

# THE EVOLUTION OF IMMIGRATION POLICY: TAKING STOCK OF COMPARATIVE RESEARCH

BY MARIANA S. MENDES

2023-1  
MIDEM-Policy Brief



## INTRODUCTION

The analysis of immigration policies across countries and across time is a fairly recent and prolific field of academic research. In recent years, it has benefited from various efforts to put together datasets that, on the one hand, significantly enlarge the geographical, temporal, and thematic scope of previous data collection efforts and, on the other hand, have produced significant advancements in terms of methodological soundness, transparency, and data accessibility.

As a result, we are in a better position today to provide a broad comparative picture of immigration policy and its evolution. Indeed, one of the major goals behind the construction of such time-series datasets has simply been to provide evidence-based answers to the question of *how has immigration policy evolved? Has it moved in a restrictionist direction – i.e., have states used immigration policy to try to limit migration and migrants' rights? Or do factors like globalization inevitably lead to a trend of irreversible liberalization?*

On the one hand, restrictionist trends are largely expectable given the dominant perception that the general political environment has grown more hostile to immigration. Because growing security, cultural, and economic concerns have fueled both the rise of far-right parties and public opposition towards migration (MIDEM 2018), it can be plausibly anticipated that this has translated into restrictionist policies. On the other hand, scholars have long spoken of an apparent gap between restrictionist preferences and liberal policies (Freeman 1995), and of the constraints imposed by globalized markets,

international institutions, and legal-constitutional protections (Sassen 1996; Joppke 1998). The notion of a 'liberal paradox', popularized in the field of migration studies by Hollifield (1992), reflects exactly this, i.e., the competing forces that governments are subject to in the field of immigration policymaking, stemming from (a) global capitalist market economies, (b) adherence to liberal legal norms and international human rights standards, (c) democratic responsiveness, and (d) national-cultural cohesion.

The aim of this report is to take stock and synthesize the main empirical findings as far as the temporal evolution of immigration policy is concerned. It draws in particular on studies based on two fairly recent datasets – Determinants of International Migration (DEMIG) and Immigration Policies in Comparison (IMPIC) – which, as explained in more detail below, are two of the most comprehensive and systematic indexes in the field. Despite the different methods they employ, they have arrived at broadly similar conclusions regarding overall trends in migration policy. Against the dominant image of a 'restrictionist turn', they show that the overall trend is one of (decelerating) liberalization, with important differences across time and distinct migrant groups.

The report is organized as follows: first, it discusses what immigration policy is and why conceptualization is important; secondly, it says a few words about the development of large-N immigration policy research, focusing in particular on DEMIG and IMPIC and putting the two in comparison; finally, it explores what they have been able to say about the temporal evolution of immigration policy.

## WHAT IS IMMIGRATION POLICY?

To put it simply, immigration policy is about policy output in the field of immigration, meaning that it comprises all the rules that states enact in this field, be it in the form of laws or other types of regulations. More specifically, its primary concern lies with the “selection, admission, settlement, and deportation of foreign citizens residing in the country” (Bjerre et al. 2015) and its broad goals are to affect “the volume, origin, direction, and internal composition of migration” (Czaika / de Haas 2013). Importantly, the study of immigration policy is the study of what policies look like ‘on paper’ and should not be confused with the study of adjacent (but analytically distinct) fields, like the ones of policy implementation or policy outcomes/impact (which might, of course, differ from what policies intended ‘on paper’).

That said, immigration policy is multidimensional and encompasses different policy fields, which can naturally be approached jointly or separately. Policy areas that are most typically included in immigration policy research comprise admission policies vis-à-vis asylum seekers (asylum and refugee policy), workers (labor migration policies), and family members (family reunification policies). Integration policies and citizenship policies have also deserved much attention among migration scholars. The most comprehensive datasets, like DEMIG and IMPIC, also cover measures targeted at border and land control. While this necessarily includes aspects related to irregular migration, Solano and Huddleston (2022), find in their comprehensive review of migration policy indicators and indexes, that irregular migration, expulsion, and return policies have not deserved the same level of attention or breadth of coverage as other areas. The same is to some extent true for student migration as well as emigration/diaspora policies, although there are obviously good reasons to conceptualize the latter as a different field of research, concerned with the policy framework towards country nationals that move elsewhere, rather than foreigners moving into the country.

However, scholars have not always conceptualized immigration policy in the same way and have not always included the same policy areas under the header of ‘immigration policy’. For example, it is relatively common to focus on **admission** policies only and to treat **integration** policies (or post-entry rights) and **citizenship** policies as separate (even if neighboring) fields of research. This differentiation has been conceptually justified on the basis that the first is concerned with *entry* (regulating migrants’ access to the territory), the second is concerned with *settlement* (regulating the terms of migrants’ incorporation into the host society), and the third is concerned with *membership* (regulating the terms of migrants’ naturalization). These are also said to follow different political

logics, with admission policies determined more by an economic logic (in the case of labor migration) or a legal logic (in the case of asylum and family reunification); whereas integration and citizenship policies obey primarily to a logic of socio-cultural cohesion (Givens/Luedtke 2005; Schmid 2020).

