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## The Transnational State and Migration: Reach, Flows and Policies<sup>1</sup>

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*Abstract: For long, state building has been addressed as the expression of an exclusive power over a portion of space and population. In recent years, the scholarship moved away from such a conception by regarding state building as an assemblage of multi-scalar public and private actors, beneath and beyond its territorial borders. This paper adds to this conversation by focusing on the way states transform as they engage with migration-induced transnational flows. This paper defines the transnational migration state as the set of policies, concepts and institutions designed to make the most of “profitable” migration-related flows (of people, money, ideas, etc.) while filtering out unwanted ones. Next to the national-level administrations in charge of the management of human, financial and immaterial flows, states seek to extend their reach by rescaling their engagement and relying on a range of private and civil society actors, including local authorities. This paper is a theoretical contribution to the debate on state reconfiguration in a world of globalised migration. It distinguishes and conceptualises two types of migration-related transnational migration states: emigration and immigration states tackling incoming and outgoing flows respectively.*

Declarations of interest: none

The world according to migration scholars is broadly divided between rich aging Northern countries dealing with immigration and integration and Southern poorer but younger countries grappling with their diaspora and remittances. Recently, the transformation of migration dynamics (South to South migration now surpasses South to North flows), has triggered a broad reassessment of migration policy theories, with a burgeoning effort to incorporate Southern immigration countries (Adamson & Tsourapas, 2020; Natter, 2018; Quirk & Vigneswaran, 2015). Others suggest moving beyond the emigration vs immigration states divide. As European and North American countries (re-)discover forced migration on their soil, it can't be

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regarded as a “Southern” issue anymore. And the illiberal convergence in the treatment of irregular(-ised) immigrants casts doubt over the analytical relevance of the distinction between liberal and authoritarian states (Natter, 2021). And some researchers question the state as the relevant level of analysis. Authors point to the sheer intertwining of legal and institutional arrangements weaving together a global regime of human mobility encompassing emigration and immigration countries (Betts, 2011; Glick Schiller & Salazar, 2013; Punter et al., 2019; Spijkerboer, 2018). By contrast, the local turn of integration (Caponio & Borkert, 2010) and of migration policies (Alpes & Spire, 2014) point to the local as the new strategic level of implementation. Neither local nor global, it is the border that attracts the attention of critical border studies (Parker & Vaughan-Williams, 2009) as they become the locus of migration control, they are being externalised, internalised, digitalised or networked.

While basic assumptions that have underpinned so far migration policy theory are being revisited, current debates have followed seemingly contradictory pathways and no clear picture is emerging. This debate is disjointed for want of a conception of the migration state that would account for policy convergence beyond the North/South divide and for the global and local rescaling of migration management policies. In order to move away from this skewed premise, this paper follows Hélène Thiollet’s call to focus on “migration processes rather than political regimes, geographical location or development levels as the independent variable” (Thiollet, 2019, p. 1). In this perspective, it is argued that transnational flows (be they human, financial, material or immaterial) and the way authorities engage with them (to support or constrain them) are the most relevant starting point from which develop a relevant understanding of the state. Following Quirk and Vigneswaran (2015), it is argued that transnational flows make transnational states. Put differently, state institutions and practices are being transnationalised as they come to grip with transnational circulations.

In this paper, I propose to address emigration and immigration states (i.e. the public institutions and policies dedicated to the management of immigration and emigration flows) as two forms of transnational state (Robinson, 2001). Moving away from a Weberian, territory-bounded, conception of the state, students of the transnational state conceive the latter as a cross-border entity made of multi-scalar actors, including multinational corporations, international organisations, civil society organisations and even local authorities (i.e. global cities). And yet, focusing on capital flows rather than on migration flows, this strand of work does not fully appreciate the bearing of migration-induced circulations on the reconfiguration of contemporary states. This paper fills this gap by considering the mutations of migration policy-

making as the cause and outcome of state transnationalisation. It conceptualises the transnational migration state whose primary function is to enhance or filter out cross border flows (be they human or ideational) in accordance with their agenda. New developments in migration governance, be they the rise of local actors or global-level governance, externalisation or internalisation of border control, the liberal paradox and illiberal convergence all signal a dynamic of transnationalisation of the state rather than its demise into globalisation (Curtis, 2016, p. 456).

The first part of the paper reviews current efforts to rethink the state in the migration context. It argues that the transnational lens would provide a relevant grid of analysis to feed into our understanding of the migration state. The second part bridges both strands of work and elicit a conceptual framework for the study of transnational migration states (TMS). It distinguishes the “emigration state” dealing with outgoing and incoming flows induced by emigration and the “immigration state” tackling incoming flows generated by immigration. All countries being both sending and receiving ones, most develop both types of institutions. Methodologically, the approach adopted is akin to a grounded theory exercise. It combines hindsight analysis of qualitative research undertaken among Moroccan policy-makers in various projects over the last fifteen years and extensive literature review on migration policy making, the migration state and the transnational state. While research on Moroccan institutions fed into the conceptual framing of the transnational migration state, the latter is probed and enriched by various examples drawn from the literature.

