Legal Status, Territorial Confinement, and Transnational Activities of Senegalese Migrants in Europe

Erik Vickstrom, Ph.D.

IZA Workshop

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Agenda

- Senegal: why do we care?
- Legal status: why do we care?
- The MAFE data
- Legal status and transnational activities
  - Short returns, remitting, HTA participation, investing
  - Direct and indirect constraint of irregular legal statuses

Larger project

- Evolution of immigration-control policies in France, Italy, Spain
- Pathways of irregularity of Senegalese migrants
- So what?
  - Legal status and transnational activities of Senegalese migrants
  - Legal status and labor-market participation of Senegalese migrants

Why do we care about Senegal?

- Migration potential of sub-Saharan Africa (Hatton & Williamson 2003, 2005)
- Senegal is a "diasporic state"
  - Senegalese have long history of both intra- and intercontinental mobility
  - Senegalese relatively more numerous than other sub-Saharan Africans in both intra- and intercontinental destinations
  - Senegalese present in multiple contexts of reception: variation in contexts (policies, institutions, economies)

© Google Maps

Why do we care about legal status?

- Defines access to basic rights at destination: legal, social, economic incorporation

- Axis of stratification/inequality: shaping of migrants' life chances
  - at destination : access to formal institutions
  - at origin: emigration, ongoing affective/financial links, investments, development, possible return
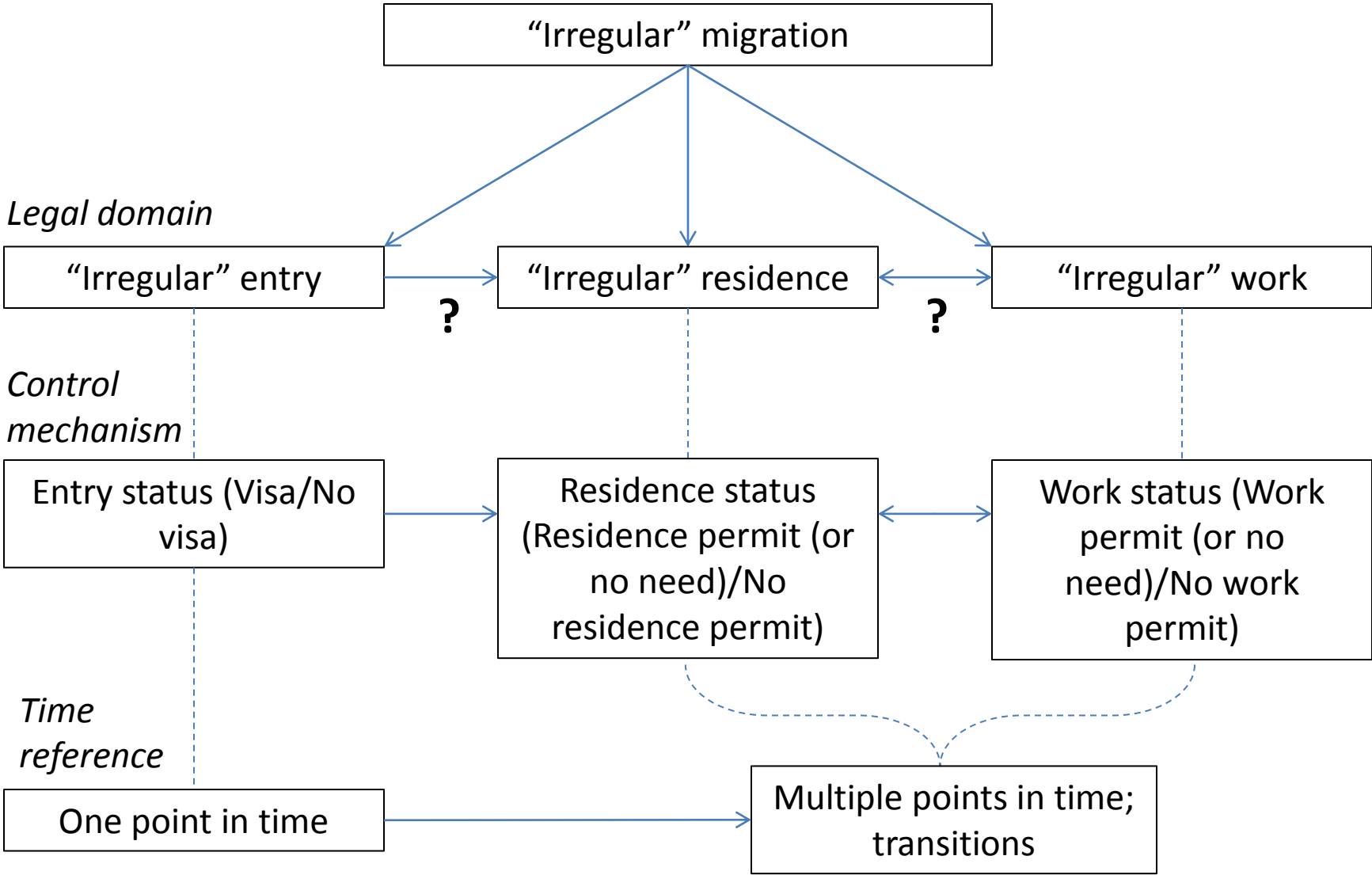
So what?

"Legal status is significant, indeed relevant, only when and if – and to the degree to which – the legal reality is a constraint over the relationships and actions of the actor" (Sciortino 2004: 22)

Irregular migration = African invasion?

Photos © BBC

What is "irregular" migration?

Legal production of irregularity

- Migrant "irregularity":
  - Social relation between migrant and state, not an attribute of migrants
  - Embedded in concrete historical processes and institutions such as laws, policies, and labor markets
- Binary conceptualizations of irregularity can obscure sociolegal contexts that set parameters for the existence of irregularity
  - Calavita 1998, De Genova 2002, Sciortino 2004

Evolution of policies governing legal status

Table 1. Timeline of immigration policies in France, Italy, and Spain

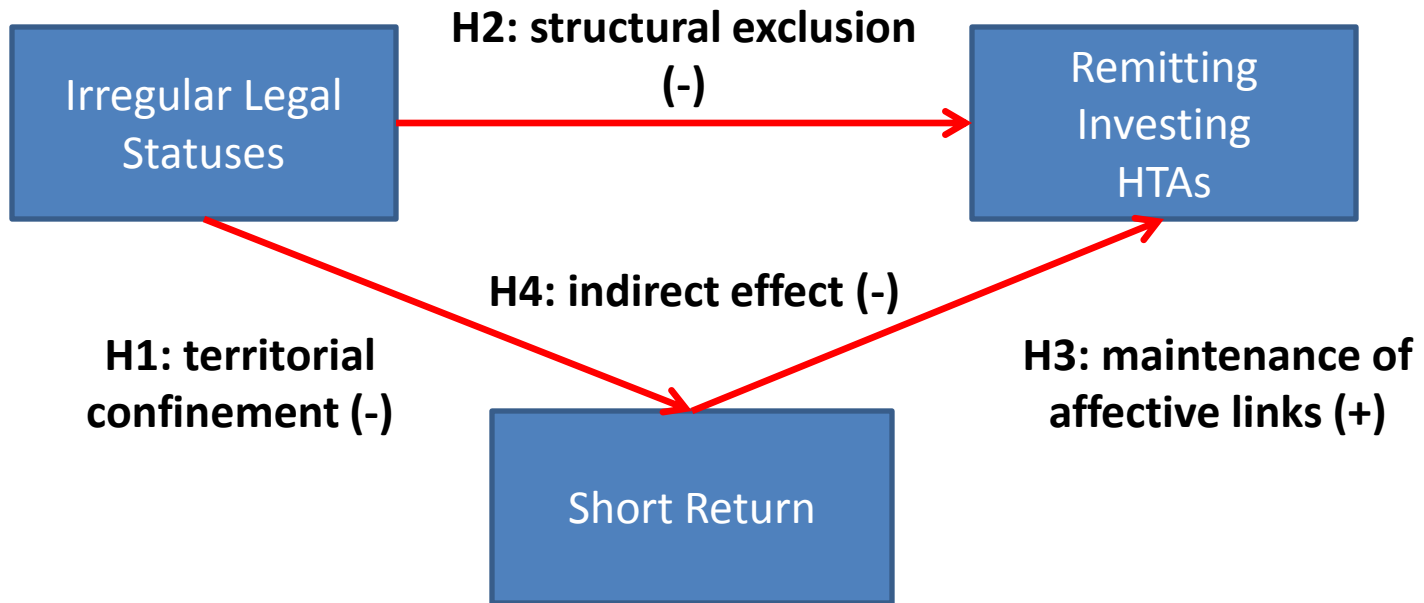|	1960s	1970s	1980s	1990s	2000s
France	*"Preferential regime"* : no entry, residence, or work permits required	*Toward alignment with common regime* : residence and work permits required; no entry visa required	*Alignment with common regime* : visas required, long stay and work permit linked		
	Bilateral treaty (1960) / Bilateral treaty (1964)	Bilateral treaty (1974)	Unilateral suspension of visa clauses of binational treaty (1986)	Bilateral treaty (1995)	
	Regularization Programs				
Italy	*No national immigration policy* : regulations fixed by administrative decrees and circulars		*Law 943* : employer-nominated entry	*Martelli Law* : established entry visa for specified countries	*Testo Unico:* Schengen visas; long-term *carta di soggiorno* / *Law 189* : *contratto di soggiorno-lavoro* (residence permit dependent on work permit)
		Circolare n. 38: Senegalese dispensed from visa requirement, but must regularize situation upon arrival if intent is to stay			
	Regularization Programs				
Spain	*No national immigration policy*	*Decreto 522/1974:* passport and visa required for entry	*Ley de Extranjería* : entry visas, residence, and work permits required		*Ley Organica* : separate residence and work permits
	Regularization Programs				

Transnational activities

- Migrant transnational activities:
  - Simultaneous embeddedness in more than one society
  - Cross-border social spaces and flows of people, money, ideas, culture, identities
  - Examples: return visits, remittances, investments, hometown associations (HTAs)
- What's new about migrant transnational activities?
  - Role of the State: contradictory emphases
    - Immigration-control apparatuses, emphasis on assimilation/abandoning of identities
    - Leveraging migrant activities for development (co-development)

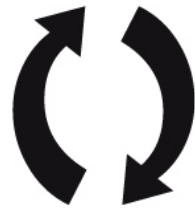# Theory: What links legal status and transnational activities?

