

**Multilevel Governance and the Politics and the Public Policy of Immigration in
Germany and Italy**

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By the 21st century all West European nation-states have been transformed into immigration-receiving countries. However, unlike traditional countries of immigration, such as the United States, Canada, and Australia, European states have demonstrated reluctance to officially recognize their status as countries of immigration. As a consequence, it was not until the 1980s, when it became apparent that a high number of immigrants recruited in the post WWII era would remain, that politicians and policy makers began to develop policies to better accommodate and integrate immigrants, while attention was directed towards persistent concerns regarding asylum and family reunification. In addition, it has only been since the 1990s, mainly driven by current socio-economic trends such as the aging of European societies and the structural shortage of qualified labour, that governments across Europe have started to consider more active approaches to recruiting and retaining migrants.¹

Policy debates over immigration are often volatile and contested. Unlike in the immediate post war era when politicians on the right and the left agreed not to politicize immigration, divisions between the left and the right, and within the left and the right, concerning integration, citizenship, and border controls have increased (Triadafilopoulos and Zaslove 2006, 171; Perlmutter 1996, 229-32; Messina 1990, 33-5). Since the 1980s, populist, anti-immigrant parties have sought to exploit, and to fuel and mobilize, growing apprehensions regarding immigrants, while center-right parties have supported stricter border controls and policies that encourage assimilation into national cultures (Messina 2007, 54-6; Perlmutter 1996, 231, Bale et al 2008). These demands are often challenged by center-left political parties, and social movements, who advocate more open citizenship laws, multiculturalism, and better treatment of asylum seekers (Perlmutter 1996, 231). However, these broad left/ right distinctions do not always hold; the extent to which immigration has become politicized is shaped by the growing internal divisions within the left and the right. On the left, social democrats are often divided between those who fear a working class backlash against overly liberal immigration policies, while center-right governments are torn between pressures from populist, anti-immigrant forces on the one hand, and business and religious organizations who favor more open immigration policies, on the other (Triadafilopoulos and Zaslove 2006; Sniderman et al 2000, 111-20, 129-32; Bale et al 2008).

The direct and tangible influence of the politicization of immigration on public policy is contested (Hollifield 1994; Joppke 1999; Bale 2003) On the one hand, Hollifield and Joppke emphasize that the influence of populist forces on immigration policy is negligible since liberal democracies are constrained by courts, judges, and constitutionally embedded rights that protect even non-citizens (1994; 1999). On the other, Freeman argues that the influence of populist politics is limited by pressures from NGO's (especially pro-immigrant lobby groups) who favor expansive immigration policies; Freeman refers to this as client politics (Freeman 1995; 2001). Skepticism by scholars regarding the tangible influence of populism on immigration policy has led to considerable debate concerning the extent to which policies are determined by client politics, populism, or rights (Guiraudon and Joppke 2001).

These debates over what and who drives immigration policy, more often than not, are embedded within broader debates concerning the degree to which immigration policy is constrained by the nation-state. Thus, Hollifield, Joppke, and Freeman embed

immigration policy outcomes within the confines of the liberal democratic state (1994; 1999; 2007). To this discussion we can add Brubaker's emphasis on nationalist legacies, differentiating between ethnic and civic nationalism; Messina's focus on the persistence of state sovereignty; and, Hansen's neo-institutionalist analysis immigration policy in the United Kingdom (1992; 2007; 2000; Triadafilopoulos and Zaslove 2006, 173-77).

The central argument of this paper addresses debates over what (and who) drives immigration policy (i.e. client politics or populism) and the extent to which national factors shape immigration policy; yet we will approach these questions from a different angle. We contend that established approaches to studying the formation of policies in this field find it challenging to explain the manifest paradox that we encounter in many national political arenas: While there is considerable political opposition directed against more expansive immigration and integration policies (in terms of public opinion and/ or support for populist, anti-immigrant parties), many European countries have embarked (often simultaneously) on a combination of restrictive and expansive policies.

In this paper we argue that questions concerning who makes immigration policy and debates over whether states remain in control of immigration policy are intertwined. In other words, it is no longer possible in the 21st century (especially in the European context) to distinguish between the national and the international context; immigration policy, as with other policy concerns, is intertwined with multiple levels of government. Increased EU supra-nationalization and regionalization (Hooghe and Marks 2001) imply that immigration policy is made at multiple levels of government. It is, therefore, our main hypothesis that in order to explain the dynamics behind the making of immigration policy in Europe that it is necessary to move beyond a conceptualization that is restricted to national politics, its institutional arrangements and actors. Critical initiatives in the field of immigration and integration are developed at levels of government beyond the nation-state. Most distinctly we find that there are new opportunities for promoting more expansive immigration policies at the local/ regional and the European level. Relating the literature on multi-level governance to immigration policy allows us to gain a better understanding of the opportunities for actors at different levels of governance to engage in debates and policy formation. From this perspective we highlight the increasingly polycentric, non-hierarchical, and deliberative nature of the policy process and the challenges that new political forces at the regional and EU level pose to established national actors (Schmidtke 2006).

This paper compares and contrasts the politics and the public policy of immigration in Germany and Italy. On the one hand, the socio-economic and political context of each nation-state is very different; Germany is a federal state, since the 1980s four parties dominate national politics,² while it became an immigration-receiving state in the immediate post WWII era. In contrast, Italy is a unitary state, governed by a multiparty system, while it only emerged as an immigration-receiving state in the 1980s. In addition, populism, and especially anti-immigrant populism (driven in large part by the Lega Nord) has become an important element in local and national politics. On the other hand, we encounter a series of similarities; in both countries immigration has become politicized. Thus, we find left/ right, and division within the left and the right, especially regarding questions of security, identity, and integration. In addition, we find that there is marked move towards the decentralization of immigration, especially as it relates to integration, and a supra-nationalization of immigration policy.

The paper first relates the literature on multilevel governance to immigration policy; even though immigration policy may lag behind other policy domains in this regard, we note that immigration policy, once the exclusive domain of national politics, must now contend with new political and social actors and with competing levels of policy competence. We then apply these insights to our analysis of German and Italian immigration policy; the two cases studies demonstrate that the combination of the politicization of immigration and the increasingly deliberative and non-hierarchical nature of policy making leads to highly variegated policy outcomes; outcomes that often transcend left and right politics and the confines of national models.

Immigration policy and politics in a system of multilevel governance

The concept of multi-level governance has been developed in research on European integration (Hooghe and Marks 2001, Walzenbach 2006). Its central task is to better understand fundamental changes in the locus of political authority provoked by the deepening of European integration, changes that tend to pose increasingly effective constraints on the sovereign power of individual nation-states and its policy-making capacity. Challenging a state-centric perspective, the model assumes that decision-making competencies are increasingly shared by actors at different levels rather than monopolized by actors in the national domain. With insights from multilevel governance, it is possible to conclude that the new political reality in Europe is shaped by the interplay between different levels of political authority, each of which cannot act unilaterally (Scharpf 2001, Risse 2001).

Policy formation: challenging the exclusive national models for governing migration

The idea that governance in Europe is a multi-layered form of generating binding collective decisions beyond the exclusive authority of the nation-state offers a valuable interpretative framework to come to terms with the research question under investigation. Immigration might not be the most pertinent example of how authority in a particular policy field has shifted towards the European Union but there are clear signs that, in spite of the vigorous defence by member states over sovereign authority in the field, the EU has taken on a much more pronounced role in setting the agenda for legislation in the field of immigration and asylum (Geddes 2003; Lavenex and Kunz 2008; Monar 2004). While the ambitious plan to move immigration and asylum into the first pillar under community competence has not materialized to the degree laid out in the Amsterdam Treaty, the EU has taken important legislative initiatives (for example, directives on family reunification, returning illegal migrants, and policy initiatives such as the Blue Card for attracting highly skilled migrants, and initiatives on integration); in addition, important benchmarks for national policy making have been formulated.³

Across the continent there appears to be widespread recognition for the need to demonstrate more consistent regulation of migration. Even if the EU possesses limited policy prerogatives in the domain of immigration policy, it has indirectly promoted change in national legislation and continues to be instrumental in bringing immigration onto the political agenda in many of its member states. We posit that emerging EU policies create new opportunity structures at the local/ regional level for social movements, while the EU is in the process of forging common policy standards (often

minimal standards), enhancing its own capacity as a relevant political actors within the field of immigration policy.