## **THE STATE AND THE TRANSNATIONAL: A LITERATURE REVIEW**

### **Migration States Theories**

States have always been confronted to social processes that outspan their limits. Historians have pointed out that public policies towards expatriate nationals are nothing new (Dufoix, Guerassimoff, & De Tinguy, 2010). For newly formed nation-states in 19<sup>th</sup> century Europe and later in postcolonial countries, emigration movements induced by regime (de-) stabilisation raised existential concerns. State authorities developed diaspora engagement strategies to reaffirm who is part of the national ensemble (and who is not) and to extract the migration rent, whether under the form of remittances, political legitimacy, skills or as a diplomatic levee over host countries. According to Alan Gamlen, “embracing” (the national constituency abroad) and “tapping” (in the migration rent) constitute the two functions of what he calls the “emigration state”, i.e. the formal offices (ministries, executive committees, agencies, etc.) in charge of the

relations with emigrants and their descendants (Gamlen, 2019, p. 9; see also Østergaard-Nielsen, 2016). Since the early 2000s, one observes a multiplication of diaspora engagement institutions, noticeably in Southern countries. This surge is best explained by the efforts consented by international organisations to establish a global migration governance regime. The enforcement of “migration for development” policies in sending countries, supported by a diaspora-engagement industry of NGOs, funding bodies, think tanks and other consultancy agencies, now form a legal canvas meant to offset the absence of international agency managing human flows (Betts, 2011; Gamlen, 2014).

The commitment of sending states towards their expatriate is on the rise. But the extent of this engagement is far from being uniform. According to Glick Schiller and Levitt (2004), only a handful of states have fully incorporated their emigrants in the national policy-making framework (Mexico, El Salvador, Portugal, the Dominican Republic and Brazil). The vast majority are in fact what they call “strategically selective states”, i.e. states addressing emigration-related issues in accordance with governmental interests. This category includes Morocco, which favours economic transfers but has restricted the political participation of emigrants, and Algeria, which has used diaspora voting as a source of legitimacy but has always limited monetary remittances for the sake of economic protectionism (Author & Le Roux, 2016). More often than not, this selectivity is not the outcome of a conscious strategy, but the consequence of the limited capacities of sending states: engaging with their diaspora is a costly endeavour that the poorest states cannot afford (Adamson & Tsourapas, 2020, p. 860).

Another body of work widens the remit of the emigration state by pointing out its role in regime stabilisation. In this perspective, Marlies Glasius argues that authoritarian governments do not conceive emigrants as right-based persons, but either as clients to co-opt, patriots to woo, traitors to disqualify, subjects to discipline or outlaws to rule out of the national constituency (Glasius, 2018). Sending States seek to mobilise political support or, on the contrary, to tame political opposition abroad. The global diffusion of external voting in recent years (i.e. the possibility given to emigrants to vote from abroad to homeland elections) shows that states increasingly perceive their diaspora as a political resource. This extension of political rights is not necessarily synonymous with regime liberalisation (Brand, 2006; Scagnetti, 2014; Tsourapas, 2019), but it is driven by regime change: the need for access to the global economy counterbalances the fear of political destabilisation, even among authoritarian regimes (Lafleur, 2013).

The gist of the literature on emigration states is dedicated to its aims and policies. A smaller body of work has focused on the tools they use to achieve their ends. Darshan Vigneswaran and

Joel Quirk argue that analyses of emigration states should focus on, on the one hand, the channels states open to prevent or promote migration-induced flows and, on the other hand, the spatial distribution of authority through the diffusion of state agents exercising power over transnational circulations (Quirk & Vigneswaran, 2015). However, the diffusion of authority beyond borders does not necessarily take formal institutional channels. Russel King and Michael Collyer identify three modes of interventions: *direct* control to support or suppress emigrants' behaviours via host-country based relays of power (consulates, secret services, co-opted associations, etc.); the *symbolic* function of legal status discriminating between who is entitled to external citizenship and who is not; *discursive* control of the imaginative space informing diaspora as an imagined community through public discourses and media (Collyer & King, 2015).

Economic maximisation and regime stabilisation are the two motives driving the expansion of emigration states. The challenge for the emigration state is to *filter* transnational flows, to promote the incoming of flows that are deemed in accordance with national interests and to prevent others. While most sending countries have developed a range of policies meant to favour the development outcome of economic remittances, they remain suspicious with regard to social remittances (Levitt, 1998) such as subversive political or religious opinions, cultural norms, etc. that may have an unwanted political sway over the public opinion. Recent debates in Western Europe regarding the repatriation of jihadist nationals and their families from Syria shows that this matter is not specific to Southern countries.

