Coding Legal Regimes of Immigration Entry to the EU
With a Focus on Labour Migration

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Abstract: In this paper we outline the developments the Work Package 8 (WP8) team have made to the Immigration Policy Index (ImPol) to meet the needs and objectives of the TEMPER project. One of the main objectives of TEMPER is to take full advantage of the ImPol tool, in combination with other instruments to analyse the effect that varying degrees of flexibility in conditions of entry, stay and return have on mobility patterns to the EU from different countries of origin, and different types of migrants. Consequently the WP8 team has expanded ImPol to include work-related migration by different skill levels to enable comparisons between different types of labour migration policies. We have devised indicators to measure policy restrictiveness by a.) Admissions and eligibility, b.) The rights granted to migrant workers, and c.) The circularity, return and transitions permitted on different types of labour migration policies. We do this through a unique methodology, which allows researchers to codify different types of work migration diachronically and in a consistent, transparent way.

Keywords: immigration policy, labour migration, immigration policy indices
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1. Introduction

In this paper we outline the developments the Work Package 8 (WP8) team have made to the Immigration Policy Index (ImPol) to meet the needs and objectives of the Temper project. ImPol is a 'work-in-progress' tool, which can be used in combination with a large list of existing datasets containing time-varying information on either aggregated or micro-data migration flows, for specific countries of origin and destination, and for selected periods of time. One of the main objectives of the Temper project is to take full advantage of this new tool, in combination with other instruments to analyse the effect that varying degrees of flexibility in conditions of entry, stay and return have on mobility patterns to the EU from different countries of origin, and different types of migrants. Consequently the WP8 team has expanded ImPol to include work-related migration by different skill levels to enable comparisons between different types of labour migration policies. We have devised indicators to measure policy restrictiveness by a.) Admissions and eligibility, b.) The rights granted to migrant workers and c.) The circularity, return and transitions permitted on different types of labour migration policies. We do this through a unique methodology, which allows researchers to codify different types of work migration diachronically and in a consistent, transparent way. In addition, WP8 team have developed new indicators on other forms of mobility such as students, and added further possible entry channels, which can measure the effect of EU mobility and family formation.

Section one provides a literature review of existing immigration policy indexes, including the methodologies and scope of these datasets. We then give an overview of ImPol, including the objectives of the tool, the measurement deployed, target populations and sources for ImPol. Section two outlines the changes we have made to the existing dataset, including our narrowing of students as an entry channel, adding a new destination state, and adding sub-entry channels. The third section concentrates on our expansion of work-related migration; here we describe our methodology including our scheme of using occupations to measure work migration, discuss the difficulties of defining skill levels, and outline our new proposed indicators. We then detail the operationalization of ImPol, and the time frame for completion. In the final section we describe the methodological limitations and challenges
inherent in ImPol, and conclude by outlining the potential impact ImPol can have. The authors gratefully acknowledge the input on relevant sections from our ImPol team, which include: Amparo González Ferrer (partner CSIC coding for Spain), Yoan Molinero Gerbeau (partner CSIC coding for Italy) and Mélanie Jolivet-Guetta (partner INED coding for France).

1.1 Literature review: policy indexes in comparison

Studies of migration policy and policymaking have until recently been dominated by small-n case studies, but over the past decade migration scholars have begun to quantify policies for the purpose of index building. A central aim of these efforts has been to enable systematic comparative and diachronic analysis of immigration policy change. As Helbling (2014) notes, this work builds on index building in other areas of political science, such as democracy (Coppedge et al. 2011), citizenship (Helbling 2013) and electoral systems (Teorell and Lindstedt 2010). Whilst single country and small n case studies can provide depth and capture the complexity needed to understand the dynamics of immigration policymaking, there are a series of research questions about the causes and effects of migration policies (Hollifield and Wong 2013, 4-7), which can only be answered through comparative research. Questions such as whether immigration policies are becoming more or less restrictive over time? Is there a pattern of policy convergence across Western countries (Cornelius et al. 2004)? Are there internal variations in these trends? For example, are different streams of migration treated differently such as family reunification in contrast to labour migration? Policy indexes allow researchers to answer these questions and depict policy variation between countries and over time in a robust and systematic way.

Nevertheless, index building comes with some significant methodological challenges, not least are definitional issues, such as how to define policy in the first instance (Bjerre et al., 2014), and how to disaggregate and define policy outputs, implementation and outcomes. Measuring policy restrictiveness likewise entails decisions concerning whether one considers external border controls or access to settlement, as more or less symptomatic of restrictiveness. In 2013, the American Political Science Association (APSA) presented an overview of completed and on-going projects producing migration policy databases. This
comprehensive review demonstrates the inherent trade-off involved in any database construction effort between historical and geographical coverage on the one hand, and the variety and comprehensiveness of policies that can be examined on the other hand. Here we surmise some of the most comprehensive efforts to, like ImPol, index immigration policy cross-comparatively and diachronically. It is worth noting that Bjerre et al. (2014) have conducted an extensive literature review on all existing immigration policy indexes to date.

Whilst efforts to index immigration policies are relatively new, in the field of citizenship and integration indexing is more established (see EUDO 2011; Howard 2005; Waldrauch and Hofinger 1997; Koopmans et al. 2005, 2010, 2012; Janoski 2010). Perhaps the most renowned attempt to quantify integration policies is the Migrant Integration Policy Index (MIPEX\(^1\)). MIPEX measures policies to integrate migrants in all EU Member States, Australia, Canada, Iceland, Japan, South Korea, New Zealand, Norway, Switzerland, Turkey and the USA. 167 policy indicators have been developed to create a rich, multi-dimensional picture of migrants’ opportunities to participate in society. These have been designed to benchmark current laws and policies against the highest standards through consultations with top scholars and institutions using and conducting comparative research in their area of expertise. A policy indicator is a question relating to a specific policy component of one of the eight policy areas. For each answer, there are three options. The maximum of three points is awarded when policies meet the highest standards for equal treatment.

The index is a useful tool to evaluate and compare what governments are doing to promote the integration of migrants in all the countries analysed. The project identifies and measures integration outcomes, integration policies, and other contextual factors that can impact policy effectiveness; describes the real and potential beneficiaries of policies; and collects and analyses high-quality evaluations of integration policy effects. The MIPEX project is entering its fourth edition with a new policy strand and additional indicators.

\(^1\) [http://www.mipex.eu](http://www.mipex.eu)
Focusing on America exclusively, David Cook and FitzGerald have formed the Race, Immigration, and Citizenship in the Americas (RICA) project. The RICA project examines immigration and nationality policies in 22 countries since 1790. This historical comparative study combines a coding of laws in the study countries for the presence of positive ethnic preferences and negative discriminations, and seven case studies (see FitzGerald and Cook-Martin 2014). Other indexing efforts have examined particular policy streams, particularly asylum and refugee policies (Thielemann 2003, 2004, 2006; Hatton 2004, 2009; Czaika 2009) and high skilled migration (Cerna 2009; Lowell 2005).

In contrast to the impressive scholarship indexing citizenship and integration policies, indexing immigration policies is a relatively new trend. However, three wide-ranging and comprehensive projects have sought to index immigration policies, each with differing scope and coverage. These projects are at different stages of development, but at the time of writing none are complete or publicly available as yet.

Marc Helbling et al. at WZB Berlin are in the process of developing a comprehensive policy index – the Immigration Policies in Comparison (IMPIC). The IMPIC project has developed a set of sophisticated quantitative indices to measure immigration policies in OECD countries between 1980 and 2010 (Bjerre et al. 2014). The foundation of the IMPIC data collection was the development of a precise and comprehensive conceptualization of immigration policy based on four steps: Firstly, to conceptualize immigration policies a differentiation between policy outputs and outcome is made. Secondly, immigration policies need to be distinguished from neighbouring fields such as integration and naturalization policies. Since there are different reasons why states accept migrants, there is a need to differentiate in a third step between specific immigration policies that target different groups. Finally, the need to account for the various dimensions of immigration policies: For the first dimension, which Helbling et al. call “modus operandi”, the authors differentiate between regulations and control mechanisms. Regulations are interpreted as the binding legal provisions that create or constrain rights; controls are measures set up to make sure that these regulations are abided to. For the second dimension, which Helbling et al. call “locus operandi”, IMPIC account for the fact that immigration is regulated and controlled both at the borders and
inside national borders. Lastly, within regulations IMPIC differentiates between eligibility requirements and conditions, how secure an immigrant status is and which rights are associated with a specific status.

This new dataset allows to systematically investigate causes and effects of immigration policies and to ask more general political science questions: Do right-wing parties have an effect on the restrictiveness of policies? What are the effects of policies? Do policies have an effect of how citizens think about immigrants?

The IMPIC dataset allows for an exploration for the extent to which more restrictive policies lead to lower immigration rates and how important the effect is compared to socio-economic aspects that might attract or deter migrants. Differentiating between internal and external regulations and control mechanisms as well as requirements, conditions, associated rights and security of status it will be possible to study which dimensions of immigration policy play a particular role. While high requirements might deter immigrants, a generous policy that attributes many economic and political rights to immigrants might attract more. Similar in scope but with a wider time period, the IMPALA project brings together academics from a range of social science backgrounds, and assesses immigration policies across 26 OECD countries over a 50 year time period (Beine et al. 2015; Gest et al. 2012). The IMPALA dataset focuses on admissions policies and citizenship. The basic unit of the IMPALA database is the entry track. A given entry track corresponds to a specific way of entering the country. Different entry tracks are distinguished on the basis of the purpose of migration as well as on various characteristics of the applicant (Beine et al. 2015, p.8). Each country’s laws and regulations with respect to such tracks are coded annually using a common standardized list of questions about the character of such regulations, with coding decisions based on transparently citing written laws and regulations. The coded laws and regulations include the most important categories of immigration entry, which the IMPALA team divide into distinct legal tracks clustered in five categories: (1) economic migration; (2) family reunification; (3) asylum and refugee immigration; (4) students; and (5) acquisition (and loss) of citizenship.
The IMPALA dataset allows researchers to systematically investigate causes and effects of immigration policies and to ask more general political science questions, such as what are the effects of policies? And are nation-states able to control migration flows? The data also reveal trends towards more complex and, often, more restrictive regulation since the 1990s, as well as differential treatment of groups, such as lower requirements for highly-skilled than low-skilled labor migrants (Beine et al. 2015).

Hein de Haas and Mathias Czaika have been developing an index that captures both policy intentions and policy effectiveness conducted in the DEMIG project (The Determinants of International Migration: A Theoretical and Empirical Assessment of Policy, Origin and Destination Effects) (Czaika & Haas 2011; De Haas et al. 2014). DEMIG not only captures policy objectives but also policy outputs, enabling researchers, and indeed policymakers, to compare policy intentions with policy outcomes. DEMIG tracks major changes in migration policies of 45 countries between 1946 and 2013. The DEMIG project aims to generate new theoretical and empirical insights into the way states and policies shape migration processes in their interaction with other migration determinants in origin and destination countries. It aims to investigate how migration policies affect the size, timing, duration, direction and composition of international migration.

Besides significantly extending the geographical and historical coverage of existing migration policy databases, DEMIG POLICY attempts to overcome the common ‘receiving country bias’ by also including emigration policies. In addition, DEMIG POLICY is complemented by DEMIG VISA, a global panel of bilateral travel visa requirements covering the 1973-2013 period, for 38 of the 45 countries covered by DEMIG POLICY. These two datasets are the main sources used within the DEMIG project to empirically test the effects of origin and destination country policies on migration patterns, and discuss the effectiveness of migration policies. The exploitation of DEMIG POLICY and DEMIG VISA datasets in combination with data on bilateral flows has offered so far a set of relevant findings with regard to the evolution of migration policies since the 1950s, and their effects on immigration and emigration flows:
1) Policies have actually become less restrictive for most migrant groups in recent decades but also more sophisticated complex in term of increasing specification and selection mechanisms for particular migrant groups.

2) The decline of restrictiveness is robust across a large number of countries, but differs across policy types and migrant categories. While entry and integration policies have generally become less restrictive, border control and, since the 1990s, exit policies have become more restrictive.

3) Increasing complexity sophistication through the development of specific policy instruments targeting particular immigrant groups can be detected. While policies towards migrant categories such as irregular migrants and, more recently, family members have often become more restrictive, a larger number of – generally less visible – policies targeting high and low-skilled workers, students and migrants from specific origins have become less restrictive.

4) Policies are now more targeted towards specific migrant groups, making them tools for states to select the type of migrants they wish to attract rather than an instrument to affect the volume of immigration. Migration policies should therefore be understood as a tool of migrant selection rather than as an instrument affecting numbers.

Whilst IMPIC and IMPALA seek to cover all relevant immigration policy fields, the focal point of Martin Ruh’s index is labour migration. Ruh’s dataset is one of the few that is comparable to ImPol to the extent that he divides labour migration policies by skill levels. However, whilst the dataset Ruhs developed had a wide scope looking at 46 high-mid income countries, the time period is confined to a single year – 2009. The analysis included 104 labour immigration programmes, an average of 2.3 programmes per country (Ruhs 2013, p. 55). Indeed, the difficulties of measuring labour migration by skill levels – that we outline below – are overcome in this case by selecting a single year, making comparisons between labour programmes in different countries possible. Ruhs’s index is instrumental in developing his core arguments concerning the trade off between the openness of a state in terms of numbers of migrant workers admitted, and the rights that such migrant workers are granted after admission (Ruhs 2013).
One policy index assesses labour migration policy exclusively – the Oxford Analytica Labour Migration Policy Index (LMPI)². Such policies are evaluated by assessing the extent to which both the needs of business and migrant workers are met (Oxford Analytica 2007). The LMPI assess labour migration policies in 13 countries over a two year period (2005-2007). The LMPI incorporates two separate indices assessing high skilled programmes on the one hand, and low skill programmes on the other. Like other indexes, the LPMI tests policies against entry mechanisms and the entitlements granted to migrant workers. Each of these two building blocks is divided into two additional ‘macro indicators’, with corresponding ‘micro indicators’ and further sub-components.

Administrative Mechanisms’ and ‘Entry Mechanisms’ are the two macro indicators at the centre of Administration and Entry Mechanisms. While the first assesses the level of bureaucracy around work permit applications, the second focuses on regulations aimed at matching labour demand and supply. Clarity of information on visa requirements, visa costs and processing times are some of the micro indicators used to assess Administrative Mechanisms. Entry Mechanisms are instead evaluated on the basis of micro indicators, focusing on the presence of numerical quotas, economic needs tests aimed to show that no national worker is available and suitable to perform a certain job before a migrant is hired, and other government requirements aimed at regulating migrant supply.

‘Work Permit Entitlements’ and ‘Employment and Social Rights’ are the two macro indicators at the basis of ‘Migrant Worker Entitlements’; these assess how broad different sets of liberties and benefits granted to migrants are. The first focuses on specific features of visa programmes related to the micro indicators on duration of stay, employment flexibility and family reunion. The second concentrates on assessing a number of micro indicators on equality of treatment compared to national workers, in terms of pay and working conditions, access to education, healthcare and social security.

The aim of the LPMI is to ‘implicitly suggest the optimal formal features that labour migration programmes should have in order to meet and balance the needs of employers

http://files.shareholder.com/downloads/MAN/0x0x267290/92e4228d-3cd7-4bb0-8e52bca74ca8c20/Oxford%20Analytica%20-%20LMPI%20Report%20-%20Final.pdf
and migrant workers’ (Oxford Analytica 2007, p.3). The LMPI pilot study assesses migration programmes in six countries: Australia, Germany, Italy, Singapore, the United Kingdom and the United States over a two year period (2005-2007). Equal weighting of indicators is at the basis of the LMPI construction. Weights have been used, however, to give more prominence to migration programmes with high inflows of migrant workers over smaller programmes. This is problematic, as Bjerre et al. (2014. P.29) note ‘besides conflating immigration output and outcome, this approach results in a measure that varies with changes in immigration patterns, hence comparisons across time and across countries are not straightforward’. Final indices for each country are achieved by calculating a weighted average of the programme scores, as well as a weighted average of the programmes which are relevant for high skill and low skill migrant workers respectively.

1.2 Policy indexes: summary

Political scientists require a better understanding of the variation of policies that regulate global migration, and such indexes offer an avenue to understand this variation. These datasets enable political scientists to conduct systematic analysis of immigration policies and put the key debates of convergence and restrictiveness on a sound analytical footing. In this way, these indexes promise to advance social scientific analysis of migration policy change. This will benefit both the migration policy field but also give wider lessons to those building indices and the academic community.

The expansion of work-related migration indicators on ImPol means that ImPol is likely to be the most comprehensive index to assess work migration in terms of number of indicators, skill levels and time period. Our approach is distinctive in contrast to the other established indexes because we measure work related migration policies using example occupations as proxy variables. This allows us to not only disaggregate work related migration by skill level, but also allows us to capture specific visa types which are common and important to many OECD states, such as investors and youth mobility. In addition, by measuring work migration though occupations as proxy variables, we are able to capture policy changes over time in relation to different types of occupations and skill levels, such as the changes in eligibility
criteria to high skilled occupations in contrast to seasonal occupations. Whilst the other indexes provide breadth in terms of being large N samples, our smaller sample allows us to be comprehensive in our measurement and indexing of work-related immigration policies.

1.3 About ImPol

The Immigration Policy index (ImPol) was originally conceived as a tool to complement the individual survey data collection carried out in the context of the MAFE Project, by C. Mezger (Partner 2) and A. González-Ferrer (Partner 1) (see Mezger & González-Ferrer 2012). ImPol has systematically collected and codified legal texts including international treaties, laws, decrees, circulars (also some 'reserved' ones), instructions, and judgments that regulate the entry of foreigners of any nationality into three different EU countries (France, Italy, and Spain) for the period between 1960 and 2008. The information collected so far is organized by main legal admission channels (entry for short-term stays; family reunification/marriage with a national; studies; and work); however, undocumented migration was also considered as an alternative strategy to the four legal channels mentioned before, and information affecting this form of entry was included too.

The greatest value of ImPol derives from the fact that information has been codified in a way that allows not only for contextual analyses, but also for a wide range of statistical analyses aimed at 'measuring' the effect of admission policies on a diversity of outcomes, since information from legal texts has been transformed into quantitative indicators that vary year by year over the entire period between 1960 and 2008. In addition, in order to better capture the actual implementation of legal rules, in the construction of the ImPol tool we made a major effort in collecting also circulars and internal instructions, which are much closer to the enforcement level than laws and decrees, and final coding of the policy indicators was based on this type of norms (circular and instructions) when available.

ImPol is a 'work-in-progress' tool, which can be used in combination with a large list of existing datasets containing time-varying information on either aggregated or micro-data migration flows, for specific countries of origin and destination, and for selected periods of time. One of the main objectives of the Temper project is to take full advantage of this tool,
in combination with other instruments to analyse the effect that varying degrees of flexibility in conditions of entry, stay and return have on mobility patterns to the EU from different countries of origin, and different types of migrants.

We have extended the current version of ImPol to fully incorporate the UK as an additional destination country, and to include specific indicators for labour migration programs. Legal particularities applicable to our selected origin countries in the four EU destinations will also be included. By doing this, we will cover two traditional (France and UK) and to new (Spain and Italy) receiving countries within the EU, as well as one case from each of the major sending areas to the EU, along with the special case of Romania as a transition case (from non-EU to EU).

1.4 Objectives

The objective of ImPol is to measure immigration policy restrictiveness in each of four destination countries both cross-comparatively and diachronically. We do this by examining different migration streams, such as students, short-stay/tourist, family reunification, irregular entry and labour migration. To account for the divergent approaches taken by states towards different types of work migration we have devised new indicators for labour migration according to skill level: high skilled, mid/low skilled and seasonal migration. We do this by taking different selected occupations which are relevant to all four destination states, and measuring changes to the types of visas or programmes they would be admitted under over time. To fully capture patterns longitudinally and cross comparatively we have also devised a new indicator on EU mobility and new indicators on family formation as an entry route subsumed under the existing family reunification indicators. This is to ensure we provide a comprehensive picture of policy changes, in the acknowledgement that changes in one type of migration policy may affect another.

