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## A comprehensive framework for studying migration policies (and a call to observe them beyond immigration to the West)

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# G I G A *Working Papers*

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**A Comprehensive Framework for Studying Migration  
Policies (and a Call to Observe Them beyond  
Immigration to the West)**

Luicy Pedroza

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# **A Comprehensive Framework for Studying Migration Policies (and a Call to Observe Them beyond Immigration to the West)**

## **Abstract**

This piece is both an exercise in critical conceptual landscaping in the field of Migration Studies and the proposal of an analytical framework that can correct some of its most serious biases. The framework I propose allows the observing of migration policies as if they constituted a comprehensive policy field. This will permit comparisons across the whole spectrum of migration policies on a rigorous basis, and for all countries and regions. I identify two constitutive sides to the proposed framework, each dealing with how state-like polities regulate the mobility of incoming or outgoing persons. I further suggest that it include regulations on the rights of individuals to pass through three stages of any international migration journey: the right to enter/exit; the rights as immigrant residents/emigrant non-residents; and, the rights to citizenship and nationality. This comprehensive framework for studying migration policy promises advances for empirical agendas, but also for connecting them to normative ones rooted in global justice and democratic concerns.

Keywords: migration, policy, emigration, diaspora, integration, citizenship, coherence

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# **A Comprehensive Framework for Studying Migration Policies (and a Call to Observe Them beyond Immigration to the West)**

**Luicy Pedroza**

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## **1 Introduction<sup>1</sup>**

Both for theory and practice, migration is making the relationship between people and political communities more complex. Migratory movements are not only becoming more complex, widespread, and intense, but migrants' interactions are also increasingly transnational in nature. This is because states substantiate membership by reference to a people – and, often, to a

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1 The analytical framework presented in this paper informs the research project “Every Immigrant is an Emigrant” (IMISEM), conducted at the GIGA thanks to a Leibniz Association Senate Competition grant. This theory-building project consists of a sequential mixed-methods research process that includes a first phase of cross-regional data collection, a second one of coding and preliminary analysis for case selection, and a third phase of in-depth comparative case studies. Together with the entire team (composed of GIGA research fellows Dr. Pau Palop-García and So Young Chang), we hope to bring to fruition a book demonstrating this framework's application possibilities for generating data.

territory too. The movement of people challenges that connection, but the challenge begins in earnest in defining what home is, who belongs, and who is out. In all kinds of geographic, economic, and sociopolitical contexts, nation states (hereafter: also nation-state-like political entities) adopt strategies to adapt to the heightened international mobility of our times as they open or close their doors to it, define who can enter or not, and that with which rights and for how long (Ruhs 2011, 2015; Peters 2015). While that connection is historically and socially “constructed” (Smith 2001), it translates into tangible regulations that restrict the lives of people who aspire to international mobility – or see themselves pushed into it.

In this paper, I propose to research migration policies as if they were a policy field.<sup>2</sup> This makes it possible to research coherence – even partial – across migration policies, or in relation to higher-level principles. I set out the basis for a framework that enables comparative analyses of migration policy patterns across countries and regions, without preselecting cases by their “profile.” I inscribe this framework into a progressive agenda that shifts the focus of Western-centric lenses away from the admission gates of the “Global North” and instead gives us a broader angle from which to observe different kinds of states – in different world regions – *and* a wider spectrum of migration regulations. The framework illuminates how states restrict the possibilities of individuals not only to enter, but also to exit; to belong as immigrants, but also as emigrants; to acquire nationality, as well as to revoke it. This comprehensiveness bears important promises. It has the potential to correct the blind spots that we have regarding a wide range of existing and interconnected migration policies due to our obsessive focus on immigrant integration – a partial story in any migration journey. More positively, it will allow comparative analyses for all kinds of polities with rigorous common standards, will illuminate how states accept transnationalism, and will reveal the reach of regional and international norms and link them to global justice concerns.

More than an exercise in synthesis or grand theory, this framework is interesting if only because it opens many new research possibilities.<sup>3</sup> By discarding differentiations that have hitherto been taken for granted but are, in fact, redundant, it compels us to observe the differentiations that do indeed matter for the millions of people now on the move.

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2 I would like to acknowledge the helpful comments and suggestions I received at different stages of this paper from Janjira Sombatpoonsiri, Rainer Bauböck, Charlotte Heyl, Veit Bader, Ana Isabel López García, So Young Chang, Saskia Ruth, and Anne Liphardt. Any shortcomings remain my own.

3 For proponents of the reflexive turn in Migration Studies (Dahinden 2016; Amelina 2017), my framework will appear to fall short of real change – as it is still primarily designed to capture nation-state-level migration policies. Still, admitting that this is indeed my standpoint, the framework pushes us to engage in more reflexive knowledge production – particularly, to leave behind the biases that have prevented us from aligning normative concerns with rigorous empirical research on international migration.

## 1.1 The Problem before Us

It is commonplace that nation states defend their decision-making on migration policy as a special attribute of their sovereignty. Against supranational, international, and local pressures, states defend their right to decide who enters and with which rights. Writing these lines here in Germany, it seems to me that the regulation of *immigration* captures the attention of public debates in such a way that it is taken as given that immigration policy stands for and is central to all migration-related matters. But it does not, and is not. Despite the habit of confusing migration policy with *immigration* policy (especially in the United States and Western Europe),<sup>4</sup> immigration is only a small part of what we can – and, as I will argue, *should* – conceive as a wider field of migration policy.

In fact, as rich and exciting as the academic landscape of Migration Studies is, it suffers from a deep, worrisome bias: An overwhelming part of the research is undertaken in, or financed by, affluent countries concerned mostly with the regulation of immigration. It is thus directed towards studying policies developed with respect to the admission – and, in the best cases, the inclusion or integration – of immigrant residents.<sup>5</sup> This Western-country research obsession with measuring immigrants' capacity to settle, adapt, and integrate in receiving societies has received some harsh naming in recent reflexive appraisals of the discipline: “neo-colonialism” (Schinkel 2018) or “methodological whiteness” (Bhambra 2017). Its traps are so deep that it shines through our efforts regardless, even as we try to develop ideas on how to improve the field. To illustrate this, Christina Boswell, a respected migration scholar, wrote recently on “epistemic” turns in migration research, remarking that “staying within one field of immigration/integration runs the risk of producing findings that are relevant only to this policy area” (2016: 24). She very wisely suggested that we do cross-sectoral comparisons to avoid that risk. However, while making that suggestion she used the term “immigration” in instances where migration would have been more fitting. Her main point, however, inspires my own here: we are yet to develop an understanding of migration policy as constitutive of a whole policy field, one that covers more than just immigration or immigrant integration. This piece aims to push that innovation a bit further, drawing from a basic lesson from my own experience as a scholar and as a citizen of different countries: I am both an immigrant and an emigrant.

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4 Some recent studies have started looking beyond the West to study access to immigrant rights (Koopmans and Michalowski 2017), but so far they remain focused on the immigration/immigrant side.

5 In the most recent conference of the IMISCOE network, a presentation by Andreas Pott showed data on the dominance of research on migration in urban studies authored by scholars in the Global North outweighed by a factor of seven the production of scholars in the Global South, and even the co-production by scholars in both the South and North. It also showed a bias towards places of arrival. At the same conference, a presentation by Giacomo Solano on a meta-analysis of migration policy data sets for cross-migration (a Horizon2020 project), which is mapping all recent migration research, showed that of the 59 considered, the average N is 22 – with the EU and OECD filling that N. Meanwhile 51 focus on immigration/immigrant integration, and only eight consider emigration/emigrant policies.