If *emigration* states are tailored to filter out unwanted transnational inflows, so are *immigration* states in receiving countries. James Hollifield defines the (im-)migration state as a web of administrations and interest groups versed in the management of migration flows (Hollifield, 2004). Of course, emigration states are mostly geared towards the management of social and financial remittances, while the primary concern of immigration states are human flows of people. But, beyond this difference of focus, the filtering function appears as a central feature shared by the different types of states. As for immigration states, it translates into the implementation of selective migration policies favouring the coming of highly skilled labourers, restricting the settlement of right-based immigrants (family reunification, refugees) and discarding other forms of immigration. For James Hollifield, selective migration policies implemented by Western countries can be understood as a compromise meant to overcome the "liberal paradox" elicited by international mobility: immigration is simultaneously a necessary

resource for businesses embedded into a globalised job market and a political stake for policymakers and a public opinion adverse to the settlement of foreign communities. This selective approach to migration facilitates the reception of skilled immigrants, a category fulfilling the needs of employers while perceived by the public opinion as more prone to “assimilate”, more wealth generating and therefore more legitimate. Other forms of immigration provide cheaper labour force but crystallises an anti-immigration sentiment. Since the UK immigration act in 1962, the Hart-Celler law in the US in 1965, and the suspension of labour immigration in continental Europe in 1973 and 1974, most receiving states have endorsed skill-based selection policies. This principle now stands at the core of the European approach, with the implementation of a visa point-based system that favours highly skilled immigrants while striving to keep other types of flows at bay (Andersson, 2014). Another characteristic deriving from the liberal paradox is the gap between policy formulation and implementation, between what officials say they will do and they can under the constraints of the legal framework in a state of right (Hollifield et al., 2020).

As rightly pointed out by Fiona Anderson and Gerasimos Tsourapas (Adamson & Tsourapas, 2020), the migration state theory being drawn out of the US case, is in fact a liberal immigration state theory. These authors highlight the need to expand this approach to study the global South, and, in doing so, to move beyond the emigration/immigration state divide. They add to our knowledge by identifying three other kinds of migration states. The *nationalising state* uses forced migration and population exchange as a tool to shape the ethno-cultural landscape of its constituency. The *neoliberal state* refers to governments commodifying migration services by “selling” visa-free passports for western countries: a number of Caribbean states, Malta, Cyprus and even the United Kingdom are among the states facilitating passport acquisition under certain financial conditions. It also includes transit states negotiating financial or political retribution against their engagement to keep and manage refugee populations (the EU-Turkey deal in 2016 is an obvious case in point). The third type, coined as the *developmental migration state*, corresponds to emigration states as investigated by Alan Gamlen i.e. to governments seeking to maximise the economic outcomes of migration.

#### Bridging emigration and immigration states: what the literature says and does not say

Efforts to bridge emigration and immigration states in the South and the North are still in their infancy (see also Hollifield et al., 2020; Hollifield & Orlando Sharpe, 2017; Natter, 2018). But their comparison highlights three common features. In the first place, states engage with

composite flows (be they human, financial or cultural/political) generating political and economic outcomes.

In the second place, this filtering work does not solely involve state administrations. For James Hollifield, the *(im-)migration state* also involves private companies, pro- and anti-immigrant civil society organisations and private lobbies and companies. Researchers call for moving beyond a conception of the Westphalian state as a unitary and territorially bounded administration. The (im-)migration state is better addressed as a composite set of public and private, national and local organisations. A whole “migration industry” stems from the enforcement of selective migration policies: multinational companies providing with surveillance equipment, security agencies, civil society organisations living upon the services they provide in detention camps, International Organisations such as the International Organisation for Migrations (IOM) supporting the definition and implementation of return policies, etc. (Andersson, 2014). Likewise, the scholarship also highlights the variety of private and public actors surrounding *emigration states*: diaspora organisations, International Organisations promoting development and migration policies, volunteer organisations in sending areas, etc. (Breda, 2019; Pecoud, 2014). This fragmentation often limits their capacity to affect cross border flows due to divergent interests between ministerial departments (Natter 2018), between levels of government (Fitzgerald, 2006), or just because they do not have the administrative means to enforce their own policy (Adamson & Tsourapas, 2020: 860).

In this constellation of multiscalar actors, the scholarship on the migration state has paid little attention to the role of local actors. And yet, other strands of works point to their growing presence in migration policy making. Local authorities and associations in Western Europe and the US play a growing role in the definition and implementation of policy framework for the welcoming and integration of immigrants (Caponio & Borkert, 2010). This is not a purely western phenomenon: cities of South in Latin America and Africa seek to respond to the challenges raised by the arrival of labour and refugee immigration (Faret & Sanders, 2021). Likewise, research on migration policy enforcement underscores the influence of street-level bureaucrats, be they in consulate staff in departure countries or immigration offices in arrival countries for the renewing of residence permits. These agents, facing the oftentimes contradictory injunctions of multiple national and international regulatory frameworks, operationalise policy rules and the categories underpinning them (Alpes & Spire, 2014; Infantino & Rea, 2012). A focus on local actors sheds light on the networks binding them within and beyond borders. This has been attested for the different domains of action of the migration state: city networks involved in the welcoming and integration of immigrants claim for a role



in the global migration framework (Author, 2021; Thouez, 2020); in Southern countries local development actors partner with international donors for the implementation of migration and development policies; finally, the police partnerships between EU and non-EU member states, the canvas of detention centres and the police cooperation between receiving countries have woven together a translocal web networked border agents (Clochard, 2010). These networks of local actors redefine the geography of the migration state. Face side they blur territoriality by internalising and internationalising border control. Tail side, they built unseen coalitions of local and international entities, sometimes in disconnection with national orientations. These dynamics have been insufficiently addressed in the migration state scholarship. In doing so, scholars fail to adequately address multiscale dynamics affecting migration policy-making.

