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Theory and Statistical Data

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Abstract

Whereas immigration is equally highly unpopular in most countries, policies dealing with and regulating foreign nationals entering or living in the country vary considerably between states. How can these differences be explained? Why are some countries more closed to immigration than others? Research on immigration politics is still a developing field, and a comprehensive theory answering these questions is still lacking. This paper offers a new institutional approach by theorizing that bicameral systems lead to more restrictive immigration policies. Incongruence – ideological (partisan) differences, caused by the overrepresentation of rural conservative voters in the upper chamber and differences in (s)electoral systems between the chambers – leads to a more conservative policy output. A large *N* analysis confirms the importance of incongruent bicameralism, while governmental partisanship, as well as economic differences do not lose significance.

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1 Introduction

In today's globalised economy the free flow of money and industrial goods has become standard, but migration is neither free on a global scale nor widely accepted. Immigration is still a very sensitive topic for governments. This is clearly visible in the attempt by the EU to harmonise the immigration policy of its member states towards third country nationals. By 2009, the result was the "lowest common denominator" (Eisele 2010: 4), the introduction of a Blue-Card for highly skilled immigrants. While the UK and Ireland opted out, the implementation varies considerably between the states (see Cerna 2013). In general, immigration policies vary widely from relatively open to very restrictive. For any future attempt towards international regulation of immigration policies, it is pivotal to understand the mechanisms and factors that shape immigration policies on a national level and their differences.

Following the rising importance of immigration in politics and media, the study of migration has, over the past decades, slowly arrived in the mainstream of political science (Hollifield and Wong 2012: 3). Most studies so far in this field, however, are largely descriptive and many are a-theoretical or "pretheoretical" (Freeman 2011: 1548). Furthermore, large *N* studies are rare due to severe data constraints (ibid., Ruhs 2013: 52-53). This paper aims at providing a modest contribution towards filling these gaps. The leading question thus is: Why are some countries more closed to immigration than others? By approaching the following sub-questions: What are the contributing factors for these differences? Which institutions matter and why?

After a review of previous theoretical work, this study adds to the existing theories of immigration politics from a new institutionalist point of view. Clear testable hypotheses will be derived and then tested with a large *N* statistical analysis.

2 A Theory on Immigration Politics

2.1 Literature Review

The literature focusing on immigration politics is still quite limited, even though it has expanded considerably in recent years (Hollifield and Wong 2012: 3)[1]. Probably the most cited theory for immigration policy formation is the one published by Gary Freeman in 1995. Freeman observes that there is a general expansionary bias in the politics of immigration in liberal democracies, that is, policies tend to be more liberal than the public opinion and annual intakes larger than politically optimal (Freeman 1995 / 2011). Limited information available to the voters, caused by a shortage of data, misperceptions about characteristics and consequences of immigration and a constrained discourse (by the threat of being accused of racism for example) are the reason for this outcome (ibid.). Thus most political parties take no binding position on immigration, which makes immigration policy largely dominated by the organised public, according to Freeman. "Politicians have a strong anti populist norm that dictates that politicians should not seek to exploit racial, ethnic or immigration-related fears in order to win votes." (Freeman 1995: 885)

Freeman bases his theory on the framework devised by James Q. Wilson (1980) and predicts four types of politics based on whether the benefits and costs of policies are concentrated or diffuse. As the benefits of immigration are concentrated (businesses hiring foreign labour, family / community members of the immigrants) and the costs diffuse (native workers at the lower strata of society and the population as a whole), client politics prevails. "Client politics" is defined as "a form of bilateral influence in which small and well-organised groups intensely interested in a policy develop close working relationships with those officials responsible for it." (Freeman 1995: 886)

[1] For an overview see e.g.: Henry 2009, Freeman 2011.

Thus, political economic theorists such as Freeman explain immigration politics mainly due to the high influence of economic interest groups (as the concentrated beneficiaries of labour immigration) in the policy making process. However, while Freeman's theory is quite elegant it cannot explain various cases. The clear distinction of employers being pro- and the labour unions against more immigration does not seem to be generalizable. It has been noted that labour unions have moved from a restrictionist to a liberal position in immigration policy debates in various countries by the end of the 20th century (Haus 2002, Watts 2002). Menz (2009) even identifies a coalition between labour unions and employer's organisations pushing for new labour immigration programs in the EU-countries. While Freeman acknowledges the changing position of the labour unions (1995: 888), the Japanese case shows that also the employers can be divided and have different interests depending on their industry and / or scope – such as big business vs. SMEs (Chiavacci 2011). Additionally, Veugeler (2000) observes in his case study on Canada's immigration policy reform of the 1980s, that the most important actors were the bureaucracy and politicians, whereas the labour unions and employers were internally divided and saw immigration as a secondary issue (104-107). Furthermore, Freeman has been criticised on the arbitrariness of "rationality" (Afonso 2007: 4). He assumes the actors to be rational, which contradicts the politicians "anti populist" norm he is taking as a given at the same time. If the decision-makers are rational "vote-maximizers" (Freeman 1995: 885) with the goal to be re-elected, one would expect that they try to restrict immigration policies to please the "median voter", who Freeman himself assumes to be quite hostile towards more immigration (ibid.: 883). There seems to be a contradiction in the argument. Finally, his theory has strong pluralist assumptions, which may not be generalizable: "decision-makers and the state more generally have no autonomy vis-à-vis societal interests, which is questionable" (Afonso 2007: 4-5).

In connection with employers' preferences, attempts have been made to connect the Varieties of Capitalism argument by Hall and Soskice (2001) to the immigration studies (e.g. Menz 2011 and Wright 2012), but Ruhs (2011 / 2013) found that there is no significant difference between Liberal Market Economies (LME's) and Coordinated Market Economies (CME's) (as well as welfare state typologies) in openness of their immigration programmes (2011: 27-29 / 2013: 77-78). Additionally, Menz and Wright both assume that variances in the interest structure of employers directly lead to differences in immigration policies, thus implicitly assume Freeman's theory to be correct, which is – as discussed above – far from clear.

Zolberg (1999 / 2006) extends Freeman's framework by adding an "identity axis". Co-ethnic groups in the host country present a potential voter pool, thus giving politicians incentives to adopt more open immigration policies. On the other hand, a diffuse fear of losing national identity creates opposition from traditional nationalists. Hawley (2012) found in his study on Latino voters in the USA "no evidence that incumbent Republicans could increase their share of the Latino vote by embracing less restrictive immigration policies" (1185). However, Zolberg makes a strong point in showing the importance of the rising weight of Hispanics in the electorate, especially for the Democrats (2006: 423-425). He also points to Georg W. Bush's effort to gain Hispanic votes in his elections (ibid.: 440).[2] Concerning nationalist fears, Schain (2006) shows in the case of France that even a "modest electoral breakthrough [of the extreme-right] triggers a political dynamic that influences immigration policy" (286). On the other hand, Alonso and da Fonseca (2011) found that the increasing salience of immigration issues in the policy agendas of West European parties is independent of the presence of an extreme right wing party (880). So large co-ethnic groups seem to have quite some influence on immigration policy at least in the USA, which is a

[2] In which he was rather successful: In 2000 35% of Hispanic men supported G.W. Bush; in 2004 it was 41% (Zolberg 2006: 440).

special case in that regard. The electoral success of right-wing parties, on the other hand, might have a restrictive influence in some countries, but likely not as the most important factor.

Hollifield (2000 / 2004) also criticises Freeman's model as too economic. He observes a "rights-based liberalism" – the accretion of rights for foreigners in the liberal democracies – which, in his view, has been a principal factor in sustaining international migration (Hollifield 2000: 148). "…[I]rrespective of economic cycles, the play of interests and shifts in public opinion, immigrants and foreigners have acquired rights and therefore the capacity of liberal states to control immigration is constrained by law and institutions." (Hollifield 2000: 150) Similarly, Joppke (1998) maintains that "client politics" and a strong "anti-populist norm" (see Freeman 1995) can explain the failure of the USA to control illegal immigration. In Europe, however, legal and moral constraints kept states from adopting zero-immigration policies even after the closing of new postcolonial and guest worker programs in the late 1960's and 1970's (Joppke 1998: 292). While Hollifield and Joppke show broad reasons for the differences between America and Europe their approach provides no framework for detailed cross-country comparisons. Furthermore, these neo-institutionalist approaches have been criticised to lack testability or predictive power (Boswell 2007: 76).

