Migration Governance: The Politics of the Border

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The stakes in borders are generally high because they shape relations of power and privilege by organizing inclusion and exclusion. They magnify the power of some interests and disperse the power of others.[1] Thus in Grant McConnell's classic study of American politics, he argues that the smaller, relatively protected space of state and local government tends to magnify the political power of local and private interests.[2] He stresses the defensive capability that this protected local space affords to these interests. However, this space can also give them influence at the national level, well out of proportion to their population or size.

As effective barriers, borders are nevertheless variable and constantly being redefined. Even when they are not contested. I first look at why the border has become important at all at a time when some have argued that borders are increasingly less relevant. After all, the dynamics of increasingly free trade, combined with the reaction to the hard borders of the Cold War, appeared to be leading to an era of open borders, or at least softer borders, increasingly less politically salient. The relatively easy movement of migrants into Europe until the 1970s was matched by the easy movement across the soft northern and southern borders of the United States at the same time. **How, then, did the issue of the border become increasingly salient and consequential on both sides of the Atlantic, and how did the borders become more significant barriers to movement for some migrants, if not for others?**

I would argue that the dynamics driving more open borders on both sides of the Atlantic—trade and economic growth—have become increasingly in conflict with those driving more closed and militarized borders—fear of "uncontrolled" immigration

1. **Salience***: The failure of the border* .

The developing political salience of the border has been the principle result, first of the reframing of the question of immigration by political party leaders as a failure by the state to control entry on both sides of the Atlantic. Party leaders and electoral competition have then mobilized public opinion around issues of border control as a political priority. This has taken place in the context of cross-border population movements within Europe, by movements of undocumented migrants across the southern border of the United States, and by increased numbers of asylum-seekers seeking entry into Europe, and to a far lesser extent, the United States. The border has also become a focus of interest for groups seeking to protect cross-border migrants and asylum-seekers, to prevent or promote their entry, or to engage in and profit from the buildup of border security

Europe

The focus on the border in Europe began with the way that political leaders in Europe framed the issue of immigration as a failure of integration. There were several common themes in how the issue was framed. The first was the assumption that the balance of immigration had changed in ways that made integration of the new wave of immigrants far more challenging and difficult. The second was that immigrants were no longer needed for labor needs. The first was far more important. In some ways, this pessimism was similar to the debates in the United States before the First World War that finally led to the passage of the Johnson-Reed Act of 1924.[3]

For the French, the political rhetoric of failure was rooted in a debate among policy-makers that went back to the 1950s. In France, there had been a fierce administrative debate about framing the issue of immigration that had begun at the end of the Second World War, and become a partisan electoral issue in the late 1970s. By the mid-1950s, administrative authorities were clearly seeking "... immigration of Latin-Christian origin," with less and less success as the economies of Spain and Portugal began to grow. Despite widespread perceptions to the contrary, it would not be until the 1982 census that the number of resident European immigrants would be slightly outnumbered by those from Africa and Asia; and not until 1990 that the stock of African (primarily North African) immigrants would absolutely outnumber those from Europe.[4]

Therefore, although the public framing of the question of immigration during the post-war period was that France needed immigrant labor for reconstruction, administrative authorities developed a parallel agenda based on considerations of integration. The result was what appeared to be a period of unregulated entry for labor, and post-hoc regularization, a policy designed to balance out the free movement of Algerians (when Algeria was still part of France) without legislation or public debates.[5] Policy evolved through a problem-solving approach that was what Alexis Spire has called "the hidden face of the state."[6]

For three decades, the several hundred *circulaires* issued by state agencies— internal directives, rather than documents with the force of law dealing with immigration— altered the way the problem was defined. These *circulaires* and other documents effectively reframed immigration policy as one focused on a concern about ethnic balances, then a deep concern about integration, and finally -- in 1974 – on a view that "undesirable" immigration should be suspended, constituting a shift of thinking among policy-makers about non-European immigration.[7]

