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► **To cite this version:**

Thomas Lacroix. From a "De Facto" to a "De Jure" Role of Local Authorities in the Governance of International Migration. Antoine Pécoud, Hélène Thiollet (eds). Research Handbook on the Institutions of Global Migration Governance, Edward Elgar Publishing, pp.377-386, 2023, Elgar Handbooks in Migration, 9781789908060. hal-04099136

HAL Id: hal-04099136

<https://sciencespo.hal.science/hal-04099136>

Submitted on 17 May 2023

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From a *De Facto* to a *De Jure* Role of Local Authorities in the Governance of International Migration

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In: *Research Handbook on the Institutions of Global Migration Governance*, Edward Elgar Publishing, pp. 377-386, July 2023.

In November 2018, the 5th Mayoral Forum on Human Mobility, Migration and Development took place in Marrakesh. The event went relatively unheeded, as it was overshadowed by the signing of the Global Compact for Safe, Orderly and Regular Migration by UN Member States, which took place at the same time. Yet the Mayoral Forum set in stone the presence of local authorities in the general framework of governance of international migration, just as the place of states was set out by the Global Forum on Migration and Development (GFMD) and that of civil society by the World Social Forum on Migration. It represents the outcome of a long-standing process through which cities have gained recognition as key actors in the international management of migration flows.

Immigration has always been an issue for local authorities, but their role had so far been confined to the management of the communities settled in their constituencies. The creation of the Mayoral Forum is the outcome of a double movement: by allowing local authorities to take part in a conversation taking place at the global level, it signals a move beyond a focus on local issues, and at the same time a move beyond the questions of immigrant settlement and integration. This paper addresses the mobilisation of cities that led to the creation of the Mayoral Forum. This process belongs to the development of a form of city-based diplomacy, which has benefited from the impasses of intergovernmental cooperation on certain issues, including migration and climate change. The first part of the chapter presents an overview of these mobilisations. The proliferation of city networks, with or without the support of the European Union or international organisations, has given rise to a prominent voice from cities on migration issues. Drawing on a number of declarations, manifestos, and other statements delivered by selected networks, the second part of this chapter examines the different aspects of this ‘city voice.’ The last part of the chapter explains the process that led to the insertion of the Mayoral Forum in the institutional framework of migration governance and the Global Compact on Migration (GCM), demonstrating how long-standing demands from local authorities have filtered into the text of the GCM.

The Emergence and Proliferation of Migration-Related City Networks

The commitment of localities to issues of migration and settlement is nothing new. In many regards, the sanctuary city movement prefigured current mobilisations. This movement started in 1985, when the city of San Francisco declared itself a ‘sanctuary city’ for refugees coming from Latin America. This stand was taken in reaction to the decision of Ronald Reagan not to grant the status of refugee to Central American exiles fleeing the conflicts ravaging the area (Ridgley, 2008). The municipality refused to assist in the deportation of asylum seekers. Other US cities subsequently took a similar attitude, turning a local political stand into a nationwide movement.

In Europe, the involvement of local authorities was initially far less confrontational. The integration of migrants started to become part of the municipal portfolio from the 1980s onward. This was the case in France, with the so-called ‘politique de la ville’ (city policy), but also in the UK and other European countries. In 1989, a group of six cities endorsed the demand of the municipality of Barcelona for greater participation of cities in European affairs on a number of issues, including that of immigrant integration. The group later formed the core of Eurocities, a European-wide city association that now boasts 140 members. The organisation is one of the many institutions that emerged in the 1990s in order to make municipal voices heard in the newly formed European political space. The Council of European Municipalities and Regions, the Assembly of Regions, and the Permanent Congress of Local and Regional Authorities (Council of Europe) are other examples. These institutions, which are active on integration issues alongside many others, are largely supported by the European Union and other international organisations. They serve as communication channels and implementation partners for city-level policies. The involvement of cities in migration issues emerged in Europe in collaboration with (rather than in opposition to) state authorities. This landscape started to change in the early 2000s, in a context of growing securitisation of migration policies. In the UK, in the wake of the instigation of the policy of dispersing asylum seekers across the country, a number of civil society organisations and municipalities joined forces to launch a ‘sanctuary approach’ to asylum. Sheffield became the first ‘city of sanctuary’ in 2007. The movement gradually spread, and was fuelled by the ‘hostile environment policy’ towards illegal immigrants undertaken by the Cameron government from 2012 onward.