Cerna (2009) theorises that high-skilled immigrant policy is most restrictive in countries with high union density, centralised unions and employer's organisations and PR electoral system. The union-employer argument can be seen as an extension of Freeman's work and the same criticism should apply. Concerning the electoral system, Cerna argues that majority electoral systems tend to produce single party governments, which are concerned about the welfare of society as a whole, thus seeing highly-skilled immigration as beneficial. In PR electoral systems parties representing high-skilled native workers will achieve more restrictive policies in a coalition government (155-156). However, that PR should lead to

more restrictive immigration polices than majority systems is not really convincing, because immigration is not only opposed by people who are affected directly by increased competition by foreign workers, but also by a part of the population (especially on the countryside) that feels uneasy about the rapid globalisation. So in majoritarian systems as well, one party can try to gain votes by adopting more restrictive immigration policies.

Money (1999) argues that the costs of immigration are not "diffuse" as Freeman suggests, but geographically concentrated. If these areas prove to be important constituencies in national elections and coalition building, they can lead to more restrictive immigration policies. This however, depends largely on the electoral system. Furthermore, in the Swiss popular vote on "Against Mass Immigration" (9. Feb. 2014) the urban areas with concentrated foreign populations voted, contradictory to Money's theory, largely against the initiative, while a vast majority on the rural countryside voted yes. The Swiss population approved the initiative by 50.3%, which forces the government to re-negotiate the bilateral agreement between Switzerland and the EU on the free movement of people and to re-introduce quotas (Federal Chancellery 2014).

2.2 A New Approach to Immigration Politics

2.2.1 Background

Political economists such as Freeman (1995 / 2011) and Zolberg (1999 / 2006) can explain the US-American case quite convincingly, while their concepts – as shown in the literature review – seem not easily transferable to other cases. Pluralist policymaking, which facilitates "client politics", and the presence of a very large co-ethnic group – in the 2014 midterm elections Hispanics made up 11% of all eligible voters (Lopez et al. 2014: 5) – make the USA a special case. This paper proposes a new theory explaining other cases and their differences.

The cleavage most salient in immigration policy seems primarily not to be between employers and workers, even though this might still be a factor, but between the countryside and the cities on a more ideological level. The Swiss vote on "Against Mass Immigration" shows that neither the areas with the most immigrants nor the people under assumed pressure in the labour market – higher skilled workers in the cities (in 2009 almost 60% of all immigrants were highly-skilled (Cueni and Sheldon 2011: 22)) – were the ones giving the initiative success, but the votes on the countryside.

2.2.2 Theory and Hypothesis

People with contact to foreigners tend to have less prejudice (e.g. Allport 1954 and Pettigrew 1998), thus may favour a more liberal immigration policy. As immigrants accumulate in densely populated areas, people in the cities become more open towards immigration compared to the countryside. Furthermore, structural pressures resulting from or amplified by high immigration, such as increasing transportation costs, full trains and construction booms, are more visible in the countryside than in the already densely populated areas. This argument does not necessarily contradict Money's (1999) observation that the costs of immigration are geographically concentrated. The perception of the costs, however, may be higher in more rural areas where the actual foreign population is quite low. Therefore, this paper theorises that immigration policies tend to be more restrictive in political systems that assign larger power to the conservative countryside, namely by overrepresentation in bicameral systems.

There are two types of bicameral political systems: Firstly, federal bicameralism. In federal systems the member-states are usually treated equally in the upper chamber, thus a single voter in a member-state with a low population has more voting-power on the aggregate level than a single voter in a member-state with a large population (see Lijphart 1999: 207-

210). Several studies show that malapportionment[3] in the upper chamber strongly favours smaller member-states in redistributive policies (for the US see: e.g. Lee 2000; for the EU see: Rodden 2002).

The second type is bicameralism in centralist states. Even in non-federal bicameral systems, the upper chamber is often elected; appointed by (or in consideration with) the regions (e.g. in France or the Netherlands; see Lijphart 1999: 210, Tsebelis and Money 1997: 48-52, Swenden 2010: 105-111). Empirically, Samuels and Snyder find malapportionment in the upper chambers in 21 out of 25 bicameral countries in their sample, with or without federalism (2001: 662). On the other hand, malapportionment in the lower chambers of advanced democracies is negligible (ibid.: 660-661). Therefore, the argument should hold in both types of bicameralism.

Besides the malapportionment, differences in how the two chambers are elected or selected (Tsebelis and Money 1997: 46-47) also lead to intercameral partisan divergence. These differences in ideology and partisanship may be a contributing factor in making immigration policy more restrictive if the upper chamber is more conservative than the lower chamber. This might in fact be the case, because historically upper chambers have been founded in order to represent either the member states in federal countries or to incorporate the old elite (ibid.: 15-43), thus they are more conservative by design – serving to counteract the "tyranny of the majority", the minority or individuals (ibid.: 35). They also provide a system of quality control by delaying legislation (ibid.: 35-43). Heller (2001) for example finds strong evidence that bicameral divergence in bicameral parliamentary systems leads to lower level of government debt.

[3] "(…) highly unequal representation of the population" (Ansolabehere et al. 2003: 471). Samuels and Snyder explain: "(…) malapportionment, or the discrepancy between the shares of legislative seats and the shares of population held by geographical units." (2001: 652)

In Lijphart's measure for the strength of bicameralism, these factors are included in his first dimension: *Incongruence*, which stands for the difference in composition through different methods of election or by design in order to over represent certain minorities (1999: 207). Lijphart adds a second dimension, which is a measure for the *symmetry* between the chambers, representing the relative formal power and the democratic legitimacy of the second chambers (1999: 206-207). The second dimension is important because, even if conservatism is overrepresented in the upper chamber, the influence on actual policy making certainly depends on its effective veto power in the political system.

Concentrating on this veto power, some of the most engineering studies on institutions and bicameralism were conducted by Tsebelis (1995), Tsebelis and Money (1997) and Immergut (1990). Tsebelis' theory of "veto players" and its specific application to bicameral systems in Tsebelis' and Money's book "Bicameralism" (1997) shows that the status quo is favoured in political systems with two chambers. Immergut (1990) theorises that the more "veto points" there are in the policy making cycle the less radical change is possible. "Veto opportunities allow political decisions to be overturned at different stages in the policy process." (Immergut 1990: 413) One of these veto points may be a strong second chamber that can contest decisions of the first chamber, thus slowing down the policy making process.

While these theories can give explanations for the speed and nature of policy change, they provide no answer to the question of direction. For example Switzerland and Sweden (to use the two extremes of Immergut's study) clearly show very different patterns of immigration policy change. In Switzerland immigration laws have been changed several times since the Second World War, but always in incremental steps and often through ordinances by the government or amendments of existing laws (Afonso 2007, Linder 2011,

Ellermann 2013). Sweden on the other hand saw few but drastic changes in immigration policy in its history. The Social Democratic Party, in agreement with the labour unions, made labour immigration very restrictive in the 1970s, while retaining a relatively open policy for asylum seekers. Since the conservatives took power in the 2000s a radical new law was enacted in 2008, which introduced a liberal employer-driven immigration policy with very low restrictions (Benito 2007, Bevelander 2010, Berg and Spehar 2013). This kind of radical policy change would not be possible in Switzerland, which can be explained by Tsebelis' and Immergut's theories. The direction of change, however – why Switzerland continues to adopt restrictive immigration policies, while Sweden opted for the exact opposite – cannot be explained by them. The overrepresentation of rural voters and ideological (partisan) differences between the chambers, caused by different selection or electoral systems (*incongruence*), as the author here argues, on the other hand may provide such explanatory power.

3 Statistical Analysis

The next chapter provides empirical evidence to verify the claim that bicameralism is a factor in leading to more restrictive labour immigration policies in the way that is argued in the previous chapter. This chapter begins with a discussion of the data availability and operationalization for the dependent-, the independent- and the control variables. Following this, descriptive observations will be made and a cross-sectional ordinary least squared (OLS) regression analysis conducted.

3.1 Immigration policy openness as the dependent variable

3.1.1 Data availability

Statistical data on immigration policy openness is notoriously rare and thus relatively few studies have constructed indices to measure policy differences systematically across countries (Freeman 2011: 1548, Ruhs 2013: 52-53). Money (1999) used immigration rates as the dependent variable in the first half of his book. However, to proxy policy output (formal regulation on immigration) with policy outcome (immigration rates) is flawed in obvious ways. Immigration rates can deviate considerably from policy goals and are influenced by many other factors (Castles 2004, Cornelius and Rosenblum 2005).[4]

At least two projects are in preparation and / or collecting phase to provide comprehensive time-series data: 1. The Immigration Policies in Comparison (IMPIC) project by the Wissenschaftszentrum Berlin für Sozialforschung (WZB) promises to cover 33 OECD countries from 1980 to 2010 (Helbling et al. 2013b: 8). 2. The International Migration Policy and Law Analysis (IMPALA) Database is an international project by Harvard University, the University of Luxembourg, the University of Amsterdam, the London School of Economics and the University of Sidney. It will cover 26 OECD countries from 1980 to 2010 (and eventually from 1960 to the present) (Beine et al. 2013 / 2014, Gest et al. 2014).

