Immigration presents a fundamental challenge to the nation-state and is a top political priority for governments worldwide. Yet, knowledge on the politics of immigration remains largely limited to liberal states of the Global North. This book systematically compares immigration policymaking in authoritarian Morocco and democratizing Tunisia to theorize the role of political regimes in immigration politics. Drawing on extensive fieldwork and archival research, the study shows that immigration politics – how a state deals with ‘the other’ – offers a privileged lens into the inner workings of political regimes: It demonstrates that in Tunisia, restrictive policy continuity functioned as a safeguard for democratization, while in Morocco, liberal immigration reform was central to the monarchy’s authoritarian consolidation. The study also reveals that most policymaking dynamics around immigration do not depend on the type of political regime in place, but are inherent to the issues raised by immigration or to public policymaking in modern states. Connecting comparative politics, international relations and political sociology scholarship on migration across the Global North and Global South, the book seeks to provide scholars, students and practitioners with food for thought on the fascinating interplay between immigration, political regimes and modern statehood around the world.

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The Politics of Immigration
Beyond Liberal States

Morocco and Tunisia in Comparative Perspective

Katharina Natter
University of Leiden
To the little bird I met in the courtyard of the house where I stayed during my first fieldwork visit in the Oudayas, Rabat, in January 2012.

And to all those little moments that never make it into a book but that are essential to fill life with meaning and joy.
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Acknowledgements

This book is the fruit of an intellectual and personal journey that started over a decade ago, back in 2009. At the time, I was spending one year in Cairo as part of my undergraduate degree at Sciences Po. My conversations with young Egyptians confronted me with my Western worldview and the biases I had so naturally incorporated while growing up and studying in Europe. As a nineteen-year-old, I also for the first time experienced the privileges of my Austrian passport and realized the obstacles to freedom of movement my Egyptian friends were facing. This prompted my initial interest in migration and the politics around it.

Living in France, where immigration from North Africa was constantly debated in politics and in private, I wanted to learn more about the other side of the coin: how immigration was talked about and dealt with on the southern Mediterranean shore. In my master’s thesis, I therefore researched on the domestic politics around immigration in Morocco over the 2000s, which laid the ground for the theoretical questions investigated in this book.

Fast-forward to spring 2015. At that time, my position in the Determinants of International Migration (DEMIG) project of Hein de Haas at the International Migration Institute in Oxford came to an end, and I decided to join him for my PhD in his new project Migration as Development (MADE) at the University of Amsterdam.

The four years I worked on my thesis expanded not only my intellectual but also my life horizons: I tried to settle in Amsterdam and to create a ‘home’ after having moved around for so many years. I immersed myself in social and political life in Rabat and Tunis during intense fieldwork stays. And I was offered the unexpected chance to discover Brazil, a fascinating country that played an important yet intangible role in my family history and now became central to my life. What brought this exciting but also exhausting journey to life were the many wonderful people I met along the way.

First of all, I am deeply grateful to my many respondents in Morocco and Tunisia, particularly those who opened their address and telephone books for me, and without whom this research would not have been possible. You remain anonymous, but I hope you know how grateful
I am. The insights, knowledge and experiences of my respondents build the foundation for this book on political regimes and immigration policymaking in Morocco and Tunisia, through which I hope to contribute to a collective academic effort of rethinking migration politics.

Over the years, I had the chance to pursue this research endeavour as part of a dynamic community of scholars whom I greatly admire. First and foremost, I am indebted to my mentors and PhD supervisors Hein de Haas, Hélène Thiollet and Rainer Bauböck for pushing me to think bold while always seeking depth and precision. This book would also not be the same without the brilliant Natalie Welfens and Lea Müller-Funk, who never ceased to share their wisdom with me and whose friendships I cherish so much. My thinking and research was also shaped and inspired by Feline Freier, Gerasimos Tsourapas, Samuel Schmidt, Luicy Pedroza, Saskia Bonjour, Fiona Adamson, Darshan Vigneswaran, Lorena Gazzotti, Federica Infantino and David Fitzgerald, whom I admire not only for pushing scholarly thinking on migration politics but also for creating a research field that is supportive, collegial and fun.

