Complex Trajectories of Legal Status among Senegalese Migrants in Europe

Extended Abstract
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Erik Vickstrom
Office of Population Research, Princeton University
Institut National d'Études Démographiques (INED), Paris

Abstract

This paper will examine how European contexts of reception produce irregularity among Senegalese migrants. What are the trajectories of legal status of Senegalese migrants? What factors can explain the complexity and turbulence of these trajectories? How do these trajectories vary by context of reception? How do the social origins of migrants influence their trajectories of legal status? Using longitudinal life-history data from the MAFE-Senegal project, this paper will employ sequence analysis techniques to analyze these complex trajectories. Preliminary results indicate that initially undocumented Senegalese migrants spend a higher proportion of their time undocumented, but tend to access legal status at some point, while even Senegalese migrants who arrive legally spend some time in undocumented statuses.

Irregular migration to Europe has attracted political outcry and media attention, with irregular flows from sub-Saharan Africa in particular provoking fears of an "invasion" of "fortress Europe." Despite this concern, irregular migration in Europe in general and irregularity among African migrants in particular are poorly understood phenomena. This paper will examine how European contexts of reception produce irregularity among Senegalese migrants.

Existing theories of the production and consequences of undocumented migration built on a unitary context of reception and a simplified conceptualization of irregularity cannot satisfactorily explain irregular migration and its consequences in Europe. This research will fill these gaps by asking how multiple contexts of reception produce complex trajectories of migrant irregularity. While this research is vital for understanding irregular migration in Europe, it will also help open new theoretical perspectives valuable for future research on irregular migration in other contexts. It will also lead to further research on how complex trajectories of legal status shape the integration of Senegalese migrants into their host societies as well as their ongoing participation in the development of their sending societies.

Literature Review

This paper will analyze the legal-status trajectories of Senegalese migrants in Europe. While many empirical studies operationalize legal status as a simple dichotomy of undocumented vs. documented, this strategy can mask significant and potentially meaningful heterogeneity in legal status that arises from non-overlapping policy domains. In cross-sectional terms, an undocumented status can result from any combination of illegal entry, residence, or work. Jandl (2004) employs these distinctions to generate a typology that includes six categories of clandestinity and argues that no accurate accounting of illegal migrant flows and stocks can occur without such a fine-grained conceptualization. Ruhs and Anderson (2010) distinguish between compliance, semi-compliance, and non-compliance in examining the labor-market participation of immigrants in the United Kingdom. They argue that migrants, employers, and the state recognize distinctions between different kinds of illegality, and demonstrate that the state of semi-compliance (legal residence combined with working in violation of employment restrictions) allows both migrants and employers to benefit while attracting little attention from the state.

They also find that non-compliance stemming from illegal entry attracts the most severe sanctions by the state and provokes the most fear among migrants; this leads to interesting theoretical questions about how different legal statuses might be linked to different kinds of stigma or different *habituses* among migrants. These studies show that a simple legal/illegal dichotomy would suppress important findings.

Considering longitudinal change over time also makes a simple legal-status dichotomy unappealing. While illegal entry can only occur at one point in time for any given spell in a destination country, illegal status can obviously be regularized after entry. Migrants could also conceivably experience changes in legality of residence and work multiple times even following legal entry or regularization. Recent research focusing on irregular migration "careers" explicitly accounts for change over time in legal status and argues that differences in career trajectories can shed light on systematic properties of migration flows (Cvajner and Sciortino 2010). An approach that recognizes the longitudinal nature of legal statuses is especially important in the European context, where migrants are subject to a jumble of national and supra-national policies including periodic regularizations (Jandl 2004).

Research Questions and Hypotheses

There is evidence that Senegalese migrants in Europe experience complex trajectories of legal status. French immigration policy separated work and residence permits for immigrants in 1945, and instituted entry visas in 1974 (Hargreaves 2007). Spain and Italy also started requiring visas in the early 1990s (de Haas 2008), and all three countries have undertaken a variety of regularizations. There have thus been ample opportunities over time for changes in legal status among Senegalese migrants. Indeed, change seems to be the norm, as most research contends that the majority of irregular African migrants actually enter Europe legally and become irregular only later when they overstay their visas (de Haas 2008; Lessault and Beauchemin 2009).

The research questions for this paper are the following: What are the trajectories of legal status of Senegalese migrants? What factors can explain the complexity and turbulence of these trajectories? How do these trajectories vary by context of reception, both in terms of country and historical period? How do

these trajectories vary by legal status upon entry? How do the social origins of migrants—including class, family composition, and region of origin—influence their trajectories of legal status?

This paper will thus analyze the complex legal-status trajectories of Senegalese migrants in Europe in a way that takes into account both multiple domains of legality and change in statuses over time with the objective of uncovering distinctive patterns of legal statuses. This paper will hypothesize that:

1. Legal-status trajectories of Senegalese migrants will vary by context of reception: increased turbulence will be evident in the new destinations of Italy and Spain as well as in post-1974 France;

2. Legal status trajectories of Senegalese migrants will vary by legal status upon entry, with those entering illegally subject to more turbulence than those entering legally;

3. Legal status trajectories of Senegalese migrants will vary by social origins, with lower-class, urban, single, male migrants experiencing increased turbulence.

Data and Methods

This paper will use longitudinal life-history data from the Migrations between Africa and Europe (MAFE)-Senegal project. This project interviewed 603 current Senegalese migrants in France, Italy, and Spain, along with 59 returned migrants (from Europe) in Dakar, Senegal. While some migrants in all of the study countries had experience in a variety of destinations, this study will only investigate time spent in France, Italy, or Spain. The retrospective life histories collected include the complete year-by-year residential and administrative histories of each respondent. We use the administrative histories to extract information on migrants' legal statuses in the following legal domains: entry, residence, work, and citizenship. We dichotomize entry status into visa (V) and no visa (NV) and residence status into residence permit (RP) and no residence permit (NRP). For the legal domain of work, a migrant can declare a work permit (WP), a special work permit (SWP), or no work permit (NWP). All migrants, by design of the study, are currently or formerly of Senegalese citizenship; if a migrant declares being a citizen of France, Italy, or Spain, we code this as "EU" (for "European Union"). We further assume that EU status supersedes all other declared legal statuses since destination-country citizenship confers full

rights of entry, work, and residence. We concatenated the strings representing migrants' statuses in these four legal domains to form a composite legal status for each migrant in each year. Although twenty-four combinations are possible among these four domains, our resultant categorical variable contains 13 legal statuses. An example may help to clarify: if a migrant of Senegalese citizenship in her third year in Italy declares not having a visa, but having a residence permit and a work permit, her legal status would be coded as "NV_RP_WP." Note that Senegalese citizenship is implicit. Table 1 provides additional information on the wording of the questions that elicited these statuses and the coding of responses. Since some of these migrants spent time in multiple destination countries, separation of migration spells yielded 716 legal-status sequences.

