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Pathways into and out of Irregular Status among Senegalese Migrants in Europe

Erik Vickstrom

Office of Population Research, Princeton University

Institut National d'Études Démographiques

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Abstract

This study examines the pathways into and out of irregular statuses among Senegalese migrants in Europe. Drawing on literature that argues for both multidimensional definitions of irregularity and recognizing the important role that sociolegal contexts play in setting the parameters of irregularity, this study hypothesizes that context, measured by both destination and period, structures both geographic and status flows into irregularity. The study also hypothesizes that pathways of irregularity are linked, and that forms of capital and links to host-country institutions are also correlated with irregularity. Using retrospective life-history data from the MAFE-Senegal project, I study the correlates of the pathways into irregularity of no-visa entry, visa overstay, and befallen irregularity, and also the pathway out of irregularity of regularization. I find that context has a strong effect on pathways that are early in the migration trajectory, while transitions that occur later are more responsive to connections to host-country institutions. Forms of capital are similarly related to early pathways, while linkages between pathways of irregularity are prevalent across these various forms of irregularity.

Introduction

Irregular migration in Europe has increasingly attracted political outcry and media attention, with unauthorized flows from sub-Saharan Africa in particular provoking fears of an "invasion" of "fortress Europe." Messina (2002) estimates Western Europe's stock of million irregular migrants to be upwards of four million people, while Papademetriou's (2005) more recent estimate places the figure at between seven and eight million. Estimates of annual inflows of irregular migrants are between 400,000 and 500,000 (Messina 2002). These stocks and flows of irregular migrants have provoked reactive migration-management policies: between 1973 and 2008, European countries carried out 68 regularization programs, thereby adjusting the status of 4.3 million people (Kraler 2009). The majority (59%) of these regularization programs occurred between 1998 and 2008 (Kraler 2009). Although many European countries—both post-war labor importers (such as France) and more recent countries of immigration in Southern Europe (such as Italy and Spain)—have employed toleration of unauthorized residence and subsequent regularization of status as a de facto migration policy meeting the structural demand for immigrant labor (Kraler 2009), the frequency and visibility of regularizations have contributed to public and political perceptions of illegal immigration as a major issue.

While data on European regularizations show that a wide variety of national origins are involved in undocumented migration, political and media discourses in Europe have increasingly focused on clandestine flows from sub-Saharan Africa. De Haas (2008:1305) reports that these sensationalist discourses give rise to an "apocalyptic image" of an impending invasion of the European "El Dorado" by millions of desperate Africans fleeing poverty, war, inter-ethnic violence, starvation, and environmental degradation. Recent research has shown this image to be unfounded, as the magnitude of both regular and irregular sub-Saharan migration to Europe, despite increasing sharply since the 1960s, remains limited, especially compared to the volume of intra-continental movement (Lessault and Beauchemin 2009; de

Haas 2008). Indeed, recent estimates put the total annual number of illegal sub-Saharan entries to Europe at only 25,000, with an additional 20,000 apprehensions (De Haas 2008).

Nonetheless, recent evolutions in sub-Saharan migration strategies have undoubtedly bolstered fears of African exodus and invasion. Since 2000, sub-Saharan migrants have increasingly attempted to enter Europe clandestinely via boat, and they have recently overtaken North Africans as the largest group of clandestine boat migrants (De Haas 2008). This clandestine movement culminated in 2006 with the arrival of 33,000 clandestine sub-Saharan African migrants in fishing boats on the beaches of Spain's Canary Islands, giving rise to a flurry of media coverage, public outcry, and increasingly strict attempts to curb illegal entry (Willems 2008). Thus, while African illegal migration to Europe may in reality be limited, public and political perceptions see it as a threatening and increasing phenomenon.

Migrants from Senegal, a former French colony on the Atlantic coast of West Africa, constitute large proportions of both regular and irregular sub-Saharan migrants in Europe and are thus often associated with the problem of clandestine African migration. Senegal is increasingly cited as a country of emigrants and has even been called a "diasporic state" (Zoomers, Adepoju, and Van Naaerssen 2008). Adepoju (2004) estimates that in 2004 there were 2.5 million Senegalese in overseas locations, equivalent to 20 percent of the domestic population of approximately 12 million. Between 2000 and 2005, the number of Senegalese emigrants increased by an estimated 1.8 percent per year (Daffé 2008). Emigration has thus emerged as a survival strategy, aspiration, or status symbol for a large proportion of Senegalese.

More than half of Senegalese migrants choose high-income destinations in Europe and North America (De Haas 2008), and they account for 12.2% of all registered West African migrants in OECD countries. Although detailed data on irregular migrants by nationality is rare, Senegalese are estimated to make up 17% of the undocumented sub-Saharan migrants in Spain, are the largest proportion of West Africans regularized in Italy, and are among the fastest-growing West African populations in France (De Haas 2008). In addition, Willems (2008) estimates that half of the 33,000 sub-Saharan Africans arriving at the Canary Islands in 2006 were Senegalese, with many of the boats leaving from the Senegalese coast.

Senegal has thus become a major sender of migrants to Europe and has become linked with the phenomenon of undocumented migration.

Despite this concern, irregular migration in Europe in general and irregularity among African migrants in particular are poorly understood phenomena. Although a voluminous research literature on undocumented migration exists in sociology, economics, and political science, the vast majority of studies are focused on the United States and are limited by reliance a simplified conceptualization of legal status (Portes 1978, 1979; Massey and Capoferro 2004; Massey and Singer 1995; Massey and Bartley 2006; Espenshade 1995; Bean, Edmonston, and Passel 1990). Most studies of African undocumented migration to Europe are either small-scale or speculative, leading researchers to call for more rigorous examination of this phenomenon (Lessault and Beauchemin 2009; de Haas 2008).

This paper will fill these gaps by examining how multiple contexts of reception produce complex trajectories of legal status among Senegalese migrants in Europe, and is structured as follows. Part I reviews the literature on irregular legal status and proposes a definition of irregularity that takes into account both sociolegal context in the production of irregularity and the complex, dynamic, and multidimensional nature of irregular statuses. Part II states the study's research question, and Part III proposes hypotheses for study. Part IV outlines the study's data and methods. Part V presents results: context has a strong effect on pathways that are early in the migration trajectory, while transitions that occur later are more responsive to connections to host-country institutions. Forms of capital are similarly related to early pathways, while linkages between pathways of irregularity are prevalent. Part VI discusses these results, and Part VII concludes.

I. Literature review

Legal Status: Conceptual Approaches

The adjective "irregular" is often used interchangeably with "undocumented," "unauthorized," "clandestine," or "illegal" to describe both an aggregate process of migration and an individual attribute

of migrants (Donato and Armenta 2011). While the terms seem to describe similar phenomena, migration scholars argue that different terms have different underlying historical specificities and political resonances (Düvell 2008). Scholars increasingly avoid the terms "illegal migration" and "illegal migrant" because of their implicit criminalization of migrants; "illegal" is often used as a technical term to describe entering a country in violation of the law or as a description of a condition (e.g., "illegal work") (Triandafyllidou 2010a). "Unauthorized" is often used in the US context (Düvell 2008), but does not necessarily adequately describe the situation of the foreign-born population in a given destination since not all foreigners need explicit authorization to enter, reside, or work in a destination country (Triandafyllidou 2010a). "Undocumented" is also limited in its descriptive capacities by the fact that not all migrants who enter, reside, or work without legal permission actually lack documents. "Irregular" is often used in the European context and has broad connotations that can refer to both flows and stocks of migrants and can encompass a variety of legal arrangements (Triandafyllidou 2010a). This study thus uses the term "irregular" to describe migration that occurs outside of the legally defined framework for entry, residence, or work of foreigners in a destination country, and, by extension, migrants that have engaged in such entry, residence, or work (see figure 1 for a conceptual schema of this definition).

While this definition highlights the multidimensionality of irregular status, many sociological investigations of irregular migration rely on a simple dichotomy of legal status. This is especially true in the United States, where the phenomenon has attracted considerable attention because of the growth in the undocumented population since the 1980s. This growth has occurred despite both the mass legalization brought by the Immigration Reform and Control Act (IRCA) of 1986 and subsequent tightened border-control measures, both of which point to structural features of the US immigration system that bypass attempts at immigration control (Massey, Durand, and Malone 2002). Research on undocumented migration in the US has nonetheless provided valuable insights on the links between undocumented status and migrants' life chances. Theories of immigrant adaptation see government's immigration laws and policies as important features of what Portes and Rumbaut (2006) call the "context of reception" for immigrants. Negative legal and policy stances by governments can result in lack of legal status for

immigrants and their children, which "forces immigrants into a wholly underground existence" (Portes and Rumbaut 2006:93). Indeed, a voluminous research literature has found that undocumented migrants and their children in the US are at an economic and social disadvantage compared to documented migrants (Borjas and Tienda 1993; Phillips and Massey 1999; Kossoudji and Cobb-Clark 2000; Portes and Rumbaut 2001; Alba and Nee 2003).

Even though the American research tradition has produced useful findings regarding undocumented migration in the US context of reception, scholars have recently begun to argue for more nuanced conceptualizations of irregularity. The main contribution of this recent research has been to study the social construction of legal-status categories, allowing for both an understanding of how irregularity is produced by historical and sociolegal processes (De Genova 2002) and an expanded conceptualization of irregularity that includes both precarious or in-between categories and the dynamism of irregularity over time (Goldring, Berinstein, and Bernhard 2009). Scholars researching the "legal production of illegality" (Goldring et al. 2009) have drawn on the simple idea that the notion of illegality is meaningless without reference to the legal framework in which it is defined. This research has shed light on how the seemingly common-sense notion of migrant "illegality" is embedded in concrete historical processes and institutions such as laws, policies, and labor markets in destination countries (Calavita 1998; De Genova 2002). In so doing, these studies have demonstrated how research using a simple binary conceptualization of legal status can reify the notion of irregularity by obscuring the specific contexts which set the parameters for its existence (Düvell 2011a).

An awareness of the contextual underpinnings of legal status has also informed approaches that seek to disaggregate binary conceptualizations (Donato and Armenta 2011). A dichotomous conceptualization of legal status not only reifies the documented/undocumented distinction but also obscures the multiple ways that migrants become irregular. Recent research has effectively unpacked the documented/undocumented dichotomy to show that there are a multitude of precarious statuses in between the two poles of documented and undocumented and a variety of pathways into these statuses (Düvell 2008; Goldring et al. 2009).

Much of this research has arisen in other contexts of reception where there has been recognition that undocumented border crossing is not the only or even the most important pathway to irregularity. Goldring and colleagues (Goldring et al. 2009; Goldring and Landolt 2011) have studied legal status in Canada and argue that a binary conceptualization of irregularity is not appropriate for this context of reception. They instead propose the concept of "precarious legal status," which highlights the multiple forms of status that are less than permanent and secure that migrants to Canada face and the contextual specificity of these statuses. They find that, unlike the US, Canadian immigration policy offers several avenues for authorized entry and that migrants often become irregular by losing this authorization once in the country. This echoes findings in other contexts of reception, particularly those of southern Europe where "irregularizing" policies are the norm (Calavita 1998; Schuster 2005). This research also examines transitions and suggests that some pathways of irregularity are more difficult to escape than others (Goldring and Landolt 2011). This finding presents an important point of articulation with research that increasingly sees legal status as an increasingly important axis of stratification (Massey 2008; Donato and Armenta 2011) and could open the door to studies that examine status mobility in the same vein as studies of traditional social mobility. Understanding the potential structuredness and path-dependency of forms of irregularity could shed new light on the impact of irregularity on migrants' life chances.

Other studies offer different typologies, but retain the emphasis on complex and multidimensional trajectories of legal status that reflect the contextual specificities of different destinations. Jandl (2004) employs distinctions between entry, residence, and work 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. These and other studies emphasize both how laws and policies create frameworks for production of irregular status and how there is a fuzzy threshold between irregularity and regularity with many in-between statuses instead of a bright dividing line (Düvell 2011b, 2011a).

This expanded conceptualization of irregularity that is both dynamic and contingent on contextual factors such as legal frameworks and policies allows a more refined understanding of how irregularity is produced. Even the prevailing binary conceptualization in the US can be understood as a special case of this more general approach. The conflation of irregular migration and undocumented border crossing in the US, in both popular imagination and academic literature, arises from the contextual specificity of the US case: unauthorized entry is the main pathway to undocumented status in the US (Goldring et al. 2009). While this simplified conceptualization of irregularity has proven useful for some research agendas, even researchers of undocumented migration in the US have begun to call for research that acknowledges a continuum of legal statuses and studies transitions between different kinds of legal status (Coutin 1998; Massey and Capoferro 2004; Menjívar 2006).

A more flexible conceptualization of irregularity is especially important in the European context. European countries have experienced frequent changes in immigration legislation and policy; for example, Düvell (2011a) reports that at least 52 separate laws, codes, decrees, and circulars define French immigration law, and turnover in political leadership has led to 20 immigration laws being adopted since 1980 (Wihtol de Wenden 2010). While some of this turbulence in policy has accompanied the transposition of treaties or European Union directives into national laws (as was the case with major Italian and Spanish immigration legislation in the 1990s), individual countries have also fought to maintain sovereignty in much immigration policy making; consequently, there is no commonly accepted definition of irregularity across European countries (Düvell 2011a). Frequent recourse to regularization programs has also meant that migrants may experience multiple legal statuses simultaneously (e.g., legal residence without legal right to work) along with complex trajectories of legal status over time.

Given the complexity of irregular migration in a region with multiple contexts of reception and distinct policy regimes, recent research has sought to understand irregular migration in Europe by drawing on the insights of the social production of irregularity. A common point of departure is the assumption that irregular status should be disaggregated by the specific sociolegal processes that produce irregularity at different points in migrants' trajectories (Düvell 2008; Triandafyllidou 2010b). Each of these contextually specific points of entry into irregularity constitutes a pathway by which migrants access or are constrained to irregular status. Unlike the US context, where there is one major pathway into irregular status, the European context displays a variety of pathways, including unauthorized entry, visa overstaying, work in violation of residence conditions, refused asylum application, irregularity by birth, and "status flows" or transitions between various kinds of statuses (Düvell 2008; Triandafyllidou 2010a; Düvell 2011b). Furthermore, these studies find that unauthorized border crossing, while it garners a fair share of public and policy attention in Europe, is far from the most common pathway into irregular status. Instead, research has shown that visa overstaying is by far the predominant pathway in most countries.

This study will draw on a conceptualization of irregularity that is dynamic and context-dependent to examine the pathways into and out of irregular status for Senegalese migrants in France, Italy, and Spain. The next section will outline the main pathways for each of these countries and will discuss the sociolegal contexts that set the parameters of irregular status for each pathway (see figure 2 for a timeline of immigration policies in France, Italy, and Spain).

Geographic flows into irregularity

Entering a country without the proper documentation is what researchers call a "geographic flow" into irregular status: migrants move from one place and enter another without the proper authorization or documentation. This is the paradigmatic case of irregular migration, but research in the European context has shown that it is more limited in its extent than in the US. Nonetheless, European countries have invested in restrictive border control and their political discourses around irregular migration focus heavily on undocumented entry (Vollmer 2011), so this pathway remains an important one to study.

