The Perspectives of Implementation in Migration Policies: An Introduction

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I. MIGRATION BETWEEN POLITICS AND IMPLEMENTATION

Migration has become increasingly politicized across Europe. The politicization of migration has spread from the 'old' immigration countries of Northwestern Europe to 'new' migration countries in Southern Europe, and to the few countries that had thus far remained exempt – such as Sweden, where after years of a relatively bipartisan approach to migration a far-right xenophobic party has entered Parliament in 2010. Even in the countries of Central and Eastern Europe which still see low levels of immigration, migration has become highly politicized in a paradoxical reaction to the great European refugee reception crisis started in 2015.[1]

Scholars of migration have debated to what degree far-right xenophobic parties are the driving force behind the change in migration policies – as even when such parties do not have access to government, they have often the capacity to attract to their

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[1] A. Rea, M. Martiniello, A. Mazzola and B. Meuleman (eds.), *The Refugee Reception Crisis in Europe: Polarized Opinions and Mobilizations*, Bruxelles, Éditions de l'Université de Bruxelles, 2019.

positions more moderate parties worried about electoral competition.[2] Other debates have developed on whether the different countries are converging towards similar migration policies[3] or show the permanence of national models.[4] At the same time, there are still spaces, for example within EU institutions, in which migration policies are developed outside the general political debate.[5] Scholars have extensively shown that migration policy-making is characterized by stemming rather than soliciting, most notably in the post-70s 'new' migration world.[6] In the age of globalization, post-industrial liberal democracies have been strengthening their borders while facilitating and speeding up the mobility of 'wanted' travellers.[7] If the period up to the 1990s has seen the extension of rights to migrants (such as the right to association and access to social rights[8]), since the early 2000s the main direction in migration policies has been the introduction of cultural and economic requirements in order to access rights.[9]

While most literature and public debate on migration policies focuses on law- and policy-making, this book offers a different point of view, that is, a focus on what happens when the laws and policies are implemented. We start from the understanding

2   J. van Spanje, "Contagious Parties: Anti-Immigration Parties and Their Impact on Other Parties' Immigration Stances in Contemporary Western Europe", *Party Politics*, 16/5, 2010, p. 563-586.

3   Chr. Joppke, "Beyond National Models: Civic Integration Policies for Immigrants in Western Europe", *Western European Politics*, 30/1, 2007, p. 1-22.

4   D. Jacobs and A. Rea, "The End of National Models? Integration Courses and Citizenship Trajectories in Europe", *International Journal on Multicultural Societies*, 9/2, 2007, p. 264-283.

5   See e.g. V. Guiraudon, "Citizenship Rights for Non-Citizens: France, Germany, and the Netherlands", *in* Chr. Joppke (ed.), *Challenge to the Nation-State: Immigration in Western Europe and the United States*, Oxford, Oxford University Press, 1998, p. 272-318.

6   V. Guiraudon and Chr. Joppke (eds.), *Controlling a New Migration World*, London, Routledge, 2001.

7   P. Andreas and T. Snyder (eds.), *The Wall Around the West: State Borders and Immigration Controls in North America and Europe*, New York, Rowman and Littlefield, 2000; D. Bigo, "The (In) Securitization Practices of the Three Universes of EU Border Control: Military/Navy – Border Guards/Police – Database Analysts", *Security Dialogue*, 45/3, 2014, p. 209-225.

8   Y.N. Soysal, *Limits of Citizenship: Migrants and Postnational Membership in Europe*, Chicago, Chicago University Press, 1994.

9   A. Rea, I. Rorive, E. Bribosia and Dj. Sredanovic (eds.), *Governing Diversity: Migrant Integration and Multiculturalism in North America and Europe*, Bruxelles, Éditions de l'Université de Bruxelles, 2018.

that lower levels of bureaucracy – those that are charged with applying the policy on an everyday basis – have specific aims, constraints, organizations, and routines that can significantly influence the outcome of a policy.[10] This does not mean that laws and public domain are 'just paper': bureaucrats are neither isolated from the political debate, nor from the upper levels of law-making (nor from society at large with its own organizations). However, implementation can be so influential that similar laws and policies, if not the same law or policy, can have very different applications in different contexts, and that quite different laws can end up having a similar outcome.

