
Immigration Law



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Definition

This contribution considers scholarly works on immigration law with a focus on law and economics insights into labor migration and refugee law.

Introduction

Immigration, that is, the movement of people – usually for permanent residence – into another country or region to which they are not native, is in many respects regulated by the countries concerned. In the following, we discuss some typical motives of migrants (Chap. 2), deal with the most important welfare effects of immigration and their distribution (Chap. 3), and try to understand why nation states regulate immigration more restrictively than the mobility of goods and capital and why international agreements on immigration are less frequent than those on trade and investment (Chap. 4). In this chapter, we also discuss the free movement of people in the EU as

an example for a far-reaching cooperation in this field. Finally, we conclude this entry with some ideas on asylum law from an economic perspective (Chap. 5).

Why Migrate?

A fundamental line of research regarding immigration matters concerns individual's motives to migrate. Migration can be triggered by a variety of reasons. Labor migration is a common form, other migration is family-based. Many people are forced to leave their country of origin because of war, political or religious persecution, or are even victims of human trafficking. Some migrants are attracted by another state's social welfare system or, more generally, by the better living conditions in the country of destination; others may expect benefits from committing crimes or terrorist attacks in the country of destination (some authors use the term "crimmigration"; see e.g., Hoang and Reich (2017) and Badalic (2019)). Needless to say, migrants are often not purely motivated by one reason but by a number of interrelated reasons.

Early efforts to model the migration decision of workers did not take into account the details of the legal environment. They are based on the human-capital model by Sjaastad (1962), which makes the migration decision dependent on the discounted net revenues and the monetary and nonmonetary cost of migration. More recent

work puts emphasis on the complexity of migration costs (for details see, e.g., Trachtman 2009): They consist, for example, of the direct cost of changing residence, the burden of bureaucratic procedures, the utility loss from abandoning social contacts in the country of origin as well as the time and effort required to establish new contacts in the country of destination, the time and effort required to learn a new language if necessary and to adapt to a different culture, the additional cost of finding an appropriate school for the children, lower pensions for people who have changed their countries of residence during their economically active period more frequently, and so on. The benefits of migration typically go beyond the remuneration for labor and extend to all kinds of social benefits such as children's allowances, housing subsidies, unemployment relief, social welfare, and free access to schools and universities.

Immigration law affects migration costs by determining who is allowed to enter the country for how long and what are the legal consequences and procedures when people are infringing the law. In a broader sense, immigration law also includes all legal rules that govern access of immigrants to employment, social benefits, and so on, that is, what rights are granted to migrants after admission.

Some Basic Welfare Effects of Migration

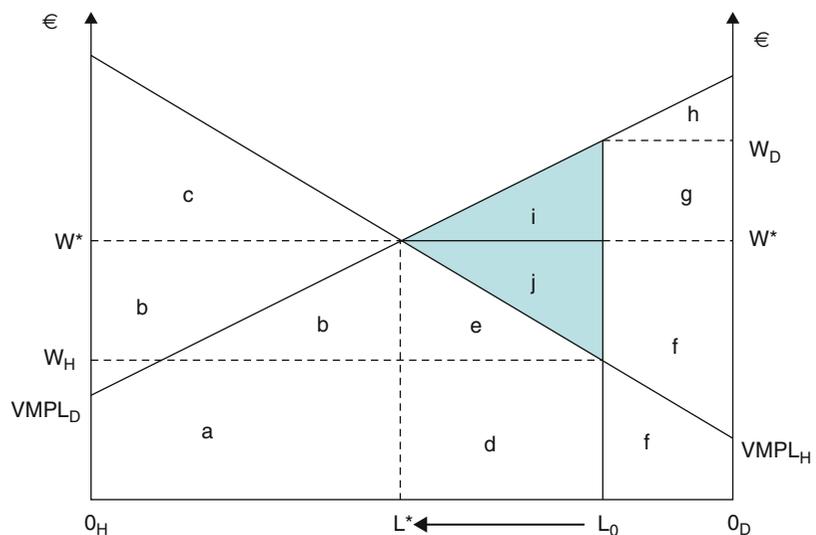
Welfare Effects of Labor Migration

Let us start with a very simple model of the migration of workers. An excellent presentation of the economic analysis of migrant workers can be found in Borjas (2014). For a recent overview of the economic debate on international migration see Hatton (2014). Be aware, that labor markets are different from goods and capital markets since – different from goods and capital – labor power cannot be separated from the worker (see, for example, Eger and Weise (1989) with further references).

