

**Divergent Migration Policies during Macroeconomic Downturns:  
A Relationship between Citizenship Law and Political Calculation**

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### *Abstract*

Along with flows of goods and capital, the movement of people adds another dimension to complex interdependence in the international economy. Scholars in the field of international political economy have long been searching for causal relationships among these factors since none of them can function alone without a consequence on the others. Thus, it is no surprise that migration policies of countries demand an in-depth study, since they function as core determinants of the direction and volume of people's movements. In order to understand the enactment of certain types of migration policy, we need to examine the underlying incentives behind these policies as well as how these motivations are influenced by external conditions. As an attempt to study this issue, this research is motivated by a puzzle: *Why do democratic countries enact different types of migration policies when they face macroeconomic decline?*

I argue that citizenship law (law of soil or blood) sets a fundamental frame for migration policymaking in consolidated democracies, which function largely as destination countries from a global perspective. Here, I focus on politician's preference formation process, and assume that politicians would push for a migration policy that would enlarge his probability of remaining in office. To achieve this, he needs to strategically calculate how to maximize his vote share.

Under such a circumstance, citizenship law plays two essential roles. First, it shapes public attitude on migrants. This mechanism speculates that natives in *jus soli* (law by soil) regime will feel less threatened by migrants. This is because migrants tend to have a wider avenue to obtain citizenship of the host country under this principal. Thus, frequent and consistent interaction between natives and those migrants allow for the natives to re-categorize the migrants into in-group members, and this would reduce overall anti-migration sentiment. In this sense, politicians in *jus soli* regime gain leverage on decision-making procedure on migrant issues, compared to those in *jus sanguinis* (law by blood) regime. Second, citizenship law changes the size of electorate. This mechanism posits that politicians in *jus soli* regime have a stronger incentive to enact a policy that favors migrants, because this citizenship law indicates a higher probability that migrants would obtain voting rights, and thus, their votes count. In sum, I argue that migration policy (especially on entry) would be more generous (both on entry and rights) in *jus soli* regime.

This political calculation based on public tolerance and electoral concern toward migrants is what brings about divergence on migration policies during macroeconomic downturns. While there is a general tendency that politicians prefer to impose severer migration policies during economic decline, this pattern would be more apparent in *jus sanguinis* countries' entry policies since politicians face higher anti-migrant sentiment as well as a lower probability to coopt votes from migrants.

In order to assess validity of this argument, I first empirically test each mechanism by using various datasets. After confirming significance of the two mechanisms, I examine the effect of citizenship law on actual migration policy outcomes, reformulating data collected by International Migration Institute dataset (2016). The overall results support my claim that *jus soli* countries tend to enact more open migration policies, particularly on migrants' entries, and this difference becomes even more salient during bad economy. My qualitative section further includes case studies on the United States and Japan.

## CHAPTER 1. INTRODUCTION

Along with flows of goods and capital, the movement of people adds another dimension to complex interdependence in the international economy. Scholars in the field of international political economy have long been searching for causal relationships among these factors since none of them can function alone without a consequence on the others. Thus, it is no surprise that migration policies of countries demand an in-depth study, because they function as core determinants of the direction and volume of people's movements. In order to understand the enactment of certain types of migration policy at particular times, we need to scrutinize the underlying motivations behind these policies as well as how these motivations change over time.

The topic of migration has started receiving a greater attention since the early 1990s due to globalizing economy as well as the European integration. However, movement of people itself is not new. There have been waves of immigration throughout history, largely due to militaristic intra-state conflicts, ranging from holy wars by Muslims and Christians (AD600) to the Second World War, coupled with merchants crossing borders under economic incentives since the fifteenth century. While acknowledging a long and rich worldwide history of migration this research perceives post-WWII migration to be separated from the prior one, because the underlying conditions clearly depart from ones in the past. Due to democratizing tendencies across destination countries as well as international norms on cooperation and reciprocity, countries can no longer enjoy complete state sovereignty while the voice of the general public is also difficult to dismiss. This constrained position of governments consequently forces them to consider more various aspects for migration policymaking.

## 1.1. Puzzle

What causes cross-nationally divergent migration policies? Why do countries enact dissimilar migration policies? The topic of migration policymaking has received great attention recently due to a surge in people's movements across borders and their consequences on both receiving and sending countries. Unlike flows of goods and capital, migration more heavily touches on natives' sentiment, because it not only affects natives' economic conditions but also directly imposes ethnically, linguistically, or culturally unfamiliar values. Because politicians in democratic countries face electoral constraint due to their institutional setting, they are inevitably bound by public opinion, especially when it comes to migration issues.

In regards to this public attitude toward migrants, it is expected that people's sensitivity against migrants would be exacerbated during bad economy, because this is the period when economic concerns of natives become maximized.<sup>1</sup> Thus, it seems natural to assume that migration policies will be more constrained when domestic economic conditions worsen. Indeed, OECD annual reports since the outbreak of the Global Recession of 2008 record member countries' restrictive measures (see <Table 1.1> for a summary on most commonly adopted policies). What is surprising is that methods they have taken in combating migrants are starkly dissimilar. Many countries impose restrictive measures, yet in different migrant targets. In the mean time, some other countries leave overall migrant programs unchanged, although this continued open and inclusive tendency is heavily geared toward highly skilled and temporary migrants. In addition to the actual preventive measures implemented, <Figure 1.1> depicts openness and inclusiveness of migrant programs across countries in the year of 2008.

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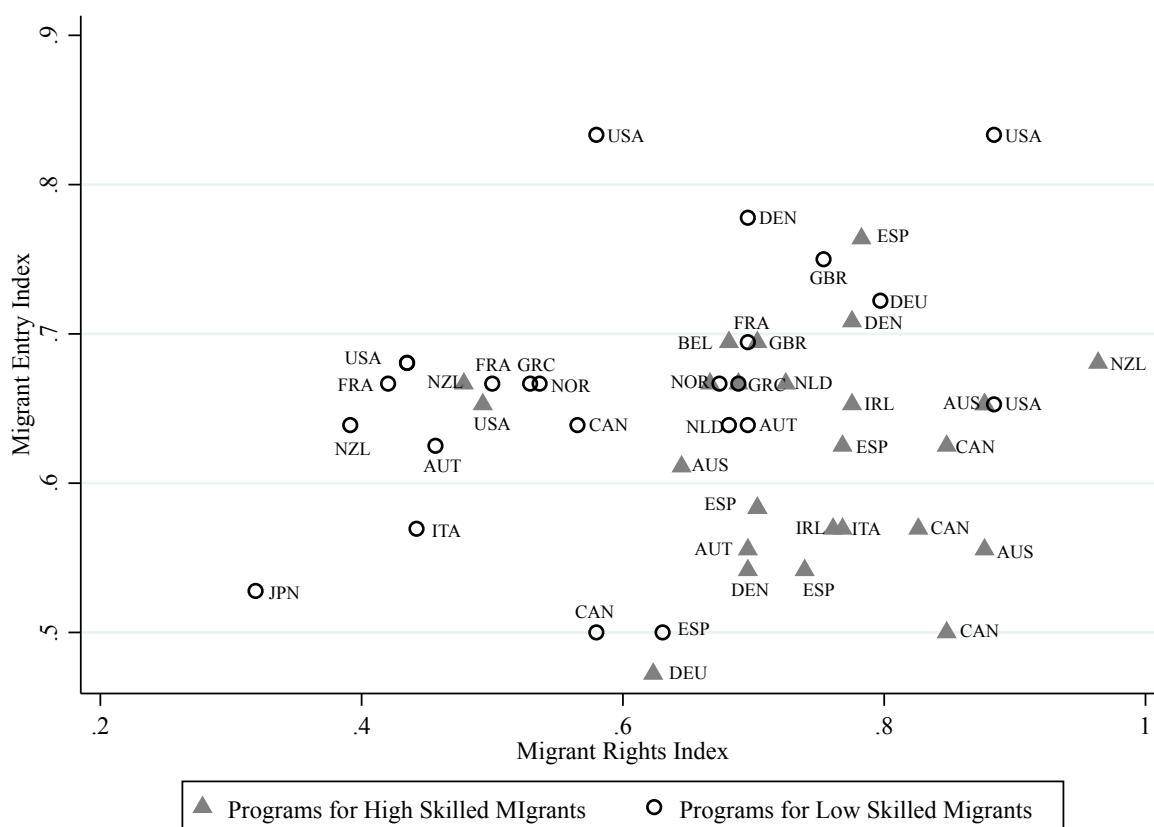
<sup>1</sup> Dancygier and Donnelly (2014) try to parse out exact causal mechanism behind negative migration sentiment during bad economies, and they claim that economic and sectoral concerns are main causes instead of cultural difference.

<Table 1.1>Policy Responses (on Permanent Migrants) to Global Financial Crisis 2007/8 by 22 OECD Countries

Restrictive Measures	None or Open Measures (Mainly restrict via temporary scheme)
1) Restricting overall permanent migrants: Australia, Austria, Belgium, Italy, Spain, UK 2) Restricting economic migrants: Japan, New Zealand, Portugal, Switzerland 3) Restricting family reunification: Belgium, France, Norway	Canada, Finland, Germany, Ireland, Korea, Luxembourg, Netherlands, US, Sweden

Data: Compiled based on annual OECD Migration Outlook reports (2008, 2009, 2010, 2011 and 2012).  
 (Detailed policy measures are listed in appendix)

<Figure 1.1> Openness and Integration Indices on Migration Programs (2008)



These indicators yield further inquiries. Do countries follow the same method in regulating migrants? Do countries prefer controlling migrants via limiting entry or integration measures? Most importantly, does macroeconomic downturn directly impact migration policymaking? In sum, this research is motivated by the following puzzle;

*Why do democratic destination countries hold different types of migration policies when they face macroeconomic recessions or crises? How do they regulate migrants during bad economy?*

## **1.2. Overview of Theory**

In order to tackle the puzzle, the first necessary step is to understand general pattern of migration policymaking when the economy is normal. The further calculation for altering policies during bad economy follows after. Here, I regard economic downturn as an exogenous shock to a country's current migration policy regime. The scope of this paper is consolidated democracies, which function largely as destination countries from a global perspective. While emigration countries and non-democratic countries experience unique concerns on migration,<sup>2</sup> destination countries are the ones that face problems arising from overcrowding of migrants, which may disrupt domestic labor market condition or lead to severe hyper-nationalism. And these destination countries tend to be democratic and economically advanced.

The fundamental causal mechanism my argument rests on is that migration policy is an outcome based on a compromise between interest of general public and that of politicians. In other words, the politicians aim to enact a policy that simultaneously satisfies the general public and their own interests. If they fail to attract votes from the people, they would not be able to stay in office due to insufficient amount of votes. Simultaneously, politicians have personal

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<sup>2</sup> For instance, brain drain problem, remittances concerns or attempts to attract repatriates for emigration countries, while emigrating refugees and an increase of irregular migrants for non-democratic countries.

interests, which may occasionally divert from the public interest. In understanding the interests of these two groups of actors in regards to migration issues, this research claims that citizenship law sets a fundamental frame for migration policymaking. Because it is an essential classification to distinguish between natives and foreigners, it naturally influences people's perceptions toward migrants while altering politicians' electoral calculation. Here, citizenship law regime can be classified into two types: *jus soli* (citizenship by soil) or *jus sanguinis* (citizenship by blood). The former regime grants citizenship by birthplace while the latter does so based on ancestry. For instance, children of migrants will be automatically able to acquire citizenship of the host country if the citizenship law is operated under *jus soli* regime while this scenario would not emerge under the other principle.

I highlight citizenship law as a main factor that shapes preferences and interests of the general public and politicians. Specifically, I argue that natives under *jus soli* regime are less hostile against migrants, because they are more exposed to an environment where migrants have equivalent social and political rights, fulfilling their duties as full members to the host country. Thus, natives re-categorize these initial *outsiders* into their in-group members. Meanwhile, politicians yield different strategic calculations depending on the citizenship regime, because it defines political rights of migrants. In other words, migrants in *jus soli* have a higher potential to be included into electorate while this would less frequently occur in *jus sanguinis* regime. Thus, it alters political incentive in how much to be incorporating or generous toward migrants.<sup>3</sup> Simply put, citizenship law regime plays a dual role: fostering reformulation of perception of the general public while imposing recalculation of electorate size by politicians. Based on these

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<sup>3</sup> Of course, some countries grant political rights to permanent migrants. A more detailed discussion on this matter will be presented in later chapters.

speculations, I hypothesize that *jus soli* countries tend to introduce more open migration policies (especially on migrants' entry).

As aforementioned, countries seem to more severely regulate migrants' entries and rights as their domestic economy declines. Still, I posit that this pattern would be more salient in *jus sanguinis* regime since politicians face a more heightened anti-migration sentiment as well as a lower probability to obtain votes from migrants. Politicians in *jus soli* countries would be particularly hesitant to restrict migrant entries even during bad economy while shrinking the volume of migrants would be the faster way for *jus sanguinis* countries to alleviate public anxiety. In sum, restrictive measures taken by politicians in combating economic downturns would follow trends that emerge from initial migration policy architecture, which has been constructed based on citizenship law regime.

My conceptualization of these variables is summarized in <Figure 1.2>. Simply put, citizenship law regime has an ultimate effect on choices and incentives that actors make, and thus, it yields a fundamental explanation on divergent migration policy outcomes under changing economic conditions. Based on this logic, three main hypotheses, which would be examined in this research, are summarized as follows;

Hypothesis 1. Natives in liberal citizenship law regime (in this case, *jus soli* countries) will feel less threatened by migrants.

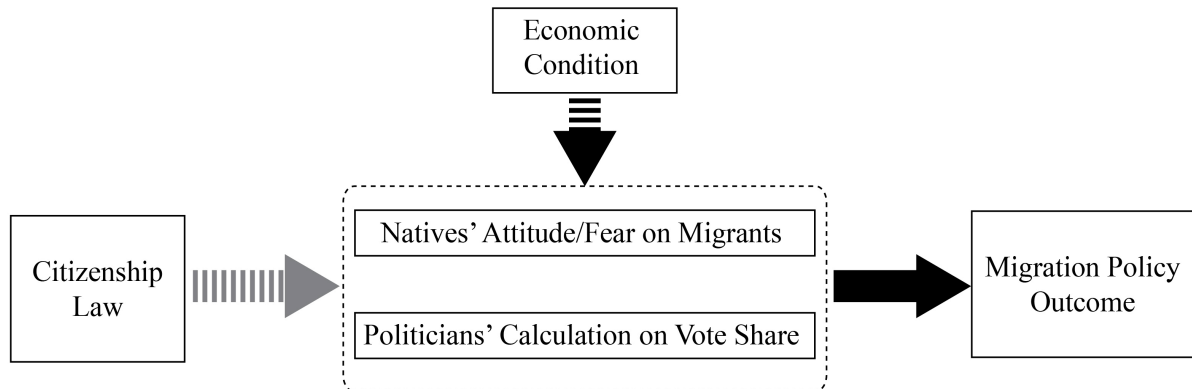
Hypothesis 2. Politicians in liberal citizenship law regime (*jus soli*) prefer to enact more generous migration policies, especially on entry, due to a higher probability that migrants' votes count.



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<Figure 1.2> Overall Mechanism of Argument

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Hypothesis 3. Macroeconomic downturns cause countries to be more restrictive against migrants' entry. Yet, this tendency would be stronger in restrictive citizenship law regime (in this case, *jus sanguinis* countries).

### 1.3. State of the Art

Within international political economy literatures, the research on migration policy is rather thin and disjointed.<sup>4</sup> The predominant use of migration policy has been about its effect on flows of im(migrants), using the policy as an independent variable rather than as a dependent variable.<sup>5</sup> Most previous works have focused on the causes of certain flows (and stocks) of

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<sup>4</sup> For instance, Hollifield (2004) focuses on the relationship between economic gains and liberal values; Weiner (1993), Weiner and Russell (2001) and Rudolph (2003) connect immigration policy to national security; Hammar (1985), Brochmann and Hammar (1999), and Massey (1999) emphasize a tension between migrants and natives.

<sup>5</sup> For instance, how naturalization law (*jus soli* or *jus sanguinis*) or quota on visa types (i.e. H1B visa) affect flows of people.

immigrants<sup>6</sup> or on different types of moving people.<sup>7</sup> Diverting from this trend, this paper's goal is to understand what causes democratic governments or policymakers to enact certain types of rules, even when they are aware that the chosen policy is inefficient or Pareto-suboptimal. Acknowledging dearth of the literature, this section articulates general trends of studies on migration policy and citizenship law.

### *1.3.1. Sociological and Political Science Approaches to Citizenship Law*

Sociologists have begun an extensive examination of the topic since 1992 when Brubaker pointed out their neglect on citizenship institution. In regards to the relationship between citizenship law and migration policy, Howard (2009) would be perhaps the first scholar in political science, who has outspokenly claimed the causal link between the two variables based on extensive historical analysis.<sup>8</sup> Moreover, sociologists, such as Joppke (2010)<sup>9</sup> and Janoski (2010)<sup>10</sup> extend investigation on this causal relationship. Joppke aims to explore how citizenship tests mirror countries' respective definition and conception on national identity. Meanwhile, Janoski divides countries into three types: colonizers, non-colonizers and settler countries, claiming that the highest naturalization occurs among settler countries, while moderate level in colonizers and low level within non-colonizers and occupiers. What is noticeable from these

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<sup>6</sup> See O'Rourke and Sinnott (2006) on individual attitudes; Malchow-Moller, Munch, Schroll, and Skaksen (2009) on different attitudes across EU countries; and Leblang (2010) and De Simone and Manchin (2012) on a relationship between diaspora (stock of immigrants) and FDI flows.

<sup>7</sup> See also Bell and Ward (2000) on differentiation between immigrants and migrants; Dustmann and Mestres (2009) on remittances; Ellerman (2005) on validity of migration; and Federici and Giannetti (2010) on a relationship between temporary migrants and FDI flows.

<sup>8</sup> Marc Morjé Howard, *The Politics of Citizenship in Europe* (New York: Cambridge University Press, 2009).

<sup>9</sup> Christian Joppke, *Citizenship and Immigration* (London: Polity, 2010).

<sup>10</sup> Thomas Janoski, *The Ironies of Citizenship: Naturalization and Integration in Industrialized Countries* (Cambridge: Cambridge University Press, 2010).

works is their recognition of political influence in granting accesses and rights to migrants.<sup>11</sup>

Janoski's work is specifically inspiring since he focuses on naturalization process where he includes principle of *jus soli* in calculating countries' naturalization rate.<sup>12</sup> In contrast, Joppke excludes political right of migrants when defining citizenship. Instead, he more stresses three dimensions – status, rights and identity.

### *1.3.2. Migration Policy in General*

There has only been a limited examination into the politics of immigration policy. The most common practice instead has been investigating the opposite causal relationship, treating migration policy as an independent or control variable. Zolberg et al. (1989) first outspokenly linked immigration flows to state policies. Zolberg (1999) then stressed the significance of state regulations and policies. The following migration literatures have been largely split into two orientations. The first group viewed liberal norms as a deciding factor that leads to liberalization of migration policy that contributes to greater integration and protection of migrants' rights.<sup>13</sup> The second group aligns with economic perception, stressing the relationship between a necessity for countries to deregulate their labor and capital markets to gain subsequent economic gains.<sup>14</sup> On the other hand, more recent literatures on migration policymaking focus on narrower scopes. For instance, Fujita and Weber (2010) choose quota system among diverse restrictive entry policies in order to understand how production complementarity and tolerance towards immigrants contribute to the size of quota. Applying labor-capital classification along with

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<sup>11</sup> This trend should be considered as noteworthy, because prior sociological approaches had heavily geared toward what constituted true “civic” integration or assimilation, rather than discussion of political interactions.

<sup>12</sup> Janoski (2010): pp. 27.

<sup>13</sup> Freeman (1995); Hollifield (1992, 2004); Soysal (1994).

<sup>14</sup> Cornelius et al. (2004); Hollifield (2000).

partisanship approach, Cerna (2009) more focuses on openness of migration policy towards high-skilled temporary migrants.

Within recent scholarship on migration policy study, there have been roughly four noticeable approaches in studying this topic cross-nationally. The first is a disaggregation of political authority, concentrating on how politicians try to influence immigration policymaking to benefit their own local communities. There has been an observation that immigrant communities are geographically concentrated.<sup>15</sup> Extending this, Money (1997) claims that this geographic concentration creates an uneven distribution of costs and benefits to different regions. In other words, net public demand for tighter immigration control increases in localities where immigrants concentrate, particularly when those areas experience higher unemployment, rapid increases in immigration, higher immigrant proportions, and more generous immigrant access to social services.<sup>16</sup> Mostly agreeing with the decentralization of the policymaking process, the second approach delves into types of policy outcomes based on cost-benefit analysis. By treating redistribution of income as a key mechanism, Freeman (2006) and Freeman and Kessler (2008) define four policy outcomes (client, interest group, entrepreneurial, or majoritarian politics) by considering two dimensions: wage/income effect (by immigrants on natives) and political mobilization (whether the cost is concentrated or diffused among groups).

The third approach attempts to unravel types of immigration policy. Ruhs (2013) claims that immigration policies can be characterized by three factors: how to regulate the number of migrants to be admitted; how to select migrants; and what rights to grant migrants after admission. Using these three dimensions, he proposes three hypotheses. First, high-income

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<sup>15</sup> Gordon H. Hanson, Kenneth Scheve, Matthew J. Slaughter, and Antonio Spilimbergo. "Immigration and the US Economy: Labor-Market Impacts, Illegal Entry, and Policy Choices." IRCA Working Paper Series (2001).

<sup>16</sup> Jeannette Money, "No Vacancy: The Political Geography of Immigration Control in Advanced Industrial Countries," *International Organization* 51, no. 4 (1997): pp. 692-3.

countries can be expected to be more open to high- than low-skilled immigration. Second, labor immigration programs that target higher-skilled migrant workers grant migrants more rights than those targeting lower-skilled workers. Third, there is an expected trade-off between openness and the rights of some migrant workers admitted to high-income countries.

The fourth avenue, which is more for a methodological concern, in tackling immigration policy is through close case studies of policy changes, focusing on few countries. These works attempt to generate historical overviews of the policies that specifically fit a small number of countries. Freeman and Birrell (2001) study immigration politics in the US and Australia to demonstrate how interests (economic, ethnic, or status-oriented), rights (in relation to international norms), and states (policy preferences and strategic initiatives from inside state agencies) ultimately intervene in policymaking. Green and Green (1999) distinguish the goals of immigration policies in the short-term (i.e., meeting immediate shortages in the labor market) from those in the long-term (i.e., flexibility and investment and trade flow benefits), and use a historical case study of Canada's immigration policy for illustration.

### *1.3.3. Migration and Public Sentiment*

One of the most widely examined topics within migration study is the actual cause of anti-migration sentiment. Scholars are particularly interested in public sentiment toward migrants, because they believe that it yields certain effects on its country as a whole.<sup>17</sup>

International political economy scholars have long approached this question largely from

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<sup>17</sup> This depends on a dependent variable, which each scholar attempts to explain. The effect of public sentiment could be on potential policy outcomes (either migration policy itself, or welfare or fiscal policies as well as border security system). Some scholars are more interested in its effect on party formation or emergence of radical right-wing parties. Others are concerned with more sociological or demographical effects, such as a rise of chauvinism or representation and equality of ethnic minority rights.

economic perspective (resource threat arguments).<sup>18</sup> Besides economic concerns, few other scholars stress a sense of nationalism (identity/ cultural threat arguments). They refer to cultural, ethnic and linguistic differences as the most significant reason for negative sentiment against migrants, arguing that material self-interest does not affect people's views on major policy issues.<sup>19</sup> The former stream claims that natives' anti-migrant sentiment is caused by materialistic economic concerns, such as a fear of labor market competition<sup>20</sup> or fiscal burden on public services or welfare state.<sup>21</sup>

Still, results of empirical studies on this debate are mixed.<sup>22</sup> Despite some discrepancy, scholars recognize both types of economic concerns are correlated to negative attitude against migrants.<sup>23</sup> Advocates of resource threat arguments believe that economic concerns exacerbate anti-migration sentiment, which would then ignite a sense of nationalism. Proponents of cultural threat argument state that the nationalistic feelings emerge regardless of materialistic concerns. Either way, it seems appropriate to speculate that opposition to immigration rises especially during recessionary periods.<sup>24</sup> This scenario is quite commonsensical since a macroeconomic downturn, coupled with an expectation of a higher domestic unemployment rate or a reduced amount of redistribution, would lead native inhabitants to fear labor immigrants competing for

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<sup>18</sup> For instance, the recent studies, such as Iyengar et al. (2013), argue that cultural characteristics do not play a strong role in formation of anti-immigrant sentiment.

<sup>19</sup> See Bauer, Lofstrom, and Zimmerman (2000); Brader, Valentino and Suhay (2008); Burns and Gimpel (2000); Chandler and Tsai (2001); Citrin et al. (1997); Davidov et al. (2008); Dustmann and Preston (2007); Espenshade and Hempstead (1996); Gang, Rivera-Batiz, and Yun (2002); Hainmueller and Hiscox (2007); Kinder and Sears (1981); Lahav (2004); McLaren (2003); Sagiv and Schwartz (1995); Sears and Funk (1990); Sears et al. (1980); Sides and Citrin (2007); Sinderman and Hagendoorn (2007)

<sup>20</sup> Dancygier (2010); Kessler (2001); Malhotra, Margalit and Mo (2013); Mayda (2006); Scheve and Slaughter (2001)

<sup>21</sup> Corneliussen and Rosenblum (2005); Facchini and Mayda (2009); Hanson (2005); Hanson, Scheve, and Slaughter (2007); Hero and Preuhs (2007); Mayda (2008); O'Rourke and Sinnott (2006).

<sup>22</sup> Burns and Gimpel (2000); Citrin et al. (1997); Dustmann and Preston (2006); Fetzer (2000); Gang, Rivera-Batiz, and Yun (2002); Hainmueller and Hiscox (2007); Harwood (1986).

<sup>23</sup> Borjas (1999); Simon (1989)

<sup>24</sup> Harwood (1983); Simon and Alexander (1993); Lapinski et al. (1997); and Gimpel and Edwards (1999).

their jobs while free-riding on public services. And this condition would add heightened anti-migration sentiment to existing level.

#### *1.3.4. Migration Policy during Macroeconomic Downturns*

Rather than a direct relationship between immigration and recession, numerous works have highlighted the relationship between immigration and the unemployment rate in general. Nonetheless, the results are mixed. The early literatures point out a negative effect of immigration on the employment rate of natives. These works focus on: migrants' trend of crowding to specific regions,<sup>25</sup> and a particularly negative impact on low-skilled natives.<sup>26</sup> Recognizing sensitivity of the issue depending on the sample selection and time, Marr and Siklos (1994, 1995) claim that immigration was not caused by past unemployment, but that past immigration caused unemployment. Gross (1999) also demonstrates the negative impact of immigrants by stressing their duration. Immigration reduces the permanent unemployment rate in the long-term while the admittance of immigrants slightly increases the unemployment rate in the short-term.

Apart from these findings, there is a growing literature which demonstrates that immigration has a positive or no effect on domestic unemployment rates in host countries. Among those showing positive effects, Berry and Soligo (1969), Ortega (2000), Feridun (2005), Islam (2007), and Boubtane et al. (2012) mainly stress the way in which immigrants increase real wages for residents/inhabitants, in addition to their effect on the unemployment rate. Withers and Pope (1985, 1993), among those that find no relationship, claim that there is no true causality from immigration to unemployment, even though there is solid evidence of a significant effect of

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<sup>25</sup> Harris and Todaro (1970); and Todaro (1969).

<sup>26</sup> Borjas (1999, 2003); and Jaeger (1995).

unemployment in Australia on immigration, pointing out endogeneity problem by previous works. Borjas (1999), Konya (2000), Card (2001), Gang, Rivera-Batiz, and Yun (2002), Jean and Jimenez (2007), Ortega and Peri (2009), Mouhoud and Oudinet (2010) and Fromentin (2013) find evidence for a limited impact of immigration on natives' wages and employment. Moreover, Card (1990), Hunt (1992), and Angrist and Kugler (2003) add confirmation through natural experiments.<sup>27</sup> Although these literatures do not specifically deal with immigration during economic downturns, they carry an important implication since domestic unemployment rate tends to increase whenever there is a decline in GDP per capita.<sup>28</sup>

#### **1.4. Contribution and Justification**

This examination of migration policymaking during economic hardship yields several contributions. First, there has not been much of investigation on migration policy itself. Most of literatures have been more interested in how regime type or certain characteristics of destination countries attract different types of migrants. By focusing on the actual dynamics among people within the country, I show significance of actors in altering migration policies. Furthermore, there is no literature that I am aware of, which links migration policymaking to economic conditions. Thus, this paper suggests some new ideas and approaches to migration study.

Second, there has not been much of scrutiny of citizenship law in political science. Most studies have been carried out by sociology discipline while their main focus has been on the validity of definition of citizenship or the true meaning of a full membership to a country. In

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<sup>27</sup> Further related literatures include: Greenwood and McDowell (1986) on elasticity of the labor force and immigration quotas; Dolando et al. (1994) and Barro and Sala-i-martin (1995) on skill composition of immigrants; and Fleischmann and Dronkers (2010) on higher unemployment rate among immigrants within host countries that have a higher domestic unemployment rate.

<sup>28</sup> I have compared cross-national data on unemployment rate and GDP growth. There is an extremely high correlation between the two. In other words, in most times, when GDP growth declines, it is coupled with an increased unemployment rate.



political science, unfortunately, not many scholars have explained the relationship between citizenship law and people's perceptions or calculations in regards to migrants. Citizenship law regime is an institution, which hardly changes, compared to migration policies. Hence, it is natural to assume that citizenship law regime has a causal effect on the public attitude, while the latter has a causal effect on migration policy outcome. By unraveling these mechanisms, I hope to suggest a significance of citizenship law when we consider migration issue.

Some may claim that it is problematic to treat two institutions with different definitions. In effect, I treat one institution as exogenous (citizenship law) while the other endogenous (migration policy). Overall, my argument more aligns with endogenous institution literature, because my main dependent variable is migration policy, and it certainly shifts along with actors' interests in a given situation and time. This does not mean, however, that institutions do not shape actors' interests. Each institution has different path dependent effects along with dissimilar paths of transformation. Thus, these discrepancies arising from different speeds of institutional change contribute to people's divergent interests and perceptions. Furthermore, I do not claim that citizenship law regime never changes while I agree that it holds a longer legacy. Actors can simply reform citizenship law, if they want to. The core reason citizenship law rarely changes is that reforming citizenship law merely takes a longer time with more legislatures' involvements (a greater number of veto points). Hence, changing migration policy becomes easier, functioning as a buffer zone to avoid a complicated and tedious procedure otherwise. To put it another way, unchanging feature of institutions does not necessarily mean they have a lock-in power. It simply may be a choice of actors not to change them.

## 1.5. Outline of the Chapters

The next chapter examines components of migration policies and citizenship laws in more detail. By tackling multifaceted features of each institution, it aims to clarify how this research conceptualizes the two. Chapter Three scrutinizes three main hypotheses via elaboration of logics behind them. While doing so, it also pays attention to potential omitted variables in order to justify my causal mechanisms. Next, Chapter Four statistically tests the three hypotheses by relying on various datasets, such as Chapel Hill expert survey dataset (2014), Eurobarometer 76.4 (2011), Manifesto dataset (2015), National Identity II survey by International Social Survey Program (2003), and dataset compiled by International Migration Institute (2016). These empirical results support the claims argued throughout this paper.

Chapter Five and Six draw attention to specific case studies, namely point-based systems in the United States and Japan. In order to parse out effects of citizenship law on public perception, I conduct surveys at the two countries (2015, 2016). The results strongly support my claim that natives in *jus soli* countries are less hostile against migrants. Furthermore, I mainly rely on the Congressional Records (for the United States) and the Diet Proceedings (for Japan) over 1980 through 2014 to demonstrate what has influenced political decisions on migration policies. Evidence clearly indicates that politicians are sensitive about public opinion while they perceive migrants differently depending on their citizenship law. Moreover, their attitudes toward migrants during normal and bad economics reveal that the United States (*jus soli* law) is more hesitant to restrict flows of migrants compared to its counterpart, and this difference becomes stark during economic downturns.

## CHAPTER 2. CONCEPTUALIZING MIGRATION AND CITIZENSHIP

In order to examine the causal relationship between migration policies and citizenship laws, it is necessary to first shed light on motivations, structures, and potential consequences behind each institution. Since migration policies define whom to admit under what conditions, they naturally intervene in constructing a composition of migrants residing in the country. In the meantime, citizenship laws define who is recognized, and on what basis, as the country's nationals. Thus, it is no doubt that these two architectures are closely interconnected in a multifaceted manner. In fact, scholars have long experienced a hardship in conceding to a uniform definition of these terms due to complexities within and across these concepts. A lot of studies have investigated into parsing out the most parsimonious ways to understand these topics as well as their causal relationship, but with different definitions or scopes. Because of these discrepancies, some findings or arguments fail to support each other, or sometimes do not even speak to each other. Thus, I intend to clearly set how this paper conceptualizes the two main institutions – migration policy and citizenship law.

### **2.1. Defining the Terms**

#### *2.1.1. Migration Policy*

Almost all the countries hold unique migration policies as a mechanism to control inflow and outflow of migrants. It is no doubt that these regulations are established, because there are people, who desire to move across borders, either in permanent or temporary manner. There may

be foreign aliens, wishing to enter another country (so called, immigrants or migrants).<sup>29</sup>

Simultaneously, these potential migrants are treated as emigrants from standpoint of their origin countries. These distinctive movements of people have been considered to be motivated by push and pull factors originating from both destination and origin countries as well as international economic structures, and many scholars have claimed that countries find it impossible to stop these flows.<sup>30</sup> Although this speculation may be correct to a certain degree, especially in a contemporary era where we witness an increase in both legal and irregular migrants, migration policies surely function as a mechanism to adjust flows of migrants, largely by incurring (or reducing) the costs migrants need to face and by shaping a composition of migrant inflow and stock.<sup>31</sup> Hence, migration policies demand a more in-depth examination, and this section aims to clarify motivations, policy options, and consequences behind those policies.

The most concise way to define migration policy is “a policy that is established in order to affect behavior of a target population (i.e., potential migrants) in an intended direction.”<sup>32</sup> In other words, these policies are designed to regulate incoming migrants or those already residing in the host country, because inflow and outflow of people (as well as what they do in the country) inevitably yield strong and unique consequences domestically. Scholars have analyzed the consequences by migrants largely based on three angles: demographic, economic, and security impacts. Migrants undoubtedly affect demographic landscape of host countries, because

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<sup>29</sup> While there are diverse interpretations on these terminologies, immigrants usually refer to permanent migrants, and migrants encapsulate both temporary and permanent migrants.

<sup>30</sup> The traditional approach on determining individual motivations and consequences of migrants has been strongly advocated by neoclassical economic rational actor models (see Borjas 1989; Chiswick 2000; Hanson and Spilimbergo 1999). Meanwhile, the concept of push-pull calculation has been also interpreted in relation to global economic structures, which may also alter people’s incentives (see Hatton and Williamson 1997; Massey et al. 1998; Sassen 1996).

<sup>31</sup> Wayne A. Cornelius, and Marc R. Rosenblum, “Immigration and Politics,” *Annual Review of Political Science* 8 (2005): pp. 111-112.

<sup>32</sup> Mathias Czaika, and Hein De Haas, “The Effectiveness of Immigration Policies,” *Population and Development Review* 39, no. 3 (2013): pp. 489.

they tend to lower the average age of population and increasing birth rates.<sup>33</sup> Natives tend to be particularly sensitive about migrant economic effect, because they perceive that it is directly linked to a shift in labor market equilibrium, real income level, or fiscal distribution. Meanwhile, there is a high correlation between inflow of migrants and a degree of multi-ethnicity or multiculturalism in the host society. This not only imposes a new environment on natives (which may induce anti-migration sentiment) but also arouses concerns on national security or solidarity, such as inter-ethnic conflict or exacerbation of public order.<sup>34</sup> Due to these multifaceted concerns arising from migrants, politicians enact migration policies in order to deter potential problems, and these policy outcomes tend to be diverse due to dissimilar inflows of migrant groups, existing institutional settings, and availability of different combinations of policy tools.

One common way to conceptualize migration policy architecture is to disaggregate it into two pillars: policies on migrant *entries* and those on *rights*. While these two dimensions are closely interconnected, they target different objectives along with dissimilar concerns. The former is largely associated with a question of *who* to admit, and this concern can be further decomposed into two dimensions: *size* (quantity of migrants – how much to allow for an entry? Does a country want a large or small amount of migrants?) and *composition* (quality of migrants – what kind of migrants to allow for an entry? i.e., international students versus labor migrants or high-skilled versus low-skilled migrants). On the other hand, policy on rights is mainly concerned with a question of what kind of *rights* to grant for migrants. For instance, levels of

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<sup>33</sup> Charles B. Keely, “Demography and International Migration” in Brettel CB and Hollifield JK (eds) *Migration Theory: Talking Across the Disciplines* (New York, NY: Routledge, 2000): pp. 43-60.

<sup>34</sup> Michael S. Teitelbaum, and Myron Weiner (eds), *Threatened Peoples, Threatened Borders: World Migration and US Policy* (New York, NY: Norton, 1995).

migrant welfare state access, are different across countries or across visa types.<sup>35</sup> In addition, an option of bringing migrant's family members, a necessity to pass language proficiency tests, or a required amount of financial assets to prove self sufficiency is mainly determined by those policies.

Countries tend to reveal dissimilar preferences based on these two scales – *entry* and *right*, mainly based on *skill levels* that migrants hold. While they may prefer a reduced amount of migrants (overall *size*), they have a tendency to prefer high-skilled migrants over low-skilled migrants. Meanwhile, they tend to attribute more *rights* to those high-skilled migrants in comparison to the counterparts. Recent enactments of point-based system by the United Kingdom (2008) and Japan (2012) signal their interest in attracting more high-skilled migrants while reducing the size of low-skilled ones via provision of more rights and favorable treatments for the high skilled.

In addition to diverse combinations of entries and rights depending on migrants' skill levels, components of migration policies can be sub-grouped by the further spectrum – namely, permanent and temporary stay. This categorization based on *duration* adds another complexity to migration policy scheme, because it dissects previous concerns on entry (stock and composition) and right (based on skill level) into a new layer of concern. For instance, the question of “how much to admit (stock)” disaggregates into a question of “how much to admit for permanent and temporary entries separately” and this raises a further question of how much rights to offer them respectively. Permanent migrants usually gain a full residency right as well as social (and

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<sup>35</sup> When welfare state spending is compared across OECD countries (relying on data on government social expenditures, expressed as a percentage of GDP), South Korea has the relatively smallest welfare state and Sweden the largest (OECD SOCX database).

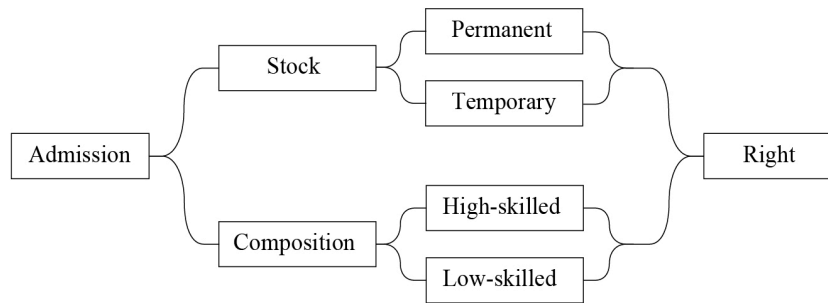
potentially political) rights. On the other hand, temporary migrants<sup>36</sup> are allowed to stay in a host country for a given period of time with limited rights, depending on the type of attributed visa. The temporary migration usually highlights flexible labor market coordination along with restricted rights on potential migrants. For instance, temporary migrant workers are required to hold a job offer as well as sponsorship before entering the host country. Moreover, they are most of times constrained in the level of welfare state access or use of public services (although high-skilled temporary migrants tend to enjoy more relaxed constraints, such as allowance to bring family members).

Generally, migrants can earn permanent residency visa through either family reunion (i.e. marriage to a native citizen or being relatives or dependents of a migrant under a permanent residency) or humanitarian channel (refugees or asylum-seekers). In case of economic migrants, countries seem to mainly follow one of two avenues; either directly inviting them by granting permanent residency or by allowing them to migrate under temporary scheme and requesting them to apply for permanent residency. For instance, Canada and Australia grant permanent residency for those, who prove their professional knowledge or advanced skills by passing suggested points under their point based systems. On the other hand, Japan or many European countries do not guarantee automatic permanent residency, but instead, they require migrants to obtain temporary visa to enter the country first. Due to these intertwined combinations based on the three dimensions as well as complexities arising in each spectrum, migration policy scheme can be analyzed based on different classifications.<sup>37</sup>

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<sup>36</sup> When I refer to temporary migrants, I exclusively mean labor temporary migrants. Thus, I exclude students, tourists or businessmen who come for a short trip from broad.

<sup>37</sup> In sum, entry versus rights, stock versus composition (policies on entry), high-skilled versus low-skilled migrants (policies on rights) or permanent versus temporary (policies on duration).



Because of these multilayered features of migration policy itself, various combinations among concerns induce dissimilar policy regimes (see <Figure 2.1>). Thus, it becomes evident that it is extremely difficult to simply claim one country’s migration policy is open or closed. Depending on which factor to observe, the nuance and implication can greatly diverge. For instance, when a country enacts a “restrictive” policy, it becomes unclear as in whether the policy is “restrictive” in line with permanent versus temporary divide or highly-skilled or low-skilled divide. Furthermore, when a country enforces a policy that restricts low-skilled migrants, it is unclear as to whether the policy is against permanent or temporary economic migrants. The implication is that governments have lots of rooms to maneuver when they formulate a “migration policy” due to the nature of its intricacy, and therefore, it becomes extremely important to clearly set the scope of interest.

Among aforementioned dimensions of migration policies, this research pays a particular attention to interrelationship between migration policies on *entries (admission)* and those on *rights*. This conceptualization is based on Ruhs’ (2013) logic on trade-off between openness and rights associated with labor migrants. He posits that greater openness to admitting migrant



workers will be associated with relatively fewer rights for migrants, because if certain rights for some migrants create net costs for the receiving country, policy openness to admitting such migrants can be expected to critically depend on the extent to which some of their rights can be expected.<sup>38</sup> The entry policies are the tools to directly maneuver in setting the size of inflow and composition of migrants. When assigning different types of visas on migrants' entry, countries become cautious about skill and education levels of migrants as well as their financial capabilities. Even when temporary migrants apply for permanent residency, these criteria become essential. The general tendency therefore is that migrants with greater capabilities succeed in obtaining greater rights. This is precisely the reason that labor migration programs that target high skilled migrants are more open and grant more rights, compared to those targeting low skilled migrants. These scenarios indicate that analyzing migration policies based on *entry* and *right* produce the most comprehensive understanding on the topic.

### 2.1.2. Defining Citizenship Law

Due to a growing number of migrants as well as changing patterns of their settlement, the topic of citizenship has received a great attention since the 1990s.<sup>39</sup> Acquisition of a country's citizenship means a full membership of the community with a guarantee of civil, political and social rights.<sup>40</sup> The first exact definition of citizenship can be found in Aristotle's *Politics*: "The state is a compound made of citizens; and this compels us to consider who should properly be called a citizen and what a citizen really is. The nature of citizenship, like that of the state, is a

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<sup>38</sup> Martin Ruhs, *The Price of Rights: Regulating International Labor Migration* (Princeton and Oxford: Princeton University Press, 2013): pp. 47.

<sup>39</sup> Rogers Brubaker, *Citizenship and Nationhood in France and Germany* (Cambridge: Harvard University Press, 1992): pp. 9.

<sup>40</sup> Marshall (1950) emphasizes social solidarity among the three (Thomas Humphrey Marshall, *Citizenship and Social Class* (London: Pluto Perspective, 1950): pp. 6).

question which is often disputed: there is no general agreement on a single definition: the man who is a citizen in a democracy is often not one in an oligarchy.”<sup>41</sup> The last sentence demands more attention, because he clearly draws a line between those, who are members of democracy and those, who are not, yielding a dichotomous classification between “we” and “they.”<sup>42</sup>

This tradition of citizenship law as a way to distinguish between *us* and *others* has carried out by scholars until recently. According to Brubaker (1992), citizenship is “a powerful instrument of social closure.”<sup>43</sup> One of his two mechanisms states that citizenship law draws an internal line between citizens and foreigners within the same territory by granting unequal rights and privileges. In sum, citizenship law creates liberal democracies that are “internally inclusive” and “externally exclusive” simultaneously.<sup>44</sup> By pointing out this discrepancy, Benhabib (2002) calls it “the paradox of democratic legitimacy.”<sup>45</sup> Furthermore, Crepaz (2008) stresses unequal rights given to citizens and immigrants as a core cause on the former’s closure against the latter.<sup>46</sup>

To classify citizenship laws, scholars have traditionally used dichotomous distinctions – *jus soli* (law of soil/ birthplace) and *jus sanguinis* (law of blood/ descent). If a child is born under immigrant parents, he/she will automatically obtain nationality of the host country even without the parents being the nationals, if the country’s citizenship law is based on *jus soli* rule. On the other hand, if the host country’s nationality law is based on *jus sanguinis* principle, he/she will

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<sup>41</sup> Aristotle, *The Politics of Aristotle*, edited and translated by Ernest Barker (London: Oxford University Press, 1941): pp. 1247b-75a.

<sup>42</sup> Sanja Ivić. “The Postmodern Liberal Concept of Citizenship” in J. Chapple (eds). *Boundaries: Dichotomies of Keeping In and Keeping Out* (Oxford: Inter-Disciplinary Press, 2010) pp. 13.

<sup>43</sup> Rogers Brubaker, *Citizenship and Nationhood in France and Germany* (Cambridge: Harvard University Press, 1992): pp. x.

<sup>44</sup> Brubaker (1992): pp. 21.

<sup>45</sup> Seyla Benhabib, “Transformations of Citizenship: The Case of Contemporary Europe,” *Government and Opposition* 37, no. 4 (2002): pp. 449-453.

<sup>46</sup> Markus K. L. Crepaz, *Trust Beyond Borders: Immigration, the Welfare State, and Identity in Modern Societies* (Ann Arbor: University of Michigan Press, 2008): pp. 171.

not be able to acquire the country's nationality, because he/she is not connected by ancestry. This distinction has been widely used to understand countries' dissimilar institutional settings and their effects. Countries with *jus soli* tend to be regarded as more civic and inclusive while ones with *jus sanguinis* tend to be more ethno-cultural and restrictive.<sup>47</sup>

In addition to this clear dichotomous classification, there is a third avenue to obtain a new nationality – a principle of *jus domicilis* (law of residence via naturalization). Most countries have adopted this naturalization process where migrants with permanent status, residing in a host country for a required period of time (minimum legal residency requirement), can acquire citizenship.<sup>48</sup> The application process, however, may often take a long period of time along with strict criteria (i.e. a proof of consistently active economic participation in the labor market, a proof of financial self-sufficiency, demonstration of a good character, demonstration of one's loyalty to the country, language or culture test, renunciation of original nationality and so on). Consequently, migrants with legal residence may end up being a *quasi-citizen*, who receives a special status with some granted social rights but denied political rights.<sup>49</sup>

<Figure 2.2> shows a summary of the three principles and their interrelationship. When citizenship law is strictly based on either soil or blood, their distinction becomes conspicuous. Children under *jus soli* regime receive automatic citizenship while those under *jus sanguinis* do not.<sup>50</sup> The situation somewhat alters when principle of *jus domicilis* is adopted. The children

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<sup>47</sup> Maarten Peter Vink and Rainer Bauböck, "Citizenship Configurations: Analyzing the Multiple Purposes of Citizenship Regimes in Europe," *Comparative European Politics* 11 (2013): pp. 621-648.

<sup>48</sup> Grete Brochmann and Idunn Seland, "Citizenship Policies and Ideas of Nationhood in Scandinavia," *Citizenship Studies* 14, no. 4 (2010): pp. 433 (See also Castles and Davidson, 2000).

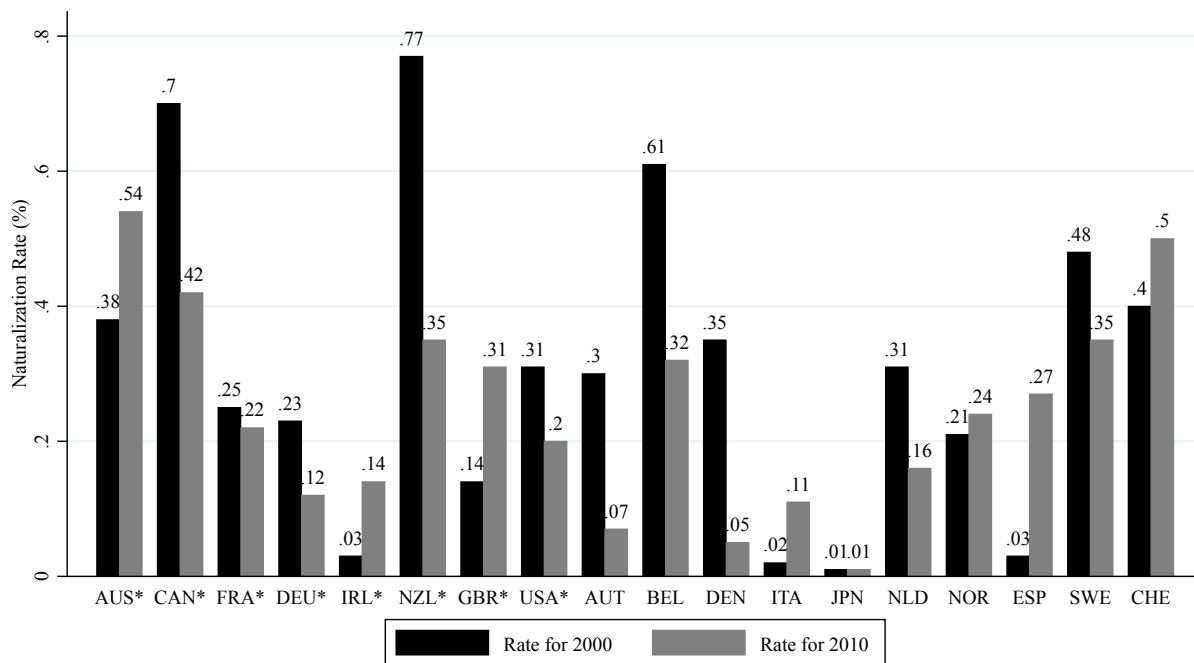
<sup>49</sup> Stephen Castles and Alastair Davidson (eds), *Citizenship and Migration: Globalization and the Politics of Belonging* (New York: Routledge, 2000): pp. 95.

<sup>50</sup> The 1961 Convention on the Reduction of Statelessness, based on the 1954 Convention on Status of Stateless Persons, promotes countries to grant citizenship to stateless children. Yet, this only happens when children fails to obtain origin country's nationality.

<Figure 2.2> Acquisition of Citizenship

		<i>Jus Domicilis</i>	
		Not Allowed	Allowed
Citizenship Law	<i>Jus Soli</i>	I Children of immigrant parents are guaranteed to obtain citizenship	II Immigrant parents can also obtain citizenship while their children are guaranteed to receive it
	<i>Jus Sanguinis</i>	III None of immigrants can obtain citizenship	IV Naturalization of immigrant parents is the only way children can obtain citizenship

<Figure 2.3> Naturalization Rate



Notes: *Jus soli* countries are marked with (\*).

Data: Total numbers of naturalized people per country are obtained from OECD International Migration Database. These values are divided by total populations, which are from United Nations Population Division.

under *jus soli* rule can obtain a citizenship regardless of whether their parents have succeeded in naturalization. On the other, those under *jus sanguinis* rule can automatically gain a citizenship *only when* their parents have naturalized prior to their births. The implication is that introduction of *jus domicilis* opens a new avenue for migrants to obtain a full membership to the host society. Indeed, many scholars note that feasibility of automatic application of *jus soli* and difficulty of naturalization process are key features in identifying types of citizenship law regime.<sup>51</sup> Yet, the traditional distinction is still salient in practice, because *jus soli* rule exponentially enlarges the size of a number of new citizens while the legacy of the citizenship law tends to stay for a considerable amount of time.<sup>52</sup>

<Figure 2.3> presents naturalization rates for the years of 2000 and 2010. The noticeable trend is that there is a general decline in this rate, and this is probably due to the Global Recession of 2008/9. Despite some noises, the data yields that *jus soli* countries held average naturalization rate of .35 percent in 2000, and it reduced to .29 percent in 2010. In *jus sanguinis* countries, the average rate was .27 and .21 percent in respective years. Although it seems that *jus soli* countries generally hold a higher naturalization rate; however, the difference is extremely minimal (.08 percent difference for both years). Thus, we can cautiously claim that the naturalization is almost identical regardless of citizenship laws. In this sense, it seems natural to expect that a number of migrants, who obtain the host country's nationality, would be much greater in *jus soli* countries, because newly born children will have an access to an automatic citizenship while naturalization processes in both citizenship regime provide the similar amount of nationality. Overall, it seems the traditional dichotomous measure on citizenship law makes a difference, and thus, it is justifiable to rely on this classification.