The tradition of street-level research (that is, of research on the day-to-day implementation) has shown the tendencies of organizations to develop biases that (dis)favour specific groups of people for which the laws make no specific provisions.[11] Migration policies are characterized already in the letter of the law by discriminations according to nationality and/or legal status. Therefore it is particularly important to see how such discriminations are applied day by day. Heyman in his analysis of the US/Mexico border[12] shows how the routines established by border guards, independently from the letter of the policy, create very different possibilities of being subject to controls according to the nationality, race, and class of those crossing the borders. Similarly, implementation studies can help understand to what degree policies targeting specific groups are enacted day by day. Hajjat[13] shows both how French nationality norms specifically target Muslims, by considering wearing the hijab as a sign of non-assimilation and a reason to deny nationality, and how agents in certain prefectures partially limit the impact of such norms by hesitating in applying them, also because of uncertainty in the ways in which the norms themselves are formulated.

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10 M. Lipsky, *Street-Level Bureaucracy: Dilemmas of the Individual in Public Services*, New York, Russell Sage Foundation, 1980.

11 *Ibid.*

12 J.M. Heyman, "Putting Power in the Anthropology of Bureaucracy: The Immigration and Naturalization Service at the Mexico-United States Border", *Current Anthropology*, 36/2, 1995, p. 261-287.

13 A. Hajjat, *Les frontières de l'« identité nationale »: L'injonction à l'assimilation en France métropolitaine et coloniale*, Paris, La Découverte, 2012.

Previous implementation studies of migration policies have further highlighted several factors that can explain the workings of migration bureaucracies. Such factors include the tendency of bureaucrats to rely on local implementation routines more than on the letter of the law,[14] the social profile of the bureaucrats as a factor in their approach to decision-making,[15] and the ways in which local implementation intersects with national and supranational policy-making[16] as well as with the outsourcing of functions to private actors.[17]

This book follows the lines of a burgeoning literature that offers a comprehensive view of the implementation of migration policies. Collecting the results of several ethnographic studies of different migration policies, it follows the potential trajectory of a migrant from the access to the territory, to the access to rights and citizenship or, on the contrary, to expulsion or return migration. It sheds light onto the practices of migration control in multiple localities and at different stages. This book, then, is the outcome of a collective interest in analysing the implementation of migration policy-making that has characterized one of the main research themes of the Group for Research on Ethnic Relations, Migration and Equality (GERME) at the ULB. While the majority of the chapters focuses on Belgium, the book also includes research carried out in Morocco, France, Malta, and the United Kingdom. Through the chapters we show the day-to-day logics, routines, and tactics that bureaucrats and other actors adopt within the constraints of laws, social interactions, and ideas about policies. While we emphasize the specificity of the implementation moment, we also look at inter-institutional relations and at the influence of politicians and the judiciary as they continue to influence policy also at the stage of implementation.

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14 T. Eule, *Inside Immigration Law: Migration Management and Policy Application in Germany*, London, Routledge, 2016.

15 A. Spire, *Accueillir ou reconduire: Enquête sur les guichets de l'immigration*, Paris, Raisons d'agir, 2008.

16 F. Infantino, *Schengen Visa Implementation and Transnational Policymaking: Bordering Europe*, Cham, Palgrave Macmillan, 2019.

17 F. Infantino, *Outsourcing Border Control: Politics and Practices of Contracted Visa Policy in Morocco*, New York, Palgrave Macmillan, 2016.

II. THE IMPLEMENTATION PERSPECTIVE

Implementation studies developed from the field of public policies evaluation. While earlier work on policy evaluation held the implicit assumption that policies that correctly identified a social problem would be successful in addressing it, Pressman and Wildavsky[18] offered one of the first systematic discussions of the crucial role of the implementation. Their analysis showed the complexity of implementing a policy, requiring the collaboration of a high number of actors, each with their own interests and agendas, and the multiple levels involved. As a result, while well-designed policies need to account also for the requirements of implementation, good law-making on its own is no guarantee of good results, as an extensive work of implementation is necessary for any kind of policy.

Looking more closely at the last step of policy-making, Lipsky[19] introduced the concept of 'street-level bureaucrats' to analyse the bureaucracies that have direct contact with policy recipients to whom they distribute benefits and sanctions. Departing from the observation that the demands of law-makers and the public are normally above what can be done with the resources available to bureaucracies, Lipsky analysed the different ways in which street-level bureaucrats necessarily create routines and local practices to cope with the disproportion between resources and demands. He observed how, as a result, street-level bureaucrats hold discretionary power and transform the policies by introducing new *de facto* rules, and so determine policy outcomes more than policy designers, to the point that street-level bureaucrats can be considered policy-makers themselves.