Pathway- No-visa entry

In France, irregular entry is defined as entry under one or more of the following conditions: without the necessary documents, in contravention of refusal of entry by French authorities, or in contravention of previous forbidden entry or expulsion (Courau 2009). Despite increased border policing and stricter guideline for visa issuance, there are no widely accepted estimates of the number or characteristics of irregular entries to France (Courau 2009); some research suggests, however, that migrants from France's Mediterranean neighbors (Egypt, Tunisia, Morocco, and Algeria) and former colonies (Senegal, Mali, and Mauritania) are more likely to enter with falsified documents (Wihtol de Wenden 2010).

Irregular entry has long been perceived to be a more pressing problem in southern Europe, particularly in Italy and Spain. Both countries are infamous for images of clandestine migrants arriving by boat from the coasts of North or West Africa (Fasani 2010; González-Enríquez 2010). In reality, these geographic inflows represent a small proportion of irregular residents in Italy: Fasani (2010) estimates that as few as 4% of irregular migrants entered without authorization by sea, and as few as 15% by airport or land borders. Irregular entry to Spain was a significant pathway to irregularity in the 1990s with many clandestine migrants arriving in boats from Morocco, but this pathway has decreased in significance with increased high-tech surveillance of coastlines and bilateral readmission agreements with origin and transit countries (González-Enríquez 2010).

These general features of irregular entry have varied in these three countries vis-à-vis Senegalese migrants. France and Senegal were linked by a series of bilateral agreements between 1960 and 1986 that allowed citizens of one country to enter the other without a visa (Marot 1995; Mezger and González-Ferrer 2012). Italy similarly allowed Senegalese nationals to enter the country without a visa between 1966 and 1990 (Mezger and González-Ferrer 2012). In these two cases, then, irregular entry in the form of entry without a visa was not possible before the ends of these agreements1. Spain started requiring

[1] These entry arrangements did, however, specify that Senegalese nationals needed to be in possession of an identity document (usually a passport), so those migrants entering without any documents could still be considered irregular.

visas for foreigners, including Senegalese, in 1974 (Mezger and González-Ferrer 2012); Spanish policy prior to this date was not clear, but Senegalese migration to Spain was limited prior to the 1980s and as such has almost always been subject to visa requirements.

Status flows into and out of irregularity

In contrast to geographic flows, status flows involve migrants who are already in a destination country and change status. Status flows towards irregularity can involve overstaying a visa and becoming irregular with regard to work and/or residence and losing regular residence/status during a stay in a destination country. Status flows can also represent pathways out of irregular status, as the experience of regularization programs shows. Research on irregularity in Europe has demonstrated that status flows are by far the predominant pathway into irregular status, but that the kind of status flow depends on the destination country (Triandafyllidou 2010a).

Pathway - Visa overstay

According to Düvell (2011b), legal entry followed by overstaying the period of validity of the entry visa represents the most common pathway to irregularity in Europe, and it seems to be common in all three countries in this study. In France, many overstayers enter with tourist visas, student visas, permission to visit family, or to conduct professional business; they become irregular once their visa has expired and they stay in France without a valid residence permit (Wihtol de Wenden 2010; Courau 2009). As many of these entry visas are issued under the Schengen rules, they are courte durée: they allow for stay in France for only three months and do not allow the holder to apply for a residence permit (GISTI 2011). Visa overstayers also seem to be numerous in Italy: Fasani (2010) cites an estimate from the Italian Ministry of Internal Affairs that upwards of 70% of irregular migrants in Italy between 2000 and 2006 were overstayers. In Spain, visa overstaying is the main pathway to irregular status, with "false tourism" particularly common for migrants from Spain's former Latin American colonies.

Legal frameworks defining this pathway have varied across the three contexts of reception. As a result of the aforementioned bilateral agreements between France and Senegal, Senegalese migrants did

not need a residence permit to stay in France between 1960 and 1978. The French government unilaterally decided in 1974 to impose, via administrative circular, the obligation of residence and work permits for nationals of its former sub-Saharan African colonies. This decision was brought before the Conseil d'État, which, in 1978, cancelled some of the measures of the circulars but confirmed that no bilateral accord could infringe on the obligation of foreigners to hold a valid residence permit (Marot 1995). A new bilateral accord was signed in 1995 and aligned the Senegalese legal framework with the common immigration regime. Senegalese migrants to Italy were expected to regularize their status once in Italy even though they were dispensed from visa requirements from 1966 to 1990 (Mezger and González-Ferrer 2012); subsequent Italian immigration laws specified that foreigners had to apply for residence permits within 90 days of arrival, but also made obtaining a residence permit dependent on having a work contract (contratto di soggiorno-lavoro). Those migrants entering on tourist visas thus had little recourse to legitimate regular status once in Italy. In Spain, secure residence status has likewise been linked to employment, but a toleration of irregular work and the provision of some government benefits to irregular migrants has made it possible for migrants to overstay tourist visas (González-Enríquez 2010).

Pathway - Loss of legal status (befallen irregularity)

"Befallen irregularity" refers to a situation where migrants lose regular legal status for residence and/or work in a destination and thus fall into irregularity (Triandafyllidou 2010b). In general, this pathway is linked to immigration policies that define residence and work permits of limited duration in a quest to limit legal migration; the expiration of these permits without renewal leads to irregular status. Migrants may not be able to renew their permits for many reasons, but the most frequent obstacle they face seems to be the fact that renewal of residence permits is often linked to proof of legal employment (Triandafyllidou 2010b). Loss of regular status may also seemingly paradoxically be linked to amnesty or regularization programs through similar employment provisions: migrants who temporarily gain legal status may fall into irregularity if they are unable to fulfill the employment conditions for renewal (Triandafyllidou 2010b). There is also evidence that bureaucratic inefficiencies in processing renewal application can lead to befallen irregularity (Düvell 2011b), and refused asylum applications are a

common bureaucratic hurdle that causes migrants to fall into irregular status in France (Wihtol de Wenden 2010).

Befallen irregularity is a distinct risk under the immigration laws in France, Italy, and Spain. Loss of regular status in France is linked to the limited duration of residence and work permits: most migrants with regular status possess a temporary permit with a maximum duration of one year, and they must apply for renewals while still in regular status; a permanent resident permit, valid for ten years, is only obtainable after five years of continuous regular residence in France (GISTI 2011). Frequent changes in immigration law and circulars tightening renewal procedures have been common and have increased the risk of losing legal status. In Italy, legal employment is a prerequisite for legal residency, thus migrants who are unemployed or who are working in the underground economy can easily fall into irregular status because of lack of a formal work contract (Fasani 2010). Spain's approach to dealing with befallen irregularity has evolved over time: prior to 2000, migrants could lose regular status because of bureaucratic delays, but the immigration laws of that year specified that non-response by the administration three months after the submission of a renewal application constitutes a renewal of regular status (González-Enríquez 2010). Still, Spain has similar employment provisions to Italy, and many migrants thus lose regular status when they are unable to prove legal employment; this is especially true following extraordinary regularizations, whose requirements are less strict than renewals (González-Enríquez 2010). These inconsistencies in Spanish immigration law have led scholars to conclude that maintaining regular status is almost impossible in Spain (Calavita 1998; Donato and Armenta 2011).

Pathway - Regularization

While most research on irregular migration focuses on pathways into irregular status, the European context has also allowed the study of pathways out of irregular status. This kind of status flow is usually the product of amnesties or regularization programs that are designed to offer irregular migrants a pathway to regular status conditional on certain requirements, such as a work contract (Triandafyllidou 2010b). Such regularization programs have occurred in most European countries, but have been more common in southern Europe in recent years. Indeed, amnesties and regularization have represented the

main pathway out of irregular status in Italy and Spain. Italy has implemented five amnesties since 1986, most often in a short-term emergency framework. These programs regularized upwards of 1.5 million irregular migrants, and research has shown that more than half of the regular migrants currently residing in Italy obtained their legal status through an amnesty (Fasani 2010). Spain has also implemented five special regularization programs and has regularized 1.1 million migrants; 570,000 migrants (52% of the total) gained regular status in the 2005 amnesty alone. An additional regularization occurred in 2004, which required migrants to prove two years of residence and one year of work (González-Enríquez 2010). While France has not undertaken general amnesties in recent years, French immigration policy encouraged regularization of irregular migrants until the mid-1970s and subsequently organized formal regularizations in the 1980s and 1990s (Schain 2008).

Immigration legislation in the three countries has also left the door open to other kinds of regularization. In France, irregular migrants can hope to gain legal status through marriage with a French citizen, paternity of a French child, obtaining long-term job, application for refugee status, or illness; French law also allows for case-by-case regularizations after 10 years of irregular status (Wihtol de Wenden 2010). Italy has a "Quota System" that acts as a de facto amnesty by allowing irregular migrants already present in Italy and working in the informal economy to apply for jobs in the formal sector and access legal status via the quota (Fasani 2010). Spain's immigration legislation has provisions to allow for the exceptional regularization of migrants from any country for reasons of "arraigo" ("rootedness" or social integration), which requires migrants to prove durations of residence and work (Sabater and Domingo 2012), and it is also possible for migrants with five years of irregular residence to apply for regularization (González-Enríquez 2010). Contrary to Italy, the Spanish quota system plays a limited role in regularizing migrants (González-Enríquez 2010).

II. Research Questions

The geographic and status flows above represent the most important pathways – in either numeric or political terms –into or out of irregular status in France, Italy, and Spain. These pathways are ideal

types, and the goal of this study will be to determine how Senegalese migrants in the main contexts of reception in Europe navigate these pathways.

While Senegalese migrants do not constitute a numerically important foreign-born group in any of these three countries, they and other sub-Saharan Africans are linked to media and political discourses surrounding irregular migration. Transformations in the French immigration system resulted in the emergence of the emergence of the sans papiers movement that sought to call attention to the plight of undocumented migrants. This movement became closely linked to sub-Saharan Africans in particular as a result of a series of high-profile events in 1996: undocumented migrants from a number of West African countries (including Senegal), were forcibly evicted from a Catholic church in which they had sought asylum, giving rise to public outcry (Timera 1997). A 1997-1998 legalization program that followed on the heels of this outcry regularized almost 90,000 people, a large share of whom were sub-Saharan Africans from former French colonies (Miller 2002).

In Italy and Spain, there is some speculation that regularization programs in both countries actually attracted the first Senegalese migrants to these new destinations (Kaag 2008; Fall 2005; Tall 2008). These programs have undoubtedly had an impact on Senegalese migrants and migration patterns: a full 55% of all foreigners legalized in Spain's 1991-1992 program were from Africa (Pascual de Sans, Cardelús, and Solana Solana 2000), and Senegalese are among the most numerous participants in Italy's regularization programs (De Haas 2008). In addition, Senegalese have become associated with clandestine migration since the arrival of sub-Saharan migrants to the Canary Island by cayuco in 2006. Willems (2008) estimates that upwards of half of the 33,000 sub-Saharan Africans arriving in the Spanish territory in that year were Senegalese, and reports that many of the boats left from the Senegalese coast. These figures are miniscule compared to other forms of irregularity (Düvell 2011b) and 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). Nonetheless, the risk associated with clandestine trips has raised their public and political profile and have linked sub-Saharan migrants with irregularity.

These vignettes of irregularity among Senegalese migrants in France, Italy, and Spain demonstrate that these migrants are associated with the main pathways of irregularity in Europe. This study asks the following questions: What are the correlates of each of these pathways for Senegalese migrants in France, Italy, and Spain? What role does context of reception play in shaping the pathways of irregularity? Are the pathways linked, i.e., to what extent is irregularity sticky or path dependent? Research has also shown financial, human, social and migration-specific capital to be important factors in the decision to migrate, the mode of migration, and the integration into the destination society and labor market (Massey et al. 1998; Massey and Espinosa 1997; Singer and Massey 1998; Portes and Rumbaut 2006); what role do various forms of capital play in steering migrants into or out of the various pathways of irregularity? What role do other institutions in the destination country, such as the labor market and the family, play in structuring these pathways?

III. Hypotheses

This study will test the following hypotheses:

1) ***Context***: The probability of experiencing a particular type of pathway will vary with the parameters set by legal regimes in each country at different points in time.
    a) *Period*: irregularity in general will be more common in recent years for Senegalese migrants across countries because of the increasing alignment of bilateral agreements between destination countries and Senegal with the common immigration regimes of those destinations on the one hand and the increasing focus on restrictive border control in the general immigration regimes on the other hand;
    b) *Destination*: the probability of irregularity will be higher in Italy and Spain because of contextual factors such later establishment of restrictive immigration policy longer borders with migrant-sending regions, and greater social tolerance of irregularity;
        i) some pathways of irregularity, such as visa overstay, may be particularly favored in Spain because of the ability of irregular migrants to register for benefits;
        ii) befallen irregularity will be more common in Italy and Spain because of legal provisions that link renewal of residence and work permits to formal employment contracts;
        iii) regularization will be more common in Italy and Spain because of more recent and widespread formal regularization programs;

iv) any change of status will be more common in Italy and Spain because of the increased probabilities of both befallen irregularity and regularization;

2) ***Links to other pathways***:
   a) In general, experiencing irregular status in prior trips or at an earlier point in any given trip will be associated with increased probability of experiencing other forms of irregularity;
   b) For the pathway of visa overstay, entering with a visa will be associated with an increased probability of transitioning to a first irregular status;
3) ***Forms of capital****:* migrants with greater access to human, financial, and social will be less likely to experience irregularity, but some forms of migration-specific capital (e.g., previous irregular experience) may increase the probability of irregularity;
4) ***Connections to institutions in the destination society****:*
   a) *Labor market*: unemployment may lead to increased risk of irregular status because the renewal of permits is often linked to having a formal work contract, especially in Spain and Italy
   b) *Family:* Spousal or parental connections in the destination country may be associated with decreased probability of experiencing irregular pathways because of provisions that grant legal status for family reunification, being the parent of a minor child, or marrying a citizen of the destination country.

IV. Data and Methods

Sample

This paper uses longitudinal life-history data from the Migrations between Africa and Europe (MAFE)-Senegal project[2], which took place in 2008 and interviewed 603 current Senegalese migrants in France, Italy, and Spain and 1,065 individuals in Dakar, Senegal. The sample includes 200 Senegalese migrants in each of France and Spain, 203 Senegalese migrants in Italy, and 59 returned migrants in Senegal with migratory experience in one of the three destination countries (47 in France, 7 in Italy, and 5

[2] The MAFE project is coordinated by INED (C. Beauchemin) and is formed additionally by the Université catholique de Louvain (B. Schoumaker), Maastricht University (V. Mazzucato), the Université Cheikh Anta Diop (P. Sakho), the Université de Kinshasa (J. Mangalu), the University of Ghana (P. Quartey), the Universitat Pompeu Fabra (P. Baizan), the Consejo Superior de Investigaciones Científicas (A. González-Ferrer), the Forum Internazionale ed Europeo di Ricerche sull'Immigrazione (E. Castagnone), and the University of Sussex (R. Black). The MAFE project received funding from the European Community's Seventh Framework Programme under grant agreement 217206. The MAFE-Senegal survey was conducted with the financial support of INED, the Agence Nationale de la Recherche (France), the Région Ile de France and the FSP programme 'International Migrations, territorial reorganizations and development of the countries of the South'. For more details, see: http://www.mafeproject.com/

in Spain). The project collected retrospective data that included complete year-by-year residential and administrative histories of each respondent, along with a host of other socio-demographic data. This study used migration spells of one year or greater in France, Italy, or Spain. In addition, approximately 14% of the migrants spent time in multiple destinations within the three main contexts of reception; I thus constructed migration spells grouping the years that an individual migrant spent in an individual country. This yielded 768 individual- and destination-specific migration spells: 305 in France, 239 in Italy, and 224 in Spain. Descriptive statistics for this sample are available in Table 3.