- Direct legal constraint
  - *Territorial confinement*: State immigration-control apparatus limits circulation between origin and destination (Waldinger 2008)
  - *Blocked transnationalism/structural exclusion* : realities in context of reception prevent transnational ties with home country, irregular status limits participation in formal institutions (Portes & Rumbaut 2006, Van Meeteren 2012)

- *Maintenance of affective ties and access to reliable information*: relationship between short returns and other activities:? (Itzigsohn & Saucedo 2002, Waldinger 2008, Urry 2002)

- Indirect legal constraint through short returns
  - State "caging" of migrants constrains social ties beyond border by limiting movement and thus non-mobile activities(Waldinger 2008)
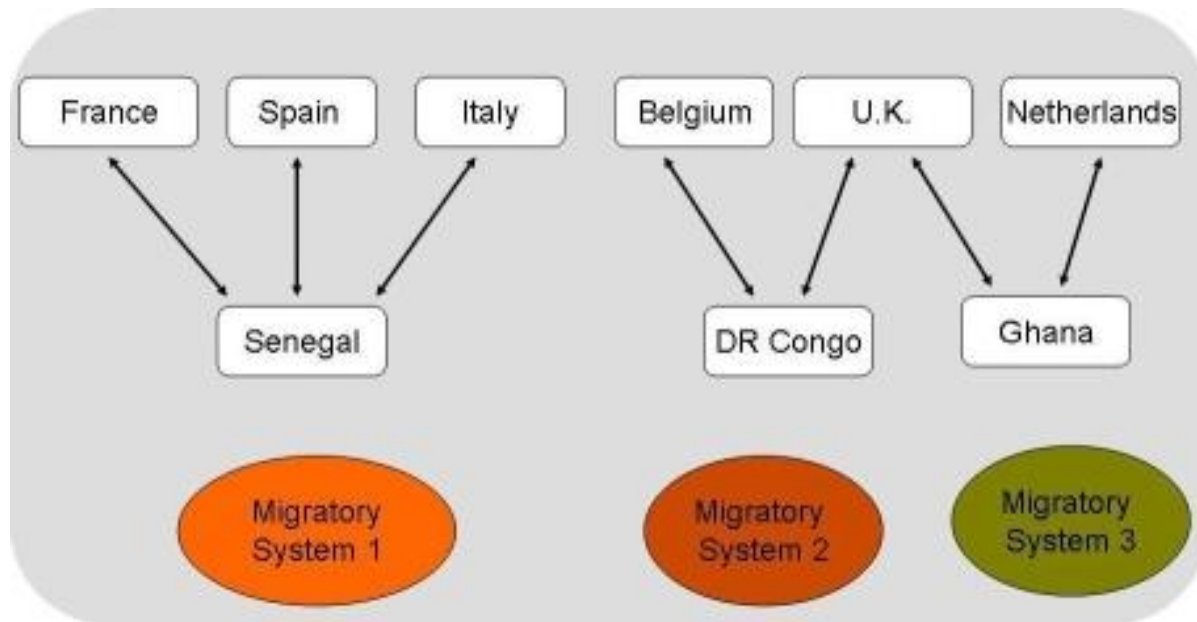
Theoretical model

H2: structural exclusion (-)

Irregular Legal Statuses → Remitting Investing HTAs

H4: indirect effect (-)

H1: territorial confinement (-)

H3: maintenance of affective links (+)

Short Return

The data

MAFE-Senegal

- 603 Senegalese migrants in France, Italy, and Spain (200 per country)
  - Quota sampling with varying recruiting methods
- 1,062 returned migrants, spouses of migrants, and non-migrants in Dakar, Senegal
  - 59 returned migrants with spells in France, Italy, or Spain
  - Stratified random sample of households and individuals
- Retrospective life histories:
  - Yearly data on residence, legal status, activity, occupation, short returns, remitting, asset ownership, participation in associations, …

Data collection – "Ageven"

ANNEES	1. AGES	2. HISTORIQUE FAMILIAL		3. HISTORIQUE DES LOGEMENTS		1. AGES
		2.1 UNIONS	2.2 ENFANTS	Ce logement se situe dans quels :		
				3.1 VILLE OU VILLAGE?	3.2 PAYS?	
2009						
2008						
2007						
2006						
2005						
2004						
2003						
2002						
2001						
2000						

ANNEES	9. CITOYENNETE NATIONALITES	PERIODES HORS RD CONGO			13. RETOURS EN RD CONGO	14. ASSOCIATIONS
		10. DEMANDES D'ASILE	TITRES DE :			
			11. SEJOUR	12. TRAVAIL		
2009						
2008						
2007						
2006						
2005						
2004						
2003						
2002						
2001						
2000						

Data – Legal Statuses

Relationship between legal domains and state codes used to construct legal status

Legal domain	Question	Modalities	State Codes
Entry	"When you arrived in [destination country], did you have a visa? And then? Did your situation change?"	Yes No	**V**: Visa **NV**: No visa
Residence	"When you arrived in [destination country], did you have a residence permit? And then? Did your situation change?"	Yes No Don't need	**RP**: Residence permit/Don't need **NRP**: No residence permit
Work	"As for work, when you arrived in [destination country], did you have a work permit? And then? Did your situation change?"	Yes No Don't need	**WP**: Work permit/Don't need **NWP**: No work permit

# Residence and work status - variables

		Work Status	
		No work permit (NWP)	Work permit / don't need (WP)
Residence	No residence permit (NRP)	NRP_NWP	NRP_WP
	Residence permit/ don't need (RP)	RP_NWP	RP_WP

- **"Fully regular" legal status: both residence and work permit (RP_WP)**
- **"Fully Irregular" legal status: lack of both residence and work permit (NRP_NWP)**
- **"Precarious"/"Semi-compliant"/"Semi-irregular" legal status: lack of either work or residence permits (RP_NWP and NRP_WP)**

Data

- MAFE-Senegal, analytic sample: 8,119 person-years (658 individuals)
- Outcome variables: four dichotomous transnational activities in year t
  - Circulating (short returns to Senegal), Remitting (monetary), Participation in Hometown Associations (HTAs, financial contributions), Investing (assets in Senegal)
- Key predictor: legal status (4 categories)
- Other predictors:
  - context of reception (destination, period, language ability, employment),
  - context of exit (ethnicity, religion, region of origin, social class)

Transnational activities, by legal status
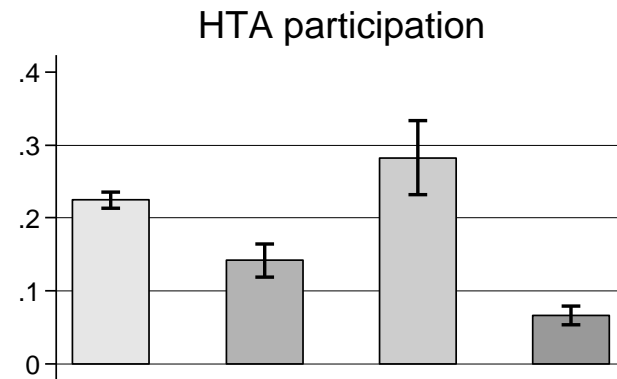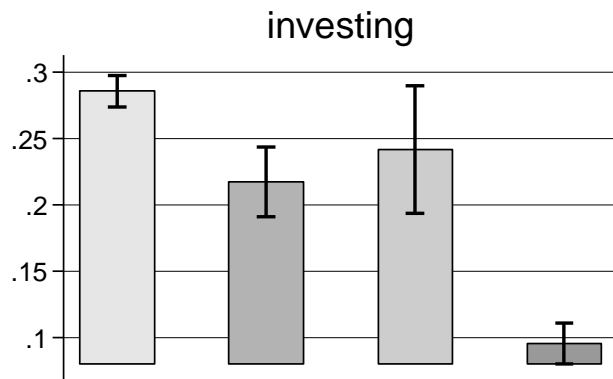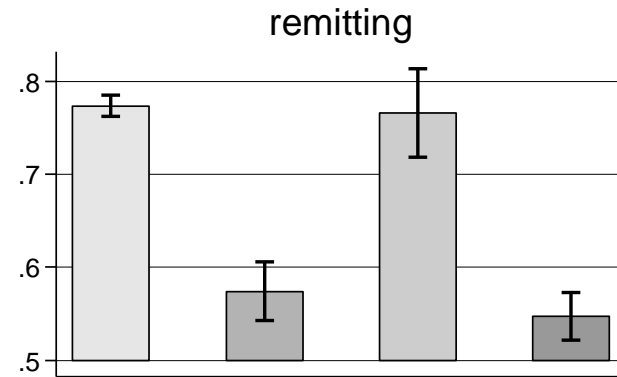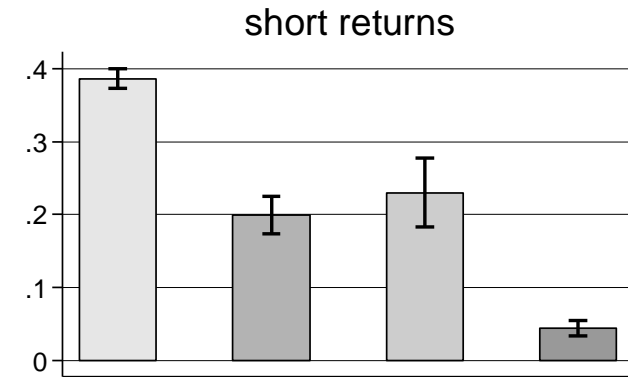
Transnational activities, by short returns

