at the center of academic attention so far, that is, Western liberal democracies, and wishes to expose the mechanisms through which such selectivity operates in migration policy making in the hope to bring more nuance to the often rather undifferentiated discourses on migration policies.

Figure IV analyzes the changes in restrictiveness of migration policies enacted by the 22 liberal democracies in our dataset along the main policy areas distinguished in DEMIG POLICY: border and land control, legal entry and stay, integration, and exit.¹² It shows that restrictive policy changes largely pertain to border control and, more recently, to exit

¹²About 52 percent of all changes recorded are concerned with legal entry and stay of migrants, around 26 percent deal with integration and post-entry rights, 11 percent regulate the exit of citizens and migrants, and 11 percent pertain to border and land control.

measures such as deportation, while integration and — perhaps more surprisingly — entry rules have consistently moved into a *less* restrictive direction since 1945. This robust trend toward a liberalization of entry and integration policies can be partly explained by the continued multiplication of low- and high-skilled migrant worker programs, the expansion of entry channels for family members and refugees, as well as the continuous increase of socioeconomic, political, and judicial rights for migrants under the partial influence of “legal activism” (cf. Kawar 2015) and international human rights law. The overall restrictive trend in border control and exit measures since the 1990s reflects the shift from assistance-focused (rights-giving) return toward coercive (rights-depriving) expulsion and readmission programs, as well as the increasing number of new surveillance and border control measure such as sanctions on transporting and hiring undocumented migrants or electronic identification techniques. Figure A3 in the Annex confirms the robustness of these patterns across all 45 countries and regions covered by DEMIG POLICY.

Figure IV. Average of Weighted Changes in Migration Policy Restrictiveness by Policy Area for the 22 Liberal Democracies of Western Europe, North America, Australia, and New Zealand, 1945–2014



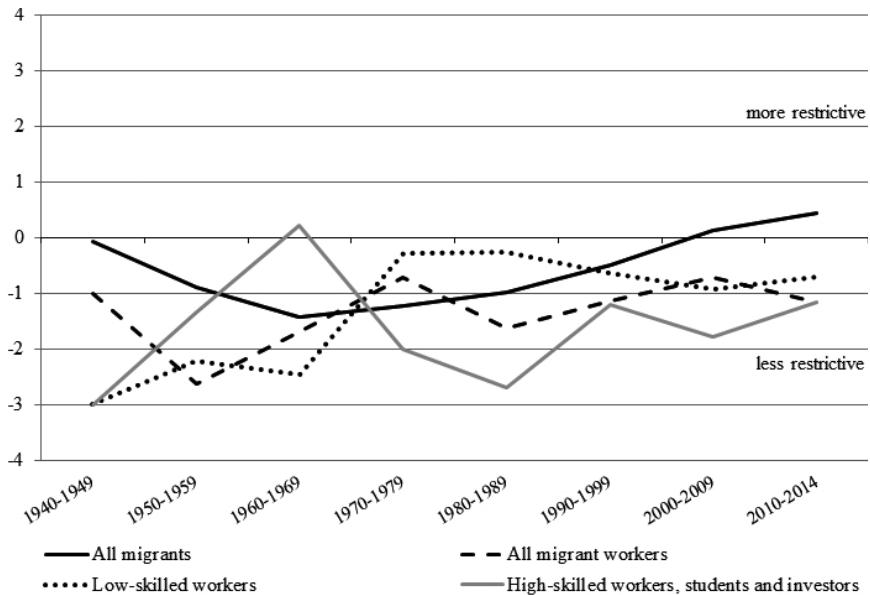
At first sight, these trends might seem to question the argument advanced by Ruhs (2013) that there is an *inevitable* trade-off in policy-making between “numbers and rights” in terms of the numbers of migrants states allow in and the (post-entry) rights granted to them, and that therefore the expansion of post-entry rights should coincide with increasingly restrictive entry policies. DEMIG POLICY data seem to point toward a different trend, in which governments have opened more regular channels for “desired” migrants, while border surveillance has been increased in an apparent attempt to prevent the entry of “non-desired” categories and/or to curtail their social and economic rights, partly through intensified internal surveillance (cf. Broeders and Engbersen 2007). While on average only 5 percent of policy changes dealt with border and land control in the pre-1989 period (58 changes recorded), this proportion has risen to 14 percent in the 1990–2014 period (350 policy changes recorded). Therefore, the recent trend toward a more balanced number of more and less restrictive measures visible in Figure II does not seem to reflect more restrictive entry policies, but rather the higher prevalence of border control measures. However, because our analysis does not compare “absolute” levels of entry and post-entry rights across countries, but instead tracks changes in restrictiveness over time, we are not able to fully test Ruhs’ hypothesis; more focused and detailed analyses are needed to further investigate this issue.

The analysis of migration policy changes in the 22 Western European and traditional Anglo-Saxon immigration countries across different migrant categories shows both stable and shifting state priorities (Figures V and VI): First, migrant workers continue to be treated relatively favorably regardless of skill level. Although the proportion of restrictive measures toward low-skilled workers has indeed starkly increased after 1973, the trend has stagnated at levels below zero since 1980 and has since then been sloping slightly into a less restrictive direction. This seems to contradict the idea that wealthy countries have “shut the door” to low-skilled workers. Second, irregular migrants are the only category for which policies have consistently become more restrictive throughout the post-WWII period. Finally, although policies for family members and asylum seekers also became less restrictive on average across all countries, they have been the subject of a growing number of restrictive policy changes over the 2000s. Thus, the growing balance between more and less restrictive policies in the post-1990 period visible in Figure II largely seems to reflect an increasing proportion of restrictive changes toward family

migrants, refugees, and asylum seekers, as well as the more generic category of “all migrants,”¹³ while policies toward labor migrants regardless of skill level as well as students have clearly remained dominated by liberal policy changes. Figure A4 in the Annex suggests that these trends and patterns are robust across most countries and regions covered by DEMIG POLICY, with some notable exceptions such as the liberalizing trend toward irregular migrants in Latin American countries.