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Finally, I could not have sustained the energy for this project without my family – Barbara, Ehrenfried, Kornelia and Fernando. Thank you for loving me unconditionally, listening to me, giving me the right advice when I need it and always making me feel at home, be it in Vienna, Amsterdam or Recife.

And Fernando, thank you for making my life lighter when it feels heavy, for leading by example in living a life guided by kindness, respect and curiosity, and most of all for not being afraid to take the risks that spending our lives together entails.
Note on the Text

This book brings together my insights from a decade of research on migration policies and political change in North Africa and beyond. It is based on my PhD thesis, which was written as part of the Migration as Development (MADE) project at the University of Amsterdam and funded by the European Community’s Horizon 2020 Program under ERC Grant Agreement 648496. The book draws on extensive fieldwork I conducted in Morocco and Tunisia during 2011–2012 and 2016–2017, as well as on archival, policy and media analysis up until the end of 2020. French or Arabic quotes from primary or secondary sources have been translated into English by myself. All errors are mine.
Abbreviations

ADRESGUMI: Association for the Development and Sensitization of Guineans in Morocco
ADRA: Adventist Development and Relief Agency
AESAT: Association of African Students and Trainees in Tunisia
AfDB: African Development Bank
AFVIC: Friends and Families of Victims of Clandestine Migration
AI: Amnesty International
ALECMA: Association Light on Irregular Emigration in the Maghreb
AMAPPE: Moroccan Association for the Support and Promotion of Small Enterprises
AMDH: Moroccan Association of Human Rights
AMERM: Moroccan Association for Studies and Research on Migrations
ANAPEC: National Agency for the Promotion of Employment and Competences
ANETI: National Agency for Employment and Independent Work
ASTT: Association of Sub-Saharan Workers in Tunisia
ATFD: Tunisian Association of Democratic Women
ATMF: Association of Maghreb Workers in France
BRA: Bureau of Refugees and Stateless People
CCDH: Consultative Council on Human Rights
CCSM: Collective of Sub-Saharan Communities in Morocco
CEJJ: Centre for Legal and Judicial Studies
CGEM: General Confederation of Enterprises in Morocco
CGTT: General Confederation of Tunisian Workers
CMSM: Council of Sub-Saharan Migrants in Morocco
CNDH: National Council on Human Rights
CSO: Civil Society Organization
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<td>Collective of Migrant Workers in Morocco</td>
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<td>CTR</td>
<td>Tunisian Council for Refugees</td>
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<td>DGCIM</td>
<td>General Directorate for International Co-operation on Migration</td>
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<td>DIDH</td>
<td>Interministerial Delegation for Human Rights</td>
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<td>EU</td>
<td>European Union</td>
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<td>FIDH</td>
<td>International Human Rights Federation</td>
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<td>FOO</td>
<td>Orient-Occident Foundation</td>
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<td>FTDES</td>
<td>Tunisian Forum for Economic and Social Rights</td>
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<tr>
<td>GADEM</td>
<td>Anti-Racist Defense and Support Group of Foreigners and Migrants</td>
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<td>GIZ</td>
<td>German Development Agency</td>
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<td>IADH</td>
<td>Arab Institute for Human Rights</td>
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<td>ICMPD</td>
<td>International Centre for Migration Policy Development</td>
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<td>ILO</td>
<td>International Labour Organization</td>
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<td>IO</td>
<td>International Organization</td>
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<td>IOM</td>
<td>International Organization for Migration</td>
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<tr>
<td>LTDH</td>
<td>Tunisian League for Human Rights</td>
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<tr>
<td>MCMREAM</td>
<td>Ministry for the Moroccan Community Abroad and Migration Affairs</td>
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<tr>
<td>MdM-B</td>
<td>Doctors of the World Belgium</td>
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<tr>
<td>MoE</td>
<td>Ministry of Education</td>
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<td>MoEPF</td>
<td>Ministry of Employment and Professional Training</td>
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<td>MoF</td>
<td>Ministry of Finance</td>
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<td>MoFA</td>
<td>Ministry of Foreign Affairs</td>
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<td>MoH</td>
<td>Ministry of Health</td>
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<td>MoHE</td>
<td>Ministry of Higher Education</td>
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<td>Ministry of Social Affairs</td>
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<td>MP</td>
<td>Member of Parliament</td>
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<td>MRE</td>
<td>Moroccans Residing Abroad</td>
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<td>MSF</td>
<td>Doctors Without Borders</td>
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<td>NCA</td>
<td>National Constituent Assembly</td>
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<tr>
<td>NGO</td>
<td>Non-Governmental Organization</td>
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<tr>
<td>ODT/ODTI</td>
<td>Democratic Organization of (Immigrant) Labour</td>
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<td>OMDH</td>
<td>Moroccan Organization of Human Rights</td>
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<td>ONM</td>
<td>National Migration Observatory</td>
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<td>OTE</td>
<td>Office for Tunisians Abroad</td>
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List of Abbreviations

