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Political regimes and immigration policymaking

The contrasting cases of Morocco and Tunisia

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Conclusion

ABSTRACT

This short concluding chapter resolves the empirical puzzle outlined at the beginning of the thesis, namely the disconnect between immigration patterns, their politicization, and the transformations of the polity in Morocco and Tunisia, and recaps the three key insights on the role of political regimes in immigration policymaking: First, the thesis shows that immigration policymaking is largely a reflection of national identity conceptions and regime strategies to assure political legitimation and stability. This explains the disconnect between the level of immigration politicization and the magnitude of immigration on the ground. Second, the thesis highlights the limited explanatory power of binary regime categories, as there is no direct link between political regime type and immigration policy outcomes strictly speaking. Rather, immigration policymaking is shaped by political regime dynamics: While democratization is likely to strengthen popular calls for restriction, autocratic consolidation might paradoxically create more leverage for state-driven liberal policy reform. These dynamics can explain both the liberal immigration reform in autocratic Morocco and the restrictive policy continuity in democratizing Tunisia. Thirdly, the thesis advances a three-fold typology of immigration policy processes into ‘generic’, ‘issue-specific’, and ‘regime-specific’ processes to specify the scope conditions of the ‘regime effect’ and to tease out similarities in immigration policymaking across the ‘Western/non-Western’ and ‘democratic/autocratic’ divides. To open up the discussion, the chapter also outlines three ways to advance a more general theorization of immigration politics, namely by more systematically investigating the drivers of positive immigration politicization, the spectrum of political practices across regime types, and the links between state formation, social transformation, and immigration.

1 SUMMING UP: HOW DOES THE POLITY SHAPE THE POLITICS OF IMMIGRATION POLICY?

The central ambition of the thesis was to investigate immigration policymaking in Morocco and Tunisia. These two critical cases allowed a systematic examination the role of political regimes in immigration politics beyond the usual scope of immigration policymaking theories. By adopting a systemic perspective and focusing on the changing cartography of actors, I teased out similarities and differences in Moroccan and Tunisian policymaking processes. The empirical insights gained from the paired comparison allowed me to develop theoretical propositions on the extent of a 'regime effect' in immigration policymaking, and on commonalities in immigration policymaking across political regimes and political geographies.

1.1 RESOLVING THE EMPIRICAL PUZZLE

Morocco and Tunisia offered valuable insights into the drivers and dynamics of immigration policymaking in the context of diverging migration patterns and contrasting political developments. Drawing on extensive fieldwork, I analysed how institutions, interests, and ideas of state, civil society, and international actors shaped immigration policy changes and continuities over time, and explored the disconnect between the magnitude of immigration, its politicization and transformations of the polity. Table 14 takes up the initial empirical puzzle outlined in Table 1 (see Chapter 1, Section 2.2) and complements it with a more fine-grained layer of analysis that sums up the main empirical findings.

TABLE 14: Resolving the empirical puzzle

	Morocco	Tunisia
Magnitude of immigration	Low	High
Growth rate of immigration	Gradual, moderate growth since the 1990s	Sudden, substantial growth after 2011
Characteristics of immigration	Migrants from a diversity of countries in sub-Saharan Africa, Europe, the Middle East, and Asia	Mainly Libyan migrants, in addition to small-scale immigration from sub-Saharan Africa and Europe
Politicization of immigration	High Top-down positive politicization	Low Top-down depoliticization
Saliency of immigration	High on political agenda Low on societal agenda	Low on political agenda Low on societal agenda
Political polarization on immigration	Depolarization of political actors through royal framing of immigration as ‘national endeavour’	Active non-polarization of political actors who highlight national unity and focus on more urgent issues
Immigration policy outcomes	Policy reform Immigration liberalization mainly through executive instruments, not legal change Caveats at implementation level	Policy continuity at the core of the migration regime resulting from strategic non-policy and political stalemate Small legal changes at the fringes of the migration regime
Transformation of the polity	Low	High
Political regime dynamics	Authoritarian consolidation Safeguarding regime legitimacy internal and externally	Democratic transition Preserving regime stability in the face of internal and external challenges
Socio-political change	Regular popular protests for political opening Societal demands for more migrants’ rights, backed up by transnational support	Revolution freed up contradictory societal dynamics Pro-immigration civil society activism develops alongside nationalist, xenophobic claims
Changes in national identity narratives	Top-down redefinition of national identity towards more diversity	Top-down focus on national unity by the elite against bottom-up claims for diversity
Main political process	Immigration liberalization as strategy for authoritarian consolidation	Immigration depoliticization as safeguard for democratization