In the UK, the reframing of the discourse around the immigration issue began as early as the late 1950s, with the Conservative Party's shift away from its historic commitment to Empire/Commonwealth subjectship, towards a focus on immigration from the third world New Commonwealth as a challenge to British identity. Over a period of two decades, Conservative and Labour governments abandoned an inclusive immigration empire citizenship regime that made access to the United Kingdom possible for most subjects of the empire and the Commonwealth. By 1981, privileged access was effectively limited to those with familial roots in the UK, that is generally white "patrials." Others, generally subjects from the colonies and the "New (non-white) Commonwealth," were admitted under rules that applied to Third Country Nationals from outside of the European Union. The reframing signaled a strong movement towards exclusion that gradually took on more overtly racist aspects than the parallel French policy. By changing the definition of citizenship—and who could freely enter as a citizen, and who was a foreigner— legislation between 1962 and 1981 changed the boundaries of the United Kingdom.[8]

This two-decade series of elaborate legislative efforts was meant to discourage and minimize[9] the migration of Third Country Nationals into the UK. Nevertheless, the Labour government developed a variety of labor-market policies, each of which—with different rationales—contributed to the rapid increase of immigration. By 2005, with an election approaching, the Blair government came under severe criticism for the increase of immigration, which now appeared to be "out of control," particularly because the number of asylum-seekers was growing rapidly as well, and because of terror attacks in London at the same time.[10] A sharp turn in policy towards restriction[11] did little to assuage public opinion, and the pervasive sense of failure, particularly after the suicide attacks in the London Underground and buses in July, 2005.

For the Germans, the rhetoric of failure has become the core of how Chancellor Merkel defined the problem of integration. In a speech before the youth group of her conservative CDU in October 2010, she famously declared that multiculturalism in Germany had "utterly failed," and that it was an illusion to think that Germans and foreign workers could "live happily side by side." [12]

Christian Joppke points out that political leaders tended to frame Germany as an "ethnic nation," well before immigration was suspended in 1973. Foreigners, particularly non-privileged foreigners (from outside of the EU): "… could never be part of 'us' in an ethnic nation." Indeed, Turks were singled out as a frankly and particularly undesirable group, a depiction that went beyond whether or not they were assimilable. [13] Similarly, for the Dutch, there was a broad-based political perception by 2000 that traditional—less interventionist—modes of integration had failed to produce desired results.[14] As labor-market pressures eased in Europe, political perceptions of integration failure tended to become more dominant; so did support for migration restriction. However, it rapidly became clear that this would not be possible. New regulations were weakened, if not undermined, by court decisions vastly limiting restrictions on family unification and the ability of the state to expel foreigners.[15]

Commonwealth citizens, who established legal residence, obtained a surprising number of citizenship privileges that sharply differentiated them from aliens from other countries in the U.K., for example. Once they registered to vote, Commonwealth citizens, citizens of the UK and Colonies, and citizens of the Irish Republic resident in the United Kingdom were eligible to vote in all UK elections, as well as for deputies for the European Parliament. Another way to understand this is that citizens from 54 Commonwealth countries and Ireland, as well as immigrants from 15 Dependent Territories could vote (and run for office) in the United

Kingdom. Although Commonwealth immigrants remained citizens of their home countries, they gained these British citizenship rights by virtue of residence in the United Kingdom.

The perception of failure in Europe has also been extended to the system of EU free movement, in part because it has been disproportionately employed by the new accession states of Eastern Europe. From year to year, free movement accounts for a third to half of all immigration movement in Europe, and European citizens represent more than a third of resident immigrant populations in the EU .[16] Political tension over free movement has been widespread in Europe since the full accession of Romania and Bulgaria in January 2014. The government of the UK has been most vocal about the importance of limiting free movement within the EU, but other Member States have echoed some of the UK concerns. By the 1980s, perceptions of policy failure on integration had become widespread and politically salient for French, German, Dutch, and British leaders.

The United States

In the context of American politics, the focus on failure—related to the border— has been directed towards the southern border and the flow of undocumented immigrants. Although the borders of the United States—above all the borders with Mexico—have become increasingly militarized, both the flow and the stock of undocumented immigrant have been far higher in the United States than in Europe.