Conceptualization is naturally important, not only for the sake of clarity and replicability, but also because it impacts the policy areas and the specific indicators included in the respective studies. Obviously, this is also a matter of choice, depending on the specific aspects or questions that researchers are interested in (as well as the means available to them). Various of the pioneering empirical studies on the topic focused on a specific policy area, such as Thielemann (2003) or Hatton (2004), who dealt with asylum policy in specific. Others though, have attempted to capture ‘immigration policy’ more broadly. However, there is still disagreement on the policy fields included under it, let alone on the more specific set of indicators used to capture each of them. As an example, the DEMIG dataset includes integration policies under the study of immigration policy, arguing that the two should not be separated because integration conditions can affect migration in the first place, as they may impact the decision to enter or remain (de Haas et al. 2015). IMPIC, on the other hand, treats them separately and only includes integration regulations that affect *whether* migrants *can* actually stay and sustain a living in the country (for example, regulations concerning access to the labour market), excluding integration policies that stipulate *how* migrants live (political, social, and cultural rights) (Bjerre et al. 2015; Helbling et al. 2017).

In summary, immigration policy is a multidimensional field, comprising different policy areas which can be conceptualized in distinct ways, which is why a necessary first step in any research or analytical endeavor is to take definitional and conceptual choices seriously.

## LARGE-N IMMIGRATION POLICY RESEARCH: DEMIG AND IMPIC IN COMPARISON

As recently as 2014, Gest et al. (2014: 262) wrote that “researchers and policy makers have not had the resources to measure, evaluate or compare immigration policies and law across countries and time in a truly systematic manner”. Similarly, in their reviews of the comparative literature on immigration policy, Bjerre et al. (2015) noted that most existing studies are limited in empirical scope, either because they focus only on a specific policy area or because they sacrifice geographical and/or temporal coverage (focusing only on a small number of countries and/or a limited period of time). Moreover, the same authors note that typical methodological challenges in index-building have not always been thoroughly ad-

dressed and that authors who have built their own indexes rarely made their data available.<sup>1</sup>

Naturally, quantifying a diverse and complex field as the one of immigration policy is all but an easy task. That most scholars have opted for *small-N* studies (be it in terms of number of countries, time period, and/or specific policy areas) is only understandable, not only in light of limited resources and specific research interests, but also of the daunting challenges involved in building valid and reliable tools, capable of accurately measuring and representing such a multidimensional field.

In recent years, distinct efforts have been made to overcome (at least some) of the typical limitations identified and build more comprehensive, systematic, and transparent databases. Excluding those that focus on more specific policy dimensions<sup>2</sup>, three datasets – built in parallel by three different academic teams – stand out: International Migration Policy and Law Analysis (IMPALA); Determinants of International Migration (DEMIG POLICY); and Immigration Policies in Comparison (IMPIC). But while the first is still not publicly available – having so far only resulted in a pilot study of nine countries covering the years 1999 and 2008 (Beine et al. 2016) –, DEMIG and IMPIC became available in the second half of the 2010s and have already given origin to various publications that have advanced general knowledge in the field, including (but not limited to) systematic analyses of the evolution of migration policies.

While IMPIC covers 33 OECD countries in a 30-year period, going from 1980 to 2010, DEMIG has a broader coverage, with data on 45 countries during the period 1945-2013 (for a subset of those countries data goes back to the beginning of the 20th century) (Table 1). Both datasets are currently in the process of being updated, so as to cover the second half on the 2010s too (a much-needed effort, in light of the 2015 ‘refugee crisis’ and the extraordinary levels of politicization of immigration issues during this period). Nevertheless, they cover a period in which restrictionist tendencies could already be expected, given that in the decades prior to

2015 there was already significant opposition towards migration and radical right parties had already made inroads in various Western countries.

Taken together, these two datasets illustrate well two different methods through which immigration policies can be analyzed. While DEMIG is a *change-tracking* database – meaning that each new entry corresponds to a specific policy change (in a specific country) –, the IMPIC database aims to provide an *overall assessment* of the immigration policy framework in a given space and time. In this case, the unit of analysis is not a single policy change but the set of policies on a given topic in a given country and year. To capture that, IMPIC uses more than sixty pre-defined items/questions (grouped into distinct areas), whose answers are coded in country-years on a scale from 0 (open) to 1 (restrictive), according to a pre-established scoring scheme (see Bjerre et al. 2016 for more details). DEMIG, on the other hand, does not work with a set of items that take on a numerical value, but simply categorizes each policy change according to six criteria/variables. One variable captures the change in restrictiveness (which can take on three codes, i.e., more restrictive, less restrictive, no change); a second one assesses the magnitude of policy change (major change, mid-level change, minor change, fine-tuning); and four others provide basic information on the content of the policy change (policy area; policy tools; target group; and geographical origin of target group) (for more details see de Haas et al. 2015).