[Insert Table 1 about here]

I propose describe the complex trajectories of these legal statuses using a set of analytical techniques known as sequence analysis (SA). Introduced to the social sciences by Abbott and colleagues (Abbott 1995; Abbott and Tsay 2000), SA permits the examination of complex holistic trajectories comprising sequences of data and can help answer "questions about whether some process or series of events typically happens in a particular order" (Abbott and Tsay 2000:3). SA has been used in sociological analyses of the life course and careers (occupational, organizational, and criminal) and has started to be used in demography. Contrary to standard event-history approaches, SA is a data-driven approach that makes no assumptions about the stochastic process generating the data, thus allowing the emergence of insights that could be obscured by the very assumptions of more standard techniques. While SA is an evolving toolkit (see Aisenbrey and Fasang 2010 for a review of recent innovations), an algorithm known as optimal matching (OM) underlies most approaches to SA. OM allows the computation of distances between individual sequences, which are then typically subjected to cluster analysis to identify common patterns (Abbott 1995).

Preliminary Results

Aggregate Measures

Preliminary analyses of the MAFE-Senegal biographical data (see Figure 1) indicate that initially undocumented Senegalese migrants spend a higher proportion of their time undocumented, but do tend to access legal status at some point (i.e., they do not spend all of their time undocumented). Even those Senegalese migrants who arrive legally in Europe spend some time in undocumented statuses. This shows that trajectories of legal status are potentially complex and not reducible to legal status upon entry or to legal status at any one point in time.

[Insert Figure 1 about here]

Tables 2 and 3 demonstrate that considering multiple legal domains simultaneously yields a complex conceptualization of legal status that goes well beyond a simple dichotomy of documented vs. undocumented. Table 2 suggests a categorization of the legal statuses along Ruhs and Anderson's (2010) compliance continuum, and shows that considering multiple domains can complicate both a documented-undocumented dichotomy and a trichotomy of compliance levels. Indeed, it is clear that compliance depends in part on context. Nonetheless, taking their categorization as a guide, Table 4 shows that a fully undocumented (i.e. non-compliant) state accounts for 26.5% of all person-years across the three destinations and is the second most prevalent state among Senegalese migrants. Fully compliant states account for only 41.3% of all person years, and semi-compliant legal statuses make up almost a third of all statuses.

[Insert Tables 2 and 3 about here]

Transversal (Cross-Sectional) Measures

Figure 2 displays the distribution of legal statuses in the year of arrival at destination. Across all three destinations, approximately 31% of Senegalese migrants declare only a visa in their first year of residence, while 24% combine visas with either residence or work permits. Among the 45% not declaring a visa, the majority (about 25% of the total) have neither residence or work permits. The figure also portrays variation in initial legal status across destinations. Migrants to Spain and France are more likely to combine visas with either residence or work permits, while migrants to Italy are more likely to enter on a simple visa. Undocumented entry is prevalent in all three destinations, ranging from about 20% in

France and Spain to about 35% in Italy. All three countries demonstrate high levels of entropy in initial

legal status, meaning that individuals are distributed across relatively many states. Interestingly, and

contrary to our hypotheses, entropy is highest in France during the first year of migration, which suggests

that migrants are taking advantage of more avenues of access into this established country of immigration

than in the new destinations of southern Europe.

[Insert Figure 2 about here]

Figure 3 presents the transversal state distribution of the legal statuses of Senegalese migrants in

France, Italy, and Spain. Time is measured from a common origin of the first year in any of these three

destinations; the figure thus combines migrants from different contexts of reception and cohorts. The

figure suggests that legal status is quite diverse in the first two years after arrival. From about the third

year on, however, three states make up a large proportion of the total: a residence permit combined with a

work permit and Senegalese citizenship (NV_RP_WP), a residence permit and Senegalese citizenship

without a work permit (NV_RP_NWP), and an undocumented state (NV_NRP_NWP). This is reflected

in the transversal entropy plot (Figure 4), which shows a high level of entropy during the first year in

destination, followed by a sharp spike in the second year, and a gradual decline thereafter. Thus, the

diversity of states tends to decrease as migrants spend more time in the destination, suggesting a

stabilization of legal status over time.

[Insert Figures 3 and 4 about here]

Figure 5 shows the transversal state distributions for each destination. These distributions

demonstrate the same general pattern as the overall distribution, but some differences are apparent. The

undocumented state (NV_NRP_NWP) accounts for a larger share of the total in Italy and Spain than in

France during the early years in destination. While this state seems to decrease rapidly in the southern

European countries, its prevalence remains higher in France. This may be due to differing regularization

policies among these countries. Special work permits in conjunction with residence permits are most

common in France and practically non-existent in Spain; this may be due to relatively large flows of

students to France, who have limited rights to work while there. Access to host-country citizenship seems

extremely limited across the board. Figure 6 presents the transversal entropy plots for each destination. All destinations show a spike in the early years of residence, indicating a diversification of legal statuses following entry. This diversity declines precipitously in Spain and less rapidly in Italy and France. Again contrary to our hypotheses, transversal is higher at all durations in France than in Italy or Spain.

