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Introduction to a Special Issue on the Impact of Immigrant Legalization Initiatives: International Perspectives on Immigration and the World of Work


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Introduction to a Special Issue on the Impact of Immigrant Legalization Initiatives: International Perspectives on Immigration and the World of Work

Abstract

This article is the third in a series to celebrate the 70th anniversary of the *ILR Review*. The series features articles that analyze the state of research and future directions for important themes the journal has featured over its many years of publication. In this issue, we also feature a special cluster of articles and book reviews on one of the most critical labor market issues across the globe—the legalization and integration of immigrants into national labor markets.

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Keywords

immigration, legal status, immigrant populations

Disciplines

Immigration Law | International and Comparative Labor Relations | Labor Relations

Comments

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INTRODUCTION TO A SPECIAL ISSUE ON THE
IMPACT OF IMMIGRANT LEGALIZATION INITIATIVES:
INTERNATIONAL PERSPECTIVES ON IMMIGRATION
AND THE WORLD OF WORK

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This article is the third in a series to celebrate the 70th anniversary of the *ILR Review*. The series features articles that analyze the state of research and future directions for important themes the journal has featured over its many years of publication. In this issue, we also feature a special cluster of articles and book reviews on one of the most critical labor market issues across the globe—the legalization and integration of immigrants into national labor markets.

Despite the urgent need for immigration reform in the United States, there is a paucity of US research that looks at the impact of a shift from unauthorized to legal immigrant status in the workplace. The US immigration literature has also paid little attention to immigrant legalization policies outside of the United States, despite the fact that other countries have implemented such policies with far more regularity. The articles in this special issue draw on studies of legalization initiatives in major immigrant destinations: Canada, Italy, and the United Kingdom. Together they underscore the importance of cross-national perspectives for understanding the range of legalization programs and their impact on immigrant workers, the workplace, and the labor market. These findings contribute to key questions in migration scholarship and inform the global policy debate surrounding the integration and well-being of immigrants.

Immigration is a hotly debated issue among scholars and policymakers the world over, and in many countries the fate of the unauthorized immigrant population lies at the center of this debate. In the United States, Congress has been deadlocked for years on how to address this population.

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Meanwhile, the number of unauthorized immigrants has grown from an estimated 5 million, at the time of the last major legalization program in 1986, to a peak of 12.2 million in 2007. The population has since declined to approximately 11 million in 2015, based on estimates from the American Community Survey (Passel and Cohn 2016). Analyses of the National Survey of Occupation and Employment (ENOE) suggest that—at least for Mexican migrants who comprise more than half of the unauthorized population in the United States—the Great Recession may have contributed to this decrease due to a contraction in key immigrant sectors (Villarreal 2014). Currently, an estimated 5% of the civilian labor force in the United States is unauthorized (Krogstad, Passel, and Cohn 2017), with far higher shares in low-wage and precarious sectors such as farming and construction.

That the United States has been without a legalization program for more than three decades is significant. Legislative inaction has left unauthorized immigrants, together with their families and communities, vulnerable and exposed. Recent US administrations have ramped up immigrant detention and deportations and have again targeted the workplace as a primary site for immigration enforcement. Such practices have increased unauthorized immigrants' overall sense of insecurity, as well as the precarious conditions they face at work.

In this sense, immigration status acts as a “master status” for unauthorized workers inasmuch as it shapes their daily lives and their interactions with the state, even while many unauthorized workers remain engaged in their communities (Gleeson and Gonzales 2012; Gonzales 2016). Unauthorized status, however, also intersects with other categories of difference, such as race, class, and gender. This circumstance is especially evident as immigration policies have become more restrictive and enforcement has come to target unauthorized Latinos, Haitians with Temporary Protected Status (TPS), refugees, and other immigrants from Muslim-majority countries.

In the United States, workers are generally eligible for workplace protections regardless of immigration status. Unauthorized workers enjoy wage and hour protections, health and safety standards, and prohibitions against sexual harassment, to name a few of the employment standards that govern the workplace. These protections, however, are often elusive for unauthorized workers. Moreover, in 2002 the US Supreme Court in *Hoffman Plastic Compounds* ruled against back-pay remedies for unauthorized workers in cases for which they faced illegal retaliation for labor organizing, and this has had ripple effects on other areas of law (Griffith 2014). Evidence shows that unauthorized workers suffer significantly higher rates of workplace violations than do US-born and authorized immigrants (Bernhardt, Spiller, and Theodore 2013). Studies have also detailed how unauthorized status inhibits workers' ability to file claims against their employers when faced with workplace rights abuses (Gleeson 2010, 2012). Finally, Hall, Greenman, and Farkas (2011) found that unauthorized workers do not reap the same

rewards for schooling and their wages grow more slowly in comparison to their authorized counterparts.

Despite the urgent need for immigration reform in the United States and the centrality of immigration status to the well-being of immigrants, there is a paucity of research that looks at the impact of a shift from unauthorized to legal immigrant status in the US workplace. Most research has instead focused on case studies and comparisons among unauthorized workers. Moreover, the US immigration literature pays little attention to legalization/regularization policies outside of the United States, despite the fact that other countries have engaged in immigration reform with far more regularity.