These differences are important for various reasons. The most relevant one is that databases like IMPIC are better suited for cross-country comparisons than change-tracking ones. Since DEMIG only codes *changes*, one does not know from which level of restrictiveness were policy changes initiated (Helbling et al. 2017). This means that DEMIG only allows for comparisons on the *direction of changes* over time (for example, saying that Denmark has moved in a more restrictive direction than Germany over a certain period or, from a within-country perspective, saying that Germany has progressively moved in a more liberal direction). However, it is not well suited for ‘absolute’ comparisons (e.g., saying that

Table 1: DEMIG and IMPIC in comparison

	Time period	No. of countries	Method
DEMIG POLICY	1945 - 2013	45	Change tracking
IMPIG	1980 - 2010	33 (OECD)	Overall assessment

1 See Gest et al. 2014 and Bjerre et al. 2015 for a review of the first efforts at building immigration policy indexes and a discussion of methodological issues involved.

2 There is nowadays a variety of indexes available, most of them focusing on specific areas (for a comprehensive review of indexes/literature using own indexes see Solano/Huddleston 2021 [particularly Appendix I] and Solano/Huddleston 2022). Two areas where these are especially developed are integration and citizenship policies, thanks to datasets such as: GLOBALCIT Citizenship Law Dataset and CITLAW Indicators; Global Expatriate Dual Citizenship Dataset (MACIMIDE); Citizenship Regime Inclusiveness Index (CITRIX); Migrant Integration Policy Index (MIPEX); Multicultural Policy Index; Index of Citizenship Rights for Immigrations (ICRI); and Civic Integration Policy Index (CIVIX).

Denmark has a more restrictive policy framework than Germany), which is something that IMPIC can do. On the other hand, in a good example of the all-too-common trade-off between cross-country comparability and country-specific detail, DEMIG allows for the coding of country-specific policies (while IMPIC works only with a pre-determined set of items) and generally provides greater detail and easy-to-interpret qualitative information on policy changes, thus providing more ‘context’ and historical depth. Rather than seeing IMPIC and DEMIG’s different methods as a limitation, this should actually be considered an asset for the field, as the two can be used in a complementary fashion. Moreover, the fact that both datasets make disaggregated data available provides much room for researchers to explore specific policy aspects.

Despite such differences, both datasets are very much concerned with measuring the degree of policy openness/restrictiveness, understood as the extent to which policies restrict or expand the rights and freedoms of migrants. Whereas DEMIG assesses whether a policy change has made the existing legal framework more or less restrictive than before, IMPIC provides ‘restrictiveness scores’ for each item (which can then be aggregated at different levels, to provide overall scores for specific policy areas or even countries). This is different from datasets that use policy benchmarking instead, i.e., that judge on the extent to which policies meet the highest standards on a given topic (which is what Migrant Integration Policy Index [MIPEX], for example, does). Whereas such datasets very much rely on experts’ judgements, IMPIC goes to great lengths to avoid subjective interpretations on the side of coders, restricting the questionnaire to yes/no questions (on the existence of a certain regulation) or to questions that ask about concrete numbers. This is another difference to DEMIG, where coders are asked to assess whether a given policy change represents a move towards more or less restrictiveness. IMPIC also has the advantage that it draws directly from primary sources, relying on country experts (mostly legal scholars) to code the relevant legal texts. DEMIG draws primarily from a secondary source – the OECD’s annual publications on migration (currently named *International Migration Outlook*) –, though these are complemented by other sources, with the final dataset being reviewed by a country expert (de Haas et al. 2015).

Finally, it should be said that DEMIG and IMPIC do not entirely coincide in the policy areas included in their datasets and actually conceptualize them in very different ways. DEMIG has a broader empirical scope and also covers aspects related to integration / post-entry rights and even emigration / diaspora-related regulations. It categorizes policy fields into four broad areas:

(1) legal entry and stay; (2) integration and post-entry rights; (3) border and land control; and (4) exit regulations. Somewhat oddly, the latter includes both exit policies for immigrants (e.g., expulsions) but also diaspora policies (although they can be analyzed separately by simply filtering through the target group). IMPIC, on the other hand, conceives of policy areas in accordance with the target group / mode of entry. Four policy areas are covered: (1) family reunification; (2) labor migration; (3) asylum and refugees; (4) and co-ethnics<sup>3</sup>. In addition to these, IMPIC distinguishes ‘control mechanisms’ as a separate area because, differently from regulations, *controls* refer to mechanism that monitor whether regulations are adhered to. In practice, various aspects related to irregular migration are included here and coincide with aspects that DEMIG includes under the area ‘border and land control’. Because DEMIG categorizes a policy’s ‘target group’, in practice it allows for the analysis of changes in the same policy areas as IMPIC.