We assume, there are two countries, home country H and country of destination D, there is a given capital stock in each country, capital and goods are completely immobile between the countries, and labor is homogeneous and perfectly mobile between the countries (Fig. 1).

Initially, the quantity of homogeneous labor is $O_H L_0$ in country H and $L_0 O_D$ in country D. The curves $VMPL_H$ and $VMPL_D$ represent the value of the marginal product of labor in countries H and D, respectively. With perfect competition in the labor market, the wage rate is equal to the value of the marginal product of labor in each country. Since in the initial situation the wage rate and the marginal product of labor are higher in country D, the reallocation of labor from H to

Immigration Law,
Fig. 1 Equilibria on labor markets in the home country and the country of destination



D will produce a gain in allocative efficiency. If there were no migration costs and if migrant workers were induced exclusively by wage differentials, migration would stop only when wages (and the value of the marginal productivity of labor) are the same in both countries. Thus, the total factor income in the receiving country increases ($d + e + i + j$), while that in the sending country declines by a lower amount ($d + e$). The welfare gain for both countries together is $i + j$. With positive migration costs, the new equilibrium will be somewhere between L^* and L_0 .

However, apart from the overall welfare gain, migration produces even in this simple model winners as well as losers. The winners are migrant labor, gaining $e + j$, remaining labor in H, gaining b , and capital owners in D, gaining $g + i$, whereas the losers are capital owners in H, losing $b + e$, and the existing labor in D, losing g .

Of course, the welfare analysis has to be modified when we relax our strong assumptions. When we allow for heterogeneous labor, it becomes less clear who the winners and losers are. For example, immigrants, who have skills that are complementary to the skill mix of the country of destination, are typically less likely to create losers in this country. On the other hand, the country of origin may suffer losses from emigrating labor force, which used to create positive externalities in that country (so-called brain drain) (see, e.g., Sykes 1995, 2013a; Trachtman 2009; Boeri et al. 2012).

When we allow for inflexible labor markets and unemployment, with homogeneous labor unemployment will increase in the country of destination and decrease in the country of origin. Without additional assumptions, it is not clear whether unemployment in both countries together will be increasing or decreasing. If immigrants have complementary skills to those of the labor force in the host country, unemployment may decrease in the country of destination (Brücker and Jahn 2011).

When we allow for the mobility of goods we have to take into account that immigration does not only exert pressure on the wages in the host country, but also changes its production- and trade-structure, for example, towards more labor-

intensive production (Hanson and Slaughter 2002). Moreover, it should be mentioned that the mobility of labor is usually accompanied by mobility of capital in the same direction, which is due to the fact that immigration to a country with a fixed stock of capital increases the rate of return on capital (Ottaviano and Peri 2012).

Extending the Basic Model

The provision of labor cannot be looked at in isolation. Based on what we have set out in the previous section regarding individual's reasons to migrate, we have to modify our simple migration model by getting rid of the assumption that migrants are exclusively motivated by differences in gross wages (corresponding to the values of the marginal products of labor). In a more realistic scenario, migrants will also take into account the costs and benefits of the welfare systems in the countries concerned (Collier 2013, Chap. 6). Actually, migrants will be induced by *differences in net compensation* in the broadest sense, that is, gross wages minus all kinds of taxes and contributions to the welfare system plus all kinds of social benefits. Consequently, migrants with low skills and low income will prefer destination countries with more redistribution, those with high skills and high income will prefer destination countries with less redistribution. In this case, part of the migration could be induced by redistributive motives instead of differences in productivity, with at least two possible negative consequences for the countries concerned:

- First of all, *people may be induced to emigrate even though their marginal productivity (and their labor income) is lower in the country of destination than in the country of origin, if the difference in wages is overcompensated by generous social benefits in the country of destination.*
- Second, if workers with low skills and low income have stronger incentives than others to migrate to countries with generous *social insurance systems*, these systems may get *under pressure* (Sinn 2003, pp. 64).

