

THE LONDON SCHOOL OF ECONOMICS AND POLITICAL SCIENCE

A REVERSE MIGRATION PARADOX?
POLICY LIBERALISATION AND NEW SOUTH-
SOUTH MIGRATION TO LATIN AMERICA

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A THESIS SUBMITTED TO THE DEPARTMENT OF GOVERNMENT
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DECLARATION

I certify that the thesis I have presented for examination for the PhD degree of the London School of Economics and Political Science is solely my own work other than where I indicate joint work, in which case the extent of the work carried out by me and any other person is clearly identified (see below). The copyright of this thesis rests with the author. Quotation from it is permitted, provided that full acknowledgement is made. In accordance with the regulations, I have deposited an electronic copy of it in LSE Theses Online held by the British Library of Political and Economic Science and have granted permission for my thesis to be made available for public reference. Otherwise, this thesis may not be reproduced without my prior written consent. I warrant that this authorisation does not, to the best of my belief, infringe the rights of any third party. I also certify that this thesis was copy edited for conventions of language, spelling and grammar by Rosalind Hearder. Contact details are available upon request.

Co-Authored Work and Prior Publications

The first paper was co-authored with Diego Acosta Arcarazo and has been published in 2015 as:

“Turning the immigration policy paradox up-side down? Populist liberalism and discursive gaps in South America,” *International Migration Review*, 49 (3).

I certify that we independently had the same initial idea for the paper, which we first discussed at the Latin American Studies Association’s (LASA) International Congress in San Francisco in May 2012. Diego Acosta’s contribution to the paper focused on the legal analysis and the case of Brazil. He conducted six elite interviews. I contributed with the theoretical framing of the paper, the analysis of political discourses and my knowledge of the cases of Argentina and Ecuador based on 64 in-depth interviews. For its inclusion in this PhD, I made slight revisions to the published version of paper.

The second paper was co-authored with Kyle Holloway. I certify that we independently had the idea of using Ecuador as a natural experiment to test the impact of visa freedom on immigration. I presented a first draft of such a paper at the 2012 International Political Science Association (IPSA) Congress in Madrid in July 2012. The International Migration Institute (IMI) published a later version of this paper as a working paper in 2014. Kyle Holloway had used Ecuador as a natural experiment in his Master’s thesis. He contributed to Paper Two with the statistical modelling. Apart from the theoretical framing, the qualitative section and the writing up, I also contributed some ideas to the statistical modelling, such as using Peru as the control case for an additional robustness check.

Luisa F. Freier, 2012, “A Gateway to the Americas: Ecuador’s ‘Policy of Open Doors’ as a Natural Experiment”, Paper presented at the IPSA Congress, Madrid, 8-12 July.

Luisa F. Freier, 2014, “The Importance of Access Policies in South-South Migration: Ecuador’s Policy of Open Doors as a Quasi Experiment”, IMI Working Paper Series, University of Oxford.

Holloway, Kyle, "Measuring the Impact of Unrestricted Entry on Urban Crime in Ecuador", MSc thesis in Economics, University of British Columbia, August 3, 2012.

Earlier versions of some sections of the conclusions have been published in:

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Freier, Luisa F. and Diego Acosta Arcarazo, 2015, "Beyond smoke and mirrors? Discursive gaps in the liberalisation of South American immigration laws" in: Cantor, David J., Luisa F. Freier and Jean-Pierre Gauci (eds.), *A Liberal Tide: Towards a Paradigm Shift in Latin American Migration and Asylum Policy-making*, Titles in the Studies of the Americas Series, UCL.

Freier, Luisa F., 2015, "A liberal paradigm shift? A Critical Appraisal of Recent Trends in Latin American asylum legislation" in: Jean-Pierre Gauci et al. (eds.), *Exploring The Boundaries Of Refugee Law: Current Protection Challenges*, Brill Publishers.

I certify that the relevant sections republished in this thesis are my work.

The Center for Comparative Immigration Studies (CCIS) published an early version of the third paper as:

Luisa F. Freier, 2013, "Open Doors doors for (al)most all: visa policies and ethnic selectivity in Ecuador", The Center of Comparative Immigration Studies (CCIS), University of San Diego, Working Paper, no. 188.

I declare that my thesis consists of 57, 272 words, excluding references and appendices.

To Lucia and Giulia. May they grow up in a world of fewer borders.

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ABSTRACT

In past decades, immigration policies in Latin America developed in stark contrast to other regions. Whereas most countries moved towards more restrictive policies, many Latin American countries liberalised their immigration policy frameworks and recently passed laws that expand individual rights in unprecedented ways. At the same time, migratory movements in Latin America are in flux, one of the most noteworthy recent developments being the increase in extra-continental immigration from Africa, Asia and the Caribbean. This PhD explores a reverse migration paradox inherent in the reciprocal causal relationship between immigration policy liberalisation and new south-south migration. The first paper uses a mixed approach of legal analysis and process tracing to show this paradox in the cases of Argentina, Brazil and Ecuador. It analyses the tension between liberal discourses and policies that invoke the universality of migrants' rights and free human mobility, on the one hand, and the rejection of recently increasing irregular south-south migration on the other. Using a difference-in-difference design, the second paper tests the impact of Ecuador's policy of visa freedom of 2008 on previously restricted countries in Asia, Africa and the Caribbean, and shows that immigration from these regions more than doubled. Qualitative findings confirm that visa freedom was the main determinant of migrants' decision to move to Ecuador and further show great variance of migrant characteristics. The third paper is based on 35 in-depth interviews, which collectively demonstrate that perceived security threats of domestic and international political actors, which led to the partial reintroduction of tourist visa requirements for ten African and Asian countries by 2010, were closely intertwined with racism. Taken together, the three papers have important implications for the study of immigration policies, south-south migration and the securitisation of migration.

PREFACE

In a migrant detention centre in Mexico City I met 27-year-old Frank in May 2012. After leaving his home country, Cameroon, Frank had already spent over three years in Latin America and had travelled through twelve countries in his journey towards the US. Frank explained that he had been forced to leave his home community because of a violent family strife. He first travelled to Equatorial Guinea. In the port of Benito Frank went aboard on a cargo ship towards South America as a stowaway, without knowing where exactly it would take him. After three weeks, he arrived in Chile. Frank only stayed in Chile for a couple of days and then crossed the border to Argentina. There, he had been told, life was easier for African migrants. Frank lived in Argentina for two years. He worked in a spoon factory and played soccer in a local club. Once he had saved enough money, Frank resumed his journey towards North America. He travelled from Brazil to Venezuela, where he stayed for one year and applied for refugee status. His application was denied. Frank continued his journey through Colombia to Central America. When traversing the rain forest of Darién, Frank and the three Cuban and two Cameroon nationals in his group went six days without eating. They were picked up by Panamanian officials and attended in hospital. Once they recovered, they received official exit permits and resumed their journey up north. When crossing from Nicaragua to Panama, Frank was detained and robbed by Honduran officials. Frank spent two weeks in jail and was then released. He made it through Guatemala and crossed the border to Mexico, but was then detained by officials in Tapachula, close to the southern border of the state of Chiapas. In his journey from Cameroon to Mexico, Frank spent over \$4,000 in people smuggling fees and bribes for officials. Frank crossed the Atlantic and all of the Americas without any legal documentation, paying people smugglers in each country for the next border crossing. Frank had lived in Valencia, Spain from 2004 to 2006. He had entered the EU with a tourist visa, and would have liked to return to Europe, but was denied another visa (see Freier, 2013a p. 16).

Two intriguing recent developments in Latin America are related to Frank's story: first, increasing south-south immigration from Africa, Asia and the Caribbean and second, relatively permissive, or liberal Latin American immigration policies.

I first noticed African migrants in the neighbourhood of Once, Buenos Aires, in 2008. Although surprised, I forgot about the phenomenon until I came across various newspaper articles about Africans reaching Latin America as stowaways while working for a liberal think tank in South Africa two years later. I was intrigued. My original PhD research proposal thus focused on contemporary African migration to Latin America, and in how far *global* immigration policies determined these flows. Very soon, I realised that there was practically no established literature, let alone coded data on Latin American immigration policies. During the course of my exploratory research, I came across another puzzle: the surprisingly liberal immigration and refugee reforms in many Latin American countries.

Confirming the relative openness of Latin American migration regimes became a

necessary first step to explaining the phenomena of increasing African migration towards Latin America. I started investigating immigration policy-making in the region, which took over my research agenda for some time. Embedded in my PhD project was the co-organisation of an international conference with the purpose of mapping new trends in migration and asylum policies and laws in Latin America.¹ The selected publication of conference contributions forms a first volume critically examining the new liberalism in Latin American law and policy on migration and refugees (Cantor et al., 2015).

Based on preliminary research on both immigration and refugee law reforms, I chose two positive cases (Argentina and Mexico) and one negative case (Ecuador) as qualitative case countries. I conducted three months of fieldwork in each of these countries and in total conducted 103 elite interviews with politicians, officials and NGO representatives in 2011 and 2012. My early research in Ecuador from June-August 2011 was conducted in collaboration with the International Organization for Migration (IOM) and resulted in two reports on extra-continental migration to South America and Ecuador (Freier, 2013a, Freier, 2013b). The IOM office in Quito facilitated many of the elite interviews, which opened up time and resources in search of extra-continental immigrants. In total, I could conduct 58 interviews with African, Asian and Caribbean immigrants.

When I set out to conduct my research in Argentina and Mexico in 2012, my research focus had shifted to explaining policy liberalisation. I concentrated my limited resources on conducting elite interviews with political actors and could only interview few extra-continental immigrants. The focus on Ecuador in this thesis is justified by it being an exceptional case regarding its policy of open doors, which offers a natural experiment to test the impact of policy liberalisation on new south-south flows, on the one hand, and presenting a paradigmatic case of the “reverse migration paradox” on the other. My comparative analysis of immigration and refugee policy liberalisation in Argentina, Ecuador and Mexico is ongoing.

Looking back at this explorative and exciting research process in a nascent academic sub-field, it is perhaps best summarised in Douglas Adams words: *“I may not have gone [exactly] where I intended to go, but I think I have ended up where I needed to be.”*

¹ The conference “A Liberal Tide: Towards A Paradigm Shift in Latin American Migration and Asylum Policy-making?” took place in London on 18 March 2013 and was supported by the Economic and Social Research Council, the Study of the Americas, School of Advanced Study, and the Institute of Commonwealth Studies and Human Rights Consortium of the School of Advanced Study.

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ACRONYMS AND ABBREVIATIONS

| | |
|----------|--|
| CNig | National Immigration Council (<i>Conselho Nacional de Imigracao</i>) |
| CAEM | Special Committee on Migration Issues of the Organization (<i>Comisión Especial de Asuntos Migratorios, CEAM</i>) |
| CAN | Andean Community |
| CELAC | Community of Latin American and Caribbean States |
| CONARE | National Committee on Refugees |
| DD | Difference-in-difference Design |
| DEMIG | Determinants of International Migration |
| DNM | National Directorate for Migration (<i>Dirección Nacional de Migraciones</i>) |
| EU | European Union |
| GDP | Gross Domestic Product |
| INEC | Ecuador's National Institute of Statistics and Censuses |
| IMPALA | International Migration Policy And Law Analysis |
| INM | <i>Instituto Nacional de Migración</i> |
| IOM | International Organization for Migration |
| IR | International Relations |
| MERCOSUR | <i>Mercado Común del Sur or Southern Common Market</i> |
| OAS | Organization of American States |
| OECD | Organization for Economic Co-operation and Development |
| PAIS | Patria Altiva I Soberana |
| POCs | Previously Open Countries |
| PRCs | Previously Restricted Countries |
| RCM | Regional Conference on Migration |
| SACM | South American Conference on Migration |
| SENAMI | National Secretariat of Migrants (<i>Secretaría Nacional del Migrante</i>) |
| ST | Securitisation Theory |
| UN | United Nations |
| UNASUR | Union of South American Nations |
| UNHCR | United Nations High Commissioner for Refugees |
| US | US |
| USAN | Union of South American Nations |
| WEF | World Economic Forum |

INTRODUCTION

WHAT THIS THESIS IS ABOUT

This thesis explores two related recent phenomena in South America: the liberalisation of immigration policies and increasing extra-continental south-south migration. Since the 1980s, Western governments have embarked on increasingly restrictive immigration discourses and policies, especially rejecting irregular immigration (Freeman, 1994, Guiraudon and Joppke, 2001, Durand and Massey, 2003, Cornelius et al., 1994, Czaika and de Haas, 2013, Ceriani Cernadas and Freier, 2015). This has led scholars to implicitly assume a global restrictive trend in immigration policies and law since the 1980s.

Governmental immigration discourses in many South American countries, however, have recently become increasingly liberal, with a clear emphasis on migrants' rights and the promotion of free human mobility (Mármora, 2010, Ceriani Cernadas and Freier, 2015, Freier and Acosta Arcarazo, 2015). These discourses focus on the universality of migrants' rights and on how these apply to all non-nationals irrespective of their national origin and legal status. Substantial policy liberalisation followed in some cases, albeit to varying degrees (Cantor et al., 2015, Freier and Acosta Arcarazo, 2015). Liberal immigration policies in South America are expansive regarding both access and rights. At first glance the region thus seems to defy the "numbers vs. rights" hypothesis, the trade-off between a host state's openness in terms of access for migrants to its territory and the extensiveness of rights it grants to immigrants (Ruhs and Martin, 2008)a. As will be discussed below, I understand *liberal immigration policy* has ideologically rooted in *social liberalism* and as emphasizing migrants' rights and the promoting increased free mobility.

A second noteworthy development in the region has been the recent increase in extra-continental south-south migration from Africa, Asia and the Caribbean. In April 2010, the Special Committee On Migration Issues of the Organization of American States (*Comisión Especial de Asuntos Migratorios, CEAM*) convened a conference on extra-continental migration in Washington, D.C.² According to the conference report extra-

²The forum on "Extra-continental Migration in the Americas" took place on 6 April 2010, OEA/Ser.G, CE/AM-129/10 rev.2.

continental immigration to South America was “new and growing”, made up by “mixed migration flows” including economic migrants, refugees and asylum seekers, and characterised by largely irregular migration flows (CEAM, 2010). Although the conference suggested that the overall inflows of extra-continental immigrants were extremely small,³ participants discussed how to impede them. It is very difficult to assess how large the phenomenon of extra-continental and largely irregular immigration to South America is. However, given its novelty and timely proximity to the trend in policy liberalisation, it raises the question of any reciprocal causal relationships between the two.

The existing migration literature has not sufficiently addressed the phenomena of the liberalisation of immigration policies and increasing extra-continental south-south migration in South America. Most generally, studies on international migration and migration policies continue to be characterised by a geographic “south-north” bias. Here, the term “south” refers to comparatively less developed regions and countries concentrated in the southern hemisphere, and the term “north” refers to more developed regions or countries, concentrated in the northern hemisphere. Although this conceptual differentiation is heuristically useful and thus applied in this thesis, the south-north terminology is misleading in that it does not fully correspond to historic and geographic realities, and bears the risk of the normative naturalisation of a developmental divide between the two hemispheres.

An extensive literature exists on the determinants and consequences of migration to Western liberal democracies and the determinants and effects of their policies and laws. South-south migration and trends in migration and law- and policymaking outside Western liberal democracies are only beginning to be appreciated (De Lombaerde et al., 2014). Related to this geographical bias is the lack of studies analysing immigration policy liberalisation. The political migration literature focuses on explaining policy change towards increased restrictiveness in major Western immigrant receiving countries, or the “migration paradox” of the gap between restrictive discourses and policies (Boswell, 2007).

³ For example, in 2009 and 2010, Mexican officials detained 2042 African nationals compared to 126,079 Central Americans. Nevertheless, with only 1.84 per cent Africans made up the second largest group of detainees after Central America (98.23 per cent), see CEAM 2010. *Migración Extracontinental en las Américas*. Washington D.C.: Comisión Especial de Asuntos Migratorios–CEAM.

The existing scholarship on migratory movements in South America mirrors this south-north bias. Most studies analyse the south-north migration corridor that runs from Central America through (and to) Mexico and onwards to the United States and Canada, particularly in terms of North American migration law and policy (Donato et al., 2010). A much smaller group of scholars have explored the phenomenon of South American migration to Western Europe (e.g. Pellegrino, 2004, Kubal et al., 2011, McIlwaine, 2011). Scholarship examining south-south migration dynamics within and to South America is predominantly comprised by the reports of international organisations (e.g. Pellegrino, 2003, Gurrieri et al., 2013, Córdova Alcaraz et al.).

Immigration law and policymaking in the region is a topic that has been especially marginalised thus far. Although scholarship on South American migration policy has picked up momentum in recent years (Pizarro, 2001, Anguiano and Peña, 2007, Novick, 2008, Castillo, 2010, Ceriani Cernadas, 2011, Faúndez, 2011, Garcia Zamora and Gainza, 2014, Cantor et al., 2015), existing studies tend to be descriptive (e.g. Garcia Zamora and Gainza, 2014) or normative (e.g. Castillo, 2000, Novick, 2008), or are conducted under the heavy influence of dependency theory, which still has a strong influence on the social sciences in South America today (Massey et al., 1998). Attempts to assess the impact of migration policy on migrant populations and migratory movements within the region are especially scarce (for an example see Perera and Velázquez, 2013).

A nascent literature on Latin American immigration policies suggests a trend towards policy liberalisation in the region and argues that, despite significant variation in the quality and magnitude of immigration policy reforms, the new outlook on migration, which brings the individual migrant and human rights into the centre of policymaking, implies an important ideological paradigm shift in the region (Cantor et al., 2015). The right to migrate that is now enshrined in Argentine, Bolivian, Ecuadorian and Uruguayan migration laws and in various regional declarations symbolises this new approach to migration management.

Ceriani and Freier (2015) show that the gradual teardown of the criminalisation of migration, which was the dominant paradigm of immigration control during the military dictatorships, as well the implementation of alternative measures to detention and

deportation, and the guarantee of the right to due process amount to significant policy liberalisation in some countries. Likewise, the extension of social rights to immigrants, and the introduction of regularisation programmes are important aspects of policy liberalisation. On a regional level, international declarations and agreements regarding migrants' rights and the free circulation of people, although varying in depth and scope, support domestic policy liberalisation. At the same time, in most countries in the region policies and practices with a selective and instrumental outlook on migration management coexist with these liberal advances. These include out-dated normative frameworks, or reforms that never went beyond initial stages. In many countries, at least some political actors continue to see migration as a problem or even a threat to the economy, national security, sovereignty or national identity (Ceriani Cernadas and Freier, 2015).

Research Questions

In the light of the south-north bias of the literature that focuses on the determinants and impact of restrictive immigration policies, this thesis addresses the following research questions:

1. Is there coherent liberalisation in South America's immigration policies or do inconsistencies prevail between discourses and policy and how can these be explained?
2. What has been the impact of immigration policy liberalisation on the increase of extra-continental south-south flows?
3. How can we understand the political reactions to the (unintended) consequence of increased extra-continental south-south flows?

The lack of empirical and theoretical work on South American immigration policy and south-south migration calls for such an exploratory inquiry. Answers to these questions are important not only for our understanding of contemporary South America but also to improve the theorization of migration politics in countries in the global south more generally. As many other southern states, countries in South America lie at the crossroads of migration, serving as both a destination and a source of regional and intercontinental

migrants. Regarding political discussions on migration, these nations play an interesting role, as they grapple both with questions of sovereignty and xenophobia, and with normative concerns regarding the treatment of migrants in the context of the reception of their citizens abroad.

The thesis speaks to different, albeit related literatures. Paper One speaks to the literature that seeks to explain immigration policies. It discusses political economy (Freeman, 1995), neo-institutionalist (Cornelius et al., 1994, Joppke, 1998b) and constructivist theoretical (Bonjour, 2011) approaches and suggests combining constructivist and rationalist approaches in the analysis of immigration discourses, policy and law making, implicitly suggesting a critical realist approach. Paper Two makes a contribution to the literature on the (political) determinants of migration flows, and more specifically the newly emerging literature on the impact of tourist visas as an immigration control policy (Neumayer, 2011, Bertoli and Fernández-Huertas, 2013), as well as to emerging literature on south-south migration (Dumont et al., 2010, UNDESA, 2012). Paper Three speaks to the literature on racial selectivity in immigration policies and the securitization of migration (Joppke, 2005, Faist, 2006, Bourbeau, 2011, FitzGerald and Cook-Martín, 2014).

METATHEORETICAL FRAMEWORK

The Critical Realist Approach

“[T]he philosophy of social science is not optional... [and] social ontology is not optional either; meta-theory is not an unwanted distraction from the ‘real’ research... Every researcher brings his/her ontology to the investigation of any topic. This can be implicit or explicit, but it is one or the other because all research conceptualizes the social – or any part of it – in a particular way, welcoming certain concepts and ignoring or rejecting others, viewing causality from a specific perspective and presenting the results accordingly” (Archer, 2016).

This PhD applies a critical realist approach to the study of immigration policy in South America. Critical realism emerged as a two-fold critique against empirical realism (positivism) and transcendental idealism (constructivism), arguing for the necessity of a structured and differentiated ontology. The philosophical movement’s central works

include Bhaskar's "A Realist Theory of Science" (Bhaskar, 1975) and "The Possibility of Naturalism" (Bhaskar, 1979), and the works of Margaret Archer including "Culture and Agency: The Place of Culture in Social Theory" (Archer, 1988) and "Realist Social Theory: The Morphogenetic Approach" (Archer, 1995).

Being realist about ontology establishes that things exist apart from our experience and knowledge of these things. Critical realism thus stresses the need to separate epistemology from ontology. This distinction between the transitive (the changing knowledge of things) and the intransitive (the relatively unchanging things which we attempt to know) is a central assumption of critical realism (Bhaskar, 1975). "[A]gainst the implicit ontology of the empiricists and idealists, critical realism hopes to establish a structured and differentiated account of reality in which difference, stratification and change is central. In short, critical realism argues *for* ontology, and *for a new* ontology. Critical realism thus attempts to steer between the Scylla of naive realism on the one hand, and the Charybdis of idealism on the other".⁴

Critical realism pursues the examination of the interaction among structural, cultural, and agential powers without resorting to reductionism, the incorporation of social complexity and emergence, and the utilization of systemic thinking in an open, dynamic manner. Rather than rejecting causality as a solely positivistic concern, critical realism seeks to determine causality by identifying and comparing multiple interpretations of social contexts, structures, and events (Gold, 2011). Social relations are understood as always building on a material dimension and as conditioned by causal powers. This means that social forces which may be beyond the comprehension of social actors can nevertheless impact their lives. As a result, the researcher cannot carry out in-depth research by only focusing on the agents' understanding of these relations, but needs to assess the adequacy of this understanding by analysing the causal mechanisms which are not usually directly observable at an empirical level. Causality thus lies between the (direct) causality of positivism and causality in realism, where human agency is considered the ultimate causal factor, albeit limited by structural and cultural constraints (ibid.).

⁴ <https://roybhaskar.wordpress.com/what-is-critical-realism/>

In terms of its actual application, it has to be pointed out that critical realism is a meta-theory with purely philosophical origins, and a concrete critical realist methodology has yet to fully be developed (Iosifides, 2011). Nevertheless, there is consensus that a critical realist approach to social research favours mixed methods and methodological triangulation. Crucially, critical realism promotes the detachment of methods from ideology, i.e. the ostensible link between quantitative methods and positivism and between qualitative methods and various versions of interpretivism, constructionism, and relativism. At the same time, critical realism rejects the strictly micro perspective that was formerly characteristic of qualitative social science, and seeks to link structure, culture, and agency to reach an understanding of the interplay of micro and macro forces. Critical realism thus shares many values, goals, and techniques with other contemporary formulations of qualitative methodology, such as the implementation of multiple methods, the use of ethnographic investigation for the development and refinement of theory, and a willingness to generalize from qualitative materials. Quantitative data and discourse analysis is regarded as useful but not as self-sufficient means for conducting social research. Accordingly, critical realism endorses methodological triangulation (see Gold 2011).

In sum, the key assumptions of critical realism are threefold: First, an objective reality exists, which consists of structures, processes and objects. Second, any conceptual, interpretive, or ideological understanding of that world is subject to bias, or limited by ideology. Third, the actions of social and political key actors reproduce and transform socio-political structure, which in turn shapes actors' intentional agency (Lewis, 2002). Critical realism thus provides a framework to simultaneously investigate structural causalities and individual interest-based responses to these structures, avoiding purely voluntaristic or purely deterministic explanations. Finally, rather than emphasizing political neutrality, critical realism embraces political and ethical values in the defence of the socially and politically disadvantaged and oppressed.

Iosifides (2011) advocates for the application of critical realism to migration studies. He sees the need for a more holistic methods to study migration, and migration policies, and argues that “[i]n contrast to positivism and relativism alike, critical realism

allows us to be both scientific and critical regarding social reality in general and migration-related social realities in particular” (Iosifides, 2011 p. 235). In particular, Iosifides is troubled by the question of agency and culture within existing interpretive approaches, especially the standard macro approaches that see population movements responding to relatively simple push and pull factors or being mechanical pawns within world systems theory. Iosifides argues that macro-theories tend to rely on historical processes and social relations as determining population movements, whereas micro-theories theories excessively emphasize the role of individual agency. In between, complex meso-level theories, which include transnationalism and theories of social capital either remain historically ill-defined, or neglect structural power inequalities. He thus proposes applying critical realism to migration studies to account for the prevalence of existing social structures in addition to human and individual agency.

Iosifides (2011) distils 16 guidelines on how to conduct realist qualitative research from the literature. These include: taking into full account the interpretation and perspectives of social agents; linking discourses to non-discursive material, social, relational or ideational realities; focusing on agents’ intentions and the unintended consequences of their actions; focusing on agents’ networks, social standing and recourses that make certain actions possible; locating agent’s experiences in structural or cultural contexts; engaging in theoretical dialogue and immanent critiques of alterative theoretical frameworks; asking ‘why’ questions; placing emphasis on social complexity and considering processes such as social embeddedness and path dependency; being critical, locate relations of power asymmetries, exploitation and domination; engaging in micro-, meso- and macro-analyses; using multiple sources of primary and secondary data (Iosifides, 2011 p. 144-146).

METHODOLOGICAL FRAMEWORK

The Duality of Migration Flows and Policy

Given the incipient state of research on South American immigration policies, this PhD casts light on a number of questions related to different stages of the immigration policy

cycles. The project asks whether or not and to what extent there is empirical evidence for the liberalisation of immigration policies in South America and how this paradigm shift can be explained. The PhD also takes a closer look at the case of Ecuador to assess the impact of policy liberalisation on immigration rates, and subsequent restrictive political reactions. The different papers consider policy *outputs*, policy *implementation* and policy *outcomes* and thus treat immigration policy as both independent (X) and dependent variable (Y). The concept of the policy cycle is useful in order to clarify the relationship between the different questions the PhD addresses.

The Policy Cycle as Heuristic Template

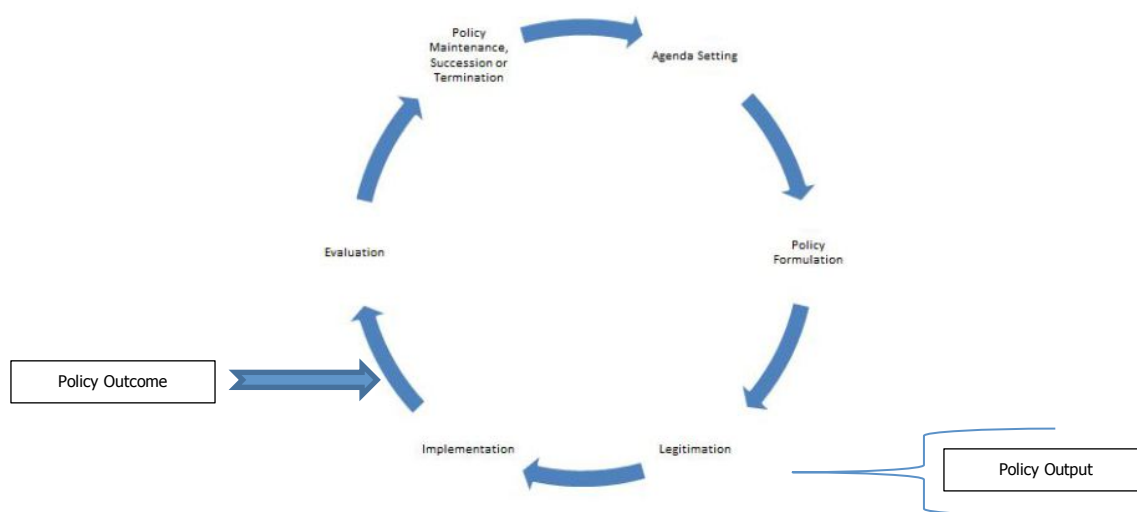
There are many different ways of dividing the policy cycle, and the usefulness of its stages as a heuristic has been subject to critical debate (Sabatier, 1999). It is important to clarify that the policy cycle does not offer a theoretical or analytical model that guides the selection of my research questions and variables. I rather understand it as a basic background template and a device to structure empirical material in an incipient field of research and to clearly differentiate between policy *outputs*, *implementation* and *outcomes*. The different stages of the policy cycle provide a useful background template against which to organize questions about the characteristics, determinants and effects of the policy process. It is crucial to clearly distinguish between policy outputs, implementation and outcomes, as they relate to different phases of a policy cycle. The use of the terms output and outcome is ambiguous, both outside and inside of academia, and across disciplines, which leads to misunderstandings and skewed debates as in the case of the question of the effectiveness of immigration policies discussed in Paper One.

Most generally, I understand outputs as the measures taken to address a problem, whereas outcomes refer to what difference these outputs make. One could argue that outputs include policies and laws *and* their implementation. In his adaptation of system theory to political science, Easton indeed defines “outputs” as “binding decisions, their implementing actions and [...] certain associated kinds of behavior,” while outcomes are “all the consequences that flow from [...] the outputs of the system” (Easton, 1965 p. 351). It is useful to further differentiate between outputs and implementation as this allows us to

differentiate a number of questions regarding the formulation and passing of policies and their operationalization, which would be obscured by lumping outputs and implementation together in the same category.

Cairney (2011) divides the policy cycle into six stages: 1. agenda-setting, 2. policy formulation, 3. legitimation, 4. implementation, 5. evaluation and policy maintenance, 6. succession or termination. In the agenda setting stage problems or issues that require government attention are identified. The policy formulation stage entails the identification of goals and objectives, the estimation of the effects of solutions and of policy costs. In the legitimation phase, not included in most policy cycle models, the endorsers of a policy seek support through consultation with interest groups, referenda and legislative or executive approval. As a result a policy, decree or legislation is passed – the *policy output*. In the implementation phase, a ministry or department receives resources such as legal authority, staffing, training and money to translate the policy on paper to carry out the policy as planned. In the ideal typical evaluation phase, the bureaucrats assess the extent to which the policy was successful, if it was implemented correctly and had the desired effect – i.e. they assess the *policy outcome*. Based on this evaluation, in the final stage of policy maintenance, succession or termination, bureaucrats and politicians decide whether a policy is continued, modified or discontinued. These ideal typical stages do not always evolve, nor do they develop in clear-cut sequences but are constantly entangled. The policy negotiation process plays out at local, regional, national, inter- and supranational levels, in the areas of governmental, parliament, the administration and civil society. Political actors inside and outside of institutions influence the policy process based on myriad and often conflicting interests and ideas, and “rather than being the main objective of political action, policy-making frequently results as a by-product of politics” (Jann and Wegrich, 2006 p. 56). Figure 1 shows how policy output and outcome relate to the policy cycle.

Figure 1: The Policy Cycle



Source: Based on Cairney's Policy Cycle (2011: 34)
Used with permission of the author

Perhaps due to its interdisciplinary character, the confusion in migration studies regarding the conceptual differentiation between migration politics, policy outputs, policy implementation, and policy outcomes is especially stark. Hollifield first applied the output-outcome dichotomy to the immigration literature: he understood the formal regulations on immigration as the policy outputs and migration stocks and flows as policy outcomes (Hollifield, 1986). While the different stages of the policy cycle are concerned with policy output as the dependent variable, the policy outcome impacts the policy cycle in between the implementation and evaluation stages. Of course, immigration policy outputs, implementation and outcomes are often intimately related. For example, immigration policies have an impact on migration flows, although these are also determined by other migration determinants such as economic push and factors, and importantly, by individual human agency. At the same time, immigration levels impact the nature of a country's immigration policies. As pointed out by Hollifield & Wong, we thus need to develop research questions and objectives in relation to migration's duality as both cause and consequence (Hollifield and Wong, 2013a).

Recent research projects have summarized some of the big questions that relate to the different stages of the immigration policy cycle. Regarding the nature of immigration

policies, it has been asked whether there has been a significant increase in the restrictiveness of policies, whether some areas of immigration have become more restrictive than others, and whether patterns of openness and restrictiveness can be detected across groups of countries (Gest et al., 2014). Treating policy as a dependent variable, it has been asked what explains the modes of politics, who are the consequential political actors involved in migration policymaking, what interests are at play and what determines these interests, and what role political institutions play in mediating between the state, the broader political sphere, and society (see Hollifield et Wong 2013). These questions address migration politics and policy outputs.

Regarding migration policy as an independent variable, the prominent question that spans across academic disciplines is whether and how immigration policy outputs impact migration outcomes. This literature focuses on the issue of states' capacity to control migration flows (Andreas, 1998, Brochmann, 1999, Gibney, 2004, Guiraudon and Joppke, 2001, Statham and Geddes, 2006, Hollifield et al., 2016). Most of the discussions have evolved around the so-called "gap hypothesis"—the gap between the states' intention to adopt restrictionist immigration policy and the actual results of the policy—and its corollary question of whether the state can control unwanted migration (Cornelius et al., 1994). As Paper One discusses, this "gap hypothesis" rests on the ambiguous understanding of policy outputs and outcomes (Czaika and de Haas, 2013). Indeed, quantitative evidence suggests that immigration and refugee policies significantly shape international migration patterns (Thielemann, 2006, Ortega and Peri, 2009, Mayda, 2010).

How do my research questions relate to the policy cycle? The first question *"Is there coherent liberalisation in South America's immigration policies or do inconsistencies prevail between discourses and policy and how can these be explained?"* focuses on the implementation phase of the policy cycle, but also touches on agenda setting and policy formulation. The second question *"What has been the impact of immigration policy liberalisation on the increase of extra-continental south-south flows?"* addresses the impact of policy output on the outcome of increasing intra-continental south-south migration and thus falls in between the implementation and evaluation stage of the policy cycle. The third question *"How can we understand the political reactions to the (unintended)*

consequence of increased extra-continental south-south flows?" speaks to the second half of the policy cycle and the stages of policy evaluation, and maintenance, succession or termination. Questions One and Three treat immigration policy output as the dependent variable. Question Two treats policy as the independent variable and tests its impact on the policy outcome of immigration flows.

Case Selection

Why does this thesis discuss the cases of Argentina, Brazil, and Ecuador? Given the exploratory nature of this PhD, Paper One rests on diverse case selection and Paper Two and Three focus on Ecuador as an extreme case. Paper One explores the paradox between liberal discourses on the universality of migrants' rights and free human mobility, on the one hand, but the rejection of recently increasing irregular south–south migration from Africa, Asia, and the Caribbean, on the other. As pointed out by Seawright, the selection, and case analysis in case study research is necessarily intertwined, especially in exploratory work. The diverse case method requires the selection of cases which are intended to represent the full range of values characterising X, Y, or some particular X/Y relationship (Seawright and Gerring, 2008). Based on preliminary research, we selected the three cases for Paper One on variation in Y, the discursive gap between the liberalisation of political discourses on migration and immigration policies in the light of universality of migrants' rights and free human mobility. This design works from the premise that the possibility for causal inference in small-n study is maximised through selection of cases with variance on the response variable. The differences in the policy outputs across countries and case-studies allow the researcher to examine the relative role of the posited explanatory variables (George and Bennett, 2005 p. 250). Within-case variance of this kind can also minimise selection bias, often a concern in small-n, most similar comparisons (Collier et al., 2004).

The (former) presidents of all three countries embarked on liberalised immigration discourses. However, the three cases show substantial variation in the degree to which legislative and policy change followed discursive immigration policy liberalisation. Argentina presents the smallest gap between discourse and policy

liberalisation. Its 2004 immigration law, which moved from the logic of criminalisation and expulsion to the rational of legalisation and integration, represents the most comprehensive and progressive immigration reform in South America, and declares the “right to migrate”. However, despite this proclaimed right to migrate only those having entered Argentina legally have the right to stay, which de facto excludes immigrants from non-visa free origins in Africa, Asia and the Caribbean. Brazil presents a slightly larger gap with less pronounced discursive policy liberalisation, which is not captured by the country’s out-dated and securitised 1980 immigration law. Nevertheless the National Immigration Council (Conselho Nacional de Imigração, CNIg) exercised some leeway to develop policies in line with a less restrictive and securitised vision of international migration, in regularising Haitian immigrants. Ecuador presents the largest gap between especially outspoken, populist social liberal migration rhetoric and policy reform. The ideals laid out in Correa’s discourse were mirrored by the 2008 Constitution, which stipulates the right to migrate, and the (short-lived) policy of visa freedom of 2008. However, visa freedom was reversed with the small increase of flows of migrants from Africa and Asia. Also, the continued criminalisation of irregular migration through the secondary migration legislation in force since 1971 amounts to significant incoherence with these discursive ideals.

The three countries under analysis, also share important common traits. Apart from comparable colonial histories and presidential governmental systems, in all three cases, legislative migration frameworks were adopted during the military dictatorships of the 1970s and 1980s, which were mainly concerned with population control as embedded in the state’s security agenda. Most importantly, they share comparable “immigration pressures”: they are among the countries in the region that have experienced the largest immigration and/or asylum flows in past decades (IOM, 2010). These flows are mainly composed of citizens from other South American countries. At the same time, all three countries have recently experienced increasing irregular south–south immigration and refugee inflows from Africa, Asia and the Caribbean (Freier, 2013c). Despite these recent movements, the foreign born populations in the case countries do not represent a large percentage of the total population. Last but not least, these countries experienced

considerable emigration waves since the 1980s and 1990s, which were accentuated during the first years of the 21st century (IOM, 2010b).

Although Ecuador presents the largest discursive gap, the Correa administration passed significant policy liberalisation on the constitutional level and in the realm of its tourist visa policy. Based on these findings, papers Two and Three analyse Ecuador as an extreme case of (discursive) policy liberalisation and policy gaps. The extreme case has been selected because of its severe or unusual value on the independent (X) or dependent (Y) variable of interest. At first glance, this method seems to violate the principle of not selecting on the dependent variable (King et al., 1994, Brady and Collier, 2004). However, the extreme case does not claim to represent a population, but rather is a purely exploratory method, in an open-ended fashion, which “often serves as an entrée into a subject, a subject which is subsequently interrogated with more determinate (less open-ended) methods” (Seawright 2008 p. 302). Paper Two addresses the impact of policy liberalisation on south-south immigration from outside the region. It takes advantage of the quasi-experiment of Ecuador’s extreme policy of universal visa freedom, i.e. visa freedom of 2008 to test the impact of the opening of borders of a South American country on previously restricted countries in Asia, Africa and the Caribbean and shows that immigration from these regions more than doubled. Paper Three addresses the question in how far racism and perceived security threats of domestic and international political actors constrain immigration policy liberalisation in Ecuador in the context of these new extra-continental inflows. The paper analyses the partial reversal of Ecuador’s extreme policy of open doors, i.e. the annulment of all tourist visa requirements in 2008, for ten African and Asian countries by 2010.

Research Methods

This thesis adopts a mixed-methods approach of different qualitative and quantitative methods. “Critical methodological pluralism”, as promoted by critical realism, understands the differences between quantitative and qualitative methods not as ontological and epistemological but as related to different characteristics and dimensions

of research objects (e.g. whether there are measurable or non-measurable). As Iosifides (2011) points out, quantitative methods are not imperative because they are the right or more scientific way to trace causal relationships but because certain aspects of social phenomena are measurable and ought to be measured to enhance our understanding of social reality. Quantitative methods show more or less stable empirical patterns within specific time and space boundaries, and invite the social researcher to go deeper and reveal specific causal relationships. Theoretically informed, qualitative-intensive research is necessary to throw light on internal social relations and their interaction with other contextual or contingent factors and to uncover causal mechanism of which quantitative methods are oblivious (ibid.).

The methods used in this thesis include qualitative legal analysis, process tracing, and a difference-in-difference design. Given their respective focus on universality and specificity, there is reason to believe that quantitative and qualitative approaches together heighten the possibilities for causal inference (Brady and Collier, 2004, Iosifides, 2011). In Paper Two, combining mixed methods into a single study allows us to capitalise on the complementarity of both methods – large-sample quantitative data to establish the overall effects, in this case of policy on migration flows, and in-depth qualitative data to reveal the mechanisms underlying those effects (Lieberman, 2005).

The main method applied in the thesis is process tracing based on original interview data with politicians, NGO and IO representatives and migrants, media coverage of relevant events and speeches, and existing secondary sources. Through process tracing the researcher can establish qualitatively the “causal chain and causal mechanisms” between independent variable[s] and the dependent variable (George and Bennett 2005, p. 6). Ideally a range of qualitative sources gained through secondary academic material, official documents, as well as interviews are used to formulate and test hypotheses (Gerring, 2004, George and Bennett, 2005). Process tracing can further potentially address problems of endogeneity and confounding variables when outcomes of interest share dynamic, as opposed to static, relationships (Hollifield and Wong, 2013a). In the spirit of critical realism, the analysis of interviews took into consideration not only the information

conveyed but also the interpretations, meanings and perspectives of the interviewees, and compared these with additional non-discursive evidence.