[Insert Figures 5 and 6 about here]

Results thus far have confirmed variation in trajectories of legal status by context of reception, albeit in ways contrary to our expectations. Figure 7 presents variation in trajectories of legal status by initial dichotomous legal status (defined as the state of "NV_NRP_NWP" in the first year of migration). These transversal state distributions suggest that the prevalence of undocumented status is much higher at any duration for initially undocumented migrants than for those that enter legally. Nonetheless, this prevalence declines precipitously after the first year, suggesting that many of these so-called clandestine migrants are able to regularize their status once in the destination. Conversely, initially documented migrants experience an increase in undocumented status after the first year. Figure 8 confirms these trends: entropy for the initially undocumented rises from 0 in the first year (because all individuals are, by definition, in the same state) to about .5, suggesting that these migrants quickly diversify their legal statuses. Nonetheless, entropy is higher among the initially documented, suggesting that they have access to more forms of legal status (including semi- and non-compliant statuses) than those who enter illegally. It thus seems that our second hypothesis of increased turbulence for the initially undocumented is not supported by the data.

[Insert Figure 7 about here]

Longitudinal (Within-Sequence) Measures

This section will attempt to investigate properties of individual sequences. Table 4 presents a matrix of transition probabilities between legal statuses and is useful for examining the stability of different states. The leftmost column displays the origin states, while the top row displays the destination states; as a result, the matrix is not symmetric. Cells where no transitions were observed in the data are filled with a hyphen to increase readability. The diagonal of the matrix (highlighted in blue) shows the

probability of remaining in a given state and is thus a measure of state stability. The most stable state is having EU citizenship, followed by the fully compliant "NV_RP_WP." States involving a residence permit or a work permit in the absence of other legal documents—which are either fully or semi-compliant, depending on the context—were also very stable. These results suggest that compliant legal statuses are durable. The non-compliant state (NV_NRP_NWP) was also very stable, with 91% remaining undocumented. This state also absorbed 25% of those originating in the visa-only state. Many of the other transitions involve losing a visa but retaining either work or residence permits; this suggests a progression from control of entry to control of residence and work as time in destination increases. Finally, transitions to EU citizenship were extremely rare, again suggesting that the destination States limit Senegalese migrants' abilities to access naturalization.

[Insert Table 4 about here]

Future Refinements

Within-sequence complexity

Future work on this paper will include further investigation of complexity within individual sequences. We have calculated within-sequence entropy, Elzinga's (2010) turbulence, and Gabadinho et al.'s (2011) complexity measures. While calculated differently (especially with regard to the order of states), these measures are highly correlated. They suggest that mean within-sequence complexity is statistically significantly higher in France, with no difference between the southern European countries. While this again runs counter to our hypotheses, it is an interesting finding that suggests that migrants in France have either more experiences or more resources to access a wider variety of legal statuses. We have also carried out preliminary multivariate OLS regressions of each complexity measure on a variety of predictors, including initial dichotomous legal status, destination, and sociodemographic and social-class background characteristics (not reported). Across outcomes, we find that Italy and Spain both have lower mean complexity than France, supporting the bivariate descriptive findings. Being from Dakar (the Senegalese capital), being married, and having children are the sociodemographic background factors that were associated with significantly higher complexity scores, as was the number of contacts at destination.

Being a returned migrant is associated with significantly lower complexity scores; what is unclear is what role this relative stability legal-status trajectories played in migrants' decisions to return to Senegal. Initial dichotomous undocumented status is associated with lower entropy and complexity, while it has no significant association with turbulence, lending some support to the previous findings that initial undocumented status is a relatively stable state.

In addition to refining the analysis of within-sequence complexity, this paper will also use the techniques of sequence alignment, including optimal matching, to further investigate trajectories of legal status. We hope to use these techniques to create a pairwise distance matrix to which we will apply a clustering algorithm. The resultant clusters will form the basis of a typology of legal status, which we hope to be able to relate to other factors in multinomial logistic regression in order to elucidate some of the correlates of these types.

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Table 1. Relationship between legal domains and state codes used to construct legal status			
Legal domain	**Question**	**Modalities**	**State Codes**
Entry	"When you arrived in [destination country], did you have a visa? And then? Did your situation change?"	Yes No	**V**: Visa **NV**: No visa
Residence	"When you arrived in [destination country], did you have a residence permit? And then? Did your situation change?"	Yes No	**RP**: Residence permit **NRP**: No residence permit
Work	"As for work, when you arrived in [destination country], did you have a work permit? And then? Did your situation change?"	Work permit: Yes/No Special work permit: Yes/No	**WP**: Work permit **SWP**: Special work permit **NWP**: No work permit (neither WP nor SWP)
Citizenship	"During your life, have you changed nationality or acquired a new nationality? When did you change nationality? At that time, what nationalities did you have?"	Senegalese French Italian Spanish Others	**EU**: Citizenship of France, Italy, or Spain (can be in conjunction with Senegalese nationality) Missing: Senegalese citizenship

Table 2. Legal statuses of Senegalese migrants by legal compliance		
Non-compliant	**Semi-compliant**	**Fully compliant**
NV_NRP_NWP	V_RP_NWP (if working)	EU
	V_NRP_WP	V_RP_WP
	V_NRP_SWP	V_RP_SWP
	V_NRP_NWP	NV_RP_WP
	NV_RP_NWP (if working)	NV_RP_SWP
	NV_NRP_WP	
	NV_NRP_SWP	