In comparison with the existing policy indexes outlined above, ImPol is capable of generating original data in several ways. Firstly, ImPol has the objective of measuring policy restrictiveness in contrast to many of the other datasets which aim to measure policy outputs, policy changes and policy effectiveness. Secondly, having a smaller sample of case
studies allows us to have greater depth in terms of entry channels but more importantly indicators. Whilst other indexes have necessarily had to simplify and minimize the number of indicators for each entry channel due to the breadth of their large N samples, ImPol focuses on four destination states, and in a more limited time period (1990-2015). This allows us to pursue detailed indicators on entry channels, allowing for a more comprehensive examination of immigration policies, particularly labour immigration policies. Thirdly, our unique methodology of measuring work migration by occupational examples allows users to compare policy restrictiveness by skill level, in addition to cross-comparatively and diachronically. This means that ImPol is the most comprehensive index to measure work-related migration in terms of depth of indicators and diachronically, as both Ruhs and the Oxford Analytical Labour Migration Index cover limited time periods of one and two years respectively. Our indicators on work migration also allow users to compare policy restrictiveness in terms of the eligibility criteria, rights granted to work migrants, and the route to permanency, possibilities to transition and return.

1.5 Measurement: Categorical Scaling

ImPol measures policy restrictiveness on an ordinal scaling. In order to quantify the qualitative information from the legal texts, we define for each indicator an ordinal scale reflecting the restrictiveness of the policy in a given year, with three options: restrictive (-1), neutral (0), and favourable (1). The definition of thresholds enables us not only to capture changes in restrictiveness of the policy over time for a given country, but also to compare levels across countries. The thresholds were based on in-depth discussion with the ImPol team, with particular attention paid to differences between our four destination states to capture relative differences. At the same time, being mindful of the fact that new countries may be added to ImPol in the future, we have attempted to construct our thresholds in a way that is wide enough to be meaningful to other OECD states.
1.5.1 Target populations: who is counted

The target population of ImPol is third country nationals (TCN), meaning any person who is not a citizen of the Union within the meaning of Article 17(1) of the Treaty establishing the European Community. For each indicator the measurement relates to the various eligibility criteria and rights granted to non-EEA migrants according to different streams and types of migration.

We provide a separate measurement on the Online tool to account for variations from the general regime in each of the selected sending countries – Ukraine, Argentina, Senegal – along with the special case of Romania as a transition case (from non-EU to EU).

In addition, we have added a new indicator related to EU mobility, which assesses whether transitional controls have been placed on new member states. This is the only indicator that measures EU mobility, as opposed to TCNs. We have added this indicator in the acknowledgement that policy changes in one stream likely affect policy in another, especially when a potential labour pool can, from the government’s perspective, replace another.

1.6 What counts: sources and data collection

Legal texts considered included international treaties, laws (primary and secondary), decrees, circulars, instructions, and judgments dealing with the entry of foreigners into any of our four destination countries in Europe. We concentrated on national legislation (primary and secondary) and policy. European Union directives were considered when, and in the form, ratified by the Member State.

For our selected sending countries (Ukraine, Romania and Argentina), conditions and requirements specific to these countries were included, particularly bilateral agreements, whenever applicable. Texts were collected through different channels. More recent legal texts are often accessible online and on the web archive. Libraries and archives were consulted, and experts were
contacted to obtain information on specific aspects of policies and, especially, to get access to older legal texts. We have also been in contact with civil servants to access to lower order instructions such as policy guidance, which is not available, online for the entire time period (1990-2015). See Mezger, and González-Ferrer (2012) for main sources and data collection procedures per country on ImPol³.

1.7 New ImPol: tasks to achieve for TEMPER

- Countries covered: UK (to update on all indicators since 1990)
- Extensions for France, Italy and Spain on current indicators (2008-2015)
- Extensions for France, Italy and Spain with regard to new indicators on work migration by skill level, EU mobility, family formation and student migration since 1990.
- Extensions to short-stay and family reunification where currently specific Senegal. These must now be generic to all third country nationals.

2. ImPol adaptations

In this section we outline the changes we have made to the existing indicators on ImPol, the justification for doing so, and new sub-entry channels we have added aside from work-related migration (discussed in section three). Specific changes we have made to the wording of the indicators can be found in the full coding scheme in appendix 2. Full details of the changes we have made to ImPol can be found in appendix 3.

2.1 Short-stays

We have changed the time duration for short-stay visas to six months. Whilst three of our destination states are Schengen Members and thus the 90-day duration is universal and applicable for short-stays, in the UK visitor visas are for an average six months or less. We

³ http://www.perfar.eu/policy/migration/immigration-policy
clarified the meaning of short-stay visas/permits as a tourist visa where undertaking employment is prohibited.

2.2 Residence permits and border controls

We have removed residence permit as a separate entry channel, as the UK does not operate a permit system in the same way. Moreover, because our development of ImPol has exhaustive indicators on work migration, the same data should be captured within this entry channel. ImPol contained two indicators on border controls, which were specifically related to readmission agreements with Senegal in the context of the MAFE project, and a further indicator related to readmission agreements with transit countries. We have removed these from ImPol because firstly this is not an entry channel per se and we aim to have a dataset that measures different entry channels. Secondly, Senegal is only one of many sending countries included in Temper. Thirdly, because the majority of readmission agreements have been signed collectively at the EU level, thus we would not expect much variance in the scoring on the index. Finally, because ImPol contains a separate function for agreements between our destination states and selected sending countries, any readmission agreements should be contained in these indicators.

2.3 Students

Previously ImPol did not differentiate between an undergraduate student visa (aged 18-21 typically) and a postgraduate student visa. Whilst there was little differentiation between these in terms of eligibility and rights in the post-war period, since the late 1990s these types of studies have been reconfigured and often bestow very different rights and eligibility depending on the level of study. For example, in the UK postgraduate students can bring dependants with them, whereas undergraduates cannot. The language level, maintenance/economic resources requirements, and their ability to transition to a more permanent work permit at the end of their studies, is likewise fundamentally different in most of our destination countries. This means that coders would have to make a judgment to input a single value for a single year on each indicator, and scores would be qualitatively
different depending on whether one was coding an undergraduate visa or postgraduate visa. Because our work-related migration occupations include a researcher visa, which PhD students can obtain, we have concluded that the category of students should be exclusively related to undergraduate visas in ImPol. This requires coders for France, Italy and Spain to recode the current indicators on students from 1990, or to at least verify that the coding does not change.

2.4. Sub-entry channels added

We have added two new sub-entry channels to ImPol. By sub-entry we mean routes of entry to destination states that are nonetheless not entirely separable from the existing entry channels already contained in ImPol. These are EU mobility and family formation.

For EU mobility we have included a single indicator, which asks whether transitional controls have been placed on new accession states. As old EU states have some flexibility in whether they chose to place transitional controls on new EU citizens up to a maximum of seven years, we expect some variance in the scoring. Whilst ImPol does not attempt to measure and codify EU mobility generally, we have included this indicator as a potential pool of EU labour can often lead to policy changes in other labour migration categories, thus in order to present a valid picture of overall policy restrictiveness, we wanted to accommodate how changes in one policy stream can effect another.

The second sub-entry channel we have included is family formation. This will be subsumed under the general entry channel of family reunification, because whilst family formation entails, at times, different rules, eligibility and rights to family reunification visas, family formation is nonetheless not a separate entry channel as such. We have developed three indicators for family formation, which all destination states will need to code from 1990.

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4 For example, in the UK whilst the quota for the seasonal agricultural scheme was reduced in the mid 2000s, this was made on the assumption that citizens from the new Central and Eastern European accession states would fill any labour shortages. Likewise the decision to terminate the scheme was made on the basis that transitional controls for Bulgaria and Romania had lapsed.
These are:

1.) Whether the sponsor and applicant need to prove their intentions (to immigration officers for example) to marry, with thresholds -1=No and 1=Yes
2.) Whether maintenance or economic resources need to be demonstrated and/or that there is adequate accommodation, with thresholds: 1=No requirement; 0=Accommodation or economic resources required; -1=Yes applicant must demonstrate adequate economic resources and accommodation.
3.) The duration of initial visa/permit before applicant must marry sponsor, with thresholds: -1= 6 months or less; 0=6-18 months; 1=18 months or more.

3. ImPol: Work-related migration

For the purposes of the Temper project WP8 to has focused on expanding the measures of ‘work’ migration by skill level. The indicators proposed must be consistent diachronically since 1990, and cross-comparatively across our four destination countries (Italy, Spain, France and UK). Here we outline our theoretical framework and measurement considerations.

3.1 Defining and measuring policy restrictiveness

Migration policy is inherently a multidimensional concept, as individual indicators cannot adequately represent it. To begin with we adopt Bjerre et al. (2014, p.4) definition of immigration policy as ‘government’s statements of what it intends to do or not do (including laws, regulations, decisions or orders) in regards to the selection, admission, settlement and deportation of foreign citizens residing in the country’. There is a further differentiation to be made between policy outputs and policy outcomes. In the field of immigration, legal regulations on immigration are the policy outputs, while immigration rates are policy outcomes. ImPol only measures policy outputs, although we deem policy outcomes as the dependent variable and thus hope that ImPol can help us understand policy outcomes, particularly those related to Temper work packages – high skilled, low/mid skilled, seasonal and student migration. It is important to note that in our coding we have adopted the state
perspective and not the migrant perspective. By this we mean we define restrictiveness according to the government intention behind the policy.

The interpretation of the statutory is another component of policy outputs, and we attempt to integrate this in ImPol by drawing on lower level instruction, such as circulars and policy guidance wherever possible. Nonetheless, policy can be interpreted and implemented in a variety of ways on the ground, and thus it is important to acknowledge that the policy outputs we code may not always be the material reality of how policy operates in each state.

For example, policies which aim to restrict migration can have unintended effects and de facto make a route less restrictive, such as the Bossi-Finn law in Italy (Geddes 2008). To overcome this shortcoming, the ImPol team has conducted interviews with state officials wherever possible regarding policy implementation, to act as a check on the indicators designed and later the interpretation of our results.

There are a number of components in immigration policymaking which aim to restrict or liberalise certain immigration flows. Two levels of control can be clearly identified; those at the territorial border (entry), and the entitlements granted inside the territorial border (settlement) (Hammar 1990). Hammar (1990) and Money (1999) associate entry mechanisms with immigration policy, whereas entitlements granted are equated with immigrant or integration policy. Settlement regulations stipulate what is expected from immigrants, which conditions they have to meet to remain in a country and to become a part of the society, and the rights they are granted (Hammar 1990, 13).

Akin to IMPIC (Bjerre et al. 2014) we include components of immigrant policy in the index where a policy grants rights (or not), which enable ‘the immigrant to sustain a living in the host country, i.e. rights to work and rights to welfare benefits’. Although these rights form part of integration policies more generally, integration policies also include political, social and cultural rights, which we consider as a citizenship politics. For the sake of parsimony, clear concepts, as well as the fact that many sophisticated indexes in integration and citizenship policies exist including MIPEX; we exclude citizenship and integration policies.
States manage labour migration through: the admission criteria of migrants, the rights granted to legal migrants in country, and regulating the return or extension of migrant visas. While the external regulations are comprised of conditions and eligibility criteria and the mechanisms that control whether these criteria are abided to, the internal regulations govern the duration of stay in a country, which rights immigrants receive and how they are monitored once they are within the territory. We distinguish between admission (external) and rights (internal). However, we also include a third control mechanism, which relates to return, circularity and transitions. We include this because firstly this meets Temper’s objectives to assess transitions and what could regarded as circular policy measures (although these are rarely defined as such), and secondly, because this acknowledges the ways in which states can enforce restrictiveness by curtailing the right to switch to different visas and a route to permanency. The high proportion of status changes within OECD countries indicate that many temporary migrants eventually acquire permanent or quasi-permanent status, making the ease of this transition a relevant factor for considering policy restrictiveness (OECD 2014 p. 150). Two and multiple step migration – where migrants who first stayed on time limited visas (students, time limited temporary workers, working holidaymakers) – can often transition to permanent status either directly or through a series of temporary visas which collectively count towards the time needed for eligibility for permanent status (OECD 2014, p. 150). Furthermore, the inclusion of these indicators allows us to assess the possible transitions from temporary migration to more permanent migration – a key objective of the Temper project–.

We measure restrictiveness in terms of a.) Whether the entry mechanism seeks to limit migrant numbers through rigid eligibility criteria; b.) Whether a law implies an increase or decrease of the rights which are granted to the migrants of the targeted category; and c.) Whether there is a right to repeat participation, transition to a different visa or a route to permanency. Thus our indicators measure policy restrictiveness by three dimensions: a. eligibility criteria; b. in-country rights granted; c. transitions, return and permanency.
3.2 Measuring labour migration

Labour migration policies are particularly important in terms of measuring policy restrictiveness, as labour migration is discretionary; in other words governments have autonomy over regulating this channel of mobility, and unlike other types of migration governments can easily control, regulate and restrict this type of mobility. Labour migrants represent 1/3 of all permanent migration and 600,000 foreign workers are recruited annually across all OECD countries (OED 2014). There are approximately 2 million temporary migrant workers recruited annually across all OECD states (Ibid).

Work package 8 efforts have concentrated on developing indicators which can measure different types of labour migration policies, namely by skill level – high and mid/low skilled. This task has proven to be challenging for a number of reasons that are particular to labour migration, in contrast to other types of migration. These challenges have led us to devise a scheme that measures labour migration policies on the basis of occupational examples, which effectively act as proxy variables. Here we discuss these challenges and go on to outline our occupational scheme.

3.3 Diachronic indexing

By far the greatest challenge in developing an index on work related migration policies for ImPol has been how to measure policies consistently over time. In other words, diachronic indexing requires us to develop measurements that are universal and consistent over 25 years. This is challenging because visas, permits and procedures do not remain static. Rather new types of visas have been created, others abandoned and many have been amalgamated. New visas have been created in response to labour market needs, as well as responses to the political climate. Some of these are specific to the country context; other routes have been created or abandoned in a similar manner across our states because they face common global challenges. For example, specific high skilled visas exist in all four of our destination states today. However, the concerted effort to attract high skilled migrants is a relatively new phenomenon, starting from the late 1990s. Such visas, permits and
procedures did not exist, at least in the same form, in the 1990s, thus we cannot systematically quantify the same type of visa over 25 years. The same issues exist with low and mid skilled labour immigration policies.

In all our countries visas have been amalgamated, combined and modernized, making indexing over 25 years on one specific visa unfeasible. To do this would require our coders to make subjective and arbitrary judgments on which visa they should code. For example, in the UK there was no specific high skilled route until 1999 when the pilot Highly Skilled Migrants Programme was initiated, in combination with another pilot the Innovators Scheme (if each country only measured one type of visa for each skill level, already at this point a coder would have to make a judgment on which scheme to code). However, in the 1990s on the main labour migration route – the Work Permit Scheme – the majority of permits required the person to be taking a job that in most cases needed, at a minimum, tertiary education (by most definitions high skilled). Later, when the points-based system (PBS) was introduced, the HSMP and the Innovators Scheme were merged into Tier 1 general. However, the Tier 2 route for skilled workers replaced the work permit scheme. As coders would need to input a single numerical figure for each year for each indicator, the coder would have to make a judgment to either neglect the main work route Tier 2 in ImPol for high skilled migration, or neglect Tier 1 of the PBS, which was specifically for high skilled migrants. These quandaries exist in all our cases, and it is on this basis that we have constructed our methodology based on proxy variables of occupations to represent skill levels.

3.4 Visa compatibility: legal regimes of labour migration in four destination states

A further challenge in indexing labour migration policies is the fundamental differences in legal regimes between the four states. Drawing on European Migration Network (EMN) reports and other secondary sources, including previous versions of the ImPol database for France, Italy and Spain\(^5\), here we briefly outline the legal regime pertaining to work related

\(^5\) http://www.perfar.eu/policy/migration/immigration-policy
migration specifically, with an eye to the consistency of legal underpinnings since 1990. ImPol is part of the PERFAR system (Population Europe Resource Finder and Archive) and in turn the ImPol team contributed information of each piece of legislation in Italy for the period 1912-2007, Spain 1935-2007 and France 1945-2007.

### 3.4.1 France: Legal regime for work-related migration

The authoritative text for migration is the Decree dated 2 November 1945 relating to conditions of entry and residence for foreign persons in France. This decree has been amended on several occasions since then to meet the changing requirements for immigration. All legislative and statutory texts have, since 2005, been classified into the Code for Entry and Residence of Foreign Persons and the Right of Asylum (CESEDA) which became the authoritative text (EMN 2008). In addition, bilateral agreements (most notably with Algeria), multilateral agreements within the scope of the UN and the Council of Europe, and European legislation frame the legal regulations.

A distinction is made under French law between a "visa" and a "stay document" (*carte de séjour*). A long stay visa, or entry permit, is required for all persons requesting a stay document. This essentially means that the alien must go through a French Consular authority and be approved to enter the country. For members of the OECD countries, including the United States, no such long stay visa is required for trips to France under 90 days.

However a visa, or entry permit, is required for all persons entering France intending to remain there for greater than 90 days and/or work or study in France. While exceptions to the need for an entry permit, or long stay visa, are provided (especially for spouses of French citizens), the general rule is that a person will not be issued a stay document or *carte de séjour*, unless they have been approved by a foreign Consulate. This means that the great majority of people must begin their immigration to France by preparing a petition to the French Consulate having jurisdiction over their residence. Long stay visas (*visa de long
séjour) are only given by Consular authorities and they are a prerequisite to obtaining the right to remain in France and to obtain a stay card (carte de séjour).

There is an intermediate visa, between the short stay visa and the long stay visa, for stays of six months, which do not require that the alien obtain a stay card. But this visa has only limited uses and most people who wish to remain in France will need to make an application for a long stay visa, with or without the assistance of counsel. A long stay visa is required in particular by aliens who wish to obtain a stay card as a "visitor", « employee », « student », or « family » visa, especially for spouses or PACS partners (allowing same sex couplings)\(^6\).

As a general rule, a third country national who wishes to come to France to take up employment must first obtain a work permit. This happens either through an employment contract validated by the Regional Directorates for Business, Competition Policy, Consumer Affairs, Labour and Employment (DIRECCTE) or through the "foreign worker introduction" procedure. The visa corresponding to the reason for stay will only be issued upon presentation of one of these work permits. Third-country nationals cannot take up employment if they are not in possession of a "work permit" or a "temporary work permit"\(^7\).

### 3.4.2 Italy: Legal regime for work-related migration

The Italian system regarding migration and asylum policies refers in the first place to the Republican Constitution. Among the “fundamental principles” which the Constituent Assembly particularly emphasized is paragraph 3 of article 10, where the right to asylum in the Italian territory is granted to any foreigner “prevented” – in the country of origin – “from the democratic liberties guaranteed by the Italian Constitution”. The actual application of such right is regulated by the ordinary law. The article 10 of the Constitution refers to ordinary law also regarding the juridical condition of the foreigner, although always “in accordance with the international norms and treaties”.

\(^6\) [http://www.frenchlaw.com/Immigration_Visas.htm](http://www.frenchlaw.com/Immigration_Visas.htm)
The first real attempt to regulate the entry and stay of foreigners in Italy was the Law n.39 of 28 February 1990, also called “Martelli Law”. Previously, migrants willing to come to Italy only needed a visa and its duration marked the legal duration of their stay. But the Martelli law introduced the need of having a residence permit so, from now on, visas only will allow foreigners to enter in the country but not directly to stay: once they entered in Italy, foreigners had 8 days to request their residence permit. Depending on the nature of the stay, residence permits will last more or less time but the fact that there are different types of visas (tourism, study, salaried work, autonomous work, care, family and worship) only determined the reason for coming to Italy but they didn’t establish a specific channel of entry by themselves. The article 4 of the Martelli law established that residence permits will last two years at maximum and can be renewed.

In 1995 the Decree Law no. 489 of November 18 (the so-called “Dini Law”) was proposed without being approved (apart from the provisions regarding regularization), in order to establish urgent measures regarding migration policies and regulations of entry and stay of non-EU citizens in the national territory. One of the most interesting aspects of this decree is that it established for the first time the concrete duration for each residence permit. In the case of work permits, permanent jobs allowed to obtain a two years permit, temporary works a permit lasting the same as the contract and in the case of contracts longer than two years it allowed to obtain a two years permit and renew it for the remaining time and for seasonal works residence permits will last a maximum of 6 months.

