Chapter 3
Practices of External Control: Is There a North-South Divide?

Federica Infantino

In the making of the European Union, external migration and border control is a key dimension. The Schengen visa is a policy instrument of external control that has constituted a *conditio sine qua non* for the achievement of free movement (Groenendijk, 2020). Because it aims at controlling migration at a distance, the Schengen visa policy can be characterized as a Europeanized instrument of the old "remote control" strategy (Guiraudon, 2003; Fitzgerald, 2019). The introduction of visa requirements to a common list of countries was the first step towards the Europeanization of visa policy. Uniform lists pushed the European border in countries of departure while allowing for the removal of inter-state border checks. However, visa policy implementation remains a national issue since national consulates are those responsible to issue the Schengen visa. In doing so, they carry out the filtering work of borders. Just like borders, visas categorize, identify and filter between undesirable and desirable candidates to mobility. Understanding the implementation of visa policy inevitably gains analytical salience. The policy and legal frameworks are uniform: The list of countries whose nationals are submitted to visa requirements as well as the conditions and procedures to issue Schengen visas. However, national consulates put visa policy into practice. Given that, a series of questions might be raised. How do national practices translate EU policy on paper? What are the determinants of cross-national differences in policy practice? Do practices of external control support the thesis of a North-South divide within the EU?

To reply to those questions, this chapter builds on the case of Italy, a southern European country, and puts forward that despite the striking differences in the logics and practices governing Italy's pre-Schengen visa policy, a series of adjustments have been emerging, since Italy's first steps towards its participation to the Schengen

F. Infantino (✉)
Migration Policy Centre, European University Institute, Fiesole, Italy
e-mail: federica.infantino@eui.eu

C. Finotelli, I. Ponzo (eds.), *Migration Control Logics and Strategies in Europe*,
IMISCOE Research Series, https://doi.org/10.1007/978-3-031-26002-5_3

Agreement. The logic of external migration control has penetrated Italian visa policy. Also, practices put that logic into action. I use an anthropological perspective on public policy (Wedel et al., 2005) that de-masks the framing of policy issues to show that, in regard to migration control and security aspects, the Schengen visa policy "Europeanizes" the original Schengen countries model, one that sees visa policy as an "external mechanism of immigration control" (Brochmann & Hammar, 1999) and a means at managing the risks for the security of contracting parties. One European model exists, and it derives from some (Northern) European countries. However, the analysis of the entanglements between logics in texts and actual practices allows for putting forward the national (North European) influence on the European regime of external control while arguing that national boundaries of organizational action are blurred on the ground.

The street-level view brings insights into the migration regime perspective adopted in this volume, for it focuses on "the continuous repair work through practices" and "the effects of norms in contexts" (Sciortino, 2004, p. 32–33). I adopt a comparative perspective to show that in the field of the EU external control, day-to-day responses to understandings and narratives about migration, visas and "risks" craft a specific practice regime which triggers policy change from below and blurs North/South boundaries. This analysis of implementation practices builds on the scholarly literature which considers policymaking to be ubiquitous (Palumbo & Calista, 1990), recognizes bureaucratic discretion as inherent to law application (Brodkin, 1987; Dubois, 2016; Lipsky, 1980) rather than seeing a dichotomy between law and discretion according to which more law entails less discretion (Emerson & Paley, 1992; Pratt, 1999). Therefore, this analysis focuses on the social limits to the uses of discretion, the socially constructed perception of appropriateness in organizational settings (March & Olsen, 1989), the sense-making that underlines the understanding of the purposes to which organizational action is bent (Hawkins, 1992), and the ways in which knowledge and skills required to put policies into practice are acquired (Feldman, 1992; Yanow, 2004) and shared among trans-national community of practitioners (Wenger, 1998).

The chapter proceeds as follows: first, by building on historical perspectives about visas introduction, I show how the logic of external control penetrates Italian visa policy, a process that is induced by the Schengen Agreement. Then, I continue by pointing out the roots of the current understandings of the issues at stake in issuing Schengen visas, because those understandings underline the EU legal framework. By building on the comparative analysis of implementation practice, I show that, due to the interactions of implementers on the ground, novel Italian work routines translate logics that are well-established for those states that have contributed to the drafting and crafting of the original Schengen framework, on which the EU model builds. Finally, I discuss the contribution of this case study to the wider literature that is interested on policy convergence and policy change within the frame of the European integration.