This cross-national perspective is crucial for understanding the various models of legalization, especially given that immigration is largely—although not exclusively—a national policy matter. In the United States, for example, the absence of immigration reform at the federal level prompted state and local governments to adopt their own policies affecting immigrants (Griffith 2011). Despite significant legal challenges, today such policies can differ substantially from state to state. In the realm of labor, for example, nine (mostly Southern) states required “E-Verify” (an electronic verification system used to confirm employment eligibility) for all hires in 2016; another twelve did so for at least some hires (Gelatt, Bernstein, and Koball 2017). Meanwhile, California and Illinois put in place legislation to block local jurisdictions from mandating the use of E-Verify. Overall, 49 US states enacted 206 laws and 263 resolutions in 2017 that were related to immigration across a range of issues such as sanctuary policies, refugees, education/civics, and in-state tuition (National Conference of State Legislatures 2018). This special issue of the *ILR Review* leverages the experiences of Europe and Canada as an important contrast to the US “model” of managing immigrant populations.

Studies of immigration status in the United States tend to rely either on cross-sectional comparisons of authorized and unauthorized populations or on difference-in-difference analyses across time and place. Although this variation within the United States can be illuminating, it also takes many sociopolitical factors for granted, such as the two-party system, federal primacy over immigration, and the demographic context. Moreover, the United States is exceptional in the sheer size of its unauthorized population and in the long periods of inaction on immigration reform at the federal level. By contrast, the experiences of other countries present a range of policy responses to unauthorized workers (Levinson 2005; Sunderhaus 2012). Finally, although the United States has the world’s largest population of unauthorized immigrants for a given country, most unauthorized migrants worldwide are not in the United States. According to the International Organization on Migration’s most recent estimate from 2010, out of at least 50 million irregular migrants in the world, approximately 11 million reside in the United States (International Organization for Migration 2016). These conditions heighten the need to look beyond the United States to inform research and policy.

Special Issue Goals

In organizing this special issue, we aimed to bring a variety of international perspectives to questions about how legal status affects work. The focus of this issue differs from important recent work in comparative immigration studies, such as Eckstein and Peri (2018), which did not focus explicitly on legal status as a key covariate; Gonzales and Raphael (2017), which looked at illegality in the United States; and the volume by McKay, Markova, and Paraskevopoulou (2012), which compared changes in legal status in various countries in the European Union (EU), but did not address the United States.

An international perspective considers the variety of legalization (or regularization) programs and policies that have been adopted around the world. Legalization programs can differ in their periodicity and targets, in the eligibility criteria they establish, and in whether they provide a means for migrants to attain permanent legal residence. In the United States, for example, legalization has taken the form of general, one-off programs (the last major program of this type was the Immigration Reform and Control Act in 1986), but the US Congress has also enacted a variety of programs targeting discrete population groups (Kerwin, Brick, and Kilberg 2012). Countries may also incorporate regular mechanisms or procedures that enable individuals to legalize their status. In Europe, southern European countries were more likely to enact mass regularization programs in recent years, but these have also been combined in some cases with ongoing mechanisms for regularization (Calavita 2005). Although humanitarian considerations have been important in European and US legalization programs, a large number have been employment-based or labor market-oriented programs. Of those individuals who were regularized as part of European programs between 1973 and 2008, for instance, 87% were unauthorized labor migrants (Brick 2011).

Eligibility criteria for legalization programs also vary widely and can include, for example, length of time and continuity of residence in the country, proof of current or future employment, good moral character, and/or family connections and age. Among specific population groups targeted in US programs are agricultural workers, high-skilled workers, citizens from countries affected by natural disasters or political strife, residents of countries with limited population presence in the United States, and relatives of US citizens and legal permanent residents. Across Europe, targeted programs have included specific national origin groups (e.g., Brazilians in Portugal's 2003 regularization), workers and their family members, citizens of Commonwealth countries and former colonies, war refugees, and long-term asylum seekers (Brick 2011).

Legalization/regularization programs differ in the extent to which they confer permanent or temporary legal status. The former typically provides a means to acquire citizenship, although sometimes countries shift temporary programs to allow for a pathway to citizenship. In the United States, a

number of legal status categories (e.g., guest worker visas, deferred action, and other categories involving prosecutorial discretion) are temporary and require regular renewal. Yet few such cases in the United States provide a pathway to permanent residence and eventual citizenship. This omission is also true of the Gulf States, where most foreigners have little hope of acquiring citizenship, despite comprising a large percentage, if not a majority, of the population (Martin 2017: 70).

In some European countries, temporary programs are contingent on an employment contract, a minimum period of residency, family ties, and a clean record with the police. A lapse on any of these fronts can render someone ineligible for renewal of status, and hence, deportable (Cook 2013). In Italy and Spain, for instance, Calavita (2005) noted that many migrants who attained legal status found it difficult to retain, because they had to show that the original conditions—of most importance, a formal work contract—were still maintained. In this way, migrants have moved back and forth between legal and unauthorized status. Since the introduction of US legislation in 1996, even individuals with legal permanent resident status can be subject to loss of legal status if they are found to have committed or to have pleaded guilty to the commission of certain crimes, regardless of whether the actions occurred decades earlier and prior to the enactment of the law. In sum, these various categories of deportation relief and work authorization for non-citizens differ drastically from the blanket amnesties that are often at the heart of public debates.

