HISTORICAL IMMIGRATION POLICIES: TRENDS AND LESSONS

Appendix A: Dimensions and Their Coding

Here we list all twelve dimensions in more detail. We list the questions that lead a law or part of a law to be coded in each dimension. If any of those questions were answered "yes," the law (or section of the law) was coded in that category. If all questions were answered "no," the law was not coded in that category.

Nationality Restrictions. Regulations based on nationality tend to take one of two forms: prohibitions based on nationality or special access based on nationality. With prohibitions, states often grant entry to immigrants from all states except those prohibited; with special access, states often prohibit or limit entry of immigrants from all states except those granted special access. Examples of prohibitions based on nationality include the Chinese Exclusion Act in the US and laws against Polish immigration in Germany in the late nineteenth century. Examples of special access include the free migration areas (FMAs) in which migrants from within the area are granted free or preferred access whereas those from outside of the area are restricted.

Where special access ends and prohibition begins can be hard to gauge; therefore, these criteria are operationalized by examining how many nationalities can enter a state. If only a few or no nationalities are restricted, the state is relatively open on this measure; if many or most nationalities are restricted, the state is relatively closed on this measure.

Coding Criteria for the Nationality Category. Does the law pertain to specific nationalities? Are exclusions based on national origin? Did the state sign a bilateral labor migration treaty or another international agreement on immigration?

1: Only descedents of natives allowed in.

2: A few nationalities allowed entrance but not many. Example: if a European country allowed immigrants from other EU countries only.

3: Many nationalities allowed in but not all or migrants from some regions excluded. Example: Between 1924 and 1965, the US quota system allowed in many Northern Europeans, some Southern and Eastern Europeans, anyone from the Western Hemisphere, and no one from Asia.

4: Almost all nationalities allowed in. Example: In the late nineteenth century, only Chinese were excluded from the US. Additionally, numerical limits by country but applied equally by country. Example: Current US law restricts migration from each country to 20,000.

5: No exclusions based on nationality

Example of Coding for the Nationality Category. Table A1 shows examples of how nationality restrictions were coded for the US. The table lists the nationality component of the major changes in US law, but does not include all of the changes in immigration policy.

Skill Restrictions. Another frequently used criterion for regulating low-skill immigration has been to directly use skill or wealth requirements. States often enact special programs for high-skill workers at the same time that they restrict low-skill migration, either within the same regulations as in point systems or as part of omnibus legislation. For coding purposes, what matters is whether these programs are used in place of openness for low-skill workers. If the establishment of these programs does not affect the immigration of low-skill workers, then they are not coded as restrictions.

Coding Criteria for the Skill Category. Does the law restrict by the skills or income an immigrant possesses? Does it use a point system with points given for education or special skills? Are people excluded based on profession (i.e., no prostitutes), illness (e.g., no epileptics), or likelihood of becoming a public charge?

TABLE A1. Examples of Coding of US Nationality and Skill Restrictions

	Nationality		Skill	
Year	Restrictions	Coding	Restrictions	Coding
1790	No restrictions	5	No restrictions	5
1819	No change	5	Safety restictions on boats increase cost of passage	4.85
1862	No change	5	Ban on indentured labor	4.5
1870	Restrictions on the entry of Chinese women	4.5	No change	4.5
1875	No change	4.5	Creation of excludable classes	4.25
1882	Chinese Exclusion Act	4	Additional excludable classes, including those likely to become a public charge	4
1917	No change	3.5	Literacy Act	2.75
1921	First national origins quota based on the 1910 census	3	Preference system based on skill Repeal Literacy Act	3.5
1924	Second national origins quota based on the 1890 census	2.75	Preference system based on skill	3.5
1952	McCarren-Walther Act: national origin quota based on 1920 Census person quota allocated to Asian Countires	3.5	Revision of preference system to put greater emphasis on skill	3.4
1965	Abolishment of discriminatory quoats; all states from Eastern Hemisphere given the same cap	5	Established preference scheme based on family reunification and skill; no country cap for Western Hemisphere countries	4
1976	No change	5	Applied the 20,000 per-country limit to the Western Hemisphere	4
1986	No change	5	Creation of Seasonal Agricultural Workers program; creation of diversity visas	4.25

A score of 5 on this scale indicates that the country has no restrictions by skill or wealth and a score of 1 means only the very highest-skilled/highest-wage workers (executives, high-level intracompany transfers) are allowed in. When states exempt one group from these restrictions—either by nationality in the case of the New Zealand seasonal workers program for Polynesians or by a general category like the seasonal agricultural workers program in Britain—the score increases.

1: Only highly educated, high-income earners allowed in; many excludable classes.

2: Mostly high educated, high earners, but some allowances for low-skilled workers; some excludable classes.

3: Preference for high-skill workers but many opportunities for low-skilled workers; some excludable classes.

4: Few slots reserved for high-skill/high-income workers (i.e., like the H1B visa in the US); most visas open for anyone; few excludable classes (e.g., only criminals or those likely to become a public charge).

5: No skill restrictions for any visas; no excludable classes.

Example of Coding for the Skill Category. Table A1 gives examples of how the skill criterion is coded for the US. As a contrast to the US, Table A2 shows how Canada has used nationality and skill criteria to affect who can enter the state.

Quotas. Numeric quotas are another tool that states have used to regulate the flow of either all immigrants or specifically low-skill immigrants; however, this tool is used infrequently (in 8.4 percent of the country-years). Typically, the quota is allocated by some type of preference ordering. The coding of quotas is based on what percentage of the population (total quota divided by population) the country is willing to allow in each year. Because most of these states rarely update their quotas, the measure can become more restrictive over time without a law change by the policy-maker. Nonetheless, this restrictiveness is built into quotas; as the population and economy grow, there would likely be a demand for more immigrant workers. Policy-makers can update the quotas to account for the increased demand but choose not to.

