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Delimiting the borders of the welfare state: An analysis of immigrant-excluding welfare reforms in Belgian social assistance

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Delimiting the borders of the welfare state

An analysis of immigrant-excluding welfare reforms in Belgian social assistance

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Abstract

There has been a growing body of research into exclusionary policy reforms that aim to restrict immigrants' possibilities of gaining access to welfare state benefits, sometimes referred to as 'immigrant-excluding welfare reforms' (Koning, 2019). But despite increased attention for these policy changes, detailed studies into the drivers of their emergence and eventual implementation have remained scarce. This thesis confronts said literature gap by way of an in-depth qualitative case study of three immigrant-excluding welfare reforms in Belgium's system of social assistance. Drawing on the existing literature, an analytical strategy is developed to meet the dual objective of (a) qualifying the nature of exclusionary reforms and (b) exploring their emergence and implementation through process-tracing. The main results are the following. The qualifying analysis reinforces the notion that in Belgium - like in many other countries - social assistance provision has been increasingly linked to immigration law. The Belgian federal government's objectives underpinning this 'welfare-immigration policy linkage' (Slaven, Casella Colombeau, & Badenhoop, 2021) relate to the desire to steer migration dynamics - resonating with the welfare magnet hypothesis (Borjas, 1999) - as well as to maintain support for welfare state redistribution through retrenchment. The exploratory analysis yields the conclusion that the long-term dynamics of immigrant-excluding welfare reforms in Belgium can be summarized as a combination of relatively high political pressures to restrict immigrants' access, but also strong institutional constraints on the implementation of exclusionary policy change (comparable to the Netherlands, see Banting & Koning, 2017). The main recommendation for future studies is that additional in-depth research should be welcomed to more fundamentally unfold this complex interplay of pressures and constraints, whereby special attention should go out to the influence that (constitutional) courts exert on the eventual outcomes of exclusionary reforms after their initial implementation.

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1. Introduction

1.1 Background

Over the years, many scholars have turned to the relationship between welfare state policies and migration. Early studies mainly show interest in the effects of welfare state generosity on migration, a notable example of which is the ‘welfare magnet hypothesis’ which posits that the generosity of welfare states plays a substantial role in individuals’ location choices (Borjas, 1999). Other studies have established an understanding of the influence of immigration on welfare state preferences, for example by shedding light on the effects of the so-called ‘refugee crisis’ on welfare attitudes in public opinion and political party agendas (Marx & Naumann, 2018). And in recent years ‘welfare chauvinism’ has become a well-known term on the welfare-immigration nexus, a term that Sainsbury (2012, p. 256) defines as ‘the demand for full entitlements for the native population and lower or no benefits for newcomers.’ While scholars disagree about the exact meaning of the term (Carmel & Sojka, 2021) it is clear that it represents a sentiment in favor of excluding ‘outsiders’ as compared to ‘insiders’ from entitlements to social welfare, and that this sentiment has shown itself increasingly in public opinion, political discourse and social policy outcomes.

Although the exclusion of immigrants from certain benefits (or more subtle restrictions, for example by way of stricter eligibility criteria) has been a general trend across many developed welfare states, there are notable differences in policy outcomes between different countries. Comparative research aimed at explaining these inter-country differences has arrived at a variety of explanations. In line with the nature of welfare state typologies, the exclusion of migrants from social security has been explained from a perspective of historical institutionalism, regarding existing institutional arrangements and path dependence as the main driver of policy outcomes (Sainsbury, 2012). Other studies have downplayed the role of path dependence, rather finding economic inequality to be an important driver of the degree of exclusion (see for example Van Der Waal, De Koster, & Van Oorschot, 2013). And in a range of recent studies, individual political agency has been brought forward as the main explanatory variable of exclusionary reforms (Eger & Kulin, 2021; Slaven, Casella Colombeau, & Badenhoop, 2021; Koning, 2020).

1.2 Problem statement

Despite growing scholarly attention for the immigration-welfare nexus in the last decade, detailed studies into the emergence of exclusionary welfare policy change have remained rather scarce. Why do some countries opt for exclusionary measures while others choose to be inclusive? Next to the puzzle of why and how immigrant-excluding welfare reforms arise, a preliminary question is relevant: what exactly qualifies as exclusion, and how can we typify the different types of policy rationales underlying these exclusionary reforms? While there is ample (comparative) research into the access of immigrants to different countries’ welfare state arrangements (e.g. Lafleur & Vintila, 2020), in-depth analyses of how exclusionary policy change emerges and how it is shaped in law and policy implementation have remained scarce (Koning, 2019). As such, there is a demand for qualitative case-study research that raises knowledge on the exclusion of immigrants from social security benefits.

1.3 Research objectives and strategy

This study pursues two specific objectives. First, it aims to raise knowledge on how policymakers restrict immigrants' social rights. Second, it attempts to strengthen our understanding of the factors (e.g. institutional, political and economic conditions) that determine whether these attempts arise and to what extent politicians succeed at implementing them. The approach is qualitative and exploratory, combining descriptive and causal elements of research. By way of process-tracing (Toshkov, 2016), three policy reforms between 1984 and 2017 aimed at restricting immigrants' access to social assistance are studied in the context of the Belgian welfare state, a so far understudied national context (as further explained in chapter 3, Methodology).

1.4 Research questions

This thesis aims to approximate the answer to the following broad, overarching research question:
How can the emergence, nature and outcome of policy reforms aimed at restricting immigrants' access to national social assistance schemes be explained?

Sub questions

The following sub-questions are answered to unfold the answer to the central research question. Two questions guide the literature review:

1. How do policymakers shape policy reforms aimed at restricting immigrants' access to national schemes of social protection?
2. Which factors are known to influence the emergence and eventual implementation of such exclusionary welfare reforms?

In the empirical study of reforms in the Belgian welfare state, the following two questions are central:

3. How has the Belgian government implemented immigrant-excluding reforms in social assistance, and how should the character of these reforms be qualified?
4. Which factors shaped the emergence and eventual outcome of the studied reforms?

1.5 Academic and practical relevance

The approach most often taken in research on the welfare policy effects of immigration is to unravel the effects of immigration on social spending, be that at the level of the welfare state in its entirety or on the level of specific social programs (Römer, 2017). While these studies deliver important insights, they generally lack the potential to provide detailed insights into the nature and underlying mechanisms of immigrant-excluding welfare reforms (Koning, 2019, p. 30). The academic contribution of this thesis lies in its potential to yield this detailed information through a qualitative analysis of multiple instances of policy change in one national context. First, it aims to expand existing knowledge on how to properly qualify the exclusion of immigrants from social programs by bundling the strength of concepts and empirical frameworks prevailing in the existing literature. Second, it raises knowledge on the factors that determine the outcome of exclusionary reforms in the domain of social assistance. In doing so, it also provides practical insights that are relevant for policymakers and legal professionals in both

Belgium and similar (Western-European) national contexts who seek to better understand the interplay of politics and institutions in the policy domain of immigrants' social rights.

1.6 Thesis structure

In the first chapter, a literature review is conducted in which insights from existing studies on the nexus of immigration and the welfare state (and more specifically, on the nature and the drivers of exclusionary welfare reforms) are synthesized and summarized. This theoretical exploration delivers the necessary insights for a state-of-the-art empirical strategy, which is developed and explained in chapter 3 (Methodology). Chapter 4 presents the empirical results. The final chapter provides a general conclusion in which the results are summarized and interpreted in view of the existing literature.

2. Literature review

2.1 Introduction

The focus of the literature review is guided by the first two research questions; ‘how do policymakers shape reforms aimed at restricting immigrants’ access to national schemes of social protection?’, and ‘which factors are known to influence the emergence and eventual implementation of such exclusionary welfare reforms?’ The chapter starts with a general introduction regarding the relationship between immigration and the welfare state. This section is followed by an elementary exploration of how and why immigration may lead to exclusionary policy change in the domain of welfare provision. What follows is a discussion of the various forms in which welfare exclusion is reflected in policy outcomes. Finally, more focused attention is spent on the determinants of the emergence (and implementation) of immigrant-excluding welfare reforms.

2.2 Immigration and the welfare state

Before going into the relationship between the welfare state and immigration, these concepts must be properly defined. The welfare state is often described by departing from its central objective, which is to protect people from social risks like poverty, sickness and old age by providing social insurance, social assistance and services in-kind (Barr, 2020; Pennings & Vonk, 2015). The welfare state then forms the sum of institutional arrangements, rules and understandings by which governments entail these goals (Esping-Andersen, 1990). To adhere to a specific conceptualization of immigration, I will embrace the following definition of ‘immigrants’ posed by Koning (2013, p. 9): ‘people who reside in a different country than their country of birth, and thus include temporary migrants and naturalized citizens but exclude remigrants and the children of immigrants.’

The relationship between immigration and the welfare state is often described as tense. First, there is an inherent discrepancy between both policy domains: whereas immigration and citizenship policy are characterized by selectivity and closedness, welfare state bureaucracies are known for their inclusive tendencies, meaning these policy domains may ‘naturally repel each other’ (Slaven et al., 2021, p. 857). Second, immigration awakens both economic and cultural concerns for the feasibility of maintaining an encompassing welfare state. From a political economy perspective, immigration has historically been seen as a challenge for the national welfare state. Among others, Milton Friedman argued that countries with both open borders and generous welfare benefits would function as a haven for poor migrants, resulting in a situation in which poor migrants place a high fiscal pressure on the host country’s welfare state (Fenwick, 2019; Koning, 2013). The assumption that migration and welfare generosity are challenging to combine was notably reinforced by the ‘welfare magnet hypothesis’, which states that the generosity of welfare provision plays a substantial role in individuals’ location choices (Borjas, 1999).

A different concern has its roots in sociology. This concern stems from the belief that high levels of immigration will result in a heterogenous (multicultural) society in which people no longer recognize themselves in one another (Kymlicka, 2015; Kymlicka & Banting, 2006; Reeskens, 2020), in turn resulting in an erosion of the sense of social solidarity needed to legitimize an extensive welfare system

(Kremer, 2013). In public opinion research, the mechanisms behind this argument are constructed into varying hypotheses. The most plausible explanation seems to be that immigration-induced diversity reduces trust, as the trust of native-born citizens (the 'in-group') in newcomers (the 'out-group') is limited, leading to lower levels of social solidarity (Koning, 2019).¹

The legitimacy of the economic and cultural concerns sketched above remains heavily contested. With regards to the economic concerns, the welfare magnet hypothesis has especially drawn criticism (Reeskens, 2020). The hypothesis appears to be non-generalizable beyond the national context of the United States, several studies have pointed to different variables to be more dominant predictors of settlement choices than the generosity of welfare benefits,² and recent research has challenged the core assumption that immigrants make rational economic decisions in deciding where to settle.³ However, despite its lack of sound empirical support, the welfare magnet hypothesis' underlying assumptions continue to influence political debates and policymaking (Carmel & Sojka, 2021). A notable example is the fact that the Brexit decision was partially taken as an attempt to reduce the inflow of (predominantly Eastern-European) immigrants to the United Kingdom (De Jong, 2019; Kremer, 2016). Turning to the cultural concerns, it is equally difficult to draw unequivocal conclusions. Numerous studies have found a negative association between immigrant-induced diversity and trust. For instance, Alesina & La Ferrara (2002) observe a negative relationship between racial diversity and trust in American communities, and Lancee & Dronkers (2011) find that ethnically diverse Dutch neighborhoods tend to have a lower degree of community trust. However, this does not mean that immigrant-induced diversity eventually leads to an erosion of welfare state arrangements. Reeskens (2020) concludes that, so far, there is no evidence that suggests that native-born citizens want to completely restrict immigrants' access to welfare state provisions. Some studies even find counterintuitive results. Van Oorschot & Uunk (2007) for example suggest that increased inflows of immigrants lead to more rather than less solidarity with immigrants. And in his review of a range of cross-national studies on the effects of immigration-induced diversity on the welfare state, Kymlicka (2015, p. 52) concludes that 'countries which have gone farther down the road of embracing multiculturalism policies have on average fared as well as other countries in maintaining social spending, in maintaining public support for redistributive programmes, and in maintaining attitudes of inclusive solidarity.'

¹ According to Putnam (2007) this negative effect is even higher, as immigration also leads to lower levels of solidarity of people towards their own in-group.

² For example, Zavodny (1999) find that the 'clustering' of immigrants in American states with generous social protection schemes was largely due to the presence of 'existing immigrant networks' rather than the generosity of welfare provision. Moreover, Hooghe et al. (2008) find that higher immigrant flows to European countries were not associated with the size of the welfare state, while they did correspond to employment opportunities. Finally, Ponce (2019, Abstract) finds that 'migrants are instead drawn by the promise of social and political inclusion, migrating to destinations where co-ethnics have become full-fledged citizens'.

³ Knowledge of welfare state provisions is generally shaped after one's arrival in the host country rather than before (de Jong & de Valk, 2020). Nonetheless, some studies continue to find support for the welfare magnet hypothesis (see Dellinger & Huber, 2021; Agersnap, Jensen, & Kleven, 2020).

2.3 Immigration and welfare state reform

2.3.1 Immigration and welfare state expenditure

Following the aforementioned economic and cultural concerns - regardless of their limited empirical validity - the relationship between immigration and the welfare state is often characterized as a paradox: at first sight it seems impossible to maintain both an encompassing welfare state and inclusive immigration policies (Reeskens & van der Meer, 2021; Reeskens & Van Oorschot, 2012). The question is then: how do governments respond to this (perceived) dilemma? Scholars have approached this question in various ways. Numerous studies have aimed to explain the influence of an increased influx of immigrants as the independent variable on government social spending as the dependent variable. There are two main (competing) hypotheses that are derived from a more general debate on the effects of globalization. The efficiency hypothesis focuses on the supply-side of government finance, and rests on the assumption that increasing globalization forces governments to retrench social protection, as countries feel a pressure to stay internationally competitive and reduce the fiscal burden that migrants pose on the national welfare state (Gaston & Rajaguru, 2013). The compensation hypothesis sits on the demand-side of social protection, and it pertains that open economies push governments towards welfare state expansion to insure their citizens against the risks of globalization (Walter, 2010) and, more specifically, the increased influx of labor migrants (Fenwick, 2019). Empirical studies have yielded mixed results regarding these hypotheses; while some studies indicate that higher levels of immigrant inflow cause governments to increase welfare spending (Gaston & Rajaguru, 2013), others find that a positive effect of migration on support for redistribution in favor of the compensation hypothesis (Burgoon, Koster & Van Egmond, 2012). According to Fenwick (2019, p. 4), this ambiguity indicates that 'the association between immigration and welfare state effort is complex and likely to be influenced and mediated by a number of factors.' In a recent study, Burgoon and Rooduijn (2021) emphasize the importance of anti-immigration attitudes for explaining the mechanisms that underlie the efficiency and compensation hypotheses. They signify two contrasting views. Related to the efficiency hypothesis, they recognize an 'anti-solidarity effect'; immigrants are perceived as undeserving yet disproportionately drawing on provisions, and this leads to decreasing support for redistribution among native-born citizens. The contrasting view is a 'compensation effect' that suggests that anti-immigration attitudes awaken concerns about people's economic security, in turn yielding support for welfare redistribution to insure against these insecurities. Their findings suggest that both mechanisms are at play in European public opinion, and that 'anti-immigration attitudes yield lower support for redistribution mainly when a respondent's country faces more immigration, when welfare-state protections are generous, and when migrants actually rely more than natives on the welfare state' (Burgoon & Rooduijn, 2021, Abstract).

