The Annual Proceedings of

The Wealth and Well-Being of Nations

2021-2022

Volume XIII: Human Migration and the Wealth and Well-Being of Nations

Giovanni Peri

Diep Phan, Editor

The Miller Upton Program at Beloit College

The Wealth and Well-Being of Nations was established to honor Miller Upton, Beloit College's sixth president. This annual forum provides our students and the wider community the opportunity to engage with some of the leading intellectual figures of our time. The forum is complemented by a suite of programs that enhance student and faculty engagement in the ideas and institutions that lay at the foundation of free and prosperous societies.

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Each year, seniors in the Department of Economics & Business participate in a semester-long course that is built around the ideas and influence of that year's Upton Scholar. By the time the Upton Scholar arrives in October, students will have read several of his or her books and research by other scholars that has been influenced by these writings. This advanced preparation provides students the rare opportunity to engage with a leading intellectual figure on a substantive and scholarly level.

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The department has initiated a research colloquium that gives students the opportunity to read and discuss seminal articles aimed at deepening their understanding of the market process. Students also develop original analysis that applies economic ideas to novel contexts. Colloquium participants receive close mentoring as they craft an article with the eventual goal of publication in a newspaper, magazine, or academic journal. The themes of the research colloquium and annual forum are supported with a speaker series featuring the next generation of scholars working on questions central to our understanding of the nature and causes of wealth and well-being.

Annual Proceedings of The Wealth and Well-Being of Nations:

The keynote address presented by the Upton Scholar is an important contribution to the public discourse on the nature and causes of wealth and well-being. Further, the annual forum includes presentations by noted scholars who expand upon or challenge the work of the Upton Scholar. These presentations are assembled in the *Annual Proceedings of the Wealth and Well-Being of Nations*, which serves as an important intellectual resource for students, alumni, and leaders within higher education.

The Annual Proceedings of the Wealth and Well-Being of Nations

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Introduction

Diep Phan[1]

Introduction

As the Elbert Neese Professor of Economics, it is my honor to introduce the thirteenth Annual Proceedings of the Wealth and Well-Being of Nations, a collection of papers based on the talks at the 2021 Miller Upton Forum on **Global Migration and the Wealth and Well-Being of Nations**, featuring Professor Giovanni Peri as the Upton Scholar.

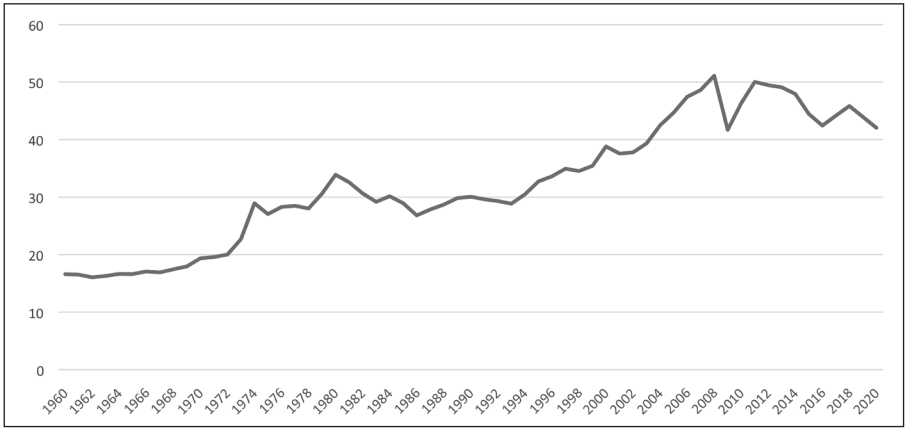
The Miller Upton Forum on the Wealth and Well-Being of Nations is the centerpiece of a suite of programs named in honor of Beloit College's sixth president, Miller Upton, and are inspired by Miller's unflagging dedication to the ideals of a liberal society: political freedom, the rule of law, and peace and prosperity through the voluntary exchange of goods and ideas. Since its in inauguration in 2008, the forum has examined a variety of critical factors that are thought to determine nations' prosperity, such as social institutions and the rule of law (2008 Inaugural Forum), property rights (2009 Forum), entrepreneurship (2010 and 2015 Forums), self-governance (2011 Forum), institutional change (2012 Forum), economic freedom (2013 Forum), energy and climate change issues (2014 and 2016 Forums), and human capital (2019 Forum).

The eleventh forum in 2018 turned to an imperative and timely topic--economic globalization--which encompasses international trade, international finance, and international migration. As seen in Figures 1 through 4 below, all three processes have increased significantly in the last half century. These increases became especially dramatic during 1990-2008, so much that this period has been called the period of "hyper-globalization." However, these flows have slowed down and fluctuated widely since the global financial crisis in 2008. Compared to the increases in international trade and finance, the increase in international

1 Diep Phan is the Elbert H. Neese, Jr. Professor of Economics at Beloit College.

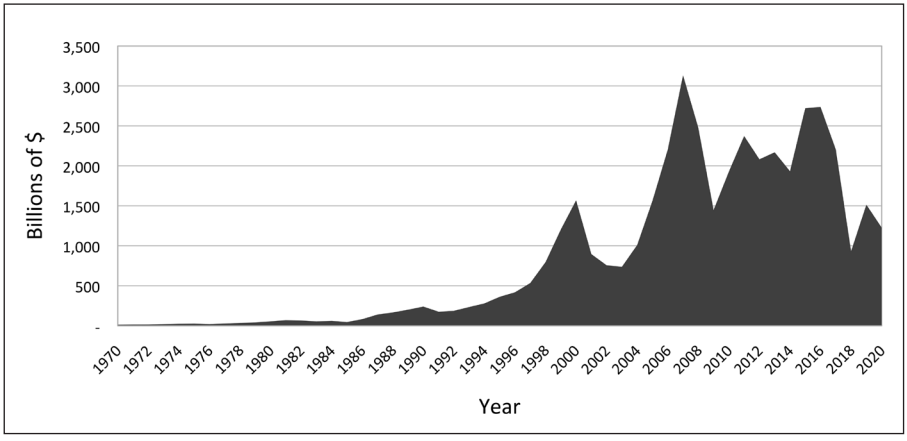
migration has not been as steep, as the percentage of international migrants in global population has risen only slightly from 2.9% in 1990 to 3.6% in 2020, and at 3.6%, this number remains small (see Figure 4).

Figure 1: World merchandise trade as % of GDP



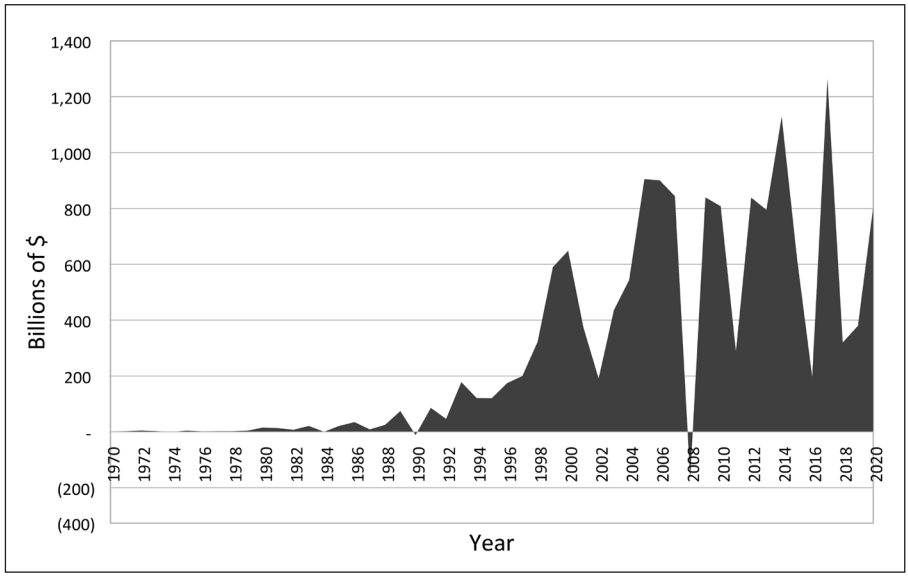
Source: World Bank

Figure 2: Global Foreign Direct Investment, net inflows



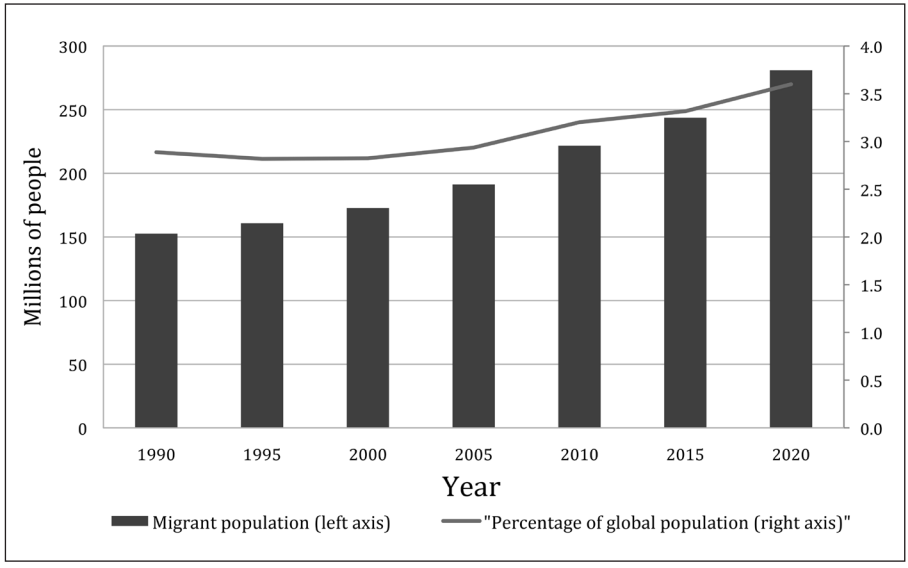
Source: World Bank

Figure 3: Global Foreign Portfolio Investment, net inflows



Source: World Bank

Figure 4: Global Migration, 1990-2020



Source: United Nations

In the last few decades, as the global economy became more integrated, and as technologies advanced and spread, the world has seen a sharp decrease in global poverty and a narrowing of the income gap between rich and poor countries. At the same, there has also been a rise in inequality in many countries, and low-skilled workers in advanced economies have often fallen behind in this economic progress. As a result, a backlash against globalization had been simmering throughout the hyper-globalization period, and picked up momentum since the global financial crisis in 2008. This backlash arose partly because many people in developed countries perceive that international trade and finance harm their interests. But what really drives the anti-globalization movement seems to be their anti-immigration sentiment. For that reason, the 2021 Miller Upton Forum returned to the globalization topic, with a focus on international migration.

As a topic of inquiry, migration is interdisciplinary by nature, so it is a perfect theme for the Miller Upton Forum, which often involves scholars from a variety of disciplines. At the 2021 forum in particular, scholars from five disciplines were present: economics (Giovanni Peri and Delia Furtado), sociology (Katharine Donato), geography (Fernando Riosmena), political science (Rachel Ellett) and criminology (Hillary Mellinger).

Dr. Giovanni Peri is Professor of Economics at the University of California, Davis, and a Research Associate at the National Bureau of Economics Research. He is the Editor of the Journal of the European Economic Association and in the editorial board of several academic journals in economics. He is the founder and director of the UC Davis Global Migration Center, an interdisciplinary research group focusing on international migrations. Dr. Peri's research focuses on the impact of international migration on the labor markets and the productivity of receiving countries and on the determinants of international migration. He has produced a very impressive list of publications in leading economic journals, and is often featured in media outlets such as the New York Times, the Wall Street Journal, the Washington Post, the Economist Magazine, and National Public Radio.

On October 29th 2021, at the thirteen Miller Upton Forum at Beloit College, Professor Peri delivered his keynote address titled "**Immigration and the Wealth and Well-Being of U.S. and Them.**" The first essay (chapter 2) in this volume draws from this keynote address. In it, he listed the five important facts about global migration: (i) migration from developing to advanced countries has increased; (ii) the largest migration flows are between middle-income countries and rich countries (such as Mexico/India/China to the US, or North Africa

and Middle East to Europe); (iii) migrants are highly selected in terms of skills; (iv) STEM workers are among the most internationally mobile, and the US is a STEM magnet; (v) there are very high economic returns for migrating to advanced economies.

He next outlined two opposing theoretical frameworks to understand the economic impact of immigration. One framework assumes a static world with constrained resources and decreasing returns, such that immigrants and native workers compete. The other framework assumes a dynamic world with increasing returns, such that inflows of immigrant workers bring diversity, agglomeration economies, innovation, and entrepreneurship, resulting in higher productivity, economic growth, and increased wage and income for all. He then claimed that in the current US economy, the dynamic world view prevails, and presented empirical evidence to support that claim.

Peri continued to discuss the various channels through which immigrant workers enhance productivity and raise the demand for labor of native workers. First, immigrant workers increase the variety of skills available; this is critical in a complex economy where a larger variety of skills allows for a better skill-to-task match and more specialization. In other words, through task complementarities, immigrants generate the need for connected jobs and hence create (indirect) demand for native workers. Second, immigrants directly create jobs for native workers because of their significantly higher propensity to be entrepreneurs and to start companies compared to natives. Third, immigrants contribute directly to US jobs and productivity by innovating and generating new productivity-increasing products and processes.

Peri confirmed other benefits of immigration. In addition to benefiting native workers of destination economies, migrants benefit the origin economies by creating international networks, facilitating trade and foreign investments, and encouraging technology transfers. A final contribution of immigrants to the US economy is through demography: first- and second-generation immigrants provide a boost to the US population and labor force, preventing it from shrinking.

After reviewing the theoretical frameworks and empirical evidence concerning the economic impacts of immigration, Peri concluded that "… immigrants contribute substantially to generate … a better US economy … From an economic point of view, therefore, this suggests that the US should be considering how to admit and economically integrate a non-decreasing (and possibly increasing) number of immigrants in the next decades."

In the remainder of his address, Peri offered some explanations for why the economic reality of immigration in the US is so disconnected with voters' increasing anti-immigration sentiment. One reason is that sentiments of identity and cultural belonging might trump economic considerations. Another reason is the rampant misinformation and misperception in the area of immigration. If, because of these listed reasons, more immigration generates more anti-immigration sentiment, then there seems no politically viable way to increase immigration and maintain support for such a policy? Peri rejects this view by citing a recent study by Mayda et al (2021) whose results indicate that higher immigration, if gradual and balanced, does not need to generate backlash.

In short, in his keynote address Peri established the economic benefits of immigration by skillfully summarizing a very large literature on the economic impact of immigration in the last 30 years. He ended the address by offering a hopeful solution on how immigration can be increased without generating a backlash.

At the 2021 Miller Upton Forum, Beloit College was honored to have several other leading scholars of global migration, such as Fernando Riosmena and Katharine Donato, who are longtime collaborators of the Upton Scholar Giovanni Peri. Their talks perfectly complemented the keynote address and helped make the forum more complete in terms of coverage, as one talk focuses on the theories related global migration, while the other focuses on the empirics and policy discussions.

Fernando Riosmena is an associate professor of geography and associate director of the Population Center at the University of Colorado - Boulder. His research aims at improving our understanding of the drivers of international migration, in particular migration between the US and Mexico. Riosmena's essay (chapter 3 in this volume) is titled "**Interconnected Worlds in Motion: The Wealth and Well-Being of Nations and the Mechanisms Driving Migration**" The essay provided a thorough overview of the major theories explaining the economic, social and political mechanisms that produce migration, then explored the ways in which these theories connect. Riosmena argued that, regardless of how migration is produced, migration processes themselves can change conditions (in both sending and receiving areas) in ways that affect future migrations. In reviewing and explaining the connection among theories, Riosmena aimed to clarify our understanding of the ultimate root causes of migration and to provide insights into migration policy. He cautioned that we must "avoid falling into simplistic assumptions that migrants … are mainly fleeing sheer poverty … The

way in which these forces produce more (or less) migration are contingent on the very institutions and structures that define the wealth and wellbeing of nations and require continued examination."

Katharine Donato is the Donald G. Herzberg Professor of International Migration and Director of the Institute for the Study of International Migration in the School of Foreign Service at Georgetown University. She has published numerous journal articles and several books on migration. In her essay titled "**Immigration Research and Policy: Opportunities and Challenges**" (chapter 4 in this volume) Donato reviewed Peri's several decades of outstanding work and contributions to confirm the positive and productive effects of immigration. She then discussed the opportunities and challenges in migration research and policy, including the slow change in US immigration policy, the unresolved situation at the US southern border, the challenges in understanding forced migration, and the need to recognize and understand the complexity in motivations for migration and composition of migrant flows.

Delia Furtado is another longtime colleague and co-author of the Upton Scholar. She is an Associate Professor of Economics at the University of Connecticut. Her research focuses on immigration, economics of the family, disability insurance, and culture and norms. She has published in leading economic journals such as the American Economic Review, Economic Inquiry, Journal of Human Resources, Labour Economics, and many others. Her talk at the forum was on a very important topic that is at the intersection of the immigration literature and the literature on demographic change and senior care. Chapter 5 in this volume, drawn from that talk, is titled "**Can Immigrants Help the U.S. Care for an Aging Population?**" Motivated by the facts that there is a rapid increase in demand for elderly care (due to the aging US population) and that immigrants are over-represented in caregiving occupations, Furtado examined whether and how more open immigration policies might help families ensure high quality care for their oldest members at lower costs. She presented evidence from her own work and from the literature, which suggests that immigrants improve the quality of elderly care, enable many of elderly to remain in their own communities instead of being forced into institutionalized care, and help relieve the burden of unpaid family-care providers. She ended her essay with a thought-provoking remark: "It seems to me at least that instead of fearing immigration, we should be providing more work visas in order for immigrants to help care for our growing elderly population. All of this leaves me to wonder what other world problems can be

resolved or at least alleviated by simply allowing people to live where their labor is most needed."

David McKenzie is a lead economist in the development research group at the World Bank. Dr. McKenzie received his PhD in Economics from Yale University. His areas of expertise include migration, entrepreneurship, and private sector development. He has published more than 100 articles in leading journals and is currently on the editorial boards of several top journals in the development field, including the Journal of Development Economics, the World Bank Economic Review, and Migration Studies. Chapter 6 in this volume is based on his talk titled "**Fears and Tears: Should more people be moving within and from developing countries, and what stops this movement?**" and is very unique in its perspective and research question. Most migration studies examine factors preventing people from migrating internationally, implicitly assuming that people want to do so but cannot. McKenzie instead argued that the majority of people do not want to migrate internationally, then asked: why don't people want to move internationally, despite the enormous economic gain? McKenzie reviewed the common reasons cited in the economics literature, including incorrect information about the gains to migrating, liquidity constraints, high costs of movement, and policy barriers. He then contended that there are two important reasons that the literature often ignores: fears people have when faced with the uncertainty of moving to a new place, and the attachment they have to particular places. He recommended policy interventions that can help individuals better visualize the opportunity costs of not moving, alleviate their uncertainties, and help shift their default behavior from not migrating.

The last two essays in this volume are based on two talks by Beloit College's own: Professor of Political Science and International Relations Rachel Ellett, and alumna Hillary Mellinger '10. They are quite different from other talks at the forum or essays in this volume. Other essays focus on the economic and social determinants and impacts of migration, while these two essays examine migration from institutional and legal perspectives. Other essays tend to be quantitative, while these two use a more qualitative case approach. It's these differences that help make this volume more complete in its interdisciplinary perspective.

Rachel Ellett is Professor of Political Science and Chair of the African Studies at Beloit College. Rachel received her PhD in Political Science from Northeastern University in 2008, and studies comparative judicial politics, rule of law development, gender and judging, lawyers and the state in sub-Saharan Africa. She has

published in various prestigious journals, and is the author of Pathways to Judicial Power in Transitional States, published in 2013 by Routledge.

In her essay titled "**Gender and the Judicial Interpretation of Citizenship Law in Southern Africa**" Ellett analyzed the rights of women to transfer citizenship to their spouses and children and the role of the courts in doing so in southern Africa. Drawing on cases between 1990 and the present day, Ellett concluded that the courts have played an uneven role in protecting the rights of women to pass citizenship their children and spouses. While some progress has been made on these rights, there remain discriminatory laws, and even where women have the rights, gaining access to those rights and realizing them through legal documentation may prove impossible for the average citizen.

Hillary Mellinger graduated from Beloit College in 2010, double majoring in international relations and modern languages. She received her PhD in Justice, Law and Criminology from the American University in 2020, and is currently assistant professor in the department of criminal justice and criminology at Washington State University. Her research focuses on asylum policy, criminalization of migration, the immigration legal profession, and interpretation challenges within the criminal justice system and immigration system. Before pursuing her PhD, she worked as an Accredited Representative at the Board of Immigration Appeals at the Tahirih Justice Center, a national nonprofit organization that supports immigrant women and girls fleeing gender-based violence.

The last essay "**A Brief Note: Interpretation at the Asylum Office**" draws from Mellinger's talk at the forum. In it, she analyzed 28 in-depth interviews with immigration attorneys who practiced before the Houston Asylum Office and the Arlington Asylum Offices. She found that asylum officers exercised their discretion in different ways both within as well as across jurisdictions. Children were more likely to be provided with interpreters than adults. Occasionally, bilingual officers conducted interviews in a language other than English. Finally, interpreters sometimes frustrated the dynamics of interviews. Her analysis pointed to the need for U.S. immigration agencies to improve their language access plans, and contributed to the literature on the difference between the law on the books vs. the law in action, in the immigration context.

Acknowledgements and Thanks

I wish to thank all the speakers who delivered talks at the 2021 Miller Upton Forum and contributed papers to this volume. I also wish to extend my thanks to all those who made the Upton Forum possible, in particular the alumni, donors, and former colleagues who helped raised funds and created the Upton Forum. I would like to especially thank Ms. Jennifer Kodl for all her excellent work in organizing the forum and editing the Annual Proceedings in all fourteen years that the program has been in existence. And finally, I would like to thank my colleagues and students at Beloit College and members of the local community, whose participation in the forum is critical to its continuing success.

On the topic of expressing thanks, below I quote Deepakshi Bhardwaj '22 who attended the economic senior seminar and Upton Forum in fall 2021. She perfectly articulated the essence of the Miller Upon Forum:

> *"The way in which the Miller Upton Forum allowed me to engage with economists, policy-makers, and educators was phenomenal. The Upton Forum stands as a testimony to the fact that great ideas are born out of an academic culture that allows open discussions and debates. It is truly a fulfilling experience that celebrates academia. I walked away from this experience with re-affirmed beliefs in the power of education and its ability to propel positive changes in the world around us."*

Immigration and the Wealth and Well-Being of U.S. and Them

Giovanni Peri[1, 2]

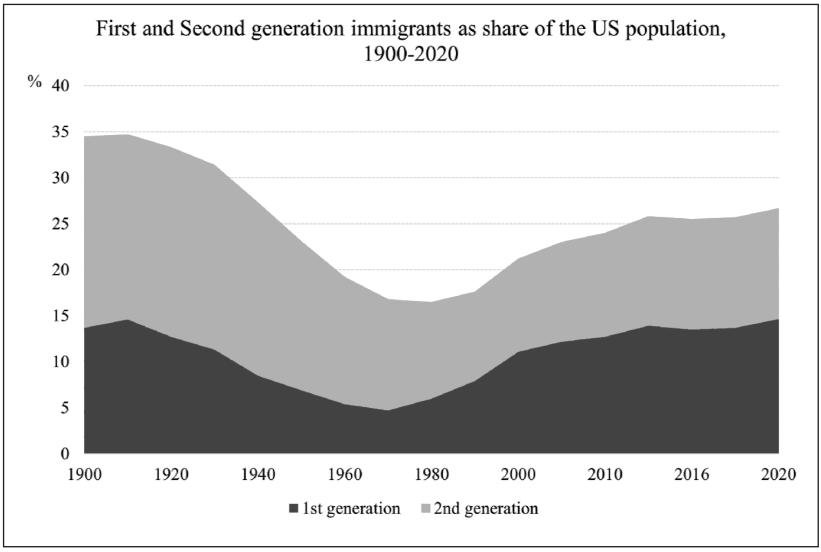
1. Introduction: 150 years of immigration and backlash

Immigration has deeply affected the U.S. economy and society during its recent history. Immigrants and their children represented about 30% of the U.S. population in 2020. In some states, such as California and New York, foreign-born (i.e., the first generation alone) represent more than one third of the labor force in 2020. In cities like Los Angeles and New York, more than 40% of the population was foreign born in 2020. While the flow of immigrants has significantly slowed during the last decade, from 2010 to 2020, and net immigration has almost come to a halt in the last 2-3 years, due to increasing restrictions and to the Covid-19 pandemics, immigrants are a substantial part of the U.S. population, labor force and therefore of its economy. This is by no means new in the United States. Figure 1, below, represents the first (dark blue) and second (light blue) generation of immigrants as percent of the U.S. population. It shows larger values at the beginning of the 20th century than in 2020. The decade 1900-1910 represented a peak in the presence of immigrants. Then, starting with World War I and then with the immigration reforms of the 1920's and following the great depression, immigration was reduced drastically. Only in the 1960's after the "Immigration and Naturalization Act" of 1965, it restarted in a significant way.

1 Giovanni Peri, the 2021 Miller Upton Scholar, is Professor of Economics at the University of California, Davis, and Founder and Director of the Global Migration Center, a multi-disciplinary research center focused on migrations, immigration, and vulnerable migrants. He is also Research Associate of the National Bureau of Economic Research in Cambridge, Massachusetts and he is co-editor of the Journal of the European Economic Association. His research focuses on the economic determinants and consequences of international migration.

2 Professor Peri extends his thanks to Reem Zaiour for excellent research and data assistance on this project.

Figure 1



Immigrants, their assimilation, and their economic success, have become a symbol of "the American Dream" and have been considered distinctive features of the U.S. society. Many influential figures, including President John Kennedy, referred to the U.S. as "A Nation of Immigrants." Yet, repeatedly, many immigrants and especially the groups arrived more recently, have been considered threats to the American way of life or a cost and a drag to its economy. In the early years of the 20th century, immigrant groups such as the Italians, the Irish and the Eastern Europeans, were reviled as less educated, or as bringing corrupt habits or extremist ideas. In the early years of the 21st century immigrants from Mexico and Central America, are singled out and stigmatized for similar reasons. However, while the debate has continued, immigrants have continued to arrive to the U.S., contributing to its economy, driving important parts of its growth and over time they have succeeded in assimilating economically, and becoming part of the U.S. economic fabric, making the local communities where they live thrive.

This lecture rather than stirring sentiment about immigrants will focus on facts to help us understand international migration and its economic impact in the last 30 years. They will be economic or demographic facts captured in measurements, data, and their trends. At first, we will provide some indications that there are important global regularities about international migrations, and that

those suggest most migrants, moving from poorer to richer countries, have economic motivations and valuable skills and abilities representing assets in production, innovation, and creativity. Starting from the economics of immigration is a key to understanding the relevance and value of immigrants in the receiving country. Then, we will focus on the U.S. and on important features of its immigrants and we will provide a framework to think about the impact of immigration on the U.S. economy, its labor markets, and its economic growth. We will identify important findings in the recent research about the economics of immigration: how immigrants affect wages, employment, entrepreneurship, and innovation. In the last section, we will go beyond the connection between immigrants and the economy, and we ask how immigration affects the sentiment of natives and their political views. While the economic benefits from higher immigration will emerge clearly from this overview, it is far less clear that immigration policies will evolve to allow the full extent of those benefits. I will conclude reviewing some pressing issues in immigration policy confronting the U.S. as we emerge from the Covid-19 Pandemics.

The goal of this lecture is not a comprehensive overview of the recent evolution in the Economics of Migrations literature, but rather a selective, but insightful, choice of facts and research findings that point at the crucial aspects of immigrants are their impact on the receiving economies, with a special focus on the U.S.

2. Five Important Global Migration Facts

We first describe some important stylized facts that characterize migration as a global phenomenon. Namely, these are facts that emerge looking at emigration across all countries in the world with a focus on the recent tendencies and especially during the last three decades, 1990-2020.

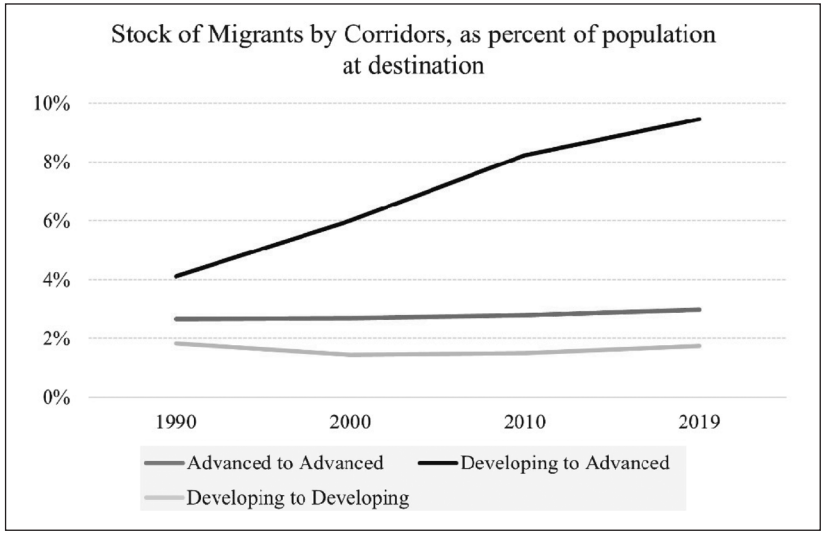
2.1 Growing migration from Developing to Advanced Economies

The first important question to ask is whether international migration has increased in the recent decades. Considering migrants as people born in a country and residing in another country (usually called “foreign-born”) and taking our best estimates, based on national Censuses, the number of international migrants as percent of the world population has remained quite stable. During the last 50

years, namely in 1970, as well as in 2020, about 3% of the world population was constituted of international migrants, those living in a different country from where they were born.

This stability, however, hides an important difference and an important trend, which are shown in Figure 2.

Figure 2



While migrants moving between developing countries (dark intermediate line in the graph) and those moving between advanced economies[3] (light lower line in the graph) have remained rather stable, as percent of the population of the receiving area, the number of people who moved from Developing to Advanced Economies (the highest line in the figure) has increased significantly. Specifically, it has more than doubled (from 4 to 9%) as percentage of the destination countries' population between 1990 and 2020. Western Europe and the United States, the two largest destinations of these flows from developing to advanced economies, have both increased their immigrants from developing countries during this period. Continued economic growth, increased international mobility, growing links generated by trade, travel and networks of existing migrants all have contributed

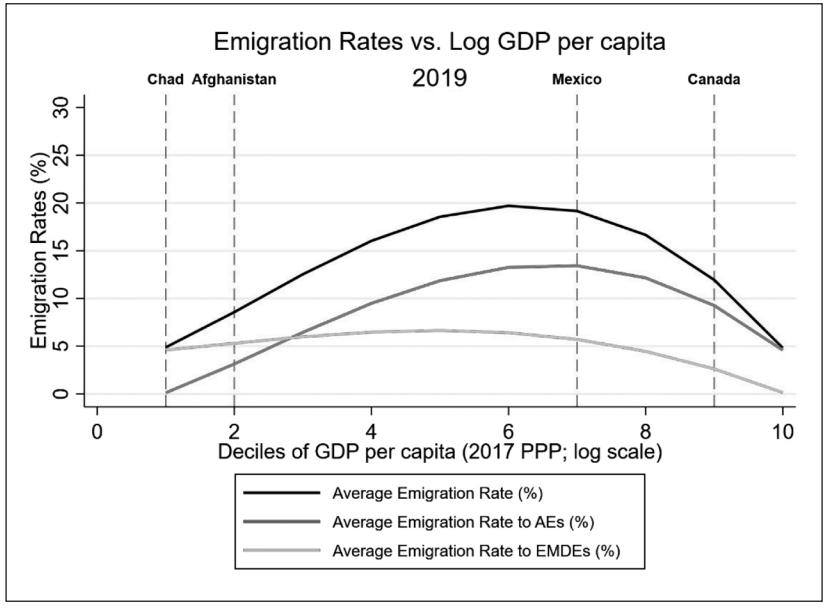
3 The group of Advanced Economies, defined using a combination of development indicators includes 39 countries and follows the definition in International Monetary Fund (2020).

to such a growth. Additionally, the slow growth, and in some cases the decline, in native population of advanced economies due to demographic stagnation, has contributed to make immigrants a larger percent of this groups' population.

2.2 The inverted U-shape of Emigration and Development

While migrants in the recent years have been increasingly following the route from lower income countries to higher ones, a second interesting regularity shows that such a relation is not monotonic. When plotting emigration rates (i.e., the ratio of people who moved abroad relative to the country of origin's population) on the vertical axis and income per capita on the horizontal axis we obtain a clear inverted U relation. Figure 3 shows such a relation measured in year 2017 – the most recent to obtain these type of data--, separating emigrants by destinations: to Advanced Economies (AE) and to emerging markets and developing economies (EMDE). The chart also shows the level of GDP per person of two poor countries (Chad and Afghanistan) one for a middle-income country (Mexico) and one for a rich Country (Canada).

