# Report on the importance of the local level as a venue and political base for the CEAS

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## Abstract

*This report provides a comparative overview of the analysis of research results established in work packages 1 to 7 of the CEASEVAL project and formulates, which and how, alternative forms of asylum policies ensue. After presenting the theoretical basis for this report, which builds on an earlier project's publication (Doomernik & Ardon 2018) and is enriched by the empirical findings of the CEASEVAL research that connects the relevance of a local perspective with an analysis and review of alternative forms of shaping the Common European Asylum System. To transform the CEAS into a sustainable and equitable common asylum and migration framework this report points towards three possible fundamental changes that might make the CEAS more sustainable and foster equity. First, for local and regional authorities (LRAs) to follow their local logic and needs one might suggest that they could benefit from direct EU funding and more autonomy from the Member States in the field of asylum and refugee integration policies. Second, this might include discretionary powers to grant some (limited) form of citizenship based on the notion of 'jus domicile' regardless of formal legal status. Third, it might considerably increase the odds of effective inclusion of refugees and thus reduce societal costs, if the EU were to have a refugee status valid for all its member states or the right for refugees to have their protection status transferred from one Member State to the other.*

**Keywords:** asylum seekers, refugees, local level, CEAS, policy-making, EU, reform, allocation

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**List of Acronyms and Abbreviations**

| | |
|---|---|
| AfD | Alternativ für Deutschland |
| AMF | Asylum and Migration Fund |
| AMIF | Asylum, Migration and Integration Fund |
| ANCI | Associazione Nazionale Comuni Italiani |
| CEAS | Common European Asylum System |
| CEMR | Council of European Municipalities and Regions |
| CLIP | Cities for Local Integration Policies |
| CSO | Civil Society Organisation |
| EC | European Commission |
| ECRE | European Council on Refugees and Exiles |
| EIB | European Investment Bank |
| EP | European Parliament |
| EU | European Union |
| EURODAC | European Dactyloscopy |
| FEMP | Federación Española de Municipios y Provincias |
| ICMPD | International Centre for Migration Policy Development |
| ISF | Internal Security Fund |
| LRAs | Local and Regional Authorities |
| MFF | Multiannual Financial Framework |
| MMC | Mayors Migration Council |
| NGO | Non-Governmental Organisation |
| OECD | Organisation for Economic Co-operation and Development |
| PEGIDA | Patriotische Europäer Gegen Islamisierung Des Abendlandes |
| PICUM | Platform for International Cooperation on Undocumented Migrants |
| TFEU | Treaty on the Functioning of the European Union |
| VNG | Vereniging van Nederlandse Gemeenten |

## 1. Introduction

There is an important stream of literature arguing for a more local approach to global issues in general and, though less so, migration issues in particular. Authors such as Benjamin Barber, and Saskia Sassen who famously coined the concept of the Global City, have noticed the political power and agency of cities in today's globalized world. Normally, states assume responsibility for those issues, yet cities may be better equipped to deal with them. Barber (2013) argues that we need a 'global parliament of mayors' and implies that the centre of global governing should be within the city (Barber 2013). Even though Barber's argument is slightly provocative, his reasons and arguments provide a new theoretical paradigm to look at the role of the local level within multilevel governance. In the field of migration studies, a "local turn" has taken place (Caponio and Borkert 2010; Zapata-Barrero et al. 2017). Where previously migration, refugee and asylum policies were by and large understood to be national in nature (Doomernik and Jandl 2008), more recently, and especially after the 2015 "asylum crisis", research increasingly includes the lower levels of governance, such as the special issue of the Journal of Refugee Studies on local refugee policies (Glorius and Doomernik: 2016). A growing academic appreciation of the importance of multilevel governance, notably in the European Union [EU], has come together with the highly visible realities of the said "crisis" which have largely played out at the local level (Glorius and Doomernik 2016). In this crisis EU Member States continue to fail, in the opinion of many of their citizens and the stakeholders we have interviewed, to ensure the integration of refugees and come to a sustainable and equitable EU planning policy for asylum (Eckardt 2018: 61). In addition, the appreciation of the local level was stimulated during the intergovernmental conference to adopt the Global Compact for safe, orderly and regular migration, held in 2018 in Marrakech, when the Mayors Migration Council [MMC] was established. The MMC is an "initiative to help cities have their voices and interests reflected in international deliberations and policies concerning refugees and migrants"[1]. As demonstrated by the growing (academic) attention, the tensions in the context of asylum and migration governance particularly rooted between the central government and the local level (Caponio et al. 2019: 7). Hence, various research, both done in light of the CEASEVAL project as well individually, stressed the burgeoning importance of the local level.

This paper connects the relevance of the local perspective, which is determined by work packages 1 to 6, with the analysis and review of alternatives for the CEAS, done for work package 7 of the CEASEVAL project. In this deliverable we have integrated text from the article 'The City as an Agent of Refugee Integration' written by Doomernik and Ardon (2018), which provides as a theoretical basis and is supported and enriched by the empirical findings of CEASEVAL's work packages 1 to 7. As this deliverable provides an overview of the empirical findings of the work packages and results, most citations refer to reports and deliverables from CEASEVAL. The authors believe that to fulfil the fundamental aims of the CEASEVAL research project, a sustainable and equitable alternative for the CEAS is "best served by building coalitions of the willing, including those at lower levels of government" (Gomes and Doomernik 2019: 3-4). Therefore, the following paragraphs review more thoroughly the relevance of the local level using the data coming out of work packages 1 to 6. Furthermore, it tries to answer how the local level as a venue and political base can contribute to a sustainable and equitable CEAS?

[1] https://www.mayorsmigrationcouncil.org/, accessed 08/7/2019

## 2. Analysis and review of the local context in the CEASEVAL research project

Paragraph 2.1 reviews the baseline study (Van Oort et al. 2018), which was the main starting point for further CEASEVAL research. In addition to the general overview of the history of a common asylum and migration framework in the EU, work package 1 gave some further general insights into the public attitudes, political discourse and media coverage regarding the arrival of refugees. Paragraph 2.2 examines the regulatory mechanisms of the CEAS. This part of the research mainly focused on the weaknesses and shortcomings of the CEAS and aimed to analyse the effectiveness of the variety of the impact of different tools for harmonisation. Paragraph 2.3 summarizes the findings of work package 3 on the multilevel governance of reception and analyses whether a more prominent role of local governments in the decision-making process concerning reception contributes to a sustainable and equitable system. The research done on the mobility of migrants and the secondary movement of asylum seekers is described in paragraph 2.4. Work package 5 researched both patterns of politicisation of immigration and patterns of politicisation of responsibility. It shows that patterns of politicisation of immigration differ between Member States looking at the public opinion, the media coverage and the political discourse (Garcés-Mascareñas and Pasetti 2018: 4). Paragraph 2.5 (Garcés-Mascareñas and Pasetti 2018) demonstrates that "[t]he very meaning of responsibility differs in each context due to the fact that responsibility is often framed in relation to country-specific issues related to immigration" (Garcés-Mascareñas and Pasetti 2018: 3). Paragraph 2.6 reviews the findings on solidarity and responsibility sharing that were conducted in light of work package 6. The authors (Wagner et al. 2018) concluded that "[a]t each level solidarity is invoked by regions, countries or municipalities that receive high numbers of applicants, while those entities receiving low numbers oppose solidarity measures. The more global the debate the less concrete its measures and common understanding are" (Wagner et al. 2018: 17).

### 2.1 The local context in recent literature

In preparatory research for the CEASEVAL project, Van Oort et al. (2018) gave an overview of the forming of the current asylum governance framework in the EU and described the recent proposals of recasts of this framework (Van Oort et al. 2018). By analysing and reviewing this framework the authors (Schweitzer et al. 2018) state that in the academic literature on the CEAS the local context of asylum and migration governance is under exposed. According to them, this is demonstrated in "[t]he state-centrism that characterises much of the academic literature on migration and asylum thereby ultimately mirrors the reluctance of EU [Member States] to even partly concede their power over the admission of foreigners to their territories" (Schweitzer et al. 2018: 18). Stakeholders participating in the policy roundtable in Brussels (CEASEVAL deliverable 8.12 2019) confirmed this perspective by arguing that transferring powers to local governments in the allocation and distribution of asylum seekers is hampered by issues of state sovereignty. For instance, organizing initial reception on the local level is one thing, giving local governments the power to allocate asylum seekers for initial reception is another, which balances between reception and admission policy. Schweitzer et al. (2018) discuss that

"[l]ocal authorities in general, and especially those strongly affected by the arrival of refugees, are thereby portrayed as being particularly aware of the intrinsic connection between initial reception

conditions, facilities and services on the one hand, and long-term integration efforts and outcomes on the other. Whereas national as well as European asylum legislation has reacted to this through measures that allow a certain pre-selection or distinction to be made between persons with high and low likelihoods of being granted asylum, such policies are seen rather critically at the local level, where the costs of the resulting exclusion and marginalisation of certain groups are felt most strongly" (Schweitzer et al. 2018: 19).

In support of this, Consterdine (2018) concludes that the findings of the state-of-the-art on 'On public attitudes, political discourses and media coverage on the arrival of refugees' demonstrates that there are "large regional and country variations in media coverage of the Crisis with divergent framings between the East and West" (Consterdine 2018: 11). Hence, although there is a fast-growing body of literature that analyses the weaknesses of the current CEAS, less attention is shown for the possible opportunities when features of the CEAS are transferred to lower levels of government (Schweiter et al. 2018: 21).

### 2.2 The local context in the harmonisation of the CEAS

Work package 2 focused on one of the weaknesses and shortcomings of the CEAS, namely the harmonisation of asylum and migration governance in the EU. Furthermore, work package 2 aimed to analyse the effectiveness and the impact of various tools for harmonisation. Although, Wagner et al. (2019) established that the harmonisation process of a common asylum governance "takes place at different levels" (Wagner et al. 2019: 38), in their research these levels concern levels in strategy and policy and not in levels of government. In addition, they acknowledge that state-centric tools remain the standard when pursuing harmonisation and that of these tools "the most powerful tool for harmonisation is EU law" (Wagner et al. 2019: 38). However, as Doomernik and Ardon (2018) demonstrate cities become more important in terms of political legitimacy, cities have features distinguishing them from national or supranational governments. Mayors often boast approval rates 2 or 3 times higher than those of national legislators or chief executives (Barber 2013: 84). Cities are more intimate to their population than national governments. For the European Commission, this is one of the motives for engaging local governments with its policies (De Mulder 2017; Doomernik and Ardon 2018). This last point is supported by the interviews held for work package 2 on harmonisation as Wagner et al. (2019) conclude that "practical cooperation has increasingly become a significant factor in the development of the CEAS" (Wagner et al. 2019: 38).