The two classics written by Pressman and Wildavsky and by Lipsky are also representative of two major approaches within implementation studies. In top-down approaches, such as that of Pressman and Wildavsky, the starting point is the aims of the law-makers, and the analysis explores what transformations happen to the policy during the implementation, thereby

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18 J.L. Pressman and A. Wildavsky, *Implementation*, Berkeley, Ca., University of California Press, 1973.

19 M. Lipsky, *Street-Level Bureaucracy*, *op. cit.*

extending the older approach of policy evaluation. In bottom-up approaches,[20] the starting point is the everyday application of the policy, and in particular the working conditions and the practices of street-level bureaucrats, with the question thereby being not so much what happened to the initial policy, but how the policy turns out day by day. To unravel migration control in our contemporary era at different stages, in this book we follow mostly the bottom-up approach by turning our analytical attention to the actors and organizations that put migration control into action in the everyday, with a particular focus on the understanding of what actually happens to migrants.

Parallel to the question of implementation is the question of discretion. Conventional approaches to discretion either see it as negative – as a distortion of policies – or positive – as an assurance that policies will not be applied too rigidly. However, a number of studies have highlighted how discretion is not opposed to policy-making. While the presence of controls from above and judicial review do limit the discretion of street-level bureaucrats, policies often rely on discretionary decision-making to be able to function at all.[21] From this point of view, law is not so much the opposite of discretion, but rather a decision on who can exercise discretionary power.[22]

In discussing how bureaucrats implement policies, implementation studies have firstly observed that many laws are not clear or specific enough to be actually implemented. In these cases a work of 'translation' of the laws, often done by groups of experts at least partially external to the state[23] is necessary. Other studies have underlined how bureaucrats do not follow the letter of the

20 Such as M. Lipsky, *Street-Level Bureaucracy*, *op. cit.*; D.J. Palumbo and D.J. Calista (eds.), *Implementation and the Policy Process: Opening Up the Black Box*, New York, Praeger, 1990; P. Hupe, M. Hill and A. Buffat (eds.), *Understanding Street-Level Bureaucracy*, Bristol, Policy Press, 2015.

21 Cf. K. Hawkins, *The Uses of Discretion*, Oxford, Oxford University Press, 1992.

22 A.C. Pratt, "Dunking the Doughnut: Discretionary Power, Law and the Administration of the Canadian Immigration Act", *Social & Legal Studies*, 8/2, 1999, p. 199-226.

23 H.C. Hill, "Understanding Implementation: Street-level Bureaucrats' Resources for Reform", *Journal of Public Administration Research and Theory*, 13/3, 2003, p. 265-282.

law, but rather what they understand to be the spirit of the law, and present their work ex-post in order to match the letter of the law.[24] However, not all bureaucrats have the same understanding of the aims of the policy, and different bureaucrats can pursue different aims according to their profile and interests.[25]

One major development in public administration has been the emergence of New Public Management (NPM), and, more broadly, the constant expansion of new forms of regulations that go under the label of the 'marketization of public action'.[26] Internal metrics and benchmarks, as well as quantitative objectives for the action of each office and bureaucrat have been transforming public administration. Such development affects the traditional spaces of discretion of street-level bureaucrats. However, the overall result has been to shift bureaucratic routines to other forms of discretion, often oriented at maximizing the quantitative results measured by NPM rather than at pursuing the general goals of the administration.[27]

III. ACTORS OF IMPLEMENTATION

Lipsky[28] introduced the concept of 'street-level bureaucrats' to highlight how public-facing bureaucrats are policymakers, as the routines and the decisions they take to cope with their jobs actually define much of the content, criteria, meaning, and public of the policies themselves. There are two ways in which the conceptualization of Lipsky has been redefined by much of the subsequent literature on street-level bureaucracy. Firstly, as

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24 V. Dubois, "Ethnographier l'action publique. Les transformations de l'État social au prisme de l'enquête de terrain", *Gouvernement & action publique*, 1/1, 2012, p. 83-101.

