The multilevel governance of migration[*]

State of the art report Cluster C9

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1. The making of migration policy: A research field still to be explored?

The study of the processes of policy-making for immigration and immigrant incorporation should be considered as a 'young' research field, primarily because most of the research in this area consists of 'grey literature' (i.e., Ph.D. dissertations and research reports).

Policy-making seems to represent a sort of fourth generation research topic. *First generation* studies were essentially concerned with the demographic composition and evolution of migration flows into and immigrant stocks within European countries. *Second generation* research has focused primarily on immigrants' economic integration and their social behaviours. The *third generation* has dealt mainly with integration policies and political participation. Lastly, the *fourth generation* has tackled the problem of understanding how immigrant and immigration policies are decided upon and carried out. Even more recently, a sort of *fourth and a half* generation type of studies has emerged. This new generation is starting to carry out research on the issue of the multilevel governance of immigrants and immigration.

In order to better understand multilevel governance we investigate decision-making processes by adopting an analytical perspective that focuses on the following dimensions: 1) the various levels of government at which decisions are made (i.e., central State, Regions/Landers/Cantons/federated states; provinces and more frequently – as we shall see below – municipal administrations), and the relations between these different levels of government[1], either more top-down or more bottom-up oriented; and 2) not just formal decision-making processes, but also semi-formal and informal ones, (i.e., bottom-up pressures arising from civil society[2]). Examples of these semi- and informal processes are the roles played by unions, NGOs, immigrant associations, social movements, experts, media etc. A bottom-up orientation includes two types of perspectives: a) inputs from lower levels to upper levels and b) inputs from civil society to the public arena. This kind of analysis began in the late 1980s, spurred on by changes in public decision-making mechanisms—processes of power fragmentation and devolution to both lower levels of governments and civil society organisations (Pierre 2000, Scharpf 1993). This perspective looks to both changing patterns of public-private (and civil society) relations, and to the redefinition of traditional hierarchical governing structures (Pierre 2000).

In our domain, multilevel governance still represents a poorly investigated research object. This object has developed unevenly in Europe both in terms of the timing of the genesis and of the kinds of themes that have become the focus of researchers' interest. The main factors accounting for such differences often seem to mirror aspects of the national policy-making structure or machinery (i.e., of the object under investigation).

1.1 Genesis and development

The genesis of research studies on the making of migration policies seems to vary considerably across European countries. In this section we present some hypotheses on the factors that may account for such differences, with the caveat that this is just a first attempt to conceptualise the making of migration policies.

The first factor that we can hypothesise to matter is the timing of contemporary migration flows and immigrants settlement, this accounts particularly in the case of Poland (Mazur-Rafal 2005) and Ireland (Mac Einri 2004), where immigration represents a very recent phenomenon, starting in the late 1990s, and migration studies are still essentially of a

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[1] See the so called *intergovernmental relations* school, concerned with changing patterns of previously hierarchical relations (Hollingsworth, Schmitter & Streek 1994, Kooiman 1993, Scharpf 1993 and 1997).
[2] See the *interest intermediation school*, that focuses essentially on horizontal relations between public, on the one hand, and private and third sector organisations, on the other (Rhodes 1996 and 1997, Marsh 1998).

first and *second* generation type[3]. In other words, the timing of the phenomenon, (i.e. immigration) appears to have some impact on the maturity of migration studies. In general, these appear to be more developed and established in the countries with a longer history of immigration (i.e., France, Great Britain, Germany, Switzerland, Austria, Belgium and Sweden). Here, *third* generation studies have achieved a high degree of maturity, as pointed out by classical comparative studies on citizenship rights models (Brubaker 1992, Hammar 1985 and 1990, Schnapper 1992, Ireland 1992, Soysal 1994, Withol de Wenden 1988).

However, we do not find a well-established *fourth* generation literature in all of the countries mentioned above and this kind of study already represents quite a relevant research field in most of the 'new' immigration countries, such as Italy (Zincone & Caponio 2004), Spain (Morén-Alegret 2004) and Greece (Apostolatou 2004). The timing of migration flows and immigrant settlement seems sufficient to explain the case of Ireland, but other explanations are necessary in order to account for most of the other countries.

A second factor that may help to explain the varying degrees of development of migration studies among different European countries might be the maturity of policy-oriented studies in political science. The policy analysis literature emerged in political science in the United States in the early 1970s as an attempt to study more closely how political systems functioned in practice, not only in theory (Howlett & Ramesh 1995, Nelson 1996, Parsons 1995). In Europe, the development of such an approach has been uneven (Nelson 1996, Parsons 1995, Peters 1995, Regonini 2001). In the Anglo-Saxon and Nordic countries, established traditions of interest intermediation and negotiation appear to have favoured the political scientist's concern for research on policy-making processes. As for immigration, this seems to be the case in the Netherlands, where the first studies on immigration and integration policy-making were carried out by a group of public administration and political science scholars of the University of Amsterdam (Hoppke 1987), and in Great Britain, where the first studies on the making of race relation policies were carried out in the early 1990s (see Hatton 2004).

A similar explanation seems to apply to the case of Austria (see Kraler 2004). Studies on the making of Austrian migration policies began to appear already in the mid-1980s (Matuschek 1985, Wimmer 1986b, Bauböck & Wimmer 1988) in the context of political science research on labour relations and neo-corporatist arrangements. Interest in this line of research diminished shortly thereafter (in the second half of the 1990s) when social partnership entered a phase of deep crisis. However, such an hypothesis does not completely account for the cases of Germany and Sweden—two traditionally neo-corporatist countries where interest in the making of migratory policies is more recent and not primarily focused on labour relations[4].

In continental Europe other academic traditions have prevailed, thus mirroring the study of policy-making processes (Regonini 2001). In the case of France, for instance, historical narratives have always been preferred by political scientists to model-building (Guiraudon 2004). In Southern Mediterranean countries the policy approach is a late arrival to political science. However, the consolidation of policy analysis coincided with the consolidation of migration studies, thus favouring the relatively quick emergence of a *fourth* generation type of literature. This seems to be the case in Italy, where the policy approach started to gain momentum only in the early 1990s (Regonini 2001: 46), and was adopted by

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[3] The timing also plays a role in the Czech Republic, even though the generations of research identified above cannot be totally applied. It has been noted that imported concepts (such as multiculturalism) have sometimes preceded the developing of migration flows (see Baršová 2005). The same seems to hold true for Hungary, where research on immigration has steadly developed in the late 1990, moving from *first generation* to more policy oriented studies (see for instance: Fullerton et al. 1997).
[4] For the German case, see Bosswick (2004). In the case of Sweden, research on policy-making has essentially developed in the context of increasing disillusionment towards national integration policies which are formally aimed at achieving equality, freedom of choice and partnership (Westin & Dingu-Kyrklund 2003).

political scientists soon thereafter in order to investigate immigration-related issues as well[5].

Another factor that may explain the emergence of the immigration literature with a policy-making orientation appears to be related to academics' and experts' participation into the making of migration policy. In some cases, such as Belgium (Lafleur 2004), France (Guiraudon 2004), Greece (Apostolatou 2004), Italy (Zincone & Caponio 2004), the Netherlands (Penninx 2004), Spain (Morén-Alegret 2004), Sweden (Widgren & Hammar 2004, Tamas 2004), Switzerland (Gerber & Cattacin 2004), and lastly Poland (Mazur-Rafal 2005), Hungary (Nyíri, Tóth & Fullerton 2001) and the Czech Republic. These same academics who had direct experience in migration policy-making appear to have promoted the undertaking of studies on the decision-making processes, often relying upon their direct experience as a source of data[6].

Finally, the genesis of the literature on European level policy-making processes can first be related with the timing of the country's entry into the EU. In the case of Austria, researchers' attention toward European institutions in the area of migration policy started in 1995, after the country's accession to the EU (Juen, Perchinig & Volf 1996, Perchinig 1996). In general, the EU level has gained more and more relevance after the Treaty of Amsterdam (1997) and the incorporation of immigration policy into the first pillar. This increase in significance is demonstrated by the growth of research in this field over the last 5 years (Geddes 2000, Guiraudon 2000, 2003 and 2004, Monar 2001, Stetter 2000, Uçarer 2001, Di Gregorio 2004, Lahav 2004). This increase in interest has taken place even though the Treaty of Amsterdam represents only a tentative and partial step towards the communitarisation of immigration and immigrant policies. Migration flows, nationality laws, and voting rights policies have been not included in the Amsterdam first pillar, nor in the EU Convention.