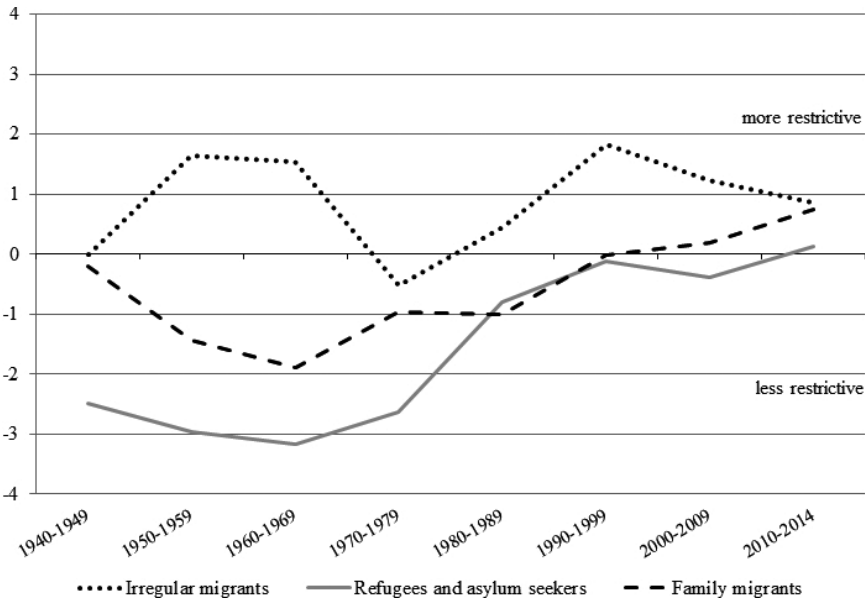
A more detailed examination of the data reveals that entry rights for low-skilled workers have been expanded since the 1990s in two-thirds of the countries covered, including France, Germany, Italy, the Netherlands, New Zealand, Spain, or Australia. Three main underlying policy trends explain this trend: First, many governments have facilitated the entry of seasonal workers, such as Austria in 2002 and France in 2004. Second,

Figure V. Average of Weighted Changes in Migration Policy Restrictiveness by Migrant Group for the 22 Liberal Democracies of Western Europe, North America, Australia, and New Zealand, 1940–2014 (1)



¹³The “all migrant” category is used for migration policy changes that do not target any particular migrant category, but apply to all migrants. For example, border control and integration policies, but also bilateral policies toward specific nationalities, are often not targeted to specific migrant categories.

Figure VI. Average of Weighted Changes in Migration Policy Restrictiveness by Migrant Group for the 22 Liberal Democracies of Western Europe, North America, Australia, and New Zealand, 1940–2014 (2)



many governments have eased entry criteria for specific non-high-skilled professional categories, such as Canada through its 1991 “Live-in Care-giver Programme” and the UK through the creation of a domestic workers’ visa in 1998. Third, the data reveal the continued popularity of bilateral labor agreements such as the expansion of Working Holiday Maker Schemes in Australia and New Zealand.

Yet, all these programs grant only limited rights to workers, particularly when it comes to access to permanent residency. Thus, Sweden’s 2008 Immigration Act, which liberalized immigration rules by allowing employers to recruit foreign workers without numerical limit, occupational restriction, or educational requirements, remains a clear outlier. Despite the limitations of most labor migration programs, however, the continued multiplication of entry channels for low-skilled workers somehow contradicts the rather common idea that low-skilled workers are hardly granted regular migration opportunities anymore. In a similar vein, Beine et al. (2015) have recently revealed a complex picture of low-skilled migration policies in the nine countries they analyzed, with some

countries such as Germany and the United States retaining stable levels of restrictiveness, some such as Australia and Switzerland having increased the restrictiveness, and some such as the Netherlands and the United Kingdom portraying decreasing restrictiveness in their low-skilled labor migration policies.

Although governments have continued to attract lower skilled workers, policies facilitating the entry of skilled and high-skilled migrants have become particularly popular in the 2000s (see also Czaika and Parsons 2015). This particularly pertains to the diffusion of points-based systems, which many governments have come to see as an efficient tool to select immigrants on their economic potential for the national labor market in terms of their education, age, income, language skills, and professional experience. Traditional Anglo-Saxon immigration countries played a pioneering role in this development: Canada's points-based system was introduced in 1967 and became the prototype for policies that aimed to match labor market demand and migrant skills.¹⁴ Australia introduced its points-based system in 1979, and New Zealand followed in 1991.