Due to changes in the population, the quotas measure is the only measure that can change without new legislation. Importantly, population growth can lead a quota to become more restrictive over time unless the government revises the quota. This coding, then, is similar to the way in which specific tariffs can be inflated away; if inflation increases the costs of all goods, a tariff that does not change becomes a smaller and smaller part of the good's price. Policy-makers can continue to use the same quota to make immigration, in effect, more restrictive without changing the policy, just as in the case of tariffs. For example, Congress last updated the US quota in 1990. Since that time US population has increased

TABLE A2. Examples of Coding of Canada's Nationality and Skill Restrictions

	Nationality		Skill	
Year	Restrictions	Coding	Restrictions	Coding
1926	Four-tiered immigration-admissions system: white British and Americans permitted relatively freely; immigrants from northern Europe could enter if the were sponsored by Canadian relatives, or had a needed occupation; Immigrants from Eastern and Southern Europe needed special permits, those from Asia/ Africa excluded.	2.5	Literacy test; large numbers of excluded classes	3
1931	Only (1) white British subjects and (2) US citizens admissable, others must be wife/children of LPRs or agriculturalists having sufficient means to farm.	1.5	Agriculturalists with sufficient means allowed	2
1948	French Citizens are given the same status as British Subjects	2	No change	2.5
1962	Removal of most racial discrimination,	4	Removes most of the racial discrimination except still allows Europeans to sponsor a wider range of relatives. Independent immigration: a person who (i) by reason of his education, training, skills, or qualifications can establish himself successfully and (ii) has means to maintain himself until he is established, (iii) has employment or (iv) has the means to start a business or farm	3.85
1967	No more racial requirements	5	Creation of a points system. Assigned points: -employment or designated occupation (0-10), -knowledge in English or French (0-10), -relative in Canada (0-5), -area of destination (0-5), -education and training (0-20), -personal qualities (0-15), -occupational demand (0-15), -occupational skill (1-10), -age (0-10).	3.15
2001	No change	5	New point system: greater reward for education, language and experience. Also, there are 4 migrant worker programs. Skilled occupations, Seasonal Agricultural Worker, Live-In Caregiver Program, and the Temporary Foreign Worker Program to fill jobs that require a high-school diploma or less.	2.35

by about 80 million and the US economy has more than doubled in size in real terms, yet the quota has remained the same. Thus, by neglecting immigration policy, Congress has made it more restrictive.

Coding Criteria for the Quota Category. Is there a quota and how restrictive is it?

Quotas are coded only when the quota is a numerical limit on a large portion of immigrants, not when it is a target for the number of immigrants. Targets, like policy statements or

development plans, are not coded because they are not changes in legislation but usually administrative policies. The quota does not need to be binding on all immigrants. This is because it is rare to have a quota that binds on all immigrants. Usually at least wives and minor children of citizens are allowed in above the quota; this policy is denoted in the family immigration policy coding. Sometimes, the quota is only on one class of immigrants, such as the Hong Kong quota on Chinese immigrants, but this class makes up the majority of immigrants entering the country. Again, high-skill workers from other countries could enter above the quota, although wives and minor children of Hong Kong belongers (equivalent to citizens) cannot. This is denoted in the other categories.

1: Less than 0.25% of population can enter annually

2: 0.25-0.5% of population can enter annually

3: 0.5-1% of the population can enter annually

4: Over 1% of population can enter annually

5: No quota

Examples of Coding for the Quota Category. The US has been one of the few states to use a quota as a major part of its immigration policy. The quota was first introduced in 1921; for 1921-23 the quota was set at 350,000 or about 0.32 percent of the population (coded as a 2). In 1924, the quota was lowered to 150,000 or about 0.13 percent of the population (coded as 1). Since then, the quota, in comparison to the US population, has been quite low, always less than 0.3 percent and often less than 0.25 percent of the population. In comparison, since 1978 Hong Kong has placed a quota on immigration from mainland China, but this quota has been much larger proportionately. For much of its history, mainland Chinese have been the major immigrant group to Hong Kong; a quota on them, then, limits the majority of immigration to Hong Kong. In 1978, the quota was for 113,150 mainland Chinese residents or about 2.4 percent of Hong Kong's population at the time. In 1989, Hong Kong added a quota for all foreign workers as well as immigrants from mainland China. Since then, most years the quota has allowed in slightly more than 1 percent of the population.

Recruitment. States have at times gone out to recruit immigrants as a way to increase the number of immigrants coming to their country. In this case, the policy-maker has decided that the "natural rate" of immigration is too low and wants to increase it. Governments have sometimes paid to recruit immigrants through their own budget and at other times have allowed employers to pay to recruit immigrants. States that fund recruitment out of their own budget are given the highest score, states that allow employers to recruit are given scores between 2 and 4 depending on how easy it is for firms to recruit, and states that do not allow recruitment are given the lowest score.

Coding Criterial for the Recruitment Category. Are there special visas or procedures to recruit labor or settlers? To recruit workers, do employers have to advertise first or otherwise seek approval from a government ministry? Can all industries recruit? Do firms have to pay levies or other taxes for foreign workers? Does the government pay for passage or give settlers or workers other benefits to induce them to come? A score of 1 denotes that all workers have to follow the same requirements as all other immigrants and that firms cannot recruit from overseas. An example of this is the US Contract Labor Law. A 5 denotes that the government will pay for passage of any immigrant and will give the immigrant money, land, or other goods to help him to settle.

1: No special procedure or visa, come in under the same system of regulation as everyone else; labor recruitment prohibited.

2: Small set of visas for special groups of workers (i.e., agricultural workers); trigger to reduce numbers based on employment data; employers are not allowed to pay for moving expenses; many restrictions including no unemployed natives in the industry.

3: Moderate number of visas for all groups or many groups obtain visas; employers allowed to pay for moving expenses; some procedures for recruiting workers.

4: Few or no restrictions on visas for any type of worker; employers are allowed to pay moving expenses; few restrictions or procedures for obtaining work visas.