Paper One and Three focus on the analysis of interviews with politicians, NGO and IO representatives, i.e., on elite interviews. An “elite” is a “a group of individuals, who hold, or have held, a privileged position in society and, as such, as far as a political scientists is concerned, are likely to have had more influence on political outcomes than general members of the public” (Richards, 1996 p. 199). This definition of elites clearly includes senior officials and politicians, but not necessarily NGO and IO representatives. Notwithstanding their relative disadvantage compared with “conventional” elites, these interviewees had an impact on immigration policy-making in the case of Argentina, and to a lesser degree in Ecuador. In both cases, they had closely observed the policy-making process of immigration policy liberalisation, and in the case of Ecuador, restrictive reactions to extra-continental newcomers, and thus acquired specialist knowledge of the processes underlying policy-making.

In the selection of elite interviewees I did not aim to gain a representative sample of all actors involved in policy liberalisation, but rather tried to select those who had been most relevant in the policy-making process (see Tansey, 2007). Key informants helped identify the first interviewees, who then made recommendations for additional candidates once the fieldwork began, thus resulting in a snowballing method. This approach was particularly important to identify interviewees who had been central in the policy-making process without displaying a dominant public profile (ibid.). Paper Two, as discussed below, includes the analysis of interview data with new extra-continental immigrants in order to confirm the impact of visa freedom on their decision to migrate to Ecuador.

Paper One explores the paradox between liberal discourses on the universality of migrants’ rights and free human mobility, on the one hand, but the rejection of recently increasing irregular south–south migration from Africa, Asia, and the Caribbean, on the other. It adopts a mixed methodological approach of different qualitative methods to the comparative analysis of immigration policies in Argentina, Brazil and Ecuador. It uses legal analysis and process tracing to explore the paradox between liberal discourses on the

universality of migrants' rights and free human mobility, on the one hand, but the rejection of recently increasing irregular south–south migration from Africa, Asia, and the Caribbean, on the other.

Process tracing largely rests on primary sources such as presidential and ministerial discourses and 70 in-depth interviews with politicians, officials and representatives of NGOs and IOs in the three case countries and on limited secondary sources such as the existing literature on migration policymaking in the case countries. The legal analysis traces legislative change regarding migrant regulation and includes constitutional changes, federal laws and policy decrees and how these relate to the political immigration discourses of each case country. I conducted all interviews in Argentina and Ecuador (see Appendix), whereas my co-author conducted the interviews in Brazil. The interview process in Argentina and Ecuador followed a list of semi-structured questions. As these questions differed from interview to interview, individual questions are not included in the Appendix to this thesis. The development of these questions was itself informed by significant preliminary research based on process tracing and legal analysis. The average time was one hour. With the permission of the interviewees, all interviews were recorded. Both in the cases where interviews were or were not recorded, detailed interview notes were also made. All interviews were transcribed to ensure that the full interview content was captured accurately and to improve the reliability of analysis.

Paper Two assesses the impact of policy liberalisation on south-south immigration from outside the region. This paper uses mixed quantitative and qualitative methods. First, it takes advantage of the quasi-experiment of Ecuador's extremely liberal policy of universal visa freedom of 2008 to test the impact of the opening of borders of a South American country on previously restricted countries in Asia, Africa and the Caribbean. The quasi-experimental study design follows a difference-in-difference design, where the trend of monthly entries by citizens of nationalities not affected by the policy change provides a counterfactual for estimating the impact of the open access policy on south-south migration. Complementary qualitative findings and descriptive statistics on migrants' motivations and characteristics fulfil three additional purposes. First, they

confirm the migratory motivation of south-south entrants. Second, they probe the impact of the perception of increasingly restricted access to economically more attractive northern countries on the decision to move to Ecuador. Third, they more broadly help us understand not only *how many* migrants but *who* was attracted by Ecuador's visa freedom.

These qualitative findings are based on field research that was conducted in Quito, Ecuador, between May and August 2011 and included interviews with 58 African, Asian and Caribbean immigrants. In total, information on approximately 80 immigrants was gathered in an accompanying survey. Interviews with immigrants were conducted at various sites to ensure a more representative sample of the different migratory situations and legal statuses: the Ministry of the Interior; waiting rooms of the provincial headquarters of the Immigration Police in Pichincha (Province of Quito); the Directorate of Refugees (*Dirección General de Refugiados*); the Nigerian congregation of *La Iglesia Remedía Cristiana de Dios* in Quito; and the neighbourhoods of *La Florida*, *Santa Clara* and *La Mariscal*. Although migrant populations were hard to reach, interviews and surveys with migrants avoided snowball sampling (Berg, 2004) and were conducted at various sites to ensure a more representative sample of the different migratory situations and legal statuses. Given the exploratory nature of the research on migrants' motivations and characteristics, interviewees were selected only on grounds of nationality and also include migrants that reached Ecuador before universal visa freedom was implemented in 2008 (see Appendix, Table 11). Only eleven of these interviews were recorded and transcribed, as the majority of immigrants felt uncomfortable with the idea of having their testimonials taped. The interview process followed a list of semi-structured questions related to the case studies. As these questions differed from interviewee to interviewee, individual questions are not included in the Appendix to this thesis. I translated all direct quotes used in the paper myself.

Paper Three addresses the question of how far racism and perceived security threats of domestic and international political actors constrain immigration policy liberalisation in Ecuador in the context of these new extra-continental inflows. The paper relies on process tracing and the analysis of 35 in-depth interviews with politicians, government officials and representatives of international organisations and NGOs. The

literature that shows the (racialised) securitisation of migration focuses on discourse analysis of newspapers, laws, policy documents and official statements by politicians and officials (Ibrahim, 2005, Johnson, 2009, Bourbeau, 2011, Hammerstad, 2014). Qualitative interviews have the distinct advantage of revealing not only how political agents talk about the relationship between immigration policies, (alleged) security concerns and racist prejudice, but how they make sense of these discourses and how these understandings shape strategies of reconciling discursive policy gaps. Furthermore, interviews were especially important to detect covert racist motivations in Ecuador's tourist visa policy, as these constitute "norms and cognitive schemas in policy-making that are not often formally articulated" (Cook-Martín and FitzGerald, 2010).

The empirical research included 35 interviews conducted with 21 Ecuadorian politicians and government officials and 14 representatives of international organisations and NGOs in Quito, Ecuador, in July and August of 2011 (see Appendix, Table 13). These open-ended, semi-structured in-depth interviews lasted between 30 minutes and two hours. Officials representing the different ministries and government departments involved in immigration policy-making and management included: the Ministry of the Exterior (*Cancillería*)⁵; the Ministry of Interior (*Ministerio del Interior*); the Ministry of Justice, Human Rights and Culture (*Ministerio de Justicia, Derechos Humanos y Cultos*); the National Police (*Policía Nacional*) and its National Migration Directorate (*Dirección Nacional de Migración, DNM*); and the National Secretary of Migrants (*Secretaría Nacional del Migrante, SENAMI*)⁶. Representatives of international organisations and NGOs included the UNHCR, IOM, *Asylum Access* and *Jesuit Refugee Service* (see Appendix for list of all interviews). All of these interviews were recorded and transcribed. Interviews were generally open-ended and conversational in style, and the content of interviews depended largely on the work and expertise of the interviewee. The interview process followed a list of semi-structured questions related to the case studies. As these questions differed from interviewee to interviewee, individual questions are not included in the Appendix to this thesis. I translated all direct quotes used in the paper myself.

⁵ In 2014 the Ministry was renamed Ministry of Foreign Affairs and Human Mobility (*Ministerio de Relaciones Exteriores y Movilidad Humana*).

⁶ SENAMI was integrated into the Foreign Ministry in 2013.

KEY DEFINITIONS

The papers of this PhD make use of a number of key terms, which demand previous discussion and definition. In particular, the thesis identifies “populist social liberal” immigration policies in South America. In order to clarify the meaning and relevance of this categorization, the following section first discusses the concepts: liberal immigration policies, liberalism and finally, populist social liberal immigration policies, policy liberalisation and discursive liberalisation.

Liberal Immigration Policy

Most generally speaking, immigration policies are “rules and procedures governing the selection, admission, and deportation of foreign citizens” (Brochmann 1999, 9), especially of non-nationals intending to remain and/or work in the country. Although many scholars differentiate between immigration and integration policies, with the former defining the conditions of entry and the latter those of settlement (Meyers, 2000 p. 1246), together they shape the legal conditions for migrating to a destination. In this thesis, I apply a broad definition of immigration policy and analyse relevant policy regarding both access and integration policies as enshrined in domestic legislation, the constitutional level, and international regional law.

What counts as liberal immigration policy has not gone uncontested in the literature. Many immigration scholars implicitly understand liberal immigration policies as propelling an open stance on immigration and as non-discriminatory in ethnic terms, however, more often than not, without providing a definition of the terms “liberal” or “liberalism” themselves. For example, Kim declares that “political liberals” generally embrace policies that reduce both citizenship- and ethnicity-based discrimination because the principles of “political liberalism” advocate that all human beings be treated as equally as possible, without reference to race, gender, national origin, or religion. Kim equates “liberal” approach to immigration with adjectives such as “civic” and “inclusive,” while she calls differential treatment based on ethnicity as “ethnocentric,” “nationalistic,” and “exclusive” (Kim, 2008 p. 577), without offering a definition of liberalism itself.

There is more consensus on liberal immigration policies being non-discriminatory than on them promoting free movement of people. Indeed, exactly what liberalism in immigration policies entails is unclear. Hollifield distinguishes between “economic” and “political” liberalism in Western liberal democracy, which he sees as pushing immigration policies in opposite directions (Hollifield,1992, 2004). He theorizes that “political liberals” actually support restrictive immigration policies, while “economic liberals” support open immigration policies to increase the supply of cheap labour (Hollifield, 1992, 2004). He further theorizes that regarding integration of immigrants already present in a liberal state, “political liberals” would support policies that ensure more rights for immigrants (inclusive), while “economic liberals” would support policies that involve less regulation on how immigrants are treated. Building on John Ruggie’s “embedded liberalism”, Hollifield further argues that domestic, “rights-based liberalism” has undermined effective immigration controls in Western states (1992). This led Hollifield to identify a much cited “liberal paradox” (Hollifield, 1992, Hollifield, 2004).

Since the end of World War II, international economic forces (trade, investment, and migration) have been pushing states towards greater openness, while the international state system and powerful (domestic) political forces push states towards greater closure. This is a liberal paradox because it highlights some of the contradictions inherent in liberalism, which is the quintessentially modern political and economic philosophy and a defining feature of globalization. (2004 p 886)

Hollifield mentions two “liberal principles”, free trade and respect for fundamental human rights, but without discussing the nuances and decisive differences between different strands of political liberalism and clearly differentiating between liberalism as a political ideology and liberal democracy as a political system. Joppke argues the “liberalness of liberal states” leads states to accept “unwanted migration”, mentioning “legal and moral constraints” without defining “liberalness” and differentiating between ideology and democratic state organization. The lack of clarity on whether liberalism or liberalness refers to the governmental system of Western liberal democracies or to liberal ideology has led to misunderstandings in the debate on the affinities between racism and liberalism, and liberal democracy (Cook-Martín and FitzGerald, 2015, Joppke, 2015).

One philosophically grounded liberal proponent of open borders is Joseph Carens, who departs from Rawls' work to support his argument for unrestricted borders. Carens applies the concept of the original position and the veil of ignorance that Rawls developed in the context of societies within nation-states to question what justice in the management of international migration entails (Carens, 1987). Reviving the notion of a social contract, Rawls argues that justice consists of the basic principles of government that free and rational individuals would agree to in a hypothetical situation of perfect equality. The original position and the veil of ignorance stipulate the theoretical situation in which a group of individuals, ignorant of their own position and opportunities in society and life, would develop the rules of social life. Given their ignorance about their own social, economic, and historical circumstances would make them agree on equal rights and opportunities (Rawls, 1971). Although Rawls himself assumed a closed society for the purposes of his theory, Carens argues that it is equally useful for thinking about justice in international migration management. He argues that in the international system, one's birthplace has a great impact on one's opportunities in life. From behind the veil of ignorance we would thus all opt for open borders and free movement (Carens, 1987).

Although Carens' argument is theoretically sound, he claims that his argumentation goes back to liberalism without defining the concept and addressing the fact that there is substantial disagreement amongst liberals about how open liberal immigration policies should be (Meilaender, 1999). Indeed, understanding liberalism in immigration policy as an open and non-discriminatory stance towards migration has not remained uncontested. Hafner argues that liberal theories can support both free and restricted migration, depending on whether liberalism is understood as an ideology providing principles for domestic policy or as a universal standing (Hafner, 2016). He refers to John Isbister who argues against Carens, claiming that there are liberal arguments for border controls such as the responsibility of a country to meet the needs of its own disadvantaged citizens before the needs of disadvantaged foreigners, and the threat unlimited immigration poses to the most disadvantaged residents of receiving countries (Isbister 2000, 632-634).

Revisiting Liberalism

The confusion about what constitutes liberal immigration policy goes back to the lack of conceptual clarity about what exactly constitutes liberalism as political ideology. It is thus essential to take a closer look at the range of liberal ideology. There are many varieties of liberal thinking that have developed over time, and often in parallel (Freeden and Stears, 2013). Freeden and Stears (2013) argue for conceptualizing political ideology as a framework composed of a number of political concepts, which vary in importance and whose meaning is contested within the ideology. According to this approach, liberalism should thus be understood as an umbrella concept that covers many and often significantly diverging ideas, for example regarding the desirable size of government. According to van de Haar (2009) it is possible to capture liberalism as a political ideology which rests on four main characteristics, being:

- individualist, in that it asserts the moral primacy of the person against the claims of any social collective
- egalitarian, in as much as it confers on all men the same moral status and denies the relevance to legal or political order of differences in moral worth among human beings
- universalist, affirming the moral unity of the human species and according a secondary importance to specific historic associations and cultural forms
- meliorist, in its affirmation of the corrigibility and improvability of all social institutions and political arrangements (van de Haar, 2009 pp 1)

Drawing on Freeden, van de Haar distinguishes between core, adjacent and peripheral concepts, which together make a unique set of political ideas, such as the larger liberal family (van de Haar, 2015). While some of the individual concepts overlap, there is significant variation between the frameworks. Van de Haar argues that the most important ideological divides in liberalism lie between classical liberalism, social liberalism and libertarianism and develops a liberal ideological framework, or liberalism's morphology of core concepts. Classical liberalism originated from the eighteenth century Scottish Enlightenment, especially in the writings of David Hume and Adam Smith. It is also associated with thinkers such as Ludwig von Mises, Friedrich Hayek, Milton Friedman

and James Buchanan. Social liberal thought originates in the writings of John Stuart Mill and social liberals are liberals in the contemporary American sense. Since the 1970s John Rawls has been the major sources of intellectual inspiration for social liberals. Like social liberalism, libertarianism originates from the nineteenth century, for example in the writings of Lysander Spooner, Herbert Spencer and William Graham Sumner (ibid.).

The concept of liberty is central to all three liberal variants, but as reflected in Isaiah Berlin’s famous divide between positive and negative liberty, the concept has different meanings. Negative liberty can be defined as “the freedom from interference by others,” whereas positive liberty as “the freedom to fully enjoy one’s rights and liberties” (Berlin, 1958). Classical liberalism and libertarianism rest on a negative conception, whereas social liberalism rests on the positive meaning of liberty, which usually demands more government intervention. Libertarians criticize classical liberals for allowing the state to grow too large and believe that the strict protection of individual natural rights to life, liberty, and property ensures a just society. For many libertarians, there is no such thing as a stable nation state, as secession is a rightful way for people to form new political entities (van de Haar, 2015).

Table 1: De Haar’s “Morphology of Liberalism”

| | Classical Liberalism | Social Liberalism | Libertarianism |
|---------------------|--|---|--|
| Core concepts | Negative freedom, realistic view of human nature, spontaneous order, limited state | Positive freedom, positive view of human nature, social justice as self-development, extended state | Negative freedom, realistic view of human nature, spontaneous order, natural law including strict defense of property rights |
| Adjacent concepts | Natural law, rule of law/constitutionalism | Modern human rights, rule of law and neutral state, social contract (Mill: utilitarianism) | Minarchism: minimal state, rule of law |
| Peripheral concepts | Social justice, strict defense of property rights, democracy, utilitarianism | Property rights, spontaneous order | Social justice |

Source: Edwin van de Haar, 2015

Social liberals reject libertarian and classical liberal ideas because they allow a world full of social injustice. In the pursuit of social justice and in order to ensure equality of opportunities, social liberals ascribe a larger role to government to redistribute income to ensure widely-accessible education and a welfare system that takes care of the more vulnerable members of society. Social liberals believe in universal human rights that individuals do not leave at home when they cross borders. They also believe in the importance of international organizations and in the utopia of world peace based on their positive conception of human nature. The concept of modern human rights law thus figures most prominently in social liberalism (ibid.). Van de Haar (2015) further lists the main ideological viewpoints on matters of international relations.

Table 2: Liberalism and International Relations

| | Classical Liberalism | Social Liberalism | Libertarianism |
|---|----------------------|-------------------|----------------|
| Nation as limit of individual sympathy | Yes | No | No |
| State as prime actor in world politics | Yes | No | No |
| International governmental institutions/regimes | No | Yes | No |
| Can war be eliminated? | No | Yes | Yes |
| Does trade foster peace? | No | Yes | Yes |

Source: Edwin van de Haar, 2015

The different weighting of core, adjacent and peripheral concepts and different viewpoints on international relations hold important implications on how the different strands of liberalism view migration policy. Individual freedom is the main classical liberal and libertarian goal and is seen as best preserved by protecting classical human rights, the

rule of law, and reliance on spontaneous ordering processes in society, such as the free market (van de Haar, 2015). It thus seems to follow that free human mobility serves the ideal of individual freedom for both classical liberals and libertarians. Libertarians indeed believe that governments may not forbid citizens from leaving a country, nor may governments forbid foreigners from entering, except in special circumstance, usually regarding the safety or protection of property rights of the receiving society (Brennan, 2012). Classical liberalism, however, sees the nation as the “outer limit” of meaningful human sympathy (van de Haar, 2015). Thus, Ibister’s argument that restricting migration can be called liberal is consistent with classical liberalism. Social liberalism and libertarianism on the other hand promote free human mobility, albeit based on different ideological premises and with different ideas of what state involvement in managing migration should entail. Social liberals are likely to promote a right to migrate within the international states system and see governments as obliged to safeguard the (human) rights of migrants, whereas libertarians’ belief in free human mobility is linked to their disregard for nation states and government intervention.

Populist Liberalism versus Populist Social Liberal Policies

This thesis identifies populist social liberal policies in South American immigration policies, understood as policies that are ideologically routed in social liberalism and at the same time make use of populist discourses. Paper One, published in *International Migration Review* in 2015, uses the term “populist liberalism” to describe such populist social liberal policies. My conceptualization of the term needs to be clearly delimited from Leaman’s (1999) discussion of “populist liberalism” in South America, which he defines as a project of “economic liberalism” (entailing deregularisation, privatisation, price liberalisation, and labour marginalisation) that aimed to bring about a transformation of the Argentine statist-protectionist political economy under Menem. As its main characteristics he lists a multi-class populist support base and a charismatic and hyper-presidential leader. Leaman further *simultaneously* defines populist liberalism as an elite-constructed discourse and a new ideology, which “emphasize[s] leadership more than institutions, glorifie[s] grand transformation rather than incremental change, stresse[s]

economic efficacy more than political representation and participation, and elevate[s] liberty over equality and solidarity” (Leaman, 1999). Rather than a new ideology, Leaman describes affinities between neo-populism and neoliberalism which other have identified as common in Latin America (Weyland, 2003).

Given the variances of liberal political ideology discussed above, the term “populist liberalism” lacks conceptual clarity. Although I used the term in Paper One, moving forward I will rather refer to populist social liberal policies. Also, rather than evoking “populist social liberalism” as an ideology, I understand populist social liberal policies as using populist discourses and ideologically drawing on social liberalism. Here, I follow Aslanidis (2016) who promotes the concept of “populist frames” as “the systematic dissemination of a frame that diagnoses reality as problematic because ‘corrupt elites’ have unjustly usurped the sovereign authority of the ‘noble People’ and maintains that the solution to the problem resides in the righteous political mobilization of the latter in order to regain power” (Aslanidis, 2016 p. 99). As will be further discussed in the conclusion, the conceptualization of populism as discursive framing avoids the inconsistency of the ideological definition as promoted by Mudde and Rovira Kaltwasser (2013), and at the same time includes the strategic implications that many authors have discerned in populist politics (Aslanidis, 2016).

Policy Liberalisation

In this thesis I understand policy liberalisation in migrant management as all relevant policy changes towards social liberal policies, i.e. more openness, increasing migrants’ rights and promoting increased free mobility. These changes can occur on the constitutional level, in domestic immigration legislation, and in the areas of visa and regularisation policies. With discursive liberalisation I refer to the qualitative change in political discourses, which, in South America, have shifted from securitized associations of immigration to the proclamation of universally welcoming all immigrants, irrespective of their origin and migratory status.

A LOOK AT WHAT FOLLOWS

Paper One *“Turning the Immigration Policy Paradox Upside Down? Populist Liberal Policies and Discursive Gaps in South America”* explores the paradox between liberal discourses on the universality of migrants’ rights and free human mobility, on the one hand, but the rejection of recently increasing irregular south–south migration from Africa, Asia, and the Caribbean, on the other. The paper applies a mixed methodological approach of legal analysis and process tracing to explore the extent to which recent immigration policies in South America constitute a liberal turn, or rather a reverse immigration policy paradox of officially welcoming but covertly rejecting irregular migrants. Based on the comparative analysis of Argentina, Brazil and Ecuador, the study identifies populist social liberal immigration policies in South America.

Paper Two *“The Importance of Access Policies in South-South Migration: Ecuador’s Policy of Open Doors as a Quasi-Experiment”* addresses the impact of policy liberalisation on south-south immigration from outside the region. The paper argues that the interplay of short-stay visas of northern and southern countries is a key determinant of intercontinental south-south migration. It takes advantage of the quasi-experiment of Ecuador’s extremely liberal policy of universal visa freedom of 2008 to test the impact of the opening of borders of a South American country on previously restricted countries in Asia, Africa and the Caribbean and shows that immigration from these regions more than doubled. Complementary descriptive statistics and qualitative findings furthermore confirm the importance of visa freedom in the context of the perception of increasing policy closure of preferred northern destinations and highlight great variance in the characteristics and agency of intercontinental migrants who were attracted by Ecuador’s policy of open doors.

Paper Three *“Open Doors (for almost all): Ecuador’s Tourist Visa Policy between Populist Social Liberalism and Racialised Security Concerns”* addresses the question of how far racism and perceived security threats of domestic and international political actors constrain immigration policy liberalisation in Ecuador in the context of these new extra-continental inflows. The paper analyses the partial reversal of Ecuador’s extreme policy of open doors, i.e. the annulment of all tourist visa requirements in 2008, for ten African and

Asian countries by 2010. The government justified this partial policy reversal as security policy in reaction to an increase in south-south flows from new extra-continental origins. Qualitative research reveals that alleged security concerns were closely intertwined with ethnic prejudice of domestic and international political actors. The Conclusions summarise the empirical contributions of the thesis, as well as the theoretical and normative implications of the study's results, and presents some ideas for future research.

TURNING THE IMMIGRATION POLICY PARADOX UPSIDE DOWN? POPULIST LIBERALISM AND DISCURSIVE GAPS IN SOUTH AMERICA

A paradox of officially rejecting but covertly accepting irregular migrants⁷ has long been identified in the immigration policies of Western immigrant receiving states. In South America, however, a liberal discourse of universally welcoming all immigrants, irrespective of their origin and migratory status, has replaced the formally restrictive, securitised and often ethnically selective immigration rhetoric. This discursive liberalisation has found partial translation into immigration laws and policies, but contrary to the universality of rights claimed in their discourses, governments reject recently increasing irregular south–south migration from Africa, Asia, and the Caribbean to varying degrees. This paper applies a mixed methodological approach of legal analysis and process tracing to explore in how far recent immigration policies in South America constitute a liberal turn, or rather a reverse immigration policy paradox of officially welcoming but covertly rejecting irregular migrants. Based on the comparative analysis of Argentina, Brazil and Ecuador, this study identifies South American “populist liberalism” in the sphere of migration, and discusses its implications for migration theory.

⁷ Irregular Migration “is movement that takes place outside the regulatory norms of the sending, transit and receiving countries... From the perspective of destination countries it is entry, stay or work in a country without the necessary authorisation or documents required under immigration regulations. From the perspective of the sending country, the irregularity is for example seen in cases in which a person crosses an international boundary without a valid passport or travel document or does not fulfil the administrative requirements for leaving the country”, IOM 2011. Glossary on Migration. *International Migration Law Series*, 25.

INTRODUCTION

The literature on immigration policies has long identified a substantial policy gap, or paradox, of “accepting unwanted migration” (Joppke, 1998b, de Almeida, 2009) among Western immigrant receiving states. Since the 1980s, Western governments have embarked on increasingly restrictive immigration discourses, especially rejecting irregular immigration, while at the same time accepting the entry and residence of substantial numbers of migrants who remain in their territory without authorisation (Freeman, 1994, Guiraudon and Joppke, 2001, Durand and Massey, 2003, Cornelius et al., 1994, Czaika and de Haas, 2013).

At first sight, South American countries seem to represent a unique phenomenon of a reverse paradox. During the past 15 years, the governmental immigration discourses – that is, the “text and talk of professional politicians or political institutions, such as presidents... and other members of government, parliament or political parties, both at the local, national and international levels” (Van Dijk, 1997 p.12)⁸ in the region – have become increasingly liberal, with a clear emphasis on migrants’ rights and the promotion of universal human mobility (Mármora, 2010, Ceriani Cernadas, 2011). In contrast to Europe and the US, where governmental discourses clearly distinguish between desired “legal” and undesired “illegal” immigration, South American politicians and civil servants stress the universality of migrants’ rights that apply to all migrants, regardless of their national origin and legal status. At the same time, however, South American countries are concerned with recent, albeit very small, increases in so-called “extra-continental immigration” from countries in Africa, Asia, and the Caribbean, and seek to impede these inflows to varying degrees (Freier, 2013c). Does the liberalisation of governmental immigration discourses amount to the reverse immigration policy paradox of officially welcoming all immigrants but rejecting certain nationalities in practice? Or has there in

⁸ In political science, discourse is seen as a form of political action. “Indeed, most political actions (such as passing laws, decision making, meeting, campaigning, etc.) are largely discursive. Thus, besides parliamentary debates, bills, laws, government or ministerial regulations, and other institutional forms of text and talk, we find such political discourse genres as propaganda, political advertising, political speeches, media interviews, political talk shows on TV, party programs, ballots, and so on”, see VAN DIJK, T. A. 1997. What is Political Discourse Analysis? *Belgian Journal of Linguistics*, 11, 11-52., p.18.

fact been a liberal turn in South American immigration policy-making?

An analysis of Argentina, Brazil, and Ecuador shows that legislative and policy reforms somewhat mirror the liberalised immigration discourses of governments, as showcased in the unprecedented incorporation of the “right to migrate” in Argentinean and Ecuadorian legislation – Ecuador’s path-breaking policy of visa-free access and Argentina’s new approach to the regularisation of irregular migrants. Nevertheless, also detectable are substantial gaps between liberal discourses and their translation into laws and policies. Recent reactions to increasing extra-continental south-south migration fall especially far from governmental rhetoric. The finding that these three countries do not actually fully implement the perhaps elusive universal right to migrate, that is, the de facto opening of borders through universal visa-free travel coupled with regularisation mechanisms, is perhaps not so surprising. The tensions between the unprecedented liberalisation of South American governmental immigration discourses, but varying degrees of legislative and policy reform, and a possible reverse immigration policy paradox in the field of irregular immigration are nevertheless worthy of exploration.

The paper makes three important contributions. First, it advances the debate on immigration policy paradoxes and policy gaps by showing the reverse scenario from what has been considered “a standard outcome” across Europe (Geddes, 2008 p. 350), that is, that governmental immigration discourses are more restrictive than immigration policies. Second, it progresses theories addressing the determinants of immigration policies by exposing shortcomings and suggesting necessary amendments for their applicability to predominantly migrant sending countries. Third, on an empirical level, the study improves knowledge of immigration policy-making and legislation in South America, a region that has undergone notable change in the past decade and takes a pioneering role in liberal immigration reforms, but remains surprisingly understudied.

Identifying developments in immigration policy-making outside Western liberal democracies has substantial value for the purpose of theory building. It is essential to test the applicability of theories so far developed for Western liberal democracies, especially when considering the geographical bias of migration literature. Mirroring the general focus of migration studies on south-north flows, the literature on immigration policies has

concentrated on Western immigrant receiving states, specifically the US, France, Germany, and the United Kingdom (Bonjour, 2011). Given the fact that more than 40 per cent of all international migration is made up by south–south flows, the neglect of immigration policies beyond Western liberal democracies is a significant omission.

This paper's first section discusses the relevant literature on immigration policy paradoxes and policy gaps. The second part introduces the case countries – Argentina, Brazil and Ecuador, and the paper's methodological approach. The third section analyses the liberalisation of governmental immigration discourses in the case countries. Section four explored to what extent these discourses have translated into legislative and policy change. Section five tests the consistency between the liberalisation of immigration discourses and policies based on state reactions to recent extra-continental south–south immigration. The final section concludes with implications for immigration policy theory and avenues for future research.

IMMIGRATION POLICY PARADOXES

The debate on immigration policy paradoxes has developed over the last 20 years (Hollifield, 1992, Cornelius et al., 1994, Joppke, 1998b, Castles, 2004, Boswell, 2007, Hollifield and Wong, 2013b) and offers three significantly different definitions. Hollifield (1992) first identified a “liberal paradox” in immigration policies based on international economic forces pushing states towards openness, while the international state system and domestic political forces push towards greater policy closure. Cornelius, Martin, and Hollifield (1994) and Castles (2004), on the other hand, conceive the immigration paradox as the failure of states to effectively control immigration. A third group of authors understands the immigration paradox as the gap between what politicians say and do (Joppke, 1998b, Boswell, 2007).

Hollifield's theory of a “liberal paradox” in immigration policies builds on political economy, whereas Cornelius, Martin, and Hollifield, Castles, Joppke, and Boswell are concerned with the policy-making process and its impact on immigration flows. Substantial confusion about different types of policy gaps underlies the controversial

debate about what constitutes the immigration policy paradox. For the sake of conceptual clarity, it is crucial to distinguish between three types of gaps. (1) “Discursive gaps” describe the discrepancy between the objectives stated in official discourses and policy outputs, or legislation and policies on paper; (2) “implementation gaps” measure the disparity between official legislation and policies and their implementation; and (3) “efficacy gaps” describe the extent to which policies actually determine policy outcomes, such as migration flows (Czaika and de Haas, 2013 p. 494).

Cornelius, Martin, and Hollifield’s (1994) and Castles’ (2004) prominent conception of the immigration policy paradox as a “control gap” thus describes an “efficacy gap”. Although influential, their argument has been weakened by resting on the truism of discrepancies between any policy goal and policy outcomes (Bonjour, 2011). The main problem with efficacy gaps theories is that they equate political discourses with policies, and compare what politicians say about their policy goals to policy outcomes (immigration rates), “without taking into account the political processes and hidden agendas that lead to various discursive and implementation gaps along the way” (see Geddes, 2008 p. 350). It is vital to distinguish among governmental or policy discourses, policy outputs (legislation and policies) and policy outcomes (immigration rates) because each constitute a different phase of the immigration policy cycle.

The most significant immigration policy paradox thus far described by the literature is the discursive gap between restrictive political rhetoric and relatively liberal immigration laws and policies in Western liberal immigrant receiving states (Boswell, 2007, Bonjour, 2011). Instead of asking “why immigration policies fail” (Castles, 2004), other authors have asked “why liberal states accept unwanted migration” (Joppke, 1998b). The startling gap does not lie between restrictive political discourses and persisting immigration, which is erroneously interpreted as the ineffectiveness of restrictive immigration policies, but rather in the difference between restrictive discourses and relatively permissive policies and laws.

In the case of Europe, such a discursive gap in dealing with irregular immigration is widely acknowledged (Cornelius et al., 1994, Freeman, 1995, Joppke, 1998b). Mirroring anti-immigration public opinion (Freeman, 1995), governments throughout Europe have

embarked on restrictive and securitised discourses of rejecting irregular immigration since the 1980s (Huysmans, 2000, Cholewinski, 2007). This restrictive rhetoric has been widespread both at national level (Boswell, 2008, Geddes, 2008) and at EU (EU) level (Baldwin-Edwards and Kraler, 2009 p. 103-106). Although such restrictiveness is mirrored in the adoption of several measures that criminalise irregular migration, i.e. through more stringent border controls, carrier sanctions or expulsion (Cholewinski, 2007), European governments at the same time implement large-scale regularisations.⁹

This paper explores how far the reverse paradox exists in South America. Despite the fact that survey evidence suggests similarly or even more protectionist public opinion,¹⁰ governmental immigration discourses in South America have become exceptionally liberal. To answer the question whether a liberal turn took place in South America in both immigration discourses and policies, or whether the region presents the reverse paradox of officially welcoming all immigrants but rejecting certain nationalities in practice, this paper analyses discursive gaps in the immigration policy-making of the three case countries. Implementation and efficacy gaps are not the primary focus in the present analysis. Although it is often argued that the actual implementation of policies is more important than their promulgation, policy implementation is extremely difficult to measure. Therefore, official policies and laws are often used as a proxy for implemented policy (Czaika and de Haas, 2013).

To analyse any gaps between immigration discourses and policies, we must first define immigration policies. On the most basic level, they are “rules and procedures governing the selection, admission, and deportation of foreign citizens” (Brochmann, 1999) into a state’s territory, especially of non-nationals intending to remain and/or work in the country. Although many scholars differentiate between immigration and integration policies (Meyers, 2000), there is significant overlap. For example, liberal

⁹ For example, more than five million third-country nationals in the EU were regularised between 1996 and 2007, see BALDWIN-EDWARDS, M. & KRALER, A. 2009. Study on Practices in the Area of Regularisation of Illegally Staying Third-Country Nationals in the Member States of the EU. Vienna: ICMPD., pp.31-36.

¹⁰ The comparison of survey data from the European Social Survey (2002–2003) and Latinobarometro (2002) shows that at the time when immigration discourses started to change in South America, South American respondents were more concerned about losing their jobs to immigrants than Europeans.

integration policies, such as regularisation programs, may attract immigrants and compensate for restrictive access regulations. In this paper, we thus apply a broad definition of immigration policy and, without applying a set benchmark for policy liberalisation, compare relevant policy changes on the constitutional level, in domestic immigration legislation, and in the areas of visa and regularisation policies, to the political immigration discourses of each case country.

IDENTIFYING A REVERSE IMMIGRATION POLICY PARADOX IN SOUTH AMERICA

This paper applies a mixed methodological approach of legal analysis and process tracing (King et al., 1994, Mahoney, 2012). It is based on 70 interviews with government officials and local experts working in academia, think tanks and NGOs (see Appendix, Table 9), as well as the evaluation of official documents, academic sources and reports of international organisations. The analysis distinguishes between governmental discourses (oral and written) and official laws and policies. The discussion of discourses is based on the evaluation of official documents, government declarations and interviews.

We then analyse a selection of legislative reforms and policies that have occurred in the three countries, including ratifications of international conventions and agreements, reforms at the constitutional level, immigration laws, implementing regulations and decrees, and regularisation programs. Given the difficulty to detect overall trends toward restrictiveness and liberalism in immigration policies (Czaika and de Haas, 2013), it is essential to identify regional developments and policy gaps in specific immigration policy areas. We thus focus on policies that manage irregular immigration and further test the consistency.

The three countries under analysis, Argentina, Brazil, and Ecuador, share certain common traits. First, they are among the countries in the region that have experienced the largest immigration and/or asylum flows in past decades (IOM, 2010b). These flows are mainly composed of citizens from other South American countries, and have led to the adoption of regional migration initiatives at the level of the Andean Community, Mercado Común del Sur or Southern Common Market (MERCOSUR), and most recently Union of

South American Nations (UNASUR). At the same time, all three countries have recently experienced increasing irregular south–south immigration and asylum inflows from Africa, Asia and the Caribbean (Freier, 2013a). Despite these recent movements, the foreign-born populations in the case countries do not represent a large percentage of the total population.¹¹ Second, these countries experienced considerable emigration waves since the 1980s and 1990s, which peaked during the first years of the 21st century (OAS, 2011). Finally, in all three cases, legislative migration frameworks were adopted during the military dictatorships of the 1970s and 1980s, which were mainly concerned with population control as embedded in the state’s security agenda.

Despite these similarities, Argentina, Brazil and Ecuador also represent distinct cases of policy liberalisation. Whereas Argentina has implemented the most comprehensive and progressive immigration reform, Brazil and Ecuador have taken more hesitant or contradictory steps to modernise their legislative frameworks, presenting larger gaps between their discourses, on the one hand side, and laws and policy on the other. We will emphasise the Argentinean case in the paper as it is the only of the three countries to adopt a comprehensive new immigration law since 2004. Furthermore, Argentinean immigration reform is known to have influenced developments in immigration policymaking at a regional level (Ceriani Cernadas and Morales, 2011, Margheritis, 2011).

A DISCURSIVE PARADIGM SHIFT

In contrast to the increasingly tough immigration discourses in many Western liberal democracies since the 1980s, in which governments promise to crack down on irregular immigration (Huysmans, 2000, Bigo, 2002), the reverse development has taken place in

¹¹ According to the 2010 Census, there were 1,805,957 foreign-born nationals in Argentina representing 4.5 per cent. In Ecuador there were 181,848 or 1.2 per cent of the total population, see CERIANI CERNADAS, P. & MORALES, D. 2011. Argentina: Avances y Asignaturas Pendientes en la Consolidación de una Política Migratoria Basada en Los Derechos Humanos. *In*: BERNARD, A. (ed.). Buenos Aires Centro de Estudios Legales y Sociales. In Brazil there were around 1.5 million or 0.8 per cent in 2010, see IOM 2012. Perfil Migratorio Ecuador. Geneva: International Organization for Migration (IOM).

South America. In the 1970s and 1980s, South American military dictatorships tried to limit population movements as a means of political control with complete disregard for migrants' rights (Schindel, 2006, Durand and Massey, 2010). Although the last military dictatorships in the Southern Cone subsided in the 1990s, the official immigration discourses remained securitised, restrictive and often openly racist (Oteiza and Novick et al., 2001, Albarracin, 2003, Domenech, 2009, Ceriani Cernadas, 2011, Bastia and vom Hau, 2013).

In the past 15 years, however, a liberal tide has swept across South American immigration discourses, with an unprecedented focus on migrants' human rights (Mármora, 2010, Ceriani Cernadas, 2011). This discursive paradigm shift is also apparent in various regional documents such as the declarations of the consultative process South American Conference on Migration (SACM), which reflect a "consensus against the criminalisation of (undocumented) migrants" (Hansen, 2010 p. 26). In fact, it may be argued that South America, through the declarations of both the SACM and national governments, is the region with the most progressive discourse worldwide in terms of the recognition of universal migrants' rights, including those in an irregular situation.

In Argentina, a more liberal discourse took shape after Néstor Kirchner won the presidential election in 2003. Having himself been a persecuted victim of the last dictatorship, he left no doubt that human rights, including migrants' rights, were central to the agenda of his new government (Nicolao, 2008, Maurino, 2009). This discursive shift must be understood against the backdrop of the increasing cooperation between historically strong civil society organisations, for whom migration reform had long been a priority issue, and the first Kirchner administration (Bonner, 2005, Ceriani Cernadas and Morales, 2011). Kirchner won the 2003 presidential election with only 22 per cent of the vote after his opponent Carlos Menem declined to run for the required second round. Kirchner was in need of political allies and embarked on a human rights discourse, thereby seeking the support of the civil society.

In addition, the massive increase in emigration after the 2001 financial collapse¹² led the government's commitment to reforming their immigration policy in order to set an

¹² More than 200,000 Argentineans left the country in the period 2000–2003, see p. 211 and 252 IOM 2010a. Perfil Migratorio Brasil. Geneva: International Organization for Migration (IOM).

example for the kind of treatment they expected from European governments (foremost Spain) for Argentinean nationals (Nicolao, 2008, Maffia, 2010). In fact, the rejection of North American and European immigration policies, especially the Returns Directive¹³ (to be discussed below), became an important element of Argentina's liberalised immigration discourse (Acosta Arcarazo, 2009). Such critique went in hand with calls for political solidarity and reciprocity. In the context of substantial Argentinean emigration to Spain after the 2001 economic crisis, Kirchner's administration repeatedly called on Spain to remember Argentina's historic solidarity with hundreds of thousands of Spanish emigrants at the turn of the 20th century, and to regularise Argentinean immigrants based on the logic of historical reciprocity.¹⁴

While Néstor Kirchner's discourse focused on migrants' rights in the context of emigration, his successor (and wife) Cristina Kirchner went even further and discursively constructed historic immigration analogies between former European states and more recent regional and extra-continental immigration. When implementing the regulation of the 2004 Immigration Law in 2010, she publically declared a historic continuity between European immigration and newer waves of Latin American and Asian immigration to Argentina. This shift in Argentina's immigration discourse is especially interesting because racism in form of aspired "whitening" of the population had been critical to Argentinean immigration policies since the mid-19th century (Bastia and vom Hau, 2013).

Christina Kirchner embarked on an increasingly polemic, populist position. For example, she rejected the re-emergence of xenophobic sentiments in "so-called developed countries" in the context of the financial crisis and described Argentina as part of a worldwide, morally superior, avant-garde in immigration policymaking.¹⁵ Intriguingly, official statements of the formally often openly racist National Directorate for Migration (*Dirección Nacional de Migraciones, DNM*) (Albarracin, 2003) also started to follow this rationale. In January 2013, State Secretary for Migration, Martín Arias Duval confirmed the

¹³ DIRECTIVE 2008/115/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 16 December 2008. The Directive governs a broad range of issues, in particular an obligation to return irregular migrants, their treatment during expulsion proceedings, entry bans, procedural rights and the grounds and conditions for detention.

¹⁴ <http://www.lanacion.com.ar/532881-proyectan-en-el-gobierno-un-acuerdo-migratorio-con-espana>.