All recent attempts to pass legislation on immigration control have been preoccupied with undocumented immigration. The failure to check the flow of undocumented immigrants to the United States—indeed the doubling of the stock of illegal immigrants after 1996—has become the focus of immigration politics that have resulted in three failed legislative proposals for

"Comprehensive Immigration Reform" that have been considered since 2006. When Americans discuss immigration, they generally mean undocumented or illegal entries, how the border with Mexico can be more effectively controlled, and what should be done about the stock of more than 11 million undocumented residents in the United States.[17]

The 1965 Immigration Act established limits on legal immigration from the Western Hemisphere for the first time, and, more important, a per-country limit of no more than 7 percent of the total number of visas to natives of any one independent country in a fiscal year. A stroke of the pen changed legal movement across the frontier to illegal migration. For Mexico the change was dramatic. In the late 1950s, when there few legal restrictions on entry from the Western Hemisphere, there were about 50 thousand entries per year from Mexico for permanent settlement, and about 450 thousand people who entered for temporary work. After 1965, legal entry for most purposes was limited to about 20 thousand, with no provision for temporary work. By 1979, however, levels of actual entry per year had increased to those that prevailed in the late 1950s, even though what had been legal now became illegal border crossing.[18]

The first serious indication of a perception of failure of immigration policy in the United States was summarized in the report of the Select Commission on Immigration and Refugee Policy (SCIRP), organized in 1978, in the aftermath of the refugee crisis engendered by the chaotic end of the war in Vietnam. Illegal immigration appeared to be the leading edge for the mobilization of a new restrictionist movement, and the formation of SCIRP was the government reaction to the growing restrictionist support in public opinion.[19] , Its report argued that the most important failure of US immigration policy was a failure to adequately control the southern border. It argued that "illegality erodes confidence in the law generally, and immigration law specifically.

Therefore, the commission recommended stronger controls at the border and enforcement at the workplace, as well as a program of legalization for illegal immigrants then present in the United States. However, stronger controls were seen as a precondition for legalization: "that legalization begin when appropriate enforcement mechanisms have been instituted."

The problem of illegal immigration then became increasingly re-framed as a menace to national security and a growing crisis during Reagan administration. As Douglas Massy notes: "The most prominent politician contributing to the Latino threat narrative was President Ronald Reagan, who in 1985 declared undocumented migration to be 'a threat to national security' and warned that "terrorists and subversives [are] just two days driving time from [the border crossing at] Harlingen, Texas" and that Communist agents were ready 'to feed on the anger and frustration of recent Central and South American immigrants who will not realize their own version of the American dream'."[20] In fact, as Massy points out, not much had changed in terms of migrant movement into the United States, but the law had changed, and those who had entered legally before 1965 were now illegal.

The flow had stabilized by the late 1970s, and was no longer rising, but the undocumented population of the U.S. continued to increase, as return migration slowed down. Moreover, as in Europe, the now more stable resident population evolved from single workers to families with children. The perception of a "surge" was largely based on this growing population of undocumented "migrants". The perception of a generally successful policy of immigration, combined with failure at the border, was once again confirmed by another presidential commission, the Jordan Commission, but this time in the context of a broader political movement to stem the tide of illegal immigration.[46]

Many of the Commission's recommendations with regard to illegal aliens would seem quite familiar today. It recommended strengthened border controls, but also the use of new technologies to enhance security at airport ports of entry. For the first time since WWII, the Commission also focused on integration policy. It placed considerable emphasis on new programs of "Americanization" as a way toward a more robust system of integration: "core civic values."[50]

2. What is to be done: who cares and how they care

Public Opinion Perception

A permissive consensus has developed about the importance of entry. For mass publics, the German Marshall Fund Transatlantic Surveys for a decade have indicated that concern about "immigration" is relatively low compared with concern about other issues. Mass publics on both sides of the Atlantic have been most concerned with the economy and unemployment, and generally only a small percentage have given priority to questions of immigration, even in the United States, with fewer than 8 percent of respondents in any country claiming immigration as their most important priority in 2011 (a year when immigration pressure appeared to be high because of the surge of asylum seekers).

However, among those who feel that immigration is "the most important issue facing the country" there is a tendency to focus on the border. Respondents are far more concerned about migrants who have crossed the border illegally, rather than legal immigrants. (See figure 1) In fact, this concern is very high even where concern about immigration is relatively low (Germany and Spain). Americans, French and Italians are the least worried about legal immigration, British, German and Spanish respondents the most. All of them, however, are overwhelmingly concerned about "illegal immigration" defined as unauthorized border crossing.