As for the new EU countries such as Poland, Hungary and the Czech Republic, accession to the EU has undoubtly influenced research on migratory policy, which in the late 1990s turned more and more to the analysis of the impact of the *acqui communitaire* on national legislations (see: Kaczmarczyk 2001 on Poland; Boldizsár 1997, Aszalós 2001 on Hungary; Tychtl 2001 on the Czech Republic). In particular, in the case of Poland, research is attempting to figure out its future role as an EU-border country.

1.2 Thematic specialisation

As mentioned above, the study of the making of migration policy has developed unevenly in Europe not only in terms of emergence but also in terms of the themes of research and problem definition. To account for differences and similarities, we can hypothesise that at least three families of factors are significant: 1) the pressure of 'problems'; 2) differences and similarities in the decision-making structure in 2a) the form of state (more or less decentralized) and 2b) in the policy styles and institutional legacy in traditional minorities conflict resolution; 3) differences in the governance structure, such as 3a) the specific role played by informal and semi-formal actors and 3b) the level of governance institutionalisation, especially in the cases of neo-corporatist arrangements or representative bodies aimed at including religious minorities.

First factor of convergence and divergence –pressure of 'problems'. Asylum policy, for instance, has received a great deal of researchers' attention in the United Kingdom (Hatton 2004), owing to the increase in the number of asylum seekers registered in this country during the 1990s. This is also the case in new EU member countries such as the Czech Republic, where the relatively high number of asylum seekers produced few analyses on asylum policies (see: Pořízek 2004; Janů & Rozumek 2004), and Hungary (Béla 1997). In the case of

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[5] Zincone & Caponio (2004) have pointed out that the first studies explicitly investigating Italian policy-making date back to 1998 (see also: Zincone 1998, Zucchini 1999).
[6] This is not the case in the United Kingdom, where a lack of reflexive observation has been pointed out (Hatton 2004) despite the significant participation by researchers as actors in British policy-making and implementation..

Greece, most of the studies are concerned with regularisation measures (Apostolatou 2004). This feature can be explained by the particular evolution of migration flows towards this country, which began only in 1991 after the collapse of the Albanian communist regime and consisted almost exclusively of illegal entries. On the contrary, in the case of France, local integration policies are progressively coming under greater scrutiny, given the pressures on public schools exerted by people who are second generation migrants (Morel 2002) and deteriorating suburbs, the so called *banlieues* (Moore 2004). Another example is provided by the increasing attention of researchers towards public opinion, moods and attitudes on immigration. It appears that in many countries – such as Italy (Zincone & Di Gregorio 2002), Austria (Plasser & Ulram 1991 and 1992, Kuscheij & Pilgram 2002) and Switzerland (Gerber 2003) – the emergence of these attitudes have followed the electoral success of right-wing parties that hold anti-immigrant positions.

Second factor of divergence and convergence: the general structure of the decision-making. Differences can be detected in at least two aspects. First of all, the existing studies seem to emphasise the national or local level of governments according to the structure of the state. This is particularly evident in the case of Greece, where existing studies on decision-making focus almost exclusively on the national level[7] (Apostolatou 2004), as well as in Poland (Mazur-Rafal 2005), the Czech Republic and Hungary. Studies on federalist and/or decentralised countries, on the other hand, tend to pay attention mainly to local levels – either federated states, regions or municipalities – as pointed out by the cases of Germany (Bosswick 2004), Austria (Kraler 2004), Spain (Morén-Allegret 2004) and Italy (Zincone & Caponio 2004).

The second factor that may be related to the general decision-making structure is represented by national policy styles and policy legacy. Here, we mean the consolidated institutional patterns of mediating conflicts with internal linguistic and religious minorities, as well as with an emerging working class. In the Netherlands (Aluffi & Zincone 2004, Soysal 2004), for example, the incorporation of immigrant organisations into the pillar system, originally developed in order to accommodate the country's religious diversity, might explain the particular interest of Dutch researchers in the relations among immigrant associations, Muslim minorities and the institutional opportunity structure (Koopmans 2004, Fennema & Tillie 2004, Vermeulen 2002). Accordingly, in Austria the crucial relevance of labour relations and neo-corporatist arrangements accounts for the particular emphasis of policy-making studies on the role of unions in the immigration policy field (Härpfer, Wammerl, Bauböck & Palt 1992, Gächter 2000). However, in the case of France, researchers' attention has always been centred on the state Republican ideology of incorporation[8] (Guiraudon 2004), possibly explaining why the role of minorities and social actors in decision-making processes have been underinvestigated.

In order to account for differences in the study of the making of immigration and immigrant policy, the governance structure should also be considered. The weight and relevance of informal actors varies considerably across countries, a feature of the governance model which appears to be mirrored somewhat by policy-making analyses. In the case of Italy (Caponio & Zincone 2004), Germany (Bosswick 2004) and Spain (Morén-Alegret 2004) the traditional role played by third sector organisations in the provision of social services may explain the particular interest of researchers in these countries for NGO participation in migration policy-making.

In the following section we focus more directly on how the multilevel governance of immigration has been investigated so far by looking at the main studies carried out at the

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[7] The only exception is the study carried out by Psemmenos & Kassimati (2003) on the implementation of the first regularisation law in Athens (see below § 2.2). However, this study adopts a clear top-down approach, looking at how street-level bureaucrats conform to – or depart from – national directives.

[8] For an appreciation of the republican assimilationist model as compared with the English pluralist and the German ethnic ones, see Schnapper 1992.

different levels of policy-making. The third section of this essay is devoted the description of the main theoretical models and methodological approaches that can be found in this nascent literature, detailing the specific research techniques that are employed within it.

2. The study of the multilevel governance of migration: Territorial levels and analytical perspectives

The majority of the studies on the making of immigration and immigrant policies usually focus on actors' horizontal relations in decision-making processes at a specific territorial level (i.e., at a national, local or European one). However, there are also a number of studies that analyse the relations among actors at different levels (i.e., the institutions and/or actors positioned in different territorial policy-making contexts). This is exactly what we mean by the multilevel governance of migration policies: the *fourth and a half* generation type of research in migration studies.

The analyses of multilevel governance relations have been approached from two main perspectives: top-down and bottom-up. The top-down perspective looks at policy-making as a process going from higher level institutions and/or from formal policy-making arenas (Parliament, Government, bureaucracy, etc.) to lower level (peripheral) and informal social actors. The bottom-up, as mentioned earlier, is concerned with two types of processes. One type is a process going from lower levels of government to the higher ones (from local administration to the central/regional government or from nation-states to EU institutions). The second type is the process that goes from informal actors in civil society to public formal arenas (the representative and executive institutions that act as formal policy-makers at the various territorial levels). Below we shall first describe studies on migration policy-making that were carried out at the different territorial levels, eventually identifying those that also are concerned with the analysis of multilevel governance relations.

Given that the existing body of literature on policy-making in the immigrant and immigration field is not particularly well developed, it seems reasonable to include research that did not investigate this subject directly, but nevertheless contains information that can be helpful in our study. The following section describes these indirect migration policy-making studies.

2.1 Studies indirectly addressing policy-making. A first appraisal

Three clusters of research that indirectly investigate policy-making processes can be identified. They are the following: explanatory policy outputs studies, research on the political discourse on immigration, and studies on immigrants' mobilisation and political participation.

The *first cluster* (*explicative policy outputs studies*) consists of a set of analyses seeking to identify the main factors that explain either national or local policy outputs. Studies on *national immigrant and immigration policy*, for instance, have often highlighted two main constraints that originate from above, such as international agreements like EU requirements (Borrás 1995, Juen, Perchining & Volf 1996, Soininen 2002), and path-dependency—the legacy of past policy intervention on a specific issue[9] (Bleich 2003). On the other hand, media and public opinion pressures from below have also been acknowledged, especially by British scholars in order to explain the introduction of restrictive asylum policies in the UK (Rudolph 2003, Dell'Olio 2004, Boswell 2003, Cwerner 2004).

Studies on *local policy-outputs* should be considered to be 'late arrivals'. Some of the more relevant ones have been carried out in the context of the UNESCO Most-Metropolis Project[10], with the purpose of surveying the structure of local immigration and the policies

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[9] Bleich (2003), for instance, has undertaken a comparative investigation on race politics in France and the United Kingdom, and has pointed out how the British race relations system and French antiracist legislation stem from different sources (the U.S. model in the former and the negative legacy of Vichy and the Nazi era in the latter).