¹⁵ http://www.migraciones.gov.ar/pdf_varios/periodico/periodico_201005.pdf.

DNM's commitment to safeguarding migrants' rights, comparing the motivations and vulnerability of south–south immigrants from the Dominican Republic and Senegal not only to European immigrants to Argentina at the turn of the 20th century, but to Argentineans who had left the country in the aftermath of the 2001 economic crisis.¹⁶

Similarly, though with less political salience, migration re-emerged as an important political issue in Brazil in the context of increased emigration since the early 2000s. Brazil had historically been a destination for migrants until the 1960s (Póvoa and Sprandel, 2010), but shifted to become a country of emigrants during the 1980s. The reduced number of immigrants in the country meant that immigration was mostly absent from the public debate for the following twenty years. However, the number of Brazilians abroad increased dramatically from around 2 million in 2002 to approximately 3 million in 2008 (IOM, 2010a p. 40). It is within this context of emigration that Brazil became more vocal in its defence of its nationals abroad, notably following Brazilians' expulsions from the US and impediments to enter Spain, which attracted intense focus in the domestic media (Braga Martes and Gonçalves, 2008).

During the adoption of the legislation establishing a regularisation procedure in 2009, President Lula da Silva vehemently criticised restrictive immigration policies in Europe and the US as inadequate. At the same time, he stressed Brazil's comparatively liberal approach to immigration and the country's respect for the human rights of migrants. Da Silva also presented Brazil as a country that was proud of its immigration history and emphasised the need to be “generous with human beings from any part of the world who would like to live [in Brazil] and . . . build a future”.¹⁷ The emphasis on migrants' rights can also be seen in the 2010 proposal for an immigration policy plan by the National Immigration Council (Conselho Nacional de Imigração, CNIg)¹⁸ and in the official statements of its President Paulo Sergio (de Almeida, 2009).

Lastly, both Argentina's and Brazil's commitment to reforming their immigration

¹⁶ http://www.migraciones.gov.ar/accesible/?mostrar_novedad=1755.

¹⁷ Discurso do Presidente da República, Luiz Inácio Lula da Silva, durante cerimônia de sanção da lei que anistia estrangeiros em situação irregular no Brasil. Ministério da *Justiça*– Brasília-DF, 02 de julho de 2009, available at <http://www.imprensa.planalto.gov.br/>.

¹⁸ Proposal from the Conselho Nacional de Imigração: Política Nacional de Imigração e Proteção ao(a) Trabalhador(a) Migrante.

laws are also related to the regional integration process in the context of MERCOSUR, in which both countries competed for ideological “post-neoliberal regional leadership” (Margheritis, 2012). Argentina has historically been the most important destination country for regional migration and therefore has taken the lead in the formulation of more progressive and social immigration policies (Nicolao, 2008). In both countries, migration and human rights have become part of the political and social agenda their governments promote both at home and abroad (Margheritis, 2012).

The Ecuadorian governmental migration discourse, which was equally constructed based on concerns about the treatment of emigrants in the US and Spain, surpasses Brazil and Argentina in its “anti-imperial” tone. Migration and specifically emigration become priority issues in the populist political discourse of President Rafael Correa since his electoral campaign of 2006. Similar to Argentina, migrants’ rights were a main theme in the construction of an identification platform for his political movement *Patria Altiva I Soberana (PAIS)* (Margheritis, 2011 p. 207). In the context of Ecuadorian mass emigration after the economic crisis of 1999, Correa was well aware that migrants’ rights and US -American and European closure towards Ecuadorians were highly effective topics when he stood in the 2006 presidential election.¹⁹

In his campaign, Correa promised that he would lead a “migrants’ government” and after his ascension to power, the political migration discourse started to be framed around human rights (Margheritis, 2011 p. 207). In 2008, Correa renamed the European Returns Directive the “Directive of Shame”.²⁰ Around the same time, the Ecuadorian Foreign Ministry published an open letter signed by Correa addressing “all Ecuadorian citizens of the world,” in which he invited emigrants to return home, lamented that the policies of past governments forced them to leave their “beloved home country” and criticised the discriminatory immigration policies of northern receiving countries. The letter also touched on immigration policies in declaring that there were no “illegal citizens,

¹⁹In the so-called “emigration stampede” (*estampida migratoria*) that followed the economic crisis of 1999, close to 140,000 Ecuadorians emigrated to the US and some 320,000 to Spain until 2005 BERTOLI, S., MORAGA, J. F.-H. & ORTEGA, F. 2011. Immigration Policies and the Ecuadorian Exodus. *The World Bank Economic Review*, 25 (1), 57-76.

²⁰ http://www.ecuadorinmediato.com/index.php?module=Noticias&func=news_user_view&id=83481&umt=presidente_correa_critica_falta_voluntad_regional_para_protestar_contra_directiva_retorno.

only practices that violate the rights of persons” and that Ecuador, as it demanded rights for its citizens abroad, promoted these same rights for immigrants in Ecuador. Just days before the European Parliament approved the Returns Directive in June 2008, Correa further claimed that he would “do away with the invention of the 20th century of passports and visas”.²¹

In sum, governmental migration discourses in Argentina, Brazil, and Ecuador shifted from closure and securitisation to emphasise migrants’ human rights, non-racism, and non-criminalisation. These often polemic and populist liberal discourses developed in the context of emigration and diaspora policies in strong counter position to restrictive immigration rhetoric in the US and Europe. South American governments demanded solidarity and political reciprocity, and the regularisation of their nationals.

Although the specific political context of liberalised immigration discourses has been South American emigration to Western liberal democracies, proclaimed values of the universality of migrants’ rights and the necessity for regularisation measures have fed back into the country’s immigration discourses based on the logic of coherence and political reciprocity. Governmental immigration discourses in the case countries thus developed in the context we define as “populist liberalism”; the popular support for migrants’ rights in connection with mass emigration led to the concurrent liberalisation of immigration discourses.

LEGISLATIVE AND POLICY LIBERALISATION

Placing a special focus on the policy field of irregular immigration, this section analyses in how far the liberalisation of governmental immigration discourses in the case countries translated into legislative and policy change. Regarding the international legal framework, there have been some important steps affecting migrants in an irregular situation. Both Argentina (2007) and Ecuador (2002) ratified the 1990 United Nations’ (UN) International Convention on the Protection of the Rights of All Migrant Workers and Members of their

²¹ Agencia EFE, June 12, 2008, <http://www.hoy.com.ec/noticias-ecuador/correa-elimina-el-visado-a-los-extranjeros-297707-297707.html>.

Families. Even more importantly, the entry into force of the MERCOSUR Residence Agreement in 2009 transformed the migration regime for South American migrants. The Residence Agreement provides that any national of a MERCOSUR or associate member state²² may reside and work for a period of two years in another member state if they have a clean criminal record. This temporary permit may then be transformed into a permanent one, provided an individual has enough resources to sustain him or herself in the territory of the host state.

Argentina's New Law and the Right to Migrate

In Argentina, the 1981 law,²³ popularly named after the country's infamous dictator Jorge Rafael Videla, significantly curtailed the rights of migrants, especially those in an irregular situation. Irregular migrants could be detained and expelled without judicial oversight, and there was no maximum detention period established by law before expulsion took place (Ceriani Cernadas and Morales, 2011). This restrictive approach, coupled with the very few possibilities that the law offered for regularisation, kept large numbers of migrants – mainly from neighbouring countries – in an irregular situation.

Undocumented immigrants lacked basic social rights such as health care or education. Furthermore, there was a widespread obligation for civil servants in hospitals, schools, administrative authorities or notary publics to denounce migrants in an irregular situation. Even citizens who helped irregular immigrants out of philanthropic reasons were subject to a fine (Mármora, 2004). In line with a previous tradition of regularisation programs (Sassone, 1987), the first governments after the country's return to democracy approached the situation of substantial irregular immigrant populations with the adoption of two large-scale regularisation procedures in 1984 and 1992, which benefited 136,000 and 224,000 migrants, respectively (Pacecca and Courtis, 2008). However, these regularisations did not mark a shift in Argentina's restrictive immigration policies. Although counterintuitive, regularisation programs can be part of restrictive immigration

²² MERCOSUR includes Argentina, Brazil, Paraguay, Uruguay and, since 2012, Venezuela. Surinam and Guyana are also associate states to the MERCOSUR but have not yet ratified the Residence Agreement. The Associate States, which benefit from the agreement, include Bolivia, Chile, Colombia, Ecuador and Peru.

²³ Decreto Ley 22.439/81, Ley General de Migraciones y Fomento de la Inmigración.

policies when they are used to “wipe the slate clean and begin afresh” (Massey, 2007 p. 312), possibly employing even more restrictive measures. In fact, the Videla Law was not repealed, and its decrees of 1980s and 1990s, rather than softening some of its most restrictive provisions, compounded the limited rights of migrants.²⁴

The 2004 Argentinean Immigration Law²⁵ on the other hand, represented a remarkable paradigm shift towards policy liberalisation – a liberal turn which did not seem likely at the time (Mármora, 2004). Indeed, as late as 1999, and amidst widespread xenophobic governmental discourse, a draft law was proposed which would have deepened the discrimination against non-citizens (Oteiza and Novick et al., 2001, Domenech, 2009). The most noteworthy innovation in Argentina’s 2004 migration law consists in the recognition of the right to migrate as essential and inalienable to the person. According to Article 4, Argentina guarantees this right on the basis of the principles of equality and universality, which at the time of its adoption did not exist in any other legislation, although subject to the conditions established in the law as Article 5 emphasises.²⁶

In our view, the situation of migrants in an irregular situation is an excellent case to test the meaning of this provision. If in fact a true right to migrate exists, those who, for one reason or another, irregularly reside in the country should have ample possibilities to regularise their status. The understanding of the obligation and suitability of facilitating the acquisition of regular status is well entrenched in the law and its implementing 2010 regulation. Article 17 of the Immigration Law establishes that the government shall provide the adoption and implementation of measures aiming at regularizing the migratory status of non-nationals.²⁷ In line with this, regularisation has taken place through two different procedures: two specific regularisation programs and a general regularisation mechanism. We understand regularisation programs as procedures, which run for a limited period of time and target-specific categories of non-nationals in an

²⁴ See Decretos 1434/87, 1023/94 and 1117/98.

²⁵ Ley de Migraciones 25,871. The law is regulated by Decreto 616/2010.

²⁶ Article 5 Law 25,871 reads as follows: “The state will secure the conditions guaranteeing an effective equal treatment so that foreigners can enjoy their rights and fulfil their obligations, as long as they satisfy the conditions established for their entry and permanence in accordance with the laws in force” (authors’ translation).

²⁷ Article 17 Decreto 616/2010.

irregular situation. By contrast, regularisation mechanisms are procedures that are enshrined in the law without a time limitation and from which any non-national in an irregular situation may benefit (Baldwin-Edwards and Kraler, 2009 p. 8).

There have been two regularisation programs in Argentina. The first one benefited non-MERCOSUR migrants in 2004,²⁸ whereas the second one, known as “Patria Grande,” anticipated the entry into force of the MERCOSUR Residence Agreement in 2009. Patria Grande developed in various steps. Article 23(1) of the 2004 Immigration Law provides that nationals of MERCOSUR, Bolivia and Chile can obtain a temporary residence based on citizenship criteria. This was later extended to the nationals of the other associate member states: Peru, Ecuador, and Colombia.²⁹ Nationals of these countries who entered Argentina before April 17, 2006 were able to regularise their situation whereas those who entered after that date could directly benefit from the citizenship criteria in the law and obtain a temporary residence permit.³⁰

As mentioned earlier, regularisation programs had already been previously adopted in Argentina and have been extensively used in other countries in the EU (Baldwin-Edwards and Kraler, 2009) and South America. However, the Kirchner administrations’ public endorsement represents an important contrast to other regularisation agendas. In the EU, regularisation programs have been notoriously absent in governmental discourses of national and common immigration policymaking and can in fact be considered a political taboo (Baldwin-Edwards and Kraler, 2009, Walters, 2010). Indeed, following the 2005 Spanish regularisation (Sabater and Domingo, 2012) and especially during at the EU’s French presidency in 2008, there were strong attempts, albeit unsuccessful, to forbid regularisation programs at EU level (Collett, 2008).

A more general regularisation mechanism is the second approach Argentina’s immigration law provides to irregular immigration. In the EU, many member states used them in the past or currently incorporate them into their immigration laws (Baldwin-Edwards and Kraler, 2009). There are however crucial differences between the European and Argentinean model. In the European case, the conditions for regularisation usually

²⁸ Article 17 Decreto 616/2010.

²⁹ Disposición Dirección Nacional de Migraciones 29.929/2004, September 17, 2004.

³⁰ See Disposición DNM 53.253/2005, Disposición (DNM) N° 14949/2006.

include a certain length of residence, which may need to be combined with a job offer, family ties or humanitarian grounds. The most significant EU legislation in the area of immigration, the Returns Directive, allows member states to provide third-country nationals with a residence permit for compassionate, humanitarian or other reasons. However, since the main purpose of the Directive is the termination of the illegal stay, the alternative mostly employed is the expulsion of the migrant in an irregular situation (Acosta Arcarazo, 2011).

The Argentinean legislation on the other hand, is ground-breaking by dramatically shifting the balance from expulsion to regularisation. Irregular immigrants can only be detained to prepare their expulsion for a maximum period of 15 days and only after a judicial process with various possibilities for appeal.³¹ The law further provides that once the irregular situation of a migrant is established, the National Migrations Directorate is under the obligation to request him to regularise and to provide a period for that purpose of between 30 and 60 days.³² This obligation is a distinctive attribute of the Argentinean law when compared with the EU. During that period, migrants may invoke one of the regularisation requirements under Article 23 of the law, out of which the one most applied is having a binding employment offer. In contrast to regularisation mechanisms in Europe, length of residence is not a decisive element. The law's mechanism reads well with the declared right to migrate.

With its 2004 immigration law, Argentina opted for a new strategy, moving from the logic of criminalisation and expulsion to the rational of legalisation and integration. This is also evident in the law's social provisions as irregular migrants now have the right to education and health care. Moreover, the staff in educational facilities or hospitals are no longer obliged to inform the authorities about immigrants' irregular situation but shall rather guide them toward regularisation.³³

However, in relation to the proclaimed right to migrate, the law has an important flaw, which impedes certain migrants from obtaining legal residence. Article 29 sets out that those having entered Argentina clandestinely do not have the right to stay. The

³¹ Article 70 Ley de Migraciones 25,871 and Decreto 616/2010.

³² See Articles 61 of the Ley de Migraciones 25,871 and Decreto 616/2010.

³³ Articles 7 and 8 Ley de Migraciones 25,871 and Decreto 616/2010.

burden of proof falls onto the migrant who has to certify his regular entry, for example as a tourist, to regularise his status (Morales, 2012 p. 336). Although Argentina's legislative reform largely mirrors its liberalised immigration discourse, and indeed presents a substantial liberal turn in the country's immigration policy-making, a discursive policy gap exists between the promised universal right to migrate and its translation into law, which in practice only applies to immigrants with visa-free access to Argentina.

Brazil's Hesitant Approach to Migration Reform

Brazil's immigration law, in force since 1980,³⁴ was adopted in less than three months under an urgent procedure by the former military dictatorship. It places strong emphasis on national security (IOM, 2010a p. 53, CDHIC, 2011 p. 15) and has a utilitarian approach to immigration linked to national development and the shortage of specialised labour. The law has been severely criticised because of its bureaucratic nature and the difficulties to obtain secure residence status (Sbalqueiro Lopes, 2009). Indeed, it provides very few avenues for regular immigration and no mechanisms for regularisation. There are provisions on deportation for irregular entry, overstay and working without permission (Articles 57–64 Law 6815). These provisions are, however, not applicable to irregular immigrants married to a Brazilian or having Brazilian children. With regard to social rights for those in an irregular situation, the 1988 Constitution grants access to health care, education and the reception of outstanding salaries (Sbalqueiro Lopes, 2009 p. 469).

Brazil has not yet reformed its 1980 migration law, which in some respects contradicts the 1988 Constitution (CDHIC, 2011). A legislative proposal for a new immigration law (Projeto de Lei 5655) reached Congress in 2009 but falls short of what would be expected from the government's liberal discourse. In fact, it takes as its backbone the current legislative framework, and in some respects, it is even more restrictive. For example, with regard to naturalisation, it extends the number of years that a migrant has to reside in Brazil from four to 10. The proposed bill has been in Congress since 2009 without being adopted, and there have been two new proposals in 2014; one by

³⁴ Law 6.815/1980 and Implementing Regulation Decree 86715/81.

a commission of experts established by the Ministry of Interior, and one by a Senator,³⁵ currently being discussed in the Senate.

Nevertheless, ministerial orders of the CNIg have softened the 1980 law during the last 15 years. The CNIg is dependent on the Ministry of Labor and is composed by representatives of different ministries and civil society, unions, and business confederations. It is responsible for formulating Brazil's immigration policy and for adopting ministerial orders complementing the immigration law. These are hierarchically inferior to the law, and hence cannot contradict it, but rather define policy in areas not yet regulated. This legislative capacity represents a peculiarity of the Brazilian legal system. The CNIg's work has led to the partial liberalisation in central issues of Brazil's immigration policy, such as family reunification, renewal of residence permits or access to regular status. The law's opposition to non-highly skilled immigration, however, limits the CNIg's work. The CNIg has made significant liberal policy proposals, not yet adopted, such as a new immigration policy plan or the recommendation to ratify the UN Migrant Workers Convention. Agreeing on immigration policy priorities would be essential before passing new legislation, but there is internal disagreement between the Ministries of Interior and Labour and the Presidency's Strategic Affairs Secretariat, on what such policy should entail (Ventura and Illes, 2012).

The CNIg also supported the 2009 regularisation program, by which 45,000 migrants obtained residence (de Almeida, 2009). This was Brazil's fourth regularisation procedure after previous ones in 1981, 1988, and 1998 granted legal residence to around 115,000 non-nationals (CDHIC, 2011). The procedure provided two-year residence permits, which could be renewed and transformed into permanent residence under certain conditions, notably having regular employment, exercising a profession or having sufficient financial resources.³⁶ Brazil also adopted a bilateral agreement with Bolivia in 2005, by which around 20,000 Bolivians regularised their situation (de Almeida, 2009 p. 24). With the internal adoption of the MERCOSUR Residence Agreement in 2009, Bolivians have the right to work and reside in Brazil. In short, although Brazil's outdated immigration law does not capture its open political discourse on immigration issues, the

³⁵ Projeto de Lei do Senado (PLS) n_ 288, de 2013, do Senador Aloysio Nunes Ferreira.

³⁶ Portaria Ministério da Justiça– MJ n_ 1700, 28.07.2011, D.O.U.: 29/07/2011.

CNIg has had some leeway to develop policies in line with a less restrictive and securitised vision of international migration.

Ecuador's Constitution and Contradictory Legal Regime

In Ecuador, the legislative migration framework in force since 1971³⁷ constitutes another example of a largely restrictive, and in comparison with the liberalised discourse, “outdated” approach that criminalises migrants in an irregular situation and limits their rights (Arcentales Illescas and Garbay Mancheno, 2012). The law provides for no regularisation mechanisms, not even when an irregular immigrant has children with Ecuadorian citizenship (Arcentales Illescas and Garbay Mancheno, 2012 p. 34). Furthermore, there are very few avenues to obtaining a regular residence permit for non-skilled or self-employed workers (Hurtado Caicedo and Gallegos Brito, 2013). Against the background of the significant number of Colombians residing in Ecuador in vulnerable situations – including an estimated 90,000 with rejected asylum applications (Hurtado Caicedo and Gallegos Brito, 2013 p. 11) – the law’s restrictiveness resulted in an increasing number of migrants in an irregular situation.

The 1971 law favours deportations and administrative authorities enjoy wide powers during the expulsion procedure with few possibilities for redress, which has led to various instances of collective expulsions (Benavides Llerena et al., 2007 pp. 57-58). Detention before expulsion in prisons or in overcrowded detention centres is a widespread practice (Benavides Llerena et al., 2007 pp. 59-62, Hurtado Caicedo and Gallegos Brito, 2013 p. 20). Moreover, according to Article 37 of the Migration Law, those migrants who, having been expelled, re-enter into the territory without a valid authorisation, may be imprisoned between six months and three years. Finally, irregular migrants face obstacles in accessing basic rights such as payment of outstanding salaries, education and health care (Hurtado Caicedo and Gallegos Brito, 2013).

³⁷ There were two different pieces of legislation adopted in 1971: Ley de Extranjería (Aliens Law) adopted by Supreme Decree D.S. 1897, R.O. 382, 30-12-1971, codification 23, R.O. 454, 4-11-04; and Ley de Migración (Migration Law) adopted by Supreme Decree D.S. 1899, R.O. 382, 30-12-1971, codification 006, R.O. 563, 12-04-2005.

To date, Ecuador has not reformed its 1971 migration law. Efforts to develop a comprehensive “Law of Human Mobility” covering immigration, emigration, transit, return migration and asylum, are ongoing within the Vice-Ministry of Human Mobility, formerly known as the National Secretariat of Migrants (SENAMI), and are supported by international actors, such as the International Organization for Migration (IOM) and the UN Committee on the Protection of the Rights of Migrant Workers. Meanwhile, the liberalisation of the governmental migration discourse has found representation at the constitutional level and in Ecuador’s visa policy.

The 2008 Constitution enshrines Ecuador’s commitment to define and implement migration policies that will support migrants’ universal rights, combat discrimination, and even promote the ideal of universal citizenship. Article 9 lays down the same rights and obligations for Ecuadorians and non-nationals and Article 40, following the Argentinean example, recognises the right to migrate and provides that no human being will be considered as an illegal due to their migratory status. In turn, Article 416 invokes the concept of universal citizenship as a guiding principle for Ecuador’s international relations. The constitution generally uses an anti-imperial, post-colonial discourse and “advocates the principle of universal citizenship, the free movement of all inhabitants of the planet, and the progressive extinction of the status of alien or foreigner as an element to transform the unequal relations between countries, especially those between North and South” (Article 416). Finally, Article 11 imposes a prohibition to discriminate on several grounds, including the ethnicity, origin, and migratory status of a person.

Ecuador’s constitution represents significant innovation in comparative perspective, as it is the first constitution in the world in which the right to migrate is enshrined. Theoretically, it transforms the government’s control over the relationship between territory and population by deconstructing the link between rights and citizenship, as well as the assumption that individuals automatically renounce rights when migrating (Arcentales Illescas and Garbay Mancheno, 2012 p. 7). This approach to migrants’ rights goes even further than other proposals on post-national membership (Soysal), since judges, administrative authorities and civil servants shall directly apply the constitution and international human rights treaties even if the individuals concerned do

not expressly invoke them (Article 426). These constitutional ideals, however, are severely limited by the outdated legislative framework.

The constitution's prohibition of the criminalisation of irregular migrants obliges the state to adopt regularisation measures (Arcentales Illescas and Garbay Mancheno, 2012 p. 31). However, the Correa administration has offered few possibilities for regularisation. In 2010, it provided two regularisation programs that only benefited approximately 300 Venezuelans, 400 Haitian and 650 Cubans (Arcentales Illescas and Garbay Mancheno, 2012 pp. 47-49). Although Ecuador has signed permanent migratory agreements with the countries from which most of its immigrants originate, Peru and Colombia, the agreement with Colombia has not yet been implemented. Finally, it took Ecuador five years to implement the MERCOSUR Residence Agreement in April 2014. This should, if properly implemented in practice, solve the situation of Colombian and Peruvian nationals who, together with nationals from Argentina, Bolivia, Brazil, Chile, Paraguay, and Uruguay now have the right to reside and work in Ecuador.³⁸ However, the high fees imposed to obtain the temporary (\$US230) and permanent (\$US350) residence permits act as a deterrent considering that the minimum monthly wage in Ecuador is \$US340.

Recent changes in Ecuador's visa policy, on the other hand, seemingly reflected the president's liberal discourse. On June 20, 2008, Ecuador adopted a policy of open borders, withdrawing visa requirements for all countries in the world. This unprecedented policy of universal visa freedom, implemented by presidential decree, allowed any foreigner to enter Ecuador's territory for up to 90 days. The official goals of this policy were twofold: one was to encourage tourism, the other to implement the principle of universal citizenship. This policy reads well with the constitution's declaration of the right to migrate. However, to extend the permitted stay of 90 days, the individual needs to apply for a residence permit. The limited possibilities for obtaining a permit, as provided by the current legal regime, has led to a further increase in the number of migrants in an irregular situation. Furthermore, visa requirements have been reintroduced for a selected number

³⁸ See Ministerio de Relaciones Exteriores y Movilidad Humana, Acuerdo Ministerial número 000031, April 2, 2014.

of nationals.

In sum, Ecuador's populist liberal migration rhetoric is mirrored by the 2008 Constitution, which stipulates the human right to migrate, and the 2008 policy of visa freedom. However, the lack of a comprehensive reform on the legislative level leads to incoherence with these discursive and constitutional ideals. The continued criminalisation of irregular migration through the secondary migration legislation in force since 1971, as well as the government's unwillingness to implement regional agreements on mobility, further leave Ecuador in the place of publicly proposing and internationally demanding progressive immigration policies based on universal citizenship and migrants' human rights, without passing and implementing such policies at home.

POLITICAL REACTIONS TO RECENT IRREGULAR IMMIGRATION

It could be argued that changes in discourses always precede changes in policy, and that discursive gaps in Brazil's and Ecuador's immigration policies are thus just an issue of timing. Indeed, with regards to agenda setting and consensus building, South American states have taken decisive steps into the direction of immigration policy liberalisation - at both the domestic and the regional level. The actual translation of this new policy consensus into legislation and policies might simply take longer (Ramírez Gallegos, 2013). It is, of course, possible that the adoption of new legislations, following the Argentinean model, will narrow the gap between discourse and law in Brazil and Ecuador. As discussed previously, in both countries, comprehensive legislative immigration reforms are currently subject to debate. However, discursive gaps have persisted for about 15 years in the case of Brazil, and 10 years in the case of Ecuador, and can thus not simply be ascribed to the time needed for policy adoption. Furthermore, a full translation of governmental rhetoric, that is, granting a "universal right to migrate" through the de facto opening of borders coupled with regularisation mechanisms is unlikely in all three countries.

To further test for discursive gaps in policies targeting irregular immigration, this section analyses governments' reactions to recent irregular south-south migration from extra-continental origins. Governmental discourses in Argentina, Brazil, and Ecuador

proclaim the universality of migrants' rights, irrespective of legal status and national origin. Asian and African immigrants and immigrants of colour have historically been most discriminated against in South America (FitzGerald and Cook-Martín, 2014). Governments' approaches to recent increases in south–south inflows from Africa, Asia, and the Caribbean thus offer a “least-likely” case to assess in how far the universal liberal discourses translate into policy measures in practice.

We have argued that Argentina is the case country which has undergone the most coherent development between discourse and practice, and that its right to migrate may be understood in two possible ways: as an obligation of the state to provide regularisation avenues; and as an individual right to have a time period in which to attempt to regularise. However, migrants having entered the country clandestinely do not have the right to stay (Article 29 Immigration Law). Given that citizens of neighbouring countries and most Organisation for Economic Co-operation and Development (OECD) countries can enter Argentina without visas, this mostly affects south–south migrants from Africa, Asia, and the Caribbean who increasingly arrived in Argentina over the past decade, mostly via Brazil and as irregular migrants (Freier, 2013a). The government's response to these new inflows will be illustrated by the case of Senegalese and Dominican immigrants.

The Senegalese population in Argentina is estimated at 3,000–5,000 (Kleidermacher, 2012 p. 113). Senegalese nationals encounter two main problems to regularisation. First, most entered Argentina clandestinely. Second, due to their precarious job situation – many work in the informal sector – they cannot fulfil the legal requisite to be formally employed to regularise their status (Nejamkis and Nievas). Faced with this situation, the Argentinean government decided to launch a new regularisation program, specifically for Senegalese nationals, on January 4, 2013,³⁹ for a six-month duration. According to the regularisation's legislative disposition, there were a number of reasons that led to its adoption: the willingness of Senegalese nationals to settle; the impossibility to regularise their status under the permanent mechanism due to Article 29; the negative effects their irregular situation had not only on their insertion into the labour market, but more importantly on exercising their rights, which could lead to situations of abuse; and

³⁹ Disposición 002 Direcci_on Nacional de Migraciones, January 04, 2013.

finally, the obligation of the state to take measures in accordance with Article 17. On the same day, another regularisation program was adopted specifically for Dominican immigrants.⁴⁰

Based on these cases, it might be argued that Argentina's approach to irregular immigration shows a considerable level of coherence with its liberalised discourse. However, all Senegalese and Dominican nationals who entered the country after January 4, 2013 continue to face problems to regularise. The same applies to all other nationals from Africa, Asia, or the Caribbean who entered Argentina without a valid visa. Hence, despite the adoption of regularisation programs for Senegalese and Dominicans, a discursive gap exists in the field of irregular immigration because these offer temporary regularisation for immigrants of selected nationalities only.

Brazil's official reaction to the increase in extra-continental south-south migration has been more cautious. The most significant group of recent south-south immigrants are Haitians, who in their majority reach South America via Ecuador, given the possibility of visa-free entry, and then travel by land via Peru or Bolivia to Brazil (Freier, 2013c). Faced with the arrival of around 15,000 thousand Haitian nationals since 2010, the National Committee on Refugees (CONARE) did not grant Haitians refugee status because their arrival was driven by environmental issues, notably the aftermath of the January 2010 earthquake (Fernandes et al., 2013). However, in cases involving humanitarian circumstances, the CNIg has the final word on the possibility of granting residence permits.⁴¹

This allowed the CNIg to grant residence permits for humanitarian reasons to the approximately 4,000 Haitians who reached Brazil before January 2012. From January 12 onwards, the CNIg adopted Ministerial Order 97/12, valid for two years, by which Haitians could obtain a visa and residence permit because of humanitarian reasons in the Brazilian Embassy in Port au Prince. This mechanism was then extended until January 2015 by Ministerial Order 106/13 of October 24, 2013. The permit is valid for five years and may be renewed and transformed into a permanent permit, provided the person is regularly

⁴⁰ Disposici_on 001 Direcci_on Nacional de Migraciones, January 04, 2013.

⁴¹ According to Ministerial Order 27/1998, the CNIg has the competence to solve cases not regulated in the law, such as granting residence permits in special situations.

employed in Brazil.

The number of residence permits was originally capped at 100 per month. This number was adopted to avoid the establishment of a Haitian diaspora in Brazil, taking into account the alleged limited capacity of Brazil's labour market. It was also adopted considering that, in the government's view, not many Haitians would have the economic means to migrate to Brazil. It was further argued that providing these permits would put an end to the irregular flows in which smugglers were involved.⁴² However, the visa cap was lifted by Ministerial Order 102/ 2013 of April 26, 2013, as Haitians kept arriving irregularly in Brazil since they could not obtain a visa once the 100 visas had been issued (Fernandes et al., 2013 P. 66-67). Faced with the continuous arrival of irregular Haitian immigrants, the Brazilian government decided not to deport them but to continue granting them a residence permit based on humanitarian grounds. However, irregular immigration flows to Brazil recently also include increasing numbers of nationals from Nigeria, Senegal and Bangladesh, who cannot regularise their status.

Thus, in the Brazilian case, there also is a gap between the government's rhetoric and policy reactions to irregular extra-continental immigrants. Similar to the case of Senegalese and Dominicans in Argentina, the Brazilian government found a special solution for Haitians displaced in the aftermath of the 2010 earthquake. Nevertheless, the law does not provide any regularisation mechanism, and irregular extra-continental immigrants depend on the discretionary power of the CNIg to legalise their status.

Ecuador, in turn, represents the country where the gap between liberal discourse and policy reactions to extra-continental immigrants is widest. Correa claimed he would "do away" with passports and visas and indeed opened the country's borders in 2008. However, universal visa freedom to Ecuador was short-lived. Only six months after its introduction, visa requirements were reintroduced for Chinese citizens, and 18 months later for citizens of Afghanistan, Bangladesh, Eritrea, Ethiopia, Kenya, Nepal, Nigeria, Pakistan, and Somalia. State Secretary of Migration, Leonardo Carrion, linked the decision of the partial reintroduction of visas to emerging "unusual immigration flows" from the above countries. A majority of visitors from these countries, he explained, overstayed the

⁴² Ata da Reunião extraordinária de 12 Janeiro de 2012 do Conselho Nacional de Imigração.

permitted visa-free period of 90 days.

It must be pointed out that the immigration of the concerned nationalities increased only on an extremely small scale after the introduction of visa-free access. With the noteworthy exception of Chinese, Cubans and Haitians, the yearly immigration rates for other African and Asian nationals, for whom visas were reintroduced, averaged at just above 300 per year from 2008 to 2010 (Freier, 2013c). With the reintroduction of visas, Ecuadorian policy was responsive to its own unintended impact, namely the increase in immigration from Africa, Asia, and the Caribbean. Given that there are no regularisation measures, there are currently thousands of extra-continental immigrants, most prominently Cubans,⁴³ in an irregular situation in Ecuador.

The above analysis shows considerable variation in government reactions to irregular extra-continental immigration. Argentina and Brazil present similar cases. Both governments found solutions for the largest groups of irregular extra-continental immigrants in the countries, Senegalese, Dominicans and Haitians. In Argentina, the regularisation program could only be achieved after extensive lobbying of the Ombudsman and civil society organisations and does not extend to all other immigrants who entered without a visa. Brazil presents a similar situation, where initial government reactions to increasing inflows of Haitians were ambiguous at best, but the CNIg could push through regularisation procedures. Other migrants in an irregular situation do not have the possibility to regularise their status. In Ecuador, the gap between discourse and policy reactions to extra-continental immigration is widest. Extremely small inflows of extra-continental migrants led the government to abandon its policy of universal visa-free access, and there are almost no regularisation measures in place.

Restrictive reactions to irregular immigration in themselves might not be surprising. In the South American context, however, they present a reverse immigration policy paradox of officially welcoming all immigrants regardless of legal status or national origin, but de facto excluding south-south immigrants from Africa, Asia, and the Caribbean. As a result, there persists a gap between what South American governments

⁴³ http://ecuadorinmediato.com/index.php?module=Noticias&func=news_user_view&id=139408&umt=cubanos_en_situacion_irregular_no_pueden_ser_deportados_del_ecuador.

demand from Western migrant receiving states, that is, regularisation policies irrespective of the legal status and national origin of immigrants, and the policies they implement at home.

There are at least two reasons, which may be advanced in an effort to try to explain this reverse paradox. First, immigration policy liberalisation, most notably regularisation procedures and the MERCOSUR residence agreement, primarily target regional migrants. Most migratory movements in South America are intra-regional and one main factor leading to policy liberalisation was the large percentage of regional migrants in an irregular situation (Mármora, 2010). Second, restrictive reactions to extra-continental immigrants may also be intertwined with racial discrimination. It is well documented that racial and ethnic discrimination are contentious issues across Latin America (Wade, 1997, Beck et al., 2011). At least in the Ecuadorian case, alleged security concerns that officially determined the restrictive reaction to the increase in extra-continental south-south migration are closely intertwined with ethnic considerations (Holloway, 2012, Freier, 2013c). Antiracism can thus be politically salient in populist systems and at the same time, as Cook-Martín and FitzGerald (2010) suggest, fragile.

Politicians are likely to be caught in the dilemma of serving somewhat contradictory populist stances: the demand for migrants' rights and regularisation programs for emigrants in Europe and the US and the concurrent acceptance of the liberalisation of immigration policies in light of political coherence; and protectionist and even racist public opinion. Indeed, Ecuador seems to be a paradigmatic case in this regard. In 2010, over 95 per cent of Ecuadorians thought that Ecuadorian emigrants should have access to health care and education and form organisations to defend their rights in their countries of residence. At the same time 63.5 per cent believed that there were too many immigrants living in Ecuador, 73.1 per cent thought that immigrants increased crime and 67.3 per cent thought that immigrants took away jobs of Ecuadorians (Zepeda and Verdesoto, 2010).

THEORY-BUILDING AND FURTHER RESEARCH

This study challenges what has been considered common wisdom in theories on immigration policy, that is, that, in line with public opinion, countries' governmental immigration discourses are significantly more restrictive than their immigration policies in practice. The three South American case countries indeed present a reverse immigration paradox of populist liberalism, in which the immigration discourses of governments are considerably more liberal than their policies and laws. Existing theoretical approaches to explaining immigration policies are not readily applicable to the South American context because they are framed around the assumption that immigration discourses are inherently more restrictive than their corresponding policies. Rather than presuming such a fixed relationship, the development of migration policy theory should be based on an unbiased analysis of the dynamics and interaction of political discourses and corresponding policies and laws. In the following section, the applicability of existing political theories on migration to the empirical case studies presented here will be evaluated in more detail.

The main theoretical approaches in political migration theory can be broadly categorised as political economy, neo-institutionalist and constructivist approaches (Boswell, 2007). Contradicting Hollifield's "liberal paradox" (of international economic forces pushing states towards openness, while domestic political forces are pushing toward greater policy closure), another political economy approach argues that concentrated group interests outweigh diffuse collective interest in decision-making processes. More specifically, it posits that employers and immigrant groups will lobby more intensively to promote liberal immigration policies than those who perceive to be negatively affected by immigration will lobby against them (Freeman, 1995). Doubts have been raised regarding the empirical plausibility of Freeman's theory. Most importantly, it overlooks the fact that the state is more than a mediator and in fact plays an active and discrete role in defining immigration policies (Boswell, 2007). In the South American context, the demands of interest groups as a driving force of immigration policies can be further discarded, at least for the case of MERCOSUR, due to the top-down structure of its

policy-making process (Margheritis, 2012). The relatively small levels of immigration in South America, which range between 0.8 and 4.5 per cent of the total population in our case countries, are another reason to question the applicability of political economy approaches.

Neo-institutionalists deny the possibility of reducing an explanation of social phenomena to the agency of individuals or interest groups and instead stress the importance of institutions. Pointing out that the state is no monolithic entity, they distinguish between the system of party politics and the administration, and different, possibly competing, agencies within it. Neo-institutionalist approaches also stress that state interests may significantly diverge from societal interests (Boswell, 2007). These are important contributions, which are applicable to our cases, for example, in Ecuador. The contradictory ideological alignments of the constitution and the migration law, and the question of which one should prevail, have led to serious tensions between different ministries and departments dealing with immigration management, depending on their political alignment to the president (Freier, 2013c). However, existing neo-institutionalist theories do not readily apply to the South American context, because they also focus on constraints – whether the state’s own bureaucratic structure, the judiciary, or supranational actors (Cornelius et al., 1994, Joppke, 1998b) – to implementing restrictive policies, and assume the tension between protectionist immigration discourses and comparatively liberal policies as a given.

As well, neo-institutionalist approaches underestimate governments’ own interests. Boswell (2007) focuses on explanations of why and under which conditions administrations are constrained by institutions. We find her approach of conceptualising immigration policy-making in the context of governments’ functional imperatives useful to account for the state’s dilemma of wanting to meet competing requirements and expectations and thus, possibly intentionally choosing incoherence in the field of immigration policies. However, scholars need to interrogate which interests and norms the state feels compelled to take into account, and to which degree to avoid the pitfall of presuming a fixed relationship of immigration discourses being more restrictive than their corresponding policies. Importantly, none of Boswell’s five types of policy responses (2007,

94) are applicable to our case countries. Most importantly, Boswell categorises a “populist” policy response towards immigration as a high degree of restriction, whereas this study has shown that in South America, populist immigration policies have led to discursive policy liberalisation.

Regarding constructivist approaches to explaining immigration policies, our cases confirm what Bonjour demonstrates, using a “typical Western liberal democratic case” – the Netherlands (Bonjour, 2011). Here, he argues that ideas, ideology and moral considerations of politicians and bureaucrats play a substantial role in the immigration policy-making process. Our cases suggest combining constructivist and rationalist approaches in the analysis of immigration discourses, policy and law making. This provides alternative evidence to the usefulness of limiting constructivist approaches to law making as suggested by Guiraudon and Lahav (2000), who argue that “[a] constructivist approach to norms . . . may work in the domain of law, whereas a rationalist one seems more appropriate to understand executive agencies’ resistance to these legal norms” (Guiraudon and Lavah, 2000 p. 189). Rights-based liberalism (Cornelius et al., 1994 pp. 9-11), often described as lying outside the state and limiting it to implement restrictive policies, is propelled from within the state in our case countries. New liberal norms on immigration policies have clearly emerged and reinforced each other in South America on both the domestic and regional level. At the same time, policy makers have both been actively involved in propelling these norms and drawing on them, at the very least discursively, based on domestic political interest.

This study also engages with the literature on immigration policies and race. A dominant strand of the literature describes a general development away from ethnic selectivity, that is, immigration policies that treat immigrants according to categories of race, ethnicity, nationality or country of birth (Brubaker, 1994, Freeman, 1995, Joppke, 2005, FitzGerald and Cook-Martín, 2014). Contrary to the prognosis of the demise of ethnically selective immigration policies in Latin America (FitzGerald, 2013), our study suggests that ethnic selectivity needs to be acknowledged as a persistent determinant of immigration policies in Latin America. At the same time, our cases confirm a central argument of Cook-Martín and FitzGerald’s work (2014), which questions the antithesis between democracy

and racism and shows that undemocratic states were the first in the Americas to outlaw racial discrimination in immigrant selection. Indeed, Ecuador's shift toward "competitive authoritarianism" (Levitsky and Way, 2010) under Correa increased his discretion to implement visa freedom, despite security concerns and racist prejudice among representatives of the institutions responsible for immigration (Freier, 2013c).

Based on the case studies, we suggest three theoretical avenues for future research. First, scholars should further explore South American populist liberalism in the area of migration policies and in this context analyse the relationship between the region's political turn to the left and its (discursive) liberal turn in migration policies. We have shown that this liberal shift in governmental immigration discourses and policies is based on the rejection of previous restrictive approaches to immigration of former authoritarian regimes, and, more importantly, the rejection of US-American and European immigration policies. The political salience of emigration and restrictive policies of Western migrant receiving states thus suggests focusing not only on domestic disputes but on how populist liberal immigration policies are shaped by international relations and other countries' policies in the area of migration (FitzGerald and Cook-Martín, 2014).