[Table 3 about here]

Legal Status Variables

I used the administrative histories to extract information on migrants' statuses in the legal domains of entry, residence, and work authorization. I dichotomized entry status into visa (V) and no visa (NV) based on migrants' responses about whether or not they had a visa when they entered the destination; this variable is thus defined for the year of arrival for each migration spell. Senegalese nationals did not need visas to enter France between 1960 and 1985 or Italy between 1966 and 1990; I coded those migrants who entered those countries during those periods as having a visa since they effectively had an authorized entry status. For residence and work permits, the questionnaire asked about migrants' authorization in each year in a given destination, and allowed migrants to respond that they had, did not have, or did not need a permit; migrants were additionally able to specify if the work permit was "special". I dichotomized residence authorization into residence permit (RP) or no residence permit (NRP) for each year in the migration spell, with those migrants who declared not needing a residence permit coded as having authorized residence status (RP) because of their effectively authorized status. I dichotomized work status in the same way, with the resulting statuses of having/not needing a work permit (WP) and not having a work permit (NWP) for each year in the migration spell; those migrants who declared a special work permit were collapsed into the work permit (WP) category.

Table 2 provides the wording of the questions that elicited these statuses and the coding of responses. I combined the indicators of residence and work permits to create a composite categorical variable for legal status in each year in the migration spell. I coded the combinations of these two forms of authorization as: RP_WP (ego has both residence and work permits), NRP_WP (ego has no residence permit, but a work permit), RP_NWP (ego has a residence permit but no work permit), NRP_NWP (ego has neither a residence permit nor a work permit). In this study, I will refer to the RP_WP status as "fully regular," while I will refer to NRP_NWP status as "fully irregular." I use a variety of terms to describe RP_NWP and NRP_WP statuses, including "precarious," "semi-compliant," and "semi-irregular."

[Insert Table 2 about here]

Models

I used these indicators of legal status to create both dependent and independent variable reflecting the pathways into and out of irregularity under examination.

For the pathway of no-visa entry, I used the dichotomous variable that indicates whether or not the migrant declared having a visa at the time of entry into the migration spell as the dependent variable with values of 1 corresponding to "no visa" and values of 0 corresponding to "visa." I then estimated the following logistic regression:

$$\boldsymbol{ln}\left(\frac{\mathbf{Pr}(\boldsymbol{No\ Visa})}{\mathbf{1-Pr}(\boldsymbol{No\ Visa})}\right) = \boldsymbol{\alpha} + \boldsymbol{X_1\beta_1} + \boldsymbol{X_2\beta_2} \quad (1)$$

where X_1 is a vector of contextual variables, including destination country, period of arrival, and an interaction between destination and period. X_2 is a vector of individual variables, including age at migration, sex, years of education, ethnicity, religion, number of contacts at destination prior to migration, previous migratory experience, linguistic competence, family status (spouse or children in Senegal),

geographic origin in Senegal, father's level of education, participation of the family in financing the migration, migration plans, migration motivation, work status before migration, and subjective economic status before migration.

For the pathway of visa overstaying, I selected the first legal-status spell for each migration spell and used the categorical legal status variable as the dependent variable. I then estimated the following multinomial logistic regression:

$$\boldsymbol{ln}\left(\frac{\mathbf{Pr}(\boldsymbol{Legal\ Status_{it1}}=\mathbf{1})}{\mathbf{Pr}(\boldsymbol{Legal\ Status_{t1}}=\boldsymbol{NRP_NWP})}\right)=\boldsymbol{\alpha}+\boldsymbol{X_1\beta_1}+\boldsymbol{X_2\beta_2}+\boldsymbol{X_3\beta_3} \quad (2)$$

where *i* are the following values of the categorical legal status variables for the first legal-status spell: RP_WP (1), RP_NWP (2), NRP_WP (3); the reference category for this regression is NWP_NWP (4). X_1 is a vector of contextual variables, including destination country, period of arrival, and an interaction between destination and period. X_2 is a dichotomous indicator of entry status, coded as "1" for entry with a visa and "0" for entry without a visa. X_3 is a vector of individual variables, including age at migration, sex, years of education, ethnicity, religion, number of contacts at destination prior to migration, previous migratory experience, linguistic competence, family status (spouse or children at destination), geographic origin in Senegal, father's level of education, participation of the family in financing the migration, migration plans, migration motivation, work status at destination, and subjective economic status before migration.

For the remaining pathways having to do with status flows, I first examined the probability of any change in legal status. I created a dichotomous dependent variable indicating if ego's legal status at time *t + 1* differed from ego's legal status at time *t*. I then performed a multiple-failure discrete-time survival analysis, with all person-years in the initial risk set and the binary failure event defined as change of status at time *t + 1*.The model incorporated multiple events by resetting the time-to-event clock after each failure event. If no change of status occurs, exit from the risk set was by censoring at the end of the observation period. The model was estimated with a logistic regression:

$$\boldsymbol{ln}\left(\frac{\mathbf{Pr}(\boldsymbol{Status\ Change_{t+1}})}{\mathbf{1-Pr}(\boldsymbol{Status\ Change_{t+1}})}\right)=\boldsymbol{\alpha}+\boldsymbol{X_{1t}\beta_1}+\boldsymbol{X_{2t}\beta_2}+\boldsymbol{X_{3t}\beta_3}+\boldsymbol{X_{4t}\beta_4}+\boldsymbol{X_{5t}\beta_5} \quad (3)$$

where X_{1t} is a continuous variable that counts the number of years since the start of the migration spell at time *t* (for the first change of legal status) or the number of years since the last change of legal status at time *t* (for second and higher changes of legal status). X_{2t} is a vector of variables indicating ego's entry status, coded as "1" for entry with no visa (which does not vary over the migration spell), and the four-category variable indicating ego's legal status at time *t* (which can vary from year to year). X_{3t} is a vector of contextual variables, including destination country, period of arrival, and an interaction between destination and period at time *t*. X_{4t} is a vector of individual variables, including number of spells of legal status in the migration spell, age at migration, sex, years of education, ethnicity, religion, number of contacts at destination prior to migration, previous migratory experience, linguistic competence, family status (spouse or children at destination), geographic origin in Senegal, father's level of education, participation of the family in financing the migration, migration plans, migration motivation, work status at destination, and subjective economic status before migration. X_{5t} is a dichotomous variable indicating whether or not the calendar year at time *t* corresponded to a regularization program in any of the three destination countries.

For the pathway of regularization, I estimated a discrete-time survival model to study the probability of transition to regular status. Only those person-years without fully regular status (i.e., not RP_WP) were part of the risk set, and exit from the risk set occurred when ego changed status to RP_WP or when censored. I thus selected only those person-years in ego's migration spell during which ego had a legal status that was not RP_WP (residence permit and work permit). I then created a dichotomous dependent variable indicating whether ego's legal status at time *t* + 1 changed to RP_WP. I estimated the following discrete-time survival model:

$$\boldsymbol{ln\left(\frac{\Pr(RP_WP_{t+1})}{1-\Pr(RP_WP_{t+1})}\right) = \alpha + X_{1t}\beta_1 + X_{2t}\beta_2 + X_{3t}\beta_3 + X_{4t}\beta_4 + X_{5t}\beta_5} \quad (4)$$

where predictors are the same as in equation (3), except that X_{2t}now contains a dichotomous variable indicating ego's legal status at time *t*, in which the NRP_WP and RP_NWP categories have been collapsed into a category labeled "precarious status."

For the pathway of befallen irregularity, I estimated a discrete-time survival model to study the probability of transition to irregular status. Only those person-years with a fully regular status or a semi-compliant/precarious status (i.e., not NRP_NWP) were part of the risk set, and exit from the risk set occurred when ego changed status to NRP_NWP or when censored. I thus selected only those person-years in ego's migration spell during which ego had a legal status that was not NRP_NWP (no residence permit and no work permit). I then created a dichotomous dependent variable indicating whether ego's legal status at time *t + 1* changed to NRP_NWP. I estimated the following discrete-time survival model:

$$\boldsymbol{ln}\left(\frac{\Pr(\boldsymbol{NRP_NWP_{t+1}})}{1-\Pr(\boldsymbol{NRP_NWP_{t+1}})}\right) = \boldsymbol{\alpha} + \boldsymbol{X_{1t}\beta_1} + \boldsymbol{X_{2t}\beta_2} + \boldsymbol{X_{3t}\beta_3} + \boldsymbol{X_{4t}\beta_4} \quad (5)$$

where predictors are the same as in equation (3), except that X_{2t}now contains a trichotomous variable indicating ego's legal status at time *t*, which can take the values of RP_WP, NRP_WP, or RP_NWP. In addition, this equation omits the indicator for year of a regularization program.

All models correct standard errors for clustering at the level of the individual, which allows study of multiple migration spells per individual.

V. Results

Pathway: No-visa entry

Table 3 indicates that, across all three destination countries under study, 36% of the migration spells of Senegalese migrants in the MAFE sample started without a visa. The probability of no-visa entry varies a great deal by destination: while only 21% of migration spells in France started without a visa, 40% did so in Spain and more than half (51%) did so in Italy. Figure 2 shows further variation by destination and period. Across all three countries, the probability of no-visa entry has increased since the beginning of the 1990s. No-visa entry was most common during the 1990s in both France and Italy, while it was most common in Spain during the 2000s. This figure also makes it clear that no-visa entry has been more common in all periods in both Italy and Spain than in France. These descriptive statistics thus

suggest initial support for the hypothesis that context of reception plays an important role in shaping this pathway.

Figure 3 displays the results of the logistic regression of no-visa entry described by model 13. This model reproduces the main insights of the descriptive statistics regarding context, while adjusting estimates for a host of other contextual and individual variables. Compared to France, migrants are 12 percentage points more likely to start a migration spell in Spain without a visa, and 16 percentage points more likely to do so in Italy. The relationship between period of arrival and the probability of no-visa entry is even greater: compared to those migration spells starting before 1991, migrants arriving in the 1990s experienced a 25-point increase in the probability of no-visa entry, while for arrivals in the 2000s the increase was 21 points. Because the model includes an interaction between destination and period (which is taken into account when calculating average marginal effects), it is also possible to examine how destination and period work together to shape this pathway. Figure 4 shows the predicted probability of no-visa entry for each combination of destination and period, and confirms that the probability of no-visa entry to Italy has been almost 60% since 1991, statistically significantly higher than all periods in France and the pre-1991 period in both Spain and Italy. While there is no statistically significant difference in the predicted probability of no-visa entry in Spain between periods, the pattern found in the descriptive statistics of a monotonic increase over time remains. No-visa entry seemed to peak in France in the 1990s, but both later periods have predicted probabilities of no-visa entry that are statistically significantly higher in France than the pre-1991 period. It is thus clear that context, both in terms of destination and period of arrival, plays an important role in shaping access to the no-visa pathway to irregularity.

[3] . I have chosen to present the results as average marginal effects, which simplifies the interpretation of results in non-linear models with interactions by converting model coefficients into expected changes in the probability of the outcome associated with a one-unit or discrete change in a predictor variable (see Cameron and Trivedi 2010 for more information on average marginal effects). In addition, I display these effects and their confidence intervals in graphical format, which facilitates identification of both magnitude and statistical significance of effects. Numerical tables of coefficient estimates are available in the appendices.

In addition to shedding light on the contextual factors shaping this pathway to irregularity, Figure 3 suggests other factors associated with no-visa entry. There is a strong link to previous irregular experience: having entered a destination without a visa during a previous migration spell is associated with an increase in the probability of no-visa entry of 38 points. Indeed, this is the strongest predictor of no-visa entry in terms of magnitude, and thus offers evidence of the path-dependence of irregular status. As hypothesized, some forms of capital are also associated with no-visa entry. Belonging to the Mouride Islamic brotherhood is associated with an increase of 12 points in the probability of migrating without a visa; this brotherhood is well known for facilitating the migration of its members by providing social and economic support (Riccio 2008; Kaag 2008), and this finding suggests that its members can draw on this network for resources to circumvent entry restrictions. Financial capital also seems to play a role in irregular entry: while there is no association between family resources, social class, or employment prior to migration with no-visa entry, good subjective economic status is associated with a lower probability of no-visa entry. This suggests that visas are selective of the economically successful, but research has also shown that resources of many kinds are necessary for irregular entry (for travel, coyote fees, etc.).

Pathway: Visa overstay

The descriptive statistics in Table 3 show that migrants experience a variety of post-entry legal statuses, and that these statuses vary by destination. Migrants spend 56% percent of their person years in fully regular (RP_WP) status across all destinations, and 26% of their person years in fully irregular (NRP_NRP) status. They spend about 18% of person-years in precarious or semi-compliant statuses, with lack of work authorization (RP_NWP) the most common precarious status. Migrants in France are most likely to have both a residence and a work permit (63% of person-years), while migrants in Spain are most likely to have fully irregular status (31% of person-years). Both precarious statuses are more prevalent in Italy than in other destinations. While these descriptive statistics are once again suggestive of systematic differences in irregularity by context, they do not allow examination of disaggregated pathways.

Figure 5 shows the first legal status of Senegalese migrants' migration spells by both destination and entry status. This figure suggests that migrants in France are more likely to transition to fully regular (RP_WP) status following arrival than migrants in Italy or Spain; the proportion of migrants transitioning to this status in France is close to half regardless of entry status, while it is much lower in both Spain and Italy. Most of this difference seems to be explained by higher probabilities of transition to fully irregular first status (NRP_NWP) in the southern European countries. In addition, a higher proportion of migrants entering with a visa transition to irregular first status in Italy and Spain than in France; indeed, in France, entering without a visa seems to be associated with increased probability of transitioning to irregular status. Thus, irregular first status is higher overall in the southern European countries, and in particular for those migrants who enter with a visa, suggestive of visa overstay in Italy and Spain. Figure 6 displays first legal status by period of arrival and entry status, and shows both that transitioning to irregular first status after arrival has become more common in more recent periods, and that entering with a visa is associated with increased probability of transitioning to irregular first status in all periods.

[Figure 5 and Figure 6 about here]

Figure 7 shows selected results for the multinomial logistic regression of model 2. While the model includes all four legal-status categories in the dependent variable4, Figure 7 only displays average marginal effects for the probability of fully irregular (NRP_NWP) first status since the pathway of interest concerns transition from having an entry visa to lacking secure residence and/or work status. The model confirms the descriptive results: on average, entering with a visa is associated with an increase of 11 percentage points in the probability of having a fully irregular first legal status. The model confirms that irregular first status is more common in southern Europe: the probability of irregularity is 14 and 11 percentage points higher in Italy and Spain, respectively, than France. The effects of period of arrival are also evident: arrival in the 1990s is associated with an increase of 11 percentage points in the probability of transition to irregular first status, while the increase is 26 points for the 2000s. The model allows an

[4] While "NRP_NWP" was identified as the base category for modeling purposes, it is possible to calculate the average marginal effects related to the probability of this category since the probabilities of all categories must sum to unity.

examination of how the effect of entering with a visa varies by context. Figure 8 displays the predicted probabilities of NRP_NWP first status by entry status and destination, and shows that the probability of transitioning to irregular status after arrival is higher for migrants with visas in Italy and Spain than in France. Conversely, there is no statistically significant difference in the probability of this transition between the three countries for migrants entering without visas. The effect of entering with a visa is thus concentrated in the southern European destinations, and the effect is strongest in Italy, as Figure 9 shows. There is thus ample evidence that this pathway is produced by variation in context, both geographically and over time.