My country of origin determines my chances to enjoy the rights guaranteed by it and fulfil certain obligations towards it even when I am abroad, and ultimately determines how I can remain her citizen – and thus whether I can return as such. Simultaneously, my country of residence determines my chances to enter, stay, the rights that I have, and the rights that I acquire as I reside here longer – and ultimately my right to become a citizen/national of this polity. This applies to the thousands of persons entering and crossing national territories every day. With such regulations, states restrict the freedom of choice of people (some being their citizens, some not) and often define their life trajectories by obliging them to adapt their mobility strategies to the possibilities offered or denied. The right of states to restrict entry (immigration) is taken for granted, even if at a philosophical level it has been intensely debated as a matter of principle (see the edited volume by Fine and Ypi 2016).

What has been less obvious is that states also select among their emigrants. Enough studies provide evidence of policies that target only highly qualified emigrants (e.g. diaspora networking and “brain gain” policies) (Shachar 2006; Pedroza, Palop-García, and Hoffmann 2016), while others target those emigrants who seem to require “protection” (Delano 2009, 2018). Few migration scholars working on immigration policies consider the other side (with the important exception of some single and small-N studies, such as those by Margheritis (2016) and Ho (2019)). By keeping our focus on immigration in the West and emigration in the rest, we have continued to reproduce profound asymmetries of power and knowledge production (see Hoffmann 2015). To make Migration Studies a field of emancipatory research on a global scale, this is something that we must overcome. The points that I make in this piece, then, form part of both an analytical and of a critical as well as emancipatory agenda.

Recent efforts to collect comparative data on immigration policies have already contributed towards more comprehensive perspectives beyond immigration by sampling “emigration countries” in wide-reaching comparative studies (Helbling et al. 2017). While they constitute an important first step in the right direction, we should go further still. As much sense as dyadic perspectives make (both for case studies about migration dyads and the corridors between two given countries, and for case selection in large-N comparative studies), they also reify the binary epistemology of migrant-receiving and migrant-sending countries – which does not exhaust migrant trajectories. These binary epistemologies have no doubt been nurtured by the “push–pull” paradigm in the study of migration,<sup>6</sup> which reinforces a sense that

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6 Dyadic approaches to migration policies invite us to look at those of “sending” country A with regards to their emigrants in one particular “receiving” country B, and to the immigration and integration policies of country B for migrants from country A. Such perspectives are fundamental to understanding the bilateral arrangements between countries constituting the rules of mobility for millions of migrants around the world. They are also the key to understanding the power relations that determine how countries in the Global North often dictate the migration policies of those in the Global South. For many dyads of countries bound together in a postcolonial setting, these perspectives are necessary to highlight the contemporary relevance of historical interdependencies and of rules enacted, and migration routes travelled, in a distant past. Yet, when I claim that a comprehensive perspective on migration policies must take into account both sides thereof (those made for emigrants and those



emigration is to be attributed to poorer countries (putting the burden of responsibility for controlling it on the countries of origin, and lately also on poorer countries of transit) which “mismanage” and ill-govern their peoples. Immigration – more specifically, the control of it – and the integration of admitted migrants is, accordingly, what the richer ones can and should focus on meanwhile. To be fair, this crude characterisation is marginal in Migration Studies – essentially an interdisciplinary field enriched by the diversity existing within the social sciences and built on the shoulders of geographers and demographers, who tend to take the nation state, its borders, and policies with a pinch of salt.

Unfortunately, however, crude characterisations do come up in policy circles, as voiced by certain economists with little to no exposure to migration research beyond their own discipline (e.g. Collier 2015) and who speak of countries of emigration and countries of immigration. Such categorisations are seen as much as forces of nature as the “push and pull” dynamics inherent to physics. This, in turn, reinforces two ills: First, an unequal dialogue between countries that structure their *whole* migration policy around only one side of the equation (usually the one seen by, and most relevant, to richer countries), and, second, the ignorance of the complexity of certain migration profiles. While the first is mostly a problem of policy that thwarts fair diagnosis for praxis on all levels,<sup>7</sup> the second is one that undermines correct analysis of national migration policies. Both, indeed, are connected: in a world that values “evidence-based policymaking,” the evidence provided by experts is collected on the basis of theories that naturalise and essentialise the immigrant/emigrant dichotomy.<sup>8</sup>

A core problem for both academic and policy-oriented analyses, however, is that countries can change course in a matter of years, from having been primarily concerned with emigration to becoming preoccupied mostly with immigration policy. Current examples of this are Italy, Mexico, Morocco, Portugal, South Korea, and Venezuela. These countries have developed complex migration regimes as rapid demographic change within the last five years alone has brought their governments, societies, and political communities to reassess their commitments to different groups of people. The first step towards solving this is rather simple: to recognise

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for immigrants) I mean something different: I want to encourage colleagues to gather information on policies (norms, rules, regulations, programmes) developed by an individual state for its own both emigrants and immigrants. It means subjecting states of all sizes, near and far, to the same observation protocol and analysing them per the same standards. If we know the rules that apply to all migrants, we will be better able to correctly appreciate – and truly understand – what makes bilateral agreements particular, what makes “regions” effectively be regions in terms of mobility, and what makes some countries have a profile tilted towards emigration or immigration, without preconceptions.

7 Despite primarily being developed for states and state-like polities, the framework that I present here can be adapted to different objects/units of observation: from the individual (i.e. to see how a migrant transverse the different stages and sides of policy), to the subnational (where they are amended, interpreted, further regulated, and, most importantly, implemented), all the way to the regional and international levels.

8 The recent attention paid to the “return policies” developed by both sending and receiving countries to send migrants back to their countries of origin does not help us to overcome such distinctions.

that all countries have immigrants and emigrants, and, most often, respective policies for the two groups. The second is to develop a comprehensive perspective that is applicable in the development of observational standards vis-à-vis migration policies across countries, without preconceptions about profiles.

Just as every immigrant is an emigrant, every sending country is a receiving one too. Looking beyond just the immigration and immigrant policy-obsessed countries of the West, we can give further impulse to comparative research in this area. This will allow us not only to reach better descriptions of different complex migration realities; it will also permit us to test how theories travel to different regions, refining and developing our analytical toolkits to understand migration policies better (see Basedau and Köllner 2007; von Lübke 2014). Let us see how.

## 1.2 Proposal: A Comprehensive Framework for Comparing Migration Policies

I propose here a comprehensive, comparative framework that includes *policies that apply to both immigrants and emigrants* at the disciplinary nexus between empirical and normative research within Migration Studies – particularly within the subfield of comparative migration policies. I define migration policy as a *field* of public policy, one with two “sides” and three “stages.”

