Regions and Immigration in Advanced Democracies

Michaël Tatham

Department of Comparative Politics, University of Bergen, Bergen, Norway.

Postal address: Institutt for sammenliknende politikk, Postboks 7802, NO-5020, Bergen, Norway

Email: tatham.michael@gmail.com

Abstract

Immigration has become a cleaving issue in contemporary politics. Ranging from forced migration and climate-related population displacement all the way to more mundane intra-EU/EFTA freedom of movement, the immigration challenge takes several forms. Whilst national and supranational institutions have mobilized on the issue, subnational authorities in federal and regionalized countries have become important actors shaping integration policies and mediating their effects. Beyond their growth in formal competences, regional authorities underline how the triangular relationship between community, solidarity, and territory matters. All three facets affect the integration of immigrants, with repercussions throughout the policy-politics-polity continuum.

Introduction

It is no exaggeration to state that immigration regularly tops the political and media agenda. Its manifestations are as varied as its sources. For example, in the case of Europe, some of the biggest migratory movements have had external geopolitical causes whereas others have had internal institutional ones. In the wake of the Arab Spring, wars and rebellions in the Middle East and North Africa have generated important population displacements affecting numerous European countries, both Mediterranean and Northern (e.g. Sweden and Germany). Meanwhile, European Union (EU) enlargement and the expansion of the Schengen area have triggered intra-EU/EEA[1]/EFTA[2] mobility, generating internal migratory movements, especially from East to West and from South to North.

Radical right populist parties have mobilized on the issue. Capitalizing on citizens' insecurities in an increasingly globalized world, they have activated identarian and sometimes religious or nativist narratives to promote restrictive immigration and integration policies. These are often aimed at minorities, ranging from East European workers, migrants from past colonies, asylum seekers and refugees, or by amalgamation, religious groups such as Muslims. In this way, identity politics has superimposed itself on the left-right cleavage, generating immigration discourses and policies variously emphasizing exclusionary vs. inclusionary, assimilationist vs. multi-culturalist frames.

These debates have structured both national and international politics. However, they are increasingly played out at the subnational level too. This concluding essay makes three arguments. First, that subnational authorities in federal and regionalized countries have become important actors on immigration issues. They have transitioned from 'spaces' to 'actors' as their formal competences have themselves expanded. This will come as a surprise to analysts adopting countries as the default unit of analysis and to those still perceiving immigration as a 'high politics' or 'regal' issue beyond the reach of regional authorities. Second, it underlines that immigration is a pivotal issue at the heart of the community-solidarity-territory triangle which is increasingly structuring subnational, national, and

supranational politics. Concepts of community and solidarity can be instrumentalized for different purposes. They can be used as legitimizing frames for both constraining and enabling policies. In the case of immigration, their dynamic relationship is exposed as conceptions of community affect expressions of solidarity, which in turn feedback into the inclusion/exclusion of immigrants as members of the host community. Third and finally, the case of immigration demonstrates how territorial politics is significantly contributing to the transformation of democracy, with implications throughout the policy-politics-polity triptych.

Regional Competences and Actorness

Regions are on the rise. Democracies worldwide are increasingly transferring competences to their regional tiers. These processes are not linear and there are sometimes instances of re-centralization (e.g. Niedzwiecki et al., 2021). However, since the 1950s, the aggregate picture is a clear one. With a notable acceleration in the 1970s and a peak in the late 1980s to mid-1990s, successive reforms have granted regions greater autonomy from their central level (Hooghe et al., 2016). As their formal competences have grown, so has their impact on the policy communities operating in their territories. Whilst early reforms created 'regions without regionalism', lacking meaningful actorness and relevance to existing policy communities, empowerment over time has led to 'regions with regionalism'. This situation is characterized by a combination of significant regional authority and a corresponding rescaling of policy communities at the regional level itself (Keating, 2013; López & Tatham, 2018). Regional authorities are thereby not only arenas but also actors in the shaping, aggregation, and formulation of interests. They 'lock-in' or 'cage' existing policy communities falling within their expanding fields of competence (Carter & Smith, 2008; Keating, 2021).

As the competences of regions have expanded, so has the role they have played on questions of immigration. Indeed, even in situations where regions do not have primary competence over

immigration itself, they have played a significant role through their authority over social services, education, health, or language and culture. Clearly, regions are active where they have competences. But competences are not neatly aligned in air-tight containers. They are notably porous and amorphous in both their legal definition and practical implementation. Through the allocation of a variety of public services of immediate relevance to immigrants, regions play a direct role in the *socio-economic* domain of immigrant integration as well as the *cultural-religious* one (Manatschal et al., this issue; Zuber, this issue). Meanwhile, they indirectly affect *legal-political* integration in the host citizenry through policy feedback and knock-on effects (Filindra & Manatschal, this issue; Manatschal et al., this issue; Zuber, this issue).