The paired comparison between Morocco and Tunisia exemplified that investigating immigration policymaking offers an insightful view onto broader dynamics of political change and the ongoing transformations of states and societies. As I have shown, the extent of immigration politicization does not necessarily reflect the magnitude of immigration on the ground. Rather, immigration politicization first and foremost reveals regime strategies for political legitimation and stability, as well as changing conceptions of national identity. For instance, the categorization of migrants is intrinsically linked to official national identity narratives and how they can be mobilized for internal and external regime legitimation. Also, immigration policymaking is shaped by how Moroccan and Tunisian authorities have historically dealt with claims for political pluralism from their citizens. While the Moroccan monarchy has responded to regime criticism from leftist, Islamist, or Amazigh groups with a mix of repression and co-optation, the regimes of Bourguiba and Ben Ali have silenced opposition within and beyond the ruling party by referring to the need to preserve Tunisian unity and to achieve overriding development goals. These different approaches to political opponents partly explain why immigration has been forcefully politicized in Morocco and consciously depoliticized in Tunisia.

The disconnect between the magnitude of immigration and its politicization can have two outcomes: Small-scale immigration can be politicized for strategic reasons regardless of its numeric insignificance. The Moroccan case shows how politicizing immigration has been part and parcel of the monarchy's strategy for authoritarian consolidation, especially after the 'Arab Spring', in order to counteract regional "revolutionary diffusion" (Weyland 2009; 2012). Immigration has been turned into political capital for Morocco's diplomatic agenda – to gain concessions from the EU in terms of economic cooperation and the rights of Morocco's diaspora; as well as to garner support for the Western Sahara question within the African Union and to deepen political and economic integration with sub-Saharan African countries. In the domestic sphere, the migration reform bolstered the regime's legitimacy in front of liberal, progressive parts of Moroccan society who saw migrants' rights as intrinsic to Morocco's democratization agenda. Regardless of the reality on the ground, immigration has thus been inflated in political discourses and become central to fortifying the image of Morocco as a modern, liberal monarchy at home and abroad. This dynamic of 'geopolitical rebordering' is not only relevant for Morocco, but also key to understanding the politicization of low-scale immigration in other contexts: For instance, the Hungarian government has turned refugee arrivals into a number one policy priority despite their numerical insignificance after 2015, as a means to increase its domestic support and strengthen its bargaining position towards the EU (Barlai and Sik 2017; Cantat 2018).³⁵⁹

359 In 2017 only 1,216 people were granted protection in Hungary. Nonetheless, the April 2018 election focused on the need to protect Hungary's security and culture from asylum seekers (Cantat 2018).

On the other hand, large-scale immigration can be consciously depoliticized. My analysis of Tunisian immigration politics has shown the reluctance of policy actors to put immigration on the agenda. In 2011, immigration was set on the agenda, because the revolution increased freedom of expression and large numbers of refugees and migrants arrived from neighbouring Libya. However, the democratization of the polity has ultimately triggered a depoliticization of immigration for the sake of national unity and cohesion, as well as future political and economic cooperation with Libya. In particular, the volatility of the Tunisian party system has created a cross-partisan elite consensus that has so far prevented the emergence of partisan cleavages on immigration. Once the Tunisian party system stabilizes, MPs could become an important driver of progressive or restrictive immigration reform, either by translating their concerns for Tunisians abroad onto immigrants in Tunisia, or by politicizing immigration within a nationalist perspective. History offers other examples of deliberate depoliticization, such as the integration of Afghan refugees in Iran under the banner of Islamic solidarity (Moghadam 2018) or the migration of 'Russian-Germans' from the Former Soviet Union to Germany after the Cold War (Dietz 2006; Ronge 1997).