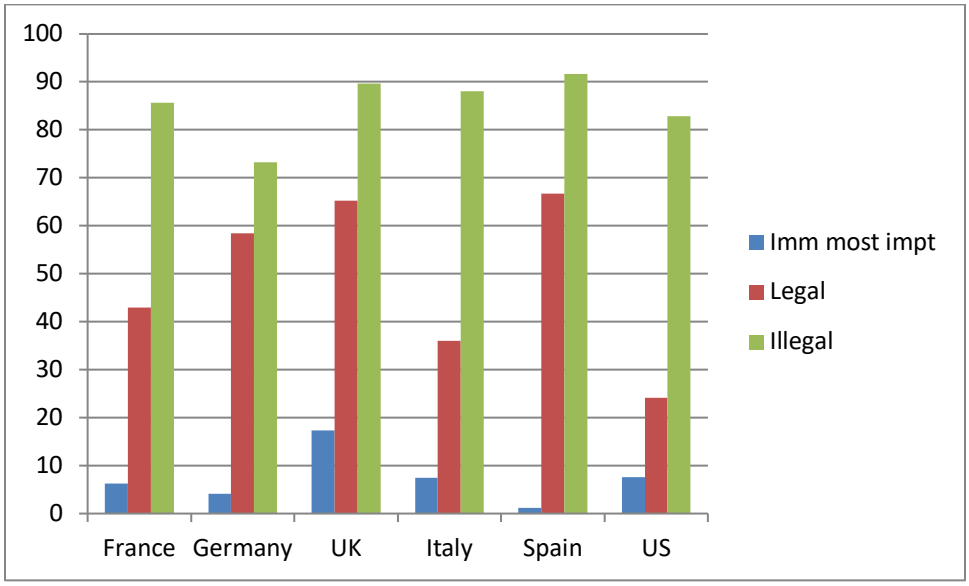
From the perspective of public opinion, what is generally referred to as the "crises of immigration" appears to be largely, though not entirely, a crisis of border control. Fewer than 25 percent of US respondents who prioritize immigration claimed to be "worried" about legal immigration, compared to more than 80 percent concerned about illegal immigration. This difference has been less marked in Europe, where the crisis of immigration is more often related to concerns about integration rather than entry, but border crises have dominated the headlines, have become politically important in electoral politics, and have had an impact on public opinion.

In the results of the German Marshall Fund's Transatlantic Survey in 2011, European concerns about illegal immigrants either equaled or exceeded that of US respondents. In each case the concerns about illegal immigration far exceeded those about legal immigration. This is somewhat surprising, since levels of illegal immigration are estimated to be far lower in Europe than in the United States.

Although for European governments perceptions of failure have focused most strongly on integration, for most Europeans (and most Americans), concern about components of integration vary considerably from country to country. For French respondents, respect for institutions and law is far more important than knowledge of language or shared cultural values; for British respondents, shared language and respect for political institutions and law dominate; and for Dutch respondents shared cultural values are far more important than in any other country in Europe.

Figure 1

Among respondents who see Immigration as the Most Important Issue Facing the Country, those (percentage) that are most worried about Legal/Illegal Immigration:



Source: GMF Transatlantic Survey 2011: Q1a, Q4.1, Q4.2

Therefore, there seems to be a perception/policy gap. The policy process at the national level has focused on failure of integration (not always including language), while public concern has been greater about respect for law and institutions. Nevertheless, perception of policy failure has been directed against undocumented immigration.[21]

Public opinion in itself does not appear to drive governmental concerns about the border, I would argue. It does, however, become far more important in the context of interest group and electoral politics, when political groups, parties and candidates mobilize voters around issues and identity. Its importance then becomes further focused in the politics of federalism, where the concerns of Member States in Europe become important, even magnified, in developing harmonized rules and laws.

3. How is it to be done?

Federalism and Territorial Actors

Federalism is not symply structure, it is a dynamic process. The dynamics of federalism around issues of border control have had an impact on the power of all levels of territorial government in Europe. Samuel Beer has argued that two kinds of bureaucratic networks have become a main feature of American federalism. In key areas of public policy, people in government service—**the "technocracy**"—form a **vertical** network that tends to initiate policy, and forms alliances with their functional counterparts in state and local government. Their territorial check and counterpart has been the "intergovernmental lobby" of governors, mayors and other local office-holders - elected officials who exercise general territorial responsibilities in state and local governments, and meet in horizontal organizations. Each of these networks has incorporated associational interest groups in different ways. The technocracy has incorporated groups associated with functional interests that tend to be national in scope; the intergovernmental lobby has incorporated groups associated with defense of territorial interests at the local level, what one scholar has called "urban lobbies".