Only in 1998 a new organic regulation on migration was finally passed: the so-called “Turco Napolitano” Law. This law (no. 286 of July 25, 1998; Legge 6 marzo 1998 n.40), which was published on the Gazzetta Ufficiale (Official Journal) no. 191 of August 18, 1998, contained the “Consolidation Act of provisions related to immigration control and rules on the condition of foreigners”. This measure did not make substantial modifications to the Law no. 39/1990 (the so-called “Martelli Law”) in matters of asylum. The article 18 of the above-mentioned “Consolidation Act” is particularly important because it establishes the granting of residence permits for humanitarian social protection and redefined again the duration of
residence permits. Now permits for seasonal work can last a maximum of 9 months, those for temporary work were reduced to one year and the ones for permanent work and autonomous work will last two years.

In September 2002 the Law no. 189 of July 30, 2002 (the so-called “Bossi-Fini Law”) came into force. This measure modified the regulations on migration and asylum, and became fully effective only in 2005, after the regulation on the procedures for the recognition of refugee status (Presidential Decree no. 303 of September 16, 2004), which was published on the Gazzetta Ufficiale no. 299 of December 22, 2004. One major change regarding residence permits it’s that it introduced the multiannual permit for Seasonal workers. Those who came to Italy two consecutive years to do the same work can obtain now a multiannual permit lasting three years and allowing them to stay in Italy a maximum of nine months per year. Migrants will only need to request the visa each year to enter in the country.

With regard to learning the Italian language, according to a Decree of the Ministry of Interior of June 4, 2010 (published on the Gazzetta Ufficiale no. 46 of June 11, 2010), Italian language tests are now compulsory in order to obtain a long-term EC residence permit (formerly known as “carta di soggiorno” or residence card).

Citizens of a non-Schengen country, with a regular visa issued by the network of diplomatic and consular offices authorized by the Ministry of Foreign Affairs, may enter into Italian territory for tourism, study, family reunification, work and other reasons. The visa is a special “stamp” or “sticker” that, affixed to the applicant's passport or other valid travel document, grants to a foreigner the authorization to enter the territory of the Italian Republic.

The Decree of the Ministry of Foreign Affairs of May 11, 2011 (published on the Gazzetta Ufficiale almost 7 months later, on December 1, 2011), implementing the new EU Regulation, partially amended the visa policy introduced by the Inter-ministerial Decree of July 12, 2000. The new Decree still contains 21 different types of visas, some of which have been redefined: Adoption, Business, Medical Treatment, Diplomatic, Sports, Invitation, Self-employment, Employment, Mission, Family reasons, Religious Reasons, Re-entry, Elective

In case of a period of stay in the Italian territory longer than three months, third country nationals are obliged to apply for a residence permit (within 8 days, for persons coming to Italy for the first time).

In 2012 the Law Decree 179/2012 introduced in the art. 25 a new type of work visa: the start up visa. It’s aim was to attract investors willing to create innovative companies in Italy. This visa lasts one year but can be renewed if the start up company meets certain requirements established in the law. This is one of the few channels opened in the recent years to attract investors or/and high skill migrants in Italy.

The Consolidation Act on Immigration (Law Decree 286/1998, art. 3, par. 6) provided for the establishment of Territorial Councils for Immigration whose tasks consist in analysing the needs and promoting actions to be implemented at local level. The Territorial Councils for Immigration, which are headed by the Prefect, are functional for the development of a link between centre and periphery which would improve the knowledge system and promote the most appropriate operational decisions in order to remove the obstacles in the process of economic, social and cultural integration of migrants.

These bodies were considered to be the most appropriate means to manage the coordination between public and private structures dealing with migration field, and to provide support for the Government. They are in charge of monitoring the territorial needs as well as promoting and coordinating initiatives on the basis of a functional connection between centre and territory (Regions, Provinces, Municipalities and Social Organizations).²

3.4.3 Spain: Legal regime for work-related migration

Similarly to the Italian case, immigration legislation at the rank of law did not exist before the end of the 1980s. The first Foreigners' Law (Ley de Extranjería) was approved in 1986 in the context of Spain’s admission to the European Community. Previous to that date, immigration was mainly regulated through decrees. More recent legislation (both laws and regulations) passed since are widely disseminated and easily accessible in the Official Journal (Boletín Oficial del Estado).

Two main types of documents regulate entry and stay of foreigners in Spain: a visa, granted on different grounds depending on the main purpose of the entry, and the authorization to stay/reside for a certain length of time in the Spanish territory with a certain number of rights attached to it. Both documents have articulated the legal procedure to enter and stay in Spain since the early eighties up to now. The first step is to apply for the visa in the Spanish Consulate abroad with jurisdiction in the area where the foreigner lives. Once the visa is granted for the purpose the foreigner requested it, he/she can come to Spain and apply for the corresponding authorization to stay/residence permit within usually one month since entry into Spain took place. In any case, the duration of the visa will not be shorter than the duration of the corresponding authorization/permit to be granted.

Although the general structure of the legal system of visas and residence (and work) permits was already present in the 1985 Law, it was the Organic Law 4/2000 of 11 January 2000 on the rights and freedoms of foreign nationals in Spain and their social integration, with its successive reforms in 2000, 2003 and 2009, and its current Regulation, approved by Royal Decree 557/2011 of 20 April 2011, the one that definitely set the main structure of the visa and residence permits system in Spain. In the mean time, the 2001 and 2004 Regulations established the details concerning the requirements to meet, the documental means to prove them, and the procedures to follow in order to obtain each existing type of visa and residence (and work) permits.
There are two main types of visas: visas for short-stays (shorter than 90 days) and visas for longer stays, which are generally visas for residence. Visas for residence can be granted on the basis of different purposes: work, family reunification, non-economic reasons, etc. In the case of study being the main purpose of the stay, the foreign will not be granted a residence permit/authorization but only an authorization to stay. The main implication of this distinction (stay versus residence) is the time spent with an authorization to stay in Spain does not count when trying to prove requirement of certain length of previous residence in Spain to be eligible for citizenship acquisition or (not fully) for permanent residence.

Legal residence includes the following phases:

a) Temporary residence, whose duration in general is one year for the initial permit (except in three major situations: permits for seasonal work and permits for fixed-term job contracts in certain industries and activities) and 2 years in case of renewal, with different validity periods for other situations, especially the one concerning family reunification residence (mostly dependent on the duration of the permit hold by the sponsor), and

b) Long-term residence, obtained generally after 5 years of legal residence in Spain - or fulfilling certain legal conditions like being sponsored as a relative by a foreign legal resident who already holds a long-term residence permit-, and renewable every five years.

Admission criteria for migration are primarily related to the labour market. Two main procedures have been generally opened to channel work-related entries: 1) the general regime, 2) and the ‘contingente’ system, more recently named system for the ‘collective management of workers’ recruitment in countries of origin’. They are two different and concurrent systems of access to the Spanish labour market for foreign workers that entail different procedures to process the job offers and the signature of the work contracts. It is important to emphasize that in most cases they are not mutually exclusive; they can be

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simultaneously opened for the same occupation in the same province. The main differences between the two relate to:

1) Who makes the job offer: an individual employer in the general system, versus employers’ or business associations from a particular sector such as agriculture, construction, hotels, etc. in the collective one.

2) How many foreign workers are recruited at once: only one in the general regime, and more than one (more than 10 or, at least, more than 5, depending on the regulations established for the specific sector or occupation) in the collective one.

3) The countries from where the work may preferentially come from, which are not restricted in the general regime but are in the collective system, which preferentially apply to nationals from countries that have bilateral agreements for the management of migration flows signed with Spain.

4) The speed of the procedure, which is expected to be quicker in the second case since some steps of the general procedure are suppressed.

In contrast, there are not necessarily differences with regard to the occupation or the skill level for which the worker can be hired, the type of permit granted to the foreign worker (in most cases of one year duration and renewable if conditions are still met, with the exception of the seasonal workers mainly hired through variations of the collective system locally developed), not even the possibility of making nominative offers and hiring a specific person in origin instead of a generic foreign worker who simply fit the employer’s offer request. Moreover, as a general rule, a certification from the public employment services confirming unavailability of national and legal resident workers for the job in question, is always needed; however, this requirement can be supressed if the occupation appears included the List of Shortage occupation, created by the 2004 Regulations but which did not start functioning until 2007.
Apart from this general framework regulating work-related immigration, the 2011 Regulations created new procedures for highly-skilled workers, researchers, and firm executives to be hired, as well as for intra-corporate transfers, as direct reflection of the EU Directives approved in relation to them. Later on, the Law 14/2013, on support of entrepreneurs and their internationalization, has developed new forms to speed up the procedure to recruit and hire foreign researchers/professors, researchers for the private industry, investors, entrepreneurs and intra-corporate transfers, which are still overlapping with the old procedure established in Regulation 2011. These two innovations represented a first attempt to tackle with one of the most traditional characteristics of the Spanish labour immigration system: the irrelevance of skills levels in determining the routes of entry to the Spanish labour market.

3.4.4 United Kingdom legal regime for work-related migration

The foundation of the current legal framework in the UK is the Immigration Act 1971 that came into force on 1 January 1973, and the Immigration Rules made under it. The 1971 Act has been amended and added to by a body of legislation including, most significantly: the Immigration and Asylum Act 1999; Nationality, Immigration and Asylum Act 2002; Asylum and Immigration (Treatment of Claimants, etc.) Act 2004; Immigration and Nationality Act 2006; UK Borders Act 2007; and the Borders, Citizenship and Immigration Act 2009; and Immigration Act 2014. With the exception of the Immigration Act 2014, these statures, whilst important, relate mostly to humanitarian, irregular and family migration. The 1971 Immigration Act and the rules made under it remain the authoritative stature for the purposes of work related migration.

The Immigration Rules outline the practice to be followed in the administration of the Immigration Acts for regulating entry into and the stay of persons in the UK. Visa applicants and entrants to the UK are assessed against the relevant section of the Immigration Rules. They are updated on a regular basis, sometimes even monthly and now run into the thousands.
The Immigration Rules are not delegated legislation, but over the years have increasingly taken the form of mandatory requirements rather than guidance to decision makers on their use of discretion. They are subject to a negative resolution procedure, by which they come into force as soon as they are laid before Parliament but can be amended or withdrawn by resolution of the House within 40 days. The Immigration Rules are subject to frequent change.

Labour migration was predominantly regulated by the work permit scheme between 1990 and 2008. Whilst there were eligibility criteria to be met, such as the job the foreign worker would be taking would be a minimum degree level at various times, these were contained in the work permit guidance issued by the Department for Education and Employment. The immigration rules gave the rights granted but liability for issuing a permit was with the employers themselves. Whilst the work permit scheme was the main labour immigration policy, there were a number of other work related visas including investors, teachers under approved schemes, the longstanding Seasonal Agricultural Workers Scheme (SAWS) and the Working Holidaymakers Scheme. The Work Permit scheme was streamlined in 2001 when the functions moved to the Home Office. A number of other pilot schemes were launched in the late 1990s and early 2000s, including the Highly Skilled Migrants Programme (HSMP), the Innovators Scheme and the Sector-Based Scheme (SBS). This have since been integrated into the PBS or been terminated.

In 2008 the government introduced a single points based system (PBS), which consolidated the previous 80 routes of gaining legal entry to the UK (Home Office 2005). The PBS was rolled out in phases tier-by-tier from 2008, and remains in place under the current government. The PBS is composed of five tiers: Tier 1– highly skilled migrants; Tier 2 – skilled workers with job offers; Tier 3 – low skilled migrants; Tier 4 – students; Tier 5 – temporary workers and youth mobility. However, Tier 3 has never been open since the inception of the PBS. There are also a number of routes that are contained in the immigration rules outside of the PBS, such as the Domestic Worker visa, SAWS (until cessation in 2013) and the Au Pair visa.
There are also a number of other immigration rights that flow from EU law, such as operation of a standstill clause for self-employed Turkish business persons under the Turkish Association Agreement.

In most non-EU cases the first port of call in day-to-day practice will be the Immigration Rules and relevant policy guidance issued by UK Visas & Immigration (UKVI) relating to the category of entry or stay. Policy guidance is guidance that is either issued to UKVI decision makers to assist in their decision-making process or to the applicants themselves (guidance also exists for sponsors i.e. employers and education institutions). Both types of guidance provide clarification and elaboration on the requirements of the Immigration Rules. Guidance to applicants became a feature of PBS categories and, in many cases, included additional criteria of entry or stay than were present in the Immigration Rules. This ultimately led the Supreme Court to consider the status of the rules and guidance generally in *R (on the application of Alvi) v SSHD* [2012] UKSC 33, [2012] All ER (D) 173 (Jul)\(^{10}\).

In terms of bilateral agreements, many provisions of the EC-Turkey agreement have direct effect and Articles 12-14 provide that the contracting parties are to be guided by the relevant articles of the EC Treaty in progressively securing freedom of movement for workers, freedom of establishment and provision of services. As in all association agreements there is no right of entry – the national law of the host country applies. However, once they have entered there is a principle of non-discrimination between Turkish and EU nationals\(^ {11}\).

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\(^{10}\) On 19 July 2012, the day after the decision in Alvi was handed down, a new Statement of Changes in Immigration Rules, Cm 8423 was published. The statement took effect on 20 July 2012 and aimed to incorporate existing policies and practices contained within policy guidance into the Immigration Rules. In transposing the guidance into the Immigration Rules, the requirements for some immigration categories were (inadvertently) amended. It is important to keep abreast of immigration decisions in the Upper Tribunal (Immigration and Asylum Chamber) and the relevant UK higher courts as these can often provide important interpretation and clarification on the provisions of the Immigration Rules and, in some circumstances, can strike them down.

\(^{11}\) Council Decision 1/80 Article 6 sets out the specific rights for a worker: (i) after one years’ legal employment, to renewal of the work permit to work for the same employer; (ii) after three years legal employment, to respond to an offer of employment from another employer and ; (iii) after four years legal employment to any paid employment of the workers choice
There are also less advantageous cooperation agreements with Algeria, Morocco and Tunisia contained in the so called ‘Maghreb agreements’. These provide for equality of treatment for employed workers only. Readmission agreements have been entered into with a number of countries including Hong Kong, Sri Lanka, Macao, and Albania. Negotiations were completed during 2007 with several candidate and prospective candidate countries for admission to the EU – Macedonia, Montenegro, Bosnia and Serbia. Other concluded agreements are with countries on the EU’s new borders: Russia, Moldova and Ukraine. Most recently, agreements with Pakistan and Georgia have entered into force. There are also negotiations on-going with Morocco, Algeria, China and Belarus, and re-negotiations of existing agreements with Russia, Ukraine, and Moldova. The agreements generally require that the non-EU country agrees to accept people returned from the EU, even when they are not nationals of that country, or are stateless, if they have entered the EU irregularly through that country.

Internal instructions as they now exist divided into three kinds:

- **Policy documents**: give guidance on exercise of discretion. The criteria for immigration detention are found entirely in guidance documents of this kind, disclosed on the government website in the Enforcement Instructions and Guidance.

- **Guidance on the application of immigration rules.** Directions about implementation of rules. Home Office officials should not deviate from Immigration Directorate Instructions unless there is good reason. This reflected legal obligation of the government not to act inconsistently with its own policy unless there was good reason for doing so. On the other hand, Immigration Directorate Instructions did not have the force of law.

- **Concessions**: one feature of immigration law is the extent of provision which has been contained in the discretionary practices outside the rules. Sometimes these have been standard practices for any years. Although rules are more and more comprehensive they still don’t cover every eventuality, such as war/emergency response.
Guidance in PBS is different. It is referred to in the immigration rules as binding and is phrased in mandatory terms. As held by Court of Appeal in Pankina guidance cannot be given the same force as a rule, and the Supreme Court has now laid down a clear demarcation between such guidance or policy and the rules. As a consequence many of the provisions, which were formerly in guidance, are now in rules so that they can be treated as compulsory.
Overview of UK work-related visas 1990-2015

1990-1998

**HIGH**
- Investors (Perm)
- Drs and dentists seeking postgraduate training (Temp)
- Businessman & self employed persons (Perm)
- Persons of independent means (Perm)

**SKILLED**
- Work permit Scheme *main route (Perm)

**MID/LOW**
- Au Pair (Temp)
- Writers & artists
- Working holidaymakers (Temp)
- Permit-free employment
- Private servants (diplomatic households)
- Employment by an overseas government
- Teachers & language assistants
- Operational ground staff

**SEASONAL**
- Seasonal workers (SAWS) (Temp)

1999-2008

**HIGH**
- Investors (Perm)
- Highly Skilled Migrants Programme (Perm)
- Innovators (Perm)
- Medical Training Initiative
- Entrepreneur (Temp)
- Fresh Talent: working in Scotland * Scotland only

**SKILLED**
- Work Permit Scheme *main route (Perm)

**MID/LOW**
- Domestic workers (Temp)
- Teachers & language assistants (Temp)
- Writers, artists & composers
- Au Pair (Temp)
- Working holidaymakers (Temp)

**SEASONAL**
- Seasonal (SAWS) (Temp)
- Sector-Based Scheme (Temp)

2008-2015

**HIGH**
- Persons intending to establish themselves in business
  - Investors
  - International graduate scheme
  - PBS Tier 1: General
  - PBS Tier 1: Exceptional Talent
  - PBS Tier 1: Entrepreneur
  - PBS Tier 1: Investors
  - PBS Tier 1: Post-study work

**SKILLED**
- Work Permits (applications pre 2008)
  - Tier 2: Intra-company transfer
  - Tier 2: General (including shortage occupation)
  - Tier 2: Ministers of religion
  - Tier 2: Sportspersons
  - Tier 5: temporary workers GATS
  - Government authorised exchanges
  - International agreements

**MID/LOW**
- Private servants in diplomatic households
- Domestic workers
- Ministers of religion
- Teachers & language assistants
- Writers, composers, artists
- Au Pairs
- Tier 5: Youth mobility scheme
- Creative and sporting

**SEASONAL**
- Sector-based scheme
- Seasonal (SAWS)
**Overview of France's work-related visas 1990-2015**

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<thead>
<tr>
<th>Year Range</th>
<th>Category</th>
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<tr>
<td>1990-1997</td>
<td>SEASONAL (from 1945)</td>
<td>« ONI contract »: 6 months permit (Temp)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(2004) Senior &amp; High-level executives // specific facilities for permits’ issuance (Temp)</td>
</tr>
<tr>
<td>2006-2015</td>
<td>RESEARCHERS/PhD students</td>
<td>(2006) « Researcher »: 1 to 4 years permit // depends on the duration of the hosting agreement (Temp/Perm)</td>
</tr>
<tr>
<td>2006-2015</td>
<td>SEASONAL</td>
<td>(2006) « Seasonal workers »: permit for 6 months max. per year during 3 consecutive years // all seasonal activities (Temp/Perm)</td>
</tr>
<tr>
<td>2006-2015</td>
<td>ANY SKILL</td>
<td>(2006) « Temporary worker »: 3 to 12 months // labour contract &lt; 12 months (Temp)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(2006) « Employee »: 1 year permit // labour contract &gt;= 12 months (Perm)</td>
</tr>
<tr>
<td>2006-2015</td>
<td></td>
<td>« Exceptional economic contribution »: 10 years permit // investors: create 50 jobs or invest 10M €, in France (Perm)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>« Employee on assignment »: 3 years permit // Min. 3 months’ contract &amp; salary &gt;= 1.5 min. sal in France (Perm)</td>
</tr>
<tr>
<td>2006-2015</td>
<td></td>
<td>(2011) « EU Blue Card »: 1 to 3 years permit // contract: salary &gt;= 1.5 times the average gross salary (Temp/Perm)</td>
</tr>
<tr>
<td>2006-2015</td>
<td></td>
<td>« EU Blue Card »: 1 to 3 years permit // contract: salary &gt;= 1.5 times the average gross salary (Perm)</td>
</tr>
<tr>
<td>2006-2015</td>
<td></td>
<td>« Employee on assignment »: 3 years permit // Min. 3 months’ contract &amp; salary &gt;= 1.5 min. sal in France (Perm)</td>
</tr>
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<td>2006-2015</td>
<td></td>
<td>« Exceptional economic contribution »: 10 years permit // investors: create 50 jobs or invest 10M €, in France (Perm)</td>
</tr>
</tbody>
</table>
| 2006-2015  |  | « Exceptional economic contribution »:
|  |  | « Employee on assignment »: 3 years permit // Min. 3 months’ contract & salary >= 1.5 min. sal in France (Perm) |
| 2006-2015  |  | « Exceptional economic contribution »: 10 years permit // investors: create 50 jobs or invest 10M €, in France (Perm) |
| 2006-2015  |  | « Exceptional economic contribution »:
|  |  | « Employee on assignment »: 3 years permit // Min. 3 months’ contract & salary >= 1.5 min. sal in France (Perm) |
| 2006-2015  |  | « Exceptional economic contribution »: 10 years permit // investors: create 50 jobs or invest 10M €, in France (Perm) |