1.2 DISSECTING IMMIGRATION POLICY

The thesis also showed that there is no a priori reason why specific immigration policies should be attributed to binary categories such as 'Western/non-Western' or 'democracy/autocracy'. Rather, immigration politics are shaped by dynamics within a political regime: In Morocco, immigration politicization and liberalization was a strategy for authoritarian regime consolidation, while Tunisian policymakers opted for immigration depoliticization and restrictive policy continuity to safeguard democratization. Immigration policy – how a state deals with 'the other' – thus offers a privileged entry to research political regime dynamics.

More generally, the link between political regimes and immigration policy outcomes is all but straightforward: Open immigration policies are not a specificity of democracies, nor are restrictive immigration policies a feature of autocracies. Democratization does not necessarily lead to immigration policy liberalization, and there is no immediate relation between citizens' political freedoms and openness towards immigration. While South Korean and Latin American civil society groups engaged in the democratization movement ultimately turned into immigrant rights' advocates (Acosta Arcarazo and Freier 2015; Chung 2010) – in Tunisia, democratization has bolstered the role of civil society, but not yet spilled over into more open policies towards immigration. Democratic politics, in fact, have spurred restrictionist policy demands from parts of the public, as well as incoherencies in the institutional policymaking landscape. These dynamics ultimately resulted in policy continuity.

In contrast, autocratic policymaking and the limited magnitude of immigration in Morocco have created a window of opportunity for a liberal policy reform, a

dynamic I call the ‘illiberal paradox’. Indeed, the 2013 liberal immigration reform has both emerged from Morocco’s authoritarian regime, given the King’s relative freedom from societal demands, and at the same time consolidated it. The fact that, in certain circumstances, authoritarian regimes can provide a safer environment for immigrants, and that democratization can lead to immigration policy restriction, has also been evidenced by research on asylum policies in Tanzania and Kenya (Milner 2006), on ethnic immigration policies in Latin America (FitzGerald and Cook-Martín 2014), or on the intensification of exclusionary policies towards foreigners in the context of political liberalization in Cameroon since the late 1980s (Geschiere and Nyamnjoh 2000).

In addition to showcasing the importance of looking at political regime dynamics, my thesis has also revealed the need to analyse a country’s immigration regime as a mixed bag of measures targeting different migrants groups in highly different ways (see also de Haas, Natter and Vezzoli 2018). In Morocco, despite the 2013 reform and the exceptions that it has introduced for regularized migrants, most of the legal framework on entry and stay has remained untouched. In contrast, despite the fundamental continuities of Tunisia’s restrictive approach towards immigration, some changes have affected the fringes of the immigration regime, in particular the rights of students and human trafficking victims. Investigating immigration policymaking thus entails looking at both continuities and changes across different immigration policy domains, and distinguishing changes at the core as opposed to changes on the fringes of a country’s immigration regime. As I have shown in Chapter 10, this disaggregation of immigration policy allows for more differentiated insights into the role of state, civil society, and external actors in immigration policymaking.

1.3 DELINEATING THE ‘REGIME EFFECT’ IN IMMIGRATION POLICYMAKING

Investigating the interplay between institutions, interests, and ideas at the state, societal, and international level in Moroccan and Tunisian immigration politics allowed me to explore the scope conditions of immigration policy theories and, relatedly, to specify the boundaries of a ‘regime effect’. The analysis suggests that a country’s position on the democracy-autocracy spectrum shapes immigration policymaking dynamics only to a certain extent, which has to be specified: First, I advance that the ‘regime effect’ differs across agenda setting, decision-making, and implementation dynamics. My empirical analysis suggests that the ‘regime effect’ kicks in most clearly at the decision-making stage because the centralization of power in the hands of an autocratic executive increases decision-making capabilities and the range of policy options available. For agenda setting and implementation, however, power is diffused among a range of institutional and societal actors across the entire spectrum of political systems.