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<sup>51</sup> Howard (2006); Waldrauch (2006); Weil (2001).

<sup>52</sup> Brubaker (1989); Castles and Miller (2003).

## 2.2. Combining Migration Policies and Citizenship Laws

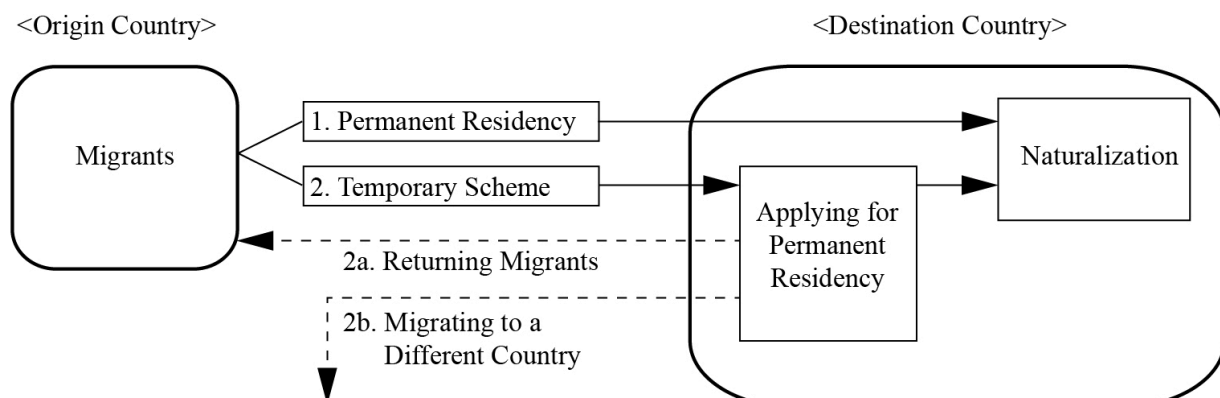
So far, I have overviewed components of migration policies and citizenship laws. From a migrant's perspective, migration policies, coupled with citizenship law, of a potential destination country yield distinctive calculations and possibilities in pursuing the most desired outcome.

<Figure 2.4> provides a comprehensive synopsis on potential options migrants can adopt. One can consider migrate into another country via permanent or temporary route. If he/she enters the new country by applying for a permanent residency visa, an indefinite duration of stay would be guaranteed, although application for naturalization will be required in order to obtain a complete acquisition of full rights. On the other, if one hopes to migrate under a temporary scheme, he/she can stay in the host country for a defined amount of duration depending on a respective visa type. When the visa reaches to its expiration, he/she can decide either to return to home country (2a), to migrate to another country (2b), to extend the existing temporary visa (staying as a temporary migrant), or to apply for permanent residency if all qualifications are met. In order for him/her to obtain a citizenship, it is necessary to stay for a set amount of time as a permanent migrant, fulfilling required qualifications for naturalization.

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<Figure 2.4> From Migration To Naturalization

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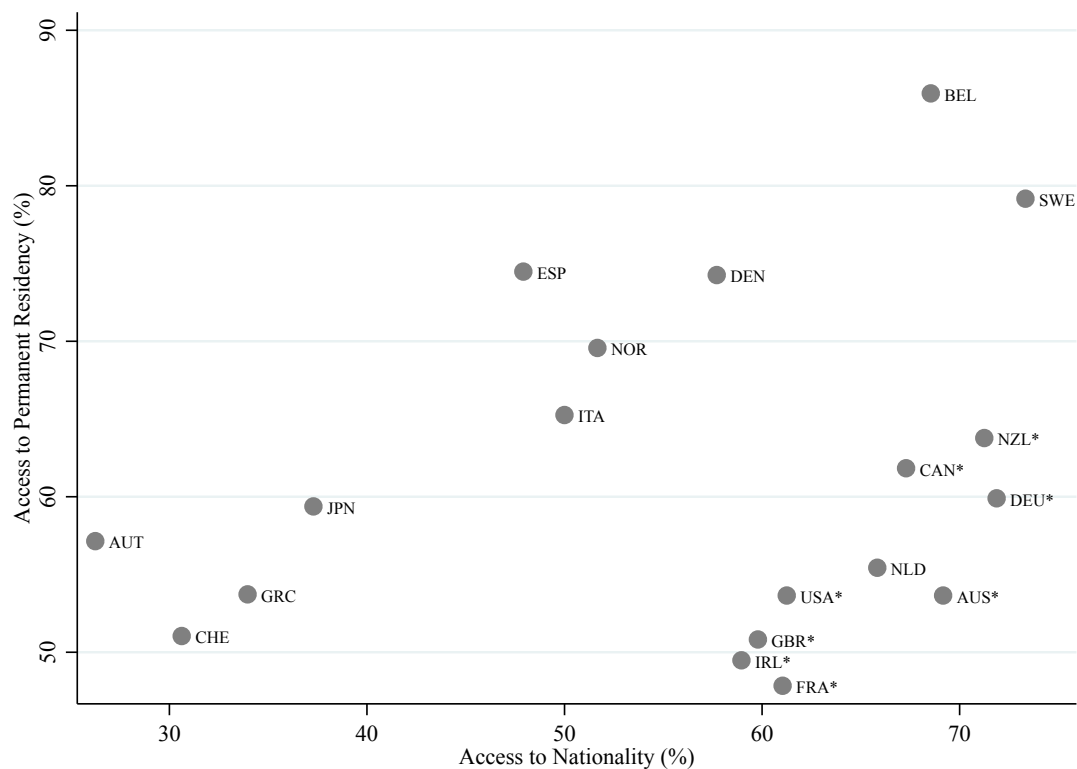


The implication is that it demands a much longer time span for naturalization when one begins his/her stay as a temporary migrant. Meanwhile, not all the countries allow for direct entry as a permanent resident unless applicants are family members of natives (family reunification) or refugees (humanitarian scheme). Thus, even if some people wish to permanently emigrate from own country, the only available method for them could be starting with a temporary route. This reality sheds light on further connection between migration policies and citizenship laws – degree of openness on access to permanent residency status and ease in naturalization. This comparison is essential, because the combination of the two would certainly influence potential migrants' calculation when selecting their destination. <Figure 2.5> depicts

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<Figure 2.5> Access to Permanent Residency Status and Naturalization

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Note: Jus soli countries are marked with (\*).  
 Data: Migration Integration Policy Index (2015).

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these dimensions. What is conceivable is that *jus soli* countries hold relatively generous access to naturalization (*jus domicilis*), although they are more restrictive against granting permanent residency status. In contrast, *jus sanguinis* countries reveal more various combinations of the two spectrums, although many of them appear to allow for more open access to permanent residency status. Only Belgium, Denmark, and Sweden mark higher index scores for both accesses to permanent residency and naturalization compared to *jus soli* countries. Because migration policies and citizenship laws are closely interlinked, it is essential to contemplate the causal relationship between the two.

## **2.3. Conceptual Clarification**

### *2.3.1. Citizenship Laws and Integration Policies*

In examining the relationship between migration policies and citizenship laws, many scholars treat citizenship law as a part of integration policies. In case of *jus soli* versus *jus sanguinis* regimes, whether migrants' children can automatically obtain a host country's nationality can be interpreted as one measure to gauge whether a country is incorporative. In addition, whether a country holds relaxed or restrictive naturalization criteria can also function as one indicator to estimate a country's willingness to fully include migrants into own society. Because a degree of openness arising from citizenship law changes potential inclusiveness of migrants, it could be sub-categorized under integration policies on migrants.

In reality, many policy indices include citizenship law as a part of integration policies but under different scopes and treatments. For instance, Fitzgerald et al. (2014) simultaneously include a dichotomous measure on citizenship based on rules for acquisition (by soil or blood) and various measures on rights obtained after acquiring citizenship via naturalization. The Legal



Obstacles to Integration (LOI) and Migration Integration Policy Index (MIPEX) more focus on conditions for obtaining permanent residence and settlement as well as material conditions. The noticeable trend arising from those various indices is that factors included in them frequently overlap; however, they are differentiated or paired in dissimilar manners. Goodman (2015) claims that this result is due to conceptual ambiguity, which partly emerges from the interdisciplinary nature of the citizenship and migration subfield.<sup>53</sup> For instance, Fitzgerald et al.'s (2014) dataset follows political science approach in defining citizenship as a legal category whereas MIPEX is constructed based upon sociologist definition of citizenship as a series of rights. What is common in the both approaches is that they treat citizenship is one type of integration (legal and social), and heavily interlinked to other types of integration policies.

While acknowledging this interrelationship between migration policies and citizenship laws; however, I perceive these two institutions independent of each other. As demonstrated in the previous section, entering into a country as a permanent or temporary migrant is subject to migration policies, and gaining nationality of the host country is subject to citizenship law. Although openness of access to naturalization may incentivize people to move into the country, it is conceptually and theoretically not desirable to mingle citizenship law and migration policy together, mainly because citizenship law has a longer legacy compared to migration policy. In other words, citizenship law becomes stickier once it becomes constructed since it hardly alters since its inception. Compared to stickiness of this law, migration policy is more malleable and flexible according to economic, social, or demographic changes. Thus, it logically makes more sense to assume that citizenship laws have more consistent and durable characteristics while migration policies more function as an adjudicating mechanism to meet temporal and contextual

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<sup>53</sup> Sara Wallace Goodman, "Conceptualizing and Measuring Citizenship and Integration Policy: Past Lessons and New Approaches," *Comparative Political Studies* 48, no. 14 (2015): pp. 1915.

needs from migrants. After all, as Goodman (2015) claims, integration, citizenship, and immigration policies all make members or “insiders” out of immigrants, but through very different procedures and policies.<sup>54</sup>

### 2.3.2. *Migration History and Citizenship Law*

Focusing on *jus soli* and *jus sanguinis* distinction may lead to concerns, largely on the relationship between the citizenship law and countries’ migration history. By tracing countries’ migration histories, scholars tend to distinguish countries into three subsets: English-speaking settler states (Australia, Canada, New Zealand, and the United States), most of Western European countries (Belgium, France, Germany, the Netherlands, Sweden, Switzerland, and the United Kingdom), and traditionally sending European countries (Greece, Italy, and Spain). For instance, Freeman (1995) claims that those British settler countries tend to enact more expansionary and inclusive migration policies compared to the Western European countries, because the latter group of countries have only experienced an influx of migrants after the World War II. In addition, the initially sending European countries have begun facing the greatest pressures only in recent migration policymaking since they had never experienced it previously. He posits that settler countries with British origin reveal more favorable attitude toward migrants (of both the general public and politicians) among the three, because there is a rich historical memory to draw upon that places new immigration in a positive context.<sup>55</sup>

If following this categorization across countries, one may question whether citizenship law is truly a justifiable variable in understanding migration policy outcomes. In other words, some may claim that it is not the citizenship law, which brings about differences in migration

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<sup>54</sup> Goodman (2015): pp. 1907.

<sup>55</sup> Gary P. Freeman, “Modes of Immigration Politics in Liberal Democratic States,” *The International Migration Review* 29, no. 4 (1995): pp. 887.

policymaking, but instead, it is a migration history, which shapes countries' citizenship law. Indeed, English-speaking settler countries all abide to *jus soli* principle, because British parliament was sovereign until repatriation, and inviting immigrants was a vital method to sustain their population since the birth/independence of their countries. Thus, if it were a case that those countries have done so since they are immigrant countries, there emerges endogeneity problem in connecting citizenship laws to migration policies.

This almost overlapping categorization based on citizenship law and migration history can be interpreted in two ways. First, I do not argue that “*jus soli*” countries and “British settler countries” are completely independent from each other. In fact, the United States has adopted its birthright citizenship law, simply because British law was based on soil. Thus, many *jus soli* countries are outcomes from British settlement. Based on this understanding, when I claim “*jus soli*” principle, I refer to countries that have a relatively long history of migrants assimilated/integrated into host countries.

Second, more importantly, I still believe that immigration history (or a path dependent effect arising from British settlement) cannot function as a sole explanatory variable in understanding countries' migration policies especially in the postwar era. In other words, while it may be correct that settler countries have experienced longer migration history, this cannot be a direct mechanism in reducing prejudice that the general public and politicians hold, because these countries held extremely discriminatory migration policies, prioritizing British (or other Western European) migrants until the beginning of the 1970s.

In case of Canada, for instance, before the enactment of non-discriminatory admission policy in 1962, its immigration policy had been extremely discriminatory (e.g., the Immigration Acts of 1910, 191, and 1952, and the Chinese Immigration Act of 1923). This new policy

reflected a necessity to increase the skill level of the labor market along with economic and industrial development. Even after introduction of the non-discriminatory admission policy; however, Canadian migration policies were heavily biased toward young French and English speakers until the beginning of the 1970s. It finally gradually began reducing the size of European migrants since then, and the enactment of the Immigration Act of 1976 officially announced Canada to be a destination for migrants from all countries. Like Canada, Australia also held a racially discriminatory immigration stance until the early 1970s. Prior to this period, its policies were dictated by the “White Australia Policy,” which focused on inviting British subjects (i.e., The Immigration Restriction Act 1901, the Naturalization Act 1903, the Nationality Act 1920, and Empire Settlement Act 1922). It was only after 1972 when a non-racially based immigration policy was introduced under ratification of the International Convention for the Elimination of All Forms of Racial Discrimination.

In this sense, although settler countries increased their population size by admitting more migrants, the selected strategy was via homogenizing racial, cultural, and linguistic traits between migrants and natives. And thus, it is difficult to imagine if there was a stark difference between demographic compositions or changes between settler countries and Western European countries until the post-war era. Furthermore, the settler countries have majorly started incorporating migrants with more diverse backgrounds since the early 1970s while many Western European countries adopted guest worker systems since the late 1960s. Since these time periods when those countries began facing more multiethnic or multicultural stock of migrants overlap, it seems unsatisfactory to simply rely on migration history as a driving force in explaining cross-nationally dissimilar migration policies in a contemporary era.

### CHAPTER 3. THEORY

This paper argues that citizenship law sets a fundamental frame for migration policymaking. My causal mechanism sheds light on actors, who are capable of maneuvering in the policy enactment. This agency-based approach leads to two main actors: 1) the politicians in executive and legislative branches and 2) the median voters. The former group of actors is obviously and strongly linked to migration policy outcome, because they are the ones, who make final decisions on directions and enactments of policies. Accordingly, it is natural to assume that their preferences and calculations are reflected in these policies. Along with the same line, the median voters, or can be also called as the general public, arise as another significant group of actors, because their interests cannot be completely ignored by executives or legislatures, especially in democratic setting. By focusing on these two groups of actors, this chapter lays out three main hypotheses. The first two focus on how the citizenship law influences the two main actors' incentives or attitudes toward migrants, independent of national economic performance. In a way, these hypotheses function as a causal mechanism that lays out how actors' preferences are formulated when the economy is sound. After examining these two contentions, I turn to my final hypothesis, which scrutinizes impact of macroeconomic downturns on migration policymaking.

Specifically, these hypotheses can be summarized as follows;

Hypothesis 1. Natives in liberal citizenship law regime (in this case, *jus soli* countries) will feel less threatened by migrants.

Hypothesis 2. Politicians in liberal citizenship law regime (*jus soli*) prefer to enact more generous migration policies, especially on entry, due to a higher probability that migrants' votes count.

Hypothesis 3. Macroeconomic downturns cause countries to be more restrictive against migrants' entry. Yet, this tendency would be stronger in restrictive citizenship law regime (in this case, *jus sanguinis* countries).

### **3.1. Citizenship Law Affects Public Attitude toward Migrants**

Because citizenship law is the basic component in identifying in which society individuals belong to, it naturally influences how natives view migrants (or foreigners). Almost all the countries adopt permanent and temporary routes simultaneously when they allow migrants' entries. Thus, it may be possible that one country involves a larger stock of permanent migrants with a smaller amount of temporary ones. Or another country may include a small amount of permanent migrants while a larger share of temporary ones, in such a case, perhaps heavily relying on recruiting migrants via temporary scheme. Regardless of these divergent combinations of the two routes on entry and duration, it seems that native people, especially in recent era, are exposed to ethnically, linguistically, religiously or culturally dissimilar types of population.<sup>56</sup> Still, natives in destination countries seem to reveal different attitudes toward migrants.

This section is dedicated in examining the first hypothesis; why there is a noticeable cross-country difference on public attitude toward migrants. And it demonstrates that it is the citizenship law that fundamentally shapes people's opinion toward migrants. An individual

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<sup>56</sup> Indeed, UN (2002) reports that by the beginning of the 21 century, close to 200 million individuals lived as migrants outside their home countries, This is a significant increase compared 154 million in 1990. The indication is that nearly one in ten residents of advanced industrialized states was an immigrant, and this number is expected to have substantially increased by 2015.

perception is certainly related to individual-level factors, such as level of educational attainment, income level, or a number of migrant friends.<sup>57</sup> Although I admit significance of these factors, they fail, in my view, to provide a sufficient answer on why we observe different degrees of aggregated public tolerance toward migrants among democratic destination countries, which tend to hold relatively similar levels of educational attainment, economic achievement, inequality, and multicultural environment.<sup>58</sup> By focusing on contact hypothesis as a main mechanism, I claim that *jus soli law tends to induce more positive feelings toward migrants, compared to jus sanguinis law*. First, I assume that it can be fundamentally difficult to realize a positive relationship between natives and migrants regardless of citizenship law natives are embedded into. I then examine why natives in *jus soli* countries still have a higher probability to formulate a less hostile attitude toward migrants.

### 3.1.1. Cross-National Anti-Migrant Sentiment

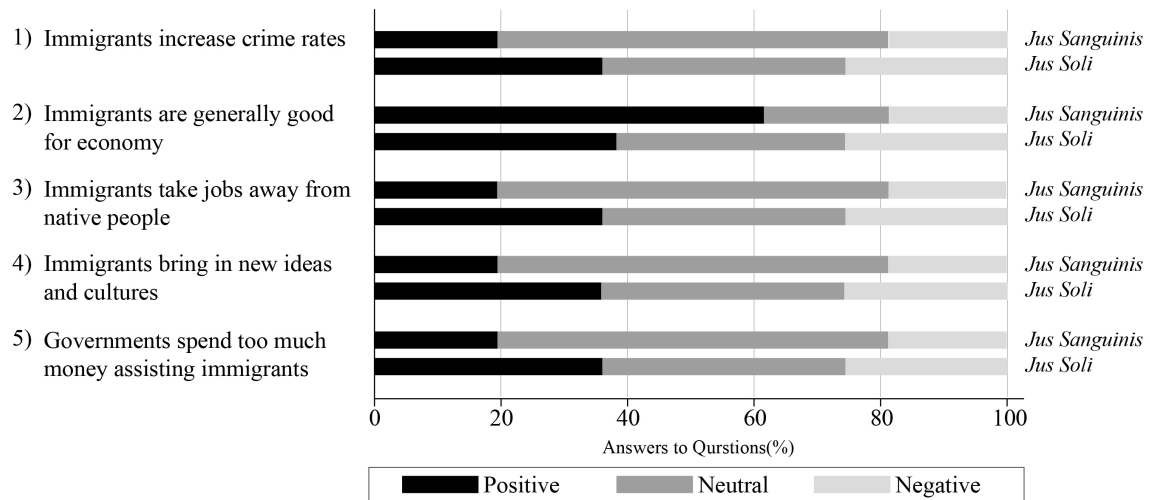
In order to study different levels of public tolerance on migrants, the first necessary step is to visually observe whether this cross-national gap is actually salient. <Figure 3.1> is generated based on survey data mainly across OECD countries by International Social Survey Program (ISSP) for the year of 2003. The survey asks five specific questionnaires in regards to respondents' images on migrants. I have separated the data into *jus soli* and *jus sanguinis* categories, and constructed graphs by averaging values taken from the responses. For the sake of convenience, I have classified these responses into three categories: positive, neutral, and

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<sup>57</sup> Hainmueller and Hiscox (2007): pp. 430.

<sup>58</sup> Additionally, there are many scholars, who discredit significance of individual level factors in formulating their perceptions toward migrants. See Citrin et al. (1997) on this direct empirical test and Mansfield and Mutz (2009) on the logic of sociotropic view.

<Figure 3.1> Public Attitudes on Immigrants (2003)



Notes:

*Jus soli* countries: Australia, Canada, France, Germany, Ireland, New Zealand, UK, US  
(8 countries included, composing 10070 observations)

*Jus sanguinis* countries: Austria, Denmark, Finland, Japan, Netherlands, Norway, Portugal, Spain, Sweden, Switzerland (10 countries included, composing 12547 observations)

Responses are recoded into three categories: positive, neutral, and negative. Regardless of nuance or direction of the questionnaire, if respondents have answered positively about immigrants, I have put them into “positive” category.

Data: ISSP Research Group, International Social Survey Program: National Identity II-ISSP 2003 Data Archive, Cologne (2012).

negative. Regardless of nuance or direction of the questionnaire, if respondents have answered positively about immigrants, I have grouped them into “positive” response. Thus, just comparing “positive” (or “negative”) portions altogether, we can easily grasp how different people’s images are on immigrants depending on their citizenship rule. For most of questions, respondents in *jus soli* tend to answer more positively toward migrants. In other words, factors, such as security, employment concern, national homogeneity, or government assistance, seem to generate greater anxiety in *jus sanguinis* countries. Migrants’ economic contribution appears to be the only category that induces positive attitude among people in *jus sanguinis* law. This result may be an



indicative that natives in this regime tend to view migrants merely as economic substitutes. Nonetheless, although viewing differences for one single year only yields a partial snapshot at best, a dissimilar degree of favoritism toward migrants depending on citizenship regime is noticeable – natives in *jus soli* regime hold a stronger affinity.<sup>59</sup>

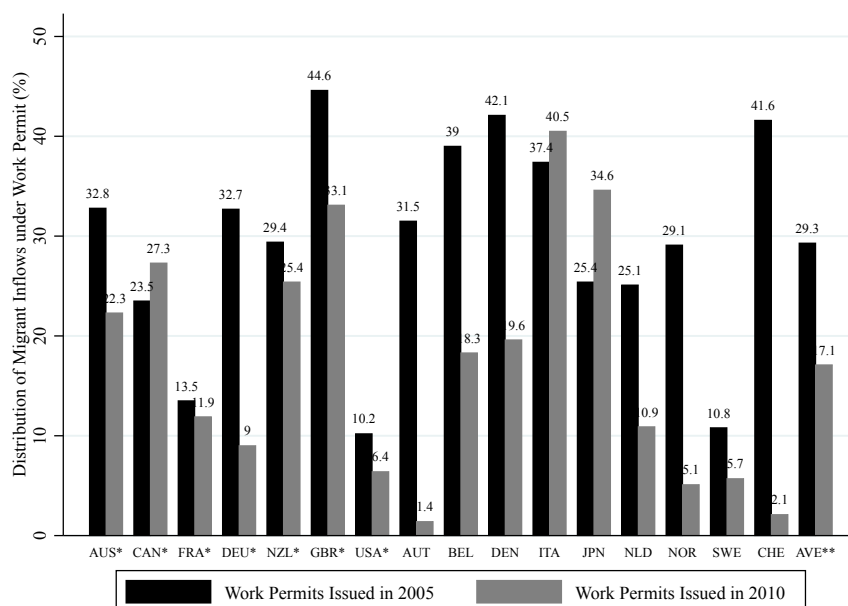
This observation begs further examination on migrants residing in each host country, because public perception toward migrants emerges based on multifaceted factors. Even when holding individual traits of natives, such as income or education level, constant, their amalgamated viewpoints toward migrants are constructed based upon what type of migrants they most frequently perceive or how their governments frame migration issues. In this sense, it is necessary to cross-nationally compare migrants' characteristics, which are closely linked to questions asked in the ISSP survey.

***Materialistic Dimension*** When the five migration-related questions in ISSP survey are compared, it is noticeable that the questions tackle different traits of migrants. For instance, Q2 (Immigrants are generally good for economy), Q3 (Immigrants take jobs away from native people), and Q5 (Governments spend too much money assisting immigrants) stress economic dimension that migrants bring about to the society. Q2 asks whether immigrants actually contribute to overall economy while Q3 is more concerned about their effect on domestic labor market. In the meantime, Q5 is more concerned about fiscal consequences. Here, respondents become highly sensitive about *whether migrants legally and properly work in a non-threatening manner*. In other words, whether migrants enter a country with a purpose of employment and whether they actually pursue their jobs after their entry become important concerns. Also, these

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<sup>59</sup> Only one economic question (“Immigrants are generally good for economy”) shows more positive answers from people in *jus sanguinis* regime while they are more scared of job competition or substitution by immigrants (another economic question: “Immigrants take jobs away from native people”). This may imply that natives in *jus sanguinis* countries view immigrants from more economic standpoint, instead of integration or human rights one.

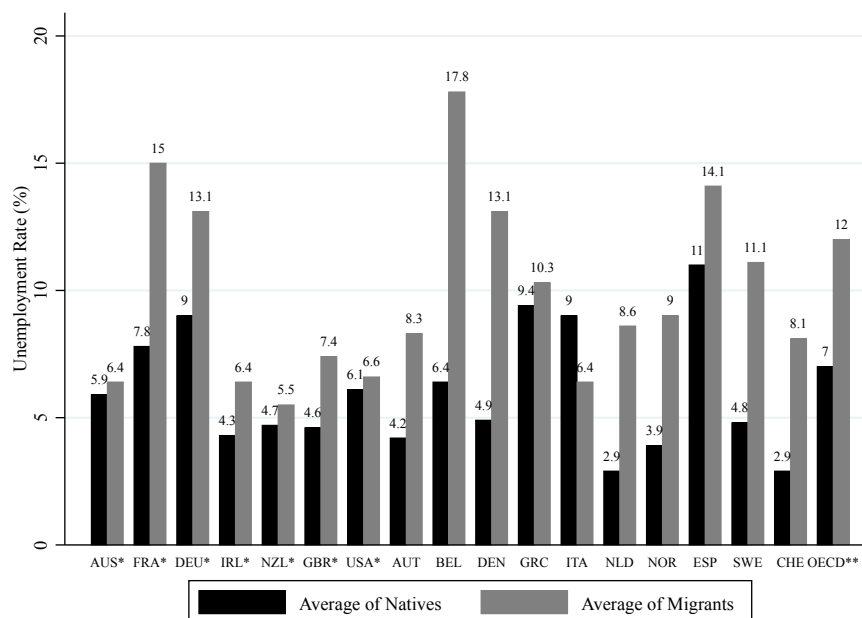
<Figure 3.2> Ratio of Incoming Migrants under Work Permit for 2005 and 2010



Notes: *Jus soli* countries are marked with (\*). Average of values is marked with (\*\*).

Data: OECD International Migration Outlook Reports for 2006 and 2012.

<Figure 3.3> Unemployment Rates for Natives and Migrants (2003)



Notes: *Jus soli* countries are marked with (\*). Average of values is marked with (\*\*).

Data: OECD International Migration Database.

features are interlinked with the probability that they may free-ride public goods, which would increase overall fiscal burden (Q5). Whether migrants pose a threat to natives' jobs becomes an additional factor that influences responses especially toward Q3.

<Figure 3.2> shows percentage of migrants entering each country with work permit while <Figure 3.3> depicts unemployment rate differential between natives and migrants. On overall average, approximately 29 percent of migrants entered those countries under this status in 2005 while the volume shrank to 7 percent in 2010. If the year of 2005 is more closely examined (since the ISSP survey took place in 2003), the data describes that 26.7 percent of migrants were under the permit in *jus soli* countries while 31.3 percent were so in *jus sanguinis* countries. Meanwhile, the latter figure illustrates a general tendency of migrants experiencing a higher unemployment rate compared to natives do. On average, migrant unemployment rate was 12 percent and natives held 6.8 percent in *jus soli* countries, while *jus sanguinis* countries recorded 8.32 percent for migrants and 5.42 percent for natives in 2003.

In general, it seems that majority of migrants arrive in those destination countries with a purpose outside of employment, and that they also tend to have a higher unemployment rate. These factors certainly construct individual natives' perceptions toward migrants. What is the most surprising to observe is that respondents in *jus sanguinis* regime are statistically supposed to reveal more positive migrant sentiment since the rate of migrants holding work permit is 4.6 percent higher and rate of migrant unemployment rate is 3.68 percent lower under this principle. Perhaps, this is the reason that Q2 records more positive response from respondents in this regime. Still, considering the overall responses toward migrants across the three questions are much more positive in *jus soli* countries, these two measures do not seem to carry out much meaningful explanatory capabilities.

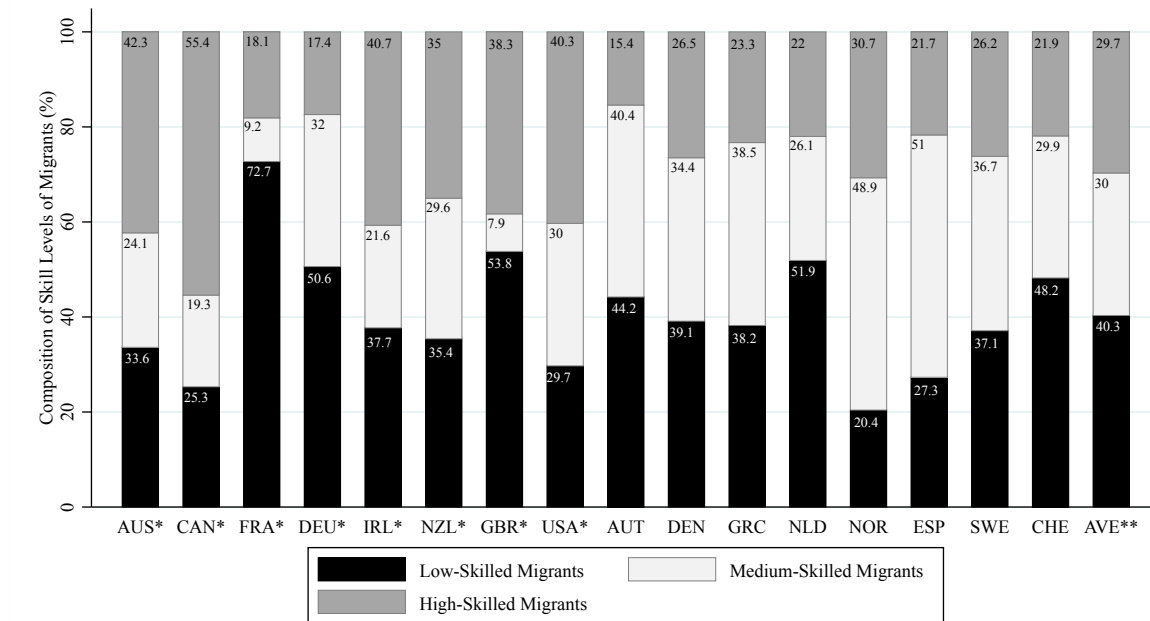
When it comes to migrants' effect on domestic labor market, natives become sensitive, if there is a possibility that migrants would replace their jobs (a threat of job substitution). What type of natives would be most negatively affected has been one of the most researched topics; however, the results are mixed. One predominant approach has been based on factor endowment model, and argues that high skilled workers will migrate from skill-abundant to low skilled labor-abundant countries, and vice versa, and hence, migration hurts low skilled workers in rich countries but benefit the high skilled there (the opposite scenario emerges in poor or labor-abundant countries).<sup>60</sup> Most of democratic destination countries are capital-abundant since they possess relatively high education level as well as advanced economies. In this sense, they theoretically attract more low skilled migrants, and this hurts low skilled natives. Indeed, Jaeger (1995) finds that migration more severely depresses the real wages of natives, who are high school dropouts, and that it can account for up to 24 percent of the increase in the college-high school wage differential (in rich countries). Thus, it seems that a stock of low skilled migrants would critically exacerbate natives' perception toward migrants, especially among low skilled natives.

<Figure 3.4> illustrates average skill levels of migrants through 2000 to 2005. At glance, roughly 30 percent of migrants seems to be high skilled while the rest is either medium or low skilled. Moreover, 35.94 percent of them are high skilled and 42.35 percent to be low skilled in *jus soli* countries while *jus sanguinis* countries mark 23.46 percent for high skilled and 38.3 percent for low skilled migrants. Simply put, *jus soli* countries seem to hold more high skilled migrants by 12.48 percent while they also hold more low skilled ones by 4.05 percent. Despite a small difference, natives in *jus soli* countries appear to involve a greater number of high skilled

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<sup>60</sup> For further details, please refer to O'Rourke and Sinnott (2006: pp. 840).

<Figure 3.4> Skill Levels of Migrants Through 2000 to 2005



Notes: *Jus soli* countries are marked with (\*). Average of values is marked with (\*\*).

Data: Herbert Brücker, Stella Capuano, and Abdeslam Marfouk, *Education, Gender and International Migration: Insights from a Panel-Dataset 1980-2010* (2013).

migrants, and this may ameliorate anti-migrant sentiment. Yet, what needs to be taken into account is that high skilled natives are not necessarily indifferent about migrants all the time. Peterson, Pandya, and Leblang's (2014) research on occupational licensing finds that even high skilled natives become sensitive about high skilled migrants when the latter are admitted to the same industries. Thus, skill level of migrants does not clearly explain the difference emerging between the two citizenship regimes, because the difference is too small, and potential implications are mixed.

So far, the visa types, unemployment rates, and skill levels of migrants are compared in relation to their effects on overall economic consequences and labor market. Simultaneously, these factors also influence natives' calculation and expectation on perceivable fiscal costs incurred by migrants (reflected in Q5). For instance, if a large size of migrants enters a country

via family reunion or accompanying family routes, this may increase migrants' overall usage of public systems, such as health care or education system. If migrants under work permit reveal a high unemployment rate, this threatens natives since they may exhaust government funds on unemployment compensation. Hence, whether the country grants welfare access to migrants (and the degree of availability) becomes essential in deliberating the relationship between the migrant fiscal reliance on public anti-migrant sentiment. If migrants do not have much access to welfare state, this type of tension among natives would be less visible. On the contrary, if they have a full access, natives have a greater reason to be sensitive about them.

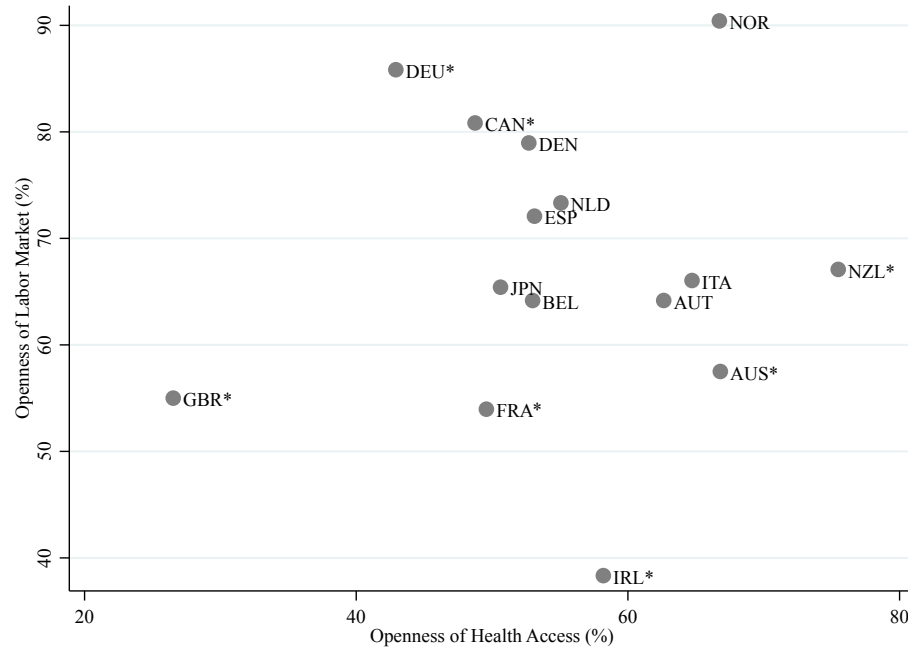
<Figure 3.5> compares two types of rights that migrants can obtain: labor market mobility and health care based on MIPEx scores. The first index is based on whether migrants enjoy free access to labor market as well as whether they are granted workers' rights equivalent to those attached to native workers (i.e., membership in trade unions or access to social security). The second index captures whether they have free access to health care system. The cross-country comparison indicates that *jus soli* countries grant employment-based rights by 62.4 percent while *jus sanguinis* countries do by 73.1 percent. Moreover, the former countries liberalize health access by 55.7 percent, and the latter ones by 59 percent. In general, *jus sanguinis* countries grant more liberal welfare access to migrants in the both dimensions, although the difference is less than 10 percent.

***Non-Materialistic Dimension*** Overall, a cross-national comparison of economic variables, which may influence public attitude toward migrants (Q2, Q3, and Q5 in the ISSP survey), seem to be less correlated with cross-citizenship law difference. At best, *jus sanguinis* countries involve less skilled migrants while granting more rights, although they experience less unemployed migrants while admitting more labor migrants. Thus, now I turn to non-materialistic

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<Figure 3.5> Welfare Access Granted for Migrants Through 2004 to 2014

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Notes: *Jus soli* countries are marked with (\*).  
 Data: Migration Integration Policy Index (2015).

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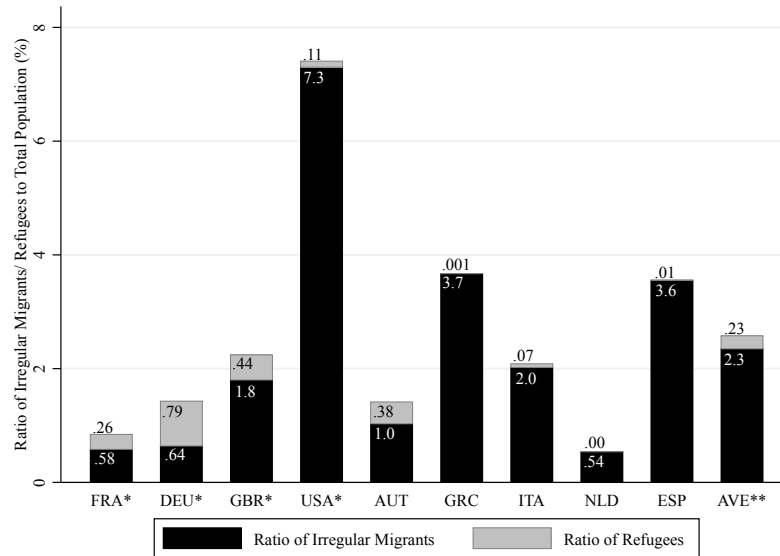
factors, which may hold an effect on public migrant sentiment. These aspects are tightly interrelated to the rest of questions in the ISSP survey: Q1 (Immigrants increase crime rates) and Q4 (Immigrants bring in new ideas and cultures). They both ask on overall image respondents hold toward migrants using opposite framings; Q1 induces negative connotation while Q4 stimulates positive image. Still, those in *jus soli* principle reveal a positive attitude in both questions. Of course, economic factors play a certain role here. Yet, general image on migrants also emerge from other factors that stimulate people's senses, such as preservation of national culture or protection of national security.

Here, I largely rely on two features of migrants: 1) a number of irregular migrants and refugees, and 2) migrants' physical appearances, which may directly stimulate people's sense of nationalism or ethnocentrism. A number of irregular migrants or refugees fuels a feeling of threat, not only because they are believed to distort a minimum wage while free-riding welfare system, but mostly because they are regarded as ones that have unlawfully or unintentionally entered natives' own territory (security concerns). Furthermore, what type of migrant composition a country has becomes extremely important. For instance, if migrants share the similar ethnicity (or appearance), natives may not even notice that they are migrants or they would at least feel more familiarity. These factors are not economy-related, but touches on deeper psychological or sociological identities people rest on.

<Figure 3.6> presents an average size of irregular migrants and refugees in 2005 and 2010. What is noticeable is that a stock of refugees does not seem to compose a considerable part in overall population. Even the number of irregular migrants comprises of 7.3 percent as the highest (the United States) and 2.3 percent on average. These migrants do not seem to generate a plausible explanation for *jus soli-jus sanguinis* difference on public opinion toward migrants, because 1) the values of each country do not divert significantly from the average, and 2) the largest stock of irregular migrants exist in the US, which falls into *jus soli* classification, revealing less hostile attitude against migrants. In <Figure 3.7>, I have composed skin tone distance between natives of destination countries and migrants from top five origin countries based on skin coloration index, introduced by Jablonski and Chaplin (2000). The result yields that overall migrants are 9.36 percent different from natives' skin tone in *jus soli* countries while 6.54 percent different in *jus sanguinis* countries. The general tendency is that migrants are



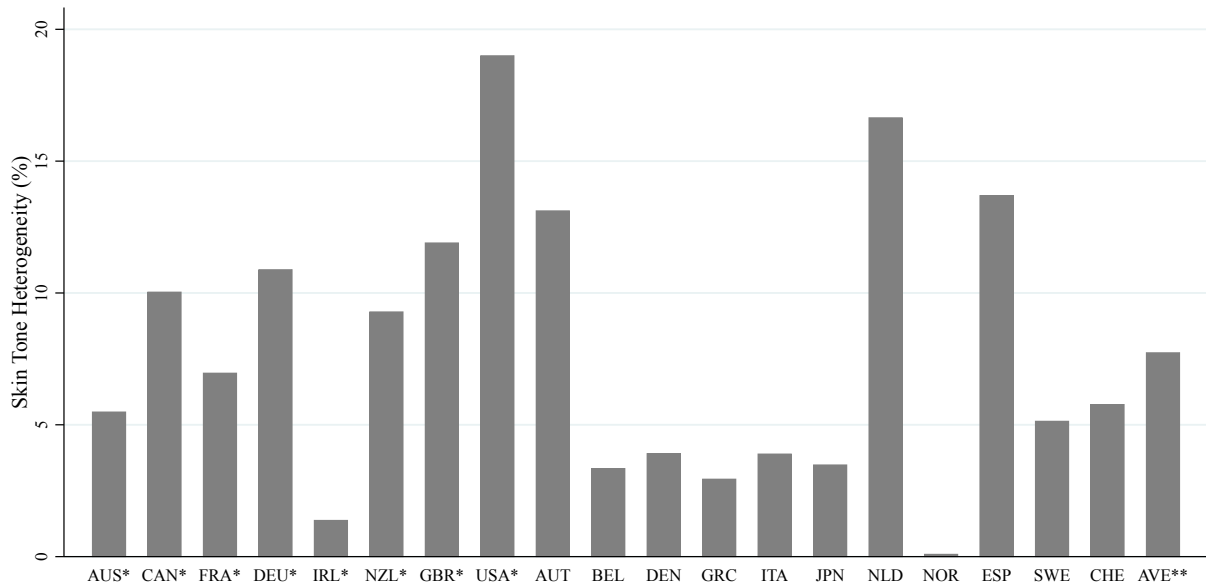
<Figure 3.6> Average Number of Irregular Migrants and Refugees between 2005 and 2010



Notes: *Jus soli* countries are marked with (\*). Average of values is marked with (\*\*).

Data: United Nations High Commissioner for Refugees (UNHCR), United Nations Population Division, and CLANDESTINO (Database on Irregular Migration, 2012).

<Figure 3.7> Average Skin Tone of Migrants (2014)



Notes: *Jus soli* countries are marked with (\*). Average of values is marked with (\*\*).

Data: UN Population Division Migration Section, "Migration Profiles Common Set of Indicators."

Nina G. Jablonski and George Chaplin, "The Evolution of Human Skin Coloration," *Journal of Human Evolution* 39, (2000): pp. 57-106.

selected into countries that hold similar appearance, although this trend seems to be slightly stronger under *jus sanguinis* principle.

In sum, the comparisons of economic and non-economic variables based on citizenship laws do not yield a significant or interesting explanation as in why we observe the clear difference in natives' perceptions by *jus soli* and *jus sanguinis* principles. While acknowledging significance of those factors in shaping individuals' attitude toward migrant groups, it therefore requires further scrutiny on deeper root cause. Thus, the next section focuses on contact hypothesis in order to tackle fundamental effects citizenship law yields on people's identity formation.

### 3.1.2. Contact Hypothesis

The difference across citizenship rule can be best explained by sociological and psychological studies on intergroup contact hypothesis. Hence, this section sheds light on origins and important findings under this scholarship. Allport (1954) claims that intergroup contact will lead to a favorable attitude toward initial out-group members due to decreasing prejudice and increasing familiarity. Since then, an in-depth examination on this contention has been carried out until today, and numerous findings seem to support this hypothesis.<sup>61</sup> These studies are based on different types of research, ranging from experiment to meta-analysis, and many of them claim that contact hypothesis is valid. Nonetheless, this argument is not free from its criticisms. Some scholars completely reject his hypothesis, and argue that frequent contact among different

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<sup>61</sup> Cook (1978, 1984); Davies, et al. (2011); Desforges et al. (1991); Deutsch and Collins, (1951); Dovidio et al. (1997); Escandell and Ceobanu, (2009); Fine (1979); Herek and Capitanio (1996); Hewstone and Greenland (2000); Luksyte and Avery (2010); Paluck and Green, (2009); Pettigrew, (2008); Pettigrew and Tropp (2006); Stephan, Ybarra, and Bachman, (1999); Voci and Hewstone, (2003).

groups will produce a greater conflict (intergroup hostility hypothesis).<sup>62</sup> Although both of the causal directions seem to be plausible, previous researches seem to predominantly support intergroup contact hypothesis.<sup>63</sup> Furthermore, we should not mistakenly understand contact hypothesis as a straightforward mechanism where a simple contact would automatically generate a positive intergroup relationship. In other words, this hypothesis requires varying aspects necessary in realizing positive contacts.

Within the scholarship on contact hypothesis, researchers are especially interested in two questions; 1) What constitutes contact? and 2) How do people generalize an impression obtained from one out-group member into that towards the overall out-group or towards other out-groups? These questions and previous researches carry out tremendous implications in understanding public sentiment toward migrants. Thus, the rest of this section summarizes noteworthy arguments found in regards to these two questions.

When advocates of contact hypothesis refer to “contact,” they mean a direct intergroup contact, which involves actual, face-to-face contact between members of different groups. Thus, they warn that we should not conflate a concept of contact and that of proximity or probability of contact. Obviously, a probability of actual intergroup contact enlarges as opportunities for contact increase.<sup>64</sup> But opportunities for contact are imperfect predictors of contact.<sup>65</sup> For instance, Hamilton and Bishop (1976) have studied how people reacted when Black and White families moved into their all-White neighborhood in the US. After three months, most people knew the last names of their new neighbors (both Blacks and Whites), but there was only minimal amount of interaction between the two groups. Here, they may have had a high chance

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<sup>62</sup> Binder et al. (2009); Levine and Campbell (1972); Sumner (1906).

<sup>63</sup> Based on their meta-analysis, Pettigrew and Tropp (2006) state that the contact-prejudice link is recursive, but the path from intergroup contact to prejudice reduction is stronger than the reverse causal link.

<sup>64</sup> Wagner, Hewstone, and Machleit (1989)

<sup>65</sup> Dixon and Durrheim (2003); Lancee and Dronkers (2010); Putnam (2007).

of direct physical contact; however, it did not frequently occur. In this sense, physical proximity merely means coexistence or diversity, instead of meaningful contact that would reduce prejudice toward the out-group. In this case, therefore, there was no meaningful contact, and therefore, there was no chance for the group members to generate familiarity toward each other.

In regards to generalization, many scholars point out the importance of intergroup salience as a causal mechanism that translates image obtained from one interpersonal contact into general attitude toward overall out-group. Wilder (1984) discusses that group salience is maintained by structuring contact to occur between individuals, who are sufficiently typical or representative of their groups. By encountering those common out-group members, in-group members perceive typicality of the out-group members, and generalize their perception based on their contacts. Indeed, Hewstone (1996) states that a necessary condition here is that the person needs to be a typical member of the group. If an out-group member is seen as anomaly from the prototype, then even though the contact experience with that person may be positive, it is likely that the out-group member will be subtyped, that is, treated as an exception, and the perceiver's attitude toward the out-group as a whole will remain unchanged. Furthermore, Brown and Hewstone (2005) also add that group salience, while crucial for generalization of contact effect, does not lead to positive contact effects in all settings. For example, when groups have a history of intergroup tension and animosity, group salience and perceived typicality of out-group members may lead to more prejudice against individual out-group members and their group as a whole. Vorauer and Sasaki (2011) also note that chronic group salience can have negative effects when combined with negative intergroup contact experiences.

Another important generalization effect scholars have paid attention is how intergroup contact with a primary out-group is translated into attitudes toward secondary out-groups outside

the contact situation. Pettigrew (2009) calls it the secondary transfer effect. Pettigrew and Tropp (2006) report a reliable negative relationship between contact with one out-group and prejudice toward secondary out-groups that were similar enough. Tausch et al. (2010) adds that attitude toward the primary out-group can function as the mediator of the relationship between positive contact with the primary out-group and reduced prejudice toward the secondary out-group. These findings, along with further necessary conditions that would be laid out in the next section, elucidate a root cause to vital difficulty in realizing a positive contact between natives and migrants, and how one migrant can generate a negative impression toward overall migrant stocks.

### *3.1.3. Fundamental Hardship in Forming Positive Migrant Sentiment*

The concepts and effects of “contact,” described in the previous section, can be summarized into following points; 1) Actual contact can be difficult to be realized, and the contact does not necessarily produce positive feelings or familiarity all the time, 2) One negative contact with an out-group member may generate a negative feeling toward the overall out-group (group salience), and 3) A negative contact with one out-group can spill over into impression toward other out-groups (secondary transfer effect). A relationship between natives and migrants can be understood as in-group and out-group members. Here, migrants most of times serve as out-group members, because they usually comprise of a small portion of total population in destination countries. Moreover, overall migrant stock can be distinguished based on various spectrums, such as cultural, ethnic, or linguistic groups, according to how natives draw a line between in-group and out-group. Depending on how they define sub-migrant groups, there is a possibility that impression deduced from one contact with a specific migrant (i.e., Chinese) can translate into the overall migrant group (i.e., Chinese migrant group), and further into divergent

migrant group (i.e., other Asian migrant groups), and eventually into overall migrants. Based on these potential scenarios, this section studies why it may be fundamentally difficult to realize a positive public migrant sentiment.

Here, I assume that natives hold a severe prejudice against migrants prior to actual contact. This is because, as iteratively mentioned, there generally exists a negative image on migrants due to their relatively higher poverty levels and deprived social statuses. For instance, Hooijer and Picot's (2015) research shows that although in the 27 European Union member states the poverty rate (Below 60 percent of median income) of natives was on average 15.3 percent in 2007, for non-EU27 born immigrants, this rate was 26.4 percent.<sup>66</sup> Meanwhile, Bartolucci (2014) finds that immigrants receive wages that are 13 percent lower than native workers in the same firm, and concludes that they are being discriminated against. Mekkodathil et al. (2016) also claim that incidence of fatal occupational injuries have increased in the migrant, foreign born and ethnic minority workers, although there is a generally decreasing trend. Due to migrants' income level and under-employment, it naturally breeds a negative public perception. Furthermore, this leads to a general impression that immigrants use disproportionately more social policy programs and contribute little to the revenue base as compared with natives.<sup>67</sup> These factors construct natives' general image on migrants even prior to the actual contact.

Furthermore, this prejudice against migrants can be interpreted based on a definition of migration, which suggests a direct entrance of foreign aliens, who most of times hold dissimilar backgrounds, into the territory of destination country. When we consider what constitutes a country, the three most significant components are: acquisition of territory, a sufficient amount of people residing there, and sharing of common ideology among the people. Because the

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<sup>66</sup> Gerda Hooijer and Georg Picot, "European Welfare States and Migration Poverty: The Institutional Determinants of Disadvantage," *Comparative Political Studies* 48, no. 14 (2015): pp. 1880.

