

Koopmans, Ruud; Michalowski, Ines

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## Why Do States Extend Rights to Immigrants? Institutional Settings and Historical Legacies Across 44 Countries Worldwide

Comparative Political Studies

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# Why Do States Extend Rights to Immigrants? Institutional Settings and Historical Legacies Across 44 Countries Worldwide

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Ruud Koopmans<sup>1</sup> and Ines Michalowski<sup>1</sup>

## Abstract

In this article, we first test theories on immigrant rights across 29 countries from Europe, Africa, the Middle East, East Asia, Oceania, and the Americas, using our Indicators of Citizenship Rights for Immigrants (ICRI) data set. We focus on trajectories of nationhood and current institutional features to explain cross-national difference. We find that former colonial powers, former colonies that developed as settler countries, as well as democracies have been more likely to extend rights to immigrants. Strikingly, once we account for involvement in colonialism, we find no difference between supposedly “civic-nationalist” early nation-states and supposedly “ethnic-nationalist” latecomer nations, refuting a widely held belief in the literature on citizenship. We find no effect of a country’s degree of political globalization. We replicate these findings on a sample of 35 mainly European countries, using the Migrant Integration Policy Index (MIPEX).

## Keywords

migration, globalization, citizenship rights, ethnic versus civic nationalism

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<sup>1</sup>WZB Berlin Social Science Center, Germany

### Corresponding Author:

Ines Michalowski, WZB Berlin Social Science Center, Reichpietschufer 50, 10785 Berlin, Germany.

Email: [ines.michalowski@wzb.eu](mailto:ines.michalowski@wzb.eu)

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## Introduction

Theorizing and empirical research on citizenship rights for immigrants have been mainly based on examples taken from Western Europe and the Anglo-Saxon settler countries (e.g., Banting & Kymlicka, 2012; Brubaker, 1992; Howard, 2009; Janoski, 2010; Joppke, 1999, 2004; Koopmans, Michalowski, & Waibel, 2012; Koopmans, Statham, Giugni, & Passy, 2005; Migration Policy Group, 2010; Soysal, 1994; Wallace Goodman, 2010). The present study aims to bring new countries outside the Western and Organisation for Economic Co-operation and Development (OECD) worlds into focus and to test hypotheses on cross-national differences in immigrant rights against a larger variety of cases than have thus far been considered. Adopting an institutional framework, we build on theories that link immigrant rights to historical trajectories of nationhood, settlement, and colonialism. Regarding current institutional features, we investigate whether liberal democracy affects immigrant rights and whether it matters to what extent countries are integrated in, and committed to, supranational institutions and conventions.

We use our Indicators of Citizenship Rights for Immigrants (ICRI) data set that has recently been extended from originally 10 West European countries (see Koopmans et al., 2012) to 29 countries worldwide, including important immigration countries in Southern and Eastern Europe, North and South America, Africa, the Middle East, East Asia, and Oceania. We use these policy indicators to measure how nations define the boundaries of, and rules of, access to the polity, and the rights, obligations, and identities that tie states and citizens (Koopmans et al., 2005). Citizenship rights for immigrants define in what way immigrants are included into the nation and also help to understand how a nation defines itself.

To clarify what we mean by immigrant citizenship rights, we make two important conceptual distinctions. First, *immigrant* citizenship rights are different from *immigration* rights or policies. Whereas the latter refer to the rules that regulate legal access to a state's territory, the former refer to the rights that immigrants can acquire once they have been granted legal entry.<sup>1</sup> Second, unlike studies on immigrant rights that focus on naturalization and other forms of access to nationality (e.g., Howard, 2009; Janoski, 2010; Vink & Bauböck, 2013), our conceptualization of immigrant citizenship rights is a broader one. It takes into account that access to the nationality of a country is not always a necessary condition for access to rights (see, for example, Hammar, 1990; Soysal, 1994) and is certainly not a sufficient guarantee for fully equal rights; for instance, when the state provides no protection against discrimination or does not provide equal cultural and religious rights.

In our earlier work on immigrant rights (Koopmans et al., 2012), we focused on variables that explained changes in immigrant rights over the

period 1980-2008 in 10 West European countries. The findings pointed toward the importance of electoral factors. Countries where a significant share of the electorate had immigrant roots were more likely to see subsequent liberalizations of immigrant rights, which, if they led to easier naturalization and more immigration, in turn expanded the immigrant electorate. By contrast, countries with strong right-wing populist, anti-immigrant parties saw less strong subsequent expansion or even contractions of immigrant rights. This study, however, also revealed a strong degree of historical continuity across the three decades, with countries' relative positions on immigrant rights in 1980 being the best predictor of their positions in 2008. Across 15 countries for which we have data for both 1980 and 2008 (the 10 countries from the 2012 study plus the United States, Canada, Australia, New Zealand, and Portugal), the correlation between immigrant rights across the two time points is as high as .78 ( $p < .001$ ). Because of its focus on changes over time, our earlier study left these strong historical continuities and relatively stable cross-national rank orderings unexplained. It is these continuities and cross-national differences that are at the center of attention of the current study.

## Theory and Hypotheses

The literature on citizenship rights for immigrants has been strongly influenced by Kohn's (1944) classic distinction between "civic" and "ethnic" nationalism, the former according to Kohn characteristic of early European nation-states West of the Rhine, such as France, the United Kingdom, and Switzerland, and the latter typifying the latecomer nations of Central and Eastern Europe, such as Germany, Poland, and Hungary. In a similar vein, Tilly (1994) distinguished between state-led and state-seeking nationalism. In the former case, a pre-existing territorial state, such as France or the United Kingdom, aimed to galvanize an overarching national identity for an often linguistically, culturally, and religiously heterogeneous population. In state-seeking nationalism, by contrast, ethno-cultural groups that as yet had no unified, sovereign territory sought to establish a state for themselves, either by unifying several smaller polities (as in the cases of Italy and Germany), or by seceding from larger, multinational polities (e.g., Poland or Norway). The state-led nationalism of early nation-states is supposed to go along with civic models of nationhood, in which the key membership criteria of citizenship are birth and residence on the state territory, regardless of ethnicity. The state-seeking nationalism of latecomer nations, by contrast, is supposed to define citizenship in terms of ethnic belonging and includes co-ethnic diasporas abroad within the nation, while denying ethnic minorities living on the state territory full equality (Hobsbawm, 1990; Kohn, 1944).

In his widely influential comparison of France and Germany, Brubaker (1992) claimed that these different historical trajectories of nationhood still shape how nation-states deal with immigrant rights. He argued that the civic-political understanding of the nation that prevails in France gave rise to a territorial notion of citizenship that allowed for easier naturalization of immigrants and automatic access for their French-born children through the *jus soli* principle. The ethno-cultural idiom of nationhood in Germany, by contrast, made access to German citizenship very difficult for immigrants and even for their German-born children, while ethnic Germans outside the territorial boundaries of the state were granted privileged access to citizenship rights.

Although it has been extremely influential as a heuristic descriptive tool, the ethnic–civic distinction is of little use as an explanatory theory for immigrant rights because the “ethnicness” or “civicness” of a nation-state is inextricably tied to the degree to which it extends citizenship rights to immigrants. We can, however, test the underlying idea that these ethnic and civic notions of nationhood have their origins in different historical trajectories related to the type and timing of nation-state formation. If Brubaker’s argument about the reasons for the different ways in which France and Germany treat their immigrants is generalizable, other European latecomer nation-states that resulted from state-seeking nationalist mobilization (such as Italy, Poland, or Norway) should, like Germany, be restrictive regarding the rights of non-ethnic immigrants. By contrast, countries with long-standing territorial sovereignty (such as Spain, the Netherlands, or Sweden) should, like France, be characterized by a civic, inclusive approach to immigrant rights.

A problem with these theories of nationalism and immigrant rights is that they are overwhelmingly based on European examples. Only a handful of non-European states—for example, Japan, China, Ethiopia, Iran, Thailand—are comparable with France in having long-standing independent territorial sovereignty. There are also hardly any non-European nations that resulted from wars of national unification comparable with those that led to the formation of modern Germany and Italy, with perhaps Vietnam as an exception. Likewise, territorial secessions comparable with those that led to the formation of many European states (such as Poland, the Czech Republic, or the states that split off Yugoslavia and the Soviet Union) have been very rare among postcolonial states (the break-up of British India is an early exception, South Sudan is a more recent one). Virtually all non-European countries resulted from independence movements that did not challenge the haphazardly drawn territorial boundaries that resulted from the vagaries of competition among the colonial powers (Austen, 2004). The overwhelming majority of postcolonial states still exist within these colonial boundaries. It is unclear whether the nationalisms of these states should be expected to be more like

the state-seeking nationalisms in Europe (because they gained independent sovereignty through nationalist mobilization) or more like European state-led nationalisms (because their territorial boundaries preceded the formation of the nation and mostly do not even remotely coincide with ethnic boundaries). We will therefore treat postcolonial countries as a separate category in our analyses and will not formulate a directional hypothesis about whether immigrant rights should be more or less inclusive in them. For the other countries, however, theories of nationalism lead us to expect the following:

**Hypothesis 1:** Nation-states that have emerged from state-seeking secessionist or national unification movements will be more restrictive regarding immigrant rights than nation-states with long-standing territorial sovereignty.