[Figure 7, Figure 8, and Figure 9 about here]

The model for visa overstaying allows examination of other correlates of this pathway into irregularity. Social, migration-specific, and financial capital seem to play a role in protecting against irregularity: as Figure 7 shows, the probability of first-status irregularity decreases with the number of contacts at destination, the number of previous migration spells, the financial participation of the migrants' family, and the migrants' self-reported economic status before the trip. Having children in the destination country is also associated with reduced probability of first-status irregularity, as is having a spouse at destination (although the effect is not statistically significant). Other factors seem to favor irregularity: being from Dakar and migrating for work/a better life are positively associated with the probability of first-status irregularity, and belonging to the Mouride brotherhood is marginally positively associated with this outcome ($p = 0.051$).

Pathway: Status transition

Table 3 includes information on the number of legal-status spells experienced by Senegalese migrants in France, Italy, and Spain. A single legal-status spell would mean that the migrant spent her entire migration spell with a single legal status; thus the number of transitions is one less than the number of legal-status spells. On average, migrants experience 1.73 legal-status spells, or 0.73 transitions of legal status. Migrants in France and Italy experience more spells than average (1.79 and 1.77, respectively),

while those in Spain experience fewer than average (1.61). 50.72% of migrants in the sample experience a single legal-status spell and thus no transitions. Average duration of these legal-status spells is 5.7 years across all durations, with migrants in Spain and Italy having shorter durations (5.02 and 5.27 years, respectively) and those in France experiencing longer durations (6.55 years). For migrants who do change status, Figure 10 shows transitions between the different legal status categories. For migrants in the fully irregular (NRP_NWP) and semi-irregular (RP_NWP or NRP_WP) statuses, the majority of transitions are to fully regular status (RP_NWP). For those migrants already in fully regular status, the most common transition is losing a work permit but keeping a residence permit (RP_NWP). Transitions to full irregularity are most common for migrants with a work permit but without a residence permit (NRP_WP), while migrants with fully regular status experience transition to full irregularity only about 9% of the time. These descriptive results suggest that transitions to full regularity may be more common than transitions to full irregularity.

[Figure 10 about here]

Figure 11 displays average marginal effects for any change in legal status (model 3). Unlike previous models, there is no consistent effect of context of reception on change of status. There are no statistically significant differences in the probability of changing status between the three destination countries, while arriving in the 1990s is positively associated with changing status, as is the indicator for year of regularization. Instead, there are strong effects of prior legal status. The probability of changing status is much higher (an increase of between 10 and 15 percentage points) for fully irregular and semi-irregular statuses than for fully regular status. This seems to imply that fully regular status is quite stable. Figure 12 corroborates this finding with predicted probabilities of status change by prior legal status, and shows that the probability of changing legal status from RP_WP is only 2%. The model includes an interaction between prior legal status and destination, and the only significant variation in the effect of legal status across destination is for migrants in fully irregular status in France, who have a much lower predicted probability of status change than migrants in the same status in Italy or Spain (see Figure 13). Conversely to the reduced probability of transition associated with fully regular status, having entered the

destination with a visa was associated with a higher probability of changing status. Forms of capital are not significantly related to the probability of a status change, but transitions seem to be structured by gender and family arrangement: men are more likely to change status, as are migrants with a spouse in the destination country. Unemployment is marginally negatively related to the probability of change of status ($p = 0.059$). Change of legal status thus seems to be strongly structured by the prior legal statuses of the migrant, with fully regular status and no-visa entry both associated with lower probability of status change.

[Figure 11 and Figure 13 about here]

Pathway: Befallen Irregularity

The overall probability of transition from fully regular or semi-irregular statuses to fully irregular status is quite low (0.4%). This provides descriptive evidence that migrants with fully regular or semi-irregular statuses are unlikely to transition to fully irregular status, a finding borne out by the graphical transition matrix of Figure 10. Figure 14 displays results from the discrete-time survival analysis of befallen irregularity, and shows that migrants with fully regular status are less likely to transition to irregular status than those with semi-irregular status. Figure 15 depicts predicted probabilities of befallen irregularity, and shows that the predicted probability for fully regular migrants of transitioning to fully irregular status is 0.2%, or less than half of the average. Migrants with semi-regular statuses, on the other hand, have predicted probabilities more than twice the average. There is thus evidence that fully regular status is quite "sticky," i.e., transitions from it into full irregularity are rare. The low (close to 1%) predicted probabilities of befallen irregularity for migrants with semi-irregular legal status suggest that these statuses are also somewhat sticky, and that transitions into full irregularity are rare from any prior status.

[Figure 14 and Figure 15 about here]

Unlike previous pathways, entry status, destination, period of arrival do not have a statistically significant relationships with befallen irregularity. The duration of the legal status before transition, the

number of legal-status spells, Wolof ethnicity, and being unemployed are all negatively related to the probability of transitioning to fully irregular status. The number of previous migrations is positively related to befallen irregularity. The rarity of this event in the data makes it difficult to study, but these findings indicate that transitions to irregularity, if they occur, happen early in migrants' stay in a destination country. While indicators of context are not statistically significantly related to befallen irregularity, the ethnicity and employment variables are suggestive of contextual effects. Non-Wolof migrants are concentrated in France, and literature suggests they are mainly Soninké from earlier migration flows (Timera and Garnier 2010); this may be indicative of transitions to irregularity under France's somewhat lax immigration regime of the 1960s and early 1970s. The relationship between number of migrations and the probability of befallen irregularity suggests that previous migration experience may help navigate a destination's institutions and labor market in an irregular status.

Pathway: Regularization

Figure 16 displays the results of the discrete-time survival analysis of model 5. The overall probability of a transition from fully irregular or semi-irregular status is about 14%, making this a much more common transition than befallen irregularity. Unlike befallen irregularity, pre-transition legal status has no effect on the transition to regular status: there is no statistically significant difference in the probability of transition between fully irregular and semi-irregular (precarious) statuses. While immediate pre-transition legal status has a limited effect on regularization, entering without a visa is associated with a decrease in the probability of this transition of 5 percentage points. Similarly to both all status changes and befallen irregularity, there is no consistent association between context and regularization evident in the average marginal effects. Although not statistically significant, the probability of regularization seems to be lower in Italy than in France, while migrants in Spain have the highest probability of regularization. Closer inspection of the interaction between destination and pre-transition legal status (Figure 17) shows that migrants with fully irregular status have a statistically significantly lower predicted probability of regularization than those with semi-irregular status in France, while fully irregular migrants in Spain and

Italy have higher (although not statistically significantly so) predicted probabilities of regularization. Period of arrival has no association with regularization, but the indicator for year of regularization program has a positive association with regularization, indicating that some of these transitions to legal status may have occurred in the framework of a formal amnesty.

[Figure 16 and Figure 17 about here]

With the exception of years of education, which has a small positive effect on the probability of transition to full legal status, forms of capital have little association with regularization. Variables indicating connection to the destination country are strongly associated with this transition. Both having a spouse in the destination country and having a child in the destination country are associated with a 15 percentage point increase in probability of regularization; additional tests (not reported) indicate that this probability does not vary between men and women, even though being male is independently positively related to the probability of regularization. Planning to stay at destination definitively is also positively related to regularization, and is associated with a 5 percentage point increase in the probability of this transition. These family ties and life plans indicate that access to fully regular status is likely structured, in part, by migrants' agency and life plans.

VI. Discussion

Literature on the pathways into and out of irregular legal status have drawn on insights from research on the "legal production of illegality" to insist on the importance of context in setting the parameters that shape the pathways in a given context of reception, and has also challenged dominant binary conceptualizations of legal status by examining multiple forms of irregularity and changes in these fuzzy statuses over time. This paper has drawn on these insights to study the pathways into and out of irregular status among Senegalese migrants in France, Italy, and Spain.

In keeping with the literature on the legal production of illegality, I hypothesized that context – both destination country and period – would play a preponderant role in structuring all of the pathways by setting the legal parameters of irregularity. The results, however, showed that context was more important

in structuring some pathways than others. The pathway of no-visa entry was more likely in Spain and Italy than in France, and the prevalence of no-visa entry rose monotonically over time in the southern European countries, while it peaked in France in the 1990s. Context likewise had a strong association with the pathway of visa overstaying: irregular first status more likely for those entering with visa in Italy and Spain than in France, with the strongest relationship in Italy. The probability of irregular first status also increased monotonically over time. The effects of context were less clear, however, for changes in legal status. For all status changes, these was no association between destination and the probability of a status transition, while only the period of the 1990s and the indicator for year of regularization program were positively related to changing status. There was virtually no direct relationship between context and either befallen irregularity or regularization, with the exception of a positive effect of year of regularization for transitions to fully regular status. This contrasts with research that shows that status transitions are common in southern Europe (Fasani 2010; González-Enríquez 2010) and with the hypothesized effects of context on both befallen irregularity and regularization. These findings suggest that context is more important in shaping the pathways that occur earlier in a migrant's trajectory, namely no-visa entry and visa overstaying.

Given the political discourses (Vollmer 2011) and resources devoted to border control in all three destinations (Courau 2009; Fasani 2010; González-Enríquez 2010), it may make sense that context has a stronger relationship to these earlier pathways. The policy and legal parameters surrounding entry have varied the most between destinations and over time, with a pronounced evolution towards restrictiveness. Increased border surveillance and tighter visa requirements have perhaps made migrants more willing to circumvent these restrictions, thus increasing irregular entry. At the same time, these restrictive entry policies will make migrants less likely to depart once in destination because of increased risk and costs of entry; this may favor the production of irregularity in the first legal status at destination. These dynamics resemble features of the Mexico-United States migration system, where increased border control has led to more undocumented migration and longer stays of undocumented migrants (Massey et al. 2002). In contrast, policy attention given to border control has often meant a relative negligence of frameworks

governing migrants' integration once at destination. The MAFE-Senegal data shows that changes of status are somewhat rare (less than 50% of the sample changed status), and that they are not tightly linked to context. This suggests that those transitions that do take place may not be systematically produced by sociolegal frameworks that vary over destination and time, but instead are embedded in logics of integration that have not been major policy concerns.

This study also drew on the literature on expanded conceptualizations of irregularity to hypothesize that there would be systematic links between various pathways of irregularity. Prior no-visa entry was strongly predictive of current no-visa entry. Previous undocumented border crossing could thus be considered as a form of migration-specific capital that makes future undocumented trips more likely, a finding that is common in the US context (Massey and Espinosa 1997). Entering with a visa on the current trip was strongly predictive of transition to fully irregular first legal status in Italy and Spain. For these migrants, a visa may simply be a springboard into informal employment in societies that have a higher tolerance of irregularity; in France, on the other hand, even migrants with visas have a fairly low predicted probability of transitioning to fully irregular status, implying that there may be more stable paths to regularity. For changes in legal status, irregularity of legal status (whether full or partial) was associated with increased probability of a transition, while entering without a visa was negatively associated with transitions. This is suggestive of a link to visa overstaying: those who enter with visa are more likely to become irregular, and those migrants with irregular statuses are more likely to experience a status transition. Results from both regularization and befallen irregularity support this interpretation: migrants who entered without a visa were less likely to experience a transition to fully regular status, while there was no association between visa status and transitions to irregularity. At the same time, the results from the transition models suggest that legal statuses are sticky: migrants with fully regular status were less likely to transition to irregular status than those with semi-irregular status, and migrants with fully irregular status have a statistically significantly lower predicted probability of regularization than those with semi-irregular status in France. Taken together, these results paint a picture of interlinked pathways of irregularity where early experiences of irregularity seem to play a role in structuring the

transitions that happen later in a migrant's stay; the mode of entry seems particularly important in influencing future transitions. While this may seem to refute the complex and multidimensional conceptualization legal status used in this study in favor of the binary conceptualization, it is clear that the relationships between different pathways is complex: while policies focus on preventing irregular entry, these results show that entry with a visa and subsequently transitioning to legal status may be a more important path into irregularity in that it more strongly structures future transitions.

Forms of capital, identified in much previous research as important correlates of both migration and integration, seem to be similar to context in that they are important for access to pathways that occur early on in the migration spell, and fade in importance for subsequent transitions. Entry without a visa was less likely for those migrants who self-reported good economic status prior to the migration, indicating that those who perceive themselves as better-off have easier access to visas. Previous no-visa entry and belonging to the Mouride brotherhood increased the probability of no-visa entry, pointing to the importance of migration-specific and social capitals in this pathway. Transition to first-status irregularity was most affected by forms of capital: financial (family financial help and self-reported economic status), social (number of contacts at destination), and migration-specific (number of previous migrations) forms of capital all reduced the probability of irregular first status.

In contrast, there was almost no relationship between these indicators of access to resources and the probability of changing legal status. Instead, these transitions, whether into or out of irregularity, seem to be more related to the migrant's connection to institutions in the destination country. Having children in the destination country is associated with both a reduced probability of first-status irregularity and an increased probability of regularization, and having a spouse at destination is associated with a lower likelihood of first-status irregularity and an increased likelihood of both change in status and regularization. These family links thus seem to be protective against transitions into less-secure irregular statuses. While this study has not examined the timing of the formation of unions or the birth of children and thus cannot speak to the exact mechanism behind these associations, migrants may be accessing to

legal status through legal provisions for family attachment, such as family reunification or marriage to citizens.

In addition to the family, the labor market seems to be the other institution that plays a role in structuring transitions between legal statuses. Unemployment is associated with lower probability of any change in legal status and with befallen irregularity. Thus, holding a job is not necessarily a prerequisite of regularization, nor is it protective against befallen irregularity. The negative relationship between unemployment and befallen irregularity suggests an ability to navigate some of the destination country's institutions. While somewhat paradoxical from the point of view of the literature that argues that unemployment can lead to irregularity through the loss of a formal job contract that would allow renewal of work and residence permits, the association between employment and befallen irregularity could be an indication that Senegalese migrants who lose status are concentrated in informal labor markets. The fact that previous migration experience is also associated with befallen irregularity suggests that this form of migration-specific capital may help migrants navigate institutions such as the informal labor market. Thus, befallen irregularity might be part of a logic of accumulation at the expense of documentation instead of a logic of integration, which research suggests might be common among Senegalese migrants in Spain (Nieuwenhuyze 2008).

VII. Conclusions

Irregular migration is a hot-button topic in most migrant-receiving countries around the world. Recent estimates put the undocumented population of the US at over 10 million (Passel and D'Vera Cohn 2011), while Europe's irregular population is estimated to be somewhere between 3 and 5 million (Düvell 2011b). Unfortunately, understanding of this phenomenon in Europe is hampered by policy discourses and political processes that use "numbers games" (Vollmer 2011) to placate public outcry over irregular migration by increasing border controls at the expense of the integration of migrants already in destination countries. While academic research has sought to improve methods of "counting the uncountable" to better frame policy debates, many studies have used a simplified dichotomous

conceptualization of irregular status that both privileges examinations of one pathway to irregularity (undocumented border crossing) and hides heterogeneity in legal statuses.