If the interests of the technocracy vary by the function of government for which they work, the intergovernmental lobby focuses on how policy costs and benefits are distributed among territorial units. From the perspective of federalism, this evolution was both centralizing, because it created a national network for local elected officials with territorial interests, and decentralizing, because it enhanced the ability of local officials to defend their local interests at and from the national level. [22]

Beer's analysis is not dissimilar to much scholarship on the development of **multi-level governance in the Europe:**

> Within the field of intergovernmental relations a new and powerful system of representation has arisen, as the federal government [in the United States] has made a vast new use of state and local governments, and these governments in turn have asserted a new direct influence on the federal government.[23]

In contrast with the United States, where national officials have profited from the evolution of the federal system, in the European Union, Member-State leaders have maintained a key role. In effect, they have maintained this role either through the equivalent of "the intergovernmental lobby", or more directly through Intergovernmental Conferences and their role in the legislative process.[24]

"Problem-solving deficits," that have resulted from the difficulty for any one country to control entry from third countries, have encouraged the development of European border policy. The problem has been understood as the need to reinforce the external border, and strengthen the will of countries that had been less prone (or less inclined) to maintain restrictive rules.

Another way to understand this policy frame is to examine how agreement was reached on the Schengen system. One of the few studies of the road to Schengen, by Ruben Zaiotti, emphasizes the process and growing agreement among high level policy-makers about a restructuring of the borders of the European Union to provide for free movement of goods and people across the internal borders of Europe. The core of the ultimately successful process involved agreement among the ministries of interior/home affairs and the ministries of foreign affairs.[25]

Zaiotti argues that, from the very beginning, one goal was the elimination of internal border controls, but a more important goal was the securitization of the external frontier. As we have seen, the dismantling of intra-European border controls was developed with "compensatory measures" that would make entry into the Schengen area more difficult and that would strengthen the ability of the police to track those who entered. The language of the Schengen Agreement was a direct reflection of that balance.

This framing of the Schengen Convention was understood as a tool for gaining more collective control over the external borders of the "softer" Member States. The system was understood as creating opportunities for Member States to influence the internal politics of their neighbors, generally in ways that would strengthen external border enforcement. This framing of border governance by a limited number of EU states would be the framework for the expanding union. When the Schengen Convention was integrated into the formal EU structure under the Treaty of Amsterdam in 1997, border governance was framed as community responsibility ("Third Pillar"), which established a new Community basis for understanding, if not actual control, over what had to be done.

The border of "Europe" was the external border, responsibility for which was distributed among the relevant Member States. In turn, these Member States were responsible for enforcing less than harmonized border policies under the watchful eyes of the Schengen Evaluation Mechanism (see below). The opening of the internal borders was always coupled with the strengthening of the governance of the external border under the Dublin Regulation.

The Policy actors

1. Interest intermediation

The difference in process between Europe and the United States is that in Europe the *intergovernmental lobby* of territorial leaders (states and localities) tends to dominate the process, while the vertical networks of functional leaders—*the technocracy* (economic and identity-based interests) in key areas of public policy— are relatively weak. Both of these networks have incorporated associational interest groups in different ways, but the groups associated with functional interests that tend to be "national" in scope in the United States, and European in scope in Europe, and are far less influential in Europe. Nevertheless, depending on the policy arena, interest intermediation can influence policy at the European level by empowering Member State governments and constraining them.[26]

Although there are abundant numbers of groups that are involved with various aspects of EU policy, they are only peripherally involved in actual questions of policy development, rather than policy implementation. One scholar has noted that they do "…interact with the Community's institutions in relatively unpredictable ways and at different points in the policy process." They do not, however, "…work with government officials in structured ways to make policy."[27] Rather, they seem to be most involved with policy implementation, and the modification of policy as applied to individual cases.

But, as in the American federal system, there also appear to be different patterns of interest intermediation in different policy arenas. In tightly knit and mutually supportive policy communities in agriculture and security, for example, they maintain stable relations with other state and administrative actors at the Member State and EU levels. These interactions are important for both setting the agenda and developing the content of policy. In

other arenas, such as environmental policy, John Peterson has demonstrated that networks are looser, and interest groups are less effective in policy development.[28]

In migration, asylum and border control, however, there is considerable evidence that interest groups may be consulted, but usually **after** policy has already been developed in order to build what Rubin Zaiotti has called "ex post facto political legitimacy" into the process.[29] As a result, policy at the EU level is strongly dependent on the ability of Member States to reach agreements. At the same time, however, at least in the area of border control, there appears to be significant and continuing contact with some of the groups involved, in order to smooth the process.