Empirical studies of Western European immigration countries and Anglo-Saxon settler states have pointed toward colonialism as another aspect of nation-state formation that has shaped the extension of rights to immigrants. Both Janoski (2010) and Howard (2009) find that former colonial powers tend to be more inclusive regarding immigrant rights. Janoski (2010) argues that to durably and efficiently control their colonial territories, colonial powers had to include elite members of the colonized populations in the colonial administration, and many of these native elites spent time in the colonial metropolises for study and training purposes. Moreover, indigenous soldiers and officers were needed to fight colonial wars or even to defend the home country, as in the First and Second World Wars. Such dedication of colonial subjects to the colonial regime, argues Janoski, could not be obtained without the granting of some rights—even if they fell short of full citizenship—to them. Before, during, and after the decolonization wave between 1945 and 1975, many immigrants from former or remaining colonies used these citizenship or subject rights to migrate to the colonial centers. According to Janoski and Howard, the pre-existing rights of colonial subjects, as well as the mutual cultural familiarity and at least to some extent shared identity between subjects and rulers led to more inclusive rights regimes for immigrants, from which subsequently also non-colonial immigrants profited. This results in the following hypothesis:

**Hypothesis 2:** Former colonial powers will have extended more rights to immigrants compared with countries that have no pre-existing ties to their immigrant populations.

Janoski (2010) further argues that former colonies that became settler countries—in his study represented by the United States, Canada, Australia,

and New Zealand—are likely to grant more rights to immigrants. These colonies were established in parts of the world where the population density of the aboriginal population was low and where natives were often further decimated by wars and diseases that followed the arrival of Western colonizers. As Acemoglu and Robinson (2012) have argued, this made it impossible to base an extractive colonial regime on the exploitation of native labor, as for instance the Spaniards had done in Mexico and Peru, where the aboriginal population density was much higher. Instead, the colonies of North America and Oceania depended on settler immigrants from Europe, who were obviously not willing to come if they were not granted a fair amount of rights and freedom in their new homelands. In the United States, to be sure, the need for labor was initially partly met by imported slaves, but after the abolition of slavery, the only way to continue the settlement and development of its vast territory was to be open to immigration, even though not necessarily to immigrants of all races (see FitzGerald & Cook-Martín, 2014). This may result in a self-perpetuating dynamic, driven by the fact that a large part of the populations of these countries consists of immigrants and their descendants, which creates a more favorable opinion climate for further immigration and expansions of immigrant rights (see Koopmans et al., 2012, for evidence of a similar dynamic in Europe since 1980). Janoski (2010) found that the settler countries indeed have systematically higher naturalization rates—his output indicator for immigrant rights. However, it remains to be seen whether this finding stands the test in a larger sample and for immigrant rights in a broader sense. The settler countries included by Janoski were all Anglo-Saxon democracies, but our sample includes three additional settler countries: Argentina, Venezuela, and Singapore. We hypothesize as follows:

**Hypothesis 3:** Long-standing settler countries will have granted more rights to immigrants, compared with countries that have only recently begun to be confronted with mass immigration.

Moving now from historical legacies to current institutional structures, we highlight two factors: domestic democracy and countries' commitment to, and involvement in, supranational political institutions and norms. Joppke (2001) has argued that the egalitarian norms to which liberal democracies are committed are behind the expansion of immigrant rights in Western countries in the postwar decades. Commitment to these norms, he argues, makes it difficult to exclude immigrants from the full rights that citizens enjoy and to treat different ethnic and religious groups unequally. Because democracy was a virtual constant in most previous studies, there is thus far little empirical evidence for the claim that democracy leads to more inclusive immigrant

rights. Koopmans et al. (2012) looked at a key mechanism that Joppke (2001) proposes for the enforcement of immigrant rights in liberal democracies, namely, independent courts. They found no relationship between the institutional strength of the judiciary and the expansion of immigrant rights in Europe since the 1980s. The same study, however, also provides evidence of a self-reinforcing feedback dynamic in democracies: to the extent that at least some immigrants or their children become citizens, they become part of the electorate and thereby of the calculus of political parties. The larger the immigrant electorate, the greater the pressure to make immigrant rights more inclusive, which in turn expands the immigrant electorate, and so forth.

By contrast, FitzGerald's and Cook-Martin's (2014) study of the link between democracy and racially selective immigration policies across the Americas in the 19th and 20th centuries points in the reverse direction: The most democratic country in the region, the United States, was one of the latest countries in the Hemisphere to remove racially selective immigration barriers. The authors argue that elites in non-democratic states, who have an interest in cheap and abundant labor for their businesses and are not constrained by electoral considerations, may be more open toward immigration than mass electorates, who may be unwilling to allow certain groups of immigrants into the country, both for racist-ideological reasons, and to avoid downward pressures on wages. FitzGerald's and Cook-Martin's evidence is strong, but it pertains mostly to *immigration* rights. Their analyses show that discriminatory patterns are less clear-cut for naturalization policies: although the United States and Canada were the last countries to abolish restrictions for certain ethnic groups in their naturalization laws (in 1952 and 1947, respectively; FitzGerald & Cook-Martin, 2014, see Table A1 in the appendix by Angela S. García), many Latin American countries have retained preferential access to naturalization for culturally proximate—Spanish or Portuguese-speaking—groups until the present (FitzGerald & Cook-Martin, 2014, also see Figure 3). Whether FitzGerald's and Cook-Martin's conclusions on the negative effects of democracy can be extrapolated from immigration policies to immigrant rights is therefore not immediately apparent: although the interest of elites in non-democracies in cheap laborers is clear, it is less clear why they should be willing to extend rights to these workers.

The wide sample of countries in the current study allows for a more wide-ranging test of the liberal democracy argument than has been possible in previous studies of immigrant rights because it includes countries that are, to varying degrees, non-democratic (Kuwait, Singapore, Russia, and Venezuela), as well as Turkey as a borderline case (see below, for the operationalization of democracy). In addition, it includes democracies from geographical and cultural regions that have not been considered in previous studies (e.g., sub-Saharan Africa). Our hypothesis follows Joppke's (2001) and Koopmans



et al.'s (2012) arguments about normative spillover and positive electoral feedback effects:

**Hypothesis 4:** Democratic countries will have extended more rights to immigrants than countries that are less or not democratic.

Against theories that argue that domestic democracy is decisive in shaping immigrant rights, several scholars have argued that the expansion of immigrant rights in the postwar period is mainly driven by the spread of a “postnational citizenship” based in universal notions of individual and group rights laid down in supranational treaties and conventions (Jacobson, 1997; Sassen, 1998; Soysal, 1994). These, so the argument goes, guarantee immigrants’ claims to a wide range of rights that are largely decoupled from national legacies and institutions. Thus far, cross-national studies of immigrant rights have provided little support for this view, but this may be due to the limited range of variation included in these studies. In our own earlier study of 10 West European countries, we found no relationship between immigrant rights and EU membership, but this may have been due to the fact that even the non-EU members in that sample (Norway and Switzerland) are strongly linked to the EU by way of bilateral treaties as well as non-EU forms of European integration, such as the Schengen regime of open borders and common visa regulations. Our current sample allows a much better test of the impact of supranational norms and institutions. It not only includes highly supranationally integrated European Union member states and countries associated to the EU by various treaties (Switzerland, Norway, and Turkey) but also a range of non-European countries with varying levels of integration into supranational institutions and treaties. Based on the postnational perspective, we hypothesize as follows:

**Hypothesis 5:** Countries that are strongly embedded in international organizations and committed to international treaties and the human rights norms that these embody will have extended more rights to immigrants compared with countries that are weakly integrated into international organizations and committed to fewer international treaty obligations.