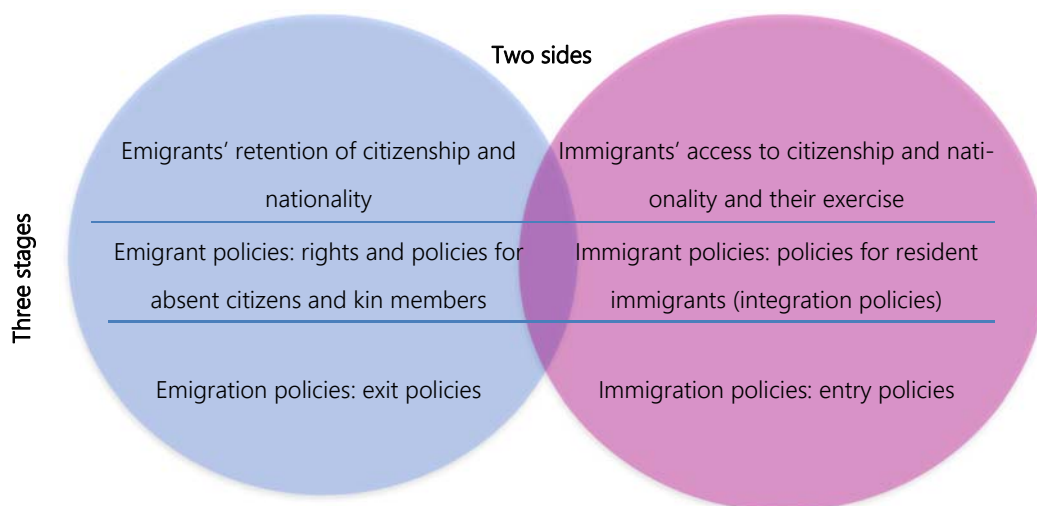
After describing this framework in detail, I will argue that it constitutes a productive and even emancipatory project for both analytical and normative reasons. First, because it can guide the empirical study of comparative migration policies on a more diverse basis regarding coherence across the sides and stages thereof. This will allow us to evaluate the extent to which inter-/supranational and regional norms cover the whole spectrum of migration policies, and to illuminate how far nation states admit transnationalism – the simultaneous linkage of migrants across more than one polity. Second, because it can expand the range of application of normative theories and debates on migration policy – particularly those based around global justice and democratic inclusion.

## 2 Components of the Framework: Two Sides and Three Stages of Migration Policy

The original idea for this framework goes back to the much-echoed metaphor of Thomas Hammar (1990) about the three doors (which, as noted, I call stages) from entry to citizenship: immigration, denizenship, and access to citizenship (see Kukathas 2011 and Benhabib 1999 for alternative terms). My own definition of these stages is as follows: “immigration policies” are the government’s formal rules (including laws, regulations, decisions, and orders) on the admission of foreign citizens to the country, and their concomitant rights and obligations upon entry. “Immigrant policies,” in turn, are the government’s formal rules regarding foreign citizens already in its territory. By “immigrant citizenship,” I mean the government’s formal rules regarding the conditions of naturalisation, the retention of the nationality of origin when naturalising (“immigrant naturalisation”), and the rights that immigrants have after they are

naturalised – note that sometimes they only amount to second-class citizenship (Pedroza and Palop 2017). On the other *side*, by “emigration policies” I mean the government’s formal rules regarding the exiting of its nationals. “Emigrant policies,” in turn, are the government’s formal rules on the rights and obligations that its nationals abroad retain and may exercise there. By “emigrant citizenship,” I mean the government’s formal rules regarding the conditions to preserve nationality and citizenship (which are not the same in many countries) when residing abroad and/or after acquiring another nationality (i.e. emigrant dual/multiple nationality). Figure 1 below illustrates the framework. Rather than exclusive boxes (one for emigrants; another for immigrants), it represents the two sides in circles that overlap (suggesting policies that admit transnationalism; that is, membership in more than one political community).

**Figure 1. Policies Addressing Two Sides and Three Stages of Migration**



The three stages are analytical devices that are held distinct in order to research their connection to one another. I do not claim that they exist in all cases. Still, they present an advantage over the other analytical frameworks used before – which tended to collapse the stages I propose into fewer ones. Researchers have so far analysed different sets of two stages vis-à-vis migration regimes: immigration policies and immigrant rights (see Koopmans and Michalowski 2017: 42) (Stages 1 and 2) or immigrant policy and access to naturalisation (Helbling 2013; Givens and Luedtke 2005) (Stages 1 and 3). Some conflate immigrant rights and access to citizenship as constituting one and the same process of “integration” (Stages 2 and 3). Only recently has there been growing awareness of the importance of understanding the linkages (as Hammar would say, the doors) between them (Gest and Boucher 2018: 14–21). These are distinct stages insofar as migrants get screened throughout movement, settlement, and membership.<sup>9</sup>

<sup>9</sup> The conceptual clarification by Bjerre et al. (2013) was pioneering in distinguishing immigration from immigrant policies.

### 3 Analytical Gains of the Framework I: Seeing Variations across Migration Policy Regimes

Holding the six divisions of migration policy (three stages on each of the two sides) distinct is key in order to observe three important types of variation across related regimes. First, how different migration policy regimes tie migration paths to citizenship. Whether migrants have the right to become citizens or not is an essential distinction between regimes. Some integration policies (or regimes) condition access to citizenship on type of entry, while others do not. Many scholars of citizenship (myself included) have studied on what terms resident migrants are and should be set on the pathway to citizenship (so to say, from the second to the third doors), but have bracketed away the oftentimes crucial role that immigration policy plays in defining who might become a resident migrant.

Importantly however, access to citizenship might be already decided before migrants pass through the first door – in the moment of movement, before inclusion/integration policies even apply. While for some migrants it is clear that the policies under which they are admitted will set them on the path to citizenship, or at least potentially open that door, for others that door might be rather difficult to even open in the first place (e.g. for short-term labour migrants in circular migration programmes). For many others, that door might be shut altogether if they entered irregularly (e.g. because they entered as tourists, students, or “guest workers” and overstayed their visas). This selectivity results in millions of people worldwide living clandestinely, because of the impossibility to change/delete their initial immigration record.

A second important variation is how regimes differ in terms of having immigrant (integration) policies as a necessary step between immigration (more particularly, entry tracks) and access to citizenship or not – in other words, when on the path from entry to citizenship the second door becomes a necessary one to pass through or not. Integration policies are not necessarily the same for all immigrants; in the same country, at the same time, some migrants will be the target of integration policies while others will be able to access citizenship expediently, or even immediately without ever having to undergo any kind of integration process. Immigrants of German descent who came here from the former territories of Central and Eastern Europe and Central Asia have had access to citizenship on entering the Federal Republic over the last half a century. Many of them did not speak German and were not acquainted with the country’s politics, yet because of the assumption that they were Germans they were not the target of the integration policies that migrants from elsewhere were and are today. The divergent treatment for groups that have the same experience of migration and potentially similar challenges of integration (e.g. also returnees in several countries), but who are treated differently because of how citizenship policy creeps into immigration policy, should make clear why we must not conflate integration policies with those governing access to citizenship; they are not the same (see Pedroza 2016).

A third variation across regimes is their flexibility within stages. When it comes to the immigrant and access to citizenship policies, most states differentiate between migrants on the

basis of respective entry statuses/visas and residence conditions. Researching this variation makes us attentive to the cases in which, however, the entry category is amenable to change: some migrants might be able to upgrade the array of rights that come attached to their initial status (e.g. if they can change from a temporary migrant visa to a migrant worker visa with a longer residence time span; if they can go from having no status to receiving one through regularisation). When this happens, the access to immigrant rights is not decided once and for all at the time of entry. Some states might have stringent regimes regarding entry, but offer their resident immigrants several opportunities for integration – including a wide range of civil, social rights by virtue of them being inhabitants, as well as access to citizenship (via denizen political rights) and naturalisation. In the latter case, immigrants suffer fewer consequences from their entry – regardless of the track record that they have. On the contrary, some states might offer a wide array of entry visas but restrict the path to citizenship to everyone except a select few.

