



Diffusion of European norms up to the local level

Irregular migrants' access to housing in relation to the Facilitators Package

Anja Van den Durpel

Diffusion of European norms up to the local level: Irregular migrants' access to housing in relation to the Facilitators Package

Anja Van den Durpel

Dissertation to obtain the degree of doctor in Political Sciences

Supervisor: Prof. Dr. Herwig Reynaert
Co-supervisor: Prof. Dr. Ilse Derluyn

Examination Board:
Prof. Dr. Ronan Van Rossem (chair)
Dr. Hanne Beirens (Migration Policy Institute Europe)
Prof. Dr. Em. Rik Coolsaet
Dr. Sarah Spencer (Oxford University)
Prof. Dr. Tom Verhelst
Prof. Dr. Hendrik Vos

UNIVERSITEIT GENT

FACULTEIT POLITIEKE EN SOCIALE WETENSCHAPPEN

University of Ghent, 2022

Book cover: Ivone

“En ik hef het glas op jouw gezondheid” (Iedereen is van de wereld, The Scene)
(And I raise a glass to your health (Everyone’s from the world, The Scene))

A big thank you to everyone who contributed to this study, not least all ‘my’ interviewees, Prof. Dr. Herwig Reynaert and Prof. Dr. Ilse Derluyn, the ones who literally and/or figuratively pointed me in the right direction, and to all those to whom I paid too little attention during the past five years to conduct this study.

Samenvatting

De Europese Unie (EU) neemt regelmatig beslissingen die invloed hebben op ons dagdagelijkse leven. Echter, welke factoren bepalen of en hoe dergelijke normen zich verspreiden tot op het stedelijk overheidsniveau en in de dagelijkse praktijk is nauwelijks onderzocht (Barrett, 2004; Scholten, 2016). Om aan deze tekortkoming tegemoet te komen en inzicht te krijgen in de werkelijke betekenis en waarde van Europese normen, richt deze studie zich niet alleen op "de wetten in de boeken" en "het beleid op papier" ("the laws in the books" en "the policies on paper") (Hertogh, 2009:205), maar vooral op de specifieke implementatie en daadwerkelijke uitwerking van normen in de praktijk. Deze studie situeert zich dus binnen het top-down Europeaniseringsonderzoek, maar voegt er expliciet -de vaak ontbrekende- bottom-up dimensie aan toe door in te zoomen op de normen in steden (Guderjan, 2015; Penninx & Garcés-Mascareñas, 2016; Thomann & Sager, 2017; Versluis 2007).

Deze studie combineert wetenschappelijke inzichten uit zowel onderzoek naar naleving van wetten als uit de omvangrijke implementatie literatuur, de twee onderzoekslijnen die vaak worden gebruikt om Europeanisering te bestuderen (Mastenbroek, 2005; Treib, 2014; Versluis, 2007). Ook de vier perspectieven van waaruit Europeanisering wordt bekeken -rationele keuze perspectief, multi-level governance, historisch en sociologisch institutionalisme- worden benut, vanuit de veronderstelling dat zowel rationele als sociaal geconstrueerde logica's normverspreiding kunnen bepalen (Hammar et al., 1997; Guiraudon & Lahav, 2007; Marshall, 2005; Pollack, 2005). Drie andere belangrijke uitgangspunten van deze studie zijn: de waarheid is geconstrueerd (d.w.z. intersubjectief) (Börzel & Risse, 2000; Checkel, 1998) en is bijgevolg niet objectief meetbaar (Andrews, 2012; Kuzmanić, 2009); Elke actor beschikt zowel over agency (d.w.z. persoonlijke normen) als over structuur (d.w.z. organisatorische normen) en beide kunnen normverspreiding bepalen omdat ze wederzijds constitutief zijn (Archer, 1982; Cajera, 2019; Risse, 2009; Schweitzer, 2017); Zowel multi-level governance (d.w.z. de interactie tussen de verschillende overheidslagen) als 'multi-level government' (d.w.z. verdeling van bevoegdheden over verschillende overheidslagen) kunnen normverspreiding bepalen (Scholten & Penninx, 2016).

Concreet is het Pakket maatregelen inzake hulpverlening aan mensen zonder wettig verblijf, dat bestaat uit Richtlijn 2002/90/EG en Kaderbesluit 2002/946/JBZ, onder de loep genomen. Ook naar migranten zonder verblijfsrecht, in het bijzonder hun toegang tot wonen, is tot op heden heel weinig onderzoek verricht (Garcés-Mascareñas 2014; Geddie et al., 2014; Hutton et al., 2019).

Europese richtlijnen en kaderbesluiten leggen enkel de beoogde resultaten op, in dit geval: het hebben van effectieve, evenredige en afschrikkende sancties (Artikel 3 Richtlijn 2002/90/EG en Artikelen 1 en 3 Kaderbesluit 2002/946/JBZ) en het hebben van rechtshandhavingsprocedures met betrekking tot het faciliteren van onwettige migratie (Overweging 3 Richtlijn 2002/90/EG en Kaderbesluit Besluit 2002/946/JBZ). Ze moeten door elke Lidstaat worden omgezet in de eigen nationale wetgeving, wat resulteert in sancties voor het helpen van mensen zonder wettig verblijf die aanzienlijk verschillen van Lidstaat tot Lidstaat (Aranzadi, 2013; Carrera et al., 2018; EC, 6/12/2006; FRA, 2014; Guild, 2010).

Binnen de scope van deze doctoraatsstudie is het onmogelijk om de omzetting van het Pakket in alle EU-landen én de implementatie ervan in alle EU-steden én de operatie ervan in de dagelijkse praktijk van alle steden binnen de EU te bestuderen. Daarom zijn landen geselecteerd met een gelijkaardige immigratiegeschiedenis, die symmetrisch zijn, waarvan de onderzoeker over de nodige talenkennis beschikt om de wetten en beleidsdocumenten te kunnen doorgronden, en waarvan de interne

bevoegdheidsverdeling verschillend is. Respectievelijk een gedecentraliseerde, een eerder unitaire en een unitaire Lidstaat (Lijphart, 2012) werd weerhouden, met name: Duitsland, Nederland en Engeland. Om het vergelijken van verschillende contexten, het opsporen van verschillen en overeenkomsten en het komen tot solide onderzoeksresultaten die tot op zekere hoogte overdraagbaar zijn (Baxter & Jack, 2008; Cho & Lee, 2014; Mortelmans, 2013) mogelijk te maken, zijn in elk van deze drie landen twee steden geselecteerd, de hoofdstad en een middelgrote stad, op basis van de criteria: politiek verschillende samenstelling van de lokale overheid in de twee steden, geografische spreiding binnen het land van de twee steden, voldoende diversiteit in de stedelijke bevolking wat betreft nationaliteiten (voorwaarde), aanwezigheid van beleid met betrekking tot migranten (zonder wettig verblijf) hun toegang tot wonen (voorwaarde). Dit resulteerde in het selecteren van Berlijn, Bonn, Amsterdam, Den Haag, Londen en Stoke-on-Trent. Deze studie is bijgevolg een meervoudige case study (Gustafsson, 2017; Mohajan, 2018, Schweitzer, 2019).

Zijn steden louter ontvangers van normen (norm-takers) of (ook) norm-ontwerpers (norm-makers)? Om deze centrale vraag (onderzoeksvraag 5) te beantwoorden, werd vertrekkend vanuit de academische literatuur -in het bijzonder het werk van Checkel (1998), Hix & Noury (2007), Falkner et al. (2007) en Falkner & Treib (2008), Schimmelfennig & Sedelmeier (2004; 2005; 2020)- van vier factoren onderzocht of en in welke mate ze bepalend zijn voor de verspreiding van Europese normen tot op het stedelijke niveau, namelijk: partijpolitieke voorkeuren van de lokale overheid (onderzoeksvraag 1); De lokale formele bevoegdheden (onderzoeksvraag 2); De wijze van bestuur die leidt tot operationalisering (onderzoeksvraag 3), en; De wijze van bestuur die leidt tot implementatie (onderzoeksvraag 4).
Door het ontbreken van een bestaand theoretisch kader omtrent Europese normverspreiding tot op het lokale niveau, is deze studie noodzakelijkerwijs exploratief en beschrijvend (Mortelmans, 2013; Radaelli & Pasquier, 2008; Snower et al., 2017). Bij een kwalitatieve onderzoekbenadering worden de gegevens verzameld via contacten in het dagelijks leven van de betrokken actoren en gaat gegevensverzameling hand-in-hand met de analyse ervan (Mohajan, 2018; ’t Hart et al., 2009). Deze abductieve logica van onderzoek laat toe concepten en theorieën te ontwikkelen (Cho & Lee, 2014; Schwartz-Shea & Yanow, 2012; Verschraegen, 2018). Zowel schriftelijke data (wetenschappelijke publicaties, beleidsdocumenten en -rapporten en wettelijke bronnen) als mondelinge data uit 110 semigestructureerde interviews met geselecteerde politici, ambtenaren (dienstverleners en politie) en middenveldorganisaties (niet-gouvernementele en maatschappelijke organisaties (NGO’s/CSO’s)), werden verzameld opdat data getrianguleerd kon worden om zo geloofwaardige en consistente inzichten te verwerven (Baxter & Jack, 2008; Denzin, 2012; Schwartz-Shea & Yanow, 2012). De inhoud van de juridische, beleidsmatige en andere schriftelijke data werd, per case waarop ze betrekking hebben, als een iteratief proces geanalyseerd om een zo volledig en juridisch correct beeld van de zes lokale contexten te bekomen en om goed voorbereid de mondelinge data te kunnen verzamelen (Denzin, 2012; Schwartz-Shea & Yanow, 2012; Winter, 2014). De semigestructureerde interviews werden in de periode van september 2018 t.e.m. oktober 2019 afgenomen en werden meteen in het Engels getranscribeerd door middel van een de-naturalistische benadering. Op deze data is een kwalitatieve inhoudsanalyse uitgevoerd, omdat deze methode toelaat rekening te houden met de context van de gegevens, conclusies te trekken op basis van de context, de data te reduceren tot die aspecten die relevant zijn voor het beantwoorden van de onderzoeksvragen, een abductieve logica te

gebruiken (Hsieh & Shannon, 2005; Mayring, 2014; Schreier, 2012). De analyse werd uitgevoerd met behulp van Nvivo R1.3 om het aantal handmatige -tijdrovende- codeertaken en kruisen van data te vereenvoudigen en reduceren (Hilal & Alabri, 2013; Mortelmans, 2019). Zowel bij het verzamelen, analyseren als uitschrijven van de data is veel aandacht besteed aan het respecteren van ethische overwegingen en aan het tegemoet komen aan de vijf kwaliteitscriteria met betrekking tot het uitvoeren van kwalitatief onderzoek: transparantie, geloofwaardigheid, overdraagbaarheid, intersubjectiviteit en consistentie (Baxter & Jack, 2008; Mohajan, 2018; Schwartz-Shea & Yanow, 2012; Verschraegen, 2018). Zo zijn rijke en dikke beschrijvingen van contexten en veel geanonimiseerde citaten (die kunnen conflicteren) opgenomen in dit proefschrift ter ondersteuning van de onderzoeksresultaten (Moravcsik, 2014; Schwartz -Shea & Yanow, 2012; Yilmaz, 2013).

Volgend op de situering van deze studie, het onderzoekontwerp en het methodologisch kader zijn in het vierde hoofdstuk van dit proefschrift de implementatie en operationele werking van de wetgeving betreffende het faciliteren van toegang tot wonen voor mensen zonder wettig verblijf in Duitsland, Nederland en Engeland uitvoerig beschreven. Net zoals de omzetting van het Pakket maatregelen inzake hulpverlening aan mensen zonder wettig verblijf leidde tot uiteenlopende wetgeving in Duitsland, Nederland en Engeland, resulteert de implementatie ervan tot verschillende operationele praktijken in Bonn, Berlijn, Den Haag, Amsterdam, Stoke-on-Trent en Londen. In de eerste vier steden valt het lokale beleid binnen de nationale wetgeving ter zake. In Stoke-on-Trent en Londen daarentegen, kleurt het beleid buiten de centrale overheidsreglementering. Bonn ontwikkelde geen eigen beleid omtrent het faciliteren van toegang tot wonen voor mensen zonder wettig verblijf, in tegenstelling tot de andere vijf steden. Terwijl Stoke-on-Trent eigen beleid voert dat meer restrictief is dan opgelegd is door de centrale overheid, implementeren Den Haag en Bonn hun respectievelijke nationale regels minimaal en ontwikkelden Berlijn, Amsterdam en Londen eigen beleid dat meer liberaal is dan hun respectievelijke nationale wetten. In geen van de zes steden gaan ordehandhavers actief op zoek naar inbreuken op het faciliteren van toegang tot wonen voor mensen zonder wettig verblijf. Ze hanteren een “passieve handhavingsstijl” (Versluis, 2003:36), ondanks het feit dat openbare diensten in Stoke-on-Trent proactief mensen zonder wettig verblijf rapporteren aan het Britse ministerie van Binnenlandse Zaken. In alle zes onderzochte steden ondersteunen NGO’s/CSO’s de toegang tot wonen voor mensen zonder wettig verblijf meer uitgebreid dan de lokale overheid, door tijdelijk onderdak en/of woonadvies aan te bieden. Alle initiatieven van de lokale overheid en van NGO’s/CSO’s bij elkaar genomen, hebben mensen zonder wettig verblijf die in de drie hoofdsteden wonen vrij uitgebreide tot uitgebreide (in Amsterdam) toegang tot tijdelijke opvangvoorzieningen, terwijl hun toegang hiertoe beperkt is in Bonn, Den Haag en Stoke-on-Trent. Daarenboven kunnen mensen zonder wettig verblijf in Bonn en Berlijn niet zonder risico om gevat te worden rechtstreeks huren op de private woonmarkt. In beide steden hebben mensen zonder wettig verblijf tevens geen toegang tot sociale huisvesting, in tegenstelling tot in Den Haag, Amsterdam en Londen, waar mensen zonder wettig verblijf gedeeltelijke toegang hebben tot de sociale woningmarkt. Gezien huren op de private woonmarkt in Stoke-on-Trent zowel goedkoop als toegankelijk is voor mensen zonder wettig verblijf, werd toegang tot sociale huisvesting niet vernoemd door de geïnterviewden in deze stad.

Om de onderzoeksvragen te beantwoorden, werden zeven aspecten uit de implementatieliteratuur die de implementatie-output van EU-richtlijnen kunnen verklaren (gevoeligheid van het onderwerp, partijpolitieke voorkeuren, veto-spelers, belangengroepen, publieke opinie, 'goodness of fit', bestuurlijke capaciteiten) onder de loep genomen, samen met de drie belangrijkste analyse-elementen binnen het onderzoek naar naleving van wetten (strategieën om naleving van de wet te bereiken, de mate waarin en de manier(en) waarop een wet wordt gehandhaafd, de mate waarin en de manier(en) waarop de wet wordt nageleefd). Hoofdstuk 5 brengt aan het licht dat partijpolitieke voorkeuren van de lokale overheid een rol spelen bij de totstandkoming van het coalitieakkoord en daarom een factor kunnen zijn van normverspreiding op het lokale niveau. De partijpolitieke voorkeuren van de lokale overheid blijken in de zes onderzochte steden echter geen factor te zijn van normverspreiding op het operationele niveau. Hoofdstuk 6 laat zien dat de formele bevoegdheden van de overheid niet bepalend zijn voor lokale normverspreiding. In plaats daarvan zijn het de waargenomen lokale bevoegdheden die in de zes steden het beleid inzake het faciliteren van toegang tot wonen voor mensen zonder wettig verblijf bepalen. Dat de wijze van besturen die leidt tot operationalisering een bepalende factor is voor normverspreiding op lokaal niveau wordt duidelijk in hoofdstuk 7. Meer specifiek blijken in de zes onderzochte steden drie variabelen lokale normverspreiding te definiëren: 1) De frequentie van de contacten tussen een aanzienlijk groot deel van alle actoren die deel zouden moeten uitmaken van de taak-specifieke lokale bestuursstructuur; 2) De manier waarop alle actoren die betrokken zijn bij de taak-specifieke lokale bestuursstructuur met elkaar interageren en; 3) Het investeren van lokale middelen met betrekking tot het faciliteren van irreguliere migranten (hun toegang tot huisvesting). Tot slot laat hoofdstuk 8 zien dat ook de wijze van besturen die leidt tot implementatie een bepalende factor is voor normverspreiding tot op het lokale niveau. Met name de bereidheid van de nationale overheid om het thema mensen zonder wettig verblijf te bespreken is bepalend. Terwijl de zes onderzochte steden bepalen of ze het al dan niet eens zijn met de nationale normen en hoe ze deze moeten implementeren, beslissen de nationale overheden: 1) Of er een taak-specifieke verticale bestuursstructuur omtrent mensen zonder wettig verblijf is ; 2) Of en in hoeverre er contact is tussen de nationale en lagere overheden over dit onderwerp; 3) Of en in welke mate financiële middelen beschikbaar worden gesteld aan steden om de toegang tot wonen voor mensen zonder wettig verblijf te faciliteren en; 4) Of en welke sturingsinstrumenten worden ingezet om de nationale normen te implementeren.

Door in te zoomen op de frequentie en manier van interageren tussen de verschillende actoren die betrokken zijn bij normverspreiding en op de stedelijke middelen -zoals uiteengezet en bepleit door Barrett (2004)- verschaffen hoofdstukken 7 en 8 ook inzicht in de richting waarin normen zich verspreiden. De wijze van besturen die leidt tot operationalisering heeft duidelijk invloed op de richting waarin normen zich op het lokaal niveau verspreiden. In het algemeen geldt dat hoe frequenter en intensiever de interacties tussen alle relevante lokale actoren zijn en hoe meer lokale middelen worden geïnvesteerd om de toegang tot wonen voor mensen zonder wettig verblijf te faciliteren, hoe meer de operationele praktijk(en) zich van onderuit verspreiden. Omgekeerd, hoe minder frequent en intensief de interacties zijn en hoe minder lokale middelen worden geïnvesteerd, hoe meer de operationele praktijk(en) zich van bovenaf verspreiden. Meer specifiek toont dit onderzoek aan dat: 1) Als er weinig of geen contact is tussen een significant deel van alle actoren die deel zouden moeten uitmaken van de taak-specifieke lokale bestuursstructuur, de normen zich lokaal niet verspreiden (Stoke-on-Trent); 2) Als de manier van interageren tussen alle actoren die betrokken zijn in de taak-specifieke lokale

bestuursstructuur niet consensusgericht is, en/of als de investering van lokale middelen met betrekking tot het faciliteren van mensen zonder wettig verblijf (hun toegang tot wonen) klein is, verspreiden normen zich niet (Bonn, Stoke-on-Trent); 3) Als de manier van interageren tussen alle actoren die betrokken zijn in de taak-specifieke lokale bestuursstructuur consensusgericht is, en/of als de investering van lokale middelen met betrekking tot het faciliteren van mensen zonder wettig verblijf (hun toegang tot wonen) op zijn minst omvangrijk is, verspreiden normen zich van het werkveld naar het lokale overheid (Berlijn, Den Haag, Amsterdam, Londen). Ook de wijze van besturen die tot implementatie leidt, blijkt invloed te hebben op de richting waarin normen zich verspreiden tot op het lokale niveau. Het beïnvloedingspatroon tussen de nationale en sub-nationale overheden verschilt echter significant van dat op lokaal niveau: 1) Als er geen contact is tussen de verschillende overheden betreffende de normen inzake mensen zonder wettig verblijf hun toegang tot wonen (d.w.z. bij afwezigheid van een taak-specifieke verticale bestuursstructuur): 1.1) Downloaden lokale overheden die het eens zijn met de normen deze onvoldoende -met als gevolg dat er hiaten zijn in de implementatie (Bonn, Stoke-on-Trent)- terwijl ; 1.2) Lokale overheden die het niet eens zijn met de normen deze op een eigengereide manier uitvoeren -resulterend in free-riding gedrag tot op het punt dat de stedelijke overheid zich geblokkeerd voelt door de nationale sturingsinstrumenten en/of de financiële transfers (Berlijn, Londen); 2) Als er sprake is van een taak-specifieke verticale bestuursstructuur, beschouwen lokale besturen hun relatie met de nationale overheid als consensusgericht (ongeacht de frequentie van de interacties en hun mening over de beschikbare middelen en sturingsinstrumenten): 2.1) Lokale overheden die akkoord gaan met de normen implementeren deze top-down (Den Haag), terwijl; 2.2) Lokale overheden die het niet eens zijn met de normen treden op als vetospelers die hun lokale normen opladen in overeenstemming met de nationale overheid (Amsterdam).

In antwoord op de centrale onderzoeksvraag “Zijn steden simpelweg enkel ontvangers van normen?” laat het negende en laatste hoofdstuk duidelijk zien dat steden niet louter ontvangers zijn, maar actieve normondernemers die de van bovenaf opgelegde normen (her)interpreteren, (her)kaderen en lokaliseren. Omdat in de onderzochte steden voldaan is aan de vier voorwaarden om een norm-maker te kunnen zijn (namelijk: voldoende ambiguïteit van de normen percipiëren en ervaren over competenties, manoeuvreerruimte en discretie te beschikken m.b.t. de normen), wijken de geïmplementeerde en operationele normen van deze steden af van degene die van bovenaf zijn opgelegd. Het gedrag van de lokale actoren die betrokken zijn in de taak-specifieke lokale bestuursstructuur samen met de vier voorwaarden verklaren de van elkaar verschillende implementatieresultaten in beide onderzochte steden per land.

Summary

The European Union (EU) regularly takes decisions that affect our day-to-day lives. However, which factors determine whether and how such norms diffuse up to the local government level and in daily practice has hardly been studied (Barrett, 2004; Scholten, 2016). To address this shortcoming and to gain insight in the real meaning and value of European norms, this study focuses not only on "the laws in the books" and "the policies on paper" (Hertogh, 2009:205), but especially on the specific implementation and actual operation of norms in urban contexts. This study is thus situated within the top-down Europeanisation research, but explicitly adds -the often missing- bottom-up dimension to it by zooming in on norms in cities (Guderjan, 2015; Penninx & Garcés-Mascareñas, 2016; Thomann & Sager, 2017; Versluis 2007).

This study combines scientific insights from both the compliance research and the extensive implementation literature, the two strand from which Europeanisation is often studied (Mastenbroek, 2005; Treib, 2014; Versluis, 2007). Also the four perspectives from which Europeanisation usually is scrutinised -rational choice, multi-level governance, historical and sociological institutionalism- are used, based on the assumption that both rational and social constructed logics can determine norm diffusion (Hammar et al., 1997; Guiraudon & Lahav, 2007; Marshall, 2005; Pollack, 2005). Three other important assumptions of this study are: The truth is constructed (i.e., intersubjective) (Börzel & Risse, 2000; Checkel, 1998) and is therefore not objectively measurable (Andrews, 2012; Kuzmanić, 2009); Each actor possesses both agency (i.e., personal norms) and structure (i.e., organisational norms) and both can determine norm diffusion as they are mutually constitutive (Archer, 1982; Cajera, 2019; Risse, 2009; Schweitzer, 2017); Both multi-level governance (i.e., the interaction between the different levels of government) and multi-level government (i.e., the distribution of powers across different levels of government) can determine norm diffusion (Scholten & Penninx, 2016).

Specifically, the Facilitators Package on assisting irregular migrants -consisting of Directive 2002/90/EC and Framework Decision 2002/946/JHA- is examined. To date, very little research has been done on irregular migrants, in particular regarding their access to housing (Garcés-Mascareñas 2014; Geddie et al., 2014; Hutton et al., 2019).

European directives and framework decisions only impose the intended results, in this case having effective, proportionate and dissuasive sanctions (Article 3 Directive 2002/90/EC and Articles 1 and 3 Framework Decision 2002/946/JHA) and having law enforcement procedures with regard to facilitating irregular migration (Recital 3 Directive 2002/90/EC and Framework Decision 2002/946/JHA). Each Member State must transpose them into the own national law, resulting in sanctions for assisting irregular migrants that differ significantly from country to country (Aranzadi, 2013; Carrera et al., 2018; EC, 6/12/ 2006; FRA, 2014; Guild, 2010).

Within the scope of this doctoral study it is impossible to scrutinise the transposition of the Facilitators Package in all EU-countries, and its implementation and its operation in the daily practice of all cities within the EU. Therefore, nations have been selected which have a similar immigration history, are symmetrical, have a different internal division of competences, and of which the researcher has the necessary language skills to understand the laws and policy documents. Respectively one decentralised, one rather unitary and one unitary Member State (Lijphart, 2012) was selected, namely: Germany, the Netherlands and England. In order to enable comparison of different contexts, detecting differences and similarities and arriving at solid research results that are to a certain extent

transferable (Baxter & Jack, 2008; Cho & Lee, 2014; Mortelmans, 2013), two cities in each of these three countries were selected, the capital and a medium-sized city, based on the criteria: politically different composition of the local government in the two cities, geographical distribution within the country of the two cities, having sufficient diversity in the urban population concerning nationalities (condition), having policies regarding (irregular) migrants' access to housing (condition). This led to selecting Berlin, Bonn, Amsterdam, The Hague, London and Stoke-on-Trent. This study is thus a multiple case study (Gustafsson, 2017; Mohajan, 2018, Schweitzer, 2019).

Are cities simply just recipients of norms (norm-takers) or (also) designers of norms (norm makers)? To answer this central question (research question 5), it was examined, starting from the academic literature -in particular the work of Checkel (1998), Hix & Noury (2007), Falkner et al. (2007) and Falkner & Treib (2008), Schimmelfennig & Sedelmeier (2004; 2005; 2020)-, whether and to what extent four specific factors determine the diffusion of European norms up to the urban level, namely: Party political preferences of the local government (research question 1); The local formal powers (research question 2); The mode of governance that leads to operationalisation (research question 3), and; The mode of governance that leads to implementation (research question 4).
Due to the lack of an existing theoretical framework on European norm diffusion up to the local level, this study is necessarily explorative and descriptive (Mortelmans, 2013; Radaelli & Pasquier, 2008; Snower et al., 2017). In a qualitative research approach, the data are collected through contacts in the daily lives of the actors involved, and data collection goes hand-in-hand with the analysis of it (Mohajan, 2018; 't Hart et al., 2009). This abductive logic of research allows developing concepts and theories (Cho & Lee, 2014; Schwartz-Shea & Yanow, 2012; Verschraegen, 2018). Written data (scientific publications, policy documents and reports, and legal sources) as well as oral data from 110 semi-structured interviews with selected politicians, city and enforcement staff, and non-governmental and civil society organisations (NGOs/CSOs) were collected so that all data could be triangulated to arrive at credible and consistent insights (Baxter & Jack, 2008; Denzin, 2012; Schwartz-Shea & Yanow, 2012). The content of the legal, policy and other written data were analysed per case to which it relates, as an iterative process, in order to obtain an as complete and legally correct picture of the six local contexts and to be well prepared to collect the oral data (Denzin, 2012; Schwartz-Shea & Yanow, 2012; Winter, 2014). The semi-structured interviews were conducted in the period from September 2018 to October 2019 and were immediately transcribed into English by using a de-naturalistic approach. A qualitative content analysis was performed on these data, because this method allows to: Take into account the context of the data, draw conclusions based on the context, reduce the data to those aspects that are relevant for answering the research questions, use an abductive logic (Hsieh & Shannon, 2005; Mayring, 2014; Schreier, 2012). The analysis was performed by using Nvivo R1.3 to simplify and reduce the number of manual and time-consuming coding tasks and data crossings (Hilal & Alabri, 2013; Mortelmans, 2019). During the collection, analysis and writing of the data, much attention was paid to respecting ethical considerations and meeting the five quality criteria with regard to conducting qualitative research: Transparency, credibility, transferability, intersubjectivity and consistency (Baxter & Jack, 2008; Mohajan, 2018; Schwartz-Shea & Yanow, 2012; Verschraegen, 2018). For example, rich and thick descriptions of contexts and many anonymised citations (which may conflict) are included in this doctoral thesis to support the research results (Moravcsik, 2014; Schwartz -Shea & Yanow, 2012; Yilmaz, 2013).

After situating this study, elaborating the research design and methodological framework, the fourth chapter of this thesis describes in detail the implementation and operation of the legislation on facilitating irregular migrants' access to housing in Germany, the Netherlands and England. Just like the transposition of the Facilitators Package led to divergent legislation in Germany, the Netherlands and England, its implementation results in different operational practices in Bonn, Berlin, The Hague, Amsterdam, Stoke-on-Trent and London. In the first four cities, the local policy falls within the relevant national legislation. In Stoke-on-Trent and London, on the other hand, the policy colours outside the central government's regulations. Bonn did not develop own policy on facilitating irregular migrants' access to housing, unlike the other five cities. While Stoke-on-Trent has own policies that are more restrictive than those imposed by the central government, The Hague and Bonn minimally implement their respective national rules and Berlin, Amsterdam and London developed own policies that are more liberal than their respective national laws. In none of the six cities, enforcement staff are actively searching for violations against facilitating irregular migrants' access to housing. They all use a "passive enforcement style" (Versluis, 2003:36), despite the fact that public services in Stoke-on-Trent proactively report undocumented migrants to the UK Home Office. In the six cities studied, NGOs/CSOs support irregular migrants' access to housing more extensively than the local government, by offering temporary shelter and/or housing advice. Taken all initiatives of the local government and of NGOs/CSOs together, irregular migrants living in the three capitals have fairly extensive to extensive (in Amsterdam) access to temporary shelters, while their access to it is limited in Bonn, The Hague and Stoke on Trent. Furthermore, irregular migrants in Bonn and Berlin cannot rent directly on the private housing market without risking to being caught. In both cities, irregular migrants have also no access to social housing, unlike in The Hague, Amsterdam and London, where they have partial access to it. Given that renting in the private housing market in Stoke-on-Trent is both cheap and accessible to irregular migrants, access to social housing was not mentioned by those interviewed in this city.

To answer the research questions, seven prevailing aspects from the implementation literature that may explain the implementation outputs of EU directives (issue saliency, party political preferences, veto-players, interest groups, public opinion, goodness of fit, administrative capabilities) were scrutinised alongside the three main elements of analysis within legal compliance research (strategies used to achieve compliance, the extent to and manner(s) in which the legal norm is enforced, the extent to and manner(s) in which addressees comply with the legal norm). Chapter 5 uncovers that party political preferences of the city council play a role in the creation of the coalition agreement and therefore can be a factor of norm diffusion at the local level. Nevertheless, party political preferences of the local government do not appear to be a factor of norm diffusion at the operational level in the six cities studied. Chapter 6 reveals that the formal competences of the government are not a determining factor of norm diffusion at the local level. Instead, it are the perceived local competences that set the local policies on irregular migrants' access to housing in the six cases. That the mode of governance that leads to operationalisation is a determining factor of norm diffusion at the local level becomes clear in chapter 7. More specifically, in the six cities studied three variables appear to define norm diffusion at the local level: 1) The frequency of contacts between a significantly large proportion of all actors that should be part of the task-specific local governance structure; 2) The way of interacting between all actors involved in the task-specific local governance structure, and; 3) The investment of local resources regarding facilitating irregular migrants (their access to housing). Finally,

chapter 8 shows that also the mode of governance that leads to implementation is a determining factor of norm diffusion at the local level. In particular, it is the national government's willingness to discuss the topic irregular migrants that is decisive. While the six cities set whether or not they agree with the national norms and how to implement them, the national governments turns out to decide: 1) Whether there is a task-specific vertical governance structure on irregular migrants; 2) Whether and to what extent there is contact between the national and subnational tiers of government on this topic; 3) Whether and to what extent financial resources are made available to local governments to facilitate irregular migrants' access to housing, and; 4) Whether and which steering tools are used to implement the national norms.

As set forth and advocated by Barrett (2004), by zooming in on the frequency and way of interacting between the different actors involved in norm diffusion, and on the city resources invested, chapters 7 and 8 provide insight into the direction in which norms diffuse. The mode of governance that leads to operationalisation clearly affects the direction in which norms diffuse at the local level. In general, the more frequent and intensive the interactions between all relevant local actors, and the more city resources are invested in facilitating irregular migrants' access to housing, the more the operational practice(s) diffuse bottom-up. Conversely, the less frequent and intensive the interactions, and the less city resources are invested, the more the operational practice(s) diffuse top-down. More specifically, this study demonstrates that: 1) If there is little or no contact between a significant proportion of all actors that should be part of the task-specific local governance structure, norms do not diffuse at the local level (Stoke-on-Trent); 2) If the way of interacting between all actors involved in the task-specific local governance structure is not consensus-oriented, and/or if the investment of local resources regarding facilitating irregular migrants (their access to housing) is small, norms do not diffuse (Bonn, Stoke-on-Trent); 3) If the way of interacting between all actors involved in the task-specific local governance structure is consensus-oriented, and/or if the investment of local resources regarding facilitating irregular migrants (their access to housing) is at least sizable, norms diffuse from the field to the local government level (Berlin, The Hague, Amsterdam, London). Also the mode of governance that leads to implementation affects the direction in which norms diffuse up to the local level. However, the pattern of influence between the national and subnational tiers of government differs significantly from the one at the local level: 1) If there is no contact between the different governments concerning the norms on irregular migrants' access to housing (i.e., in the absence of a task-specific vertical governance structure): 1.1) Local governments that agree with the norms download them inadequately -resulting in implementation gaps (Bonn, Stoke-on-Trent)- while; 1.2) Local governments that disagree with the norms implement them in a headstrong way -resulting in free-riding behaviour to the point that they feel blocked by national steering instruments and/or financial transfers (Berlin, London); 2) If there is a task-specific vertical governance structure, local governments consider their relation with the national government as consensus-oriented (regardless of the frequency of interacting and independent of their opinion on the available resources and steering instruments): 2.1) Local governments that agree with the norms implement them top-down (The Hague), while; 2.2) Local governments that disagree with the norms act as veto-players uploading their local norms in agreement with the national government (Amsterdam).

In response to the central research question “Are cities simply just norm-takers?” the ninth and final chapter clearly shows that cities are not mere norm-takers, but active norm entrepreneurs that (re)interpret, (re)frame and localise the norms that are imposed on them by above local authorities. Since the four ascertained conditions for being a norm-maker (namely: perceiving sufficient ambiguity of the norms, and experiencing to have competences, room to manoeuvre and discretion with regard to the norms) are met in the six cities studied, the implemented and operating norms in these six cities deviate from the norms imposed on them by the supralocal tiers of government. Together with the in the task-specific local governance structure involved local actors’ behaviour (i.e., their opinions and actions), these four conditions also explain the different implementation outputs in both cities per country.

Table of contents

Samenvatting vi

Summary xi

Table of contents xvi

List of Tables xxviii

List of Figures xxxii

List of abbreviations xxxiv

CHAPTER 1: SITUATING THIS STUDY

1.1 Defining the key concepts 2

1.1.1 Irregular migrants in Europe 2

The concept irregular migrants 2

The concept irregular migrants throughout time 3

Fluidity of the concept irregular migrants 4

Irregular migrants in numbers 5

1.1.2 Diffusion of European norms 5

The concepts European norms and diffusion 5

Multidimensionality of the concept diffusion of European norms 6

1.1.3 The Facilitation Package 7

Concepts within the EU Facilitators Package 7

Creation and evaluations of the Facilitators Package 9

Expansiveness of the Facilitators Package 11

The Facilitators Package in numbers 12

1.1.4 Access to housing 12

The concept access to housing 12

Entanglement of the concept access to housing 13

1.1.5 Local level 16

The concept local level 16

The versatility of the concept local level 16

1.2 The Europeanisation literature in a nutshell 18

1.2.1 Aims and scope of the scholarly work on Europeanisation 18

1.2.2 Dimensions on which Europeanisation is studied 19

The vertical dimension.....21
The horizontal dimension.....21
1.2.3 Research strands from which diffusion of European norms is studied.....22
Implementation research.....22
Legal compliance research.....27
1.2.4 Perspectives from which Europeanisation is studied.....29
Rational choice institutionalism.....29
Sociological institutionalism (social constructivism).....30
Historic institutionalism.....31
Multi-level governance (MLG).....32

CHAPTER 2: RESEARCH DESIGN

2.1 Topic and relevance of this study.....34
2.1.1 Studying diffusion of European norms.....34
Europeanisation up to the local level.....34
Europeanisation of policy, politics and the actors involved.....35
Europeanisation through factors that determine norm diffusion.....35
2.1.2 Studying irregular migrants' access to housing.....36
2.1.3 Studying the Facilitators Package.....37
2.2 Research questions.....38
2.2.1 Research question 1: Are party political preferences of the government a determining factor of norm diffusion at the local level?.....38
2.2.2 Research question 2: Are the 'formal competences' of the government a determining factor of norm diffusion at the local level?.....38
2.2.3 Research question 3: Is the 'mode of governance that leads to operationalisation' a determining factor of norm diffusion at the local level?.....39
2.2.4 Research question 4: Is the 'mode of governance that leads to implementation' a determining factor of norm diffusion?.....40
2.2.5 Research question 5: Are cities simply just norm-takers?.....40
2.3 Theoretical assumptions.....41
2.3.1 'The truth' is constructed.....41
2.3.2 Both agency and structure can determine the factors of norm diffusion.....42
2.3.3 Both rational and social constructed logics can determine the factors of norm diffusion.....42

2.3.4 Both multi-level governance and 'multi-level government' can determine the factors of norm diffusion....42

2.3 Research concept....43

2.3.1 Checkel's (1998) research on norm diffusion up to the operational level....43

2.3.2 Hix and Noury's (2007) research on norm creation at the European level....44

2.3.3 Falkner et al. 's (2007) and Falkner & Treib's (2008) research on norm diffusion at the level of Member States....45

2.3.4 Schimmelfennig and Sedelmeier's (2004; 2005; 2020) research on norm diffusion to Central and Eastern European (candidate) Member States....47

2.3.5 Operationalisation of this study's research concept....48

CHAPTER 3: METHODOLOGICAL FRAMEWORK

3.1 Ethical considerations with regard to studying irregular migrants' access to housing....52

3.2 General research methodology....54

3.2.1 This study's research approach....54

3.3 Selecting the research cases of this study....55

3.3.1 Selecting countries to be studied....56

3.3.2 Selecting cities to be studied....58

Selecting English cities....60

Selecting German cities....61

Selecting Dutch cities....61

Overview of selected cities to be studied....63

3.3.3 Selecting interviewees to be studied....64

3.4 Methods used for collecting and managing the data....65

3.4.1 Collecting data for this study....65

Collecting written data for this study....65

Collecting oral data for this study....68

3.4.2 Managing the data of this study....71

Ethical considerations with regard to the obtained data....71

Data documentation and sharing....72

Data storage and preservation....73

3.5 Methods used for analysing and evaluating data.....74

3.5.1 Analysing the written data of this study.....74

3.5.2 Analysing the oral data of this study.....75

Transcribing the collected data.....75

Performing qualitative content analysis.....75

3.5.3 Evaluating the data of this study.....79

Transparency of this study's data.....79

Credibility of this study's data.....79

Transferability of this study's data.....81

Intersubjectivity of this study's data.....81

Consistency of this study's data.....81

CHAPTER 4: IMPLEMENTATION AND OPERATION OF LEGISLATION CONCERNING THE FACILITATION OF IRREGULAR MIGRANTS' ACCESS TO HOUSING IN GERMANY, THE NETHERLANDS AND ENGLAND

4.1 Implementation of facilitating irregular migrants' access to housing by the German federal government.....83

4.1.1 German legislation affecting the facilitation of irregular migrants' access to housing prior to the transposition of the Facilitators Package.....83

4.1.2 Germany's transposition of the Facilitators Package.....84

4.1.3 German legislation affecting the facilitation of irregular migrants' access to housing after the transposition of the Facilitators Package.....85

4.1.4 The evolution of the German legislation directly affecting the facilitation of irregular migrants' access to housing.....87

4.2 Implementation of facilitating irregular migrants' access to housing by the Dutch national government.....88

4.2.1 Dutch legislation affecting the facilitation of irregular migrants' access to housing prior to the transposition of the Facilitators Package.....88

4.2.2 The Netherlands' transposition of the Facilitators Package.....88

4.2.3 Dutch legislation affecting the facilitation of irregular migrants' access to housing after the transposition of the Facilitators Package.....89

4.2.4 The evolution of the Dutch legislation directly affecting the facilitation of irregular migrants' access to housing.....92

4.3 Implementation of facilitating irregular migrants' access to housing by the English central government……93

4.3.1 English legislation affecting the facilitation of irregular migrants' access to housing prior to the transposition of the Facilitators Package……93

4.3.2 England's transposition of the Facilitators Package……93

4.3.3 English legislation affecting the facilitation of irregular migrants' access to housing after the transposition of the Facilitators Package……94

4.3.4 The evolution of the English legislation directly affecting the facilitation of irregular migrants' access to housing……96

4.4 Compliance with the Facilitators Package by Germany, the Netherlands and England regarding facilitating irregular migrants' access to housing……97

4.5 Implementation and operation of legislation regarding facilitating irregular migrants' access to housing in Bonn and Berlin……101

4.5.1 Implementation and operation of legislation regarding facilitating irregular migrants' access to housing in Bonn……101

4.5.2 Implementation and operation of legislation regarding facilitating irregular migrants' access to housing in Berlin……103

4.5.3 Comparison between German legislation regarding facilitating irregular migrants' access to housing and its implementation and operation in Bonn and Berlin……105

4.6 Implementation and operation of legislation regarding facilitating irregular migrants' access to housing in The Hague and Amsterdam……107

4.6.1 Implementation and operation of legislation regarding facilitating irregular migrants' access to housing in The Hague……107

4.6.2 Implementation and operation of legislation regarding facilitating irregular migrants' access to housing in Amsterdam……109

4.6.3 Comparison between Dutch legislation regarding facilitating irregular migrants' access to housing and its implementation and operation in The Hague and Amsterdam……111

4.7 Implementation and operation of legislation regarding facilitating irregular migrants' access to housing in Stoke-on-Trent and London……113

4.7.1 Implementation and operation of legislation regarding facilitating irregular migrants' access to housing in Stoke-on-Trent……113

4.7.2 Implementation and operation of legislation regarding facilitating irregular migrants' access to housing in London……115

4.7.3 Comparison between English legislation regarding facilitating irregular migrants' access to housing and its implementation and operation in Stoke-on-Trent and London……117

4.8 Operation of irregular migrants' access to housing in Bonn and Berlin.....119

4.8.1 Operation of irregular migrants' access to housing in Bonn.....119

4.8.2 Operation of irregular migrants' access to housing in Berlin.....120

4.8.3 Comparison between German legislation regarding irregular migrants' access to housing and its operation in Bonn and Berlin.....121

4.9 Operation of irregular migrants' access to housing in The Hague and Amsterdam.....122

4.9.1 Operation of irregular migrants' access to housing in The Hague.....122

4.9.2 Operation of irregular migrants' access to housing in Amsterdam.....123

4.9.3 Comparison between Dutch legislation regarding irregular migrants' access to housing and its operation in The Hague and Amsterdam.....125

4.10 Operation of irregular migrants' access to housing in Stoke-on-Trent and London.....126

4.10.1 Operation of irregular migrants' access to housing in Stoke-on-Trent.....126

4.10.2 Operation of irregular migrants' access to housing in London.....127

4.10.3 Comparison between English legislation regarding irregular migrants' access to housing and its operation in Stoke-on-Trent and London.....129

CHAPTER 5:ARE PARTY POLITICAL PREFERENCES A DETERMINING FACTOR OF NORM DIFFUSION AT THE LOCAL LEVEL?

5.1 Theoretical framework.....130

5.1.1 Defining party political preferences.....130

5.1.2 Academic insights with regard to party political preferences.....131

5.1.3 Measuring party political preferences.....132

5.2 Party political preferences of the relevant governments in the countries and cities studied.....136

5.2.1 Party political preferences of the German governments.....136

Party political preferences of the German federal governments.....136

Party political preferences of the North-Rhine Westphalia and Bonn governments since 2000...139

Party political preferences of the Berlin regional and local governments since 2000.....142

5.2.2 Party political preferences of the Dutch governments.....144

Party political preferences of the Dutch national governments.....144

Party political preferences of the local government in The Hague since 2000.....148

Party political preferences of the local government in Amsterdam since 2000.....151

5.2.3 Party political preferences of the UK governments.....154

Party political preferences of the UK central governments.....154

Party political preferences of the local government in Stoke-on-Trent since 2000.....158
Party political preferences of the local government in London since 2000.....162

5.3 Are party political preferences a determining factor of norm diffusion at the local level?.....166

5.3.1 Yes, because… 167
Arguments concerning the personal commitment of responsible local politicians.....167
Arguments in which the city's operational practices are compared with other cities.....168
Arguments referring to the local government expenditures to facilitate irregular migrants.....168
Arguments regarding lobbying experiences.....169
Arguments that indicate the importance of a party's government representation at all tiers.....169
Arguments pointing at differently constituted local governments' policy.....170
Arguments related to the creation of the local coalition agreement.....170
5.3.2 No, because… 171
Arguments concerning the personal commitment of responsible local politicians.....172
Arguments based on the local government's response to sudden external shocks.....173
Arguments indicating that relevant decisions are taken by (sub)national government(s).....173
Arguments referring to the importance attached to public opinion.....174
Arguments related to the day-to-day operation over time.....175
Arguments in which the city's operational practices are compared with other cities.....176
Arguments pointing at the need for pragmatism.....176

5.4 Discussion: The importance and role of party political preferences in norm diffusion at the local level.....176

5.4.1 Comparison between the cities' policies and their left-right position on the social-cultural cleavage regarding (facilitating) irregular migrants' access to housing.....176
5.4.2 Review of the interviewees' arguments regarding party political preferences as a determining factor of norm diffusion at the local level.....180
Rational arguments demonstrating on paper the outputs of the implemented local policy.....180
Personal arguments based on experiences.....181
Exemplary arguments supporting the interviewee's conviction.....182
Logical arguments supporting the interviewee's conviction.....182
System approach arguments attributing the outputs of the implemented policy and its operation to various factors that are simultaneously at play.....183
5.4.3 Conclusion.....184

CHAPTER 6:ARE FORMAL COMPETENCES OF THE GOVERNMENT A DETERMINING FACTOR OF NORM DIFFUSION AT THE LOCAL LEVEL?

6.1 Theoretical framework.....187

6.1.1 Defining formal competences of the government.....187

6.1.2 Academic insights with regard to formal competences of the government.....188

6.2 Formal competences of the governments in the countries and cities studied.....191

6.2.1 Formal competences of the German governments.....191

Division of competences with regard to Germany's immigration policies.....191

Division of competences with regard to Germany's housing policies.....192

Division of competences with regard to Germany's policies on social assistance to destitute persons.....192

Division of competences with regard to Germany's police enforcement policies.....193

6.2.2 Formal competences of the Dutch governments.....193

Division of competences with regard to the Netherland's immigration policies.....193

Division of competences with regard to the Netherland's housing policies.....194

Division of competences with regard to the Netherland's policies on social assistance to destitute persons.....194

Division of competences with regard to the Netherland's police enforcement policies.....195

6.2.3 Formal competences of the UK governments.....196

Division of competences with regard to England's immigration policies.....196

Division of competences with regard to England's housing policies.....196

Division of competences with regard to England's policies on social assistance to destitute persons.....197

Division of competences with regard to England's police enforcement policies.....198

6.2.4 Comparison between the formal competences of the six cities studied.....199

6.3 Are formal competences a determining factor of norm diffusion at the local level?.....200

6.3.1 Bonn's competences regarding facilitating irregular migrants' access to housing in practice.....200

6.3.2 Berlin's competences regarding facilitating irregular migrants' access to housing in practice.....202

6.3.3 The Hague's competences regarding facilitating irregular migrants' access to housing in practice.....204

6.3.4 Amsterdam's competences regarding facilitating irregular migrants' access to housing in practice.....206

6.3.5 Stoke-on-Trent's competences regarding facilitating irregular migrants' access to housing in practice.....208

6.3.6 London's competences regarding facilitating irregular migrants' access to housing in practice.....210

6.3.7 Comparison between the competences in daily practice of the six cities studied.....212

6.4 Discussion: The importance and role of formal competences on norm diffusion at the local level.....213

6.4.1 Comparison between cities' formal competences and their competences as perceived in daily practice.....213

6.4.2 Comparison between cities' policies and their competences as perceived in daily practice...215

6.4.3 Conclusion.....221

CHAPTER 7:IS THE MODE OF GOVRENANCE THAT LEADS TO OPERATIONALISATION A DETERMINING FACTOR OF NORM DIFFUSION AT THE LOCAL LEVEL?

7.1 Theoretical framework.....223

7.1.1 Defining the mode of governance that leads to operationalisation.....223

7.1.2 Academic insights with regard to the mode of governance that lead to operationalisation...225

7.1.3 Measuring the mode of governance that leads to operationalisation.....228

7.2 The mode of governance that leads to operationalisation in the six cities studied.....229

7.2.1 The mode of governance that leads to operationalisation in Bonn.....229

7.2.2 The mode of governance that leads to operationalisation in Berlin.....232

7.2.3 The mode of governance that leads to operationalisation in The Hague.....235

7.2.4 The mode of governance that leads to operationalisation in Amsterdam.....238

7.2.5 The mode of governance that leads to operationalisation in Stoke-on-Trent.....241

7.2.6 The mode of governance that leads to operationalisation in London.....245

7.3 Is the mode of governance that leads to operationalisation a determining factor of norm diffusion at the local level?.....250

7.3.1 Is Bonn's mode of governance that leads to operationalisation a determining factor of norm diffusion at the local level?.....250

7.3.2 Is Berlin's mode of governance that leads to operationalisation a determining factor of norm diffusion at the local level?.....251

7.3.3 Is The Hague's mode of governance that leads to operationalisation a determining factor of norm diffusion at the local level?.....253

7.3.4 Is Amsterdam's mode of governance that leads to operationalisation a determining factor of norm diffusion at the local level?.....255

7.3.5 Is Stoke-on-Trent's mode of governance that leads to operationalisation a determining factor of norm diffusion at the local level?.....257

7.3.6 Is London's mode of governance that leads to operationalisation a determining factor of norm diffusion at the local level?.....259

7.4 Discussion: The importance and role of mode of governance that leads to operationalisation on norm diffusion at the local level.....262

7.4.1 Comparison between the mode of governance that leads to operationalisation and norm diffusion at the local level in the six cities studied.....262

7.4.2 Comparison between cities' policies regarding (facilitating) irregular migrants' access to housing and norm diffusion at the local level in the six cities studied.....267

7.4.3 Conclusion.....272

CHAPTER 8:IS THE MODE OF GOVRENANCE THAT LEADS TO IMPLEMENTATION A DETERMINING FACTOR OF NORM DIFFUSION AT THE LOCAL LEVEL?

8.1 Theoretical framework.....273

8.1.1 Defining the mode of governance that leads to implementation.....273

8.1.2 Academic insights with regard to the mode of governance that lead to implementation.....275

8.1.3 Measuring the mode of governance that leads to implementation.....278

8.2 The mode of governance that leads to implementation in the six cities studied.....280

8.2.1 The mode of governance that leads to implementation in Bonn.....280

8.2.2 The mode of governance that leads to implementation in Berlin.....282

8.2.3 The mode of governance that leads to implementation in The Hague.....286

8.2.4 The mode of governance that leads to implementation in Amsterdam.....290

8.2.5 The mode of governance that leads to implementation in Stoke-on-Trent.....294

8.2.6 The mode of governance that leads to implementation in London.....297

8.3 Is the mode of governance that leads to implementation a determining factor of norm diffusion at the local level?.....301

8.3.1 Is the mode of governance that leads to implementation a determining factor of norm diffusion in Bonn?.....301

8.3.2 Is the mode of governance that leads to implementation a determining factor of norm diffusion in Berlin?.....302

8.3.3 Is the mode of governance that leads to implementation a determining factor of norm diffusion in The Hague?.....304

8.3.4 Is the mode of governance that leads to implementation a determining factor of norm diffusion in Amsterdam?.....307

8.3.5 Is the mode of governance that leads to implementation a determining factor of norm diffusion in Stoke-on-Trent?.....309

8.3.6 Is the mode of governance that leads to implementation a determining factor of norm diffusion in London?.....311

8.4 Discussion: The importance and role of mode of governance that leads to implementation on norm diffusion at the local level.....313

8.4.1 Comparison between the mode of governance that leads to implementation and norm diffusion at the local level in the six cities studied.....313

8.4.2 Comparison between cities' policies regarding (facilitating) irregular migrants' access to housing and norm diffusion at the local level in the six cities studied.....318

8.4.3 Conclusion.....321

CHAPTER 9:ARE CITIES SIMPLY JUST NORM-TAKERS?

9.1 Theoretical framework.....323

9.1.1 Defining norm-makers and norm-takers.....323

9.1.2 Academic insights with regard to norm-makers and norm-takers.....324

9.1.3 Measuring the extent to which cities are a norm-maker versus norm-taker.....329

9.2 Are the cities studied a norm-maker or norm-taker?.....330

9.2.1 The case of Bonn.....330

9.2.2 The case of Berlin.....334

9.2.3 The case of The Hague.....339

9.2.4 The case of Amsterdam.....343

9.2.5 The case of Stoke-on-Trent.....348

9.2.6 The case of London.....352

9.3 Discussion: The importance and role of being a norm-maker or norm-taker on norm diffusion at the local level.....356

9.3.1 Comparison between the six cities' norm implementation and operation behaviour.....356

9.3.2 Conclusion.....360

9.4 General conclusion.....361

References……366

Primary sources……366

International legal sources……366

EU legal sources……367

German legal sources……368

Dutch legal sources……369

British legal sources……371

Secondary sources……374

Annex 1: Interview guide for politicians in German……415

Annex 2: Interview guide for politicians in Dutch……417

Annex 3: Interview guide for politicians in English……419

Annex 4: Interview guide for city and enforcement staff in German……421

Annex 5: Interview guide for city and enforcement staff in Dutch……423

Annex 6: Interview guide for city and enforcement staff in English……425

Annex 7: Interview guide for NGOs/CSOs in German……427

Annex 8: Interview guide for NGOs/CSOs in Dutch……429

Annex 9: Interview guide for NGOs/CSOs in English……431

Annex 10: Code book interviews……433

Annex 11: Coding of German governments parties' electoral programmes……439

Annex 12: Coding of Dutch governments parties' electoral programmes……444

Annex 13: Coding of British governments parties' electoral programmes……452

List of Tables

Table 1	Transposition of the Facilitators Package in Germany, the Netherlands and UK with regard to irregular residence	p. 8-9
Table 2	Irregular migrants' access to housing in Germany, the Netherlands and England	p. 15-16
Table 3	Main features of the four "worlds of compliance"	p. 28
Table 4	Some important characteristics of rational choice, historical and sociological institutionalism, and Multi-Level Governance	p. 33
Table 5	English non-Labour majority governed cities' size and diversity of the local population	p. 60
Table 6	German non-Left majority governed cities' size and diversity of the local population	p. 61
Table 7	Dutch non-Left majority governed cities' size and diversity of the local population	p. 62
Table 8	Overview selected cities	p. 63
Table 9	Number of potential interview partners contacted per interview group and per city	p. 64
Table 10	Sorts of information, methods used and reasons for collecting these data	p. 65-67
Table 11	Number of interviews per interview group and per city	p. 68
Table 12	Interviewees per age group	p. 69
Table 13	Evolution of the German legislation directly affecting the facilitation of irregular migrants' access to housing	p. 87
Table 14	Evolution of the Dutch legislation directly affecting the facilitation of irregular migrants' access to housing	p. 92
Table 15	Evolution of the English legislation directly affecting the facilitation of irregular migrants' access to housing	p. 96
Table 16	Transposition of the Facilitators Package with regard to facilitating irregular migrants' access to housing in Germany, the Netherlands and England	p. 97-99
Table 17	German legislation regarding facilitating irregular migrants' access to housing compared to its operation in Bonn and Berlin	p. 105-106
Table 18	Dutch legislation regarding facilitating irregular migrants' access to housing compared to its operation in The Hague and Amsterdam	p. 112
Table 19	UK legislation regarding facilitating irregular migrants' access to housing compared to its operation in Stoke-on-Trent and London	p. 117-118

Table 20	Irregular migrants' access to housing in Bonn and Berlin compared to German legislation	p. 121
Table 21	Irregular migrants' access to housing in The Hague and Amsterdam compared to Dutch legislation	p. 125
Table 22	Irregular migrants' access to housing in Stoke-on-Trent and London compared to the English legislation	p. 129
Table 23	Checklist codes regarding statements on irregular migrants in national parties' election programmes	p. 133
Table 24	Government position labels	p. 134
Table 25	Positioning of local governments per city by politicians	p. 135
Table 26	German governments' combined party position regarding irregular migrants	p. 137
Table 27	Composition of Bonn's City Council 25/05/2014–13/9/2020 and NRW regional governments between 2012 and 2022	p. 140
Table 28	Composition of Bonn's local governments between 12/9/1999 and 24/5/2014	p. 141
Table 29	Composition of NRW regional governments between 14/5/2000 and 13/5/2012	p. 141
Table 30	Composition of Berlin's House of Representatives and Senate 19/9/2016–26/9/2021	p. 142
Table 31	Composition of Berlin's House of Representatives between 22/10/1995 and 17/9/2016	p. 143
Table 32	Dutch governments' combined party position regarding irregular migrants	p. 146
Table 33	Composition of The Hague's city council and city board 21/3/2018-16/3/2022	p. 149
Table 34	Composition of The Hague's city council between 4/3/1998 and 20/3/2018	p. 151
Table 35	Composition of Amsterdam's city council and city board 21/3/2018-16/3/2022	p. 152
Table 36	Composition of Amsterdam's city council between 4/3/1998 and 20/3/2018	p. 153
Table 37	UK governments' combined party position regarding irregular migrants	p. 156
Table 38	Composition of Stoke-on-Trent's city council and council cabinet 7/5/2015-2/5/2019	p. 159
Table 39	Composition of Stoke-on-Trent's city council between 3/5/2000 and 6/5/2015	p. 161

Table 40	Composition of London's assembly and mayoral cabinet 5/5/2016-6/5/2021	p. 163
Table 41	Mayor and composition of GLA's assembly between 4/5/2000 and 5/5/2016	p. 165
Table 42	Implementation of the national legislation regarding facilitating irregular migrants' access to housing in the six cities studied	p. 177
Table 43	Operation of the national legislation regarding irregular migrants' access to housing in the six cities studied	p. 178
Table 44	The policies and left-right position regarding irregular migrants' access to housing of Bonn, Berlin, The Hague, Amsterdam, Stoke-on-Trent and London	p. 180
Table 45	Formal competences of the six cities studied with regard to policies on facilitating irregular migrants' access to housing	p. 199
Table 46	Competences in the daily practice of the six cities studied with regard to policies on facilitating irregular migrants' access to housing	p. 212
Table 47	Comparison between cities' formal competences and their competences as experienced in daily practice regarding housing and social assistance to destitute persons	p. 214
Table 48	Comparison between the local policies in Bonn and Berlin and their competences as perceived in daily practice	p. 216-217
Table 49	Comparison between the local policies in The Hague and Amsterdam and their competences as perceived in daily practice	p. 217-218
Table 50	Comparison between the local policies in Stoke-on-Trent and London and their competences as perceived in daily practice	p. 219-220
Table 51	Comparison between cities' frequency and intensity of interacting and the investment of local resources	p. 263-265
Table 52	The direction in which norms diffuse at the local level in the six cities studied	p. 266
Table 53	Comparison between the local policies in Bonn and Berlin and the degree of compliance/ deviation with the German legislation	p. 268
Table 54	Comparison between the local policies in The Hague and Amsterdam and the degree of compliance/ deviation with the Dutch legislation	p. 269-270
Table 55	Comparison between the local policies in Stoke-on-Trent and London and the degree of compliance/ deviation with the English legislation	p. 271
Table 56	Comparison between cities' way of interacting with supralocal government(s) and supralocal steering of norms on irregular migrants	p. 315

Table 57	The mode of governance that leads to implementation with its associated macro-implementation problems	p. 317
Table 58	Cities' compliance and attitudes regarding national norms that affect the facilitation of irregular migrants' access to housing	p. 320
Table 59	Features of the mode of governance that leads to implementation that determine local implementation outputs	p. 322
Table 60	Local cultures of norm compliance	p. 330
Table 61	Local beliefs of the Bonn interviewees on the German transposition and local implementation of the Facilitators Package	p. 331
Table 62	Bonn's implementation and operation of the national norms affecting (the facilitation of) irregular migrants' access to housing	p. 334
Table 63	Local beliefs of the Berlin interviewees on the German transposition and local implementation of the Facilitators Package	p. 335
Table 64	Berlin's implementation and operation of the national norms affecting (the facilitation of) irregular migrants' access to housing	p. 338
Table 65	Local beliefs of The Hague interviewees on the Dutch transposition and local implementation of the Facilitators Package	p. 339
Table 66	The Hague's implementation and operation of the national norms affecting (the facilitation of) irregular migrants' access to housing	p. 343
Table 67	Local beliefs of the Amsterdam interviewees on the Dutch transposition and local implementation of the Facilitators Package	p. 344
Table 68	Amsterdam's implementation and operation of the national norms affecting (the facilitation of) irregular migrants' access to housing	p. 347
Table 69	Local beliefs of Stoke-on-Trent interviewees on the English transposition and local implementation of the Facilitators Package	p. 348
Table70	Stoke-on-Trent's implementation and operation of the national norms affecting (the facilitation of) irregular migrants' access to housing	p. 351
Table 71	Local beliefs of London interviewees on the English transposition and local implementation of the Facilitators Package	p. 352
Table 72	London's implementation and operation of the national norms affecting (the facilitation of) irregular migrants' access to housing	p. 355
Table 73	Comparison between the six cities' norm implementation and operation behaviour	p. 357-358

List of Figures

Figure 1	Dimensions on which Europeanisation is studied	p. 20
Figure 2	Checkel's (1998) research on norm diffusion up to the operational level	p. 44
Figure 3	Hix and Noury's (2007) research on norm creation at the European level	p. 45
Figure 4	Falkner et al. 's (2007) and Falkner & Treib's (2008) research on norm diffusion at the level of Member States	p. 46
Figure 5	Schimmelfennig & Sedelmeier's (2004; 2005; 2020) research on norm diffusion to Central and Eastern European (candidate) Member States	p. 48
Figure 6	Operationalisation of this study's research concept	p. 51
Figure 7	Selecting countries to be studied	p. 58
Figure 8	Actions taken while analysing data to enhance this study's credibility	p. 79
Figure 9	German governments' legislative decisions regarding (facilitating) irregular migrants' access to housing	p. 138
Figure 10	Dutch governments' legislative decisions regarding (facilitating) irregular migrants' access to housing	p. 147
Figure 11	UK governments' legislative decisions regarding (facilitating) irregular migrants' access to housing	p. 157
Figure 12	Continuum of the mode of governance that leads to operationalisation	p. 228
Figure 13	Bonn situated on the continuum of the mode of governance that leads to operationalisation	p. 231
Figure 14	Berlin situated on the continuum of the mode of governance that leads to operationalisation	p. 235
Figure 15	The Hague situated on the continuum of the mode of governance that leads to operationalisation	p. 238
Figure 16	Amsterdam situated on the continuum of the mode of governance that leads to operationalisation	p. 241
Figure 17	Stoke-on-Trent situated on the continuum of the mode of governance that leads to operationalisation	p. 245
Figure 18	London situated on the continuum of the mode of governance that leads to operationalisation	p. 249
Figure 19	Scholten (2013; 2016) and Scholten & Penninx (2016) ideal modes of vertical in-country governance with regard to migrant policies	p. 279
Figure 20	The mode of governance that leads to implementation of policies affecting facilitating irregular migrants in Bonn	p. 282

Figure 21	The mode of governance that leads to implementation of policies affecting facilitating irregular migrants in Berlin	p. 286
Figure 22	The mode of governance that leads to implementation of policies affecting facilitating irregular migrants in The Hague	p. 290
Figure 23	The mode of governance that leads to implementation of policies affecting facilitating irregular migrants in Amsterdam	p. 294
Figure 24	The mode of governance that leads to implementation of policies affecting facilitating irregular migrants in Stoke-on-Trent	p. 297
Figure 25	The mode of governance that leads to implementation of policies affecting facilitating irregular migrants in London	p. 300
Figure 26	Determining factors of norm diffusion at the local level	P. 363
Figure 27	Direction in which norms diffuse up to the local level	p. 364

List of abbreviations

AfB	Allianz für Bonn (Alliance for Bonn)
AfD	Alternative für Deutschland (Alternatives for Germany)
AKIP	Adrian Knapper Independent Party
AVIM	Regional Aliens Police in the Netherlands
BAMF	Bundesamt für Migration und Flüchtlinge (Federal Office for Migration and Refugees)
BBB	Bed-Bad-Brood (Bed-Bath-Bread)
BBB	Bürger Bund Bonn (Citizens' Alliance of Bonn)
BBBB	Bed-Bad-Brood-Begeleiding (Bed-Bath-Bread-Guidance)
BIG	Bündnis für Innovation & Gerechtigkeit (Alliance for Innovation & Justice)
BNP	British National Party
CAB	Citizens Advice Bureau
CCA	Combined City Authority (England)
CDA	Christen-Democratisch Appèl (Christian-Democratic Appeal)
CDU	Christlich Demokratische Union Deutschlands (Christian Democratic Union Germany)
CEC	Commission of the European Communities
CEEC	Central and East European Country
CEU	Council of the European Union
Charter	Charter of Fundamental Rights of the European Union
CJEU	Court of Justice of the European Union
C-MISE	City Initiative on Migrants with Irregular Status in Europe
CoE	Council of Europe
CoR	Committee of the Regions
CSO	Civil Society Organisation
CSU	Christlich-Soziale Union (Christian-Social Union)
CU	ChristenUnie (Christian Union)
DSU	Deutsche Soziale Union (German Social Union)
DT&V	Dienst Terugkeer & Vertrek (Repatriation & Departure Service)
D66	Democraten 66 (Democrats 66)

EC	European Commission
ECHR	European Convention for the Protection of Human Rights and Fundamental Freedom
ECJ	European Court of Justice
ECSR	European Committee of Social Rights
ECtHR	European Court of Human Rights
EESC	European Economic and Social Committee
EP	European Parliament
ESC	European Social Charter
EU	European Union
FDP	Freie Demokratische Partei (Free Democratic Party)
FEAD	Fund for European Aid to the Most Deprived
GLA	Greater London Authority
IND	Immigratie en Naturalisatie Dienst (Immigration and Naturalisation Service)
JHA	Justice and Home Affairs
LPF	Lijst Pim Fortuyn (List Pim Fortuyn)
LSO	Lokaal Samenwerkings-Overleg (Local Cooperation Consultation)
LVV	Landelijke Vreemdelingen Voorziening (National Aliens Facility)
MEP	Member of the European Parliament
MLG	Multi-Level Governance
MP	Members of Parliament
NGO	Non-Governmental Organisation
NPD	Nationaldemokratische Partei Deutschlands (National-democratic party Germany)
NRPF	No Recourse to Public Funds
NRW	North Rhine-Westphalia
PARTEI	Partei für Arbeit, Rechtsstaat, Tierschutz, Elitenförderung und Basisdemokratische Initiative (Party for Labour, Rule of Law, Animal Welfare, Advanced education, and grassroots democratic initiatives)
PDS	Partei des Demokratischen Sozialismus (Party of Democratic Socialism)
Picum	Platform for International Cooperation on Undocumented Migrants
PvdA	Partij van de Arbeid (labour Party)
PvdD	Partij voor de Dieren (Party for the Animals)

PvdE	Partij van de Eenheid (Party of Unity)
PvdO	Partij van de Ouderen (Party of the Elderly)
PVV	Partij voor de Vrijheid (Freedom Party)
SL	Sozial Liberalen (Social Liberals)
SP	Socialistische Partij (Socialist Party)
SPD	Sozialdemokratische Partei Deutschlands (Social-democratic Party Germany)
SWEP	Severe Weather Emergency Protocol
TCN	Third-country national
TEC	Treaty establishing the European Community
TEU	Treaty of the European Union
TFEU	Treaty of the Functioning of the European Union
UK	United Kingdom
UKBA	United Kingdom Borders Agency
UKIP	United Kingdom Independence Party
UWG Bonn	Unabhängige Wähler Gemeinschaft Bonn (Independent voters community Bonn)
VNG	Vereniging Nederlandse Gemeenten (Association of Dutch Municipalities)
VVD	Volkspartij voor Vrijheid en Democratie (People's Party for Freedom and Democracy)

Chapter 1: Situating this study

It must have been in 2012 that the idea for this research came about. At that time, I was the director of the Migrant Integration Service of the City of Ghent for about five years, and twice a year I participated in the meetings of the Eurocities Working Group Migration & Integration. I had been assigned to involve in European networks by the then competent deputy mayor for integration and social inclusion, who considered international exchange very important. He made a great point, indeed migrant integration is not addressed successfully by only focussing on what happens within the city. Migrants are not machines that can be switched on and off in the same way in any factory anywhere in the world. Every migrant, like any human being, has personal experiences, knowledge and feelings which are stored in a personal backpack, and from which individual needs and wishes arise. Depending on the form and content of the backpack and depending on the place where the backpack is (temporarily) put down, integration is filled in differently, both by the particular migrant, members of the host society and by the local policy-makers.

In the Working Group Migration & Integration we, local policy officers, not only exchanged about various local challenges and different local integration policies, we also were informed about the European migration policy by the Eurocities employees. That way, in autumn 2012, it was mentioned that 'Europe' had long ago decided that facilitating irregular migrants is prohibited. First I was startled and I thought I had misunderstood, but the Eurocities employee smiled calmly and advised me to read the European decision, the Facilitators Package. Was I really wrong for five years, because in the city of Ghent we explicitly pursued a policy of administrative simplicity and accessibility of services by not asking for identity or other documents? And was I the only one who did not know about this European decision? Reassurance! Also most of my colleagues had never heard of the Facilitators Package. However, it kept nagging at me. During every coffee break of that two-day meeting I interrogated colleagues about their vision and local approach to irregular migrants.

I returned home with three observations: Irregular migrants were present in each of our cities; For none of our cities, the exclusion of this sub-target group was a priority or a conscious part of the local integration policy, and; Each city had its own -often pragmatic- way of integrating irregular migrants. Back in the office and in the day-to-day practice of migrant integration, I decided that I urgently needed to learn more from and about Europe, because it made no sense to me that Europe takes decisions that interfere with my tasks and responsibilities, without me knowing and being informed about it. Europe -barely half an hour by train from Ghent- was a black box for me, of which I urgently wanted to know the content to allow me performing my job correctly. No sooner said than done, and between 2013-2015 I completed the Master EU studies at Ghent University. Although it was a very interesting and instructive programme, in the end I still had no answers to my question concerning the large implementation gap between 'Brussels' and Ghent. With a little boost from professor emeritus Rik Coolsaet and encouragements from my promoter and co-promoter Herwig Reynaert and Ilse Derluyn I started and persisted to find answers to my question.

I am happy to share these answers with you, the reader of this doctoral dissertation.

In this first chapter, the study is situated. First, the key concepts of the research are briefly described. Successively, the concepts 'irregular migrants', 'diffusion of European norms', the concepts within the Facilitators Package, 'access to housing' and 'local level' are defined. The second part presents in a nutshell the insights and debates within the Europeanisation literature on norm diffusion. In particular, the focus is on the aims and scope of the Europeanisation scholarly work, and on the perspectives, approaches and research strands from which diffusion of European norms is studied.

1.1 Defining the key concepts

1.1.1 Irregular migrants in Europe

The concept irregular migrants

Derrida (2016:67) wonders "what and who an alien is" and concludes that the relation with aliens is settled by rules and legislation, by "le droit à être de la justice" ('right-of-law by justice'). Every state's aliens legislation sets out the conditions and rules that immigrants must meet in order to lawfully enter, travel through and reside in the territory of that particular country (Bloch & Chimienti, 2011; De Genova, 2002; Varsanyi, 2009). In general, the rule is that tourists[1] and (temporarily) immigrants must have a certain status which justifies their entry, transit or stay. This status is completed at national level and is derived from international regulations, such as the Schengen Acquis and Geneva Refugee Convention. Thus, it is through a state's classification power that it is determined what and who constitutes an irregular migrant (Engbersen & Broeders; 2009; Schinkel, 2005).

Irregular migrants, often called undocumented migrants or '*sans-papiers*', have an irregular residence status when they:

1) Entered the territory without permission and valid residence permit;
2) Arrived lawfully or unlawfully, went through a procedure for protection (for example asylum) or family reunification, but did not obtain a residence permit;
3) Entered lawfully, for example with a visa, but no longer meet the conditions of residence;
4) Lost a residence permit, for example a work permit that is withdrawn due to unemployment[2].

The Council of Europe (CoE) defines that "An irregular migrant is someone who entered or is in a country of [European Union] EU without having legal residence documents" (CoE, 2006a: par.8). With Resolution 1509 and Recommendation 1755 they emphasised the importance of word choice and

[1] People who stay in a country of which they have not the nationality for a period of three months (once renewable).

[2] This happens to many EU-citizens: Directive 2004/38/EC about European citizens' rights to move and reside within the EU prescribes that EU citizens can only legally reside longer than three months on the territory of another Member State if they are (family members of) workers, self-employed persons or enrolled students in the host Member State (Article 7(a)(c)); or have sufficient resources not to become a burden on the social assistance system of the host Member State (Article 7(b)). Furthermore they also must have a comprehensive sickness insurance (Article 7(c)).

decided to use the term "irregular migrant" -over illegal or undocumented migrant- because it is not dehumanising and does not contain the stigma "illegal"[3]. Many academics (e.g., Andersson, 2014; Delvino, 2017b; Düvell, 2008a; Düvell, 2011; Oelgemöller, 2017; Palidda, 2011; Parkin, 2013; Vollmer, 2014) join this view and point out the consequences of using stigmatising language on public perception, discourses and policy-making. Moreover, many scholars (e.g., Broeders, 2007; Flynn, 2013; Levoy & Geddie, 2009; Provera, 2015; Sigona & Hughes, 2012; Willen, 2007) demonstrate that irregular migrants are usually criminalised and reduced to victims and/or perpetrators of criminal offenses, while ignoring their agency (Schweitzer, 2017). Following this reasoning the terms '*irregular migrant(s)'* and '*irregular migration'* will be used in throughout this study.

The concept irregular migrants throughout time

As mentioned above, "[l]aw has created irregular migration" (Vollmer, 2014:2). Over the years, legislation at European, national and subnational levels have changed and consequently influenced the concept '*irregular migrants*'. In other words, irregular migrants is a social construction shaped by policy-makers (Baldwin-Edwards, 2008; Düvell, 2008a; Malmberg, 1997; Schrover et at., 2008), influencing irregular migrants' access to housing, as will be demonstrated in this study.

Irregular migration is as old as the concept of borders (for a full overview see Van den Durpel, 2017), but became very visible after the Second World War with the arrival of so-called spontaneous labour migrants (Van Liempt, 2008; Van Meeteren, 2014). However, only from the 1980s onwards, irregular migrants were regarded as a problem (Engbersen & Van der Leun, 2001; Kraler & Rogoz, 2011). Although the Commission of the European Communities proposed already in 1976 –after the first oil crisis- for a council directive to "combat illegal migration and illegal employment" [4] (CEC, 1976:1), the topic was only in 1985 for the first time on the European Community agenda, calling for better immigration control at the external borders.

After the fall of the Berlin Wall and with the start of the Yugoslavian war, throughout the 1990s, national governments developed policies to restrict migrants' access to asylum and residence and to exclude irregular migrants (Cvajner & Sciortino, 2010; CEC, 1992; de Haas et al., 2014), while at the EU-level the Schengen Agreement and Convention, the first Dublin Regulation and the Tampere Programme were introduced[5] to manage immigration into the EU.

The beginning of the 21st century was characterised by the so-called securitisation of Europe (Meng-Hsuan, 2006; Merlino & Parkin, 2011; Waever, 2011) as a consequence of the terrorist attacks in the US on 11 September 2001, Madrid (2004), Paris (2004), Cologne (2004) and London (2005). Soon, an

[3] Moreover, the CoE states (2006a) that talking about "illegal migrants" is incorrect, because not every person without legal residence has breached European or national legislation.

[4] Because competences regarding immigration solely belonged to the Member States, the Community could only Complement and harmonise the countries' policies. Therefore, the aim of this Council Directive was threefold: Preventing and penalising "illegal migration and illegal employment"; Mitigating victimisation of "illegal workers", and; Strengthening the collaboration between Member States (CEC, 1976; CEC, 1978).