## **Data and Operationalization**

### *Case Selection*

The 29 countries included in our study harbor 60% of the world’s immigrant population.<sup>2</sup> We started out (see Koopmans et al., 2012) with the 10 most important North and West European immigration countries (Germany,

France, the United Kingdom, the Netherlands, Switzerland, Belgium, Sweden, Denmark, Norway, and Austria) and subsequently extended the data set with the four classical Anglo-Saxon immigration countries (the United States, Canada, Australia, and New Zealand), three South European (Spain, Portugal, and Italy), three East European (Russia, Poland, and the Czech Republic), and three Middle Eastern countries (Turkey, Israel, and Kuwait), as well as two countries each from South America (Argentina and Venezuela), Africa (South Africa and Ghana), and East Asia (Japan and Singapore). We arrived at these choices by first narrowing down the available options to countries where immigration has at least some minimal relevance, both in absolute numbers, and in terms of immigrants' share of the population. As cutoff points, we chose an absolute number of immigrants of at least 250,000 and a population share of at least 0.5% (higher cutoff points would have left us with little to choose in some world regions). This led us to exclude not only many mini-states but also large countries such as India and China, where immigration is marginal relative to the total population. Within each geographical region, we strove to choose the countries with the highest population shares and absolute numbers of immigrants, but we also had to deal with the pragmatic restriction that we were not always able to find suitable local experts to help us gather the information we needed for our coding. This, for instance, prevented us from choosing Saudi Arabia or the United Arab Emirates, but we were able to include Kuwait, the third most important immigration country in the Middle Eastern region in terms of the absolute number of immigrants and the second highest in terms of the immigrant population share. The countries chosen not only cover a wide geographical area, but also vary strongly in terms of the share of immigrants among the total population, from 1% in Poland to 70% in Kuwait; their GDP, from Singapore, the third richest country in the world (International Monetary Fund [IMF], 2015) to Ghana, 139 on the list with a per capita GDP at purchasing power parity that is 20 times lower than Singapore's; as well as our dependent and independent variables of theoretical interest.

### *Dependent Variables*

When comparing immigrant rights, it is important to acknowledge that these may vary strongly across types of immigrants. For instance, undocumented immigrants have very few rights at all, asylum seekers fall under a specific set of regulations, and some countries (e.g., Israel) offer privileged rights to diaspora immigrants that belong to the dominant ethnic group (so-called "co-ethnic" migrants). Regional integration entities such as the EU often confer privileged rights on citizens of member states. We will not focus on such

immigrant groups with special rights, but on mainstream legal immigrants that do not belong to a special preference category.

Building on our previous work (Koopmans et al., 2012; Koopmans et al., 2005), we use a two-dimensional conceptual framework of immigrant rights. The first “individual equality” dimension relates to the question whether immigrants have the same individual rights and duties as non-immigrants. The second, “cultural difference” dimension relates to the discussion on multicultural rights and to whether immigrants can claim rights, exemptions from existing rules, and state support as members of cultural or religious minority groups. Countries that score high on the dimension of individual rights provide easy access to the nationality, encompassing protection against discrimination, and offer similar rights to citizens and aliens. Countries that score high on the cultural and religious difference dimension make few cultural assimilation demands, allow expressions of cultural and religious difference in public institutions, incorporate ethnic and religious organizations in political decision making, and facilitate separate institutional arrangements for minorities in institutions such as schools and public media.

To empirically measure immigrant citizenship rights, we draw on the Indicators of Citizenship Rights for Immigrants Index (ICRI).<sup>3</sup> It is based on 44 policy indicators, 21 pertaining to the individual equality dimension and 23 to the cultural difference dimension.<sup>4</sup> These indicators are identical to those used in our earlier West European study (Table 1 in Koopmans et al., 2012), except for three new indicators that had thus far not been included in the index because they were constant across the original set of countries, but became variables in the wider set. The first of these captures the fact that whereas other countries vary in the criteria they set for naturalization, Kuwait, Singapore, and Israel make it practically impossible for immigrants who do not belong to the dominant ethnic group (Israel) to special categories of high-skilled visa holders (Singapore) or for immigrants generally (Kuwait) to naturalize. Second, several of the newly added countries do not provide for any possibility of family reunification for non-co-ethnic immigrants (Israel) or limit it to select groups of high-skilled workers (Singapore, Russia) or to male immigrants (Kuwait). Third, although other countries vary in the extent to which they grant voting rights to resident non-citizens, Kuwait strongly restricts the voting rights even of those few immigrants who are allowed to naturalize: Thirty years of residence after naturalization are required for the right to vote.

A second adaptation that we needed to make pertained to the religious rights that are part of the cultural difference dimension. Originally, these indicators always referred to Islam, because this is the most important immigrant religion in Western Europe. However, in some of our new countries, Muslims are the majority of the population or another religion than Islam is the most

important immigrant religion. In such cases, we chose the rights of Christians (Turkey, Kuwait, Israel, and Japan), Hindus (Singapore), or Buddhists (Czech Republic) as the basis for coding these indicators.

For the West European countries and the four Anglo-Saxon immigration countries, we have longitudinal data for the period 1980-2008, but for the other countries, our data are limited to the year 2008 because of the limited availability and accessibility of historical data. Our analysis is therefore cross-sectional across the 29 countries for the year 2008. Information was collected and coded with the help of research assistants or, in those cases where we could not ourselves check the primary data because of language limitations, with the help of local experts on immigrant rights. The data set with information on the coding rules and a list of the experts consulted can be found on the project website.<sup>5</sup> In our earlier publication based on 10 West European countries, we compared our data with several other data sets that have quantified aspects of immigrant rights, such as naturalization policies. We found that our coding correlates very strongly with other projects, giving us confidence in the reliability of our country scores.<sup>6</sup> Because few projects have ventured outside of the set of Western countries, we cannot compare our data here for the full set of countries with other available data. The most extensive comparison is possible with the Migrant Integration Policy Index (MIPEX) of the Migration Policy Group, which includes, with the exception of Russia, all the European countries in our sample, as well as Turkey, the United States, Canada, Australia, and Japan. MIPEX virtually only includes indicators that are situated on our individual equality dimension. For the 20 countries that are represented in both data sets, the Pearson correlation between the individual inequality dimension of our data and the MIPEX data for 2010 is as high as .82,  $p < .001$ . MIPEX also correlates strongly with our score across all rights (.81,  $p < .001$ ), but as expected, less strongly with the cultural difference dimension (.67,  $p < .01$ ).<sup>7</sup>

We summarize these indicator data in three dependent variables that average respectively across all 44 indicators and across the individual equality and cultural difference dimensions separately. All indicators are coded on a scale running from -1 (*most restrictive*) to +1 (*most inclusive*), and the same, therefore, also holds for the averaged scores.

### *Explanatory Variables*

Based on the theories behind Hypotheses 1 to 3, we create a typology of five types of countries, which we use as dummy variables in the analysis: former colonial powers, other early nation-states, latecomer nations, settler countries, and other former colonies.

*Colonial powers.* Those countries that by the end of World War II still ruled significant overseas possessions: Great Britain, France, the Netherlands, Spain, Portugal, and Belgium. If countries had lost their colonial possessions by 1945, we consider this experience not relevant for how these countries dealt with postwar immigrants. We thus exclude Germany, Italy, Japan, and Sweden, as well as Denmark, which by the end of World War II only retained Greenland and the Faroe Islands, which even currently have together less than 100,000 inhabitants.

*Other early nation-states.* According to theorists such as Hobsbawm (1992), Kohn (1944), and Tilly (1994), the shift from civic, state-led to ethnic, state-seeking nationalism occurred over the course of the 19th century. We therefore define those countries that already had independent sovereignty by 1850 as early nations, and those that became independent or unified after 1850 as latecomers. Excluding those countries that we classify among the colonial powers (see above) or among the settler states (see below), the following countries make up the category of other early nation-states: Sweden, Denmark, Switzerland, Japan, Russia, Austria, and Turkey. Turkey and Austria did not exist as such in 1850, but formed the core of multinational continental empires. The countries that we know as Turkey and Austria today are the rump states that remained from these empires after World War I. One could therefore alternatively classify them as latecomer nations. In the “Robustness Checks” section after the main analyses, we will consider whether this affects our results. There, we will also examine whether an alternative specification, which uses the number of years a country has been independent instead of the dichotomous distinction between early and latecomer states, and which also captures variation in the timing of nation-state formation among colonial and postcolonial countries, leads to different results.

*Latecomer nations.* These we define as those countries that were not former colonies and that gained independence through ethnic secession or unification after 1850. Thus, the category includes Germany, Italy, Norway, Poland, and the Czech Republic.

*Settler countries.* Following Janoski (2010), settler countries are former colonies established in areas of low pre-colonial population density that were subsequently populated by settler immigrants. In addition to the classical Anglo-Saxon immigration countries—the United States, Canada, Australia, and New Zealand—this definition includes Argentina, Venezuela, and Singapore.<sup>8</sup>

*Other former colonies.* This category includes those former colonies that were not settler countries. Among our sample of countries, this applies to Kuwait, Ghana, and South Africa. We do not consider South Africa as a settler state because it had a large pre-colonial population and even today descendants of settlers make up less than 20% of the population.