25 A. Spire, *op. cit.*

26 M. Ansaloni and A. Smith, "Des marchés au service de l'État?", *Gouvernement & action publique*, 6/4, 2017, p. 9-28.

27 See e.g. E.Z. Brodkin, "Policy Work: Street-Level Organizations Under New Managerialism", *Journal of Public Administration Research and Theory*, 21/suppl. 2, 2011, p. i253-i277.

28 M. Lipsky, *Street-level Bureaucracy*, *op. cit.*

Lipsky made clear in the preface[29] to the 30th anniversary edition of the book, his initial focus was specifically on the organizations that need coping measures because of limited resources and an extensive public to serve. However, the concept has been immediately extended to all public-facing bureaucracies. Secondly, Lipsky included some high-prestige bureaucrats, such as judges, in his analysis. While the everyday work of judges has attracted an extensive attention in the cognate field of socio-legal studies,[30] most work on street-level bureaucracies has focused on the lower strata of bureaucracy, both in terms of formal hierarchy and in terms of social prestige. Such an approach is mainly understandable as a reaction to the strong bias towards elected officials and the higher echelons of career bureaucrats in much of the rest of the field of policy studies. Among the studies of street-level bureaucracy applied to migration, a strong argument for studying implementation as autonomous from law-making is made in Eule's[31] ethnography on migrants' residence procedures. Eule argues that laws are never consulted in the immigration offices he observed, as bureaucrats rather rely on routines established locally, regardless of their congruence with the letter of the law. As a result, not only the implementation moment is important to study, but implementation has also to be studied as a phenomenon in itself and not simply as an appendage of law-making, as it has specific logics apart from simply representing partial deviations from the logics of the lawmakers.

A third point that can be highlighted is that the studies of street-level *bureaucrats* has largely focused on public servants, even with the progressive reduction of public services and their outsourcing to private operators ongoing since the 1980s. Among the exceptions, some attention has been dedicated to

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29 M. Lipsky, "Preface: Dilemmas of the Individual in Public Services", *in* Id, *Street-Level Bureaucracy: Dilemmas of the Individual in Public Services. 30th Anniversary Expanded Edition*, New York, Russell Sage Foundation, 2010, p. xi-xx.

30 See e.g., R. Moorhead and D. Cowan, "Judgecraft: An Introduction", *Social & Legal Studies*, 16/3, 2007, p. 315-320; Sh. Roach Anleu and K. Mack, *Performing Judicial Authority in the Lower Courts*, London, Palgrave, 2017.

31 T. Eule, *op. cit.*

the policy-making role of non-profits working with public funds[32] and, within the field of migration, on how work visa policies give policy-making powers to employers[33] or transnational corporations implementing visa policies on governments' behalf.[34]

In this book, we follow for the most part the lessons of previous literature. We focus mostly on the lower, public-facing levels of migration bureaucracies, and we explore their inner workings conscious of the ways in which implementation can change the nature of a policy.

At the same time in this book we underline the need to expand the study of implementation in two directions. Firstly, the role of upper strata of bureaucracies is relevant not only in defining the laws and the general policies, but also in directing how the street-level creates its own routines.[35] In addition to the aforementioned role of judicial review in limiting discretion,[36] recent studies by contributors to the volume have shown the importance of looking at judicial review to explain why different bureaucracies have different approaches to justifying their decisions.[37] In this volume we show the importance of considering the role of elected officials (Chapter 7, Mascia) and upper strata of bureaucracies (Chapter 8, Sredanovic) to understand the logics of street-level bureaucracies. The intervention of upper levels often limits the discretion of street-level bureaucrats. However, there are cases in which street-level bureaucrats rely on upper levels to exercise discretion: the fact that the initial decision may be reviewed in

32 S.R. Smith and M. Lipsky, *Nonprofits for Hire: The Welfare State in the Age of Contracting*, Cambridge, MA, Harvard University Press, 1993; R. Fyall, "Nonprofits as Advocates and Providers: A Conceptual Framework", *Policy Studies Journal*, 45/1, 2017, p. 121-143.

33 E. Nisbeth, "Expanding the Field of View: The Role of Agricultural Employers in Street-Level Immigration Policy Implementation", *Administration & Society*, 50/8, 2018, p. 1097-1124.

34 F. Infantino, *Outsourcing Border Control, op. cit.*

35 See also P.J. May and S.C. Winter, "Politicians, Managers, and Street-Level Bureaucrats: Influences on Policy Implementation", *Journal of Public Administration Research and Theory*, 19/3, 2009, p. 453-476.