[10] See: www.unesco.org/most/p97. A similar cross-city/cross-country comparison is the one carried out by Ethnobarometer (2003).

undertaken by local governments. Drawing on these materials, Alexander (2003 and 2004) undertakes a comparative cross-city and cross-country study on 17 cities, with the purpose of explaining differences in local policy-outputs. The author explains differences in terms of local government attitudes, taking into consideration just formal decision-making institutions[11]. However, the more in-depth analysis of "policy trajectories" in Rome, Amsterdam, Birmingham and Tel Aviv enables us to understand that local government cannot be assumed to be monolithic—a unitary actor with a consistent will. A variety of actors are involved in concretely defining immigrant policies, and some of them belong to civil society organizations. In many cases, some kind of bottom-up process (i.e., from civil society to the public arena) can be recognised.

The *second cluster – policy framing and political discourse –* includes a number of studies that were carried out essentially at the national level in order to find out how political parties define the immigration issue in their electoral manifestos and/or political programmes[12]. These studies focus on political parties that participate in formal decision-making arenas (i.e., in Parliament or in Government) or are willing to enter these arenas as in the case of electoral campaigns. The bulk of these studies do not explore the relationship between parties' programmes and propaganda, on the one hand, and political strategies, on the other. An exception to this tendency is Zuser's study (1996) that points out how the anti-immigrant political discourse in Austria was not an invention of Haider's Freedom Party (FPÖ), but rather a successful attempt by the Minister of the Interior of the previous Austrian People Party and Socialist Party government to exploit negative public opinion in order to strengthen his role in the migration policy-making arena.

The *third cluster – immigrants' political participation –* is concerned with explaining degrees and patterns of immigrants' mobilisation and participation. Studies have also been carried out in this context in order to assess the influence of immigrant organisations on both national and local policy outputs[13]. This body of research focuses on a classical informal actor, and thus look more closely to bottom-up influences and pressures. According to this literature, the opening of the "institutional opportunity structure" through policies aimed at providing financial and organisational resources for immigrant associations is likely to have a positive impact on foreigners' civic participation and on their associations[14] (Horta 2003, Soysal 2004, Fennema & Tillie 2004, Vermeulen 2002). These studies have not yet told us if highly-structured immigrant associations are likely to play a more significant role in the policy-making process than less structured ones (i.e., whether or not there is a relation between the organizational strength of immigrants' associations on the one hand and their political impact, on the other. By contrast, such a question is the central concern of the research described below that directly investigates the role of immigrants in decision-making processes.

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[11] Attitudes are reconstructed only through the observation of policy outputs, not through an analysis of policy-making processes.

[12] See, for example, Hagelund (2003) on the Norwegian Progress Party, De Witte & Klandermans (2000) on extreme right-wing parties in Flanders and the Netherlands, Celeya (1997) on the 1996 electoral speeches of the Socialist and Popular party in Spain, Oliveira (2000) on Portuguese governmental elite discourse on "cultural affinity", and Fermin (1999) on the changing viewpoints on multi-ethnic society and minority policy of Dutch political parties between 1977 and 1995.

[13] These appear to be particularly developed at a local level, where a wide array of participation instruments has been put forward by European cities during the 1980s and 1990s (Vertovec 1999). For a cross-local and cross-national analysis, see Koopmans' (2004) broad study of the involvement of migrants and ethnic minorities in public debates and mobilisation in Germany, the United Kingdom and the Netherlands.

[14] However, Boussetta (2000) contends that immigrants' political participation can be understood by looking at institutional channels alone and emphasises the internal differentiation and divides within ethnic communities at both the level of strategy and identity in his study of Muslim representation in Belgium cities.

2.2 The making of national migratory policies and laws

The national level is certainly the most thoroughly investigated. These studies usually focus on policy-processes taking place in national formal arenas, such as the Parliament or government. However, a small number of studies adopt both a top-down perspective (implementation analysis and outcome evaluation) and a bottom-up perspective (influences and pressures from civil society, informal actors and from lower administrative levels to the national one).

Many studies focus on the formal relations among high-level actors. They aim to reconstruct processes of law-making in order to investigate political parties' negotiation and coalitions on the migration issue. This is the case of the analysis carried out in Italy by Zucchini (1999) on the centre-left 1998 law, and by Colombo and Sciortino (2003) on centre-right reformation in 2002. central bureaucracies and parliaments have also been investigated by looking primarily at high-level policy-making processes. This is the case with Baldwin-Edwards & Fakiolas (1998), who show how the bureaucracies of national ministries in Greece have a clear preference for traditional structures and values. Viet (1998), however, points out a more innovative attitude in the case of France. There the bureaucracy appears to be more oriented toward renewing established institutional structures and practices in order to cope with new events and changes in the pressure made by immigrants.

Other studies are more concerned with governmental action than with parliamentary negotiation, and pay more attention to both civil society actors and local levels. Alink (2001), for example, analyses how national decision-makers in the Netherlands dealt with two immigration crises—the arrival in 1985 of hundreds of Tamil asylum seekers and the case of a Turkish family threatened with repatriation after 8 years of illegal residence. As pointed out by the analysis, in both cases policy-makers showed a clear preference for regular policy (i.e., for the routines and the established belief system characterizing that policy sector) vis-à-vis initiating reforms. However, other actors mobilised in reaction to such a conservative attitude in order to influence the outcome. Third sector organizations and pro-immigrants activists, in particular, succeeded (at least partially) in pressuring for a redefinition of the issue. The positive solution of the Tamil crisis demonstrates the effectiveness of this pressure. Dreef (2004) takes a similar approach in her analysis of the political and administrative developments that occurred in relation to the Amsterdam garment workshops during the period from 1980-1997. She contrasts the attitudes of national decision-makers towards illegal work with the tradition of toleration that has characterised the Amsterdam administration towards such kinds of informal economic activity. However, the study shows how local government officials were not able to form a "counter-coalition" and reach a compromise. National level decisions prevailed as a result.

Similarly, Pérez-Díaz, Álvarez-Miranda & Gonzáles-Enríquez (2001) analyse the reform of the Spanish Foreign residents Law (LO 4/2000), as well as its counter-reform (LO 8/2000) which occurred in 2000 after the Popular Party obtained absolute majority in the legislative elections. The study reconstructs the heated public debates and protests that followed the counter reform, pointing out how this apparent policy U-turn of the Spanish government represented a move *away from* the discourse of domestic policy actors and *towards* the moods of EU policy makers.

Since the mid-1980s, an increasing number of studies have focused on experts' influence on the national policy-making processes within parliamentary and governmental institutions. The research/policy-making nexus has been investigated in-depth in France (Tissot 2002, Feldblum 1999), the Netherlands (Penninx 1984, 1985, 1988, 1992 and 1998), Sweden (Hammar 2004) and Belgium, where a report on this matter has been funded by the Belgian Federal Science Policy Office (Adam, Balancier, Brans, Florence, Jacobs, Martiniello, Rea, Swyngedow, Van Der Straeten & Zwetkoff 2004). Here again a distinction can be made between the French and Swedish studies that focus essentially on top level decision-making, and the Dutch and Belgian studies that analyse more directly the influence

of experts in the overall policy process[15].

In the case of Sweden, Hammar (2004) points out that the participation of experts in policy-making processes is the expression of a bipartisan agreement to treat migration policy in a technical, pragmatic way. French studies, on the other hand, analyse primarily the processes of policy framing and definition. Tissot (2002), for example, reconstructs the genesis of French *politique de la ville* (urban renewal policy), showing how this was strongly influenced by the views and theories of urban sociologists and social scientist in general. Feldblum (1999) on the other hand, reconstructs the 1980s debate on citizenship, pointing out how an epistemic community (i.e., the Marceau Long Commission) was able to build an extended consensus on nationality reforms and integration politics, even though reforms were not concretely brought about.

As mentioned above, studies in the Netherlands and Belgium represent an attempt to assess experts' influence in the different phases of the policy-making process—from problem recognition to implementation. Penninx's (1984, 1985, 1988, 1992 and 1998) efforts have been primarily directed towards investigating the role played by researchers in Dutch policy-making on immigration since the end of the 1970s, when political consensus started to emerge regarding the need to develop a consistent immigrant policy. Similarly, the Belgian study (Adam et al. 2004) is oriented towards assessing the influence of experts and research on the main phases of the policy-process (i.e., agenda setting, policy formulation and implementation) as well as examining possible ways of improving reciprocal knowledge utilisation between policy-makers, academia and stakeholders[16].