While these projects are still on going, at least some studies have been published in the last years that provide (limited) indices measuring immigration policies as policy output.[5] Lowell (2005) created an index of high-skilled immigration policies for 12 countries covering the year 2001. Cerna (2008) extended Lowell's work to 20 states for the year 2007, also focusing exclusively on high-skilled labour immigration policies. Klugman and Pereira

[4] For a comprehensive review of international migration theories see: Massey et al. 1993.

[5] For an overview of the available and upcoming data see: Helbling et al. 2013c.

(2009) cover 28 developed and developing countries for the year 2009. Unfortunately, none of these indices are publicly available (Helbling et al. 2013a: 40) and are quite limited in skill-level and country coverage.

The Labour Migration Policy Index (LMPI) by Oxford Analytica (2008) is an index on national labour migration programmes that can be freely accessed. Unfortunately, it only covers 13 countries so far and is limited to 2007 and 2008 (not separately, but 6 countries were assessed in 2007 and the rest in 2008). Martin Ruhs (2011 / 2013) published an openness index on labour immigration policies covering 104 labour immigration programmes (low-, medium- and high-skilled programmes) in 46 high- and middle-income countries for 2009. Ruhs' index covers the most countries and policies of all available studies so far. Therefore his data set is used for the statistical analysis of this study.[6]

3.1.2 Operationalization

Ruhs (2011 / 2013) uses in total 12 indicators to measure the openness of immigration programmes, which can be divided into three categories: 1. Quotas, 2. demand-side restrictions (e.g. job offer, labour market test, sectorial / occupational restrictions etc.) and 3. supply-side restrictions (e.g. nationality / age restrictions, skills requirements, self-sufficiency etc.).[7] The less restrictions the more open an immigration programme. Then he assigned an aggregate openness score from 0 to 1 to each programme. 0 being most restrictive and 1 completely open.

While the index covers low-, medium- and high-skilled programmes, only explicit labour immigration programmes "that admit migrants for the primary purpose of employment" (Ruhs 2011: 6) are included. Therefore, for EU, EEA and Schengen agreement

[6] Ruhs published his index first in a working paper in 2011. It is further incorporated in his book "The Price of Rights" published in 2013. To have the most reliable information all data used here are from the book.

[7] See APPENDIX I for a complete list of questions.

member-states the index incorporates only policies targeted at "third-country" nationals (ibid.).

Several important immigrant countries[8] have no low-skilled immigration programmes, which makes a country comparison difficult. Therefore, a country index for medium- / high-skilled immigration programmes is created by averaging the labour immigration programmes per country excluding the ones targeted at low-skilled foreign workers. Thus, the statistical analysis deals only with medium- and high-skilled immigration policies. Creating the aggregated index by simply averaging the labour immigration programmes might be questionable, as it does not take into account how important certain programmes are. One approach would be to weight the different programmes according to the migration flow associated with them. Such data however is unavailable for most countries and the proportion of immigrants in each programme is obviously endogenous (Beine et al. 2014: 34-35). The author deems the average sufficient for the purpose of this paper, as the focus lies on the influence of political institutions on the making of immigration policies, incongruent bicameralism making them more restrictive *on average*.

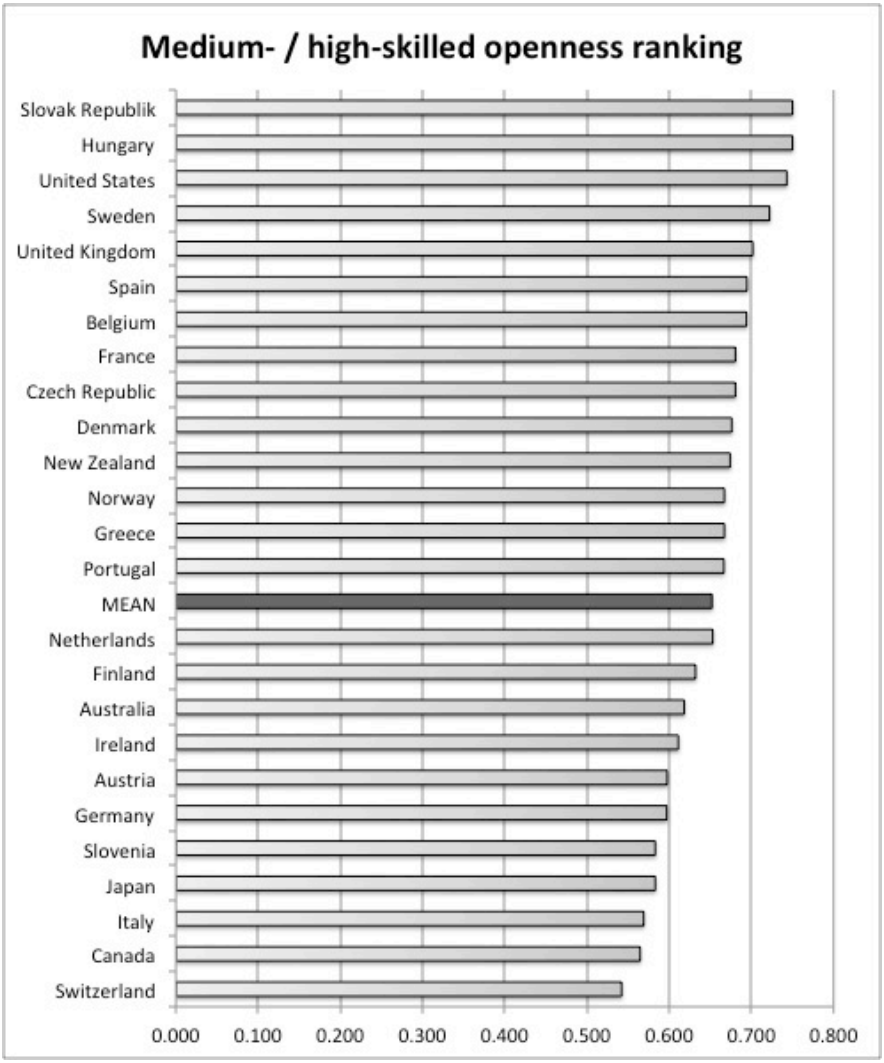
3.2 Countries in the sample

When adjusted for immigrant countries, democratic system and data availability, 25 countries remain and are part of this study: Australia, Austria, Belgium, Canada, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Netherlands, New Zealand, Norway, Portugal, Slovak Republic, Slovenia, Spain, Sweden, Switzerland, the United Kingdom and the United States of America.

[8] All of which, except Australia, are EU/EEA or Schengen member-states.

Table 1: Dependent variable descriptive statistics (Ruhs 2013 and author's calculations)

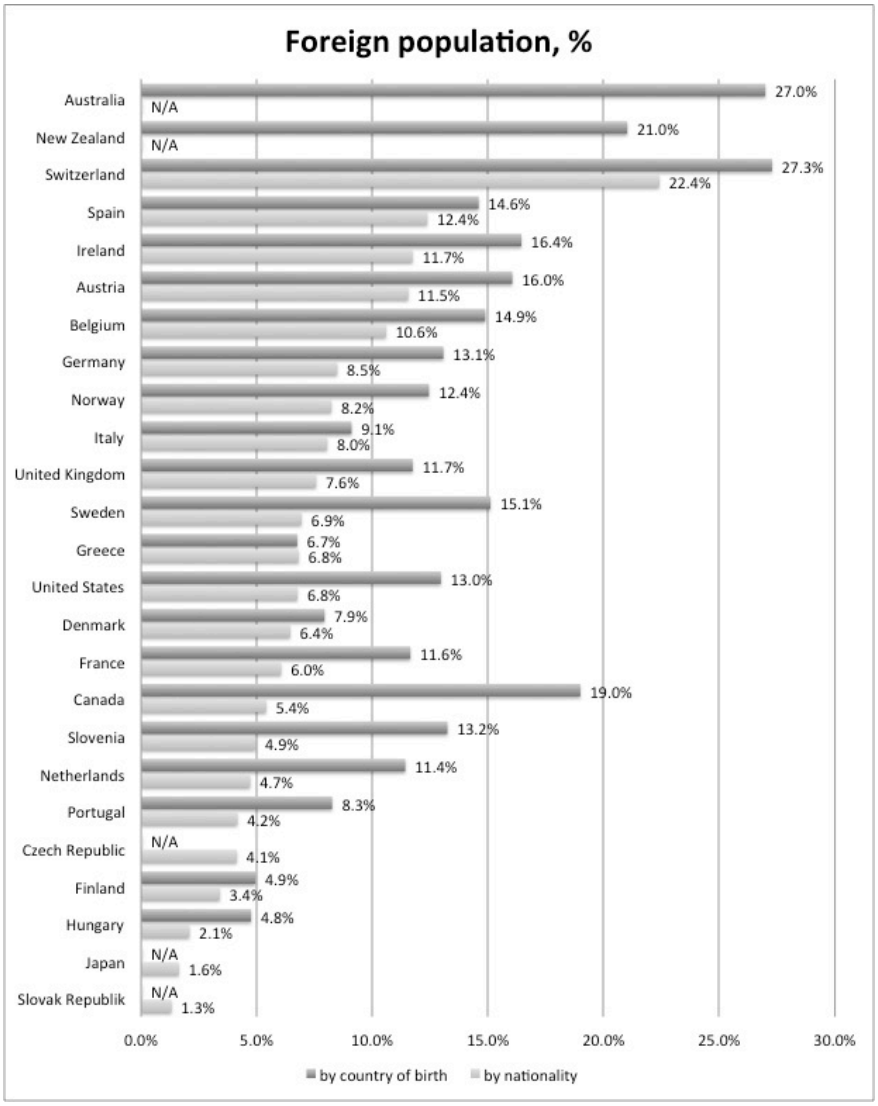
Dependent variable: Medium- / high-skilled immigration openness	
Mean	0.652
Median	0.667
Maximum	0.750
Minimum	0.542
Standard Deviation	0.060
N	25