[5] Since the Treaty of Amsterdam (agreed in 1997, in force since 1999) the EU has shared competences over foreign and security policy (Dinan, 2004). The Schengen Agreement and Convention (in force since 1995) introduced registration and control tools for Schengen-borders entries; The first Dublin Regulation (in force since 1997) targets the treatment of asylum applications in Europe; The Tampere Programme introduced the elaboration of a common policy regarding immigration and asylum, because the "zero immigration policies" of the past period "increase[d] illegal immigration, smuggling and trafficking" (CEC, 2000:3).

EU-Acquis on irregular migration was developed to "fighting illegal immigration" (CEC, 15/11/2001:3; European Council, 15/12/2001:12; CEC, 2002:4). Amongst others, Carriers Sanctions Directive 2001/51/EG, Framework Decision 2001/220/JHA on victims' rights[6], the Facilitators Package, Return Directive 2008/115/EC and Employers Sanction Directive 2009/52/EC[7] became part of the EU-Acquis on irregular migration, that outgrew the Home Affairs portfolio (Bilgili & Agimi, 2015; Collett, 2015). Developing "common immigration policy" to "prevent irregular migration" was included in Article 79 of the Treaty of the Functioning of the EU (EU, 2012:47) and remains a top priority to this day (Carrera & Merlino, 2009; Cholewinsky, 2005; Jonji´c & Mavrodi, 2012; Leerkes, 2016; Van Meeteren, 2014). Following the significantly increased influx of asylum applicants in 2014, the European Commission (EC) presented in May 2015 the European Agenda on Migration, which strongly emphasised tackling irregular migration, as a solution to the European crisis on refugees (De Bono, 2016; Council of the European Union (CEU), 2017).

Fluidity of the concept irregular migrants

Policies related to (irregular) migrants vary from country to country, which can lead to the same immigrant having a legal residence status in one Member State while s/he is considered an irregular migrant in another EU-nation (Bloch & Chimienti, 2011; Castles, 2006; Hollifield, 2004). However, the concept '*irregular migrants'* does not only vary according to time and space (Schrover et al., 2008), it is also a "multifaceted phenomenon" (Heckmann, 2006:197) and often a "transient stage in the migrant's career" (Ambrosini, 2011:34) due to the complexity of national and European immigration policies. It is multifaceted because migration status depends on the migrant's social relation to a state, such as having an employment contract, having a family relationship with legal residents in the country of residence, the country of origin and last residence, etc. (Cvajner & Sciortino 2010; De Genova, 2002). It is transient because both legislation and the situation of a migrant is changeable and is characterised by various intermediate forms, such as tolerated and non-returnable irregular migrant status (Bloch et al., 2011; Cyrus, 2004; Delvino & Spencer, 2017; Jordan & Düvell, 2002; Sinn et al., 2005). In this context Chauvin & Garcés-Mascareñas (2012:247) speak of the "moral economy of illegality" to stress the "discourse-policy nexus regulating the construction of irregular migrants as more or less illegal". In social day-to-day life, these "in-between statuses" create a hierarchy among migrants and between migrants and service providers such as landlords and social workers because, depending on the "semi-legality" of that moment (Kubal, 2013:557), irregular migrants have access to different rights, such as access to shelter, language courses, etcetera (Düvell, 2006; Triandafyllidou & Bartolini, 2017).

[6] In 2012 replaced by Directive 2012/29/EU.

[7] Article 3(1) of the Return Directive and Article 2(a) and (b) of the Employers Sanction Directive defined, for the first time, the term irregular migrant, as a third-country national present in the Schengen territory without fulfilling the conditions of entry and stay (European Parliament (EP) & CEU, 2008; EP & CEU, 2009).

Irregular migrants in numbers

The presence of irregular migrants in Europe is a structural fact (Castles, 2004; Amical, 2012). According to the UN (1997:27) irregular migration is "one of the fastest growing forms of migration in the world". However, the number of irregular migrants in Europe is unknown and is difficult to estimate. The seminal CLANDESTINO project (2009) estimated that, in 2005, between 2.8 and 6 million and, in 2008, between 1.9 and 3.8 million irregular migrants resided in the EU, demonstrating a downward trend of irregular migration since 2002. The Organisation for Economic Cooperation and Development (OECD, 2013) presumed that in 2011 approximately five to eight million irregular migrants lived in Europe. More recently, Tjaden (2013), Orrenius & Zavodny (2016) and (proxi) indicators of European Migration Network (EMN, 2015) suggest that irregular migration is on the rise in many European Member States. In contrast, FRONTEX states in its Flash report of January 2020 that irregular migration into the EU is at its lowest level since 2013. FRONTEX's Risk Analysis of March 2020 shows that 402,913 irregular staying migrants were detected within the EU in 2019, while in the same year 298,190 return decisions were taken and 138,860 irregular migrants were actually returned. In sum, there is no accurate picture of the number and evolution of irregular migration. Also in this study numbers of present irregular migrants at country and city level will remain a grey-shaded box.

1.1.2 Diffusion of European norms

The concepts European norms and diffusion

'*Norms'* are agreed behavioural standards with regard to what is allowed or prohibited, or concerning rights and obligations, in a particular context (Checkel, 1999; Dimitrova & Rhinard, 2005; Hartlapp & Falkner, 2008). Norms are often laid down in binding agreements such as laws, resulting from policy-making and decision-taking processes of norm-makers (Björkdahl, 2008; Checkel, 1998; Jonji´c & Mavrodi, 2012). Such legal norms imply their enforcement and thus create a power relationship between those who must comply with the legal norms (so-called norm-takers) and those who uphold them (Axelrod, 1984; Treib, 2014; Versluis, 2003). In this study, two European legal norms that prohibit and sanction certain behaviour in a specific context are scrutinised, to wit: Facilitation Directive 2002/90/EC, which prohibits facilitating irregular migrants upon entry, transit and stay, and; Framework Decision 2002/946/JHA, which is the sanctioning framework regarding facilitating irregular migrants.

The concept '*diffusion'* refers to the process through which norms are transferred from norm-makers to so-called norm-takers (Björkdahl, 2012; Börzel & Risse, 2012). The term diffusion puts emphasis on the person(s) to whom a norm applies, in contrast to terms such as dispersal, distribution and dissemination that point the analytical attention to the one(s) who spread a norm (Lenz, 2012). By focussing on the receiving end of norm diffusion, the so-called norm-takers' power to accept, adjust or reject an imposed norm becomes visible (Acharya, 2004; Börzel & Risse, 2012; Finnemore & Sikkink, 1998). In this way, it is questioned and examined whether the ones to whom a norm applies are really only norm-takers. Indeed, this study does not start from the rational choice principal-agent model in which it is assumed that norms are merely transferred from a norm-maker (principal) and are simply accepted by the subordinate agent(s). This study neither follows the mainstream constructivist

perspectives in which norm diffusion is understood as hierarchical power distribution whereby subordinates adapt their behaviour to the norms imposed by superiors (Acharya, 2004; Diez, 2004; Lavenex, 2016). Instead it is assumed that each actor has both individual agency and collective structure, which can determine the factors of norm diffusion (further detailed in 2.1.2).

Multidimensionality of the concept diffusion of European norms

Norms can diffuse downwards, upwards and sideways (Guiraudon & Lahav, 2000; Hooghe & Marks, 2003; Jensen et al., 2014). Legal norms agreed at the European level are intended to diffuse downwards, from top to down (Börzel & Risse, 2000; Sabatier, 1986). Indeed, European legislation must either be simply applied without further detailing or interpreting in the case of regulations, or must be transposed by the Member States into national legislation in the case of directives. However, since most European rules usually target (a) certain group(s) (e.g., employers, EU citizens, etc.), they must be implemented up to daily practice to be applied by the intended target group(s). That way, European legislation ultimately operates in citizens day-to-day life. The terms transposition, implementation and operation are often used interchangeably in the literature (Matland, 1995; Versluis, 2003), but are in this study consistently used to refer respectively to the national government (transposition), subnational governments (implementation), and people's day-to-day life (operation). Norms that diffuse upwards take a bottom-up direction, for example from the local to the regional and/or national and/or international level (Barrett, 2004; Sabatier, 1986). Unlike norms that diffuse downwards and upwards, and thus make a vertical movement, norms that diffuse sideways spread horizontally. Norms then not only diffuse to the government, but also to other, public and private, actors who are active at the specific government level (Hooghe & Marks, 2001; Van der Leun, 2006).
This study scrutinises the downwards diffusion of norms, from the EU up to and including the local level, and thus contributes to the top-down Europeanisation academic research by analysing the diffusion and institutionalisation of norms (Ladrech, 1994; Radaelli, 2003; Treib, 2014). However, as will become clear, to get a correct picture of European norm diffusion and the factors that determine norm diffusion, not only top-down diffusion up to the daily operation should be investigated, but also the so-called norm-takers' responses to this (Gebhardt, 2010; Leerkes et al., 2012; Spencer & Delvino, 2019). Therefore, this study also examines at the local level whether and how European norms diffuse sideways and upwards.

1.1.3 The Facilitation Package

Concepts within the EU Facilitators Package

The Facilitators Package stipulates that "intentionally assisting" irregular migrants on entry, transit and –for financial gain- residence must be sanctioned (Article 1(1) Directive 2002/90/EC) by means of criminal penalties (Article 1 Framework Decision 2002/946/JHA). The sanctions also apply to anyone who instigates, participates and attempts to assist irregular migrants (Article 2 Directive 2002/90/EC). The Facilitators Package comprises Facilitation Directive 2002/90/EC and Framework Decision 2002/946/JHA. While the Framework Decision deals with "strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence", the Directive is titled "defining the facilitation of unauthorised entry, transit and residence". However, neither of both legislative documents set out what "facilitation" or "aiding of illegal immigration" (respectively recitals (3) and (2) of Directive 2002/90/EC and Framework Decision 2002/946/JHA) includes[8]. Also "financial gain", which is an additional condition for allowing sanctioning of intentionally facilitating irregular residence (Article 1(1)(b) Directive 2002/90/EC), is not determined in the Facilitators Package. Furthermore, the concept "humanitarian assistance" to irregular migrants on entry and transit, which Member States may exempt from punishing (Article 1(2) Directive 2002/90/EC), is nowhere in the Package defined (Carrera et al., 2016; Provera, 2015).

European directives and framework decisions only impose the intended results -in this case, having effective, proportionate and dissuasive sanctions (Article 3 Directive 2002/90/EC and Articles 1 and 3 Framework Decision 2002/946/JHA) and having legal enforcement procedures regarding facilitation of irregular migration (recital 3 Directive 2002/90/EC and Framework Decision 2002/946/JHA). Because each Member State has to transpose directives and framework decisions into national law, the EU-countries had a lot of freedom to determine, specify and fit in the concepts of the Facilitators Package in accordance with the own legislation. As Table 1 shows with regard to irregular residence, this discretion power led to each EU-nation having its own legal interpretation of "facilitation", "financial gain" and "humanitarian assistance", resulting in little harmony between Member States' legislation (Aparicio et al., 2010; Bozeat et al., 2016; Carrera et al., 2016; CEU, 30/3/2017; Zanfrini & Kluth, 2008). Due to this room to manoeuvre also the Member States' sanctions concerning facilitation of irregular residence differ significantly from each other (Aranzadi, 2013; Carrera et al., 2018; EC, 6/12/2006; FRA, 2014; Guild, 2010).

[8] Only Employers Sanctions Directive 2009/52/EC outlines, in Article 13(3), that assisting third-country nationals to lodge a complaint against their employer shall not be considered facilitators of irregular residence under Directive 2002/90/EC.

Table 1: Transposition of the Facilitators Package in Germany, the Netherlands and UK with regard to irregular residence

Main legislative framework in which the Facilitators Package is transposed		
Germany	**The Netherlands**	**UK**
Residence Act	Criminal Code	Immigration Act
Transposition of "facilitation" of irregular residence		
Germany	**The Netherlands**	**UK**
Anyone who incites a person to irregularly reside in Germany and therefore receives -or is promised to receive- a pecuniary advantage or incites multiple persons or multiple times to irregularly stay in Germany (Residence Act, Section 96(1)(1)(a) and (b) and Section 96(1)(2))[9].	Anyone who, for financial gain, assists a person of whom one knows -or has serious grounds to suspect- that s/he resides irregularly in the country, through obtaining a residence or offering the opportunity, means or information to reside in the Netherlands (Criminal Code, Article 197A(2)).	Anyone who does an act which facilitates – or has reasonable cause for believing that the act facilitates- the commission of a breach of the Immigration Law by an individual of whom one knows -or has reasonable cause for believing that- the individual is not an EU- citizen (Immigration Act 1971, Section 25(a)(b)(c)).
Transposition of "financial gain"		
Germany	**The Netherlands**	**UK**
Financial gain is transposed as receiving a pecuniary advantage or the promise of a pecuniary advantage and is applied on facilitating irregular stay as well as on irregular entry and transit (Residence Act, Section 96(1)(1)(a) and 96(1)(2)).	Financial gain is incorporated into Dutch law without further detailing and is only applied to irregular residence (Criminal Code, Article 197A(2)). In 2012, the Dutch Supreme Court ruled that profit could be both a financial benefit and an in-kind advantage[10].	Financial gain is not a requirement for sanctioning facilitation of irregular residence.
Transposition of "humanitarian assistance"		
Germany	**The Netherlands**	**UK**
Persons providing humanitarian assistance "within their socially recognised profession or voluntary work (pharmacists, health professionals, teachers, psychiatrists, pastors, social workers, judges or lawyers)" are exempted from sanctions (Regulation 96.1.0.2.3 in conjunction with Regulation 95.1.4 General Administrative Regulation on the Residence Act).	Humanitarian assistance on entry and transit is not exempted from sanctioning in the Dutch legislation. Only "assistance for very urgent reasons" is allowed (Law on Work and Assistance of 2003).	Persons acting on behalf of an organisation which aims, free of charge, to assist asylum-seekers are exempted from sanctions (Immigration Act 1971, Section 25A(3)).

[9] The same definition applies to facilitating irregular entry and transit (Residence Act, Section 96(1)1a and b and Section 96(1)2).

[10] In Case BX5419 it concerned babysitting in exchange for housing (Netherlands, Supreme Court, 13/11/2012).

Sanctions regarding facilitation of irregular residence		
Germany	**The Netherlands**	**UK**
Facilitators can be fined (min. and max. fines are unclear) or imprisoned up to max. 5 years (Residence Act, Section 96(1)(1)(a)(b) and Section 96(1)(2)).	Facilitators can be fined (up to max. 78.000 euro) or imprisoned up to max. 4 years (Criminal Code, Article 197A).	Facilitators can be fined (min. and max. fines are unclear) and/or imprisoned between 6 months and 14 years (Immigration Act 1971, Section 25(1)).

Creation and evaluations of the Facilitators Package

The Facilitators Package was initiated in 2000 by France[11] under the procedures of the third pillar (police and judicial cooperation in criminal matters) of the Treaty of Maastricht, whereby competences were shared between the European Union (EU, in this case the Council of Ministers for Justice and Home Affairs (JHA Council)) and the Member States[12]. Besides, the third pillar procedures limited the European Parliament's (EP) involvement to consultation and allowed to completely exclude both EU advisory bodies[13].

Right after the terrorist attacks on 11 September 2001, the European Communities announced an "EU acquis on the fight against illegal immigration" (CEC, 15/11/2001:9) and an action plan "on illegal immigration and the smuggling of human beings" (European Council, 15/12/2001:par.40), in which the Facilitators Package would be integrated. Barely a year later, on 28/11/2002, the JHA-Council (comprising the so-called 15 old Member States) formally passed the Facilitators Package on the basis of unanimity. Nonetheless, due to their special status regarding several EU legislation, Denmark, UK and Ireland could opt-out of involving in the Package. Leaning on the Protocol annexed to the TEC/TEU on the position of Denmark (Articles 1 and 2), the country excluded itself from participating in the Facilitators Package. In contrast, UK and Ireland decided to take part[14], respectively on 29/05/2000 and 28/02/2002. The 14 engaged nations but Italy[15] transposed the Package in time, to wit, before 05/12/2004 (Article 4(1) Directive 2002/90/EC and Article 9(1) Framework Decision 2002/946/JHA).

The supervision of the Facilitators Package's transposition by the Member States lies with the EC (Article 4(2) Directive 2002/90/EC and Article 9(2) Framework Decision 2002/946/JHA). Since directives and framework decisions only impose the intended results, the EC is not competent for correcting or attuning Member States' specific sanctions and/or legal enforcement procedures. Pursuant Article 4(2)

[11] The legal basis for decision-taking on the Facilitators Package are Articles 61 and 63 TEC, in accordance with Council Decision 1999/436/EC (determining the legal basis for the Schengen Acquis).

[12] In 2005, it became apparent that the Facilitators Package was using the procedures of the wrong pillar through the CJEU ruling in case C-176/03 regarding Framework Decision 2003/80/JHA (environmental protection through criminal law). The CJEU concluded that the division of powers between the first (Article 175 TEU) and third pillar (Articles 29 et seq.) in criminal matters was being used wrongly. The JHA Council and EP agreed with the CEC's proposal to bring the Package in line with the first pillar without changing its content (CEC, 24/11/2005).

[13] As well the European Economic and Social Committee (EESC) as the Committee of the Regions (CoR) did not have to be -and were not- consulted by the JHA-Council.

[14] Regarding both countries, the basis of it lies in both the Protocol integrating the Schengen Acquis into the framework of the EU, which is annexed to TEC/TEU (Article 5) and in Council Decision 2000/365/EC on UK's (Article 8(2)) and Ireland's (Article 6(2)) request to take part in some of the provisions of the Schengen Acquis.

[15] Italy only managed to transpose the Facilitators Package in 2009.

Directive 2002/90/EC and Article 9(2) Framework Decision 2002/946/JHA, Member States merely had to notify the EC and Council, before 5/12/2004, about their national provisions in the context of the Facilitators Package[16]. The EC's role was thus limited to preventing an "implementation deficit", through checking and reporting about each EU-country's actual transposition of the Package (Mastenbroek, 2003:372; Moravcsik, 2005; Treib, 2014; Versluis, 2005). Moreover, the reviewing power of the Court of Justice of the European Union (CJEU) was restrained, due to the Package being part of the intergovernmental third pillar (Article 35 Treaty establishing the European Community (TEC)). Even after the entry into force of the Treaty of Lisbon (Treaty of the European Union (TEU)), until December 2014[17], the enforcement competences of the EC and CJEU remained limited.

Respectively in 2006 and 2007, a conformity check of Framework Decision 2002/946/JHA and Directive 2002/90/EC was carried out by the Commission. Although the Member States' compliance with Framework Decision 2002/946/JHA could not be thoroughly assessed, because most countries had not provided the required information[18], it was clear that the 14 EU-countries differed significantly regarding the sanctions and terms used (CEC, 6/12/2006). In sum the CEC stated that "there may therefore be a case for thinking in terms of an EU instrument that aims at a higher level of harmonization" (CEC, 6/12/2006:8). The report on conformity between the Member States' legislation and Directive 2002/90/EC found virtually no problems, as most EU-countries (including Germany, the Netherlands and UK) already had sanctions in place on irregular entry, transit and stay before the adoption of the Facilitation Directive (Hailbronner & Jochum, 2007).

With the launch of the Task Force Mediterranean[19] in 2013, and as a consequence of an increasing influx of refugees from 2014 onwards, irregular migration was again framed as a security issue and an immigration management priority (Balleix, 2014; Carrera et al., 2016; Pascouau, 2014). While the Task Force Mediterranean announced the evaluation of the Facilitators Package in 2015 (EC, 4/12/2013), the EU Action Plan against Migrant Smuggling 2015-2020 included that the EC would elaborate proposals for improving the Package (EC, 27/5/2015). In the same period, simultaneously with the EC and CJEU acquiring their full enforcement powers (e.g., to open infringement procedures), the UK has as yet opted-out from Framework Decision 2002/946/JHA[20].
In March 2017, the so-called REFIT-evaluation[21] of the EC was presented and concluded that the Facilitators Package "should be maintained in its present form" (EC, 22/3/2017:37) given the "relevance and EU added-value" of the Package "in the current context of a refugee and migratory crisis" (EC, 22/3/2017:3). Nevertheless, the evaluation also acknowledges the lack of harmony

[16] This information was used to assess the extent of compliance with the provisions by each Member State.
[17] This was due to Protocol 36 annexed to the TEU, which limited the enforcement powers (e.g., infringement competence) of the EC and CJEU for a period of five years after the entry into force of the TEU on 01/12/2009.
[18] Cyprus, Greece, Luxembourg, Austria and Portugal did not provide any information, Italy, Spain, Sweden, Malta and Estonia provided insufficient and/or imprecise data (CEC, 6/12/2006).
[19] Just after two major shipping disasters off the coast of Lampedusa causing the death of many migrants, the JHA Council of 7-8/10/2013 decided to set up the Task Force Mediterranean to take actions in five main domains: Border surveillance; Assistance and solidarity; Fight against trafficking, smuggling and organised crime; Regional protection, resettlement and legal ways to access Europe; Cooperation with third countries (EC, 4/12/2013).
[20] Via Article 10(5) of Protocol 36 TEU.
[21] The evaluation aimed at assessing whether the Facilitators Package was "still fit-for-purpose" by investigating the effectiveness, efficiency, relevance, coherence and EU added-value of the Package (EC, 22/3/2017:2).

between the transposed rules and the risk of humanitarian assistance being criminalised by Member States (EC, 22/3/2017). Via the Commission Guidance on the implementation of the Facilitators Package, communicated in September 2020 as part of the New Pact on Migration and Asylum, the EC clarified that search and rescue operations at sea performed in accordance with international treaties cannot be criminalised (EC, 23/9/2020).

Expansiveness of the Facilitators Package

The Facilitators Package covers both irregular migrants and people engaging with them in relation to irregular entry, transit and residence in the EU. As criminal sanctions can be provided for a wide range of behaviours, the Package spills over into many other than the European migration policy area (Carrera et al., 2016; Guiraudon & Lahav, 2007; Provera, 2015). For example, the Facilitators Package operates in the framework of the EU Action Plan against migrant smuggling 2015-2020 as part of both the EU common security policy and the European Agenda on Migration in which as well the fight against illegal immigration (Article 79 TFEU) as respect for the Fundamental Rights (Article 67 TFEU) are included. However, the (legal) value of the latter is often doubted –especially by humanitarian organisations assisting irregular migrants, and by academics (CEC, 17/6/2008; CEU, 30/3/2017; Hailbronner & Jochum, 2007)- and referred to as the "criminalisation of irregular migration" (Bigo, 2004:61-92, passim; FRA, 2014:1-18, passim; Guild, 2010:1-53, passim; Parkin, 2013:1-25, passim; Provera, 2015:i-48, passim) and "policing of humanitarianism"[22] (Carrera et al., 2018:15).

Besides, irregular migrants and persons engaging with them are not just located within the territory of the EU, but more particularly reside or operate in a specific EU-country and a specific city, town or locality. This implies the involvement of different tiers of government in the decision-making (at international and/or EU-level), transposition (at national level), implementation (at subnational levels) and operation (in day-to-day practices) in relation to the Facilitators Package. In this regard, the link is often made between the Facilitators Package and the "UN Protocol against the smuggling of migrants by land, sea and air, supplementing the United Nations Convention against transnational organized crime", adopted in 2000, which -in its guidelines- refers to what behaviours should be sanctioned. The fact that "financial or other material benefit" is a precondition for constituting a criminal offense (Article 6 UN Protocol) -through which assistance for humanitarian reasons at entry, transit and residence are automatically excluded from sanctions- has sparked many politicised debates on all policy levels since 2015 (Bozeat et al., 2016; Carrera et al., 2016; Carrera et al., 2018; CEU, 30/3/2017). For example, the EP -prompted by the citizens' initiative "We are welcoming Europe"[23]- adopted in July 2018 a resolution on guidelines for Member States to prevent humanitarian assistance from being criminalised (EP, 5/7/2018). The Facilitators Package is thus multi-dimensional legislation, whereby hierarchical structures and horizontal processes interplay (Hammar et al., 1997; Hepburn & Zapata-Barrero, 2014; Panizzon & van Riemsdijk, 2019; Weber et al., 2007). Therefore, both agents and structures operating at the European, national and local levels are included in this study.

[22] The term refers to the "interlinked formsof interference with civil society's free space", to wit: Suspicion, intimidation, harassment, discipling and formal criminal prosecution and sentencing (Carrera et al., 2018:9).

[23] This initiative consists of a coalition of over 170 civil society organisations brought together by the Migration Policy Group for the EU.

The Facilitators Package in numbers

Like the unknown and hard to estimate number of irregular migrants in Europe, the number of persons and organisations assisting irregular residence remains unclear (Carrera et al., 2018). The only recent data available, as with the number of irregular migrants present in the EU, are from FRONTEX. In its Risk Analysis of March 2020 Member States reported a total of 4,912 suspected facilitators inland for 2019. In addition, in the same year, 3,765 suspected facilitators for which the place of detection is not specified by Member States is mentioned. While the former number was about the same in 2015 and 2011 (respectively 4,669 and 5,146), the latter number was considerably lower in 2015 and 2011 (respectively 357 and 130). Data of the preceding years, since the first FRONTEX risk analysis of 2008, do not break down according to place of detection. In 2008, a total of 9,884 suspected facilitators of irregular migration were detected by the Member States, which decreased to 8,629 in 2010. Although these figures seem to indicate that the number of facilitators has remained fairly stable over the past 12 years, there are two important comments to be made about these figures. Firstly, the data provided to FRONTEX are ambiguous, amongst others, because one facilitator can be detected and thus registered several times (e.g., in different countries and/or by different law enforcers) and because Member States' (reporting) definitions of facilitating irregular migration differ. For example, Italy included in its data of 2019 also detected unlawful employment and irregular staying migrants (FRONTEX, 03/2020). In addition, it must be remarked that the three Schengen Associated Countries Iceland, Norway and Switzerland reported for the first time in 2020 while Ireland and UK did not report in 2020 (FRONTEX, 03/2020). Secondly, the available data are incomplete, not least because they concern detected and alleged facilitators. The number of detections depends not only on the presence of facilitators, but also on the (policy-) priority given to it, the available enforcement capacity, etc., (Albahari, 2018; Aranzadi, 2013; Noaks & Wincup, 2004).

1.1.4 Access to housing

The concept access to housing

Housing comes in many shapes and forms. In this study, the concept housing is used as an umbrella term referring to three types of housing, namely: Private, social, and temporary housing. Also the type of accommodation in which irregular migrants live can differ greatly, ranging from a (shared) house, over a (shared) apartment or a (shared) studio, to a (shared) bed, sofa or matrass. Where relevant and possible, this study specifies the type of housing and accommodation. Having a shelter, a place to sleep, is a basic physical need (Cunningham, 2019; Hutton et al., 2019; Ryan et al., 2008). Moreover, housing is an important lever for migrants' integration (Gebhardt, 2016; Lukes et al., 2019; Penninx et al., 2014), and for irregular migrants' "functional incorporation" (Van Meeteren, 2014:97-98).

Having access to housing is a basic right enshrined in several international agreements, such as the European Social Charter (ESC) and the Charter of Fundamental Rights of the European Union (Charter). The ESC elaborates in further detail the social and economic rights of the European Convention for the Protection of Human Rights and Fundamental Freedom (ECHR). Regarding the right to housing, the

ratifying Parties[24] agree via Article 31 to: 1) Promote access to adequate housing; 2) Prevent and reduce homelessness, and; 3) Make housing affordable for people with insufficient financial means. The ESC is an instrument of the CoE, controlled by the European Committee of Social Rights (ECSR). In addition to the Parties, also citizens and organisations can instigate proceedings at the ECSR, after having exhausted all imminent domestic remedies. The Charter, in turn, homologates the ECHR and ESC and covers all the rights that apply within the EU[25]. While Article 1 states that "Human dignity is inviolable. It must be respected and protected", Article 34(3) explicitly refers to Member States' responsibility to respect the right to housing support, to combat social exclusion and poverty and to ensure a decent life for persons with insufficient financial resources. Unlike the ESC, the Charter only applies to national measures that derive from EU legislation and cannot be directly invoked by EU-citizens or organisations (Article 51 Charter).

In this study, case law of both European Court of Justice (ECJ), ECSR and the European Court of Human Rights (ECtHR, exerting jurisprudence over the ECHR) are taken into account. In this context, however, it is important to point out two essential remarks. Firstly, irregular migrants are often reluctant to invoke their rights and to rely on legal protection, in order not to attract authorities' attention (Carens, 2008; Engbersen & van der Leun, 2001; FRA, 2017). Secondly, but equally important, states rarely conceptualise irregular migrants as rights holders, although the principle that all are rights holders, regardless of status[26], is enshrined in both the ESC[27] and Charter[28] (Delvino, 2017b; Levoy & Geddie, 2009; Provera, 2015).

To emphasise that access to housing is a basic right, civil society organisations' (CSOs) definition of humanitarian assistance[29] is concretised and used in this study as follows: "Services that help irregular migrants to access their fundamental right to housing and to live with dignity as fellow human beings".

Entanglement of the concept access to housing

When scrutinising irregular migrants' access to housing, it becomes apparent that the concept *'access to housing'* is intertwined with several other policy domains. First of all, irregular migrants' housing rights are at the intersection of immigration and housing legislation. As a consequence, irregular migrants' right to access housing is curtailed in the European legislation because its support is not excluded from sanctioning. Article 1(2) of the Facilitation Directive does not apply to irregular stay and only allows, but does not oblige, Member States to exempt assistance for humanitarian reasons upon entry and transit. Moreover, facilitating access to housing falls within the scope of the Facilitators

[24] The ESC is signed by all EU Member States: by Germany on 29/06/2007 (West-Germany ratified on 27/01/1965), by the Netherlands on 23/01/2004, and by UK on 07/11/1997.

[25] The raison d'être of the Charter is located in the EU's inability to accede to the ECHR: Although accession to the ECHR is foreseen in Article 6(2) TEU, it is impossible to this day pursuant ECJ Opinion 2/13 (ECJ, 2014). Therefore, the Charter was proclaimed in 2000 by the EP, CEU and EC (Lazowski & Wessel, 2015). However, it became only in 2009 legally binding via Article 6(1) TEU.

[26] As repeated in Articles 5 and 41 of the New York Declaration for Refugees and Migrants (UNGA, 13/09/2016) and in Guiding Principles 11 and 15(f) and Objectives 7(b), 10(e), 11, 13 and 15 of the Global Compact for Safe, Orderly and Regular Migration (UNGA, 10-11/12/2018).

[27] Via Article E ESC on non-discrimination.

[28] Via Article 20 Charter about equality before the law and Article 21 Charter on non-discrimination.

[29] "Services that help migrants to access their fundamental rights (including to health care, shelter, hygiene and legal assistance) and to live with dignity as fellow human being" (Carrera et al., 2016:47).

Package because it almost always involves a financial advantage (Article 1(1)(b) Facilitation Directive) for the owner of the accommodation, especially when it concerns housing on the private market (Bozeat et al., 2016; FRA, 2014; Geddie et al., 2014; Guild, 2010). For example, landlords in England are punishable with a minimum fine of 800 Pound and/or imprisonment up to five years when knowing or having a reasonable cause to believe that the tenant is residing irregularly on the nation's territory (Section 33C Immigration Act 2016). In this context of entangled restrictive immigration policy and promoted housing rights, the EP agreed in February 2014 on a resolution in which Member States are, amongst others, asked to exempt private renting from sanctioning under the Facilitators Package (EP, 4/2/2014). Second, irregular migrants' access to housing often intersects with policy areas like homelessness, childcare, and public order and safety. For example, irregular migrants may get access to temporary housing via the German homelessness policy, the Dutch municipal order and safety policy, and the English childcare policy. Strikingly, the decision on the direction to take at these intersections is in the three countries left to local authorities. Third, irregular migrants' access to housing often falls simultaneously under the responsibility of several governments -through which irregular migrants' specific rights depend on the jurisdiction of residence. For example, in Germany, housing is a concurrent power[30] of both the federal government and the 16 states (Paragraph 74(1) Basic Law) while residency registration is an exclusive federal government power (Paragraph 73(1) Basic Law)[31], and local governments are competent for social housing and homelessness. In the Netherlands, the national government is in charge of both housing and homelessness and co-rules[32] together with local governments over registration of residents. In the UK, powers over housing are devolved from the UK parliament to the Scottish, Welsh, Northern and Irish governments, through which each has separate housing legislation. Therefore this study solely focuses on irregular migrants' access to housing in England. Within England, the decision-making powers in the fields of housing and homelessness lie with the central government while the management and delivery of social housing is a responsibility of local partnerships (in which local councils are one actor), and the provision of temporary shelter is an implementing duty of local governments.

To close the gap between 'laws on paper' and daily practices (Düvell, 2006; Guiraudon & Lahav, 2007; Hertogh, 2009; Garcés-Mascareñas & Penninx, 2016), as well housing and immigration laws as related legislation are included in this study, and importance is attached to both the transposition (at national level), implementation (at subnational levels) and operation (in day-to-day practices) of the Facilitators Package with regard to irregular migrants' access to housing.
Table 2 demonstrates the entanglement of irregular migrants' access to housing with related policy areas and involved tiers of government and shows that irregular migrants' housing rights in Germany, the Netherlands and England differ considerably from each other.

[30] Other concurrent powers include, amongst others, public welfare, residency and establishment of foreign nationals, and matters concerning refugees and expellees.
[31] Other exclusive federal powers include, amongst others, immigration and foreign affairs.
[32] Local authorities must register and keep residents' personal data in a national database.

Table 2: Irregular migrants' access to housing in Germany, the Netherlands and England

Access to private housing		
Germany	**The Netherlands**	**England**
No access due to landlords' obligation to ensure tenants' registration (Paragraphs 19(1) Federal Registration Act).	No access to accommodation for which a housing permit is required (Articles 8b(1) and 8c(1) Linking Act and Article 10(1) Aliens Act).	No access (Section 22 Immigration Act 2014).
Access to social housing		
Germany	**The Netherlands**	**England**
No access due to social housing offices' obligation to ensure tenants' registration (Paragraph 19(1) Federal Registration Act).	No access (Articles 8b(1) and 8c(1) Linking Act and Article 10(1) Aliens Act).	No access (Section 160 Housing Act 1996) except children in need[33] (Section 17 Children Act 1989).
Access to temporary housing		
Germany	**The Netherlands**	**England**
All 16 federal states decreed in a general clause of the police that local governments must accommodate homeless persons, irrespective of their residence status (Cornelius & Rzeznik, 2014).	Only under certain conditions (such as cooperating to find a lasting solution) irregular migrants can be temporarily accommodated in a National Aliens Facility (MJV & VNG, 29/11/2018). Mayors can invoke reasons of public order and safety to temporary shelter irregular migrants (Article 172(1) Municipal Law).	No access (Section 9(2)) Asylum and Immigration Act 1996) except children in need (Section 17 Children Act 1989).
Duty to report irregular migrants		
Germany	**The Netherlands**	**England**
Most official institutions have the duty to forward identification and residence information to the Foreign residents authorities. However, for public services subject to concurrent legislative powers -such as housing institutions- the reporting obligation may not apply if a state decides so (Paragraph 87(2) Residence Act in conjunction with Paragraph 72(1) Basic Law).	Public administration is obliged to inform the Minister for Immigration upon request (Article 107(7) Aliens Act). Persons sheltering (assumed) irregular migrants must report this immediately to the local police (Article 4.40 Aliens Decree).	Public bodies are obliged to inform the Minister for Immigration upon request (Section 129 Nationality Immigration and Asylum Act 2002).

[33] The term children in need includes irregular migrant children who are destitute and have no recourse to public funds (NRPF) (Section 17 Children Act 1989).

Duty to register as a tenant		
Germany	**The Netherlands**	**England**
Everyone living in Germany is mandatory to register at the local registration office, regardless of the type of housing. For this, potential tenants need the landlord's written consent to rent the accommodation (Paragraphs 17(1) and 19 Federal Registration Act).	Everyone living in the Netherlands is mandatory to register at the local registration office, regardless of the type of housing (Article 2(38) till 2(52) Personal Data Registration Act).	No obligation to register as a tenant with the authorities.

1.1.5 Local level

The concept local level

The local level is where people's daily lives are most tangible and visible: Where people live, where social services and support are offered and where the "micro-management of migrant irregularity" culminates (Caponio, 2014; de Graauw & Vermeulen, 2016; Frug & Rosenthal, 1998; Jorgensen, 2012; Schweitzer, 2019:10). The concept local level usually refers to the smallest administrative and politically defined territorial unit within a country in which power is exercised over its residents and users[34] (Lidström, 1998; Oomen & Baumgärtel, 2018). In this study, the concept local level is narrowed down to (extra) large (more than 500,000 inhabitants) and medium-sized (between 250,000 and 500,000 inhabitants) cities, to allow comparison between local levels in Europe with regard to the implementation and operation of the Facilitators Package.

The local level is not an isolated unit, but is always embedded in a larger territorial structure including a national and supranational level, and often also (a) subnational level(s) between the nation state and local tier of government (Curtis, 2016; Gebhardt, 2014; Ladner et al., 2016). As each of these levels includes a particular government with specific powers, policy at the local level is always layered within a vertical governance structure (Arlotti & Aguilar-Hendrickson, 2017; Hooghe & Marks, 2003; Scholten & Penninx, 2016; Smith & Weber, 2007).

The versatility of the concept local level

At the local level, a plethora of actors are present. Each of these actors has both a collective structure and individual agency, which are mutually constitutive due to their continuous interaction in constructing ideas and 'the world' (Archer, 1982; Cajera, 2019; Schweitzer, 2017). The structure of an actor, amongst others consisting of laws and institutional arrangements, determines expected behaviour and preferences through existing power relations and is based on an intersubjective logic of appropriateness (Diez, 2004; Entwistle, 2011; Kemp, 2010). Agency, or personal free will, determines

[34] Local level users are people who work, go to school, enjoy leisure time, etc., but who do not live within the territory of the particular local unit (Dijkstra & Poelman, 2012; Glaeser, 2012; Saunders, 2011).

individual behaviour and preferences via autonomous acts and is based on a subjective logic of consequences (Archer, 1982; Kemp, 2010; Schulz, 2014).

The body of actors actively involved in local policy form together task-specific horizontal governance structures (Harlow & Rawlings, 2007; Hooghe & Marks, 2003; Skelcher, 2005), which is often summarised with the term *'local polity*'. However, as polity solely concerns actors' intentions to change or control behaviour, and decisions negotiated between the actors involved (Barrett, 2004; Hambleton, 2011; Moir et al.,2014; Slack, 2004), the term only includes actors' structure. Therefore, this umbrella-term is not used further in this study. Emphasising both their agency and structure, actors active at the local level are classified into: local government, local practitioners, and residents.

The local government is a local-level formal institution of the nation-state, exercising formally assigned authority on its territory (Hooghe et al., 2010; Ladner et al., 2015; Lidström, 1998). It is responsible for the policies that are decided and/or implemented at the local level, and includes as well elected politicians as certain civil servants (Antalovsky et al., 2005; Hambleton, 2011). Local government should not be confused with local governance, the latter referring to the interaction between the local government and other local actors (such as NGOs, CSOs and residents) to arrive at local policies (Andeweg & Irwin, 2009; Hambleton, 2011; Schweitzer, 2016; Smith & Wistrich, 2014). Local practitioners refers in this study to the varied whole of street-level bureaucrats as defined by Lipsky (2010:XVII): "[S]treet-level bureaucrats interact with citizens in the course of the job and have discretion in exercising authority; in addition, they cannot do the job according to ideal conceptions of the practice because of the limitations of the work structure." It includes as well frontline civil servants, such as local police and social workers, as "civil society actors" (Carrera et al., 2018:23), such as NGOs, CSOs, volunteers and activists. Residents is used to refer to everyone staying on the territory of the local level, regardless of residence status, which is linked to the concepts of '*denizenship*' and '*social incorporation'*, instead of citizenship (Hammar, 1990; Money, 2010; Penninx et al., 2014; Varsanyi, 2006).

1.2 The Europeanisation literature in a nutshell

1.2.1 Aims and scope of the scholarly work on Europeanisation

In 2002, Johan Olsen ascertained that the concept '*Europeanisation*' was becoming frequently used to describe a wide range of different issues related to Europe. He noted that the term referred to five particular changes due to Europe's institutional presence, to wit: 1) Changes in external boundaries, e.g., research on EU enlargement (cf. Schimmelfennig & Sedelmeier, 2002; Scott, 2016); 2) Changes of and within the European institutions, e.g., research on the EU's democratic deficit (cf. Follesdal & Hix, 2006) and on the role of institutions such as the ECJ (cf. Burley & Mattli, 1993); 3) Changes of and within (sub-)national institutions, e.g., the division of responsibilities and powers between the different tiers of governance (cf. Börzel & Risse, 2000; Hooghe et al., 2010; Scharpf, 2002); 4) Changes in the political organisation and governance beyond the EU, e.g., research on EU's international power (cf. Manners, 2002; Niemann & Bretherton, 2013); 5) Changes in the Member States' policies towards harmonisation, e.g., research on European integration (cf. Falkner et al., 2007; Moravcsik, 2005; Pierson, 1996). Almost two decades later, studies on the five aspects distinguished by Olsen are still flourishing, although the concept Europeanisation is mainly used in connection with the effects of European integration in the Member States (Radaelli & Pasquier, 2008; Treib, 2014). These latter studies investigate more specifically the EU's impact on Member States' (one of the) three so-called Ps (polity, policy, politics), thereby focussing on (one of) the three processes (decision-making, diffusion and institutionalisation) that take place within this two-tiered arena (Ladrech, 1994; Radaelli, 2003). Although the importance of interactive processes is emphasised in the European integration research (Radaelli & Pasquier, 2008), mostly a vertical top-down dimension is used (Treib et al., 2007), which usually only takes two levels into account, namely the supranational level of the EU and the national level of the Member States (Falkner, 2002).

However, processes of EU decision-making, diffusion and institutionalisation work through to subnational levels where European norms are implemented and operate because European norms, such as directives that need to be transposed, leave discretion to tailor them to the specific regional or local context (Oomen & Baumgärtel, 2018; Thomann & Sager 2017; Treib, 2014). Nonetheless, academic research into European integration up to the local level remains scarce. Notable exceptions are, amongst others, Goldsmith & Klausen (1997) who distinguish four types of local governments with regard to their attitude towards the EU[35]; John (2001) who developed a ladder containing nine steps that cities must take to become a full actor in the EU processes[36]; Wolffhardt et al. (2005) who found

[35] These four types are: 1) Counteractive local governments, who are sceptical of the EU and withdraw from anything related to it; 2) Passive local governments, who only engage in EU affairs to a limited extent, and rather by chance; 3) Reactive local governments, who get involved into EU issues via initiatives of others; 4) Proactive local governments, who transform themselves to obtain their desired relationship to the EU (Goldsmith & Klausen, 1997).

[36] The nine steps are: 1) Compliance with European rules; 2) Collecting information about the EU; 3) Sharing EU information at the local level; 4) Acquiring EU subsidies; 5) Facilitating economic growth; 6) Linking to other organisations active in the EU; 7) Participating in European networks; 8) Providing advice to EU institutions and policy-makers; 9) Co-shaping EU policy (John, 2001).

that both motivational and intermediate factors determine the EU engagement of cities[37]; Marshall (2005) who elaborated a four-part typology of Europeanisation at the urban level and pointed at a four-stage pattern of European-urban interaction determining local level adjustments[38]; Panara & Varney (2013) who assessed the public law impact of European integration on local governments from the national level of the EU Member States, and concluded that the role of local authorities is a fourth level in the vertical governance structure of the EU; Guderjan (2015) who studied the impact of European integration on local governments through five indicators derived from the fusion literature[39]; Bondarouka & Liefferink (2017) who analysed the implementation of EU policy measures in Dutch municipal practices and identified major operational differences, and; Pazos-Vidal (2019) who examined the extent to which EU policy-making comes about through multi-level governance processes between European institutions and (sub)national governments. All these academics demonstrate that Europeanisation of the local level differs from case to case, depending on several contextual variables. Therefore, it is recommended to include a thick description of the local situation of each case studied (Ladner et al., 2016; Marshall, 2005; Slack 2004; Zapata-Barrero et al., 2017). Furthermore, these scholars, except Marshall (2005), Panara & Varney (2013), Bondarouka & Liefferink (2017), and Pazos-Vidal (2019) all use a vertical bottom-up dimension to scrutinise the European integration of the local level, despite they all acknowledge that Europeanisation of the local level contains at least both a top-down and a bottom-up dimension. The same two striking features apply to researchers who focus on the relationship between EU decisions and their operationalisation by practitioners, such as Dörrenbächer (2017), Jordan et al. (2003a), Spencer & Delvino (2019), and Thierry & Martinsen (2018). On the other hand, academics who use a vertical top-down dimension to study Europeanisation of the local level usually only address soft policy measures via EU funds and programmes that are accessible for local governments (e.g., Bache et al., 2011; Dossi, 2012; Furmankiewicz et al., 2020; Wukovitsch, 2010; Zerbinati, 2004).

1.2.2 Dimensions on which Europeanisation is studied

In accordance with the vertical and horizontal governance structure (see 1.1.5), Europeanisation can be studied on a vertical and horizontal dimension, as Figure 1 shows. The vertical dimension includes the different tiers of government that are or may be involved in Europeanisation processes: the EP, CEU and European Council at the EU level; The parliament and government of a Member State at the

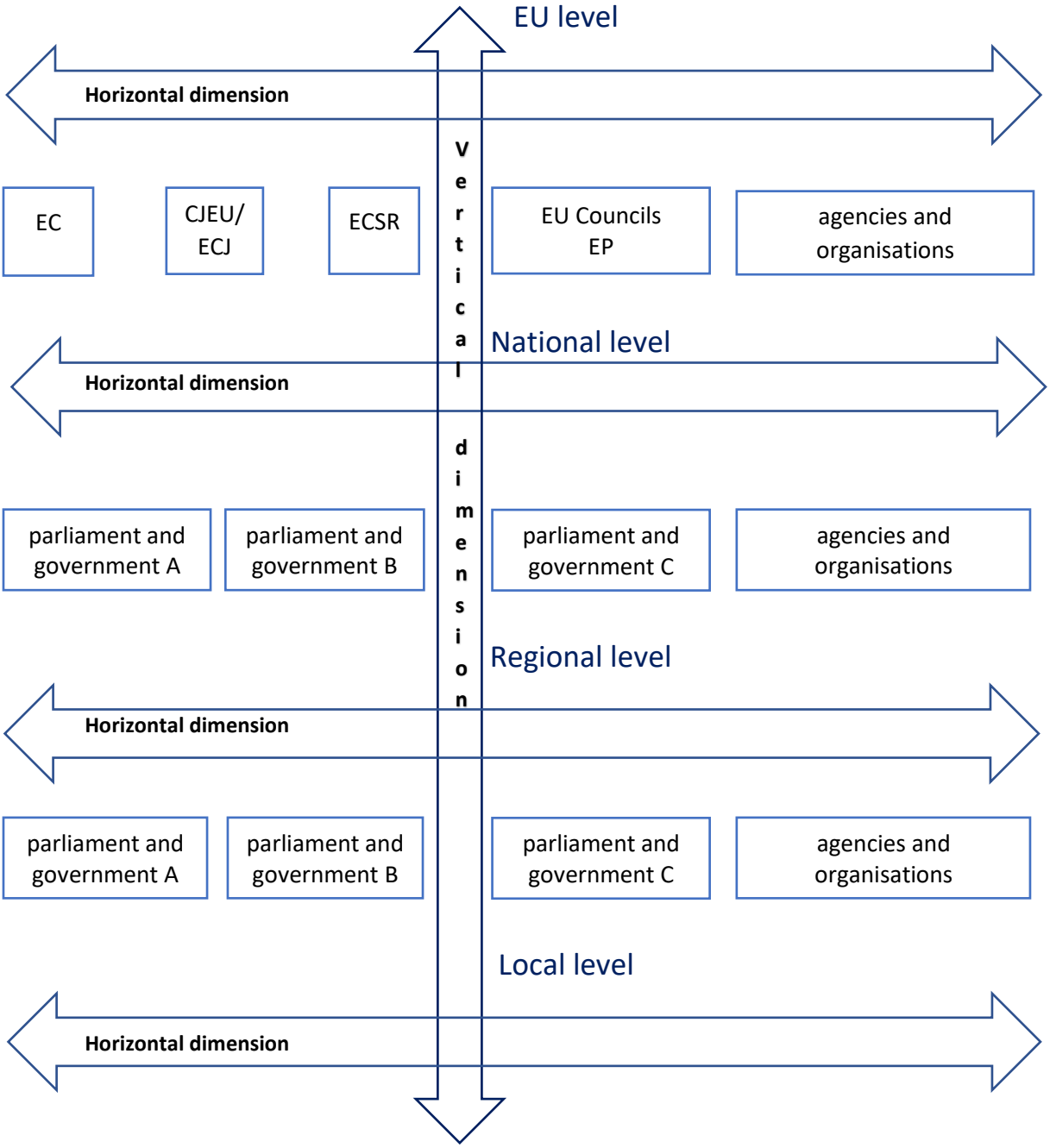
[37] Wolffhardt et al. (2005) distinguish five motivational factors, Europe as a: 1) Problem solver, 2) Stage for local profiling and identity building; 3) Threat; 4) Alternative to overcome the domestic context; 5) Duty. The three intermediate factors are: 1) Political choice; 2) Size of the local territory; 3) Domestic context.

[38] The typology consists of the bottom-up and horizontal Europeanisation resulting from dissemination of local practices and of the top-down Europeanisation of three types of urban actors: The local government, locally involved non-statutory actors, and local regeneration partnerships and networks. The European-urban interaction starts with 1) An EU initiative and is followed by 2) Adaptational pressures of the national government and 3) Mediating institutions (local, regional, national institutional context) to arrive at 4) Urban structural change (Marshall, 2005).

[39] These five indicators are: 1) Absorption of EU decisions by local governments; 2) Attention for EU policies by local governments; 3) Adaptation at European, national, regional and local levels; 4) Actions of local authorities to be involved in EU processes; 5) Attitudes of local actors towards European integration (Guderjan, 2015).

national level; The parliaments and governments of a respective Member State at the regional level (in this study this is only the case for Germany) and; The governments at the local level. The horizontal dimension includes all actors who are involved at one specific tier of government, amongst others: CEU, EC, ECJ, EP, ECSR, agencies and organisations at the EU level; The parliaments, governments, agencies and organisations of the Member States at the national level; The parliaments, governments, agencies and organisations of the respective EU Member States at the regional level; The governments, local practitioners, and residents at the local level.

Figure 1: Dimensions on which Europeanisation is studied




residents
government A, B
government C
local practitioners

1.2.3 Research strands from which diffusion of European norms is studied

Two strands of research are frequently used to investigate Europeanisation, in particular with regard to the effects of European integration processes of diffusion and institutionalisation, namely implementation and compliance research (Mastenbroek, 2005; Treib, 2014; Versluis, 2007). Therefore the most important findings of these two strands, in relation to this study, are briefly described.

Implementation research

There is broad consensus among implementation scholars that the degree of Europeanisation depends on domestic political, policy and polity variables (Cowles et al., 2001; Dimitrakopoulos, 2001; Falkner et al., 2007; Winter, 2014). The rich body of EU implementation literature contains, next to various factors that influence the transposition, roughly seven aspects that may explain the implementation outputs[40] of EU directives: 1) Issue saliency; 2) Party political preferences; 3) Veto-players; 4) Interest groups; 5) Public opinion; 6) Goodness of fit, and 7) Administrative capabilities.

Issue saliency refers to the importance that is attached to a norm (Versluis, 2007; Spendzharova & Versluis, 2013). A high salient issue attracts a lot of (political and public) attention, and (more than) sufficient resources are spent to implement and enforce the norm (Thierry & Martinsen, 2018; Versluis, 2003). Contrary, little to no attention is paid to a low salient issue, and little to no resources will be spent to implement and enforce the norm (Versluis, 2003; Winter, 2014). Consequently, a high salient norm will be complied with more closely at the operational level than a low salient norm (Cortell & Davis, 2000; Versluis, 2003). For example, before the 1990s -when irregular migrants was a much less salient topic (Freeman, 1995; Grande et al., 2019; Van der Brug et al., 2015)- third-country nationals who came unlawfully to Europe could easily arrange their status via a labour contract (Van Liempt, 2008). Furthermore, stricter implementation guidance will be attached to a high salient norm, while a low salient norm will leave more freedom of interpretation to subnational governments (Thierry & Martinsen, 2018), resulting in more convergent operation in the former and more diversity of practices in the latter case (Penninx et al., 2014). For example, due to the high importance that the German federal government attaches to the duty to report irregular migrants, the Berlin government -which prioritises women's safe delivery in hospital over this obligation- complies with this duty and can only delay its execution (Holm et al., 2011). Although schools in the UK are not obliged to inquire about pupils' residence status and, in the event of irregular status, to pass the information on to the immigration authorities, practices vary widely due to the high level of discretion enjoyed by schools on this issue (Sigona & Hughes, 2012).

Several researchers explain directives' implementation outputs through party political preferences. Moreover, Falkner et al. (2007) and Treib (2003) show that party political factors may weigh more on implementation than the often put forward misfit logic[41]. Often without specifying which left-right

[40] Winter (2014:274) defines implementation output as "policy as it is being delivered to the citizens". In this study, Winter's terminology has been further refined and broken down into '*implementation*' (at subnational levels) and '*operation*' (in day-to-day practices).

[41] There is a policy or institutional misfit when a European decision is not in line with a Member State's prevailing norms and legislation in force. In the misfit logic it is assumed that misfit is a necessary condition for domestic change to occur (Börzel & Risse, 2000).

political cleavage[42] they use, scholars conclude that the ideological split between left and right party preferences determines implementation outputs in a given policy area (e.g., social policy and equality directives (Falkner et al., 2007), gender equality (Sedelmeier, 2012)). With regard to immigration policy, it is suggested that (centre-)left politics implement a (more) liberal policy towards migrants, while (centre-)right politics implement a (more) restrictive policy towards migrants (Hix & Noury, 2007; Jeffery et al., 2014; Stratham & Geddes, 2007). In addition, Lahav & Messina (2005) conclude that left-wing partisans in the EP are more open to immigration, more in favour of extending immigrants' rights and focus more on eliminating social inequalities than right-wing parties.

Also the role of veto-players is often put forward to explain policy output. Veto-players are actors whose agreement is necessary to come to a decision, meaning they have blocking or vetoing power (Börzel, 2002; Falkner et al., 2007; Tsebelis, 2002). According to Tsebelis (2002) and Tsebelis & Ha (2013), the more veto-players there are and/or the more their opinions diverge from each other, the more difficult it is and the longer it will take to reach a decision. This means that an EU directive that has been transposed into national law and has to be implemented by subnational government(s), can be blocked by veto-players of the subnational government(s) (Mastenbroek & Kaeding, 2006). For example, a mayor may veto the prohibition to facilitate irregular migrants based on his/her authority to ensure public order and safety[43]; A doctor may disregard the prohibition to assist irregular migrants on the basis of her/his commitment to the Hippocratic Oath (Picum, 2017a); A court may overrule an implementation practice regarding the facilitation of irregular migrants because it violates the right on respect for private and family life[44].

Other actors who are often involved in the implementation of norms are interest groups. An interest group is a set of actors (such as norm entrepreneurs or an advocacy coalition) who organise around a particular interest that contains one or more benefit(s) and/or burden(s) (Dimitrakopoulos, 2001; Freeman, 1995; Lijphart, 2012). The more benefits and/or burdens are concentrated (i.e., spread over a small group), the easier and more important it is for those actors to organise (Freeman, 1995). Conversely, the more benefits and/or burdens are diffuse (i.e., spread over a large group), the more difficult and less worthwhile it is for those actors to organise (Freeman, 1995). Interest groups will seek to influence the implementation of a decision through bilateral contacts, away from the public eye,

[42] For example, voters' characteristics such as class and religion are often attributed to a political socioeconomic cleavage, while preferences with regard to "quality of life issues" (Dalton, 1996:320) can be structured on what Bienfait & Fennema (2010) call the political social-cultural cleavage. While on the socioeconomic cleavage left refers to anything that leads to more equality even at the expense of freedom, and right refers to anything that leads to more freedom even if it leads to inequality, this is the other way around on the socio-cultural cleavage: Left refers to everything that leads to more personal freedom and diversity and right to everything that leads to personal liability and similarity (Bienfait & Fennema, 2010; Kriesi et al., 2006; Van der Brug & Van Spanje, 2009).

[43] E.g., the cities of Gothenburg and Utrecht provide accommodation to irregular migrant victims of domestic violence; Barcelona and Amsterdam allow irregular homeless persons in their homeless shelter facilities to reduce street-sleeping and squatting; Rotterdam pursues a health safety policy through encouraging all intermediaries to also vaccinate irregular migrant children (Delvino, 2017a).

[44] E.g., Case No. CO/7470/2012 in which the UK High Court of Justice judged that the Essex County Council should not have stopped the accommodation support they gave to an irregular mother with three, in the UK born, children who were refused leave to remain, before the family could have used their right to appeal the Home Office's refusal decision (RCJ, 2013).

with the responsible policy-makers (client politics) when the benefits are concentrated and the burdens are diffuse (Freeman, 1995) and through more visible initiatives such as lobbying, public shaming and blaming, or filing lawsuits when both the benefits and burdens are concentrated (Börzel, 2006; Cowles et al., 2001; Treib, 2014). For example, in many European cities, NGOs/CSOs provide or facilitate health care to irregular migrants, a task which is the responsibility of national governments in accordance with international treaties (Provera, 2015). Few of these NGOs/CSOs receive a grant for their work from (usually) the local or competent government. Decisions that affect the accessibility of health care for irregular migrants obviously will yield direct benefits and/or burdens for them. Therefore, they often organise themselves to take, depending on the concrete decision, initiatives such as dialogues with policy-makers (e.g., annual Roundtable in Berlin[45]) and media campaigns (e.g., "#StopSharing" campaign and litigation strategy, "beHandeln statt Verwalten" campaign[46]).

Residents are usually not directly involved in the implementation of a norm. Yet they can weigh on it through public opinion (Guiraudon & Lahav, 2007; Lahav, 2004; Papademetriou & Banulescu-Bogdan, 2016). Elections are generally seen as the moment when the public expresses its opinion. It is a momentum when citizens pronounce their preference as to who should represent their beliefs and positions in the policy arena (Gribnau, 2009; Odmalm, 2011; Van Der Brug et al., 2000). Although it is regularly contested whether it is effective and valuable, a second way in which public opinion can be taken into account in the policy process is through public opinion research (Baumgartner & Jones, 2001; Freeman, 1995; Lahav, 2004; Ron, 2017). Several researchers conclude that the results of public polls influence political discourse rather than political decisions and refer to this phenomenon as the discursive gap between public policy statements and the effectively pursued policy (de Haas et al., 2014; Hatton, 2015; Penninx et al., 2014). In addition, Ellerman (2007:94) and Jonji´c & Mavrodi (2012), amongst others, note that the public's preferences are usually more nuanced than is captured in public opinion research: "As policies move from legislation to the stage of implementation, public attention shifts from the purported benefits of migration control to its high human costs". These more nuanced or shifting preferences become more visible when the public, like interest groups, organises itself. This can, amongst others, through residents' initiatives (e.g., local residents and classmates who protest against the expulsion of an irregular migrant family with children) or through joining initiatives set up

[45] Since 2010, healthcare organisations meet annually with the Berlin government during a Roundtable on irregular migrants. This way agreements have been reached such as delayed compliance with the duty to report hospitalised irregular migrants to the federal authority; Reduced compliance with this obligation for health insurers and social service providers (i.e., the so-called Munich Model) (SPD & CDU, 2011), and; Ending Berlin's execution of and cooperation in arrests in the context of deportation in and around schools, youth facilities and hospitals (SPD et al., 2016).

[46] In April 2017, Doctors of the World, together with several other healthcare organisations in the UK launched the "#StopSharing" campaign to prevent the implementation of a central government decision regarding passing on patient data from the National Health Service (NSH) to the Home Office. 71,000 residents had joined the campaign by 2018 and succeeded in the government withdrawing the implementation of the decision. However, as the Home Office announced they would conclude a Memorandum of Understanding with the NSH, Migrants' Rights Network and Liberty started a litigation procedure against the decision in November 2018 (https://www.doctorsoftheworld.org.uk/what-we-stand-for/campaigns/stopsharing-campaign/#).
The German organisation Bundesweite Arbeitsgemeinschaft der psychosozialen Zentren für Flüchtlinge und Folteropfer (BAFF) leads the campaign "beHandeln statt Verwalten!" ("Treat instead of manage!") aiming for better access to medical and therapeutic care for vulnerable refugees (including irregular migrants) through publicly exposing the current shortcomings (http://www.baff-zentren.org/news/behandeln-statt-verwalten/).

by interest groups (e.g., Doctors of the World's "#StopSharing" campaign described above). A clear example of how public opinion initiatives can influence the implementation of a norm is the public resistance following the UK government's "Operation Vaken", to encourage voluntary return of irregular migrants. Between 22 July and 22 August 2013, the central government ran a mobile billboard campaign in London[47] with the slogan "go home or face arrest". Soon, 224 complaints of citizens were submitted to the Advertising Standards Authority as well as a legal challenge for breaches against the Equality Act 2010, causing the government to stop the campaign with the promise that the 'go home vans' would never be used again (Provera, 2015).

The more a norm corresponds to or the better it matches with the policy practice in force, the faster and easier the new norm will be implemented (Börzel & Risse, 2000; Falkner et al., 2007; Treib, 2014). That is in short the goodness of fit reasoning. In the implementation of a norm -both on the vertical and horizontal dimension- multiple actors, each with their particular aims and behaviours, are involved (Berman, 1978; Dörrenbächer, 2017; Maynard-Moody & Musheno, 2000). Therefore, the distance between a new norm and the existing operation of each of the actors involved must be mapped in order to understand the implementation outputs of that norm (Acharya, 2004; Héritier, 1999; Lipsky, 1980; Penninx et al., 2014). In other words, a goodness of fit reasoning implies that also subnational authorities' implementation practices, and practitioners' operational behaviour be considered (Héritier, 1999; Lipsky, 2010). When subnational governments are involved in the implementation of a transposed directive, it means they have a certain degree of autonomy[48] regarding the norm (Hooghe et al., 2010, Jorgensen, 2012; Ladner, 2016). Moreover, they also have discretion, through which they can (re)interpret norms and implementation measures according to the room to manoeuvre they get (i.e., formal discretion) or take (i.e., informal discretion) (Jordan et al., 2003b; Oomen & Baumgärtel, 2018; Schweitzer, 2019). Subnational governments' implementation behaviour is thus shaped by their own institutional logic and may be influenced or inspired by different actors on as well the vertical as horizontal dimension (Barber, 2013; De Graauw & Vermeulen, 2016; Jorgensen, 2012; Leerkes et al., 2012). Also practitioners have considerable discretion and autonomy in their daily work (Dörrenbächer, 2017; Lipsky, 2010; Thierry & Martinsen, 2018), through which their actions are guided rather by their own values and ideas than by rules and implementation schemes (Hertogh, 2009; Lipsky, 2010; Maynard-Moody & Musheno, 2000).

Further following the goodness of fit reasoning, not only individual actors' distance from a new norm needs to be studied to understand implementation outputs, but also the interplay between all those involved (Ellermann, 2007; Panizzon & van Riemsdijk, 2018). In this context, Scholten & Penninx (2016:93-94) identified four modes of cooperation: 1) "Centralist" mode, imposing implementation measures top-down; 2) "Localist" mode, leaving implementation to the lowest competent level; 3) "Multi-level" mode, in which implementation results from governance (i.e., interaction between all

[47] More specifically in the boroughs of Barking and Dagenham, Barnet, Brent, Ealing, Hounslow, and Redbridge.

[48] The degree of autonomy is related to the way in which a certain power is distributed among the tiers of government involved. In case of exclusive authority, the relevant government has both the "right to decide" what will be done and the "right to act", i.e., the right to decide how to do something (Braun & Trein, 2013:344). Several governments have a say in a shared competence, limiting a single government's autonomy. In this context, Jensen et al., (2014:1239) distinguish between "delegation" and "transfer" of power, noting that central government can easily recall or curb delegated power with minimal costs as opposed to a transferred power.

actors involved) and; 4) “Decoupled” mode, in which the involved actors withdraw from cooperation and go their own (separate) way. Scholten & Penninx’ (2016) model largely corresponds to Kagan’s (2006:15) four modes of rule application, consisting of (presented in the same order as Scholten & Penninx’ model): “Legalism”, “legal creativity”, “discretionary judgement”, and “retreatism”. Both authors illustrate that implementation is not always a smooth process, and can lead to unwanted or unintended and divergent implementation outputs (Garcés-Mascareñas, 2014; Guiraudon & Lahav, 2007; Jorgensen, 2012; Schweitzer, 2019).

Finally, the implementation literature frequently uses the aspect of administrative capabilities to explain implementation outputs. A wide range of concrete capabilities, often linked to a specific context or actor, are regularly the subject of research (Matland, 1995; Stråth, 2003; Wolffhardt et al., 2005). In sum, the focus on this aspect boils down to having sufficient resources, usually: Money, knowledge and skills. As in the goodness of fit reasoning, the administrative capabilities aspect also takes cooperation into account, in particular the relationship between actors (Piattoni, 2009; Scholten, 2016). It is often assumed that actors are interdependent, causing a need for coordination to avoid contradictory or mismatching implementation, implementation overlap, and/or implementation gaps (Jensen et al., 2014; May & Winter, 2009; Thierry & Martinsen, 2018). If coordination, including sufficient allocation of responsibilities and resources, is lacking while policy is developed within the different government layers, this results in vicious layering with each actor trying to avoid costs and blame by shifting them to the other actors (Arlotti & Aguilar-Hendrickson, 2018; Bonoli & Champion, 2014; Cajera, 2019). However, actors are not always mutually dependent on each other. For example, cities may depend more on their national government than the other way around if the latter is responsible for the detailed allocation of financial resources (Cajera, 2019; Goldsmith & Klausen, 1997; Hambleton, 2011); Residents may have the feeling they depend more on their governments than vice versa if policy-makers’ accountability -which is “the link between bureaucracy and democracy” is deficient for them (Barrett, 2004; Lipsky, 1980:160); Practitioners may feel dependent on policy-makers if they are not involved in the operationalisation process of a norm they are required to carry out (Ellerman, 2007; Panizzon & van Riemsdijk, 2018). When actors feel they are completely dependent, they can turn away from cooperation and become alienated from the policy (Scholten & Penninx, 2016; Schweitzer, 2016). Tummers (2011:562) describes this “policy alienation” as a five-dimensional concept, namely: 1) “Strategic powerlessness”, the feeling of not being able to influence decisions and policy content; 2) “Tactical powerlessness”, the feeling of not being able to influence how decisions and policy content should be implemented; 3) “Operational powerlessness”, the feeling of not being able to influence how decisions and policies are enforced; 4) “Societal meaninglessness”, the feeling of not being able to influence public debate and opinion regarding norms, policy frames and discourses, and; 5) “Client meaninglessness”, the feeling that the addressees of the decision are not taken into account.

Legal compliance research

The legal compliance strand of European integration research focuses as well on the behaviour of the addressees of a legal norm (i.e., compliance) as on the behaviour of the implementers of a legal norm (i.e., enforcement) (Checkel, 1999; Versluis, 2007). In other words, while compliance refers to adherence to and/or breaching of a legal norm by addressees, enforcement focuses on the final step in the implementation of a legal norm, namely on how the norm is perpetuated by the decision-maker(s) to ensure compliance and reconcile those who violate the norm (Alden, 2017; Börzel, 2006; Versluis, 2003). Compliance research thus starts from a specific legal norm, to examine the implementation outputs with regard to: 1) The strategies used to achieve compliance; 2) The extent to and manner(s) in which the legal norm is enforced and; 3) The extent to and manner(s) in which addressees comply with the legal norm (Hartlapp & Falkner, 2008; Treib, 2014).

Compliance strategies are means of enforcement to ensure that addressees adhere to the legal norm in question (Maier & Schimmelfennig, 2007; Mastenbroek, 2005; Thomann & Sager, 2017). Based on the type of power deployed through enforcement, Etzioni (1975:5) distinguishes three types of compliance strategies: "Normative, coercive and remunerative", the latter two also being referred to as instrumental strategies (Leerkes, 2016; Provera, 2015). Normative strategies use a common goal or the legitimacy of the person or structure behind the implemented norm to persuade or socialise the addressees to comply (Checkel, 2001; Matland, 1995). Coercive strategies use compelling means, such as court decisions, to enforce the norm (Blauberger, 2014; Börzel & Risse, 2012; Burley & Mattli, 1993). Remunerative strategies use incentives to encourage desired behaviour (so-called '*carrots*'), such as funds, or to discourage unwanted behaviour (so-called '*sticks*'), such as criminal sanctions (Börzel & Risse, 2012; Pace, 2007; Smith & Weber, 2007). All these strategies can be combined to increase effective compliance provided they complement each other (Sedelmeier, 2007).

The extent to which a legal norm is enforced and complied with largely depends on four determinants: The saliency of a norm, legal design of a norm, institutional legitimacy, and involved actors (Cherti, 2014b; Versluis, 2003; Treib, 2014). As has been ascertained in implementation research, the more importance is attached to a norm, the better it is enforced and complied with (Cortell & Davis, 2000; Thierry & Martinsen, 2018; Winter, 2014). The legal design of a norm comprises the detail, interpretation space and clarity of the norm; The number of government tiers involved in the implementation of the norm, and; The number of policy areas the norm touches upon. The more detailed and clearer the legal norm and the less room for interpretation is left to the implementer, the more convergent enforcement and compliance will be at the given tier of government (horizontal dimension). However, the more tiers are involved and the more policy areas the legal norm relates to, the more complicated and difficult enforcement and compliance will be (Versluis, 2003). Institutional legitimacy refers to both the objective authority of the structure(s) behind the implemented norm (i.e., normative legitimacy) and to the subjective degree of authority experienced by the addressees (i.e., empirical legitimacy) (Cajera, 2019; Mastenbroek & Kaeding, 2006; Provera, 2015). According to Gribnau (2009) and Versluis (2003), the greater the normative legitimacy, the better enforcement will be carried out, and the greater the empirical legitimacy, the better the norm will be respected. With regard to the involved actors (i.e., enforcers and addressees of a norm) resources and opinions are considerably influential as effective enforcement and compliance require sufficient money, knowledge

and skills, and opinions that are not at odds with the norm (Hartlapp & Falkner, 2008; Treib, 2014, Versluis, 2003).

The way in which legal norms are enforced has often been the subject of research. However, usually only one or a few rules, and their compliance and enforcement are scrutinised within a limited number of jurisdictions (cf. Düvell, 2014; Engbersen & Broeders, 2009; Laubenthal, 2011; Schweitzer, 2019; Vogel, 2000). Versluis (2003:324-325), on the other hand, made a classification of enforcement styles at the level of EU Member States. She distinguishes four styles: 1) "Passive enforcement", whereby compliance with the legal norm is only sporadically checked, enforcement officers do not "dare or care" to take action against offenders, so that little to no sanctions are imposed; 2) "Persuasive enforcement", whereby compliance with a legal norm is occasionally checked, enforcement officers primarily support offenders by providing information and seeking solutions together, so that sanctions are only imposed "as a last resort"; 3) "Persistent Enforcement", whereby compliance with a legal norm is regularly monitored, enforcement officers try to convince the offenders first and sanction if they fail; 4) "Legalistic enforcement", whereby compliance with a legal norm is very often checked, and enforcement officers immediately sanction offenders.

The extent to and manner(s) in which addressees comply with a legal norm has already partly been addressed in the above paragraphs. Falkner and colleagues add hereto "worlds of compliance" (Falkner et al. 2007:395-414, passim; Falkner & Treib, 2008: 293-310, passim), a typology of Member States' "modes of treating transposition duties" (Falkner et al., 2007:404). Based on Falkner et al. (2007) and Falkner & Treib (2008), Table 3 summarises the main features of their four cultures of compliance.

Table 3: Main features of the four "worlds of compliance"

Cultures of compliance	Member States' transposition behaviour	Member States' compliance and enforcement behaviour
World of law observance	Usually timely and correct, even if there are domestic conflicts about the norm	Excellent due to informed, contextualised transposition and the presence of domestic institutions with adequate resources
World of domestic politics	Timeliness and correctness depend on the presence of domestic conflicts	Generally effective as a result of adequate domestic institutions
World of transposition neglect	Timeliness and correctness depend on powerful action of supranational institutions	Show many shortcomings because the transposition is often literal and therefore does not match the domestic context
World of dead letters	Timeliness and correctness depend on the prevailing domestic political constellation	Do not occur because the transposed norm is not implemented at the domestic level

1.2.4 Perspectives from which Europeanisation is studied

Europeanisation is usually analysed from institutionalist (rational choice, historical, sociological institutionalism) and/or multi-level governance (MLG) perspectives (Hammar et al., 1997; Guiraudon & Lahav, 2007; Marshall, 2005; Pollack, 2005). Therefore the most important characteristics of these four perspectives in relation to this study are briefly described here and summarised in Table 4.

Rational choice institutionalism

The rational choice perspective emphasises decision-makers' agency by means of actors who think and behave instrumental-rationally, without emotions interfering (Mastenbroek & Kaeding, 2006; Pollack, 2005). Actors are considered to be self-interested utilitarian individuals, who base their material preferences on a calculated cost-benefit analysis, independent of the interaction with other actors (Geels, 2010; Weber et al., 2007). Always aiming to maintain the status quo, rational actors calculate, among other things, how good a proposal fits with the own current situation (i.e., goodness of fit) (Börzel & Risse, 2000; Mastenbroek & Kaeding, 2006). Institutions' rules limit how actors can pursue their preferences and use their bargaining and voting strategies (Falkner et al., 2007; Steunenberg 2007). Prompted by a logic of consequences, actors step into the institutional arena with the aim to maximise the utility of every decision-to-take for themselves (Schimmelfennig & Sedelmeier, 2004). However, power is distributed unevenly within the institutional arena because the preferences of certain actors (i.e., veto-players), determine the blocking or approval of an agenda point (Axelrod, 1984; Börzel, 2002; Schimmelfennig & Sedelmeier, 2004). The power relations between actors, representing a state, are asymmetric due to states' interdependence (Mastenbroek & Kaeding, 2006). The degree of interdependence correlates with the costs of no agreement and exclusion or, the other way around, with the costs of an agreement and inclusion (Moravcsik, 2005; Orbie, 2009). For example, a big and economically strong Member State (such as Germany) has more power to steer the EU-ship in comparison to smaller and economically weaker countries, since the former can better afford to navigate an own course, while the latter often feel forced to sail on the waves of big nations (cf. Grexit and Brexit debates[49]).

Once a decision is taken, actors' job is to diffuse and implement the agreed norm. According to rational choice theorists, the principal (i.e., representative of the state) will only do so if this induces the preservation or restoration of the equilibrium between the principal and those over whom power is exercised (Jensen et al., 2014; Mastenbroek & Kaeding, 2006). In that case, the principal must succeed to motivate the implementers of the norm (i.e., agents) to act in the principal's interest (Dörrenbächer, 2017; Maynard-Moody & Musheno, 2000). To this end, the principal usually deploys coercion mechanisms and/or material incentives to decrease the costs and increase the benefits for agents, to prevent: 1) Principle-agent problems, in which the agent acts in the own interests instead of the principal's (i.e., free-riding), and 2) Collective action problems, whereby (some) agents do not act at all (Checkel, 2001; Moravcsik, 2005). For example, agents at the local level will only "contribute to in-

[49] After a hotly contested and protracted crisis, Greece finally decided to remain in the Eurogroup and to accept the conditions imposed by the Troika (i.e., representatives of the EC, European Central Bank and International Monetary Fund) because this was rationally calculated to be less costly than leaving the Eurozone (Degner, 2019); After the British request to activate Article 50 of the Treaty of the EU (which allows a Member State to withdraw from the EU), the May government failed to put an exit proposal on the EU negation table due to fierce contestation within the British parliament of the Brexit costs and benefits (Kirstein, 2020).

country migration policing if they perceive a strong personal or organisational interest to do so, and if it does not strongly oppose their own normative values" (Leerkes et al., 2012:451).

