

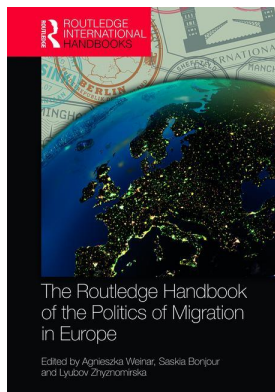
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Research on the multi-level governance of migration and migrant integration

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RESEARCH ON THE MULTI-LEVEL GOVERNANCE OF MIGRATION AND MIGRANT INTEGRATION

Reversed pyramids

Ilke Adam and Tiziana Caponio

Introduction

Although international migration is per definition a transnational phenomenon, migration and migrant integration policies are mostly associated with national policies. The national models approach has been dominant throughout the 1990s in the study of both immigrant integration and immigration control policies. However, for decades already, several aspects of immigration and immigrant integration policies have increasingly been shifted upwards, to the international level (to the European Union (EU) and international organisations), downwards, to the sub-state level (regional and local authorities) and outwards, to sending states, civil society and private actors. Since the early 2000s scholars have been more engaged in making sense of these processes of the redefinition of state competence and the diffusion of power. They have challenged the ‘national models’ heuristic and its underlying assumption of the existence of internally consistent and homogeneous national approaches to migration (e.g. Bertossi, 2011; Adam, 2013).

In the general political science literature, the move away from the nation state as the ‘natural container’ of political processes, and therefore as the main focus of scientific investigation, had already started at least one decade before. Confronted with the increasing consolidation of supranational EU institutions as well as with processes of devolution of powers towards lower tiers of government and non-public actors, political scientists coined the concept of multi-level governance (MLG) (Hooghe and Marks, 2001; Bache and Flinders, 2004; Stubbs, 2005; Piattoni, 2012). While very critically debated in political science (see for instance Tortola, 2016), the MLG approach has indeed contributed to a refocusing of the research agenda away from state-centred policy-making in many policy fields, migration included (for a first review of MLG-relevant studies in the migration field see Zincone and Caponio, 2006). As a theoretical perspective, this concept, with its specific emphasis on the intersection between intergovernmental vertical interactions and state-society horizontal relations, has complemented studies on federalism, which developed well before the 1990s but whose focus lay mostly¹ on the vertical

dimension of MLG, i.e. intergovernmental relations (IGRs) between the federal and regional tiers of government (Agranoff, 2004; Bolleyer, 2006).

To undertake a literature review of this emerging and burgeoning literature in migration policy studies is a challenging and complicated task, especially because only very few studies on migration policies have explicitly adopted the MLG conceptual tools. We argue, in this chapter, that existing MLG-relevant research on migration policy on the one hand, and immigrant integration policy on the other hand looks like two reversed pyramids. While research on migration policy focuses mostly on the interaction in upper governmental tiers, namely between international organisations (IOs) (among which the EU) and the state, research on the MLG of migrant integration is mostly situated at lower tiers of government, namely between the state and the local authorities and/or regions. Beyond differences between the subfields of the MLG of migration and migrant integration, the chapter also sheds light on different research foci of North American and European research.

The present chapter unfolds as follows. In the first section we clarify the definition of MLG that we adopt for the sake of this literature review, and we shortly elaborate upon the conceptualisation of MLG in the very few studies on immigrant integration policy which explicitly use the concept. In the second section, we analyse the contributions of the scholarly work focusing on multi-level interactions at the top tiers of authority. We sub-divide this section into an overview of the studies addressing the interactions with (global) IOs and those focusing on interactions with the EU. In the second section, we review the scholarship that has addressed multi-level interactions at the lower tiers of authority, between states and regions, and between states and local authorities.

Multi-level governance: which definition(s)?

Less than a handful of migration researchers have explicitly used and defined the concept of MLG. This is not specific to migration studies. More than a decade ago Hooghe and Marks (2003) inventoried the multiplicity of concepts used to describe processes of state authority redefinition and referred to ‘islands of theorising’ within local government studies, federalism studies, European studies and International Relations.