Graph 1: Medium- / high-skilled immigration policy openness ranking, 2009 (Ruhs 2013 and author's calculations)

All these countries are highly developed OECD-countries and share similar relatively low GDP-growth between 1998 and 2008. All of them are immigrant countries with a

positive net-migration rate, even though they vary considerably. Some countries report their foreign population only by country of birth (Australia, New Zealand), others exclusively by nationality (Czech Republic, Japan, Slovak Republic). Graph 2 gives an overview of the foreign population as the percentage of the total population using both measures.



Graph 2: Foreign population in 2011, % (Canada / New Zealand: 2006; OECD 2014a/b/c)

3.3 Bicameralism as the independent variable and the control variables

The dataset used for the institutional and political variables is the *Comparative Political Data Set III 1990-2011* published by Armingeon et al. (2013) in its newest version,

updated on 06.01.2014. It provides political and institutional data for 35 OECD and / or EU-member countries for the time period 1990-2011.

The main dependent variable *bicameralism* is scored by Armingeon et al. (2013), according to Lijphart (1999: 200-215), as 1 for no, 2 for weak (congruent / asymmetric), 3 for medium strength (incongruent / asymmetric or congruent / symmetric) and 4 for strong bicameralism (incongruent / symmetric). The measure is additive, thus a score of 3 can either mean incongruent and asymmetric or congruent and symmetric (ibid.: 212).

To analyse the influence of incongruence separately a dummy variable is introduced (*incongruence*), assigning 1 to incongruent systems following Lijphart (1999: 200-215) and Armingeon et al. (2013). To correct for the actual strength of the upper chamber relative to its counterpart, *incongruence* is discounted by the *symmetry* of the bicameral system. This variable assigns 0 for no, 0.5 for asymmetric and 1 for symmetric bicameral systems. This scale was chosen in order to represent the degree of symmetry. Even asymmetric chambers influence policy making, as Tsebelis and Money point out: "(…) second chambers always exercise an influence on the final outcome of legislation." (1997: 211)

Nevertheless, this measure of incongruence is relatively rough. Unfortunately, the difference in the electoral systems is hard to assess, because essentially all bicameral systems utilise a mix of selection and electoral methods for their upper chambers (Tsebelis and Money 1997: 48-52). While they usually differ from the lower chambers, the degree is hard to measure. This may be the reason why Lijphart's measure of incongruence seems largely based on overrepresentation (1999: 200-215). As a measure for unequal representation, Samuels and Snyder provide an index for the degree of *malapportionment* in upper chambers, ranging from 0.00 to 0.49 (2001: 662). Unfortunately, this index only captures upper chambers to which geographical voter districts can be assigned, thus excluding appointed chambers, such as in Canada or the UK.

Concerning the control variables, the average *cabinet composition* from 1998 to 2008 is operationalized on a scale of 1 to 5, 1 being (centre-) right-wing and 5 being social-democratic (and other left-wing) hegemony of the government (Armingeon et al. 2013, calculations according to Schmidt 1992). Left governments may be closer to the trade unions, thus in tendency opposing open immigration, whereas the right should have ties to the employers' side. Conversely, it could be argued that right-wing parties incorporate conservative and traditional nationalist elements, which would make them supporting more restrictive immigration policies. Left parties may also share a more cosmopolitan worldview.

A dummy variable for states with a large *co-ethnic group* is introduced in the regression analysis to control for the special case of the USA. In 2002 Hispanics made up 12.5% of the national population (Zolberg 2006: 439). On top of that, even non-naturalised newcomers have "immediate indirect influence on national elections because, according to the U.S. Constitution, legislative districts must be based on the size of the *overall* population; and since a state's allotment determines the size of its Electoral College votes, this affects presidential elections as well." (Ibid., italics from the original)

The unemployment rate (*unemployment*) is used to control for economic variations among the countries. Furthermore, a public opinion variable *(opinion*) with data from the International Social Survey Programs National Identity Study (ISSP 2003) controls for the strength of anti-immigrant sentiments among the population. The variable is the percentage of people questioned who believe that fewer immigrants should be allowed to enter the country. Unfortunately, this study does not include Italy, Belgium and Greece, which have to be dropped from the sample when this variable is included.

Table 2: Independent variables overview (full data set in APPENDIX II)

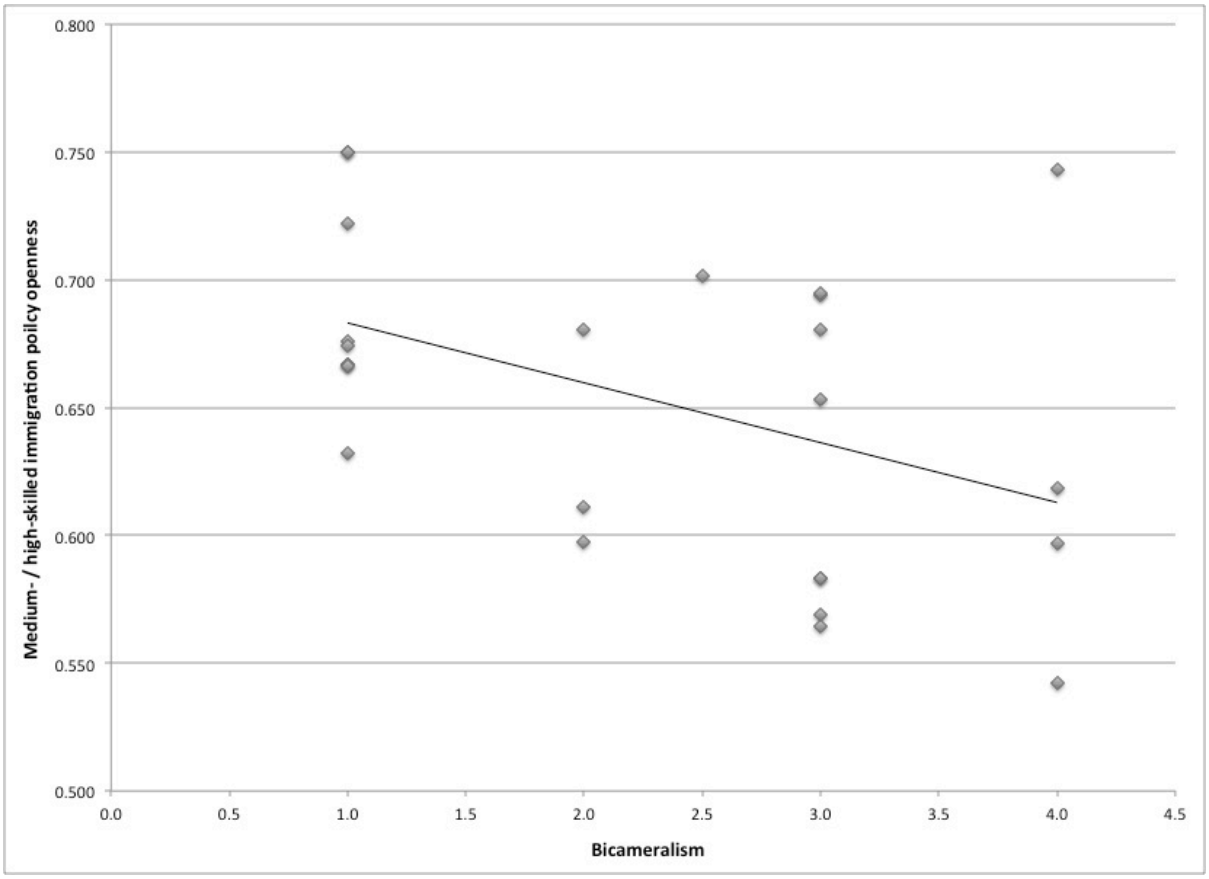
Variable	Measure (year)	Source
Bicameralism	1=no, 2=weak, 3=medium, 4=strong (2009)	Armingeon et al. 2013, according to Lijphart 1999
Incongruence	0=no bicameralism / congruent, 1=incongruent (2009)	Author; based on Lijphart 1999, Armingeon et al. 2013
Symmetry	0=no bicameralism, 0.5=asymmetrical, 1=symmetrical (2009)	Author; based on Lijphart 1999, Armingeon et al. 2013
Upper chamber malapportionment (MAL)	Index from 0.00 to 0.49 (1990s)	Samuels and Snyder 2001
Cabinet composition	1 to 5: 1=right-wing hegemony, 5=left-wing hegemony (1998-2008 average)	Armingeon et al. 2013
Unemployment	Unemployment rate (1998-2008 average)	World Bank 2014
Co-ethnic group	Large co-ethnic group in the country: 0=no, 1=yes	Author
Opinion	Answers stating that the number of immigrants coming to country should be reduced in % (2003)	ISSP 2003

