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# article

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## Conditionality of legal status and immigrant occupational attainment in western Europe

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This paper advances a novel theoretical perspective on the determinants of immigrant occupational attainment in western Europe. Previous research has not accounted for the process of legal status transition or the implications of this for migrants. A new measure of the conditionality attached to legal status transitions is advanced and its hypothesised role in the determination of migrant outcomes in interaction with other features of legal status policy is tested utilising large-scale European microdata for 14 countries in the context of multilevel modelling. Results support the hypothesis and the paper concludes by discussing implications for policymakers and for future research.

**keywords:** migration • labour markets • Europe • employment

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### Introduction

Immigrant integration with the labour market has been the subject of an extensive literature. Do migrants assimilate to the host country labour market over time (Chiswick, 1978; Borjas, 1985)? What do migrant patterns of occupational attainment look like (Chiswick et al, 2005)? Do human capital attributes translate effectively to host country labour markets (Friedberg, 2000)? And how can we account for variation in migrant outcomes? The literature has engaged with such questions, demonstrating that the answers have implications not just for policymakers and academics, but also for the quality of migrant jobs and lives and thus for the economy and society more broadly (Banting and Kymlicka, 2006; Barrett and Duffy, 2008).

Much research has focused on single country studies or on comparisons of migrant and native outcomes within countries. Between countries, however, there is interesting cross-national variation in migrant occupational attainment. For example, data show that in the UK 29 per cent of sampled third-country nationals (TCNs) in 2006–7 were employed in prestige occupations categorised as either ‘senior manager or official’ or ‘professional’. Compare this to France where 22 per cent of TCNs were similarly employed, or Italy where only 9 per cent of TCNs held such jobs.<sup>1</sup> This paper sets out to explore why such cross-national differences obtain.

Also, while some studies do attend to variation by legal status or entry category (Constant and Zimmermann, 2005) none has yet attempted to account explicitly for the *process* of legal status acquisition and the scope for migrants to transition between different types of legal status. The rights and security afforded by legal status vary across countries, as do the conditions states impose on transitioning between statuses. The

security of migrant life positions can be expected to have an impact on occupational attainment in a number of ways. Accordingly, the conditionality of transitioning to a more secure legal status is a policy process that can be expected to moderate the impact of security on migrant employment outcomes. If moving to a more secure legal status is rendered difficult by the attendant policy process then migrants subject to insecurity would be expected to register poorer employment outcomes than those where greater security is more easily achievable. Acknowledging the importance of this process for TCN migrants in Europe, this paper advances a novel theoretical perspective which helps to account for empirical differences across countries, thus deepening our understanding of the determinants of migrant occupational attainment and advancing the literature in this area.

## **Immigrants and labour markets**

### *Determinants of labour market outcomes*

Chiswick's (1978) early study of migrant experiences in the US labour market hypothesised that migrants' lower initial earnings due to a lack of country-specific skills eventually overtook those of natives the longer they stayed in the country. However, later research cast doubt on this account and highlighted the importance of changing cohort quality for understanding national-level immigrant employment outcomes (Borjas, 1985). More recent work in Europe by Barrett and Duffy (2008), looking at immigrant labour market integration in Ireland following that country's immigrant boom, echoed this finding. Despite appearances that more recent arrivals had lower occupational attainment relative to earlier arrivals, a closer analysis indicated this could be explained by a change in the national origin mix, with immigrants from the EU's new member states having the lowest occupational attainment.

Selective immigration policies are also important and analysis of immigrant outcomes after the imposition of Canada's points system in 1967, for instance, showed that the selective policy had had a large and direct effect on the occupational distribution of migrants entering the country (Green and Green, 1995). However, while selective policies can and do influence skill levels, care must be taken not to overstate their importance; other important social, economic and historical factors – chain migration, push and pull factors, family reunification, geographical distance, and so on – work to determine the composition of immigrant cohorts (Antecol et al, 2004).

Beyond national level explanations in terms of cohort composition, a number of factors at the individual level have been shown to be important. Borjas (1987) found that there were major returns to English proficiency in the US and that age at migration matters, where immigrants who were young upon arrival in the host country were likely to have an easier time assimilating. Green (1999) likewise found that language skills matter, with those who were not fluent in the host country language on arrival seen to have lower occupational mobility.

Bloom and Gunderson (1991), when comparing immigrants to natives, found lower rates of return to education for immigrants, perhaps pointing to difficulties for immigrants in transferring skills. Indeed, countries in Europe today exhibit variation in the degree to which they do or do not facilitate the acknowledgement of migrants' foreign qualifications (Niessen et al, 2007). An Israeli study found that migrants earn around a quarter less than comparable natives on the basis of their measured skill

levels, something accounted for by the lower valuation of human capital obtained overseas, and that higher returns to education were detected where migrants obtained human capital in the host country (Friedberg, 2000).

Chiswick, Lee, and Miller (2005) have advanced a model whereby migrants experience a 'U-shaped' pattern of occupational attainment. Moving from home country to host country, migrants experience downward occupational mobility as their skills may not be directly transferable. However, over time, migrants acquire location-specific human capital, leading to upward occupational mobility. Whether migrants see themselves as permanent or temporary is also likely to have an impact on outcomes, where temporary migrants may have more interest in simply earning money for remittance back home than in occupational prestige (Drinkwater and Clark, 2008). Similarly, temporary migrants may have less incentive to invest in human capital or in acquiring the host country language than those who plan to stay permanently (Dustmann, 2000).

Other migrant-specific factors relevant to employment outcomes include issues such as discrimination. More than half of people surveyed in 6 of 13 European countries in a major study of public attitudes to immigration indicated that they felt that migrants 'take out more than they put in' (Crepaz, 2008). Alongside such hostility, perceived social and cultural distance can lead to labour market discrimination (DeVoretz and Pivnenko, 2005) while a lack of social capital may also hinder occupational attainment (Granovetter, 1973). Drinkwater and Clark (2008) note that the finding that non-white immigrants to majority white countries have significantly lower earnings, even controlling for work-related characteristics, is by now well-established.