The few studies on migrant integration that did use the concept of MLG explicitly made the parsimonious choice to not just refer to the dispersion of authority over multiple levels of governance but to indicate with this notion a particular outcome of this dispersion of authority, namely vertical policy coordination between governance levels (Scholten, 2013; Scholten and Penninx, 2015). In that vein, Caponio and Jones-Correa (2017) also argue that beyond the mere existence of governance levels, a minimal degree of bargaining and negotiation among all of the involved institutions and actors should take place before one can speak of MLG.

For the sake of this literature review, we adopt a broader definition of MLG as the process of dispersion of authority away from the nation state and across interdependent, and yet autonomous, public authorities and non-public organisations placed at different levels of government (Hooghe and Marks, 2001: xi), therefore considering not only the vertical dimension of MLG, but also the horizontal dimension of interaction between public and non-public actors (Hooghe and Marks, 2003). A crucial element of MLG in this perspective is that of interaction, in order to account for how decisions are taken and implemented in complex vertical and horizontal policy networks. Following this approach, and for the sake of narrowing down a wide research field, we only review those studies that focus on the dynamic aspect of the ‘shift of authority’, i.e. on the interaction between governance levels in the migration and immigrant integration policy field.

As anticipated above, we graphically represent the relevant literature in the migration policy field as two reversed pyramids (see Figure 2.1). The reversed pyramids as well as the size of the different sections of the pyramids illustrate the different quantity of research on each level of interaction. Regarding migration policy, the larger quantity of research on MLG focuses on interactions among authorities at the top tiers of governmental hierarchies, and therefore we obtain a reversed triangle, with a heavy basis on the top. A small section of the basis, in the upper left corner, is occupied by research on governance interactions with (global) IOs, and a larger section on governance interaction with regional organisations (in this case, the EU). On migrant integration the figure shows exactly the opposite, since as mentioned above, research has focused on governance interaction taking place at lower tiers of government. The small section in the top of the integration policy pyramid epitomises the quasi-absence of research on MLG interactions with the top tiers of authority.

Both reversed triangles also illustrate the different amount of research on MLG engaging with regions:² such research is quasi-absent in the field of migration governance, but much more prevalent in the field of migrant integration governance. The studies of the MLG interactions between states and local authorities are more numerous on migrant integration, and particularly focus on Europe. The studies that investigate the role of local authorities in immigration enforcement situate mostly in the US (Varsanyi, 2010; Lewis *et al.*, 2012; Wong, 2012; Filomeno, 2017), since migration law enforcement in this country rests upon the cooperation of state and local authorities. Therefore a number of studies have documented how states, counties and/or cities have either collaborated with the federal state or overtly opposed national legislation, turning it nil (Spiro, 2001; Freeman and Tendler, 2012; Newton, 2017). Regarding Europe, research has focused mainly on how regional or local authorities have implemented specific migration-related provisions (see for instance: Ellerman, 2007 on deportations in Germany; van der Leun, 2006 on the treatment of undocumented migrants in the Netherlands), and far less on how they attempt to influence national-level legislative process (for a partial exception see Spencer, 2017).

In both subfields, relations between public and non-public actors, i.e. non-governmental organisations (NGOs), are studied primarily in relation to lower tiers of government, even though scholars pay increasing attention to the relations between IOs and civil society organisations mobilised globally on migration issues. Taking into account appeals to migrant-sending countries to enhance the EU's capacity for migration control, researchers on EU migration