**TEMPORARY**

- **SEASONAL** (from 1945)
  - 1 year permit (Temp)
  - « Temporary »:
    - 9 months' permit (Temp)
- **ANY SKILL** (from 1945)
  - 1 year permit (Temp)
  - « Temporary »:
    - 9 months' permit (Temp)
Overview of Italy’s work-related visas 1990-2015

1990-1998

ANY SKILL
2 years permit for permanent jobs (Perm)
2 years or less permit for temporary jobs (in case jobs last longer than 2 years, permit can be renewed for the remaining time) (Temp)
2 years permit for autonomous work (Perm)

SEASONAL
6 months permit for Seasonal workers (Temp)

1999-2015

ANY SKILL
2 years permit for permanent jobs (Perm)
2 years permit for autonomous work (Perm)
1 year permit for temporary work (Temp)

SINCE 2012
1 year permit for foreigners willing to create a "Start Up Company" (Perm)

SEASONAL
9 months permit for seasonal work (Temp)

SINCE 2002
Multiannual permit for 9 months per year during three years (Temp)
### 3.4.5 Co-operation with third countries

<table>
<thead>
<tr>
<th>Member State</th>
<th>Agreements</th>
<th>Third Countries</th>
</tr>
</thead>
</table>
| France       | ➢ Exchange of young professionals  
              ➢ Exchange of young people  
              ➢ Entry of Interns  
              ➢ Management of migration flows & development  
              ➢ Residence and circular migration of professionals  
              ➢ Facilitation relating to transit, employment & residence  
              ➢ Professional migration  
              ➢ Migration  
              ➢ Youth mobility | ➢ Argentina, Morocco, Senegal  
              ➢ Canada  
              ➢ Canada, Haiti and Turkey  
              ➢ Congo, Senegal, Tunisia  
              ➢ Mauritius  
              ➢ Algeria, Morocco  
              ➢ Russian Federation  
              ➢ India, Mali  
              ➢ Canada, Japan, New Zealand, South Korea, Australia, Argentina |
| Italy | - Readmission agreements  
|       | - Labour mobility agreements  
| Spain | - Agreements for the management of migration flows  
|       | - Framework Cooperation Agreements in the field of migration  
|       | - Agreements for Readmission of persons in irregular situation  
|       |  
|       | - Albania, Algeria, Bosnia Herzegovina, Croatia, Egypt, Philippines, Georgia, FYR of Macedonia, Morocco, Moldova Rep. of, Nigeria, Pakistan, Serbia, Sri Lanka, Switzerland, Tunisia  
|       |  
|       | - Albania, Moldova Rep. of, Egypt, Morocco, Tunisia, Romania, Sri Lanka, Mauritius  
|       |  
|       | - Colombia, Ecuador, República Dominicana, Polonia, Bulgaria, Rumania, Marruecos, Senegal y Bolivia, Ucrania, and Mauritania  
|       |  
|       | - Guinea Bissau, Niger, Mali, Cabo Verde, Guinea Conakry and Gambia.  
|       |  

<table>
<thead>
<tr>
<th>United Kingdom</th>
<th>Australia, New Zealand, Canada</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agreements for Youth Mobility</td>
<td></td>
</tr>
</tbody>
</table>

- Approved Destination Status Agreement with China (Visitors)
- Medical Training Initiative (MTI)
- International Agreement (including General Agreement on Trades in Services (GATS) and Vienna Convention of Diplomatic Relations 1961)
- Turkish ECAA Business
- Youth Mobility Scheme
- China
- Non-EEA
- Non-EEA
- Turkey
- Australia, Canada, Japan, Monaco, New Zealand, Taiwan, Hong Kong, Republic of Korea,

Source: (EMN 2012, p. 46)

### 3.5 Defining skill levels

To begin developing indicators to measure policy restrictiveness on work migration by skill level, we first need to demarcate what are considered to be low, mid and high skilled occupations.
3.5.1 Defining high skilled

Defining and demarcating the differences between what constitutes low, mid and high skilled jobs is challenging. One must be mindful that ‘skill’ as used by employers ‘can have as much to do with personality, gender, ethnicity, age, and nationality as it can with recognized qualifications’ (Lucas & Mansfield 2009, 179), as exemplified by employers’ preference for migrant workers based on soft skills rather than necessarily formal qualifications. Indeed such ‘soft’ skills, such as creativity, communications skills, or empathy, may have an important role to play in many jobs, and therefore in many hiring decisions, but are difficult to measure and quantify (Cinzia & Vargas-Silva 2014 p.10. Moreover, as Scott (2006, p.1106) highlights:

...the social construction of ‘skills’ tends to parallel global developmental, ethno-religious and racial gradients, meaning that in effect mass international migration within the developed world is, ipso facto, skilled, whereas in the developing world mass international migration is, ipso facto, unskilled. Thus, the middle and upper classes of the developed world move internationally with much greater ease than any other group because of this artificial skills/class hierarchy.

Nonetheless, a high skilled job is generally defined in both the academic and policy communities as a work that requires the ‘possession of tertiary level of education or its equivalent in experience’ (Salt 1997, p5). Ascertaining what equivalent in experience means as an operationalized concept is problematic, at least if attempting to apply such a measurement universally to all sectors. According to the OECD (OECD 1997, p.21) the term high skilled includes ‘highly skilled specialists, independent executives and senior managers, specialized technicians or tradespersons, investors, business persons, “keyworkers” and sub-contract workers’ (Iredale 2001, p. 8).

The UK Office for National Statistics (ONS) have devised an occupational index based on skill levels – the Standard Occupational Classification (SOC) index. This is the UK Migration Advisory Committee’s (MAC) preferred operationalization of definitions (MAC, 2014) when evaluating the consequences of raising skill level required to qualify under the Tier 2 category, and the index is used to classify which jobs are suitably skilled for the UK shortage occupation list. The ONS created the SOC in 1990 as a consistent way of identifying and
grouping occupations. Occupations are divided into 1, 2, 3 and 4 digit codes with the 1 digit code representing the broadest level of classification of occupations and the 4 digit code breaking these occupations down into individual job titles. The ONS SOC skill levels categorise occupations into four groups according to the time deemed necessary for a person to become fully competent in the performance of associated tasks.

Within the broad structure of the classification major groups and sub-major groups reference can be made to these four skill levels. This is a function of the time needed to obtain required formal qualifications, on the job training and experience (MAC 2014, p. 21). The fourth skill level relates to what are termed ‘professional’ occupations and high-level managerial positions in corporate enterprises or national/local government. Occupations at this level normally require a degree or equivalent period of relevant work experience. Occupations at this level include corporate managers and directors, science and technology professionals, health professionals, teaching and research professionals, and business and public service professionals. The UK Migration Observatory interpret the top two categories of the ‘major occupation groups’ as defined by the Labour Force Survey (‘Managers, Directors and Senior officials’ and ‘Professional Occupations’) as high skilled occupations (Cinzia & Vargas-Silva 2014 2014, p. 11).

12 The first skill level equates with the competence associated with a general education, usually acquired by the time a person completes his/her compulsory education and signaled via a satisfactory set of school-leaving examination grades. Competent performance of jobs classified at this level will also involve knowledge of appropriate health and safety regulations and may require short periods of work-related training. Examples of occupations defined at this skill level within the SOC2010 include postal workers, hotel porters, cleaners and catering assistants; The second skill level covers a large group of occupations, all of which require the knowledge provided via a good general education as for occupations at the first skill level, but which typically have a longer period of work-related training or work experience. Occupations classified at this level include machine operation, driving, caring occupations, retailing, and clerical and secretarial occupations; The third skill level applies to occupations that normally require a body of knowledge associated with a period of post-compulsory education but not normally to degree level. A number of technical occupations fall into this category, as do a variety of trades occupations and proprietors of small businesses. In the latter case, educational qualifications at sub-degree level or a lengthy period of vocational training may not be a necessary prerequisite for competent performance of tasks, but a significant period of work experience is typical; The fourth skill level relates to what are termed ‘professional’ occupations and high level managerial positions in corporate enterprises or national/local government. Occupations at this level normally require a degree or equivalent period of relevant work experience.
3.5.2 Defining Low and mid skilled occupations

Within the International Labour Organization’s (ILO) ISCO-08 index, low skilled sector occupations can be considered as Group 9 ‘elementary occupations’\(^{13}\). Elementary occupations involve the performance of simple and routine tasks, which may require the use of hand-held tools and considerable physical effort. Group 9 elementary occupations are amongst the lowest-wage jobs (generally paying more than one-third less than the EU average), can be physically demanding or dangerous, and may leave workers at risk of poverty (Benton et al., 2014a). In other words, such jobs could be considered the 3D jobs – dangerous, disgusting and degrading, of which migrant workers have long been known to hold disproportionately to the native workforce.

The Migration Policy Institute (MPI) defines ISCO-08 Groups 4 through 8 as mid skilled (Benton et al., 2014). These include: clerical support workers (group 4), services and sales workers (group 5), skilled agricultural, forestry and fishery workers (group 6), craft and related trade workers (group 7) and plant and machinery operators and assemblers (group 8) (ILO 2008). However, as Benton et al. (2014a, p. 4) note:

This definition is imperfect, since many of these jobs also pay low wages; service and sales workers (Group 5) and skilled agricultural workers (Group 6) still earn more than one-quarter less than the EU average. As a result, not all middle-skilled jobs are equal and some workers who exit elementary occupations remain in relatively low-skilled work.

In contrast, the Organisation for Economic Co-operation and Development (OECD) defines low-skilled work on the basis of the person (OECD, 2011) rather than the job. According to the OECD, low-skilled people are those whose education is less than upper secondary. This education level comprises part of the definition of ONS SOC skill levels one and two. Therefore, one definition of a low-skilled occupation could be that it is classified at skill level

\(^{13}\) Tasks performed by workers in elementary occupations usually include: cleaning, restocking supplies and performing basic maintenance in apartments, houses, kitchens, hotels, offices and other buildings; washing cars and windows; helping in kitchens and performing simple tasks in food preparation; delivering messages or goods; carrying luggage and handling baggage and freight; stocking vending machines or reading and emptying meters; collecting and sorting refuse; sweeping streets and similar places; performing various simple farming, fishing, hunting or trapping tasks performing simple tasks connected with mining, construction and manufacturing including product-sorting; packing and unpacking produce by hand and filling shelves; providing various street services; pedaling or hand-guiding vehicles to transport passengers and goods; driving animal-drawn vehicles or machinery. Supervision of other workers may be included (ILO 2008, p. 337).

one or two by the ONS as this would also cover the OECD definition (MAC, 2014, p. 22). One could argue that mid-skilled involves occupations in the categories 2-3 on the ONS SOC.

### 3.5.3 Defining skills: summary

The divisions between skill levels are ill defined generally, and ‘the skills that today’s occupations require are more varied than in the past, and in some contexts may call for mixes’ (OECD 2014, p.149). This being said, high skilled is almost always defined as the possession of tertiary education or equivalence in experience (Salt, 1997; see WP5 inventory report), and low and mid skilled occupations are by virtue defined as not being high skilled. The difference between a low and mid skilled occupation is problematic, and after much discussion in regards to the inventory reports for WP3, for ImPol we have concluded that it is not possible to define such skill levels in the rigid way required for coding. Consequently, we do not differentiate between low and mid skilled occupations in ImPol. Seasonal work is a further WP included, and whilst not skill level specific, generally involves low skilled jobs. This type of migration is defined by its temporal nature, and that the mobility occurs according to the rhythm of the seasons (EMN 2011).

Whilst categorizing work migration by skill level in terms of measuring visas is relevant and relatively easy to do from the 2000s onwards, when developed countries began devising their visa regimes by skill level and converging to some extent, such work visas were not typically issued by skill level before this period, and indeed in Spain and Italy this remains the case. For example, in the UK Tier 1 for high skilled migrants was only established in 2008. Similarly specific legislation on skilled migration was only established in 2000 in Spain (Organic Law 2000/4), and the French Skills and Talents permit was only established in 2006. This makes devising consistent indicators, which genuinely reflect differences in policy restrictiveness by skill level, difficult to measure over time, even more so when such indicators need to be relevant and applicable in four destination countries. Because of such complexities, we cannot devise indictors based on each country’s visa definition of broad skill levels. However, when selecting the occupations grouped into skill levels, we considered the specific occupational groups the each country has tried to attract, in order to make the occupations meaningful across our countries. The hope is that by doing this, ImPol
will be able to pick up policy changes, such as the establishment of specific visas, when the conditions for a worker migrant may become more liberal with the establishment of specific visas. However, we recognize that this somewhat conflates policy outputs with policy outcomes. Nonetheless, with infinite numbers of occupations, we wanted to select occupations where there is labour market demand for foreign labour.

3.6 ImPol: measuring skill through occupations

3.6.1 Justification

With the limitations and challenges outlined above, and after reflection, discussion and research, the WP8 team determined that the most appropriate way to measure work migration policies by skill level was to measure work visas by example occupations, and code each occupation against each of the devised indicators. These occupations effectively act as proxy variables for work visas/permits. This has the advantage of consistency over time and across countries and consistency in measurement in terms of selecting occupations that can definitely be depicted as high, and mid/low, skilled work. Here we surmise our justification for measuring work related migration using occupations as proxy variables.

As outlined above, deciding how to measure work related migration policies diachronically and cross comparatively was a challenge. After devising our set of indicators, we had initially assumed it would be possible for each destination state to measure a single high, low/mid and seasonal visa or permit for each year, for each indicator. However, as alluded to above, after examination of the multiple visas available in each state and the fact that at least three out of four of our countries immigration regimes’ are not organized according to skill level, we realized that measuring a single visa for each skill level would not be possible. This was because firstly, on the whole, there is no single visa which represents a universal skill level in each destination state. Rather there are multiple visas related to different skill levels (for example 21 types of visa in Italy, up to 80 in the UK), and particularly occupations where there were labour market shortages specific to each country’s needs. Secondly the majority of work visas do not conform to skill levels, such as the posted workers permit in France and
Italy’s provincial lists which cover all types of occupations regardless of skill level. Divisions between high and low skilled jobs are ill defined, and skills generally lie on a continuum and any classification into discrete skills is to some degree arbitrary (OECD 2014, p. 149). Thirdly there is no single visa in any country which has been consistently available over our 25-year period. High skilled visas in particular are a relatively new phenomena in all our destination states, thus we could not code for a specific high skilled visa in the 1990s. Each states’ efforts to attract high skilled migrants is also extremely varied, with the UK establishing a specific visa from as early as 1999 in contrast to Italy which established its first genuine high skilled visa in 2012. Finally, there are many visas, particularly temporary ones, which are not related to skill level but nevertheless represent important work related temporary migration policies, such as the youth mobility route.

Whilst we considered allowing each coder to decide which visa would be most relevant for each skill level, given that many if not the majority of visas are not designed according to skill level we deduced that this mode of measurement would miss important visas and visa changes. Adopting this method would allow coders too much discretion in interpretation of measurement thus producing non-comparative coding. By imposing each coders interpretation of skill levels, we were concerned that coding would not be comparable between countries, and that the coding would not genuinely reflect different types of visas by skill level, seeing as coders could be arbitrarily inputting values on visas which were not in actuality regulated by skill level.

Judging the skill levels of visas/permits aside, each of our four destination states has very different immigration regimes, which are organized according to the legal regime of the country, the degree of participation in regional agreements and EU directives (such as the EU single permit Directive, Long-term residence Directive, Family Reunification Directive and participation in the Schengen Agreement), the political context and the labour market needs. For example, whilst France, Italy and Spain operate a residence permit system where work permits and residence rights are separately distributed, the UK operates a visa system where work and residence rights are combined into a single visa.
A further issue with the notion of coding visas is that this would miss labour mobility organized outside of the visa or permit system. For example, labour migration can be drawn in to free trade agreements, regional economic agreements and security co-operations regardless of actual labour market demand. Bilateral agreements are a relatively diffuse form of international co-operation particularly for seasonal workers and those with low and medium skills (OECD 2014, o. 192). Seasonal, guest-workers and working holidaymakers in particular are often covered under bilateral agreements. France and Spain recruit much of their foreign labour through bilateral agreements with specific regions which are not organized according to skill level in any way. For example, Italy has set aside capped quotas for certain nationalities, sectors, occupations and provinces. Countries with which the government has signed bilateral agreements or have on-going co-operation arrangements receive set-asides, while certain sectors – primary domestic work – receive a share. Each province is also issued a quota, which it must then divide according to nationality and sometimes occupations to meet employer demands (OECD 2014, p.161). Measuring work migration by visas and permits alone would miss any free trade agreements.

Furthermore, our destination states differ in terms of whether there are specific visas for temporary work migration or not, and whether these change according to the type of work being pursued. For example, in Spain, France and Italy there is a specific temporary visa but these are not necessarily related to skill level. In the UK, there is no single, universal temporary visa; rather there are a number of temporary visas particularly, but not exclusively, subsumed under Tier 5 of the points-based system, which are varied in length and eligibility depending on the type of work being pursued. Whilst we considered simply measuring work migration against two binary visa types – temporary and permanent – this is not compatible across all our countries in terms of visa regimes. Essentially the distinction between temporary and permanent migrants has become increasingly blurred in practice, particularly as return rates by migrants’ length of stay are similar regardless of whether they were granted temporary (renewable) or permanent status (OECD 2014, p. 150). Moreover, major changes in terms of the organization of visa regimes has transpired over the last 25 years, which means that measuring work migration in this way is not possible consistently over the time period.
As a result, we concluded that simply asking coders to input a value according to visa types was not methodologically sound. We considered whether we could ask coders to group different types of visas in each country according to skill level and code these specific visas, but similar issues in terms of discretion, interpretation and non-compatibility between states led us to refute this option.

As outlined above, diachronic indexing brings with it a set of challenges which are difficult to overcome when measuring policies. Visa regimes change frequently, with new types of permits and visas being introduced at different times, others terminated, and frequently different visas and permits merged over time. This means that coding the same type of visa over 25 years is almost always impossible.

All four of our states attempt to attract migrants to fill labour and skill shortages in each country by making visas more or less attractive. The two main policy measures OECD countries use to encourage migration include granting family reunification, and access to permanent residence. The number of advantages in a given visa, how soon these are granted after arrival, and whether they take account other policies such as education and tax settings also plays a role as to how which state a migrant worker decides to move to (OECD 2014, p. 188). Pathways to permanent residence can be a major incentive, as suggested by the changing pattern of migration that comprises two or three step, such as from study to work to residence (Ibid).

As well as meeting labour demand for certain skills, labour migration policies can seek to boost the supply of workers whose skills drive innovation in, and the strategic development, of certain sectors, particularly STEM subjects (science technology, engineering and mathematics) (OECD 2014, p. 154). These visas are sometimes organized and distributed by skill level, by regional agreements, and by time duration. However, following secondary research we found that frequently visas were distributed by specific occupations where there were prevalent labour market or skill shortages. Indeed, this was found to be the common denominator in all four-visa regimes.
With these methodological limitations in mind, we deduced that it is simply not possible to consistently measure one visa over 25 years for each skill level. Essentially we wanted to measure how generous or restrictive each country is in terms of different types of work migration visas. In this sense it is not the visa itself which matters but the eligibility criteria and the rights attached to different types of labour migration which is important. As measuring single visas is not possible diachronically, but allowing coders to pick and choose different visas would either miss important visas or arbitrarily equate a visa with a skill level producing invalid results, we concluded that we needed to use proxy variables to capture changes over time in a way that is consistent and comparable across all countries. This led us to use occupations as proxy variables of skill levels.

Proxy variables are used to measure an unobservable quantity of interest. Although a proxy variable is not a direct measure of the desired quantity, a good proxy variable is strongly related to the unobserved variable of interest (Clinton 2004). Proxy variables are extremely important to and frequently used in the social sciences because of the difficulty or impossibility of obtaining measures of the quantities of interest. By selecting different types of occupations we can measure the eligibility criteria and the rights attached to different visas over time in a consistent way. Measuring work migration through proxy occupation variables has the advantage of a.) Consistency over time; b.) Consistency across countries; and c.) Allows us to aggregate different occupations by skill levels without making arbitrary judgments on what constitutes a skilled occupation and without equating values for a generic skill level based on a single visa. There are weaknesses with this approach, which we outline below in section 4.1 on methodological limitations. Nonetheless, in terms of consistency over time and across countries we determined that this was the most valid measurement of labour migration policies.