### *Role of legal status*

In attending to the relationship of legal status to employment outcomes this paper concerns itself with those migrants embedded in the official channels and policy processes by which states manage resident migrant populations. Migrants occupying irregular positions with regard to the apparatus of state lie beyond our explanatory concerns. Nonetheless, illegal or irregular migrants and issues such as human trafficking pose distinct challenges to governments (as well as researchers interested in these hard-to-reach populations) and occupational outcomes for such groups are likely to be *sui generis*. The irregular migrant population in the UK, for example, has been estimated at 430,000–618,000 (Toms and Thorpe, 2012). However, it is worth noting that this constitutes only about 9–12 per cent of TCNs in the UK, who numbered 5 million in 2012.<sup>2</sup> The vast majority of TCNs will be subject to the policy processes around legal status which are the focus here.

Research has shown that the reduction of social and cultural distance by, say, acquiring citizenship status results in increased earnings and improved occupational attainment for migrants (DeVoretz and Pivnenko, 2005). Other studies have likewise established that non-citizen migrants hold jobs of lower occupational status (Kogan, 2003), that the acquisition of citizenship entails both tangible and intangible benefits including eligibility for certain types of job and state support (Van Hook et al, 2006), and that immigrants who naturalise see an acceleration in wage growth (Bratsberg et al, 2002).

While migrants have some control over labour market-relevant factors, the state delimits the other broad policy parameters within which migrant outcomes are

determined. These broad parameters constitute a network of incentives and constraints within which migrants are embedded on arrival in the host country. Borjas (1987) found that migrant incentives to assimilate to the host country labour market were influenced by social and political conditions in the country of origin, where unstable or unfree home situations reduced incentives towards return migration. Likewise, how host countries regulate legal status will have an impact on incentives in ways that can be expected to shape migrant responses.

The 'degree of regulation over labour market entry', and how closely this is linked to migration policies, has been cited elsewhere as a 'significant' factor with implications for migrant employment outcomes (Carmel et al, 2011, 248). Caponio and Graziano (2011) observe that different types of labour market policy and organisation can force categories of migrants to work in conditions of continuous uncertainty which, in combination with difficult working or contractual conditions, often result in higher levels of working poor.

Differences in outcomes for naturalised as opposed to non-citizen migrants highlight the need to disaggregate the unhelpfully broad category of 'migrant'. In the European context, the outcomes experienced by intra-EU migrants will be qualitatively different to those experienced by other types of migrant such as third-country nationals (TCNs). TCNs suffer legal disadvantages next to intra-EU/EEA migrants insofar as they may be denied access to the welfare state or to certain forms of employment by virtue of their legal status, or they may find that their legal status is contingent and conditional leading to life situations characterised by insecurity (Niessen et al, 2007). Meanwhile EU/EEA citizens are guaranteed free movement of labour within the Union and are also protected by supranational legal directives guaranteeing access to the social protections of their host countries in ways that TCNs are not (see Regulation (EEC) No 1408/71).

Sainsbury (2012) has argued that the different types of entry category that countries apply to migrants have stratifying effects on migrant outcomes while further research has shown that migrant households experience poverty with much greater frequency than native households and that varying 'conditions of eligibility' stratify migrant access to state supports such as unemployment benefits (Morissens and Sainsbury, 2005). Constant and Zimmerman (2005) note that legal status on entry can have long-lasting effects on the earnings potential of migrants. Others have noted that the strategies states adopt to 'manage membership', for example by restricting welfare access to citizens, may have unintended consequences, such as in the US where the imposition of such restrictions in 1996 resulted in a surge of migrants naturalising (Feldblum, 2000).

Across Europe, common frameworks exist to formalise and categorise the migrant-state relationship for TCNs in terms of differentiated legal statuses. What has been neglected to date in studies of migrant employment outcomes is the *processual* nature of migrant engagement with these regulatory frameworks. Legal status is not a static characteristic of migrant lives and, over time, migrants may transition between different types of legal status as they become eligible and as it becomes advantageous for them to do so.

Cross-national variation exists in the nature and expansiveness of the rights that differentiated legal statuses afford. For instance, the protections of the welfare state accrue to those holding long-term residency (LTR) status (Brubaker, 1989; Hammar, 1990; Niessen et al, 2007). At the same time, the MIPEX data make clear

that LTR status varies across countries in the level of security it affords; for example, unemployment is one possible ground for the withdrawal of LTR status in up to four of the countries considered in this paper, though not in others.<sup>3</sup>

Similarly, countries exhibit variation in the stringency of the conditions they impose on migrants seeking to transition from one legal status to another (Soysal, 2012; Niessen et al, 2007). This conditionality of legal status plays a key role in the process of legal status acquisition and is a factor that has been overlooked in previous research. Acknowledging this process and its relevance to labour market outcomes, and attempting to account for its effects empirically, is not something that has been attempted before to the author's knowledge and these constitute the key aims and academic contribution of this paper.

## Theory

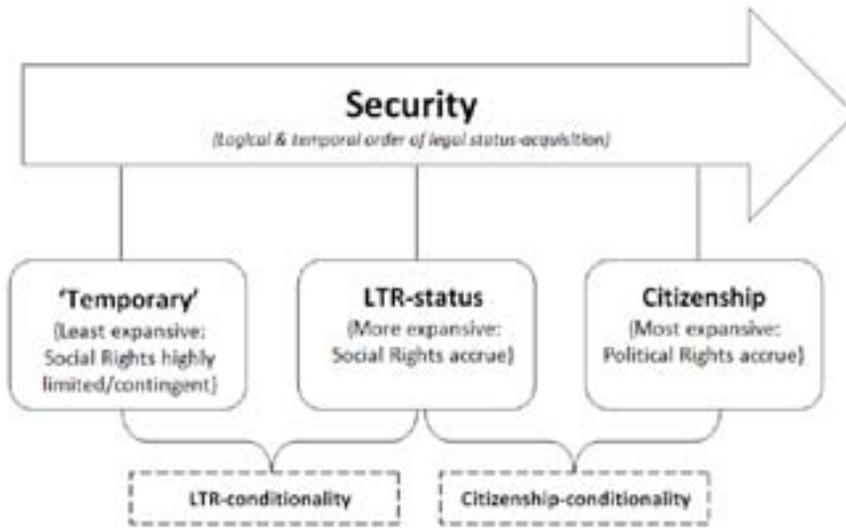
The theoretical understanding adopted here shares a conceptual affinity with recent work on migration and the 'challenges of which takes as one of its central themes the "interaction of migration, migration policies and social protection in Europe"' (Carmel et al, 2011, 1) (original emphasis). We also focus on the interaction of state structural and policy features with regard to hypothesising and testing the effects of conditionality of legal status on migrant outcomes.