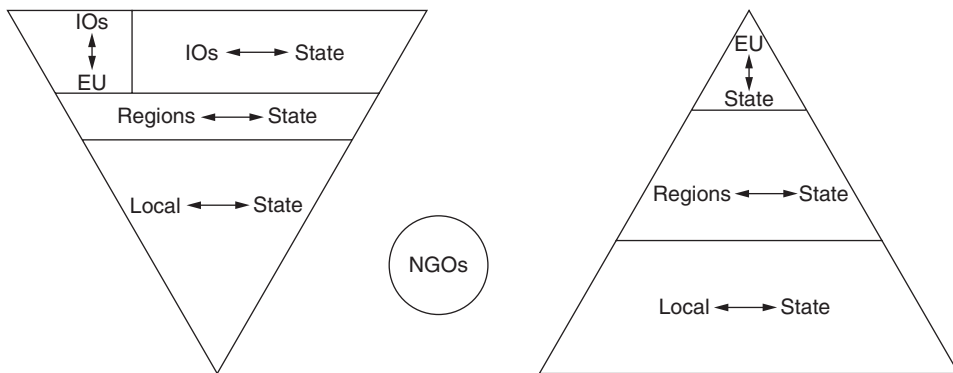


Figure 2.1 Multi-level governance

governance have also increasingly considered interactions that engage the authorities of migrants' countries of origin (Bosswel, 2003, Lavenex, 2006). However, this emerging research stream generally takes an International Relations perspective, since most studies focus on horizontal relations between the EU and sovereign – sending – states rather than on MLG interactions, and therefore lies outside the scope of this literature review.

The study of multi-level interactions at the top tiers of authority: mostly on immigration

Research studying the interaction between spheres of authority at the upper governmental tiers mostly addresses migration governance, and hardly touches upon immigrant integration policies. Two specific research streams can be identified: one very meagre field of International Relations studies focused on the relations between global IOs (United Nations High Commissioner for Refugees (UNHCR), International Organisation for Migration (IOM), International Centre for Migration Policy Development (ICMPD), International Labour Organisation (ILO), World Trade Organisation (WTO) etc.) and the state, and an increasingly productive research area on the relations between the EU and its member states. A third emerging stream, still in its very infancy though, is that centred on the interaction between IOs and NGOs.

Interaction with global international organisations

Bibliographies on migration interactions among IOs, between IOs and the state or between global IOs and the EU are still extremely short (Betts, 2010, 2011a, 2011b; Lavenex, 2016). The existing scholarly accounts are mainly written by Europeans. Interestingly however, this small research field introduces migration scholars to different conceptual tools to study interaction between governance levels. While its authors hardly refer to the MLG concept, they borrow concepts that are common in International Relations like 'international regime complexity' (Alter and Meunier, 2009) and 'inter-organisational relations' (Biermann and Koops, 2017) as well as its typologies like 'formal versus informal' relations and multilateral versus bilateral or regional (Betts, 2011b). Recently an original contribution distinguished between three types of institutional interplay between IOs and the EU: one of counterweight, wherein the IOs are able to act as agenda-setters; one of subcontracting, wherein the IOs act as EU policy implementers, and a third one of rule transmission, wherein IOs transfer EU rules to third countries (Lavenex, 2016).

These studies on the interactions between governance actors at the upper tiers of authority enrich migration studies with International Relations concepts, and thus contribute to foster new insights into MLG of migration. Theory-building however, to answer the many why-questions relating to the interaction between IOs and regions/states, still lacks. Why are some interactions at the upper levels of authority organised multilaterally and others bilaterally? Why do certain global IOs set the agenda on migration in their relation with the EU while others merely implement EU policies?

An emerging research topic is relations between IOs and global NGOs. Of a particular relevance in this respect are studies on the Global Forum on Migration and Development (GFMD). While still leaning towards the descriptive side, the studies of Rother (2012, 2013 and 2016) address explicitly the question whether the GFMD – which brings together representatives of the UN, other IOs such as IOM, United Nations member states, NGOs and to a lesser extent the private sector – can play a role in the global governance of migration beyond traditional state-centric and top-down decision-making approaches. Its informal and non-binding character,

as well as the fact that the GFMD is placed outside the UN system and is still to a large extent state-led, seem to undermine such a possibility. Nevertheless, Rother (2016) shows how it has contributed to socialising states to human rights and cooperation norms.

Interactions with the European Union

In contrast to the scholarship on relations with global IOs presented above, studies on interaction with the EU have burgeoned since the 2000s. Most of the studies have focused on EU-state interactions, to analyse either bottom-up relations with the EU, i.e. the communitarisation/European integration of migration and migrant integration policies (e.g. Guiraudon, 2003; Geddes and Guiraudon, 2004; Roos, 2013), or Europeanisation, namely the ‘impact’ of EU policies on member states (e.g. Faist and Ette, 2007; Kaunert and Léonard, 2012; Block and Bonjour, 2013).