3.1 The Logics of External Control: From Schengen to Italy

Several large-N analyses of visa introduction and visa lifting at a global scale have put forward the lack of asymmetry between low-income and high-income countries (Neumayer, 2006), although significant regional variations (Czaika et al., 2018) that have led to the definition of a global mobility divide (Mau et al., 2015). In the case of Schengen visa policy, Meloni (2006) identifies restrictiveness as its main characteristic. Bigo and Guild (2005) put forward that the lifting of inter-state frontiers to create the Schengen Area has been coupled with the strengthening of external borders and the displacement of control in countries of departure and before the actual arrival on the territory. The making of the Schengen Area beginning in the 1980s has been characterized by the idea that the lifting of inter-state frontiers caused a security deficit to be compensated with more external control (Bigo, 2016). The restrictiveness of visa policy and its understanding as an external mechanism of migration control represent a policy change only for some Southern countries among which Italy. Pre-Schengen Italian visa policy can be defined as relaxed. Until 1990, Italy kept 78 countries visa free.[1] Interests in tourism and an unobtrusive Mediterranean foreign policy led to the avoidance of strong controls over temporary entries (Meloni, 2006; Sciortino, 1999). In 1990, the new Act *Legge Martelli*[2] marked a shift towards external control by introducing a series of measures such as the obligation to stamp the passports of non-EEC nationals entering the territory of Italy, the collection and storage of data of the individuals crossing the borders, yearly quotas for new entries, and new criteria for visa introduction that resulted in a restrictive visa policy. The new criteria were based on two specific logics namely migratory and security risks, two kind of concerns that came to terms with the formerly dominant foreign affairs and economic interests. Migration control and the association of migration with crime started to occupy the scene of visa policy. According to those novel views, visa restrictions needed to be introduced towards the population of migrant-sending countries and towards the country of origin of those immigrants who were sentenced for drug dealing in the preceding 3 years. The Italian immigration policy was too liberal, not focused on external control, therefore un-European. Conformity to external control was the essential condition to join the European club (Sciortino, 1999). Such a policy change exemplifies the audience-directed nature of border control (Andreas, 2011).

In the case of the so-called old immigration countries, mainly Northern European, such as the countries that have originated the Schengen process (Belgium, France, Germany, the Netherlands and Luxembourg), the restrictive visa policy is not induced by the making of the Schengen Area. Let us take the case of France. In

[1] Circolare del Ministero dell'Interno, 19 August 1985, n. 559/443/225388/2/4/6 reproduced in Nascimbene (1988), 221.

[2] Legge 28 febbraio 1990, n. 39 (Legge Martelli) Conversione in legge, con modificazioni, del decreto-legge 30 dicembre 1989, n. 416, recante norme urgenti in materia di asilo politico, di ingresso e soggiorno dei cittadini extracomunitari e di regolarizzazione dei cittadini extracomunitari ed. apolidi già presenti nel territorio dello Stato. Disposizioni in materia di asilo (Gu 28 February 2090).

1986, France introduced visa requirements to every national from a foreign country in the wake of a series of terrorist attacks.[3] Although justified on security grounds by French authorities, such a measure has been described by an insider to the process, former head of the cabinet of the Secretary of State for Immigration, has a classical use of a "policy window" (Kingdon & Thurber, 1984) – the terrorist attacks – to enact a decision that the French authorities have been advocating for more than 20 years (Weil, 1991). The plan of introducing visa restrictions, most notably to Maghreb countries (Morocco, Algeria, Tunisia), was dictated by the problem of irregular stays. The reluctance at enacting such a decision was due to its political costs, namely the negative impact of visa introduction to bilateral relations with former colonies. The policy window allowed for introducing visas to the entirety of nationals of foreign countries, except for nationals of the European Community and Swiss citizens, therefore making the decision acceptable, and then to progressively remove the restrictions for the nationals of OECD countries. Visas are maintained only for those countries that were the original target of visa policy, among which African countries, north and south of the Sahara.

From the 1980s, the logic of visa introduction relates to migratory concerns not just in the case of France but also in the case of the Benelux, another border-free region that established common visa requirements to lift the inter-state frontiers. In the 1960s, when the Benelux region was established, the common list of countries submitted to visa requirements resulted from the lifting of restrictions when differences existed among the members of the Benelux Agreement (Infantino, 2020). Only at the beginning of the 1980s, Benelux countries decided to terminate several of the agreements on visas removal as a strategy to control migration, following debates in both the political arena and the public opinion that were focusing on the 'problem' of immigration. The logic governing the emphasis on the more restrictive visa policy follows the lines of the post-1970s transformation towards the so-called new migration world, characterized by the objective of stemming rather than soliciting migration (Guiraudon & Joppke, 2001).

The logic of external control that characterizes the Schengen visa policy is novel for a country like Italy whereas it pertained to other countries that have shaped the making of the Schengen Area, as demonstrated by a series of provisions included in the Convention Implementing the Schengen Agreement. Signed in 1990, the Convention Implementing the Schengen Agreement is the outcome of 5 years of secret negotiations among the original Schengen countries. It signals the Schengen process' shift of focus towards the so-called compensatory measures to the achievement of the lifting of internal border checks, including the conditions that nationals of third countries have to fulfill to enter the Schengen territory, the harmonization of visa policies, the introduction of carrier sanctions, and the creation of the Schengen Information System (SIS), a joint database containing information on objects and persons used for the maintenance of public order and security. Those policy

[3] Terrorist attack on 23 February 1985 (on a Marks & Spencer shop), 9 March (the Rivoli Beaubourg cinema), and a double attack at the Galeries Lafayette and Printemps Haussmann department stores, 7 December (Bigo 1991).

instruments are the foundation of the external dimension of border and migration control in the European Union (Guiraudon, 2003).