Practical cooperation on the issue of asylum governance is further stimulated by the organisation of networks. Wagner et al. (2019) establish that "all areas of the CEAS have also organised themselves in the form of networks in order to jointly discuss asylum policies or to exchange views on refugee related issues" (Wagner et al. 2019: 38). Although state networks mainly work on an information sharing basis, these "[state] networks vary in importance, are often only addressing one particular element of the CEAS or a number of them, and are partly more political or functioning on an ad hoc basis. Still, states make wisely use of their networks to gain necessary information for their state interests in implementing the CEAS" (Wagner et al. 2019: 38). In addition, at the same time Doomernik and Ardon (2018) conclude that in today's globalized world, cities are increasingly networked; they are collaborating internationally in a wide variety of inter-city networks in which they are quite effective […] there are many city networks doing productive work in lobbying, policy transfer and policy initiation in Europe's migration policy field. Cities such as Stuttgart, Barcelona, Hamburg, Vienna and

Amsterdam have become hubs of urban networking, spawning new associations almost every year. Cities appear to possess the unique combination of representing a level of governance that is local and thus able to represent pragmatism, efficiency and legitimacy, but at the same time being able to learn from each other through horizontal networking, e.g. about how to navigate vertical relationships, and formulating cooperative solutions with other cities in the world (Doomernik and Ardon 2018).

Related to transnational policies, but a dimension in its own right, cities take it upon themselves to work on the harmonisation of policies. One of the important goals of the Urban Agenda for the EU is to do so and to make it more evidence-based (Urban Agenda for the EU 2017: 14). There is across Europe a great richness of experiences and expertise on integration. Sharing this experience in a systematic way can help enhancing the capacity of local authorities to develop successful integration policies in several areas. More structural exchanges of practices and experiences between different levels of governance can increase the efficiency and coordination in addressing integration challenges (Urban Agenda for the EU 2017: 25). Also, the Council of European Municipalities and Regions [CEMR] demands further development of the partnership mechanism and a co-decision spirit between EU, national, regional and local levels within existing institutional structures. It argues that there is a need for specific funding for the local level. CEMR welcomes the initiative to allocate extra money towards migration issues, but it wants it to be allocated to the local and regional levels. It also argues that the local level has to do more in terms of exchange, peer reviewing and sharing of best practices. United Cities and Local Government (2018) likewise calls for the promotion of peer-to-peer learning. They work for instance on building a network of local and national stakeholders in the Mediterranean at city level aiming to reinforce knowledge and capacities of local politicians, officials and practitioners. Besides, they report organizing many mayoral forums and conferences aimed at sharing good practices (Doomernik and Ardon 2018).

Nonetheless, ECRE and ICMPD (2019) report that

> "there is a certain disagreement or uncertainty as to what the exact aim of harmonisation would be. The research [of work package 2] showed that even stakeholders who are well informed on the development of the CEAS lost sight of an overall goal of the CEAS and thus raised doubts of the potential of harmonisation in general. Finally, the research made us doubtful on whether harmonisation is the ultimate goal in itself or whether it would not be more advisable to invest more into developing a new joint vision among the EU 28 on the future of a European asylum system" (ECRE and ICMPD 2019: 1).

### 2.3 The local context in the organisation of reception

Most immigrants arrive in cities, where they work and go to school, find houses, do groceries and look for healthcare. Asylum seekers and refugees, which we treat as a sub-category of migrants, are in particular need of support from local governments in terms of education, language and healthcare. Therefore, immigration is a prime example of a global issue playing out at the local level, both in the field of integration and in the field of citizenship. Furthermore, cities deal practically with immigrants, even though national governments exercise their role as the sovereign who decides about admission and membership for those who are non-nationals. Indeed, as the Organization for Economic Co-operation and Development [OECD] (2017) observes, the cost of integrating refugees is largely borne

by sub-central governments, which is funded through lump sum payments from the national level, where the various and varying needs of refugees in local contexts is not considered (Doomernik and Ardon 2018).

The reception of asylum seekers cannot be disassociated with the integration of them. For work package 3, Caponio et al. (2019) demonstrate that due to the interdependence of integration and reception policy, the very nature of reception policy is complex. Therefore, they (Caponio et al. 2019) expected "some form of coordination with the stakeholders already in the decision-making of policy reforms" (Caponio et al. 2019: 6). Because "[s]ince reception services are usually delivered at a local level, we should expect an important mobilization of city authorities together with the [Civil Society Organisations] CSOs that operate at a grassroots level" (Caponio et al. 2019: 7). However, they state that

"Finnish, Luxembourgish, Spanish, Bulgarian and Greek reception systems appear highly centralised with limited or inexistent role played by local authorities. In Italy, Municipalities are involved in the governance of reception mainly through ANCI, the National Association of Italian Municipalities. However, the participation of local authorities' national association does not imply their actual and fully involvement in decision-making on reception; indeed, they have opposed central governments' plans on several occasions. In Spain we see the same dynamics, even though the Spanish Federation of Municipalities and Provinces (FEMP) is generally much less involved than ANCI in the governance of asylum reception" (Caponio et al. 2019: 24-25).

In Greece "[a]midst the chaos emerging from the crisis, municipalities, civil society and international organisations became crucial actors in the delivery of reception services. However, the heavy reliance of the system on civil society actors has resulted in a paradox: while reception and integration services are delivered by non-state actors, decision-making has remained predominantly and formally in the hands of the Ministry of Migration without the requirement to consult reception policies' implementing actors" (Caponio et al. 2019: 15). Although the EU Directives and Regulations concerning asylum and migration governance affect the relationship between the different levels of government, policy-making and implementation Caponio et al. (2019) observe that due to the crisis the decision-making "changed in practice the relationship between the government and the local actors, CSOs, international organisations and EU agencies, not to mention the influence of funding schemes and funds' supervisors on the overall governance of reception and more specifically on the implementation of reception policies" (Caponio et al. 2019: 15). The tensions between the national and local authorities that were generated by the crisis were especially seen in the initial stages of the crisis (Caponio et al. 2019: 19). The national governments of "Italy, Greece, Spain, Finland and Luxembourg […] set up reception facilities without consulting the local authorities" (Caponio et al. 2019: 19). Furthermore, as they find that "convergence implies increasing similarity in the concrete actions and practices carried out by asylum different reception systems" (Caponio et al. 2019: 8). We should be aware that "[c]onvergence is achieved significantly less at the national level then at the local level, where local authorities and non-public actors interact horizontally to find standard solutions when faced with the problem pressure in the reception policy field" (Caponio et al. 2019: 41).

Work package 3 of the CEASEVAL project establishes that cities are somewhat neglected in the process while they have so much to offer, however, it is not only scholars arguing for a larger role for the local level within the migration field. Cities themselves, and especially their transnational networks, are vocal in arguing for a more important role. In most if not all policy documents, statements and

initiatives, cities and city networks emphasize and ask recognition for their importance in the migration field. Migrants come to cities, and cities have to take care for migrants, and do so when no other institution is able to (CEMR 2015; Doomernik and Ardon 2018). We will elaborate on the city as an agent in asylum and migration governance in chapter 3.

### 2.4 The local context and the mobility of migrants

Doomernik and Ardon (2018) argue that one of the causes for the growing importance of asylum and migration governance globally lies in growing populations and ditto economic impact of urban areas. Just over half of the world's population lives in cities and these earn 60% of global GDP. Refugees too predominantly resettle in cities (Doomernik and Ardon 2018). The Hungarian country report (Bernát et al. 2019) on the mobility and secondary movement of migrants for work package 4 state that

> "[s]patial borders are perceived as barriers or difficulties (if any) among locations where migrants' life pursued. The switch among localities are often difficult but necessary, as housing and employment are usually unstable factors in the life of migrants that makes moving to new places or jobs are inevitable for most of our interviewees. After leaving the reception or integration camps in the past, or leaving the transit zones nowadays, asylum-seekers or refugees can move anywhere in Hungary, but the overwhelming majority of them are moving to Budapest or leaving the country" (Bernát et al. 2019).

That migrants move to a larger city is seen in other countries too. The country report for Greece (Dimitriadi and Sarantaki 2019), notes that "[t]he city of Athens concentrates 30% of the refugees that live in the Greek mainland'" (Dimitriadi and Sarantaki 2019: 23). In the case of Germany (Beinhorn et al. 2019) migrants are mainly accommodated at the outskirts of larger cities or in more rural areas because of the great shortage of social housing in the larger cities (Beinhorn et al. 2019: 33). However, "refugees prefer to stay in the city centres, [as] they rather don't want to live in rural regions" (Beinhorn et al. 2019: 33). This dilemma also occurs in Spain (Sánchez-Montijano and Eitel 2019) where

> "on the one hand, the system is saturated which means that there are very few places and, on the other hand, the system forces you to move to that place where there is a free space without taking into account your personal characteristics or your social networks. This is forcing people who arrive in a specific city to move throughout the Spanish territory" (Sánchez-Montijano and Eitel 2019: 33).

For this reason, migrants are often forced to live in smaller cities where "the labour market is more stressed and therefore looking for a job is more difficult (Sánchez-Montijano and Eitel 2019: 33). However, as Bernát et al. (2019) demonstrate due to the limits of the labour market in more rural areas or smaller cities for non-natives and the limited possibilities for them to have any services not only in the Hungarian language, "almost all migrants are heading to the capital city to increase their chances to survive" (Bernát et al. 2019). Besides that, migrants have the most opportunities to have a better life in cities, they also have a better chance to integrate more quickly and contribute to the community.

Hence, this strengthens Barber's (2013) argument that cities are politically better suited for the reception and integration of migrants than nation states are. Or at least, as Barber provocatively writes: "Nation states have not shown much capacity to rule the world" (Barber 2013: 74). According to Barber, in the face of increasing globalisation, cities must be the agents of change (Barber 2013: 4).

He identifies two advantages of cities over states. First, while nation states' efforts at cooperation can be 'crippled by the issue of sovereignty', cities do not face such limits. They are thus less likely to become venues of nationalistic politics. Secondly, "the seeming indifference of cities to power politics and sovereignty, a feature that distinguishes them from states, is critical to their inclination to out-reach and networking. They prefer problem solving to ideology and party platforms, which is a core strength critical to their network potential. That they lack appetite for sovereignty and jurisdictional exclusivity enables them as agents of cross border collaboration" (Barber 2013: 71). Similarly, Kratz and Nowak (2017) demonstrate how the city embodies reason and pragmatism against a rising populist tide in the EU and the United States alike (Doomernik and Ardon 2018).