3.3 Results and discussion

3.3.1 Does bicameralism lead to restrictive medium- / high-skilled immigration policies?

When plotting the countries graphically, there seems to be an obvious negative correlation[9] between the strength of bicameralism and medium- / high-skilled immigration policy openness (see graph 3). In the top right corner is the US as the expected clear outlier with strong bicameralism and very open immigration policy.

[9] $R^2 = 0.2$; without the outlier USA: $R^2 = 0.36$.



Graph 3: Bicameralism and medium- / high-skilled immigration policy openness (Ruhs 2014, Armingeon et al. 2013, author's calculations)

To test this correlation with several control variables, an OLS regression analysis is conducted that takes following form:

$$y_i = \beta_0 + \beta_1 x_{i1} + \beta_2 x_{i2} + \beta_3 x_{i3} + \beta_4 x_{i4} + \beta_5 x_{i5} + \epsilon_i$$

where:

(1) y_i is the *medium- / high-skilled openness* score according to Ruhs (2013)

(2) x_{i1} is the *bicameralism* score according to Lijphart (1999)

(3) x_{i2}, x_{i3}, x_{i4} and x_{i5} are the control variables *cabinet composition*, *unemployment* rate, the *co-ethnic group* dummy and public *opinion* against immigration

Table 3: Regression results with bicameralism as the main independent variable (residual analysis and correlation matrix in APPENDIX III)

Medium- / high-skilled immigration policy openness		
	Model 1	Model 2
Bicameralism	-0.025*** (0.008)	-0.027*** (0.009)
Cabinet composition	0.017** (0.006)	0.005 (0.007)
Unemployment	0.005** (0.002)	0.008*** (0.001)
Co-ethnic group	0.180*** (0.018)	0.166*** (0.019)
Opinion		0.001** (0.000)
Intercept	0.617 (0.032)	0.541 (0.054)
R^2	0.601	0.763
Adjusted R^2	0.521	0.689
N	25	22

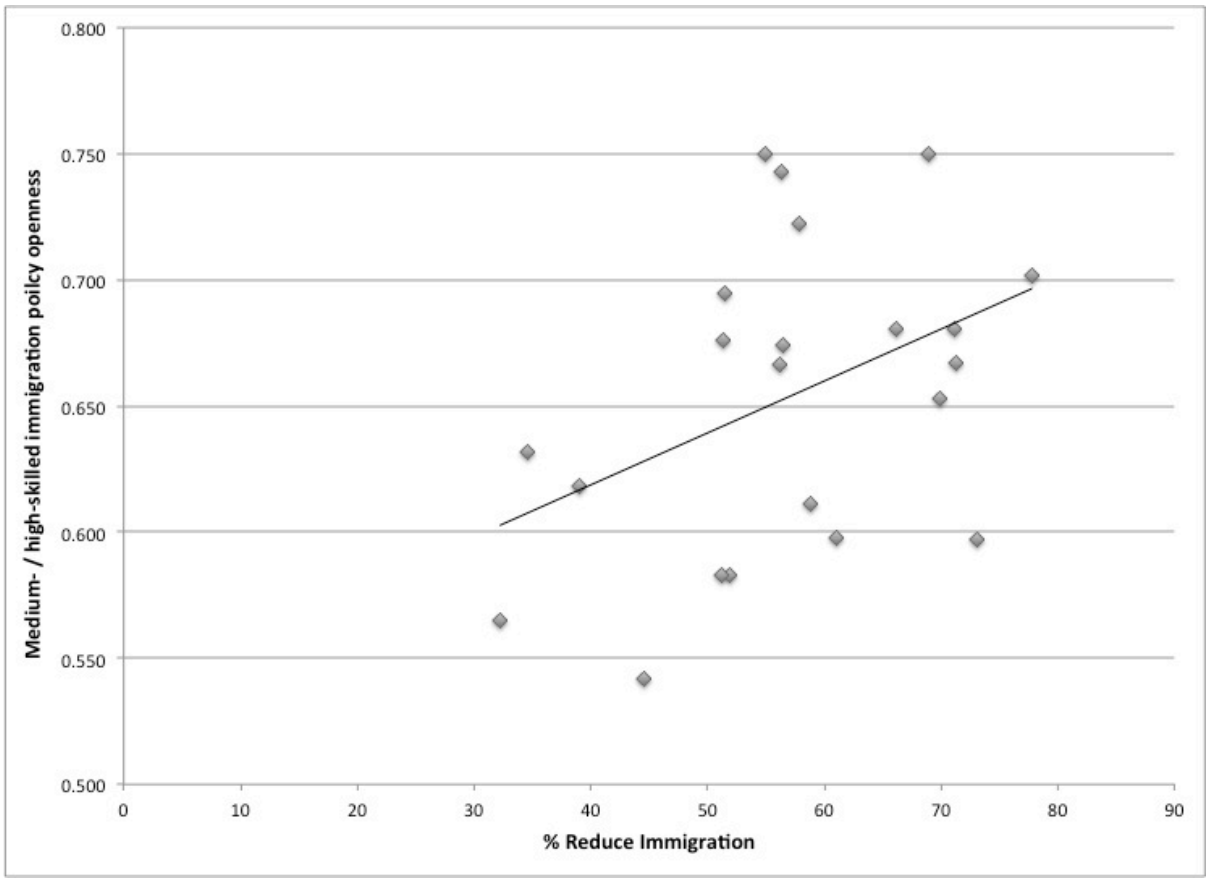
() = White heteroskedasticity-consistent std. errors; *p < 0.1, **p < 0.05, ***p < 0.01

Bicameralism is negatively correlated with medium- / high-skilled immigration policy openness and strongly significant in both models 1 and 2. The coefficients are quite large as well. Everything else fixed, strong bicameralism is associated with a more than one standard deviation lower openness score compared to unicameral states. This confirms the theoretical assumption that bicameral systems are more restrictive towards medium- / high-skilled labour immigration.

Looking at the control variables, one can see that the cabinet composition is positive and significant in model 1. The coefficient is also considerably large. Left-wing governments

seem to support more open, whereas right-wing dominated cabinets are correlated with more restrictive immigration policies. This is interesting, because given the internal conflicts on the right (conservative nativists vs. economic liberalists) as well as on the left (labour protection vs. cosmopolitans) a less clear result was to be expected. Furthermore, none of the major theories so far discuss political partisanship – Freeman explicitly claiming the neutrality of politicians as "vote-maximizers" with a "strong antipopulist norm" (1995:885). However, while still positive, the cabinet composition becomes insignificant when adding the public opinion variable in model 2.

