

# T05P02 / The Public Administration of Immigration

**Topic :** T05 / Policy Formulation, Administration and Policymakers

**Chair :** Mireille Paquet (Concordia University)

**Second Chair :** Sule Tomkinson (Université Laval)

## GENERAL OBJECTIVES, RESEARCH QUESTIONS AND SCIENTIFIC RELEVANCE

Immigration control and management is a central activity of all sovereign states. This activity goes beyond the control of borders: it includes the selection of immigrants, the management of periods of residence, the implementation of policies to support integration as well as the design of operations to deport or detain individuals. Despite a growing involvement of market actors in this vast policy sector, public administrations remain dominant actors when it comes to the design, implementation and steering of public policies related to immigration. This panel explores the contributions of public administration and public policy to migration studies.

The current refugee “crisis” as well as the convergence of states toward economically driven immigrant selection shed a renewed light on governments’ and policymakers’ capacity to design and implement immigration policies. In migration studies, governments are often treated as a black box or are represented as a series of intervening variables (institutions and policy legacies), whereas societal inputs and policy outputs and outcomes are the elements of interest. Beyond a focus on public opinion, electoral results or economic conditions, this panel asks: what can unpacking the “black box” of the state—using concepts, theories and methods from public administration—bring to the study of immigration policy and politics? We argue that immigration is not only political and politicized in electoral and societal venues, it is also the object of highly technical public policies and of inherently political administrative processes. Because of this, it is crucial to consider the role of public administrations in policy genesis, development and implementation. Bureaucrats, after all, hold technical knowledge and expertise that differentiates their actions and interests from those of elected officials. They are also permanent and stable features of most democracies, whereas politicians come and go. Simply because of these Weberian characteristics, it is possible to infer a role, albeit variegated for bureaucracies in the crafting of contemporary state responses to immigration.

Most of the work bridging immigration and public administration focuses on policy implementation. This panel welcomes contributions of this nature but also aims at creating a dialogue with contributions focused on the role of bureaucracies in decision-making, policy formulation, agenda-setting as well as in policy evaluation and policy learning. Using this broader lens allows for the development of work that addresses current blind spots in the literature, such as: the autonomous role of bureaucrats in immigration policy formulation, the mechanisms of influence of public administration on the content of immigration policies as well as the contemporary dynamics of political/administrative relations in this policy sector, the impact of different administrative structures on immigration politics and the effect of various resources at the disposal of bureaucrats in designing, steering and evaluation these public policies. Empirical analysis as well as theoretical and methodological papers addressing these themes will be considered for inclusion in this panel, on the basis of the dialogue they create between public administration and immigration studies.

## CALL FOR PAPERS

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policies as well as the contemporary dynamics of political/administrative relations in this policy sector, the impact of different administrative structures on immigration politics and the effect of various resources at the disposal of bureaucrats in designing, steering and evaluation these public policies. Empirical analysis as well as theoretical and methodological papers addressing these themes will be considered for inclusion, on the basis of the dialogue they create between public administration and immigration studies.

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## Session 1 Immigration Policy Actors and Implementation

Thursday, June 29th 10:30 to 12:30 (Manasseh Meyer MM 2 - 3)

### Discussants

Federica Infantino (University of Oxford/Université Libre de Bruxelles)

### Policy Capacity of Non-State Actors: The Case of Community Organizations for Immigrants Integration in Toronto, Canada

Francis Garon (Glendon College / York University)

Non-state actors have become de facto “street-level bureaucrats” in a variety of policy sectors. Although a lot has been said about the pros and cons of “partnerships” and other governance arrangements between state and non-state actors, policy capacity of the latter has not been systematically investigated. Given their increased responsibilities in the development and implementation of policy and in the delivery of services, their capacity need to be better assessed and analyzed.

Immigration and integration policy in Toronto, Canada, is such a sector where non-state actors are now providing most services to newcomers (settlement, housing, employment, etc.). As Toronto is now one of the most diverse cities in the Western world, these actors play a central role in encouraging and sustaining a diverse and inclusive society. However, as any policy actors, these non-state actors are facing great challenges in trying to secure the resources that they need to accomplish their mission and objectives. One way of securing resources and influence is through their policy capacity.