It depends on the respective immigration law and its enforcement to what extent these consequences will arise. Interestingly, for long periods in history, human migration was not subject to any legal constraints (Trachtman 2009, p. 3). However, we can identify market failures that make legal intervention desirable.

Why and How Do Modern States Regulate Immigration?

Preliminary Considerations

There is a strong argument from an allocative efficiency point of view to get rid of all restrictions on economic migration (Chang 1997; Trachtman 2009, p. 33; Sykes 2013a). Some scholars even claim that there is no need or no moral basis for an immigration policy whatsoever (Hayter 2000; Carens 2013). From their point of view, it may be desirable to eliminate all immigration controls. (For a comprehensive moral justification of immigration controls see Miller 2016.)

In order to justify a legal intervention from a welfare perspective, the economist looks for market failures. Looking at immigration generally, the prevalent view among scholars is that international migration can be accompanied by important nonpecuniary (negative) externalities (Sykes 2013a, p. 319). These include, by way of example, the additional burden on the welfare state (“welfare migration”) or may result from the congestion of certain public facilities, from migration which is motivated by higher returns to crime, the import of infectious diseases, and the possibility that migrants may through voting patterns redistribute resources to themselves. An important question is, to what extent mass immigration makes societies more ethnically or culturally diverse and to what extent increasing diversity contributes to lower levels of trust (and, thereby, higher social costs of cooperation) in these societies (Miller 2016, pp. 10, 64 f., 130 ff.; Collier 2013. As far as there are positive externalities of immigration, there would be a need to politically foster and not to restrict immigration). These are, hence, a number of varieties of (negative) externalities that require at least some border control, but in many

cases also some regulation of immigration. From a public choice perspective, there is a simple explanation for the existence of regulating the entry of immigrants. As we have shown in Chap. 3, there are winners and losers of immigration. If the losers are better organized than the winners, the former will lobby for a restrictive immigration policy.

The next question when assessing a legal intervention is the welfare standard one wants to apply. There are two main measures to assess immigration policies: one suggests the use of a global welfare function that weighs the welfare of all persons equally. The second trend focuses on national welfare functions in which only the effects on the host countries are considered, excluding the effects on the migrants’ welfare or the welfare of their home countries (Trebilcock 2003). When it comes to arranging for immigration policy at a global scale, hence, the insight that gains are not symmetrical for the countries make the success of such efforts more unlikely (Sykes 2013b). Even if welfare may be increased at the international level, migration will lead to winners and losers in different countries, but also within the countries. Evaluations, hence, depend upon whose welfare is being looked at. The political relevant question is not whether migration as such is welfare enhancing or welfare reducing. Rather, the marginal effects of a further increase of migration on social welfare have to be examined (Collier 2013, Chap. 12).

Instruments of National Immigration Policy

Having examined labor immigration policies in 46 countries, Ruhs (2013) found that there are trade-offs between their openness in admitting migrant workers and the rights granted to them after admission. This has also implications for human rights-based arguments on migration: “Human rights-based arguments are often focused on protecting and promoting the rights of *existing* migrants without considering the consequences for the admission of new migrant workers – that is, without considering the interests of the larger

number of *potential future migrants* who are still in their countries of origin and seeking to access the labor markets of higher-income countries” (Ruhs 2013, p. 190). Ruhs also found that the six most commonly restricted rights are the rights to stand for elections and vote, the spouse’s right to work, direct access to citizenship, and time limit and security of residence, whereas the two most restricted social rights are access to unemployment benefits and social housing, and the only economic right that is commonly restricted is the free choice of employment (p. 80).