In the third place, if the research rightly points to the importance of internal institutional fragmentation in emigration/immigration policy making, it also highlights the bearing of their international environment. Alan Gamlen argues that the multiplication of emigration states in recent years is an outcome of the consolidation of a global governance framework (Gamlen 2019, see also Betts 2014): international organisations support the establishment of formal offices in sending states. And this is also true for immigration states: the convergence of immigration policies in the main destination countries has led to the emergence of a global mobility regime, within which a fraction of the world population enjoys a relatively unconstrained freedom of movement while the majority faces growing barriers to emigration and settlement (Glick Schiller & Salazar, 2013; Punter et al., 2019). This regime is sustained by a global mobility infrastructure made of physical buildings, services, surveillance systems and laws, enabling some people to move across the world while preventing others from doing so (Spijkerboer, 2018). In the first instance, one observes a top-down relation between global institutions promoting a migration-for-development agenda and national policy-making while in the second case, one observes a global regime shaped in a bottom-up fashion by converging national agendas and intertwined mobility infrastructures. How the migration state plays out in this context is something which needs to be addressed.

In want of a relevant definition of the state, current migration state approaches fail to grasp the complexity of current dynamics affecting the production of migration policies. It reproduces the emigration vs immigration divide and remains anchored in Westphalian, territory-bounded conception of the state. I contend that a shift of focus from policies to institutions, from regimes to flows would provide a better understanding of current dynamics. The following section seeks

to fill this void by exploring the connections between the migration scholarship and transnational state theory.

### Theories of the Transnational State

William Robinson (2004) defined the Transnational state (TS) as an institutional assemblage of private businesses and lobbies, international and state organisations (the Davos group, World Bank, International Monetary Funds, Central Banks, etc.) whose function is to promote a regulatory framework that enables and protects the economic activities of transnational corporations. Reformulating the Marxist idea of the state, he argues that (old style) states have been absorbed into a transnational set of policies and institutions to manage the common affairs of globalised capital. This approach has spurred a debate among political economists (Cammack, 2007). But it marks a move away from a Weberian conception of the state as the expression of a monopolistic power over a territory and a nation. The state and the nation do not overlap anymore, leaving more room for multicultural social formations in a context of rising immigration flows. He argues that national states are but one cog in this configuration. They constitute transmission belts whose role is to *internalise* in national legislation the authority structures of global capitalism (Robinson, 2004, p. 50). TSs are, in that regard, an outcome of the reallocation of capital both at the global level amongst transnational corporations (capital upscaling) and at the local level in global cities that host the latter (downscaling).

Probing the TS, a first strand of research focused on “policy mobility”, i.e. on the ways policy models circulate and are changed in this process (Cochrane & Ward, 2012). Bridging state authorities and international organisations, Peter Haas (1992) and Didier Bigo (2011), have highlighted the role of the experts, state civil servants, researchers and bureaucrats from international organisations working in intergovernmental commissions and other forums. These “epistemic communities” forge and circulate cognitive tools (policy models, concepts, framework of actions, etc.), while translating them into a vocabulary palatable for state authorities. Global cities form another type of interface nested within national states. Neil Brenner focused on the way states reconfigured to respond to the needs of transnational companies in their urban environment. By providing assets to the global cities they host, states facilitate “outside in” policy transfers from global actors and promote “inside out” their competitiveness on the global market (Brenner, 1998, p. 16).

A second body of works has investigated the politics of scale at play within the transnational state. As states adjust to the new reality of global capitalism, new forms of governance and regulations emerge, informing new scales of state activities. Neo-management techniques, public-private partnerships, decentralisation policies, subcontracting, project-based funding, etc. foster collaborations between multiscale actors. They blur the boundaries between public, private and voluntary sectors, and question the power relations between the scales of governance (Delaney & Leitner, 1997). Scales cannot be regarded as pre-given levels of analysis in which state policies and actors' activities are set, but as a contingent and context-dependent outcome of the latter. A constructionist perspective conceives scaling as resulting from the connections between various actors in a given event, domain or project. The re-scaling process has been studied through the cross border outreach of global cities (Sassen, 1991; Curtis, 2016), glocal states (Brenner, 1998; Swyngedouw, 2004; Vanier, 2006) and the building of a regional level of governance in Europe (Gualini, 2006). The scholarship on scaling has mostly focused on Western countries. But the dynamics of decentralisation have been affecting states around the world over the last thirty years (Work, 2002). In the Global South, this evolution amplified in recent years, as the UN and other development actors acknowledged the role of cities in the implementation of millennium development goals. Migration-related policies are no exception to this trend. The local-level scaling of migration-into-development policies in emigration countries, of integration policies in immigration ones are two cases in point. In both domains, cities have been enrolled by policy makers as key levels of implementation (Author & Desille, 2018).