3.6.2 Classifying occupations

We have defined these occupations to the categorical skill levels according to the ILO ISCO-08 index. The advantage of the ILO ISCO-08 is that it was established as a global framework; therefore the occupations and related skill levels should be meaningful and valid in all countries. The occupations we have selected for each skill group from the ISCO-08
framework are based on the relevant occupations in each country in terms of labour migration (according to WP2-S inventory reports), and retrospectively with an eye to capturing different visa regimes which we know exist, or have previously existed, in each country. We will then group these occupations together accordingly, which will allow for an aggregate measure for each skill level overall. We will adjust the appropriate variable and/or case weight accordingly, and be transparent in how we make such decisions.

Each country coder must input numerical values according to each occupation by each indicator, such as whether a TCN coming as an agricultural labourer must have qualifications to come, whether they can bring family members, and whether there is a route to indefinite leave to remain/permanent residence, regardless of what type of visa they are on. In this respect, ImPol will not capture the type of visa each occupation is on, although coders should add a qualitative comment as to the exact visa they are coding in the provided box on the online tool and/or as a qualitative string comment on excel/SPSS.

By measuring labour migration by occupation we overcome the methodological issue of diachronic change i.e. visa changes over time. This allows us to capture changes when new visas are established specific to occupations, such as researchers, investors and agricultural workers. For example, visa categories may change over time but what matters for the purposes of ImPol are the changes in eligibility criteria and rights attached. Thus the specific visa a medical doctor for example would apply for may, indeed will likely, change between 1990 and 2015 in every country, but whilst we ask coders to qualitatively note the exact visa they are coding for each occupation for each year, what matters is how the eligibility criteria and the rights attached change over time. At the same time, by explicitly measuring by occupations, the index is methodologically stronger; as we do not have to place subjective judgments on what skill level we regard a particular occupation as. It also remains a flexible tool as, in theory, any occupation can be added in the future, and further destination countries could be added.
3.6.3 Skill levels on ISCO-08

The International Labour Organization (ILO) has compiled the International Standard Classification of Occupations (ISCO-08), which sets out what is arguably the most comprehensive and universal occupational index. Within the ISCO Skill is defined as the ability to carry out the tasks and duties of a given job. Skill level is defined as a function of the complexity and range of tasks and duties to be performed in an occupation. This is measured operationally by one or more of: the nature of the work performed in an occupation in relation to the characteristic tasks and duties; the level of formal education; and the amount of informal on the job training/previous work experience.

The ISCO-08 divides occupations by four skill levels. Level 1 can be considered low skilled, which is labelled ‘Elementary jobs’, outlined above. Level 2 skill level could potentially be considered as low-mid skilled. Level 3 involves a mix of skills which cannot be regarded as definitively mid or high skilled. Level 4 is for all intents and purposes high skilled. The ISCO-08 does not classify as occupational major groups 3-8 as any specific skill level, as the jobs contained in the groupings are too heterogeneous to be defined by skills (see boundary changes ISCO-08). In order to make our occupational groups as comprehensively tied to skills as possible, we have excluded skill level 3 occupations, as they cannot be defined rigidly as mid or high skilled.

Whilst the ISCO-08 does not explicitly demarcate “high skilled”, based on the consensus that a high skilled job requires possession of tertiary education, high skilled on ISCO would be considered as Skill Level 4. Occupations at Skills level 4 typically involve the performance of tasks that require complex problem-solving, decision-making and creativity based on an extensive body of theoretical and factual knowledge in a specialized field. The knowledge and skills required for competent performance are usually obtained as the result of study at a higher education institution for a period of 3-6 years leading to the award of a first degree of higher qualification (ISCED -97 Level 5a or higher). Occupations at skill level 4 include sales and marketing mangers, civil engineers, secondary school teachers, medical practitioners, musicians, operating theatre nurses and computer systems analysts (ILO 2012 p.13).
The ISCO-08 index is then classified into 10 major groups, then within each major group, sub-major groups and, at a lower level, minor groups. Minor groups are then composed of Unit groups, which are very specific occupations (please note beyond major groups, only relevant groupings for ImPol have been surmised here):

1. **Managers (skill levels 3 +4)**
   11. Chief executives, senior officials and legislators
   112. Managing Directors and Chief Executives
   12. Administrative and commercial managers
       121. Business Services and Administration Managers
   13. Production and specialized services managers
   14. Hospitality, retail and other services managers

2. **Professionals (skill level 4)**
   21. Science and engineering professionals
   212. Mathematicians, Actuaries and Statisticians
   213. Life Science Professionals
   22. Health professionals
       221. Medical doctors
       223. Nursery and midwife professionals
   23. Teaching professionals
       231. University and Higher Education Teachers *researchers?*
       232. Vocational Education Teachers
       233. Secondary Education Teachers
   24. Business and administration professionals
       241. Finance Professionals
   25. Information and Communications Technology Professional
       251. Software and Applications Developer Analysts
       252. Database and Network Professionals
   26. Legal, Social and Cultural Professionals.
       263. Social and Religious Professionals
       264. Authors, journalists and linguists
       265. Creative and performing art
3. Technicians and Associate Professionals (skill level 3)

4. Clerical support workers (skill level 2)

41. General and keyboard clerks

42. Customer services clerk

43. Numerical and Material recording clerk

44. Other clerical support workers

5. Services and sales workers

51. Personal Services worker

512. Cooks

53. Personal Care Workers

531. Child care workers and teacher’s aides

532. Personal care worker in health services

54. Protective services worker

541. Protective services worker

6. Skilled agricultural, forestry and fishery workers

7. Craft and related trade workers

8. Plant and machine operators and assemblers

9. Elementary occupations (skill level 1)

91. Cleaners and helpers

911. Domestic, Hotel Office Cleaners and Help

92. Agricultural, forestry and fishery labourers

921. Agricultural, Forestry and Fishery Labourers

93. Labourers in mining, construction, manufacturing and transport

931. Mining and construction labourers

94. Food preparation assistants

95. Street and related sales and services workers

96. Refuse workers and other elementary workers

0. Armed forces occupations.

We have selected relevant occupations – in terms of policies, and target occupational groups common or desired in each destination state – from major groups 1 and 2 to represent high skilled, major group 5 and 9 to represent mid/low skilled (with the exception
of one occupation from group 3), and occupations from major group 9, sub major group 92 to represent seasonal work. We have specified down to the Unit group level in only a handful of cases, as we want to retain a degree of flexibility for coders to adopt a sensible interpretation to the occupation, which is meaningful to the destination state.

### 3.6.4 Seasonal occupations

Whilst seasonal work is not defined by skill level, in terms of foreign labour at least, labour market demands tend to be concentrated in low skilled jobs, namely labouring. Whilst a specific seasonal permit exists in many of our destination states, it is not universal across the four countries or across our 25 year time period, and as work indicators are reflecting occupational roles, for consistency it is logical for seasonal work to likewise be measured according to a specific occupation. Given that all four of our destination countries have a need for agricultural seasonal workers, and that agricultural work is the most dominant example of a seasonal work programme globally, we have selected agricultural labourers to test the eligibility, rights and conditions for seasonal work.

### 3.6.5 Miscellaneous categories

Two specific types of visas that are common to all four destination countries, and represent ideal types of comparisons between temporary and what could be permanent migration, are not defined occupations on the ISCO-08 – investors and youth mobility/working holidaymakers. Furthermore, whilst managers and chief executives are covered on ISCO-08, for Temper purposes we are particularly interested in changes and cross-comparisons between what is commonly known as the intra-company (or corporate) transfer (or transit) routes, whereby an employee is posted to another location for a specified time\(^{14}\) but within the same company. For this reason, we have specified ICT managers/chief executives, as opposed to managers and chief executives more generally.

\(^{14}\) Although this could be renewable and lead to permanency
The table below outlines the occupations WP8 have selected to test policy restrictiveness of work migration. The specific minor group, unit group and examples of specific occupations are provided.

Coders: please refer to the ILO ISCO-08 Structure, group definitions and correspondence tables, Volume 1 see:

3.6.6 Selected occupations and visa types

<table>
<thead>
<tr>
<th>No.</th>
<th>Occupation</th>
<th>ISCO-08 minor group number and page number</th>
<th>Examples</th>
<th>Justification for inclusion</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><strong>High Skilled</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.</td>
<td>Intra-Company Transfers: Chief Executives &amp; Managing Directors; Business Services &amp; Administration Managers</td>
<td>112 and 121 Pages 90-94</td>
<td>-Chief Executive&lt;br&gt;-Managing Director&lt;br&gt;-Regional Manager&lt;br&gt;-Industrial Relations Manager&lt;br&gt;-Recruitment Manager&lt;br&gt;-Personnel Manager&lt;br&gt;-Finance Manager&lt;br&gt;Corporate Planning Manager&lt;br&gt;-Policy Manager&lt;br&gt;-Strategic Planning Manager</td>
<td>Intra-company transfers are, and have been, a common mode of temporary, predominantly high skilled, migration for the past three decades in all four of our destination countries. Whilst the jobs occupied on ICTs are heterogeneous, the majority are high skilled. We have selected a profession that is without doubt high skilled to ensure we capture the most generous visa types for high skilled temporary migrants. The ICT route is especially interesting, as it usually allows a route for permanent settlement.</td>
</tr>
<tr>
<td></td>
<td>Software &amp; Application Developers &amp; Analysts</td>
<td>Minor group: 251</td>
<td>Linked to: WP5 High Skilled AND WP6 Changes to status between temporary and permanent</td>
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<tr>
<td>2.</td>
<td></td>
<td></td>
<td>We have selected software developers and analysts as an example of a high skilled occupation, as these skills sets were in shortage in the 1990s and early 2000s as a result of the ICT boom. These represent ‘sunrise industries’ where states have struggled to find resident workers in the early phases of expansion. Many states offered generous permits, and specific schemes, at this time for these professionals. In the last 15 years, the native labour force has come to fill these shortages in some of our destination states, and therefore some rights may have</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Page numbers 153-156</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
|   |   | -Software tester  
|   |   | -Systems tester  
|   |   | curtailed since. This profession is both definitively high skilled, and should provide for some interesting comparisons over time.  
|   |   | Linked to: WP5 High Skilled  
| 3. | Researchers: *not specific major group on ISCO under major group 263 - economists, sociologists, philosophers | Minor groups 2631; 2632; 2633  
|   |   | Page numbers: 163+  
|   |   | -Economists  
|   |   | -Sociologists  
|   |   | -Philosophers  
|   |   | We have selected this profession as an example of high skilled, as it encompasses researchers. In the last decade some of our destination states have made concerted efforts to attract researchers, offering specific visas to encourage applicants. Furthermore WP4 concentrates on researchers as a form of temporary mobility, and thus this group forms part of their target population. This is also a EU wide agenda, and thus warrants inclusion as an example of temporary high skilled migration. |
4. Investors & entrepreneurs

| Linked to: WP5 High Skilled AND WP4 International Students and Academic Flows |

| 4. | Investors & entrepreneurs | N/A | A person who allocates capital with the expectation of a future financial return. Types of investments include: equity, debt securities, real estate, currency, commodity, derivatives such as put and call options, etc. |

We have included investors as an example of high skilled profession, as most of our destination states have a specific route for investors, and the criterion and rights attached have changed relatively dramatically in the last decade.

Attracting financial capital can prompt the movement of labour to service and bolster globalized investment. In turn, OECD countries are embarking on programmes that combine investment and migration. The abundance of investor policies recently ‘reflects the desire to attract
financial capital that has knock-on effects from investors’ human and social capital, such as business linkages, new business processes or entrepreneurship skills (OECD 2014, p.157).

A finding from WP5 Inventory Report was that there has been a move in terms of what states want to attract from ‘high skilled’ to ‘high valued’. The inclusion of this occupation aims to capture the way in which some states have sought to encourage immigrant entrepreneurship and investment. Investors often receive the most generous rights attached to their visa, particularly in the way of settlement rights, thus such inclusion should provide illuminating results across time, and between countries.
| Medical doctors in training | 221  
Minor groups: 2211 and 2212  
Page numbers 26-28 | Medical doctors (physicians) study, diagnose, treat and prevent illness, disease, injury, and other physical and mental impairments in humans through the applications of principles and procedures of modern medicine. They plan, supervise and evaluate the implementation of care and treatment plans by other health care providers, and conduct medical education and research activities. | We have selected this occupation as medical doctors are unequivocally high skilled, and are in demand in all our destination states. Many countries are not self-sufficient in specialist medical personnel and there will always be a certain structural demand for their skills (OECD 2014, p. 150). We have chosen medical doctors in training specifically as there are some programmes which operate a circular policy, where doctors are trained in our destination countries to produce brain gain in sending countries. Furthermore, this route should illuminate contrasts in transitions between student and worker. |

Linked to: WP5 High Skilled
<p>| | | | |</p>
<table>
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<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Linked to: WP5 High skilled AND WP4 International Students AND WP6 Changes to status between temporary and permanent</td>
</tr>
<tr>
<td><strong>Mid and low skilled</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. Teachers’ Aides</td>
<td>Minor group 531 Page numbers: 253-254 Unit groups: - Teachers’ Aides</td>
<td>- Teacher’s assistant</td>
<td>We have included this occupation as an example of low skilled work migration, as most of our destination states have either a Teaching Assistant visa, which is always temporary. Therefore this occupation should provide for interesting comparisons between countries. Linked to WP3 low/mid skilled</td>
</tr>
<tr>
<td>6. Domestic Helpers including private childcare</td>
<td>Minor group 911 Page numbers: 338-339 - Domestic cleaner - Domestic helper - Au Pair</td>
<td>- Char worker (domestic)</td>
<td>As above, we have selected this occupation as an example of low/mid skilled work as some of our destination countries have a specific</td>
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<tr>
<td></td>
<td></td>
<td>- Nanny</td>
<td>route for Domestic Workers or Au Pairs. The UK government’s changes to this route have been particularly controversial. Linked to: WP3 Low/mid skilled</td>
</tr>
<tr>
<td>7.</td>
<td>Mining and construction Labourers</td>
<td>Minor group: 931  Page numbers: 344-</td>
<td>We have selected this occupation as migrant workers dominant the construction labouring market in many of our destination states. Such work is almost always temporary. Linked to: WP3 Low/mid skilled AND WP4 International Students and Academic Flows AND</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Unit groups:  -Mining and quarrying labourers  -Civil engineering labourers  -Building construction labourers</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>-Mining labourer  -Quarrying labourer  -Construction labourer  -Maintenance labourer (dams)  -Bricklayer’s assistant  -Construction labourer  -Demolition labourer  -Hod carrier</td>
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<tr>
<td></td>
<td>Seasonal</td>
<td></td>
<td></td>
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<tr>
<td>8.</td>
<td>Agricultural, Forestry and Fishery Labourers</td>
<td>Minor group 921  Page numbers: 341</td>
<td>We have selected this occupational group to represent seasonal work, as all four of our destination states have</td>
</tr>
<tr>
<td></td>
<td></td>
<td>-Livestock farm labourer  -Cane planter  -Fruit picker</td>
<td></td>
</tr>
</tbody>
</table>
### Unit groups:
- Crop farm labourers
- Livestock farm labourers
- Mixed crop and livestock farm labouring
- Garden & horticultural labourers
- Forestry labourers
- Fishery and aquaculture labourers
- Rice farm labourer
- Vegetable picker
- Farm labourer
- Forestry labourer
- Tree planter
- Horticultural labourer
- Lawn mower
- Fishery labourer

a specific seasonal agricultural programme or bilateral agreement.
Aside from agricultural, there is no seasonal scheme or sector type work common to all four of our destination states.

Linked to:
WP2: Seasonal Flows

<table>
<thead>
<tr>
<th>Miscellaneous</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>9. Youth mobility or working holidaymakers (possibly cultural exchange scheme)</th>
<th>N/A</th>
<th>N/A</th>
</tr>
</thead>
</table>

We have included youth mobility as a miscellaneous category, as this type of mobility is always temporary, and usually involves employment, but differs quite wildly in the eligibility and conditions attached to these type of visas. The reciprocal agreements between states also provide
<table>
<thead>
<tr>
<th></th>
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<th>interesting clues as to the continuing importance of postcolonial ties in regulating migration.</th>
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<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Linked to:</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>WP3: Non seasonal low/mid skilled</td>
</tr>
</tbody>
</table>
3.7 Selected Indicators

The selected occupations outlined above will then be tested against the following indicators. The indicators remain the same for all occupations in order to provide comparability between how restrictive/open states are in terms of work migration by skill levels.

Where there is a possibility to enter under two different visas we ask coders to select/adopt either the specific route/via/permit/procedure to the occupation at hand if one exists or the more liberal route/visa type, but to be consistent in this for each year. Therefore an inputter will likely be coding different types of visas for the same occupation over time – for example when a new scheme-visa/permit is established, and/or where previous routes have ended - but the visa type must be the same for each individual year.

Input from coders:
Visa coded for occupation for each year qualitative comment; specifying visa coded, justification/explanation for specific visa, outline if alternative routes exist.

3.7.1. Eligibility

a. Job offer
Question: Does the applicant require a formal job offer before being issued a visa/permit?

<table>
<thead>
<tr>
<th></th>
<th>0</th>
<th>1</th>
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</thead>
<tbody>
<tr>
<td>Yes</td>
<td></td>
<td>No, not necessarily</td>
</tr>
</tbody>
</table>

b. Language requirement
Question: Does the applicant have to demonstrate a language requirement before being issued a visa/permit?
<table>
<thead>
<tr>
<th></th>
<th>Yes, at a specified level of B1 CEFR or above or equivalent</th>
<th>Yes, but more informal procedure, such as lowest level A1 CEFR</th>
<th>No and/or not formally specified</th>
</tr>
</thead>
<tbody>
<tr>
<td>c. Economic resources</td>
<td>Question: Does the person have to demonstrate maintenance/ have a certain amount of economic resources to receive a visa/work permit?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>-1</td>
<td>0</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Yes</td>
<td>Only a residual/symbolic amount (e.g. return ticket)</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>d. Qualification and/or experience</td>
<td>Question: Does the applicant need to have an appropriate qualification and/or relevant experience to be eligible for the visa/permit being granted?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>-1</td>
<td>0</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Yes, minimum qualification of a bachelors degree or equivalence in experience is required</td>
<td>Yes, a qualification or equivalence in experience is required but below degree level or appropriate experience</td>
<td>No, no experience or qualification is necessary</td>
<td></td>
</tr>
<tr>
<td>e. Quotas</td>
<td>Question: Is there a quota in place for this occupational group/this type of visa/permit?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>-1</td>
<td>0</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Yes, fixed annual (or bi-annual/quarterly) quota in place for relevant</td>
<td></td>
<td>No, there is no quota</td>
<td></td>
</tr>
</tbody>
</table>
f. Nationalities

Question: Can only specific nationalities/regions apply for this type of visa/permit?

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<thead>
<tr>
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<tbody>
<tr>
<td>-1</td>
<td>Yes, this visa/permit procedure is open exclusively for specific nationalities or regions can apply</td>
<td>Certain nationalities/regions have privileged but not exclusive access</td>
</tr>
</tbody>
</table>

g. Certification

Question: Is there a certification process to ensure that the vacancy cannot be filled by EEA labour (such as a resident labour market test) before employers are allowed to advertise a vacancy for this job?

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<tr>
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<tbody>
<tr>
<td>-1</td>
<td>Yes, employers must publicly advertise vacancy for fixed period before hiring foreign worker</td>
<td>No, if occupation is included in provincial lists shortage list</td>
</tr>
</tbody>
</table>

3.7.2 Rights

h. Family dependants

Question: Can the worker bring their family dependants with them on initial arrival?

*Spouse and children aged under 18
### i. Dependants work

Question: If worker can bring dependants are they allowed to work?

<table>
<thead>
<tr>
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<tbody>
<tr>
<td>No, and dependants can never join</td>
<td>Dependants cannot come immediately, but following a probationary period they can join the worker</td>
<td>Yes, worker can bring all family members on initial arrival</td>
</tr>
</tbody>
</table>

### j. Duration of stay

Question: How long is the worker permitted to stay for in the destination country?