Figure 3



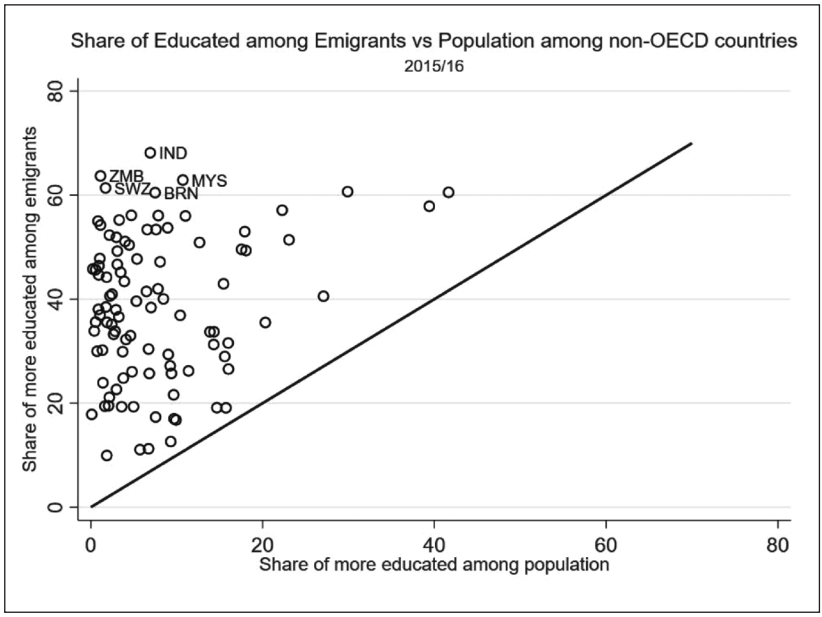
The chart (representing a smoothed average by decile-bins) clearly shows the highest emigration rate reached around the sixth decile of the GDP per capita distribution with rates of emigration around 20%, while very poor countries (in the first or second decile) have merely 5-10% emigration rates and similarly rich countries have low emigration rates. The chart shows also that what generates this hump shape is mainly emigration to developed countries. A country as Mexico is at a level of development at which economic growth implies that emigration rates should decline. To the contrary economic growth in a country as Afghanistan or Chad will mean more emigration.

Such a hump shape confirms evidence found in previous articles looking at migration rates for individual countries over time or across countries in a point in time (see Dao et al. 2018, for an overview of the literature). This shape can be explained by the combination of two forces. On one hand incentives to emigrate increase with the difference between earning potential in the origin country and earning potential when migrating to an advanced economy and therefore they decline with GDP per capita of the country of origin. On the other feasibility of emigration due to the ability of paying the up-front costs (travel, information, set-up) increase with GDP per capita of the country of origin. At low-income levels feasibility is binding, hence emigration rates increase with GDP, while at high GDP levels incentives are binding, hence emigration rates decline with GDP per capita. This generates the hump shape observed in the data (see Cattaneo and Peri (2016) for a fully developed model of emigration and income). In short, the largest migration flows in the world are between middle-income economies and rich economies (important examples are Mexico to U.S., China and India to U.S.; North Africa and Middle East to Europe).

2.3 Positive Skill-Selection of Migrants

While large migrant flows tend to occur from middle-income regions to developed ones, the third stylized fact shows the "average person" from a middle-income country is not the most likely to migrate. There is strong evidence of strong positive selection of migrants on skills, especially schooling. The result is that people with higher education have much higher probability of emigrating. This fact, first strongly emphasized in Grogger and Hanson (2011), is shown in Figure 4.

Figure 4



This chart shows the percentage of people with tertiary education among the emigrants of a country (on the vertical axis) and the same percentage among non-emigrant residents of that country (on the horizontal axis). The red line represents the 45-degree line and indicates an equal share of highly educated among stayers and emigrants. We notice that all countries are above that line, implying that their emigrants are more educated (include a larger share of tertiary educated) than stayer for each country included in the data. For several poor and very poor countries, (such as India, Malaysia and Zimbabwe, noted with their three letter symbol on the chart) the share of college educated among emigrants is as high as 60% while it is around 10% for the resident population.

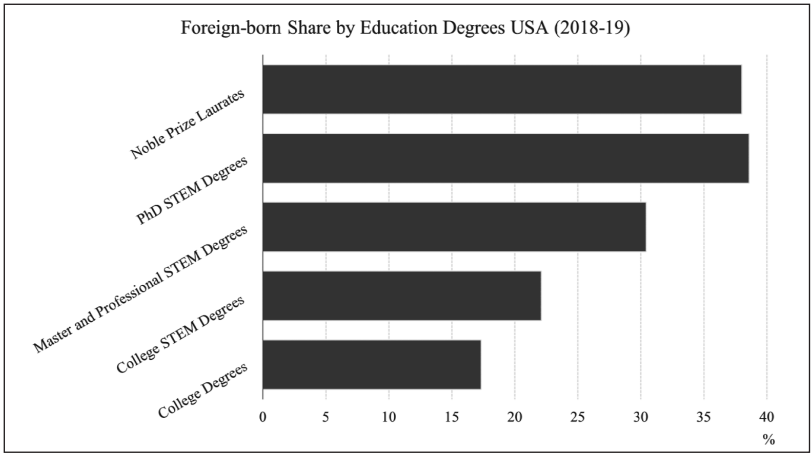
This is a very clear indication that emigrants are highly selected and therefore have a high level of human capital and abilities. Several other studies show that migrants are more inclined to take risks relative to non-migrants (Jaeger et al 2010) and have more adaptability to new people and situations (Buetikofer and Peri, 2020). All these traits can be important in how migrants contribute to the receiving country economically and in their ability to start new business and to innovate, as we will see more specifically in Section 6.

2.4 The U.S. as STEM-Magnet

A fourth important fact is that among the most mobile workers in the world are those with higher education in STEM sectors (Science, Technology Engineering and Math). These people have skills that are easily transferrable across countries and because of the growing presence of information technologies in production and following the computer revolution, those skills have become extremely productive and highly demanded during the last 30 years. Several studies point out that because of high paying high-tech companies and world-renowned universities often located in prominent innovation clusters, the U.S. has been a magnet for highly skilled STEM immigrants internationally (see Bound et al 2015; Bound et al 2021).

These migrants are particularly crucial for economic growth, as they contribute to technological innovation, scientific advancement and they generate and implement new ways of producing goods and services with potentially strong impact on growth (see Jones 2002). Figure 5 below, shows that while only 17% of workers with a college degree were foreign-born in the U.S. in year 2018-19, more than 20% of those with a STEM degree were foreign born, 30% of STEM masters were foreign born and 38% of those with a Ph.D. in STEM were foreign-born. Similarly, more than one third of Nobel laureates in in STEM disciplines working in the U.S. during the last 30 years, those people at the very top of the talent ladder, were foreign-born.

Figure 5



This important international role of the U.S. as a high skilled STEM magnet, implies that a large part of the innovation, technological and scientific growth in the U.S. is possible thanks to the contribution of those people who are highly mobile and choose the U.S., currently STEM leader in the world, as their location.

2.5 Very high economic returns for migrating to Advanced economies

The last important fact we want to bring to the attention of the readers is the huge economic returns for a migrant, who moves from a developing economy to an advanced one. Table 1 below, shows the factor of growth experienced by the earnings of a migrant going from one of the countries listed in the first column, to the U.S. The numbers are from Clemens et al (2019), and are obtained comparing earnings of a worker in a country of origin (we report Haiti, India, Philippines, Turkey, and Mexico) with an identical worker (same skills and country of origin) working in the U.S. We see that, because of migrating, the person earns up to ten times more (for migrants from Haiti) and on average, about 5 times more than what she was earning in the country of origin. This is a factor of growth exceeding by far the potential earning increase from any educational decision or internal migration decision.

Table 1

Moving from:	Growth factor in Earnings
Haiti	10.37
India	6.25
Philippines	3.82
Turkey	2.68
Mexico	2.53
Mean	5.11
10 extra years of schooling in average developing country	2.7
Rural-Urban move in developing country	1.5-3.0

In the last two rows of Table 1, we show for comparison average estimates of the earning impact of 10 additional years of schooling (a massive schooling

investment) and of rural to urban migration in developing countries. While those investments allow doubling or even tripling one's earning, they do not even come close to the average gains from moving to the U.S. from a developing country.

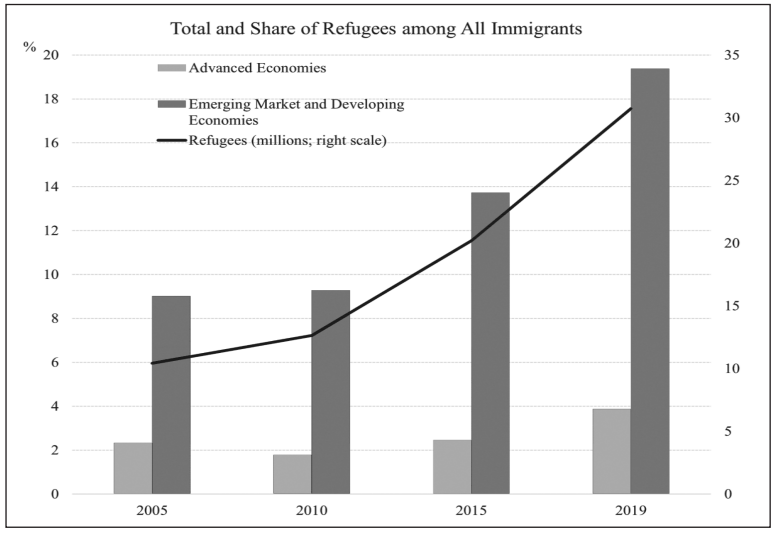
The five facts described above suggest few things. First, the direction of migration (from middle income to rich countries) and the very large economic gains of the typical migrant, indicate that economic motivations are likely very relevant in migration decisions. Second, immigrants carry a lot of human capital and are positively selected in terms of schooling. For those with a STEM degree the U.S. exert a very strong international pull. Third, if one looks at the huge economic gains involved, migrants from less developed to more developed countries, while growing in the last 3 decades, appear to be still a small percent of people (especially as % of countries of origin). This suggests that the very restrictive immigration policies of rich countries constitute a binding, effective and economically costly restriction on migration.

2.6 Aside: Refugees as "Push-driven" Migrants

While we are focusing on economic motivations of migrants and their economic consequences, we want to mention a special group of migrants, Refugees, for which the extreme conditions in countries of origin (war, individual persecution, and humanitarian emergency) rather than economic considerations are the main driver of emigration. While this is a very important and vulnerable group that should be admitted in developed countries only on humanitarian considerations, it is much smaller than the group of economic migrants. Globally one in ten migrant is a refugee and the vast majority of them move from countries at risk to neighboring countries, which are usually also relatively poor.

Figure 6 shows the evolution of refugees as percent of immigrants, separating advanced economies and developing countries. While refugees to increase as share of migrants increased in both areas in the 2005-2019 period, we see that this percentage is much larger for developing countries.

Figure 6



Some scholars emphasize that our research should focus more on refugees as climate conditions will increase the number of people subject to strong "push" factors and driven to be refugees, we emphasize how most of the migrants, even from poor countries, especially those who reach developed countries are still economic migrants. While not inclusive of all migrants, understanding the impact and the potential value associated with economic migrants is very important to inform possible policies designed for economic growth and with immigrant success in mind.

3. Economic impact of immigrants in the U.S.: what framework should we use?

A popular, powerful, and yet completely incorrect, way of thinking how more workers (and hence immigrants) will affect the labor market and productivity in an economy as the U.S. is based on a framework proposed by Thomas Malthus more than 200 years ago around 1800. In this framework, more people working in a country, because of a limited amount of other resources of production, specifically land, will become less and less productive, the larger their number and as their density per unit of land increases. In this view, with more people immigrating, existing people will be pushed to lower productivity levels and possibly out of

jobs. This framework was based on thinking of agriculture as the main sector of economic activity, with limited or no role for capital and firm expansion or technological growth. In such a word with very constrained resources, more people will depress production per capita, lowering wages and driving economic misery.

This is very far from the world we live in. Empirical evidence and economic experience during the last centuries support a very different view. In advanced economies, where industry and services (rather than agriculture) are key to economic growth, where innovation, technological growth, investment in new firms and capital ensure increases in product per person, more people and higher density of worker are associated with higher, rather than lower, productivity and wages. This is because more people have more ideas, they generate better and more efficient specialization, they stimulate productive interactions, and they lead to more intense and diverse learning. They also bring variety and differences in skills that generate beneficial complementarities and spillovers in production. All this implies that the inflow of more people in a location (immigration), benefits local communities and increases potential income per person. Paul Krugman, Nobel laureate in 2008 –see Krugman (1997) -- argued that geographic agglomeration of workers attracts firms and generate higher productivity because of local positive effects and reduction in transportation and transaction costs. Paul Romer, Nobel laureate in 2018, --see Romer (1986), (1990)-- argued that more people produce more ideas, which can be used to generate increasing returns in production, hence innovation and density of people go hand in hand with productivity and growth. In this framework immigrants bring human capital (i.e., the skills) and wider variety of abilities hence increasing specialization, increasing efficiency, stimulating firm creation and investment, producing more ideas and innovation and all of this generates productivity and wage growth in the receiving economy.

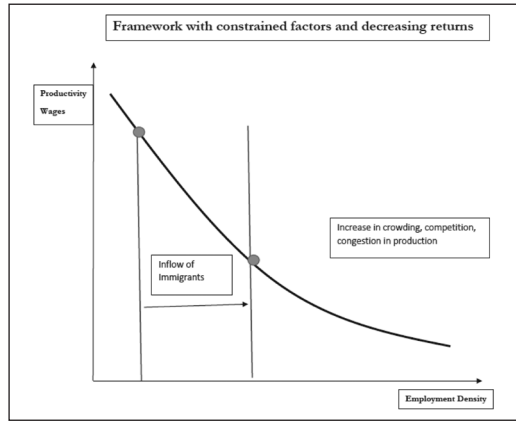
Recently Moretti (2012) has argued that locations in the U.S. with higher density and more concentration of human capital have been experiencing very strong increase in wage, productivity, quality of life and local housing value since the 1980's. These locations represented by large dynamic and productive cities such as San Francisco, New York, Las Vegas, Los Angeles, Boston are the places where most immigrants locate. Their contribution to local density, local human capital, local entrepreneurship and growth has been crucial.

The two opposite views about the relationship between density of workers in a place and productivity, described above, are shown in Panel (a) and (b) of Figure 7 below. Panel (a) shows a negative relationship between employment density and

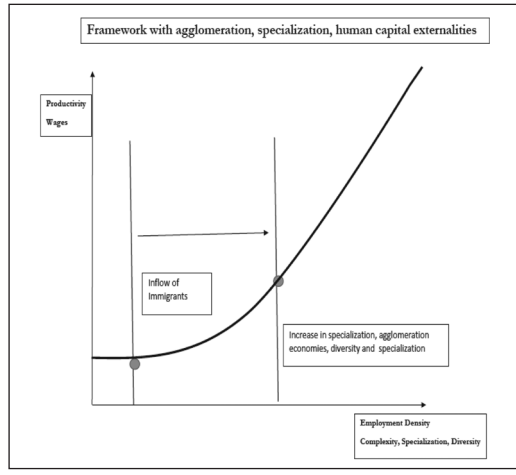
productivity -- one driven by constrained productive factors, lack of adjustment of capital and decreasing returns. In this framework, when immigration increases the supply of labor, wages decline. Panel (b) instead shows the positive relation where higher employment drives more diversity, more agglomeration economies, more innovation, more specialization, and higher productivity. In this world, immigration by increasing employment and human capital, benefits productivity, and wages.

Figure 7

Panel (a)



Panel (b)

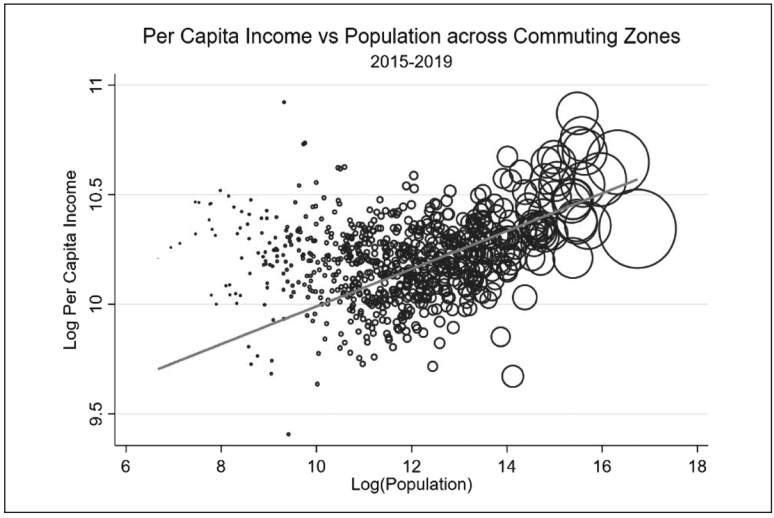


For some specific sector (such as agriculture) and within a very limited time horizon (quarters) one can observe decreasing returns. However, there is overwhelming evidence that in the current U.S. economy, across cities and regions, increasing returns prevail. Those locations growing in their employment, are those where economic activity thrives, innovation flourishes, firms want to locate and so capital and technology grow too, generating higher productivity and higher wages. Inflow of workers is associated with faster economic growth and growth of earnings. We will show that immigrants are also an important part of this dynamic, being over-represented in the fast growing and highly productive areas of the U.S. and having a very important role in bringing diversified skills, stimulating innovation, and spurring entrepreneurship.

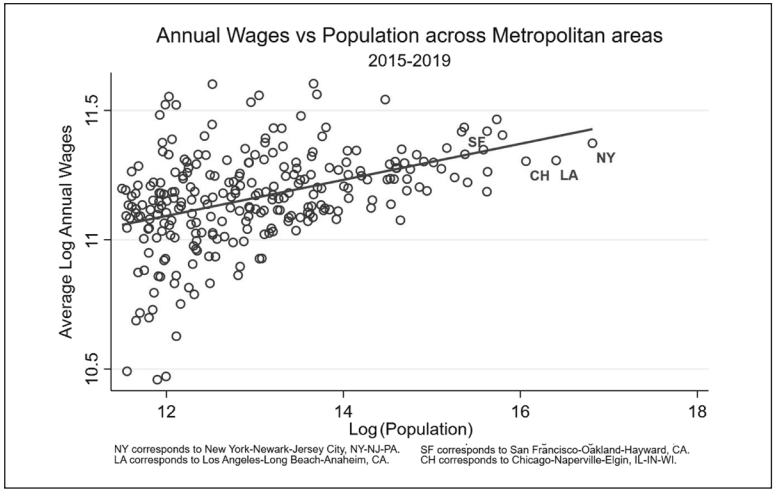
To confirm the increasing-return view represented in Panel (b) of Figure 7, we show in Figure 8, the relationship across U.S. labor markets (Commuting zones) between population size (determining labor supply and employment) and per capita income (proxying for productivity).

Figure 8

Panel (a)



Panel (b)



Panel (a) shows the relationship across all U.S. commuting zones, for the average of years 2015-19, with the size of the bubble proportional to the population of the area. Panel (b) shows the relation only across metropolitan areas, the largest local labor markets in the U.S., also averaging 2015-2019 data. The figures show a very clear and significant positive association, consistent with higher labor productivity in denser and more populous locations and therefore, supporting the framework represented in Panel (b) of Figure 7 rather than that in Panel (a). In a world of complex production, multiple skills where specialization, diversity and intense learning interactions are productive assets, larger and more varied local populations support higher productivity as shown in the two panels of Figure 8.

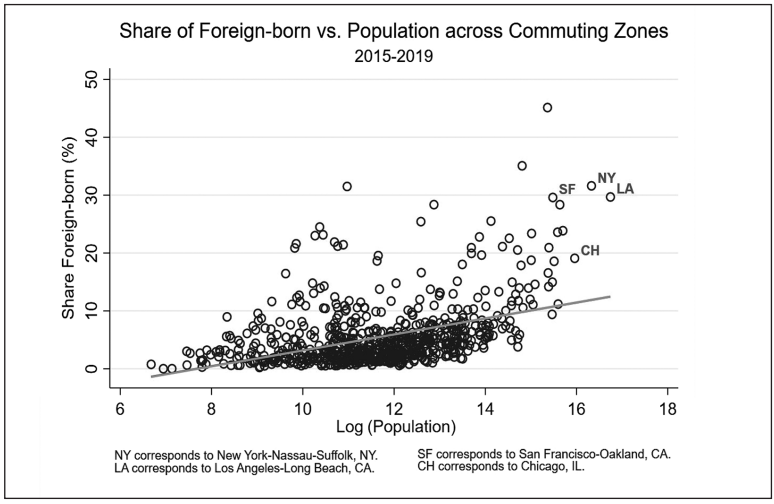
4. Immigrants in the U.S.: geography and agglomerations

Immigrants represent an inflow of workers into the U.S., which increases total employment, total human capital, and average employment density with potentially positive effects. Additionally, immigrants have a broad variety of skills that complement those of U.S. workers. These features encourage U.S. firms to invest and specialize in those locations increasing their efficiency and productivity. Moreover, immigrants tend to concentrate in populous cities and dense areas that are the most productive, innovative, and often booming locations. Immigrants themselves help their productive advantage (see Sequeira et al. 2020). Their presence, therefore, increases the overall efficiency of the U.S. Economy. Research shows (e.g. Kovak and Cadena 2016) that because of their high mobility in response to economic opportunities, they help shift labor where it is more productive, and by moving out of declining areas, they help alleviate the unemployment pain of local recessions.

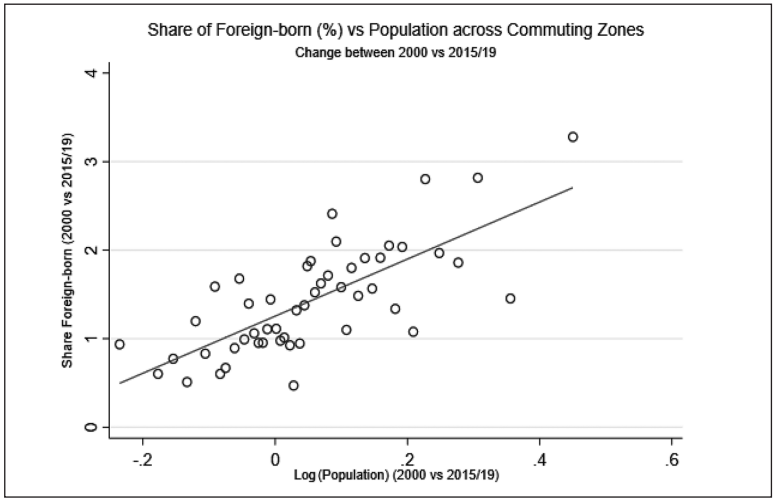
The two panels of Figure 9 illustrate this feature of immigrants in the U.S. in a static and in a dynamic perspective. Panel (a) shows the relation between population size of local labor markets (Commuting Zones) and the share of foreign born in employment. This positive relationship, potentially convex at the top, implies that larger and more dense cities, which as we saw in Figure 8 are in general more productive and wealthier, have disproportionally attracted immigrants so that they represent a higher share in their current (2015-19) population (see also Albert and Monras 2020).

Figure 9

Panel (a)



Panel (b)



Panel (b), in a dynamic fashion, shows that those labor markets (commuting zones) whose population has grown the most (between 2000 and 2019) are also those that have increased more significantly their share of immigrants. These

associations, taken together, are consistent with the idea that higher (not lower) employment in a labor market increases its productivity, and that immigrants contribute positively to that and may have a special role, for their diversity, skill variety, and human capital in helping local productivity and economic growth. We will now describe recent research that explains some of the mechanisms through which this positive association between immigrants and productivity of Americans works.

5. Opening the Box: Immigrant impact in local and U.S. economy

5.1 Complexity and Complementarity

In a complex economy, where services and manufacturing are the sectors employing most people, a variety of skills is needed and demanded by employers. The recent labor literature considers people as bundle of skills (education levels, cognitive and non-cognitive skills, and specific abilities) and their jobs match them to specific tasks performed in the firm (see Acemoglu and Autor 2011). In this view, a larger variety of skills in the population allows for better task-to-skill match, and this implies more specialization, increasing the efficiency of production. Immigrants increase the variety of skills available, and this is one channel for their positive productivity effects (Peri, 2010). At the same time as production requires teams and combination of different skills as immigrants specialize in different tasks than natives, they will help native productivity by complementing their roles in production.

There is strong evidence that, among college educated, immigrants are much more likely to be scientists and engineers (STEM) as those skills are very internationally transferrable and they complement organizational, managerial, and legal tasks, typically taken by natives as they require more culture- and location-specific knowledge (Peri and Sparber 2011; Beerli et al 2021). There is also substantial evidence that among non-college educated, immigrants specialize in manual jobs in personal/food/hospitality services, construction, and agriculture because of their manual-type of skills while natives specialize in more supervision/communication intensive roles. This different specialization, based on immigrants' and natives' comparative advantages reduces competition and increases the complementarity

between immigrants and natives (see Peri and Sparber 2009 and Ottaviano and Peri 2012). Consequently, more immigrants may generate opportunities for firms to grow and hire more natives in complementary roles.

A couple of examples will illustrate this important channel, through which immigrants support local labor demand for natives. Construction companies locate were a large number of engineers and construction workers can be found. In those two occupations, the presence of immigrants is very substantial so cities with large immigration groups are likely to have those skills. However, as they operate, construction companies will need managers, and supervisors, which are occupations mainly filled by natives and hence those jobs will increase labor demand of natives. Similarly, law firms need lawyers (mainly foreign born) and IT-data analysis specialists (largely foreigners) and as they grow, other functions as office staff, janitorial crews and human resource specialist will be filled by a mix of immigrants and natives. As long as specialization generates linkages and interactions among working tasks, immigrants will take some jobs and create opportunity and demand for other jobs at the same time.

5.2 Entrepreneurship and Firm creation

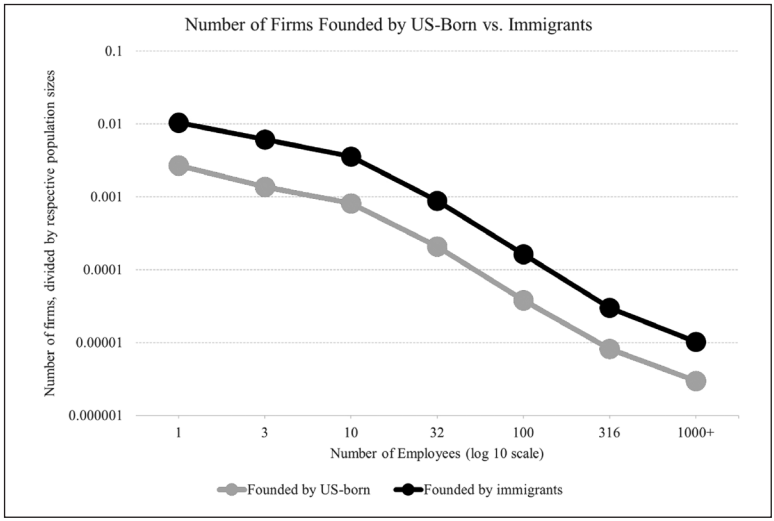
While through task complementarities, by generating the need for connected jobs, immigrants create indirect demand for native workers, there is an even more direct way in which immigrants create jobs taken by natives. Because of their selection and some of the characteristics that encourage them to migrate, such as low risk aversion (Jaeger et al. 2010), high adaptability to new situations (Buetikofer and Peri, 2021) and young age at arrival (Anelli et al 2019) immigrants have a significantly higher propensity to be entrepreneurs and to start companies compared to natives. In the U.S., the percent of immigrants among founders of both small and large firms is significantly higher than their percent in the population.

Figure 10, taken from Azulay et al (2021)[4] , shows firm created by immigrants (dark line) and firms created by natives (light line) for different categories of firm size as percent of the relative population. From left to right we see small firms (1-3 employees) up to large firms (more than 1000 employees) and the line represents the ratio of firms created by natives and immigrants relative to the

4 We thank Pierre Azulay for sharing the data needed to produce this figure.

population of natives and immigrants. The vertical scale is in log, and compresses the differences, but we see that at any size of firm immigrants have about three times the entrepreneurial rate than natives. While only 2.7 over 1000 U.S. native people are founders of a small firm (with one to three employees) about 7.7 out of 1000 immigrants are. Even more dramatically, only 2.8 natives out of a million are founders of a very large firm (with more than 1000 workers), while 7.7 immigrants out of a million are founders of these large firms.

Figure 10



The figure implies that immigrants create three times more jobs per capita, through firm creation, than natives do and many of these jobs employ native. This line of research emphasize that immigration is not just an increase in labor supply but is also, even more strongly, an increase in job creating potential and labor demand for the U.S.

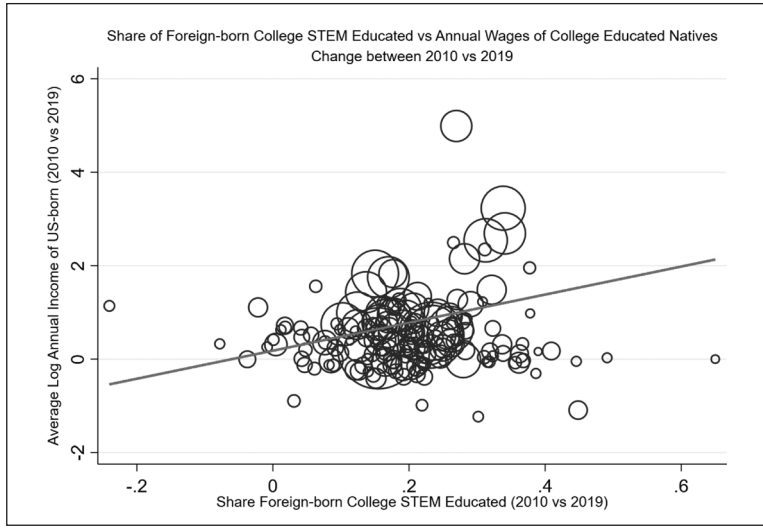
5.3. Foreign STEM Creativity and local productivity growth.

Another way in which immigrants contribute directly to U.S. jobs and productivity is by innovating and generating productivity-increasing new products and processes. There is strong evidence that skilled immigrants have spurred U.S. patenting and that the inflow of H1-B visa immigrants, largely employed in high

tech and STEM jobs, contributed significantly to U.S. patented innovation (Kerr and Lincoln 2011). Similarly, there is evidence that at the local level skilled immigrants working in STEM have helped productivity growth and native wage growth, especially for college educated, whose jobs have benefitted from increases in local productivity and in information technology (Peri et al 2012).

Figure 11 shows the correlation across U.S. commuting zones between growth in foreign-born STEM college educated workers (horizontal axis) and income per person growth (vertical axis) in the period 2010-2019. The positive correlation, in line with foreign STEM helping productivity growth is in line with the findings of Peri et al (2012). While criticized for its limitations, and currently restricted to 85,000 visas per year in the private sector, the H1-B visa program has been one of the very few viable option for foreign STEM workers to immigrate to the U.S. and hence it has been the main channel of their entry during the last three decades. Very tight quotas, which have filled very rapidly since 2012, slow and cumbersome processing and long delays in converting this visa in a permanent resident permit (even when employers are sponsoring the immigrants) are producing a significant decrease in new H1-B visas (Linly Lin, 2021). This has drastically decreased the inflow of foreign STEM to the U.S., in the last 3-4 years, with potential long-run effects on innovation and productivity.

Figure 11



5.4. Creating International Networks

An additional economic effect of immigration, studied in depth by economists, is that immigrants facilitate trade and foreign investments with the country of origin of immigrants. A very large number of studies (see for instance the summary in Genc 2014) show that an increase in immigration by 10% increases total volume of trade by 2-3% by increasing similarly imports and exports. The presence of immigrants allows local firms to learn valuable information about countries of potential export, reducing the barriers that often prevent the creation of a trade partnership. At the same time, consumers' demand from immigrants is significantly directed to the goods produced in their countries of origin.

Higher volume of international trade implies access to a larger variety of goods and/or to lower cost of goods. Both of these effects increase consumer welfare in the country and may increase productivity of national firms that import their intermediate goods.