5: Government program to recruit workers or settlers; government pays for the workers' transportation cost and helps pay for firms or government officials to recruit workers.

Examples of Coding for the Recruitment Category. Table A3 uses Australia's policies on recruitment as an example of how this category is coded. It also provides an example of how federal states are coded before the federal government takes sole responsibility for the policy; prior to becoming a commonwealth in 1901, we code the policy of the most open state.

Labor Prohibitions. Another way to regulate immigration is to deter people from migrating by prohibiting them from working in certain industries or limiting the number of immigrant workers that employers can use. When coding labor regulations, we gave states with few regulations the highest score and states that excluded immigrants from many positions or let them be only a small part of the labor force the lowest score.

Coding Criteria for the Labor Prohibitions Category. Can immigrants work in all occupations? Are there requirements to have a certain number of native workers in an occupation/firm or that foreign workers can make up only a certain percentage of workers? Do the rules cover all occupations? Just certain industries? Are there racially based policies? A score of 1 means that immigrants are not allowed to work in any industry. This is not the case for any of the states in this sample. A score of 5 means that there are no restrictions or, in modern times, that the only restrictions are in highly sensitive national security positions.

1: Immigrants completely blocked from the labor market.

2: Immigrants restricted from many occupations; less than 30% of the workers in a given occupation/firm can be immigrants (covering most or all of occupations).

3: Immigrants restricted from some occupations; 30-50% of workers in given occupation/firm can be immigrants (covers some occupations).

4: Immigrants cannot hold public sector positions; 50% or more of the workers in a given occupation/firm can be immigrants (covers some occupations).

TABLE A3. Examples of Coding of Australia's Recruitment Policies

Year	Recruitment Restrictions	Coding
1792	First settlers are given free passage, land grants, provisions for two years, tools and implements, and the services of a convict for two years.	4.5
1807	Created a graduated scale by which the amount of land and other assistance granted to settlers would depend on the amount of capital they brought to the colony. Capital of £100 would entitle the settler to 50 to 100 acres of land, livestock, and the services of two convicts with their families for 12 months. Capital of £500 would entitle the setter to 300-500 acres, additional livestock, and six convicts. Capital of £6000 earned the settler from 5000-6000 acres, livestock, and 20 convicts.	4.4
1814	Change in assisted passage rules that after 1817 settlers should only be granted land, provisions, and convicts and not passage	4.25
1818	Only emigrants with capital of at least £500 could receive land.	4.15
1831	New South Wales begins scheme of assisted female emigration, along with skilled workmen. Each family of skilled workmen were to be advanced £20 for the trip to Australia. For female emigration, the government was to contribute £8 or about half the cost of passage. Preference was to be given to women traveling with their families, to those who were qualified to act as servants in agricultural districts, and to those who were prepared to pay a larger proportion of the passage money.	4.5
1835	Loan program for skilled workers in New South Wales becomes a free bounty. All passages became entirely free and paid out of the colonial funds. Creation of two systems: the bounty and government system. Bounty system: settlers were to receive a bounty if they introduced "likely to be useful members of their class in society." The government system: emigration commissioners in London emigration chose migrants for free passage	4.75
1847	Assistance to immigrants from outside the UK first granted.	4.8
1873	Regulations who qualified for assistance were loosened.	4.9
1893	All Australian colonies stop offering assisted passage	4
1896	Queensland revives financial aid for immigrants	4.25
1906	Resumption of assisted immigration for all parts of Australia	4.25
1917	Free third class passages for those who were assured of employment or who took up land. Widows and dependents of ex-servicemen were eligible.	4.5
1922	Beginning of Empire Settlement Act	4.65
1926	Development and Migration Act of 1926 to assist the emigration of British implements the 34 million pound agreement.	4.7
1930	Australia virtually ceases assisted migration	4.05
1937	Assisted migration resumes under the Empire Settlement Act.	4.25
1946	Assisted passage for British and Polish ex-servicemen in Britain and their dependents; other selected British migrant and Dutch farmers.	4.5
1948	Scope of free and assisted passage schemes with Britain was widened; new program for assisted passage from Ireland	4.75
1951	Assisted migration agreement arranged with Italy and The Netherlands.	4.85
1952	Assisted migration agreement with West Germany was signed.	4.9
1954	Provided assisted passage for people from the US, Switzerland, Denmark, Norway, Sweden, and Finland.	4.9
1955	End of assisted passage for ex-WWII servicemen. The government restricted the steadily increasing entry of southern Europeans.	4.75
1957	Bring out a Briton Campaign	4.8
1982	Abolishment of assisted passages, except for refugees.	3.5

TABLE A4. Examples of Coding of Singapore's Labor Prohibitions

	Labor Prohibitions	
Year	Restrictions	Coding
1987	Creation of dependency ratios. For all sectors except domestic workers and marine sectors, employers can only employ up to 50% foreign workers.	3.25
1988	Firms can employ 40% foreign workers in all sectors except domestics.	3.5
1990	Malaysians can be employed in any sector. For others, previous prohibitions apply.	3.75
1992	Percent of workers in manufacturing who can be foreign is raised to 45%; service sector is now set at 20%, and construction 80%.	3.75
1994	Service sector to 25%, manufacturing to 50%.	4

5: Immigrants can hold any position (except for highly sensitive national security positions); no restrictions on the number of immigrant workers in a given occupation/ firm.

Example of Coding for the Labor Prohibitions Category. Table A4 gives examples of how Singapore has used labor prohibitions and how these restrictions have been coded. Taiwan has used a similar dependency ratio since 1992, but set even lower limits on the use of foreign workers. In the Persian Gulf, states have passed "native-ization" (Saudi-zation, Kuwati-zation, etc.) laws that require employers to increase the percentage of natives that firms employ by replacing foreign workers with natives. Saudi Arabia passed its first Saudi-zation law in 1969 when it stipulated that Saudis must make up 75 percent of employees for firms with more than 100 workers and that they must make up 51 percent of the payroll.