<sup>67</sup> Gilens (1995, 1996); Luttmer (2001).

territory is an integral part constructing national identity, an observation on migrants residing in natives' territory would inevitably induce a sense of threat.<sup>68</sup> Furthermore, I assume that this threatening feeling among natives may translate into anti-migrant sentiment regardless of which part of the country they live in. The migrants tend to cluster into cosmopolitan or suburban areas due to greater economic opportunities (except for seasonal migrant workers for agricultural or forestry sectors). Thus, if we divide destination countries' territory into urban and rural, we would be more likely to observe that natives living in rural areas will have less opportunity for direct contacts with migrants, compared to those residing in urban areas. In such a case, people's view on migrants would be constructed based on their initial level of prejudice, which can function as a potential barrier to prejudice reduction, as Allport notes. Because there is no contact, there is no chance for them to reconsider their negative perceptions. Moreover, if their views on migrants were further stimulated by media outlets (i.e., news on irregular migrants or crimes carried out by migrants), they would hold even darker image against migrants.

In case of urban areas, even if there may be more migrants, this does not guarantee that natives will experience repetitive contacts with them. In this sense, migrant stock can be understood as a contributor to diversity, described in terms of people from different groups living in and cohabiting in the same society. Allport is particularly cautious about this possibility, because diversity without contact may result in negative outcomes. Stolle et al. (2008) also state that people, who live in diverse areas and regularly talk with their neighbors, reported higher levels of trust than those living in diverse areas, who speak only a little or not at all with their neighbors. These arguments suggest that the absence of intergroup contact in the face of

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<sup>68</sup> Many scholarships support people's attachment to territory in defining their national identity, such as sociobiological and evolutionary psychology literatures (i.e., Buss 1995; Valzelli, 1981, Vasquez, 1993), constructivist school of thought (i.e., Gottman, 1973; Hensel and Mitchell, 2005; Sack, 1986; Tir, 2006; Touval, 1972, Vasquez, 1993), or prospect theory (i.e., Berejikian, 2004; Jervis, 1992; Kahneman and Tversky, 1979). These fields point out people tend to be highly nationalistic and sensitive toward territorial issues.

diversity may have negative implications for intergroup relations and people's sense of generalized trust. For natives, living in a cosmopolitan area does not constitute a necessary or sufficient condition to get used to living with migrants, or holding positive image towards them. In fact, this environment may generate even more exacerbated hostility against migrants. Overall, it is extremely difficult for natives and migrants to even reach to a proper "contact," and this lack of contact would more likely worsen natives' view on migrants.

Even more pessimistic plausibility emerges when we consider generalization processes within and across migrant groups. When discussing public attitude toward migrants, we inevitably rely on individual perceptions, because the individuals are the ones that actually encounter migrants and generate their views. However, merely having migrant friends does not mean natives may hold a positive attitude toward overall migrants. In other words, a positive feeling toward one migrant does not necessarily or automatically translates into affinity toward overall migrant group(s). For instance, by having a migrant family as a neighborhood, repetitive contact with them may generate positive image toward that migrant group. However, due to news on unfortunate incidents caused by member of the same migrant group, the native may find the migrant family to be exceptional, and thus, fails to produce overall trust and reduced prejudice toward the migrant group as a whole. Another plausible scenario is that if the in-group member experiences a negative contact with that migrant family, he/she may generalize hostile feeling against that family into the overall migrant group.

Whether natives would generalize an image deduced from one migrant into a perception toward overall migrant group(s) is unclear. Yet, these potential situations hint that a formation process of positive migrant sentiment faces varying degrees of obstacles. Because of the close link between people's national identity and their territory, natives initially hold less warm



attitude toward migrants. Because it is difficult to even generate a “meaningful” contact between natives and migrants, the natives tend to continue holding onto their prejudice. Also, because of this initial hostility against migrants, even a positive contact with migrant members may not succeed in generating overall familiarity toward migrants, or the natives may translate their negative contact with migrant members into overall prejudice against the overall migrants. The fundamental effect, attached to territory, therefore, create an environment that impedes emergence of positive public attitude toward migrants.

#### *3.1.4. Allport's Four Conditions and Citizenship Law*

In this grim situation, citizenship law plays a significant role in increasing probability for a greater affinity among natives toward migrants. When proposing contact hypothesis, Allport has suggested four optimal conditions for this effect to be realized: 1) equal status between the groups in the situation, 2) acquisition of common goals, 3) intergroup cooperation, and 4) institutional support where the contact is legitimized. In regards to these conditions, Pettigrew and Tropp's (2006) meta-analysis confirms that contact situations that meet Allport's conditions result in greater prejudice reduction than those situations that do not. Meanwhile, they also claim that these conditions should be seen as facilitating rather than essential since positive (though diminished) contact effects exist even when these conditions are not met.<sup>69</sup> If we follow Pettigrew and Tropp's finding, it may seem too hasty to conclude that positive intergroup contact would not occur in *jus sanguinis* countries. However, I still assume that Allport's four conditions in conjunction with citizenship law carry out a crucial effect especially in regards to migrants, because migrants, who have gained host country's citizenship, formulate another typology of migrant group.

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<sup>69</sup> Pettigrew and Tropp (2008).

Specifically, the four criteria bring about a valuable insight in conceptualizing a role of citizenship law. A common practice of granting citizenship to foreign nationals, who most of times reveal some vital difference from natives, takes a form of either naturalization or automatic citizenship at birth. Either way, if a migrant obtains a nationality of a destination country, he/she would earn the equal status to that of natives, approved by legal domestic institution, and hence, satisfying the first and fourth conditions. This would naturally let the two groups believing in the homogenous national custom or rule of law. Also, this increases a chance of natives being exposed to situations where they have to communicate and cooperate with these settled initial foreign nationals (a higher probability for obtaining common goals along with engaging in cooperation). In sum, whether natives have a higher chance to realize plausibility that migrants can gain the same status as theirs becomes the essential aspect in determining how they perceive these foreign aliens. This recognition provides natives a new way of categorizing migrant groups: ones with equal status and others without it. Because the contact tends to be more positive when it is between natives and migrants with equal rights, satisfying Allport's four conditions, it would yield a higher probability that natives would generalize this reduced prejudice toward overall migrant group(s). In this sense, positive outcome based on intergroup contact is more likely to be realized under *jus soli* regime. In *jus sanguinis* countries, the first criteria on equal status would not be easily realized while it would be more difficult for natives to contact with those migrants. Thus, natives' re-categorization when viewing migrants may be hardly achieved.

In sum, under *jus soli* principle, natives have a higher chance to have contacts with initial migrants, who now possess the equal nationality as the natives. This would not only induce a familiarity toward ethnically or linguistically different others, but also let them to realize that

migrants can actually realize the equal status. Because *jus soli* principle gives migrants a broader avenue to realize Allport's four conditions as well as a greater chance for contact itself, a more positive contact would be likely. Under *jus sanguinis* rule, on the other hand, natives may have a chance to encounter migrants and engage in iterated contacts with them. This may generate familiarity and positive feelings toward them. However, because there are simply too few migrants, who now hold host country's nationality, it would be more rare for natives to realize a meaningful contact with them. In other words, it is hardly likely that a meaningful contact would even be realized. To put it another way, migrants in *jus sanguinis* rule would have a harder time to satisfy Allport's conditions, and more importantly, potential trust that natives may have toward migrants due to repetitive contacts would not be as high as what would have been realized in *jus soli* rule.

### **3.2. Citizenship Law Affects Calculation of Political Parties**

Following rationalist approach, politicians' goal is to maximize their votes in order to stay in office. As a consequence, public opinion constrains them from enacting a policy that is purely based on own self-interest. The previous section has claimed that natives in *jus soli* countries tend to reveal more positive attitude toward migrants. In this sense, politicians in this regime have more leverage on incorporating migrants, because their natives have a higher tolerance on coexisting with migrants. The citizenship law also adds another layer to the political calculation – whether migrants are capable of obtaining a voting right becomes a new matter of interest. In other words, in a country where migrants can more easily acquire citizenship, they become a new group within electorate, and therefore, politicians become more motivated to attract them to increase their probability of staying in office.

This section logically develops the second hypothesis on how politicians would do so depending on their citizenship law. Specifically, I posit that *politicians in jus soli countries have a higher incentive to signal their affinity toward migrants. And they would do so by introducing more lenient entry policies.* This section derives this contention by: 1) examining whether citizenship law truly alters migrants' involvement in voting mechanism, 2) examining how politicians in each citizenship law build migration policies to meet their interests, 3) empirically studying how these divergent incentives have been carried out, and examining potential omitted variables.

### 3.2.1. Migrants as A New Voting Group

The citizenship law largely distinguishes between those with social and political rights and others without them. In other words, those rights are integral privileges that citizens can enjoy. The clear division between *jus soli* and *jus sanguinis* rules is that the former grants automatic citizenship at birthplace, thus, giving citizenship to the native-born children of migrants. This tremendously enlarges a size of descendants of migrant families with full citizenship of the destination countries, and has long-term implications for demographic structure. For instance, the United States involves a multi-ethnic population, in which minorities accounted for 93.3 percent of total population growth between 2010 and 2011, and children of immigrants accounted for nearly the entire growth in the US child population between 1990 and 2008. The Pew Research Center (2013) also notes that an estimated 37 percent of the US population will be immigrants or the children of immigrants by the year of 2025. This tendency suggests that 93

percent of the growth of the working-age population will be comprised of migrants (43 percent) or their US-born children (50 percent).<sup>70</sup>

The widely used term, second-generation Americans, refers to the US-born children of immigrants, implying they are the US nationals from the birth due to its *jus soli* principle. The Pew Research Center reports that these second-generation Americans comprise of 20 million adults in the country.<sup>71</sup> Moreover, when birth of children by immigrant parents is solely taken into account, the national population estimates since the 2010 Census shows that 49.5 percent of babies under age 1 were minorities.<sup>72</sup> This figure reflects two trends; 1) immigrants tend to have higher birth rates than do native Americans, and 2) initial baby-boom generation, born between 1946 and 1964, has been aging, and thus, birth rate among natives has declined. The implication of this change in birth patterns is that minority population have become younger and growing, and they have become a correspondingly large population of the new workers and new voters.<sup>73</sup>

Under such a circumstance, from politicians' point of view, migrants become a new voting group, which they can coopt to increase their share of votes. In contrast, when migrants do not contribute to votes, politicians are less motivated to enact generous policies for them, because it does not benefit his duration of stay in office while this may generate opposition from the general public, which puts them into a danger of losing a chance of reelection. This logic is analogous to "national political process" thesis, which claims that states grant more rights for immigrants in order to survive contestation at the state level via winning new votes from them.<sup>74</sup>

Simply put, feasibility of enfranchisement of migrants becomes a central concern for the

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<sup>70</sup> Pew Research Center, *Second-Generation Americans: A Portrait of the Adult Children of Immigrants* (Washington DC: Pew Research Center, 2013). Accessed March 9, 2016. Available at <http://www.pewsocialtrends.org/2013/02/07/second-generation-americans/>.

<sup>71</sup> Ibid.

<sup>72</sup> Donald J. Hernandez and Wendy D. Cervantes, *Children in Immigrant Families: Ensuring Opportunity for Every Child in America*, First Focus and Foundation for Child Development (2011): pp.6.

<sup>73</sup> Ibid.

<sup>74</sup> Brubaker (1992); Howard (2009); Janoski (2010); Joppke (1999); Renshon (2001)

politicians. Therefore, citizenship law becomes a basic outline to calculate how much to appeal to migrants.

### 3.2.2. *Political Motivations on Migrant Entries and Rights*

The relationship between citizenship law and political survival leads to a further puzzle; would politicians in *jus sanguinis* countries turn out to be completely indifferent and restrictive against migrants while politicians in *jus soli* countries try to be generous toward migrants in all dimensions of policies? More fundamentally, do politicians ever want to enact generous migration policies, unless they eventually obtain the new citizenship and fulfill their duties as citizens? There are certainly cases where politicians prefer to increase a size of migrants, for instance, due to aging society, shrinking population, or fulfilling demanded skills. These concerns most of times originate from a homogenous incentive: the most direct and easiest way of substituting necessary types of labor. Theoretically, the most straightforward method would be to invite migrants via temporary scheme, ensuring they would return to their home countries when they finish their duties, and attributing them minimal amount of rights. Indeed, this simplest and most basic motif is reflected in guest worker systems within Western European countries soon after the end of the WWII.

Yet, this incentive seems to be moderated as demanded types of skills have been diversified, and relatively restrictive migration policies have caused various unexpected misfortunes. The widely acknowledged result of the guest worker systems was that those migrants did not return to their home countries even after their contracts ended. It consequentially enlarged the size of irregular migrants, and led to a higher crime rate as well as an increased ethnic conflict between natives and migrants. From a different angle, the temporary

scheme also faced severe oppositions from domestic employers. For instance, employers in Germany during the 1960s criticized the initial guest worker system as inefficient since firms needed to send back already trained foreign workers and retain the inexperienced newcomers. Indeed, this dissatisfaction among German employers forced their government to allow for temporary migrants' naturalization. Even in the year of 2012, when the government of the United Kingdom considered imposing more restrictive conditions on migrants, domestic employers heavily opposed against it, claiming that it would cause UK firms losing valuable talents and harm UK economy. Overall, complete restriction against all kinds of migrants is almost impossible especially in contemporary globalizing world. Governments hope to attract necessary talents while avoiding influx of low skilled ones, who would impose a greater fiscal burden. This diversification of migrant types and internationally interconnected economy subsequently motivate politicians to enact open migration policies in a certain degree.

Studying in what direction politicians would incorporate migrants first requires understanding available policy tools. Here, I assume that migration policy architecture can be classified into two types: policies on entry and those on rights. The former refers to policies that decide who to allow for entry along with specification on stock and duration. Thus, a country may enact a restrictive policy against seasonal migrants by reducing the size of quota. This does not mean, however, the country's overall migration policy on entry is restrictive. It could simultaneously enact a policy that allows for a large amount of inter-company transferees. On the other hand, policies on rights refer to what kind of rights each migrant group can enjoy, for instance, free access to welfare state, a permission to bring families, or less financial requirements. These policies bring about different implications and consequences, and thus, being generous for one policy dimension does not necessarily lead to liberalization of the other.

In fact, there is a negative relationship between policies on entries and those on rights, as Ruhs (2013) states. He contends that greater openness to admitting migrant workers will be associated with relatively fewer rights for migrants and vice versa. This trade-off arises due to concerns for fiscal costs.

This discussion yields two potential options for politicians when they signal their favoritism (or opposition) toward migrants. They can either generate open (or closed) policies on entry or generous (or strict) integration policies. If one country allows for a smooth and fast provision of visa without less probability of denial (a relatively open entry policy), migrants would view the country to be friendly. Meanwhile, if another country provides immediate full access to welfare system (a relatively open integration policy), they would also view this country to be generous. In which method to signal a country's willingness to incorporate migrants depends on politicians' aggregated preferences. Here, I hypothesize that politicians in *jus soli* countries would prefer to use relaxed entry policies to attract migrants while those in *jus sanguinis* countries would do so by granting more rights. In other words, *jus soli* countries would allow for an entry of a larger amount of migrants while not attributing many rights. On the other, *jus sanguinis* countries would not allow a large influx of migrants, although admitted migrants will enjoy greater rights.

From politicians' standpoint in *jus soli* rule, their largest concern is to increase votes from migrants, who naturalize or whose children gain citizenship at birthplace. Thus, they rather gesture their generosity via enlarging the size of migrants (entry policy) to increase the overall size of pie. In the meantime, they may be reluctant in granting more rights for migrants, who are yet nationals of foreign countries, because as more rights migrants enjoy, they may become indifferent between naturalizing and not naturalizing. Since politicians' concern is on obtaining



votes from them, attribution of more rights may reduce those migrants from hoping to gain the country's nationality. In this sense, a large stock of migrants less contributes to electoral outcome. As a result, politicians in *jus soli* rule are likely to express their affinity toward migrants by relying on entry policies. On the other hand, politicians in *jus sanguinis* principle do not have this electoral calculation. Even if they admit a large amount of migrants, this may simply worsen anti-migration sentiment while increasing fiscal burden or destroying labor market equilibrium. Thus, the most ideal option is to carefully admit migrants, who possess critical skills that the country lacks at. However, this does not imply migration policy could stay to be restrictive on both entries and rights. As aforementioned, stringent rights may dissuade highly skilled migrants while destroying national or public orders due to increased crime rates or discriminatory treatment against migrants. Thus, politicians in *jus sanguinis* rule would prefer to signal their willingness via more relaxed integration policies. In sum, I speculate that less hostile public attitude on migrants and politicians' willingness to incorporate them will be more likely to be realized in *jus soli* countries. Furthermore, when they have to coopt migrants, politicians in *jus soli* rule tend to rely on entry policies while those in *jus sanguinis* rule does so by granting more rights.

This does not mean, however, that politicians in *jus soli* rule would enact a stringent integration policies while those in the counterpart would do so on entry policies. There is plausibility that we would witness more generous policies on rights under *jus soli* regime when they need a necessity to do so in order to further coopt migrants. Similarly, politicians in *jus sanguinis* rule may enact a more liberal entry policies when they perceive a necessity to increase a required amount of labor. Nonetheless, what I highlight here is a fundamental proclivity among politicians when they solely consider their self-interests.

### 3.2.3. Policy Preferences and Actual Outcomes

Because citizenship law sets different public attitude on migrants while altering the size of electorate, a policymaker is inevitably bound by this rule. Unlike *jus soli* principle, *jus sanguinis* regime tends to harbor a greater negative public attitude against migrants while their voting or political rights are limited. Hence, I have argued that political parties in such a circumstance do not feel motivated to enact favorable policies for migrants. Particularly, an enactment on enlarging a size of migrants would hardly occur, because it would merely pose a threat to both labor market equilibrium and national solidarity. This section investigates in some *jus soli* and *jus sanguinis* countries' migration policies to see whether there are actually observable differences based on citizenship laws.

In case of *jus soli* countries, it is noticeable that their migration policies are constructed in a way that encourages permanent residency along with a smoother way for naturalization. For instance, point-based system in Canada (*jus soli*) began since 1976. This system is regarded as a mechanism to incorporate skilled foreign individuals, based on points set by national criteria, into a country by directly granting permanent residency right along with an easier procedure for naturalization (supply-driven). This system stresses Canada's effort to recruit highly skilled migrants through a permanent scheme. Some may question why Canada preferred permanent, instead of temporary, economic migrants to attract highly skilled ones. While acknowledging economic or population concerns of Canada during this period, I speculate that a vital motivation originated from *jus soli* citizenship law. In other words, point-based system would not have been introduced, if Canada did not grant citizenship by birthplace.

In contrast, *jus sanguinis* countries reveal different tendencies from those under *jus soli* rule. Some countries are restrictive in both entries and rights – in this case, perhaps the country does not feel a need to even attract highly skilled migrants. Meanwhile, when those countries attempt to invite migrants, they tend to grant more rights, instead of an open entry. Like other Western European countries under *jus sanguinis* law, Austria (*jus sanguinis*) began implementing guest worker system to recruit foreign labor since 1961. During this initial stage, visas were renewable annually based on numerical limits. This system was replaced with a general quota system of the Foreign Workers' Act (1990), which fixed the share of foreign workers at 10 percent of total employment. Furthermore, Comprehensive Reform Act (1993) added a residence law, which introduced annual numerical limits on residence rights. In sum, temporary migrants were subject to two separate admission systems until 2011. These regulations reveal Austria's strong incentive to recruit foreign labor, but only through temporary means by complicating the settlement procedure. Meanwhile, this does not mean that Austria has carried out an extensive integration of permanent migration either. In the early postwar era, permanent settlement, family reunification, or any integration measures were neither presumed nor intended. Integration rose as an issue when Viktor Klima's coalition government spread a slogan, "integration before new immigration," to pass the Aliens Act. Although this bill improved the legal status of immigrants already residing in Austria, labor immigration of non-EU/EFTA nationals remained restricted via residence quotas. Further amendment of the Foreign Workers Law in 2002 kept this tendency, only allowing for inflow of key workers and family members. Here, it is surprising to discover Austria had been restrictive on both entries and rights until very recently. Still, it is clear that the country attempted to focus on integration, instead of inviting new migrants when it needed to choose a way to appeal to migrants.

On the other hand, Swedish (*jus sanguinis*) migration policy has been based on the assumption that migrants to Sweden would settle in the country. Thus, postwar policies granted immediate residence rights upon arrival as well as an ease of naturalization to induce a smoother integration. Even those who, refused to become Swedish citizen, could fully access to all welfare services as well as voting rights, although these rights are only for local and regional council elections (since 1975). Swedish focus on full integration is reflected in its refusal of adopting guest worker systems in early postwar period. However, this does not mean that Sweden has been welcoming any type of migrants or been indifferent about their stock. The Immigration Act of 1968 abolished previous liberal immigration system, and began requiring working permits for all labor migrants. Since the beginning of the 1970s, only 300-400 permanent labor migrants from outside the EU/EEA have been annually admitted while temporary migration has constituted the smallest percentage of all migration types. Even among the small amount of permanent migrants, family reunions and asylum seekers have made up for an extensive portion. It was only after 2008 that labor migration policy became more liberalized. Indeed, Swedish case echoes *jus sanguinis* rule's predilection toward a smaller size of permanent migrants with extensive integration measures.

The implication based on the comparison among countries with different citizenship laws is that *jus soli* countries tend to enact more open entry policies while *jus sanguinis* countries tend to allow for a small mount of inflow and to grant greater rights when they need to. This is most likely because politicians in the former rule face a more positive public feeling toward migrants, and thus, feel less threatened to signal their favorable attitudes in order to increase a size of selectorate by opening the border. On the other, politicians in *jus sanguinis* are more cautious about expressing their positive attitude toward migrants (even when they feel so) due to negative

public attitude as well as potential fiscal burden that they will need to face without benefitting their stay in office. Thus, politicians in *jus soli* are more advantageous in revealing their favoritism toward migrants.

#### 3.2.4. *Potential Omitted Variables*

While there seems to be a clear link between citizenship law and politicians' incentive to coopt votes from migrants, there may be other factors that alter or intervene in this logic. This section mainly goes over four potential variables: party ideology, power of radical right parties, degree of easiness of naturalization, and migrants' voting rights.

***Party Ideology*** Many scholars and readers may argue that partisan ideology also contributes to parties' attitude toward migrants. Indeed, it seems that the right-wing parties tend to prefer restrictive migration policies while the left-wing parties more generate relaxed ones. Additionally, the theoretical orientation also hints salience of partisan ideology. This is because politicians usually need to satisfy not only the general public but also his winning coalition. The latter group is usually the one, which provides the most stable electoral and financial supports, and therefore, a politician cannot entirely ignore his party ideology in order to sustain his accountability before his affiliated party's ideology. However, my theory omits party ideology variable. This is because even within the same party ideology, infra-fragmentation would most likely occur, and therefore, it is difficult to predict what type of migration policy each party would prefer solely based on partisan ideology of the dominant party.

The left- and right-wing distinction – a dichotomous treatment of partisan ideology – has been traditionally used in analyzing dissimilar economic behaviors as in how much each party is

involved in the national economy.<sup>75</sup> The most contested areas have been on labor market regulation, size of government, and fiscal spending along with taxation.<sup>76</sup> For instance, the rightist party favors policies that induce lower spending, balanced budgets and lower inflation while the leftist party prefers policies that increase government spending and induce growth through full employment.<sup>77</sup> If we follow this classification, we should expect that the center-right parties prefer an open migration policy based on *laissez-faire* ideology, while the center-left parties impose a restrictive stance in order to protect domestic laborers.

The recent scholarship, however, rejects this simple separation, and instead points out the salience of new politics dimension.<sup>78</sup> This post-material concerns involve debates on issues that undercut economic dimension, such as human rights, individual freedom or environmental protection.<sup>79</sup> Because of these new non-materialistic matters, there emerge divergent positions within a party, and hence, intra-fragmentation frequently and inevitably occurs.<sup>80</sup> For instance, although a center-right party prefers liberalized economy in order to boost its domestic economic growth, it tends to align itself more with nationalism and protection of borders when it comes to cultural and security issues.<sup>81</sup> Similarly, a center-left party may favor protectionist measures in order to defend domestic labor in an economic sense while it embraces the notion of multiculturalism, international human rights and justice.<sup>82</sup>

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<sup>75</sup> Center-right parties include liberal, conservative, agrarian, Christian democratic and others while center-left parties include socialist, communist, left-socialist, social democracy and others.

<sup>76</sup> Esping-Andersen (1990); Huber et al. (1993); Milner and Judkins (2004); Wilensky (1981).

<sup>77</sup> Alesina (1987); Alesina and Rosenthal (1989), Boix (1997), Garrett (1998), Hicks and Swank (1992), and Iversen (1999) to name a few.

<sup>78</sup> Liesbet Hooghe, Gary Marks, and Carole J. Wilson, "Does Left/Right Structure Party Positions on European Integration?" *Comparative Political Studies* 35, no. 8 (2002): pp. 976.

<sup>79</sup> Inglehart (1990, 1997); Hooghe et al. (2002) calls it GAL/TAN issues (Green/ Alternative/ Libertarian – Traditional/ Authoritarian/ Nationalist) in order to discuss party politics in regard to the EU integration.

<sup>80</sup> Mair (2000); Laver (1989).

<sup>81</sup> Hooghe and Marks (2001); Marks and Wilson (2000); Smith (1988).

<sup>82</sup> Anthony Giddens, *The Third Way: The Renewal of Social Democracy* (Cambridge: Polity Press, 1998): pp. 64.

Topics on migration certainly hold post-material dimensions since they not only impose economic and fiscal consequences, but also concerns, such as cultural or ethnic homogeneity, national solidarity, and border security. Hence, it is foreseeable that members in each party would signal different predictions on migrant effect. For instance, within the center-right party, members with liberal ideology will call for open migration policy in order to strengthen private sectors while conservative members will oppose it in order to protect national unity and security.<sup>83</sup> The similar story also arises within the center-left party. Some members would push for restrictive stance in order to retain equilibrium in domestic labor market and inequality level, and to reduce fiscal burden while the others would view flow of people as a fundamental human rights and international solidarity issue, aligning themselves more with pro-multiculturalism and migration.<sup>84</sup> These post-material concerns stemming from migration issues reflect complexities within parties' decision-making procedure.

What we observe from countries' migration policy architecture is a cautious considerations based on disaggregated types of migrants. Indeed, "migration" is multi-dimensional, and can be collapsed into various categories, such as high- and low-skills (skill level), or permanent and temporary (duration). Moreover, a degree of rights entitled to migrants can be set and altered accordingly to their status. Thus, parties would fabricate a policy, which meets party members' concerns by fitting pieces of migration in a compromised direction. Specifically, the debate within the center-right party is between a desire to boost domestic economy via competition and one to preserve national value and security. On the other hand, intra-fragmentation occurs within the center-left party, because there is a conflict between those, who value multiculturalism and human rights (pro-migration) and the others, whose primacy is

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<sup>83</sup> Spehar et al. (2013).

<sup>84</sup> Breunig and Luedtke (2008); Givens and Luedtke (2004); Hinnfors et al. (2011); Ireland (2004); Messina (2007)

to protect domestic labor market and inequality level (anti-migration). Here, the implication is that there could be multiple directions that both center-right and center-left parties can take, and therefore, it is difficult to predict a harmonized direction of migration policies merely based on this distinction.

***Radical Right-Wing Parties*** The recent radical right-wing parties share a fundamental core of ethno-nationalist xenophobia (ethno-pluralist doctrine) and anti-political-establishment populism.<sup>85</sup> The rises of those parties and their salience in a political system are important in understanding migration policymaking, because they can influence the policy outcome. Even when a radical right-wing party does not obtain enough votes to fulfill a significant amount of seats in the government, the very existence itself may alter a country's attitude toward migration by occasionally shifting other political parties' preferences on migrants.<sup>86</sup> These tendencies indicate that a country that has a strong radical right-wing party may experience an exacerbated anti-migration sentiment, and enact a more restrictive entry or integration policies.

< Figure 3.8> depicts percentage of seats taken by radical right-wing parties among *jus sanguinis* countries between 2000 and 2014.. This figure only presents data in *jus sanguinis* countries, because *jus soli* countries tend to experience a rise of these parties less. Australia, Germany, Ireland, the UK, and the US have never witnessed these parties yet. Canada involved this party (21.9 percent of seats) until 2003 while France and New Zealand have been constantly

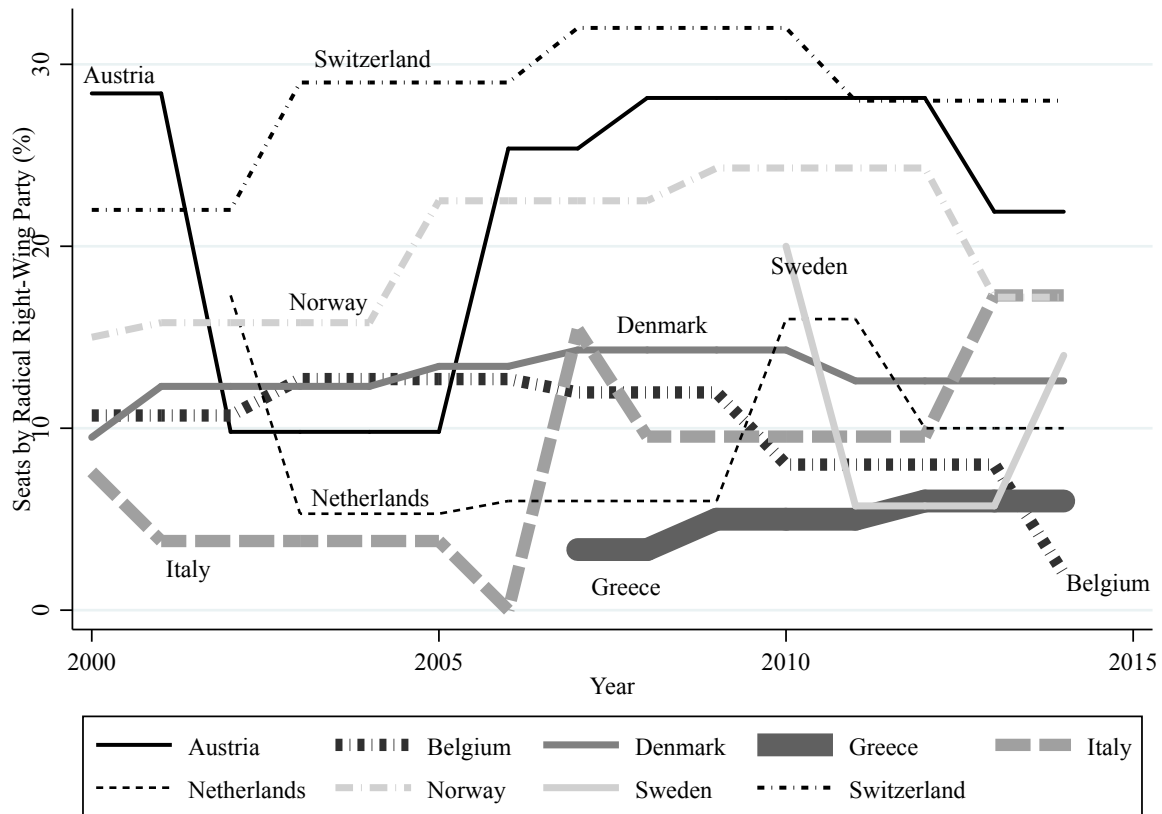
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<sup>85</sup> Minkenberg (2001), Rydgren (2005).

<sup>86</sup> For instance, in studying social democrats in Western Europe, scholars proposes three challenges that the populist radical right parties brings about; 1) they increase the salience of issues traditionally 'owned' by the right, 2) they appeal to working-class voters, who traditionally support the center left, and 3) they may facilitate the formation of center-right governments. In such a case, the common strategy that the social democrats take is to take a tougher stance on issues related to immigration and integration.



<Figure 3.8> Saliency of Radical Right-Wing Parties in *jus sanguinis* Countries (2000-2014)



Notes: Japan and Spain do not have radical right-wing parties.

Data: Updated Fitzgerald et al. (2014).

taken seats by them by 0.9 percent and 5.8 percent respectively. When these data are compared, it becomes apparent that radical right-wing parties emerge more frequently under *jus sanguinis* principle. Even within this rule, Switzerland and Austria have marked the highest salience of these parties while Greece and Sweden have experienced them for only a limited span of years. Overall, it seems that there is a high correlation between dichotomous citizenship law distinction and strength of radical right-wing parties.

What needs to be taken into account here is whether radical right-wing parties cause restrictive migration policies or the salience of those parties are merely a reflection of the public

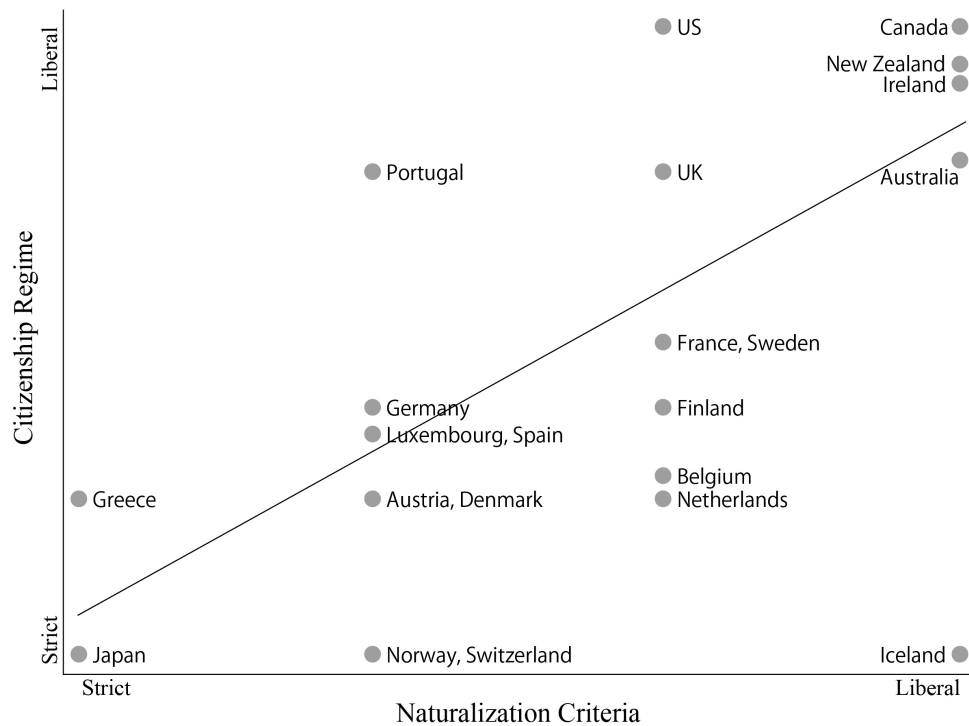
attitude toward migrants. As Ivarsflaten (2008) and Rydgren (2008) note, immigration, instead of racism or xenophobia, has been the essential issue that these parties have focused in order to attract votes. Specifically, they have framed immigrants as: 1) a threat to the national identity; 2) a major cause of criminality and social unrest; 3) a cause of unemployment; and 4) abusers of the welfare state. Here, the noticeable link between the radical right-wing parties and their anti-migrant preferences is crucially based upon the demand of the general public. In other words, those parties frame their policy positions so that they can maximize their vote shares. Thus, it can be argued that radical right-wing party emerges (and possibly, continues to be supported) in a country where natives already hold sufficient level of anti-migration sentiment. Of course, there may be feedback effects between salience of the party and degree of people's negative attitude against migrants once the party takes place. Yet, what needs to be taken into account here is that most of *jus soli* countries do not experience an existence of radical right-wing parties, or even if they do, their power is either minimal or temporal. On the contrary, *jus sanguinis* countries are the ones that continuously witness growing power of the radical right-wing parties. Here, instead of treating these parties affecting migration policies as the main causal link, it seems to make more sense, if we treat this tendency as a reflection of a stronger anti-migration sentiment felt among the natives in *jus sanguinis* countries.

***Ease of Naturalization*** Another potential criticism is that migrants can take an option of naturalization (*jus domicilis*). In such a circumstance, children of migrants in *jus sanguinis* regime will be automatically host country's citizens if their parents naturalize, and this may blur impacts driven by *jus soli* or *jus sanguinis* regime. To put it another way, one may argue that politicians in *jus sanguinis* rule would be more willing to enact favorable entry policies, like those in *jus soli* countries, if the country has a relatively easy procedure for naturalization,

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<Figure 3.9> Correlation between Citizenship Rules and Naturalization Criteria (2001)

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Note: To disaggregate Bertocchi and Strozzi's categorization of mixed regime, I have turned their ordered category of citizenship law into a continuous variable based on the years that countries were under each regime.  
 Data: Composed based on Bertocchi and Strozzi (2009).

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because this would rapidly enlarge a size of new voters, who can contribute to probability of winning reelection. Although the dimension of *jus domicilis* opens up another area for a research, I reject this potential hypothesis largely due to two reasons.

First, naturalization law is malleable unlike other two citizenship rules. Therefore, it becomes a government's discretion as in whether to liberalize or restrict naturalization procedure. This suggests that *jus domicilis* principle may not be a reliable measure when it comes to gauging constant effects of citizenship law. Second, empirically speaking, <Figure 3.9> depicts a correlation between binary traditional citizenship law and naturalization criteria, and it alludes

that *jus soli* countries tend to provide more relaxed naturalization procedure. OECD report (2011) also shows that naturalization rate of settler's countries in 2010 was 73.3 percent, compared to 53.3 percent of European countries.<sup>87</sup> Although it is difficult to define an actual causal interrelationship among the variables solely based on these fragmented information, the assumption that I make here seems to be reasonable.

***Regional Voting Rights*** Some might refute against my hypotheses due to a possibility of noncitizen voting. If permanent resident or even temporary aliens can vote at least in municipal or provincial elections without full citizenship, this would deliver dissimilar political calculation in managing migrants, and the dichotomous distinction on citizenship law would lose its accuracy. Although non-citizenship voting is an important variable that demands more attention; however, I insist the binary distinction (*jus soli* and *jus sanguinis*) is valid due to two reasons. First, this practice is relatively new, and it has been most active within the EU vis-à-vis migrants from other EU member states.<sup>88</sup> Second, a process for obtaining this voting right can be extremely difficult. Permanent migrants usually face additional criteria while the process itself frequently takes a long period of time. In addition, there is occasionally a criterion on nationality qualification for eligibility.<sup>89</sup> Indeed, Earnest's (2014) various statistical works find a strong support on his hypothesis that *jus soli* states are more likely to enfranchise noncitizens than *jus sanguinis* states.<sup>90</sup> Thus, I posit that my assumption based on the dichotomous citizenship rules is intact.

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<sup>87</sup> Average naturalization rate of continental European countries was 50 percent, which is well below average of total OECD members, which was 61 percent. (International Migration Outlook (2011): pp. 28).

<sup>88</sup> Earnest (2008) finds that 45 democracies grant political rights to permanent residents, mostly for regional or local elections, but not for national level.

<sup>89</sup> Bauböck (2005); Earnest (2008).

<sup>90</sup> David C. Earnest, "Explaining the Electorate: Comparing the Noncitizen Voting Practices of 25 Democracies," *International Migration and Integration* 16 (2014): pp. 9, 21.

### 3.3. Citizenship Law Affects Migration Policies during Bad Economy

So far, I have speculated that less hostile public attitude against migrants as well as politicians' willingness to enact more lenient entry policies will be more likely to be achieved in *jus soli* countries. These hypotheses have been deduced without a consideration on other national circumstances though. In fact, there could be numerous events that could influence migration policies, such as a terrorist attack or a sudden surge of irregular migrants. Particularly, I suspect that macroeconomic performance is closely interrelated with migration policy enactment, because it not only reduces governments' financial stability but also alters people's perception toward migrants. What is puzzling yet is that countries do not behave in a similar manner in dealing with migrant issues under economic decline.

This section aims to elaborating the third hypothesis by studying in what directions migration policies will be approached, and how and why there will emerge this cross-country difference. Here, I claim that the initial migration policy architecture, which has been constructed based on citizenship law regime, will formulate politicians' attitude toward migrants even during declining economy. In other words, I hypothesize that *politicians would prefer to be restrictive against migrants' entry during macroeconomic downturns. Yet, this tendency would be much stronger in jus sanguinis countries.* To put it another way, the divergent migration policy outcomes during economic decline is due to fundamental difference arising from citizenship law. In order to elaborate this contention, I first define and operationalize how I perceive the term, macroeconomic downturn. I then turn to logics behind 1) why politicians prefer to impose a more restrictive stance against migrants' entry, and 2) why this propensity tends to be stronger in *jus sanguinis* countries.

### *3.3.1. Defining Macroeconomic Downturns*

Macroeconomic downturns – stagnation, recession, or crisis – are among the most significant and threatening issues for the policymaker and for the society as a whole. It carries a direct effect on the incumbent's reputation while it brings about a detrimental economic and sociological effect, which may last for a considerable amount of time. These downturns originate from various sources: price shock (cost-push inflation) coupled with inadequate stabilization policy, decline in government purchases of goods and services, and increased tax rates with a subsequent decline in consumption, just to name a few. With different combinations of these causes the situation may lead to steep decline, and eventually to a collapse, of the domestic economic system.<sup>91</sup>

Understanding exact mechanisms to a downturn or when politicians feel pressured to alter their political approach to combat the economic decline demand more scrutiny though. For instance, numerous scholars have attempted to explain causes for the Global Recession, which originated from the United States reaching its peak at 2008/9. Their explanations can be largely divided into macroeconomic (mainly a role of financial liberalization) or microeconomic (political decisions) perspectives. Still, there seems to be a minimal degree of agreements on what has actually caused this global financial recession. Particularly, when or how domestic economic performance leads politicians to reconsider existing migration policies is under-theorized.

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<sup>91</sup> Examples include a credit crisis, a financial crisis, a currency crisis, a debt crisis, or twin crises in the worst-case scenario.

Here, I follow Gourevitch's (1986) approach, and treat an economic downturn as a common exogenous shock.<sup>92</sup> Some may claim that this is not an ideal approach, because crises are embedded into previous political decisions and policies.<sup>93</sup> Although I do not disagree with the endogenous features of crises, I assume that this may be predominantly proper in understanding causes and consequences of the crisis for economic institutional setting or political decisions in combating economic circumstances. In other words, economic downturns may be embedded into previous economic or financial systems along with politicians' economic decisions before and after the downturn. However, economic decline is not sufficient to be treated as endogenous especially for formation of migration policies, because it is difficult to believe that politicians would use migration policy tool in order to influence economic or financial situations. Of course, migration policies are deeply interlinked with national economic performance. It not only alters allocation of fiscal burdens but also directly alters distributional consequences among domestic labor. Yet, it is most of times unlikely that politicians would generate a certain migration policy in order to generate some effect on financial market. Migration policies are designed to promote national economic or demographic health via admitting newcomers with desired assets. Thus, conditions or consequences arising from economic or financial institutions may shift types of migrants in demand, but types of migrants entered the country would not fabricate these institutions. And this implies that economic downturns can be assumed to be exogenous shocks to migration policymaking.

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<sup>92</sup> He also includes three properties: a major downturn in the business cycle, a major change in the geographic distribution of production, and a significant growth in new products and production processes (Gourevitch (1986): pp. 20).

<sup>93</sup> Lawrence Broz (Ch.3) and Pablo Pinto (Ch. 4), "Ch.3: Partisan Financial Cycles" and "Ch.4: The Politics of Hard Times: Fiscal Policy and the Endogeneity of Economic Recessions." In M. Kahler and D. A. Lake (eds). *Politics in the New Hard Times: The Great Recession in Comparative Perspectives* (Ithaca NY and London: Cornell University Press, 2013): pp. 75-128.

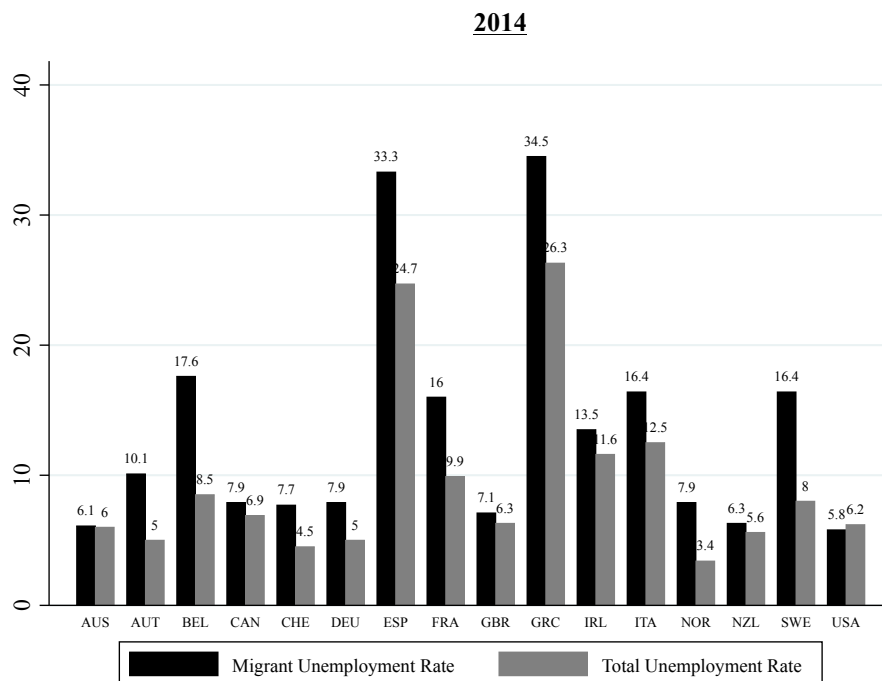
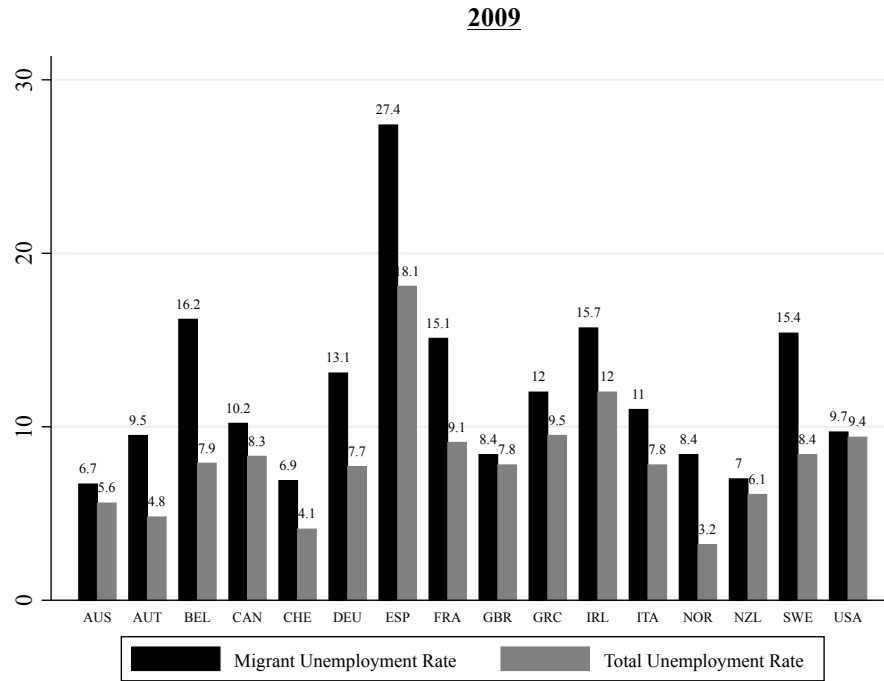
### 3.3.2. General Trends of Migration Policies during Bad Economy

When does economic downturn especially motivate politicians to enact a new migration policy? I assume that they would alter existing migration policies when they see a chance of losing the office. Here, they perceive this threat when the general public is dissatisfied with the existing migration policies. As many scholars have noted, natives would be hostile against migrants when they see a threat of job loss or a greater fiscal burden. Of course, natives may pose a negative sentiment simply based on their sense of nationalism or perception toward out-groups. Yet, it is highly likely that even initially advocating members of the electorate may reshape their attitude when their economic conditions are under a threat.

<Figure 3.10> illustrates migrant unemployment rate vis-à-vis total unemployment rate in the year of 2009 and 2014. While the former year represents the beginning of the Global Recession, many countries recovered by the latter year. On average, the overall unemployment rates for total labor force in the sample turn out to be 7.45 percent in 2009 and 9.4 percent in 2014. Migrant unemployment rates are 6.02 percent and 13.41 percent in respective years. Surprisingly, average migrants enjoyed a lower unemployment rate in 2009 while it more than doubled in 2014. When these data are disaggregated by citizenship law classification, total unemployment rate declined from 8.25 to 7.19 percent while migrant's rate decreased from 10.74 to 8.83 percent in *jus soli* countries. Although migrants still hold a higher rate than average population, it appears that the gap is reduced from 2.49 to 1.64 percent. Meanwhile, average unemployment rate for total work force increased from 6.73 to 11.61 percent while migrants' rate also did so by 13.35 to 17.99 percent in *jus sanguinis* countries. The overall unemployment rate in this citizenship regime clearly worsened in between these years, while the differential between total population and migrants stays similar: 6.63 and 6.34 for the years of 2009 and



<Figure 3.10> Unemployment Rate of Migrants (2005 and 2010)



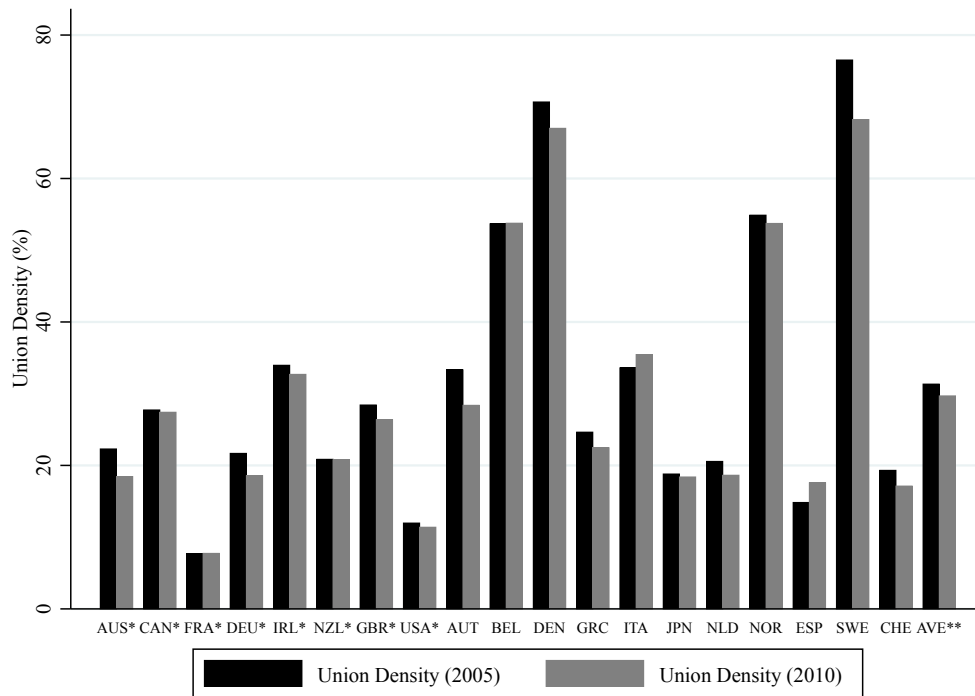
Data: OECD International Migration Database.

2014 respectively. One may speculate that this seemingly exacerbating situation in *jus sanguinis* countries may be due to exceptionally high rates in Spain and Greece. If these countries are removed and the rates are recalculated, it yields that total unemployment rate still rose from 6.03 to 11.23 percent while migrant rate also did so by 6.98 to 12.68 percent.

This cross-national difference implies that *jus sanguinis* countries are more severely hit by the Global Recession of 2008, and holds a larger unemployment rate differential between natives and migrants. Prior to expect a higher anti-migrant sentiment in this citizenship law regime; however, we also need to examine countries' welfare state structures. Previously, degrees of migrants' access to welfare state have been compared, and found that there is no meaningful difference across *jus soli* and *jus sanguinis* countries. What needs to be further elaborated here is how well natives are protected from economic downturns. To put it another way, natives would feel less hostile against migrants, if their jobs or rights are fully protected.

