1 Introduction

> Tell me how you treat your minorities, your immigrants and your refugees, I will tell you what is the state of your democracy!
> —Geisser (2019: 4)

An Empirical Puzzle

In November 2016, a high-level civil servant within the Tunisian State Secretariat for Migration and Tunisians Abroad (SEMTE) confessed during an interview, 'I won't hide it from you, the protection of immigrants is not the biggest priority.' Our conversation took place in Tunis, only a few kilometres north of Habib Bourguiba Avenue, where large-scale protests by Tunisian citizens successfully ousted dictator Ben Ali almost six years earlier. Over weeks, Tunisians across the country had demanded the end of systemic corruption and political repression – and freedom of movement had been a core demand for more dignity and human rights. But while the democratic transition kick-started in January 2011 expanded Tunisians' civil and political rights, immigrants' rights remained essentially unchanged in the first decade of democratization.

In March 2017, only a few months later, I was in Rabat and interviewed an official from the Ministry for the Moroccan Community Abroad and Migration Affairs (MCMREAM). My respondent was in charge of implementing the liberal immigration reform that King Mohammed VI had launched in September 2013. He explained, 'The royal declaration based on shared responsibility, migrants' access to rights and respect for migrants' dignity provides a very positive general framework' for immigration policy, adding, 'This is the first time that a public policy has been planned around the orientations of a human rights report.' Such rights-based framing of immigration policy not only markedly differs from that of my Tunisian respondent; it is also surprising given Morocco's political developments over the 2010s, characterized by the monarchy's authoritarian consolidation.

These two anecdotes from my fieldwork illustrate the immigration policy dynamics that have unfolded over the past decade in democratizing Tunisia and autocratizing Morocco. In Tunisia, democratization reshuffled domestic political processes and set an end to the decade-long systematic repression under Ben Ali's one-party regime. However, although Tunisians in 2011 actively claimed 'the right to mobility as a revolutionary right' (Giusa 2018), citizens' increased political freedoms did not spill over into more liberal migration policies. In fact, the restrictive immigration policies inherited from the authoritarian era were largely continued – such as a 2004 law criminalizing irregular migration or informal detention and expulsion practices. Overall, immigration has remained surprisingly un-politicized since 2011, despite the fact that Tunisia has transformed into a destination country that hosts not only the 53,500 immigrants recorded in the 2014 census (INS 2015) and several thousand irregular migrants from across Western and Central Africa, the Middle East and Europe but also a large community of Libyan citizens, which is estimated at around half a million people – or 5 per cent of the Tunisian population.

In contrast to Tunisia, Morocco has experienced much more modest immigration growth over the twenty-first century: census data recorded 86,200 immigrants in 2014, representing only 0.25 per cent of the Moroccan population (HCP 2009, 2015); but also higher estimates of about 250,000 migrants do not substantially change the fact that immigration in Morocco is relatively small scale. Nonetheless, immigration – particularly from 'sub-Saharan Africa'* – has become intensely politicized in Morocco since the mid-2000s. In this context, Moroccan immigration policies have shifted over time: in 2003, a restrictive immigration law was introduced, criminalizing irregular migrants and those supporting them; but one decade later, in September 2013, King Mohammed VI launched a liberal immigration reform that included two regularization campaigns and a series of migrant integration measures (CNDH 2015). These immigration liberalizations were surprising, as they seemed

* In Morocco and Tunisia, migrants coming from Western and Central Africa (and more rarely from Eastern Africa) are generally referred to as 'sub-Saharan' migrants in public, political and also academic discourse. However, this term is fundamentally problematic due to its colonial and racist origins (Gazzotti 2021a; Merolla 2017; Mohamed 2010). In fact, 'sub-Sahara Africa' replaced the expression 'Black Africa' (or Afrique Noire) at the end of colonialism, which was a racist, essentializing construction that served the European colonial project by disconnecting it from North Africa, often referred to as 'European Africa' at the time (Zeleza 2006). Given the term's problematic legacy, I do not use it in my own writing and instead refer to the geographical denomination Western and Central Africa. However, I do keep the term whenever it is part of a quote, an institutional designation or a policy document.

