



# Multilevel Governance of migration

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## Topics

- Conceptual clarifications
- Multilevel governance of integration
- Multilevel governance of asylum



**Immigration policies:** policies relating to admission, entrance and expulsion of people who used to live outside the national territory

**Immigrant policies/Integration policies:** policies related to immigrants' position in the new society of settlement

(Hammar, European immigration policies, 1985)



**Governance:** policymaking through networks and negotiation among actors, both public and non-public, beyond the formal division of responsibility established by laws (non hierarchical and non state-centred modes of government). Governance refers not only to formal decision making processes but also semi-formal and informal ones and can include non-public actors.

***Vertical dimension of governance:*** it refers to the involvement of different levels of government (e.g. supra-national, national, regional and local).

***Horizontal dimension of governance:*** it refers to the relations between actors located at the same level of government (eg local NGOs and local authorities).



## Multilevel governance: minimal conditions

- the emergence of non-hierarchical relations among actors (i.e. the “governance” dimension);
- the involvement of different levels of government (i.e. the “multilevel” dimension);
- the involvement of non-governmental actors (*optional*)



(Caponio and Jones-Correa, Theorising migration policy in multilevel states: the multilevel governance perspective, 2017)



## Multilevel governance: main perspectives

- **Normative perspective:** the final outcomes are policy convergence and consistency
- **Analytical perspective:** both policy consistency and inconsistency are possible outcomes
- **Empirical perspective:** national States have weakened and other actors (supra-national institutions, local authorities, CSOs, etc) have gained influence



## The mechanisms which lead to multilevel governance settings

***Top-down processes*** develop:

- from higher levels of government to lower ones and/or
- from public to non-public actors.

***Bottom up processes*** are initiated:

- by lower levels of governments and/or
- by non-public actors.



## The degree of Europeanization of specific issues

1. Free movement regulation of citizens of EU member states in the EU ▲
2. Refugee and asylum migration
3. Irregular migration
4. Anti-discrimination
5. Secondary migration (for example family reunification)
6. Ethnic migrants who are not subject to European immigration policy
7. Labour migration
8. Integration
9. Citizenship



(Faist and Ette, *The Europeanization of National Policies and Politics of Immigration*, 2007)



# INTEGRATION POLICIES



## EU decision-making on integration

EU integration policymaking is based on an intergovernmental agreement (third pillar): policies have to be decided through consensus of member states and there is no binding legislation.

(Scholten & Penninx, *The Multilevel Governance of Migration and Integration*, 2016)



## ***Before 2003***

Until 2003 EU policies started from the implicit assumption that if the legal position of immigrants was made as equal as possible to national citizens', and if adequate instruments were put in place to combat discrimination (Racial Equality Directive and Employment Equality Framework Directive) while integration processes could be left to societal forces.



## *After 2003*

- **Communication on Immigration, Integration and Employment (2003):** integration defined as a two-way process based on mutual rights and obligations of TCN and host society & holistic approach encompassing all dimensions of integration

- **Common Basic Principles for Immigrant Integration Policy (CBP) (2004):** point of reference for implementation and evaluation of integration policies, keeping a limited definition of integration policies' target group (TCN)



## Implementation of CBP via a “sof” multilevel governance means:

- Specific Funds: INTI programme (Integration of Third- Country Nationals) (2004-2006); European Integration Fund (EIF) & European Refugee Fund (ERF) (2007-2013); Asylum, Migration and Integration Fund (AMIF) (2014-): creation of direct relations between the European Commission and local/regional authorities and NGOs
- Collection of information, exchange of good practices and mobilisation of civil society actors
- Direct cooperation with and funding of local authorities bypassing the national governments (eg. city networks such as CLIP, Integration Cities, etc)



## Common Basic Principles for Immigrant Integration Policy

CBP 1 'Integration is a dynamic, **two-way process** of mutual accommodation by all immigrants and residents of MS'

CBP 2 'Integration implies **respect for the basic values** of the European

Union' CBP 3 '**Employment** is a key part of the integration process and is central to the participation of immigrants, to the contributions immigrants make to the host society, and to making such contributions visible'