While studies that focus on the effects of immigration on net social spending yield valuable information, they come with the important limitation that the more subtle effects that do not significantly influence net social spending remain out of sight. Next to this, immigration is generally not expected to lead to radical changes in social spending as calls for 'across-the-board retrenchment' seem unlikely because 'the strongest opposition to immigration tends to be found among blue-collar workers

and the unemployed, exactly those groups of voters who can also be expected to support redistribution' (Koning, 2019, p. 30).

2.3.2 The borders of the welfare state

While there is no evidence that immigration causes drastic welfare state reforms, many studies have shown that governments have responded to immigration by way of adjusting the access of newcomers to social programs. In her discussion of the 'migration-welfare state paradox', Kremer (2013, p. 8) notes that the (perceived) tension between immigration and generous welfare provision has led countries towards the implementation of two forms of restrictions: either restrictions of newcomers' entrance to the country, or restrictions of the access of non-native citizens to welfare state arrangements ('nationalization of the welfare state'). While she mentions examples of countries that have chosen one of these strategies,⁴ most Western countries have 'done a bit of both', resulting in a stricter selection at the country borders as well as a tightening of benefit criteria for newcomers. The driving sentiment of these types of reforms is identified by Koning (2019, p. 31) as 'selective solidarity', i.e. 'general support for a redistributive welfare state, but also a desire to restrict its benefits to native-born citizens.' Accordingly, Kymlicka (2015, p. 51) notes that across the developed Western welfare states inflows of immigrants have not led to general reductions in social solidarity but rather to 'solidarity without inclusion', meaning a situation in which 'social protection is reserved for those who fit some narrow definition of national belonging.' These findings are clearly supported by empirical studies on social spending data (Soroka et al., 2016) and public opinion (Brady & Finnigan, 2014) in Western Europe, which both indicate that programs that are open to immigrants receive less support than those that are not (directly) accessible for immigrants (see Reeskens, 2020).

The developments sketched above relate to the concept of 'welfare chauvinism', generally defined as the demand for full welfare entitlements for native citizens and lower or no benefits for newcomers (Reeskens, 2020; Sainsbury, 2012). Welfare chauvinist attitudes are inherently linked to a political ideology based on the belief that state services and benefits should be restricted to native-born citizens 'on the basis of a distinctly restrictive citizenship, rather than to the population at large, on the basis of equity' (Hainsworth, 2000, p. 10, in Koning, 2013). Welfare chauvinism has especially been on the rise in recent decades, which is often seen as a consequence of the rise of (radical) right-wing populist parties (and their inherently welfare chauvinist agendas) (Schumacher & van Kersbergen, 2016).⁵ An important facet of welfare chauvinism is 'deservingness'. Studies on solidarity towards different social groups consistently find that immigrants are generally perceived as the least deserving of social protection when compared to other needy groups like disabled persons, the unemployed and the elderly (Reeskens & Van Oorschot, 2012). The first criterion that explains this outcome is 'identity'; solidarity declines as social distance increases, and social distance is generally high between native-

⁴ Kremer (2013, p. 8) mentions Japan as an example of a country that has chosen to close its borders, and Singapore as an example of a country that has opted for rigorously restricting social rights to those with the Singaporean nationality and those with permanent legal residency.

⁵ However, welfare chauvinism is not a new phenomenon. As discussed by Afonso (forthcoming), the governments of France and Great Britain in the age of welfare state development (the late 19th and early 20th century) tended to exclude immigrants from old-age pensions and social assistance, corresponding to the increasing anti-immigrant sentiment at the turn of the century.

born citizens and immigrants (Reeskens, 2020). As first shown by Van Oorschot (2000), there are four other deservingness criteria (next to identity, constituting the ‘CARIN-criteria’) that explain why some groups are perceived as less deserving of welfare provision than others; the degree to which recipients have control over their social risks (the less control, the more deserving), their attitude (more compliance leads to more deservingness), whether they recognize the reciprocity that comes with welfare provision, and finally their need for social protection (van Oorschot, Roosma, Meuleman, & Reeskens, 2017; Reeskens, 2020). In line with this reasoning, Abts et al. (2021) stress the importance of distinguishing between welfare chauvinism and ‘welfare producerism’; whereas welfare chauvinism represents the desire to exclude immigrants based on identity, ‘welfare producerism’ is grounded in criteria of control, attitude and reciprocity. In a similar way, Diermeier, Niehues, & Reinecke (2020, Abstract) distinguish between nativist chauvinism and reciprocity chauvinism: ‘Nativists hold strong anti-immigration attitudes and want to exclude immigrants entirely from welfare benefits, while reciprocity chauvinists are willing to grant immigrants access to the welfare state once immigrants prove themselves to be deserving of benefits by paying taxes for at least a year.’

As such, welfare chauvinist attitudes should always be viewed considering the specific deservingness-criteria on which they are grounded. But even then, it is difficult to clearly determine what the term exactly stands for. First of all, welfare chauvinism can be seen as either a broad concept that represents various sorts of policies and claims to reserve welfare benefits for native citizens, or as a term for the nationalist and racializing economic stance of right-wing populist parties (Keskinen, Norocel, & Jørgensen, 2016). Moreover, Careja et al. (2016) indicate that it is still unclear whether welfare chauvinism denotes (the desirability of) total exclusion of immigrants from social schemes or partial exclusion, for example in the form of lower benefit levels. Following this, recent studies have emphasized the importance of also identifying more subtle ways of exclusion next to outright ineligibility (see e.g. Gschwind, 2021).

2.4 How immigrants’ social rights are shaped

Now that the background of exclusionary welfare reforms has been explored, a next question comes to mind: *how* is immigrants’ access to national welfare state provisions shaped by policymakers? Diane Sainsbury (2006, 2012) was one of the first to provide a comprehensive conceptualization of immigrants’ social rights. Drawing on Esping-Andersen’s typology of welfare state regimes (Esping-Andersen, 1990), she developed two constructs that determine immigrants’ social rights: the ‘incorporation regime’ and ‘entry categories’ (Sainsbury, 2006, 2012). The incorporation regime ‘consists of rules and norms that govern immigrants’ possibilities to become a citizen, to acquire permanent residence, and to participate in economic, cultural and political life’ (Sainsbury, 2006, p. 230), while entry categories are the different types of immigrants (such as labor migrants, asylum seekers, and undocumented immigrants). What this ultimately demonstrates is that the social rights of immigrants are not determined by either welfare state policy or migration policy, but by an interaction of these two (Kremer, 2013). In a similar vein, Vonk and Van Walsum (2013) demonstrate that the position of immigrants in social security is determined across three spheres of law and policy practice: social security, immigration and civic integration. They note that these spheres have entered a process of increasing convergence. Using the Netherlands as an example, they demonstrate that this ‘sphere

convergence' leads to a higher degree of exclusion. The first form of convergence concerns a supremacy of immigration law over social security law: in the past decades, the 'legal residence test' has become a ubiquitous prerequisite to be eligible for social security arrangements in Western welfare states. Second, immigration law coincides with civic integration policies, as the acquisition of permanent resident status (and subsequently, acquisition of the host country's nationality) has become dependent on meeting civic integration obligations. Finally, civic integration and social security law have converged, as immigrants who do not comply with integration obligations are confronted with administrative fines in the shape of benefit reductions.

More recent studies have again underlined that immigrants' access to social benefits is shaped across different policy domains on the intersection of immigration and social security law. Slaven et al. (2021) observe a 'linkage' of immigration policy and social policies in numerous countries in Western Europe. And the interplay of immigration, welfare and integration policy is also reflected in Konings' (2013, 2019) conceptualization of 'social rights differentiation' (see table 1).

Table 1 Grounds for social rights differentiation between immigrants and native-born citizens

Ground	Explanation
Residence status	Migrants with more robust status tend to have more rights
Duration of residence	Migrants who have been in the country for a longer period of time tend to have more rights
Location of residence	Individuals who reside in country of benefit extension tend to have more rights
Integration	Migrants who meet integration standards tend to have more rights

Source: Koning (2019, p. 33)

The first ground for exclusion is residence status, the most pronounced example of which is the exclusion of undocumented immigrants (those without a legal right of residence) from practically all social services but urgent medical care by way of the previously mentioned legal residence test. Next to this, duration of residence is often used as a ground for exclusion, predominantly in the domain of tax-funded benefits (e.g. social assistance). Denmark, for example, has a residence requirement of no less than seven years to be eligible for a complete social assistance benefit (Andersen, Larsen, & Møller, 2009, in Koning, 2019). The location of residence is also important; while some countries allow benefits to be paid out to people living abroad (generally because of built up entitlements, especially relevant in the domain of contributory benefits), others try their hardest to limit the export of benefits to other countries. Vonk & Van Walsum (2013) describe the Netherlands as an example of a country that has implemented several measures to ban the exportation of benefits from the second half of the 1990s, moving in the direction of 'a retrenchment of the system to the national borders' (Vonc & Van Walsum, 2013, p. 26). Finally, not succeeding to comply with integration requirements often leads to reduced benefit access. For instance, in 2004 the German government decided to cut unemployment and social assistance benefits for immigrants that fail to attend integration courses (Koning, 2013, 2019).

Next to the grounds for exclusion, immigrant-welfare reforms can be characterized by their severity (Koning, 2019); While in some cases they entail complete ineligibility, they often take more

subtle forms, such as benefit reductions based on the duration of residence. Second, not all inclusion is formal and explicit. While sometimes specific groups of immigrants are targeted, exclusion often happens more or less indirectly. This is also reflected in Careja et al.'s (2016) account of 'indirect welfare chauvinism'; some policy measures, while applicable to both natives and immigrants and thus not formally excluding immigrants, (deliberately) negatively affect immigrants the most. This was already recognized by Sainsbury (2012), who made a similar distinction between formal and substantive access to social protection; despite being granted formal access to social protection, immigrants tend to end up with lower de-commodification levels because their participation in social programs and actual benefit receipt fall short to that of native-born citizens. Accordingly, Gschwind (2021) concludes that even the most inclusive systems may be characterized by a high degree of exclusion when focusing on immigrants' substantive access to social protection.

2.5 Determinants of exclusionary welfare reforms

In this section, attention is shifted to the second theory question: which factors are known to influence the emergence and eventual implementation of such exclusionary welfare reforms? The existing literature points to different reasons for shifts in the extent to which immigrants are granted access to national social programs. What these studies share is that they point to a range of economic, institutional and political pressures and constraints that together explain the access of immigrants to social benefits (e.g. Sainsbury, 2006, 2012; Banting & Koning, 2017; Koning, 2013, 2019; Slaven et al., 2021), an interplay of independent variables that resonates with the classical distinction between agency and structure (cf. Cairney, 2012). These different types of pressures and constraints are discussed in the following sections.

2.5.1 Pressures to exclude

Economic pressures: immigrants' welfare dependence

First, the foundations of restrictions of immigrants' access to benefits might lie in the economic domain. As previously described, immigration has for long been seen as an economic threat because the combination of open borders and a generous welfare state is often conceived of as a recipe for high fiscal pressures, caused by an overflow of immigrants looking to settle in locations where welfare provision is generous (Fenwick, 2019; Borjas, 1999). Following this logic, a high degree of welfare dependence among immigrants should result in the implementation of exclusionary reforms aimed at limiting the number of immigrants claiming benefits, as politicians apply a cost-benefit analysis in light of the fiscal pressures posed by immigrant welfare dependence (Koning, 2019). However, the existing empirical evidence does not support this assumption. First of all, the baseline assumption that immigration puts a high financial pressure on the funding of the welfare state should be relativized. In most European welfare states, the financial relevance of immigrants is rather small (Enggist, 2019). As shown by Spies (2018), immigrants have a lower welfare dependence ratio for most welfare areas (pensions, health care, housing and family benefits), and they are only overrepresented in the domain of unemployment benefits. Second, if economic facts are the key determinant of policy outcomes, there should be a certain degree of convergence in immigrants' social rights between countries with comparable numbers of

immigrant welfare dependence, which is not the case. Finally, and accordingly, decision-makers are not found to act on economic pressures in an evidence-based way. The emergence of exclusionary reforms can therefore not be promptly linked to countries with a high degree of welfare dependence among non-native citizens (Koning, 2013).

Political pressures: the politicization of the immigration-welfare policy nexus

The general conclusion appears to be that economic pressures in the form of high immigrant welfare dependence do not independently result in a restriction of immigrants' social rights. Exclusionary reforms only appear to take place when these economic facts are translated in the political arena (Sainsbury, 2012; Kremer, 2013). As is shown by Koning (2013, 2019), the way in which the overrepresentation of immigrants in social programs is framed importantly determines the inclusionary or exclusionary nature of programs. As his empirical results indicate, politicians in the Netherlands have attributed the overrepresentation of immigrants in social assistance to a lack of character among newcomers (no personal motivation to work) or fraudulent behavior. In countries like Canada or Sweden on the other hand, such frames have remained absent (Koning, 2013, 2019). This aligns with Sainsbury's (2012, p. 246) observation of immigrant-hostile frames in Germany, the United Kingdom, Denmark and France, where immigrants have systematically been framed as 'fakes, free-riders and welfare scroungers, criminals, and security threats.' Recent empirical evidence demonstrates the one-sided power of such frames; whereas negative frames appear to significantly raise anti-immigrant attitudes in public opinion, positive frames yield no significant effects (Avdagic & Savage, 2021).

What should be noted is that the relevance of framing, and more generally, the contestation of immigrants' social rights in the political arena, has dramatically increased throughout the past decades. This has to do with the increasing politicization of immigration politics. While until the 1980s immigration policy was large shaped by technocratic considerations and interest group-pressure, immigration has become a divisive issue in recent decades (Grande, Schwarzbözl, & Fatke, 2019), bringing Banting & Koning (2017, p. 112) to the conclusion that 'the era of depoliticized migration policy is now clearly over'. And most importantly, this development is not confined to immigration policy (citizenship law and border control) but flows over into welfare politics. Burgoon & Rooduijn (2021) observe an 'immigrationization' of welfare politics, representing a situation in which people's welfare state preferences (in public opinion, ultimately finding their way to the political dimension) are heavily influenced by their (often negative) attitudes towards immigration.⁶

The increasingly politicized nature of the immigration-welfare policy nexus has made the political arena an important battleground for political parties (Koning, 2019; Slaven et al., 2021). In this politicized landscape, two important aspects stand out. First of all, the influence of right-wing populist parties in West-European politics has drastically risen in recent decades. Next to having strong anti-immigrant stances, right-wing populist parties have taken strong stances on welfare state reform, pushing welfare chauvinist agendas (Afonso, 2015). Second, the rise of right-wing populist parties has

⁶ Recent studies have demonstrated that anti-immigration attitudes are predominantly shaped by 'sociotropic concerns'. Rather than on the basis of personal circumstances and ethnic prejudice, the opposition of people towards immigration can be explained by their 'civic concerns' about the broad cultural and economic consequences of immigration on one's country as a whole (such as national identity, economic prosperity and even the purity of the language) (Hainmueller & Hopkins, 2014; Solodoch, 2020).

driven other political parties to adapt to the welfare chauvinist stances of anti-immigrant parties for the sake of electoral success (Schumacher & Van Kersbergen, 2016; Van Spanje, 2010; Ziller & Careja, 2022). In multi-party systems especially, it has become difficult for mainstream politicians to ignore the success of anti-immigrant parties, as they may be forced to cooperate with anti-immigrant parties. Mainstream politicians might even 'decide to move their own platforms in an anti-migrant direction in an attempt to reduce the electoral niche of such parties' (Banting & Koning, 2017, p. 113). As a consequence, proposals for welfare chauvinist exclusionary reforms that were initially formulated by far-right anti-immigrant parties have succeeded to reach implementation as 'mainstream parties of both the right and center seek to avoid bleeding votes to the populist right' (Kymlicka, 2015, p. 51). And as shown by Bale, Green-Pedersen, Krouwel et al. (2010), not only right-wing but center-left parties as well may respond to the growing salience of right-wing populist parties by taking a tougher stance on immigration and integration.