remitting

investing

HTA participation

Legal status

Fully irregular   Mixed (no RP)   Mixed (no WP)   Fully regular
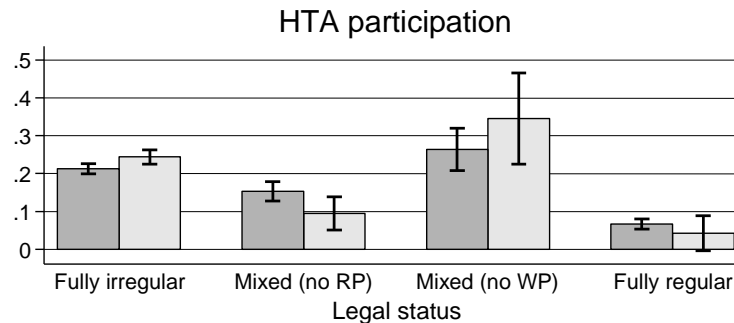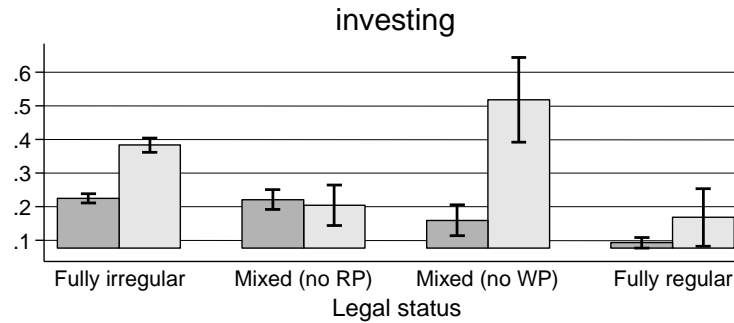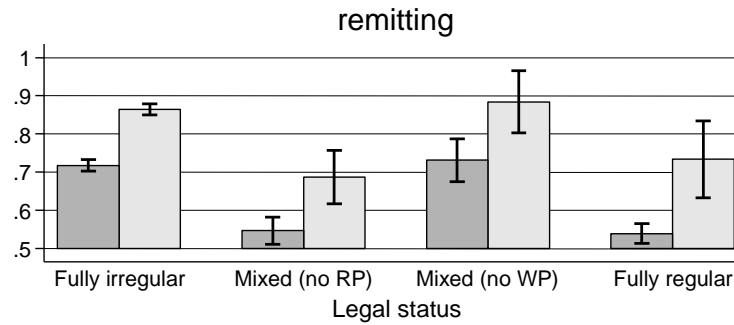
☐ No short return   ☐ Short return

Methods (I)

- Random-intercept logistic regression model:

$$logit(\Pr(y_{it} = 1)) = \beta_0 + Legal\ status_{it}\beta_1 + CR_{it}\beta_2 + CE_{it}\beta_3 + \zeta_i$$
$$\zeta_i \sim N(0, \sigma^2)$$

- i = short returns, remittances, investing, HTA
- t = year at destination
- Not modeling time to first event, but transnational activities in each year
- Adjusts for within-individual clustering (ζ_i)
- Models for remittances, HTAs, and investing include short returns as predictor

Concept	Predictors
Context of reception	Destination country (dummies for Italy and Spain) Migration decade (dummy for 1990s and later)
Social, human, and financial capital	Migration paid by family Number of previous trips Number of contacts at destination Years of Education
Sociodemographic characteristics	Age at migration Ethnicity (dummy for Wolof) Religion (dummy for Mouride) Male Married Has children Eldest in family Has siblings At least one parent alive
Social class origins	Geographic origin (dummy for Dakar) Father's education (dummy for less than secondary) Father's employment (dummy for unemployed)
Migration characteristics	Return migrant Motivation for migration (dummy for work) Length of intended stay at destination (dummy for definitive) Number of transitions Within-sequence entropy Dichotomous initial legal status

Methods (II)

- Karlson, Holm, and Breen (KHB) method
  - Decomposition of direct and indirect effects in non-linear models
  - Steps:
    - Fit full model with key predictor X and mediator Z
    - Regress Z on X and predict residuals
    - Fit reduced model with key predictor X and residuals
    - Difference between reduced and full coefficients for X is the indirect effect

Theoretical model

Irregular Legal Statuses

Remitting Investing HTAs

Short Return

H2: structural exclusion (-)

H4: indirect effect (-)

H1: territorial confinement (-)

H3: maintenance of affective links (+)
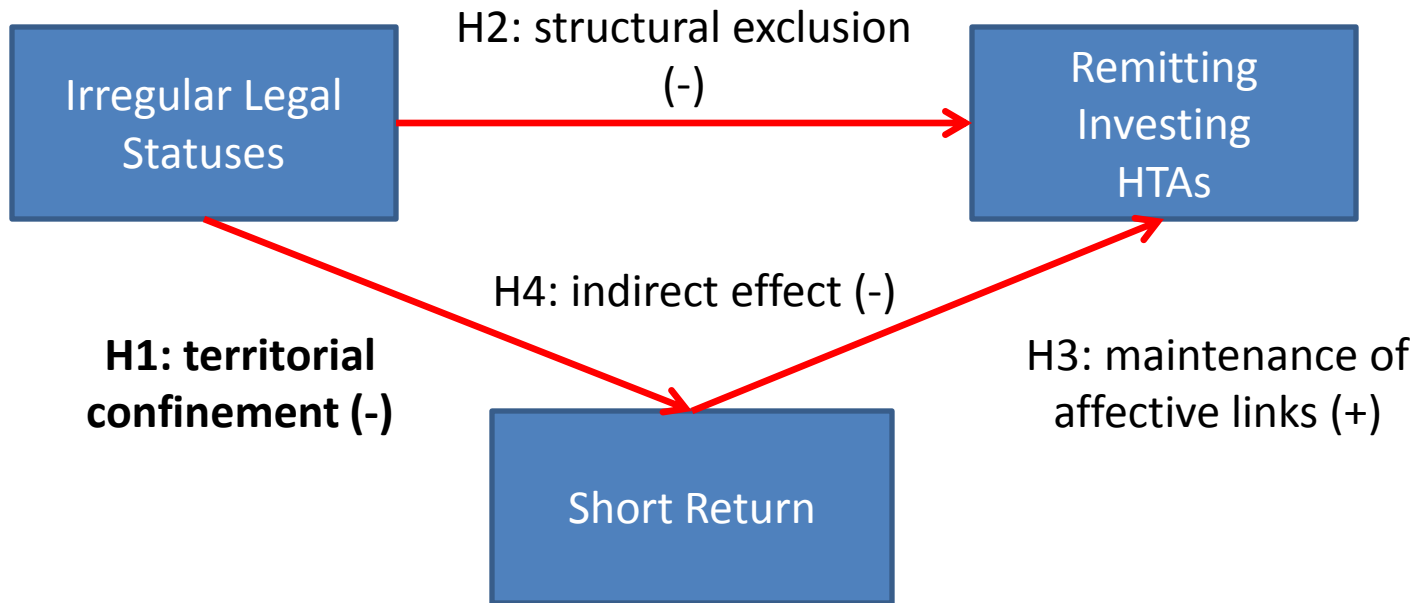
Average marginal effects, short returns

additive model, with 95% confidence intervals

Legend / y-axis labels:
- Legal status: NRP_NWP
- Legal status: NRP_WP
- Legal status: RP_NWP
- Legal status: RP_WP
- Dest.: France (ref.)
- Dest.: Spain
- Dest.: Italy
- Entry status: visa (ref.)
- Entry status: no visa
- Years in destination
- Decade of migration: 1950s-1980s (ref.)
- Decade of migration: 1990s-2000s
- Age at migration
- Female (ref)
- Male
- Years of education
- Ethnicity: other (ref.)
- Ethnicity: Wolof
- Religion: other (ref.)
- Religion: Mouride
- Activity: unemployed (ref.)
- Activity: employed
- Activity: inactive
- Occupation: non-manual (ref.)
- Occupation: manual
- Econ. status during year: bad (ref.)
- Econ. status during year: good
- # of contacts at dest.
- # of trips
- Language of dest.: speaks (ref.)
- Language of dest.: none
- No kids in Sn. (ref.)
- Kids in Sn.
- No spouse in Sn. (ref.)
- Spouse in Sn.
- Geo. origin: non-Dakar (ref.)
- Geo. origin: Dakar
- Father education: >= sec. school (ref.)
- Father education: < sec. school
- Trip not paid by family (ref.)
- Trip paid by family
- Plan to stay: temp. (ref.)
- Plan to stay: definitive
- Trip motivation: other (ref.)
- Trip motivation: work/better life

x-axis: -.3, -.2, -.1, 0, .1

Average marginal effect

Source: MAFE-Senegal. Multilevel logistic regression. Person years = 8119, individuals = 658, log likelihood = -3431.74, rho = 0.5183.