Studies on Italy by Zincone (1998) and Zincone & Di Gregorio (2002) acknowledge the crucial role played by expert committees and top-level civil servants in the long process that led to 1998 law. However, Zincone's (1999) analysis also considers bottom-up decision-making processes that originate in the peripheries (i.e., when street-level bureaucrats come under pressure from civil society to adopt *contra legem* practices—especially where inclusion of undocumented immigrants in health services and children's education were concerned—which were gradually incorporated into increasingly formal public measures to the point of becoming laws). Civil society actors are particularly effective, in Italy because they constitute a strong advocacy coalition (Zincone & Di Gregorio 2002) that has proven itself to be able to take part in each phase of the policy-making process. Composed primarily of Catholic third sector organizations (but including left-wing unions, as well), lay associations and parts of the Magistracy, such an advocacy coalition can count on a constant window of opportunity because Catholic parties are present in both left-wing and right-wing political coalitions[17].

Bottom-up analyses aimed at reconstructing the policy-networks in which mobilisation by lower-level actors results in participation in the immigration policy-making arena have also been carried out in other countries. In Greece, for example, Kiprianos, Balias & Passas (2003) focus on the positions of political parties, labour unions and NGOs during the public debate on the first and second regularization bills in order to account for their influence. In Spain, Aragón Bombín (1996) analyzes the first decade of foreigners legislation and acknowledges the influence of some trade unions, NGOs and immigrant associations[18].

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[15] As for new EU member countries, the role of researchers in the migratory policy-making has been recently adressed in the Czech Republic (Uherek 2004). In Hungary accademics appear to be deeply involved in the debate on the reform national legislation (Fullerton et al. 2001), but analytical accountrs on their role are lacking.

[16] However, Martiniello (2004) contends that, given the highly contentious and politically sensitive nature of migration-related issues, elected politicians holding executive offices are often particularly careful to select the research projects that may be directly useful in terms of policy-making.

[17] Catholic NGOs have also proven to be crucial in the decision-making processes that led to the centre-right Bossi-Fini law. According to Zincone (2002), they succeeded in putting pressure on small Catholic parties in order to soften up the more radical anti-immigrant programs of the Northern League.

[18] As for an account on the role of associations on integration and citizenship policies in France, see: Wihtol de Wenden & Leveau 2001.

NGOs have been carefully investigated not only in the case of Italy (Zincone 1999, Zincone & Di Gregorio 2002), but also in Germany. An example is the study carried out by Bosswick & Bronnenmeyer (2001), who have described the ability of German voluntary organisations to interact with the government levels (from community/local to the central state) that are most resource-rich and influential in the immigration policy field. Pressures arising from social movements appear to be far more relevant in Spain and Switzerland than in Germany—particularly from the anti-racist movement, which has been successful in inserting the integration issue into the political agenda and in building new cognitive frameworks (for Spain see Danaldson, Montardit, Pelàez & Montserín 1998; for Switzerland see Gerber 2003).

2.3 The local level. Implementation processes and policy-networks

Local authorities and institutions play a dual role in the governance of immigrants' policies. On the one hand, they are responsible for the implementation of national legislation, which is an adaptive process that implies more than simply executive activities. On the other hand, they are called upon to answer to the demands of their local societies and to initiate new policies in order to cope with these demands. This second role has been focused on only recently[19].

The research that is directly addressed to the study of local policy-making reflects this dual role and can be classified into two main categories: classical implementation studies and studies that analyse local policy-making as a process starting from below (i.e., from local policy networks and/or organisations in civil society that are mobilised on a specific issue).

Implementation studies are generally aimed at analysing how national laws and policies are carried out at the local level and whether or not and to what extent the stated goals are achieved. The more traditional version of these studies is represented by the pioneering analysis carried out by Selznik (1949) and the later implementation study of Pressman & Wildavsky (1973). In both cases the purpose was to identify distortions and *implementation deficits* that might undermine the achievement of stated policy goals. In the policy analysis literature, these have usually been classified as top-down studies, since the analysis moves from higher-level policy programmes and/or norms to assess if and to what extent lower levels conform to them.

This classical implementation framework has been adopted mainly –if not exclusively, as we shall see below – for the investigation of immigration policies such as procedures of regularisation and the renewal of permits. This is the case with Skordas (2000), who analyses the complications that arose during the implementation of the first regularisation programme in Greece, and with Zucchini's (1998) research on the 1995 regularisation in Italy[20]. A main finding of these studies is that administrative discretion is one of the main sources of failure in policy implementation. Fasano & Zucchini (2001), for example, point out how Police Headquarters (*questura*) in Italy[21] implemented the permanent stay permits (*carta di soggiorno*) that were introduced by law n. 40/1998 in an extremely discretionary way, asking often for documents which were not explicitly mentioned by the law. The study carried out by Jawhari (2000) on the implementation of the Residence Act in Austria emphasises the power

[19] Ireland is an exception (Mac Einri 2004). It has a highly centralised public administration, and, contrary to other European countries, no process of local/regional empowerment has been undertaken. This relative lack of power and resources seems to explain the lack of local immigration and integration policies.
[20] This study focuses on two different cities (Turin and Brescia) and highlights two different ways of solving the ambiguities of national regulations. In Turin, the *Questura* (Police Headquarters) organised regular meetings with the municipal Immigration Office, unions and third sector organisations in order to agree upon a common understanding of regularisation procedures. In the case of Brescia, the process was far more fragmented because there was no established collaboration between the *Questura* and the other actors who were interested in immigrant rights.
[21] The study was carried out in three medium-sized cities in the Lombardy Region (Brescia, Sesto S. Giovanni (near Milan) and Busto Arsizio, near Varese).

of the lowest administrative level (the implementing agency) which had an interest in preventing a system breakdown, and therefore in rejecting a large number of cases for more or less arbitrary reasons.

Local civil servants' behaviours have also be explained by looking at administrative cultures. This is the approach adopted by a number of studies carried out in France (Spire 2003), Germany (Cyrus & Vogel 2003), Greece (Psemmenos & Kassimati 2003), Italy (Triandafyllidou 2003) and the United Kingdom (Düvell & Jordan 2003). These last four[22] were aimed at determining if street-level bureaucrats' behaviours and policy frames were influenced by the late 1990s EU-level institutions' more positive view of the economic advantages of immigration. What emerges is a substantial continuity of established administrative practices, directed essentially at controlling and restricting immigrants' presence.

A small number of implementation studies have also focused on the carrying-out of national and/or regional social integration programmes by lower tiers of government, usually municipalities. Damay (2002), for example, investigates the "Integration-cohabitation Programme" promoted by Brussels' Region in 1990, and Pelàez, Donaldson, Gonzáles & Montardit (2002) analyse the implementation of the so-called Icària Programme (early 1990s) in Osona, Catalunia. Both programmes were launched with the purpose of empowering local governance; empirical evidence, however, points out how implementation processes engendered dynamics that led to the failure of these promoted- and sponsored-from-above policy-networks.

Policy-making processes at the local level are not necessarily activated by higher-level government policy programmes. They may be looked at from a bottom-up perspective, as processes starting from below. They may be initiated within horizontal networks or by specific civil society actors and organisations that are mobilised on a particular issue.

A number of studies carried out in Italy[23] (Zucchini 1997, CeSPI 2000, Caponio 2002, 2003 and 2004, Campomori 2005), and in Germany (Bosswick & Will 2002) point out that the differences among local policy networks are particularly important for understanding differences in immigrant incorporation policies at the local level. Analyses of local policy-making processes such as those carried out by Caponio (2004) on the cases of Milan, Bologna and Naples, and by Campomori (2004) on the three medium-sized cities of Vicenza, Prato and Caserta, emphasise how policy-networks reflect established models of public/third sector relations[24]. The 'policy engine' appears to be more centred on local government in the cases of Bologna and Prato, but the role of third sector organisations appears to be crucial in promoting new initiatives in Milan and Vicenza[25].

A similar approach characterises the study carried out by Bosswick & Bronnenmeyer (2001). They investigate multilevel governance relations between NGOs and the various levels of government in Germany (see § 2.2) and also carry out two in-depth studies on the cases of Nürnberg and Mönchengladbach. These case studies analyse city council horizontal policy networks by evaluating the local integration of services, the cooperation among the various actors (especially as far as NGOs are concerned), and the eventual coordinating or

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[22] These have been published in a special issue of the *Journal of Ethnic and Migration Studies* that was edited by Jordan, Stråth & Triandafyllidou (2003).