Second, the tensions that we have traced between populist liberal immigration discourses and policies and public opinion offer a promising avenue of future research regarding immigration policies and race. Populist support for liberal reforms, which is based on the rejection of US-American and European immigration policies, and the detection of elite racism (Van Dijk, 1993, Valluy) in the paradigmatic case of Ecuador, challenge established ideas of elite consensus equalling liberal tendencies and populism equalling protectionism (Cornelius et al., 1994, Freeman, 1995, Joppke, 1998b, Freeman et al., 2013). Restrictive responses to recent extra-continental south-south immigration can be partly explained by incompatible public opinion, which welcomes immigration policy liberalisation in theory but rejects poor and ethnically "unwelcome" immigrants. The case of Ecuador invites us to further test for elite racism in this and other cases.

Third, regarding policy gaps and paradoxes, an important question worth exploring is in how far populist liberal immigration discourses leave less room for maneuver for actual policy adoption than restrictive discourses. This might be because

they do not oppose international human and migrants' rights norms, but on the contrary, propel them. Domestic and international activist groups in such cases do not have to fight restrictive policies, but can rather press for coherence of liberal policies, simply by taking politicians at their word.

Empirically, further research on Latin American immigration policies should be both narrowed down and broadened in scope. On the one hand, the dynamics of domestic policy-making, that could only be superficially traced in this comparative study, should be further untangled through in-depth case studies. At the same time, large N studies should test whether similar developments are taking place in other South and Central American, and Caribbean countries. Although the latter two sub regions have experienced similar or even higher emigration rates, it is likely that closer political affiliation to the United States weakens their liberal immigration discourses. Comparative studies should eventually include other predominantly migrant sending regions to test whether the tensions and dynamics between emigration concerns and immigration discourses and policies play out in a similar fashion.

CONCLUDING REMARKS

In contrast to the much discussed puzzle of “why liberal states accept unwanted migration,” which rests on the definition of the immigration policy paradox as the gap between restrictive immigration policy discourses and comparatively liberal immigration policies, it is the exceptionally liberal immigration rhetoric of South American governments that is most surprising. The development of populist liberalism in the sphere of immigration has been driven by concerns regarding emigration and diaspora policies, and took place in counter-position to the immigration rhetoric of Western immigrant receiving states that rejects and criminalises irregular immigration. Our study suggests substantial variation in the degree to which legislative and policy change have followed discursive immigration policy liberalisation. While Argentina's immigration policies and the 2004 Immigration Law present a significant liberal turn, larger discursive gaps persist in Brazil and Ecuador, which thus far have not embarked on comprehensive immigration

reforms. Regarding policy reactions to irregular extra-continental south–south migration, all three countries present the reverse policy paradox of publically welcoming all immigrants regardless of legal status or national origin, but de facto excluding immigrants from Africa, Asia, and the Caribbean, albeit to varying degrees.

2

THE IMPORTANCE OF ACCESS POLICIES IN SOUTH-SOUTH MIGRATION: ECUADOR'S POLICY OF OPEN DOORS AS A QUASI-EXPERIMENT

Two research areas in migration studies remain understudied: the impact of tourist visas on global migration patterns and south-south migration. This paper argues that the interplay of short-stay visas of northern and southern countries is a key determinant of intercontinental south-south migration. Taking advantage of the quasi-experiment of Ecuador's policy of universal visa freedom of 2008 to test the impact of the opening of borders of a Latin American country on previously restricted countries in Asia, Africa and the Caribbean, we show that on average, visa freedom duplicated immigration from these regions. Descriptive statistics and qualitative findings confirm the migratory motivation of extra-continental south-south entrants in the context of the perception of increasingly restricted access to their preferred northern destinations. They also highlight great variance in the magnitude and characteristics of these immigration flows.

*“The necessary conditions for migration to occur may be social and economic,
but the sufficient conditions are political and legal”
(Hollifield, 2012 p. 281)*

*“[W]hy did I come to Ecuador? It's not that I like Ecuador. I came because it's visa-free for Nigerians.”
Nigerian asylum seeker*

INTRODUCTION

A fundamental paradox characterises the post-World War II nation state-system: most people have the right to leave their home countries, but very few enjoy the right to freely choose where they want to move and settle. Article 13 of the non-binding Universal Declaration of Human Rights of 1948 grants everyone the right to leave their home country, to *emigrate*. This right is respected by most governments⁴⁴ and in theory implies the freedom to escape state repression, prosecution and economic hardship, or more generally, to seek better opportunities abroad. However, nowhere in international law is there a provision for the reciprocal right to *immigrate*, or even just *travel* to preferred international destinations (Sassen, 1996). Travel visas are important first access barriers for potential migrants and thus a significant immigration management tool.

The degree of travel freedom of citizens is distributed asymmetrically across the world, with relatively free and wealthy countries concentrated in the northern hemisphere, whose citizens face few tourist visa restrictions, and citizens of relatively repressive and poor countries concentrated in the southern hemisphere, who face many (Neumayer, 2006, Whyte, 2008). Although, on average, visa-free mobility has increased over the past decades, the “global mobility divide” has also solidified (Mau et al., 2015). In the area of tourist visas, the principle of reciprocity is seldom applied, and OECD citizens enjoy expansive travel freedoms while their countries impose many restrictions on passport holders from southern countries.⁴⁵ Countries with a history of violent political

⁴⁴ Historically, important exceptions have been Soviet Socialist Republics and other communist states. An example of a country that continues to have strict emigration policies, including a shoot-to-kill border policy, in place is Eritrea.

⁴⁵ Whyte (2008) analyses the Henley & Partners Visa Restriction Index 2006, and shows that citizens of the United Kingdom, Denmark and Sweden had visa-free access to more than 160 countries. At the same time,

conflict and/or strictly autocratic regimes and very poor countries make up the group with the least travel freedom worldwide (Whyte, 2008).

The majority of migrants who are able to leave poor, repressive or conflict-ridden states thus cannot legally enter free and safe northern countries of destination. For receiving countries, tourist visas are an important policy tool of immigration control, and compliance with visa requirements is not only enforced at national borders but forms part of the externalisation of northern immigration policies through foreign policy and carrier sanctions at airports in countries of origin (Geddes, 2005, Scholten, 2015). For both economic migrants and refugees, who most often can only claim asylum once they reached a safe country of destination, tourist visas thus represent an important “cliff at the border” (Pritchett, 2009). Northern governments make increasing efforts to keep “undesirable immigrants” from poor and repressive states and areas of conflict, especially from Africa and Asia, out of their territory (Finotelli and Sciortino, 2013, Czaika and de Haas, 2016). Many are deflected to undocumented and often perilous routes (Czaika and Hobolth, 2016), such as reaching Europe across the Mediterranean or crossing half of the Americas to enter the US and Canada. Others move to southern destinations instead (Hujo and Piper, 2010).

Against this background it is important to explore what happens when *relatively* safe or economically attractive southern countries, or countries in geographically strategic locations for transit migration towards northern countries, lift visa restrictions for citizens from other countries in the south. In the context of increasing policy restrictiveness in the north, it is likely that tourist visa policies of southern countries significantly impact where south to north migration and refugee flows are diverted, and thus which new south-south flows emerge. In this paper we take advantage of the quasi-experiment of Ecuador’s policy of universal visa freedom of 2008 to test the impact of the opening of borders of a Latin American country on intercontinental immigration from previously restricted countries in Africa, Asia and the Caribbean. Complementary qualitative findings and descriptive

the EU only granted visa-free access to citizens of 42 states. On the lower end of this hierarchy, Afghanistan, Iraq and Somalia had visa-free access to 26, 27 and 31 countries, see WHYTE, B. 2008. Visa-free Travel Privileges: An Exploratory Geographical Analysis. *Tourism Geographies: An International Journal of Tourism Space, Place and Environment*, 10 (2), 127-149.

statistics on migrants' motivations and characteristics fulfil three additional purposes. First, they confirm the migratory motivation of south-south entrants. Second, they probe the impact of the perception of increasingly restricted access to economically more attractive northern countries on the decision to move to Ecuador. Third, they more broadly help us understand not only *how many* migrants but *who* was attracted by Ecuador's visa freedom.

We understand south-south migration as broadly encompassing the international movement of economic migrants and refugees between and among developing nations and transitional economies in Africa, Asia, Latin America, and parts of Eastern Europe. The term "south" refers to comparatively less developed regions and countries, whereas the term 'north' refers to more developed regions or countries, including Europe and Northern America, Australia, New Zealand and Japan (UNDESA, 2012). It is important to point out that although this conceptual differentiation is heuristically useful and thus applied in this paper, the south-north terminology is misleading in that it is not conceptually unambiguous (Bakewell, 2009, Campillo-Carrete, 2013), does not fully correspond to historic and geographic realities, and bears the risk of the normative naturalisation of a developmental divide between the two hemispheres.

We find that Ecuador's opening of borders increased the average monthly entries to Ecuador from previously restricted countries by 109 per cent. In the case of Chinese citizens, for which the policy was reversed in December 2008, the policy led to an increase of 642,7 per cent. For nine African and Asian countries, for which the policy was reversed in September of 2010, the monthly increase amounted to 590,1 per cent and for the previously restricted countries for which visas were not reintroduced, to 28,4 per cent. The reversal of the policy (reintroducing visa restrictions) led to a 70,9 per cent reduction in entry of Chinese citizens and a 90,7 per cent reduction in entry of citizens from the nine African and Asian countries. Qualitative findings confirm the migratory nature of these inflows and reveal three main motivations to migrate to Ecuador in the context of the perception of increasing closure of preferred northern destinations: 1. pressure to leave one's country of origin; 2. onward migration, primarily to North America; and 3. settlement in Ecuador based on relatively better opportunities.

The paper proceeds as follows. The first section discusses the relevant literature on migration determinants and south-south migration. The second section presents the case study of Ecuador's policy of open borders as a natural experiment to test the impact of visa policies on intercontinental south-south migration. The third section discusses the empirical model and quantitative results. Section four analyses south-south migrants' characteristics and motivations. We then conclude.

MIGRATION DETERMINANTS: A STRUCTURAL DISREGARD FOR TOURIST VISAS

Scholars have identified diverse mechanisms that lead individuals to migrate. A broad consensus in the literature on both economic migration and refugee flows agrees that economic variables, such as wage differentials and differences in employment rates; political variables, such as the social and political context in both the country of origin and destination; spatial variables, such as distance and transportation costs; and affinity variables, such as religion, culture, language and kinship networks; are more important than access variables, or the rules of exit and entry into a country (for literature discussions see Cornelius and Rosenblum, 2005, Czaika and de Haas, 2013).

The scholarly work that sees the determinants of international migration as overwhelmingly structural and well-established migration systems as resistant to policy regulation is largely based on qualitative studies. Quantitative evidence suggests that immigration and refugee policies significantly shape international migration patterns (Thielemann, 2006, Ortega and Peri, 2009, Mayda, 2010). Czaika and de Haas (2013) point out that the controversy about the impact of migration policies goes back to the lack of conceptual differentiation between policy effectiveness and policy effects. Although discursive and implementation gaps compromise the effectiveness of immigration policies, they have significant and often *unintended* effects on migratory patterns.

Until recently, short-term visas have been surprisingly absent from the debate on political determinants of international migration (O'Byrne, 2001, Salter, 2003, Neumayer, 2006). Only a few scholars have included tourist visas when looking at the impact of immigration policies on migration flows on an aggregated level (Hatton, 2004, Bertoli et

al., 2011). Conceptually, FitzGerald and Cook-Martín argue that short-stay visas, such as tourist visas, lie “at the margins of immigration policy” (FitzGerald and Cook-Martín, 2014 p. 338), because they only manage the temporary visits of foreigners. Empirically, Bhagwati holds that visa policies do not matter because states are incapable of effectively controlling their borders (Bhagwati, 2003).

It is true that national borders – even the high-tech securitised borders of developed countries – are never hermetically sealed. Nevertheless, past research on Europe indicates that the majority of irregular migrants enter their destination countries legally (Bigo and Guild, 2005, Collyer and de Haas, 2010, Düvell, 2011a) and then overstay their temporary visas. Legal entry significantly impacts the extent to which potential migrants perceive the movement to a specific country as a feasible option. As Brubaker puts it “[S]een from the outside – from the perspective of those turned down for tourist visas ... – immigration control appears all too effective” (Brubaker, 1994 pp. 230-231).

Another reason for the lack of studies of tourist visas has been the unattainability of reliable data. Both the lists of countries exempt of visas, and visa requirements themselves, change frequently and historic data is often difficult to obtain (Whyte, 2008). More recently, scholars have started to explore the impact of tourist visas as an immigration control policy. Neumayer (2011) and Bertoli and Fernández-Huertas (2012) coincide that tourist visa restrictions reduce bilateral flows of immigrants by around 40 per cent, while increasing flows towards other destinations up to 17 per cent (Neumayer, 2011, Bertoli and Fernández-Huertas, 2013). In the case of asylum applications in the EU, Czaika and Hobolth (2016) similarly find that bilateral asylum flows are more than 50 per cent lower for corridors with tourist visa restrictions.

Most recently, the Determinants of International Migration (DEMIG) project used International Air Transport Association data to code tourist visa policy changes for 38 issuing countries from 1973-2011.⁴⁶ Czaika and de Haas (2016) find that tourist visa restrictions significantly decrease immigration and emigration rates, thus decreasing circularity, encouraging long-term settlement and undermining migrants’ responsiveness to economic cycles. The advantage of analysing longitudinal bilateral data is that it allows

⁴⁶ The DEMIG VISA data will become publically available at some point in 2016.

for comprehensive results of overall policy effects. However, they do not reveal anything about the underlying causal processes and factors leading to the decision to migrate.

GLOBAL MIGRATION PATTERNS: IGNORING SOUTH-SOUTH MIGRATION

Both the UN Population Division and the World Bank estimate that south-south migration accounts for about a third of all international migration and for about half of all migration from developing countries (Ratha and Shaw, 2007, UNDESA, 2012, IDM, 2014). International migration shows the highest growth rates in the global south (Abel and Sander, 2014). If it were possible to properly account for irregular migration, this estimate would further increase; the UNHCR estimates that developing countries host 86 per cent of the world's refugees. Nevertheless, international migration theory has focused on explaining south-north migration and has left the dynamics and characteristics of south-south flows largely unexplored. Likewise, studies on the effects and effectiveness of immigration and refugee policies focus on the ability of North American and European governments to control south-north migration (Cornelius et al., 1994, Freeman, 1994, Guiraudon and Joppke, 2001, Durand and Massey, 2004, Messina and Lahav, 2006, Portes and DeWind, 2008).

Thus, an extensive literature exists on migration and refugee flows to receiving countries in the global north, and the determinants and effects of northern immigration policies (Cornelius et al., 1994, Freeman, 1994, Gibney and Hansen, 2006, Thielemann, 2012). By contrast, south-south migration and related trends in migration and asylum laws and policy in the global south are only beginning to be appreciated (De Lombaerde et al., 2014). This bias reinforces the misconception that international migration occurs mainly from poor developing countries in the south to rich countries in the north. But south-north migration is “just one piece of the complex web of migration” (Phelps, p. 2014) and migration scholars should pay more attention to the trajectories, actors and policies involved in south-south migration in order to understand the characteristics, determinants and interconnectivity of international migration systems.

While the majority of migratory movements in the south take place between neighbouring countries and within regions (Dumont et al., 2010, UNDESA, 2012), south-south movements are extremely dynamic (Campillo-Carrete, 2013, De Lombaerde et al., 2014). The distances in intraregional migration tend to become longer (Adepoju, 2004) and new interregional and even intercontinental routes are emerging (Souchaud, 2009, ACP, 2012, Freier, 2013a). In Latin America, intercontinental south-south migration from Africa, Asia and the Caribbean, termed ‘extra-continental immigration’ by receiving governments, significantly increased in the past decade (OAS, 2010, Freier, 2013a). The intensification of inflows from Africa and Asia to Latin America, a region that offers smaller income increases, no cultural ties and is more expensive to reach than destinations in Europe, North America and Australia poses an intriguing research puzzle.

Departing from the mainstream literature, a few econometric studies have used bilateral migration data to test how economic performance in sending and receiving countries determines south-south migration, however with conflicting results (Andreopoulos et al., 2005, Cummins et al., 2009, Dumont et al., 2010)⁴⁷. It seems that “except for an initial relevance of country economic development differentials to initiate migration from relatively less to relatively more developed countries, there is nothing certain” (Campillo-Carrete, 2013). In essence, we know little about the characteristics, motivations and modes of migration of south-south migrants – who moves, why and under what conditions.

Most generally, south-south flows have been identified as made up of mixed migration – economic migrants and refugees who make use of the same routes, means of transportation and smuggling networks (Bakewell, 2009, De Lombaerde et al., 2014). It has also been observed that south–south migrants differ from their south-north peers in that they are younger, possess relatively lower skills, less education and lower socio-economic

⁴⁷ Dumont et al. (2010) conclude that south-south migration increases steadily as the sender country income decreases, whereas Cummins et. al. (2009) affirm a non-linear negative relation between origin and destination country development, with the proposed implication that as the economic differentials of the two countries decrease, migration from the less to the more developed country would decrease as well, DUMONT, J.-C., SPIELVOGEL, G. & WIDMAIER, S. 2010. International Migrants in Developed, Emerging and Developing Countries: An Extended Profile. In: OECD (ed.) *Employment and Migration Working Papers* OECD Social.

levels (Campillo-Carrete, 2013, De Lombaerde et al., 2014). These findings are likely linked to the correlation between positive educational selectivity and distance travelled (Feliciano, 2005). It must be pointed out that most studies on south-south migration analyse intraregional flows, often between neighbouring countries. The finding of negative educational selectivity may thus not hold true for south-south migration between continents.

In sum, in this study we seek to understand what impact the opening of borders of Ecuador, a relatively unattractive country in economic terms, had on south-south immigration from previously restricted countries. We also want to understand who the migrants attracted by visa freedom were. We thus combine the quantitative analysis of the impact of Ecuador's visa policy on south-south migration with descriptive statistics and qualitative findings to uncover the underlying causal processes of the visa policy impact, and the characteristics and agency of new south-south migrants. Combining mixed methods into a single study (Lieberman, 2005) allows us to capitalise on the complementarity of both methods – large-sample quantitative data to establish the policy effect of visa freedom, and in-depth qualitative data to reveal the mechanisms underlying those effects.

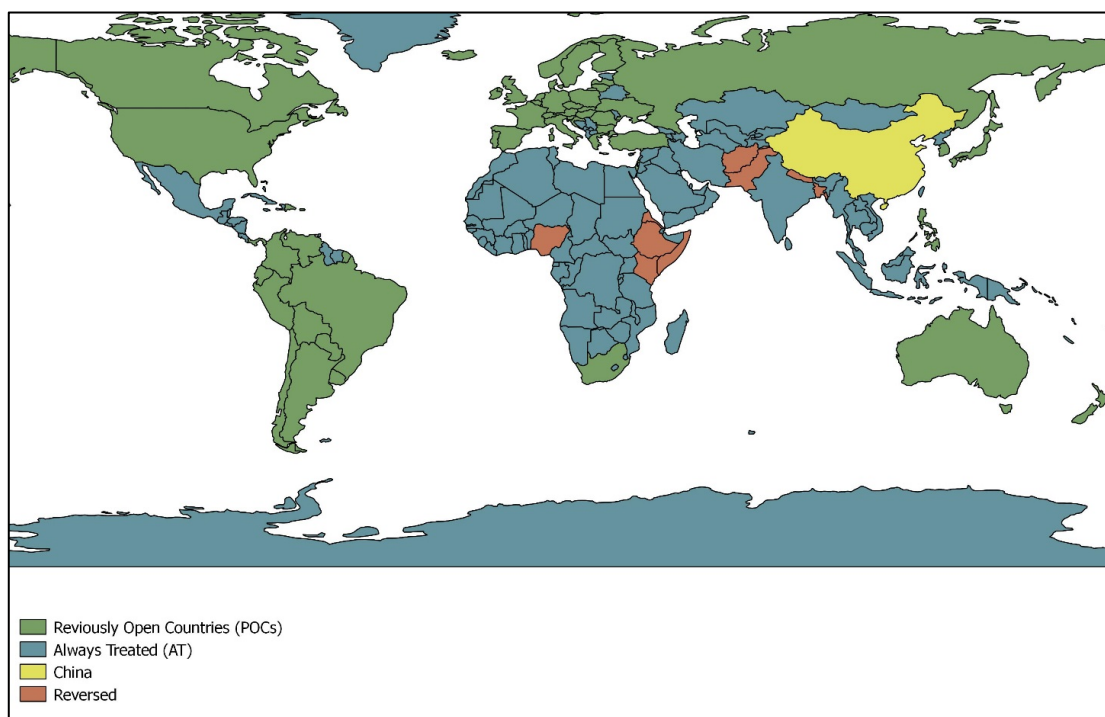
ECUADOR'S VISA POLICY AS A QUASI-EXPERIMENT

In the past decade, when most countries in Europe and North America moved towards more restrictive immigration and refugee policies in the light of national security and the global economic and European refugee crisis, a substantial number of Latin American countries reformed their immigration and refugee policies in the context of what Acosta and Freier (2015) term “populist liberalism”. As these authors explain, the demand of the recognition of migrants' rights by Latin American governments in the context of mass emigration fed back into countries' immigration policies based on the logic of political reciprocity. The Argentine, Uruguayan and Bolivian immigration laws and Ecuador's 2008 Constitution led this legislative liberalisation process with the postulation of the “right to

migrate”, and in the case of Ecuador, “universal citizenship” (Acosta Arcarazo and Freier, 2015).

The specific case of policy liberalisation in Ecuador offers a unique natural experiment to test the impact of access policies on south-south migration. Although the country has thus far not reformed its restrictive 1971 immigration law, on June 20th 2008, President Rafael Correa effectively removed all visa requirements for individuals entering the country by presidential decree. The new policy allowed citizens of any nationality to enter Ecuador without a visa and stay for a period of ninety days. Under the new policy, entry was granted regardless of nationality, proof of funds, or a booked return trip, arguably making Ecuador the most accessible destination in the world.

Figure 2: Map showing countries affected by the immigration policy



The rationale of quasi-experimental designs is to assess the causal effect of a variable that is changed through an exogenous shock or intervention on an outcome of interest (Cook and Campbell, 1979, Meyers, 1995). Ideally, this change occurs in a treatment group – as if randomly assigned with respect to other potential causes of different outcomes (Dunning, 2008) – while the same variable is held constant in one or more comparable control

groups (Meyers, 1995). The reversal of the initial treatment strengthens evidence of a causal relationship between the treatment and the dependent variable, if the effect on the latter is thereby also reversed.

Ecuador's extreme policy of universal travel freedom makes for a quasi-experiment to assess the impact of short-stay visa policies of a developing country on intercontinental south-south migration for a number of reasons. First, the policy change only affected citizens from 136 previously 'restricted' countries (PRCs) located primarily in Central America, Asia, Africa, the Middle East, and the Caribbean. Passport holders from 57 previously 'open' countries (POCs) located primarily in North and South America, and Europe already enjoyed travel freedom to Ecuador. A map showing the countries affected by the immigration policy can be seen in Figure 2. The initial treatment of visa freedom was reversed for Chinese citizens on 1 December 2008, and for citizens of Afghanistan, Bangladesh, Eritrea, Ethiopia, Kenya, Nepal, Nigeria, Pakistan and Somalia nationals another eighteen months later, on 3 September 2010.

Second, the opening of borders was an external shock to Ecuadorian politics and exogenous to changing immigration flows. The treatment of policy change did not occur in response to within-state changes in either the outcome variable (south-south migration) itself, or in response to an unobserved factor that independently influences the outcome variable (Besley and Case, 2000). According to the official press release of the Ecuadorian Foreign Ministry, visa-free travel to Ecuador was implemented to apply the universal principle of free movement, which was shortly after enshrined in the 2008 Constitution, and to further tourism to Ecuador.⁴⁸ The fact that visa exemptions were already in place for all OECD countries except Mexico, most European countries, and all South American countries except Guyana and Suriname, makes the political motivation of promoting tourism questionable. It is unlikely that the government expected tourism from Asia, Africa, Central America and the Caribbean to increase.

The true political rationale behind the policy change was Correa's strategy of positioning himself in a morally superior position vis-à-vis the US and Europe in the context of his diaspora politics (Margheritis, 2011, Acosta Arcarazo and Freier, 2015). It is

⁴⁸ http://www.mmrree.gob.ec/mre/documentos/novedades/pol_exterior/junio/bol398.htm.

no coincidence that Correa declared that he would “do away with the invention of the 20th century of passports and visas”⁴⁹ days before the European Parliament approved the Return Directive,⁵⁰ which he polemically baptised the “Directive of Shame”, on 17th June 2008. Importantly, for the quasi-experimental design of this paper, the implementation of visa-free travel to Ecuador was an external shock to Ecuadorian politics because it was a single-handed spontaneous decision by Correa that was not based on any domestic political debate.

The policy change was not motivated by prior increases in immigration flows nor enacted as a response to an economical up-turn that could have also caused south-south immigration through increased labour demand. Migration to Ecuador decreased in the years before the policy change (Herrera Mosquera et al., 2012). Economic growth had recovered from the 1999 crisis but with a GDP growth rate of 4.4 per cent in 2006 but only 2.2 per cent in 2007, the economy made a negative development prior to the annulment of all visa requirements. The official unemployment rate decreased from 7.2 per cent in 2000 to 5 per cent in 2007 but still remained too high as to suggest an acute labour shortage that could have led to short-stay visa policy liberalisation for the sake of attracting economic immigration.⁵¹

In the following section, the paper will test the effect of Ecuador’s open access policy on south-south migration. The quasi-experimental study design follows a difference-in-difference (DD) where the trend of monthly entries by citizens of nationalities not affected by the policy change provides a counterfactual for estimating the impact of the open access policy on south-south migration. We also use this method to estimate the impact of the partial reversal of the initial policy change.

⁴⁹ Agencia EFE, June 12, 2008, <http://www.hoy.com.ec/noticias-ecuador/correa-elimina-el-visado-a-los-extranjeros-297707-297707.html>.

⁵⁰ DIRECTIVE 2008/115/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 16 December 2008. The Directive governs a broad range of issues, in particular an obligation to return irregular migrants, their treatment during expulsion proceedings, entry bans, procedural rights and the grounds and conditions for detention.

⁵¹ <http://data.worldbank.org/country>.

Lechner explains the empirical strategy of the DD approach as follows:

The idea of this empirical strategy is that if the two treated and the two nontreated groups [pre-treatment treated, post-treatment treated, pre-treatment nontreated and post-treatment nontreated] are subject to the same time trends, and if the treatment has had no effect in the pre-treatment period, then an estimate of the “effect” of the treatment in a period in which it is known to have none, can be used to remove the effect of confounding factors to which a comparison of post-treatment outcomes of treated and non- treated may be subject to. This is to say that we use the mean changes of the outcome variables for the nontreated over time and add them to the mean level of the outcome variable for the treated prior to treatment to obtain the mean outcome the treated would have experienced if they had not been subjected to the treatment (Lechner, 2010 p. 168).

The initial treatment of the quasi-experiment is the implementation of visa freedom, whereas the reintroduction of tourist visas for China in December of 2008 and nine other African and Asian countries in September of 2010 constitutes a partial reversal of the treatment. The treatment group are all previously restricted countries (PRCs), which is further divided in three sub-groups: Always Treated (AT), China, and Reversed (R). The comparison group are all previously open countries (POCs). As a robustness check, we also compare immigration from previously restricted countries to Ecuador and neighbouring Peru, a country that did not experience the same policy intervention, but is comparable across other migration determinants.

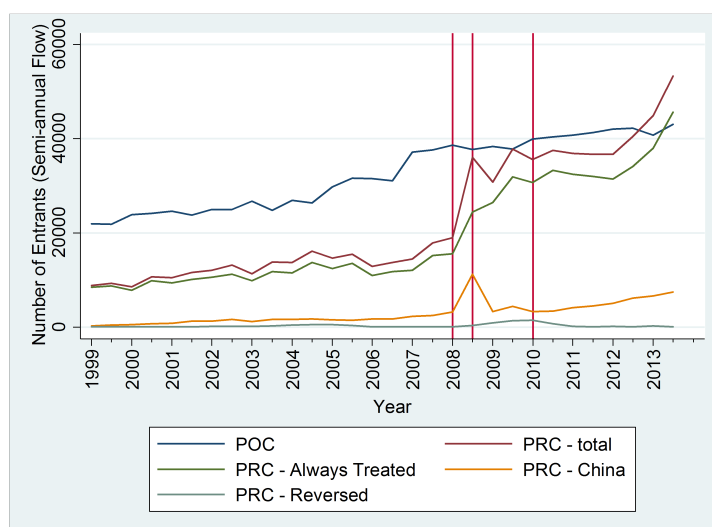
EMPIRICAL MODEL AND RESULTS

Since Ecuador does not gather official data on immigration and emigration stocks, we use entry data. Ecuador's National Institute of Statistics and Censuses (INEC) made data publically available detailing all entries into and exits out of the country between 1999 and 2014. For each entry and exit observation, the database contains information on the nationality of the individual, mode of transport, immigration office location, year, month, sex, age, occupation, visa status, motivation for travel and origin/destination. Unfortunately, no identification information is provided to allow the matching of an entry with a corresponding exit, and it is thus not possible to determine the length of stay for each entrant.

We argue that any increase in entries from PRCs captures immigration rather than increased tourist flows. Given the estimated average yearly income from 1999-2008 of individuals from PRCs (\$8765.43) it is unlikely that visa freedom would have had a great impact on tourism. Travel to Ecuador from all PRCs requires an original trip by air or water, even if they enter from neighbouring countries, which carries a high minimum fixed cost making touristic intentions unlikely for the majority of PRC citizens. The minority of individuals from PRCs with the resources to travel as tourists to Ecuador would likely have been able to bear the costs of obtaining a prearranged tourist visa before the requirement to do so was removed and thus would have been largely unaffected by the 2008 policy change.

For the purpose of this study, an immigrant is defined as any individual of foreign nationality entering Ecuador whose real motivation is not tourism. Given that we depart from the assumption that travellers from PRCs, in their majority, were not tourists even though they entered on tourist visas, only the observations of travellers from POCs entering Ecuador with tourist visas were removed from the sample. Data were then aggregated to a count of entrants by country of nationality (c) and month (m) to facilitate regression analysis. In total, entry count data were recorded for 193 countries over 180 months.

Figure 3: Semi-annual Entrant Flow 1999-20



In December 2008, only six months after opening its doors, Ecuador reversed the policy for Chinese citizens. Another 18 months later, in September 2010, Ecuador reversed the policy for entrants carrying passports of nine additional countries.⁵² These reversals create four distinct treatment groups across four distinct time periods. Table 10 (see Appendix) shows each of these groups and their state of entry access across time. Figure 3 shows the flow of immigrants into Ecuador from each of these groups across the time periods of interest.

We use a difference-in-difference (DD) approach to formalise the analysis of the impact of the open door policy and its subsequent reversal on each of the PRC sub-groups. For an entry into Ecuador to have been affected by the policy change, two conditions must be satisfied: first, the entry must have taken place while the open door policy was in effect; and second, Ecuador must have previously required a pre-arranged visa for visitors with the entrant's nationality. This suggests a DD strategy for estimating policy effects that relies on a comparison of entry flows of immigrants from previously restricted and open countries, both before and after policy implementation. The basic DD regression model is then:

$$M_{cm} = \gamma Visa_c + \mu Policy_m + \beta (Visa_c \cdot Policy_m) + \alpha_c + \varepsilon_{cm} \quad (1)$$

where M_{cm} is the number of entrants into Ecuador from nationality c in month m and α_c is a country of origin fixed effect. $Visa_c$ is a dummy for the visa requirement (based on nationality of the entrant) and $Policy_m$ is a time dummy that switches on once the policy change is in effect. Country of origin fixed effects control for the average differences across nationalities in any observable or unobservable predictors, such as differences in language, distance, wealth. For countries where the policy was later reversed, two time dummies can be included, one for the removal of the visa restriction, and one for the reintroduction of the restriction.

⁵² For a discussion of the reasons for the reintroduction of visas see Paper Three.

Equation (1) above can then be modified to include the three treatment groups and three treatment periods (AT, China, Rev):

$$\begin{aligned}
M_{cm} = & \gamma_{AT}Visa_{AT_c} + \gamma_{China}Visa_{China_c} + \gamma_{Rev}Visa_{Rev_c} \\
& + \mu Policy_m + \varphi_{China}Reversal_{China_m} + \varphi_{Rev}Reversal_{Rev_m} \\
& + \beta_{AT}(Visa_{AT_c} \cdot Policy_m) \\
& \quad + \beta_{China}(Visa_{China_c} \cdot Policy_m) + \beta_{Rev}(Visa_{Rev_c} \cdot Policy_m) \\
& + \theta_{China}(Visa_{China_c} \cdot Reversal_{China_m}) + \theta_{Rev}(Visa_{Rev_c} \cdot Reversal_{Rev_m}) \\
& + \alpha_c + \varepsilon_{cm} \quad (2)
\end{aligned}$$

In accordance with the literature on running regression analysis with count data, a generalised linear model was used to estimate equation (2) (Cameron and Trivedi, 2013). Due to the over-dispersion of the entry count variable, a negative binomial probability distribution family was chosen over a Poisson distribution. The estimation results of equation (2) provided in the first column of Table 3 (as Incident Rate Ratios) show that removing visa restrictions led to a 28.4 per cent increase in the monthly immigration flow into Ecuador from PRCs for which the policy was never reversed (AT). It led to a 642.7 per cent increase for Chinese citizens and a 590.1 per cent for the other group of nine African and Asian countries for which the policy was later reversed. Scaling these estimates by the number of recorded pre-policy entries from each group leads to a total average increase of 109.1 per cent as a result of the ‘open door’ policy.

The impact of the subsequent reversal of the open door policy for citizens from China and nine additional countries is also estimated in equation (2), and the results are shown in the first column of Table 3. The reinstatement of visa requirements for Chinese citizens six months later in December of 2008 led to a 70.9 per cent decrease in entry, while the reversal of the policy for the other group of nine African and Asian countries in September 2010 led to a 90.7 per cent decrease in entry. The results indicate that the policy change and subsequent reversal had a net positive effect on Chinese citizens ($\theta > 1/\beta$), with Chinese migration to Ecuador after the policy reversal “overshooting” (Czaika and de Haas, 2016) pre-treatment levels.

Table 3: Policy effects on entry

| VARIABLES | Equation (2) | Equation (3) | Equation (2) |
|--|-----------------------|------------------------|--------------------------|
| | Ecuador Entry | Ecuador Entry | Peru Entry |
| | 1999-2014 | 1999-2014 | 1999-2014 |
| Policy x Always Treated Citizens | 1.284*** (0.116) | 0.958 (0.093) | 1.124 (0.120) |
| Policy x Chinese Citizens | 7.427*** (0.421) | 5.998*** (0.552) | 1.005 (0.085) |
| Policy x Reversed Citizens | 6.901*** (3.306) | 5.374** (3.602) | 1.422 (0.454) |
| Policy Reversal x Chinese Citizens | 0.291*** (0.015) | 0.276*** (0.021) | 1.106* (0.064) |
| Policy Reversal x Reversed Citizens | 0.093*** (0.035) | 0.066*** (0.031) | 0.636* (0.161) |
| Policy | 1.155** (0.065) | 1.430*** (0.131) | 1.593*** (0.134) |
| Policy Reversal (China) | 1.137*** (0.055) | 1.101 (0.085) | 0.936 (0.050) |
| Policy Reversal (Rev) | 1.199*** (0.052) | 1.354*** (0.076) | 1.503*** (0.076) |
| Always Treated Citizens | 0.000*** (0.000) | 0.870 (0.086) | 0.001*** (0.000) |
| Chinese Citizens | 1.057*** (0.013) | 0.493*** (0.013) | 0.267*** (0.011) |
| Reversed Citizens | 0.004*** (0.001) | 1.184 (0.706) | 0.000*** (0.000) |
| Constant | 237.150*** (2.893) | 304.114*** (13.792) | 1,868.120*** (73.951) |
| Country Fixed Effects | Yes | Yes | Yes |
| Observations | 34,560 | 48,600 | 41,856 |

Robust standard errors, clustered by nationality, in parentheses

*** p<0.01, ** p<0.05, * p<0.1

As will be discussed in the section four, the net positive effect on Chinese citizens can be explained by increased legal migration in the context of the intensification of economic collaboration. The lifting of visa requirements and reversal however had a net negative effect on the other group of nine African and Asian countries ($\theta < 1/\beta$). The net negative effect on the other group of nine African and Asian countries is linked to the main motivation of transmigrating to North America. With the reintroduction of visa requirements it is likely that they, or the people smugglers they contracted, now chose other, less costly routes. These findings suggest an asymmetrical effect of policy change: the impact of policy liberalisation does not mirror the effects of a policy change in an opposite, more restrictive direction (ibid.).

Another way of testing the impact of Ecuador's visa policy on south-south migration is comparing the migration from PRCs to a comparable destination. If the same migration flows increased to a comparable country that did not experience the policy treatment of open borders, this would undermine the robustness of our findings. Peru offers a suitable comparison, as it did not experience the same policy intervention, but is similar across other migration determinants. Pre-treatment differences arguably exist between Ecuador and Peru, and Peru can thus only offer an imperfect control case.

Regarding economic pull-factors, or differential variables, migrant's decisions are seen as essentially guided by processes of income maximisation and risk minimisation due to increased employment opportunities (Harris and Todaro, 1970, Borjas, 1989). Both Ecuador and Peru are lower-middle income countries. Ecuador's GDP per capita stood at US\$ 4,256 and Peru's at US\$ 4,247 in 2008⁵³. The unemployment rate was 6.0 per cent in Ecuador and 4.5 per cent in Peru. The economic pull-factors that might have enticed potential immigrants to move to Peru or Ecuador arguably are comparable between the two countries.

As far as historic pull-factors or affinity variables are concerned, such as ideological or cultural links based on colonial legacies and social networks (Massey et al., 1993), Peru and Ecuador are similarly "foreign" to African, Asian and Caribbean migrants. Spanish is the official language in both countries, which is an equal hindrance for African,

⁵³ <http://data.worldbank.org/country>.

Asian, and French- and English-speaking Caribbean migrants and an equal advantage for Spanish-speaking Caribbean migrants. In both countries small groups of African slaves arrived during the colonial era, followed by Chinese slave workers after the official end of slavery. Afro-Peruvian and Afro-Ecuadorian, as well as Chinese communities exist in both countries. However, in 2008 there were no significant communities of more recent extra-continental immigrants in Peru and Ecuador that could have offered strong social networks.

Regarding spatial variables, geographic proximity between countries of origin and countries of destination impacts international migration patterns because shorter distances mean easier access due to lower transportation costs. Ecuador and Peru are similarly difficult to reach for African, Asian and Caribbean migrants. There are no direct flights from Africa and Asia to Ecuador or Peru, and the most economic options via European countries are often barred because they require transit visas. Most Asian and African interviewees in Ecuador had paid various thousand US\$ for their journey.

Lastly, as concerns political pull factors, Thielemann points out that ‘political concerns about personal security and migrants’ acceptance into a new host society can be expected to be important considerations for potential migrants’ (Thielemann, 2006 p. 88). Ecuador and Peru can both be considered relatively free and peaceful countries. In 2008, Freedom House rated Ecuador with 3 points as partly free and Peru as free with 2.5 points (Freedom House 2008). Regarding the expected acceptance into the new host society, it is worth pointing out that in the World Economic Forum (WEF)’s recent Travel & Tourism Competitiveness Reports, Ecuador scores significantly below Peru regarding attitudes towards foreigners.⁵⁴ Regarding political pull factors, Peru can thus be considered more attractive to potential immigrants than Ecuador.

In equation (2) above, we used Ecuadorian entry data to estimate the impact of the open access policy on entry from previously restricted countries, where entries from previously open countries served as the counterfactual. Entry data for Peru are publically available, and thus, it is possible, as a robustness check, to estimate the same impact, this

⁵⁴ The WEF asks “How welcome are foreign visitors in your country?”. The data can be used as a proxy for xenophobic sentiment. In 2009, Ecuador ranked on place 107 and Peru on place 85 out of 140 countries.

time using entries from PRCs into Peru as the counterfactual. Modifying equation (2) from above, we have:

$$\begin{aligned}
M_{cm} = & \gamma_{at}Ecuador_{at_c} + \gamma_{china}Ecuador_{china_c} + \gamma_{rev}Ecuador_{rev_c} \\
& + \mu Policy_m + \varphi_{china}Reversal_{china_m} + \varphi_{rev}Reversal_{rev_m} \\
& + \beta_{at}(Ecuador_{at_c} \cdot Policy_m) \\
& \quad + \beta_{china}(Ecuador_{china_c} \cdot Policy_m) + \beta_{rev}(Ecuador_{rev_c} \cdot Policy_m) \\
& + \theta_{china}(Ecuador_{china_c} \cdot Reversal_{china_m}) + \theta_{rev}(Ecuador_{rev_c} \cdot Reversal_{rev_m}) \\
& + \alpha_c + \varepsilon_{cm} \quad (3)
\end{aligned}$$

where $Ecuador_c$ is a dummy for the country of entry.

The results, shown in the second column of Table 3, are consistent with our earlier results in both direction and magnitude. The result least robust to the alternative method is the effect of the policy on entrants for which it was never reversed (AT). This result is no longer significant, hinting at the less pronounced impact of the policy on this group.

There are two reasons why we chose to use POC entry into Ecuador as the counterfactual in our primary specification and not PRC entry into Peru. The primary reason is the endogeneity that may arise when Ecuador's open access policy affects an individual's decision to enter Peru. While we feel comfortable arguing that the open access policy did not have a significant impact on the decision of individuals from POCs to enter Ecuador, we can imagine that it may have impacted the decisions of individuals from PRCs to enter Peru. Individuals from PRCs considering to enter Peru before Ecuador removed visa restrictions may be more likely to decide to enter Ecuador (and not Peru) once the open access policy was in effect. To test this theory, we estimated equation (2) using the Peruvian entry data.