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<thead>
<tr>
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<tbody>
<tr>
<td>&lt;9 months or less</td>
<td>9 months to 2 years</td>
<td>&gt;2 years</td>
</tr>
</tbody>
</table>

### k. Switching employers

Question: Can the worker switch employers (within the same sector) during their visa/permit?
I. Social security benefits

Question: Does the person have the same access to social security benefits as natives/EU nationals? Such as unemployment benefits, working tax credits and equivalents/tax exemptions, maternity/paternity pay

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<tbody>
<tr>
<td>No</td>
<td>Only under exceptional circumstances such as reported abuse</td>
<td>Yes</td>
</tr>
</tbody>
</table>

m. Appeal rights

Question: If a visa application is rejected, can the person appeal the decision?

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<tbody>
<tr>
<td>No, no recourse to public funds, healthcare, housing.</td>
<td>Some benefits can be accrued but conditional on some requirements not applicable to natives (for instance, previous period of residence)</td>
<td>Yes, equal access to natives (or EU) for all benefits</td>
</tr>
</tbody>
</table>

3.7.3 Return & transitions

n. Route to permanency

Question: Is there a route to permanent residence/settlement? Does the time count on this visa/permit/procedure count towards entitlement to permanent residence?
- Extensions

Question: Can the worker extend their visa?

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<tr>
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<tbody>
<tr>
<td>No, strictly temporary, time does not count</td>
<td></td>
<td>Yes, it is possible to acquire permanent residence/settlement on this visa type/time spent counts towards permanent residency</td>
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</tbody>
</table>

- Transitions

Question: Can the worker transition to another type of visa at the end of their current visa whilst remaining in the destination country?

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<tr>
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<tbody>
<tr>
<td>No, not by any means.</td>
<td>Under exceptional circumstances or with a limit of the maximum duration of the permit (ex: if the maximum length allowed for seasonal work permits is 9 months, it will be possible to extend permits of 6 months up to complete the 9 months, but no more)</td>
<td>Yes, extension possible even beyond the maximum duration allowed for initial permits of that type</td>
</tr>
</tbody>
</table>

Yes, extension possible even beyond the maximum duration allowed for initial permits of that type.
### q. Limited absence

Question: Can the worker return home for a period during their visa/permit without re-applying/the return trip affecting their residency rights?

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<tr>
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<tbody>
<tr>
<td>No, worker must leave at end of their visa and reapply from outside the country for any other type of visa</td>
<td>Yes, the worker can apply for a new visa whilst remaining in the destination state</td>
<td></td>
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</table>

### r. Possibilities of repeated participation

Question: Can the worker enter on this visa again in the future? And is there a privileged access to repeat?

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<tbody>
<tr>
<td>No, the worker must remain in the destination country throughout the duration of their permit or else they must re-apply</td>
<td>Yes, the worker can exit the destination country for a specified time and return to the destination country without having to re-apply for a permit/visa</td>
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<tbody>
<tr>
<td>No right to circular migration/repeated participation, one shot only</td>
<td>Privileged/prioritization access to repeat season</td>
<td>Yes, there is privileged access to repeaters with more liberal conditions on initial granting of visa/permit/Right to repeat seasons/circular</td>
</tr>
</tbody>
</table>
4. Methodological Limitations and decisions

As with any policy index, ImPol has its limitations and poses methodological challenges. The key to a comprehensive index is transparency. With this in mind we now outline the methodological limitations and challenges inherent in the execution of ImPol.

4.1 Reliability and subjectivity

The construction of ImPol like any migration policy database, is an inherently selective and, to an extent, subjective process, involving numerous decisions on important issues such as the selection of policy types, the categorization of these policies, and the elaboration and implementation of a coherent coding scheme (De Haas. et al, 2014 p.5). As there is often significant room for ambiguity and no ‘objective’ way to overcome these challenges, maximizing transparency about the decision-making on policy coding is vital to increase the reliability and robustness of the database and subsequent analyses. Whilst the accuracy of the indicators should evolve in parallel with improvements in data collection and indicator development, pragmatically compromises need to be made when constructing an index. In order to assure feasibility and the completion of a database suitable for analysis, researchers have to put boundaries on their data collection efforts.

Ultimately coding decisions involve a trade-off between the desire to grasp the complexity of policy realities through operationalizing a multitude of codes grasping nuances and details on the one hand, ‘and parsimony and utility for analysis through operationalizing a relative limited number of codes that describe the core elements of the policy on the other’ (De Haas et al. 2014, p.11). The indicators we have selected represent the optimal level of detail we are seeking to measure policy restrictiveness. However, such indicators will potentially need to be refined further according to the resources at each country’s disposal, particularly access to documents, and whether such low-level instructions and policy existed or were documented.
Whilst we have attempted to construct a detailed and objective the coding scheme, the actual coding exercise always involves interpretation and remains an inherently subjective process. Thus as De Haas et al. (2014, p.14) note ‘it would be an illusion that all forms of bias can be excluded’. However, the coding scheme, which was gradually developed through extensive discussions within the project team, serves to minimize these biases and to maximize consistency. In the case of competing codes, coding decisions were discussed within the ImPol team and recorded in the coding scheme in order to assure the transparency and reproducibility.

We have tried to maximize coding consistency across the database by (i) assigning the coding task to one person, by (ii) collectively counter-checking and discussing difficult coding decisions within the ImPol team (iii) a consultative lawyer will be assigned to each country to check and verify our interpretation of the statutory and our coding decisions once data collection is complete. The coding scheme is the result of our discussions so far and will provide a crucial reference throughout the coding process to enhance consistency within and across countries.

4.2 Missing visas

Whilst we believe our methodological decisions regarding measuring work migration by occupational classifications as the most satisfactory trade-off between representativeness whilst achieving consistency over time, such choices by necessity bring limitations. One such limitation is that ImPol will necessarily neglect some visas/permits/procedures from measurement. As outlined above, each of our destination states have up to 30 different work related migration routes, yet as described above, the policy changes over time – such as visas being terminated, amalgamated and new ones being established – mean that we cannot systematically code all visas over 25 years. If we attempted to do this we would inevitably have an abundance of non-applicable coding or missing values, making statistical analyses problematic. Nonetheless, we have deliberately selected a range of occupations on projection that these proxy variables will capture the main (both numerically in terms of migrant workers and in terms of main administrative procedures) visa types.
4.3 Multiple visas

A further limitation is that coders can by necessity only code one type of visa/permit/procedure for each type of occupation in each year. Yet in many cases two (or more) types of visas/permit/procedure could exist for one occupation. This has proved to be a challenging methodological decision for the ImPol team, and one that is not ideal. Yet because ImPol is aiming to measure policy output rather than policy outcome, we considered that in these cases coders should input either a.) The visa/permit/procedure type which is specific to the occupation/sector - for example in the case of agricultural worker we would code for the specific seasonal scheme, even if an agricultural worker could potentially enter through the general regime -, or b.) In cases where a worker could enter through two different visas but neither is specific to the occupation or sector, we ask coders to input the most ‘liberal’ route. By liberal we mean the easiest entry channel. We had previously considered that in these cases, the coder could input the route that was most numerically significant in terms of migrant workers. However, such methodological choice would conflate policy outputs and policy outcomes thereby devaluing our methodological design and potentially making any analysis from ImPol on policy outcomes distorted and thus invalid. Because we ask coders to specify the visa they are coding for each occupation for each year and the justification for doing so, we provide transparency in our decisions which we hope will somewhat overcome such problems. Moreover, we will collectively verify coding decisions across the ImPol team in an iterative way throughout data collection and coding.

4.4 Access to documents

A further practical challenge is the access to the relevant documents. This is a demanding task overall as the MAFE team experienced in the first design of ImPol. A major part of that challenge was attempting to retrieve documents dating back to the post-war period, where systematic collection of documents was not a universal procedure. Yet by starting our time period at 1990 we hope that such difficulties will be some alleviated. This nonetheless presents a challenge, particularly for data collection in the 1990s where documents were not necessarily systematically collected. Lower level instructions in particular can be difficult
to retrieve, and whilst we have attempted to be comprehensive in our coverage of relevant documents, there may be occasions where we have overlooked a document or are not aware of its existence. In the UK for example, retrieving policy guidance dating back to the 1990s is proving to be a challenge, namely because the Home Office have no systematic record of guidance instructions to immigration officials. Similarly, because the seasonal agricultural scheme operated outside the Home Office, and usually involved private contracts between employers and labour agencies, retrieving the level of instruction needed to code seasonal agricultural workers in the UK is a further obstacle.

The data collection phases over the forthcoming months should reveal the key missing documents. In these cases, after a far reaching consultation exercise to collect these documents, if we cannot retrieve vital documents needed to input on certain indictors, and in cases where we cannot assume that the visa was subject to the same conditions as the previous year, we will review the existing indicators and assess if revisions need to be made to account for missing information.

An assumption that coders necessarily have to make across all ImPol entry channels, is that if the policy/document/permit does not exist we assume the negative. For example, on irregular migration entry channel, one macro indicator assesses whether extraordinary regularizations have been enforced. In the UK context, we know that these have never transpired; yet there is of course no specific document that states this. In these cases therefore we will be coding without a link to a specific document. Similarly, if no explicit changes have been made to a route that we can find documental proof of, we would assume that the criteria and conditions attached to a visa have been maintained from the previous year.

4.5 Cases where no legal route exists

A further methodological challenge we have encountered inherent in our occupational scheme is what to code in situations where no legal route exists for a specific occupation. We have not concluded how to resolve this problem, but we have a number of options. Firstly, we could remove occupations, but this entails a methodological bias which we deem
unsatisfactory, would mean we could potentially miss important visas/permits/procedures, and also means that if we added occupations and countries in the future they would have to be compatible in all countries. We therefore refuted this option. The second option would be to employ imputation on missing values. This could be done by: explicit modelling such as unconditional imputation for example averaging other occupational scores in one country in one skill bracket, or implicit modelling such as hot deck imputation. Whilst this is a possibility, there is a danger that results will be distorted. Indeed the danger of this type of modelling of missing data is the tendency to consider the resulting data set as complete, forgetting that an imputation has been carried out. The third option in cases where no legal route exists would be to code -1 on all indicators, because we consider that having no legal route at all to be highly restrictive. This proves to be the most valid option in terms of representativeness, although of course the results may be distorted, as the coding does not necessarily match to the input. The final option would be to make a scale adjustment such as taking logarithms on some indicators so that differences at the lower level would matter more, or to add -2 as an option in the coding and adjust the aggregation and weighting accordingly.

4.6 Policy implementation

A further methodological limitation inherent in policy indexing relates to the fact that ImPol measures policies by formal laws and regulations, as opposed to the material implementation of policy. This is a limitation which all other existing indexes based on documented laws have had to accept. Migration scholars have long noted the gap between stated policy intentions and policy implementation (Cornelius et al. 1994), because formal regulations do not necessarily lead to the intended outcomes, due to diverging implementation processes, among other things. Policy intent is not always clear, nor is it any clearer how policy mechanisms are meant to work (OECD 2014, p. 154), and ‘the flexibility of policy is related to the level of legislation into which policies are written (laws, regulations, instructions), the frequency and speed at which legislative changes can be introduced, and the related machinery of government for policymaking and delivery’ (Ibid, p. 199).
We attempt to partially offset this compromise by firstly including lower level instructions such as circulars and policy guidance which direct immigration officials as to how law should be interpreted wherever possible. Secondly, we will be conducting interviews with government officials as well as other policy implementers such as employers throughout the Temper project to explore the issues around policy implementation. WP8 team conducted five interviews with entry clearance managers in July 2015, and forthcoming interviews are scheduled, particularly with employers and other actors involved in the regulation of the SAWS programme to alleviate any difficulties accessing the relevant documents needed for coding. This will also act as a supplementary check on ImPol results, and should provide for some illustrative analysis in terms of the gaps between policy as recorded on ImPol and the lived reality of implementing such laws.

4.7 Context

A final limitation of ImPol is that the overall aggregate scoring can miss contextual variables that have affected policy outputs. Immigration policymaking has long been an explanatory challenge for political scientists (Hansen 2002), partly because a myriad of factors and considerations shape policy outputs. According to Jupp (1993, 254), there is ‘no single “scientific” analysis that is likely to provide a complete model for the politics of immigration policy’, because any comprehensive analysis of immigration policymaking needs to consider a variety of determinants, including but not confined to: the economic rationale behind the regulation of immigration, the organized interests which seek to influence policy outcomes, the party political context, and the roles of and relationships between the bureaucratic agencies which devise and enact immigration policy (Jupp 1993). For the sake of parsimony, which is inherently necessary to any index, we have had to limit our levels of analysis, but doing so always runs the danger of missing the wider context in which these policies were made. Immigration policy is often made for divergent reasons indeed addressing multiple migration challenges in one stature, and the political, economic and social context is always pertinent to explaining such outcomes. Quantifying policies into single numerical figures by necessity misses the wider picture, and therefore such results have to be interpreted within both the time and country context.
4.8 Next steps

Drawing on the OECD (2008) *Methodology Handbook for Composite Indicators* and the European Commission *COIN Composite Indicators Research Group 10-step guide*\(^{15}\), we have been and will be following eight steps in the construction of our index:

1. **Theoretical framework.** We have developed a theoretical framework which has been developed to provide the basis for the selection and combination of single indicators into meaningful indicators. We utilised various academic sources and particularly drew on the trade off identified by Ruhs (2012) between numbers (eligibility criteria) and rights (entitlements to migrants) as these form the two building blocks of how restrictive immigration policies can be.

2. **Data selection.** We have developed indicators on the basis of their analytical soundness, measurability, country coverage, relevance to the phenomenon being measured and relationship to each other. The indicators we have devised are based on research of each country, our theoretical framework, feedback from all Temper partners, and discussions within the ImPol team. As outlined above, given the methodological issues surrounding measuring work migration visas over time and across countries we deduced that using occupations as proxy variables to measure work migration was the most suitable and valid way forward.

3. **Imputation of missing data.** We are now at the data collection stage. We will consider the different approaches in cases where we have missing data. We have outlined above how we may overcome missing data but this will be decided after discussion with the ImPol team. Extreme values will be examined, as they can become unintended benchmarks.

4. **Multivariate analysis.** Once data collection is complete and all indicators have been coded, an exploratory analysis will be conducted which will investigate the overall structure of the indicators, assess the suitability of the data set and explain the methodological choices, e.g. weighting, aggregation.

5. **Normalisation.** We will then normalise our indicators wherever possible to render them comparable. Attention needs to be paid to extreme values as they may

\(^{15}\) [https://composite-indicators.jrc.ec.europa.eu/?q=content/overview](https://composite-indicators.jrc.ec.europa.eu/?q=content/overview)
influence subsequent steps in the process of building a composite indicator. Skewed data will also be identified and accounted for.

6. **Weighting and aggregation.** We will collectively decide how to weight our indicators and our proxy occupations variables according to skill levels. Indicators will be aggregated and weighted according to our underlying theoretical framework. Correlation and compensability issues among indicators will be considered and either be corrected for or treated as features of the phenomenon that need to retained in the analysis.

7. **Robustness and sensitivity.** This will be in the final stages of ImPol. Analysis will be undertaken to assess the robustness of the indicators in terms of the mechanism for including or excluding single indicators, the normalisation scheme, the imputation of missing data, the choice of weights and the aggregation method. We may revise our aggregation and weighing according to the results of our robustness tests. At this stage we will check and verify that our indicators are transparent and fit to be composed into their underlying values. We will be checking the coding is correct in consultation with lawyers at this stage. We will also be verifying that our indicators genuinely measure policy restrictiveness (OECD 2008, pp.20-21)

We have completed stages one and two and are now ready to collect and code data. We will begin by conducting a pilot test on one occupational group in three different years (1990, 2000, 2015) to test our scheme for validity, address any coding interpretation and verify that we can collect the resources needed for some of the indices, particularly where lower-level instructions are required.

The Spain and Italy teams have already conducted a pilot test on the seasonal agricultural work route, the scoring of which is available in appendix 4. For Italy, the following line graph shows the sum of all variables between 1995 and 2015.
From these simple descriptive statistics, we can see that policy has become less restrictive for seasonal agricultural workers in Italy since 1995, with policy changes from 2001 having an impact.
Coding and the revisions made to our scheme is by necessity an iterative process, and we will be discussing our interpretation of the coding scheme throughout the process, making changes to thresholds and scaling where necessary. Once the dataset is complete, work package 8 will conduct multivariate analysis including tests of differences, correlation analysis (likely to be Spearman's Rho Rs due to ordinal scaling of ImPol), where we will iteratively make decisions on aggregation and weighting. We will also be checking our indicators correspond to what is being measured, checking for validity at this stage and refining where necessary. Our multivariate analysis should allow us to check for conceptual redundancy, as well as identify indicators that are correlated.

4.9 Time plan

<table>
<thead>
<tr>
<th>Month &amp; year</th>
<th>Task</th>
<th>Partner</th>
</tr>
</thead>
</table>
| Sept 2015        | - Run pilot test on occupations and work indicators on two selected occupations in three years  
                  | - Discussion and revisions made to indicators  
                  | - Further collection of documents. | UoS; INED; CSIC |
| Sept 2015-Jan 2016 | - UoS partner to input all coding for UK on both old impol (starting 1990) and new indicators to most complete possible.  
                      | - Discussion and | UoS  
<pre><code>                  |                  | UoS and CSIC |
</code></pre>
<table>
<thead>
<tr>
<th>Date Range</th>
<th>Activities</th>
<th>Responsible Party(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jan 2016</td>
<td>revisions to indicators made accordingly - Update online tool - INED partner to input all work indicators for France, input new indicators from old entry channels, and update current ImPol from 2008</td>
<td>INED</td>
</tr>
<tr>
<td>Feb 2016-July 2016</td>
<td>- UK to collect missing documents and input missing values</td>
<td>UoS</td>
</tr>
<tr>
<td>May/June 2016</td>
<td>- ImPol team to discuss appropriate aggregation and weighing at Temper meeting</td>
<td>UoS; INED; CSIC</td>
</tr>
<tr>
<td>July–August 2016</td>
<td>- Conduct multivariate analysis - Normalization</td>
<td>UoS</td>
</tr>
</tbody>
</table>

### 4.10 Impact and dissemination

The results of ImPol will demonstrate how restrictive work-related immigration policy is in each of our four destination states, but perhaps more interestingly the results should show the differences in policies between different types of work migration, particularly by skill level. ImPol will also give aggregate scores for restrictiveness by country on each entry channel and overtime. Such results will provide a useful platform for debate, will provide policymakers with a valuable tool to better understand their national migration programmes, something increasingly necessary for high skill programmes in the global
search for talent, and more generally for a better understanding of how their policies respond to demand for foreign workers in their economy. This can be done at an intricate level down to specific occupations. Because ImPol is organised by different entry channels, our results should demonstrate the different trade-offs between different types of migration.

Once data collection is complete, multivariate analysis conducted and aggregation and weighting have been decided, we will be disseminating ImPol through our online tool, available on the Temper website\(^\text{16}\). The tool allows users to select different entry channels and conduct their own comparative analysis on different indicators, countries and time periods. This means that ImPol is a flexible tool where the data can be adjusted for different research questions, allowing students and researchers to conduct their own analysis or supplement ImPol results with other research as a form of triangulation.