For the purpose of our research question this is important in two respects. First, the increasingly significant European level of governance has challenged the idea that attracting and integrating migrants is an exclusive domain of national authorities. The emerging EU citizenship status, the Blue Card initiative, and guidelines (and funding) concerning integration illustrates this subtle challenge to exclusive national models of regulating migration: civic rights become gradually decoupled from the nation-state and patterns of integration are partly re-defined by a broader supra-national community. The way in which issues of immigration and integration are perceived and addressed at different levels of governance widens the options for developing legislative initiatives in the field. New opportunities for policy formation appear whose origins and feasibility is closely linked to the respective territorial unit of governance.

Second, the growing competence of the EU has empowered actors at the regional and municipal level of governance. According to its principle of subsidiarity the EU has promoted strategic partnerships between the Commission in Brussels and levels of governance below the national state (both in terms of policy implementation and research). In addition the EU has committed itself in the Commission's White Paper on European Governance (EU Commission 2001) to the principle of participation by means of an open consultation process with its citizens—a promise that NGOs can at least use as political capital in trying to make their voices heard. The EU's partnership with cities across its member states is an intriguing example of how the supranational level can instigate processes of forming integration policies in the urban context and setting benchmarks for their successful implementation at lower levels of governance. This process of coordinating policies in a system of multilevel governance also means that there are greater degrees of flexibility in shaping the concrete measures on the ground while implementing policies formulated at a higher level of governance. This again contributes to a process of widening the options for initiating and developing policies in the field of immigration and integration.

These developments coincide with the growing importance of the regions within nation-states. In the case of federal states, such as Germany, regions (i.e. Länder) have long played an important role in formulating and implementing public policy. However, this trend towards regionalization has also dramatically restructured unitary states such as Italy. Since the 1990s, Italy has significantly decentralized political power; in 1993 mayors were directly elected, and in 2001 the centre-left government passed a new law that sought to redistribute powers and enhance the powers of the regions; most notably the central state no longer has the power to use its commissioners to force the regions to comply, it must turn to the constitutional court (Cotta and Verzichelli 2007, 190-94). Regional actors across Europe currently possess more resources, higher levels of political legitimacy, and the political desire, to enact public policy at the local and regional level, to influence national policy, and to interact directly with the European Union.

These developments lead us to highlight one of the key assumptions of the multi-level governance literature; elite actors in the national arena no longer exclusively determine policy formation and that this has important repercussions on the way in which the decision-making process is organised in the European polity. In a nutshell, the expectation is that the relationship between state and non-state actors become more

'polycentric and non hierarchical' (Jachtenfuchs 1995, 115) compared to those structures of governance dominant in the state-centered model. The claim is indeed that the system of multi-level governance is likely to be qualitatively different from the model established on the national level that dominated the framework for politics and state-society relations in the 20th century (Joerges 1999; Neyer 2003). New forms of governance are expected to allow more fully for the mobilisation of citizens, private groups, and office holders to secure policy outputs closer to their interests and preferences. Community groups and stakeholders in civil society are expected to face more concrete opportunities to engage in bottom-up political mobilization and exert a greater degree of political pressure on those in positions of political power. This sheds light on a more implicit, albeit critical assumption of the MLG model: The emerging features of a multi-level European polity can be seen as producing different patterns of democratic legitimacy, empowering groups and actors that formerly had no direct effect on the formation of policies (Hix 1998). As such it creates new opportunities for political mobilisation and co-operation while simultaneously imposing constraints on the power of national actors.

Germany: the unwilling country of immigration

Post-war immigration in Germany and how it has been dealt with as a political issue is characterized by a perplexing feature: On the one hand, Germany became a country of destination for millions of workers mainly from southern Europe. Driven by the economic boom and its enormous appetite for low-skilled labour Germany started to recruit migrants in the mid 1950s. The workers came as part of the so-called guest worker program which was based on a rotation principle expecting them to leave the country after a one to two year-period. The rationale for this program was driven by economic imperatives: it was meant to attract a large and inexpensive labour force to Germany and, at the same time, prevent long-term settlement. Most of the foreign-born population in Germany was recruited during these years of the guest worker program that stopped in the wake of the global economic crisis in 1974. Since then Germany has not actively recruited any immigrants and the continued increase of newcomers to this country is due to family reunion, asylum seekers and refugees, and ethnic Germans from the formerly Communist part of Europe (Bade and Weiner 1997).⁴

On the other hand, in spite of becoming one of the most attractive destinations for migrants in Europe over the course of the last 50 years, Germany has only recently acknowledged that it has become a country of immigration (Thränhardt 1995). In stark contrast to this reality of post-war German society, the issue of citizenship, immigration, and nationhood has not played a prominent role in political discourse or policy-making until the 1980s. This can be widely attributed to the fact that in the immediate post war era there was a consensus among all major parties that immigration was not an issue that was critical to German society; rather, this issue was dealt with in terms of accommodating "foreigners" and, as it was commonly put in euphemistic terms, of welcoming "guests" who were expected to leave after the end of their professional assignments (Münz and Ulrich 1997; Schönwälder 2001, Zank 1998).

This absence of politicizing immigration found its expression on two levels: First, in terms of policy making immigration was not broadly framed in terms of long-term pattern of promoting the integration of newcomers. Rather, in line with the guest worker model, questions related to immigration were dealt with as issues of law and order and crime prevention. It was not by accident that it was left to the police department to deal with the administration of migrants and public policy was framed as *Ausländerpolitik* (policy framework for foreigners). Concerns about the presence of large migrant

communities were articulated most vocally by city authorities who were confronted with on the ground challenges of accommodating foreigners. Still, in terms of policies targeting issues of integration, initiatives at various levels of government were minimal and the so-called *Ausländerbeauftragte*, the official looking after foreign immigrants at the federal and regional level, had little political clout and even less financial resources. Thus, during the immediate post war period, leading up to the 1990s, the Länder played a rather circumscribed role concerning immigration; a role that was largely dominated by the questions of law and order and security.

Treating migrants in administrative terms predominantly under the jurisdiction of the police the years of the guest worker program were shaped by an attempt to protect the German population with the allegedly negative effects of temporary migration, most significantly the fear of importing - left-wing - political extremism and conflicts rooted in their countries of origin. In essence, integration policies were not seen as worthy of the attention of the policy community because, beyond pragmatic issues of housing, crime, etc., it did not concern German society at large. Long into the 1990s the then Chancellor Helmut Kohl could categorically state that Germany is “not and cannot be a country of immigration.”⁵ It was not until the massive influx of war refugees from former Yugoslavia in the mid 1990s that this perspective of the political establishment was seriously challenged.

Second, there was a consensus among the main parties of the German Republic not to employ immigration as an issue in competitive party politics. This consensus was predominantly driven by strategic considerations of the Social Democrats and the Christian Democrats respectively. The SPD was highly reluctant to make immigration a positive reference point in their political campaigns or programs. Reflecting on the SPD’s decision not to ask for local voting rights for foreigners in 1980 Helmut Schmidt, former leader of the Social Democratic Party and chancellor until 1982, said in retrospect that this issue went against the “instincts of our core electorate.”⁶ This statement is striking as it captures the traditional attitude of the centre left towards these issues: Knowing, or at least assuming, that a more liberal policy approach towards immigration and the naturalization of foreigners would be hazardous with respect to the sentiments widely held in society, this party systematically sought to downplay this agenda in political discourse. According to the strategic assessment of social democrats at the time the issue was not exploitable in terms of a left-right divide and allegedly not popular with blue-collar workers.

There was some pressure coming from the unions in which many of the guest workers organized; still these voices were not sufficient to assign the issue of migration and integration a more outspoken role in the party’s political platform and discourse. This passive attitude of the centre-left, and the lack of any challenging approach (beyond the general commitment towards integrating immigrants in Germany), has made the SPD vulnerable for the CDU/CSU’s claim that their opponents on the left are simply too “soft” on immigration control and thus indirectly responsible for the problems associated with “foreigners.”