The networks generated by immigrants are relevant for other international connection, very important for the U.S. leadership. Immigrants facilitate technological transfer and international scientific cooperation, foreign investments inwards and outwards and spread of ideas in the areas of science, economics, and policies. A special role is to be attributed to the U.S. tertiary education sector. U.S. universities educate millions of foreign students from all over the world (Bound 2021), making higher education one of the most successful service exports by the U.S. The impact of U.S. college education goes beyond the economic value of the service exported as it ensures that the U.S. educational system has a huge impact on skilled and highly selected professionals all over the world, many of whom have leadership roles in business, academia, and government. The Higher Education Policy institute estimated in 2019 that 62 of the world leaders (heads of state and heads of government) in power were educated in the U.S. This certainly guarantees that the ideas taught in U.S. universities have an impact all over the world.

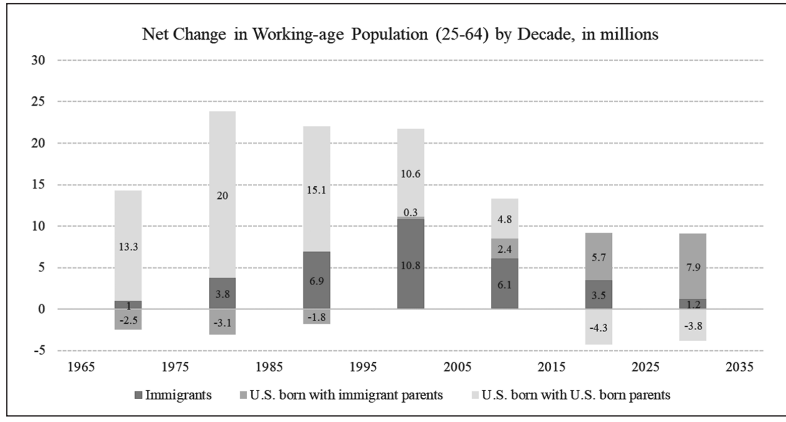
5.5. Demographic benefits

A final beneficial impact of immigrants in the U.S. is their present and future demographic role especially as predicted for the next decades. Figure 12 (that we have reproduced using data from Passel and Cohn (2019)) shows the net growth of U.S. population in working age by decade intervals starting in 1965, in mil-

lions of individuals. The lighter bar represents the contribution of U.S.-born with U.S.-born parents, the darker bar represents the contribution of immigrants, and the intermediate-colored bar is the contribution of second-generation immigrants.

Two facts attract our attention. First, the dynamics of the U.S.-born population with U.S. parents (the natives) imply a dramatic slowdown in the growth of working age population from 1975 to 2015 and negative growth after 2015. The working-age population of U.S. natives from U.S. parents has been shrinking in the last decade or so. Second, in the current decade (2015-2025) and in the projection for the next decade 2025-35 when the change in U.S. native population turns negative the growth of first- and second-generation immigrants will keep the labor force growing. As the aging generations of baby boomers retire, only new generations of immigrants allow the economy to keep the current size rather than shrink. Immigrants will keep the economy from shrinking and, as many of them are young, will keep the average age of workers lower. A young, growing labor force is key to bring new technologies and new firms into the economy (see Acemoglu et al 2014) and the chart show that only first- and second-generation immigrants can provide such a boost to the U.S.

Figure 12



In summary, research, and data show that immigrants contribute substantially to generate more diversified, more efficient, more entrepreneurial, more innovative, younger, and faster growing local economies and hence a better U.S. economy. While highly educated immigrants in STEM have a very important

role in several of these contributions, all immigrants contribute to them. Overall immigrants are motivated, adaptable, they are taking risks, they are young and different from natives and all those qualities make them create jobs, increase demand, and stimulate growth. From an economic point of view, therefore, this suggests that the U.S. should be considering how to admit and economically integrate a non-decreasing (and possibly increasing) number of immigrants in the next decades.

6. The political effect: Is more immigration only generating more backlash?

Given the lessons learned in this lecture from an economic point of view it is puzzling to realize that the U.S. (and European) political reality has been quite different in the last several years. Federal immigration laws have been unchanged in the United States for the last 20 years, in spite of a few failed attempts to make them more efficient, more open and more immigration friendly. Anti-immigration sentiment has become stronger in the political debate with anti-immigration positions becoming part of a rhetoric regularly used in electoral campaigns since the Presidential campaign of 2016. During the Trump administration the explicit goal of restricting all types of immigration has generated further tightening of immigrants' admission (documented and undocumented) through enforcement and executive actions if not legislative action. Therefore, we ask, why is the economic reality of immigration in the U.S. so disconnected with voters' sentiment on immigration?

The first reason is that immigration is an issue stirring strong sentiments of identity and cultural belonging. These and similar individual considerations may prevail on a more pragmatic economic-based approach. Research shows that citizen's cultural evaluation of immigrants, rather than their view of their economic contributions is what determines their position on immigration policies (Card et al. 2012).

The second reason is that perceptions are very important in affecting individual sentiment and misinformation and misperceptions are rampant in the area of immigration. Alesina et al (2018) show that in countries where misperceptions about immigrants and their characteristics are stronger (how many they are, how successful on the labor market) the sentiment of citizens against immigration is stronger. Clearly providing people with correct information about immigrants, in

terms of their contributions to and their participation into the economy, is very important. However, it may not be easy to affect people perceptions in an era of very polarized information (Boxell et al 2017). One question we want to address here is whether larger immigrant flows worsen or improve the anti-immigration sentiment of the natives. If more immigration generates more anti-immigration sentiment as suggested by evidence from Europe[5], then there seem to be no politically viable way to increase immigration and maintain support for such a policy.

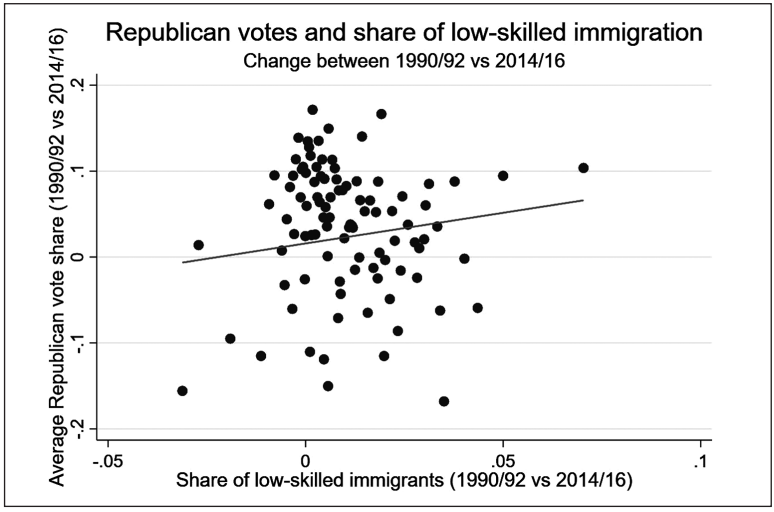
In a recent paper (Mayda et al (2021)) we studied such a question for the U.S., separating immigrants among college and non-college educated and analyzing whether their differential inflow across U.S. electoral colleges affected the vote percentage to the Republican party, representing traditionally and especially in the last years, views in favor of harsher and more restrictive immigration policies. In that study we find that both in terms of correlations, shown in Figure 13, and when we identify causation more clearly, a larger inflow of less educated immigrants (as share of the local population) produced a positive shift of citizens' vote towards the Republican party (Panel (a)). However, an inflow of highly educated immigrants generated an even stronger shift of native votes (Panel (b)) away from the Republican Party (towards Democrats).

This finding is possibly due to the fact that college educated immigrants contribute to the local economy more, are more visible and are more likely to come in contact with natives in person (and rarely through biased news) affecting their perception of immigrants. This study makes an important point: an inflow of immigrants that is balanced between more and less educated would produce a small positive effect on vote percentage to the Democratic Party and a more positive attitude towards immigrants in the county. Therefore, reforms towards more open, and skill-balanced, immigration policies similar to those suggested in their electoral program, by the Biden administration, could be economically sound and politically rewarding, or at least not detrimental to the vote of Democrats. Higher immigration, if gradual and balanced does not need to generate backlash.

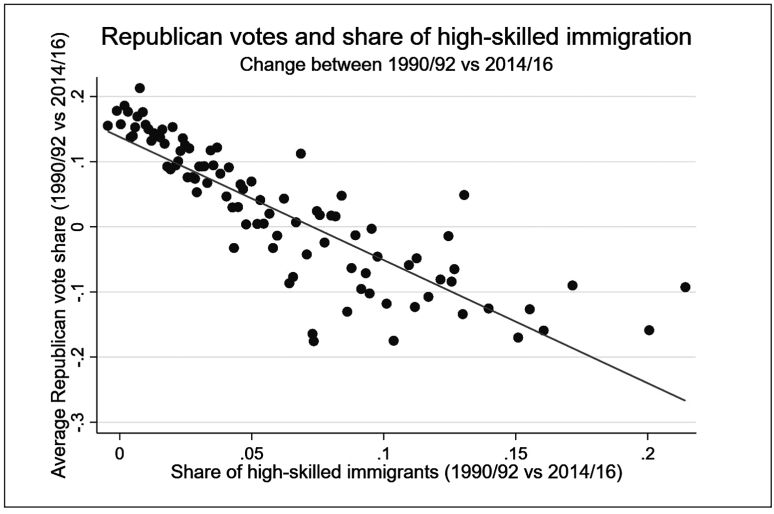
5 Edo et al. (2019), Lonsky (2021), Levi et al. (2020), Hangartner et al. (2019) and Gessler et al. (2019) examine anti–immigration backlash in France, Finland, Britain, Greece, Hungary respectively.

Figure 13

Panel (a)



Panel (b)



7. Conclusions: Immigration post-Covid-19 and needed policies

As the most acute part of the Covid-19 crisis is hopefully behind us, and as international mobility starts again, the U.S. will have to deal again with managing its immigration system and will have to define its priorities in this area. As 2021 ends, the data show that the U.S. has essentially lost one cohort of immigrants as legal arrivals of new immigrants have been drastically reduced in the last year and a half (See Lee 2021), and progress of other immigrants toward permanent residence has been slowed substantially. Current Population Survey data show that the foreign-born population in working age that had been growing steadily up to May 2019 stagnated first and then had a big drop at the onset of Covid-19 and has still not returned to the level of May 2019, let alone continued on the previous growth path.

Reopening to immigrants could help solve some of the current bottlenecks as jobs come back, especially in sectors such as hospitality, food and construction. In some places, the brave actions of essential immigrant workers in health care and essential sectors have earned them strong support during 2020. Nevertheless, the political will to tackle immigration reforms seems very low as of the end of 2021 and overall, the fear of international opening may have even exacerbated xenophobic sentiments, after the experience of a devastating infectious disease originated outside of the U.S.

In concluding this lecture, I would like to mention the immigration policy reforms that would have important economic effects if passed. I do not think this is likely, but I want to close by emphasizing what is at stake. First, a policy of regularization of undocumented immigrants would bring to full economic and social integration 8.5 million of workers, increasing their productivity, income with very strong positive effects on local economies, as argued in Peri and Zaiour (2021). Second, reducing the backlog and increasing the number of permanent residence permits (green cards) for employment reasons and possibly expanding programs like the H1-B that brings to the U.S. needed skilled immigrants, would have a strong beneficial effect on growth, especially in some sectors such as STEM, and in the long run for the whole U.S. productivity. A proposal that I think would be particularly powerful in boosting the U.S. economy would be giving a working visa (or entrepreneurial visa) to all those who obtain a college degree in STEM within a verified list of U.S. Universities. While the details of such a program need to be designed carefully, this could bring significant human capital, diver-

sity, and innovation to many cities in the U.S. Finally, introducing more data and research-based evidence in the information and news about immigration as well as in the policy discussion, would help greatly to bring forward the benefits of immigration for U.S. citizens that are currently hidden behind an exceedingly ideological debate. Ultimately, the role of this lecture is to bring to the reader such research and facts, to empower their understanding and to promote a more useful and pragmatic immigration debate.

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Interconnected Worlds in Motion: The Wealth and Well-Being of Nations and the Mechanisms Driving Migration

Fernando Riosmena [1]

Migrations are complex phenomena generally driven by a multiplicity of forces at different spatial and temporal scales (as described in Professor Peri's work, e.g., Butikofer & Peri 2021; Cattaneo & Peri 2016; Dao et al. 2018). As such, the understanding of migration flows around the world can greatly benefit from understanding how these different mechanisms operate *and relate to each other*, as well as how they relate to the wealth and well-being of nations. In this paper, I provide an overview of arguably the major mechanisms that aim at explaining the rise, continuation, and fall of large migration flows, tying them to some of the most important theoretical frameworks in interdisciplinary studies of Migration and/or Population. I first focus on those that are composed of factors that are (much) less endogenous to (prior) migrations, explaining why movement initiates but also why mobility continues or declines (even if these frameworks are oftentimes referred to by scholars as "initiation" theories). I wrap up by more briefly describing mechanisms that are somewhat more endogenous to (i.e., altered by) prior migrations in ways that influence the continuation, acceleration, or decline in movement, which are often referred to as "cumulative causation" processes.

Throughout this account, I explain how the mechanisms in theories relate to development and globalization, two major elements behind the wealth and well-being of nations. As you may of course know, there are important opposing views as to how globalization and the process of development benefits different

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populations as they unfold. While there is evidence that (middle-income) nations that are better-connected to the world in terms of trade and, perhaps, foreign direct investment are better off than others in terms of indicators like GDP per capita (Zahonogo 2018), the benefits of globalization are distributed very unevenly and the process by which economic restructuring and growth lead to welfare are not at all smooth and can be disruptive for many (Sparke 2013; Szreter 1997). Migration theory scholarship thus reflects mechanisms expressing both of these processes. As I describe throughout the paper, the well-being and malaise from globalization and development processes can alter migration, mainly increasing it but also decreasing its likelihood in some ways.

"Initiation" theories of migration driven by less endogenous mechanisms.

The most canonical account of migration theories to date in the interdisciplinary fields of Migration Studies and Population Studies -by Massey et al. (1998)- and subsequent revisions by others (e.g., Brettell & Hollifield 2015; Morawska 2009)- condensed and revised five main "initiation" theories, which do not only explain why particular migration flows might "take off" while others do not, but also the more regular ebb and flow of migrations after this initial take-off stage (e.g., see Garip 2012). These frameworks mainly focus on migration and are produced or reduced by labor market dynamics, development processes, and by the translocal/transnational links between places and the various geopolitical power asymmetries that produce them. I discuss each of these general processes followed by a discussion of the ways in which the theories may overlap.

Rational-choice, cost-benefit calculations: Neoclassical Economics & related approaches.

One of the simplest (yet elegant and, in many ways, powerful) setups to understand these phenomena is known in some fields as "Neoclassical Economics." At a macro level, this framework posits that large migrations mainly arise out of wage differences between nations or places, with these gaps being necessary but not sufficient conditions for large labor movements to exist between these areas (see Massey et al. 1998). More importantly perhaps, micro formulations of Neoclassical Economics and related frameworks adopt the very typical rational-choice, cost-benefit framework more broadly used in economics and other disciplines. In this micro formulation, individuals move to a destination to

maximize the net present value of their utility (Borjas 1989; Todaro & Maruszko 1987). The calculation pits (1) the present value of the potential benefits of emigrating vs. not doing so against (2) the present value of the costs of migrating vs. not doing so. People migrate when (1) is noticeably higher than (2). This framework can also accommodate the consideration of multiple destinations (Ortega & Peri 2014).

This approach is compelling for several reasons, besides the great benefit of comparing the costs-benefits of migrating vs. those of not doing so. First, it incorporates some important factors affecting potential benefits, including the probability of employment and, for irregular migration, apprehension and deportation. Second, even more importantly perhaps, it can also include a large variety of pecuniary and psychic costs, such as those of securing a visa, traveling, risking the trip, and of adapting to destinations, as well as the social costs of (e.g., irregular) migration, if any (e.g., Ryo 2013). Costs of staying include the opportunity costs of (not) migrating, which tend to be quite high for people who eventually engage in forced migrations. See McKenzie in this volume for a more detailed treatment of the costs of migration.[2]

Third, the framework also suggests that people will potentially be forward-looking in their calculations of potential benefits and costs both. Individuals will consider these benefits and costs across the rest of their lives, or at least part of them depending on the discount rate, a factor aimed at expressing the extent to which people consider the potential long run of their decisions; or not: the higher the discount rate is, the less the long-term matters to an individual. While the discount rate could be high enough to only reflect short-term calculations by agents due to relatively fixed, exogenous preferences, it could also reflect the degree of economic, social, and political certainty people live under.

2 In addition to their relevance in helping link economic and other forms of migration, costs are also important for two additional reasons. First, the costs of migration are high enough that a large amount of people -presumably, many who have intentions to or may otherwise migrate- cannot afford doing so (de Haas 2021). This may help explain why people with the lowest incomes or from the poorest nations have somewhat lower migration rates than those from the middle and -to a lesser extent- higher points of the distribution (e.g., Abel & Sander 2014; De Haas et al. 2019b; Docquier et al. 2014; Ortega & Peri 2014). This may tie micro-level (~neoclassical) decision-making with the way in which development and migration are associated, discussed later on. Second, costs are also a very important element because "migration policies" aimed at "managing," controlling, or restricting (De Haas et al. 2019b; Ngai 2014; Ortega & Peri 2015), out-migration (Fitzgerald 2006), or transit (FitzGerald 2019) are mainly or only aimed at altering (generally, increasing) the costs of international or even internal migration. See Donato in this volume for a more thorough description of migration policies.

Finally, note that this framework could also accommodate pre-planned temporary migrations as well as more sudden returns, even if it is less used to describe these phenomena (for exceptions, see Dustmann 2003; and, to a lesser extent, Dustmann & Weiss 2007). Pre-determined temporary migration would arise, for example, if the benefits (costs) of migration plummeted (shot up) or if people reached critical thresholds of unhappiness, such that they would envision only being able to withstand being away from sending areas or at destinations for a limited time. Alternatively, return may be more likely in the context of large wage differentials if people are very attached to place (i.e., if the opportunity costs of not migrating are low), which is more clearly assumed and examined in the next theory.

Market Imperfections & Risk Management: The New Economics of Labor Migration.

Around the late 1970s-early 1980s, a series of revisions on economic thought and modeling applied to mobility arose under the moniker of the New Economics of Labor Migration (NELM, Stark & Bloom 1985; Taylor 1999). This is a theory widely used in empirical tests of migration across the world (e.g., Alvarado & Massey 2010; Constant & Massey 2002; Dillon et al.; Hiskey & Orces 2010; Lindstrom 1996; Massey & Espinosa 1997; Zahonogo 2011).

The NELM provides three important extensions to the individual rational-choice model previously described. First, this approach brought focus to the notion that not only labor markets matter when people consider migrating: inexistent or imperfect (e.g., highly-inefficient) insurance, capital, and credit markets may affect incomes and livelihoods just as much as poor labor market conditions or functioning, and possibly explain these malfunctions. While the NELM can explain the (often-circular) migration in larger urban communities (Lindstrom 1996), it may be most applicable to rural areas, where large shares of people are self-employed or work in small family operations, and where the combination of more limited local economic alternatives paired with climatic variability, conflicts over land, or over other resources makes risk management particularly paramount. Here, the inexistence or malfunctioning of credit, capital, and insurance market is, at least in some ways, more critical than in other settings.

Second, the NELM also accommodated *more explicitly* for a different form of decision-making to individual utility maximization, where either individuals' reasoning (e.g., patriarchs or matriarchs) or bargaining between various family

members leads to migration decisions -their own, or those of other family/group members- while considering the well-being of the broader collective more explicitly. The allocation of the labor supply of the different household members in turn helps manage risk related to broader economic and social uncertainty. This links individuals' decisions to those of others more explicitly and in ways not as easily accommodated by Neoclassical Economics.

Third, the tenets of NELM imply a strong preference by the collective to live in or otherwise keep a robust presence in the sending community, explaining why only a part of the household/family migrate at any given point, and that the mobility examined using this framework is generally assumed to be temporary (e.g., Constant & Massey 2002; Lindstrom 1996). While the theory does not explicitly suggest when market functioning, risk management decisions, or other preferences shift in such a way that families reunite in destinations as opposed to origins, particularly unstable conditions due to economic instability, violence, environmental strain, or their threat may lead to more permanent relocation of the whole family unit in destinations. With repeated or extended stays related to these or other forces, families may increasingly use destination area conditions in their risk management calculations (Massey et al. 2015), which would increasingly lead to full relocation to destinations.

Segmented Labor Market Theory and other mechanisms of demand-driven immigration.

In addition to the fact that economic conditions and fluctuations in sending areas can change the calculus of individuals and families to out-migrate, flows can take-off, increase, or "re-start" in response to (changing) conditions in potential destinations. The clearest example of these mechanisms is when swift economic expansion in destinations leads to rapidly-rising labor demand that is too large or sudden to be satisfied with local labor supply -or even with prior, traditional domestic or international sources of labor. In this context, migrant labor is argued by different stakeholders -very much including State actors- to be essential to continue fueling growth (e.g., FitzGerald & Cook-Martín 2014). As a result, direct domestic or international recruitment by employers/agents or formal government programs (Calavita 1992; Fitzgerald 2006; Hahamovitch 2013) -often later substituted by recruitment done via migrant worker networks (Krissman 2000; Wyman 1996)- begins or accelerates, thus becoming instrumental in determining

the *timing* in which migration flows initiate/take-off.

Some nations or areas recruit more workers than others due to factors that relate to but go well beyond sheer shortages in people relative to available capital, driven or, at least, exacerbated by a phenomenon known as labor market segmentation. While labor demand can rise in many occupations -including niche, high-skilled ones- it is often particularly pronounced in so-called "dirty, dangerous, and demeaning" (or triple-D) jobs or, more generally, those that are low in social prestige declared to be "secondary" to more valued occupations in capital-intensive sectors (Massey et al. 1998; see also Piore 1979). The lack of prestige in these jobs make the elasticity of wages in these occupations somewhat rigid. Besides the fact that employers are often not willing to (considerably) increase wages for low-end jobs -as this might entail a need to increase wages for other jobs that are higher in the occupational hierarchy- not many people may be willing to work on said low-end jobs even at (somewhat) higher pay due on account of their difficulty, safety, and/or low-status. As such, while these occupations still become "dead-end" jobs performed by the same local/domestic workers during their productive lives, in more economically-dynamic societies these occupations may also be performed by a rotating cast of individuals, who in many cases may not fully draw their main social status or identity from their jobs, doing them for the additional income, often temporarily (Adhikary et al. 2019; Holmes 2013; Horton 2016; Stuesse 2010). While many of these occupations can disappear (e.g., by becoming obsolete, substituted by others, etc.), many cannot or will not for many reasons, creating continued demand.

Even if demand does not increase substantially, the supply of workers previously doing these occupations can wane due to demographic, economic, institutional-ideational, or structural shifts, helping produce local worker shortages, which are eventually fulfilled by migration. Most simply, fertility decline paired with massive schooling and skilling programs may reduce the incoming and actual supply of workers that may be more likely to occupy (secondary-sector) jobs (e.g., Burkham 2014).

In addition to more purely demographic changes, shifting norms about who can or should access different levels of schooling or perform different occupations and other important roles in society -along with shifting structural barriers safeguarding, and consecrating/perpetuating these rules- are a particularly important mechanisms exacerbating segmentation. Norms and institutions upholding these divisions are structured almost universally across nations -even if

at varying degrees- across gender and class lines and, in one way or another, race, ethnicity, caste, or religion resulting in different types of occupational segregation (e.g., Del Río & Alonso-Villar 2015). Across Eras and places, men or women of particular social or racial/ethnic backgrounds are deemed as more/less able to do specific jobs due to "natural" ability or because their role in society (e.g., as breadwinners vs. caretakers) demands or restricts it. As such, lawyers, financial traders, construction workers, care workers, industrial workers, or agricultural laborers all have a very specific "traditional" sociodemographic profile, which is then slowly eroded or -less commonly- quickly shattered by shifting norms around ideas about who has the ability and worth to do them. Structural-ideational shifts thus can exacerbate (un)willingness to work in particular, lower-end occupations by individuals from "groups" that previously filled these jobs.

In light of all these demographic transformations or the lack of ideational ones, migrant workers from domestic or foreign (further) "developing" societies with much lower wages and a (much) larger swath of their labor market being composed of triple-D occupations are particularly likely to be targeted and respond positively to recruitment. As these jobs are increasingly performed by migrant labor, enlistment of additional migrant labor becomes easier, smoother, and less formal. Wages may become less elastic than otherwise, and natives/locals become increasingly resistant to or uninterested in performing these occupations, triggering the additional recruitment of extra-local workers as described.

Economic restructuring & development in sending areas: Historical-Structural Theory (I).

Development processes can also lead to economic and social changes that jump-start and continue to produce (or, in some cases, hinder) out-migration from (potential) sending areas. As discussed in some ways as well under Segmented Labor Market Theory, economic restructuring fundamental to the process of development -but which does not invariably produce development *qua* generalized prosperity (Lawson 2014)- creates opportunities in some sectors, places and for some population segments, while severely dislocating others' livelihoods.[3]

3 Note that these dislocations could occur not only due to deeper transformations -sometimes referred to as creative destruction (Reinert & Reinert 2006)- but also occur due to much smaller structural fractures and expansions that produce the ebb and flow of e.g., economic growth and employment, including economic crises that are not created by or lead to major restructuring (e.g. Hatton & Williamson 2005;

Both major and -to a lesser extent- more minor restructuring creates a potent combination of mobility for opportunity and of migrations that are closer to being indicative of displacement.

Related to the latter, livelihood dislocations do not only occur due to fair and open sectorial competition (e.g., coal mining losing to natural gas for energy production) but are also due to important political processes that produce clearer forms of economic, social, and "political-economic" dislocation and displacement. For example, conflicts related to land tenure, land use, and natural resource extraction are important instances in which "development" processes clash with local livelihoods in ways that often produce mobility in at least two ways. First, infrastructure projects like hydroelectric dams, highways, and industrial parks explicitly result in disruptions in land tenure and land use and, more broadly, community displacement (e.g., McDonald-Wilmsen & Webber 2010). Second, local, regional, and national political-economic shifts facilitate or serve as cover for land grabs and other forms of real estate consolidation/transfer, or natural resource use/extraction, that either displace people more directly, due to the threat of or actual violence, or indirectly, via their economic and other social impacts (Harvey 1998).

Historical-Structural Theory II, World-Systems Theory & related frameworks on the roles of globalization, & post-colonial & other geopolitical shifts.

Dislocations related to the development process need not but are often tied to international exchanges and relations. Domestic development is often deeply interconnected to broader global systems of trade, production, and other exchanges centered around spatially-complex supply chains that often originate in and eventually lead back to "Global North" nations in terms of both consumer demand and capital flows (Sparke 2013). Besides being tied to economic, social, and political conditions that produce internal or international mobility described in the previous section (see also Sassen 1988), globalization can also influence migrations and their spatial structure in other important ways (see also Fussell 2012). Theories like Historical-Structural itself as well as World-Systems Theory describe these kinds of links and their migration implications (Massey et al. 1998).

Thomas 1973; Villarreal 2014).

Globalization is defined by and related to the creation of transportation, communication, and other infrastructural and institutional links supporting or feeding off trade and offshoring operations (Sparke 2013). These do not only facilitate trade, tourism, and capital flows between and across nations, but also reduce information and travel costs across many important corridors. As such, globalization creates economic opportunities and dislocations in spatially-uneven ways, thus influencing the geography of migration and migration aspirations (e.g., Docquier et al. 2014; Ortega & Peri 2014).

Contemporary economic globalization has a long history and legacy (Sparke 2013) helping create many other important historical connections between places and peoples, which have structured the domestic and international geography of migration. Among these, the legacy of colonialism looms largest and explains why migrations often occur between former colonies and former metropoles, e.g., how labor shortages in the post-WWII economies of e.g., Britain, France, and the Netherlands were largely filled by workers from former "possessions" (e.g., De Haas et al. 2019a). In addition, links between nations with a common colonial metropole (e.g., particularly those that were part of the British Empire) became connected to each other in important ways during their colonial periods -including via the circulation of indentured laborers from mainly South Asia to other parts of the British Empire (De Haas et al. 2019a). This likely helps explain the fact that contemporary nations sharing a common (colonial) language have -*ceteris paribus*- higher migration exchanges than those not sharing a language (e.g., Docquier et al. 2014; Ortega & Peri 2014). Even if sustained colonial rule is not always the main result of strong foreign involvement, neo- or quasi- colonial connections created by political/military intervention or political-economic penetration can also create links and dislocations that produce flows between places and nations linked by this web of connections. For instance, direct and indirect U.S. military intervention have created many connections and additional migration out of nations like Korea, Vietnam, Cuba, Nicaragua, Iraq, Haiti, El Salvador, and Afghanistan (see e.g., Rumbaut 1997).

Finally, other connections between places related to globalization and the postcolonial World-System can also affect mobility. Climate change is an important example of how many events and trans local and transnational connections related to industrial and extractive activity spurred by the investment, offshoring, and demand of the world-system can produce many important spatial externalities that alter mobility. Greenhouse gas (GHG) emissions in industrial

powerhouses across the world -much of it stimulated by investment, offshoring, and/or demand from e.g., Global North nations- have contributed to livelihood dislocations. Massive GHG emissions have changed the chemical composition of the atmosphere in ways that make it more likely to trap solar energy in the planet, further warming the Earth's air, surface, and bodies of water. This rise in temperatures has and will likely continue to create a cascade of impacts and feedback mechanisms that produce more erratic and extreme climate patterns with their associated physiographic, ecological, and social transformations (IPCC 2021). Warmer temperatures produce weather extremes by producing higher evaporation by which more moisture is pulled from, producing more frequent and/or severe storms, including hurricanes/typhoons/cyclones with all of their havoc and dislocation (Mahajan & Yang 2020). Warmer temperatures also yield stronger evapotranspiration from soil, flora, and fauna, increasing the likelihood of drought, often with momentous consequences for crop yields, cattle survival and thus rural livelihoods and human health (Eakin 2006; Goldman & Riosmena 2013). Relatedly, higher climatic variability also leads to a higher likelihood of the frost and hail due to the more common confluence of temperature, humidity, and pressure changes responsible for producing these, also with impacts on rural livelihoods. Warmer oceans expand, rising sea levels, altering patterns of sediment and nutrient transport, and increasing shoreline erosion and saltwater intrusion into aquifers, all of which dislocate coastal or peri-coastal life and livelihoods in several important ways (IPCC 2014).

While the impacts of the connections created by globalization span across borders, migrations may not necessarily or even often do so. Economic restructuring and other economic and, to a lesser extent, political shifts have historically led to considerably higher levels of internal as opposed to international migration, and the case of climate change has and will likely continue to be no different (Bardsley & Hugo 2010; Hunter et al. 2015). This is in part because the impacts of climate change may *reduce* the likelihood of costlier forms of migration (Foresight 2011; Thiede & Gray 2017), perhaps especially international movement out of poorer, more vulnerable areas (Cattaneo & Peri 2016; Riosmena et al. 2018). Having said that, evidence does suggest that climate extremes may lead to additional international mobility, most notably in medium-income nations (Cattaneo & Peri 2016) and out of nations and communities with a longer history of international migration (Mahajan & Yang 2020; Riosmena et al. 2018). As such, while not the most common pattern of

international migration, climate change might expand movement through pre-established international corridors, with a much lower likelihood of being a major factor in the formation of new migration systems or routes.

Links between frameworks/mechanisms.

Prima facie, the different theories seem to offer competing explanations for what drives migration flows (e.g., what kind of markets matter *more* to drive movement? Are particular flows *mainly* driven by labor demand driven by segmentation or by dislocation processes in sending areas?). However, theories likely overlap as often as they compete for two reasons. First, their mechanisms clearly operate in tandem, either because people hold a multiplicity of factors in mind when making decisions (e.g., Garip 2017; Sue et al. 2019), perhaps explaining why the *interaction* between sending area and destination factors are associated with the ebb and flow of many (if not most) migrations (e.g., Clark et al. 2004; Garip 2012; Hatton & Williamson 2005; Massey & Espinosa 1997), sometimes including those of people displaced by violence (Boustan 2007).

Second, as illustrated in stylized fashion in Figure 1, theories *may* overlap because many of their mechanisms operate at different scales of action. As such, pathways specific to a theory could be the micro-/macro-level manifestation of the tenets of another framework (see also Morawska 2007; O'Reilly 2012). As a quick illustration, wage gaps between places/nations which, as mentioned before, likely occur because of imbalances between labor and capital. Said imbalances could be due to many different historical mechanisms subject of much debate, and which range from demographic-structural, to the legacy of colonialism or global relations of power (for a primer, see Sparke 2013).