1.) Screen shot online tool: Entry channels

\[\text{http://www.temperproject.eu}\]
2.) Screen shot online tool: legal texts

<table>
<thead>
<tr>
<th>Signature</th>
<th>Title</th>
<th>Year</th>
<th>Country</th>
<th>Options</th>
</tr>
</thead>
<tbody>
<tr>
<td>ES-IM10-01</td>
<td>Relativa a la impos en sus efectos y su internacionalizacin.</td>
<td>2013</td>
<td>Spain</td>
<td></td>
</tr>
<tr>
<td>ES-IM10-00</td>
<td>Permit code for the nationallity of France</td>
<td>1995</td>
<td>France</td>
<td></td>
</tr>
<tr>
<td>ES-IM10-01</td>
<td>Reglementre las condiciones de entrada y de jus en France des Etrangers</td>
<td>1995</td>
<td>France</td>
<td></td>
</tr>
<tr>
<td>FR-IM10-01</td>
<td>Introduction, access, employment of immigrants and of their families</td>
<td>1997</td>
<td>France</td>
<td></td>
</tr>
<tr>
<td>ES-IM10-00</td>
<td>Relativa a la impos en sus efectos y su internacionalizacin.</td>
<td>1995</td>
<td>France</td>
<td></td>
</tr>
</tbody>
</table>

3.) Screen shot online tool: Indicators

<table>
<thead>
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<th>Title</th>
<th>Options</th>
</tr>
</thead>
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<tr>
<td>01</td>
<td>Restricted agreement with SN</td>
<td></td>
</tr>
<tr>
<td>02</td>
<td>Restricted agreement with third countries in AYA (Morocco, Mauritania, Libya, Tunisia)</td>
<td></td>
</tr>
<tr>
<td>03</td>
<td>Feed of a tour area</td>
<td></td>
</tr>
<tr>
<td>04</td>
<td>Travel document (valid passport)</td>
<td></td>
</tr>
<tr>
<td>05</td>
<td>Economic resources for tourists (means to stay - moyens chers et sans chat as proof for repatriation)</td>
<td></td>
</tr>
<tr>
<td>06.1</td>
<td>Exceptional situation</td>
<td></td>
</tr>
</tbody>
</table>

We will be disseminating the results of ImPol once our data collection, coding and weighting decisions have been made. We will be holding outreach workshops – we hope to hold an event in Brussels for policymakers - and presenting our results at various conferences across Europe.
References


Classification of Occupations ISCO-08: Structure, group definitions and correspondence tables. Geneva: ILO.


OECD (2014) ‘Managing labour migration: Smart policies to support economic in growth’, in International Migration Outlook 2014. Online:


Appendix

1: Example of occupations as proxy variables: High Skilled

<table>
<thead>
<tr>
<th>Occupation</th>
<th>Indicator type</th>
<th>Indicator</th>
<th>1990</th>
<th>1991</th>
</tr>
</thead>
<tbody>
<tr>
<td>Managing Directors &amp; Chief Executives on ICT</td>
<td>Recruitment</td>
<td>Job offer</td>
<td>-1</td>
<td>-1</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Language requirement</td>
<td>1</td>
<td>0</td>
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<td></td>
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<td>Qualification and</td>
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<td>experience</td>
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<td>Quotas and regions</td>
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<tr>
<td></td>
<td></td>
<td>Certification</td>
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<td>-1</td>
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<td>0</td>
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<td></td>
<td>Duration</td>
<td>1</td>
<td>-1</td>
</tr>
<tr>
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<td></td>
<td>Switching employers</td>
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<td>Returns</td>
<td>Route to permanency</td>
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<td></td>
<td>Transitions</td>
<td>1</td>
<td>-1</td>
</tr>
<tr>
<td>Life Science Professionals</td>
<td>Recruitment</td>
<td>Job offer</td>
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<td>1</td>
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<tr>
<td>Investor</td>
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<td>Transitions</td>
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<tr>
<td><strong>Software &amp; Application Developers</strong></td>
<td><strong>Recruitment</strong></td>
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<td></td>
<td>Language requirement</td>
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<td>Qualification and experience</td>
<td>Quotas and regions</td>
<td>Certification</td>
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**Rights**

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**Switching employers**

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**Returns**

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<th>Transitions</th>
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<tr>
<th>Returns</th>
<th>1</th>
<th>1</th>
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</thead>
</table>
2. Coding scheme

Short-stays

1: Travel document (valid passport)

Question: Does a non-EEA person need a valid passport to obtain a tourist visa\(^\text{17}\) or less?

<table>
<thead>
<tr>
<th>-1</th>
<th>0</th>
<th>1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes, with additional requirements (6 months valid after leaving, ESTA, etc.)</td>
<td>Yes</td>
<td>No</td>
</tr>
</tbody>
</table>

Examples:
-1= other requirements could include the passport being valid for a further 6 months after return date; an ESTA
0= the applicant needs a valid passport only to obtain a tourist visa
1= passport is not necessarily required....

2: Economic resources for tourist visas, in addition to repartition guarantees

Question: Does the applicant need to prove with documented evidence that they possess enough money to support themselves during their stay, in addition to guaranteeing they will leave at the end of their visa?

\(^{17}\) Short stay visa (Schengen): The authorisation or decision of a Member State with a view to transit through or an intended stay on the territory of one or more or all the Member States of a duration of no more than 90 days in any 180-day period. Tourist visa: Foreign tourists are foreign persons admitted under tourist visas (if required) for purposes of leisure, recreation, holiday, visits to friends or relatives, health or medical treatment, or religious pilgrimage. They must spend at least a night in a collective or private accommodation in the receiving country and their duration of stay must not surpass 12 months.
Foreigners intending to enter the country for periods shorter than 90 days are required to proof some amount of money available to cover their expenses (accommodation and meals) during the period they intend to stay. The amounts are sometimes fixed as a minimum, or per diem, and can be proved by credit card, deposit in bank account, etc.

2a: if yes: can be substituted by housing certificate or other proofs

Question: If indicator 3=1 (yes), can the applicant substitute the stated amount of economic resources required for a short-stay visa with a housing certificate or other documental proof of accommodation?

<table>
<thead>
<tr>
<th>-1</th>
<th>0</th>
<th>1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td></td>
<td>No</td>
</tr>
</tbody>
</table>

Proof of enough economic resources required to those admitted as tourists is only allowed in the way/manner established in the corresponding law/legal text, and no other. Replacement of the means of proof established in the law/legal text are not explicitly foreseen but the law/legal text says 'it will be taken into consideration' Economic resources requirement can be, for instance, by letter of invitation.
Examples:

-1= Any maintenance or economic resource requirement can only be met with documental proof of money. No other form of economic resource is permitted for a tourist visa.

0= There is some discretion for economic resources to be substituted by other means. This is not necessarily explicitly outlined in any legal text, the official granting the permit/visa can take other documental proof into consideration when deciding outcome.

1= Other recourses can be used to demonstrate that the applicant will not be reliant on the state and is economically self-sufficient, such as an invitation letter from a host/sponsor explicitly stating that their accommodation costs will be met or any demonstration that availability of accommodation....

### 3: Proof of housing required

Question: Does the applicant need to provide documental proof of accommodation for the duration of the stay under a tourist visa?

<table>
<thead>
<tr>
<th>-1</th>
<th>0</th>
<th>1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes, for all visits (also hotels)</td>
<td>Yes for private visits, the applicant must provide an invitation letter with their application OR specific tourist visas exempt such as humanitarian, medical or bereavement</td>
<td>No, the applicant does not need to provide any documents pertaining to their accommodation/housing for the duration of their visa.</td>
</tr>
</tbody>
</table>

Examples:

-1= for any tourist visa, the applicant needs to provide information which outlines where they will be staying/housed for the entire duration of their visa before the visa/permit is granted. This includes providing the address of hotels/hostels, or any other address in which the applicant will be residing.

0= 

1= no information or documental proof needed of housing for entire duration of stay.

In cases where an invitation letter exists
4. Responsibility of the host (economic responsibility or more)

Question: Does the host need to officially declare to state officials that they take full economic responsibility, such as their accommodation and expenses, for the applicant during their stay?

<table>
<thead>
<tr>
<th>-1</th>
<th>0</th>
<th>1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>A relative of friend may be asked to give an undertaking in writing to be responsible for that person’s maintenance and accommodation for the period of any leave granted.</td>
<td>No</td>
</tr>
<tr>
<td>Generally there is an official form the host person has to fill in. In that form, the host explicitly admits he/she is aware of his/her responsibilities by signing the invitation, and among those responsibilities it maybe be included responsibility to cover all the expenses of the guest.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

5: Health insurance

Question: Does the applicant need to prove they have full health insurance to obtain a short-stay visa?

<table>
<thead>
<tr>
<th>-1</th>
<th>0</th>
<th>1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes, separate from economic resources. The person willing to enter the country for stays of less than 90 days need to have a health insurance, separate from having proved the required economic</td>
<td>Sufficient economic resources. The requirement of health insurance is not a separate and distinct one but it is included within the ‘sufficient economic resources requirement’: if this requirement is proved no</td>
<td>No</td>
</tr>
<tr>
<td>medical assistance is made.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
resources. separated requirement on health insurance exists.

6: Other requirements: verification of previous stays, return invitation letter at the border

Question: Does the applicant need to provide other information to obtain a short-stay visa? Such as, official letter ensuring return to country of residence after visa/permit has transpired.

<table>
<thead>
<tr>
<th></th>
<th>0</th>
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<tbody>
<tr>
<td>Yes</td>
<td>No</td>
<td></td>
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</tbody>
</table>

7. Visa rejection has to be motivated

Question: If an application for a short-stay visa is rejected, do the officials have to provide a documented reason for the refusal?

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<thead>
<tr>
<th>-1</th>
<th>0</th>
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</thead>
<tbody>
<tr>
<td>No, never. The visa can be refused with no motivation or reason given to the applicant for refusal</td>
<td>Yes, but exceptions For instance in cases of risks for national security or other.</td>
<td>Yes. If an application for a short-stay visa is refused, the state officials must give provide documents outlining the reason(s) for refusal</td>
</tr>
</tbody>
</table>

*Examples:*
-1=
0= officials do have to give a stated reason for refusal unless such decision was made on the grounds of national security (or inciting hatred)
1= Officials must give a stated reason, and this must be documented in the refusal letter/official avenues

Family Migration

8. Legal protection of family reunification
Question: Is the right to reunite with family members fully protected and recognized explicitly in legislation?

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<tr>
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</thead>
<tbody>
<tr>
<td>-1</td>
<td>Procedure not contained in regulative or legislative texts; or no possibility</td>
<td>Procedure exists but not full protection</td>
</tr>
<tr>
<td></td>
<td>When Family Reunification is not legally recognized as right for foreigners but some procedures to bring relatives by workers may exist but is not a right explicitly regulated with special procedures and guarantees</td>
<td>Full protection When Family Reunification is legally recognized in the Immigration Law (not in a legal text of lower category, which implies just an administrative procedure without the due guarantees)</td>
</tr>
</tbody>
</table>

Examples

-1= For instance in periods like the one following the Halt on Recruitment in the mid-seventies, when the possibility of bringing relatives was completely forbidden in France, or to some extent also in Germany.

0= Spain pre 1996

1= Family reunification an absolute guaranteed and outlined explicitly in legislation

9. Residence requirement/type of permit to make legal residents eligible to reunify (some) relatives

Question: How long must the sponsor be resident in the destination country before being allowed to apply to reunify with a spouse?

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<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td>-1</td>
<td>&gt;2 years of legal residence and/or holding a permit valid for &gt; 2 years</td>
<td>&gt;1 year of legal residence and/or holding a permit valid for &gt; 1 year and &lt; 2 years</td>
</tr>
</tbody>
</table>
Examples:

-1= The sponsor must have legally resided in the destination state for at least 2 years and/or hold permit residence which has been valid for 2 years before being eligible to apply to reunify with family

0= The sponsor must have legally resided in the destination state for at least 1 year and/or hold a permit which has been valid for more than 1 year but less than 2 years.

1= The sponsor must have legally resided in the destination state for a 1 year and/or hold a permit which has been valid for 1 year.

10. Eligibility for dependent relatives in the ascending line

Question: Can the sponsor bring their parents to the destination state?

<table>
<thead>
<tr>
<th>-1</th>
<th>0</th>
<th>1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not allowed</td>
<td>certain conditions apply (other than dependency) for instance when only for people older than 65 (or retirement age)</td>
<td>Allowed</td>
</tr>
</tbody>
</table>

11. Explicit prohibition for polygamous spouses

Question: Is the sponsor prohibited - explicitly outlined in legislation- from bringing polygamous spouses to reunify?

<table>
<thead>
<tr>
<th>-1</th>
<th>0</th>
<th>1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>No</td>
<td></td>
</tr>
</tbody>
</table>

12. Economic requirements need to be proved by the sponsor

Question: Does the sponsor need to demonstrate that they can economically support the family member for reunification?
13. Housing requirement

Question: Does the accommodation of the sponsor need to meet certain living standards in terms of the building and its parameters?

<table>
<thead>
<tr>
<th>-1</th>
<th>0</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Yes rigid set of conditions must be met (list of conditions like nº sq. meters, number of rooms, etc.)</td>
<td>Yes flexible (adequate or comparable to nationals)</td>
<td>No requirement</td>
</tr>
</tbody>
</table>

14. Health insurance

Question: Does the applicant need to provide documental proof that they have health insurance before a reunification visa is granted?

<table>
<thead>
<tr>
<th>-1</th>
<th>0</th>
<th>1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td></td>
<td>No</td>
</tr>
</tbody>
</table>

15. Integration proofs for sponsors

Question: Does the applicant need to meet language requirements or integration tests before a reunification visa is granted?
15a. If language test exists, language must be met at which level on the Common European Reference for Languages?

16. Sequence of reunification (for the same sponsor)
Question: Does the law require that all family members which will be reunified come to the destination country at the same time, or can this process be staged over time?

<table>
<thead>
<tr>
<th>-1</th>
<th>0</th>
<th>1</th>
</tr>
</thead>
<tbody>
<tr>
<td>All relatives have to be reunified at once</td>
<td>Not outlined in law, and some discretion given</td>
<td>Staged reunification possible</td>
</tr>
</tbody>
</table>

Examples:
-1= all applicants (spouses, dependants, ascendants where legally possible) must reunify and therefore arrive at the destination state at the same time for reunification to be possible. This is outlined explicitly in the law.
0= the process is not outlined law, and therefore there is some possible discretion to this process
1= applicants do not need to arrive at the same time. Spouses or dependants for example could arrive later

17. Minimum duration of the first permit granted to the reunified relative when the sponsor has a permanent permit
Question: What type of permit will the reunified relative receive when the sponsor has a permanent permit/visa?
Temporary Permit in any case (even if sponsor has a permanent one) Reunified relative needs to prove his/her own length of residence (5 years or whatever) to obtain permanent residence; or more than 2 years of previous residence if the sponsor’s is permanent

### 18. Possibility of working for the reunified relative

Question: Can the reunified relative work in the destination country once a reunification visa/permit has been granted?

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<thead>
<tr>
<th>-1</th>
<th>0</th>
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</thead>
<tbody>
<tr>
<td>Not at all, only if they obtain an independent permit or national employment clause/situation applies</td>
<td>After 1 year or more of residence or with limitations (e.g. part-time)</td>
<td>Immediately or less than 1 year</td>
</tr>
</tbody>
</table>

**Examples:**
-1= The reunified relative cannot work under any circumstances.
0= Restrictions on either the amount of work being undertaken (part time) or limitations on labour market, such as being self-employed.
1= The reunified relative can work either immediately after being granted a visa or within a year. There are no restrictions on the type or quantity of work.

### 19. No withdrawal of residence permit to the reunified spouse if break-up

Question: Will the reunified relative lose their residence permit-visa if they break up/divorce with the reunified spouse?
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<tr>
<th></th>
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<tbody>
<tr>
<td>-1</td>
<td>Only if previous cohabitation in destination country of 3 years or more OR lose permit altogether barring exceptional circumstances</td>
<td>If less than 3 years of cohabitation in country of destination</td>
</tr>
</tbody>
</table>

Examples:
-1= The reunified spouse will lose their residence permit/visa if they break up with the reunified spouse unless the previous cohabitation in the destination country was of 3 years or more. Exceptional circumstances, such as proof of domestic violence.
0= The reunified relative’s relative right to a residence permit/visa is dependent on the length of time of cohabitation in destination country, but can be less than 3 years.
1= No, not under any circumstances

**20. Withdrawal if death**

Question: Will the reunified relative lose their residence permit/visa if their spouse dies?

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<tbody>
<tr>
<td>-1</td>
<td>Previous cohabitation in destination country of 3 years or more</td>
<td>Less than 3 years of cohabitation in country of destination</td>
</tr>
</tbody>
</table>

Examples:
-1= The reunified relative must withdraw their residence permit/visa if their reunified spouse dies unless previous cohabitation with reunified partner was 3 years or more in the destination country.
0= Whether the reunified relative will lose their residence permit/visa is dependent on the length of cohabitation in the destination country. This can be less than 3 years, in which case the reunified relative will not lose their residence permit/visa.
1= The death of the spouse/sponsor has not bearing on the reunified relative’s status and right to residence
Family formation

21. Intentions test
Question: Whether the sponsor and applicant need to prove their intentions (to immigration officers for example) to marry

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<tr>
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<th>1</th>
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</thead>
<tbody>
<tr>
<td>Yes</td>
<td></td>
<td>No</td>
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</tbody>
</table>

22. Economic resources requirement-formation
Question: Whether maintenance or economic resources need to be demonstrated and/or that there is adequate accommodation

<table>
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<tr>
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<th>1</th>
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</thead>
<tbody>
<tr>
<td>Yes, must demonstrate both adequate accommodation and economic resource</td>
<td>Accommodation OR economic resources required</td>
<td>No requirement</td>
</tr>
</tbody>
</table>

23. Duration before marry
Question: The duration of initial visa/permit before applicant must marry sponsor

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<th>1</th>
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<tbody>
<tr>
<td>&lt;6 months or less</td>
<td>6-18 months</td>
<td>&gt;18 months or not specified</td>
</tr>
</tbody>
</table>

Students: Undergraduate

24. Admission at university requirement
Question: To be eligible for a student visa, does the person need to pass a language test?

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<tr>
<th>-1</th>
<th>0</th>
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</thead>
<tbody>
<tr>
<td>Yes</td>
<td></td>
<td>No</td>
</tr>
</tbody>
</table>
24a. Language level

Question: In cases where a student must meet a language requirement, at what level must the student be proficient on the Common European Framework for Languages (CEFR)?

<table>
<thead>
<tr>
<th></th>
<th>B2: Independent user/ Vantage or upper intermediate</th>
<th>B1: Independent user/ Threshold or intermediate</th>
<th>A: Basic user/A1 (beginner) or A2 (elementary) or no language requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>-1</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>0</td>
<td>B1: Independent user/ Threshold or intermediate</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>1</td>
<td>A: Basic user/A1 (beginner) or A2 (elementary) or no language requirement</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

25. Economic resources requirement

Question: Does the applicant have to demonstrate maintenance (money available) to be granted a student permit/visa?

<table>
<thead>
<tr>
<th></th>
<th>Yes, amount clearly defined and needs to be proven</th>
<th>Yes, but there is no defined amount</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>-1</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>0</td>
<td>Yes, amount clearly defined and needs to be proven</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>No</td>
<td>-</td>
<td></td>
</tr>
</tbody>
</table>

Examples:
-1= The applicant must provide documented proof that he/she has enough funds to support themselves/not be reliant on the state. The amount is clearly defined and stipulated in the legislation.
0= The applicant must provide some documentation that they have some funds to support themselves, but the amount is not defined in legislation and there is thus some discretion and possibly variation from case to case.
1= No, the applicant does not need to demonstrate that they have any funds to support themselves during their stay as a student

26. Health insurance

Question: Does the applicant need to demonstrate that they have fully covered health insurance before being granted a student visa?
Examples:
-1= Applicant must prove to officials that they have health insurance before being granted a student visa/permit. This is stipulated in either legislation and/or non-binding circulars/guidance.
0=
1= The applicant does not need to prove he/she has health insurance, and the possession of health insurance has no bearing whatsoever of the visa/permit being granted.

27. Possibility to work during the studies
Question: Once a student visa/permit is granted, can the student work during their studies?

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<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>No or national employment clause/situation applies or within quota</td>
<td>Only part-time and with some time and salary limitations</td>
<td>Yes, no limitations</td>
</tr>
</tbody>
</table>

Examples:
-1= No the student cannot work under any conditions during their studies, or a national employment clause exists/the occupation applied for must pass the resident labour market test (UK specific)
0= The student can work during their studies, but only part time and with salary or labour market limitations/ only in specific occupations.
1= The student can work for unlimited hours and in any occupation during their entire duration of studying.

28. Possibility to transit to a work permit
Question: When their studies are complete, is it possible for the student to transit to a work permit/Is there a mechanism or a separate visa/permit, which gives international students who have completed their degree the possibility to stay in the destination country for work?
No: The student cannot transit to any type of work permit once their studies are complete. The student must leave at the end of their studies (or with limited extra time for graduation) and apply for a work permit/visa out of country.