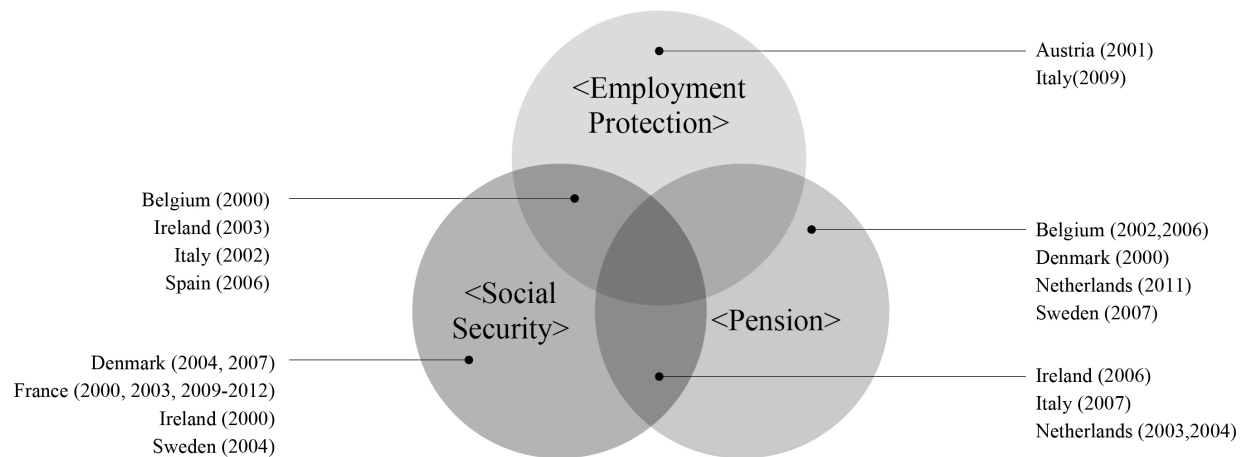
For instance, <Figure 3.11> shows union density, and <Figure 3.12> depicts pacts or agreements that have been reached (either in governmental, industry, or firm level) in regards to employment protection, social security provision, and pension. The salience of unions is important for workers, because it enables them to collectively bargain to achieve their interests. Internationally, the overall density has declined from 31.33 to 29.69 percent over 2005 to 2010. A more detailed observation yields that it has decreased from 21.82 to 20.42 percent in *jus soli* countries while it did so from 38.26 to 36.43 percent in *jus sanguinis* countries. In the mean time, it is apparent that *jus sanguinis* countries have realized more pacts or agreements on protection measures compared to their counterparts across 2000 to 2014 (only France and Ireland have enacted some pacts in *jus soli* regime). What is surprising though is that there has not been many pacts enacted even among *jus sanguinis* countries for the past 15 years. There has not any

<Figure 3.11> Union Density



Notes: *Jus soli* countries are marked with (\*). Average of values is marked with (\*\*).  
Data: Jelle Visser, ICTWSS Database Vr 5.0 (2015).

<Figure 3.12> Pact or Agreement Negotiated by Actors on Employee Protections (2000~2014)



Data: Jelle Visser, ICTWSS Database Vr 5.0 (2015).

agreement that incorporates all of the three dimensions of protections or dimensions of employment protection and pension. These observations produce mixed expectations in how countries would deal with economic downturns or how natives would perceive the economic situation. In case of the Global Recession, it certainly hit *jus sanguinis* countries more severely in a longer term. Still, their institutions hold stronger unions. Although a number of pacts initiated in these countries appears to be limited, it is evidently a greater provision of protections compared to *jus soli* countries have. Overall, a tie between domestic economy and protection measures are not sufficient in understanding why or how natives become hostile against migrants.

Under such a circumstance, I insist that identity formation based on given citizenship law fundamentally shapes degree of anti-migration sentiment. I have previously demonstrated that the natives under *jus soli* rule would reveal a more positive attitude on migrants. When the economy suffers, however, I speculate that even those, who have re-categorized migrants into in-group members, may reconsider roles or benefits originating from the migrants. Although this may be the tendency, however, I suspect the anti-migration sentiment would be even stronger in *jus sanguinis* principle, because the natives under this law have not considered migrants as a part of their society, and therefore, it is easier to blame on migrants especially when they foresee occupational or financial threats. In sum, I expect affinity toward migrants would be lowered in both citizenship law regimes during bad economy. Yet, this tendency would be severer in *jus sanguinis* countries.

In order to mitigate social unrest under such a circumstance, politicians would also desire to restrict migrants' entries and rights. Specifically, in regards to entry policies, it is reasonable to predict that almost all the countries would impose a restrictive stance against temporary migrants.

This is because temporary migrants are initially designed to fill out necessary amount and type of labors for a set amount of period. Thus, it would be the fastest method to reduce inflow or stock of migrants with less responsibility. To put it another way, policies attached to temporary migrants can simultaneously decrease stock and inflow. For instance, by decreasing the size of quota, already residing temporary labor migrants may experience denial of renewing their visas. At the same time, the same policy may reject potential migrants, who have applied for visas. Since economic downturn is the period, which may generate a higher unemployment rate that is exactly what the general public is afraid of, the most logical and easiest way for countries to adopt is to impose severer entry policies against temporary migrants.

In regards to permanent migrants, on the other hand, the problem becomes more complicated. Permanent residency means that those migrants in this channel are granted a right for indefinite leave. Thus, it becomes almost impossible to revoke this right once attributed. Available policy options in such a condition are to reduce the size of quota, to refuse family reunification, to raise a fee or required duration of stay to apply for permanent residency and so on. These policy tools are, however, capable of reducing the size of future inflow, not that of existing stock. Even if a country succeeds in implementing these policies, this does not necessarily indicate reduction of migrant stock since there is a higher tendency that migrants enter the country through temporary visa first, and then apply for permanent residency (unless they directly enter as permanent residents when they first enter the country, such as systems in Canada or Australia). Even if those applicants for permanent residence become rejected, they may stay in the host country as long as their temporary visa is valid. In sum, becoming more restrictive against temporary migrants turns out to be the most logical method to become restrictive against migrants.

Imposing a restrictive entry policy may ameliorate people's fear of job substitution by migrants. Yet, they also worry about the worst-case scenario where they may lose their jobs. Consequently, they become cautious about available welfare system and its coverage, such as unemployment, pension, health care, or education. Naturally, this sensitivity adds another layer for their frustration against migrants. Thus, it is commonsensical to assume that politicians become also constrained in attributing greater rights especially during economic hardship. What we need to question here though is how clearly natives acknowledge exact amount of finances are distributed toward migrants. If a government announces more relaxed rights for migrants in the midst of bad economy, this would surely backlash public sentiment. On the contrary, if the government chooses an option of status-quo, meaning continuously pursuing the existing level of integration policy, it becomes questionable whether the public would clearly conceive specific rights attached to migrants and their financial implications. After all, it may be that people are more greatly concerned about what they can actually perceive. Thus, restrictive entry policies, which may visually decrease the size of migrants in the country, may be clearer and more logical.

In sum, regardless of citizenship law regime, politicians have an incentive to become restrictive against migrants during bad economy. This is largely due to potential anti-migration sentiment arising due to people's fear of job loss or other economic "sacrifice" because of migrants. Although the degree in this negative attitude may be different depending on the citizenship law, it leads politicians to prefer deterrence against migrants, and they most likely to do so via entry policies.

### 3.3.3. Divergent Migration Policies during Bad Economy

I have so far elaborated why countries tend to become closed against migrant entries when they face bad economy. Does this indicate that all the countries would behave in a homogenous manner? I argue that this is not the correct way to perceive dynamics revolving around migration policymaking when it is intervened with national economic performance. Although there is a similar tendency, the intensity attached to this circumstance greatly differs, and this is why we witness varying migration policy outcomes across countries when they combat this heightened period. Here, I claim that citizenship law fundamentally shapes migration policies during normal economy, and its legacy stays even during bad economy. In order to examine this assertion more in-depth, I unravel political calculations under *jus soli* and *jus sanguinis* laws separately.

In *jus soli* countries, politicians' concern is to stay accountable before the general public while enlarging the size of electorate by attracting votes from migrants. Thus, their ideal strategy would be to continuously rely on the existing policy. In this sense, they have an incentive to remain generous toward migrants via relaxed entry policy as long as they do not perceive an emergence of negative public sentiment. Of course, satisfying the general public and winning new votes from migrants are not the only concerns that politicians have during economic decline. In order to recover this hard time, they need to pay attention to performance of domestic firms since they are the ones that sustain domestic employment rate. Thus, maintaining their profitability becomes essential. Meanwhile, these firms are generally ones that prefer open migration policy, because it provides them a greater pool to select talented or necessary workers. Under such a circumstance, politicians face a dilemma. They want to attract more migrants to serve their own benefits and firms' interests. Simultaneously, this policy option may, however,

lead to a surge of anti-migration sentiment that might obstruct their duration of stay in office. The implication here is that the politicians need to find a way to signal the general public that they would not allow migrants to substitute natives' jobs while minimizing alteration to existing amount of migrant inflows. The most obvious and efficient solution in this condition would be to continuously attract highly skilled migrants while deterring entry of low skilled migrants. Considering the general tendency that the median voter tends to be blue-collar, restrictive entry policies against low skilled migrants would save politicians' reputation. At the same time, by enlarging the size of inflow of skilled migrants, it would satisfy both politicians' and firms' interests.

*Jus sanguinis* countries also face a similar circumstance. The politicians wish to stay accountable before the general public while being obligated to assist domestic firms in order to recover national economic health. Thus, both incentives to restrict and liberalize migrant entries simultaneously exist. There are two crucial differences from the conditions in *jus soli* countries though. The public opinion on migrants tends to be more negative while politicians do not benefit from admitting a large amount of migrants. The most optimal solution in this situation would be again closing a door against low skilled migrants, who have a potential to substitute median voters' jobs, while only admitting highly skilled migrants, who firms hope to recruit.

Despite the similar entry policy outcomes, however, I speculate that the magnitude of these policy choices would be different depending on the citizenship law. In case of *jus soli* countries, politicians' initial motive is to maintain the equivalent size of migrant inflow regardless of migrants' skill levels. Thus, they are indifferent between pursuing this goal by admitting highly skilled or lower skilled ones.<sup>94</sup> This suggests that there is a targeted amount of

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<sup>94</sup> Here, I purely base my speculation on politicians' electoral motivation. If we consider other social and economic factors, it becomes understandable why countries are more inclined to attract highly skilled migrants.



migrants that they are opting to invite. On the contrary, politicians in *jus sanguinis* rule do not possess such an incentive. In other words, they would prefer to deter most of migrants if possible since this is the way to satisfy demands of the general public. In this circumstance, domestic firms are the only actors that possibly hope to attract capable migrants. Hence, entry policies under this citizenship law would be; severely restrictive against low skilled migrants and liberal toward skilled migrants to the minimal degree. In sum, the outcome would be that overall entry policy during macroeconomic downturn would be much more restrictive under *jus sanguinis* principle.

What is noticeable from this deductive calculation based on citizenship law and economic downturn is that the tendency that countries end up recruiting highly skilled migrants while hampering inflow of low skilled ones echoes a policy option that most of countries have been adopting especially since the global recession of the recent era. This is perhaps in order to attract necessary types of migrants, which tends to be high skilled, in order to assuage tension arising from the general public. Still, intensity of this policy implementation seems to vary across countries, and the citizenship law variable seems to solve this puzzle.

Yet, does this imply that admitted migrants would enjoy more rights? I posit that it is difficult to suggest a clear direction or mechanism as in which citizenship law regime would attribute more rights. From a standpoint of politicians under *jus soli* rule, the overall size of migrants does not alter significantly, and thus, may not have a financial leverage to grant more rights. Simultaneously, it is also possible that they feel a need to give more rights since they now need to attract more highly skilled migrants. This suggests however that those migrants become indifferent between naturalizing and not naturalizing. The outcome here would be to remain status quo, simply meaning providing an easier access to naturalization. In case of *jus sanguinis*

countries, they have already been granting them greater rights compared to the counterparts. Considering the fact that they now invite even a smaller amount of highly skilled migrants, giving out more rights would be an ideal option to attract those desired talents. However, allowing for more rights during economic decline would induce a higher probability of social unrest. Thus, the wiser solution would be again to stay with the status quo. The implication here is that it is unclear as in what direction economic downturn alternate integration policies in both regimes, and there is a higher tendency that countries would not radically change this policy compared to entry policy when they face economic downturns.

## CHAPTER 4. EMPIRICAL ANALYSIS

The previous chapter has laid out hypotheses on how and why citizenship law orients countries into different behaviors when dealing with economic downturns. My contention aligns with those of other scholars highlighting a correlation between restrictive migration policy and aggravation of national economy. What my theory contributes to the study of this scholarship though is that it questions why there is a differing degree to the restrictiveness among countries' policies during economic hardship, and traces a fundamental cause to this variation. This process has articulated the significance of public attitude and political concerns on migrants. To put it another way, dissimilar levels of tolerance among natives and political calculation in dealing with migrants across countries originate from how they define their own people, namely based on citizenship law.

Specifically, I have argued that countries, which adopt *jus soli* citizenship law, tend to be less restrictive against migrants during normal economy under two mechanisms. First, citizenship law shapes public attitude toward migrants, because this law defines who can obtain nationality of destination countries. Thus, *natives in jus soli countries are more likely to have a higher tolerance on migrants due to a more frequent exposure to initial foreigners, who succeed in obtaining equal rights (Hypothesis 1)*. Second, citizenship law alters electoral concerns of politicians, because this rule may raise a probability that migrants would be counted as new voters. Hence, *politicians in jus soli tend to prefer more liberal entry policies since this is a way to increase their vote share (Hypothesis 2)*. These mechanisms lead to my final hypothesis,

which posits that *jus sanguinis* countries are likely to be more restrictive against migrants' entry as their economic performance exacerbates. In other words, *migration policies tend to be more restrictive as a country's national economy suffers. And this tendency would be more visible in jus sanguinis countries (Hypothesis 3).*

This section empirically assesses the effect of citizenship law by testing the three main hypotheses. To do so, I have applied various datasets to confirm the causal mechanisms I have asserted. For instance, I have used Eurobarometer and National Identity II survey by ISSP in order to evaluate the first hypothesis while relying on Chapel Hill dataset and Manifesto dataset for the second hypothesis. For the sake of clarity and coherence of presentation; however, I only report results based on Eurobarometer and Chapel Hill datasets in this chapter. I then reformulate International Migration Institute's (IMI, 2016) dataset in order to test overall effect of citizenship law on actual migration policy outcomes.

#### **4.1. Effects of Citizenship Law on Public Attitude Toward Migrants**

The first hypothesis argues that natives in *jus soli* countries tend to express a more favorable attitude toward migrants, compared to those in *jus sanguinis* countries. In order to empirically assess this claim, I use two survey datasets: Eurobarometer 76.4 (2011) and National Identity II Survey data by International Social Survey Program (2003). The former survey explicitly focuses on EU countries while the latter largely takes place in OECD countries. Although selection of countries as well as the period when the surveys were conducted is distinctive, statistical outcomes based on them both support my claim. Since Eurobarometer 76.4 has been conducted in more recent year and it involves more comprehensive questions, I only

report results based on this dataset in this section. Analysis using the ISSP data can be found in <Appendix 1>.

#### 4.1.1. Data, Measurement and Model Specification

While Eurobarometer only focuses on EU member countries for the year of 2011, this is the most recent survey that asks respondents on migrants. Since this is a survey data, a unit of analysis is individual respondents. There are two questionnaires that specifically ask in regards to immigrants;

(qb9\_1) Immigration enriches (country's) economy and culture

- 1 Totally agree
- 2 Tend to agree
- 3 Tend to disagree
- 4 Totally disagree

(qb9\_2) Legal immigrants should have the same rights as [country's] citizens

- 1 Totally agree
- 2 Tend to agree
- 3 Tend to disagree
- 4 Totally disagree

The first question asks respondents' opinion on whether immigrants actually contribute any positive aspect to the destination country, either in economic or culturally. On the other, the second question is on immigrant rights. I use these questions as two dependent variables since the former asks respondents' overall image on immigrants while the latter does on degree of integration.

For a main independent variable, I have updated Fitzgerald, Leblang, and Teet's (2014) dataset, which identifies citizenship law of each country (*Citizenship*). This is a binary variable that marks whether a country adopts *jus soli* or *jus sanguinis* principle. <Table 4.1> classifies how countries in Eurobarometer can be distinguished into the two citizenship regimes. Further

variables along with specific details are shown in <Table 4.2>. Measures selected for the rest of independent and control variables are directly taken from Eurobarometer dataset.

<Table 4.1> Classification of Countries in Eurobarometer Based on Their Citizenship Law

<i>Jus soli</i> rule	<i>Jus sanguinis</i> rule
France, Germany, Ireland, the United Kingdom	Austria, Belgium, Czech Republic, Denmark, Estonia, Finland, Greece, Hungary, Italy, Luxembourg, Netherlands, Norway, Poland, Portugal, Spain, Sweden, Slovakia

<Table 4.2> Description on Variables Adopted from Eurobarometer Data

#### Dependent Variables

- Attitude (qb9\_1) Immigration enriches (country's) economy and culture: Totally agree (1) Tend to agree (2) Tend to disagree (3) Totally disagree (4)
- (qb9\_2) Legal immigrants should have the same rights as [country's] citizens: Totally agree (1) Tend to agree (2) Tend to disagree (3) Totally disagree (4)

#### Independent Variables

- Citizenship Citizenship regime (Binary): 1 if *jus soli*, and 0 if *jus sanguinis*  
[Source: updated Fitzgerald, Leblang and Teets (2014)]
- Education (d8r2: Recoded) How old were you when you stopped full-time education?  
No formal education (1) Up to 15 (2) 16~19 (3) above 20 (4)
- Income (d60) During the last 12 months, would you say you had difficulties to pay your bills at the end of the month? Most of the time (1) From time to time (2) Almost never/ Never (3)
- Unemploy (d15a\_r1: Recoded): 1 if unemployed, 0 otherwise

#### Control Variables

- Nationalism (qa1\_1) You are happy living in [country]: Totally agree (1) Tend to agree (2) Tend to disagree (3) Totally disagree (4)
- View on EU (qa1\_2) You are happy living in the EU: Totally agree (1) Tend to agree (2) Tend to disagree (3) Totally disagree (4)
- Married (d7: Recoded) Binary: 1 if married, 0 if not
- Gender (d10) Binary: 1 if male, 0 if female
- Age (d11r2) 15~24 (1) 25~39 (2) 40~54 (3) 55~64 (4) 65~74 (5) 75+ (6)
- Rural (d25) Would you say you live in a: Rural area or village (1) Small or middle sized town (2) Large town (3) Don't know (4)

Besides citizenship law, I include three measures as independent variables: educational level (*Education*), income level (*Income*), and Unemployment status (*Unemploy*). The question on education asks in what age respondents have refrained from full-time education. I assume that those, who have answered “above 20” to be university graduates for most of cases. The question, which I use as a proxy to deduce respondents’ income level, asks their difficulty in bill payment. It asks whether a respondent has had difficulties to pay bills at the end of the month during the last 12 months. I assume that respondents, who have answered to have difficulty for most of times, to be associated with lower income level. On the contrary, I consider that those, who have answered that they have never experienced such a difficulty, to be more financially stable. For control variables, I include: satisfaction in living in own country (*Nationalism*), satisfaction in living in the EU (*View on EU*), marital status (*Married*), *Gender*, *Age*, and whether respondents live in rural or urban areas (*Rural*). These last four variables are selected as an effort to follow Burgoon and Hiscox’s (2008) demographic and ideological concerns.

The values of dependent variables are ordered categorical. Thus, I use ordered logit model. Since my purpose is to compare one individual to another, I apply country fixed effect. What also needs to be taken into account is that citizenship law only varies across countries while a unit of analysis is an individual respondent. Thus, if I directly implement citizenship law variable into a model, this effect will be washed away due to the country fixed effect. Therefore, I instead include this variable as an interaction term with other independent variables. In sum, the resulting model specification is:

$$\begin{aligned}
& Migration\_Preference_{ji} \\
& = \alpha + \beta_1 Education_{ji} + \beta_2 Income_{ji} + \beta_3 Unemploy_{ji} + \beta_4 IV_{ji} * Citizenship_i \\
& + \beta_5 Nationalism_{ji} + \beta_6 ViewEU_{ji} + \beta_7 Married_{ji} + \beta_8 Gender_{ji} + \beta_9 Age_{ji} \\
& + \beta_{10} Rural_{ji} + \beta_{12} + u_i + \varepsilon_{ji}
\end{aligned}$$

Here, the equation indicates attitude on immigrants by an individual ( $j$ ) in a country ( $i$ ). The interaction term ( $\beta_4 IV_{ji} * Citizenship_i$ ) implies that the citizenship law variable can be interacted with independent variable(s) in interest.

One shortcoming in relying on this dataset is that the questions I have selected as dependent variables explicitly ask on immigrants, not migrants or foreign aliens. Thus, this may carry out different connotation to each respondent. Some may refer to permanent migrants while the others may interpret the terminology as migrants in general or foreigners, who live in the country, regardless of their visa types. While acknowledging that this may pose a threat to construct validity, most of surveys conducted in regards to migrants use the word, “immigrants,” instead of “migrants.” Thus, these questions are the closest ones that allow researchers to study public attitude on migrants at this point. Nonetheless, most survey data hold this type of ambiguity and endogeneity problems since respondents are free to interpret questions with their subjective values and knowledge. This is the exact reason that I rely on two different datasets in order to confirm my hypothesis. Since statistical results on the both datasets produce similar outcomes, I claim that they support my contention.

#### 4.1.2. Empirical Results and Interpretation

Regression results for the both dependent variables (one on migrants’ contribution and the other on their rights) are presented in <Table 4.3>. When the model includes both an independent variable and its interaction term with citizenship law, a coefficient for the



independent variable shows its effect when citizenship law is 0 (*jus sanguinis*). Meanwhile, a summation of coefficients of the independent variable and interaction term represents the IV's

<Table 4.3> Ordered Logistic Regressions on Public Sentiment toward Immigrants (Eurobarometer)

	DV: Economic/Cultural Diversity (qb9_1)				DV: Migrant Rights (qb9_2)			
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Education	-.284*** (.021)	-.225*** (.024)	-.285*** (.021)	-.284*** (.021)	-.187*** (.021)	-.128*** (.024)	-.188*** (.021)	-.187*** (.021)
Income	-.020 (.023)	-.025 (.023)	.020 (.027)	-.020 (.023)	-.054* (.023)	-.059* (.023)	-.029 (.027)	-.054* (.023)
Unemploy	.045 (.030)	.043 (.030)	.044 (.030)	.040 (.034)	-.011 (.030)	-.012 (.030)	-.012 (.030)	-.012 (.034)
Citizenship x Education		-.246*** (.046)				-.244*** (.047)		
Citizenship x Income			-.154** (.051)				-.099# (.051)	
Citizenship x Unemploy				.021 (.064)				.004 (.065)
Nationalism	-.103*** (.023)	-.102*** (.023)	-.103*** (.023)	-.103*** (.023)	-.019 (.023)	-.018 (.023)	-.019 (.023)	-.019 (.023)
View on EU	.474*** (.020)	.472*** (.020)	.475*** (.020)	.474*** (.020)	.323*** (.020)	.320*** (.020)	.323*** (.020)	.323*** (.020)
Married	-.065* (.029)	-.060* (.029)	-.064* (.029)	-.065* (.029)	-.062* (.029)	-.056# (.029)	-.061* (.029)	-.062* (.029)
Gender	.035 (.028)	.038 (.028)	.036 (.028)	.035 (.028)	.005 (.028)	.007 (.028)	.005 (.028)	.005 (.028)
Age	.034*** (.009)	.033*** (.009)	.035*** (.009)	.034*** (.009)	.058*** (.009)	.057*** (.009)	.059*** (.009)	.058*** (.009)

Rural	-.070 <sup>***</sup> (.018)	-.071 <sup>***</sup> (.018)	-.071 <sup>***</sup> (.018)	-.070 <sup>***</sup> (.018)	-.085 <sup>***</sup> (.018)	-.086 <sup>***</sup> (.018)	-.086 <sup>***</sup> (.018)	-.085 <sup>***</sup> (.018)
Observation	18,304	18,304	18,304	18,304	18,483	18,483	18,483	18,483
LR test	3162.29	3190.80	3171.29	3162.40	3177.49	3204.99	3181.25	3177.50
Log-likelihood	-22630.5	-22616.2	-22626.0	-22630.4	-22229.9	-22216.2	-22228.1	-22229.9

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\*\*\* p < 0.001, \*\* p < 0.01, \* p < 0.05, #p < 0.1; standard errors in parentheses.

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effect when citizenship law is 1 (*jus soli*). For instance, when we look at regression models for economic and cultural diversity, Model (2) indicates that the higher a respondent's educational level by one category, he will impose a positive view on immigrants by -.225 in *jus sanguinis* countries.<sup>95</sup> Meanwhile, this effect will be doubled in *jus soli* countries  $[(-.225) + (-.246) = -.471]$ . The similar trend occurs in Model (6) where education level is interacted, treating immigrant right as a dependent variable: -.128 for *jus sanguinis* countries, and  $[(-.128) + (-.244) = -.372]$  for *jus soli* countries. Income level, however, seems to produce different effects depending on the dependent variable. Those with stable income level in *jus sanguinis* countries tend to less appreciate immigrants' economic and cultural contribution by .020. On the other hand, the similar type of respondents will answer more positively in *jus soli* rule  $[(.020) + (-.154) = -.134]$ . Furthermore, those financially stable respondents in *jus sanguinis* rule tend to have a more positive attitude toward immigrants' rights by -.029 while this effect will be stronger in *jus soli* rule  $[(-.029) + (-.099) = -.128]$ . It is unclear why those in *jus sanguinis* law express opposing views depending on DV. Nonetheless, these values show that respondents in *jus soli* countries tend to express more generous attitude toward immigrants for both DVs.

In case of unemployment status, however, the coefficients highlight an opposite tendency compared to those for education level and income. In regards to immigrants' contribution,

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<sup>95</sup> The order of dependent variables suggest that the lower the value, the more positive respondents are toward migrants (1: totally agree, 2: tend to agree, 3: tend to disagree, 4: totally disagree)

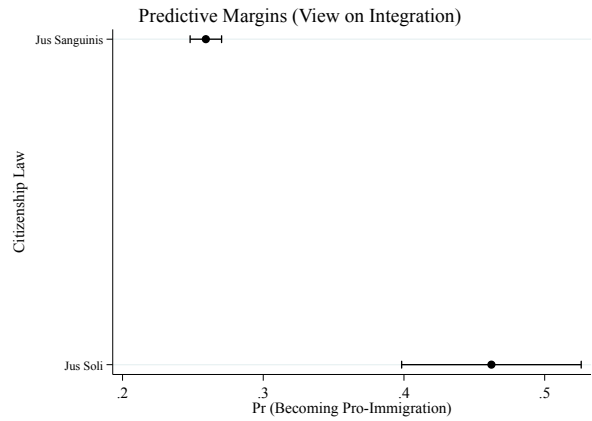
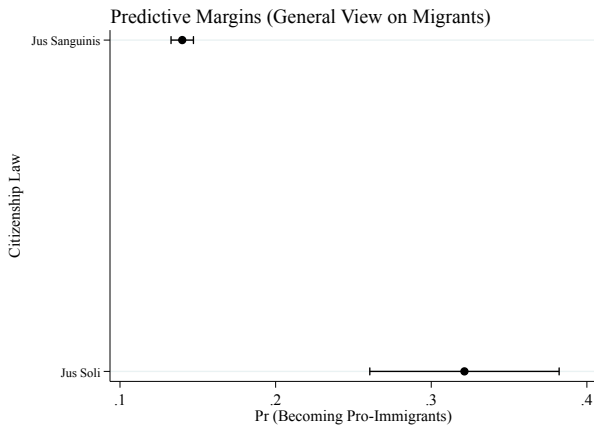
unemployed respondents in *jus sanguinis* countries tend to less appreciate it by .040. This effect will be more severe among unemployed respondents in *jus soli* rule by  $[(.040) + (.021) = .061]$ . In addition, when a question asks on immigrants' rights, unemployed respondents in *jus sanguinis* regime hold positive attitude by -.012, although this effect decreases by  $[(-.012) + (.004) = -.008]$  in *jus soli* rule. While these coefficients provide insightful observations, they tend to be less reliable to deduce a firm conclusion. In order to more accurately examine the effects of citizenship law on public attitude, I turn to predicted probabilities.

<Figure 4.1> shows predicted probabilities of citizenship law on general view toward immigrants (whether respondents believe immigrants contribute to economic or cultural diversity) and on integration (whether they should be granted more rights). The citizenship law for both dependent variables turns out to be significant. For either dependent variable, moreover, it seems that *jus soli* principle yields a higher probability for respondents to become pro-immigrants. In regards to the general view on immigrants, *jus sanguinis* rule would cause a positive response by .140 while *jus soli* rule would do so by .321. Similarly, in regards to the attribution of more rights for immigrants, *jus sanguinis* rule yields a positive effect by .259 while *jus soli* rule does so by .462. These outcomes demonstrate that citizenship law carries out a significant and noticeable effect in formulating people's perception toward immigrants.

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<Figure 4.1> Predicted Probabilities of Citizenship Law (Eurobarometer)

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*Jus Sanguinis* (= 0) .140\*\*\*  
(.004)

.259\*\*\*  
(.006)

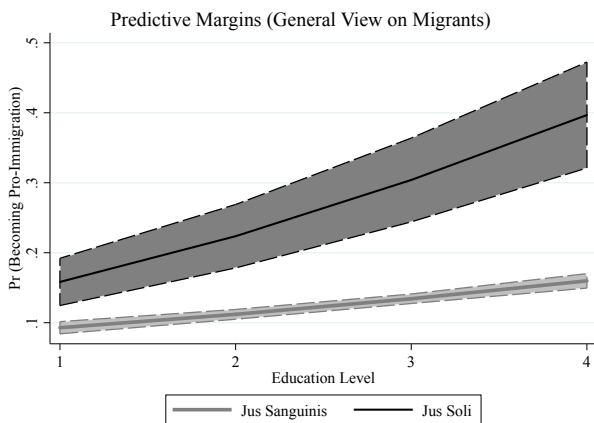
*Jus Soli* (= 1) .321\*\*\*  
(.031)

.462\*\*\*  
(.033)

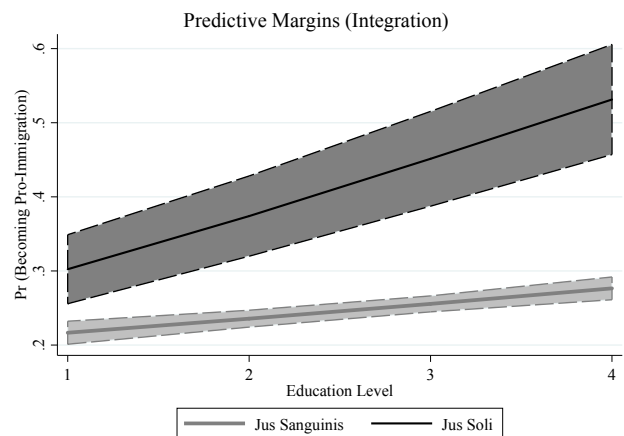
Notes: These marginal effects predict probability that respondents would answer positively toward immigrants (predicting outcome (1) that is fully agree with their contribution or fully agree to give them more rights).

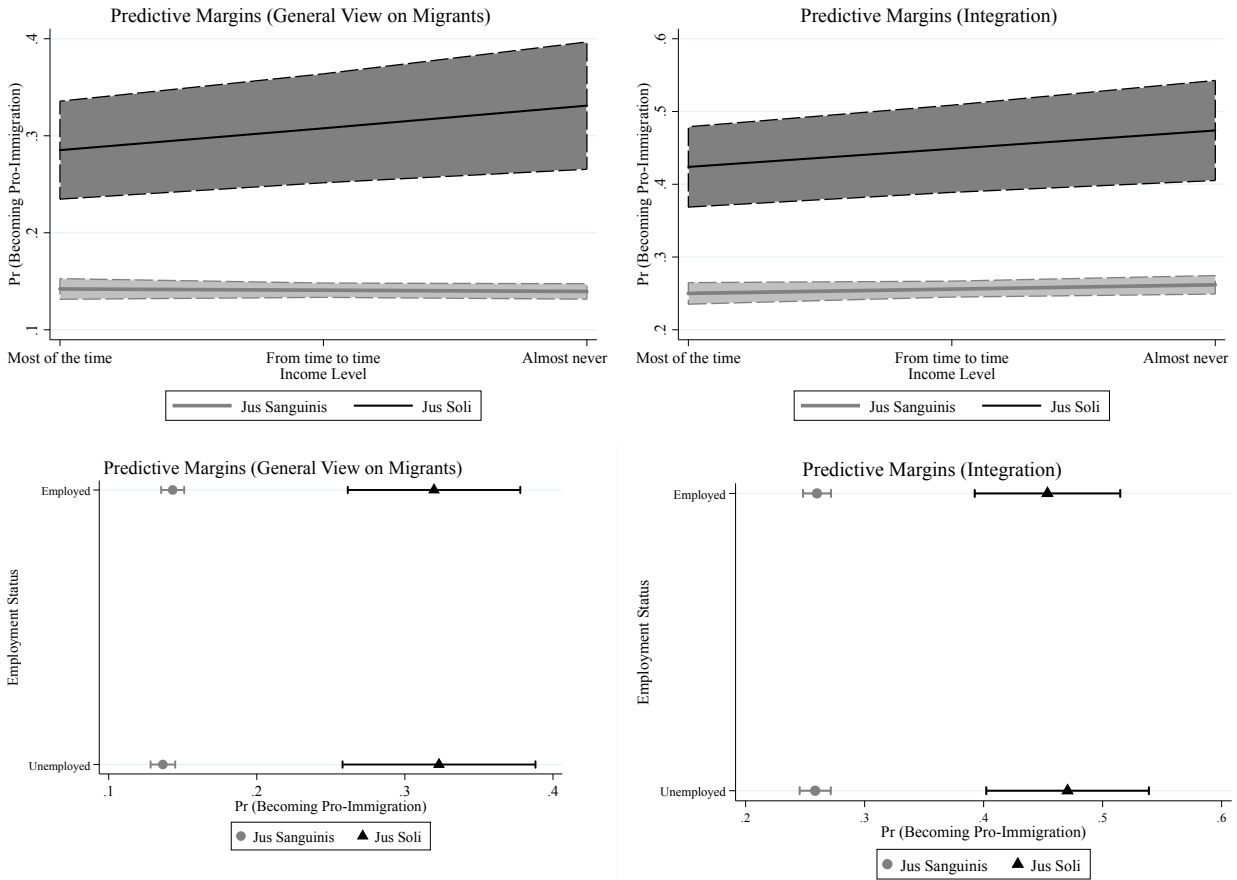
<Figure 4.2> Predicted Probabilities of Citizenship Law with Interaction Terms (Eurobarometer)

DV: Overall View on Immigrants



DV: View on Integration





<Figure 4.2> further elaborates the effect of citizenship law when it is interacted with other independent variables: education level, income level, and unemployment status. When the citizenship law is interacted with education level, both dependent variables show that respondents in *jus soli* countries tend to be more generous toward immigrants as their education level increases. On the other, those in *jus sanguinis* countries tend to show lower tolerance toward immigrants regardless of their education level. In case of income level, it seems that it generates a less obvious effect compared to education level. In other words, slopes for either citizenship rule or on either dependent variable are much more incremental compared to those for education level. Nonetheless, the difference between the two citizenship laws is apparent.

Respondents in *jus soli* regime are likely to express more favorable attitude toward migrants regardless of their income levels. The unemployment status also produces the similar results. Whether a respondent is employed or unemployed does not generate much difference. Instead, those in *jus soli* principle express a much higher probability to favor immigrants compared to those in *jus sanguinis* principle.

Overall, those statistical findings based on Eurobarometer confirm that people in *jus soli* countries tend to reveal a more positive attitude toward migrants both on their overall image and their rights. The results based on National Identity II survey by ISSP, attributed in <Appendix 5.1>, also demonstrate the similar interpretation, although the effect of the citizenship law turns out to be smaller. Nonetheless, it conspicuously appears that respondents in *jus soli* regime tend to hold more pro-immigration sentiment regardless of individual conditions. These results strongly support my first hypothesis.

#### **4.2. Effects of Citizenship Law on Politicians' Attitude Toward Migrants**

The previous section has demonstrated how citizenship law influences public view on migrants. This section aims to elaborate the second hypothesis; Politicians in *jus soli* regime prefer more generous migration policies, especially on their entry, because there is a higher probability that migrants will be new voters. In order to empirically test this claim, I mainly rely on two datasets that measure policy positions of parties across countries over years: Chapel Hill Expert Survey (2014) and Manifesto dataset (2015). A major limitation, however, is that the former dataset only covers political parties across Europe. The latter one instead covers a wider range of countries. Yet, this dataset contains too many missing data, and thus, the results

obtained from it lack reliability. Thus, I only report results deduced from Chapel Hill dataset while reporting outcomes from Manifesto dataset in <Appendix 2>.

#### 4.2.1. Data, Measurement, and Model Specification

The Chapel Hill Dataset (2014) records positions of parties on issues, such as political ideology, European integration and domestic policies from 22 democracies in the Europe for the year of 2014.<sup>96</sup> Although it only captures parties in European countries, it records detailed party positioning on various issues. A unit of analysis in this dataset is a party, and thus, the dataset includes names of parties along with a name of country where they belong. These parties' positions on issues are measured based on estimates deduced from surveys circulated among experts and researchers, who share a deep knowledge on specific parties as well as international and domestic conditions. Thus, my focus and scope in this section is political parties in Europe for the year of 2014.

This dataset is especially helpful to test my hypothesis on political parties, because it takes two separate dimensions on migrant issues; (1) a position on immigration policy (preference on restrictive policy toward immigrants – *Immigration\_policy*), and (2) a position on integration of immigrants and asylum seekers (multiculturalism versus assimilation – *Multiculturalism*). These variables are helpful in parsing out parties' positions on both overall immigration issue and specifically integration issue. They both range between 0 (fully opposed to a restrictive policy/ strongly favors multiculturalism) and 10 (fully in favor of restrictive policy/ strongly favors assimilation). In this sense, the lower the value, parties are more

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<sup>96</sup> Original dataset includes 31 countries. Yet, after selecting necessary variables, the number is reduced to 22 EU countries that are OECD members. The 22 countries include Austria, Belgium, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Luxembourg, Netherlands, Norway, Portugal, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey, and United Kingdom.

favorable toward migrants (either in immigration policy as a whole or in respect to integration). I use these two measures as my two main dependent variables.

Independent and control variables that are included in my regression models are listed in <Table 4.4>. Most of them are directly adopted from the Chapel Hill dataset. The main independent variable continues to be citizenship law (***Citizenship***) based on Fitzgerald et al.’s (2014) measure. As have observed in the previous section, because citizenship law rarely varies across time, it will drop out when I include country-fixed effects in the model. Thus, I use party ideology variable (***Party***), which is continuous and varies across parties within a country, in order to interact it with citizenship law variable.

For control variables, I include; 1) a party’s position toward international security (***Intl\_security***), 2) whether each party is rigorous in reducing corruption (***Corrupt\_salience***), 3) a position on urban versus rural interests (***Urban\_rural***), 4) ideological stance on economic issues, such as whether a government should intervene in economic market (***Econ\_position***), 5)

<Table 4.4> Summary of Variables (Chapel Hill Expert Survey dataset)	
<b>Dependent Variable</b>	
Immigration_policy	Position on immigration policy (IMMIGRATE_POLICY) 0 (Fully opposed to a restrictive policy on immigration) ~ 10 (Fully in favor)
Multiculturalism	Position on integration of immigrants and asylum seekers (multiculturalism v assimilation) 0 (Strongly favors multiculturalism) ~ 10 (Strongly favors assimilation)
<b>Independent Variables</b>	
Citizenship	Binary (1 if <i>jus soli</i> , and 0 if <i>jus sanguinis</i> ) Source: Fitzgerald et al. (2014)
Party	Position of the party in 2014 in terms of its overall ideological stance (LRGEN) 0 (Extreme left) ~ 5 (Center) ~ 10 (Extreme right)
<b>Control Variables</b>	
Intl_security	Position towards international security and peacekeeping missions 0 (Strongly favors country troop deployment) ~ 10: (Strongly opposes)
Corrupt_salience	Salience of reducing political corruption 0 (Not important at all) ~ 10 (Extremely important)



Urban_rural	Position on urban versus rural interests 0 (Strongly supports urban interests) ~ 10 (Strongly supports rural interests)
Econ_position	Ideological stance on economic issues. Parties on the economic left want government to play an active role in the economy. Parties on the economic right emphasize a reduced economic role for government: privatization, lower taxes, less regulation, less government spending, and a leaner welfare state (LRECON) 0 (Extreme left) ~ 5 (Center) ~ 10 (Extreme right)
EU_position	Overall orientation of the party leadership toward European integration 1 (Strongly opposed) 2 (Opposed) 3 (Somewhat opposed) 4 (Neutral) 5 (Somewhat in favor) 6 (In favor) 7 (Strongly in favor)
Tradition	Position on democratic freedoms and rights. “Liberation” or “post-materialist” parties favor expanded personal freedoms (i.e., access to abortion, active euthanasia, same-sex marriage, or greater democratic participation). “Traditional” or “Authoritarian” parties often reject these ideas; they value order, tradition, and stability, and believe that the government should be firm moral authority on social and cultural issues (GALTAN) 0 (Libertarian/ Post-materialist) ~ 5 (Center) ~ 10 (Traditional/ Authoritarian)
Nationalism	Position towards nationalism 0 (Strongly promotes cosmopolitan society) ~ 10 (Nationalist society)
Ethnic_minorities	Position towards ethnic minorities 0 (Strongly supports more rights for ethnic minorities) ~ 10 (Strongly opposes)

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Notes: 1) All variables (except citizenship law) are taken directly from Chapel Hill Expert Survey dataset.

2) Variable names in parentheses indicate original names listed in the dataset.

3) Each variable in the dataset shows averaged value of evaluations by 337 experts.

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activeness in regards to European integration (*EU\_position*), 6) a position on democratic freedoms and rights (*Tradition*), 7) a position toward nationalism (*Nationalism*), and 8) a position towards ethnic minorities (*Ethnic\_minorities*).

Since the two dependent variables are both continuous, and they are relatively bell-shaped (see <Figure 4.3>), I use linear regression model. Also, because the unit of analysis is political parties, I include country fixed effects, along with insertion of citizenship law as an interaction term with party ideology. Thus, I estimate the following model:

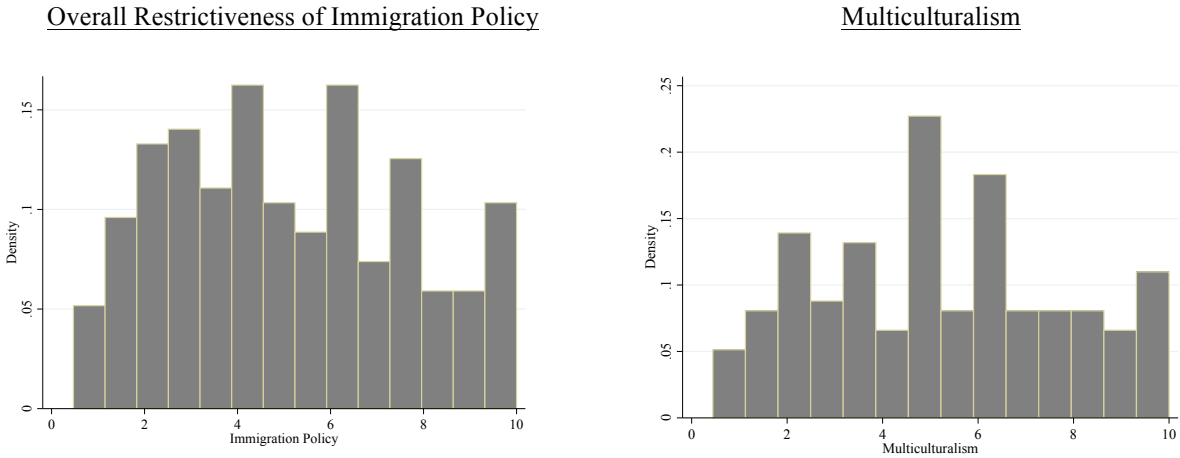
$$\begin{aligned}
 \text{Migration\_Preference}_{ji} &= \alpha + \beta_1 \text{Party}_{ji} + \beta_2 \text{Party}_{ji} * \text{Citizenship}_i + \beta_3 \text{Int'l\_Security}_{ji} \\
 &+ \beta_4 \text{Corrupt\_Salience}_{ji} + \beta_5 \text{Urban\_Rural}_{ji} + \beta_6 \text{Econ\_Position}_{ji} \\
 &+ \beta_7 \text{EU\_Position}_{ji} + \beta_8 \text{Tradition}_{ji} + \beta_9 \text{Nationalism}_{ji} + \beta_{10} \text{Ethnic\_Minorities}_{ji} \\
 &+ u_i + \varepsilon_{ji}
 \end{aligned}$$

In this equation, the dependent variable, *Migration\_Preference<sub>ji</sub>*, is applicable to both immigration and integration positioning, indicating policy preference of a party (*j*) in a country (*i*). I only include country fixed effect since the dataset includes party preferences in 2014.

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<Figure 4.3> Histograms of Dependent Variables from Chapel Hill Expert Survey Dataset

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#### 4.2.2. Empirical Results and Interpretation

<Table 4.5> reports results for both dependent variables. Overall, party ideology seems to be statistically significant in both regimes, and parties' tendency to prefer anti-immigration or assimilation policy decreases as a country adopts *jus soli* rule. If we focus on results for Model (4) and (8), it is noticeable that coefficients for party ideology is positively significant while interaction term is negatively significant. The interpretation of these coefficients is as follows. First, in regards to overall immigration policy (Model 4), as a party in *jus sanguinis* regime aligns itself more toward rightist ideology, it would favor restrictive immigration policy by .178. Yet, this effect will be reduced down to .050, if this party takes place in *jus soli* regime  $[(1.78) + (-.128) = .050]$ . Second, in regards to multiculturalism (Model 8), as a party in *jus sanguinis*

regime aligns itself more toward rightist ideology, it would favor assimilation policy by .164 while this effect will be reduced down to .048 in *jus soli* regime  $[(.164) + (-.116) = .048]$ . To put it another way, it seems undeniable that party ideology factors into party positioning on migrant issues to a certain degree. However, this effect becomes much weaker when citizenship law shifts from *jus sanguinis* to *jus soli* rule. Hence, there seems to be a clear effect produced by the citizenship law variable. In order to more accurately examine the effects of citizenship law and party ideology, I now turn to predicted probabilities.

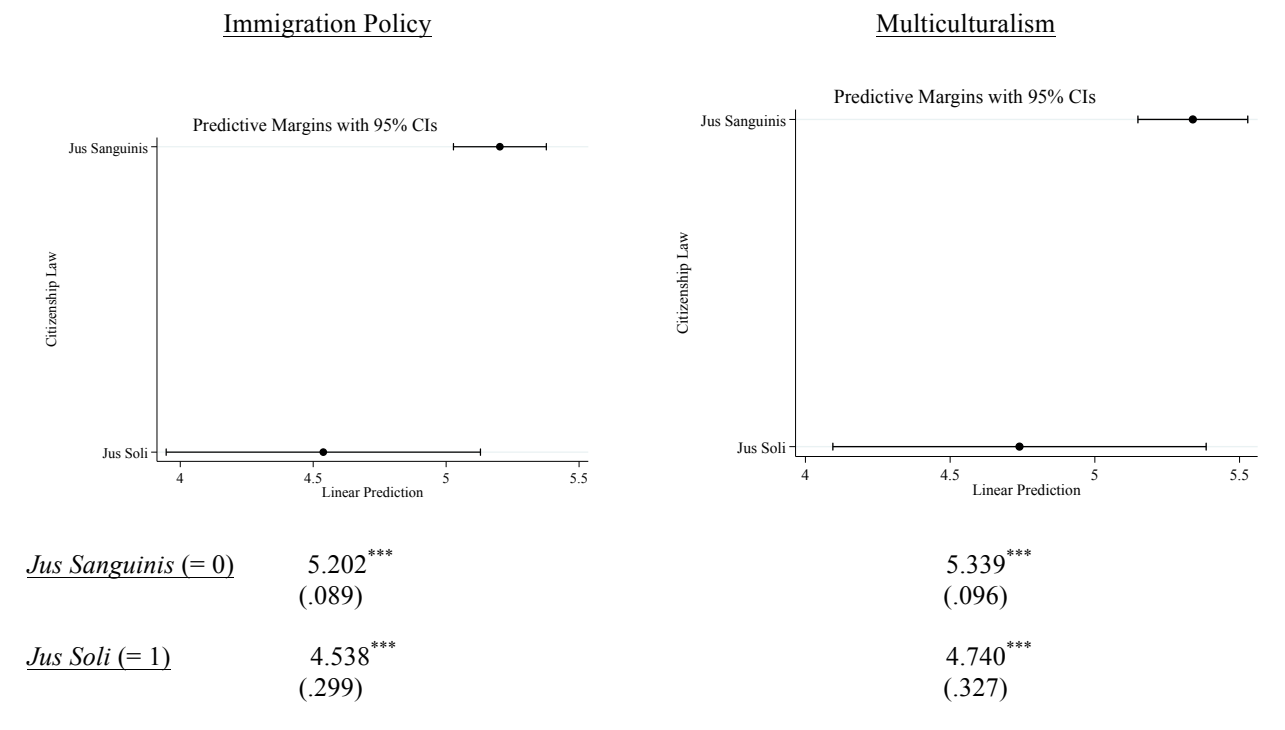
<Figure 4.4> shows predicted probabilities of citizenship law regime. Both citizenship laws appear to be significant in forming party preferences on migration policies (on both dependent variables). Compared to countries in *jus sanguinis* regime, those in *jus soli* regime prefer more liberal immigration policies by .664 difference  $[(5.202) - (4.538) = .664]$  and more integrating policies by 0.599 difference  $[(5.339) - (4.740) = .599]$ . Overall, the effects of

<Table 4.5> Linear Regression with Country Fixed Effects (Chapel Hill Dataset)

	Immigration Policy				Multiculturalism			
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Party	.250*** (.046)	.181* (.084)	.167# (.085)	.178* (.085)	.235*** (.047)	.164# (.091)	.153# (.093)	.164# (.092)
Party x Citizenship	-.136* (.066)	-.134* (.066)		-.128# (.069)	-.133* (.066)	-.124# (.072)		-.116 (.075)
Intl_security			-.059 (.070)	-.061 (.069)			-.029 (.076)	-.031 (.076)
Corrupt_salience			-.015 (.054)	-.005 (.054)			-.027 (.059)	-.017 (.059)
Urban_rural			-.049 (.060)	-.027 (.061)			-.032 (.065)	-.013 (.066)
Econ_position		.037 (.069)	.007 (.072)	.016 (.072)		.079 (.075)	.060 (.078)	.069 (.078)
EU_position		.032 (.050)	.003 (.069)	.001 (.068)		-.074 (.055)	-.101 (.075)	-.102 (.075)
Tradition		.091 (.064)	.104 (.072)	.093 (.071)	.096 (.062)	.167* (.069)	.180* (.078)	.170* (.078)
Nationalism	.321*** (.049)	.288*** (.068)	.303*** (.072)	.299*** (.072)	.262*** (.062)	.380*** (.074)	.380*** (.078)	.377*** (.078)
Ethnic_minorities	.447*** (.058)	.436*** (.061)	.420*** (.064)	.433*** (.064)	.425*** (.060)	.220** (.064)	.204** (.068)	.215** (.068)
Observation	199	199	198	198	199	200	199	199
R-Square	.8166	.8211	.8447	.8220	.8187	.8189	.8311	.8182

\*\*\* p<0.001, \*\* p<0.01, \* p<0.05, # p<0.1; standard errors in parentheses.