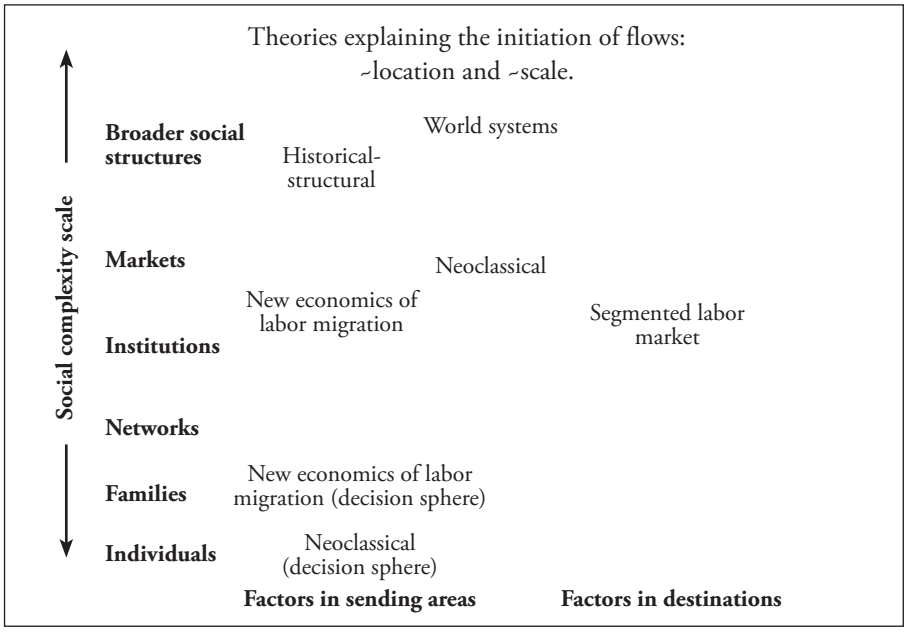

Figure 1. Location and main scale/sphere of action of mechanisms of different theories.

Mechanisms of endogenous (i.e., migration-fueled) continuation and decline.

Cumulative Causation mechanisms linked to "initiation" theories.

In addition to the five major mechanisms described before -more or less corresponding to an equal number of theories- other frameworks help explain the way in which endogenous, i.e., *migration-fueled* mechanisms can further change conditions in sending areas, destinations, or transit areas in ways that can in turn produce additional/lower migration. These mechanisms are often referred to as producing "cumulative causation" and be positive (producing additional mobility) or negative (producing less movement). Indeed, some cumulative causation pathways are likely, important explanations of the rise and fall of many historical flows (de Haas 2010; FitzGerald & Cook-Martín 2014; Ngai 2014) and of many contemporary migrations (Garip 2012; Massey & Espinosa 1997). Because many of these mechanisms operate in a similar way to those described under the theories

discussed before (Figure 2) (also see Massey 1990; Massey et al. 1998), for the sake of brevity, I will not further describe cumulative mechanisms consistent with those in other theories, though I present a summary of the most important ones in Box 1. Instead, I will only concentrate on those that are consistent with two additional frameworks I have not covered yet.

Migration-fueled cumulative causation mechanism:	Theory that mechanism can also pertain to:
Spatial redistribution of workers → lowering wage gaps "Brain drain" (e.g., entrepreneurs) → increasing income gap	Neoclassical Economics
Income redistribution in sending area → rel. deprivation	New Economical of Labor Migration
Culture of migration in sending areas (e.g., rite of passage)	~Institutional
Land (re-)distribution, organization of farm production	Historical-structural
Social labeling of jobs in destinations as "immigrant jobs"	Segmented labor market theory
Network expansion due to migration	Social capital theory

Box 1. Cumulative causation mechanisms and theory they are consistent with.

Additional cumulative causation mechanisms: Social Capital Theory.

Given that readers are likely to mainly be students and alumni of Beloit College - a high-prestige liberal arts institution- they perhaps need not to be reminded of the great power of social capital, defined as "the actual or potential resources which are linked to possession of a durable network of more or less institutionalized relationships of mutual acquaintance and recognition" (Bourdieu 1985: p. 248).[4] Membership in a particular network or group can come with the benefit

4 In addition to highly stimulating intellectual exchange, during my visit to Beloit for the Upton Forum, I witnessed a good deal of interaction between students and between students and alumni that were clearly indicative of tight connections and a great sense of solidarity and common fate between Beloiters, and which I would venture to predict will be quite durable and produce a fair amount of social capital for all involved.

of information, opportunities, connections, and access to other resources, which in turn can be turned into additional resources, opportunities, and prestige (e.g., Granovetter 1973). Conversely, membership in a particular network or group where members tend to have low access to resources and little connections with other networks or groups tend to impede the social mobility and well-being of their members (e.g., Menjívar 2000).

Social capital theory in migration studies has mainly looked at the endogenous processes by which connections to prior migrants -mainly relatives or *paesani*- drastically reduce the uncertainty and costs of migration and provide key information and assistance (Bashi 2007; Flores-Yeffal 2013; Garcia 2005), greatly increasing the likelihood of migration (e.g., Massey & Aysa-Lastra 2011; Massey & Riosmena 2010; Palloni et al. 2001) and helping structure destination choices (e.g., Docquier et al. 2014; Sue et al. 2019).[5] Yet, by assessing how the part of one's network expanded or spatially elongated by prior migrations is associated with one's likelihood of out-migrating, this work has only examined the relevance of *migration-fueled* social capital and, as such, I refer to it as a cumulative causation mechanism only. Much less scholarship has examined whether people that do not migrate (with or without good migrant networks) do so because they may also have stronger connections in sending areas or other domestic locales (explaining specialization in international vs. internal migration, e.g., Lindstrom & Lauster 2001).

Additional cumulative causation mechanisms: Institutional Theory.

Similar to the case of Social Capital Theory, Institutional Theory mechanisms invoked in the migration theories and related literatures mainly discuss cases in which migration conditions lead to the creation of institutions or institutionalized processes (e.g., norms) that further facilitate or hinder migration. Besides the rise and evolution of a smuggling industry for irregular migration (Spener 2009; van Liempt 2018), a (legal) migration services industry includes an array of state, non-governmental, and for-profit actors in sending areas and/or destinations in

5 Some of this work has examined the potential negative social capital, mainly for incorporation (Menjívar 2000) but also on initial international or subsequent internal migration or settlement decisions (Menjívar 2000; Sue et al. 2019).

order to facilitate (specific groups of) people obtain temporary work permits (see Gammeltoft-Hansen & Sorensen 2013; Goh et al. 2017; Hernandez-Leon 2005).

Other industries that arise from large immigrant flows facilitate additional migration indirectly, for example by helping maintain connections between sending areas and destinations, (e.g., Waldinger 2015). The migration services industry in particular (Hernandez-Leon 2013) is also composed of an array of providers ranging from large multinational financial institutions like Western Union, whose sole or main mission is to facilitate remittance flows across the world (Ratha & Riedberg 2005) -or others with broader missions, but which also foster these connections, like banks and telecommunication companies- to informal transportation, logistical and parcel services devoted to the migrant communities. Migrant and ethnic return-migrant entrepreneurs are particularly important actors in many of these industries, but perhaps especially in the type discussed next.

Institutions aimed at facilitating immigrant settlement may also indirectly facilitate in-migration, most importantly perhaps by solidifying social capital potential migrants may have access to in destinations (Menjívar 2000). Ethnic and/or religious organizations assist new arrivals and thus facilitate their incorporation in many ways, potentially assist others in the future (Bashi 2007; Menjívar 2000).

While the discussion has mainly centered around the idea that new or shifting institutions or responses may support and create more migration, some institutional change can be clearly be aimed as a negative reaction to and aimed at reducing migration. When discussing cumulative causation mechanisms, I already sketched the role of the State and other actors in attempting to (reduce) migration in response to migration levels and composition. In addition, as discussed under World-Systems Theory, States may also aim at not only stimulating labor migration (Calavita 1992; Hahamovitch 2013; Hatton & Williamson 2005) but also stifling it (FitzGerald & Cook-Martín 2014; Massey & Pren 2012; Ngai 2014). Certainly, the logic of migration "management" by States has been aimed at balancing these goals (see Donato in this volume, FitzGerald & Cook-Martín 2014).

Conclusions

I hope this paper provided you with a brief but relatively thorough overview of how migration is produced by various economic, social, and political mechanisms; on how these mechanisms might not always be mutually exclusive but instead overlap or are expressions of the same forces at different scales; and that migration processes themselves can change conditions in ways that produce additional or lower future migrations. There is certainly some elegance and, in many ways, great practical value in keeping explanations and frameworks as streamlined as possible (certainly, for example, to adhere to Occam's razor principle). However, exploring the connections between mechanisms and theories is not only an exercise in lofty scholarship or an unwelcome complication from a more practical (e.g., policy) perspective, but can provide a more thorough search for the ultimate root causes of migration, and thus insights into the best tools to manage movements. Examining the links, overlap, and competition between theories can also allow for a better identification of the latent causes of migration, i.e., those explaining why people migrate, and perhaps some aspects of their geographic origins and/or destinations; as well their trigger mechanisms, explaining the timing in which these migrations take place and perhaps some aspects of their geography (see also Fussell 2012).

Understanding the mechanisms driving large migrations is as important today as it ever was to avoid falling into simplistic assumptions that migrants -many of whom are asylum seekers (see Mellinger in this volume), are considered refugees, or are otherwise displaced by different forms of violence (Betts 2013; FitzGerald 2019)- are mainly fleeing sheer poverty; or even that emerging phenomena as pressing as climate change are unequivocally bound to produce a much larger number of displaced cross-border migrants in the future. The way in which these forces produce higher (or lower) migration are contingent on the very institutions and structures that define the wealth and well-being of nations and require continued examination.

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Immigration Research and Policy: Opportunities and Challenges

Katharine M. Donato[1]

To many people, it comes as no surprise that migration issues have become more complex in recent decades. Worldwide, more people – migrants, refugees, and asylum seekers – are on the move. The United Nations estimates that international migrants, e.g. those living outside their country of birth, grew by 62 percent, from 173 to 281 million, between 2000 and 2020. In 2022, the United Nations High Commissioner for Refugees (UNHCR) announced that the number of forcibly displaced persons is estimated at more than 100 million, more than double the 43.7 million in 2010 (UNHCR 2022). Together these trends reflect both a growing demand for migrant workers and more forced displacement related to political persecution, war and generalized violence, and environmental risks related to climate change.

Not surprisingly, the United States has also experienced substantial growth in its immigrant population. Between 1990 and 2020, the foreign-born population more than doubled in size, from 20 to 45 million (Migration Policy Institute 2020). In addition, other notable shifts include declines in undocumented migration, despite several decades of growing numbers of unauthorized migrants; a growing share of high-skilled immigrants, with approximately half of recently arrivals having completed four or more years of college; and a decline in the number of refugees resettled in the United States.

Yet, just one year later in 2021, the U.S. Border Patrol documented record-high numbers of migrant apprehensions at the U.S. southern border. The upward shift includes more than 100,000 unaccompanied children (U.S. Customs and Border Protection 2021), underscoring a demographic shift among those seeking entry in the last 20 years -- from single Mexican born men to families

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and children (Donato and Armenta 2011; Massey 2020). The upward shift also includes more persons seeking asylum from countries in Central America as well as South America, the Caribbean, Africa, and Asia.

Accompanying these changes is an intense debate about how long and well immigrants integrate in host countries, and it has sparked many research questions. Giovanni Peri has raised some of these questions, as his work addresses immigration and its consequences. Since graduating with a PhD in economics from UC Berkeley in 1998, he has developed a robust research agenda on immigration grounded in economic theory and econometric techniques. In this paper, I describe several core tenants from this body of work and show how they link to contemporary national and global policy debates. By improving understanding about the causes and consequences of migration, Peri's research has made salient contributions to policy debates despite occurring during a period of intense polarization about migration. Nonetheless, challenges on research and policy fronts remain, a topic addressed at the end of this manuscript.

Economic Integration of Immigrants

Generally speaking, integration is a "complex process, realized differently by different groups at different times" (Donato and Ferris 2020:7). It is a two-way process in which, over time, both immigrants as newcomers and native-born populations in host communities change as they accommodate to each other (NAS 2015). Depending on their disciplinary perspective, social scientists tend to ask research questions about specific integration domains. For example, political scientists are interested in immigrant engagement in political and civic activities, and the extent to which political elections represent immigrant interests. Sociologists often focus on the institutional contexts in which immigrants are embedded, and how these contexts facilitate (or not) integration in specific domains such as schooling, employment, health, and relationships.

By contrast, economists of immigration tend to ask two broad sets of research questions. The first set is related to labor and job outcomes, focusing on the skills that immigrants bring to labor markets, their wages, and whether their presence improves or worsens employment prospects for native-born workers. Do immigrants displace native workers or lower their wages in labor markets? How do immigrants influence specific industries, such as construction, food processing, or technology, and to what extent do they drive short- and long-term economic

growth? The second set of questions emphasizes taxes, public spending, and the fiscal impacts of immigration. Do immigrants' tax contributions outweigh the costs experienced by local and national governments, and how does the balance of contributions vs. costs compare to the native-born population? How are social welfare programs and receipt of benefits associated with immigrant household poverty?

Examples from Giovanni Peri's work offer answers to some of these questions. For example, shifts in the geography of U.S. immigration after the 1980s re-ignited questions about labor market impacts of immigrants,[2] addressed by Giovanni Peri, David Card, and others whose work examined the consequences for the native-born of growing numbers of immigrants in U.S. cities. Gianmarco et al. (2006) found rising wages and housing prices of U.S. born citizens who resided in metropolitan areas with growing shares of foreign-born persons between 1970 and 1990s, after accounting for omitted variable and endogeneity biases. Peri and Sparber (2009) revealed a key mechanism accounting for why most economic analyses report modest – at best – wage effects of immigration for less educated native workers. Foreign-born workers have occupations relying on intensive manual and physical labor skills, and U.S.-born workers have jobs requiring intensive communication and language tasks.

In 2015, Peri and colleagues examined how the presence of foreign STEM (science, technology, engineering and mathematics) workers, who were beneficiaries of the H-1B high-skilled work visas, was related to the productivity of college and less-than-college-educated U.S. workers between 1990 and 2010. Their findings showed that a larger proportion of immigrant STEM workers in a city's total employment increased wage growth for native-born college and non-college workers, although more so for the college-educated. Thus, they argued that STEM workers, and the H-1B visa program, propelled native-born economic growth by increasing productivity, especially among the college-educated.

Giovanni Peri also considered whether and how immigration matters for country wealth. Ortega and Peri (2014) found that openness to immigration, as

2 In the 1990s, more immigrants settled in U.S. states, cities, and towns where they had not resided in the recent past. Although most immigrants still lived in traditional gateways (Singer 2004), states such as California and New York housed fewer immigrants and those in the South and Midwest housed more (Massey 2008). Immigrants in new gateways were more likely to be younger, recently arrived, with fewer years of schooling, born in Mexico, and their presence was associated with growth in low-wage food processing and other industries (Donato et al. 2008).

measured by a country's share of foreign-born population, had a strong positive effect on income per capita. Estimated from instrumental variables and two-stage least-squares models, the positive effect of migration remained net of other factors that influence country income, such as climate, natural resources and colonial origins. They find some support for the idea that the effect of migration on income operates through a rise in total factor productivity, which is related to diversity in the national origins of immigrants and variation in the skill sets of immigrants.[3]

In Dao et al. (2018), Peri and colleagues sought to understand the relationship between emigration and development. Zelinsky (1971) describes that relationship – called the mobility transition – as an inverted U, whereby emigration increases first and then declines with economic development investments in countries. Dao et al. (2018) aim to explain the upward section of the curve, in light of the failure of neo-classical economics to do so. Using data that allowed the authors to construct intensity measures for migration to OECD countries from 123 origin countries for the 2000-2010 period, they find microeconomic drivers, such as financial constraints, explain why low-skilled workers do not migrate especially those from the poorest countries, e.g. those with income per capita levels less than $1500. Because the poorest countries have low emigration rates and account for less than 10 percent of the world's labor force, Dao et al. (2018) then consider countries with income per capita between $1500 and $6000 (which represent about 60 percent of the world's labor force). Among these countries, financial constraints are not important. Instead, slowly-changing macroeconomic drivers, such as network size and geographic attributes that capture both economic development and migration costs, as well as skill composition changes in working-age origin populations, play a large role explaining the upward segment of the mobility transition curve.

Because the factors that explain the upward rise of the mobility transition curve in middle-income countries change slowly, if at all, Dao et al. (2018) suggest that rising incomes in origin countries are unlikely to create strong emigration pressure in the short term. In the earliest phase of the emigration-development relationship, the proportion of college graduates in origin populations rises and they, rather than low-skilled residents, have the highest propensity to emigrate. Over the long term, however, rising income is associated with a higher share

3 As the authors note, the findings are based on cross-sectional data that do not account for country-specific unobserved attributes that may affect country income.

of college graduates among emigrants and lower population growth in sending countries.

The Skills of U.S. Immigrant Workers

With colleagues, Giovanni Peri's work on high-skilled immigration has been very important in both U.S. research and policy circles. As noted earlier, Peri et al. (2015) find evidence suggesting that foreign STEM workers and the H-1B visa program increased the wages and productivity of highly skilled native-born workers in the United States. Mayda et al. (2013) examine how a numerical cap imposed on the number of H-1B visas for high-skilled immigrants in 2004 affected the hiring of new H-1B workers. (Before 2004, the cap was 195,000 visas per year; afterward it dropped to 65,000.) Although the cap did not apply to those with H-1B visas already residing in the United States or to new employees in universities and non-profit organizations, Mayda et al. (2013) report the cap substantially reduced the hiring of new H-1B migrant workers in for-profit firms. Newer work by Mayda et al. (2020a) relies on a unique data set reflecting the universe of H-1B work petitions approved between 1997 and 2012 obtained from a Freedom of Information request. Findings reveal a number of interesting new facts about H-1B visas, including that almost half of all new worker H-1B visas were issued to those in computer occupations. Of the remainder, most H-1B visas were given to companies hiring managers, architects and engineers, educators, and those in medicine and health occupations. Just six U.S. metropolitan areas accounted for 60 percent of new petitions. During the 2008-12 period, new petitions grew sharply, especially from global IT consulting firms. Moreover, across the entire 1997-2012 period, public schools and universities were the top petitioners for new H-1B visas, and among not-for-profit institutions, in most years the top petitioner was the New York City Public School District.

Focusing on a different question, Mayda et al. (2020) examine the political impacts of high- and low-skilled immigrants by considering how changes in these immigrants are associated with the proportion of votes for the Republican Party in U.S. counties between 1990 and 2016. A key finding is that an increase in the share of high-skilled immigrants in local populations was significantly related to a decline in votes for the Republican Party. However, a rise in the share of low-skilled immigrants is related to an increase in Republican Party votes. Using national voting data as well as U.S. Census data, these findings hold for all federal

elections and translate into a net negative county impact for the Republican Party between 1990 and 2016 given that this period was one of more high-skilled than low-skilled immigration. Interestingly, the authors also find these effects operated indirectly through the impact of immigrants on the votes of existing voters, rather than directly through the votes of immigrants who recently naturalized.

Climate Change and Migration

Another contribution of Giovanni Peri's work addresses climate change and migration. In the social sciences, the migration-climate relationship is a relatively new area of research and studies investigate the relationship in specific parts of the world. For example, rainfall deficits in Mexico were associated with increased outmigration between Mexico to the United States (Feng et al. 2010; Hunter et al. 2013; Nawrotzki et al. 2013, 2015). Drought conditions in Africa suppressed international trips (Findley 1994) but increased short-distance and temporary moves (Gray and Mueller 2012). In Pakistan and the Philippines, studies found no effects of precipitation on migration (Bohra-Mishra et al. 2016; Mueller et al. 2014) but in Indonesia, migration increased during periods of low and high precipitation (Boshra-Mishra et al. 2014). In contrast, high rainfall levels were also associated with lower propensities of making a first internal and international migrant trip from Bangladesh (Carrico and Donato 2019). However, very high and low rainfall levels were associated with less out-migration two years after the weather event occurred in Bangladesh (Call et al. 2017).

Cattaneo and Peri's (2015) study of the migration-climate relationship extends beyond regional and country-specific studies and examines how temperature changes are associated with emigration rates in countries where agricultural production is important and from which many migrants originate. Using data on international migration and urbanization, merged with temperature data, for 116 countries in the last five census years between 1960 and 2000, they found that in very poor countries, increasing temperatures were associated with lower emigration and urbanization. However, in middle-income countries, rising temperatures increased out-migration. In addition, long-term warming fueled the transition away from agriculture to other sectors in middle-income countries, but in poor countries, warming had the opposite effect, slowing down the transition away from agriculture and worsening poverty, leading to lower propensities for rural workers to move to cities or elsewhere. In addition, the emigration spurred by

higher temperatures in middle-income countries was associated with higher GDP per person, while in poor countries, emigration was associated with lower average GDP per person.[4]

Summary

Thus, Giovanni Peri's scholarship illustrates both breadth and depth. The work asks whether and how immigrants – especially the high-skilled – affect wages and other labor market outcomes of native-born populations, how immigrant populations affect the wealth and well-being of countries, how economic development influences emigration early in a country's mobility transition, and how climate change affects out-migration. In all studies, Peri and his collaborators rely on large population-based data sets that permit them to use innovative econometric techniques to answer complex research questions. Traversing from people to places in considering how immigration matters reveals mostly positive and productive effects of migration. For the most part, immigrants do not lower the wages of native-born populations and larger shares of foreign-born populations improve the wealth of countries. Among middle-income countries, the upward mobility transition is explained by slowly-changing macroeconomic drivers rather than financial constraints, thereby not creating large-scale pressures for out-migration. In addition, among middle-income countries, rising temperatures increase emigration, which is associated with wealth and a transition away from agriculture. In contrast, among poor countries, warming reduces emigration, which is associated with poverty and slows down the transition away from agriculture.

From Research to Policy to Research: Opportunities and Challenges

The studies reviewed above, together with Giovanni Peri's larger body of work, contain a number of important policy implications that are being (and have been) discussed as the United States and other countries face rising numbers of migrants, refugees, and asylum seekers. In the United States, some view this mo-

4 In more recent work Bosetti et al. (2021) show how higher temperatures affect the likelihood of armed conflict, especially in countries where the likelihood to emigration is higher.

ment as an opportunity for change given the public's (mostly) positive response to those who left (and continue to leave) Afghanistan and the Taliban, and to those displaced by war from the Ukraine. These two situations have led to a scaling up of the U.S. refugee resettlement program, after it experienced a big decline during the Trump administration.

Yet significant reforms to the U.S. immigration system have to occur through Congressional legislation, which has been stalled for decades. Thus, even though the United States has witnessed substantial shifts in the size, characteristics and entry of immigrants during the last few decades, federal immigration policy guiding legal admission has remained largely unchanged. The last legislation that made significant changes to the legal visa system was the 1990 Immigration Act (Donato and Amuedo-Dorantes 2020, 2022). Since then, presidents have relied on executive actions "more often and more broadly than in the past" but such actions usually lead to small changes that complicate an already complex, and at times arbitrary, legal visa system (Donato and Amuedo-Dorantes 2020: 2). The southern U.S. border is an illustration: decades of shifting directives at the border are linked to large numbers of persons (born in northern Central American and other countries) who encountered the U.S. Border Patrol and sought asylum as a form of legal protection in FY2021. Figure 1 documents that, in FY2021, apprehensions at the southwest border were the highest since 1960, numbering more than 1.5 million. Figure 2 reveals dramatic growth in the number of unaccompanied children entering at the southwest border. In FY2021, UC numbered more than 140,000 compared to 2019, the year with the next highest number (just less than 80,000).

Without substantial U.S. policy reform, the situation at the southern U.S. border cannot be resolved but it also cannot be ignored. With growing humanitarian migration worldwide, more people are migrating in an attempt to evade threats rather than to improve economic opportunities (Donato and Massey 2016). Understanding forced migration – from its causes to consequences for host countries – will present challenges for social science research. One challenge is that studying migration requires data that differentiate between forced and non-forced migrants and offer enough detailed information to provide deep insights about the consequences for host countries of growing numbers of persons forced to flee their homes. A second is that many persons forced to migrate will not qualify for UNHCR refugee protections, even though they need protection in some form because they fear persecution if they return home or because violence and/

or climate change have destroyed their homes and livelihoods. A final challenge is that it is difficult to distinguish among different types of migration drivers. The reasons people migrate are messy, and there are growing signs of such messiness in the twenty-first century. There is complexity in the personal motivations for migration (Sharpe 2018), as more people leaving their homes in search of both protection and a better economic life (Donato and Ferris 2019). In addition, there is growing complexity in the composition of migrant flows, which are now more diverse with those seeking protection or asylum moving alongside and with those seeking employment (U.S. Department of State 2012; Sharpe 2018). These sources of mixed migration exist worldwide (van der Klaauw 2010; Horwood et al. 2018; Lorenzen 2018; IOM 2020), making it difficult to understand migration drivers and their consequences (Crawley and Skleparis 2017; National Academies of Science, Engineering, and Medicine 2019).

Despite these challenges, experts continue to analyze and recommend policies to assist countries and improve the fairness, humanity, and efficiency in their legal immigration systems. Peri and Zaiour's (2021) recent collaboration with the Center for American Progress illustrates the direct economic benefits that can be gained from U.S. immigration. Modeling the impacts of proposals being considered by Congress, the authors estimated large benefits from creating pathways to citizenship for undocumented migrants.[5] With Congress granting a pathway to citizenship for undocumented migrants, GDP would increase by $1.7 trillion over 10 years and lead to more than 430,000 new jobs. Among undocumented migrants who are essential workers, a legal pathway would grow GDP by $989 billion over 10 years and create 203,000 new jobs. If a legal pathway was given to Dreamers and those who currently have Temporary Protected Status (TPS), GDP would rise by $799 billion over 10 years and create $285,000 new jobs. Finally, if Congress gave a pathway to Dreamers, those with TPS, and essential workers, it would boost GDP by $1.5 trillion over 10 years and lead to 400,000 new jobs. Although in line with prior studies, these findings and their specificity are impressive.

To sum up, the future of research on migration and immigration will involve a number of important questions that, to date, have yet to be answered. For example,

5 Adhikari et al. (2021) also support creating and expanding legal migration pathways through implementation of a global skill partnership model, which involves designing partnerships to meet labor demand in host countries by offering high-quality training to potential migrants and nonmigrants in origin countries.

for those with mixed reasons for leaving their home countries, are the prospects for legal entry and economic integration similar to, or different from, others who seek economic opportunities or flee from threats? What do immigrant integration trajectories look like, especially for those entering host countries as children vs. adults? To what extent do humanitarian migrants affect outcomes for native-born populations? Is differentiating between high- and low-skilled immigrants enough given that many forced to move are highly skilled but then those skills are not recognized in host countries? How can we differentiate the fiscal impacts of forced migrants from others who migrate? What about climate migration? Are there ways for future climate or humanitarian migrants to access existing legal pathways designed for family reunification or for workers? What types of new pathways might be possible? How can research inform policy recommendations about the different types of forced migrants, e.g. refugees, asylum seekers, and internally displaced persons, vs. other migrants? What policy recommendations, informed by research, can make a difference for immigrants in host countries in the short- and long-term? This is a call to action for economists and other social scientists.

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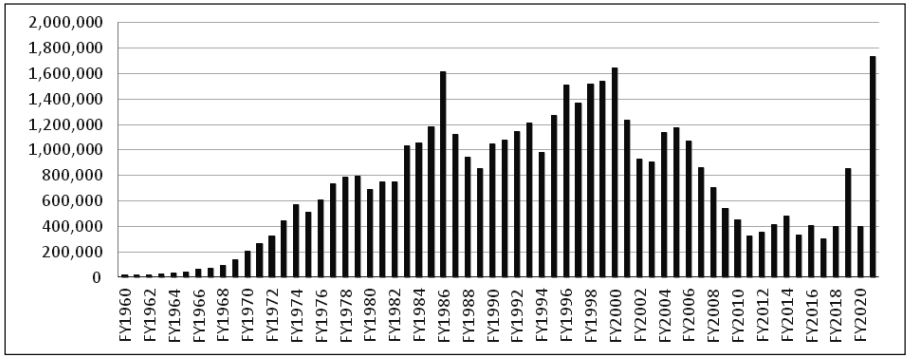
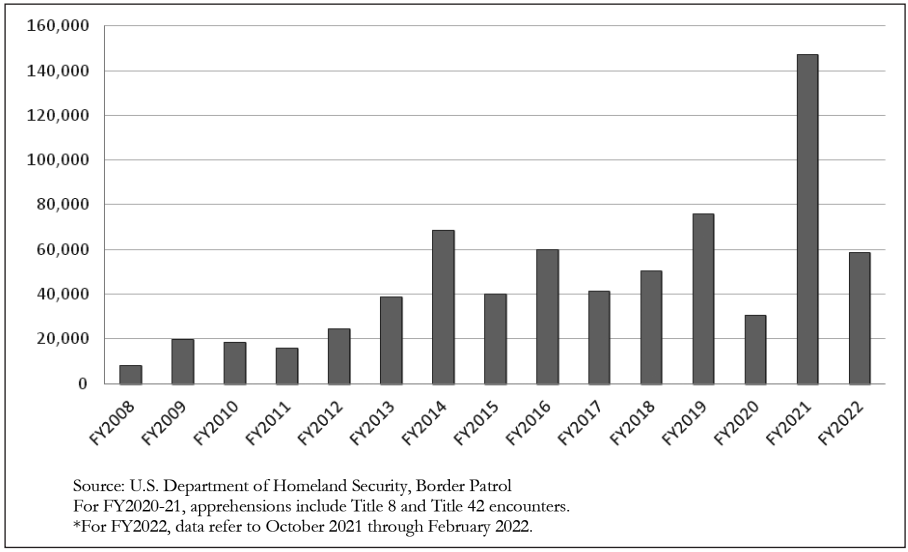
Figure 1: Total Apprehensions at the U.S. Southwest Border: FY1960 - FY2021



Source: U.S. Department of Homeland Security, Border Patrol

For FY2020-21, apprehensions include Title 8 and Title 42 encounters.

Figure 2: Total Unaccompanied Children Apprehended at the Southwest Border: FY2008 - FY2022*



Source: U.S. Department of Homeland Security, Border Patrol

For FY2020-21, apprehensions include Title 8 and Title 42 encounters.

** For FY2022, data refer to October 2021 through February 2022.*

Can Immigrants Help the U.S. Care for an Aging Population?

Delia Furtado[1]

1. Aging U.S. Population

The age distribution in the U.S. has historically resembled a pyramid. As can be seen in Figure 1, the number of children in the U.S. in 1960 exceeded the number of working age adults, the number of working age adults exceeded the number of retirement age adults, and the number of people at the very top of the age distribution (age 85 and above) is barely perceptible. Age distributions like this one make it relatively easy for prime-age individuals to provide assistance—both financial and hands-on--to the relatively few older people who are no longer able to fully care for themselves.

Things are changing. Fertility rates in the US have been decreasing (Barroso 2021), life expectancies are increasing (Medina, Sabo, and Vespa 2020), and the baby boom generation has started reaching retirement age (Rogers and Wilder 2020). Figure 1 shows that by the year 2060, demographers expect the age distribution in the U.S. to look more like a rectangle than a pyramid (see U.S. Census Bureau (2018) for a description of the methodology used to make the projections). Particularly striking is the large expected increase in the share of the population that is 85 years old or older. About two-thirds of those in this age group require help with even basic activities of daily living such as eating, bathing, and dressing (Congressional Budget Office 2013), so while people are remaining healthy and active into older ages in recent years, it is reasonable to expect large increases in overall care needs of the country in the coming decades.

At the same time, women—the traditional primary caregivers for the elderly—are increasingly delaying fertility and investing in their careers, making it

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likely that they will be faced with caregiving responsibilities for their parents while concurrently still providing care for children and juggling a career. One option for families may be to rely more intensely on paid care services such as those provided in nursing homes or by homecare workers, but these services can be expensive. Prices vary considerably across nursing homes, but about 172 billion dollars was spent on nursing homes in the U.S. in 2019 (National Health Expenditure Accounts (NHEA) 2019). Medicare and Medicaid paid for about half of this, but as the size of the working age population decreases relative to the retirement age population, it will be more and more difficult for the U.S. to fund Medicare and Medicaid with tax revenues. Moreover, there are reasons to be concerned about the ability of nursing homes, even at current staffing levels, to provide adequate care for the elderly, especially those nursing homes relying extensively on Medicaid funding. Given these high costs and concurrent difficulties with providing high quality care, it may not be surprising that most elderly care is provided informally by friends and family members; with only about 20 percent of people requiring aid live in nursing homes (Congressional Budget Office 2013). While informal care may come at lower out-of-pocket costs, the time, mental health, and even physical health costs borne by caregivers in the U.S. is quite staggering even now (Reinhard et al. 2019).