Immigration policies in major destination countries, such as the USA, Canada, and Australia, are characterized by a large degree of *centralization* (see for the following in detail Trebilcock 2003). State authorities conduct basic health, criminal record, and national security checks and rely on a quota system, which distinguishes between three primary classes of immigrants: independent applicants, family members, and refugees and asylum seekers. For each class and respective subclasses (e.g., workers with different skills), the states determine quotas limiting the number of respective immigrants. Moreover, the governments issue short-term visas for tourists, students, and temporary workers, who might become immigrants in the future. There are two major problems with this centralized approach of regulating immigration:

1. It is not guaranteed that only those applicants are excluded who are expected to create an unacceptable burden on the amenities of the welfare state. When competing for skilled migrants, burdensome procedures can be a large disadvantage (with respect to the EU see Kocharov 2011).
2. Since the quotas have to be set in advance, the centralized bureaucracy is confronted with the very difficult (if not impossible) task of predicting the future needs of the labor market.

A further question in this regard is the institutional design by which quotas should be implemented. The basic options are *ex ante* or *ex post* screening (Cox and Posner 2007). Both have a number of strengths and weaknesses. An *ex post*

system evaluating post-entry conduct is said to provide more information and, hence, a more accurate screening than an *ex ante* system on the basis of pre-entry information. A main concern with the *ex post* system is that immigrants live with the fear of deportation, an uncertainty, which may hamper their integration process to the detriment of the host country.

An alternative approach, which could avoid many of the problems regarding independent applicants and family members and which is to a large degree implemented in the European Union, relies on *decentralized agreements* between the parties concerned, such as between migrant workers and employers. In the European Union, various regimes apply. Crucially migrants’ rights differ as to whether the migrant is a European national changing his place of residence from one European country to another (see Ch. 4.4) or a so-called third country national entering union territory. The positions of the latter, furthermore, differ considerably depending on the country that they come from (Eisele 2014). The EU’s major goal is attracting highly skilled workers from non-European countries with so-called Blue Cards. The major policy instrument is the Council Directive 2009/50/EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment (“Blue Card Directive”). A proposal for a Directive is discussed that among others seeks to abolish the national permit regimes for highly skilled workers that currently exist in parallel to the European Blue Card regime, see Proposal for a Directive of the European Parliament and of the Council on the conditions of entry and residence of third-country nationals for the purposes of highly skilled employment COM/2016/0378 final – 2016/0176 (COD). Consensus seems hard to reach: For an overview of the economic effects of so-called high-skilled migration generally see Pekkala Kerr et al. (2017); for research on guest worker programs regarding so-called low-skilled workers see Clemens (2018); Chilton and Posner (2018); Ruhs (2018); Casella and Cox (2018). Whereas the rights of EU nationals are generally aligned, newly acceding states to the European Union may

face different types of immigration policies by the various EU Member States during a transition period.

A more decentralized system is capable of discouraging illegal immigration. A decentralized system would induce welfare-enhancing and deter welfare-reducing migration, provided there are safeguards that undermine migrants' possibilities to externalize costs to the sending or the receiving country. With respect to the receiving country, the risk of negative externalities can be reduced by (still) centralized health, criminal record, and security checks as well as by a mandatory insurance which avoids that the immigrants become a burden to the welfare state (Trebilcock 2003, pp. 296). It is suggested that opening the border would be desirable if at the same time countries made their social programs inaccessible to non-citizens (Sykes 1995; in Germany, the Academic Advisory Board at the Federal Ministry of Finance made in 2001 the proposal of "delayed integration," that is, immigrants should enjoy tax-financed social benefits for a transition period from their country of origin; see Sinn (2003, pp. 80–81)). With respect to the sending countries, the problem of "brain drain" may arise if skilled workers, who generate positive externalities in their countries of origin, emigrate. However, one has to take into account that there may be also benefits to the sending countries, such as monetary remittances and positive externalities by those migrants, who improve their skills in the host country and return to the country of origin later on (Trebilcock 2003, pp. 282; Boeri et al. 2012). See also Collier (2013, Chaps. 8–10), for a more general view on the political and economic consequences of migration for the sending countries.

International Cooperation on Migration

There is no doubt that there are many more barriers to international migration than to international trade and investment. Whereas many barriers to trade have been removed by multilateral, regional, and bilateral agreements and foreign direct investment has been fostered by more

than 2,000 bilateral investment treaties (BITs), a comparable degree of international cooperation with respect to migration is (still) missing (Hatton 2007; Trachtman 2009; Gordon 2010). What are the reasons for this mismatch?