Until the 1980s, immigration was barely politicized. In addition, in spite of German federalism, the role for multilevel governance was limited. However, these developments were gradually challenged in the 1980s and the 1990s. On the one hand, immigration was politicized; the CDU/CSU discovered anti-immigrant rhetoric as a

winning formula for electoral politics. This was part and parcel of growing political pressure from the regions. The rise of the extreme right-wing, anti-immigrant party *Republikaner* in the late 1980s (with particular success at the Länder level) can be directly linked to the efforts of the established conservative parties in Germany to give weight to an agenda highly critical, if not outright hostile, to immigrants and foreigners (Karapin 1998, 1999). It is not by accident that the leader of the *Republikaner*, Franz Schönhuber, used to be a close collaborator of the former charismatic head of the CSU Franz Josef Strauss before establishing his own nationalistic and anti-immigrant party. In this respect, it meant an incalculable risk to the more conservative wing of the CDU/CSU to play the anti-foreigner card. On the one hand, it needed to stay within the narrow margins of what the German public was willing to tolerate in terms of an openly hostile attitude towards non-nationals, and on the other hand it was keen on keeping those votes from the far right partly encouraged by its own nationalistic, anti-immigrant agenda.

On the other hand, the Social Democratic Party was challenged by the Greens. In the 1980s, the Greens became an important political foe of the SPD, challenging them for center-left and especially new left voters (Green 2004). In terms of immigration, the Greens put forward policy options that favoured open borders, dual citizenship, the introduction of *ius soli*, and integration policies based upon multiculturalism (Murray 1994). The politicization of immigration on the left and the right has had a dramatic impact on immigration policy.

The “Crisis of Immigration” and the polarization of the 1990s

It seems that the end of the Cold War and the new political realities in post-89 Europe have radically changed the political environment in which issues related to immigration are dealt with in German politics (Green 2004). One element of this change is simply the sheer numbers of migrants and refugees coming to Germany in the early 1990s. With the borders to Central-Eastern Europe becoming permeable and the crisis in the Balkans Germany became the destiny of the overwhelming majority of the asylum seekers that were uprooted by the wars in former Yugoslavia. In 1992 alone there were 438,000 applicants for asylum. Furthermore, ethnic Germans from the former Soviet bloc decided to move to Germany on a massive scale. Politically this was repeatedly framed as a “crisis of immigration” or as the then chancellor Helmut Kohl put it in dramatic terms, a crisis of the state. The dramatically increasing numbers of newcomers coincided with an intensification of xenophobia and violence against foreigners and asylum seekers. For the first time in Germany’s post-war history the issue of immigration became the focal point of a highly controversial public debate which was dominated by the leading parties (civil rights groups urging for restraint in terms of anti-foreigner rhetoric without much success).

In response to the perceived inability of the German state to protect its territory from unwarranted immigration the governing conservative-liberal coalition decided to push for a change in Germany’s liberal asylum policy. Yet, for this step the governing coalition needed the support of the opposition in order to change the Basic Law and the right to asylum enshrined in it. The deliberations and public debate leading to this amendment of Article 16 of the Basic Law in 1993 was the first forceful indication of how the status of issues related to immigration had taken on a decisively different role in domestic politics. With the aim to force the SPD into the so-called asylum compromise

the governing coalition engaged in a massive campaign asking for tougher legislation to control immigration using manifest anti-foreigner undertones (Koopmans 1996, 1999).⁷ In particular the asylum seekers were largely depicted as a threatening and destabilizing hazard to German society. While the Social Democrats argued for tackling issues concerning immigration, integration, and citizenship from a more progressive angle they had to give in to what they described as a hostile public mood.

The campaign leading up to changing the Basic Law combined with the success of the right-wing Republican Party in some state elections indicated a critical shift in the public debate on issues related to immigration and integration. Identity concerns became a major subject of public debate and political campaigns (Kastoryano 2002). Even the quality press repeatedly expressed concerns over so-called “excessive immigration by alien cultures”. It was a discourse promoted by national actors and build around concerns for the viability of national culture. Voices from the urban level where day-today practice was far from the dramatic accounts of clashing identities hardly found any resonance in the heated debates in the early-mid 1990s. Pragmatic concerns about how to approach issues and conflicts related to the increasing ethno-cultural diversity of German cities were largely detached from the broader public discourse dominated by the national partisan politics. However, the rise of xenophobic violence and the moderate success of the radical right at the regional level in the early 1990s led to more restraint in using anti-foreigner rhetoric by the main parties. The highly critical reaction in the international press and the perseverance of the anti-fascist consensus of post-war German society also dedicated the political elite more strongly to combating open anti-foreigner action.

Immigration as a new normality

The change in federal government from the 16 years of conservative rule to the Red-Green coalition government under Gerhard Schröder provided new opportunities for dealing with the challenges related to migration. One of the first pieces of legislation that the new centre-left introduced was the revision of the century-old citizenship law. It is revealing that it was the Green party that was instrumental in promoting the new law that, in a nutshell, provided easier access to German citizenship and brought German legislation in this field close in line with the *ius soli* principle regulating naturalization in most European countries. The issue of tackling the highly exclusionary nature of Germany’s traditional citizenship regime and structural underachievement of migrants in the professional and educational system was tailor-made for a party that emphasized civil rights as a key component of its political identity. The Green party’s first participation in a federal government in 1998 was critical in overcoming the two dominant parties’ unwillingness to address the issue.

Still, the debate was far from uncontroversial: The CDU mobilized a massive signature campaign against the federal government’s proposal to permit foreigners becoming naturalized Germans to routinely keep their old passports.⁸ In exit polls of the time, opposition to the government’s dual nationality proposal was second only to worries about unemployment. After only 100 days in office the Red-Green government had to accept a surprising defeat in this regional election, and the CDU victory caused the SPD-Green federal government to lose its majority in the 69-vote *Bundesrat*, which it

needed to approve the dual nationality legislation. This forced the SPD-Green federal coalition to modify its original proposal which included the dual citizenship provision (Green 2000).

The second major reform project of the Red-Green coalition was a new immigration law (Schmidt 2003). In 2000, the government appointed a commission to work out proposals for an immigration and integration policy. In July 2001, the commission presented a report titled "Structuring Immigration, Fostering Integration." It highlighted well-known demographic developments, such as increasing life expectancy, low birth rates, and a workforce that is shrinking due to an aging population. In light of such developments, the commission argued for initiating a controlled immigration program for foreigners with favorable characteristics for integration into both the labor market and society. They proposed the implementation of a point system close to that in place in traditional immigrant societies. The Commission developed these proposals in close consultation with business, labor, and religious organizations which helped to remove it from the immediate effects of partisan politics (Zimmermann 2007).

The debate on the new immigration law which after a long political and legal battle came into effect in a much-watered down version in 2005 is indicative of how immigration is politicized in party politics at the national level (Bauder 2008). The first dominant way of thematizing immigration in public debate is rooted in a rational, interest-driven reflection on the projected benefits and costs involved in attracting immigrants to Germany. The aging German society, the crisis of the social security system and the need for qualified labour provide the thematic context in which this issue is being discussed. Interestingly there seems to be a convergence in the positions of the mainstream parties regardless of the traditional partisan divide. Even the conservative Christian Democrats, being pressured mainly by corporate interests, have acknowledged the need for controlled immigration and have contributed to drafting legislation in this field. In essence, across the political spectrum of the parties represented in the German Parliament the traditional rules of inclusion and exclusion appear to be outmoded and overly rigid.

Yet, at the same time the issue of immigration and national identity has recently been employed as a polarizing and mobilizing tool in party politics. In stark contrast to the CDU/CSU's willingness to get involved in modernizing Germany's Citizenship Law the conservative party engaged in a campaign designed to discredit any attempt to call into question features of loyalty to, and identification with, the national community. National borders were portrayed as demarcating the fundamental allegiance of individuals to their collectivity. In their political campaigns the CDU/CSU repeatedly depicted (excessive) immigrants as a genuine threat to German society and employed a nationalistic rhetoric based on the idea of ethno-cultural homogeneity. This shifted the focus of public debate decisively from pragmatic concerns over the desirable form of immigration to a controversial discussion of the alleged vulnerability and integrity of the national community. As became manifest in the deliberation on the new Immigration Law, images of a national identity under scrutiny and fears of societal disintegration as

the likely effects of immigration were deliberately used for boosting the party's electoral popularity.