The results, shown in the third column of Table 3, show that there does not appear to be an effect of Ecuador's visa policy on entry into Peru. However, drilling down and running equation (2) for China only shows a relatively small, but statistically significant impact on Chinese entries to Peru as a result of Ecuador's 'open door' policy (15 per cent

reduction) and subsequent reversal (35 per cent increase). This may indicate a geographical substitution effect (Czaika and Hobolth, 2016) whereby the removal of visa restrictions in Ecuador may be causing Chinese immigrants, who would have chosen Peru as a destination, to choose Ecuador instead.

The second reason why we chose to use POC entry into Ecuador as the counterfactual in our primary specification and not PRC entry into Peru is because the Peruvian entry data available to us did not include data on entrant characteristics (age, gender, origin of travel, etc.). Without these characteristics we would not be able to carry out the analysis provided in the following section on how the immigration policy impacted the type of entrant who decided to travel to Ecuador.

MIGRANT CHARACTERISTICS, MOTIVATIONS AND AGENCY

We have shown that Ecuador's visa freedom had a significant impact on entries from PRCs in Africa, Asia and the Caribbean and theorised that most of these entrants were migrants rather than tourists. In the INEC data we also have basic information on the characteristics of each entrant such as age, sex, and origin of travel. Replacing the dependant variable, M_{cm} , in equation (2) above with Age_{icm} , $Gender_{cm}$, and $Distance_{icm}$, respectively, allows us to examine how the policy change affected the composition of entrants from each group (AT, China, nine others) across those characteristics.⁵⁵ Among the group that was always affected by the policy change (AT), the composition of entrants appears to be about 2 years younger after the policy treatment.

⁵⁵ Age_{icm} is the age of the individual (i), with nationality (c), entering in month (m); $Gender_{cm}$ is the proportion of males with nationality (c), entering in month (m); and $Distance_{icm}$ is the straight line distance travelled by individual (i), with nationality (c), entering in month (m).

Table 4: Policy Effects on Composition

| VARIABLES | Age | Distance | Prop Male |
|---------------------------|-----------------------|---------------------------|----------------------|
| policy_visa_at | -1.778* (1.063) | -39.510 (100.690) | 0.021 (0.013) |
| policy_visa_china | -10.071*** (0.350) | 3,541.623*** (84.480) | -0.034*** (0.011) |
| policy_visa_rev | -4.938*** (1.080) | 628.910 (405.603) | 0.178*** (0.020) |
| reversal_china_visa_china | 7.677*** (0.346) | -319.508*** (69.958) | 0.097*** (0.010) |
| reversal_rev_visa_rev | 3.417*** (0.880) | 579.888 (417.026) | -0.158*** (0.029) |
| policy | 1.560*** (0.350) | 117.819 (84.480) | -0.002 (0.011) |
| reversal_china | -0.325 (0.313) | -100.673* (55.911) | 0.000 (0.009) |
| reversal_rev | 1.064*** (0.181) | 257.234** (114.875) | -0.007 (0.008) |
| visa_at | -1.805* (0.998) | 3,993.308*** (86.138) | -0.062*** (0.009) |
| visa_china | -5.412*** (0.172) | 3,761.056*** (30.214) | -0.016*** (0.004) |
| visa_rev | -9.298*** (0.990) | 3,189.550*** (381.656) | -0.123*** (0.016) |
| Constant | 42.105*** (0.172) | 3,038.050*** (30.214) | 0.716*** (0.004) |
| Country Fixed Effects | Yes | Yes | Yes |
| Observations | 1,652,900 | 1,652,168 | 15,682 |

Robust standard errors, clustered by nationality, in parentheses

*** p<0.01, ** p<0.05, * p<0.1

For Chinese citizens, once the open door policy took effect, entrants were, on average, 10 years younger, 3.4 per cent more female, and travelled 3,500km further. Entrants from the other 9 countries for which visas were reintroduced were, on average, 5 years younger and 18 per cent more male after the introduction of visa freedom, and travelled 1100km further (see Table 4). This might be indication for family reunification in the case of Chinese versus pioneer migration (Lindstrom and Ramírez, 2010) in the case of other previously restricted countries. Visa freedom not only had an impact on the magnitude but also on the composition of extra-continental south-south flows. To understand these findings and the causal mechanisms of the visa policy impact on migrants' decision-making process, it is necessary to zoom our analysis further in and examine the individual migrant groups affected by the policy change.

The following section explores some complementary qualitative findings and descriptive statistics in order to confirm the migratory motivation and the perception of increasingly restricted access to economically more attractive northern countries. At the same time, the section seeks to improve our understanding of the magnitude and characteristics of recent extra-continental south-south immigration. The analysis includes immigrants from 12 PRCs: Chinese immigrants for whom visa-freedom only lasted four months; the nine nationals for whom visa requirements were reintroduced after two years; and Cuban and Haitian migrants as these are the nationalities with the highest increase of immigration from the group for whom visa freedom was not reversed in the period under analysis.

The qualitative findings are based on field research that was conducted in Quito, Ecuador, between May and August 2011 and included interviews with 58 African, Asian and Caribbean immigrants. In total, information on approximately 80 immigrants was gathered in an accompanying survey (see Table 12). Interviews with immigrants were conducted at various sites to ensure a more representative sample of the different migratory situations and legal statuses: the Ministry of the Interior; waiting rooms of the provincial headquarters of the Immigration Police in Pichincha (Province of Quito); the Directorate of Refugees (*Dirección General de Refugiados*); the Nigerian congregation of *La*

Iglesia Remedia Cristiana de Dios in Quito; and the neighborhoods of *La Florida*, *Santa Clara* and *La Mariscal*.

Although migrant populations were hard to reach, interviews and surveys with migrants avoided snowball sampling (Berg, 2004) and were conducted at various sites to ensure a more representative sample of the different migratory situations and legal statuses. Given the exploratory nature of the research on migrants' motivations and characteristics, interviewees were selected only on grounds of nationality and also include migrants that reached Ecuador before universal visa freedom was implemented in 2008 (see Appendix, Table 12). Only eleven of these interviews were recorded and transcribed, as the majority of immigrants felt uncomfortable with the idea of having their testimonials taped.

"Tourist" Entries versus Structural Home Country Factors

We have thus far assumed that most of entrants of PRCs were migrants rather than tourists, although they took advantage of the policy of visa free travel for the purpose of a 90-day tourist stay and entered on tourist visas. After the policy change 12x tourist visas were indiscriminately extended to visitors at all ports of entry.

Indeed, Table 5 shows that almost all citizens from the 12 countries under consideration entered Ecuador on 12X tourist visas via international airports and also officially declared tourism to be the motivation for the visit. The fact that almost all visitors from the PRCs under consideration entered on 12x tourist visas supports our findings that their choice of Ecuador as a destination was determined by the policy of open doors. Noteworthy exceptions are Bangladeshis migrants, 29 per cent of which entered by land and eleven per cent by sea. Also, only 44 per cent of Cubans entered on tourist visas with 42 per cent declaring tourism as their motivation.

Table 5: Modes of Entry and Structural Home Country Factors

| COUNTRY | Percentage via Airport (Visa free)* | Percentage Visa 12X (Visa free)* | Percentage Tour. Motiv. (Visa free)* | GDP Per capita (2008) | Freedom House** (2008) | Visa Free destinations (2008) | Travel Freedom (2008) |
|-------------|---|--|--|-----------------------------|------------------------------|-------------------------------------|-----------------------------|
| Somalia | 99 | 100 | 92 | - | 7 | 25 | 87/89 |
| Afghanistan | 99 | 88 | 78 | 384.1 | 5 | 22 | 89/89 |
| Ethiopia | 96 | 99 | 92 | 325.8 | 5 | 29 | 83/89 |
| Nepal | 90 | 96 | 90 | 476.6 | 4.5 | 32 | 32/89 |
| Kenya | 97 | 96 | 83 | 938.6 | 3.5 | 58 | 50/89 |
| Eritrea | 97 | 98 | 90 | 306.7 | 6.5 | 29 | 83/89 |
| Bangladesh | 60 | 97 | 85 | 618.1 | 4.5 | 39 | 73/89 |
| Nigeria | 86 | 94 | 83 | 1,376.9 | 4 | 45 | 67/89 |
| Pakistan | 90 | 84 | 74 | 1,042.8 | 5.5 | 25 | 87/89 |
| China | 96 | 86 | 79 | 3,441.2 | 6.5 | 33 | 79/89 |
| Cuba | 97 | 44 | 42 | 5,385.7 | 7 | 42 | 70/79 |
| Haiti | 98 | 98 | 92 | 674.7 | 4.5 | 36 | 76/89 |

Data Sources: INEC, World Bank, Freedom House; Henley & Partners Visa Restriction Index

*Visa free periods: China (July 2008 – Nov. 2008), Cuba and Haiti (July 2008 – 2014), All others (July 2008 – Aug. 2010); ** (1=most free; 7=least free)

As argued before, the fact that extra-continental south-south migrants in their majority came from (very) poor and unfree countries, as measured by GDP per capita data and the Freedom House Index 2008, makes us doubt that the main motivation for travelling to Ecuador was tourism. The data from the Henley & Partner Visa Restriction Index 2008 show that these 12 countries were not only characterised by being poor and repressive but also by ranking among the nations with the least travel freedom worldwide (as a means of comparison, Danish citizens ranked on place 1/89 and could travel to 157 visa free destinations in 2008). It is thus more likely that citizens from these PRCs saw visa free travel to Ecuador as an opportunity to leave their home countries and regions.

Given the relatively low level of average income (\$8,233) and high level of inequality (51.9) in Ecuador from 1999-2008, as compared to the PRCs (\$9,979 and 39.5 respectively) and the fact that Ecuador shares a porous border with Columbia and Peru, which facilitates irregular transmigration to other destinations in South or North America.

it seems more probable that immigrants would continue their journey than to choose Ecuador as a final destination. Qualitative research with Asian, African and Caribbean citizens and NGO workers confirmed that practically no citizens from PRCs entered Ecuador to explore the country as tourists. The most important motivation for both economic migrants and refugees was to use Ecuador as a gateway to the American continent, mostly with the intention to transmigrate to the US. However, in some cases, visa freedom implied an important *exit option* out of countries of origin. This was especially true in two cases: for refugees and for Cuban nationals.

Seeking Asylum: Refugees or Regularisation Strategies

We assume that the migrants from PRCs who chose Ecuador as a safe haven to escape persecution or generalised violence in their home countries would seek asylum at the airport or shortly after entering Ecuador. The only nationality with a significant number of entries on 12 IV refugee and asylum visas was Afghanistan with 8 per cent (for all other nationalities the share of entries on the 12 IV visas was below 1 per cent). Comparing the number of entries in the visa free periods with the number of asylum claims for each nationality filed in the following year(s), gives us a rough idea of the percentage of migrants who applied for asylum.⁵⁶

Roughly 30 per cent, of Afghans, Pakistanis, Nigerians, Bangladeshis and Somalis, 17 per cent of Eritreans and 10 per cent of Nepalese and 7 per cent of Ethiopians filed asylum claims after arriving in Ecuador. The low acceptance rates of refugees in many cases (Table 6, third column) do not necessarily imply that these were not genuine asylum claims. Rather they have to be read in combination with the rate of abandoned asylum applications. For example, only roughly 7 per cent of Eritrean asylum applicants were accepted as refugees from 2009-2013. However, considering that about 85 per cent of

⁵⁶ This is an imperfect approximation because data on asylum claims are only available per year, whereas entries for the visa free periods were calculated per month. We consider the available data on asylum claims for the year(s) 2009-2013 for Cuba and Haiti, 2009 for China, and 2009-2010 for all others. The data for Cuba and Haiti must be updated for 2014/15 as soon as it becomes available.

Eritreans abandoned their asylum applications, this amounts to a rejection rate of under 10 per cent.

Table 6: Asylum Applications

| Country | Percentage Asylum Applications | Percentage Abandoned mid 2011 | Percentage Excepted 2009-13 |
|-------------|--------------------------------------|-------------------------------------|-----------------------------------|
| Cuba | 4 | 13 | 0.4 |
| Haiti | 3 | 37 | 3 |
| China | 0.6 | 63 | 0 |
| Pakistan | 32 | 29 | 32 |
| Nigeria | 34 | 28 | 5 |
| Bangladesh | 29 | 54 | 0.3 |
| Eritrea | 17 | 85 | 6.8 |
| Kenya | 0 | 0 | 0 |
| Nepal | 10 | 40 | 1.7 |
| Ethiopia | 7 | 42 | 7.1 |
| Afghanistan | 33 | 13 | 59 |
| Somalia | 33 | 44 | 4 |

Data Sources: *Dirección General de Refugiados* and UNHCR

The high rates of abandoned asylum applications suggests that many migrants, whether genuine refugees or economic migrants, filed asylum claims to legalize their stay in Ecuador before transmigrating to other destinations. Indeed, interviewed representatives of the UNHCR and NGO representatives voiced concern about both the misuse of the institution of asylum as a means of seeking legal status after the permitted 90-day period. The representative of the UNHCR in Quito explained that there were accounts of the same African and Asian individuals filing asylum claims in various countries along their journey from Africa to the US.

At the same time these interviewees stressed that among the mixed migrant flows were genuine refugees. Indeed, the nationalities with the highest probability of being

refugees based on the number of overall refugees originating from these countries⁵⁷, also showed the highest percentage of abandoned asylum applications: Eritrea (85 per cent), Somalia (44 per cent) and Ethiopia (42 per cent). There is ample journalistic evidence of West African and especially Eritrean refugees making their way through Ecuador and across the Americas to reach the US.⁵⁸

Estimating Magnitudes and Demographic Characteristics

In order to reach an estimation of the size and characteristics of the migrant populations present in Ecuador, Table 7 compares the number of entries and net migration rates for each nationality during the respective visa free periods, the 2010 census data and the size of the respective migrant populations present in Ecuador in mid-2011, as estimated by leaders of the respective communities, NGO representatives and officials. The table further lists average ages and the percentage of men for the respective visa free periods.

As pointed out above, it is impossible to link entry and exit data to individuals. However, comparing entry data with net migration rates (entries minus exits) provides a rough indication of how many individuals from PRCs stayed beyond the permitted 90-day tourist stay, or left without being captured by border officials. While in some cases the net migration comes very close to the number of entries, such as Eritrea and Somalia, in others, such as Cuba, there is a significant divergence, indicating that a majority of Cubans officially left Ecuador again, or even travelled back and forth between the two countries.

At the same time, the mid 2011 estimations of the Cuban population, as in the cases of China and Haiti, lie considerably above the 2010 census data, which points to immigrant communities with irregular status. For the other nine nationalities, the mid-2011 estimates tend to be lower than census data and net migration rates, which suggests irregular transmigration to other destinations. Indeed, immigrants from Eritrea, Ethiopia, Somalia, Kenya and Nepal seemed untraceable in the qualitative research process. Interviews with NGO representatives and the UNHCR suggested that these groups, upon their arrival in Ecuador, almost immediately continued their journey northwards towards

⁵⁷ <http://data.worldbank.org/country>.

⁵⁸ E.g. <http://www.merip.org/mer/mer275/eritrean-refugees-trek-through-americas>.

the US and Canada. For Bangladeshis, Nigerians, Pakistanis, Chinese, Cubans and Haitians, interviews revealed migrant communities present in Ecuador, predominantly in Quito.

Table 7: Magnitude and demographic characteristics

| COUNTRY | Entries (Visa free)* | Net Mig. (Visa free)* | Census 2010 | Estimated Pop. Mid 2011 | Average Age (Visa free)* | Percent. Male (Visa free)* |
|-------------|-------------------------|--------------------------|----------------|----------------------------|-----------------------------|-------------------------------|
| Afghanistan | 145 | 60 | 73 | 100 | 30 | 82 |
| Ethiopia | 391 | 298 | 10 | > 50 | 30 | 75 |
| Nepal | 451 | 311 | 23 | > 50 | 32 | 91 |
| Kenya | 454 | 277 | 12 | > 50 | 29 | 75 |
| Eritrea | 662 | 628 | - | > 50 | 29 | 76 |
| Bangladesh | 743 | 516 | 46 | 100 | 31 | 96 |
| Nigeria | 935 | 435 | 197 | 250 | 34 | 90 |
| Pakistan | 1,083 | 466 | 271 | 100 | 32 | 95 |
| China | 10,746 | 6672 | 3,016 | 20,000 | 28 | 66 |
| Cuba | 130,571 | 14,443 | 7004 | 10,000 | 38 | 65 |
| Haiti | 22,805 | 16,480 | 528 | 1,000 | 31 | 79 |

*Visa free periods: China (July 2008 – Nov. 2008), Cuba and Haiti (July 2008 – 2014), All others (July 2008 – Aug. 2010)

Regarding the demographic characteristics of these inflows, they were predominantly young men in their late twenties and early thirties. This is an interesting finding as the literature points out the feminisation of international migration in recent decades (Morrison et al., 2008, Donato and Gabaccia, 2015), with almost half of all international migrants being women (Taylor, 2006). However, women tend to claim a larger share in migration to developed countries, i.e. in south-north migration flows (ibid.).

The overwhelmingly large share of men in inflows from Nepal, Bangladesh, Nigeria, and Pakistan suggests that these are pioneer migrants (Lindstrom and Ramírez, 2010), who are either single or move alone to explore new migratory routes to Ecuador and beyond, before their wives and children follow. In these cases, predominantly male migration might also be related to cultural factors of patriarchic societies. The larger share of women from the Horn of Africa might be an indication of these flows being connected

to the refugee crisis, which equally affects men and women.⁵⁹ The relatively large share of women in the cases of China, Cuba and Haiti in the context of migrant communities present in Ecuador suggests family and network migration. In the cases of Cuba and Haiti, it might also be the case that geographic and cultural proximity make Ecuador a less “risky” destination, which increases the share of female migrants.

Building (on) Networks and a Future in Ecuador

The qualitative research identified three groups with relatively strong aspirations to remain and work in Ecuador: Chinese, Cubans and Nigerians. In all three cases, ethnic communities were already present in Ecuador before the policy change. In the ten years before visa freedom, 28,700 Chinese and 27,500 Cubans but only 465 Nigerians had made their way to Ecuador. From 1998-2008, 9 per cent of Nigerians, 15 per cent of Chinese, 24 per cent of Cubans citizens had entered on family visas. On the one hand side, family migration can be rated as an indication of growing ethnic communities. However, qualitative research also revealed the common occurrence of fraudulent marriages, especially in the case of Cuban migrants. Based on Art. 8.4 of the 2008 Constitution, citizenship could be acquired very easily through marriage with an Ecuadorian citizen, and there were various accounts of criminal networks facilitating fraudulent marriages and false documentation. It is also noteworthy that before the policy change, 9 per cent of Nigerians and 19 per cent of Chinese citizens entered on investor visas. In the case of China this reflects the growing economic collaboration between the two countries since 2008 (see Paper Three). As pointed out above, the percentage of Cubans entering on 12x tourist visas since 2008 is comparatively low (44 per cent). From 2008 to 2014, 10 per cent of Cubans entered with work contracts, 5 per cent as professionals and 15 per cent on a 12 IX tourist visa extending 91 days.

Given their dominant numeric presence, it was surprising that it was almost impossible to conduct interviews with Chinese immigrants. According to Alejandro Díaz Chong, an Ecuadorian businessman of Chinese descent and Secretary of the

⁵⁹ <http://data.unhcr.org/horn-of-africa/regional.php>.

Confederation and Association of the Chinese Colony in Ecuador (*Confederación y Asociación de la Colonia China en Ecuador*), Chinese immigrants reject being interviewed due to time constraints and language barriers. In the case of Chinese, interviews with Leonardo Carrión, State Secretary for Migration, Gu Jiafeng, political advisor of the Embassy of the People's Republic of China, and Alejandro Díaz Chong, suggested that most of the recent Chinese immigrants were young adults with medium to low educational levels who came to Ecuador to work in Chinese restaurants and businesses.

The research process entailed seventeen in-depth interviews with Cuban immigrants, who saw Ecuador's visa freedom and the friendly relationship between the two countries, which made obtaining a passport and the required official travel permission more likely, as their chance to leave Cuba⁶⁰. Most interviewees came to Ecuador with entrepreneurial aspirations or wished to work in their professions as doctors, nurses and teachers. However, this was seldom possible due to the lack of regular immigration status. A Cuban university teacher expressed her consternation over the fact that most Cubans were attracted by what she called the "*Ecuadorian dream*" of saving money in US Dollars but ended up barely covering their living expenses. According to these records, those Cubans who could regularise their migratory status found a lucrative business opportunity in the semi-official export of articles of daily use, e.g. cloths and soap, to Cuba. This business strategy might explain the high number of Cuban entries compared to the Cuban net migration rate. Cubans also expressed aspirations of eventually reaching the US and Canada.

Transmigration to the US and Canada was an initial motivation that came up in most of the interviews with nineteen Nigerian immigrants. However, Ecuador also presented the opportunity of settlement. Three interviewees explained that the US and Canada had lost appeal to them as final destinations because of the ongoing economic crisis. Others were stranded because they lacked the financial means to continue their onward journey. They then found life partners and/or business opportunities and decided to stay. While newly arrived Nigerian immigrants tend to work as English teachers, others

⁶⁰ As of January 13, 2013, all Cuban government-imposed travel restrictions and controls have been abolished based on Decree 302 of 11 October 2012.

who have stayed in Ecuador for longer own their own businesses, such as automobile garages.

In the case of Bangladeshi immigrants, qualitative research confirmed a point made by (Bakewell et al., 2012), that migration flows from the same country of origin at different points in time does not necessarily imply network migration. Patricio Izurieta Mora Bowen, Honorary Consul of Bangladesh since 1984, recalled a first group of rather affluent Bangladeshi businessmen entering Ecuador after the country's dollarisation in 2000. According to him, the majority of these early Bangladeshi immigrants in Ecuador had medium educational levels with many working in the textile industry. With visa-free access in 2008, poorer and less educated Bangladeshi started arriving in Ecuador, without the doing – or approval – of the former group.

Transmigration: A Gateway to the Region and Beyond

As pointed out above, qualitative research confirmed the motivation to transmigrate to the US and Canada across immigrant groups. Two noteworthy cases with different aspired final destinations were Haitian and Chinese citizens. Díaz Chong, secretary of the Chinese Confederation saw Ecuador as increasingly less attractive for Chinese investment and immigration because of increasing labour costs and tax controls. He explained that Chinese citizens were increasing migration to Argentina, Colombia and Peru in search of better business opportunities. Gu Jiafeng, political advisor of the Embassy of the People's Republic of China, further explained that Chinese migrants used Ecuador as a platform not only to reach North American, but also European countries – mainly Germany, France, England and Italy – with counterfeit passports. Both explicitly named the combination of visa freedom to Ecuador and restrictive European access policies as the determinant for Chinese migration to Ecuador.

In the case of Haiti, interviews suggested onwards migration to Brazil, often with the motivation of reaching French Guyana, and eventually France. Previous research has pointed out the sharp increase of Haitian migration to Brazil after the 2010 earthquake. Since then, Brazil has become the third most important country of destination for

Haitians, preceded only by the Dominican Republic and the US of America (IOM, 2014, Pacheco Pacifico et al., 2015).

Diverging Levels of Agency

Qualitative research found significant variation in the vulnerability and agency of intra-continental south-south migrants in Ecuador. In the case of Chinese citizens visa freedom led to a surge of young migrants with relatively low socio-economic backgrounds who were dependent on ethnic networks or people smugglers. Carrión and Chong reported that whole families pooled their resources to send migrants to Ecuador, and that some Chinese migrants had to work to pay for their journey *after* their arrival in Ecuador – suggesting that they possibly were victims of exploitive people smugglers or even human traffickers.⁶¹

There were various accounts of exploitive human smugglers deceiving migrants. In an interview with three Bangladeshi men who sold homemade pastries in the historic centre of Quito, they explained how people smugglers had deceived them. They had been made to believe that due to the dollarisation Ecuador was part of the US and that they would earn a minimum wage of \$1,500 monthly. One of the interviewees explained that his family sold their land and paid \$15,000 for him to reach Ecuador in 2009. In the context of human smuggling, the Honorary Consul described high levels of vulnerability among the Bangladeshi migrant population, with some arriving without the financial means to secure food and housing. Some Bangladeshi citizens are trapped in Ecuador and cannot return home because they lack money and travel documents, or fear facing the authorities at the border because of their irregular migratory status.

Similar accounts were given by a group of nine Pakistani men living together in very a humble three-bedroom-apartment. According to their accounts, they were economic migrants, working as street vendors of silver jewellery or as restaurant workers, making about \$250 monthly, and being able to send about \$100 home to their families.

⁶¹ Human trafficking is the illegal trade of human beings for the purpose of commercial sexual exploitation or forced labour, whereas people smuggling is the procurement of the irregular entry of a person into a state, generally to obtain a financial or other material benefit.

Two of them explained they had fallen victim to people smugglers, who had promised them that the flight to Ecuador would enable them to reach the US. Both paid around \$10,000 for their journey to Ecuador, after selling all their belongings and borrowing money from family and friends.

Another especially vulnerable group in Ecuador were Haitians. There were various accounts of people smugglers that lured Haitians to Ecuador on false promises of being able to study, work, or to travel to the US and French Guiana and France. We interviewed a teenage girl who had been part of a group of eight who were "accompanied" to Ecuador by human smugglers after paying approximately \$4,000 each in the belief that this would secure them bursaries for a university education in Ecuador. The anecdotes of an interviewed Haitian community leader further exemplified the high levels of misinformation and vulnerability, and the lack of education of many recently arrived Haitians, who asked where to "find the bridge" or "take the bus" to France.

Cuban and Nigerian interviewees, on the other hand, stood out because of their high degree of agency and elevated socio-economic backgrounds. Twelve of the nineteen Nigerians interviewees, and fifteen of the eighteen Cuban interviewees had a university degree and all others had finished high school. Cuban interviewees were doctors, nurses, or technicians and Nigerian immigrants had given up respectable jobs, e.g. as accountants or bankers back home. At the same time both Cuban and Nigerian interviewees described the limited opportunities for economic and personal growth back home, in many cases despite their tertiary degrees, as the main motivation to leave in search for better opportunities abroad.

In both cases, interviewees described the financial support of family members and friends in third countries, Cubans had to pay between \$200 and \$5000 for the necessary legal and illegal paperwork such as a fraud Ecuadorian invitation letter. With the average Cuban wage ranging at about \$18 in 2008, Cuban interviewees explained that it would have been impossible to gather such amounts without the financial assistance of family members and friends in third countries. Nigerian migrants explained that they had found out about visa-free travel to Ecuador on the Internet and by word of mouth and organised their journey online, very often with the financial help of friends and family members in

third countries. Some had travelled and worked in other countries such as South Africa, Libya, Oman and Spain, before making their way to Ecuador. I also interviewed two Nigerian refugees and two asylum seekers who had fled religious violence in their home regions, and four Cuban asylum seekers who explained that they had filed claims to regularize their migratory status.

In sum, the characteristics and agency of recent extra-continental immigrants in Ecuador vary between and within national origins. The fact that immigrants who arrived after the implementation of travel freedom tend to be younger, more male and from more remote areas in their home countries points to them being pioneer migrants. Our findings confirm the assumption made in both the literatures on south-south and pioneer migration, that these migrant groups tend to be relatively young. However, we find varying evidence regarding skills, education and socio-economic levels. The agency of migrants varies significantly from highly educated individuals who take self-determined migration decisions to exploited victims of people smuggling. An interesting finding is that in the cases of high levels of agency global migrant networks rather than ties to ethnic communities in Ecuador, facilitated the journey to, and transmigration from Ecuador.

For migrants from PRCs travel freedom to Ecuador presented an attractive opportunity in the light of the perception of increasingly restrictive immigration policies in Europe and North America. In fact, many of the interviewees did not know much about Ecuador – except for the fact that they could enter without a visa. Visa freedom determined the choice of destination both for economic migrants and asylum seekers, and also, albeit more indirectly, for smuggling victims. We identify the following three migrant motivations: 1. pressure to leave one's country of origin, 2. onward migration, primarily to North America and 3. settlement in Ecuador based on relative improved opportunities.

CONCLUDING REMARKS

This paper addresses two major gaps in the migration literature: the dominant south-north bias and the neglect of the tourist visas as migration determinants. Migration theory has largely developed based on studies of south-north migration to the US and the EU,

although these flows only make up roughly a third of all international migration. The existing literature thus fosters the inaccurate image of international migration as consisting of constant global flows of people from less developed countries in the global south to developed nations in the north.

Against the background of the global mobility divide between citizens from poor and repressive countries in the global south and citizens from rich countries in the global north, an important question worth asking is what happens when relatively safe but economically unattractive southern countries in geographically strategic locations for transmigration towards northern destinations relax their visa restrictions. The paper shows that Ecuador's policy of universal visa freedom of 2008 increased immigration from previously restricted countries in Asia, Africa and the Caribbean by an average of 109 per cent.

The paper also highlights the importance of unpacking aggregated results of the impact of visa policies to uncover significant quantitative differences between different immigrant groups. For Chinese citizens, Ecuador's open doors policy led to an increase in entries of 643 per cent and for nine African and Asian countries, for which the policy was reversed in September of 2010, the monthly increase amounted to 590 per cent. It is crucial to consider not only the relative increases but also the magnitude of these flows. More than 10,000 Chinese citizens entered in only four months of visa freedom. In the case of the other nine nationalities for which visas were reintroduced, however, entries ranged from only 71 in the case of Somalia to 1,083 in the case of Pakistan over the course of two years. These small numbers pose the question why visa requirements were introduced for these nationalities, which should be explored in further research.

Mixed methods, including qualitative in-depth interviews, are necessary to throw light on the interaction between structural parameters and the agency and decision-making of migrants on the micro-level.

Our findings contribute to the emerging empirical literature on south-south migration by addressing a number of distinct and largely unexplored features of such migrations, including new immigration patterns (intercontinental south-south routes), the composition of migration flows and migrant motivations. Intra-continental south-

south migrants to Ecuador are heterogeneous; not only are they diverse in terms of national origin and sex, but also with respect to their socioeconomic backgrounds and levels of education. Although many interviewees expressed explicit motivations of transmigrating to North America and Europe, others primarily perceived Ecuador's visa freedom as an exit option out of their country of origin. Ecuador was not their preferred destination, but an accessible place of safety and relatively improved opportunities.

The main theoretical implication of the paper is that we need to break up conceptions of static migration systems and conceptualise international migration as driven by essentially economic motivations but as embedded in global opportunity structures, which are significantly shaped by access policies, including tourist visas. Increasingly restrictive northern visa policies, in the context of ongoing economic problems and rising xenophobia in the migrant and refugee crisis, will likely deter growing numbers of immigrants to relatively attractive, accessible destinations in the global south. The visa policies of southern countries will significantly impact where these flows are diverted, and thus which new south-south flows emerge.

3

OPEN DOORS (FOR ALMOST ALL): ECUADOR'S TOURIST VISA POLICY BETWEEN POPULIST SOCIAL LIBERALISM AND RACIALISED SECURITY CONCERNS

This paper addresses the question in how far racism and perceived security threats of domestic and international political actors constrain immigration policy liberalisation outside Western liberal democracies. The paper analyses the partial reversal of Ecuador's extreme policy of open doors, the annulment of all tourist visa requirements in 2008 for ten African and Asian countries by 2010. The government justified this partial policy reversal as security policy in reaction to an increase in south-south flows from new extra-continental origins. Qualitative research reveals that alleged security concerns were closely intertwined with ethnic prejudice of domestic and international political actors, not least in the context of the Global War on Terror. Contrasting a broad consensus that immigration policies have moved from prevalent negative ethnic selectivity⁶² towards widespread ethnic neutrality, the paper suggests tourist visas as a central immigration management tool, in which overt selection by national origin persists.

⁶² As will be discussed below, "ethnic selectivity" in this context is an umbrella term for policies and laws that select potential immigrants according to categories of race and ethnicity, but more broadly nationality or country of birth, see FITZGERALD, D. 2013. Ethnic Selection in Immigration to Latin America. *In*: NESS, I. (ed.) *The Encyclopedia of Global Human Migration*. Wiley-Blackwell.

"The future drama of South America will be African and Asian migration across the Atlantic."
(Ecuador State Secretary for Migration, Leonardo Carrión, June 2011)

INTRODUCTION

In the context of the Syrian refugee crisis and terrorists attacks targeting global capitals carried out by the self-proclaimed Islamic State (IS) and its sympathisers, the triangular relationship between immigration, security and racism anew is the subject of public debates across North America and Europe (Berman, 2015, Gibson, 2015, Talaga, 2015). Although the objectivity of the securitisation of migration or its discursive representation as an existential security threat, has been widely contested, it has led to a tangible shift towards restrictive immigration and asylum policies (Huysmans, 2000, Ibrahim, 2005, de Haas et al., 2015). A growing body of literature has analysed the contemporary securitisation of immigration discourses and policies since the end of the Cold War, and especially since the 9/11 attacks (Bourbeau, 2011, Douglas and Sáenz, 2013). Scholars have further explored how racism and security concerns interrelate in these processes (Tumlin, 2004, Hammerstad, 2014).

Existing studies focus on immigration policies in North America and Europe. We know virtually nothing about how alleged racism and security concerns influence migration management outside of Western liberal democracies. It is likely that both securitisation and racialisation of immigration also occurs in predominantly migrant sending countries, but that political actors face different opportunities and constraints in translating these into policy. Latin America is a region especially worth studying in this context. In the past decade, administrations in South America have become outspoken in their *rejection* of the securitisation paradigm of the Global War on Terror (Livingstone, 2009, Emerson, 2010) and the related criminalisation of migrants, especially their emigrant citizens in the United States (US) and Europe (Acosta Arcarazo and Freier, 2015).

In an effort to show political coherence, various Latin American administrations have recently rewritten their immigration legislation in the spirit of non-discrimination, migrants' human rights and (increasing) free human mobility (Ceriani Cernadas and Freier, 2015, Freier and Acosta Arcarazo, 2015). They further actively promote the

conceptual detachment of migration from international organised crime such as drug and human trafficking, and international terrorism (Magliano and Clavijo, 2011). At the same time, racial and ethnic discrimination continue to be contentious socio-political issues across Latin America (Wade, 1997, Beck et al., 2011, Johnson, 2013). It is also well known that the US, which since 9/11 has realigned its foreign policies in Latin America through the prism of the Global War on Terror (Felbab-Brown, 2008), continues to exert substantial influence on the security policies of various countries in the region through soft and hard power (Livingstone, 2009). Immigration control is a key element of US security policy, and security actors not only have a heightened interest in keeping their “backdoor” (southern border) shut, but also want to control who enters their “backyard” (the Latin American region).

Are Latin American administrations, which in their discourses vehemently criticise the restrictive immigration policies of the US and Europe and actively endorse non-discrimination in immigration policies, less likely to racially securitise migration? How does external pressure, first and foremost from the US, interrelate with domestic securitisation and racialisation processes? And what strategies do politicians and officials pursue to bridge possible gaps between their liberal discourses and discriminating policies? In order to find answers to the above questions, this paper analyses the reversal of Ecuador’s open doors policy, the annulment of all tourist visa requirements in 2008, for ten African and Asian countries by 2010. Given the difficulty to detect overall trends in immigration policies, such as racialised securitisation, it is more promising to identify such developments in specific policy areas (Czaika and de Haas, 2013).

The paper shows that despite populist immigration policy liberalisation, ethnic selectivity persists in Ecuador’s tourist visa policy. With the reintroduction of visa requirements the Ecuadorian administration was responsive to the *unintended* impact of its open doors policy, namely the increase of irregular immigration from Africa, Asia and the Caribbean. The racist stigmatisation of new south-south flows as made up by illegal aliens, delinquents and terrorists exerted domestic and international pressure on Correa’s administration to impede them. Domestically, political opponents and the media, but also members of his administration, voiced racialised security concerns about new south-south

immigration. Internationally, China and countries across the Americas, first and foremost the US, exerted pressure on Ecuador to reinstate visas to prevent the transmigration of south-south immigrants. However, it took an external event, or “exogenous shock”, the migrant massacre of San Fernando of 2010, as a catalyst for the policy reversal to take place.

This paper’s second section reviews the relevant literatures on the securitisation and racialisation of migration policies and the importance of tourist visas as migration management tools. It also discusses the qualitative approach and methodology of the paper. The third section provides the empirical analysis and the final fourth section summarises the findings and discusses their theoretical implications.

THE (RACIALISED) SECURITISATION OF MIGRATION AND TOURIST VISAS

The central importance of controlling borders in the security concerns of ruling elites goes a long way back in human history (Wang, 1995, Chaichian, 2014). In the modern era, security has been a decisive factor in immigrant selection in colonial periods, the early years of state formation, and during the World Wars (FitzGerald and Cook-Martín, 2014). After fears of communist infiltration that dominated the Cold War era subsided, more diffuse perceptions of international migration being related to organised crime, drug trafficking, and international terrorism took over the political discourses in Western liberal democracies (Faist, 2006). This latest wave of the securitisation of migration is characterised by the conception of immigrant groups *collectively* posing a threat to international security, state stability and societal cohesion (Bourbeau, 2011), and the inclusion of refugees and asylum seekers as part of this perceived threat (Betts, 2009, Hammerstad, 2014).

Scholarship on the nexus of security and migration can be broadly divided into realist and neoliberal scholars in international relations (IR), critical security studies, and constructivist approaches, including securitisation theory (ST) (Bourbeau, 2011). IR scholars argue that Western states rightly fear the economic, political and military security threats associated with mass migration (Weiner, 1993, Miller, 1998, Rudolph, 2003,

Huntington, 2004, Rudolph, 2006). Based on the observation that security threats are not objectively given realities but constituted through social processes, there has been a broad constructivist turn in security studies (Hammerstad, 2011).⁶³ Contradicting migration scholars who focus on the state as an autonomous agent (Zolberg, 1999, Hollifield, 2000, Rudolph, 2003), constructivists argue that one cannot understand the securitisation process without acknowledging the agents of securitising (Bourbeau, 2011). ST, of the Copenhagen School, focuses on how securitisation happens through labelling something as a security issue through a “speech act”, which creates a sense of crisis and urgency and allows for exceptional and emergency measures (Buzan et al., 1998, Hough, 2004, Bain, 2006, Buzan, 2007). Discourse is thus understood as a decisive form of political action (Van Dijk, 1997).

Although the objectivity of the securitisation of migration has been widely contested, it has led to a tangible shift towards restrictive immigration policies, especially in access policies, which include tourist visas, low-skilled migration and asylum (de Haas et al., 2015). Scholars have underscored the negative consequences of this securitisation for migrants, especially considering their human rights (Faist, 2006, Freeman, 2004). The securitisation of migration is closely intertwined with the criminalisation of immigrants and immigration law and policy in Western liberal democracies, which includes partnerships between law enforcement and immigration officials for immigration status determination, workplace raids, mass arrests, criminal charges for undocumented immigrants and mass deportations (Sáenz and Douglas, 2015).

The *collective* securitisation of immigrant groups (Bourbeau, 2011) suggests ethnic discrimination in contemporary securitisation processes, and indeed some scholars argue that securitisation is closely intertwined with the racialization of migration and immigration policies – the processes and actions through which the supposed inferiority or undesirability of certain groups (such as blacks, non-whites, non-Westerners) is constructed (Garner, Lentin, 2011). It is important to point out that racialisation does not

⁶³ Directly opposing realist accounts, critical security scholars argue that the securitization of migration is not about objective security threats at all, but rather part of the neoliberal “governmentality of unease” which exerts social control through the creation of the *sense* of insecurity, fear, danger, and unease by bureaucrats, see BIGO, D. 2002. Security and Immigration: Toward a Critique of the Governmentality of Unease. *Alternatives: Global, Local, Political*, 27, 63-92.

only refer to putative phenotypical or biological difference, but can also instrumentalise or construct ethnic and cultural traits as the basis of differentiation. Lentin points out that notions of biological race weigh heavily, but defines racism and racist arguments as more generally “endowing the characteristics, appearances, traditions, and lifestyles attributed to groups of different ‘others’ with negative signifiers that are deemed to be natural and insurmountable” (2011 p. 12).

In the context of the Global War on Terror in the US and Europe counter-terrorism, criminal and immigration policies merged (Tumlin, 2004) and discrimination expanded to immigrants of Arab and South Asian descent. Religion, especially Islam, has become a pivotal ethnic marker, and Western immigration policies especially victimise Arabs and Muslims (Sivanandan, 2007, Lentin, 2011, Hammerstad, 2014). Some securitisation scholars claim that politicians in the US and Europe use securitisation discourses as a disguise for racist immigration policies and as national identity construction based on fears of foreign others (Huysmans, 2000, Bigo and Guild, 2005, Givens, 2013). Ibrahim (2005) goes as far as to call the securitisation of migration “racism’s most modern form” because it specifically targets culturally distinct migrants.

It is important to point out that racist criteria in immigration policies often correlate with other migrants’ characteristics, such as income and skills. Gilbert (2007) and Johnson (2009) argue that class, alongside race, continues to define US and European immigration policies. Johnson finds that in “operation, and to a certain extent in design, US immigration laws aim to keep poor and working people of color out of the United States” (Johnson 2009: 34). Similarly, Garner (2007) analyses the construction of EU immigration policy with regard to racialisation and shows that conditions of entry and settlement have become more difficult for low-skilled non-EU nationals typically not categorised as “white”. Hobolth finds that especially travellers from poor, Muslim and asylum producing countries are refused tourist visas to European territory (Hobolth, 2012). The point then is not to claim that racism is the sole motivation for implementing restrictive policies but to ask *how* other determinants of immigration policy, such as alleged security concerns are intertwined with racism.