However, the scalar approach has been criticised for it remains anchored in a conception of states as territorially centralised organisational forms (Brenner, 1998, p. 12). For John Allen and Allan Cochrane (2010), the variety of actors present in the same locale questions the relevance of the TS as a stacking of scalar actors. In its stead, they propose a topological approach to state power in terms of *reach*. Following Sassen (2008), they argue that the various actors intervening in policy making and implementation forms power assemblages “lodged” within their level of intervention, not “above”, “below” or “inside”. State reach refers to its capacity to make itself present “at distance” (p. 1073-4). The state capacity to diffuse its authority over long distances hinges on the dispersion of its own elements, or through the mediation of public or private relays, such as think tanks, civil society organisations or agencies. This approach in terms of “reach” provides a means to move away from the “territorial trap” (Bulkeley, 2005) and sheds a new light on the propensity of states to act beyond their borders. Against Cochrane and Allen, the notion of reach can be seen as complementary rather than

opposed to (re-)scaling. As states and other institutions (e.g. the EU) strive to extend their reach beyond and within borders, they may elicit (but not necessarily) emergent scales of public management.

### CONCEPTUALISING THE MIGRATION-RELATED TRANSNATIONAL STATE

It is my contention that much would be gained if migration states were rethought as specific forms of transnational states. I understand transnational migration states (TMS) as institutional configurations of multifarious public, private and civil society actors produced by the engagement of public authorities with migration-induced circulations. TMS develop different sets of policies and institutions in accordance with the type of circulation they address: emigration states and immigration states represent two iterations of the TMS produced by their respective engagement with incoming or outgoing flows. Present-day migration patterns are a specific facet of contemporary capitalist globalisation. They are moulded by the transnationalisation of economic affairs and the de-territorialisation of job markets with global cities being the main magnet for both skilled and unskilled migration. Moreover, if there is little evidence of the influence of transnational corporations, the sway of supranational organisations in the making and implementation of migration-related policies has been amply documented. Through the implementation of normative principles (EU laws, international conventions, etc.), training activities and the diffusion of “good practices” for migration or integration management, these institutions such as the International Organisations for Migration, the UN Program for Development, the European Union, etc. have been at the forefront of the dissemination of neo-management models of governance and, more broadly, the growing presence of private actors in the management of migration-related flows. In line with the internationalist literature on the TS, IOs and other supranational powers have been both the crucible and vectors of financial and cognitive tools that have enabled state actors to engage with migration-related transnational flows. At the other end of the policy chain, the rescaling of migration management practices has favoured the emergence of local authorities and civil society organisations as key actors affecting migration flows management strategies.

While considering the filtering of migration-induced flows as the key function of the transnational migration state, I define the latter as the set of institutions, policies and concepts meant to orient, control or enhance transnational circulations. Migration-related transnational flows are of three kinds: the economic remittances of migrant families and entrepreneurs; the social remittances defined as cultural, religious or political norms, symbols, skills or practices

that migrants convey through their long-distance relations (Levitt, 1998); the cross-border circulation of people through their temporary or permanent migration to another state. This definition serves as a starting point to decipher the *what*, the *where*, and of the *how* the TS.

#### What is the TMS made of? The material and immaterial tools for state intervention

The *what* of the TMS consists of the institutional and cognitive tools that enable them to interact with these three forms of flows. Following Saskia Sassen (2008), a TMS is not the state as a whole, but sections of its institutional and legal framework: key departments within ministries, agencies, non-state partners, etc., whose function is to serve as an interface between the government and transnational flows in order to exert a certain control over their volume, direction and composition. Analysing the TMS is to analyse these segments, the relationships they maintain and the representational and normative framework within which they operate.

One can distinguish two analytical levels for the study of TMSs. The first one is a *policy formulation level* in which national authorities engage with a range of actors such as international organisations, epistemic communities of experts and think tanks, private corporations, civil society organisations, etc. This is also the arena of intergovernmental migration diplomacy for the negotiation of multi- and bilateral agreements. This policy formulation level is the locus of circulation and negotiation of the cognitive tools enabling policy makers to imagine and make sense of transnational dynamics. Those tools are partly fashioned and disseminated by international organisations in links with experts and researchers. The concepts of diaspora, transnationalism, philanthropy and social (and other forms of) capital have informed the making of migration and development policies in emigration states (Breda, 2019), while those of diversity (Doytcheva, 2019), security (Bigo, 2001) or vulnerability (to name but a few) have framed migration and integration policies in immigration ones. Taken together, these concepts have informed migration dynamics into policy targets, thereby opening for policymakers a new field for action. The circulation of policy models blurs the divide between the Global South and North. An instance is given by the dispersal strategy for the management of asylum seekers. Such a strategy combines the dismantlement of informal camps of exiles and their regrouping in centres scattered in various parts of the country. It has been amply documented in European countries such as France and Italy (Tazzioli, 2019) or the United Kingdom (Alonso & Andrews, 2021). But it also governs the Moroccan management of subsaharan migrants traversing the country: while squats and camps are regularly raided by the police in the coastal area, migrants are sent to cities in the interior such as Taza or Tiznit (Kutz & Wolff, 2021).