0: with conditions: e.g. more than one year of residence, good grades, no previous scholarship, or national employment situation

1: Yes in any case, or with light conditions (work offer); also if restricted to specific academic degrees

Examples:
-1= There is no separate mechanism or visa which facilitates the transition from student to worker, and the applicant must go through the same procedure as any other applicant applying for a work permit.
0= The student can apply for a work permit at the end of their studies in the destination country but there are limitations and conditions attached. These could include having more than 1 years residence in the destination country, having good or excellent grades at the university in which they studied, not having any previous scholarships, or passing the resident labour market test/national employment clause. There could also be limitations on the type of work allowed.
1= Yes the student can transit to work permit in either an unlimited capacity or with light conditions. A separate visa or mechanism which facilitates students to obtain a work permit/visa exists. Light conditions could include a job offer.

29. Time spent as student counts as legal residence towards application for citizenship; long-term residence or family reunification

Question: Does the time spent as a student in the destination country count towards time needed to obtain either citizenship/naturalization/settlement, long-term residence or family reunification rights?
<table>
<thead>
<tr>
<th>-1</th>
<th>0</th>
<th>1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Does not count</td>
<td>Does not count for certain procedures or is evaluated differently from other statuses OR attached with work permit status after studies, combined the time counts</td>
<td>Counts</td>
</tr>
</tbody>
</table>

**Examples:**

-1= Time spent as a student in the destination country does not count towards the time needed to be resident in the country before being eligible to apply for either citizenship/naturalization/settlement/permanent residence or family reunification rights.

0=  

1= Time spent as a student counts towards the time needed to be resident in the destination country before being eligible to apply for citizenship/settlement/permanent residence.

### 30. Type of permit/visa and conditions of renewal

**Question:** What type of visa/permit is granted to students in terms of length of residence permitted and what are the conditions of renewal with a student visa?

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<tr>
<th>-1</th>
<th>0</th>
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</thead>
<tbody>
<tr>
<td>Validity of permit/visa does not cover the whole duration of planned studies. There is an obligation to renew the permit/visa at time intervals, and conditions must be met</td>
<td>Permit/visa is valid for entire duration of studies from the initial granting with either no or very light conditions to be met.</td>
<td></td>
</tr>
</tbody>
</table>
Examples:

-1= The student may need to renew the permit/visa annually or bi-annually and meet specific requirements for renewal, such as academic progression/good grades

0= permit/visa has to be renewed at specific time intervals with no conditions related to the duration of studies or grades.

1= the permit/visa is valid for the whole duration of studies from the initial granting with limited criteria to ensure validity, such as attendance records on the course of study.

31. Possibility to bring family members (spouse and children)

Question: Can the applicant (student) bring dependants on a student visa?

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<tbody>
<tr>
<td>-1</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Not possible. The student cannot bring any dependants to the destination country during their studies.</td>
<td>Some scope for discretion, or only on specific degree programmes</td>
<td>yes, family reunification is facilitated (visa granted to the spouse and children since the beginning). Family reunification is facilitated (visa granted to the spouse and children)</td>
</tr>
</tbody>
</table>

Examples:

-1= The student cannot, under any circumstances, bring any dependants to the destination country during their studies.

0= Family reunification not specified in the legislation, and therefore there may be some scope dependent on circumstances. For example, as a carer if the student is disabled. Some students may be permitted to bring their dependants, such as those on specific academic programmes (such as science and engineering programmes), or those who are government funded.

1= Yes, all students can bring their dependants during their studies with no conditions from the initial granting of the student visa.
Illegal entry or stay

32. Extraordinary regularizations

Question: Are there any extraordinary measures which allow irregular migrants to obtain a residence (and work) permit if they fulfill the established requirements stipulated in legislation?

<table>
<thead>
<tr>
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<tbody>
<tr>
<td>No</td>
<td>Yes</td>
<td></td>
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</table>

33. Permanent mechanisms of regularization exists

Question: Is there a permanent mechanism in place which allows for the regularization of irregular migrants?

<table>
<thead>
<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>No, or only for humanitarian reasons, or requiring more than 10 years of previous residence</td>
<td>Requiring 5-10 years of previous residence or on family grounds (for example: visa exemption for some relatives); or less than 5 years of previous residence PLUS proof of effective incorporation to labour market for at least 1 year</td>
<td>Less than 5 years of previous residence PLUS just a work offer, or not other additional requirement (we included Cuotas which are de facto regularisations)</td>
</tr>
</tbody>
</table>

Examples:

-1= There is no permanent mechanism in places which permits the regularization of any irregular migrants. The only type of regularization which exists is for standard humanitarian reasons/asylum, and a possibility of regularization having been resident for 10 years or more in the destination country, and pending meeting further conditions stipulated in the legislation.
0= A mechanism for regularization exists which requires an irregular migrant to have been previously resident in the destination country between 5 and 10 years or on family grounds, such visa exemptions for certain relatives. Alternatively a mechanism exists which allows for regularization in cases where an irregular migrant has been resident in the destination country for the previous 5 years and proof of incorporation to labour market for at least 1 year.

1= A mechanism for regularization exists for irregular migrants where they have been resident in the destination country for less than 5 years, and have a job offer with no additional requirements.

34. Access to healthcare for irregular migrants
Question: Do irregular migrants have full access to health care?

<table>
<thead>
<tr>
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<th>0</th>
<th>1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Only emergency treatment or previous residence + income requirement</td>
<td>Either income, previous residence</td>
<td>Same as nationals</td>
</tr>
</tbody>
</table>

*Example:*
-1= Irregular migrants have access to emergency treatment only. Alternatively access to healthcare is dependent on time spent as a resident and obtaining a certain level of income.
0=Access to health care for irregular migrants is dependent on either their income or the amount of time spent as a resident in the destination country.
1= Access to health care for irregular migrants is exactly the same as nationals in the destination country.

35. Period of administrative retention in case of expulsion or at entry (maximum duration)
Question: What is the maximum amount of time in days an irregular migrant can be held in administrative retention/detention in the destination country?

<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>More than 45 days</td>
<td>15-45 days</td>
<td>&lt;15 days or no administrative retention/detention</td>
</tr>
</tbody>
</table>
Examples:

-1= The destination country can hold an irregular migrant for more than 45 days in a detention centre. This is stipulated in the legislation.
0= The destination country can hold an irregular migrant between 15 and 45 days in a detention centre, as stipulated in the legislation.
1= The destination country does not hold irregular migrants for any longer than 15 days as stipulated in the legislation. Alternatively, the destination country does not practice administrative retention/detention.

Work

36. Job offer

Question: Does the applicant require a formal job offer before being issued a visa/permit?

<table>
<thead>
<tr>
<th>-1</th>
<th>0</th>
<th>1</th>
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</thead>
<tbody>
<tr>
<td>Yes</td>
<td>No, not necessarily</td>
<td></td>
</tr>
</tbody>
</table>

37. Language requirement

Question: Does the applicant have to demonstrate a language requirement before being issued a visa/permit?

<table>
<thead>
<tr>
<th>-1</th>
<th>0</th>
<th>1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes, at a specified level of B1 CEFR or above or equivalent</td>
<td>Yes, but more informal procedure, such as lowest level A1 CEFR</td>
<td>No and/or not formally specified</td>
</tr>
</tbody>
</table>

38. Economic resources

Question: Does the person have to demonstrate maintenance/ have a certain amount of economic resources to receive a visa/work permit?
39. Qualification and/or experience

Question: Does the applicant need to have an appropriate qualification and/or relevant experience to be eligible for the visa/permit being granted?

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<tr>
<th>-1</th>
<th>0</th>
<th>1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td></td>
<td>No</td>
</tr>
</tbody>
</table>

Yes, minimum qualification of a bachelors degree or equivalence in experience is required

Yes, a qualification or equivalence in experience is required but below degree level or appropriate experience

No, no experience or qualification is necessary

40. Quotas

Question: Is there a quota in place for this occupational group/this type of visa/permit?

<table>
<thead>
<tr>
<th>-1</th>
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<th>1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes, fixed annual (or bi-annual/quarterly) quota in place for relevant visa/permit</td>
<td></td>
<td>No, there is no quota</td>
</tr>
</tbody>
</table>

41. Nationalities

Question: Can only specific nationalities/regions apply for this type of visa/permit?

<table>
<thead>
<tr>
<th>-1</th>
<th>0</th>
<th>1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes, this visa/permit procedure is open</td>
<td>Certain nationalities/regions have privileged but not exclusive</td>
<td>No, any nationality can apply.</td>
</tr>
</tbody>
</table>
42. Certification

Question: Is there a certification process to ensure that the vacancy cannot be filled by EEA labour (such as a resident labour market test) before employers are allowed to advertise a vacancy for this job?

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<tbody>
<tr>
<td>Yes, employers must publicly advertise vacancy for fixed period before hiring foreign worker</td>
<td>No, if occupation is included in provincial lists shortage list</td>
<td>No, no certification necessary</td>
</tr>
</tbody>
</table>

43. Family dependants

Question: Can the worker bring their family dependants with them on initial arrival? *Spouse and children aged under 18

<table>
<thead>
<tr>
<th></th>
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<th>1</th>
</tr>
</thead>
<tbody>
<tr>
<td>No, and dependants can never join</td>
<td>Dependents cannot come immediately, but following a probationary period they can join the worker</td>
<td>Yes, worker can bring all family members on initial arrival</td>
</tr>
</tbody>
</table>

44. Dependants work

Question: If worker can bring dependants are they allowed to work?
### 45. Duration of stay

**Question:** How long is the worker permitted to stay for in the destination country?

<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>&lt;9 months or less</td>
<td>9 months to 2 years</td>
<td>&gt;2 years</td>
</tr>
</tbody>
</table>

### 46. Switching employers

**Question:** Can the worker switch employers (within the same sector) during their visa/permit?

<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td>No</td>
<td>Only under exceptional circumstances such as reported abuse</td>
<td>Yes</td>
</tr>
</tbody>
</table>

### 47. Social security benefits

**Question:** Does the person have the same access to social security benefits as natives/EU nationals? Such as unemployment benefits, working tax credits and equivalents/tax exemptions, maternity/paternity pay
### 48. Appeal rights

**Question:** Can the person appeal the decision if rejected?

<table>
<thead>
<tr>
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<th>0</th>
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</thead>
<tbody>
<tr>
<td>No, no recourse to public funds, healthcare, housing.</td>
<td>Some benefits can be accrued after a period of residence</td>
<td>Yes</td>
</tr>
</tbody>
</table>

### 49. Route to permanency

**Question:** Is there a route to permanent residence/settlement? Does the time count on this visa/permit/procedure count towards entitlement to permanent residence?

<table>
<thead>
<tr>
<th>1</th>
<th>0</th>
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</tr>
</thead>
<tbody>
<tr>
<td>No, no appeal rights</td>
<td>Limited appeal rights such as an internal administrative review but no legal overturn</td>
<td>Yes</td>
</tr>
</tbody>
</table>

### 50. Extensions in-country

**Question:** Can the worker extend their visa in-country?

<table>
<thead>
<tr>
<th>1</th>
<th>0</th>
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</tr>
</thead>
<tbody>
<tr>
<td>No, strictly temporary, time does not count</td>
<td>Yes, it is possible to acquire permanent residence/settlement on this visa type/time spent counts towards permanent residency</td>
<td></td>
</tr>
</tbody>
</table>
51. Transitions

Question: Can the worker transition to another type of visa at the end of their current visa whilst remaining in the destination country?

<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td>No, not by any means.</td>
<td>Under exceptional circumstances or with a limit of 6 month extension</td>
<td>Yes, extension possible up to a further 4 years</td>
</tr>
</tbody>
</table>

52. Limited absence

Question: Can the worker return home for a period during their visa/permit without re-applying/the return trip affecting their residency rights?

<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>No, worker must leave at end of their visa and reapply from outside the country for any other type of visa</td>
<td>Yes, the worker can apply for a new visa whilst remaining in the destination state</td>
<td></td>
</tr>
<tr>
<td>No, the worker must remain in the destination country throughout the duration of their permit or else they must re-apply</td>
<td>Yes, the worker can exit the destination country for a specified time and return to the destination country without having to re-apply for a permit/visa</td>
<td></td>
</tr>
</tbody>
</table>
53. Possibilities of repeated participation

Question: Can the worker enter on this visa again in the future? And is there a privileged access to repeat?

<table>
<thead>
<tr>
<th>-1</th>
<th>0</th>
<th>1</th>
</tr>
</thead>
<tbody>
<tr>
<td>No right to circular migration/repeated participation, one shot only</td>
<td>Privileged/prioritization access to repeat season depending on labour market conditions</td>
<td>Yes, there is privileged access to repeaters with more liberal conditions on initial granting of visa/permit/Right to repeat seasons/circular</td>
</tr>
</tbody>
</table>

EU Mobility

54. Trans controls

Question: Are there full transitional controls on new Member States?

<table>
<thead>
<tr>
<th>-1</th>
<th>0</th>
<th>1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes, full controls</td>
<td>Trans controls in place but some concessions made to new EU citizens, such as specific schemes exclusively</td>
<td>No, trans controls not in place or lifted, unfettered access to labour market</td>
</tr>
</tbody>
</table>

3. Adaptations to existing version ImPol

Short-stays

We have changed the time duration for short-stay visas to six months. Whilst three of our destination states are Schengen Members and thus the 90-day duration is universal and applicable for short-stays, in the UK visitor visas are for an average six months or less. We clarified the meaning of short-stay visas/permits as a tourist visa where undertaking employment is prohibited. However, this should not change the current coding of ImPol.
We have removed indicator 4a – control visits at sponsor’s house. We have also changed indicator 6 – other requirements: fingerprints, verification of previous stays, return, invitation letter at the border. After discussion amongst our ImPol team, we agreed that obtaining biometric data is a standard clause for entry clearance in all destination states. Thus by including the abstraction of biometric data as part of this indicator, there would be no variance in our states, or indeed most EU member states. With this in mind, the team agreed that the collection of such biometric data does not make a state more or less restrictive in the 2010s. This indicator was had more relevance for the post-war period. We decided that this indicator should concentrate on whether the applicant has to provide some sort of proof that they will be returning as part of the condition of obtaining a short stay visa, particularly as this relates to ensuring return – relevant for Temper.

**Residence permits and Border Controls**

We have removed residence permit as a separate entry channel in the new version of ImPol, as the UK does not operate a permit system in the same way. Moreover, because the new version of ImPol has exhaustive indicators on work migration, the same data should be captured within this entry channel. Old ImPol contained two indicators on border controls which were specifically related to readmission agreements with Senegal in the context of the MAFE project, and a further indicator related to readmission agreements with transit countries. We have removed these from the new version of ImPol because firstly this is not an entry channel per se and we hope to have a dataset that measures different entry channels. Secondly, Senegal is only one of many sending countries included in Temper, and thus having a separate indicator for Senegal is illogical. Thirdly, because the majority of readmission agreements have been signed collectively at the EU level, thus we would not expect much variance in the scoring on the index. Finally, because ImPol contains a separate function for agreements between our destination states and selected sending countries, any important readmission agreements should be contained in these indicators.

**Students**

The old version of ImPol did not differentiate between an undergraduate student visa (aged 18-21 typically) and a postgraduate student visa. Whilst there was little differentiation between these in terms of eligibility and rights in the post-war period, since the late 1990s
these types of studies have been reconfigured and often bestow very different rights and eligibility depending on the level of study. For example, in the UK postgraduate students can bring dependants with them, whereas undergraduates cannot. The language level, maintenance/economic resources requirements, and their ability to transition to a more permanent work permit at the end of their studies, is likewise fundamentally different. This means that coders would have to make a judgment to input a single value for a single year on each indicator, and scores would be qualitatively different depending on whether one was coding an undergraduate visa or postgraduate visa. Because our work-related migration occupations include a researcher visa, which PhD students can obtain, we have concluded that the category of students should be exclusively related to undergraduate visas in the new version of ImPol. This requires coders for France, Italy and Spain to recode the current indicators on students from 1990, or to at least verify that the coding does not change.

The team discussed indicator 25 and agreed that pre-selection was too vague, also for the UK at least (and others) the selection process is entirely at the discretion of each institution. Moreover, all students (international or native) need to have their previous qualifications such as diploma (Bac, A levels) recognized at the university to be admitted. Therefore the team decided to change this indicator to ‘To be eligible for a student visa, does the person need to pass a language test’. As a result, this indicator may need recoding for France, Italy and Spain.

We have added a new indicator in the student entry channel, which relates to – in cases where an applicant for a student visa needs to pass a language test – the level needed to be proficient on the Common European Framework for Language (CEFR). We have fairly wide thresholds covering basic user or no test required as +1, B1 or intermediate level as 0, and B2 vantage or upper intermediate for value 1. We felt this was an important indicator as language requirements have been increasingly used as a mode of immigration controls in the last decade in all four destination states, and levels of language proficiency required for students have changed quite dramatically in recent years. However, whether the level of language proficiency will be explicitly stated in the 1990s remains to be seen; this could make this indicator problematic in terms of diachronic comparisons. The team has concluded that they will add this indicator, but coding may not be possible for the 1990s.
We will review our results once data collection and coding is complete to assess whether this is a viable indicator in terms of missing data and coding to be included in overall aggregate scoring of the student route.

There are a number of small amendments the team has made to the coding scheme; particularly removing values which are irrelevant in the 1990-2015 period, or where value 0 is too similar to -1 or 1, in order to provide meaningful results. We were concerned that on some indicators value 0 was providing too much margin for coders, and that legislation was not detailed enough to be able to differentiate between some value thresholds. WP8 team have also decided that each indicator should be framed as a question to aid coders interpretation of the coding scheme, to provide transparency in our methodology and to provide common framing of each indicator. These questions were devised with consultation with González-Ferrer, to ensure the question truly corresponded to the meaning of the indicator. These are contained in the coding scheme in appendix 2.

Two further changes directly related to WP8 objectives under Temper are worth reiterating here. Firstly, that the UK needs to be added as a destination state. This requires WP8 coder to input all relevant coding for all indicators. Secondly, for the UK overall, and for all new indicators for the other three destination states, the time period will start at 1990. Whilst it would be preferable for ImPol to be inclusive from 1968 (when old ImPol commenced from) for all destination states, the limited resources in terms of both data collection and manpower has led us to conclude that 1990 is the appropriate starting point. This is compounded by the fact that systematizing a way to measure work-related migration routes diachronically was a challenge from 1990 due to incompatibility between countries and the context of policy changes (discussed below). Thus attempting a measurement on work related migration at the level of detail we seek for Temper from the 1960s would be very challenging, and likely lead to over simplified and thus distorted measurements to be compatible cross comparatively and diachronically.
Sub-entry channels added

We have added two new sub-entry channels to ImPol. By sub-entry we mean routes of entry to destination states that are nonetheless not entirely separable from the existing entry channels currently contained in ImPol. These are EU mobility and family formation.

For EU mobility we have included a single indicator, which asks whether transitional controls have been placed on new accession states. As old EU states have some flexibility in whether they chose to place transitional controls on new EU citizens up to a maximum of seven years, we expect some variance in the scoring. Whilst ImPol does not attempt to measure and codify EU mobility generally, we have included this indicator as a potential pool of EU labour can often lead to policy changes in other labour migration categories, thus in order to present a valid picture of overall policy restrictiveness, we wanted to accommodate how changes in one policy stream can effect another. Policymakers must always take into account not only the labour supply within their own borders, but within the broader freedom of movement area to which they belong (OECD 2014 p.148). For example, in the UK whilst the quota for the seasonal agricultural scheme was reduced in the mid 2000s, this was made on the assumption that citizens from the new Central and Eastern European accession states would fill any labour shortages. Likewise when the scheme was terminated in 2013, such a decision was made on the basis that transitional controls for Bulgaria and Romania had lapsed. Therefore excluding the impact of a decision by our states to impose restrictions or not on new EU citizens may produce disingenuous results when measuring and aggregating work related migration policy.

The second sub-entry channel we have included is family formation. This will be subsumed under the general entry channel of family reunification, because whilst family formation entails, at times, different rules, eligibility and rights to family reunification visas, family formation is nonetheless not a separate entry channel as such. We have developed three indicators for family, which all destination states will need to code from 1990. These are:

1.) Whether the sponsor and applicant need to prove their intentions (to immigration officers for example) to marry, with thresholds -1=No and 1=Yes

2.) Whether maintenance or economic resources need to be demonstrated and/or that there is adequate accommodation, with thresholds: 1=No requirement;
0=Accommodation or economic resources required; -1=Yes applicant must demonstrate adequate economic resources and accommodation.

3.) The duration of initial visa/permit before applicant must marry sponsor, with thresholds: -1= 6 months or less; 0=6-18 months; 1=18 months or more.