To assess how the logic of external control connects to the practice, the next sessions address first the EU texts and then, the ways in which they are put into action.

3.2 The Practices of External Control: A View from EU Texts

The European legal framework that provides for the criteria to introduce visa obligations as well as the conditions and requirements to cross Schengen external borders and issue Schengen visas are useful to analyze what kind of "frame", understood as the structures of belief, perception, and appreciation which underline policy positions (Schön & Rein, 1994), informs the issue of external control. The Acts under scrutiny are hard law, meaning legally binding and self-executing EU regulations, namely the Schengen Borders Code[4] and the Visa Code[5] as well as soft law, non-legally binding guidelines like the Handbook for the processing of visa applications and the modification of issued visas.[6] In these Acts, all the aspects related to migration control and the security of Schengen signatory states are not created from scratch. A series of provisions stem from the original Schengen process most notably the Convention Implementing the Schengen Agreement and the Common Consular Instructions.[7]

The Convention Implementing the Schengen Agreement provides for common instructions for the Contracting Parties' diplomatic and consular posts and consular cooperation at a local level formally known as the Common Consular Instructions. Common Consular Instructions are aimed at ensuring uniform implementation, given the condition of interdependency that characterizes the national issuance of a visa that authorizes entry to multiple states. A number of provisions included in the Schengen Borders Code and the Visa Code stem from the Common Consular Instructions. These include:

the verification of entry conditions at border crossing points;

the obligation for consular authorities to consult the Schengen Information System before a uniform visa can be issued;

specific criteria in relation to the examination of visa applications;

[4] Regulation (EC) No. 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code, OJ L 105 of 13 April 2006).

[5] Regulation (EC) No. 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code). OJ L 243, 15 September 2009.

[6] Handbook for the processing of visa applications and the modification of issued visas. Commission Decision, 28.01.2020, C(2020) 395 final.

[7] Common Consular Instructions on visas for the diplomatic missions and consular posts (2005/C 326/01) (OJ 2002 C 313/1).

the consular cooperation at local level that focuses mainly on the exchange of information regarding false documents, illegal immigration routes, *bona fide* applicants, and exchange of statistical information on visas issued and refused;

the obligation to stamp the passport of visa applicants to prevent and monitor contemporary visa applications to multiple consulates.

Article 21 of the Visa Code provides for the criteria to make decisions on a Schengen visa application, beyond supporting documents. It establishes that the examination of applications consists in:

the verification of the entry conditions provided for in Article 5(1)(a), (c), (d) and (e) of the Schengen Borders Code (verification that the travel document presented is not false, counterfeit or forged; verification of the applicant's justification for the purpose and conditions of the intended stay, and that s/he has sufficient means of subsistence; verification of the authenticity and reliability of the documents submitted and on the veracity and reliability of the statements made by the applicant);

the assessment of security risk, risk of illegal immigration, and the applicant's intention to leave the territory of the Member State before the expiry of the visa applied for.

A series of continuities and novelties can be observed. The correlation between the decisions on visa issuing and the assessment of the future probability of immigration is stated also in the Common Consular Instructions, as Box 3.1 shows:

Box 3.1 Criteria for Examining Applications According to the Common Consular Instructions

The diplomatic mission or consular post shall assume full responsibility in assessing whether there is an immigration risk. The purpose of examining applications is to detect those applicants who are seeking to immigrate to the member states and set themselves up there, using grounds such as tourism, business, study, work or family visits as a pretext. Therefore, it is necessary to be particularly vigilant when dealing with "risk categories", unemployed persons, those with no regular income, etc. to the same end, fundamental importance attaches to the interview held with the applicant to determine the purpose of the journey. Additional supporting documentation, agreed through local consular cooperation, if possible, may also be required. The diplomatic mission or consular post must also draw on local consular cooperation to enhance its capacity to detect false or falsified documents submitted in support of some visa applications. If there is any doubt as to the authenticity of the papers and supporting documents submitted, including doubt as to the veracity of their contents, or over the reliability of statements collected during interview, the diplomatic mission or consular post shall refrain from issuing the visa.Source: Common Consular Instructions, part V, third paragraph

Pursuant to this paragraph of the Common Consular Instructions, "the purpose of examining applications is to detect those applicants who are seeking to immigrate to the Member States and set themselves up there, using grounds such as tourism, business, study, work or family visits as a pretext." Such a formulation comes very close to the one included in the Visa Code that focuses on the assessment of the applicant's intention to come back to his country of origin. In both cases, the "risk" is understood as immigration as such, not just undocumented immigration. However, an important difference exists between the Common Consular Instructions and the Visa Code namely the level of precision and details provided. The Common Consular Instructions exemplifies the "risk categories" (unemployed persons, those with no regular income) whereas the Visa Code remains vague. The Common Consular Instructions were a sort of guidelines with no legal value. The Visa Code is a legally binding and self-executing Council Regulation. It is adopted following Community decision-making rules that involve all EU institutions, starting with the Commission proposal, then the Parliament amendments and finally, the adoption by the Council. The process of adoption of the Visa Code has shown that "No job, no visa" is not a sustainable position within the frame of the EU legislative policy making (Infantino, 2019).