This study has attempted to contribute to the growing literature calling for a more complex conceptualization of irregularity by examining the pathways into and out of irregular statuses among Senegalese migrants in Europe. I drew on multidimensional definitions of irregularity and recognized the important role that sociolegal contexts play in setting the parameters of irregularity to hypothesize that context, measured by both destination and period, would play an important role in structuring both geographic and status flows. I studied the correlates of the pathways into irregularity of no-visa entry, visa overstay, and befallen irregularity, and also examined the pathway out of irregularity of regularization. I found that context plays a strong role in shaping no-visa entry and visa overstay, pathways that occur early in the migration trajectory. I argued that these pathways were likely to be the most responsive to variation over time and across destination of the sociolegal parameters of legal status since most of these parameters have increasingly converged on preventing irregular entry. These early pathways of irregularity are also responsive to migrants' various forms of capital: migrants who have greater access to financial, human, and social capital are less likely to follow these paths into irregularity; migration-specific social capital in the form of prior no-visa entry facilitate current no-visa entry, but an increase in the number of previous trips protects against first-status irregularity. On average, then, access to resources gives migrants more options in terms of legal pathways.

Changes in legal status, such as befallen irregularity or regularization, are more responsive to links to institutions in the destination country. Family links to either a spouse or a child at destination are associated with a higher probability of transitioning to regular status, as are plans to stay at destination definitively. These findings suggest that migrants participate actively in seeking pathways out of irregularity as part of a project of integration. Employment is, somewhat paradoxically, related to increased probability of loss of regular status, which suggests that the link between labor market participation and legal status depends crucially on whether or not the migrant works in the formal sector.

In addition to findings on context and links to institutions, this study found that previous legal status was an important predictor of all of the pathways. This supports the emerging view in research on legal status that a static binary measure of legal status is not sufficient to capture the complexity of legal status categories and transitions over migrants' life courses. This study thus contributes to the call for disaggregating legal status (Donato and Armenta 2011) and examining connections between different kinds of legal status.

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Tables and Figures

Table 1 - Timeline of immigration policies in France, Italy, and Spain

Table 1. Timeline of immigration policies in France, Italy, and Spain

	1960s	1970s	1980s	1990s	2000s
France	*"Preferential regime"* : no entry, residence, or work permits required		*Toward alignment with common regime* : residence and work permits required; no entry visa required	*Alignment with common regime* : visas required, long stay and work permit linked	
	Bilateral treaty (1960)	Bilateral treaty (1964)	Bilateral treaty (1974)	Unilateral suspension of visa clauses of binational treaty (1986)	Bilateral treaty (1995)
	Regularization Programs				
Italy	*No national immigration policy* : regulations fixed by administrative decrees and circulars		*Law 943* : employer-nominated entry	*Martelli Law* : established entry visa for specified countries	*Testo Unico:* Schengen visas; long-term *carta di soggiorno*
		Circolare n. 38: Senegalese dispensed from visa requirement, but must regularize situation upon arrival if intent is to stay			*Law 189* : *contratto di soggiorno-lavoro* (residence permit dependent on work permit)
	Regularization Programs				
Spain	*No national immigration policy*	*Decreto 522/1974:* passport and visa required for entry	*Ley de Extranjería* : entry visas, residence, and work permits required		*Ley Organica* : separate residence and work permits
	Regularization Programs				

Table 2 - Legal-status state alphabet

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 Did not need	**RP**: Residence permit/Did not need **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/Did not need Special work permit: Yes/No	**WP**: Work permit/special work permit/did not need a work permit **NWP**: No work permit

Table 3 - Descriptive statistics for MAFE-Senegal sample

Table 1: Descriptive statistics

Variable	*France*				*Spain*				*Italy*				*Total*			
	Mean	*SD*	*Min.*	*Max.*	*Mean*	*SD*	*Min.*	*Max.*	*Mean*	*SD*	*Min.*	*Max.*	*Mean*	*SD*	*Min.*	*Max.*
Duration of legal status	6.55	7.10	1	45	5.02	4.64	1	24	5.27	5.75	1	29	5.70	6.08	1	45
Legal status: NRP_NWP	0.20	0.37	0	1	0.31	0.38	0	1	0.29	0.38	0	1	0.26	0.38	0	1
Legal status: NRP_WP	0.040	0.18	0	1	0.016	0.098	0	1	0.057	0.20	0	1	0.038	0.17	0	1
Legal status: RP_NWP	0.13	0.28	0	1	0.11	0.27	0	1	0.18	0.34	0	1	0.14	0.30	0	1
Legal status: RP_WP	0.63	0.42	0	1	0.56	0.40	0	1	0.47	0.43	0	1	0.56	0.42	0	1
Entry status: no visa	0.21	0.41	0	1	0.40	0.49	0	1	0.51	0.50	0	1	0.36	0.48	0	1
Number of legal status spells	1.79	1.09	1	6	1.61	0.67	1	4	1.77	0.97	1	5	1.73	0.95	1	6
Period: pre-1991	0.43	0.50	0	1	0.15	0.36	0	1	0.17	0.37	0	1	0.27	0.44	0	1
Period: 1991-2000	0.27	0.44	0	1	0.31	0.46	0	1	0.35	0.48	0	1	0.30	0.46	0	1
Period: 2000-2008	0.30	0.46	0	1	0.54	0.50	0	1	0.49	0.50	0	1	0.43	0.50	0	1
Age at migration	27.7	7.57	5	60	30.5	7.86	14	65	28.3	6.08	18	49	28.7	7.32	5	65
Male	0.61	0.49	0	1	0.50	0.50	0	1	0.65	0.48	0	1	0.59	0.49	0	1
Education (years)	11.3	6.47	0	20	6.74	5.35	0	20	9.56	4.57	0	20	9.42	5.91	0	20
Ethnicity: Wolof	0.38	0.49	0	1	0.53	0.50	0	1	0.74	0.44	0	1	0.54	0.50	0	1
Religion: Mouride	0.23	0.42	0	1	0.31	0.46	0	1	0.65	0.48	0	1	0.39	0.49	0	1
Num. of contacts at dest. before mig.	0.32	1.24	0	13	0.15	0.68	0	5	0.10	0.62	0	8	0.20	0.93	0	13
Num. of contacts at dest.	2.42	2.64	0	12.5	2.23	2.03	0	9	2.08	1.96	0	7.50	2.26	2.27	0	12.5
Num. trips	1.59	1.22	1	10	1.44	0.78	1	6	1.48	0.87	1	7	1.51	1.00	1	10
Language of dest.: none	0.036	0.19	0	1	0.61	0.49	0	1	0.59	0.49	0	1	0.37	0.48	0	1
Unemployed at dest.	0.31	0.37	0	1	0.20	0.34	0	1	0.16	0.33	0	1	0.23	0.35	0	1
Kids in Sn before mig.	0.35	0.48	0	1	0.46	0.50	0	1	0.41	0.49	0	1	0.40	0.49	0	1
Kids in dest.	0.24	0.36	0	1	0.24	0.37	0	1	0.099	0.24	0	1	0.20	0.34	0	1
Spouse in Sn before mig.	0.38	0.49	0	1	0.58	0.50	0	1	0.56	0.50	0	1	0.49	0.50	0	1
Spouse in dest.	0.12	0.27	0	1	0.024	0.13	0	1	0.047	0.17	0	1	0.068	0.21	0	1
Geo. origin: Dakar	0.29	0.46	0	1	0.36	0.48	0	1	0.44	0.50	0	1	0.36	0.48	0	1
Father education: < sec. school	0.56	0.50	0	1	0.76	0.43	0	1	0.70	0.46	0	1	0.66	0.47	0	1
Trip paid by family	0.46	0.50	0	1	0.41	0.49	0	1	0.41	0.49	0	1	0.43	0.50	0	1
Plan to stay: definitive	0.32	0.47	0	1	0.59	0.49	0	1	0.64	0.48	0	1	0.50	0.50	0	1
Trip motivation: work/better life	0.41	0.49	0	1	0.58	0.49	0	1	0.68	0.47	0	1	0.55	0.50	0	1
Activity before mig.: unemployed	0.46	0.50	0	1	0.31	0.46	0	1	0.36	0.48	0	1	0.38	0.49	0	1
Econ. status before mig.: good	0.10	0.30	0	1	0.045	0.21	0	1	0.079	0.27	0	1	0.078	0.27	0	1
N	305				224				239				768			

Notes: MAFE-Senegal data, unweighted.

Figure 1

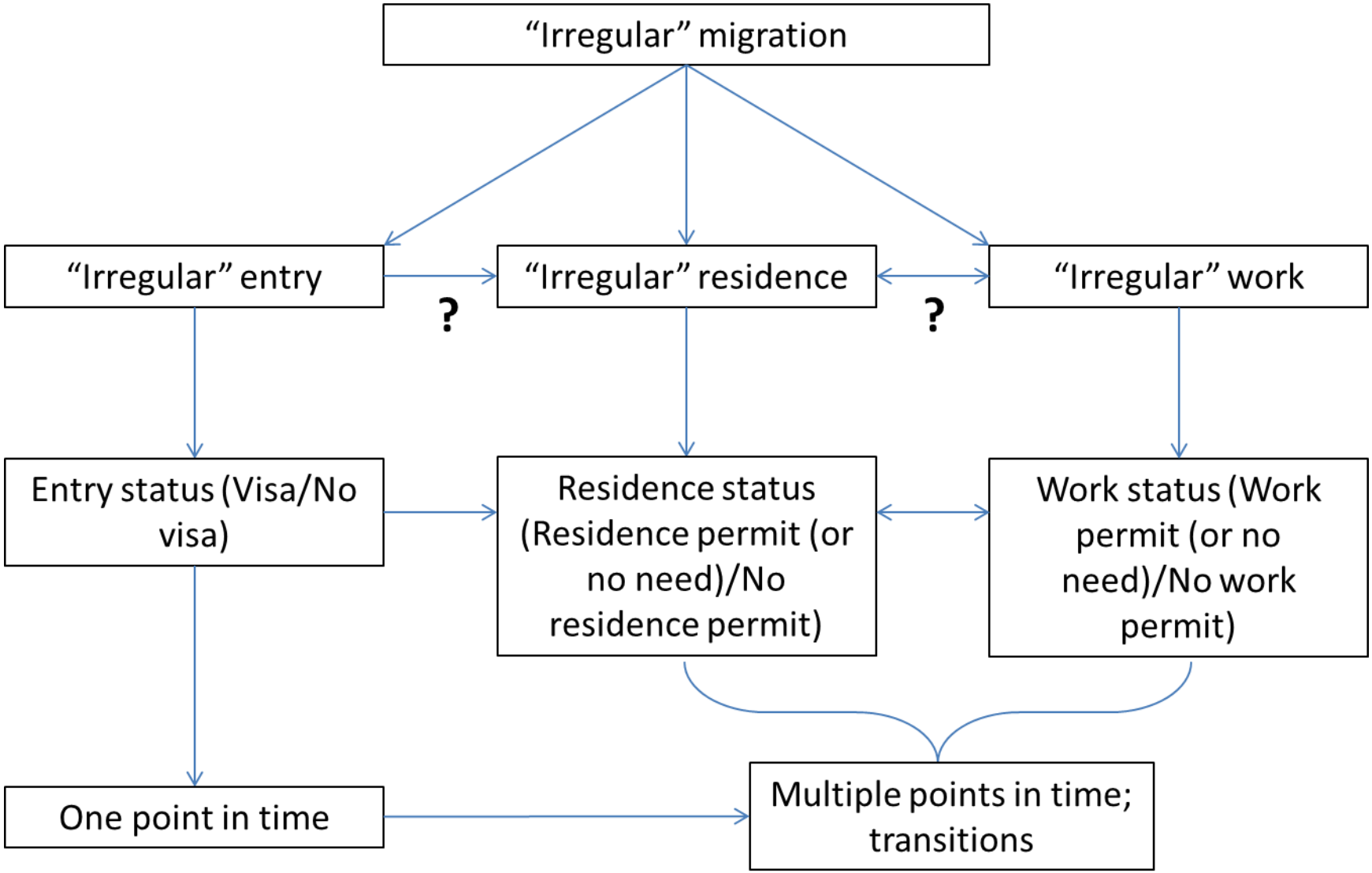

"Irregular" migration
"Irregular" entry
?
"Irregular" residence
?
"Irregular" work
Entry status (Visa/No visa)
Residence status (Residence permit (or no need)/No residence permit)
Work status (Work permit (or no need)/No work permit)
One point in time
Multiple points in time; transitions