Observing these variations can illuminate what connections exist between entry, residence, and access to citizenship, and if there are paths that open up in the midst of the process (which is perhaps an indication of the institutionalization of the migration policies that regulate particular stages when these are more autonomous and shut off from the other stages). Moreover, we can compare pairs of stages for “symmetry” across the two sides – also for emigrants.<sup>10</sup>

#### **4 Analytical Gains of the Framework II: Observing Degrees of Inclusiveness across Political Regimes**

In this framework, access to citizenship is not considered a necessary culmination of any migration journey but because it is the strongest indicator of the unconditional right to residence – and, thus, to permanent settlement. As such, it is the point at which migrants cease to be considered as such (in theory) and also the paramount reason why states of origin retain or try to establish a link to their emigrants. Moreover, Citizenship is a key institution for the exercise of democracy and individual rights, and a reference point for understandings of civic equality in democratic political theory. As such, the implications of different regimes of immigration and immigrant policies for conceptions, regulations, and practices of citizenship and nationality are certainly among the multiple research questions that can be productively answered with

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<sup>10</sup> While the point might be sufficiently obvious for students who can change to an employment visa, for temporary residents who can upgrade to a permanent residence permit via marriage, or for irregular migrants who can become regularised, the passages on the part of emigrants might appear less identifiable. However, they also exist and are concrete as well – should we reflect on what it takes to qualify as recipients of emigrant policies (sometimes citizenship, other times kinship, sometimes a particular kind of emigration). Emigrant policies do not necessarily apply equally to every emigrant: those who are nationals by birth get to enjoy more portability and less exclusivity of citizenship than emigrants who are nationals following naturalisation.

this framework.<sup>11</sup> Through the regulation of access to citizenship-as-nationality, states classify migrants in negative or positive senses (barring people who are not skilful, virtuous, culturally compatible, or inviting people with certain characteristics) (Dumbrava 2015).

Across countries, the increase of regulations requiring the demonstration of integration (e.g. exams or courses) in order to access naturalisation (Bloemraad 2006; Joppke 2008; Michalowski and Oers 2012) is connected to the hardening of positions on the acquisition of citizenship by resident immigrants across well-established democracies in Western Europe. But access to citizenship/nationality is important beyond abstract issues of “belonging”: full political rights, the right to return, and the right to diplomatic protection can be denied to long-resident non-citizens in many countries, but seldom to nationals. This question matters for migrants living under the rule of regimes of all kinds, but observing migration policies across regions and regimes allows us to discover what types of regime limit or facilitate inclusive citizenship and at which stages.

Thus the relationship between an individual and state citizenship must also be empirically investigated, rather than simply assumed to be homogenous across cases. The notion of entirely equal rights for all is an ideal type that has never found fulfilment in reality, with citizenships often gradated (Ong 2006; Cohen 2009; Careja and Emmenegger 2011). On the other hand, some observe that in today’s globalised economies we are witnessing a de-nationalisation occurring alongside a re-nationalisation of societies whereby partial citizenship is extended to selected groups of migrants inasmuch as they are considered to contribute to the state per cost-benefit calculations – but the right to belong, integrate, and make use of one’s

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11 Nationality determines political membership of a nation state, while citizenship determines the rights – mainly the political ones – of an individual with respect to a given polity. While most of the works cited in this paper treat citizenship as synonymous with nationality, I differentiate between them because, conceived as the status of membership of a polity, nationality is not a clear superset of citizenship – it only has some overlap with it. I call such overlap “citizenship-as-nationality” (Pedroza 2012). That nationality is used indistinguishably from citizenship is part of a story of contemporary hegemonic legal traditions, but in many states full synonymous identification has never occurred and acute legal differences between the two crystallise precisely in the treatment of migrants. Nationality is the formal link to a nation state from which a number of rights derive. It is attestable to through different documents (paramount among which is the passport). In the international sphere, the most important of such rights are the right to return to and the right to receive diplomatic protection from the state of which one is a national. Citizenship, on the other hand, has an array of meanings broader than nationality, most of which date back to classic theories: as a civic practice (political activities in and with regards to a polity of a different size, specifically claims-making, connected to understandings of virtue in a classic sense), as a formal status defined by membership of a polity and from which a bundle of rights derive (mostly political suffrage: to vote and to be elected, but also to serve in juries, hold non-elected high office positions, etc.), and which are activated depending on different additional conditions (in the past: property, literacy, sex/gender, marital status; today: mostly reaching a certain age considered equivalent to adulthood in Western democracies). Nowadays, the critical citizenship scholarship looks at citizenship as an array of practices (rather than as a legal status). Yet, for me, it is still clear that issues of status provide the framework in which the political activism of different groups develops, as attested to by several studies on the different patterns of activism among migrants with different statuses (undocumented, documented, *geduldet*, citizen, non-citizen).

contributions is reserved for nationals (Parreñas 2001). Research on the recent resurgence of inequalities in Cuba suggests, worryingly, that gradations of state membership occur even across state socialist arrangements (see Hoffmann and Hansing 2019). We simply know very little about the patterns herein.

Another trend that is at least as significant is that formerly accepted attributes of nationality, such as exclusivity, are becoming fuzzier through the increased acceptance of dual nationality (Pedroza 2012; Schlenker and Blatter 2014; M. Vink et al. 2019). This, in turn, while no means a requisite for transnational activities and identities, does indeed facilitate them.<sup>12</sup> Previously, states maintained regulations to avoid dual nationality, and coherently stripped their emigrants of nationality when they acquired another one elsewhere. This has changed as more and more states aim to strengthen their links to their diasporas through emigrant policies (Délano 2013; Gamlen 2008; Naujoks 2012; Ragazzi 2009) and have come to allow their emigrants to remain nationals despite taking up another nationality elsewhere.

Importantly, reforms to allow dual or multiple nationality mostly apply to emigrants, but not always to immigrants (see Pedroza and Palop 2017): the same state can tolerate and even facilitate acquisition of further nationalities for its emigrants but strictly require from immigrants to renounce their citizenship of origin upon naturalising. This asymmetric development of access to and retention of citizenship and nationality for different groups of people illustrates how chances in life are so different for migrants within the same state, depending on whether they are emigrants, immigrants, and what kinds thereof. It also shows that states find cunning ways to handle the tension between membership, presence in the territory, and rights, as well as how – in the face of global trends – they retain the right to decide which paths from movement to membership are open for whom. Sadly, due to the binary paradigm delineated above (the focus on either immigrants or emigrants), we have not yet been able to discover and compare patterns across countries and regions. The three-staged, two-sided framework that I propose here makes it possible to analyse such patterns regarding different research questions and perspectives. A productive one could be a policymaking perspective, eliciting the abstract patterns that reveal (in)coherence across sides and stages.