Even in the European process of the crafting of legislations dealing with the visa policy, more precisions can be found in the Handbooks, most notably the Handbook for the processing of visa applications and the modification of issued visas, a piece of regulation that is not legally binding. The adoption of Handbooks does not follow the Community decision-making rules that involve the European Parliament. The Commission is assisted by the Visa Committee to draw up the operational instructions on the practical application of the Visa Code (Art. 51 and 52 of the Visa Code). Committees allow for the exercise of the implementing power of the Commission: They are composed of the representatives of the Member States and chaired by the representative of the Commission. The Handbook builds on the knowledge provided by Member States. The practical meaning of the slippery notion of migratory "risk" is specified and detailed (point 6.13). It is split into two parts. The first meaning clearly refers to undocumented migration and reproduces the phrasing of the Common Consular Instructions. It reads as follows: "The risk of illegal immigration by the applicant to the territory of Member States (i.e., the applicant using travel purposes such as tourism, business, study, or family visits as a pretext for permanent illegal settlements in the territory of the Member States)". The second part is about the future intention to leave the territory of the Member State ("Whether the applicant intends to leave the territory of the Member States before the expiry of the visa applied for"). The migratory risk is not only the risk of illegal settlements but also a more general risk of non-return. The Handbook also provides detailed criteria to establish "profiles" of risk, a term that is completely absent in the Visa Code. Features that fall into the category of migratory risk are clearly stated. Features pertain mainly to the applicant's level of "stability" that can be ascertained by assessing her socio-economic situation (family ties in both the countries of origin and destination, employment, marital status, level and regularity of income, social status). These operational guidelines convey the understanding that legitimate travelers must have

a series of socio-economic characteristics, a view that can be easily attacked on grounds of discrimination. These provisions also enter the realm of national sovereignty. The Handbook shows the specific role of EU soft law, which is the making of regulations where no regulation would otherwise be possible (Cini, 2001).

Binding and not binding legal texts indicate the practical meanings of the migratory "risk", the features that fall into profiles of "risk", the procedures and conditions to issue visas. Whether they provide more or less detail, these instructions fail to describe the ways in which they should be put into practice in the specific cases that implementers face in the everyday. In the migration and border control policy domains, several studies have shown how implementation is about using discretion to adapt general rules to the specific situations encountered on the job while solving dilemmas and responding to multiple yet competing objectives (Calavita, 1992; Eule et al., 2017; Tomkinson, 2018; Infantino, 2019). In the context of Europe, the vagueness of EU law is even more salient, as EU laws result from inter-state and inter-institutional compromise. The legislative framework regulating the Schengen visa policy is not exceptional in that regard, also due to visa policy's specific characteristics, namely the fact that the same rules apply to a large variety of foreign countries and for it lies at the core of states sovereignty. The means of implementing control must be tailored to specific contexts. Room for maneuvering ensure the exercise of the sovereign power to decide who gets in.

Inherited by the original Schengen process, the logic of external migration control and migratory concerns certainly permeates the texts regulating the implementation of EU visa policy. However, reading the instructions does not inform us on the actual practice. The next section draws analytical scrutiny on the extent to which these logics stay on paper and how they are entangled in the practices.

3.3 The Blurring Boundaries of Control Practices

The ways in which actors on the ground understand policy purposes matter since these understandings give sense to action. Putting policy into action is also about making sense of the objectives of policies and laws. A nexus exists between policy narratives, sense-making and organizational actions (Roe, 1994; Czarniawska, 1997; Banerjee, 1998). These kinds of narratives are essential knowledge to implement visa policy. To carry out their job, every newcomer to the organizations appointed to visa policy implementation wants to learn what are the issues at stake and what visa policy should do in the specific local context, beyond regulations about procedures and conditions to issue visas. In the rare case that implementers read texts such as circulars or *vademecum*, they say texts are "theoretical" and that the theory is very different from the actual practice. Implementers also acknowledge that one should know the local context and that ways of doing things change according to the country in which visa policy is implemented. The same applies to trainings, deemed to be too broad. Sharing narratives with colleagues is a crucial means to make sense of what should be done.