There is broad consensus that there are considerable gains from freeing up international migration, even though the estimates differ a lot (Rodrik 2002; Hatton 2007, pp. 345–346; Di Giovanni et al. 2015; Hanke and Heine 2015). For three reasons non-coordinated national immigration policies will deviate from the globally efficient policy and will typically lead to over-restrictive immigration policies (Sykes 2013a, pp. 320): (1) *Terms-of-trade externalities*: A large receiving country, facing an upward-sloping curve of immigrant labor, may have an incentive to restrict immigration in order to lower the price for immigrant labor. As a consequence, foreign workers absorb some of the costs of the migration restriction. (2) *Enforcement externalities*: Sending countries may have no incentive to reveal information on individuals with contagious diseases, with a propensity to commit serious crimes, or with a poor employment record to the receiving countries, even though they have better access to this information. Without cooperation, all receiving countries face high enforcement cost and will respond with restrictive immigration rules. (3) *Externalities among receiving countries*: Since the immigration policy of one country affects the flow of immigrants to neighboring countries, un-coordinated immigration policy will lead to suboptimal results.

However, to induce international cooperation on immigration, it is not sufficient that gains from cooperation exist. Two other requirements have to be met to induce cooperation in immigration policy: (1) Gains have to be distributed in a way that all cooperating countries or, more precisely, the relevant interest groups in these countries win; (2) cooperation must be self-enforcing, that is, all parties should expect that deviations from the cooperative agreement will trigger sanctions by the others. Thus, one has to take into account potential obstacles to beneficial cooperation (Sykes 2013a, pp. 327): (1) *The one-way problem*: Different from trade, where typically most

countries are interested in exporting goods to and importing goods from the other countries, migration is typically a one-way issue. People migrate from poor countries to rich countries. Thus, negotiating mutually beneficial agreements becomes more complex, since the parties concerned have to rely on “issue linkage,” that is, in exchange for accepting immigrants from less developed countries the developed countries have to be compensated in “another currency,” for example, by granting their exporters or investors access to the markets in the less developed countries. (2) *Migration diversion*: In analogy to trade diversion, bilateral or regional agreements on immigration policy discriminate against immigrants from third countries, which may lower social welfare in the immigration countries. One could argue that migration diversion can be avoided if international cooperation adheres to an equivalent to the most-favored nations’ obligations under GATT. However, since migration is not controlled by tariffs but by a variety of complex rules and regulations, this obligation would be much more difficult to enforce.

An Example of Far-Reaching Cooperation: The Free Movement of Persons in the EU

The European concept of the internal market, as defined in the Treaty, is strongly founded on the four fundamental freedoms: the free movement of goods, services, persons, and capital. The underlying idea is to overcome the fragmented goods and factor markets that used to be a characteristic element of Europe after World War II. The free movement of persons between the member states was originally restricted in several ways: (1) The right of free movement was restricted to *nationals* of the member states. (2) The right of free movement was restricted to the *economically active population*, that is, to workers, self-employed persons, as well as providers of services. (3) Free movement was interpreted as a *prohibition of (direct or indirect) discrimination on the grounds of nationality*. From the very beginning, the Treaty has included a number of explicit

derogations from the free movement of persons (public policy, public security, and public health derogations) and a public service exception. In the last 50 years, this situation has been changed by secondary legislation, that is, law made by the European Union institutions in exercising the powers conferred on them by the Treaties, such as directives and regulations and by clarifying judgments of the Court of Justice of the European Union: (1) The *link* between the right of free movement and *economic activity* has been *removed*, by granting this right also to tourists, students, and others. With the Treaty of Maastricht (1993) the decoupling of free movement from economic activity culminated in the recognition of the status of “citizen of the Union” for all nationals of the member states (now: Article 21 TFEU). (2) The right of free movement was extended to *family members who do not have the nationality of a member state*. (3) The prohibition of discrimination on the grounds of nationality was extended to a general *prohibition of obstacles* to the free movement of persons (Brücker and Eger 2012, pp. 146).