### 2.5 The local context and the politicisation of migration

In light of work package 5, Pasetti and Garcés-Mascareñas (2018) lay out a framework on the politicisation of migration and argue that "[a]t the national level, and this is particularly clear in Germany, Italy and Spain, the discussions on responsibility included sub-national administrative levels, often turning into a multilevel blame game between the central state, on the one hand, and regional and local administrations and civil society actors, on the other" (Pasetti and Garcés-Mascareñas 2018: 19). This supports the findings from Germany (Beinhorn and Glorius 2018) that throughout the crisis "[t]here was an intensive debate on internal burden sharing between the national, the federal and the municipal levels in terms of budget distribution, and burden sharing among federal states and municipalities in terms of allocation of asylum seekers" (Beinhorn and Glorius 2018: 46). The country report on Italy (Pogliano and Ponzo 2018) states that while the influx of asylum seekers increased, the tensions between the national and the local authorities rose "and exacerbated the public debate on internal responsibility-sharing" (Pogliano and Ponzo 2018: 4). Already in 2011, when Italy faced the so-called 'North Africa Emergency' the Italian cities and municipalities "were cut off from the management of the asylum seeker reception and the assistance provided to the asylum seekers was rather poor" (Pogliano and Ponzo 2018: 4). After this emergency in 2013, "the people hosted were pull [sic] out from the reception centres rather abruptly, a significant part of them, being homeless and without a job, occupied abandoned buildings in several Italian cities" (Pogliano and Ponzo 2018: 4). These situations became subject to public debates "especially at local levels, i.e. in cities where those occupations occurred, rather than at national level" (Pogliano and Ponzo 2018: 5). For these reasons, Beinhorn and Glorius (2018) witnessed that "[a]t the local level, pragmatic as well as emotionalized approaches to the reception of asylum seekers emerged" (Beinhorn and Glorius 2018: 10). However, the high influx of asylum seekers and the increased attention of the issue in public debates also "inspired the development of new actors in the political field" (Beinhorn and Glorius 2018: 10), with the PEGIDA-movement and the political party AfD [Alternativ für Deutschland] as the most important actors. These "asylum-sceptical actors focused on the consequence of asylum seeker reception at the local level and the welfare state, but also extended to broader topics such as terrorism and security, sexual assault and gender issues, and culture and identity, claiming that the massive influx of strangers (especially male Muslims) would endanger the German culture, identity and way of living" (Beinhorn and Glorius 2018: 10).

In multiple stakeholder meetings the issue of negative narratives and this negative framing of asylum seekers, broadcasted by the media as well as by politicians, was addressed. Some stakeholders would argue that the negative narratives fostered to fuel the negative attitudes towards asylum seekers and

migrants in various EU Member States. Pasetti and Garcés-Mascareñas (2019) paraphrase the findings of Consterdine's (2018) state-of-the-art that argues that "there is general consensus among scholars regarding the relevant effect that media's framing of immigration (often through securitisation or threat frames) has on public attitudes, including a sense of panic and causing public anxieties" (Pasetti and Garcés-Mascareñas 2018: 19; Consterdine 2018: 10 – 11). This also resulted in higher politicisation of asylum and migration governance and stimulated the trend in various Member States of the willingness to 'take back control' on asylum and migration issues.

### 2.6 The local context and responsibility sharing

Work package 6 of the CEASEVAL research project focused on one of the other weaknesses and shortcoming of the CEAS by discussing solidarity and responsibility-sharing. Wagner et al. (2018) emphasized on the importance of addressing solidarity and responsibility sharing by a multilevel framework by citing the United Nations High Commissioner for Refugees, Filippo Grandi, who "stressed that "now, more than ever, taking care of refugees must be a global – and shared – responsibility"" (Wagner et al. 2018: 3). Currently, the sharing of responsibilities in terms of the distribution of asylum seekers and refugees is a dilemma which solution is mainly sought at the national level. While "it is commonly understood that the capitals or larger cities are of particular attractiveness for asylum seekers and refugees because of the perception of potentially better job perspectives compared to rural areas as well as the existence of networks and co-ethnic communities" (Wagner et al. 2018: 17). Hence, the CEAS would possibly benefit from a more important role for the local level in issues of solidarity and responsibility-sharing. This is supported by Wagner et al. (2018), who conclude that "[a]t each level solidarity is invoked by regions, countries or municipalities that receive high numbers of applicants, while those entities receiving low numbers oppose solidarity measures. The more global the debate the less concrete its measures and common understanding are" (Wagner et al. 2018: 17).

In addition, cities themselves complain about the lack of solidarity and the responsibility-sharing in the current CEAS and in particular the Dublin III regulation. According to them, this regulation results in uneven burdens for EU Member States and their cities, notably at the EU's outer borders. Arguably it was this principle that turned the arrival of Syrian and other refugees in the summer of 2015 into a crisis of the EU's professed goal of political solidarity (Den Heijer et al. 2016). It also means that a recognized refugee is not at liberty to move to a location in the EU where chances for integration (for instance by finding employment) are highest. Cities, therefore, argue for a revised allocation model, out of solidarity with communities in border regions and with refugees trying to enter the EU (Doomernik and Ardon 2018).

The Dublin III regulation puts pressure on the external border regions of the EU, where the majority of asylum seekers enter the EU and where local authorities are often the least able to offer a large number of asylum seekers adequate support and protection (EUROCITIES 2015a: 3). Cities voice their (political) ideas on citizenship, especially the fact that refugees should benefit from free movement within the EU. EUROCITIES argues for: the establishment of a principle of mutual recognition of refugee or international protection status and the possibility of transfer of protection status across Europe for recognised refugees. Asylum seekers should benefit from the right of free movement and establishment in Europe as soon as they are granted refugee status. Similarly, but with the imposition

of a single restriction, CEMR asserts that: “refugees who find a job in another country, should have the opportunity to move to that member state” (EUROCITIES 2015a: 3).

Following the empirical findings of work package 6, the earlier analysis of policy documents of city networks as well as the discussions with various stakeholders, Gomes and Doomernik (2019) propose an alternative CEAS in deliverable 7.1 of CEASEVAL. In this paper the authors propose three fundamental changes that lay in line with what the cities propose, and implies a different perspective on solidarity and responsibility-sharing, but possibly also affect the notion of harmonisation, the system of reception, and the level of politicisation in the EU. First, it is necessary to establish direct lines of support and finance connecting the EU level with those below the national level. Second, the acknowledgement of mutual recognition of a positive asylum decision fosters equity in the CEAS and stimulates a fair responsibility-sharing mechanism on the local level. Third, if local authorities were to receive more formal or discretionary powers and were more closely involved in shaping asylum and migration governance it might, for instance, positively affect the retention and optimal allocation of asylum-seekers’ and refugees’ human capital, which is beneficial for the Member States (Gomes and Doomernik 2019: 3-4). We will elaborate on this in section 4. The next section discusses the city as agent in EU asylum and migration governance. Hence, why and how they act within the framework, how they are organized, how they contribute to the CEAS and how they think the CEAS needs to be reformed.

## 3. The city as agent in EU’s asylum and migration governance

As the findings of work packages 2 to 6 have demonstrated that cities steer their own course in asylum and migration governance, this is not particularly new or unique for Europe. However, it seems that two developments together have boosted their role: the growing Europeanisation of asylum policies, thus opening up new opportunities for political venue-shopping for city governments above the national level; and the unexpectedly high influx of asylum seekers in 2015, which put considerable strain on the EU's ability to jointly deal with their arrival as well as on certain national governments to manage particular high inflows. In effect, cities all over Europe had to act in the face of national governments that were overburdened or even unwilling to take responsibility. This section will illustrate how this has changed the role European cities identify for themselves and how they organize horizontally and vertically in response to these new challenges.

### 3.1 Cities and migration

In today’s globalized world, cities are increasingly networked; they are collaborating internationally in a wide variety of inter-city networks in which they are quite effective. We will see in section 3.2 that there are many city networks doing productive work in lobbying, policy transfer and policy initiation in Europe's migration policy field. Cities such as Stuttgart, Barcelona, Hamburg, Vienna and Amsterdam have become hubs of urban networking, spawning new associations almost every year. Cities appear to possess the unique combination of representing a level of governance that is local and thus able to represent pragmatism, efficiency and legitimacy, but at the same time being able to learn from each other through horizontal networking.

Next to inclusion and integration policies, national membership status itself is also defined and acted out within cities, especially when this is about more than legal status. As Isin (2000) notes: “Global cities are spaces where the very meaning, content and extent of citizenship are being made and transformed” (Isin 2000: 6).

Varsanyi (2006), Daamen and Doomernik (2014) and many others describe how citizenship is transformed within the city. In European countries, notably the welfare states among them, national control regimes tend to be strict, yet these do not prevent the irregular residence of immigrant and failed asylum seekers. This can result in the de facto acceptance of their presence by city governments. In other words, citizenship in some ways can exist in practice without it being granted by law. The main reasons for cities to offer this alternative to legally based citizenship can be simple pragmatism in view of insufficient enforcement capacities, local economic interests, or priorities within community policing, which are mandates that are particular to their level of governance (as compared to national mandates that need to consider wider sets of interests) (Spencer 2018). In addition, ambiguities in national policies, resulting in policy gaps (Hollifield et al. 2014), can force or tempt city governments to close these gaps at the local level.

Bauböck (2003) similarly argues that in cities, membership is not given on the basis of abstract notions of giving consent to enter a bounded community, but instead upon the mere reality of presence and residence in a place. Next to the classical distinction between nationality by descent (Jus Sanguinis) and by birthplace (Jus Soli), this form of citizenship could be called Jus Domicili, i.e. rights based on residence. Consequentially one could argue for “constitutional politics that would strengthen local self-government by redefining boundaries, membership and rights at the level of municipal polities” (Bauböck 2003: 139).

Moreover, theorists and scholars such as Bauböck (2003), Barber (2013), and De Graauw and Vermeulen (2016) see a clear role for cities in the field of migration. Cities ‘fix and manage’ most practical issues such as integration, housing, work and education for immigrants, but they also play a role in shaping and negotiating citizenship itself. Local policies are more likely to provide immigrants with equal opportunities, and have an eye for the importance of ethnic diversity and immigrant political participation (Chauvin and Garcés-Mascareñas 2017). To be sure: we should not only be optimistic and simplistic about cities as agent of integration. Cities can act in exclusionary ways too if electoral realities force them to. For example, some cities in Spain refuse to register irregular immigrants and thereby counteract their legal access to healthcare, and some municipalities in Italy exclude irregular migrants from public housing. Additionally, in some localities anti-immigrant parties and attitudes are growing, which is jeopardizing the inclusion of immigrants at the local level (Chauvin and Garcés-Mascareñas 2017).

