CHAPTER 11

Immigrants and Participation beyond the Nation-State
Opportunity-Capability Rift in EU Immigration Policy Process

Saime Ozcurumez

Introduction

Efforts at Europeanizing immigration policy in the post-Maastricht era were set against a backdrop of transformations in politics and governance in the European Union (EU). Commitments to increasing openness of, and participation in, the supranational policy process aimed to alleviate the democratic deficit in the EU through imagining an “ever closer union.” Accordingly, the tiers of EU policy making proliferated, the channels of participation into the EU policy process multiplied, and the policy actors diversified. As stakeholders, non-EU migrants themselves were the most recent newcomers to the emerging policy scene. In this chapter, I aim to investigate the supranational engagement of Turkish migrant associations in France and Germany in the EU immigration policy process: what explains similarities and differences in terms of forms and levels of participation by migrant associations in different national contexts as they engage in the EU immigration policy process? In addressing this question, I analyze the forms and levels of migrants’ supranational engagement by focusing on the combined impact of macro-level (EU institutional context) and micro-level (nation-state–level actors engaged in supranational collective organization) variables.

I argue that regardless of the newly introduced supranational channels into the EU policy process, the collective organizational experience at the national level locks in a certain path dependency that holds back the new policy actors (migrant groups) from making full use of EU-level opportunities.

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Consequently an incompatibility emerges between the supranational opportunities provided by the EU and the capabilities of national-level stakeholders who intend to use them. Thus there exists a supranational-level opportunity/national-level capability rift in terms of stakeholder participation in the EU policy processes. Underlying this rift are the problems intrinsic to the design of supranational opportunities that impair their potential to cater to national-level clients. At the same time, while national-level capabilities allow actors to operate in the domestic context (albeit with problems), they are not readily transposed so as to permit reaping supranational benefits. This opportunity/capability rift is further widened by the complex nature of national-level institutional arrangements of engagement in different member states, which define the policy arena for the immigrant groups, in turn shaping the parameters of collective supranational mobilization. I continue with a discussion on the openings through the EU institutions into the EU immigration policy process. I discuss how each opening through EU institutions has constrained supranational collective claims making by stakeholders in the immigration policy making. Second, I analyze a set of collective action problems underlying incentive structures, objectives, and characteristics of the issue area. I conclude by reflecting on the implications of stakeholder mobilization beyond the nation-state for the emergence of an EU immigration policy process and whether these transnational efforts challenge the centrality of the nation-state.

**Setting the Scene for Stakeholder Involvement in the EU**

In the aftermath of the Maastricht Treaty, scholars portrayed the EU increasingly as a multilevel governance (MLG) context. Accordingly, the nation-state came to be presented as one among many actors whereby they share power with other groups and are far from monopolizing decision making. From this MLG perspective, the EU constitutes a unique kind of polity whereby nation-states operate within a multiactor and multitier “negotiating system.” Such conceptualization of the EU opens up a line of inquiry emphasizing the role of nonstate actors without overlooking the impact of nation-states on governance in the EU. Moreover, EU governance and policy processes intersect in contributing to a heightened interest in processes of the “Europeanization” of participatory rules, institutions, and practices. In this way, therefore, a new polity engenders a new politics whereby parameters (actors, venues of participation, and channels) are Europeanized. Such processes culminate in transformations in terms of the stage, scope, and actors of governing, which constitute the point of departure for the present inquiry. Thus EU immigration politics and policy are viewed here within the