Sociological institutionalism (social constructivism)

Assuming that everything is constructed, "meaning" is a central concept within social constructivism (Lund, 2017:17). Actors, often described as norm entrepreneurs, give meaning to agency and structures through their identity and interaction (Checkel, 1998, 1999; Acharya, 2004). Also actors' preferences are shaped through identity and interaction, making preferences changeable (Börzel & Risse, 2012; Hix & Noury, 2007). Furthermore, interaction leads to both decisions and norm diffusion (Checkel 1999; Lund, 2017). Like actors' preferences, decisions are the outcome of persuasive and deliberative interaction[50]. Norm diffusion is commonly regarded as the result of adaptative behaviour of so-called norm-takers to the agreed decision by norm-makers (Börzel, 2002; Checkel, 1998). However, Acharya (2004:248) -who characterises local actors as "upholders of local values and identity, and not simply [as] "agents" of outside forces or actors"- demonstrates that "localization" (i.e., the successful diffusion process of transforming external norms into local norms) depends on the extent to which an external norm contains local opportunities.

All interactions take place in institutions, which are interpreted very broadly as (horizontal and vertical) structures where people interact (i.e., intersubjective) (Diez, 2004). Importantly, social constructivists point out that power relations always are at play within structures (Diez, 2004). Checkel (2001; 2003), for example, states that argumentative persuasion works better if the person to be persuaded is new to the institution or when the persuader is an authoritative core-member of the institution. However, power relations do not only arise from actors' identity, but foremost from discourses and policy frames, through which meaning is created (Jorgensen, 2012; Lund 2017; Vollmer, 2014). For example, the discourse that irregular migrants are a "threat to prosperity" (Huysmans, 2000:752) took shape shortly after the fall of the Berlin Wall, as a reaction to sudden unanticipated new migration flows from Eastern to Western Europe. Soon, irregular migrants became framed as "criminal" (Engbersen & Van der Leun, 2001:51-68, passim) and "bogus asylum seekers" (Van Liempt, 2008:85). This discourse and frames allowed the EU (then called European Community) and the Member States to introduce restrictive and excluding measures towards irregular migrants[51]. This discourse and frames are still dominant in today's EU, not only in the West European Member States (Schweitzer, 2016)[52].

Finally, interactions within institutions also shape actors' appropriate behaviour and compliance with norms, by means of social learning (i.e., the process through which norms are internalised and integrated into the actors' identity) (Checkel, 2001; Finnemore & Sikkink, 1998; Schimmelfennig & Sedelmeier, 2004).

---

[50] In persuasive interaction one (group) aims to convince the other (group) of a certain thing (Checkel, 2001); In democratic deliberation all participants jointly try to find a reasoned consensus or agreement (Bächtiger & Steiner, 2005; Mastenbroek & Kaeding, 2006).

[51] Measures included, amongst others, stepped up immigration enforcement via the Schengen Agreement and Convention, stricter national conditions for asylum, residence and access to the labour market (Cholewinski, 2005; Düvell, 2011).

[52] For example, at the time of the European crisis on refugees (2014-2016), the EC strongly emphasised tackling irregular migration from "the need to protect the Member States' territorial integrity, social cohesion and welfare" (CEU, 2017:5).

Historic institutionalism

Historic institutionalists' main focus is on institutions over time, combining aspects of the rational choice and social constructivism perspective (Pollack, 2005). As the emphasis is clearly on structures, actors are rather considered as a group, structured in policy networks and/or epistemic communities. The former refers to a relatively stable relationship between interdependent actors involved in a specific policy issue, and allows flexible governance (Börzel, 1997; Cajera, 2019). The latter are networks of authoritative experts with recognised expertise and competence in a specific policy area, comprising public and private actors, and allows flexible governance (Maes & Bursens, 2015). Individual actors' preferences can be shaped by either rational pre-formulated thoughts of self-interest (e.g., party political preferences) and/or by endogenously developed social considerations (e.g., experts' knowledge, interdependent co-actors) (Börzel, 2002; Falkner et al., 2007). Within the institutional arena, actors often combine strategies of bargaining, persuasion and deliberation (Axelrod, 1984; Smith & Weber, 2007). However, because actors are interdependent within a given structure, while different structures relate hierarchically to each other, power relations can lead to lock-ins (i.e., existing structures that retain their position for a long time despite major political changes) (Lavenex, 2016; Pollack, 2005). Lock-ins, in turn, can lead to a path-dependent decision logic or spill-over effects. Path-dependency explains that new norms build on previous norms because within a certain structure, viewed over time, a certain path is followed. It is easier and more cost-effective to stay on the already paved road than to take an entirely new route (Andersson, 2016; Wolffhardt et al., 2005). For example, de Haas et al., (2014) demonstrate that policies targeting irregular migrants have become increasingly restrictive over time in the EU Member States. Spill-over effects, meaning that a decision also affects other policy areas, are the result of negotiated issue-linkages[53] (i.e., linking the decision-to-take to other to-be-agreed decisions or topics) and side-payments[54] (i.e., concessions in relation to other decisions or topics to obtain the desired decision) (Hofmann, 2019; Lavenex & Uçarer, 2004). Although not purely rooted in the historic institutionalist perspective, Scharpf (1988; 2006) adds to these two outcomes a third possibility, the joint-decision trap. According to this reasoning, states take joint decisions from their national interests, based on requirements set by veto-players, so that the result is always a sub-optimal compromise that does not satisfy anyone and hinders European integration.

Once a norm is agreed, the diffusion-process depends on the context, the norm's content, and institutions' options. The main factor of norm diffusion are the formal competences of the involved government(s) (Hooghe et al., 2010). For example, a competent authority comes to arrangements with its administration and any other involved authority with regard to the available budget, responsibilities, etc., within the margins of the legal frameworks (Hambleton, 2011). According to historical institutionalists, the reasons why addressees of a norm comply with it can depend on both coercion and social learning motives (Smith & Weber, 2007).

[53] For example, in agreements with third-countries development aid and cooperation is often linked to migration management (Sedelmeier, 2007; Venturi, 2018).

[54] For example, in the EU-Turkey deal the EU promised, among other things, to ease visa regulations for Turkish nationals in return for stemming illegal migration flows to the EU (Smeets & Beach, 2020).

Multi-level governance (MLG)

The MLG perspective builds on historical institutionalism in a number of ways, but pays more attention to actors' agency, and perceives the EU as a unique, sui generis, structure (Geels, 2010). Actors involved in a particular issue form networks and/or advocacy coalitions. The former concept concerns the "interaction between private and public (organisational) actors beyond hierarchical, sectoral and national categories in single policy fields" (Héritier, 1993:10), and the latter refers to a structure of actors from a variety of public and private organisations who share a particular belief system and who seek to influence a specific policy item (Sabatier, 1998). Actors' preferences can be shaped through both rational (exogenously defined) and social (endogenously defined) considerations (Cajera, 2019).

Interactions, especially between different levels of government (vertical governance) and between a government and its stakeholders at the same tier of government (horizontal governance), are central to the MLG perspective (Caponio, 2014; Hooghe & Marks, 2001; 2003; Piattoni, 2009). The term governance denotes exercising joint political power and using institutional resources to arrive at binding norms (Gribnau, 2009; Hooghe & Marks, 2003). On both dimensions, actors are assumed to be interdependent and to interact within a polycentric non-hierarchical level playing field, where not a single actor has decisive power (Pollack, 2005; Vos, 2006). In such governance structures actors can use bargaining, persuasion and deliberation strategies (Pollack, 2005). Decisions can be based on both a logic of consequences and/or appropriateness (Börzel & Risse, 2000; Héritier, 1999).

Once a norm is agreed, it is diffused both vertically, between different tiers of government, and horizontally, between different actors of a particular tier (Hooghe & Marks, 2003; Cajera, 2019). On the vertical dimension, coordination problems can arise when implementation and/or enforcement competences of the different tiers of government are not clearly delineated (Hooghe & Marks, 2003). It can lead to, amongst others, overlapping, lacking or opposing norm diffusion (Arlotti & Aguilar-Hendrickson, 2018); Free-riding, cost and blame shifting behaviour (Bonoli & Champion, 2014), and; Ambiguity regarding the different governments' responsibility and accountability (Caponio, 2014; Hooghe & Marks, 2001). On the horizontal dimension, the implementation of a norm is assumed to be widely supported and to bring forth effective, efficient and innovative solutions because of the lack of hierarchical power and because all experts and implementers are involved (Skelcher, 2005). The role of the government is often seen as a means to enforce diffusion outcomes (Hooghe et al., 2010; Olson, 1993). Through legal and financial measures, the addressees of a norm can be either socialised and/or weigh up the costs and benefits of complying (Cajera, 2019).

Table 4: Some important characteristics of rational choice, historical and sociological institutionalism, and Multi-Level Governance

Rational choice institutionalism	Sociological institutionalism	Historic institutionalism	Multi-level governance (MLG)
Actors			
Rational decision-takers, veto-players	Norm entrepreneurs with own identity	Policy networks, epistemic communities	Networks, advocacy coalitions
Actors' preferences			
Rational cost-benefit calculation, exogenously defined	Socially constructed, endogenously defined	Both rational and social, exogenously/ endogenously defined	Both rational and social, exogenously/ endogenously defined
Actors' mode of interaction			
Bargaining, voting and delegation	Persuasion and deliberation	Bargaining, persuasion and deliberation	Bargaining, persuasion and deliberation
Power relations between actors			
Asymmetric: interdependence between states	Intersubjective: opportunity structure with various access point	Hierarchical: interdependent actors who are locked in hierarchical structures	Polycentric: levelling field of interdependent actors
Actors' decision logic			
Logic of consequences	Logic of appropriateness	Path-dependency, spill-over effects	Logic of consequences and appropriateness
Diffusion of norms			
Occurs only to keep or restore the existing power equilibrium	Occurs when actors choose from the appropriate options defined by institutions	Occurs slowly or suddenly, depending on the context, actors' decisions and institutions' options	Occurs vertically between different tiers of government and horizontally between different actors
Factors of norm diffusion			
Political preferences of decision-takers	Social learning of involved actors	Formal competences of government	Mode of governance: various power sharing arrangements
Reasons for complying with norms			
Coercion, cost/benefit calculations, material incentives	Social learning, socialisation	Coercion, socialisation	Cost/benefit calculation, socialisation

Chapter 2: Research design

As set out in the previous chapter, this study is about diffusion of European norms up to the local level. Specifically, irregular migrants' access to housing in relation to the Facilitators Package is scrutinised. While the Facilitators Package crossed my path and prompted me to conduct this study, I might as well have examined one of the many other European legal norms that affect people's daily lives at the local level, such as the EU-citizens' Rights Directive 2004/38/EC, Clean Energy Directive 2018/2002, Urban Mobility Directive 2014/94/EU, etc.. Since the question that bothered me was *'How comes I didn't know and was not informed about the Facilitators Package?*', I was not interested in how this norm came about (as a local policy officer I had enough experience in bargaining, persuading, deliberating, etc. to have a picture of this), but in the factors that determine whether or not a European legal norm trickles down up to the local level.

The first part briefly outlines the topic and relevance of this study, both with regard to studying diffusion of European norms, irregular migrants' access to housing, and the Facilitators Package. In the second part, the research questions with regard to diffusion of European norms up to the local level are formulated. Through extensively exploring the academic literature, I became aware that this study (like any other scholarly work) relies on a number of theoretical assumptions, which are explained in part three. In the fourth part, the research concept of this study is described.

2.1 Topic and relevance of this study

2.1.1 Studying diffusion of European norms

Europeanisation up to the local level

This study is situated within the Europeanisation research, more specifically it zooms in on the effects of European integration up to the local level. In doing so, this study responds to an important observation regarding the existing implementation and compliance literature, namely that the level where EU norms are most visible and palpable (i.e., the local level) and where the addressees of EU norms deal with these norms, is almost always disregarded (Acharya, 2004; Gebhardt, 2010; Radaelli & Pasquier, 2008; Treib, 2014).

According to Guderjan (2015:941), "the implementation of European legislation is the strongest link between local and European institutions". This view is shared by legal compliance researchers who conclude that Member States' compliance with EU norms may be unrelated to its practical application (Falkner et al., 2004; Thomann & Sager, 2017; Versluis, 2003; 2007). In addition to this, Carrera et al. (2016) and Versluis (2003:323) note that the EU institutions are not aware of how EU norms translate into the daily life of the residents in Europe, which is considered as "the Achilles heel of European regulation". Thus, in order to improve this weakness of the EU institutions and to gain a good understanding of the actual meaning and value of EU norms, not "the law in the books" (Hertogh,

2009:205) and/or "the policies on paper" (de Haas et al., 2014), but their specific implementation and actual operation in practice must be examined (Guiraudon & Lahav, 2007; Penninx & Garcés-Mascareñas, 2016; Versluis 2007). However, nothing is as easy as it seems. Scrutinizing European integration up to the local level requires more work and is considerably more complex than studying two tiers of government (Hartlapp & Falkner, 2008; Van Bever et al., 2011; Winter, 2014). Nevertheless, the above arguments are so worthwhile that it is worth the extra effort.

Europeanisation of policy, politics and the actors involved

Like most Europeanisation integration research, this study looks at Europeanisation of policy, politics and the actors involved. Although the importance of reciprocal processes is stressed by many scholars (Radaelli & Pasquier, 2008), most researches on European integration at national level, treat policy, politics and the actors involved as dependent variables, because they focus on the influence that a European norm has on national policies, politics and other involved actors. These academics use, in other words, a vertical top-down dimension (Treib et al., 2007). On the other hand, most scholars who look at European integration from the vertical bottom-up dimension, consider subnational policies, politics and the actors involved as independent variables that influence one or more European norms (Winter, 2014). However, to get a thorough and correct picture of norm diffusion up to the local level, not only top-down diffusion, but also bottom-up diffusion should be investigated (Acharya, 2004; Gebhardt, 2010; Leerkes et al., 2012; Spencer & Delvino, 2019). That is exactly what this study does: Taking a top-down approach, Chapter 4 zooms in on the downloading effects of the Facilitators Package regarding irregular migrants' access to housing from the EU up to the local level, while Chapters 5 to 8 look in more detail at both local actors' downloading and uploading behaviour. All this is brought together in Chapter 9, which concludes on the norm-makers vs. norm-takers rationale.

Europeanisation through factors that determine norm diffusion

Barrett (2004:260) -reflecting on 20 years of implementation studies from the 1980s onward- ascertains that there is a great need to conduct more research on norm diffusion which focuses on "understanding and explaining the dynamics of the policy-action relationship". Indeed, as most researchers scrutinise how norms are diffused (cf. Börzel & Risse, 2012; Checkel, 1998; Finnemore & Sikkink, 1998) from the EU to the level of Member States, the underlying factors that determine whether and how norms diffuse up to the level of people's daily life remain underexposed. This study answers Barrett's call and may add value to the academic debate by examining the diffusion of European norms with the aim to identify determining factors of norm diffusion.

Scholten (2016:973) concludes that "[v]ery few studies have focused on vertical 'multi-level' relations between policy levels and the implications these have for integration policies". In line with this, a further shortcoming is pointed out, namely the inadequate attention paid to the power relations at work between, on the one hand, the different vertical levels and, on the other hand, the actors who are involved in norm diffusion processes at one specific horizontal tier (Oomen & Baumgärtel, 2018; Schweitzer, 2017). This study overcomes both shortcomings because it does target both governance processes at the local level and governance processes between the local and (sub)national levels.

2.1.2 Studying irregular migrants' access to housing

In the broad field of immigration and integration literature, irregular migrants is still one of the little researched groups (Black, 2003; Baldwin-Edwards, 2008; Zohry, 2011). This is plausible, not in the least because irregular migrants, given the unlawful nature of the phenomenon, remain largely invisible, and thus, are difficult to study (Allsopp, 2016; Düvell et al., 2009). Moreover, although it is clear that irregular migrants are present in every EU Member State and (extra) large and medium-sized city (Bloch & Chimienty, 2011; Castles, 2004; Cvajner & Sciortino, 2010; Leerkes et al., 2007), research is hampered by the lack of reliable quantitative and qualitative data[56] (Morehouse & Blomfield, 2011; Orrenius & Zavodny, 2016; Triandafyllidou & Bartolini, 2017; Vogel, 2015). Unfortunately for academics, this lack of available data corresponds to the visible policies pursued, and vice versa, which hinders the scope for research and often narrows research related to irregular migrants down to scrutinising just a few topics (Black, 2003; Zohry, 2011): At the European and national levels primarily prevention, apprehension and returning of irregular migrants are highlighted (Andersson, 2016; Broeders, 2007; Collett, 2015; DeBono, 2016; Schneider, 2012), while at subnational levels data and policy on irregular migrants usually remains vague, ambiguous and/or not publicly disclosed (Delvino, 2017b; Jordan et al., 2003a; 2003b; Schweitzer, 2016).

There is thus a need for more research on irregular migrants on a much wider range of topics to close the existing data and policy gaps. In particular the fact that irregular migrants as law offenders (i.e., the perspective from which irregular migrants are usually perceived at (supra)national levels) and as rights holders (i.e., the perspective from which irregular migrants are usually considered at subnational levels) are two sides of the same coin deserves much more attention. To outline it with a striking example of Sigona & Huges (2012:1): An irregular migrant mother and her Birmingham-born twins are by the UK immigration authorities regarded and treated as violators of the immigration legislation who must leave the country, while for the Birmingham city council this same family is in need and therefore must receive social support. This broader research agenda, taking into account both perspectives, has been gradually expanding in the past decade. Foremost, irregular migrants' access to health care (cf. FRA, 2011b; Picum, 2017a; Ruiz-Casares et al., 2010; Schweitzer, 2016) and education (cf. Hemelsoet, 2011; Laubenthal, 2011; Spencer & Hughes, 2016) in a specific country or in a limited number of cities are being examined more in depth. Other studies focus on the presence of irregular migrants in a certain place (cf. Aparicio et al., 2010; Düvell, 2008b; Kovacheva, 2010; Ugba, 2010; Zanfrini & Kluth, 2008) or on irregular migrants' fundamental rights more in general (cf. Bicocchi & LeVoy, 2007; Carens, 2008; Cholewinski, 2005; FRA, 2011a; Merlino & Parkin, 2011; Ryszard, 2005; Valenti & Haywood, 2008). Within this literature it is regularly noted that access to housing is one of the main problems for irregular migrants (Jordan & Düvell, 2002; Garcés-Mascareñas 2014; Hutton et al., 2019; Van Parys & Verbruggen, 2004) and that more research should be conducted in this area (Cholewinski, 2005; EAPN, 2016; Geddie et al., 2014; Picum, 2010).

[56] As already demonstrated (see 1.1.1), the systematically gathered quantitative data by FRONTEX include only irregular migrants apprehended within the EU Member States, the annual number of return decisions issued, and effectively returned irregular migrants. At the subnational levels, there are hardly any rough estimates about the number and profile of irregular migrants, and if data are available the used method(s) to come to these estimates are usually questionable (Düvell et al., 2009; Vollmer, 2011).

To add to the broadening of the research agenda on irregular migrants and to contribute to closing the data and policy gaps, this study delves into the topic of irregular migrants' access to housing. Because irregular migrants' access to housing is located at the intersection of immigration and housing policy, and because the topic's relatedness to issues like homelessness, childcare, public order and safety, civil rights, etc., it would be insufficient to only take into account housing and immigration legislation. To get a thorough and correct picture of irregular migrants' access to housing, both norms on housing and immigration as well as relevant other norms will be included in this study. In addition, as competences concerning irregular migrants' access to housing might be dispersed over or shared between different tiers of government, also norms related to irregular migrants' access to housing taken at subnational levels are included.

2.1.3 Studying the Facilitators Package

Irregular migrants' access to housing falls within the scope of the Facilitators Package. In particular, Article 1(1)(b) Facilitation Directive 2002/90/EC states that Member States "shall adopt appropriate sanctions on (...) any person who, for financial gain, intentionally assists" irregular migrants to reside in the country. Also Framework Decision 2002/946 /JHA Article 1(1) which includes that Member States shall ensure that violations of the Facilitation Directive "are punishable by effective, proportionate and dissuasive criminal penalties", and Articles 2(1) and (2) Framework Decision 2002/946/JHA, which outline that also "legal persons" should be liable, affect irregular migrants' access to housing. Since housing normally contains a financial component or benefit for the provider of accommodation, any private or social landlord renting to irregular migrants may be sanctioned under this Directive if the Member State has not explicitly exempted landlords from prosecution. Thus, it is evident that in this study irregular migrants' access to housing is scrutinised on the basis of the two norms included in the Facilitators Package. Since this study is about diffusion of European norms up to the local level, the research focus is on the Package itself, as well as on its transposition, implementation and operation. A general outline of the Package's relevant articles has been addressed in section 1.1.3; Its transposition in Germany, the Netherlands and UK is described in chapter 4, and; Its implementation and operation in Berlin, Bonn, Amsterdam, The Hague , London and Stoke-on-Trent is covered in detail in chapters 5 through 9. By focussing on the local level, city performances will for the first time be captured and portrayed.

In this way, this study responds to the grievances of academics, advocacy organisations and the EU institutions alike, namely that there is still too little qualitative and quantitative evidence of how the Facilitators Package affects the daily lives of irregular migrants and those engaging with them (Allsopp, 2016; Carrera et al., 2016; CEU, 30/3/2017; EC, 22/3/2017; Picum, 2017a).

2.2 Research questions

Because this study examines diffusion of European norms up to the local level, it makes sense to start from the multi-level governance perspective to formulate research questions. This perspective matches the theoretical assumptions fairly well: Both agency and structure are looked at (Geels, 2010; Hooghe et al., 2010); Both rational and social constructed logics are considered (Börzel & Risse, 2000; Cajera, 2019; Héritier, 1999), and; The mode of governance is regarded as a factor of norm diffusion (Caponio, 2014; Hooghe & Marks, 2001; 2003; Piattoni, 2009). However, the multi-level governance perspective fails to include power relations, as actors are perceived as interdependent, interacting in a polycentric level-playing field (Pollack, 2005). Furthermore, this perspective does not take multi-level government as such into account (Skelcher, 2005).

Both deficiencies can be overcome through adding and combining insights from both the rational choice and historic institutionalism perspectives. While the former includes power relations by focusing on agency (Mastenbroek & Kaeding, 2006; Steunenberg 2007), the latter covers multi-level government by stressing on structure (Börzel, 2002, Pollack, 2005). Consequently, decision-makers' political preferences (rational choice perspective), and formal competences of the government (historic institutionalism) should be added as possible factors or norm diffusion. From this, five research questions are derived to explore the factors that determine diffusion of European norms up to the local level.

2.2.1 Research question 1: Are party political preferences of the government a determining factor of norm diffusion at the local level?

This research question focuses on government structure and is related to the rational choice perspective (Falkner et al., 2007; Hooghe et al., 2010). '*Party political preferences*' refers in this study to the local governments' political preferences regarding irregular migrants, which are defined exogenously to the decision process regarding irregular migrants' access to housing at the local level.

Left and right party political preferences are in this study determined on the basis of the social-cultural cleavage, whereby left refers to everything that leads to more personal freedom and diversity, and right to everything that leads to personal liability and similarity (Bienfait & Fennema, 2010; Kriesi et al., 2006; Van der Brug & Van Spanje, 2009).

The often suggested conclusion that (centre-)left politics implement a (more) liberal policy towards (irregular) migrants, while (centre-)right politics implement a (more) restrictive policy towards (irregular) migrants (Hix & Noury, 2007; Jeffery et al., 2014; Stratham & Geddes, 2007) is in this study the starting point for answering the first research question.

2.2.2 Research question 2: Are the 'formal competences' of the government a determining factor of norm diffusion at the local level?

Also this research question focuses on government structure albeit relates to the historic institutionalism perspective. '*Formal competences*' refers to the formal powers of the local government, which are shared with higher authorities and/or is exclusive to local governments through

decentralisation by means of de-concentration, devolution or delegation[57] (Arlotti et al., 2018; Jensen et al., 2014; Smith & Wistrich, 2014). This study does not limit itself to the formal competences of local authorities with regard to irregular migrants and housing, but, where relevant, also takes related competence fields such as homelessness, poverty and public order and security into account.
In line with the goodness of fit logic, the more the national transposition of the Facilitators Package with regard to irregular migrants' access to housing corresponds to or the better it matches with the local competences, the better it should be implemented and complied with by local governments (Börzel & Risse, 2000; Falkner et al., 2007; Treib, 2014). Conversely, the less this national transposition corresponds to or the worse it matches with the local competences, the more the implementation should deviate and the less the norm(s) should be complied with (Hooghe et al., 2010; Garcés-Mascareñas, 2014; Jorgensen, 2012; Kagan, 2006; Scholten & Penninx, 2016; Schweitzer, 2019).

2.2.3 Research question 3: Is the 'mode of governance that leads to operationalisation' a determining factor of norm diffusion at the local level?

This research question targets the mode of governance and is connected to the multi-level governance and social constructivist perspectives. Governance that leads to operationalisation is understood as the mutual interactive process between actors representing the local government and actors representing residents (i.e., local practitioners who deal with irregular migrant residents). The '*mode of governance that leads to operationalisation*' varies according to the frequency and intensity of interaction, and the investment of city resources concerning cooperation (Stratham & Geddes, 2007). From the academic literature, this research question seems to tie in with the aspects of issue saliency, administrative capabilities, public opinion, interest groups and veto-players that may explain implementation outputs. Taking those five aspects together it is reasoned that the more frequent and intensive the interaction process is and the more city resources are invested in cooperation with actors representing irregular migrants, the more the operational practice(s) are diffused bottom-up. This reasoning is structured as follows: 1) The degree of issue saliency, administrative capabilities and the degree to which irregular migrants' access to housing is subject of public opinion determine together the frequency and intensity of the interactive process and the investment of local resources (Lahav, 2004; Thierry & Martinsen, 2018; Versluis, 2003); 2) The degree to which the burden(s) and/or benefit(s) regarding the concrete norm(s) on irregular migrants' access to housing are concentrated, determines the extent to which interest groups organise (Börzel, 2006; Freeman, 1995); 3) Since irregular migrants is a high salient issue (Cherti, 2014b; Givens & Luedtke, 2005; Jordan & Düvell, 2002; Merlino & Parkin, 2011; Provera, 2015; Triandafyllidou & Bartolini, 2017) and the burden(s) and/or benefit(s) with regard to irregular migrants are concentrated (Bloch & Chimienti, 2012; Carrera et al., 2018; Chimenti, 2011; Dedja, 2013; Vollmer, 2014), it is to be expected that there will certainly be interaction between the local government and interest groups, through which several veto-players are involved in the interaction process; 4) The more veto-players are involved in the interaction process,

[57] De-concentration means that a national government redistributes the decision-making authority and responsibility over different tiers of government, while devolution refers to the transfer of decision-making authority and responsibility to a specific subnational tier of government; In the case of delegation, a national government delegates decision-making and/or executive power to a specific tier of government or to (semi-autonomous) government bodies, while remaining responsible (Jensen et al., 2014; Smith & Wistrich, 2014).

the more difficult decisions are agreed (Falkner et al., 2007; Mastenbroek & Kaeding, 2006; Schimmelfennig & Sedelmeier, 2004; Tsebelis, 2002); 5) However, because of their extensive knowledge and experience in the field, and because they are necessary actors for the operation of local policy, and moreover have operational discretion power (Dörrenbächer, 2017; Ellermann, 2007; Lipsky, 2010; May & Winter, 2009; Maynard-Moody & Musheno, 2000; Thierry & Martinsen, 2018), interest groups consisting of local practitioners could be stronger veto-players than the local government, because the former have more potential to successfully use social learning, socialisation as well as coercion techniques; 6) It is therefore expected that with regard to irregular migrants' access to housing the operational practice(s) are diffused bottom-up.

2.2.4 Research question 4: Is the 'mode of governance that leads to implementation' a determining factor of norm diffusion?

Also this research question addresses the mode of governance and is linked with the multi-level governance and social constructivist perspectives. Governance that leads to implementation is seen as the mutual interactive process between actors representing the local government on the one hand, and actors representing the national authority on the other. The '*mode of governance that leads to implementation*' varies according to the frequency and intensity of interaction, and the investment of national resources concerning cooperation (Stratham & Geddes, 2007).

From the academic literature, this research question seems to tie in with the aspects of issue saliency, administrative capabilities, public opinion and veto-players that may explain implementation outputs. Taking those four aspects together it is reasoned that the more frequent and intensive the interaction process between the different tiers of government regarding irregular migrants' access to housing is, and the more national resources are invested in cooperation with local governments, the more the local implementation of the norm(s) on irregular migrants' access to housing are diffused bottom-up. The reasoning behind this expectation is similar to that regarding the mode of governance that leads to operationalisation (see 2.2.3), although there are probably no interest groups involved in the interaction process between the local and national government, and despite the fact that the local government, depending on its competences and on the specific transposition of the Facilitators Package, probably does not have discretionary power that outweighs national powers. In other words, the veto-player power of the local government should lie in the strength of its social learning and socialisation techniques.

2.2.5 Research question 5: Are cities simply just norm-takers?

Whether cities are simply just recipients of norms (norm-takers) or (also) designers of norms (norm makers) is the central research question of this study. This question builds on Checkel's (1998) conclusion that countries are norm-makers and cities are norm-takers. While norm-makers refers to the participants in a decision-making process (Björkdahl, 2008; Checkel, 1998; Jonji´c & Mavrodi, 2012), the term norm-takers applies to those who must comply with the decided norm(s) (Björkdahl, 2012; Börzel & Risse, 2012; Checkel, 1998). Not only academics assume (implicitly or explicitly) that subnational tiers of government are merely norm-takers, but also European institutions. For example, the Pact of Amsterdam (CEU, 30/5/2016:3), which establishes the Urban Agenda for the EU, recognises

that EU legal norms are sometimes difficult to implement at the urban level due to conflicting impacts. However, only Member States are considered to solve this problem, as they "should anticipate" implementation difficulties. Also the follow-up steps, published in the (draft) New Leipzig Charter (CEU, 25/6/2020a:10; CEU, 25/6/2020b), only appeal on Member States to achieve better EU regulation, funding and knowledge, "to enhance the position of cities in legislation and policymaking". These examples indicate that the Council of the EU (CEU) regards the Member States as norm-makers and urban governments merely as norm-takers.

However, since this study assumes (see 2.1.2) that both individual agency and collective structure are always at play (including at subnational tiers of government) and are mutually constitutive due to their continuous interaction (Archer, 1982; Cajera, 2019; Risse, 2009; Schweitzer, 2017), the position outlined above cannot be followed. Rather, this study follows the position taken by Scholten & Penninx (2016) and Acharya (2004:269) that "[l]ocal actors do not remain passive targets" and respond in various ways to new norms being diffused top-down, all the more so because subnational governments have become increasingly assertive with regard to European norms (Curtis, 2016; Jorgensen, 2012; Oomen & Baumgärtel, 2018; Zapata-Barrero et al., 2017). Furthermore, in recent years, a number of studies have shown that cities are active norm-entrepreneurs who deal differently with EU norms (e.g., Price & Spencer (2015) who demonstrate how UK local authorities respond differently to facilitating irregular migrant children and their parent(s); Council of Europe (CoE, 2019), Delvino (2017a), Spencer & Delvino (2019) who illustrate how several European cities creatively circumvent irregular migrants' exclusion from local services; Jeffery et al. (2014) who uncover the diversity of local support to irregular migrants in Germany).

Thus, this study focuses on the local level to examine whether and how European norms diffuse downwards, sideways and upwards. Whether cities are simply just norm-takers or not should be deducible from the previous research questions, in which it is successively examined whether party political preferences of the local government (research question 1, see chapter 5), the formal competences granted to the local government (research question 2, see chapter 6), the mode of governance that leads to operationalisation (research question 3, see chapter 7), and/or the mode of governance that leads to implementation (research question 4, see chapter 8) are determining factors of norm diffusion at the local level. If cities can go beyond the mere transplantation of new norms to the local level and the mere operation to the letter of it in daily practice, they are not just simply norm-takers.

2.3 Theoretical assumptions

2.3.1 'The truth' is constructed

In this study it is assumed that 'the truth', and thus knowledge, is intersubjective, i.e., constructed through actors' interaction (Börzel & Risse, 2000; Checkel, 1998). Indeed, the reality is a social construct that cannot be measured objectively (Andrews, 2012; Kuzmanić, 2009). Therefore, constructivist research takes context (e.g., norms and collective understandings) and interaction processes (e.g., language and discourses) into account (Dimitrova & Rhinard, 2005; Risse, 2009).

2.3.2 Both agency and structure can determine the factors of norm diffusion

In this study it is assumed that each actor involved in implementing the Facilitators Package and/or assisting irregular migrants' access to housing has both individual agency and collective structure: No actor has no personal opinion about this topic and no actor is involved apart from any structure such as society and/or the structure(s) within which s/he may or may not facilitate irregular migrants' access to housing. Actors' agency and structure(s) are mutually constitutive due to their continuous interaction (Archer, 1982; Cajera, 2019; Risse, 2009; Schweitzer, 2017). These interactions contain power relations, which can be hierarchical and/or (a)symmetrical according to the degree of (inter)dependence. Indeed, this study does not start from the rational choice principal-agent model in which it is assumed that norms are merely transferred from a norm-maker (principal) and are simply accepted by the subordinate agent(s). This study neither follows the mainstream constructivist perspective in which norm diffusion is understood as subordinates adapting their behaviour on the basis of a logic of appropriateness to the norms imposed by superior institutions (Acharya, 2004; Diez, 2004; Lavenex, 2016).

2.3.3 Both rational and social constructed logics can determine the factors of norm diffusion

In this study it is assumed that both rational choice and social constructed logics may shape actors' preferences and may be used to diffuse the Facilitators Package up to the local level. While a rational choice approach presumes a logic of consequences and thus rather explains implementation outputs on the basis of party political preferences, goodness of fit, veto-players and administrative capabilities, a social constructed approach adopts a logic of appropriateness and therefore rather explains implementation outputs through the roles of interest groups, public opinion and issue saliency. As both perspectives focus on different aspects of norm diffusion, they are complementary.

2.3.4 Both multi-level governance and 'multi-level government' can determine the factors of norm diffusion

In this study it is assumed that when different tiers of government are (partially) competent for the implementation of a certain norm, there is at least '*multi-level government*'. The involvement of different government levels is a prerequisite for vertical multi-level governance, but is not synonymous with it. Vertical multi-level governance implies that there is also interaction between the actors of the different levels of government involved (Hooghe & Marks, 2003). In other words, in line with the modes of cooperation identified by Scholten & Penninx (2016), in the case of vertical multi-level government a norm may be implemented at the involved levels of government with or without concertation, in dialogue, or in contradiction.

2.4 Research concept

The research concept of this study has been elaborated on the basis of the research questions and assumptions. Building on this, four (considerably different from each other) researches on Europeanisation, contributed in particular to the operationalisation of this study's research concept.

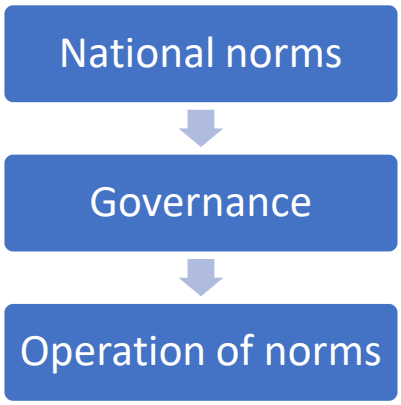
2.4.1 Checkel's (1998) research on norm diffusion up to the operational level

The political scientist Jeffrey Checkel is a pioneer with regard to bringing the social constructivist perspective in Europeanisation research. Most of his academic work focuses on how norms diffuse top-down (e.g., Checkel, 1998; 2001; 2003), on European identity building (e.g., Checkel, 2000; Checkel & Katzenstein, 2009), and on the method of process tracing (e.g., Bennett & Checkel, 2012; Checkel, 2005; 2006).

In his 1998 ARENA-paper "Norms, Institutions and National Identity in Contemporary Europe", Checkel examined to what extent new Council of Europe (CoE) norms on citizenship and national minorities were becoming institutionalised at the German operational level. By considering both the existing domestic norms and national key agents (who may differ from country to country) as intervening variables, Checkel focused on the interaction processes between the German key agents and the domestic societal arena. To this end, Checkel first analysed the relevant international and German norms via document analyses to compare both sets of norms and to map the evolution of the national norms. He then determined the key actors within the domestic arena to interview them. This inductive discursive technique of interviewing allowed Checkel to gain insight into the preferences of the involved actors as well as into the governance process of top-down norm diffusion. Through the text analyses, Checkel found that the CoE and German norms on citizenship and national minorities diverged significantly. In the interviews, actors mentioned that various societal actors' initiatives that advocated for dual citizenship only led to the interaction between both groups becoming "hesitant and contradictory" (Checkel, 1998:16), resulting in existing national norms being preserved. Moreover, the interviews revealed that the existing national norms remained maintained because the operational actors, through social learning, came to agree with the preferences of the responsible national key agents (i.e., the national governmental representatives) to have the existing German norms unchanged. From this, Checkel concluded that countries are norm-makers, while societal and local actors, who use a logic of appropriateness, are norm-takers.

In summary, as Figure 2 shows, to investigate the diffusion of international norms up to the operational level, Checkel focused on the domestic arena, more specifically on the governance process between the responsible national key actors and operational societal key actors. As indicated by the arrows, Checkel's findings and conclusion imply that a top-down governance model accounts for the diffusion of norms.

Figure 2: Checkel's research on norm diffusion up to the operational level



2.4.2 Hix and Noury's (2007) research on norm creation at the European level

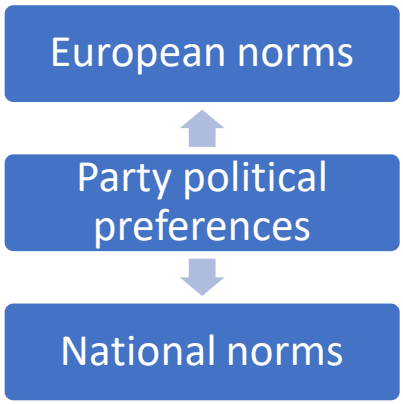
Political scientist Simon Hix together with the political economist Abdul Noury, specialise in the role and operation of the European Parliament (EP) through several researches on voting patterns (e.g., Hix & Noury, 2009; 2016) and the role of ideology in the EP (e.g., Hix & Noury, 2007; 2018).

In 2007, Hix & Noury published their study on norm creation in the EP, covering the period between 1999 and 2004. More specifically, they investigated the voting behaviour with regard to legislation on migration and immigrant integration of 621 of the then 626 individual Members of the European Parliament (MEPs). In this quantitative study, Hix & Noury (2007:182-205, passim) first calculated the "migration score" of each individual MEP, based on their voting behaviour regarding the 61 roll-call votes on this topic. In their search to finding the determinants on which MEPs' voting behaviour depends (i.e., by which the "migration scores" were influenced), they subsequently carried out multivariate regression analyses. The tested dependent variables that were not significantly related to the individual MEP's voting behaviour regarding migration and immigrant integration legislation were: Personal characteristics (i.e., MEP's sex, age and whether or not belonging to a minority group); Features of the national constituency (including racism, unemployed and unskilled persons), and; Member State's characteristics (comprising proportion of minorities, foreign born residents and asylum applicants, the nation's growth rate, pensions burden, and budget for foreign aid). In contrast, the "general left-right ideological preferences" of the MEPs' national parties turned out to be a strong determinant of MEPs' voting behaviour regarding legislation on migration and immigrant integration (Hix a Noury, 2007: 184-203, passim). From this, Hix & Noury concluded that left-wing political parties support liberal policies on migration and immigrant integration (despite the economic interests of their (potential) voters), while right-wing political parties support restrictive policy towards migrants (despite the national economic interests). In addition, Hix & Noury pointed out that party political preferences are not only decisive for decisions on migration and immigrant integration at the EU level, but likewise at the national level.

Hix & Noury's conclusion that party political preferences along the general left-right divide determine migration and migrant integration decisions at both the EU and national level is visualised in Figure 3

below. The arrows indicate that these party political preferences are both a determining factor of upward and downwards norm diffusion.

Figure 3: Hix and Noury's research on norm creation at the European level



2.4.3 Falkner et al. 's (2007) and Falkner & Treib's (2008) research on norm diffusion at the level of Member States

Political scientist Gerda Falkner (co-)authored numerous publications on Europeanisation. Her main research area concerns European integration, within which she mainly concentrates on the transposition of and compliance with EU norms by Member States (e.g., Falkner, 2002; 2018; Falkner et al., 2004; Falkner et al., 2007, Falkner & Treib, 2008).

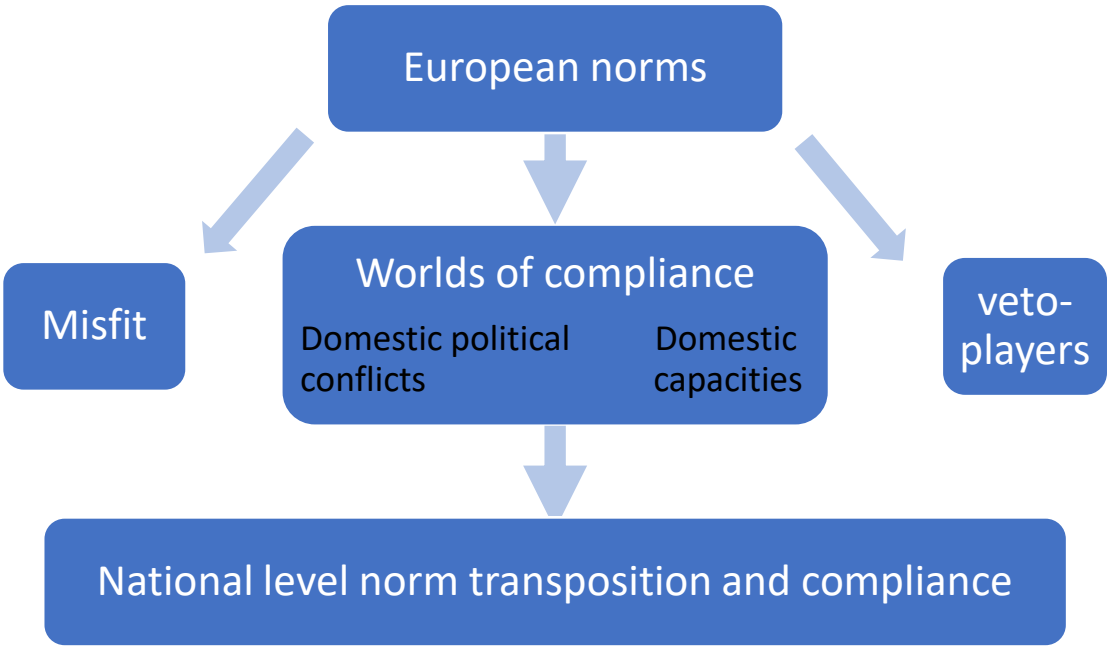
In the scholarly work on '*worlds of compliance*', Falkner, together with Miriam Hartlapp and Oliver Treib (2007) and with Oliver Treib (2008), studied the reasons for Member States' correct/incorrect and timely/too late transposition of and compliance with EU directives. In particular, they focused on EU norms regarding labour rights, respectively six EU labour law directives in the 15 so-called old Member States (Falkner et al., 2007) and three labour law directives in four of the so-called new, Central and Eastern European Member Countries (CEECs)[58] (Falkner et al., 2008). In both qualitative studies, the researchers used existing literature and legislation as well as conducted interviews to analyse the patterns related to the transposition of and compliance with the selected norms. With regard to the EU-15 Member States, experts from the relevant ministries, interest groups and labour inspectorates were interviewed. In the four CEECs, expert interviews were conducted within the relevant national administrations, supplemented with a focus group discussion involving (the representatives of) the main stakeholders. Both the transposition and compliance was analysed per Member State and per EU norm. The initial analyses focused on the explanatory aspects for implementation output that are frequently mentioned in the implementation literature, namely misfit and veto-players (more detailed under 1.2.3). They noted, however, that these factors explained little of the transposition and compliance outputs they studied. Through more inductive analyses, distinguishing administrative and political phases of norm diffusion, they found that each Member

[58] Czech Republic, Slovakia, Slovenia, and Hungary.

State used more or less a fixed pattern for transposing and complying with each of the investigated EU norms. Consequently, Falkner et al. (2007) arrived at three ideal types, or worlds of compliance, of how Member States transpose and comply with EU directives: The world of law observance, the world of domestic politics (including, amongst others, Germany, the Netherlands, UK), and the world of transposition neglect. Falkner & Treib (2008) added a fourth world, namely the world of dead letters (to which the 4 CEECs, Ireland and Italy belong). Falkner et al. (2007) and Falkner & Treib (2008) concluded that, in each of the worlds, both domestic political conflicts related to party political preferences, and domestic capacities (i.e., cultural and administrative factors) contributed to the extent to which EU norms were diffused correctly and timely (more detailed under 1.2.3).

As summarised in Figure 4, Falkner et al.'s (2007) and Falkner & Treib's (2008) worlds of compliance refer to ideal types of norm integration by Member States. They found that in the administrative and political process of top-down norm diffusion, both domestic political conflicts and domestic capacities play a role regarding the implementation outputs, i.e., the extent to which EU norms were correctly and timely transposed and complied with. Misfit and veto-players, on the other hand, insufficiently explained transposition and compliance outputs.

Figure 4: Falkner's research on norm diffusion at the level of Member States



2.4.4 Schimmelfennig and Sedelmeier's (2004; 2005; 2020) research on norm diffusion to Central and Eastern European (candidate) Member States

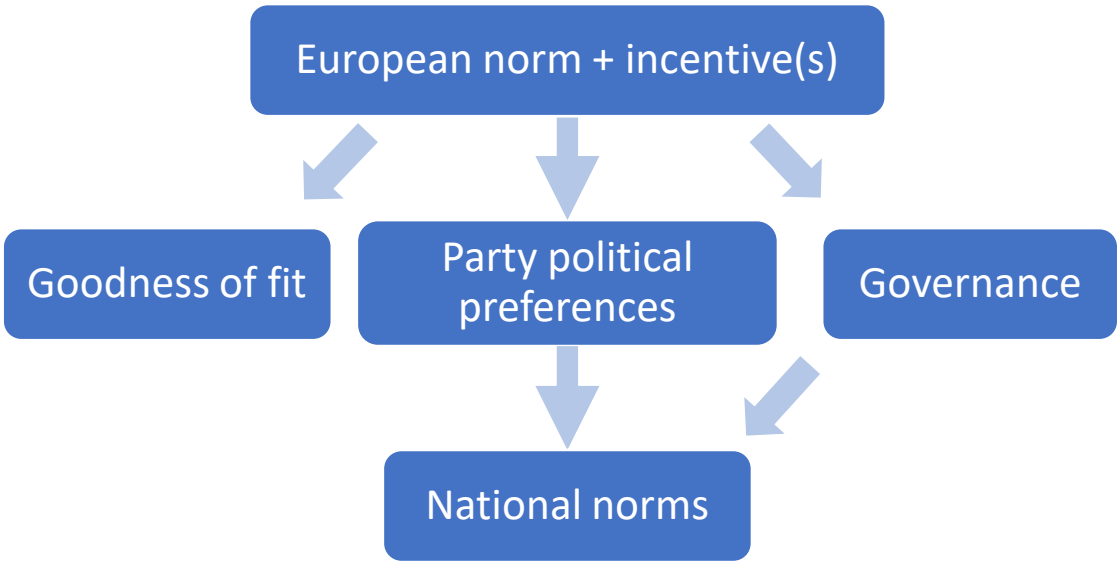
European politics academic, Frank Schimmelfennig and international relations scholar, Ulrich Sedelmeier have performed together seminal work on governance by conditionality applied to the (candidate) Member CEECs (e.g., Schimmelfennig & Sedelmeier, 2002; 2004; 2005; 2020).

In their joint research, Schimmelfennig & Sedelmeier (2004; 2005; 2020) delved into the EU's external governance of norm diffusion through incentives, and investigated the influence this has on the CEECs pre- (2004; 2005) and post-accession (2020) by analysing the CEECs' internal governance, party political preferences and existing legislation. Based on their hypothesised external incentives model, a "rationalist bargaining model" (Schimmelfennig & Sedelmeir, 2004:671), both academics assume that incentives in the form of rewards (so-called 'carrots') and/or sanctions (so-called 'sticks') are effective if the rewards and/or sanctions are higher than the domestic adoption costs. The result of candidate Member States' cost-benefit analysis would be determined by "(i) the determinacy of conditions, (ii) the size and speed of rewards, (iii) the credibility of threats and promises, and (iv) the size of adoption costs (Schimmelfennig & Sedelmeier, 2004:672). To test their hypotheses, Schimmelfennig & Sedelmeier (2004; 2005; 2020) carried out comparative analyses on case studies of different CEECs and with regard to both legal norms on EU accession (which are left aside in the below because they are not part of this study) and legal norms of the EU Acquis[59]. The empirical case studies were complemented by available data on the CEECs' domestic legislation, politics and context. The researchers found that EU norm diffusion up to the level of individual CEECs and these countries' continued compliance with EU legal norms could indeed be explained by their external incentives model, in particular by the credibility of incentives. Party political preferences as well as internal governance appeared to influence the concrete implementation outputs, especially In the absence of EU incentives and when EU norms leave room for interpretation to the (candidate) Member States (such as with directives). Schimmelfennig & Sedelmeier (2004; 2005) also noted that the candidate Member States have readily transposed the EU Acquis, in contrast to the operation of and compliance with these norms. In addition, they pointed out that the EU's external governance of norm diffusion is an "old governance" style, characterised by a "hierarchical and vertical process of command, control, and steering" (Schimmelfennig & Sedelmeier, 2004: 682-683) that uses rewards pre-accession, and deploys sanctions post-accession (Schimmelfennig & Sedelmeier, 2020).

Schimmelfennig & Sedelmeier (2004; 2005; 2020) add the power of credible EU incentives to the Europeanisation research on norm diffusion. As indicated in Figure 5, EU norms with their associated rewards (for candidate Member States) and sanctions (for Member States) influence the CEECs' concrete implementation outputs according to the party political preferences of the government and the mode of internal governance. The third mediating factor they examined, namely the goodness of fit of the existing national legislation appeared to have no influence on the implementation outputs. That is why no arrow has been drawn between the goodness of fit factor and national norms.

[59] Which they call respectively "democratic conditionality" and "acquis conditionality" (Schimmelfennig & Sedelmeier, 2004:671-684, passim; Schimmelfennig & Sedelmeier, 2020:816-829, passim).

Figure 5: Schimmelfennig & Sedelmeier's research on norm diffusion to Central and Eastern European (candidate) Member States



2.4.5 Operationalisation of this study's research concept

The four researches described above have been selected because they all consider implementation outputs of Europeanisation as dependent on, albeit different, intermediate factors of norm diffusion. However, the four differ significantly from each other in their research scope.

First, each of the researches described above focuses on different tiers of the multi-level government that characterises the vertical dimension of Europeanisation: Hix & Noury only look at the European level, and Falkner solely scrutinises the level of the Member States; Schimmelfennig & Sedelmeier take both the EU and domestic level of the CEECs into account, and Checkel, whose research starts from international norms, zooms in on both the national and operational level. As already mentioned, academic research into European integration up to the local level remains scarce within the rich body of Europeanisation literature. In fact, none of the studies described earlier in 1.2.1 concentrates on factors of norm diffusion that might influence implementation outputs of European norms. However, this is not a problem for the research design and concept of this study, because the national, subnational, local and operational levels have more in common than there are differences. Though, each tier of government does have unique features, such as specific competences, actors involved in policy-making, and scale of jurisdiction, but this also applies, for example, to different countries at the national tier of government. In order to construct the research concept of this study, the findings of the four researches described above were disconnected from their specific research level(s). This resulted in the inclusion of the four or five tiers of government involved in European norm diffusion up to the local level, as shown in the blue rectangles in Figure 6, to wit: 1) The European level where the Facilitators Package was agreed; 2) The national level where the Facilitators Package was transposed, along with the sub-national level (concerning Germany); 3) The city government level where the Facilitators Package should be implemented, and; 4) The day-to-day level where the Facilitators Package operates.

Second, the four researches described above vary in their research approach of the vertical dimension of Europeanisation: Checkel, Falkner, and Schimmelfennig & Sedelmeier used a top-down approach, while Hix & Noury concluded that party political preferences diffuse upward and downwards through combining a top-down and bottom-up approach. To get a thorough and correct picture of norm diffusion up to the local level, not only top-down diffusion, but also bottom-up diffusion should be investigated (Acharya, 2004; Gebhardt, 2010; Leerkes et al., 2012; Spencer & Delvino, 2019). As indicated by the arrows in Figure 6, the transposition, implementation and operation of the Facilitators Package is scrutinised top-down in this study (single arrows pointing down). At the same time also local actors' bottom-up behaviour is included when exploring the relation between the city and (sub)national government, and local actors' horizontal behaviour is incorporated when investigating the relation between city government and day-to-day practices (double arrows pointing down and up). By looking from the local level in all directions this study is able to capture downwards, upwards and/or sideways diffusion of European norms.

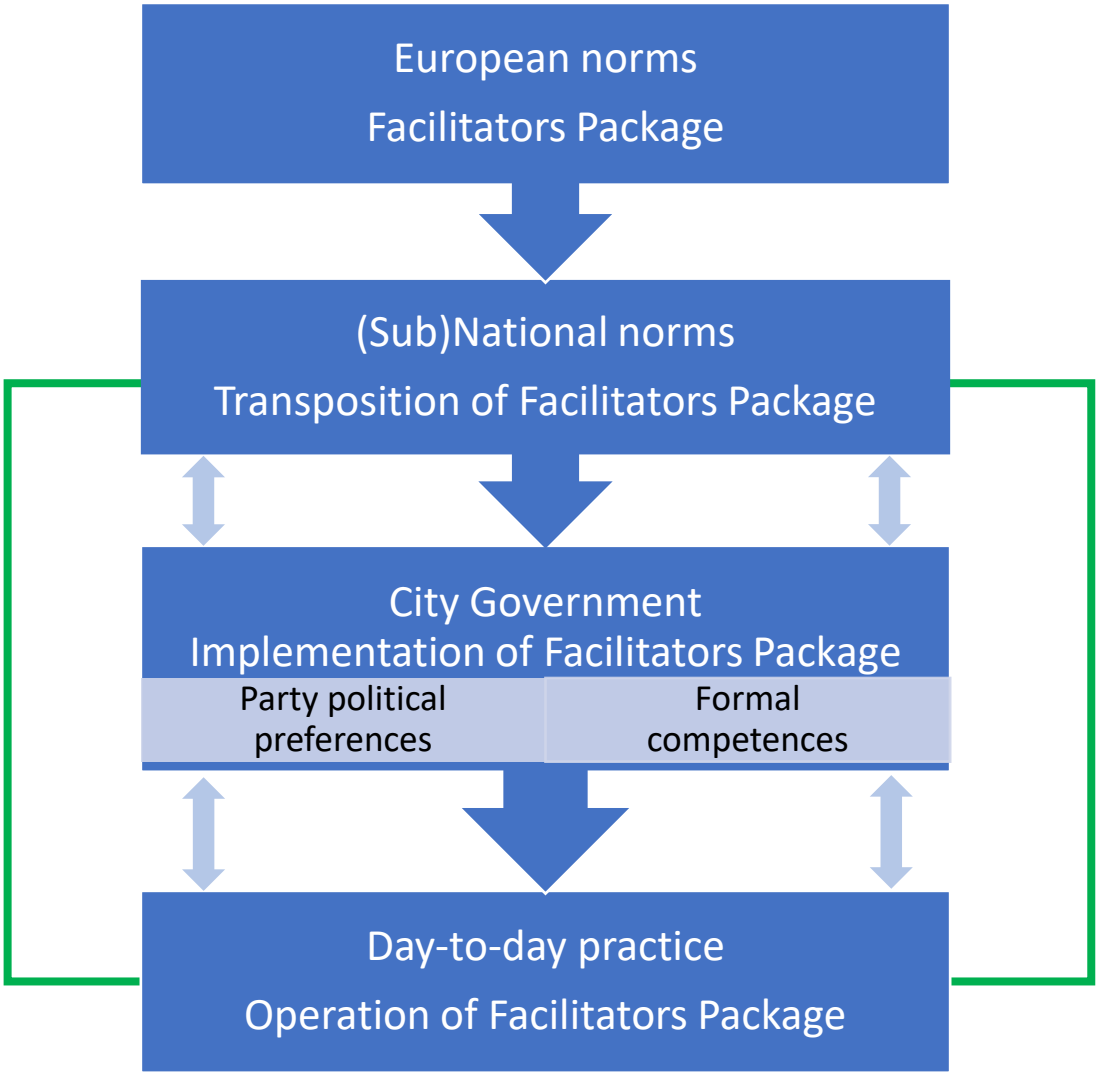
Third, the four researches described above contain different, albeit related and complementary, findings concerning determining factors of norm diffusion: Both Checkel, and Hix & Noury each clearly demonstrate the influence of one particular factor of EU norm diffusion, respectively governance and party political preferences. Also Schimmelfennig & Sedelmeier analysed these two factors, as well as the goodness of fit between the existing legislation and a new EU norm. With regard to governance and party political preferences, they, like Checkel and Hix & Noury, found that these are determining factors, especially in the absence of (credible) incentives (Hix & Noury, 2004; 2005). With regard to the goodness of fit reasoning, Schimmelfennig & Sedelmeier found that it is not a determining factor of EU norm diffusion. The latter corresponds with Falkner's findings (Falkner et al., 2007; 2008), who summarised that misfit and veto-players are only "sometimes-true theories" (Falkner et al., 2007:395-410, passim). In contrast, with their worlds of compliance, Falkner et al. (2007; 2008) came to more vague, but broader, conclusions regarding determining factors of EU norm diffusion. More specifically, they found substantive qualitative evidence that both domestic political conflicts and domestic capacities play a determining role in EU norm diffusion. However, Falkner et al. (2007; 2008) indicate that the worlds of compliance should merely be used as a filter to distil the determining factors with regard to a specific (national) context from. While domestic political conflicts largely corresponds to the factor party political preferences, domestic capacities matches with having sufficient resources (in the case of Falkner's research i.e., to transpose directives timely and correctly).

Much attention is paid in this study to the factor governance (cf. research questions 3 and 4, see chapters 7 and 8). This factor is formulated in Figure 6 as "governance process" to emphasise the interactive nature of the factor. Governance process is situated both between the level of city and (sub)national government, and between the level of city government and day-to-day practices. Also party political preferences is included as a factor of EU norm diffusion in the operationalised research concept of this study. Party political preferences is situated and is thus being investigated (cf. research question 1, see chapter 5) at the level of city government. A third factor included in the operationalised research concept of this study concerns formal competences. In Figure 6, formal competences is situated at the level of city government, because this factor is mainly applicable at subnational tiers of government, and the city government is this study's research scope (cf. research question 2, see chapter 6). Formal competences of the city government refers to the formal authority that a city has

obtained from the national government to exercise power on its city territory (Hooghe et al., 2010; Ladner et al., 2015; Lidström, 1998). Through its formal competences a city government comes to arrangements with its administration and any other involved authority with regard to the available budget, responsibilities, etc., within the margins of the national legal frameworks (Hambleton, 2011). In other words, the factor formal competences of the city government is a translation at the local level of Falkner's factor domestic capacities. Moreover, the formal competences factor has been explicitly included as determining EU norm diffusion to stress the earlier made distinction between multi-level governance and multi-level government. As already explained (see 1.3.2) competences concerning irregular migrants' access to housing might be dispersed over or shared between different tiers of government and thus both multi-level governance and multi-level government can determine the factors of norm diffusion (see 2.1.4).

In summary, an inductive operational research concept based on the above described researches of Checkel (1998), Hix & Noury (2007), Falkner (2007; 2008) and Schimmelfennig & Sedelmeier (2004; 2005; 2020) was constructed to examine the factors that determine EU norm diffusion up to the level of cities. Party political preferences, formal competences and governance process are derived from the four above described researches as factors that may determine norm diffusion at the local level (cf. research questions 1-4). The green frame in Figure 6 indicates the main research scope of this study, namely the city government level with its relationship to the (sub)national government and day-to-day practices (cf. research question 5, see chapter 9).

Figure 6: Operationalisation of this study's research concept



Chapter 3: Methodological framework

This chapter elaborates the methodological framework of this study. First, the ethical considerations regarding studying irregular migrants' access to housing are discussed. The second part describes the general research methodology, including this study's research approach. Part three zooms in on the selection of the research cases, respectively the selection process of the countries and the cities to be studied, and the actors to be interviewed. Fourth, the methods used for collecting and managing the written and oral data are detailed. The last part outlines the methods used for analysing and evaluating the data of this study.

3.1 Ethical considerations with regard to studying irregular migrants' access to housing

Irregular migrants is a salient issue (Cherti, 2014b; Givens & Luedtke, 2005; Jordan & Düvell, 2002; Merlino & Parkin, 2011; Provera, 2015; Triandafyllidou & Bartolini, 2017), thus, research on this topic inevitably stirs in a sensitive jar (Düvell et al., 2009). Moreover, as already elucidated in chapter 1, irregular migrants may be excluded from access to (certain types of) housing (see 1.1.3), and/or persons facilitating irregular migrants' access to housing may be sanctioned pursuant legislation derived from the Facilitators Package (see 1.1.4). In other words, this study (largely) zooms in on delicate and possibly unlawful behaviour. Consequently, the sensitivity of the research topic has a number of implications with regard to setting-up and carrying out this study.

First of all, I carefully considered the ethical context of discovery, which addresses the researcher's bias concerning the view on the research topic (Swedberg, 2012). I am no different species than any other researcher, so I am biased. Therefore, it is important to self-reflect on my beliefs and values regarding this study, and to make them transparent (Düvell et al., 2009; Roland & Wicks, 2009; Schwartz-Shea & Yanow, 2012; Swedberg, 2012). 20 years of work experience as a civil servant in a Belgian city, of which eight years in the field of migration and migrant integration, have (de)formed my way of thinking about cities and the actors located in an urban context. In particular two views coloured the elaboration of this study's research design in a certain way, and were taken into account in the methodological framework.

The first view concerns irregular migrants and their right to housing. As Peirce (1868:141) states: "Let us not pretend to doubt in philosophy what we do not doubt in our heart". To me, every single human being, regardless of residence status, should be equally entitled to all human rights. Although the Universal Human Rights are not always enforceable in societal practice for various (practical and/or ideological) reasons, governmental laws and regulations are morally subordinate to them. This view refrained me from seeking and extracting information from anti-immigrant sources.

The second view has to do with cities' role(s) in norm diffusion. I cannot imagine that cities are just structures that merely take norms from the level(s) above them. Neither do I believe that Glaeser

(2012:9) gets it right that “cities aren’t structures, cities are people”. To me, cities are obviously structures, however, comprising different agencies of local politicians, civil servants, practitioners and residents who each can decide to behave in any specific situation as a norm-taker and/or norm-maker, irrespective of their effective power. Because this view is shaped by working in a Belgian city and in order not to detract the reliability of this study, I decided to not include any Belgian city in this study.

Second, I thoroughly thought through about the ethical context of justification, i.e., the aim of this particular study and the way(s) of communicating the results (Düvell et al., 2009; Swedberg, 2012).
Although this study aims to take away some of the invisibility of irregular migrants’ presence in cities, it is not the intention to influence any policy on irregular migrants’ access to housing. To that end it would be better to apply normative research methods, such as applied or action research (Héritier, 1999). Instead, interpretative research methods are used as the focus is on giving meaning to norms via local practices (Schwartz-Shea & Yanow, 2012; Winter, 2014).
Studying the diffusion of the Facilitators Package up to the local level implies that facilitators’ behaviour (i.e., the actions and opinions of actors involved in the implementation and operation of the Facilitators Package) is central to this study. Involving local policy-makers and local practitioners (including both frontline civil servants and civil society actors) does not mean that I support their actions and opinions, but that I respect them. Incorporating facilitators in this study responds to irregular migrants being understudied (Morehouse & Blomfield, 2011; Orrenius & Zavodny, 2016; Triandafyllidou & Bartolini, 2017; Vogel, 2015), without the need or having an added value to include irregular migrants themselves as research subjects (Düvell et al., 2009; Triandafyllidou & Bartolini, 2017). Moreover, since irregular migrants (their profiles, number, etc.) remain largely invisible in society -or as one interviewee repeatedly said “(…) they are ghosts” (interview no. 026)- trying to include them in this study would hamper its credibility and transferability (see 3.2).
However, it was not self-evident to approach relevant actors in a fitting way so that they were willing to contribute to this study. Approaching individuals in English as an unknown researcher as well as using the term “irregular migrants” often appeared to be too high thresholds, especially when it was believed that facilitating irregular migrants violated moral and/or legal norms (interview no. 003; 008; 010; 020; 041; 045; 053; 058; 063; 071; 091; 108). Therefore, potential respondents were approached in the official national language in which the city is located, and the most common local terminology covering irregular migrants was used. This resulted in using the following jargon: In Germany, “Flüchtlinge (mit unsicherem Status)” (refugees (with insecure status)), “(unsichere) Asylbewerber” ((unsecure) asylum applicants) and “Geduldete” (Tolerated, referring to persons with a Toleration Certificate); In the UK, “vulnerable refugees” and “asylum seekers”; In the Netherlands, “ongedocumenteerde (migranten)” (undocumented (migrants)).
The sensitivity and salience of the research topic (Düvell et al., 2009) was also evident when collecting data and presenting (interim) results. As this study aims to analyse the social phenomenon of facilitating irregular migrants’ access to housing, a specific terminology that is as neutral as possible is required (Düvell et al., 2009; Harvey, 2011; Pfadenhauer, 2009). Much attention and care was therefore given to both the what (content) and the how (word use) in the research communication. The definitions and terminology used with regard to the research concepts were elaborated in part 1.1, the communicated content of this study was explicitly agreed with the research participants, but remains the researcher’s responsibility (see 3.4.4).

3.2 General research methodology

Research methodology is the overall strategy, the detailed action plan, to obtain step-by-step answers to the research questions (Cho & Lee, 2014; Kothari, 2004; Noaks & Wincup, 2004). It is determined by the research objectives and the theoretical assumptions, and it determines the research scope and appropriate research methods (Gerring, 2012; Mohajan, 2018; Radaelli & Pasquier, 2008).

The research objective of this study is to identify factors that determine diffusion of European norms up to the local level (see 1.3). Since these factors have not yet been distinguished in the academic literature, it is not possible to analyse a specific theoretical framework or to test a particular theory. This study is therefore exploratory and descriptive in nature (Mortelmans, 2013; Radaelli & Pasquier, 2008; Snower et al., 2017). By zooming in on one concrete aspect of the Facilitators Package (namely irregular migrants' access to housing) and taking the theoretical assumptions of this study into account[59], the behaviour of the actors involved needs to be explored in its natural setting, and must be described from their perspective (Mohajan, 2018; Schweitzer, 2019). This will generate a broad range of data which are and have to be interpreted, not least because the first theoretical assumption is that 'the truth' is constructed (Schwartz-Shea & Yanow, 2012; Winter, 2014). In other words, in this study both the researcher and researched interpret, and thus give meaning to the research questions on the basis of their unique knowledge, experiences, feelings, and their particular context (Schwartz-Shea & Yanow, 2012).

3.2.1 This study's research approach

The systematic description and interpretation of process-related data, such as factors that determine norm diffusion, is characteristic of a qualitative research approach (Mohajan, 2018; Mortelmans, 2013; Tummers, 2011). Other important features of a qualitative research approach include that: Data are used to develop concepts and theories as there is no pre-existing theoretical framework or given theory; Data are collected through contacts in the everyday lives of the actors involved; Data collection and analysis proceed together (Mohajan, 2018; 't Hart et al., 2009), meaning that an abductive logic of inquiry is used (Cho & Lee, 2014; Schwartz-Shea & Yanow, 2012; Verschraegen, 2018). An abductive logic of inquiry implies that the researcher alternates between the existing academic literature and the input of the actors involved in the research (Schwartz-Shea & Yanow, 2012; Swedberg, 2012). Based on the researcher's interpretation, new insights can arise from constantly jumping back and forth between facts and theory (Verschraegen, 2018).

Like any research, also this qualitative study must meet the generally applicable quality requirements of validity, reliability, replicability, objectivity, and falsifiability (Ratcliffe, 1983; Schwartz-Shea & Yanow, 2012). Because these requirements are designed to perform positivist, empirical research they cannot simply be copy-pasted in qualitative research, which leads to using alternative, albeit none-ambiguous, terms to point out the differences between the two research approaches (Cho & Lee, 2014; Noaks & Wincup, 2004; Yilmaz, 2013). In this study the terms: Transparency, i.e., unambiguity

[59]To wit, the last three assumptions: Both agency and structure can determine the factors of norm diffusion; Both rational and social constructed logics can determine the factors of norm diffusion; Both multi-level governance and 'multi-level government' can determine the factors of norm diffusion (see 2.1).

regarding generated knowledge (Moravcsik, 2014; Schwartz-Shea & Yanow, 2012; Verschraegen, 2018); Credibility, i.e., truth value (Baxter & Jack, 2008; Cho & Lee, 2014; Mohajan, 2018); Transferability, i.e., applicability in similar situations, circumstances, and contexts (Cho & Lee, 2014; Mohajan, 2018); Intersubjectivity, i.e., mutual understanding of things and meanings, independent of personal preferences and opinions (Gillespie & Cornish, 2010; Schwartz-Shea & Yanow, 2012; Schweitzer, 2019), and; Consistency, i.e., substantive coherence (Cho & Lee, 2014; de Haas et al., 2015; Schwartz-Shea & Yanow, 2012) are used to refer to the generally applicable quality requirements.

3.3 Selecting the research cases of this study

The purpose of this study is to identify factors that determine diffusion of European norms up to the local level. As this is a too general aim to examine as a whole, the scope of this study had to be narrowed down. First, one particular EU norm, the Facilitators Package, was selected as it crossed my professional path and triggered me to conduct this study. Only one specific aspect included in the Facilities Package -irregular migrants' access to housing- was scrutinised, to allow for an in-depth and holistic view on this complex phenomenon (Mohajan, 2018; 't Hart et al., 2009; Yilmaz, 2013). Besides, since irregular entry and transit are usually fleeting, it is less meaningful and almost impossible to study these processes in detail (Ambrosini, 2011; Bloch et al., 2011; Jordan & Düvell, 2002; Orrenius & Zavodny, 2016).

The second narrowing down of the research relates to 'the' local level. Given the focus on the implementation and operation of facilitating irregular migrants' access to housing -meaning on the behaviour (both actions and opinions) of (possible) facilitators- this study is both time-consuming and labour-intensive (Mohajan, 2018; Noaks & Wincup, 2004; Schwartz-Shea & Yanow, 2012). Including in this study all EU-cities that are bound by the Facilitators Package would thus be completely infeasible. Consequently, cities had to be selected (see 3.3.1 and 3.3.2). In total, six cities in three EU Member States were selected to allow comparing different contexts, detecting differences and similarities, and arriving at solid research results that are to some extent transferable (Baxter & Jack, 2008; Cho & Lee, 2014; Mortelmans, 2013). This study is thus a multiple-case study, which enhances the study's credibility and transferability (Gustafsson, 2017; Mohajan, 2018, Schweitzer, 2019).

Third, since the implementation and operation of irregular migrants' access to housing, if described in policy documents, provides insufficient insight into practice(s) (Garcés-Mascareñas & Penninx, 2016; Penninx et al., 2014; Sabatier, 1986), local actors had to be involved and selected for the study (Lipsky, 1980; Penninx et al., 2014; Winter, 2014). Although data from interviewees are not objectively verifiable (Baxter & Jack, 2008; Mohajan, 2018; Noaks & Wincup, 2004), it allows to get an insider's view (Mohajan, 2018; Mortelmans, 2013; 't Hart et al., 2009). However, involving practitioners is easier said than done well. To begin with, trustworthy practitioners with diverse knowledge, experiences and feelings must be selected (see 3.3.3) and must be willing to participate to enable consistent results (Cho & Lee, 2014; de Haas et al., 2015; Schwartz-Shea & Yanow, 2012). Furthermore, both the researcher and researched must have the necessary skills to arrive at intersubjective (Gillespie & Cornish, 2010; Mohajan, 2018; Schwartz-Shea & Yanow, 2012; Schweitzer, 2019) and non-biased results (Düvell et al., 2009; Roland & Wicks, 2009; Schwartz-Shea & Yanow, 2012; Swedberg, 2012).

3.3.1 Selecting countries to be studied

The Facilitators Package was initiated by France in 2000, and unanimously agreed by the so-called 'old' Member States on 28 November 2002. Since neither the European Parliament (EP) nor the EU advisory committees were involved in the decision-making process, and since the Facilitators Package consists of two norms that had to be transposed by the Member States into national legislation, it is no added value to zoom in on the decision-making process at EU level. Contrary, it makes all the more sense to focus on the diffusion of both norms starting from the Member States' level.

Within the scope of this study it is impossible to include all Member States. To improve the accuracy of comparing irregular migrants' access to housing, the selection of countries was limited to the old Member States because phenomena relevant to this study (such as migration history and the number of migrants) are more similar in the old as compared to the new Member States (de Haas et al., 2014; Freeman, 1995; Givens & Luedtke, 2005; Hix & Noury, 2007; Ray et al., 2016; Snower et al., 2017). For example, states that acceded the EU since 2004 have a shorter immigration history and the number of immigrants is generally lower (de Haas et al., 2015; Düvell, 2011; Snower, 2017). Countries with more and longer experience on immigration also have more data available. From the 15 old Member States, Denmark excluded itself from participating in the Facilitators Package (Articles 1 and 2 Protocol annexed to the TEC/TEU), and was therefore excluded as a possible country to investigate. However, the remaining 14 old Member States each have unique national-historic, -cultural and -political features that influence the country's attitudes and policies towards migrants (Brubaker, 2009; Hix & Noury, 2007; Joppke, 1999). In contrast, although often assumed and investigated, socio-economic factors do not significantly determine attitudes and policies towards immigrants (Bloch & Chimienti, 2011; Givens & Luedtke, 2005; Grande et al., 2019; Hatton, 2015; Hollifield, 1992; Papademetriou & Banulescu-Bogdan, 2016). Since this study wants to zoom in on factors that determine norm diffusion, it is important to have a similar system design, and thus to identify symmetrical countries. In their research on immigration policy Giordani & Ruta (2013) concluded that neighbouring countries managing immigration similarly are symmetrical. The existence of symmetry between nations that are geographically close to each other is also demonstrated by Ray et al.'s (2016) inverse distance matrix on migration and integration policies, which shows that spatial correlation between countries enhances harmonisation of immigration and migrant integration policies. In addition, not only policy but also people's attitudes towards migrants tend to be similar in neighbouring states. This is, amongst others, evident from the Eurobarometer surveys (Van den Durpel, 2017).

Taking the existence of interdependence into account, only neighbouring countries were withheld in the second phase of selecting research countries. This means that either Southern European states (Greece, Italy, Spain, Portugal), Scandinavian countries (Finland and Sweden) or Western European nations (France, Germany, Austria, the Netherland, Belgium, Luxembourg, Ireland, UK) would be investigated. Neither the Southern European states nor the Scandinavian countries were retained, because in-depth document analysis requires that the content of legal and policy texts, case law and research reports can be understood and analysed thoroughly. To be able to meet this prerequisite, the researcher must have a very good command of the languages in which these documents are written, which is not the case. The selection of countries to be investigated was therefore narrowed down to France, Germany, Austria, the Netherlands, Belgium, Luxembourg, Ireland and the UK.

In the third phase of selecting research countries, both Belgium and Luxembourg were excluded. The former because it might compromise the research its credibility and intersubjectivity[60], the latter due to doubts concerning its scientific value as Luxembourg is a very small country. This left six potential countries to scrutinize: France, Germany, Austria, the Netherlands, UK and Ireland.