## ON THE EVOLUTION OF IMMIGRATION POLICY

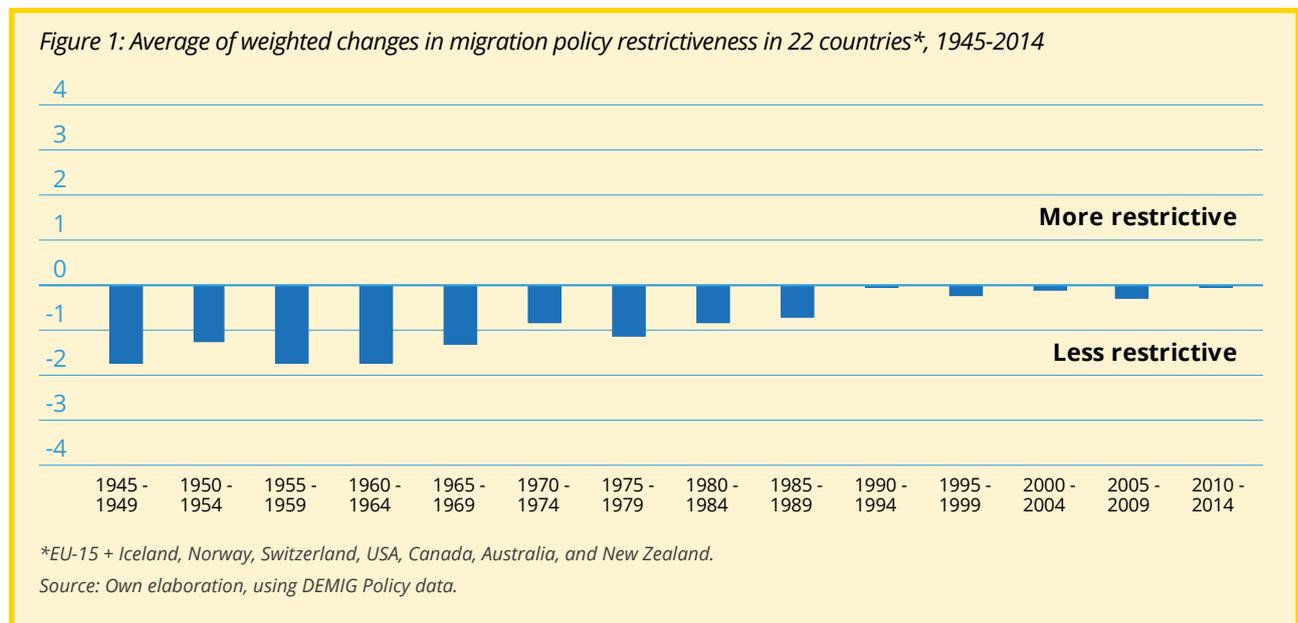
Members of the DEMIG and IMPIC team promptly published analyses on major trends on the evolution of migration policies (de Haas et al. 2018; Helbling/Kalkum 2017). Despite significant differences in methods, conceptualization, and coverage, they have arrived at broadly similar conclusions. In contrast to the dominant image of a ‘restrictionist turn’ in immigration policy, both show that there has been a clear liberalization trend across various policy fields, though the strength of the overall trend varies over time. They coincide on the fact that this trend was more obvious in the past and much less so in the 1990s and 2000s. They also converge on the finding that this is true for most policy areas, with the clear exception of what IMPIC defines as ‘control mechanisms’ and what DEMIG terms ‘border and land control’ and ‘exit regulations’, which have clearly moved in a more restrictive direction. In other words, the image of a ‘restrictionist turn’ seems to be accurate only as far as irregular migration is concerned, with states stepping up control measures to deter unwanted migrants.

Because DEMIG covers a broader period of time, it provides a more longitudinal picture. Focusing on 22 western countries in specific (the ones that are typically covered by the literature, as these are typical immigration countries – mostly in Western Europe, but also North America and Oceania), de Haas et al. (2018) break the observable trends into three periods and show that (1) the post-war decades was a period of rapid liberalization; (2) the period from 1970 to 1989 was a period of ‘decelerating liberalization’; and (3) after that, and in particular since the mid-1990s, the picture is more mixed. Figure 1 replicates these findings (using the

<sup>3</sup> Understood as immigrants who do not possess citizenship but who are recognized by law as being entitled to easier access to entry and settlement because of cultural or historical affinity (Bjerre et al. 2016: 130).

same weighted scores as de Haas et al. [2018]),<sup>4</sup> Note that, in the context of the DEMIG dataset, these results should be read as the number of liberalizing policy changes clearly outweighing the number of restrictive policy changes during the earlier periods, while since 1990 the numbers of more and less restrictive changes generally balance each other out.

However, the number of liberalizing changes continued to be considerably superior. On the one hand, this has to be understood in a context where there was an expansion (or, in fact, the establishment) of certain rights for migrants already settled. Germany is a good example, where the ‘recruitment stop’ of 1973 came at the same time that integration programs started being designed



The picture for the post-World War II period is probably the least surprising, given this was a period of reconstruction, quick economic growth, and strong labour demand. De Haas et al. (2018) also emphasize that it was during this period that a groundbreaking refugee protection system was created and that in North America and Oceania this liberalization trend also reflects the removal of national and ‘whites only’ selection criteria in immigration rules. Indeed, one interesting macro-historical trend in this regard is that – in accordance with the birth and consolidation of an international human rights regime in the second half of the 20th century –, explicitly prohibiting entrance on the basis of nationality or region of origin becomes a practice which is no longer acceptable. Instead, nationality criteria are today a tool to grant privileged access to particular nationalities (e.g., think of free circulation in the EU or MERCOSUR) while travel visa policies are a more surreptitious way of deterring ‘undesired’ migrants (de Haas et al. 2018: 351).