In the case of "old" immigration countries also initiators of the Schengen process like Belgium and France, the narratives that associate visa policy to external migration control and the organizational understandings of the objective of visa policy as the pre-emption of immigration "risks" have historical depth. Senior and junior officers, both at the consular frontline and in the offices of central ministries, develop narratives that convey specific understandings of what are the issues at stake in issuing visas and the national priorities of visa policies. These narratives use a specific terminology to explain the series of events that provoke organizational concerns. In the context of Belgium, to describe the issues at stake and priorities in assessing visa applications, officers speak of "procedure circumventing" (*détournement de procédure*) namely the risk that somebody applies for a short-stay visa, such as a family visit or tourism, although the intention is settling in Belgium by applying for a residence permit (most notably in the case of relatives) or by getting married. Senior officers know that the notion existed well before 2009, when the Visa Code entered into force. Adapted to current times, the concern of procedure circumventing involves the uses of the welfare state benefits like unemployment benefits. In the context of France, a very similar notion indicates the concern underlining visa policy implementation namely the risk of circumventing the purpose of the visa (*détournement de l'objet du visa*). The collection of pieces of information for the assessment of visa applications aims at establishing the probability of such a risk. Somebody applies for a short-stay visa for family, private visit or tourism while the intention is settling in France by getting married or applying for a residence permit. Decision making is also informed by the concern that some visa applications were aimed at receiving health treatments in France.

In the case of Italy, the actors that put visa policy into action, mainly foreign affairs officials at different hierarchical levels, develop narratives that convey specific understandings of visa policy. These understandings can be differentiated following a generational divide, also documented in other organizations of border control (Côté-Boucher, 2018), which sees a clear opposition between senior officials and newcomers. Senior officials nostalgically focus on the time when the core of consular matters were Italians abroad rather than migration control. The prestige of consular posts has always been measured by the presence of nationals in a foreign country. Issuing visas consisted in checking lists of banned foreigners mainly for public order and political reasons. Junior, newly appointed officials tend to make a much clearer connection between visas and the "protection" of the nation state from undesirable migration, therefore joining the understandings of migration control as a mission that allows for appropriating repetitive administrative tasks, a way to make sense of one's job typically observed in some street-level bureaucracies, like prefectures in France (Spire, 2008) or Belgian and French consular sections (Infantino, 2019). As a result, the assessment of visa applications consists in preempting the risk of lawful settlement, embodied by parents who can apply for residence permits, young persons who can get married and protecting the welfare state from those who might use welfare benefits most notably public healthcare. In-depth ethnographic fieldwork in Schengen consulates in a specific local context like Morocco has been key in bringing insights on the ways in which day-to-day

implementation practices become more similar although historically rooted cross-national differences. Participant observations and interviews with the officers that make decisions on visa applications and the researcher's extensive presence in the policy and social worlds of consulates have substantiated the comparative analysis of how national boundaries are blurred on the ground. Rather than the reading of the common EU law or of the common guidelines, the informal exchange with peers from "old" immigration countries, triggered by the condition of interdependency that a common visa policy entails and the search for ways to solve the problem of putting visa policy into action, accounts for growing similarities in practices (Infantino, 2021). Consuls general meet informally and exchange views about the local contexts and issues at stake in implementing visa policy. Officers make telephone calls to know the motivation for previous visa denial, therefore learning about other consulates' ways of making decisions. Officers see each other at parties or even go out for dinner and talk about their job. Implementers share understandings of risk, issues at stake in implementing visa policy, objectives, and ways of doing things, as a result. Informal exchange among the local "community of practice" (Wenger, 1998) is the process whereby learning occurs and triggers policy change from below. In the case of Italy, that entails appropriating the logic of external control and translating the objective of visa policy into the assessment of the risk of non-return.

Two elements deserve mention. First, the objective of Schengen visa policy as suggested in legal texts – the assessment of the misuses of travel purposes to actually immigrate – builds on existing understanding and practice of some EU Member States like Belgium or France. The practical meaning of the migratory risk as the risk of non-return is not a novel EU notion. The logic of external control as the pre-emption of migration, most notably lawful migration, is included in the EU texts but builds on existing practices. Second, specific logics are translated into practice even in the case of Italy, a country that shows an historically grounded understanding of visa policy that is very distant from the logics of external migration control.

Logics in EU texts and national practice are entangled in a twofold direction. Some (Northern) national practices have informed EU texts, and some logic in EU texts are translated into national (Southern) practice. However, that does not happen only by reading the texts but rather by sharing narratives, constructing perceptions of appropriateness, framing the problem of making decisions, developing practical knowledge in interaction with peers from other national contexts.