Figure 2

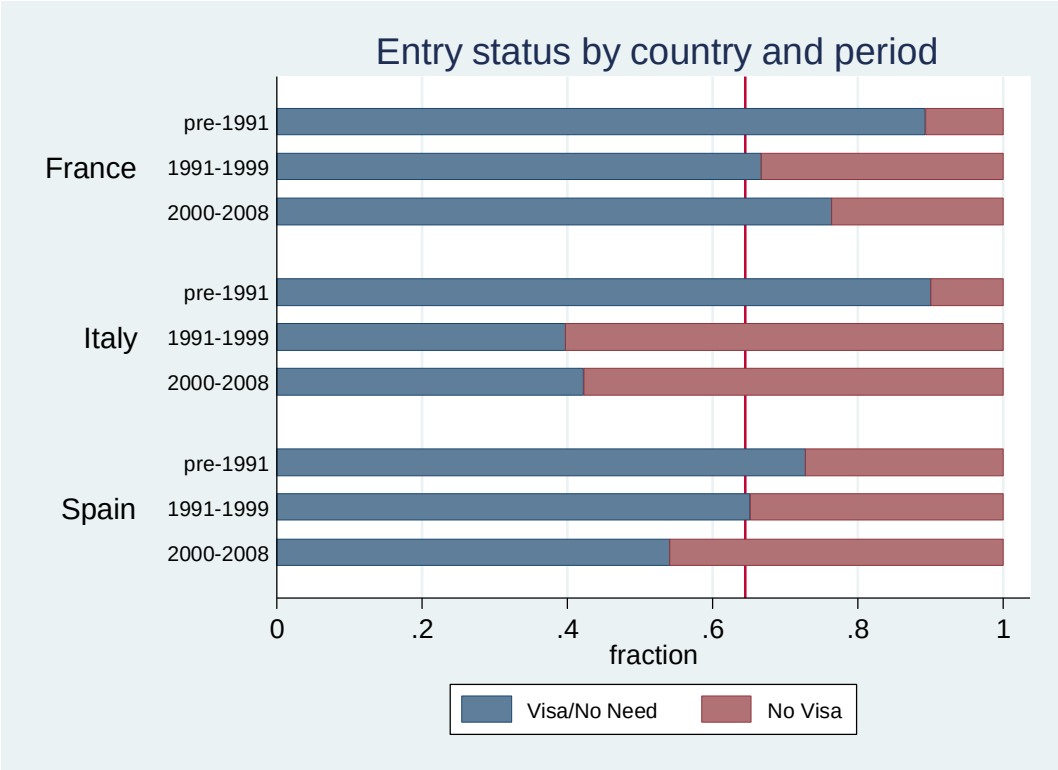
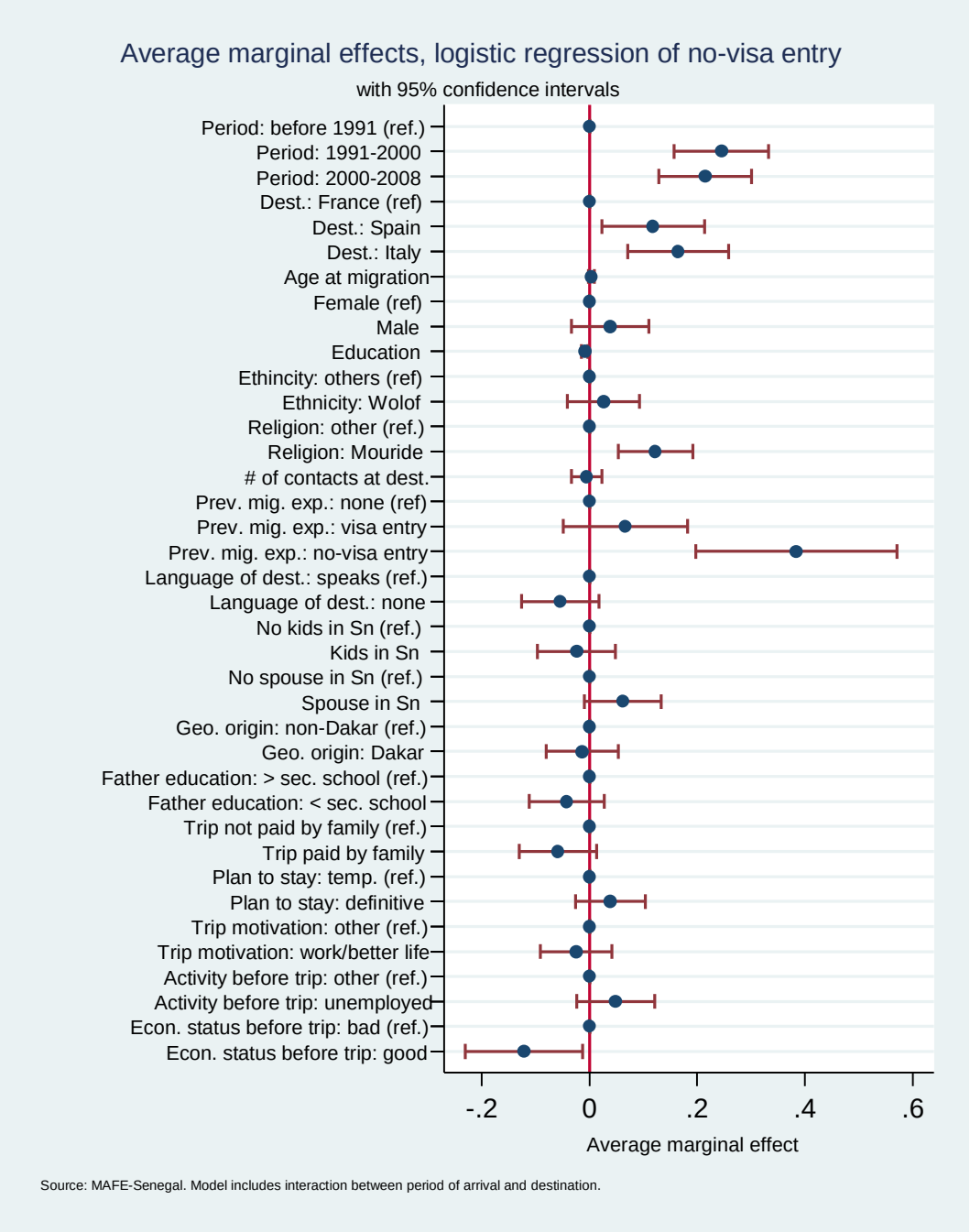
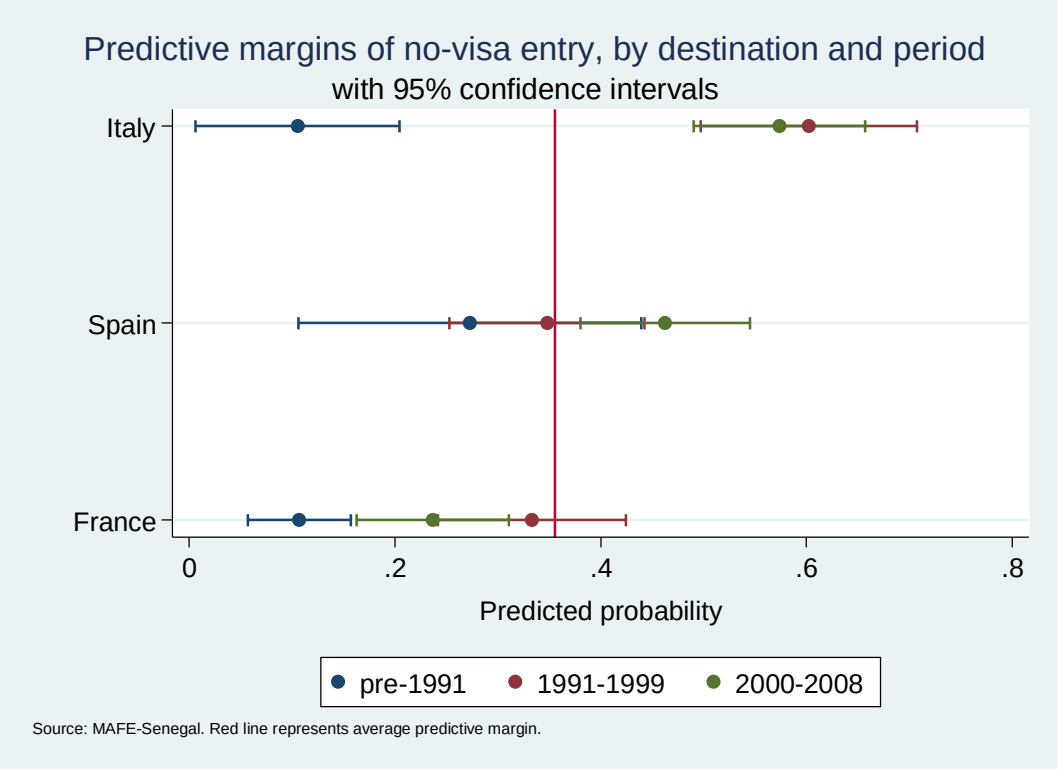

Entry status by country and period
France
Italy
Spain
pre-1991
1991-1999
2000-2008
0
.2
.4
.6
.8
1
fraction
Visa/No Need
No Visa

Figure 3



Source: MAFE-Senegal. Model includes interaction between period of arrival and destination.

Figure 4



Source: MAFE-Senegal. Red line represents average predictive margin.

Figure 5

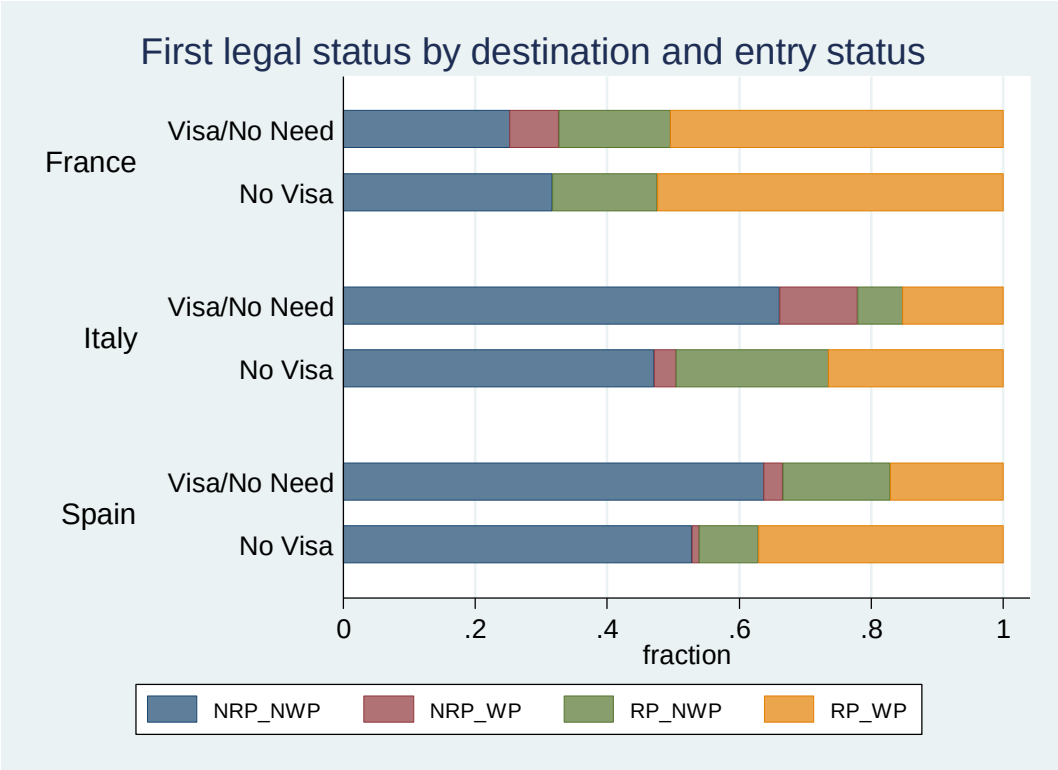

First legal status by destination and entry status
France
Italy
Spain
Visa/No Need
No Visa
Visa/No Need
No Visa
Visa/No Need
No Visa
0
.2
.4
.6
.8
1
fraction
NRP_NWP
NRP_WP
RP_NWP
RP_WP

Figure 6

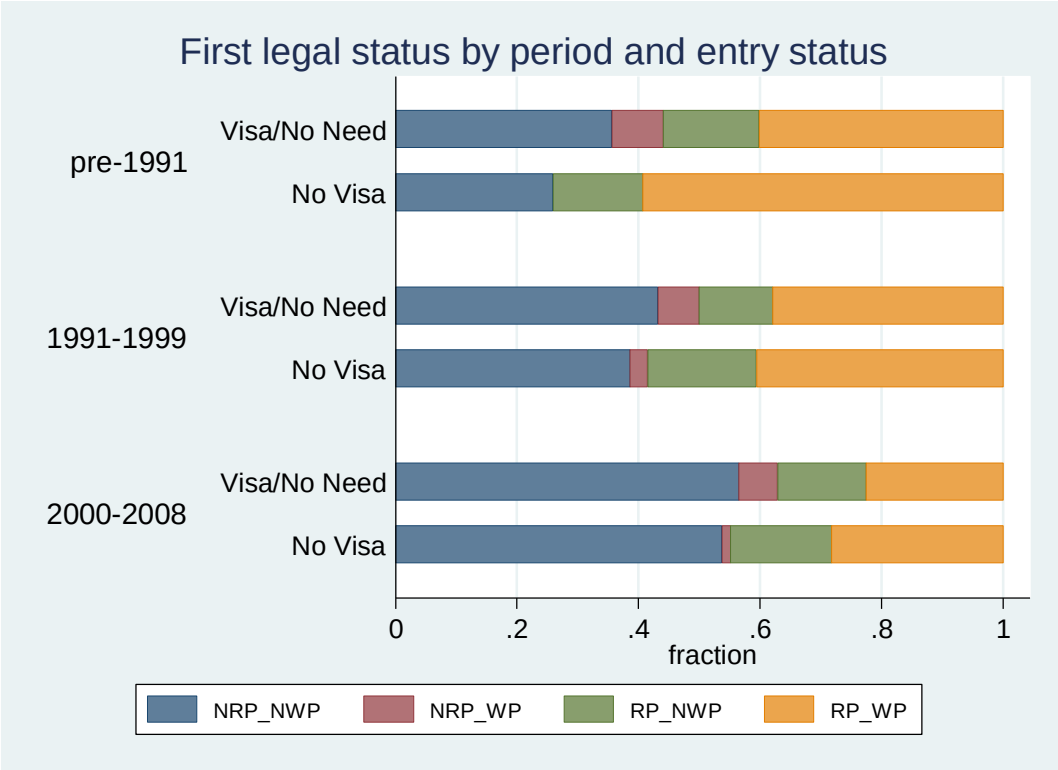
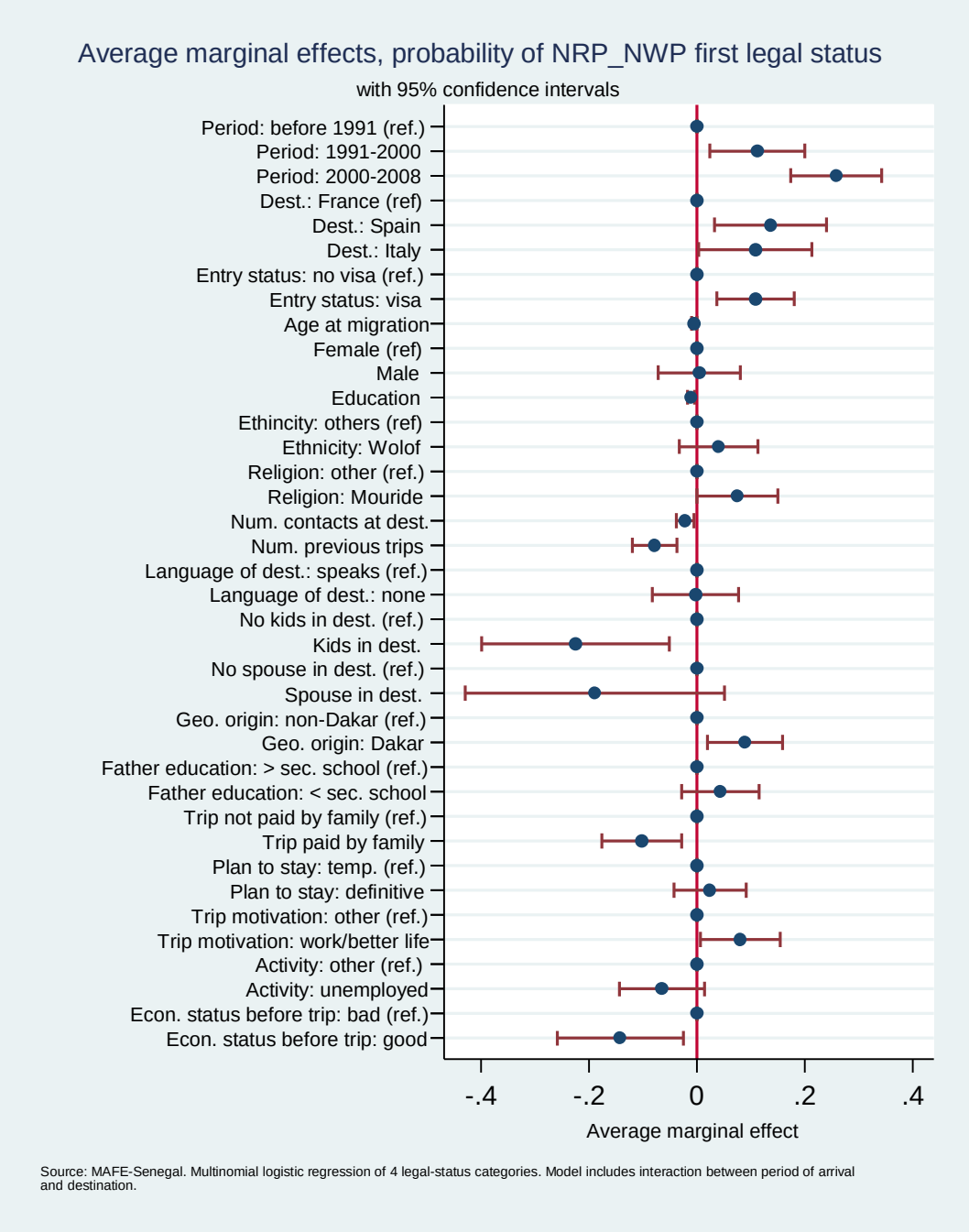

First legal status by period and entry status
pre-1991
Visa/No Need
No Visa
1991-1999
Visa/No Need
No Visa
2000-2008
Visa/No Need
No Visa
0
.2
.4
.6
.8
1
fraction
NRP_NWP
NRP_WP
RP_NWP
RP_WP

Figure 7



Source: MAFE-Senegal. Multinomial logistic regression of 4 legal-status categories. Model includes interaction between period of arrival and destination.