Table 1.1. *Morocco and Tunisia, a puzzling contrast*

	Morocco	**Tunisia**
Immigration policy dynamics	Liberal policy reform	Restrictive policy continuity
Political regime dynamics*	Authoritarian consolidation	Democratic transition

intuitively at odds with the increasingly repressive national political context. Indeed, Moroccan authoritarianism was strengthened over the 2010s as the monarchy's promises for more political freedoms – made to contain dynamics of regional 'revolutionary diffusion' after 2011 (Weyland 2009, 2012) – gradually waned.

The developments sketched in Morocco and Tunisia – where an autocratizing regime enacted a liberal immigration reform, while restrictive policies prevailed throughout a democratic transition (see Table 1.1) – go against baseline expectations that democracy has an inbuilt tendency to liberalize immigration policy and that autocracies tend to curtail human and thus also immigrants' rights. Such expectation that 'the link between migration reform and democratic reform is obvious' (M16-I6) was also common among my respondents: Moroccan respondents explained that 'if there is progress on human rights, there will be progress on migrants' rights, if there is a backlash, this will also impact migrants' (M17-I21). And in Tunisia, respondents highlighted that 'the democratic process will be incomplete' (T17-I22) without reforming the restrictive immigration regime, and that enacting an asylum law would have significant symbolic power, as 'talking about foreigners receiving asylum in Tunisia means that we are committed to democracy' (T17-I9).

Yet observations of policy developments on the ground do not match these baseline expectations on how political regimes shape immigration policy, raising a set of questions: what obstructed immigration policy liberalization in Tunisia after the democratic transition? Why did the Moroccan monarchy enact a liberal reform after a decade of policy restrictiveness? Or, more generally, to what extent do political regimes

* In this book, I use 'democratic transition' as synonym of 'democratization', and 'authoritarian consolidation' as synonym of 'autocratization'. Although democratic transition and authoritarian consolidation are, in fact, two specific processes within the broader phenomena of democratization and autocratization (see Cassani and Tomini 2020; Maerz et al. 2021), using them as synonyms in the context of twenty-first-century Morocco and Tunisia is unproblematic, as there are no other types of democratization or autocratization at play.

shape immigration politics, and what does immigration policymaking reveal about the inner workings of democratic and autocratic systems? As most scholarship on Moroccan and Tunisian immigration policy focuses either on the role of EU migration externalization (Cassarino 2014; Gazzotti 2021a; Roman and Pastore 2018; Wunderlich 2010) or on transnational civil society activism (Alioua 2009; Bartels 2015; Bustos et al. 2011; Üstübici 2018), domestic policy processes and their link to political regime dynamics remain largely unexplored, with some notable exceptions for Morocco (Alioua, Ferrié and Reifeld 2018; Bensaâd 2015; Norman 2016a).

This book zooms into the complex power dynamics on immigration within and among state, societal and international actors to understand how Tunisia's democratization and Morocco's authoritarian consolidation shaped their immigration policies in the twenty-first century. This systematic comparison of immigration policymaking in the context of contrasting regime dynamics hopes to provide critical food for thought for the scholarly debate on the 'regime effect' in immigration politics, which initially emerged in studies on Western liberal democracies and has recently been revived in the context of growing research on migration to the Global South.

The 'Regime Effect' in Immigration Politics

The scholarly discussion on how immigration policymaking – that is, the political processes underpinning decisions of how to govern and regulate the volume and rights of immigrants – is shaped by political regimes has been kick-started in the 1990s. At that time, migration scholars sought to explain why liberal democracies in Europe and North America consistently enacted liberal immigration policies despite popular demands for restriction. Freeman (1995), for instance, argued that immigration policymaking in democracies is dominated by 'client politics' that favour the interests of employers or human rights advocates who benefit from immigration. Sassen (1996) and Soysal (1994) pointed at how international human rights regimes and global liberal norms of individual freedom limit liberal democracies in restraining migrant rights. And Joppke (1998) stressed dynamics inside the liberal state that restrain attempts by executive and legislative powers to restrict immigration laws, particularly the role of national courts and judges in enshrining migrants' rights.