As part of an increasing belief among European governments that they failed to attract enough skilled migrants, points-based systems have been widely adopted in Europe since the turn of the twenty-first century. For example, in 2003 the Czech Republic introduced its Programme of Active Selection of a Qualified Foreign Labour Force (the program was terminated in 2010); in 2007, Denmark created its Green Card Scheme by granting a six-month job search residence permit to those passing a points system; and in January 2008, the Netherlands implemented a scoring system for the admission of self-employed persons who are seen to contribute to innovation, employment creation, or investment. Points-based systems for skilled migrants have also spread to Asia: In 2006, China introduced its Quality Migrant Admission Scheme; in 2010, South Korea introduced a points-based system to speed up access to permanent residency for high-skilled workers already living in South Korea for a year; and in 2012, Japan opened a preferential migration channel to grant entry and accelerated permanent residence to academics, doctors and corporate executives. This exemplifies that certain migration policies may rapidly

¹⁴On January 1, 2015, a new "Express Entry Immigration System" has been introduced which prioritizes applicants with job offers that do not affect negatively the local labor market, while reducing the weight given for education. See <http://www.immigration.ca/index.php/en/who-qualifies-for-canadian-immigration-under-the-skilled-worker-program>.

diffuse across states, not only because they are perceived as effective and “fashionable,” but perhaps also because governments seek to strategically adjust to other governments’ policies in order to secure their future ability to attract the “best and brightest” (Cornelius et al. 2004; Simmons and Elkins 2004; Gilardi 2014).

Policy diffusion also happens for restrictive policies. Figure VI shows that while until the 1980s, states were rapidly expanding the right to family reunification, the relative proportion of restrictive changes has increased since 2000. This mainly reflects the introduction of higher age and income thresholds for family reunification as well as the requirement to pass specific language and culture tests in recent years. The Netherlands was the forerunner in this development with its 2006 Law on Integration Abroad, requiring family migrants from specific countries to pass a civic integration and Dutch language exam before entry into the Netherlands. In 2007, France and Germany introduced a mandatory test for family reunification too, and in 2010 Denmark followed suit. In all four instances, applicants have to cover the fees for the preparation and passing of the test. Nonetheless, in the same period, many governments have also facilitated the migration of family members of skilled migrants, such as for “Blue Card” holders in the EU or investors in the UK and the United States, while countries such as Turkey, Indonesia, Mexico, and Argentina have only recently enshrined the basic right to family reunification in their national legislations.

Irregular migrants are the only category for which policies have almost consistently moved into a more restrictive direction over the entire post-WWII period. This primarily reflects governmental efforts to strengthen border control and to implement carrier and employer sanctions. However, this restrictive trend coincides with the spread of regularizations in European and Latin American countries as a common policy response to irregular migration. Paradoxically, the same restrictions of border controls that “produce” irregular migration seem to create, in the long run, the need for regularizations allowing migrants to obtain residency papers. The amnesties conducted in Italy and Spain,¹⁵ which so far granted regular status to 1.75 and 1.4 million foreign citizens respectively, are well known. In fact, most countries covered by DEMIG POLICY have occasionally implemented regularization campaigns, such as Austria,

¹⁵Major regularizations took place in Italy in 1986, 1990, 1995, 1998, 2002, 2009, and 2012, and in Spain in 1985, 1991, 1996, 2000, 2001, 2005, and 2006.

Belgium, Chile, Hungary, or Sweden. In countries such as France, Germany, the Netherlands, Mexico, and Argentina, amnesties have become a recurrent and “regular” policy practice. Moreover, countries in Asia and Africa have started implementing regularization programs since the 1990s. For instance, South Korea introduced a series of amnesties for irregular unskilled workers in 1992 and again in 2004 in parallel to the implementation of the new Employment Permit System. South Africa granted regular status to more than 680,000 nationals of neighboring countries through regularization programs in 1996, 1999, and 2010. And most recently, Morocco launched an exceptional regularization in 2014, which regularized nearly 28,000 irregular migrants, mostly from sub-Saharan Africa, the Middle East, and Europe.

Perhaps unexpectedly, also policies toward refugees and asylum seekers have, on average, tended toward a less restrictive direction — even in post-1989 Europe, the years of the so-called European asylum crisis (Boswell 2000). This may be partly explained by the Europe-wide creation of a temporary protection status for asylum seekers, which grants people who are denied refugee status a right to stay in the country (deportation ban) as long as their return to the origin country would constitute a danger.¹⁶ Furthermore, all Eastern European countries have extended family reunification rights to refugees in the process of their accession to the EU in the 1990s and 2000s. Finally, the past 20 years were characterized by the spread and institutionalization of refugee resettlement programs in many countries. Yet, while asylum policies on paper may not have become more restrictive, intensified border controls and a high variation in asylum rejection rates may have made access to asylum more difficult *in practice* (cf. Hatton 2009).

One feature of recent asylum policies has been the spread of the “safe country of origin” principle, which emerged at the end of the 1980s and allows countries to deny people access to the national asylum system if they originate and/or arrive via a country designated as “safe.” One of the first countries that introduced this rule was Denmark in 1986. Other European countries followed: Switzerland in 1990, Austria in 1991, Germany in 1992, Finland in 1993, the Netherlands in 1994, and the UK and Luxembourg in 1996. This enabled European countries to refuse

¹⁶Although temporary protection appears as an additional protection mechanism on paper, some argue that it reflects an overall decline in Europe’s commitment toward the permanent acceptance of refugees.

nearly all refugees coming overland from neighboring countries. Interestingly, although this measure was initially enacted as a response to growing asylum entries from the (former) “Eastern Bloc,” countries in that region started to introduce safe country rules as well, such as Poland and Russia in 1997, Slovenia and the Czech Republic in 2000, and Slovakia in 2002. More recently, countries outside of Europe have also adopted this rule, including South Africa in 2000 and Japan in 2003. The diffusion of the safe third country principle illustrates how quickly policies can spread in response to major geopolitical events such as the fall of the Iron Curtain, or because countries are adapting to directives in the framework of regional bodies such as the EU (Cornelius et al. 2004; Simmons and Elkins 2004; Gilardi 2014). Moreover, policy emulation can occur within regions in anticipation of potential “spatial substitution” effects (de Haas 2011), out of fear that the adoption of more stringent asylum policies by other countries might deflect migration to those neighboring countries which have not (yet) adopted such policies.