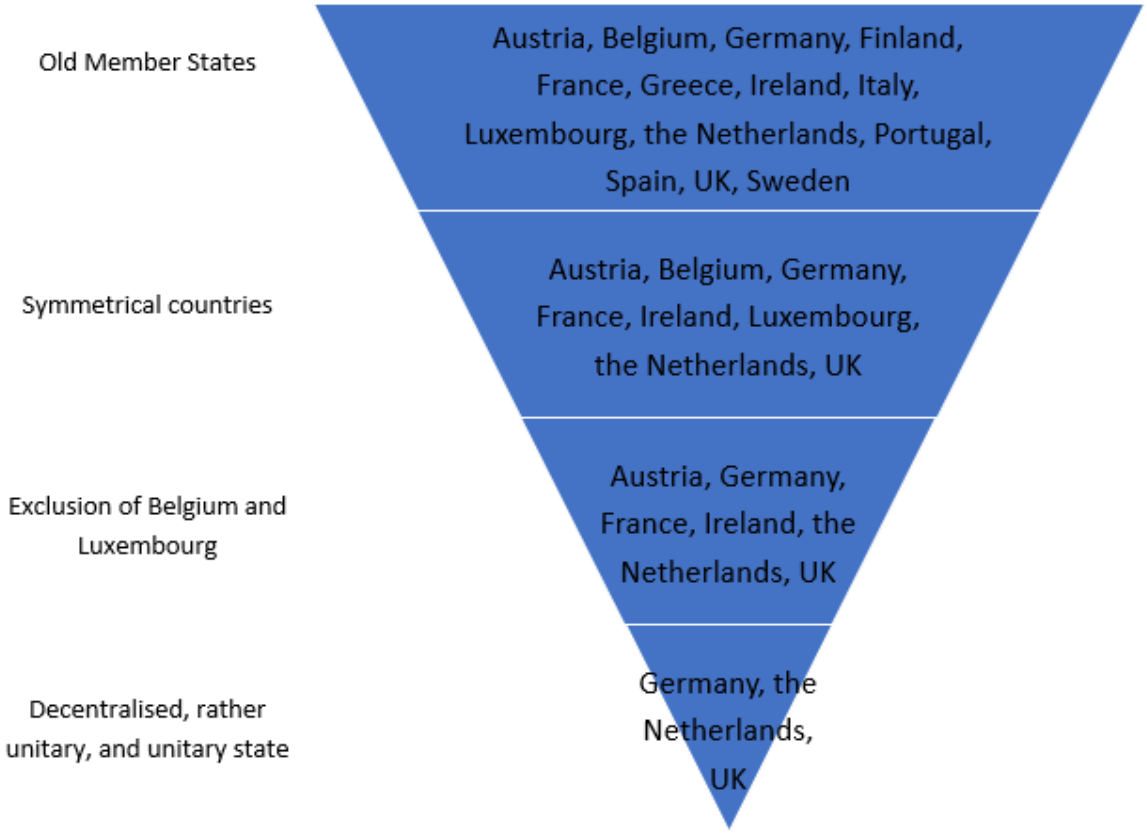
In the fourth and last round of narrowing down states to be investigated, the distribution of competences within a country was taken into account. Although this might not be relevant for scrutinising the transposition of the Facilitators' Package, (facilitating) irregular migrants' access to housing is most palpable at the local level where people's daily life takes place and thus can be an important independent variable when investigating cities, as de Haas & Natter (2015) concluded in their wide-scale research in 21 Western countries and as Schweitzer (2016) demonstrated in his comparative study between London and Barcelona. Considerable powers and responsibilities are shared or delegated from the central government to sub-national and/or local level(s) in decentralised states, certain competences are shared or delegated from the central government to sub-national and/or local level(s) in rather unitary nations, while all power remains at the central level in unitary states (Lijphart, 2012). Germany and Austria belong to the first category; The Netherlands is a rather unitary state, and; The UK with its unique relation to the EU[61], Ireland and France are categorised as unitary states (Lijphart, 2012). As Figure 7 shows, one country from each of these three groups is included in this research, to wit, Germany as a decentralised nation, the Netherlands as a rather unitary state and the UK, more specifically England[62], as unitary country. This last selection is based on the researcher's knowledge and research experience with these countries.

[60] Between 2007-2015 the researcher worked in the integration sector at the local level in Belgium where she, amongst others, elaborated and implemented policy on irregular migrants and contributed to the design of regional and national policy measures concerning the research topic. Therefore, it would be intellectually dishonest to analyse this policy and compare it with other countries.

[61] The UK acceded the EU in 1973 and left the Union on 31 January 2020 after activating Article 50 TEU (withdrawal clause). The consequences of leaving the EU with regard to (facilitating) irregular migrants' access to housing is to date (September 2021) not yet clear.

[62] Due to the devolution of powers from the UK central government to Wales, Scotland and Northern Ireland, amongst others with regard to housing and welfare, this study only covers England.

Figure 7: Selecting countries to be studied



3.3.2 Selecting cities to be studied

As 74% of the residents in Europe live in cities (UN, 2019), according to the New York Declaration for refugees and migrants "local authorities (...) are the first receivers of migrants" (UN, 2016: Article 54), and since the implementation and operation of legislation is most visible and tangible in day-to-day practice (Bilgili & Agimi, 2015; Caponio, 2014; Frug & Rosenthal, 1998; Gebhardt, 2014; Jorgensen, 2012; Varsanyi, 2006) this study focuses not only on the level of EU Member States, but mainly on cities in the selected countries (Germany, the Netherlands, UK). Moreover, the responsibility to deal with "contradictory pressures" (e.g., human rights versus restrictive regulations) and unintended consequences is often "dumped" on cities, that have to carry out the policies (Bozeat et al., 2016; Carrera et al., 2016; Carrera et al., 2018; FRA, 2014; Schweitzer, 2016:5). Therefore, it is worthwhile to take a closer look at the impact and consequences of the Facilitators Package at local level and how these are handled by the local agents and structures.

A first difficulty with selecting cities concerns the definition of what a city actually is. Starting from the concept of polis, which derives its origin to the ancient Greek socio-political and socio-geographical uniqueness around 800 B.C., cities are often described as civil societies in which citizenship, social contract and local government (i.e., politeia) play a central role (Gebhardt, 2016; Isin, 2000; Rhodes, 2009). Cities are often seen as the opposite of villages, as indicated by Tönnies' distinction between 'Gemeinschaft' (i.e., community, referring to village) and 'Gesellschaft' (i.e., society, referring to city)

(Coleman, 1993; Reeve, 1997). For example, in his search to identify the city's features Barber (2013:70) turns off cities against villages and towns as "interdependent" against "parochial". Like Glaeser (2012), Barber (2013:62) concludes that the only feature of nowadays and ancient cities is their progressive change: "[A] constant growth in population density, in diversity and in specialization of functions; and hence in complexity". However, nation states apply varying criteria -such as population size, performed urban functions or historic city rights- to determine the status of a city (Ladner et al., 2016). To overcome the lack of comparability between nations' self-defined cities, the EU developed a technical concept based on high-density population grid cells[63]. Although this concept of "urban centre" increases comparability (Dijkstra & Poelman, 2012:2), it is a construction that often does not coincide with the entire population of one jurisdiction and one particular political government. Therefore, the unit of research in this study will accord with what the respective national governments define as city. Not all cities within the three selected states can be studied. In order to be able to carry out thorough in-depth analyses per city and comparative analyses between cities on the one hand and between cities and countries on the other hand, two cities per nation are scrutinised. As a starting point, the three capitals of the nations involved in this study have been chosen: Amsterdam, Berlin and London. To select the remaining three cities, four criteria were used:

1) Political diversity among the studied cities: The composition of the governing authority is examined because it is assumed to affect policy. Therefore, the second selected city within the nation must have a different political composed local government.
2) Geographical dispersion within the nation: Being situated in a different region is applied to assess whether regional differences affect the implementation of the Facilitators Package. It is expected that local practices in Germany -classified as a decentralised state- will show regional differences, while this is not and rather not expected in the cases of respectively England (unitary state) and the Netherlands (rather unitary state). However, spatial correlation as identified by Ray et al. (2016) may mean that no or only small differences between cities exist. Therefore, cities that are geographically dispersed will be selected. The second city thus must be situated in another political-administrative location than the capital of the country.
3) Diversity of the city population regarding nationalities: This criterion indicates the city's experience concerning immigrants. All selected cities must have immigrants among their citizens to allow for meaningful analyses on the implementation and operation of the Facilitators Package. Although the number of residents in the city is of minor importance with regard to the presence of irregular migrants (Castles, 2004; OECD, 2013; Picum, 2012a), it can affect the management capacity and thus the operation of policies (Berman, 1978; Winter, 2014; Dedja, 2013). Therefore, next to the capitals Amsterdam, Berlin and London, three by the EU defined "large" cities[64] will be scrutinised (Dijkstra & Poelman, 2012:5).
4) Presence of policy regarding (irregular) migrants' access to housing: The local intentions towards irregular migrants' access to this human right will be examined. Although the granting of residence status is a national matter in all three selected states, local governments have some powers

[63] First, contiguous grid cells with a density over 1,500 inhabitants per km² containing at least 50,000 inhabitants are clustered in an "urban centre". Then, existing local administrative units with at least half of their residents living in an urban centre, are selected. If at least 75% of the local administrative unit's (linked to the political level) population lives in the urban centre, it is defined as a city (Dijkstra & Poelman, 2012:5).
[64] A large city comprises between 250,000-500,000 citizens (Dijkstra & Poelman, 2012).

influencing (the facilitation of) irregular migrants' access to housing. The selected cities therefore must have housing policies and policies on social assistance to destitute persons in place.

Selecting English cities

The selection of cities started with England, where 'city' is defined as a single-tier unitary authority (Wise, 1969; Smith & Wistrich, 2014; GOV UK, 2016). As London has a Labour Mayor (Sadiq Khan) and a mainly Labour Assembly[65] since May 2016, the second city must have a different political composed local government. As on March 2018, the cities of Bournemouth[66], Peterborough[67], Plymouth[68], Poole[69], Portsmouth[70], Stoke-on-Trent[71], Swindon[72] and York[73] have non-Labour majority local governments. Furthermore, none of these cities are located within London Greater Authority. On the basis of the cities' size and diversity of the local population, shown in Table 5, Peterborough, Portsmouth, Stoke-on-Tent and Swindon seem better candidates to study, because they have a bigger proportion of third-country nationals in their population. However, in Peterborough, Portsmouth and Swindon local elections are held on a four-year cycle, meaning that one-third of the city council is annually renewed, with no elections in the fourth year. As this electoral system makes it impossible to investigate the relation between politics and policy, none of these cities were retained. On the other hand, in Stoke-on-Trent 44 councillors representing 37 wards[74] are elected once every four years.

Table 5: English non-Labour majority governed cities' size and diversity of the local population

City	Number of inhabitants (WPR, 31/12/2017)	Diversity of population: % third-country nationals (NOMIS, 2012)
Bournemouth	163,600	14,912 (9,1%)
Peterborough	163,379	32,647 (19,9%)
Plymouth	260,203	10,028 (3,8%)
Poole	150,092	6,336 (4,2%)
Portsmouth	194,150	23,959 (12,3%)
Stoke-on-Trent	253,200	28,479 (11,2%)
Swindon	185,609	21,438 (11,5%)
York	153,717	11,589 (7,5%)

[65] Labour (12); Conservative (8); Green (2); UKIP (2); Liberal Democrats (1)
[66] Conservative mayor and city council (54 persons): Conservative (52); Green (1); Independent (1)
[67] Conservative mayor and city council (60 persons): Conservative (30); Labour (14); Liberal-Democrats (7); UKIP (2); Independent (7)
[68] Conservative mayor and city council (57 persons): Conservative (27); Labour (27); UKIP (3)
[69] Conservative mayor and city council (42 persons): Conservative (30); Liberal-Democrats (7); UKIP (1); Independent (4)
[70] Conservative mayor and city council (42 persons): Conservative (20); Labour (2); Liberal-Democrats (15); UKIP (3); Independent (2)
[71] Labour mayor and city council (44 persons): Labour (20); Conservative (7); City independent (16); UKIP (1)
[72] Conservative mayor and city council (57 persons): Conservative (30); Labour (25); Liberal-Democrats (2)
[73] Conservative mayor and city council (47 persons): Conservative (14); Labour (15); Liberal-Democrats (12); Green (4); Independent (2)
[74] 31 single member wards, five two-member wards and one three-member ward.

Selecting German cities

According to the Federal Statistics Office (DESTATIS, 2017), Germany counted 2,059 official municipalities on 31 December 2016. Of these, 13 are defined as large. Because Berlin has an SPD Mayor (Michael Müller) and a Left Senate[75], the second city must have a different political composed local government. As on March 2018, the cities of Aachen[76], Mönchengladbach[77], Augsburg[78] and Bonn[79] have a non-Left majority local government. As Berlin is both a city and a state, none of these cities are located within the state of Berlin. On the basis of the cities' size and diversity of the local population, shown in Table 6, Bonn has the biggest proportion of third-country nationals in their population and was therefore chosen to further investigate.

Table 6: German non-Left majority governed cities' size and diversity of the local population

City	Number of inhabitants	Diversity of population: % third-country nationals
Aachen (2016)	253,945	30,681 (12,08%)
Mönchengladbach (2017)	270,553	24,220 (8,95%)
Augsburg (2017)	286,374	31,847 (11,12%)
Bonn (2017)	327,919	53,424 (16,29%)

Selecting Dutch cities

According to the Central Office For Statistics (CBS, 2018a), the Netherlands counted 370 municipalities on 1 January 2018 of which only Utrecht is a large city. The political party of the mayor does not play a role in Dutch municipal politics. After the local elections of 21 March 2018, the distribution of seats of both city councils and executive boards in Utrecht were compared with those in Amsterdam: Both Amsterdam[80] and Utrecht[81] have a left majority local government, although Amsterdam has more

[75] After election on 8 December 2016 (foreseen to remain in charge until end 2021): SPD (4); Die Linke (3); Bündnis 90/Die Grünen (2); Independent (1).
[76] CDU mayor and city council (77 persons): AfD (1); Allianz für Aachen (2); CDU (29); Die Linke (5); FDP (3); Grüne (13); Piraten (3); SPD (20); UWG Aachen (1).
[77] CDU mayor and city council (68 persons): CDU (30); SPD (20); Bündnis 90/Die Grünen (7); FDP (4); Die Linke (4); Independent (3).
[78] CSU mayor and city council (60 persons): CSU (28); SPD (13); Bündnis 90/Die Grünen (7); Pro Augsburg (4); AfD (1); WSA (1); Freie Wähler (2); Die Linke (1); ÖDP (1); Polit-WG (1); Independent (1).
[79] CDU mayor and city council (86 persons): CDU (27); SPD (20); Grüne (16); FDP (7); Die Linke (5); Bürgerbund Bonn (4); BIG (1); Pro NRW (1); AfD (3); Piraten (2).
[80] City council (45 persons): GroenLinks (10); D66 (8); VVD (6); PvdA (5); SP (3); PvvD (3); Denk (3); CDA (1); CU (1); Forum voor Democratie (3); PvdO (1); Bij1 (1). Executive board: Coalition of GroenLinks (3), D66 (3), PvdA (2) and SP (1) with mayor Jozias van Aartsen from(VVD.
[81] City council (45 persons): GroenLinks (12); D66 (10); VVD (6); PvdA (3); SP (2); PvdD (2); Denk (2); CDA (2); CU (2); PVV (1); Student & Starter (2); Stadsbelang Utrecht (1). Executive board: Coalition of GroenLinks (3), D66 (3), and CU (1) with mayor Jan Van Zanen from VVD.

elected right-wing councillors. As an alternative, the election results of Eindhoven[82] and The Hague[83] were analysed, since the former has a little less and the latter has a little more inhabitants than a large city, as Table 7 demonstrates. However, only The Hague, situated in the province of South Holland, has a non-Left majority local government.

Table 7: Dutch non-Left majority governed cities' size and diversity of the local population

City (CBS, 2018b)	Number of inhabitants (31/12/2017)	Diversity of population: % third-country nationals
Utrecht	347,644	16,884 (4,92%)
Eindhoven	226,868	14,757 (6,50%)
The Hague	524,882	37,174 (7,08%)

[82] City council (45 persons): GroenLinks (7); D66 (6); VVD (7); PvdA (6); SP (4); PvdD (0); Denk (1); Brede Beweging Linksom (1); CDA (5); CU (1); Ouderen Appel Eindhoven (2); Lijst Pim Fortuyn Eindhoven (2) – 50 Plus (2) – Leefbaar Eindhoven (1). Executive board: Coalition of GroenLinks (2), VVD (2), PvdA (1) and CDA (1) with mayor John Jorritsma from VVD.

[83] City council (45 persons): GroenLinks (5) – D66 (6) – PvdA (3) – SP (1) – Islam Democraten (1) – NIDA (1) – VVD (7) –PvdD (2) – CDA (3) – CU/SGP (1) – Groep de Mos/Hart voor Den Haag (8) – Haagse Stadspartij (3) – PVV (2) – 50 Plus (1) – PvdE (1). Executive board: Coalition of Hart voor Den Haag/Groep de Mos (2), VVD (2), D66 (2) and GroenLinks (2) with mayor Pauline Krikke from VVD.

Overview of selected cities to be studied

In summary, Table 8 gives an overview of the six selected cities.

Table 8: Overview selected cities

Country	City/ geographical location	Political composition of local government (March 2018)	City population
England	**London/ Greater London**	05/2016-05/2020: Mayor: Sadiq Khan (Labour) Assembly: Labour (12) – Conservative (8) – Green party (2) – UKIP (2) – Liberal Democrats (1)	Total: 8,173,941 TCN: 3,286,506 (40,2%)
	Stoke-on-Trent/ Staffordshire	05/2015-05/2019: Council leader: Dave Conway (City Independent) City council: Labour (20) – Conservative (7) – City Independent (16) – UKIP (1)	Total: 253,200 TCN: 28,479 (11,2%)
The Netherlands	**Amsterdam/ North-Holland**	03/2018-03/2022: Mayor: Jozias van Aartsen (VVD) City council: GroenLinks (10) – D66 (8) – VVD (6) – PvdA (5) – SP (3) – PvdD (3) – Denk (3) – CDA (1) – CU (1) – Forum voor Democratie (3) – PvdO (1) – Bij1 (1)	Total: 844,947 TCN: 61,793 (7,31%)
	The Hague/ South Holland	03/2018-03/2022: Mayor: Pauline Krikke (VVD) City Council: GroenLinks (5) – D66 (6) – PvdA (3) – SP (1) – Islam Democraten (1) – NIDA (1) – VVD (7) –PvdD (2) – CDA (3) – CU/SGP (1) – Groep de Mos/Hart voor Den Haag (8) – Haagse Stadspartij (3) – PVV (2) – 50 Plus (1) – PvdE (1)	Total: 524,882 TCN: 37,174 (7,08%)
Germany	**Berlin/ 'City State' Berlin**	12/2016-12/2021: Mayor: Michael Müller (SPD) Senate: SPD (4) – Die Linke (3) – Bündnis 90/Die Grünen (2) – Parteilos (1)	Total: 3,688,976 TCN: 426,063 (11,54%)
	Bonn/ North Rhine-Westphalia	05/2014-05/2019: Mayor: Ashok-Alexander Sridharan (CDU) City council: CDU (27) – SPD (20) – Grüne (16) – FDP (7) – Linke (5) – Bürgerbund Bonn (4) – BIG (1) – Pro NRW (1) – AfD (3) – Piraten (2)	Total: 327,919 TCN: 53,424 (16,29%)

3.3.3 Selecting interviewees to be studied

To obtain an as complete and correct as possible picture of the local implementation and operation of the Facilitators Package, local actors were interviewed and therefore needed to be selected. As actors active at the local level are in this study (see 1.1.5) classified into local government, local practitioners, and residents, representatives of these three groups had to be recruited in each of the six cities studied. Two types of entry points were used to find suitable interview partners: On the one hand existing contacts of the researcher in the six cities (via the Eurocities Migration & Integration Working Group and via the City Initiative on Migrants with Irregular Status in Europe (C-MISE) project), and, on the other hand, member lists of networks that represent the interests of irregular migrants (to wit: Platform for International Cooperation on Undocumented Migrants (Picum), No Recourse to Public Funds network (NRPF network, UK), Landelijk Ondocumenteerden Steunpunt (Foundation LOS, the Netherlands), Seebrücke Bewegung (Germany)), and networks advocating the right to housing (to wit: Feantsa, No Accommodation Network (NACCOM, UK), Housing and migrants network (HAG, UK)).
In total 354 different potential interview partners were invited via email in their official national language (respectively in German, Dutch, English) to participate in this study, of which 110 politicians representing the local government, and 244 practitioners of which 78 city and enforcement staff representing the local government, and 166 NGOs/CSOs representing irregular residents. The number of people contacted per interview group and per city is shown in Table 9.

Table 9: Number of potential interview partners contacted per interview group and per city

City	Politicians	Practitioners	
		City and enforcement staff	NGOs/CSOs
Bonn	14	12	23
Berlin	12	18	43
The Hague	18	12	28
Amsterdam	15	12	23
Stoke-on-Trent	24	12	16
London	27	12	33
Total	***110***	***78***	***166***

89 of the 354 contacted persons/organisations did not respond to the email and friendly reminder they received. In addition, two email addresses were out of order (and no phone number or other means to contact them was found). Of the 263 responses received, 151 persons replied that they could not participate in the study (for various reasons) with some referring to other potential interview partners. 112 persons answered that they were willing to be interviewed. In the entire process from contacting 354 potential interview partners to making the appointments for the 112 interviews, the researcher had sent 1,048 emails (an average of 9.36 emails per actual interview held) and did have 98 telephone conversations. Following the interviews, another 41 emails containing information that came up during the interview were sent to interview partners. Moreover, all 112 interviewees received a thank you email afterwards with the option to provide feedback.

3.4 Methods used for collecting and managing the data

Research methods are the specific procedures and techniques to collect, manage, analyse and evaluate data in order to answering the research questions (Cho & Lee, 2014; Kothari, 2004; Schwartz-Shea & Yanow, 2012). When conducting qualitative research, multiple methods are used to meet the general quality requirements (Denzin, 2012; Schweitzer, 2019; Yilmaz, 2013). Consequently, different data collection methods were used in this study to obtain, via data triangulation, in-depth views on irregular migrants' access to housing (Baxter & Jack, 2008; Denzin, 2012; Schwartz-Shea & Yanow, 2012).

3.4.1 Collecting data for this study

Collecting written data for this study

Two different types of research data, written and oral data, were collected for this study. The written data are in English, German or Dutch and contain different sorts of information. Table 10 provides an overview of these different written sources, how and why they were collected. The bulk of collected written data are respectively: Scientific articles, books and research reports; Policy documents and reports, and; Legal sources.

Table 10: Sorts of information, methods used and reasons for collecting these data

Sort of information	Methods used	Reasons for data collection
Scientific articles, books and research reports		
On (irregular) migrants (access to housing) rights and situations in Europe, Germany, the Netherlands, UK	Google scholar database; British Library main catalogue; References in articles, books, reports; Participation in C-MISE project; Referrals by interviewees and contact persons[84] in the studied cities.	Triangulation with other written and oral data to arrive at valuable and credible research findings
On Europeanisation and norm diffusion	Google scholar database; ProQuest Political Science database; References in articles, books, policy documents, reports.	Literature review to consider various interpretations and explanations of the written and oral data
On research design and methodology	Google scholar database; British Library main catalogue; ProQuest Political Science database; References in articles, books, policy documents, reports.	Detailed action plan to obtain step-by-step answers to the research questions and to meet the general quality requirements

[84] Prior to the interviews, the researcher had a contact person in each of the six cities studied to whom she could turn to with (practical and substantive) questions and could rely for advice about contextual sensitivities and customs.

Policy documents and (evaluation) reports		
(Evaluation) reports on the implementation of the Facilitators Package in Europe, Germany, the Netherlands, UK	Picum Quarterly updates; References in articles, books, policy documents, reports; Obtained from interviewees and contact persons in the studied cities.	Triangulation with other written and oral data to arrive at valuable and credible research findings
Policy documents on (irregular) migrants' (access to housing) rights in Europe, Germany, the Netherlands, UK	Picum Quarterly updates; Manifesto Project database; DEMIG POLICY, version 1.3 database (until 2014); References in articles, books, policy documents, reports; Referrals by interviewees and contact persons in the studied cities.	Triangulation with other written and oral data to arrive at valuable and credible research findings
(Evaluation) reports on the implementation and operation of the Facilitators Package in the six cities scrutinised	References in articles, books, policy documents, reports; Obtained from interviewees and contact persons in the studied cities.	Triangulation with other written and oral data to arrive at valuable and credible research findings
Policy documents on (irregular) migrants' (access to housing) rights in the six cities scrutinised	References in articles, books, policy documents, reports; Parties', cities', NGOs'/CSOs' websites; Obtained from interviewees and contact persons in the cities studied.	Triangulation with other written and oral data to arrive at valuable and credible research findings
Legal sources		
Facilitators Package and other EU legislation on migrants in irregular residence	EUR-Lex database	EU legal basis for irregular migrants' access to housing and core of study topic on EU norm diffusion
Transposition of Facilitators Package in Germany, the Netherlands, UK	EUR-Lex database	Member States' legal basis for irregular migrants' access to housing and core of study topic on EU norm diffusion
Other German legislation on immigration, legal residence, irregular migrants, (social) housing and homelessness	German laws database: Gesetze-im-Internet; DEMIG POLICY, version 1.3 database (until 2014); Referrals by interviewees and contact persons in the studied cities.	Germany's legal basis for irregular migrants' access to housing and core of study topic on EU norm diffusion
Other Dutch legislation on immigration, legal residence, irregular migrants, (social) housing and homelessness	Dutch laws database: Overheid.nl; DEMIG POLICY, version 1.3 database (until 2014); Referrals by interviewees and contact persons in the studied cities.	The Netherland's legal basis for irregular migrants' access to housing and core of study topic on EU norm diffusion

English national laws on immigration, legal residence, irregular migrants, (social) housing and homelessness	English laws database: legislation.gov.uk; DEMIG POLICY, version 1.3 database (until 2014); Referrals by interviewees and contact persons in the studied cities.	England's legal basis for irregular migrants' access to housing and core of study topic on EU norm diffusion
International legislation and case law on irregular migrants' access to housing	CURIA (ECJ) and HUDOC (EtCHR) databases; Referrals by interviewees and contact persons in the studied cities.	Assessment of local implementation of laws regarding irregular migrants' access to housing, possible factor of EU norm diffusion
Newspaper and popular magazine articles		
Articles on (irregular) migrants (access to housing) rights in the six cities scrutinised	Referrals by interviewees and contact persons in the studied cities to Het Parool, Tagesspiegel, Der Spiegel, The Guardian	Gaining a broad view and thick description of the local contexts studied
Internal working documents		
Reflection notes, proposals, organisation charts that were discussed during interviews	Obtained from interviewees in the studied cities	Gaining a broad view and thick description of the local contexts studied and enhancing interviewees' credibility
Numerical sources		
Figures on the population and number of third-country nationals in the six cities scrutinised	Federal Statistics Office (DESTATIS) Germany, Central Office For Statistics (CBS) the Netherlands, World Population Review (WPR) and Office for National Statistics (NOMIS) UK; Website of Bonn, Berlin, Amsterdam, The Hague.	Criteria for selecting cities to be studied
Seat distribution of the City Councils (Bonn, The Hague, Amsterdam, Stoke-on-Trent, Senate (Berlin), Assembly (London)	Website of the six cities studied	Basis for answering the first research question
Figures related to the presence of irregular migrants and persons facilitating them in the EU, Germany, the Netherlands, UK and the six cities scrutinised	FRONTEX Risk Analyses; CLANDESTINO project; Reports of EMN, OECD and MPI.	Gaining a broad view and thick description of the local contexts studied

Collecting written data progressed on the one hand in a chained manner, i.e., using references made by specialist sources, in view of the background knowledge of the researcher and the specificity of the research topic (Kothari, 2004; Valcke et al., 2018). On the other hand, collecting written data was built up in phases, i.e., from general to more specialised data, to gain broad insight on (European) norm diffusion (Gerring, 2012; Kothari, 2004; Mortelmans, 2013). Moreover, the data collection process was iterative throughout the entire period of this study (November 2016 until June 2021) to allow an abductive logic of inquiry (Cho & Lee, 2014; Schwartz-Shea & Yanow, 2012; Verschraegen, 2018).
To advance this study's transparency, a detailed overview of all used written data is provided in the references at the end of this dissertation, and the mainly used written as well as the data collection methods are explained in each of the following chapter (Moravcsik, 2014; Kothari, 2004; Yilmaz, 2013). Triangulating the written data with other written and oral sources meets the credibility requirement (Baxter & Jack, 2008; Denzin, 2012; Yilmaz, 2013). Furthermore the study's credibility was fostered by using multiple data sources (Mortelmans, 2013; Schwartz-Shea & Yanow, 2012; Yilmaz, 2013).

Collecting oral data for this study

To identify factors that determine European norm diffusion it is paramount to involve local actors' behaviour, both their actions and opinions, in this study (Garcés-Mascareñas & Penninx, 2016; Schweitzer, 2019; Vollmer, 2014). Therefore local politicians, city and enforcement staff, and NGOs/CSOs operating in the six cities studied were selected (see 3.3.3) and invited to participate in this study. To this end the interview method was used, as interviews usually provide insights into what actors think about a certain norm as well as how they deal with it (Düvell et al., 2009; Harvey, 2011; Lilleker, 2003). Moreover, interviews go beyond intentions regarding the implementation of a norm expressed in policy documents, and allow for a comprehensive picture of local practices (Abels & Behrens, 2009; Mohajan, 2018; Penninx et al., 2014). In other words, the use of interviews should increase scientific understanding into the Facilitators Package's influence on the behaviour of persons who may (not) facilitate irregular migrants' access to housing, what their motivations are for their behaviour, and what meaning and interpretations they give to the Facilitators Package. As detailed in Table 11, a total of 112 interviews were conducted, of which 25 with local politicians, 20 with city and enforcement staff, and 67 with NGOs/CSOs.

Table 11: Number of interviews per interview group and per city

City	Politicians	Practitioners	
		City and enforcement staff	NGOs/CSOs
Bonn	6	1	11
Berlin	4	2	12
The Hague	4	5	10
Amsterdam	5	6	9
Stoke-on-Trent	2	4	11
London	4	2	14
Total	***25***	***20***	***67***

The average duration of an interview was one hour and 13 minutes, with the shortest interview lasting 30 minutes and the longest interview about two hours and 20 minutes.
A total of 124 people participated in the 112 interviews, so 12 double interviews were conducted. 46 of the 124 interviewees (37.1%) are male and 78 (62.9%) female. 92 of the 124 respondents (74,2%) have national roots (i.e., German in the German cities, Dutch in the Dutch cities, and British in the English cities), seven (5.7%) have an non-national EU origin, and 25 interviewees (20.1%) have a non-EU third-country background. On average, the interviewees had 10.15 years of experience, with politicians having the least years of experience in the position in which they were interviewed (on average 7.5 years) and NGO/CSO employees having the most years of experience (on average 12.3 years). However, the person with the least experience is someone working in an NGO/CSO (1 month) involved in a double interview, while the interviewee with the most years of experience (49 years) in the position in which the interview was conducted is a politician. Finally, although most of the interviewees are between 40 and 45 years, the age range of the 124 respondents varies greatly, as displayed in Table 12.

Table 12: Interviewees per age group

Age group	Number of interviewees
20-25	0
25-30	8
30-35	14
35-40	6
40-45	39
45-50	17
50-55	22
55-60	8
60-65	8
65-70	0
70-75	2

In order to arrive at valuable interpretations of the interviews two prerequisites must be met: The context in which the actors operate is included, and a holistic approach is used (Mortelmans, 2013; Penninx et al., 2014; Sabatier, 1986).
With regard to including the interviewees' context, the researcher went (not for the first time) to the six cities studied to conduct the interviews (between 23 September 2018 (first interview) and 13 October 2019 (last interview)), at a location in their field of activities chosen by the interviewees.
In addition, the researcher had gone through possible relevant contextual (written) information in advance to prepare as well as possible. This information included: Population data detailed by nationality and origin; Characteristics and geographic data of the city; Composition of the local government (since 2000); Local competences, responsible policy-makers (since 2000), and city departments/services related to housing, assistance to destitute persons and migrants (found on the

cities' website); Information about current and former (since 2000) mayors; Information about the local political parties (retrieved from their individual websites); Information about the selected interviewees and, if applicable, their organisation; Relevant (supra)local legislation with regard to housing, social services and migrants; Scientific articles, books, reports, and policy documents on (irregular) migrants and/or housing in the cities studied, found in advance.
The researcher was in Bonn from 23 to 30 September 2018 and conducted 15 face-to-face interviews (of which five in English and 10 in German) plus one telephone interview in German during this period. Two interviews took place at a later date in the same period (both in German), by telephone, because the interviewees were not available during the time the researcher was in Bonn.
From 3 to 8 December 2018, between 12 to 15 December 2018 and from 9 to 12 January 2019, the researcher was in Berlin for 19 live interviews in person (of which two in English).
The researcher then travelled to Stoke-on-Trent where 10 face-to-face interviews were carried out between 4 and 8 February 2019. On February 15th, a telephone interview was held because the interviewee was not in the city the week before. As the researcher felt to still miss important information, additional interviewees were approached, resulting in six extra face-to-face interviews between 20 and 22 August, 2019.
The next stop was London, where 19 face-to-face interviews were conducted between 2 and 9 June 2019. The 20th interview in London took place on August 23rd 2019.
Thereafter, the researcher headed to The Hague, arriving on the 16th and leaving the city on the 21st of June 2019, to conduct 16 interviews (of which one in English). Because some interviewees were not around when the researcher was in the city, one interview took place via phone a week later, and two other interviews were conducted face-to-face on July 25, 2019.
With regard to Amsterdam, two telephone interviews were completed prior to the researcher's stay in the city, on August 16 and September 15, 2019. Then, between 22 and 28 September 2019, followed 16 face-to-face interviews in Amsterdam while the last interview was organised in Brussels on October 13th 2019. All these conversations were in Dutch.

A holistic approach was pursued via the semi-structured interviews. This method implies that verbal interactions take place between an interviewer and one (or a few) interviewees, who usually do not know each other and who both act from their own perspective, constructing meaning together through "a blend of closed and open-ended questions, often accompanied by follow-up why or how questions" (Adams, 2015:493; Abels & Behrens, 2009; Kuzmanić, 2009). Semi-structured interviews usually take place face-to-face because non-verbal communication helps determine the direction of the conversation, but can also be conducted by telephone (Adams, 2015; Irvine et al., 2013; Lancaster, 2017). Indeed, by using this method the conversation topics are fixed and interview guides are prepared in advance by the interviewer (see Annex 1 to 9), but interviewees can easily provide additional and other information (Adams, 2015; Lancaster, 2017). However, this leeway contains a number of difficulties and pitfalls for both the interviewer and interviewees as both are biased and influence each other (Adams, 2015; Harvey, 2011; Kuzmanić, 2009; Lancaster, 2017; Lilleker, 2003; Schwartz-Shea & Yanow, 2012). Biases may include external characteristics of the 'other' (e.g., age, gender, origin, appearance), and/or the style and language use of the 'other' (Abels & Behrens, 2009; Kuzmanić, 2009; Schwartz-Shea & Yanow, 2012). Although mutually influencing one another is characteristic of interviewing, the interviewer and interviewees are never equals (Harvey, 2011;

Lancaster, 2017; Lilleker, 2003): Although the latter almost always plays a home game (the interviewer goes to the interviewees' environment), they respond to the fact that they are being studied, and have the power over the information they do (not) disclose (Abels & Behrens, 2009; Lancaster, 2017; Schwartz-Shea & Yanow, 2012). The former, on the other hand, usually has more academic knowledge and information from other interviews, but depends on the input of the interviewee (e.g., available time, quotes that may (not) be used, etc.) (Adams, 2015; Lilleker, 2003; Lancaster, 2017).
(Semi-structured) interviewing requires the necessary alertness and skills from the interviewer to create sufficient mutual trust and understanding during the conversation, in order to arrive at intersubjective and credible results (Adams, 2015; Abels & Behrens, 2009; Denzin, 2012; Lilleker, 2003; Schwartz-Shea & Yanow, 2012). However, collecting local actors' oral contributions is worthwhile as it adds value to the written data through unique information and bottom-up insights on the diffusion of European norms up to the local level (Kusenbach, 2003; Lilleker, 2003; Trinczek, 2009). By means of member-checking (i.e., checking the interviewer's interpretation with the interviewee(s)), double-checking information (e.g., with the contact persons in the six cities), and triangulation of the obtained oral and written data as well as the differing oral data, the study's credibility is advanced (Denzin, 2012; Schwartz-Shea & Yanow, 2012; Widodo, 2014; Yilmaz, 2013).

3.4.2 Managing the data of this study

No grants or other material benefits were obtained in relation to this study, nor was this study conducted at the request of anyone, but the researcher's. This study is executed in accordance with: The European Code for Research Integrity (ALLEA, 2017) which sets out principles of research integrity and criteria for good research practice; The Policy plan on Research Integrity at Ghent University (UGent, 2015) and; The Framework for Good Research Practice (UGent, 2020), in which the specifications with regard to appropriate behaviour, confidentiality, data management, ethics in research, fieldwork, human research, informed consent, research communication, and sustainable travel are particularly relevant.

Ethical considerations with regard to the obtained data

Aware of the sensitivity and saliency of this study, all potential research participants were written with the guarantee that their contribution will remain anonymous and that the information they would provide is treated confidentially. The prior written communication also included information about the researcher and the study (theoretical and social scope, selected countries and cities, operationalisation of the research concept, methodological framework and research questions). Via this email correspondence, the research participants gave their informed consent concerning further interaction and information sharing (Edwards & Holland, 2013; Harvey, 2010).
Nevertheless, research participants remain always vulnerable because they have no control over how information is interpreted (Schwartz-Shea & Yanow, 2012) and what will happen with the information they share (Haggerty, 2004; Obelene, 2009; Trinczek, 2009). This vulnerability was all the more the case in this study as interviewees might tell about unlawful behaviour and/or might use political incorrect normative convictions and language (Düvell et al., 2009; Lancaster, 2017; Pfadenhauer,

2009). Therefore the agreements made in advance were repeated during the introduction of each interview, in connection with the question whether the interview could be recorded as help and mnemonic only for the researcher's ears. At the end of each interview, the researcher asked whether and how certain sensitive statements and/or information could be used. In addition, it also happened that the interviewee and/or interviewer indicated during the interview that certain statements and/or information should (not) be used in the study. Finally, while the research results were being written out, some interviewees were contacted to double-check whether a particular statement/information, although completely anonymous, could be published or not.

Data documentation and sharing

Simply put, data documentation means providing information about the collected and analysed data (Niu & Hedstrom, 2008; Schwartz-Shea & Yanow, 2012). It increases the transparency, credibility, transferability and consistency of a qualitative research (Cho & Lee, 2014; Kuzmanić, 2009; Moravcsik, 2014; Schwartz-Shea & Yanow, 2012; Verschraegen, 2018).

In this study, many effort was put in describing the collected and analysed data comprehensively (i.e., rich and thick description). As stressed by Cho & Lee (2014), a literature review, extensive use of data sources, and a research design and methodology outlined in detail are included in this doctoral research. Furthermore, to meet the quality requirements, a thick description of the studied contexts is given per chapter (Baxter & Jack, 2008; Mohajan, 2018; Zapata-Barrero et al., 2017), accompanying interview quotes which may conflict (Moravcsik, 2014; Schwartz-Shea & Yanow, 2012; Yilmaz, 2013). Also on the inside of this study the data are rigorously detailed by means of: Interview guides; Fieldnotes of all interviews conducted; An in English written, de-naturalist, transcript of each interview; Audio recordings of the interviews (19 of the 110 interviews analysed were not recorded: Twice due to technical problems with the recording equipment and in 17 cases at the request of the interviewee(s)), and; The different versions of the coding frame, to offer transparency on the coding process (de Haas et al., 2015; Mortelmans, 2013).

Much of the data and data documentation can be shared without risks for the actors involved in this study, and are consequently shared in this dissertation, academic articles, conferences, etc. to further transparency and transferability, and to enable checking this study's consistency and credibility (Cho & Lee, 2014; Kuzmanić, 2009; Lancaster, 2017; Schwartz-Shea & Yanow, 2012; Yilmaz, 2013). For example, the interview guides (Annex 1-9), final codebook of the interviews (Annex 10), and coding of the German, Dutch and British government parties' electoral programmes between 2000 and 2018[85] (Annex 11-13) are added to this doctoral research. Due to the large number of interviews, the many cases in different contexts, and by anonymising the statements of the interviewees, many quotes can also be shared (Lancaster, 2017; Lilleker, 2003; Tsai et al., 2016). However, the fieldnotes, interview transcripts and audio recordings will not be shared for four reasons: 1) The actors involved in this study

[85] For Germany, the Kohl III (12/3/1987-18/1/1991) government parties' electoral manifestos were additionally coded; For the UK, the Heath (19/6/1970-4/3/1974), Thatcher I (4/5/1979-9/6/1983), Thatcher III (11/6/1987-28/11/1990) and Major II (9/4/1992-30/4/1997) government parties' electoral manifestos were additionally coded. This happened in both cases because these governments concluded relevant legislation affecting (the facilitation of) irregular migrants' access to housing.

were not asked[86] and did not give their consent to share (part(s) of) their transcript and/or audio recording; 2) Sharing fieldnotes, transcripts and/or audio recordings can make an interviewee recognisable as not everything can be completely anonymised (e.g., voice, context information); 3) Sharing fieldnotes, transcripts and/or audio recordings may adversely affect or harm interviewees and/or their affiliation (Düvell et al., 2009; Lilleker, 2003; Tsai et al., 2016); 4) Sharing fieldnotes, transcripts and/or audio recordings may adversely affect or harm third-parties, not in the least irregular migrants (Düvell et al., 2009; Sigona & Hughes, 2012). Exception to this concerns sharing fieldnotes, transcripts and/or audio recordings with the relevant interviewee(s), as this is what member-checking is all about (Schwartz-Shea & Yanow, 2012; Tsai et al., 2016; Verschraegen, 2018; Widodo, 2014).

Data storage and preservation

All digital files are either MS Word-files (e.g., interview guides, codebook of the interviews, coding of party manifestos, interview transcripts), MS Excel-files (e.g., metadata and analyses of the interviews) or MP3-files (audio recordings). All digital research data and documents are stored on the researcher's computer hard drive, and are backed up on an external hard drive and on a personal cloud directory of the researcher. All these devises are only available to the researcher and are password protected. The field notes are the only non-digital and non-public data. These are kept in the researcher's private office, away from visitors and passers-by in the house.

After this study has been completed, all research data on the researcher's computer will be deleted. However, these data will be kept for another five years by the researcher on the other two devises, also the field notes will be kept by the researcher for another five years. All unpublished research data will thus remain accessible for a long time via the researcher, although the interview transcripts, audio recordings and field notes will only be made available to the relevant interviewee(s).

[86] Contrary, potential interviewees were invited to participate in this study with the explicit guarantee that their contribution will remain anonymous and that the information they would provide is treated confidentially, and this guarantee was repeated at the start of each interview in conjunction with the request to audio-record the interview only for the researcher's ears.

3.5 Methods used for analysing and evaluating data

Different types and sorts of data from different data sources were analysed in order to answer this study's research questions in accordance with the theoretical assumptions (Gerring, 2012; Mohajan, 2018; Radaelli & Pasquier, 2008; Schwartz-Shea & Yanow, 2012; Winter, 2014). Like with collecting information, a qualitative approach was used for analysing to be able to scientifically interpret the data (Mohajan, 2018; Mortelmans, 2013; Schwartz-Shea & Yanow, 2012; Tummers, 2011; Winter, 2014).

3.5.1 Analysing the written data of this study

The originally written data collected for this study can be roughly divided into four categories: 1) Academic literature related to conducting scientific research; 2) Scholarly work on Europeanisation and norm diffusion; 3) Formal information (formal policy documents and (research) reports, legal documents, figures) sketching the context of irregular migrants in Europe, in the three countries and six cities studied; 4) So-called 'grey literature' (internal working and policy documents, newspapers, etc.) outlining the local context of irregular migrants.

After first skimming all collected material and then reading though much of it, desk research was carried out to analyse the content of the documents. Analysing the first two categories is self-evident for any scientific research, as the first serves to gain expertise in conducting scientific research correctly in order to yield valuable results, and the second to get a broad view and insight into the existing academic knowledge, theories, gaps, ideas, opinions, etc. related to the research topic (Kothari, 2004; Noaks & Wincup, 2004; Schwartz-Shea & Yanow, 2012; Verschraegen, 2018). A literature review was made of the latter to enhance transparency of the research undertaken (Gerring, 2012; Moravcsik, 2014; Swedberg, 2012; Winter, 2014). Both these categories of data were analysed prior to elaborating the research design and theoretical framework, as they constitute the basis of it.

The third category (formal information sketching the context of irregular migrants) was largely read in the same period as the former two. Population figures and party political constitution of local governments of all medium-sized cities were compared per country (Germany, the Netherlands, UK) to be able to select the six cases (the cities of Bonn, Berlin, Stoke-on-Trent, London, The Hague, Amsterdam) of this study. The content of the legal, policy and other documents was analysed per case to which it relates, which enabled the selection of interviewees, preparation of the interview guides, and having a most complete and judicial correct picture of the six local contexts. These documents were scrutinised for the first time prior to the interviews. However, as sometimes additional relevant written information and/or new facts, perspectives, interpretations, etc. emerged from interviews, exploring, describing and interpreting this third category of information was an iterative process throughout the whole period of this study. The fourth category (so-called 'grey literature') was obtained or referred to during interviews. Like the third category of information, it contributed to having a better in-depth understanding, and it advanced more thorough comparisons, analyses and reflections on irregular migrants' access to housing as well as on local actors' behaviour (i.e., both actions and opinions) regarding the implementation and operation of the Facilitators Package in the six cases. Moreover, both categories enhance mutual trust and understanding, and thus intersubjectivity (Abels & Behrens, 2009; Adams, 2015; Denzin, 2012; Lilleker, 2003; Schwartz-Shea & Yanow, 2012), and ease the triangulation of different types (written and oral) and sorts (different sources) of information, which benefits the credibility and dependability of this study (Denzin, 2012; Schwartz-Shea & Yanow, 2012; Yilmaz, 2013).

3.5.2 Analysing the oral data of this study

Transcribing the collected data

Analysing the oral data started with transcribing each of the interviews as soon as possible afterwards (if possible the same day, usually within a week and a half). Transcribing was carried out by the interviewer on the basis of the fieldnotes and audio recordings, using a de-naturalism approach (i.e., without typing out pauses, non-verbal signs, vocalisations, etc.), because the added value of the interviews is their content (constructed meanings and perceptions) (Oliver et al., 2005; Widodo, 2014). As each transcript must be a powerful representation of each unique interview (i.e., a credible display of the intersubjective space in which interviewee and interviewer co-construct content), the researcher reflected about how the transcribing had to be done, prior to conducting the first interview (Oliver et al., 2005; Skukauskaite, 2012). All interviews were directly transcribed into English and followed the structure of the appropriate interview guide (instead of the actual course of the interview). This significantly facilitated retrieving and comparing information, while it did not detract the content of the interviews (Oliver et al., 2005; Skukauskaite, 2012; Widodo, 2014).

However, context-specific terminology and sayings (e.g., “Mietpreisbremse” (rental-prize brake, the maximum price by which the rent in Germany may increase when rented to someone new), “Duldung” (Toleration Certificate, Certificate issued to persons who have to leave Germany, but who's eviction is temporarily suspended), “Wilkommen Kultur” (Welcoming Culture), “Landelijke Vreemdelingen Voorzieningen” (National Aliens Facilities, temporary shelters with future orientation for irregular migrants in the Netherlands), “Poldermodel” (Polder model, typical Dutch consensus model of negotiating), “kostendelersnorm” (fixed cost sharing norm, Dutch method for calculating a social assistance benefit, which is based on the number of adult co-residents) were notated in English as well as in the original language used, because simply translating such terms and discourses could cause a reduction and/or misinterpretations of the specific context in which they were intended to understand (Skukauskaite, 2012). Typical English terms and sayings, as with the German and Dutch ones, were written in double quotation marks (“ ”).

Questions from the interview guide that were not addressed during the interview were given the code “n/a” (not applicable) in the transcription. Questions from the interview guide that were addressed before the question was raised, as part of the answer to another question, were given the reference “see question [number of the question]”. Issues that were discussed during the interview but were not foreseen in the interview guide were added at the back of the transcription in a separate section “extra info”. Finally, references of the written data to which an interviewee referred or which was handed over to the interviewer was added per topic category.

Performing qualitative content analysis

The interview transcripts were step-by-step analysed by using qualitative content analysis. This is a method for interpreting and describing the manifest (i.e., verbatim) and/or latent (i.e., interpretation) meaning of qualitative material in a systematic way (Cho & Lee, 2014; Hsieh & Shannon, 2005; Mohajan, 2018; Schreier, 2012). Since qualitative content analysis allows for taking into account the context of data, drawing conclusions based on context, (group(s) of) author(s) and recipient(s) reduces the acquired information to those aspects that are relevant to answering the research questions, and

is as flexible as to allow the use of an inductive and/or deductive approach, this is a most appropriate method to analyse this study's interview data (Hsieh & Shannon, 2005; Mayring, 2014; Schreier, 2012). The process of analysing the transcripts was carried out in Nvivo R1.3, a software tool suitable for qualitative data analysis (Hilal & Alabri, 2013; Mortelmans, 2017; Richards, 2002). In this way, the number of manual, time-consuming coding tasks was reduced, and retrieving coded data and cross-examining data along different dimensions was eased (Hilal & Alabri, 2013; Mortelmans, 2019). Although Nvivo R1.3 is, next to a data coding and data analysis tool, also a data management tool (Mortelmans, 2019) this latter function was not used for this study.

As the first step of the qualitative content analysis, the units of analyses were determined and loaded into Nvivo R1.3. These units comprise the interview transcripts, with each unit being one interview (Mayring, 2014; Schreier, 2012). To this end, all 112 transcripts were read and assessed on their potential relevance in mid-October 2019. What stood out already from this first reading, as expected, was that local actors gave different versions and interpretations of events and implemented policies. However, "it is precisely those differences that are of analytic interest to the researcher, as they suggest what is significant -what is meaningful- about the event to each person speaking" (Schwartz-Shea & Yanow, 2012:41; Verschraegen, 2018; Yilmaz, 2013). At this point, the researcher also decided not to include two interviews in subsequent analyses: The first with a politician who indicated during the interview to have no experience with the interview topic, but wished to participate in order to clarify the party political position, and to point at the difference between the Turkish community in the city and irregular migrants; The second with a civil servant who said during the interview to have insufficient current experience due to a job change a while ago and consequently felt uncomfortable to answering questions. When uploading the 110 remaining units of analysis in Nvivo R1.3, local actors' personal details were omitted from the original transcripts, although this did not completely anonymise the interviews, as, for example, names of colleagues, organisations, services or parties, references to actions undertaken, etc. can reveal the interviewee's identity (Lancaster, 2017; Lilleker, 2003; Tsai et al., 2016). Furthermore, two attributes of classification were added to ease comparison (Mortelmans, 2019): The case (i.e., the local actor's city of activity) and the interview group (i.e., politician, city and enforcement staff, or NGO/CSO) to which the interviewee belongs.

In the second step of the qualitative content analysis, 110 units of context, one per retained interview transcript, were created and uploaded in Nvivo R1.3. Each unit of context contains all collected contextual information that may support the understanding and interpretation of a unit of analysis (Mayring, 2014; Schreier, 2012). Therefore, each unit of context of this study consists of: 1) The performed function/role of the interviewee; 2) The organisation, service/department or party of the interviewee; 3) The coded pieces from the interview transcript describing the local context; 4) Local background information. The latter data were bundled on case level (i.e., per city studied) in one document, and attached to the relevant unit of analysis. More specifically, each of the six documents include data about: 1) Local population and number of third-country nationals (and if available proportion residents of foreign origin); 2) Seat distribution of the city council, assembly or senate (since 2000); 3) Name and party of the mayor (from 2000 onwards); 4) Local competences regarding migration, housing and assistance to destitute persons (with the names and parties of the respective responsible policy-maker(s)); 5) (Irregular) migrants' (access to housing) rights and situations in the

city; 6) The applicable regulations, implementation and operation of the Facilitators Package in the city.

The third step of the qualitative content analysis pertained the elaboration of units of coding, i.e., words, (parts of) sentences or longer pieces of an interview transcript that receive at least one code from the researcher (Hilal & Alabri, 2013; Schreier, 2012). Codes, in turn, present key thoughts or concepts that emerge from the collected material (either academic work and/or interview data), which are clustered into meaningful (sub)categories (Hsieh & Shannon, 2005; Mayring, 2014). Codes, subcategories and categories together form the coding frame, a hierarchical (from detailed codes to aggregated categories) overview of the data being analysed (Hsieh & Shannon, 2005; Mortelmans, 2019; Schreier, 2012). The purpose of this third step, coding, is thus twofold: Hierarchically structuring and reducing the collected data, by gradually introducing a higher level of abstraction in the material (Mortelmans, 2019; Schreier, 2012).

Although semi-structured interviews can be auto-coded in Nvivo R1.3 (Mortelmans, 2019), this feature was not used because mastering the raw data was considered much more important than speeding up the coding process (Richards, 2002). Obviously, this third step was an intensive and time-consuming part of the qualitative content analysis. Moreover, before starting the actual coding, the researcher went back to the objective of this study and its accompanying theoretical assumptions and research questions in order to sharpen the content that should be coded and the level of abstraction the (sub)categories should have, to arrive at determining how the coding frame should be best build up (Cho & Lee, 2014; Mayring, 2014; Schreier, 2012). Because this study aims at exploring, describing and interpreting factors that determine European norm diffusion up to the local level, about which academic work and theory is limited, it is recommended to use inductive category development (i.e., conventional content analysis) to gradually construct the coding frame (Cho & Lee, 2014; Hsieh & Shannon, 2005; Mayring, 2014; Schreier, 2012). This means that the coding frame (codes, categories and subcategories) arose along the way from carefully reading all interview transcripts instead of clinging it onto existing academic literature (Hsieh & Shannon, 2005; Mayring, 2014).

Hence, in the first sub-step, 12 interview transcripts (two per case and four (each from a different city) per group of actors) were carefully studied word by word, marking pieces of text that seemed to contain relevant concepts and tagging them with preliminary codes. This task went hand in hand with making notes of compelling new insights and ideas in Nvivo R1.3's Annotation tool, through which these memos were added to the transcripts as comments (Mortelmans, 2019). Subsequently, an as conclusive definition as possible was formulated for each code as each code may cover only one specific aspect of the research material (Mayring, 2014; Schreier, 2012), followed by ordering the codes hierarchically (i.e., upgrading codes to category level where applicable). In this way an initial coding frame (codebook) was created. Based on this initial coding frame, in the second sub-step, another 12 interview transcripts (again two per case and four (each from a different city) per group of actors) were carefully studied word by word, marking pieces of text that seemed to contain relevant concepts and trying to tag them with the available codes. As in the first sub-step, this was combined with writing down memos of upwelling insight and ideas. All this together led to reformulating a number of definitions and adding a number of codes and categories, resulting in the expansion of the initial coding frame.

The third sub-step consisted of an interim evaluation of the initial coding frame. In particular, three requirements were examined: Unidimensionality, mutual exclusiveness, and exhaustiveness (Mayring, 2014; Schreier, 2012). First, it was checked whether the categories in the coding frame (although they may be related to each other) did not overlap and whether the definitions of codes and categories were therefore conclusive (i.e., unidimensionality). For example, the category "party political preferences" and "formal competences" of the local government may not (partly) coincide as this would hinder from arriving at credible and meaningful insights. Second, it was probed whether each code was linked to at least one subcategory (i.e., exhaustiveness), so that no relevant information would be lost in the further analyses. Third, it was investigated whether each code was linked to only one subcategory within one particular category (i.e., mutual exclusiveness). For example, one interviewee's organisation cannot at the same time "receive local resources" and "receive no local resources". With some minor adjustments to the definitions of codes and subcategories, the coding frame was found suitable to continue coding.

The fourth sub-step thus consisted of coding the remaining 86 interview transcripts, and recoding the first 24, following the same procedure as in the second sub-step, completing the coding frame.

Accordingly, the coding frame was evaluated in the fifth sub-step. For this, the same method was used as in sub-step three, supplemented by reviewing the "value" of each subcategory and category: If a (sub)category was defined too broadly and thus contained too much different information, it had to be further broken down, and if a (sub)category was defined in too much detail and thus included too much meaningless information, it had to be taken out of the analysis (Mayring, 2014:61). While the latter was not the case, the former led to splitting two subcategories ("discretion power" was broken down into "discretion power NGO", "discretion power city staff", and "discretion power politician"; and "finding accommodation via employment" was split from "finding accommodation via own networks"). The resulting solid coding frame met the credibility and dependability quality requirements and confirmed its purpose, namely, that the information from the interview transcripts is both unambiguously structured and reduced to the relevant aspects, appropriate for answering the research questions (Cho & Lee, 2014; Hsieh & Shannon, 2005; Mayring, 2014; Schreier, 2012).

The fourth and final step of the qualitative content analysis involved analysing and interpreting the results (Cho & Lee, 2014; Mayring, 2014; Schreier, 2012). To this end, for each research question, the retained information from the document analyses was manually combined with the relevant coded content of the interviews. These findings are presented in chapters 4 to 9.

3.5.3 Evaluating the data of this study

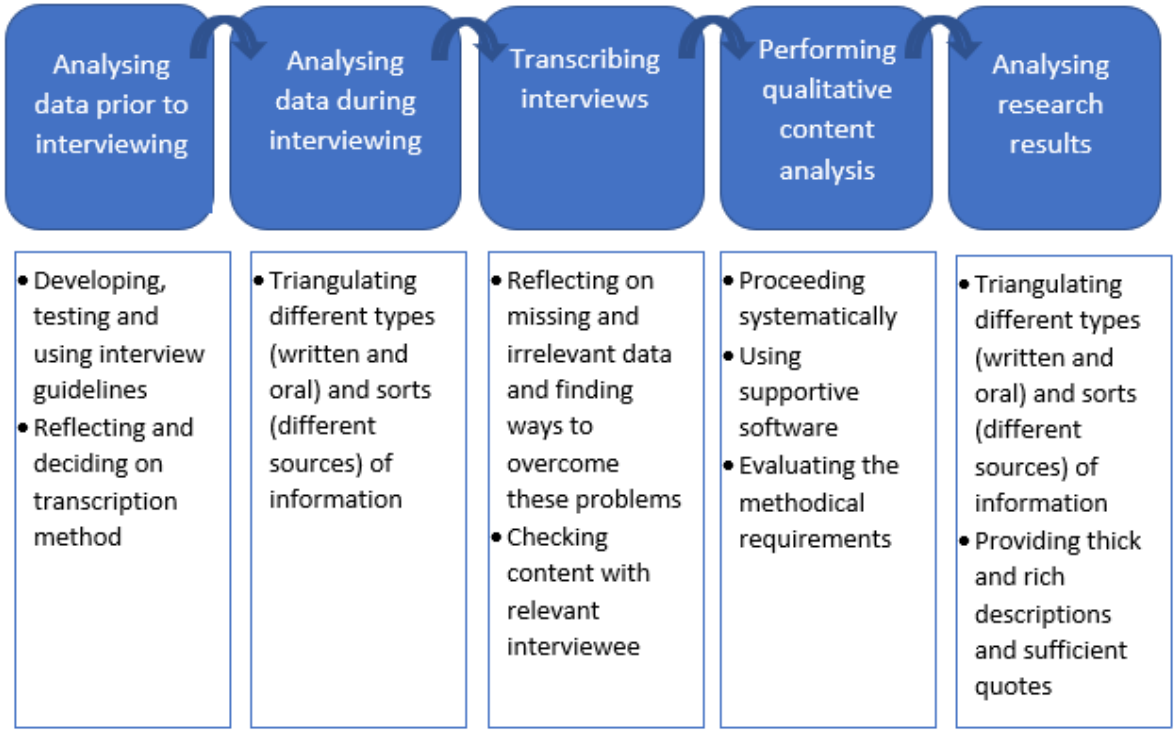
Transparency of this study's data

Not all collected data turned out to be relevant for this study: Skimming through the collected information resulted in leaving out some of it. However, throughout the whole study, great importance was attached to providing transparency about the data that contributed to knowledge creation and generation (de Haas et al., 2015; Gerring, 2012; Moravcsik, 2014; Schwartz-Shea & Yanow, 2012; Winter, 2014). With regard to "analytic and production transparency" (Moravcsik, 2014:48-52, passim), a literature review was conducted, and as well the interview guides, final codebook and coding of party manifestos are added. Moreover, (draft versions of) analytical tools are available from the researcher. In addition, rich and thick descriptions of contexts (Baxter & Jack, 2008; Mohajan, 2018; Zapata-Barrero et al., 2017) and ample quotes (which may conflict) are included in this dissertation to support the research results (Moravcsik, 2014; Schwartz-Shea & Yanow, 2012; Yilmaz, 2013).

Credibility of this study's data

Credibility, or truth value of the findings, is enclosed in many aspects of data collection and analysis (Baxter & Jack, 2008; Cho & Lee, 2014; Schwartz-Shea & Yanow, 2012). As shown in Figure 8, a variety of actions were performed during the different phases of analysing the research material to meet this quality criterion. Moreover, many of these actions also contribute to enhancing transparency, transferability, intersubjectivity, and consistency of the research data (Cho & Lee, 2014; Mohajan, 2018; Schwartz-Shea & Yanow, 2012; Yilmaz, 2013).

Figure 8: Actions taken while analysing data to enhance this study's credibility



Prior to conducting interviews, the researcher reflected about how the transcribing had to be done as each transcript must be a powerful representation of each unique interview, i.e., a credible display of the intersubjective space in which interviewee and interviewer co-construct content (Oliver et al., 2005; Skukauskaite, 2012). Next to this, the researcher prepared and tested interview guides in advance so that the interviews could be conducted in a structured manner. More specifically, a separate guide for interviews with politicians, employees from NGOs/CSOs, and city and enforcement staff was elaborated in the three languages (German, Dutch, English) in which the interviews were conducted (see Annex 1 to 9). Two of these guides (for NGOs/CSOs, and city and enforcement staff) could be tested in advance in a Belgian context. Based on these interview outputs and feedback from the two test-interviewees, all three interview guides were shortened by reformulating detailed questions to fewer but broader and more open questions, and by omitting three questions which the test-interviewees perceived as merely gauging their knowledge, which gave them the impression that their expertise was doubted.

While interviewing each of the 112 local actors, their input was right away triangulated with previously studied material (such as regulations, contextual data, etc.) and with information from other interviews. This made it possible to immediately dug deeper into differences in visions and perceptions of facts, and to avoid and/or clarify misunderstandings, incorrect interpretations and ambiguities (Denzin, 2012; Ellerman, 2007; Schweitzer, 2019; Yilmaz, 2013).

After transcribing the interviews from a particular city, they were sent to the relevant interviewee (i.e., member checking), inviting them to provide feedback (Oliver et al., 2005; Schwartz-Shea & Yanow, 2012; Verschraegen, 2018; Yilmaz, 2013). The researcher received few replies to this, but the reactions received were affirmative and/or only led to eliminating some minor grammatical and typing errors. Although merely serving as a double check -as these requests were already made orally at the end of each interview- the interviewees were asked in the same email whether their input could be quoted anonymously. The researcher did not receive any negative responses to this. By the end of June 2019, after conducting and transcribing 84 interviews in then five cities studied, the researcher assessed that certain, possibly pertinent, information was still insufficiently clear to the researcher. In other words, despite the many interviews conducted, the researcher did not feel that data saturation had been achieved, due to which extra information sources were sought (Cho & Lee, 2014; Schreier, 2012). After consulting and discussing these issues with the contact persons of the relevant cities, the researcher decided to ask for an interview with local actors who could help clarify these ambiguities. This resulted in conducting and transcribing six additional interviews in Stoke-on-Trent, one in London, and two in The Hague. In addition, after all transcripts had been read for the first time, the researcher decided not to include two interviews in subsequent analyses (see 3.5.2).

The process of analysing the transcripts was carried out step-by-step in a systematic way (Cho & Lee, 2014; Hilal & Alabri, 2013; Mohajan, 2018; Mortelmans, 2017; Schreier, 2012). This was fostered by using Nvivo R1.3 as a supportive software tool (Hilal & Alabri, 2013; Mortelmans, 2017). Moreover, the qualitative content analysis was intermediately and in the end evaluated through examining the three requirements (unidimensionality, mutual exclusiveness, exhaustiveness) of qualitative content analysis (Mayring, 2014; Schreier, 2012) and through assessing the “value” (i.e., level of detail-abstraction) of each the subcategories and categories (Mayring, 2014:61).

Transferability of this study's data

Working in a structured way and offering transparency about context, input, process and results contribute to the transferability of this study (Cho & Lee, 2014; Mortelmans, 2013; Schwartz-Shea & Yanow, 2012; Verschraegen, 2018). For example, in this dissertation ample quotes which may conflict are used, and rich and thick descriptions are provided, to aid and allow the reader to think and understand along, and to form her/his own views on the relationship between the context, input and output and the coherence of this study (Schwartz-Shea & Yanow, 2012; Yilmaz, 2013; Zapata-Barrero et al., 2017).

Intersubjectivity of this study's data

Although the researcher had reasonable knowledge and experience concerning (facilitating) irregular migrants' access to housing from the own professional context, and was -apart from Stoke-on-Trent- fairly familiar with the six cities studied, yet, prior to interviewing local actors as much as possible contextual material was studied in order to have an as current and accurate view as possible on the interviewees' context. At the start of each interview, the interviewer asked whether it was desirable to briefly outline the context of the study, i.e., the reason for the interview. This gave the interviewees time and space to concentrate on the conversation, after having had their first impressions and, usually, having offered the interviewer a cup of coffee. More than once, during the interviews issues were discussed via which the interviewer could give something back to an interviewee, such as giving information about a particular project or approach in another city, or sending a particular document from the European Commission, European Parliament, etc. All these seemingly small things promoted mutual trust and understanding, and thus contributed to the emergence and existence of the intersubjective space between the interviewer and interviewee(s) (Abels & Behrens, 2009; Adams, 2015; Gillespie & Cornish, 2010; Lilleker, 2003; Schwartz-Shea & Yanow, 2012).

Consistency of this study's data

Being the sole researcher of this study, involved taking a number of precautions regarding consistency. After all, it is inadequate to convince yourself that your research is coherent and makes sense. It is never that simple, actually. First of all, a multitude of different types (written and oral) and sorts (different sources) of information from different sources were triangulated and referred to throughout this study (Denzin, 2012; Schwartz-Shea & Yanow, 2012; Yilmaz, 2013). The most important sources of this study are local actors, whose expertise and conflicting opinions and interpretations were brought in through analysing 110 member-checked interview transcripts. In addition, as soon as the cities to be studied were determined, the researcher had a contact person in each of these six cities to whom she could turn to with (practical and substantive) questions and could rely on for advice about contextual sensitivities and customs. Second, the consistency of the data was ascertained through carrying out the qualitative content analysis in a systematic manner and evaluating both the process and value of this analysis (Cho & Lee, 2014; Hilal & Alabri, 2013; Mohajan, 2018; Mortelmans, 2017; Schreier, 2012). Finally, reporting about this study and the results goes hand in hand with rich and thick descriptions of contexts (Baxter & Jack, 2008; Mohajan, 2018; Zapata-Barrero et al., 2017) and ample quotes (which may conflict) (Moravcsik, 2014; Schwartz-Shea & Yanow, 2012; Yilmaz, 2013).

Chapter 4: Implementation and operation of legislation concerning the facilitation of irregular migrants' access to housing in Germany, the Netherlands and England

Facilitating irregular migrants' access to housing in Europe is limited by the Facilitators Package. However, this does not indicate that the same rules apply in all EU countries and that facilitating irregular migrants' access to housing happens in the same way by all local actors. Far from it. Chapter 1 (see 1.1.3) already demonstrated that transposing EU legislation leaves Member States significant room to manoeuvre, allowing national policy-makers to fit the Package into the prevailing national policy. Furthermore, the Facilitators Package is not the only marker and not the only milestone that has set the facilitation of irregular migrants' access to housing in Germany, the Netherlands and England. In other words, legislation affecting the facilitation of irregular migrants' access to housing is not only territory-based, but also time-bound. The same goes for irregular migrants' access to different types of housing, as the general overview in Table 2 (see 1.1.4) showed.

This chapter outlines the context in which (not) facilitating irregular migrants' access takes place in the two cities studied (Bonn and Berlin; The Hague and Amsterdam; Stoke-on-Trent and London) in respectively Germany, the Netherlands and England. The first three parts of this chapter describe consecutively the German, Dutch and English national legislative context since the fall of the Berlin Wall up to and including 2018 in which local actors may (not) facilitate irregular migrants' access to housing. To this end, the content of all relevant government decisions in the three countries was analysed. First, all legislation on immigration, housing and homelessness, public order and safety, and access to social services were collected and explored. Also other laws transposing the Facilitators Package, as indicated in the notifications to the European Commission, were read in the same way. A total of 19 German, 31 Dutch and 22 British legal texts were read of which 14 German, 11 Dutch and 18 British government decisions were analysed in-depth. Second, each relevant government decision was coded as "more restrictive", "more liberal", "no change" or not applicable: "N/a". The latter code was used for decisions that implied no direct consequences for irregular migrants[87]. The coding was done by starting with the oldest government decision and weighing it against the previous situation, and then comparing the existing legislation with the new policy decision. If the former situation allowed to facilitate irregular migrants' access to housing less, the new policy-decision was given the code "more restrictive" and if the previous situation provided more facilitation possibilities, the new legislation was coded as "more liberal". If the new legislation had the same degree of restrictiveness

[87] For example, the 2006 and 2009 reforms of the German Basic Law were coded "N/a" as these reforms did not directly impact irregular migrants' access to housing. Nevertheless, both reforms are important to outline the German context because the responsibility for and distribution of competences on housing and residency registration changed between the different tiers of government.

compared to the previous one, the code "no change" was assigned. Regarding immigration legislation, this coding was taken from DEMIG POLICY[88] version 1.3 (2015) for the period 1971-2013. For the period 2014-2018 and for relevant laws outside immigration policy, this analysis was carried out by the author. In order to keep the personal interpretation space as small as possible, policy reports, case law, reports of civil society organisations and interviewees' expertise were taken into account.
Part four summarises the compliance with the Facilitators Package by Germany, the Netherlands and England regarding facilitating irregular migrants' access to housing.
The three subsequent parts zoom in on the implementation and operation of legislation regarding facilitating irregular migrants' access to housing in the cities studied. Based on the interviews, policy documents and research reports, it is examined whether and how the legislation regarding facilitating irregular migrants' access to housing has been implemented and operates in 2018-2019 in Bonn, Berlin, The Hague, Amsterdam, Stoke-on-Trent and London respectively. In addition, per country it is examined if and to what extent these local practices are in line with the relevant national legislation.
Finally, parts eight, nine and ten focus on irregular migrants by delving into the consequences of the operation of the legislation on (irregular) migrants, housing, homelessness, and other relevant local policies. Following section 1.1.4, these three parts furthermore compare per country the types of housing to which irregular migrants may (not) have access in the reality of the six cities studied. Also these analyses are based on input from the interviews and triangulated with the content of available policy documents and research reports.

4.1 Implementation of facilitating irregular migrants' access to housing by the German federal government

4.1.1 German legislation affecting the facilitation of irregular migrants' access to housing prior to the transposition of the Facilitators Package

Throughout the 1990s, after the reunification of East and West Germany, the country did not consider itself as an immigration state (Gesley, 2017). However, the end of the Cold War had triggered a large and persistent wave of immigration and internal relocations, causing shortage of housing, foremost in the West German states Berlin and Bavaria (Cornelius & Rzeznik, 2014). To maintain control over the population number and trends, the Kohl III Coalition government[89] introduced in mid-1990 (just before the German reunification on three October) a new Foreigners Act, replacing the Foreigners Act of 1965. This new Act contained, for the first time, deterring sanctions for persons without a residence permit and/or a valid proof of identity[90], and for those who unlawfully entered or stayed on the territory[91].

[88] DEMIG POLICY contains more than 6,500 changes in the migration policy of 45 countries over the period 1945-2013. For each of these policy changes, it is indicated which category of immigrants are affected by a specific policy. For this study, the category "irregular migrants" was selected.
[89] This government held office from 12/3/1987 to 18/1/1991 and consisted of: Christlich Demokratische Union Deutschlands/Christlich-Soziale Union (CDU/CSU) (Christian Democratic Union Germany/Christian-Social Union); Freie Demokratische Partei (FDP) (Free Democratic Party); and from 3 October 1990 onwards, Deutsche Soziale Union (DSU) (German Social Union).
[90] Imprisonment up to one year or a maximum fine of 2,556.46 euro (Paragraph 92(1) Foreigners Act).
[91] Imprisonment up to three years or a fine of up to 5,112.92 euro (Paragraph 92(2) Foreigners Act).

Although irregular residence was (and still is) not defined legally, everyone living in Germany was mandatory to register at the local registration office, independent of citizenship and residence status (Paragraph 2(1)2 Foreigners Act). As the registered address was (and is) added to the person's identity document and, in the case of foreigners, was (and is) sent to the foreign resident authorities, irregular migrants cannot register without attracting the authorities' attention (Sinn et al., 2005).
A second legislation affecting irregular migrants and persons who facilitate them emerged following the terrorist attacks of 9/11 in the US. In 2002, the Chancellor Schröder I government[92] concluded the Counter-Terrorism Act to increase Germany's border and land control. As a consequence, irregular migrants were directly (random ID-checks on the streets) and indirectly (tightening of the reporting obligation, Paragraph 76(2) Foreigners Act) hindered to access basic services (Zanfrini & Kluth, 2008). Moreover, Cyrus & Vogel (2006:90) note that housing was "the bottleneck" for irregular migrants in Berlin in 2001-2002. Because landlords' and social housing offices' obligation to ensure tenants' registration (which can be checked via the registration certificate), irregular migrants usually could not act as tenants and thus were doomed to the housing market niches (Zanfrini & Kluth, 2008). Consequently, most irregular migrants lived in with legal resident family or employers (Sinn et al., 2005) or sublet their accommodation (Alscher et al., 2001).

4.1.2 Germany's transposition of the Facilitators Package

The provisions of the Facilitators Package were included in Paragraph 96 of the Residence Act (part of the Immigration Act, replacing the Foreigners Act) of August 2004, which was agreed by the Schröder II[93] government. However, Paragraph 96 was almost a copy of Paragraph 92a of the Foreigners Act 1990. According to both Paragraphs, instigating or assisting irregular entry or stay was punishable with imprisonment up to five years or a fine in case of (the promise of) financial gain (Paragraph 96(1)(1)), or when done repeatedly or for the benefit of several foreigners (Paragraph 96(1)(2)). The German law was stricter than agreed on the European level because financial gain (Article 1(1)(b) Facilitation Directive) was not a mandatory condition for criminalising assistance to irregular residents. In addition, Germany did not apply the possibility to exempt humanitarian assistance from sanctioning pursuant Article 1(2) Facilitation Directive. Because the Residence Act made no reference to the Facilitation Directive, the Court of Justice of the European Union (CJEU, 24/11/2006) ruled in 2006, in Case C-485/06, that Germany had not transposed Directive 2002/90/EC, and ordered the Member State to pay the costs for non-compliance with its obligations.

[92] Schröder I governed from 27/10/1998 to 22/10/2002 and included Sozialdemokratische Partei Deutschlands (SPD) (Social-democratic Party Germany) and Bündnis 90/Die Grünen (Alliance 90/The Greens).
[93] The Schröder II government was in charge from 22/10/2002 to 22/11/2005 and included SPD and Bündnis 90/Die Grünen.

4.1.3 German legislation affecting the facilitation of irregular migrants' access to housing after the transposition of the Facilitators Package

The German federal government is exclusively competent for matters such as immigration. The states, in turn, have a number of own competences, i.e., concurrent powers, as long as and to the extent that the federal government has not exercised its legislative power to enact a law (Gunlicks, 2010). Until 2006 the federal government also disposed of framework powers, with which it set the headlines to be further detailed by the 16 federal states. In 2006, during Merkel's first term in office[94], a reform of the Basic Law abolished the confusing construction of framework powers (former Paragraph 75), transferring much of its content, such as housing, to Paragraph 74(1) on concurrent powers[95]. However, the federation kept its responsibility over tenancy law, and municipal housing offices remained competent for social housing and homelessness. Moreover, all 16 states decreed in a general clause of the police that local governments must accommodate homeless persons, irrespective of their residence status (Cornelius & Rzeznik, 2014). The Basic Law reform also added policies, e.g., residency registration, to the federal government's exclusive powers, listed in Paragraph 73(1)[96]. But most important, the states were granted the right to opt-out from federal legislation (Paragraph 72(3)), and thus to decree their own ordinances and administrative regulations for the implementation of federal policy (Schneider, 2012). A second reform of the Basic Law (2009) ended the federal government's ability to pass on tasks directly to municipalities (former Paragraph 84(1)). Both reforms reduced, for the first time, federal control.