Some regions do have primary legislative authority over immigration and/or citizenship. This may well be surprising to scholars unfamiliar with regional and federal studies. However, this is the case for all the Australian states (immigration and naturalization) as well as all the Swiss cantons (citizenship). This is also the case for some specific territories such as the Republika Srpska (citizenship, Bosnia and Herzegovina), Sabah and Sarawak (immigration, Malaysia), Quebec (immigration, Canada), and Åland (citizenship and domicile, Finland). Meanwhile, Serbia and Montenegro also had such legislative competences before parting ways in 2006 (citizenship), whilst Bashkortostan and Tatarstan (citizenship, Russian Federation) exercised such authority before the revision of their bilateral treaties in 2005 and 2007, respectively. In these cases, regions are not only important for integration policies, but also for immigration and citizen policies themselves. This information, retrieved from Hooghe et al. (2016), is summarized in Table 1.

Table 1: *Regional Legislative Authority over Immigration, Citizenship, or Right of Domicile.*

Region	Country	Period (1950-2010)	Legislative competence
States	Australia	1950-2010	Concurrent state-federal powers in naturalization and immigration. Residual competences in citizenship (Hooghe et al., 2016: 287).
Republika Srpska	Bosnia & Herzegovina	1995-2010	Primary competence for citizenship. Immigration, refugee, and asylum policies are confederal competences (Hooghe et al., 2016: 458).
Quebec	Canada	1991-2010	Sole responsibility to select its own economic immigrants and control over their settlement (Hooghe et al., 2016: 117).
Åland	Finland	1950-2010	Exclusive control over right of domicile. This means concurrent control over citizenship but also on granting immigrants the right to vote, stand for election, own real estate, and exercise of a profession (Hooghe et al., 2016: 370).
Tatarstan	Russian Federation	1994-2006	Joint jurisdiction over citizenship until new bilateral treaty in 2007 (Hooghe et al., 2016: 68, 439).
Bashkortostan	Russian Federation	1994-2004	Joint jurisdiction over citizenship until its constitution is brought into line with federal law in 2005 (Hooghe et al., 2016: 68, 439).
Montenegro	Serbia & Montenegro	1992-2006	Immigration is a federal competence, but citizenship was a competence of the republic (Hooghe et al., 2016: 490).
Serbia	Serbia & Montenegro	1992-2006	Immigration is a federal competence, but citizenship was a competence of the republic (Hooghe et al., 2016: 490).
Cantons	Switzerland	1950-2010	Immigration and asylum are confederal competences, but citizenship is primarily cantonal. The cantons specify residence requirements and can require a language or naturalization test in addition to confederal minimum requirements (Hooghe et al., 2016: 67, 399).
Sarawak	Malaysia	1963-2010	Sarawak controls residence and immigration within its borders and issues visas to foreign visitors traveling from other countries or from other parts of Malaysia (Hooghe et al., 2016: 68, 313).
Sabah	Malaysia	1963-2010	Sabah controls residence and immigration within its borders and issues visas to foreign visitors traveling from other countries or from other parts of Malaysia (Hooghe et al., 2016: 68, 313).

Notes: Information retrieved from Hooghe et al. (2016)

In sum, although often considered as belonging to the realm of 'high politics' and out-of-reach from regional authorities, immigration is in fact heavily impacted by the activities of regions. Their sprawling competences in education, culture, health, and social services mean that they directly impact integration policies on the socio-economic and cultural-religious dimensions (Piccoli, this issue;

Xhardez, this issue; Zuber, this issue) whilst indirectly affecting developments on the legal-political dimension (Filindra & Manatschal, this issue; Manatschal et al., this issue; Zuber, this issue). Regions with legislative authority on immigration and citizenship shape the whole spectrum of integration policies directly (Bennour, this issue; Paquet & Xhardez, this issue) whilst also impacting a broader set of migration-related questions (Table 1). In this sense, the portrayal of immigration as belonging to a cluster of 'regal' competences has obfuscated the extent to which regions have become relevant actors in this domain. The sprout of literature on the issue clearly indicates this is an oversight which is no longer analytically rewarding (Adam, 2018; Adam & Hepburn, 2019).