The articles in this special issue represent four case studies drawn from three countries: Canada—the other leading migrant destination in North America—and two European destinations, Italy and the United Kingdom, which have instituted some form of legalization program. The authors employ diverse methods to analyze the impacts of immigration status on the working lives of migrants. In the article by Martin Ruhs and Jonathan Wadsworth, the authors study the experience of workers from Romania and Bulgaria (both A2 EU countries) in the United Kingdom. These workers gained the formal authority to work in January 2014, yet many already resided and worked in the United Kingdom. Through a difference-in-difference analysis of pooled cross-sectional data, the authors examine the impact of the removal of temporary restrictions on employment and welfare entitlements. Their findings show that gaining the formal right to unrestricted employment shifted many formerly “self-employed” individuals into “employees” but had little impact on any other labor market outcomes. Factors beyond the removal of employment restrictions in the law, such as widespread misuse of the self-employed category in practice, may explain why this seemingly beneficial legal change did not lead to labor market effects for Romanians and Bulgarians.

The economists Carlo Devillanova, Francesco Fasani, and Tommaso Frattini examine the impact of Italy’s 2002 legalization initiative, which functionally provides a natural experiment through the introduction of an

exogenous discontinuity in eligibility based on date of arrival. The authors employ a difference-in-difference analysis of the probability of employment/self-employment using microdata gleaned from a survey of individuals who visited a large Italian nongovernmental organization (NGO) that provides medical care. Their analysis shows that the *prospect* of a legal status change indeed affected labor market conditions in that country. Immigrants who were eligible for legal status change (amnesty) had a higher probability of employment relative to unauthorized immigrants who were not eligible. Even *before* formal legal change actually occurred, eligible unauthorized immigrants in Italy saw labor market benefits.

Leah Vosko's article analyzes Canada's temporary and seasonal agricultural guest worker program (SAWP), which is often cited as a model for the United States. Her analysis draws on close review of labor and immigration laws and policies, as well as on testimony and decisions of British Columbia's labor relations tribunal, key informant interviews, and collective agreements of organized migrant workers. Vosko considers how policies and tribunal decisions produce the possibility of unjust termination and premature repatriation for migrant workers in the program. The author makes a convincing argument that Canada's program is not a "model" guest worker program. Even though some observers may view the Canadian program as an improvement over the US H-2 agricultural guest worker program, in that it amplifies government oversight of the program, the Canadian program also "institutionalizes deportability" for workers. Employers play a role in migrant workers' early repatriation and in evaluating workers in ways that can make it hard for them to return the following season. The study highlights the ways in which both the law and its implementation create migrants' deportability. In this case, even workers with collective bargaining agreements are vulnerable and face the possibility of deportation, given the power of employers and the legal constraints and implementation of the SAWP.

In their article, Rupa Banerjee and coauthors provide a qualitative assessment of the experiences of Filipina live-in caregivers, who constitute 90% of the Live-In Caregiver program in Canada. The authors consider the impact of programs that allow these caregivers to transition from temporary to permanent resident status. Banerjee et al. draw on data from a survey of individuals who have gained work permits (or legal permanent residency) and from focus groups, which illuminate the challenges and opportunities this transition in status presented for migrant workers. The authors find that obtaining permanent status had little effect on caregivers' experiences of labor market mobility. The isolation of care work itself, which limited caregivers' networks, also inhibited their job mobility. These women related accounts of gender and racial discrimination that intensified their negative experiences in the caregiving industry, where work is already devalued.

Taken together, these articles make several theoretical and methodological contributions. First, they help move us away from the dichotomy of

authorized/unauthorized status, which ignores many other liminal and temporary statuses. Second, they consider the challenges experienced by migrants with different gender and racial identities, which in turn reveal the limited impact of legalization for some entrenched forms of inequality. Third, these comparisons allow us to ferret out differences in legal and institutional contexts. Fourth, the articles point to ways in which economic research on the impact of legalization can avoid the “endogeneity trap,” wherein the challenge lies in finding a control group to adequately measure impact. Finally, these studies enable us to explore the scope of conditions of existing debates (e.g., which unauthorized individuals should receive relief from deportation, for how long, and whether relief should be permanent) and can inform ongoing policy debates in the United States and beyond.