### 3.2 What role do cities see for themselves when it comes to managing refugee migration in the EU?

It is not only scholars arguing for a larger role for the local level within the migration field. Cities themselves, and especially their transnational networks, are vocal in arguing for a more important role. As agents in immigrant policymaking, cities often claim they are neglected by national governments. In next sections, we ask what role cities see for themselves in this respect and how they

could contribute to a possible solution. We look at policy statements, position papers, letters, initiatives, and the actions of cities.

In order to analyse the role cities see for themselves, we have selected a wide array of city networks (see table 1). We do not claim to have an exhaustive list of networks and initiatives. We only surveyed those city networks that address migration policy on their websites. We started with Barber's list of city networks and initiatives and added networks if they were mentioned in one of the documents we analysed. We have analysed their published material and it is important to note that in these documents, there is a natural emphasis on change; on areas where cities demand more influence than they presently have. What is reported partly reflects the current role cities play and is focused on the future role they see for themselves.

**Table 1:** City networks

| |
|---|
| UIA (Urban Innovative Actions) is an initiative of the European Union and promotes and subsidizes sustainable urban development. Issues include environment, employment, migration and employment[2] |
| Urban Agenda for the EU, hosted by the European Commission, was initiated by the city government of Amsterdam in 2016 and covers a wide range of urban topics, including the integration of refugees[3] |
| EUROCITIES has close to 200 members and partners. Collaboration is on a wide range of issues and includes refugee integration.[4] |
| The Council of European Municipalities and Regions (CEMR) represents sixty national associations of regional and local governments, who together have 130,000 members, and extends beyond the EU[5] |
| United Cities and Local Governments (UCLG) is a global network of which CEMR is the European regional section[6] |
| VNG International is the international branch of the Association of Netherlands Municipalities (VNG) |

There are different dimensions to the field of migration. Do cities want to play a role within all those dimensions? And what are those dimensions exactly?

Alexander (2003) offers a useful classification of policy domains and issue areas within the migration field. He identifies four local policy domains (Alexander 2003: 48-50). Firstly, there is the legal-political domain, which addresses the civic incorporation of migrants/ethnic minorities in the host polity. This is the dimension where issues of allocation and citizenship play a role. Secondly, there is the socio-economic domain, which concerns social inclusion policies. Thirdly, Alexander defines the cultural-

[2] http://www.uia-initiative.eu/en/about-us/what-urban-innovative-actions, accessed 02/09/2018
[3] https://ec.europa.eu/futurium/en/urban-agenda, accessed 02/9/2018
[4] http://www.eurocities.eu/eurocities/home, accessed 02/9/2018
[5] http://www.ccre.org/, accessed 02/9/2018
[6] https://www.uclg.org/, accessed 02/9/2018

religious domain, which includes policies related to minority, religious and cultural practices as well as to inter-group cultural relations. Finally, Alexander points to the spatial domain, which groups policies with a strong spatial dimension (housing, urban renovation, symbolic spaces). In the next sections we offer an inventory of what role cities envisage for those four policy domains. As shall become clear, cities have distinct logics in formulating their policy goals and in identifying their target populations (Jørgensen 2012).

### 3.3 Legal political domain: negotiating citizenship, negotiating policy

As already elaborated in paragraph 2.6 cities argue for a revised allocation model, out of solidarity with communities in border regions and with refugees trying to enter the EU. The Dublin III regulation puts pressure on the external border regions of the EU, where the majority of asylum seekers enter the EU and where local authorities are often the least able to offer a large number of asylum seekers adequate support and protection (EUROCITIES 2015a: 3). Cities voice their (political) ideas on citizenship, especially the fact that refugees should benefit from free movement within the EU. EUROCITIES argues for: the establishment of a principle of mutual recognition of refugee or international protection status and the possibility of transfer of protection status across Europe for recognised refugees. Asylum seekers should benefit from the right of free movement and establishment in Europe as soon as they are granted refugee status (EUROCITIES 2015a: 3). Similarly, but with the imposition of a single restriction, CEMR (2015) asserts that: “refugees who find a job in another country, should have the opportunity to move to that member state” (CEMR 2015). Furthermore, cities demand more involvement in designing and implementing a new directive for the allocation of refugees as part of the CEAS: cities should be involved in the implementation of this directive to allow them to prepare for the reception of and provision of services to asylum seekers (EUROCITIES 2015a: 3). Without the involvement of local and regional governments there can be no practical implementation of the agreements concluded at EU and national levels (CEMR 2015). Moreover, cities identify a distinct role for themselves in adequately dealing with rejected asylum seekers, an issue that is generally understood to be difficult to solve from a national level. City authorities, if they wish to do so, should be more extensively supported by European institutions, Member States and international organisations to enable them to offer quality information to those rejected and those dropping out of the asylum procedure, as well as to provide mediation and guidance regarding the voluntary return option (EUROCITIES 2015a: 3).

Besides negotiating EU asylum policy, cities may play an active role in shaping citizenship. As Chauvin and Garcés-Mascareñas note: “the incorporation of irregular immigrants takes mostly place at the local level: it is precisely there […] where the practices of street-level bureaucrats, the support of non-governmental organisations and the development and implementation of particular local policies counteract the exclusionary effects of immigration policies” (Chauvin and Garcés-Mascareñas 2017: 52). To facilitate this process, city governments for instance may fund local NGOs working in the field of social and legal assistance. Barcelona offers a very interesting example when it turned the municipal census into the basis of what was defined as 'resident citizenship'. In effect, everyone registered in the city is considered a legitimate citizen, and has rights to healthcare, education, and municipal services such as libraries, sports centres and some social benefits.

But in many cities, citizenship takes shape through daily practice. For example, the Platform for International Cooperation on Undocumented Migrants [PICUM] has written a report together with

EUROCITIES on how cities mitigate the impact of restrictive national policies regarding access to healthcare services. Where national governments limit access to public health systems, by requiring residence status in order to receive care, cities use their authorities to legislate or otherwise act in the field of health policy or delivery of care. As funders, cities support initiatives that facilitate improved access to services for their undocumented residents, for instance by providing it for free or anonymously. Examples from the report illustrate how cities have used a variety of strategies to improve access:

"including funding local clinics in Helsinki and Warsaw; partnering with local NGOs to provide integrated, community-based care in Frankfurt; easing administrative burdens in Ghent; campaigning to raise awareness of the right to health services in Madrid; and funding coverage for services denied under national plans in Eindhoven, Amsterdam, Nijmegen and Utrecht" (PICUM 2015: 31).

By doing this, undocumented immigrants are included in the city as residents, and cities are reshaping the—often-exclusionary—national citizenship policies. But cities can go and do go further. As mentioned above, Barcelona includes all immigrants in the municipal population register, regardless of their migration status within their city, providing them not only with healthcare rights, but also making it possible for them to access education, public institutions such as the library, and even certain forms of benefits (Chauvin and Garcés-Mascareñas 2017).

To conclude, cities have their own political ideas on allocation, settlement, deportation and membership rules for immigrants. City networks argue for freedom of movement for refugees within the EU, hereby countering the current Dublin regulation. Following their logic, cities also demand more involvement in decision making on allocation of refugees at the EU and national level. Finally, the local level has significant impact on how citizenship works in practice. Cities mitigate national restrictive policies, and include migrants into the city as residents, thereby reshaping the actual meaning of citizenship.

## 3.4 The spatial and socio-economic domains: autonomy, policy transfer and the request for more support

### *3.4.1 Labour market*

Cities are often responsible for the labour market integration of refugees. In the Netherlands, for instance, we see how cities have different types of labour market integration programmes (Razenberg and De Gruijter 2017). Dutch cities develop numerous initiatives and seek autonomy for making labour market integration policies. First, through assessments and intake conversations, municipalities try to assess "their" refugees' skills and strengths. Furthermore, municipalities like Amsterdam and Utrecht have 'case managers' and 'job coaches' for each refugee. Municipalities actively work together with local companies and employers and actively mediate between companies and refugees, also for internships and voluntary work arrangements. They organize visits to local companies with refugees, or 'meet and greets' for employers and refugees. What becomes visible too is that localities often find it easier to integrate refugees with specific skills into their own labour markets. As a result of earlier more or less random distribution mechanisms in which all Dutch municipalities had to accommodate a centrally determined fixed share of refugees, mismatches between labour market needs and the refugees' human capital easily occurred. To counter this problem, the high-tech city of Eindhoven has developed a labour market integration policy specifically aimed at technically skilled English-speaking

refugees. In other places, such as greenhouse regions, demand is mostly for low-skilled agricultural workers, whereas these municipalities have problems integrating highly educated refugees (Razenberg and De Gruijter 2017). In Sweden asylum seekers are allowed to be employed without a working permit when their asylum application is considered in Sweden, when they are able to provide proper identity papers or are willing to help to prove their identity, and when there are solid reasons for their asylum application[7]. Allocation of refugees could be improved to make the host society a better match overall with the incoming human capital. Finally, private and civil society initiatives are also very relevant in labour market integration, and cities often cooperate with those. In Finland, for instance, cities support various initiatives, which help to connect refugees to available jobs (EUROCITIES 2016).

### *3.4.2 Housing*

The city networks we reviewed mention that housing immigrants is among their largest challenges. Often, housing is scarce and pricy. Also, in terms of public policy legitimacy and the general public's awareness, housing plays a large role. Cities work with their own housing stock, use mediators to reach out to private landlords, refurbish empty office buildings, and coordinate solidarity initiatives among residents willing to host refugees in their homes[8]. Yet national rules and regulations make it hard to fundamentally change the situation. As the cities assembled in the Urban Agenda for the EU remark: the exceptions for situations of 'humanitarian urgency' should become more accepted as a common practice. For example, exceptions should be made in the EU sphere of competition and internal market for certain forms of housing for refugees. (Emergency) accommodation such as tiny houses, modular housing, containers, laneway housing etc. should be subject to more lenient rules on state aid and public procurement (Urban Agenda for the EU 2017: 39).

Meanwhile, cities have the possibility to combine housing with their goal of social inclusion: civil society and housing corporations can be included in the policymaking. For instance, in Antwerp, young unaccompanied refugees who come of age and are no longer eligible for welfare benefits can participate in a housing scheme where they are matched with young local citizens (buddies) and given training and job opportunities (Urban Innovative Actions 2018). In Amsterdam and Utrecht, local governments together with housing corporations and civil society actors have created projects in which refugees live together with students (who likewise benefit from access to affordable, temporary housing).