PJDA Justice and Development Party
RAMED Medical Assistance Regime in Morocco
SDC Swiss Development Cooperation Agency
SEMTE State Secretariat for Migration and Tunisians Abroad
SNIA National Strategy on Immigration and Asylum
SNM National Migration Strategy
TAT Terre d’Asile Tunisie
TRE Tunisians Residing Abroad
UGTT General Union of Tunisian Workers
ULA Union of African Leaders
UNHCR United Nations High Commissariat for Refugees
UTICA Tunisian Union of Industry, Trade and Crafts
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.
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
'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. 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
reform. Moreover, conflicting domestic demands – for and against immigration liberalization – cancelled each other out and compelled policymakers to reactivate a national unity narrative, to put ‘Tunisians first’ and to ignore immigration altogether because of its potential to polarize Tunisian society. In addition, the proliferation of state actors involved on immigration propelled institution-specific interests, such as future political and economic cooperation with Libya, to the foreground. Ultimately, as democratization required political leaders to legitimize policies before an electorate, strategic depoliticization and restrictive policy continuity seemed the safest option for Tunisian political elites.

While the absence of immigration reform in Tunisia provides central insights into the intricate dynamics of democratization, the liberal immigration reform in Morocco is exemplary of the inner workings of the monarchy and ongoing dynamics of authoritarian consolidation. As I show, the top-down politicization of immigration and the liberal immigration reform were, in fact, part and parcel of the monarchy’s strategy to consolidate its power at home and abroad. Diplomatically, immigration was turned into political capital towards both Europe and Africa, principally to advance Morocco’s foreign policy goals to rejoin the African Union, to strengthen its position as regional leader against its historical rival Algeria and to increase its bargaining power towards the European Union (EU). Domestically, the immigration reform bolstered the regime’s legitimacy in front of liberal, progressive parts of Moroccan society who saw migrants’ rights as intrinsic to Morocco’s democratization agenda. The analysis in this book shows how the room for manoeuvre of pro-migrant CSOs was strategically increased and how relations between the monarchical institution and the Moroccan administration were instrumentalized to foster a progressive image of King Mohammed VI. The depth and speed of the liberal reform were thus driven first and foremost by the royal agenda to promote Morocco as a ‘liberal monarchy’ at home and abroad.2

In both Morocco and Tunisia, the analysis of immigration policymaking therefore offers a privileged lens to revisit political regime dynamics from the inside and to examine how trends of autocratization and democratization play out in practice. This showcases how, ultimately, studying immigration policymaking is always a study of the essence and transformation of the modern state.

Researching Immigration Politics in Morocco and Tunisia

The book’s contribution to rethinking immigration politics across political regimes draws on one decade of empirical research on immigration policy, and in particular on the paired comparison of Morocco and
Tunisia. Paired comparisons are widely used in social science for theory-building (Tarrow 2010: 243). Also called ‘controlled case comparison’ (George and Bennett 2005), they have the advantage of providing intimacy and depth of analysis similar to a single-case study, but with more analytical power to identify mechanisms or processes that connect contextual differences to particular outcomes, in my case political regime dynamics to immigration policymaking.