Figure 8

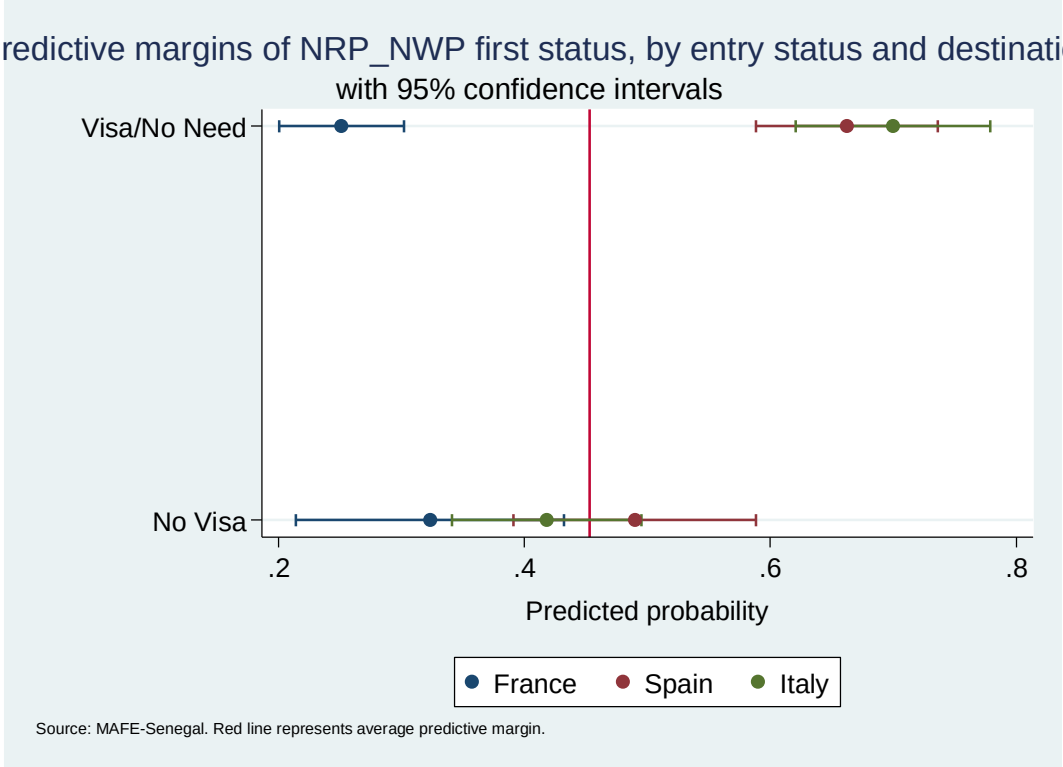


Figure 9

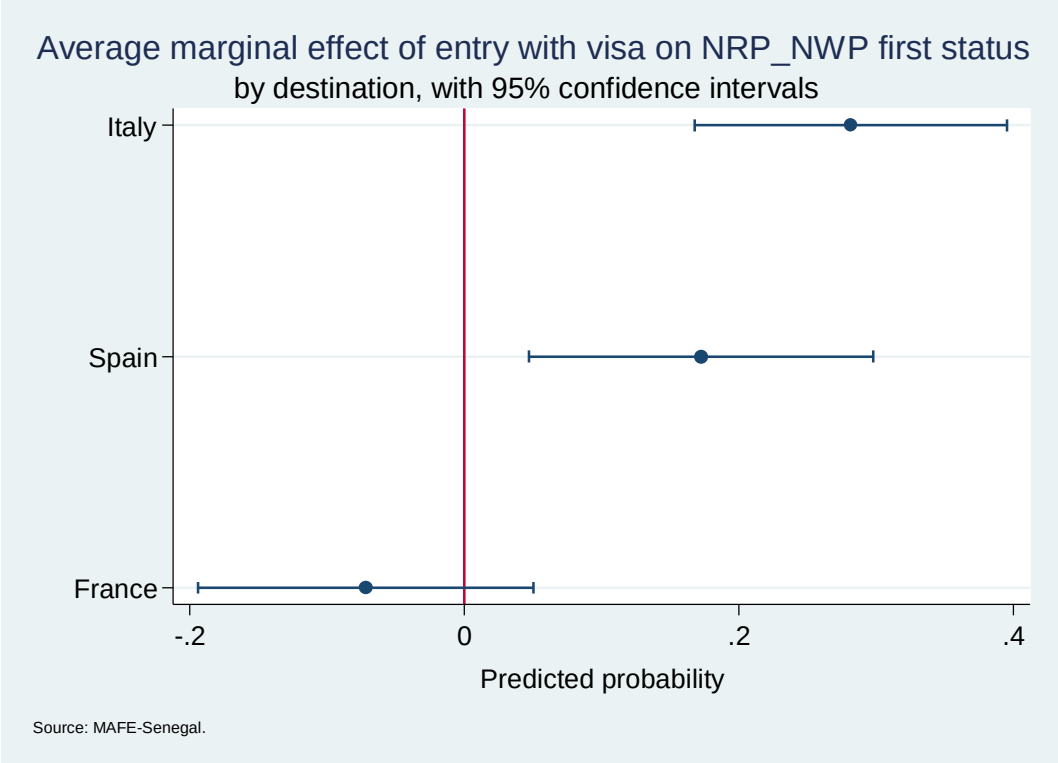


Figure 10

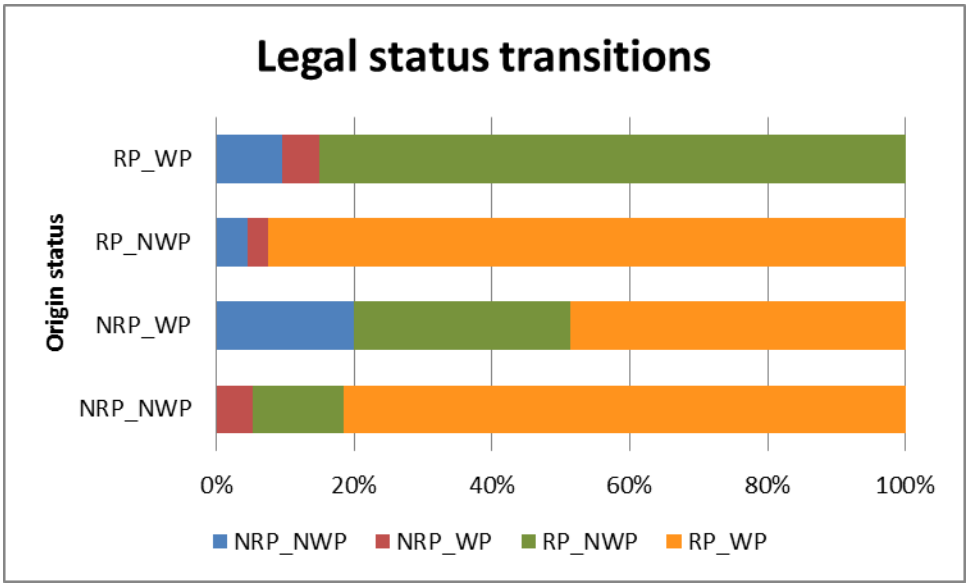
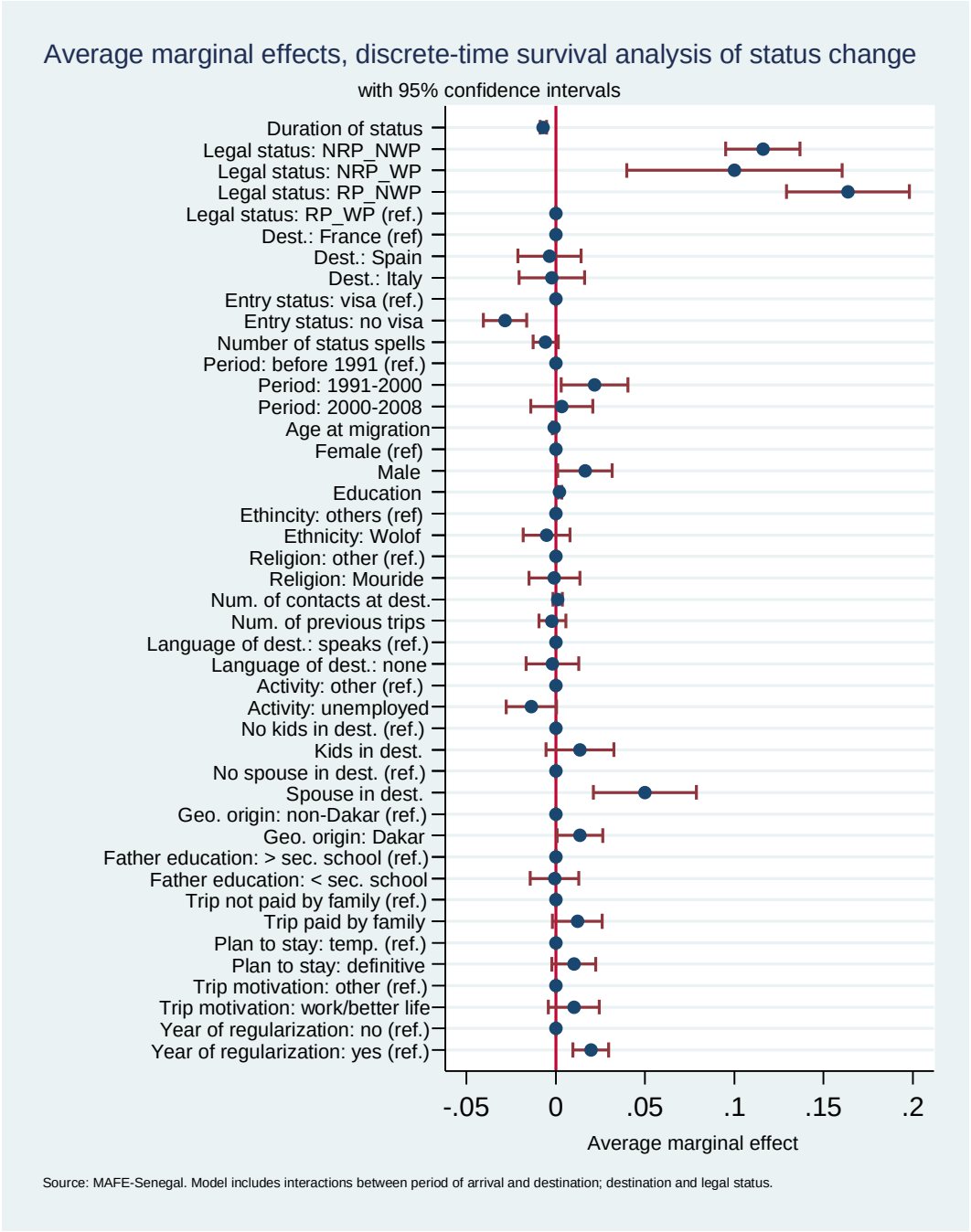

Legal status transitions
Origin status
RP_WP
RP_NWP
NRP_WP
NRP_NWP
0%
20%
40%
60%
80%
100%
NRP_NWP
NRP_WP
RP_NWP
RP_WP

Figure 11



Source: MAFE-Senegal. Model includes interactions between period of arrival and destination; destination and legal status.