In sum, these patterns show that contemporary migration policies are highly differentiated according to specific migrant categories, a trend that has been further reinforced over the past decades, as the percentage of policy changes targeting particular groups grew from under 60 to 75 percent between the 1950s and 2014 (Figure A5, Annex). In this context, Kuboyama (2008) argued that migration has become “commodified” as part of a broader change from welfare states to more market-oriented states, which have a greater interest in attracting migrants with particular skills and education. She argued that this process has been accompanied by a change from general restriction to selection in migration policy making and an increasing discursive division between “desirable” and “undesirable” migrants.¹⁷ This process is marked by the creation of evermore specific legal migrant categories, requiring migrants to fit increasingly narrow profiles.

Interestingly, alongside the increasing emphasis of migration policies on selection criteria such as skills, education, wealth, and other class markers, there has been a relative decline of policies targeting specific nationalities. Historical migration policies characteristically singled out specific

¹⁷This does not mean that there is no labor market demand for particular categories of officially “undesired” migrants, such as low-skilled workers. Such distinctions can therefore also be seen as discursive tools that justify the discrimination and exploitation of such groups.

nationalities or entire regions that were banned from migration and others that were encouraged to migrate. Although the late nineteenth and early twentieth centuries is often seen as a period of “free” migration to the new world (cf. Hatton and Williamson 1998), this mainly pertained to European immigrants. For instance, the US Migration Act of 1917 prohibited the entry of all immigrants from the “Asiatic barred zone.” And in Australia, the 1901 Migration Restriction Act — the cornerstone of the “White Australia” policy repealed only in 1973 — excluded all non-white people from migrating. Yet, since the 1970s, entry bans of specific nationalities have been increasingly seen as inconsistent with international human rights provisions and have thus been abolished. Instead, travel visa policies have emerged as a migration policy tool to prevent “undesired” migrants such as low-skilled workers or asylum seekers from entering countries in the first place (Freier 2013; Czaika and de Haas 2014). This, for instance, applies to nationals of most African countries, who have become targets of travel visa restrictions imposed by European states (Flahaux 2014; Flahaux and de Haas 2014).

At the same time, data recorded in DEMIG POLICY suggest that national origin has lost its former central role in migration policy making. This is visible in the fact that policy changes increasingly target “all foreign nationalities” instead of “specific nationalities” (Figure A6, Annex), suggesting a decline of nationality-specific migration policies. Also, in contrast to the nineteenth and early twentieth centuries, policy changes targeting “specific nationalities” have been predominantly liberal, while generic migration policies affecting “all nationalities” portray a more balanced picture between more and less restrictive changes (Figure A7, Annex). This seems to reveal a trend in which the nationality criteria has moved from being the historical tool to *deny* entry of particular groups altogether (which would now be considered discriminatory) to a tool to grant privileged *access* to particularly nationalities. Examples of such exemptions include regional free mobility among EU or MERCOSUR countries, bilateral labor migration agreements on seasonal workers, trainees, or specific professional occupations, as well as humanitarian resettlement schemes for refugees of specific nationalities in distress. This however also implies that for many citizens of countries not targeted by such preferential policies, access to regular migration options may actually have remain equally or have become *more* difficult.

This simultaneous use of nationality and skills criteria in migration policies results in complex interactions: While legal migration of

low-skilled labor migrants or refugees from Africa to OECD countries may have become more difficult because of stringent policies, migration of wealthy and skilled Africans to Europe and North America may actually have become easier because of the abolishment of “racial” immigration criteria and the widespread diffusion of preferential entry channels for the wealthy and skilled. This increasingly targeted nature of migration policies exemplifies the limitations of a concept like “general restrictiveness” and the need to dissect policy restrictiveness into its different selectivity components such as skills, nationality, or class.

CONCLUSION

Drawing on the new DEMIG POLICY database comprising over 6,500 migration policy changes in 45 countries since 1900, this paper has demonstrated that, contrary to popular assumptions, post-WWII migration policy changes have overall become *less* restrictive. Although robust across a large number of countries and regions, this trend has not been linear over time and differs across policy types and migrant categories.

The period from the 1950s to the 1980s was characterized by an *accelerated liberalization* of entry and post-entry rights for most migrant categories as part of major overhauls of national migration regimes. Since 1990, the relative proportion of more restrictive policy changes has increased, although it is important to stress that they have continued to be outnumbered by more liberal policy changes. Besides measures in the area of border controls, deportation, and irregular migration, these restrictive changes pertained to efforts by certain governments to gradually limit the immigration of family migrants and asylum seekers through fine-tuning measures and more stringent implementation practice. While such measures seem to have limited effects on the numbers of migrants, they have made these groups often more vulnerable, such as by compelling asylum seekers into situations of irregularity (cf. Czaika and Hobolth 2014), increasing the exploitation of irregular migrants on labor markets and their dependence on informal and increasingly criminal networks and institutions (cf. Broeders and Engbersen 2007), as well as leading to increased suffering and deaths among people trying to cross borders (Cornelius 2001; Spijkerboer 2007).