The studies on the communitarisation and Europeanisation of migration policies are far more numerous than those focusing on migrant integration policies (Rosenow, 2009; Goeman, 2012). This difference can probably be attributed to the competencies of the EU on migration-related matters. While the Amsterdam Treaty (1999) attributed legislative power to the EU on migration and asylum, the Lisbon Treaty (2009) still excludes the harmonisation of national legislation on immigrant integration (Art 79.4 TFEU) but allows EU institutions to encourage and support migrant integration actions undertaken by member states.

Most analyses of EU states’ relations on migration use the classical lens and tools of European studies. They aim at explaining the policy outcomes of the interaction (namely EU policies and their impact on states’ policies) rather than focusing on the interaction as a dependent variable. This includes the few existing analyses adopting a multi-level perspective in Eastern Europe, which examine in particular the relative impact of Europeanisation on the development of Polish immigration policies. While some authors show that the impact of European integration outweighs domestic factors (Vermeersch, 2005), a more recent study demonstrates that in particular sub-policy areas like visa policy, the interaction between EU policies and national domestic factors have to be taken into account to understand policy change (Kicingier, 2009).

Among the few authors who address specifically EU states’ interactions, no academic consensus has yet been reached on the impact of the shifting-up of powers from the state to the EU level. Authors disagree on whether EU policies and institutions represent a liberal constraint or a venue for restriction. This disagreement, it has been argued, is due to the existence of conceptual and methodological fuzziness (Bonjour *et al.*, 2017). A clear catalyst study on the interaction between the EU and its member states on migration is Guiraudon’s (2000) venue shopping hypothesis, which states that many EU migration and asylum measures were first discussed in intergovernmental working groups (such as the Trevi Group) by representatives of the national home affairs ministries seeking cooperation at a EU level in order to escape the legal and political constraints they faced in their own countries. Following in Guiraudon’s footsteps, many studies have confirmed (e.g. Lavenex, 2006) but also challenged the ‘escape to Europe’ thesis especially after the communitarisation of immigration policies since the Treaty of Amsterdam (1997) (for an overview see Bonjour *et al.*, 2017; see also Geddes and Scholten, 2016).

Several studies have also explored EU interactions with NGOs mobilised on migration issues. Guiraudon (2003) and Geddes and Guiraudon (2004) have shown that the emergence of a European immigrant integration policy sphere framed in terms of anti-discrimination has been strongly influenced by anti-discrimination groups like the Starting Line Group, dominated by Dutch-British activists. Hoffman *et al.* (2013) also demonstrated the increasing role of Civil Society Organisations (CSOs) in the European asylum policy.

Last but not least, recent studies have started to explore relations between the EU and transnational city networks (TCNs). According to Penninx (2015), because of their strong connections with the European Commission, TCNs can be considered ‘new coalitions in the MLG of migration and integration in Europe’ (106). However, whether and to what extent these networks actually promote cities’ interests and agendas at a EU level is still an open question. In comparing the role of two different Italian cities (Milan and Turin) in different TCNs, Caponio (2017) shows how rather than achieving the officially stated goals, those networks provide symbolic resources that can be spent to strengthen local policy networks and/or to lobby the national government.

The study of multi-level interactions at the lower tiers of authority: mostly on migrant integration

Regional authorities

Regional studies of migration and (mostly) migrant integration governance became a productive research area from approximately 2010 onwards. These studies counter the long dominant idea of ‘national models’ of immigrant integration by demonstrating the existence of regional immigrant integration policy frames (Adam, 2013; Campomori and Caponio, 2013). Also here, the evolution of the scholarly field closely follows real-world processes. Scholarly interest in sub-state actor’s responses to migration increased after the devolution of relevant political authority during the 1990s. In contrast to the study of upwards-shifting of policy responsibilities to the EU, we observe that studies of regional migration governance in Europe mainly focus on migrant integration and far less on migration policies (for a literature review see Adam, forthcoming). This also reflects developments in real-world policy-making processes. Regions and sub-state nations in Europe have mainly been empowered on immigrant integration policy (Seidle and Joppke, 2012; Hepburn and Adam, forthcoming), and are, with some exceptions,³ generally deprived of policy-making authority on immigration. This is different for Canada, which is the most decentralised immigration and reception regime of all liberal democracies (Banting, 2012). Several studies have addressed immigration federalism in Canada and the United States (e.g. Varsanyi *et al.*, 2012; Paquet, 2016).