The importance of political translation

As is portrayed by the discussion above, socio-economic facts in itself are of limited relevance for explaining policy outcomes in the domain of immigrant welfare incorporation. Economic pressures alone fail to explain the cross-national variation in immigrants' social rights, and policy outcomes depend considerably on the translation of economic and social facts in the political arena. This is for example reflected in Han's (2013, p. 401) comparative analysis of restrictive asylum policies, in which he concludes that 'restrictive asylum policies are not just spontaneous responses to the influx of asylum seekers but are the result of political determinants'. Accordingly, Koning (2020) concludes that both inclusionary and exclusionary reforms appear to be mainly driven by deliberate and proactive effort from politicians to change the existing system rather than by structural (historic and economic) factors. In a recent study, Slaven et al. (2021) provide an interesting look into this political agency. They do so by investigating whether there is a shared political logic underlying the exclusionary linkage of immigration and social policy (as already discussed under paragraph 2.5). From the existing literature they deduce four plausible explanations (summarized in table 2), the first two being 'welfare-guided' and the second two being 'immigration-guided'. First, they recognize a strategy of delimiting social citizenship in welfare chauvinist approaches to commit to what is popular among the public, ultimately to address the perceived challenges to the legitimacy of welfare provision (i.e., maintaining social solidarity and by that general support for welfare state redistribution). Second, the immigration-welfare policy link may be an outflow of new welfare state goals related to retrenchment and market-oriented reform (e.g., encouraging labor market participation among immigrants). Third, decision-makers may implement policy changes for mere symbolic reasons, trying to communicate hostility to immigrants in an attempt to cater to the stances of their domestic political audience. And fourth, they evaluate whether the immigration-welfare policy link is an attempt to steer migration dynamics (meaning social programs are harnessed as instrumental immigration policies).⁷

⁷ This instrumental immigration policy-rationale heavily relies on the assumptions posed by the welfare-magnet hypothesis (Borjas, 1999): decision-makers try to reduce the generosity and the accessibility of social benefits in an attempt to reduce the perceived pull factors of their social security system (Slaven et al., 2021).

Table 2 Four drivers of the immigration-welfare policy linkage

Main logic	Specific focus	Explanation
Welfare-guided	Delimiting social citizenship	Politicians embracing welfare chauvinist frames for electoral reasons. Underlying goal: to maintain support for welfare state redistribution.
	Pursuit of new welfare state goals	Outflow of new welfare state goals related to retrenchment and market-oriented reform (e.g. encouraging labor market participation among the immigrant population).
Immigration-guided	Symbolic representation	Communicating hostility to immigrants, catering to stances in national public opinion
	Instrumental immigration policy	Attempting to steer migration dynamics

Derived from Slaven et al. (2021).

In their comparative study of Germany, France, and the United Kingdom, Slaven et al. (2021) find convincing support for the hypothesis that there is a shared logic behind the immigration-welfare policy link. In all three countries, they find strong support for the two ‘immigration-guided’ accounts: ‘In all three cases, these linking policies were largely interior-ministry driven efforts to control “unwanted,” spontaneous forms of immigration, or to communicate symbolically about immigration with a domestic political audience’ (Slaven et al., 2021, p. 857). According to the authors, the fact that there is a shared political logic behind these policies across different countries implies that differences in the exclusion of immigrants from social benefits grows not from policy intentions, but from other country characteristics. These country characteristics comprise the degree of politicization of immigration and welfare policies in domestic politics, as well as a range of institutional factors. The next section shifts attention to these institutional factors.

2.5.2 Constraints on exclusionary reforms

Changes in the degree to which immigrants are granted access to welfare state provisions are essentially a specific form of welfare state reform. Exclusionary reforms can be seen as welfare state retrenchment, as the decision-makers who entail them attempt to reduce the scope of welfare provision (and by that, to curb social spending) by implementing cutbacks to the welfare entitlements of newcomers (cf. Green-Pedersen, 2004). As numerous studies have demonstrated, politicians seeking to reduce benefit generosity often face substantial institutional obstacles. Whereas the losses caused by cutbacks are concentrated (people’s financial situations are directly affected), the gains of austerity measures are diffuse and not directly felt. Consequently, downsizing the welfare state is met by much opposition, making it difficult to achieve politically (Pierson, 1996; Starke, 2006; Hinterleitner, & Sager, 2020). However, this logic is of limited relevance for restrictions of immigrants’ social rights. Whereas many people would oppose general cutbacks, reforms that are specifically aimed at immigrants affect a much smaller group of voters. Furthermore, the immigrant population generally has little political influence. Hence, immigrant-excluding welfare reforms face considerably less ‘democratic obstacles’ than general

cutbacks in social programs do (Koning, 2013, 2019). However, the position of immigrants in social security schemes is protected by other means than the policymaking process.

Legal constraints

First, decision-makers may be confronted with legal barriers. As explained by Koning & Banting (2017), international and national legal regimes play an important role at curbing the attempts of decision-makers to restrict immigrants' social rights, especially when the judiciary takes a strong and activist stance. This is in line with Sainsbury's (2012) findings, which indicate that court decisions played an important role, especially at extending immigrants' eligibility to tax-financed minimum subsistence benefits. A first source of legal protection lies in national constitutions. The most notable example is the prohibition of discrimination based on nationality, that is laid down in the constitutions of most developed Western welfare states (Vonk & Van Walsum, 2013). Such legal provisions may force courts to declare exclusionary policies unconstitutional. To illustrate; in 1990 the French Constitutional Court judged that non-citizens could not be excluded from the scheme of minimum subsistence benefits on the ground of nationality, establishing equal access for non-citizens with legal residence (Sainsbury, 2012, p. 185). Next to this, international law constrains the ability of national governments to exclude immigrants from social protection. For example, the Universal Declaration of Human Rights (UDHR) contains a general non-discrimination principle (Article 2) as well as a specific provision aimed at ensuring access to social security for 'every member of society' (Article 22). Recognized refugees are a special category, falling under the scope of rigid protectionary regulations such as articles 23 and 24 of the Convention Relating to the Status of Refugees (stating that refugees lawfully staying in a country's territory are entitled to the same social benefits as native citizens). Finally, the mechanism of international legal protection is especially relevant in the context of the European Union (Banting & Koning, 2017). First of all, member states have little possibilities to exclude Union citizens (nationals from other member states), as this would violate the freedom of movement-principle as established by the Schengen agreement (specified in several EU Directives). Moreover, all member states have signed the European Convention on Human Rights (ECHR). This legal framework has overruled countries' attempts to exclude immigrants from social protection, most famously in the *Gaygusuz*-judgement, in which the Court ruled that Austria's decision to deny a Turkish man emergency assistance based on his nationality was in violation of Article 14 ECHR (the prohibition of discrimination) (Pennings, 2015; Vonk & Van Walsum, 2013).

Welfare state structure

A different institutional factor that limits the opportunities of politicians to exclude immigrants from social protection is the structure of the welfare state itself. One argument is that welfare state structures that heavily rely on universalism (i.e., the provision of tax-funded social benefits to anyone regardless of individual characteristics, Bergh, 2004) are less prone to exclusionary reforms. A first version of this argument is rooted in path dependence. As demonstrated by Sainsbury (2012), differences in the degree to which immigrants are excluded from social benefits can be traced back to the existing welfare state regimes of countries; as universal welfare states have historically adhered to the principle of equal access for everyone, it may be difficult for politicians to implement exclusionary reforms that violate

this principle. Another version of the argument, as explained by Banting & Koning (2017), is that the principle of universalism is not only relevant in terms of system characteristics, but also in terms of ‘policy-feedback’ (cf. Béland, 2010; Pierson, 1993); universalism discourages a culture of making distinctions between deserving and undeserving people (Banting & Koning, 2017), meaning universal welfare states provide less room for politicians to restrict immigrants’ social rights than non-universalist regimes. In relation to this, previous studies have noted that universal welfare states are resilient to exclusionary reforms because universal welfare provision results in a higher degree of social solidarity among the public, meaning ‘a universal welfare state can socialize citizens into valuing institutionalized solidarity’ (Koning, 2013, p. 42).

Welfare institutions

A final interesting aspect within the institutional dimension is that executive government agencies responsible for welfare provision might prevent exclusionary policy proposals from reaching implementation. A clear example of this is given by Slaven et al. (2021) in their empirical study of exclusionary policies in the United Kingdom. When policymakers in the United Kingdom started trying to restrict the access of asylum seekers to healthcare provision in the 1990s (as part of a plan to limit the inflow of asylum seekers by reducing ‘pull factors’), the National Health Service (NHS) firmly opposed the policy proposals, as erecting barriers to healthcare would be ethically unacceptable. Consequently, Slaven et al. (2021) conclude that strong organizational resistance from welfare agencies might play a decisive role at shaping policy outcomes.

2.5.3 Pressures and constraints in interaction

As discussed above, policy outcomes in the domain of immigrants’ access to social protection are driven by a range of political pressures and institutional constraints. And as the nature of these pressures and constraints depends on country characteristics, there are evident differences between different welfare states. This is clearly portrayed in Banting & Koning’s (2017) comparative study of Sweden, Canada, the Netherlands and the United Kingdom. They note that in Sweden, politicians are faced with limited political pressure to exclude migrants (e.g., due to relatively low levels of anti-immigrant sentiments in public opinion), while immigrants’ social rights are also well protected institutionally. While Canada seems to have an equally positive political climate (and thus less exclusionary incentives), institutional protections are weaker (e.g., limited constitutional protection), rendering temporary workers especially vulnerable. They describe the Netherlands as the ‘polar opposite’ to Canada, as the political climate is hostile towards immigrants while institutional protections are rather strong. Finally, the United Kingdom is characterized by a hostile political climate, while institutional protections are very weak (especially for labor migrants from non-EU countries, even more so since the Brexit reforms). This distinction between four different types based on two variables (political pressures and institutional protection) can be used as a conceptual tool to characterize the long-term dynamics of immigrant welfare exclusion that prevail in a specific national context, as will be exemplified in the empirical study.

2.6 Conclusion

The first part of this chapter set out to deliver a general overview of the relationship between immigration and welfare state arrangements. Despite years of research, the nature of this relationship has remained fuzzy in various ways. Most prominently, scholars have not succeeded to deliver unambiguous inferences about the effects of rising immigration inflows on governments' total social expenditure. What has become clearer, however, is that immigration seems to be related to more subtle ways of welfare state reform. Immigration influences the tendency of policymakers to implement reforms aimed at restricting the access of newcomers to welfare state provisions. Such exclusionary reforms entail various forms of 'social rights differentiation' like requirements connected to one's immigrant status, duration and location of residence or compliance with integration requirements. To fully understand these reforms, it is important to look at the underlying rationale for social rights differentiation. Some measures may reflect welfare chauvinism (exclusion based on identity), while others reflect welfare producerism (exclusion based on behavior), and the theoretical underpinnings of policy reforms may relate to both immigration-guided and welfare-guided logics. The final, and perhaps most fundamental question posed has been: which factors influence the eventual implementation of such exclusionary policy initiatives? A first important aspect is that many existing studies stress that the emergence of exclusionary reforms cannot be readily linked to socio-economic facts. Rather, the occurrence and nature of reforms seems to depend on how these facts are presented (primed and framed) by politicians, meaning political agency plays a decisive role. As shown in the literature review, this political agency may be curbed by institutional barriers such as constitutional and international legal protection, the welfare state structure and resistance from welfare institutions.

3. Methodology

3.1 Introduction

This chapter discusses the empirical methodology. First, the research design is explained and substantiated. Second, the two-stage analytical framework that is used to guide the empirical study is explained, and third, the process of data collection is explained. As a final step, I reflect on the study's limitations and potential concerns for reliability and validity.

3.2 Research design, case selection and units of analysis

This study has an exploratory focus in two main ways. First, in the sense of its theory-generating objective. It aims to explore the value of combining the strengths of a combination of existing frameworks for analyzing how governments shape immigrants' access to social benefits. This is done by applying 'theory-building process-tracing' (Beach & Pedersen, 2013, p. 60; see also Toshkov, 2016) in a single case study, with an in-depth qualitative analysis of documents (further explained under paragraph 3.4) that delivers a detailed explanation for how the dependent variable, immigrant-excluding welfare reform, has developed in the studied case. The second exploratory aspect relates to case selection. The empirical study explores the dynamics of exclusion in the domain of immigrants' social rights in Belgium (an as of yet understudied national context), laying the groundwork for further causal analysis, for example facilitating small-n comparative studies.

Belgium has been selected as a case for two reasons. First and foremost, because it is an understudied national context compared to other Western-European countries. While previous research has delivered detailed insights into immigrant-excluding welfare reforms in countries like the United Kingdom, Sweden, the Netherlands (Banting & Koning, 2017; Koning, 2013, 2019), France, Germany (Slaven et al., 2021) and Denmark (Keskinen et al., 2016), no studies of this kind have been conducted in the Belgian context. Detailed knowledge on the policy rationale and underlying drivers of exclusionary welfare reforms in Belgium is so far non-existent, despite there being some general information on the position of immigrants in the Belgian welfare state (Mussche, Corluy & Marx, 2014). Second, the Belgian national context has the potential to deliver key insights into the interplaying mechanism of political pressures for and institutional protections against exclusionary reforms, mainly because Belgium has a constitutional court; as was already discussed in the theory chapter, constitutional courts may play an especially vital part in the blocking of exclusionary reforms that might be deemed unconstitutional (Sainsbury, 2012, p. 185).

The units of analysis in the empirical study are three (waves of) policy reforms at the federal level of government aimed at restricting newcomers' access to social assistance. The focus is confined to (non-contributory) social assistance for one main reason, being its underlying logic of social solidarity. Different welfare state provisions are underpinned by different principles of redistributive justice. Non-contributory (tax-financed) benefits are needs-based, and therefore more vulnerable to welfare chauvinist stances than equity-based schemes (such as contributory unemployment insurance) (Ennsner-Jedenastik, 2018). Therefore, focusing on social assistance is suitable, as restrictions of the

access of migrants to social benefits are most likely to arise in this domain.⁸ The three policy reforms under study have been selected drawing on existing research into immigrants' access to the Belgian social security system (Mussche, Corluy & Marx, 2014). The three waves of reform are the following; the exclusion of asylum seekers from mainstream social aid (1996, 2007), the exclusion of undocumented immigrants from mainstream social aid (1984, 1992, 1996) and the tightening of eligibility criteria for the Income guarantee for the elderly (*Inkomensgarantie voor ouderen*) for non-EU residents (2012, 2017). An overview is provided in table 3 below.