Beyond the Authorized versus Unauthorized Dichotomy

The articles in this issue remind scholars to think beyond the authorized–unauthorized dichotomy. Notwithstanding work by a handful of scholars (Menjívar 2006; Menjívar and Abrego 2012; Hallett 2014; Abrego and Lakhani 2015), much of the research on the United States focused on the challenges associated with unauthorized immigration status. Examples include recent studies by Bean et al. (2013), Gonzales and Raphael (2017), and Eckstein and Peri (2018). The four articles in this issue highlight the variety of immigration statuses that fall outside of the authorized–unauthorized separation. Banerjee et al.’s article examines the experiences of caregivers in Canada, who arrived as legal temporary workers and transitioned into permanent status. Vosko’s article analyzes the case of agricultural laborers in Canada, who have temporary status yet are denied the opportunity for eventual permanent status. Ruhs and Wadsworth study Bulgarians and Romanians in the United Kingdom who lived in the United Kingdom legally with limited work rights, but eventually gained unrestricted access to the labor market. Devillanova et al. consider the case of unauthorized immigrants in Italy who qualified for legalization but had not yet gained this status at the time of the study. Researchers who study immigration status in the US context would do well to keep in mind that “an alphabet soup of immigration law designations” exists, each with its own requirements and ramifications (Griffith and Gleeson 2017).

Temporary immigrants who fall between permanent authorization and unauthorized status merit increased attention. As we see in this issue, not all legalization leads to permanent legal status. In the United States, the approximately one million immigrants with temporary immigration status remain an understudied group (Heeren 2015). Unlike unauthorized workers, these “temporary immigrants” are authorized to work in the United States. Unlike H-2 guest workers, these workers are not tied to one employer. Unlike legal permanent residents, however, most temporary

immigrants are not provided with a pathway to permanent residence (and later, citizenship) and are subject to deportation when their visa ends or if their program is terminated.¹ To be sure, each of these populations represents a differently selected immigrant population from those who enter with permanent status, which should mediate any comparison among them. However, it is important to examine how different categories of legal status factor into their everyday workplace experiences.

Menjívar's (2017) groundbreaking survey provided a window into one such temporary group: workers with Temporary Protected Status (TPS). Her study of Central American TPS holders highlighted the benefits of work authorization, but she also documented the ways in which temporary legal status may allow for workplace mistreatment. Ethnographic work by Ribas on TPS holders highlighted how "their future legal status is defined at best as the perpetual renewal of temporary and incomplete legality" (2015: 125). Nonetheless, there has been little exploration of how the liminal legality of temporary immigrants interacts with working conditions and claims-making against employers.

The articles in this special issue provide some insight into the experiences of temporary-status immigrants. For instance, Banerjee et al.'s article shows that Filipina caregivers in Canada who transitioned from temporary to permanent status did not benefit in terms of labor market outcomes. Even though 60% of Filipina caregivers have university degrees or higher, they did not move out of caregiving work after receiving permanent status. The finding supports Goldring and Landolt's (2011) conclusion that workers who entered the labor market with permanent legal status fared better than those who entered with temporary status. This outcome suggests that unauthorized status may have an entrenched impact, caused by such factors as financial instability, stigmatization, and other long-term effects of illegality. The nature of care work itself presents challenges, such as a lack of networks and gendered expectations. Banerjee et al. do find, however, that post-migration education and training has modest positive effects, though this represents a small percentage of migrants who are able to undertake these courses. Similarly, those with spouses in Canada seem to be able to move out of survival jobs compared to those who must still contend with family separation and remittance obligations as a direct result of the requirements of the Live-In Caregiver Program.

Vosko's article adds to our understanding of temporary statuses by examining the experiences of immigrant guest workers who are neither fully authorized nor fully unauthorized. Her study calls into question the benefits of some types of legal status for temporary workers, particularly where the threat of deportation is an inherent part of a program's design and

¹This restriction tends to apply to low-wage temporary foreign workers. So-called high-skill workers on H-1B visas, for example, do have opportunities to gain legal permanent residence in the United States.

operation. Vosko also highlights the role of non-state actors in facilitating deportability.

Variation in immigration status categories undoubtedly matters. Inequality scholars have characterized immigration enforcement as “a premier stratifying institution” (Stuart, Armenta, and Osborne 2015: 241). Immigration status is an expression of the state’s power to surveil and detain members of certain populations. Because liminal immigration statuses and difficult working conditions are collinear, studies should disaggregate which aspects are affected by immigration status versus other forms of precarity (Paret and Gleeson 2016).

Intersectional Identities and Experiences

Banerjee et al.’s article reminds us that scholars should be careful to consider identities such as race, national origin, and gender in addition to immigration status. Their focus on Filipina caregivers in Canada shows how race and gender shape migrant experiences in that industry and foster what they refer to as “stigmatization.” Although the authors acknowledge that legal structures negatively affect migrant experience (e.g., legally required family separation), the workers in their study embody the complex interactions between “gendered and racialized identities.” Future research could consider how immigration status interacts with the persistent challenges of race, national origin, and gender discrimination and precarious work more generally.

Prior research suggested that race and national origin shape how immigration status affects conditions and claims-making at work. Historical accounts confirmed the different ways in which immigration enforcement has been implemented for white and non-white populations (Ngai 2004). Contemporary research on the everyday policing of unauthorized communities unequivocally confirmed the role of institutional racism in affecting unauthorized Latino immigrants’ experiences (De Genova 2005; Armenta 2017). Black immigrants must navigate the US racial hierarchy and the long history of African American disadvantage, as well as the perceptions of a model black immigrant minority (Waters, Kasinitz, and Asad 2014). Recent studies of unauthorized youth who received temporary relief under the Deferred Action for Childhood Arrivals (DACA) program suggested that black, Latino, and Asian immigrants experienced their illegality in distinct ways (Patler 2014). In particular, ethnographic research shed light on the challenges for black and brown youth who are the focus of many policing efforts (Rengifo and Pater 2017; Rios, Carney, and Kelekay 2017). Herrera’s (2016) work showed that even within the Latino day laborer community of Oakland, California, indigenous workers experienced heightened discrimination compared to their mestizo counterparts.