| Table 3. Aggregate distribution of legal statuses across person-years												
Legal Status	France			Italy			Spain			Total		
	N	Col %	Row %	N	Col %	Row %	N	Col %	Row %	N	Col %	Row %
NV_RP_WP	1,032	28.1	36.7	824	34.1	29.3	953	45.4	33.9	2,809	34.3	100
NV_NRP_NWP	1,209	32.9	55.8	590	24.5	27.2	369	17.6	17	2,168	26.5	100
NV_RP_NWP	640	17.4	47.8	530	22	39.6	169	8.1	12.6	1,339	16.4	100
V_NRP_NWP	162	4.4	31.8	177	7.3	34.8	170	8.1	33.4	509	6.2	100
EU	150	4.1	47.2	56	2.3	17.6	112	5.3	35.2	318	3.9	100
V_RP_NWP	154	4.2	52.2	46	1.9	15.6	95	4.5	32.2	295	3.6	100
V_RP_WP	99	2.7	43.8	13	0.5	5.8	114	5.4	50.4	226	2.8	100
NV_RP_SWP	117	3.2	63.6	67	2.8	36.4	0	0	0	184	2.2	100
NV_NRP_WP	27	0.7	20.6	15	0.6	11.5	89	4.2	67.9	131	1.6	100
V_NRP_WP	19	0.5	22.6	52	2.2	61.9	13	0.6	15.5	84	1	100
V_RP_SWP	51	1.4	71.8	8	0.3	11.3	12	0.6	16.9	71	0.9	100
V_NRP_SWP	14	0.4	41.2	20	0.8	58.8	0	0	0	34	0.4	100
NV_NRP_SWP	4	0.1	19	15	0.6	71.4	2	0.1	9.5	21	0.3	100
Total	3,678	100	44.9	2,413	100	29.5	2,098	100	25.6	8,189	100	100

Source: MAFE-Senegal biographical data

Table 4. Longitudinal transition matrix between legal statuses

Origin State	Destination State												
	EU	NV_NRP_NWP	NV_NRP_SWP	NV_NRP_WP	NV_RP_NWP	NV_RP_SWP	NV_RP_WP	V_NRP_NWP	V_NRP_SWP	V_NRP_WP	V_RP_NWP	V_RP_SWP	V_RP_WP
EU	1.00	-	-	-	-	-	-	-	-	-	-	-	-
NV_NRP_NWP	-	0.91	-	-	0.02	-	0.06	-	-	-	-	-	-
NV_NRP_SWP	-	0.10	0.50	-	0.05	0.25	0.10	-	-	-	-	-	-
NV_NRP_WP	-	0.03	-	0.95	0.01	-	0.02	-	-	-	-	-	-
NV_RP_NWP	-	0.02	-	-	0.95	-	0.03	-	-	-	-	-	-
NV_RP_SWP	-	0.04	-	-	0.04	0.86	0.07	-	-	-	-	-	-
NV_RP_WP	-	0.01	-	-	0.01	-	0.97	-	-	-	-	-	-
V_NRP_NWP	-	0.25	-	0.03	0.01	-	0.01	0.57	-	0.01	0.10	0.01	0.01
V_NRP_SWP	-	0.03	-	-	-	-	0.03	-	0.81	-	-	0.12	-
V_NRP_WP	0.01	0.03	-	0.03	-	-	0.01	0.01	-	0.81	-	-	0.09
V_RP_NWP	-	-	-	-	0.17	-	0.14	0.01	-	-	0.63	0.03	0.01
V_RP_SWP	0.01	-	-	-	0.01	0.39	0.09	0.01	-	-	-	0.49	-
V_RP_WP	0.01	-	-	-	-	-	0.23	-	-	0.01	0.01	-	0.72