The public opinion, being measured as the percentage of people in the SSP (2003) study that want less immigration to their country, is positive and significant. However, the coefficient is fairly small, thus the public opinion is not a strong predictor for medium- / high-skilled immigration policy openness. Still, the positive sign is counterintuitive at first glance, but one has to remember that the dependent variable only includes medium- and high-skilled immigration programmes. A possible explanation could be, that extreme unpopularity of immigrants among the population causes governments to restrict asylum and low-skilled immigration, while trying to satisfy the employers with medium- and high-skilled labour immigration programmes that are easier to "sell" politically. However, attitudes toward immigration may change depending on economic prospects (Dancygier and Donnely 2014). Sciarini and Tresch (2009), on the other hand, found that stable subjective cultural considerations are more important than utilitarian considerations in shaping voters' choices in public votes on European and immigration / asylum policy in Switzerland. In any case, a deeper analysis would go beyond the scope of this study and the coefficient is too small to be really relevant. Nevertheless, the unpopularity of immigration is rather striking (see graph 4), exemplifying Freeman's observation that immigration policy is generally more open than would be politically optimal (1995 / 2011).



Graph 4: Public opinion against immigration and medium- / high-skilled immigration policy openness (Ruhs 2013, ISSP 2003, author's calculations)

The co-ethnic group control variable is as expected highly significant with a large coefficient, explaining the special case of the USA. The unemployment rate is positively correlated and significant, while the coefficient is relatively small. This shows that economic differences between the countries are important but not overly so. Countries with higher unemployment may want to attract more medium- and high-skilled productive labour to stimulate the economy. Conversely, more immigration may have a negative effect on the employment of native workers, but the empirical evidence for this seems to be mixed (see Sumerville and Sumption 2009).

3.3.2 Does incongruence lead to restrictive medium- / high-skilled immigration policies?

To test for the influence of incongruence separately, the bicameralism score (x_{i1}) is replaced with the discounted incongruence dummy. In model 3 the dummy is replaced with the malapportionment index. This model only analyses countries with upper chambers to which geographical voter districts can be assigned and non-bicameral systems, thus reducing the sample size to 19. To save on the remaining degree of freedom the public opinion control variable is dropped for model 3. The regressions take the following forms:

$$y_i = \beta_0 + \beta_1 (\text{INCON}_i * \text{SYMM}_i) + \beta_2 x_{i2} + \beta_3 x_{i3} + \beta_4 x_{i4} + \beta_5 x_{i5} + \epsilon_i$$

and

$$y_i = \beta_0 + \beta_1 (\text{MAL}_i * \text{SYMM}_i) + \beta_2 x_{i2} + \beta_3 x_{i3} + \beta_4 x_{i4} + \epsilon_i$$

where:

(1) y_i is the *medium- / high-skilled openness* score according to Ruhs (2013)

(2) INCON_i is the *incongruence* dummy

(3) SYMM_i is the degree of *symmetry* between the two chambers

(4) MAL_i is the *malapportionment* index by Samuels and Snyder (2001)

(5) x_{i2}, x_{i3}, x_{i4} and x_{i5} are the control variables *cabinet composition*, *unemployment* rate, the *co-ethnic group* dummy and public *opinion* against immigration

Incongruence turns out to be significant as expected, proving that overrepresentation and differences in selection or electoral systems between the chambers, may lead to more restrictive medium- / high-skilled immigration policies. Incongruent and symmetric bicameral systems are associated with a more than one standard deviation more restrictive immigration policy than unicameral systems. In model 3 the malapportionment index, capturing parts of the incongruence in more detail (at the price of a smaller sample), is also significant and shows a similarly strong coefficient. The overrepresentation of rural voters is thus clearly important in countries with elected upper chambers. These variables, however,

are less significant than Lijphart's (1999) additive bicameral score and the R^2-values show less explanatory power for these models.

Table 4: Regression results with incongruence and MAL as main independent variables (residual analysis and correlation matrix in APPENDIX IV)

Medium- / high-skilled immigration policy openness			
	Model 1	Model 2	Model 3
Incongruence * Symmetry	-0.067** (0.027)	-0.071** (0.032)	
MAL * Symmetry			-0.251** (0.093)
Cabinet composition	0.024*** (0.007)	0.015** (0.007)	0.014 (0.011)
Unemployment	0.006** (0.003)	0.009*** (0.001)	0.005 (0.003)
Co-ethnic group	0.200*** (0.026)	0.187*** (0.031)	0.201*** (0.028)
Opinion		0.001 (0.000)	
Intercept	0.552 (0.025)	0.497 (0.054)	0.589 (0.034)
R^2	0.562	0.703	0.567
Adjusted R^2	0.475	0.610	0.443
N	25	22	19

() = White heteroskedasticity-consistent std. errors; *p < 0.1, **p < 0.05, ***p < 0.01

6 Conclusion

So, why are some countries more closed towards immigration than others? While the main existing theories of immigration politics can explain the case of the USA quite

convincingly (Freeman 1995 / 2011, Zolberg 2006) or show the broad differences between the USA and European countries (Joppke 1998 / 1999, Hollifield 2000 / 2004), a general theory is still lacking. Here, with the inspiration of recent events in Switzerland, a modest contribution towards this goal was achieved.

This paper claims that, among other factors, bicameralism and more specifically incongruent bicameralism leads to more restrictive immigration policies. Incongruence means that the two chambers differ in their composition, either through different methods of election or by design so as to over-represent certain minorities (Lijphart 1999: 207). Especially the overrepresentation of rural conservative voters in the upper chamber leads to more restrictive policies towards immigrants.

Statistically it has been shown that Lijphart's (1999) additive measure of bicameralism is strongly negatively correlated with medium- / high-skilled immigration policy openness. The variable is also highly significant. Furthermore, incongruence as a separate variable was also strongly negatively correlated and highly significant. The malapportionment index by Samuels and Snyder (2001), which gives a detailed account of the unequal representation in elected upper chambers, shows the same pattern. This strongly supports the argument.

However, incongruence and malapportionment are less significant than the bicameralism measure and their models show lower R^2 values. This may indicate that incongruence and / or the overrepresentation of rural conservative voters are not the only reason why bicameralism leads to more restrictive immigration policies. The quality of bicameralism as a veto-point, as theorised by Immergut (1990), or generally its tendency to favour the status quo (Tsebelis 1995, Tsebelis and Money 1997), may in itself contribute to a more conservative aggregate outcome over a long period of time. The outcome most probably depends on how open or restrictive the status quo was in the first place. The starting

point of countries with an immigrant tradition, such as the USA, is certainly very different from the 19th century emigrant countries, like Switzerland or Germany. To shed light on this issue and given the long-term stability of macro institutions, further comprehensive historical research and / or long term time series data analysis (as soon as it becomes available) will be necessary. The control variables for economic and political variations among countries were also significant, and thus do not lose any importance in the analysis of immigration politics.

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APPENDIX I

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Overview of Openness Indicators

P1 [Quota] Is there a numerical quota or other limit on the annual number of migrant workers admitted under this program, or on the stock of migrant workers?

0 = hard quota that is relatively small
1 = hard quota that is relatively large
2 = soft quota/limit
3 = no quota or any other numerical limit

P2 [Job offer] Does admission under the program require migrants to have a job offer in the host country?

0 = yes, migrants without a job offer are not admitted
1 = job offer not strictly required, but it is one of the criteria influencing admission
2 = no, job offer does not influence admission

P3 [Labor market test] Do the regulations for admitting migrant workers under this program include a labor market test?

0 = very strong labor market test in all sectors/occupations covered by the program
1 = strong labor market test, but some occupations/sectors exempted
2 = weak labor market test
3 = No labor market test [*sic*]

P4 [Sector/occupation] Is the labor immigration program restricted to specific sectors or a defined list of occupations?

0 = yes
1 = no

P5 [Fees] Does the program require employers to pay a fee/levy for employing migrant workers (other than administrative fees to do with the work permit application process)?

0 = no
1 = yes

P6 [Conditions] Does the program require employers to pay a certain wage and/or meet employment conditions that exceed the minimum standards required by the country's labor laws and regulations?

0 = yes, strong wage restrictions (e.g., collectively agreed wage)
1 = yes, weak wage restrictions (e.g., prevailing wages in absence of collective wage agreements)
2 = no

P7 [Trade union] Do trade unions have a role in individual work permit application processes?

0 = yes, trade unions play a strong role
1 = yes, trade unions play some/weak role
2 = no, no role for trade unions

P8 [Nationality/age] To what extent, if at all, is the admission of migrant workers restricted to or influenced by the applicant's nationality and/or age (range)?

0 = admission restricted to migrants with specified nationality *and* age

1 = admission restricted to migrants with specified nationality *or* age
2 = admission influenced by nationality and/or age (e.g., through points systems)
3 = nationality and age do not matter for admission

P9 [Gender/marital status] To what extent, if at all, is the admission of migrant workers restricted to or influenced by the applicant's gender and/or marital status?

0 = admission restricted to migrants with specified gender *and* marital status
1 = admission restricted to migrants with specified gender *or* marital status
2 = admission influenced by gender and/or marital status (e.g., through points systems)
3 = gender and marital status do not matter for admission

P10 [Skills] Is the admission of migrant workers restricted to or influenced by (migrants with) specified professional skills and/or qualifications?