Gender differences undoubtedly also shape immigrant experiences of inequality—but how? Prior research has revealed that men and women

follow distinct migration paths, form different social networks, and navigate dissimilar expectations of reproductive labor (Hondagneu-Sotelo 1994; Hagan 1998; Goldring 2003). For example, because women are more prominent in the informal sector, they faced greater constraints in their efforts for legal status (Kubal 2013). Research from a survey of low-wage workers in three major immigrant destinations found that unauthorized women had significantly higher rates of minimum wage and overtime violations than did unauthorized male workers (Petrescu-Prahova and Spiller 2016).² The authors argued that this may be attributable in part to occupational sorting and to women's greater concentration in the informal sector. Nonetheless, research on the impacts of deportation relief and work authorization are not conclusive with respect to labor market outcomes. For example, research on the effects of the last legalization program in the United States in 1986 suggested that men reaped higher occupational mobility rewards than did women (Powers and Seltzer 1998). Yet, in the case of women with Temporary Protected Status, Orrenius and Zavodny (2015) found strong benefits of TPS on women's labor force participation.

Differences in Legal and Institutional Contexts

The articles in this special issue also encourage scholars studying the United States to pay attention to the variation posed by state institutions operating at different scales and by disparities in legal regimes in employment and immigration. In particular, the articles on Europe highlight the importance of regional institutions. Yet Ruhs and Wadsworth's study of Romanians and Bulgarians in the United Kingdom shows that, even in the context of the EU, national context matters. In this case, the UK's flexible and lightly regulated labor market fostered these migrant workers' classification as "self-employed," thus exempting them from work restrictions and enabling them to work legally (albeit outside of the formal sector) prior to the lifting of employment restrictions on A2 migrants. After January 2014, these formerly self-employed individuals merely shifted to formal employment opportunities that were very similar to what they had been doing. Differences in a country's enforcement of immigration and employment laws can affect migrants' labor market entry in ways that minimize the effects of legalization. In the United States, studies have begun to look at how various local laws targeting immigrants shaped labor market outcomes for immigrants (Bohn, Lofstrom, and Raphael 2013, 2015).

The articles in this volume also showcase dissimilar modalities of legal immigration status and their implications. Ruhs and Wadsworth's article notes various dimensions of legality/illegality (deportability, work authorization, benefits eligibility), and introduces the concept of "semi-legality,"

²By contrast, a smaller gap exists between authorized men and women, and there is parity between US-born men and women.

which in this case refers to migrant workers with legal residence and illegal work arrangements. The authors find that workers subsequently moved out of self-employed status, but wages were not affected. Devillanova et al. suggest that *attaining* legal status may not matter so much as one's *eligibility* for legal status (the prospect of becoming legal as compared to actually gaining legal status). These articles signal the importance of timing in gauging an effect: Transformations may occur after a legal change is announced, but before an actual change in legal status is in place.

Avoiding the Endogeneity Trap

In economic research, an important methodological consideration in determining the impact on individuals of attaining legal status is the endogeneity of legal status. If, under a current law, one person attains legal status by acquiring skills and another person does not, a comparison of their outcomes may confound the effect of legalization with that of acquiring the skills. This possibility is an example of the problem of finding an appropriate control group to estimate the impact of a particular decision (in this case, the decision to become legalized). To assess the effect of legalization, we need to have some idea of what would have happened to the newly legalized immigrants had they not become authorized.

To address this potential problem, some economic research exploits changes in immigration laws that produce exogenous changes in legal status. For example, Devillanova et al.'s article studies the impact of a September 2002 Italian legalization law that conditioned eligibility on a predetermined arrival date (June 11, 2002) and on being currently employed. Because immigrants arguably did not anticipate this date, those who arrived just after the date can serve as a nearly ideal control group for those who arrived just before the date of eligibility.

In some cases, an appropriate control group for determining the impact of legalization is, in effect, produced when a law passes that affects only a subset of the immigrant population. Take, for example, Ruhs and Wadsworth's study of the impact of a British law that eliminated labor market restrictions in 2014 for immigrants from Bulgaria and Romania. Simply comparing economic outcomes for these immigrants before versus after 2014 could confound the effects of the law with the effects of the changing economy. To address this concern, the authors use as a control group immigrants from other Eastern European countries—the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia, and Slovenia (the A8 countries—immigrants from countries that did not face any restrictions at the time that those from the A2 countries did).³ In effect, the authors treat changes in economic outcomes before and after 2014 for immigrants from

³A2 countries joined the EU in January 2007 and include Bulgaria and Romania. The United Kingdom restricted these migrants' access to employment until January 2014. The A8 countries joined the EU in May 2004.

the A8 countries (for whom the law did not change) as an estimate of what would have happened to those from the target A2 countries had the law not changed. A hypothesis of this research design is that other than legalization status, immigrants from the A8 countries are similar to those from the A2 countries, controlling for measurable characteristics such as age, gender, region, time in the United Kingdom, industry, occupation, and education.