2. Party competition and the border

If public opinion creates political opportunities, groups enhance them, and party competition may or may not attempt to exploit those opportunities through the electoral process. Let us consider the cases of France, Britain and the Netherlands. In each case, perceptions of failure of integration have been driven by electoral politics, in which political parties attempt to use public opinion to mobilize voters in different ways. In different ways, electoral conflict within member states became a driver of immigration policies that increasingly focused on border control. However, within the complex federal system of the EU, control over internal borders involved control over the external border as well.

The European context, rather than constraining states in Europe, has enhanced their abilities both to control immigrant entry and to develop more forceful policies on integration, essentially defined at the Member State level. These policies have then spread through Europe through increasingly institutionalized intergovernmental consultations.

In this context, policies of border control became increasingly important. First, at the Member State level criteria for entry were hardened to make it more difficult for those deemed difficult to assimilate to enter, and instruments were created to effectively harden the border. Second, there was an effort to harmonize these integration policies at the European level through greater coordination among Ministers of the Interior. Finally, the asylum crisis forced a (still on-going) reevaluation of the governing of the European frontier through the Dublin Regulations and the governing of the Schengen zone.

The governance of European borders is still a work in progress. But, like the United States, the politics of border definition and border control are shaping governance in reaction to perceptions of failure and the challenges of asylum and migration. Political parties have mobilized and shaped public opinion on the border and migrant entry through electoral politics, and, increasingly, voters are being motivated by reactions to movements of asylum-seekers, as well as by internal migration within the EU. Although interest groups appear to play only a small role in the development of political priorities, they seem to play a much stronger role in shaping how the border is governed. Migration, far more than trade, is dominating the politics of the border, and shaping the policies of control.

Conclusions

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Endnotes

[1] In Adrienne Héritier's excellent study of policy-making in the European Union, her primary focus is on interest accommodation, but she also deals with the importance of European borders in shaping these interests, by protecting them from competition and magnifying their importance at the member state level. See Adrienne Héritier, *Policy-Making and Diversity in Europe: Escaping Deadlock* (New York: Cambridge University Press, 1999), Chapter 3.

[2] Grant McConnell, *Private Power and American Democracy* (New York: Vintage Books, 1966), Ch. 4.

[3] See Paul Scheffer, *Immigrant Nations* (Cambridge UK: Polity Press, 2011), pp. 325-333. For the debate that led up to the Johnson Reed Act in 1924, see Schain, *The Politics of Immigration in France, Britain and the United States*, Ch. 10.

[4] Vincent Viet, *La France immigrée: Construction d'une politique 1914–1997* (Paris: Fayard, 1998), p. 27.

[5] See Weil, *La France et ses étrangers ,* p. 95

[6] Alexis Spire, *Etrangers à la carte: l'administration de l'immigration en France (1945-1975)* (Paris: Grasset, 2005), p. 13.

[7] These documents were first summarized in a report published by Corentin Calvez for the Economic and Social Council in 1969. He distinguished "assimilable" Europeans who should be encouraged to become French citizens from "inassimilable" non-European workers. See Corentin Calvez, 'Le Problème de travailleurs étrangers', *Journal Officiel de la Republique Française, Avis et Rapports du Conseil Economique et Social*, March 27, 1969, p. 315 ff. See also Calvez, *Politique de l'immigration*, CES, February 1969.

[8] The best analysis of this shift is Randall Hansen, *Citizenship and Immigration in Post-war Britain* (Oxford: Oxford University Press, 2000)

[9] In fact, Randall Hansen argued in 2004 that the UK perhaps represented the closest approximation in the EU to a successful zero immigration country. See "Commentary" in W.A. Cornelius, T. Tsuda, P.L. Martin and J.F. Hollifield, editors, *Controlling Immigration: A Global Perspective*, 2nd Edition (Stanford: Stanford University Press, 2004), pp. 338-42.

[10] See Chris F. Wright, "Policy Legacies, Visa Reform and the Resilience of Immigration Politics," *West European Politics*, 35:4, 2012, pp. 726-755.