In 2015, the ‘migration crisis’ and its (mis-)handling – combining welcoming, dispersal, and forced repatriation – exacerbated the tension between the need for migration management and the capacity of cities to host immigrants. Other city networks sprung up over Europe with a more militant positioning. In Italy, the anti-immigration policy implemented by the populist Conte government elicited a nationwide municipal reaction, with over 100 mayors claiming they would not implement the Salvini decree passed in 2018 (Del Biaggio et al., 2019). In France, the Association Nationale des Villes et Territoires Accueillantsⁱ (National Association of Welcoming Cities and Territories, ANVITA) was created in 2018 by nine municipalities, for the promotion of an inclusive approach to immigrant reception, in contrast with the Calais model. At the same time, migration became a high priority for more institutionalised networks as well (Oomen, 2019). From the mid-2000s onward, the European Union acknowledged cities as partners for the implementation of integration policies (Caponio & Borkert, 2010). This new stance resulted in the implementation of a series of programmes: the Cities for Local Integration Policies for Migrants programme (CLIP, 2006–2009), the European Regional and Local Authorities for the Integration of Migrants Project (ERLAIM, 2008), Benchmarking Integration Governance in European Cities (INTI-Cities, 2007–2009), and projects for the integration of migrants through economic activity in cities (such as City-GROW, 2017–2019), to name but a few. This involvement was facilitated by the Pact of Amsterdam (2016), which enlarged the capacities of cities to participate in the production of EU legislation. This gave rise to the Urban Agenda Partnership on Inclusion of Migrants and Refugees.

This dual (institutional and militant) dynamic characterises current municipal activism around migration in Western Europe. However, this dynamic is not limited to Western Europe. In Latin America, Asia, Oceania, and Africa, a growing number of cities and city networks have developed policies and projects geared towards the welcoming of immigrants and refugees, even in the absence of any national framework for the integration of foreign nationals (Lacroix, 2020). In Sao Paulo, the local authorities have established a consultative

council representing immigrants. In Japan, 25 cities have formed a Committee for Cities with Concentrated Foreign Population (Tarumoto, 2018). In South Africa, the South African Local Government Association lobbies the government to improve capacities of localities in integration management, etc. However, in contrast with the situation in North America and Europe, spontaneous involvement is relatively rare. Most city initiatives are sponsored by international organisations. The UNESCO-funded ICCAR networkⁱⁱ (International Coalition of Cities Against Racism, later renamed as the International Coalition of Inclusive and Sustainable Cities) is a case in point. The project was launched in 2004 in the wake of the UN World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, which took place in Durban. It now includes nearly 500 members, grouped into seven chapters around the world. Another example is that of Metropolis (the World Association of the Major Metropolises),ⁱⁱⁱ which was created in 1984 and gathers 141 large cities from across the world. Being part of the UN urban framework as the representative body of metropolises, it is now fully embedded in the networks of urban diplomacy. This organisation has been particularly vocal in the global discussions on migration governance: their board of directors includes mayors such as Michael Müller (Berlin), Ada Colau (Barcelona), and Valérie Plante (Montreal), who are long standing advocates for city-led migration governance.

This support for migration-related city networks by international organisations should be viewed against the background of the reform of international cooperation. This reform has involved urging development actors to partner with subnational governments. In 2000, the World Bank devoted a large part of its annual development report to the role of local authorities (World Bank, 2000). In 2008, the European Commission published its first communication on local authorities, followed by a framework document in 2013: ‘Empowering local authorities in partner countries for enhanced governance and more effective development outcomes,’ which was followed by the Thematic Programme for Local Authorities and Civil Society (2014–2020). The EU strategy is coordinated with that of the UN Millennium Development Goals (2015), in which local governments are acknowledged as a key driver of territorial development. In this context, the link between cities and international organisations has reached a new level. The creation of the umbrella organisation United Cities and Local Governments (UCLG) within the UN framework in 2004 heralded this change.^{iv} Among other migration-related initiatives, UCLG provided significant support for the Mayoral Forum on Human Mobility, Migration and Development. UNHCR also added a city component to its strategy. This particularly concerned South America, which was becoming an area of growing refugee flows that were mostly settling in cities rather than in camps. UNHCR supports the ‘ciudad solidaria’ network, a group of cities in Ecuador, Uruguay, Argentina, Chile, and Mexico, which have been granted the label of refugee-friendly cities. It also supports a national network of Chilean cities, ‘Sello migrante.’^v