These explanations all emphasize the role of liberal democracy in creating internal and external constraints that limit states' possibilities to restrict immigration. Migration scholars have even suggested that

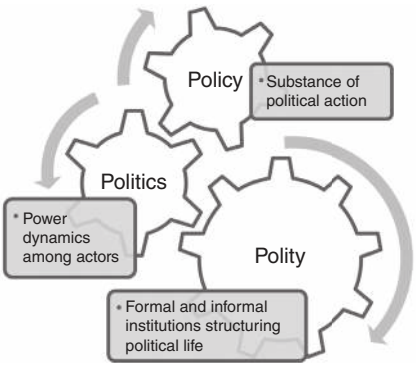

Figure 1.1 Polity, politics, policy.
Inspired by Leca (2012: 61–63)

'accepting unwanted immigration is inherent in the liberalness of liberal states' (Joppke 1998: 292) and that it is the 'features of liberal democracy itself that affect the way such regimes process migration issues' (Freeman 1995: 882). Also political theory work has highlighted how safeguarding foreigners' rights is the ultimate litmus test for liberal democracy (Abizadeh 2008; Carens 2013; Cole 2000, 2012). By assuming such a tight imbrication between polity, politics and policy on immigration (see Figure 1.1) – that is, between the institutions structuring political life, the power dynamics among actors involved in policymaking and the ultimate substance of political action – scholarship has introduced the idea of a 'regime effect'. According to this 'regime effect', liberal democracy gives rise to specific immigration policy processes – involving the role of courts, international norms, societal interest groups or inter-ministerial dynamics – that ultimately produce expansive immigration policy outcomes.

Since the 2000s, critical migration and securitization scholars have cast doubt on such claims of an inherent link between democracy and liberal immigration policy by showcasing how consolidated democracies in Europe and elsewhere have enacted increasingly illiberal, rights-denying policies towards foreigners (Adamson, Triadafilopoulos and Zolberg 2011; Guild, Groenendijk and Carrera 2009; Huysmans 2009; Skleparis 2016). Also political theorists and post-colonial scholars have questioned the fundaments of the 'regime effect' by highlighting that exclusion is inherent to the democratic project (Miller 2016; Song 2019) and that, historically, the consolidation of Western liberal democracy has been built on the oppression of 'underserving' populations – be they colonial subjects, women, Black people or migrants (Bhambra et al.

2020; Dahl 2018; Taylor 1998). While this has challenged the direct link between democracy and liberal approaches towards immigration – that is, between polity and policy – the question of how political regimes shape immigration *politics* remains underexplored and undertheorized, particularly when moving the gaze beyond the liberal state.

In fact, debates on the 'regime effect' in immigration politics have long focused on Western liberal democracies only. This can be partly explained by the political economy of migration research, where most resources are concentrated in Europe and North America. But it also stems from a tendency in scholarly and policy debates to associate the Global North with immigration and liberal-democratic rule, and the Global South with emigration or transit migration and autocratic or illiberal rule. Such binary world (di)visions disregard the fact that 44 per cent of international migrants and 86 per cent of refugees live in countries of the Global South, and that these countries have devised various immigration policies to regulate such flows (UNDESA 2019; UNHCR 2021). Also, while most of the countries classified as autocracies today are situated in the Global South (Marshall and Gurr 2020), systematically associating the Global North with liberal-democratic rule overlooks the fact that many European countries only democratized a few decades ago – such as Greece, Spain or countries in Central and Eastern Europe – and that autocratic tendencies are also gaining ground in the Global North, such as in Poland, Hungary or the United States under the Trump administration (V-Dem 2021).

Despite such limitation, binary (di)visions of the world into Global North/South, destination/origin country and democracy/autocracy have analytical power and structure theorizing of immigration politics. In particular, they have long limited scientific insight into the role of political regimes, as studies that would systematically investigate immigration policymaking beyond Western liberal democracies were largely missing. Fortunately, since the late 2000s, a dynamic research field has emerged that defies the Western- and democracy-centrism of earlier scholarship by putting the Global South centre stage, dissecting inter-actor dynamics and power plays in 'Southern' states and historicizing immigration politics in the broader context of (often post-colonial) state formation (Adamson and Tsourapas 2020; Fiddian-Qasmiyeh 2020; Gazzotti, Mouthaan and Natter 2022; Natter and Thiollet 2022).