More specifically, I analyze the policy capacity of non-state actors through three main dimensions: resources, autonomy, and knowledge. Resources refer to the capacity of non-state actors to deliver services, mainly through funding, infrastructure and staff. Autonomy is closely linked to resources as the nature of funding greatly influenced autonomy. Put simply, the more funding is coming from the government under “services agreements” specifying targets, the less autonomy for non-state actors. Finally, knowledge refers to the expertise of non-state actors and their capacity to engage into policy debates.

This framework should provide insights into three competing perspectives regarding the relationships between state and non-state actors in governance settings. First, the “critical perspective” assumes that any relationships between state and non-state actors will follow the interests of the former, and will be subsumed under neo-liberal thinking and practices. In this case, non-state actors are just instruments of state actors. This perspective could potentially underestimate the capacity of non-state actors. Second, the “optimistic perspective” suggests that governments’ support will create “structured mobilization” of non-state actors and their target groups and will help them becoming active and engaged citizens. This second perspective could underestimate the consequences of interacting with state actors. Finally, the “conflictual-cooperation perspective” assumes that non-state actors cooperate at times with public authorities in achieving common goals, while using routine forms of protest and advocacy at other times in order to defend the interests of their clienteles.

I explore these ideas through the case of community organizations implementing immigration and integration policy in Toronto, Canada. The analysis is based on interviews (25) with community organizations charged with the implementation of immigration and integration policy. The semi-structured interviews aim at documenting the three dimensions of policy capacity cited above (resources, autonomy, and knowledge). The interviews are completed with a thorough analysis of the relevant documentation.

## **Making Immigration Policy: Bureaucrats and Migration Theory**

Mireille Paquet (Concordia University)

This paper explores the role of individual bureaucrats and bureaucratic units in immigration policy formulation. In dialogue with public administration, public policy and migration policy theory, it asks: how do bureaucrats contribute to the design of immigration public policies and how is their influence affected by institutional as well as political factors? Based on a realist ethnographic fieldwork in Quebec's department of immigration between 2014 and 2016, this paper shows that migration theory must account for the substantial role of bureaucrats in policy formulation to better specify the mechanisms contributing to the maintenance or the demise of national models and modes of migration politics, as well as for the convergence of migration policies. This role is contingent on four groups of factors that will be explored in the paper: 1) the impact of institutional structures; 2) the influence of bureaucrats' ethos; 3) the consequences of the internal dynamism of bureaucracy and 4) bureaucracy's responses to situational imperatives.

## **Policy Implementation and the Greek Refugee Crisis**

Nikolaos Zahariadis (Rhodes College)

Why have efforts to address the refugee crisis in Greece (2012-2016) mostly failed to produce the desired results? Adapting Edwards' (1980) framework of implementation to incorporate external influences, I argue the complexity and transnational nature of the refugee issue coupled with economic austerity in Greece and lack of administrative capacity pose nearly insurmountable problems to effective policy implementation. External resources and capacity on balance supersede the impact of domestic variables by adding to implementation effectiveness despite problems with steering and accountability. Interestingly, NGO capacity at the local level has been important but has had mixed effects entangled in politics and mistrust. The findings have implications for theories of implementation, migration, and the future of European integration.

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## Session 2 Public Administration of Migration: A Comparative View

Thursday, June 29th 13:30 to 15:30 (Manasseh Meyer MM 2 - 3)

### Discussants

Mireille Paquet (Concordia University)

### The (Surprising?) Pragmatism of Migration Control Agents in the Schengen Area

Tobias Eule (University of Bern)

This paper, based on extensive ethnographic fieldwork with migration authorities in a number of European states, examines an often overlooked factor when trying to account for the limits of migration control: The limited investment of migration control agents in their own job. Removed from the political and media spectacles of migrations, most agents do not make sense of their work with reference to national sovereignty or security, but act according to what seems adequate and (just about) good enough. The paper argues that a closer look into the public administration of immigration must account for its banality, for the mundane activities and routine ways of enacting policies. This is especially true in Europe, where a great majority of immigrants have access to wideranging rights for an indefinite amount of time.