Of course, Morocco and Tunisia are not representative of the variety of political regimes that make up the world. On a spectrum between liberal democracy and closed autocracy, Morocco’s hereditary monarchy and Tunisia’s presidential one-party autocracy have shifted back and forth over time according to levels of repression and political freedoms, with Tunisia experiencing a qualitative jump towards democratization in 2011 (see Figures A.6 to A.8 in Appendix 2). However, Morocco and Tunisia are particularly fruitful cases to explore the role of political regimes in immigration policymaking because each country can be classified as a ‘deviant’ case (George and Bennett 2005; Seawright and Gerring 2008) in light of dominant theoretical expectations: in Morocco, authoritarianism drove immigration policy liberalization; in Tunisia, democratization drove restrictive policy continuity, while common sense and existing theories would have expected the contrary. At the same time, while Morocco and Tunisia differ on the outcome (immigration policy) and one crucial dimension (political regime dynamics), they are similar with regards to other potentially important immigration policy drivers: human and economic development trajectories, colonial histories or the position within regional migration systems (see Appendix 2).*

The resulting most similar systems design (Seawright and Gerring 2008) allows to almost isolate the role of political regime dynamics on immigration policy and to develop hypotheses on the boundaries of the ‘regime effect’ in immigration policy. Needless to say, the paired comparison of Morocco and Tunisia does not in itself offer generalizable conclusions on the role of political regimes in immigration politics. However, the typology of immigration policy processes advanced in this

* It would have been interesting to also include Algeria in this comparison: In Algeria, immigration is subject to negative politicization (compared to depoliticization in Tunisia and positive politicization in Morocco), and political regime dynamics differ from those in Morocco and Tunisia, with a socialist republic in the post-independence decades, a civil war opposing Algerian security services and Islamists in the 1990s, and a military regime since then that has been challenged by the country’s youth in 2019 and 2020. However, fieldwork access to civil servants and civil society representatives is almost impossible in Algeria’s closed political context. To guarantee the quality and comparability of insights across the in-depth case studies, I decided to focus on Morocco and Tunisia.
book hopes to serve as an intermediate step in a ‘building-block strategy’ (Becker 1968) that moves from exploratory, hypothesis-generating single-case studies towards more systematic theory-testing in view of generalizability.

To trace immigration policy processes in Morocco and Tunisia, I combine insights from 144 semi-structured interviews and 48 informal conversations conducted in Morocco and Tunisia in 2011–2012 and 2016–2017 with rigorous policy, legal and media analysis covering the period until the end of 2020. I interviewed three categories of actors involved in immigration policymaking: first, high-level civil servants within Morocco’s and Tunisia’s Ministries of Interior, Foreign Affairs, Migration, Labour, Higher Education and Health, and within local administrations in Rabat and Tunis, as well as representatives of political parties and Morocco’s National Council on Human Rights (CNDH). Second, civil society actors, such as representatives of migrant-led collectives, local migrant and human rights associations, labour and employer unions, as well as non-governmental organizations (NGOs) operating in Morocco and Tunisia. And third, international and diplomatic actors, such as representatives of the International Organization for Migration (IOM), the International Labour Organization (ILO), the United Nations High Commissariat for Refugees (UNHCR), local EU delegations and European embassies, as well as development aid organizations. Moreover, I attended workshops, seminars and roundtables on immigration policy in Rabat and Tunis, allowing me to observe interactor dynamics and conduct forty-eight additional informal conversations with a diverse range of respondents.

Access to most interviewees – especially at a high level – was surprisingly easy in Morocco and Tunisia. The main difficulty was to identify the right interlocutors in the first place and to get their contact details – at best a mobile phone number or private email address. But once contacted, most people were available for an interview – including the former head of the CNDH in Morocco as well as three former State Secretaries for Migration in Tunisia. Only two institutions proved difficult to access: Tunisia’s Ministry of Interior (MoI) and Morocco’s Ministry of Foreign Affairs (MoFA). In Tunisia, most respondents discouraged me even to try to get in touch with the MoI, as despite the revolution, the autocratic heritage is still palpable, and the MoI is said to ‘function with the same mental configuration as before’ (T17-I1). Although I did secure the contact of a key person in the MoI, I did not ultimately succeed in

* For a comprehensive list of interviewed actors, see Appendix 1.
arranging an interview. I experienced similarly closed doors at the Moroccan MoFA during my 2016/2017 fieldwork. While access had been relatively easy back in 2011/2012, respondents emphasized a change in the overall political climate, making access to the MoFA almost impossible for researchers at the time of my later fieldwork.