The second analytical level is the policy implementation level where local assemblages of multi-scalar actors extend the state reach within and beyond the limits of its territorial constituency. At home, TMSs can intervene directly through their formal institutions. But the informal and elusive nature of certain flows (the presence of irregular immigrants in receiving countries for example) has urged states to extend their reach by enrolling private corporations and non-profit associations or administrative staff in contact with immigrant populations (teachers, social workers, police, etc.). Although these partnerships are extremely diverse, they generate and exert control over migrants and their practices, even without the formal presence of state agents. Abroad, research on the externalisation of migration policies and on diaspora engagement have shed light on the various modes of TMS intervention beyond borders. Once again, the latter relies on a combination of official and non-state relays. The network of consulates in charge of visa delivery is the primary tool immigration states engage with prospective migrants. But they can also use the help of a migration control industry of think tanks, security corporations, NGOs, etc. to monitor or deter unwanted immigration flows. The action of emigration states in host countries is also well documented. Here again consulates play a pivotal role with a range of functions they fulfil, from legal services to emigrants to surveillance of political dissent. Likewise, the use of associational networks canvassing emigrant settlement areas is a commonplace strategy. Co-opted associations may provide sociocultural and other forms of services while serving the political interests of sending state authorities. Beyond those inner and outer reach, TMS also aim to control the channels through which these flows circulate: it is particularly so for monetary remittances and their “bancarisation” for development purposes.

#### Where is the TMS ? Scaling and reach within and beyond borders

The what question is tightly linked to the *where* of the TMS and to the scaling of its activities. The TMS spatiality moulds the geography of transnational flows. Migration-induced circulations are mostly translocal by nature. TMSs are to develop their reach in accordance, i.e. within the limits of their territorial constituency, in the localities of emission, and beyond the borders in the places of reception. The local level is therefore a key level of deployment of TMS institutions and policies. The coordination of municipal, national and international institutions involved in subnational policies is a central function of the TMS. An instance of rescaling towards the local level is given by the successive reforms of the Moroccan “migration for

development” policy. From the seventies until the nineties, governmental policies were implemented at the national level only through a range of institutions: the *Banque Populaire Marocaine*, created in the early 1970s, for the channelling of economic remittances and the short-lived parliamentary representation of nationals abroad (1984-1990) framing political remittances. In the early 1992, a reform broadened this institutional framework with the creation of the Hassan II Foundation meant to sustain the cultural linkages with Moroccans abroad, the *Banque Amal* facilitating economic investments and a delegate ministry for Moroccan abroad, later transformed into a full-fledged Ministry of the Moroccan Community Abroad. Lately, in the wake of the Arab Spring, a Council of the Moroccan Community Abroad was established in 2007 with the aim to serve as a transmission belt between migrants and public authorities.

From the mid-nineties onward, a new range of policies transformed the scalarity of migration and development policies. Three co-funding programmes encouraged the development initiatives of hometown associations in the domain of electrification, road building and water conveyor systems (Author, 2018). These schemes open the possibilities for village communities and their emigrants to enhance collective remittances with substantial financial and technical support from public institutions. A major migrant organisation, “Migrations et Développement”, based in Marseilles, was tightly associated with the preparation of these schemes. The aim behind these schemes was to use the translocal connections between villages and their emigrants as a development leverage.

Finally, in the two-thousands, this translocalist approach gave way to a policy targeting younger and more skilled emigrants with an urban background, with this time regional authorities playing a pivotal role. A series of regional development agencies were created in major migration areas: in Northern Morocco first (1996), and then in Southern (2002) and Eastern (2006) regions. In parallel, a decentralisation reform in 2002, the so-called advanced regionalisation, broadened the powers of large cities and defined the capacities of 16 regions meant to become “strategic levels of economic development”. They were endowed with an economic instrument, the *Centre Régionaux d’Investissement* (CRI). The latter are in charge of the programme PRIMO (2014-2017), for the training and orientation of expatriate investors. These regional institutions have therefore been tailored to deal with flows supposed to enhance regional development: economic investments and skill transfers, while local authorities in rural areas were expected to rely on collective remittances to improve their public equipment.