This burgeoning scholarship on the Global South has also revived the 'regime effect' debate. On the one hand, scholars have demonstrated how population controls – and thus migration restrictions – are vital to autocratic regime survival: from Brazil to Saudi Arabia and Egypt to Russia, arbitrary emigration and immigration restrictions, large-scale expulsions or extreme curtailments of basic human rights for immigrants

and emigrants have been identified as authoritarian regime survival tools throughout history (Alemán and Woods 2014; Filomeno and Vicino 2020; de Haas and Vezzoli 2011; Natter 2018a; Thiollet 2021; Tsourapas 2018, 2020). On the other hand, quantitative studies have explained migration policy openness or restrictiveness through countries' categorization as either autocratic or democratic (Miller and Peters 2020; Mirilovic 2010; Ruhs 2011; Shin 2017).

While these studies have significantly advanced migration research beyond the liberal state, they have (often implicitly) continued to analytically separate theorizing on the Global South from theorizing on Western liberal democracies (notable exceptions are Abdelaaty 2021; Adamson and Tsourapas 2020; Garcés-Mascareñas 2012; Stel 2021). This has reinforced the initial assumption that immigration policy processes are fundamentally different across the Global South/North and democracy/autocracy divides, requiring different sets of theories to be understood. However, immigration policy processes in autocratic and democratic contexts have not been systematically compared as of yet. By investigating immigration politics in the contrasting cases of Morocco and Tunisia, this book provides fruitful ground to start delineating the boundaries of the 'regime effect' and to explore commonalities in immigration policy processes across political regimes.

A Typology of Immigration Policy Processes

This book seeks to bridge immigration policy scholarship on the Global North and Global South with broader political sociology, comparative politics and international relations research on power, politics and modern statehood to systematically examine how political regimes shape immigration policymaking. The analysis of policy processes in twenty-first-century Morocco and Tunisia shows that while specific aspects of immigration policymaking are heavily influenced by how decision-making is concentrated or dispersed in a particular power system, there are in fact significant similarities in the functioning of immigration politics across political regimes. In particular, while the decision-making leverage of the executive and the weight of domestic political and civil society actors were closely intertwined with political regime dynamics in Morocco and Tunisia, the internal workings of the state apparatus as well as the influence of foreign policy interests or international norms in national policymaking remained largely unaffected by autocratization or democratization trends.

To initiate a more systematic discussion of the 'regime effect', this book advances a three-fold typology of immigration policy processes that

distinguishes between generic, issue-specific and regime-specific processes.[1] This typology is meant to provide analytical building blocks to stimulate future research in view of consolidating and refining immigration policy theory across political regimes.

First, the typology identifies a set of *generic policy processes* that emerge out of the very essence of policymaking in modern states. Although the social sciences have tended to focus on the differences between states regarding their political regimes, institutional capacities or state–society relations, there are some fundamental commonalities in the nature of modern statehood (Tilly 1992). For instance, modern state bureaucracies are organized in strikingly similar ways – structured around ministries with distinct portfolios, separate executive, legislative and judicial institutions (even if only on paper) as well as a bureaucratic apparatus that links central decision-makers to local implementers. Also, despite wide variations in how states work on the ground, territory and population control are always central to national sovereignty, and regimes along the entire democracy–autocracy spectrum have to accommodate various societal, economic and international actors to legitimize their decision-making. Although the sources of legitimacy and means of preserving control vary across countries, 'no political regime or authority wishes to appear illegitimate' (Mazepus et al. 2016: 350). Such fundamental dynamics in the workings of modern states create theoretical ground for expecting more commonalities in policymaking across political regimes than dichotomous theorizations of democratic and autocratic politics would suggest. As I develop in this book, the gap between political discourses, policies on paper and policy implementation or the role of crisis in creating a window of opportunity for change are examples of such generic policy processes that are at play regardless of the political regime in place or the policy area at stake.

Second, the typology identifies *issue-specific policy processes*, which are inherent to the policy area of immigration and therefore at play across political regimes. In fact, these policy dynamics arise because immigration poses fundamental questions to state sovereignty that result in specific interest alignments of actors both within domestic and international policy spheres. By definition, immigration challenges the efforts of nation-states to maintain their sovereignty through control over people, borders and national identity narratives – be they democracies or autocracies. Scholars have therefore suggested that the modern nation-state is, in fact, a 'migration state' (Hollifield 2004), where attempts to control individual mobility through passports, visas and border controls 'contribute to constituting the very "state-ness" of states' (Torpey 1997: 240). Given the centrality of immigration control for

modern statehood, the analysis in this book suggests that state formation trajectories and national identity conceptions structure immigration policymaking in every state, regardless of the political regime in place. Another issue-specific dynamic explored in this book is that immigration policy triggers specific inter-institutional conflicts within state bureaucracies worldwide – for instance, between Ministries of Interior and Foreign Affairs. And, as immigration is an intrinsically transnational issue, policies regulating the entry and stay of foreigners seem to offer unique opportunities for states across the globe to instrumentalize them in diplomatic relations.