This comparison is why (arguably) exogenous changes in the law or in who is given rights through a change in the law can be useful inputs in a research design in estimating the impact of becoming legalized. For example, if a law is passed changing the legal status of individuals migrating before a certain date, one can compare migrants and be somewhat certain that the effect is because of the law.

Implications for Research and Policy

Taken together, the articles in this issue provide insight into several key questions in migration scholarship and immigration policy more generally. First, they call our attention to the important impacts of immigration policy shifts, not only on immigrants but also on the labor market and workplace inequality. For example, Ruhs and Wadsworth conclude a null effect of a removal of restrictions on migrant welfare use, which they posit has to do with barriers to access for migrants from A2 and A8 countries. Their work suggests that we must think broadly about other factors that may also affect the outcomes shaped by legalization initiatives. Second, these articles highlight the importance of considering the unintended impacts of any legalization program. For example, Devillanova et al. conclude positive impacts of reducing the barriers to work but suggest that an increase in the migrant labor supply might also limit their bargaining power and lead to reductions in wages.

These articles also highlight the importance of methodological diversity for the study of immigration status and work. The quantitative studies presented here help to zero in on the causal impacts of legalization, holding constant other factors that otherwise may be confounded without careful analysis of competing counterfactuals. The qualitative studies (using focus groups, interviews, and archival work) help to illuminate the mechanisms driving these differences, as well as the lived experiences of immigrants on the ground. They also underscore the need for ongoing comparative work that interrogates the diversity of various liminal immigration statuses, especially across race and gender.

Through its focus on scholarship beyond the United States, this special issue also contributes to policy debates taking place in Washington, DC. How to police national borders, whether to penalize unauthorized migrants seeking a livelihood, and how to incorporate immigrants into society are not only key questions for the United States but are also universal concerns. In a world that has witnessed the emergence of US President Donald

Trump and the rise of European nationalisms exemplified by Brexit, the trend has been toward greater immigration restrictions, often paired with xenophobia and racism. These articles reveal the benefits, but also the limitations, of temporary legal status programs, such as DACA and TPS in the United States. Finally, it is critical to understand how immigration policy operates, as a domestic policy concern as well as a part of a foreign policy agenda that affects regional markets, as highlighted especially by research on the EU.

The special issue ends with a series of book reviews that returns readers to the specificities of the US case. These books address the most pressing concerns and developments of the past decade in the immigration field: the economic and fiscal consequences of immigration (Blau and Mackie 2017), the transnational realities of deportation and life on the southern border (Golash-Boza 2015; Chávez 2016), the dynamics of race and race relations in the rapidly changing South (Ribas 2015; Stuesse 2016), the challenges and prospects for individual and collective forms of immigrant claims-making (Gleeson 2016; Marquis 2017), and state–society relations in policy advocacy and implementation (de Graauw 2016; Wong 2017). Finally, another book review illuminates the lives of undocumented immigrants and their employers in London (Bloch and McKay 2016).

References

- Abrego, Leisy J., and Sarah M. Lakhani. 2015. Incomplete inclusion: Legal violence and immigrants in liminal legal statuses. *Law & Policy* 37(4): 265–93.
- Armenta, Amada. 2017. *Protect, Serve, and Deport: The Rise of Policing as Immigration Enforcement*. Oakland: University of California Press.
- Bean, Frank, James Bachmeier, Susan K. Brown, Jennifer Van Hook, and Mark A. Leach. 2013. Unauthorized Mexican migration and the socioeconomic integration of Mexican Americans. January Report. New York: Russell Sage Foundation. Accessed at <https://www.russellsage.org/research/reports/unauthorized-immigrants>.
- Bernhardt, Annette, Michael W. Spiller, and Nik Theodore. 2013. Employers gone rogue: Explaining industry variation in violations of workplace laws. *ILR Review* 66(4): 808–32.
- Blau, Francine D., and Christopher Mackie (Eds.). 2017. *The Economic and Fiscal Consequences of Immigration*. National Academies of Sciences, Engineering, and Medicine. Washington, DC: National Academies Press.
- Bloch, Alice, and Sonia McKay. 2016. *Living on the Margins: Undocumented Migrants in a Global City*. Bristol, UK: Policy Press.
- Bohn, Sarah, Magnus Lofstrom, and Steven Raphael. 2013. Did the 2007 Legal Arizona Workers Act reduce the state’s unauthorized immigrant population? *Review of Economics and Statistics* 96(2): 258–69.
- . 2015. Do E-Verify mandates improve labor market outcomes of low-skilled native and legal immigrant workers? *Southern Economic Journal* 81(4): 960–79.
- Brick, Kate. 2011. Regularizations in the European Union: The contentious policy tool. Accessed at <https://www.migrationpolicy.org/research/regularizations-european-union>.
- Calavita, Kitty. 2005. *Immigrants at the Margins: Law, Race, and Exclusion in Southern Europe*. Cambridge: Cambridge University Press.
- Chávez, Sergio. 2016. *Border Lives: Fronterizos, Transnational Migrants, and Commuters in Tijuana*. New York: Oxford University Press.
- Cook, Maria Lorena. 2013. Is incorporation of unauthorized immigrants possible? Inclusion and contingency for nonstatus migrants and legal immigrants. In Jennifer Hochschild,