Family Reunification. The coding of family migration is based on how many family members a citizen or resident can sponsor as well as how hard it is for them to sponsor their family member. States are given the highest score if citizens and residents can easily sponsor many degrees of relatives (e.g., spouses, adult children, parents, and siblings). States are scored lower if they restrict the degrees of family that can be sponsored and if they increase the difficulty in sponsoring relatives, such as by requiring citizens or residents sponsoring

family members to make a certain level of income. States are given the lowest score if they allow only native-born and wealthy men to sponsor wives and minor children. For example, Saudi Arabia allows native-born men and wealthy, high-skill expatriate men, but not women, to sponsor their spouse and children.

Coding Criteria for the Family Reunification Category. Do family members get special treatment? Can they immigrate more easily than others? Are there racial or skill distinctions?

A score of 1 indicates that no family members are given special treatment and a score of 5 indicates that many family members are given special treatment. Most states fall somewhere between a 2—special treatment for wives and minor children only —and a 4—wives and minor children and sometimes parents can enter without difficulty and all other relatives can be sponsored with some occupational or skill requirements. One issue with family migration is that states did not seem to consider it a necessary policy to have when there were few restrictions by nationality or skill. Family reunification policies came into being only once other restrictions were put in place. Given that the states have no policy on family migration during these times, these years are scored as a 1.

1: No special provisions for family reunification; family members must enter under the same procedures as others.

2: Only wives and minor children of citizens or legal permanent residents can be sponsored, but are free from other controls.

3: Increased number of relatives can be sponsored (e.g., adult children or dependent parents) but only by citizens and/or relatives (except minor children and wives); need to possess the same characteristics as non-family immigration (i.e., if there is a literacy test, relatives must pass the test); a relative in the country has to pay bond or otherwise be responsible.

4: Many categories of relatives can be sponsored by citizens or residents (e.g., siblings, parents not dependent on migrant) but still must possess the same characteristics as

non-family immigrants (except minor children and wives); a relative in the country has to be responsible for immigrant.

5: Many categories of relatives can be sponsored by citizens or residents and they do not need to possess the characteristics of non-family immigrants (exemption from literacy exams, etc.); no bond required or responsibility for the relative in the country.

Family Provisions: Coded 0 before first mention of special provisions for families; 1 after.

Example of Coding for the Family Reunification Category. Table A5 shows how major changes in US family reunification policy were coded as well as an alternative coding. Under the main coding rules, family reunification is coded as a 1 from 1790 until 1917 and under the alternative coding, it is coded as a 5 from 1790 until 1884 when the nationality coding falls below 4. The 1917 Literacy Act provided the first family reunification policy by allowing wives and minor children to enter the US without taking the literacy test.

Table A6 shows how family reunification is coded in a point system using Canada's family reunification as an example. Similar to the US, Canada did not have a separate policy for family migrants until the early twentieth century.

Refugee Policy. The final two dimensions of border regulations also look at potentially non-economic migrants: refugees and asylees. A refugee is defined as a person fleeing from their country who is outside the state they are trying to enter. Refugee policy, then, deals with the resettlement of refugees. An asylee is defined as someone who is at the state's borders or inside the country who claims refugee status and asylum policy deals with whether the migrant can gain entry to or stay in the state.

States are coded depending on the ease of entry as a refugee or asylum seeker. States without a refugee or asylee status are coded as a 1. Similar to family reunification, most states had no refugee or asylum policies until after World War I and have not adopted any refugee or asylum policies. But in the nineteenth century, migrants who we would now categorize as refugees could immigrate to most states as a general migrant. As in the family

TABLE A5. Examples of Coding of US Family Reunification Policies

Year	Family Reunification Restrictions	Coding	Existence of Law	Alternate Coding
1790	No policy.	1	0	5
1884	Nationality Coding drops below 4.	1	0	1
1917	Wives and minor children are allowed to enter without taking the literacy test.	2	1	2
1921	The quota limitation, however, did not apply minor children of citizens. Also granted preference to wives, parents, brothers, sisters, children under 18, and fiancees of citizens and resident aliens, who had made application for citizenship, and non-citizens who had honorably served in WWI.	3.5	1	3.5
1924	Preference quota status was established for: unmarried children under 21, parents, and spouses of U.S. citizens aged 21 and over; non-quota status was accorded to: wives and unmarried minor children under 18 of U.S. citizens.	3.5	1	3.5
1952	Non-quota classes changed to include children and spouses of citizens without regard to age of children or date of marriage. Revision of quota preference to include 30% second preference plus unused visas for parents of adult citizens, 20% percent third preference plus unused visas for spouses and children of lawfully admitted resident aliens, and any remaining unused visas for other qualified immigrants but with a 25% preference within the fourth class to close relatives of citizens.	3.5	1	3.5
1965	Established two categories of immigrants not subject to numerical restrictions: 1. Immediate relatives (spouses, children, parents) of U.S. citizens. Preference order (a) unmarried sons and daughters of citizens (20%) (b) spouses and unmarried children of resident aliens (20% + unused from a), (d) married children of citizens (10%+unused a-c) (e) siblings of citizens (24% + unused).	4.75	1	4.75
1990	Allocates an unlimited number of visas for immediate relatives of US citizens and 226,000 visas for other family-based immigration. New category establishing 55,000 visas per year for 3 years that go to immediate family members of those legalizing under amnesty programs. Family admissions capped at 520,000 for 1992-94 and at 480,000 from 1995 on. Also, 55,000 visas provided per year for 3 years to immediate relatives of persons legalizing under IRCA.	4.5	1	4.5