Immigration and the Community-Solidarity-Territory Triangle

'Immigrant' is an umbrella term which covers a variety of situations. These come with different statuses and rights in the host territory. At one end of the spectrum, undocumented immigrants have very few rights beyond emergency health and some basic services to their children (e.g. Piccoli, this issue). Asylum seekers have restricted rights until their status is recognized, but more protective rights once this is the case. At the other end of the spectrum are immigrants within free-movement areas. The EU is a case in point, with the freedom to work and settle also expanding to EEA/EFTA countries (e.g. Bennour, this issue). These EU/EEA/EFTA immigrants are a 'privileged group of immigrants' compared to other legal immigrant groups such as third country nationals (Koopmans et al., 2012: 1209). This variety of immigrants is reflected by a variety of policies and arrangements.

Irrespective of how immigrants 'with adjectives' are defined, their arrival questions three core pillars on which our contemporary democratic systems are built. These are: community, solidarity, and territory (see Figure 1). A system's most fundamental pillar is its community. The nature of a community is continuously defined, re-defined, and contested. A community consists of shared norms, values, beliefs, and ways of doing things. The idea of a homogenous community is a fiction, as there

will always be minorities, however defined (Peters & Tatham, 2016: 297). Nevertheless, the inter-subjectively shared notion of belonging to a self-identified group, where communalities are perceived to exceed differences, corresponds to the constitution of a community. By extension, community membership necessarily implies the definition of an in-group and an out-group, which in turn underpins inclusionary and exclusionary processes. At the heart of a community is its survival, which is achieved through within-group support. In other words, solidarity. Solidarity takes the form of different welfare policies. Some are aimed at the most vulnerable, such as children, the elderly, or the sick and disabled. Others are generic, such as the provision of basic education, healthcare, and social services. In recent history, the territorial basis for the expression of community and solidarity was assumed – and accepted – to take place, most fairly and efficiently, at the state level.

Figure 1: Immigration and the Community-Solidarity-Territory Triangle
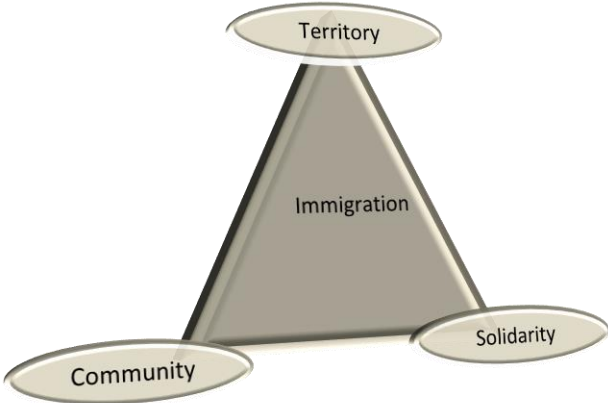
Notes: Author's representation.

However, rescaling processes both above and below the state have explicitly questioned the permissive consensus surrounding the state and its apparatus. European integration has transferred competences to the supranational level and created a unified single market. The advent of various global crises, such as the financial crisis of 2007-8 or the COVID-19 pandemic, have led to difficult discussions about financial solidarity between states. In other words, discussions about the territorial and community basis for solidarity. These discussions have sometimes taken a populist or nationalist turn, such as the idea of German taxpayers financing the Greek bailout or opposition to the

mutualization of debt within the EU by the 'frugal four' of Sweden, Denmark, the Netherlands, and Austria. Just as the question of the advent of a European 'demos' has been contested, the supranational level has been the scene of discussions about how far solidarity should expand between nations. It is of little coincidence that these discussions have also taken place below the state, i.e. between regions within the same state. Indeed, the nature and extent of (financial) solidarity is often discussed in Italy (Mezzogiorno), Belgium (Wallonia-Flanders), Spain (Basque Country, Catalonia), or the United Kingdom (Barnett formula). These developments challenge the three pillars of community, solidarity, and territory. As Keating summarizes: 'the traditional nation-state provided a rather deceptive shortcut, by supplying a readymade unit whose normative justification was given rather than demonstrated. (…) Functional and political rescaling, together with the loss of normative hegemony on the part of the nation-state have put these assumptions in question. Solidarity and self-determination then become matters of political contestation' (2013: 175).