36 K. Hawkins, *op. cit.*

37 Dj. Sredanovic, "Barriers to the Equal Treatment of (aspirant) Citizens: The Case of the Application of Nationality Law in Belgium", *International Migration*, 58/2, 2020, p. 15-29; C. Mascia, "How Bureaucracies Shape Access to Rights: The Implementation of Family Reunification in Belgium", *Journal of Ethnic and Migration Studies*, 47/9, 2021, p. 2127-2143.

the future can become an alibi for taking arbitrary decisions, if there are no sanctions from above (Chapter 5, Rea and Crosby).

Secondly, we show how, along with public actors, private ones have an impact on policy making. Such private actors can be for-profit or non-profit and can either have obtained functions outsourced by the public or be acting without an official mandate from public institutions, either to supplement public action or to exercise pressure on public institutions. Infantino[38] has shown the different logics that bureaucrats working directly for consulates and bureaucrats working as contractors have in the management of visa procedures. In this volume we explore in particular how supranational organizations, including the UNHCR (Chapter 2, Lemaire) and IOM (Chapter 11, Maâ) interact with national organizations in defining migration policies. The public of the policy can in some cases also have an influence on the policies, thus further changing their impact.[39] In this volume, Chapters 2 and 11, by Lemaire and Maâ, show cases in which migrants can influence the meaning of a policy, but also the restrictive margin of agency within which this happens.

IV. THE CONCENTRIC MODEL OF MIGRATION

The different procedures around which a 'migratory career'[40] develops can be synthesized in a model comprising three concentric circles: access to territory, access to residence, and access to citizenship.

Access to the territory is regulated both through procedures of border control and through more remote procedures that

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38 F. Infantino, *Outsourcing Border Control*, *op. cit.*

39 See e.g. T.G. Eule, D. Loher and A. Wyss, "Contested Control at the Margins of the State", *Journal of Ethnic and Migration Studies*, 44/16, 2018, p. 2717-2729; T. Baker, E. McCann and Cr. Temenos, "Into the Ordinary: Non-elite Actors and the Mobility of Harm Reduction Policies", *Policy and Society*, 39/1, 2020, p. 129-145.

40 M. Martiniello and A. Rea, "The Concept of Migratory Careers: Elements for a New Theoretical Perspective of Contemporary Human Mobility", *Current Sociology*, 62/7, 2014, p. 1079-1096.

reach in the country of origin. The global visa regime[41] controls much of international migration, thereby establishing global inequalities in terms of capacity to move (see Chapters 3 and 4, respectively by Infantino and Rea and by Rea and Giladi). However, visa-free migration (e.g. such as within the European Union) and unauthorized migration exist along with the visa regime, representing cases in which (very) different levels of border control constitute the main factor in regulating access to the territory (see Chapter 5, Crosby and Rea). Along with the visa regime, specific modes of control of the access to the territory include the procedures of resettlement of refugees[42] as well as the procedures of family reunification.[43] While most integration requirements follow the access to the territory, pre-immigration integration tests have been introduced by some states for family reunifications[44] before the actual arrival on the territory.

Access to the territory based on a visa usually makes access to legal residence relatively straightforward. The migrants who had an unauthorized entry, or who stayed beyond the length of their visas (overstayers) however encounter the additional obstacle of attempting to regularize their position. Most high-immigration countries have had experiences of large-scale regularizations, and some, like Italy, have made regularizations a frequent feature of their migration policies.[45] Outside such events, most undocumented migrants however rely on ad-hoc regularization

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41   E. Neumayer, "Unequal Access to Foreign Spaces: How States Use Visa Restrictions to Regulate Mobility in a Globalized World", *Transactions of the Institute of British Geographers*, 31/1, 2006, p. 72-84; F. Infantino, *Outsourcing Border Control*, *op. cit.*; F. Infantino, *Schengen Visa Implementation and Transnational Policymaking*, *op. cit.*

42   See Kr.B. Sandvik, "Blurring Boundaries: Refugee Resettlement in Kampala— Between the Formal, the Informal, and the Illegal", *Political and Legal Anthropology*, 34/1, 2011, p. 11-32, and Chapter 2, by Lemaire.