Despite these backtracking efforts, the trend toward liberalization has not been reversed. Our findings seem to be in line with the

argument that there are clear legal constraints regarding the extent to which migrants' rights can be curtailed. For instance, governments have not reversed or abolished the general right to family reunification introduced in the 1950s and 1960s, and attempts to enact restrictive policies have been regularly overturned by national and European courts (cf. Joppke 2001). A crucial observation of this paper is that less restrictive changes have continued to outnumber more restrictive changes also after 1990, particularly with regards to entry and post-entry rights. Therefore, the post-1990 period is characterized by a *decelerated liberalization* and not by a reversal toward more restrictive policies.

Our analysis also exemplifies the limited conceptual and methodological value of conceiving and measuring migration policies in terms of "overall restrictiveness," because this conceals the significant underlying structural changes that migration policies have undergone. Fortunately, the fact that reducing migration policy to a single index obscures the target group- and policy area-specific nature of migration policies is being increasingly recognized by the migration literature (Beine et al. 2015). Our analysis revealed that migration regimes have not become more restrictive, but rather increasingly complex through a differentiation of policy instruments and a growing emphasis on criteria such as skills as a tool for migrant selection. More and more, migration policies aim at affecting the selection — rather than the volumes — of migration. In other words, notwithstanding political rhetoric focusing on limiting the numbers of migrants coming in, the real aim of most migration policies seems to increase the ability of states to control *who* is allowed to immigrate. This growing emphasis on selection has occurred across most countries included in DEMIG POLICY, corroborating the idea put forward by Cornelius et al. (2004) that there is a certain convergence of migration policies across Western countries. Our analysis, however, shows that diffusion of such skill-selective policies has also occurred across non-Western countries, which have adopted similar policy instruments such as recruitment schemes or points-based systems.

In sum, our analysis shows that new layers of selection, based on criteria such as skill, wealth, or family characteristics of migrants, have been superimposed on the national or "racial" origin criteria that dominated earlier policy making. This supports the idea that migration has been increasingly "commodified" as part of a utilitarian discourse focusing on

the purported economic “value” of migrants and exemplifies the continue relevance of class in migration policies (cf. Van Hear 2014). Yet, it does not imply that nationality has lost its importance in migration policy making, as the common use of travel visa policies combined with measures such as carrier sanctions shows. Yet, with the abolishment of generic nationality or “racial” bans, nationality criteria have moved from being primarily a policy tool to *deny* entry of particular groups altogether (which would now be considered discriminatory) to a tool to grant privileged *access* to particular nationalities.

Despite the growing importance of skills as a selection mechanism, our findings show that entry rules have become less restrictive for most migrant categories, *including* low-skilled labor migrants. This challenges the rather widespread idea that these migrants are more and more shunned and points to a significant “discursive gap” (Czaika and de Haas 2013) between the “tough talk” of politicians aiming to attenuate public fears about immigration and the actual policies on paper, which are often responsive to powerful business and trade lobbies who push for more flexibility in migration regimes (cf. Facchini, Mayda, and Mishra 2011). The existence of this discursive gap seems to support the hypothesis that migration policies are often primarily about giving the *appearance* of control (Massey et al. 1998). The recent increase in the number of restrictive control policies such as border patrols, the erection of fences, immigrant detention, and expulsion confirms the idea that migration policies have a strong “performative” dimension. The greater exposure of the public to restrictive policies — and the concomitant silencing of more liberal policy changes — can be interpreted as ways to “advertise” governmental efforts to control migration, creating the desired impression that policies have become increasingly restrictive. The analyses in this paper clearly showed that this impression is flawed, because since 1945, migration policies have, on average, and across most migrant categories, become *less* restrictive.

ANNEX

Figure A1. Magnitude of Migration Policy Changes in Percentage of All Changes, 45 Countries, 1940-2014

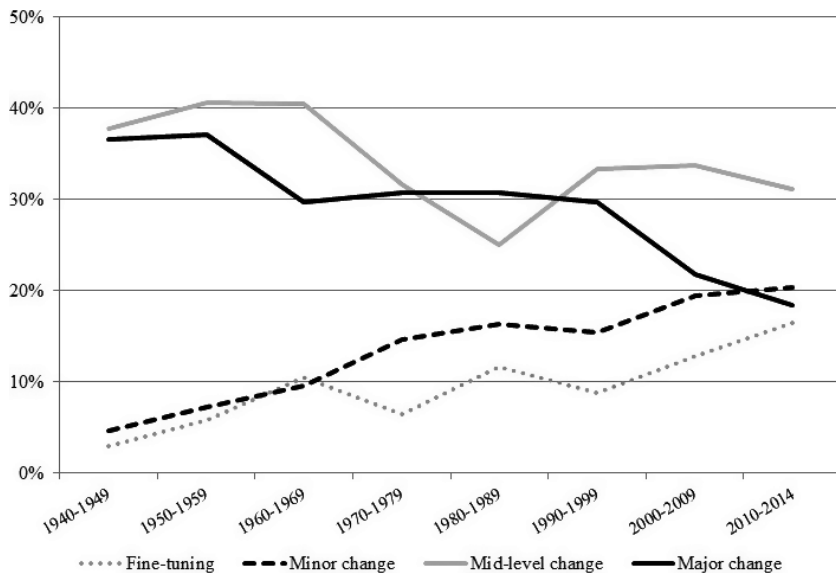


Figure A2. Average Change in Migration Policy Restrictiveness by Magnitude, 45 Countries, 1940-2014