Even though the European Union has been removing obstacles to permanent migration between member states to an unprecedented extent, the level of internal migration in the EU has been modest (see the numbers in Brücker and Eger 2012, pp. 158). The reason is, that the EU member states, in particular the “old” 15 members before the accession of Eastern European countries starting in 2004, are characterized by relatively small differences in per capita income levels. On the other hand, language barriers and to some extent also cultural barriers determine migration costs that cannot be removed by legal reforms. But still, there is sufficient evidence that the removal of barriers to the free movement of persons triggered migration, which has contributed to a small but visible increase in the aggregate GDP in the entire EU (Brücker et al. 2009). Finally, there is no evidence so far, that the removal of impediments to the free movements of workers would have triggered a mass inflow of unskilled workers from the East to the West and would have led to the exploitation of the welfare

state in the destination countries (Boeri and Monti 2009; Brücker et al. 2009).

Asylum Laws

A rather new field in the economic analysis of the law concerns asylum/refugee law. In order to grant asylum to an asylum seeker, it needs to be determined that she is in fact a refugee. The core international agreement in this regard is the 1951 Convention Relating to the Status of Refugees as modified by the 1967 UN Protocol. Importantly, it provides a general definition of “refugee” and stipulates in the so-called non-refoulement clause that a person cannot be forcibly returned to a territory where she may face the risk of persecution. Most countries (and all developed countries) are parties to this Convention. The factors that determine the movements of an asylum seeker differ from those of a classical migrant; however, there is some overlap (Angeloni 2016; Hatton 2017). From an economic perspective, international cooperation in asylum matters can be viewed as an agreement among states to supply the global public good of refugee protection (Bubb et al. 2011). While the Convention sets some common ground, national asylum laws also show differences. Lately, one of the key challenges faced by asylum policies is the need to distinguish between “real” refugees and economic migrants. In economic terms, states face the problem of asymmetric information when assessing an individual’s status. They have a screening problem. Gradually some countries’ asylum policies have become stricter in an attempt to cope with the challenge of identifying the type of migrant. An economic effect of differing standards in various jurisdictions is that states with stricter policies regarding their admission criteria impose an externality on those countries that have more lenient policies. This, in fact, may induce all countries to raise their standards – a “race to the bottom” (Bubb et al. 2011; Monheim-Helstroffer and Obidzinski 2010). It is being discussed if deeper integration can alleviate some of the problems resulting from differing standards. On the other hand, transfer systems, according to which

wealthy states pay poor states to resettle refugees from other poor states, could create positive externalities on third countries (Bubb et al. 2011).

With a view to the effects of asylum policies, it has been shown that a tougher asylum policy – regarding entry requirements and conditions as well as processing time of applications for asylum in the receiving country – had a deterrent effect on asylum applications (Hatton 2009; Bertoli et al. 2020).

Under the Common European Asylum System Europe has set up a general legal framework for its asylum policy, gradually lifting up more competencies to the EU level. In trying to determine the optimal degree of harmonization of Europe’s asylum laws, Monheim-Helstroffer and Obidzinski (2010) develop a regulatory competition model. With respect to the EU, the authors take a critical stance on ongoing harmonization efforts: In a regulatory context like the EU, those jurisdictions closest to the external border (peripheral jurisdictions) have an incentive to choose strict admission criteria for refugees. These states would lose most from harmonization efforts that would decrease their legislative discretion. For an EU-wide policy, the question is whether the benefits from harmonization outweigh the losses of the peripheral jurisdiction. From the refugees’ point of view, flexibility is warranted as it increases their chances of being admitted to the EU. The Common European Asylum System in force is considered inappropriate and changes are continuously discussed. However, political consensus is a challenge. Generally, the EU has over the last years put more emphasis on external border control and sea rescue. Another focal point is refugees’ reception conditions (Proposal for a Directive of the European Parliament and of the Council laying down standards for the reception of applicants for international protection (recast) COM/2016/0465 final – 2016/0222 (COD)).

In the aftermath of the 2015 refugee inflow, a number of works have been published on improving the refugee distribution within Europe by replacing the Dublin Regulation, which allocates the responsibility to the member state through which the asylum seeker first entered the system, by a quota system, which has never reached

consensus among member states (Rossi 2017; Hatton 2017), or the refugees' potential positive effect on the European labor market (Weber 2016) and more generally on shifts in the voting patterns of the population in the light of refugee migration (for the case of Denmark Dustmann et al. 2019; for the case of Turkey Altındağ and Kaushal 2020).