The Merkel I government also amended the Immigration Act, in 2007 and 2008, to attune it with several European Directives[97], and tightened Paragraph 96 via Article 1 of the Amendment of the Residence Act (2007) through replacing "(potential) financial gain" by "(promise of an) advantage".
In contrast, the General Administrative Regulation on the Residence Act (2009) eased the criminalisation of assisting irregular stay in three ways. Firstly, Regulation 96.1.0.3 allowed facilitating irregular stay in cases when an irregular migrant's legal interests is at risk in the sense of life-threatening. Secondly, persons providing humanitarian assistance "within their socially recognised profession or voluntary work (in particular pharmacists, doctors, midwives, health professionals, psychiatrists, pastors, teachers, social workers, judges or lawyers)" (Regulation 96.1.0.2.3 in conjunction with Regulation 95.1.4) were exempted from punishment. Thirdly, doctors' and pharmacists' reporting obligation was omitted. This duty to forward information to the foreign resident authorities, already introduced through the Foreigners Act of 1990 (Paragraph 76), involved all official institutions in notifying relevant information, such as residency, of irregular migrants and people with "Duldung" ('Toleration Certificate'[98]) (Paragraph 87(2) Residence Act of 2004). However,

[94] The Merkel I government ruled from 22/11/2005 to 28/10/2009 and consisted of CDU/CSU and SPD.
[95] Nowadays concurrent powers are, amongst others, public welfare, education, housing, the law relating to residence and establishment of foreign nationals, matters concerning refugees and expellees.
[96] Nowadays exclusive federal powers are, amongst others, foreign affairs, immigration, residency registration.
[97] Directives 2002/90/EG, 2003/9/EG, 2003/87/EG, 2003/109/EG, 2003/109/EG, 2004/38/EG, 2004/81/EG, 2004/114/EG, 2005/71/EG, 2005/85/EG.
[98] This Certificate is given to irregular migrants who cannot be deported. It does not grant any residence rights or access to services and benefits (Zanfrini & Kluth, 2008). It was first introduced in the Foreigners Act 1965 (Paragraph 17(1)), and became Paragraph 55(1) in Foreigners Act 1990, Paragraph 60a in the Residence Act 2005, amended through Paragraph 5(8) of the Integration Act 2016.

for public services subject to concurrent legislative powers -such as educational and housing institutions- this reporting obligation may not apply. For example, Berlin decreed that only persons who decide on school admission have to denounce irregular migrants and people with a Toleration Certificate (Sinn et al., 2005). Also cities, like Frankfurt and Munich, bypass the reporting obligation by funding NGOs to provide certain services to this group.

In 2011 and 2012, the Merkel II[99] government amended the Immigration Act to bring the text in line with respectively the European Visa Code and the High Qualified Workers Directive 2009/50/EC. Since Germany had become an economic superpower (Rinne & Zimmermann, 2012) the latter amendment emphasised liberalisation of the nation's immigration management with regard to labour migration (Heckmann, 2016). In 2012, the government also updated all regulations regarding tenants' rights through establishing a Civil Code on Tenancy Law within the German Civil Code. Although tenants remained prohibited to sublet their residency without the consent of the landlord (Paragraph 540(1)), subletting part of the accommodation became admitted (Paragraph 553(1)).

During Merkel's third term in office[100], Paragraph 96 on facilitating irregular migrants was tightened again. Article 3 of the Amendment of the Asylum Law (2015) added prison sentences for "less severe cases" between three months and five years (Paragraph 96(1)) and the possibility to confiscate goods (Paragraph 96(5) referring to Paragraph 74a of the Criminal Code). The latter was further extended to aggravating cases (Paragraph 96(2)) via Article 6 of the 2016 Integration Act. During the European crisis over refugees[101] in 2015, the Merkel III government also tightened the Federal Registration Act. Since November 2015 this "internal control instrument" (Vollmer, 2014:25) of compulsory registration is expanded: potential tenants need the potential landlord's written consent to rent the accommodation as a condition for the compulsory registration (Paragraphs 17(1) and 19 Federal Registration Act). Furthermore, the federal government concluded in 2016 the Integration Act of which Paragraph 5 determined residence rules regarding asylum applicants and people with a Toleration Certificate. The former have to remain at least three years in the allocated state, unless a family member has taken up employment of at least 15 hours a week. The latter have to stay in the allocated state without end date.

[99] The Merkel II government held office from 28/10/2009 to 17/12/2013 and consisted of CDU/CSU and FDP.

[100] The Merkel III government ruled from 17/12/2013 to 14/03/2018 and consisted of CDU/CSU and SPD.

[101] Although this is usually referred to as the European refugee crisis (Carrera et al., 2015; EC, 14/10/2015; Krzyżanowski et al., 2018), it was not (the number of) refugees that induced this crisis, but EU Member States that breached the Schengen Convention and ignored the Dublin II regulations, causing chaos to be omnipresent within the EU during the summer of 2015 (Van den Durpel, 2017).

4.1.4 The evolution of the German legislation directly affecting the facilitation of irregular migrants' access to housing

Table 13 summarises the evolution of Germany's legislation directly affecting the facilitation of irregular migrants' access to housing. Since the reunification of West and East Germany, nine legislative decisions from the federal governments directly affected the facilitation of irregular migrants' access to housing. Remarkably, over this 30-year period most decisions were implemented in the last decade. Moreover, most measures concern a tightening of the legislation, indicating a restrictive evolution regarding facilitating irregular migrants' access to housing.

Table 13: Evolution of the German legislation directly affecting the facilitation of irregular migrants' access to housing

Government	Legislation	Year	Direction of change
Kohl III	Foreigners Act	1990	More restrictive
Schröder I	Counter-Terrorism Act	2002	More restrictive
Schröder II	Residence Act (part of Immigration Act)	2004	No change
Merkel I	Amendment of the Residence Act	2007	More restrictive
Merkel I	General Administrative Regulation on the Residence Act	2009	More liberal
Merkel II	Civil Code on Tenancy Law	2012	More liberal
Merkel III	Amendments to the Federal Registration Act	2015	More restrictive
Merkel III	Amendments to the Residence Act	2015	More restrictive
Merkel III	Integration Act	2016	More restrictive

4.2 Implementation of facilitating irregular migrants' access to housing by the Dutch national government

4.2.1 Dutch legislation affecting the facilitation of irregular migrants' access to housing prior to the transposition of the Facilitators Package

The end of the bipolar world order persistently brought more asylum applicants and irregular migrants to the Netherlands (Engbersen & van der Leun, 2001). Nonetheless, irregular migrants were quite easily engaged in what Broeders (2007:75) calls the "3-D jobs: dirty, demeaning and dangerous". By the mid-1990s, when the Kok II Cabinet[102] introduced activation policies with regard to benefit recipients, the discourse on irregular migrants was framed as a socio-economic threat (Leerkes et al., 2012b). As a reaction, Kok II implemented in 1998 the so-called 'Linking Act'[103]. Through this Act one's social-fiscal number became the basis for access to public services, such as social assistance and public housing. Articles 8b(1) and 8c(1) prohibited public service providers to facilitate irregular migrants and actively involved them in the government's immigration regime (Penninx et al., 2014; Van Meeteren, 2014). Consequently, irregular migrants no longer could, amongst others, apply for social housing, register with housing co-operations and rent accommodation for which a housing permit was required. The Kok II government took over this excluding measure in the Aliens Act 2000 (Article 10(1)), while adding the possibility to make an exception regarding irregular migrants' access to education, necessary medical care and legal assistance (Article 10(2)). Furthermore, the Aliens Act 2000 introduced the public administration's information obligation upon request of the foreigners minister (Article 115, now Article 107) and extended the police's control powers by allowing them to enter, without permission, any dwelling in case of reasonable suspicion of an irregular migrant's presence (Article 84, now Article 53). However, through Article 172(1) of the Municipal Law (1992), the mayor was responsible for safeguarding public order and safety and so could accommodate homeless irregular migrants. For example, in 2002, when the need for shelter increased as a result of the entry into force of the Aliens Act, 170 municipalities organised emergency shelters for about 1,900 rejected asylum applicants on the basis of this Article (Koppens, 2017).

4.2.2 The Netherlands' transposition of the Facilitators Package

Although it could be expected from the first Balkenende government[104] that they would transpose the Facilitators Package in a restricting way, the Cabinet stepped down after less than a year in office -due to conflict between Lijst Pim Fortuyn (LPF) (List Pim Fortuyn) ministers. Nevertheless, the liberal-

[102] The Kok II government was in charge from 22/8/1994 to 3/8/1998 and consisted of Partij van de Arbeid (PvdA) (Labour Party), Volkspartij voor Vrijheid en Democratie (VVD) (People's Party for Freedom and Democracy), and Democraten 66 (D66) (Democrats 66).

[103] In full, this Act is titled "Wet van 26 maart 1998 tot wijziging van de Vreemdelingenwet en enige andere wetten teneinde de aanspraak van vreemdelingen jegens bestuursorganen op verstrekkingen, voorzieningen, uitkeringen, ontheffingen en vergunningen te koppelen aan het rechtmatig verblijf van de vreemdeling in Nederland" (Law of 26 March 1998 amending the Aliens Act and some other laws in order to link the entitlement of aliens against administrative bodies to benefits, provisions, benefits, exemptions and permits to the lawful residence of the alien in the Netherlands).

[104] Balkenende I ruled from 22/7/2002 to 23/5/2003, and included the parties Christen Democratisch Appèl (CDA) (Christian-Democratic Appeal), Lijst Pim Fortuyn (LPF) (List Pim Fortuyn), and VVD.

nationalist LPF had managed to put multiculturalism on the societal discussion table and the political agenda (Lucardie & Voerman, 2002; Andeweg & Irwin, 2009).

It was the Balkenende II Cabinet[105] who transposed the Facilitators Package through Article 1C of the Law of 9/12/2004 on the implementation of international regulations to combat human smuggling and trafficking in human beings (which amended Article 197a of the Criminal Law). Regarding the facilitation of irregular stay, Article 197a(2) was added. It states that anyone who, for the purpose of making a profit[106], provides opportunity, means, information or assistance to an irregular migrant or a person for whom there is serious reason to suspect that s/he is an irregular migrant[107], is punished with a maximum prison sentence up to four years or a fifth category fine[108]. The imprisonment may be up to eight years if the crime is committed in the exercise of any office or profession (Article 197a (3)). However, in the Work and social assistance Act (2003) the Balkenende II government included that city's executive boards could provide assistance to irregular migrants for very urgent reasons (Article 16 in conjunction with Article 11(3)a). This opened the door for municipalities to add extra services to their shelters, although both housing and immigration still were the sole competence of the central government.

4.2.3 Dutch legislation affecting the facilitation of irregular migrants' access to housing after the transposition of the Facilitators Package

In addition to transposing the Facilitators Package, the Balkenende II Coalition had concluded two more measures that had a huge impact on irregular migrants and persons assisting them: in 2004, a new Law on Extended Compulsory Identification obliged everyone to show their identity documents upon police request; and in 2006, the government introduced in the police's performance contract quotas related to apprehending irregular migrants[109].

Supported by a large-scale national manifestation in The Hague, in November 2006, the Government Agreement of the Balkenende IV Coalition[110] provided for a regularisation campaign in 2007 (the so-called 'Generaal Pardon' (General Excuse)) with regard to asylum applications that had not been settled before the entry into force of the Aliens Act (01/04/2001)[111]. The government deemed that

[105] Balkenende II held office from 27/5/2003 to 7/7/2006 and consisted of CDA, VVD, and D66.

[106] In 2012, the Dutch Supreme Court ruled in case BX5419 that profit can be both financial benefit or in-kind benefit (in this case it concerned baby-sitting in return for accommodation).

[107] In 2008, the Alkmaar Court convicted, in case 14-810231-07, a Dutch couple to 74 days imprisonment and a community order, although the couple argued that they did not know the residence status nor the nationality of the persons to whom they rented out. However, the court deemed that the defendants should have been able to estimate the irregular residence status of the Ukrainians.

[108] Article 23 Criminal Law clarifies that the fifth category concerns a maximum fine of 87,000 euro (1/1/2020).

[109] The contract was signed by Rita Verdonk (VVD minister for Immigration and Asylum) and Amsterdam's mayor Cohen, on behalf of all police Commissioners. All 25 police forces together had to check the Identity documents of 40,000 third-country nationals and had to detain 11,883 irregular migrants. If the police realised these quotas, they were promised a bonus of about 240,000 euro. The quotas were widely contested, amongst others by the Amsterdam city council via Resolution 509 (Diepenhorst, 2012).

[110] Balkenende IV governed from 22/2/2007 to 14/10/2010 and included CDA, PvdA, and ChristenUnie (CU) (Christian Union).

[111] Through this regulation about 28,000 migrants were granted legal stay, of which about 5,000 persons obtained their regularised status via a Mayor's Statement (Koppens, 2017).

sheltering irregular migrants by municipalities was no longer justified because of the regularisation campaign, and therefore made the closure of municipal emergency shelter for rejected asylum applicants a condition for the roll-out of the regularisation campaign and for the decentralisation of competences concerning social support, such as sheltering homeless[112].

Furthermore, the Balkenende IV government concluded in 2010 the Improved Asylum Procedure, which introduced a four-week accommodated period for refused asylum applicants to arrange their return. This departure period could be extended with 12 weeks via stay in a freedom-restricting location or detention centre.

In October 2010, Rutte I[113], a minority government supported by Geert Wilders' anti-immigrant Partij voor de Vrijheid (PVV) (Freedom Party) took office (Papademetriou & Banulescu-Bogdan, 2017). During the short-lived existence of this Cabinet irregular stay of non-minors was made a criminal offence (Diepenhorst, 2012), punishable with a second category sanction[114] (limited to a maximum of 3,900 euro) or, as a replacement, imprisonment up to four months, through the introduction of a new Article 108a in the Aliens Act.

However, only a couple of months after criminalising irregular stay, PvdA came to a compromise in the Rutte II[115] government to withdraw Article 108a (through agreeing with a tax reduction for middle income earners). Furthermore, the Rutte II coalition introduced the concept of "participation society", in reference to the government's new role (from guarantor of enforceable rights to provider of facilities) and the expectation that citizens take up their individual responsibilities (van Nijendaal, 2014:88). This new concept was accompanied by reduced budget transfers to municipalities for delivering social services (ESN, 2016). For example, when the government amended the Social Support Act in 2014, a distinction was made between basic and tailored services, with irregular migrants only having access to the former (Article 1.2.2). Following judgement 11/01153 of the Dutch Supreme Court[116], the Rutte II Cabinet established family locations providing Bed-Bad-Brood (BBB) (Bed-Bath-Bead) for destitute irregular migrant families. Nonetheless, the government pursued a restrictive policy on irregular migrants' access to shelter. For example, through amending Article 3(3) of the Linking Act irregular migrants became excluded from accommodation in asylum shelters, which put municipalities under high pressure to deal with the consequences (Van Meeteren, 2014).

Although local authorities had remained silent in response to the 2011 demonstrations in Utrecht and The Hague for irregular migrants' right to shelter (because of the 2007 agreement to no longer accommodate rejected asylum applicants), by early 2013 the pressure on municipalities had become so big that many mayors invoked their power to ensuring public order and safety, and started organising or financing emergency shelters for irregular migrants (Koppens, 2017). Moreover, several advocacy organisations started litigations over irregular migrants' right to shelter. For example, the Protestant Church Netherlands and Feantsa each filed a complaint with the European Committee of

[112] The Social Support Act of 2007 made municipalities responsible for providing home care, and assistance to the elderly, sick and disabled.

[113] Rutte I held office from 14/10/2010 to 5/11/2012 and included the parties VVD and CDA.

[114] Article 23 Criminal Law clarifies that the second category concerns a maximum fine of 3,350 euro (1/1/2020).

[115] Rutte II governed from 5/11/2012 to 26/10/2017 and consisted of VVD and PvdA.

[116] The verdict was pronounced on 21/9/2012 and confirmed the ruling of the European Committee of Social Rights (ECSR) of 28/2/2010 regarding complaint 47/2008 of Defence for Children International against the Netherlands.

Social Rights (ECSR)[117]. After the ECSR published its decisions on both case on 10/11/2014, the Rutte II government financially compensated the Bed-Bath-Bread reception of irregular migrants for whom no by the state provided facility was available (Teeven, 2015). However, as the government disagreed with both verdicts, and the subsequent resolution of the Council of Europe's Committee of Ministers (CoM, 2015) did not speak out for an absolute obligation to shelter irregular migrants, the Rutte II Cabinet decided in 2015 to set up short-term municipal accommodation from where irregular migrants would be guided to the freedom-restricting location in Ter Apel to prepare their return. The legality of this practice was in 2016 confirmed by judgements of the European Court of Human Rights (ECtHR), the Administrative Jurisdiction Division of the Council of State (CRvB), and the Central Appeals Board (RvS)[118] (Koppens, 2017; Dijkhoff, 2016). The latter bodies further explained that municipalities have no specific authority and obligation regarding irregular migrants' accommodation and that offering shelter is not prohibited, but concerns extra-legal beneficiary policy. Consequently the government decided to stop the financial compensation to municipalities offering reception to irregular migrants. This decision followed unsuccessful negotiations with municipalities to close their accommodation in return for the setting up of eight large scale national shelters. The stalemate between the national and local authorities concerned sheltering irregular homeless persons who refuse to work on their return (Ederveen, 2019). While the Rutte II coalition was unwilling to support this group, mayors invoked their authority to safeguard public order and safety (EMN, 2016).

This saga seems to have come to an end with the Samenwerkingsafspraken Landelijke Vreemdelingen Voorzieningen (LVV) (Cooperation Agreement National Aliens Facilities) agreed between the Rutte III government[119] and the Association of Dutch Municipalities (MJA & VNG, 30/11//2018). In concrete terms, for a period of three years from 2019 onwards, the national government funded five pilot projects, set up by the cities of Amsterdam, Rotterdam, Utrecht, Eindhoven and Groningen. The Pilots aim to finding sustainable solutions for irregular migrants, either by guiding them towards return, onward migration or, if possible, legalisation of their residence status (Mack et al., 2020).

[117] Complaint 90/2013 of Protestant Church Netherlands brought via the Conference of European Churches and complaint 86/2012 of European Federation of National Organisations working with the Homeless (Feantsa).

[118] Amongst others via Case 17931/16 Hunde v Netherlands (ECtHR); cases 15/7075 WMO15 and 14/5609 WMO (CRvB), cases 201502093/1/V1, 201503799/1/V1, and 201409943/1/V1 (RvS).

[119] The Rutte III Cabinet -comprising the parties VVD, CDA, D66,and CU- took office on 26/10/2017. The next election to the Dutch House of Representatives is scheduled for 17/3/2021.

4.2.4 The evolution of the Dutch legislation directly affecting the facilitation of irregular migrants' access to housing

Table 14 summarises the evolution of the Netherlands' legislation directly affecting the facilitation of irregular migrants' access to housing. Since 1998, ten legislative decisions from the national governments directly affected the facilitation of irregular migrants' access to housing. As in Germany, most of these decisions have tightened legislation, indicating a restrictive evolution regarding facilitating irregular migrants' access to housing. But unlike the Merkel III government, the Netherlands did not introduce legislation directly affecting irregular migrants' access to housing as a result of the 'European crisis over refugees'. On the contrary, although it does not concern legislation, the Rutte III Cabinet has taken strong liberalising measures through approving and funding five LVVs.

Table 14: Evolution of the Dutch legislation directly affecting the facilitation of irregular migrants' access to housing

Government	Legislation	Year	Direction of change
Kok II	'Linking Act'	1998	More restrictive
Kok II	Aliens Act	2000	More restrictive
Balkenende II	Work and social assistance Act	2003	More liberal
Balkenende II	Law on the implementation of international regulations to combat human smuggling and trafficking in human beings	2004	More restrictive
Balkenende II	Law on Extended Compulsory Identification	2004	More restrictive
Balkenende IV	Improved Asylum Procedure	2010	More liberal
Rutte I	Amendment of the Aliens Act	2011	More restrictive
Rutte II	Amendment of the Aliens Act	2012	More liberal
Rutte II	Amendment of the Social Support Act	2014	More restrictive
Rutte II	Amendment of the 'Linking Act'	2014	More restrictive
Rutte III	Cooperation Agreement National Aliens Facilities	2018	More liberal

4.3 Implementation of facilitating irregular migrants' access to housing by the English central government

4.3.1 English legislation affecting the facilitation of irregular migrants' access to housing prior to the transposition of the Facilitators Package

The pull-down of the Iron Curtain opened the doors for immigration from countries with which the UK had no historical ties (unlike Commonwealth countries). Soon the term "bogus asylum seeker" was introduced, as their need for protection was questioned (Bloch, 2000: 29-37, passim; Jordan & Düvell, 2002:7; Van Liempt, 2008:85). In particular, in 1996, during the last year of the Major II government[120], it was decided that irregular migrants were to be denied access to social housing (Section 160 Housing Act 1996) and temporary shelters (Section 9(2)) Asylum and Immigration Act 1996).

On the first of May 1997, Tony Blair's New Labour[121] won the national election with the promise of a 'third way' societal organisation. This 'third way' comprised a "new contract for welfare", linking general rights to personal responsibilities with the aim to empower individuals (Jordan & Düvell, 2002:201). However, children in need were exempted from this new contract via the Children Act 1989[122] that obliged local authorities to take care of children's welfare, thus also their housing situation, irrespective of their residence status (Price & Spencer, 2015; Sigona & Hughes, 2012). In particular Section 17 of the Children Act 1989 obliges local governments to support destitute children with no recourse to public funds (NRPF). As a consequence many local authorities have a Section 17 officer or team in place, of which 59 are member of the British NRFP Network that supported 2,658 households at a cost of 47.5 million pound in 2018 (NRPF, 2019a).

To the discovery of 58 dead irregular Chinese in an abandoned Dutch truck in Dover (June 2000) and the terrorist attacks in the US (September 2001), Blair I responded with the Nationality, Immigration and Asylum Act 2002, in order to strengthen the island's border control.

4.3.2 England's transposition of the Facilitators Package

The Blair II government[123] transposed the Facilitators Package through eight measures. However, it must be remarked that assisting irregular entry and "harbour[ing] an illegal entrant" by UK citizens was already prohibited by the Heath government[124] via Section 25 of the Immigration Act 1971 (GOV UK, 2002: par. 358-359).

Section 143 of the Nationality, Immigration and Asylum Act 2002 replaced the Immigration Act 1971 and expanded both the sanctions (up to 14 years imprisonment (instead of maximum 10 years) and/or an unlimited fine) and its application in the UK towards all citizens of Schengen**.** The Asylum and Immigration Act 2004 established, amongst others, criminal sanctions for irregular entrants. In particular, Section 1, on assisting unlawful immigration, substituted Section 143 of the Nationality, Immigration and Asylum Act 2002, while Section 37, on a person's entitlement to provide immigration

[120] The Major II Conservative government held office from 9/4/1992 to 30/4/1997.
[121] Blair I (Labour) governed between 1/5/1997 and 6/6/2001.
[122] Refined in Section 11 of the Children Act 2004.
[123] Blair II ruled from 7/6/2001 to 4/5/2005.
[124] The Conservative Heath government was in charge from 18/6/1970 to 27/2/1974.

advice or services, replaced Section 84(2) and 84(3) of the Immigration and Asylum Act 1999. Commencement No. 1 Order 2004, related to the Asylum and Immigration Act 2004, did not contain any substantive changes with respect to facilitating irregular migrants[125]. However, it is worth mentioning that through its Section 37 entitled individuals were allowed to provide immigration advice and services (such as health care) to irregular migrants. Also Chapter 47 of the Criminal Attempts Act 1981 (agreed during Thatcher's first term in office[126]), was notified by the UK to the European Commission[127], as Sections 1 to 4 relate to Article 2 of Directive 2002/90/EC.

4.3.3 English legislation affecting the facilitation of irregular migrants' access to housing after the transposition of the Facilitators Package

The Blair III government[128] concluded the Immigration, Asylum and Nationality Act 2006 that, amongst others, strengthened the penal framework regarding illegal employment, and the UK Borders Act 2007, but agreed no measures that directly affected the facilitation of irregular migrants' access to housing. After Brown took over Blair's party leadership and reshuffled the Labour government[129], the government focused most of its attention on the further elaboration of the concept 'third way', through emphasising community empowerment (Wainwright & Little, 2009). Although the Labour government under Brown did not touch on any legislation regarding facilitating irregular migrants' access to housing, two measures indirectly affected irregular migrants and persons assisting them. The first concerned the foundation of the UK Borders Agency (UKBA), following the UK Borders Act, which comprised two local Immigration Teams to exercise land control on irregular migration (Düvell, 2014). This "inwardisation of control" was rather new for the UK compared to the immigration regime that had focused on border control for a long time past (Van den Durpel, 2017:39). The second measure was the introduction of the Borders, Citizenship and Immigration Act 2009 through which, in Section 55, also the UKBA had to safeguard children's welfare, irrespective of their immigration status (Sigona & Hughes, 2012).

Cameron's Coalition government[130] gave further substance to the concept 'third way', introduced by the first Blair government, through introducing civic engagement and responsibility, austerity measures (including, amongst others, welfare benefits reform and eligibility to social housing), and a partnership model including businesses, civil society, the state and volunteers (Birrell & Gray, 2017). All together these policies were summarised as the Big society. For instance, the aim to end child poverty by 2020, enshrined in the Child Poverty Act 2010, drew on both decentralisation of services and empowerment of poor people (Sigona & Hughes, 2012). Through this Act all children under 16

[125] Section 1 of the Asylum and Immigration Act 2004 on assisting unlawful immigration substituted Section 143 of the Nationality, Immigration and Asylum Act 2002. Section 37 of the Asylum and Immigration Act 2004 on a person's entitlement to provide immigration advice or services replaced Section 84(2) and 84(3) of the Immigration and Asylum Act 1999. All three Acts were concluded under Blair's prime ministership.

[126] Thatcher I governed between 3/5/1979 and 8/6/1983.

[127] In accordance with Article 4(1) Directive 2002/90/EC and Article 9(2) Framework Decision 2002/946/JHA.

[128] The Blair III Labour government ran from 5/5/2005 to26/6/2007.

[129] The not by citizens elected Brown government was in charge from 26/6/2007 to 5/5/2010.

[130] The Cameron I government consisted of the Conservatives and Liberal Democrats (leaded by Nick Clegg) and held office from 6/5/2010 to 6/5/2015.

years who reside in the UK at least six months could be granted assistance[131]. Cameron I also agreed the Localism Act 2011, through which (via partnerships) co-regulation and community control (e.g., management of local housing services by tenants, (quasi) autonomous (non-governmental) housing associations and the local council) was introduced, and created a financial framework (Housing Revenue Account) for municipalities to self-finance social housing. However, the eligibility criteria regarding access to social housing remained under the authority of the central government and continued to exclude irregular migrants. In 2014, Cameron's Coalition government took a measure that drastically intervened on (facilitating) irregular migrants' access to housing, as it was made possible to penalise landlords and, if applicable, their agents when renting out to irregular migrants. Pursuant Sections 23(2) and 25(4) of the Immigration Act 2014 fines could run up to 3,000 pound. According to the then Secretary of State of the Home Office, Theresa May, the government aimed to "creat[ing] a really hostile environment for illegal migrants" (Travis, 2013: par.1).

Towards the end of the Cameron II[132] reign, the Immigration Act 2016 was passed. Throughout its nine parts, irregular migrants were further banned from the labour and housing market and excluded from driving and using a bank account. Moreover, the penalties against landlords were strengthened through adding the possibility to imprison landlords and, if applicable, their agents who rent out to irregular migrants, up to five years (Section 33C Immigration Act 2016). Furthermore, through Schedule 11 of the Immigration Act 2016, Section 4 on providing accommodation for failed asylum-seekers of the Immigration and Asylum Act 1999 was repealed. It was replaced by inserting Section 95A (Support for failed asylum-seekers, etc. who are unable to leave UK) and Section 98A (Temporary support for failed asylum-seekers, etc.) that tightened the conditions under which refused asylum applicants and their dependants could receive municipal support[133], such as accommodation.

By means of the Cities and Local Government Devolution Act 2016 the Cameron II government also granted Combined City Authorities (CCAs)[134] more power, among others concerning housing services: Although the building, management and delivery of social housing stayed under the auspices of partnerships in which local councils are just one actor, homelessness, the provision of temporary shelter and the promotion of affordable housing were assigned to local governments. However, by keeping the funding purse closed and founding the Communities and Local Government Department –comprising housing (including homelessness), local government, planning and communities- the central government stayed in the driving and controlling policy seat. In this context, it should be noted that participating in a CCA is not compulsory. For example, Stoke-on-Trent opted in 2016 to remain a unitary authority instead of becoming part of the CCA West Midlands.

After Cameron had stepped down as party leader of the Conservatives, the first May government[135] entered office. Despite May's bold statements on promoting "a really hostile environment'" towards irregular migrants (Travis, 2013: par.1), May I applied the Immigration Act 2016 smooth when granting

[131] Section 27(1)(a)(b) of the Child Poverty Act 2010 in conjunction with Section 146(2) Social Security Contributions and Benefits Act 1992.

[132] Cameron II governed between 7/5/2015 and 12/7/2016.

[133] Such as being destitute or likely to become destitute (Section 95A(1)(c)) and facing a genuine obstacle to leaving the UK (Section 95A(1)(d)), possible other criteria prescribed by the Secretary of State (Section 95A(4)).

[134] In addition to the Greater London Authority, England had ten CCAs at the end of 2018: Greater Manchester (since 1/4/ 2011); West Yorkshire, Sheffield City Region, Liverpool City Region (since 1/4/2014); North East (since 15/4/2014); Tees Valley (since 1/4/2016); West Midlands (since 17/6/2016); West of England (since 9/2/2017); Cambridgeshire and Peterborough (since 3/3/2017); North of Tyne (since 2/11/2018).

[135] May I governed from 13/7/2016 to 7/6/2017.

irregular migrant victims of the Grenfell Tower fire on 14 June 2017 temporary leave to remain (Picum, 2017b). Furthermore, May I concluded the Homeless Reduction Act 2017, and May II[136] the Regulation of Social Housing 2017, both detailing local authorities' and applicants' rights and duties and both still excluding irregular migrants from the offer, in line with the Housing Act 1996[137].

4.3.4 The evolution of the English legislation directly affecting the facilitation of irregular migrants' access to housing

Table 15 summarises the evolution of England's legislation directly affecting the facilitation of irregular migrants' access to housing. Since 1971, 17 legislative decisions from the national governments directly affected the facilitation of irregular migrants' access to housing. As many as 12 of these decisions were concluded in the 21st century, at least one legislative decision per government. As in Germany and the Netherlands, most of these decisions have tightened legislation, indicating a restrictive evolution regarding facilitating irregular migrants' access to housing.

Table 15: Evolution of the English legislation directly affecting the facilitation of irregular migrants' access to housing

Government	Legislation	Year	Direction of change
Heath	Immigration Act 1971	1971	More restrictive
Thatcher I	Criminal Attempts Act 1981	1981	More restrictive
Thatcher III	Children Act 1989	1989	More liberal
Major II	Housing Act 1996	1996	More restrictive
Major II	Asylum and Immigration Act 1996	1996	More restrictive
Blair II	Nationality, Immigration and Asylum Act 2002	2002	More restrictive
Blair II	Asylum and Immigration Act 2004	2004	More restrictive
Blair II	Commencement No. 1 Order 2004	2004	Equal
Blair III	Immigration, Asylum and Nationality Act 2006	2006	More restrictive
Blair III	UK Borders Act 2007	2007	More restrictive
Brown	Borders, Citizenship and Immigration Act 2009	2009	More liberal
Cameron I	Child Poverty Act 2010	2010	More liberal
Cameron I	Localism Act 2011	2011	Equal
Cameron I	Immigration Act 2014	2014	More restrictive
Cameron II	Immigration Act 2016	2016	More restrictive
May I	Homeless Reduction Act 2017	2017	Equal
May II	Regulation of Social Housing (Influence of Local Authorities) (England) Regulations 2017	2017	Equal

[136] The May II government ruled between 8/6/2017 and 23/7/2019.
[137] Section 185(1) and 185(2) Housing Act 1996 (persons from abroad and persons subject to immigration control) and Section 161(2) Housing Act 1996 (persons subject to immigration control).

4.4 Compliance with the Facilitators Package by Germany, the Netherlands and England regarding facilitating irregular migrants' access to housing

Despite the fact that the Facilitators Package aimed at approximating Member States' legal provisions (Facilitators Directive 2002/90/EC, par.3; Framework Decision 2002/946/JHA, par.3), both the European Commission (CEU, 30/3/2017; EC, 6/12/2006) and others (Allsopp, 2016; Bozeat et al., 2016; Carrera et al., 2016) ascertain that the transposition of the Facilitators Package by the Member States has led to a plethora of criminal offences and exemptions with regard to assisting irregular migrants. Furthermore, Hailbronner & Jochum (2007) note that Member States that already had stricter legislation in force kept their interpretation instead of relaxing it when transposing the Facilitators Directive. This is no different with regard to facilitating irregular migrants' access to housing, as displayed in Table 16. For example, Germany and the Netherlands use a different interpretation of "financial gain" (Facilitators Directive, Article 1(1)(b)), while the UK legislation does not include this criterium; In Germany, the responsibility to report irregular migrants lies with public servants, although a regional government can nullify this for public services subject to concurrent legislative powers, while in the Netherlands and the UK public services have to report irregular migrants at the request of the national authority. In addition, in the Netherlands, everyone who shelters an (assumed) irregular migrant must report this immediately to the local police. Also the exceptions, allowing to provide accommodation and advice to irregular migrants, differ significantly in the three Member States.

Table 16: Transposition of the Facilitators Package with regard to facilitating irregular migrants' access to housing in Germany, the Netherlands and England

Facilitating irregular migrants' access to housing		
Germany	**The Netherlands**	**England**
Anyone who incites a person to irregularly reside in Germany and therefore receives -or is promised to receive- a pecuniary advantage or incites multiple persons or multiple times to irregularly stay in Germany (Residence Act, Section 96(1)(1)(a) and (b) and Section 96(1)(2))[138].	Anyone who, for financial gain, assists a person of whom one knows -or has serious grounds to suspect- that s/he resides irregularly in the Netherlands, through obtaining a residence or offering the opportunity, means or information to reside in the Netherlands (Criminal Code, Article 197A(2)).	Anyone who does an act which facilitates – or has reasonable cause for believing that the act facilitates- the commission of a breach of the Immigration Law by an individual of whom one knows -or has reasonable cause for believing that- the individual is not an EU- citizen (Immigration Act 1971, Section 25(a)(b)(c)).

[138] The same definition applies to facilitation of irregular entry and transit (Residence Act, Section 96(1)1a and b and Section 96(1)2).

Duty to report irregular migrants		
Germany	**The Netherlands**	**England**
Most official institutions have the duty to forward identification and residence information to the Foreign Affairs authority. However, for public services subject to concurrent legislative powers - such as housing institutions- the reporting obligation may not apply if a state decides so (Paragraph 87(2) Residence Act in conjunction with Paragraph 72(1) Basic Law).	Public administration is obliged to inform the Minister for Immigration upon request (Article 107(7) Aliens Act). Persons sheltering (assumed) irregular migrants must report this immediately to the local police (Article 4.40 Aliens Decree).	Public bodies are obliged to inform the Minister for Immigration upon request (Section 129 Nationality Immigration and Asylum Act 2002).
Providing temporary accommodation		
Germany	**The Netherlands**	**England**
If there is any (promise of an) advantage, providing temporary accommodation is punishable (Paragraph 96 Residence Act), except: • When an irregular migrant's legal interests are at risk in the sense of life-threatening (General Administrative Regulation 96.1.0.3 on the Residence Act); • When it concerns humanitarian assistance provided by pharmacists, doctors, midwives, health professionals, psychiatrists, pastors, teachers, social workers, judges or lawyers "within their socially recognised profession or voluntary work" (Regulation 96.1.0.2.3 in combination with Regulation 95.1.4).	If there is any financial gain providing temporary accommodation to a person of whom one knows -or has serious grounds to suspect- that s/he resides irregularly in the Netherlands is punishable (Criminal Code, Article 197A(2)), except: • Under the Mayor's responsibility to safeguarding public order and safety (Article 172(1) Municipal Law); • Under the City Board's responsibility to provide assistance to irregular migrants for very urgent reasons (Article 16 in conjunction with Article 11(3)a).	Providing temporary accommodation to a person of whom one knows -or has reasonable cause to believe- that s/he is a non-EU citizen breaching the Immigration Law is punishable (Immigration Act 1971, Section 25(a)(b)(c)), except: • Under the local authority's duty to support destitute children with NRPF (Children Act 1989, Section 17); • Under the local authority's freedom -in accordance with arrangements made by the Secretary of State- to support failed asylum-seekers who are destitute or likely to become destitute and who are facing a genuine obstacle to leaving the UK (Schedule 11, Section 4, Immigration Act 2016).

Giving advice		
Germany	**The Netherlands**	**England**
If there is any (promise of an) advantage, giving advice is punishable (Paragraph 96 Residence Act), except: • When an irregular migrant's legal interests are at risk in the sense of life-threatening. (General Administrative Regulation 96.1.0.3 on the Residence Act); • When it concerns humanitarian assistance provided by pharmacists, doctors, midwives, health professionals, psychiatrists, pastors, teachers, social workers, judges or lawyers "within their socially recognised profession or voluntary work" (Regulation 96.1.0.2.3 in combination with Regulation 95.1.4).	Public service providers are prohibited to give irregular migrants advice (Articles 8b(1) and 8c(1) Linking Act); If there is any financial gain giving advice is punishable with regard to a person of whom one knows -or has serious grounds to suspect- that s/he resides irregularly in the Netherlands (Criminal Code, Article 197A(2)), except: • Under the Mayor's responsibility to safeguarding public order and safety (Article 172(1) Municipal Law); Under the City Board's responsibility to provide assistance to irregular migrants for very urgent reasons (Article 16 in conjunction with Article 11(3)a).	Entitled individuals[139] are allowed to provide immigration advice (including on residence) to irregular migrants (Asylum and Immigration Act 2004, Section 37).

The Facilitators Package was agreed under the EU's intergovernmental third pillar (Article 35 TEC), meaning that until December 2014 the CJEU could only convict Member States for not having transposed the Package (as in Case C-485/06 pertaining to Germany). Moreover, as directives and framework decisions only impose the intended results, neither the EC nor the CJEU can compel Member States to align or change their specific sanctions and/or legal enforcement procedures. As a result, the European institutions' compliance strategies consist mainly of two strategies: First, a remunerative strategy of using incentives of shaming and blaming, to discourage unwanted implementation (e.g., publication of the Conformity Checks 2006 and 2007 and the 2016 Refit evaluation). And second, a normative strategy of socialisation, like the "Commission Guidance on the implementation of EU rules on definition and prevention of the facilitation of unauthorised entry, transit and residence" (EC, 23/9/2020:2) which was published in September 2020 "to provide greater clarity on [the Facilitators Package's] scope of application" -following the public consultation in the context of the Refit evaluation and the 2018 European Parliament Resolution to prevent humanitarian assistance from being criminalised.

[139] i.e., for England: General Council of the Bar, Law Society of England and Wales, Chartered Institute of Legal Executives, Faculty of Advocates, and persons permitted by the Office of the Immigration Services Commissioner to give advice in accordance with the Office's regulations.

Due to the low importance attached to the Facilitators Package at the EU level before 2015, its huge interpretation space and lack of clarity, the low institutional legitimacy of the EU enforcement agents, and the divergence of laws and policies in the Member States prior to having to transpose the Package, it is not surprising that Germany, the Netherlands and UK have implemented the Facilitators Package only to a limited extent and therefore also meet the intended results only to a limited extent.

With regard to the extent and manner(s) in which Member States comply with a legal norm, Falkner et al. (2007:405) and Falkner & Treib (2008:297) classify both Germany, the Netherlands and UK under the "world of domestic politics". Although their typology only focuses on the way in which transposition duties are dealt with, they point at the important role of veto-players, party political preferences, changes in government and interest group pressure "for explaining implementation success or failure" in the world of domestic politics (Falkner et al., 2007:409). However, their worlds of compliance does not prove that (only) domestic politics influence compliance at the operational level (Toshkov, 2007; Hartlapp & Falkner, 2008). To this end, Leerkes et al. (2012a) argue, from a principal-agent perspective, to concentrate on the relation between the national government (i.e., principal) and three specific local agents, to wit: police operating at neighbourhood level, local residents, and city governments. Nonetheless, at the national level various issues are at stake through which enforcing the prohibition to facilitate irregular migrants' access to housing may not be a priority (Spencer, 2016).

4.5 Implementation and operation of legislation regarding facilitating irregular migrants' access to housing in Bonn and Berlin

4.5.1 Implementation and operation of legislation regarding facilitating irregular migrants' access to housing in Bonn

Bonn has no official local policy on irregular migrants. The three main arguments given for this by many interviewees were summarised by a local politician: *"I don't think it is possible to have a separate policy regarding access to housing for irregular migrants, for three reasons. First of all, we cannot focus on this small group because that would mean that we give extra attention to this group only, giving only them extra advantages. It would be discrimination, and not good for all people who have problems finding appropriate accommodation in Bonn. Second, and in relation to the first argument, irregular migrants are invisible, we cannot establish policy for an invisible group, they are "Geists" (Ghosts), we don't know anything about them. What some people say, we cannot control, and thus we cannot make policy on this issue. Third, we have to respect federal legislation. If the federal state decides that certain persons are not allowed to stay in the country, we cannot go against that. You have to understand that, we are the local level, and we have to respect the laws, we are a part of [the region] North Rhine-Westphalia and of Germany, [we are] not an island where everything is possible."* (Interview no. 026).

Despite Bonn has no official local policy on irregular migrants, a Working group on irregular migrants (Arbeitskreis Menschen ohne Papiere) is active since 2002. This working group was founded when most foreign embassies moved to Berlin, and problems came to light with former embassy staff (mainly women, often with children) who did not dispose of a valid residence permit. The Working group therefore focuses on irregular migrant children's access to education and pre-school childcare (Arbeitskreis Menschen ohne Papiere, 2018; Interview no. 029; no. 072). The Working group is chaired by a local SPD politician since its inception.

Most interviewees do not perceive the lack of local policy on irregular migrants as merely negative*: "It's double. One the one hand we can do our work, we are not hindered by the local policies. On the other hand, they don't publicly support us either."* (Interview no. 002); *"There is a difference between what politician say and what is possible in reality. The official standpoint is that they can't do anything for irregular migrants because they are bound by the laws and because irregular migrants are invisible. That is why they don't give us any subsidies or money. But on the ground, when we talk with institutions and the city staff, they are open for our demands, they understand the situations and they are willing to help."* (Interview no. 017). This lack of policy also translates into the non-enforcing of irregular migrants' access to housing by city services: *"There is no control in Bonn on who lives in which house and who is sleeping where, even the ones who receive this housing subsidies are almost never controlled."* (Interview no. 011); *"(…) with regard to housing the local government can't do anything but enforcing the legislation, punishing slumlords, but then the people who live there will be homeless and evicted as well. So on this matter the city is not doing anything."* (Interview no. 017).

In the same vein, also the police (under the authority of the regional government of North Rhine-Westphalia) does not actively enforce on (facilitating) irregular migrants' stay: *"At the practical/ operational level the administration and police are rather cooperative, they don't organise big ID-controls or enter premises where irregular migrants might sleep. Irregular migrant children are not taken out of the class by the police."* (Interview no. 003); *"In Bonn, the enforcement of irregular migrants is not a top priority (…), let me put it that way. The police isn't actively searching for them,*

they only have to interfere when there are complaints of other residents." (Interview no. 042); *"The police keeps a low profile regarding our location and our work, they don't patrol in the neighbourhood and they don't come in to ask us (…) questions."* (Interview no. 085).

The Bonn government has decision-making and executive power in the field of homelessness. Even more, due to Paragraph 14 of the Regulatory Authority Act of North Rhine-Westphalia for the protection of life and health, cities have an accommodation obligation. In order to get access to an emergency shelter, homeless persons have to submit their claims to the authorities. The Office for Social Affairs and Housing assesses a person's eligibility and may assign a place in a shelter to the homeless person (Interview no. 072). However, there are more people homeless in Bonn than there are places available in the homeless shelters, especially for women and families the supply is insufficient (on 30/6/2018, 812 people were registered as homeless in Bonn, of which 247 persons were sheltered via the city (MAGS NRW, 2019)). Irregular migrants are excluded from the city's provisions, but not from homeless shelters run by local organisations, not even when they receive funding from the Bonn government, as one interviewee explained: *"The local government did not forbid [NGOs] to allow irregular migrants in this offer"* (Interview no. 057).
Yet, temporary accommodation is only offered to irregular migrants in exceptional cases by some of the NGOs/CSOs interviewed: *"In very urgent and rare cases, we can pay for a night in a hotel."* (Interview no. 003). Usually, NGOs/CSOs refer homeless irregular migrants to initiatives in other cities and/or they give them advice regarding alternative reception options: *"If possible, we can bring people to (…) shelters in other cities such as Frankfurt, Cologne, Wiesbaden, if the people are not bound to Bonn. In rare and extreme cases, we sometimes pay a night shelter in a hotel."* (Interview no. 085); *"Sometimes someone has a room where someone can temporary stay, or knows someone who rents a room."* (Interview no. 028); *"We don't have the means to look for housing with the women. What we do is asking them about their network, looking for, often temporary, options. Maybe they can stay with a friend, family, an acquaintance for a while. (…) there only is the private market to find a more stable solution. If they have someone in their network, who can rent them a room …"* (Interview no. 002).
None of the interviewed organisations said to refer or advise irregular migrants to contact an official city service as civil servants have the duty to report irregular migrants to the Immigration Authority: *"We cannot allow them [irregular migrants] in social houses or emergency or other shelters due to the Residence Act."* (Interview no. 042); *"We organise night shelter (…). We need to register and report the persons that stay in this night shelter, so we can only register legal migrants."* (Interview no. 072).

4.5.2 Implementation and operation of legislation regarding facilitating irregular migrants' access to housing in Berlin

In six of the 19 interviews it was stated that the Berlin local government has no policy on irregular migrants: *"What I see is that neither the regional nor the local governments are able to develop their own policy on housing as well as on irregular migrants."* (Interview no. 102). However, most of the interviewees rather indicated that Berlin has no specific local policy regarding irregular migrants' access to housing and gave two reasons for this, namely, irregular migrants' invisibility and the fact that access to housing is not specifically a problem of irregular migrants: *"There is no real policy on irregular migrants, this subgroup is invisible and therefore often ignored because this group doesn't cause specific troubles. We don't know much about this group, so it is difficult to develop policy. It would also be against the federal legislation to facilitate irregular migrants"* (Interview no. 015); *"There is no policy specifically on access to housing for irregular migrants because the problems with housing are not typically related to irregular migrants. The local government follows the regional Berlin government in that they try to offer all services as inclusive as possible. For example they don't ask about people's residence status."* (Interview no. 016). In contrast to the perceptions of both NGOs/CSOs and city and enforcement staff, the interviewed politicians gave examples, analogous to the Government Agreement 2016-2021 (SPD, Die Linke, Bündnis 90/Die Grünen, 2016), of how they include irregular migrants in their policies, which is often through using a strategy of "don't ask, don't tell" (Chauvin & Garcés-Mascareñas, 2014; Crépeau & Hastie, 2015). For example: *"Very recently, we also introduced a system to obtain an anonymous health card. This card can be used by irregular migrants. We try to include irregular migrants in all the projects that we set up, or for which we give money to organisations. (…). During winter time, we open extra night shelters. We ask volunteers to organise these shelters, because they don't have to ask about people's residence status, they don't have the obligation to report irregular migrants to the Immigration Authority. These shelters are often organised by and in churches."* (Interview no. 014).

Although the Berlin local government has no formal jurisdiction over housing (this is a responsibility of the Berlin Senate) and over immigration (this is the sole competence of the federal government), they are responsible for homelessness. In this regard, the local government has a system in place whereby each of the 12 Berlin districts[140] is assigned the homeless people born in a given month. Each district is responsible for offering emergency and temporary shelter to the homeless people they are assigned. Some of the interviewees (especially NGOs/CSOs) commented on the admission conditions applied in homeless shelters (financed) by the local government (such as irregular EU-citizens who are excluded, Interview no. 067), pointing at Berlin's active contribution to the implementation of the federal legislation that prohibits facilitating irregular migrants: *"The phenomenon irregular migrants is mostly ignored by all the policy makers* (…) *and assisting them is largely prohibited, for example they barely are allowed in any homeless shelter. Only in the emergency shelters for homeless people they don't ask for people's residence status, and thus only there irregular migrants have access to bed for the night."* (Interview no. 020). On the other hand, some organisations reported to provide shelter to (certain) homeless irregular migrants themselves and spoke of the understanding of the competent authorities:

[140]To wit: Charlottenburg-Wilmersdorf, Friedrichshain-Kreuzberg, Lichtenberg, Marzahn-Hellersdorf, Mitte, Neukölln, Pankow, Reinickendorf, Spandau, Steglitz-Zehlendorf, Tempelhof-Schöneberg, Treptow-Köpenick.

"When they come to us, they are homeless. If their case is strong enough to be reviewed, than we grant them church asylum, which means that they can stay, live and sleep, in the church. (…). We can give them a document for when they are stopped by the police so that they are not detained. This works pretty well in Berlin." (Interview no. 041). One member of the local government explained this behaviour as follows: *"I don't think we should give accommodation to irregular migrants, it would be a pull factor while these people don't have a permission to be in the country. But it doesn't mean that we have to chase irregular migrants who are here often for a long time. It doesn't work, playing hide and seek. Irregular migrants do not cause a threat or problems in the Berlin community, we have other priorities on which the police should focus."* (Interview no. 030).

As most NGOs/CSOs do not have the means to provide accommodation to irregular migrants themselves, they usually facilitate irregular migrants' access to housing through giving advice and/or referring them to particular NGOs/CSOs, ethnic, and/or religious networks. Also city staff who do not ask for people's residence status give advice and refer irregular migrants: *"If people ask us general information about housing we provide it, we don't know the residence status of the clients then. We can look for private housing together with them, but we can't support them in applying for social housing, because irregular migrants are not eligible for social housing."* (Interview no. 073). However, in accordance with Zanfrini & Kluth (2008), many interviewees indicated that irregular migrants themselves never contact city services because they are afraid to be denounced: *"Most of the irregular migrants are afraid of official services, the police, etc. It's difficult to understand their fear, because Berlin is not the worst place in Germany for irregular migrants."* (Interview no. 97).

In no less than 11 out of the 19 interviews "denouncing" irregular migrants was discussed[141]. For example, it was mentioned several times that city staff have the duty to report irregular migrants, which hinders their contacts with NGOs/CSOs: *"You know the civil servants have the duty to report irregular migrants. If we told them that we work with an irregular migrant, it would result in our client being detained and probably the administration wouldn't be as helpful to us as they are now."* (Interview no. 107). In addition, denouncing irregular migrants was often associated with the police's actions, which fall under the authority of the Berlin regional government: *"The federal and regional police often carry out ID-checks at the underground and train stations and they are also present at public strategic places in the city. They carry out targeted checks at these places."* (Interview no. 97). In addition, both a local and regional policy-maker stated that the police in Berlin do not check on irregular migrants' presence in premises: *"In Berlin they don't want that irregular migrants are evicted, the regional government instructs the police not to search for irregular migrants in squats, properties or on the streets."* (Interview no. 090); *"(…) when I became [responsible] I took the legal view that police officers need a search warrant in order to enter asylum seekers' and irregular migrants' accommodation, they can't just enter a premise and detain irregular migrants. In the beginning it led to criminal charges against five police officers and a huge conflict with the Berlin Senator [X]. But it is how we do it in Berlin now."* (Interview no. 030).

[141] This topic was mentioned 19 times in total, in interviews with NGOs/CSOs, city and enforcement staff, and politicians. In comparison: "denouncing" irregular migrants came up in three of 18 interviews in Bonn (seven mentions), in two of 20 interviews in London (three mentions), two of 17 interviews in Stoke-on-Trent (two mentions) and in one of 18 interviews in both Amsterdam and The Hague (mentioned only once).

4.5.3 Comparison between German legislation regarding facilitating irregular migrants' access to housing and its implementation and operation in Bonn and Berlin

Just like the transposition of the Facilitators Package leads to diverging legislation in Member States, the implementation of German legislation with regard to facilitating irregular migrants' access to housing results in different operational practices. As Table 17 demonstrates, policies in both Bonn and Berlin are in line with federal laws: While Bonn seems to accept the federal legislation and has not developed own policy regarding facilitating irregular migrants' access to housing, Berlin seems to stretch the federal legislation to some extent through sometimes using a "don't ask, don't tell" strategy (Chauvin & Garcés-Mascareñas, 2014; Crépeau & Hastie, 2015), and so has created own policy regarding facilitating irregular migrants' access to housing. However, both Bonn and Berlin clearly adopt a "passive enforcement" style (Versluis, 2003:36).

Table 17: German legislation regarding facilitating irregular migrants' access to housing compared to its operation in Bonn and Berlin

Facilitating irregular migrants' access to housing		
Germany	**Bonn**	**Berlin**
Anyone who incites a person to irregularly reside in Germany and therefore receives (or is promised to receive) a pecuniary advantage or incites multiple persons or multiple times to irregularly stay in Germany is punishable (Residence Act, Section 96(1)(1)(a) and (b) and Section 96(1)(2)).	Not actively enforced by the police.	Not actively enforced by the police.
Duty to report irregular migrants		
Germany	**Bonn**	**Berlin**
Most official institutions have the duty to forward ID and residence information to the Foreign residents authorities. For public services subject to concurrent legislative powers the reporting obligation may not apply if a state decides so (Paragraph 87(2) Residence Act in conjunction with Paragraph 72(1) Basic Law).	The local and/or regional government did not adopt any specific regulations in this area; The reporting obligation prevents NGOS/CSOs to refer, provide shelter, and advice irregular migrants to contact official city services.	The local and/or regional government did not adopt any specific regulations in this area; The reporting obligation is said to hinder contacts between NGOs/CSOs and city staff; Some city services apply a "don't ask/ don't tell" strategy.

Providing temporary accommodation		
Germany	**Bonn**	**Berlin**
If there is any (promise of an) advantage, providing temporary accommodation is punishable (Paragraph 96 Residence Act), except: • When an irregular migrant's legal interests are at risk in the sense of life-threatening. (General Administrative Regulation 96.1.0.3 on the Residence Act); • When it concerns humanitarian assistance provided by certain persons within their socially recognised profession or voluntary work[142] (Regulation 96.1.0.2.3 combined with Regulation 95.1.4).	Irregular migrants are de facto excluded from winter and emergency shelters for homeless people (financed) by the local government because all users have to be registered; Some NGOs/CSOs offer in exceptional cases temporary accommodation, free of charge and without expecting any quid pro quo.	Irregular migrants have, free of charge and without expecting any quid pro quo, access to winter and emergency shelters for homeless people (financed) by the local government; Several NGOs/CSOs provide, free of charge and without expecting any quid pro quo, temporary accommodation; Several churches grant "church asylum" with the authorities understanding.
Giving advice		
Germany	**Bonn**	**Berlin**
If there is any (promise of an) advantage, giving advice is punishable (Paragraph 96 Residence Act), except: • When an irregular migrant's legal interests are at risk in the sense of life-threatening. (General Administrative Regulation 96.1.0.3 on the Residence Act); • When it concerns humanitarian assistance provided by certain persons within their socially recognised profession or voluntary work (Regulation 96.1.0.2.3 combined with Regulation 95.1.4).	Many NGOs/CSOs give advice to irregular migrants; Interviewees say that city services related to housing are not inclusive to irregular migrants.	Many NGOs/CSOs give advice to irregular migrants; Some city services related to housing are inclusive to irregular migrants through not asking people's residence status.

[142] I.e., health professionals, pharmacists, doctors, midwives, psychiatrists, pastors, teachers, social workers, judges and lawyers.

4.6 Implementation and operation of legislation regarding facilitating irregular migrants' access to housing in The Hague and Amsterdam

4.6.1 Implementation and operation of legislation regarding facilitating irregular migrants' access to housing in The Hague

Numerous variations on having few local policies towards irregular migrants were repeated in The Hague interviews: "*Most cities don't have a policy on irregular migrants, although politics of silence is also a policy of course. Politicians try to ignore their presence.*" (Interview no. 065). Indeed, The Hague's Coalition Agreement 2018-2022 does not contain any section on irregular migrants, and regarding access to housing the city council prioritises "sufficient and affordable housing in an easily accessible city" (cbw Den Haag, 2018:7). As a civil servant explained: "*We don't see and work with irregular migrants because they are not entitled to any social benefits or social housing. But we know that some irregular migrants still receive social benefits and/or live in a council house. We don't act against these violations, that is not our job.*" (Interview no. 009). Several interviewees considered that there is no need for a specific policy on irregular migrants because there are no structural problems in this area and because the local government acts pragmatically, case-by-case when necessary: "*Formulating policy on topics that are not relevant wouldn't be good policy. When problems occur, the local government proved to be successful, as the example of the occupation of the Sacrament church demonstrated.*" (Interview no. 009). This event was referred to by several interviewees. It concerned an Armenian family with three children who lived already for nine years in the Netherlands and were threatened with deportation. The Protestant Sacrament Church offered them church asylum between 26/10/2018 and 30/01/2019 by means of a continuous church service. With this, the church wanted to create time and space for discussion with the government about the regularisation of irregular migrant children (so-called 'Kinderpardon' (Child Excuse)). On 29/01/2019, a political agreement was reached to regularise the family and more than 600 other children in a similar situation (de Fijter & Kruidhof, 30/01/2019).

Another, less visible, example of The Hague's policy on irregular migrants' access to housing concerns the enforcement of public order and safety for which mayors are responsible. While at the beginning of the millennium premises in The Hague were frequently raided by the police and inspection services to tackle alleged rogue premises[143] (Engbersen et al., 2004), such actions happened only sporadically in recent years and are not planned to increase in the near future: "*Regarding the [Neighbourhood Safety Plans] it was decided not to include active police checks, for example, the Housing Control Service only reacts on complaints and then their priority is to look for possibilities to solve the problem.*" (Interview no. 012); "*(…) there is little enforcement e.g., on overcrowding or nuisance, the police and Housing Control Service only act when there are complaint from neighbours. The local government neither promotes sheltering irregular migrants nor forbids it, they simply ignore the fact that there are irregular migrants working and living in The Hague.*" (Interview no. 010). Such enforcement policy corresponds with Leerkes et al. (2012a) who found that Dutch mayors do not instruct the police to systematically track down irregular migrants who do not commit criminal offenses.

[143] For example, in December 2003, 600 buildings were raided following complaints from local residents. In 134 of these premises irregular migrants were discovered and arrested (Engbersen et al., 2004).

All interviewees mentioned The Hague's Bed-Bath-Bread (BBB) shelter as (part of) the local policy on irregular migrants' access to housing. This initiative to provide shelter to homeless irregular migrants was established following the decision of the Central Board of Appeal in case 14-5507 WMO-VV[144] (CRvB, 17/12/2014), which compelled Amsterdam to provide night shelter, shower, breakfast and an evening meal (so-called 'sober reception' or BBB) to rejected asylum applicants who have to leave the country. Until early 2019, the BBB in The Hague had a reception capacity of 22 beds in large dormitories, and irregular migrants could use sanitary facilities and two meals per day (Winter et al., 2018). After the Court of Auditors concluded in its 2018 research report on social relief that The Hague does not provide adequate support to homeless persons (Rekenkamer Den Haag, 2018), the city council decided *"(…) to improve the quality of BBB by adding a 4th B of guidance [begeleiding in Dutch].*" (Interview no. 009). Yet NGOs/CSOs still have strong comments about the BBB, which the local government outsourced to two NGOs: "*(…) there are about 25 beds (in comparison to our 500 clients) and most irregular migrants are not eligible to enter the facility.*" (Interview no. 046); "*The offer only addresses single persons, not families. For families the city has no policy (…).*" (Interview no. 110). When at the end of 2018 the Cooperation Agreement regarding National Aliens Facilities (LVVs) was concluded between the Dutch government and the municipalities, The Hague's city council reached an agreement with Rotterdam to refer irregular migrants to the LVV in Rotterdam (Mack et al., 2020). That way, the BBBB shelter in The Hague could be closed by the end of 2019. However, not all interviewees saw this as a final solution: "*(…) we know that not all irregular migrants fit the criteria for accessing LVVs, as they are set by the pilot cities and the national government. Some irregular migrants will (have to) go underground, they won't be visible for us anymore, so in a couple of years I expect the same problems with homeless irregular migrants to return.*" (Interview no. 069).

Although the city council prides itself on the fact that "In The Hague, nobody sleeps on the street against their will" (cbw Den Haag, 2018:68), the homeless policy is strict: "*(…) police chase away homeless people who sleep rough, especially when they stay in the city centre. (…) since a couple of years begging is sanctioned with administrative fines. The police can give them a fine up to three times and then they are allowed to arrest them. Unfortunately, the imprisonment doesn't take away the fine, because it is an administrative offence.*" (Interview no. 031). Nevertheless, homeless persons can sign up at the city's Homeless Counter, and when assessed eligible (e.g., having local ties and not coming from a so-called 'safe country') they are referred to an available and fitting service offer (Rekenkamer Den Haag, 2018). During winter time the Municipal Health Service (GGD) determines when night shelter should be offered to all homeless persons with local ties, regardless of residence status (Interview no. 043). However, since the city's reception capacity is inadequate (Rekenkamer Den Haag, 2018) and many NGOs/CSOs have insufficient resources to shelter irregular migrants, they often have to rely on short-term alternatives: "*We offer them possibilities to enlarge their networks, suggest them to go to [name of NGO/CSO], contact certain people who might have a spare room.*" (Interview no. 046); "*We can offer a limited number of accommodations (…). Sometimes it means that families are spit up to accommodate them, of course these are only temporarily solutions.*" (Interview no. 103).

[144]This case was the result of the Decision on the merits - Conference of European Churches (CEC) v. The Netherlands Complaint No 90/2013 of the ECSR.

4.6.2 Implementation and operation of legislation regarding facilitating irregular migrants' access to housing in Amsterdam

In Amsterdam, no one claimed that there is no local policy on irregular migrants. Conversely, all interviewees referred to (certain aspects of) the Programme Undocumented, which addresses irregular migrants: "*Programme Undocumented, in which temporary accommodation is the main topic*" (Interview no. 033); "*The Amsterdam policy on irregular migrants strongly focuses on care. This is explicitly included in the Programme Undocumented. Although this Programme is new, this is since much longer the Amsterdam government's view.*" (Interview no. 101). In brief, this comprehensive Programme includes seven services for irregular migrants who (can) participate in the Programme, to wit: Tailored care, legal counselling, future orientation support, 24/7 shelter with housing guidance, provision of health care, offer of participation and empowerment activities, and optional return assistance (Gemeente Amsterdam, 2019a). Amsterdam is the only city involved in this study with a published and city council approved policy on irregular migrants. As several interviewees explained: "*It's a topic on the Amsterdam political agenda for a long time.*" (Interview no. 033). Indeed, since 2009, irregular migrants has been discussed several times per year in the city's executive board and board committees, with an outlier of 86 items on the agenda in 2019[145]. According to many interviewees, the overarching aim of the Amsterdam approach is rooted in a "humanitarian" and "human rights" frame (Delvino, 2017b:23, Spencer & Delvino, 2019:31): "*The Amsterdam policy is based on the premise that all people, regardless of residence status, have the right on a decent life. (…) The Amsterdam policy-makers stress that they want to maintain the human approach in all their services towards all residents in Amsterdam.*" (Interview no. 001). It is thus no surprise that "*[n]ext to this Programme, the Amsterdam government and the administrative departments support and include irregular migrants in its policies since a long time, in various ways.*" (Interview no. 005).

The humanitarian and human rights frames are also applied to the enforcement activities of the local police under the authority of the mayor, and of the regional Aliens Police (AVIM), with which the city has agreed on their approach. As someone from the Amsterdam police explained: "*We don't do checks in the streets or at homes. We lack the capacity to do this and we agreed not to do this with the Amsterdam local government. We deal with all the cases that are referred to us and we also have a number of own cases, these concern situations of crime and nuisance caused by irregular immigrants.*" (Interview no. anonymised). Furthermore, the local police applies a 'free in, free out' policy (Zwart, 2017; Timmerman et al., 2020), which means that irregular migrants can go to the police without their residency status being checked. Based on the assumption that irregular migrants are more likely to become victims of crime (such as exploitation and abuse), the Amsterdam police wants to tackle crime more effectively in this way. In addition, the local enforcement services are charged with tackling exploitation in the housing market: "*(…) the city orders the local police to enforce the legislation on (air) B&Bs to prevent slumlords being active (…)*" (Interview no. 104). To prevent malicious rental practices the Amsterdam city council decided with a housing regulation that landlords who want to split up their premises into smaller housing units must apply for a permit. Fines can amount to 21,750 euro for an initial sanction (Gemeente Amsterdam, 2020a).

[145] This information was retrieved on January 7, 2021 from the information page of the city's executive board: https://amsterdam.raadsinformatie.nl/zoeken?keywords=ongedocumenteerden&filter%5Borganisations%5D%5B%5D=281&search=send&limit=10&sort=date_asc&show_result=show_all

A substantial part of the Programme Undocumented concerns 24-hour sheltering, a BBBB initiative that started at the end of 2018 (Gemeente Amsterdam, 2018b). This shelter was preceded by a pilot project called Vluchthaven (12/2013-07/2014) from which Bed-Bath-Bread (BBB) facilities arose (Winter et al., 2018). In addition to this BBB (organised at two locations) which could accommodate 175 irregular migrants who met the conditions[146], three small-scale 24-hour shelters were established for 86 irregular migrants with lingering medical and/or mental problems. Another 67 irregular migrants who had found accommodation in their own network were supported through a living allowance of 450 euro/month (Winter et al., 2018). In 2019, the two BBBB facilities included, in addition to Bed-Bath-Bread, tailored guidance in order to give the irregular migrants more self-management (Gemeente Amsterdam, 2019b). Together with the small-scale facilities, 392 irregular migrants (of which 150 Dublin claimants[147]) were sheltered and supported in this way (Interview no. 080; Mack et al., 2020). Next to this, 84 people who had shelter via their own network, received a living allowance in 2019 (Gemeente Amsterdam, 2019b). Nonetheless, this supply does not meet the demand, so that further selection is necessary even after the eligibility screening by the Aliens Counter: "*We offer temporary shelter for the most vulnerable (pregnant women, people with serious (mental) diseases stuff like that). (…). We only select people who don't have any network on which they can rely and most of the selected persons are women. They can stay for 6 months.*" (Interview no. 006). Some interviewees emphasised that the Amsterdam facilities only temporary provide in humanitarian basic needs, which should not be confused with granting access to the human right to housing: "*The BBBB shelters (…) is not a measure of granting irregular migrants access to housing, in my opinion. We don't offer people housing, only a bed, a place to shelter. (…) Our accommodation is a temporary offer, there are access rules, we have house rules, etc..* " (Interview no. 080).

When the interviews were conducted, in September 2019, the BBBB facilities were being wound down to close by the end of 2019 (Gemeente Amsterdam, 2019b). As a replacement, Amsterdam is one of the pilot cities where a National Aliens Facility (LVV) will be provided for three years. There is capacity for 350 irregular migrants, who can stay there for a maximum of one and a half years (funded by the national government), and for 150 Dublin claimants who can participate for a maximum of six months (paid by the city of Amsterdam). According to the policy-makers the aim is for the participants to leave the project because they obtained a legal residence status, migrated to another country or returned to the country of origin (Gemeente Amsterdam, 2018b) and someone explained that "*our Amsterdam approach can only be successful when the number of irregular migrants is under control, we cannot deliver tailormade support to a couple of 1,000s of people. That is why we decided that 500 persons can be included in the Programme.*" (Interview no. 033). However, some practitioners saw other objectives of the LVV: "*This way, the local government tries to prevent rough sleeping and disturbance of public order and safety.*" (Interview no. 054); "*What they do is preventing public order and safety problems and meeting international agreed basic rights.*" (Interview no. 080).

[146] The eligibility criteria are fourfold: Registering at the Aliens Counter (in function of identity registration to obtaining a so-called 'V-number'); Having a link with the Amsterdam region, Not being a national from a by the Dutch government considered 'safe country', and; Not having committed war crime or having a heavy entry ban to the Netherlands (Winter et al., 2018).

[147] These are persons in an asylum procedure in another EU country than where they reside. In accordance with the Dublin Convention and Dublin Regulation 604/2013, the country of residence can make a claim to the country where the asylum application is running to take the person back.

In addition to the much-discussed LVV, there are yet other initiatives in Amsterdam where irregular migrants can receive temporary shelter. For example, extra shelter places are created in winter. But in the winter of 2018, ahead of the LVV, irregular migrants "*(…) had restricted access to the winter homeless shelters. For none of the involved actors -the local government, NGOs and the irregular migrants themselves- this was a satisfying practice.*" (Interview no. 033). Additional, separate shelter is also established for irregular migrants with particular needs, such as: "*By means of the Custody Act, which allows forced admission to a mental institution, [the mayor] can have mental ill irregular migrants admitted to a psychiatric institution (…) [via] a Mayor's Order. There they can stay 5-10 days, after this short period they can stay in the institution when there is a judicial authorisation for it. Because irregular migrants are only entitled to urgent medical care, which doesn't include mental health care, judges often can't release the irregular migrant when their situation is more stable, because they can access outpatient mental health care."* (Interview no. 083).

Some NGOs/CSOs have set up own shelters and/or support because they either have no confidence in the LVV project and/or because they want to fill gaps in the existing supply, as "*(…) not all the ones who now stay in a BBBB facility will be eligible for support in the LVV.*" (Interview no. 104). For example, the CSO Code Rood (which tries to offer irregular migrants who request it an unconditional place to sleep for the night in a citizens' home) and the We Are Here movement (which, amongst others, supports irregular migrants who squat) are very active and known in Amsterdam. In addition, several religious organisations sometimes shelter vulnerable irregular migrants from so-called 'safe countries' like Brazil and Morocco (Interview no. 080; 088), while other NGOs/CSOs focus on particular age groups, such as youngsters or retired irregular labourers who did not apply for the General Excuse in 2007: "*Most youngsters who arrive in Amsterdam don't have a network of their own yet. We can't send them to the existing shelters, because these are not adapted to the needs of youngsters.*" (Interview no. 008); "*[A] growing group of older irregular migrants who stay in the Netherlands for about 20-30 years. (…) they forgot to plan their return and are too old now to go back to their country of origin. This is a very sad group.*" (Interview no. 007).

4.6.3 Comparison between Dutch legislation regarding facilitating irregular migrants' access to housing and its implementation and operation in The Hague and Amsterdam

As Table 18 shows, both The Hague and Amsterdam shape their policies and carry out their initiatives within the lines of national legislation. However, the Dutch legislation is not actively enforced by either the national or the two local governments. While The Hague's local government offers a minimum of services, the Amsterdam city council uses several legal options to include irregular migrants in their services as much as possible. Next to both cities' services, many NGOs/CSOs in as well The Hague as Amsterdam provide advice and temporary accommodation to irregular migrants. However, none of the interviewed organisations reports to the local police that/when they shelter irregular migrants.

Table 18: Dutch legislation regarding facilitating irregular migrants' access to housing compared to its operation in The Hague and Amsterdam

Facilitating irregular migrants' access to housing		
The Netherlands	**The Hague**	**Amsterdam**
Anyone who assists, for profit, a person of whom one knows (or has serious grounds to suspect) that s/he resides irregularly in the Netherlands, through obtaining a residence or offering the opportunity, means or information to reside in the Netherlands is punishable (Criminal Code, Article 197A(2)).	Not actively enforced by the police and Housing Control Service.	Not actively enforced by the police and Housing Control Service.
Duty to report irregular migrants		
The Netherlands	**The Hague**	**Amsterdam**
Public administration is obliged to inform the Minister for Immigration upon request (Article 107(7) Aliens Act); Persons sheltering (assumed) irregular migrants must report this immediately to the local police (Article 4.40 Aliens Decree).	Interviewees had no examples of being asked to inform the Minster and did not indicate to inform the police when sheltering irregular migrants.	Interviewees had no examples of being asked to inform the Minster and did not indicate to inform the police when sheltering irregular migrants.
Providing temporary accommodation		
The Netherlands	**The Hague**	**Amsterdam**
Providing temporary accommodation for profit is prohibited (Criminal Code, Article 197A(2)), except: • Under the mayor's competence to safeguard public order and safety (Municipal Law 1992); • By the executive board for very urgent reasons (Article 16 in conjunction with Article 11(3)a Work and social assistance Act 2003).	Until end 2019 the city offered free BBB shelter; In winter time, some irregular migrants may have access to free shelter; Some NGOs/CSOs offer temporary shelter, all non for profit .	The city offers, not for profit, LVV, access to winter shelters, and to other accommodation for very urgent reasons; Many NGOs/CSOs offer temporary shelter, all non for profit.
Giving advice		
The Netherlands	**The Hague**	**Amsterdam**
Giving advice for profit about residing irregularly in the Netherlands is punishable (Criminal Code, Article 197A(2)).	Most city services give advice, all non for profit; Many NGOs/CSOs give advice, all non for profit.	Most city services give advice, all non for profit; Many NGOs/CSOs give advice, all non for profit.

4.7 Implementation and operation of legislation regarding facilitating irregular migrants' access to housing in Stoke-on-Trent and London

4.7.1 Implementation and operation of legislation regarding facilitating irregular migrants' access to housing in Stoke-on-Trent

In nine of the 17 interviews (the highest number of all cities involved) it was said that there is no local policy on irregular migrants. Despite the city being a dispersal area for asylum applicants, resulting in about 1,000 asylum applicants being housed in Stoke-on-Trent by Serco (a private company contracted by the central government) based on a nationwide ratio of one asylum applicants per 200 citizens (WMSMP, 2019), some statements went even further: "*With regard to immigrants in general there is no strategy*" (Interview no. 055). Two different explanations were given for not having a local policy on migrants, namely, central government legislation and negative feelings among the population: "*There is resentment, for instance because Stoke pupils have to go to school outside of stoke due to the presence of refugees. Tensions due to cultural differences are on the rise, which was clearly demonstrated through the Brexit referendum (we had the highest proportion of the population voting for leave, due to anti-immigrant sentiments).*" (Interview no. 095); "*The 2016 Immigration Act is very clear that irregular migrants have no access to housing in the country.*" (Interview no. 105).

Nevertheless, Stoke-on-Trent has two services, Citizens Advice Bureau (CAB) and the Social Services that irregular migrants may use in certain cases. However, both services' budget systematically decreased in the 2010s. For example, 12 full-times were employed in the CAB until 2013 while only 2.5 in 2018 (City of Stoke-on-Trent, 2018). According to some interviewees, this led to less inclusive services: "*[Y]ou always have to show your ID to get access to services. In the past, they didn't really control the residence status, but now it's getting harsher to access services because they do contact the Immigration Office when you are a foreigner.*" (Interview no. 024).

As provided by law, the Social Services have a role to play regarding destitute irregular migrants with children who have No Recourse to Public Funds (NRPF), so-called 'Section 17 cases' (Children Act 1989, Section 17). As a civil servant explained: "*Then we can temporary offer accommodation if the family has a short-term solution to change their situation. But in practice, we often have no suitable accommodation. Then we ask charities if they can take care of that family.*" (Interview no. 105). This partnership approach between public and voluntary services, which is promoted by the city council (City of Stoke-on-Trent, 2016) does not always go down well with the charities: "*[S]ometimes the council tries to avoid their duties by referring these families to us. That is why we refuse to support these families, the city council must take up their own responsibility.*" (Interview no. 091). That the NRPF services not always run smoothly, was substantiated by several interviewees -including civil servants and politicians- with examples pointing to a very narrow interpretation of the NRPF obligation: "*Some destitute families can step in the NRPF housing. But the city council only allows this when the family has a perspective on a short-term solution, either to voluntary return or to appeal against the negative decision. (…) the council gives the minimum short-term support, only to families who have a solution to solve their destitute situation.*" (Interview no. 027). Moreover, a 2017 review report revealed that "*(…) the support that Stoke gives to these children is insufficient. The city council is forced to reverse these practices (…).*" (Interview no. 025). In 2019, when the interviews were conducted, some interviewees indicated that: "*In recent years, the Social Services are more open to*

cases of Section 17 (…). They don't threaten to separate the children from their parents, they don't shelter these families in unfitting hostels outside stoke, etc.." (Interview no. 055).