Figure 12

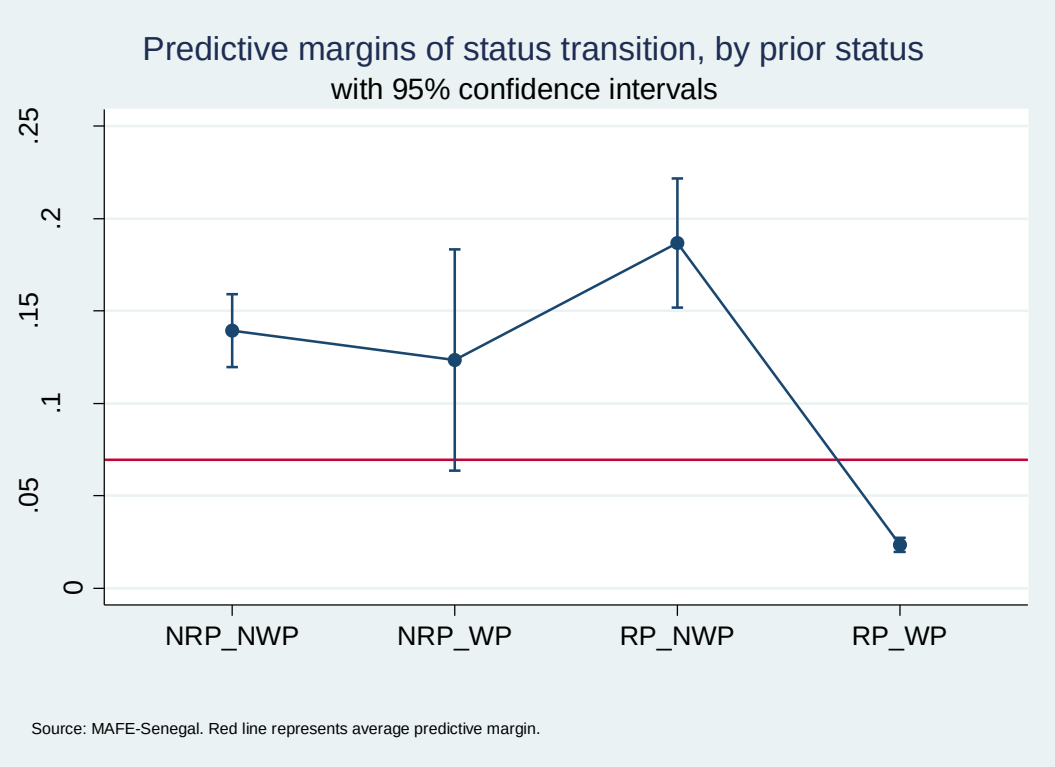
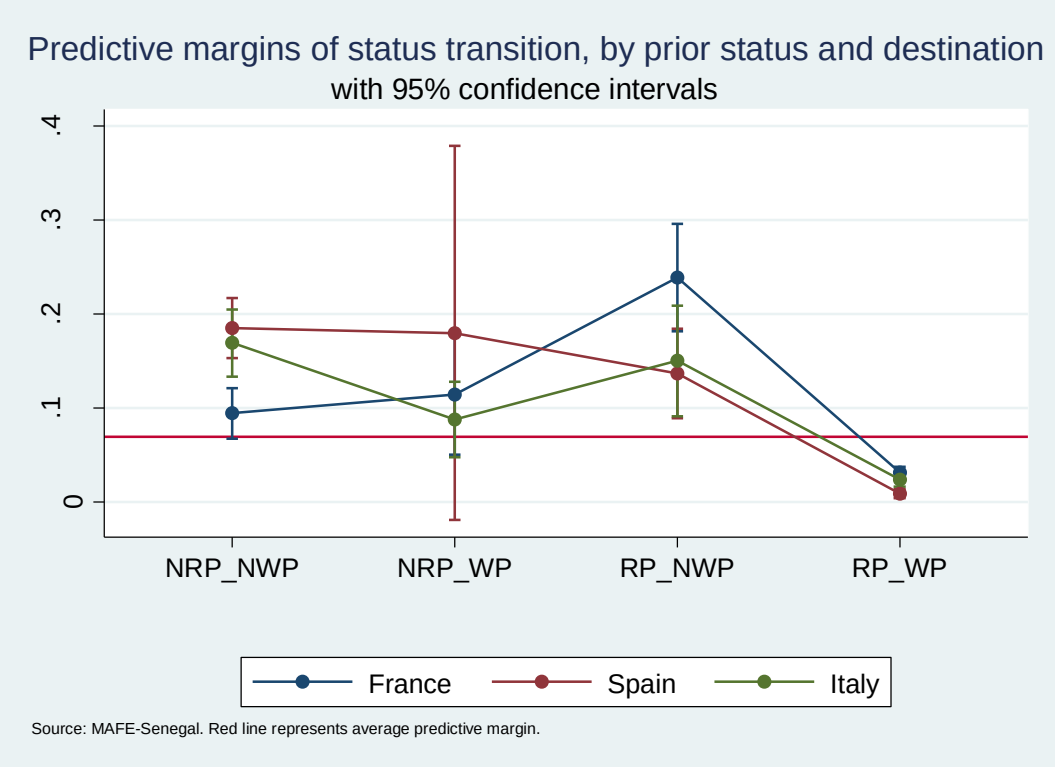
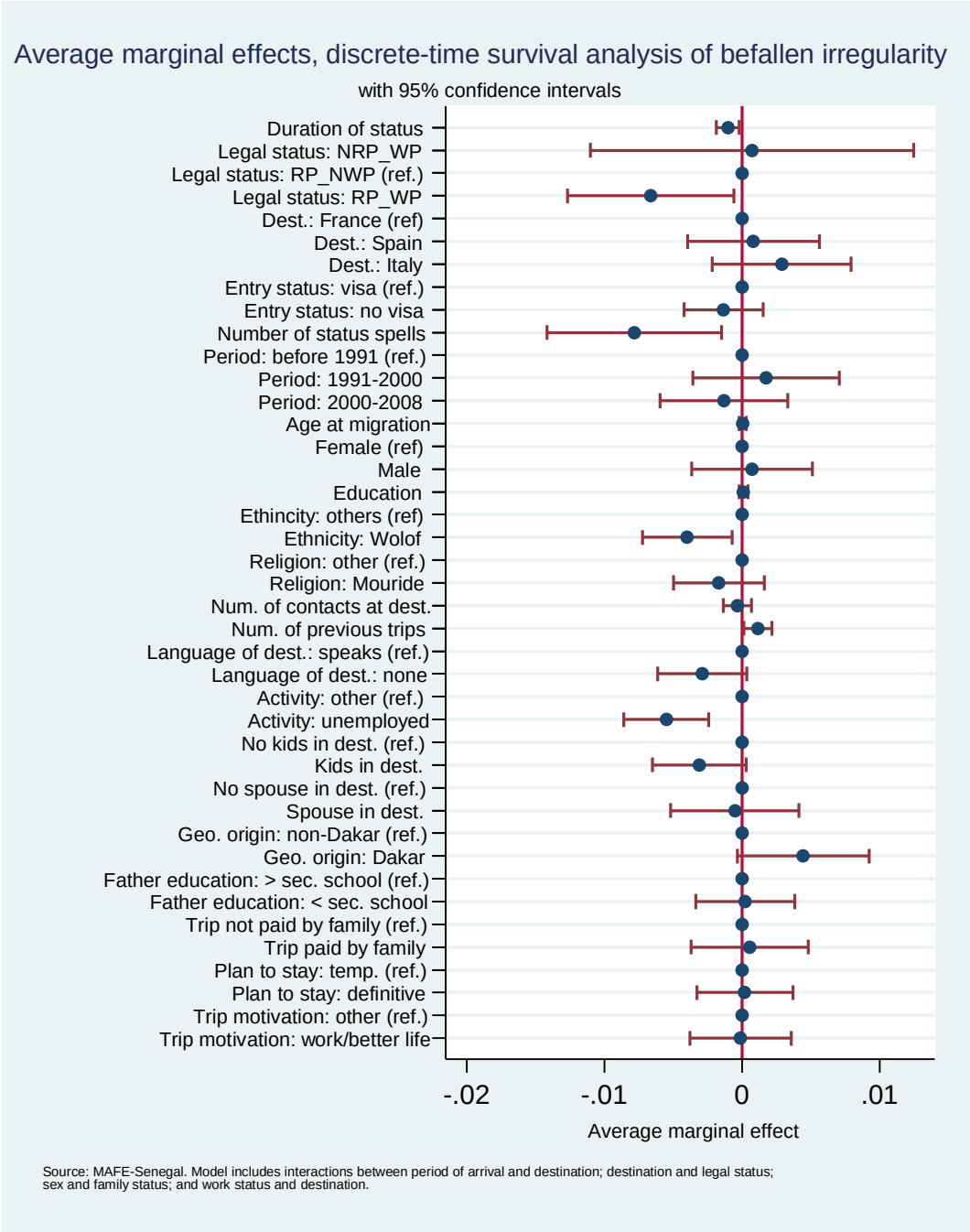

Predictive margins of status transition, by prior status
with 95% confidence intervals
0
.05
.1
.15
.2
.25
NRP_NWP
NRP_WP
RP_NWP
RP_WP
Source: MAFE-Senegal. Red line represents average predictive margin.

Figure 13



Source: MAFE-Senegal. Red line represents average predictive margin.

Figure 14



Source: MAFE-Senegal. Model includes interactions between period of arrival and destination; destination and legal status; sex and family status; and work status and destination.

Figure 15

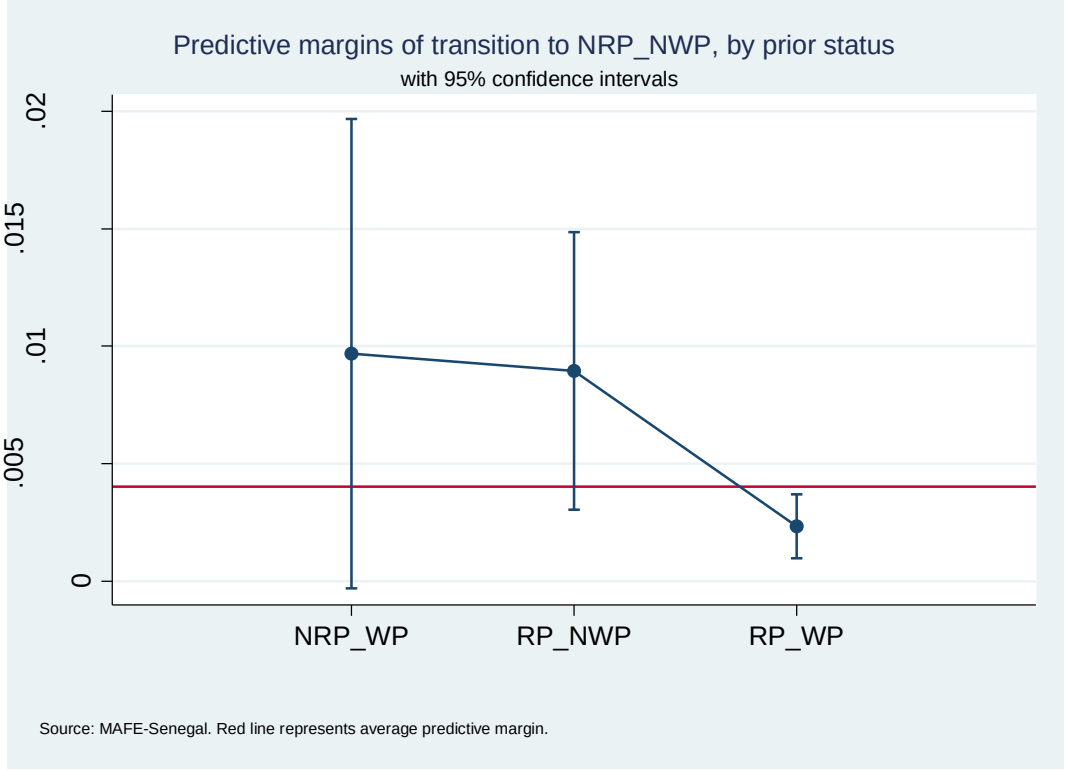
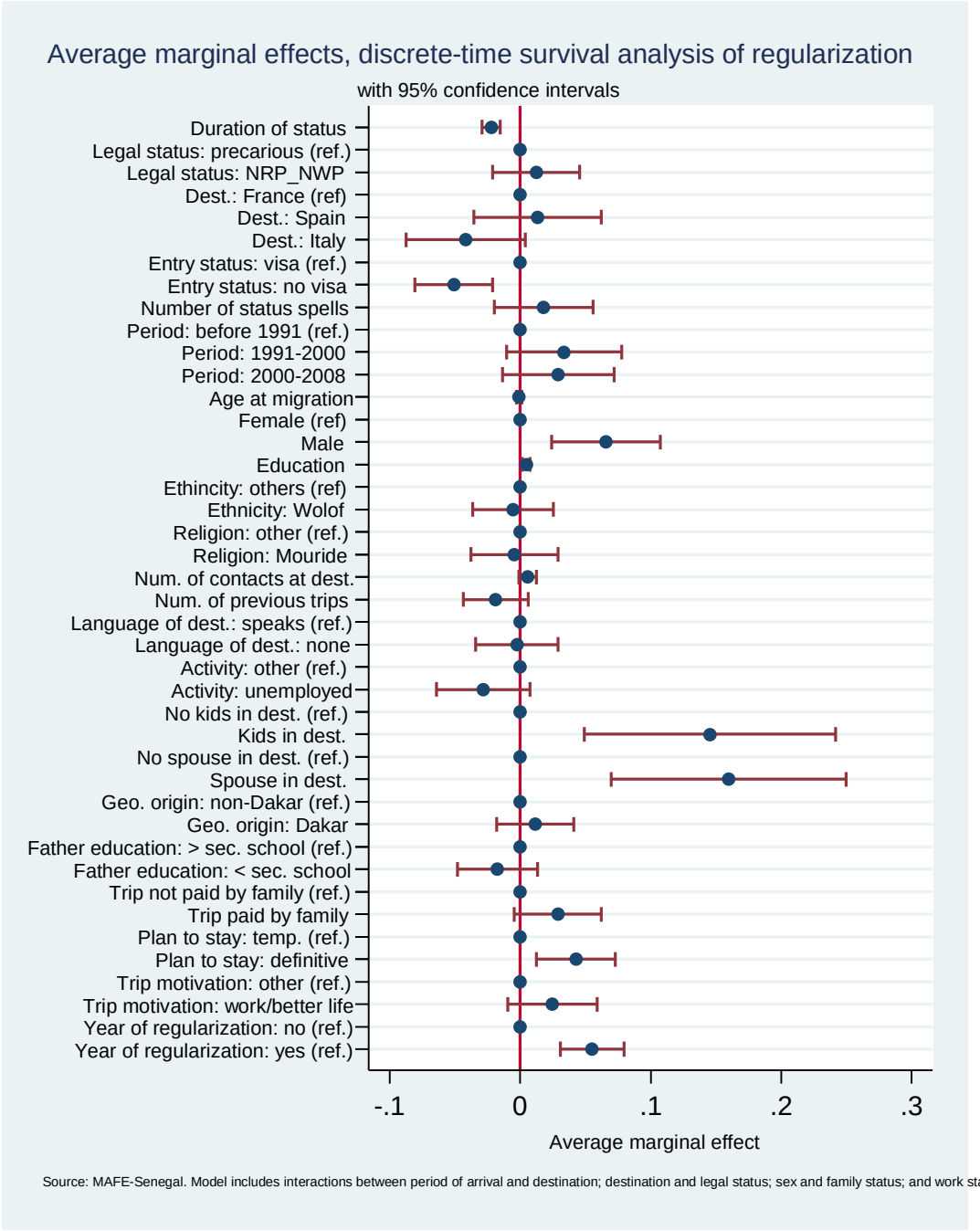
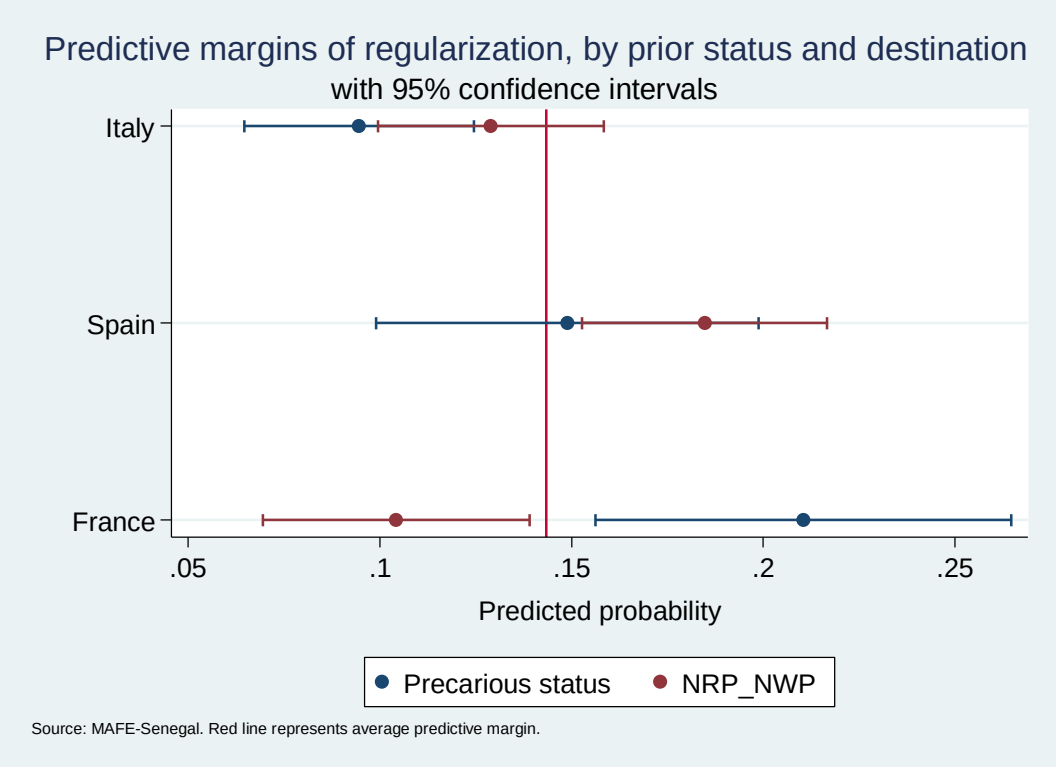

Predictive margins of transition to NRP_NWP, by prior status
with 95% confidence intervals
.02
.015
.01
.005
0
NRP_WP
RP_NWP
RP_WP
Source: MAFE-Senegal. Red line represents average predictive margin.

Figure 16



Source: MAFE-Senegal. Model includes interactions between period of arrival and destination; destination and legal status; sex and family status; and work status and destination.

Figure 17



Source: MAFE-Senegal. Red line represents average predictive margin.