*The case of Israel.* Israel is difficult to classify because it resulted from a historical trajectory that is quite unique. From the point of view of its current population, one might see Israel as a settler state (Markus & Semyonov, 2010): About 70% of the population within the 1967 borders is of (Jewish) immigrant descent. However, unlike the settler states that we discussed above, the British mandate territory of Palestine was not sparsely populated. Even today, after several massive waves of post-independence Jewish immigration, Jews make up only roughly half of the population within the former boundaries of Mandatory Palestine. Another reason not to see Israel as a settler country comparable with, for example, Canada or Argentina, is that Jews are one of the native ethnic groups of Palestine, even if prior to the First World War they were a small minority. Israel also differs from non-settler former colonies in that it was not established within the boundaries of a former colonial territory, but instead within a part of this territory designated—first by the United Nations partition plan and then by the Jewish state of Israel that emerged from the 1948 war—as the sovereign home of the Jewish nation. Along the lines of authors such as Samuel Smooha (2002), who labels Israel as an “ethnic democracy,” we believe that Israel is better seen as a latecomer nation, which has more in common with European countries such as Germany or Poland than with former colonies such as Canada or Ghana. Like these European latecomer nations, Israel resulted from an ethno-nationalist movement, Zionism, which aimed at ethnic secession (from Arab Palestine) and national unification (with the Jewish diaspora). The unique feature of Israel is that, unlike Italy and Germany, national unification occurred almost exclusively by way of co-ethnic immigration (Alijah) rather than through territorial unification. In Italy, diaspora immigration played no role in the national unification project, and in Germany, it became a significant factor only after the territorial losses of World War II. We admit, however, that this classification of Israel is debatable and will investigate in the section on “Robustness Checks” whether our results hold if we exclude Israel from the analysis.

Next to the five country types, we include two covariates in our analyses to test Hypotheses 4 and 5:

*Democracy.* We rely on the 2008 measures provided by the Polity IV Project. Polity IV indexes countries’ political systems on a scale from  $-10$  (*fully*

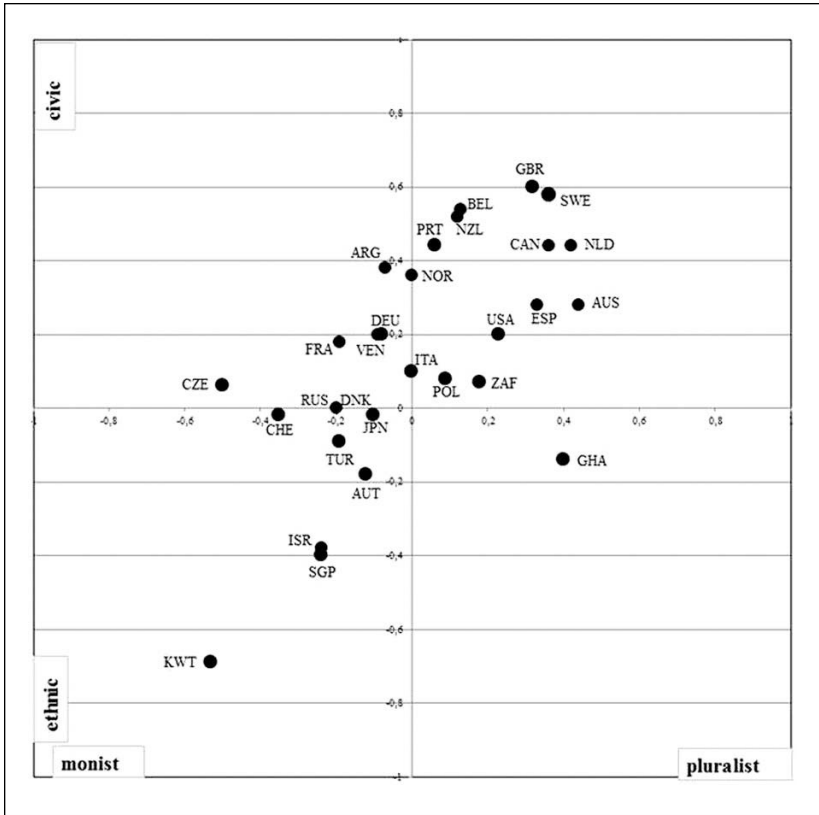
*autocratic*) to +10 (*fully democratic*). Polity classifies countries with a score of 6 or higher as democracies, those with a score of -6 or lower as autocracies, and those in between as anocracies. According to this classification, 25 of the 29 countries in our sample are democracies, three (Venezuela, Russia, and Singapore) are anocracies, and one is an autocracy (Kuwait; see Table A2 for the Polity index scores for each country).

*Political globalization.* We use the 2008 value of the KOF political globalization index developed by the Konjunkturforschungsstelle (KOF) at the Swiss Federal Institute of Technology in Zurich (ETHZ).<sup>9</sup> The measure combines four indicators: the number of foreign embassies and high commissions in a country, the number of international organizations of which it is a member, the number of times a country has participated in United Nations (UN) Security Council missions, and the number of international treaties to which the country is a signatory. According to this index, France, the United States, and Russia are the most politically globalized countries. At the other end of the spectrum, Kuwait, Israel, and Singapore are the countries with the lowest levels of political globalization. We also consider two alternative measures of political globalization. The first is the number of human rights treaties (e.g., the International Convention on the Elimination of All Forms of Racial Discrimination or the International Convention on the Protection of the Rights of All Migrant Workers and Their Families) that a country has signed and/or ratified as reported by the Office of the United Nations High Commissioner for Human Rights.<sup>10</sup> The second alternative measure is the International Non-Governmental Organization Network Country Score (INCS) as developed by Paxton, Hughes, and Reith (2015). Both alternative measures correlate significantly with the KOF measure, but they sometimes place individual countries quite differently. For instance, the United States score very highly on KOF and INCS, but low on the number of ratified human rights treaties.

Tables A1 and A2 in the appendix show the scores of all countries on the dependent and explanatory variables.

## **Descriptive Results: Global Variation in Immigrant Rights Regimes**

Before moving to the explanatory analysis, our descriptive findings deserve attention. Beyond Europe, the classical Anglo-Saxon immigration, and Japan, little was known until now in a systematically comparative manner about how countries in other parts of the world deal with immigrant rights. Figure 1 visualizes the country scores in the two-dimensional policy space that we have elaborated above. On the vertical axis, the individual rights dimension distinguishes



**Figure 1.** Country positions in ICRI's two-dimensional space of immigrant rights. ICRI = Indicators of Citizenship Rights for Immigrants.

countries toward the top that have a “civic” approach to immigrant citizenship rights, with limited distinctions between the rights of immigrants and citizens, easy access to the nationality, and comparatively strong protection against discrimination. Toward the bottom, we find countries with a more “ethnic” approach to immigrant rights, in which aliens have far fewer rights than citizens, obtaining the nationality is difficult or impossible, and discrimination is not only not combated, but in extreme cases, even legally enshrined. On the horizontal axis, the cultural difference dimension distinguishes countries toward the left that have a “monist” conception of cultural rights, which make access for immigrants to rights dependent on cultural assimilation and place restrictions on the expression of immigrant cultures and religions. Toward the right, we find



culturally and religiously “pluralist” countries that place few assimilation demands on immigrants, do not restrict immigrant religions, practice affirmative action for members of racial and cultural minority groups, and provide state recognition and support for ethnic organizations and representation of minorities in institutions such as schools, the media, and the military.

As Figure 1 shows, the combination of a civic approach to individual equality and a pluralist approach to cultural difference, often labeled as “multiculturalism,” is essentially a Western phenomenon. It characterizes the countries in the top right of the figure, most clearly so the United Kingdom, Sweden, Canada, and the Netherlands.

The top left quadrant of the figure delimits what Koopmans et al. (2005) labeled a “universalist” approach to immigrant citizenship rights, which grants a fair deal of equality to immigrants as individuals, but emphasizes assimilation to a shared public culture and grants few cultural and religious rights beyond the private sphere. Four countries come closest to this ideal type: France—the textbook case—but also Germany and the two South American countries, Argentina and Venezuela.

Moving downward in the left part of the figure, we encounter an approach to immigrant rights that Koopmans et al. label as “assimilationist,” which differentiates strongly between the rights of citizens and aliens, puts up high barriers for immigrants to obtain the nationality, requires assimilation to the dominant culture—defined in ethnic rather than civic terms—as a prerequisite for the acquisition of rights, and privileges the dominant religion over immigrant religions. Austria, Switzerland, Turkey, and Japan are most exemplary for this approach. As Koopmans et al. (2012) have shown, Germany also belonged in this camp until the end of the 20th century, when, in the wake of reunification, the country embarked on a liberalization of immigrant rights, particularly where access to the nationality is concerned. Three countries exemplify the combination of few individual and few cultural rights for immigrants to such an extent that they do not fit the label “assimilationist.” While in countries such as Switzerland immigrants can obtain equal citizenship rights even though the requirements are strict, Singapore, Israel, and Kuwait do not even provide non-co-ethnic immigrants with a roadmap to full citizenship, or even to permanent residence, and they are not “assimilationist” in any meaningful sense because they do not even strive to assimilate these immigrants into the dominant culture. The approach to immigrant rights in these three countries is therefore better characterized as “full exclusion.” Because they deviate so much from the other cases, it is worthwhile to give some examples of the degree of exclusion immigrants face in these countries, which we could only to some extent capture in our selected indicators. In all three countries, immigrants face immediate deportation if the labor contract

with their “sponsoring” employer ends. In Singapore and Kuwait, there is moreover little protection against employer arbitrariness, making immigrants extremely dependent on their employers with attendant risks of exploitation and abuse (for Singapore, see Bal, 2015; Yeoh & Chee, 2015; Yeoh & Lin, 2012; for Kuwait, see the chapter on the discrimination of immigrants in El-Najjar, 2001; for Israel, see Rajiman, Semyonov, & Schmidt, 2003; Rosenhek, 2000). Whereas all other countries delimit deportation after criminal conviction, based on some combination of the seriousness of the crime and the length of residence, Singapore and Kuwait allow the unconditional deportation of immigrants for any criminal conviction. In Israel and (excepting the highly skilled) Singapore, there is no right to family reunification for immigrants. In Singapore, most immigrants cannot even marry a Singaporean citizen, and female immigrant workers must undergo regular pregnancy tests and are deported when pregnant.