TABLE A6. Examples of Coding of Canadian Family Reunification Policies

Year	Family Reunification Restrictions	Coding	Existence of Law	Alternate Coding
1783	No policy.	1	0	5
1902	Nationality coding drops below a 4.	1	0	1
1921	Allowed the entry of wives and children of Indian migrants already settled in Canada.	2	1	2
1926	Immigrants from the preferred countries of Northern Europe and Scandinavia could enter if they were sponsored by Canadian relatives.	3	1	3
1930	All immigrants except dependents of already established heads of families were excluded from entry. Asian immigration was restricted to the wife and unmarried minor children of any Canadian citizen who was in a position to care for his dependents.	2	1	2
1937	The criteria of admissible immigrants was broadened to include the fiancees of male residents who were able to support their intended wives.	2.5	1	2.5
1946	Extended admissible classes for non-Asians to include brothers, sisters, parents, and orphaned nephews and nieces under 18 of Canadian citizens as long as the Canadian citizen agreed to sponsor them.	3.5	1	3.5
1967	Immediate relatives could continue to be sponsored, more distant "nominated" relatives would be subjected to the long-term criteria in points system but the short term requirements were waived.	3	1	3
1976	Family class was exempted from point system and only needed to pass security, criminal, and medical screening. Family class included: spouses, fiancees, unmarried minor children, aged (over 60) or disabled parents, orphaned siblings, nieces, nephews, or grandchildren under 18 and unmarried. Sponsorship for both Canadian citizens and residents; sponsors assessed for their ability to satisfy an undertaking to provide lodging, care, etc. for up to 10 years. Individuals not in family class might fall into assisted relatives. A relative in Canada must be willing to provide assistance for up to 5 years and the individual in question must have also been able to satisfy some of the selection criteria of independent class. Assisted relative includes: siblings, aunts/uncles and their children, and grandparents.	3.5	1	3.5
1992	Change family class eligibility to all parents, regardless of age; all children under 19 and children above that age if they are dependent on the parents	4	1	4
1996	The sponsor and the family member being sponsored will now be required to sign a new agreement outlining mutual obligations to support themselves for their first 10 years in Canada. Persons in prison will not be able to sponsor immigrants, nor will persons who have defaulted on sponsorship agreements.	3.5	1	3.5

reunification case, the main coding codes refugee and asylum policy as a 1 in these states even when a refugee could come in as a general migrant. I use an alternate coding where these states are coded as having a very generous refugee and asylum program (coded as a 5) until there are nationality or skill regulations that would bar the entrance of refugees or asylum seekers (operationalized as the nationality or skill coding dropping below a 4) and then the policy was coded as a 1.

Refugee policy is coded based on the definition of who counts as a refugee, whether there is a formal resettlement process or an ad-hoc process, the number of refugees that are re-settled, and whether there are preference categories for refugees.

Coding Criteria for the Refugee Category. Does the state have a resettlement policy? Does it resettle refugees on an ad hoc basis? How selective is their refugee policy? Do they let in many refugees? Are refugees defined as only those who meet the 1951 convention or 1967 protocol or is there a more expansive definition?

Refugee policy is coded as a 1 if the country has no special policy and a 5 if the country is willing to resettle large numbers of refugees without taking into consideration the refugees' qualifications. This last criterion distinguishes the more generous refugee policies of the current day with those after World War II when most receiving countries placed occupational restrictions on refugees, selecting for higher-skilled migrants. Ad hoc refugee programs for one group during the crisis are coded as relaxing refugee restrictions and the magnitude of the change is based on the number of refugees the state was willing to allow in. The change in coding lasts only as long as the refugee program was in place; for example, when New Zealand took in Ugandan refugees in 1973, but no other years, the increase in the refugee score is calculated for 1973 only.

1: Almost no refugees allowed in; those that are allowed in must follow normal immigration procedures.

2: Some refugees allowed in; special refugee visas but refugees chosen by some sort of preference or must be able to pass tests that non-refugee immigrants take; few reasons for being a refugee or ad hoc policy.

3: Special refugee visa; preference system but not overly burdensome; moderate number of refugees allowed in; must follow some of the requirements that a non-refugee immigrant would have to pass; the UN definition of a refugee is followed.

4: Large number of refugees allowed in; no preference system or very weak system; easy to obtain refugee visa; exemption from requirements of non-refugee immigrant; at least the UN definition of a refugee is followed.

5: Large number of refugees; no preference system or requirements; very easy to obtain refugee visa; many categories of refugees included, not just the UN definition.

Refugee Provisions: Coded 0 before first mention of refugee in law; 1 after.

Example of Coding for the Refugee Category. Tables A7 again use the US as an example. Prior to the Displaced Persons Act (DPA) in 1948, the US did not have a formal refugee policy. Throughout the 1950s and into the 1960s, the US extended the DPA program and created other ad-hoc programs to deal with the Hungarian and Cuban refugee crises. In the 1970s, the US again used an ad-hoc program to resettle Cambodian and Vietnamese refugees. Finally in 1980, the US created a permanent refugee program.

Asylum Policy. States are coded as having a more generous asylum policy when they make it easier for asylum seekers to obtain status. When states enact safe-country-of-origin policies that make it impossible for citizens of that state to claim refugee status; safe third-country policies that force asylum seekers to make an claim in that third-country; policies that allow border agents to decide that a claim is manifestly unfounded; and the like, the policy is coded as more restrictive.

Coding Criteria for the Asylum Category. Does the law discuss asylum seekers? That is, migrants who are at the border or in the state claiming refugee status? How easy is it to

TABLE A7. Examples of Coding of US Refugee Policies

Year	Restrictions	Refugee Policy Coding	Existence of Law	Alternate Coding
1790	No policy	1	0	5
1884	Nationality Score below 4	1	0	1
1948	Displaced Persons Act	4	1	4
1949	No change	4	1	4
1950	Increased the number of refugees to be resettled	4.25	1	4.25
1951	Extended the time allowed for admission for refugees	4.25	1	4.25
1953	Provided 205,000 special non-quota visas for refugees	4.25	1	4.25
1958	Bill granted admission for permanent residence to Hungarian parolees	4.25	1	4.25
1960	Authorizes the AG to parole refugees. Decrease in quota for refugees.	3.5	1	3.5
1975	Established a program of domestic resettlement for Cambodian and Vietnamese refugees	4	1	4
1980	Refugee Act Passed. Creates resettlement program.	4.5	1	4.5
1989	The Lautenberg Amendment allows Jews, Evangelical Christians, and Ukrainian Catholics from the USSR to enter as refugees.	4.75	1	4.75

gain asylum? What rights do asylum seekers and asylees have? Are they kept in detention centers? Are they repatriated? Is there only one asylum status or is there temporary protected status as well? What are the procedures and are there legal safeguards?