Table 3 Overview of the exclusionary welfare reforms under study

Policy reform	Years of policy change
Asylum seekers from social assistance to material aid	1996 2007
Undocumented immigrants from social assistance to material aid	1984 1992 1996
Restrictive measures to the Income guarantee for the elderly	2012 2017

With this selection, a diverging set of restrictive policy measures is studied. First, in terms of specific policy objectives; whereas the first two reforms entail the complete exclusion of certain categories of newcomers from the entire system of minimum income resources, the latter concerns the tightening of eligibility criteria for a specific social protection scheme. Second, policy changes are studied from a substantial period of time (1984-2017). This multifaceted variation helps to deliver a representative overview of the phenomenon under study (exclusionary reforms in the domain of social assistance) over an extended period of time.

3.3 Analytical framework

The empirical analysis takes place along two stages. In the first stage, the three policy reforms are individually qualified. The second stage constitutes an integrated exploration of the driving forces behind the implementation of the reforms.

3.3.1 Stage 1: qualification

The qualifying analysis focuses on two core aspects; the ground for exclusion entailed by the policy reforms, and the underlying policy rationale. To determine the nature of exclusion, I draw on Koning's (2013, 2019) classification of four grounds for social rights differentiation as displayed in table 1 (p. 14). To unfold the underlying policy rationale, I draw on two types of concepts. First, I will qualify the underlying rationale of the policy reforms based on Slaven et al.'s (2021) four accounts of the

⁸ As clearly emphasized by Reeskens (2020, p. 502): 'particularly programmes that are open to immigrants are less supported in diverse societies. Because immigrants, and particularly those from poorer countries, are more often present in the secondary segment of the labour market, their reliance on these programmes is higher. The combination of these findings seems to suggest that the insurance pillar of the welfare state is robust against the influence of diversity, while, conversely, the social solidarity associated with non-contributory provision might be jeopardized.'

immigration-welfare policy linkage.⁹ Subsequently, I will analyze to what extent the government's turn to exclusionary policies can be linked to specific 'attitudes' related to different deservingness criteria (Van Oorschot, 2000) such as welfare chauvinism and welfare producerism (Abts et al., 2021).

3.3.2 Stage 2: exploratory analysis

The exploratory analysis shifts attention to the question of what pressures and constraints have played a role in the emergence and implementation of the studied reforms. The three reforms under study are integrally analyzed to deliver a comprehensive image of these interplaying causal factors. I draw on the 2 dimensions of driving forces posed by Banting & Koning (2017), being political pressures vs. institutional constraints. To fully comprehend the emergence of political pressures to exclude, attention would ideally be spent on public opinion developments drawing on quantitative data (survey research). However, such an approach is practically unfeasible for this study, which has a main focus on policymaking practices and thereby, the qualitative analysis of legislative documents (like for instance Slaven et al., 2021). For these reasons, I end up with three aspects related to political pressures to be studied in the Belgian context; the structure of the party system, the presence and importance of anti-immigrant parties and the political translation of economic developments (Koning, 2013; Banting & Koning, 2017). In the analysis of institutional constraints, I draw on the four factors that were discussed in the theory chapter; the existing structure of the welfare state, legal barriers to exclusion laid down in national and international law, counteracting force from national (constitutional) courts, and counteraction from welfare institutions.

The exploratory analysis is concluded with a general reflection on the studied policy developments. To provide an encompassing overview, I will attempt to deliver a characterization of the policy changes in Belgium based on the previously discussed four 'ideal-types' (Banting & Koning, 2017) of the interaction between politics and institutions in the domain of immigrant-excluding welfare reforms.

3.4 Data collection

The empirical data are collected through one method: qualitative document analysis (see Wesley, 2010). As this study mainly aims to comprehend policy makers' considerations at the time of the studied reforms - i.e, the policy objectives and instrumental logic underlying the policy changes - the data collection is centered around legislative documents such as legislative text, explanatory memoranda and other parliamentary documents. In the second stage of analysis (exploratory analysis), some additional data is collected to provide an understanding of the interacting pressures and constraints. The documents studied in this stage also include general information on the political setting at the time of the reforms (e.g., from journal articles) and case law. A final source of information is existing academic literature, as there have already been some studies - predominantly legal research - into immigrants' social rights in Belgium (e.g., Mussche, Corluy & Marx, 2014; Bouckaert, 2007; Mahieu, 1999).

⁹ It appears safe to state that this immigration-welfare policy linkage has occurred in Belgium. Besides the fact that this linkage has been observed across different national contexts (Vonk & Van Walsum, 2013; Slaven et al., 2021), Mussche, Corluy & Marx (2014, p. 41) note that 'Belgium has steadily developed a stronger link between social security (social aid) policies and immigration' from the 1990s onwards.

3.5 Reliability and validity

The empirical study comes with one main limitation, which is that the scope and level of detail has to be restricted in order to ensure practical feasibility. It focuses on three specific waves of reform, rather than aiming to deliver a detailed longitudinal analysis of the entirety of exclusionary welfare reforms in Belgium's social assistance scheme. Moreover, the second stage of analysis (exploratory analysis) is carried out at a limited level of detail. For example, public opinion figures - a relevant indicator to fully uncover the drivers of exclusionary reforms (see e.g. Burgoon & Rooduijn 2021; Banting & Koning, 2017) - are excluded from the analysis. While these choices do not necessarily impact the validity of the analysis they do pose some issues for the reliability of the empirical study, especially when it comes to the generalizability of conclusions regarding the emergence of political pressures for exclusionary reforms. However, the adopted methodological strategy does contribute to the attainment of the research objective of broadly exploring the Belgian context to provide stepping stones for further causal analysis such as cross-national comparative research.

4. Empirical study

4.1 Introduction

This chapter presents the results of the empirical study. In order to provide the background context that is needed for the following analysis (e.g., for the analysis of the importance of the welfare state structure), the first paragraph forms a general discussion of the Belgian welfare state and its openness towards immigrants. Subsequently, the three studied waves of exclusionary reform are discussed and qualified independently in a first stage of analysis (answering sub-question 3), followed by a brief synthesis (paragraph 4.6). Paragraph 4.7 (exploratory analysis) then goes into the factors that influenced the emergence and outcome of the studied reforms (sub-question 4), paving the way for the final conclusions in chapter 5.

4.2 Belgium's welfare state and its openness towards immigrants

The Belgian welfare state is generally typified as 'Bismarckian' (Arts & Gelissen, 2002; Cantillon, De Graeve & Van Mechelen, 2017) in the sense that entitlements to social benefits and services are mainly derived from a person's labor market position. This stems from the fact that the largest pillar in the Belgian social security system comprises a contributory system of work-based social insurance (Marx & Van Cant, 2019). This pillar is complemented by a relatively small structure of non-contributory social assistance and additional benefits and services in the domain of childcare, elderly care, active labor market policies and parental leave (Mussche, Corluy & Marx, 2014). This comprehensive system entails three goals: minimum income protection, income protection for those confronted with defined social risks, and the promotion of social participation (Cantillon, Marx & Maesschalck, 2003).

Mussche, Corluy & Marx (2014) note that, generally speaking, the Belgian system of social security is inclusive towards immigrants. This is mainly so because a large proportion of the system comprises social insurance programs (health care, unemployment, pensions, work-related injuries) that rely on the general principle that all those working and legally residing in Belgium pay insurance premiums and are therefore insiders to the scheme, meaning natives and temporary immigrants alike are treated in a highly equal manner. When it comes to the social assistance pillar, all legal residents are covered by the main minimum income scheme (*leefloon*). However, access to specific noncontributory sub-programs is limited for some categories of immigrants. In comparison to the other countries that have implemented legislation aimed at limiting newcomers' access to social assistance all together in one policy reform - as for example the Netherlands with the Linkage Act of 1998 - the legislature of Belgium has opted for a more fragmented linking of newcomers' rights to social benefits to their resident status (Van Selm & Vanheule, 2012). However, as emphasized by Bouckaert (2007, p. 303), the end result is more or less the same for both countries; non-legal residents are in principle barred from all social benefits besides urgent medical care, as well as from the labor market (and thereby from work-related social benefits and services).

Especially from the early 1990s onwards, Belgium has gradually developed a stronger link between social assistance provision and immigration (Mussche, Corluy & Marx, 2014). The following sections deliver an analysis of three policy reforms that characterize the Belgian government's attempts to limit immigrants' access to social assistance.

4.3 Exclusion of asylum seekers from mainstream social aid

From the 1990s onwards, the Belgian government has implemented a series of measures that have excluded asylum seekers from mainstream social aid. This happened in two waves of reform that took place in 1996 and 2007.

4.3.1 Waves of reform

1996

On July 15th 1996, a law was passed that replaced asylum seekers' financial social aid for material aid. This measure was part of a larger reform and 'formalization' of the asylum procedure. It sought to change the existing legal framework through three main policy objectives; bringing national legislation in accordance with the international legal framework, reinforcing immigration control and reorganizing the asylum procedure.¹⁰ The government identified a range of problematic aspects within the existing procedure, which mainly concerned difficulties for the Public Centers for Social Welfare (OCMW, *Openbare Centra voor Maatschappelijk Welzijn*). These social security institutions operate at the municipal level and are responsible for securing a livelihood that answers to 'human dignity' for all through the provision of social services and financial assistance.¹¹ As to native-born citizens, the Public Centers for Social Welfare were responsible for the provision of welfare services to asylum seekers arriving in Belgium. In the years prior to the studied reform some problematic aspects started to arise within this mandate. First, Belgium was confronted (as many other European countries) with a rapid increase in asylum applications from the end of the 1980s. Between 1988 and 1993 the number of applications rose from 4508 to 26885, and this drove the government to implement a range of procedural changes to accommodate the Public Centers for Social Welfare (Mahieu, 1999, p. 274).¹² Second, the Public Centers for Social Welfare appeared to struggle with unclear situations regarding the question to which categories of foreign nationals (and more specifically, asylum seekers) they were required to provide social support. As further detailed in paragraph 4.4, this mainly concerned the legal question revolving around the consequences of a rejected asylum application for one's right to support from a Public Center for Social Welfare.¹³

¹⁰ Legislative proposal for the Act of 15 July 1996, *Belgisch Staatsblad* 5 October 1996, Belgian Chamber of Representatives (document no. 364/1 - 95/96, 11 January 1996). Accessed on 18 April 2022 via: www.dekamer.be/FLWB/PDF/49/0364/49Ko364001.pdf.

¹¹ Article 1 of the Act concerning the Public Centers for Social Welfare (*Belgisch Staatsblad* 8 July 1976). Accessed on 18 April 2022 via: www.codex.vlaanderen.be/Portals/Codex/documenten/1003942.html. Examples of these social services include medical help, financial and legal advice (e.g. assistance for people in debt), assistance in finding housing and the payment of minimum income benefits (*leefloon*). See the website of the Belgian government, accessed on 18 April 2022 via: www.belgium.be/nl/familie/sociale_steun/ocmw.

¹² This included the implementation of a waiting register and a distribution plan to tailor the number of asylum seekers to municipality size and administrative capacity (Mahieu, 1999, p. 274).

¹³ That is, the interpretation of article 57(2) of the Act concerning the Public Centers for Social Welfare (*Belgisch Staatsblad* 8 July 1976).

The 1996 legislative reform pursued a solution for the problems sketched above. The main instrument was the introduction of a new ‘reception structure’ as part of a large-scale reform to formalize the asylum procedure. This new reception structure involved two key aspects. First, asylum seekers would be appointed to a specific reception center. While they remained free to leave these centers they would only be granted social support at this reception center. Second, asylum seekers were to no longer be eligible for social assistance from the Public Centers for Social Welfare. Instead, they were granted support in the form of material aid (as specified further in the Reception Act of 2007, discussed in the following section). Thereby, asylum seekers were excluded from the regular social assistance scheme of minimum subsistence benefits.¹⁴ Next to addressing implementation issues, these measures were taken to better control the influx of asylum seekers in response to the rising numbers of asylum seekers, which had led to negative reactions around asylum in public opinion. A point of specific political salience was the danger of overburdening specific local administrations with large numbers of asylum seekers. Accordingly, an important underlying objective of the formalization of the asylum procedure was to spread asylum seekers over the entire country in order to avoid the overburdening of certain Public Centers for Social Welfare (Mussche, Corluy & Marx, 2014).

Moreover, the formalization of the asylum procedure entailed by the law of 1996 was taken as a measure to counter misuse of financial assistance granted in the asylum procedure. This is for example reflected in the Minister of the Interior’s introduction to the legislative proposal of 28 March 1996, in which he emphasized that a predictable, controllable and effective legislative framework was needed, and that ‘misuse of the asylum procedure must be vigorously combated’ because ‘under no circumstances can one tolerate the improper use or abuse of the asylum procedure’. The Minister also discussed the legislative changes in light of the volume of (granted) asylum applications in recent years. He emphasized that foregone policy changes (from 1992 and 1994) had resulted in a lower number of asylum applications, but a relative increase in admissible applications. The Minister mentioned these numbers to emphasize that the Belgian government does not strive for a restrictive asylum policy (aimed at reducing the number of approved asylum applications), but rather a *selective* asylum policy in which the government can ‘as quickly as possible distinguish fair use of the asylum procedure from misuse’. An important aspect therein was the distinction between the term refugees in the sense of the Geneva Convention on the one hand, and ‘economic refugees’ on the other.¹⁵

¹⁴ Legislative proposal for the Act of 15 July 1996, *Belgisch Staatsblad* 5 October 1996, Belgian Chamber of Representatives (document no. 364/1 - 95/96, 11 January 1996). Accessed on 18 April 2022 via: www.dekamer.be/FLWB/PDF/49/0364/49K0364001.pdf.

¹⁵ The Minister emphasized that the definition of refugee in the asylum procedure would be strictly restricted to the definition in the Geneva Convention, as extending this definition to economic refugees would come with the risk of ‘completely eroding’ the concept, which would herald the end of any significance of the refugee status. Legislative proposal for the Act of 15 July 1996, *Belgisch Staatsblad* 5 October 1996, Belgian Chamber of Representatives (document no. 364/1 - 95/96, 11 January 1996), p. 9. Accessed on 18 April 2022 via: www.dekamer.be/FLWB/PDF/49/0364/49K0364001.pdf.