Conclusions

In this entry, we provided some insights into relevant law and economics contributions on immigration laws and policies. In the light of different forms of migration, a focus on labor/economic migration seemed appropriate, as well as a short excerpt on research topics within asylum law. The relevant contributions illustrate how different types of migrants necessarily impact countries' welfare functions differently. Immigration law is a topic, which can never be a national matter only. Hence, cooperation is a must. We have alluded to some challenges to this cooperation on regional (EU) or even international level, resulting primarily from potential negative externalities. Legal reforms in immigration law are ongoing and the topic stimulates a lot of potential future research.

Cross-References

- ▶ [Discrimination](#)
- ▶ [European Integration](#)
- ▶ [Externalities](#)
- ▶ [Public Choice: The Virginia School](#)

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References

Altındağ O, Kaushal N (2020) Do Refugees impact voting behavior in the host country? Evidence from Syrian refugee inflows to Turkey. *Public Choice* 186(1–2): 149–178

- Angeloni S (2016) Data on some socio-economic parameters explaining the movement of extra-EU asylum seekers in Europe. *Data Brief* 9:966–969
- Badalic V (2019) Tunisia's role in the EU external migration policy: Crimmigration law, illegal practices, and their impact on human rights. *J Int Migr Integr* 20(1): 85–100
- Bertoli S, Brücker H, Moraga J (2020) Do processing times affect the distribution of asylum seekers across Europe? Institute of Labor Economics, Bonn, IZA DP No. 13018
- Boeri T, Monti P (2009) The impact of labor mobility on public finances and social cohesion. IAB-Deliverable 5
- Boeri T, Brücker H, Docquier F, Rapoport H (eds) (2012) *Brain drain and brain gain. The global competition to attract high-skilled migrants*. Oxford University Press, Oxford
- Borjas GJ (2014) *Immigration economics*. Harvard University Press, Cambridge, MA
- Brücker H, Eger T (2012) The law and economics of the free movement of persons in the European Union. In: Eger T, Schäfer H-B (eds) *Research handbook on the economics of European Union Law*. Edward Elgar, Cheltenham, pp 146–179
- Brücker H, Jahn EH (2011) Migration and wage-setting – reassessing the labor market effects of migration. *Scand J Econ* 113(2):286–317
- Brücker H, Baas T, Beleva I, Bertoli S, Boeri T, Damelang A, Duval L, Hauptmann A, Fihel A, Huber P, Iara A, Ivlevs A, Jahn, EJ, Kaczmarczyk P, Landesmann ME, Mackiewicz-Lyziak J, Makovec M, Monti P, Nowotny K, Okolski M, Richter S, Upward R, Vidovic H, Wolf K, Wolfeil N, Wright P, Zaiga K, Zyllicz A (2009) *Labor mobility within the EU in the context of enlargement and the functioning of the transitional arrangements: final report*. IAB-Final Report
- Bubb R, Kremer M, Levine DI (2011) The economics of international refugee law. *J Leg Stud* 40:372–373
- Carens JH (2013) *The ethics of immigration*. Oxford University Press, Oxford
- Casella A, Cox AB (2018) A property rights approach to temporary work visas. *J Leg Stud* 47:S195–S228
- Chang HF (1997) Liberalized immigration as free trade: economic welfare and the optimal immigration policy. *Univ Pa Law Rev* 145(5):1147–1244
- Chilton AS, Posner EA (2018) Why countries sign bilateral labor agreements. *J Leg Stud* 47:S45–S88
- Clemens MA (2018) Testing for repugnance in economic transactions: evidence from guest work in the Gulf. *J Leg Stud* 47:S5–S44
- Collier P (2013) *Exodus. Immigration and multiculturalism in the 21st century*. Allen Lane, London
- Cox AB, Posner EA (2007) The second-order structure of immigration law. *Stanford Law Rev* 59(4):809–856
- Di Giovanni J, Levchenko AA, Ortega F (2015) A global view of cross-border migration. *J Eur Econ Assoc* 13(1):168–202