In stark contrast to the 1960s, the 1970s are commonly seen as a period where European governments tried to ‘shut the door’ to immigration, putting an end to earlier recruitment programs, given the drastic change in macro-economic circumstances. Indeed, the relative proportion of restrictive changes increased during this period.

and just one year before the right to family reunification was enshrined into law. On the other hand – in a good example of how coding decisions can be difficult and non-intuitive –, the establishment of return programs that were voluntary and that offered certain rewards to migrants in exchange for return were coded as a ‘less restrictive’ change (as the coding benchmark was the effect of policies on the rights available to migrants, this was interpreted as providing an additional right to migrants) (de Haas et al. 2018: 336).

In contrast to the dominant image of a ‘restrictionist turn’ in the 1990s and 2000s, what DEMIG data shows is that there is, in fact, no clear trend. The number of more or less restrictive changes generally seems to balance each other out, though on average less restrictive changes still prevail (de Haas et al. 2018: 337). Obviously, the picture is not the same everywhere and there are countries where, at least for parts of this period, more restrictive policies outnumbered less restrictive ones – this is the case for Belgium, the Netherlands, Denmark, France, and the United Kingdom (see de Haas et al. 2018: 359-360). As mentioned above, restrictive policy changes are most clear in the fields of border control and exit policies, such as deportations, with de Haas et al. (2018: 343) observing a shift from assistance-focused return programs to coercive expulsion and readmission programs. Helbling and Kalkum (2017)

<sup>4</sup> This is an (imperfect) way of adjusting for differences in the relative importance of policy changes. As each policy change is categorized according to the ‘magnitude of change’, ‘major changes’ have the greatest weight (4), followed by ‘mid-level changes’ (weight 3), ‘minor changes’ (weight 2) and ‘fine-tuning measures’ (weight 1).

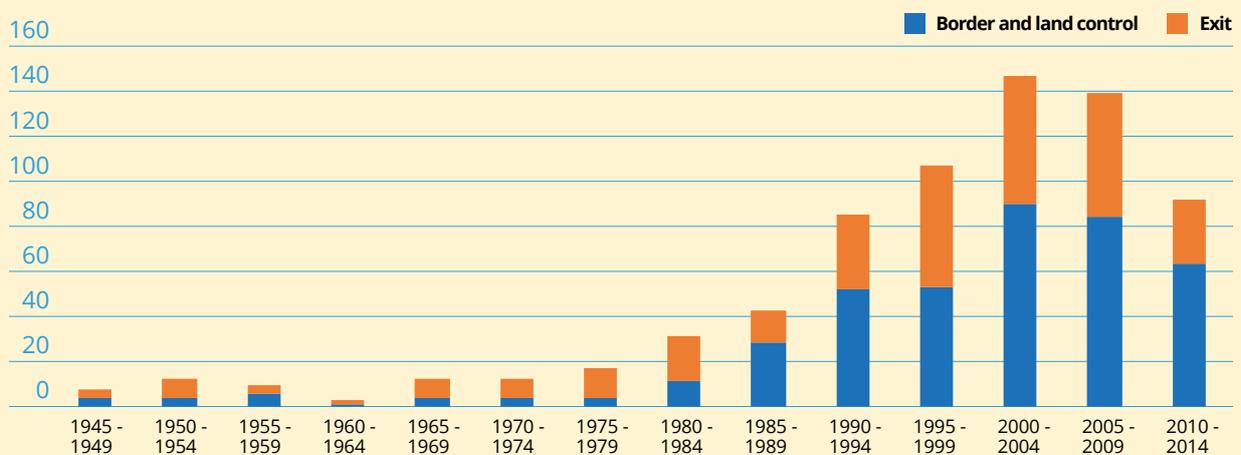
corroborate this, using IMPIC data to show that there is a clear trend towards more restrictive ‘control mechanisms’ and that this trend is particularly strong for EU countries. Among the items included in the IMPIC database, this trend is most obvious when it comes to the diffusion of carrier penalties, that is, the use of penalties for airlines and other transporters for bringing passengers lacking relevant documentation (a trend already clear in the early 1990s); the establishment of information sharing mechanisms among countries (which in the EU came together with Schengen’s entrance into force in the mid-1990s); and a stark increase in biometric information collection throughout the 2000s. It should be said that this ‘restrictive turn’ is not simply the result of a shift from a liberal to a restrictive policy stance, but rather a reflection of the creation of new ‘control mechanisms’ and intensification of legislative activity in this area. Figure 2 shows this clearly.