The formation of labour market attachments for TCNs is taken to result from a process *unique* to the experience of this category of migrant. Legal status is conceptualised as a hierarchically delimited continuum with TCNs at different points on that continuum subject to varying levels of security and having recourse to different sets of rights (Carmel et al, 2011). The acquisition of progressively more secure legal status is recognised as a contingent process, conditional on fulfilling a set of specified requirements which themselves vary in the stringency of the demands they make on migrants on a state by state basis. The constraints imposed on transitioning from a less secure point to a more secure point on the continuum have been characterised here as 'conditionalities', that is, 'citizenship conditionality' governs the transition from LTR migrant to fully fledged citizen of the host country, see Figure 1.

Subsisting in a state of insecurity is likely to have an impact on occupational attainment in a number of ways. Migrants whose legal status is insecure face weaker incentives to invest in human capital or may see themselves as potentially temporary and not permanent migrants (Dustmann, 2000). Where remittances are important, insecurity may lead to an emphasis on earning money over occupational prestige (Drinkwater and Clark, 2008). Finally, where retention or renewal of LTR status is contingent on holding employment then occupational prestige may similarly be sacrificed to the priority of holding any job at all so as to ensure continued presence in the country.

If security is a variable which has an impact on employment outcomes then the conditionality of transitioning to a legal status offering greater security can be expected to moderate the impact of that variable, that is, security is involved in an interactive relationship. The explicit theoretical expectation here is that the effect of the security of the presently held legal status on labour market attainment will be moderated

**Figure 1: Conceptual hierarchy of legal status, conditionality and security for TCNs**



by the conditionality attached to attaining the next more secure legal status in the hierarchy.<sup>4</sup> Where migrants are subject to insecurity, and where moving to a more secure status is rendered difficult by high conditionality, we can expect to see poorer employment outcomes than where greater security is more easily achievable; this is the expected direction of the interaction.

This is line with our understanding that legal status is not a static characteristic but rather part of a process that migrants actively navigate and in which they are embedded. The central hypothesis is that: the relationship of a state's level of LTR insecurity to the type of labour market attachments TCNs hold is held to be interactive with the level of conditionality a state imposes on attaining citizenship status; insecurity coupled with high conditionality should tend to poorer employment outcomes than insecurity coupled with low conditionality.

Other national level characteristics we expect to have an impact on labour market outcomes include the degree of labour market regulation (Carmel et al, 2011), the prevalence of anti-migrant attitudes (DeVoretz and Pivnenko, 2005), the general economic situation including unemployment, and the shaping of the cohort at any point by selective entry mechanisms (Antecol et al, 2004).

## Methodology

### *Data*

In order to test the hypothesis we utilise cross-national micro-data in the form of the EU-SILC (Survey on Income and Living Conditions) procured from Eurostat under licence, pooled for the years 2006 and 2007 (EUSILC, 2006, 2007). The data are analysed by means of multilevel modelling, allowing for the testing of contextual level (level-2) interactions while controlling for individual level (level-1) determinants of occupational outcomes. A level-2 measure of citizenship conditionality is constructed for the countries of western Europe.<sup>5</sup>

These countries are 'rich', modern, economically and politically developed countries that will have been similarly desirable destinations for TCNs considering relocation and can thus be seen as comparable. In a broad sense, this is a 'most similar systems' comparative research design (Dogan and Pelassy, 1984; Peters, 1998), the point of which is to use the research design to conceptually 'hold constant' as many sources of extraneous variance as possible.

EU-SILC data is collected irrespective of language, nationality or legal residence status (under European Commission Regulation No 1982/2003) and so we can be sure that the migrant population of interest is represented in the data. More information on the dataset can be found in the SILC supporting documentation (Eurostat, 2006). TCN migrant cases were identified from the data as follows. 'Country of birth' is defined as the country of residence of the mother at the time of birth with the variable taking three values (Eurostat, 2006, 156): (LOC) same country as country of residence; (EU) any European union country (EU25) except country of residence; (OTH) any other country. Third-country nationals were defined as all those from 'any other country' on this variable. The regression models are constrained to TCNs only.

The data thus contain a mixture of TCN migrants who will have a number of possible legal statuses, temporary, long-term resident, or naturalised citizen. All models control for the presence of naturalised migrants in the data and any 'naturalisation effect' on occupational attainment will be captured by the inclusion of this variable. Apart from the vast reduction in statistical power it would entail, the exclusion of naturalised immigrants from the models is unjustified on theoretical grounds. Naturalised migrants are at the endpoint of the process of legal status acquisition and will have been subject in the preceding years to the policies governing that process. To the extent that their pre-naturalisation occupational outcomes were determined by such policies we expect this to feed into post-naturalisation occupational attainment; early employment history has an impact on later outcomes.

The data also contain a mix of temporary and LTR migrants, and it is not possible to identify these categories separately. This is an intractable issue that should be borne in mind when interpreting the results. However, the OECD observes that in surveys like SILC temporary labour migrants of less than a year tend to be excluded as they cannot report on the previous year's income, and so on (OECD, 2013, 147) and, furthermore, given the rotating panel design of SILC, recent arrivals are likely to be underrepresented in the data (OECD, 2013, 164), so the issue should not unduly concern us.