CBP 4 '**Basic knowledge of the host society's** language, history, and institutions is indispensable to integration; enabling immigrants to acquire this basic knowledge is essential to successful integration'

CBP 5 'Efforts in **education** are critical to preparing immigrants, and particularly their descendants, to be more successful and more active participants in society'

CBP 6 'Access for immigrants to institutions, as well as to public and private goods and services, on a basis equal to national citizens and in a **non-discriminatory way** is a critical foundation for better integration'



## Common Basic Principles for Immigrant Integration Policy

CBP 7 '**Frequent interaction** between immigrants and Member State citizens is a fundamental mechanism for integration. Shared forums, intercultural dialogue, education about immigrants and immigrant cultures, and stimulating living conditions in urban environments enhance the interactions between immigrants and Member State citizens'

CBP 8 'The practice of **diverse cultures and religions** is guaranteed under the Charter of Fundamental Rights and must be safeguarded, unless practices conflict with other inviolable European rights or with national law'

CBP 9 'The **participation** of immigrants in the democratic process and in the formulation of integration policies and measures, especially at the local level, supports their integration'

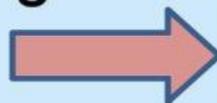
CBP 10 '**Mainstreaming integration policies and measures** in all relevant policy portfolios and levels of government and public services is an important consideration in public policy formation and implementation.'

CBP 11 'Developing **clear goals, indicators and evaluation mechanisms** are necessary to adjust policy, evaluate progress on integration and to make the exchange of information more effective.'



## MIPEX: comparative assessment of integration policies

Improving/Converging  
by sharing  
(or naming  
and shaming?)





## **Italian integration policies: an example of bottom-up policymaking**

1980s. Main cities set up immigration offices, and acknowledged certain social rights to foreigners in the absence of a specific legislation.

1986. The first law on immigration gave responsibilities to Regions and Municipalities in the field of migrant integration but did not allocate any funds for this purpose.

1990. The second law of immigration gave economic resources to Regions and Municipalities but only for setting first-aid shelters.

1990s. Many Italian cities, often funded by the Regions, undertook innovative interventions (intercultural education, migrants' political participation, irregular migrants' access to healthcare and schools etc.): a local-based system to access civil and social rights.

1998. Law on Immigration (L. 40/1998) tried to overcome fragmentation of local policies by recognizing many innovative local practices as part of the national policies and assigned competences and funds to Regions (annual and triennial plans) + Federalist reform completed the devolution of power in migrant integration to the Regions (2001)



## Multilevel governance settings of Italian integration policies

**Central State:** general legislation which sets migrants' formal rights and institutional competences

**Regions:** planning and funding competences in the field of migrants' integration

**Local actors** (Municipalities, other public institutions such as the Health Units, civil society)



organisations): defining and carrying out concrete integration measures



# ASYLUM



# ***European governance of asylum***



## The birth of EU asylum policy

The EU asylum policies emerged in the 1990s were very much shaped by the major countries of asylum such as Germany, The Netherlands and the UK which saw the EU as a possible venue for a sort of burden-sharing arrangements.

Approaches to asylum that emerged in the early 1990s were based on some core features:

- impulse towards harmonization of asylum system
- the focus on the so-called 'external dimension' of asylum policies, i.e. cooperation with the third countries (safe third countries and readmission agreements)
- the perception that many asylum-seekers were abusing generous European systems

Many MS played a two-level game:

- They have used EU harmonization as a way of justifying more liberal or more restrictive approaches at home, evading the juridical and parliamentary scrutiny of domestic policy-making venues
- At the same time, they have used domestic constraints as a reason to tighten EU measures.

(Boswell and Geddes, Migration and Mobility in the European Union, 2011).