Average marginal effect of legal status category on short return
with 95% confidence intervals
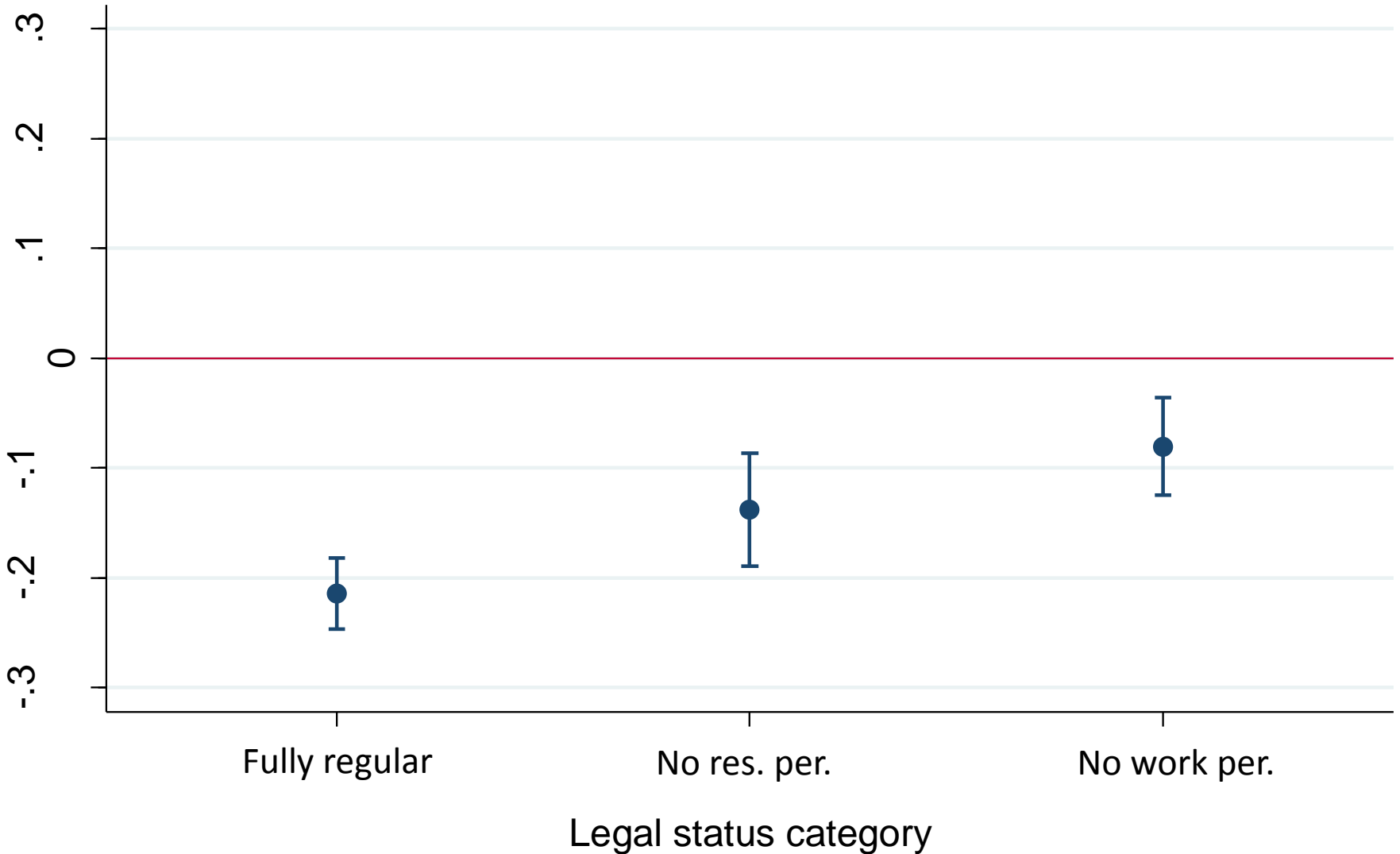
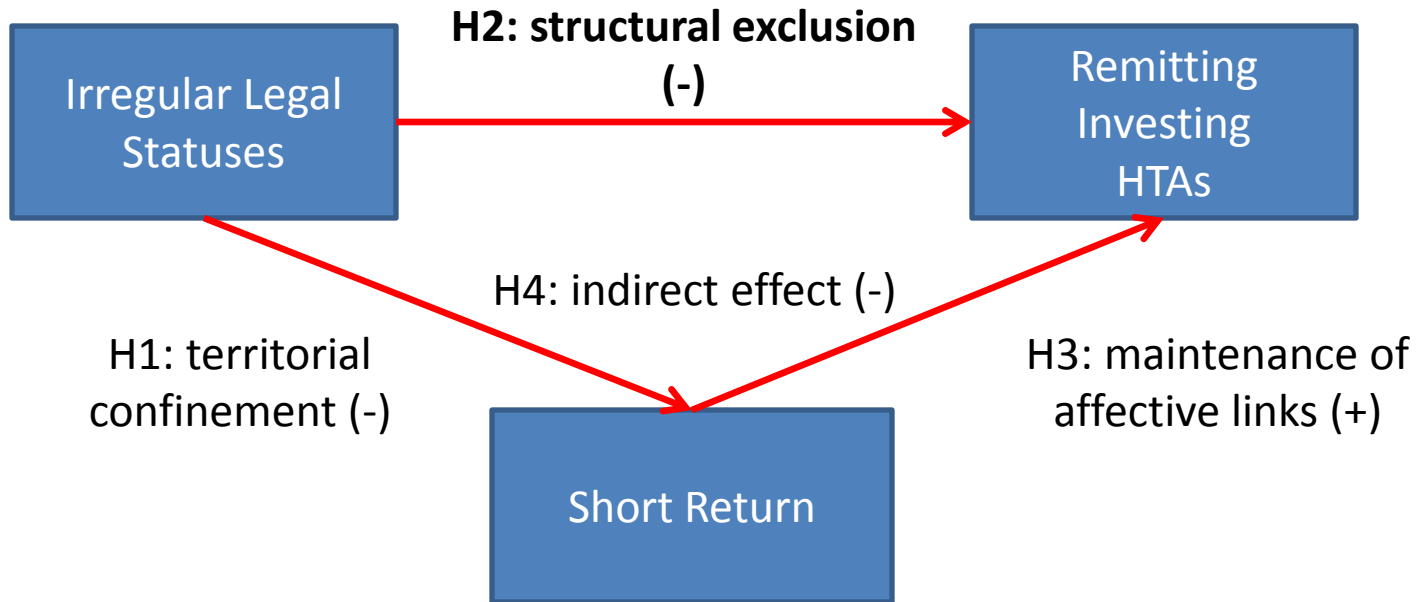AME represents change in probability for discrete change from the base level of   Fully Regular
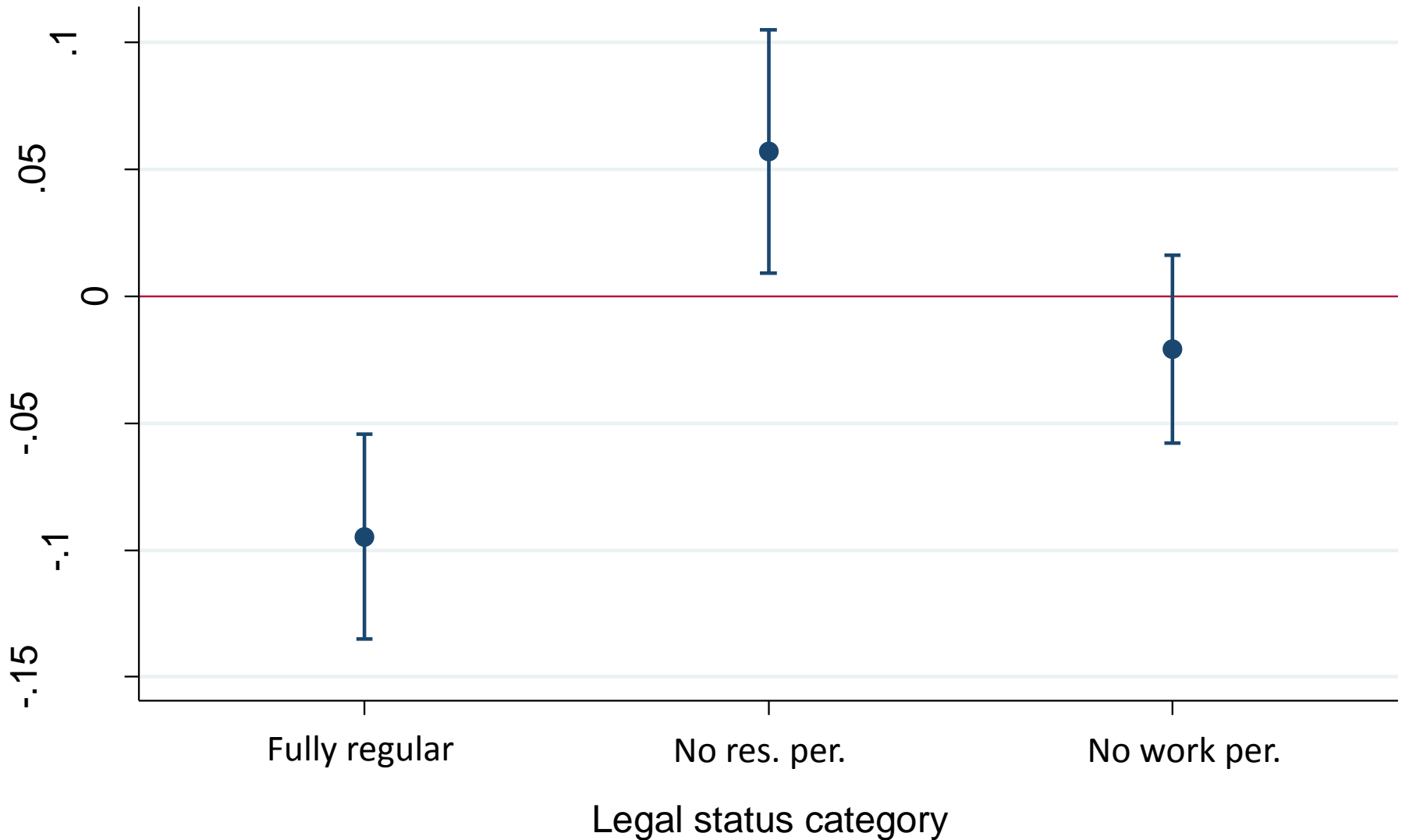
Theoretical model