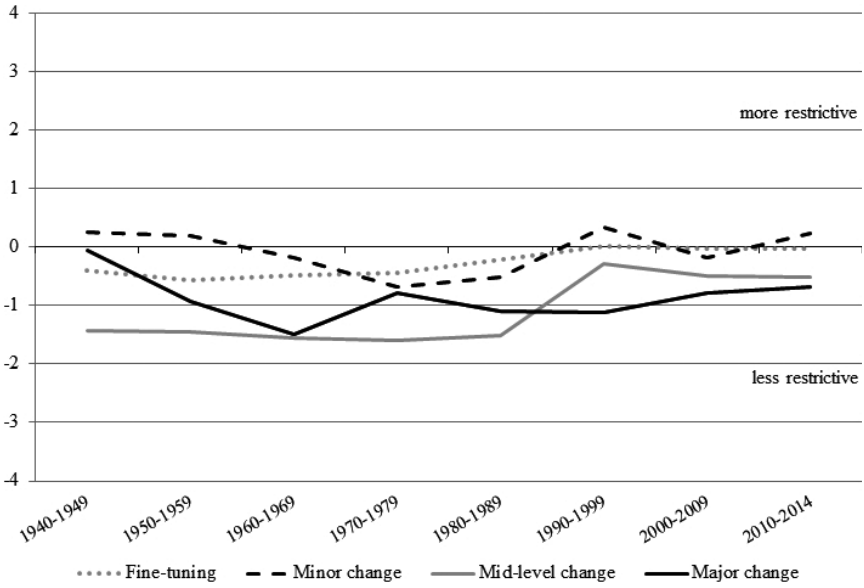


Figure A3. Average of Weighted Changes in Migration Policy Restrictiveness by Policy Area and Across Regions, Since 1945

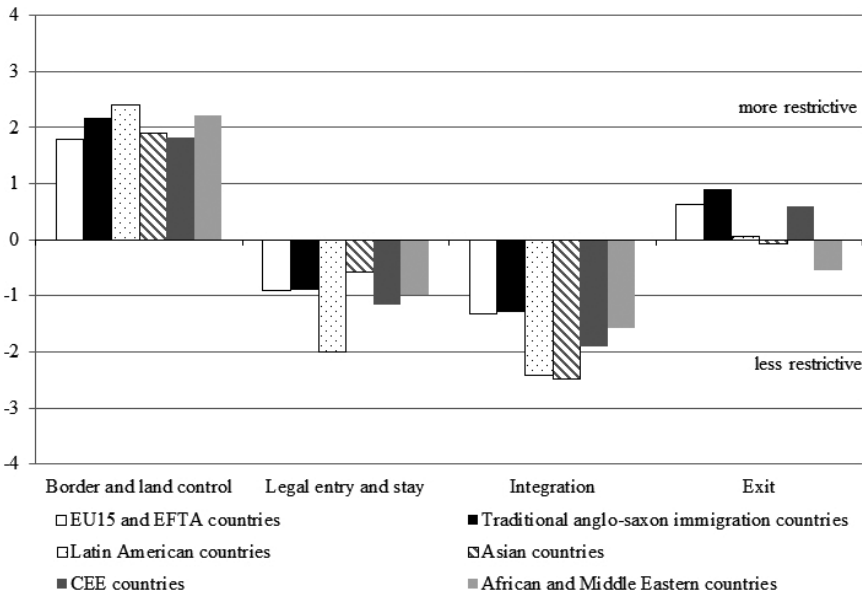


Figure A4. Average of Weighted Changes in Migration Policy Restrictiveness by Target Group and Across Regions, Since 1945

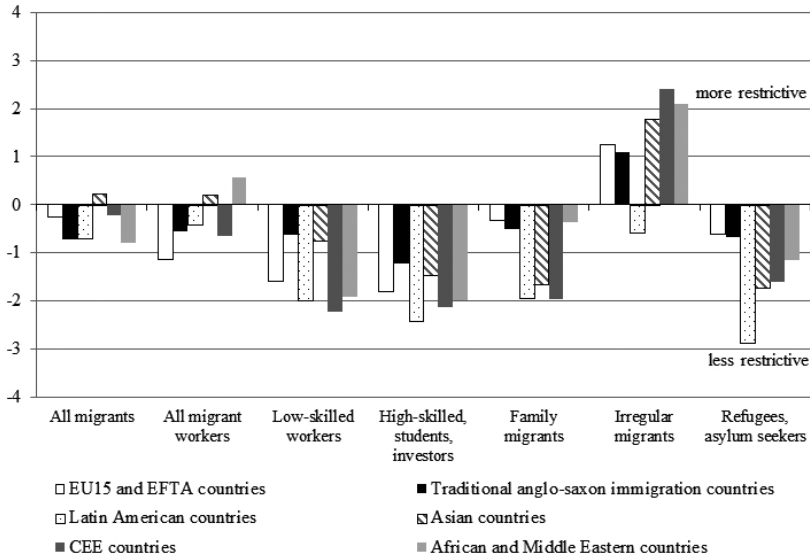


Figure A5. Relative Importance of Target Groups in Migration Policies of the 22 Liberal Democracies of Western Europe, North America, Australia, and New Zealand, 1940–2014