43   M.E. Enchautegui, and C. Menjívar, "Paradoxes of Family Immigration Policy: Separation, Reorganization, and Reunification of Families under Current Immigration Laws", *Law & Policy*, 37/1-2, 2015, p. 32-60; C. Mascia, *op. cit.*

44   S. Bonjour, "The Transfer of Pre-departure Integration Requirements for Family Migrants Among Member States of the European Union", *Comparative Migration Studies*, 2/2, 2014, p. 203-226.

45   P. Bonizzoni, "The Shifting Boundaries of (Un)Documentedness: A Gendered Understanding of Migrants' Employment-based Legalization Pathways in Italy", *Ethnic and Racial Studies*, 40/10, 2017, p. 1643-1662.

procedures, when available,[46] or on specific routes such as regularization by family status.[47] Refugees also have specific routes to residence, involving the systems of asylum hearings[48] and the stratified statuses linked to asylum. Regardless of the ways in which residence is obtained, it has to be renewed periodically, proving each time one continues to meet the requirements. When the timing of the renewal is particularly limited and the requirements high, avoiding the renewals can be a sufficient reason for migrants to apply for more permanent statuses.[49]

Beyond its pre-immigration applications, integration policies have focused on two approaches.[50] In some cases, integration courses and/or requirements are mandatory for (some) migrant residents, and the mandatory nature can be enforced by fines. In other cases, integration requirements are mandatory to access permanent residence and/or citizenship. In either case the integration policies, on the rise in Western Europe since the late 1990s, have been largely identified as promoting restrictive ideas both about national culture and about the duty to be culturally and economically deserving for migrants.[51]

The expansion of migrants' rights up to the late 1980s has brought some commentators to hypothesize on the relevance of denizenship – a status based on permanent residence that includes all rights except for the political ones.[52] However, subsequent

46 St.P. Ruszczyk, "Non-state Actors in the Regularisation of Undocumented Youths: The Role of the 'Education Without Borders Network' in Paris", *Journal of Ethnic and Migration Studies*, 45/15, 2019, p. 3023-3040.

47 C. Mascia and L. Odasso, "Le contrôle du mariage binational en Belgique: les règles du jeu", *Revue de l'Institut de sociologie*, 85, 2015, p. 41-68.

48 See J. Dahlvik, "Asylum as Construction Work: Theorizing Administrative Practices", *Migration Studies*, 5/3, 2017, p. 369-388, and Chapter 6, by Hamila.

49 Dj. Sredanovic, "Quelle est la valeur de la nationalité/citoyenneté en Italie? Résultats d'une recherche auprès des migrants et des ouvriers italiens à Ferrare", *Migrations Société*, 153-154, 2014, p. 47-61.

50 See A. Rea, I. Rorive, E. Bribosia and Dj. Sredanovic, *op. cit.*, for a larger discussion.

51 S.W. Goodman, "Integration Requirements for Integration's Sake? Identifying, Categorising and Comparing Civic Integration Policies", *Journal of Ethnic and Migration Studies*, 36/5, 2010, p. 753-772; A. Rea, I. Rorive, E. Bribosia and Dj. Sredanovic, *op. cit.*

52 T. Hammar, *Democracy and the Nation State: Aliens, Denizens and Citizens in a World of International Migration*, Aldershot, Avebury, 1990.

restrictions to migrants' rights have highlighted the relevance of full citizenship, not only for political rights, but also to access full social rights, public jobs, a stronger defence from migration control and deportation, as well as mobility rights.[53] While some aspects of citizenship policies, such as toleration of dual citizenship and the reduction of gender discrimination, have improved across Europe,[54] naturalization has also been characterized by the expansion of integration requirements and restrictive notions of the community of citizens.[55] Such approaches build on earlier, less systematic conceptions of integration used in naturalization procedures[56] and are performed also through citizenship ceremonies.[57]

Along with the concentric circles that introduce obstacles to the full legal membership in a country, migration control is also expressed in the policies that target unauthorized migrants as well as migrants who lose their legal status. Such policies include controls on the territory[58] as well as migrant detention[59] and legal expulsion and physical deportation.[60] Parallel to these migration control policies there are policies that promote more or less voluntary assisted return migration.[61]

53 Dj. Sredanovic, "Quelle est la valeur de la nationalité/citoyenneté en Italie?", *op. cit.*; Fr. Della Puppa and Dj. Sredanovic, "Citizen to Stay or Citizen to Go? Naturalization, Security, and Mobility of Migrants in Italy", *Journal of Immigrant & Refugee Studies*, 15/4, 2017, p. 366-383.