Within this burgeoning literature, composed of primarily (comparative) case-studies, one can roughly distinguish between studies describing the division of competencies (e.g. Tränhardt, 2013), those that describe (Seidle and Joppke, 2012) and try to interpret the variation in policy responses of regional authorities (see e.g. Adam, 2013; Arrighi de Casanova, 2014; Barker, 2015; Jeram, 2014) and research describing and explaining IGRs on immigrant integration in multi-level states (Hepburn and Adam, forthcoming).

Similarly to research on interactions with the EU, most existing studies on the regional level focus on policy contents rather than on policy-making interaction. Actually, in a similar vein to EU studies, territorial politics scholars have scrutinised whether the shift of authority away from the state has fostered more restrictive or more liberal policies. This is particularly the case for the study of migration-related issues in one distinct type of regions, namely sub-state nations (those regions claiming more autonomy or independence because of a perceived distinctive regional identity). The singular challenges and opportunities to which sub-state nations are confronted when designing their responses to migration as liberal or restrictive, has been labelled ‘the legitimation paradox’ (Adam, 2013: 4; Jeram *et al.*, 2015). Including immigrants into the sub-state nation’s community could reduce the cultural homogeneity needed to legitimise the claims for regional distinctiveness by undoing the nation concept of its thick socio-cultural elements

(Gagnon and Iacovino, 2007). Yet, to exclude them could discredit the nation-building process as it would be seen as an intolerant and illiberal project (Kymlicka, 2001). Empirical studies have demonstrated that regions and sub-state nationalist responses are not necessarily exclusionary, but go in all directions, are diverse and complex, and vary across time and space.

Next to the theorisation of the features of regional actor's responses to immigration, more recently (Adam and Hepburn, forthcoming) scholars also explicitly address multi-level interactions between the state and regions as a dependent variable. These have been labelled as 'intergovernmental relations' (IGR), a common research area in federal and regional studies (Agranoff, 2004; Bolleyer, 2006). Adam and Hepburn bring the labels categorising multi-level interactions in the IGR literature to the migration scholarship. The features of these immigrant integration IGR are categorised as multilateral and bilateral, institutionalised or not, conflictual versus cooperative and weak or strong. These explicit categorisations of multi-level interactions on immigrant integration will help further theorising. However, the still inductively generated definitions of these categorisations need to further develop into common conceptualisations and measurements. The authors also demonstrate that institutional variables are key to account for the mechanisms and the nature of the interactions between the state and the regions, but that these have to be complemented with variables such as party (in)congruence between levels, sub-state claims for distinctiveness and Europeanisation.

Scholars studying the regional level have also demonstrated that the type of multi-level interactions is a crucial factor in accounting for regional migrant integration policy choices. For instance, authors have shown that Quebec's interculturalism policy clearly originates in the objective of being different from Canadian multiculturalism (e.g. Barker, 2015). The features of the Flemish civic integration policies also seem to be determined by their relations with the federal level and the French Community (Adam, 2013).

State-local authorities

Since the early 2000s, an increasing number of studies have convincingly shown that local migrant integration policy frames can diverge from and even contradict national frames (for recent reviews see Borkert and Caponio, 2010; Scholten and Penninx, 2015; Zapata-Barrero *et al.*, 2017). Similarly to the study of state-regions interaction, the European scholarly work on state-local interactions mostly focuses on immigrant integration rather than on immigration policies. This is very different in the United States where a majority of studies zoom in on the varying local immigration enforcement policies (removals of undocumented migrants, access to rights) (see e.g. Varsanyi, 2010; Lewis *et al.*, 2012; Wong, 2012) rather than on immigration integration (for an exception see Jones-Correa, 2001).

Scholars investigating local policies and local policy-making processes have put forward two diverging hypotheses to account for local policy variance: the localist thesis and the relational approach. The localist thesis argues that local policies are shaped by local conditions in terms of local problems (immigration numbers, economy, demographics, etc.), local political variables including the power relations among local political parties (Garbaye, 2005), and last but not least governance relations with civil society organisations. Recently, cross-city/cross-country comparisons have been carried out to shed light on the role horizontal policy networks play in stimulating convergence at the grassroot level of cities' policy practices (see: Schiller, 2015; Caponio *et al.*, 2016). The localist thesis is clearly dominant, both in the (mostly European) studies on local migrant integration policies (e.g. Alexander, 2007; Caponio and Borkert, 2010; De Grauw and Vermeulen, 2016) and in the (mostly North American) studies on immigration enforcement policies (Lewis *et al.*, 2012; Wong, 2012).