In Europe, an interesting phenomenon illustrating the rescaling of immigration state policies is the surge of local actors and municipalities in the welcoming and integration of newcomers. The Lisbon strategy adopted by EU countries in 2000 incorporated integration in the European

agenda, as a tool for compensating for the negative impacts of ageing on the labour market. In 2007, the Framework Programme on Solidarity and Management of Migration Flows is implemented with the aim to finance city initiatives for immigrant integration (Caponio & Borkert, 2010). However, the surge of exiles from the Middle East in 2015 placed cities in front of a conundrum: having to deal with immigrant populations in a dire situation while coping with selective policies that deprive them from the means to do so. A growing number of cities started to take a stand in favour of a more open migration policy. In September 2015, Barcelona, Lampedusa, Spyros Galinos and Paris declared themselves “cities of refuge”. The first cities of sanctuary appeared in the UK from 2007 onward and multiplied after 2015. In 2018, in France, an association was created to promote an alternative “welcoming policy”. Likewise, in 2019, Italian cities signed a statement against the security-oriented “Salvini decree”. These mobilisations are a symptom of the internal contradictions of the European TMS, in search of a delicate balance between the aim to limit inflows and the duty to incorporate newcomers.

The scaling of the management of transnational flows goes hand in hand with a formalisation of the TMS *reach*. The need for authorities to extend their interventions beyond and within their territorial limits leads to the establishment of a range of relays in foreign countries or at home. For example, the *Banque Populaire Marocains* opened agencies in major sending and settlement areas with a view to attract expatriate customers. Likewise, the Moroccan Ministry of Interior relied, until the early nineties on a web of associations, the so-called Amicales des Travailleurs et Commerçants Marocains, to control the political behaviours of emigrant workers in Europe. The same strategy was used by Algeria and Tunisia. The range of strategies used by states to reach out to and monitor their emigrants abroad remains insufficiently investigated. The few existing research has uncovered a variety of means, from the use of associations (as mentioned above), to the co-optation of expatriate elite or pressures exerted on the family remaining behind.

The externalisation policies of migration control can also be read as an effort to extend immigration state reach beyond borders. From the late nineties onward, the checking of entry visas before accessing the plane transformed air companies into border agents of Europe. The closing of airways led to the multiplication of terrestrial itineraries across the Sahara to the Mediterranean. The reconfiguration of migration routes posed new challenges to European immigration states. In response, they multiplied formal agreements and memorandum of understandings with African states to train border police and establish liaison officers along major transit areas. Under the guidance of European states, countries such as Senegal and



Algeria passed laws criminalising “illegal” emigration. In 2004, a private agency, FRONTEX, was created with the mandate to control illegal crossing at the borders of the EU. More recently, border agents have developed online tools to monitor the change of migration routes via social media. Delegation of responsibilities to foreign police, private agencies, extraterritorial agents, pressures to reshape the legal framework of foreign states, etc.: this brief overview hints at the range of institutional arrangements used by immigration states to enhance their capacities beyond their territorial limits. The reconfiguration of state borders is a symptom of the adaptation of the TMS to the changing features of migration.

### How does the TMS engage with transnational flows?

The *how* of TMSs refers to the ways they affect transnational flows in practice. This includes the direct policies targeting various forms of circulations and symbolic discursive practices framing them. The table below presents these policies according to the intent of state authorities (constraining/banning or orienting/enhancing) and according to the type of flows they target (migration flows, economic and social remittances). The table is not meant to be comprehensive, but it helps to distinguish the various forms of interventions.

	<b>Constraining/preventing</b>	<b>Enhancing/orienting</b>
<i>People</i>	<ul style="list-style-type: none"> <li>• Restrictive immigration policies (point-based visa systems)</li> <li>• Anti-illegal migration policies</li> </ul>	<ul style="list-style-type: none"> <li>• Sectoral labour migration programmes (for highly skilled, agricultural workers, etc.)</li> <li>• Emigration programmes in sending states</li> <li>• Student exchange programmes (Erasmus, etc.)</li> </ul>
<i>Social remittances</i>	<ul style="list-style-type: none"> <li>• Surveillance programmes in the diaspora</li> <li>• Brain drain mitigation policies</li> </ul>	<ul style="list-style-type: none"> <li>• Brain gain policies</li> <li>• External voting rights</li> <li>• Soft power diplomacy: sending of skilled personnel (teachers, doctors, etc.)</li> <li>• Home language teaching programmes</li> </ul>
<i>Economic remittances</i>	<ul style="list-style-type: none"> <li>• Exchange rate control</li> <li>• Cap on monetary transfers</li> <li>• Limitation of property and investment rights</li> </ul>	<ul style="list-style-type: none"> <li>• Diaspora bonds</li> <li>• Reducing the costs of economic transfers</li> <li>• Diaspora investment and philanthropy programmes</li> </ul>

Migration being a total social phenomenon, TMS policies connect with a wide array of areas, be they symbolic or material, economic, cultural or social. Each category could have been broken down into several sub-headings. Instruments targeting social remittances, for example,

include policies targeting political remittances (voting rights, control of subversive groups), cultural remittances (language courses) and skills (brain drain/gain policies). In each domain, TMSs have developed a range of tools. As their policies are selective in nature, they often combine control and enhancement goals. This is particularly so for immigration states operationalising the distinction between deserving and undeserving migrants (enforcing visa point systems and sectoral immigration programmes). But it is also true for emigration states, whether explicitly (when targeting a specific clientele to be courted and a political group to be monitored) or tacitly embedded in their implementation: the brain-gain return policies of skilled expatriates in Rwanda benefits to Tutsi emigrants (the ethnic group of the ruling administration) rather than to Hutu ones (Shindo, 2012).