3.4 A Model of "Europeanization" from Below?

Policy convergence or policy divergence between (Northern and Southern) European Member States is a key issue for all those interested in the construction of the EU. There is a vast body of literature that goes under the label of Europeanization that focuses on the European integration. In that literature, the implementation tends to be understood as the transposition of EU Directives (Falkner et al., 2008;

Sverdrup, 2007). However, cross-national comparisons about the practices that put EU laws and policies into action are an expanding field of research that builds on a growing interest into the study of the implementation stage, also in the domains of migration and border control (Dörrenbächer & Mastenbroek, 2017; Eule et al., 2019; Jordan et al. 2003). In the visa policy area, some scholars have pointed to cross-national differences in implementation practices by analyzing rejection rates (Infantino, 2019), the regional variation in visa supply (Finotelli & Sciortino, 2013), and by taking the perspective of applicants' experiences in dealing with different consulates (Jileva, 2003).

This analysis of the practices of European external control that focuses on one Europeanized policy instrument of migration control – Schengen visa policy – and takes the case of Italy in comparative perspective allows for putting forward on the one hand, a series of factors that account for divergences and sustain the thesis of a North-South divide and, on the other hand, some processes and actors that account for convergences from below. Divergence cannot be explained using some hypotheses about the Europeanization most notably the "goodness of fit" (Börzel & Risse, 2000) or the "worlds of compliance" (Falkner & Treib, 2008). As Guiraudon (2007, p. 303) has noted in the context of anti-discrimination policy, the Europeanization literature that relies on the notion of "goodness of fit" overlooks cases where the fit is a priori "good". The original Schengen process has become the model of EU visa policy. Therefore, it is more familiar to some countries like Belgium and France. The logics on EU paper are based on existing practices of some EU Member States. It is expected to observe conformity in the modeling group of EU Member States whereas it is unexpected to observe the adoption of some logics and practices by a country that is historically far from the EU model. By taking the practice perspective, this analysis shows that Italy does not pertain to the "world of neglect" or "world of dead letters" – the typologies of compliance that Falkner and Treib (2008) defined. Falkner and Treib (2008) locate Italy in the world of dead letters because "what is written on the statute books simply does not become effective in practice". What is written on statute books cannot become effective in practice unless it is translated into practical meanings. That is valid for Italy (and the other countries of the world of dead letters) as for any other European Member State. As Italy is changing most, because it is adopting novel understandings, while revealing a concern about how to put EU visa policy into practice, which underline the gathering in communities of practice, one cannot argue that it is neglecting EU obligations.

The comparative research design in the analysis of the practices of external control via visa policy implementation shows processes of adjustment induced by the making of the EU that diminish cross-national differences between one Southern European country and some of the (Northern) European countries which have contributed to the designing of EU policy instruments of migration control. This analysis reveals the interactive nature of Europeanization understood as a process of institutional, strategic, normative (Palier & Surel, 2007) and cognitive adjustments (Hassenteufel, 2008). However, it takes the perspective of the worlds of practice, frontline organizations and policy implementation, therefore putting forward dynamics of change at a distinct level of the policy process. Dynamics of

change challenge the thesis of a North-South divide. The practice perspective to analyze external control in the European migration regime sheds light on the crafting of responses that might blur national boundaries. These dynamics consist in actors' interactions and their effects, which cannot be reduced only to convergence, but rather include translations (Hassenteufel, 2005), hybridization and synthesis (Rose, 1993). It is crucial to note that the actors under scrutiny are implementers which trigger processes of policy change from below. Ultimately, these actors translate logics that have been Europeanized (but stem from some EU Member States) into actual practice because of interactions on the ground rather than the reading of instructions. In sum, dynamics of policy change towards an EU model might be triggered from below.

3.5 Conclusions

This chapter has taken the practice and comparative perspective to contribute to the analysis of the European regime of external control. The thesis of a divide between Northern and Southern European Member States that hinder convergences has been put under scrutiny. By building on the case of visa policy, one Europeanized instrument of migration and border control, which lies at the very heart of the achievement of both free movement and the European border-free territory, we have seen that an EU model in this policy area exists and it derives from the original Schengen process. Such a process tracing shows the roots of contemporary understandings of the issues at stake in issuing Schengen visas and what are the logics that characterize the EU visa policy. These logics inform the crafting and drafting of the EU legal texts that day-to-day practice put into action. By focusing on a Southern European country and key player of Schengen visa policy, this chapter has argued that practices blur national boundaries and account for processes of change that hinder the policy legacies and other factors of divergence in implementation. A country like Italy, very far from the EU model when compared to original Schengen countries like Belgium and France, puts the logics of external migration control into action while translating the migratory risk into the assessment of the risk of lawful migration.

Such a finding matters for both academic and society debates. First, it shows the importance of adopting the street-level perspective through the lenses of the migration regime concept. It encourages a reappraisal of certain hypothesis about the Europeanization by using the street-level implementation perspective in the analysis of the European integration. Implementers might be overlooked actors of "Europeanization" from below. This analysis also supports the perspectives on the making of the European Union that focus on processes of adjustment by including the implementation stage of the policy process. Second, at the level of political and media debates, the tendency at ranking, "naming and shaming" and classifying EU Member States according to best practices is widespread in several domains of governments' functions. In the context of migration and border control, the distinction

between "good" and "bad" pupils often overlaps with the North-South divide, putting Southern countries in the role of "weak" border controllers. It is safe to say that mistrust characterizes the lifting of interstate frontiers and the making of the Schengen Area just as the pooling of sovereignty. However, if one convergent tendency exists, it can be observed in the inclination towards restrictiveness and the adoption of understandings that see migration (whether undocumented or not) as a risk. That kind of tendency certainly represents an element of reflection on the broader representations and attitudes about migration in both Northern and Southern EU Member States.