One country, Ghana, populates the lower right quadrant of the figure, which delimits what Koopmans et al. (2005) labeled as a “segregationist” approach, with relatively little individual equality, but relatively generous cultural group rights. To be sure, Ghana is not an extreme variant of such an approach, because it offers immigrants a degree of individual equality comparable with Turkey and Austria. The broad set of cultural rights available to immigrants in Ghana results primarily from the fact that although Ghana is a predominantly Christian country, Muslim immigrants profit from the religious rights that the autochthonous Muslim population (which forms about 18% of Ghana’s population) enjoys. The same reason also applies to South Africa and Poland, the two countries situated most closely to Ghana. Both countries have small but long-standing Muslim minorities, respectively of Indian and Malay, and of Tatar origin, that date back several centuries. However, there is no necessary relationship between the presence of historical religious minorities and cultural rights for immigrants, because much depends on the rights status of these historical minorities. A case in point is Turkey, where historical as well as immigrant Christian minorities face strong restrictions.

## Multivariate Regression Results

Table 1 shows the results of multivariate linear regressions using the country types, democracy, and political globalization as predictor variables. For the country types, we chose latecomer nations as the reference category, because they are theoretically predicted to be least likely to grant immigrants rights. Because with a sample size of 29 we have limited statistical power, we also report significance at the  $p < .10$  level. Statistical significance and power issues

**Table 1.** Multivariate Regression Results of ICRI Immigrant Rights on Historical and Institutional Predictors (B Coefficients and Standard Errors).

	All immigrant rights	Individual equality rights	Cultural and religious difference rights
Latecomer nation (reference category)	—	—	—
Former colonial power	.31 (.10)**	.31 (.12)*	.31 (.12)*
Other early nation-state	-.00 (.10)	-.04 (.12)	.04 (.12)
Settler country	.35 (.09)***	.33 (.12)**	.37 (.11)**
Other former colony	.20 (.13)	-.02 (.16)	.44 (.16)**
Democracy	.04 (.01)**	.03 (.01)*	.04 (.01)**
Political globalization (divided by 10)	.03 (.03)	.05 (.03)	.01 (.03)
N	29	29	29
Adjusted R <sup>2</sup>	.628	.591	.481

ICRI = Indicators of Citizenship Rights for Immigrants.

† $p < .10$ . \* $p < .05$ . \*\* $p < .01$ . \*\*\* $p < .001$ .

should anyway be relativized in the case at hand, because ours is not a random sample from the population of 200 or so independent states, but a sample weighted by the absolute and relative sizes of countries' immigrant populations, which altogether includes 60% of the world immigrant population. We use classical instead of robust standard errors because Breusch–Pagan/Cook–Weisberg post-estimation tests do not provide any evidence of heteroscedasticity. Moreover, Wooldridge (2015) cautions against using robust standard errors with small sample sizes. He argues that “with small sample sizes, the robust  $t$  statistic can have distributions that are not very close to the  $t$  distribution, and that could throw off our inference” (Wooldridge, 2015, p. 275). Indeed, we find that in our case, robust standard errors tend to be lower than classical standard errors. Relying on the latter is therefore more conservative.

The results show that in line with Hypotheses 2 and 4, former colonial powers, settler countries, and democracies have granted immigrants more rights. The magnitudes of these differences are sizable: former colonial powers and settler countries score .31 and .35, respectively, higher than latecomer nations on the  $-1$  to  $+1$  index of all immigrant rights, which is more than a standard deviation (.27), and almost one third of the variable's empirical range (which runs from  $-.61$  to  $+.47$ ). Democracy also matters substantially: for every point on the Polity IV scale, immigrant rights increase by .04, implying that non-democracies (Polity IV scores of 5 or lower) score at least .20 lower on immigrant rights than full democracies (Polity score  $+10$ ). Indeed, as Figure 1 showed, all former colonial powers are situated in the individually inclusive top half of the figure, and the same is true for all settler countries, with the exception of non-democratic Singapore. All non-democratic countries are situated on the culturally

monist side of the spectrum, and all but one of them—Venezuela—are among the less inclusive countries regarding individual equality rights.

The results, however, do not support Hypothesis 5, which states that supranational obligations and commitments have an independent impact on immigrant rights. Bi-variately political globalization is significantly positively correlated with immigrant rights ( $r = .44, p < .05$ ), but once we take into account that democracies are more politically globalized ( $r = .49, p < .01$ ), countries' degree of political globalization does not seem to exert much of an independent influence. Even if, in view of the small sample size, we disregard the lack of statistical significance, the coefficients for political globalization have a modest magnitude. A one standard deviation increase by 23 points on the 0 to 100 political globalization scale is associated with an increase of only .07 for immigrant rights overall. For individual equality rights, the effect size is somewhat larger (+.11 for a one standard deviation increase of political globalization) and comes close to statistical significance at the  $p < .10$  level. Results using the density of international NGO's as an alternative indicator of political globalization provide even less support for Hypothesis 5. Using the number of human rights treaties signed reveals a marginally significant effect ( $B = .03, p = .082$ ) on individual equality rights, which is, however, substantially not very large: an increase of +.07 in individual equality rights for a one standard deviation increase of 2.6 ratified human rights treaties. All in all, these results confirm Joppke's (2001) idea that nationally circumscribed norms of inclusion and equality, rather than supranational obligations and norms are decisive when it comes to providing immigrants access to rights.

In view of the strong emphasis in the literature on the contrast between supposedly "civic" nations where the territorial state predated the idea of nationhood and supposedly "ethnic" latecomer nations where the idea of the nation predated statehood, the most striking finding is that the difference between early and latecomer nations does not even come remotely close to being significant and even has the wrong sign for two of the three regressions. Our results suggest that the contrast that Brubaker found between the degree to which France and Germany have historically granted immigrants access to equal rights may not have been so much due to their early and late statehood, respectively, but to the fact that France has, and Germany does not have a long and significant history of colonialism.

That colonialism has more to do with immigrant rights than has previously been acknowledged is also suggested by the fact that, once we control for democracy, non-settler former colonies turn out to be more likely to grant immigrants cultural rights. Here, however, we are skating on thin ice, because we only have three non-settler former colonies in our sample (South Africa, Ghana, and Kuwait).

**Table 2.** Multivariate Regression Results of ICRI Immigrant Rights on Historical and Institutional Predictors With Alternative Specification of the Timing of National Sovereignty (*B* Coefficients and Standard Errors).

	All immigrant rights	Individual equality rights	Cultural and religious difference rights
Years since independence (divided by 10)	-.00 (.00)	-.00 (.00)	.00 (.00)
Former colonial power	.31 (.08)***	.35 (.10)**	.28 (.10)*
Settler country	.35 (.08)***	.33 (.11)**	.35 (.10)**
Other former colony	.20 (.12)	-.04 (.16)	.42 (.15)*
Democracy	.04 (.01)**	.03 (.01)*	.04 (.01)**
Political globalization (divided by 10)	.03 (.03)	.05 (.03) <sup>†</sup>	.02 (.03)
<i>N</i>	29	29	29
Adjusted <i>R</i> <sup>2</sup>	.68	.597	.478

ICRI = Indicators of Citizenship Rights for Immigrants.

<sup>†</sup>*p* < .10. \**p* < .05. \*\**p* < .01. \*\*\**p* < .001.

In the regressions of Table 1, we distinguished between early and latecomer nations in a dichotomous fashion (independent before or after 1850) and applied the distinction only to countries that were not former colonies or colonizers. However, 1850 is admittedly somewhat arbitrary as a boundary, and the timing of independent nationhood may matter for former colonies and colonizers as well. In Table 2, we therefore reran the regressions using a continuous specification across all countries. We take the count of the years (in decades) since a country became independent or unified, going maximally back in time until 1648, the year of the Peace of Westphalia that is widely regarded as the starting point of the international order of sovereign nation-states. The results as shown in Table 2 are virtually identical to those in Table 1.<sup>11</sup> No matter how we specify the timing of independent nationhood, it has no influence on the degree to which countries grant rights to immigrants. The decisive country characteristics remain being a former colonial power or a settler country and the degree of democracy. The only noteworthy difference between Tables 1 and 2 is that in the regression of individual equality rights, political globalization becomes marginally significant.