Finally, communication between national governments and the local level may have to be improved, as becomes clear from the EUROCITIES (2016) report: communication with national authorities has proven difficult in some instances, with cities such as Barcelona, Bilbao and Nantes reporting that they were either informed late in the process or never at all about how many asylum seekers they should expect under the EU relocation scheme and how their reception would be funded. Many cities report that they have effectively acted instead of their competent national authority to provide reception to asylum seekers and migrants (EUROCITIES 2016: 7).

[7] https://www.migrationsverket.se/English/Private-individuals/Protection-and-asylum-in-Sweden/While-you-are-waiting-for-a-decision/Working.html, accessed 15/07/2019

[8] http://www.ciaconlus.org/progetti/rifugiati-in-famiglia/, accessed 31/07/2019

### *3.4.3 Social inclusion*

In terms of social inclusion, more broadly defined than labour market integration, there are interesting initiatives from cities. We found three examples through the subsidy platform for Urban Innovative Actions (2018): the city of Bologna will look to foster the social, cultural and economic inclusion of migrants integrating different services in a new refurbished centre and allowing migrants to acquire new skills and build micro-enterprises for community services in the neighbourhood. Asylum seekers' entrepreneurial skills will be capitalised in the city of Utrecht combining community housing and learning activities. The city of Vienna will create a one-stop-shop for refugees that will bring together municipal services with grass roots initiatives through new forms of social cooperatives (Urban Innovative Actions 2018).

Also, here the great autonomy of cities becomes clear, as well as their opportunities to work together with civil society and other local actors.

In the sphere of spatial and socio-economic integration, we can see just how much autonomy and creativity cities have to address challenges. Local governments have the advantage of being close to their population: the immigrants as well as employers and civil society. Case managers and coaches, as well as the practice of intake conversations, allow cities to get to know refugees and to match them properly to the labour market. Contacts with housing corporations and civil society make it possible to use housing for integration of refugees and other migrants as well as promoting overall social cohesion. However, national and supranational logics also frustrate such local policies. The allocation of human capital, which is determined by national governments and—indirectly—by the Dublin regulation often does not match local labour market needs. And national housing rules are often too strict to allow for flexible and emergency housing which is necessary if municipalities find themselves with the task of housing large groups at once.

What we have not found much trace of are big city interests in the cultural-religious domain. One might suspect two reasons for this. First of all, the present urgency lies with the practical reception and integration of recently arrived refugees and less so with social cohesion among the cities' population at large. The main purpose of the networks we have surveyed seems to be policy change for practical purposes, and changes to that end in the relationship between levels of governance. Secondly, earlier city networks did extensively address social cohesion and inter-cultural relations, e.g. the Cities for Local Integration Policies [CLIP] program (Penninx 2015). Indeed, generally speaking we do know cities tend to consider this to be an important policy field (Alexander 2003; Jørgensen 2012).

### *3.4.4 Municipal foreign policies*

Interestingly, we also came across policy domains which sixteen years ago were not identified by Alexander (2003), in all likelihood because their emergence is more recent.

We see that city networks may take up a role in formulating transnational (i.e. beyond the EU) policy. One instance of a foreign-oriented network of municipalities is VNG International. VNG is the Association of Netherlands Municipalities, which reaches out with the aim of strengthening democratic local government worldwide by offering expertise. Its network is thus less aimed at sharing, mutual learning between equal partners and common lobbying than the other networks we came across. The projects of VNG International are manifold, but here again the relevance of migration and refugee protection for the local level becomes very clear. One example of its projects in the

migration field is a local government resilience programme for the Middle East and North Africa. The objective is to "strengthen resilience at local government level in order to improve living conditions of the local population and refugees in host communities and refugee settlements" (VNG International 2018c). Another project is located in Jordan and provides municipal assistance to Al Zaatari refugee camp. The municipality of Amsterdam sent experts from their offices to develop an integrated (scenario) planning approach for the camp, to address service planning bottlenecks arising from the Syrian refugee influx, and to assist the local government to develop a development vision and plan for the region (VNG International 2018b).

Also, in Georgia, rights of migrants are protected, especially aiming to protect them from exploitation and trafficking, offering durable livelihood solutions for returning migrants, prevention of irregular migration and capacity building for NGOs working in migration management. VNG International also "assists in the fight against irregular migration" (VNG International 2018a). In this instance, the VNG works in line with European and national policy goals: migration is linked to security issues such as trafficking and irregular migration (Huysmans 2006).

CEMR also developed some notions resembling a foreign policy. For instance, this city network called for a more critical assessment in terms of international and European human rights and asylum law of the so-called 'Turkey deal'. It also explicitly mentions forms of transnational solidarity with mayors from across Europe and the Balkans, Turkey, and the Middle East, notably Lebanon and Jordan. For instance, it requests that the EU respects local and regional self-governance, for instance in relation to refugee reception in the region.

Cities do not only develop an external foreign policy, but also an intra-European vision. Cities call for solidarity and demand "increased efforts to better coordinate actions in dialogue between local, regional and national governments and to distribute refugees fairly and with solidarity across all regions and municipalities at the European level" (CEMR 2016: 3). One important instrument for this is policy harmonisation, the need for which cities often emphasize.

## 4. An alternative CEAS with the local level as a venue and a political base

The tendency towards greater harmonisation in EU's asylum and migration governance is often argued as a possible solution for the inability to cope efficiently with asylum and migration issues in the EU. According to scholars, who propose greater harmonisation and more centralisation, this is achieved by a top-down method with EU institutions taking over the allocation of refugees and stronger monitoring of Member States. Thus, deeper cooperation on state-level within the organization of EU institutions. However, as Doomernik (2018) clearly stated: "if the benefits of collaboration are so glaringly obvious, why has collaboration not come about?" (Doomernik 2018). Doomernik argues that this to a large extent is the consequence of the political purpose of the European project, which is uncertain by nature (Doomernik 2018). The crisis that emerged in 2015 "forced member states to make their position clear: a Europe of solidarity and joint values, or a Europe that delivers economic gain and not much else. The fact that this was never before made explicit can easily be understood if we look at two of the most popular international relations theories: realism and neofunctionalism" (Doomernik 2018).

In a nutshell, realism argues that “the global political sphere is anarchic, that each state’s survival ultimately depends on its own devices, and each state must always be sceptical about the intentions of all other nations” (Doomernik 2018). According to Doomernik, this will mean that states “only agree to mutually binding obligations […] if this serves their strategic interests vis-à-vis others” (Doomernik 2018). Hence, international obligations of a normative kind, like solidarity and responsibility sharing in the context of asylum in the EU, will only be honoured by the Member States if they serve domestic or international strategic interests (Doomernik 2018). Moreover, neofunctionalism builds on the notion that the EU is destined to continue to integrate unless “atavistic nationalism and ethnocentrism intervene[s]” (Moravcsik 2005: 364). This theory argues that “regional integration and collaboration between states create an internal dynamic, almost autonomous in nature, e.g. by spill over effects from one policy domain into adjacent ones” (Doomernik 2018). Hence, according to this theory to overcome the ‘asylum crisis’ this can only be resolved by transferring rule-making authority from national government to the EU, and “thereby reducing the member states’ sovereignty over a core political issue” (Doomernik 2018). These two political theories seem to feature at the core of the ‘asylum crisis’ and possibly the core of the nature of the European project too. The Member States continue to strive to maintain their sovereignty while they support regional integration, but only as Doomernik argues if “regional integration […] works in a stealthy manner” (Doomernik 2018).

However, besides that these two political theories enhance our understanding of the asylum and migration governance dynamics in the EU, we should also be aware of the framing of the issues concerning asylum and migration governance in the EU. Trasciani et al. (2019) argue that “using the notion of ‘being in crisis’ facilitates passive strategies of maintaining the status quo” (Trasciani et al. 2019: 29). This has led to “a space where governments responses are only short-term reactive” and where the term crisis assumes chaos as the norm, which justify “increasingly illiberal forms of governance” (Trasciani et al. 2019: 29). Hence, instead of “addressing the structural processes underpinning problems in the management of migration” (Trasciani et al. 2019: 29) it imposes panic and the idea that the EU is unable to react effectively without externalizing the problems.

### 4.1 Schwan’s manifesto and proposed reform to the CEAS

Returning to the tendency towards greater harmonisation, the findings of the other work packages of the CEASEVAL project, the brainstorm sessions and interviews with stakeholders, and supported by political theory, we sceptically view proposals to further centralise, institutionalise and harmonise asylum and migration governance in a top-down manner. First of all, Wagner et al. (2019) note that various interviewees remarked that the overall aim of the CEAS has become unclear and that “[w]ithout a common strategy on how to address and solve refugee issues collectively, harmonisation in the context of the CEAS runs the danger to become a means per se instead of a tool to achieve a strategic objective” (Wagner et al. 2019: 39). Secondly, the research findings suggest that the kind of harmonisation that is pursued, is merely based on the harmonisation from a legal point of view. As this by definition is the realm of national policy making, present "natural" reflexes on that level go into the 'realist' direction and harmonisation will tend towards reducing the national "burden" of asylum seeking and thus eventually leads to the joint EU externalisation of asylum and migration governance. However, if harmonisation is necessary for a more sustainable and equitable CEAS we believe that we should look for other forms of harmonisation than currently pursued. This means that we favour not

to pursue harmonisation in judicial terms but in terms of capacity in which the local level must be more involved in shaping asylum and migration policy.

Harmonisation should focus on best practices and on the capacity and willingness of cities to accommodate asylum seekers. This is supported by the 'Manifesto Relaunching Europe Bottom-up' from Gesine Schwan (2017) who argues that "we should create a European […] financing basis, so that European municipalities that are willing to do so can apply for funding to take in recognised asylum seekers and war refugees and, where appropriate, economic refugees/migrants" (Schwan 2017a: 9). During stakeholder workshops representatives of sub-national governments demonstrated their willingness to achieve a larger allocation of asylum seekers. This is in line with Schwan's claim that various Northern, Eastern, Southern and Western European cities "declared their readiness to welcome refugees" (Schwan 2017b: 2). However, before this could be put in practice these cities need to be assured that they get access to a "publicly financed fund from the EU that would cover […] the costs created by integration and […] investment[s] in the local infrastructure of the cities for their own needs" (Schwan 2017b: 2). Furthermore, Schwan and many others argue that the alternative, i.e. further externalising asylum and migration governance, "is not realistic in the long run" (Schwan 2017b: 2), because this would undermine international human rights and the fundamental values of the EU. Thus, "the most sustainable chance of pursuing a humane and at the same time managed and controlled refugee policy that complies with EU values lies in opening up legal access to Europe in Europe itself […] and, on the basis of voluntary participation by the European host countries as well as the refugees, finding ways of decentralised resettlement in Europe that does not overstretch any of those countries" (Schwan 2017a: 3).