Lastly, in contrast to policy processes that are at play across political regimes – either because they are tied to the nature of modern nation-states or because they are intrinsic to immigration as a policy field – the typology identifies *regime-specific policy processes* that are fundamentally shaped by a country's position on the democracy–autocracy spectrum. The empirical analysis of Morocco and Tunisia in this book shows that three aspects of immigration policymaking are particularly sensitive to a 'regime effect': the centrality of the executive, the weight of legal actors and the role of domestic socio-political actors, such as political parties and civil society. In particular, my analysis suggests that although autocratic leaders also have to reconcile diverging interests in their immigration policy decisions, they are less constrained by electoral processes or by courts that are central in democracies or countries with a strong rule of law. This implies that the executive has more leverage to enact rapid and fundamental policy shifts and that, paradoxically, autocracies can more easily enact liberal immigration reforms compared to democracies if it fits their broader economic agenda, foreign policy priorities or nation-building goals.

I call this dynamic in autocracies 'the illiberal paradox'* – as a counterpart to the liberal paradox Hollifield (1992a) introduced to capture the conflicting drivers that democracies are confronted with when developing their immigration policies. Hollifield argued that while the dominant ideology of liberalism pushes liberal states to globalize their labour markets, to enshrine international human rights in national law and thus to liberalize immigration, the political logic of democratic nation-states is

* In this book and earlier publications where I introduce and investigate this hypothesis in depth (Natter 2018a, 2021b), the illiberal paradox refers to immigration policymaking. Tsourapas (2018, 2020) has developed the idea of an illiberal paradox in relation to autocracies' emigration policies, whereby states' political and security imperatives drive them to restrict and surveil emigration, while economic and developmental interests push them to encourage emigration and secure good relations with the diaspora to attract remittances, alleviate unemployment and reduce political discontent through emigration.

dominated by electoral objectives and national identity claims and thus pushes states to restrict immigration (see also Hampshire 2013). In this view, immigration restrictions are attributed to the democratic dynamics of elections, party politics and public opinion – which are less prevalent in autocratic contexts. By introducing the illiberal paradox, I do not want to suggest that autocracies *do* enact more liberal policies than democracies. There are numerous examples where autocracies have drastically restricted immigration and violated immigrants' rights. Instead, I argue based on the Moroccan and Tunisian case studies that autocracies *can* open their immigration regimes more easily than democracies *if* they wish to do so because of their relative freedom from legal constraints and restrictive domestic demands.

Immigration Policy, a Lens into Modern Statehood and its Transformations

My typology of generic, issue-specific and regime-specific immigration policy processes provides a first attempt at systematizing insights on the commonalities and differences in immigration politics across political regimes. What stands out from this exercise is the range of issue-specific processes that showcase the centrality of immigration policy for modern statehood. As Hassenteufel (2008: 13) suggests, 'the state constructs itself through the production of public policies'. This is particularly valid when it comes to immigration. For Abdelmalek Sayad (1999: 6–7), 'immigration – and this is probably why it disturbs – forces us to unveil the state, to unveil the way we conceive of the state and the way it conceives of itself'. To systematically explore the imbrication of political regimes and immigration politics, we therefore need not only to examine how immigration policymaking is influenced by the type of regime that regulates political life in a certain country. We also need to analyse what immigration politics reveals about the functioning of democratic and autocratic structures, and of modern statehood more broadly.

Examining Tunisia, this book demonstrates that the depoliticization of immigration and the restrictive immigration policy continuity after 2011 in fact reflects the imperative of Tunisian political actors to preserve the democratic transition. In the wake of the revolution, immigration was set on the political agenda because large numbers of refugees and migrants arrived from neighbouring Libya and societal actors used their newly gained freedom of expression to voice their demands and concerns. However, the democratization of political processes did ultimately not spill over into more open policies towards foreigners, as security concerns overshadowed efforts by civil society organizations (CSOs) and international organizations (IOs) to initiate liberal immigration