## 5 Analytical Gains of the Framework III: Researching Coherence in Migration Policies

For over a decade now, the Ecuadorean constitution has treated immigrants and emigrants according to the same general principles. This is extremely rare, perhaps even unique

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12 These are “citizenship constellations,” according to Bauböck, “in which individuals are simultaneously linked to several political entities, so that their legal rights and duties are determined not by one but by several political authorities” (2010: 848). In their typology of emerging forms of citizenship beyond the nation state, Schlenker and Blatter (2014) refer to a plurality of partial or uneven citizenships that combine with external citizenship but also quasi-citizenship in the places of residence. They call for empirical studies “to further advance our knowledge regarding the scope, conditions, and consequences of such multiple citizenship rights” (ibid.: 1105).

worldwide and its political sustainability as of early 2020 is doubtful. States usually treat their emigrants better, because they are obligated to care for them: the international system has evolved in such a way that, from birth onwards, nationality is a “sticky” attribute that binds a state to its nationals, even if they go abroad. Meanwhile states are freer to define their own obligations to immigrants, and usually have quite some leeway to apply selective policies to them.<sup>13</sup>

The framework that I am proposing here does not assume coherence, yet its structure can aid us in finding patches of it among what Engelen and Bader (2003) beautifully describe as “complex moral universes”: underdetermined, multilayered, and potentially contradictory principles. Such are the principles that inform migration policies. From policy studies we know that policymaking is incremental, relies partly on custom and not merely on rational plans, and, moreover, that policies tend to be compartmentalised across agencies with different mandates and resources vis-à-vis both their regulation and implementation. Furthermore, it is very likely that policymaking initiatives involving different groups of migrants and their stages of migration move at different paces: some create path dependencies (Brubaker 1990; Joppke 2001; Thränhardt 1999) and thus enjoy longevity, but may come into existence in tandem with newer policies adopted with contradictory aims. Still, we can inquire into the coherence of migration regimes in different senses.<sup>14</sup>

Most comprehensively, coherence can be researched vertically in the sense of probing whether most general principles (legislated or stated, as, for instance, when a comprehensive migration policy is determined at the constitutional level or in a general law) apply downwards to the actual policies across the three stages and for both sides. More particularly, we can think of three different ways of researching coherence empirically (see the red dotted line in Figure 2 below). A first sense of vertical coherence is to compare the content across higher and lower norms, such as when a supranational norm is adopted through lower-level policies. A second sense takes this further, specifically from a policy-process angle, to revise the coherence between design, output, application, and implementation (the occurrence of the latter would reveal the veracity of the application of policy outputs).<sup>15</sup> These first two senses

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13 Empirically, it would appear as if the emigration side has softer edges – since rights are maintained based on nationality, which transmits to second and third generations born abroad too. However, some rights are extended to emigrants not by virtue of being nationals but rather of being part of a larger community. For example, Mexican consulates offer programmes to all “hispanics” or “latinos” (see Delano 2017). Likewise, Costa Rica extends certain rights to immigrants as inhabitants, regardless of their status, showing that the edges are not necessarily sharper for immigration (Pedroza, forthcoming).

14 See Bader’s analytical scheme to observe internal and external axes of regulation, or to study democratic (bottom-up) or hierarchical (top-down) ones (2007: 876).

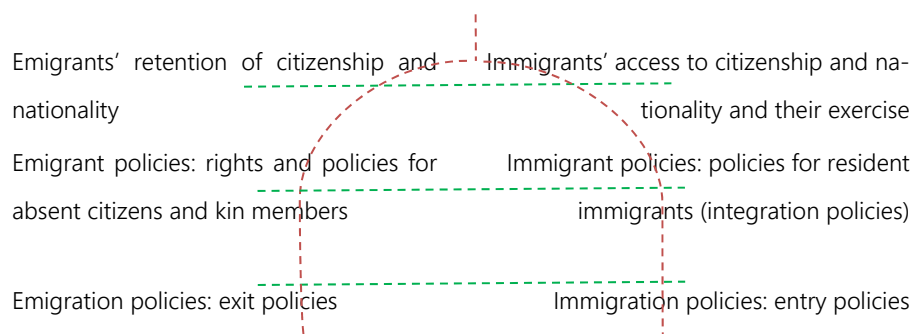
15 Policy output occurs midway through the process: it is a decisive step forwards from mere rhetoric (i.e. there are studies about the difference between discourse and policy, or between discourse and implementation). Policy outputs are already applied in the sense that they are officially issued: ordinances and programmes set the



complement each other and are important, because we often find that a policy goal is stated at the constitutional level but there is no secondary regulation in place for it – which is needed to even prepare for its implementation. The difference between them is nuanced: the first focuses on output, the second on implementation. But both open up venues for high complexity, because the empirical observation and analysis can go all the way down to the level of policy instruments – while requiring different observational standards and research methods nonetheless. A third, connected, sense of researching vertical coherence is harmonisation, or the evaluation of the degree to which secondary legislation and regulations/statutes/ordinances replicate norms from higher-level polities – typically from supranational bodies or the national/federal levels to lower-level polities.<sup>16</sup>

Policy coherence can also be researched horizontally (see green dotted lines in Figure 2 below): inductively if we look for patterns within the empirical data on migration policies that reveal that the same principle is being applied across the three stages and the two sides of migration without there being necessarily a higher level norm that has mandated it, or deductively if we find that a particular principle originally adopted for one side and stage applies also explicitly or patently across other sides and stages (e.g. this is arguably the case in some states supporting the non-criminalisation of migration or the right to access documentation).

**Figure 2. Horizontal and Vertical Ways of Addressing Coherence**



Finally, coherence can be researched not only within but also across states, if we think of it as either general (if policies at different stages and sides are in accordance with international ones) or clustered (as might occur with reciprocity norms, regional agreements, or bilateral

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stage for implementation. Yet, we should not confuse outputs with outcomes, which depend not only on implementation but also on further factors than just policy alone.

<sup>16</sup> Achieving a truly multilevel perspective is enormously challenging in comparative undertakings, but this can be simplified by observing how supranational agreements limit nation-state determination of migration policies, or how the subnational level implements and enforces them, more than regulates them (Gravelle, Ellermann, and Dauvergne 2012). The focus on the nation-state level has its reasons: with very few exceptions globally (e.g. Switzerland), migration policy laws, regulations, and guidelines are set at the national level, even if the application is local and provides room for adaptations and innovations depending on the decentralisation and federal framework (Bhuyan and Smith-Carter 2012).

relations concerning only a group of states). This latter sense is apparent when states extend rights to immigrants as a means of promoting respect for those same rights for their own emigrated citizens in their countries of reception (Pedroza 2013b; Mosler and Pedroza 2014). It is intriguing to ask whether certain stages are more prone to such reciprocity-bargaining than others.<sup>17</sup>

Among democracies the widespread recognition of migrants as part of the population has not only given them social and civil rights but also spilled over to areas previously jealously guarded by states, such as workers', social welfare, and even political rights – with an increasing number of democracies converging in their extension of political rights to resident immigrants (see Pedroza 2019). Beyond this convergence, comparisons across countries are necessary to understand how international processes drive these tendencies – in consonance with or contrast to the reputed diffusion of postnational norms (Jacobson 1996; Soysal 1998). Again, the framework allows that because it does not look at policies affecting one stage or the other in isolation, but at how their connections make up migration policy at large.<sup>18</sup> While we should not expect perfect coherence across policies for immigrants and emigrants, some examples of partial coherence nevertheless come to mind. An example is how Uruguay has treated the citizen rights of migrants so far: it extends formal political participation rights upon the basis of what is considered sufficient involvement with, and affectedness by, the political system such that emigrants see their citizenship become dormant until they return while immigrants acquire citizenship merely for being residents (i.e. without needing to naturalise).<sup>19</sup>

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17 Other exciting research questions that can inspire migration policy coherence analyses are: Is there a general principle that defines migration policy in state X, and is it coherent across the policies for emigrants or immigrants (i.e. across the two sides)? Which principles apply across the three stages of migration (for immigrants and emigrants alike)? Is one side more coherent than the other across stages (immigration versus emigration)? At later points in empirical inquiry (with wider data collection across countries and investigations undertaken longitudinally) and from different disciplinary perspectives, researchers might relate comprehensive migration policy analyses to political factors at the national and international levels and inquire about the evolution of coherence: Do policies across certain stages and passages depart from stated goals? Does coherence across sides at one stage spill over to other stages? Once partial coherence exists at one point in time can we expect more general coherence later? Are immigrant policies more partisan than emigrant ones? Are some stages more prone to international bargaining? Applied longitudinally, the framework that I am proposing here will let us see which policies endure and which are more amenable to change, which move swiftly with the political winds, and which become anchored through linkages with general laws.