If nothing changes, then all of this implies that as a society, we will face some very difficult choices in the coming years. Either we spend even more resources on long term care services or we accept that the quality of care provided to our nation's elderly will decrease. A potential third option, however, is to use immigration policy to address issues related to population aging. Immigrants in the U.S. tend to be young and have high employment rates, and so a more open immigration policy can decrease the share of the population that is above retirement age quite immediately.[2] The focus of this paper, however, is on how immigrants--through their work as nurses, homecare workers, and even housekeepers—can provide either direct care for the elderly or, in the case of housekeeping, indirect support for their informal care providers.

In the year 2017, immigrants constituted 15.5 percent of the U.S. population but 18.2 percent of health care workers. About 30 percent of the foreign-born health care workers worked in long-term care settings, while only 22 percent of

2 As pointed out by Peri (2020), because immigrants eventually age, this is not a long-term solution, but it can help attenuate rapid fluctuations.

U.S. born healthcare workers did the same. Immigrants were especially more likely than natives to work in home health agencies (13.1 percent vs. 7.9 for natives). Immigrants are also overrepresented in housekeeping, construction, and maintenance worker occupations (Zallman et al. 2019).

The propensity of immigrants to work in care-related occupations in itself may suggest that a more open immigration policy could help address the growing needs for caregiving. However, for more direct evidence, this paper starts with a review of the literature on the impacts of immigrant inflows on equilibrium wages and employment in care-related occupations. If past immigrant inflows to different areas of the U.S. did not decrease the costs of these services or increase their availability, then we may not expect a more open immigration policy to address future caregiving needs. Next, the paper reviews the evidence on how immigrant inflows have alleviated the time pressure of the women who typically provide care for family members. The paper ends with a description of new research pointing to improvements in the quality of care provided to the elderly living in areas receiving more immigrants.

2. Immigrants' Impacts on Household Service and Caregiving Professions

A typical supply and demand analysis of labor markets predicts that when labor supply increases, as would be the case with an inflow of immigrants to an area (or to an occupation), equilibrium wages decrease and employment increases. The magnitude of the impacts depends initially on how easily substitutable immigrants are with native workers, and in the longer run, how easy it is to substitute U.S. labor with technology or labor in other countries (via offshoring). Caregiving and other household services are particularly difficult to substitute with technology and almost impossible to outsource to other countries. This implies that if immigrants and natives are reasonably substitutable for each other, then we should expect decreases in equilibrium wages of workers in these professions in response to labor supply increases. Since labor constitutes the overwhelming share of the cost of producing care-related services (100 percent in the case of many housekeeping or elderly sitting services), then if wages decrease, it is reasonable to expect these services to become more affordable. How much more affordable they become will depend on the elasticity of demand for these services. If the demand for caregiving services is very elastic (i.e., if people are very sensitive to price when

deciding how much of these services to purchase), then wage decreases may be quite small even in response to large shifts of labor supply. However, even in this case, immigrant inflows may make it more convenient to outsource caregiving services if they lead to increases in the availability of these services. Most of the literature looking at labor market impacts of immigrant inflows consider only the native-born workers. Because we are ultimately interested in the outcomes of the consumers of these services as opposed to just native-born workers in these occupations, it is important to consider the wage and employment effects of immigrant inflows on all workers in caregiving professions.

Empirically estimating a causal effect of the availability of immigrant labor on wages is no easy task. A very naïve approach would be to compare the wages of care workers in areas of the U.S. with many immigrants to the corresponding wages in areas with few immigrants. Interpreting this comparison would be problematic because, even if immigrants did in fact put downward pressure on wages, we might observe a positive relationship between the share of immigrant workers and wages in caregiving professions if immigrants tend to move to areas with higher wages in caregiving professions.

One simple way to alleviate this problem is to examine the relationship between *changes* in the share foreign-born and *changes* in wages in caregiving occupations. While helpful, this does not address the problem completely because immigrants are likely to move to places with booming economies, places where they expect wages to be increasing in the coming years. To address this issue, economists typically take an instrumental variables approach.[3] Using instrumental variables techniques and focusing on changes over time, most immigration researchers have found negligible impacts of immigrants on the wages of native workers in general but with small negative impacts on native-born high school dropouts and immigrants who have been in the U.S. for some time. There also seem to be impacts on the hours of work, but not employment of teenagers (see

3 The intuition behind instrumental variables approaches to identifying causal effects of immigrant inflows is to come up with a motivation for immigrants to move to a particular place that is independent of higher or growing wages in that place. We then make predictions about the number of immigrants in a place based on this independent factor (the instrument), and finally, we examine the impact of this predicted number of immigrants on the outcomes of interest. The instrument most often used in the immigration literature is based on the idea that immigrants have a preference, all else equal, to live in ethnic enclaves, places that for historical reasons happen to have many people from their country of origin. See Card (2001). By exploring the relationship between the number of immigrants moving to an area due to preferences to live in enclaves (as opposed to preferences to live in areas with high wages), we are able to learn about the causal impact of immigration on wages.

National Academies of Sciences, Engineering, and Medicine (2017) for a comprehensive review of the literature).

Several researchers have found that immigrant inflows do lead to rather substantial decreases in wages in particular occupations, specifically occupations that tend to employ many immigrants and that are not easily replaced with technology or outsourcing.[4] For example, Furtado (2016) shows that in areas of the U.S. with more immigrants, the wages of housekeepers, childcare workers, and restaurant workers tend to be lower. Similar results have been found using data from Spain (Farré, Gonzalez, and Ortega 2011). In terms of nursing professions, immigrant inflows have been associated with decreased wages among nursing assistants—an occupation marked by very low formal education levels—and even licensed practical nurses (Furtado and Ortega 2020, Butcher et al. 2021), but increases in wages among registered nurses (Cortes and Pan 2015a; Furtado and Ortega 2020; Butcher et al. 2021). Consistent with these wage decreases being driven by immigrant-induced labor supply increases, the share of the labor force working in these professions has also been shown to increase in areas with more immigrant inflows (Furtado and Ortega 2020; Butcher et al. 2021). These labor market changes may decrease the general welfare of the native born who continue working in these professions despite the lower wages. However, they also point to greater affordability and availability of nursing and household services in areas with more immigrant labor. This is likely to be beneficial for both those who would otherwise provide elderly care informally and those receiving the care.

3. Impacts of Immigration on Native-Born Family Caregivers

Does an abundance of immigrant labor in an area lead to actual relief for family caregivers? Theoretically, in response to decreases in the cost of outsourcing caregiving work, caregivers could respond by increasing the amount of these services they purchase, thereby freeing up their time to pursue other goals. Alternatively, they may not change the amount of services they purchase but could simply save

4 The National Academies of Sciences, Engineering, and Medicine (2017) study focuses on impacts on natives while the studies looking at impacts on wages in service-sector occupations include both native-born and foreign-born workers in their samples. The purpose of the occupation-specific analyses is to examine whether the prices of the services decrease. Prices may decrease either if wages of all workers in a profession decrease or if more low-wage (foreign-born) workers enter the profession. By keeping both immigrant and native workers in the sample, these studies can consider both mechanisms.

money, thereby freeing up their incomes to pursue other goals. It is also possible that so few people use these services (for example, because social norms or budget constraints make it infeasible) that in practice, consumption of these services does not change much despite lower costs of these services. Given this theoretical ambiguity, it is useful to look empirically at the relationship between immigrant inflows and outcomes of the (likely) family care providers.

Several studies provide at least indirect evidence that immigrant inflows do alleviate the burden of providing care. In a seminal paper on this broadly-defined topic, Cortes and Tessada (2011) show that in places with more immigrant-induced changes in low-skilled labor, high-wage women tend to work more hours and are especially likely to work 50 or more hours per week. Suggesting that the increased labor supply is driven by the greater availability and/or decreased cost of household services, they also show that these women decrease the time spent on household work and increase expenditures on housekeeping services (Cortes and Tessada 2011). In related work, I show that college-educated native-born women respond to immigrant inflows by having more children (Furtado 2015). Given how time-intensive childrearing can be, this result might suggest that the greater availability of immigrants to work in care-related professions does reduce time constraints of family caregivers. While caregiving decisions related to children may be very different from decisions related to caregiving for elderly spouses and parents, this body of work certainly suggests that enough people outsource care-related work for immigrants to plausibly make a noticeable difference in caregivers' decisions.

Focusing on care for the elderly, Peri et al. (2015) show using data from Italy that the planned retirement age gap between women and men with a living parent over age 80 is smaller in areas with more immigrants. The gap is especially small in areas with large inflows of Eastern European female immigrants, the group supplying the largest share of domestic care in Italy. In another study, Goswami (2021) shows that college-educated older U.S. born women--but not men or low-education women--are more likely to remain in the labor force as they approach or even pass retirement age when they live in areas of the country with more abundant immigrant labor. Given that women are more likely than men to have care responsibilities and that the college-educated are better able to afford outsourced care, this result also suggests that immigrant labor can alleviate pressure on caregivers to the elderly.

If caregivers simply replace time spent caring for family members with time

spent working in the labor market, they may not be much better off in the end. To my knowledge, there is no work specifically examining the relationship between immigrant inflows and the well-being of caregivers. However, there is new work showing that the self-rated mental health of family caregivers improved substantially after Medicaid home care services were adopted by families (Unger et al. 2021). Given the evidence that immigrant inflows increase the availability and affordability of home care workers (Butcher et al. 2021), it seems likely that immigrant inflows increase the wellbeing of family care providers who are induced to use these services when they become cheaper or more abundant because of immigrant inflows. If immigrants indeed decrease equilibrium wages of home care services, then it also becomes less expensive for Medicaid to pay for these services. This would then either alleviate the burden to taxpayers or allow Medicaid to provide home care services to more families.

4. Immigrants and the Quality of Care Provided to the Elderly and Disabled

While the previous section implies that immigrant labor may help alleviate caregiving responsibilities for family care providers, another important question is what happens to the quality of care for the elderly and disabled when immigrant labor becomes more abundant. After all, if the reason for the lower prices of caregiving and household services is that immigrant service quality is lower (perhaps because of communication difficulties between the care providers and care receivers), then those requiring care may be worse off in areas with more abundant immigrant labor. It is in general difficult to measure the quality of a service as personal and intimate as elderly care, but several pieces of evidence suggest that quality of care actually improves in areas with larger immigrant inflows.

Let us start again with a theoretical perspective. Upon arrival to the U.S., immigrants typically have fewer occupational options than natives because of language barriers, home country credentials not being accepted in the U.S., or even discrimination. As a result, we may see, for example, immigrants trained as doctors in their home countries working as registered nurses in the U.S., and registered nurses working as nursing assistants. More generally, college-educated immigrants may work in low-skilled professions such as nursing assistants, home care workers and housekeepers because they are unable to find jobs in other sectors, at least initially after arriving in the United States. If immigrants face addi-

tional barriers to entering certain occupations, then conditional on their wages, a typical foreign-born worker in any given occupation may be more productive or skilled than a typical native-born worker. At the top of the wage distribution, foreign-born registered nurses may have the qualifications and drive necessary to pursue medical degrees had they been born and raised in the U.S. At the bottom of the wage distribution, low-education immigrants working as housekeepers or home care workers may provide particularly attentive services for fear of losing their jobs. They may be especially flexible in terms of schedules and unlikely to miss work unexpectedly.

There is empirical evidence that registered nurses trained in the Philippines are more effective than U.S. born nurses trained in the U.S. Using wages to measure quality, Cortes and Pan (2015a) show that Philippine-educated nurses earn wage premiums in the U.S. that cannot be accounted for by worker or job characteristics. They explain that part of this is due to the very high quality of training for nurses in the Philippines, a direct result of government policy. However, perhaps equally or even more important is the fact that Filipino nurses who migrate to the U.S. earn 13 times more than nurses who work in the Philippines and five times more than what the average lawyer makes in the Philippines. This implies that only the very best, most ambitious and hard-working professionals in the Philippines become nurses in the United States. In contrast, registered nurses in the U.S. certainly earn about the same as social workers and significantly less than lawyers and CEOs (Cortes and Pan 2015a). The exceptional high quality of Filipino nurses may be a bit of an anomaly; foreign-born nurses in general earn wages that are comparable to those of native-born nurses (Cortes and Pan 2015a). However, to the extent that the foreign-born face more barriers to enter nursing professions than do natives, immigrant nurses who do enter these occupations may be on average better than observationally similar native-born nurses as well as nursing assistants and home care workers. Those immigrants who are unable to enter these professions, perhaps because of lack of legal status, may be especially productive housekeepers or home care providers working under the table.

Interestingly, the quality of care provided to the elderly by native-born workers may also improve in areas with more foreign-born workers. Cortes and Pan (2015b) show that increases in the number of foreign-born nurses in an area are associated with increased likelihoods of natives passing nursing licensure examinations. This suggests that faced with increased competition from foreign-born nurses in the labor market, only the most highly skilled and devoted natives pur-

sue nursing careers. It is plausible that similar processes occur among nursing assistants and home care workers to some degree.

Even if immigrants are not better care workers, immigrant inflows may lead to higher quality care via their impacts on wages. If, for example, home care workers of equal (or even slightly lower) quality are less expensive in areas with more abundant immigrant workers, then private households in these areas may be able to afford to pay someone to provide care for their elderly family members instead of leaving them alone for extended periods of time. If families can outsource housekeeping and cooking, then the care providers may have the energy to provide better quality care for family members. It is also possible that when household services are affordable, the elderly can live independently instead of having to live in long-term care facilities or move in with their children. Butcher et al. (2021) show that increases in the less-educated foreign-born labor force share in a local area lead to reductions in institutionalization among the elderly.

In my newest line of work, I provide direct evidence that immigrant inflows are associated with improved quality of care provided in nursing homes. Again, even assuming that foreign-born workers are no more productive than are native workers in nursing professions, if immigrant inflows pull down equilibrium wages, then cash-strapped nursing homes can respond by hiring more nursing staff. Using a variety of different empirical techniques, many studies have shown that increases in nursing home staff are associated with decreases in mortality rates among nursing home residents (Stevens et al. 2015, Friedrich and Hackmann 2021).[5]

Within nursing professions, the foreign-born are more highly represented as registered nurses (RN's) and especially nursing assistants (NA's) than they are as licensed practical nurses (LPNS). For this reason, we would expect immigrant inflows to have stronger impacts on the number of RNs and NAs in an area than on LPNs. However, it is possible for immigrant inflows to result in more LPNs if, as a result of more competition from immigrants working as NAs, some natives upgrade their skills and become LPNs. After all, Peri and Sparber (2009) have shown that in response to low-skill immigrant inflows, low-skill natives switch to occupations in which they have a comparative advantage.

As discussed previously, immigrant inflows into a local labor market lead to

5 Lack of adequate staffing has been cited as a major predictor of Covid-19 deaths in nursing homes during the Covid-19 pandemic (Harrington et al. 2020).

the largest decreases in wages among nursing assistants (NAs) and smaller decreases among licensed practical nurses (LPNs) (Furtado and Ortega 2020; Butcher et al. 2021). Interestingly, immigrant inflows lead to increases in wages of registered nurses—a result consistent with the work of Cortes and Pan (2015a) showing that foreign-born nurses receive higher wages than natives and often crowd out natives from becoming RNs (Cortes and Pan 2014). There is also evidence that increases in the number of immigrants in a local labor market lead to increases in the labor supply of NAs, LPNs, and RNs (Furtado and Ortega 2020, Butcher et al. 2021).

If in response to a greater availability of immigrant labor, nursing homes can hire more or better nursing staff, we may expect the quality of care provided in nursing homes to improve. While there is no perfect measure of quality of care, in ongoing work, my coauthor and I have been considering several imperfect measures to get a sense for overall quality. Our data on nursing homes come from the Long-Term Care Focus (LTCFocus) project developed at Brown University. This data source integrates data from several different agencies that collect information from nursing homes, some of which rely on in-person inspections. Using information on the location of these nursing homes, we can then assign to each nursing home the share of immigrants in the local labor market where the nursing home is located in each year.

We start our exploration of nursing home quality by considering the proportion of nursing home residents who have recently experienced a fall leading to injury. Falls among this vulnerable population have been shown to lead to broader health deterioration and even increased mortality (Kelly 2018; Rapp et al. 2008, 2009). Moreover, resident falls tend to be sensitive to nurse staffing (Leland et al. 2012). When residents must wait for long periods of time before getting help to walk to the bathroom, they walk by themselves and this is when major falls happen. Another predictor of falls is anxiety and nervousness among residents (Iinattiniemi, Jokelainen, and Luukinen 2009). When staff are not overworked, they may be able to calm residents and address their needs before a fall occurs.

Figure 2 shows the relationship between the share of immigrants living in the nursing home's commuting zone and the share of nursing home residents in the area that have recently fallen.[6] To create the figure, we first split the share of foreign-born into 20 bins ranging from the minimum share of foreign-born

6 Commuting zones are local areas configured so that most people who live in an area also work in the same area. The U.S. is divided into around 700 commuting zones.

of around zero (in Atmore, AL) to the maximum of almost 50 percent (in Fort Lauderdale, FL). The figure plots the share of residents who have recently fallen among all nursing homes located in areas within the particular range of share of foreign-born. As can be seen from the figure, the relationship is clearly negative. There is certainly reason to be concerned about interpreting these figures. Yes, there is a correlation but it may just be that immigrants tend to live in richer areas of the country. These places may have better equipped nursing homes and healthier nursing home residents for reasons that have nothing to do with immigrant labor. An easy way to address this issue is simply to control within a regression framework for characteristics of the nursing homes, most importantly the needs of the residents. When adding controls measuring nursing home resident needs as well as other characteristics such as percent female, percent black, percent Hispanic, percent obese, for profit, percent paid for by Medicaid, whether the nursing home is affiliated with a hospital, and whether the nursing home is part of a chain, the relationship between immigrant labor and nursing home quality do not change (see Table 1). We can also use the instrumental variables techniques described above, and the general relationship remains the same: Immigrant inflows appear to improve the quality of care provided in nursing homes (Furtado and Ortega 2020).

5. Conclusion

Along with many other rich countries, the U.S. is experiencing population aging. In the coming decades, large numbers of people will need help performing even basic activities such as dressing, bathing, and eating. When the ratio of people needing help to the number who can provide help is small, then the work and expense of caring for the elderly can be shared among a large number of able-bodied individuals. This becomes more difficult when a population is aging and especially difficult as adult daughters—the traditional caregivers—are increasingly joining the labor force and devoting more time and energy to their careers while also still caring for their own children. When they do provide the care, it can come at immense financial and mental health costs.

Many families rely on care provided by nursing homes. Even before the Covid-19 pandemic, many raised concerns about the sub-standard quality of care provided in many of the nation's nursing homes. A large strand of literature points to staffing as a main predictor of the quality of care in nursing homes. Ironically

perhaps, just as the country is grappling with current labor shortages in nursing homes which are likely to become worse as the baby boomers reach old age, few policy makers are considering increasing avenues for legal migration to the U.S.

The immigration literature and policy debate has really focused on the potentially harmful labor market impacts of immigration on natives. The consensus in the literature is that any negative impacts on wages and employment are likely to be small and concentrated on just a few segments of the population (National Academies of Sciences, Engineering, and Medicine 2017). What is generally underappreciated is that immigration may be instrumental in helping the U.S. address issues related to our aging population. Because immigrants tend to arrive in the U.S. while young and eager to work, they can quite mechanically decrease the country's senior ratio. In addition, because they often work in caregiving and household service occupations, they can quite literately help to provide the hands-on care for those that need help. The evidence suggests that, despite any language and cultural barriers faced by immigrant workers, the quality of the care provided in nursing homes in areas with more immigrants tends to be quite high. In addition to this, through their work as housekeepers and home care workers, immigrants are enabling many of elderly to remain in their own communities instead of being forced into institutionalized care. If care provided within homes is better than what is provided in the typical nursing homes, then this is another way that immigrants are currently helping the U.S. care for its elderly. Either way, help from immigrant workers can relieve the burden of unpaid family care providers allowing them to pursue career or leisure goals while at the same time ensuring that their loved ones are well-cared for.

To the extent that many high-wage workers remain in the labor force or work longer hours when they can afford to outsource some of their elderly care responsibilities, there might also be unexplored fiscal benefits to immigrant inflows. At the individual level, the additional wage income might allow for increased consumption or more saving while caregivers are working. Given the way the Social Security system is structured in the U.S., this also means larger retirement benefits after they retire, putting people in a better position to pay for their own care as they age. At the macro level, since most caregivers are women who are often secondary wage earners in families, their earnings are subject to high marginal tax rates. This implies that their increased tax payments might be used to fund Social Security as well as other old-age support programs in the United States.

It seems to me at least that instead of fearing immigration, we should be

providing more work visas in order for immigrants to help care for our growing elderly population. All of this leaves me to wonder what other world problems can be resolved or at least alleviated by simply allowing people to live where their labor is most needed. I leave that question for future research.

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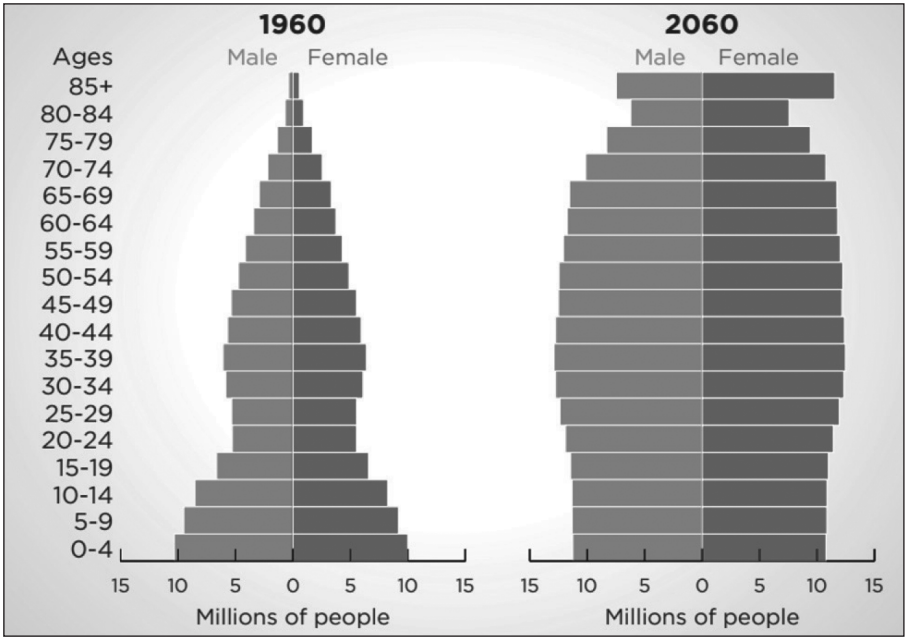
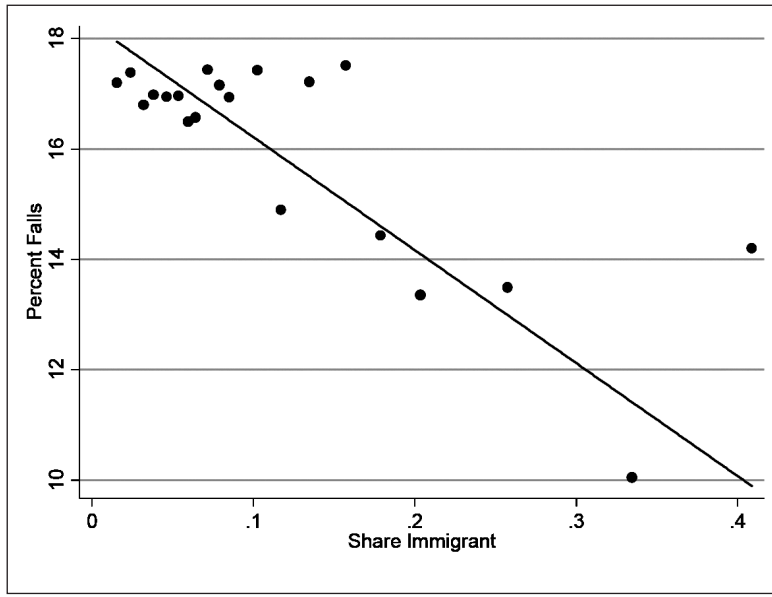
Figure 1: Age Distribution of the U.S. Population in 1960 and Projected Age Distribution in 2060



Source: National Population Projects, 2017. Information on the projections and revisions of the projections available here: www.census.gov/programs-surveys/popproj.html. *The graphic was downloaded from:* https://www.census.gov/library/visualizations/2018/comm/century-of-change.html.

Figure 2: Percent of Falls in Nursing Homes and Share Immigrant within Nursing Home's Local Area



Notes: Percent falls is computed by taking the number of residents in nursing home who have fallen with major injury in the last 30 days divided by the total number of residents in the nursing home. Total number of beds in the nursing home are used as weights. Data on nursing homes come from the Long-Term Care Focus (LTCFocus) project developed at Brown University. This figure is constructed from the 2010 nursing home sample. Share immigrant is the share of the commuting zone population that is foreign-born. This variable is constructed from the 2010 American Community Survey (ACS). Commuting zones are local areas configured so that most people who live in an area also work in the same area.

Table 1: OLS Regressions of Nursing Home Quality on Share Foreign-born in the Local Area

Dependent Variable: Percent Falls	(1)	(2)
Share Immigrant	-19.501***	-15.123***
	(2.572)	(3.632)
Basic Controls	Yes	Yes
Extended Controls	No	Yes
Observations	1,962	1,962

*Notes: Percent falls is computed by taking the number of residents in nursing home who have fallen with major injury in the last 30 days divided by the total number of residents in the nursing home. Basic controls include acuity index (measure of intensity of care needs of residents), percent of residents that are female, percent black, percent Hispanic, percent obese, and whether the nursing home is for profit. Extended controls include the basic control plus percent of residents paid for by Medicaid, whether the nursing home is hospital based, part of a chain, share of commuting zone level population with college degree, share of the commuting zone population that is age 65 years old or above, and average wage in the commuting zone. Standard errors clustered on commuting zone. *** p<0.01. Data Sources: Nursing home characteristics from 2010 LTCFocus. Commuting zone characteristics from the 2010 American Community Survey (ACS). Weighted by number of beds in the nursing home.*

Fears and Tears: Should more people be moving within and from developing countries, and what stops this movement?

David McKenzie[1, 2]

1. Introduction

I spent most of my childhood in the small town of Huntly, New Zealand. I remember clearly that there used to be a sign at the entrance of the town that said something like "Welcome to Huntly, population 6,238 and growing"[3], and that after a while, they removed the "and growing" from the sign. The town was surrounded by rural farmland (there was a farm over our back fence). The main industry in town was a coal-mine and a power station that used the coal to generate thermal energy, with the two big smoking chimneys from the power plant the largest landmarks in town. Fast forward to today, and the population is still only 8,030 (June 2020 estimate), the median personal income of NZ$24,500 (US$17,253) is 40 percent less than the NZ$34,400 (US$24,225)[4] in the Auckland region to which I later moved, and the local high school (where my father taught) had its enrollment fall from over 600 students in the 1980s to only 204

1 David McKenzie is a Lead Economist at World Bank.

2 Essay for the 2021 Wealth and Well-Being of Nations: a Forum in Honor of Miller Upton. I thank Diep Phan for the invitation to write this talk, audience questions at the Upton forum, and Merle van den Akker, Zoe Chance, Alex Coutts, Johannes Haushofer, Naira Kalra, Dean Karlan, Ruth Schmidt, Richard Thaler, Tom Wein, and other commentors on twitter for references to the behavioral and psychological literature.

3 The 1981 New Zealand census records a population estimate of 6,100 for Huntly: [https://www3.stats.govt.nz/New_Zealand_Official_Yearbooks/1981/NZOYB_1981.html#idchapter_1_9605].

4 Data on incomes from the 2018 Census https://www.stats.govt.nz/tools/2018-census-place-summaries/huntly-east#work-income-and-unpaid-activities. Exchange rate of US$1 = NZ$1.42 used.

students in 2020. In 2019, Huntly was voted New Zealand's worst town in one online poll.[5]

From this description it would seem obvious that most people would want to move from such a place. Yet when the time came to move to Auckland, I cried. There were many things I liked about living there – playing soccer on a foggy field by the lake, running about on the farm, my friends, and the familiarity of our house and backyard. Leaving all these behind to start afresh in a new place seemed scary and uncertain. But move we did, and after going to high school and doing my undergraduate degree in Auckland, I was instead firmly attached to this new home. But then a new opportunity was open to me – the chance to do a Ph.D. at Yale, in America. Not only would moving to a new country offer educational opportunities far exceeding those I could get in Auckland, but research I later did with John Gibson found that New Zealanders who were at the top of their academic classes at the end of high school gain an average of US$1,000 a week, or around $50,000 a year, by migrating (Gibson and McKenzie, 2011). Again, deciding whether or not to move would seem an absolute no-brainer. Yet as I hopped on that plane, moving once again involved substantial fears and tears, including this time moving alone, rather than with my family. But 24 years later, you will find me happily residing in Northern Virginia, attached once again to a new place, and where the thought of moving somewhere new once more is anathema to me.

I start with this personal anecdote because it illustrates a couple of points that I want to make about the role of migration in fostering wealth and well-being. The first is that there are enormous potential gains in income to be had from moving, both internally, and especially internationally. While this is true for countries like New Zealand, it is even more the case for people in developing countries where income levels and opportunities are much lower. The big puzzle is then why more people do not move, despite these potential gains. A lot of economic research has focused on the constraints that limit movement, including liquidity constraints, lack of information, moving costs, and policy barriers. These are certainly important, and I will discuss how research and policy have endeavored to understand and relax these. But this story illustrates two other factors that I think have been relatively understudied, which I call "Fears and Tears". The

5 https://www.nzherald.co.nz/travel/huntly-named-worst-town-in-new-zealand-by-public-vote/A4ROMUR4LDUJXHCMGW4S7YARRE/

band *Tears for Fears* famously claimed everybody wants to rule the world. I think instead that fears of the unknown, and tears for the attachment felt to home, help explain why (almost) everybody ends up staying at home instead of going off to rule the world. I highlight how psychological factors like status quo bias and the inability to picture what one is giving up by not moving help shape these tears, and the potential implications of this idea for policies to increase migration.

2. What is the scale of mobility, and why should we care that more people are not moving?

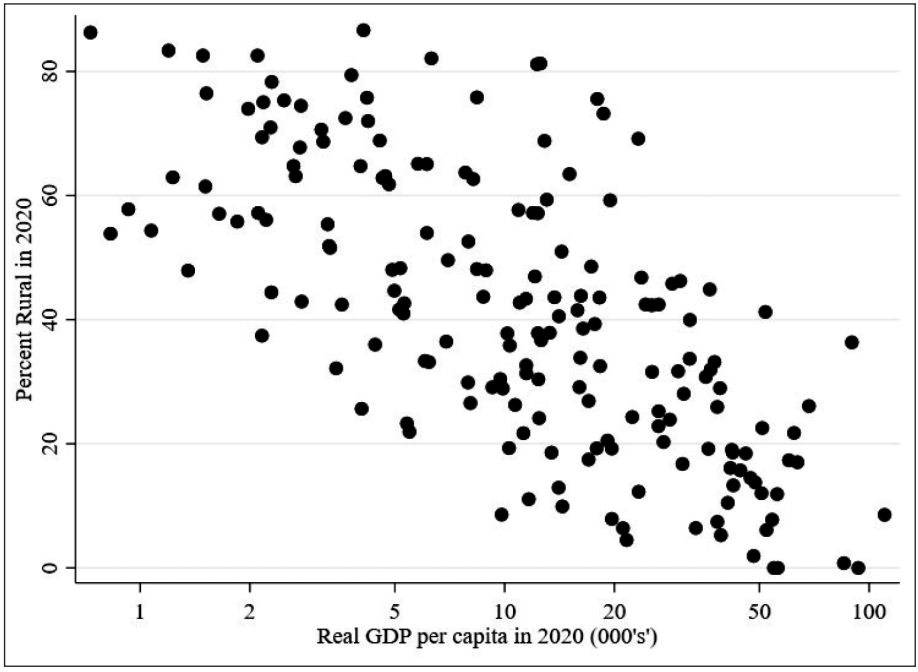
The United Nations estimates that there were 272 million international migrants in 2019.[6] While this might seem like a large number, it is only 3.5 percent of the global population. Emigration rates are lower still for the regions with the most poor people: emigrants are only 2.5 percent of the population of Sub-Saharan Africa and 2.2 percent of the population of South Asia (World Bank, 2016). Rates are much higher for small island states, with more than 40 percent of Jamaicans, Tongans, and Samoans living abroad. But even in these very small, isolated countries, many people do not move. Internal migration rates are much higher. Data on what constitutes an internal move is hard to compare exactly across countries, but the United Nations (2013) estimates that there are 763 million persons living within their own country but outside their region of birth. Combining this with the international migration data leads to a rough estimate that approximately one billion people, or one in seven of the World's population have ever migrated.