### Robustness Checks

Taking the regressions of Table 1 as our point of departure, we first investigate to what extent some of our country classification decisions affect the results. To begin with, we exclude Israel, our most difficult case to classify. There is

no substantial difference in the results: All predictors that were significant remain so, and all that were insignificant remain so, too. Using the jackknife method, we generalize this approach to robustness by one after the other excluding one of the 29 cases from the analysis. The results are highly similar, with one exception: The coefficient for other former colonies in the all immigrant rights regression now becomes significant at the  $p < .05$  level ( $B = .44, p = .024$ ). We also ran models excluding two *pairs* of potentially problematic cases. As we argued above, our decision to classify Turkey and Austria as early nations may be contested. However, if we exclude these two countries, there is again hardly any change in the results. The only exception is that in the regression of individual equality rights, political globalization becomes marginally significant ( $B = .01, p = .09$ ). Nothing substantial changes, either, when we alternatively exclude Denmark and Belgium. One could argue that Denmark should also have been classified as a colonial power (because it still had some sparsely populated overseas territories left after World War II), or alternatively that Belgium should not have been coded as a colonial power because its occupation of the Congo was relatively short compared with the long colonial histories of the other colonial powers (Janoski, 2010).

Next, we consider the possibility that the relationships we observe in Table 1 could be spurious because we fail to control for potentially relevant economic and demographic variables. We consider the following variables and provide some intuitive arguments why they might be relevant for immigrant rights:

*Per capita GDP at purchasing power parity.* One could argue that rich countries can more easily afford to grant immigrants rights or that they depend more on immigrant labor for their economies and grant rights to be attractive for immigrants (IMF, 2015).

*Gini Coefficient of income inequality.* Countries with more equal income distributions might also be more inclined to grant equal rights to immigrants (Central Intelligence Agency [CIA], 2015).

*Economic globalization.* Similar to the argument for rich countries, countries that are more strongly integrated into the world economy may depend more on immigrant labor and might therefore be more inclined to grant rights to be attractive for immigrants. (KOF Economic Globalization Index developed by the Swiss Federal Institute of Technology ETH in Zurich)<sup>12</sup>

*Immigrant population fraction.* Large immigrant populations could be perceived as more threatening than small populations, resulting in fewer rights for immigrants where there are many of them. Conversely, large immigrant

populations may be more able to push for rights than small ones, resulting in the opposite pattern.<sup>13</sup>

*Ethnic diversity.* We use a combined scale of Alesina, Devleeschauwer, Easterly, Kurlat, & Wacziarg's (2003) and Fearon's (2003) ethnic diversity scores. Cultural homogeneity might be associated with an ethnic conception of nationhood, whereas cultural heterogeneity might facilitate a civic idea of the nation that is more open to granting rights to immigrants.

We add these variables one at a time, because including all of them at once leads standard errors to explode because of the high number of predictor variables relative to the number of cases. The results of these additional analyses are clear-cut: None of the control variables comes even close to attaining statistical significance. Moreover, their inclusion does not significantly affect the pattern of the findings. Including GDP, Gini Coefficient, or ethnic diversity does not lead to any substantial changes. Including the immigrant population fraction leaves the results for all rights and cultural difference rights unaffected, but in the individual equality rights regression, the coefficient of democracy drops just below the .10 significance level ( $B = .03, p = .11$ ). Inclusion of economic globalization leaves all significant coefficients unaffected, but other colonies become marginally significant in the all rights regression ( $B = .28, p = .07$ ) and so does political globalization in the individual equality rights regression ( $B = .01, p = .08$ ). These few changes are all marginal and produced by the inclusion of variables that themselves are statistically insignificant, and they therefore do not call any of our conclusions seriously into question.

## **A Replication With the MIPLEX Immigrant Rights Data**

We put the robustness of our findings to an even stronger test by using an alternative measure of the dependent variable. The MIPLEX data discussed above provide such an alternative, at least for the individual equality dimension of immigrant rights. This, moreover, allows us to replicate our analysis on a different sample of countries. ICRI and MIPLEX overlap for 20 countries, but MIPLEX scores for 2010 are available for 19 additional countries. For three of these, Armenia, Bosnia, and Macedonia, no data are available from the KOF political globalization index, and for Malta, there are no Polity IV data. This leaves us with 15 additional countries: Bulgaria, Croatia, Cyprus, Estonia, Finland, Greece, Hungary, Ireland, Latvia, Lithuania, Luxemburg, Romania, Slovakia, Slovenia, and South Korea. In terms of our classification of countries' histories of nationhood and colonialism, we classify Greece as an early nation-state (independent since 1829), Cyprus as a former colony,

**Table 3.** Multivariate Regression Results of ICRI and MIPEX Individual Equality Rights on Historical and Institutional Predictors (B Coefficients and Standard Errors).

	ICRI individual equality rights (cf. Table 2)	MIPEX	MIPEX European countries
Latecomer nation (reference category)	—	—	—
Former colonial power	.31 (.12)*	11.39 (5.98)†	15.55 (5.40)**
Other early nation-state	-.04 (.12)	-5.13 (5.50)	0.30 (5.57)
Settler country	.33 (.12)**	13.02 (7.34)†	—
Other former colony	-.02 (.16)	-11.09 (12.62)	-11.68 (12.60)
Democracy	.03 (.01)*	5.34 (2.42)*	6.40 (2.76)*
Political globalization (/10)	.05 (.03)	1.54 (1.25)	—
EU member	—	—	-0.23 (6.83)
Schengen member	—	—	6.17 (5.64)
<i>n</i>	29	35	30
Adjusted <i>R</i> <sup>2</sup>	.591	.347	.340

ICRI = Indicators of Citizenship Rights for Immigrants; MIPEX = Migrant Integration Policy Index.  
 †*p* < .10. \**p* < .05. \*\**p* < .01. \*\*\**p* < .001.

and the remaining 13 as latecomer nations. Even though MIPEX includes more countries than ICRI, it is less inclusive of the world's immigrant population because most of the additional countries in MIPEX have small immigrant populations: The 20 countries included in both data sets cover 49% of the world immigrant population, ICRI's nine unique countries add 11%, whereas the 15 countries unique to MIPEX add only 3%.

For comparison, the first column of Table 3 replicates the regression of individual equality rights using the ICRI data from Table 1. The second column shows the results using MIPEX. Even though both the measure of immigrant rights and the sample of countries are different, the results are substantially identical: Former colonial powers, settler countries, and democracies grant immigrants more rights, and there is no difference between early and latecomer nations, nor is there any significant effect of political globalization. Results using years since independence instead of the dichotomous distinction of late and early nation-states are similar, except that the coefficient for former colonizers becomes more highly significant at *p* < .05.

The MIPEX data in addition provide us with the possibility to zoom in on Europe. Theories of nationhood and immigrant citizenship rights have been developed with Europe as the frame of reference, and therefore, if there is any place where we should find evidence of a difference between early and latecomer nations, it should be here. Moreover, Europe is at the forefront of political globalization, so again, this should be the best place to find evidence



of its effects. In the third column of Table 3, we exclude Japan, South Korea, the United States, Canada, and Australia from the analysis, and focus on the remaining 30 European countries. As relevant measures of political globalization in this context, we take EU membership (Switzerland, Norway, Croatia, and Turkey were not members as of 2008) and membership of the Schengen area of open borders and common visa policies (five EU members, Bulgaria, Romania, Cyprus, Ireland, and the United Kingdom, are not Schengen members; two non-EU member states, Norway and Switzerland, are part of Schengen).

The results show that neither EU nor Schengen membership has a significant impact on the granting of rights to immigrants. We again find that former colonial powers and democratic countries grant immigrants more rights, but that there is no significant difference between early nation-states and late-comer nations.

## **Discussion and Conclusion**

In this article, we have presented the results of the geographically broadest study of immigrant rights undertaken so far. It uses two different cross-national data sets on immigrant rights (ICRI and MIPEX) and covers altogether 44 countries across all continents that are home to almost two thirds of the world's immigrant population. Besides the rich, Western democracies on which most previous work has been based, we include several non-democratic, non-OECD, and non-Western countries. This puts us in a position to test existing theories on immigrant rights in a wider sample that exhibits greater variation on crucial theoretical variables such as the degree of democracy and political globalization, as well as on potentially confounding variables such as GDP and autochthonous ethnic diversity.

In view of the importance that has been attached in the literature on immigrant rights to the timing of nationhood and associated types of nationalism, our most striking finding is perhaps that there is no significant difference between early, supposedly "civic" nations, and late, supposedly "ethnic" ones. Early nations such as Denmark and Switzerland can be as restrictive in granting immigrant rights as, or even more restrictive than latecomer nations such as Norway and Germany.