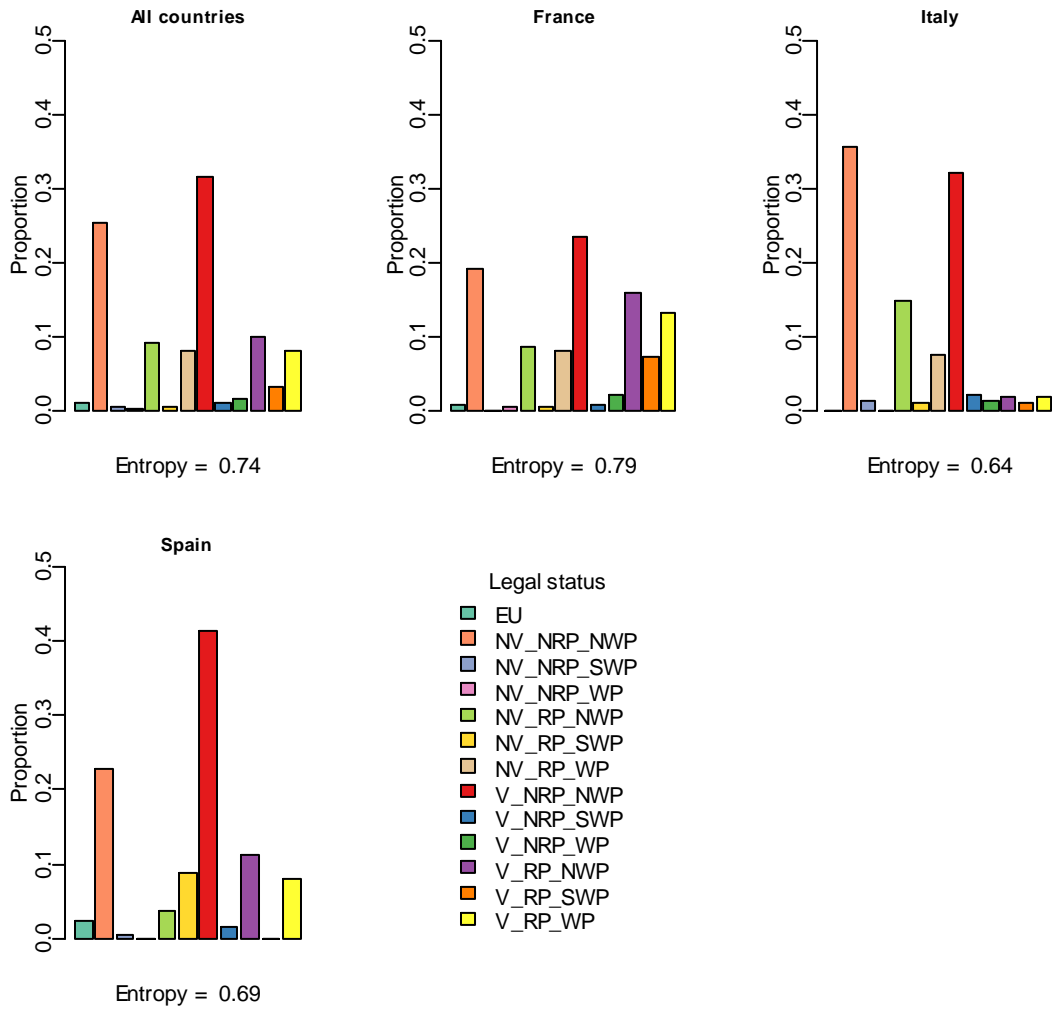Source: MAFE-Senegal biographical data

Figure 1. Proportion of person-years undocumented by legal status at entry, with 