Tampere Conclusions of the European Council (1999) committed the MS to establish a Common European Asylum System with a “full and inclusive” application of the Geneva Convention



## CEAS (Common European Asylum System)

1. **Dublin Regulation** asylum claim must be made in the first-entry country but MS can renounce their right to return asylum seekers to the first country of entry, eg. Germany 2015). The Dublin Regulation aims to prevent

- asylum shopping
- multiple applications
- refugees in orbit

### 2. Directives

**Asylum Procedures Directive (2005, 2013)** specifies minimum standards for processing claims made by asylum seekers (length of and access to asylum procedures)

**Qualification Directive (2004, 2013)** defines recognition criteria and entitlements of beneficiaries of international protection (i.e., asylum and subsidiary protection)

**Reception Directive (2003, 2013)** lays down minimum standards for the reception of asylum seekers

**Temporary Protection Directive (2011)** in case of mass influx of displaced people enables refugees to be granted a temporary residence status without having to go through an asylum procedure

**Return Directive (2008)** harmonizes the standards and procedures for return

3. **EURODAC (2000, 2013)** is a dataset which gathers and stores asylum seekers' fingerprints

4. **European Asylum Support Office (EASO)**



## The apparent contradictions of the EU policymaking on asylum

The **European Council** generally sets vague and high objectives (eg. Tampere Conclusions):

- To commit Member States to human rights principles
- To pose little threat to those States which are skeptical about EU integration and to keep everybody on board.

The **European Commission** is requested by the European Council to follow up on what has been decided by drafting programmes and proposals but it faces the opposition from the **Council of European Union** where Ministries defend national interests and sovereignty.

(Boswell and Geddes, Migration and Mobility in the European Union, 2011).



***Asylum in Italy:  
Milestones of reception policies  
in the 2000s***



## **2002.** Foundation for the SPRAR (*Sistema di Protezione per Richiedenti*

*Asilo e Rifugiati* - Protection System for Asylum Seekers and Refugees) after an agreement signed in 2000 by the Ministry of Interior, ANCI and UNHCR → MLG

SPRAR facilities are set up on voluntary basis by Municipalities which participate in Calls launched by the Ministry of Interior which covers up to 80% of the costs. The management is generally delegated by the Municipalities to CSOs.

**2005.** Adoption of the Reception Directive 2003/9/EC → in case of unavailability of places in the receiving structures of the SPRAR, the applicants must be temporary hosted in governmental centers → “dual-track” reception system



**2011.** Inflows triggered by the Arab Springs in North Africa, for which the central government declared the state of emergency (North Africa Emergency) → centralization of competences (Ministry of Interior & Prefectures, Protezione Civile).

**2013.** The North Africa Emergency ended. However, since SPRAR remained undersized compared to the number of arrivals, the Ministry of Interior started asking the Prefectures to set up temporary governmental reception facilities (CAS) without any obligation to previously consult local authorities → conflicts between the central and local governments

**2014.** Ministry of interior Memorandum of Understanding signed by the Unified Conference State-Regions-Local Authorities which identified 3 levels of reception

- 1) first reception centres; 2) regional hubs; 3) SPRAR centres - and recognized SPRAR as the core of the Italian reception system. Yet, extraordinary governmental centres (CAS) expanded faster than SPRAR and reached the 80% of the overall reception system.



**2016.** Agreements between the Ministry of Interior and ANCI led to:

- simplification of procedures to set up or expand SPRAR facilities and increase of the share of expenses covered by the Ministry of Interior (up to 95% of)
- establishment of a precise ratio for asylum seekers' redistribution across municipalities (2.5 asylum seekers out of 1,000 residents)
- “safeguard clause” (no CAS where SPRAR meets the above ratio)
- “bonus gratitude” for the Municipalities (700-500 euro for each refugee) to be spent without constraints and not necessarily for refugees.



## **2018. Decree on Security and Migration (Legislative Decree 113/2018) converted into Law 132/2018**

It narrows the conditions to obtain a residence permit based on humanitarian grounds (so-called “humanitarian protection”)

It excludes its holders from reception services.