The dependent variable is a measure of job prestige or desirability (see later section) which is estimated as a function of a constant plus a vector of level-2 determinants, a vector of level-1 controls, a random intercept (the level-2 unit-specific deviation from the overall regression line, specific to each level-2 unit and constant across all individuals within that unit) and an error term specific to each individual within each level-2 unit. The random intercept and the error term together comprise the total residual in the multilevel model (Rabe-Hesketh and Skrondal, 2008).

Two years of cross-sectional data (2006, 2007) are merged, allowing us to boost sample numbers at level-1 but also to boost sample size at level-2, giving us microdata from 14 countries (Germany and Switzerland unavailable), spread over 28 country-years, and a total effective sample size of about 24,159 TCNs. The dataset is unbalanced insofar as some country-years contain more individual-level observations than others,

averaging about 850 per country-year cluster, with a minimum of 150 observations and a maximum of 1,745.

### *Multilevel modelling*

Given the unbalanced nature of the data, maximum likelihood (ML) and restricted maximum likelihood (REML) are the 'preferred methods of estimation' over other alternatives (Marchenko, 2006). REML is preferable when the number of level-2 units is small (Rabe-Hesketh and Skrondal, 2008). It has been noted that a sufficient number of level-2 units for random effects modelling is 'typically more than 10 or 20' (Rabe-Hesketh and Skrondal, 2008, 62). Maas and Hox have shown that with 30 level-2 units, using REML estimation, regression coefficients and standard errors were estimated reliably (Maas and Hox, 2005).

The choice was made to model the random effects here as country-years, and not just by country, so as to increase our level-2 'sample size' from 14 to 28, that is, taking all 14 countries over two years. Utilising country-year clusters and individual responses is by now an established practice in multilevel social scientific research (for example, see Jensen and Lindstadt, 2005; Arceneaux and Nickerson, 2009). The analyses conducted will still be cross-sectional in nature; and it should be noted that the respondents were independent observations, different in each year of the survey used, and thus the data does not constitute a panel. Weights were not applied to the data. Application of full population weights to a migrant-specific analysis would not be justified and, far from making the sampled migrants more representative of the migrant population, we could well make the sample less representative (Barrett and McCarthy, 2007, 807).

### *Dependent variable*

To operationalise type of labour market attachment we use the ISCO-88 categorisation of jobs and job types as compiled by the International Labour Organisation (ILO) to construct a measure of job prestige or desirability.<sup>6</sup> The ILO categorises jobs on the basis of two dimensions – skill levels and skill specialisation – to group occupations on the basis of the similarity of skills required to fulfil the tasks and duties of the jobs in question. The SILC dataset contains a variable for the ISCO-88 classification, where low values denote the most prestigious jobs in society – legislators, corporate managers (value 11 on the variable) – while high values denote low pay, low skill jobs in the 'elementary occupations', for example labourers in mining and transportation (value 93).

The variable is coded so that unemployed respondents report data for the last job they held. There are 26 sub-groups categorised under nine broader groups in this classification (we exclude the armed forces from the analysis). We construct an 8-point scale variable from this data, assigning a value of 8 to the most prestigious, high-skill, high-specialisation group, and a value of 1 to the lowest, and collapsing two semi-skilled occupational groupings together to form a single group.<sup>7</sup>

### *Independent variables*

To operationalise our measure of citizenship conditionality we build on the data collected by the MIPEX project for European migration policies in 2006 (Niessen et al, 2007). In the project's own words 'MIPEX measures policies to integrate migrants in 25 EU Member States and three non-EU countries. It uses over 140 policy indicators to create a rich, multi-dimensional picture of migrants' opportunities to participate in European societies' (Niessen et al, 2007, x).

Drawing on the policy area associated with the conditions attached to securing citizenship status for 16 countries of western Europe it was possible to construct an index of conditionality utilising the country by country policy indicators for 2007, made available for download on the MIPEX project's website. There were eight component policy measures within this strand which clearly met the criteria of 'imposing a condition' on TCN migrants.<sup>8</sup> In the original MIPEX dataset each measure was coded for each country as either 1, 2 or 3, where 1 indicated the most exacting level of requirement and 3 the least. The polarities were reversed for present purposes such that, in the formation of an additive index, high values would correspond to high levels of conditionality. The initial set of eight policy measures, before reduction using statistical techniques, are represented in Table 1.

Multiple correspondence analysis (MCA) was used to assess the dimensionality of the measure to be extracted from these data. MCA is applied to categorical/ordinal data and produces results analogous to principal components analysis (PCA) by analysing the correspondences between rows and columns in a data matrix (Le Roux and Rouanet, 2004, 180). The matrix in this instance is a 16x8 matrix, for 16 countries over eight policy measures, see Table 2. With MCA, sample size is not relevant to the construction of the map charting the relationships between variables (Greenacre and Blasius, 2006, 14).

The analysis indicated that 'max length of application', 'cost of application', and 'good character clause' indicators did not map to the underlying construct in a satisfactory unidimensional manner and so these were excluded from the final measure. Results of the MCA analysis are presented in Table 3. Consulting Cronbach's alpha, a standard means of computing inter-item correlations and a test statistic for the internal consistency, that is, reliability, of an index, confirmed that these items did not show sufficient covariation to merit inclusion in a unidimensional index. A second reduced MCA analysis showed that the 'insurance requirement' indicator did not map to a unidimensional construct and so this was excluded. The alpha score for the final construct was 0.73, where values of alpha ranging from 0.72 to 0.88 have been cited as indicating acceptable to high reliability (John and Benet-Martínez, 2000). Summing the remaining indicators produced an 8-point additive index of conditionality; maximum values were pegged to 8, see Table 4 for the final variable with each country's corresponding score.

Security of long-term residency status is a measure drawn directly from the 'security of status' dimension of the 'long-term residency' strand of the MIPEX report for each of our countries (Niessen et al, 2007). This strand is comprised of four dimensions of which security of status is one, and the scores were taken directly from each country profile in the published report. The values on security were originally recorded as percentages, but these were re-scaled to an 8-point scale so as to render the index intelligible alongside the 8-point conditionality index, see Table 4.