Furthermore, Doomernik and Ardon (2018) note that "localities often find it easier to integrate refugees with specific skills into their own labour markets" (Doomernik and Ardon 2018). In addition, LRAs are also an important factor in the housing and integration of asylum seekers in their community. Local governments can easily combine their goals of social inclusion with the issue of housing. Another advantage that favours the local level is that "being close to their population: the immigrants as well as employers and civil society. Case managers and coaches, as well as the practice of intake conversations, allow cities to get to know refugees and to match them properly to the labour market. Contacts with housing corporations and civil society make it possible to use housing for integration of refugees and other migrants as well as promoting overall social cohesion" (Doomernik and Ardon 2018).

### 4.2 Three suggestions for fundamental changes to the CEAS

In addition to Schwan's proposed reforms for the CEAS; the preliminary research done in work packages 1 to 6 of the CEASEVAL project; and the work done for work package 7; the authors (Gomes and Doomernik 2019) argue in deliverable 7.1 that to reform the CEAS into a sustainable and equitable common asylum and migration framework three fundamental changes are necessary. These changes centre on the transfer of certain powers to the local level. In the next paragraphs we will extensively elaborate on these fundamental changes and pose the main challenges.

Both in terms of boundaries, membership and rights, as well as in terms of allocation and selection of asylum seekers and refugees the local government needs to be strengthened. We propose to give local authorities more power, as in direct lines for funding and support from the EC or EU agencies to

local governments will be established, both in accepting, allocating and placing asylum-seekers within their communities, as well as in providing the local rights frame. This should be stimulated by a narrower cooperation between cities on the European level, as EUROCITIES and the Urban Agenda for EU, strive for. Furthermore, the protection of asylum-seekers would be more generous, considering the agenda's and standpoints of organizations as EUROCITIES.

We have to understand the limits to further European integration by "stealth" as neo-functionalism predicts and be aware of ever-present realist tendencies in collaboration between the EU's member states. The briefly described clash of neofunctionalist and realist tendencies in the European integration discussion demonstrated that both paradigms fail to guide the way towards sustainability and equity. Therefore, we propose to use a different perspective on asylum and migration governance in the EU. One might suggest that innovation could come from "experimentalist governance". Experimentalist governance is an alternative governance method that is flexible and an iterative process of learning and feedback. Especially in policy domains where traditional governance is not able to find durable solution, this governance method might offer a solution. In addition, it offers considerable potential for local level government whilst remaining within the current judicial framework. Experimentalist governance would be able to provide local authorities to find the adequate approach of peer-reviewing practices and ultimately would design a unique iterative mode of governance that provides every local context in its needs. However, it would to a certain extent also result in more divergence within the EU. This divergence would mainly crystalize in terms of practice. Due to the proposed discretions of local governments, municipalities and cities should be able to implement practices that lead to more sustainable and equitable asylum and migration governance. Hence, because experimentalist governance is about practices and their outcomes it would stimulate the harmonisation of the notion of sustainable and equitable asylum and migration governance divergences. Moreover, when harmonisation is a tool to achieve a strategic objective instead of a means per se (Wagner et al. 2019: 39), namely providing good, humane, and equitable services to asylum seekers and refugees, it should not matter that divergence in local practices occurs. Hence, cities and municipalities would be allowed to follow their local logic and needs, providing asylum seekers within their communities with the rights and resources with which they provide their own inhabitants and are not bound by strict uniform EU legislation (Gomes and Doomernik 2019: 28).

In EU's current asylum governance regime "a recognized refugee is not at liberty to move to a location in the EU where chances for integration (for instance by finding employment) are highest. Cities therefore argue for a revised allocation model, out of solidarity with communities in border regions and with refugees trying to enter the EU" (Doomernik and Ardon 2018: 94). For instance, in the Dutch case rural areas surrounding Rotterdam (Westland) prefer asylum-seekers with an agricultural background and in Breda and Eindhoven, asylum-seekers with more technical skills are preferred, since they fit the local labour market once they are accepted as refugees. This requires some level of local competence in national allocation practices and a willingness on the side of national authorities to devolve certain decisions to (networks of) local governments. Such examples in which local authorities are able to design and implement flexible policies in the context of asylum governance are partly due to the difficulties the EU is facing. Sabel and Zeitlin argue that due to difficulties of "deep internal diversity and firm polyarchic constraints" (Sabel and Zeitlin 2011: 12) in the EU, the EU has been more open for opportunities of new modes of governance, such as experimentalist governance.

Sabel and Zeitlin (2011) argue that EU rulemaking overall is increasingly focused on experimentalist forms of governance in which an "iterative, multi-level architecture, broad framework goals […] and

metrics for gauging their achievement are established by joint action of the EU institutions and the Member States, typically in consultation with relevant civil society stakeholders. 'Lower-level' units […] are given substantial discretion to advance these goals in ways adapted to their own local context" (Zeitlin 2015: 1-2; Sabel and Zeitlin 2011). In such a framework there would be no single sovereign institution that uniformly could design and implement policies. Especially in transnational domains, such as governance on asylum and migration. Cardwell (2016) argues that this form of governance uncouples "new [modes of] governance [such as experimentalist] from its synergy with 'good' governance and to instead consider that new governance may offer policy-makers opportunities to meet goals outside legislative processes" (Cardwell 2016: 3). Moreover, "[e]xperimentalist governance can be understood as a machine for learning from diversity (Sabel and Zeitlin 2011: 12). The context of the EU suits this form of governance well, as local authorities face similar problems with asylum across EU Member States and are able to learn from each local authority to solve them, "even though particular solutions will rarely be generalizable in any straightforward way" (Sabel and Zeitlin 2011: 12). However, current policies on asylum and migration demonstrate that it is almost impossible to design generalizable policies that work in every differing context of EU Member States. De facto, asylum and migration governance in the EU features transnational domains, where the diversity of local conditions and practices makes adoption and enforcement a possible hindrance. For this reason, Sabel and Zeitlin (2011) offer local policymakers in the EU a design of a governance method that is unique for every local context. In this way the reluctance towards more harmonization and integration that affects the issues of solidarity in asylum governance could possibly be overcome. The Common European Asylum System then would be common in a sense that in each local level of each EU Member State, asylum governance would be a process of continuing feedback and continuing alteration in practice and policies. Cardwell supports this governance method as traditionally conceived law "does not always necessarily change behavior" (Cardwell 2016: 3-4). New governance approaches, such as experimentalist governance, demonstrate "a multitude of arms at their disposal which may seek to fulfil goals in a less direct, more abstract way and through multi-level institutional frameworks" (Cardwell 2016: 3-4).

However, in addition to providing opportunities new modes of governance also ensure some challenges. First, Cardwell argues that new forms of governance are most likely only negotiable in policy areas in which the EU Member States are less "sovereignty conscious" (Cardwell 2016: 7). He claims that these are more often policies in "recent areas of EU activity […] where legislation is limited […] where multiple actors are involved […] and where civil society has a significant involvement" (Cardwell 2016: 7). Although asylum and migration management comply with some of these variables, CEASEVAL research on the politicization of asylum issues demonstrate that EU Member States differ "on the role and legitimacy of the EU" (Pasetti and Garcés-Mascareñas 2018: 19) to cope with asylum and migration management. Second, it is assumed that asylum and migration issues can be solved by 'hard' law and, for this reason, leave "little or no room for new modes of governance" (Cardwell 2016: 8). Cardwell notes that according to Sabel and Zeitlin (2011), the premise of experimentalist governance is the increase of participation of a variety of stakeholders and an increase of "dynamic accountability and peer review" (Cardwell 2016: 18). These features of experimentalist governance should "discipline the state and protect the rights of citizens without freezing the institutions of decision making" (Cardwell 2016: 18). In addition, these mechanisms will overcome the obstacles that occur due to political bargaining when policies are designed through traditional law. Hence, Cardwell notes that "these dynamic mechanisms provide effective ways of addressing longstanding

accountability and rule-of-law deficits within the nation-state itself'" (Cardwell 2016: 18). A third challenge that is posed by Cardwell is the issue of legitimacy. He argues that maybe new forms of governance are efficient in asylum and migration governance, but possibly "fail on legitimacy" (Cardwell 2016: 17), Pasetti and Garcés-Mascareñas (2018) concur when they note "the fewer the legitimacy, the fewer […] the willingness for more solidarity" (Pasetti and Garcés-Mascareñas 2018: 2). For example, a core feature of experimentalist governance is the absence of a coordinating actor. Lack of coordination means that there is no actor that "coordinate[s] [the] efforts, has a precise enough idea of the goal, [is able] to give precise instructions to the other or reliably recognize when their actions do or don't serve the specified end" (Cardwell 2016: 18-19).

### *4.2.1 Direct EU funding to municipalities*

In order for LRAs to follow their local logic and needs one might suggest that LRAs might benefit from the possibilities of direct EU funding without interventions of or influencing by the Member States; one might suggest that we create the right for asylum seekers and refugees to have the possibility to transfer their protection status from one Member State to the other; more formal and discretionary powers to grant some (limited) form of citizenship based on the notion of 'jus domicile', which enables LRAs to better include asylum seekers in their society.

The first fundamental change centres around the funding of asylum and migration governance. In the current framework the EU has funding tools that "complement the Member States' effort to the Union" (EPRS 2019). One main tool is the Asylum, Migration and Integration Fund [AMIF], the funds' resources are implemented by the Member States for national programs, by the EC for Union Actions, such as the emergency Hotspots in Italy and Greece, and via indirect management by for example the ICMPD (EPRS 2019). Another tool is the Internal Security Fund [ISF], which focuses on the protection of EU borders. The AMIF allocates 50 percent of its budget to initial national programs. This means that 50 percent of the total fund is received by the Member States[9]. 40 percent of the total budget is allocated periodically to the Member States for their national programs and 10 percent of the budget is reserved as a mid-term allocation models, so the EC can shift halfway the Multiannual Financial Framework [MFF] its focus on different policy areas if necessary[10]. It is necessary to make a distinction within the AMIF and ISF (and possible other funds in the future) between initial national programs and initial local programs. Currently, the Member States receive the sum and allocate the received money between certain national and local programs. The result is that the local programs receive less money than the national programs. In some Member States, the local authorities are even more neglected than in other Member States (ECRE 2018: 8). The current allocation of the AMIF demonstrates that the Member States are the main beneficiaries of the fund. Hence, to support the importance of the local level in asylum governance it should be coupled with a different approach in funding asylum and migration governance. For this reason, we endorse the proposition made by the CEMR (2018), who noted in 'EU Funds in the Area of Migration. Local and Regional Governments' Perspective' (2018) that there should be a "possibility of partially providing direct funding to local authorities under AMIF

[9] European Commission (2018): 3, https://ec.europa.eu/commission/publications/migration-and-border-management_en accessed 22/07/2019
[10] Ibid

resources" (Gomes and Doomernik 2019: 29). The best possible reform would involve less interference from the Member States in the allocation of funds for asylum and migration governance.

