Multilevel Governance of Migration and Asylum in Europe

April 2020

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Topics

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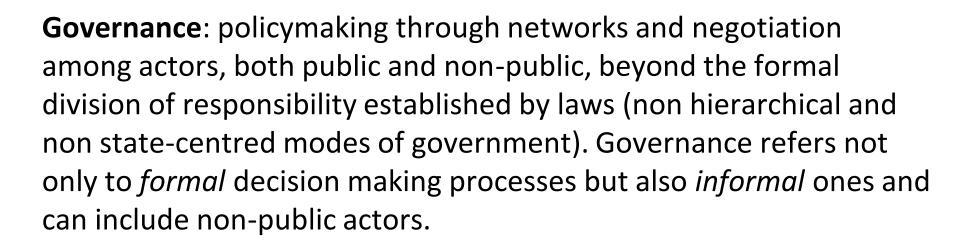- Multilevel governance of asylum

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)

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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 *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 (e.g. local NGOs and local authorities).

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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-public actors (*optional*)

(Caponio and Jones-Correa, Theorising migration policy in multilevel states: the multilevel governance perspective, 2017)
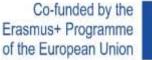
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The mechanisms which lead to multilevel governance settings

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 no 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)

Multilevel governance of immigrant integration

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)

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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) 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)

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.'

Implementation of CBP via a "soft" 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, Integrating Cities, etc)

Multilevel governance of asylum

•The EU asylum policies emerged in the 1990 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

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

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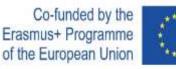
•**Temporary Protection Directive (2011)** in case of mass influx of displaced people enables refugees to be granted a temporary residence status without having to go through an asylum procedure

•**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 (e.g. Tampere Conclusions):

• To commit Member States to fundamental 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 programs and proposals but it faces the opposition from the **Council of European Union** where Ministries od the MS defend national interests and sovereignty.

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

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Basic readings

• Caponio, T. And M. Jones-Correa, "Theorising migration policy in multilevel states: the multilevel governance, perspective", J*ournal of Ethnic and Migration Studies*, 2018, 44(12), 1995-2010, https://www.tandfonline.com/doi/abs/10.1080/1369183X.2017.1341705

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• Hampshire, J., "European migration governance since the Lisbon Treaty: Introduction to the special issue", J*ournal of Ethnic and Migration Studies*, 2016, 42(4), 537-553, https://www.tandfonline.com/doi/abs/10.1080/1369183X.2015.1103033

• P. Scholten and R. Penninx, "The multilevel governance of migration and integration", in Penninx and Garcés-Mascareñas (eds.), *Integration Processes and Policies in Europe. Contexts, Levels and Actors*, 2016, Cham: Springer Open, 91-108, https://link.springer.com/book/10.1007/978-3-319-21674-4