The proponents of the relational thesis argue that local migrant integration policies are not so much or not only shaped by local conditions, but rather by the relations between states and local authorities (Filomeno, 2017; Scholten, 2016). Multi-level interactions are therefore constituted into independent variables. In this vein, Scholten (2016) argues that vertical policy coordination fosters frame convergence, while an absence of coordination may lead to contradictory policies. While this is a thought provoking contribution, further research should enquire into the causal direction of this link. Is there policy divergence because of the absence of coordination or no coordination because of policy divergence?

More recently the local turn has become contested in particular regarding immigrant reception programmes, where central governments seem to reclaim control (Emilsson, 2015; Gebhardt, 2016). In his study on local integration policy in Denmark and Sweden, Emilsson argues that while most frame analyses have concluded on competing frames between local and central state authorities, a more fine-grained study of power relations between levels of government and of the instruments of compliance used by central governments, i.e. funding or direct state involvement in policy implementation, shows how in both countries national governments are still able to steer immigrant integration policies, and therefore to constrain the capacity of local authorities to implement contrasting policies (Emilsson, 2015: 13).

Conclusion

This chapter shows that researchers studying migration and migrant integration governance have definitively shifted their attention upwards, downwards and outwards from the nation state. From 2000 onwards, they have increasingly focused on international, regional and local modes of governance. While we adopted a broad definition of MLG as the process of dispersion of authority away from the nation state, we have focused in this chapter on research that has scrutinised the dynamics of this dispersion, namely interactions between governance levels and actors.

Our overview clearly demonstrates that scholarly literature focusing on the interaction between governance levels on migration and migrant integration can be presented as two pyramids (see Figure 2.1). The first, on migration governance, is a reversed pyramid, with a heavy top since there are more studies on multi-level interaction at the top tiers of authority than at the lower tiers. The second is a regular pyramid, showing that research on the multi-level interaction on immigrant integration has mostly analysed the lower tiers of governance. However, throughout the chapter we also highlighted some differences in this respect between North American and European foci. European scholars have addressed multi-level interactions both at the top tiers of authority and at the lower levels, whereas North American scholars have mainly studied multi-level interactions primarily at the lower levels of authority. This is not surprising, considering the absence of a supranational institution like the EU and the federal structure of both North American states. There are also differences between US and Canadian approaches to MLG. In the US scholars tend to focus on migration governance in order to account for the – difficult – interactions between the federal government on the one hand and states and local authorities on the other in the enforcement of migration controls, since, as mentioned above, these latter have considerable autonomy in deciding how to carry out federal regulations. The absence of MLG research on immigrant integration in the United States is not surprising, considered its *laissez-faire* approach on matters of integration (Bloemraad and De Grauw, 2012). In contrast, scholars zooming in on Canada also address state provinces' interactions on immigrant integration, particularly with a focus on the impact of Quebec's claims for distinctiveness.

This overview also indicates that only a few scholars addressing the dispersion of authority and multi-level interactions in migration and migrant integration policy have explicitly used the concept of MLG and its theoretical tools. Hence, they have started to address conceptual issues such as: what is meant by MLG, how different types of governance interaction can be labelled and defined as well as explained, and how governance interaction can account for policy content. We are still far from definitive conclusions on these research questions. However, compared to only one decade ago, migration scholarship can now rely upon some solid basic building blocks for further concept defining and theory-building. This is most needed to make sense of the complex mechanisms of the MLG of migration and migrant integration.

Notes

- 1 The studies mostly focus on vertical relations and sometimes, on horizontal relations between regions. However, they do not study horizontal relations with civil society organisations.
- 2 In the sense of meso-level authorities, Länder in Germany, states in the USA, Provinces in Canada, Autonomous Communities in Spain.
- 3 Labour migration programmes in Canada and the attribution of labour permits in Catalonia and the Belgian Regions.

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