**Table 1: Policy indicators with scoring for citizenship conditionality index**

	1	2	3
First generation immigrants	After ≤ 3 years of residence	After > 3 ≤ 5 years of residence	After > 5 years
Economic resources requirement	None	Minimum income (i.e. acknowledged level of poverty threshold)	Additional requirements (i.e. employment, higher levels of income)
Health Insurance requirement	None	Simple health insurance required	All risks insurance required
Criminal record requirement	Rejection of application for serious crimes (clearly specified in law)	Rejection of application for repeated or serious offences/crimes	Rejection of application for other offences (i.e. misdemeanours and minor criminal offences) or threat to public security and order
Good character clause	None	Yes, no rules of application	Yes, detailed rules of application
Max Length of application procedure	≤ 6 months	>6 months	No regulation on max length
Costs of application and/or issue of nationality title	None	Administrative fee as charged for issue of ID card	Any higher costs
<b>Integration measures (overall average)</b>	<b>Average of indicators below</b>	<b>Average of indicators below</b>	<b>Average of indicators below</b>
Integration measures	None	Other integration measures	Passing of test
Imposition of integration course	None	Voluntary	Conditional for status
Language assessment	None	Simple, oral, multiple choice	Written and/or high level language test
Content of integration assessment	None	With social aspects (knowledge of legal/ political system, citizenship rights, basic norms/values)	With cultural aspects (culture, customs, traditions)
Cost of test	None	Minimal cost	Any higher costs

Source: Review of indicators for the 2006 Migrant Integration Policy Index: Excel version; available from Mipex website.

Rigid and inflexible labour market regulations are likely to work to the detriment of outsiders, especially migrants (Carmel et al, 2011). Labour market flexibility is operationalised as the degree of strictness of that country's employment protection legislation (EPL) as captured in the OECD EPL index Version 1 pertaining to 2003 (OECD, 2004, 117). The index draws on data from three main areas to produce an index where higher values indicate more extensive levels of protection (that is, a less flexible labour market). The three areas are: protections against individual dismissals; requirements for collective dismissals; and the regulation of temporary forms of employment (OECD, 2004).

**Table 2: Conditionality values for matrix of policy indicators by country**

Country	First gen	Economic resources	Health insurance	Criminal record	Character clause	App length	App cost	Integration (average)
Austria	3	3	3	3	3	2	3	2
Belgium	1	1	1	2	1	3	3	1
Denmark	3	3	1	3	1	3	3	3
Finland	3	2	1	3	3	3	3	2
France	2	3	2	3	2	2	1	2
Germany	3	3	1	3	1	3	3	3
Greece	3	1	1	3	2	3	3	2
Ireland	2	2	1	2	2	3	2	1
Italy	3	3	2	3	1	2	2	1
Netherlands	2	1	1	3	3	1	3	3
Norway	3	1	1	3	3	3	2	2
Portugal	3	1	1	1	1	1	3	1
Spain	3	1	1	3	2	3	2	2
Sweden	2	1	1	1	1	2	3	1
Switzerland	3	3	1	3	2	3	3	3
UK	2	1	1	3	2	3	2	2

Source: Review of indicators for the 2006 Migrant Integration Policy Index: Excel version; available from Mipex website.

The unemployment rate is likely to be relevant to occupational attainment, where occupational prestige may be sacrificed under difficult conditions in order to secure any job, something with consequences unique to TCNs in Europe where residency may be tied to employment (Niessen et al, 2007). The variable used in the analysis is taken from OECD data and captures the unemployment rate of the civilian population overall for the year preceding collection of our microdata, that is, 2005 (OECD, 2007, 36–7).

High levels of anti-migrant attitudes are likely to result in greater discrimination against migrants in a way that has an impact on occupational attainment (DeVoretz and Pivnenko, 2005). To gauge the extent to which native populations in our countries of interest express negative sentiments towards migrant populations we have recourse to the European Social Survey (ESS) which draws on respondents in many EU member states as well as some European non-EU states.<sup>9</sup>

Taking the question ‘Is [country] made a worse or a better place to live by people coming to live here from other countries?’, scored 0–10 where ‘10’ corresponds to ‘Better place to live’, and recoding into a binary variable with all those responding 0–4 assigned a value of ‘1’ and all other responses assigned a value of ‘0’ it was possible to determine the proportion of people by country expressing anti-migrant sentiments. These proportions were taken as the values for the final level-2 indicator.

To control at level-2 for possible effects of selective immigration systems and the sorting of immigrants (Antecol et al, 2004) we use the proportion of foreign-born immigrants with tertiary education as a proxy indicator, drawing on OECD data (OECD, 2008, 82–3). Controlling explicitly for the imposition of selective entry

**Table 3: Final MCA iteration, one dimensional solution showing loadings of variable categories on underlying construct**

Variable	Categories	Overall		Dimension 1		
		Mass	Quality	% inertia	Coordinate	Contribution
Residency requirement	1	0.016	0.708	0.143	3.035	0.144
	2	0.078	0.865	0.021	0.58	0.026
	3	0.156	0.965	0.04	-0.593	0.055
Economic resources	1	0.125	0.548	0.037	0.48	0.029
	2	0.031	0.392	0.053	0.976	0.03
	3	0.094	0.834	0.074	-0.966	0.087
Criminal record	1	0.031	0.392	0.095	1.304	0.053
	2	0.031	0.733	0.211	2.648	0.219
	3	0.188	0.822	0.07	-0.659	0.081
Integration requirements (average)	1	0.078	0.843	0.152	1.526	0.182
	2	0.109	0.455	0.044	-0.508	0.028
	3	0.063	0.769	0.059	-1.019	0.065
Dimension	Principal inertia	%	Cumulative %			
1	0.261	70.4	70.4			
2	0.023	6.1	76.6			
3	0.009	2.6	79.1			
4	0.001	0.3	79.4			
<b>Total</b>	<b>0.371</b>	<b>100</b>				

Note: 'quality' in a one-dimensional MCA solution is analogous to the term 'loading' found in PCA; 'inertia' in MCA is analogous to 'variance' in PCA

Source: Review of indicators for the 2006 Migrant Integration Policy Index: Excel version; available from Mipex website

**Table 4: Citizenship conditionality index and security index country scores**

Country	Conditionality	Security	Country	Conditionality	Security
Austria	7	4.6	Italy	6	3.4
Belgium	1	6.3	Netherlands	5	5.7
Denmark	8	4	Norway	5	5.7
Finland	6	5.7	Portugal	2	4
France	6	5.7	Spain	5	5.7
Germany	8	5.1	Sweden	1	6.3
Greece	5	5.1	Switzerland	8	5.1
Ireland	3	2.3	United Kingdom	4	5.1

Source: Author's own calculations; Niessen, Huddleston and Citron, 2007.