<Figure 4.4> Predicted Probabilities of Citizenship Law (Chapel Hill Dataset)

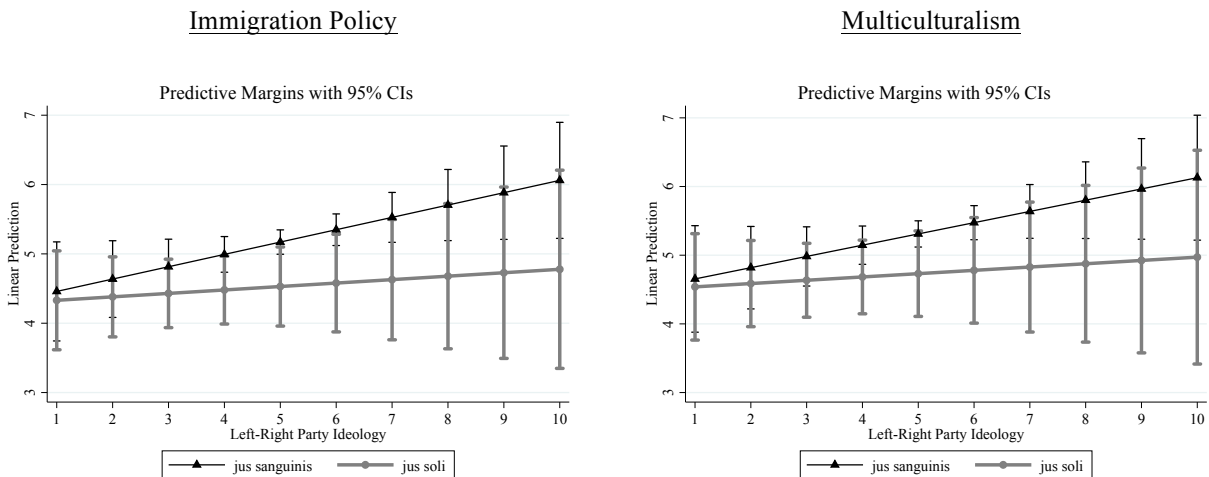


citizenship law seem to be apparent. Still, one concern here is that confidence intervals of *jus soli* countries are larger compared to those of *jus sanguinis* countries. Although some might raise concerns on this, the result shows that parties in *jus soli* are capable to become liberal towards immigrants up to a level, which those in *jus sanguinis* are unable to achieve. Conversely, parties in *jus sanguinis* hold a probability to become anti-immigrant up to a level, which those in *jus soli* can never reach. In sum, citizenship law seems to yield an effect on parties' preference formation in respect to migration issues.

Furthermore, <Figure 4.5> shows predicted probabilities of both citizenship law and party ideology. Both dependent variables show almost identical results. Overall, it seems that parties in *jus soli* regime tend to show less anti-immigration sentiment since their predicted values are much lower than those for parties in *jus sanguinis* regime (indicating they have a less

probability to prefer restrictive or assimilation policies). Specifically, in *jus soli* countries, party ideology does not seem to yield a great effect since there is not much variation horizontally, although the rightist parties in this regime tend to be more hostile against immigrants in a very small scale. On the contrary, parties in *jus sanguinis* law show less anti-immigration sentiment as their ideologies align with leftist ideology; however, their attitude become highly anti-immigration as their ideology shifts toward rightist ideology. In sum, it seems that a rightist party under *jus sanguinis* tend to yield the most restrictive and assimilationist attitude toward immigrants while the effect of citizenship law becomes minimal when parties hold leftist ideology.

<Figure 4.5> Predicted Probabilities of Citizenship Law and Party Ideology (Chapel Hill Dataset)



*Jus Sanguinis* (= 0) 5.202\*\*\*  
(.089)

*Jus Soli* (= 1) 4.538\*\*\*  
(.299)

5.339\*\*\*  
(.096)

4.740\*\*\*  
(.327)

This outcome is somewhat ambiguous as in whether party ideology actually carries out a clear and substantive effect on migration issues. It seems that party ideology executes a greater effect within *jus sanguinis* countries, although its effect diminishes in *jus soli* countries. This does not necessarily contradict from my second hypothesis, because political parties in *jus soli* countries are less influenced by their party ideologies when viewing migrants, and thus, it is more likely that their calculation behind migration policymaking reflects other domestic conditions or individual interests. Nonetheless, the marginal effects on citizenship law indicate that this variable has an effect on parties' positioning on migration issues.

In sum, it seems valid to claim that citizenship law variable carries out a significant effect on preference formation of political parties on migration policies. The Chapel Hill data confirms significance of both citizenship law and party ideology; however, the latter functions differently depending on the former variable. As can be seen from statistical results on the Manifesto data in <Appendix 2>, the outcome also confirms significance of citizenship law, although the effect turns out to be quite minimal. As aforementioned, this may be due to the fact that the dataset includes too many missing values and zeroes, and thus, produces some equivocal results. Nonetheless, both datasets imply that political parties in *jus soli* countries tend to be more generous toward migrants for both general and integration policies.

#### **4.3. Overall Effect of Citizenship Law during Macroeconomic Downturns**

So far, I have empirically demonstrated how citizenship law yields a significant effect on public sentiment toward migrants as well as on political calculation. Relying on various datasets and statistical models, it seems reasonable to claim that; 1) people in *jus soli* countries tend to express a more favorable attitude toward migrants on both entry and right, and 2) politicians in

*jus soli* countries pose a more generous attitude toward migrants. Based on these claims, this section delves into the final hypothesis on the relationship between citizenship law and national economic performance. As aforementioned, it seems to be a natural trend that countries become restrictive against migrants when their domestic economy suffers. While there is this general tendency; however, my third hypothesis posits that countries with *jus soli* principle are likely to experience this trend with a lesser degree, compared to those under *jus sanguinis* law due to the mechanisms presented earlier. Because the general public in *jus soli* countries has a higher tolerance on migrants due to re-categorization process, politicians have a more leverage to incorporate migrants compared to those in *jus sanguinis* countries. In addition, because migrants in *jus soli* rule has a higher probability to obtain citizenship of the destination countries, it generates an incentive for politicians to enact a more generous policies for them in order to attract those new votes. As a consequence, it becomes difficult for politicians in *jus soli* countries to enact restrictive migration policies even when facing macroeconomic downturns.

To test this hypothesis, I derive new continuous variables to measure restrictiveness of migration policies across countries based on International Migration Institute's (IMI, 2016) ordered categorical dataset on migration policy. This new measure confirms that citizenship has an effect on state behaviors in dealing with migrant issues during bad economy.

#### 4.3.1. Model Specification and Measuring Dependent Variable

The third hypothesis includes two important characteristics. The first part is that countries tend to become more restrictive against migrants as their economic performance deteriorates. The second part is that this tendency is likely to be stronger in *jus sanguinis* countries. To put it another way, the first portion requires measuring *within-effects across time* since it conveys that



macroeconomic downturns within a country would affect types of migration policies enacted. In order to capture this effect, time series model would be the most ideal. In other words, the unit of analysis would be country, and each country would involve observation for a given span of time. Meanwhile, the second portion highlights dissimilar degrees of restrictiveness across countries depending on their respective citizenship law, and thus, more closely aligns with *between-effects across cases*. Because a dichotomous classification – either *jus soli* or *jus sanguinis* – is the main distinction across cases, I can apply time series cross sectional model with fixed effects and interaction term between a binary citizenship law variable and continuous variable that captures economic performance.<sup>97</sup> Therefore, the most suitable model can be specified as follows;

$$y_{it} = \alpha + \beta_1 Economy_{it} + \beta_2 Economy_{it} * Citizenship_i + \beta_3 Control_{it} \dots + u_i + \varepsilon_{it}$$

The greatest difficulty in pursuing this empirical test is to correctly measure restrictiveness or liberalization of migration policies. The numerous challenges largely come from two characteristics of migration policies. First, countries enact different types of migration policies, and thus, it is extremely difficult to compare one to another. For instance, it is no easy to compare an imposition of language test for temporary migrants in Sweden to a reduced quota for labor migrants in the United States. Each policy in each country at each time period carries out different contextual connotation, and hence, it requires an extreme caution to generate a unifying method to conceptualize and measure migration policies. Second, and interrelated with the first point, scholars have not achieved much consensus on how to measure migration policies due to conceptual disagreement on definition of this policy as well as different focus and scope

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<sup>97</sup> Again, since citizenship law variable rarely varies over time, I include it as an interaction term with a variable on economic performance.

on the topic. For instance, some scholars intend to measure overall restrictiveness of policies while the others more focus on specific subsets of migrants, such as family, labor or refugees, or specific regulations, such as quota or financial restrictions. Due to these conceptual and methodological obstacles, there has not been a comprehensive dataset that measures restrictiveness of migration policies across time and countries.<sup>98</sup>

I claim that a continuous variable that captures varying degrees of migration policy restrictiveness across time and cases would be the most ideal to test my hypotheses. In order to examine why I prefer this type of dependent variable, I first examine potential options – either a binary or continuous – in constructing this variable, and explain why a dichotomous approach might be misleading. I then explain how I have generated a new continuous variable, which mostly accurately measures the outcome in interest.

The first possible option is to use a dichotomous variable to indicate years when restrictive policies are enacted. Karemera, Oguledo and Davis (2000) empirically test gravity model, suggested by Greenwood (1975) and Borjas (1989). By doing so, they intend to parse out causes of migrants from seventy origin countries flowing to the United States and Canada. Specifically, they composed binary time variables that mark reforms of US immigration law (1976, 1980 and 1986) and the Canadian Immigration Acts (1976 and 1978). Rotte and Vogler (2000) also adopt this kind of binary variable approach on migrants from Africa and Asia to Germany for the period of 1981-1995. The dummy years where reforms took place – 1987, 1991 and 1993 – appeared to be significant in expected directions. Furthermore, Hatton (2005) uses this approach on gauging causes to changing UK net migration. By using International Passenger

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<sup>98</sup> For instance, IMPALA (International Migration Policy and Law Analysis) project has attempted to compose such a dataset. Yet, they are still on a process of creating one. They have generated integration index, but it includes a few countries for a short span of time (as the time of February 2016).

Survey (IPS), the data includes 312 origin countries for 1975-1998. One of the variables involved is a dummy for 1998 and onwards to represent more liberated UK immigration policies.

Some may state that this type of measurement (inserting 1 for the year when a new policy was enforced, and 0 otherwise) suits to my research since my main objective is to examine whether economic downturn has any effect on enactment of restrictive migration policies. However, this method may be misleading due to two main reasons. First, it only captures a short-term effect, dismissing long-term effects. Furthermore, it fails to examine intensity of each policy, treating all events equally weighted, and this poses a serious conceptual discrepancy. For instance, because a country does not enact a restrictive migration policy during economic downturns, we cannot simply claim that the country has a liberal migration policy. It may have had a major restrictive migration policy for a long period of time, and thus, it may not have to pass another restrictive migration policy. In other words, even if a country does not enact a policy during bad economy, its restrictiveness may be more severe compared to another country that has passed a new restrictive policy. In this sense, previous migration policies are embedded into recent migration policies, and thus, we cannot treat these policies independent from each other. Similarly, countries have different preferences on how to enact migration policies. While one country prefers a major policy shift, the other may prefer a continuous yet minor changes across time. If we simply dichotomize this trend, the former country would receive 1 for one year while the latter would for consecutive years. However, this does not tell us anything on which country has experienced a more restrictive policy change.

The second challenge emerges due to the structure of the model that I have specified above. Because my research is partially interested in *within-effects* over time, the time series model is designed to capture effects of previous economic performances on migration policy

enactment. If I apply a dichotomous measure into this model, any effect originating from the previous migration policy enactment would disappear in the following years. This is realistically not plausible while methodologically wrong to model. Overall, a binary dependent variable does not seem to be applicable.

Another potential approach in measuring migration policy is to create a continuous variable that captures differing levels of policy restrictiveness. Scholars, such as Timmer and Williamson (1996), Lowell (2005), Cerna (2009), and Mayda (2010) have adopted this type of measurement. Still, I cannot directly rely on these continuous measures, because they either only covers a small number of countries for a limited time scope, only covers policies for a particular groups of migrants such as refugees or highly skilled migrants, or generate a dyadic dataset instead of cross sectional. Still, continuous measure that captures intensity of migration policies would best fit into my model, and thus, I have generated a new variable based on dataset composed by International Migration Institute (IMI) at University of Oxford (2016).

The IMI dataset on migration policy records specific migration policy enactment along with its country and year of enactment. Thus, the unit of analysis of this dataset is policy. This implies that there may be one policy record for one country for a year, or there may be multiple policy records for the country for another year. In addition to policy records, the dataset notes whether each policy was restrictive or liberal (+1 if restrictive, -1 if liberal). Moreover, it also marks whether the enactment was major, mid-level, minor, or fine-tuning (meaning a small change to the existing policy). Based on these records, I have generated two continuous variables, which are based on the following equations:

Method I:

$$\begin{aligned} \text{Policy Index (per country and year)} = \\ \{ \text{Liberal policy } (-1) \times \text{Intensity} \} + \{ \text{Restrictive policy } (+1) \times \text{Intensity} \} \end{aligned}$$

Method II:

$$\begin{aligned} \text{Policy Index (per country and year)} = [\text{Previous year's score}] + \\ \{ \text{Liberal policy } (-1) \times \text{Intensity} \} + \{ \text{Restrictive policy } (+1) \times \text{Intensity} \} \end{aligned}$$

Here, intensity implies whether the enactment was major, mid-level, minor, or fine-tuning. I have assigned a scale of 4 to 1 respectively, depending on the degree of the policy. If a country only has one policy enactment in a certain year, then I simply multiply the policy (-1 if liberal, +1 if restrictive) by its intensity. This yields a new value that actually differentiates among weights of policies.

The first methodology more focuses on the intensity of policy enactment(s) for each year. For instance, Australia has enacted an entry policy in 1988, which enlarged the size of migration program. This policy is considered to be liberal while it is marked as a minor change. Thus, the value for Australia in 1988 would be  $[(-1) \times 2]$ , which equals to -2. In the following year of 1989, this migration program reduced its size. Since it is recorded as a restrictive, yet minor, policy change, the derived value would be  $[(+1) \times 2]$ , which produces +2. Australia has experienced even smaller migration program (again a minor change) in 1990, and thus, the value for this year would be again  $[(+1) \times 2 = (+2)]$ . In the year of 1991, on the other hand, Australia has experienced two policy changes: even smaller migration program (minor restrictive change) and introduction of visa fees (major restrictive change). Thus, the value for Australia in 1991 would

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<Table 4.6> Sample of Continuous Measure on Restrictiveness of Migration Policies

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<u>Country</u>	<u>Year</u>	<u>Method I</u>	<u>Method II</u>
Australia	:	:	:
Australia	1988	-2	-2
Australia	1989	+2	0
Australia	1990	+2	+2
Australia	1991	+6	+8
Australia	:	:	:

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Data: Compiled based on dataset from IMI (2016).

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be  $[(+1) \times 2 + (+1) \times 4 = +6]$ . By relying on restrictiveness of the policy and intensity of change level, it generates a more nuanced variable compared to a simple dichotomous variable.

The second method aims to add time dependent effect into the values derived from the first method by summing it with values from the previous years. For instance, if we hypothetically assume that the year of 1988 is the first time that Australia has enacted a migration policy, the value for this year would stay to be -2 since there was no migration policy prior to this year. In this case, the previous years would be marked as 0, and thus, the summation of 0 and (-2) would produce (-2). For the following year of 1989, its own value calculated based on the first method is (+2). Since (-2) was the value for the prior year, a value, which involves time dependent effect of previous migration policy, would be [previous year's score (-2)] + [current year's score (+2)], which yields 0. The similar calculation follows onwards. Also, if there is no record in a particular year, this indicates that there is no migration policy shift, and therefore, I have inserted a value from the previous year. This example on Australian migration policy changes is visually presented in <Table 4.6>.

Some may wonder why I generate these two different variables in assessing migration policy shifts. In a way, the second approach seems to yield a more nuanced understanding of

direction and degree of each policy enactment, because the equation takes an effect of previous migration policies into account, and thus, it fits better with time series model. The first method also captures direction and intensity of individual policy enactments; however, it discounts this time dependent effects of previous policies. While acknowledging the difference between the two methods, it is difficult to rely on either one of them, because it is challenging to measure legacy of which policies actually lasts longer compared to the other policies. In other words, some policies may impact further migration policy scheme longer while the others might generate a rather shorter effect. Since there is no such a dataset, which calculates duration of effect of each policy, I take the two radical calculations – one that does not include time dependent effect and the other that fully takes it into the calculation – into my models. Using both measures and comparing the results seems to be the fairest investigation for this research.

There are few aspects that demand further explanation in creating these new variables. First, some years in countries involve both restrictive and liberal policy changes. This may mean countries became liberal for a certain types of migrants while being restrictive against other types of them. Although these concerns are interlinked with unique conditions and characteristics of each country in a given year, it becomes nearly impossible to assign differing scores for each combination since the same policy may imply different connotations depending on the location and time. Moreover, my ultimate interest is on the overall restrictiveness of migration policies over time. Thus, I assign value for each policy according to its restrictiveness and intensity, and simply sum their values in addition to previous year's value. In so doing, I follow Ruhs' (2013) distinction and complementarity between openness and right, I separate migration policies into two categories: entry policies and integration policies.

Second, the original IMI dataset records both migration and citizenship rules. Because my research interest is examination of the relationship between citizenship law and migration policies, I have eliminated records on citizenship law change.<sup>99</sup> For instance, I have deleted a shift from *jus sanguinis* to *jus soli* principle in Germany during 2001. Moreover, minor changes in relation to citizenship law (i.e., duration of stay for naturalization or dual citizenship) are intentionally removed. In regards to the EU countries, I have also neglected EU-level regional agreements, such as Schengen agreement. Whether to include EU level migration policies is a contentious one. Still, because the EU carries out a complex dynamics in a regional level, focusing on individual countries' decision on migrants from the third countries would be more adequate. Besides moderation in regards to citizenship law and the EU policies, I have also eliminated policy records on illegal migrants, refugees, and international students.

Third, I have chosen the year of 1945 as a starting point for calculating my dependent variable, because a lot of countries have radically changed migration policies after the World War II. If a country has enacted certain policy(s) in this year, I have calculated overall score based on the equation discussed above. If a country has enacted policy(s) after 1945 (i.e., 1947 or 1950), I have inserted zero in between these years.<sup>100</sup>

#### 4.3.2. *Scope, Unit of Analysis and Other Variables*

The previous section has clarified that the unit of analysis for the model is country, and the structure of data would take time series cross sectional. This section further specifies independent and control variables that I have included in my model. After collecting all data, my

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<sup>99</sup> Of course, some scholars interpret citizenship law as an integral part of integration policy, because it decides how migrants can be fully integrated into destination countries, along with types of rights that can be obtained.

<sup>100</sup> Indeed, many countries did not have migration policies prior to 1945, and enacted their first migration policy after this year.



scope has turned out to be 19 OECD countries (Australia, Austria, Belgium, Canada, Denmark, France, Germany, Greece, Ireland, Italy, Japan, Netherlands, New Zealand, Norway, Spain, Sweden, Switzerland, United Kingdom, and United States) over 35 years (1980-2014).<sup>101</sup>

The main independent variables aim to capture two factors: citizenship law regime and economic performance. For citizenship (***Citizen***), I continuously rely on Fitzgerald et al.'s dichotomous measure, indicating 1 if *jus soli* and 0 if *jus sanguinis*. For national economy condition, I adopt log of GDP per capita (***logGDP***). Since this variable is continuous, I interact logGDP with citizenship law variable.

Control variables can be divided into three parts: political variables, migrant variables, and the rest. For political controls, I insert three variables. The first one is a composition of seats taken by left parties in legislature (***Left Seats***). Because Swank's dataset records this ratio until 2005, I have further updated it. The second variable is a composition of seats taken by radical right parties in legislature (***Radical Right***). This is because radical right parties may hinder enactment of liberal migration policies. I have updated Fitzgerald et al.'s (2014) dataset to cover data up to 2014. The third one is a dichotomous measure on whether the dominant party is based on coalition with other parties (***Coalition***). I include this variable, because coalition government may generate more dissimilar views on migrants on a table, and thus, this may delay policy enforcement.

Migrant control variables also involve three specific variables. The first one is a lagged value of refugee stocks (***Refugee***), because a size of refugee stock may intervene public

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<sup>101</sup> Due to limitations on some variables, Greece and Italy as well as some years drop out, depending on the combination of variables included in models. More specific explanation will take place later in this section.

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<Table 4.7> Description on Variables

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**Dependent Variables**

Policy Continuous measure on restrictiveness of migration policy  
(Based on IMI dataset, 2016; the higher the value, the more restrictive a policy is)

**Independent Variables**

Citizen Binary (1 if *jus soli*, and 0 if *jus sanguinis*) Source: Fitzgerald et al. (2014)

logGDP Log of GDP per capita (current US\$). Source: the World Bank national account data

**Control – Political Variables**

Left Seats Seats taken by left parties in legislature (%).  
(Updated Macro Data Comparative Parties Dataset by Swank, 2011)

Radical Right Seats taken by radical right parties in legislature (%).  
(Updated radical right dataset by Fitzgerald et al., 2014)

Coalition Dichotomous measure on whether the dominant party is based on a coalition

**Control – Migrant Variables**

Refugee Lagged values on annual stock of refugees. Source: UNHR estimates

Inflow Lagged values on annual inflow of migrants. Source: Updated Fitzgerald et al. (2014)

Diversity Language homogeneity among incoming migrants (%).  
(Based on Fitzgerald et al., 2014; the higher the value, the more amount of migrants, who share the same linguistic origin)

**Control – Other Variables**

Education Education attainment (tertiary) for population aged 15-64 (%). Source: the World Bank

Population Growth Annual population growth rate (%). Source: the UN Statistical Division

EU Dichotomous measure on whether a country is EU member (1 if yes, 0 otherwise)

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perception toward overall migrants. The second variable is lagged values on annual inflow of migrants (*Inflow*). Unfortunately, there is no dataset that records this inflow since 1980.<sup>102</sup> I therefore rely on Fitzgerald's dyadic inflow data to aggregate an overall size of inflow. The third variable measures proximity of incoming migrants to people in destination countries

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<sup>102</sup> Even OECD dataset only records inflow of few countries since 1980.

**(Diversity)**.<sup>103</sup> There are many ways to measure this proximity, such as ethnicity, language, religion, or geography. Because ethnicity is especially difficult to conceptualize while it carries out subjective judgments, I measure this proximity by gauging linguistic distance between migrants and natives. Using Fitzgerald et al.'s dyadic inflow dataset, I have laid out official languages used in destination countries and sending countries. Based on this classification, I have calculated the ratio of incoming migrants, who share the same language.

For other control variables, I include education level (**Education**), annual population growth rate (**Population growth**), and whether a country is a EU member (**EU**). The educational level is a widely adopted measure in studying public preferences on free trade, foreign direct investment, or migration. Moreover, population growth also needs to be controlled, because a size of native labor force may generate unique incentives in admitting migrants. EU membership is also important due to regional proximity among member states as well as regional level migration policies. The summary of variables is listed in <Table 4.7>.

#### 4.3.3. Empirical Results and Interpretation

The remainder of this chapter presents empirical results and further implications. As aforementioned, I hypothesize that as national economy suffers, a country would be more restrictive against migrants. And this tendency would be stronger in *jus sanguinis* countries. In order to test this claim, I use time series cross sectional model with fixed effects. For economic performance, I use log of GDP per capita to gauge whether these variables make any difference.

Overall results are shown in <Table 4.8> and <Table 4.9>. The former table shows statistical outcomes when the dependent variable captures time dependent effect (dependent

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<sup>103</sup> Underlying assumption here is that depending on the composition of migrant inflows, this would alter people's perception toward migrants. For recent composition of migrants in major destination countries, please refer to <Appendix 3>.

variable deduced from Method II), and the latter one is without this effect (dependent variable deduced from Method I). For both tables, Models (1) through (4) record results when dependent variable is on entry policies while Models (5) to (8) report outcomes when dependent variable is on integration policies. When we first pay an attention to <Table 4.8>, it becomes noticeable that Models (1) through (4) show larger and more significant coefficients for both  $\log(\text{GDP})$  and its interaction term with citizenship law, compared to those for Models (5) through (8). For instance, Model (4) reveals that *jus sanguinis* countries tend to enact more generous entry policies by (-6.089) as their economy flourishes.<sup>104</sup> This tendency will be stronger though in *jus soli* countries by  $[(-6.089) + (-.873) = -6.962]$ . According to Model (8), on the other hand, *jus sanguinis* countries are likely to enact generous integration policies by (-.694) as their economy goes positive. This tendency will be weaker in *jus soli* countries though by  $[(-.694) + (.214) = -.480]$ . When we examine Models (4) and (8) from <Table 4.9>, without time-dependent effect in dependent variables, more perplexing results emerge. In regards to entry policy enactment (Model 4), we can interpret that *jus sanguinis* countries tend to enact more generous policies by -.535 as their economy grows. This effect would be much larger in *jus soli* countries by  $[(-.535) + (-.473) = -1.008]$ . It seems that the similar results emerge in regards to enactment of entry policies regardless of time-dependent effect, although this effect seems to be stronger for non-time dependent effect. On the contrary, in regards to integration policy enactment (Model 8), the result shows that *jus sanguinis* countries tend to enact more restrictive policies by 1.269 as their economic performance improves. This restrictiveness would be somewhat ameliorated in *jus soli* countries by  $[1.269 + (-.068) = 1.201]$ . Still, both types of countries would enact restrictive integration policies even during sound economy.

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<sup>104</sup> Negative values indicate more generous migration policies.

<Table 4.8> Time-Series Cross Section with Fixed Effects I

	DV = Policies on Entry with Time-Dependent Effect				DV = Policies on Integration with Time-Dependent Effect			
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
logGDP	-5.958*** (.569)	-6.704*** (.643)	-8.201*** (.690)	-6.089*** (1.141)	-7.216*** (.520)	-4.795*** (.494)	-4.852*** (.540)	-.694 (.828)
Citizen x logGDP	-.726*** (.180)	-1.014*** (.215)	-.844*** (.212)	-.873*** (.220)	.013 (.164)	.217 (.165)	.174 (.166)	.214 (.159)
<Political Variables>								
Left Seats	-.007 (.033)		-.060 (.045)	-.063 (.046)	.074* (.030)		.104** (.035)	.118*** (.033)
Radical Right	.394*** (.063)		.341*** (.067)	.340*** (.067)	-.009 (.058)		.065 (.052)	.011 (.048)
Coalition	-.997 (.884)		.394 (1.032)	.406 (1.036)	-1.419# (.808)		-.887 (.808)	-1.228 (.751)
<Migrant Variables>								
Refugee		.000*** (.000)	.000*** (.000)	.000*** (.000)		.000** (.000)	.000* (.000)	.000* (.000)
Inflow		-.000*** (.000)	-.000*** (.000)	-.000*** (.000)		-.000*** (.000)	-.000*** (.000)	-.000*** (.000)
Diversity		-.244*** (.047)	-.222*** (.046)	-.221*** (.046)		.049 (.036)	.032 (.036)	.040 (.033)
<Other Variables>								
Education				-.211* (.094)				-.515*** (.068)
Population Growth				-1.881# (.995)				.283 (.721)
EU				1.735 (1.853)				-8.250*** (1.344)
Obs	657	496	496	495	657	496	496	495
R-sq:								
Within	.234	.354	.394	.408	.330	.346	.364	.469
Between	.370	.294	.324	.385	.012	.000	.003	.046
Overall	.313	.321	.356	.407	.046	.024	.018	.003

\*\*\* p < 0.001, \*\* p < 0.01, \* p < 0.05, #p<0.1; standard errors in parentheses.

<Table 4.9> Time-Series Cross Section with Fixed Effects II

	DV = Policies on Entry without Time-Dependent Effect				DV = Policies on Integration without Time-Dependent Effect			
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
logGDP	-.813 <sup>*</sup> (.377)	-.096 (.434)	.031 (.475)	-.535 (.795)	1.225 <sup>***</sup> (.245)	1.321 <sup>***</sup> (.289)	1.463 <sup>***</sup> (.320)	1.269 <sup>*</sup> (.535)
Citizen x logGDP	-.409 <sup>**</sup> (.119)	-.564 <sup>***</sup> (.145)	-.523 <sup>***</sup> (.146)	-.473 <sup>**</sup> (.153)	-.034 (.077)	-.095 (.097)	-.100 (.098)	-.068 (.103)
<Political Variables>								
Left Seats	-.036 <sup>#</sup> (.022)		-.099 <sup>**</sup> (.031)	-.103 <sup>**</sup> (.032)	-.018 (.014)		-.015 (.021)	-.014 (.021)
Radical Right	-.017 (.042)		-.037 (.046)	-.034 (.046)	-.054 <sup>*</sup> (.027)		-.039 (.031)	-.035 (.031)
Coalition	-.678 (.586)		-.311 (.711)	-.393 (.721)	.089 (.380)		.052 (.478)	.071 (.485)
<Migrant Variables>								
Refugee		.000 <sup>#</sup> (.000)	.000 <sup>*</sup> (.000)	.000 <sup>#</sup> (.000)		.000 (.000)	.000 (.000)	.000 (.000)
Inflow		-.000 <sup>#</sup> (.000)	-.000 <sup>**</sup> (.000)	-.000 <sup>*</sup> (.000)		-.000 (.000)	-.000 (.000)	-.000 (.000)
Diversity		-.023 (.032)	-.013 (.032)	-.015 (.032)		.043 <sup>*</sup> (.021)	.044 <sup>*</sup> (.021)	.042 <sup>#</sup> (.022)
<Other Variables>								
Education				.029 (.065)				-.003 (.044)
Population Growth				.819 (.693)				.375 (.466)
EU				.801 (1.290)				.920 (.868)
Obs	657	496	496	495	657	496	496	495
R-sq:								
Within	.054	.046	.067	.072	.046	.051	.055	.059
Between	.192	.207	.219	.196	.010	.000	.003	.028
Overall	.048	.039	.055	.058	.018	.023	.032	.042

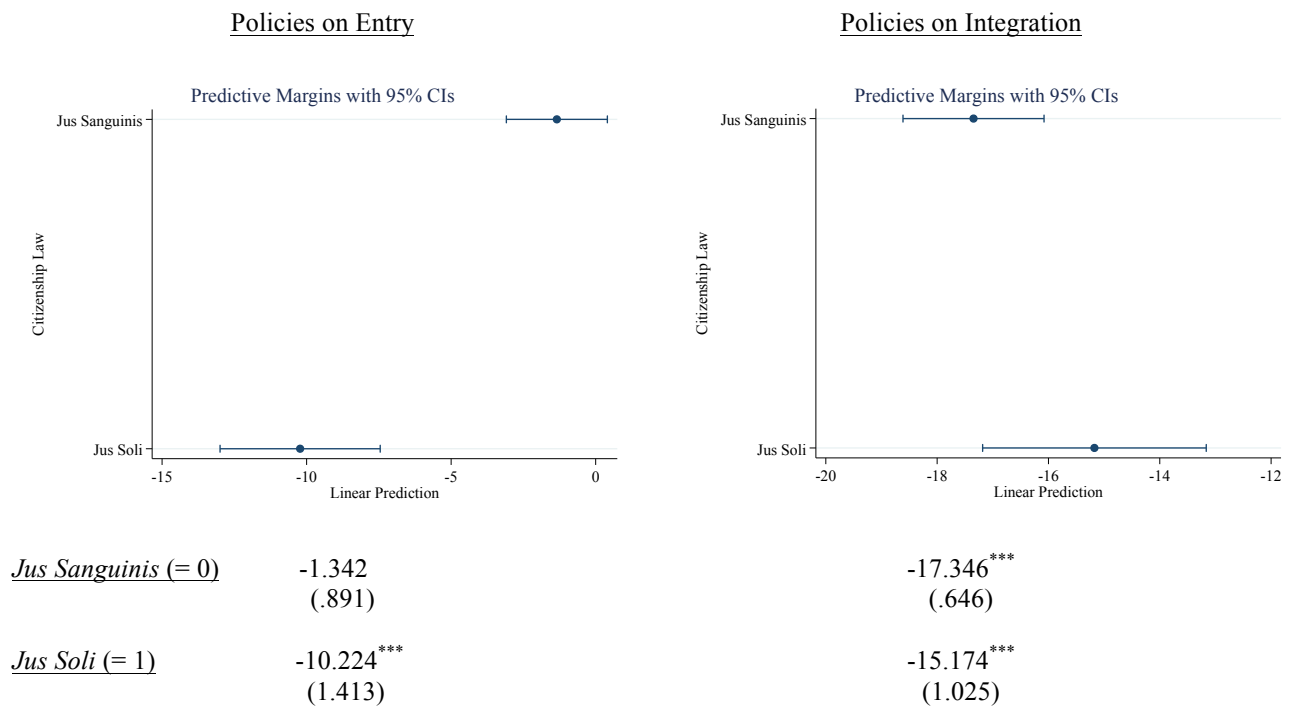
\*\*\* p < 0.001, \*\* p < 0.01, \* p < 0.05, #p<0.1; standard errors in parentheses.

These statistical results become difficult to compare or interpret especially on integration policies. In order to further investigate this, I now turn to marginal effects. <Figure 4.6> graphically presents predicted probabilities of citizenship law. When dependent variable is calculated based on previous migration policies (upper part), *jus sanguinis* law does not yield any significance in regards to entry policy enactment. Still, *jus soli* law appears to be highly significant. Furthermore, *jus sanguinis* countries tend to enforce generous entry policies by -1.342 while this effect becomes much larger in *jus soli* countries by -10.224. Thus, *jus soli* countries are more likely to allow greater inflow of migrants. In regards to integration policies, on the contrary, *jus sanguinis* countries seem to be more generous by -17.346, which is somewhat greater than effects in *jus soli* countries (-15.174). These coefficients all turn out to be highly significant. When we compare marginal effects for dependent variables without time dependent effect (lower part), somewhat different interpretations emerge while all coefficients are reported to be significant. In regards to entry policy, *jus sanguinis* countries tend to enforce restrictive policies by 1.298 while *jus soli* countries tend to be more generous by -3.513. For integration policies as well, *jus soli* countries seem to be more generous by -2.372.

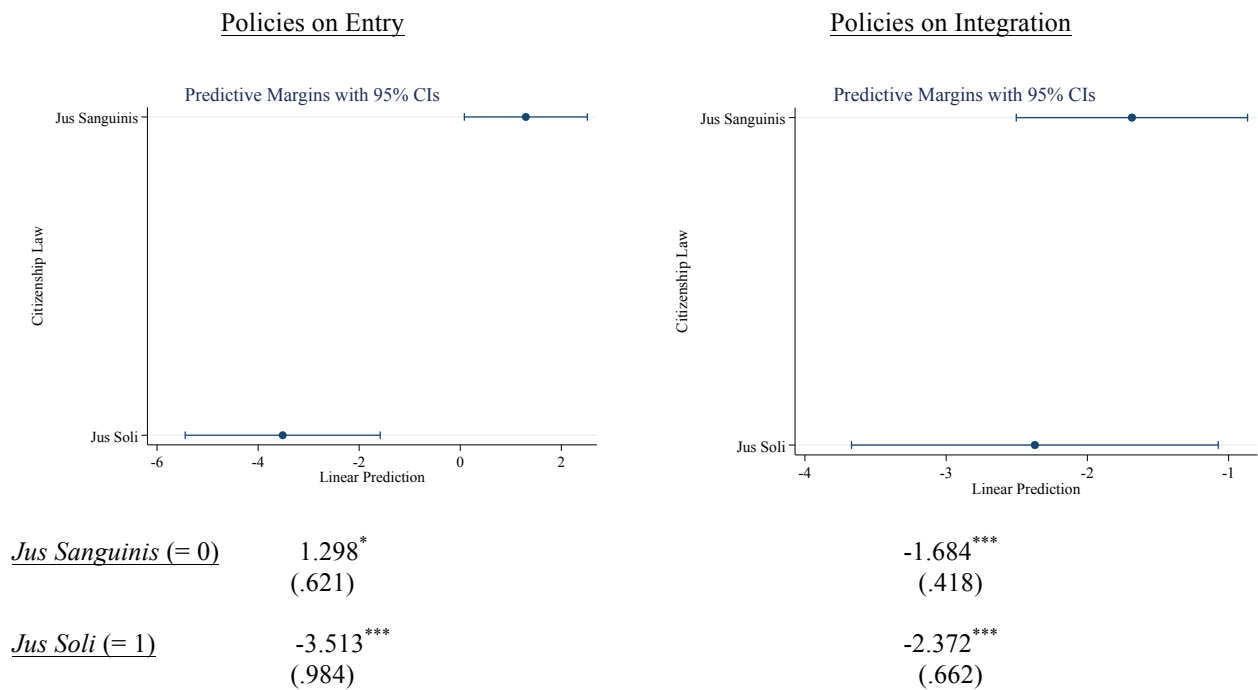
<Figure 4.7> and <Figure 4.8> present predicted probabilities of citizenship law and economic performance. The former figure reports these effects on both entry and integration policies when they are calculated based on previous policy changes (time dependent effect). The graph on entry policies shows that both *jus sanguinis* and *jus soli* countries tend to enact more restrictive entry policies as their economies suffer. What needs to be taken into account here is that this effect is much stronger in the former citizenship law. The marginal effects on integration policy reveal different predictions. As the economy improves, both types of countries appear to enact more restrictive integration policies. The difference between the two citizenship regimes

<Figure 4.6> Predicted Probabilities of Citizenship Law

DV = with Time Dependent Effect



DV = without Time Dependent Effect

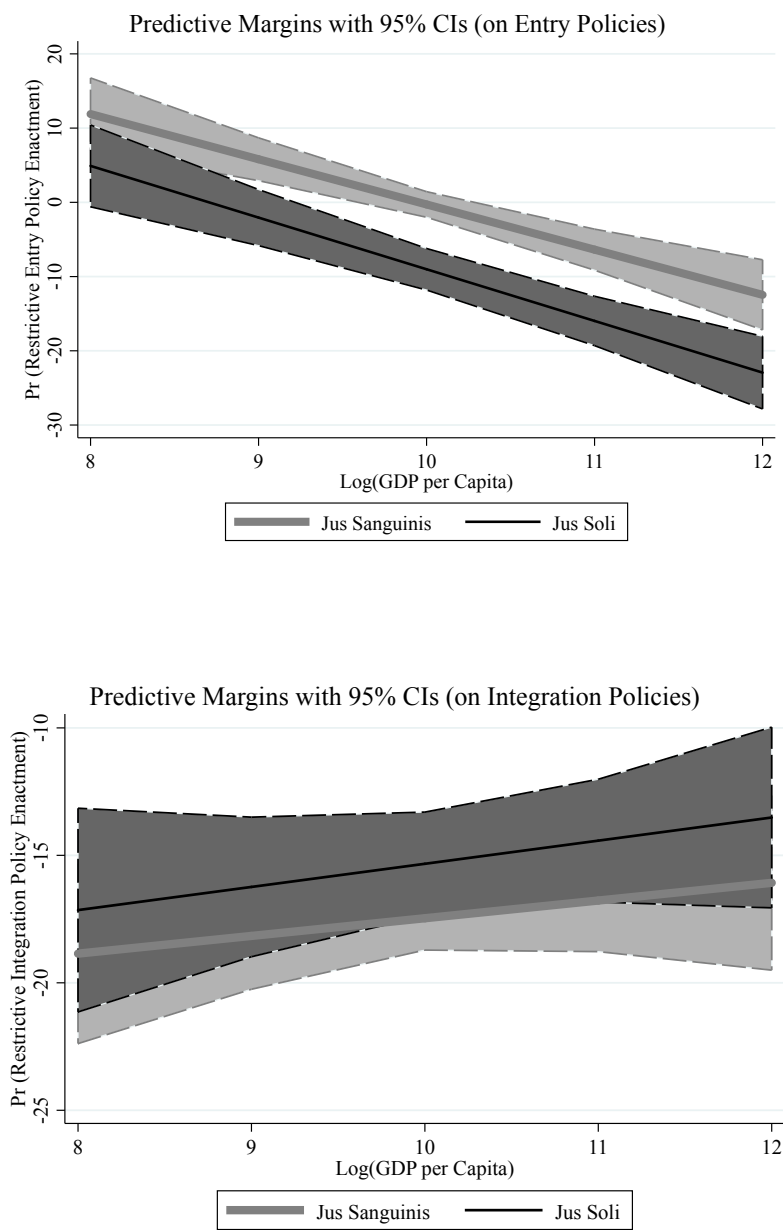




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<Figure 4.7> Predicted Probabilities of Citizenship Law and Economic Performance (with Time Dependent Effect)

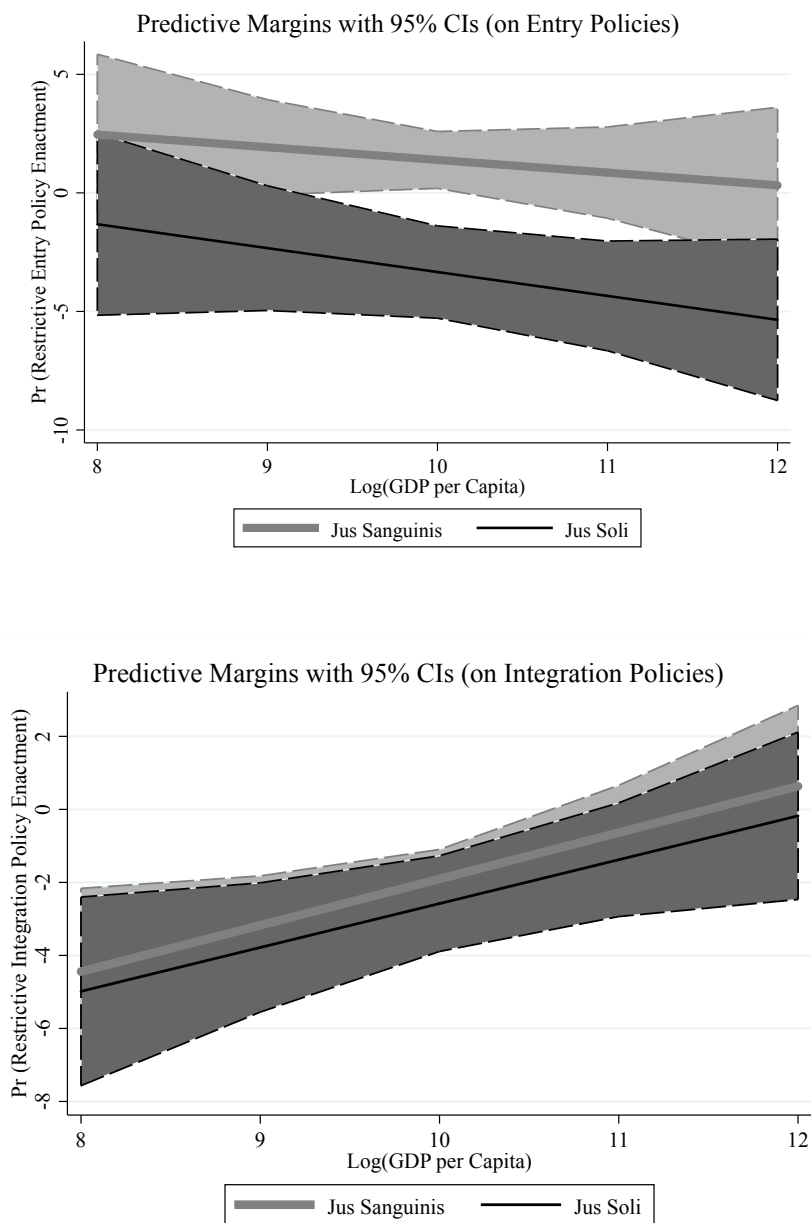
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<Figure 4.8> Predicted Probabilities of Citizenship Law and Economic Performance  
(without Time Dependent Effect)

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tends to be small. The marginal effects on dependent variable without time dependent effect (Figure 4.8) show similar predictions. Some noticeable difference is that the slopes of predicted probabilities for entry policies are less stiff compared to the dependent variable, which involves time dependent effect. On the other hand, slopes of predicted probabilities for integration policies become stiffer compared to the ones with time dependent effect. Also, the difference between the two citizenship law regimes becomes less visible.

Overall, statistical results along with various marginal effects strongly confirm that countries tend to be more restrictive against migrants as macroeconomic performance declines, and this tendency is highly more evident in *jus sanguinis* countries, especially in regards to entry policies. If we assume that dependent variables with time dependent effect capture long-term effects of previous migration policies while dependent variables without the same effect capture short-term effects independent of previous migration policies, several interpretations can be made. First, it seems entry policies have been liberalized in both citizenship laws in a long span since 1945. Still, this liberalizing effect has been much stronger and more consistent in *jus soli* regime while *jus sanguinis* regime has a higher probability to turn to restrictive measures for immediate adjustments. On the other hand, both citizenship regimes tend to enact generous integration policies in a similar intensity in either short-term or long-term span. This tendency captures logic of political calculation laid out in my second hypothesis. In *jus soli* countries, politicians tend to hold more favorable attitude toward migrants, because they want to collect votes from migrants. In other words, they have a particular interest in enlarging the size of migrants, instead of granting more rights, because 1) they can increase their vote shares from migrants only when they allow a greater inflow of migrants into the country, and 2) more generous integration policy may divert incentives of potential “citizens,” because those migrants

would be indifferent between obtaining citizenship or staying as migrants as their rights or quality of life as a migrant improves. In this sense, it is plausible that *jus sanguinis* countries show a higher probability to enact more generous integration policies in a long-term, not necessarily because of humanitarian reasons, but as a strategic option to dissuade them from applying for naturalization.

Second, it seems that entry policies in both citizenship regimes are less influenced by immediate economic conditions, but rather, they are affected by long-term economic performance. Meanwhile, it is ambiguous as in why a better economic performance leads to more restrictive integration policies regardless of citizenship law of countries. Perhaps, this could be explained by Ruhs' (2013) finding on trade-off between quantities and rights of migrants. He argues that greater openness to admitting migrant workers will be associated with relatively fewer rights and vice versa.<sup>105</sup> In other words, as a country admits more migrants, it would want to grant fewer rights to migrants. Thus, politicians in *jus soli* countries would prefer to signal its generosity toward migrants via admitting more migrants due to less opposition from the general public as well as their self-interested electoral calculus. In turn, they would be less enthusiastic about integration policies. On the other hand, politicians in *jus sanguinis* countries tend to be less willing to admit a large amount of migrants. Instead, they introduce relatively generous integration policies. Still, if we consider the marginal effects that show almost identical probabilities for *jus soli* and *jus sanguinis* countries on enacting relaxed integration policies, there certainly seems to be a clear distinction based on the citizenship regime in degrees to which they are opt to liberalize either their entry or integration policies on migrants.

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<sup>105</sup> Martin Ruhs, *The Price of Rights: Regulating International Labor Migration* (Princeton NJ: Princeton University Press, 2013): pp. 39.

## CHAPTER 5. THE UNITED STATES AND JAPAN: CONDITIONS

The previous chapter has statistically demonstrated validity of the three hypotheses on migration policies during economic downturns, and their relationships to citizenship laws. This chapter explores how these contentions are played out by focusing on two countries – the United States and Japan for the period between 1980 and 2014.<sup>106</sup> The two countries are deliberately selected due to their conspicuous citizenship laws; the United States follows *jus soli* principle while Japan strictly maintains *jus sanguinis* law. Meanwhile, the former is a country that permits the greatest amount of migrants while the latter is commonly regarded a country that is closed against migrants.<sup>107</sup>

Since the collapse of the Bretton Woods system (1971), capital control was liberalized, and this has allowed for freer movement of capital in both forms of portfolio and foreign direct investments. Indeed, this shift altered and excelled international connectedness among countries, and moved forward to a new stage of global economy. In the midst of these changes, the United States and Japan have experienced great economic fluctuation(s). In the case of the US economy, its performance between 1980-2014 can be classified into three phases; 1) exacerbated economy between the early 1970s and the early 1990s due to oil shock (1973) and the Gulf War (1991); 2) positive economic growth between the mid-1990s and the mid-2000s due to advancement of IT and service industries; and 3) economic downturn and recovery since the late 2000s due to the

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<sup>106</sup> Based on the breakdown of the Bretton Woods System in 1971, I speculate that the most interconnected global economy would have been realized by 1980. Thus, I choose a scope of 1980-2014.

<sup>107</sup> Despite this image, Japan, in fact, is one of the countries that experience a great number of migrants. Although it is true that most of them enter Japan through temporary scheme, and this is why Japan has a stereotype of “a country against migrants,” the truth is still that Japanese people and society encounter migrants with diverse ethnic or linguistic backgrounds.

sub-prime mortgage financial crisis in 2007/9. In the meantime, Japanese economic performance during the equivalent time frame can be classified into two phases; 1) a rapid economic growth until the early 1990s due to the economic bubble; and 2) constant deflation and economic stagnation since the mid-1990s due to the collapse of the asset price bubble (1986-1991). Here, because both countries have experienced both economic advancement and upheavals in the given time phrase, it is worth examining how similarly or differently they have managed migration policies while coping with economic conditions.

This chapter mainly summarizes citizenship laws and histories of migration policies of the two countries. It then concludes with speculation on some similar and different trends in the countries to shed light on potential intervening factors that might have uniquely influenced the countries' migration policies besides citizenship laws.

## **5.1. *Jus Soli* Principle: The United States**

### ***5.1.1. Citizenship Law***

The United States originally granted nationality based on naturalization or blood ties based on the US Constitution (1790). This tendency is well reflected in its history during the 16<sup>th</sup> and 17<sup>th</sup> centuries. Until 1803, immigrants, who were white, English-speaking, and Protestant Europeans, predominantly composed of the first influx to US territory, and these characteristics served as defining features of “Americans.” Based on this white supremacy, African-descended slaves were not regarded as citizens, because they were instead treated as properties. Simply put, one's race determined one's eligibility for nationality. The concept of nationality by birthright has been finally added, following British common-law rule, only after ratification of the Fourteenth Amendment's (1868) Citizenship Clause. It states, “All persons born or naturalized in

the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside” (Section 1 Clause 1). This Amendment was Congress’ effort to overturn the *Dred Scott v Sandford* decision, which claimed that African Americans were not and could not obtain US citizenship.

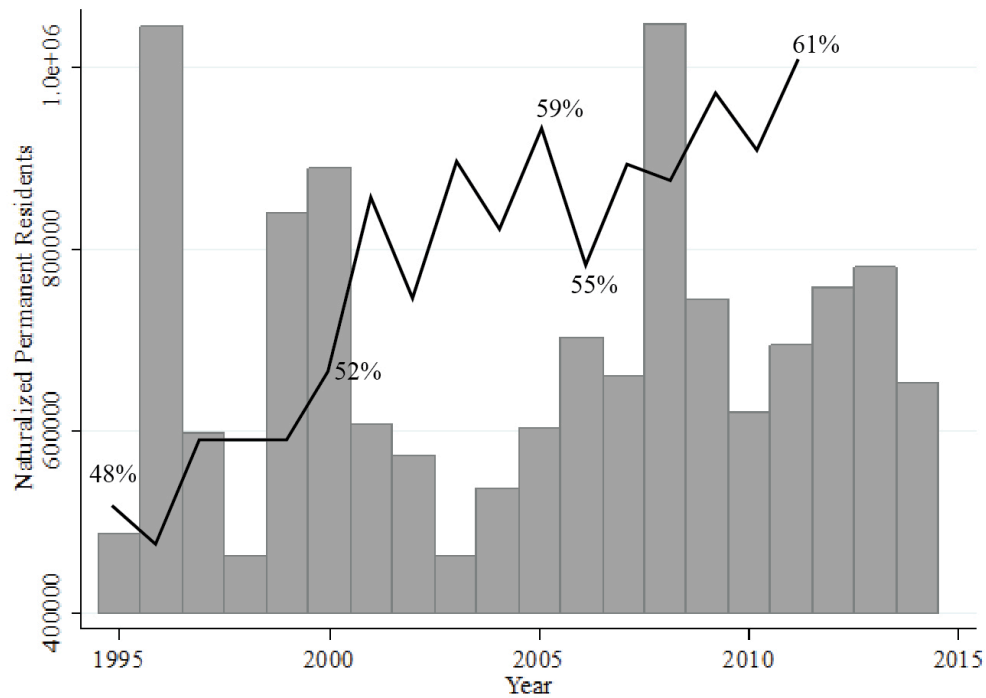
Although the introduction of *jus soli* principle was a radical step toward more inclusive citizenry, US understanding and interpretation of this law has long been race-based. For instance, the United States was reluctant in attributing its nationality to babies of Asian immigrants during the 1890s as can be seen from the Supreme Court case of *United States v Wong Kim Ark* (1898) where the court interpreted citizenship based on race. Furthermore, it is only after the enactment of the Indian Citizenship Act of 1924 when Native Americans born in the US were granted citizenship, although the effect was conditional. These discriminatory clauses and interpretations have been officially disappeared since then. However, there remain many opponents against the birthright rule today. They view chain migration unfavorably, and therefore, they are concerned that migrants (especially undocumented ones) would abuse US citizenship law, deteriorating US economy while hurting US solidarity and definition of citizenship.<sup>108</sup> Despite these shifting interpretations as well as conflicting preferences over nationality law, the United States has sustained solid *jus soli* principle since the end of the WWII.