- Dustmann C, Vasiljeva K, Damm AP (2019) Refugee migration and electoral outcomes. *Rev Econ Stud* 86(5):2035–2091
- Eger T, Weise P (1989) Participation and codetermination in a perfect and an imperfect world. In: Nutzinger HG, Backhaus J (eds) *Codetermination*. Springer, Berlin/Heidelberg/New York
- Eisele K (2014) The external dimension of the EU's migration policy: different legal positions of third-country nationals in the EU: a comparative perspective. Koninklijke Brill, Leiden
- Gordon J (2010) People are not bananas: how immigration differs from trade. *Northwest Univ Law Rev* 104: 1109–1145
- Hanke P, Heine K (2015) Migration and systems competition: a constitutional economics perspective. *Univ St. Thomas Law J* 12(1):56–76
- Hanson GH, Slaughter MJ (2002) Labor market adjustment in open economies: evidence from U.S. states. *J Int Econ* 57:3–29
- Hatton TJ (2007) Should we have a WTO for international migration? *Econ Policy* 22:339–383
- Hatton TJ (2009) The rise and fall of asylum: what happened and why? *Econ J* 119:183–213
- Hatton TJ (2014) The economics of international migration: a short history of the debate. *Labor Econ*. <https://doi.org/10.1016/j.labeco.2014.06.006>
- Hatton TJ (2017) Refugees and asylum seekers, the crisis in Europe and the future of policy. *Econ Policy* 32(91): 447–496
- Hayter T (2000) *Open borders: the case against immigration controls*. Pluto Press, London
- Hoang K, Reich S (2017) Managing crime through migration law in Australia and the United States: a comparative analysis. *Comp Migrat Stud* 5(1):1–24
- Kocharov A (2011) Regulation that defies gravity – policy, economics and law of legal immigration in Europe. *Eur J Legal Stud* 4(2):9–43
- Miller D (2016) *Strangers in our midst. The political philosophy of immigration*. Harvard University Press, Cambridge, MA
- Monheim-Helstroffer J, Obidzinski M (2010) Optimal discretion in asylum lawmaking. *Int Rev Law Econ* 30: 86–97
- Ottaviano GIP, Peri G (2012) Rethinking the effects of immigration on wages. *JEEA* 10(1):152–197
- Pekkala Kerr S, Kerr W, Özden Ç, Parsons C (2017) High-skilled migration and agglomeration. *Annu Rev Econ* 9:201–234
- Rodrik D (2002) Final Remarks. In: Boeri T, Hanson G, McCormick B (eds) *Immigration policy and the welfare system*. Oxford University Press, Oxford, pp 314–317
- Rossi E (2017) Superseding Dublin: the European asylum system as a non-cooperative game. *Int Rev Law Econ* 51:50–59
- Ruhs M (2013) *The price of rights. Regulating International Labor Migration*. Princeton University Press, Princeton
- Ruhs M (2018) Labor immigration policies in high-income countries: variations across political regimes and varieties of capitalism. *J Leg Stud* 47:S89–S127
- Sinn HW (2003) *The new systems competition*. Blackwell, Oxford
- Sjaastad LA (1962) The costs and returns of human migration. *J Polit Econ* 70(4 Suppl):80–93
- Sykes AO (1995) The welfare economics of immigration law: a theoretical survey with an analysis of U.S. policy. In: Schwartz WF (ed) *Justice in immigration*. Cambridge University Press, Cambridge, pp 158–200
- Sykes AO (2013a) International cooperation on migration: theory and practice. *Univ Chic Law Rev* 80:315–339
- Sykes AO (2013b) The inaugural Robert A. Kindler professorship of law lecture: when is international law useful. *Int Law Polit* 45:787–814
- Trachtman JP (2009) *The international law of economic migration: toward the fourth freedom*. W. E. Upjohn Inst. for Employment Research, Kalamazoo
- Trebilcock MJ (2003) The law and economics of immigration policy. *Am Law Econ Rev* 5:271–317
- Weber F (2016) Labour market access for asylum seekers and refugees under the common European Asylum System. *Eur J Migrat Law* 18(1):34–64