But while there is an increasing emphasis on deterring ‘non-desired migrants’, policies towards ‘desired’ ones have continued to be dominated by liberal changes – which is why de Haas et al. (2018) speak of a trend of ‘growing selection’ rather than growing restrictiveness. Against the common idea that high-income countries have ‘shut the door’ to low-skilled migration, what DEMIG data shows is that, on average, policies towards migrant workers have continued to move in a more liberal direction across various skill levels. In fact, many governments have facilitated the entrance of seasonal workers, eased entry criteria for specific professional categories, continued to recur often to bilateral labor agreements and – corroborating the image of a ‘race for talent’ –, facilitated the entry of students and skilled migrants, with points-based systems becoming particularly popular in the 2000s (de Haas et al. 2018: 345-246). Nevertheless, when comparing ‘absolute levels’ of stringency, Beine et al. (2016) show, in their study of nine

countries in 1999-2008, that regulatory stringency scores are usually higher for low-skilled migration tracks compared to those entering via skilled tracks.

This picture is more mixed in the case of family members and asylum seekers. Even though Helbling and Kalkum (2017) show that there is a clear liberalization trend also in the fields of family reunification and asylum policy, these findings should be interpreted with caution. First of all, the liberalization trend they observe in the 1980s and 1990s is, to some extent, simply the result that some countries only implemented policies in these regards during this period (the previous absence of a family reunification policy or an asylum policy was coded as 1 [most restrictive] in such cases). This is particularly the case for some countries in Eastern and Southern Europe. Secondly, and as Helbling et al. (2017) show in a different paper, once one breaks these fields into smaller components, the picture that emergencies can be quite different. They give the example of family reunification policies, where conditions and eligibility criteria for entry have become more restrictive in various countries in the mid-1990s and 2000s, while internal regulations (related to security of status and rights) remained relatively stable. This goes in the direction of de Haas et al. (2018: 348), who find that there is an increasing proportion of restrictive changes towards family members in more recent years, reflecting the introduction of higher income and age thresholds as well requirements to pass specific language and cultural tests. The Netherlands seems to be a recurrent frontrunner in this regard, having introduced a pre-entry exam for family members in 2006, with other countries following suit, including Germany in 2007 (de Haas et al. 2018: 348). This is part of a broader and well-known trend in integration policy, as Western European states have come to place greater emphasis on ‘civic integration’ requirements (Goodman 2012).

Figure 2: Number of ‘policy changes’ in the fields of ‘border and land control’ and ‘exit’<sup>5</sup> in 22 countries, 1945-2014



Source: Own elaboration, using DEMIG Policy data.

5 Exit policies were only considered for non-citizens, so as to exclude emigration policies.

Similar observations can be made about asylum regulations, as there are both more and less restrictive changes being enacted and a similar trend towards an increasing proportion of restrictive changes in recent times, though on average liberalizing changes still prevail for most years. On the one hand, there is a clear restrictive trend when it comes to the widespread adoption of the 'safe third country' principle<sup>6</sup> as well as the 'safe country of origin' principle<sup>7</sup> in the 1990s and 2000s. On the other hand, liberalizing steps include the spread of refugee resettlement programs and regularization measures for certain categories of rejected asylum seekers. IMPIC data also shows that there is a decrease in the use of asylum quotas and that the right to undertake work has actually evolved in a more liberal direction in various countries. Furthermore, both IMPIC and DEMIG categorize the Europe-wide adoption of a 'subsidiary/humanitarian protection' status<sup>8</sup> (also called temporary protection) as a liberalizing step. While in theory this is indeed as an additional right conferred to asylum seekers, some critics argue that this reflects an overall decline in Europe's commitment towards the acceptance of refugees (who benefit from greater rights than those with subsidiary protection status) (de Haas et al. 2018: 349).

Focusing on asylum policies in specific, Hatton (2009) built an asylum policy index where he compares the period 1997-2002 and 2002-2006 in 19 destination countries, showing indeed that there has been a trend towards more restrictive regulations in this period. Nevertheless, it is important to note that there is significant variation among countries. Australia stands out as the country where policy became more restrictive, followed by the UK, the Netherlands, Denmark, and France. In other countries there were barely changes in this period, including Sweden, Italy, Austria, or Germany. Despite this trend, and on a more positive note, scholars have also noted that increased EU cooperation on asylum matters and a growing judicialization of the EU asylum policy venue have rendered this policy area less amenable to the fulfilment of restrictive asylum preferences (Kaunert/Leonard 2012).