Second, I argue that only certain immigration policymaking processes are shaped by regime-specific features. In particular, I suggest that the ‘regime effect’ can be restricted to certain aspects of domestic politics approaches and to the legal

domain, while the insights of national identity approaches, bureaucratic politics or globalization theories can be expanded beyond 'Western liberal democracies'. To systematize these findings, I classified immigration policy processes into three main groups – 'generic', 'issue-specific', and 'regime-specific' processes. This three-fold typology should not be seen as a rigid analytical framework but is meant to stimulate more systematic comparative research and serve as a starting point for more consolidated theory-building on immigration policymaking in the future.

To recapitulate, I developed the following four hypotheses on 'generic' policy processes that characterize policymaking across policy areas and regime types, since they emerge out of the very essence of policymaking in modern states:

- The state is not a unitary actor working towards a single interest, but consists of fragmented institutions that pursue different, potentially contradicting goals;
- policymaking is always characterized by discrepancies between policy discourses, policies on paper, and policy implementation;
- institutions are made up of individuals – be they politicians, bureaucrats, or civil society activists – who play a crucial role in shaping policies beyond institutional identities;
- specific events or moments of crisis provide a window of opportunity for new actors, interactions, or policy ideas to emerge.

Also, I developed the following four hypotheses on 'issue-specific' policy processes that are intrinsic to what immigration does to state sovereignty and interest alignment, but valid regardless of the political system in place:

- State formation trajectories, political ideologies, and national identity conceptions provide the foundations of a country's immigration regime because immigration policy is inherently imbricated with the very 'stateness' of modern nation-states;
- institutionalist analyses focusing on state interests and bureaucratic politics are crucial to understanding similarities in inter-institutional dynamics to immigration across political regimes, such as divergent visions or turf wars among and within ministries;
- liberal norm constraints are at play across regime types, but the way they play out (directly through legal instruments, or indirectly through jeopardizing the country's international image) varies depending on the strength of judicial actors and the vulnerability of the regime to international shaming;
- foreign policy considerations are crucial in immigration politics across the democracy-autocracy spectrum, but vary according to a country's position in global migration systems and its geopolitical relations: they are reinforced in the context of a three-level game or when regime legitimacy and stability depends on political support from abroad.

Lastly, I developed four hypotheses on 'regime-specific' policy processes that are shaped by political dynamics characteristic of a country's position on the democracy-autocracy spectrum:

- In political systems with a weak rule of law, the role of independent lawyers and courts as a counterweight to executive or legislative policymaking is limited, thereby increasing the vulnerability of migrants towards rapid policy backlashes;
- the electorate and political parties weigh by definition less in autocratic or illiberal political contexts; this does not however mean that autocratic leaders are independent from public opinion, particularly in the long term, once immigration starts to create new socio-political realities and dynamics on the ground;
- autocracies have greater freedom to 'choose' which clients they want to cater to through their immigration policies: the role of civil society is likely to be stronger when it passes through international support or when it serves to replace formal democratic processes; while the weight of business interests depends in part on the size of the informal labour market and the imbrication of political and economic elites;
- ultimately, autocratic regimes have more leeway to enact liberal immigration policy reforms than democracies because they are less bound by institutional path dependency dynamics and societal demands, giving rise to an 'illiberal paradox'. Such immigration liberalization is particularly attractive when the magnitude of immigration is low or when entry rights are not automatically coupled to socio-economic rights.

The systematic dialoguing of existing immigration policy theories with the empirical material gathered in this thesis allowed me to develop these hypotheses on the role of political regimes in immigration policymaking. In particular, the thesis highlighted that regime dynamics matters in defining which non-state actors are of concern to immigration policymaking: Courts, businesses and political parties, which are central in mainstream immigration policy theories, play a more limited role in autocratic contexts. There, political energy is channelled mainly into civil society associations, which become potentially powerful actors despite widespread limits on political freedom. This means that to understand the politics of immigration policy in more autocratic contexts, researchers need to shift focus from courts and businesses to other non-state actors, in particular civil society.