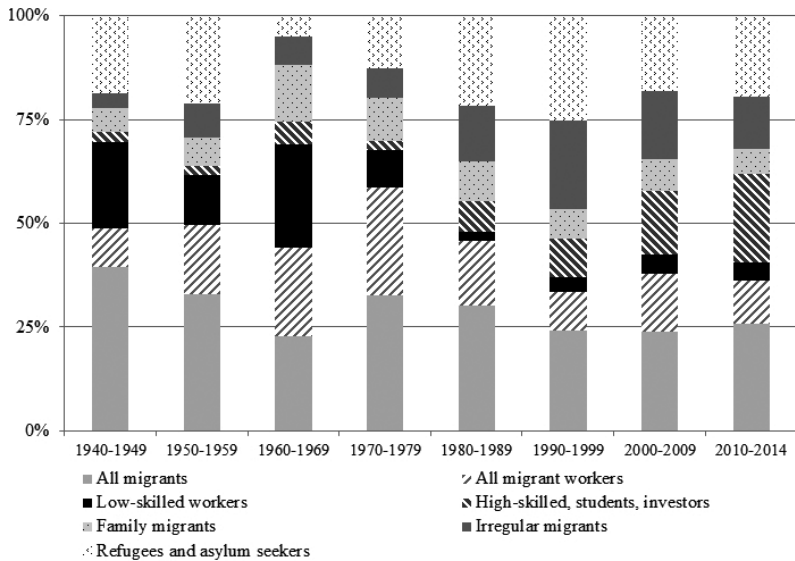


Figure A6. Relative Importance of National Origin in Migration Policies of the 22 Liberal Democracies of Western Europe, North America, Australia, and New Zealand, 1940–2014

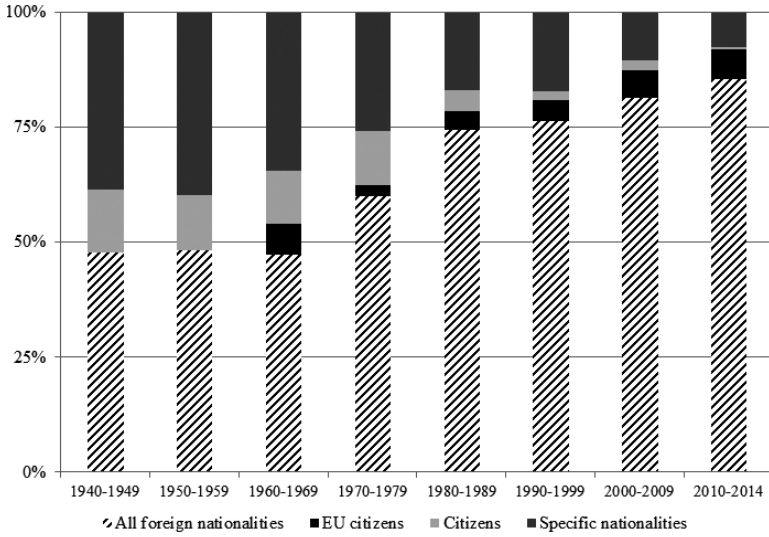


Figure A7. Average of Weighted Changes in Restrictiveness of Migration Policies Targeting “All Foreign Nationalities” and “Specific Nationalities” in the 22 Liberal Democracies of Western Europe, North America, Australia, and New Zealand, 1940–2014

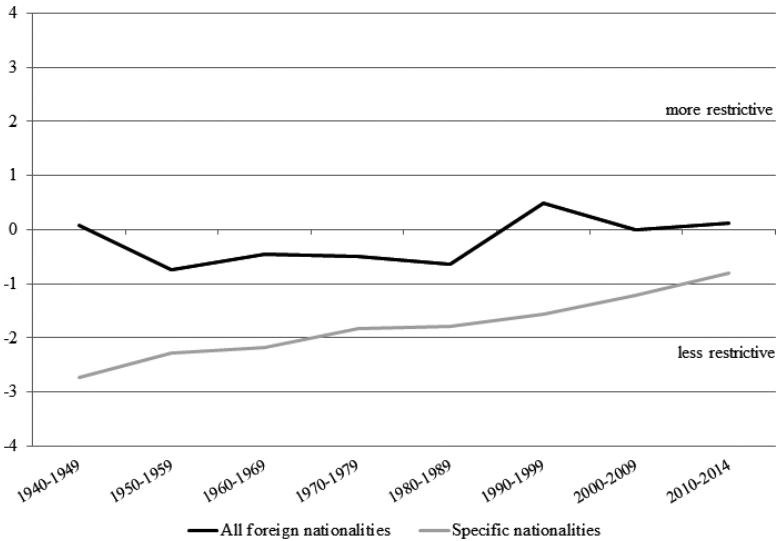
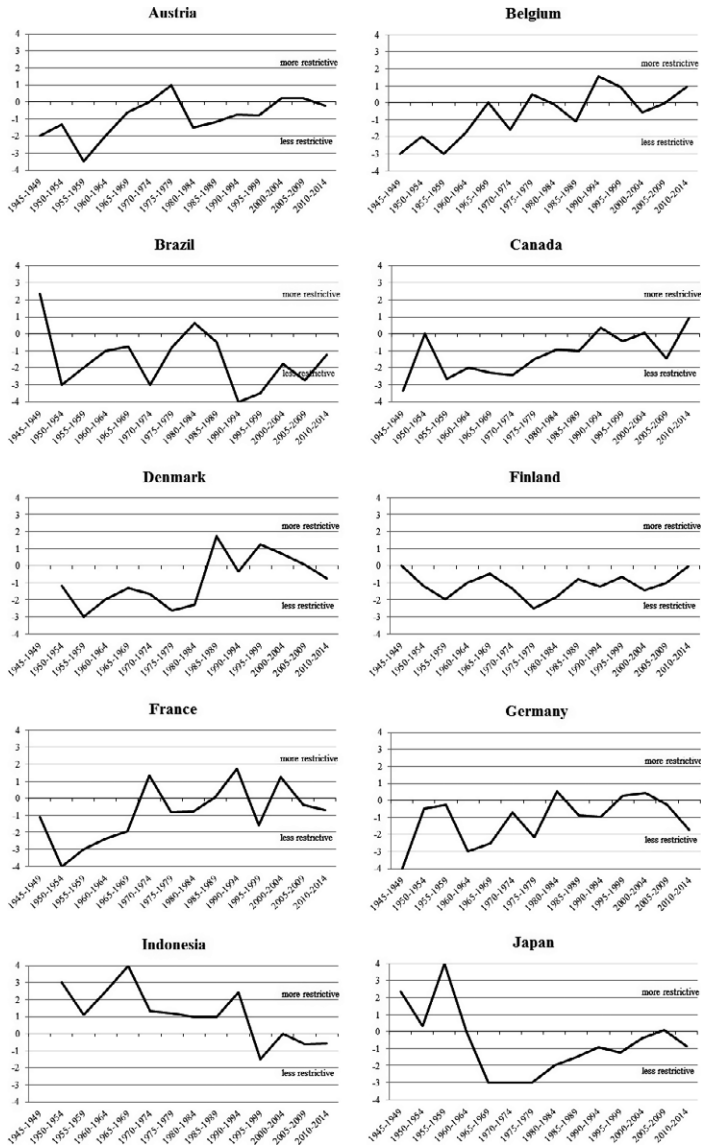