Table 5: Models of TCN job outcomes (8-pt job desirability index) with level-1 and level-2 controls

	(1)	(2)	(3)	(4)
L2: Citizenship Conditionality (CitCond)	0.007 (0.042)			-0.003 (0.037)
L2: Security of LTR status		-0.133* (0.072)		0.005 (0.088)
L2: Labour Market Flex. (EPL)			-0.214** (0.106)	
L2: CitCond*Security				0.086** (0.033)
Naturalised (0, 1)	0.691*** (0.031)	0.694*** (0.031)	0.691*** (0.031)	0.696*** (0.031)
Sex (F = 1)	0.027 (0.029)	0.027 (0.029)	0.027 (0.029)	0.026 (0.029)
<b>Age (Ref: Mid)</b>				
Age (low)	-0.042 (0.043)	-0.042 (0.043)	-0.041 (0.043)	-0.043 (0.043)
Age (high)	0.120*** (0.035)	0.121*** (0.035)	0.121*** (0.035)	0.120*** (0.035)
<b>Education (Ref: Tertiary)</b>				
Primary	-2.173*** (0.051)	-2.173*** (0.051)	-2.170*** (0.051)	-2.173*** (0.051)
LwrSecondary	-2.057*** (0.043)	-2.057*** (0.043)	-2.055*** (0.043)	-2.056*** (0.043)
UprSecondary	-1.263*** (0.036)	-1.263*** (0.036)	-1.263*** (0.036)	-1.262*** (0.036)
Married (0, 1)	0.05 (0.034)	0.05 (0.034)	0.049 (0.034)	0.05 (0.034)
Unemployed (0, 1)	-0.329*** (0.054)	-0.329*** (0.054)	-0.329*** (0.054)	-0.329*** (0.054)
Household size	-0.079*** (0.01)	-0.079*** (0.01)	-0.079*** (0.01)	-0.079*** (0.01)
Single parent (0, 1)	-0.159** (0.078)	-0.159** (0.078)	-0.160** (0.078)	-0.159** (0.078)
Constant	4.953*** (0.103)	4.931*** (0.095)	4.959*** (0.094)	4.981*** (0.096)
RANDOM:sd(Intercept)	0.440*** (0.064)	0.414*** (0.06)	0.407*** (0.06)	0.379*** (0.058)
sd(Residual)	1.928*** (0.01)	1.928*** (0.01)	1.928*** (0.01)	1.928*** (0.01)

N	18491	18491	18491	18491
F-test	0.000	0.000	0.000	0.000
AIC	76934	76929	76928	76937
Chi-sq	3992	3999	4001	4014
Log-likelihood	-38452	-38450	-38449	-38451

\*p<0.10, \*\*p<0.05, \*\*\*p<0.001

Source: EU-SILC 2006, 2007 microdata; author's own calculations

**Table 6: Predicted values of job desirability over varying levels of conditionality and security of status**

Citizenship Conditionality	Predicted value	Standard Error	p value	95% CI (lower)	95% CI (upper)
Basic Scenario					
Mean -3	3.96	0.11	0.000	3.74	4.18
Mean	3.96	0.08	0.000	3.79	4.12
Mean +3	3.95	0.16	0.000	3.63	4.26
Insecure Scenario					
Mean -3	4.22	0.15	0.000	3.92	4.51
Mean	3.95	0.10	0.000	3.75	4.15
Mean +3	3.68	0.20	0.000	3.29	4.07

Source: Author's own calculations using EU-SILC cross-sectional data (2006, 2007).

Note: Lower predicted values denote less desirable, lower paid occupations. 'Insecure' in these calculations denotes 1 standard deviation below the mean on the security of status index, while 'Basic' denotes the scenario where security of status is held at its mean; other covariates held at means; predicted values generated from model 4 in Table 5; standard errors calculated using delta method.

policies was not feasible as we lack data at the micro-level on year of arrival in the host country by which we might have isolated affected migrants.

In the regression models we also include individual-level determinants covering a standard set of socio-demographic indicators likely to impact on labour market attachment: Age (three categories; 16–29, 30–49 [reference], 50+), sex (F=1), education (four categories, Tertiary is the reference), naturalisation status (naturalised=1), single parent status (single parent=1), marital status (married=1), household size, and employment status (unemployed=1). It is important to control for such factors in multilevel modelling to ensure that any differences in the outcome variable between level-2 units are not actually simply due to compositional effects, that is, the result of differences in the composition of migrant groups in each unit (Snijders and Bosker, 1999).

## Results

The baseline value of the random intercept (reported as the square root of the variance component, that is, the standard deviation (sd) in the null model, not shown here, is 0.668. This can be used later to calculate a 'level-2 R-squared' (Rabe-Hesketh and Skrondal, 2008).

The first model (1) in Table 5 tests for the effect of citizenship conditionality on job type controlling for the set of level-1 indicators. We do not necessarily expect

an effect for this variable in isolation, and indeed the model returns no effect. The individual level variables show that: naturalised citizens are predicted to have better jobs than those TCNs who have not naturalised; the young show no difference relative to those in the 30–49 age bracket in terms of job type, while those over 50 are significantly predicted to have better jobs relative to this bracket; those with lower levels of education relative to tertiary education are predicted to hold worse jobs; the unemployed are predicted to have held less desirable jobs (measured for their last employment) as are those in larger households and those who are single parents; there is no difference between males and females or married and unmarried respondents in these models.