Upon arrival, immigrants belong to the out-group. At the margins of the host community, their degree of access to public goods has no predetermined answer. The extent to which they should benefit from the community's solidarity structures within its territory translates into questions of inclusion/exclusion and pluralism/monism. In this sense, the question of solidarity within the regional space regulates how out-group members entering the territory (i.e. immigrants) can benefit from the community's solidarity structures. As identity and community are differently defined at various territorial scales – from the regional, to the state, to the supranational – and that community defines the boundaries of solidarity, it is not surprising to observe that strong identity regions, such as 'Rokkan regions', are characterized by distinctive integration policies compared to non-Rokkan regions (Manatschal et al., this issue; Zuber, this issue).

However, the link between community and solidarity plays out differently according to its territorial context. Where identity takes the form of minority nationalism it can sometimes result in exclusive

approaches towards immigrants, as illustrated by Zuber (this issue) in the cases of Bavaria or Bolzano. When the community is characterized by inclusiveness, with a tradition of public support towards those at the margins of the community (e.g. the homeless, orphans, or disabled), manifestations of solidarity are more likely to expand to other out-group individuals, such as undocumented immigrants, as illustrated by Piccoli (this issue) in the cases of Tuscany and Andalusia. In this sense, conceptions of territorial identity and community can be variably mobilized, leading to a diversity of approaches towards immigration. As Keating recently highlighted, 'most territorial movements stress social solidarity as a unifying theme. [But] some are anti-immigration in the interest of preserving local culture while others welcome immigration as a means of rebuilding the political community in the face of demographic challenges' (2021: 10). One should note, however, that these relationships are no one-way street. Community in part dictates solidarity. But the reverse also occurs. Solidarity can impact the extent to which out-group individuals become members of the host community itself. This can happen via different mechanisms, from naturalization to participation in politics (Bennour, this issue; Filindra & Manatschal, this issue). In other words, community and solidarity are, in their territorial expressions, mutually constitutive.

Territorial Politics and the Transformation of Democracy

Too often, the default unit of analysis tends to be that of the state. A growing body of evidence now demonstrates that within state variation is not only significant but also meaningful. Overlooking such variation – in its sources and consequences – comes across as methodological shortsightedness (Giraudy et al., 2019; Tatham & Mbaye, 2018). The implication is that regions matter. And increasingly on issues where they are not expected to be relevant actors, ranging from foreign affairs and international trade deals (Broschek & Goff, 2020; Tatham, 2018) all the way to immigrant integration policies (Adam & Hepburn, 2019; Manatschal et al., this issue). Not only do they matter, but the immigration issue highlights their relevance throughout the policy-politics-polity triptych.

On the *policy* dimension, regions matter across the whole policy cycle. Weaker regions are mostly involved at the implementation phase, executing national provisions with varying levels of discretion and oversight. Legislative regions, in comparison, have a much broader reach as they initiate, shape, and pass legislation as well as implement it, sometimes in tandem with the other public authorities present on their territory. In this way, regional authority is a source of differentiation. This is because regions can act as laboratories for new legislation and policy developments. These, in turn, lead to meaningful differentiation regarding rules and practices, even within most similar systems (Piccoli, this issue; Zuber, this issue). But equally, whilst regional authority can produce policy divergence and decoupling, it can also lead to harmonization and confluence. Driven by diffusion and emulation mechanisms, initially incongruent policies can give way to 'races to the middle' and policy convergence (Dupuy, 2020; Xhardez, this issue).

On the *politics* dimension, regions further underline the impact of anti-immigration parties, classical left-right cleavages, and political ideology more generally (Manatschal et al., this issue; Piccoli, this issue; Xhardez, this issue; Zuber, this issue). There is no de-politization or preeminence of functional concerns at the regional level. Party-politics is alive and kicking there too. Radical right populist parties have traditionally done well at 'second order' elections and are often represented in regional assemblies. This gives them an opportunity to shape discussions and policies on immigration. Regional assemblies also provide a platform for left-wing opposition parties to counteract right-wing national governments by providing a more enabling, inclusive, and pluralist environment for their immigrants. In this sense, left-wing parties 'strike back' from their territorial bases (Zuber, this issue). Similarly, the left-right cleavage mediates how different historical narratives of regional 'civic traditions' are mobilized and instrumentalized as legitimizing frames to justify distinct political choices (Piccoli, this issue).

Finally, on the *polity* dimension, the intersection of regional authority and immigrant integration policies challenges some of the basic pillars on which our political systems are built. It asks fundamental questions about the definition of the 'demos', understood as members which are identified as belonging to the political community, members of the in-group. How open, inclusive, and integrative should our political systems be? What measures should they provide to integrate out-group individuals on the socio-economic, cultural-religious, or political-legal dimensions structuring our societies? These are questions which reflect on crucial trade-offs that every political system must decide upon. These trade-offs are at the core of our political systems and directly relate to overarching questions of equality and community. They raise broader questions about the balance between populistic vs. Madisonian tendencies and majoritarian vs. consensus models (Dahl, 1998; Peters & Tatham, 2016). These, in turn, affect the equilibrium along the responsiveness-responsibility and decisiveness-inclusiveness continua and define our polities in crucial yet contested ways. Just as immigration is a defining and polarizing issue of contemporary politics, regions are playing an increasingly important role in determining how our political systems deal with it.