Yet this direction of framing issues related to immigration and integration in national political discourse has become dominant also irrespective of immediate strategic considerations of major parties. After September 2001 and with view to influx of migrants from Eastern Europe migration is widely portrayed primarily as a matter of security concerns (from illegal migration and organized crime to religious fundamentalism). Here again the public recognition of being dependent on immigration for socio-economic reasons on the one hand and the anxiety about the allegedly threatening effects of migration on the other are two distinct and in their logic seemingly incompatible ways of politicizing the issue. In this latter sense immigration as a highly emotional political issue has repeatedly being used as a populist medium of political mobilization. As a result, immigration has been influenced by two dominant developments: 1) the politicization of immigration has led to a convergence between the left and the right regarding law and order, security, and the need for immigrants for economic and demographic purposes and; 2) new spaces for multilevel governance began to materialize.

Integration as a policy objective and subject of public debate: empowering sub-national levels of government

Once the fierce debate about the main objectives and scope of the new immigration law was settled the attention of public and political debate shifted to the issue of integration. The first key question driving the agenda was how to promote successful social, civic and political inclusion of the population with a migrant background in Germany. With view to the policy process it is noteworthy that, for instance, the *Enquete-Kommission* of the Red-Green government underlined prominently in 2002 that the collective representation of migrants' interests is a key to their successful integration into German society: "The public recognition and perception of migrant organizations and projects has not been articulated enough yet insofar as the potential for self-reliance of ethnic communities and their efforts to integration have been underestimated".⁹ One of the key initiatives of the Grand Coalition under Angela Merkel in this respect has been to call for an 'integration summit' in 2006 and 2008 that was designed to provide a forum for debating the issue among representatives from different levels of government and civil society groups. While the format of the summit was contested in particular among migrant and minority organizations it established a unique framework for giving organizations a voice that, until this point, were largely marginalized in the political process.

What this summit led to was a 'national integration plan'¹⁰ designed to promoted initiatives to foster integration in a variety of arenas. Critical for our argument is that the plan led to a measured empowerment of actors at the regional and municipal level. For instance, under the auspices of the plan both levels of government can apply for model projects in the field of integration in the multi-million euro range. Equally important is that municipal and regional authorities were invited to join in a partnership with the federal level to address this issue. With this act the federal government acknowledged a

trend that over the last ten to fifteen years has seen more and more initiatives and policies targeted at migrants developed and executed at the local and regional level. Indeed, regions (Bundesländer) such as Nordrhein-Westfalia have developed a distinct profile in terms of government legislations and programs in the field of accommodating newcomers. The tendency to give more power to these regions in addressing migration-related issues also results from the nature of German federalism: The focus on improving the integration of newcomers has drawn the attention of policy makers to the school system and the labour market. This in turn empowers regions in Germany as education and labour market policies fall into their (shared) policy domain. With integration posing challenges for policy domains with a shared regional-federal competence the sub-national level has gained considerable flexibility in defining what integration means on the ground and developing policy approaches.

Similarly the European level of governance has played a significant role in empowering sub-national actors. A prominent example illustrating this trend is the 'European network of cities for local integration policies for migrants' (CLIP)¹¹ which is funded by the EU. The project provides only limited financial resources to municipal authority. However, it offers a network of exchange with other cities and researchers across the continent with the explicit aim to learn from best practices in other cities and to increase the policy expertise in urban settings. Here, the transfer of ideas and practices is widely decoupled from national institutions and actors. Municipal authorities are put into a position of setting the agenda for programs designed to enhance the integration of newcomers and to initiate new policies in response to local challenges in fields such as housing, education and cultural diversity. Similarly, implementing its programs in this field the EU heavily depends on administrative bodies on the ground; in accordance with the EU's subsidiarity principle cities and municipal authorities have become preferred partners in Europe.

Yet, how important is this degree of 'empowering' local and urban actors considering the severely limited incapacity of municipal authorities to address such issues with legislative authority and financial resources at this level of governance (Lazar & Leuprecht 2007)? One could argue that this lower level of governance is simply needed for implementing policies that, essentially, are determined at the national level. At the same time, however, and in spite of the limited legislative and financial authority of municipal authorities, there is solid evidence of new opportunities for this level of governance to shape state initiatives and practices. This becomes manifest in the case of current integration policies. As much as the integration summit organized by the German chancellor is committed to promote integration as a general idea it lacks both concrete policies to steer practices on the ground and a meaningful, sustainable form of engaging civil society groups in designing these policies. This is also driven by very practical considerations: for instance the Turkish community in Germany was highly divided over the question who could legitimately present them at the summit. While at the urban level a more grass root form of engaging the community has become possible due to an evolving network of civil society organizations it proved extremely difficult to select representatives at the national level.

The fact that managing migration has become entrenched at various levels of government is indicative of more than simply the increasing complexity of policy making and the plurality of actors involved in the process. Our interpretation of the German suggests that in particular sub-national levels of governance provide new narratives of migration management and innovative practices of deliberating and implementing policies.¹² It also provides a more conducive environment in which civil society organizations can become involved in deliberating options and initiatives. In the German case it is this level of government where political participation has become more firmly entrenched in institutional practices. As a result we witness a way of framing the issue that is at least partly removed from the divisive logic of party politics at the national level and subject to more pragmatic approaches to dealing with the effects and challenges of cultural diversity.

Making Immigration Policy in Italy

In contrast to Germany, Italy's transition to an immigration-receiving state is a recent development. In the 1970s, Italy experienced a combination of return migration, an increase in immigration, while emigration was in sharp decline (Colombo and Sciortino 2004). By the 1980s, when it was clear that Italy had become a country of immigration, it still did not possess an immigration law; immigration was treated largely as a law and order issue (Veugelers 1994, 35-7). Italy's first immigration law in 1986 was passed during a period when public opinion was largely favorable, or indifferent towards immigrants. The media coverage of issues relating to immigration was minimal (Veugelers 1994 36; Sciortino and Colombo 2004). The advent of populist and anti-immigrant entrepreneurs remained low.¹³ In addition, pressures to create immigration policy did not emanate from either regional governments or from the European Union; EU immigration policy was still in its infancy¹⁴ and Italy remained a highly centralized, unitary state until the 1990s.

At this early stage of immigration policy development, national and political elites demonstrated little concern for immigration. Much like in Germany in the immediate post war era, in the 1980s evidence demonstrates that elites were reluctant to politicize immigration (Veugelers 1994; Perlmutter 1996). As a result pressure to pass immigration legislation came from social and political organizations within civil society. The two most important actors were unions and religious organizations (Einaudi 2007, 112). The unions were on the forefront of the process, both in terms of organizing and pressing for more adequate legislation (Watts 2002). The catholic organizations, especially organizations such as Caritas, were also an important source of immigrant mobilization, providing social services, and in pressing for immigration legislation, since the late 1970s and the early 1980s (Della Porta 113-18). The unions and religious organizations worked with allies within the government to pass Italy's first immigration legislation in 1986 (Einaudi 2007, 129-36), confirming Freeman's claims concerning the importance of client politics.

By the late 1980s, it was widely recognized that the 1986 law did not adequately address illegal immigration, integration, and discrimination (Einaudi 2007, 141-52). Despite the continued importance of the unions, religious, and pro-immigrant organizations, new political actors began to influence policy discussions. At the local level, populist opposition to immigration, represented by the northern leagues, began to

appear in regions such as Lombardy, the Veneto, and Piedmont (Gómez-Reino 2002). Moreover, concerns over border controls and security increased. The Republican Party, a small party and a member of the governing coalition, argued that too much emphasis on open borders would prevent Italian entry into Schengen (Perlmutter 1996, 235-40). In 1990, Italy passed its second immigration law; despite persistent shortcomings the law was largely influenced by those who expressed solidarity with migrants.