The next model (2) shows a weakly significant effect (at the 10 per cent level) for security of LTR status; where migrants are secure in this status they are predicted under this model to hold less desirable jobs. Why security might engender poorer labour market outcomes is not entirely clear, however we refrain from over-interpretation on this point as the theoretical expectation is that security is involved in an interactive relationship.

The third model (3) controls for the effect of labour market flexibility on job type outcome. This result is significant at standard levels and indicates, as we would expect, that where labour markets are inflexible TCNs are predicted to hold less desirable or prestigious forms of employment. The final model (4) in the table tests explicitly for the hypothesised interaction between security of LTR status and citizenship conditionality. This interaction is significant at standard levels, indicating that the effect of insecurity on TCN migrants' labour market outcomes is mediated by the relative difficulty imposed by states on transitioning to a more secure legal status.

The random intercept in model 4 has reduced to 0.379. This allows us to calculate R-squared at level-2 as follows:  $((0.668)^2 - (0.379)^2) / (0.668)^2 = 0.68$ . This is saying that the full model with interaction effect and level-1 indicators accounts for 68 per cent of the variation in TCN occupational attainment at level-2. A model using only level-1 indicators, not shown, returns a random intercept of 0.432, which implies a level-2 R-squared of 0.58 or 58 per cent. This makes sense: most of the differences across countries in migrant occupational attainment can be accounted for in terms of variation in educational attainment and in socio-demographic factors. However, the addition of our policy measures and interaction of interest allows us to account for a further 10 per cent of variation in occupational attainment outcomes at level-2.

To better understand how changes in conditionality levels affect labour market outcomes as hypothesised here we calculate predicted values from model 4 above for two scenarios, one where LTR status is 'insecure' (1 standard deviation below the mean) and another 'basic scenario' where security of status is held at its mean, see Table 6. The results show that migrants are predicted to hold less desirable occupations (predicted values on the index decrease) when LTR status is insecure and as citizenship conditionality increases; meanwhile there is no change in predicted outcomes in the basic scenario over varying values of citizenship conditionality.

Finally, we control for other potential level-2 determinants of TCN job outcomes alongside the central interaction of interest, see Table 7. The first model (1) controls for labour market flexibility. The central interaction remains significant even controlling for labour market flexibility; the model indicates that more rigid labour markets (that is, less flexibility) are significantly associated with poorer labour market outcomes for TCN migrants, controlling for the other variables in the model.

**Table 7: Models of TCN job outcomes (8-pt job desirability index) with other level-2 controls**

	(1)	(2)	(3)	(4)
L2: Citizenship Conditionality	-0.005 (0.032)	0.006 (0.034)	-0.005 (0.036)	0.026 (0.04)
L2: Security of LTR status	0.124 (0.087)	0.03 (0.081)	0.053 (0.09)	0.017 (0.085)
L2: CitCond*Security	0.116*** (0.031)	0.101** (0.031)	0.089** (0.032)	0.072** (0.034)
L2: Labour Market Flex. (EPL)	-0.290** (0.098)			
L2: Anti-migrant attitudes ('06)		-0.014** (0.006)		
L2: Unemployment Rate ('05)			-0.062 (0.039)	
L2: High-skilled (% Tertiary)				0.017 (0.011)
Constant	5.020*** (0.089)	4.967*** (0.091)	4.980*** (0.094)	4.973*** (0.094)
RANDOM:sd(Intercept)	0.327*** (0.052)	0.346*** (0.054)	0.367*** (0.057)	0.366*** (0.057)
sd(Residual)	1.928*** (0.01)	1.928*** (0.01)	1.928*** (0.01)	1.928*** (0.01)
N	18491	18491	18491	18491
F-test	0.000	0.000	0.000	0.000
AIC	76934	76942	76941	76943
Chi-sq	4041	4030	4020	4021
Log-likelihood	-38449	-38453	-38452	-38454

\*p<0.10, \*\*p<0.05, \*\*\*p<0.001

Note: All control variables included but output for level-1 indicators suppressed

Source: EU-SILC 2006, 2007 microdata; author's own calculations

Next we control for the effect of anti-migrant attitudes (2). This shows that higher levels of public antipathy to migrants significantly predicts poorer labour market outcomes, as we would expect. The central interaction again remains significant even controlling for this factor. The next model controls for the country-level unemployment rate (3) and while higher unemployment predicts poorer labour market outcomes in terms of job desirability this effect just fails to attain significance at conventional levels ( $p = 0.11$ ). The central interaction of interest remains significant even controlling for this factor. The final model (4) controls for the prevalence of high-skilled migrants at the country level. This indicator can be taken as a proxy for the effects of selective immigration systems in producing a more or less skilled migrant cohort over time. The variable is positive as expected, highly skilled cohorts predict better job outcomes,

but the effect also fails to attain significance at conventional levels ( $p = 0.11$ ). The central interaction again remains significant in this model.

## Discussion

Previous research has recognised the importance of human capital factors, cohort composition, selective immigration policies, and migrant-specific factors like discrimination in explaining migrant occupational attainment (Green, 1999; Borjas, 1985; Antecol et al, 2004; Crepaz, 2008). However, once migrants are resident in the host country they are faced with the incentives presented by the regulatory frameworks that states impose on legal status acquisition, where different statuses vary in the security and rights they afford the bearer. It is this perspective, and the explicit acknowledgement of the process underpinning legal status acquisition, that has been missing from previous analyses of migrant labour market outcomes. This paper advances our understanding of migrants and labour markets by offering a theoretical formulation of these issues and by specifying and testing an empirical model of migrant labour market outcomes utilising a new variable capturing the conditionality of legal status, a key part of the theorised process. As such, the paper makes an important and novel contribution to this area.

While much research focuses on outcomes in single-country studies, the advantage of the perspective adopted here is that it draws on Europe-wide commonalities of approach while recognising inter-country differences of policy thus allowing for an explication of cross-national variations in outcomes. The empirical evidence adduced in the statistical models supports the narrative advanced here – that legal statuses, the (in)security they afford, and the conditionality states attach to moving between them constitute a key part of how we account for migrant labour market outcomes.