[23] See also the Cluster Nine Country Report on Italy (Zincone & Caponio 2004).

[24] However, according to Caponio (2002 and 2004), elected politicians also play a role, at least at the beginning of their mandate when they need to consolidate consensus around the definition of the immigration issue that was promoted during the electoral campaign. On the contrary, Campomori (2005) places greater emphasis on *policy frames*, which reflect on the one hand, administrative structures and routines (the organizational dimension), and consolidated models of public-private interaction and influence relations (political dimension) on the other.

[25] In the cases of Naples and Caserta, third sector organisations are usually the only ones that are mobilised on the issue, with only a minor involvement on the part of the local administration. In Naples, this situation started to change, at least partly, since 1995 (Caponio 2004).

integrating role played by the city council[26].

Studies carried out in France look at local policy-networks as means of policy innovation and change: cultural difference, which is officially denied by the national republican model of immigrant incorporation, is concretely accommodated through local policy networks within which immigrant associations and cultural mediators play a crucial role (Moore 2004, Gaxie et al. 1999, Morel 2002, Wihtol de Wenden & Leveau 2001). Bobbio & Allasino (2001) explain policy change as driven by policy entrepreneurs in their analysis of an urban crisis in a disadvantaged district of the city of Turin with a high density of foreign residents. In this specific case, the vice-major (S. Salvario) succeeded in initiating a new policy network that involved all of the concerned actors (i.e., the residents' committees, the two mosques, immigrants' representatives, the district church, the Jewish community etc.) and in launching innovative projects.

Along with the policy-networks that were mentioned above, local level studies have also attempted to assess the influence of specific categories of informal actors (i.e., immigrant associations and NGOs) in decision-making processes. Research findings suggest that the influence of immigrant associations is quite variable. In a comparative research study on immigrant policies in Barcelona and Lisboa, Morén-Alegret (2002) finds that although both cities have introduced local advisory councils, the immigrant organisations that are taking part in these councils are usually co-opted actors who are funded by local administrations. By contrast, Marques (2004) points out that immigrant organisations can influence local policy-making processes under two conditions: 1) if they have the right to vote in administrative elections (local franchise) and 2) if they are organisationally strong. On the one hand, voting rights give immigrant associations significant contractual power because the party in office will attempt to secure the votes of the minority population through favourable policies. On the other hand, the organisational structure is important in order to redistribute policy benefits to ethnic constituencies. A sort of "virtuous patronage cycle" seems to be at work.

Case studies on the role of NGOs in local policy-making have been carried out in the Spanish regions of Madrid (Araujo 2004), Andalusia (Dietz 2000) and Catalunia (Casey 1996 and 1998). In the last study, the role of NGOs in the elaboration of the first Catalan government plan on immigration in 1993 is analysed, while the first two analyses are more concerned with the role of NGOs in managing local level immigrant policies.

We can draw some preliminary conclusions from this very brief review of local policy-making studies. One is that implementation—which is far from being just an automatic enforcement of national or regional laws and programmes—appears to be a stage in which policy-goals are redefined. Another is that administrative discretion and the dynamic relations among actors might be regarded either as policy-making pathologies or as positive adaptations to changing local contexts.

Additionally, bottom-up approaches show us that policy-networks at the local level can involve autonomous policy action as well, and frequently promote innovation (as in the cases of France and Italy). The role and influence of immigrant associations vary considerably in the cases summarised above, but these conclusions are based on a limited sample; apart from classical studies on immigrant participation at the local level (see §2.1), studies adopting a policy-making orientation perspective are still uncommon.

2.4 The European level

In this section we limit our survey primarily to Europeanization processes, thereby temporarily neglecting important analyses concerning the more general study of the supra-

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[26] See also Bosswick & Will (2002), where the authors explain differences in the integration measures implemented in eleven Hessian cities by looking at various factors, such as local administrations' organisational aspects; the economic, demographic and ethnic situation; and the actors mobilised in the local immigration policy field.

national dimension of policy-making[27]. The choice of focusing on the European level is due not only to its high salience of its impact, but also because it fits better into a multilevel governance perspective: it is a level which is more clearly and consistently connected with the national level and, to a certain extent, the local one. It can be more easily approached in terms of top-down and bottom-up perspectives and studied with the common instruments of the policy analysis. However, this does not mean that these instruments *have been* widely applied. If studies on the making of immigration and immigrant incorporation policies are 'latecomers', then studies on the Europeanisation of this policy sector are even more recent arrivals.

Two main research threads can be distinguished in the literature on the European level: 1) studies analysing processes of European integration and policy communitarisation, which are concerned with the progressive shift of policy competencies from the member states to the EU and 2) studies centred on processes of Europeanization that deal with the impact of European norms and policies on the national ones.

Let's start with the first set of studies—those on the European integration of the migration policy field. Here, three research clusters can be identified: a) the identification of factors that explain member states' transferral of powers and functions to the EU; b) the analysis of the attempts undertaken by national governments and/or coalitions of governments to influence specific pieces of EU legislation; and c) studies aimed at assessing the role of civil society in EU policy-making. These threads of literature appear to be consistent with the bottom-up perspective on multilevel governance (see above: §2). However, the last two are both still in an embryonic stage, as we shall see below.

The first group of bottom-up studies consists of a series of analytical accounts of the events that have led to the contemporary partial communitarisation of immigration and asylum policies. The communitarisation is not complete because crucial issues such as migration flows, citizenship and voting rights are still not communitarised. The aim of this group of studies is to explain why member states first agreed to co-operate and surrender at least part of their sovereignty in favour of community institutions.

Different hypothesis and interpretations have been advanced within this group of studies. Guiraudon (2000 and 2001), for example, maintains that up until the year 2000, the process of European integration on these issues was fundamentally driven by national European governments that have an interest in finding decision-making arenas that are sheltered from the public eye and not subject to strong political control. This process, called "venue-shopping," enables member state governments to introduce restrictive policies without having to face awkward situations of opposition. According to Guiraudon, this hypothesis is confirmed by the slow—and often more symbolic than practical—aperture to community institutions other than the national government-representing Council[28]. Similarly, Channac (2002) points out that since the 1970-80s, national governments have attempted to develop new supra-national arenas and decision-making processes that are quite different from both the classical international organisations (more institutionalised, visible and independent from nation states) and traditional inter-governmental co-operation, which is aimed at preserving niches of state sovereignty in new multilateral and supranational orders. Uçarer (2001) stresses the active entrepreneurial role played by the European Commission, which was able to take advantage of a few initial "windows of opportunity" in the context in which a specific

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[27] As mentioned in the introduction, studies on supranational and transnational policy-making are very few, and often are more concerned with policy outputs than with policy processes. In other words, while there are studies that attempt to assess the impact of international laws on national migratory policies (see for instance: Soysal (1994) and Joppke (1999)), they do not usually analyse the mechanisms through which such an impact is produced.

[28] Another work by Guiraudon (2001) confirms that this system is dominated by the governments of the member states and above all by the structures of the home affairs ministries.

Directorate-General on Justice and Home Affairs did not exist (until 1999) and funding from the community budget was not available (until 1996).

According to other interpretations (Monar 2001, Stetter 2000) the main factor pushing national governments to adopt more "communitarised" forms of decision-making in the area of immigration is the poor performance of the decision-making system, itself. This system includes the strong procedural constraint of the unanimous vote, which has made it particularly difficult to reach decisions on highly conflictual, but nonetheless relevant matters such as immigration and asylum policy[29]. The importance of 'problem' pressure (i.e., the evolution of immigration and asylum in Europe) has also been stressed by Monar (2001). The pressure exercised on governments by international criminal organisations and activities is listed as one of the "drivers" of international co-operation. Leading ideas, namely the ideal and project of an "area of freedom, security and justice" are another factor again singled out by Monar (2001). Once this project had been announced on a large scale and legitimised by public speeches, it became a "steady factor of change".

The second research thread is more concerned with analysing how individual governments or coalitions of governments have concretely influenced specific EU decisions. There are very few studies on this topic, and yet they yield interesting analyses on European-level policy-making processes. Geddes (2000 and 2003), for example, points out that a strong influence is exerted on EU migratory policy by the traditional European countries of immigration (i.e., Germany, France and Great Britain). Being a traditional country of immigration gives these states greater legitimacy during community negotiations and provides a larger and more authoritative legislative background and set of policy instruments, thereby making it possible for them to steer—if not determine—community political strategies. Di Gregorio (2004) explains the lack of influence of Italy in EU policy-making as a consequence of a lack of a coherent 'spoils strategy' that is demonstrated by the fact that the country has appointed only a few high-level functionaries and temporary experts.