The specific characteristics of Morocco's and Tunisia's political regimes might have affected these insights in two ways: On the one hand, the conclusions might overestimate the role of civil society and international norms in autocracies. The Moroccan monarchy and Tunisian presidential one-party regime were precisely vulnerable to civil society criticism and international norm adherence because they

sought to broadcast their openness and progressiveness internationally. A regime that does not care about its international image will be less reluctant to simply repress civil society claims and ignore international norms. On the other hand, the conclusions might overestimate the prevalence of institutional deadlock and underestimate the importance of civil society and legal actors in democracies, given that I have analysed a young democracy in transition. As research on pro-migrant activism in South Korea or Latin America shows, it took years for democratization to spill over into a broadening of immigrants' rights (Acosta Arcarazo and Freier 2015; Chung 2010). Only the future will show whether a similar dynamic will emerge in Tunisia.

These two limitations, however, do not diminish the valuable insights gained from the Moroccan and Tunisian cases. In fact, given that most countries around the world are neither full-fledged autocracies nor consolidated liberal democracies, it is important to better understand the commonalities in immigration policymaking across political regimes. Overall, the tools to analyse immigration policy dynamics are strikingly similar across polities: it is about who the clients of a specific immigration policy are and how they contribute to the regime's domestic and international legitimation. Recognizing such shared features and dynamics of immigration policymaking that emerge from the nature of modern statehood is crucial to advancing a general conceptualization of immigration politics.

2 WHERE TO GO NEXT: AVENUES FOR FUTURE RESEARCH

To conclude, I outline three avenues to further unlock the analytical potential of migration policy analysis for wider social and political science, namely by more systematically studying welcoming approaches to immigration, the commonalities of political practices across regime types, as well as the linkages between political transformations and migration.

2.1 OVERCOMING THE RESTRICTIVE BIAS: INSIGHTS INTO THE POSITIVE POLITICIZATION OF IMMIGRATION

First of all, the field of migration studies is characterized by a restrictive bias: The assumption that migration policies have become more restrictive over time is widespread, despite quantitative evidence showing the contrary (de Haas, Natter and Vezzoli 2018). Similarly, migration research tends to focus on moments in history when immigration is negatively politicized and when states attempt to curtail it. Politicization has become an implicit synonym for negative politicization, a trend reinforced by studies on the securitization of migration (Boswell 2007a; Buonfino 2004; Huysmans 2000; van der Brug et al. 2015). However, public authorities do not always frame immigration as a problem; large-scale immigration has also been officially welcomed or generated only limited public attention and concern. This has for

example been the case with 19th and early 20th century European migration to Latin America (FitzGerald and Cook-Martín 2014), the initial arrival of Cuban refugees in the US in 1980 (Hufker and Cavender 1990), or the cross-border movements from the Eastern bloc to Western Europe and the United States during the Cold War (Carruthers 2005; Chimni 1998). The Moroccan case is thus not unique in historical and global comparisons.

But what drives such positive immigration politicization? At first glance, factors such as economic growth, imperial expansion, geopolitical alliances and social cohesion of the host country seem determining. When it fits into the state's national interest and geopolitical self-understanding, immigration seems to be framed positively or even encouraged. To overcome the dominant research focus on restrictive policies and to better understand when, how, why and by whom migration is positively framed, it seems essential to more closely investigate the drivers and dynamics behind welcoming state approaches to migration. This would make research on immigration politicization more comprehensive, and better reflect the variety of ways in which states and societies have approached immigration around the world.

2.2 COMBINING IDEAL-TYPES AND ANALYSES OF POLITICAL PRACTICES

Second, as should have become clear by now, I am not calling for more theory-building on 'non-Western' or 'autocratic' immigration policymaking. Such dichotomies are problematic in the first place, and so future research should take the commonalities across political regime types and political geographies as a starting point for investigation. To develop more general theories on immigration policymaking in modern states, and to remedy the "tendency to exoticize states of the South by comparing actual practices in the South with an idealized notion of how things work in the North" (Bierschenk and de Sardan 2015: 54), one way forward is to open up the democratic and autocratic regime boxes, and to confront theoretical assumptions about *ideal typical* democratic or autocratic immigration policymaking with empirical analyses that explore the nuances of real-life *political practices*. For Glasius (2018b: 523), "practices are much more than the action or behaviour of an individual, but much less than a state structure. A focus on practices allows a shift away from designating only 'regimes' as authoritarian, recognizing that in contemporary politics, governance arrangements can be more fluid".