18 Incoherent policy principles at even one particular stage can have effects on migration policies at other ones. Thränhardt's (2017) analysis of contemporary migration policy in Germany illustrates how: the treatment of immigrant residents of Turkish origin in their access to political rights and to nationality, and the ban on them holding dual nationality, has explained for decades the discrimination against them occurring until today in realms such as labour-market integration.

19 Arguably, German law maintains partial coherence in the principles governing both the acquisition and retention of citizenship (Pedroza 2013a).

## 6 Analytical Gains of the Framework IV: Empirical and Normative Takes at the IR of Migration Policy

I now turn to how this framework emancipates migration policy research from (some of the most obvious) trappings of Western-centric epistemologies by extending its scope of inquiry, and thereby connecting it to theoretical normative agendas and ethical concerns beyond the academic realm. When it comes to practice, searching for coherence can enlighten us on how short- or far-sighted policymakers are in their assessment of the effects and concatenations that policies have at each stage vis-à-vis ones at the other stages, and how aware they are of developments occurring regarding emigrant policies when designing immigrant ones. To me, working at the interdisciplinary crossroads between empirical and political theory, the most intriguing angle will be the one revealing what the different configurations of policies imply for migrants' freedom to move, remain, and become as well as stay members of political communities. That is, how policies (elaborated in different agencies with varying resources, rationales, and time frames) predefine which migrants are legally able to move across borders, to settle in a different country than their one of origin, and to autonomously decide over their singular or multiple membership – and the consequences hereof for citizen rights and obligations.

What is productive and emancipatory about the framework is that it allows us to overcome the biases that reduce countries to static profiles and mere North/South designations. Moreover, it distills the essence of what makes migration policymaking a state attribute in the international sphere: sovereignty and power, international and regional norms.<sup>20</sup> The need for a comprehensive framework for migration policy can be justified by the fact that such policy has never been more discussed than it is in today's world. Yet my interest here is not to contribute to the more intense discussion of it,<sup>21</sup> but rather to help reshape *how* it is discussed in the academic realm – and, hopefully, in the policy one too. The different patterns that the application of this framework can reveal will show the degree to which the sovereignty so far taken for granted on migration policy, is, in fact, now increasingly being restrained by regional and

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20 When states defend their sovereign capacity to regulate migration, what is meant is that they claim the capacity to regulate on what bases they admit people into their territories and into their resident and citizen communities. It is, however, wrong to assume that migration policy is an attribute of statehood. Whether states can sovereignly regulate migration or not is up for empirical research, and a further reason to study how states develop migration policies that relate to each other and how power asymmetries play out across polities. Having an equal starting point for observing migration policies gives us the analytical leverage to respond to many possible research questions. State policy is an abstraction from observing what seems to be stable from government to government, or what is explicitly anchored in legal texts. Governments develop migration policies as they see fit vis-à-vis their political goals and circumstances. When governments face acute emigration, it is understandable that they develop policies to cater to the needs of their population abroad – while not necessarily producing the same kinds of policies for immigrants, however.

21 In fact, some scholars have suggested that less public salience for migration might be desirable (Morales et al. 2015).

international developments.<sup>22</sup> By applying the framework to empirical analyses across world regions, we will be able to consider states not only as discrete entities with their own policies but also to situate them, with their corresponding migration policy configurations, in their regional and geopolitical contexts – ultimately to observe how the latter explain such configurations.

The proposed framework will further allow us to see how one country's migration policies have ripple effects on others, and thus how migration regimes connect to regional and international contexts. Even as an interdisciplinary field, Migration Studies currently mostly looks at the scales of the nation-state level and below (i.e. to social units such as networks and households, and, of course, individuals). But it is important not to overlook the consequences of migration policies for the international and global levels too.<sup>23</sup>

Economist Branco Milanovic (2011), for example, argues that global inequality between individuals today is 85 per cent attributable to differences in where they were born and to their location, and only 15 per cent to social class. In the realm of Citizenship and Migration Studies, Ayelet Shachar (2017) has eloquently shown that for humans in today's world, our moment and place of birth already mainly decide one's chances in life. Migrants from poor, unstable, conflict-prone, and authoritarian regimes are disadvantaged on a global scale not only from the perspective of the right to move but also from that of the right to belong. They are also burdened regarding their chances for changing their polity membership, or multiplying it: they are often hindered from movement (unless they fit within the strict confines of the "refugee" category, and the asylum regime is upheld without resort to "safe third country" political redefinitions), restricted in their rights as residents (or these are not even legally recognised), and are often denied the right to naturalise – or to keep their nationalities of origin in their countries of residence if they do, which explains why many refrain from going down this route.<sup>24</sup>

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22 It is intriguing to explore, for instance, to what extent polities such as Hong Kong and Macau have migration policies.

23 Seyla Benhabib states, for instance, that "a theory of political justice must necessarily be a theory of international justice" (2002: 168), arguing vehemently against the validity of theories of morally asymmetrical rights to exit or enter. These fascinating debates in the sphere of normative argumentation have seldom been connected to empirical research.

24 This is such a serious issue because we know that legal status and, especially, naturalisation pay off in many ways, starting with the feeling of being integrated. Naturalised immigrants also experience income effects through better employability and insurance prospects (Mazzolari 2009; Peters, Vink, and Schmeets 2017; Prentice, Pebley, and Sastry 2017), by access to restricted jobs (e.g. in public administration), as well as by having the liberty to plan their own and their family investments – that is, they have incentives to invest in education and in other assets such as real estate or businesses too. On this, see Peters et al. (2017). Still, the expectations of migrants regarding naturalisation must not always be commutable; in fact, many immigrants cite reasons of identity for preferring not to naturalise. As Kymlicka and Norman (1994) extensively show, citizenship is not only a status but also an identity – as the manifestation and expression of one's membership of a given polity.

In contrast, migrants from wealthier countries have generally more freedom to enter other nations (with their “stronger” passports), access visas with generous residence rights (even independently of qualifications), and often enjoy the luxury of deciding whether or not to naturalise – given that they often see few advantages arising from making that choice in view of their already well-endowed nationality of origin (Dzankic 2012, 2019). Correspondingly, it is often poorer, unstable, authoritarian states, rather than democratic<sup>25</sup>, rich ones, which hinder their citizens’ movement, prohibit emigrants from renouncing their nationality, and keep their emigrants bound to military service and tax obligations. This means that richer migrants have freer choices at all stages, both as immigrants and emigrants (Boatca and Roth 2015). What is more, the attribution of nationality at birth makes these inequalities pass on through the generations. This might be the reason why accessible citizenship policies matter first and foremost to immigrants from less developed and less democratic countries (M. P. Vink, Prokic-Breuer, and Dronkers 2013); naturalisation allows migrants to break the intergenerational cycle underpinning the transmission of inequalities.