The paper will argue that even when researching the implementation of drastic aspects of migration policies (such as detention, deportations or detection tactics for irregular migrants), the officers involved go about their tasks with a steady and pragmatic routine. Thus even in heavily securitised border regions, officials care for their lunch break enough to halt or abandon surveillance missions. While the further politicisation of migration since the "refugee crisis" of 2015 manifests itself in public debates and policy, the paper holds that it does not take over the way the "migration regime" seems to work. This in turn can help explain the "implementation gap" in migration policy, as well as point to openings for migrant subjects to realise their agency.

### Justice, discretion, and trust: the politics of refugee governance in Canada

Sule Tomkinson (Université Laval)

Most migration and refugee research on the street-level bureaucracy tradition examines public policy delivery and decision-making by focusing on two main actors: the front-line worker and the non-citizen. Lately, there has been a great deal of focus on the consequences of contracting out and e-government, on the quality of service delivery. Absent from this literature is the impact of non-state actors on street-level migration and refugee decision-making. Drawing on theories of trust from the management and psychology disciplines, this manuscript explores the interdependent and sometimes conflictual roles played by adjudicators and refugee lawyers in determining refugee claims at the Immigration and Refugee Board of Canada (IRB). Based on 18 months of fieldwork that combined direct observation of 50 refugee hearings and interviews with 10 refugee lawyers and 10 former adjudicators in Montreal, I explore the ways verisimilitude in refugee narratives is evaluated during administrative hearings, conceptualizing trust as a key element of refugee governance. The hearing room represents the ordinary context of refugee governance as a socially negotiated space where non-citizens' rights claims are made, screened, granted or rejected. This paper illustrates the ways in which trust plays a major role in adjudicators' relationships with lawyers during the investigation of refugee claims. When faced with adjudicators they don't trust, refugee lawyers find ways to delay processing of cases, which costs money and time for the IRB. With lawyers they trust, adjudicators share information and even decision-making authority.

## **Opening the “black box” of Emigrant Policy Administration. A Study of 22 countries of Latin America and the Caribbean**

Luicy Pedroza (German Institute of Global and Area Studies)

Across the globe, there are different configurations of agencies that design and implement emigrant policies at home and abroad, yet few analyses of what these different configurations imply for the capability of states to develop policies that effectively serve their emigrants. With data on 22 Latin American and Caribbean countries, this paper takes a theory building approach and looks at the existing configurations of structures that deal with emigrant policies, that is, the policies by which states of origin engage with and establish links to their diaspora. The analysis of such (innovative) configurations is relevant, and quite particularly so vis-à-vis immigration policy, due to the reach of emigrant policies beyond borders and the need for domestic coordination to adequately cater to the needs of emigrants. The reach of emigrant policies beyond borders and horizontally across policy areas places high demands on the state structure regarding the rank, coordination and implementation capacities. Furthermore, in some of the countries under study the administration of emigrant policies is a subset of migration policy administration, which means that similar resources and policy lines are followed as for immigration policy.

The different configurations reveal important differences across countries in two respects: on the one hand, issues of rank and source of authority, and on the other, an increasing division of labor in terms of different stages of emigrant policymaking: design, implementation, and consultation. From a policy perspective, the configurations seem crucial to understand the durability and applicability of emigrant policies, but also the autonomy with which they are formulated, the dynamics of horizontality they involve and the different degrees of citizen involvement that they allow in policy-making. This paper builds on classic concepts and theories of comparative public administration. Thus, besides bringing light to these innovative empirical phenomenon, this contribution will allow experts in the more established field of immigrant policy administration to contrast the conceptual apparatus used, and to weigh the degree to which immigration and emigration policy can be dealt with as a single policy field, in theory and empirically.