The Form and Content of a ‘City Voice’ on Migration Issues

In short, the commitment of local actors to migration issues has rapidly intensified around the world over the last two decades. This surge was triggered by a number of different factors: the endorsement by cities of the integration agenda, militant activism against restrictive immigration policies, and the broader evolution of the governance of international cooperation. This flurry of networks, forums, institutions, and international conferences related to migration and cities has formed a crucible in which a distinct city voice has taken shape. This section outlines the variety of demands and attitudes of local authorities that took shape over the course of this debate. It draws on a comparative analysis of a series of statements published by cities and city networks in various contexts: the Mechelen Declaration on Cities and Migration^{vi} was adopted during the consultation process of the

Global Compact (December 2017); the UCLG Africa Charter of Local and Subnational Governments of Africa on Migration^{vii} was an outcome of the Africities summit held in November 2018; the Sello migrante (migrant seal) charter is a shared commitment by Chilean cities to engage in inclusive policies; the Manifeste pour un accueil digne des personnes migrantes vulnérables^{viii} (Manifesto for a Dignified Welcome of Vulnerable Migrant Persons) details the policy guidelines of the city of Strasbourg for welcoming migrants (2019); the charter of the Association Nationale des Villes et Territoires Accueillants^{ix} (ANVITA) is the agreement signed by the members of this French association (2019); the Marrakech Mayors' Declaration Cities Working Together for Migrants and Refugees^x is a collective statement delivered during the 5th Mayoral Forum on Human Mobility, Migration And Development (2018); and the International Human Mobility Charter of Palermo^{xi} is a policy document endorsed by Italian cities with regard to European and Italian migration policies (2015). A comparative reading of these texts highlights the specific attitudes that have been adopted in different parts of the world. In Latin America, the issue of the arrival of refugees is a recent one, triggered by the surge of migrants exiled from Haiti, Central America and Venezuela, and by the closure of US borders leading to a reconfiguration of migratory routes. In contrast to other regions, the migration regime in Latin America has been fairly liberal. The aim is for civil society organisations, local authorities, and national governments to create an institutional and policy framework that does not yet exist. The Sello migrante charter reflects this. It calls for the establishment of dedicated services and pro-integration measures in Chile. The 'sello' (seal, or label) is attributed by the Department of Immigration and Integration of the Chile Interior Ministry. Likewise, in France, a country with a long migration history and a more established administrative framework, changes in migration trends have forced municipalities to adapt. Inflows of asylum seekers from the Middle East and Africa have brought more vulnerable immigrants. This is reflected in Strasbourg's Manifeste pour un accueil digne des personnes migrantes vulnérables, which advocates for a policy that tackles not only the integration of settled populations but also the transient migration of asylum seekers and undocumented migrants.

These statements calling for policy adjustment in collaboration with national authorities contrast sharply with the attitude adopted in some other documents, which advocate instead for a radical reform of existing migration policies. One example of such an attitude is the charter launched by the mayor of Palermo in the midst of the 'migration crisis' in 2015. It demands the abolition of residence permits and the creation of a right to mobility: 'mobility must be recognised as an inalienable human right.' This confrontational stance is a common one in militant city networks. In France, the ANVITA charter asserts that restrictive European and national policies have generated a 'crisis of values.' In contrast, this language is seldom found in more institutionalised organisations. One exception to this is the Charter of Local and Subnational Governments of Africa on Migration, which explicitly opposes the European migration policy, including 'the construction on its territory of detention camps to accommodate African migrant populations expelled from other parts of the world' and 'the development of assistance policies which condition the benefit of aid programmes on the implementation of [...] return and readmission [policies].' It might be surprising to find this type of stance within the realm of international organisations, but it echoes the growing mobilisation of African civil society organisations for the support of migrants expelled from Europe (Lecadet, 2011).