- Jacqueline Chattopadhyay, Claudine Gay, and Michael Jones-Correa (Eds.), *Outsiders No More? Models of Immigrant Political Incorporation*, pp. 43–64. Oxford and New York: Oxford University Press.
- De Genova, Nicholas. 2005. *Working the Boundaries: Race, Space, and “Illegality” in Mexican Chicago*. Durham, NC: Duke University Press.
- de Graauw, Els. 2016. *Making Immigrant Rights Real: Nonprofits and the Politics of Integration in San Francisco*. Ithaca, NY: Cornell University Press.
- Eckstein, Susan, and Giovanni Peri. 2018. Immigrant niches and immigrant networks in the U.S. labor market. *RSF: The Russell Sage Foundation Journal of the Social Sciences* 4(1): 1–17.
- Gelatt, Julia, Hamutal Bernstein, and Heather Koball. 2017. State immigration policy resource. Washington, DC: The Urban Institute. Accessed at <https://www.urban.org/features/state-immigration-policy-resource>.
- Gleeson, Shannon. 2010. Labor rights for all? The role of undocumented immigrant status for worker claims-making. *Law and Social Inquiry* 35(3): 561–602.
- . 2012. Leveraging health capital at the workplace: An examination of health reporting behavior among Latino immigrant restaurant workers in the United States. *Social Science & Medicine* 75(12): 2291–98.
- . 2016. *Precarious Claims: The Promise and Failure of Workplace Protections in the United States*. Oakland: University of California Press.
- Gleeson, Shannon, and Roberto Gonzales. 2012. When do papers matter? An institutional analysis of undocumented life in the United States. *International Migration* 50(4): 1–19.
- Golash-Boza, Tanya. 2015. *Deported: Policing Immigrants, Disposable Labor and Global Capitalism*. New York: NYU Press.
- Goldring, Luin. 2003. Gender, status, and the state in transnational spaces: The gendering of political participation and Mexican hometown associations. In Pierrette Hondagneu-Sotelo (Ed.), *Gender and U.S. Immigration: Contemporary Trends*, pp. 341–58. Berkeley: University of California Press.
- Goldring, Luin, and Patricia Landolt. 2011. Caught in the work–citizenship matrix: The lasting effects of precarious legal status on work for Toronto immigrants. *Globalizations* 8(3): 325–41.
- Gonzales, Roberto G. 2016. *Lives in Limbo: Undocumented and Coming of Age in America*. Oakland: University of California Press.
- Gonzales, Roberto G., and Steven Raphael. 2017. Illegality: A contemporary portrait of immigration. *RSF: The Russell Sage Foundation Journal of the Social Sciences* 3(4): 1–17.
- Griffith, Kati L. 2011. Discovering “immigration” law: The constitutionality of subfederal immigration regulation at work. *Yale Law and Policy Review* 29: 389–451.
- . 2014. When federal immigration exclusion meets subfederal workplace inclusion: A forensic approach to legislative history. *N.Y.U. Journal of Legislation and Public Policy* 17(4): 881–917.
- Griffith, Kati L., and Shannon M. Gleeson. 2017. The precarity of temporality: How law inhibits immigrant worker claims. *Comparative Labor Law and Policy Journal* 39(1): 111–42.
- Hagan, Jacqueline M. 1998. Social networks, gender, and immigrant incorporation: Resources and constraints. *American Sociological Review* 63(1): 55–67.
- Hall, Matthew, Emily Greenman, and George Farkas. 2011. Legal status and wage disparities for Mexican immigrants. *Social Forces* 89(2): 491–513.
- Hallett, Miranda Cady. 2014. Temporary protection, enduring contradiction: The contested and contradictory meanings of temporary immigration status. *Law & Social Inquiry* 39(3): 621–42.
- Heeren, Geoffrey. 2015. The status of nonstatus. *American University Law Review* 64: 1115–81.
- Herrera, Juan. 2016. Racialized illegality: The regulation of informal labor and space. *Latino Studies* 14(3): 320–43.
- Hondagneu-Sotelo, Pierrette. 1994. *Gendered Transitions: Mexican Experiences of Immigration*. Berkeley: University of California Press.
- International Organization for Migration. 2016. Global migration trends factsheet. Accessed at <http://gmdac.iom.int/global-migration-trends-factsheet>.