So far, there are two routes for migrants to obtain US nationality: by naturalization and by birth. Based on these rules, an uncountable number of migrants has become US nationals, and they have established a significant portion of US population. As can be seen from <Figure 5.1>, the naturalization rate has been steadily growing while the total number of naturalized migrants has peaked in 1996 and 2008. What is noteworthy here is that the naturalization rate has constantly been 50 percent on average, and this is very high compared to the rest of the world.

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<sup>108</sup> Margaret D. Stock, “Is Birthright Citizenship Good for America?” *Cato Journal* 32, no. 1 (2012): pp. 143-144.

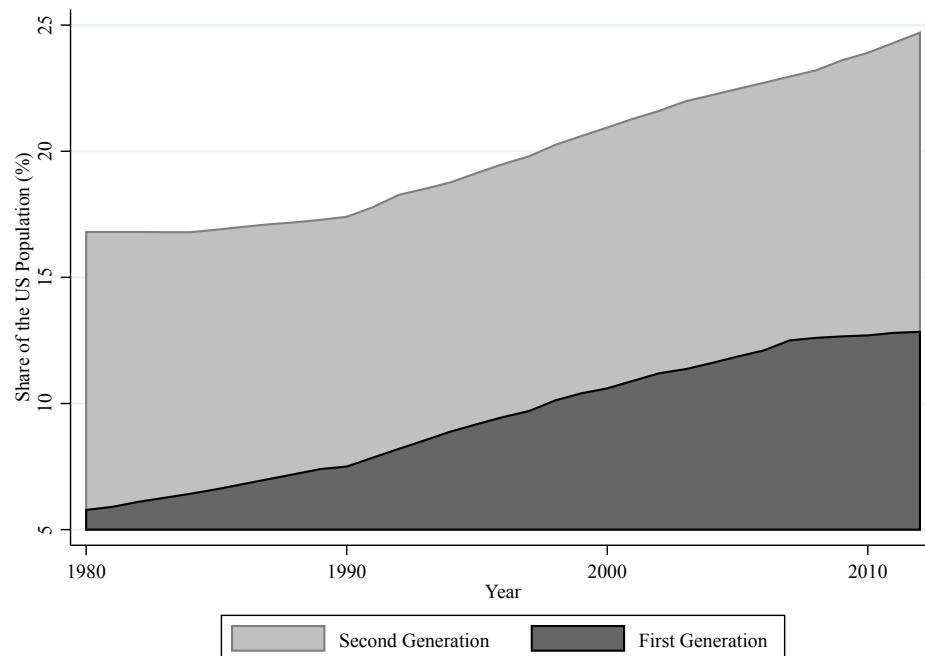
<Figure 5.1> Naturalization Rate of the US



Source:

- Number of naturalized migrants: US Department of Homeland Security
- Naturalization rate: Pew Research Center (2013)

<Figure 5.2> First and Second Generation Share of the Population (1980-2012)



Note: Based on total population, including children and adults.

Source: Integrated Microdata Sample, Pew Research Center analysis of Current Population surveys.



Thus, it is safe to state that the United States not only permits birthright citizenship but also liberally grants citizenship for permanent migrants.

In the United States, people refer to the immigrants, who have just migrated into the country, as “first generation,” and call their children, who are born and raised in the country as “second generation.” The immigrants under the first generation most of times obtain permanent residency after residing in the United States for a certain period of time while many of them also succeed in naturalization afterwards (<Figure 5.1> seems to indicate that many of them actually do so). Additionally, children under the second generation also obtain US nationality at their birth for almost all the time. <Figure 5.2> gauges how much the overall stock of first and second generation migrants contribute to US population. The noticeable trend is that the sizes of both generations have been growing, and they comprise 25 percent of total population by 2012. The implication is that there is a strong and increasing tendency that (initial) migrants become US citizens due to relatively liberal naturalization policies as well as *jus soli* principle.

#### *5.1.2. A Brief History of Migration Policies*

US migration history is deeply connected to racial and ethnic segregation, and its target has been on African Americans (especially until the 14<sup>th</sup> Amendment in 1870), Asians (i.e., Chinese Exclusion Act of 1882 and Naturalization Act of 1907), and Latin Americans (i.e., the 1965 Amendment and legislation in 1976). As can be also observed from original idea on citizenship, this was surely based on a conception that “original” Americans are predominantly Protestant Europeans, who are white and English speaking. Thus, an effort to maintain this homogeneity is strongly reflected in many migration policies, such as the discriminatory quota

system of 1920, and this practice continued even after the end of the WWII (i.e., the McCarran-Walter Act of 1952).

This restrictionist policy against migrants became more liberal since the Immigration and Nationality Act of 1965, which favored family reunification and skilled immigrants, rather than country quotas. Furthermore, Reagan Administration, since its inauguration, emphasized a significance of US relationship with Canada and Mexico as well as contributions of Mexicans and unauthorized migrants to American society. The 1986 Immigration Reform and Control Act (IRCA) reflects these motivations. It tried to stop employers, except employers of seasonal agricultural laborers, from hiring immigrants, who lacked papers. And it provided punishments for those nonagricultural employers, who hired and further unauthorized migrants in the future. At the same time, IRCA provided amnesty for 3 million current undocumented migrants and set them on a path to citizenship, with temporary resident status to be followed by the possibility of permanent residency.<sup>109</sup>

While IRCA was a radical opening toward irregular migrants, its approach toward regular migrants was also liberal, but with cautions in regards to racial composition. In order to respond to a rising number of Asian and Latin migrants, the so-called diversity program (also known as the NP-5 program) was introduced. This program was, however, actually an affirmative action program for natives of countries, who already made up the vast ethnic background of the country, such as western European countries. For instance, in 1988, Congress set aside an extra 20,000 visas to increase immigration diversity over a period of another two years. This time, the “OP-1” lottery for the visas was available to nationals of countries that were “underrepresented,” such as, a foreign state that used less than 25 percent of its 20,000 preference visas in 1988. This

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<sup>109</sup> Paul Spickard, *Almost All Aliens: Immigration, Race, and Colonialism in American History and Identity* (New York NY and London: Routledge, 2007): pp. 393.

resulted in exclusion of migrants from Mexico, the Philippines, China, Korea, and India.<sup>110</sup>

Moreover, what this law emphasized was not family ties or special job skills. The program was a “first-come, first-served” worldwide mail registration program, benefiting the earliest-registered applicants and their immediate families, requiring them only to meet the nationality, health, and morals qualifications of immigration laws.<sup>111</sup> The greatest beneficiaries from the overall 1986 law were largely white and English speaking from Western Europe.

Whether IRCA was truly a liberal migration policy is questionable. For instance, conservative or restrictionist people in the US claimed that IRCA failed to implement punishments against employers hiring irregular migrants while it simply increased a total number of irregular migrants with provision of amnesty. Furthermore, the strategy toward regular migrants clearly reflected favoritism toward non-Asians, Africans, or Latinos. However, it is no doubt that the law further provided an extra 5,000 visas a year for 1987 and 1988, and these visas were above the 20,000 visas that were already available. In addition, the enactment procedure of IRCA made Irish and Italians – those, who were excluded from US definition of “Americans” – into the real *American* image by stressing exclusion of other non-Whites. After all, IRCA increased numerical limits while incorporating originally non-Americans. Thus, US migration policies during the 80s were relatively liberal compared to its past.

If the 1980s were to be considered as a liberal period, the 1990s could be regarded as a phrase where a stronger preference toward White migrants was prevalent while prioritizing economic migrants, and maintaining family reunification. Based on this motivation in addition to lobbying efforts by American businesses, invitation of highly skilled migrants was deliberately encouraged by easing their resettlement procedure and nearly tripling occupational visas from

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<sup>110</sup> Bill Ong Hing, *Defining America Through Immigration Policy* (Philadelphia: Temple University Press, 2004): pp. 100.

<sup>111</sup> Hing (2004), pp. 101.

54,000 to 140,000. Moreover, this legislation generated five types of occupational visas, which still remains as parts of today's system; (1) 40,000 visas for priority workers, who possess extraordinary ability in the arts, sciences, education, business, or athletics, or outstanding professors and researchers, and certain multinational executives; (2) 40,000 visas for professionals holding advanced degrees or aliens of exceptional ability; (3) 40,000 visas for skilled workers, professionals with BA, and unskilled workers for jobs for which qualified American workers are not available (only 10,000 visas can be issued for unskilled workers); (4) 10,000 visas for special immigrants; and (5) 10,000 visas for employment creation immigrants, specifically, investors of \$50,000 to \$3 million whose investments create at least ten new jobs. Also, the Act implemented a new H-1B program by replacing the old H-1 program in 1990. The new program imposes that employer must submit a Labor Condition Application (LCA) in order to hire migrants. This was an effort by the Government to ameliorate opposition from the labor unions.

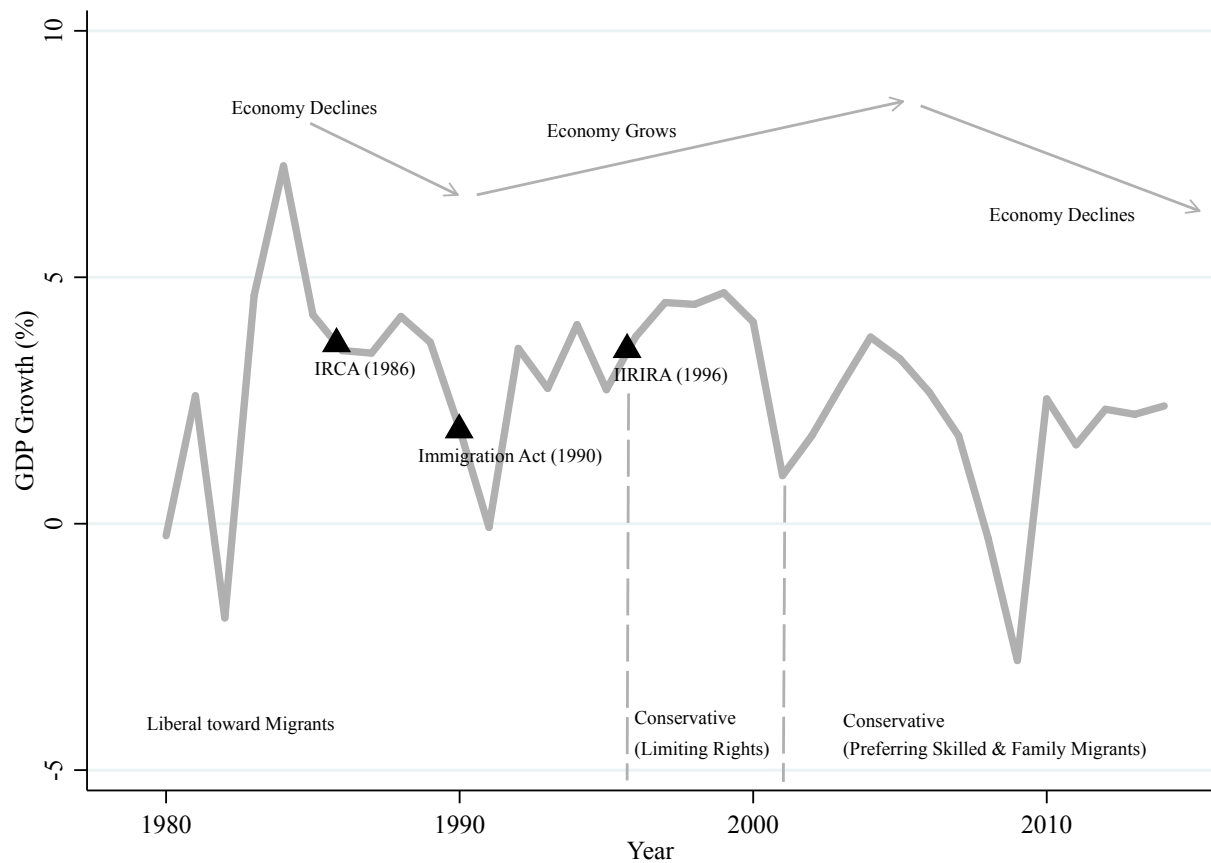
These liberal policies, however, did not last long. In 1996, the Congress passed Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA), which imposed restrictive policies against both irregular and regular migrants. It broadened the definition of "aggravated felony" and increased the number of crimes classified as such so immigrants, including green card holders, could be deported for a wider range of crimes. As a result, more than two million individuals have been deported since 1996. The act also increased the number of Border Patrol agents and established an "expedited removal" procedure to deport immigrants without a formal hearing. In addition to IIRIRA, Personal Responsibility and Work Opportunity Act sharply cut legal permanent residents' eligibility for many public-assistance benefits, including food stamps,

supplemental Security Income (SSI), Temporary Assistance for Needy Families (TANF), and Medicaid.

Since then, this restrictionist stance has been maintained until 2014. Due to terrorist attacks in 2001, Enhanced Border Security and Visa Entry Reform Act (2002) and REAL ID Act (2005) were implemented; however, these were to confirm and strengthen legal admission of migrants, instead of reducing their overall stock or rights. In fact, there have been several attempts to reform migration policies during the 2000s, such as Immigration Reform Act of 2004 (S.2010), Kennedy-Clinton-Feingold Bill in 2004 (S.2381), McCain-Kennedy Bill in 2005 (S.1033), Comprehensive Immigration Reform Act of 2006 (S.2611 and S.2612), Security Through Regularized Immigration and Vibrant Economy (STRIVE) Act of 2007 (H.R.1645), Comprehensive Immigration Reform Act of 2007 (S.1348), A Bill to Provide for Comprehensive Immigration Reform and for Other Purposes in 2007 (S.1639), and Development, Relief, and Education for Alien Minors (DREAM) Act since 2001 (S.1291) to name a few. However, they have been failed, and thus, a comprehensive migration policy reform, either in more liberal or restrictive direction, has not taken place.

A brief description of US migration policies between 1980-2014 is presented in <Figure 5.3> below;

<Figure 5.3> Economic Performance and Migration Policies of the United States



Notes:

- The upper arrows describe economic performance of the United States between 1980 and 2012.
- The triangles show three most influential migration policy reforms.
- The lower part of the figure summarizes overall mood of migration policies for respective phrases.

Sources: GDP growth: the World Bank (2016).

## 5.2. *Jus Sanguinis* Principle: Japan

### 5.2.1. *Citizenship Law*

Since 1952, Japanese nationality is granted based on *jus sanguinis* law. In other words, unlike countries under *jus soli* principle, children born in Japanese territory do not become Japanese citizens, even if their parents are permanent residents. Those permanent residents (*Eijusha*) are largely classified into two categories: regular (*Ippan-Eijusha*) and special (*Tokubetsu-Eijusha*, also called *zainichi*). The latter mainly encompasses ethnic Koreans and Chinese, who stayed in Japan after the end of the World War II. This status passes onto their descendants, implying that the children of immigrants are not treated as Japanese, although they are born and raised in Japanese territory. Although the permanent migrants can become Japanese citizens via naturalization (*kika*), six requirements set by the Naturalization Law (No. 147 of 1950 originally; No. 88 of 2008 as the most recently amended as of 2015; Article 5) are frequently criticized for making the process extraordinarily restrictive.<sup>112</sup> Consequently, many permanent migrants tend to be dispirited prior to submitting applications.<sup>113</sup>

In most of European countries that operate on *jus sanguinis* principles, the mean naturalization rate is 4 percent for the period between 1998 and 2010.<sup>114</sup> Japan's naturalization rate during the equivalent period was 1.97 percent, and this rate declines even further since 2010 (see <Figure 5.4>). One of main obstacles, for instance, is claimed to be the documents that permanent migrants are required to submit when they apply for naturalization.

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<sup>112</sup> Those six requirements are: 1) minimum length of stay up to ten years, minimum age of twenty years old, 3) good conduct of behavior, 4) sufficient income for themselves and to support own families, 5) renunciation of previous nationality (no dual nationality), and 6) no previous attempts to violently overthrow the Constitution or the government, nor belonging to an organization including a political party at home country, which attempted or advocated such actions.

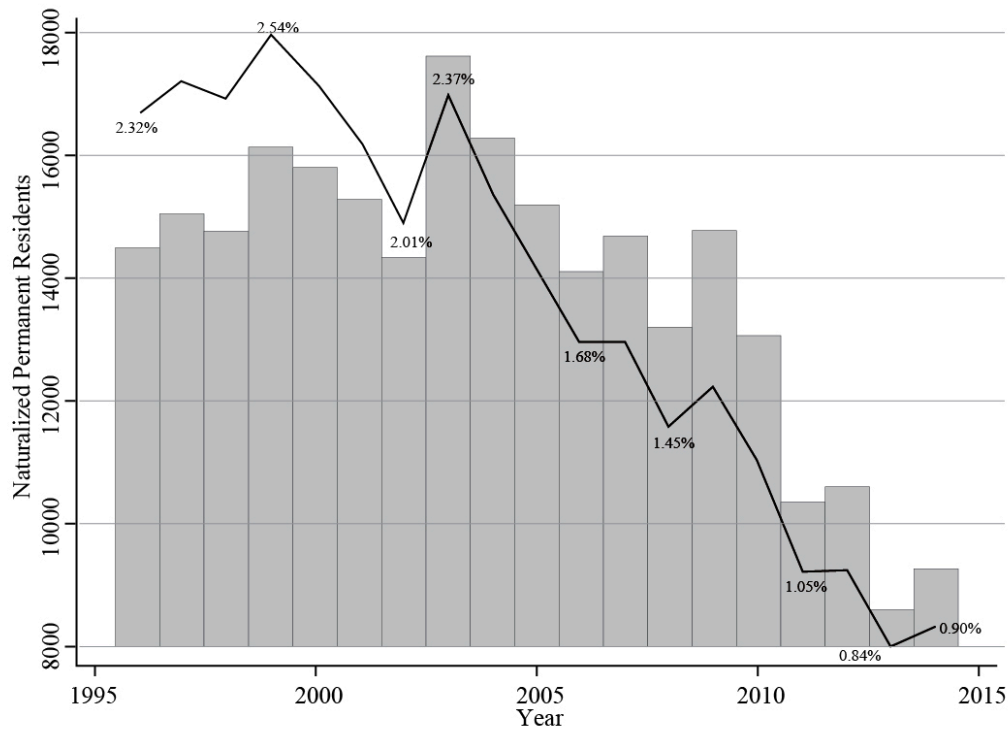
<sup>113</sup> Soo Im Lee, "Naturalization Policy in Japan," *Ryukoku University Institutional Repository Departmental Bulletin Paper* 36 (2005): pp. 46-7.

<sup>114</sup> David Reichel, "Regulating Political Incorporation of Immigrants – Naturalization Rates in Europe," International Center for Migration Policy Development. Working Paper No. 4, 2012: pp. 7-8.

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<Figure 5.4> Naturalization Rate in Japan

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Source: Composed based on Data from Ministry of International Affairs and Communications (Statistics Bureau) and Ministry of Justice of Japan.

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This document asks applicants to fill out; 1) whether other family members are willing to naturalize or support the applicant's decision, and 2) whether neighbors or colleagues know the applicants' original nationality, and the applicant is willing to inform them that they intend to naturalize. These questions are extremely sensitive for ethnic Koreans and Chinese. Most of the special permanent residents use Japanese names in order to hide their ancestry. Thus, many of them feel uncomfortable and insecure to publicly announce their identity since this may alter their existing living environment or relationship with surrounding people. This reluctance self



deters the special permanent migrants to apply for naturalization.<sup>115</sup> This indicates a relatively small-scale integration of permanent residents to Japanese society when compared to other countries. In sum, despite the fact that Japanese society is becoming multicultural due to an increasing volume of temporary migrants (labor, tourism, and student visas), its enthusiasm to extend boundary of its nationality is lacking due to its emphasis on blood and ancestry.

This strict division between natives and migrants has inevitably led to an ethnic conflict between Japanese natives and special permanent migrants, who are predominantly ethnic Chinese and Koreans (both North and South). This is because these special permanent migrants cannot receive Japanese citizenship, although they are most of times born and raised in Japan, being embedded into Japanese language and culture. As shown in <Table 5.1>, they even comprise the greatest portion of overall permanent migrant category in Japan. When the two categories of permanent migrants (regular and special) are considered, it is noticeable that

<Table 2> Composition and Trend of Permanent Migrants in Japan

Year	Numeric Composition	Ethnic Composition	
		<u>Chinese</u>	<u>Korean</u>
2006	Total: 837,521	Total: 120,415 (14.38%)	Total: 486,653 (58.11%)
	Regular <i>Eijūsha</i> (47.10%)	Regular <i>Eijūsha</i> : 117,329	Regular <i>Eijūsha</i> : 47,679
	Special <i>Eijūsha</i> (52.90%)	Special <i>Eijūsha</i> : 3,086	Special <i>Eijūsha</i> : 438,974
2010	Total: 964,195	Total: 172,152 (17.85%)	Total: 453,316 (47.01%)
	Regular <i>Eijūsha</i> (58.61%)	Regular <i>Eijūsha</i> : 169,484	Regular <i>Eijūsha</i> : 58,082
	Special <i>Eijūsha</i> (41.39%)	Special <i>Eijūsha</i> : 2,668	Special <i>Eijūsha</i> : 395,234
2014	Total: 1,035,428	Total: 216,751 (20.93%)	Total: 420,214 (40.58%)
	Regular <i>Eijūsha</i> (65.39%)	Regular <i>Eijūsha</i> : 215,155	Regular <i>Eijūsha</i> : 65,711
	Special <i>Eijūsha</i> (34.61%)	Special <i>Eijūsha</i> : 1,596	Special <i>Eijūsha</i> : 354,503

Source: Compiled based on data provided by Ministry of Justice.

<sup>115</sup> Lee (2005), pp. 46-7.

regular permanent migrants have been dominated by Chinese while special permanent migrants by ethnic Koreans. Furthermore, the portion of regular migrants has been gradually surpassed that of special migrants. Nonetheless, the overall number of permanent migrants indicates that Koreans comprise the largest part.

This is a significant point, because Japanese natives seem to express different attitudes when they are asked about “legal permanent migrants” and “ethnic Koreans (*zainichi Kankokujin*),” although the two categories overlap in numerous dimensions. In fact, Japanese postwar discrimination against “foreigners” originates from a divide between Japanese natives and special permanent migrants. Until today, this cleavage has led to frequent social conflicts (i.e. Hate Speech), and these events in turn have exacerbated negative images on each other. As a result, this segregation between natives and special permanent migrants inevitably has certain impacts on overall image toward migrants.

#### *5.2.2. A Brief History of Migration Policies*

Since the end of the World War II, Japan has maintained its identity as a non-migrant country. Yet, due to the Japanese asset price bubble (1986-1991) and consequent over-accelerated economic activities, Japan faced labor shortage by the end of the late-1980s. As a result, a debate on the necessity to increase migrant inflow intensified. In order to overcome this challenge, Japan sought to attract only highly skilled migrants. Specifically, after the sixth Fundamental Proposal on Employment Measure, Japan shifted its policy from a strategy of no immigration to an active recruitment of foreign workers, who possess professional and technical knowledge while discouraging labor migrants (Reform of the Immigration Control and Refugee Recognition Act in 1990). This initial motivation has been embedded into the present day

Japanese migration policy-making. In the midst of this shift in migration strategy, the initial Immigration Control Act of 1982 was largely modified. This Act in 1990 not only strengthened controls on the illegal stay of migrants but also classified recognized status of residence into 27 types, which have been adopted since then.

While this shift of Japan's nonimmigrant policy to active invitation of highly skilled migrants was relatively liberal, this aim was not fulfilled. Due to Japan's emphasis on homogenous society, it sought to attract required labors via temporary scheme. Due to this temporariness of visa, highly skilled migrants did not feel attracted enough to move to Japan. Meanwhile, low skilled labor migrants continued to stay in Japan as over-stayers even after their visas expired. To make the situation worse, middle- and small-sized firms began to employ these over-stayers in order to reduce labor costs. In order to resolve this issue, Japanese government started inviting returning Japanese emigrants (*Nikkeijin*).<sup>116</sup> Along with them, Japan sought to import necessary labor from neighboring countries, such as China, Korea and Philippines. What is noticeable from this policy revision is that instead of coping with culturally, religiously and ethnically different foreign aliens, it sought to rely on those, who possessed the same ancestry or similar values and norms.<sup>117</sup> In sum, the result was that most of migrants continued to be low-skilled or undocumented, despite Japan's initial effort to attract high-skilled ones.<sup>118</sup>

As Japanese economy suffered a prolonged stagnation, the number of undocumented migrants increased. Subsequently, there has again emerged a growing domestic demand for highly skilled migrants to import necessary skills since 2000. The largest voice has been from the

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<sup>116</sup> Returning emigrants (or children of emigrants) are called *Nikkeijin*, and they are treated as foreign aliens. This is because Japan does not allow for dual citizenship, and thus, these original Japanese citizens have renounced their Japanese nationality when they emigrated.

<sup>117</sup> Katsuki Toita, *Nihonno-Uchinaru-Kokusaika – Nikkei-Nyukama-to-Watashitachi [Japanese Internal Globalization – Nikkei New Comers and Us]* (Tokyo: Kokon Shoin, 2005): pp. 16.

<sup>118</sup> Nihon Keizai Dantai Rengokai [Employers' Association], "*Katsuryoku to Miryoku Afureru Nihon wo Mezashite* [Japan Employers Association. Towards a Lively and Attractive Japan]," 2003.

employers' association (*Keidanren*). It presented proposals that outline their new vision, titled "Towards a Lively and Attractive Japan (January, 2003) and "Recommendation on Problems Arising from Incoming Migrants (April, 2004)." These reports criticized Japan's delay in admitting highly skilled migrants and argued for the necessity to establish the infrastructure to realize the goal.

When these movements became more active, the US sub-prime mortgage financial crisis in 2007/9 turned into a global recession, and also harmed the Japanese economy. The Japanese yen dramatically appreciated due to depreciation of US dollar, and it brutally hampered Japan's export industry. The condition on domestic labor market also faced a severe problem due to the large export-oriented firms' massive dismissals of informal employees (*Hakengiri*),<sup>119</sup> causing serious discussions in the Diet.<sup>120</sup> This event added urgency to Japanese economy, which had already experienced the *Lost Two Decades* since collapse of asset price bubbles.<sup>121</sup> Still, the demand for highly skilled migrants did not wane.

The government established the Conference on Advanced Human Resources Promotion (*Kodojinzai-Ukeire-Suishin-Kaigi*) in 2008. In May of the following year, the conference submitted a report, "For a Full-Scale Process on Recruiting High Skilled Foreigners," which recognized the significance of generating new innovation based on active recruitment of migrants with diverse values, experience, know-how and technical knowledge in order to survive in global competition. In this report, the promotion of highly skilled migrants via a point-based

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<sup>119</sup> *Haken* is a type of temporary employee system in Japan. Potential temporary workers register in a staffing agency, and it dispatches them into various firms that demand labor. Because these temporary workers are not official employees in the firm, they do not receive much social protection, and thus, their positions are fragile [haken-giri (*giri* = lay-off)].

<sup>120</sup> Kiyoto Tanno, "Gaikokujinrodosha-Mondai-no-Kongen-wa- Dokoni-Arunoka [Why Does Japan Treat Migrant Workers as Second-Class Citizens?: An Inquiry into the Nature and Causes to the Problem of Migrant Workers in Japan," *Nihonrodokenkyuzasshi* 587 (2009), 27.

<sup>121</sup> Originally, the period between 1991 and 2000 was called the *Lost Decade* (*Ushinawareta Ju-nen*). Yet, because Japanese economy did not recover much afterwards, the period between 1991 and 2010 is treated as the *Lost Two Decades* (*Ushinawareta Niju-nen*).

system was proposed for the first time. Even after a regime change from the Liberal Democratic Party (LDP: *Jiminto*) to the Democratic Party of Japan (DPJ: *Minshuto*) in August 2009, the DPJ government proclaimed that it intended to increase the inflow of highly skilled migrants in order to achieve economic growth. Along with a series of reports that examined the validity of a point-based system, the details on the system were configured by the end of 2011 and implemented in May 2012.

This scheme holds three distinct categories that are applied to migrants (Advanced academic research activities, Advanced specialized/technical activities, and Advanced business management activities), and they have different composition of points with dissimilar pass marks (see <Table 5.2>). Once they exceed the pass mark (either when they newly enter the country or when they apply for it while residing in Japan), they will be recognized as highly skilled foreign professionals, receiving preferential treatments.<sup>122</sup> What is very similar with the British point system is that Japan puts a heavy emphasis on the financial aspect – annual salary. This indicates Japan's cautious attitude towards migrants' financial independence. Moreover, unlike Canadian or Australian point systems, it does not guarantee an automatic road to permanent residency. In other words, potential highly skilled migrant still needs to enter Japan via existing 27 visa types. In so doing, point criteria are used to calculate how professional he/she is. If fulfilling pass marks and working for five years in Japan, then finally one becomes eligible for permanent residency.

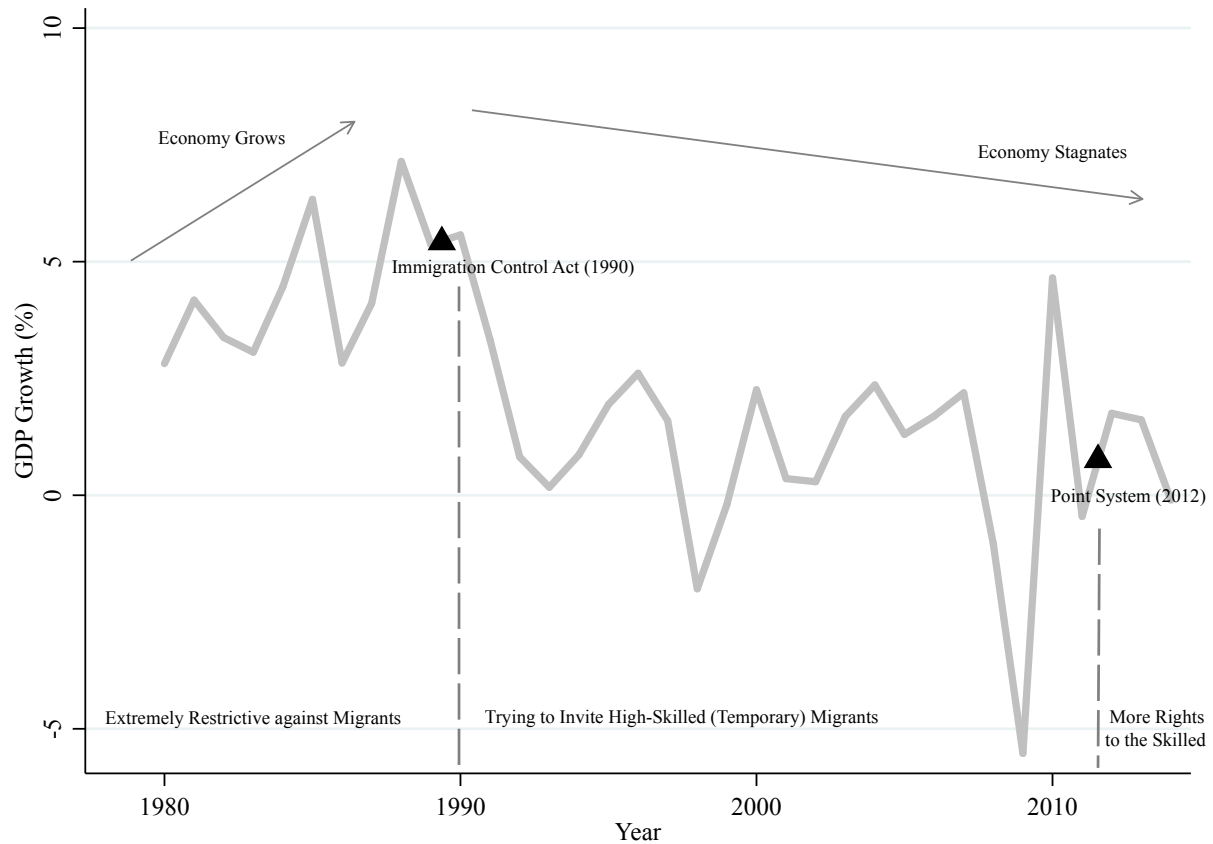
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<sup>122</sup> The preferential treatments include; 1) Permission for multiple purposes of activities during their stay in Japan; 2) Grant of a "five years" period of stay; 3) Relaxation of requirements for the granting of permission for permanent residence in line with the history of staying in Japan (the eligibility for permanent residence will be granted after five years of stay, instead of ten years); 4) Preferential processing in immigration and stay procedures; 5) Permission for a spouse of a highly skilled foreign professional to work; 6) Permission for bringing parents of the skilled foreign professional under certain conditions; 7) Permission for a domestic servant employed by the skilled person under certain conditions.

<Table 5.2> Japanese Points-Based System by Category			
	Advanced Academic Research Activities	Advanced Specialized/ Technical Activities	Advanced Business Management Activities
Item			
Academic Background	30	30	20
Professional Career	15 (Research experience)	20 (Business experience)	25 (Business experience)
Annual Salary*	40	40	50
Age	15	15	--
Bonus 1	25 (Research achievements)	15 (Research achievements)	10 (Position)
Bonus 2	10 (Work for credited organizations)	10 (Work experience in Japan)	10 (Work for an innovative organization)
Bonus 3	5 (Employment in experiment/ research-based enterprise)	10 (Work for an innovative organization)	5 (Employment in experiment/ research-based enterprise)
Bonus 4	5 (Foreign work-related qualification)	5 (Employment in experiment/ research-based enterprise)	5 (Foreign work-related qualification)
Bonus 5	10 (High education in Japan)	5 (Foreign work-related qualification)	10 (High education in Japan)
Bonus 6	15 (Japanese proficiency)	10 (High education in Japan)	15 (Japanese proficiency)
Bonus 7	--	15 (Japanese proficiency)	--
Total	170	175	155
Pass mark	70	70	70
* Annual salary is calculated based on age			
Data: Immigration Bureau, Ministry of Justice			

A brief description of Japanese migration policies between 1980-2014 is presented in  
<Figure 5.5> below;

<Figure 5.5> Economic Performance and Migration Policies of Japan



Notes:

- The upper arrows describe economic performance of Japan between 1980 and 2012.
- The triangles show two most influential migration policy reforms.
- The lower part of the figure summarizes overall mood of migration policies for respective phrases.

Sources: GDP growth: the World Bank (2016).

### 5.3. Comparing the Cases

So far, I have laid out brief overview of citizenship law and migration policies of the United States and Japan over 1980-2014. The history of migration policies of the two countries in relation to economic downturns can be summarized as follows;

- 1) In the United States, migration policy is liberal until 1996, although US economy has declined since the 1970s. Although economy recovers afterwards until the mid-2000s, restrictive stance against migrants continues ever since. Even when the economy is strongly hit in 2008, migration policy does not radically become more restrictive.
- 2) In case of Japan, migration policy is restrictive until 1990, although Japanese economy has experienced a great prosperity until the early 1990s. While the economy stagnates ever since, migration policy has been slowly opening toward highly skilled migrants. Since 2012, skilled migrants obtain more rights, if admitted.

Under these broad transformations over the thirty years, the two countries have revealed both differences and commonalities in handling migration issues. For instance, the United States aims to admit migrants by providing immediate or eventual avenue toward permanent residency. This tendency is well reflected in its continuous emphasis on family reunification regardless of economic performance. In contrast, Japan treats migrants mainly from an economic perspective, and thus invites them predominantly via temporary scheme. It is true that both countries admit a lot of migrants via temporary schemes, especially during recent era. Yet, the United States uses this route as a backdoor channel to eventually integrate these temporary migrants into the US society by granting permanent residency and eligibility for naturalization. On the other, Japan expects those migrants to leave once they have fulfilled their duties and their visas expire.



Additionally, both countries have long suffered from the undocumented migrants. In the United States, those migrants from Latin America has been a social and economic issue, and this concern has led to countless political debates on amnesty, strengthening border patrols, or imposing severer punishment for employers hiring them. In the meantime, Japan has also suffered problems with irregular migrants since it is almost impossible to patrol all the coasts across the island. Furthermore, Japan has long combatted against underground organizations (*yakuza*), which frequently abuse irregular migrants by forcing them for human trafficking. Thus, a problem of undocumented migrants has been a prevalent issue in the both countries.

## CHAPTER 6. THE UNITED STATES AND JAPAN (EVIDENCE)

The previous chapter has laid out brief summaries on citizenship law and history of migration policies (1980-2014) for the United States and Japan. In order to further scrutinize these cases, this chapter quantitatively and qualitatively studies how citizenship law has played out in each country's migration policymaking during economic downturns. Specifically, the contentions that require examinations are; 1) public anti-migration sentiment exacerbates during bad economy, and this tendency is stronger in *jus sanguinis* countries (in this case, Japan); and 2) politicians in *jus soli* countries (in this case, the United States) are more sympathetic about migrants, and they prefer to open entry policies even during economic decline.

In order to test the first claim, I have conducted surveys in the two countries over 2015-2016. The results strongly support the argument on public attitude toward migrants. Moreover, I have collected evidence mainly from both US Congressional Records and Japanese Diet Proceedings (as well as some secondary sources) for the period between 1980 and 2014 in order to understand the preferences and logics politicians hold when they deal with migration issues during sound and bad economies. The outcome supports my second contention that politicians under *jus soli* rule are more reluctant to regulate migrants' entry.

### 6.1. Anti-Migration Sentiment in the US and Japan

In regards to the public attitude toward migrants, the theory has claimed that people reveal a stronger anti-migrant sentiment when they experience an economic hardship, and this tendency is stronger in *jus sanguinis* countries, compared to *jus soli* ones. While this logic has

been statistically tested using Eurobarometer and ISSP datasets in the previous chapter, it does not show us exactly how citizenship law functions or how it makes a difference specifically between the United States and Japan. To further elucidate this causal link between citizenship law and public attitude in the two countries, I have conducted surveys in the two countries: Japan in August 2015 and the United States in July 2016. This section first explains questions asked to respondents. After observing and comparing results for each question, I further run ordered logit regressions along with marginal effects. Overall outcomes strongly support my hypothesis on an effect of citizenship law on public opinion during macroeconomic downturns.

#### *6.1.1. Details of Surveys*

As <Table 6.1> indicates, the survey is composed of 10 questions: 3 main questions along with 7 screening questions. The most challenging aspect in constructing this survey was on how to let respondents become conscious about citizenship law in order to assess its impact on their views toward migrants. This was a challenging task, because people rarely think about citizenship law in daily lives. To solve this, I begin the survey by stimulating how they perceive ***defining feature(s)*** of their citizenship. Since there are largely three principles on nationality – *jus soli*, *jus sanguinis*, and *jus domicilis* – the first question of the survey asks them on which of the characteristics – born in the country, parents being own citizens, or grown up in the country – are necessary in granting citizenship. The intuition here is to cue them to recall how their own countries grant citizenship so that I can maximize their sensitivity toward own citizenship law.

<Table 6.1> Survey Questions

English:

- 1) The factors listed below show combinations of characteristics people in [the US or Japan] possess. Who do you think is (are) the most appropriate to have [US or Japanese] citizenship? (Multiple answers are possible)

Born	Lived	Parents
US	US	US
US	US	Foreign
US	Foreign	US
US	Foreign	Foreign
Foreign	US	US
Foreign	Foreign	US
Foreign	US	Foreign
Foreign	Foreign	Foreign

- 2) In regards to migrants stated below, how much proximity do you feel?

- Migrants, who were born and have grown up in [the country]
- Migrants, who entered [the country] for economic aim, and have resided here for a long time
- Migrants, who have naturalized
- Temporary migrant workers
- Returning emigrants
- International students

1. Very close
2. Somewhat close
3. Neutral
4. Not close
5. Not close at all

- 3) This question is particularly on migrants, who have resided in [the country] for a long-term. In regards to such migrants, what kind of image do you have?

- They have understanding on [the country's] culture and values
- They have fundamentally different lifestyle
- Their language proficiency is high
- They disrupt [country's] public order
- They are necessary labor to sustain US economy

1. Agree
2. Somewhat agree
3. Neutral
4. Somewhat disagree
5. Disagree

Japanese:

- 1) 産まれや育ちの地域、両親の国籍が異なるいくつかのパターンを以下に提示します。あなたは、以下の様な人に「日本国籍」を認めて良いと思いますか。(複数回答可能)

産まれ	育ち	両親
日本	日本	日本人
日本	日本	外国人
日本	外国	日本人
日本	外国	外国人
外国	日本	日本人
外国	外国	日本人
外国	日本	外国人
外国	外国	外国人

- 2) 以下のタイプの外国人に対して、どれくらい親しみを感じますか。

- 日本生まれで日本育ちの外国人
- 日本に就労目的で入国し、その後、長期間日本に滞在している外国人
- 日本に帰化した外国人
- 外国人労働者
- 日系人
- 留学生

1. とても親しい
2. ある程度親しい
3. 普通／どちらでもない
4. 余り親しくない
5. 全く親しくない

- 3) 日本に長期間滞在している外国人に対する印象として当てはまるものを教えてください。

- 日本の文化や価値観への理解が高い
- 生活習慣が違う
- 日本語能力が高い
- 日本の治安を悪化させる
- 日本経済にとって大切な労働力である

1. 当てはまる
2. どちらかと言えば当てはまる
3. どちらとも言えない
4. どちらかと言えば当てはまらない
5. 当てはまらない

- 4) How often do you encounter migrants in your workplace or neighbor?
1. Almost everyday
  2. A few times in a week
  3. A few times in a month
  4. A few times in a year
  5. Almost never
- 4) あなたは職場や家の近所で外国人をどの程度見かけますか。
1. ほぼ毎日
  2. 週に数回
  3. 月に数回
  4. 年に数回
  5. ほとんど見かけない
- 5) How many migrant friends or acquaintances do you have?
1. 0 friends
  2. 1~5 friends
  3. 6~10 friends
  4. Above 11
- 5) 外国人の友人・知り合いが何人くらいいますか。
1. 0 人
  2. 1-5 人
  3. 6-10 人
  4. 11 人以上
- 6) In an aggregate sense, how long have you lived/stayed abroad? If you have multiple times, please add all the approximate periods.
1. Less than a week
  2. A week ~ a month
  3. A month ~ 6 months
  4. 6 months ~ a year
  5. A year ~ 3 years
  6. Longer than 3 years
- 6) あなたは、海外にどれくらい滞在したことがありますか。複数回滞在されている場合は、通算してお答えください。
1. 1 週間未満
  2. 1 週間から 1 ヶ月未満
  3. 1 ヶ月から 6 ヶ月未満
  4. 6 ヶ月から 1 年未満
  5. 1 年から 3 年未満
  6. 3 年以上
- 7) If you resign from your current job, do you think you will be able to find a similar type of job that pays you the equivalent amount (or higher) of salary? If you do not currently work, refer to a person, who financially supports your family. If he/she quits the job, would he/she be able to find a new job with an equal pay?
1. It would be very difficult
  2. It would be somewhat difficult
  3. Neither
  4. It would be somewhat easy
  5. It would be very easy
- 7) あなたが現在の仕事を辞めたとき、同じくらいの収入で同じような仕事を探すのは難しいと思いますか。現在お勤めではない(事業をしていない)方は、家計を支えている方が仕事を辞めたとき、その方にとって同じくらいの収入で同じような仕事を探すのは難しいと思いますか。
1. 難しい
  2. どちらかというとき難しい
  3. どちらともいえない
  4. どちらかというとき易しい
  5. 易しい
- 8) What is your age?
1. 20~29
  2. 30~39
  3. 40~49
  4. 50~59
  5. 60~69
- 8) あなたの年齢は、おいくつですか。
1. 20~29
  2. 30~39
  3. 40~49
  4. 50~59
  5. 60~69
- 9) What is your gender?
1. Male
  2. Female
- 9) あなたの性別をお答えください。
1. 男性
  2. 女性
- 10) What is the last educational institution you were enrolled (or currently enrolled) in?
1. Elementary/ Junior high school
  2. High school
  3. Community college
  4. University
  5. Graduate school
- 10) あなたが最後に在籍した(または現在、在籍している)学校はこの中のどれにあたりますか。
1. 小学校／中学校
  2. 高校
  3. 専門学校／短大
  4. 大学
  5. 大学院

The second main question lays out six different *types of migrants* (migrants, who were born and have grown up in [the country]; migrants, who entered [the country] for economic aim, and have resided here for a long time; migrants, who have naturalized; temporary migrant workers; returning emigrants; and international students), and asks how much proximity respondents feel toward each category. The third main question is specifically on migrants, who have resided in the country for a long-time. It lists five general *images* that natives tend to hold (they have understanding on [the country's] culture and values; they have fundamentally different lifestyle; their language proficiency is high; they disrupt [country's] public order; they are necessary labor to sustain US economy), and asks how much respondents agree with these statements. This question mainly asks on migrants, "who have stayed in the country for a long time," in order to segregate impressions that natives hold toward temporary migrants (i.e., tourists or those on business trips) and those toward (im)migrants, who have moved to the country and lived there for a reasonable amount of time. Thus, this question is not necessarily on permanent migrants; however, requires migrants to actually reside in the territory.

The rest of the questions are on characteristics of respondents. Q4 asks how often respondents *encounter* migrants in their workplaces or neighbors. This is to gauge whether respondents have different frequencies on facing migrants, and it has any affect on their image formation process (contact familiarity or contact hostility). In the similar vein, Q5 is on how many respondents have migrant *friends* or acquaintances. Furthermore, Q6 questions how long respondents have lived or stayed *abroad*. The intuition here is that people, who have been exposed to various cultures and ethnicities via living abroad, tend to have more liberal views toward migrants.

Q7 further asks respondents' view on future of domestic *economy*. The questionnaire is; "If you resign from your current job, do you think you will be able to find a similar type of job that pays you the equivalent amount (or higher) of salary? If you do not currently work, refer to a person, who financially supports your family. If he/she quits the job, would he/she be able to find a new job with an equal pay?" If this question only asks future conditions of individual respondent, he/she may refer to own characteristics, such as education level or a type of job. Still, because it generally asks prospectus for the income-earner of the household, it more arouses respondents' impression on how national economy will look like in the near future. Thus, I regard responses of this question as an expectation toward future economy.

The final three questions are straightforward; Q8 on *age*, Q9 on *gender*, and Q10 on *education* level. Lastly, respondents in the United States were required to answer Q11 (not listed in <Table 6.1>), which asks racial or ethnic background of respondents. This question was not included in survey for Japan, because it is a very homogenous society, and thus, they share the same ethnicity and language for almost all the time.

The consolidated survey (Japanese version) was asked to Japanese respondents using online survey program hosted by Nikkei Research in August 2015. The English version was asked to American respondents using online survey program for Amazon Mechanical Turk in July 2016. The uniform conditions were that 1) respondents needed to be citizens of the country that the survey was taking place, and 2) their age needed to be between 20 and 69. Moreover, respondents, who have either left the response blank or answered "Don't know" or "Refuse to answer," are deleted from the dataset. After all, I have collected 428 observations for Japan, and 300 for the United States.

In fact, the most ideal survey situation would have been to conduct it at the two countries simultaneously so that I can minimize the time effect. Because I have run survey at Japan in 2015 and at the United States in 2016 (due to logistic matters), some may claim that the result may hold some confounding variables due to time inconsistency. However, this does not impose a serious challenge. Indeed, the year of 2016 in the United States involves serious politicization of migrant issues due to presidential election campaigns. It inevitably increases hostile public attitude against migrants, especially against undocumented migrants. In addition, ethnic or racial conflicts have been frequently occurred (i.e., struggles and killings between police and civilians). Overall, US sensitivity toward migration is heightened compared to the previous years. Under such a circumstance, it may be correct to state that the survey results have been different if it took place during summer 2015, not 2016. However, this time phrase actually works as a hard case for my research in comparing (neutral) public perception in Japan and (sensitive) public attitude in the United States.

#### *6.1.2. Comparing the Results*

Prior to statistically study public perception toward migrants in relation to citizenship law and economic conditions, this section numerically compares results directly obtained from the survey. <Table 6.2> summarizes answers collected for the first question on how people perceive **defining feature(s)** of their citizenship. In case of the United States, on the one hand, respondents seem to be willing to grant citizenship to migrants as long as they satisfy two or more features among the three. In case of Japan, on the other hand, respondents have only chosen combinations that involve a feature of “parents being Japanese.” This cross-comparison



<Table 6.2> Degree of Public Acceptance on Citizenship (Q1)

United States (N=300)					Japan (N=428)				
Born	Lived	Parents	Yes (1)	No (0)	Born	Lived	Parents	Yes (1)	No (0)
<b>US</b>	<b>US</b>	<b>US</b>	286 (95%)	14 (5%)	<b>JPN</b>	<b>JPN</b>	<b>JPN</b>	419 (98%)	9 (2%)
<b>US</b>	<b>US</b>	<b>Foreign</b>	129 (43%)	171 (57%)	JPN	JPN	Foreign	253 (59%)	175 (41%)
<b>US</b>	<b>Foreign</b>	<b>US</b>	141 (47%)	159 (53%)	<b>JPN</b>	<b>Foreign</b>	<b>JPN</b>	372 (87%)	56 (13%)
US	Foreign	Foreign	78 (26%)	222 (74%)	JPN	Foreign	Foreign	155 (36%)	273 (64%)
<b>Foreign</b>	<b>US</b>	<b>US</b>	132 (44%)	168 (56%)	<b>Foreign</b>	<b>JPN</b>	<b>JPN</b>	400 (93%)	28 (7%)
Foreign	Foreign	US	83 (28%)	217 (72%)	<b>Foreign</b>	<b>Foreign</b>	<b>JPN</b>	326 (76%)	102 (24%)
Foreign	US	Foreign	50 (17%)	250 (83%)	Foreign	JPN	Foreign	202 (47%)	226 (53%)
Foreign	Foreign	Foreign	14 (5%)	286 (95%)	Foreign	Foreign	Foreign	106 (25%)	322 (75%)

Notes:

Highlighted combinations of features represent four arrangements that respondents have most frequently accepted to recognize as own citizens.

clearly reflects a tendency that *jus sanguinis* countries prioritize blood or ancestry ties in defining citizenship, while *jus soli* countries are more interested in general attachment toward the country.

<Table 6.3> presents results for Q2 on how close people feel on various kinds of migrants. Overall, the degree and tendency of proximity toward types of migrants are quite similar, except for 2) migrants, who entered [the country] for economic aim, and have resided here for a long time, and 5) returning emigrants. For the former migrants, 53 percent of respondents have expressed their proximity in the United States while only 23 percent have done so in Japan (adding the percentages of “Very close” and “Somewhat close”). For the latter

<Table 6.3> Public Proximity toward Migrants (Q2)

	A Sense of Proximity (%)				
	1 Very close	2 Somewhat close	3 Neutral	4 Not close	5 Not close at all
1. Migrants, who were born and have grown up in [the country]	US: 36.0 JPN: 24.8	US: 29.5 JPN: 33.6	US: 24.0 JPN: 35.5	US: 6.5 JPN: 2.6	US: 4.0 JPN: 3.5
2. Migrants, who entered [the country] for economic aim, and have resided here for a long time	US: 16.0 JPN: 6.0	US: 37.0 JPN: 17.0	US: 27.0 JPN: 52.0	US: 12.0 JPN: 12.0	US: 8.0 JPN: 13.0
3. Migrants, who have naturalized	US: 21.3 JPN: 24.6	US: 35.3 JPN: 28.7	US: 28.2 JPN: 34.8	US: 8.2 JPN: 5.6	US: 7.0 JPN: 6.3
4. Temporary migrant workers	US: 4.0 JPN: 5.0	US: 9.3 JPN: 11.0	US: 34.4 JPN: 50.0	US: 29.3 JPN: 17.0	US: 23.0 JPN: 17.0
5. Returning emigrants	US: 6.0 JPN: 14.0	US: 17.0 JPN: 31.0	US: 35.0 JPN: 43.0	US: 25.0 JPN: 6.0	US: 17.0 JPN: 6.0
6. International students	US: 7.0 JPN: 8.0	US: 21.0 JPN: 23.0	US: 38.0 JPN: 49.0	US: 18.0 JPN: 12.0	US: 16.0 JPN: 8.0

Note: Highlighted responses indicate answers that largely diverge between the United States and Japan.

migrants, in contrast, 45 percent of respondents in Japan feel close when only 23 percent do so in the United States.