City staff referred to the local Community Cohesion Strategy as a means of reaching out to (irregular) migrants: "*(…) the programme Stoke Up, that is our Community Cohesion Strategy 2016-2020, via which we now have an EU-worker to address EU-citizens residing in Stoke. (…) indirect we might influence irregular migrants' access to housing through our policy of decreasing racism and increasing cultural understanding.*" (Interview no. 095). Also the approach of the local police was reported as contributing to the city's policy on irregular migrants: "*Also part of the local policy is the fact that the local police doesn't want to be involved in immigration law enforcement. This results in lack of residence permission checks such as house searches, but it also leads to a very low threshold for irregular migrants to report a crime as a victim. (…) of course it always depends on the individual police officer how they are treated.*" (Interview no. 055). However, a couple of interviewees testified that street checks by the police had increased: "*(…) the police carries out more ID-checks, for example, they ask for your driver licence in the streets. When you can't identify yourself as a foreigner, they detain you and contact the Immigration Office.*" (Interview no. 024).

Stoke-on-Trent is ranked the fifteenth most deprived local authority in England (Noble et al., 2019). Therefore, "*Our housing policy focuses on preventing and reducing homelessness and on building more council houses. In this policy young vulnerable adults and the elderly are the main target groups. The former is becoming a big problem, like in the rest of the UK, the latter is specific for Stoke, as about 40% of our population is 60 years or older.*" (Interview no. 095). Furthermore, the city elaborated a Homelessness Strategy 2016-2020 (City of Stoke-on-Trent, 2015b). Through this Strategy, irregular migrants may be provided temporary shelter in specific situations. For example, through the Severe Weather Emergency Protocol (SWEP) the local government arranges extra beds for homeless persons in hostels or churches when it is three consecutive days below zero degrees (City of Stoke-on-Trent, 2016). Structurally, the city council has access to three types of temporary housing: 15 council owned family units, a property for single homeless persons (the so-called 'Fenton flat') and rented bed and breakfast accommodation (City of Stoke-on-Trent, 2016). In addition, the city council co-finances Harbour House (run by an NGO), which has three bedrooms: "*Access to this accommodation is only given to failed asylum seekers who make a good change to have their initial decision revised, (…), but although a revision of an initial decision usually takes about 3 months, [clients] can only use the Harbour House service for 4 weeks, a rotating strategy is used to help as many people as possible (…).*" (Interview no. 050). However, to be eligible for city services "*(…) homeless people must have a tie to the local community. Therefore, in practice (irregular) migrants are often excluded from the existing services. On paper the local policy looks Ok (…) but in practice –due to the eligibility criteria– they are confronted with many barriers that block their access to basic rights.*" (Interview no. 032). Consequently, most interviewees said they have de facto only two options: "*I could let someone sleep at my place, or I can refer to the church – which is what I do*" (Interview no. 024). Only some charities, like certain churches, have the means to shelter homeless persons. In addition, some organisations offer asylum applicants in an uncertain situation a reference address, so that contact with the Home Office (who decides on their file) is not interrupted (Interview no. 050; 078).

4.7.2 Implementation and operation of legislation regarding facilitating irregular migrants' access to housing in London

In eight of the 20 London interviews it was stated that London lacks a local policy on irregular migrants. However, a number of policy documents, strategies and initiatives of the Mayor of London (responsible for the Greater London Authority (GLA)) paint a different picture. For example, the Mayor's Strategy for Social Integration includes support to "Londoners with insecure status to access their legal rights to citizenship and residence" (Mayor of London, 2018c:13), and advising, supporting and advocating London irregular migrant youngsters is secured and further detailed in The Mayor's Citizenship and Integration Initiative (Trust for London, 2018). Furthermore, the GLA set up, amongst many things, an initiative to support communities affected by the Windrush scandal[148], provision of legal advice for EU citizens with insecure status in the context of Brexit, and a commissioned research on undocumented Londoners to better understand, support and advocate for their needs (Mayor of London, 2020b:33). Yet, not everything is decided by the GLA as most services are provided by the 32 London Boroughs[149], each comprising their own, elected local council. Consequently, there may be differences in the service delivery per borough. Nevertheless, "*[m]ost local authorities (…) find it important that we include irregular migrants in our services. Most local policy-makers, like their civil servants think and act practically. Of course there are local authorities that are more open than others to include irregular migrants in the services that they offer to residents.*" (Interview no. 013)

One of the social services that needs to be taken up by the boroughs concerns support to Section 17 cases, as was confirmed by the Royal Court of Justice (RCJ, 2014:par. 28) in case no. CO/15518/2013, following several cases, amongst others, against London boroughs in which the judges deemed that "a child without accommodation cannot normally be reasonably regarded as anything other than a child in need". 30 London boroughs[150] are members of the No Recourse to Public Funds (NRPF) Network established by the Islington City Council (NRPF Network, 2019a) and share their practices amongst each other (Toms & Thorpe, 2012). Local councils usually accommodate Section 17 cases in council housing, private premises via agreements with NGOs/CSOs and/or B&Bs: "*Some migrants, both refugees, asylum seekers and failed asylum seekers stay in council houses, because the local government has to provide them housing.*" (Interview no. 038); "*Recently we have fewer users of our accommodation. This is probably due to the fact that some local authorities rely more on B&B temporary accommodation (…). It's cheaper, but of course the quality is much poorer and there is no support.*" (Interview no. 047). But it also happens that: "*(…) they sometimes try to scare of families by suggesting inappropriate accommodation outside London.*" (Interview no. 051), or that: "*They often have to refer families to the charity organisations because they lack the means to support all families that register for assistance.*" (Interview no. 100). Because of these varying practices and the huge needs, several NGOs/CSOs have set up parallel and/or complementary initiatives, such as: "*(…) we*

[148] In 2018, the Home Office began detaining people without legal residence documents who immigrated to the UK before 1973 from the colonies, and their descendants. In many cases it concerned people from the Caribbean, part of the British West Indies, which is still under British control.

[149] The London boroughs are: Barking and Dagenham, Barnet, Bexley, Brent, Bromley, Camden, Croydon, Ealing, Enfield, Greenwich, Hackney, Hammersmith and Fulham, Haringey, Harrow, Havering, Hillingdon, Hounslow, Islington, Kensington and Chelsea, Kingston upon Thames, Lambeth, Lewisham, Merton, Newham, Redbridge, Richmond upon Thames, Southwark, Sutton, Tower Hamlets, Waltham Forest, Wandsworth, Westminster.

[150] Only City of London, Kingston upon Thames and Richmond upon Thames are not a member.

cooperated with two other organisations, we borrowed money with which we bought seven properties to accommodate Section 17 families." (Interview no. 019); "*A specific initiative (…) [is] the "Hotel Fund". In 2017 we noticed that more NRPF families became street homeless and didn't receive any assistance from the Social Services. Therefore we set up this Fund to support the emergency accommodation of street homeless families in hotels.*" (Interview no. 004).

A topic that was not discussed in any of the London interviews is police action. It only came up in connection with irregular migrants keeping their residence status to themselves "*(…) because they are afraid of being betrayed and denounced, not in the least by members of their own community.*" (Interview no. 079). When overcrowding is reported, a raid often follows: "*Our local authority also has a team that is dedicated to scrutinising fraud with regard to illegal hiring of social housing to irregular migrants (…). About 80% of the cases they scrutinise are reported by neighbours. If the victims have right to Recourse to Public Funds, we can adjust their contract, in other cases we have to evict the tenants because subletting of social housing by the original tenants is against the law.*" (Interview no. 100). In summary, Ugba's (2010) finding that irregular migrants in the UK face few identity checks and some targeted police raids seem to hold true for London.

The main focus of London's housing strategy is on "delivering genuinely affordable homes" (Mayor of London, 2018b:9). Furthermore, the GLA is competent for rough sleeping and setting the overall vision on homelessness. Local councils, in turn, may decree by-laws on housing (e.g., licensing the letting of properties), and are primarily responsible for homelessness services. In practice, rough sleeping and homelessness services partly overlap and complement each other (Mayor of London, 2018a). As it was estimated in 2017 that one in 50 Londoners is (non-statutory) homeless, and about 8,000 persons (of which 50% non-British) are sleeping rough (Mayor of London, 2018b), both the mayor of London and local councils have taken numerous initiatives. For example, the pan-London Severe Weather Emergency Provision (SWEP) supplements emergency shelters provided by the boroughs and NGOs/CSOs. Since 2018, it is activated when the temperature is below zero degrees for at least one night: "*[Our Homelessness Unit is] responsible for the allocation of temporary accommodation. (…) not all this accommodation is located in [our] Borough. With regard to access to housing for irregular migrants, the rules were tightened recently.*" (Interview no. 082). Also a lot of NGOs/CSOs do what they can to support homeless irregular migrants: "*We have a couple of options to temporary accommodate the most dire cases, but our capacity is very limited.*" (Interview no. 021); "*We had 60 temporary flats of which we rented out 50 to the local government and used the 10 remaining flats to accommodate NRPF families.*" (Interview no. 019); "*We give advice on housing and we have our project on access to housing because we receive so many questions about this topic.*" (Interview no. 079).

4.7.3 Comparison between English legislation regarding facilitating irregular migrants' access to housing and its implementation and operation in Stoke-on-Trent and London

In both Stoke-on-Trent and London, the implementation of the Facilitators Package regarding irregular migrants' access to housing deviates from the UK legislation. Moreover, practices in both cities differ significantly from each other. It can be seen from Table 19 that Stoke-on-Trent has rather hostile policies, while London has rather "human rights"-framed policies (Delvino, 2017b:23, Spencer & Delvino, 2019:31). While no law enforcement by the police was reported in both cities, public services in Stoke-on-Trent proactively contact the Home Office and only rarely provide Section 17 cases access to temporary housing. In London, on the other hand, irregular migrants' human rights seem to form the basis of the formulated policies.

Table 19: UK legislation regarding facilitating irregular migrants' access to housing compared to its operation in Stoke-on-Trent and London

Facilitating irregular migrants' access to housing		
England	**Stoke-on-Trent**	**London**
Anyone who does (have reasonable cause to believe that) an act which facilitates the commission of a breach of the Immigration Law by an individual of whom one knows (or has reasonable cause for believing that) the individual is not an EU- citizen is punishable (Immigration Act 1971, Section 25(a)(b)(c)).	Not actively enforced by the police.	Not actively enforced by the police.
Duty to report irregular migrants		
England	**Stoke-on-Trent**	**London**
Public bodies are obliged to inform the Minister for Immigration upon request (Section 129 Nationality Immigration and Asylum Act 2002).	Public services ask migrants ID and proactively contact the Home Office.	Interviewees had no examples of being asked to inform the Home Office.

Providing temporary accommodation		
England	**Stoke-on-Trent**	**London**
Providing temporary accommodation to a person of whom one (has reasonable cause to believe or) knows that s/he is a TCN who breaches Immigration Law is punishable (Immigration Act 1971, Section 25(a)(b)(c)), except: • Under the local authority's duty to support destitute children with NRPF (Children Act 1989, Section 17); • Under the local authority's freedom -and in agreement of the State Secretary- to support failed asylum-seekers who are (likely to become) destitute and who are facing a genuine obstacle to leaving the UK (Schedule 11, Section 4, Immigration Act 2016).	In some situations, the local government supports Section 17 cases; When SWEP is in effect, some irregular migrants may have access to winter shelters; Some NGOs/CSOs offer, in certain cases, temporary accommodation.	Many Section 17 cases are supported by the local governments; Irregular migrants have access to various homelessness and emergency shelters organised by both the local government and NGOs/CSOs.
Giving advice		
England	**Stoke-on-Trent**	**London**
Entitled individuals are allowed to provide immigration advice (including on residence) to irregular migrants (Asylum and Immigration Act 2004, Section 37).	Not everybody who provides advice is officially authorised to do so.	Not everybody who provides advice is officially authorised to do so.

4.8 Operation of irregular migrants' access to housing in Bonn and Berlin

4.8.1 Operation of irregular migrants' access to housing in Bonn

Most interviewees note that living in Bonn is expensive. Bonn is characterised by a housing shortage on both the private and social rental market, and only five to seven percent of the private rented housing stock is subject to the Rental Price Brake (Mietpreisbremse), a federal rule that Bonn has been applying since 2015 by requiring private landlords to not exceed the locally determined rental index by more than ten percent (Bundesstadt Bonn, 2018). As a result, irregular migrants often live in very small and substandard accommodation (ditto to Dittenborn's (2011) findings), making them more prone to being spotted by the enforcement authorities and falling into the hands of slumlords: *"When irregular migrants have children, they often rent a room. For example, they live with 4 persons in a single space of a couple of square meters. Then it sometimes happens that neighbours make a complaint, because of nuisance or because they fear bad living circumstances for the children. They don't know that the family has an irregular status, but this way it sometimes happens that these families come under the attention of the Immigration Authorities and are evicted.*" (Interview no. 003); *"Overcrowded apartments, matrasses on the ground, I've seen it many times. Sometimes the sanitation is very old, bad, moult in the toilet, no bathroom. They don't dare to make a complaint, because they are afraid of being caught by the police and they also don't have another place they can stay."* (Interview no. 017).

Mostly irregular migrants live in private owned properties, but since "*On the private market almost every landlord asks to see the candidate renter's registration in the city register*" (Interview no. 085) they usually have to rely on their network(s) to find accommodation (Alscher et al., 2001; Dittenborn, 2011; Schönwälder et al., 2004; Sinn, et al., 2005; Zanfrini & Kluth, 2008). According to Dittenborn (2011), they usually have accommodation through friend and acquaintances, for example: "*There are also people, especially from [country X], who are recognised refugees (…). They sometimes feel the pressure to give other people from their community a sleeping place, on the couch, a matrass on the floor. These are temporary situations, you know, but it is helping each other.*" (Interview no. 11). Also living in with family seems to be common. Nevertheless, the NGOs/CSOs interviewed mainly gave examples of irregular labour migrants who have temporary accommodation via their employment: "*(…) a lot of men work in the construction sector, they often work throughout Germany. They then sleep in the building or construction they are working in.*" (Interview no. 011); "*Some labour migrants sleep in cheap hostels, like in [name of hostel] if they have money and can't stay at the construction site they are working.*" (Interview no. 042).

Although most interviewees indicated that "*[m]ost irregular migrants have no place to stay, at least not during the day*" (Interview no. 072), none of them had contact with homeless irregular migrants: "*[T]here also have to be people who sleep rough. I don't have experience with that myself. They can't sleep at visible places in streets or so, because then the police would interfere and they would get expelled. People sleeping rough hide, make themselves invisible, places not easy to spot them, to be detected.*" (Interview no. 003). The only homeless shelters in Bonn, and to which homeless irregular migrants may have access, are the emergency homeless shelters run by charities.

4.8.2 Operation of irregular migrants' access to housing in Berlin

Berlin's housing stock consists of approximately 68% private rented tenements, 5.4% social housing and 26.6% private unlet properties (IBB Berlin, 2018; Ambt für Statistik Berlin-Brandenburg, 2018). Since most residents in Berlin have to rely on the private rental market, irregular migrants usually only have access to bad quality housing according to most interviewees: *"Finding appropriate housing is a problem for migrants and refugees (because of discrimination) and for poor people and students (because of the very high rental prices). These groups often live in bad quality housing.*" (Interview no. 073). Moreover, administrative rules prevent irregular migrants from acting as tenants, leaving them dependent on malicious landlords or their networks (Alscher et al., 2001; Schönwälder et al., 2004; Sinn et al., 2005; Zanfrine & Kluth, 2009). For example, landlords usually demand for a registration certificate (which is a fixed paragraph in the standard rental contracts in Berlin) and require proof of income or a bond as security (Wilcke, 2018), as several interviewees explained: "*To the landlord they only have to give their name and birthday, but in practice landlords ask for much more identification, which irregular migrants can't provide. Once the tenancy contract is signed, the landlord has to give the tenant a form stating the resident address [Housing Certificate]. This document is needed for registering at the population register.*" (Interview no. 107); "*Landlords normally can't accept them if they can't prove that they will be registered in that [population] register, only slumlords and people who want to take advantage of irregular migrants' weak and vulnerable position rent out to irregular migrants.*" (Interview no. 064).

Given the many obstacles to acting as the main tenant, sub-renting is most common (Cyrus, 2004; Schönwälder et al., 2004; Wilcke, 2018). However, tenants are prohibited to sublet (a part) of their accommodation without the consent of the landlord (Paragraphs 553(I) and 540(I) German Civil Code), which increases the fear of getting caught by the enforcement authorities: "*A permission is required from the owner to sublet a room, so migrants who have an official legal contract with a landlord often don't dare to sublet a room, they only let irregular migrants whom they can trust sleep on their couch for a couple of nights.*" (Interview no. 097). Finding accommodation via own networks is of great importance for newly arrived irregular migrants in Berlin (Lucassen et al., 2005), although they usually can stay only a very short period: "*Most irregular migrants from third countries live with family, friends or acquaintances. They usually don't have a permanent place of residence, they surf from couch to mattress and so on.*" (Interview no. 016). Some irregular migrants who have a job can sleep at their workplace or are accommodated by their employer (Alscher et al., 2001; Cornelius & Rzeznik, 2014; Schönwälder et al., 2004; Wilcke, 2018): "*Many irregular migrants work in a shop, or as a domestic worker, or in a restaurant. Often they sleep in these working places.*" (Interview no. 063).

Irregular migrants in Berlin do not live in social housing or squats. According to the few interviewees who cited these possibilities: "*Irregular migrants de facto don't have access to social housing, because they would have to register with the Housing Service who have to denounce irregular migrants.*" (Interview no. 022); "*Since many years the squatting in the city ended, in the 1990s many irregular migrants found accommodation in these places, but now this is impossible, it would make them very visible.*" (Interview no. 089). Homelessness does, however, occur among irregular migrants. They "*(…) sleep outside or in the few train stations that are still open at night in winter time*" (Interview no. 074). Some churches and charities offer temporary accommodation to vulnerable irregular migrants

(Interview no. 020; 037; 041; 097) and the Berlin local government allow s them in emergency shelters run by the Welfare Association of Berlin: "*Homeless people can stay three to five days in the emergency shelter, during winter time this might be longer*." (Interview no. 022). Furthermore, *"Some we can include in temporary projects, such as on modular living, or tempo-living. We also can shelter some irregular migrants in the refugee centres, because there are beds free.*" (Interview no. 074).

4.8.3 Comparison between German legislation regarding irregular migrants' access to housing and its operation in Bonn and Berlin

As Table 20 clarifies, it is noticeable that federal legislation is strongly observed in both Bonn and Berlin. The only difference between both cities' policies when it comes to irregular migrants' access to housing is that Berlin seems to offer more shelter options for homeless irregular migrants.

Table 20: Irregular migrants' access to housing in Bonn and Berlin compared to German legislation

Access to private housing		
Germany	**Bonn**	**Berlin**
No access due to landlords' obligation to ensure tenants' registration (Paragraphs 19(1) Federal Registration Act).	Interviewees report high compliance with legislation.	Interviewees report high compliance with legislation.
Access to social housing		
Germany	**Bonn**	**Berlin**
No access due to social housing offices' obligation to ensure tenants' registration (Paragraphs 19(1) Federal Registration Act).	No examples of irregular migrants living in social housing.	No examples of irregular migrants living in social housing.
Access to temporary housing		
Germany	**Bonn**	**Berlin**
All 16 states decreed in a general clause of the police that local governments must shelter homeless persons, irrespective of residence status (Cornelius & Rzeznik, 2014).	No access to emergency and general homeless shelters; Interviewees mentioned no other temporary housing initiatives.	Access to emergency shelters and refugee centres; Some are included in temporary projects; Church asylum.
Duty to register as a tenant		
Germany	**Bonn**	**Berlin**
Everyone living in Germany is mandatory to register at the local registration office (Paragraphs 17(1) and 19 Federal Registration Act).	Interviewees report high compliance with legislation.	Interviewees report high compliance with legislation.

4.9 Operation of irregular migrants' access to housing in The Hague and Amsterdam

4.9.1 Operation of irregular migrants' access to housing in The Hague

Almost all interviewees indicated that living in The Hague is very expensive for everyone. To counteract gentrification, the local government decided in the 2019 Housing Regulation that low-income and middle-income earners must apply for a housing permit to be able to rent accommodation of respectively maximum 737.14 euro/month and 975.92 euro/month (cbw Den Haag, 2019b). Some interviewees mentioned that this results in over-crowding, although "*[o]vercrowded housing is not a problem specifically related to irregular migrants.*" (Interview no. 035). Most interviewees noticed a link between the tight rental market and abusive practices: "*(…) often they become victims of slumlords who take advantage of their weak juridical position. For example, they have to pay too much for a small room, or they have to pay to sleep in a mould windowless basement, or they have to pay to rent just a mattress. This is particularly the case in some problem area's in the city.*" (Interview no. 065). Several studies confirm such malicious practices in The Hague's Schilderswijk (Engbersen et al., 2004; Leerkes & Bernasco, 2007) and Transvaal neighbourhood (Zeegers, 2016).

Ten of the eighteen interviewees stated that most irregular migrants can (sub-rent) a room on the private market, of which "*[t]he quality and size (…) depends on their earnings.*" (Interview no. 069) because "*[w]hen they have a job, for example a more or less regular income, they are able to rent or sublet a room. As far as I'm aware, most irregular migrants in The Hague do have a job.*" (Interview no. 039). This differs from nationwide research conducted in the early 2000s, in which it is estimated that about one third of the irregular migrants rents on the private market (Burgers, 1999; Engbersen et al., 2004). Accommodation on the private market is often said to be found via employment or ethnic networks, for example: "*The landlords they rent from are not their ethnic peers anymore. (…). They meet people from other nationalities via their employment. The informal economy is not organised and steered by ethnicity anymore (…).*" (Interview no. 068); "*In the 1990s, many were granted refugee status, they settled in the Netherlands, bought properties. Now they often live 6 months in the Netherlands and return for 6 months to their birth country. During the period that they are not in the Netherlands, they sublet their house.*" (Interview no. 110). This latter practice is also described by Engbersen et al., (2006). Also employers and friends temporarily accommodate irregular migrants: "*Some irregular migrants can temporarily stay with friends or can temporarily sleep at the couch of someone they know via their network.*" (Interview no. 065); "*Irregular migration is stimulated through employment available in the green houses around The Hague. People are persuaded to come here, they are often accommodated in sheds on the land by their employers. Some of them are housed by their employer in recreational parks.*" (Interview no. 010).

Due to strict national legislation on family reunification, a number of applicants have an irregular status (Bonjour, 2012; Engbersen et al., 2006). They usually live with their legally residing partner or family: "*Nowadays, an irregular migrant in the Netherlands is often someone who reunites with family, but due to the harsh conditions is not eligible for a residence permit. These persons don't have a problem with housing because they can live in with their family.*" (Interview no. 035).

Although irregular migrants are excluded from social housing (Articles 8b(1) and 8c(1) Linking Act and Article 10(1) Aliens Act), and squatting has been banned since 2010 (Article 138a Code of Criminal Procedure): "*Some 'old' irregular migrants still rent a social house and some sublet social housing as well.*" (Interview no. 035); "*Others do indeed sleep in abandoned little boats or in garden sheds because they cannot afford to pay any rent. However, the latter is being stricter enforced, so it happens less.*" (Interview no. 045).

Finally, also in The Hague a number of irregular migrants are also homeless. "*People who are homeless often receive help from NGOs and churches.*" (Interview no. 108). Up to 2012, homeless irregular migrants could use the city's homeless shelters. After that, until May 2019, they could use this facility only in exceptional cases, as the city subsidised a BBB facility for 25-30 homeless irregular migrants who were willing to return to their country of origin (Interview no. 043; 070; 110). From June 2019 onwards, it is agreed with Rotterdam that BBB eligible irregular migrants in The Hague will be referred to their National Aliens Facility (cbw Den Haag, 2019a).

4.9.2 Operation of irregular migrants' access to housing in Amsterdam

Amsterdam's housing stock consists of 26% private rented tenements, about 44% social housing and 30% private unlet properties (Hekwolter et al., 2017). Nonetheless, finding affordable accommodation in Amsterdam is particularly difficult for low-income families (ESN, 2016). None of the interviewees related this context to poor housing, but some linked it to exploitation: "*(…) there is a lot of exploitation on the private housing market, that is not a policy, but part of the reality because housing is so expensive in Amsterdam.*" (Interview no. 054). Exploitation and abuse of irregular migrants' weak position was frequently cited, also in connection with accommodation found via own network(s): "*They can stay with family, relatives, acquaintances, etc.. Sometimes they are exploited via these networks, e.g., they have to pay too much for low standard accommodation, they are forced into prostitution, they have to pay rent for sleeping on a matrass, etc..*" (Interview no. 006); "*Many women tell us that they sleep here and there in return for sexual services.*" (Interview no. 007); "*We are also involved in joint actions with the Labour Inspectorate. Than we often are confronted with irregular migrants who live at their working place, for instance they sleep in the restaurant where they work, or in sheds at the farmer's land.*" (Interview no. 054).

Not all examples of irregular migrants' access to housing were linked to exploitation. It seems that, in line with the studies of Engbersen et al. (2004) and Leerkes et al. (2012a), irregular migrants' access to better housing correlates with having more and better networks and income: "*Irregular migrants who can't depend on family and relatives have difficulties with housing. Usually it's too expensive for them to rent on the private housing market*" (Interview no. 080); "*Many people [from name countries] arrive here as domestic worker, their accommodation is often arranged beforehand. There are also au pair irregular migrants who live in with the families they take care of. Another group are irregular labourers. Some of them have a work permit via Italian employers who vouch for their employers in the Netherlands.*" (Interview no. 008); "*Some, people who have a stable income, rent on the private market. In those cases, it's usually subletting a room, sometimes in social housing.*" (Interview no. 006).

More than (sub-)renting on the private housing market via networks or employment, irregular migrants can live (temporary) at family's or friends' places according to the interviewees, which corresponds with the findings of Engbersen et al. (2004) and Kromhout et al. (2008): "*A lot of irregular migrants have accommodation (either in return for money or particular services or out of solidarity) via their personal networks. For example, they can live with family or friends.*" (Interview no. 088).

Although irregular migrants are excluded from social housing (Articles 8b(1) and 8c(1) Linking Act and Article 10(1) Aliens Act) and one interviewee stated that "*No irregular migrant will be able to live in accommodation of a housing association, because the associations regularly check on their tenants.*" (Interview no. 083), other interviewees gave examples of social housing being (sub)let: "*There are also irregular migrants who sub-rent a room, often in social housing.*" (Interview no. 001); "*Irregular migrants often sublet social housing, they can rent either the house or a room in the house. As this is illegal, many irregular migrants are treated badly.*" (Interview no. 088). Despite the 2010 Anti-squat Law, there are still irregular migrants in Amsterdam who find shelter this way, most with support of the Foundation Here we Are: "*We know that a lot of irregular migrants in Amsterdam squat, the Here we Are movement is very visible and well-known in Amsterdam.*" (Interview no. 080); "*There are also irregular migrants who squat a tenement only to have a place to sleep, who are not connected to the Here we Are movement.*" (Interview no. 008).

Amsterdam also has homeless irregular migrants. Various initiatives offer (temporary) shelter to persons in such a situation: "*Most of the [homeless irregular migrants] have been removed from an asylum seeker reception centre. Usually, they first sleep rough, like in the woods or on the street, and then are brought to [name of organisation] via locals who find them and want them to be taken care of.*" (Interview no. 101); "*Welfare support organisations, ethnic and religious organisations offer temporary accommodation to the most vulnerable irregular migrants. There also is the Code Red. Via this network irregular migrants and citizens can sign up. Via Code Red citizens offer a bed for the night to irregular migrants.*" (Interview no. 007); "*Some of them find their way to support organisations like Code Red or Church Bed [i.e., private initiatives].*" (Interview no. 087).
At the time that the interviews were conducted, the existing municipal BBBB facilities were in the first phase of converted into National Aliens Facilities (LVV), while city staff were searching for additional and new locations to provide this form of shelter. These changes raised uncertainty and concern among several interviewees with regard to irregular migrants' future access to shelter: "*Some irregular migrants now stay in BBBB and will either become homeless or can participate in the LVV project.*" (Interview no. 087); "*In 2017, they were allowed to access the winter shelters, but last year they were only allowed to use this facility for 10 days. Now, they all are on the waiting list of the LVV Dublin claimants Pilot.*" (Interview no. 008).

4.9.3 Comparison between Dutch legislation regarding irregular migrants' access to housing and its operation in The Hague and Amsterdam

Table 21 clearly shows that in The Hague's and Amsterdam's local practice, Dutch legislation is often not complied with, due to lack of enforcement. In Amsterdam more initiatives are being organised, also by the local government, to prevent homeless irregular migrants from having to sleep in the street.

Table 21: Irregular migrants' access to housing in The Hague and Amsterdam compared to Dutch legislation

Access to private housing		
The Netherlands	**The Hague**	**Amsterdam**
No access to accommodation for which a housing permit is required (Articles 8b(1) and 8c(1) Linking Act and Article 10(1) Aliens Act).	Interviewees report easy access to private housing.	Interviewees report easy access to private housing.
Access to social housing		
The Netherlands	**The Hague**	**Amsterdam**
No access (Articles 8b(1) and 8c(1) Linking Act and Article 10(1) Aliens Act).	Interviewees report that some irregular migrants (sub-)rent social housing.	Interviewees report that some irregular migrants sub-rent social housing.
Access to temporary housing		
The Netherlands	**The Hague**	**Amsterdam**
Only under certain conditions (such as cooperating to find a lasting solution) irregular migrants can be temporarily accommodated in a National Aliens Facility (MJV & VNG, 29/11/2018). Mayors can invoke reasons of public order and safety to temporary shelter irregular migrants (Article 172(1) Municipal Law).	Access to BBB (up to May 2019)/ referred to LVV Rotterdam; Several temporary housing initiatives of NGOs/CSOs and private persons.	Access to BBBB/ LVV; Several temporary housing initiatives of NGOs/CSOs and private persons.
Duty to register as a tenant		
The Netherlands	**The Hague**	**Amsterdam**
Everyone living in the Netherlands is mandatory to register at the local registration office, regardless of type of housing (Article 2(38) till 2(52) Personal Data Registration Act).	Interviewees do not report the duty to register as an obstacle.	Interviewees do not report the duty to register as an obstacle.

4.10 Operation of irregular migrants' access to housing in Stoke-on-Trent and London

4.10.1 Operation of irregular migrants' access to housing in Stoke-on-Trent

Stoke-on-Trent has one of the most affordable housing stocks in England (City of Stoke-on-Trent, 2018) and therefore "*most irregular migrants here in Stoke don't have real difficulties to find housing or accommodation.*" (Interview no. 024). 76% of the city's housing stock exists within the private sector of which 49% is classified as below standard (City of Stoke-on-Trent, 2013) and thus: "*The quality of their accommodation depends on the budget they have.*" (Interview no. 048). Exploitation by slumlords does not seem to be a common practice: "*Some landlords don't bother to rent out to irregular migrants and are really nice and correct, but there are also slumlords who exploit them and offer poor quality housing and ask too high rents.*" (Interview no. 024); "*Some irregular migrants who rent on the private market are exploited (…). This is not due to the 2016 Immigration Act.*" (Interview no. 018).

Sub-renting was not mentioned in any interview. Conversely, 16 of the 17 interviewees explained that most irregular migrants rent on the private market by themselves: "*Once the newcomer has found a job, s/he moves on to a place of his/her own. (…) people who have an income can rent on the private market, it's not expensive and when you have a steady income there is no problem in doing this.*" (Interview no. 094). The 2016 Immigration Act, which prohibits landlords from renting out to irregular migrants, came up in many conversations. However, interviewees' experiences and opinions on the impact of this law on irregular migrants' access to private housing varied significantly: "*Landlords are obliged to control migrants' residence documents and they can't rent out to persons whose documents are not in order. Because they often don't know enough about residence permits, they prefer not to rent out to migrants at all.*" (Interview no. 091); "*(…) we didn't see any change in the accommodation situation of irregular migrants renting at the private market as a consequence of this Act.*" (Interview no. 018).

Only some irregular migrants would live in with their partner or family (Interview no. 032; 78). While having a network appears helpful for new arrivals, it was often added that irregular migrants do not disclose their residence status to their ethnic and religious peers: "*Irregular migrants sometimes can sleep at friends or family although they usually don't mention that they are in an irregular stay. They keep their status secret, because they are afraid that someone will inform the Home Office as Stoke is so small and rumours go around easily and quickly.*" (Interview no. 096); "*Ethnic communities help one another without one having to explain about their residence status. This is of course only a temporarily situation, sleeping on someone couch.*" (Interview no. 094). Irregular arrivals who cannot fall back on a network sometimes have accommodation via their employment, for example: "*(…) they sleep in the shop or restaurant they work in, they live in sheds of the farmer, or at the construction site, domestic workers, etc.). For example there is a remarkably high number of hand carwashes in Stoke, (…). Most of them seem to live under the bridges where these carwashes are.*" (Interview no. 055).

Although almost all irregular migrants are excluded from social housing (Section 160 Housing Act 1996), one interviewee gave quite a different reason for this not to occur: "*(…) council housing is not much cheaper and the quality is often poor. Most (irregular) migrants do not aspire to live in a council*

house, it's not popular." (Interview 024). Also for the fact that irregular migrants do not squat a practical reason was given: "*Irregular migrants don't squat here in the region: It's not safe because they can be arrested, they avoid contact with the police.*" (Interview no. 092).

According to the local government, there are much less migrants threatened with homelessness in Stoke-on-Trent as elsewhere in the country, "or people from other cultures and other backgrounds do not approach the local authority for assistance as readily as their white cohabitants" (City of Stoke-on-Trent, 2016:35-36). However, some NGOs/CSOs told a different story and pointed to the strict criteria for being considered homeless by the city services: "*About 20% of the irregular migrants are homeless, not statutory -because they don't qualify for this- but they have no fixed place to sleep and live.*" (Interview no. 078). The local government pays for the Harbour House, an emergency shelter where families with no recourse to public funds (NRPF) can stay up to four weeks (City of Stoke-on-Trent, 2018). However, "(…) *the city council only allows this when the family has a perspective on a short-term solution, either to voluntary return or to appeal against the negative decision.*" (Interview no. 027). Therefore, homeless irregular migrants are supported by charities and religious organisations (Interview no. 018; 032; 048; 053; 077; 092; 095; 096). Remarkably, some of these organisations help irregular migrants by providing them an address instead of a real shelter, so that communication with the Home Office can be maintained and thus their chances of obtaining legal residence do not diminish: "*We also sometimes help irregular migrants out by offering them [our] address as their reference address, for example when they can do some sofa surfing.*" (Interview no. 050).

4.10.2 Operation of irregular migrants' access to housing in London

Living in London is very expensive, was echoed in many interviews. Indeed, with an average price of 1,181 pound/month for a studio, London's rental prices were about 39% more expensive compared to the UK average in 2019 (Bromley, 2019). In line with Ahmad's (2008) findings, this usually results in irregular migrants living in overcrowded and substandard housing: "*Most irregular migrants live in very bad circumstances, like in overcrowded rooms, unsafe and musty rooms, sanitary facilities are not always present.*" (Interview no. 021).

Similar to Sigona & Hughes' (2012) findings, most irregular migrants in London sub-rent: "*A common way of accommodating irregular migrants goes via subletting a room by regular migrants.*" (Interview no. 013). When irregular migrants sub-rent, it can be either in a private property or a council house as, in 2018, 43,7% of the rental market were social rented houses and 56,3% private market rentals (Mayor of London, 2019a). Even though "*[m]ost irregular migrants sleep on the sofas of friends and family*" (Interview no. 047), it usually concerns sub-renting: "*Don't be mistaken, it doesn't mean that they can enjoy accommodation for free, nothing is for free in London (…) their solidarity is bound, it's not unconditional, people always have to do something in return (…). No one can offer accommodation just for free around here.*" (Interview no. 040). Irregular spouses living in with their family are not always better off either, as some interviewees reported: "*Domestic violence is a rather common phenomenon, but it is rarely reported and discussed.*" (Interview no. 079); "*(…) there are many domestic abuse cases that we get here.*" (Interview no. 047).

Sub-renting or living at the workplace also occurs, although only three out of the 20 interviewees talked about this: "*There are also many employers who help their irregular labourers to find accommodation, for example they can sleep in the restaurant or in a shed. I've never heard or saw that irregular construction workers slept on construction sites.*" (Interview no. 099); "*We also sometimes have cases of modern slavery, people who clean hotels or renovate buildings in return for a place to sleep. (…). The fact that [they] live on their workplace not only has to do with their residence status, but also with living being so expensive.*" (Interview no. 079).

Also in London it was confirmed that one must have a steady and decent income to be able to rent on the private market: "*if they can afford to rent on the private market, it means that they have a more or less steady income.*" (Interview no. 071). Moreover, as the private market is strongly driven by supply and demand (Jordan & Düvell, 2002), exploitation of irregular migrants seems rather common: "*(…) the bottom end of the housing market is specialising in migrants. The 2016 Immigration Act didn't result in irregular migrants being excluded from the private housing market, on the contrary they are easier prey for slumlords who exploit them.*" (Interview no. 099); "*(…) there are a lot of slumlords active in London. They rent out places that are not safe, like boxes (e.g., storage and garage boxes) or accommodation with unsafe electricity and gas facilities, housing with no running water and/or sanitation.*" (Interview no. 079). Like in Stoke-on-Trent, the 2016 Immigration Act was often discussed, saying on the one hand that it "*(…) didn't lead to increased homelessness amongst irregular migrants*" (Interview no. 058), and, on the other that "*[d]ue to the 2016 Immigration Act there are now also more landlords who refuse to rent out to immigrants in general or to immigrants who receive (housing) benefits.*" (Interview no. 079). But more often interviewees stated that: "*What we see is a shift towards a new hidden economy of slumlords.*" (Interview no. 013).

In 2017, approximately 52% of the non-UK nationals (of which about 20% TCN and 32% EU-citizens) in London were sleeping rough (Mayor of London, 2018a). Many of them are irregular migrants sleeping on the streets and at covered public places like stations and underground car parks (Interview no. 019; 021; 023; 071; 075), or escaping the streets during the night: "*Some of them break in to bin stores to escape rough sleeping.*" (Interview no. 019); "*For example, once in a while I hear stories of families who sit on the night bus the whole night to provide a roof over their children's head. Sometimes families are even so desperate that they go to A&E of the nearest hospital or sign up at a local police station.*" (Interview no. 004). However, "*[m]ost irregular migrants don't knock at the city council's doors, because they know that they are not eligible for any support unless they have dependent children.*" (Interview no. 038). Indeed, all London boroughs support Section 17 cases (i.e., destitute irregular migrants with children who have no recourse to public funds) (NRPF Network, 2019a) although there may be big differences in boroughs' support, ranging from "*(…) the local government often prefers to place the children in a care centre while leaving the parents on the street.*" (Interview no. 093), to "*[w]hen they qualify for Section 17 they can stay in their accommodation with the financial support of the local government.*" (Interview no. 075). The same goes for access to homeless and winter shelters, and temporary accommodation offered by charities (Interview no. 023; 058; 071; 093). Furthermore, "*[f]or singe men (migrants and UK nationals) there is very little accommodation available, as charities such as churches focus on the most vulnerable people, like women with children.*" (Interview no. 075).

4.10.3 Comparison between English legislation regarding irregular migrants' access to housing and its operation in Stoke-on-Trent and London

Table 22 renders that compliance with the central government's legislation regarding irregular migrants' access to housing is low in Stoke-on-Trent and London. Furthermore, the outcome for irregular migrants may be quite different in Stoke-on-Trent compared to London, both with regard to the type of housing and their access to temporary housing. In addition, the latter may vary significantly from London borough to borough.

Table 22: Irregular migrants' access to housing in Stoke-on-Trent and London compared to the English legislation

Access to private housing		
England	**Stoke-on-Trent**	**London**
No access (Section 22 Immigration Act 2014/ 2016).	Interviewees report easy access to private housing.	Interviewees report easy access to private housing.
Access to social housing		
England	**Stoke-on-Trent**	**London**
No access (Section 160 Housing Act 1996) except children in need (Section 17 Children Act 1989).	Interviewees report that irregular migrants do not live in social housing.	Interviewees report that irregular migrants also sub-rent social housing.
Access to temporary housing		
England	**Stoke-on-Trent**	**London**
No access (Section 9(2)) Asylum and Immigration Act 1996) except children in need (Section 17 Children Act 1989).	Interviewees report very narrow application of Section 17; Several temporary housing initiatives of NGOs/CSOs.	Interviewees report varying application of Section 17 and access to homeless and winter shelters per borough; varying temporary housing initiatives of NGOs/CSOs per borough.
Duty to register as a tenant		
England	**Stoke-on-Trent**	**London**
No obligation to register as a tenant with the authorities.	Interviewees report the importance of reporting one's address to the Home Office.	Interviewees report nothing about registering as a tenant.

Chapter 5: Are party political preferences a determining factor of norm diffusion at the local level?

To allow answering the first research question "Are party political preferences of the government a determining factor of norm diffusion at the local level?", the theoretical framework is outlined in the first part of this chapter. After defining the term party political preferences, relevant academic insights are described, followed by the way in which party political preferences are measured in this study.
Part two comprises the analyses of the relevant governments' left-right position on the social-cultural cleavage. First, the German federal, regional North-Rhine Westphalia (NRW) and Berlin governments', and the Bonn city councils' positions are detailed. Second, the Dutch national governments' and the city councils of The Hague and Amsterdam their positions are uncovered. Third, the UK central governments', the Stoke-on-Trent and Greater London Authority governments', and the seven inner-London borough councils in which interviews were conducted[111] their positions are set out.
The third part dwells on the interviewees' opinions regarding the importance and role of party political preferences on facilitating irregular migrants' access to housing in their city. First, seven different types of arguments that interviewees gave to support their view that party political preferences are a determining factor of norm diffusion at the local level are presented. Subsequently -likewise seven- different types of arguments that were used to substantiate that party political preferences do not matter at the local level are discussed one by one.
In the fourth and final part of this chapter, the interviewees' views are compared and discussed with the academic insights and analyses of the government positions.

5.1 Theoretical framework

5.1.1 Defining party political preferences

Party political preferences, or party ideology, concerns a party's vision on particular topics, such as irregular migrants, housing, etc.. These views can easily be found in parties' election programmes and in statements (i.e., party political discourses) made by politicians (Epstein & Mershon, 1996; Leruth & Taylor-Gooby, 2019; Trechsel & Mair, 2011). Since party political preferences pertain to the structure of a political party, they are often considered from a rational choice perspective (Falkner et al., 2007; Hooghe et al., 2010). From this perspective, it is assumed that party political preferences determine which decisions a party proposes and/or supports (Steunenberg, 2007). However, party political preferences are policy intentions, and are therefore not necessarily the same as the policy decisions taken (Epstein & Mershon, 1996; Van Der Brug et al., 2000; Hatton, 2015). For example, as a party

[111] To wit: Brent, Camden, Hackney, Islington, Lambeth, Southwark, Tower Hamlets.

usually cannot take a policy decision alone, the ability to persist their preferred decision depends on the power of each actor involved in the decision-taking process (Axelrod, 1984; Börzel, 2002; Schimmelfennig & Sedelmeier, 2004). Furthermore, as individual policy-makers not only have structure but also agency, their vision may not (only) be shaped by party political preferences but (as well) by social considerations (Börzel, 2002; Cajera, 2019; Falkner et al., 2007) that may be the result of persuasive and deliberative interaction (Checkel 1999; Lund, 2017).

In this study, party political preferences are aggregated at the level of the majority parties that together form a government. Specifically, governments' vision on irregular migrants are scrutinised. Hence, as well the national, regional and the local governments included in this study can be positioned on a left-right scale with regard to their views on irregular migrants. Left and right party political preferences are determined on the basis of the social-cultural cleavage, whereby left refers to everything that leads to more personal freedom and diversity, and right to everything that leads to personal liability and similarity (Bienfait & Fennema, 2010; Kriesi et al., 2006; Van der Brug & Van Spanje, 2009). For example, governments identified as left-wing are open to (individual or collective) regularisation of irregular migrants and broad access to basic rights such as health care and education, while right-wing governments emphasise zero tolerance and (forced) return of irregular migrants. In this way, the research question "Are political preferences of the government a determining factor of norm diffusion at the local level?" can be examined. As already explained (see 2.2.1), the starting point for answering this research question is that (centre-)left governments implement a (more) liberal policy towards irregular migrants, while (centre-)right politics implement a (more) restrictive policy towards irregular migrants (Hix & Noury, 2007; Jeffery et al., 2014; Stratham & Geddes, 2007). This expectation is rooted in scholarly insights, which are discussed below.

5.1.2 Academic insights with regard to party political preferences

Research by Hix & Noury (2007) shows that rather left-wing parties support liberal migration policies (despite the fact that many of their low-skilled voters are opposed to immigration) while rather right-wing parties favour restrictive migration policies (despite the economic benefits of immigration for entrepreneurs who belong to their electoral audience). Vollmer (2014), who studied policy discourses on irregular migrants in Germany and the UK, supports these results. Also Money (2010) states that rather left-wing parties advocate liberal immigration policy. She attributes this party political preference to an underlying assumption that immigrants are potential voters. The findings of Sciortino (2000) and Odmalm (2011) are consistent with this. In addition, both authors demonstrate that party political preferences concerning immigration are not always supported by everyone within the same party and that disagreements can even lead to internal breaks and split offs. In other words, according to these studies, (centre-)left-wing governments advocate more liberal immigration policy, while (centre-)right-wing governments prefer more restrictive immigration policy.

Although these studies focus on policy discourses, also large-scale research of overall immigration policy decisions shows that more left-wing governments take more liberal policy decisions than more right-wing governments (de Haas & Natter, 2015). In connection with policy on regular migrants, De Graauw & Vermeulen (2016) found that (centre-)right governments take more restrictive measures

while (centre-)left ones take more liberal decisions. They conclude that party political preferences is one, albeit important, factor that influences policy decisions regarding regular migrants. On the other hand, Cherti (2014b), who studied the influence of the ruling party/(ies) on immigration enforcement of irregular migrants in the UK, ascertains that party political preferences are clearly present in discourses but not in decisions. She attributes this discrepancy to external factors, namely the cross-party prevailing view of "securitization of migration" (Cherti, 2014b:45). Walgrave et al. (2006) confirm that party ideologies not always determine the policy pursued. Their research indicates that factors within the external pressure model, namely dynamic policy changes, can lead to policy implementation that differs from party programmes and discourses and that factors within the party model, namely government agreements with the coalition partners, explain static policy evolutions.

Migration policy includes a wide range of sub-policy areas such as integration policy, return policy, policy related to legal entry and residence, border and land controls (Hammar et al., 1997; Guiraudon & Lahav, 2007; Money, 2010). Obviously, political parties' views on migration often vary according to the discussed sub-theme (Ruedin & Morales, 2019). Yet, existing research into party political preferences rarely distinguishes immigration sub-domains, so that the results usually present only a generalised picture (De Graauw & Vermeulen (2016) and Cherti (2014b) are notable exceptions).
Therefore, despite the findings of Walgrave et al. (2006) and Cherti (2014b), the expectation of this study is that (centre-)left-wing governments take more liberal policy-decisions on (facilitating) irregular migrants' access to housing, while (centre-)right-wing governments adopt more restrictive policy on this. This prospect stems from two considerations. First, policies on immigration, and on irregular migrants in particular, are highly salient and political parties have strong and often diverging opinions on this topic (Baldwin-Edwards, 2008; Düvell, 2006; Givens & Luedtke, 2005; Guiraudon & Lahav, 2007; Orrenius & Zavodny, 2016). In this context, many scholars (e.g., Acharya, 2004; Statham & Geddes, 2007; Rustenbach, 2010) agree with what Mastenbroek & Kaeding (2006:342) call a "preference based model of decision-making". It is therefore to be expected that party political preferences leave a very clear mark on policy decisions regarding irregular migrants. Second, the conclusion of Walgrave et al. (2006) does not provide an answer to Cherti's (2014b) findings and vice versa. For example, external factors, to which Cherti (2014b) attributes her findings, explain according to Walgrave et al. (2006) only dynamic policy changes and not static policy evolution.

5.1.3 Measuring party political preferences

Party political preferences are often measured in various ways and by using different instruments, such as manual and automated coding of party manifestos and/or expert surveys (Epstein & Mershon, 1996; Garzia et al., 2017; Ruedin & Morales, 2019; Trechsel & Mair, 2011). In this study, the party political preferences on irregular migrants of all parties constituting a government at the national level of Germany, the Netherlands and UK were determined on the basis of their respective election programmes, which were retrieved in de Manifesto Project Database[112]. Every national election

[112] This database contains 4,760 party manifestos from political parties in 61 different countries, dating back to the US elections in 1920.

programme of every government party was rummaged using manual checklist coding, which "offers resource efficiency with no loss in validity or reliability" (Ruedin & Morales, 2019:303). To position each party, a five point scale was used concerning the three issues from a checklist: 1) statements about regularisation; 2) statements about access to basic rights; and 3) statements about detainment and return. As Table 23 shows, statements advocating collective regularisation were given the code +2; For individual regularisation options +1; If no mention was made of this issue, the code 0 was assigned; Statements allowing for regularisation only in exceptional situations were coded -1, and; Statements indicating opposition against regularisation in every situation were given the code -2. Concerning access to basic rights, the +2 code was assigned to statements that advocate for irregular migrants' access to all basic rights; +1 to statements pleading for limited expansion of irregular migrants' existing access to basic rights; 0 when access to basic rights was not mentioned; -1 when the reduction of irregular migrants' access to existing basic rights was mentioned; -2 when it was stated in a party manifesto that irregular migrants should be excluded from access to any basic right. With regard to detainment and return the code +2 code was given to party manifestos pleading against active enforcement of unlawful residence; +1 was assigned when it was argued that not all irregular staying migrants should be forced to return; 0 when there was nothing in the party programme about detention and expulsion of irregular migrants; -1 when the party opted for a stricter enforcement and expulsion policy towards irregular migrants, and; -2 when detainment and forced return of irregular migrants was advocated.

Table 23: Checklist codes regarding statements on irregular migrants in national parties' election programmes

Statements about:	+2	+1	0	-1	-2
Regularisation	Collective regularisation	Individual regularisation	No mention	In exceptional situations	In no situation
Access to basic rights	Access to all basic rights	Limited expansion of current access	No mention	Reduction of current access	Exclusion of all basic rights
Detainment and return	Opposing active enforcement	Liberalisation of current enforcement	No mention	Tightening of current enforcement	Advocating active enforcement

The positioning of each political party by this method corresponds with the results of Akkerman, who carried out a fine-grained analysis of mainstream and radical right-wing parties' positions in seven Western-European countries (including Germany, UK and the Netherlands) with respect to "illegality" for the period between 1989 and 2010 (Akkerman, 2015:55-66). It was explicitly decided to define party political preferences on the basis of individual party programmes, and not on the basis of government agreements, because this study examines the importance of party political preferences on policies regarding irregular migrants. As government agreements are usually a compromise of the party political preferences of the individual parties that make up a government (Van der Brug et al., 2000; Hatton, 2015), parties (continue to) profile themselves in public debates more as a separate

party than as part of the government (Breunig & Luedke, 2008; Carvalho & Ruedin, 2020). In order to gain insight into whether or not there is a gap between a political party's expressed preferences and the policy pursued by national governments, it is necessary to carry out the analyses starting with the correct parameters, namely individual party political preferences. Therefore, the average of all government parties' score was calculated to determine a government's position with regard to irregular migrants. Governments' average scores were labelled from extreme left-wing to extreme-right wing, as displayed in Table 24.

Table 24: Government position labels

Position labels	Scores between and including
Extreme-left	+6 and +5.1
Left-wing	+5 and +3.1
Centre-left	+3 and +1.1
Social-liberal	+1 and -1
Centre-right	-1.1 and -3
Right-wing	-3.1 and -5
Extreme-right	-5.1 and -6

The left-right position of local governments on the social-cultural cleavage was determined on the basis of the parties' self-positioning. This method of asking politicians to position their local governments is a valid and reliable alternative (Garzia et al., 2017; Lesschaeve, 2017; Trechsel & Mair, 2011), which was used because local party manifestos since 2000 are not available for every local government party. Besides, it would not make sense to copy the party political preferences and position of local parties from the national level because some local parties are not established nationally (e.g., City Independent in Stoke-on-Trent, Groep de Mos/Hart voor Den Haag, Bürger Bund Bonn) and intra-party ideology may differ depending on the specific jurisdiction in which a political party operates (Boogers & Voerman, 2010; Kjaer & Elklit, 2010). As several politicians explained: "*(…) even though we belong to the same political party. At the local level we approach the issue of irregular migrants more pragmatically, while at the national level political ideologies play a more dominant role.*" (Interview no. 066).

26 politicians from 24 different parties positioned their local governments, as is shown in Table 25 per city. Two questions were included in the semi-structured interviews to discuss the party's and local governments' left-right position with regard to irregular migrants: "In your opinion, what should the local policy on irregular migrants' access to housing contain? Why?", and; "Do you have examples on how your city implements the policy on irregular migrants' access to housing? What is the local policy?" (see Annex 1,2,3). Yet, also in other parts of the interview the party's and local governments' left-right position on the social-cultural cleavage was sometimes put forward by politicians. Supplementary to this self-positioning, politicians were asked for written sources to substantiate their answer. This resulted in references to the party's website, articles and other media reports, public speeches and political interventions in the city council and/or executive board, and policy documents such as policy papers and coalition agreements. In this way, the response of the interviewed politicians could be

checked by triangulating various information sources. In each city, all politicians interviewed agreed on the position of the local governments, although there were some minor nuances. The examples and documents to which the politicians referred supported their response.

Table 25: Positioning of local governments per city by politicians

	Number of politician involved
Amsterdam	5
The Hague	4
London	4
Stoke-on-Trent	3
Berlin	4
Bonn	6

5.2 Party political preferences of the relevant governments in the countries and cities studied

5.2.1 Party political preferences of the German governments

Party political preferences of the German federal governments

Six German governments created legislation that affects the facilitation of irregular migrants' access to housing. The position of each of these governments was determined by assigning a score (cf. Table 23, under 5.1.3) to every statement about regularisation, access to basic rights, and detainment and return in each party manifesto of the parties that took part in the respective governments. All statements of the German governments parties as quoted in their electoral programmes, together with their codes, are provided in Annex 11.

As the Kohl III CDU/CSU-FDP coalition government[113], in charge from 12/3/1987 to 18/1/1991, concluded the Foreigners Act of the reunified Germany, this government's position on irregular migrants is included in this study. Only two short statements, both regarding regularisation, were found in the CDU/CSU election programme, namely that the number of migrants should not increase and that abuse of asylum applications should be prevented. This was coded as "regularisation allowed in exceptional situations" (code -1). The 1986 manifesto of FDP advocates for as well countering irregular immigration (coded as -1 on regularisation) as promoting human rights everywhere (coded as +2). Together both parties score 0, and therefore the Kohl III government was labelled social-liberal.

The Schröder I government was made up of SPD and Bündnis 90/Die Grünen and reigned between 27/10/1998 and 22/10/2002. SPD's party manifesto includes several announcements regarding safeguarding access to basic rights, but says nothing about regularisation, and detainment and return. Consequently, SPD's programme received a score +2. Bündnis 90/Die Grünen their party manifesto, on the other hand, includes intentions with regard to individual regularisation (amongst other, cities should be able to be responsible for regularisation of humanitarian cases, coded as +1), access to all basic rights (e.g., healthcare and education, coded as +2) regardless of residence status, and rejects expulsion of irregular migrants (coded as +2). This gave the party manifesto a score of +5, resulting in the Schröder I government being defined as left-wing.

Schröder II continued with SPD and Bündnis 90/Die Grünen between 22/10/2002 and 22/11/2005. Again, SPD's election programme only refers to access to basic rights for all in general terms, and thus was scored +2. Bündnis 90/Die Grünen their party manifesto explicitly supports the legalisation of irregular migrants (coded as +2), advocates their access to all basic rights (coded as +2) and seeks to liberalise enforcement of detainment and return of irregular migrants who committed a crime (coded as +1). The Schröder II government thus received a total score of +7 and was classified as left-wing.

Formed by CDU/CSU and SPD, the Merkel I government was in force from 22/11/2005 to 28/10/2009. Neither CDU/CSU's nor SPD's election programme refers to irregular migrants. However, both parties' 2005 manifesto contains a passage about access to basic rights for all. Therefore, both parties were assigned a score +1, meaning that the Merkel I government is social-liberal. Merkel II consisted of CDU/CSU and FDP and ran Germany from 28/10/2009 to 17/12/2013. While CDU/CSU' election programme mentions nothing in relation to irregular migrants, the FPD manifesto advocates a policy based on fundamental rights. With a total score of +1, this government was labelled social-liberal.

[113] After the German reunification, Deutsche Soziale Union (DSU) (German Social Union) joined this government for a few more months.

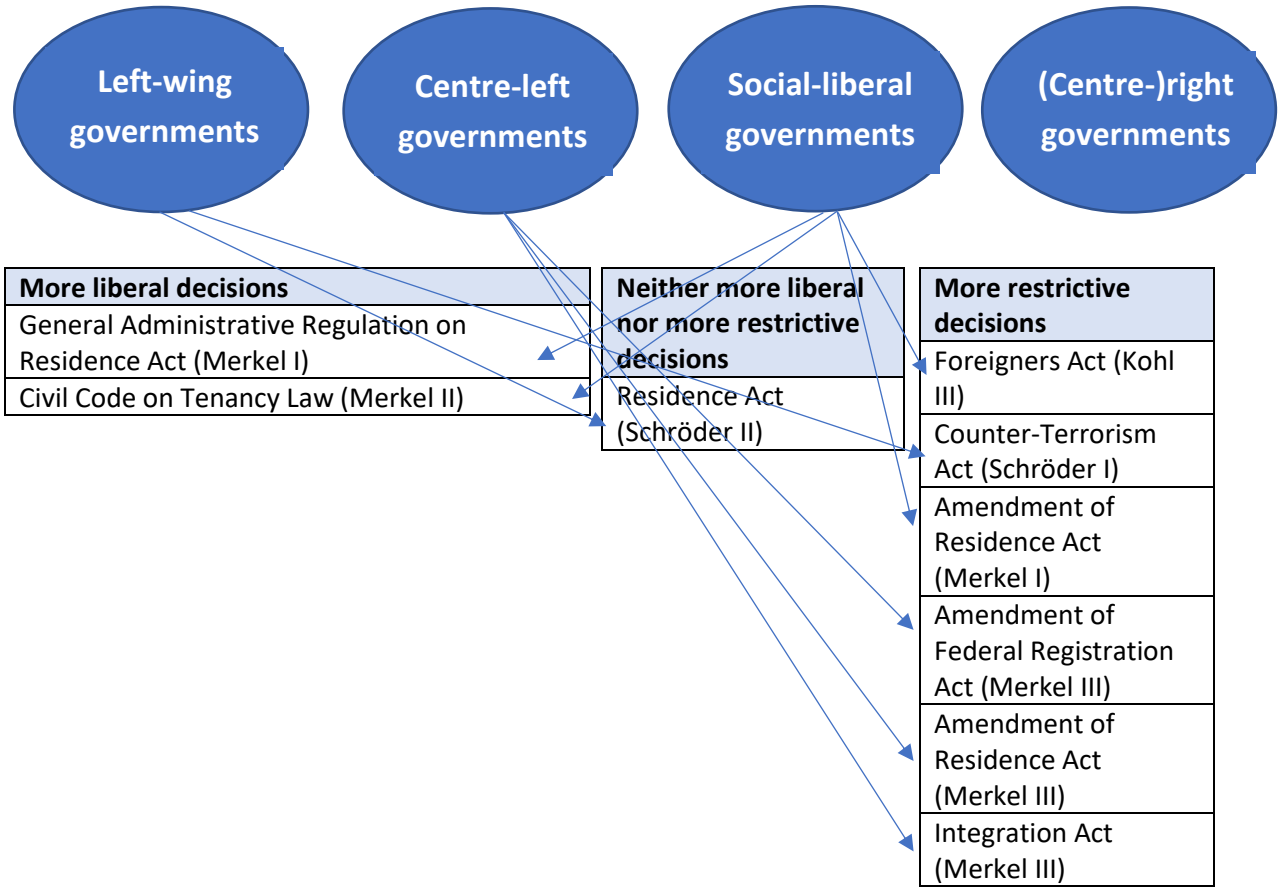
Merkel II was followed by Merkel III, a coalition between CDU/CSU and SPD. The government held office from 17/12/2013 to 14/03/2018 and could not have predicted the 'European the crisis on refugees', a dynamic policy change that prompted Chancellor Merkel to make some strong statements (Carrrera et al., 2015; DeBono, 2016; Jäckle & König, 2018; Krzyżanowski et al., 2018). While CDU/CSU' programme advocates in veiled terms for additional legal protection of persons with a Toleration Certificate (coded as +1) and support for churches to provide irregular migrants access to basic rights (coded as +1), SPD's manifesto only includes intentions regarding access to all basic rights for everyone (coded as +2). The total score of the Merkel III government is thus +4, which is labelled as centre-left.
The subsequent Merkel IV government, effective between 14/03/2018 and 26/9/2021, consisted again of CDU/CSU and SPD. Although this coalition did not introduce any legislation that affects (facilitating) irregular migrants' access to housing before the end of 2018, the government position on irregular migrants was determined to complete the overview of German governments up to and including 2018. This time, CDU/CSU's party manifesto calls for a stricter regular residency and return policy (both coded as -1) and does not contain any statements about irregular migrants' access to basic rights. SPD's election programme contains just about the opposite of CDU/CSU's with its vision of liberalising legal entry and preventing forced returns (both scored +1). Furthermore, SPD considers it a basic requirement that "Menschenrechte werden geachtet und die Genfer Flüchtlingskonvention wird eingehalten." (Human rights are respected and the Geneva Refugee Convention is observed.) (SPD, 2017:59), which was coded +2. The election programmes of CDU/CSU and SPD added together gives a score total of +2, rated as a social-liberal government.
Table 26 provides an overview of the total scores of German government parties their electoral statements regarding regularisation, access to basic rights, and detainment and return.

Table 26: German governments' combined party position regarding irregular migrants

Government	Government parties	Regularisation	Access to basic rights	Detainment and return	Government position
Kohl III	CDU	-1	0	0	**Social-liberal**
	FDP	-1	+1	0	
Schröder I	SPD	0	+2	0	**Left-wing**
	Bündnis 90/Die Grünen	+1	+2	+2	
Schröder II	SPD	0	+1	0	**Left-wing**
	Bündnis 90/Die Grünen	+2	+2	+1	
Merkel I	CDU/CSU	0	+1	0	**Social-liberal**
	SPD	0	+1	0	
Merkel II	CDU/CSU	0	0	0	**Social-liberal**
	FDP	0	+1	0	
Merkel III	CDU/CSU	+1	+1	0	**Centre-left**
	SPD	0	+2	0	
Merkel IV	CDU/CSU	-1	0	-1	**Social-liberal**
	SPD	+1	+2	+1	

Throughout time, German governments' combined party position on irregular migrants ranged from left-wing to social-liberal. In accordance with the expectation of this study -that (centre-)left-wing governments take more liberal decisions regarding (facilitating) access to housing for irregular migrants, while (centre-)right-wing governments adopt more restrictive policy on this- the German governments should mainly have taken liberal and easing measures. As detailed in chapter 4 and shown in Figure 9, this is not the case: Two social-liberal governments each took a decision that affected irregular migrants' access to housing, one liberalising and one tightening the legislation; Two centre-left governments concluded together five decisions of which four led to more restrictive and one to more liberal legislation; Two left-wing governments agreed two measures of which one led to more restrictive legislation and one did not impact irregular migrants' access to housing. Contrary to the expectation of this study, of the three countries studied, Germany has the strictest legislation due to the residence registration obligation, duty to report irregular migrants and the enforcement carried out, despite that sanctions for facilitating irregular migrants are less strict than in the Netherlands.

Figure 9: German governments' legislative decisions regarding (facilitating) irregular migrants' access to housing



Party political preferences of the North-Rhine Westphalia and Bonn governments since 2000

As in most German states, North-Rhine Westphalia (NRW) regional and local elections take place every five years[114] (Holtkamp, 2012; James, 2017). However, the Bonn City Council that was elected in 2014 ran a six-year term, so that city council and mayoral elections coincide from 2020 onwards (Gehne & Holtkamp, 2012). Bonn mayors are, also every five years, directly elected. All EU-citizens of at least 16 years old, who are registered in Bonn's population register, and are not excluded, are entitled to vote for the local government, and all Germans who are at least 18 years old, live in NRW, and are not excluded, can vote for the regional government (MI NRW, 2019).

At the regional level, at least 181 seats have to be filled by elected politicians composing the NRW parliament and government. Of these, 128 seats are directly allocated to politicians from the 128 constituencies (of which there are four in Bonn) and at least 53 to candidates from party lists[115]. Hence, as at the federal level, a voter can cast two votes (one for a constituency representative and one for a party). The number of seats in the Bonn city council steadily increased from 66 in 2004 to 86 in 2014, but this number is brought back to 66 with the local elections in 2020. Although steered and controlled by the city council, Bonn is governed through district boards (Bezirksvertretungen) and commissions (Ausschüsse) in which a certain number of seats is reserved for elected politicians (Bundesstadt Bonn, 2019; Gross, 2014). The mayor, in turn, chairs the city council and is responsible for all city staff (Stadtverwaltung), which is divided in five departments (Dezernate)[116] in addition to the mayoral department (Bundesstadt Bonn, 2019; Gehne & Holtkamp, 2012). Each of these five departments is headed by a director (who represents the mayor), a treasurer, and three other councillors who are elected by and from the city council (Bundesstadt Bonn, 2019).

After the 2014 local elections on May 25, Bonn's city council consisted of one party-independent elected person and nine different parties. In November 2016 the two council members from the Pirate Party and a member of SPD decided to form a new faction, Sozial Liberalen (Social Liberals) (SL), which was founded in Hamburg in 2014 to counterbalance AfD (Neue Liberale, 2015). As Table 27 shows, Bonn's city council included two local 'parties', Bürger Bund Bonn (BBB) and Allianz für Bonn (AfB). In their respective 2014 election manifesto, both call themselves a party-political neutral movement advocating for a diverse Bonn society, without mentioning irregular migrants (AfB, 2014; BBB, 2014). Furthermore, Die Linke, SPD, Bündnis 90/Die Grünen, FDP, CDU and the small nationally anchored party Bündnis für Innovation & Gerechtigkeit (BIG), which stands up for Muslims, were part of this city council. In October 2015, Ashok-Alexander Sridharan (CDU) won the mayoral election, a post he held for five years[117]. During the Bonn city council's legislative term 25/5/2014–13/9/2020, two different regional governments were in charge: between 14/5/2012-14/5/2017 SPD and Bündnis 90/Die Grünen formed a coalition, and from 15/5/2017 to 15/5/2022 the government consisted of CDU and FDP. As displayed in Table 27, the former regional election results are very similar to the local one, while FDP and AfD each achieved a much higher score in the latter regional election. Parties/ movements/ persons that did not participate in a particular election are indicated with n/a.

[114] Local elections are organised every four years in Bavaria, and every six years in Bremen.

[115] In addition, overhanging votes (Überhangmandate) can result in extra seats being taken which happens when a party obtains more constituency seats than its overall share of the vote (MI NRW, 1993).

[116] To wit: The departments for General Administration and Order; Finance, Law and Health; Planning, Environment and Transport; Sport and Culture; and the School, Social Affairs and Youth.

[117] On September 27, 2020, Katja Dörner (Bündnis 90/Die Grünen) was elected the new mayor of Bonn.

Table 27: Composition of Bonn's City Council 25/05/2014–13/9/2020 and NRW regional governments between 2012 and 2022

Elected parties/ movements/ person	86 Seats Bonn city council 25/5/2014–13/9/2020	237 Seats NRW government 14/5/2012–14/5/2017	191 Seats NRW government 15/5/2017–15/5/2022
CDU	27	67	72
SPD	19	99	69
Bündnis 90/Die Grünen	16	29	14
FDP	7	22	28
Piraten	n/a	20	0
Die Linke	5	0	0
BBB	4	n/a	n/a
SL	3	n/a	n/a
AfB	3	n/a	n/a
BIG	1	0	0
Party-independent	1	n/a	n/a
AfD	n/a	n/a	16

Many interviewees pointed out that, from Bonn's perspective, CDU is the largest party at all German tiers and therefore has the biggest say and most decision power over irregular migrants' access to housing. Politicians put it this way: "*This mayor and the current coalition do exactly the same as the federal government*." (Interview no. 044); "*From a political perspective, all these involved tiers of government are aligned, because CDU is the ruling and major party on all levels*." (Interview no. 084). The position of the local government on the social-cultural cleavage was mainly referred to by elected policy-makers in connection with Bonn's housing policy: "*More and more the accommodation facilities are in the hands of private companies. That is a fair liberal policy, where demand and supply determine the prices.*" (Interview no. 026); "*(…) CDU keeps on selling all local properties.(…) their very liberal politics on this.*" (Interview no. 057). Considering that the interviewees contemplate Bonn's city council to be the same as the Merkel IV government and point to Bonn's liberal housing policy, this city council was labelled as social-liberal.

Although mayor Sridharan's predecessors were from SPD[118], the seat distribution of the previous local governments since 2000 is similar to the current one, as summarised in Table 28. CDU was the largest party in each case and, according to the interviewed politicians, always followed the positions of the Merkel governments: "*CDU is since a long time the biggest party in Bonn, and also in the regional and federal government. (…) a stable and aligned policy (…) the same vision (…).*" (Interview no. 042); "*Since many years CDU is in charge, there clearly is a stand-still regarding policy on housing (it is very liberal/ free market oriented).*" (Interview no. 057); "*For many years CDU is in charge, they listen and have to obey CDU in the federal government (…).*" (Interview no. 084). Consequently, from 2005 onwards,

[118] From 1994 to 20/10/2009 Bärbel Dieckmann; from 21/10/2009 to 20/10/2015 Jürgen Nimptsch.

Bonn's position on the social-cultural cleavage was copied from the consecutive federal governments. In the absence of sufficiently valid and reliable sources it was decided not to classify the local government that ran between 12/9/1999 and 3/10/2004.

Table 28: Composition of Bonn's local governments between 12/9/1999 and 24/5/2014

Elected parties/ movements/ person	67 seats Bonn city council 12/9/1999–3/10/2004	66 seats Bonn city council 4/10/2004–20/10/2009	81 seats Bonn city council 21/10/2009–24/5/2014
CDU	32	25	27
SPD	17	19	19
Bündnis 90/Die Grünen	7	11	15
FDP	6	6	10
Die Linke	1	1	3
BBB	1	3	3
Party-independent	2	1	1
BIG	n/a	n/a	2
UWG Bonn	1	1	0
Pro NRW	n/a	n/a	1

Unabhängige Wähler Gemeinschaft Bonn (UWG Bonn) was a conservative local party that last stood in local elections in 2009 (Interview no. 057). Pro NRW is a regional movement that arose in 2007 and arrays an extreme negative attitude towards migrants (Häusler et al., 2010).

The election results of previous NRW governments are set out in Table 29. While the governments between 14/5/2000-22/5/2005 and between 10/5/2010-13/5/2012 were run by a coalition consisting of SPD and Bündnis 90/Die Grünen, CDU governed NRW together with FDP in the period between 23/5/2005 and 9/5/2010. It is striking that the interviewed politicians have the impression that CDU has since long been determining the policies, also at the regional level, which does correspond with the number of seats obtained by CDU but not with the reigning government coalitions.

Table 29: Composition of NRW regional governments between 14/5/2000 and 13/5/2012

Elected parties/ movements/ person	231 seats NRW government 14/5/2000-22/5/2005	187 seats NRW government 23/5/2005-9/5/2010	181 seats NRW government 10/5/2010-13/5/2012
CDU	88	89	67
SPD	102	74	67
Bündnis 90/Die Grünen	17	12	23
FDP	24	12	13
Die Linke	0	0	11

Party political preferences of the Berlin regional and local governments since 2000

As in Bonn and NRW, Berlin local and state elections are held every five years (James, 2017; McKay, 2012). Unlike in Bonn, the mayor is not elected directly by citizens, but by Berlin's state government (SIS GLB, 1987). Due to its coinciding position as a city and state, the mayor of Berlin has different duties and powers than most German mayors. For example, s/he is simultaneously head of the Berlin city and the Berlin senate (i.e., regional government), and is responsible, amongst others, for appointing and chairing the Berlin ministers (senators), setting the guidelines of the Berlin government policy, and representing both the city and the state. Berlin's twelve districts each have a district mayor, but they have no policy powers because the districts fall under the jurisdiction of the Berlin city-state (McKay, 2006; Holm et al., 2011).

While all EU citizens from the age of 16 who are registered in Berlin's population register, and are not excluded, can vote for their district government, only Germans who are at least 18 years old, and are not excluded, can vote for the Berlin state government (SIS GLB, 2006). Nevertheless, Berliners vote for the two governments in one go. Moreover, they can cast two votes on their ballot: A direct district vote and an indirect vote through the party lists. As well the representatives of the 12 Berlin districts as 78 representatives of the state government are determined on the basis of the district vote (SIS GLB, 2006). The 52 party representatives of the Berlin House of Representatives (Abgeordnetenhaus) are elected through party votes (SIS GLB, 2006). The State government thus comprises at least 130 seats[119].

The election of 18 September 2016 for the Berlin House of Representatives did not bring about a clear winner, as the seat distribution between the six elected parties in Table 30 demonstrates. After nearly three months of negotiations, the Senate was formed on 8/12/2016 by a coalition of three parties (Die Linke, SPD, Bündnis 90/Die Grünen) headed by SPD mayor Michael Müller.

As a result of the representative electoral system with overhanging mandates, the election results in the 12 districts are similar to the Berlin state result. Yet, in a number of districts the Pirate Party did take a small number of seats, and some party-independent persons and smaller German parties such as Tierschutzallianz, Nationaldemokratische Partei Deutschlands (NPD), and Partei für Arbeit, Rechtsstaat, Tierschutz, Elitenförderung und Basisdemokratische Initiative (PARTEI) were to be found on the voting ballot. The division of seats per district is not included in this study due to their irrelevance, as the elected representatives in the district councils have no decision-making powers.

Table 30: Composition of Berlin's House of Representatives and Senate 19/9/2016–26/9/2021

Elected parties	160 seats	10 Senators	Mayor
CDU	31	0	
SPD	38	4	Michael Müller
Bündnis 90/Die Grünen	27	3	
Die Linke	27	3	
FDP	12	0	
AfD	25	0	

[119] As in NRW, the number of seats in the Berlin state government increases in case of overhanging mandates, i.e. when a party wins more constituency seats than the total voting share.

Many of the interviewees, including the politicians in Berlin, referred to the current government coalition as "red-red-green", which is also recorded in the coalition agreement (SPD et al., 2016: 8-10 and 151), or "red-red-red" with regard to irregular migrants: "*Our Red-Red-Green coalition is on the same page concerning the policy on irregular migrants.*" (Interview no. 074); "*It is because we have a red-red-red Coalition that we have an inclusive and humanitarian policy in Berlin towards irregular migrants.*" (Interview no. 030). This coalition was clearly positioned as left-wing on the social-cultural cleavage: "*(…) SPD is both part of the conservative federal level as part of our left coalition at the regional level.*" (Interview no. 014).

Previous election of the House of Representatives each resulted in a different coalition. As Table 31 shows, CDU was the clear winner of the election in October 1999. Nevertheless, four of the then seven senate seats went to coalition partner SPD, relative to three seats for CDU on top of CDU mayor Eberhard Diepgen. When this government fell in June 2001, new elections were organised in October. CDU lost more than half of its seats, did not want to govern with the SPD, and was too small to achieve a majority with the FDP. As a result, between 21/10/2001 and 17/9/2006, SPD formed a coalition with Partei des Demokratischen Sozialismus (PDS)[120] and Bündnis 90/Die Grünen. SPD took four of the seven Senate seats, PDS two and Bündnis 90/Die Grünen one. Klaus Wowereit from SPD was elected mayor. With the election of September 2006, SPD and Bündnis 90/Die Grünen strengthened their position in the Berlin House of Representatives. Nevertheless, SPD chose to form a coalition with PDS/Die Linke, which, like Bündnis 90/Die Grünen, had obtained 23 seats. This time, eight senate posts had to be allocated (an additional senatorial office for Integration, Work and Social Affairs was created), three of which went to PDS/Die Linke and five to SPD. Klaus Wowereit from SPD was re-elected as mayor.
While FDP lost all its seats in the election on 18 September 2011, Piraten Partei Berlin won for the first time, and immediately 15 seats, in the Berlin House of Representatives. The ruling coalition parties SPD and Die Linke declined slightly, while CDU and Bündnis 90/Die Grünen made electoral progress. Still, SPD remained the largest party. It was therefore up to them to form a coalition, which they found in CDU. Both SPD and CDU were entrusted with four senatorial posts. Klaus Wowereit was re-elected as mayor, but withdrew from politics in December 2014. He was succeeded by SPD's Michael Müller.