- Kerwin, Donald, Kate Brick, and Rebecca Kilberg. 2012. Unauthorized immigrants in the United States and Europe: The use of legalization/regularization as a policy tool. Washington, DC: Migration Policy Institute. Accessed at <https://www.migrationpolicy.org/article/unauthorized-immigrants-united-states-and-europe-use-legalization-regularization-policy-tool>.
- Krogstad, Jens Manuel, Jeffrey S. Passel, and D'Vera Cohn. 2017. 5 facts About illegal immigration in the U.S. Pew Research Center blog. April 27. Accessed at <http://www.pewresearch.org/fact-tank/2017/04/27/5-facts-about-illegal-immigration-in-the-u-s/>.
- Kubal, Agnieszka. 2013. Conceptualizing semi-legality in migration research. *Law & Society Review* 47(3): 555–87.
- Levinson, Amanda. 2005. Why countries continue to consider regularization. Migration Policy Institute. Accessed at <http://www.migrationpolicy.org/article/why-countries-continue-consider-regularization>.
- Marquis, Susan L. 2017. *I Am Not a Tractor! How Florida Farmworkers Took On the Fast Food Giants and Won*. Ithaca, NY: Cornell University Press.
- Martin, Philip. 2017. *Merchants of Labor: Recruiters and International Labor Migration*. Oxford: Oxford University Press.
- McKay, Sonia, Eugenia Markova, and Anna Paraskevopoulou. 2012. *Undocumented Workers' Transitions: Legal Status, Migration, and Work in Europe*. New York: Routledge.
- Menjívar, Cecilia. 2006. Liminal legality: Salvadoran and Guatemalan immigrants' lives in the United States. *American Journal of Sociology* 111(4): 999–1037.
- . 2017. Temporary protected status in the United States: The experiences of Honduran and Salvadoran immigrants. Center for Migration Research, University of Kansas. Accessed at http://ipsr.ku.edu/migration/pdf/TPS_Report.pdf.
- Menjívar, Cecilia, and Leisy J. Abrego. 2012. Legal violence: Immigration law and the lives of Central American Immigrants. *American Journal of Sociology* 117(5): 1380–1421.
- National Conference of State Legislatures. 2018. Immigration and state immigration laws: Information and summaries. Accessed at <http://www.ncsl.org/research/immigration.aspx>.
- Ngai, Mae M. 2004. *Impossible Subjects: Illegal Aliens and the Making of Modern America*. Princeton, NJ: Princeton University Press.
- Orrenius, Pia M., and Madeline Zavodny. 2015. The impact of temporary protected status on immigrants' labor market outcomes. *American Economic Review* 105(5): 576–80.
- Paret, Marcel, and Shannon Gleeson. 2016. Precarity and agency through a migration lens. *Citizenship Studies* 20(3-4): 277–94.
- Passel, Jeffrey S., and D'Vera Cohn. 2016. Overall number of U.S. unauthorized immigrants holds steady since 2009. Washington, DC: Pew Research Center. Accessed at <http://www.pewhispanic.org/2016/09/20/overall-number-of-u-s-unauthorized-immigrants-holds-steady-since-2009/>.
- Patler, Caitlin. 2014. Racialized illegality: The convergence of race and legal status among black, Latino/a, and Asian American undocumented young adults. In Victoria Carty, Tekle Woldemikael, and Rafael Luévano (Eds.), *Scholars and Southern California Immigrants in Dialogue: New Conversations in Public Sociology*, pp. 93–114. Lanham, MD: Lexington Press, a subsidiary of Rowman & Littlefield.
- Petrescu-Prahova, Miruna, and Michael W. Spiller. 2016. Women's wage theft: Explaining gender differences in violations of wage and hour laws. *Work and Occupations* 43(4): 371–400.
- Powers, Mary G., and William Seltzer. 1998. Occupational status and mobility among undocumented immigrants by gender. *International Migration Review* 32(1): 21–55.
- Rengifo, Andres F., and Morgan Pater. 2017. Close call: Race and gender in encounters with the police by black and Latino/a youth in New York City. *Sociological Inquiry* 87(2): 337–61.
- Ribas, Vanesa. 2015. *On the Line: Slaughterhouse Lives and the Making of the New South*. Oakland: University of California Press.

- Rios, Victor M., Nikita Carney, and Jasmine Kelekay. 2017. Ethnographies of race, crime, and justice: Toward a sociological double-consciousness. *Annual Review of Sociology* 43(1): 493–513.
- Stuart, Forrest, Amada Armenta, and Melissa Osborne. 2015. Legal control of marginal groups. *Annual Review of Law and Social Science* 11(1): 235–54.
- Stuesse, Angela. 2016. *Scratching Out a Living: Latinos, Race, and Work in the Deep South*. Oakland: University of California Press.
- Sunderhaus, Sebastian. 2012. *Regularization Programs for Undocumented Migrants: A Global Survey on More Than 60 Legalizations in All Continents*. Saarbrücken, Germany: AV Akademikerverlag.
- Villarreal, Andrés. 2014. Explaining the decline in Mexico-U.S. migration: The effect of the Great Recession. *Demography* 51(6): 2203–28.
- Waters, Mary C., Philip Kasinitz, and Asad L. Asad. 2014. Immigrants and African Americans. *Annual Review of Sociology* 40(1): 369–90.
- Wong, Tom K. 2017. *The Politics of Immigration: Partisanship, Demographic Change, and American National Identity*. New York: Oxford University Press.