Contrary to the literature on the national and local levels that was examined above, informal actors at the European level have been poorly investigated up to this point. Furthermore, the findings of EU-level studies are contradictory. According to Lahav (2004), the most conspicuous informal actors have been mostly promoted, co-opted and controlled by the national governments. On the contrary, in two recent pieces of research, Guiraudon (2003, 2004) points out that at a certain point in the evolution of immigration and asylum policies in the European Union, a sort of coalition that favoured integration policies coalesced that included not only the EU Commission, but also pro-migrant NGOs. This alliance began to oppose the EU Council's restrictive orientation. However, Favell & Geddes (1999) say that the role played by the pro-migrant lobbies has been limited and was not the result of mass mobilisation, but of an elite pressure group that included the epistemic community of researchers. Civil society and public opinion are rarely taken into account in this second group of studies[30].

Analyses of the processes of Europeanisation, which are concerned with the application of European norms at a national level, adopt essentially a top-down perspective.

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[29] According to Monar (2001), consciousness of such procedural constraints first emerged in the so-called "laboratories" (i.e., the Council of Ministers of the European Union, the Trevi Group and the Schengen system)—decision-making arenas in which, in his opinion, the foundations were laid for what later become the community *acquis* in Justice and Home Affairs.

[30] When it does happen, two contrasting theses emerge—one being top-down and the other bottom-up oriented. According to the first of these (McLaren 2001,) national elites are able to mould and redirect the perceptions and attitudes of their political communities of reference on immigration and asylum. By contrast, Lahav (2004) maintains that political influence goes in the opposite direction: it is pubic opinion that strongly conditions government choices and that this explains the clear prevalence of restrictive policies that are driven by mass identity orientations and defensive attitudes. However, a similar analysis of public opinion carried out by Kessler and Freeman (2003) provides different evidence and shows a tendency towards an openness to foreigners throughout Europe, more or less.

Studies adopting this perspective are less numerous than the one previously mentioned. Two comparative works (Geddes 2003, Bigo & Guild 2003) and five case studies (Martiniello & Rea 1997, Vink 2002, Di Gregorio 2004, Guiraudon 2004, Calvès 2002) seem to have inititated this research path. The Belgian (Martiniello & Rea 1997), Dutch (Vink 2002), and (especially)[31] the Italian cases (Di Gregorio 2004) demonstrate that, at least in these countries, migration policies are highly conditioned by European developments. In the French case, Calvès (2002) shows that even though parliamentarians were able to circumvent the most problematic issues in the transposition of the 2000 EU "race directive", the impact of the EU on migration policy-frames was still effective in a subtle way. Evidence of this effectiveness are the soft norms and managerial concepts that have pervaded French race relations policy since that time (i.e., mainstreaming, monitoring). What emerges from these works is that the communitarisation of immigration policies has produced considerable impacts on the national political systems, even in the periods when community decisions were non-binding and co-operation in the Council was only of the intergovernmental type[32].

In sum, our review indicates that the literature on the EU level is characterised by a clear predominance of works that fall within the field of theories of European integration, while there is still little research that could be truly defined as studies of the process of Europeanization[33]. In the first group of studies, the great majority of existing work is still aimed at identifying the main factors that account for states' cooperation and integration. Research that analyses bottom-up influences arising from specific governments and/or civil society actors, thereby looking more in-depth at multilevel governance relations, are still in a nascent phase. Completely absent are attempts to understand if there is an ongoing spontaneous process of convergence among EU member states that is driven by diffusion, and to see which factors could possibly promote or discourage this process.

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[31] The greatest impact on Italy is also confirmed by the research conducted by Geddes (2003) in which one can see that the countries of Southern and Eastern Europe have been the ones most influenced by community orientations.

[32] EU influence ha been carefully investigated in new member countries, since accession to the Union implied the adoption and implementation of the *acquis communautaire* as a whole without derogations. Case studies have been carried out in Poland (Iglicka, Kazmierkiewicz & Mazur-Rafal 2003), Hungary (Béla 1997, Boldizsár 1997) and the Czech Republic (Drbohlav 2001, 2003 and 2004, Barša 2004). For more detailed analysises including also the cases of Estonia and Slovenia see: Nyíri, Tóth & Fullerton 2001.

[33] This confirms a trend that is common to all of the policy sectors that are already communitarised in some way. The theoretical corpus on European integration has a solid tradition (starting from the 1950-60s), while that on Europeanization has seen significant growth only recently. This asymmetry is linked primarily to the history and evolution of the Union's political system and its relationship with its member states. It is thus understandable that the first thread of studies to develop has been the one that aims to explain the processes that have led (and lead) member states to progressively transfer (or not to transfer) parts of their sovereignty in migration and asylum matters to the EU. It is only later that the thread that seeks to comprehend the impact of community decisions and policies on the member states has developed.

3. Approaches in the study of the multilevel governance of migration: Theories, methods and research techniques

The large majority of the studies surveyed above do not refer to explicit theoretical frameworks and perspectives. Concerning methodology, case studies prevail and there is a clear preference for qualitative research techniques. These features are very much in accordance with the more general orientation that characterises the policy-studies literature[34]. Here below we shall come back to some of the studies mentioned above in order to highlight the main – even if often implicit – theoretical approaches underlying this nascent literature.

First of all, *system analysis* appears to underlie studies on national policy-making that distinguish between different decision-making and implementation phases, each one having a specific function and involving different actors. The policy-cycle approach is adopted explicitly in Adam et al. (2004) study on the research/policy nexus in Belgium. This work has the purpose of assessing the function and impact of experts in each phase of the policy-making process. Also, Zincone & Di Gregorio (2003) adopt a system analysis framework and combine it with the advocacy coalition framework[35] in order to better account for the different actors taking part in each phase of the decision-making process. A number of studies carried out by Penninx (1984, 1985, 1988, 1992 and 1998) are based on the policy-cycle metaphor but adopt a more long-term perspective, looking at the evolution of experts' participation in the Dutch policy-making process over a period of 30 years. System analysis is present in all of the theses that consider 'problems' pressure and negative feedback of previous decisions in explaining both policy changes and possible convergences between progressive and conservative parties or party coalitions (Zincone & Di Gregorio 2002).

A considerable number of studies adopt some kind of cultural explanation of policy-making processes. Two different meanings of culture seem to emerge: 1) the *strong version* that considers cultures to be coherent systems of norms and beliefs that strongly influence individual actors; and 2) the *soft version* that looks at the policy frames that guide actions and learning processes. An example of the first type is represented by research on the administrative cultures of street-level bureaucrats (Cyrus & Vogel 2003, Psemmenos & Kassimati 2003, Triandafyllidou 2003, Düvell & Jordan 2003) that was aimed at revealing how market-oriented policy principles and relatively open borders might find resistance in already consolidated belief systems that are traditionally concerned with law and order, immigration control and restriction. On the other hand, a soft culturalist approach appears to underlie studies that explain public policy-making as processes aimed first at building policy-frames—problem definitions that, once agreed upon by the concerned actors, are assumed to influence the identification of possible policy instruments. By contrast, a discrepancy between change in the conceptualisation of the issue and relative continuity in policies has been observed in Italy (Zincone 2005a).

A soft cognitive approach centred on policy learning also lies behind studies of local policy networks as drivers of policy change in France. In order to accommodate cultural difference, these networks have included immigrant associations and cultural mediators, thereby opening up the traditional republican approach to innovative experimentation (Morel 2002, Gaxie et al. 1999, Moore 2004).

Neo-institutionalist perspectives, on the other hand, put a particular emphasis on path-dependence and policy legacy. This seems to be the case with the studies that show how, especially at a local level, immigration and/or immigrant incorporation policies are shaped

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[34] However, recourse to quantitative tools is not excluded in the policy-analysis literature. Wildavsky (1979), for example, speaks of the "art and craft of policy-analysis" to stress that different research techniques might prove to be useful in serving the researcher's needs.
[35] See Sabatier & Jenkins-Smith (1993) for more on this concept.

more by established actors' relations and local institutional arrangements than they are by general strategies that are embedded in programmes or laws decided by higher levels of government (Zucchini 1998, Fasano & Zucchini 2001, Damay 2002) or political majorities (Caponio 2004). The role of path dependence and policy legacy has been underlined in the making of nationality laws (Brubaker 1999, Zincone 2005b).