The emergence of populist and anti-immigrant actors, and a growing emphasis on security, were evidence of changing opportunity structures; the Italian party system that dominated the post war period began to slowly crumble as the DC lost began to lose its hegemony, especially after 1989 and the fall of Communism, while the movement towards Maastricht and a single-market made it clear that questions concerning borders would become more important. However, despite these new opportunity structures, and despite the rise of new political actors, immigration policy in the late 1980s and the early 1990s remained a prerogative of the nation-state, politicization was minimal, and the solidaristic forces (i.e. unions and religious associations) were the most influential. In other words, client politics was more important than populism.

The Second Italian Republic, Politicization of Immigration, and Multilevel Governance

The public policy of immigration began to dramatically change in the 1990s; the number of actors, the influence of regional and international forces, and the level of political contestation increased. After 1992, the Italian party system dramatically changed. Once the post war political class was discredited, as it was implicated in complex webs of corruption, the dominant political parties evaporated; the Italian political party system was transformed towards a bipolar, though still highly fragmented, party system (Diamanti 2007).¹⁵

With the new party system, competing visions of Italy's immigration policy dominated national politics. The left was divided between the Democratic Left (DS), who focused on integration (political, cultural, labour market) and the enhancement of social rights for migrants, with an emphasis on security and border controls. These policies have been challenged by Communists (Communist Refoundation), Greens and new left social movements (often active within the DS) who lament the lack of an emphasis on cultural accommodation, while they have argued that too much attention has been placed on border control and illegal immigration (Zincone 2006).

The center-right is divided between the populist Lega, which links immigrants with crime, a threat to local culture, and a burden on the welfare state; Alleanza Nazionale which treats immigration as a law and order issue, arguing that immigrants must integrate into Italian society and culture; Forza Italia, which is divided between those who focus on assimilation and on immigration for economic purposes, and those who are more exclusionist (siding with the Lega); and the Christian democrats (Union of Centrist Christian Democrats, UDC) which combine a milder (compared with AN) emphasis on assimilation with expressed solidarity towards immigrants (Zincone 2006; Albertazzi and McDonnell 2005; Fella and Ruzza 2006) As a consequence, as in Germany, immigration became politicized; the security frame traversed the left/ right divide; and debates over citizenship, identity, multiculturalism, and integration largely divided the left and the right (Andall 2007).

In addition to competing national political frames, politics at the local level became increasingly contentious and often volatile in the 1990s. As Italy evolved towards a country of immigration, public apprehensions regarding immigrants increased, and so did the media's focus on immigration (Colombo and Sciortino 1994b). As a result, public sentiments at the municipal level became fearful of immigrants. In cities, particularly in the north, public demonstrates linked immigration to concerns regarding security, crime, drugs, and prostitution. Non-aligned citizens, middle class voters, and especially shopkeepers in historic city centers created city-wide initiatives to bring concerns over immigration and security to the attention of local politicians. Local initiatives such as these were important at the municipal level, often dominating city politics and municipal elections. In other words, populist apprehensions towards immigrants were introduced at the local and the city level, but in such a manner as to challenge the confines of left/ right politics. Local, populist, anti-immigrant movements found mayors, especially after the direct election of mayors in 1993, particularly responsive to their demands (Della Porta 2000, 118-24). In contrast to Germany, populism (at the local and the national level) has been more prominent in shaping the public discourse and immigration policy in Italy.

In addition, in the 1990s, the influence of the European Union on immigration policy increased. After 1992, immigration and asylum were included in Justice and Home Affairs (in the Third Pillar). Even though immigration remained within the domain of intergovernmental negotiation, it evolved into an EU-wide concern. The intergovernmental nature of the policy process meant that northern European countries, especially Germany and France, with an eye on monetary integration, emphasized questions of border security (Guiraudon 2003). As it became more evident that Schengen would be included into the Treaty of the European Union in the late 1990s, external pressures were placed on Italy for it to control its borders. If in the early 1990s, Martelli could express little concern for the EU and Schengen (Perlmutter 1996, 234-5; Einaudi 2007, 141-58), by the mid 1990s Italy could no longer mitigate the importance of complying with European demands for better control of its borders. During the center-left's tenure in power in the late 1990s, the ex Communist Giorgio Napolitano, and the interior minister, because of pressures from the EU, ensured that the government's immigration law would guarantee stricter and more efficient border controls to combat illegal immigration (Zincone 2006, 353-4). Thus, unlike in Germany where there was an attempt to upload the security frame, in the case of Italy, the EU sought to download questions of border controls and security (Guiraudon 2003; Prümmer and Alscher 2007).

These political developments were reflected in immigration laws that were passed in the late 1990s and in the early 21st century. In 1998, the center-left government passed the Turco-Napolitano law. The law passed in 1998 reflected the evolution of immigration policy, and the relevance of the new social and political forces, within Italy and Europe. On the one hand, familiar forces such as the unions and religious organizations pushed for more comprehensive and responsive policies for recruiting immigrant labour. On the other hand, new political forces such as left-wing organizations demanded policies that focused on cultural accommodation, while local populist pressures from mayors (and to a less extent from the Lega Nord) pushed for laws that would more readily deal with illegal immigration (Zincone 2006, 355-8; Andall 146-151). In addition, the EU pressured the government to pass legislation to better control its borders, permitting it to enter the Schengen zone (Zincone 2006, 352).

In July, 2002 the center-right government amended Italy's immigration law with the Bossi-Fini law; the law made it more difficult to receive a work permit (linking immigration with employment), it restricted family reunification, and it increased the ability of the state to expel illegal immigrants (Colombo and Sciortino 2003). However, much to the disappointment of the Lega, a general amnesty was achieved. Here the Christian democrats achieved their goal. However, in exchange it was also declared that immigrants would be fingerprinted and that the navy would be used to patrol the coast for illegal immigrants (Colombo and Sciortino 2003, 211). As a result, the Bossi-Fini law was a compromise between the more moderate center-right parties and populist, anti-immigrant sentiments, and client politics.

The limits of the Bossi-Fini law were felt after the law passed. Attempts to limit immigration were in a large part futile; pressures from business reflected the importance of immigrant labour; by 2005, the government had increased quotas from 83,000 in 2001 (as originally set by the centre-left government) to 179,000 (Ariemma 2006, 161). From 2001–2005, the real economic need for immigrants resulted in increases from 1.33 million to 2.4 million immigrants (Ariemma 2006, 160). In addition, several of the more stringent attempts to confine and deport illegal migrants were deemed non-constitutional by the Italian constitutional court (Zincone 2006, 363). Thus, despite the government's anti-immigrant rhetoric, in part because of pressures from business and due to limitations set by the courts, it soon became clear that the restrictive immigration policies were not sustainable. In fact, Italy welcomed more immigrant labour than any other country in Europe during this period (Einaudi 2007, 377).

In the 1990s, the paradox between the need for immigrants and public resistance towards migrants became evident. In addition, immigration became politicized, political forces on the left and the right, and within the left and the right, presented competing frames. As a result, populist politics competed with NGOs and client politics at the local and national level to forge Italian immigration policy. In addition, the European Union served as an important external constrain, coaxing Italy to better control its borders.

Regionalization, Supra-Nationalization, and Political Contestation: the growing complexity of Italian Immigration Policy

In the 1990s, even though the role and the influence of regional and supra-national actors on immigration policy increased, a clearly defined role for regional government and the EU remained minimal. However, again much like in Germany, by the turn of the century, the multilevel nature of policy making would become more clearly evident. Several factors facilitated this process in Italy: 1) the number and the diversity of social and political actors at the municipal and the regional level significantly increased. As in the rest of Europe, municipalities and regional governments were instrumental in forging immigration policies; this was, in part, due to the fact that cities and regions often deal directly with immigrants, especially in terms of housing, education, and employment (Bokert et al 2007). 2) The municipalities and the regions began to play a significant role in immigration, integration, and security. This was the result of new consultative bodies that were created by the national government with the purpose of increasing the competence of the municipal, provincial, and regional governments in the realm of immigration policy (Kosic and Triandafyllidou 2005).¹⁶ 3) European integration, after 1999 and the implementation of the Amsterdam Treaty, and especially after 2004 when

European Union decision making powers (Commission and Parliament) increased, meant that directives and EU initiatives regarding immigration also increased.