0 = yes, very specific skills and/or qualifications required
1 = yes, specific skills required
2 = yes, generic minimum skills/qualifications threshold
3 = no, specified skills and/or qualifications are not among criteria/factors for admission

P11 [Language] To what extent, if at all, is the admission of migrant workers influenced by the applicant's host country language skills?

0 = host country language skills required
1 = language skills not absolutely required, but they influence admission
2 = language skills are not a criterion for admission

P12 [Self-sufficient] Is admission limited to migrant workers who can prove that they can be self-sufficient (i.e., that they will not require public funds/assistance) in the host country?

0 = yes
1 = no

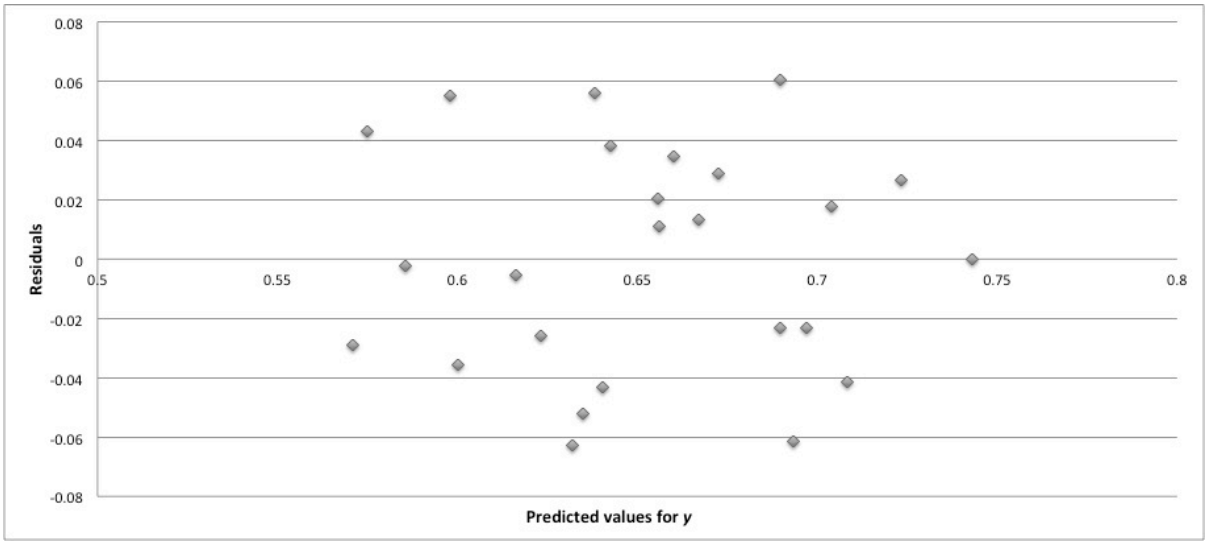
APPENDIX II

Country	Medium- / high-skilled openness	Bicameralism	Incongruence	Symmetry	MAL	Cabinet composition	Unemployment rate	Public opinion
Australia	0.618	4.0	1	1	0.2962	1.45	5.80	39.0
Austria	0.598	2.0	0	0.5	0.0301	1.82	4.21	61.0
Belgium	0.694	3.0	0	1	N/A	2.91	7.81	N/A
Canada	0.565	3.0	1	0.5	N/A	1.00	7.05	32.2
Czech Republic	0.681	2.0	0	0.5	0.0257	3.27	7.29	71.1
Denmark	0.676	1.0	0	0	0	2.09	4.56	51.4
Finland	0.632	1.0	0	0	0	2.82	8.75	34.6
France	0.681	3.0	1	0.5	N/A	2.64	9.32	66.1
Germany	0.597	4.0	1	1	0.2440	4.09	8.98	73.1
Greece	0.667	1.0	0	0	0	3.27	9.91	N/A
Hungary	0.750	1.0	0	0	0	3.27	6.78	68.9
Ireland	0.611	2.0	0	0.5	N/A	1.18	4.91	58.8
Italy	0.569	3.0	0	1	0.0292	2.18	8.86	N/A
Japan	0.583	3.0	0	1	0.1224	1.00	4.57	51.9
Netherlands	0.653	3.0	0	1	0	2.09	3.47	69.9
New Zealand	0.674	1.0	0	0	0	4.27	5.09	56.5
Norway	0.667	1.0	0	0	0	2.45	3.55	71.3
Portugal	0.667	1.0	0	0	0	3.55	6.01	56.2
Slovak Republic	0.750	1.0	0	0	0	2.18	15.58	55.0
Slovenia	0.583	3.0	1	0.5	N/A	3.27	6.21	51.2
Spain	0.695	3.0	1	0.5	0.2853	2.73	11.97	51.5
Sweden	0.722	1.0	0	0	0	4.18	6.54	57.8
Switzerland	0.542	4.0	1	1	0.3448	2.00	3.51	44.6
UK	0.702	2.5	1	0.5	N/A	5.00	5.31	77.8
United States	0.743	4.0	1	1	0.3642	1.00	5.08	56.3

APPENDIX III

Residual analysis and correlation matrix of the independent variables for the regressions with bicameralism as the main independent variable

Model 1:



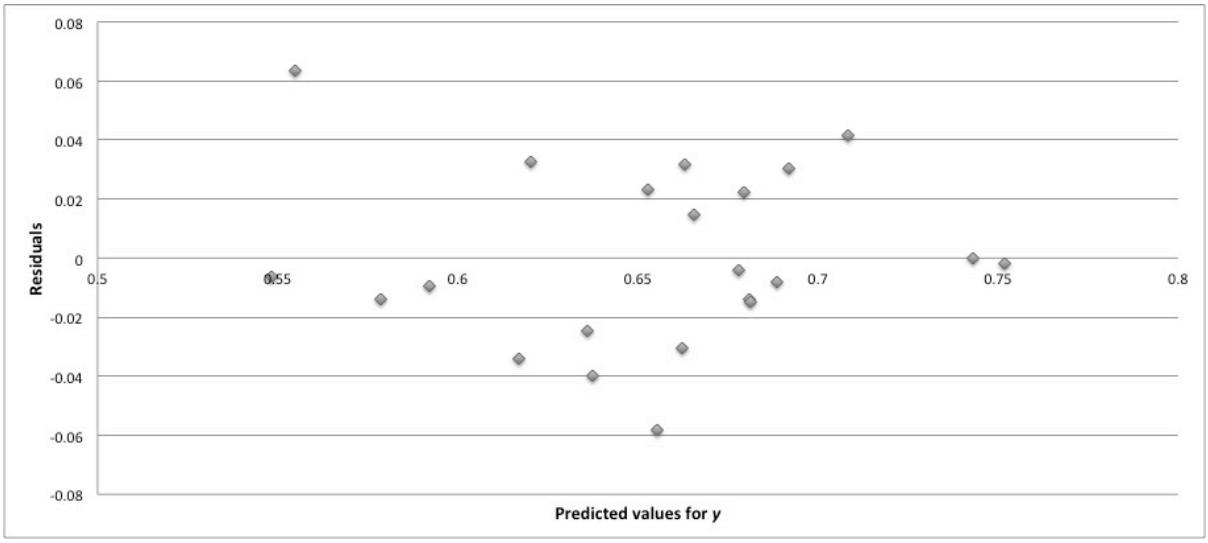
Graph 5: Residuals and predicted values for *y* for model 1

Table 5: Correlation matrix of the independent variables of model 1

	Bicameralism	Cabinet composition	Unemployment	Co-ethnic group
Bicameralism	1			
Cabinet composition	3.00E-01	1		
Unemployment	-1.04E-02	-1.16E-01	1	
Co-ethnic group	-7.10E-01	2.97E-01	9.09E-02	1

The co-ethnic group (USA) dummy is highly correlated with bicameralism, which is to be expected, as the USA is strongly bicameral. There is no causality between the independent variables.