References

Andreas, P. (2011). *Border games. Policing the US-Mexico Divide*. Cornell University Press.

Banerjee, S. (1998). Narratives and interaction: A constitutive theory of interaction and the case of the all-India Muslim league. *European Journal of International Relations, 4*(2), 178–203.

Bigo, D. (2016). *Delivering liberty and security? The reframing of freedom when associated with security. Europe's 21st century challenge* (pp. 285–310). Routledge.

Bigo, D., & Guild, E. (2005). Policing at a distance: Schengen visa policies. In D. Bigo & E. Guild (Eds.), *Controlling Frontiers: Free movement into and within Europe* (pp. 233–263). Ashgate Publishing Limited.

Börzel, T., & Risse, T. (2000). *When Europe hits home: Europeanization and domestic change*. (EUI working papers. RSC 2000/56). European University Institute.

Brochmann, G., & Hammar, T. (Eds.). (1999). *Mechanisms of immigration control: A comparative analysis of European regulation policies*. Berg.

Brodkin, E. Z. (1987). Policy politics: If we Can't govern, can we manage? *Political Science Quarterly, 102*, 571–587.

Calavita, K. (1992). *Inside the state: The bracero program, immigration, and the INS*. Routledge.

Cini, M. (2001). The soft law approach: Commission rule-making in the EU's state aid Regim. *Journal of European Public Policy, 8*(2), 192–207.

Côté-Boucher, K. (2018). Of "old" and "new" ways: Generations, border control and the temporality of security. *Theoretical Criminology, 22*(2), 149–168.

Czaika, M., de Haas, H., & Villares-Varela, M. (2018). The global evolution of travel visa regimes. *Population and Development Review, 44*(3), 589–622.

Czarniawska, B. (1997). *Narrating the organization: Dramas of institutional identity*. University of Chicago Press.

Dörrenbächer, N., & Mastenbroek, E. (2017). Passing the buck? Analyzing the delegation of discretion after transposition of European Union Law. *Regulation & Governance*. https://doi.org/10.1111/rego.12153

Dubois, V. (2016). *The bureaucrat and the poor: Encounters in French welfare offices*. Routledge.

Emerson, R., & Paley, B. (1992). Organizational horizons and complaint-filing. In K. Hawkins (Ed.), *The uses of discretion* (pp. 231–247). Oxford University Press.

Eule, T. G., Loher, D., & Wyss, A. (2017). Contested control at the margins of the state. *Journal of Ethnic and Migration Studies, 44*(16), 2717–2729. https://doi.org/10.1080/1369183x.2017.1401511

Eule, T. G., Borrelli, L. M., Lindberg, A., & Wyss, A. (2019). *Migrants before the law*. Palgrave Macmillan.

Falkner, G., & Treib, O. (2008). Three worlds of compliance or four? The EU-15 compared to new member states. *Journal of Common Market Studies, 46*(2), 293–313.

Falkner, G., Treib, O., & Holzleithner, E. (Eds.). (2008). *Compliance in the enlarged Europe: A world of dead letters?* Ashgate.

Feldman, M. S. (1992). Social limits to discretion: An organizational perspective. In K. Hawkins (Ed.), *The uses of discretion* (pp. 163–183). Oxford University Press.

Finotelli, C., & Sciortino, G. (2013). Through the gates of the fortress: European visa policies and the limits of immigration control. *Perspectives on European Politics and Society, 14*(1), 80–101.

Fitzgerald, D. S. (2019). *Refuge beyond reach: How rich democracies repel asylum seekers*. Oxford University Press.

Groenendijk, K. (2020). The genesis of free movement of persons in the EU: Why and for whom? In D. Bigo, T. Diez, E. Fanoulis, B. Rosamond, & Y. A. Stivachtis (Eds.), *The Routledge handbook of critical European studies* (pp. 283–306). Routledge.

Groenendijk, K., Guild, E., & Minderhoud, P. (Eds.). *In search of Europe's borders* (pp. 191–214). Kluwer Law International.

Guiraudon, V. (2003). Before the EU border: Remote control of the "huddled masses". In K. Groenendijk, E. Guild, & P. Minderhoud (Eds.), *In search of Europe's borders* (pp. 191–214). Kluwer Law International.

Guiraudon, V. (2007). Anti-discrimination policy. In P. Graziano & M. Vink (Eds.), *Europeanization: A handbook for a new research agenda* (pp. 295–308). Palgrave Macmillan.