To complement my rich interview material, I also conducted systematic documentary research. Although this book is not historical per se, it integrates, whenever possible, the historical depth, roots and origins of contemporary developments (Bayart1996; Migdal and Schlichte2005). Indeed, understanding continuities has been as important to me as understanding change in immigration policy, and so it was crucial to gather archival data. I collected primary sources such as immigration laws, minutes of parliamentary discussions, action plans and reports of state institutions in Morocco’s parliamentary archives and national library, as well as in Tunisia’s national archives. I also analysed Morocco’s and Tunisia’s online databases of laws and decrees to search for changes in immigration policy since 1956.3 On this basis, I built a comprehensive immigration policy chronology for Morocco and Tunisia spanning more than a century – from the early 1900s until the end of 2020 (see Appendices 3 and 4).

Moreover, I systematically screened six national and two regional news outlets for articles on immigration.* The analysis covers the entire period of these outlets’ online archives, generally starting between 2005 and 2008, and going on until the end of 2020. Media analysis provided insights into the level of politicization of immigration in the public sphere and the core themes of interest. Finally, I collected secondary and grey literature, such as books and doctoral theses from Moroccan and Tunisian scholars, reports from associations and local institutions, as well as scholarly work on state formation, national identity and migration in Morocco and Tunisia. These sources’ historical and descriptive depth allowed me to better evaluate actor motives and to contextualize the information gathered through interviews and primary documents.

Yet, doing fieldwork and tracing policymaking in (semi-)autocratic settings brings its own challenges (Art2016; Glasius et al.2018; Koch2013; Shih2015), as documents are not always openly accessible, the media biased, and people do not dare to speak up. Although Morocco’s political context is more authoritarian than Tunisia’s nowadays, Ben

* In Morocco, Le Matin functions as the mouthpiece of the state, TelQuel is more independent and critical, and Yabiladi more neutral in its reporting. In Tunisia, BusinessNews keeps to neutral and factual reporting; Nawaat and Inkifaya are investigative, online journalism platforms that have emerged after 2011. I also systematically screened HuffPost Maghreb and Jeune Afrique for regional coverage.
Ali’s security state has left its marks, and so guaranteeing respondents’ anonymity was crucial in both countries. Particularly on immigration, a topic closely linked to territorial integrity and national identity, the risk of crossing ‘red lines’ was high. While respondents were willing to talk to me, half of them did not want to be recorded. Also, because my respondents – activists, journalists, politicians and bureaucrats – represented antagonistic interests on immigration, I was alert in navigating ‘reverse interviews’ (Glasius et al. 2018: 61), whereby respondents would turn the interview situation around and question me about the people I talked to.

To not compromise my respondents’ security, I therefore generally refrain from revealing their identity (names, job descriptions) throughout the book. Instead, I identify respondents through a code – the code M16-I1, for example, refers to Interview 1 in my 2016 Morocco fieldwork. I only reveal respondents’ position within the cartography of actors when statements were made during public events or when it is imperative to contextualize the quote and does not in any way compromise the respondent’s security. In these cases, I retract the number code to avoid cross-referencing.

Apart from the broader political context, the political salience (or non-salience) of immigration also shaped my fieldwork. In Morocco, many respondents seemed to have a set narrative on the 2013 policy change. The fact that immigration had been turned into a prestige project by the King meant that many respondents, especially within the state but also within civil society, took up the official policy framing. In contrast, in Tunisia I was in fact researching a ‘no policy’ (Rosenblum 2004b). I was often confronted with empty faces once interviewees realized I wanted to talk about Tunisia’s approach towards immigrants, not about Tunisia’s emigration and diaspora politics. Almost always, Tunisian respondents understood the word ‘immigrant’ as referring to Tunisians abroad, not to foreigners in Tunisia. While this non-politicization of immigration was at times challenging, as people felt they had nothing to say, it also provided an opportunity, as respondents were taken by surprise and did not have ready-made opinions or scripted responses.

Finally, my positionality inevitably shaped my fieldwork. Being a young woman, for instance, very likely played out to my advantage, facilitating my access to respondents given the (unfortunate) gendered assumptions that I would not be too inquisitive, too threatening or too politicized in my work. As Glasius et al. (2018: 64–66) write, ‘Naivety is a commonly used interview strategy …, typically more available to young women and foreigners. … Women are considered less threatening, and may sometimes have greater access to officials precisely in authoritarian circumstances’.