2007

The Reception Act of 2007 (*Opvangwet 2007*) extended the previously initiated substitution of financial aid for material aid for the entire duration of the asylum procedure.¹⁶ This material aid was to be provided in two phases; first, in a ‘general’ reception structure for the first 4 months, and second, in an ‘individual’ reception structure under the management of a specific Public Center for Social Welfare or a different executive agency.¹⁷ The law also specified the scope of the term ‘material aid’; material aid includes housing, food, clothing, counseling (medical, social and psychological), legal representation, translation services and education, as well as some financial aid in the form of a daily allowance.¹⁸ In the introduction to the explanatory memorandum, the Belgian government stated that it regarded the new law as an opportunity to increase the quality of asylum reception in Belgium (reinforcing principles of equal treatment, non-discrimination and transparency) and to thereby transform the norms laid down in Directive(EC) 2003/9 into the Belgian legal framework.¹⁹

4.3.2 Qualification

Legislative changes in 1996 and 2007 together delivered a renewed reception structure for asylum seekers. From 1996 onwards, asylum seekers were decoupled from the ‘regular’ scheme of social assistance and shifted onto a track in which they are only eligible for material aid. Asylum seekers were thereby excluded from the regular social assistance scheme (minimum subsistence benefits received from Public Centers for Social Welfare) they had been eligible for in the years prior. This transfer to material aid was extended for the entire procedure with the Reception Act of 2007. The main ground for social rights differentiation in these policy reforms is immigrant category, which viewed through Koning’s (2019) framework mainly relates to resident status as a ground for social rights differentiation.

When it comes to the underlying policy rationale of these changes, a number of remarks can be made. First, the 1996 changes aimed to alleviate administrative issues. The key issue was that the Public Centers for Social Welfare had trouble dealing with the complexity of asylum-cases, which undermined their capacity to consistently deliver social aid. The problematic aspects of this complexity were importantly raised due to the sharp increase in asylum applications from the late 1980s into the early 1990s. Moreover, the changes were initiated in order to conform to standards laid down in the European legislative framework. The 2007 amendments sought to increase the quality of the procedures through a formalization and streamlining of the reception structure in response to minimum requirements laid down in Directive (EC) 2003/9. Additionally, the formalization of the asylum procedure aimed to set up a more selective asylum policy (as emphasized by the Minister of the Interior in 1996), facilitating a more effective prevention of misuse of social assistance provided in the asylum procedure. This final

¹⁶ Act of 12 January 2007 (*Belgisch Staatsblad* 7 May 2007). Accessed on 19 April 2022 via: www.ejustice.fgov.be/cgi_loi/change_lg.pl?language=nl&la=N&cn=2007011252&table_name=wet.

¹⁷ Legislative proposal for the Act of 12 January 2007 (*Belgisch Staatsblad* 7 May 2007), Belgian Chamber of Representatives (document no. 51 2565/001, 16 June 2006). Accessed on 18 April 2022 via: www.dekamer.be/FLWB/PDF/51/2565/51K2565001.pdf.

¹⁸ *Synthese. Asielzoekers: opties voor een meer gelijke toegang to gezondheidszorg. Een stakeholderbevraging.* Belgian Health Care Knowledge Centre (KCE Report 319As). Accessed on 18 April 2022 via: www.kce.fgov.be/sites/default/files/atoms/files/KCE_319A_Asielzoekers_in_Belgie_Synthese_0.pdf.

¹⁹ Legislative proposal for the Act of 12 January 2007 (*Belgisch Staatsblad* 7 May 2007), Belgian Chamber of Representatives (document no. 51 2565/001, 16 June 2006). Accessed on 18 April 2022 via: www.dekamer.be/FLWB/PDF/51/2565/51K2565001.pdf.

point formed a more detailed elaboration of one of the three core objectives mentioned in the explanatory memorandum; to ensure better control of immigration dynamics. All in all, the policy objectives appear to mainly resonate with the logic of instrumental immigration policy. While a range of goals was posed, the objective of preventing misuse and the development of a selective asylum policy appears the most fundamental long-term objective, which aligns with other countries' attempts to steer migration dynamics taken around the same period of time (cf. Slaven et al., 2021).

A final question is: how do these policy reforms relate to concepts of deservingness and welfare chauvinism? First of all, the changes do not reflect outright welfare chauvinism nor welfare producerism. However, the changes can clearly be linked to a specific deservingness criterion (cf. Van Oorschot, 2000), being the degree of *control* benefit recipients have over their social risks. This does not necessarily relate to the initiative to shift asylum seekers onto a separate track of reception and social aid, but it does resonate with the objective of increasing selectivity and distinguishing between 'true' refugees and others - like 'economic refugees - underpinned by the conviction that only recognized refugees should be able to receive (material) aid in the asylum procedure.

4.4 Exclusion of undocumented immigrants from mainstream social aid

From the mid-1980s, Belgium has implemented several reforms to restrict undocumented immigrants' access to social aid. This occurred in three waves of reform in 1984, 1992 and 1996.

4.4.1 Waves of reform

1984

Like other Western European countries, Belgium introduced restrictions to undocumented immigrants' access to social protection in the final quarter of the 20th century, and perhaps most notably with the 1984 'Act concerning some aspects of the situation of immigrants and the introduction of the law on Belgian nationality'.²⁰ This amending act delivered a substantial reform of the Belgian systems of immigration and nationality law. It gave expression to a number of the government's previously shared objectives (written down in the coalition agreement of 1981), particularly to encourage the integration of newcomers, to sharpen control over immigration flows and to enhance effectiveness and facilitate efficiency gains in repatriation policy. As part of this large-scale operation, the government initiated changes to the benefit entitlements of newcomers. As stated in the explanatory memorandum to the law, the first and most obvious target group was 'illegal' (undocumented) immigrants. The main object of the law was to restrict Public Centers for Social Welfare's obligations to provide social aid to immigrants with a confirmed legal right of residence.²¹ More specifically, two groups were targeted; people without a right to reside for more than three months, and those without a legal right of residence (Mahieu, 1999). This target group from then became eligible only for material and medical aid.

An interesting aspect of the legislative proposal is that the Belgian government repeatedly states that it had looked outward to other countries in order to determine how future policies on the nexus of

²⁰ Act of 28 June 1984 (*Belgisch Staatsblad* 12 July 1984).

²¹ Act of 28 June 1984 (*Belgisch Staatsblad* 12 July 1984).

immigration and benefit provision should be shaped. With the following passage the government shared a generally positive sentiment towards immigration based on developments in other countries: 'Examples of numerous American and European countries demonstrate that the foreign origin of a part of the population, despite [having arrived] quite recently, does not stand in the way of the collective's vitality nor its cohesion'.²² This form of lesson-drawing (cf. Rose, 1991) is also reflected in the government's approach to reshaping the provision of social aid to different categories of immigrants. A specific problematic aspect was the generosity of social aid provision by the Public Centers for Social Welfare: 'on the other hand, the generosity of our Public Centers for Social Welfare - in comparison to that of other welfare institutions in different European countries - appears to be an incentive for irregular immigration and other forms of misuse.' Based on this inference, the government deemed a restriction of the Public Centers for Social Welfare's scope of operations necessary.²³

1992

Further restrictions followed at the end of 1992.²⁴ This reform continued on the basis of the 1984 restrictions. From these reforms onwards, the Public Centers for Social Welfare would only provide social aid in the case that this would be a strict necessity to enable the recipient's departure from Belgian territory. In other words, rejected asylum seekers and undocumented immigrants who had been given a definitive order to leave the country were no longer eligible for any type of assistance except for urgent medical care, unless this social aid would contribute to their departure. The legal occasion for this law was that in case law a discussion had arisen about the scope of the definition of 'unlawful residence' and its relationship to the principle that non-native legal residents should be treated equally to native-born citizens in the provision of social aid (Mahieu, 1999). Moreover, these legislative changes should be viewed in light of the broader context of welfare state developments in the early 1990s. As explained by Mahieu (1999), the 1992 changes served the purpose of reducing the continually rising costs for social welfare the government had been confronted with in prior years.

1996

Another law was passed in 1996.²⁵ Similar to the preceding law of 1992, an important facet of this new legislation was to restate and clarify the legal obligations the Public Centers for Social Welfare carried for immigrants without a legal right of residence. Discussions had arisen about the definition of 'illegally residing persons', more specifically about the possible suspensive effect of ongoing legal procedures initiated by immigrants who were confronted with an order to leave national territory (cf. Mahieu, 1999, p. 278). The 1996 law further and more fundamentally restricted the Public Centers for Social Welfare's to urgent medical support, without any reference to whether the subject had received a final order to leave the Belgian territory. And to prevent further discussion about the scope of emergency medical

²² Legislative proposal for the Act of 28 June 1984 (*Belgisch Staatsblad* 12 July 1984), Belgian Chamber of Representatives (document no. 756/1 - 1983/84, 17 October 1983), p. 2. Accessed on 18 April 2022 via: www.dekamer.be/digidoc/DPS/K2036/K20361443/K20361443.pdf.

²³ Legislative proposal for the Act of 28 June 1984 (*Belgisch Staatsblad* 12 July 1984), Belgian Chamber of Representatives (document no. 756/1 - 1983/84, 17 October 1983), p. 3. Accessed on 18 April 2022 via: www.dekamer.be/digidoc/DPS/K2036/K20361443/K20361443.pdf.

²⁴ Act of 30 December 1992 (*Belgisch Staatsblad* 19 January 1993).

²⁵ Royal Decree of 12 December 1996 (*Belgisch Staatsblad* 31 December 1996).

support, article 67 of the law explicitly stated that financial support, housing or any other type of social aid could not fall under the term ‘urgent medical care’ (Bouckaert, 2007).

4.4.2 Qualification

In Belgium, undocumented immigrants have been increasingly excluded from social protection between 1984 and 1996. The first steps in 1984 excluded undocumented immigrants from the mainstream system social assistance scheme under the administration of the Public Centers for Social Welfare, and later on legislation was passed that with the aim of restricting undocumented immigrants’ entitlements to social security as much as possible. This has resulted in a system in which undocumented immigrants are merely eligible for urgent medical care. The main logic underlying these exclusionary reforms was to differentiate social rights based on resident status (cf. Koning, 2019), i.e. the legality of residence.

The three waves of legislative change were underpinned by various policy rationales. A first noteworthy aspect is that the legislature has attempted to provide clarifications for subjects of legal debate. In 1996 especially, the government attempted to prevent future discussion in jurisprudence on what exactly constitutes urgent medical care by incorporating a narrowed down definition in the legislative text, thereby trying to prevent the courts from creating a broad (and thereby, more generous) formulation in the future (Bouckaert, 2007). More fundamentally, the exclusion of undocumented immigrants from mainstream social aid appears to have been initiated in order to get a firmer grip on immigration dynamics. This is clearly reflected in the explanatory memorandum to the 1984 legislation. The government observed that the provision of social aid by the Public Centers for Social Welfare was generous in international comparison, and this was believed to incentivize misuse and irregular immigration. This inference clearly resonates with the assumptions underlying the welfare magnet hypothesis (Borjas, 1999). Because the reforms were importantly underpinned by this consideration, its underlying policy rationale should be mainly characterized as the immigration-guided logic of instrumental immigration policy (Slaven et al., 2021). However, this is not the only logic of excluding undocumented immigrants. In 1992, the government saw itself confronted with rising social expenditure, and the further restrictions imposed then were part of a larger range of attempts to introduce cutbacks to welfare state expenditure. As such, there are also traces of the welfare-guided logic of exclusion in the form of the pursuit of welfare state retrenchment.

On a final note, the policy reforms discussed above do not reflect outright welfare chauvinism or producerism. However, as with the exclusion of asylum seekers from social aid, the changes can be linked to the deservingness criterion of control (cf. Van Oorschot, 2000). The exclusion of undocumented immigrants followed assumption that this target group should not be eligible for social assistance (unlike legal residents) nor material aid (unlike asylum seekers) because they have viable alternatives to either leave the Belgian territory and seek assistance from another country, or to enter the procedures for asylum or regular immigration.

4.5 Restrictive changes to the Income guarantee for the elderly

A more recent type of exclusionary welfare reforms in Belgium is the tightening of eligibility criteria for a specific form of social assistance; the Income guarantee for the elderly (*Inkomensgarantie voor ouderen*), a means-tested social assistance benefit for people above the state pension age whose

financial means are insufficient to reach the social minimum.²⁶ In two waves of reform that took place in 2012 and 2017, access to this social assistance benefit has been restricted for a specific target group: non-EU residents.

4.5.1 Waves of reform

2012

In 2012, the Belgian government introduced an additional eligibility criterion for the Income guarantee for the elderly. The main problem in the existing state of affairs concerned the link between benefit provision and labor market activity. Contrary to the prevailing logic that social benefits should only be granted to immigrants who have substantially contributed to the Belgian economy, immigrants could reach eligibility by having worked for as little as one day. This was seen as problematic, as people who had barely contributed to the Belgian tax-benefit system could swiftly flow into the benefit scheme.²⁷ Moreover, the prior situation was characterized by a governance problem in the form of burden shifting. Public Centers for Social Welfare had been known to strategically free themselves of the responsibility to provide municipally financed and administered social aid by employing elderly immigrants for one day, rendering them eligible for the federally financed Income guarantee for the elderly (Stevens, 2013). The envisaged solution was a ‘working life requirement’ (*loopbaanvereiste*), a stricter measure to ensure the desired link between benefit provision and the payment of taxes in Belgium. The initial measure in the legislative proposal was a minimum of 10 years,²⁸ but this eventually became a minimum of 312 working days in the Program Act of 22 June 2012.²⁹ Effectively this new measure was aimed at third country nationals, as the access of immigrants from EU (and EEA) countries and recognized refugees is relatively strongly protected in the international legal framework. An important aspect mentioned in the legislative proposal was that the existing regulation was believed to form a pull factor for immigration. The easy access to the Income guarantee for the elderly was thought to spark interest among third country nationals to travel to Belgium mainly for the easy access to social security benefits. This was deemed unjustifiable, especially in a time in which the pension age had to be raised to compensate for deficits in the national social budget.³⁰

2017

In 2017, new steps were taken to restrict the access of third country nationals to the Income guarantee for the elderly. A new article 4 was introduced into the Law concerning the Income guarantee for the elderly. This provision further tightened eligibility criteria. Since then, immigrants who have not resided in Belgium for a minimum of 10 years (of which 5 years uninterrupted) are excluded from the Income

²⁶ Act of 22 March 2001 (*Belgisch Staatsblad* 28 March 2001).

²⁷ Act of 22 March 2001 (*Belgisch Staatsblad* 28 March 2001).

²⁸ Legislative proposal for the amendment of the Act of 22 March 2001 (*Belgisch Staatsblad* 28 March 2001), Belgian Chamber of Representatives (document no. 53 2153/001). Accessed on 18 April 2022 via: <https://www.dekamer.be/FLWB/PDF/53/2153/53K2153001.pdf>.

²⁹ Article 108 of the Program Act of 22 June 2012 (*Belgisch Staatsblad* 28 June 2012).