1: No asylum.

2: Extremely difficult process; asylum granted only in a few cases; little ability to work or access welfare state while awaiting determination; little recourse if not granted asylum; no temporary protected status; limited access for political refugees.

3: Difficult process; asylum granted for more cases; some access to the welfare state or labor market; more recourse including ability to access courts if denied; some temporary protected status allowed.

4: Fairly easy process; asylum granted to many groups; access to labor market and welfare system; access to courts and other procedures if denied; temporary protected status given to many groups.

5: Easy process; asylum granted for most cases; access to labor markets and welfare state; constitutionally protected procedure; no need for temporary protected status because almost everyone gets asylum.

Asylum Provisions: Coded 0 before first mention of asylum; 1 after.

Examples of Coding for Asylum Category. Table **??** also uses US asylum policy as an example. The US first allowed for asylum when Congress began regulating immigration in 1875 by allowing entry to those who had committed a political crime because they would have been denied entry as a criminal. The US did not create a more formal asylum process until 1980.

Citizenship. Citizenship is the most important right for an immigrant as it allows the immigrant to have the same rights as natives and prevents their deportation.

Coding Criteria for the Citizenship Category. Does the law mention citizenship? How easy is it to obtain citizenship? What determines citizenship for children born in the country (*jus sanguinis*, *jus soli*, *double jus soli*)? Are there racial discriminations in citizenship? How easy is it for the government to denaturalize citizens? A score of 1 denotes states where citizenship is given through one parent (usually the father) only by birth. A score of 5 denotes *jus soli* citizenship (citizenship given to all children born in the state) and an easy naturalization process. Racial discrimination in citizenship policies leads to a lower score as well.

1: Only by birth from a native father or mother.

2: Only by birth through either native parent and/or grandparent.

3: Very difficult process to obtain citizenship (language requirements, difficult test) and/or many years to citizenship (more than ten years) and/or children receive citizenship through either parent or grandparent.

4: Moderately difficult process (relatively easy language requirements and/or an easy test) and/or moderate time to citizenship (more than five but less than ten years) and/or children born in state automatically get citizenship.

5: Fairly easy process (e.g., no language requirements) and short time to citizenship (five or less years) and children born in state automatically get citizenship.

Example of Coding for the Citizenship Category. Table A8 uses the UK's citizenship policies as an example of how citizenship was used to both attract and repel certain immigrants, especially immigrants from current and former colonies.

Immigrant Rights. This category captures the rights states give immigrants, besides citizenship and access to the labor market that are covered in other dimensions. All other rights are included in this category: access to the social welfare system; the ability to own land or a business; the ability to vote in local elections, have state-sponsored schools in the immigrants' native language, or have the state pay for a religious leader in the immigrants' faith, etc. Also incorporated in this category are programs designed to help immigrants learn the native language or otherwise integrate into society. The more rights states grant, measured in comparison to the rights of citizens, the higher the score and the fewer rights granted the lower the score. The other rights score is also affected by whether there is discrimination in the law based on the immigrants' nationality or race.

Coding Criteria for the Immigrant Rights Category. Does the law mention what rights immigrants have once in the state? Are there racial/national origin discriminations? Does the government try to integrate immigrants or does it just expect them to assimilate? How easy is it to get permanent residency? Can immigrants access the social welfare system?

TABLE A8. Examples of Coding of British Subjecthood/Citizenship Regulations

Year	Citizenship Restrictions	Coding
1792	Jus soli and residency led to subjecthood	4.5
1914	Anyone born "within His Majesty's dominions and allegiance" was automatically a subject. Children of British subjects gained subjecthood as well. New naturalization scheme (including within the dominions) with a universal five years residence requirement.	4.5
1948	When a dependent territory achieves independence, most of its natives normally lose their citizenship of the UK and Colonies and become citizens of the new state. Allowed those persons who fail to obtain citizenship of the succeeding state, to retain citizenship of the UK. The law of UK ensured that most immigrants from the Commonwealth countries and from Ireland should have the right to take citizenship of the UK and colonies after satisfying a resident requirement. Establishes two categories of citizenship: citizens of the United Kingdom and the colonies (CKUCs) and citizens of the Commonwealth, both with unrestricted rights to enter and reside in the United Kingdom.	4.5
1949	Act restored British nationality to women who had lost it by marriage and provided that in future marriage should not automatically affect a woman's nationality.	4.75
1964	Entitles a stateless person to be registered if his parents were British subjects without citizenship at the time of his birth, and have retained that status, and if he has ordinarily resided in the UK for three years. The same act entitles a stateless person to be registered if he was born in a place which, at the time of his birth, was within the UK and colonies or if his mother was a citizen of the UK and Colonies at the date of his birth.	5
1968	This act introduced the concept of patriality, restricting the entry of non-patrials with UK passports, including the East African Asians, by a special voucher system. Only 1500 special vouchers per year were issued to the heads of households, entitling them and their dependents entry to the UK.	4
1971	Conditions for citizenship are 5 years residence, good character, a sufficient knowledge of English, and an intention to reside in the UK. A Commonwealth citizen who is a patrial has an absolute right to be registered after five years' residence. A woman who is not a citizen has the right to acquire citizenship by registration if she marries a citizen.	3.75
1981	Defines three classes of citizens. British citizens are defined as persons born in the UK or whose parents or grandparents were born or naturalized in the UK. Citizens of dependent territories are those whose parents were born in dependent territories; these citizens have no right to enter the UK. British overseas citizens are children of British citizens born outside of the UK. They have the right to enter and live in the UK but cannot pass their citizenship onto their children. Children born in the UK to permanent residents automatically obtain citizenship; all other children born to immigrants can acquire British citizenship if they live in the UK for 10 years.	3.5
1985	Those who live in Hong Kong with British Dependent Territory Citizenship will lose their status in 1999.	3.4
1989	Right of abode granted to highly qualified minority of Hong Kong residents.	3.45
1999	The British government announced that it will grant full citizenship to its 150,000 remaining inhabitants in 13 overseas territories.	3.75
2002	Law requires applicants for British citizenship to take language classes and demonstrate that they understand British society.	3.5
2005	Beginning November 1, 2005, foreigners naturalizing in the UK must pass a $72 test demonstrating knowledge of Britain and its culture.	3.25