Model 2:



Graph 6: Residuals and predicted values for *y* for model 2

Table 6: Correlation matrix of the independent variables of model 2

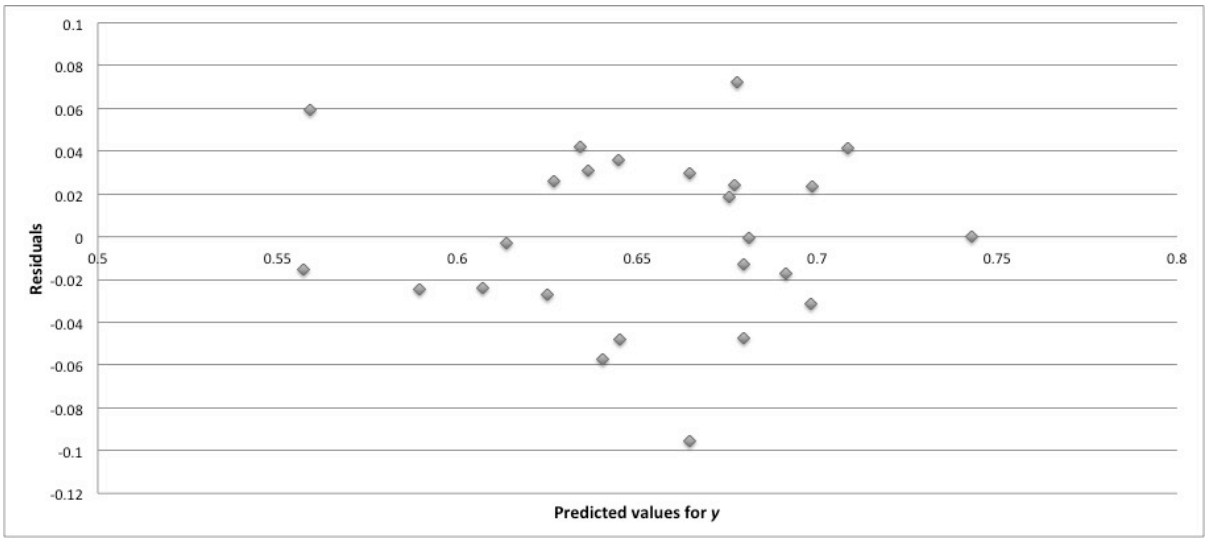
	Bicameralism	Cabinet composition	Unemployment	Co-ethnic group	Opinion
Bicameralism	1				
Cabinet composition	4.07E-01	1			
Unemployment	3.94E-01	3.91E-01	1		
Co-ethnic group	-6.94E-01	2.62E-01	5.15E-02	1	
Opinion	4.49E-03	-2.79E-01	1.63E-01	-1.07E-01	1

The co-ethnic group (USA) dummy is again correlated with bicameralism, which is to be expected, as the USA is strongly bicameral. There is no causality between the independent variables.

APPENDIX IV

Residual analysis and correlation matrix of the independent variables for the regressions with incongruence and MAL as the main independent variable

Model 1:



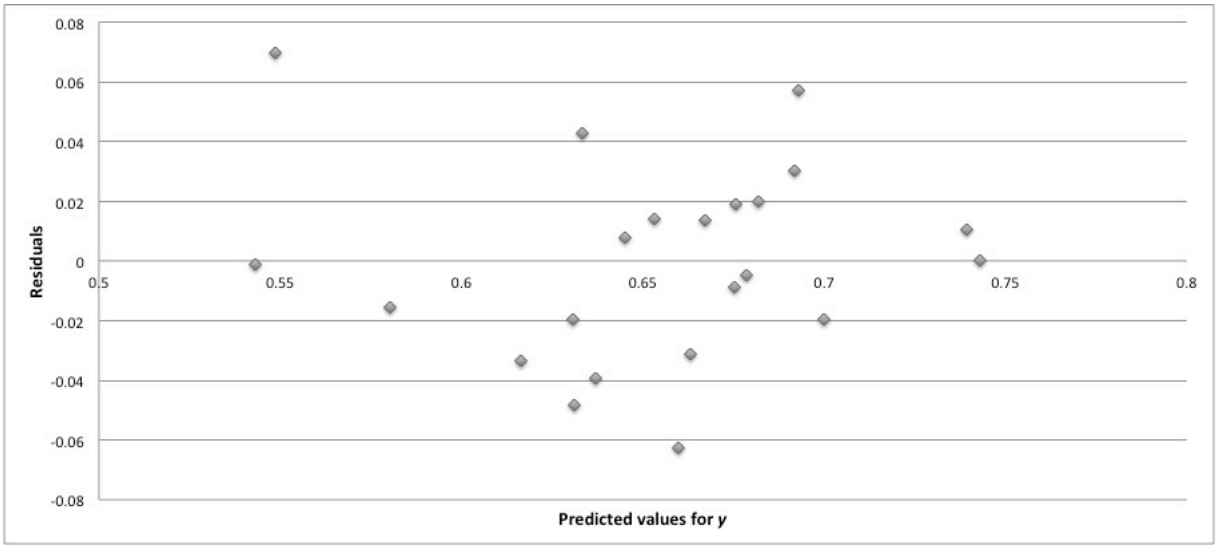
Graph 7: Residuals and predicted values for *y* for model 1

Table 7: Correlation matrix of the independent variables of model 1

	Incongruence * Symmetry	Cabinet composition	Unemployment	Co-ethnic group
Incongruence * Symmetry	1			
Cabinet composition	4.40E-02	1		
Unemployment	-1.36E-01	-2.32E-01	1	
Co-ethnic group	-8.25E-01	4.13E-01	1.13E-01	1

The co-ethnic group (USA) dummy is highly correlated with incongruence * symmetry, which is to be expected, as the USA is strongly bicameral and very incongruent. There is no causality between the independent variables.

Model 2:



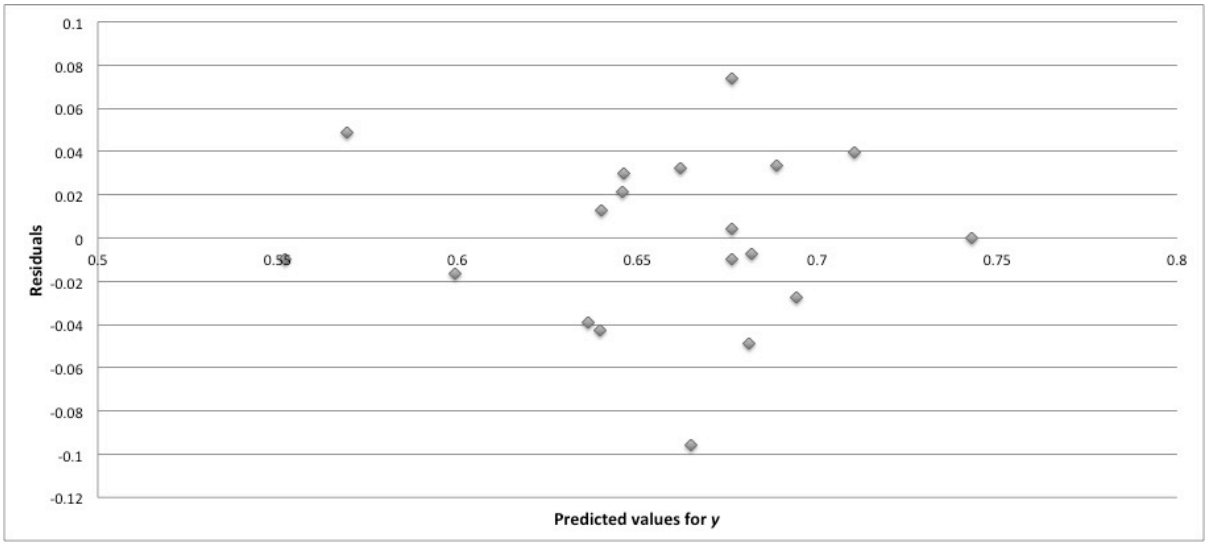
Graph 8: Residuals and predicted values for *y* for model 2

Table 8: Correlation matrix of the independent variables of model 2

	Incongruence * Symmetry	Cabinet composition	Unemployment	Co-ethnic group	Opinion
Incongruence * Symmetry	1				
Cabinet composition	-1.06E-01	1			
Unemployment	1.87E-01	2.02E-01	1		
Co-ethnic group	-8.81E-01	4.71E-01	5.85E-02	1	
Opinion	2.46E-01	-2.37E-01	4.47E-01	-2.21E-01	1

The co-ethnic group (USA) dummy is again correlated with incongruence * symmetry, which is to be expected, as the USA is strongly bicameral and very incongruent. There is no causality between the independent variables.

Model 3:



Graph 9: Residuals and predicted values for *y* for model 3

Table 9: Correlation matrix of the independent variables of model 3

	MAL * Symmetry	Cabinet composition	Unemployment	Co-ethnic group
MAL * Symmetry	1			
Cabinet composition	3.83E-01	1		
Unemployment	-6.64E-02	-3.55E-01	1	
Co-ethnic group	-6.85E-01	3.23E-01	-1.22E-01	1

The co-ethnic group (USA) dummy is correlated with MAL * symmetry, which is to be expected, as the USA is strongly bicameral and has strong malapportionment in the upper chamber. There is no causality between the independent variables.