Table 31: Composition of Berlin's House of Representatives between 22/10/1995 and 17/9/2016

Elected parties	10/10/1999-20/10/2001 169 seats	21/10/2001-17/9/2006 141 seats	18/9/2006-18/9/2011 159 seats	19/9/2011-18/9/2016 152 seats
CDU	76	35	37	39
SPD	42	44	53	48
Bündnis 90/Die Grünen	18	14	23	30
PDS/Die Linke	33	33	23	20
FDP	0	15	13	0
Piraten Partei Berlin	0	0	0	15

[120] PDS was an East German party that from 2005 on came up together with the West German party Arbeit und soziale Gerechtigkeit - Die Wahlalternative, and was renamed Die Linke in 2007.

The politicians interviewed indicated with examples that the previous coalition (SPD-CDU) was less left-wing in their policy and approach to irregular migrants than the current one, and classified the Berlin government 19/9/2011-18/9/2016 as centre-left: "*(…) when CDU made up the majority in the regional government irregular migrant children were removed while at school by the police. (…), left-wing politicians were against this approach.*" (Interview no. 090); "*(…) when Berlin had a centre-left coalition of SPD and CDU, children were taken out of the class during school time to be deported. Such situations don't happen now anymore (…).*" (Interview no. 014).

The SPD-Die Linke coalition, in charge between 23/11/2006 and 30/11/2011, was repeatedly called "rot-rot" (red-red), as was the SPD-PDS-Bündnis 90/Die Grünen coalition from 21/10/2001 to 17/9/2006: "*In Berlin we stand for a humanitarian approach since rot-rot.*" (Interview no.30). Both governments were therefore labelled left-wing, which is consistent with the categorisation of Holm et al. (2011). None of the interviewees mentioned the CDU-SPD coalition that ran between 10/10/1999 and 20/10/2001, which is therefore not classified on the social-cultural cleavage.

5.2.2 Party political preferences of the Dutch governments

Party political preferences of the Dutch national governments

Six Dutch governments concluded legislation that affects the facilitation of irregular migrants' access to housing. As with Germany, the position of these Dutch governments was defined by assigning a score (cf. Table 23, under 5.1.3) to every statement about regularisation, access to basic rights, and detainment and return in each party manifesto of the parties that took part in the respective governments. All statements of the Dutch governments parties as quoted in their electoral programmes, together with their codes, are provided in Annex 12.

PvdA, D66 and VVD were part of the Kok II Cabinet that ruled the Netherlands from 3/8/1998 to 22/7/2002. With regard to regularisation, PvdA argues on the one hand that irregular stay must be prevented, and on the other hand that certain non-returnable irregular migrants should be given a (temporary) leaf to remain (scored together as 0). Furthermore, the party advocates for taking greater account of irregular migrant children's rights (scored as +1) and for developing a voluntary return policy that precedes forced return (scored as -1). Also D66 is in favour of a more liberal policy. For example, they want to relax the strict family reunification conditions (scored as +1 on regularisation) and the party wants to introduce a Higher Appeal procedure for rejected asylum applicants (scored as +1 on detainment and return). VVD supports the opposite from D66 and wants a stricter policy with regard to regularisation and detainment and return, through further limiting immigration options (scored -1) and tightening irregular migrants' return (scored as -1). This leads to a total score of 0 for the Kok II government, which was therefore labelled as social-liberal.

After the brief existence of Balkenende I (22/7/2002-27/5/2003), the Balkenende II government -in which CDA, VVD and D66 participated- was active between 27/5/2003 and 7/7/2006. Both CDA and VVD campaign for substantial policy restrictions regarding irregular migrants. While CDA wants to penalise irregular stay (scored as -2) and VVD again prescribes tightening of conditions for family reunification (scored as -1), both parties also plea for a stricter application of the Asylum and Aliens Act (scored as -1 on regularisation). Furthermore, both parties recommend active enforcement of

detention and return (scored as -2). However, CDA strives at the same time for excluding Dublin claimants from eviction by stating that this group always must have "recht op een "verwarmde huiskamer"" (the right to a "heated living room") (CDA, 2002: 39), which gave CDA a total score of -1 on detainment and return. VVD, on the other hand, aims to limit irregular migrants' access to basic rights by limiting free legal aid (scored as -1). The third party in the Balkenende II government, D66, sees it as a government task to provide temporary shelter to non-returnable irregular migrants, which extends the basic rights of certain irregular migrants (scored as +1). Taking all statements together resulted in a score of -6, which corresponds with a centre-right Balkenende II.

From 7/7/2006 to 22/2/2007, Balkenende III was again a short-lived transitional government, consisting of CDA and VVD, which did not conclude any legislation in connection to (facilitating) irregular migrants' access to housing. Balkenende IV held office between 22/2/2007 and 14/10/2010 with three parties: CDA, PvdA, and CU. In their election programme all three promote regularisation of irregular migrants who are unable (CDA, CU), have difficulties (CU) to return (scored as +1) or for all those who applied for asylum (PvdA) before the introduction of the Aliens Act of 2000, which was implemented in 2007 as the so-called 'General Excuse' (scored as +2). PvdA and CU also advocate the extension of irregular migrant children's access to basic rights (scored as +1). Finally, in their party manifesto, CDA and PvdA press for liberalisation of the enforcement regarding detainment and return, as both state that children should never be detained, and both want to establish a supportive and stimulating voluntary return policy to replace forced return measures (scored as +1). CU, on the other hand, is not against forced return, if fundamental human rights are not violated in the country of origin (scored as -1). The total score of the Balkenende IV Cabinet amounts +7, which translates in this government being categorised as centre-left.

Rutte I took office on 14/10/2010 with VVD and CDA and remained until 5/11/2012. While in CDA's election programme maintaining of the existing policy with regard to irregular migrants is proposed (scored as 0 on all three items), VVD's party manifesto adopts a very restrictive position by being against regularisation in every situation, wanting to exclude irregular migrants from all basic rights, and being in favour of active enforcement of detaining and return (each scored as -2). Consequently, with a joint score of -6, this Cabinet was labelled centre-right.

VVD and PvdA together constituted Rutte II, which governed between 5/11/2012 and 26/10/2017. The position of VVD did not change compared to their previous election programme as their statements with regard to irregular migrants are identical. The party's calculated total score thus was again -6. PvdA's party manifesto, on the other hand, holds a much more liberal view on irregular migrants. It urges, amongst others, for individual regularisation and the abolition of penalising irregular stay (scored as +1), for irregular migrants' access to all basic rights (scored as +2), and for liberalisation of the enforcement on detainment and return through removing the police quotas regarding apprehending a certain (high) number irregular migrants (scored as +1). Counting the two opposite visions together, Rutte II was coded -1, meaning social-liberal.

Four parties -VVD, CU, CDA and D66- took part in the Rutte III government that started on 26/10/2017 and fell two months before the elections of 17/3/2021 (thence becoming a Cabinet of current affairs). The vision of VVD in this election programme is slightly less strict than in their previous editions, as they (only) plea for repealing the Child Excuse and for tightening the current enforcement on detainment and return (both scored -1). However VVD's position regarding irregular migrants' access to basic rights remains the same through raising that (facilitating) irregular migrants must be made

punishable (scored as -2). CDA did not include anything in its party manifesto regarding irregular migrants, and therefore received a 0 on all three items. D66 and CU both propose limited expansion of current access to basic rights (scored as +1). The two parties also propose measures regarding detainment and return. D66 on the one hand wants to abolish detainment of children, border detention and detainment in isolation (scored +1) and defends at the same time that more work needs to be done to return rejected asylum applicants (scored as -1), while CU advocates for overall active enforcement (scored -2). Furthermore, CU proposes to regularise irregular migrant children, victims of human trafficking and non-returnable irregular migrants (scored as +1). The joint score of the four government parties is -3, resulting in Rutte III being assigned as social-liberal.
All scores of the government parties and the Cabinets' positions with regard to irregular migrants are summarised in Table 32.

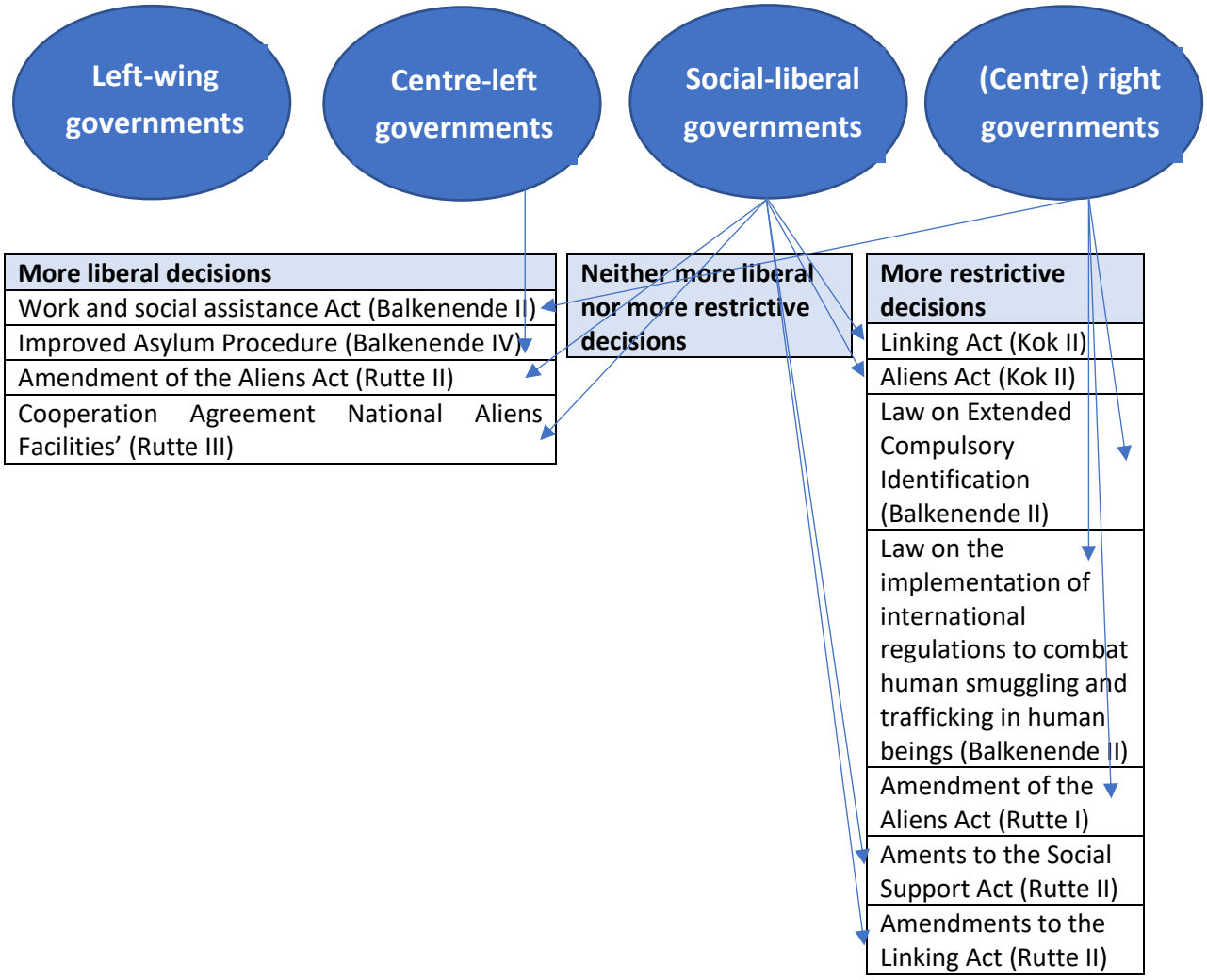
Table 32: Dutch governments' combined party position regarding irregular migrants

Government	Government parties	Regularisation	Access to basic rights	Detainment and return	Government position
Kok II	PvdA	0	+1	-1	**Social-liberal**
	VVD	-1	0	-1	
	D66	+1	0	+1	
Balkenende II	CDA	-2	0	-1	**Centre-right**
	VVD	-1	-1	-2	
	D66	0	+1	0	
Balkenende IV	CDA	+1	0	+1	**Centre-left**
	PvdA	+2	+1	+1	
	CU	+1	+1	-1	
Rutte I	VVD	-2	-2	-2	**Centre-right**
	CDA	0	0	0	
Rutte II	VVD	-2	-2	-2	**Social-liberal**
	PvdA	+1	+2	+1	
Rutte III	VVD	-1	-2	-1	**Social-liberal**
	D66	0	+1	0	
	CU	+1	+1	-2	
	CDA	0	0	0	

Throughout time, Dutch governments' combined party position on irregular migrants ranged from centre-left to centre-right. In accordance with the expectation of this study -that (centre-)left-wing governments take more liberal decisions regarding (facilitating) access to housing for irregular migrants, while (centre-)right-wing governments adopt more restrictive policy on this- Balkenende IV should have liberalised previous measures, while the governments thereafter should have concluded more restrictive legislation with regard to (facilitating) irregular migrants' access to housing. As detailed in Chapter 4 and visualised in Figure 10, Balkenende IV and Rutte I introduced legislation that corresponds with their ascribed government position and the expected answer to the research

question. However, the four other governments acted against their labelled government position and/or the expected answer to the research question.

Figure 10: Dutch governments' legislative decisions regarding (facilitating) irregular migrants' access to housing



Party political preferences of the local government in The Hague since 2000

Every four years, local elections take place on the same day throughout the Netherlands (Andeweg & Irwin, 2009), except in municipalities that are subject to a municipal reclassification[121], where local elections are organised when they are reclassified (Article 56e General rules Reclassification Act). Councillors are elected directly for the entire legislature, but can resign at any time on their own initiative, or under duress[122], and are then (temporary) replaced (Articles X1, X2, X8 Elections Act). The same goes for aldermen and the mayor.

All EU citizens from the age of 18 who are registered in the municipality and are not excluded, have the right to vote in local elections. Under these conditions, also TCN who live in the Netherlands for at least five years may participate in municipal elections (Article B3-B5 Election Act). Voters elect the councillors, not the executive board and not the mayor. The former are elected by the city council (Article 35 Municipal Law), after which the aldermen are no longer a member of the municipal council, but become accountable to it (Articles 42 and 169 Municipal Law). The latter is appointed for a (renewable) period of six years by Royal Decree on the recommendation of the minister responsible for Interior Affairs and Kingdom Relations who, in turn, acts on the city council's recommendation (Article 61 Municipal Law). The mayor chairs both the city council and the city executive board, but is only a member of the latter body, in which s/he takes part in the votes (Articles 34 and 68 Municipal Law). The mayor is also a body in itself with specific responsibilities such as local public order and safety (Article 172 Municipal Law).

In The Hague, 45 municipal councillors are elected by citizens, eight of which are elected to the executive board by the city council (the ninth member being the mayor). As usual in the past 20 years (Boogers & Voerman, 2010), many different parties participated in the municipal elections in March 2018. As presented in Table 33, no fewer than 15 parties obtained one or more seats in the council.

Groep De Mos/Hart voor Den Haag (Group De Mos/ Heart for The Hague) and Haagse Stadspartij (The Hague City Party) are two local parties each with a view opposing each other. While many interviewees pointed to the anti-migrant views of the former[123], the latter argues for strengthening aid to irregular migrants[124] (Haagse Stadspartij, 2018). Islam Democraten (Islam Democrats), PvdE (Party of Unity) and NIDA are three national oriented parties that stand up for Muslims' rights in the Netherlands. PvdE, with figureheads Abderazaq Khoulani and Arnoud van Doorn (who switched from PVV to PvdE in 2013), split from Islam Democrats in 2010 (Zeegers, 2016). Three more nationally oriented particular interest parties -the left-wing PvdD (Animal Rights Party), the protestant CU/ Staatkundig Gereformeerde Partij

[121] I.e., redrawing of the municipal boundaries to scale them up, through which the number of Dutch municipalities steadily reduces (Boogers & Reussing, 2019).

[122] For example, if one does not live (anymore) in the relevant municipality, is excluded from the right to vote, or has an incompatible job, such as alderman, civil servant or minister (Article X8 Election Act in conjunction with Articles 10 and 13 Municipal Law).

[123] E.g., "*Groep De Mos, who promised before the local elections to close down all services for migrants (including for asylum seekers), didn't close anything yet*." (Interview no. 035).

[124] E.g., "De hulpverlening aan ongedocumenteerden wordt versterkt. De Haagse Stadspartij stelt mensenrechten centraal en vindt dat ongedocumenteerden recht hebben op bed, bad, brood en begeleiding. Ongedocumenteerden moeten veilig aangifte kunnen doen en gebruik kunnen maken van zorg als dat nodig is." (Aid to undocumented migrants will be strengthened. The Hague City Party focuses on human rights and believes that undocumented migrants have the right to a bed, bath, bread and guidance. Undocumented migrants must be able to file a report safely, and to make use of care if necessary.) (Haagse Stadspartij, 2018:31).

(SGP) (Christian Union/Reformed Political Party), and 50 Plus- (Krouwel & Lucardie, 2008) obtained enough votes to represent their issues in the Hague city council.

Table 33: Composition of The Hague's city council and city board 21/3/2018-16/3/2022

Elected parties	45 seats	9 members of city board
Groep De Mos/Hart voor Den Haag	8	2
VVD	7	2
D66	6	1
GroenLinks	5	2
PvdA	3	1
CDA	3	1
Haagse Stadspartij	3	0
PvdD	2	0
PVV	2	0
Islam Democraten	1	0
PvdE	1	0
NIDA	1	0
50 Plus	1	0
CU/SGP	1	0
SP	1	0

The winner of the 2018 election in The Hague, Groep De Mos/Hart voor Den Haag, formed a coalition with the three other largest parties, VVD, D66 and GroenLinks. Nonetheless, until 1 October 2019[125], the executive board consisted of aldermen from all parties that had gained at least three seats, except Haagse Stadspartij: Groep De Mos/Hart voor Den Haag provided, like GroenLinks, two aldermen, VVD, D66, PvdA, and CDA each took one alderman seat. With mayor Krikke, VVD had a second vote in the city's executive board[126].

In the views of the politicians interviewed in June-July 2019, The Hague's executive board is positioned centre-right on the social-cultural cleavage with regard to irregular migrants. They explained that public statements are right-wing while the policy is situated in the middle: "*(…) we have a balanced Coalition Agreement now.*" (Interview no. 012); "*(…) the policy has evolved in a more right-wing discourse way (…). Despite the right-wing discourse the acts are human and compassionate/ social.*" (Interview no. 070).

[125] After house searches related to alleged corruption by Groep De Mos/ Hart voor Den Haag, the party's two aldermen stepped down. As the entire executive board fell on 2 October 2019, it was reshuffled by replacing the two aldermen from Groep De Mos/Hart voor Den Haag with an alderman from VVD and one from D66 (de Groot et al., 2019; Klaassen, 2020).

[126] On July 1, 2020, Jan Van Zanen (VVD) took over the position of mayor Pauline Krikke (VDD).

Table 34 demonstrates that also in previous city councils, many different parties represented The Hague's voters. Between 4/3/1998 and 5/3/2002, the 45 city council seats were divided over 9 parties. The Politieke Partij Scheveningen (PPS) (Political Party Scheveningen) was a local party founded in 1997 that re-emerged in 2017 as Schevenings Belang (Scheveningen's interest) (Klaassen, 2017). The three largest parties -VVD, PvdA and CDA- entered into a coalition and were able to divide the eight executive board portfolios among the three of them: VVD and PvdA each had three aldermen; CDA had one alderman next to CDA mayor Wim Deetman.

From 6/3/2002 to 6/3/2006, 10 parties participated in the city council, including Leefbaar Den Haag (Liveable The Hague), a split off from Haagse Stadspartij, that was ideologically distant from other local "Leefbaar" parties that are populist and anti-immigration (Otjes, 2020). Once again, the three largest parties -VVD, PvdA, and CDA- formed a coalition. The executive board consisted of three aldermen from VVD, three from PvdA and two from CDA, who were also represented by mayor Wim Deetman.

Although the outcome of the local elections on 6/3/2006 was similar to the two previous ones, PvdA, which was the largest party, decided to form a coalition with VVD and GroenLinks. PvdA received four aldermen, VVD three and the much smaller GroenLinks one. On January 1, 2008, Jetta Klijnsma (party leader from PvdA) temporarily replaced CDA mayor Deetman, until Jozias van Aartsen from VVD took over the mayor post for a six years term. Ten parties filled the city council between 7/3/2006 and 2/3/2010, including, for the first time, Islam Democraten with one seat.

The Hague city council from 3/3/2010 to 18/3/2014 counted three newcomers compared to the previous one: Khoulani (the predecessor of PvdE that split off from Islam Democraten) won, like PvdE, one seat, while the right-wing and anti-Islamic PVV (Krouwel & Lucardie, 2008; Silva, 2018) acquired eight seats. PvdA, which had lost a third of its seats but was still the largest party, formed a coalition with VVD, D66 and CDA. The nine-member executive board, led by Jozias van Aartsen (VVD), further consisted of three aldermen from PvdA, two from VVD and D66, and one from CDA.

PvdA and VVD were punished for their policies during the local elections on 19/3/2014, while CDA lingered on three seats and D66 won two seats, making them the largest party in the city council. PVV scored well again in The Hague (seven seats) as well as newcomer and anti-immigrant party Groep de Mos that participated in these elections together with Ouderenpartij Den Haag (Elderly Party The Hague) (three seats). It took no less than 99 days for the new executive board to be formed. D66 was given two of the six aldermen and the coalition partners PvdA, VVD, CDA, and Haagse Stadspartij each got one. Jozias van Aartsen (VVD) remained mayor until the end of 2016 and was succeeded by party colleagues Pauline Krikke (1/1/2017–31/12/2018) and, since 2019, Jan van Zanen.

Table 34: Composition of The Hague's city council between 4/3/1998 and 20/3/2018

Elected parties	4/3/1998-5/3/2002	6/3/2002-6/3/2006	7/3/2006-2/3/2010	3/3/2010-18/3/2014	19/3/2014-20/3/2018
Groep De Mos/ Ouderenpartij Den Haag	0	0	0	0	3
VVD	12	11	10	7	4
D66	3	3	2	6	8
GroenLinks	5	3	3	3	2
PvdA	11	10	15	10	6
CDA	6	7	5	3	3
Haagse Stadspartij	1	1	1	1	5
PPS	3	3	1	1	0
Leefbaar Den Haag	0	4	0	0	0
PvdD	0	0	0	1	1
PVV	0	0	0	8	7
Islam Democraten	0	0	1	1	2
Khoulani-PvdE	0	0	0	1	1
CU/SGP	1	1	3	1	1
SP	3	2	4	2	2

There was great unanimity among the interviewees about the positioning of the previous city boards on the social-cultural cleavage: "*The political constitution of the local government is rather right-wing since many years.*" (Interview no. 046); "*The Hague always had a rather right-wing local government.*" (Interview no. 068). Consequently, all The Hague city councils since 1998 were classified as centre-right.

Party political preferences of the local government in Amsterdam since 2000

The organisation and rules regarding local elections in Amsterdam are the same as in The Hague and the rest of the Netherlands. In cities with more than 200,000 inhabitants, the city council consists of 45 seats (Article 8 Municipal Law) and the city's executive board comprises minimum two and maximum nine aldermen plus a mayor (Article 36.1 Municipal Law).

The current Amsterdam city council is home to 12 different parties, including three new political parties, and CU that is represented with one seat in Amsterdam for the first time this millennium. Bij1, that achieved one seat, advocates for equality of minorities and promotes, amongst others, irregular migrants' rights (Bij1, 2018). The party came into being in 2016 after it split from DENK, a party that was founded in 2015 and was rewarded with three seats by focusing on non-Western immigrant voters (Vossen, 2017). Forum voor Democratie (Forum for Democracy), whose ideology does not differ much from the anti-immigrant party PVV (Vossen, 2017), also started in 2015, and got three seats in the Amsterdam city council. Table 35 renders that GroenLinks achieved the highest score with ten seats

on 21/3/2018. The party entered into a coalition with D66 (eight seats), PvdA (five seats) and SP (3 seats) and referred VVD (6 seats) in this way to the opposition benches. GroenLinks took up four posts in the executive board, including the role of mayor (on 12 July 2018, Femke Halsema replaced interim and former The Hague VVD mayor Jozias van Aartsen), D66 and PvdA each got two aldermen and SP one.

Table 35: Composition of Amsterdam's city council and city board 21/3/2018-16/3/2022

Elected parties	45 seats	9 members of city board
GreenLeft	10	4
D66	8	2
VVD	6	0
PvdA	5	2
SP	3	1
PvdD	3	0
DENK	3	0
Forum voor Democratie	3	0
CDA	1	0
CU	1	0
Partij van de Ouderen (PvdO)	1	0
Bij1	1	0

The interviewed politicians unanimously stated that the Programme Undocumented proves that the Amsterdam city council and executive board are to be positioned left-wing on the social-cultural cleavage: "*(…) we are a left government, the Programme Undocumented would not be possible with a right wing government.*" (Interview no. 033).

Like in 2018, a number of new parties took part in every previous local elections in Amsterdam. For example, the local parties Mokum Mobiel '99 and Amsterdam Anders/De Groenen (AA.DG) (Amsterdam Different/The Greens) successfully participated in the March 1998 Amsterdam elections. The former party advocated the rights of car owners (Bink, 1994), while the latter stood up for the climate, solidarity and fair trade (Van Der Beek, 2009). Yet most votes (15 seats) went to the largest party in Amsterdam since the 1970s, PvdA. They forged a coalition with the three largest parties -VVD, GroenLinks and D66- forming a vast majority in the city council together. In the executive board, PvdA had three aldermen, VVD and GroenLinks each two and D66 one. With Schelto Patijn, PvdA also supplied the mayor since 1/6/1994. In mid-January 2001 he was succeeded by PvdA Job Cohen (succeeding the two-week ad-interim PvdA mayor Guusje ter Horst). Due to disagreements within the coalition in May 2001, GroenLinks resigned from the executive board, leaving the three other coalition partners in charge until the municipal elections of 6/3/2002 (van den Muijzenberg, 2001).
In the local election of 6 March 2002, Leefbaar Amsterdam (Liveable Amsterdam) emerged as a new local party. This populist and anti-immigration party (Otjes, 2020) obtained two seats. With 15 seats, PvdA was again the largest party. This time they formed a coalition with VVD and CDA. PvdA had three and VVD two aldermen in the executive board, CDA got one. PvdA Job Cohen remained mayor.

Only six parties were represented in the Amsterdam city council between 7/3/2006 and 2/3/2010. PvdA achieved a monster score of 20 seats and had therefore once again their say regarding the coalition formation. Again, they decided to team up with GroenLinks. In the small executive board, PvdA had four aldermen and GroenLinks two. PvdA Job Cohen remained Amsterdam's mayor.

The ballot of the Amsterdam elections of 3/3/2010 featured three newcomers: Animal Rights Party PvdD, Trots op Nederland (TON) (Proud of the Netherlands) and Red Amsterdam (Save Amsterdam). TON, founded in 2007 by former minister for Integration Rita Verdonk, profiled itself, amongst others, against the Dutch immigration policy (TON, 2009). The other two parties advocated completely different issues: the local party Red Amsterdam mainly focused on the construction of the new North-South metro line in the capital (Uittenbogaard, 2011), and PvdD strived for animals' well-being (PvdD, 2010). The three parties each earned one seat, which was far from enough to weigh on the coalition consisting of PvdA, VVD and GroenLinks. Between 3/3/2010-18/3/2014, PvdA acquired three aldermen posts, and VVD and GroenLinks each two. On 13/3/2010, PvdA Lodewijk Asscher temporarily replaced mayor Job Cohen until party colleague Eberhard van der Laan took over on 7/7/2010 and became the new head of the executive board and city council.

The results of the local elections on 3/19/2014 led to one seat in the city council for the new Partij van de Ouderen (PvdO) (Party of the Elderly). But more momentous, the Amsterdam voters had brought about a political shift in power. For the first time in more than 60 years, PvdA was, with ten seats, no longer the largest party in the city council. With its 14 seats D66 was the big winner of this election and therefore in the position to form a coalition. After D66 reached an agreement with VVD and SP, D66 delivered four aldermen in the executive board, and both VVD and SP each gained two aldermen. On 18/9/2017, PvdA mayor Eberhard van der Laan was substituted by D66 Kajsa Ollongren, who was, in turn, replaced on 4/12/2017 by former The Hague mayor and VVD politician Jozias van Aartsen, after the mayor position was briefly kept warm by Eric van der Burg from VVD.

Table 36: Composition of Amsterdam's city council between 4/3/1998 and 20/3/2018

Elected parties	4/3/1998-5/3/2002	6/3/2002-6/3/2006	7/3/2006-2/3/2010	3/3/2010-18/3/2014	19/3/2014-20/3/2018
GroenLinks	7	6	7	7	6
D66	4	3	2	7	14
VVD	9	9	8	8	6
PvdA	15	15	20	15	10
SP	3	4	6	3	6
PvdD	0	0	0	1	1
CDA	3	4	2	2	1
PvdO	0	0	0	0	1
AA/DG	3	1	0	0	0
Mokum Mobiel '99	1	1	0	0	0
Leefbaar Amsterdam	0	2	0	0	0
TON	0	0	0	1	0
Red Amsterdam	0	0	0	1	0

Although parties of various backgrounds and with diverging opinions took part in former Amsterdam city councils, the city boards were long dominated by the labour party PvdA. It is therefore no surprise that politicians positioned them left on the social-cultural cleavage: "*For many years there is a left-wing political housing policy in Amsterdam*." (Interview no. 104).

5.2.3 Party political preferences of the UK governments

Party political preferences of the UK central governments

Eleven UK central governments agreed on legislation that affects the facilitation of irregular migrants' access to housing. The position of each of these governments was determined by assigning a score (cf. Table 23, under 5.1.3) to every statement about regularisation, access to basic rights, and detainment and return in each party manifesto of the parties that took part in the respective governments. It should be noted here that two of these governments, Brown and May I, entered office after they took over the leadership from their party rival. As both cabinets did not arise after elections, there are no election programmes that could be coded. Brown and May I each adopted the government programme of their predecessor, and therefore the positioning of both governments on the social-cultural cleavage was copied from the previous government. All statements of the UK governments parties as quoted in their electoral programmes, together with their codes, are provided in Annex 13.

As early as 1970, in the run up to the Conservative Heath government (19/6/1970-4/3/1974) that prohibited assisting irregular entry and sheltering irregular migrants by UK citizens, the Conservative Party wanted to limit immigration and regularisation (scored as -1) and promoted voluntary return of Commonwealth immigrants (scored as -1). In addition, the 1970 Conservatives' election programme contains no reference to (irregular (migrants')) access to basic rights (scored as 0). With a total score of -2, the Heath government was labelled centre-right.

Thatcher I was in effect from 4/5/1979 to 9/6/1983. With regard to irregular migrants, the Conservatives' manifesto focused only on regularisation and return, albeit more sharply and restrictive than the party's previous election programmes. Both items were therefore scored -2, through which Thatcher I was named right-wing.

More than five years later, the Conservative Party brewed their election manifesto still with the same recipe, stating against any form of regularisation and advocating active enforcement to return migrants who abuse the UK refugee policy (both scored -2). Consequently, Thatcher III which ruled between 11/6/1987 and 28/11/1990, was classified as a right-wing government.

After the party leadership election in November 1990, Major took over from Thatcher. When over a year later, the Conservatives won the general public election, Major II was in charge from 9/4/1992 to 30/4/1997. The manifesto with which the Conservative Party won the elections contained, again, only statements to tighten the policies on regularisation and return of irregular migrants (both scored -1). Therefore, Mayor II was labelled as a centre-right government.

After almost two decades of Conservative governments, the Labour party won the UK election in spring 1997. Blair I was followed by the Blair II Cabinet, which held office between 7/6/2001 and 4/5/2005. Labour called in their party manifesto for "refashion[ing] the welfare state on the basis of rights and responsibilities" (Labour Party, 2001:3) and considered it an important task of the government "to do everything it can to help ensure that no individual and no community is left behind" (Labour Party,

2001: 31), which was linked to granting all citizens access to all basic rights (scored as +2). In this way, the Blair II government was defined as centre-left.

Blair III, in effect from 6/5/2005 until 27/6/2007, set sail in the same direction as before by referring to the UN Charter of human rights as a guarantee for all (scored as +2). Furthermore, Labour's party manifesto promises to liberalise the return of migrants from countries that abuse the British immigration system through financially supporting their return (scored as +1). With a total score of +3, Blair III was classified as a centre-left government. Gordon Brown replaced Tony Blair as Labour's party leader and governed from 27/6/2007 to 11/5/2010 on the basis of the party programme outlined above. Therefore, the positioning of the Brown Cabinet was taken over from the previous government, which is centre-left.

When the Conservative Party narrowly won the UK elections against Labour in 2010, it took a second party to form a government, a situation rarely seen at the central UK level. As a result, between 11/5/2010 and 7/5/2015, the Conservatives incorporated the Liberal Democrats into the Cameron I coalition cabinet. In their 2010 election programme, the Conservative Party pledges to drastically reduce migration (scored as -1). In contrast, the Liberal Democrats' party manifesto states that irregular migrants who have lived in the UK for at least ten year, speak English and have no criminal record, should be regularised (scored as +1). Furthermore, the Liberal Democrats' programme notes that "No-one has any idea how many people are here illegally" (Liberal Democrats, 2010:75). It advocates to end detention of children and non-returnable migrants who are no risk for absconding, and to stop deportation to countries that do not respect the human rights (scored as +1). The sum of both party manifestos is +1, which leads to this coalition government being labelled social-liberal.

Cameron II kicked off on 8/5/2015 with only the Conservative Party, but soon fell (on 13/7/2016) as a result of David Cameron's promise to step down as party leader if the 'leave-camp' would win the Brexit referendum. The Conservatives' election programme takes tough positions on irregular migrants. For example, the party aims to "clamp down on illegal immigration (…); enhance our border security and strengthen the enforcement of immigration rules." (Conservative Party, 2015:29) (scored as -1 on regularisation) and wants to "(…) implement the requirement for all landlords to check the immigration status of their tenants." (Conservative Party, 2015:30-31) (scored as -1 on access to basic rights). Furthermore, the party manifesto calls for strict detention and return of irregular migrants (scored as -2). A total score of -4 for this election programme led to Cameron II, and consequently May I, being named right-wing governments.

As Prime Minister May expected to win extra seats in parliament to stand stronger in the then ongoing Brexit negotiations, she announced early elections. Although the Conservative Party won, May II (in effect between 11/6/2017 and 13/12/2019) did not reign with the large majority hoped for. This Conservative election programme contains several proposals to further limit migration and to tighten enforcement on return (both scored as -1). Consequently, May II was labelled centre-right.

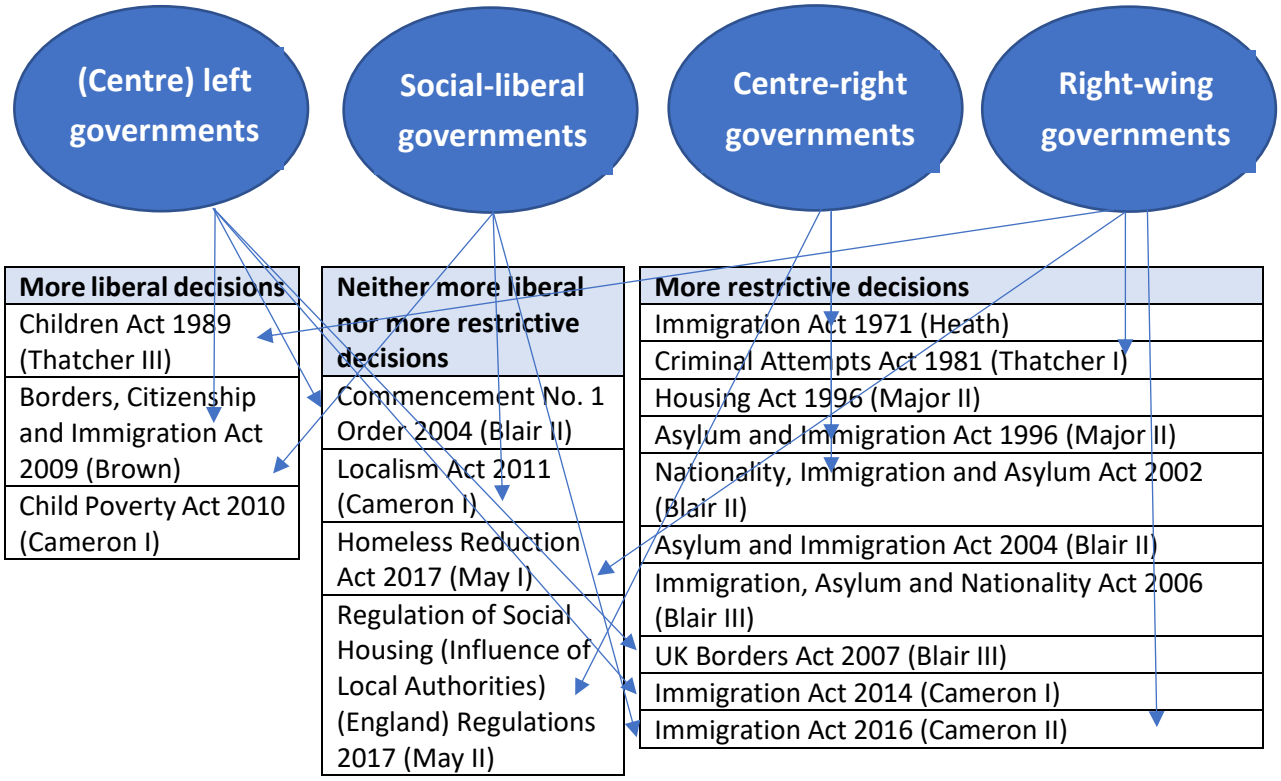
All scores of the government parties' election manifestos and the eleven Cabinets' position with regard to irregular migrants are summarised in Table 37.

Table 37: UK governments' combined party position regarding irregular migrants

Government	Government parties	Regularisation	Access to basic rights	Detainment and return	Government position
Heath	Conservatives	-1	0	-1	**Centre-right**
Thatcher I	Conservatives	-2	0	-2	**Right-wing**
Thatcher III	Conservatives	-2	0	-2	**Right-wing**
Mayor II	Conservatives	-1	0	-1	**Centre-right**
Blair II	Labour	0	+2	0	**Centre-left**
Blair III	Labour	0	+1	+1	**Centre-left**
Brown	Labour	n/a	n/a	n/a	**Centre-left**
Cameron I	Conservatives LibDem	-1 +1	0 0	0 +1	**Social-liberal**
Cameron II	Conservatives	-1	-1	-2	**Right-wing**
May I	Conservatives	n/a	n/a	n/a	**Right-wing**
May II	Conservatives	-1	0	-1	**Centre-right**

Throughout time, UK governments' combined party position on irregular migrants ranged from centre-left to right-wing. In accordance with the expectation of this study -that (centre-)left-wing governments take more liberal decisions regarding (facilitating) irregular migrants' access to housing, while (centre-)right-wing governments adopt more restrictive policy on this- the British governments should mainly have taken restrictive measures. As detailed in Chapter 4 and shown in Figure 11, this is the case. However, restrictive measures were not only concluded by (centre-)right governments as well as more liberal decisions were not only taken by centre-left governments: Of the ten more restrictive measures, five were taken by (centre-)right governments, four by centre-left governments and one by the social-liberal coalition; Of the three more liberal measures, one was agreed under right-wing Thatcher III, one under the social-liberal coalition and one under the centre-left Brown government. The decision-pattern of UK governments thus corresponds to the German and Dutch realities, which are not in line with the expectations formulated in this study.

Figure 11: UK governments' legislative decisions regarding (facilitating) irregular migrants' access to housing



Party political preferences of the local government in Stoke-on-Trent since 2000

In England, local elections can be organised in three different ways: 1) Once every four years all council seats are open for election (whole council election); 2) Once every two years half of the council seats are open for election(election by halves); 3) Elections are organised every year in a four-year cycle, except for the third year, so that every time one third of the council seats are open to election (election by thirds) (Section 85 Local Government Act 2000). Until 2010, Stoke-on-Trent used the election by thirds scheme, having the last election of this type in 2008. Each year, except in the third year of the four-year cycle, voters from one third of Stoke-on-Trent's wards could choose their representatives for a four year term in the city council. End 2007, an independent Governance Commission was set up under the auspices of the Minister for Local Government. In its report the Local Government Boundary Commission for England concluded that "there had been widespread weakness in city leadership, poor political governance, and a lack of effective community engagement." (GOV UK, 2009:2). This hard finding was followed by the proposal of this Commission to hold elections through the whole council elections scheme, and to reduce the number of councillors (LGBCE, 2010). As a result, since 2011 Stoke-on-Trent holds whole council elections every four years, whereby 44 instead of the previously 60 seats are elected on the basis of the first past the post system[127].

Pursuant Section 1(2) Representation of the People Act 2000 (up to and including the 2019 local elections), every EU citizen, Irishman, and Commonwealth citizen who has or does not require leave to remain in the UK, of at least 18 years old, who registers as a voter, lives in the area where the election takes place and is not legally excluded, may vote their councillor. Since 2009, the mayor of Stoke-on-Trent, i.e., the council leader, has been elected by the councillors among the councillors. However, with the entry into force of the 2000 Local Government Act, councils were given the opportunity to hold direct mayoral elections (Section 11 (4)). In May 2002, the Stoke-on-Trent citizens spoke out in favour of this in a referendum. The first one was elected in October 2002, the second one three years later, in October 2005. In May 2008, citizens voted in new a referendum against a directly elected mayor (Audickas et al., 2020). Therefore, a council leader was elected annually thereafter from among the city councillors, in accordance with Section 11(3) Local Government Act 2000, to chair the council meetings (GOV UK, 2009). In addition, Stoke-on-Trent is one of the few English cities with a lord mayor, which is a merely ceremonial function performed for one year by a member of the city council (elected by the city council) (City of Stoke-on-Trent, 2009).

Stoke-on-Trent's local election of 5/7/2015 brought four parties in the city council for the four-year legislature up to 2/5/2019. With 20 of the 44 seats, Labour was clearly the largest party, but was two seats short of running the government in overall control. The City Independent party, founded in early 2008, followed closely behind Labour and took 16 seats. The Conservative party came behind at a considerable distance with seven seats, and the UK Independence Party (UKIP) acquired the one remaining council seat. Since no party had an absolute majority, a coalition had to be forged. On paper, Labour had two options, finding an agreement with the Conservatives or with City Independent. However, Labour did not want to form a coalition with the former, and the latter did not want to

[127] This system allows Stoke-on-Trent voters per ward to choose one person from their ward. The candidate with the most votes wins (i.e., relative majority of votes) and receives a seat in the city council (i.e., winner takes all system). As of 2011, Stoke-on-Trent includes 31 single member wards, five two member wards and one three member ward (GOV UK, 2011c).

govern (again) with Labour. City Independent preferred, and was able, to reach an agreement with the Conservatives. Dave Conway from City Independent was elected council leader by the councillors. He chose as members of the council cabinet four councillors from City Independent and one from Conservative. End 2017, Dave Conway stepped down as council leader for health reasons and was succeeded by party colleague Ann James (Barnard, 2017).

Table 38: Composition of Stoke-on-Trent's city council and council cabinet 7/5/2015-2/5/2019

Elected parties	44 seats	6 Cabinet	Mayor
Labour	20	0	
City Independent	16	5	Dave Conway/ Ann James
Conservative	7	1	
UKIP	1	0	

All politicians interviewed said that it is difficult to position the city council on the social-cultural cleavage because City Independent "*don't have a fixed ideological programme, (…).*" (Interview no. 025); "*(…) isn't an ideological party but rather a pragmatic or realistic/ rational party (…).*" (Interview no. 048). Nevertheless, they -and several other interviewees- explained that with regard to (irregular) migrants "*the city council is not doing anything for asylum seekers [for various reasons]. (…) try to get rid of [Section 17] cases [for various reasons]*" (Interview no. 091). On the other hand, the interviewed politicians claimed that the city council is not (extreme) right-wing because "*we were able to defeat the far right in Stoke, they are not in the city council anymore.*" (Interview no. 048). Therefore, this City Independent-Conservative coalition was labelled centre-right with regard to irregular migrants.

As a result of the first past the post electoral system, few different parties compared to many independent candidates have been elected to the Stoke-on-Trent city council throughout time. They are listed in the different columns of Table 39.

In 2000, the second year of the four-year election cycle, half of the 20 seats to be allocated went to Labour. Also five independent candidates, three Liberal Democrats and two Conservatives were elected. As can be seen in Table 39, Labour remained in control of Stoke-on-Trent's city council with 31 of the 60 seats. In addition,18 independent, seven Liberal Democrats and four Conservative councillors were included in the city council between 2000 and 2002. In 2002, Labour lost its absolute majority as they acquired 20 of the 60 council seats. Independent candidates took 22 seats, Liberal Democrats got 11 seats, Conservative six and the Adrian Knapper Independent Party (AKIP), that only appeared once under this name, received one seat. In October 2002, the independent Mike Wolfe[128], became the city's first directly elected mayor.

With the election in one third of the Stoke-on-Trent wards (20 seats to be distributed) in 2003, the total number of Labour councillors rose to 27. Liberal Democrats had to be content with seven seats and Conservative with five. Furthermore, the city council counted 20 independent elects and, for the first time, one councillor from the extreme right British National Party (BNP) (Ford & Goodwin, 2010).

[128] Mike Wolfe, then employee of Stoke-on-Trent's Citizens Advice Bureau, ran his campaign under the name Mayor 4 Stoke.

In 2004 Labour took 13 of the 20 seats, independent candidates three, Conservative two, and Liberal Democrats and BNP one each. In this way, between 2004 and 2006, Labour regained overall control in the city council with 32 of the 60 seats. Moreover, Labour won the 2005 mayoral election with Mark Meredith, whose term ran until end 2008. Independent candidates occupied 15 seats, Conservative six, Liberal Democrats five and BNP two. The outcome of the 2006 election resulted in no party having overall control in the city council. Labour and independent candidates each obtained six of the 20 seats, Liberal Democrats and BNP each got three seats and Conservative two. This ended the four-year council cycle with a total of 28 seats for Labour, six for Conservative, five for BNP, four for Liberal Democrats, and 17 for independent councillors.

In the last of Stoke-on-Trent's four-year cycle of election by thirds, no party achieved an absolute majority in the city council. Of the 20 elected representatives in 2007, seven were from Labour, three from Conservative, three from BNP, two from the Liberal Democrats, one from the new party Potteries Alliance and four independents. As a whole, the city council comprised 24 Labour members, 17 independent politicians, seven BNP elects, six Conservatives, five Liberal Democrats and one councillor from the Potteries Alliance. The 2008 election resulted in slight shifts within the city council composition, but, more importantly, a number of independent politicians united in a party, City Independent. With five winners from City Independent, four from Labour, three from BNP, two from Liberal Democrats, two from Conservative and four independents, the city council of 2/5/2008 to 6/5/2010 consisted of: Labour (26 seats), independent councillors (ten seats), BNP (seven seats), Conservative (seven seats), Liberal democrats (five seats), and City Independent (five seats). In 2010, the 20 seats were divided among three parties: Labour (17 seats), Conservative (2 seats), and Liberal Democrats (one seat). Meanwhile, in other wards, a number of independently elected representatives had rallied under the wings of City Independent, which shifted the balance of power in Stoke-on-Trent's 2010 city council as follows: Labour remained the largest party with 27 seats, followed by the much smaller City Independent with 11 seats. With eight seats, the Conservative party became only the third largest, followed, in joint fourth position, by BNP and Liberal Democrat with five seats each. Only four independent councillors remained in personal charge for their ward.

The first whole council election for which all eligible Stoke-on-Trent residents could choose their preferred ward representative took place on 5/6/2011. 44 council seats were to be allocated for the legislature that ran up to and including 2015. Labour acquired a dominant majority with 34 seats, of which one for Mohammed Pervez in the function of council leader. City Independent followed at considerable distance with eight seats. Conservative was only able to get two seats, which was nevertheless better than Liberal Democrats and BNP, neither of which could obtain a single seat in the city council. Also for the first time, a council cabinet had to be appointed. Not surprisingly, the six posts were filled with Labour councillors.

Table 39: Composition of Stoke-on-Trent's city council between 3/5/2000 and 6/5/2015

	Labour	Independent	City Independent	Conservative	Liberal Democrats	BNP	Potteries Alliance	AKIP
2000-2002	31	18	0	4	7	0	0	0
2002-2003	20	22	0	6	11	0	0	1
2003-2004	27	20	0	5	7	1	0	0
2004-2006	32	15	0	6	5	2	0	0
2006-2007	28	17	0	6	4	5	0	0
2007-2008	24	17	0	6	5	7	1	0
2008-2010	26	10	5	7	5	7	0	0
2010-2011	27	4	11	8	5	5	0	0
2011-2015	34	0	8	2	0	0	0	0

Surprisingly, the interviewed politicians (nonetheless from different parties and with at least nine years of experience as Stoke-on-Trent councillor) saw no difference in the topics discussed and in the (ideological) approach of the issues by the successive city councils: "*Both under the Labour councils [until May 2015], and City Independent – Conservative coalition [2015-2019] we have the same priority to address racism and build on community cohesion*." (Interview no. 095); "*Here in Stoke, the coalition (City Independent and Conservative) acts the same way as when the previous councillors were in charge.*" (Interview no. 091). The same opinion was also heard from other interviewees. For instance, someone from the city staff, like several NGOs/CSOs, gave an example of the policy when Labour had overall control in the city council, and compared it with the current situation: "*In the past decade (...) in practice not to many things changed. Safeguarding of children has always been a priority of the government. Our [service] started in 2002, when Stoke became a dispersal area for asylum seekers. The city council (...) founded our service. In 2004 we were prohibited to organise our service. (...) the year thereafter we were operating again.*" (Interview no. 027).

Since the opinions of all interviewees are in the same line, and the positioning of the previous city councils on the social-cultural cleavage with regard to irregular migrants was entrusted to the local politicians, it was decided to classify all previous Stoke-on-Trent city councils since 2000 as centre-right.

Party political preferences of the local government in London since 2000

London has local elections every four years. The first balloting at the level of the Greater London Authority (GLA) and direct mayoral elections were held on 4 May 2000. The GLA elections use an additional member system. This means that the London assembly is elected from two different electoral bases, through which voters have two ballot papers and two votes, one to elect a constituent (therefore the 32 London Boroughs are divided into 14 constituencies) and one to elect a London-wide candidate. By means of a first past the post -the winner takes all- distribution of votes, only the candidate with the highest number of votes in the particular constituency is granted a seat in the London assembly. In addition, the remaining 11 (of the 25) assembly seats are distributed via closed list proportional representation with a five percent minimum threshold (London Elects, 2012).

Simultaneously with the GLA elections, the mayor of London is directly elected using a supplementary vote system, which means that voters cast a first and a second preference vote. If, based on the first preference vote, one of the candidates gains at least 50% of the votes, s/he becomes the mayor. If this is not the case, the second preference vote of the two candidates with the highest first preference votes are taken into account. The candidate (of the two remaining persons) with the highest score on the first and second preference votes is then given the position of mayor (Curtice et al., 2008). Thereafter, it is up to the mayor to appoint the London mayoral cabinet, the executive board of the GLA. This cabinet consists of at least one, the statutory deputy mayor (Paragraph 4 Section 4(1) Greater London Authority Act) and maximal 11 of the 25 elected assembly members (Section 67(1)(b) Greater London Authority Act 1999).

In addition to the GLA assembly, which is "a 'super' tier of local government" (Curtice et al., 2008:654), also London borough council elections are held every four years (but in different years than the GLA and mayoral elections), and use an additional member system[129]. Unlike the GLA mayoral elections, a borough council leader is elected under the local councillors (usually this is someone from the biggest faction in the council), except in four boroughs[130] (Rallings & Thrasher, 2013).

Eligible voters to participate in all these elections have been determined England-wide: It concerns every EU citizen, Irishman, and Commonwealth citizen who has or does not require leave to remain in the UK, of at least 18 years old, who registers as a voter, lives in the area where the election takes place and is not legally excluded from voting (Section 1 (2) Representation of the People Act 2000).

The current GLA government was elected on May 5th 2016 and stays in charge a year longer than usually (until the elections on 6 May 2021) due to COVID-19 pandemic (London Elects 2020). Five parties made it into the London assembly: Labour, Conservative, Green Party, UKIP, and Liberal Democrats (seat distribution is presented in Table 40). Sadiq Khan won the mayoral election and appointed ten deputy mayors, of which eight from Labour and two non-affiliated civil servants[131].

[129] In this case constituencies are wards within a borough.

[130] These boroughs are: Hackney, Lewisham, Newham, and Tower Hamlets. They are governed by an executive mayoral system, meaning that eligible local residents both vote for their local ward and borough representative, and for the borough council leader (Rallings & Thrasher, 2013).

[131] Both persons became political responsible for the department they previously headed as a civil servant (Shirley Rodrigues, deputy mayor for environment and energy; and Justine Simons deputy mayor for culture and creative industries).

The 2018 election results in the 32 boroughs reflect London's diversity. Not only do boroughs have a different number of elected councillors[132], also the diversity among voters and independent candidates standing for elections contributes to now and then deviating results in borough elections (Mansley & Demšar, 2015). However, in the seven boroughs where the interviewees were active (and were interviewed) Labour received, like in the GLA assembly, the most votes and these seven boroughs have a Labour mayor or council leader[133].

Table 40: Composition of London's assembly and mayoral cabinet 5/5/2016-6/5/2021

Elected parties	25 seats	11 Cabinet	Mayor
Labour	12	9	
Conservative	8	0	Sadiq Khan
Green	2	0	
UKIP	2	0	
Liberal Democrats	1	0	
Non-affiliated	0	2	

All interviewed politicians emphasised that their current city council and the London assembly, due to Labour's policy approach, is taking several actions to include irregular migrants who are destitute with regard to housing, such as: "*Since we are in charge here in [borough], we do as much as we can to support all homeless people*." (Interview no. 099). Furthermore, they all agreed that the policy stance towards irregular migrants in London is more open than at the national level (which was labelled centre-right). Still, most of them thought that the local policy has gradually become slightly more restrictive: "*In London there is a more accepting attitude towards (irregular) migrants. (…) in recent years, the policy only became more restrictive, both in Whitehall and [at the local level]*." (Interview no. 082). Although most interviewees positioned the London councils' and assembly's party political preferences with regard to irregular migrants on the social-cultural cleave on the basis of the party names Labour and Conservative, one politician summarised this as follows: "*[the] city council takes a lot of supportive and social/ left-wing measures for our poorer residents.*" (Interview no. 038). Taking these self-positions together, the current London assembly and the seven local authorities included in this study were classified as centre-left.

[132] The number of councillors (per ward) is determined by the independent Local Government Boundary Commission for England by means of Local Government Orders per borough (Rallings & Thrasher, 2013).

[133] In Southwark, Labour has 46 of the 60 council seats (against 14 for Liberal Democrats) and Labour's Kieron Williams is council leader; In Lambeth Labour holds 57 of the 63 seats (against five of Greens and one of Conservative) and Labour's Jack Hopkins replaced mid-January 2019 party colleague Lib Peck as council leader; In Brent Labour acquired 57 of the 60 council seats (leaving three to Conservative) and Muhammed Butt from Labour is council leader; In Camden Labour gained 43 of the 54 seats (Conservative seven, Liberal Democrats three and Green one) and Labour's Jenny Rowlands leads the council; In Islington Labour holds 47 of the 48 seats (against one of Green) and Richard Watts from Labour is the council leader; In Hackney Labour won 55 of the 57 seats (leaving two seats for Conservative) and Philip Glanville from Labour was elected by citizens with 65.9% of the votes; In Tower Hamlet Labour holds 42 of the 45 seats (against one of the local party People's Alliance of Tower Hamlets and two of Conservative), and Labour's John Biggs became mayor with 48.3% of first preference and 65.8% of second preference votes).

The May 4, 2000 elections were a tense battle between Labour and Conservative, ensuing in a draw of nine seats for both. The Liberal Democrats and Green party were also able to score assembly seats in these elections, namely four and three respectively. The first directly elected mayor of London became Ken Livingstone, who had left Labour for this campaign and ran as an independent candidate. He appointed Nicky Gavron from Labour as his statutory deputy mayor and replaced her end 2002 by Jenny Jones from the Green party as Livingstone had promised to rotate the function of Statutory Deputy Mayor (Hosken, 2008).

Only two or three different parties participated in the 2002-2006 councils of the seven boroughs included in this study. Labour got overall control In the borough councils of Brent, Camden, Hackney, and Tower Hamlets[134]. With 38 seats, Liberal Democrats had an absolute majority in the Islington borough council (the ten remaining seats all went to Labour)[135]. In Lambeth and Southwark, Labour and Liberal Democrats were evenly matched, leaving only a couple of seats for Conservative[136].

Between 11 June 2004 and first of May 2008 the GLA assembly consisted of Conservatives (nine seats), Labour (seven seats), Liberal Democrats (five seats), Green (two seats) and UKIP (two seats). Although Conservative had become the largest party, the popular Ken Livingstone was re-elected as London's mayor, this time under Labour's party flag (Hosken, 2008). The mayoral cabinet again included only the statutory deputy mayor, Nicky Gavron, who was allowed to stay on for the full four years this time.

At the level of the seven boroughs included in this study, power relations between Labour, Liberal Democrats and Conservative shifted significantly with the 2006 elections. In Brent and Camden, the battle between Labour, Liberal Democrats and Conservative emanated in an (almost) even score for the three parties[137]. In Islington and Southwark, the leading roles were played by Labour and Liberal Democrats[138]. In Hackney, Lambeth and Tower Hamlets Labour achieved an absolute majority[139].

The GLA election of May 2, 2008 was the first and only time (between 2000-2018) that Conservative became the largest party in the London assembly. They received 11 seats, three more than Labour. Liberal Democrats lost two seats compared to the 2004 GLA election and stranded at three, Green was able to keep its two seats. UKIP did not make it to the assembly, unlike BNP which acquired one seat. With Boris Johnson, Conservative also won the mayoral election that day. Johnson initially appointed a six-headed mayoral cabinet of which five Conservative and one non-politician (the civil servant Isabel Dedring, who became responsible for transport during the entire cabinet period). Respectively end

[134] The division of seats in these borough councils was: Brent: Labour 35, Conservative 19, Liberal Democrats 9; Camden: Labour 35, Conservative 11, Liberal Democrats 8; Hackney: Labour 45, Conservative 9, Liberal Democrats 3; Tower Hamlets: Labour 35, Liberal Democrats 16. These election results are similar to those of 1998, except for Hackney where Labour got 29 seats, Conservative 12, Liberal Democrats 17, and Green two.

[135] In contrast, in 1998 the Islington borough council 26 seats were taken by each Labour and Liberal Democrats.

[136] Liberal Democrats and Labour each held 28 seats in the Lambeth borough council, Conservative got seven seats; In Southwark, Liberal Democrats obtained 30 seats, against 28 for Labour and five for Conservative. In 1998, the seats in Lambeth were divided as follows: Labour 41, Conservative five, Liberal Democrats 18; and in Southwark: Labour 33, Conservative four, Liberal Democrats 27.

[137] Of the 63 Brent council seats, 15 went to Conservative, 21 to Labour and 27 to Liberal Democrats; In Camden 14 of the 54 council seats were for Conservative, 18 for Labour, 20 for Liberal Democrats and two for Green.

[138] In Islington 23 seats went to Labour, 24 to Liberal Democrats and one to Green. The Southwark council consisted of 28 members from both Labour and Liberal Democrats, six of Conservative and one of Green.

[139] Labour got 44 seats in Hackney, against nine for Conservative, three for Liberal Democrats and one for Green; In Lambeth's council Labour took 39 seats, while Liberal Democrats got 17, Labour six and Green one. Labour achieved a narrow absolute majority in Tower Hamlets with 26 of the 51 seats, 12 seats went to the local party Respect, seven to Conservative and six to Liberal Democrats.

2008 and end 2009 the deputy mayor functions for Young People, and Government and External Relations, both performed by Conservatives, were cancelled by mayor Boris Johnson.
Interestingly, just two years later, Labour achieved an absolute majority in the council elections in 16 of the then 32 London boroughs, including all seven boroughs enclosed in this study[140].
Between 4/5/2012 and 5/5/2016, Labour was again the largest party in the GLA assembly, where they held 12 of the 25 seats. Conservative had nine seats, Green and Liberal Democrats two each. Nonetheless, with Boris Johnson's re-election Conservative was in charge of filling the mayoral cabinet. He appointed seven deputy mayors, of which five Conservative, one independent, and Isabel Dedring, who was reappointed as deputy mayor for transport. End 2015, the function of deputy mayor for Business and Enterprise, performed by a Conservative, was cancelled.
In the 2014 borough elections, Labour took a smashing victory in 22 of the then 32 London boroughs, acquiring an absolute majority in Brent, Camden, Hackney, Islington, Lambeth and Southwark, and obtaining the most seats of the three parties represented in Tower Hamlets' borough council[141].
Table 41 provides an overview of the elected mayors and the number of seats in the GLA assembly per party, with regard to the consecutive elections between 3/5/2000 and 6/5/2015.

Table 41: Mayor and composition of GLA's assembly between 4/5/2000 and 5/5/2016

Elected parties and mayor	4/5/2000-10/6/2004	11/6/2004-1/5/2008	2/5/2008-3/5/2012	4/5/2012-5/5/2016
Mayor	Ken Livingstone (independent)	Ken Livingstone (Labour)	Boris Johnson (Conservative)	Boris Johnson (Conservative)
Labour	9	7	8	12
Conservative	9	9	11	9
Liberal Democrats	4	5	3	2
Green	3	2	2	2
UKIP	0	2	0	0
BNP	0	0	1	0

[140] In Brent, 40 of the 63 seats were for Labour (against 17 for Liberal Democrats and six for Conservative); 30 of the 51 seats in Camden went to Labour (ten to each Conservative and Liberal Democrats and one to Green); In Hackney, Labour acquired 50 of the 57 seats (leaving four seats for Conservative and three for Liberal Democrats); 35 of the 48 Islington councillors were Labour (while 13 were Liberal Democrats); Labour took 44 of the 63 seats in Lambeth (against 15 for Liberal Democrats and four for Conservative); In Southwark, 35 of the 65 seats came in the hands of Labour (Liberal Democrats took 25 and Conservative four); and in Tower Hamlets 41 of the 51 seats went to Labour (leaving one for Liberal Democrats and eight for Conservative).
[141] 56 seats of the Brent council went to Labour (leaving six for Conservative and one for Liberal Democrats); In Camden, Labour took 40 seats (against 12 for Conservative and one for each Green and Liberal Democrats); Hackney's borough council consisted of 50 members from Labour (in addition to four from Conservative and three from Liberal Democrats); In Islington, all but one of the 48 seats (Green) went to Labour; 59 Labour candidates were elected in Lambeth's borough council (together with three members from Conservative and one from Green); In Southwark Labour won 48 of the 63 seats (leaving 13 seats for Liberal Democrats and two for Conservative); Labour was not in overall control in Tower Hamlets, although they held 20 seats, due to the new and local party Tower Hamlets First that won 18 seats (Conservative obtained four of the total 42 seats).

The interviewed politicians considered that the policy regarding irregular migrants of the GLA assemblies under mayor Johnson was the same as that of the current GLA assembly, as one of them phrased it: "*(…) these Labour councillors seem to continue the policy of their predecessors, the Conservatives.*" (Interview no. 082). Therefore, the position of the two previous assemblies from 2/5/2008 to 5/5/2016 were labelled centre-left on the social-cultural cleavage.

Although some of the interviewed politicians were already involved in London politics at the time of mayor Livingstone, they made very little reference to the policies on irregular migrants before 2008 in terms of Labour versus Conservative, and not at all by means of using any left-right positioning. Nevertheless, they indicated that the policies have not changed over time through giving examples of issues that affect irregular migrants' access to housing on which they have been working for many years, such as: "*I have an organisation myself [name of organisation]. I started 15 years ago (…) to assist irregular migrants' access to housing*" (Interview no. 099); "*I campaign around racism and housing issues for more than 30 years, these topics is why I am a councillor since 12 years*." (Interview no. 100). Since the division of seats between the two largest parties (Labour and Conservative) in the GLA assemblies between 2000 and 2008 did not differ much from that of the subsequent GLA assemblies, and the first two mayoral cabinets consisted of only one deputy mayor in addition to Ken Livingstone who one time stood as an independent and one time as a Labour candidate, it makes sense that the GLA assemblies under mayor Livingstone were classified as centre-left on the social-cultural cleavage with regard to irregular migrants.

5.3 Are party political preferences a determining factor of norm diffusion at the local level?

Only in five out of the 110 interviews it was reported to have no idea whether the local government's party political preferences influence EU norm diffusion on facilitating irregular migrants' access to housing. These interviewees attributed their lack of a substantive view to having insufficient insight into (local) politics, or because they only recently started working on this issue: "*I don't follow politics, I guess it is Merkel's policy, not?*" (Interview no. 011); "*I don't know. I don't work a long time in this office. I know that the county politics focusses most on asylum seekers and refugees. The work I do is not so often discussed so far.*" (Interview no. 109). In just under half (52 of 110) of the interviews it was stated that it matters who governs at the local level, but 35 of these interviews contained at the same time arguments to the contrary. In the great majority of the interviews (88 of 110) it was argued that party political preferences are not a determining factor of norm diffusion at the local level, and in 53 of these nothing but this conviction was put forward.

5.3.1 Yes, because…

Of the 52 interviews indicating that party political preferences play a role in norm diffusion at the local level, 19 were interviews with politicians, nine with city and enforcement staff and 24 with NGOs/CSOs. Feedback claiming that the local government's party political preferences affect facilitating irregular migrants were given in all six cities studied, albeit were heard much less in London and Stoke-on-Trent[142]. Moreover, 35 of these 52 interviews contended simultaneously arguments as to why it does not matter which parties are in charge at the local level, leaving only 17 of the 110 interviewees nothing but convinced that party political preferences are a determining factor of norm diffusion.

To substantiate their view on the relationship between party political preferences of the local government and facilitating irregular migrants' access to housing, the interviewees used seven different types of arguments: 1) Arguments concerning the personal commitment of responsible local politicians; 2) Arguments in which the city's operational practices are compared with other cities; 3) Arguments referring to the local government's expenditures to facilitate irregular migrants; 4) Arguments regarding lobbying experiences; 5) Arguments that indicate the importance of a party's government representation at all tiers; 6) Arguments pointing at differently constituted local governments' policy, and; 7) Arguments related to the creation of the local coalition agreement. The first argument (personal commitment of responsible local politicians) was cited most often, by NGOs/CSOs as well as by politicians and city and enforcement staff. Comparing the city's operational practices with other cities, the budget spent by the local government to facilitate irregular migrants, and past lobbying experiences were arguments only NGOs/CSOs used. The fifth and sixth argument (the importance of proper party representation at all levels of government, and differently constituted local governments' policy) was only mentioned by politicians and city and enforcement staff. Finally, only politicians referred to the last argument (how they were able to incorporate their party political preferences in the coalition agreement).

Arguments concerning the personal commitment of responsible local politicians

In all cities except London, both NGOs/CSOs, city and enforcement staff, and politicians referred by name and shame to particular elected policy-makers who are very committed or are rather uninterested to facilitating irregular migrants' access to housing. For example: "*In my opinion, the Programme Undocumented reflects the personal vision of alderman Groot Wassink, and the coalition that governs the city now. The political influence of GroenLinks is growing in Amsterdam. Alderman Groot Wassink's approach is to be very accessible/ approachable. He shows a great personal commitment regarding this topic. (…) it helps when the responsible policy-makers are personally involved and committed. Groot Wassink shows his passion and believe in this Programme. As I already said, the content of the Programme is not new, it grew under previous coalitions. But this coalition introduced a new approach of cooperation, as organisations we have more influence now and also more responsibilities.*" (Interview no. 101). In this and similar statements, the named policy-maker is seen as the embodiment of the entire coalition, leading the interviewees to conclude that party political preferences are a determining factor of norm diffusion at the local level, such as: "*yes I think*

[142] Respectively in five London and four Stoke-on-Trent interviews, versus in 12 interviews in Amsterdam, 11 in The Hague and Bonn, and nine in Berlin.

that politics matters, the local policy both depends on the party ideologies of the coalition and on the vision and engagement of the responsible vice-mayor." (Interview no. 062).
Others came to the conclusion that it matters who governs at the local level by arguing that the sum of the individual motivations of the politicians making up the coalition is decisive: "*Local politics does matter, it depends on the individuals constituting the coalition. What motivates you determines how you implement national legislation, like are you focussing on (financial) power or on people when making policy decisions.*" (Interview no. 025).

Arguments in which the city's operational practices are compared with other cities

A lot of Dutch and German NGOs/CSOs substantiated their view that party political preferences is a determining factor of norm diffusion at the local level by comparing the operational practices in the city with other cities' practices. For example, in the Netherlands: "*(…) the policy here in The Hague differs significantly from the policy in, for example, Amsterdam. In Amsterdam they had almost always left-wing coalitions in charge, while in The Hague we 've always had rather right-wing coalitions. While Amsterdam organises permanently large-scale reception for irregular migrants, The Hague deliberately didn't choose for such a policy.*" (Interview no. 009); "*Since the mid-1990s a lot of citizens (about 1 in 5 in The Hague and about 1 in 3 in The Hague's centre) vote for extreme right-wing parties. The Hague always had a rather right-wing local government. This influences of course the playing field for organisations like [ours], we can't realise things the way they are able to realise in Amsterdam or Utrecht for example.*" (Interview no. 068).
Also in Bonn and Berlin, NGOs/CSOs concluded that it matters who governs at the local level by peeking over the walls at practices in other cities and comparing these with their own day-to-day reality: "*I know that in Thuringia county, where they have a left government (Greens–SPD –Die Linke) they are more open to discuss access to services for irregular migrants. Also here in Bonn the initiative for the Working group on irregular migrants comes from SPD.*" (Interview no. 059); "*From all my contacts with organisations in other cities and regions I conclude that the policy in Berlin is different. I think this is because we have the red-red-red coalition. For example, here in Berlin we can cooperate with the police, which is not the case in many other German regions.*" (Interview no. 064).

Arguments referring to the local government expenditures to facilitate irregular migrants

As with comparing the own operational practices with other cities, only interviewed NGOs/CSOs in the Netherlands and Germany called on the city's budget investments regarding facilitating irregular migrants' access to housing to demonstrate that party political preferences of the local government matter. They used this argument in the first place by looking at the subsidies they (whether or not) receive from the local government: "*In some other cities and regions, [our NGO/CSO] receives money from the political responsible, but that is not the case in Bonn and NRW.*" (Interview no. 072).
Some interviewees referred to the city's overall expenditure on facilitating irregular migrants, in a number of cases comparing this with the financial investments of previous city councils: "*I don't think that the (financial) investments that this coalition is doing for irregular migrants would have been the case if a more right-wing coalition would be in charge of the policy (…).*" (Interview no. 101); "*For*

example, the current Amsterdam government (…) spends more budget on the inclusion of irregular migrants." (Interview no. 005).

Arguments regarding lobbying experiences

Only NGOs/CSOs in Amsterdam, The Hague, Berlin and Bonn supported their insight that party political preferences are a determining factor of norm diffusion at the local level on the basis of their lobbying experiences, as this quote from a Berlin interviewee aptly shows: "*When both parties [Bündnis 90/Die Grünen and Die Linke] became part of the coalition, we went lobbying with them to include this promise [to introduce an anonymous healthcare certificate] in the coalition agreement, which they did. I don't think it would be in the coalition agreement if both parties wouldn't have a majority in the local government. Since October 2018 we are now implementing this decision. [Our organisation] lobbied for this since its foundation 21 years ago, and it's only now under this coalition that it will be realised.*" (Interview no. 037). This example indicates that it is not enough for only one coalition partner to be willing to accept the lobbying request from NGOs/CSOs, since Bündnis 90/Die Grünen participated in a coalition with SPD and PDS between 21/10/2001 and 17/9/2006, and Die Linke (in cartel with PDS) were part of the coalition with SPD from 18/9/2006 to 18/9/2011.

Nevertheless, most NGOs/CSOs using this argument indicated at the same time that in addition to the party political preferences of the local government, the lobbying behaviour of NGOs/CSOs at city counsellors co-determines the policy on facilitating irregular migrants' access to housing: "*[P]olitical parties make promises before the local elections and they have to stick to these promises under the pressure of advocacy organisations.*" (Interview no. 083). Some NGOs/CSOs in Amsterdam even went a step further by stating that their lobbying activities drive the local governments' decisions: "*It definitely makes a difference who governs at the local level, I already gave you some clear examples, for instance about GroenLinks promoting and deciding on the current approach. However, they were driven by the lobby of the activist organisations.*" (Interview no. 080); "*This Coalition is more open to our claims and arguments. Under [mayor] Van der Laan things only progressed slowly, as I said, it took very long before the BBB was set up in Amsterdam. On the other hand, we are lobbying since 2012. We steer the local government, regardless of its composition.*" (Interview no. 008).

Arguments that indicate the importance of a party's government representation at all tiers

Not only politicians, but also city and enforcement staff argued that party political preferences of the local government determine norm diffusion at the local level if a party is at the same time (part of) the majority of both the local and (sub)national governments. On the one hand these interviewees referred to parties in power at different levels of government, such as: "*Since many years it is CDU who pulls all strings (national, county and local level).*" (Interview no. 057). On the other hand examples were given of parties in different positions of power at different tiers of government: "*[The local branch of our party] is more left-wing oriented than our party is at the national level, here we dare to show something! The difference with [our party] at the national level and in other cities is the prioritisation of the topic. At the national level [our party] is still in the opposition, they have fewer opportunities to focus on this topic, (…).*" (Interview no. 036).

Finally, one interviewee pointed out the particularly difficult position a party can be in when it participates simultaneously in the majority at different levels of government, but does not have the same influence at these tiers: "*The [party name] doesn't want to do anything for this group [at the local level]. Politically they cannot win anything by doing anything for this group. That is because they are also in the coalition at the [national] tier of government. (…).*" (Interview no. 014).

Arguments pointing at differently constituted local governments' policy

Both a number of interviewed politicians, and city and enforcement staff substantiated their reasoning that party political preferences are a determining factor of norm diffusion at the local level through referring to a different composition of the city council, for example: "*Some years ago, when Berlin had a coalition of SPD and CDU, children were taken out of the class during school time to be deported. Such situations don't happen anymore, (…).*" (Interview no. 014).

Though, more interviewees gave '*if-then*' examples. For instance, some hypothetical extremes were sketched: "*Of course it would make a difference if, for instance, AfD would be in charge for this topic. If it didn't matter who is in the coalition, it would mean that all parties are the same. Political parties would then be superfluous.*" (Interview no. 029). Politicians' '*if-then*' reasoning was also often based on the party's own points of view, such as: "*Of course it would be different if [my party would be] in charge of the policy, but with only me elected (…) I can't do much.*" (Interview no. 082); "*if I would be in a coalition with (…) other centre- or right-wing parties I wouldn't be able to open our services for irregular migrants (…).*" (Interview no. 030). In this context, one interviewee remarked that these '*if-then'* reasonings are easier said than done: "*When [party name] would be part of the opposition, I think that would give opportunities for other parties to change the policy. But it won't be easy, it 'll take years before people see any difference, because, for instance, you cannot build 1,000 social houses per year, we simply don't have the budget for that (…). If one political party has a big enough majority, and wins a couple of elections, let's say they can be in charge for 15 year or so, they might be able to make a real difference.*" (Interview no. 026). As is suggested in the above comment, the consequences of a new, differently constituted, local government may not always be immediately visible to and felt by all citizens because policy output (such as creating more social housing) requires a longer-term approach. Nonetheless, some city and enforcement staff indicated that they clearly notice the differences between differently composed city councils as this affects their work: "*During my 18 years of experience in [this] department I've witnessed many policy changes. Each city council has their own accents and priorities and also the social reality changes.*" (Interview no. 061). Important in this quote is that the interviewee points out that policy changes may not only result from a newly composed city council but as well from societal changes.