It is worth pointing out that studies on the racialised securitisation of migration stand in somewhat stark contrast to a broad consensus in the political immigration literature that describes a sustainable shift from prevalent negative ethnic selectivity towards widespread ethnic and racial neutrality since 1945, at the very least in *de jure* immigration policies (Freeman, 1994, Hansen, 2002, Joppke, 1998a, Cook-Martín and FitzGerald, 2010, FitzGerald and Cook-Martín, 2014). Ethnic selectivity, in this context, is an umbrella term for policies and laws that select potential immigrants – based on racist prejudice – according to categories of race, ethnicity, nationality or country of birth (FitzGerald, 2013).⁶⁴ According to this view, the ethnic blocking of immigrants based on eugenics that was explicit in emerging immigration law at the beginning of the 19th century became illegitimate after the Holocaust, the anticolonial movement and the 1960s US civil rights movement. When ethnic selectivity in migration policies persists today, it is seen as confined to positive discrimination, or the formally non-ethnic filtering of immigrants based on skills or family ties (even if these are correlated to ethnicity).

The tension between these two closely related bodies of literature can be partly explained by the latter's neglect of tourist visas. Although they can be considered one of the simplest, most straightforward ethnically selective immigration policy tools, there has been a peculiar tendency among prominent scholars to neglect them as lying “at the margins of immigration policy” (FitzGerald and Cook-Martín, 2014 p. 338). Based on national origin, tourist visas determine access rights, i.e. the initial entry of potential immigrants into a country. In many countries, especially in destination countries that are not easily accessible via terrestrial borders, a majority of irregular migrants enter legally and then overstay their temporary visas (Bigo and Guild, 2005, Collyer and de Haas, 2010, Düvell, 2011b). Furthermore, compliance with tourist visa requirements is not only enforced at national borders but forms part of the externalisation of immigration policies of major Western immigrant receiving countries (Scholten, 2015).

⁶⁴ Historically, immigration policies have been seldom explicitly linked to immigrants' ethnic or racial background, with the noteworthy exception of Africans, or blacks, and Chinese. Rather, nationality or country of birth have been as proxies for ethnicity and race, see FITZGERALD, D. & COOK-MARTÍN, D. 2014. *Culling the Masses: The Democratic Origins of Racist Immigration Policy in the Americas*, Cambridge, Harvard University Press.

Tourist visas are especially prone to both securitisation and ethnic selectivity because the lists of countries with visa requirements are not usually inscribed into immigration law, but handled by special committees, often within foreign ministries. Policy makers can change visa requirements without public legal processes. With a view to the securitisation of tourist visas as immigration management tools, Neumayer finds that instead of voicing concerns that the nationals of certain countries might be especially prone to overstaying their temporary visas to seek asylum or irregular employment, politicians often justify restrictive visa policies by claiming that visa freedom accelerates criminal activities such as drug and people trafficking, or terrorism (Neumayer, 2010). While FitzGerald and Cook-Martín (2014) acknowledge that immigration policies in the Americas are still ethnicised in practice, it is important to study tourist visas as a policy area in which explicit ethnic selectivity persists.⁶⁵

In sum, we know that immigration discourses in the US and Europe remain ethnicised, especially in the context of the post 9/11 securitisation paradigm, and that this racialised securitisation has led to restrictive legal and policy responses. We do not know how these processes play out outside Western liberal democracies, such as in the context of left-wing populist administrations in Latin America that condemn the security paradigm of the Global War on Terror but likely face US pressure to adhere to it nevertheless. We also know little about how political actors not only shape but *make sense* of these securitisation processes and how these understandings influence both the opportunity structures for policy formulation and strategies of bridging discursive policy gaps.⁶⁶

⁶⁵ As regards policy implementation, visas are issued at the discretion of consular and immigration control officers, and foreigners usually have no legal recourse if they are unfairly denied a visa. In the visa granting process, officials often apply racialised profiles, sorting out applicants based on their ethnic backgrounds, or by the way they look or talk, see SHENON, P. 1998. Judge Denounces U.S. Visa Policies Based on Race or Looks. *NY Times*, 23 January 1998.1998).

⁶⁶ Czaika and de Haas' differentiate between 'discursive gaps' (the discrepancy between the objectives stated in official discourses and concrete policies and legislations, i.e. *policy outputs*), 'implementation gaps' (the disparity between official laws, measures and regulations, and their actual implementation), and 'efficacy gaps' (the extent to which policies actually determine migratory movements, i.e. *policy outcomes*), see CZAİKA, M. & DE HAAS, H. 2013. The effectiveness of immigration policies: A conceptual review of empirical evidence. *Population and Development Review*, 39.

METHODOLOGICAL APPROACH

In this paper, I analyse the discourses of domestic political actors, how they make sense of racialised securitisation and which strategies they employ to bridge discursive policy gaps. I also discuss how the interplay of domestic and international racialised securitisation and the exogenous shock of the San Fernando migrant massacre in Mexico determined the partial reintroduction of visa requirements. Building an in-depth case study based on thick description (Geertz, 1973) allows for such causal inference (Gerring, 2004). The levels of analysis regarding domestic securitisation processes include the micro-level of discourses and reasoning of individual political actors and the meso-level comparison between different institutions. I then zoom out to show international securitisation pressure on the state level, including the discourses of some political actors.

The empirical analysis rests on process tracing and the analysis of 35 in-depth interviews with politicians, government officials and representatives of international organisations and NGOs, conducted in Quito, Ecuador, in July and August of 2011 (see Appendix, Table 13). It also includes descriptive statistics and the analysis of relevant media coverage. The literature that shows the (racialised) securitisation of migration focuses on discourse analysis of newspapers, laws, policy documents and official statements by politicians and officials (Ibrahim, 2005, Johnson, 2009, Bourbeau, 2011, Hammerstad, 2014). Qualitative interviews have the distinct advantage of revealing not only how political agents talk about the relationship between immigration policies, (alleged) security concerns and racist prejudice, but how they make sense of these discourses and how these understandings shape strategies of reconciling discursive policy gaps. Furthermore, interviews were especially important to detect covert racist motivations in Ecuador's tourist visa policy, as these constitute "norms and cognitive schemas in policy-making that are not often formally articulated" (Cook-Martín and FitzGerald, 2010), but were revealed in informal interviews.

This empirical research included 35 elite interviews conducted with 21 Ecuadorian politicians and government officials and 14 representatives of international organisations and NGOs. These open-ended, semi-structured in-depth interviews lasted between 30

minutes and two hours. Officials representing the different ministries and government departments involved in immigration policy-making and management included: the Ministry of the Exterior (*Cancillería*)⁶⁷; the Ministry of Interior (*Ministerio del Interior*); the Ministry of Justice, Human Rights and Culture (*Ministerio de Justicia, Derechos Humanos y Cultos*); the National Police (*Policía Nacional*) and its National Migration Directorate (*Dirección Nacional de Migración, DNM*); and the National Secretary of Migrants (*Secretaría Nacional del Migrante, SENAMI*)⁶⁸. Representatives of international organisations and NGOs included the UNHCR, IOM, *Asylum Access* and *Jesuit Refugee Service* (see Appendix for list of all interviews). All of these interviews were recorded and transcribed, and in this paper I provide my own translation of relevant citations from Spanish to English.

ECUADOR'S POLICY OF OPEN DOORS

Ecuador, under the presidency of Rafael Correa, is a paradigmatic case of Latin American populist immigration policy liberalisation, and Correa an especially outspoken critic of the criminalising character of US and European immigration policies (Acosta Arcarazo and Freier, 2015). In the context of Ecuadorian mass emigration after the 1999 economic collapse, and the introduction of tourist visa requirements for Ecuadorians by Spain in 2003⁶⁹, Correa used emigration and migrants' rights as a key theme in his 2006 presidential campaign and an identification platform of his movement *Alianza PAIS (Patria Altiva y Soberana - Proud and Sovereign Fatherland)* (Margheritis, 2011). Since then migration has been central to his "anti-imperial" foreign policy discourses. Correa domestically instrumentalises the fact that "immigration policy ... is a signal to government and people of country of emigration about their basic moral worth and international standing" (FitzGerald and Cook-Martín, 2014 p. 31). Restrictive immigration policies, including

⁶⁷ In 2014 the Ministry was renamed Ministry of Foreign Affairs and Human Mobility (*Ministerio de Relaciones Exteriores y Movilidad Humana*).

⁶⁸ SENAMI was integrated into the Foreign Ministry in 2013.

⁶⁹ In the so-called 'emigration stampede' (*estampida migratoria*) that followed the economic crisis of 1999, close to 140,000 Ecuadorians had emigrated to the United States and some 320,000 to Spain by 2005. The EU included Ecuador on its list of countries with tourist visa requirements in 2003.

tourist visa requirements, affect both the conditions of Ecuadorians' emigration and their collective feeling of self-worth, which makes Correa's condemnation of the West in this policy area emotionally effective.

Based on the notion of political coherence, Correa's rejection of restrictive immigration policies in the context of Ecuadorian *emigration* fed back into the formulation of populist liberal *immigration* policies (Acosta Arcarazo and Freier, 2015, Margheritis, 2011). On 12 June 2008, Correa declared that he was "*in the middle of a campaign to dismantle the invention of the 20th century of passports and tourist visas*"⁷⁰ and unilaterally lifted all visa requirements to enter Ecuador for a 90-day stay by presidential decree a week later. In September, the country passed a new constitution, which enshrines the state's commitment to define and implement migration policies that will support migrants' universal rights, combat discrimination and the concept of "illegal immigration", and promote the ideal of universal citizenship. The 2008 visa policy of open doors reflected the president's liberal discourse and anticipated these constitutional ideals.

However, rather than *realpolitik*, the introduction of visa freedom was a symbolic act in line with Correa's populist moral discourse and did not last long. After only six months, tourist visas were reintroduced for Chinese citizens. Two years after their initial annulment, the government reinstated tourist visa requirements for citizens of Afghanistan, Bangladesh, Eritrea, Ethiopia, Kenya, Nepal, Nigeria, Pakistan and Somalia. The country's partial reinstatement of tourist visas stands in sharp contrast to its constitutional ideals. A representative of an Ecuadorean NGO found:

I think that at the moment, we are going through schizophrenia in the area of migration [policy], schizophrenia in the sense that we have a constitution that recognizes rights that are much more progressive than international conventions. Things like the right to migrate, human mobility, the protection of Ecuadorians abroad, universal citizenship... We have these very elevated constitutional parameters but they were never processed at the government level.

Indeed, the Correa administration to date has not bridged significant discursive and implementation gaps (Czaika and de Haas, 2013) between president's discourse and the 2008 Constitution, on the one hand, and its migration law on the other. The 1971 migration

⁷⁰ hoy.com.ec: Correa elimina el tourist visado a los extranjeros, 12/06/2008 <http://www.hoy.com.ec/noticias-ecuador/correa-elimina-el-tourist-visado-a-los-extranjeros-297707-297707.html>.

law has a strict securitized outlook and criminalises migrants in an irregular situation (Arcentales Illescas and Garbay Mancheno, 2012, Acosta Arcarazo and Freier, 2015). Interviewees within different ministries and departments dealing with migration management expressed confusion as to whether they ought to adhere to the constitutional specifications or the 1971 law.

There is academic consensus that the two groups especially affected by racist immigration policies in the Americas and Europe, whether overtly or through administrative practices, have historically been African (or black) and Asian (Geddes, 1995, Schoenwaelder, 2004, Gilbert, 2007, Johnson, 2009, FitzGerald and Cook-Martín, 2014). Reservations against immigrants of colour from Africa and Asia are still reflected in the visa policies of EU members and countries across the Americas today.⁷¹ With very few exceptions, Latin American countries mirror these restrictions. Thus, the fact that the reintroduction of visa requirements targeted ten African and Asian nationalities suggests probing for the link between alleged security concerns and racial prejudice. The tension between Correa's astonishingly liberal discourse and the constitutional provisions on migration on one hand, but the reintroduction of selective visa policies on the other, further lends itself to exploring the strategies of securitisation agents to discursively bridge this gap.

With the selective reintroduction of tourist visas, the Ecuadorian government was responsive to its own *unintended* impact. It had not anticipated any increase in new south-south flows and tourist visas were reintroduced as an immigration control policy. In his first public statement on 7 September 2010, State Secretary for Migration and Consular Affairs, Leonardo Carrión, linked the decision of selectively reintroducing tourist visas to emerging "unusual immigration flows", i.e. the increase of immigration from the above countries.⁷² In an interview with the author, he explained that "people started arriving from the most foreign and distant places".

⁷¹ All African, Central and South Asian and Middle Eastern, and about half of the countries of East and Southeast Asia, Australia and Oceania, Central America and South America are listed on the EU's black list of countries with tourist visa requirements. Australia, Brunei, Japan, New Zealand, Singapore and the Republic of Korea are the only non-European countries whose citizens may travel under the US Visa Waiver Program.

⁷² http://www.bbc.co.uk/mundo/america_latina/2010/09/100907_ecuador_inmigrantes_africa_asia_tourist

Similarly, the special advisor on human trafficking in the Department of Justice explained:

The official argument was that tourist visas were reintroduced because these are *new* nationalities, nationalities that have never come to these latitudes.

The “problem” with these new nationalities was not that they came to visit Ecuador, but that they overstayed their tourist visas. The justification of reintroducing tourist visas to stem irregular immigration constitutes a discursive gap in relation to free human mobility, as well as in implementation gap with a view to Art. 11 (non-discrimination) and Art. 416 (universal citizenship, freedom of movement, and the progressive extinction of the status of alien or foreigner) of the 2008 Constitution. Interviewed government officials were painfully aware of and at unease with these contradictions. A special advisor on human trafficking in the Department of Justice struggled to justify the need for the partial reintroduction of tourist visas:

So the whole world could come without a tourist visa. Now, lately, some [nationalities] got restricted... It's not that they are restricted. It's that the necessity became apparent to re-impose some kind of document, or in this case, tourist visas, for some nationalities. Nevertheless, the free mobility that the Constitution talks about is still implied.

Since Ecuador does not gather official data on immigration and emigration stocks, entry and exit data must be used to reach an estimate of the immigration flows that followed the open door policy. Although estimates of net migration (entries minus exits) are imperfect proxies for migratory movements because they include short-term visits, they have the distinct advantage of also capturing irregular immigration by visa overstayers. In combination with entry data, net migration can give us a good idea of how many people entered a country without officially leaving (see Table 8).

The net migration of Chinese for the visa free period from July to November 2008 was 6,672, and that of all other African and Asian nationals for whom visas were reintroduced amounts to 3,060 in the visa free period from July 2008 to August 2010. The reversal of visa freedom thus was a reaction to the immigration of around 10,000 Asian and African nationals who either stayed in Ecuador or transmigrated irregularly without their

exit being captured by migration statistics. Cubans and Haitians also constituted significant new immigration flows but, as will be discussed below, visa requirements were not reintroduced until 2015. It thus needs to be pointed out that although entries of the nationalities for which visas were reintroduced significantly increased with visa freedom (see Paper Two), they did so on a very small scale compared to the entry of Caribbean immigrants such as Cubans. The reversal of visa freedom thus cannot be persuasively explained by recourse to the economic or social impact of these new immigrants in Ecuador.

Table 8: Entries and Net Migration July 2008 – August 2010

| Country | Entries | Net Migration |
|-------------|---------|---------------|
| China* | 10,746 | 6,672 |
| Eritrea | 662 | 628 |
| Bangladesh | 743 | 516 |
| Pakistan | 1,083 | 466 |
| Nigeria | 935 | 435 |
| Nepal | 451 | 311 |
| Ethiopia | 391 | 298 |
| Kenya | 454 | 277 |
| Somalia | 71 | 69 |
| Afghanistan | 145 | 60 |
| Cuba | 51,441 | 6,554 |
| Haiti | 2,244 | 1,065 |

Data Source: INIEC Ecuador

* Visa free period July to November 2008

DOMESTIC SECURITISING AGENTS

Correa's visa policy faced criticism both from the political opposition, the media and from within his administration. All actors justified their reservations against the policy of open borders and so-called "new extra-continental immigration" from Africa, Asia and the

Caribbean with security concerns linked to the alleged increase in both domestic and international crime. At the same time, most interviewees, with the noteworthy exception of members of the intelligence agencies, mentioned xenophobia and discrimination, especially against black Cubans, Haitians and Africans, either explicitly as a reason for the securitisation of new extra-continental immigration and the reintroduction of tourist visas, or at least in the general context of the reception of immigrants of colour in Ecuador.

According to some studies, delinquency in Ecuador – especially violent crime connected to international criminal networks – increased from the 1990s (Carrión Mena, 2003, Ojeda Segovia, 2010). However, the available quantitative data is inconclusive. Holloway (2012) looks at crime data for the two largest Ecuador cities, Quito and Guayaquil, from 2007-2010 and shows that reported property crimes, including theft and robbery, actually *decreased* in both cities for most of the visa free period. Reported violent crimes, including homicide, rape and aggravated robbery, decreased in Quito, where most new migrants reside, but significantly increased in Guayaquil, Ecuador's largest city. No official data is available on the link between immigration and crime rates. An interviewed representative of the Public Protector claimed that an internal report had shown that foreigners were not more prone to commit crimes than nationals, as their incarceration rates did not exceed their percentage in the population. This paper does not aim to assess the objectivity of this assertion but to show that the reversal of visa freedom was based on its racialised securitisation.

Oppositional Politicians and Media

Oppositional politicians and media severely criticized Correa's policy of open doors, directly blaming increasing crime rates on immigration without agreeing on the nationalities of the culprits. The securitisation of migration and criminalisation of immigrants served their interest of discrediting Correa's government. In the aftermath of the partial reintroduction of tourist visas, the oppositional mayor of Guayaquil of the centre-right Social Christian Party (*Partido Social Cristiano, PSC*) Jaime Nebot, demanded the reintroduction of tourist visas for "the countries which we know import crime to

Ecuador: Colombia, Peru, some countries in Central America, Europe and Asia”⁷³. However former Foreign Minister Antonio Parra Gil demanded the government should stop all “illegal immigration”, declaring that the “real delinquents don’t come from Asia, China and Pakistan” but from Colombia and Cuba.⁷⁴

Already before the Correa presidency, mass media played an important role in placing violence and crime in the centre of everyday life and in promoting restrictive immigration policies (Carrión Mena, 2008). The relationship between Correa, who controls a large part of the Ecuadorian media and progressively cut down on press freedom, and the oppositional media has been uneasy from the beginning of his presidency. This escalated in a polemic law suit in 2011, in which Correa successfully sued *El Universo*, the country’s leading opposition newspaper for calling him a “dictator”, demonising them as part of “a media dictatorship”. Confirming Carrión’s judgment that the media has played a crucial role in various interviews with NGO representatives and the Consul of Cuba in Ecuador, the media was raised as over-representing the criminal activities of foreign nationals in Ecuador. Josep Ferreros, Head of the UNHCR in Ecuador found:

What happened is that the opposition and the media created a connection between migration and an increase in crime that doesn’t exist to weaken the government ... [T]here has not been a significant increase in crime and there is no reason to blame crime on immigrants, but the media have done so to weaken the government.

In her media analysis of *El Universo*, Wagner (2010) finds that in the years following the implementation of visa freedom, the newspaper frequently reported on irregular migrants detected along the route from Ecuador to the US (i.e. in Colombia, Costa Rica and Mexico), generally framing these in the context of the transnational crimes of people smuggling, drug trafficking and terrorism. A noteworthy example of this sensationalist securitising media coverage is reports about the detention of the Eritrean people smuggler Dawit Tadese, alias Jack Flora in 2011, who was falsely described as a cousin of Osama bin

⁷³ <http://www.elespectador.com/noticias/politica/articulo-237316-guayaquil-quieren-exigirle-tourist-visa-colombianos-y-peruanos>.

⁷⁴ <http://www.eluniverso.com/2010/09/06/1/1355/regimen-quiere-pedir-tourist-visa-paises-africa-asia.html>.

Laden.⁷⁵ *El Universo* criminalises two particular groups of migrants in Ecuador: Chinese and Africans (Wagner, 2010).

The Administration

Racialised security concerns about increasing extra-continental south-south immigration were also evident among representatives of all ministries and departments in which the author conducted interviews. Depending on political association to Correa, these sentiments translated into different types of security concerns and different strategies of reconciling the gaps between racially securitising migration and the liberal ideals of Correa's migration discourse and the 2008 Constitution.

Interviewees that were politically aligned with Correa more often stigmatised extra-continental immigrants as helpless victims of international human smuggling rings. Officials critical of the president tended to exaggerate the impact of visa freedom on new south-south flows and directly criminalised African and Asian immigrants. In interviews, high-ranking officials of all ministries and SENAMI were supportive or at least sympathetic to Correa's human rights based approach to migration management. Members of intelligence agencies, subsidiary to the Ministry of the Interior, rejected and racially securitised visa freedom. As will be discussed below, at the time of the policy reversal, rivalry and in some cases outright animosity existed between and across the main ministries involved in Ecuadorian immigration policy-making, especially between the Foreign Ministry and intelligence agencies under the Ministry of the Interior.

Intelligence Agencies

Within the administration, representatives of the police and the DNM were the most severe critics of visa freedom and the most outspoken agents of racialised securitisation. In a joint interview, a high-ranking major and the legal advisor of the DNM blamed the "weak" immigration policy of the executive for Ecuador's current "migration problem" of

⁷⁵ <http://www.eluniverso.com/2011/05/04/1/1361/policia-desconoce-detencion-supuesto-primo-bin-laden.html>

increased African, Asian and Caribbean inflows. Members of DNM tended to inflate new extra-continental inflows in a pejorative way. For example, the major spoke of “massive inflows” of Africans, who entered Ecuador in “exaggerated numbers”. He voiced concerns that “the decision of the President to open Ecuador’s doors” had led to the “loss of control” over immigration, which bore unforeseeable security risks for society at large. He also implied resignation about not being able to influence the executive’s policies:

It’s as if I let everyone enter my house, and let them do whatever they want. I’ll lose my house. But if I put controls, I automatically know what they are doing and they will behave in a *normal* way – but well, basically, that is state policy.

Interviews with members of the different intelligence agencies revealed a heightened awareness for political correctness and at the same time clear prejudice against certain nationalities. The legal advisor of the DNM declared that he couldn’t voice security concerns about certain nationalities because he would thereby discriminate against certain nationalities, whereas the mayor openly admitted having to revert to discrimination against specific nationalities due to security concerns:

We believe that the world is so globalised that universal citizenship, or free human mobility is desirable. But all mobility needs to be controlled. And although it is true that Ecuador has a constitution that guarantees many rights, we always have to see the security angle as well – even if that means that one is acting based on xenophobia and discrimination against the one or other nationality.

He further directly criminalised extra-continental immigrants by linking them to allegedly growing crime rates in Ecuador:

We’re not saying that the immigrants [from Africa, Asia and the Caribbean] are the criminals. It just so happens that crime increased [since extra-continental immigration increased].

In the same interview the mayor justified ethnic profiling of Muslim immigrants:

It’s not that we make any difference by continent ... We treat every case totally independently and we never compare one case to the next because we know that the motivations to travel are different and that the smugglers act differently, that we are dealing with countries with totally different customs. If we have a Muslim country, we won’t compare it with a Christian country ... we try to treat each case according to its importance.

An especially clear example of ethnic profiling in Ecuador’s immigration policy beyond the 2010 policy reversal is the rounding up of the Muslim immigrant population in Quito

on 10 March 2011. According to various interviews and the official report of the Public Protector, the Ecuadorian police arrested 67 South-Asian and Arab immigrants at gunpoint in “Operation *Twilight*” (*crepúsculo*). The migrants were brought to a special prison in a private house in Quito. Transgression judges ordered the *de facto* mass deportation of the entire group. The group was illegally detained for three months and many of their rights were violated. Six men were extradited to the United States and 17 were deported. The Public Protector found that the detentions had been made on ethnic grounds.

In an interview, a first lieutenant and captain of the National Intelligence Secretary (*Secretaría Nacional de Inteligencia, Senaín*) explained that tourist visas had to be reintroduced for the ten African and Asian countries because of the security threat posed by the ‘high risk profiles’ of these nationals, who had “problems with the judiciary in very sensitive areas for the Ecuadorian state and on a global level.” Field observations with members of the *Senaín* revealed clear racial profiling. Middle and high-ranking officials generally accused new arrivals of Arab and South-Asian descent of being linked to people smuggling and Islamist terrorism. They further linked black immigrants “from Africa and Haiti” to increased domestic crime, drug trafficking and child pornography. Juan Villalobos, Officer for Political Affairs of the *Jesuit Refugee Service* described the racial profiling in immigration controls as follows:

It really depends on the nationality ... If you're Colombian, Cuban, or even from the Middle East it's more likely that they will deport you because there is a stigma surrounding these populations. They [the migration police] go out to search for nationalities like Colombians, or they search for Cubans, or populations of the Middle East. You ask a European or US-American in an irregular situation, who probably exist, I mean, maybe they don't come constantly because there are fewer vulnerable situations, but there should be cases. They are not asked for their papers because it is assumed that they are tourists, that they have money.

Racial profiling was also evident in the border control management of the police. Interviewed officials spoke of the discretion they enjoyed in confirming the “tourist profile” of foreigners and explained that since the partial reintroduction of tourist visas, the airport police pays special attention to African entries. A police officer working in

immigration at the airport Mariscal Sucre in Quito expressed her prejudice and resentment against Africans denouncing discrimination as follows:

From Africa, they come with a somewhat worrying profile for us. And then they come with this attitude of "Why are you controlling me, *why*? Because I am black? *Discrimination! Discrimination!*"

Interestingly, within the intelligence agencies, security concerns about new extra-continental south-south immigrants seemed to take precedence over more 'traditional' concerns about Colombians importing drug traffic and crime to Ecuador:

We don't pay a lot of attention to the numbers and we obviously know that they enter in their thousands across the northern border, Colombian citizens who come to seek refugee status, hundreds of Colombians enter, who see Ecuador as miniature US, yes, but it's more about the sensitive type of person that enters.

Political actors in the Foreign Ministry severely criticized the securitisation of new extra-continental immigration. A former State Secretary for migration explained that in the context of Operation *Twilight* the police spun a narrative of international terrorism linked to extra-continental migrants to boost their own prestige, exaggerating and misinterpreting facts, i.e. depicting Tamil rebels (a Sri Lankan armed group that fought against its government until 2009) as international terrorists and claiming that they had established themselves in Ecuador. According to the former State Secretary:

The Security Cabinet wanted to give the issue [of the reversal of visa freedom] great publicity, not as migration policy, but as a successful police investigation uncovering cells of international terrorism. But that agenda collapsed with the questions we from the Foreign Ministry posed... [It] was a serious conflict between the Foreign Ministry and the police [and] cost the Minister of the Interior his post because he supported us and lost control over the police. The Chief commander of the Police, against whom we voiced many objections, received the support of the president. They sacrificed the minister and buried the issue.

In sum, political actors representing the Ecuadorian intelligence agencies racially securitized South-Asian and Arab Muslims, who they collectively saw as terrorists, and blacks – including African and Caribbean immigrants – whom they linked to increased domestic crime, drug trafficking and child pornography.

Political Allies

Officials aligned with Correa also approved of the decision to partially reintroduce visa requirements. However, they clearly felt this ethnically selective policy reversal targeting ten African and Asian nationalities to be inconsistent with their values of democratic humanitarianism. Their outspoken rejection of racism seemed crucial for their self-image of being tolerant, progressive leaders (see Van Dijk, 1993), and they thus used disclaimers, euphemisms and open contradictions to deny the racist elements in the securitisation of the visa policy.

The Director of Human Rights of the Ministry of the Interior praised Ecuador as a pioneer in progressive immigration policies towards the implementation of universal citizenship. At the same time, she explained that as every new policy the implementation of visa freedom had its flaws, which needed to be “corrected along the way”. She also rejected the notion of widespread xenophobia in Ecuador, while at the same time admitting that new extra-continental immigrants faced especially difficult conditions regarding their reception in Ecuador:

I don't think that my country is still xenophobic, really, I don't think so, because we opened our doors to all nationalities... I won't deny that there are pockets of xenophobia and violence, but really very disperse. But for those [Caribbean, African and Asian] nationalities it is very difficult.

The former State Secretary for Migration was even more critical and called visa freedom a failed policy experiment:

The policy is a kind of interesting, but failed, absolutely failed experiment. It was utopian. We are talking about how beautiful it would be – about the way the world should be, a world in which people move where they want and not where they are forced to go ... [T]here will always be a nomadic sector of humanity. “I was born here and I want to leave, why? Because my spirit moves me.” That always existed. Perfect. That man can go where he wishes. But right now he is here because of what is happening in Africa and in Asia – because he is dying of hunger there.

Intriguingly, he interpreted the constitutional right to migrate as only extending to soul-searching migrants and conceptually denied it to poor migrants who are forced to leave their home countries as a matter of survival. Reconciling the selective reintroduction of tourist visas with the ideals of Correa's immigration rhetoric through the victimisation of recent south-south migrants instead of their direct criminalisation was a recurrent

strategy for various interviewed officials close to Correa. Images of poor, desperate immigrants, fleeing warfare and hunger in Africa and Asia were also mirrored in the discourses of some NGOs. However, this image is not consistent with the results of qualitative interviews the author conducted with recent African and Asian immigrants. Paper Two discusses the mixed but in many cases surprisingly high socio-economic backgrounds of extra-continental immigrants.

Another strategy of Correa's allies to explain the partial re-introduction of tourist visas was to ambiguously link African and Asian immigration to both human trafficking and people smuggling. In his first statement, Minister of the Interior Gustavo Jalkh described the policy as a preventive measure to avoid the abuse of Ecuador as a bridge for committing the crime of human trafficking (*trata de personas*).⁷⁶ Three days later Deputy Foreign Minister, Kintto Lucas explained: "Somehow it was detected that people from those countries were being smuggled through Ecuador. People smuggling (*tráfico de personas*) is one of the things that we are not going to allow, beyond the fact that we allow human mobility".⁷⁷

The distinction between the two concepts is crucial regarding the government's motivation to impede new south-south migration, and its adherence to the constitutional ideal of free human mobility. Human trafficking is the illegal trade of human beings for the purpose of commercial sexual exploitation or forced labour, whereas people smuggling is the procurement of the irregular entry of a person into a state, generally to obtain a financial or other material benefit. Smuggled migrants voluntarily pay people smugglers, whereas victims of trafficking are forced into sexual or labour exploitation by traffickers' use of coercion and/or deception. Human smuggling is an administrative offence against a country's borders and should not be considered a criminal offence if the constitutional right to migrate was applied. Human trafficking is a crime against a person, involving severe human rights violations but not necessarily international border crossings.⁷⁸

⁷⁶ <http://www.eluniverso.com/2010/09/07/1/1355/ecuador-pedira-tourist-visado-9-paises-africa-asia.html>.

⁷⁷ <http://www.eluniverso.com/2010/09/10/1/1355/vicecanciller-ecuador-utilizado-traffic-personas.html>.

⁷⁸ The majority of trafficking victims in Ecuador are women and children trafficked domestically from border and central highland areas to urban centers for commercial sexual exploitation, as well as for involuntary domestic servitude, forced begging, and forced labor in mines and other hazardous work

Although it is possible that Jalkh simply misspoke, blurring the conceptual difference between people smuggling and human trafficking enabled the government to criminalise irregular migrants' means of transportation, while portraying the migrants themselves as victims in need of state protection. Building on both sides of the dichotomy of "iconic trafficking victim versus illegal alien" (Srikantiah, 2007), the Ecuadorian government simultaneously framed the selective reintroduction of tourist visas as driven by security concerns and human rights considerations.⁷⁹ Indeed, in his first public statement, State Secretary for Migration Carrión described the reintroduction of tourist visa requirements as a "humanitarian act to impede that Ecuador would be used as a bridge (to third countries) by the gangs of human smuggling."⁸⁰

In some instances, the differentiation between the victimization and criminalisation of immigrants became blurred. Some officials close to Correa engaged in direct criminalisation of immigrants themselves. Others did so indirectly, by criminalising their alleged means of entry – often in an emotional, resentful tone. Leonardo Carrión explained that Ecuador would not permit that the opening of its doors, which the government had granted the world "with great generosity", would be misused for "delinquent activities". The fact that new extra-continental immigrants had entered Ecuador for "illicit reasons", he explained, gave the government the right to take adequate measures. Similarly, the Foreign Minister, Eduardo Barrera, lamented that the "revolutionary principle" of opening its doors to the world had been exploited by the *coyote* networks.⁸¹ If the right to migrate and universal citizenship were applied, facilitating migration to or from Ecuador should not be considered a crime.

(<http://www.state.gov/j/tip/rls/tiprpt/2010/142759.htm>). In some cases, human trafficking and human smuggling can become intertwined because undocumented migrants can be more vulnerable to exploitation. In one recent case, authorities discovered an international trafficking network that exploited female Cuban migrants by forcing them into prostitution to pay off their debts (<http://www.elnuevoherald.com/ultimas-noticias/article2034653.html>).

⁷⁹ In the U.S. context, the undocumented migrant is seen as a "dangerous, manipulative criminal who drains social services", whereas "the iconic victim is innocent, helpless, and complies with law enforcement", see SRIKANTIAH, J. 2007. Perfect Victims and Real Survivors: The Iconic Victim in Domestic Human Trafficking Law. *Boston University Law Review* 87.

⁸⁰ http://www.bbc.co.uk/mundo/america_latina/2010/09/100907_ecuador_inmigrantes_africa_asia_tourist_visa_rg.shtml

⁸¹ http://www.bbc.co.uk/mundo/america_latina/2010/09/100907_ecuador_inmigrantes_africa_asia_tourist_visa_rg.shtml

These findings are in line with Magliano and Clavijo (2011) who argue that many South American governments reject the securitisation of migration that has led to “building walls” in Western liberal democracies. They promote the conceptual detachment of international migration from international organised crime, including drug and human trafficking and terrorism, but at the same time perpetuate the securitisation of irregular and undesired migration by reframing it under the paradigms of human rights and the protection of human trafficking victims.

Qualitative research found low levels of people smuggling among interviewed extra-continental immigrants – only 12 per cent of interviewees described having reached Ecuador with the help of smugglers. The most notorious cases of deception in people smuggling were those of Haitians, and no tourist visas were reintroduced for Haitian citizens. It is further questionable whether Correa’s government really sees the protection of victims of people smuggling and human trafficking as a priority. Despite the victimising discourse, no assistance is offered to trafficking victims. Furthermore, government officials echoed the view of NGO representatives and the UNHCR that restrictions, including the reintroduction of tourist visa requirements, only further increased the costs and risks of people smuggling. The advisor for human trafficking at the Ministry of Justice explained:

Well, sure, I definitely think that migration in the world is unstoppable. The only thing restrictions do is that they help those committing these crimes. Because [then] entering a country requires false documentation ... That increases the profit of the people committing these crimes. One doesn’t stop migration by being more restrictive. So, we can’t get to letting no one in either.

From the above we can conclude that Correa faced internal political pressure from the political opposition and the media, and from within his administration to revoke universal visa freedom. The domestic agents that called for the reversal of visa freedom engaged in the racialised securitisation of extra-continental immigration, and the criminalisation or victimisation of migrants, depending on their ideological alignment with Correa. However, given Correa’s track record of dealing with “unruly” media and his drift towards competitive authoritarianism (Levitsky and Way, 2010), domestic securitisation agents on their own would unlikely have been successful in achieving a reversal of his populist open door policy.

INTERNATIONAL SECURITISATION AGENTS

The Correa administration also faced international pressure to reverse universal travel freedom. Due to its porous borders and geographical proximity to Central America, Ecuador has long been a transit country for Latin American migrants who, just as many Ecuadorians, emigrate to the US and Europe with the help of people smugglers (Kyle and Ling, 2001, Zepeda). Recent extra-continental immigration has been a phenomenon discussed in migration management circles all over the Americas, and in past years governments and regional organisations such as the Organization of American States (OAS) have shown increasing concerns regarding these flows, convening special governmental meeting and commissioning reports on the subject. As the State Secretary Carrión explained:

There was regional preoccupation. It was complicated. They [African, Asian and Caribbean immigrants] came to Ecuador and from Ecuador they moved on to other countries with the help of the mafia. They didn't come to stay in Ecuador ... Everyone started to complain because they started to arrive irregularly in Chile, Argentina, Peru, Bolivia, and obviously they started arriving in the US, in Canada ...

Interestingly, in his discourse, what he described as human smuggling “gangs” in the domestic context turned into the “mafia” when speaking about regional security preoccupation. The transmigration of new immigrants was facilitated by another liberal aspect of the 2008 Constitution, which originally automatically gave nationality to spouses of Ecuadorian, without any additional requirements (Art. 8.4.):

This [immigration] continued without any control, in accordance with the new constitution and the policy of universal citizenship, and gave room to the establishment of mafias who organised the arrival, marriage, nationalization and divorce [of foreigners with Ecuadorian nationals]... The foreigner would arrive in Ecuador as a tourist in the morning, a contact person would receive him, they went to the Civil Registry with the person who would become the Ecuadorian spouse – obviously in exchange of being paid – in the afternoon he would receive his ID and present his application for citizenship ... This led to thousands of Cubans, Pakistanis and other nationals adopting Ecuadorian citizenship and many of them used their Ecuadorian passport to travel onwards to the US, and other countries in the region such as Argentina and Brazil.⁸²

⁸² According to the State Secretary, the “mafia” even reached the office of the Foreign Ministry in Guayaquil, which led to the (unconstitutional) policy correction of the requirement of having been married for three years before extending citizenship, as well as the prohibition of marriage between Ecuadorians and foreigners on tourist visas violating national and international laws, falling back in line with the Latin American tendency of excessive prosecution of false marriages in law and in practice.

Conservative media in the US echoed such concerns. InSight Crime (2011) spoke of an “explosion of African and Asian nationals moving through the country (with 156 reported arrivals from South Africa during the first quarter of 2011)”⁸³ and Reich and Vásquez (2012) stated on the *Foreign Policy* website:

The government of Ecuador has once again crossed the line between irresponsible policies and ideologically driven actions that have created a serious security problem not only for its citizens but also for the entire Western Hemisphere. The disarray created in Ecuador’s immigration policy has permitted transnational criminal organisations and terrorist groups — possibly including al Qaeda — to potentially use the country as a base of operations with the ultimate objective of harming the United States. In June of 2008, the Ecuadorian government opened its borders to foreigners and ended visa requirements to enter its territory. This opened the floodgates to nationals from Africa, the Middle East, and Asia (Reich and Vásquez).

As pointed out above, the numbers of new extra-continental migrants entering Ecuador in most cases were extremely small. While speaking of “floodgates”, *Foreign Policy* indicated an increase of Pakistani citizens from 92 entries in 2006 to 518 in 2010. In the same interview, the State Secretary in the Foreign Ministry linked regional security concerns regarding the arrival of new south-south migrants directly to racism, for example in the case of Haitians arriving in Brazil via Ecuador after the 2010 earthquake:

Why is the topic of Haitians so important in Brazil? Because of the Governor of Acre, which is the Amazonia region of Brazil, where they enter ... The Haitians that come to Ecuador and Peru are black, and the Governor of Acre doesn’t want blacks in his region. And because the Governor of Acre has a high-ranking position in the Worker’s Party and is close friends with the President, he asked his friend to prohibit the entry of blacks to his territory.

He further ridiculed Brazil’s racially motivated “security concerns” and their preoccupation with Haitian immigrants:

The numbers are not very large. When a Brazilian delegation came to discuss the issue here in Ecuador, 480 Haitians had entered Brazil... “Oh my god, we have to do something, 480 entered, that’s an unsustainable risk for Brazilian security. And one of them had AIDS, oh my God!”

When asked about similarly small numbers in case of African and Asian immigrants to Ecuador for whom tourist visas were reinstated, the interviewee clearly felt uncomfortable and swiftly changed the topic.

The available data on abandoned asylum applications until mid-2011 strongly suggests that a large proportion of the migrants who officially entered Ecuador without

⁸³ <http://www.insightcrime.org/news-analysis/bin-ladens-cousin-arrested-in-ecuador>

officially leaving, most probably did not remain in the country. It is unlikely that up to 85 per cent of asylum seekers in the cases of some nationalities would have abandoned their application process if they had indeed remained in the country. Interviews with extra-continental immigrants confirmed that many saw Ecuador as a gateway to onward migration to other countries in the region, and predominantly to the US (see Paper Two).

Diplomatic Pressure from China

The first country that was successful in exerting diplomatic pressure on the Correa administration to reinstate tourist visas for its nationals was China. The former State Secretary recalled:

They sent a high-ranking Chinese official to ask Correa to reinstate tourist visas. They explained that Ecuador doesn't know, has no idea, how the Chinese mafias work ... that China, as Ecuador's friend wanted to prevent the country from becoming a platform of the Chinese mafia, which would have been a risk for the entire region.

Tourist visa requirements for Chinese citizens were reinstated in December 2008, with the exception of official travel parties. InSight Crime (2011) claimed that visa freedom led to the increase of Colombian, Russian and Chinese organised crime in Ecuador, including human smuggling networks. Tourist visa freedom did not affect Colombian citizens. And when speaking about concerns regarding Russian mafias in the same interview, the interviewee laughed and argued that visa policies had no impact on international mafias because they had the means to obtain any kind of tourist visa requirements they wanted. It thus seems that reflecting the domestic context the discursive categorisation of people smugglers as “international mafias” also led to the securitisation of irregular extra-continental immigration on the international level.

The Chinese ambassador to Ecuador, Cai Runguo, openly admitted that tourist visas were reintroduced to stem irregular migration. Rather than speaking of organised transnational crime, he declared that while his government understood that Ecuador wanted to stimulate tourism, trade and investment, many “ordinary migrants” with the motivation of reaching the United States were among the Chinese entering Ecuador. Their movement needed to be controlled (Universo, 2008). For a long time China tried to stem

emigration as a form of domestic political control and to protect its international reputation. However, by the early 2000s, this policy had shifted to promoting emigration, especially to “new markets” in Africa and Latin America (Biao, 2003).⁸⁴ It is more likely that US concerns and US-China relations explain China’s intervention in Ecuador’s visa policy. China has been collaborating with the US, Canada and Australia in combating irregular migration and returning apprehended migrants since the late 1990s (ibid).