54 M.P. Vink and G.-R. de Groot, "Citizenship Attribution in Western Europe: International Framework and Domestic Trends", *Journal of Ethnic and Migration Studies*, 36/5, 2010, p. 713-734.

55 See S.W. Goodman, *op. cit.*; A. Rea, I. Rorive, E. Bribosia and Dj. Sredanovic, *op. cit.* and Chapter 8, by Sredanovic.

56 See e.g. A. Hajjat, *op. cit.*

57 Br. Byrne, *Making Citizens: Public Rituals and Personal Journeys to Citizenship*, Houndmills, Palgrave Macmillan, 2014.

58 See e.g. A. Bloch, L. Kumarappan and S. Mckay, "Employer Sanctions: The Impact of Workplace Raids and Fines on Undocumented Migrants and Ethnic Enclave Employers", *Critical Social Policy*, 35/1, 2015, p. 132-151.

59 See E. Ryo, "Understanding Immigration Detention: Causes, Conditions, and Consequences", *Annual Review of Law and Social Science*, 15, 2018, p. 97-115 and Chapter 10, by Crosby.

60 A. Ellerman, *States Against Migrants: Deportation in Germany and the United States*. Cambridge: Cambridge University Press, 2009.

61 See J.-P. Cassarino, "Are Current 'Return Policies' Return Policies? A Reflection and Critique", *in* T. Bastia and R. Skeldon (eds.), *Routledge Handbook of Migration and Development*, Abingdon, Routledge, 2020, p. 343-352, and Chapter 11, by Maâ.

Taken together, the chapters in this book offer a panorama of the different points of implementation of migration policies. The contributors to this volume cover the selection, entry, access to rights and status, as well as expulsion and return, of migrants. We further deal specifically with asylum (Chapters 2, by Lemaire, and 6, by Hamila), and family migration (Chapter 8, by Mascia). The order of the chapter reflects the potential development of a migratory career,[62] starting with chapters on access to territory, via visa issuing (including refugee resettlement) to border checks at airports. We then continue with the access to asylum, family-based residence, citizenship, and rights in absence of legal status. Finally, we present the cases of detention of migrants and of assisted 'voluntary' returns.

Chapter 2, by Lemaire, analyses the relocation and resettlement of refugees in Malta. In a context in which refugees were relocated from Malta to other EU member states as well as to the US, Lemaire shows how the requests of potential destination countries and the organization of work of local UNHCR agents shaped the procedures. Firstly, destination countries, and EU member states in particular, privileged skilled/autonomous (e.g. speaking English or French) and 'easily integrable' (e.g. families) refugees, thus bringing the UNHCR to establish a 'market' through which refugees were matched to the quotas and requirements set by potential destination countries. Secondly, UNHCR agents, similarly to many other bureaucracies, applied their own definition of autonomy, thereby privileging refugees who had entered the Maltese labour market and found housing of their own for relocation and resettlement.

Chapter 3, by Infantino and Rea, shows the workings of Schengen visa attribution in the Belgian consulate in Morocco and in the Immigration Office in Brussels. While Schengen norms provide for the possibility of denying a visa request on the basis of a 'migratory risk', that is, if the applicant is considered at risk of overstaying illegally in the country, ethnographic data

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62 Cf. M. Martiniello and A. Rea, *op. cit.*

show how these norms are redefined by the agents. Referring to a 'suffered immigration' the agents of the consulate aimed to deny visas to applicants who could remain in Belgium entirely legally by applying for residence or citizenship. This meant targeting low-income applicants with family links to Belgium, in particular young unemployed men and widows. The agents of the Immigration Office, who dealt with court challenges, were on the other hand less willing to go along with this distortion of the legal norms.

Chapter 4, by Rea and Giladi, also focuses on the Belgian consulate in Morocco, but explores more specifically students' visas. The chapter shows how the 'migratory risks' intersects with a visa policy that on paper should be limited to the production of documents regarding the study plans and the self-sufficiency of the applicants. By requiring the applicants to complete a questionnaire, consular authorities have introduced a way to identify what are considered suspicious applicants. The latter are applicants who either are not convincing enough in presenting their study plans or present economic guarantees that are not considered reliable, and who hence are rejected as potential non-student migrants. The authors further show how the net result is a higher rate of refusals for the candidates with a lower socio-economic background and who have been schooled in Arabic rather than in French.