Guiraudon, V., & Joppke, C. (Eds.). (2001). *Controlling a new migration world*. Routledge.

Hassenteufel, P. (2005). De la comparaison internationale à la comparaison transnationale. Les déplacements de la construction d'objets comparatifs en matière de politiques publiques. *Revue française de science politique, 55*(1), 113–132.

Hassenteufel, P. (2008). *Sociologie politique: l'action publique*. A. Colin.

Hawkins, K. (1992). The use of the legal discretion: Perspectives from law and social science. In K. Hawkins (Ed.), *The uses of discretion* (pp. 11–46). Oxford University Press.

Infantino, F. (2019). *Schengen visa implementation and transnational policymaking: Bordering Europe*. Palgrave Macmillan.

Infantino, F. (2020). Visa policies and their effects: Preventing mobility? In D. Bigo, T. Diez, E. Fanoulis, B. Rosamond, & Y. A. Stivachtis (Eds.), *The Routledge handbook of critical European studies* (pp. 320–334). Routledge.

Infantino, F. (2021). How does policy change at the street level? Local knowledge, a community of practice and EU visa policy implementation in Morocco. *Journal of Ethnic and Migration Studies, 47*(5), 1028–1046.

Jileva, E. (2003). La mise en oeuvre de Schengen: la délivrance des visas en Bulgarie. In D. Bigo & E. Guild (Eds.), *La mise à l'écart des étrangers: la mise en oeuvre de Schengen.* Paris: L'Harmattan.

Jordan, B., Stråth, B., & Triandafyllidou, A. (2003). Contextualising immigration policy implementation in Europe. *Journal of Ethnic and Migration Studies, 29*(2), 195–224.

Kingdon, J. W., & Thurber, J. A. (1984). *Agendas, alternatives, and public policies*. Little, Brown.

Lipsky, M. (1980). *Street-level bureaucracy. Dilemmas of individuals in public services*. Russel Sage Foundation.

March, J. G., & Olsen, J. P. (1989). *Rediscovering institutions: The organizational basis of politics*. Free Press.

Mau, S., Gülzau, F., Laube, L., & Zaun, N. (2015). The global mobility divide: How visa policies have evolved over time. *Journal of Ethnic and Migration Studies, 41*(8), 1192–1213.

Meloni, A. (2006). *Visa policy within the European Union structure*. Springer.

Nascimbene, B. (1988). *Lo straniero nel diritto italiano.* Milano: Giuffré

Neumayer, E. (2006). 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), 72–84.

Palier, B., & Surel, Y. (2007). Analyser l'européanisation des politiques publiques. In B. Palier & Y. Surel (Eds.), *L'Europe en action. L'européanisation dans une perspective comparée* (pp. 13–85). L'Harmattan.

Palumbo, D. J. & Calista D. J. (1990). Opening up the black box: Implementation and the policy process. In D. J. Palumbo & D. J. Calista (Eds.), *Implementation and the Policy Process: Opening Up the Black Box* (pp. 3–18). New York: Greenwood Press.
Pratt, A. C. (1999). Dunking the doughnut: Discretionary power, law and the administration of the Canadian immigration act. *Social & Legal Studies, 8*(2), 199–226.
Roe, E. (1994). *Narrative policy analysis*. Duke University Press.
Rose, R. (1993). *Lesson drawing in public policy: A guide to learning across time and space*. Chatham House Rumford.
Schön, D., & Rein, M. (1994). *Frame reflection: Toward the resolution of intractable policies controversies*. Basic Book.
Sciortino, G. (1999). Planning in the dark: The evolution of Italian immigration control. In G. Brochmann & H. Hammar (Eds.), *Mechanisms of immigration control* (pp. 233–260). Berg.
Sciortino, G. (2004). Some critical points in the study of irregular migration. *IMIS Beiträge, 24*, 17–44.
Spire, A. (2008). *Accueillir ou reconduire. Enquête sur les guichets de l'immigration*. Raisons d'Agir, Seuil.
Sverdrup, U. (2007). Policy implementation. In P. Graziano & M. Vink (Eds.), *Europeanization: A handbook for a new research agenda* (pp. 197–211). Palgrave Macmillan.
Tomkinson, S. (2018). Who are you afraid of and why? Inside the black box of refugee tribunals. *Canadian Public Administration, 61*(2), 184–204.
Wedel, J. R., Shore, C., Feldman, G., & Lathrop, S. (2005). Toward an anthropology of public policy. *Annals of the American Academy of Political and Social Science, 600*(1), 30–51.
Weil, P. (1991). *La France et ses étrangers: L'aventure d'une politique d'immigra- tion 1938–1991*. Éditions Calman-Lévy.
Wenger, E. (1998). *Communities of practice*. Cambridge University Press.
Yanow, D. (2004). Translating local knowledge at organizational peripheries. *British Journal of Management, 15*(1), 9–25.