A score of 1 indicates few legal rights: immigrants have to be registered; they have to go through invasive health checks; they do not have the right to marry nationals; they can live in only specific locations; they can work for only specific employers; they have no access to the welfare state; they cannot own land; they are discriminated against and they cannot gain permanent residency. In states coded as 1, immigrants can basically work only the job they were hired for and cannot leave the housing provided for them by their employer. A score of 5 indicates parity to citizens: complete access to the welfare state; voting rights; no restrictions in where they can live or work; no restrictions in property rights, and a robust anti-discrimination program.

1: Almost no legal rights; immigrants must leave state if they leave their job; cannot own property; cannot access the welfare state; they have to register; have no freedom of religion, no permanent residency, etc.

2: Some rights but land ownership and ownership of companies restricted; limited access to the welfare state.

3: Ability to change jobs freely; some ownership of real property or companies; some access to the welfare state; some racial discrimination in laws.

4: Access to most welfare policies; few restrictions on ownership of property or firms.

5: Total access to welfare state; voting rights without citizenship; no restrictions in property ownership; integration policies; no racial discrimination; few years to permanent residency.

Example of Coding for the Immigrant Rights Category. Table A9 lists changes in the rights that Australia gives to immigrants. In the early days of the colony, immigrants had substantially the same rights as citizens of the colonies. Immigrants' other rights began to be curtailed in the early twentieth century when the Australian government began imposing discriminatory laws against Asian immigrants. After World War II, instead of deterring immigrant groups, the government sought to further encourage British and, later, other

European immigration by offering relatively easy access to social welfare benefits and educational courses for immigrants. They also began sponsoring foreign-language radio stations and other media to make immigrants feel more at home. These changes lead to an increase in the other rights score. In the 1990s, the goal of rights policies changed again: hoping once more to deter immigrants, especially low-skill immigrants, the government restricted access to the social welfare system and began requiring costly English training, rather than assisting immigrants. These changes lead to a decrease in the other rights score.

Deportation. The final set of policies includes enforcement and deportation. Policy-makers can pass many restrictions on immigration and the rights of immigrants; however, if these restrictions are not enforced, the law becomes a de facto open policy. Ideally, we might want to use the number of undocumented immigrants in a state as a de facto measure of enforcement. Nonetheless, since undocumented immigrants have broken the law, it is hard to get reliable estimates of the number of undocumented people, especially in autocracies. Instead, I code deportation and other enforcement measures.

States have often used deportation as an enforcement mechanism. The coding of deportation measures how easy it is to get rid of unwanted immigrants. Increased safeguards, such as access to courts, increase the score on deportation because this ensures that legal procedures will be followed. On the other hand, increasing the number of deportable offenses to include illegal immigration, losing one's job, going on welfare, or being part of a political or social group decreases the score. Paying immigrants to leave the country also decreases the score because this is clearly a sign that the government wants to decrease immigration. Some countries allow defenses against deportation such as being in the country a certain number of years or having a native-born wife or child who is dependent on the immigrant. Increasing the number of defenses against deportation increases the score. In contrast, mass expulsions decrease the score.

TABLE A9. Examples of Coding of Australia's Other Rights Regulations

	Other Rights	
Year	Restrictions	Coding
1787	Equal rights as citizens except voting.	4.75
1908	Asians not born in Australia and aboriginal natives of Australia, Africa, and the islands of the Pacific were not entitled to a pension.	4
1912	Leases to Aliens Restrictions Act: European can only get leases of up to five acres unless the immigrant passes a diction test.	3.5
1914	Asians cannot obtain land in irrigation areas in South Australia.	3.25
1921	Australian government removes from Indian and Sinhalese: no voting rights, no invalid or old-age pensions.	3
1946	British ex-servicemen immigrants and their families were eligible for all social welfare benefits upon arrival except for employment assistance available to Australian servicemen.	3.5
1947	Relaxation of laws against property ownership by non-European immigrants.	3.75
1958	British immigrants were granted equal rights to social welfare benefits as Australians. Non-British immigrants did not qualify for all benefits until they naturalized and satisfied certain residential requirements.	3.5
1969	Full time English courses were introduced for well-qualified migrants to quickly gain a working knowledge of the language so they could resume their former occupations more rapidly.	3.75
1972	Foreign language broadcasting was restricted to not more than 2.5% of a commercial radio station's weekly hours of transmission.	3.65
1974	Restrictions on foreign language broadcasting were lifted.	3.85
1975	Formally abolished discrimination on grounds of race, skin color, or nationality. Ethnic radio stations set up by the government in Sydney and Melbourne.	4.5
1977	National Ethnic Broadcasting Advisory Council was established and a new independent authority would be set up to provide ethnic broadcasting.	4.5
1991	Increased charges on health services for immigrants.	4.25
1993	Immigrants cannot access unemployment and medical benefits for the first 6 months after arrival.	4
1996	Increased waiting period for most welfare benefits to 2 years.	3.5
1999	Requirement for immigrants to pre-purchase English training for those who were accepted but who had inadequate proficiency.	3.25
2000	Restricted the right of New Zealand citizens living in Australia to obtain welfare benefits.	3

Coding Criteria for the Deportation Category. How easy is it to deport an immigrant? What safeguards exist? Does the state engage in mass expulsions or pay people to leave the country?