We should furthermore bear in mind that unequal chances go far beyond just those related to income: for millions of individuals worldwide, being able to move, to choose where to live, and where to belong can be a matter of life and death; of the fundamental individual freedom to live a life that is worth living, a life pursuant to one’s own interests and in accordance with our true selves. This includes fleeing conscription (for males) and escaping patriarchal, oppressive structures (for females and minority groups).<sup>26</sup>

My desire to correct some of the biases regarding how we study migration policies is inspired by a willingness to better understand the consequences thereof for International Relations in a global justice perspective and for individual autonomy alike.<sup>27</sup> At the heart of this

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25 There is the issue of how regimes might differ from one another in their treatment of migrants. This is not trivial. Across time and space, political communities have always treated migrants differently to how they do sedentary polity members. Yet our contemporary world is particular in its being divided into nation states with no “free spaces” left to discover, so that a person exiting the territory of one nation state necessarily immediately enters another. Discrimination is unescapable, even across democratic political communities (see Scott Fitzgerald and Cook Martin 2015). However we need to be more aware of how comprehensive it is before we can even establish whether such discrimination is substantially different from that of other regime types elsewhere.

26 Political theorists would debate every part of these two sentences: Oberman (2016); Schuck and Smith (1985); Stilz (2016); Miller (2000).

27 The framework proposed here is inspired by a particular normative aim: that migrants should have the freedom of choice to move, stay, or to become polity members – or, likewise, to decide whether to remain a long-term polity member after having moved. Assuming that, *ceteris paribus*, the more open the paths across these stages are, the more room for the individual decision-making of migrants and their families there is, my aim has been to design a framework that allows us to clearly observe and compare which policy combinations (paths) are more conducive to the freedom of migrants to decide (Pedroza 2014). There is not space here to elaborate on the possible distributive implications of this normative stance for global inequalities. For me, the solution is – again – not forming binaries between the state (the focus of those advocating for restricting migration for the sake of

framework stands the wish to make comparisons across countries and regions, starting from the normative argument that the right to move is also one to emancipate from the (arbitrary) circumstances into which one is born – a point eloquently established by recent works in normative political theory.<sup>28</sup> More than being a critique of birthright-based regimes or closed borders, my aim is to find out which policy combinations and paths are more conducive to global justice and individual freedom – while knowing all too well that migration policy contains, as Veit Bader wrote, “a veritable mine field of policy dilemmas resulting from the interplay of moral, ethico-political, and realist dilemmas and conundrums” (2012: 1169).<sup>29</sup>

Interstate power hierarchies around the world like those hinted at above – the dictates of powerful states on how the less powerful should regulate migration – are central to global systems, to critical and postcolonial studies on entangled inequalities. However, the problem alluded to is not only one of centre and periphery or of a world system that works with a clear, consistent logic. My point here lies not in the narrative of exploitation by the powerful and the victimisation of a powerless rest. Often the “weaker” parts in state dyads themselves behave unfairly (and incoherently) towards migrants – poorer states, indeed, co-produce global inequalities.<sup>30</sup>

My point is, rather, that binaries that divide the planet into countries of immigration and emigration have echoed many others that already divide the world – and how we know it. This has led to poor science,<sup>31</sup> but also to poor policy advice and poor moral standards – and,

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“development” of the Global South) and individual distributive perspectives, but rather mixing the two together.

28 See, for instance, Shachar’s (2009) “birthright lottery” as well as Bader’s (1997) and Carens’ (2015) arguments for open-border regimes as a compass for migration policy. Bauböck (2018) has also recently argued that critiques of inequality of opportunity due to the attribution of citizenship at birth should not lead to a rejection of the birthright attribution of citizenship, but to a critique of the inequality of opportunities and rights that different states offer to their citizens. This is especially so in those cases where the causes of interstate inequality can give rise to claims of redistribution or redress (*ibid.*: 73).

29 My take is not that people should be able to migrate so as to correct global inequalities, but that the recognition of the equal right to migrate should be balanced against that of polities to regulate movement.

30 Our failure to see beyond Western-centric migration problems, dyadic flows, as well as stock frames is so pervasive that it also affects how “developing” countries see themselves, and how academics studying them portray their challenges too. Mexico–US and Mexico–Central America relations with regards to migration policy illustrate this well: Most scholarship on migration policy in Mexico deals with emigration to, and Mexican emigrants in, the US. Only a fraction looks at what Mexico does with regard to its immigrants, and how it responds (or rather not) to the pleas of Central American migrants to maintain its own established norms and demands with regards to migration policy. The proposed perspective should help to turn the mirror on Mexico itself, and reveal the connection between its policies towards both sides.

31 In the current policy and normative debates on the desirability of accepting migrants and refugees or not, migration policies are about much more than the regulation of entry and exit – and cover far more instruments than just border controls. Migration policies define how the state views and thus classifies those who move across its borders in different groups, and, based on that, stipulates who oversees those persons within the polity – as well as which rights these persons have according to the groups that they fall into. A long history of

in turn, to vicious policies.<sup>32</sup> Scrutinising migration policies across countries according to the same standards can illuminate what usually stays in the shadows with those binary narratives. The ramifications of this bias are palpable today in the “safe third country” solutions imposed by wealthier countries on poorer ones, in the lost faces of first-world migration bureaucrats when asked about return policies for their own emigrants after they preach to poor countries that they should get their migrants back. It is also palpable in many bureaucrats’ desperate attempts to understand migration policies that seem to be made from “crisis” to “crisis,” lacking coherent frameworks with sound long-term aims. These are all consequences for knowledge production, for research, for policy analysis, and for the policymaking practice of dividing the world into “naturally” sending and receiving countries.

What do we miss by reducing the world to such binaries? We miss complexity and thereby make our analyses easier, but thereby we overlook how states treat all migrants.<sup>33</sup>

We hinder ourselves from bringing to the fore the many types of discrimination that exist (ones which are often cross-sectional) in migration policies. We also miss the newer guises of migration policy, such as how they may, in fact, encourage belonging in both sending and receiving polities: namely, via transnationalism.<sup>34</sup>

## 7 Comprehensive Migration Policies from the Individual and International Angles

My final two reasons for proposing a revised framework for comprehensively researching migration policies relate to connecting the individual and international observational levels. The first has to do with how the acquisition and renunciation of citizenship applies to immigrants and emigrants. Blatter (2011) considers the global justice implications of the dual-citizenship policy, and indicates that its increasing recognition in wealthier societies might be both an empirically and normatively promising starting point for a process which helps to fulfil the

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interstate wars also teaches us that it is not necessarily people crossing borders that leads to their treatment as migrants, but sometimes states drawing or redrawing their own borders. Moreover, most data on global flows refers only to the 45 countries around the world that report them (IOM 2019). Large projects such as IMPIC, DEMIG, MIPEX, or IMPALA and of the IOM, through collaborations that aim at measuring “well-governed migration” (The Economist Intelligence Unit and IOM 2016), have advanced our understanding of how different states observe, classify, and treat migrants beyond border-crossing, while retaining blind spots in their treatment of emigrants (for an overview, see Palop and Pedroza 2019).

32 For the subfield of Refugee Studies, B.S. Chimni (1998) argued that a construal of “fundamental differences” between refugee flows in the affluent West and the Third World led to a huge chasm in refugee law, one that legitimised solutions for Third World refugees that would have been unthinkable if applied equally to all countries.

33 The proposed framework is but one step in remedying these shortcomings. Better frameworks will have to offer an overview of how states treat return and transit migrants, not only immigrants and emigrants.