These stark differences are understandable, if previous migration policies of the two countries are taken into account. In regards to economic migrants, the United States has allowed for both permanent and temporary routes. For approximately past ten years, a lot of highly skilled migrants have been invited via temporary scheme (H1B category). Yet, this avenue has been used as a backdoor channel for the settlement in the United States by allowing them to

apply for permanent residency. Contrarily, economic migrants are only recruited with temporary visas in Japan while overall naturalization rate is very low. Thus, it becomes more difficult for Japanese people to feel close to labor migrants regardless of duration of their stay in the territory. Furthermore, it is natural that Japanese people feel more proximity toward returning emigrants because of prevalence of *Nikkeijin*, in Japanese society, as mentioned in the previous chapter.

For the rest of migrant types, respondents in the two countries show similar outcomes. The first category, “migrants, who were born and have grown up in [the country]” records the highest proximity while “migrants, who have naturalized” marks the second highest in both countries. On the other, temporary migrants and international students show the lowest level of tolerance. Overall, natives express greater affinity toward migrants, who have resided (and are expected to continue living) in the country for a long time.

<Table 6.4> summarizes results for Q3 on people’s images toward migrants, who have lived in the country for a reasonable amount of time. Overall, the second and fourth statements show the greatest difference between public perceptions toward migrants in the United States and Japan. In regards to the second statement that “migrants have fundamentally different lifestyle,” the ratios of agreed respondents are 37.3 percent in the United States and 54.7 percent in Japan while the ratios of disagreed respondents, who believe there is no fundamental difference, are 32 percent and 5.6 percent respectively. Similarly, in regards to the fourth statement, “migrants disrupt [country’s] public order,” 8 percent of US respondents agree with it while 22.8 percent of Japanese respondents agree. Meanwhile, 72 percent of US respondents disagree (implying that they believe migrants *do not* disrupt public order) when only 28 percent of Japanese ones claim so.

Besides these two statements, 75.4 percent of US respondents agree that “migrants have understanding on US culture and values (first statement)” when 59.6 percent of Japanese people claim so (29.7 percent on “agree” and “45.7 percent on “somewhat agree”). The third statement, “migrants’ language proficiency is high,” is supported by 47 percent of US respondents and 61 percent of Japanese ones. Also, the fifth statement, “migrants are necessary labor to sustain US economy” show 48 percent approval by the US respondents and 53 percent approval by the Japanese. While the first statement also presents a noticeable difference between responses in the United States and Japan, it is closely related to the second question. In addition, the third and fifth statements record more positive answers from Japanese respondents, although the differences are small.

<Table 6.4> Public Images toward Migrants (Q3)

	Image toward Migrants (%)				
	1 Agree	2 Somewhat agree	3 Neutral	4 Somewhat disagree	5 Disagree
1. They have understanding on [the country’s] culture and values	US: 29.7 JPN: 10.5	US: 45.7 JPN: 49.1	US: 14.0 JPN: 32.0	US: 7.6 JPN: 4.7	US: 3.0 JPN: 3.7
2. They have fundamentally different lifestyle	US: 10.0 JPN: 14.5	US: 27.3 JPN: 40.2	US: 30.7 JPN: 39.7	US: 25.3 JPN: 4.2	US: 6.7 JPN: 1.4
3. Their language proficiency is high	US: 11.0 JPN: 12.0	US: 36.0 JPN: 49.0	US: 30.0 JPN: 34.0	US: 17.0 JPN: 3.0	US: 6.0 JPN: 2.0
4. They disrupt [country’s] public order	US: 3.0 JPN: 8.4	US: 5.0 JPN: 14.4	US: 20.0 JPN: 49.2	US: 31.0 JPN: 23	US: 41.0 JPN: 5
5. They are necessary labor to sustain [country’s] economy	US: 19.7 JPN: 10.0	US: 28.3 JPN: 43.0	US: 29.4 JPN: 38.0	US: 11.3 JPN: 7.0	US: 11.3 JPN: 2.0

Note: Highlighted responses indicate answers that largely diverge between the United States and Japan.

These results convey that the fourth statement on public order reveal the largest gap between the US and Japanese responses. It indicates that Japanese people hold a greater negative image toward migrants. The similar outcome is also noticeable in other Japanese survey data, such as “Opinion poll on public order,” collected by the Cabinet Office, Government of Japan (2004, 2006, 2012). It yields that a great portion of Japanese citizens believes their public order has been worsened (86.6% (N=1,961) in 2004; 84.3% (N=1,795) in 2006; and 81.1% (N=1,956) in 2012). Among those, who claimed so, the statement, “due to enlarged number of crimes by (legal or illegal) migrants,” marked 54.4%, 55.1% and 28.2% in respective years. It seems that a great portion of Japanese citizens believes their public order has been worsened while their negative perception on migrants has stayed for a long time. The result in 2012 still indicates that this negative perception has been moderated in recent years. Yet, what needs to be taken into account is that this moderated trend is still more negative compared to US public perception on migrants.

Here, it is questionable whether these contrasting results are truly due to different citizenship law regimes of the United States and Japan. Thus, I take responses on the second and fourth statements as two dependent variables.

### *6.1.3. Statistical Analysis*

Prior to see the significance and direction of causal relationship between citizenship law and natives’ image toward migrants, I first check whether there is actually a causality among variables while personal characteristics of respondents are relatively balanced in order to confirm that there is no potential confounding variable that causes the results on DVs.

In order to confirm the causal relationship, I report P-values by creating cross-tab of the citizenship laws and two dependent variables, and run a chi-square test of association (see <Figure 6.5>). This is a very simple test of the association of two variables, and therefore, it does not tell us exactly what the effect is, in what direction, or how large. Still, this is the clearest and cleanest model to generate a single P-value. The null hypothesis in this case is that the rows and columns have no relationship. In other words, the relative proportion of DVs being 1, 2, 3, 4, or 5 should not change depending on whether citizenship law is *jus soli* or *jus sanguinis*. Because P-values for both DVs (0.000) are smaller than 5 percent (0.05), I reject his hypothesis. This means

<Table 6.5> P-values for Dependent Variables

*DV1: Migrants have fundamentally different lifestyle*

	1 Agree	2 Somewhat agree	3 Neutral	4 Somewhat disagree	5 Disagree	Total
<i>jus sanguinis</i>	62	172	170	18	6	428
<i>jus soli</i>	30	82	92	76	20	300
Total	92	254	262	94	26	728

Chi-Square = 89.8391 P-value = 0.000

*DV2: They disrupt public order*

	1 Agree	2 Somewhat agree	3 Neutral	4 Somewhat disagree	5 Disagree	Total
<i>jus sanguinis</i>	36	62	211	98	21	428
<i>jus soli</i>	9	16	61	92	122	300
Total	45	78	272	190	143	728

Chi-Square = 180.6532 P-value = 0.000

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<Table 6.6> Average Values for Respondents' Characteristics (Q4-Q11)

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4) *How often do you encounter migrants in your workplace or neighbor? (Encounter)*

**US: 2.85 Japan: 2.73** (1 if almost everyday; 2 if a few times in a week; 3 if a few times in a month; 4 if a few times in a year; 5 if almost never)

5) *How many migrant friends or acquaintances do you have? (Friends)*

**US: 1.80 Japan: 1.53** (1 if zero friends; 2 if one ~ five friends; 3 if six ~ ten friends; 4 if above eleven)

6) *In an aggregate sense, how long have you lived/stayed abroad? If you have multiple times, please add all the approximate periods. (Abroad)*

**US: 2.00 Japan: 1.77** (1 if less than a week; 2 if a week ~ a month; 3 if a month ~ six months; 4 if six months ~ a year; 5 if a year ~ three years; 6 if longer than three years)

7) *If you resign from your current job, do you think you will be able to find a similar type of job that pays you the equivalent amount of salary (or higher)? If you do not currently work, refer to a person, who financially supports your family. If he/she quits the job, would he/she be able to find a new job with an equal pay? (Economy)*

**US: 2.89 Japan: 2.01** (1 if it would be very difficult; 2 if it would be somewhat difficult; 3 if neither; 4 if it would be somewhat easy; 5 if it would be very easy)

8) *What is your age? (Age)*

**US: 2.43 Japan: 3.17** (1 if 20~29; 2 if 30~39; 3 if 40~49; 4 if 50~59; 5 if 60~69)

9) *What is your gender? (Gender)*

**US: 0.54 Japan: 0.58** (1 if male; 0 if female)

10) *What is the last educational institution you were enrolled (or currently enrolled) in? (School)*

**US: 3.69 Japan: 3.48** (1 if elementary or junior high school; 2 if high school; 3 if community college; 4 if university; 5 if graduate school)

11) *US only: Which of the following best represents your racial or ethnic heritage?*

**85.3% (256 out of 300) responded to be Non-Hispanic White or Euro-American**

(1 if Non-Hispanic White or Euro-American; 2 if Black, Afro-Caribbean, or African American; 3 if Latino or Hispanic American; 4 if East Asian or Asian American; 5 if South Asian or Indian American; 6 if Middle Eastern or Arab American; 7 if Native American or Alaskan Native; 8 if Other)

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that the level of DVs indeed does tend to change with the change in citizenship law.

Furthermore, <Figure 6.6> reports averages of values for the rest of questions. Overall, those averages between the United States and Japan are in a similar range across questions.

Since both dependent variables are ordered categorical, I use ordered logit model. For independent variable, I create a dummy variable (*Citizenship*) that indicates 1 if the United States (*jus soli* principle) and 0 if Japan (*jus sanguinis* principle). The overall regression results are presented in <Table 6.7>. The regressions for both dependent variables confirm significance of citizenship law regimes of countries. For the first dependent variable (statement: “migrants possess fundamentally different lifestyle”), US respondents disagree with the statement by approximately one category even when their personal characteristics are not controlled (coefficient of citizenship for model (1) is 0.995). Similarly, for the second dependent variable (statement: “migrants disrupt public order”), US respondents disagree with the statement by approximately two categories even when their personal characteristics are not controlled (coefficient of citizenship for model (5) is 1.929). In sum, citizenship law has an impact on people’s perception toward migrants; people in *jus soli* countries tend to hold more positive images on migrants.

In order to more accurately examine the effects of citizenship law on public attitude, I turn to predicted probabilities. <Figure 6.1> shows predicted probabilities of citizenship law on people’s view toward migrants in the United States and Japan. The citizenship law for both dependent variables turns out to be significant. For either dependent variable, moreover, it seems that *jus soli* principle yields a higher probability for respondents to become pro-migrants, although the effect is much stronger for the second variable on public order. In regards to the first dependent variable on fundamental lifestyle, *jus sanguinis* rule would cause a positive image



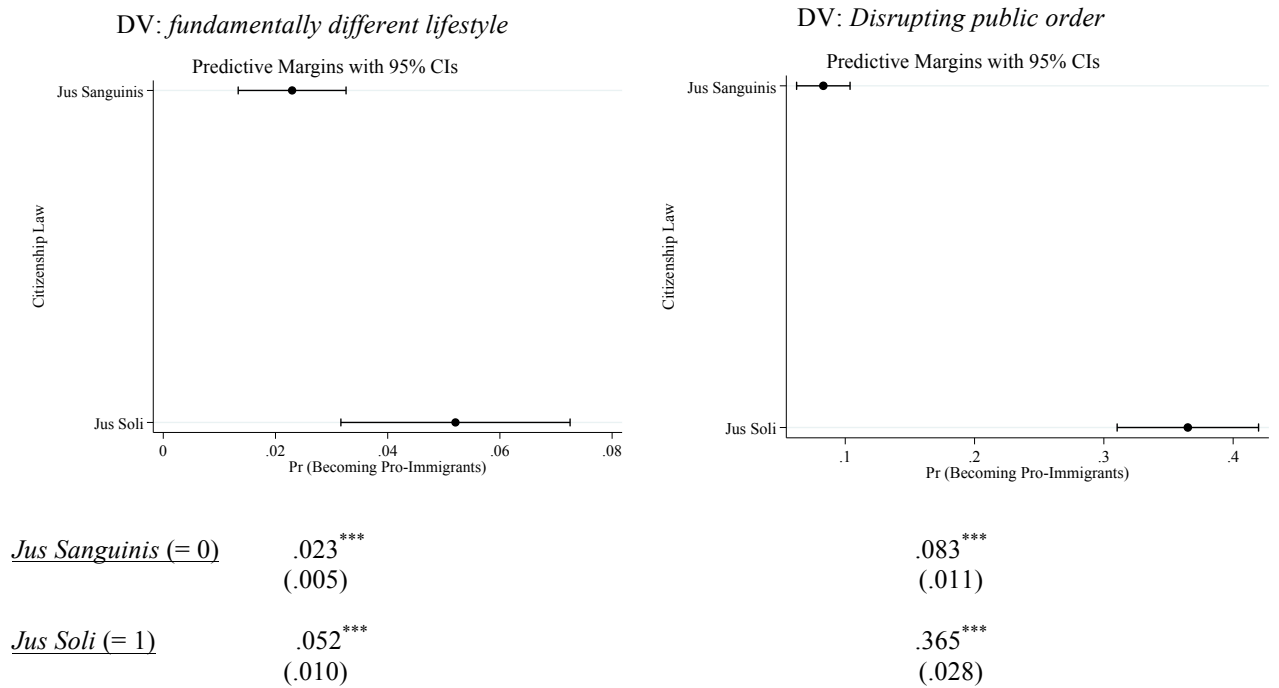
by .023 while *jus soli* rule would do so by .052. Similarly, in regards to the second dependent variable on public order, *jus sanguinis* rule yields a positive effect by .083 while *jus soli* rule does so by .365. These outcomes demonstrate that citizenship law carries out a significant and noticeable effect in formulating diverging public perceptions toward migrants between the United States and Japan.

<Table 6.7> Results for Ordered Logit Regressions

	<i>DV: possessing fundamentally different lifestyle</i>				<i>DV: Disrupting public order</i>			
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Citizenship	.995*** (.144)	.868*** (.153)	.851*** (.155)	.858*** (.157)	1.929*** (.155)	1.878*** (.163)	1.858*** (.165)	1.880*** (.167)
Encounter			.055 (.055)	.056 (.055)			-.014 (.055)	-.008 (.055)
Friends			.127 (.095)	.131 (.096)			.204* (.098)	.208* (.098)
Abroad			-.076 (.053)	-.082 (.054)			-.047 (.054)	-.065 (.055)
Economy		.149* (.061)	.147* (.062)	.159* (.063)		.062 (.060)	.044 (.061)	.071 (.063)
Age				.032 (.051)				.077 (.051)
Gender				-.063 (.140)				-.062 (.140)
School				.030 (.078)				.097 (.077)
Observation	728	728	728	728	728	728	728	728
Pseudo R <sup>2</sup>	.0244	.027	.029	.0294	.0809	.0814	.0841	.0859
Log-Likelihood	-980.075	-977.108	-975.400	-975.055	-969.849	-969.325	-966.455	-964.611

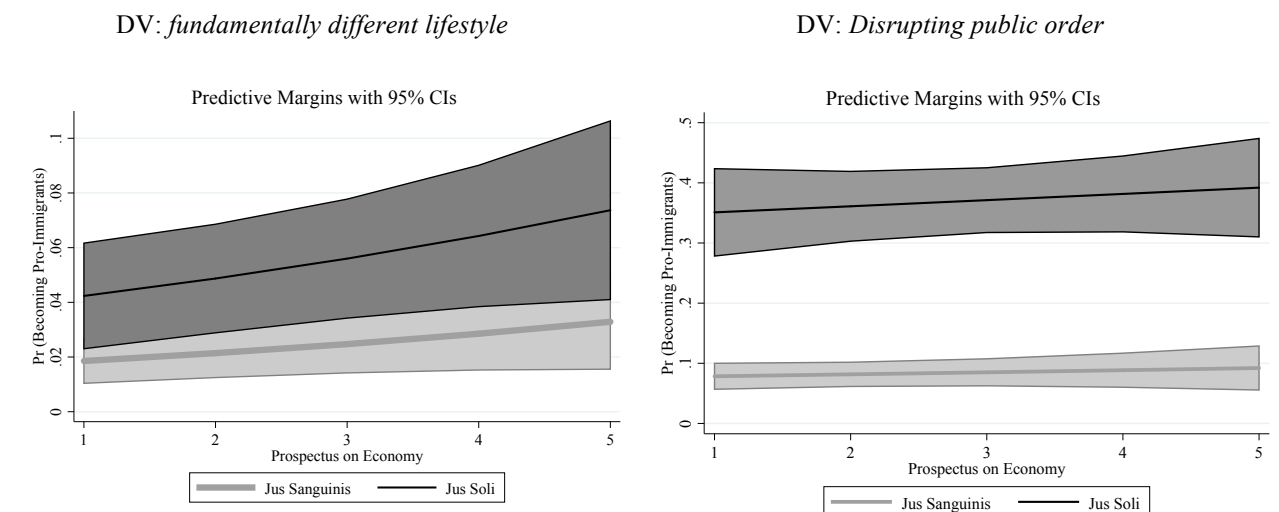
\*\*\* p < 0.001, \*\* p < 0.01, \* p < 0.05, #p<0.1; standard errors in parentheses.

<Figure 6.1> Predicted Probabilities of Citizenship Law on Natives' Images on Migrants



Notes: These marginal effects predict probability that respondents would answer positively toward migrants (predicting outcome (5) that disagrees with statements on migrants' fundamental difference or exacerbation of public order).

<Figure 6.2> Predicted Probabilities of Citizenship Law Interacting with Economic Condition



<Figure 6.2> further elaborates the effect of citizenship law when it is interacted with respondents' view on future prospectus toward domestic economy. The result yields that brighter future prospectus on economy leads to a more positive attitude toward migrants in the both countries, although citizenship law sets the fundamental differing level between the two. Moreover, the effect of economy turns out to be more obvious and stronger for the first dependent variable on fundamental lifestyle. Overall those statistical findings based on the survey confirm that people in the United States tend to reveal a more positive attitude toward migrants, and this finding strongly supports my hypothesis on public perception.

## **6.2. Political Calculation**

As mentioned, my theory is based on rationalist approach, which assumes that politicians' goal is to maximize their votes in order to stay in office. As a consequence, public opinion constrains them from enacting a policy that is purely based on own self-interest. The previous section, therefore, has shown that natives in the United States (*jus soli* law) reveal more positive attitude toward migrants, compared to natives in Japan. This yields a speculation that politicians in the United States have more leverage on incorporating migrants, because their natives have a higher tolerance on coexisting with migrants. Furthermore, more importantly, whether migrants are capable of obtaining a voting right becomes another significant matter of concern. In other words, the politicians in the United States have a greater motivation to enact liberal entry policy, because migrants in this country have a higher probability to become a new group within electorate, which can contribute to voting.

In order to demonstrate how citizenship law impacts political calculation on migration policies during sound and bad economies, I mainly rely on Congressional Records and Diet

Proceedings, which keep track of speeches and debates that politicians in the United States and Japan had, because this is the type of evidence that most directly reflects their perceptions toward migrant issues. Of course, this should not be treated as a perfect source since what politicians verbally convey may not be equivalent to what they truly imply. Still, I intend to collect repeated debates or iterated phrases in order to gauge core concerns that politicians that politicians commonly hold when enacting migration policies.

### *6.2.1. United States*

Prior to 1996, the United States maintained a liberal attitude toward migrants, which began since 1965. The 1980s in the United States began with a serious recession as a consequence of the 1973 oil crisis and the 1979 energy crisis. Yet, the 1986 Immigration Reform and Control Act (IRCA) was still enacted. Even since then, the political debates were mainly about how to more strategically and smoothly open the door for migrants. For instance, introduction of Immigration Act of 1990 further broadened possible avenues for future migrants. This bill was originally formulated by Senator Edward M. Kennedy (Democrat) since 1989. At Senate, he claimed as follows;

“Our goal has been to reform the current immigration system--which has not changed in 25 years--so that it will more faithfully serve the national interest, and be more flexible and open to immigrants from nations which are now short-changed by current law. The provisions of this bill will accomplish these objectives, while also maintaining the priority we have traditionally given to those with family connections to the United States--and without departing from any of the basic goals of fairness established in the 1965 reforms. This compromise creates two separate preference systems for immigration visas--one for close family members, another for independent immigrants. This two-track system was first recommended by the Select Commission.”<sup>123</sup>

Here, Kenney suggests promotion of both family-based and economic migration without reducing visas reserved for family members of new immigrants, as established in the 1965

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<sup>123</sup> 101 Cong. Rec. S17107 (Immigration Act of 1990 – Conference Report. Senate – February 7, 1989) (Statement of Senator Kennedy).

reforms. He simply means that the economic channel would add more visas to the existing numerical limits.

This bill was then strongly supported by other politicians, such as Senator Alan K. Simpson (Republican) and Senator Paul M. Simon (Democrat).<sup>124</sup> Of course, there were those, who opposed against this bill. Senator Robert Byrd (Democratic) claimed,

... I will cast my vote against the conference report on the Immigration Act of 1990 ...[because] I am opposed to the further erosion and draining of the limited resources that are available for our own citizens. We have serious problems in this country today. American citizens are unemployed. Many citizens are homeless. Our citizens lack adequate medical care and other basic necessities such as food and clothing. With such serious needs for our citizens, I cannot ... vote to allow 700,000 additional individuals into this country every year. I cannot support the immigration of additional people, who will compete with our own citizens for jobs, and already limited public resources.”<sup>125</sup>

The disagreement against 1990 Amendment clearly originates from concerns on domestic labor market conditions and fiscal burdens that the American public would need to bear. Still, this Act was approved by 89 yeas and 8 nays. Even if there were concerns in regards to employment rate in the US, the Immigration Service continued to issue work authorizations faster.

What is interesting here is that this trend continued until 1996, although the US economy faced recession during 1990 and 1991 due to the Gulf War. The Federation for American Immigration Reform (FAIR) from the Immigration and Naturalization Service (INS) suggested that the core cause to the fast growing labor force was due to the rate of immigration and work authorization issuance. According to this report, during the first half of 1992, the INS issued a record-keeping 439,000 temporary work permits to foreign workers. Most of these were not subject to the labor certification schemes designed to protect American workers. During the same

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<sup>124</sup> For instance, Senator Simon makes a statement supporting investor visa; “... Some people feel that immigrants are a drain on our economy and our society. How wrong they are! ... [T]he bill establishes a new visa category for entrepreneurs, who are willing to contribute to America’s economic growth and provide new jobs for Americans by investing in new American enterprises. This one provision will generate over \$8 billion annually in new investment in small and independent US businesses and provide up to 100,000 new jobs for Americans.” [101 Cong. Rec. S17110 (Immigration Act of 1990 – Conference Report. Senate – February 7, 1989) (Statement of Senator Simon)].

<sup>125</sup> 101 Cong. Rec. S17115 (Immigration Act of 1990 – Conference Report. Senate – February 7, 1989) (Statement of Senator Byrd).

six months, approximately 390,000 immigrants and refugees acquired ‘green cards’ entitling them to live and work permanently in the United States.<sup>126</sup>

Indeed, the economic decline due to the war instigated overall anti-migration sentiment. Hon. Bob Stump (Republican) used a CNN/USA Today’s (1995) poll result that 76-percent of Americans felt immigration should be stopped or reduced until the economy improved.<sup>127</sup> Reflecting this public attitude, the Congress stressed negative impacts that irregular migrants brought into the country, and therefore, attempted to pass an amendment that restricts irregular migrants’ entries and rights (H.R. 2202: Immigration Control and Financial Responsibility Act of 1996). This bill proposed to reduce the size of both irregular and regular migrants by toughening requirements for family reunification. This proposal soon faced strong opposition from many members of congress. Eventually, counter-proposal, called Chrysler-Berman-Brownback-Crane-Dooley-Davis amendment was introduced. It criticized H.R. 2002’s cursory treatment by lumping irregular and regular migrants all together, and argued that the United States should sustain its history as an immigrant country by respecting economic and family migrants via chain migration.<sup>128</sup> The vote result was that 238 supported the counter-proposal while 183 opposed. As a result, this bill shifted its focus toward control over irregular migrants, and eventually passed by 333 to 87 votes.

Meanwhile, Senator Simpson also passed a bill on irregular migrants by 97 to 3 votes at the Senate and 333 to 87 at the House of Representatives. This so-called the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) enhanced the federal government’s

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<sup>126</sup> 102 Cong. Rec. S17064 (US Immigration Policies Appear to be Undercutting our Citizens’ Employment and Economic Opportunities. Senate – October 5, 1992) (A Report from the Federation for American Immigration Reform).

<sup>127</sup> 104 Cong. Rec. H672 (Reform Immigration Laws. House of Representatives – January 4, 1995) (Statement of Hon. Stump).

<sup>128</sup> 104 Cong. Rec. H2598 (Immigration in the National Interest Act of 1995. House of Representatives – March 21, 1996) (Statement by Hon. Jackson-Lee).

ability to guard national borders, tightened asylum procedures, limited immigrant access to public benefits, required US financial sponsors for newcomers, and established stringent provisions for criminal and undocumented aliens.<sup>129</sup> Furthermore, the Personal Responsibility and Work Opportunity Act of 1996 barred noncitizens from a broad set of federal benefits programs. Together, the immigration and welfare reform laws marked a retrenchment of the legal protections and social entitlements that legal and undocumented aliens could claim. The outcomes were that large-scale immigration would flow into the United States uninterrupted for the foreseeable future, and that those who arrived would enjoy fewer membership rights until they acquired citizenship. Indeed, many politicians stated, “No one denies that much of America’s economy depends on immigrant labor. But if we want to do more than exploit that labor, – if we want to sew it into our social contract, we want to treat immigrants with justice and dignity – a path to citizenship is a necessity.”<sup>130</sup>

Although US economy grew strongly for the next few years mainly due to the science and math developments and the Bush tax cuts in 2001 and 2003, concerns over “protecting jobs for Americans” and “American taxpayers” become intensified. Besides rejecting irregular migrants, the debates on regular migrants were mainly on 1) how to minimize negative migrant impact on US labor market, and 2) how to lower migrants’ reliance on US welfare system. In regards to protection of native employment rate, the Congress focused on further strengthening sponsorship requirement as well as prior job advertisement to Americans. In order to ameliorate fiscal burden, politicians stressed attracting highly skilled migrants as a solution; “... (According

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<sup>129</sup> 194 Cong. Rec. S10572 (Illegal Immigration Reform and Immigrant Responsibility Act of 1996. Senate – September 16, 1996) (Statement of Senator Simpson).

<sup>130</sup> 110 Cong. Rec. S6539 (Comprehensive Immigration Reform Act of 2007. Senate – May 23, 2007) (Statement of Senator Dodd).

to George Borjas,) skilled immigrants earn more, pay higher taxes, and require fewer social services than less skilled immigrants ...”<sup>131</sup>

Senator Barbara Boxer (Democrat) described the economic condition during this period to be “... the greatest economic recovery in history, with the biggest surplus [to be] seen, having created 22 million new jobs.”<sup>132</sup> Indeed, until the early 2000s, “... [US] economy [experienced] substantial and sustained growth, unparalleled growth,” and in order to maintain this strong economy, the United States emphasized a growth of its high-tech industries and required highly skilled workers.<sup>133</sup> In order to fulfill the shortage of essential workers, admittance of highly skilled migrants began to be treated as the most viable solution.

The US economy began declining since the early 2000s due to the slow-down of economy based on IT and a war on terrorism (Afghan and Iraqi Wars). So far, the United States attempted to cut down family and employment based immigration since 1994, and the Amendment of 1996 further denied legal residents the right to public benefits as well as a range of due process and fairness protections.<sup>134</sup> And this restrictive tendency became more exacerbated since the tragedy of September 11<sup>th</sup>, using it as an excuse for even more limited rights of immigrants.<sup>135</sup> There were great deals of debates on limiting size of rights of migrants. However, a significant amendment did not take place.

It was the subprime mortgage crisis, which hit US economy especially between 2007 and 2009;

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<sup>131</sup> 106 Cong. Rec. H10160 (Concerns about Immigration and Population Growth in the United States. House of Representatives – October 18, 1999) (Statement of Hon. Smith of Texas).

<sup>132</sup> 106 Cong. Rec. S8803 (Immigration and Nationality Act Amendments – Motion to Proceed – Resumed. Senate – September 20, 2000) (Statement of Senator Boxer).

<sup>133</sup> 106 Cong. Rec. S8620 (Immigration and Nationality Act Amendments – Motion to Proceed. Senate – September 15, 2000) (Statement of Senator Dorgan).

<sup>134</sup> 107 Cong. Rec. E296 (Introduction of the “Restoration of Fairness in Immigration Act of 2002. House of Representatives – March 7, 2002) (Statement of Hon. Conyers).

<sup>135</sup> Ibid.



“... We lost 190,000 jobs last month. That’s 2,280,000 jobs lost at that rate ... But at the same rate, 900,000 jobs taken up by legal immigrants, not to count the illegal immigrants that are there. So we had a net annual loss of jobs of about 1.1 million, 380,000 net loss of jobs as a result of the 900,000 green cards ... [U]nemployment is up ... almost 60 percent ... and still we grant green cards at the rate of 900,000 a year.”<sup>136</sup>

The critics against migrants began more severely attacking citizenship law in addition to avocation of more strict migration policies;

“... The current application of the Citizenship Clause is so lax that the United States has a de facto universal birthright citizenship policy that denies US citizenship by birth to no one, including children born to foreign diplomats ... We also have an out-of-control legal immigration system ... If we look back over the last decade, we’ll see that we brought in, roughly, one and a quarter legal immigrants a year.”<sup>137</sup>

Yet, the majority of politicians supported labor immigrants;

“Immigration and economic growth go hand-in-hand. Immigrants boost economic productivity and create jobs ... It’s been true during boom times and during tough times. Immigrants expand the labor and consumer markets and fuel growth ... The usual suspects will cry we lie with these facts. But their prejudices will no longer prey on our uncertainties.”<sup>138</sup>

The US economy has gradually recovered by 2014 by restoring 93 percent of the jobs lost during the downturn, despite its slow and unstable pace.<sup>139</sup> The politicians began putting a greater emphasis on attracting highly skilled migrants; “Current law prohibits US employers from hiring foreign workers to fill these jobs unless there are insufficient US workers who are able, willing, qualified, and available ... [We] encourage high-skilled immigrants who are educated in the US to stay and help build our economy rather than using the skills they learned

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<sup>136</sup> 111 Cong. Rec. H13462-H13463 (Immigration. House of Representatives – December 2, 2009) (Statement of King of Iowa).

<sup>137</sup> 112 Cong. Rec. H4943 (Immigration. House of Representatives – July 12, 2011) (Statement of Hon. King of Ohio).

<sup>138</sup> 111 Cong. Rec. H14443 (Immigration Creates Jobs. House of Representatives – December 9, 2009) (Statement of Hon. Polis).

<sup>139</sup> 113 Cong. Rec. S5124 (Border Security, Economic Opportunity, and Immigration Modernization Act – Continued. Senate – June 25, 2013) (Statement of Senator Klobuchar).

here to aid our competitor nations.”<sup>140</sup> While attempting to invite more highly skilled migrants, no major migration policy reform has taken place since the early 2000s.

The debates in the Congress over the past thirty years clearly demonstrate that politicians are sensitive about public opinion. The most common frames that politicians have used in describing US citizens are “workers” “taxpayers,” and “voters.” In regards to this dimension on domestic labor market, there have been politicians, who argue migrants enhance the economy, and those, who are against this belief. Jose E. Serrano, a member of the House of Representatives (Democrat), stated, “... [People] fear that by increasing employer-based immigration, we would allow new immigrants to take jobs away from American workers. However, studies by the Department of Labor show that immigrants offer stability to our economy and are easily absorbed by our labor market.”<sup>141</sup> The similar statements have been further made by numerous politicians; “Legal immigrants do not adversely affect the employment rate. Rather, the jobs created by immigrant employers for native-born Americans offset the jobs taken by legal immigrants from native-born Americans.”<sup>142</sup> Against these statements, the opponents argued that migration not only takes jobs away from Americans, but also reduces real wage; “Mass immigration has depressed the wages of many average American worker ... [T]he wages of our most vulnerable working Americans have remained relatively flat or even declined.”<sup>143</sup> Both sides support their arguments with various statistical findings of universities and research institutions, but the overall results are mixed.

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<sup>140</sup> 112 Cong. Rec. H7904 (Fairness for High-Skilled Immigrants Act of 2011. House of Representatives – November 29, 2011) (Statement of Hon. Chafeetz).

<sup>141</sup> 101 Cong. Rec. H7996 (Family Unit and Employment Opportunity Immigration Act. House of Representatives – September 25, 1990) (Statement of Hon. Serrano).

<sup>142</sup> 103 Cong. Rec. S5009 (The Immigration Debate. Senate – May 3, 1994)(Statement of Senator Simon).

<sup>143</sup> 107 Cong. Rec. H2703 (Immigration. House of Representatives – May 24, 2001) (Statement of Hon. Tancredo).

Many politicians also express their concerns on migrants' usage of welfare system. For instance, Senator Jeff Sessions (Republican) claimed; "... [American people] know we are a nation of immigrants ... But they want a system ... that does not pull down the wages of working Americans, that furthers our economy, does not enhance the welfare state and is lawful..."<sup>144</sup> Furthermore, the numbers of the Congress referred to findings of George Borjas, and claimed, "[According to Borjas,] immigrants coming into this country are not only participating in welfare more than immigrants in the past, but the longer they are here in the country, the more they are taking those government transfer payments."<sup>145</sup>

Most importantly, politicians treat those concerns on employment and welfare seriously, because they understand that US citizens also function as voters. Hon. Doug Bereuter conveyed, "If we fail to act, the American public will surely judge us harshly."<sup>146</sup> Also, many politicians connect a notion of voting public and elected politicians. In describing how to meet public demands on migrants, Hon. Howard L. Berman (Democrat) uses an expression of "... between the public and their elected officials."<sup>147</sup> Furthermore, Senator Orrin G. Hatch (Republican) mentioned, "What the public ... wants is for politicians to stand for something, to give voters a clear choice. If Republicans do this (explain the effect of minimum wages), ... they will come back next year with plenty of votes ..." <sup>148</sup> The similar statement follows; "If the public views the

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<sup>144</sup> 110 Cong. Rec. S6366 (Comprehensive Immigration Reform Act of 2007 – Motion to Proceed. Senate – May 21, 2007) (Statement of Senator Sessions).

<sup>145</sup> 101 Cong. Rec. H8636 (Family Unity and Employment Opportunity Immigration Act of 1990. House of Representatives – October 2, 1990) (Statement of Hon. Smith of Texas).

<sup>146</sup> 102 Cong. Rec. E181 (Flawed US Immigration System Needs Repair. House of Representatives – February 4, 1992) (Statement of Hon. Bereuter).

<sup>147</sup> 104 Cong. Rec. H2501 (Immigration in the National Interest Act of 1995. House of Representatives – March 20, 1996) (Statement of Hon. Berman).

<sup>148</sup> 104 Cong. Rec. S4303 (Immigration Control Financial Responsibility Act of 1996. Senate – April 29, 1996) (Statement by Senator Hatch).

enforcement ... is inadequate and not in compliance with our laws, they will be able to hold elected officials accountable at the voting booth.”<sup>149</sup>

It is clear that politicians are aware they are constrained by the general public. The debates among politicians indicate that they are concerned about US citizens’ satisfaction toward labor market condition as well as welfare system. However, implemented migration policies have continuously increased (or at least not decreased) the entries by migrants, while they limit migrants’ rights, if necessary. Following IRCA, the Immigration Act of 1990 did increase inflow of migrants under family reunion and skilled migrants even further despite economic downturn. Moreover, although 1996 marks the end of liberal migration policy of the United States, the policy would have been much more restrictive, if Immigration Control and Financial Responsibility Act of 1996 (H.R.2202) were passed. By enacting IIRIRA instead, legal migrants only faced limited rights, instead of more stringent rights as well as lower entry quotas. Furthermore, there is no migration policy reform since the 2000s, despite terrorist attack (2001), Iraq War (2003), and global recession (2008). The United States continuously allow entries of migrants via family reunion or labor migrants, who have legitimate sponsorships and have demonstrated that they hold required skills.

Why is the United States willing to accept more migrants even when the economy is declining along with subsequent anti-migration sentiment? The most straightforward reason originates from America’s *jus soli* citizenship law, which greatly enlarges the size of migrants, who obtain US nationality. As Hon. Dana Rohrabacher (Republican) noted, “in order to vote in this country (the United States), one is supposed to be a citizen of the United States.”<sup>150</sup>

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<sup>149</sup> 110 Cong. Rec. S7274 (Comprehensive Immigration Reform Act of 2007. Senate – June 7, 2007) (Statement of Senator Hutchison).

<sup>150</sup> 107 Cong. Rec. H2947 (The American Immigration Crisis. House of Representatives – June 6, 2001) (Statement of Hon. Rohrabacher).

Indeed, when discussing on migrants' acquisition of US citizenship, politicians tend to connect this idea to voting rights. For instance, Hon. Thomas G. Tancredo (Republican) stated that the reasons behind the United States had a philosophy of open borders could be many; however, there are certainly the reasons that were political in nature; "... It is very possible that if we encourage massive immigration from certain areas of the world these people will eventually become citizens of the United States. Certainly their offspring who are conceived and born here in this country ... will become citizens of the United States ... and therefore able to vote."<sup>151</sup> Following this logic, in regards to Clinton's strategy, he also claimed, "... [The United States] gave them (immigrants) citizenship status because the Clinton administration wanted a massive number of people here because they believed that they would in turn become good, solid Democrat votes."<sup>152</sup>

Even when Democratic Party criticized Republicans' strong support for strict deportation of irregular migrants, it claimed;

"Nobody believes the Republican Party can elect anyone for President unless [they] find some way to neutralize the damage [they] have done to [themselves] with [their] deportation-only approach to immigration. The immigration issue doesn't just hurt [them] with Latino voters. It has hurt [them] with Asian and younger voters, too. There is simply no match that adds up to 270 electoral votes unless the Republican Party stops getting slaughtered by 30, 40, or 50 points among the largest-, fastest-growing groups of voters in this country. It gets only worse with each passing day, with another 2,000 Latino citizens turning 18 every day and becoming eligible to vote."<sup>153</sup>

The implication is that politicians are conscious about the possibility that migrants can obtain US nationality and contribute to votes. Thus, this explains why they cannot be completely hostile against migrants even during macroeconomic downturns. Furthermore, as a gesture to signal

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<sup>151</sup> 107 Cong. Rec. H6250 (Immigration and Open Borders. House of Representatives – October 2, 2001) (Statement of Hon. Tancredo).

<sup>152</sup> 107 Cong. Rec. H2993 (Immigration Reform Should Be Top Priority for America. House of Representatives – June 7, 2001) (Statement of Hon. Tancredo).

<sup>153</sup> 113 Cong. Rec. H1723 (Immigration Reform. House of Representatives – February 11, 2014) (Statement of Hon. Gutierrez).

affinity toward migrants, they seem to prefer to do so via relaxing entry policies, instead of granting more rights.

In fact, the most noticeable phrase that politicians use when they discuss migrant issues is “America as *a nation of immigrants*.” For instance, Senator Robert Byrd claimed,

“... All of us in this Chamber are the descendants of immigrants. I know that immigrants have a very special place in the history of our country. America has prospered and thrived on the strength and diversity of the immigrants who have come to our shores in pursuit of the promise of freedom. The culture of our society is made up of the varied traditions and values of the many who have shared their native languages and customs, contributing to our unique American heritage.”<sup>154</sup>

Similar statements have been iterated by numerous politicians;

“... [W]e are a country of immigrants, and for the last 24 years our immigration laws have given priority to the reunification of families in this country. This is as it should be. This is consistent with our traditional American values. I believe that the provision of this legislation which will – for the first time – impose a cap on family sponsored immigration is an unwise departure from our tradition. This legislation will establish the precedent that under such a cap visas granted to the immediate relatives of US citizens would be counted against the visas which would be available to other family connected immigrants. I cannot support this precedent.”<sup>155</sup>

“... The United States, a nation of immigrants, has welcomed individuals from around the world who came here seeking better economic futures or fleeing political persecution. We must not abandon this history. I urge my colleagues to support their amendment.”<sup>156</sup>

“... We are a nation of immigrants. We are going to increase the number of immigrants. I will support increasing the number of lawful immigrants into our country by a reasonable amount, not three to five times the current level.”<sup>157</sup>

What these politicians convey is that the United States has a deeply rooted history as an immigration country, and thus, this is the identity of the country, which needs to be maintained.

Of course, there are politicians, who oppose against this notion;

“It is true that we are a nation of immigrants, and we are all proud of that. Immigration has been a good thing for this country. But too much of any good thing can become harmful, even destructive.

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<sup>154</sup> 101 Cong. Rec. S17115 (Immigration Act of 1990 – Conference Report. Senate – February 7, 1989) (Statement of Senator Byrd).

<sup>155</sup> 101 Cong. Rec. S7735 (Immigration Act of 1989 – Senate – July 12, 1989) (Statement of Senator Cranston).

<sup>156</sup> 104 Cong. Rec. H2598 (Immigration in the National Interest Act of 1995. House of Representatives – March 21, 1996) (Statement of Hon. Jackson-Lee).

<sup>157</sup> 109 Cong. Rec. S4663 (Comprehensive Immigration Reform Act of 2006. Senate – May 17, 2006) (Statement of Senator Sessions).

This is what is happening in our country today in regard to immigration. We are not controlling our borders and we are seeing many harmful effect from that.”<sup>158</sup>

“... We are a Nation of immigrants ... Immigration is an integral part of our heritage, and it should continue. However, while immigrants bring us many benefits, but they also bring certain added costs and other adverse impacts. Furthermore, we do not have unlimited capacity to accept new immigrants.”<sup>159</sup>

“We are a nation of immigrants, but we are also a nation of laws. It is important that these laws are respected and enforced in accordance with the Constitution and with respect to our immigrant heritage. We must have an immigration system that rewards those who play by the rules and come to the United States through legal means.”<sup>160</sup>

As a contrasting idea against “a nation of immigrants,” these statements describe the country as “a nation of laws.” While they admit their immigrant heritage, they refer to the latter expression in order to deter undocumented migrants while controlling overall migrant inflows to protect domestic people.

In sum, politicians in the United States are sensitive about voices of the general public and migrants. The former group is capable of directly punishing politicians under voting mechanism when the latter group also contributes, or are highly likely to join this electoral process. In addition to the politicians’ awareness that the United States is a nation of immigrants, they therefore perceive migrant groups as voting groups. These conditions under birthright citizenship law make the United States coping with macroeconomic downturns by continuing relatively open entry policies along with restricting migrant rights.

### 6.2.2. *Japan*

Until recently, Japanese migration policies have been quite straightforward as the country emphasizes homogeneity of people and culture. For instance, in the midst of the 1980s when the

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<sup>158</sup> 104 Cong. Rec. H2391 (Immigration in the National Interest Act. House of Representatives – March 19, 1996) (Statement of Hon. Duncan).

<sup>159</sup> 104 Cong. Rec. S4131 (Immigration Control and Financial Responsibility Act of 1996. Senate – April 25, 1996) (Statement by Senator Shelby).

<sup>160</sup> 113 Cong. Rec. S5256 (Border Security, Economic Opportunity, and Immigration Modernization Act. Senate – June 26, 2013) (Statement of Senator Thune).

bubble economy burgeoned, Japanese politicians expressed a negative attitude toward labor migrants, indicating that protecting labor market for Japanese citizens was the priority; "... [I acknowledge that] economic and employment conditions in certain industries have been unstable recently ... Our country has insisted not to admit low-skilled labor migrants ... this policy stays the same against inter-company transferees from foreign firms."<sup>161</sup> This tendency continued even after Japan recognized a necessity to recruit demanded labor from abroad. Instead of allowing inflow of migrants in a broad range, the politicians agreed to attract returning emigrants (and their children) in order to maintain Japan's uniformity while only recruiting skilled migrants with special or professional knowledge.

Indeed, Japanese government has examined inflow of labor migrants from various angles, and paid special attention to their effects on Japan's labor market, social costs, and eventually on public attitude toward migrant issues<sup>162</sup>;

"In regards to labor migrants, the government intends to actively accept migrants with special knowledge or skills while being cautious about inflow of low skilled migrants. Some regions have ... already begun recruiting skilled migrants in order to fulfill industries' labor demands or to strengthen their international competitiveness. Yet, we also need to worry about consequences originating from migrant inflow, such as a negative effect on domestic labor market and an increase of social costs."<sup>163</sup>

"Inflow of low-skilled migrants increases concerns over public safety, labor market conditions, and social costs due to their usage of welfare system."<sup>164</sup>

Even when the politicians discussed on labor migrants' occupation for 3K jobs,<sup>165</sup> they agreed that "... Labor migrants have occupied dirty jobs and daily employment jobs, and this greatly

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<sup>161</sup> 112 Diet Proceedings (No. 4 Plenary Session. House of Representatives – January 28, 1988) (Statement of Prime Minister Noboru Takeshita).

<sup>162</sup> 120 Diet Proceedings (No. 18 Committee on Budget. House of Councilors – April 10, 1991) (Statement of Secretary of State Sadatoshi Ozato).

<sup>163</sup> 165 Diet Proceedings (No. 2 Committee of Economy, Trade and Industry. House of Councilors – November 2, 2006) (Statement of Takashi Suzuki).

<sup>164</sup> 171 Diet Proceedings (No. 6 Investigation Committee on Low Birthrate, Aging, and Symbiotic Society. House of Councilors – June 10, 2009) (Statement of Deputy Minister Tatsuo Sato).

<sup>165</sup> 3Ks is also known as the 3Ds (Dirty, Dangerous, and Demanding). In Japanese, these words are Kitanai (dirty), Kiken (dangerous), and Kitsui (demanding).



reduces employment opportunities for the elderlies. This is a serious problem.”<sup>166</sup> Simply put, most of them believe that inviting more migrants would damage job opportunities for Japanese people, and this would make those Japanese citizens unsatisfied; “... We need to think about what we should do for our Japan. Until now, we have increased unhappy Japanese laborers ... Enlarging the inflow of labor migrants would increase the number of unhappy Japanese and foreign laborers.”<sup>167</sup>

Under such a circumstance, it is an inception of point-based system in 2012 when Japan’s migration policy became relatively more liberal particularly for highly skilled migrants. This was a program, which both of Japan’s two major political parties, LDP and DPJ, supported. In fact, it was the year of 2009 when a viability of the system was first discussed in government meetings (i.e., Cabinet Office), although the topic does not appear in the Diet proceedings until the end of 2010. Moreover, even when the topic was on the table, it was merely a report on the process of configuring the system, instead of personal opinions of party members. The debate becomes heated only after implementation of system in 2012. Of course, it is dangerous to bluntly assume no struggles between the two by solely relying on this evidence. Still, if we consider Japanese political culture, which values a hierarchical relationship and where informal channels are widely used,<sup>168</sup> it is plausible that members of LDP and DPJ reached to a consensus without a necessity to outspokenly debate publicly. Either way, this implies that the parties could easily compromise and match each other’s interests when constructing the system.

Thus, the point-based system can be regarded as a product that has been constructed based upon consensus among most of Diet members while it presents itself to be much more

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<sup>166</sup> 116 Diet Proceedings (No. 1 Committee of Foreign Affairs. House of Councilors – November 9, 1989) (Statement of Tamako Nakanishi).

<sup>167</sup> 186 Diet Proceedings (No. 1 Public Hearing by Committee on Budget. House of Representatives – February 25, 2014) (Statement of Rikio Gozu).

<sup>168</sup> Katsura Otsuka, *Nihonno-Seiji-Bunka [Political Culture of Japan]* (Tokyo: Keiso-Shobo, 2008): pp. 198-199.

liberal and sympathetic toward (highly skilled) migrants compared to the past policies. Indeed, according to preferential treatments that can be enjoyed to migrants admitted by exceeding the pass mark, they will be able to invite their family members (as well as domestic servants), and the eligibility for permanent residence will be granted after five years of stay, instead of ten years. While it seems to be a reasonably more relaxed system than the previous ones, there are two points that need to be taken into account. First, Japan seems to prefer signaling its positive attitude toward migrants via attributing more rights, instead of admitting more migrants. Second, the introduction of point-based system may seem to be a generous policy; however, this is still a restrictive program, which does not depart substantially from existing ones.

The second point demands further explanation. Japanese politicians' continuous preference toward homogenous country is well reflected in their views on the point-based system. In fact, by the year of 2013, only 400 highly skilled migrants entered through this system, and it was far below the original target of 2,000. In regards to how to moderate the system, the former leader of LDP (2009-2012), Sadakazu Tanigaki, states;

... Our fundamental desire is to admit highly skilled migrants, who can contribute to our economic growth and declining population ... Also, instead of admitting low-skilled migrants, we would like to stimulate domestic workforce for native women, seniors, and young generations first.<sup>169</sup>

In addition, Hiroshi Ando, further maintains;

In order to survive under globalization, I think the most important point is we admit skilled migrants, who appreciate our country and hold a motivation to work hard to strengthen our country ... A way to truly advance our country is to accept those migrants, who are fond of our country, because they would then work hard and return to their origin countries with good images on Japan.<sup>170</sup>

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<sup>169</sup> 183 Diet Proceedings (No. 12 Committee on Judicial Affairs. House of Representatives – May 10, 2013) (Statement of Sadakazu Tanigaki).

<sup>170</sup> 186 Diet Proceedings (No. 20 Committee on Judicial Affairs. House of Representatives – May 28, 2014) (Statement of Hiroshi Ando).

What we can induce from these comments is that the politicians in Japan continue to view migrants mainly as a substitute for domestic labor, and prioritize national solidarity. Meanwhile, it also holds an assimilationist approach.

What is most noteworthy is that Ando discusses on aftereffects when these migrants return to their home country. This implies that the politicians do not prefer or expect these migrants to become permanent migrants even if they possess professional skills and knowledge. This conservative attitude prevails from personal interview with him (August, 2015). He believes protection of Japanese solidarity is the most important concern, and therefore, inputting permanent residency clause in point system does not simply mean Japan is willing to appreciate cultural diversity. He also makes a conditional allowance of permanent residency only if they are fond of Japan and assimilating into Japan's culture and language. Overall, Japan still does not allow automatic permanent residency for economic migrants. Although the point-based system has granted more rights for highly skilled migrants, it still works under existing migration policy architecture (and thus not guaranteeing permanent residency), and the standard to pass the suggested pass marks is extremely difficult.

Of course, there are opposing voices against this new system. These politicians emphasize significance of integration measures;

I understand that countries want highly skilled migrants or extremely cheap labor to sustain their economies. But it becomes problematic if we just keep temporarily invite migrants in demand. We should more sincerely and seriously face them.<sup>171</sup>

I also believe we should not look at migrants as a resource for domestic economic growth. Instead of this type of narrow standpoint, we should abstain from assimilationist or controlling attitude on migrants. Also, I feel uncomfortable with taking activation of domestic women as a pre-condition before admitting migrants ... Even for low-skilled migrants, who enter via trainee system, they should be treated equally as Japanese as long as they live in Japan.<sup>172</sup>

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<sup>171</sup> Diet Proceedings, "186th National Assembly Cabinet Committee" (No. 20 on May 28, 2014).

<sup>172</sup> Diet Proceedings, "186th National Assembly Committee on Judicial Affairs" (No. 19 on May 23, 2014).

What is clearly noticeable from these statements is that they stress fairness and equality for migrants from humanitarian standpoint. Although these politicians stress non-assimilationist approach as well as provision of fair opportunities, none of them discusses on increasing the inflow of migrants.<sup>173</sup>

Here, it is necessary to scrutinize what has influenced Japanese politicians' preferences and values on migrant issues. Particularly, it is questionable as why Japan maintained restrictionist stance even during sound economy, although it attempted to grant more rights for highly skilled migrants through point-based system during the period of stagnation. In regards to the first inquiry, Japanese politicians acknowledge that citizens can express their opinions through voting, and therefore, public opinion cannot be ignored;

“... There are cases where a politician with a good record gets defeated, and the one without it gets elected ... Although one emphasizes urgent problems, such as tax reform or liberalization, he would not win, if voters acknowledge the significance of these issues ... Elections in democracy function based on voting behavior of people with a limited amount of time ... Therefore, we need to rigorously try to buy sympathy and agreement from voters.”<sup>174</sup>

Hence, it is understandable that they take public opinion seriously, and this is why they heavily emphasize potential migrants' impact on Japanese labor market even during sound economy.