These measures are of different kinds. Russel King and Michael Collyer's distinction between direct, symbolic and discursive interventions is useful (King and Collyer 2015). Some involve the physical (direct) control of people's behaviour (e.g. border crossing surveillance apparatus), others exert a symbolic control through a legal circumscribing of cross border activities (cf. regulatory framework of citizenship rights or of economic transfers and property rights). In addition to policies *stricto sensu*, TMSs also develop a discursive form of engagement (King and Collyer 2015, see also Author, 2016: 158) to celebrate patriots and development actors or to shame traitors and outlaws (Adamson 2020). A surge of public discourses directed towards migrants are meant to affect their behaviours. In emigration countries, they are publicly presented as subjects whose (moral) duty is to share the benefits of their expatriation with their country of origin. And conversely, in immigration countries, awareness-raising campaigns about the dangers of illegal immigration are now part of the toolkit of policymakers to curb immigration (Nieuwenhuys & Pécoud, 2007). Imbued with a strong moralising tone, public discourses are instruments fashioning of the behaviours of individuals whether to encourage them to invest in economic endeavours or to discourage them from migrating. These practices have received relatively little scholarly attention, but it is worth highlighting this alternative form of interventions over transnational flows and behaviours.

## CONCLUSION

This paper brings together two strands of scholarly works on the state embedded into globalisation flows: the migration state literature, on the one hand, the transnational state on the other. In doing so, it provides a migration-centred approach to the transnational state with a filtering function of unwanted cross border flows as its core function. This approach also

bridges the literature on emigration and immigration states by regarding them as two iterations of the transnational migration state. It outlines a conceptual toolbox for addressing migration states as a multi-level institutional constellation *contra* Westphalian conceptions that have guided migration research so far. Of course, this bird-view outlook overshadows many of its features. The mechanics of policy transfers from international arenas to their implementation at the local level, the moral economy of deservingness conveyed by public discourses, a detailed analysis of the cognitive tools mobilised by policy-makers are some of the aspects mentioned in passing in this paper. And yet, it sheds light on the general thrust of a transnational migration state building in the Global North and South. It shows the complex institutional configurations at home and abroad (the *what* of the TMS) put in place in order to extend the state reach over cross-border flows. It follows the evolution of its cognitive and policy tools adapted to cope with the transformation of migration dynamics and of the internal and international governmental agenda (the *how* of flow management). It sheds light on the scaling and rescaling of transnational management within and beyond the borders (the *where* of policy intervention). This paper brings to the fore the central importance of multi-scalar institutional arrangements in the analysis of migration states. The evidence points to a co-production process linking state making and migration policies. On the one hand, states' structure transnationalises as they engage with transnational flows: the extension of state reach beyond borders through institutional, discursive and legal practices unsettles the Westphalian view that predominates in the migration state literature. On the other hand, migration policies change with the transformation of the administrative architecture: the decentralisation policies undertaken around the world have paved the way for the implementation of a localised governance of migration flows. It thereby resonates with the literature on the local turn of migration and integration policies. As mentioned in the introduction, TMS are bidirectional states that have developed dedicated administrations dealing with incoming and outgoing flows. The extent to which these administrations are integrated in a coherent ensemble may vary a great deal. Transit states like Morocco, Mexico or Turkey are instances of states having developed a wide range of institutions on both dimensions. This may not be the case for other states with strong emigration or immigration leaning. Further comparative research may shed light on the variety of existing configurations, with unidirectional (or quasi unidirectional) TMSs (whether e- or im-migration ones), and disjointed TMS being the most common forms.

Likewise, addressing the migration state as a transnational state sheds light on the making of a transborder migration regime and the circulation of policy models. The scholarship on EU externalisation of border control has amply shown how Southern states internalised in

their legal and institutional framework authority structures attuned with the European agenda. And conversely, the emigration states externalise their own administrative apparatus in receiving countries to monitor their diaspora. This global circulation of authority structures has woven together a cross border legal-institutional framework in which migrants are embedded throughout their trajectory. Said differently, the transnationalisation of state structures has driven the formation of a migration regime “from below” that combines with the migration governance regime negotiated at the UN level “from above”.

And this interconnectedness has led to the emergence of interstate migration diplomacy. The above-mentioned global migration governance framework, and the circulation of money and policy models it generates, is the visible side of this diplomacy, which also includes the bilateral negotiations for the externalisation of border control (e.g. readmission agreements) and diaspora lobbying in host countries. The mass arrivals of immigrants at the Turkish/Greek border in March 2020 or the Moroccan/Spanish border in June 2021 and Polish/Byelorussian border in November 2021 are novel and dramatic outcomes of such diplomacy. These events may show that in a world of transnational migration states, the central stake of international relations is no more of territorial nature, but the control of transnational flows.

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