The public statements delivered within the framework of negotiations for the Global Compact for Migration were a synthesis of these two attitudes. Their primary aim was to legitimate the role of local authorities in the management of migrant populations. The Marrakech Mayors' Declaration framed migration as an urban phenomenon, pointing to 'the

increasing role we, Cities and other local authorities, play [...] in providing support to migrants and refugees.’ On this basis, it called for a role for cities in the construction of a multi-level governance framework, alongside that of states and international and civil society organisations. In principle, the content of the declaration was reformist rather than critical, calling for an adjustment of existing policy frameworks rather than a radical change. Yet the declaration repeated a claim that is common to most of the policy statements produced by local authorities, namely the need to tackle the difficulties that are faced by immigrants, whatever their legal status. The Marrakech Mayors’ Declaration called for provisions to ‘provide migrants with safe access to essential services: guaranteeing residents’ equal access to City services regardless of migration or legal status.’ The question of service provision is a central concern for sanctuary cities in the US and those in the C-MISE network, which is part of the Eurocities network (Spencer & Delvino, 2019). City representatives repeatedly asserted that it was not possible for them, in their daily work, to distinguish between migrants according to their status, as these populations share the same humanitarian and welfare needs. This is especially the case for undocumented migrants, who, despite the irregularity of their situation, are nevertheless human beings with immediate needs. We will see, in the next section, how this claim filtered into Objective 15 of the Global Compact for Migration.

Cities and the Global Compact for Migration

The search of an international framework for the regulation of migration flows has a 40-year-long history of failure. These decades were marked by an opposition between, on the one hand, sending states, who wished to see the creation of a multilateral framework, and, on the other hand, receiving states, who favoured the use of bilateral arrangements in which they could impose their views over weaker partners (Betts & Kainz, 2017). After the failed attempt to give life to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the UN Secretary-General, Kofi Annan, inaugurated in the early 2000s a new strategy by appointing a Special Representative on Migration and organising a High-Level Dialogue on Migration and Development in 2006. The event led to the establishment of the Global Forum on Migration and Development (GFMD), a forum where state representatives would meet annually to discuss migration issues, but without delivering binding agreements. The GFMD was initially focused on migration and development rather than rights, but the agenda was gradually enlarged by incorporating a human rights-based approach to migration (Crépeau & Atak, 2016; see also the chapter by Crépeau and Purkey in this volume). The GFMD became a magnet for public and private actors from around the world who wished to discuss migration issues. This was particular the case for civil society actors, who convened a parallel forum (the civil society days) in Manila in 2008 (Rother, 2019). The event changed its name and became the People’s Global Action on Migration, Development and Human Rights (PGA). It was acknowledged as an official event during the 2010 GFMD in Mexico. The connection enlarged the audience and remit of the Forum, with delegates circulating between both gatherings.

The second High-Level Dialogue on Migration and Development (HLD) took place in 2013. During the event, the mayors of Barcelona and Athens called for recognition and support for the role of cities in migration management. One of the outcomes of the HLD was the decision to launch the Mayoral Forum on Human Mobility, Migration and Development. The following year, in June 2014, 30 mayors gathered during the first Mayoral Forum, an event supported by the IOM, UCLG, the Global Knowledge Partnership on Migration and Development of the World Bank, and the Swiss Agency for Development and Cooperation. The meeting resulted in the ‘Call of Barcelona,’ a statement formalising the mayors’ demands with regard to the process of constructing a system of migration governance: a role in decision-making (and not only in the implementation process); a more realistic approach to

migration management; and financial and technical support for the implementation of local integration policies. From 2014 onward, the Mayoral Forum took place on an annual basis: Quito in 2015, Quezon City in 2016, Berlin in 2017, Marrakesh in 2018, and Quito in 2020.

The year 2015 was a turning point in the development of urban diplomacy. Against the background of three simultaneous migration crises (the arrival of Middle Eastern refugees in Europe and the Mediterranean, of Central American refugees in the US, and of Rohingyas in South-East Asia), four international agreements were adopted, granting an unprecedented role to cities in the domain of development, climate change, and migration. The Addis Ababa Action Agenda of the Third International Conference on Financing for Development (July 2015) confirmed the role of cities as partners for international cooperation. The 2030 Agenda for Sustainable Development, adopted in September 2015, included a specific goal (number 11) related to cities, aiming to ‘make cities and human settlements inclusive, safe, resilient and sustainable.’ The Paris Agreement on Climate Change (December 2015) was supported by the mobilisation of cities for the reduction of their carbon footprints. Finally, the New Urban Agenda, adopted in Quito in October 2016 during the international conference Habitat III, set out a roadmap for the implementation of a city-level sustainable development agenda. It included several goals relating to the welcoming of immigrants. This series of agreements lent support to the position of local authorities in the international arena. At the same time, the ‘migration crises’ applied pressure to states and international authorities to take action in this domain. Following the New York Declaration adopted by the UN General Assembly on 19 September 2015, a round of negotiations was initiated for the establishment of a global framework for the management of large migration movements. In October 2015, the IOM held a conference on the theme of ‘Migrants and Cities,’ during which the interim head of the IOM, William Swing, reasserted the importance of cities as the most appropriate actors for the management of immigrant populations: ‘Mayors understand probably more than national politicians and parliamentarians. They understand migrants, this is where reality comes face-to-face with policy. Mayors understand, they are closer to ground reality than most other officials’ (quoted by Ahouga, 2017, p. 11). In July 2016, the IOM became the UN agency in charge of migration management.