In regards to the second inquiry, while the inception of point-based system was relatively liberal only toward exceptionally skilled migrants at best, attribution of more rights may function as a method to deter migrants from applying for permanent residency. For instance, members of

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<sup>173</sup> Due to its unsatisfactory outcome, the system is moderated and re-implemented since May 2015. The most noticeable alteration was that highly skilled migrants are divided into the *First advanced professionals* and the *Second advanced professionals*. Simply put, skilled migrants, who enter via the original point system are called the First advanced professionals. After residing in Japan for three years, they become eligible for the new route, the Second advanced professionals. If they become accepted, they can choose either 1) to become permanent resident, or 2) to acquire a status of indeterminate residency. If they choose the second route, they would be able to live in Japan indefinitely while receiving preferential treatments. The condition is that the status will be canceled, if they stop working for six months. If they choose the first option, they will be able to live in Japan without such a worry, although they will lose preferential treatments. In order to be accepted for this Second advanced professional status, they need to prove conduct of good behavior in addition to conditions on the First advanced professional status.

<sup>174</sup> 114 Diet Proceedings (No. 4 Plenary Session. House of Representatives – February 13, 1989) (Statement of Michio Watanabe/ LDP).

minor political parties speculate that major parties' hidden intention behind the system is to impede migrants from applying for further steps, such as permanent residency and naturalization, by providing various preferential treatments so that they become indifferent between applying and not applying for the next step.<sup>175</sup> Based on these statements and speculations, overall Japanese politicians' attitude toward migrants can be summarized as reluctance on opening its door for permanent residency and transforming Japan into a fundamentally multi-ethnic country.

Certainly, this attitude originates from its long history as a homogenous nation. Like politicians in the United States frequently use the phrase of "nation of immigrants," Japanese politicians heavily use an expression of "a country as an island" to describe own country;

"Japan needs to become a country that is confident and respected in international society through overcoming characteristics as an island as well as fear toward foreigners."<sup>176</sup>

"... [As a] country of island, ... we have had a less chance to live with people, who possess different culture, ethnicity, or languages ... [As a] homogenous society, we have relatively common and unified mentality. At the same time, we use the same language [throughout the entire island] ... Due to this homogeneity of our people, we become nervous and uncomfortable when dealing with foreign aliens."<sup>177</sup>

These statements claim that people in Japan, which has enjoyed uninterrupted society, feel fearful and uncomfortable toward *outsiders* (foreign aliens) due to strong unfamiliarity and subsequent prejudice. Due to this segregation between natives and migrants, the migrants are frequently discriminated; "... Let's look at the inside of Japanese society. This island nation has a sense of exclusiveness to an excessive degree. Even when a migrant borrows a house, they can

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<sup>175</sup> 186 Diet Proceedings (No. 19 Committee on Judicial Affairs. House of Representatives – May 23, 2014).

<sup>176</sup> 93 Diet Proceedings (No. 5 Committee on Education. House of Councilors – November 13, 1980) (Statement of Tetsuo Misumi).

<sup>177</sup> 107 Diet Proceedings (No. 1 Committee on National Life. House of Councilors – October 15, 1986) (Statement of Keiko Nishio).

frequently find a sign that says, ‘No Foreigners.’ There is indeed an extremely strong discrimination, especially against Asian migrants.”<sup>178</sup>

Even when debating on how Japan needs to be globalized, politicians refer to the phrase of “Japan as an island country”;

“Japanese people have lived with a recognition that Japan is an island with a homogenous ethnic group. Yet, this is an illusion, which cannot be sustained in a current globalized society where people, goods, and information interact. We should leave behind a mentality as an island nation as well as prejudice or discrimination against foreigners. And we need to consider outside problems as our problems.”<sup>179</sup>

“... Because Japan is an island, we inevitably become closed against outside. Therefore, it is valuable to get to know the world through migrants, residing in Japan. And this is why it is important to realize a good relationship with them.”<sup>180</sup>

Simply put, the politicians recognize that ethnic and linguistic uniformity is a cause to the closed society against migrants.

Furthermore, the cause to Japan’s continuation of homogenous society can be traced back to its *jus sanguinis* citizenship law. Because it does not allow for automatic birthright citizenship or easy naturalization process, it is extremely difficult to realize Japanese population, which is a mixture of various ethnicities. In other words, Japan maintained its own ethnic group until it faced globalization since the 20<sup>th</sup> century, and its citizenship law has sustained this propensity even after the end of the WWII.

Indeed, since its inception and take-over of political power for the longest period since the end of the WWII, the dominant party LDP has attempted to control migrant volume, approaching low-skilled or irregular migrants mainly from security standpoint. Under the first Immigration Control Order (1951), a category of “permanent resident” was created; however, the

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<sup>178</sup> 116 Diet Proceedings (No. 2 Committee on Commerce and Industry. House of Councilors – December 14, 1989) (Statement of Takashi Tanihata).

<sup>179</sup> 155 Diet Proceedings (No. 10 Committee on Judicial Affairs. House of Representatives – November 20, 2002) (Statement of Tetsuji Nakamura).

<sup>180</sup> 170 Diet Proceedings (No. 5 Committee on Judicial Affairs. House of Councilors – November 27, 2008) (Statement of Secretary of State Eisuke Mori).

number of acceptance to this category was minimal.<sup>181</sup> Although this tendency has been relatively relaxed afterwards, LDP's initial attitude still remains. This becomes apparent from LDP's opposition against amnesty for irregular migrants as well as the Abe administration's hesitance on admitting labor migrants in order to meet domestic labor shortage due to shrinking population and construction for Tokyo Olympics of 2020.<sup>182</sup> Even when DPJ insisted for provision of regional voting rights to permanent migrants in 2009,<sup>183</sup> LDP strongly disapproved it by encouraging regional governments to oppose it and to submit petitions.<sup>184</sup>

When we trace down why LDP is consistently against migrants' acquisition of voting rights while the other party members advocate it, it becomes clear that this tendency is because migrant groups are not part of interest groups that support LDP. Many scholars note that LDP has succeeded in sustaining its position as a dominant party for such a long period of time, because its main emphasis has been on attracting votes from various interest groups as an exchange of policies.<sup>185</sup> Yet, migrant groups were never part of it, simply because migrants do not contribute to votes. On the contrary, DPJ and other minor parties fight for provision of regional voting rights for (at least, special) permanent migrants, because there is a close tie between these parties and migrant groups. For instance, after DPJ took over power from LDP in 2009, the Prime Minister Noda made an appearance to a festival held at Chiba prefecture by the

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<sup>181</sup> Atsushi Kondo, "The Development of Immigration Policy in Japan," *Asian and Pacific Migration Journal* 11, no. 4 (2002): pp. 417.

<sup>182</sup> In regards to amnesty, LDP has sustained its opposing attitude, claiming that it would simply increase a number of the irregular migrants (171<sup>st</sup> National Assembly Legal Committee No. 4, March 24, 2009; No. 10, May 12, 2009). Moreover, Akashi ("New Aspects," 188) claims that LDP prefers to rely on domestic labor force such as promotion of female workers, increasing birthrates, greater labor market flexibility and employment of senior citizens.

<sup>183</sup> DPJ has been insisting for the voting rights of permanent migrants since establishment of the party. Yet, this became a heated public debate especially in 2009, because this was the year that DPJ took over power from LDP.

<sup>184</sup> Kazuyoshi Inoue and Hum-Mo Lee, "Chihojichino-Shitenkara-Mita-Gaikokujin [The Rights of Foreigners to Vote in Local Elections: From the Viewpoint of Local Government]," *Proceedings of the Research Institute of Social System, Chuo Gakuin University* 12, no. 1 (2011-12): pp. 27.

<sup>185</sup> Kazuhito Yamashita, Nokyono Ootsumi: "Nosei Toraianguru"ga Maneku Nihonno Shokuryo Fuan [A Mortal Sin of Agricultural Cooperative: Japanese Food Insecurity Caused by Agricultural Policy Triangle] (Tokyo: Takarajimasha, 2009).

Korean Residents Union (*Mindan*) in 2009. He made a speech, in which he stated that he could win the election because of the support from the union. In a budget meeting of House of Councilors in 2011, he eventually admitted that he previously received bribes from the two officials of the union.<sup>186</sup> The speculation here is that there has been a tie between DPJ and *Mindan*, and the latter intended to financially maneuver DPJ's policymaking.<sup>187</sup>

In sum, Japan's continuous restrictive migration policies are a product of its homogeneity as an island, which has been sustained by *jus sanguinis* principle until today. Politicians prioritize public attitude toward migrants, and treat these migrants mainly from economic or security standpoint. This tendency becomes stronger when it faces economic downturns. Even when it requires highly skilled migrants to recover (or maintain) its economy, it prefers to attract those migrants by granting more rights, instead of lengthening their duration of stay at Japan.

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<sup>186</sup> 178 Diet Proceedings (No. 1 Committee on Budget, House of Representatives – September 9, 2011) (Statement of Tomomi Inada).

<sup>187</sup> Due to its relatively short history, DPJ does not have many solid interest groups that contribute stable amount of votes.



## CHAPTER 7. CONCLUSION

This research has investigated in why democratic destination countries enact different types of migration policies, especially when they face macroeconomic downturns. By following rationalist assumption that politicians' ultimate goal is to stay in office, and therefore, they prefer a policy that satisfies both general public's and own interests, I have stressed citizenship law as a factor that shapes the interests of the two actors. Specifically, I have claimed that countries under *jus soli* principle tend to be less restrictive against migrants during normal economy under the two mechanisms. First, citizenship law, which defines who can obtain nationality of the host country, shapes public attitude toward migrants. Thus, *natives in jus soli countries are more likely to have a higher tolerance on migrants due to a more frequent exposure to initial foreigners, who succeed in obtaining equal rights (Hypothesis 1)*. Second, citizenship law alters electoral concerns of politicians, because this rule may raise a probability that migrants obtain voting rights. Therefore, *politicians in jus soli tend to prefer more liberal entry policies since this is a way to increase their vote share (Hypothesis 2)*. Based on these two mechanisms, which set countries' migration policy choices when economic conditions are held constant, I have proposed my third hypothesis, which posits that *jus sanguinis* countries are likely to be more restrictive against migrants' entry as their economy exacerbates. In other words, *migration policies tend to be more restrictive as a country's national economy suffers. And this tendency would be more visible in jus sanguinis countries' entry policies (Hypothesis 3)*.

Chapter 4 statistically tests the three hypotheses by using various datasets, such as Chapel Hill Expert Survey (2014), Eurobarometer (2011), International Migration Institute dataset

(2016), Manifesto dataset (2015), and National Identity II Survey by International Social Survey Program (2003). These dissimilar datasets along with diverse models confirm statistical significance of the three hypotheses. In addition, I have conducted case studies on the United States (*jus soli* principle) and Japan (*jus sanguinis* principle). In order to examine whether citizenship law truly affects natives' perception on migrants, I have conducted original surveys in the two countries (2015, 2016), and the result proves the causal relationship. Furthermore, investigation on the Congressional Records (for the United States) and Diet Proceedings (for Japan) has been carried out. The evidence shows that; 1) Politicians are sensitive about public opinion while they do value their personal vote share; 2) politicians in the United States are indeed more sympathetic toward migrants, because they understand that migrants function as a voting group; and 3) economic conditions lead politicians in Japan more restrictive about migrants' entries, although those in the United States are reluctant to do so. These findings support the three hypotheses of this research.

Migration issues have recently received a special attention worldwide. In the United States, anti-migration sentiment has been heightened due to people's fear against irregular migrants from Latin America as well as ethnic tensions between different racial groups. In the United Kingdom, anti-migration sentiment has led to the country's decision to leave the European Union. The former country strongly follows *jus soli* principle while the latter holds a rather complicated citizenship law.<sup>188</sup> If this is the case, one may wonder whether citizenship law truly has an impact on migration policymaking, because the two countries face serious tensions due to migration issues regardless of their citizenship law. Although I acknowledge that many other factors, besides citizenship law, can filter into migration policymaking, I still believe

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<sup>188</sup> The United Kingdom used to hold strong *jus soli* principle. Since 1983, however, children, who are born under a parent who is a British citizen or who is settled in the country, can only acquire British nationality. Meanwhile, *jus sanguinis* principle is salient.

migrant conflicts in the two countries can be explained by their respective citizenship law. In other words, these events in the United States and the United Kingdom do not pose a threat to my contention. Instead, they suggest potential research areas that can be further carried out.

In case of the United States, it is true that the country has experienced a great ethnic tension as well as anxiety against irregular migrants. Here, what needs to be noticed is that this ethnic or racial conflict is rather a domestic issue, instead of native-migrant conflict. Furthermore, tension against undocumented migrants is not strictly against regular migrants. More importantly, even with this type of public fear against some subsets of migrants, the US government has not enacted a policy that restricts entries of legal migrants.

In the meantime, anti-migration sentiment has led to a result of the UK's leave from the EU, and this public fear has played a key role in arriving to this decision. Although the UK has maintained *jus soli* law, its boundary and interpretation have been very restricted since the early 1980s. Consequently, the significance of British blood has been more highlighted. In addition to free movement of people within the EU, this tendency has raised British people's sense of nationality. Thus, it is questionable if the situation would have been the same, if the UK has continued its open *jus soli* rule. Furthermore, the decision to leave the EU was based on referendum, and thus, politicians did not have discretion to maneuver in this decision-making procedure. Of course, they were able to appeal their positions before the public. Yet, it is questionable if the same decision could have been realized, if it were not referendum.

As explained above, tensions arising from migrants in the US and the UK do not necessarily contradict from my argument. Rather, they suggest further steps that this

research can take in the future. First, a divide between natives and migrants and its implication differ depending on a country's citizenship law. Countries under *jus soli* rule have a higher probability to include ethnically, linguistically, or culturally different people as a part of their *nationals*. Thus, they have a greater chance to face multiethnic or multiracial native population. On the contrary, *jus sanguinis* countries tend to sustain a homogenous society. This implies that a line between natives and migrants is almost analogous to that between natives with similar racial/ethnic appearance and those with dissimilar features. This is an obvious, yet interesting, point since whether racial conflicts should be considered as native-migrant issue becomes blurred in *jus soli* countries. Therefore, it seems promising to further develop this research in order to look at migrant issues from ethnic perspective in understanding migrant issues.

Second, a relationship between public sentiment toward regular migrants and that for irregular migrants demand more examination. Since this research has been on legal migrants, topics on undocumented migrants are not covered. Yet, it is clear that people tend to hold more negative feelings toward the irregular ones. In such a situation, whether a number of undocumented migrants (or the salience of the issue) actually alters public perception toward migrants as a whole is worth examining. And whether this perception differs across citizenship laws would be a meaningful topic. Third, the EU-level migration flow adds another dimension in understanding the effect of citizenship law to migration policymaking. In fact, the situation in the United Kingdom is unique since EU member countries allow for free movement of people within their member states, and this type of flow of people has not been experienced in non-member states. How my three

hypotheses are played out within those member states, and how they yield dissimilar effect compared to non-EU member states would be an interesting assessment.

## **<Appendix 1> Analysis Using National Identity II Survey by ISSP (2003)**

### **Data, Measurement and Model Specification for ISSP (2003)**

The alternative dataset I apply in order to test my first hypothesis is National Identity II Survey by ISSP. The scope based on this dataset is 19 OECD countries that I have selected for the year of 2003.<sup>189</sup> This dataset is particularly useful since it asks various questions on migrants;

Q1: Immigrants increase crime rates (v50)

- 1 Agree strongly
- 2 Somewhat agree
- 3 Neither
- 4 Somewhat disagree
- 5 Disagree strongly

Q2: Immigrants are generally good for [Country's] economy (v51)

- 1 Agree strongly
- 2 Somewhat agree
- 3 Neither
- 4 Somewhat disagree
- 5 Disagree strongly

Q3: Immigrants take jobs away from people, who were born in [Country] (v52)

- 1 Agree strongly
- 2 Somewhat agree
- 3 Neither
- 4 Somewhat disagree
- 5 Disagree strongly

Q4: Immigrants improve [Country] society by bringing in new ideas and cultures (v53)

- 1 Agree strongly
- 2 Somewhat agree
- 3 Neither
- 4 Somewhat disagree
- 5 Disagree strongly

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<sup>189</sup> Countries selected are Australia, Austria, Canada, Czech Republic, Denmark, Finland, France, Germany, Ireland, Japan, Netherlands, New Zealand, Norway, Portugal, Spain, Sweden, Switzerland, the UK, and the US. Hungary, Poland, South Korea, and Slovakia are excluded since they have not functioned as net migration countries or achieved higher GDP per capita than average for past ten years. Among non-OECD countries involved in ISSP sample, Russia is excluded since it is not a democratic state (based on Boix-Miller-Rosato's dichotomous classification). Also, some crucial information were not asked in following countries – Bulgaria, Chile, Latvia, Slovenia, South Africa, Taiwan, Uruguay, and Venezuela. In total, 19 countries have remained.

Q5: Government spends too much money assisting immigrants (v54)

- 1 Agree strongly
- 2 Somewhat agree
- 3 Neither
- 4 Somewhat disagree
- 5 Disagree strongly

Q6: The number of Immigrants to [Country] should be (v55)

- 1 Increased a lot
- 2 Increased a little
- 3 Remain the same
- 4 Reduced a little
- 5 Reduced a lot

These questions ask people's views on immigration from various perspectives. Q1 and Q6 focus on general image on immigrants. Q2, Q3, and Q5 are in regards to economic concerns (Q2 on immigrants' economic contribution, Q3 on their consequence on domestic labor market, and Q5 on fiscal burden). On the other, Q4 asks on immigrants' contribution to multiculturalism. Based on these questionnaires, I generate a new single variable that measures respondents' view on immigrants. This is because the direction and nuance of each questionnaire may lead respondents to different answers. And thus, if I simply rely on any one of the questionnaires listed above, the result may be biased.

Due to these concerns, I have conducted principal components analysis, explanatory factor analysis, and confirmatory factor analysis. Prior to do so, I have recoded answers to each questionnaire to indicate that the higher the value, the more favorable responses are (1: most anti-immigration ~ 5: most pro-immigration). The indices generated from the four analyses are highly correlated, and thus, I adopt index, deduced from exploratory factor analysis (for correlation, refer to <Table A1.1>).<sup>190</sup> Furthermore, for citizenship law, I continue relying on

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<sup>190</sup> I have also conducted Cronbach's alpha test after adding values of all the variables. Yet, the value was lower than 0.9 (0.8217), and thus, I do not rely on summation.

Fitzgerald, Leblang, and Teets' (2014) dataset. <Table A1.2> lists countries in the two laws, based on Fitzgerald et al.'s dataset.

<Table A1.3> summarizes detailed information on rest of variables that are included in my analysis. Most of them are directly adopted from the ISSP dataset. I use three independent variables. Educational level (***Education***) is directly derived from ISSP data, ranging from 0 (no school) to 5 (university). For income level (***Income***), I convert numeric presentation of the data into an ordered categorical based on four percentiles (1 if below 25<sup>th</sup> percentile; 2 if between 25<sup>th</sup> and 50<sup>th</sup> percentiles; 3 if between 50<sup>th</sup> and 75<sup>th</sup> percentiles; and 4 if above 75<sup>th</sup> percentile). What should be noted here is that instead of converting all currencies into a standardized one, I strictly follow each country's currency, because the value of one currency may yield different purchasing power into the other. ***Unemployed*** is generated based on ISSP data on occupation status for both respondents and their spouses.

<Table A1.1> Correlation among Newly Generated Variables on Individual Preferences on Migrants			
	Principal Components Analysis (PCA)	Exploratory Factor Analysis (EFA)	Confirmatory Factor Analysis (CFA)
PCA	1.000		
EFA	1.000	1.000	
CFA	.999	.999	1.000

<Table A1.2> Countries by Their Citizenship Law	
<u><i>Jus soli</i> rule</u>	<u><i>Jus sanguinis</i> rule</u>
Australia, Canada, France, Germany, Ireland, New Zealand, the United Kingdom, the United States	Austria, Czech Republic, Denmark, Finland, Japan, Netherlands, Norway, Portugal, Spain, Sweden, Switzerland



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<Table A1.3> Description of Variables Adopted from ISSP Data

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<b>Dependent Variable</b>		Interpretation
Attitude	Index based on exploratory factor analysis (v50~v50), ranging between -2.3 (most anti-immigration) and 2.8 (most pro-immigration)	
<b>Independent Variables</b>		
Citizenship	Citizenship regime (binary): 1 if <i>jus soli</i> , and 0 if <i>jus sanguinis</i> [Source: updated Fitzgerald, Leblang and Teets (2014)]	
Education	(degree) 0: No formal qualification, 1: Lowest formal qualification, 2: Above lowest qualification, 3: Higher secondary completed, 4: Above higher secondary level, 5: University degree completed	
Income	(rincome) 1: Below 25 <sup>th</sup> percentile, 2: Between 25 <sup>th</sup> and 50 <sup>th</sup> percentiles, 3: Between 50 <sup>th</sup> and 75 <sup>th</sup> percentiles, 4: Above 75 <sup>th</sup> percentile	
Unemployed	(wrkst/spwrkst) 1: Unemployed (respondent or his/her spouse), 0: Otherwise	
<b>Control Variables</b>		
Gender	(sex) 1: Male, 0: Female	
Marital	(marital) 1: Single, 0: Otherwise	
Religion	(relig) 1: One identifies own religion, 0: Otherwise	
Political	(party_lr) 1: Far left, 2: Left or Center-Left, 3: Center or Liberal, 4: Right or Conservative, 5: Far Right	
Nationalism	Index based on exploratory factor analysis based on v19, v21, v22 (The higher the value, the greater nationalism)	
Foreign	(v56) 1 if respondent is a citizenship of [Country], 0 if not	

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Furthermore, six variables are included as control variables. I add **Gender**, marital status (**Marital**), **Religion**, and political ideology (**Political**). The data are all collected from ISSP survey result. Furthermore, Mayda and Rodrik (2005) and O'Rourke and Sinnott (2001) point out significance of nationalism in shaping individual attitude toward liberalization of a country. Since my dependent variable carries out nationalist nuance, I include **Nationalism** as well. I imitate Hays' (2009) approach using factor analysis to extract a single measure from three

questionnaires that ask on nationalism – patriotic, nationalistic, and chauvinistic attitudes.

Among factor analyses, I again use index derived from exploratory factor analysis.

The values of dependent variable are continuous, and bell-shaped (see <Figure A1.1>). Thus, I use OLS regression model. Since my purpose is to compare one individual to another, I apply country-fixed effect. What also needs to be taken into account is that citizenship law only varies across countries while a unit of analysis is an individual respondent. Thus, if I directly implement citizenship law variable into a model, this effect will be washed out due to the fixed effect. Therefore, I instead include this variable as an interaction term with other independent variables. In sum, the resulting specification is:

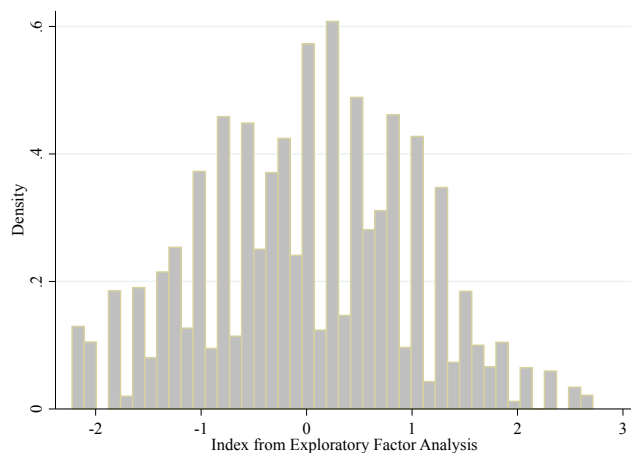
$$\begin{aligned}
 & Migration\_Preference_{ji} \\
 &= \alpha + \beta_1 Education_{ji} + \beta_2 Income_{ji} + \beta_3 Unemployed_{ji} + \beta_4 IV_{ji} \\
 &\quad * Citizenship_i + \beta_5 Gender_{ji} + \beta_6 Marital_{ji} + \beta_7 Age_{ji} + \beta_8 Religion_{ji} \\
 &\quad + \beta_9 Political_{ji} + \beta_{10} Nationalism_{ji} + \beta_{11} Foreign_{ji} + u_i + \varepsilon_{ji}
 \end{aligned}$$

Here, the equation indicates attitude on immigrants by an individual ( $j$ ) in a country ( $i$ ). Again, the interaction term ( $\beta_4 IV_{ji} * Citizenship_i$ ) indicates the citizenship law variable can be interacted with independent variable(s) in interest.

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<Figure A1.1> Histogram of Overall Attitude toward Immigrants

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Notes: Exploratory Factor Analysis based on immigration questions in National Identity II Survey by ISSP, 2003.

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## Empirical Results and Interpretation

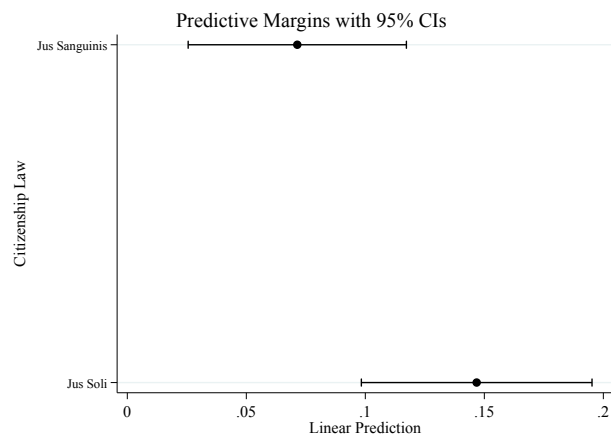
Based on the model specified above, linear regressions with country fixed effects are implemented. The results are presented in <Table A1.4>. All independent variables that are interacted with citizenship law variable turn out to be significant. Models (2) (3) and (4) demand particular attention. For Model (2), I have interacted citizenship law with education level. The coefficient for education level (.159) is the size of education's effect on dependent variable when citizenship law is *jus sanguinis* (= 0). On the other hand, a summation of coefficient for education and that for interaction term  $[(.159) + (.001) = .160]$  represents the size of education's effect on the dependent variable when citizenship law is *jus soli* (= 1). It seems that educated natives tend to hold a positive attitude on migrants regardless of citizenship law. Model (3) interacts citizenship law with income level. This model indicates that higher income percentile would induce a more positive attitude on migrants by .030 in *jus sanguinis* regime, while this effect would be doubled in *jus soli* countries  $[(.030) + (.038) = .068]$ . Model (4) interacts citizenship law with unemployment status of respondents, and the similar interpretation follows.

For more in-depth analysis, I rely on marginal effects. <Figure A1.2> graphically presents predicted probabilities of citizenship law. Both coefficients on *jus soli* and *jus sanguinis* turn out to be significant while one for the former rule holds a greater effect. <Figure A1.3> further elaborates effects of citizenship law based on interaction with other independent variables. As expected, education level or unemployment status does not seem to generate a large difference, although *jus soli* rule still generates a more positive, yet very small, effect. This difference becomes starker when the variable is interacted with income level. Although respondents with low level of income tend to pose more anti-immigration sentiment regardless of

citizenship rule, high-income earners in *jus soli* reveal a much greater probability to be generous toward migrants. These results overall support my hypothesis.

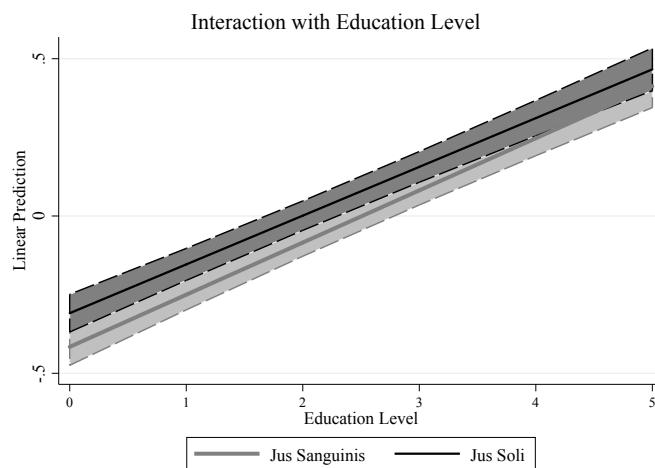
<Table A1.4> Linear Regressions with Fixed Effects (ISSP Dataset)					
	(1)	(2)	(3)	(4)	(5)
Education	.151*** (.006)	.159*** (.009)	.160*** (.007)	.160*** (.007)	.166*** (.009)
Income	.054*** (.008)	.050*** (.009)	.030* (.013)	.050*** (.009)	.027* (.013)
Unemployed	-.131** (.040)	-.108* (.047)	-.109* (.047)	-.106# (.063)	-.117# (.063)
Citizenship x Education		.001 (.012)			-.011 (.013)
Citizenship x Income			.038* (.016)		.044* (.018)
Citizenship x Unemployed				-.005 (.095)	.019 (.095)
Gender	-.012 (.015)	-.017 (.017)	-.017 (.017)	-.017 (.017)	-.017 (.017)
Marital	.015 (.017)	.004 (.019)	.004 (.019)	.004 (.019)	.003 (.019)
Age	.000 (.001)	.001* (.001)	.001* (.001)	.001* (.001)	.001* (.001)
Religion	-.038* (.019)	-.035 (.021)	-.036# (.021)	-.035 (.021)	-.035# (.021)
Political	-.158*** (.008)	-.197*** (.009)	-.196*** (.009)	-.197*** (.009)	-.196*** (.009)
Nationalism	-.250*** (.008)	-.272*** (.009)	-.272*** (.009)	-.272*** (.009)	-.272*** (.009)
Foreign	.343*** (.060)	.327*** (.062)	.327*** (.062)	.327*** (.062)	.328*** (.062)
Observation	13,263	10,934	10,934	10,934	10,934
Adj R <sup>2</sup>	.271	.271	.271	.271	.271
*** p < 0.001, ** p < 0.01, * p < 0.05, # p < 0.1; standard errors in parentheses.					

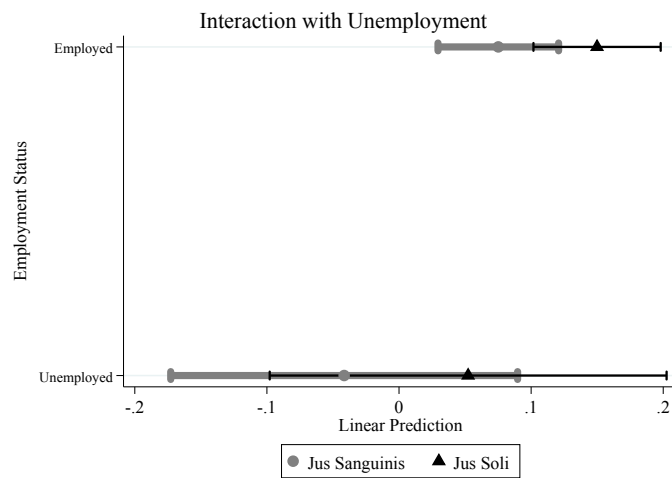
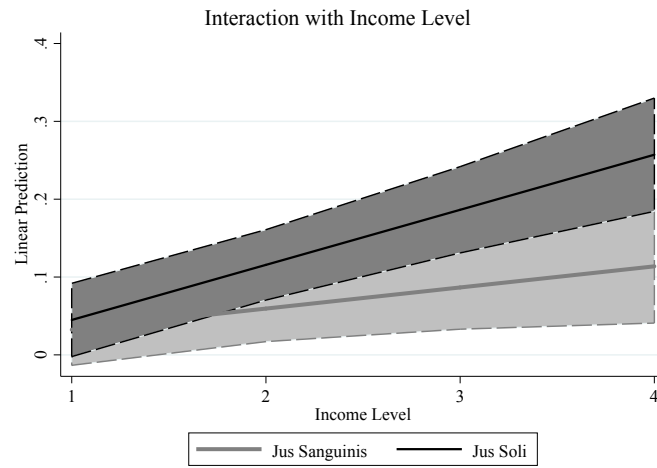
<Figure A1.2> Predicted Probabilities of Citizenship Law on Public Attitude toward Migrants (ISSP Dataset)



<i>Jus Sanguinis</i> (= 0)	.071** (.023)
<i>Jus Soli</i> (= 1)	.147*** (.025)

<Figure A1.3> Predicted Probabilities of Citizenship Law and Interacted Variables (ISSP Dataset)





## <Appendix 2> Analysis Using Manifesto Dataset (2015)

### Data, Measurement, and Model Specification

Despite some limitations, Manifesto dataset (2015) is the most comprehensive collection on political parties across most of OECD countries along with their preferences on various issues. It records party positioning on issues by counting positive and negative words included in each party's manifesto in order to generate their preferences. Thus, the unit of analysis here is again a party. Specifically, the numbers of each variable constitute the relative share of statements for each category in relation to all statements in the manifesto. For instance, a value of "0.35" indicates that 0.35 percent of the manifesto was devoted to that category. Since this is a relative share, the scale runs between 0 (no statement at all) and 100 (the whole manifesto is about this category). The sample I adopt in my analysis includes parties from 28 OECD countries between 1945 and 2014.<sup>191</sup> The dataset includes a questionnaire on multiculturalism, and I take this variable as my dependent variable in order to assess how parties view ethnic or cultural diversities brought by migrants. Although I acknowledge that this is not a perfect category to measure exact party positioning on immigration matters, this variable is the only available measure. Thus, this section simply attempts to see whether this dataset generates similar results to those obtained from Chapel Hill dataset.

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<sup>191</sup> Originally the dataset covers 988 political parties at national elections from 65 countries, mostly democracies in OECD and Central and Eastern European countries, between 1945 and 2014. However, a process of variable selection has left out 28 OECD countries: Australia, Austria, Belgium, Canada, Cyprus, Czech Republic, Denmark, Finland, France, Germany, Great Britain, Greece, Iceland, Ireland, Italy, Japan, Luxembourg, Malta, Netherlands, New Zealand, Norway, Portugal, Slovakia, Slovenia, Spain, Sweden, Switzerland, United States.

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<Table A2.1> Summary of Variables (Manifesto dataset)

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**Dependent Variable**

Multiculturalism Party's preference on Migration (per607 Positive comments on multiculturalism) Favorable mentions of cultural diversity and cultural plurality within domestic societies. Many include the preservation of autonomy of religious, linguistic heritages within the country including special educational provisions

**Independent Variables**

Citizenship Binary (1 if *jus soli*, and 0 if *jus sanguinis*) Source: Fitzgerald et al. (2014)

Party Party ideology (rile) – the higher the value, the more rightist ideology

**Control Variables**

Labor Favorable references to all labor groups, the working class, and unemployed workers in general. Support for trade unions and calls for the good treatment of all employees (per701)

International Need for international cooperation, including cooperation with specific countries. May also include reference to the need for aid to developing countries; need for world planning of resources; support for global governance; need for international courts; support for UN or other international organizations (per107)

Welfare Favorable mentions of need to introduce maintain or expand any public social service or social security scheme. This includes government funding of health care, child care, elder care and pensions, social housing (per504)

Equality Concept of social justice and the need for fair treatment of all people. i.e., special protection for underprivileged social groups; removal of class barriers; need for fair distribution of resources; the end of discrimination (per503)

Security The importance of external security and defense. May include statements concerning the need to maintain military expenditure; the need to secure adequate manpower in the military; the need to modernize armed forces; the need for rearmament and self-defense; the need to keep military treaty obligations (per104)

Agriculture Specific policies in favor of agriculture and farmers. Includes all types of agriculture and farming practices. Only statement that have agriculture as the key goal should be included in this category (per703)

Economy The paradigm of economic growth. Includes general need to encourage or facilitate greater production; need for the government to take measures to aid economic growth (per410)

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Notes: 1) All variables (except citizenship law) are taken directly from Manifesto dataset.

2) Variable names in parentheses indicate original names listed in the original dataset.

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<Table A2.1> summarizes detailed information on variables that are included in my analysis. Most of them are directly adopted from the Manifesto dataset, and follows the same calculation on the relative share of statements to all statements in the manifesto.

**Multiculturalism** depicts parties' degree of favoritism toward cultural diversity (the higher the value, the greater a party's fondness toward multiculturalism becomes). Control variables, such as attachment of labor groups (**Labor**), fondness toward international cooperation (**International**), favoritism toward welfare state (**Welfare**), belief in social justice (**Equality**), emphasis on security and defense (**Security**), enthusiasm toward agricultural protection (**Agriculture**), and eagerness for economic growth (**Economy**), are constructed based on the same procedure.

The exceptions are for independent variables. For citizenship law (**Citizenship**), I continue relying on Fitzgerald et al.'s dichotomous measure. Because it does not vary across time within a country, I interact this variable with other variable to avoid its effect to be washed out when I insert country-fixed effects. For this interaction, I include party ideology (**Party**), which ranges between -40 (the most leftist) and 90 (the most rightist).

The values of multiculturalism are continuous, and their distributions are heavily skewed toward zero (see <Figure A2.1>). Thus, I use tobit model with left-censoring. Since my purpose is to compare one party to another in the same country in the same time, year and country fixed effects are included. What needs to be taken into account here is that citizenship law only varies across countries while a unit of analysis is an individual party. If I directly implement citizenship law variable into a model, this effect will be washed out due to both year and country fixed effects. Thus, I instead include this variable as an interaction term with party ideology variable. In sum, the resulting specification is:

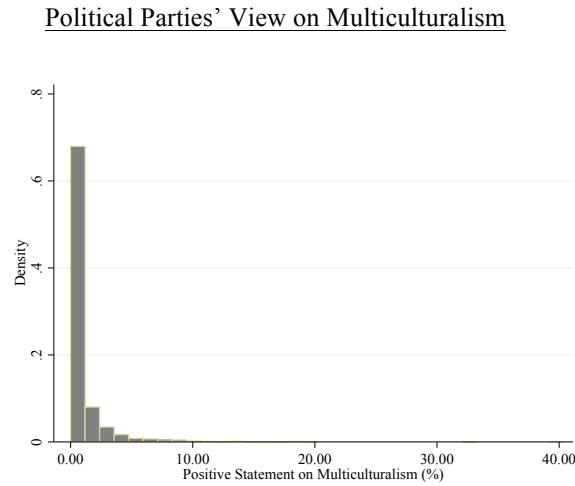
$$\begin{aligned}
&Multiculturalism_{jit} \\
&= \alpha + \beta_1 Party_{jit} + \beta_2 Party_{jit} * Citizenship_{it} + \beta_3 Labor_{jit} + \beta_4 International_{jit} \\
&+ \beta_5 Welfare_{jit} + \beta_6 Equality_{jit} + \beta_7 Military_{jit} + \beta_8 Agriculture_{jit} \\
&+ \beta_9 Economy_{jit} + u_i + v_t + \varepsilon_{jit}
\end{aligned}$$

Here, the equation indicates preference on multiculturalism by a party ( $j$ ) in a country ( $i$ ) in a year ( $t$ ).

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<Figure A2.1> Histogram of Dependent Variables from Manifesto Dataset

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## Empirical Results and Interpretation

<Table A2.2> reports overall regressions. When the model includes both party ideology and its interaction term with citizenship law, a coefficient of party ideology shows its effect when citizenship law is 0 (*jus sanguinis*). Meanwhile, a summation of coefficients of party ideology and interaction term represents the ideology's effect when citizenship law is 1 (*jus soli*). Overall, party ideology alone seems to be statistically significant in both regimes. As a party ideology shifts toward leftist, the greater it becomes toward pro-multiculturalism. Also, when we

look at the models with interaction terms, we observe that this tendency becomes stronger in *jus soli* countries. Still, the coefficients seem to be rather small while these values are less reliable to deduce a firm conclusion. In order to more accurately examine the effects of citizenship law and party ideology, I turn to predicted probabilities.

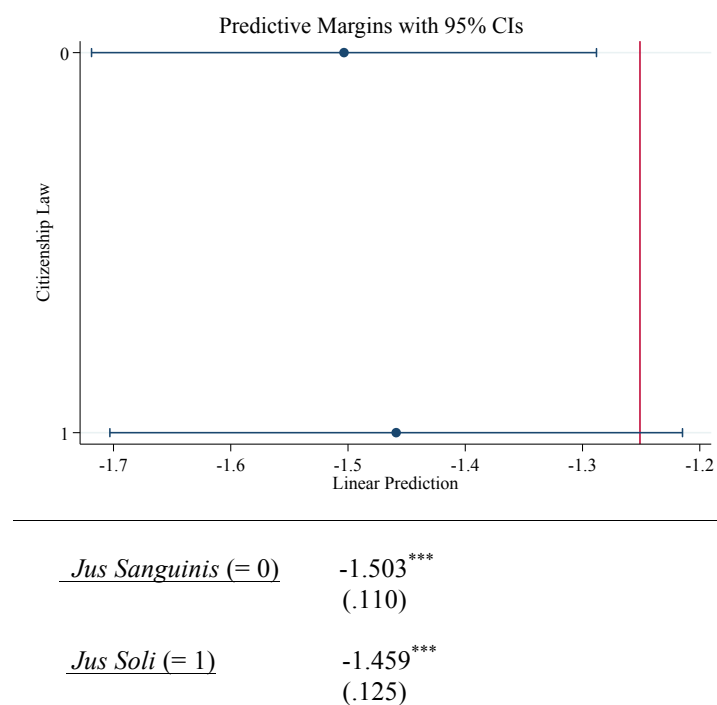
<Table A2.2> Tobit Regression with Country and Year Fixed Effects (Manifesto dataset)										
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Party	-.008 <sup>#</sup> (.004)	-.007 <sup>#</sup> (.004)	-.013 <sup>**</sup>	-.012 <sup>**</sup> (.005)	-.012 <sup>*</sup> (.005)	-.011 <sup>*</sup> (.005)	-.013 <sup>*</sup> (.006)	-.012 <sup>*</sup> (.006)	-.013 <sup>*</sup> (.006)	-.012 <sup>*</sup> (.006)
Party x Citizenship		-.012 (.018)		-.012 (.018)		-.013 (.018)		-.013 (.018)		-.012 (.018)
Labor			-.065 <sup>**</sup> (.032)	-.097 <sup>**</sup> (.032)	-.094 <sup>**</sup> (.033)	-.093 <sup>**</sup> (.033)	-.094 <sup>**</sup> (.033)	-.094 <sup>**</sup> (.033)	-1.03 <sup>**</sup> (.033)	-1.103 <sup>**</sup> (.033)
International					.090 <sup>*</sup> (.040)	.091 <sup>*</sup> (.040)	.088 <sup>*</sup> (.040)	.089 <sup>*</sup> (.040)	.080 <sup>*</sup> (.040)	.081 <sup>*</sup> (.040)
Welfare					-.023 (.018)	-.022 (.018)	-.023 (.018)	-.023 (.018)	-.025 (.018)	-.025 (.018)
Equality							.004 (.023)	.004 (.023)	.001 (.024)	.001 (.024)
Military							.028 (.051)	.029 (.050)	.031 (.050)	.032 (.050)
Agriculture									-.012 (.022)	-.012 (.022)
Economy									-.100 <sup>**</sup> (.037)	-.099 <sup>**</sup> (.037)
LR test	625.2	625.60	634.38	634.84	641.79	642.29	642.11	642.62	650.42	650.88
Obs	2,517	2,517	2,517	2,517	2,517	2,517	2,517	2,517	2,517	2,517
Log- likelihood	-3496.8	-3496.6	-3492.2	-3492.0	-3488.5	-3488.2	-3488.3	-3488.1	-3484.2	-3483.9
***p<0.001, **p<0.01, *p<0.05, #p<0.1; standard errors in parentheses.										

<Figure A2.2> shows predicted probabilities of citizenship law regime. Both citizenship laws appear to be significant in forming party preferences on multiculturalism. Surprisingly, in both regimes, parties tend to form a less favorable attitude toward multiculturalism, although those in *jus sanguinis* law reveal a stronger negative stance. Still, the two regimes show only 0.044 difference, and it seems to be very small. When we consider 95 percent confidence intervals, parties in *jus soli* regimes maintain a degree of pro-multiculturalism to the point where those under *jus sanguinis* law would be unlikely to achieve. However, the gap seems to be small.

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<Figure A2.2> Predicted Probabilities of Citizenship Law on Multiculturalism (Manifesto Dataset)

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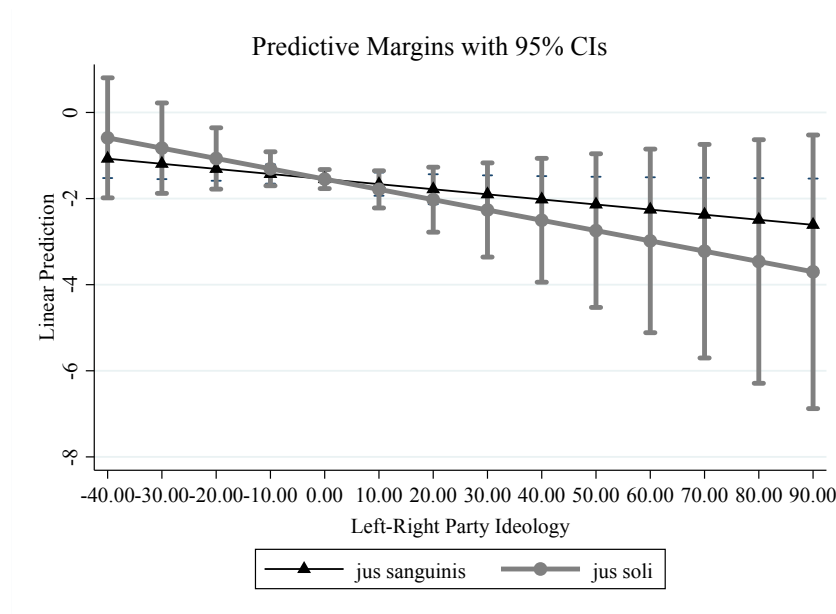


<Figure A2.3> depicts predicted probabilities of both citizenship law and party ideology. The parties in both citizenship laws reveal a less anti-multiculturalism sentiment as party ideology aligns toward leftist ideology. On the other hand, when we stress difference emerging from citizenship law, we observe a unique tendency. Leftist parties in *jus soli* law tend to be less anti-multiculturalism compared to those in the other law. This gap shrinks as party ideology becomes almost centrist. Yet, as the ideology gears toward the rightist, parties in *jus sanguinis* regime turn out to be less anti-multiculturalism compared to those in *jus soli* regime. Overall, it is difficult to interpret these results generated from Manifesto dataset, although it seems that there is a tendency based on citizenship law regime. Nonetheless, the general tendency that parties in *jus soli* law are less hostile against immigrants seems to be valid when the results from the two datasets are compared.

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<Figure A2.3> Predicted Probabilities of Citizenship Law and Party Ideology (Manifesto Dataset)

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### <Appendix 3> Migrant Composition by Top 5 Origin Countries and Multiculturalism

Destination Country	Top 5 Origin Countries
Australia (Oceania, English)	United Kingdom (44%, N Europe, English), New Zealand (20%, Oceania, English), China (15%, E Asia, Chinese), India (13%, S Asia, English/Hindi), Italy (8%, S Europe, Italian)
Austria (W Europe, German)	Germany (27%, W Europe, German), Serbia (24%, S Europe, Serbian), Turkey (22%, W Asia, Turkish), Bosnia and Herzegovina (19%, S Europe, Serbian), Romania (8%, E Europe, Romanian)
Belgium (W Europe, French/German)	Italy (30%, S Europe, Italian), France (25%, W Europe, French), Netherlands (23%, W Europe, Dutch), Morocco (14%, N Africa, Arabic), Spain (8%, S Europe, Spanish)
Canada (N America, English/ French)	United Kingdom (27%, N Europe, English), China (25%, E Asia, Chinese), India (20%, S Asia, English/Hindi), Philippines (14%, SE Asia, English/Filipino), Italy (13%, S Europe, Italian)
Czech Republic (E Europe, Czech)	Ukraine (41%, E Europe, Ukrainian), Slovakia (23%, E Europe, Slovak), Viet Nam (20%, SE Asia, Vietnamese), Russia (10%, E Europe, Russian), Poland (6%, E Europe, Polish)
Denmark (N Europe, Danish)	Germany (25%, W Europe, German), Turkey (23%, W Asia, Turkish), Poland (22%, E Europe, Polish), Sweden (15%, N Europe, Swedish), Iraq (15%, W Asia, Arabic)
Finland (N Europe, Finnish)	Russia (43%, E Europe, Russian), Sweden (23%, N Europe, Swedish), Estonia (22%, N. Europe, Estonian), Somalia (6%, E Africa, Arabic/Somali), Iraq (6%, W Asia, Arabic)
France (W Europe, French)	Algeria (38%, N. Africa, Arabic), Morocco (25%, N Africa, Arabic), Portugal (17%, S Europe, Portuguese), Tunisia (10%, N. Africa, Arabic), Italy (10%, S Europe, Italian)
Germany (W Europe, German)	Turkey (32%, W Asia, Turkish), Poland (24%, E Europe, Polish), Russia (21%, E Europe, Russian), Kazakhstan (15%, C Asia, Russian/Kazakh), Italy (9%, S Europe, Italian)
Greece (S Europe, Greek)	Albania (79%, S Europe, Albanian), Bulgaria (8%, E Europe, Bulgarian), Romania (5%, E Europe, Romanian), Georgia (5%, W Asia, Georgina), Pakistan (3%, S Asia, English/Urdu)
Ireland (N Europe, English/Irish)	United Kingdom (55%, N Europe, English), Poland (27%, E Europe, Polish), Lithuania (8%, N. Europe, Lithuanian), United States (5%, N America, English), Latvia (5%, N. Europe, Latvian)
Italy (S Europe, Italian)	Romania (43%, E Europe, Romanian), Albania (19%, S Europe, Albanian), Morocco (18%, N Africa, Arabic), Germany (10%, W Europe, German), Ukraine (9%, E Europe, Ukrainian)
Japan (E Asia, Japanese)	South Korea (35%, E Asia, Korean), China (33%, E Asia, Chinese), Brazil (18%, S America, Portuguese), Philippines (11%, SE Asia, English/Filipino), Peru (3%, S. America, Armara/Spanish/Quechua)

Netherlands (W Europe, Dutch)	Turkey (24%, W Asia, Turkish), Suriname (23%, S America, Dutch), Morocco (21%, N Africa, Arabic), Indonesia (17%, SE Asia, Indonesian), Germany (15%, W Europe, German)
New Zealand (Oceania, English)	United Kingdom (50%, N Europe, English), China (18%, E Asia, Chinese), Australia (13%, Oceania, English), Samoa (10%, Polynesia, English/Samoan), India (9%, S Asia, English/Hindi)
Norway (N Europe, Norwegian)	Poland (40%, E Europe, Polish), Sweden (25%, N Europe, Swedish), Germany (15%, W Europe, German), Denmark (12%, N Europe, Danish), Lithuania (12%, N. Europe, Lithuanian)
Portugal (S Europe, Portuguese)	Angola (31%, M Africa, Portuguese), Brazil (26%, S America, Portuguese), France (18%, W Europe, French), Mozambique (14%, E Africa, Portuguese), Cape Verde (12%, W Africa, Portuguese)
Slovenia (S Europe, Slovenian*)	Bosnia and Herzegovina (47%, S Europe, Bosnian/Croatian/Serbian), Croatia (24%, S Europe, Croatian), Serbia (18%, S Europe, Serbian), Macedonia (7%, S Europe, Macedonian), Germany (4%, W Europe, German)
Spain (S Europe, Spanish)	Romania (29%, E Europe, Romanian), Morocco (27%, N Africa, Arabic), Ecuador (16%, S America, Spanish), United Kingdom (14%, N Europe, English), Colombia (13%, S America, Spanish)
Sweden (N Europe, Swedish)	Finland (33%, N Europe, Finnish), Iraq (26%, W Asia, Arabic), Poland (15%, E Europe, Polish), Iran (13%, S Asia, Persian), Bosnia and Herzegovina (12%, S Europe, Bosnian/Croatian/Serbian)
Switzerland (N Europe, German/French)	Germany (32%, W Europe, German), Italy (24%, S Europe, Italian), Portugal (18%, S Europe, Portuguese), France (14%, W Europe, French), Serbia (12%, S Europe, Serbian)
United Kingdom (N Europe, English)	India (29%, S Asia, English/Hindi), Poland (25%, E Europe, Polish), Pakistan (18%, S Asia, English/Urdu), Ireland (16%, N Europe, English/Irish), Germany (12%, W Europe, German)
United States (N America, English)	Mexico (62%, C. America, Spanish), China (11%, E Asia, Chinese), India (10%, S Asia, English/Hindi), Philippines (10%, SE Asia, English/Filipino), Puerto Rico (8%, Caribbean, English/Spanish)

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Data:  
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