The only early nation-states that clearly stand out with more inclusive immigrant rights are those that were major colonizing powers: the United Kingdom, France, Spain, Portugal, the Netherlands, and Belgium. This finding is in line with previous studies (Howard, 2009; Janoski, 2010) but confirms the relevance of colonialism as a facilitator of immigrant rights within a wider sample of countries. Our results suggest that the much-debated

difference between the ways in which France and Germany have historically dealt with immigrant rights has more to do with the fact that the former was a major colonial power and the latter not, rather than with their different trajectories and timing of nationhood.

Another aspect of colonialism also turned out to be important: Former colonies where the native population density was small and that developed through mass immigration of settlers tend to have significantly more inclusive immigrant rights policies. This result, too, confirms previous findings (Janoski, 2010), but extends the range of observations beyond the Anglo-Saxon settler states to include Argentina, Venezuela, and Singapore.

The fact that both former colonial powers and settler countries are more likely to extend rights to immigrants indicates that historical experiences with immigration and cultural difference matter. Former colonial powers have a heritage of centuries of interaction with races, cultures, and religions in other parts of the world, which European countries that were not or only marginally involved in colonialism lack. Settler countries have developed as nations of immigrants, and the immigration experience is part of their national identities. Interestingly, in both cases, these experiences have positive impacts on immigrant rights even though colonialism and settlement occurred under conditions of sharp inequality and conflict between colonizers and colonized and between settlers and natives. One could easily have imagined the relationship with immigrant rights to have been the other way around, in the sense that the racism, exploitation, and extermination that accompanied colonialism and settlement would have made colonial powers and settler countries more, rather than less restrictive in granting rights to immigrants, or at least to those that are racially and culturally different. Historically, former colonizers and settler countries have certainly had racist immigration policies (see FitzGerald & Cook-Martin, 2014). But still, at least in the long run, their accumulated experience with cultural difference and immigration has made them more open toward immigrants and their cultural difference than countries without a colonial experience.

A likely mechanism behind the inclusive approaches of former colonial powers and settler countries to immigrant rights is electoral politics, the same factor that we identified in our earlier study of changes in immigrant rights in Europe over the period 1980-2008 (Koopmans et al., 2012) as the major driver of temporal change. In settler democracies, this is most obvious. For example, according to the 2011 census, 28% of Australians were foreign-born, and 46% had at least one foreign-born parent. Combined with easy access to naturalization and *jus soli* acquisition of the nationality for Australian-born children of immigrants, this implies a huge electorate for whom immigrant rights are about themselves, their children, and their

parents. Democracy is, of course, a precondition for immigrants to have any electoral influence, and it is therefore no coincidence that Singapore, the only non-democratic settler country in our sample, deviates from the other settler countries.

On a smaller scale, similar electoral processes occur in democracies that used to be colonial powers. Many colonial immigrants came to these countries with full citizenship rights (e.g., French Algerians or Dutch Indonesians) with voting rights for nationals of former colonies (e.g., citizens of British Commonwealth countries in the United Kingdom), or they can profit from bilateral agreements with former colonies that grant easier and faster naturalization (e.g., citizens of many Latin American countries in Spain). Some former colonial powers still retain overseas possessions, the inhabitants of which are full citizens who can either directly vote for the national parliament (e.g., inhabitants of the French overseas departments) or have unrestricted immigration rights and full voting rights on arrival (e.g., Dutch Antilleans). Thus, postcolonial immigrants and their children contribute to the growth of an electorate that is rooted in the immigration experience and that will be more sympathetic to inclusive immigrant rights than the electorates of countries where very few voters have an immigrant background.

While in earlier studies of immigrant rights democracy was a virtual constant, our wider sample of countries allowed us to show that democracy is an important condition for granting citizenship rights to immigrants. Partly, this effect of democracy is, in line with Joppke's (2001) arguments, one of normative spillover: Countries that do not grant their own citizens many rights are not likely to be open to immigrants, either, and vice versa. However, the electoral mechanisms just described will also play a role, even—on a smaller scale and at a slower pace—in countries without any history of colonialism or settlement. Even in these countries, immigration inevitably trickles down into the electorate. As we showed earlier (Koopmans et al., 2012), across Western Europe, the immigrant electorate has expanded over the period 1980-2008. Even in countries with restrictive naturalization regimes, some immigrants will naturalize, children will be born to mixed marriages of nationals and non-nationals, and thus slowly the immigrant electorate expands. If the immigrant population is large enough, even very low naturalization rates can lead to rapid growth of the immigrant electorate: Between 1980 and 2008, immigrant voters (defined as those who are either themselves born abroad or have at least one foreign-born parent) expanded from 3% to 12% of the Swiss electorate (Koopmans et al., 2012).

In line with previous studies, but based on a much stronger evidential basis, we further show that beyond the self-commitment of democratic countries to minimum standards of inclusiveness and equality, countries'

integration into, and commitment to supranational norms, conventions, and institutions do not have much of an additional effect. We only found some substantively modest and statistically marginally significant effects in this direction in some of the regression specifications for the individual equality dimension of immigrant rights. In Europe, the most politically globalized continent, we find no evidence at all of an impact on immigrant rights of commitments to supranational obligations generally or specifically of membership in the EU or in the Schengen area of open borders and common visa policies.

Overall, the predictive power of our models using the ICRI data as the dependent variable is very good, ranging from 63% explained variance across all rights to 60% for individual equality rights and 48% for cultural difference rights. The analyses using the MIPEX data have lower explained variances, around 35%. This may either be a result of the MIPEX data containing more noise or of the lower range of variation in the MIPEX data because they are largely made up of European countries, and have only limited variation on the democracy variable. Our models using the ICRI data also predict the scores of individual countries quite accurately. Inspection of the standardized residuals from the regressions of Table 1 reveals two noteworthy exceptions. The score of France is significantly lower than the model for cultural difference rights predicts. This is most likely due to France's strong commitment to a militant form of secularism known as *laïcité*, which has made the country more restrictive in granting religious rights than could be expected on the basis of it being a democracy and a former colonial power. For future analyses, it would be worthwhile to look more closely at the role of church–state relationships for immigrant rights on the cultural difference dimension. Unfortunately, we found currently available comparative measures not to be useful for our analyses.<sup>14</sup> Sweden is the other exception; it scores significantly higher on both the individual equality and cultural difference rights dimensions than its status as a non-colonizer would lead us to expect. For this outlier, we do not have an explanation on offer, especially not because its two Scandinavian neighbors, Norway and Denmark, differ considerably from Sweden.

Although our study has begun to extend the focus beyond the “usual suspects” from Europe and the Anglo-Saxon immigration countries, even our sample still includes only a limited number of non-democracies and non-OECD countries. The selection of additional country-cases should be guided by theoretical considerations (e.g., Bjerre, Helbling, Römer, & Zobel, 2015; Goodman, 2015). In view of the variables that our analysis has shown to be relevant, it would be particularly valuable to extend the range of observations to include additional Latin American settler countries (e.g., Uruguay, Chile,

Brazil), as well as other former colonies, both democratic and non-democratic ones. Our results suggested that not only settler countries but also former colonies more generally might be more accommodating where cultural rights for immigrants are concerned, but because our sample only included three former colonies that are not settler countries (Ghana, South Africa, and Kuwait), this observation as yet rests on a too narrow basis.

## Appendix

**Table A1.** Mean Values of Dependent Variables by Country.

Country	ICRI			MIPEX 2010
	All immigrant rights 2008	Individual equality rights 2008	Cultural difference rights 2008	
Argentina	.17	.38	.07	—
Australia	.36	.28	.34	48
Austria	-.16	-.24	-.08	62
Belgium	.39	.56	.22	67
Bulgaria	—	—	—	41
Canada	.40	.44	.36	72
Croatia	—	—	—	42
Cyprus	—	—	—	35
Czech Republic	-.19	.06	-.50	46
Denmark	-.10	.00	-.20	53
Estonia	—	—	—	46
Finland	—	—	—	69
France	.00	.18	-.19	51
Germany	-.01	.08	-.10	57
Greece	—	—	—	49
Ghana	.13	-.14	.40	—
Hungary	—	—	—	45
Ireland	—	—	—	49
Israel	-.30	-.38	-.24	—
Italy	.05	.10	.00	60
Japan	-.06	-.02	-.10	38
Kuwait	-.62	-.69	-.53	—
Latvia	—	—	—	31
Lithuania	—	—	—	40
Luxemburg	—	—	—	59
Netherlands	.43	.42	.44	68

(continued)

**Table A1. (continued)**

Country	ICRI			MIPEX 2010
	All immigrant rights 2008	Individual equality rights 2008	Cultural difference rights 2008	
New Zealand	.32	.52	.12	—
Norway	.18	.36	.00	66
Poland	.08	.08	.09	42
Portugal	.28	.44	.06	79
Romania	—	—	—	45
Russia	-.10	.00	-.20	—
Singapore	-.31	-.40	-.24	—
Slovakia	—	—	—	36
Slovenia	—	—	—	49
South Africa	.12	.07	.18	—
South Korea	—	—	—	60
Spain	.31	.28	.33	63
Sweden	.47	.58	.36	83
Switzerland	-.18	-.02	-.36	43
Turkey	-.14	-.09	-.19	24
United Kingdom	.45	.58	.32	57
United States	.21	.20	.23	62
Venezuela	.17	.31	.00	—
M	.08	.14	.02	52

ICRI = Indicators of Citizenship Rights for Immigrants; MIPEX = Migrant Integration Policy Index.