³⁰ Legislative proposal for the amendment of the Act of 22 March 2001 (*Belgisch Staatsblad* 28 March 2001), Belgian Chamber of Representatives (document no. 53 2153/001). Accessed on 18 April 2022 via: <https://www.dekamer.be/FLWB/PDF/53/2153/53K2153001.pdf>.

guarantee for the elderly. This amendment aligned with the broader objective of making benefit provision more dependent on the existence of close ties between the recipient and Belgium. Around the same time, an identical residence requirement was introduced for a similar social assistance benefit targeted at disabled persons.³¹ The legislative proposal provided various justifications for this restrictive policy change. The main motivation was that the measures would only change eligibility criteria and that they would not deliver any changes in terms of benefit level and benefit conditions, and that therefore it would not result in a deterioration of the level of protection. Moreover, even in the case that one would judge that such a deterioration does occur, it would still be justifiable and responsible due to strong considerations in the public interest. An important component of this public interest was cost containment; the evolution of costs for the Income guarantee for the elderly was perceived as problematic as in 10 years time the costs had doubled, primarily due to an increase of almost 25% in the number of entitled recipients. And once again, the existing arrangements were seen as a pull factor for (irregular) immigration. In comparison to social assistance regimes in other countries, the Income guarantee for the elderly was deemed too easily accessible because of a lack of additional eligibility criteria in the form of nationality conditions or conditions for minimal years of residence (as opposed to for example Spain, Finland and Switzerland). Despite these motivations, the proposal received strong criticism from the Council of State. The Council of State posited that the measure would indeed result in a substantial deterioration of the level of protection, meaning a strong justification in the public interest would be needed, while with the current set-up this justification would be insufficient.³² Despite this possible legal deficiency and the Council of State's recommendation to revise the proposal, the government decided to implement the residence requirement starting 1 September 2017.³³

4.5.2 Qualification

The two waves of policy change described above have restricted immigrants' access to the Income guarantee for the elderly by a tightening of eligibility criteria. Benefit provision was made increasingly conditional on labor market activity in 2012, and in the same vein a duration of residence-requirement was introduced in 2017. These measures are in line with not one, but two grounds for social rights differentiation (Koning, 2019), as the restrictive policy changes were grounded on both duration of residence and integration standards (labor market activity).

When reflecting on the policy rationale underlying these amendments, a few aspects stand out. First, policy change came as a response to administrative problems in the implementation of the Income guarantee for the elderly scheme. In 2012, intervention was deemed necessary due to governance issues related to the burden shifting from the (locally administered) Public Centers for Social Aid towards the (federally financed) Income guarantee for the elderly. But more fundamentally, the changes were underpinned by a combined immigration-guided and welfare-guided logic of exclusionary reform (cf. Slaven et al., 2021). The legislative proposal of 2012 explicitly mentioned the pull factor-assumption of the welfare magnet hypothesis (Borjas, 1999) and in 2017 this mechanism was restated, with the authors

³¹ Act of 27 February 1987 (*Belgisch Staatsblad* 1 April 1987).

³² Legislative proposal for the amendment of the Act of 22 March 2001 (*Belgisch Staatsblad* 28 March 2001), Belgian Chamber of Representatives (document no. 53 2141/001). Accessed on 18 April 2022 via: <https://www.dekamer.be/FLWB/PDF/54/2141/54K2141001.pdf>

³³ Act of 27 January 2017 (*Belgisch Staatsblad* 6 February 2017).

of the legislative proposal identifying loose eligibility criteria (in international comparison) as an important pull factor. These considerations demonstrate a utilization of exclusionary welfare reforms as instrumental immigration policy. The welfare-guided logic of exclusionary reform - more specifically, the pursuit of retrenchment - is reflected in the government's objective of cost containment, channeled through a narrowing down of the personal scope of application of the Income guarantee for the elderly. In both 2012 and 2017, the scarcity of financial resources - due to rising old age pensions expenditure - was posed as a reason and justification for the newly introduced restrictive measures. This final aspect also hints at the exclusionary logic of delimiting social citizenship, i.e. to address challenges that immigration poses to the long-term legitimacy of (social solidarity needed for) welfare state redistribution (cf. Slaven et al., 2021).

Finally, it seems fitting to note that the 2012 and 2017 reforms reflect welfare producerism (cf. Abts et al., 2021). The proposed reforms were substantiated by the logic that the Income guarantee for the elderly should only be accessible to people who have contributed to the Belgian welfare state in the form of labor market activity and, accordingly financial contribution to the tax-benefit system, which aligns with the deservingness criteria of attitude and reciprocity (cf. Van Oorschot, 2000).

4.6 Qualifying analysis: synthesis

The three studied policy reforms portray a range of interesting differences as well as similarities. First of all, the three reforms vary in terms of the social rights differentiation entailed. The exclusion of asylum seekers and undocumented immigrants from the general social assistance scheme was grounded in status, i.e. (respectively) immigrant category (asylum status) and legality of residence. The restrictive changes to the Income guarantee for the elderly on the other were based on two other grounds, being duration of residence and integration standards. What these different strategies share is their underlying objective: to make social assistance provision more dependent on the recipient's position in the domain of immigrant law and integration standards. This objective appears to have grown in salience with the passing of decades. Thereby the results are in support of the supposition that welfare provision has been increasingly linked to immigration policy in Belgium (cf. Mussche, Corluy & Marx, 2014). Both the welfare-guided logic and immigration-guided logic of this welfare-immigration policy linkage (Slaven et al., 2021) can be observed in the studied policy reforms. On most occasions there was a combined desire of steering migration dynamics and welfare state retrenchment. The most recent reforms (2012 and 2017) also seem to partially reflect a logic of delimiting immigrants' social citizenship to maintain support for welfare state redistribution. The logic of symbolic representation, i.e. communicating hostility towards immigrants for electoral reasons, has not come up in the qualifying analysis. Finally, the reforms were analyzed in light of the concept of 'deservingness criteria' (Reeskens & Van Oorschot, 2012; Van Oorschot, 2000). This analysis did not yield aspects that reflect outright welfare chauvinism (i.e., exclusion based on identity). However, I have come across instances of welfare producerism based on deservingness criteria of control and attitude, which is reflected somewhat in the reforms aimed at excluding undocumented immigrants from social aid, and quite explicitly in the restrictive measures to the Income guarantee for the elderly.

4.7 Exploratory analysis: political pressures and institutional constraints

In this section, more detailed attention is shifted to the factors that shaped the emergence and outcomes of the studied reforms. As discussed in the methodology chapter, attention is spent on the interplay of political pressures and institutional constraints (Banting & Koning, 2017) to more fundamentally understand the emergence and outcomes of the reforms.

4.7.1 Political pressures

As discussed in the theory chapter, exclusionary welfare reforms are especially driven by political pressures. A first important question in this respect is: what has been the relevance of economic facts? Economic factors might be triggers for exclusionary welfare reforms, and a specific indicator in this respect is welfare dependence among the immigrant population. While it would go beyond the scope of this study to provide a quantitative longitudinal analysis of the relevance of immigrant welfare dependence figures as an explanatory factor, some general remarks can be posed. Previous studies have shown that immigrant welfare dependence has been generally high in Belgium for several decades, especially when it comes to third country nationals in (non-contributory) social assistance (Mussche, Corluy & Marx, 2014).³⁴ Therefore, it is safe to assume that welfare dependence has provided opportunities for politicians to instigate exclusionary policy proposals. However, it is highly unlikely that this has independently resulted in the emergency of exclusionary reforms, as the prevailing consensus is that exclusionary reforms emerge only when politicians proactively translate economic developments (Han, 2013; Koning, 2020). The results from the empirical study clearly resonate with this assumption. As brought to light in the first stage of analysis, the studied exclusionary reforms were in part initiated in an attempt to steer migration dynamics, and these stances were underpinned by the assumptions of the welfare magnet hypothesis (Borjas, 1999). Belgian politicians feared that the generosity of welfare provision in Belgium (in international comparison) would form a pull factor for immigration, and that this in turn would endanger the financial viability of the welfare state. As such, the studied reforms importantly stem from the political translation of - possibly false - assumptions about economic mechanisms. Despite the weak empirical basis of these assumptions (cf. De Jong & De Valk, 2020), they have been quite influential in the development of immigrant-excluding welfare reforms in Belgium.

To more fundamentally understand the emergence of the studied reforms, attention must be spent on the structure of the party system and the presence and dominance of anti-immigrant parties throughout the years. Once again, this thesis alone cannot provide a thorough cross-temporal analysis of the relevance of these explanatory variables. However, some general information can yield additional insights, first of all the structure of the party system. Belgium is a federal state with a multi-party system. Drawing on Lijphart's (1981) theory, Belgium can be characterized as a textbook example of consociational democracy, i.e. a culturally divided society that is stably governed through coalition governments (as opposed to majoritarian governments) (see also Deschouwer, 2012). As explained in the theory chapter, in multi-party systems especially anti-immigrant parties might succeed at

³⁴ Mussche, Corluy & Marx (2014, p. 9) conclude that these figures should mainly be attributed to the fact that the population of TCNs in Belgium is confronted with 'appallingly high' poverty levels; 46 percent of immigrant couples is at risk of poverty, while for natives this number is 5 percent (2010 figures).

influencing policy outcomes because mainstream politicians feel forced to cooperate with them. A first question in this regard is: what has been the political strength of right-wing populist parties (RWPPs, Van Kessel & Albertazzi, 2021) at the time of the studied reforms? A first point of significance is that in Belgium - like in many other European countries - right-wing populist parties have increasingly obtained political influence from the end of the 20th century (Downs, 2001). Have these parties also succeeded at entering government coalitions? The answer is no, as can be deduced from table 4 (p. 39), which provides an overview of the composition of coalition governments at the time of the policy changes. An important background aspect of this absence of right-wing populist parties is the 'cordon sanitaire' that has been active from 1989: a deal made between a large portion of Flemish political parties to refrain from forming a coalition government with the far-right *Vlaams Blok* (Biard, 2021).

Table 4 Composition of coalition governments at the time of reforms

Exclusionary welfare reform	Year of policy change	Coalition cabinet	Composition Chamber of Representatives*	Party colors/ ideological focus
Asylum seekers from social assistance to material aid	1996	Dehaene-II (June 1995 - July 1999)	CVP (29)/ PSC (12) SP (20)/PS (21)	Christian Democratic and Social Democratic
	2007	Verhofstadt-II (July 2003 - December 2007)	Open Vld (25) /PRL (24) (Liberal) Sp.a/Spirit (23)/PS (25)	Liberal and Social-democratic ('purple')
Undocumented immigrants from social assistance to material aid	1984	Martens-V (December 1981 - November 1985)	CVP(43)/PSC (18) PVV(28)/PRL (24)	Christian Democratic and Liberal
	1992	Dehaene-I (March 1992 - June 1995)	CVP (39)/ PSC (18) SP(28)/PS (35)	Christian Democratic and Social Democratic
	1996	Dehaene-II (June 1995 - July 1999)	CVP (29)/ PSC (12) SP (20)/PS (21)	Christian Democratic and Social Democratic
	2012	Di Rupo-I (December 2011-October 2014)	Sp.a(13)/PS(26) Open Vld (13)/MR(18) CD&V(17)/cdH(9)	Social Democratic, Liberal and Christian Democratic
Restrictive measures to the Income guarantee for the elderly	2017	Michel-I (October 2014 - December 2018)	N-VA (33) Open Vld (14)/MR (20) CD&V (18)	Conservative (Flemish Nationalist), Liberal and Christian Democratic

* When two political parties are mentioned, the Flemish party is given first and its Wallonian counterpart second (e.g., CVP/PSC). The number of seats is provided in parentheses.

What can moreover be deduced from the information in table 4 is that the studied exclusionary reforms cannot be readily attributed to the ideological focus (e.g. social-democratic vs. conservative) of the government coalition at the time of their emergence. Be that as it may, right-wing populist parties may have influenced the emergence of the reforms from the opposition benches. First of all, on a general level, it can be confirmed that right-wing populist parties have increasingly exerted influence in Belgian politics. As in many other countries, the popularity and electoral relevance of right-wing populist parties has steadily grown in Belgium. This growth has been most pronounced for the authoritarian nationalist party *Vlaams Blok* (called *Vlaams Belang* from 2004 onwards), which has consistently condemned non-European immigrants as free riders of the welfare system in political campaigns, pushing for policies limiting immigrants' social and economic benefits (Vos, 2005). The question is: can the studied exclusionary reforms be traced back to initiatives from right-wing populist (anti-immigrant) parties? For the first two of the studied reforms, the answer to this question is no. The parliamentary history indicates that the legislative changes in the domain of asylum seekers' and undocumented immigrants' access to social assistance originated from within the coalition government. However, the most recent wave of policy change studied (restrictive changes to the Income guarantee for the elderly) is a clear example of right-wing populist parties influencing policy outcomes from the opposition benches. In 2012, three members of the nationalist right-wing populist party *Vlaams Belang* introduced a legislative proposal to introduce a 'working life requirement' of 10 years to restrict the access of immigrants to the Income guarantee for the elderly.³⁵ While the measure was never implemented in this rigid shape, the government did implement the requirement in the form of 312 working days in the Program Act of 22 June 2012.³⁶ Thus, *Vlaams Belang* politicians strongly influenced the implementation of the 2012 exclusionary reform to the Income guarantee for the elderly by the tripartite (socialist, christian-democratic and liberal) Di Rupo government. As such, right-wing populist parties in Belgium appear to have been successful in influencing policy outcomes in the domain of immigrants' social rights. This inference is corroborated by some additional findings that came up in the process-tracing analysis of the Reception Act of 2007. In December 2009 two members of *Vlaams Belang* issued an amending proposal to the Reception Act in order to restrict asylum seekers' right to assistance when they had applied for asylum for the third time.³⁷ Around that same time, similar calls for a tightening of criteria to the Reception Act followed, not only from politicians of *Vlaams Belang* but also from members of the center-right *Mouvement Réformateur*.³⁸ And most recently, there have been proposals for restrictive changes to the Reception Act from the conservative *Nieuw-Vlaamse Alliantie* (N-VA). In January 2020, N-VA members delivered a legislative proposal that aimed to restrict Belgium's responsibility to provide material aid in order to decrease the influx of asylum seekers,³⁹ which formed a specific step in line with the N-VA's general agenda of reducing the influx of immigrants through

³⁵ Legislative proposal for the amendment of the Act of 22 March 2001 (*Belgisch Staatsblad* 28 March 2001), Belgian Chamber of Representatives (document no. 53 2153/001). Accessed on 18 April 2022 via: <https://www.dekamer.be/FLWB/PDF/54/2141/54K2141001.pdf>

³⁶ Article 108 of the Program Act of 22 June 2012 (*Belgisch Staatsblad* 28 June 2012)

³⁷ Wetsvoorstel tot wijziging van de Opvangwet van 12 januari 2007 teneinde het recht op opvang te beperken bij een derde asielaanvraag (document no. 4 1523/1).

³⁸ 14 december 2009

³⁹ 'N-VA heeft wetsvoorstel klaar om opvangwet te verstrengen', *DeMorgen* 10 January 2020, accessed 26 May 2022 via: www.demorgen.be/politiek/n-va-heeft-wetsvoorstel-klaar-om-opvangwet-te-verstrengen~b5564612/.

changes in the social security and integration system.⁴⁰ These additional findings seem to be in support of the inference that politicians on the (far-)right of the political spectrum have influenced more mainstream parties' stances on immigrants' social rights.