Average marginal effects, remitting
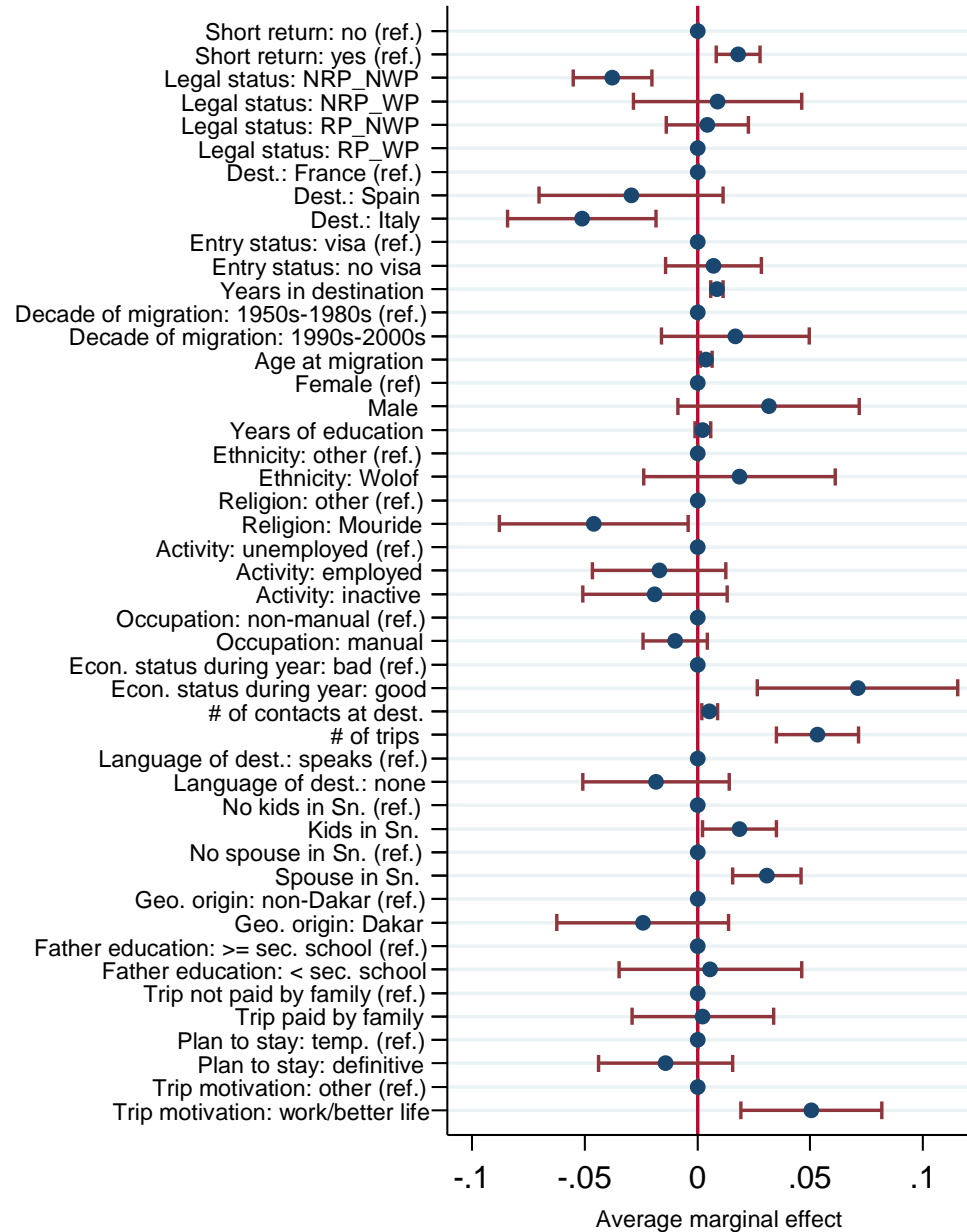## additive model, with 95% confidence intervals

Short return: no (ref.)
Short return: yes (ref.)
Legal status: NRP_NWP
Legal status: NRP_WP
Legal status: RP_NWP
Legal status: RP_WP
Dest.: France (ref.)
Dest.: Spain
Dest.: Italy
Entry status: visa (ref.)
Entry status: no visa
Years in destination
Decade of migration: 1950s-1980s (ref.)
Decade of migration: 1990s-2000s
Age at migration
Female (ref)
Male
Years of education
Ethnicity: other (ref.)
Ethnicity: Wolof
Religion: other (ref.)
Religion: Mouride
Activity: unemployed (ref.)
Activity: employed
Activity: inactive
Occupation: non-manual (ref.)
Occupation: manual
Econ. status during year: bad (ref.)
Econ. status during year: good
# of contacts at dest.
# of trips
Language of dest.: speaks (ref.)
Language of dest.: none
No kids in Sn. (ref.)
Kids in Sn.
No spouse in Sn. (ref.)
Spouse in Sn.
Geo. origin: non-Dakar (ref.)
Geo. origin: Dakar
Father education: >= sec. school (ref.)
Father education: < sec. school
Trip not paid by family (ref.)
Trip paid by family
Plan to stay: temp. (ref.)
Plan to stay: definitive
Trip motivation: other (ref.)
Trip motivation: work/better life

-.2   0   .2   .4   .6
Average marginal effect

Source: MAFE-Senegal. Multilevel logistic regression. Person years = 8119, individuals = 658, log likelihood = -1949.38, rho = 0.8976.

Average marginal effect of legal status category on remitting
with 95% confidence intervals
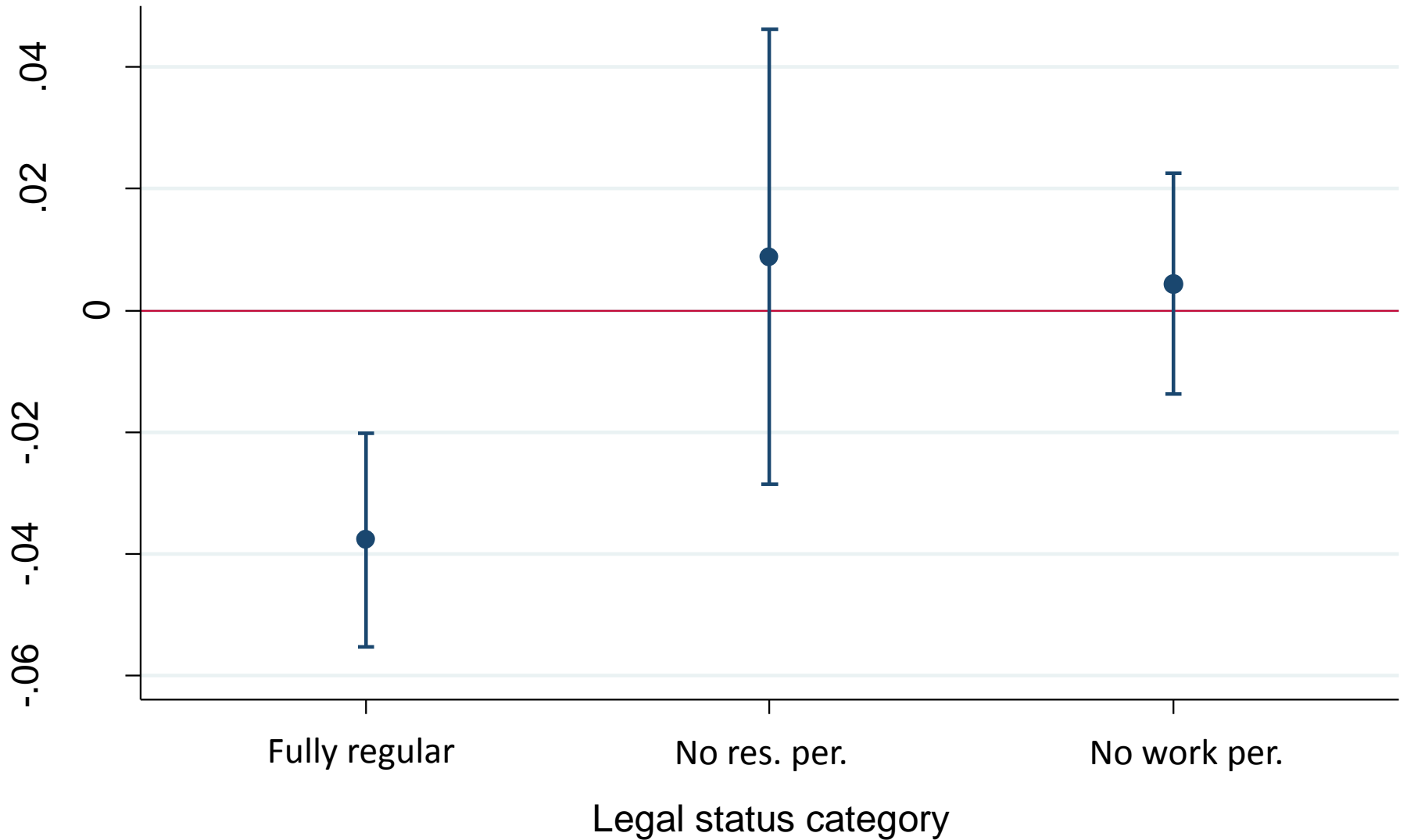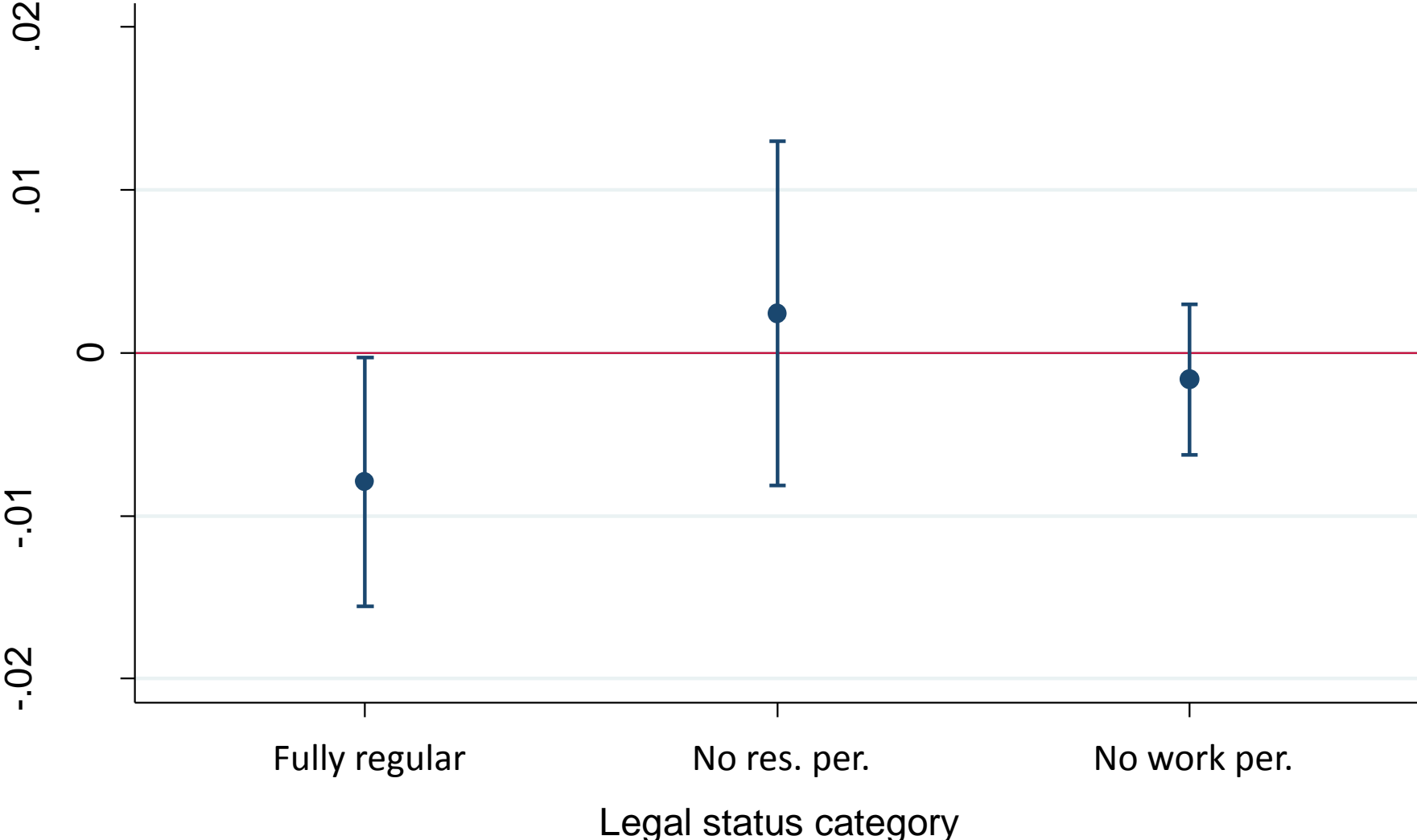