Cities as Locations of Political Conflict

In the 21st century, Italian cities became important locations of contestation over immigrant policies. In the late 1990s and well into the 21st century, left and right-wing mayors directed their attention towards public fears regarding crime and immigration. Even center-left mayors in cities that have been historically governed by center-left governments (such as Bologna and Padua) sought to control immigration through increasing police presence, emphasizing law and order, and employing more controversial tactics such as creating physical barriers between immigrant ghettos and neighborhoods (*La Repubblica* 28, October 2005; *La Repubblica*, 10 August 2006). Zero tolerance and an increased police presence were also instrumental in right-wing, populist mayor tactics. The most celebrated cases took place in smaller cities such as Treviso, where the Lega mayor Giancarlo Gentilini governed from 1993-2003, and in Verona where the leghista mayor Flavio Tosi won the 2007 elections (*Der Spiegel*, 04 December 2000; *La Repubblica*, 02 March 2009). After 2008, law and order, security, and immigration have been re-enforced at the local level by the center-right government; the Lega interior minister, Roberto Maroni has been instrumental in designing and passing a series of security measures, allowing the deployment of the army to police cities, while legislation increased the discretionary powers of mayors to address concerns of public safety, and provisions to allow for citizen patrols (*La Repubblica*, 14 May 2009).¹⁷ In contrast with Germany, populism has been more important in influencing questions concerning security and law and order at the local level.

Immigration and the politics of immigration also addressed competing frames regarding cultural politics and integration; the dominant frames consisting of exclusion, assimilation, and cultural accommodation.¹⁸ The extent to which a single frame is hegemonic within the urban context is often determined by city politics; unlike questions of security, the left is, in general, in favour of political and cultural rights for immigrants, while the right has been more skeptical in this regard.

The left has sought to incorporate immigration byway of political enfranchisement. Initially, the Turco-Napolitano law attempted to legislate voting rights for immigrants at the municipal level. However, the government was forced to drop these provisions, due, in part, to pressure from the right, and due to the fact that a constitutional amendment was required (Andall 2007, 144). In the aftermath of these events, several cities, such as Genoa and Turin, run by center-left city councils, passed legislation which granted voting rights to immigrants.¹⁹ In the end, the actions of the city councils were deemed illegal by the center-right government (*La Repubblica*, 04 August 2005). However, in spite of government opposition, Italian cities followed suit; in addition, the Italian Federation of Municipalities tabled a motion to allow legal immigrants to vote in municipal elections (*La Repubblica*, 06 November 2004). Since municipalities are not able to unilaterally legislate voting rights for immigrants, they have been forced to rely on special immigrant representative bodies and consultative forums (Kosic and Triandafyllidou 2005; Zincone 1998, 62). However, the battle over political enfranchisement has served as an important symbolic tool to focus attention on the exclusion of immigrants.

Some of the most heated and controversial battles relating to immigration are waged at the local level over cultural issues such as education and religion, especially regarding religious (Islamic) education and building Mosques. Several stakeholders with competing interests are involved. On the one hand, the growing presence of immigrants and immigrant associations has led to demands for more adequate cultural accommodation; these demands are aided by pro-immigrant associations. However, on the other, these demands for cultural accommodation have become key sources of opposition, especially when they are opposed by well organized populist forces such as the Lega Nord.²⁰

Battles have also been waged over building Mosques; although prayer rooms are more common, Italy has Mosques in Rome, Milan, and Catania (Saint-Blancat and Schmidt di Friedberg 2005, 1084). However, with higher numbers of Muslim immigrants living and working in Italy, and with better integration, expectations for cultural accommodation, and as a consequence, demands to build Mosques have increased. Mobilization in favor and in opposition to building Mosques have become a volatile issue at the local level. Contestation between left-wing mayors, councilors, Islamic organizations, and local populist actors play out at the municipal level (Saint-Blancat and Schmidt di Friedberg 2005, 1086; Triandafyllidou 2006).²¹

Once the exclusive domain of the NGOs, a wide array of social and political actors now compete with one another in order to influence the political agenda of municipal politics. Even though the hands of the municipal government are often tied regarding policy options, municipal authorities wield considerable authority over the everyday lives of immigrants. Moreover, mayors and city councils often use a combination of passive resistance, “working around the law,” or using laws that were intended for other purposes to control immigrants and their access to public services and the public sphere (Zincone 1998, 44-5).

Regions and Integration

Italy has three levels of regional government: regional, provincial, and municipal. In the 1990s, as a result of the Martelli and the Turco-Napolitano law the three levels of government have begun to create a series of laws, legislation, and institutions addressing immigration (Kosic and Triandafyllidou 2005). This was complimented by provisions at the national level to better coordinate activities between the national and the regional levels of government. Although such measures are in the early stages, especially in comparison with countries that have a longer history of immigration, entities such as the *Territorial Consultant for Immigration*, have created new opportunities to coordinate immigration policy at the various levels of government. The purpose of this consultative body is to create dialogue between the local authorities, from the region, the municipalities, and local entities (NGO's and immigrant associations), to create an institutional setting for local authorities to report on political developments and local requirements to better accommodate immigrants, and to assist local authorities with integration programs.²²

Regions in central and northern Italy have been particularly active in regulating and attempting to integrate immigrants. For example, in Piedmont, the Veneto, Emilia-Romagna, Liguria, and Tuscany an elected official holds a portfolio addressing immigration.²³ Several regions, such as the Veneto and Emilia-Romagna, have been on

the forefront of implementing policies regarding immigration, with a special focus on integration. For example, the Veneto has a wide array of offices dealing with immigration; a regional councilor is appointed with the sole purpose of addressing immigration and especially integration. Offices such as the Regional Consultation for Immigration, the Regional Registration for Immigration, and the Committee for the Regional Coordination of Immigration serve to increase dialogue between government and non-government organizations, to disseminate and collect information, and to facilitate integration.²⁴ The regional government also coordinates a wide array of services at the provincial level, addressing issues such as language training, education, intercultural mediators, and promoting dialogue between cultures.²⁵ The region also produces detailed studies of immigration to the region and it regularly holds workshops for elected officials regarding issues of integration.²⁶ In addition, European standards concerning integration, benchmarking, and best practices are recognized as important policy guidelines for regional policy developments (Noè and Barbieri 2006).

Emilia-Romagna has also been on the forefront of legislation dealing with immigration (Zincone 1998, 63-71). In 2004, it passed a comprehensive Regional Law entitled: *Norms for the Social Integration of Immigrant Foreign Citizens*. The law outlined the duties of the region, provinces, and municipalities and it sought to better regulate immigration and integration. A series of councils, participatory forums, and regional institutions were created to combat racial discrimination, to encourage integration byway of language courses, cultural mediation, and intercultural activities. Issues such as housing, social services, and education were also addressed.²⁷

More research needs to be conducted on the role of the regions; however, these preliminary findings demonstrate that the Italian regions often play a proactive role regarding integration. To date, regional governing bodies have proven to be more insulated from populist politics, and as a consequence they have been able to act as an innovative force. Perhaps somewhat counter-intuitively, the regions that have been the most proactive and the most successful at implementing programs to integrate immigrants are also the regions in which populist and anti-immigrant forces remain well supported. Thus, in, for example, the Veneto, a stronghold of the Lega Nord, a Caritas report demonstrated that it is within immigrants are integrated the best (*La Repubblica* 01 April 2007).

Post-Amsterdam and the EU as an Emerging Actor

The scope of the EU has expanded from focusing almost exclusively on security in the 1990s, to a series of initiatives that address a wider array of issues and policy concerns. The influence of the EU is evident from the extent to which: 1) it has expanded its political frames; re-enforcing the integration and the anti-discrimination frame in particular; 2) the degree to which it has created new opportunity structures for political mobilization, especially at the regional and the local level, and 3); as a result of new EU directives that have created opportunities for the EU to obtain a foothold in national politics, allowing it to monitor immigration policy and the living and working conditions of migrants.