**Table A2.** Mean Values of Independent Variables Used in the Main ICRI Analyses and in the MIPEX Replication by Country.

Country	Country type	Polity IV score	KOF index of political globalization	EU member	Schengen member	Years since independence	Human rights treaties signed	International NGO density
Argentina	3	8	87.42	0	0	192	18.0	0.85
Australia	3	10	84.82	0	0	77	13.5	0.93
Austria	2	10	93.86	1	1	360	15.5	0.90
Belgium	1	8	94.22	1	1	169	16.5	0.94
Bulgaria	0	9	70.89	1	0	100	14.0	0.66
Canada	3	10	73.21	0	0	77	13.0	0.96
Croatia	0	9	69.92	0	0	17	15.0	0.63
Cyprus	4	10	31.38	1	0	48	15.0	—
Czech Republic	0	8	83.27	1	1	15	14.5	0.81

(continued)

Table A2. (continued)

Country	Country type	Polity IV score	KOF index of political globalization	EU member	Schengen member	Years since independence	Human rights treaties signed	International NGO density
Denmark	2	10	88.72	1	1	360	15.5	0.89
Estonia	0	9	42.14	1	1	17	13.0	0.51
Finland	0	10	80.13	1	1	91	15.5	0.89
France	1	9	98.64	1	1	360	17.0	0.99
Germany	0	10	95.17	1	1	138	16.0	1.00
Greece	0	10	83.85	1	1	179	15.0	0.83
Ghana	4	8	68.87	0	0	51	14.5	0.42
Hungary	0	10	81.89	1	1	88	14.0	0.85
Ireland	0	10	74.91	1	0	71	13.5	0.78
Israel	0	10	43.05	0	0	60	9.0	0.83
Italy	0	10	95.62	1	1	137	17.0	0.97
Japan	2	10	83.59	0	0	360	10.0	0.93
Kuwait	4	-7	45.07	0	0	47	9.0	0.35
Latvia	0	8	27.12	1	1	17	12.0	0.49
Lithuania	0	10	46.13	1	1	18	15.5	0.52
Luxemburg	0	10	33.00	1	1	118	16.5	—
Netherlands	1	10	87.38	1	1	360	15.0	0.96
New Zealand	3	10	65.94	0	0	77	13.0	0.78
Norway	0	10	78.18	0	1	103	14.5	0.86
Poland	0	10	91.12	1	1	90	14.0	0.87
Portugal	1	10	86.45	1	1	360	17.0	0.85
Romania	0	9	84.82	1	0	130	14.5	0.71
Russia	2	4	96.04	0	0	360	11.0	0.81
Singapore	3	-2	32.12	0	0	43	4.5	0.59
Slovakia	0	10	65.07	1	1	15	16.0	0.62
Slovenia	0	10	54.49	1	1	17	15.5	0.63
South Africa	4	9	82.80	0	0	77	13.5	0.83
South Korea	2	8	86.28	0	0	63	11.0	0.76
Spain	1	10	91.49	1	1	360	17.0	0.96
Sweden	2	10	94.69	1	1	360	14.5	0.92
Switzerland	2	10	86.15	0	1	360	12.5	0.94
Turkey	2	7	87.88	0	0	360	15.5	0.73
United Kingdom	1	10	95.52	1	0	360	13.0	0.94
United States	3	10	96.67	0	0	232	7.0	0.97
Venezuela	3	5	51.85	0	0	189	15.0	0.62
M	—	8.6	74.81	0.59	0.52	161	13.9	0.79

Country type 0 = *latecomer nation*; 1 = *former colonizer*; 2 = *other early nation*; 3 = *settler country*; 4 = *other former colony*. ICRI = Indicators of Citizenship Rights for Immigrants; KOF = Konjunkturforschungsstelle; MIPEX = Migrant Integration Policy Index.

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## Notes

1. A number of recent research projects have begun collecting data on immigration rights and policies, including Immigration Policies in Comparison (IMPIC) (Bjerre, Helbling, Römer, & Zobel, 2015; Helbling, Bjerre, Römer, & Zobel, 2016) and International Migration Policy And Law Analysis (IMPALA) (Beine et al., 2015). So far, only preliminary results from these projects have been published, and their data are not yet publicly available. The question of the relationship between immigrant and immigration rights is intriguing and can, in the near future, be addressed by linking these new immigration policy data sets to immigrant rights data such as ours.
2. See [http://en.wikipedia.org/wiki/List\\_of\\_countries\\_by\\_immigrant\\_population](http://en.wikipedia.org/wiki/List_of_countries_by_immigrant_population)
3. See [www.wzb.eu/en/research/migration-and-diversity/migration-integration-transnationalization/projects/indicators-of-citizenship](http://www.wzb.eu/en/research/migration-and-diversity/migration-integration-transnationalization/projects/indicators-of-citizenship)
4. For a full list of the ICRI indicators used in this project, see [www.wzb.eu/en/research/migration-and-diversity/migration-integration-transnationalization/projects/indicators-of-citizenship](http://www.wzb.eu/en/research/migration-and-diversity/migration-integration-transnationalization/projects/indicators-of-citizenship)
5. See <https://www.wzb.eu/en/research/migration-and-diversity/migration-integration-transnationalization/projects/indicators-of-citizenship>
6. Since then, two additional comparative data sources on immigrant rights have become available, which both refer to the individual equality dimension of immigrant rights. The European Union Democracy Observatory on Citizenship (EUDO) has compiled CITLAW Citizenship Law Indicators (see Vink & Bauböck, 2013) on loss and acquisition of nationality across European countries, of immigrants, natives, as well as emigrants. For the 18 countries that are included in both CITLAW and ICRI, the CITLAW sub-indicator on general ordinary naturalization (ANATORD) correlates .84 ( $p < .001$ ) with ICRI's individual equality dimension. The immigrant inclusion index (IMIX; see Blatter et al., 2015) codes electoral rights of immigrants, combining indicators on nationality acquisition and voting rights. For the 15 overlapping countries, the correlation between IMIX and ICRI's individual equality dimension is .79 ( $p < .001$ ).
7. Notably, although our individual equality dimension correlates very highly with alternative indices (.82 with Migrant Integration Policy Index [MIPEX]; .84 with CITLAW/ANATORD, and .79 with IMIX), mutual correlations among the other indices are much weaker (MIPEX-CITLAW/ANATORD = .48; MIPEX-IMIX = .48; IMIX-CITLAW/ANATORD = .58), suggesting that our index best captures the common underlying construct of immigrant rights.



8. By classifying them in the group of settler states and not among the former colonial powers, we disregard the fact that Australia and New Zealand briefly ruled former German colonies (Papua New Guinea and Samoa, respectively) and that the United States even today exerts sovereignty over a few former Spanish and German possessions (Puerto Rico and several Pacific islands). Although the limited immigration flows from these possessions may have resulted in some dynamics comparable with those in the European colonizing countries, we consider the experience of massive settler immigration to be much more consequential and typifying for Australia, New Zealand, and the United States.
9. <http://globalization.kof.ethz.ch/>
10. See <http://indicators.ohchr.org/>. The index score considers altogether 18 human rights treaties and protocols. A full point was assigned for ratification; half a point was assigned when a country has signed but not (yet) ratified.
11. We alternatively considered a logistic or quadratic specification of years since independence, but results remained substantially unaltered.
12. <http://globalization.kof.ethz.ch/>
13. Source: [http://en.wikipedia.org/wiki/List\\_of\\_countries\\_by\\_immigrant\\_population](http://en.wikipedia.org/wiki/List_of_countries_by_immigrant_population). We used the figures from the 2013 United Nations (UN) report.
14. We experimented with such measures, but in the end decided against using them, for two reasons. First, the available data sources, Fox (2008, and Religion and State Project Round 2) and Grim and Finke (2006), hardly correlate with one another, raising doubts about the validity of either source. Moreover, in both cases, the way in which countries deal with immigrant minority religions is part of the information that flows into the coding, thus creating for us a problem of conflation of independent and dependent variables.

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### Author Biographies

**Ruud Koopmans** is Research Director at the WZB Berlin Social Science Center and Professor of Sociology at Humboldt University Berlin.

**Ines Michalowski** is senior research fellow at the WZB Berlin Social Science Center. She does research on citizenship and on religion in public institutions.