Legal status category

AME represents change in probability for discrete change from the base level of   Fully Regular

Average marginal effects, investing

additive model, with 95% confidence intervals

Source: MAFE-Senegal. Multilevel logistic regression. Person years = 8119, individuals = 658, log likelihood = -1512.75, rho = 0.9395.

Average marginal effect of legal status category on investing
with 95% confidence intervals

AME represents change in probability for discrete change from the base level of Fully Regular

Average marginal effects, HTA participation

additive model, with 95% confidence intervals

Source: MAFE-Senegal. Multilevel logistic regression. Person years = 8119, individuals = 658, log likelihood = -995.51, rho = 0.9725.
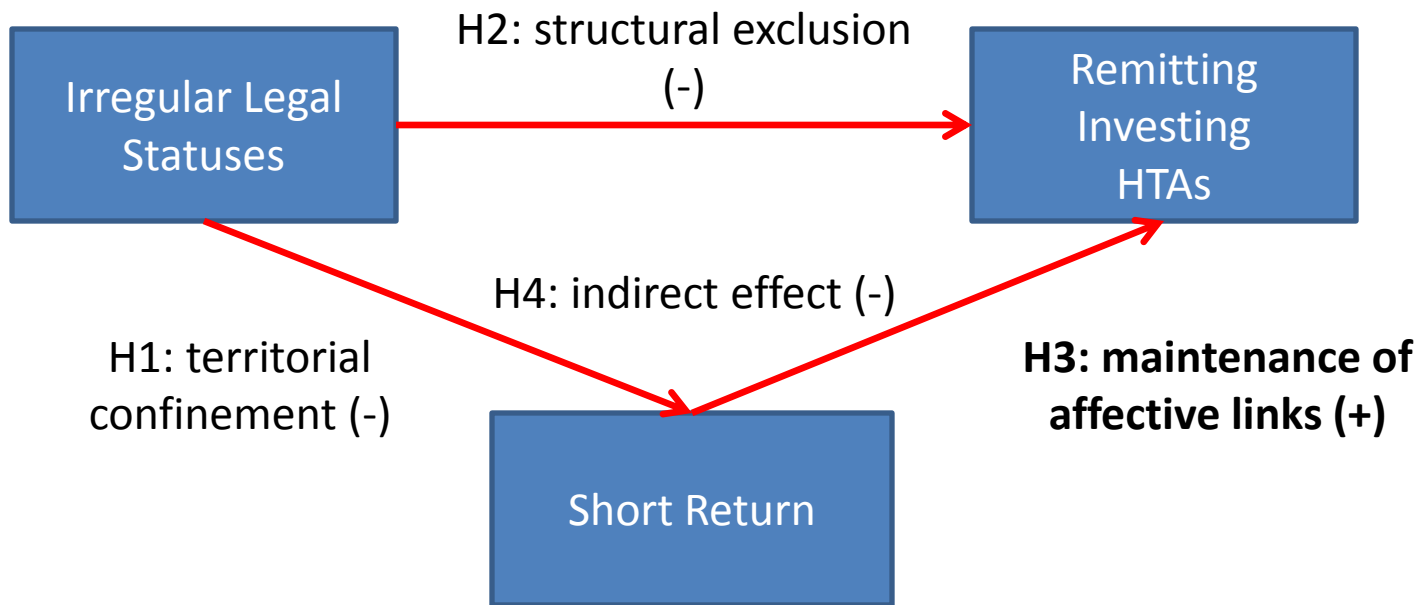
Average marginal effect of legal status category on HTA participation
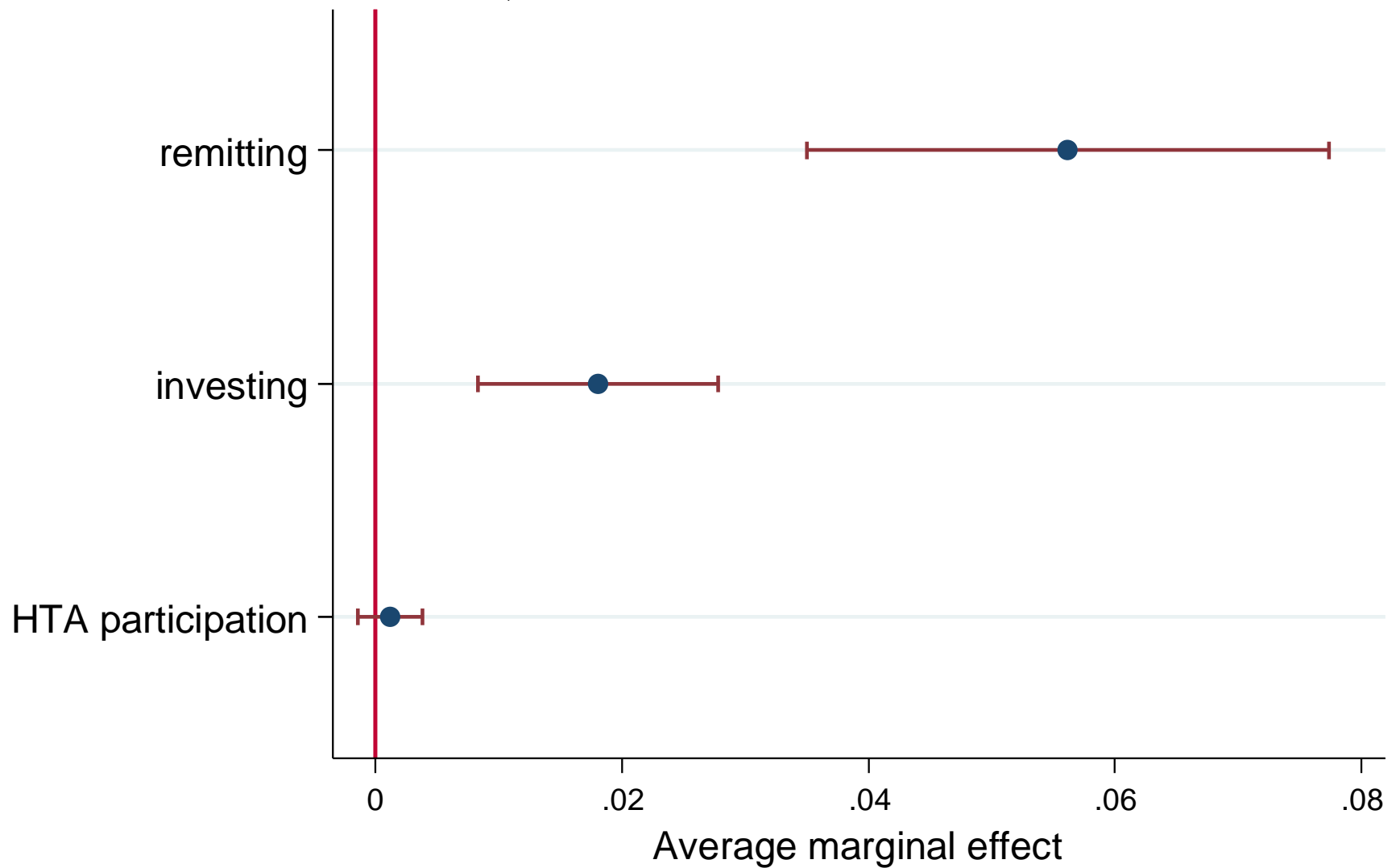with 95% confidence intervals