In 2017, two events consolidated the presence of local authorities in the framework of migration governance. The first of these was the Mayoral Forum taking place in Berlin on 26–27 June. Following the same strategy as that used by the volunteer sector a decade earlier, the Forum was deliberately organised to take place at the same time as the GFMD summit. A delegation of the Mayoral Forum, headed by the mayor of Ouagadougou, presented the mayors’ priorities at the GFMD. For the first time, local authorities attended the GFMD on their own behalf (and not as sub-representatives of their respective states). The ensuing discussions led to the establishment of a mayors’ mechanism, formalising relations between the GFMD and the Mayoral Forum. The second event took place in Puerto Vallarta (Mexico) during the stock-taking phase of the Global Compact negotiations (4–6 December 2017). Cities were latecomers to this process. Despite their active diplomacy on migration-related matters, as discussed above, cities were not formally represented during the consultation with stakeholders (see the chapter by Guild and Allinson in this volume). Prior to the Puerto Vallarta conference, representatives of 50 cities gathered in Mechelen (Belgium) to endorse a common position on the Global Compact. The event was supported by the IOM, the Belgian Foreign Office, UCLG, and the UN Habitat programme. The resulting Declaration Of Mechelen was sent to the UN representative on migration, Louise Arbour. The Puerto Vallarta Conference was marked by three events in which local authorities played a crucial part. On 2 December, two days before the meeting, the US mission to the UN announced that the US was pulling out from the negotiations and would not adopt the Global Compact. On 4

December, 12 US cities (including New York, Atlanta, Providence, Dallas, and the District of Columbia) announced that they would continue to participate in the Global Compact process. On 5 December, Valérie Plante, mayor of Montreal, gave a keynote speech to the audience. It was the first official appearance of a mayor in this process.

The Puerto Vallarta conference paved the way for a greater presence of local authorities in the discussions. With the support of the Open Society Foundations, cities were able to advance their demands during the writing phase of the Compact. They did so collectively, when a delegation of 41 cities sent their recommendations on a number GCM aims. A task force convened by the municipality of New York wrote a preparatory document, much of which found its way into the Mechelen Declaration. They also participated in the writing process itself. Since the municipality of New York holds a liaison office at the UN, the group used this opportunity to obtain an accreditation and a seat in the negotiation room. Even though the writing of the Compact was a state-led process, ‘consultation segments’ allowed stakeholders to add language to the document. Cities added their voice to those of some sending states on two contentious issues: that of maintaining a distinction between migrants and refugees/asylum seekers, and that of providing services to undocumented migrants. As discussed above, both these issues are connected to the repeated demands of local authorities.

The final text mentioned local authorities 14 times, which was the highest number for any type of public authority, apart from states themselves. The role of local authorities was most decisive in Goal 15 (Thouez, forthcoming), which introduces the principle of ‘non-discriminatory access’ (that is, regardless of the legal status of the person in question) to health services and education. This goal involves (Objective 15e) ‘incorporat[ing] the health needs of migrants into national and local health-care policies and plans, such as by strengthening capacities for service provision, [and] facilitating affordable and non-discriminatory access’ and (Objective 15f) ‘provid[ing] inclusive and equitable quality education to migrant children and youth, as well as facilitat[ing] access to lifelong learning opportunities, including by strengthening the capacities of education systems and by facilitating non-discriminatory access to early childhood development.’