4.7.2 Institutional constraints

The theoretical inquiry in this study led to the conclusion that the emergence and implementation of immigrant-excluding welfare reforms may be hindered by four types of institutional barriers; the welfare state structure, counteraction from welfare institutions, legal barriers and counteracting force from national (constitutional) courts. First, what can be said of the relevance of the welfare state structure? To begin with, theoretical arguments about the relevance of universal features (an emphasis on tax-funded social benefits to anyone regardless of individual characteristics, see Bergh, 2004) related to path dependence and policy feedback are of little relevance for this study, as insurance-based schemes rather than tax-funded schemes form the largest component of the Belgian welfare state (Cantillon, De Graeve & Van Mechelen, 2017). By result, the Belgian welfare state is generally inclusive towards immigrants, because a large proportion of the system comprises social insurance programs whereby equal access to benefits is based on the contribution of social premiums (as already discussed in paragraph 4.2). However, policymakers have extensively attempted to reduce the inclusivity of the (non-contributory) social assistance pillar. The paradoxical conclusion is thus that while on an aggregate level the welfare state structure of Belgium is inclusive towards immigrants, this structure seems to result in a sharper focus among policymakers to restrict immigrants' access to social assistance (cf. Mussche, Corluy & Marx, 2014).

Did welfare institutions play a role at countering the studied exclusionary reforms? When looking at the policy changes from a bird's eye-view, at first sight activity from welfare institutions does not seem to have played a decisive role. However, there has been conflict between policymakers at the federal level and local welfare institutions in at least one instance. One of the reasons for the implementation of the legislative changes to the Income guarantee for the elderly was that Public Centers for Social Welfare had taken the initiative of freeing themselves of their obligation to provide support by facilitating the inflow of elderly immigrants into the federally financed Income guarantee for the elderly (Stevens, 2013). This burden-shifting by local welfare institutions can essentially be seen as a form of countermovement against the federal government; by facilitating easier access to social protection in the stage of policy implementation, the Public Centers for Social Welfare went against the grain of the restrictive approach foreseen by the federal government in the policy formulation phase.

The most salient institutional constraints on the studied immigrant-excluding welfare reforms seem to lie in the legal dimension. These legal constraints have played an important role in three different stages (*ex ante*, *ex durante* and *ex post*) with respect to the process of legislative design. First of all, the national and international legal framework has *ex ante* limited decision-makers' possibilities of excluding certain categories of immigrants from social assistance. The principle of non-discrimination towards non-native residents in Belgium laid down in articles 10, 11 and 191 of the Belgian constitution (see Centrum voor gelijkheid van kansen en racismebestrijding, 2012) has

⁴⁰ 'N-VA wil sociale zekerheid aanpakken om migratie in te perken', *Nieuwsblad* 25 april 2019, accessed 26 May 2022 via: https://www.nieuwsblad.be/cnt/dmf20190424_04348695.

importantly limited opportunities to restrict immigrants' access to social protection, as these provisions prohibit exclusion based on nationality (as is the case with the constitutions of most Western welfare states, see Vonk & Van Walsum, 2013). Moreover, EU-citizens have become increasingly hedged from exclusionary reforms thanks to the freedom of movement principle. By consequence, the most boundaries to accessing Belgian social assistance are posed towards third country nationals (Mussche, Corluy & Marx, 2014). The targeting of the restrictive changes to the Income guarantee for the elderly towards third country nationals (as explained under paragraph 4.4.1) can be readily attributed to this divergence in legal protections for different groups of immigrants. An *ex durante* functioning of legal constraints is also observed in the studied policy changes. What is meant by this is that constitutional considerations have influenced the decision-making process through the agency of the Council of State, the central advisory body in the legislative process of federal Belgian politics. This has been clearly at play in the restrictive changes to the Income guarantee for the elderly. In the lead up to the law of 1 September 2017,⁴¹ the Council of State argued that the restrictive measures would be unconstitutional; they would incur a substantial deterioration of the target group's level of social protection, and the legislative proposal lacked a sufficient justification for this deterioration. While this advice did not cause the government to fundamentally change the proposal, the Council of State's criticism did play an important role in the legal discussion that arose after its implementation. Finally, and arguably most interestingly, in the aftermath of the 2017 changes to the Income guarantee for the elderly there has been an *ex post* functioning of legal protections. In 2019, the Constitutional Court delivered a ruling⁴² in which it judged that the legislative changes were in violation of article 23 of the Constitution, the provision that states the individual's right to social security. The Court's interpretation of this article dictates that the right to social security is linked to a 'standstill-principle' that commands that any substantial deterioration of an individual's level of social protection requires a strong justification. Like the Council of State in an earlier stage, the Constitutional Court saw problems in the justification posed by the legislature. The Court did not follow the legislator's reasoning that the restrictive measures (aimed at ensuring that applicants have a 'strong link' with Belgium) contribute to the attainment of the legislator's objective, which was to prevent 'social shopping' in order to reduce the financial burden of social assistance provision on the government budget.⁴³ Based on this reasoning the Constitutional Court deemed the foreseen residence requirement unconstitutional, and the government was forced to directly change its policy practice accordingly (Agentschap Integratie en Inburgering, 2020; Daenen, 2020).

4.7.3 Reflection: interaction of pressures and constraints in Belgium

Two dimensions of explanatory variables have been taken into consideration to better understand the emergence and implementation of immigrant-excluding welfare reforms in Belgium's welfare state. As previously described in the theory chapter, four 'ideal-types' of the interaction between pressures and constraints can be used to characterize developments in the studied national context. Seen in light of

⁴¹ Act of 27 January 2017 (*Belgisch Staatsblad* 6 February 2017).

⁴² Constitutional Court of Belgium, judgment no. 6/2019, 23 January 2019. Accessed 1 May 2022 via: www.const-court.be/public/n/2019/2019-006n.pdf.

⁴³ Act of 27 January 2017 (*Belgisch Staatsblad* 6 February 2017).

these four ideal-types, the long-term dynamics in the Belgian context clearly align with the combination of relatively high political pressures to exclude and strong institutional protections (comparable to the Netherlands, Banting & Koning, 2017). This conclusion can only be drawn cautiously, as a full-fledged longitudinal analysis (among other things, based on public opinion developments) was deemed unfeasible for this study. However, the nature and driving sentiment of political pressures to exclude has become clearly visible in the empirical study. In 1996 for example, further restrictions in the operation of shifting asylum seekers from financial to material aid were partially driven by negative attitudes in public opinion. And in 2012 and 2017, restrictive measures to the Income guarantee for the elderly were pushed by politicians who perceived that it would be difficult to uphold popular support for welfare state policies (more specifically, old age pensions) without implementing exclusionary measures aimed at the immigrant population (third country nationals specifically). What has become clear as well is that these political pressures have been quite rigidly curbed by institutional constraints, especially when it comes to the international and national legal framework and, hand in hand, efforts from the Council of State and the Constitutional Court to impede the government from passing and enforcing unconstitutional legislation. While these legal constraints have played their part throughout the decades, their most pronounced effects were observed in the aftermath of the 2017 introduction of a residence requirement for the Income guarantee for the elderly.

5. Conclusion

The overarching research question that stood central in this thesis was the following: ‘How can the emergence, nature and outcome of policy reforms aimed at restricting immigrants’ access to national social assistance schemes be explained?’ The answer to this question has first of all been approximated through theoretical inquiry. The literature review has demonstrated that immigrant-excluding welfare reforms entail various forms of social rights differentiation between native-born citizens and immigrants, that these reforms may reflect different aspects of welfare chauvinism and that underlying policy objectives can be qualified along varying logics. The emergence and implementation of these reforms is best understood through an analysis of the interaction between political pressures to exclude and institutional constraints that counteract these pressures.

In the empirical study, these theoretical inferences served as the point of departure for a study of three waves of immigrant-excluding welfare reform in Belgium’s system of social assistance. A considerable degree of variation exists between the three studied policy changes. They span a wide period of time and they have brought different types of social rights differentiation, ranging from outright ineligibility for financial social assistance to a specific restriction in the form of a residence requirement. The first and most obvious result of this longitudinal analysis is that in Belgium - like in many other countries - social assistance provision has become increasingly intertwined with immigration law and integration standards. A related conclusion is that the justifications posed to the reforms seem to reflect an increasingly stringent nature in terms of attitudes of welfare producerism with the passing of time. While no outright welfare chauvinism was observed, the most recent reform studied (Income guarantee for the elderly) especially underlines the ‘welfare producerist’ stance that social assistance should only be accessible for people who have contributed to the Belgian welfare state through labor market activity and the payment of taxes. In line with this, the objectives of the policy changes were on multiple occasions identified as ‘welfare guided’; policy proposals discussed the broader issue of maintaining long-term welfare state legitimacy, whereby exclusionary reforms were framed as retrenchment measures that were necessary to maintain social solidarity (e.g., for the old-age pension scheme). While these concerns related to welfare state legitimacy and financing are a recurring finding in the empirical study, the most frequently identified concern relates to migration control. The desire to gain more effective control over immigration dynamics has been a key aspect in all of the studied policy changes. More specifically, the welfare magnet hypothesis (Borjas, 1999) has been a prominent character throughout the decades. On multiple occasions, the Belgian government noted that the existing state of affairs incentivized misuse of social protection (thereby impacting migration dynamics). This is an interesting conclusion in itself; in line with Carmel & Sojka’s (2021) observation, the welfare magnet hypothesis has, despite its lack of consistent empirical backing, continued to influence political debate and policymaking in Belgium up until the most recent (2017) of the studied reforms. Following these considerations, the core underpinning of the studied immigrant-excluding welfare reforms has been a combination of the immigration-guided and welfare-guided logics of exclusionary reform. The dominance of this immigration-guided logic is in line with theoretical expectations (Slaven et al., 2021). And whereas the prevalence of the welfare-guided logic welfare

magnet-hypothesis is not completely surprising, it has been of remarkable salience in the studied developments in Belgium.

In the second stage of analysis, the interaction of political pressures and institutional constraints that shaped the outcomes of the studied reforms was scrutinized. While this analysis was insufficiently complete to provide a full explanatory account of the nature of political pressures (e.g., because no attention could be given to public opinion figures), it is safe to say that socio-economic facts have not independently determined the emergence of the exclusionary reforms, and that analysts should focus on the process of political translation of these facts. As already discussed above, the most pronounced expression of this process of political translation of economic assumptions has been the welfare magnet hypothesis. Welfare generosity was posed as a pull factor for migration, and on multiple occasions the Belgian legislator relied on this assumption to justify exclusionary policy change. However, this is not the full picture, as initiatives for immigrant-excluding welfare reforms were countered by institutional constraints. In line with theoretical expectations, the most important barriers were of legal nature. The Belgian constitution and the international legal framework have protected certain categories of immigrants, and the Council of State applied pressure by discouraging exclusionary policy change due to the unconstitutionality of proposals in the phase of legislative design. Finally, the Belgian Constitutional Court has even reversed the implementation of the residence requirement in the Income guarantee for the elderly, playing a decisive role in shaping eventual policy outcomes. Following this interaction of pressures and constraints, the long-term dynamics of immigrant-excluding welfare reforms in Belgium demonstrate a combination of relatively high political pressures to restrict immigrants' access, but also strong institutional constraints on the implementation of such restrictions. This is comparable to the dynamics of immigrant-excluding welfare reforms prevalent in the Netherlands (Banting & Koning, 2017). Following the study's partial concerns of reliability (due to the choices in the interest of feasibility explained before) these conclusions should of course be drawn cautiously, but their validity is clearly backed by the empirical results.

The final question to be answered is: where do we go from here? Based on the conclusions of this study, a number of recommendations can be posed. First of all, the methodological value of the two-stage (qualifying and explorative) analytical framework applied in this study can be wholeheartedly confirmed. The empirical strategy applied in this thesis can serve as inspiration for future case studies into immigrant-excluding welfare reforms, as well as for qualitative small-n comparative (cross-national) studies. A necessary relativization is however that political pressures and institutional constraints cannot solely explain the emergence of exclusionary reforms. Researchers should not forget the relevance of practical problems as a driving force. In the Belgian case, practical problems (e.g., confusion and disagreement about the responsibilities of local social security agencies) also importantly drove politicians towards instigating reforms. It is therefore advisable to apply somewhat of a holistic strategy in identifying the relevant drivers of reforms instead of solely focussing on political pressures and institutional constraints in isolation. Second, additional research effort should aim to deliver a more comprehensive understanding of the emergence and implementation of immigrant-excluding welfare reforms. Political pressures and institutional constraints vary by national context, and therefore additional process tracing research into this interplay in so far understudied national contexts should be welcomed. As mentioned before, the strategy applied in this study can serve as inspiration for such

future studies. A particular recommendation is thereby to spend more attention on a specific element within the domain of institutional variables, which is the active stance of national constitutional courts. While the position of (constitutional) courts has been recognized in previous studies (e.g. Sainsbury, 2012), there appear to be little detailed empirical studies into the question of how courts affect the prolonged existence of exclusionary welfare reforms after their initial implementation. On a final note, a practical recommendation for policymakers. The access of immigrants to national welfare provisions forms a heavily contested issue, and this poses the risk that evidence-based considerations in policymaking are drowned out by frames and narratives from politicians in pursuit of electoral gains. It is up to experts and consultants in policymaking communities who are not dominated by political agendas to critically evaluate the credibility of claims made in political debate, so long as narrations with little empirical grounding are presented as unquestionable truths.