AME represents change in probability for discrete change from the base level of Fully Regular
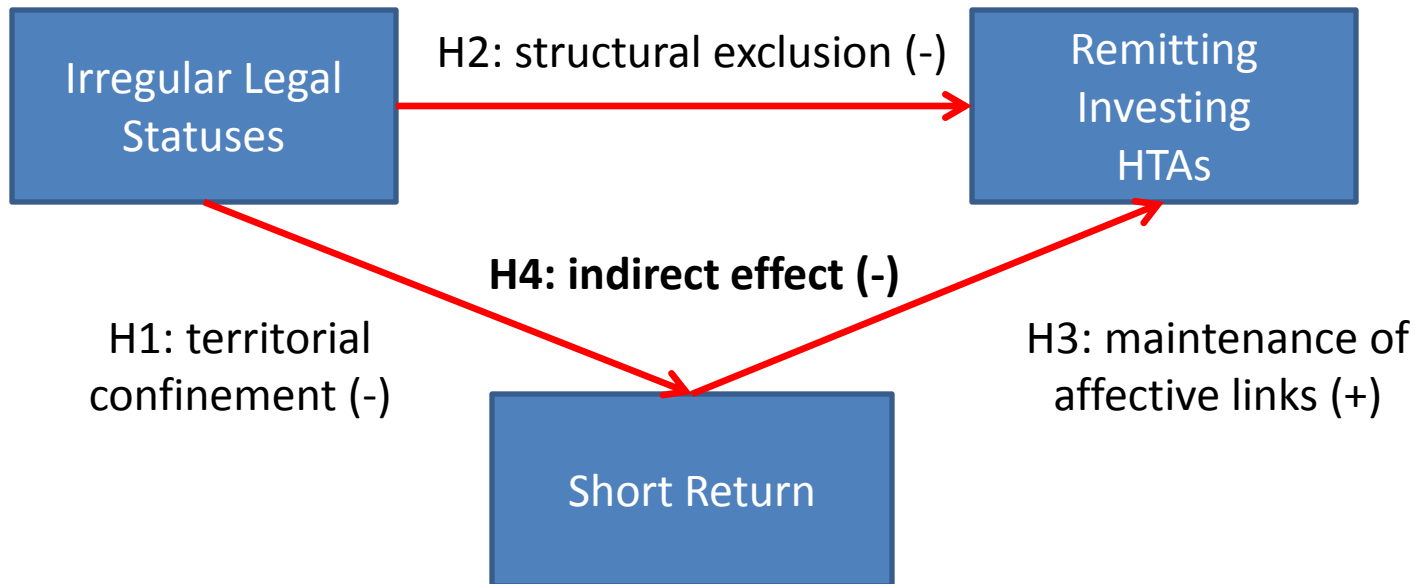
Theoretical model

Average marginal effects of short returns
additive model, with 95% confidence intervals

Source: MAFE-Senegal. Effects for short returns are net of other variables on each model.

Transnational activity	Legal status (ref: fully reg.)	Direct effect (A)		Indirect effect (B)		Total effect (C = A + B)	
Remitting	Fully irreg.	-2.122	***	-1.828	***	-3.950	***
	No res. per.	0.985	**	-0.169	***	0.817	+
	No work per.	-0.584	*	-0.141	**	-0.725	**
Investing	Fully irreg.	-2.438	***	-2.210	***	-4.647	***
	No res. per.	0.126		-0.131	***	-0.005	
	No work per.	0.002		-0.110	***	-0.107	
HTA participation	Fully irreg.	-1.979	***	-0.082		-2.061	***
	No res. per.	0.366		-0.047		0.319	
	No work per.	-0.365		-0.039		-0.404	

Notes: *** p < 0.001, ** p < 0.01, * p < 0.05, + p < 0.1; logit coefficients displayed. KHB method. Source: MAFE-Senegal

Discussion (I)

- Territorial confinement:
  - Direct negative effect of all irregular statuses on short returns
  - Indirect negative effect of all irregular statuses on remitting and investing via short returns
- Blocked transnationalism/structural exclusion:
  - Negative effect of fully irregular status on all activities
- Maintenance of links:
  - Positive effect of short returns on remitting, investing

Discussion (II)

- Differences in responsiveness to legal status constraints between individual/financial (remitting, investing) and collective/social (HTAs) transnational activities

- Findings underscore importance of disaggregating irregular statuses

- Restriction vs. co-development: inconsistent State action

Conclusions

- Unintended consequences of restrictive immigration-control policies
  - Production of new forms of irregularity
  - Territorial confinement of irregular migrants
  - Transform migrants focused on circulation and eventual return into irregular long-term settlers who risk exclusion and marginalization
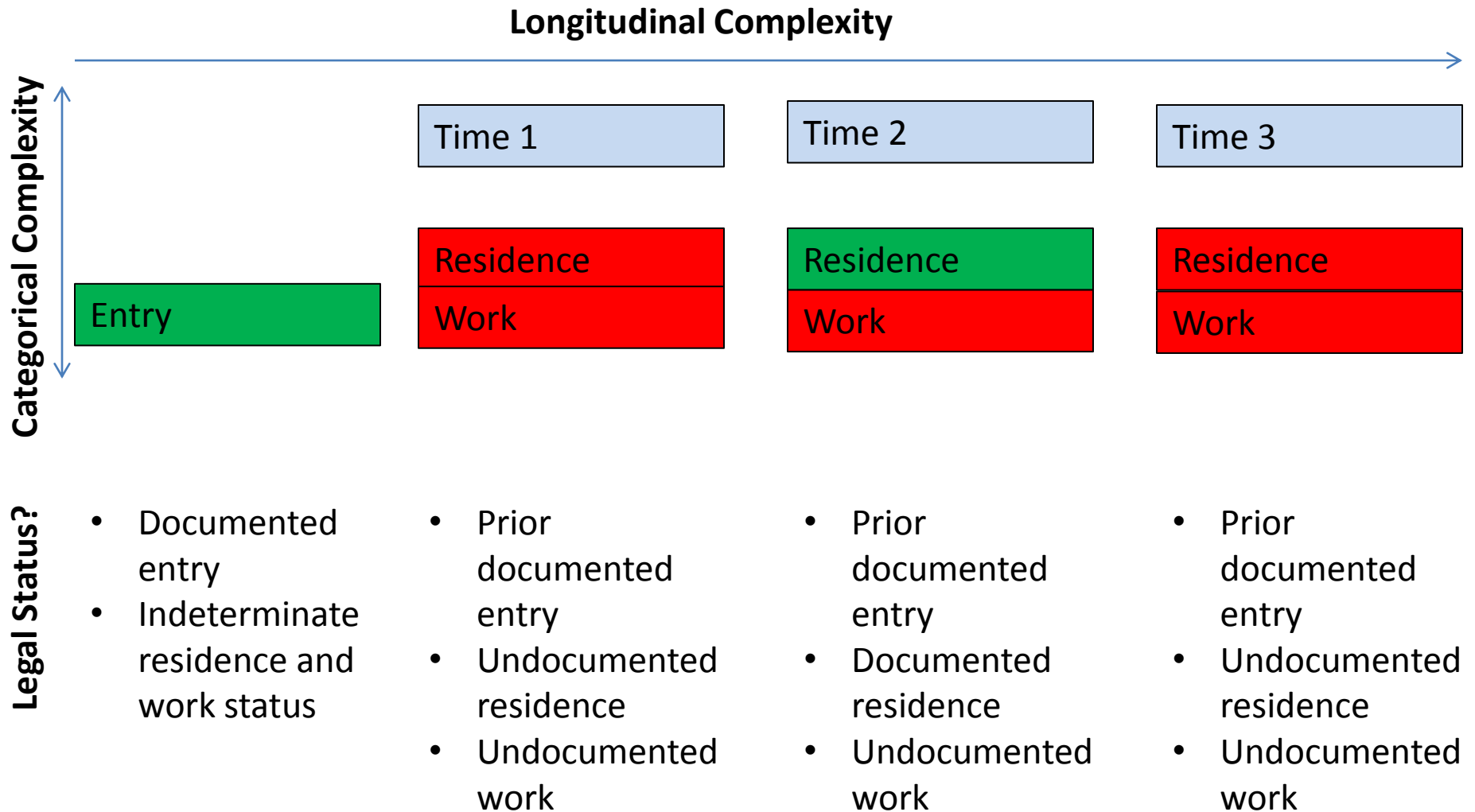 - Not in best interests of destination society or migrants