A score of 1 denotes that there are many deportable offenses, including losing one's job and there are few administrative or judicial safeguards. A score of 5 is given if there are few deportable offenses (usually deportation is limited to criminals) and/or clear judicial checks.

1: No appeals process; many deportable offenses, including losing one's job.

2: Administrative process with few checks; fewer deportable offenses.

3: More checks on the process and even fewer deportable offenses.

4: Judicial checks on process including going to the highest court in the land and/or very few deportable offenses.

5: Almost no deportable offenses (conviction for a criminal offense, but not for an immigration offense) and clear judicial checks.

Example of Coding for the Deportation Category. Table A10 gives examples of how US deportation laws are coded.

Enforcement. Other than deportation, states use a variety of measures to enforce their borders. These policies include placing additional penalties on illegal immigration, sanctions on transportation companies that bring illegal immigrants, sanctions on employers who hire illegal immigrants, and measures to police the border. States also often give amnesty to those in the country illegally; in some cases the illegal immigrant is allowed to stay while in others s/he is forced to leave but does not have to pay any of the penalties for being in the country illegally. The dimension *other enforcement* seeks to measure these other mechanisms. Placing penalties beyond deportation on illegal immigrants (such as prison time or fines) leads to a lower score as enforce stricter employer sanctions. Amnesty leads to a higher score, but the increase depends on the size of the amnesty — how many people were given amnesty — and the type of amnesty. States with fines or prison time for those immigrants in the country illegally usually give amnesty which allows illegal immigrants to leave the country without paying a fine or serving jail time. In contrast, those states without extra penalties for illegal immigration usually allow illegal immigrants the ability to

TABLE A10. Examples of Coding of US Deportation and Enforcement Policies

	Deportation		Enforcement	
Year	Restrictions	Coding	Restrictions	Coding
1790	No policy.	5	No policy.	5
1798	President has the authority to deport immigrants deemed to be dangerous to the safety of the US.	2	No change.	5
1812	Permitted the arrest, imprisonment, and deportation of immigrant men from enemy nations.	2	No change.	5
1882	Allows for the deportation of foreign paupers, convict, Chinese in the US illegally.	4.5	No change.	5
1891	Deportation within one year of arrival for those who enter illegally or who become public charge.	4	Requires ship masters to pay return fares for those not admitted to the US. Inspection of immigrants along the Canadian and Mexican borders. Decisions of the immigration inspectors are not subject to judicial review and are final.	4.5
1924	No change.	3.25	Those entering the US need to have a visa. Establishment of the Border Patrol.	3.5
1952	Afforded greater procedural safeguards to aliens subject to deportation.	3	Parole Authority given to AG. Made it a felony to bring in or willfully induce an alien to enter unlawfully or to harbor an undocumented immigrant. However, employment does not to constitute harboring. Border Patrol officers may access private lands, but not dwellings, within 25 miles of the border.	3.5
1986	No change.	3	Employer sanctions. Increased border patrols and inspections. But balanced by amnesty for undocumented immigrants.	2.9
1996	Unauthorized foreigners that have lived in the US for at least 10 years and can prove that their removal would cause "exceptional and extremely unusual hardship" to a legally resident spouse, parent, or child may be granted a hardship exemption. Maximum of 4,000 hardship exemptions a year. Deportees may choose to depart voluntarily and not be barred from the US or be removed, barring them from the US for 10 years.	2.75	Established a criminal alien identification system. Established certain alien smuggling-related crimes as RICO offenses. Established an interior repatriation program. Authorized State and Local officials to arrest and detain certain illegal aliens. Expedited process of criminal alien removal. Increased border enforcement. Improved barriers along the Southwest border. Increased penalties for alien smuggling Increased penalties for illegal entry and failure to depart. Increased worksite enforcement. Reduced the number and types of documents that may be used for eligibility to work.	2.5
2004	Anyone who had received military-style training from a terrorist organization could be deported. Those who had committed torture or other atrocities abroad could be deported.	2.75	Added 2,000 full-time border patrol agents every year between 2006 and 2010. Increased the number of foreign "pre-inspection" stations. Required all visa applicants be interviewed in person. Prohibited judicial review of visa revocations. New driver's license standards. Federal standards for state-issued birth certificates. Limits on replacement social security cards.	2.5

regularize their status and stay in the countries. Clearly, the first amnesty is more restrictive than the second in which fewer people are allowed to stay.

Coding Criteria for the Enforcement Category. Does the state enforce its borders? How strong is the enforcement? Are there employer sanctions, fines, or prison time for illegal immigrants? Are there amnesties? During an amnesty are immigrants allowed to stay or just leave without paying a fine? A score of 1 denotes a high-spending country, with severe employer sanctions, sanctions on those who are in the country legally, including fines and prison time, bonds to ensure that immigrants leave, and identification papers that are hard to forge. A score of 5 denotes no enforcement beyond basic police enforcement.

1: High spending, employer raids, or hard-to-forge national work IDs, strong employer sanctions, bonds placed by employers to ensure that migrants go home, large number of enforcement officials.

2: Slightly less spending, fewer raids, or easier-to-forge national work ID, border enforcement is strong but not impossible to overcome.

3: Even less money, no raids, easy-to-forge IDs, some border enforcement.

4: Very little enforcement, screening at points of entry, little enforcement on employers.

5: Basically no enforcement.

Example of Coding for the Enforcement Category. Table A10 also gives examples of how enforcement laws in the US are coded.

Appendix B: Sources for the Dataset

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