However, it is acknowledged that this perspective can only be a *part* of the explanation. Why migrants integrate, assimilate or succeed in the labour market is a complex question, or set of questions, and not all of the relevant factors can or could have been controlled for in these models. While the EU-SILC dataset used here is a rich and valuable source of high quality comparable information, it lacks certain indicators that are especially relevant to migrant outcomes. Age at immigration, length of time in the host country or language skills for instance (Borjas, 1987), as well as other factors such as the location of human capital acquisition (Friedberg, 2000), and the ethnic origin of the migrants sampled or whether they were ‘temporary’ or ‘permanent’ migrants (Drinkwater and Clark, 2008), are all factors at the micro-level which bear on outcomes but which it was not possible to control for here.

Lacking information at the micro-level also means that accounting for relevant structural factors at the macro-level (level-2) is not possible. For example, if a state imposed a selective immigration regime at a certain time point it would not have been possible to isolate migrants in the sample affected by this structural change as we lack data capturing time since migration. Controlling for skills at both levels of the model mitigates this somewhat.

Another limitation is the cross-sectional nature of this study, which pools data for two contiguous years. This limits the number of level-2 units in the analysis out of necessity, as we only had data relevant to conditionality in the form of the MIPEX dataset for the years 2006/2007. However, the MIPEX project intends to collect further data on an ongoing basis and the second full iteration, for 2011, has already

been released. Further iterations could allow for the construction of synthetic panels coupling current MIPEX data on conditionality with matching yearly data from EU-SILC, thus increasing available degrees of freedom.

This would allow future research to control for a greater range of level-2 determinants alongside the determinants of interest here. It would also facilitate an exploration of change in migrant cohort employment outcomes over time and the role, if any, of legal status and conditionality in that regard, something which may have implications for accounts like Chiswick, Lee, and Miller's (2005) which perceive 'U-shaped' migrant occupational attainment over time.

These findings have implications for policymakers insofar as they highlight the ways in which policy approaches can interact in perhaps unintended ways, producing situations where the tools of migration policy, designed to regulate legal status, come to have implications for other policy domains such as the labour market. Seeking more coordination and a greater coherency of purpose between migration policies at all levels, from the point of admission to the moment of naturalisation, may be something policymakers wish to consider in light of these results.

Policy debate often focuses on keeping out low-skill migrants (pre-migration policy), see the UK's points-based system, but this paper offers a useful perspective insofar as it shows how state policies around legal status acquisition work to determine employment outcomes post-migration. This clearly has implications for other issues such as poverty, reliance on the welfare state, use of public services and so on, concerns over which are key drivers of debate on immigration (Crepaz, 2008). For legal migrants, policymakers may wish to consider how policies around conditionality and security work to perpetuate the position of those who find themselves at the margins of the labour market, and how adjustment of those policies might foster better occupational attainment with all of the attendant economic and productivity benefits that implies (Barrett and Duffy, 2008). Lack of labour market integration also has implications for social cohesion where it leads to the exclusion of minority migrant communities (Banting and Kymlicka, 2006). As regards illegal/irregular migrants, the explanatory framework advanced here cannot account for their employment outcomes. However, states may be interested to explore whether and how conditionality, perhaps if too stringent, might be implicated in the production of irregular migrants, though that is another research question entirely.

Where insecurity of residency spurs greater citizenship acquisition any rebalancing of the relationship between legal statuses must also raise questions about the proper role and function of citizenship in immigrant-receiving societies. These are weighty issues, as citizenship is not merely a legal status but also has cultural and affective implications, being bound up closely with the identity of nation states (Feldblum, 2000; Crepaz, 2008).

Previous research has demonstrated the importance of human capital and selective immigration policies to explaining migrant occupational attainment across Europe. These findings allow us to arrive at a deeper understanding by demonstrating the importance of also attending closely to the policies around legal status with which migrants are confronted, and the process of legal status acquisition within which migrants are embedded, on arrival in the host country.

## Notes

<sup>1</sup> Source: pooled cross-sectional EU-SILC data for 2006 and 2007, author's own calculations; all sample sizes greater than 2,400 for each country.

<sup>2</sup> File: 'Foreign and foreign-born population by group of citizenship and country of birth, 1 January 2012.png' - Statistics Explained (2013/7/3), 'Born in non-EU countries' column, [http://epp.eurostat.ec.europa.eu/statistics\\_explained/index.php/Main\\_Page](http://epp.eurostat.ec.europa.eu/statistics_explained/index.php/Main_Page)

<sup>3</sup> These four countries are: France, Ireland, Norway, Switzerland. See indicator #59 in MIPEX indicators dataset (MIPEX, 2007).

<sup>4</sup> We focus on the transition from LTR status to citizenship status as the available data do not allow us to isolate 'temporary' migrants.

<sup>5</sup> The countries are: Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, UK.

<sup>6</sup> ISCO: International Standard Classification of Occupations, [www.ilo.org/public/english/bureau/stat/isco/isco88/index.htm](http://www.ilo.org/public/english/bureau/stat/isco/isco88/index.htm)

<sup>7</sup> The 'skilled agricultural and fishery workers' group comprises only 1.8 per cent of the sample and is collapsed into the larger 'craft and related trades workers' group.

<sup>8</sup> Indicators relevant to conditionality were drawn from sections 5.1 (Eligibility) and 5.2 (Acquisition Conditions) of the MIPEX raw data file (MIPEX, 2007), and as listed in Annex 2 of Niessen et al, 2007. Only some of these indicators were deemed potentially relevant for inclusion at the outset, with others being disregarded where they did not clearly signify a requirement that was a necessary condition for gaining citizenship status. Indicators disregarded as not relevant were: #90, #91, #92, #93, #94, #99, #100, #101, #102.

<sup>9</sup> See [www.europeansocialsurvey.org](http://www.europeansocialsurvey.org); the 2006 version contained no data for Greece, Italy, Switzerland, so data was interpolated from the 2002 survey.

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