References

- Abts, K., Dalle Mulle, E., Kessel, S., & Michel, E. (2021). The Welfare Agenda of the Populist Radical Right in Western Europe: Combining Welfare Chauvinism, Producerism and Populism. *Swiss Political Science Review*, 27(1), 21-40.
- Afonso, A. (forthcoming). Welfare Chauvinism in France and Great Britain in the Early Days of Welfare States (forthcoming publication).
- Afonso, A. (2015). Choosing whom to betray: populist right-wing parties, welfare state reforms and the trade-off between office and votes. *European Political Science Review*, 7(2), 271-292.
- Agentschap Integratie en Inburgering (2020). *Grondwettelijk Hof vernietigt verblijfsvoorwaarden voor inkomensgarantie ouderen* [blog post]. Accessed 3 May 2022: www.agii.be.
- Daenen, L. (2020). In welke mate maken vreemdelingen aanspraak op 'onze' sociale minimumvoorzieningen? Een voldoende sterke band met België als vereiste? [blog post]. *Leuven Blof for Public Law*. Accessed 3 May 2022: www.leuvenpubliclaw.com.
- Agersnap, O., Jensen, A., & Kleven, H. (2020). The welfare magnet hypothesis: Evidence from an immigrant welfare scheme in Denmark. *American Economic Review: Insights*, 2(4), 527-542.
- Alesina, A., & La Ferrara, E. (2002). Who trusts others? *Journal of public economics*, 85(2), 207-234.
- Andersen, J., Larsen, J. E., & Møller, I. H. (2009). The exclusion and marginalisation of immigrants in the Danish welfare society. *International Journal of Sociology and Social Policy*.
- Arts, W., & Gelissen, J. (2002). Three worlds of welfare capitalism or more? A state-of-the-art report. *Journal of European social policy*, 12(2), 137-158.
- Avdagic, S., & Savage, L. (2021). Negativity bias: The impact of framing of immigration on welfare state support in Germany, Sweden and the UK. *British Journal of Political Science*, 51(2), 624-645.
- Bale, T., Green-Pedersen, C., Krouwel, A., Luther, K. R., & Sitter, N. (2010). If you can't beat them, join them? Explaining social democratic responses to the challenge from the populist radical right in Western Europe. *Political studies*, 58(3), 410-426.
- Beach, D., & Pedersen, R. B. (2019). *Process-tracing methods: Foundations and guidelines*. University of Michigan Press.
- Banting, K., & Koning, E. (2017). Just visiting? The weakening of social protection in a mobile world. *Multicultural governance in a Mobile world*, 108-138.
- Barr, N. (2020). *Economics of the welfare state*: Oxford University Press, USA.
- Béland, D. (2010). Reconsidering policy feedback: How policies affect politics. *Administration & Society*, 42(5), 568-590.
- Bergh, A. (2004). The universal welfare state: Theory and the case of Sweden. *Political studies*, 52(4), 745-766.
- Biard, B. (2021). Challenging the cordon sanitaire in Belgium. *Belgian Exceptionalism: Belgian Politics between Realism and Surrealism*.
- Bouckaert, S. (2007). *Documentloze vreemdelingen: grondrechtenbescherming doorheen de Belgische en internationale rechtspraak vanaf 1985*. Maklu.
- Brady, D., & Finnigan, R. (2014). Does immigration undermine public support for social policy?. *American Sociological Review*, 79(1), 17-42.
- Borjas, G. J. (1999). Immigration and welfare magnets. *Journal of labor economics*, 17(4), 607-637.
- Burgoon, B., & Rooduijn, M. (2021). 'Immigrationization' of welfare politics? Anti-immigration and welfare attitudes in context. *West European Politics*, 44(2), 177-203.
- Cantillon, B., Marx, I., & de Maesschalck, V. (2003). Het trilemma van de sociale zekerheid: verleden, heden en toekomst: de minimumbescherming in de welvaartsstaat. *Belgisch tijdschrift voor sociale zekerheid/België. Federale Overheidsdienst Sociale Zekerheid.-Brussel, 1959, currens*, p-399.
- Cairney, P. (2012). Complexity theory in political science and public policy. *Political studies review*, 10(3), 346-358.
- Cantillon, B., De Graeve, D., & Van Mechelen, N. (2017). The Belgian welfare state system: with special reference to "targeting within universalism". In *The Routledge International Handbook to Welfare State Systems* (pp. 261-275). Routledge.

- Careja, R., Elmelund-Præstekær, C., Baggesen Klitgaard, M., & Larsen, E. G. (2016). Direct and indirect welfare chauvinism as party strategies: an analysis of the Danish People's Party. *Scandinavian Political Studies*, 39(4), 435-457.
- Carmel, E., & Sojka, B. (2021). Beyond welfare chauvinism and deservingness. Rationales of belonging as a conceptual framework for the politics and governance of migrants' rights. *Journal of Social Policy*, 50(3), 645-667.
- Centrum voor gelijkheid van kansen en voor racismebestrijding (2013). *Verschillen in behandeling op basis van nationaliteit of verblijfsstatuut gerechtvaardigd of niet?*. CGKR.
- de Jong, P. W. (2019). Between welfare and farewell: the role of welfare systems in intra-European migration decisions.
- de Jong, P. W., & de Valk, H. A. (2020). Intra-European migration decisions and welfare systems: the missing life course link. *Journal of Ethnic and Migration Studies*, 46(9), 1773-1791.
- Dellinger, F., & Huber, P. (2021). *The impact of welfare benefits on the location choice of refugees testing the Welfare Magnet Hypothesis*. (No. 626). WIFO Working Papers.
- Deschouwer, K. (2012). *The politics of Belgium: Governing a divided society*. Macmillan International Higher Education.
- Diermeier, M., Niehues, J., & Reinecke, J. (2020). Contradictory welfare conditioning—differing welfare support for natives versus immigrants. *Review of International Political Economy*, 1-28.
- Downs, W. M. (2001). Pariahs in their midst: Belgian and Norwegian parties react to extremist threats. *West European Politics*, 24(3), 23-42.
- Eger, M. A., & Kulin, J. (2021). The politicization of immigration and welfare: the progressive's dilemma, the rise of far right parties and challenges for the left. In *Handbook on Migration and Welfare*. Edward Elgar Publishing.
- Enggist, M. (2019). Welfare Chauvinism – Who Cares? Evidence on Priorities and the Importance the Public Attributes to Expanding or Retrenching Welfare Entitlements of Immigrants. In the International Conference of Europeanists, Madrid.
- Ennsner-Jedenastik, L. (2018). Welfare Chauvinism in Populist Radical Right Platforms: The Role of Redistributive Justice Principles. *Social Policy & Administration*, 52(1), 293-314.
- Esping-Andersen, G. (1990). *The Three Worlds of Welfare Capitalism*: Princeton University Press.
- Fenwick, C. (2019). The political economy of immigration and welfare state effort: evidence from Europe. *European Political Science Review*, 11(3), 357-375.
- Gaston, N., & Rajaguru, G. (2013). International migration and the welfare state revisited. *European Journal of Political Economy*, 29, 90-101.
- Grande, E., Schwarzbözl, T., & Fatke, M. (2019). Politicizing immigration in Western Europe. *Journal of European Public Policy*, 26(10), 1444-1463.
- Green-Pedersen, C. (2004). The dependent variable problem within the study of welfare state retrenchment: Defining the problem and looking for solutions. *Journal of Comparative Policy Analysis: Research and Practice*, 6(1), 3-14.
- Gschwind, L. (2021). Generous to Workers ≠ Generous to All: Implications of European Unemployment Benefit Systems for the Social Protection of Immigrants. *Comparative Political Studies*, 54(9): 1629–1652.
- Hainmueller, J., & Hopkins, D. J. (2014). Public attitudes toward immigration. *Annual review of political science*, 17, 225-249.
- Hainsworth, P. (2000). Introduction: the extreme right. In *The politics of the extreme right: from the margins to the mainstream* (pp. 1-17): Pinter Publishers.
- Han, K. J. (2013). Political use of asylum policies: The effects of partisanship and election timing on government policies regarding asylum seekers' welfare benefits. *Comparative European Politics*, 11(4), 383-405.
- Hinterleitner, M., & Sager, F. (2020). Governing elites under pressure: Blame avoidance strategies and welfare state retrenchment. In *The European Social Model under Pressure* (pp. 109-122). Springer VS, Wiesbaden.
- Hooghe, M., Trappers, A., Meuleman, B., & Reeskens, T. (2008). Migration to European countries: A 1 explanation of patterns, 1980–2004. *International Migration Review*, 42(2), 476-504.

- Keskinen, S., Norocel, O. C., & Jørgensen, M. B. (2016). The politics and policies of welfare chauvinism under the economic crisis. *Critical Social Policy*, 36(3), 321-329.
- Koning, E. (2013). *Selective solidarity: the politics of immigrants' social rights in western welfare states*. Queen's University (Canada).
- Koning, E. A. (2019). *Immigration and the politics of welfare exclusion: Selective solidarity in Western democracies*: University of Toronto Press.
- Koning, E. A. (2020). Accommodation and new hurdles: The increasing importance of politics for immigrants' access to social programmes in Western democracies. *Social Policy & Administration* 55(5), 815-832.
- Kremer, M. (2013). Vreemden in de verzorgingsstaat. *Hoe arbeidsmigratie en sociale zekerheid te combineren*. Den Haag: Boom/Lemma.
- Kremer, M. (2016). *The migration-welfare state paradox revisited: citizenship, solidarity and the future of social security*. Paper presented at the ESPANet Conference.
- Kymlicka, W. (2015). Solidarity in diverse societies: beyond neoliberal multiculturalism and welfare chauvinism. *Comparative Migration Studies*, 3(1), 1-19.
- Kymlicka, W., & Banting, K. (2006). Immigration, multiculturalism, and the welfare state. *Ethics & International Affairs*, 20(3), 281-304.
- Lafleur, J.-M., & Vintila, D. (2020). *Migration and Social Protection in Europe and Beyond (Volume 1): Comparing Access to Welfare Entitlements*: Springer Nature.
- Lijphart, A. (1981). Consociational theory: problems and prospects. A reply. *Comparative Politics*, 13(3), 355-360.
- Lancee, B., & Dronkers, J. (2011). Ethnic, religious and economic diversity in Dutch neighbourhoods: Explaining quality of contact with neighbours, trust in the neighbourhood and inter-ethnic trust. *Journal of Ethnic and Migration Studies*, 37(4), 597-618.
- Mahieu, M. (1999). *De openbare centra voor maatschappelijk welzijn: de organieke wet van 8 juli 1976 en aanverwante wetgeving*. Maklu.
- Marx, P., & Naumann, E. (2018). Do right-wing parties foster welfare chauvinistic attitudes? A longitudinal study of the 2015 'refugee crisis' in Germany. *Electoral Studies*, 52, 111-116.
- Marx, I., & Van Cant, L. (2019). Belgium's welfare system: Still lagging after all these years. In *Routledge Handbook of European Welfare Systems* (pp. 38-55). Routledge.
- Mussche, N., Corluy, V., & Marx, I. (2014). Migrant access to social security-policy and practice in Belgium. *Brussel: European Migration Network*.
- Oorschot, W. v. (2000). Who should get what, and why? On deservingness criteria and the conditionality of solidarity among the public. *Policy & Politics*, 28(1), 33-48.
- Pennings, F. (2015). The approaches of the EU Court of Justice and the European Court of Human Rights vis-à-vis discrimination on the ground of nationality in social security. In *Research Handbook on European Social Security Law*. Edward Elgar Publishing.
- Pennings, F., & Vonk, G. (2015). *Research Handbook on European Social Security Law*: Edward Elgar Publishing.
- Pierson, P. (1993). When effect becomes cause: Policy feedback and political change. *World Politics*, 45, 595-628.
- Pierson, P. (1996). The new politics of the welfare state. *World politics*, 48(2), 143-179.
- Ponce, A. (2019). Is welfare a magnet for migration? Examining universal welfare institutions and migration flows. *Social Forces*, 98(1), 245-278.
- Putnam, R. D. (2007). E pluribus unum: Diversity and community in the twenty-first century the 2006 Johan Skytte Prize Lecture. *Scandinavian Political Studies*, 30(2), 137-174.
- Reeskens, T. (2020). Migration and the welfare state: welfare magnets and welfare chauvinism. In *Handbook on Society and Social Policy*: Edward Elgar Publishing.
- Reeskens, T., & van der Meer, T. (2021). Welfare chauvinism across the political spectrum. In *Leading social policy analysis from the front: Essays in honour of Wim van Oorschot* (pp. 289-300). Acco.
- Reeskens, T., & Van Oorschot, W. (2012). Disentangling the 'New Liberal Dilemma': On the relation between general welfare redistribution preferences and welfare chauvinism. *International Journal of Comparative Sociology*, 53(2), 120-139.

- Römer, F. (2017). Generous to all or 'insiders only'? The relationship between welfare state generosity and immigrant welfare rights. *Journal of European social policy*, 27(2), 173-196.
- Rose, R. (1991). What is lesson-drawing?. *Journal of public policy*, 11(1), 3-30.
- Sainsbury, D. (2006). Immigrants' social rights in comparative perspective: welfare regimes, forms in immigration and immigration policy regimes. *Journal of European social policy*, 16(3), 229-244.
- Sainsbury, D. (2012). *Welfare states and immigrant rights: The politics of inclusion and exclusion*: Oxford University Press.
- Schumacher, G., & Van Kersbergen, K. (2016). Do mainstream parties adapt to the welfare chauvinism of populist parties?. *Party Politics*, 22(3), 300-312.
- Slaven, M., Casella Colombeu, S., & Badenhoop, E. (2021). What Drives the Immigration-Welfare Policy Link? Comparing Germany, France and the United Kingdom. *Comparative Political Studies*, 54(5), 855-888.
- Solodoch, O. (2021). Do sociotropic concerns mask prejudice? Experimental evidence on the sources of public opposition to immigration. *Political Studies*, 69(4), 1009-1032.
- Soroka, S. N., Johnston, R., Kevins, A., Banting, K., & Kymlicka, W. (2016). Migration and welfare state spending. *European Political Science Review*, 8(2), 173-194.
- Spies, D. C. (2018). *Immigration and welfare state retrenchment: Why the US experience is not reflected in Western Europe*. Oxford University Press.
- Starke, P. (2006). The politics of welfare state retrenchment: A literature review. *Social policy & administration*, 40(1), 104-120.
- Stevens, Y. (2013). Enkele recente ontwikkelingen in het pensioenrecht. In *VRG-Alumnidag, Date: 2013/01/08-2013/01/03, Location: Leuven* (pp. 335-348). Maklu; Antwerpen.
- Toshkov, D. (2016). *Research design in political science*: Macmillan International Higher Education.
- Van Kessel, S., & Albertazzi, D. (2021). Right-Wing Populist Party Organisation Across Europe: The Survival of the Mass-Party? Conclusion to the Thematic Issue. *Politics and Governance*.
- Van Selm, J., Vanheule, D. (2012). *Vooronderzoek uitgevoerd in opdracht van de Adviescommissie voor Vreemdelingenzaken (ACVZ), in het kader van het ACVZ-advies 'Recht op menswaardig bestaan'* (Advice no. 34/2012). Adviescommissie voor Vreemdelingenzaken.
- Van Der Waal, J., De Koster, W., & Van Oorschot, W. (2013). Three Worlds of Welfare Chauvinism? How Welfare Regimes Affect Support for Distributing Welfare to Immigrants in Europe. *Journal of Comparative Policy Analysis: Research and Practice*, 15(2), 164-181.
- van Oorschot, W., Roosma, F., Meuleman, B., & Reeskens, T. (2017). *The social legitimacy of targeted welfare: Attitudes to welfare deservingness*: Edward Elgar Publishing.
- Van Oorschot, W. J. H., & Uunk, W. J. G. (2007). Multi-level determinants of the public's informal solidarity towards immigrants in European welfare states. In S. Mau, & B. Veghte (Eds.), *Social justice, legitimacy and the welfare state* (pp. 217-238). Ashgate.
- Van Spanje, J. (2010). Contagious Parties. *Party Politics*, 16(5), 563-586.
- Vonk, G., & Van Walsum, S. (2013). Access denied: towards a new approach to social protection for formally excluded migrants. *European Journal of Social Security*, 15(2), 124-150.
- Vos, P. D. (2005). Right-wing populism and the radical centre: Explaining the electoral growth of the Vlaams Blok in Belgium. In *Discourse Theory in European Politics* (pp. 190-210). Palgrave Macmillan, London.
- Walter, S. (2010). Globalization and the welfare state: Testing the microfoundations of the compensation hypothesis. *International Studies Quarterly*, 54(2), 403-426.
- Zavodny, M. (1999). Determinants of recent immigrants' locational choices. *International Migration Review*, 33(4), 1014-1030.
- Wesley, J. J. (2010, April). Qualitative document analysis in political science. In *T2PP Workshop* (pp. 9-10). Amsterdam: Vrije Universiteit.
- Ziller, C., & Careja, R. (2022). Personal and contextual foundations of welfare chauvinism in Western Europe. *Handbook on Migration and Welfare*.