Direct funding from the EU to Local and Regional Authorities [LRAs] is also supported by Schwan (2017). Schwan argued that with the coming MFF in 2021, it should be made easier for LRAs to apply and receive direct funding for refugee reception and integration (Schwan 2017a: 4-5). To ensure that the local level is more involved in the shaping of asylum and migration governance four alterations to the funding guidelines should be made. First, "to ensure that the maximum number of municipalities can apply, a clear initial incentive to provide additional support would be needed [however], this would only succeed if the municipalities satisfy the requirements set out in the application and are accepted as funding beneficiaries" (Schwan 2017a: 11). Second, smaller municipalities often perceive more difficulties with applying for EU funds, therefore, these "municipalities would also be given assistance in applying for funds" (Schwan 2017a: 11). Third, most of the financial assistance that the EU provides "should take the form of a grant" (Schwan 2017a: 11), the advantage of a grant is that it is a direct financial contribution that does not have to be repaid. This makes applying for the AMIF much more appealing and would possibly positively affect the willingness of LRAs to accommodate asylum seekers. Fourth and last, in the current framework there exists an 'own-contribution' principle, which means that beneficiaries partially have to finance their programs with their own money. Schwan argues that if this principle is maintained then "it could be pre-financed by the European Investment Bank [EIB] as an (interest-free) loan with favourable repayment terms, so as not to put the pursued objective of economic growth at risk again (Schwan 2017a: 11). The EC published in 2018 a proposal to create a new Asylum and Migration Fund [AMF] for the next MFF, in this proposal the own-contribution principle was upheld. ECRE wrote a paper in which they commented to this proposal and they argued that "the suggested co-financing rate level of up to 90 [percent] in the field of integration is addressing a long-standing obstacle to civil society accessing the funds" (ECRE 2018: 4).

To ensure that the procedure of applying for the funding of local programs is accessible it needs to be easy and straightforward. Therefore, there should only be made a distinction between three types of funding. The first type of funding is the most important one, this is a simple grant and this is a "financial incentive" (Schwan 2017a: 11) for the LRAs. The second type of funding consists of "grants that have been applied […] to fund the reception and integration of refugees" (Schwan 2017a: 11). The third type of funding should only exist when the EC definitely decides to uphold the own-contribution principle and consists of "long-term [(interest-free)] loans to top up the own-contribution share of the requested funding" (Schwan 2017a: 11).

As we have questioned the nature of current harmonisation policies in the context of the CEAS, we believe that reforming the funding structure of asylum and migration governance in the EU could play a decisive role in future harmonisation and integration. A direct funding mechanism that would enable the LRAs to receive funding for local programs from the EC without interference from the Member States could be perceived as a different form of harmonisation in which local actors use, adapt and shape policies by a structure provided by the EU.

The last reform within the structure of the EU funding propose that if an LRA successfully applies for funding, this "funding should be disbursed under a programme running for at least five years, as growth and integration cannot improve more quickly" (Schwan 2017a: 11). The only exemption to this rule would be if an asylum seeker moved to another municipality, or even another country, because this would retain his or her human capital and benefit their integration. In such a case there should be

a mechanism across the EU Member States for a fair transfer of funds. Hence, this would mean that besides the funding the other LRA also becomes responsible to offer a program for integration to complete the remaining period of the five years of the fund. However, without the asylum seeker able to move to retain its human capital these funds will never have to transfer from one LRA to the other. For this reason, we propose a second fundamental change to the current CEAS, namely, a framework for mutual recognition of positive asylum decisions. In the next section, we will elaborate on this framework.

### *4.2.2 Framework for mutual recognition of positive asylum decisions*

The second fundamental change to the CEAS will further strengthen the position of the local level in asylum and migration governance as it gives them a more integral part. Besides, it will stimulate the equity in the CEAS and foster a fair responsibility-sharing mechanism on the local level. This will be possible when the Member States acknowledge the mutual recognition of a positive asylum decision and create the right for asylum seekers and refugees to have the possibility to transfer their protection status from one Member State to the other. This would mean "that protection can be transferred without the adoption of specific mechanisms at European level" (ECRE 2014: 4), in this case asylum-seekers will experience more freedom to move from one Member State to the other and retain their human capital as much as possible. ECRE noted that "in order for mutual recognition to succeed, mutual trust is needed between Member States. Mutual trust requires that Member States trust other Member States' legal systems and decision. It obliges them to accept and/or enforce a decision handed down by another Member State and attach the same legal effects to similar national judicial decisions, even if they were made by a different judiciary" (ECRE 2016: 2).

To comply with the EC's objectives when formulating the Treaty on the Functioning of the European Union [TFEU] and designing the CEAS, mutual recognition of positive asylum decisions is a must for sustainable and equitable asylum and migration governance in the EU. In addition, "[m]utual recognition already occurs in asylum law, for example in the realm of rejected asylum seekers under the Returns Directive and under the lesser used Mutual Recognition of Decisions on the Expulsion of Third Country Nationals Directive" (ECRE 2014: 3). Mitsilegas (2018) argues that mutual recognition initially was introduced in EU asylum governance by the "mutual recognition based on automaticity and trust […] by the Dublin Regulation, which sets out a system of automatic inter-state cooperation which has been characterised as a system of negative mutual recognition" (Mitsilegas 2018: 200).

Mutual recognition of positive asylum decisions will, in the context of international relations, be indispensable with the notion of extra-territorial jurisdiction of states (Nicolaïdis 2007: 689). The mutual recognition of positive asylum decisions will remain an act of extra-territorial jurisdiction whether it is codified in the form of "policies, regulations or laws and the ways in which states may help each other in enforcing these acts" (Nicolaïdis 2007: 689), and therefore, is "embedded in a system of state practices" (Nicolaïdis 2007: 689). Therefore, the mutual recognition of positive asylum decisions is beneficiary in two ways. First, it stimulates the importance of the local level in asylum and migration governance in the EU and increases the power of LRAs as it enables them to integrate people with highest capacity of human capital. Second, as the nature of mutual recognition in the EU is based in a system of state practices the EU Member States do not lose any of their sovereignty when transferring powers to the local level. Thus, this system could be a solution to overcome the reluctance of the Member States to acknowledge mutual recognition of positive asylum decisions.

Article 78 of the TFEU describes the nature of an asylum decision, which should be "a uniform status that is valid throughout the Union" (ECRE 2014: 14). This uniform status entails "that refugees must be treated as the most favoured foreigner in terms of wage-earning employment, places an obligation on States to extend full rights and responsibilities to a beneficiary of international protection recognized in another Member State [as described in the 1951 Refugee Convention]" (Ibid). To make mutual recognition of positive asylum decisions, including above features, feasible, "an arrangement […] which would stipulate that the country that granted the status has the sole responsibility for revoking or ceasing the status [must be in place]. If the applicant then applies for a transfer of their status, then that Member State would assume that responsibility" (Mitsilegas 2018: 196). This specific instrument could be a complement to the Dublin system, which consists of the Dublin Regulation and the EURODAC database. The EURODAC database contains the fingerprints of all people who apply for asylum in one of the EU Member States in order to establish which of them is responsible. The "Dublin criteria creates a duty for one Member State to take charge of an asylum seeker and thus recognise the refusal of another Member State (which transfers the asylum seeker in question) to examine the asylum claim" (Mitsilegas 2018: 200). This recognition can be viewed as a negative mutual recognition of an asylum decision. However, if this works for 'negative' mutual recognition, this database could be used for positive asylum decisions as well. Moreover, accepting the judiciary decisions of other EU Member States results in a system that does not exclude and is less state-centred and could be seen as another attempt to harmonise asylum and migration governance in the EU. Furthermore, "[p]olitically, it would be difficult for States to argue that Member States asylum systems are too different to implement and partake in such an instrument as to do so would undermine the CEAS" (Mitsilegas 2018: 200).

While mutual recognition of positive asylum decisions could positively contribute to the retention and optimal allocation of asylum seekers' and refugees' human capital, a broader notion of citizenship would stimulate this even further. In addition, formal citizenship based on residence, which is informally often already granted by LRAs, will establish more discretionary power to the local level. For this reason, the next section will discuss the third fundamental change we propose for the CEAS the notion of jus domicile, citizenship based on residence.

### *4.2.3 Increased discretionary powers for the local level: changing the perspective on the notion of citizenship*

The last fundamental change is centred around the transferring of more discretionary powers to the local level and in particular the notion of citizenship. Bauböck (2003), Varsanyi (2006), Kostakopoulou (2007), Bauder (2012) and Doomernik and Ardon (2018) stimulate the academic philosophical discussion on citizenship by pointing at the contrast between state citizenship and local citizenship. The former based on 'jus soli' and 'jus sanguine' or on naturalization after prolonged residence and (increasingly) having fulfilled national integration requirements, while the latter is received by a mere 'jus domicile' (Bauböck 2003: 234). Although cities do not have the formal power to grant citizenship, they include migrants into the city as residents, thereby reshaping the actual meaning of citizenship. Hence, informally cities already provide immigrants some sort of citizenship, regardless of legal status. The question thus arises, what could be gained if local governments were to receive more formal or discretionary powers and would thus be more closely involved in asylum and migration governance? It might, for instance, positively affect the retention and optimal allocation of asylum-seekers' and

refugees' human capital (Gomes and Doomernik 2019: 30). In the next paragraphs we elaborate on this academic philosophical discussion. This discussion will determine the need, the purpose and the scope for our policy suggestion. The last two paragraph combines a policy statement and the responsibilities of EU, (sub)-national, and local level governments in providing citizenship. Eventually we, thus, translate the discussion into a suggestion for possible policy for local level governments.