95% confidence intervals.
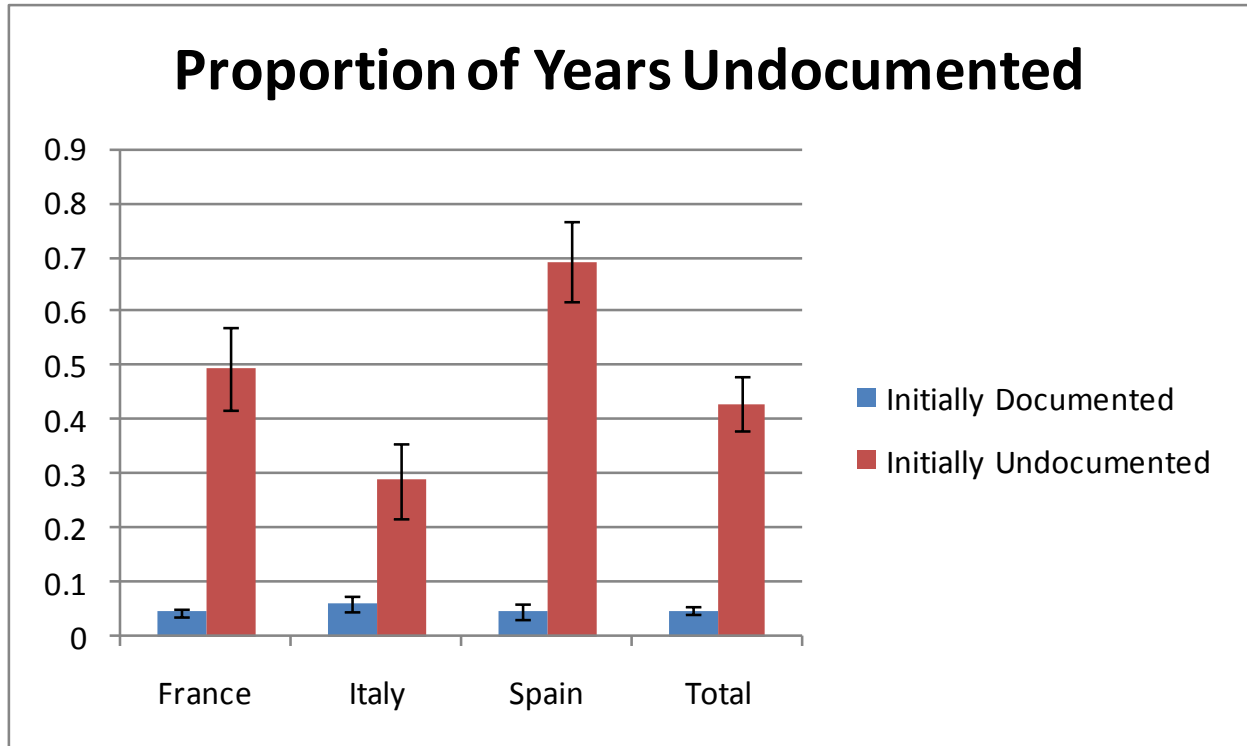
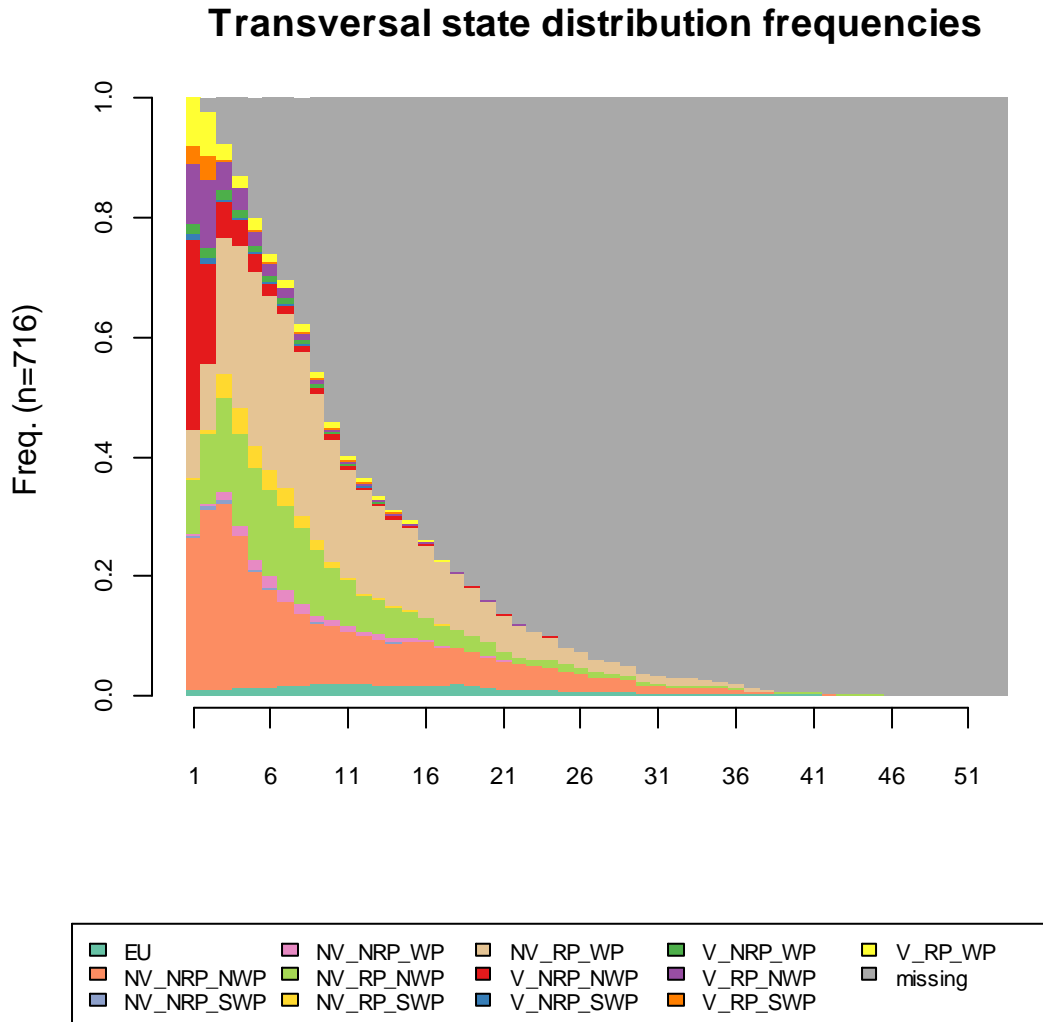Source: MAFE-Senegal biographical data (weighted)