[11] Home Office, A Points-Based System: Making Migration Work for Britain, Presented to Parliament by the Secretary of State for the Home Department, by Command of Her Majesty, March 2006, Cm 6741

[12] Chancellor Merkel's speech was reported in Der Spiegel on October 18, 2010. This pessimistic position was also supported by the normally pro-multiculturalist Council of Europe. See Peggy Hollinger, "Council of Europe Warns on Multiculturalism,"*The Financial Times*, 16 February 2011. The sharp movement towards consensus and away from multiculturalism is summarized and anlyzed in three recent articles in *Le Monde*, 26 Febuary 2011, under the rubric, "Le multiculturalisme, entre modèle et crise." Two articles of particular interest are: Eric Fassin, "Nicolas Sarkozy en marche vers le "monoculturalisme," and Béatrice Durand, "En Allemagne, un mot d'ordre bien plus qu'une politique: l'idée de la nécessité d'une culture de référence l'emporte, » pp. 18-19.

[13] Joppke, *Immigration and the Nation-State…*p. 76

[14] Paul Scheffer, *Immigrant nations* (Cambridge: Polity Press, 2011). This is a follow-up of his influential essay in 2000, "Multicultural Disaster."

[15] For Germany, see Joppke, *Immigration and the Nation-State…*pp. 69-76. For France, see Schain, *The Politics of Immigration*…, pp.48-50.

[16] By 2006, the largest numbers of EU citizens migrating to other Member States were from Poland and Romania. By 2016, Polish citizens were the largest single nationality among EU settled migrants in Germany, Ireland, Lithuania, Denmark, The Netherlands, the UK and Norway; Romanians were the top EU nationality in Italy, Hungary, and Spain. See: Eurostat, 98/2008, *Recent Migration Trends: Citizens of EU-27 Member States Become Ever More Mobile, While EU Remains Attractive to non-EU Citizens*, p. 4; and Eurostat, *Migration and Migrant Population Statistics—Statistics Explained*, October 2010, Table 2 and March 2017, "Main Countries of Citizenship and Birth of the Foreign, Foreign-born Population, 1 January 2016.

[17] For a more extended account of the fate of immigration reform after 2006, see Schain, *The Politics of Immigration in France, Britain and the United States*, Chapter 10.

[18] Massey et al., pp. 157-8.

[19] Reimers, *Still the Golden Door*, pp. 235–237.

[20] Douglas Massey, Jorge Durand and Nolan Malone, *Beyond Smoke and Mirrors: Mexican Immigration in an Age of Economic Integration* (New York: Russell Sage, 2002), p. 87.

[21] For an excellent short analysis of the success and failure of the 1965 Hart-Cellar Act, see Schuck, *Why Government Fails So Often and How it Can Do Better*, pp. 243 and 350-353.

[22] Samuel Beer, "Federalism, Nationalism and Democracy in America," *American Political Science Review*, 72 (1), 1978, 17-19

[23] Beer, p. 9

[24] Adam Sheingate, "Agricultural Biotechnology: Representative Federalism and Regulatory Capacity in the United States and European Union," in Anand Menon and Martin A. Schain, editors, *The US and EU in Comparative Perspective* (Oxford: Oxford University Press, 2006)

[25] Zaiotti, pp. 117-161.

[26] The most original approach to the roles of interest groups in preference formation in the European Community can be found in Andrew Moravcsik, "Preferences and Power in the European Community: A Liberal Intergovernmentalist Approach," *Journal of Common Market Studies*, 31(4), December 1993, pp. 482-524

[27] See Alberta Sbragia, "Politics in the European Union," in Almond, G. Bingham Powell, Jr., Russell J. Dalton and Kaare Strøm, *European Politics Today*, third edition (New York: Pearson-Longman, 2006), pp.485-486.

[28] See Mark Thatcher, "The Development of Policy Network Analysis, From Modest Origins to Overarching Frameworks." Journal of Theoretical Politics, (10)4, 1998, pp. 389-416; John Peterson *Policy Networks*, Institute for Advanced Study, Vienna, Political Science Series 90, July 2003, pp. 4-9

[29] Rubin Zaiotti, here, is referring to the construction of Frontex, but also to the way that the Schengen system was developed. See Zaiotti, p. 169. This legitimating role of interest groups was carefully analyzed by Ezra Suleiman in *Politics, Power, and Bureaucracy in France: The Administrative Elite* (Princeton: Princeton University Press, 1974), Chapter XII.