It neatly distinguishes reception services for asylum seekers and for beneficiaries of international protection: the first ones should be accommodated in CAS and the second ones in SPRAR centres. As a consequence, SPRAR (Protection System for Asylum Seekers and Refugees) has changed its name into SIPROIMI (Sistema di protezione per titolari di protezione internazionale e per minori stranieri non accompagnati - Protection System for beneficiaries of international protection and unaccompanied minors) since asylum seekers have been excluded.



## **2018. Revision of the public bid scheme for selecting**

### **organisations to manage governmental centres**

It suppresses integration services and drastically reduces the per capita daily expenditure limit from 35 euros to 19-26 euros.

#### **Expected outcomes**

- beneficiaries of humanitarian protection will lose the entitlement to reception services
- asylum seekers will stay in governmental centres with no integration services
- only beneficiaries of international protection will be able to enter SPRAR and enjoy integration services.



# ***The main venues of multi-level governance***



## The National Coordinating Group on Asylum

Headed by the Ministry of the Interior (Department of Civil Liberties and Immigration), it includes representatives of national, regional and local authorities, UNHCR and CSOs.

It has a mere consultative role rather than actual decision power. By law, the main task of the National Group is the identification

of the measures needed to improve the reception system.

It has been the only venue where the SPRAR and governmental systems have been dealt with together.

Because of that, it has played a crucial role in reducing the differences between the two systems and in promoting the SPRAR.



## Regional Coordinating Groups on Asylum

Headed by the Prefects of each Region's capital city and gathers all the Prefectures of the region, representatives of the Region and of ANCI's regional branch. CSOs are not involved in Regional Groups, despite the crucial role they play in the reception system.

Regional Groups should play a crucial role in:

- guaranteeing a balanced redistribution of asylum seekers within each region
- deciding the location of governmental centres.



On paper the openness and the multi-level governance

of reception policies appears rather high in Italy.

Yet, national government's consultations with non-public actors and lower levels of government are not binding

Therefore, the decision power has always been highly centralised in the hands of the Ministry of Interior and its branches (Prefectures), which decide to what extent the positions of other key actors should be considered.



## ***Examples of local governance***



# Morus Onlus association in Val di Lanzo



1. In 2014-2015 several CAS were set up by the Prefecture in the Lanzo Valley. Municipalities maintained a passive attitude.

2. The main actor in the refugee reception has turned out to be a group of volunteers that started to support spontaneously the refugees in different ways like teaching Italian language, providing second-hand clothes, accompanying asylum seekers to the services, offering civic education courses developing integration activities (Coro Moro, Moro Team etc).

3. In March 2016 those volunteers decided to set up an association, Morus Onlus which:

- has put pressure on organisations managing CAS for a shift from the shelter-like accommodation to reception in small apartments, with the aim of facilitating positive neighbourhood relations.
- has collaborated with cooperatives managing the CAS and with local firms to find job opportunities for refugees.
- has helped refugees to find independent housing solutions by negotiating with landlords and offering deposits.

Hence, Morus Onlus has become a key actor in the governance of local reception policies by:

- coordinating its work with that of the cooperatives managing CAS to improve refugees' integration



- providing services directly to refugees on a voluntary basis.



Governance through a bottom-up process  
promoting by a non-public organisation



# **Micro Accoglienza Diffusa (MAD)**

## **Diffused Micro Accommodation in Val di Susa**



In June 2016 the Municipality of Avigliana took the leadership in the constitution of a consortium of twenty municipalities that negotiated an agreement with the Prefecture of Turin.

The agreement established that the Municipalities engaged in making available a certain number of reception places in the area (112), while the Prefecture, on its part:

- committed not to set up new CAS centres outside the terms of the agreement
- changed the division of tasks: issuing of the calls and selection of services' providers for the CAS centres passed from the Prefecture to the consortium of Municipalities that has also the responsibility of establishing quality standards and choosing the type of facilities to be opened.



The agreement has led:

- to overcome the duality of the refugee reception system: the Municipalities have achieved the same quality standards for CAS and SPRAR
- to distribute refugees across the area with small numbers per municipality (from 4 to 12, i.e. around 1 refugee per 1,000 residents).



Governance through a bottom-up process  
promoted by Municipalities