Figure 2.
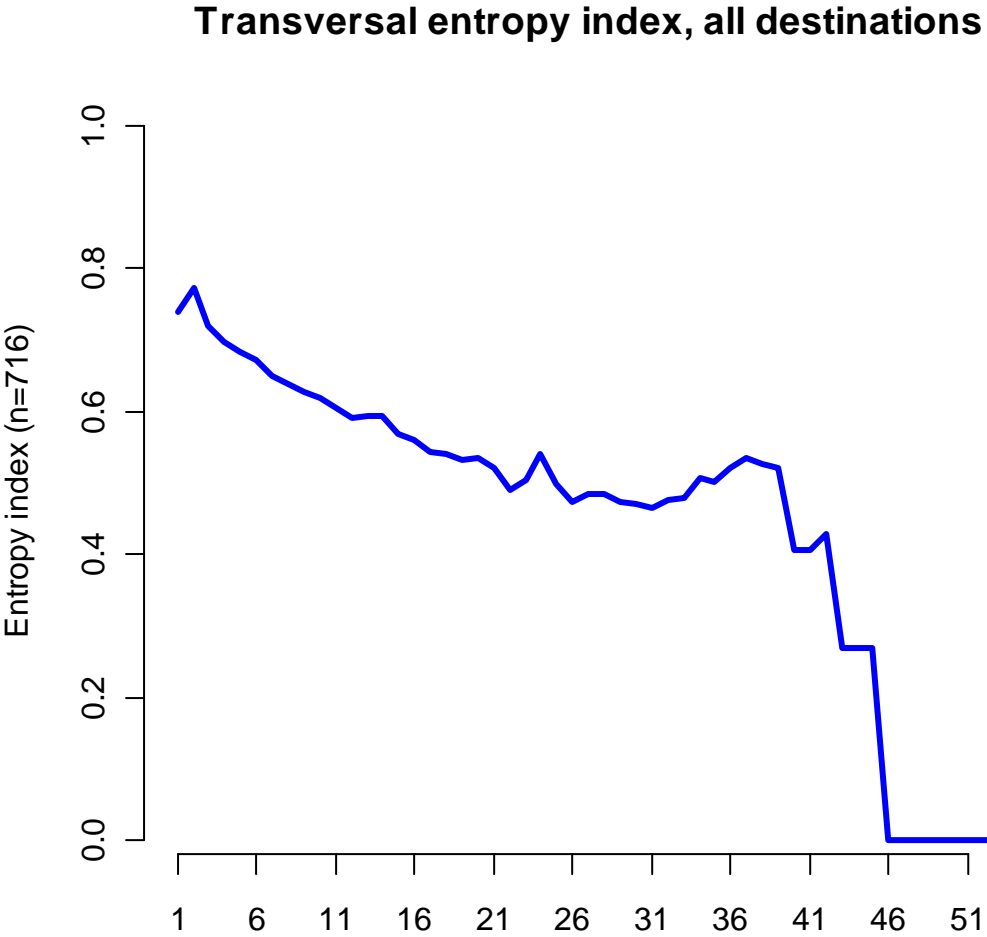
Distribution of states in first year of migration, by country
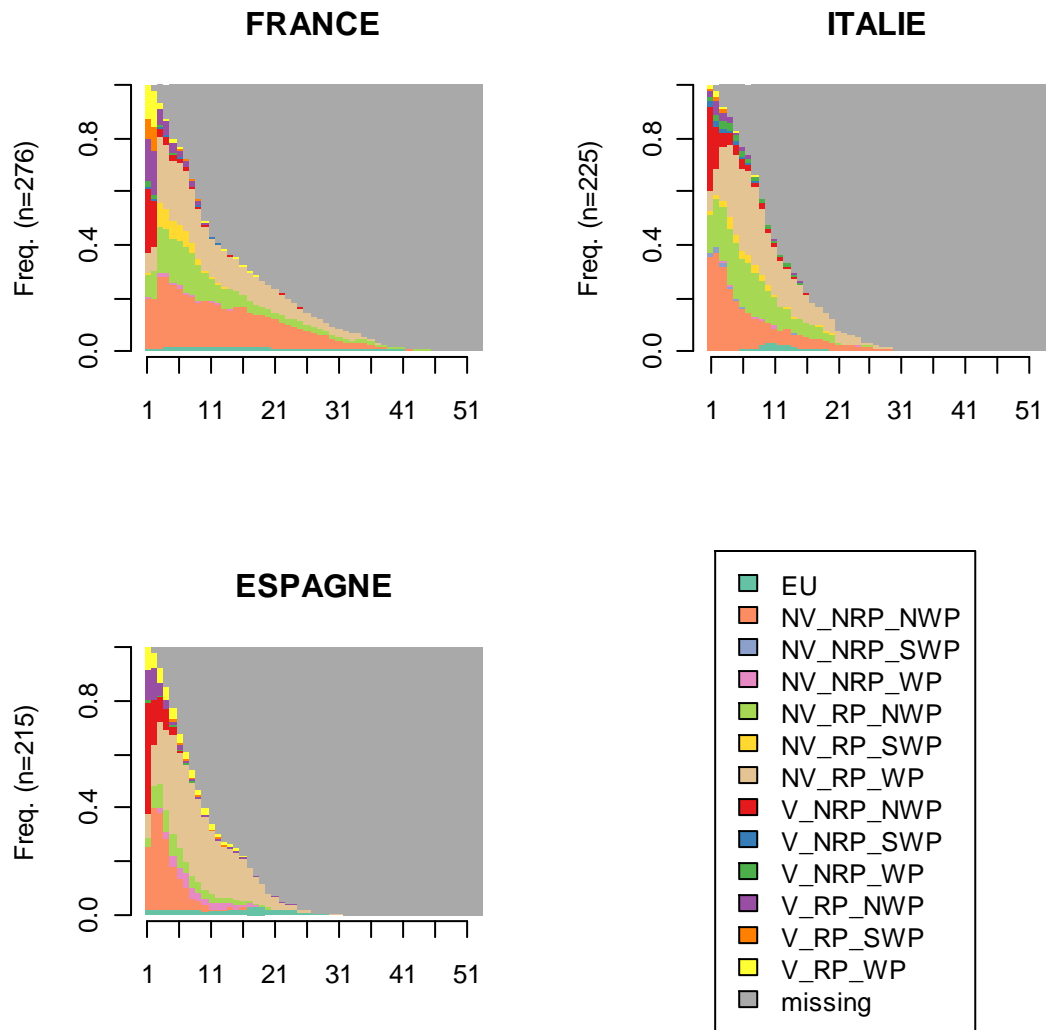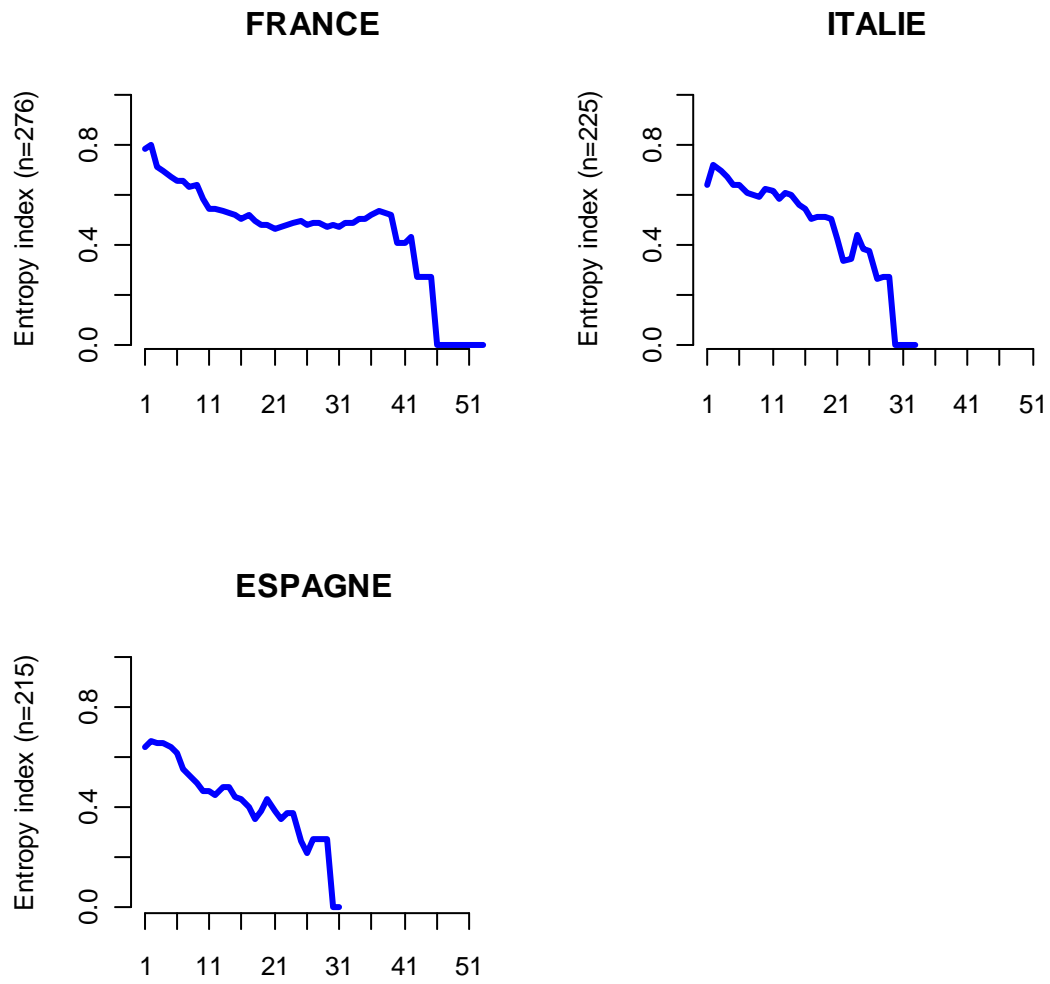