The anti-discrimination frame became particularly important after the 2000 EU directive on racism. In 2004, the Italian government created the National Anti-Racial

Discrimination Office to monitor cases of discrimination, to provide assistance to victims, and to assist civil society organizations to combat racism (Bozzini and Fella 2008, 255-6). The creation of this office has been important since: 1) it has demonstrated the growing importance of EU initiatives beyond an early emphasis on security; 2) it constrained the actions of the center-right government and forced it to implement policies that it would have otherwise avoided and; 3) it created new opportunities for civil society organizations to fight racism. Bozzini and Fella note that even though pro-immigrant associations initially treated the organization with caution by pro-immigrant activists, it was soon recognized that the agency was staffed by dedicated pro-immigrant advocates; thus, despite being under funded and under staffed, it served as an important resource for combating racism and discrimination (2008, 256).

Since Tampere (1999) the European Union has sought to develop a common set of policies to encourage integration; in 2002 a National Network of National Contact Points was created; a series of best practices, reports, and handbooks on integration have followed; and finally, funds for promoting integration were agreed upon in 2005, and implemented in 2007.²⁸ In lieu of this initiative, a host of Italian cities have sought, and have received, funds for projects to implement policies to encourage integration.²⁹ The programs ranged from language training, resources for education, intercultural dialogue, and retraining programs. The mandate of these programs is to target the most vulnerable, such as women and refugees. Again, these developments highlight two important functions of the European Union since 1999: 1) it has sought to introduce a new frame into the public discourse regarding immigration; and 2) it has introduced new resources for social and political actors. Again, much like with the anti-discrimination office, these funds were allocated under the tutelage of the center-right government; this permitted local actors to lobby for resources during a period when official government policies were directed elsewhere.

The EU has also created a series of directives that have instituted common practices regarding immigration and asylum. These have functioned as a series of minimal standards; the most important consisting of common policies regarding family reunification (Council Directive 2003/86/EC), guidelines for long term residence (Council Directive 2003/109/EC), minimal standards for refugees (accompanied by funds to ensure that these minimal standards were enforced), and common practices for returning illegal immigrants were created.³⁰ The Italian government followed suit, passing legislation to accommodate these provisions.³¹ These new directives and initiatives have created new opportunities for the EU to monitor national immigration policies. As noted, the 2000 anti-discrimination directive forced Italy to create an agency to monitor discrimination. In addition, directives on asylum have permitted the EU to monitor Italian refugee camps. However, these provisions have also increased opportunities for Italian social and political actors to support their own political agenda. Giuliano Amato while interior minister between 2006 and 2008 used reports by the EU (on discrimination and the refugee camps) to lobby parliament to improve the conditions of the refugee camps and to fight against discrimination.³²

The extent to which the EU is able to enforce directives is often determined by which government is in power. Thus, the Amato government was, in general, more receptive to EU demands than the center-right government; Amato, in particular, proposed, and attempt to implement, an ambitious reform to citizenship and immigration

policy. Since the center-right has taken office in 2008, and especially due the actions of the interior minister Roberto Maroni, the government has re-focused its attention on border controls and questions of security (Interior Ministry, 05 June 2008). As a result, Roberto Maroni, the Lega interior minister, has been involved in a series of confrontations with the EU, and member states (i.e. Romania and Malta), concerning areas of jurisdiction regarding Italy's legal ability to return Romanian citizens (who have supposedly committed crimes), over its responsibility to rescue migrants who are stranded at sea, and over its prerogative to return "unwanted" immigrants.³³ However, in spite of these confrontations with the EU, the center-right government has been forced to address the concerns of the European Commission and the European Parliament. The process that the center-right government followed in passing its 2008 security package is particularly instructive. The 2008 center-right government's security package possessed a number of controversial amendments; amendments that were especially controversial given that the legislation was created on the heels of a series of government confrontations with Romania and the EU concerning Roma in Italy. The security pact involved provisions for fingerprinting Roma and limiting the free movement of EU citizens (i.e. demanding proof that their papers were in order). Although the security package passed through the Chamber of Deputies and the Senate, the interior minister Roberto Maroni withheld the legislation until it was approved by the EU Commission (*EUobserver*, 05 September 2008; Interior Ministry, 01 October 2008).

Concluding Discussion

We now return to our key research questions that frame this analysis: What is driving immigration policies in Europe? To what degree have we found evidence for our key hypothesis that the move towards multileveled governance has critically transformed the political environment for developing and implementing immigration-integration policies? The two national case studies allow us to draw some general conclusions and identify some similar structural trends in the public policy of immigration.

From the discussion it is evident that over the last two decades immigration policy in both countries has become politicized. It has become a vehemently contested issue in competitive party politics as well as a field of policy development during this time. One critical finding that can be observed in Germany and in Italy is how the issue cuts across the traditional left-right divide. There is contestation between the left and the right, and within the left and the right, as to expansive immigration policy, and what its implications for integrating newcomers should be. Yet, at the same time, there is a certain degree of convergence in terms of the political framing by and policy preferences of parties on the moderate left and right of the political spectrum: the emphasis on law and order, security, and, from a more interest-driven perspective, the economic and demographic need for immigrants have dominated the agenda of these parties recently, leading to a certain convergence of policy preferences across the left-right divide. At the same time, these parties are engaged in an – at times very emotional – battle in particular over questions related to citizenship, identity, and integration.

In this respect, *how* immigration is politicized remains important. Public contestation regarding immigration in Italy has been more influenced by populism (at the local and national levels); as a consequence it has been more pervious to volatile confrontation between the left and the right. However, even in Italy, and despite the

advent of populism, populist forces have been constrained by client politics (especially NGOs and business) and by the actions of the courts.

In addition to the dynamic of domestic politics, we find that new narratives and policy initiatives in the field of immigration and integration policies come from the sub- and the supranational level of governance. Considering the new policy competence of these levels of governance in an increasingly integrated European Union, the dynamic of including civil society actors at this level, and the relative distance to partisan politics in the national arena, cities, regions and the European Union have become a major site of policy innovation. They play a growing role in the formulation and the implementation of immigration policy; it is no longer possible to speak of a single – national - immigration policy. In both countries regional governments have emerged as key actors, especially regarding integration, while the European Union has begun to play an increasingly important role. Since the Amsterdam Treaty it has created new opportunity structures for local and regional actors, while the increased power of the European Parliament and the Commission vis-à-vis immigration, and the growing number of directives and non-binding initiatives, has created new opportunity structures for the EU to influence national policy. In the case of Italy, the role of the EU has been particularly pronounced in presenting important opportunities to contest the tide of populism.

This study is a first step in re-conceptualizing our traditional understanding of immigration and integration policies being determined in a national arena and by national actors. Our two case studies indicate that thinking about these issues within the boundaries of national models might be misleading: It underestimates the dynamic at different levels of government in terms of framing the issue and developing policy responses.

¹ The British Program for Highly Skilled Professionals, the German Immigration Law, the 2006 Sarkozy Immigration Law, and the EU Blue Card Initiative, as limited in scope they may be, are illustrations of adapting some of those measures that regulate migration in classical immigrant societies.

² Until the 1980s, Germany was a three party system, while other smaller parties such as the Party of Democratic Socialism and more recently *Die Linke* have won seats at the federal level. In addition, a number of smaller parties fair better at the regional level, i.e. the extreme right *Republikaner Partei* in the late 1980s. However, despite these smaller parties, national politics is largely dominated by four political parties.

³ See Justice and Home Affairs:

http://ec.europa.eu/justice_home/doc_centre/immigration/doc_immigration_intro_en.htm.

⁴ Germany now is home to 7.3 million foreigners—at 8.9 percent of the population as a whole that is the highest proportion of the population of any of the major European countries (Reference). Evidently many of those migrant workers who were hired on a temporary basis made Germany their home over the years

⁵ Helmut Kohl, public speech, quoted in: Rick Atkinson, “Top U.S. envoy in Berlin criticizes Germans.” *The Washington Post*, 16 April 1994.