Finally, quite a number of studies adopt a rational action paradigm such as rational choice, public choice, or game theory. In the case of Germany, for example, NGOs are often regarded as strategic actors who are able to identify and put pressure on the more fruitful levels of government in terms of resources and influence in the immigration policy field (Bosswick & Bronnenmeyer 2001). According to Crowley (1999), xenophobic attitudes are too strong to be ignored by any government, but too weak to govern. This theory leads to the assumption that a conservative party can incorporate xenophobic attitudes, but it cannot be excessive if it wants to maintain a good coalition potential. In addition to parties and conservative coalitions, progressive coalitions can also take decisions that restrict immigrants' inflows or their rights because of the influence of anti-immigrant public opinion and the fear of losing elections (Hansen 2000). The illusion of recovering approval leads centre-left coalitions to take measures when elections are approaching, while right-wing leaders can increase their chances to lead conservative coalitions directly by voicing pro-immigrant attitudes—thereby positioning themselves at the centre. Both the centre-left and the centre-right use rhetoric inspired by law and order, whereas - at the same time- they approve mass regularisations in order to balance the need of satisfying the electors' anti-immigrant attitudes with the need of responding to pressures from the alignment by pro-immigrant advocacy coalitions and entrepreneurs (Zincone 2005a). According to Freeman's point of view (1995), which follows a classic thesis by Edelman (1964), governments are inclined to keep the borders not totally closed and to promote immigrants' rights because the advantages of policies in favour of immigrants are selective (pro-immigrant groups and entrepreneurs), while costs are diffusive—they fall on all of the citizens.

Bureaucracies have been regarded as interest-oriented actors, exploiting margins of discretion in order to avoid the risks of system breakdown and work overload (Jawhari 2000).

Some of these approaches come in other guises, such as in analyses of European policy-making where at least three theoretical perspectives can be singled out: *intergovernmental, neofunctionalist* and *governance*[36]. *Intergovernmentalism* can be linked to rational choice and game theory, since the focus is on the utilitarian strategies of national governments, and is highlighted in the studies carried out by Guiraudon (2000) and Channac (2002). *Functionalism* can be linked to systemic/functionalist analysis (answers to 'problem' pressures and to negative feed-back of the previous decision making cycle) and to neo-institutional analysis (path dependence, the importance of accommodating new models of governance and new institutions to the old ones). The analyses of Monar (2001) and Stetter (2000) that were mentioned above can be located in this cluster.

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[36] It might be useful to recall briefly the fundamental hypotheses that form the basis of these approaches. Neo-functionalism (Holland 1993, Schmitter 1996) hinges on the two concepts of incrementalism and the spill-over effect. It postulates that, thanks to the political action of the European Commission (often allied with national and supra-national interests and pressure groups), European integration is a process that develops gradually, but in an irreversible manner. This is the case because each time that a transfer of sovereignty from the national to the community level occurs in a specific sector, it brings new needs that induce further transfers upwards (the spill-over effect). Intergovernmentalism (Milward 1992, Moravcsik 1991 and 1993) upholds instead the thesis that European integration has occurred and occurs only because it is considered to be advantageous by the nation states. This means that "the community system has been accepted so far by national governments only in that it has enabled them to strengthen rather than weaken their control over home affairs" (Moravcsik 1993: 507). The multi-level governance approach has developed as an alternative to the two cited above, and was elaborated only in the late 1990s (Marks et al. 1996, Hix 1998). The objective of this approach is to avoid considering European integration as necessarily a zero-sum game in which the winner (whether it is the EU or the member states) takes all. On the contrary, the EU is depicted as a "non-hierarchical, regulatory and deliberative model of governance" (Hix 1998).

The multilevel governance perspective is focused on the relations among actors. Examples are provided by the few existing studies that are aimed at identifying bottom-up influences arising from a) national governments or coalitions of governments (Geddes 2000 & 2003, Di Gregorio 2004) and b) civil society actors (Lahav 2004, Guiraudon 2003 & 2004).

This brief review suggests that the use of the main conceptual tools of policy-analysis such as policy-cycles, policy-network, policy entrepreneur, path dependency etc., is gaining more and more ground in this nascent literature. What appears to still be lacking is a more aware and direct relation with mainstream policy-analysis research, which would probably situate the study of the making of migration policy in clearer theoretical frameworks.

Some steps forward could be taken eventually in the direction of a more systematic use of comparative research. Even though comparison (both diachronic and synchronic) is gaining ground, synchronic comparison usually deals with cross-city comparison within a specific country, and only rarely with cross-country comparison (especially as far as the literature on local policy-making is concerned). The combined cross-country and cross-city comparison is far less common. This is a promising exercise, which appears to be useful for determining to what extent local decision-making processes are conditioned by the specific national legal system and which kinds of similarities and dissimilarities can be detected *coeteris paribus*.

Finally, regarding research tools, a clear prevalence of qualitative techniques emerges from the analysis of the literature. Common examples of these techniques are in-depth semi-structured interviews with key actors and/or observers and the analysis of documents (especially of parliamentary proceedings and other official documents). Studies on street-level bureaucracy have also relied on participant observation in order to get a better understanding of civil servants' practices and attitudes towards immigration. However, there are other research tools that might contribute to and enrich the reconstruction of policy-processes. Opinion pools and newspaper and media analysis, which are quite well established in immigration studies, could be reoriented to find out the actual capacity of the media to influence the decision making process[37].

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[37]An interesting way of looking to the newspapers is demonstrated by Statham & Guiraudon (2004) in their attempt to assess the relevance of the European versus the national public arenas on the immigration issue by analysing the relevance assigned to the two venues by national newspapers.

4. Conclusive remarks

The study of the multilevel governance of migration has already produced interesting findings and raised research questions that deserve to be further developed and investigated. Here we present some very general first conclusions, in order to start establishing a preliminary agenda for future research in the field.

In this review we have emphasised the innovative perspective of the studies that have dealt and are dealing with the governance, since they proved capable of revealing the informal actors and procedures that lie behind formally-binding decisions. However, such a perspective may involve some risks, as well. It might lead to an under-evaluation of and disregard for formal competence and rules that deeply influence actors' relations and policy-making processes (that which we define as the *decision-making structure*). A *shift back towards taking into account features and possible changes in the formal distribution of competencies among different institutions* is advisable. Special attention should be paid, for example, to the building of *ad hoc* departments, offices, and commissions dealing with immigration issues at different levels of governments, and to the shifts in competencies and power among different bodies.

Other important elements that may be overlooked by a one-sided governance analysis are the changes and consequent challenges coming from the environment: international crises and political events, and economic and demographic constraints. A *further step towards systems analysis* could prove useful in future research programmes.

Interdisciplinary collaboration with lawyers, economists, demographers, and international relations scholars might prove extremely fruitful in helping migration policy researchers to avoid the risks that are connected with an overly orthodox governance-oriented analysis. This is so because these disciplines pay greater attention to external constraints such as rules and laws on the one hand, and market demands, international events, and terrorism threats on the other.

An emphasis on formal policy-making structures and external pressures does not imply, however, an abandonment of the governance approach. A bottom-up perspective needs to be reinforced within this approach. This appears to be a priority in research on EU policy-making processes, in particular. As mentioned above, both the role of specific member states' governments and civil society actors in the EU decision-making process have been poorly investigated. Another aspect that appears to still be poorly developed in this literature is the systematic analysis of the relations between different levels of government. With some remarkable exceptions (see the cases of Italy and Germany, this latter especially as far as NGOs are concerned), the interplay between different levels of government in decision-making processes is still an under-researched domain in the literature on immigrant and immigration policy-making. This is the case, even though this domain appears to be crucial in order to better understand the governance of migration policy.

Among the civil society actors who are mobilised on the immigration issue, studies on the making of migratory policies have paid the closest attention to the role of NGOs in policy-making processes. However, other actors appear to still be poorly investigated. This seems to be the case with immigrant associations—whose role is still uncertain—and most of all with social movements. Social movements have been studied, however, in Spain (Morén-Alegret 2004) and Switzerland (Gerber & Cattacin 2004).