Cities also managed to negotiate a role for themselves in the reviewing process of the implementation of the GCM. As part of this effort to institutionalise the presence of cities in the framework of migration governance, the Mayors Migration Council (MMC) was created, as a task force aimed at organising the participation of local authorities in this reviewing process and stimulating new initiatives. The MMC was created during the 5th Mayoral Forum in Marrakesh (December 2018), with the support of the Swiss Agency for Development and Cooperation, the Open Society Foundations, and the climate change-orientated C40 network. The advisory board of MMC includes the mayors of Athens (Georgio Kaminis), Montreal (Virginie Plante), Bristol (Marvin Rees), Kampala (Erias Lukwago), Milan (Giuseppe Sala), Los Angeles (Eric Garcetti), and Sao Paulo (Bruno Covas), all of whom played a central role in the consultations surrounding the Global Compact for Migration and/or the Global Compact on Refugees.

Conclusion

The negotiations surrounding the Global Compact for Migration established the position of local authorities in the landscape of international cooperation. Cities not only managed to make their own contributions to the text of a major international agreement, but also institutionalised their presence among decision-level actors. The Mayoral Forum on Human Mobility, Migration and Development provided them with a platform enabling their participation, and the Mayors Mechanism of the GFMD enabled them to do so alongside

states, rather than on behalf of them. During the consultation process taking place around the GCM, we can thus observe a shift from a *de facto* involvement of cities in the management of migrant populations to a *de jure* presence, inscribed in the international framework of migration governance.

This chapter has highlighted two factors underpinning this change: firstly, a networking dynamic occurring across the world and giving rise to a distinct city voice on migration issues, and secondly, the deadlock of intergovernmental cooperation, which left a void that city actors came to fill. As we have shown, the networking dynamic is complex, multi-level, and situated. And yet, beyond the differences in their specific standpoints, city networks converge on a number of issues, including the need to address a lack of financial and technical capacity, their recognition as legitimate actors in the field of welcoming and integrating migrants, and the need to deal with migrants whatever their profile and legal status. The presence of these points in the discussions surrounding the Global Compact shows that, despite their apparent diversity, these interconnected networks share and circulate a number of common ideas and standpoints. The role of some municipalities and civil society actors that link different levels and types of groupings is here key. The mayor of Montreal, Virginie Plante, who delivered the Marrakech Mayors' Declaration in a speech at the 2018 GFMD, is active in various city networks, including the Canadian chapter of the sanctuary city movement, Intercultural Cities, and she is now a board member of the Mayors Migration Council. The question that remains to be answered is how these networks will stratify in the future, in the wake of their inscription into the framework of migration governance. Will their respective positionings polarise into reformist vs radical agendas? Or will they coalesce around a common cause? And what role will these 'hubs' play in this process?

The second factor noted above for the increased role of cities in migration governance – that is, the inefficiency of intergovernmental cooperation – raises the question of a fading role for states in migration governance, and even for governance in general. Indeed, following the decision of US cities to stay in the Global Compact process after the withdrawal of their national authorities, a similar phenomenon occurred in the case of cities from other countries that decided to pull out or not to legally endorse the GCM. A similar decoupling between the local and governmental levels had already been noticed in the domain of climate change, with US cities abiding by the prescriptions of the Paris Agreement despite President Trump's withdrawal. Some neoliberal pundits, such as Benjamin Barber, argue that states are not fit for the management of global challenges such as trafficking, terrorism, and climate change, and that cities should take the lead. However, despite the evidence, this is not what is happening in the domain of migration. Rather than taking a leading role, cities are supporting the establishment of a multi-level form of governance with shared responsibilities. In a keynote speech at the 2020 GFMD, Tori Zanosu, the executive director of the Mayors Migration Council, presented her vision of a division of labour between states and cities: 'Immigration policy is the prerogative of states, but integration policies need to be responsive to realities on the ground.' In other words, local authorities are striving to establish their legitimacy in the domain of the management of migrant stocks, while states would continue to be in charge of migrant flows. However, a decoupling of the management of migration from the management of integration seems unlikely. It goes against the grain of current policy developments that are tending to undermine the integration process of immigrant populations. The politicisation of municipal networks on migration issues is an outcome of the unwanted consequences of migration management on integration. Cities' demands for the provision of unconditional access to welfare services are, in themselves, an infringement on the domain of the management of migration flows. They effectively constitute a demand for less pervasive immigration control. It remains to be seen if states are ready to make such concessions.

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