China’s political leverage in Ecuadorian domestic affairs of immigration policy is explained by their unequal economic relationship. Since Correa announced Ecuador was defaulting on his foreign debt in 2008, China has become the country’s main foreign creditor and bought around 60 per cent of its foreign debt (Polga-Hecimovich, 2013). Intriguingly, visa freedom for Chinese citizens again took effect in Ecuador on 1 March 2016, officially once more to “promote Chinese tourism”⁸⁵. The new unilateral lifting of tourist visa requirements should be understood as a symbolic act in the context of Ecuador’s inferior position in the increased political and economic rapprochement between the two countries.⁸⁶ The volatility of tourist visa policy towards China and the related (de)securitisation of Chinese immigration might also reflect decreasing influence of the US on China in the area of migration management.

Continued US Influence

Indeed, the international securitisation agents with the most political leverage were US officials. According to the former Ecuadorian State Secretary for Migration, until the late

⁸⁴ Although China has relaxed its formerly strictly controlled emigration policy in the last decade, the government mainly encourages skilled migration and return and has paid little attention to the emigration of low-skilled workers, which remains largely illegal. The Chinese government holds that the fundamental reason for illegal migration, in China rests on the unfair and unjust international political and economic order, the deceptive practices by human smugglers and “unreasonably” immigration policy of receiving countries, see BIAO, X. 2003. Emigration from China: A Sending Country Perspective. *International Migration*, 41, 21-48.

⁸⁵ Acuerdo Ministerial N° 000027.

⁸⁶ In early 2015, both countries’ signed a bilateral agreement, which included bilateral visa freedom, which has not yet been implemented by either party. The agreement had been signed between Xi Jinping and Rafael in January 2015, during Correa’s state visit, the first by an Ecuadorian president, to China. During the same visit other expansive cooperation was agreed upon, including Chinese investments of \$5.296 million, long term loans, a Chinese scholarship program for Ecuadorian children and technological exchange were agreed on, see <http://www.elcomercio.com/actualidad/china-ecuador-acuerdan-supresion-visa.html>.

1990s, Ecuador's visa policy had been an extension of the policies of the US, with governments placing tourist visa restrictions on countries that the Department of Home Security considered as "dangerous". These were first and foremost communist regimes, but visa policies also aimed to impede flows from poor countries and included negative ethnic selectivity.⁸⁷ After 1989, Ecuador signed bilateral agreements to remove visa requirements with many Eastern European countries and in the 1990s started signing such agreements in the region, which the US adamantly opposed. According to the former State Secretary, by the late 1990s "the United States had managed to extend its border to Panama, with all Central American countries imposing tourist visa requirements on the Andean countries to impede migration flows to the United States ... In Central American countries, some of the migration officials were *gringo* policemen."

In the post-Cold War era, the US security focus in Latin America shifted to drugs, illegal immigrants and refugees, and since 9/11, to terrorists. According to John Craddock, Commander of Southern Command, responsible for all US military activities in South and Central America in 2006:

The transnational terrorist, the narco terrorist, the Islamic radical fundraiser and recruiter, the illicit trafficker, the money launderer, the kidnapper and the gang member all have access to and leverage an unprecedented freedom of movement [in Latin America] (cited after Livingstone 2009: 122).

Thus, at the time that Ecuador implemented visa freedom, US security concerns about Latin America focused on immigration control. The securitisation of migration based in these concerns targeted Arab, South Asians and Muslims as potential terrorists and South and Central Americans as potential human traffickers and people smugglers and criminals (Lentin 2007; Livingstone 2009). The second Bush administration politicised the potential of anti-American jihadi groups to find safe havens in Latin America to carry out fundraising activities, or to reach the US in irregular immigration flows from the south to carry out attacks as a critical threat (Felbab-Brown 2008). But although Hezbollah activity is documented at the border between Argentina, Brazil and Paraguay (Goldberg, 2002,

⁸⁷ According to the former State Secretary, Cubans required a tourist visa because they lived under a communist regime, whereas visa requirements for Haitians were based on the country's poverty as a push factor for emigration to "wherever they could".

Felbab-Brown, 2008), there otherwise have been no reported cases of groups like al-Qaida successfully using Latin America as an entry point into the United States.

It has been shown that US interests continue to strongly influence the development of Central American immigration policies since 9/11, which since shifted from a focus on the protection of migrants' human rights and the relationship between migration and development, towards security concern in line with US policy (Alba et al., 2010). Indeed Central American security and migration discourses and concerns often mirror US concerns. Diplomatic cables published by Wikileaks reveal the overlap of concerns regarding Ecuador's policy of open doors. Immediately after the introduction of tourist visa freedom, in July 2008, US ambassador to Ecuador, Lind Jewell, expressed concerns that Ecuador would be used as a "trampoline for those intending to immigrate to the United States".⁸⁸ Referring to illegal transmigration through their territories, Costa Rican Director for Migration Mario Zamora declared that Ecuador was "causing instability for all America", and the former security advisor to the Panamanian President Marcel Salamin polemically called Correa a "consumptive patient, whose cough is infecting everyone else."⁸⁹

A 2009 report by the International Assessment and Strategy Center quotes an unnamed US official who claimed that "in every major case of non-Mexican and non-Central American illegal immigrants entering the US in the past year the migrants have transited Ecuador" (quoted after InSight Crime 2011). Concerns persisted after the selective reintroduction of tourist visas. In November 2010, Zamora told US Ambassador Peter M. Brennan that flights from Ecuador via Costa Rica to Guatemala or Belize had become "very cosmopolitan," and that he feared an influx of irregular migration of Eastern Europeans, Arabs, South Americans and Africans. Zamora was especially concerned about Chinese immigrants (as victims of trafficking and smuggling), Iraqis, Afghans and Iranians (as potential terrorists), and the African immigrant influx (no reasons given).⁹⁰

Four Pakistani immigrants who had been detained in the operation *Twilight*, the rounding up of the Muslim immigrant population in Quito on 10 March 2011, reported that

⁸⁸ <http://files.vpro.nl/wikileaks/cable/2008/07/08QUITO672.html>.

⁸⁹ <http://files.vpro.nl/wikileaks/cable/2008/07/08QUITO672.html>.

⁹⁰ <http://wikileaks.org/cable/2008/11/08SANJOSE882.html>.

FBI officials had interviewed them.⁹¹ Among the men were a few individuals who were allegedly listed on “certain red lists” of the US and Interpol. While intelligence officials suggested links to international Islamist terrorist networks, representatives of the Foreign Ministry claimed that accusations were based on money laundering. According to the Public Protector, six men were extradited to the US without any due legal process. All others were released. This case shows that despite the populist liberal condemnation of US immigration policy, Ecuador in fact continued to collaborate in US directed migration control. The ethnic profiling of Muslims as terrorists mirrors the “hijacking” of the immigration policy discourse by racialised discussions on combating terrorism in the US (Johnson, 2010). The political pressure of the US on Correa’s visa policy worked both directly and also indirectly through US influence on Central American and Chinese immigration management.

CONTEXTUAL FACTORS

Both domestic and international pressure arose immediately after the introduction of visa freedom but, with the exception of Chinese citizens, the Correa administration only reversed visa freedom two years later in September 2010. As Bourbeau (2011) points out, the capacity of securitisation agents is bound by contextual factors such as geographic and historic context, judicial frameworks, domestic audiences and exogenous shocks. Exogenous shocks are events that induce points of departure from established sociological, cultural, and political patterns and offer “windows of opportunity” for agents of transformation. After the analysis of the securitisation process by domestic and international agents, the following section will discuss three contextual factors: 1.

⁹¹ Foreign Policy confirms U.S. involvement operation *twilight*. It states that in 2011 an investigation was conducted by the U.S. Homeland Security Investigations (HSI) attaché in Quito, Ecuador, the HIS office in Atlanta, the Miami division of the FBI and the Ecuadorian National Police. The operation led to the arrest of Irfan Ul Haq, a Pakistani citizen who according to the U.S. Immigration and Customs Enforcement agency (ICE) was conducting a human smuggling operation in Quito that attempted to smuggle an individual they believed to be a member of the TTP from Pakistan (Tehrik-e Taliban), which was designated as a foreign terrorist organization by the State Department in 2010, into the United States”, see REICH, O. & VÁSQUEZ, E. 2012. How Ecuador’s immigration policy helps al Qaeda. *Foreign Policy*, 2 April 2012.

domestic public opinion on security and immigration; 2. regional integration; and 3. the exogenous shock and trigger of the policy reversal of the San Fernando migrant massacre.

Public Opinion

Although there is no clear evidence for the overall increase of crime in Ecuador, public opinion on crime sees Ecuador has having moved from being a self-perceived isle of peace (between its violent neighbours Peru and Colombia) to a new platform of international crime (Carrión Mena, 2011). There is a close relationship between racism and perceptions of crime in Ecuador. Racial and ethnic discrimination, first and foremost against indigenous and Afro-Ecuadorians, is ubiquitous in public life and the media, and enshrined in Ecuadorian social psychology (de la Torre, 1996, Cervone, 1999, Rahier, 1999, Beck et al., 2011).⁹² Depreciate representations of Afro-Ecuadorians as “dangerous criminals” date back decades (Rahier, 1999, Beck et al., 2011) and have been accompanied by the criminalisation of the indigenous population. As “institutionalized anti-racist movement[s], and the political, economic, and cultural influence of formerly excluded ethnics” (FitzGerald, 2013) in Ecuador grew, crime has been increasingly linked to foreigners. As an official of the Public Protector put it:

In the 60s and 70s everything bad that happened in the country was blamed on the indigenous people. After that the guilt was passed on to the afro-descendants, which had to stop because of the vindication of ethnic rights. So now, after the nationals, the foreigners became the protagonists. This topic is managed politically by the state and it is managed very inadequately by the media.

With the increase of Colombian immigrants and refugees the perception spread that their presence increased crime rates, thefts and kidnappings (Martínez, 2005). With the arrival of new extra-continental immigrants security concerns shifted to these new immigrant groups.

Public opinion on immigration, crime and migrants' rights in Ecuador is complex and rather contradictory. In 2010, over 70 per cent of Ecuadorians believed that

⁹² A recent study published by the World Economic Forum, indeed finds very high levels of xenophobia in Ecuadorian society. According to the World Economic Forum, Ecuador ranked 118 out of 140 countries regarding it's friendliness towards foreigners in 2011.

immigrants in Ecuador generated insecurity and crime (Zepeda and Verdesoto, 2010 p. 95). At the same time, over 95 per cent thought that migrants should have access to health care and education and form organisations to defend their rights in their countries of residence (ibid.). Correa was thus confronted with somewhat opposing public opinion: the demand for migrants' rights and regularisation programs (in the context of emigration to the US and Europe) on the one hand, and the protectionist, and even racist, public opinion, on the other. The contextual factor or public opinion on immigration and crime facilitated the partial reintroduction of tourist visa requirements.

Regional Integration

Another important contextual factor that further explains the selection of countries for which visa freedom was reversed is regional integration and related diplomatic considerations that constrained the securitisation of immigration from “befriended” nations. The 2008 Constitution emphasizes the importance of Latin American integration process and the implementation of compensation policies for equal regional development (Art. 243, 1). Correa stressed that the reintroduction of tourist visa requirements would not affect the bilateral relations with any of the sending states.⁹³ He severely rejected the demand by some opposition members for the reintroduction of tourist visas for Peruvians and Colombians as completely absurd in the context of regional integration. It is for similar reasons that no tourist visas were reintroduced for Cubans and Haitians until 2013 and 2015, despite much higher rates of irregular migration, similar stark prejudice against Cubans and Haitians of colour, the well documented exploitation of Haitians by people smugglers, and the transmigration of both groups towards the US and Brazil.

In the case of Haiti, State Secretary of Migration Carrión stressed that they had responded to Brazilian pressure to reintroduce visas by saying that there was nothing they could do since Ecuador supported Haiti and publically advocated for the assumption of regional responsibility and the large scale issuance of humanitarian and student tourist visas. Nevertheless, in 2013, an invitation letter by a wealthy sponsor, and in 2015, online

⁹³ http://www.bbc.co.uk/mundo/america_latina/2010/09/100907_ecuador_inmigrantes_africa_asia_tourist_visa_rg.shtml.

registration, became mandatory for Haitian nationals travelling to Ecuador. Cuba and Ecuador are partners in the Bolivarian Alliance for the Peoples of Our America and their bilateral relations under Correa are characterised by reciprocal solidarity. It is likely that this alliance was the main reason for Ecuador originally not to reintroduce tourist visas for Cubans, although soon after the introduction of visa freedom they entered (and stayed or transmigrated) in their thousands. In 2013, an invitation letter by a wealthy sponsor, and in December 2015, tourist visas, were reintroduced for Cuban nationals, officially due to the “humanitarian crisis” of thousands of Cubans transmigrating through Central America with the goal of reaching the US.⁹⁴

The San Fernando Migrant Massacre

From the above analysis, we have learned that there was substantial domestic and international pressure on Correa to reverse universal visa freedom. Visa requirements for Chinese citizens were introduced swiftly following petition by the Chinese government. The contextual factors of public opinion and regional integration favoured the racial securitisation of migration, and the alleged link between increasing crime and new extra-continental immigrants had become a publically debated issue by mid-2010. However, it was not clear that any other measures would be introduced. Correa discussed the issue in his State of the Nation Address (*informe a la nación*) on 10 August 2010. He declared that a study was underway to assess the relationship between the entry of certain nationalities and the increase in crime.⁹⁵ He promised to introduce all necessary measures should such a link be confirmed, however he considered this an “absurd” assumption.⁹⁶

The trigger for the policy reversal for nine other African and Asian nationalities was the exogenous shock of the San Fernando migrant massacre. On 22 August 2010, the *Los Zetas* drug cartel murdered 72 undocumented migrants, mainly from Central and South America, in the municipality of San Fernando, Tamaulipas, Mexico. The migrants were abducted from a bus and brought to a ranch, and when they refused to join the

⁹⁴ <http://www.cancilleria.gob.ec/ecuador-solicita-visa-de-turista-a-los-cubanos-desde-el-1-de-diciembre/>

⁹⁵ It is likely that he referred to the study conducted by the Public Protector cited earlier in this article.

⁹⁶ <http://lahora.com.ec/index.php/noticias/show/1101001401/-1/home/goRegional/Manabi>.

cartel, they were blindfolded and shot in the back one by one. The Fernando massacre caused international outcry from human rights groups and political condemnation from governments across the Americas. The mass shooting brought in the political spotlight the issue of human rights abuses against migrants in Mexico, and migrants' rights more generally, in various countries in the region. Six of the victims were Ecuadorian, including one of only three survivors and the only one to share the horrific details of the crime.

The haunting personal account of the victim – he had survived a shot to the neck and face, faked his death, and then escaped and walked for miles until he reached a military checkout and found help – was widely reproduced in Ecuadorian media, and intensified the pressure on Correa to act. According to the former State Secretary for Migration, Correa used San Fernando in his propaganda machine to reaffirm his commitment to the migrant cause. Not only did he demand a rigorous investigation from Mexico but promised to provide maximum protection to migrants and castigate the criminal groups who abused and controlled human smuggling rings⁹⁷. In the context of increased pressure from the police after the dismantling of a human smuggling ring weeks earlier⁹⁸, the San Fernando massacre tilted the playing field in favour of the Security Cabinet and their demands to reverse visa freedom. On 6 September 2010 State Secretary Carrión announced the reintroduction of visa requirements for Afghanistan, Bangladesh, Eritrea, Ethiopia, Kenya, Nepal, Nigeria, Pakistan and Somalia with immediate effect.⁹⁹

CONCLUDING REMARKS

Populist leftist governments in Latin America vehemently criticise the restrictive immigration policies of the US and Europe and actively endorse non-discrimination and colour blind immigration policies. To cohere with these discourses, various administrations have passed surprisingly liberal immigration laws that make the region an outlier by international comparison. Perhaps not surprisingly, this does not mean that

⁹⁷ <http://www.elespectador.com/noticias/elmundo/ecuador-impone-visa-nueve-paises-de-asia-y-africa-trata-articulo-222917>.

⁹⁸ <http://www.eluniverso.com/2010/09/10/1/1355/vicecanciller-ecuador-utilizado-trafico-personas.html>.

⁹⁹ <http://www.eluniverso.com/2010/09/06/1/1355/ecuador-establece-visa-ciudadanos-nueve-paises.html>

Latin American immigration policies are free from racialised securitisation and ethnic selectivity. This paper has explored how the pressure of external political actors interrelates with domestic securitisation and racialisation processes in the case of Ecuador, and what strategies politicians and officials pursue to bridge the gap between the populist liberal discourse on immigration and discriminating visa policies.

Empirically, this paper demonstrates that Ecuador's 2008 policy of open doors faced domestic and international opposition based on the racialised securitisation of new extra-continental immigrants of colour and Muslim belief as delinquents and terrorists. Domestically, securitisation agents included Correa's political opponents and the media, but also political allies within the administration. Internationally, China and countries across the Americas, first and foremost the US, were decisive in pressuring Correa to reinstate visas in order to prevent transmigration. With the exception of Chinese citizens, Correa's administration did not reverse visa freedom until the exogenous shock of the San Fernando migrant massacre. The contextual factors of public opinion and regional integration favoured the racial securitisation of immigrants from countries with which Ecuador had no, or only loose, ties. With a view to the external validity of the case study, it is worth pointing out that these contextual factors are similar in other Latin American countries. Processes of racialised securitisation of migration might thus play out similarly.

The racialised securitisation of visa policies contradicts the liberalisation of Latin American immigration policies. Politicians and immigration officials thus needed to develop strategies to bridge the resulting discursive gaps. The research shows that the victimisation of irregular migrants and the criminalisation of their means of transportation was a common strategy of Ecuadorian officials to soften the contradiction between the political ideology of free human mobility and universal citizenship, and the ethnically selective reintroduction of tourist visas. These findings are in line with Magliano and Caviyo (2011) who argue that the rejection of the securitisation of migration by South American administrations goes hand in hand with reframing the securitisation of irregular migrants under the paradigms of human rights and the protection of human trafficking victims. The findings thus suggest not only considering how racialised securitisation of migration and immigration policies occurs through "speech acts", but

how political actors in turn make sense of these discourses and how such understandings shape the process of policy formulation. Scholars should further link the literatures on the racialised securitisation of migration and ethnic immigration policies by acknowledging the persistence of (securitized) ethnic selectivity in tourist visas, and tourist visas as a central immigration policy tool. The paper further shows the key roles of tourist visas of relatively remote but strategic transit countries for the security interests of geographically connected destination countries.

By disaggregated the various agents of racialised securitisation and the contradictory preferences of mass audiences, the findings challenge established ideas of elite consensus equalling liberal tendencies and populism equalling protectionism (Joppke, 1998; Freeman et al. 2012) as oversimplified. Future studies should test whether the discrimination against black, Arab and South-Asian Muslim immigrants is a more general phenomenon in the context of the Global War on Terror, both inside and outside Western liberal democracies, and whether historic discrimination against Asian and Chinese immigrants subsides in the context of the economic and political rise of China.

America] is their avowedly progressive character.”
(Cantor et al., 2015 p. 3)

“The position of Brazil and Argentina was: ‘I think we were wrong. We made a law thinking in the MERCOSUR, in Latin America, and suddenly we are flooded by half of the Congo.’”
(Ecuador State Secretary for Migration, Leonardo Carrión, June 2011)

CONCLUSIONS

The motivation of this thesis was twofold. First, it sought to explore the scope and underlying contradictions of immigration policy liberalisation in Latin America. The first paper broadly addresses this question for the cases of Argentina, Brazil and Ecuador. It investigates the “reverse paradox” of extremely progressive and inclusive immigration policy discourses and their partial translation into laws and policies on the one hand, and the de facto rejection of immigration from Africa, Asia, and the Caribbean on the other. The third paper picks up this last issue and provides an in-depth analysis of the reasons that led to the partial reversal of Ecuador’s policy of universal visa freedom for ten African and Asian nationalities.

Second, the study sought to understand the reciprocal causal relationship between policy liberalisation and newly emerging extra-continental south-south migration. In other words, it explored in how far policy liberalisation had an impact on extra-continental immigration, and whether the emergence of these new inflows in turn affected migration policies. The conceptual basis for this research has thus been the duality of migration flows and immigration policies as both dependent and independent variables. The second and third papers address this reciprocal causal relationship between immigration policies and flows in the case of Ecuador’s policy of universal visa freedom, increasing extra-continental south-south migration and the reversal of visa freedom for ten African and Asian nationals. This concluding chapter summarises the key findings and empirical contributions of the thesis, as well as the theoretical and normative implications of the study’s results. Reflecting on these, the chapter concludes with ideas for future research.

SUMMARY OF FINDINGS AND EMPIRICAL CONTRIBUTIONS

In his keynote address at the 10th anniversary conference of the International Migration Institute at the University of Oxford on 13 January 2016, Hein de Haas pointed out various areas in migration studies in need of further research. His main criticism included the static approach that focuses on outcomes without addressing the processes that precede them, and the dominant south-north bias of the literature. This PhD helps address these weak spots in migration studies by analysing the processes leading to immigration policy liberalisation and the increase in south-south immigration in Latin America. In the following, I will first review the findings on immigration policy liberalisation presented in the introduction and then move to the empirical contributions of (1) policy as the dependent variable, and (2) policy as independent variable.

A Reverse Immigration Policy Paradox

The first paper applies a mixed methodological approach of legal analysis and process tracing to explore in how far recent immigration policies in Argentina, Ecuador and Brazil constitute a liberal turn, or rather a reverse immigration policy paradox of officially welcoming but covertly rejecting irregular migrants. It thus treats policy as the dependent variable. In contrast to the much discussed puzzle of “why liberal states accept unwanted migration” (Joppke, 1998b), which rests on the definition of the immigration policy paradox as the gap between restrictive immigration policy discourses and comparatively permissive immigration policies, the paper identifies a reverse gap between immigration policies and exceptionally *liberal* political discourses.

Immigration discourses in the three case countries shifted from closure and securitisation to emphasizing migrants’ human rights, non-racism, and non-criminalisation. These discourses developed in the context of emigration and diaspora policies and in strong counter position to the restrictive immigration rhetoric in the US and Europe, from which South American governments demanded the “humane”

treatment and regularisation of their nationals. Although the specific political context of liberalised immigration discourses has been South American emigration to Europe and North America, proclaimed values of the universality of migrants' rights and the necessity for regularisation measures fed back into the country's immigration discourses based on the logic of coherence and political reciprocity.

The legal analysis suggests substantial variation in the degree to which legislative and policy change have followed discursive immigration policy liberalisation. Argentina's 2004 Immigration Law presents a significant liberal turn, both in its domestic context and in international comparison. Larger discursive gaps persist in Brazil and Ecuador, which thus far have not embarked on comprehensive immigration reforms. Regarding policy reactions to irregular extra-continental south–south migration, all three countries present the reverse policy paradox of publically welcoming all immigrants regardless of legal status or national origin, but de facto excluding immigrants from Africa, Asia, and the Caribbean, albeit to varying degrees.

The Racialised Securitisation of Extra-Continental Immigrants

The third paper picks up the rejection of recent extra-continental immigrants as it analyses the partial reversal of Ecuador's universal visa freedom for ten nationalities. It also treats policy as the dependent variable. The paper addresses the question in how far racism and perceived security threats of domestic and international political actors constrain immigration policy liberalisation in Ecuador. The paper shows that Ecuador's 2008 policy of open doors faced domestic and international opposition based on the racialised securitisation of new extra-continental immigrants of colour and Muslim belief as delinquents and terrorists.

Domestically, securitisation agents included Correa's political opponents and the media, but also political allies within the administration. Internationally, China and countries across the Americas, first and foremost the US, were decisive in pressuring Correa to reinstate visas in order to prevent transmigration towards or through their territories. The contextual factors of public opinion and regional integration favoured the

racial securitisation of immigrants from countries with which Ecuador had no or only loose diplomatic ties. Chinese diplomatic pressure determined the reintroduction of visas for their citizens after only six months of visa freedom. In the case of the other nine nationalities, the exogenous shock of the San Fernando migrant massacre determined the timing of the policy reversal.

The racialised securitisation of visa policies stood in stark contrast to President Correa's populist liberal discourse on immigration. Politicians and migration officials thus needed to develop strategies to bridge the resulting discursive policy gaps (Czaika and de Haas, 2013). The paper shows that the victimisation of irregular migrants and the concurrent criminalisation of their means of transportation was a common strategy of Ecuadorian officials to soften the contradiction between the political ideology of free human mobility and universal citizenship and the ethnically selective reintroduction of tourist visas.

The Impact of Tourist Visas on South-South Migration

The second paper addresses the impact of policy liberalisation on south-south immigration from outside the region in the case of Ecuador's policy of open borders. It thus treats policy as independent variable, and seeks to understand both the effect of policy liberalisation on the numerical increase in immigration flows, as well as the characteristics of new extra-continental immigrants. The paper thus not only asks *how many* new immigrants came to Ecuador once visa freedom was implemented, but also *who* they were. The paper takes advantage of the quasi-experiment of Ecuador's policy of universal visa freedom of 2008 to test the impact of the opening of borders of a Latin American country on previously restricted countries in Asia, Africa and the Caribbean. It uses official entry data and a difference-in-difference approach to formalise the analysis of the impact of the open door policy and its subsequent reversal on south-south migration, and estimates the policy effect through a comparison of entry flows of immigrants from previously restricted and open countries, both before and after policy implementation.

On average, immigration from previously restricted countries more than doubled. In the case of Chinese citizens, for which the policy was reversed in December 2008, the policy led to an increase of 642,7 per cent. For nine African and Asian countries, for which the policy was reversed in September of 2010, the monthly increase amounted to 590,1 per cent and for the previously restricted countries for which visas were not reintroduced to 28,4 per cent. The reversal of the policy (reintroducing visa restrictions) led to a 70,9 per cent reduction in entry of Chinese citizens and a 90,7 per cent reduction in entry of citizens from the nine African and Asian countries for which the policy was reversed. The results indicate that the policy change and subsequent reversal had a net positive effect on Chinese immigration but a net negative effect on the other group of nine African and Asian countries. It is important to relate these relative changes in inflows to absolute numbers. More than 10,000 Chinese citizens entered in only four months of visa freedom. In the case of the other nine nationalities for which visas were reintroduced, entries ranged from only 71 in the case of Somalia to 1,083 in the case of Pakistan over the course of two years.

Complementary descriptive statistics and qualitative findings highlight great variance in the characteristics, agency and motivations of these recent immigrants. Interviews revealed that almost all took the decision to move to Ecuador in the context of their perception of increasing policy closure of their preferred destinations in Europe and North America. Apart from the decisive factor of Ecuador being an accessible destination, there were three main motivations: 1. pressure to leave one's country of origin, 2. onward migration, primarily to North America and 3. settlement in Ecuador based on relative improved opportunities. The characteristics and agency of recent extra-continental immigrants in Ecuador vary from highly educated individuals with a high degree of agency to exploited victims of people smugglers. On average, immigrants from previously restricted countries in Africa, Asia and the Caribbean who arrived after the implementation of travel freedom tended to be significantly younger, more often male and from more remote areas in their home countries.

In sum, the five most important empirical contributions of this PhD are:

1. It offers a comparative overview of contemporary immigration frameworks in Argentina, Brazil and Ecuador.
2. It shows that, contrary to Europe and North America, governmental immigration discourses in Argentina, Brazil and Ecuador are significantly more liberal than their immigration policies in practice, i.e. there exists a “reverse” discursive gap between political discourse and policy formulation and implementation.
3. It demonstrates that racial prejudice among domestic and international elite actors affects immigration policy-making in Ecuador.
4. It shows Ecuador’s policy of universal visa freedom between 2008 and 2010 led to an increase of (irregular) south-south migration.
5. It presents empirical evidence on the characteristics, motivations and agency of south-south migrants from Africa, Asia and the Caribbean to Ecuador.

THEORETICAL CONTRIBUTIONS

Political migration scholars repeatedly point towards the lack of theorisation of migration policies and their relationship to migratory movements (Massey et al., 1998, Massey, 2009, Hollifield and Wong, 2013b). Regarding policy as dependent variable, there have been some attempts to synthesise the rather broad range of theoretical approaches to explaining immigration policy into one comprehensive framework by extracting and combining the most important independent variables of each (e.g. Meyers, 2004). Such approaches are valuable to test independent variables in large N studies, but are still far from the perhaps elusive goal of a coherent theory of migration policy-making. The South American cases discussed in this thesis do not fit in the existing theoretical assumptions and typologies and thus contribute to expanding our understanding of the motivations and nature of immigration policies. Regarding policy as independent variable and its impact on migratory movements, there exists tension between the qualitative findings that see well-established migration systems as resistant to policy regulation, and quantitative evidence, which suggests that immigration and refugee policies significantly shape international migration patterns (see Paper Two). In the following, I will again first focus on the theoretical implications of my findings for debates on (1) policy as the dependent variable, and (2) policy as independent variable

What is the migration paradox, or, more precisely, what is the migration *policy* paradox?¹⁰⁰ As the first paper of this thesis points out, this question has been debated for the past 20 years (Hollifield, 1992, Cornelius et al., 1994, Joppke, 1998b, Castles, 2004, Boswell, 2007, Hollifield and Wong, 2013b). Hollifield (1992) first identified a “liberal paradox” in immigration policies based on international economic forces pushing states towards openness, while the international state system and domestic political forces are pushing towards greater policy closure. This definition of a “liberal paradox” is problematic because it does not define liberalism itself. Cornelius et al. (1994) and Castles (2004) conceive the immigration paradox as the failure of states to effectively control immigration. A third group of authors understands the immigration paradox as the gap between policies and political discourses (Joppke, 1998b, Boswell, 2007).

What all three of these conceptions have in common is the assumption that governmental immigration discourses are *more* restrictive than the corresponding policies. This PhD has identified the reverse scenario in South America: political discourses on immigration are significantly more liberal than policies in all three case countries. This finding questions the usefulness of pinpointing a singular migration policy paradox, and rather suggests detecting and explaining different gaps in immigration policy-making. For the sake of conceptual clarity, it is crucial to clearly define such gaps, e.g. applying the categorisation of discursive, implementation and efficacy gaps (Czaika and de Haas, 2013 p. 494). It is also essential to conceptually allow space for discursive gaps to exist between policies and more *and less* restrictive discourses.

The ideological direction of discursive gaps likely influences its size. Here two opposing hypotheses can be developed. On the one hand, departing from existing theoretical approaches to the constraints of passing restrictive migration policies, it could be argued that in liberal democracies, the gap between populist liberal discourses and

¹⁰⁰ Migration paradoxes have been identified in many other areas from human rights, the social status of migrants to temporary migration. See, e.g. HILL, L. B. 1997. Democracy and human rights: a paradox for migration policy. *African Insight*, 27, 188-99. NIESWAND, B. 2011. *Theorising transnational migration. The status paradox of migration*, New York and Oxon, Routledge.

policies will be larger than discursive gaps in the opposite direction. This is because liberal discourses are not in conflict with international human rights norms but rather propel them. As argued in Paper One, the pressure of domestic and international activist groups on governments to translate liberal discourses into policies and laws might be more effective because such actors don't have to engage in ideological battles, but can rather press for coherence of liberal policies, simply by taking politicians by their word. Depending on the strength of such pro-immigration groups this might lead to the "rhetorical entrapment" (Schimmelfennig, 2001) of the political actors who formulated liberal immigration discourses in the first place. Once they formulate more liberal policies, the discursive gap shrinks.

Explaining Immigration Policy: Refuting Existing Theories

Linked to the debate about immigration policy paradoxes are theories that seek to explain them. The first paper discusses the explanatory leverage of existing theories on migration policy paradoxes for the South American case countries. It largely dismisses Freeman's (1994) neoclassical theory of concentrated group interests (which he developed to explain the paradox "why states accept unwanted immigration") because it overlooks the fact that the state is more than a mediator and in fact plays an active and discrete role in defining immigration policies (Boswell 2007). The analysis also points out the limited explanatory leverage of neo-institutionalist approaches as these likewise focus on constraints – whether the state's own bureaucratic structure, the judiciary, or supranational actors – to implementing *restrictive* policies.

The third paper shows for the case of Ecuador that in order to understand immigration policy-making it is certainly necessary to disintegrate "the state" and consider different, possibly competing political agents within it. However, it is not enough to focus on party politics and the administration, as much of the neo-institutionalist literature has (Boswell, 2007). The cases of Argentina and Ecuador discussed in Paper One and Three rather confirm what has been suggested by Margheritis (2011), that in order to understand the liberalisation of South American immigration policy-making it is crucial to consider

the role of typically strong executives.

Paper One also discusses Boswell's "Third Way" (2007) of conceptualizing immigration policy-making in the context of governments' "functional imperatives". This approach is generally useful to account for governments' dilemma of wanting to meet competing requirements and expectations in the field of immigration policies and thus possibly intentionally choosing incoherence. However, Boswell categorizes a "populist" policy response towards immigration as a high degree of restriction, whereas Paper One has shown that in South America, populist immigration policies have led to discursive and policy liberalisation. Paper Three furthermore reveals that racism among domestic and international political elites influences immigration policy-making in Ecuador. Taken together, the thesis thus challenges established ideas that elite consensus regarding immigration policies equals liberal tendencies and populism equals protectionism (Joppke, 1998b, Freeman et al., 2013).

The PhD also questions the assumption made by the literature that public opinion necessarily influences immigration policy-making in a restrictive direction (Fetzer, 2012). The literature on public opinion on migration in Latin America is only nascent (Meseguer and Maldonado, 2012, Wiesehomeier and Sagarzazu, 2015, Meseguer and Kemmerling, 2016). Yet what seems to be clear is that on average, anti-immigrant sentiment is similarly high, or even *higher* than in the US and Europe (Meseguer and Kemmerling, 2016). At the same time, high levels of emigration likely enhance the empathy for immigrants leading Latin Americans to be "kind to immigrants yet reluctant to immigration" (Meseguer and Maldonado, 2012). Similarly, Paper One suggests that politicians in South America are caught in the dilemma of serving somewhat contradictory public opinion. On the one hand side, there is public demand for migrants' rights and regularisation programs for *emigrants* in Europe and the US, which lead to the concurrent acceptance of the liberalisation of immigration policies in light of political coherence. On the other hand, protectionist, and even racist sentiments are widespread.

The thesis also holds implications for the "numbers vs. rights" model, which suggests that there is a trade-off in immigration policy-making between numbers and rights, or put differently, between a receiving state's openness in terms of access for

migrants to its territory (numbers) and the extensiveness of migrants' access to rights granted by a state linked to some legal status granted (e.g., right of residence, right to social welfare, right to education, etc.) (Ruhs and Martin, 2008). The thesis indeed suggests that extensive rights were formally granted at a time of low immigration and that these rights are not necessarily granted in practice to extra-continental immigrants, whose arrival has to be seen as the unintended consequence of policy liberalisation. However, this relationship between numbers and rights in South American immigration policies is complex and needs to be explored further; e.g., Argentina is one of the countries with the highest immigration rates in the region and nevertheless pioneered immigration law liberalisation.

Explaining Immigration Policy

Few political scientists would disagree that interests, institutions and ideas – or ideology – all matter for understanding political outputs (policies and laws). More controversial is the question of the weight assigned to each factor and how they interact. In political migration studies, interests-based explanations based on neoclassical political economy have prevailed as the dominant theoretical paradigm since the 1960s. Despite the merit of such approaches in producing generalisable propositions that are empirically testable and have predictive potential, they neglect the conditions under which preferences are formed and the formal and informal mechanisms by which these preferences translate into policies and laws (see Boswell, 2007). The thesis suggests that interests, as well as ideas, ideology and moral considerations of politicians and bureaucrats play a substantial role in the immigration policy-making process. Paper One, suggests combining constructivist and rationalist approaches in the analysis of immigration discourses, and policy and law making, and thus a critical realist approach.

Paper One addresses the applicability of existing theoretical approaches to explaining the South American exception of immigration policy liberalisation. The paper provides some explanations for the discursive shift from closure and securitisation to emphasizing migrants' human rights, non-racism, and non-criminalisation; for and

foremost, the context of mass emigration and diaspora policies, but also, prominent human rights discourses in the aftermath of democratisation processes and regional integration processes. The paper argues that although the specific political context of liberalised immigration discourses has been South American emigration to Western liberal democracies, proclaimed values of the universality of migrants' rights and the necessity for regularisation measures have fed back into the country's immigration discourses based on the logic of coherence and political reciprocity. The paper thus focuses on the policy stages of agenda setting or issue formulation (Cairney, 2012).

Although there likely is significant overlap between the determinants of political discourses and policy formulation, legitimisation and implementation processes that lead from one stage to the next need to be further explored. There is much room for further research on the relative weight of these and other policy determinants discussed in the existing political migration literature, such as the state of the economy, the number of asylum seekers, refugees and immigrants, and public opinion. Additional factors that should be explored in the specific case of Latin America are comparably strong executives (the role of the presidency rather than political parties), the impact of socio-economic crises and socio-political re-building, the dynamics of coalition building under populist regimes, and the connections between migration policy and foreign policy (see Margheritis, 2011).

Migration Policies and Racism

This PhD also speaks to the literature on immigration policies and race. Somewhat in opposition to the assumption of the more recent trend towards policy restrictiveness in the general political migration literature, another group of scholars describes the historic development away from ethnic selectivity, i.e. immigration policies that treat immigrants according to categories of race, ethnicity, nationality or country of birth (Joppke, 2005, FitzGerald, 2013, FitzGerald and Cook-Martín, 2014). When ethnic selectivity in migration policies persists today, it is seen as confined to positive discrimination, or the formally non-ethnic filtering of immigrants (even if these are correlated to ethnicity). This PhD suggests that this judgment is biased because (1) it neglects tourist visas and (2) it

underestimates the traction of racialised security concerns. Contrary to the prediction of the demise of ethnically selective immigration policies in Latin America (FitzGerald, 2013), the third paper of this PhD suggests that ethnic selectivity needs to be considered as a persistent determinant of immigration policies. The paper implies that “race matters” for immigration law and policy scholarship (Johnson, 2000), and suggests linking the literatures on the racialised securitisation of migration and ethnic immigration policies by more explicitly acknowledging the racialisation of securitisation.

Tourist Visas and South-South Migration

Scholars have recently started to explore the impact of tourist visas on bilateral migration flows (see Paper Two for discussion). However, little theorisation has been done on how the interplay of tourist visas affects global migration patterns through geographical substitution effects (Czaika and Hobolth, 2016). Paper Two shows that Ecuador did not attract recent extra-continental migrants from Africa, Asia and the Caribbean in its own right, based on economic or socio-political “pull-factors” (Massey et al., 1993). Only once it became *accessible* through the annulment of visa requirements, Ecuador turned into an attractive destination – not least for transmigration to other countries in the region, for and foremost the US. These findings suggest that tourist visa requirements significantly shape global opportunity structures, against the background of the “global mobility divide” (Mau et al., 2015) between relatively free, wealthy and thus attractive destinations concentrated in the northern hemisphere, and relatively repressive, poor and unattractive countries concentrated in the southern hemisphere.

Migration scholars need to break up conceptions of static migration systems, which are tainted by the geographic south-north bias of the literature, and conceptualise international migration as driven by essentially economic motivations but as embedded in global opportunity structures, which are significantly shaped by access policies, including tourist visas. Together with the DEMIG Policy Database, the DEMIG project is currently compiling a Travel Visa Database, containing bilateral information on travel visas for both entry and exit regulations. This database compiles information for 45 countries on visa

issuance between 1973 and 2013 and is currently being extended to all countries in the world. This database will provide ample opportunity to further research the characteristics and effects of tourist visa policies on global migration patterns. Apart from large N studies on the impact of tourist visa policies on bilateral migration flows, it will be tantamount to keep “going deeper” and analysing migration processes and migrant decision making based on qualitative research methods. Mixed methods, such as applied in the second paper of this PhD, are useful to not only show policy effects on migration flows but to uncover the structural parameters and causal processes underneath the surface of these gross effects.

As pointed out in the second paper of this PhD, the characteristics and peculiarities of south-south migration are only beginning to be appreciated (De Lombaerde et al., 2014). Academic studies on recent extra-continental south-south migration to Latin America are isolated and descriptive (Narváez Gutiérrez, 2015). Paper Two shows that while visa freedom was the main common determinant of new south-south migration from Africa, Asia and the Caribbean to Ecuador, there is great variation in migrants’ characteristics, agency and motivations. Further qualitative research is needed to understand these differences within and across immigrant group and to test in how far they meet theoretical predictions on the characteristics of south-south migrants.

In sum, the three immediate theoretical contributions of this PhD are:

1. It shows that theories of the determinants of immigration policies developed for major Western destination countries are not readily applicable to the Latin American context because they focus on constraints to implementing policies in line with *restrictive* political discourses.
2. It suggests linking the literatures on the securitisation of migration and ethnic immigration policies by acknowledging the racialisation of securitisation processes.
3. It suggests a reconceptualisation of international migration determinants in the context of global opportunity structures, in which access policies, such as tourist visas, should figure more prominently.

BROADER THEORETICAL IMPLICATIONS

Populism as Framing

Studying populism is popular. However, what exactly populism entails remains contested in the political science literature. In the past decade scholars have defined populism as ideology (Canovan, 2004, Mudde, 2007, Mudde and Rovira Kaltwasser, 2013), political logic (Laclau, 2005, Panizza, 2005), political strategy (Weyland, 2001), political discourse (Laclau and Mouffe, 1985) and political style (Moffitt and Tormey, 2014). The most widely cited definition has been the ideological meaning formulated by Cas Mudde who proclaims populism to be “an ideology that considers society to be ultimately separated into two homogeneous and antagonistic groups, ‘the pure people’ versus ‘the corrupt elite’, and which argues that politics should be an expression of the *volonté générale* (general will) of the people” (Mudde, 2004 p. 543).