Other than changes in specific policy fields, it is also relevant to point out that the frequency of immigration policy reforms has increased over time, reflecting "an intensification of migration policymaking" (de Haas et al. 2018) as well as an increasing regulatory complexity, visible in the growing number of distinct tracks of entry (Beine et al. 2016). In their study of nine countries,

Beine et al. (2016: 839-840) use entry tracks as a unit of analysis and find that, numerically speaking, these vary between almost 150 different tracks in Germany and 43 in Spain (for the year 2008), something they describe as part of a "move toward a more differentiated and particularistic approach to admissions that is based on selected characteristics." Indeed, scholars largely converge on the idea that migrant policies are first and foremost about selectivity, judging by the growing emphasis on criteria such as skills, financial independence, or cultural proximity (de Haas et al. 2018; Helbling et al. 2020). Importantly, despite the increase in complexity, scholars have found evidence of convergence trends among Western countries, meaning that immigration policies have tended to become more similar across countries (Helbling/Kalkum 2017).

## CONCLUSIONS

Whereas a few years ago the ability of immigration policy researchers to make claims holding across countries and time was limited by the availability of reliable large-N data, this is less the case nowadays. Contributing to significant advancements in the cross-national comparative analysis of immigration policies, datasets like DEMIG and IMPIC are the best tools available today to provide a systematic analysis of what immigration policies have been like (at least 'on paper') in the Western hemisphere. As explained in detail, they use quite distinct methods and therefore, rather than overlapping, researchers and analysts can use them to answer different questions or simply employ them in a complementary fashion.

One of the major goals behind efforts to build time-series datasets like these ones is simply to provide evidence-based answers to the question *how has immigration policy evolved? Has it moved in a restrictionist direction?* This report has provided a synthesis of the main findings in this regard, showing that – in contrast to the dominant image of a 'restrictionist turn' –, results yield a much more nuanced and mixed picture. In fact, despite the different methods used, research based on the DEMIG and IMPIC databases broadly converge on the fact that the overall trend is one of liberalization. Nevertheless, the strength of this trend varies significantly over time and across different policy areas. On the one hand, this trend was more obvious in the past and seems to come to a halt throughout the 1990s and 2000s. On the other hand, a trend towards greater restrictiveness is only clearly observable when it comes

---

6 According to which people arriving through countries deemed safe can be precluded from claiming asylum, based on the argument that they should register their asylum claim in the first safe country they arrive in, so as to prevent 'asylum shopping'. This is essentially what the 1990 Dublin Convention was about (though it came into force only in 1997, many states adopted this kind of provision before).

7 According to which people who originate from a country designated as 'safe' cannot apply for asylum, based on the presumption that there is no risk of persecution in such countries.

8 It prevents the deportation of rejected asylum seekers when their return to their country of origin is considered to put them at risk of serious harm (not because of specific reasons for personal persecution [which are the criteria for refugee status], but because of unsafe conditions such as war or widespread human rights abuses).

to irregular migration and ‘control mechanisms’. This does not mean that life has become easier for all other migrant categories, since regulations in the fields of family reunification and asylum policy have also been subject to a relative increase in the number of restrictionist changes, therefore also contributing to the abovementioned ‘halt’ in liberalization. Furthermore, the fact that the field of labour migration has not been subject to the same ‘relative restrictionist bend’ does not mean that, in absolute terms, regulations towards labor migrants are more liberal than for other migrant categories (in fact, IMPIC data shows they are not).

The observation that regulations target different migrant groups in different ways has, in fact, led some researchers to question the utility of speaking of overall levels of migration policy restrictiveness in the first place. Immigration policy has been often defined as a ‘mixed bag’ of measures (de Haas et al. 2015), which is why some reject the idea of categorizing countries into different ‘policy regimes’ and speak instead of an ‘immigration policy mix’ to refer to countries’ relative openness towards different channels (Schultz et al. 2021). This does not mean that the exercise of looking at broad trends in immigration policy is an invalid one, only that their complexity and different logics should be acknowledged.

A much-needed next step for research of this type is to periodically update its findings and the databases that support them, so as to cover more recent trends. This is the more so in light of the unprecedented attention that the migration issue has attracted in recent years and the growing strength of illiberal political forces. Apart from a few case-studies and plenty of anecdotal evidence, the question of whether the ‘refugee crisis’ and the growing strength of far-right forces have translated into more restrictive policies in recent years is still mostly unanswered. The post-2015 context should provide a litmus test for the validity of theories that see liberalization as an irreversible trend in which large structural forces like globalization matter more than political agents.