Thank you

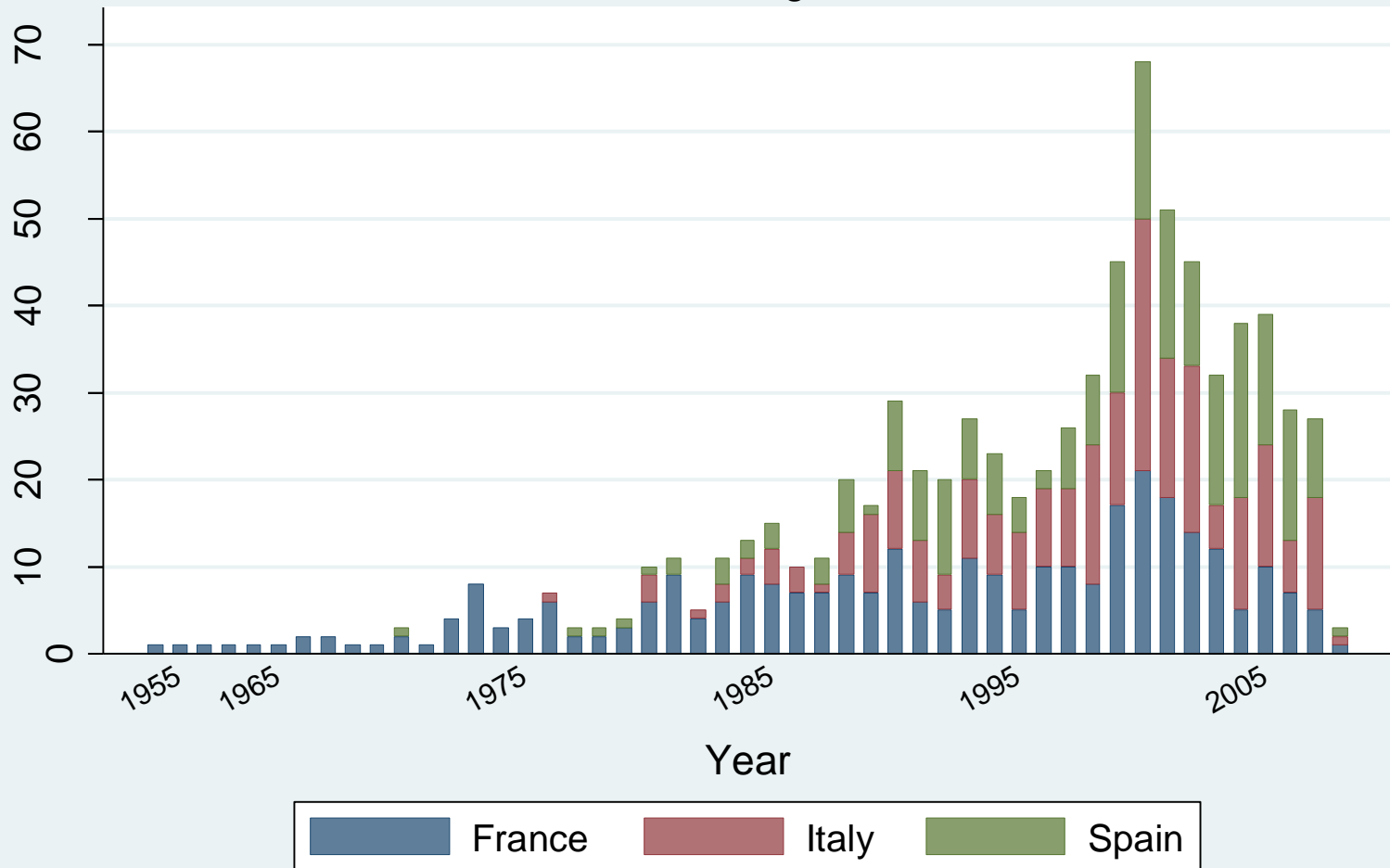evickstr@princeton.edu

erikvickstrom@gmail.com

Supplemental Slides

Complex trajectories of legal status

Longitudinal Complexity

Categorical Complexity

Time 1	Time 2	Time 3

Entry	Residence	Residence	Residence
	Work	Work	Work

Legal Status?

- Documented entry
- Indeterminate residence and work status

- Prior documented entry
- Undocumented residence
- Undocumented work

- Prior documented entry
- Documented residence
- Undocumented work

- Prior documented entry
- Undocumented residence
- Undocumented work

Sample Characteristics - Entries

Number of entries, by year and desintation
MAFE-Senegal data

Sample characteristics: valid cases

Number of valid cases
by year in destination and desintation
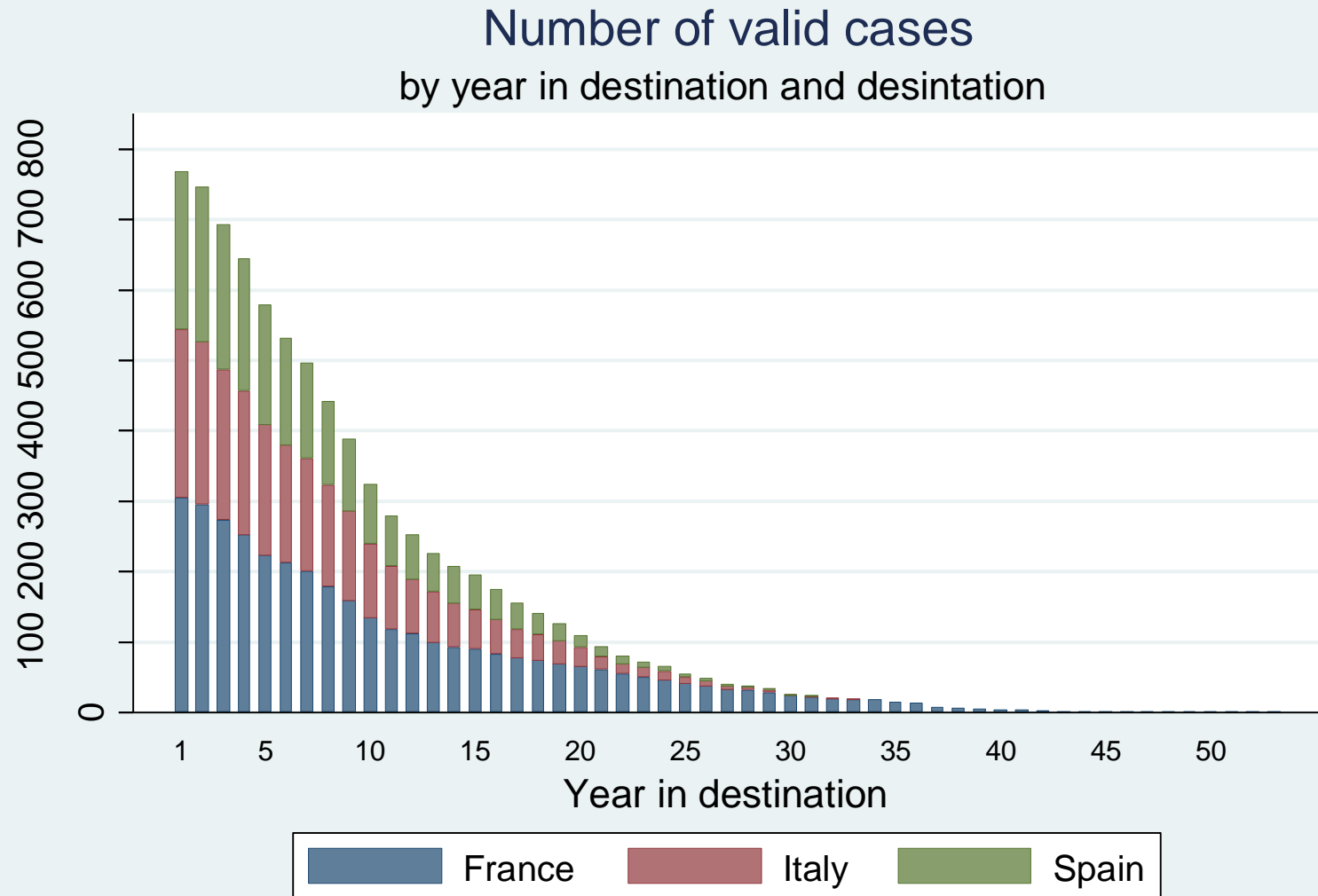
Source: MAFE-Senegal

Discussion (I)

- Negative direct effect of irregular and semi-irregular statuses on short returns: territorial confinement

- Negative direct effect of fully irregular statuses on remitting, investing, HTA participation: reduced connections to formal institutions; no evidence of reactive transnationalism

- Positive direct effect of semi-irregular (NRP_WP) status on remitting: accumulation-focused migration project

Discussion (II)

- Positive direct effect of short returns on remitting, investing: maintenance of affective links to and information about origin community

- Negative indirect effects of irregular and semi-irregular statuses on remitting, investing: territorial confinement associated with lower transnational engagement

Conclusions

- Contribution to literature on multidimensional and dynamic conceptualization of legal status
  - Socioloegal context and capital important for early pathways
  - Links to institutions important for later pathways
  - Prior statuses shape paths
- Legal status is an important predictor of transnational activities
  - Increasing restrictiveness of control policies do not favor ongoing cross-border connections
  - Contradiction with policies of co-development (which also aim at containing emigration)

Transnational activities: hypotheses

- H1: Direct legal constraint on short returns
  - *Territorial confinement*: irregular and semi-irregular statuses associated with lower probability of short returns
- H2: Direct legal constraint on remitting, investing, HTA participation
  - Irregular and semi-irregular statuses are proxies for lack of resources and connections to financial or other institutions
- H3: Direct positive effect of short returns on remitting, investing, HTA participation
  - Maintenance of affective links and strong ties
- H4: Indirect effect of legal constraint through short returns
  - Limitation on visits to Senegal for migrants with irregular or semi-irregular status limits other activities

Short returns: indirect effects

Summary of mediation of short returns on transnational activities

Transnational activity	Legal status (ref: RP_WP)	Direct effect (A)		Indirect effect (B)		Total effect (C = A + B)		Confounding ratio (C/A)	Confounding percentage (B/C)	B/A
Remitting	NRP_NWP	-1.828	***	-0.293	***	-2.122	***	1.161	13.83%	0.161
	NRP_WP	0.985	**	-0.169	***	0.817	+	0.829	-20.69%	-0.171
	RP_NWP	-0.584	*	-0.141	**	-0.725	**	1.241	19.44%	0.241
Investing	NRP_NWP	-2.210	***	-0.228	***	-2.438	***	1.103	9.35%	0.103
	NRP_WP	0.126		-0.131	***	-0.005		-0.040	2626.29%	-1.040
	RP_NWP	0.002		-0.110	***	-0.107		-45.731	102.19%	-46.731
HTA participation	NRP_NWP	-1.979	***	-0.082		-2.061	***	1.041	3.96%	0.041
	NRP_WP	0.366		-0.047		0.319		0.872	-14.74%	-0.128
	RP_NWP	-0.365		-0.039		-0.404		1.107	9.70%	0.107

Notes: *** p < 0.001, ** p < 0.01, * p < 0.05, + p < 0.1; logit coefficients displayed. KHB method. Source: MAFE-Senegal

Conclusions

- Impact of restrictive immigration-control policies
  - Produce forms of irregularity: migrants constrained to circumventing controls become irregular
    - Hierarchies of legal status: migrants with access to resources can often access regular status
  - Constrain transnational actions of migrants
    - Territorial confinement associated with less transnational engagement
    - Contradiction with policies of co-development