Acknowledgements

References

Adam I (2018) Immigration and sub-state nations: researching the nexus. In Detterbeck K and Hepburn E (eds.), *Handbook of Territorial Politics*. Cheltenham, UK: Edward Elgar, pp. 261-277.

Adam I and Hepburn E (2019) Intergovernmental relations on immigrant integration in multi-level states. A comparative assessment. *Regional & Federal Studies 29*(5): 563-589.

Bennour S (this issue) Intention to become a citizen: do subnational integration policies have an influence? Empirical evidence from Swiss cantons. *Regional Studies*: 1-11.

Broschek J and Goff P (eds.). (2020) *The Multi-Level Politics of Trade*. Toronto, CA: University of Toronto Press.

Carter C and Smith A (2008) Revitalizing public policy approaches to the EU: 'territorial institutionalism', fisheries and wine. *Journal of European Public Policy 15*(2): 263-281.

Dahl R A (1998) *On Democracy*. New Hvaen: Yale University Press.

Dupuy C (2020) *Converging Regional Education Policy in France and Germany*. London, UK: Palgrave Macmillan.

Filindra A and Manatschal A (this issue) Coping with a changing integration policy context: American state policies and their effects on immigrant political engagement. *Regional Studies*: 1-12.

Giraudy A, Moncada E and Snyder R (2019) *Inside Countries: Subnational Research in Comparative Politics*. Cambridge: Cambridge University Press.

Hooghe L, Marks G, Schakel A H, Chapman S, Niedzwiecki S and Shair-Rosenfield S (2016) *Measuring Regional Authority. A Postfunctionalist Theory of Governance, Volume I*. Oxford: Oxford University Press.

Keating M (2013) *Rescaling the European State. The Making of Territory and the Rise of the Meso*. Oxford: Oxford University Press.

Keating M (2021) Rescaling Europe, Rebounding Territory: a political approach. *Regional & Federal Studies 31*(1).

Koopmans R, Michalowski I and Waibel S (2012) Citizenship Rights for Immigrants: National Political Processes and Cross-National Convergence in Western Europe, 1980-2008. *American Journal of Sociology 117*(4): 1202-1245.

López F A S and Tatham M (2018) Regionalisation with Europeanisation? The Rescaling of Interest Groups in Multi-Level Systems. *Journal of European Public Policy 25*(5): 764-786.

Manatschal A, Wisthaler V and Zuber C I (this issue) Making Regional Citizens? The Political Drivers and Effects of Subnational Immigrant Integration Policies in Europe and Northern America. *Regional Studies*.

Niedzwiecki S, Chapman Osterkatz S, Hooghe L and Marks G (2021) The RAI travels to Latin America: Measuring regional authority under regime change. *Regional & Federal Studies*.

Paquet M and Xhardez C (this issue) Immigrant integration policies when regions decide "who comes in": the case of Canadian provinces. *Regional Studies*.

Peters Y and Tatham M (2016) The Contemporary State of Democracy in a Transformed Europe. In Peters Y and Tatham M (eds.), *Democratic Transformations in Europe – Challenges and Opportunities*. Abingdon: Routledge, pp. 297-326.

Piccoli L (this issue) Traditions of regional citizenship: Explaining subnational variation of the right to healthcare for undocumented immigrants. *Regional Studies*: 1-10.

Tatham M (2018) The Rise of Regional Influence in the EU – From Soft Policy Lobbying to Hard Vetoing. *Journal of Common Market Studies 56*(3): 672-686.

Tatham M and Mbaye H A D (2018) Regionalisation and the Transformation of Policies, Politics, and Polities in Europe. *Journal of Common Market Studies 56*(3): 656-671.

Xhardez C (this issue) From different paths to a similar road? Understanding the convergence of subnational immigrant integration policies in Belgium. *Regional Studies*: 1-11.

Zuber C I (this issue) Explaining the immigrant integration laws of German, Italian and Spanish regions: sub-state nationalism and multilevel party politics. *Regional Studies*: 1-12.

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[1] European Economic Area.
[2] European Free Trade Association.