Why does it matter that more people don't move? A first reason is that the reallocation of labor from remote, unproductive rural areas towards urban areas has been a fundamental part of the development process around the world. Figure 1 illustrates the strong negative association between the percentage of the population living in rural areas and the level of GDP per capita in different countries. We see poor countries tend to have most of their population in rural areas, while rich populations are majority urban. A prominent recent example is seen in the development of China, whose urban workforce rose from 100 million in 1980 to about 500 million today (The Economist, 2021). With urbanization comes the opportunities for structural change, for worker specialization, for agglomeration effects as workers interact and learn from one another, and for better matching

6 https://www.un.org/development/desa/en/news/population/international-migrant-stock-2019.html

of jobs and workers. Understanding what limits the likelihood of many people making this move is thus fundamental for understanding constraints to growth and development.

Figure 1: The strong association between urbanization and development



Source: World Development Indicators of the World Bank: Rural population as a percent of total population, and GDP per capita in 2017 PPP dollars. Real GDP plotted on log scale. Each point represents one country. Correlation is -0.70.

Many of the same arguments apply when we consider the movement of individuals across countries. Allowing workers to move from locations where their skills are less productive to locations where they are more productive offers the potential for enormous global gains. Even relatively small increases in global migration could result in gains that far exceed the total of foreign aid or the total gains from relaxing all remaining trade barriers (e.g. Clemens 2011; Dustmann and Preston, 2019). These forces may be even stronger in the future as issues like climate change have long-term effects on the productivity of certain places. Lant Pritchett (2006) provocatively compares the experience of "ghost towns" in

the U.S., where a fall in labor demand caused abandonment of the population, to places where people remain trapped despite falling productivity, which he describes as "zombie economies". Without migration, more of these zombie economies are likely to eventuate.

There is a second important reason for understanding why more people don't move: this understanding might either tell us where there are constraints that policy might overcome; or conversely where our standard measures of welfare and of what matters to people may be missing important factors.

3. Is it really that beneficial to move?

Before examining different reasons why more people don't migrate, it is worth establishing that there are indeed big gains in income to be had from migrating. Simply noting that incomes are much higher in developed than developing countries, and in cities compared to rural areas, may not tell us that much about the returns to migrating for at least three reasons. A first issue is the need to account for cost-of-living differences. Incomes may be much higher in the city or in another country, but so might the cost of housing, transportation, and food. A second issue is that of average productivity differences: people living in poor rural areas may be less educated and not have the skills that are rewarded in labor markets in destinations, so that, e.g. the average Tongan will not necessarily be as productive when in Auckland as the average Aucklander. The third is an issue of average versus marginal productivity differences. We might expect the people who have the most to gain from migration to be the ones that have already migrated, while those who have stayed behind may be those who have a lot less to gain. So even if we observe that, on average, Haitians who have moved to the U.S. have earned a lot more, this might not tell us that much about the gain to migrating for someone who has chosen not to move.

The standard approach used by economists to adjust for differences in cost-of-living is to use purchasing power parity exchange rates, and to use regional price deflators. These help to adjust for differences in the price of a set basket of items in different locations, and then adjusting for living costs becomes largely a measurement issue. However, migration does induce a couple of additional issues into this adjustment. The first is that temporary migrants might earn income at destination with the intention of spending it at home, so that migrants may not be spending all of their income on the more expensive goods at destination

(Dustmann et al, 2021), and so cost-of-living adjustments may understate the gains from migration. However, conversely, Atkin (2013) shows that inter-state migrants in India carry their food tastes with them, paying more for food as they buy products from their origin state that are more expensive than the local food bundle. Cost-of-living adjustments may then undercount the costs of me being able to watch the New Zealand All Blacks and eat feijoas while in America. Nevertheless, in many cases these cost-of-living adjustments will be small compared to the large income gains from migration.

Addressing the issue of differences in productivity between migrants and natives requires measuring what the change in income is for those individuals who actually migrate. One approximation of this is carried out by Clemens et al. (2019), who use survey data to compare the incomes earned by migrants in the U.S. to the (purchasing power parity adjusted) incomes of individuals of the same age, gender, and education in their home countries. They find a wage gap of PPP$13,710 per year, with U.S. incomes more than 5 times that in the average sending country. In Gibson and McKenzie (2011, 12), we consider high academic achievers from Ghana, Micronesia, New Zealand, Papua New Guinea and Tonga, and compare the (cost-of-living adjusted) incomes of migrants to those with similar skill levels who did not move, finding income gains of $40,000–75,000 per year. In Gibson and McKenzie (2014), we track households in Vanuatu and Tonga over two years, and measure impacts of temporary migration in a new seasonal worker program, comparing income gains to both the incomes they earned before the program, and to what similar households who applied for the program and that were not chosen earned while the migrants were away. We find per capita income of participating households rises by over 30 percent.

These studies suggest that the income gain from migrating is large for a wide variety of skill levels and types of migration. However, the concern may still be that those who choose to migrate may differ in unobserved ways from those that remain behind, and that the marginal migrant may have lower productivity than the average one. One approach to dealing with this concern is to use migration lottery programs, in which a group of applicants apply, and then a random ballot determines which individuals get to migrate. We examined such a program for Tongan migrants coming to New Zealand, finding they gain a 263 percent increase in (cost-of-living adjusted) income in the first year, with this gain in income persisting for at least the next 10 years, for a net present value of migrating of at least US$237,000 (McKenzie et al, 2010; Gibson et al, 2018). Mobarak et al. (2021)

also use a migration lottery to estimate the income gains from migrating between Bangladesh and Malaysia, finding that migration doubles household incomes.

These estimates suggest that there are indeed large gains in income to be had from international migration. However, there has been more debate about whether there are really gains in income to be had from more internal migration. There are very large productivity gaps between the agricultural and non-agricultural sectors (e.g. Young, 2013; Gollin et al. 2014). However, a large part of this gap appears to reflect differences in the human capital and selection of who works in these different areas. Papers which use panel data to track rural-urban migrants over time have found the income gains to be smaller, but still positive. For example, Hamory et al. (2021) find wage earnings to be 27 percent higher in urban areas than rural areas for movers in Kenya, and 4 percent higher in Indonesia; while Beegle et al. (2011) find in Tanzania that individuals who move away from their rural villages have consumption gains of over 30 percent. Lagakos et al. (2020) use panel data from six countries - China, Ghana, Indonesia, Malawi, South Africa and Tanzania – and find an average gain in (spatially price adjusted) consumption of 23 percent from migrating, ranging from 17 percent in Indonesia to 34 percent in Ghana. Gains in income in South Africa and Indonesia are 29 percent and 15 percent respectively.

However, the challenges with these panel data estimates are both that the gains for the types of people who move might be different from what we might expect for those who don't migrate, and in dealing with the possible selectivity of when individuals decide to move – e.g. they might move because they experience a negative forecast of what their productivity would be at home, and so their prior earnings might overstate what they would have earned had they stayed.

Experimental estimates from efforts to encourage more rural-urban migration address this issue, and do also suggest that, at least in some settings, gains from internal migration are possible for the people who respond to these incentives. For example, Bryan et al. (2014) find Bangladeshis induced to engage in short-term migration during the hungry season increased their consumption by 30 to 35 percent. Baseler (2021) finds Kenyans induced to migrate to Nairobi by providing them with better information about returns to migration earn $249 more per month, an 179 percent increase. Taken together, this body of evidence suggests that there are at least groups of people in developing countries who would earn more from migrating internally, even if the exact magnitudes will vary by individual and context. One might be concerned that this higher income

is offset by lower non-monetary amenities, such as crime, pollution, and public goods in cities. However, Gollin et al. (2021) examine this question in different African countries, and find that these amenities are at least as good in cities as rural areas, and that reported happiness and life satisfaction also tend to be higher in urban areas.

4. If migration is so beneficial, why don't more people do it?

We have seen that both international and internal migration can lead to sizeable increases in income, and yet most people in the world never migrate. A simple model helps set out how economists typically conceptualize different categories of reasons for more people not migrating. Let w_t^M and A_t^M be the expected wages and amenities that an individual would face at time t if they migrate, and w_t^H and A_t^H likewise be the expected wages and amenities if they remain at home. Then an individual will form expectations about the expected gain to migration given their discount rate δ and information set Ω, and compare the expected discounted utility (given utility function U) to the cost of migrating, *C.* Given an available budget *B* that they can use to pay these migration costs, they will then choose to migrate if:

$$\sum_{t=1}^{T} \delta^t E\left[\{U(w_t^M, A_t^M) - U(w_t^H, A_t^H)\}|\Omega\right] > C \qquad and\ C \leq B$$

That is, if the expected discounted benefit from migrating exceeds the costs of doing so. This set-up encapsulates several key reasons why individuals may not migrate, even if the gain in wages from moving ($w_t^M - w_t^H$) is large, and many of the amenities like crime, pollution, and public services are at least as good at destination as at home.

Incorrect information/expectations – people are making the wrong decision not to move. A first reason people might not migrate is that their information set Ω does not contain accurate information about the true benefits of moving. In McKenzie et al. (2013), we measure the expectations of Tongans about the likelihood of working and the incomes they would earn if they migrated to New Zealand, and find that expected income from migrating for men is only 37 percent of what similar individuals who get to migrate through a lottery actually earn. We

suggest that this misinformation arises in part from immigrants understating their incomes to reduce remittance pressure. Baseler (2021) finds a similar result for internal migration in Kenya, finding that parents, friends and neighbors all underestimate the income of migrants on average, with this effect larger when parents expect a larger share to be remitted. If this is the problem, providing more accurate information may be enough to induce movement. Baseler (2021) provides rural Kenyan households with accurate information about earnings in Nairobi, and finds this does induce more migration. But in most cases, the gains from migrating can be so large, that even if there is some understatement, a lack of information is not the main barrier to movement. Bryan et al. (2014) find that job information alone does not induce more internal migration from rural Bangladesh, and in McKenzie et al. (2014) we find no effect on international migration from the Philippines of providing information.

Liquidity constraints – people would like to move, but cannot afford the costs of moving. A second reason for not migrating is that the budget constraint $C \leq B$ binds, and poor individuals cannot afford the upfront costs of migrating, even though they would benefit from moving. We will discuss next what some of the costs of migrating are, since, all else equal, the budget constraint will be more likely to bind the higher is *C*. But at a minimum, we may think more about just being able to pay the costs of travel. Bryan et al. (2014) found that an $8.50 incentive, enough to pay for the cost of a bus to the city, was enough to induce people near subsistence to migrate. However, they view this as not simply capturing liquidity constraints, but also insurance against the risk of migrating not working out. Cai (2020) finds that randomized access to microcredit increased internal migration in China, especially in places with low asset levels and high migration costs, which is taken as evidence of liquidity constraints being important there. The costs are higher for international travel, and several studies which look at the impact of an exogenous increase in income or wealth for poor people have found increases in migration (e.g. Gazeaud et al. (2019) in Comoros; Bazzi (2017) in Indonesia, and Angelucci (2015) in Mexico). Likewise, at the macro level, international migration rates are low for poor countries, and increase at first with the level of development, with financial constraints one key for people in the poorest countries not migrating (Dao et al, 2018). Liquidity constraints therefore seem one important factor, although we have not seen studies that offer credit for international migration and measure the impacts. At one level we might think liquidity constraints bind very tightly for many people – for example, if the only

opportunity to migrate legally to the United States is to pay $50,000, $100,000 or more to pay for enrolment in a university program here, there are likely to be many people around the world for whom this could be a good investment, but who cannot pay the costs. As an even more extreme example, many countries offer special investor visas for those with enough money – which in the case of the U.S. EB-5 program, requires investing US$1.8 million (or $900,000 if investing in targeted employment areas).

The costs of moving are so large that they exceed the benefits. Another potential reason for not migrating is that C is large, so that even if the income to be earned from moving greatly exceeds that at home, the net benefit is still not positive.[7] C is a catch-all term that incorporates a range of monetary costs (cost of securing a job abroad, which could include paying fees to middlemen or intermediaries; transportation and costs of getting established in a new location, which could include smuggling costs for irregular migration; paying for visas, passports, medical screening, and other documentation; costs incurred in selling property or land; the value from a loss of informal risk-sharing mechanisms; etc.) as well as non-monetary costs (the cost of being separated from family and culture, the mental effort costs of organizing a move and establishing oneself in a new place, violence or other negative impacts suffered during irregular migration journeys, etc.). Policy barriers such as limits on legal migration can be viewed as making this cost term extremely large in some cases, so that no matter the gains from migrating, there is no way for some people to take advantage of them. Because of this catch-all nature of C, one approach has been a structural one, in which economists observe what the gains from migration are, and then infer that the costs must be very high to justify a lack of more migration (e.g. Bryan and Morten, 2019; Imbert and Papp, 2020). But without knowing what these costs are, it becomes harder to design policy interventions, and models which back out the costs from migration decisions assume that these decisions are fully optimal.

An alternative approach has been to measure and document specific elements of these costs, and/or to measure impacts of policy changes which alleviate some of them. For example, recent studies have shown that new roads increased internal migration in Brazil (Morten and Oliveira, 2018); that building more miles of

7 A related reason is that because many of the costs occur up front, and the benefits take time to materialize, people will not migrate if they are too impatient (δ is too low) or if their time horizon is not long enough (T is small). The latter is one reason why migration rates tend to peak for people in their late teens or early twenties in many developing countries (McKenzie, 2008).

border walls along the U.S.-Mexico border changed where people migrate, but had limited impacts on whether they migrate (Allen et al, 2019); and that providing potential migrants in Indonesia with information on intermediary quality reduced migration rates, but improved some non-wage outcomes for those who do migrate (Bazzi et al, 2021). Several of my studies have taken this form. For example, in McKenzie (2007) I document that the cost of obtaining a passport is extremely high relative to incomes in many countries, and associated with lower migration rates in the cross-section. In Beam et al. (2016) we then aimed to lower barriers to migrating from the Philippines by paying for the costs of obtaining a passport, and also by lowering job search frictions through a job website. This led people to take more steps towards migrating, but had no impact on the migration rate. In McKenzie et al. (2014) we find that one reason for the large wage gains possible with migration is that many destination countries have binding minimum wages for immigrants, so that the supply of migrants exceeds demand at prevailing wages. Some migrant-origin countries also impose these restrictions. For example, we show that when the Philippines increased the minimum wage at which Filipinas could take jobs as domestic workers abroad, this increased the wages of those who did migrate, but resulted in a large fall in the number who were able to migrate.

Migrant networks can change the extent to which these different constraints bind. Networks can provide information on job opportunities abroad, help finance travel and thus reduce liquidity constraints, and lower the costs of migrating (Munshi, 2020). The result is that as migrant networks grow, fewer people may be constrained by these factors. For example, in McKenzie and Rapoport (2007) we show how migrant networks can lower the costs of migrating, allowing poorer people to migrate from Mexican villages over time.

Although these three factors (information, liquidity constraints, and migration costs) are very important, they are not the full story for why so few people migrate. Indeed, one of the surprises to me has been just how hard it has been to get people to migrate through experiments which just aim to alleviate these constraints. This was the case in Beam et al. (2016), and also in ongoing work with Tijan Bah, Catia Batista, and Flore Gubert in the Gambia, where our efforts to encourage migration to Dakar, Senegal through paying for transportation and providing information had minimal impact. We also see many people not migrating within countries, or within areas of free movement such as between Puerto Rico, Micronesia, and the United States, or within the European Union.

I therefore want to turn to two additional reasons that more people do not leave the Huntly's of the world.

5. Fears: the risk and uncertainty of migration

Risk has long been a central part of thinking about migration decisions. The classic model of Harris and Todaro (1970) considers urban employment in the formal sector to pay higher wages than rural jobs, but with a risk of being unemployed. This idea of migration as a high-risk, high-return activity then views the lack of migration as coming from people being risk averse and being unable to fully insure the risks of migrating. Indeed, there is evidence from a wide range of countries that more risk averse individuals are less willing to migrate (Huber and Nowotny, 2020). Of course, in practice, rural agricultural activities also involve substantial risk, and small towns such as Huntly that depend highly on one industry are much more at risk of sector-specific shocks than large diversified cities. Migration can then be part of a risk diversification strategy of households (Stark and Bloom, 1985).

In lab experiments which ask individuals to consider a range of migration scenarios, we find that adding a risk of unemployment at destination is a strong driver of a reduction in migration rates (Batista and McKenzie, 2021). But in many cases, the probability of not finding a job may be something that potential migrants can at least form reasonable priors over, and therefore treat migration like many other investment decisions. Moreover, getting a job or not may be an outcome that is verifiable, and that informal risk-sharing networks at destination or even at home can at least provide some partial insurance against.

In contrast, I think economists have devoted far less attention to what I call *fears*, which is the enormous uncertainty associated with migration that is difficult to quantify. This type of unquantifiable uncertainty, also known as Knightian uncertainty, may include fears about the safety conditions at destination (Shrestha, 2020 finds Nepalese migrants overestimate the risks of death), the ability to make friends and fit in, about whether one will like living in the new location, etc. Not only is this type of uncertainty hard to quantify in advance, but it can also be hard for others to verify ex post, and it is thus not surprising that it is not possible to insure against it. In our lab experiment, we found the combination of incomplete information and risk had the largest impact on reducing migration. Indeed, this *fear* of the unknown means that even if individuals are unhappy in their home

location, they will be afraid to move. The fact that in many cases migrating is not a one-time choice, but a decision that can be postponed may further mean that there is a tendency to put off facing these fears. These types of fears are likely to be greatest for those considering moving to places where they do not know anyone – the presence of family or community migration networks may help reduce these fears.

6. *Tears: The endogeneity of preferences and migration*

I noted the "attachment to place" that lead me to cry when moving. In the context of my equation, these could be viewed as part of the so-called psychic costs of moving (and this a reason why C is high), as well as capturing some of my tastes for the amenities at home A^H compared to those abroad A^M. This value is important, and includes many factors that reduce the benefits of migrating such as the presence of family and friends at home, and the crowded housing conditions and unpleasant working conditions some migrants face at destination. But the key is that our standard economic theory takes these psychic costs as exogenously given, and assumes that the way we value wages and amenities does not itself change with migration, that is, that $U(.)$ does not change, just the arguments inside of it. For example, in his classic paper, Sjaastad (1965, p. 85 writes):

> "Since people are often genuinely reluctant to leave familiar surroundings, family, and friends, migration involves a "psychic" cost. It would be difficult to quantify these costs; moreover, if they were quantified, they should be treated quite differently from the [monetary] costs previously considered….The optimal allocation of resources must take tastes as given, and will differ accordingly if people prefer familiar over strange surroundings. Migration incentive transfers to compensate for these psychic costs would be as inappropriate as transfers to render people indifferent among occupations even though strong preferences may exist."

However, I would like to argue that there are both empirical and behavioral reasons to believe that these psychic costs should not necessarily be taken as given, but rather that preferences may change with migration itself, making decision-making location-inconsistent. In Gibson et al. (2019), we show that mi-

grating does not change some core aspects of the decision-making problem, such as risk and time preferences, or the decision-making efficiency in households. However, other aspects of preference for place may change. That is, I do not think we can simply rely on revealed-preference to observe that some people choose not to migrate, and therefore conclude that it would not be beneficial for them to do so given the information they have, liquidity constraints they face, the costs of moving, and their risk preferences.

Empirical evidence for the view that there are people who choose not to migrate, who would benefit from doing so, comes from studies of cases of forced movement.[8] For example, Deryugina et al. (2018) note that Hurricane Katrina displaced over one quarter of New Orleans households, providing a shock to their mobility. Comparing these households to matched households in similar cities, they find that hurricane victims actually have higher incomes than control households within a couple of years, with these gains highest for those who left and never returned. Sarvimäki et al. (2020) study the long-term impact of forced migration in Finland after World War II. They estimate large positive long-run effects of displacement on earnings of men working in agriculture prior to displacement, compared to nearby neighbors who were not displaced. The benefit of moving may be particularly high for those who are young. For example, Nakamura et al. (2021) study the consequences of a volcanic eruption that affected houses in a fishing community on an island off the coast of Iceland, with the whole island being evacuated for several months, and about one third of the houses destroyed by lava. Those whose houses were destroyed were much more likely to move, and the authors find massive benefits to their children, with an estimated net present value on life-time earnings of $440,000. Chyn (2018) finds that children in Chicago who were forced to migrate because of demolition of public housing have better labor market outcomes as young adults than similar children in public housing that was not demolished.

I think there are several psychological concepts that help determine how people think and do not think about migration decisions. The first is *status quo bias* (Samuelson and Zeckhauser, 1988), which describes a preference for doing nothing or maintaining one's current or previous decision. With migration decisions,

8 This is definitely not to suggest that forced migration does not entail all sorts of costs to people, or is always beneficial, just that there are examples where people who would not have moved if not for this push appear to have benefited from doing so. See Becker and Ferrara (2019) for a recent survey that covers many other aspects of forced migration.

remaining in the current location is usually the status quo, and choosing to migrate involves taking action and doing something new. Samuelson and Zeckhauser note several reasons for status quo bias that seem applicable in the migration context. A first is *regret avoidance*, where there tends to be "stronger regret for bad outcomes that are consequences of new actions taken than for similar bad consequences resulting from inaction". Moving to a new city or country is a big new action, and may involve more regret than negative consequences that come from deciding to continue living in the same place. A second is *loss aversion*, whereby people weigh potential losses heavier than potential gains when making decisions. The reference point for decisions matters here, and often not moving is the natural reference point with which individuals compare gains and losses from moving. A different decision could be arrived at if the default choice was to move, and individuals were then deciding whether to continue with the move or instead change their mind and not move. A final related aspect is *ambiguity aversion,* where individuals prefer known over unknown risks. Since they know the risks life at home entails, and the risks associated with movement are uncertain, this reinforces a bias towards the status quo.

However, I think a bigger part of the reason for tears upon moving and not having these same tears upon deciding to stay is the inability to picture what you are giving up when you do not move. It is easy to visualize that moving entails losses from not being able to meet up with your current friends, go to your current favorite restaurants, or enjoy your current favorite running trails. But it is much harder to visualize the losses that not migrating brings: the friends in the new place that you will never meet if you do not move, the experiences of a brand new environment that you will never get to appreciate, etc. Gabaix and Laibson (2017) argue that people have only noisy information about the future and that it is harder to forecast the further into the future one looks, with these features causing individuals to behave as if they have very myopic preferences, preferring the future. A similar idea might apply when considering the signals individuals have about utility in different locations – they will have much more precise signals about their utility in their current location than in alternative locations, which could result in a preference for not moving. Studies of how consumers make purchase decisions have discussed the possibility of *opportunity cost neglect*, whereby they sometimes fail to recognize what they are giving up by choosing one purchase over another (Frederick et al, 2009). It may be particularly easy to neglect the opportunity cost of not moving when what is being given up is hard to picture.

It is not just that individuals may fail to recognize what they are giving up by not migrating, but also that, unlike Sjaastad (1965)'s view, I see these psychic costs as changing with migration itself. Sarvimäki et al. (2020), for example, model migration as forming a habit for a particular residential location, where people grow more attached to a place the longer they live there. There is a psychological bias known as the *end of history illusion* (Quoidbach et al. 2013), whereby individuals recognize how much they have changed in the past, but believe that they will change very little in the future. It seems likely that individuals recognize how much they have grown to appreciate their current location, but also fail to recognize how much migrating will change their attachment to a new place. Failure to account for how much they may assimilate and integrate into a new location may lead individuals making decisions based on the preferences of the current-location-self, without considering how they themselves will change with time spent somewhere else.

This combination of factors casts doubt on the ability to simply infer what the costs of movement are from observing migration choices, especially given the possibility that people are not necessarily optimizing when making these choices, and that these costs are themselves endogenous to migration decisions.

These ideas offer several intriguing ideas for future policy interventions. If failure to migrate stems in part from an inability to picture the costs of not moving, then efforts to help potential migrants better visualize and understand what life might be like if they migrated could be useful. For example, John and Orkin (2021) examine the role of behavioral constraints in explaining why more women in rural Kenya do not chlorinate their water. They implement a visualization treatment, where participants are asked to visualize alternative realizations of the future, depending on their present behavior. They find this increases chlorine use, which they interpret in part to individuals improving their mental forecasts of the future. Something similar could be done with potential migrants, helping them to visualize their life under different migration choices. This could be done via interactive online games, as was done by Rodríguez and Rozo (2021) to help natives visualize the lives of immigrants, or using virtual reality (VR) technology as in Alejandro Iñárritu's *Carne y Arena,* which uses VR to help others experience the journeys of Mexican and Central American immigrants.

A second policy approach is to provide more ways for individuals to picture what they are giving up by not moving through facilitating visits or shorter-term migrations. To date this idea is much more used with return migration than with

fostering migration in the first place. McKenzie and Yang (2015) discuss several of these types of policies: go-and-see visits that allow refugees to go back to their former countries and see whether conditions are such that they would like to return, and temporary return programs for high-skilled migrants. Such programs may help address both the fears and the tears aspects of moving, by reducing uncertainty and lowering the psychic costs of movement.

If we think part of the lack of movement is due to a status quo bias in which not moving is seen as the status quo, then there may be situations in which the default decision can be reframed as migrating, with individuals then having to actively choose if they wish to remain at home. For example, governments and large employers recruiting new graduates could have a default of people moving, and then the choice becomes which location, with the home location then having to be explicitly requested.

Finally, the rise in remote-working associated with the COVID-19 pandemic raises the question of whether many of the gains from working in another location can now be accomplished without the need to physically move. This will be possible for some types of high-skilled jobs in the technology field, but is unlikely to be a solution for many of the jobs in which migrants are commonly found. For example, Yasenov (2020) finds that only 30 percent of the migrants in the United States have jobs in which remote working is potentially feasible, compared to 45 percent of natives.

7. Conclusions

Both internal and international migration appear to offer large benefits for many individuals, and for the optimal allocation of labor within and across countries. Yet most people never move in their lives. There are many potential reasons for this lack of movement, including information failures, liquidity constraints, high costs and policy barriers, and risk. These reasons are important, and interventions to reduce these barriers to movement offer the potential to improve welfare. However, I argue that there are two other reasons for lack of movement that have been less a part of economic theories of migration. Fears about the uncertainty involved in migrating inhibit movement, especially when many of the factors people are uncertain about may be difficult to quantify the risk of, or to insure against. Tears that accompany migration reveal the attachment people have to a particular place. Although this attachment has large value to many

people, and can reduce the initial benefits of migrating, a status quo bias and an inability to picture what one is giving up by not migrating may cause an excessive attachment to the current location. Recognition of these two factors suggests new avenues for policy, such as testing ways to help potential migrants better visualize the opportunity cost of not moving, facilitating short-term visits that help reduce uncertainty, and efforts to change the default people have in mind when making location decisions.

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Gender and the Judicial Interpretation of Citizenship Law in Southern Africa

Rachel Ellett[1, 2]

I. Introduction

"Sub-Saharan Africa has the highest number of countries with nationality laws that discriminate on the basis of gender and includes roughly a third of countries that deny women equal rights to confer nationality to their children" (Equality Nationality Rights)

Bronwen Manby (2021:2) recently argued that in Africa "[. . .] naturalization by the normal routes provided in law is primarily performative" and continues to be a "[. . .] matter for elites." The origins of these 'performative policies' can be traced back to colonialism; and the data as Manby notes, reflects a very small number of people reaching citizenship through naturalization.[3] Obstacles towards naturalization in Africa are two-fold: First are the formalized barriers – national laws and public authorities engaged in gatekeeping. Second, is the complex local matrices of legal pluralism and the practical challenges of establishing an I.D. (see Manby 2021:13). Together these factors create a formidable barrier that trickles down through generations and renders many children stateless.

Naturalization tends to be framed as a privilege rather than a right and is

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2 The Author wishes to acknowledge and thank Farah Tolu-Honary for their extensive and detailed background research in support of this project. In particular, the collection, organization, and annotation of citizenship-related judgments from across the region.

3 For example, between 1965-2004 in Botswana only 39,000 people were naturalized Manby (2021:514) By comparison there were 850,000 people naturalized in the US in the year 2021 (US Citizenship and Immigration Services, News Release, 2021).

typically subject to the arbitrary decision-making of the executive. In other words, regimes want to appear to be "[p]olicing the boundaries of the nation, not permitting just anyone to come in" (Manby 2021:8). Yet naturalization most commonly occurs through marriage or birth rights linked to citizen [spouses or children]. In *Kerry v. Din* (2015),[4] the US Supreme Court upheld the right to deny a spousal visa without full (state department) justification. The question hinged on separation of powers arguments and the political question doctrine. Writing for the majority, Justice Scalia argued:

> [. . .] Although Congress has tended to show "a continuing and kindly concern [. . .] for the unity and the happiness of the immigrant family," [. . .] this has been a matter of legislative grace rather than fundamental right [. . .] This Court has consistently recognized that these various distinctions are "policy questions entrusted exclusively to the political branches of our government, and we have no judicial authority to substitute our political judgment for that of the Congress."

In dissent, Justice Breyer opined:

> How could a constitution that protects individuals against the arbitrary deprivation of so diverse a set of interests not also offer some form of procedural protection to a citizen threatened with governmental deprivation of her freedom to live together with her spouse in America? [. . .] I do not deny the importance of national security, the need to keep certain related information private, or the need to respect the determinations of the other branches of Government in such matters. But protecting ordinary citizens from arbitrary government action is fundamental. Thus, the presence of security considerations does not suspend the Constitution [. . .]

The exchange between Scalia and Breyer highlights the way in which citizenship is the most basic expression of national identity and sovereignty (see Favell 2001). And, how citizenship straddles the divide between justice and rights on one hand and security and order on the other. As Somin recently opined in the

4 576 US (2015)

Atlantic: "[t]here is an area of public policy in which the government routinely gets away with oppression and discrimination that would be readily recognized as unconstitutional anywhere else: immigration law" (The Atlantic, October 3, 2019). Indeed, "[n]aturalization decisions are left almost entirely to the discretion of the executive. There is no hint [. . .] to see naturalization as a right rather than a privilege" (Manby 2021:7). Globally – from the US, to France or South Africa - immigration is a hot electoral issue and is framed alternately in xenophobic national security terms or as a chronic human rights crisis. When the judiciary does steps in, it has historically afforded the executive and legislature continued deference; juggling basic due process rights, equal protection, the right to family life with questions of national security and executive power. Citizenship law remains highly political and courts are concerned with judicial overreach and violating the separation of powers.

The European Court of Human Rights (ECtHR) has traveled the furthest towards framing citizenship as a fundamental human right. The ECtHR has found that citizenship is an important part of family life[5] and that proportionality principals should be applied in interpreting national citizenship laws when they encroach on equal protection rights.[6] The ECtHR interpretation has traveled into the African regional courts, note in case of *Kenneth Good vs Republic of Botswana* (2009), the African Commission on Human and People's Rights (ACHPR) found that the "ouster clause" preventing the courts from reviewing Good's case was both a due process violation and an abrogation of Good's "right to a family life" (Manby 2016:35). Yet, despite the advancement of citizenship rights in the European context, it is not clear that courts are converging upon a globally uniform jurisprudence or a global 'degendering project' of citizenship laws.

Naturalization is typically transmitted through marriage or children. And while citizenship on the surface incorporates a genderless ideal, it is based on male-defined norms which often obscure the realities of women's lives (Lister 2002). Historically women's citizenship status was tied only to their status as 'wives' and as 'property' in relation to their husbands. Furthermore, in post-colonial contexts, when laws of naturalization and citizenship collide with discriminatory colonial era statutes or customary laws, we find intersecting oppressions. And while there

5 Article 8 of the European Charter on Human Rights, see *Genovese v Malta* (2012) Application no. 53124/09.

6 See *Rottman* (2010) Case: C-135/08.

are several international treaties that protect against gender discrimination in citizenship rights, the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (2003) does not mention the rights of women to pass on their citizenship. Indeed, according to the latest UN Women report, globally 23 countries still do not allow married women to confer citizenship to their children in the same way as married men (UN Women 2021), a high number of which are in Africa (Manby 2021:5).[7]

Despite the long history of migration, access to identity papers, passports and citizenship remains a challenge for ordinary Africans; a challenge often passed down through generations. There is a significant body of literature on African immigration laws (Dodson and Crush 2004, 2006; Manby 2018, 2021). These legal obstacles are misaligned with the contemporary economic realities of intraregional migration and the environmentally driven movement of people (Bosetti, Cattaneo & Peri (2021)). Migration and citizenship laws remain rooted in gendered colonialist law and male-dominated temporary work visa regimes. More recently, citizenship rules in Southern Africa (particularly in South Africa) have become more complex at a time precisely coinciding with the increased international mobility of women (1990s). Today, most citizenship abuse aims at the "exclusion of descendants of recent immigration populations whose ancestral origins lie outside the present border of the state concerned" (Manby 2009:38).