This thesis offers empirical evidence in support of a discursive definition of populism as developed by Aslanidis (2016), who promotes the concept of “populist frames” as “the systematic dissemination of a frame that diagnoses reality as problematic because ‘corrupt elites’ have unjustly usurped the sovereign authority of the ‘noble People’ and maintains that the solution to the problem resides in the righteous political mobilization of the latter in order to regain power” (Aslanidis, 2016 p. 99). Aslanidis rejects understanding populism as ideology because it lacks the single most unchallenged dimension of ideology – itself a highly contested concept – in the literature: *coherence* (Gerring, 1997).

As Mudde and Rovira Kaltwasser themselves point out, populism in a pure form does not exist. It is always attached to certain other ideological features. Populism “has a ‘chameleonic’ character: it can be left-wing or right-wing, organized in top-down or bottom-up fashion, rely on strong leaders or even be leaderless” (Mudde and Rovira Kaltwasser, 2013 p. 153). Another important shortcoming of Mudde and Kaltwasser’s work (2013) needs mentioning here: when contrasting Latin American populism as *inclusionary* versus European populism as *exclusionary*, this categorization is based on European

immigration policies, but the authors outright disregard populist social liberal, i.e. open immigration policies in Latin America (although this would strengthen their argument).

Aslanidis further follows Tarrow in seeing frames as “more flexible and situationally influenced constructs than formal ideological systems and [as] more easily and rapidly communicated to target groups, adapted to change, and extended to blend with other frames” (Tarrow, 1992 p. 190), and Hänggeli and Kriesi in understanding framing as actively constructing the meaning of the reality in question (Hänggeli and Kriesi, 2010 p. 142). This conceptualization of populism differentiates between existing structure, culture and individual agency and thus falls neatly within a critical realist approach. Populist frames are formal vessels of meaning and have readily contained ideational elements that have been mistaken for constituting ideology (Aslanidis, 2016 p. 99). The conscious dissemination of frames, which is captured when passing from frames-as-forms to framing as a deliberate activity (Benford, 1997) accounts for the strategic implications that many authors have discerned in populist politics (cited after Aslanidis 2016).

South America offers convincing empirical evidence for understanding populism as framing. Whereas in the United States and Europe, populists today are usually linked to the radical right, Latin America has seen “unexpected affinities” between neo-liberalism and populism (Weyland, 2003), and more recently, leftist populist forces developed a successful “progressive” political platform, centred on the socioeconomic realm in general and on material redistribution in particular (Levitsky and Roberts, 2011). Whereas populists in the United States and Europe are anti-immigrant and xenophobic, this thesis has identified populist social liberal immigration discourses and policies in South America, i.e. populist leaders are promoting an open stance on immigration and migrants’ rights. What we see then, is that populist frames can be filled with different and even opposing ideological content, as they have recently moved from embracing neo-liberal to social liberal and socialist ideological stances in South America.

Liberalism versus Populism?

What follows from the above, contrary to common wisdom, is that *populism is compatible with liberalism*. As mentioned in the introduction, the terms 'liberal', 'liberalness' and 'liberalism' are often used in social science with providing clear conceptual definitions. The ostensible incompatibility between populism and liberalism goes back to Riker. In his famous work "Liberalism Against Populism: A Confrontation Between the Theory of Democracy and the Theory of Social Choice", Riker differentiates between liberal and populist traditions of democracy, and specifically the role of voting in both systems (Riker, 1982). In the liberal, or Madisonian, tradition voting performs the purpose of controlling officials and avoid tyrannical majorities, while in the populist model, which he traces back to Rousseau, voting is the mechanism by which the will of the people is translated into action of officials.

Riker defines populism as a two-part belief system, or ideology, which sees the people as good, and the will of the people as correct and moral. Second, populism, according to Riker, conceives of the people as a whole realizing freedom by exercising their general will; thus there is no reason for any constitutional limits to the power of the people or the need for the liberal principal of guarding individual liberty. The fundamental point of Riker's book of course is that group choices are generally circular (and thus incoherent) and that "the will of the people" simply does not exist. Riker does not discuss the incompatibility of liberal ideology *framed* by populist discourses, but the incompatibility between what he understands as liberal and populist belief systems, or ideologies.

ETHICAL CONCERNS AND NORMATIVE IMPLICATIONS OF THE RESULTS

Unintended Policy Implications

Research on migration and immigration policies is not morally neutral, as its findings may inform policies that impact on the lives of many (Birman, 2006). The main social and

political responsibility of the migration researcher is to uncover the many myths surrounding migration (Acosta Arcarazo and Wiesbrock, 2015) and to strive towards the creation of “objective” knowledge about migratory processes, including the effectiveness of immigration policy tools. Whenever researchers find themselves in the role of policy advisers, the framing and embedding of research findings in their broader socio-economic and political context is very important.

The most controversial finding of the thesis in ethical terms is the effectiveness of Ecuador’s tourist visa requirements to stem extra-continental south-south migration. Political decision-makers in Ecuador and beyond might welcome this finding as a confirmation for the need of the (re)implementation of tourist visas. However, this assessment would largely depend on the political ideology and policy goals of political actors. If their policy goal was to impede (irregular) migration from Africa, Asia and the Caribbean, the reintroduction of visa policies would have to be considered effective and necessary. If, however, their policy objective was to develop and implement policies coherent with Ecuador’s constitutional principals of non-discrimination, universal citizenship and the right to migrate, the partial reintroduction of visa policies based on racialised securitisation processes ought to be rejected. In this case, the findings should rather initiate discussions on the development of legal means of immigration or transmigration of African, Asian and Caribbean nationals to Ecuador.

The Potential Impact on International Migration Norms

The purpose of this PhD has not been a normative acclaim of the liberalisation of immigration policy-making in South America. It should nonetheless be pointed out that some of these developments, such as Argentina’s new immigration law, are remarkable from the perspective of the promotion of migrants’ rights. Unfortunately, there has not yet been a sustainable shift in immigration policy-making throughout Latin America, and liberalisation processes, even of “norm pioneers” (Sikkink, 2015) such as Argentina, are ridden by internal contradictions. The most optimistic prognosis from a normative perspective that seeks the expansion of migrants’ rights might thus be that the ideological

paradigm shift in Latin America might lead to the reproduction of discourses on migrants' rights in international fora and thus increasingly push international discussions on migration beyond the currently dominant paradigms of conceptualising migration as a security issue or under the instrumentalist logic of the migration-development nexus.¹⁰¹

Immigration Policy Liberalisation and Democracy

At the same time, a word of caution is due regarding the friction between the desirability of increased immigration policy liberalisation on ethical grounds, on the one hand, and democratic responsiveness and consolidation, on the other. As pointed out above, research has shown that public opinion in Latin America is far from unconditionally welcoming immigration. Reinforcing policy liberalisation in the area of immigration might thus breach the principle of democratic responsiveness of the governments to the preferences of their citizens (Dahl, 1973).

The thesis further suggests that undemocratic developments facilitated the translation of liberal discourses into policies and laws. Ecuador's shift toward "competitive authoritarianism" (Levitsky and Way, 2010) under Correa increased his discretion to implement visa freedom despite security concerns and racist prejudice among representatives of the institutions responsible for immigration policy. The research conducted for this PhD further suggests that in Argentina, the dominance of the executive over democratic institutions (Levitzky, 2005) helped the institutionalisation of the liberalised immigration paradigm. While migrant rights activists welcome and demand immigration policy liberalisation, the question should be raised whether such liberalisation is desirable if it is based on the undermining of democratic institutions. As Weyland puts it:

¹⁰¹ The development paradigm, which the International Organisation for Migration (IOM) promotes, is the dominant paradigm on the EU level. It considers migration as a "tool" for development and aims at harnessing remittances and diasporas in order to maximise their positive impacts on development and poverty reduction. GROPAS, R. 2013. *The Migration-Development Nexus: Time For a Paradigm Shift*. Jacques Delors Institute.

Democracy has been on the defensive in contemporary Latin America; under the cover of progressive rhetoric, competitive authoritarianism has emerged. Leftist leaders like Hugo Chávez relied on populism to establish their political hegemony, erode institutional checks and balances, marginalize the opposition through discriminatory legalism, and severely skew political competition. Left-wing populism has done more damage to democracy than the rightist, neoliberal populism of the 1990s. Self-styled socialist leaders command more solid, durable support, use growing economic interventionism to boost their power, invoke nationalism as a shield against foreign democracy promotion, and act as a coordinated group in suffocating democracy (Weyland, 2013 p. 18).

AVENUES FOR FUTURE RESEARCH

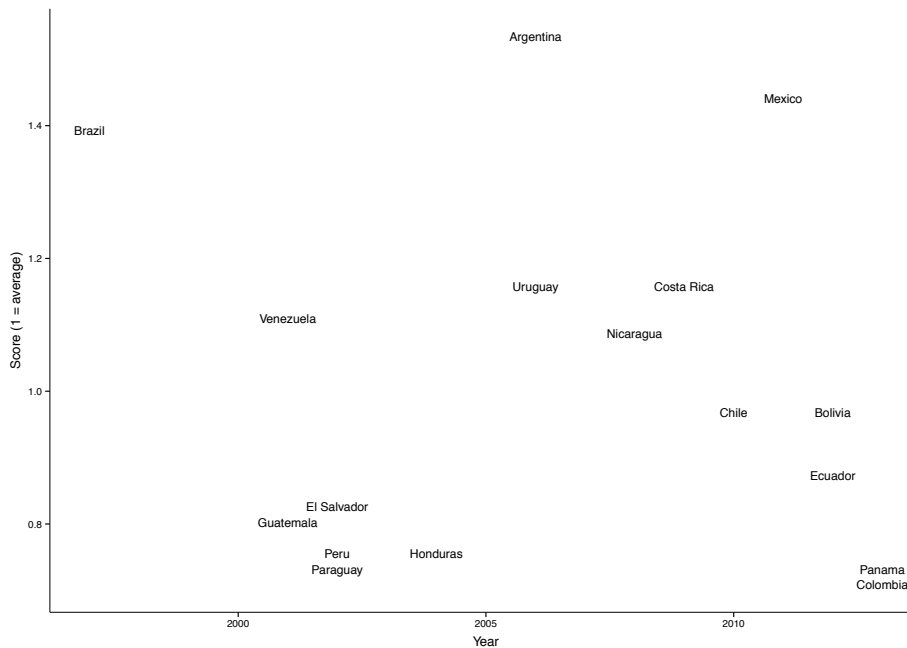
Most generally, further research on immigration policy liberalisation and south-south migration should be both narrowed down and broadened in scope. On the one hand side, both the dynamics of domestic policy-making and the impact of policy liberalisation on inter-continental south-south migration, which in this thesis could only be traced in more detail for the case of Ecuador, should be further explored in in-depth case studies. At the same time comparative studies should expand to other countries in the region (and eventually include other predominantly migrant sending regions) to test whether the tensions and dynamics between migration discourses and policies, and immigration policies and flows, play out in a similar fashion. Further explorative research is needed to generate testable hypotheses on the causal relationships that underlie these processes, which should eventually be tested in large N studies.

Understanding Policy Variation

It is paramount that further research on Latin American immigration policy-making addresses the variation of liberalisation in and between immigration and refugee legislation in both inter- and intra-regional comparison. In independent research related to the PHD project, I coded Latin American asylum policies based on a weighted scheme of Best Practices the UNHCR developed for the region (see Freier, 2015). Figure 4 illustrates significant variation among the expansiveness of refugee laws within the region.¹⁰²

¹⁰² Brazil's Refugee Act of 1997 initiated the recent reforms in Latin America has served as a model refugee law for the region. The Argentine (2006) and Mexican (2011) laws are even more expansive than the Brazilian

Figure 4: Variation in Latin American Refugee Laws



Source: (Freier, 2015)

Coding Latin American Policy

Massey points out that “more research needs to be done on immigration in different countries and systems [outside Europe and the US], and more of it needs to compare alternative hypotheses directly within the same statistical analysis” (Massey, 2009 p. 42). This is especially true for migration policies. The lack of comprehensive, comparable, cross-national and transparent data on immigration policies still hinders debate about the nature, causes and effects of immigration policies (Beine et al., 2013).¹⁰³ Recent efforts to increase the quantification of data for the purpose of index building across immigration policy areas address this problem. Three large research projects have engaged in collecting

legislation, incorporating around 80 per cent of the weighted good practices. Another group of countries is centred around the regional average, including slightly more than half of the weighted good practices in their legislations: Venezuela, Uruguay, Nicaragua, Costa Rica, Chile and Bolivia. Paraguay, Peru, Honduras, and most recently, Panama and Colombia have the least liberal refugee legislations in the region, incorporating around 40 per cent of good practices.

¹⁰³ From 1998 to 2008 thirteen studies published the results of immigration and asylum policy indices. However, these indices only measured particular immigration policy areas such as labor migration or asylum and suffered the trade-off between the span of time and the number of countries covered, see

data on immigration policies across both a large number of countries and longer time periods: the Determinants of International Migration (DEMIG POLICY), the International Migration and Law and Policy Analysis (IMPALA) and Immigration Policies in Comparison (IMPIC).

The common flaw of these coding projects is that they reflect the south-north bias of the migration literature. Out of the three, only DEMIG POLICY samples policies from all world regions, whereas IMPALA and IMPIC code immigration policies for OECD countries only.¹⁰⁴ DEMIG POLICY only includes four Latin American countries: Argentina, Brazil, Chile and Mexico. The empirical findings of this PhD suggest that this is not representative of policy-making in the entire region. In order to be able to compare Latin American immigration policies across categories and in international perspective, policy coding must be expanded to the entire region.

Populist social liberal policies

The phenomenon of populist social liberal policies in South America deserves further attention. One key strategy of the populist social liberal approach to migration management in South America has been linking the issue of migration to human rights. A similar tactic has been identified in Argentina regarding the use of human-rights rhetoric to end anti-gay discrimination (Encarnación, 2011). Human rights discourses in Latin America emerged out of the resistance to the repressive military dictatorships of the 1970s and made a powerful comeback in recent years. Further studies should explore when and how leftist (populist) political actors successfully use human rights discourses to legitimise policy change.¹⁰⁵ Further studies should also explore the relationship between populist

BJERRE, L., HELBLING, M., RÖMER, F. & ZOBEL, M. 2015. Conceptualizing and Measuring Immigration Policies: A Comparative Perspective. *International Migration Review*, 49, 555-600.

¹⁰⁴ The Regarding time span and number of countries covered, IMPIC collected data on immigration policies for 33 OECD countries from 1980 to 2010, while IMPALA codes 26 OECD countries with net immigration over the period 1980-2008. DEMIG POLICY is slightly wider in scope and analyses 45 countries across the world between 1945 and 2014.

¹⁰⁵ Intriguingly, human rights discourses have also been being picked up by right-wing organizers in Latin America who claimed they were living under dictatorships of the region's left-leaning presidents, who were attacking democracy and freedom of speech, see LAP 2011. *Dangerous Complacencies: Obama, Latin America, and the Misconceptions of Power. Latin American Perspectives*, 38, 14-28. An even broader research

social liberal policies, immigration policy liberalisation and democracy. Such research must address the relationship between progressive rhetoric and competitive authoritarianism identified by Weyland (Weyland, 2013 p. 18), and to Cook-Martín and FitzGerald's (2014) work, which questions the antithesis between democracy and racism and shows that undemocratic states were the first in the Americas to outlaw racial discrimination in immigrant selection. As pointed out before, the research of this PhD similarly suggests that undemocratic developments facilitated immigration policy liberalisation.

FINAL THOUGHTS

In their seminal work *Beyond Smoke and Mirrors* Massey, Durand and Malone show that restrictive immigration policies enacted in the US between 1986 and 1996 were passed largely for symbolic domestic political purposes (Massey et al., 2002). Despite restrictive policy discourses, for decades the US government has been accepting the entry and residence of substantial numbers of migrants who remain and work in their territory without authorisation. A similar discursive gap has been identified for European immigrant receiving states. In the last fifteen years, the immigration discourses in many Latin American countries have become increasingly liberal, with a clear emphasis on migrants' rights and the promotion of free human mobility. These discourses focus on the universality of migrants' rights and on how these apply to all non-nationals irrespective of their origin and legal status.

The South American sub-region has taken the lead in immigration policy liberalisation and thus holds an especially strategic position to further reinforce reforms on the regional and international level. It is likely that South American governments enjoy significantly more autonomy in the development of their immigration policies than Central American and Mexican governments because transit migration towards the US-Mexican border leads to diplomatic pressure to maintain or implement restrictive policies. Notwithstanding, even in South America various restrictive laws remain in force,

question might thus be, which political actors successfully instrumentalise human rights discourses.

and some recent initiatives bare the risk of falling back on securitised notions of migration – as Paper Three has shown not least due to US pressure.

Looking back at the liberalisation of South American immigration discourses and laws since the early 2000s, there have been significant advances at the level of agenda setting and consensus building but a mixed picture emerges when assessing actual legislative change. Significant gaps between discourses and legislative frameworks persist in many countries. This leaves governments in the position of publicly proposing and internationally demanding progressive immigration policies, without passing and implementing such policies at home. At the same time, the thesis has shown that some of the region's new immigration laws are indeed pioneering in expanding migrants' rights. Despite significant variation in the quality and magnitude of these reforms, one can speak of a philosophical paradigm shift in the region's immigration policies, i.e. a new outlook on migration that brings the individual migrant and human rights into the centre of policy-making. The right to migrate that is now enshrined in Argentine, Bolivian, Ecuadorian and Uruguayan migration laws and in various regional declarations symbolises this new approach to migration management, but also its inherent contradictions and inconsistencies.

It is not clear what exactly this right to migrate entails. Paper One has argued that if a true right to migrate existed, those who, for one reason or another, irregularly reside in the country should have ample possibilities to regularise their status. Even in the most expansive legislations, this is not the case for irregular migrants from Asia, Africa and the Caribbean, who often are among the most vulnerable migrants in the region. The absolute numbers of extra-continental south-south migrants and asylum seekers in Latin America are very small. Their increase, which can be partly explained by policy liberalisation in the region, such as Ecuador's policy of open doors from 2008 to 2010, has nevertheless caused restrictive policy responses based on racialised securitisation processes. Such restrictive reactions stand in stark contrast to populist discourses on free mobility and non-discrimination.

In order to consolidate the political paradigm shift in the region, there is a need for more widespread legislative reform, effective implementation of already adopted laws and

a thorough discussion of the meaning of its central concepts, such as the right to migrate. A wide array of actors, including national governments and courts, practitioners, academics, NGOs, migrant organisations, international organisations and the South American Conference on Migration (SACM) will play a role in deciding whether South American immigration reforms can credibly challenge established immigration policy paradigms in the EU and the US in the near future, or whether liberal reforms are not much more than “smoke and mirrors”.

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APPENDIX

Table 9: Elite interviews (Paper One)

| Nr. | COUNTRY | NAME | MINISTRY / ORGNIZATION | POSITION | DATE |
|-----|-----------|-----------------------------|--|--|------------|
| 1 | Argentina | Augusti, Federico | National Directorate of Migration (DNM) | Director of International Affairs | 20.03.2012 |
| 2* | Argentina | Augusti, Federico | National Directorate of Migration (DNM) | Director of International Affairs | 23.06.2013 |
| 3 | Argentina | Arenaza, Juan Pablo | Municipal Legislature of the City of Buenos Aires | Legislator for Unión para Todos, UPT, Buenos Aires | 21.03.2012 |
| 4 | Argentina | Arias Duval, Martín Augusto | National Directorate of Migration (DNM) | Director | 20.03.2012 |
| 5 | Argentina | Artola, Juan | International Organization for Migration (IOM) | Regional Representative | |
| 6 | Argentina | Averbuj, Gerardo | Ministry of Education | Official | 29.03.2012 |
| 7 | Argentina | Bertini, Sergio | MyRAR (Migrantes y Refugiados en <i>Argentina</i>) | Director | 29.03.2012 |
| 8 | Argentina | Capella, Juan José | National Directorate of Migration (DNM) | Official (Departamento de Fiscalización Terrestre) | 28.03.2012 |
| 9 | Argentina | Ceriani Cernadas, Pablo | Human Rights Centre University of Lanús | Director | 30.03.2012 |
| 10 | Argentina | Contarini, Eugenia | UNHCR | Protection Officer | 04.04.2012 |
| 11 | Argentina | Correa, Violeta | National Commission for Refugees (CONARE) | Civil Society Representative | 22.03.2012 |
| 12 | Argentina | Courtis, Corina | Consejo Nacional de Investigaciones Científicas y Técnicas (CONICET) | Researcher | 21.03.2012 |
| 13 | Argentina | Figueroa, Soledad | General Directorate for Human Rights, Ministry of Foreign Affairs | Advisor | 04.04.2012 |
| 14 | Argentina | Filardi, Marcos | Public Protector, Commission for Assistance and Protection for Refugees and Asylum Seekers | Director | 21.03.2012 |
| 15 | Argentina | Finkelstein, Laura | Civil Society | Human Rights Activist | 13.04.2012 |
| 16 | Argentina | Giustiniani, Rubén | Argentine Senate | Senator, <i>Partido Socialista (PS)</i> | 27.03.2012 |
| 17 | Argentina | Littieri, Martín | UNHCR | Legal Advisor | 12.04.2012 |
| 18 | Argentina | Marcogliese, María José | Universidad de Buenos Aires (UBA) | Researcher | 03.04.2012 |
| 19 | Argentina | Maris Martínez, Stella | Public Protector | Public Protector | 20.03.2012 |

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|-----|-----------|---------------------------|--|--|------------|
| 20 | Argentina | Mármora, Lelio | International Organization for Migration (IOM) | Former Chief of Mission / Academic | 28.03.2012 |
| 21 | Argentina | Mera, Carolina | Universidad de Buenos Aires (UBA) | Professor of Sociology | 04.04.2012 |
| 22 | Argentina | Morales, Diego | Centro de Estudios Legales y Sociales (CELS) | Director | 28.03.2012 |
| 23 | Argentina | Munarriz, Deborah | Universidad de Buenos Aires (UBA) | Professor of Law | 23.03.2012 |
| 24 | Argentina | Novick, Susana | Universidad de Buenos Aires (UBA) | Professor of Social Science | 03.04.2012 |
| 25 | Argentina | Paccecca, María Inés | Universidad de Buenos Aires (UBA) | Researcher | 27.03.2012 |
| 26 | Argentina | Penchasza, Ana Paula | Consejo Nacional de Investigaciones Científicas y Técnicas (CONICET) | Researcher | 03.04.2012 |
| 27 | Argentina | Perez Vichich, Nora | Ministry of Foreign Affairs , Directorate of International Migration | Advisor | 12.04.2012 |
| 27 | Argentina | Tarantino Gabriela | (Comisión Argentina para los Refugiados y Migrantes, CAREF) | Programme Director | 09.04.2012 |
| 28* | Brazil | Arcentales, Javier | Casa de la Movilidad Humana | Technical Advisor | 09.08.2011 |
| 29* | Chile | Hernández González, Pedro | Directorate of Consular Policy, Ministry of Foreign Affairs | Director of International Migration | 13.06.2013 |
| 30* | Colombia | Calderón, Álvaro | Ministry of Foreign Affairs | Director of Migration Affairs | 01.04.2013 |
| 31 | Ecuador | Aguirre, Andres | Ministry of the Interior, Directorate of Human Rights | Interinstitutional Coordination Officer | 29.07.2011 |
| 32 | Ecuador | Arcentales, Javier | Casa de la Movilidad Humana | Technical Advisor | 09.08.2011 |
| 33 | Ecuador | Bernal, Rogelio | International Organization for Migration (IOM) | Chief of Mission | 02.08.2011 |
| 34 | Ecuador | Borja, Juan Fernando | International Organization for Migration (IOM) | Programme Officer | 02.08.2011 |
| 35 | Ecuador | Cajtan, Iloh | African Support Foundation | Founding Director | 17.08.2011 |
| 36 | Ecuador | Carrión, Leonardo | Ministry of Foreign Affairs | State Secretary for Migration, Consular Affairs and Refugees | 27.07.2011 |
| 37 | Ecuador | Carrión, Leonardo | Ministry of Foreign Affairs | Ambassador to Japan | 35.04.2016 |
| 38 | Ecuador | Chang, Jenit | Misión Scalabriniana | Judicial Coordinator | 16.08.2011 |
| 38 | Ecuador | Cortés, Lewis | Refugee Directorate of the Ministry of Foreign Affairs | Coordinator | 03.08.2011 |
| 39 | Ecuador | Cubile, Erik | Embassy of the Republic of Cuba | Consul | 25.08.2011 |
| 40 | Ecuador | de la Vega, Pablo | El Centro de Derechos Humanos "Segundo Montes Mozo S.J." | Director | 02.08.2011 |
| 41 | Ecuador | Díaz Chong, Alejandro | Confederación y Asociación de la Colonia China en Ecuador | Secretary | 08.08.2011 |

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|----|---------|--------------------------|--|--|------------|
| 42 | Ecuador | Galarza, Javier | National Directorate of Migration of the National Police | Adviser | 19.05.2011 |
| 43 | Ecuador | González, Ana | Provincial Migration Agency of Pichincha | Officer | 15.08.2011 |
| 44 | Ecuador | Guerra, José Luis | Public Protector | Lawyer | 05.08.2011 |
| 45 | Ecuador | Hernández, Francisco | National Intelligence (SENAIN) | | 26.07.2011 |
| 46 | Ecuador | Herrera Cevallos, Mónica | Fundación Esperanza | Founder | 05.08.2011 |
| 47 | Ecuador | Herrera, Gioconda | Facultad Latinoamericana de Ciencias Sociales (FLACSO) | Sociology Professor | 08.08.2011 |
| 48 | Ecuador | Herrera, Wiliam | National Secretary of the Migrant (SENAMI) | Secretary for International Migration Policy | 11.08.2011 |
| 49 | Ecuador | Herreros, Josep | United Nations High Commissioner for Refugees (UNHCR) | Head of the Quito | 01.08.2011 |
| 50 | Ecuador | Jiafeng, Gu | Embassy of the People's Republic of China | Political Adviser | 23.08.2011 |
| 51 | Ecuador | Jiménez, Mery | Ministry of Justice, Human Rights and Religion | Adviser on Human Trafficking | 27.07.2011 |
| 52 | Ecuador | Lustgartem, Sabrina | Hebrew Immigrant Aid Society (HIAS) | Director | 01.08.2011 |
| 53 | Ecuador | Montagna, Fausto | Fundación Esperanza | Volunteer | 05.08.2011 |
| 54 | Ecuador | Mora Bowen, Patricio | Peoples' Republic of Bangladesh | Honorary Consul | 23.08.2011 |
| 55 | Ecuador | Muñoz, Andrea | Airport Police | First Lieutenant | 14.08.2011 |
| 56 | Ecuador | Navarro, Victor | National Directorate of Migration of the National Police | Legal Adviser | 28.07.2011 |
| 57 | Ecuador | Orellano, Laura | Ministry of the Interior | Interinstitutional Coordination Officer | 26.07.2011 |
| 58 | Ecuador | Padre, Peter | La Iglesia Remedía Cristiana de Dios en Quito | Priest | 22.08.2011 |
| 59 | Ecuador | Paula, Christian | Ministry of the Interior | Interinstitutional Coordination Officer | 29.07.2011 |
| 60 | Ecuador | Roldan, Johana | United Nations High Commissioner for Refugees (UNHCR) | Protection Officer | 01.08.2011 |
| 61 | Ecuador | Sandoval, José | Ministry of Foreign Affairs | Ambassador to Peru* | 14.04.2016 |
| 62 | Ecuador | Sarmiento, Karina | Asylum Access | Director | 16.08.2011 |
| 63 | Ecuador | Serrano, Alejandra | Hebrew Immigrant Aid Society (HIAS) | Programme Assistant | 01.08.2011 |

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|----|---------|---------------------|--|--------------------------|------------|
| 64 | Ecuador | Silva, Hugo | National Directorate of Migration of the National Police | Major | 28.07.2011 |
| 65 | Ecuador | Solís, Elejandro | National Intelligence (SENAIN) | Lieutenant | 26.07.2011 |
| 66 | Ecuador | Vega, Blanca | Casa de la Movilidad Humana | Technical Advisor | 10.08.2011 |
| 67 | Ecuador | Villalba, Hiroshima | Ministry of the Interior | Director of Human Rights | 26.07.2011 |
| 68 | Ecuador | Villalobos, Juan | Jesuit Refugee and Migrant Service | Coordinator for Advocacy | 08.08.2011 |
| 69 | Ecuador | Holguin, Hernán | Ministry of Foreign Affairs | Former Ambassador | 03.06.2013 |
| 70 | Ecuador | Saldaña, Remigia | National Secretary of the Migrant (SENAMI) | Programme Coordinator | June 2013 |

* Conducted by Diego Acosta

Table 10: Treatment Group and Treatment Time Periods (Paper Two)

| Group | Sub-group | t < policy 1 t < July 2008 | policy 1 <= t < policy 2a July 2008 <= t < Dec 2008 | policy 2a <= t < policy 2b Dec 2008 <= t < Sept 2010 | policy 2b <= t Sept 2010 <= t |
|-------|----------------|-------------------------------|--|---|----------------------------------|
| POC | POC | | | | |
| | Always Treated | | | | |
| PRC | China | | | | |
| | Reversed | | | | |

Access:

| |
|--------------|
| Restricted |
| Unrestricted |

Table 11: T-test (Paper Two)

| Group | Variable | Policy | t < policy 1 | policy 1 <= t < policy 2a | policy 2a <= t < policy 2b | policy 2b <= t | Difference (se) | Result |
|----------|----------|----------|--------------|---------------------------|----------------------------|----------------|---------------------------|---------------------------|
| AT | Age | Open | 38.76543 | 38.4363 | | | 0.329125 (0.0365849) | Negligible |
| | % Male | Open | 0.6425669 | 0.6726623 | | | -0.0300954 (0.0012796) | More male |
| | Distance | Open | 2812.652 | 2880.435 | | | -67.78245 (6.567555) | Negligible |
| China | Age | Open | 36.69347 | 28.18195 | | | 8.511526 (0.1363493) | Younger |
| | | Restrict | | 28.18195 | 36.32053 | | | -8.13859 (0.1191833) |
| | % Male | Open | 0.7028493 | 0.6623546 | | | 0.0404948 (0.0053032) | Less male |
| | | Restrict | | 0.6623546 | 0.7641231 | | | -0.1017685 (0.0049455) |
| | Distance | Open | 6799.106 | 10458.55 | | | -3659.441 (64.9503) | Further |
| | | Restrict | | 10458.55 | 10228.69 | | | 63.7138 (0.0003093) |
| Reversed | Age | Open | 35.14213 | 31.23769 | | | 3.904435 (0.2520179) | Younger |
| | | Restrict | | 31.23769 | | 36.15297 | -4.915278 (0.3081876) | Older |
| | % Male | Open | 0.6541572 | 0.8732849 | | | -0.2191277 (0.0083208) | More male |
| | | Restrict | | 0.8732849 | | 0.7639183 | 0.1093667 (0.0122239) | Less male |
| | Distance | Open | 4624.569 | 5764.633 | | | -1140.064 (108.225) | Further |
| | | Restrict | | 5764.633 | | 6365.57 | -600.9374 (178.3159) | Further |

Restricted
Unrestricted

Table 12: Characteristics of Interviewed Migrants (Paper Two)

| COUNTRY | Sex | Year of entry | Age | Education | Migratory Status | Port of Entry | Use of people smugglers |
|------------|--------|---------------|-----|--------------|------------------|---------------|-------------------------|
| Bangladesh | Male | 2009 | 44 | No schooling | Irregular | Airport Quito | Yes |
| Bangladesh | Male | 2011 | 33 | Primary | Irregular | Airport Quito | Yes |
| Bangladesh | Male | 2011 | 31 | Secondary | Irregular | Airport Quito | Yes |
| China | Female | 2003* | 49 | Secondary | Resident | Airport Quito | No |
| China | Female | 2003* | 24 | University | Resident | Airport Quito | No |
| China | Male | 2003* | 49 | University | Resident | Airport Quito | No |
| Cuba | Female | 2010 | 26 | University | Asylum Seeker | Airport Quito | No |
| Cuba | Female | 2010 | 33 | University | Irregular | Airport Quito | No |
| Cuba | Female | 2010 | 44 | University | Citizen | Airport Quito | No |
| Cuba | Female | 2009 | 49 | University | Citizen | Airport Quito | No |
| Cuba | Female | 2007 | 46 | University | Resident | Airport Quito | No |
| Cuba | Female | 2011 | 23 | University | Tourist | Airport Quito | No |
| Cuba | Male | 2009 | 26 | Secondary | Irregular | Airport Quito | No |
| Cuba | Male | 2008 | 28 | University | Irregular | Airport Quito | No |
| Cuba | Male | 2009 | 27 | Secondary | Irregular | Airport Quito | No |
| Cuba | Male | 2003* | 54 | University | Resident | Airport Quito | No |
| Cuba | Male | 2009 | 35 | University | Irregular | Airport Quito | No |
| Cuba | Male | 2009 | 43 | University | Irregular | Airport Quito | No |
| Cuba | Male | 2011 | 49 | University | Tourist | Airport Quito | No |
| Cuba | Male | 2009 | 56 | University | Irregular | Airport Quito | No |
| Cuba | Male | 2010 | 33 | University | Asylum Seeker | Airport Quito | No |
| Cuba | Male | 2011 | 22 | University | Irregular | Airport Quito | No |
| Cuba | Male | 2007* | 46 | University | Resident | Airport Quito | No |
| Haiti | Female | 2011 | 31 | Secondary | Irregular | Airport Quito | Yes |
| Haiti | Female | 2011 | 39 | Secondary | Irregular | Airport Quito | Yes |
| Haiti | Female | 2011 | 21 | Secondary | Irregular | Airport Quito | Yes |
| Haiti | Female | 2011 | 16 | Secondary | Irregular | Airport Quito | Yes |
| Haiti | Female | 2011 | 18 | Secondary | Irregular | Airport Quito | Yes |
| Haiti | Female | 2011 | 23 | Secondary | Irregular | Airport Quito | No |
| Haiti | Female | 2011 | 22 | Secondary | Irregular | Airport Quito | No |
| Haiti | Male | 2011 | 24 | Secondary | Irregular | Airport Quito | No |

| | | | | | | | |
|----------|--------|-------|----|------------|---------------|---------------|----|
| Haiti | Male | 2011 | 26 | Secondary | Irregular | Airport Quito | No |
| Nigeria | Female | 2009 | 24 | Secondary | Irregular | Airport Quito | No |
| Nigeria | Female | 2009 | 25 | University | Irregular | Airport Quito | No |
| Nigeria | Female | 2011 | 47 | University | Irregular | Airport Quito | No |
| Nigeria | Male | 2009 | 24 | University | Irregular | Airport Quito | No |
| Nigeria | Male | 2011 | 26 | Secondary | Irregular | Airport Quito | No |
| Nigeria | Male | 2010 | 27 | University | Irregular | Airport Quito | No |
| Nigeria | Male | 2009 | 27 | Secondary | Irregular | Airport Quito | No |
| Nigeria | Male | 1998* | 54 | University | Resident | Airport Quito | No |
| Nigeria | Male | 2010 | 28 | University | Asylum Seeker | Airport Quito | No |
| Nigeria | Male | 2010 | 46 | Secondary | Irregular | Airport Quito | No |
| Nigeria | Male | 2002* | 50 | Secondary | Irregular | Airport Quito | No |
| Nigeria | Male | 2011 | 30 | Secondary | Refugee | Airport Quito | No |
| Nigeria | Male | 2010 | 36 | Secondary | Asylum Seeker | Airport Quito | No |
| Nigeria | Male | 2009 | 23 | Secondary | Student Visa | Airport Quito | No |
| Nigeria | Male | 2011 | 27 | Secondary | Irregular | Airport Quito | No |
| Nigeria | Male | 2010 | 35 | University | Irregular | Airport Quito | No |
| Nigeria | Male | 2009 | 27 | University | Refugee | Airport Quito | No |
| Nigeria | Male | 2005* | 50 | University | Resident | Airport Quito | No |
| Nigeria | Male | 2009 | 24 | Secondary | Irregular | Airport Quito | No |
| Pakistan | Male | 2008 | 28 | Secondary | Irregular | Airport Quito | No |
| Pakistan | Male | 2008 | 31 | Secondary | Irregular | Airport Quito | No |
| Pakistan | Male | 2009 | 38 | Elementary | Refugee | Airport Quito | No |
| Pakistan | Male | 2009 | 37 | Elementary | Resident | Airport Quito | No |
| Pakistan | Male | 2010 | 32 | University | Refugee | Airport Quito | No |

* Arrived in Ecuador before visa freedom of 2008

Table 13: Elite interviews (Paper Three)

| Nr. | COUNTRY | NAME | MINISTRY / ORGNIZATION | POSITION | DATE |
|-----|---------|--------------------------|---|--|------------|
| 1 | Ecuador | Aguirre, Andres | Ministry of the Interior, Directorate of Human Rights | Interinstitutional Coordination Officer | 29.07.2011 |
| 2 | Ecuador | Arcentales, Javier | Casa de la Movilidad Humana | Technical Advisor | 09.08.2011 |
| 3 | Ecuador | Bernal, Rogelio | International Organization for Migration (IOM) | Chief of Mission | 02.08.2011 |
| 4 | Ecuador | Borja, Juan Fernando | International Organization for Migration (IOM) | Programme Officer | 02.08.2011 |
| 5 | Ecuador | Cajtan, Iloh | African Support Foundation | Founding Director | 17.08.2011 |
| 6 | Ecuador | Carrión, Leonardo | Ministry of Foreign Affairs | State Secretary for Migration, Consular Affairs and Refugees | 27.07.2011 |
| 7 | Ecuador | Carrión, Leonardo | Ministry of Foreign Affairs | Ambassador to Japan | 35.04.2016 |
| 8 | Ecuador | Chang, Jenit | Misión Scalabriniana | Judicial Coordinator | 16.08.2011 |
| 9 | Ecuador | Cortés, Lewis | Refugee Directorate of the Ministry of Foreign Affairs | Coordinator | 03.08.2011 |
| 10 | Ecuador | Cubile, Erik | Embassy of the Republic of Cuba | Consul | 25.08.2011 |
| 11 | Ecuador | de la Vega, Pablo | El Centro de Derechos Humanos "Segundo Montes Mozo S.J." | Director | 02.08.2011 |
| 12 | Ecuador | Díaz Chong, Alejandro | Confederación y Asociación de la Colonia China en Ecuador | Secretary | 08.08.2011 |
| 13 | Ecuador | Galarza, Javier | National Directorate of Migration of the National Police | Adviser | 19.05.2011 |
| 14 | Ecuador | González, Ana | Provincial Migration Agency of Pichincha | Officer | 15.08.2011 |
| 15 | Ecuador | Guerra, José Luis | Public Protector | Lawyer | 05.08.2011 |
| 16 | Ecuador | Hernández, Francisco | National Intelligence (SENAIN) | | 26.07.2011 |
| 17 | Ecuador | Herrera Cevallos, Mónica | Fundación Esperanza | Founder | 05.08.2011 |
| 18 | Ecuador | Herrera, Gioconda | Facultad Latinoamericana de Ciencias Sociales (FLACSO) | Sociology Professor | 08.08.2011 |
| 19 | Ecuador | Herrera, Wiliam | National Secretary of the Migrant (SENAMI) | Secretary for International Migration Policy | 11.08.2011 |
| 20 | Ecuador | Herreros, Josep | United Nations High Commissioner for Refugees (UNHCR) | Head of the Quito | 01.08.2011 |
| 21 | Ecuador | Jiafeng, Gu | Embassy of the People's Republic of China | Political Adviser | 23.08.2011 |

| | | | | | |
|----|---------|----------------------------|--|--|------------|
| 22 | Ecuador | Jiménez, Mery | Ministry of Justice, Human Rights and Religion | Adviser on Human Trafficking | 27.07.2011 |
| 23 | Ecuador | Lustgartem, Sabrina | Hebrew Immigrant Aid Society (HIAS) | Director | 01.08.2011 |
| 24 | Ecuador | Montagna, Fausto | Fundación Esperanza | Volunteer | 05.08.2011 |
| 25 | Ecuador | Mora Bowen, Patricio | Peoples' Republic of Bangladesh | Honorary Consul | 23.08.2011 |
| 26 | Ecuador | Muñoz, Andrea | Airport Police | First Lieutenant | 14.08.2011 |
| 27 | Ecuador | Navarro, Victor | National Directorate of Migration of the National Police | Legal Adviser | 28.07.2011 |
| 28 | Ecuador | Orellano, Laura | Ministry of the Interior | Interinstitutional Coordination Officer | 26.07.2011 |
| 29 | Ecuador | Padre, Peter | La Iglesia Remedia Cristiana de Dios en Quito | Priest | 22.08.2011 |
| 30 | Ecuador | Paula, Christian | Ministry of the Interior | Interinstitutional Coordination Officer | 29.07.2011 |
| 31 | Ecuador | Roldan, Johana | United Nations High Commissioner for Refugees (UNHCR) | Protection Officer | 01.08.2011 |
| 32 | Ecuador | Sandoval, José | Ministry of Foreign Affairs | Ambassador to Peru* | 14.04.2016 |
| 33 | Ecuador | Sarmiento, Karina | Asylum Access | Director | 16.08.2011 |
| 34 | Ecuador | Serrano, Alejandra | Hebrew Immigrant Aid Society (HIAS) | Programme Assistant | 01.08.2011 |
| 35 | Ecuador | Silva, Hugo | National Directorate of Migration of the National Police | Major | 28.07.2011 |
| 36 | Ecuador | Solís, Elejandro | National Intelligence (SENAIN) | Lieutenant | 26.07.2011 |
| 37 | Ecuador | Vega, Blanca | Casa de la Movilidad Humana | Technical Advisor | 10.08.2011 |
| 38 | Ecuador | Villalba, Hiroshima | Ministry of the Interior | Director of Human Rights | 26.07.2011 |
| 39 | Ecuador | Villalobos, Juan | Jesuit Refugee and Migrant Service | Coordinator for Advocacy | 08.08.2011 |

* Former Director of Refugee Policy (2011-2012) and State Secretary for Migration (2012-2013)