⁶ *Münstersche Zeitung*, 8 November 1993.

⁷ The government spoke about a “threshold of tolerance” that German society would endure with the influx of so many asylum seekers. Presuming the “unassimilability” of these immigrants, the SPD was accused of nurturing xenophobia by not allowing for stricter rules for asylum seekers (Blanke 1994).

⁸ The CDU/CSU was able to gather more than five million signatures against the proposal (Koopmans 1999).

⁹ Enquete-Kommission. „Zukunft des bürgerschaftlichen Engagements“ des Deutschen Bundestags. Bericht. Bürgerschaftliches Engagement: auf dem Weg in eine zukunftsfähige Bürgergesellschaft. (Schriftenreihe Band 4) (Opladen, 2002). Translated by the authors.

¹⁰ A copy of the National Integration Plan can be found at:
http://www.bundesregierung.de/nn_663954/Webs/Breg/DE/Bundesregierung/BeauftragtefuerIntegration/Integration/NationalerIntegrationsplan/nationaler-integrationsplan.html

¹¹ See: <http://www.eurofound.europa.eu/areas/populationandsociety/clipabout.htm>

¹² See for similar results for the role of the EU in Greece: Geddes and Lazarou 2007.

¹³ The space for new political parties to challenge Christian Democratic hegemony was limited by fears among voters, especially on the center-right, that support for new political parties (such as populist parties) could threaten the DC's hold on political power, resulting in the unintended consequence of bringing the PCI closer to power.

¹⁴ Movement towards a common European immigration policy took place outside of the confines of the EU; thus, in 1990 Italy signed onto the Schengen agreement. However, as this discussion demonstrates, Schengen was not a priority and Italy did not become a full member until 1997, and this was contingent upon Italy securing its borders; this was part and parcel of the 1998 Turco-Napolitano Law (Zincone 2006, 352).

¹⁵ The Left Democrats, the largest party on the center-left, was joined by a series of smaller political parties such as the *Margherita*, the Greens, and Communist Refoundation, in an highly volatile and fragmented coalition referred to as the Olive Tree (a coalition that went through a series of alliances), until 2008 when the Democratic Party replaced the Left Democrats and several of the smaller parties. Forza Italia was the most important party on the center-right, forming an alliance with the Alleanza Nazionale, the Union of Centrist Christian Democrats, and the Lega, until FI merged with AN in 2009 to form the People of Freedom. The Lega remains an ally of the new party, though it and the Christian democrats have not joined the party. Much like with the center-left, this coalition has been highly fragmented and volatile. (See: Cotta and Verzichelli 2007, 36-65).

¹⁶ Also see the Italian Interior Ministry:

<http://www.interno.it/mininterno/export/sites/default/it/temi/immigrazione/sottotema004.html>

¹⁷ The provisions of this law were extended to increase fines for illegal immigrants, while the length of stay in the refugee camps was extended, and the controversial citizen patrols were finalized (*La Repubblica*, May 14 2009).

¹⁸ As noted: multicultural/ cultural accommodation frames comes from left-wing movements, immigrant associations, local chapters of Greens and Communists, and movements within the Democratic Left, exclusionist include the Lega, members of AN and FI, while the assimilationist frame is the most predominant within AN and FI.

¹⁹ In July 2004, the center-left government in Genoa, under the leadership of the mayor Beppe Pericu, voted to allow immigrants to vote in municipal elections (*La Repubblica*, 28 July 2004). In July 2005, the center-left city council under the direction of the mayor Sergio Chiamparino, with the support of the Communists and the Christian democrats, in the face of strong opposition from FI and LN, passed an amendment to allow immigrants with six years legal residence to vote in the municipal elections. (*La Repubblica*, 22 July 2005)

²⁰ For example, in the fall of September 2005 a battle ensued over an Islamic/ Egyptian school in Milan. The school had been operating for some time, however, not in a completely legal manner. In the fall of 2005, the school applied for legal status. In the process, a public debate ensued over the school's status as a Muslim private school; discussions ensued over private religious schools, the nature of Islam, and the role of schools as an integrative force. Left wing organizations supported the cause of the school, while populist such as the Lega opposed the school. In the end the school was closed down, under the auspices of hygienic reasons; the school was eventually moved and reopened.

²¹ One particular volatile incident erupted over a mosque in the town of Lodi. (Saint--Blancat and Schmidt di Friedberg 2005, 1086; Triandafyllidou 2006).

²² See Italian Interior Ministry:

<http://www.interno.it/mininterno/export/sites/default/it/temi/immigrazione/sottotema004.html>. For a summary of the first report see the Interior Ministry's Press Release (05 June 2008).

²³ <http://www.regione.piemonte.it/governo/assessorati/migliasso.htm>,
<http://www.regione.veneto.it/La+Regione/Giunta/Home+Giunta>, <http://giunta.regione.emilia-romagna.it/flex/cm/pages/ServeBLOB.php/L/IT/IDPagina/1>,
[http://www.regione.liguria.it/MenuSezione.asp?Parametri=1_2_2_\\$1_2_2_\\$Giunta\\$0\\$](http://www.regione.liguria.it/MenuSezione.asp?Parametri=1_2_2_$1_2_2_$Giunta0),
<http://www.regione.toscana.it/giunta/index.html>

²⁴ <http://www.regione.veneto.it/Servizi+alla+Persona/Immigrazione/>: Consulta Regionale per l'immigrazione; Registro Regionale Immigrazione; Tavolo Unico Regionale di Coordinamento sull'Immigrazione.

²⁵ <http://www.venetoimmigrazione.it/Progetti/IntegrazioneSocialeeScolastica2007/IProgrammiTerritoriali/ta/bid/708/Default.aspx>

²⁶ <http://www.venetoimmigrazione.it/>

²⁷ Norms for Social Integration of Immigrant Foreign Citizens. Can be found at: http://www.regione.emilia-romagna.it/autonomie/collana_riformeperidiritto/leggi4.htm

²⁸ <http://eur-lex.europa.eu/Notice.do?mode=dbl&lang=en&ihmlang=en&lng1=en,ro&lng2=bg,cs,da,de,el,en,es,et,fi,fr,hu,it,lt,lv,mt,nl,pl,pt,ro,sk,sl,sv,&val=451224:cs&page>

²⁹ See the Italian Interior Ministry for details:

<http://www.interno.it/mininterno/export/sites/default/it/temi/immigrazione/>.

³⁰ http://ec.europa.eu/justice_home/doc_centre/immigration/doc_immigration_intro_en.htm

³¹ See: Interior Ministry Press Releases: "Ricongiungimenti familiari e permessi di soggiorno degli stranieri in Italia: il Consiglio dei Ministri ha approvato due schemi di decreti legislativi," 28.07.2006; "Ricongiungimenti familiari e permessi di soggiorno degli stranieri in Italia: il Consiglio dei Ministri ha approvato due schemi di decreti legislativi, 28.07.2006

and

http://www.interno.it/mininterno/export/sites/default/it/sezioni/servizi/legislazione/immigrazione/legislazione_805.html [319159483.html](http://www.interno.it/mininterno/export/sites/default/it/sezioni/servizi/legislazione/immigrazione/legislazione_319159483.html)

³² This was part and parcel of a larger government agenda to address integration, citizenship, work permits, and family reunification. (*La Riforma Del Testo Unico Sull'Immigrazione*). In addition Amato created an integration charter entitled: Charter of Values and Citizenship Integration (*Carta dei valori della cittadinanza e dell'integrazione*): The charter emphasized: Italian identity; equal rights and the dignity of the person; the right to work, health, education; the importance of family; separation of church and state and religious freedoms; and Italian international duties

(http://www.interno.it/mininterno/export/sites/default/it/sezioni/sala_stampa/notizie/immigrazione/2007_04_23_Carta_dei_valori_della_cittadinanza_e_dell'integrazione.html).

See: Bigot and Fella 2008.

³³ *La Repubblica*, 07 May 2009; *La Repubblica*, 22 April 2009; *EUobserver*, May 13 2009; *EUobserver*, May 20 2008; *EUobserver*, May 14 2008.