34 This may have resulted from the strong drive within the transnationalism literature to avoid “methodological nationalism.”

broad democratic theory demand for including strongly affected externals (poor citizens affected by wealthy states' policies) –by facilitating the more narrow demand of including immigrant residents. However, the emigration side poses global justice concerns too – especially from the normative angle of freedom to move and to choose one's polity membership. The proposed framework can help reveal how the over-expansive emigrant policies of some states hinder their emigrants' individual emancipation, and frustrate international efforts at redistribution.<sup>35</sup>

The second reason connecting the individual and the international levels is the existence of similar migrant selection criteria, particularly by formal education/qualification/skill level across policy stages and countries. The immigration policies of many higher-income countries have had a role in producing and reproducing global inequalities as a result of competition over attracting highly qualified immigrants from all over (Hunger 2003; Shachar 2006). The absence of an off-setting mechanism for the “brain drain” that many poorer countries experience is not the sole cause of those global inequalities. Often, the policies of the sending countries reinforce these by offering a privileged exit (e.g. through state scholarships) – and even a privileged return for some citizens through targeted programmes for the “highly talented”<sup>36</sup> (see Pedroza, Palop, and Hoffmann 2016).

Meanwhile, to their emigrants expelled willingly or by neglect they offer policies to receive their remittances and very sparsely endowed, if any, return policies (Pedroza and Palop-García 2019). In other words, inequalities produced within and across countries accrue not only due to the well-studied selectivity of OECD countries with regards to the rights of entry offered to different immigrants or the varying rights that they are endowed with as residents depending on their skills (Ruhs 2011; 2015; Anderson 2013). Across the board, states discriminate between their emigrants as well. Incoherent, self-harming policies in middle-income countries such as Mexico, Thailand, or Turkey show why we must overcome this binary and apply the same stringent analysis to countries with different migration profiles.

In the empirical Political Science literature, three angles are prominently used to explain migration policies: political economy; a theory of rights for immigrants; and, a strand of institutionalism (see Freeman 2005). On the normative side, theories have engaged from the point of view of the moral principles that may justify migration policies: from the obligation to admit refugees, to the admissibility of restricting entry versus “open borders” arguments (Miller 2005; Bader 2005; Carens 2015; Beltrán 2019; Wellman and Cole 2011), to what merits opening the gates of citizen rights to migrants (Bauböck 2015; Benhabib 1999, 2004; Lenard 2012;

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35 For instance, up to 25 countries worldwide prohibit emigrants from renouncing their nationality of origin (see the GLOBALCIT Dataset). Turkish citizens must perform military service, or pay a sum of up to EUR 6,000 to shorten its length. Eritreans must pay tax from abroad, or else pay sanctions levied on them whenever they use a consular service (see Hirt and Mohammad 2017).

36 The quotation marks are meant as a critique: it is never talent that is measured in fact, but rather only level and type of formal education.



Pedroza 2019; Walzer 1997), or to what allows them multiple polity memberships (Bauböck 2007; Hammar 1985; Spiro 2010; Rubio-Marín 2006).

All in all, normative political theorists have been readier than empirical political scientists to rigorously analyse also the emigration and emigrant sides (Lopez-Guerra 2014; Fine and Ypi 2019). For most empirical social scientists, however, (notable exceptions are Blatter, Schlenker, and Schmid 2015; Vink and Bauböck 2013), normative concerns only add noise to otherwise sound empirical analysis. Most studies have largely overlooked the question of how migration-policy configurations cohere with certain principles (either stating them deductively or discovering them inductively through the analysis of such configurations), as well as with normative theories of migrant inclusion/integration.<sup>37</sup>

Knowing better the policy configurations that exist across cases will help us take theories of democratic inclusion forwards beyond the issue merely of migrant integration – their primary focus so far. The empirical questions of what policy configurations exist and in which ways they cohere or not are both important for accomplishing that. This is so because discriminatory migration policies pose a threat to the principles and aspirations connected to equal citizenship and the goals of justice, fairness, and stability existing within any political community (Kymlicka and Norman 2000; M. Vink and Bauböck 2013) – and, indeed, across them.

## 8 Concluding Remarks

So far, many authors have found compelling Benhabib’s postulate that “the treatment of foreigners in our midst is a crucial test for the moral conscience as well as political reflexivity of liberal democracies” (1999: 736). We have focused on assessing how receiving democracies solve the democratic deficit created by the lack of political representation of resident immigrants by granting voting rights or access to citizenship (i.e. primarily focusing on Stages 2 and 3 in the framework that I propose).<sup>38</sup> We have taken those self-examination exercises very seriously, maybe too seriously. In these exercises we have skipped the more complex analysis of the necessary – from both a logical and practical standpoint – precondition for those

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37 Vink and Bauböck (2013) have pioneered the study of citizenship as it applies to both immigrants and emigrants. With a mixture of inductive and deductive moments, they suggest that regimes found in Europe “configure” along dimensions of territorial and ethnocultural exclusion. Currently the two authors are expanding their scope beyond Europe.

38 The pioneering analytical term “denizen” was first used by Hammar (1990), then taken up by later works (Bauböck 2005; Pedroza 2012), to denote an outsider – de jure or de facto – who has been granted rights similar to those of citizens by virtue of being resident. The literature on global justice concerns also uses the term denizen in a different sense, namely to refer to an overarching category comprising the migrant workers, tolerated citizens, and “failed citizens” (criminals etc.) who stand in opposition to a global “proficient,” “flexible” elite with access to citizenship rights in several polities, but no enforceable obligations anywhere (Standing 2015; Ong 2006).

inclusion/integration policies to apply: before immigrants can be included in the polity via voting rights or naturalisation, they enter with or without the right to those things already.

Only by observing the full framework of migration policies can normative theories cover the whole breadth of the discriminatory policies and practices that democracies exert against migrants through related regulations across stages. As some contemporary reformers of Migration Studies propose, complex situations require complex analyses (Scholten 2019). In a world of unevenly distributed mobility rights (Mau et al. 2015) and of passports of differing power, we need to be aware of how states' regulation of mobility allows them not only to control international borders but to differentiate early and easily between the wanted and unwanted, even before people move (Laube 2013).<sup>39</sup> Academics are slowly but increasingly starting to connect policies across the three different stages of migration<sup>40</sup>; it is organisations and civil society groups acting on behalf of migrants who call most loudly and consistently for policymakers to develop more coherent and symmetrical policies for both of the two sides, however. It is time for us researchers to deliver, then.

The conceptual framework offered here is meant to simultaneously present a critique of existing scholarship on migration policies, to propose a way to comprehensively observe them as a policy field, and to open up methodological possibilities for realising such observations. So far, by chopping migration policy up into immigration and integration, as if these were separate realities disconnected from each other, we have overlooked how state policies fully impact on the lives of migrants. We need a comprehensive overview of all relevant kinds of migration policies regulating the different stages of such journeys and of how they are concatenated. More is at stake than widening our (limited) view as scholars. With that fuller picture, we will be one step closer to gauging the power that migration policies wield over the lives of millions.

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39 Some commentators have suggested the term "migration management" for a comprehensive migration-policy approach, but I refrain from using it here despite the burst of writing on international-migration management in recent years. Technical agencies (e.g. IOM) have presented this term to their clients (governments, among others) to convey neutrality in what really are highly discriminatory regimes (see the critique by Bader 2012). However, states not only "manage" migration but are also quintessentially involved in creating migrations. All trace of neutrality is gone when we look at the more neglected side of migration policy (that for emigrants). States seldom claim to "manage" their emigrants; rather, they claim to "reach out to," "include," or "embrace" them (Gamlén 2014; Adamson 2016).

40 Klugman and Pereira demand coherence across the two sides – "one might expect that the presence of large shares of nationals abroad might sensitize a government to the needs and rights of migrants" (2009: 3) – just like several scholars (Cantor, Freier, and Gauci 2015) elaborate on the incoherence between discourse and practice.

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