Source: MAFE-Senegal biographical data

Figure 3.

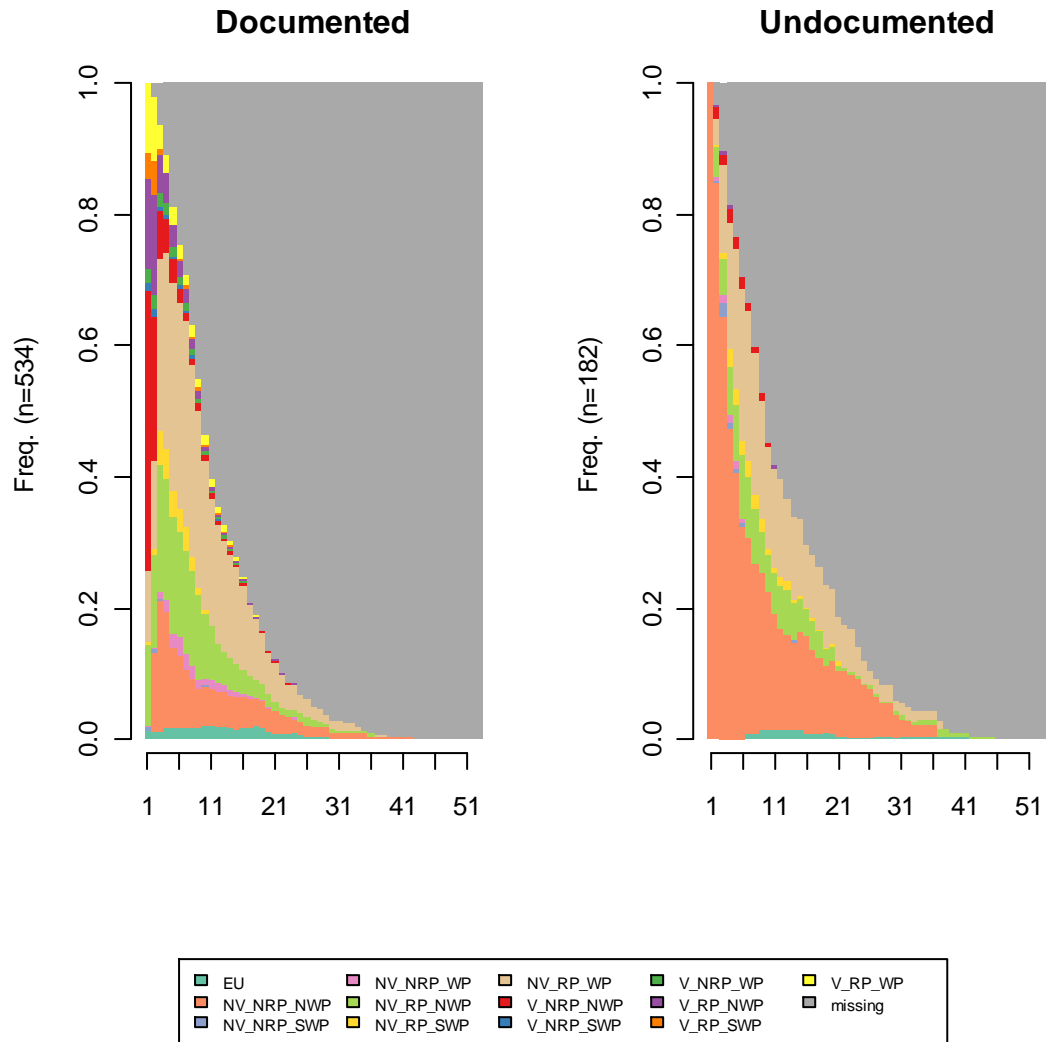Transversal state distribution frequencies

Source: MAFE-Senegal biographical data

Figure 4.

Transversal entropy index, all destinations

Source: MAFE-Senegal biographical data

Figure 5. Transversal state distribution frequencies, by destination

Source: MAFE-Senegal biographical data

Figure 6. Transversal entropy index by destination
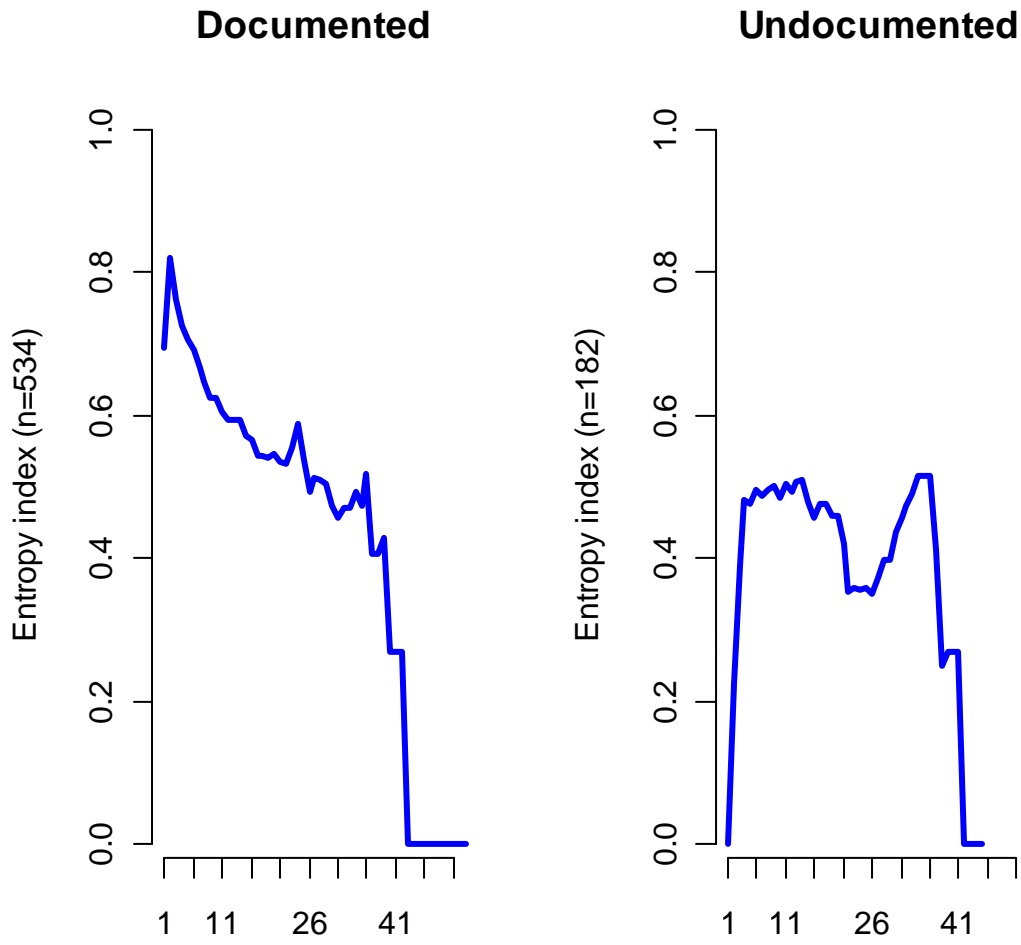
FRANCE

ITALIE

ESPAGNE

Source: MAFE-Senegal biographical data

Figure 7. Transversal state distributions by initial dichotomous legal status

Source: MAFE-Senegal biographical data

Figure 8. Transversal entropy index by initial dichotomous legal status

Source: MAFE-Senegal biographical data