Looking forward, politicized xenophobia as a reaction to border instability will be an obstacle to citizenship law expansion; as will anti-migrant and/or anti-multiculturalist protests that are in part motivated by a sense that migrants are living separately from local citizens, such as the xenophobic riots and attacks in South Africa in 2008 (and again in 2015 and 2017) (Mosselson 2010). In 2022 the government announced that the nearly 200,000 Zimbabweans in South Africa on a Zimbabwean Exemption Permit (ZEP) had until the end of the year to leave or risk being deported[8] and vigilante groups "are illegally forcing people suspected to be undocuments foreign nationals to show their papers."[9] Finally, the effects of droughts and floods in southern Africa are already severe, and climate change

7 See *Equal Nationality Rights* for map of sub-Saharan Africa and for countries with nationality laws that discriminate on the basis of gender and includes roughly a third of countries that deny women equal rights to confer nationality to their children https://equalnationalityrights.org/countries/sub-saharan-africa

8 Rupiah, Kiri, "Zimbabweans stuck in limbo in South Africa", *The Continent*, 16 May, 2022 https://mg.co.za/africa/2022-05-16-zimbabweans-stuck-in-limbo-in-south-africa/

9 Wroughton, Lesley, 'Vigilantes and Violence have migrants in South Africa scared for their lives', *The Washington Post*, June 5, 2022.

will increase the likelihood of ongoing mass migration. Bosetti, Cattaneo & Peri (2021) find that emigration reduces the effect of climate change on conflicts in origin countries; thus suggesting that more flexible immigration and naturalization policies can mitigate conflict. In short, immigration and naturalization will only become more political and more urgent to address moving forward.

In southern Africa the primary obstacles to expansion of naturalization opportunities are, in short, the following: 1) historical legal barriers rooted in discriminatory colonial practices; 2) intensified xenophobia and the politicization of 'policing' national borders in executive dominated regimes; 3) citizenship and naturalization framed as a security question rather than a constitutional right and 4) ongoing gender discrimination. This essay focuses on the gendered formalized barriers–statutes or constitutional provisions that render naturalization processes restrictive, using constitutional jurisprudence as a barometer for assessing whether there is regional legal harmonization towards expansion or restriction of naturalization and citizenship rights.

The essay will be guided by the following questions: How have the courts in common law southern Africa[10] navigated this complex set of endogenous and exogenous factors? How have the courts balanced politics and national security on one hand, with the basic human rights of citizens and their spouses and children, on the other? Focusing on gender and citizenship, the constitutional cases were selected using the SAFLII database of judgments and through consultation with secondary sources such as the Global Citizenship Observatory Country Profiles, reports from the Institute on Statelessness and Inclusion and Bronwen Manby's 2016 Open Society report on Citizenship Law in Africa. In addition to the case outcomes, I examine the legal authorities and legal reasoning used to justify the decisions. The degree to which international law and treaties undergird citizenship rights and whether or not there is evidence of cross-fertilization and dissemination of citizenship case law across the region. This is important in terms of understanding the trajectory towards jurisprudential harmonization.

Below I first review the political economy of southern Africa, the history of intraregional migration, the feminization of migration and contemporary attitudes towards the movement of people. Then in the second half of this essay I summarize key citizenship law and jurisprudence in Malawi, Zambia, Zimbabwe,

10 Common law southern Africa includes Malawi, Zambia, Zimbabwe, Lesotho, Botswana, eSwatini, South Africa. It excludes Namibia, Angola and Mozambique.

South Africa, Botswana, Lesotho and eSwatini. First reviewing case law on the rights of women to pass their citizenship to their children and then for wives to pass citizenship to their husband, I conclude by summarizing the findings at the regional level.

II. Southern Africa: Regional Political Economy, Gender and Migration

The politics of migration and citizenship rights is the politics of everyday life. Intraregional migration in southern Africa has long been driven by a combination of environmental, economic, social and political factors; typically, in combination with one another. Pre-colonial southern Africa was defined by human mobility and the absence of sovereign borders; and the arrival of significant numbers of Swazis, Tswana, and Basotho in South Africa stems from movements of ethnic groups in the 19th century (Ratha and Shaw 2007). During colonialism "[m]en particularly, as long-term labor migrants, education-seekers, and political refugees, lived for long periods in communities which were neither patrilineal nor their own, into which they often married" (Cheater & Gaidzanwa 1996:194). Yet despite dynamic labor migration, borders were ossified, and movement was restricted and formalized. Southern Africa labor markets - particularly South African mines - combined with political unrest and economic collapse resulted in the migration of men starting in the early 20th century. Post-1990 South Africa as the dominant economy in the region, is a pull factor, however political instability and the concomitant economic underperformance in Zimbabwe, Lesotho and eSwatini are migratory push factors. According to Stats SA (2021) the total number of migrants in South Africa is 3.95 million out of 60.14 million.[11]

The predominantly labor-driven migration in southern Africa has sustained the illusion of African women as "passive rural widows" engaged in subsistence agriculture waiting for their husbands to return (Barnes 2002:166). But southern Africa, like other regions in the world, is increasingly marked by the feminization of migration. Networks of women traders regularly cross borders (Cheater and Gaidzanwa 1996:192) and 70% of informal cross-border-trade is undertaken by women and accounts for as much as 30–40% of Southern African Development Community (SADC) trade (United Nations Entity for Gender Equality and the

11 https://www.statssa.gov.za/?p=14569

Empowerment of Women, 2010). African women are heavily concentrated in informal sectors, often taking on multiple jobs at once (Tsikata 2009).[12]

Globally, women are now the majority of migrants –due to weakened family networks, the concomitant reliance on female earnings and the "liberalization of female dominant industries" (Brickner & Straehle 2010). In Botswana, 45% of the informal sector is composed of female migrants, predominantly from Zimbabwe (Nyamnjoh 2005). Conversely, in South Africa, domestic service has long been an important employment sector for Black South African women and increasingly female migrants from other African countries (Griffin 2011). Many cross-border petty traders into South Africa are women (Dodson & Crush 2004) and as the figures in Table 1 demonstrate, the numbers are increasing over time. Female migrants accounted for 30% of all Basotho migrant workers in South Africa (IOM, 2017).

After the economic downturn in Zimbabwe, cross border trading was described as the 'single most profitable strategy' adopted by Zimbabwean women (Muzvidziwa 2012:18). Women are often preferred as a more 'docile' labor force in the agricultural sector (Johnston 2007).

Table 1: Women migrants in South Africa

	Total women migrants	Women migrants as % of total population	Women migrants as % of total migrants
1990	446 656	2.3	38.4
1995	392724	1.8	39.1
2000	401 793	1.7	40.1
2005	498 717	2.0	41.2
2010	880 757	3.4	42.0
2015	1 694 596	6.0	44.4
2017	1 792 275	6.2	44.4

Source: Aimée-Noël Mbiyozo, Gender and Migration in South Africa, p.8, 2018.

12 In 2014, 74% of women's nonagricultural work in Africa was categorised as informal (ILO 2015a). World Bank data indicate that fewer than 15% of women in SSA work for a single employer (World Bank 2014).

The dynamics of out-migration and in-migration vary across the region, as do attitudes towards immigrants and the likelihood that people will attempt to emigrate. As Manby (2021:13) observes, for example, "[c]itizens of Botswana are significantly more open to the idea of naturalization than those of Lesotho, although both states are more ethnically homogenous than most in Africa (the existing 'nation' is more intuitive) and neither have unmanageably large influxes of migrants or refugees." While poverty does have an impact on the likelihood that people are considering emigration, it is also the case that certain groups are more likely to cross borders than others. A plurality of African's would prefer to stay within the region than move to Europe.[13] Moreover, those who do want to emigrate are overwhelmingly younger and better educated (Appiah-Nyamekye Sanny and Rocca 2019:3).[14]

Table 2: African Countries: Considering Emigration (2016/2018)

How much, if at all, have you considered moving to another country to live?	A lot	Somewhat	Not at all
Zimbabwe	22	25	53
Malawi	28	17	55
Lesotho	20	18	62
eSwatini	14	18	68
South Africa	11	20	67
Botswana	15	13	71

Source: Adapted from Josephine Appiah-Nyamekye Sanny and Camilla Rocca (2019) Updating the narrative about African Migration, p.4.

13 https://afrobarometer.org/sites/default/files/publications/Publications%20conjointes/partenaires/afrobarometer-moibrahim-updata-ing-the-narrative-about-african-migration.pdf

14 In southern Africa 7% of respondents in Zimbabwe and Lesotho say they are actually making plans to leave, more than three times as many as in 10 other countries (Appiah-Nyamekye Sanny and Rocca 2019:10).

Addressing each country individually:

Lesotho is an enclave surrounded by South Africa. During the 1970s political instability in Lesotho and South Africa resulted in Lesotho becoming a preferred source of labor in South African mines. A high number of women are believed to be part of the illegal Basotho migrants in South Africa, working in farming and domestic service. A survey taken in 2003 found that 37 percent of the people interviewed reported a family member working in South Africa, 26 percent reported a family member permanently settled there, 21 percent had sought medical care there, and 18 percent acknowledged possessing South African identification documents (Cobb 2012).

Botswana has shifted from a migrant sending country to a migrant receiving country. Like Lesotho thousands of Batswana men became contract laborers in South Africa's mines throughout the twentieth century, as the South African mining sector contracted and the Botswana diamond mines sector expanded, the rate of remittance flows contracted (Lefko-Everett 2004). Botswana has received refugees from neighboring Zimbabwe as political uncertainty and economic crisis became protracted. Estimates are between 60,000 and 800,000 Zimbabweans living in Botswana (Mmegi, cited in Lefko-Everett 2004).

Zimbabwe 23% of women migrants from Zimbabwe are separated, divorced or widowed (University of Sussex, 2018, and World Bank, 2013). Zimbabwe has been plagued by political conflict and much of that political conflict is reflected in citizenship law controversies. This includes the right of citizens to vote, dual citizenship and the rights of white settler descendants. The new 2013 constitution outlines citizen rights, but statutes have not been brought into line with the new constitution (see Manby 2019).

South Africa in 1994 citizenship was restored to those who had been denationalized and made citizens of the former 'homelands' (Crush and Williams 1999). The advent of the constitutional dispensation established South African citizenship as a constitutional precept based on equality (see *Chisuse* 2020: 2).[15] Historically South Africa naturalized tens of thousands of individuals each year. But after 2010 "official policy tightened" and "in 2017, a new policy document proposed that access to naturalization should be 'exceptional', requiring an 'exec-

15 *Chisuse and Others v Director-General, Department of Home Affairs and Another* [2020] ZACC 20

utive decision of the minister' [. . .] Numbers naturalizing have dropped to hundreds each year, in line with the rest of the continent" (Manby 2021:7).

This section has reviewed the long history of informal economic migration throughout the region. Despite the dynamic movement of people – including women – naturalization and citizenship laws remain restrictive and discriminatory. Women in particular are burdened by lack of access to temporary visas, poorer wages, gendered discrimination and greater obstacles towards acquiring naturalization and citizenship. Women's status is insecure and their human rights and right to livelihood is compromised. Naturalization is a critical piece towards securing the region politically and economically. In Section III below, I review some of the notable constitutional judgments to further understand progress towards deconstruction of legal barriers.

III. Gender and Citizenship Jurisprudence in Southern Africa Post-1990

Despite the feminization of migration flows and an increase in women's economic autonomy, women are still treated unequally under the law. UN Women (2011: 29) find it common that "[c]onstitutions or other laws allow only men to transfer their nationality to their foreign spouses, or to have their children granted citizenship rights. In some cases, the law deprives women of their citizenship once they marry foreign nationals." The subsequent restrictions – limitation of basic rights, freedom of movement, access to public services, potential statelessness - persist despite vigorous campaigning to promote the end of statelessness and gender equality; a campaign starting with CEDAW.[16] UNHCR's #IBelong Campaign to End Statelessness seeks to end discriminatory nationality laws by the year 2024 (UNHCR 2018).

Below I review select significant cases from southern Africa that deal with the rights of women to pass their citizenship onto spouses and the rights of mothers to pass citizenship on to their children.

16 See, for example the 1961 Convention on the Reduction of Statelessness; African Charter on Human and People's Rights, the Protocol to the African Charter on the Rights of Women in Africa, and the African Charter on the Rights and Welfare of the Child enshrine the principles of non-discrimination, equal protection under the law, and the right to nationality. (See Equal Nationality Rights.org)

A: Children and Registration of Child's Birth

In the early 1990s hopes were high that democracy and rights were expanding towards equitable citizenship rights. The now famous case of *Unity Dow*, was an example of strategic legal mobilization by women's groups against a discriminatory statute. Using "patrilineal principles" to justify discrimination (Banda 2005:145), the 1982 Citizenship Act in Botswana rendered citizenship laws stricter (Seely, et al. 2013:440). Unity Dow brought a case to the high court challenging the provision that prevented women passing citizenship to their children, she won and it was later affirmed on appeal. In the high court case Justice Horwitz opined: "It seems to me that the effect of section 4 of the Citizenship Act is to hamper unnecessarily free choice, the liberty of the subject to exercise her rights in terms of the Constitution in the way she sees fit."

Without an anti-discrimination provision on gender in the constitution, women's rights pioneers have a hard time bringing cases. Justice Horwitz' interpretation was that Botswana did not intend to permit sex discrimination by leaving it out of the constitution:[17]

> [. . .] the time when women were treated as chattels or were there to obey the whims and wishes of males is long past and it would be offensive to modern thinking and the spirit of the Constitution to find that the Constitution was framed deliberately to permit discrimination on the grounds of sex (*Unity Dow*, pp.244-245).

Both the High Court and Court of Appeal agreed that a broad approach to interpreting the non-discrimination clauses in the constitution was needed (Tshosha 2001:194) and a broad approach meant they should "keep in mind the international obligation" (Aguda, J). *Unity Dow's* significance lies at the intersection of citizenship rights, children's rights and women's rights. As Judge Key Dingake (2009:19) reflects: "Botswana is generally a conservative society. To come to the conclusion that citizenship can follow the female line was alien to the views of the majority of people. The decision caused public outcry in some circles."

The early expansion of citizenship rights in Botswana have since struggled to

17 Section 15 of the Constitution that prohibits discrimination on the grounds of race, tribe, and place of origin, political opinions, colour, or creed. The ground of sex is not mentioned

gain traction elsewhere in the region. Subsequent cases have dealt with accessing citizenship rather than recognizing it, i.e., the acquisition of key citizenship related documents, such as birth certificates and passports. Women are born stateless in countries where birth registries are overlooked and people are unable to receive proper documentation proving their place of birth (Shaheen 2018:77-78).[18]

In, *Nawakwi v. Attorney General* (1991),[19] an unmarried Zambian mother of two applied to have her children included in her passport. One was approved immediately because the child's Tanzanian father had paperwork and provided consent, the other did not. Ms. Nawakwi challenged this practice, because it recognized a foreign father, and not a Zambian mother, as the parent of a child. The High Court ruled that Ms. Nawakwi had been discriminated against on the grounds of sex.

In a 2003 case in Zimbabwe, a woman's right to register their child's birth was affirmed. In the Zimbabwean High Court case *Rumbidzai Cleo Katedza v. Adrian Tunlai Chunga and the Registrar of Births and Deaths* (2003)[20] the Court found that the mother of a child born out of an unregistered customary law union has the right to name her child and register that name on the child's birth certificate without the consent of the father. The mother can also apply for a passport for the child and travel abroad with her baby without the father's consent (Dube 2012:8). Most women are unaware that they can get their child's birth certificates in their name, so they raise their children without a birth certificate because the father would have refused to cooperate. This decision was later confirmed in *Nenya v. Gombakomba*[21] (Dube 2012:8). In the 2010 Zimbabwean Supreme Court case *Margaret Dongo v. Registrar General*[22] the Court ruled that the acquisition of a passport is not a juristic act because it does not provide additional rights to the passport holder. But they did find certain aspects of the act discriminatory to women, including that a married woman cannot exercise the right of guardianship over her child. Although Dongo won the right for women to get passports for their children, ultimately the Supreme Court did not find in favor of Dongo on the constitutional questions at stake.

18 According to Manby "An average of 56 percent of sub-Saharan African children under five years old did not have birth registration as of 2013 (85 million children), a critical step for the access of those children to many government services as well as the establishment of their rights as adults.

19 Nawakwi v. Attorney General [1991] S.J. H.C.

20 *Katedza v Chunga & Anor.* [2003] ZWHHC 50

21 Case No. HC 10172/02

22 (HC 6695/06) and (SC292/08).

In the matter of *Paunganwa v. Registrar of Births & Deaths & Another* (2016) a Zimbabwean mother was unable to obtain a birth certificate and passport for her child. She was in an unregistered customary law union when she lost her husband. The Registrar of Births and Deaths refused to register the child in the father's family name in the absence of the husband's relatives – who were unwilling to assist. The Registrar said he would only issue a birth certificate if there was a court order. Ms. Paunwanwa lost this case,[23] and as Matimbe (2021) recently commented, "The glaring absurdity of such an approach is that it implies that children born *ultra vires* the perception of the public of what an ideal family is have to go an extra mile to prove why they should belong to a particular family." In a related case, *Neha Patel v. Registrar General of Citizenship and Others* (2018), regarding a child born abroad to a Zimbabwean ordinarily resident in Zimbabwe, the court found that Patel was not a citizen, declaring that she had not proven her father's residency. By 2018, Zimbabwe's 1986 Births and Deaths Registration Act[24] had not been amended to reflect the 2013 Constitutional right to birth registration for all children (Manby 2019:16). This misalignment between constitutional rights and statutes is rife in the area of citizenship law. The Supreme Court more recently in *Rory Vashon Wheeler v. Registrar General and Others* 2020, upheld the right to citizenship[25] for people born abroad to Zimbabwean parents, overturning the high court judgment.

The degendering of citizenship law sometimes may also extend to discrimination against men. In *X v. Minister of Nationality, Immigration, and Gender Affairs & Attorney General* (2018) a child born to a Motswana father and a Zimbabwean mother and who had been in the custody and care of the father since 2001 found that the government had erred in not releasing a birth certificate for the child. This case is significant in recognizing the rights of the child to both a name and nationality and the rights of a single father to register the birth of their child.[26]

In contrast to Zambia, Zimbabwe and Botswana, the 1991 South African constitution has equitable citizenship clauses, including that citizenship may pass from either parent to child. Constitutional overhaul is the fastest and most secure way of gaining gender equity in citizenship laws, however statutes may be amended

23 See https://www.herald.co.zw/widow-loses-child-name-case/
24 Births and Deaths Registration Act, No.11 of 1986, as amended 2005
25 Section 36 (2) of the 2013 Constitution
26 See https://www.southernafricalitigationcentre.org/2018/08/13/botswana-pursuing-a-childs-right-to-birth-registration/

and often conflict with constitutional rights. In the recent case of *Centre For Child Law v Director-General Dept of Home Affairs and Others* [2021],[27] for example, the South African Constitutional Court, found that Section 9(2) of the Births and Deaths Registration Act 51 of 1992 was consistent with the constitution because "the notice and registration of the surname can be given by either parent regardless of the parents' marital status and without any prescription in terms of the manner of selection of the surname" (Justice Victor, p.34). Moreover, section 10 of the Act was found constitutionally invalid, "to the extent that it limits the right of unmarried fathers to give notice of the birth of their child in their surname thereby unfairly discriminating against children born to unmarried parents" (Justice Victor, p.35). This case was about both the rights of the father and the rights of children. In dissent, Chief Justice Mogeng argued that this was a "matter best left to Parliament" (Chief Justice Mogeng, p.51) and that men still have the right to obtain those rights through marriage.

Under article 39 of the Constitution of Lesotho, a Basotho citizen born abroad cannot pass their nationality to their children who are also born abroad, a situation which could lead to statelessness. Lesotho has a *jus soli* provision in both its constitution and Citizenship Order[28] which provide the right to citizenship of anyone born on Lesotho territory (ISI 2019:5).

The constitution does not reflect the dynamic political economy of the region that cuts across borders. There is a significant population that continue to migrate to South Africa and there is no mechanism currently in place to ensure access to birth registration at the Lesotho consulate (ISI 2019:3). In addition, similar to the cases discussed heretofore, Lesotho has many discriminatory statutes based on the marital status of parent.

In eSwatini a mother can legally register a child only when the father is dead, absent, or incapable. In a case of a child born out of wedlock, it is usually the case that the father must recognize the child - or be ordered to do so by a court - for his name to be entered on the birth register (Human Rights Watch 2019). Article 43 in the 2005 constitution provides that a child born after 2005 is only a citizen if his or her father is a citizen (Manby 2016:64). There is a potent mix of statutory, constitutional and customary legal barriers in eSwatini today.

In summary, the degendering of citizenship and naturalization laws for wom-

27 ZACC 31

28 Lesotho Citizenship Order of 1971, Section. 5.

en and children has been piecemeal across the region. The challenges of obtaining birth certificates and passports for unmarried women or women married under customary law remains challenging. In addition, courts have been reluctant to weigh in on some of the bigger constitutional questions, preferring instead to decide just the individual statutory immigration matter before them.

B: Foreign Spouses

Marriage is a common way to acquire nationality. Despite the success of *Unity Dow* – the Citizenship Act was amended to allow naturalization of foreign spouses for men and women in 1995 - there are a significant number of African countries that still do not allow women to pass their citizenships on to their non-national spouses (Manby 2016:65). South Africa does not allow either sex to pass citizenship on to anyone through marriage (non-citizen adults must fulfill requirements for naturalization regardless of marriage status). Below I review seminal cases from commonwealth southern Africa. Noteworthy in the legal reasoning of these cases is that they are primarily framed as "right to family" and "family unit preservation" constitutional questions rather than immigration or freedom of movement (particularly in *Rattigan*) or equal protection rights. The courts found a way to strike down the discriminatory clauses without confronting the question of immigration and national security head on.

In *Rattigan* (1995)[29] the Supreme Court ruled that discrimination in citizenship rules for spouses violates the constitutional right to freedom of movement. Shortly after, the Zimbabwean Constitution was amended to overturn the judgment by restricting the rights of all foreign spouses regardless of gender (McFadden 2005:6).[30] It wasn't until the 2013 constitution was redrafted that gender equality was achieved.[31] However, according to Manby (2016:68) in Zimbabwe and Zambia existing "[l]egislation conflicts with the constitution."

Prohibiting the right to pass citizenship to one's spouse, was seen as abrogation of right to freedom of movement. As the judges note in *Rattigan,* movement

29 *Rattigan and others v Chief Immigration Officer, Zimbabwe, and others 1995 (2) SA 182 (ZS)*
30 Gender discrimination in the transmission of citizenship to children was also removed for those born after the amendment came in to effect. The previous right to citizenship for the child of a non-citizen father who lived in Zimbabwe was not extended to a child of the mother with that status. Instead, citizenship based on birth in Zimbabwe became restricted to children of citizens (Manby 2016:5).
31 2013 Constitution of Zimbabwe, Art. 38

affects the ability of couples "to found a home, to cohabit, to have children, and to live together as a family unit." The Court based its decision on the reasoning in *Unity Dow* and on Article 8(1) of the European Convention on Human Rights, which establishes the importance of legal respect for the family bond. This decision was subsequently reinforced in *Salem v. Chief Immigration Officer and Others* (1994).[32] The *Salem* judgment found that a woman's constitutional freedom of movement is violated when she leaves the country to follow her husband in order to secure the family's livelihood. In sum, the immigration law was discriminatory and adversely affected those wives who were partially or wholly dependent on their alien husbands for support.

In 1997 in *Thandiwe Okeke v. Minister of Home Affairs and the Controller of Immigration,*[33] a Malawian woman argued that the deportation of her Nigerian husband was a source of discrimination in sections 9 and 16 of the Citizenship Act. These sections were discriminatory because they required women who wanted to obtain the citizenship of their foreign husband to denounce their Malawian citizenship. The court did not rule on the constitutionality of the statute and ultimately found against Ms. Okeke (Masengu 2021:16). However, over twenty years later, the requirement for Malawian women to renounce their citizenship if they gain their spouse's citizenship has fallen away due to a 2019 amendment permitting dual nationality (Masengu 2021:8). Nevertheless, women still cannot pass on citizenship to their spouses (Masengu 2021:17).

It is interesting to note that the underlying logic laid out in *Okeke, Salem* and *Rattigan*, is of a conservative notion of the duties and obligations of the husband to protect his wife.[34] The judges in the *Rattigan* judgment noted the following: "The husband has to provide the matrimonial home, fend for the family and provide nourishment and medical and dental care. Generally, he cannot desist from this responsibility by insisting that the wife's relations, friends or charity are helping the wife." This has implications in terms of autochthonous understandings of law and the rights of women that may get African women legal equality, but through different pathways than in the global north.

32 (2) ZLR 287(S).

33 [2001] MWHC 36 (08 July 2001).

34 Note also, reciprocal duty of support between spouses as was observed in *Woodhead v Woodhead* (3) SA 138 (SR) at 139H-140A, *McKelvey v Cownu* No. 1980 (4) SA 525 (Z), 526G and *Witham v Minister of Home Affairs* 1989 (1) SA 117(ZH), 131F-G. (see *Okeke* judgment).

There are a high number of eSwatini - South African marriages and the current immigration and naturalization laws on marriage render many children stateless. The 2005 eSwatini constitution (Article 5) provides that women are not allowed to pass their nationality to their foreign spouse. Only a foreign woman may acquire the nationality of a national man through marriage (Manby 2016:68). The assumption "is that the 'man who is not a citizen of Swaziland' is not interested in being (or cannot be) a Swazi citizen by virtue of the marriage. This is a result of the Swazi patriarchal system, which assumes that the woman leaves her home to become a member of her husband's family and not the other way round" (Gumedze 2021:12). While the government has pledged to review this law, according to Gumedze (2021):17) the future does not look promising:

> Though it was argued that this issue will be addressed in the forthcoming Citizenship Bill (if at all), the pointers indicate that it is in fact a non-starter. According to the state report to CEDAW, from the views expressed by Chiefs [. . .] 'Swazis guard citizenship jealously and cannot risk its abuse because this will ultimately weaken the nation therefore as men are charged with continuing lineage and women join marital families – whether Swazis or non-Swazis, it would be inappropriate for women to automatically pass on their citizenship.'

In sum, eSwatini remains the most conservative and discriminatory in terms of the rights of women and children. Turning to Lesotho, although Lesotho is signatory to a number of important international treaties on the rights of women and children,[35] historically both the Constitution and the Citizenship Order discriminated against women in passing their citizenship to their spouse.[36] According to the ISI (2017:7) "this contravenes Lesotho's domestic obligation in terms of the Constitution of Lesotho as well as its international obligation in terms of CEDAW. It also creates a risk of statelessness for a child in the event that the child's mother passes away and the father is stateless or of unknown

35 Acceded to 1954 Convention on the Status of Stateless Persons and 1961 Convention on the Reduction of Statelessness 2004. Acceded to the International Covenant on Civil and Political Rights 1966. Convention on the Rights of the Child 1989 and the Convention on the Elimination of All Forms of Discrimination against Women. African Charter on the Rights of the Child 1999. The Children's Protection and Welfare Act (2011) incorporation the Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child into the national framework

36 Article 40 of the Constitution – Marriage to Lesotho citizen

nationality, or is a foreigner who cannot pass on his nationality to this child." There are no constitutional cases concerning the rights of women to transmit their citizenship. However, in 2018 Parliament amended the constitution to establish gender equality in transmission of citizenship by marriage,[37] and to permit dual citizenship.

IV. Analysis and Conclusion

According to the Equal Nationality Rights Campaign at least 9 of the 17 sustainable development goals (SDG's) are negatively impacted by gender discrimination laws. Those without citizenship rights may be prevented from accessing education and health services, jobs and welfare benefits (Spencer, 2006). In sub-Saharan Africa, as elsewhere, the implications for both political stability and regional labor market integration are significant.

Where is southern Africa today over thirty years after the breakthrough judgment of *Unity Dow*? Table 3 below summarizes the rights of women to pass their citizenship to their husband and for mothers to pass their citizenship to their children. While some progress has been made across both measures, discriminatory laws remain and even where women have formal rights, gaining access to those rights and realizing them through legal documentation may prove impossible for the average citizen.

37 Section 40 (1)(a)(b) and sec. 40. (20 "The Bill uplifts the discriminatory provisions which were favouring foreign women married to Lesotho citizens over foreign men who marry Basotho women by providing for similar requirements for acquisition of Lesotho citizenship." *Lesotho Government Gazette* Vol. 63, 21st December, 2018, No. 85.

Table 3: Summary Table on Naturalization Laws in Malawi, eSwatini, South Africa, Zimbabwe and Lesotho

State	*Wife to Husband*	*Mother to Child*
Malawi[38]	NO	YES (1966)
eSwatini[39]	NO	NO
Zimbabwe[40]	YES	Men can't register birth
Zambia	YES (2016)	YES (1973)
South Africa	NO (gender neutral)	YES (Men can't register, women can)
Lesotho[41]	YES	YES
Botswana[42]	YES	YES

At first glance it appears that many of the successes - *Unity Dow, Rattigan, Okeke* - in the area of transmittal of citizenship from women to their husbands have not been fully realized with regards to the transmission of citizenship to children - *Katedza, Dango, Panganwa.* The most recent constitutional court judgment from South Africa - *Centre for Child Law*[43] - is focused on the rights of children vis-a-vis their father rather than women. Here the constitutional court

38 In 2018, an amendment to the Citizenship Act was passed to permit dual citizenship for children and adults, Since the 2019 amendments to the Citizenship Act, women can acquire their foreign husband's citizenship without having to renounce their own. However, women still cannot pass their citizenship onto their foreign husbands.

39 Neither the Constitution or the Citizenship Act cater for the situation where the non-Swazi husband of a Swazi wife wishes to acquire Swazi citizenship by virtue of the marriage (EU Report 2021:12)

40 Mothers are only allowed to register their child's birth if the father or another male relative is present. Children born between 1980-1996 to a Zimbabwean mother but a father without Zimbabwean citizenship cannot claim Zimbabwean citizenship unless they were born out of wedlock (State Department 2020 Zimbabwe Human Rights Report).

41 Constitution 1993 Art.40 and *Lesotho: Eighth Amendment to the Constitution Act, 2018* [Lesotho], 21 December 2018, available at: https://www.refworld.org/docid/5e8dd3e24.html [accessed 28 March 2022]

42 Citizenship Act amended in 1995 in conform with *Unity Dow* judgment.

43 *Centre for Child Law v Director General: Department of Home Affairs and Others* (CCT 101/20) [2021] ZACC 31

deferred once again to the parliament to flesh out the statute in more detail in a way that didn't jeopardize the rights of the child.

Pathbreaking cases often set precedent in other similarly situated jurisdictions, note e.g., *Unity Dow*. While *Unity Dow* was helpful in Zimbabwe, and later Malawi, it was of little relevance in South Africa, Lesotho and eSwatini. In these cases constitutional amendments happened independently of judicial review (Lesotho) or as part of political and constitutional restructuring (South Africa) or not at all (eSwatini).

Successes in the degendering of citizenship law are muted through the actual practice of acquiring citizenship through naturalization; which appears to be getting more challenging as we see from the general tightening of citizenship laws in South Africa, Zimbabwe and Botswana. This suggests the critical importance of an ongoing role for the courts, not just in terms of judicial review of statutes, but through due process review of the conduct of home affairs ministers. High levels of ministerial discretion and weak transparency are incompatible with a more expansive human rights approach to naturalization and citizenship law. Protection of due process rights is critical in ensuring immigration services respect and correctly interpret statutory law within the constitutional framework. In addition, as Manby (2018:58) highlights, there are ongoing concerns around digitization of identity records where identity politics can be turned into forces for political violence and possible mass expulsion.

Southern African courts have played an uneven role in protecting the rights of women to pass citizenship to their children and spouses. There are several explanations that go beyond the remit of this essay - including poor supply of 'ripe' cases for constitutional decision making, judicial timidity in striking down statutes related to citizenship, ongoing judicial deference to the executive, and heightened attacks on judicial independence (particularly in Zimbabwe, Lesotho and eSwatini). Comparative analysis of the regional citizenship jurisprudence highlights the importance of seeking judicial clarity on complex and often contradictory areas of the law. Further, these cases highlight the arbitrariness of the Departments of Home Affair's, acting as gatekeepers to women and men seeking to naturalize or seeking birthright citizenship registration for their children. It is also important to note that in many common law African countries you cannot simply appeal an immigration decision. Due process rights are therefore severely circumscribed. Specifically, in Botswana, Lesotho, Malawi, and Zambia, you cannot appeal in normal courts (Manby 2011:28). And in Botswana, eSwatini,

and Zambia, there is "an administrative procedure by which the decision to grant or deprive citizenship is made by a citizenship "board" appointed by the relevant minister or the president" (Manby 2011:28). Zambia in its 2016 Citizenship Act, and Zimbabwe in its 2018 Citizenship Act provided for a new Citizenship Board to make final decisions, the boards are appointed by the President (Manby 2019:14 and 2021:7).