Indeed, countries along the entire democracy-autocracy spectrum have to take into account economic lobbies, public opinion, and geopolitical interests in their decision-making. Autocracies have to secure their domestic legitimacy and are therefore not entirely immune to public pressures or civil society activism (Keck and Sikkink 1998; Natter 2014b; Russell 1989). Equally, democracies have policy instruments at their disposal (such as executive orders or presidential decrees) that allow them to take decisions that are free from parliamentary oversight or popular scrutiny.

These policy tools offer opportunities to enact open immigration reforms precisely because of the lack of democratic controls.

In Canada, for instance, the removal of ethnic selection in immigration regulations in the 1960s was only possible through orders-in-council – legal instruments that were safe from public debate and popular demands for restriction (FitzGerald and Cook-Martín 2014: 183-184). Similarly, in democratic India, all openings towards immigrants are enacted not through statutory law, but through government orders, giving the executive wide-ranging powers to revoke immigrant rights at any time (Naujoks 2018). Travel visa requirements are also examples of “a quick, discreet and effective migration policy instrument” (de Haas et al. 2018: 32) that is in the hands of the executive and can, therefore, respond more easily to economic or diplomatic priorities. In general, executive politics substantially increases the leeway of both democratic and autocratic leaders for opening (or restricting) immigration.

These examples suggest that when looking at political practices, there might be more similarities in immigration policymaking across countries than expected from a political regime perspective. Immigration politics is most often characterized by a combination of autocratic and democratic practices. A more systematic confrontation of ideal-typical immigration policymaking theories and the in-depth examination of political practices would allow for (1) identifying authoritarian practices within formally democratic systems and, vice versa, democratic practices within formally autocratic systems; as well as (2) investigating the grey zone between consolidated liberal democracy and full-fledged authoritarianism, and thus the spectrum of constellations linking polity, politics, and immigration policies. This might ultimately also provide a better understanding of dynamics underlying autocratic political tendencies and illiberal practices that are gaining ground in consolidated democracies.

2.3 EXPANDING INSIGHTS ON THE ROLE OF POLITICAL TRANSFORMATIONS IN GLOBAL MIGRATION

Lastly, migration studies and comparative politics would benefit from fully mobilizing “the potential [*of migration*] to open windows into key mechanisms of social change” (Mitchell 1989: 703). Indeed, migration is an integral part of the never-ending processes of state formation and social change. On the one hand, state formation affects migration: the redrawing of state boundaries, imperialism as well as international and civil wars have led to large-scale migratory movements, forced or voluntary. Also, states have actively used immigration in nation building by creating national myths such as ‘multiracial Brazil’ or the US ‘melting pot’. On the other hand, migration can trigger social change – through the activism of emigrants in their origin country, the political engagement of immigrants in their destination country, or the reaction of the host society to immigration. Thus, states have – willingly or grudgingly – accommodated migration realities on the ground, as has been the case for many

countries in Western Europe in the past and East Asia more recently who ultimately accepted immigration as a structural feature of their economies and societies.

To better understand the variety of ways in which political transformations shape and are shaped by migration, scholars could pursue research in two directions: On the one hand, studies could investigate the role of fundamental state features – such as bureaucratic strength, the structure of the economy and labour markets, or a country's place in global political hierarchies and trade networks – in shaping migration. On the other hand, scholars could explore more in depth how different types of political transformations – governmental change (i.e. a change of the 'winner of the game'), political system change (democratization, autocratization, i.e. a change in the 'rules of the game'), or polity change (the redrawing of borders or reframing of national identities, i.e. a change in the 'field of the game') – affect global migration. This would systematize insights into how state actions mediate the link between social change and migration, and fully mobilize the potential of immigration policy research to provide insights into statehood and state (trans)formations.