Chapter 5, by Crosby and Rea, concludes the part dealing with the access to the territory by analysing border controls at airports in France. The research shows how, despite the increase of automatization linked to biometrics, border guards still enact specific logics in their work. While first-line checks are characterized by an estimation of which passengers are believed to be more trustworthy, second-line checks are characterized by an interpretation of entry conditions that is more restrictive than that found in the written norms, and by the disciplinary use of stigmatization. Such orientations are driven both by the dilution of accountability (appeals are hard to enact and do not concern the guards) and by the logic of numbers (a high number of people stopped at the border can be presented as a positive result for migration control).

The following four chapters concern the access to status and rights on the territory. Hamila in Chapter 6 shows the evolution of Belgian asylum norms based on sexual orientation and gender identity. While in a first phase, which lasted until 2001, Belgium simply adopted the norms introduced by the UNHCR, the rise of gender- and sexuality-related asylum applications brought about the development of specific Belgian policies. This process involved the specialisation of Belgian asylum institutions in the field of sexuality- and gender-related asylum, as well as a rising role of the courts and the intervention of LGBT+ associations that started to develop specific groups focusing on asylum.

Mascia in Chapter 7 analyses marriage (non)registration as a form of migration control in Belgium. Her analyses focuses in particular on the degree to which civil registers refuse to register marriages and civil unions that would result in access to legal status and that are suspected to be 'marriages of convenience'. In addition to showing how the implementation moment changes the norms on family migration and marriage, Mascia shows the impact of two contextual factors. Firstly, the degree of politicization of the issue, and in particular the activism of the local alderman charged with civil register functions, influenced how active civil servants were looking for potential signs of a marriage of convenience. Secondly, the orientation of the judiciary shaped the activity of civil servants, who aimed to formulate decisions in terms that were not likely to be annulled by the judiciary.

Chapter 8, by Sredanovic, looks at the final bureaucratic barrier, i.e., the access to nationality/citizenship, by comparing its implementation in Belgium and the UK. Sredanovic looks in particular at the different ways in which applications are filtered out in local registers before reaching the institution formally in charge of the decisions – the Home Office in the UK, and local offices of public prosecution in Belgium. Sredanovic shows how the filtering is much less active in the UK, as the result of the higher centralization (which reduces interaction with local registers) and of higher specialization of the section dealing with nationality (which encourages to delegate less of the procedure to local registers). Furthermore, the much higher application fee in the UK constitutes a disincentive for candidates to apply, but

also an incentive for the Home Office to process more applications rather than filtering out locally those likely to be rejected.

Chapter 9, by Giladi and Andreetta, focuses on the access to rights of undocumented migrants in Belgium, and in particular on the access to healthcare. The two authors show how welfare workers are constrained by external controls that make accepting a dubious claim to healthcare economically risky for the service, while attaching no risks to denying requests. Nevertheless, welfare workers are often willing to advocate for their public, following their professional ethics. Discretion in the writing of the social reports is the main venue through which norms are interpreted in favour of undocumented migrants, with the further option of instructing the public on how to obtain services from other institutions or challenge decisions in court.

The last two chapters look at the situation of exit from the territory. Chapter 10, by Crosby, analyses the detention of undocumented migrants, which in most cases precedes expulsion, in Belgium. The chapter takes a critical approach to the process of 'humanization' of detention contexts, in which new figures, such as educators and social assistants, are introduced with new duties distinct from those of control and security attributed to the guards. Crosby's ethnography shows how, while social personnel did not intervene in maintaining physical security, their work was co-opted by the security logic. Social and psychological evaluations indeed often pathologized the detainees who were problematic from a disciplinary/security point of view, thereby adding another layer to the overall disciplinary approach.

Chapter 11, by Maâ, looks at assisted return migration from Morocco. She shows how migrants have a certain degree of agency when applying for the 'voluntary' return programs of the International Organization for Migration. However, while some of the IOM agents describe the use of the program as funding part of circulatory migration plans rather than resettlement in the country of origin, the situation is more complex. Migrants are indeed active in defining the meaning of the policy, but the decision to apply for return programs is often the last available choice in a context of migratory experience that has become unsustainable, and still needs work to match the categories of vulnerability, and the timing and procedures of the program.

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