Citizenship based on residence and on the contribution to a certain community is seen as a good alternative for forms of citizenships that are received by 'pure luck'. Bauder stresses the importance of citizenship by arguing that "citizenship connotes inclusion and belonging in a political community, the possession of political, social and economic rights, and the promise of equality between fellow citizens and social groups" (Isin and Turner 2014; Bauder 2012: 185). The people that do not fit in the requirements for citizenship, therefore, cope with inequality, and "the unfair distribution of social, political and economic benefit and responsibilities and […] disproportionate exploitation" (Bauder 2012: 186). The dominant citizenship practices maintain these systems of subordination" (Bauder 2012: 187). For this reason, citizenship based on residence is valued as a welcome alternative and may be (partially) the solution for integration of asylum seekers in host countries. In addition to the argument of equality, the jus domicile principle of citizenship is also in line with the arrangement of a liberal democratic society (Bauder 2012: 188). By including asylum seekers and migrant residents this principle upholds the notion that "democratic decision making and the flourishing of a political community require the involvement of all the community – not simply of a segment of it" (Kostakopoulou 2007: 126).

For citizenship based on jus domicile to work as an alternative, two conditions have to be met. First, everyone who contributes to the community, either in economic, civic and/or other contributions, must have the right to stay in the place of residence (Bauder 2012: 191). Bauder argues that "only when these members are no longer threatened with the expulsion from their community and are instead offered jus domicile citizenship, can they experience equality and social justice" (Bauder 2012: 191), and thus retain the optimal allocation of human capital, which will help them to contribute to and integrate in the community. Second, everyone with jus domicile citizenship must have the right on mobility (Bauder 2012: 191). Mobility in the context of jus domicile citizenship means the right to enter a state's territory, thus, implies a favour for the open border argument, made by Carens (1987), and is further expended by the argumentation of Cole (2000) who noted that from a liberal perspective constraints on mobility "violate overarching principles, including the principle of universal human equality" (Bauder 2012: 191). Hence, citizenship based on jus domicile stands for equality and free mobility, both values of high concern in the EU.

Although free mobility of citizens is a precondition for jus domicile citizenship, this principle does not neglect the reciprocity between citizenship and territoriality Bosniak (2007). However, Bauder argues that these territories should be seen as a territory with "permeable borders" (Bauder 2012: 192-193). Which means that borders are subjects of changing geographically as well as political entities and citizenship. As borders are permeable and subject of change, another precondition of jus domicile is that it recognizes different geographical scales at which citizenship can be enacted (Bauder 2012: 193). The example of EU citizenship demonstrates that it is "equally conceivable to rescale citizenship to the local, regional or supra-national scales" (Bauder 2012: 193). EU citizens are allowed to vote in municipal and EU elections and have the freedom of mobility within the EU territory. Hence, "[t]his EU citizenship effectively enacts the jus domicile principle [and also] exemplifies that jus domicile can be practiced at local scales, where non-nationals possess the right to vote in municipal elections"

(Bauder 2012: 193). Moreover, Schwan argues that the 'cooperation between the state and the local level needs to be deepened and improved' (Schwan 2017b: 2). When the state transfers power on citizenship to the local level, the LRAs are able to show "possibilities to integrate refugees [and how they] can help their national governments to fulfil their duties" (Schwan 2017b: 2). Hence, we argue that the application of jus domicile as alternative for the usual principles of citizenship, will be more convenient and results in an optimal allocation of human capital. In this way the reform of the CEAS will establish a structure that provides the maximum amount of agency for asylum seekers, while the EU creates, on a decentralised basis, "a new [and] hospitable European identity that is close to the citizen" (Schwan 2017b: 14).

But how does this translate to actual policy? To start, we should identify the basic principles that enact the framework. As we have demonstrated in the paragraphs above there is a conflict of interest between different levels of government. Currently national governments decide on who can be part of their community and who not, i.e. who is a citizen with all the benefits included and who is enjoying fewer rights, such as refugees and other foreigners with a residence permit or those who are irregular. The discussion on the inclusion of asylum seekers and refugees in communities coupled with the discussion on alternative forms of citizenship, e.g. 'jus domicile', suggest that the currently used forms of citizenship, e.g. 'jus soli' and 'jus sanguine', are no longer adequate because they exclude people who de facto are part of the community. Besides that, the exclusion of people negatively affects the prospects of integration, it comes with a societal cost too. Exclusion increases the risk of poverty, undermines social cohesion and the public order. A remedy might lie in the introduction of a novel (Prak 2018) form of citizenship that gives cities and LRAs the power to include non-EU foreigners who are willing to participate in the community in their membership, e.g. when they have applied for asylum and seek to live and work in the community, or even when formally excluded by national policy. Giving cities and LRAs the power to grant citizenship would not necessarily undermine national sovereignty as city-citizenship would remain distinct from state-citizenship. This form of citizenship granted by local governments could look like EU-citizenship, meaning that people are allowed to vote for and participate in local and sub-national elections, are able to work, enjoy education and are able to move within the jurisdiction of the community they are part of. Should they want to become citizen of the nation-state they still need to apply for naturalisation. Until then asylum seekers and refugees enjoy citizenship on the basis of residence which provides the necessary basis for their integration. Being able to work, they pay into the social security system and contribute through taxes and thus the overall societal cost of such a scheme can be limited.

To stimulate asylum seekers and refugees to find employment, cities and LRAs might be financially assisted by the EU. Such direct funding could help create local support systems aimed at increasing labour market access, exchange of best practice experiences within city networks, and the active involvement of asylum seekers and refugees themselves, the latter should contribute to an iterative process that fosters the constant learning and feedback loops that are constitutive of experimentalist governance.

## 5. Conclusion

We have shown that throughout the CEASEVAL research project the various research groups established that cities steer their own course in asylum and migration governance in the EU. However, although LRAs play an increasingly important part in asylum and migration governance the current

academic literature does not emphasise the opportunities LRAs possibly have to strengthen the CEAS. In addition, one of the cornerstones of the CEAS has been the notion of harmonisation, however, what harmonisation entails and what aim it should have, is perceived differently in the Member States. The risk of harmonisation becoming a goal in itself is shared by various stakeholders. We believe that if harmonisation remains a goal, it should be a harmonisation of capacities of LRAs to accommodate and integrate asylum seekers and refugees. So that we create a sustainable and equitable distribution mechanism that contributes to an increased capacity for the absorption of asylum seekers and refugees whilst retaining their human capital. Moreover, in the area of reception CEASEVAL established that cities are neglected in the process of policymaking, despite that they are vocal in arguing for a more important role. To quote from work package 4 's findings: "almost all migrants are heading to the capital city to increase their chances to survive" (Bernát et al. 2019) which supports that particular claim. Because LRAs become more vocal and have started to cooperate with each other in transnational networks, discussions on responsibility ignited and "included sub-national administrative levels, often turning into a multilevel blame game between the central state, on the one hand, and regional and local administrations and civil society actors, on the other" (Pasetti and Garcés-Mascareñas 2018: 19). Currently, the sharing of responsibilities in terms of the distribution of asylum seekers and refugees is a dilemma which solution is mainly sought at the national level. While "it is commonly understood that the capitals or larger cities are of particular attractiveness for asylum seekers and refugees because of the perception of potentially better job perspectives compared to rural areas as well as the existence of networks and co-ethnic communities" (Wagner et al. 2018: 17). Wagner et al. even imply that a discussion of solidarity and responsibility sharing on the local level is the most concrete in terms of measures and common understanding (Wagner et al. 2018: 17).

Furthermore, the conclusions of Doomernik and Ardon are very similar to the conclusions of the other CEASEVAL work packages. They demonstrate that city governments 'feel' they are underestimated and even neglected as agents in national and European policymaking with regards to migration, both in general terms as well as for refugee integration. Many documents studied call for more involvement of cities by emphasizing that migration is a local issue. We found that cities seek a bigger role in the legal-political domain: demanding involvement in the content of membership (for instance by lobbying for free movement of refugees within the EU), shaping citizenship practices (for instance by giving (undocumented) immigrants access to services that go beyond the national legal framework), but also by demanding more involvement in policy making and implementation of a future refugee reallocation scheme within Europe. We see that within the legal-political domain the focus is on a reform of the CEAS: giving input for this reform, but also demanding influence in the policy making and implementation of a reformed CEAS. So, on top of being actors who close the policy gaps caused at the national level (which in turn cannot be seen as detached from the European level), cities identify larger roles for themselves and in their own right, organized horizontally as networks addressing refugee issues. To this end they each and jointly seek new and expand existing vertical relationships, bypassing the national level and tapping into European resources.

Moreover, cities develop innovative initiatives regarding spatial and socio-economic inclusion of recently arrived refugees, especially focusing on labour market integration. They bank on the advantage of being relatively close to both immigrants and local companies, and on working as mediators to match the demand and supply of human capital. Furthermore, cities put a lot of effort into 'seeing' and knowing refugees' skills and expertise in order to be able to match them to a job. Local companies are actively included and cooperate with municipalities. We have also seen how, in

stark contrast, the allocation of refugees organized at the level of national governments appears to much less—or indeed not—match the local demands for labour.

What is more, we find that cities see immigrants more naturally as social capital as compared to the national level where the "immigrant as a threat" imagery is more readily invoked. Indeed, the overall message in the city networks' policy statements is one of inclusion and respect for human rights and thus an explicit willingness to act where national governments fail to deliver in both practical and moral terms.

As we have studied the weaknesses and challenges of the CEAS and demonstrated the lack of inclusion of LRAs in the process of policymaking and decision-making in asylum and migration governance. We have concluded that the current CEAS needs to be reformed to become more sustainable, which means that the process of accommodation and integration of asylum seekers and refugees could be improved when partly or wholly transferred to the local level.

Such a development could be embedded within a framework of direct EU funding to the LRAs.

Alongside financial funds, we propose to create a framework of mutual recognition of positive asylum decisions. This fundamental change would further strengthen the position of the local level as it is given a more integral part in the decision-making of asylum governance. It would also stimulate more equity in the CEAS and enhance the responsibility sharing mechanism on the local level. The mutual recognition of positive asylum decisions means “that protection can be transferred without the adoption of specific mechanisms at European level” (ECRE 2014: 4). Refugees would experience more freedom to move from one Member State to another. Hence, this framework increases the refugees' agency and creates more changes for swift integration by not locking them into locations where their opportunities are limited. We proposed that the mutual recognition of positive asylum decisions could be coupled with the already existing framework for mutual recognition of negative asylum decisions, which is managed in the EURODAC system and mandated by the Dublin III Regulation.

The last fundamental reform to the CEAS we suggest, is to transfer more discretionary powers to the local level by allowing them to follow their local logic for inclusion of foreigners, notably asylum seekers awaiting the adjudication of their claim or whose claim has been rejected or is being reviewed. Their logic includes concerns about public order, humanitarian arguments, labour market needs. Inclusion then takes place based on 'jus domicile' instead of formal, nationally defined formal rights such as those belonging to citizenship. With such an alternative form of citizenship asylum seekers retain optimal allocation of their human capital, which will help them to contribute to and integrate in the community which eventually benefits the Member States.

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