As for methodology, we have pointed out a prevalence of nationally-based case-studies, with few but relevant exceptions. Both diachronic and synchronic comparisons would doubtless help in reinforcing the empirical dimension of this body of literature, thereby enabling better-grounded analyses and possibly generating a truly cross-national debate on the making of migration policy. Diachronic comparison, for instance, could be used to shed light on continuities in policy-making processes. It might be extremely helpful to go back to the

history of European emigration in order to single out possible national patterns and their evolution. On the other hand, synchronic cross-country and cross-city comparisons have proven to be useful in acquiring a better understanding of how the main European cities deal with the immigration issue. Greater attention to different dimensions or variables (such as population, immigrant presence, per-capita income etc.) is likely to enrich considerably this emerging research field when comparing towns of different size.

Another crucial point that is stressed, especially by Penninx (2004) and Lafleur (2004), is that of the research-policy nexus. Policy evaluation (especially of policy-making processes) may be useful in improving policy implementation and—as far as the field of immigration is concerned—in escaping from ideological impasses in an effort to promote more pragmatically-oriented policy interventions. It has been pointed out, however, by (Martiniello 2004) that policy-makers often select researchers and studies according to their own political priorities, and the risks of being used as a mere legitimising instrument are difficult to avoid. Therefore, *policy evaluation* can represent an important development in *fifth generation* immigration and immigrants studies that can help policy learning and revision,-- provided that it is scientifically strong enough to resist immediate political needs and demands.

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Appendix

GLOSSARY - CLUSTER 9
THEORIES, APPROACHES and CONCEPTS

Giovanna Zincone and Irene Ponzo

♦ **SYSTEM ANALYSIS & FUNCTIONALISM.** The general model focuses on the interdependency of the different parts of a system (i.e. sub-systems) and the interaction between the system and the environment. The political system is one of sub-systems while the other sub-systems (economic, cultural, and so on) constitute its environment. In this model, policies constitute "outputs" (answers) to the "inputs" (demands, challenges, problem pressures) that come from the environment. However, the political system sometimes demonstrates its influence on other subsystems by emitting "withinputs". System analysis and functionalism singles out various phases in the decision making process: 1) inputs come from the environment 2) they are processed and 3) converted into "outputs" (i.e., measures whose purpose is to cope with changes and challenges coming from the environment) which satisfy needs, answer demands and gain support, in order to keep the system as a whole in relative equilibrium. The performance of the outputs is defined as the "outcome". "Feedback" is new input derived from outcomes which provide information on the mistakes made. Using feedback it is possible to make adjustments and to restart the process, which thus appears as a circular mechanism. Systems analysis is used to analyse the various stages of the policy cycle (identification, formulation, adoption, implementation and evaluation) and to identify the most significant actors at the various stages. It also is utilised to single out the changes, challenges, and problem pressures to which the decision making machinery must provide an answer.

Related Concepts

POLICY OUTPUT. Responses/measures of the political system whose purpose is to satisfy the demands that come from the environment and thereby keep the system as a whole in relative equilibrium.

POLICY OUTCOME. It is the performance of the outputs.

FEED-BACK. It is new input (information, demands, supports, etc.) to the political system that derives from the outcome of previous decisions. The feedback process provides information on the consequences of the policies (including possible mistakes) and makes it possible to correct them and to restart the process. Feedback may lead policy change (if the feedback is negative) or maintenance/intensification (if the feedback is positive).

♦ **RATIONAL ACTION & RATIONAL CHOICE.** This approach considers policies as the unplanned outcome of interaction between different actors who aim to maximise their benefits and minimise their costs (to optimise operations). These rational models read changes of public rules and institutions as the results of actors' strategies to satisfy individual interests (i.e., the sharing of asylum costs between member states that is requested by the countries with the highest percentage of asylum seekers) or as agreements between actors to avoid detrimental consequences of their interaction (i.e., communitarisation of immigration policies in order to avoid negative consequences of the lack of coordination between member states). Political institutions are aimed at

controlling the side effects, such as the unwanted negative consequences of the interaction of actors due to the ignorance of each other's strategies.

Related Concepts

ELECTORAL CYCLE THEORY. This is a theory that belongs to the so-called Public Choice approach - a sub-theory of the Rational Choice Theory. It is based on the assumption that political actors' decisions are influenced by their will to win elections. According to the main interpretations, this assumption implies that elected officials try to answer to voters' requests and moods in order to gain their consensus. Once elections are concluded, they begin to solve real problems and to satisfy lobbies. This strategy implies high costs for society and economy.

VENUE SHOPPING. It is the process/strategy of shifting the decision making process from open arenas/venues to more sheltered ones (i.e. shifting of immigration policy-making processes from national to EU arenas) in order to enact the policy without the traditional decisional constraints, which can be political (by parliaments, parties, etc.), legal (by courts), and/or social (by civil society and public opinion in general).

♦ **COGNITIVE THEORY**. This cluster of theories focuses upon the links between mental processes and social-political behaviours. It suggests that processes such as the selection of stimulus/input, the construction of meaning and sense-making activities are crucial in order to explain political behaviours.

Related Concepts

AGENDA SETTING. It refers to activities of the selection and definition of issues that are considered to be in the public interest and therefore necessarily the objects of public decision-making.

♦ **NORMATIVE ACTION & NEO INSTITUTIONALISM**. According to this approach, cultural and institutional variables explain the economic and political ones. It conceives institutions as pattern of behaviours, values, and beliefs established over time that constitute a sort of legacy that influences – usually in an unconscious way - political behaviour. This approach holds that at the micro-level, political actors do not act mainly in a rational way: they behave instead in compliance with cultural norms and social rules. At the macro level, the existing institutional and political settings and culture are usually conceived of as a result of the past. Thus, in order to explain political phenomena it is crucial to focus attention on the original socio-cultural phase that provides a sort of imprinting. As a result of this focus, the role of actors and their strategies is often underestimated.

Related Concepts

POLICY LEGACY. This is the set of formal elements (institutional solutions, tools, procedures, norms, etc.) that were inherited from past policies that decision makers have to deal with. They constitute constraints and resources that influence political actors and their decisions.

PATH DEPENDENCY. It is the set of elements that constitute the political and social (conventional) behaviours become established over time (patterns of behaviours, policy styles, informal actors involved, beliefs systems, etc.) and that influence the decision-making process.

♦ **NETWORK ANALYSIS**. This approach aims to study the relationships between the actors acting within a space that is defined by a certain policy. It considers not only the formal aspects, but also the actors and activities that are not included in a formal legal analysis of the legislative functions (i.e., informal activities by institutional actors and the activities of both semi-formal and informal actors). It analyses the nature of the relations among actors, the structures of networks, the distribution of resources, and the information and influence that flow within networks.

RELATED CONCEPTS

POLICY NETWORK. It is a network of actors (public and private) who are endowed with different resources (organisation, expertise, knowledge, information, consensus, democratic legitimacy, reputation, economic power, etc) and are concerned with *the same field of policy*. Each policy network demonstrates its own mechanisms that decide the criteria of inclusion and exclusion and the relations that exist within the network (reciprocity, trust, control, extension and density of relations, etc.).

ISSUE NETWORK. It is a network that is built up around a *specific issue*. This network is thus less stable than the policy network: borders are ambiguous, the actors who are involved are fragmented, their *participation is not continuous*, and their relations are weak.

POLICY COMMUNITY. It is a network that is made up of people from *similar positions and cultural areas*. This network is the most stable one: its borders are neat, the actors involved are fewer, and their participation is quite continuous. However *they do not necessarily share the same belief system and policy options*. These characteristics usually allow for positive games[38].

ADVOCACY COALITION. It is a network that is made up of people from a *variety of positions and areas* (i.e., elected and agency officials, interest group leaders, researchers) who *share a particular belief system* and show a non-trivial degree of co-ordinated activity over time. Commonly, they share a set of basic values, causal assumptions, and problem perceptions.

POLICY BROKER. They are actors who mediate between the expectations, demands and pressures that come from two or more sides.

♦ **TOP DOWN PERSPECTIVE** This looks at policy-making as a process going from higher-level institutions and/or from formal policy-making arenas (parliament, government, bureaucracy, etc.) to peripheries and informal social actors. The studies that adopt this approach usually focus on the analysis of implementation (how laws and policies at higher levels have been carried out at lower levels) and the evaluation of outcomes.

♦ **BOTTOM UP PERSPECTIVE** This is concerned with two type of processes: ones that go from lower to higher levels of government (i.e., from local administration to the central/regional government and from national states to EU institutions) and those that go from informal actors in civil society to public formal arenas (representative

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[38] Positive games define situations in which the gain of one player does not imply the loss of another: all the players involved in the game gain something, or at least lose nothing.

and executive institutions that act as formal policy-makers at the various territorial levels).