Without identity documents, or the money to pay filing fees, many women and children remain stateless. While it is not the focus of this paper, I would be remiss in not mentioning the significant practical or de facto obstacles for long term migrants in securing citizenship through naturalization. Access to paperwork, official documents, fees and navigating the daily gatekeepers represent, for many, insurmountable hurdles. Future research is needed to understand and document these barriers for both men and women. These micro level factors need to be analyzed in concert with overarching constitutional change and statutory change.

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A Brief Note: Interpretation at the Asylum Office

Hillary Mellinger[1]

Introduction

Federal regulations require asylum seekers whose cases fall within the jurisdiction of the Asylum Office to provide their own interpreters, at no expense to the government (8 C.F.R. § 208.9(g)).[i] Indeed, the Asylum Office is only permitted to provide interpreters in the event of an "extraordinary circumstance", pursuant to the Affirmative Asylum Procedures Manual (USCIS 2016). Despite the red flag this raises for access to justice, relatively few studies have analyzed interpretation within the U.S. immigration context, and even fewer have focused specifically on asylum cases (see, e.g., Dadhania 2020). However, without accurate interpretation, even the most well-prepared cases could be denied due to linguistic misunderstandings.

This study addresses this topic of normative and theoretical importance by analyzing 28 in-depth, semi-structured interviews with immigration attorneys who represent clients in asylum interviews before the Houston Asylum Office and the Arlington Asylum Office. Specifically, this study asks three research questions: When do asylum officers use their discretion to provide asylum applicants with interpreters? Is this discretion exercised in a uniform way, or do asylum officers exercise their discretion in different ways within and across asylum offices? How do interpreters affect the dynamics of the asylum interview?

This study has four main findings. First, unaccompanied children were more likely to be provided with interpreters than adults. Second, adults were rarely provided with interpreters. A corollary to these first two findings is that the Ar-

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lington Asylum Office provided interpreters more often than the Houston Asylum Office, for both unaccompanied children and adults. Third, bilingual asylum officers would occasionally offer to conduct an asylum interview in a language other than English. Fourth, many interviewees stated that interpreters negatively affected the dynamics of asylum interviews.

Background

The Asylum Office is confronted with two conflicting mandates: Executive Order 13166, which requires federal agencies to ensure that limited English proficient (LEP) persons have access to language services (USDOJ, 2000), and federal regulations, which require affirmative asylum seekers to provide their own interpreters.[ii] The Asylum Office navigates these conflicting mandates by providing some affirmative asylum applicants with interpreters in specific circumstances. For example, hearing-impaired affirmative asylum seekers are provided with sign language interpreters (USCIS 2016, 13), and unaccompanied children are offered telephonic interpreters (USCIS 2016, 34).

In addition, the AAPM empowers asylum officers to use their discretion to provide affirmative asylum applicants with interpreters in "extraordinary circumstances… such as (but not limited to) the disqualification of an interpreter through no fault of the applicant combined with the applicant's having traveled a very long distance for the interview" (USCIS 2016, 18). Other than this sentence, however, the AAPM is relatively silent on what instances might constitute "extraordinary circumstances" (USCIS 2016, 18). As a result, it is possible that individual asylum officers, as well as regional asylum offices, may differ in regard to how they interpret the AAPM's guidance (USCIS 2016).

Finally, the Asylum Office's flexibility about whom can serve as an interpreter poses a danger to asylum applicants' due process rights. Novice interpreters "may not have a wide vocabulary or grasp of technical legal language" and thus may be unable to accurately interpret from one language into another (Beitsch 2016). The Asylum Office somewhat remedies this situation by enlisting the assistance of telephone interpreters, known as phone monitors, whose role is to check "the quality and integrity" of the affirmative asylum seeker's interpreter (USCIS 2015, 5). However, these monitors are strictly intended to serve as a quality control measure, and as such "may not serve as the primary interpreter in the event of

incompetence on the part of or other difficulty with the applicant's interpreter" (USCIS 2016, 14).

Literature Review

This literature review is organized into three parts. First, it briefly summarizes the literature on meaningful access to language services within the U.S. immigration context. Second, it describes the unintended ways that interpreters might adversely influence legal cases. Third, it discusses law and society literature on the law-on-the-books versus the law-in-action.

U.S. Immigration Context: Meaningful Access to Language Services

The literature on language access within the U.S. immigration context is relatively nascent, and it predominantly focuses upon the immigration courts (Barak 2021; Rao 2020; Mollo 2005; Abel 2011) and immigration detention centers (Beck 2017; Wallace and Hernández 2017; Gentry 2020), with limited attention given to the Asylum Office (Ignatius and Anker 1992; Benton 2020; Dadhania 2020).

Regarding immigration courts, scholars argue that they violate immigrant defendants' due process rights by failing to provide them with competent, in-person interpreters (see, e.g., Barak 2021; Abel 2011). Similarly, the Department of Homeland Security (DHS) has been critiqued for failing to provide adequate language services to LEP immigrants in detention centers (Beck 2017; Wallace and Hernández 2017; Gentry 2020). In terms of the Asylum Office, Dadhania (2020) advocates for a constitutional remedy to the Asylum Office's failure to ensure meaningful language access to asylum applicants.

Taken together, the U.S. scholarship on interpretation with the immigration context suggests that in-person interpretation is necessary but insufficient for purposes of ensuring meaningful access to legal proceedings. In order to safeguard LEP immigrants' due process rights, they must also be afforded an interpreter who speaks their specific language, and whose quality-level is high enough to mitigate the likelihood of inaccurate or incomplete interpretation. However, even if this policy recommendation were to be implemented, the presence of an interpreter might nonetheless influence case outcomes, as is discussed below.

Linguistics Studies: Unintended Consequences of Interpretation

An interpreter's presence can trigger implicit or overt biases by courtroom actors (see, e.g., Aliverti and Seoighe 2017; Hale 2008). For example, Berk-Seligson (2017) found that an LEP individual can be viewed in a less favorable light if their interpreter uses linguistic "hedge words," such as *"um…*", "*uh...*", or "*well...*". These hedge words may undermine an individual's legal case by casting doubt upon their credibility.

Novice interpreters may also inadvertently influence case outcomes by not being aware of the adjudicator's expectations of them, such as if they should interpret in first-person or third-person, and whether or not they should interject and offer clarifications if they believe that the asylum applicant is being misunderstood. This can affect the dynamics of the asylum interview, because both the asylum seeker and the asylum officer may become frustrated when their expectations regarding the interpreter's role are not met (Pöllabauer 2004).

Law and Society Scholarship

Finally, this study draws upon a longstanding subfield of law and society scholarship that focuses on the gap between the "law-on-the-books" versus the "law-in-action." Roscoe Pound (1910) drew attention to this gap at the turn of the 20th century, when he expressed concern over the growing disparity between the law-on-the-books, which referred to the written words of a legal statute, and the law-in-action, which pertained to the actual manner in which the law was interpreted and enforced. The gap between the law-on-the-books versus the law-in-action can be the result of "an institutional dilemma or structural contradiction" (Calavita 2010, 114).

The Asylum Office's interpretation policy is an example of such an institutional dilemma. The Asylum Office must balance two competing objectives: federal regulations, which require affirmative asylum applicants to supply their own interpreters at no expense to the government, and the AAPM, which gives asylum officers the discretion to provide asylum applicants with interpreters in extraordinary circumstances at the government's expense (USCIS 2016). Different asylum officers may interpret the vague language of the AAPM in disparate ways, thereby creating different versions of the law-in-action. Moreover, although the Asylum Office is one institution, it is spread across eight geographical offices, each

of which might have its own manner of executing the law-on-the-books.[iii]

Data and Methods

Data

I analyzed data from 28 in-depth, semi-structured interviews with immigration attorneys who practice before the Arlington Asylum Office and the Houston Asylum Office. I chose these two locations because they represent two asylum offices that have relatively high asylum grant rates (Arlington, Virginia), and relatively low asylum grant rates (Houston, Texas), compared to the remaining six asylum offices (Schoenholtz et al., 144). It is possible that asylum officers within these two geographic locations may have divergent interpretations of the AAPM (USCIS 2016), and that this could contribute to the difference in asylum grant rates between the Arlington Asylum Office and the Houston Asylum Office.

Interviews are a strong source of data given that the Asylum Office is not open to the public; as a result, it is not possible to observe asylum interviews or take fieldnotes. In an effort to combine interviews with quantitative data analysis, I filed a Freedom of Information Act (FOIA) request, which was received by USCIS on February 12, 2019. Over a year later, on August 18, 2020, USCIS informed me that "There is no record of [the] requested information. The information you requested is not tracked by USCIS." For these reasons, it is not possible to quantitatively analyze interpretation data from the Asylum Office at this time. Consequently, this study exclusively relies on in-depth interviews.

Recruitment

I recruited immigration attorneys who practiced before the Arlington Asylum Office and the Houston Asylum Office through snowball sampling. In accordance with this method, I asked interviewees if they could recommend other attorneys who might be willing to participate in my study (Morgan 2012). I continued this process of interviewing, receiving a referral, and interviewing again, until I reached saturation, known as the point where additional interviewees revealed no new information to me (Glaser and Strauss 1967).

The criteria for inclusion in the study was twofold. First, the individual had to self-identify as an immigration lawyer. Second, the individual had to have an

active caseload before either the Arlington Asylum Office or the Houston Asylum Office, although the size of the caseload could vary from a handful of cases to scores of cases. These criteria were sufficiently narrow to ensure that I focused upon immigration attorneys with experience at the Asylum Office, while remaining broad enough to include a wide range of immigration practitioners.

A weakness of snowball sampling is that it presents the risk of producing a biased sample. The best way to mitigate the likelihood of a biased sample "is to begin with a set of initial informants that are as diverse as possible. This… increases the likelihood that the subsequent links in the snowballing process will reach different segments of the total set of eligible participants" (Morgan 2012, 816). In accordance with this guidance, I shared information about this study as widely as possible in order to reduce the probability of having a biased sample of initial interviewees.

Participants

Ultimately, a total of 28 immigration attorneys agreed to be interviewed for this study, 17 of whom practiced before the Arlington Asylum Office, and 11 of whom practiced before the Houston Asylum Office. Study participants included immigration attorneys who practiced at small law firms, within nonprofit organizations, within law school clinics, and as solo practitioners.[iv] In addition, more female immigration attorneys participated in this study than male immigration attorneys (20 females compared to 8 males), although this is reflective of the composition of the private immigration bar as a whole, which has a larger proportion of female practitioners than male practitioners (AILA 2016; Barak et al. 2019).[v] Interviewees' caseloads ranged from a few asylum cases to scores of asylum cases. Finally, interviewees' asylum clients were diverse in regard to their nationality, ethnicity, sex, age, and native languages.

Analysis

The interview questionnaire, which can be found in the Appendix to this article, relied on semi-structured, open-ended questions. These questions were designed with two purposes in mind. First, the questions sought to elicit information and anecdotes from immigration attorneys about interpretation at the Asylum Office, including how it affected the dynamics of the asylum interview,

the challenges it posed to their clients, and the manner in which asylum officers exercised their discretion. Second, the questions sought to clarify policies within the AAPM (USCIS 2016).

All 28 immigration attorneys consented to having their interviews be audio recorded. The interviews were subsequently transcribed and de-identified. The 28 interview transcripts were coded in NVivo, which is a software package that facilitates the analysis of qualitative data.

I used a mixture of grounded theory (Glaser and Strauss 1967) and flexible coding (Deterding and Waters 2018) to analyze and code the data. The following section of this article will discuss the findings that emerged from this dual-coding approach, and will contextualize these findings within the framework of the research questions presented at the beginning of this article.

Findings

The findings are organized into four sections. The first section addresses when asylum officers used their discretion to provide unaccompanied children with interpreters, and if this discretion was exercised in a uniform way. The second section discusses the same issue, but for adult asylum applicants. The third section examines when bilingual asylum officers used their discretion to conduct interviews in a language other than English. The fourth section addresses how interpreters affected the dynamics of asylum interviews.

A. Children

When do asylum officers use their discretion to provide unaccompanied children with interpreters? Is this discretion exercised in a uniform way across the Arlington Asylum Office and the Houston Asylum Office?

> Interviewees who practiced before the Arlington Asylum Office had greater success with unaccompanied children receiving interpreters than interviewees who practiced before the Houston Asylum Office. Specifically, 13 interviewees (12 who practiced before the Arlington Asylum Office and one who practiced before the Houston Asylum Office) shared situations in which unaccompanied children were provided with interpreters. The below paragraphs will first address the Arlington Asylum

Office, followed by the Houston Asylum Office.

The 12 interviewees who practiced before the Arlington Asylum Office explained that while asylum officers did provide unaccompanied children with interpreters, they did so in an inconsistent manner.[vi] Consequently, whether or not an unaccompanied child was provided with an interpreter was dependent upon which officer was assigned to the case. As one interviewee explained:

> I used to *always* bring an interpreter, and then some officers would be like, "We supply the interpreter," and then they want to use their telephonic interpreter. And so, then I stopped bringing an interpreter. [But] I've had a different set of interviewers [asylum officers] that were like, "Well, we're not going to interview your client without an interpreter." (Arlington Attorney 10)

The Arlington Asylum Office's inconsistency with interpreters for unaccompanied children caused many interviewees to be uncertain as to whether their clients were required to bring an interpreter or not.

Eventually, an interviewee with a particularly high caseload before the Arlington Asylum Office revealed why many immigration attorneys had differing experiences with unaccompanied children and interpretation. As she explained:

> There was a memo that was basically stating that the asylum officer could use phone interpreters for UAC interviews. So, for a while, then people [attorneys] just kind of thought, "Oh, okay, you can't take an interpreter. Don't worry about it. They'll use a phone interpreter." Then it became an issue where they [the Asylum Office] were like, "Oh no, you should have brought someone," and then [they would] reschedule it [the asylum interview] … [Eventually,] Director Hussey [the director of the Arlington Asylum Office] explained that they have the ability to use the phone interpreters, however they prefer the applicant to bring their own interpreter. Only in exceptional circumstances should they have to use the phone interpreters. (Arlington Attorney 15)

To summarize, the 12 interviewees who practiced before the Arlington Asylum Office stated that asylum officers were inconsistent in providing unaccompanied

children with interpreters. This issue was eventually addressed by Director Hussey, per the above quote. Even so, interviewees still seemed confused – perhaps because asylum officers themselves were confused.

By contrast, interviewees who practiced before the Houston Asylum Office presumed that unaccompanied children would not be provided with interpreters. Specifically, eight of 11 interviewees who practiced before the Houston Asylum Office stated that unaccompanied children had to bring their own interpreters. These interviewees almost found my question to be ludicrous; they operated under the assumption that unaccompanied children's asylum interviews would be rescheduled if they did not bring interpreters. When I asked interviewees to imagine a hypothetical scenario in which an unaccompanied child did not have an interpreter, one interviewee responded:

> If you have an attorney, and you didn't bring an interpreter, then that's on the attorney. The attorney needs to know that. That's… where I see bad attorneys. Like, "Oh, well, I didn't know I was supposed to bring an interpreter." Really? Come on! You know that. Any attorney that practices almost anywhere in America knows that (Houston Attorney 9)

These eight interviewees were so accustomed to having their clients bring interpreters that they could only surmise what would happen without an interpreter; they assumed the asylum interview would be rescheduled, but they were not certain. None of them wanted to find out what would actually happen if an interpreter was not present.

Eventually, one of the 11 interviewees who practiced before the Houston Asylum Office provided me with information on whether asylum officers provided interpreters to unaccompanied children. This interviewee stated:

> my understanding is that the Houston Asylum Office *used to* have a policy where they would provide the interpreters telephonically for the UACs and then they changed that… and then it became once again the burden of the applicant to bring an interpreter. (Houston Attorney 7)

This response comported with what other interviewees had told me, regarding how an attorney should know that it was their responsibility to bring an interpreter.

Nevertheless, sometimes asylum applicants are unable to find interpreters, and I was curious what would happen in such a scenario. Only two of the 11 interviewees who practiced before the Houston Asylum Office could address this matter. These two interviewees recalled that their clients neglected to bring interpreters to their asylum interviews, and that the Houston Asylum Office responded by providing them with language services.[vii] Unfortunately, these two interviewees could not recall whether their clients were unaccompanied children or adults.

Perplexed, I contacted the American Bar Association's (ABA) Children's Immigration Law Academy (CILA) in Houston, Texas. They conducted their own research on this matter, and provided me with the below response to my:

> The Asylum Office provides a telephone interpreter for *pro se* [unrepresented] unaccompanied children. The May 2016 AAPM states: "The Asylum Division is able to provide telephonic interpreters for UACs who cannot fulfill the general requirement under 8 C.F.R. § 208.9(g) to provide an interpreter for the asylum interview." I've confirmed with the Houston AO [Asylum Office] that they will generally only provide an interpreter if the child is unrepresented (E-mail Correspondence between myself and the ABA's CILA, dated February 25, 2019).

This e-mail correspondence was aligned with what interviewees told me; if an asylum applicant has legal representation, then the expectation is that the attorney will ensure an interpreter is present. Thus, interviewees who practiced before the Houston Asylum Office had a very different experience from interviewees who practiced before the Arlington Asylum Office; in the latter office, some unaccompanied children were offered phone interpreters even if they brought their own interpreters to an interview.

B. Adults – Extraordinary Circumstances

When do asylum officers provide adult asylum applicants with interpreters? Is this discretion exercised in a uniform way across the Arlington Asylum Office and the Houston Asylum Office? Only eight interviewees (five who practiced before the Arlington Asylum Office and three who practiced before the Houston Asylum Office) out of a total of 28 interviewees had knowledge of the Asylum Office pro-

viding interpreters to adults. Thus, a slightly larger number of interviewees who practiced before the Arlington Asylum Office knew of adults receiving interpreters, compared to interviewees who practiced before the Houston Asylum Office.

A majority of interviewees (12 of 17 who practiced before the Arlington Asylum Office and eight of 11 who practiced before the Houston Asylum Office) stated that adults' asylum interviews would be rescheduled if they did not bring an interpreter with them. Indeed, interviewees' understanding of this reality was so pervasive that many took great care to explain that they would *never* have an adult client attend an asylum interview without an interpreter.

The only way I was able to ascertain whether asylum officers provided adult asylum applicants with interpreters was because eight interviewees (five who practiced before the Arlington Asylum Office and three who practiced before the Houston Asylum Office) stated that their clients' interpreters had unforeseen circumstances that prevented them from attending the asylum interview. These eight interviewees described six situations in which asylum officers provided adult asylum applicants with language services:

1. the asylum interview was unusually long (over seven hours), which caused the asylum applicant's interpreter to become exhausted;
2. the asylum applicant's interpreter had an unforeseen emergency (such as being in a car accident);
3. the asylum applicant's interpreter cancelled last-minute;
4. the asylum applicant spoke an extremely rare language;
5. the asylum applicant travelled an exceptionally long distance to attend the asylum interview; and
6. the asylum applicant needed a sign language interpreter.

The phone monitor served as an interpreter for all but two of the above-listed situations. An in-person interpreter was provided to the asylum applicant who needed sign language. Finally, a bilingual asylum officer conducted an interview in Spanish for an adult asylum applicant who did not bring an interpreter. The next section discusses when bilingual asylum officers offered to conduct interviews in a language other than English.

C. Bilingual Asylum Officers

As shown in the Appendix, one of the questions that I asked interviewees is as follows: "Has an asylum officer ever provided language services to an asylum seeker?" This open-ended question prompted an unexpected finding: that some bilingual officers preferred to conduct interviews in a language other than English, rather than relying on an interpreter… even if the asylum applicant brought an interpreter with them. This finding was not just surprising to me, but to interviewees themselves.

Six interviewees (four who practiced before the Arlington Asylum Office and two who practiced before the Houston Asylum Office) out of a total of 28 interviewees stated that their clients brought interpreters to their asylum interviews, but a bilingual asylum officer nonetheless offered to conduct the asylum interview in the applicant's preferred language. For example, an asylum officer who spoke Spanish might offer to conduct an interview entirely in Spanish, with no back-and-forth interpretation into English.

Although only six of 28 interviewees had this experience, it is nonetheless important to note that four of the six interviewees practiced before the Arlington Asylum Office. This aligns with my findings on unaccompanied children and adults, in which interviewees who practiced before the Arlington Asylum Office had more examples of asylum officers providing language services compared to interviewees who practiced before the Houston Asylum Office.

These six interviewees explained that bilingual asylum officers provided this service to both adults and unaccompanied children. Moreover, all six interviewees were surprised to have bilingual asylum officers extend this option to them, since their clients had brought interpreters with them. Of the six interviewees, half declined the offer, and half accepted the offer. I will first discuss the former, and then return to the latter.

Why did three interviewees decline a bilingual asylum officer's suggestion that the interview be conducted in a language other than English? As these three interviewees explained, they were not bilingual, and thus would have been unable to follow the line of questioning had it not been interpreted into English. As one interviewee recounted:

> I once was in an Arabic interview where the officer was an Arabic speaker, and I actually had to butt in, because… I can't monitor an Arabic

> conversation, and so I actually had to request [to] the officer, "Hey, I get that it's easier for you to speak to them in Arabic, but we need to conduct this in English." (Arlington Attorney 11)

Another interviewee echoed this sentiment: "He [the asylum officer] offered to do the interview in Spanish, but… I have conversational Spanish, so I was the one who vetoed that. I was like, "I actually prefer to go through an interpreter," just so I can monitor it [the asylum interview] 100%" (Arlington Attorney 10).

By contrast, the three interviewees who accepted a bilingual asylum officer's proposal were all bilingual themselves, and as such they could understand the questions their clients were being asked. As one interviewee explained, "the officer conducted the interview in Spanish, [and] I was fine with that, because I speak Spanish" (Houston Attorney 5). Similarly, another interviewee stated, "because I'm Spanish speaking, it's not an issue for me. I would actually prefer it in Spanish for my client" (Houston Attorney 6).

One of the three interviewees who accepted a bilingual asylum officer's proposal was nonetheless frustrated by the last-minute nature of the offer. This interviewee's client had already paid for an interpreter and brought them to the Asylum Office. As this interviewee explained, "that was the only frustration… you couldn't have told us [in advance]? Like, it would have been nice to know this ahead of time" (Arlington Attorney 6). While this interviewee was glad that her client would be able to directly communicate with the asylum officer, she regretted that her client had spent money on an interpreter who was not being used. As this interviewee explained, asylum applicants often do not have the financial means to hire a professional interpreter. It is to this problematic aspect of asylum interviews that this study now turns.

D. Dynamics of Asylum Interview

How did interpreters affect the dynamics of asylum interviews? Readers may recall from the background section that two interpreters are typically present at asylum interviews: (1) the interpreter that the asylum applicant brings, and (2) the phone monitor used by the Asylum Office. The former interpreter is often nonprofessional, whereas the latter interpreter is professional. Interviewees stated that both types of interpreters affected the dynamics of asylum interviews. The below paragraphs will first discuss the challenges of nonprofessional interpreters,

and will next describe interviewees' negative experiences with phone monitors.

Eleven interviewees (five who practiced before the Arlington Asylum Office and six who practiced before the Houston Asylum Office) expressed frustration over their clients' reliance on nonprofessional interpreters. These interviewees recognized that many clients could not afford professional interpreters. However, the lack of a competent interpreter negatively affected the dynamics of the asylum interview; it either resulted in the interview being rescheduled, or made the asylum officer irritable during the interview itself.

Two interviewees stated that their clients' interpreters were so inadequate that it may have been a contributing factor to the denial of their clients' asylum cases. One interviewee shared the following anecdote:

> It's so important [to have a good interpreter] … One time, our clients were being cheap and they brought in their niece to translate and she did a horrible job. And I think that was a contribution to being referred [to immigration court]."[viii] (Houston Attorney 10)

Similarly, another interviewee shared that the "officer was irritated with the interpreter and… at some point they might have threatened to stop the interview… [but] they did the whole interview despite their concerns and issued a negative decision at the end" (Arlington Attorney 6).

Four interviewees (one who practiced before the Arlington Asylum Office and three who practiced before the Houston Asylum Office) shared that their clients' interpreters were so inadequate that the asylum officer stopped the interview and rescheduled it for a future date. One interviewee recounted the following:

> I've been on a couple of cases in the past where the asylum officer just got frustrated and said, "You know what? You [the asylum applicant] need to bring another interpreter. I'm going to stop the hearing, stop the interview, and you're going to have to come back with another interpreter." And that's just frustrating…that could potentially, if it's a borderline case, could make the different between an approval or a denial (Houston Attorney 6)

Another interviewee stated that the asylum officer threatened to reschedule her client's interview, but her client – a native Arabic speaker who was also fluent

in English – assuaged the asylum officer by agreeing to finish the interview in English. This interviewee was glad the interview was not rescheduled, but nonetheless lamented the situation for her client: "my client really was fluent in English, but he wanted to do it in Arabic because he's more comfortable" (Arlington Attorney 11).

Phone monitors did not fare much better in interviewees' minds; ten interviewees (six who practiced before the Arlington Asylum Office and four who practiced before the Houston Asylum Office) maintained that phone monitors aggravated language barriers in a variety of ways. Three interviewees, all of whom practiced before the Arlington Asylum Office, critiqued phone monitors for simply not performing their job; these monitors would "tune out" (Arlington Attorney 16), multi-task, (Arlington Attorney 9), or even fall asleep (Arlington Attorney 13) during interviews.

Two interviewees who practiced before the Houston Asylum Office complained that the phone monitors were simply too combative. As one interviewee recalled,

> The issue was the interpreter for the government [the phone monitor] that just kept arguing with the interpretation [from the applicant's interpreter]. And I got frustrated, I said, "Wait a minute. I speak fluent Spanish and she's interpreting exactly what she's saying" ... they [the officer] ended up rescheduling [the interview]. (Houston Attorney 6)

Similarly, another interviewee lamented, "the annoying [thing] is when they [the phone monitor] nitpicks the interpreter's words every minute, then the officer and everyone gets annoyed because then they can't move forward [with the interview]" (Houston Attorney 10).

To summarize, interviewees critiqued both asylum applicants' interpreters and the Asylum Office's phone monitors. Rather than remove language barriers from asylum interviews, both types of interpreters seemed to exacerbate communication challenges. Several interviewees expressed concern that interpreters could have influenced case outcomes.

interview: "that's something that can tank an interview super-fast, is a bad interpreter."

Discussion

First, this study's findings contribute to scholarship on interpretation within the U.S. immigration context by shedding light on an understudied institutional context: that of the Asylum Office. Existing literature has pointed out the inadequacy of language access for LEP individuals within U.S. immigration courts (Mollo 2005; Abel 2011; Gentry 2020) and U.S. detention centers (Beck 2017; Wallace and Hernández 2017; Gentry 2020). However, limited scholarly attention has been given to interpretation challenges at the Asylum Office (Ignatius and Anker 1992; Dadhania 2020). In so doing, this study contributes to ongoing scholarly conversations around what constitutes meaningful access to legal proceedings in the immigration context. The findings from this study serve as additional evidence of the need for U.S. immigration agencies to improve their language access plans and to bring them into alignment with Executive Order 13166.

Second, this study represents an important first step towards the cross-fertilization of linguistics literature with U.S. immigration scholarship. Specifically, this study found that inadequate interpreters frustrated the dynamics of asylum interviews, which resulted in asylum officers actively voicing their frustration with asylum applicants. Indeed, several immigration attorneys worried that interpretation challenges undermined their asylum clients' ability to cogently present their cases, and that this contributed to their cases being referred to immigration court. Future sociolegal scholarship would do well to draw from both U.S. immigration scholarship and linguistics literature to address the nuances of how interpreters may unconsciously affect cases.

Third, this study's findings contribute to literature on the difference between the law on the books versus the law in action (Pound 1910; Calavita 2010). As Pound (1910: 30) noted, "a gulf has grown between social justice… and legal justice" as a result of the difference between the law-on-the-books versus the law-in-action. As long as asylum officers have different understandings of the black-and-white language of the law, disparate treatment of asylum applicants' language needs will continue. Future scholarship should continue to examine different asylum offices' interpretation policies.

Limitations

There are several limitations to this study. First, this study cannot make any causal arguments regarding interpretation and asylum case outcomes. Second, any insights gleaned about interpretation at the Arlington Asylum Office and the Houston Asylum Office are limited to those two offices; they cannot be generalized to other geographic asylum offices. Third, snowball sampling has an inherent risk of producing a biased sample of the overall population of interest (Morgan 2012). Although careful steps were taken to mitigate the severity of such bias, the possibility remains that interviewees were not a representative sample of the immigration attorneys who practice before the Arlington Asylum Office and the Houston Asylum Office.

Conclusion

This study examined the circumstances under which asylum officers at the Arlington Asylum Office and the Houston Asylum Office used their discretion to provide asylum applicants with interpreters, and whether this discretion was exercised in uniform ways across the two asylum offices. This study also investigated whether interpreters affected the dynamics of asylum interviews, and if so, in what ways. This study contributes to three bodies of academic literature: meaningful access to language services in the U.S. immigration context, linguistics literature on the ways in which an interpreter may unwittingly affect case outcomes, and the gap between the law-on-the-books versus the law-in-action, Finally, this study provides a foundation for additional scholarly inquiry regarding the Asylum Office, which is understudied relative to the immigration courts and detention centers. Indeed, additional research is necessary both from a theoretical and a normative standpoint; we have much to gain from better understanding the complexities of interpretation and discretion within the asylum context, but perhaps more importantly, scholarly studies can inform initiatives to ensure access to justice for LEP populations.

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Procedure for Interview Before an Asylum Officer. 8 C.F.R. § 208.9(g)

APPENDIX

INTERVIEW QUESTIONNAIRE

1. How often is an asylum interview conducted in a language other than English with the assistance of an interpreter?
2. Has the Asylum Office ever rescheduled an asylum interview because the applicant did not bring an interpreter with them?
3. Has the Asylum Office ever stopped an asylum interview because the interpreter was deemed incompetent or biased? If yes, what happened as a result?
4. The Affirmative Asylum Procedures Manual (AAPM) notes that the Asylum Office may provide an applicant with interpretation in certain "extraordinary circumstances" (USCIS 2016, 18). Are you aware of any instances in which this has occurred?
5. Has an asylum officer ever provided language services to an asylum seeker? If yes, what services were provided?
6. Has an asylum officer ever provided an interpreter to an unaccompanied child?
7. Has an asylum officer ever provided an interpreter to an adult?
8. Can you provide a concrete example or anecdote of the importance of interpretation at the Asylum Office?
9. Is there anything we did not discuss today that you would like to add?
10. Do you know of any other immigration attorneys who might be interested in participating in this study?

Endnotes

i This statute reads in part: "An applicant unable to proceed with the interview in English must provide, at no expense to the Service, a competent interpreter fluent in both English and the applicant's native language or any other language in which the applicant is fluent".

ii Executive Order 13166 required federal agencies to ensure that limited English proficient individuals have access to language services (USDOJ, 2000). Subsequently, both the DOJ and the DHS created "Language Access Plans" (USDOJ, 2012; USDHS, 2015, 2019). Since the Asylum Office falls under the purview of the DHS, it is obligated to follow DHS's Language Access Plan. The background section of this article only discusses the Affirmative Asylum Procedures Manual (USCIS, 2016) due to the brevity of this paper, and also because the manual is closely aligned with DHS's Language Access Plan.

iii The eight asylum offices are in the following cities and states: (1) Arlington, Virginia; (2) Chicago, Illinois; (3) Houston, Texas; (4) Los Angeles, California; (5) Miami, Florida; (6) Newark, New Jersey; (7) New York City, New York; and (8) San Francisco, California (for additional information, see Schoenholtz et al. 2014).

iv The term "small law firm", as used within this article, refers to immigration attorneys whose practiced consisted of two to five attorneys.

v Specifically, 14 female and 3 male interviewees practiced before the Arlington Asylum Office, and 6 female and 5 male interviewees practiced before the Houston Asylum Office.

vi At the Arlington Asylum Office, 12 of 17 interviewees (71%) were aware of unaccompanied children being provided with interpreters; four of 17 interviewees (24%) did not know the Arlington Asylum Office's policy regarding unaccompanied children who needed interpreters; and one of 17 interviewees (6%) heard mixed accounts of the Arlington Asylum Office's policy regarding unaccompanied children who needed interpreters.

vii I use the term "language services" because one interviewee's client was provided with a telephonic interpreter, whereas the other interviewee's client had a bilingual asylum officer who conducted the interview in Spanish.

viii An undocumented asylum applicant whose case is not approved will be referred to immigration court and offered an additional opportunity to present their case to an immigration judge. Asylum applicants who are referred to immigration court are in removal proceedings, which means that they are at risk of deportation.

Editor's Note: Credit appearing on the slide in the back cover photo is miscredited. Quote credit goes to William L. Kolb, Upton/Kolb Dialogues 1965.

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