## REFERENCES

- Bjerre, Liv / Helbling, Marc / Römer, Friederike / Zobel, Malisa* 2015: Conceptualizing and Measuring Immigration Policies: A Comparative Perspective. In: *International Migration Review* 49(3), pp. 555–600.
- Bjerre, Liv / Helbling, Marc / Römer, Friederike / Zobel, Malisa* 2016: The Immigration Policies in Comparison (IMPIC) Dataset: Technical Report. In: Discussion Paper SP IV 2016-201, WZB.
- Beine, Michel / Boucher, Anna / Burgoon, Brian / Crock, Mary / Gest, Justin / Hiscox, Michael / McGovern, Patrick / Rapoport, Hillel / Schaper, Joep / Thielemann, Eiko* 2016: Comparing Immigration Policies: An Overview from the IMPALA Database. In: *International Migration Review* 50, pp. 827-863.
- Czaika, Mathias / De Haas, Hein* 2013: The Effectiveness of Immigration Policies. In: *Population and Development Review* 39, pp. 487–508.
- de Haas, Hein / Nater, Katharina / Vezzoli, Simona* 2015: Conceptualizing and Measuring Migration Policy Change. In: *Comparative Migration Studies* 3(15).
- de Haas, Hein / Nater, Katharina / Vezzoli, Simona* 2018: Growing Restrictiveness or Changing Selection? The Nature and Evolution of Migration Policies. In: *International Migration Review* 52(2), pp. 324-367.
- Freeman, Gary* 1995: Modes of Immigration Politics in Liberal Democratic States. In: *International Migration Review* 29(4), pp. 881–908.
- Gest, Justin / Boucher, Anna / Challen, Suzanna / Burgoon, Brian / Thielemann, Eiko / Beine, Michel / McGovern, Patrick / Crock, Mary / Rapoport, Hillel / Hiscox, Michael* 2014: Measuring and Comparing Immigration, Asylum and Naturalization Policies Across Countries: Challenges and Solutions. In: *Glob Policy* 5, pp. 261-274.
- Goodman, Sara Wallace* 2012: Fortifying Citizenship: Policy Strategies for Civic Integration in Western Europe. In: *World Politics* 64(4), pp. 659-698.
- Hatton, Timothy J.* 2004: Seeking Asylum in Europe. In: *Economic Policy* 19(38), pp. 5-62.
- Hatton, Timothy J.* 2009: The Rise and Fall of Asylum: What Happened and Why? In: *The Economic Journal* 119(525), F183-F213.
- Helbling, Marc / Bjerre, Liv / Römer, Friederike / Zobel, Malisa* 2017: Measuring Immigration Policies: the IMPIC Database. In: *European Political Science* 16, pp. 79-98.
- Helbling, Marc / Kalkum, Dorina* 2017: Migration Policy Trends in OECD Countries. In: *Journal of European Public Policy* 25(12), pp. 1779-1797.
- Helbling, Marc / Simon, Stephan / Schmid, Samuel* 2020: Restricting Immigration to Foster Migrant Integration? A Comparative Study. In: *Journal of Ethnic and Migration Studies* 46(13), pp. 2603-2624.
- Hollifield, James F.* 1992: *Immigrants, Markets, and States*. Cambridge: Harvard University Press.
- Joppke, Christian* 1998: Why Liberal States Accept Unwanted Immigration. In: *World Politics* 50(2), pp. 266–293.
- Kaunert, Christian / Léonard, Sarah* 2012: The Development of the EU Asylum Policy: Venue-Shopping in Perspective. In: *Journal of European Public Policy* 19(9), pp. 1396-1413.
- MIDEM* 2018: *Migration und Populismus. Jahresbericht, Mercator Forum Migration und Demokratie*, edited by Hans Vorländer, Dresden.
- Sassen, Saskia* 1996: Beyond Sovereignty: Immigration Policy Making Today. In: *Social Justice* 23(3), pp. 9-20.
- Schultz, Caroline / Lutz, Philipp / Simon, Stephan* 2021: Explaining the Immigration Policy Mix: Countries' Relative Openness to Asylum and Labour Migration. In: *European Journal of Political Research* 60, pp. 763-784.
- Solano, Giacomo / Huddleston, Thomas* 2022: *Migration Policy Indicators*. In: *Introduction to Migration Studies*, edited by Peter Scholten. IMISCOE Research Series. Springer.
- Thielemann, Eiko* 2004: Why Asylum Policy Harmonisation Undermines Refugee Burden-Sharing. In: *European Journal of Migration and Law* 6, pp. 47-65.

## PROFILE

The Mercator Forum for Migration and Democracy (MIDEM) examines about the impact of migration on democratic institutions, policies and cultures and looks into political decision making processes in the field of migration policies - in individual countries and in a comparative view of Europe. A spotlight is put on the relation between migration and populism.

### MIDEM examines:

- Crisis discourses on migration and integration
- Populism
- Migration policies
- Migration in urban and regional contexts

### MIDEM's objectives:

- Practice-oriented research
- Advising policy-makers and civil society
- Establishing international networks
- Providing a forum for public debates

*All texts, images, and graphics are subject to copyright. MIDEM always strives to respect the copyrights of others. If, in spite of this, we were not completely successful in doing so, we ask any affected copyright owner to please contact us as soon as possible.*

### Editor:

Prof. Dr. Hans Vorländer, Director  
Mercator Forum Migration and Democracy (MIDEM)

TU Dresden  
*Institute of Political Science*  
*Centre for the Study of Constitutionalism and Democracy*  
01062 Dresden  
Germany

Phone.: +49 351 463 35811  
midem@mailbox.tu-dresden.de  
www.forum-midem.de

### Editorial Staff:

Dr. Oliviero Angeli  
Johanna Haupt

### Design:

Vollblut GmbH & Co. KG

© MIDEM 2023

*MIDEM is a research centre at the Technische Universität Dresden (TUD), funded by Stiftung Mercator.*