Figure A8. Average of Weighted Changes in Migration Policy Restrictiveness in Selected Countries, Since 1945



This selection was based on two main criteria: regional coverage and representativeness of countries, as well as availability of long-term data.

Figure A8. Continued.

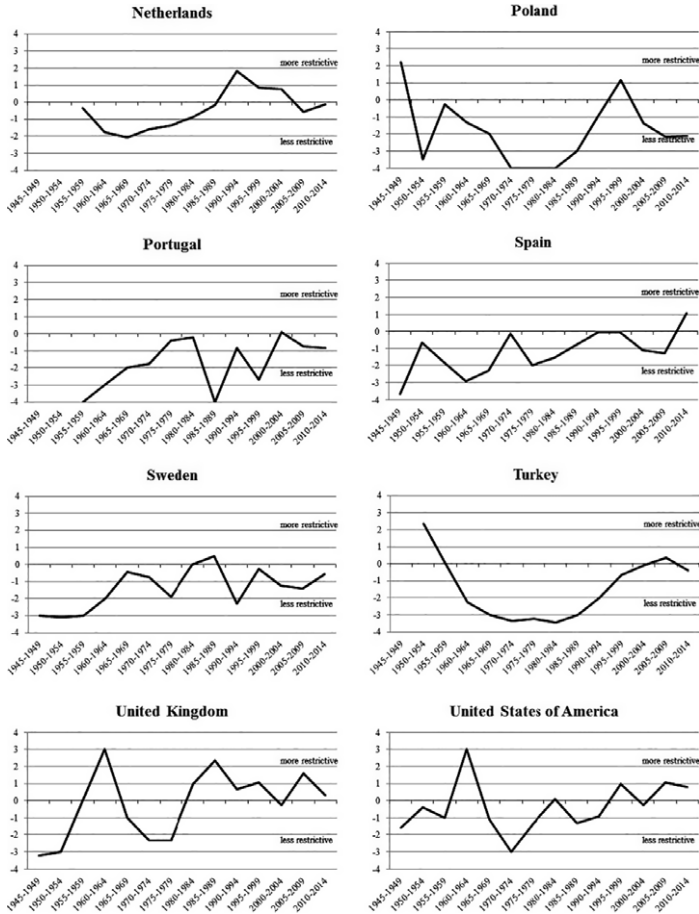


TABLE A1
GEOGRAPHIC CLUSTERING OF COUNTRIES RECORDED IN DEMIG POLICY

EU15 and EFTA countries	Traditional Anglo-Saxon immigration countries	Latin American countries	Asian countries	Central and Eastern European (CEE) countries	African and Middle Eastern countries
Austria, Belgium, Denmark, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Luxembourg, the Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, United Kingdom	Australia, Canada, New Zealand, United States of America	Argentina, Brazil, Chile, Mexico	China, India, Indonesia, Japan, South Korea	Czech Republic, Czechoslovakia, German Democratic Republic, Hungary, Poland, Russia, Slovak Republic, Slovenia, Ukraine, Yugoslavia	Israel, Morocco, South Africa, Turkey

TABLE A2
TIME COVERAGE OF COUNTRIES' MIGRATION POLICIES RECORDED IN DEMIG POLICY

Since 1850 or before	Since 1900	Since 1918	Since 1945	Since 1990
Argentina, Canada, Chile, France, Mexico, New Zealand, United States of America	Australia, Brazil, South Africa, United Kingdom	Austria, Belgium, Czechoslovakia (until 1990), Finland, Germany, Greece, Iceland, Italy, Russia/Soviet Union, Spain, Sweden, Switzerland, Turkey, Yugoslavia (until 1990)	China, Denmark, German Democratic Republic (until 1990), Hungary, India, Indonesia, Ireland, Israel, Japan, Luxembourg, Morocco, the Netherlands, Norway, Poland, Portugal, South Korea	Czech Republic, Slovak Republic, Slovenia, Ukraine

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SUPPORTING INFORMATION

Additional supporting information may be found in the online version of this article at the publisher's web site:

Table S1. DEMIG POLICY Codebook