Arguments related to the creation of the local coalition agreement

A number of politicians discussed the negotiating process towards a coalition agreement in which they were involved to demonstrate that the implemented policies indeed do depend on the parties forming the local government. First and foremost, they gave examples of their own party political preferences that they managed to include in the coalition agreement: "*We managed to get some paragraphs on access to basic services for irregular migrants in [the coalition agreement].*" (Interview no. 030); "*We*

negotiated this policy with our coalition partners and they accepted it." (Interview no. 036); "*I was one of the representatives of [party name] during the negotiations about the local policy agreement. (…). I think that I'm responsible for the fact that the shelters for these undocumented groups are not taken from the existing housing stock, as it is important in my view that the irregular migrants don't displace our economic homeless people [in the city].*" (Interview no. 033).

However, most of these politicians added simultaneously that coalition negotiations are not merely a game of giving and taking (cf. rational choice institutionalism), but as well a social learning process in which the partners influence each other (cf. sociological institutionalism): "*(…) it are always coalitions, so there is not one party that can implement its whole programme. Parties in a coalition always influence each other.*" (Interview no. 074); "*(…) although parties in a coalition cannot fully implement their agenda, they do make a difference by influencing each other, they keep each other in balance. These are things that voters don't see (…).*" (Interview no. 014).

In addition, one politician zoomed in on the behavioural pattern of the coalition versus the opposition in the city council, that way actually indicating that party political preferences are not a determining factor of norm diffusion once a coalition agreement has been concluded. This statement sets out what usually is expected of the coalition and opposition, namely that coalition partners are loyal to each other and the coalition agreement, regardless of their party political preferences and, conversely, that opposition parties vote against the majority's proposals, likewise regardless of their party political preferences: "*Although [name of coalition partner] doesn't join our opinion (…), they loyally carry out the coalition agreement. (…). On the other hand, [name of opposition party] often agrees with our approach as well, but they vote against it, just because of party politics as they are in the opposition.*" (Interview no. 048).

5.3.2 No, because…

That party political preferences do not determine norm diffusion at the local level was explained in 60 of the 68 interviews with NGOs/CSOs, 16 of the 24 interviews with politicians, and 12 of the 18 interviews with city and enforcement staff. This claim was made in the six cities studied, but was relatively more common in London and Stoke-on-Trent[143]. Moreover, in 35 of these 88 interviews both arguments as to why it does and does not matter which parties are in charge at the local level were given, leaving just under half of the 110 interviews (amongst them five politicians) being nothing but convinced that party political preferences are not a determining factor of norm diffusion. To support their view on the non-relationship between party political preferences of the local government and facilitating irregular migrants' access to housing, the interviewees presented seven different types of arguments: 1) Arguments concerning the personal commitment of responsible local politicians; 2) Arguments based on the local government's response to sudden external shocks; 3) Arguments indicating that relevant decisions are taken by the (sub)national government(s); 4) Arguments referring to the importance attached to public opinion; 5) Arguments related to the day-to-day operation over

[143] To wit: In 19 of 20 interviews in London and in 16 of the 17 interviews in Stoke-on-Trent, in comparison to 14 of 19 interviews in Berlin, 13 of 18 interviews in Bonn, 15 of 18 interviews in The Hague and 11 of 18 interviews in Amsterdam.

time; 6) Arguments in which the city's operational practices are compared with other cities, and; 7) Arguments pointing at the need for pragmatism. The first four arguments were put forward by both NGOs/CSOs, city and enforcement staff, and politicians. The fifth and sixth argument (day-to-day operation over time, and comparing the city's operational practices with other cities) was only used by NGOs/CSOs, with the latter argument only being cited in Stoke-on-Trent and London. Finally, only politicians in Amsterdam and Stoke-on-Trent pointed at the need for pragmatism, the seventh argument.

Arguments concerning the personal commitment of responsible local politicians

In the six cities studied, both NGOs/CSOs, city and enforcement staff, and politicians referred to certain elected policy-makers to demonstrate that party political preferences are by no means a determining factor of norm diffusion. Contrary to the similar arguments put forward to support that party political preferences do matter at the local level, the interviewees here do not perceive the policy-makers as the embodiment of the local government's or party's political preferences, but as individuals who are (un)motivated and/or (un)interested in irregular migrants' access to housing, regardless of the party they belong to: "*In the local policy decisions and implementation of national legislation the political parties don't differ. Regardless of party preference, it does make a difference whether the elected policy-maker is more or less personally involved in the situation of irregular migrants.*" (Interview no. 088); "*Party politics is completely irrelevant when it comes to homelessness policy. The concrete policy always depends on the elected responsible his/her intrinsic motivation. The policy changes throughout time always lead back to individual vice-mayors' decisions, not to party politics.*" (Interview no. 043). In the same vein, one politician explained that it was easy to join another party because "*[p]arty politics is not the most important thing to make policy, individuals' opinion and motivation prevails. For example, for a while I was a member of [name of party].*" (Interview no. 025).

In addition to personal involvement, a number of interviewees considered a strong personality, rather than party political preferences, to be responsible for being able to persevere a policy decision: "*Once in a while, there is a councillor who is aware of the immigrants in Stoke, if they are strong enough to have their voice heard they sometimes can make some difference, like the one from the Conservatives [Abi Brown] who managed to set up a grant for acting against modern slavery and trafficking. She could realise this because she has a strong and determined voice, not because it's part of the Conservative party's ideology [which was not the case at the time of the interview].*" (Interview no. 055); "*(…) there are strong and weak aldermen. This doesn't have anything to do with party politics, but it is important in the policy-making process at the local level. The weak ones are often under attack. As you probably know, it is not uncommon that aldermen resign.*" (Interview no. 081).

Finally, a number of interviewees argued that party political preferences are not the determining factor of norm diffusion by pointing to the lack of an unambiguous party view and/or approach with regard to facilitating irregular migrants' access to housing: "*Our party stands for solidarity regarding the reception and sheltering of asylum applicants. However, creating support for sheltering refugees is tough work these days, because also within our party we are divided about what this should contain and how it should be organised.*" (Interview no. 070); "*In [name of London borough] we have (…) one elected politician responsible for housing and another one responsible for regeneration. Although they are both Labour, they don't agree well with one another. There is thus no clear party ideology that*

plays when it comes to housing, much depends on the individual ideas of the policy-makers. This example shows that it doesn't really matter which parties are in the council." (Interview no. 082).

Arguments based on the local government's response to sudden external shocks

In each of the six cities involved in this study, unexpected (and often dramatic) events, i.e., sudden external shocks, occasionally occur. Those events were mentioned by several interviewees to evidence their belief that the local government's party political preferences do not determine the policy on facilitating irregular migrants' access to housing. For example, in connection to the complete burning down of the Grenfell Tower in the London borough of Kensington & Chelsea on 14th June 2014, it was explained that "*[t]he Central government [by means of Secretary of State for the Home Department Theresa May] promised to relocate all victims, also the many irregular migrants who lived there, but of course they didn't do anything. All the burden came down on the local council. It's them, together with organisations like ours, who gave shelter to the victims and who offered support to find a new accommodation. This Council had a majority of Conservatives, the same party as May (…).*" (Interview no. 013). The occupation of the Sacrament church in The Hague, in 2015, by a big group of mainly Iraqi men who were refused asylum, prompted the local government to set up a BBB shelter for irregular migrants. According to several interviewees, this "*was the result of irregular migrants' voices being raised in the media, and individual policy-makers getting questions from the media, citizens and opposition. There was a conservative, rather anti-immigrant coalition in charge, their decision to set up BBB wasn't inspired by their party ideologies, it even wasn't in line with their initial public statements and electoral promises.*" (Interview no. 065). A third example concerns the attack on the Berlin Christmas market in 2017, which "*resulted in heated and polarised debates about immigrants, and it increased the pressure on the administration to denounce and detain more irregular migrants. All the political parties shared more or less the same opinion, there was no clear division between left-wing and right-wing parties' discourses and statements after this horrible event.*" (Interview no. 097).

Like one interviewee, who is convinced that party political preferences of the local government do matter, noted that policy changes may not only result from a newly composed city council but as well from societal changes (Interview no.061), one interviewee who believes that party political preferences do not affect norm diffusion at the local level, pointed at the weight of the local context, in addition to sudden external shocks, on decisions about facilitating irregular migrants' access to housing: "*Next to the influence of the political parties, [there are] also factors such as the context (for many years Berlin was a poor city) and sudden events (like the war in Syria). Such factors can lead to governments having to or taking decisions they did not think of before, or promised not to take, or revise their previous decisions.*" (Interview no. 074).

Arguments indicating that relevant decisions are taken by (sub)national government(s)

In the six cities studied, NGOs/CSOs, city and enforcement staff, and politicians alike pointed out that not the city council but the (sub)national government(s) is (are) responsible for all policies that affect facilitating irregular migrants' access to housing. Most of the interviewees deduced from this that party political preferences of the local government do not determine norm diffusion at all: "*No it doesn't matter, because all the decisions on housing are taken at the federal and regional level and immigration*

is the sole competence of the federal government. There is nothing that the local government can add to these two topics." (Interview no. 016); "*As the city council has no power in relation to your research subject, it doesn't matter who is in the council, it doesn't make any difference because everything is decided by the [national] government.*" (Interview no. 053); "*At the local level, party politics is irrelevant because they all don't have any power, they are not responsible for the policy on immigration. It doesn't matter who governs at the local level (…).*" (Interview no. 094).

However, a number of interviewees came to a more cautious conclusion and emphasised that the local government lacks sufficient resources to pursue a headstrong policy on facilitating irregular migrants' access to housing: "*(…) the policy on access to housing is determined by the central government. The local authority lacks the means to formulate a policy on housing of their own.*" (Interview no. 019); "*But regardless of the city council, the policy is more prescribed by the national government, it determines the limits of local policy.*" (Interview no. 046).

Arguments referring to the importance attached to public opinion

In the six cities studied, a significant number of interviewed NGOs/CSOs, city and enforcement staff, and politicians explained that public opinion instead of party political preferences is a determining factor of norm diffusion. On the one hand, examples were given of how public opinion influences local parties' statements on facilitating irregular migrants' access to housing: "*For example CDA and CU who are more right-wing changed their opinion when the Armenian family received shelter in the Sacrament church. They felt obliged to adapt their standpoint to the public opinion under pressure of their members.*" (Interview no. 069); "*Something all politicians agree on, regardless of party ideology, is that no child should sleep rough. Public opinion is very clear on this, as well as on practices of separating children from their parents. No politician can agree with such practices, not even Groep De Mos, they remain silent when a case like that is in the media.*" (Interview no. 069).

On the other hand, it was illustrated how public opinion affects local government decisions with regard to irregular migrants: "*I think that politicians can only do what the public, and their voters in particular, allow them to do. If the public says it's enough, than the local coalition has to stop or at least change their policy in the direction that the public indicates. I'm sure that if citizens are bothered with the coalition's policy on irregular migrants, the policy-makers will adapt their statements and actions accordingly.*" (Interview no. 081); "*The local government is influenced by the public opinion and takes more restrictive measures, despite the political statements. It's not related to their party programmes and opinions.*" (Interview no. 007).

In addition to public opinion (instead of party political preferences) stirring parties' statements and/or decisions, many interviewees indicated discrepancies between party political statements and decisions of the local government: "*Although [name of party] are formally against irregular migrants, in private conversations they are willing to listen. For example, the mayor can instruct the city administration to help us (…). This is a topic also [name of party] is not against, the thing is, they cannot say this publicly.*" (Interview no. 003); "*(…) to me it's clear that what local politicians say and do isn't the same. Discourses and practices often differ significantly from each other at the local level. [For example] our vision [on granting irregular migrants access to the fundamental human rights] was signed up with by the LibDems and Boris Johnson of the Conservatives in London in 2010. However, neither of them stayed with this election promise. After the 2010 nation elections, both parties formed a coalition and agreed*

on criminalising irregular migration. This example makes clear that it doesn't matter what local policy makers say or believe in." (Interview no. 013). Several interviewees went a little further by pointing to gaps between party political statements, local government decisions and operational practices: "*There is a difference between what politician say and what is possible in reality. The official standpoint is that they can't do anything for irregular migrants because they are bound by the laws and because irregular migrants are invisible. That is why they don't give us any subsidies or money. But on the ground, when we talk with institutions and the city staff, they are open for our demands, they understand the situations and they are willing to help.*" (Interview no. 017); "*The immigration policy became tighter on paper and in the public discourse, but in practice not to many things changed.*" (Interview no. 027). Although party political statements and/or public opinion may not affect the policy (measures) and/or operational practices, a couple of interviewees noted that it may affect irregular migrants' behaviour: "*As a result, irregular migrants who are here already for a longer time often tell that they more often feel the need to stay underground, they feel most threatened by the negative public discourses.*" (Interview no. 063); "*Now the policy has evolved in a more right-wing discourse way, both at the local and national level. Therefore, irregular migrants keep more silent and invisible.*" (Interview no. 070).
While many interviewees gave examples of how public opinion is picked up by local politicians, only a few argued (in line with research findings from, amongst others, Krzyżanowski et al., (2018), Leruth & Taylor-Gooby (2019), Papademetriou & Banulescu-Bogdan (2017) , Silva (2018)) that public opinion is (partly) created by political parties' public statements, through which self-fulfilling prophecy effects (may) occur: "*I think that politicians strongly influence the debate: they set the agenda and they launch their statements in the media. Through media's attention, public opinion is influenced. As a consequence, policy makers have to take the public opinion into account or they defend their policy by referring to the public opinion. The policy pursued is thus a vicious circle, a cocktail of political discourse, reinforced by the media and echoed by public opinion.*" (Interview no. 031); "*Media is a channel you can use to put something on the political agenda, but it is not the way problems are solved and agreements are reached.*" (Interview no. 035); "*I think that the most important role for the local government is setting the scene, influencing the public discourse.*" (Interview no. 099).

Arguments related to the day-to-day operation over time

With an average work experience of 12 and a half years among the interviewees from NGOs/CSOs, it is not surprising that many of them referred to the daily operation over time when giving their view on whether party political preferences of the local government make a difference regarding facilitating irregular migrants' access to housing. Based on this argument, everyone was convinced that party political preferences do not determine norm diffusion at the local level: "*In practice nothing changed, in our day-to-day work, we work from human to human, (…). The changes in our work have to do with the big influx of refugees, that did change our work since 2014.*" (Interview no. 002); "*We don't feel the difference of local government after elections in our work.*" (Interview no. 007); "*In my 15 years of experience (…) I didn't see or feel any impact of the local councils or the mayor (…).*" (Interview no. 023); "*We haven't seen or noticed any difference since we work here (since the 1980s). In relation to our work, I don't think it makes any difference.*" (Interview no. 085).

Arguments in which the city's operational practices are compared with other cities

Only a couple of interviewed NGOs/CSOs, only in the two English cities, stated that party political preferences of the local government are irrelevant with regard to the operational practices of facilitating irregular migrants' access to housing. Arguments in which the city's operational practices are compared with other cities were also (in all six cities, and more frequently) used by NGOs/CSOs to support the belief that party political preferences are a determining factor of norm diffusion at the local level. To this end, they compared their local practices with cities that have a divergent operation regarding facilitating irregular migrants' access to housing as well as have a differently composed local government. Nevertheless, also counter-examples can be and were given, namely of cities with a differently composed city council, but with the same policy practices: "*(…) the boroughs we work with constitute of different coalitions.*" (Interview no. 004); "*The local authorities we cooperate with are differently constituted, we have as well Labour, Greens as Conservative councils (…) it's not related to their party preferences. For example, we have good relations with [a] council where Conservative and right-wing parties form a coalition.*" (Interview no. 047).

Arguments pointing at the need for pragmatism

Only some politicians in Stoke-on-Trent and Amsterdam pointed out that there needs to be and is a pragmatic approach at the local level, and that therefore party political preferences of the local government do not play a role in the city's policies on irregular migrants: "*I'm also convinced (…) that policy-makers have to be pragmatic.*" (Interview no. 025); "*At the local level we approach the issue of irregular migrants more pragmatically, while at the national level political ideologies play a more dominant role. Party ideology plays a less prominent role at the local level, we think and act more pragmatic.*" (Interview no. 066); "*(…) politicians have to act pragmatically, local policy can't be based solely on ideology.*" (Interview no. 081).

5.4 Discussion: The importance and role of party political preferences in norm diffusion at the local level

5.4.1 Comparison between the cities' policies and their left-right position on the social-cultural cleavage regarding (facilitating) irregular migrants' access to housing

In Chapter 4, both the implementation of national legislation related to facilitating irregular migrants' access to housing and the operation of irregular migrants' access to housing in the six cities studied were extensively described. Table 42 summarises the former. From the perspective of each local government, it is listed to what extent the local government enforces the legislation on facilitating irregular migrants' access to housing, providing temporary accommodation, and giving advice by third parties. Legislation concerning facilitating irregular migrants' access to housing and giving advice is not enforced by any of the six local authorities. With regard to providing temporary accommodation by

third parties, there is low enforcement (i.e., only on the basis of complaints from citizens) in Bonn and The Hague and no enforcement in Berlin, Amsterdam, Stoke-on-Trent and London.

Furthermore, it is included to what extent the local policies of each of the six cities studied comply with the national duty to report irregular migrants, and with the legislation on providing temporary accommodation, and giving advice. The German obligation for city officials to denounce irregular migrants is strictly complied with in Bonn and partly in Berlin (where some city services apply a "don't ask/don't tell" strategy). The duty to report upon request to the competent Dutch and UK authorities is not applied in The Hague, Amsterdam and London. In Stoke-on-Trent, on the other hand, civil servants proactively report the presence of irregular migrants. The local government services in Bonn, The Hague and Stoke-on-Trent strictly comply with their respective national legislation on providing temporary accommodation, meaning that they apply the legislation in a restrictive way. The local government services in Berlin, Amsterdam and London, on the other hand, only partly comply with their respective national legislation on this, as they apply the national legislation more liberal. The restrictive German and UK legislation concerning giving advice is strictly complied with by the Bonn local government services and partly (more liberal) by the Berlin local government services, while it is permissively applied by Stoke-on-Trent's and London's local government services. On the other hand, the liberal Dutch legislation on providing advice to irregular migrants is highly complied with by The Hague's and Amsterdam's local government services, since in neither city advice is given for profit (i.e., the only restriction included in Dutch law).

Table 42: Implementation of the national legislation regarding facilitating irregular migrants' access to housing in the six cities studied

	Facilitating irregular migrants' access to housing	Duty to report irregular migrants	Providing temporary accommodation	Giving advice
Bonn	No enforcement	Strict compliance	Strict compliance; Low enforcement	Strict compliance; No enforcement
Berlin	No enforcement	Partial compliance	Partial compliance; No enforcement	Partial compliance; No enforcement
The Hague	No enforcement	Not applied	Strict compliance; Low enforcement	High compliance; No enforcement
Amsterdam	No enforcement	Not applied	Partial compliance; No enforcement	High compliance; No enforcement
Stoke-on-Trent	No enforcement	Proactive application	Strict compliance; No enforcement	Permissive compliance; No enforcement
London	No enforcement	Not applied	Partial compliance; No enforcement	Permissive compliance; No enforcement

Table 43 compiles the operation of irregular migrants' access to housing in the six cities studied, as is detailed in Chapters 1 and 4. Not from the perspective of the local authorities, but from irregular migrants in the six different cities their point of view, it is summarised if and in which degree irregular migrants have access to private housing, social housing and temporary housing, and to what extent the national duty to register as a tenant is complied with.

Table 43: Operation of the national legislation regarding irregular migrants' access to housing in the six cities studied

	Access to private housing	Access to social housing	Access to temporary housing	Duty to register as a tenant
Bonn	No direct access	No access	Limited access to local government facilities; Wider access to initiatives of NGOs/CSOs and/or private persons.	Strict compliance
Berlin	No direct access	No access	Wider access to local government facilities; Wider access to initiatives of NGOs/CSOs and churches.	Strict compliance
The Hague	Easy access	Partial access	Limited access to local government facilities; Wider access to initiatives of NGOs/CSOs and private persons.	No compliance
Amsterdam	Easy access	Partial access	Wide access to access to local government facilities; Wide access to initiatives of NGOs/CSOs.	No compliance
Stoke-on-Trent	Easy access	Not applicable	Limited access to local government facilities; Wider access to initiatives of NGOs/CSOs and private persons.	Not applicable
London	Easy access	Partial access	Wider access to local government facilities; Wider access to initiatives of NGOs/CSOs.	Not applicable

In Bonn and Berlin, irregular migrants only have access to privately rented accommodation through their networks (no direct access), and no access to social housing. In contrast, in The Hague, Amsterdam, Stoke-on-Trent and London, the private housing market is easily accessible for irregular migrants and, with the exception of Stoke-on-Trent, have partial access to social housing (since some irregular migrants (sub-)rent social housing). Access to social housing is not applicable to Stoke-on-Trent, as it was concluded that there is no need to find accommodation within the (less qualitative)

social housing stock. Only in Amsterdam do irregular migrants have wide access to temporary housing facilities of the local government and of NGOs/CSOs initiatives, inasmuch that national legislation is interpreted and applied very broadly. In the five other cities, NGOs/CSOs generously interpret the legislation so that irregular migrants have wider access to the initiatives. Regarding local governments' facilities, the legislation in the two remaining capitals (Berlin, London) is more broadly understood through which irregular migrants have wider access to the facilities, while the legislation is filled in narrowly in the three medium-sized cities (Bonn, The Hague, Stoke-on-Trent) so that irregular migrants' access to these facilities is limited. The responsibility to register as a tenant differs in the three countries studied: in Germany, this lies with the landlords, who strictly comply with the legislation in both Bonn and Berlin, while in the Netherlands it is the tenants' responsibility, which obligation is ignored as well in The Hague as Amsterdam. In England there is no duty to register as a tenant (indicated with "not applicable").

Since the six cities studied do not enforce the relevant national legislation on facilitating irregular migrants' access to housing, they all leave room for a more liberal implementation and operation of it in their city. However, as well the national legislation as the local governments' compliance behaviour in these six cities differs considerably from each other. Viewed from the perspective of persons facilitating irregular migrants, the freedom of action and the capacity to assist irregular migrants' access to housing is most liberal in Amsterdam, Berlin and London where facilitators unimpededly provide free temporary accommodation and advice, and do not denounce irregular migrants. In The Hague, where facilitators limitedly provide free temporary accommodation, unimpeded free advice, and do not report sheltering irregular migrants, there is less freedom of action and less capacity to assist irregular migrants' access to housing than in Amsterdam and Berlin, but much more than in Stoke-on-Trent and Bonn. The most restricted freedom of action and capacity to assist irregular migrants' access to housing do facilitators in Bonn and Stoke-on-Trent have, as facilitators provide only a limited amount of free temporary accommodation and advice, and civil servants report irregular migrants to the competent authority.

Adding the perspective of irregular migrants' access to housing clearly suggests that the policies in Amsterdam are very liberal because, in addition to easy access to private housing and partial access to social housing, there is a very wide offer of temporary accommodation for irregular migrants. London seems to follow with a liberal policy as the supply of temporary housing by both the local government and NGOs/CSOs for irregular migrants is more limited than in Amsterdam. Both Berlin and The Hague can be regarded as cities with moderate liberal policies regarding irregular migrants' access to housing. For The Hague this is due to irregular migrants' limited access to local government facilities, for Berlin this is due to both the lack of access to social housing and direct access to private housing. With their limited accessible local government facilities for irregular migrants and, moreover, because of reporting irregular migrants, Stoke-on-Trent and Bonn clearly appear to have restrictive policies on irregular migrants' access to housing. Since irregular migrants in Stoke-on-Trent have easy access to private housing, while in Bonn they have no direct access to it as well as no access to social housing, the policy in Stoke-on-Trent can be considered moderate restrictive and Bonn's policy as restrictive.

Combining the six cities' policies, contemplated from the perspective of both facilitators and irregular migrants, with their left-right position on the social-cultural cleavage, results in the overview in Table 44. The starting point that (centre-)left governments implement a (more) liberal policy towards

irregular migrants, while (centre-)right politics implement a (more) restrictive policy towards irregular migrants only holds true for Amsterdam, London and Stoke-on-Trent, but not at all for Bonn and The Hague, leaving Berlin probably a debatable case, as its policies are more liberal than those of the social-liberal federal government but less liberal than those of Amsterdam (also positioned left-wing) and London (positioned centre-left). Yet, most Berlin interviewees perceive that: "*The Berlin policy is in line with the federal policy, although here we are a bit more inclusive in the services that we offer.*" (Interview 015); "*In Berlin, the governments are less strict with the national rules, for example, they don't instruct the police to enforce the Immigration legislation actively and they don't support evictions carried out by the Immigration Authority.*" (Interview no. 020).

Table 44: The policies and left-right position regarding irregular migrants' access to housing of Bonn, Berlin, The Hague, Amsterdam, Stoke-on-Trent and London

	Policies	Position local government 2018-2019
Bonn	Restrictive	Social-liberal
Berlin	Moderate liberal	Left-wing
The Hague	Moderate liberal	Centre-right
Amsterdam	Very liberal	Left-wing
Stoke-on-Trent	Moderate restrictive	Centre-right
London	Liberal	Centre-left

5.4.2 Review of the interviewees' arguments regarding party political preferences as a determining factor of norm diffusion at the local level

Aggregating the 14 different types of arguments given by the interviewees to substantiate the view that party political preferences are (not) a determining factor of norm diffusion at the local level (see 5.3), results in five different sorts of arguments that were put forward, to wit: 1) Rational arguments demonstrating on paper the outputs of the implemented local policy; 2) Personal arguments based on experiences; 3) Exemplary arguments supporting an interviewee's conviction; 4) Logical arguments supporting an interviewee's conviction, and; 5) Systems approach arguments attributing the outputs of the implemented policy and its operation to various factors that are simultaneously at play.

Rational arguments demonstrating on paper the outputs of the implemented local policy

"Arguments referring to the local government expenditures to facilitate irregular migrants" belong to this category. They were only given by a limited number of interviewees (all from NGOs/CSOs) in the Netherlands and Germany to demonstrate that the party political preferences of the government regarding irregular migrants are a determining factor of norm diffusion at the local level. In contrast, a number of interviewees in the English cities explained that "*[m]ost councillors are not aware that they cut these budgets, because it's part of a bigger whole, they don't know to what the budget lines are linked.*" (Interview no. 055).

These arguments are rational because they rely on facts that have a cause and effect. However, various studies (e.g., De Grauwe, 1985; Franklin & Carberry-George, 1999; Guillamón et al., 2013) have shown that the financial expenditure of a government is not a linear translation of their policy, let alone of their party political preferences, since the electoral and budget cycle usually do not coincide (for example, a new elected government plans the multi-annual budget for subsequent years when being already in office while they are dependent on the budget decisions of their predecessors in the first year of their term). Moreover, local governments also heavily depend on the incoming budgets from (sub)national governments to implement their policies (Guillamón et al., 2013; Ladner et al., 2016; Wainwright & Little, 2009). In addition, not all local policies, such as temporary accommodation provided by NGOs/CSOs, incur a cost for the local government and/or are visible in the government budget, such as (proactively) reporting irregular migrants. In summary, the rational arguments put forward about local government expenditure on (facilitating) irregular migrants' access to housing indeed do demonstrate a causal relationship with (part of) the local policy pursued, but this does not necessarily indicate a causal relationship with the party political preferences of the local government. Therefore, these arguments must be treated cautiously and cannot be used to conclude that party political preferences of the government are a determining factor of norm diffusion at the local level.

Personal arguments based on experiences

"Arguments regarding lobbying experiences", "arguments related to the day-to-day operation over time", and "arguments related to the creation of the local coalition agreement" are based on interviewees personal experiences, the former two given by NGOs/CSOs in the six cities studied, the latter one by politicians involved in the six relevant governments. While NGOs'/CSOs' personal reflections on the outcome of their lobbying, and politicians' personal experiences regarding concluding a coalition agreement were given to substantiate that party political preferences of the government are a determining factor of norm diffusion at the local level, NGOs'/CSOs' perceptions of the day-to-day operation over time were used to demonstrate the opposite, namely that it does not matter which parties are in charge at the local level.

Characteristic of personal arguments is that they are endogenously defined and socially constructed, and therefore intersubjective, since their origin lies in the interaction with others (Archer, 1982; Börzel & Risse, 2000; Checkel, 1998; Diez, 2004; Lund, 2017). Assuming in this study (see 2.1.1) that 'the truth' is constructed and cannot be measured objectively (Andrews, 2012; Cajera, 2019; Kuzmanić, 2009), personal arguments are certainly credible and considered valuable. Nevertheless, it should not be overlooked that they are only valid in the specific context in which they were presented, and are therefore not transferable and should not be generalised (Dimitrova & Rhinard, 2005; Gasper, 1996; Risse, 2009). Moreover, it must be taken into account that power relations can play a role in this sort of arguments (Diez, 2004; Entwistle, 2011; Kemp, 2010). For example, the politicians interviewed who told about their experiences in connection with the creation of the local coalition agreement usually only focused on the ability to persist their party political preferences, and not -or much less- on those of their coalition partner(s). In the same line, a number of interviewees from NGOs/CSOs emphasised that local policies on irregular migrants are not merely the result of the party political preferences of the local government, but (as well) the effect of their lobbying behaviour at city counsellors, that way (co-)determining the local policies.

Exemplary arguments supporting the interviewee's conviction

In all six cities studied, numerous interviewees gave examples to support their vision on the weight that party political preferences of the government have on norm diffusion at the local level. Examples concerning the personal commitment of responsible local politicians were brought by NGOs/CSOs, city and enforcement staff, and politicians, both to substantiate that party political preferences matter and are irrelevant. Also examples in which the city's operational practices are compared with other cities were advanced (only by NGOs/CSOs) to evidence both that party political preferences of the local government are determinant and do not matter at all.

Exemplary arguments have in common with rational arguments that they are facts, but they lack a causal relationship. Unlike personal arguments, they are not constructed intersubjectively, but are subjective perceptions of either agency or structure. It is therefore no surprise that interviewees gave similar or even identical examples to substantiate either that party political preferences of the government is a determining or an irrelevant factor of norm diffusion at the local level. To phrase it in Moravcsik's (2005:365) words: "selection bias disguises the truth". Since it is assumed in this study (see 2.1.2) that both agency and structure can determine the factors of norm diffusion, both the gaps in the exemplary arguments must be filled, and counterexamples should be explored to arrive at credible findings. For example, linking individual policy-makers' structure with their agency, may result in the finding that their vision is shaped by party political preferences as well as by other considerations (which is in line with the findings of e.g., Börzel (2002), Cajera (2019), and Falkner et al. (2007)). Looking at 'the truth' in this way, it is also self-evident that party political preferences are not always supported by everyone within the same party, which can lead to internal disagreements, breaks and even split-offs (as demonstrated by Sciortino (2000) and Odmalm (2011)), and/or, as one interviewee reported, to public bickering to get their point through public.

Logical arguments supporting the interviewee's conviction

"Arguments pointing at differently constituted local governments' policy" and "arguments referring to the importance attached to public opinion" were heard in the six cities studied. The first type of arguments was expressed by politicians and city and enforcement staff, to support their view that party political preferences of the government is a determining factor of norm diffusion at the local level. The latter type of arguments was mentioned also by NGOs/CSOs, but to explain that public opinion instead of party political preferences determines norm diffusion at the local level.

Both types of arguments are logical in that they are prima facie conclusive arguments, meaning that they make sense at first glance and appear to contain enough evidence to support the particular belief (Pryor, 2004). However, this sort of arguments hides many pitfalls (such as fallacies) because they do not in themselves provide hard evidence of the opinion expressed. For example, many of the "arguments pointing at differently constituted local governments' policy" are hypothetical '*if-then*' reasonings, and a significant number of the "arguments referring to the importance attached to public opinion" are circular reasonings in which the difference between cause and effect remains unclear (so-called chicken-and-egg situations). Therefore, the various concepts included in each logical argument related to public opinion were carefully distinguished in the previous section. In this way, the perceived effect(s) of party political preferences of the government on respectively policy intentions, policy decisions, and policy outcomes in operational practices were discussed separately, as these concepts

are not necessarily the same (Epstein & Mershon, 1996; Hatton, 2015; Van Der Brug et al., 2000). This, firstly, brought to light that many interviewees indeed experienced the often divergent views of political parties on irregular migrants (in line with the findings of Baldwin-Edwards (2008), Düvell (2006), Givens & Luedtke (2005), Guiraudon & Lahav (2007), Orrenius & Zavodny (2016)). Secondly, the interviewees' arguments support the research conclusions of Hix & Noury (2007), Money (2010), Odmalm (2011), Sciortino (2000) and Vollmer (2014) that (centre-)left governments advocate more liberal policies, while (centre-)right governments prefer more restrictive policies. Thirdly, by pointing to discrepancies between party political statements and decisions of the local government, the interviewees substantiated the existence of wat Cherti (2014b), de Haas et al. (2014), Hatton (2015) and Penninx et al. (2014) call the 'discursive gap' between public policy statements and the effectively pursued policy. Finally, the interviewees' arguments also confirmed (in line with Guiraudon & Lahav (2007), Lahav (2004), and Papademetriou & Banulescu-Bogdan (2016)) that residents (and NGOs/CSOs) can weigh on the policy through public opinion, although it remains unclear either of which -party political preferences or public opinion- is the proverbial chicken or the egg in these narratives.

System approach arguments attributing the outputs of the implemented policy and its operation to various factors that are simultaneously at play

In a systems approach, the interplay between all kinds of factors present at the city level are regarded as possible (co)determinants of the local policy and its operation (Cairney, 2012; Geyer & Rihani, 2010). With regard to (facilitating) irregular migrants (their access to housing), the following arguments were considered by several interviewees: "arguments that indicate the importance of a party's government representation at all tiers", "arguments based on the local government's response to sudden external shocks", "arguments indicating that relevant decisions are taken by (sub)national government(s)", and "arguments pointing at the need for pragmatism". The former two type of arguments were raised to explain why party political preferences of the local government, in certain circumstances, cannot be carried through to diffuse norms. The two latter types of arguments were put forward to clarify why party political preferences of the local government, in no circumstance, prevail when diffusing norms. NGOs/CSOs, city and enforcement staff, and politicians alike pointed to relevant decisions taken by (sub)national government(s) and to sudden external shocks, both city and enforcement staff and politicians referred to the importance of a party's government representation at all tiers, while only some politicians in Stoke-on-Trent and Amsterdam mentioned the need for pragmatism. In addition, some interviewees referred to societal changes, the local context, and the lobbying behaviour of NGOs/CSOs at city counsellors as factors that (co)determine norm diffusion at the local level. These arguments are in line with the findings of de Graauw & Vermeulen (2016) and Walgrave et al. (2006) who conclude that party political preferences is one, albeit not always a determining factor of norm diffusion at the local level.

5.4.3 Conclusion

This chapter zoomed in om the first research question: “Are political preferences of the government a determining factor of norm diffusion at the local level?”. As extensively elaborated (see 2.2.1 and 5.1.2), the starting point for answering this research question is that (centre-)left governments implement a (more) liberal policy towards irregular migrants, while (centre-)right politics implement a (more) restrictive policy towards irregular migrants (Hix & Noury, 2007; Jeffery et al., 2014; Stratham & Geddes, 2007). Since party political preferences pertain to the structure of a political party, they are often considered from a rational choice perspective (Falkner et al., 2007; Hooghe et al., 2010), assuming that party political preferences determine which decisions a party proposes and/or supports (Steunenberg, 2007). That this is not the plain case is made clear by comparing the left-right position of the relevant German, Dutch and British governments regarding irregular migrants on the social-cultural cleavage with the implemented policies, and their operation in the cities of Bonn, Berlin, The Hague, Amsterdam, Stoke-on-Trent and London.

The analyses showed that the expected answer to the research question was much more often not backed than it was confirmed. At the national level, only the right-wing Thatcher I, centre-left Balkenende IV and centre-right Rutte I governments confirmed the expected answer to the research question in accordance with their labelled position on the social-cultural cleavage with regard to irregular migrants. At the city level, the expected answer to the research question only holds true for Amsterdam, London and Stoke-on-Trent, but not at all for Bonn and The Hague, leaving Berlin probably a debatable case, as its policies are more liberal than those of the social-liberal federal government but less liberal than those of Amsterdam (also positioned left-wing) and London (positioned centre-left).

Since irregular migrants is considered a very salient topic (Baldwin-Edwards, 2008; Düvell, 2006; Givens & Luedtke, 2005; Guiraudon & Lahav, 2007; Orrenius & Zavodny, 2016), it is generally agreed (cf. Acharya, 2004; Rustenbach, 2010; Statham & Geddes, 2007) -in accordance with what Mastenbroek & Kaeding (2006:342) call a “preference-based model of decision-making”- that party political preferences are not only visible in policy outputs (i.e., implementation and operation), but also leave a clear mark on the processes and decisions leading to policies affecting irregular migrants. Therefore, 110 experts in the six cities studied were asked in a semi-structured interview about their views on the importance and role of the local governments’ party political preferences on the diffusion of norms with regard to (facilitating) irregular migrants. In 52 of the 110 interviews it was explained that party political preferences of the government determine norm diffusion at the local level. Nevertheless, 35 of these contain at the same time arguments to the contrary. In the great majority of the interviews (88 out of 110) it was argued that party political preferences are not a determining factor of norm diffusion at the local level, of which in 53 only this belief was put forward. Remarkably, of the 24 interviews with politicians, five contain the conviction of nothing but that party political preferences do not matter at the local level, compared to eight in which only the opposite was stated, and 11 in which both arguments for and against were provided.

Much more important than the number of interviewees convinced of the one or the other are the arguments presented, and their quality. Seven types of arguments were put forward to substantiate that party political preferences of the government are a determining factor of norm diffusion at the local level, and, equally, seven types or arguments were given to support the opposite. Two types of

arguments -namely “arguments concerning the personal commitment of responsible local politicians” and “arguments in which the city’s operational practices are compared with other cities”- with similar or sometimes even identical examples, were cited to demonstrate on the one hand that party political preferences matter and on the other hand do not matter. It was noticed that often different types of arguments were used depending on the interview group, which shows that all interviewees reason from their own frame of reference. For example, only NGOs/CSOs presented arguments related to the day-to-day operation over time, local government expenditures to facilitate irregular migrants, lobbying experiences, and other cities’ operational practices. Only politicians gave arguments based on the creation of the local coalition agreement and the need for pragmatism (which was, by the way, only cited by politicians in Stoke-on-Trent and Amsterdam). Both politicians and city and enforcement staff put forward arguments regarding the importance of a party’s government representation at all tiers, and differently constituted local governments’ policy, while all three interview groups provided arguments concerning the local government’s response to sudden external shocks, relevant decisions taken by (sub)national government(s), the personal commitment of responsible local politicians, and the importance attached to public opinion. In addition, it stood out that -unlike their colleagues in Germany and the Netherlands- none of the interviewees from NGOs/CSOs in Stoke-on-Trent and London brought arguments based on the local government expenditures to facilitate irregular migrants, and lobbying experiences. This, especially the latter, might indicate that the relationship between the NGOs/CSOs and their local government is different compared to that in Bonn, Berlin, The Hague and Amsterdam.

The 14 types of arguments were aggregated to five sorts, to wit: Rational arguments on paper demonstrating the outputs of the implemented local policy; Personal arguments based on experiences; Exemplary arguments supporting the interviewee's conviction; Logical arguments supporting the interviewee's conviction, and; Systems approach arguments attributing the outputs of the implemented policy and its operation to various factors that are simultaneously at play. In this way, the value of all arguments was examined so that the importance and role of party political preferences of the government on norm diffusion at the local levels of Bonn, Berlin, The Hague, Amsterdam, Stoke-on-Trent and London could be assessed.

The rational “arguments referring to the local government expenditures to facilitate irregular migrants” that were put forward, cannot be used to conclude that party political preferences of the government is a determining factor of norm diffusion at the local level, because: The financial expenditure of a government is not a linear translation of their policy, let alone of their party political preferences (De Grauwe, 1985; Franklin & Carberry-George, 1999; Guillamón et al., 2013); The six local government included in this study heavily depend on the incoming budgets of their (sub)national governments (Guillamón et al., 2013; Ladner et al., 2016; Wainwright & Little, 2009); Not all local policies incur a cost for the local government and/or are visible in the government budget.

The presented, intersubjectively constructed, “personal arguments based on experiences” (i.e., “arguments regarding lobbying experiences”, “arguments related to the creation of the local coalition agreement”, and “arguments related to the day-to-day operation over time”) are credible and considered valuable, but are only valid in the specific local context to which they relate, and thus, cannot be generalised (Dimitrova & Rhinard, 2005; Gasper, 1995; Risse, 2009). Moreover, it must be taken into account that power relations can play a role in this sort of arguments (Diez, 2004; Entwistle,

2011; Kemp, 2010). Consequently, it is deduced that party political preferences of the government: 1) Play a role in the creation of the local coalition agreement in the six cities studied; 2) Are a factor norm diffusion in Bonn, Berlin, The Hague and Amsterdam (as none of the Stoke-on-Trent and London interviewees referred to this argument); 3) Are not a factor or norm diffusion at the day-to-day operational level of any of the six cities.

Since "exemplary arguments supporting the interviewee's conviction" suffer from selection bias and, thus, are subjective perceptions, the gaps in such arguments must be filled and counterexamples explored to arrive at a credible findings. The examples that interviewees gave with regard to the personal commitment of responsible local politicians and the city's operational practices compared to other cities, on the one hand, supported the view that party political preferences of the government are a determining factor of norm diffusion at the local level, and on the other, that this is not at all the case, albeit similar and sometimes even identical examples were raised. As a result it was surmised -in accordance with the findings of e.g., Börzel (2002), Cajera (2019), and Falkner et al. (2007)- that party political preferences of the government as well as other factors determine norm diffusion in Bonn, Berlin, The Hague, Amsterdam, Stoke-on-Trent and London.

Many of the "logical arguments supporting the interviewee's conviction" turned out to be fallacies such as hypothetical 'if-then' and circular reasonings. By separating the interviewees' arguments regarding policy intentions, policy decisions, and policy outcomes in operational practices, it could be ascertained that in the six cities studied: 1) Party political preferences of the government are clearly present in parties' policy intentions through public statements; 2) The policy intentions of (centre-)left governments are more liberal, while those of (centre-)right governments are more restrictive; 3) Discrepancies between party political statements and decisions of the local government occur; 4) Residents (and NGOs/CSOs) can weigh on the policy through public opinion.

In the systems approach arguments interviewees clarified that not (only) party political preferences or the government determine norm diffusion at the local level. Other (co)determining factors that were pointed at are: 1) The composition of the government(s) at the (sub)national level(s); 2) The occurrence of sudden external shocks; 3) Decisions taken by (sub)national government(s); 4) The need for pragmatism at the local level; 5) Societal changes; 6) The local context; and 7) The lobbying behaviour of NGOs/CSOs at city counsellors.

All in all, it turns out that party political preferences of the government are a determining factor of norm diffusion in the six cities studied by means of parties' policy intentions through statements -in which, moreover, the policy intentions of (centre-)left governments are more liberal, and those of (centre-)right governments are more restrictive. Furthermore, party political preferences of the government prove to be one possible factor of norm diffusion in all six cities through local government decisions, such as through the coalition agreement. In contrast, party political preferences of the government appear not to be a factor of norm diffusion regarding (facilitating) irregular migrants (their access to housing) at the operational level of the six cities studied.

Chapter 6: Are formal competences of the government a determining factor of norm diffusion at the local level?

To answer the second research question "Are the formal competences of the government a determining factor of norm diffusion at the local level?", the theoretical framework is outlined in the first part of this chapter. After defining formal competences of the government and the associated terms room to manoeuvre and discretion, relevant academic insights are described.
The formal competences of the relevant German, Dutch and English governments in relation to the facilitation of irregular migrants' access to housing are elaborated in the second part. Although irregular migrants' access to housing is primarily shaped through immigration and housing policies, it often intersects with policies on social assistance to destitute persons, and greatly depends on the police enforcement policies.
This is followed, in the third part, by the interviewees' perceptions on the local competences, their views on the room to manoeuvre that is left for the implementation and operation of policies, and the discretion power that each of the interviewed categories (politicians, city and enforcement staff, NGOs/CSOs) experience with regard to facilitating irregular migrants' access to housing.
In the fourth and final part of this chapter, the six cities' formal competences are compared with the perceived competences, their policy regarding facilitating irregular migrants' access to housing, and the academic insights on competences and the distribution of powers.

6.1 Theoretical framework

6.1.1 Defining formal competences of the government

Formal competences refers to the policy areas over which a government has power, as laid down in law (Dahl, 1957; Hooghe et al., 2010). The formal competences granted to a local authority are either shared with the (sub)national tiers and/or are exclusive to local government through decentralisation by means of de-concentration, devolution or delegation[144] (Arlotti et al., 2018; Jensen et al., 2014; Smith & Wistrich, 2014). Formal powers thus pertain to the organisation, i.e., structure, of the political bodies that have power over residents within a particular jurisdiction, and therefore blends with the historical institutionalist perspective (Hambleton, 2011; Hooghe et al., 2010; Pollack, 2005). From this perspective it is assumed that the diffusion of norms depends on the context, the content of a norm,

[144] De-concentration means that a national government redistributes the decision-making authority and responsibility over different tiers of government, while devolution refers to the transfer of decision-making authority and responsibility to a specific subnational tier of government; In the case of delegation, a national government delegates decision-making and/or executive power to a specific tier of government or to (semi-autonomous) government bodies, while remaining responsible (Jensen et al., 2014; Smith & Wistrich, 2014).

and institutions' options. According to historical institutionalists, the main factor of norm diffusion lies in the formal competences of the involved government(s) (Hooghe et al., 2010).
When local governments are involved in the implementation of a norm, they always have a certain degree of autonomy (Hooghe et al., 2010, Jorgensen, 2012; Ladner, 2016), which varies according to the distribution of powers among the levels of government involved. For example, in case of exclusive authority, the relevant government has both the "right to decide" what will be done and the "right to act", i.e., the right to decide how to do something (Braun & Trein, 2013:344). On the other hand, when a competence is shared several governments have a say, which limits a single government's autonomy. In this context, Jensen et al., (2014:1239) distinguish between "delegation" and "transfer" of power, noting that central government can easily recall or curb delegated power with minimal costs as opposed to a transferred power. Consequently, when local governments have shared competence, and thus are involved in the implementation of a norm, they dispose of discretion through which they can (re)interpret norms and implementation measures depending on the room to manoeuvre they get (i.e., '*formal discretion*') or take (i.e., '*informal discretion*') (Jordan et al., 2003b; Oomen & Baumgärtel, 2018; Schweitzer, 2019). Similarly, also practitioners, i.e., city and enforcement staff and NGOs/CSOs, have discretion when putting a norm into practice (Acharya, 2004; Héritier, 1999; Lipsky, 1980; Penninx et al., 2014).

To scrutinise the second research question "Are the formal competences of the government a determining factor of norm diffusion at the local level?", the goodness of fit logic is wielded. This means that the starting point for answering this research question is that the more the national transposition of the Facilitators Package with regard to irregular migrants' access to housing corresponds to or the better it matches with the competences of the local actors involved, the better it should be implemented and complied with in daily practise (Börzel & Risse, 2000; Falkner et al., 2007; Treib, 2014). Conversely, the less the national transposition corresponds to or the worse it matches with the local competences, the more the implementation should deviate and the less the norm(s) should be complied with in the day-to-day operation (Garcés-Mascareñas, 2014; Hooghe et al., 2010; Jorgensen, 2012; Kagan, 2006; Scholten & Penninx, 2016; Schweitzer, 2019).
In addition, corresponding with the fourth theoretical assumption of this study (see 2.1.4), by focussing on formal competences only multi-level government is taken into account, meaning that this chapter does not deal with the interaction between the actors of the different tiers of government involved (i.e., multi-level governance).

6.1.2 Academic insights with regard to formal competences of the government

"In all democracies, power is necessarily divided to some extent between central and noncentral governments" (Lijphart, 2012:175). This so-called downwards dispersion of competences (Guiraudon & Lahav, 2000; Hooghe & Marks, 2003; Jensen et al., 2014) by sharing certain powers with local governments matches the observations of scholars who studied local policies and practices regarding irregular migrants (cf. De Graauw, 2014; Delvino & Spencer, 2017; Düvell, 2006; Gebhardt, 2016; Schweitzer, 2016). Where competences are shared between different government levels, academics agree that this leads to layering that can range from virtuous to vicious, pointing at clear versus unclear allocation of responsibilities and resources respectively (Arlotti & Aguilar-Hendrickson, 2018; Bonoli &

Champion, 2014; Cajera, 2019; Caponio, 2014; Hooghe & Marks, 2001; Scholten & Penninx, 2016). While virtuous layering results in more adequate policies tailored to the specific local context, vicious layering stimulates overlapping, lacking or opposing norm diffusion, free riding, blame avoidance and cost shifting strategies (Arlotti & Aguilar-Hendrickson, 2018; Bonoli & Champion, 2014), and may result in decoupling of policies (Scholten & Penninx, 2016). Consequently, it is expected that the more local actors experience virtuous layering of competences regarding the Facilitators Package's specifications on facilitating irregular migrants' access to housing, the better each of these local actors implements and complies with the relevant national laws.

Also the extent to which powers are distributed internally differs from country to country. This is demonstrated by Lijphart (2012) in assigning degrees of decentralisation to Western democracies, by Hooghe et al. (2010) who identified regional governments' self- and shared-rule and by Ladner et al. (2015) who measured local governments' autonomy on the basis of the European Charter of Local Self-Government. Since facilitating irregular migrants' access to housing takes place at the lowest tier of government, the level of cities, it is paramount to bear these differences in mind when answering the second research question. As outlined in 3.3.1, the internal distribution of competences was taken into account when selecting nations to be included in this study: Germany is a decentralised state in which considerable powers and responsibilities are shared or delegated from the federal to the subnational and/or local level(s) (Lijphart, 2012). Furthermore, the capacity of regional and local governments to organise themselves and to execute tasks or provide services independently (i.e., self-rule) is large, in particular concerning regional and local governments' formal autonomy (i.e., the degree to which these authorities are free to take on tasks not assigned to other levels of government) (Hooghe et al., 2010; Ladner et al., 2015); The Netherlands is a rather unitary country because certain competences are shared or delegated from the national to subnational and/or local level(s) (Lijphart, 2012). Moreover, local and regional governments' self-rule is average (Hooghe et al., 2010; Ladner et al., 2015), although municipalities score the same as their German counterparts on a number of self-rule criteria, such as formal autonomy and flexible use of financial resources from the national government (Ladner et al., 2015); England is a unitary nation in that all power remains at the central level (Lijphart, 2012) and that regional and local governments' self-rule is small (Hooghe et al., 2010; Ladner et al., 2015), although regional authorities score similar as their Dutch counterparts on a number of self-rule criteria, such as formal autonomy and flexible use of financial resources from the national government (Hooghe et al., 2010).
Following the goodness of fit reasoning that the more the national legislation corresponds to or the better it matches with the competences of the local actors involved, the better it is implemented and complied with (and vice versa), it is expected that the implementation and operation of the national legislation on facilitation irregular migrants' access to housing is least good in Stoke-on-Trent and London and best is in Bonn and Berlin.

Despite the varying degrees of power, and thus formal discretion, that the cities in the three countries studied have with regard to facilitating irregular migrants' access to housing, they have in common that their policies are shaped by their unique institutional setting of national government control over policies and budget, which gives them a certain room to manoeuvre (Cajera, 2019; Emilsson, 2015). In this context it is worthwhile to refer to Penninx et al. (2014), Spendzharova & Versluis (2013) and

Thierry & Martinsen (2018) who found that the more salient a norm, the stricter the implementation guidance of national governments is. Withal, the six local governments studied may also be confronted with conflicting norms imposed by supra- and/or (sub)national governments, such as access to basic rights, which, in that case, increases their room to manoeuvre in creating local policies (Curtis, 2016; Dörrenbächer, 2017; Jordan & Düvell, 2002; Oomen & Baumgärtel, 2018). Finally, local policies and practices may be influenced by individual policy-makers and/or practitioners using their (in)formal discretion (Barber, 2013; De Graauw & Vermeulen, 2016; Jorgensen, 2012; Leerkes et al., 2012a). In other words, the implementation and operation of the Facilitators Package with regard to irregular migrants' access to housing inevitably leaves discretion to cities to tailor this norm to the local context and/or actors' preferences (Oomen & Baumgärtel, 2018; Thomann & Sager, 2017; Treib, 2014). The room to manoeuvre and the ability to exercise discretion often provoke a principal-agent problem, through which the decision of the national level (principal) is not followed by the actors who have to implement and/or comply with the decision (Dörrenbächer, 2017; Leerkes et al., 2012a; Maynard-Moody & Musheno, 2000). A striking example of this problem is described by Lukes et al. (2019) in their review of drivers of migrant and minority housing disadvantage at the urban level in the UK. With the concept of 'slippery' discrimination they point exactly to the occurrence of both local interpretations of housing law and individual practices.

All in all, it is expected that the more room to manoeuvre and discretion local actors have, the more opportunities they have to implement and comply with the national transposition of the Facilitators Package regarding irregular migrants' access to housing. If there is no correlation between the room to manoeuvre and discretion on the one hand, and implementation and compliance on the other, this indicates a principal-agent problem.

6.2 Formal competences of the governments in the countries and cities studied

6.2.1 Formal competences of the German governments

Division of competences with regard to Germany's immigration policies

The German immigration policy (as set out in the Immigration Act) is the exclusive competence of the federal government (Article 73(3) Basic Law). While immigration policy and legislation are decided in the German parliaments (i.e., the Bundestag (consisting of national elected politicians) and the Bundesrat (comprising representatives from the 16 German regions)), its implementation is carried out by the federal Immigration Authorities (Paragraph 71(1) Residence Act). To this end, each regional government must establish at least one central Immigration Authority to deal with the eviction of expelled migrants, but may establish additional Immigration Authorities that are responsible for specific tasks (Paragraph 71(1) Residence Act).

The regional level shares responsibility with the federal government on, amongst others, people with a Toleration Certificate and refugees (Article 74(1) Basic Law). Furthermore, within the framework of the federal laws the competent regional Ministries of Interior may decree ordinances and administrative regulations for the implementation of the federal immigration policy (Article 70(1) and (2) Basic Law). In addition, Paragraph 107 Residence Act allows the German city-states (i.e., the Senates of Berlin, Bremen and Hamburg) to tailor the divisions of competences as set out in the Residence Act (for instance with regard to integration) to their specific administrative structure. In this way, Germany has a decentralised immigration implementation system (Dörrenbächer, 2017; Guderjan, 2015; Schneider, 2012), which gives regional authorities considerable room to manoeuvre. For example, the North-Rhine Westphalia (NRW) government established three central (in Essen, Bielefeld, Cologne) and numerous specialised Immigration Authorities, including one in Bonn, while the Berlin Senate set up one Immigration Authority covering the whole city-state.

German local governments do not have any competence on immigration policy (Articles 84(1) and 85(1) Basic Law), meaning that cities have no responsibility and no authoritative decision-making power regarding immigrants' residence status, their entry and residence rights, regularisation options, detainment and return (Paragraphs 71(1) and 79 Residence Act). Nevertheless, they are involved in its enforcement through civil servants' reporting obligations (Paragraph 87 Residence Act). This lack of so-called 'firewall' (i.e., measures to separate public service provisions and immigration enforcement (Crépeau & Hastie, 2015; Delvino & Beilfuss, 2021; Geddie et al., 2014)) limits city staff's discretion power. Despite regional governments can decide that this obligation is not applicable to public services subject to concurrent legislative powers -such as housing institutions (Paragraph 87 (2) Residence Act in conjunction with Paragraph 72 (1) Basic Law)- neither NRW nor Berlin so far took any action in this area. By Regulation 96.1.0.2.3 in combination with Regulation 95.1.4, NGOs/CSOs are exempted from denouncing irregular migrants to the Immigration Authorities. As a result, they have considerably more discretion than city staff with regard to facilitating irregular migrants.

Division of competences with regard to Germany's housing policies

In the broad field of housing, the German federal government has exclusive power over rental and registration legislation. For example, the Rental Price Brake (Mietpreisbremse) limiting the rise in rents of private properties (Paragraph 556d German Civil Code), and the prohibition to sublet (a part) of a dwelling without the consent of the landlord (Paragraphs 553(I) and 540(I) German Civil Code) were concluded at the federal level and are part of Germany's Tenancy Law. However, the implementation, operation and enforcement of both the rental and registration legislation is not in the hands of federal officials, but of regional and/or local civil servants as well as private landlords. It gives those involved limited room to manoeuvre and operational discretion, as they can only act freely within the national legal framework (Article 70(1) and (2) Basic Law).

With the reform of the Basic Law in 2006, the German states were given considerably more powers over housing policies (Cornelius & Rzeznik, 2014). For example, they share competence with the federal government on housing, residence and the settlement of foreigners (Article 74(1) Basic Law). In this context, the Berlin senate included in its state constitution the right to housing, although this does not include a subjective right in terms of having a claim to it (Cornelius & Rzeznik, 2014).

Cities are responsible for the implementation and operation of many housing policies and services. In addition, they are exclusively competent for social housing (Article 28(2)(1) Basic Law), with service delivery usually assigned to local government led housing offices (Cornelius & Rzeznik, 2014). Ladner et al. (2015) therefore conclude that with regard to housing German local authorities have full responsibility and authoritative decision-making powers, as their policy scope (i.e., the extent to which local government is effectively involved in the delivery of services) and effective political discretion (i.e., the extent to which local government has influence and can decide on certain policy areas). However, this is not the case in Berlin where, pursuant Paragraph 14(2) Law on Social Housing in Berlin, the regional administration is responsible for social housing. Consequently, the Berlin districts are only involved in the delivery of certain housing services.

Political responsibility on housing is taken up in Bonn by Carolin Krause (CDU) and in Berlin by Senator Katrin Lompscher (Die Linke).

Division of competences with regard to Germany's policies on social assistance to destitute persons

While decision-making power with regard to public welfare is shared between the German federal and regional governments (Article 74(1) Basic Law), the delivery of public welfare services is carried out by the local authorities. Homelessness policies, however, are left entirely to the local level (Article 28(2)(1) Basic Law). Even more, due to Paragraph 14 Regulatory Authority Act of NRW for the protection of life and health, and the Berlin State Law General Clause of the police respectively municipalities and districts are obliged to provide accommodation to homeless persons. German local governments thus have full responsibility and partial authoritative decision-making powers concerning providing social assistance to destitute persons (Ladner et al., 2015).

In Bonn, the political responsibility on social affairs is taken up by Carolin Krause (CDU), in Berlin by Senator Elke Breitenbach (Die Linke).

Division of competences with regard to Germany's police enforcement policies

The decision-making power to enforce the policies on (facilitating) irregular migrants' access to housing is shared between the German federal government and regional states. As well the NRW as the Berlin regional government refined the national legislation on police enforcement, respectively in the Police Act of the state of NRW, and the General Law for the Protection of Public Safety and Order in Berlin. In NRW, the political responsibility on police enforcement policies is taken up by minister Herbert Reul (CDU), and in Berlin by Senator Andreas Geisel (SPD).

Also the responsibility to enforce the policies on (facilitating) irregular migrants' access to housing is largely only shared between the German federal government and regional states. For example, both the federal and state police are authorised to conduct identity and residence status checks without specific cause or grounds of suspicion (Paragraph 71(4) Residence Act), and both the Immigration Authorities and state police are responsible for the detention, eviction, (forced) removal, (preparation of) deportation, and enforcement of an order to leave the territory (Paragraph 71(5) Residence Act). In this context, Zanfrini & Kluth (2008:88) note that over the years more and more human and technological resources have been deployed to enforce the Residence Act and that "[v]irtually every time a migrant gets in touch with the authorities, his or her residence status is checked.".

Local governments are only involved in the performance of operational tasks such as providing administrative data, collecting administrative fines, and reporting irregular migrants to the Immigration Authorities. They thus have only some responsibility and no decision-making powers in the area of police enforcement (Ladner et al., 2015).

6.2.2 Formal competences of the Dutch governments

Division of competences with regard to the Netherland's immigration policies

Immigration policy is the exclusive competence of the Dutch national government (Article 45 Constitution), over which the Senate and House of Representatives decide (Article 81 Constitution). The Minister of Security and Justice is responsible for its implementation (Article 1 Aliens Act). In particular, national civil servants of the Repatriation & Departure Service (DT&V) and the Immigration and Naturalisation Service agency (IND) under the Justice Department are charged with "combating illegal residence" (Article 50 Aliens Act). Because IND is an agency, these officers have more discretion than their DT&V colleagues (Andeweg & Irwin, 2009).

Although Dutch provincial and local authorities have no responsibility and no decision-making power with regard to the national immigration policy, there is the legal possibility to consult with the national government on matters that are important to them (Paragraph 2 Articles 112-122, in particular Article 113, Municipal Law). The establishment and closure of municipal bed-bath-bread facilities for irregular migrants is an example of this, as well as the National Aliens Facilities project (LVVs), which at the end of 2018 resulted in a Cooperation Agreement between the Dutch government and the Association of Dutch Municipalities (VNG), and separate Covenants between each pilot municipality (Amsterdam, Rotterdam, Utrecht, Eindhoven and Groningen) and the Ministry of Security and Justice. In this context it is worthwhile to mention that Amsterdam's alderman Rutger Groot Wassink (GroenLinks) has, as the only elected local policy-maker of the six cities studied, explicitly the topic undocumented migrants in his competence portfolio. Furthermore, municipal civil servants are involved in the enforcement of the

immigration policy when they are requested to inform the responsible Minister about irregular migrants' presence (Article 107(7) Aliens Act) and when they shelter (presumed) irregular migrants (Article 4.40 Aliens Decree). This lack of so-called 'firewall' (Crépeau & Hastie, 2015; Delvino & Beilfuss, 2021; Geddie et al., 2014) limits practitioners' discretion, although in practice this turned out not to be the case in The Hague and Amsterdam, since both rules are not operational there (see 4.6). Nevertheless, the discretion of city staff is actually hampered by the need to verify the immigration status of clients and the prohibition to provide services to irregular migrants (Article 10 Aliens Act).

Division of competences with regard to the Netherland's housing policies

Like immigration, housing is the sole competence of the Dutch national government (Article 45 Constitution). However, since the national tier promotes municipalities' effective political discretion (i.e., policy freedom) and decentralisation for the benefit of the local level (respectively Article 116(1) and 117(1) Municipal Law), and since local authorities are competent for matters pertaining to the "housekeeping of the municipality" (Article 108(1) Municipal Law), Dutch local governments have considerable decision-making power in the area of housing (Ladner et al., 2015). For example, they can introduce housing regulations -e.g., on splitting up premises (cf. Amsterdam) or renting (out) accommodation (cf. Amsterdam and The Hague)-, and take council decisions and policy measures provided that these do not conflict with the national legal framework (Article 121 Municipal Law).

Moreover, municipalities enjoy a lot of freedom to manoeuvre in the delivery of housing services, especially with regard to social housing, for which municipalities have full responsibility albeit no decision-making power to, for instance, include irregular migrants in this type of housing.

Conversely, municipalities have no freedom to manoeuvre in implementing the Dutch person-registration obligation because the tasks and responsibilities of the municipal executive board in this regard are elaborated in detail in the Basic Registration of Persons Act.

At the time the interviews were conducted, political responsibility on housing was taken up in The Hague by Martijn Balster (PvdA) and in Amsterdam by Laurens Ivens (SP).

Division of competences with regard to the Netherland's policies on social assistance to destitute persons

Dutch local authorities have full responsibility and partial decision-making powers in the area of social assistance to destitute persons (Ladner et al., 2015). With the Social Support Acts of 2007 and 2014, Dutch public welfare policies, including homelessness policies, were significantly decentralised and passed on to the municipalities (van Nijendaal, 2014). The implementation of the Social Support Act in 2015 was accompanied by reduced financial transfers from the national to the local level (ESN, 2016; van Nijendaal, 2014) and implied that nationally uniform and enforceable rights were replaced by provisions set out by the city council (van Nijendaal, 2014). While the city council is responsible for periodically drawing up a plan about the social support it will provide (Article 2.1.2 Social Support Act) and enacts ordinances for the implementation of this plan (Article 2.1.3 Social Support Act), the municipal executive board is responsible for its implementation and evaluation (Sections 2 to 5 Social Support Act). As a result, municipalities have effective political discretion and a lot of room to manoeuvre. For example, despite Article 1.1.2 Social Support Act which stipulates that irregular

migrants only have access to general services (i.e., basic provisions freely accessible to all residents of the municipality) and not to tailored support (i.e., social support based on the individual needs, personal characteristics and possibilities of a person), the municipal executive board can offer tailored services in urgent cases, pending the investigation into the eligibility of the care recipient (Article 2.3.3 Social Support Act). In addition, mayors have the power to issue orders that are necessary to maintain public order in the event of (serious fear of) public order disturbance (Article 172(3) Municipal Law).
In 2019, political responsibility on social affairs was taken up in The Hague by Bert van Alphen and in Amsterdam by Rutger Groot Wassink, two alderman from GroenLinks.

Division of competences with regard to the Netherland's police enforcement policies

Ten regional police units (of which one in The Hague and one in Amsterdam), a national unit and a Police Service Centre, which together form the Dutch police, is a national competence under the responsibility of the national government (Articles 18-24 Police Act). The national unit, the Police Service Centre, as well as the police of the regional units when enforcing criminal law and/or performing tasks for the judiciary, fall under the authority of the national public prosecutor for which the Minister of Security and Justice is responsible (Article 12 Police Act). For these police assignments all decision-making power and full responsibility rests with the Dutch government. This includes most of the activities carried out by the migrant police departments of the regional police units (AVIM) as (facilitating) irregular migrants is mainly included in the Dutch Criminal Code (see 1.1.3). When the regional police maintains public order and/or carries out relief tasks at the local level, the mayor of the relevant municipality is in charge, meaning that s/he instructs the police on how to perform their duties (Article 11 Police Act and Article 172(1) Municipal Law). S/he is accountable for this to the municipal council (Article 15 Police Act and Article 180 Municipal Law).
In addition, the mayor regularly consults with the public prosecutor and the head of the relevant regional unit in order to agree on local priorities and crime prevention. This triangular consultation creates room to manoeuvre for the local level. Via this consultation, the police in Amsterdam, for example, obtained to apply a 'free in, free out' policy whereby the residence status of victims who report a crime is not taken into account, in order to reduce the (invisible) criminality in the city. Through this approach, irregular migrants can report crimes without risking to be arrested (Delvino, 2017a; Timmerman et al., 2020; Zwart, 2017). In practice, the decision-making power and responsibility to enforce the policies on (facilitating) irregular migrants' access to housing are thus, on the one hand, split up and, on the other hand, shared between the national government and mayors.
However, at the operational level police officers have considerable discretion (Leerkes et al., 2012a). Their wide individual powers are described in Paragraph 2.2 of the Police Act and include the ability to stop persons for the purpose of checking their identity (Article 8(1) Police Act) and to enter any place to render assistance (Article 7(2) Police Act).

6.2.3 Formal competences of the UK governments

Division of competences with regard to England's immigration policies

Although the UK has no written or codified constitution, it is clear from legislation and conventions that immigration policy is the exclusive competence of the central government (Cabinet Office, 2011). While the UK parliament (consisting of the House of Commons and the House of Lords) in Whitehall has all the decision-making power (Cabinet Office, 2011), the Secretary of State for the Home Department is responsible for its implementation (Section 1(4) Immigration Act 1971). In particular, Immigration officers from the Home Office are mandated to "reduce" and "deter illegal migration" (GOV UK, 2019:par 2.2(5)(6)). Like the police, they are tasked to enforce the immigration legislation (Düvell, 2014), through which they are, amongst others, authorised to carry out searches in premises in the context of removal (Section 46 (3) Immigration Act 2016) or the imposition of a civil fine (Section 47 Immigration Act 2016).

Section 1(1) of the Localism Act 2011 gives local authorities the power to do anything an individual can do which is not specifically prohibited. Nevertheless, Schedule 12 of the Immigration Act 2016 accurately details the obligations and prohibitions for supporting immigrants by local governments, leaving them almost no room to manoeuvre. For example, local governments in England are not allowed to provide accommodation and/or subsistence in kind, cash or vouchers under Section 17 Children Act 1989, unless a plethora of conditions are met[145] (Paragraph 6A in conjunction with Paragraph 10A, Schedule 12, Section 68 Immigration Act 2016). In other words, English local governments, including the Greater London Authority (GLA), have next to no discretion due to the central government applying the ultra vires principle, meaning that the local tier can only perform the tasks that are explicitly assigned to them by law (Ladner et al., 2015).

In addition, civil servants are involved in the enforcement of the immigration policy when they are requested to inform the responsible Minister about irregular migrants' presence (Section 129 Nationality Immigration and Asylum Act 2002). This lack of so-called 'firewall' (Crépeau & Hastie, 2015; Delvino & Beilfuss, 2021; Geddie et al., 2014) limits city staff's discretion, although in practice this turned out not to be the case since public services in Stoke-on-Trent proactively contact the Home Office, and because this rule is not operational in London (see 4.7).

Division of competences with regard to England's housing policies

The UK central government has authoritative decision-making power over all housing policies applicable in England (Chapter 22 Housing and Planning Act 2016). The responsibility over housing rests with the Secretary of State for Housing, Communities and Local Government, who works with agencies and public bodies for the delivery of services. For example, the executive non-departmental public body Homes England is responsible for the delivery and financing of new build homes in England,

[145] To wit: the person is destitute (i.e., the person is needy and is not entitled to any other governmental support); And has a dependent child; And is not a failed asylum applicant; And has made an application for leave to enter or remain in the UK without having withdrawn this or it being determined; And could bring or has brought an appeal under section 82(1) Immigration Act 2016 which must not be continued from outside the UK; And the appeal is pending; And the appeal rights are exhausted; And the person did not fail to cooperate with arrangements that would enable to leave the UK; And the provision of support is assessed necessary to safeguard and promote the welfare of a dependent child (Paragraph 6A in conjunction with Paragraph 10A, Schedule 12, Section 68 Immigration Act 2016).

upgrading existing affordable homes, putting vacant homes back into use, and selling land to construction firms (MHCLG, 2017). The Regulator of Social Housing, also an executive non-departmental public body, determines the criteria that local housing corporations must meet, and controls the quality and (financial) solvency of these corporations (RSH, 2020).

English local authorities have partial responsibility and limited decision-making powers with regard to housing (Ladner et al., 2015). They are responsible for a range of housing services, mainly with regard to distributing Universal Credit and other housing benefits (Part IV Housing Act 1996), and in the field of social housing (Part VI Housing Act 1996). While the former services are usually provided by cities' Social Services, the latter mostly operate through private housing associations, which are only accountable to the Regulator of Social Housing, and in which local authorities may be one actor (Birrell & Gray, 2017; Guentner et al., 2016; Wainwright & Little, 2009). Since the Housing Act 1996 contains detailed schedules for administering and granting housing benefit (Schedules 12 and 13) and for allocating accommodation (Schedule 16), very little room to manoeuvre is left to the local level. Furthermore, the Regulation of Social Housing 2017 provides for the reduction of local authorities' influence over private housing associations, as only a maximum of 24% of the members may be representatives of the local government (Regulation 3(4)) and they, moreover, have no voting rights (Regulation 5(1)). The 12 housing corporations active in Stoke-on-Trent, as well as the 25 in London, are all private companies. Whether someone is eligible for social housing is assessed by civil servants of both cities, however, on the basis of the central government's detailed criteria. The Stoke-on-Trent and London councils thus have almost no discretion.

At the time the interviews were conducted, political responsibility on housing was taken up in Stoke-on-Trent by Randolph Conteh (City Independent) and in London by James Murray (Labour)[146].

Division of competences with regard to England's policies on social assistance to destitute persons

It is the UK central government who decides for England who may access mainstream welfare benefits (Section 7A Local Authority Social Services Act 1970), and who is eligible for social assistance (Schedule 1 Local Authority Social Services Act 1970) and homelessness services (Section 175 Housing Act 1996). However, the delivery of services and partial decision-making power rest with local governments (Section 1A in conjunction with Schedule 1 Local Authority Social Services Act 1970 and Section 179 Housing Act 1996). Thus, homelessness services and support to children in need are the direct responsibility of local governments, which gives them a degree of discretion over the nature and details of provisions (Birrell & Gray, 2017; Ladner et al., 2015). With regard to irregular migrants with children, Section 17 Children Act 1989 is important. This Section imposes in first instance a general duty on the local tier to support "children in need", even when they are destitute irregular migrants (i.e., having No Recourse to Public Funds (NRPF)) (Section 17(1) and 17(10) Children Act 1989). This general duty gives local councils discretion to whether or not support an individual child in need (Paragraph 8, Schedule 2, Section 17 Children Act 1989). Nonetheless, following UK case law of the Lords of Appeal, this discretion becomes an individual duty if failure to provide support to a child would be a breach of the European Convention for the Protection of Human Rights and Fundamental Freedom (ECHR)

[146] James Murray held this post from 2016 to 2019 and was in 2020 replaced by Tom Copley (Labour).

(UKHL, 2005). This way, destitute irregular migrants with children can have access to housing support from the local government who, however, are not recompensed for this by Whitehall (Delvino, 2017a; Price & Spencer, 2015; Sigona & Huges, 2012).

Regarding homelessness, the central government defined local authorities in England their duties with respect to intentionally homeless people, persons in and not in priority need who are not homeless intentionally, and persons who are threatened with homelessness (respectively Sections 190, 193 and 192 Housing Act 1996, and Section 1 Homelessness Reduction Act 2017). Foreigners subject to immigration control, and asylum applicants and their dependants to whom accommodation is assigned are not eligible for homelessness support (respectively Section 185 and 186 Housing Act 1996). Local authorities thus can only provide homelessness services to irregular migrant children and their parents through Section 17 Children Act 1989. In relation to the GLA, Section 224 Housing Act 1996 provides that this level (instead of the individual boroughs) may appoint a committee for any purposes of this law that the GLA believes could be better regulated and administered by means of a committee. Based on this provision, the GLA takes responsibility over rough sleeping and the London overall vision on homelessness. Borough councils in turn, are primarily responsible for homelessness services (Mayor of London, 2018a).

In 2019, when the interviews were conducted political responsibility on social care was taken up in Stoke-on-Trent by Ann James (City Independent), and in the GLA by Joanne McCartney (Labour).

Division of competences with regard to England's police enforcement policies

In addition to the national police force (consisting of national law enforcement agencies such as the National Crime Agency and special police forces, and miscellaneous police services who supervise specific local areas or activities such as ports and parks), 39 territorial police forces enforce the legislation in England (Brown, 2021; Düvell, 2014). Staffordshire Police operates in Stoke-on-Trent, the City of London Police and the Metropolitan Police Service (so-called: The Met) serve in London. While the former operates in the City of London borough, the latter operates in the other 32 boroughs (Met, 2018). Each police force acts under the responsibility of an elected Police and Crime Commissioner (Sections 1 and 4 Police Reform and Social Responsibility Act 2011), who is, amongst others, responsible for the efficient and effective police operation in the territory, appointing the Chief Constable, and establishing the police and crime targets for the area (Chapter 3 Police Reform and Social Responsibility Act 2011).

These responsibilities and decision-making power, providing substantial territorial discretion, are in the hands of Matthew Ellis (Conservative) for the Staffordshire Police, and deputy mayor for policing and crime, Sophie Linden (Labour) for the London Metropolitan an City of London Police. Nevertheless, the competence over the police is shared with the Minister of State for Crime and Policing who is responsible for issuing the policing protocol (Section 79 Police Reform and Social Responsibility Act 2011). In sum, English local authorities, except the GLA (and Greater Manchester), have no responsibility and authoritative decision-making powers in the area of police enforcement. The GLA, on the other hand, has full responsibility and partial decision-making powers with regard to police enforcement policies.

6.2.4 Comparison between the formal competences of the six cities studied

As Table 45 shows, Germany's federal structure clearly fosters decentralisation and sharing of powers between the different government tiers (Dörrenbächer, 2017; Guderjan, 2015; Schneider, 2012). Moreover, most of the financial transfers from (sub)national governments to German municipalities are unconditional (Ladner et al., 2015). That way, German local authorities have extensive formal discretion and room to manoeuvre. The Netherlands' rather unitary structure results in certain competences being split up or shared between the national and local level (Ladner et al., 2015; Lijphart, 2012). Although financial transfers from the national governments are mainly unconditional (Ladner et al., 2015), in recent years, Dutch municipalities are faced with more powers and fewer budget transfers going hand in hand (ESN, 2016; van Nijendaal, 2014). The local tier's formal discretion and room to manoeuvre is therefore strongly bound by the national government's (financial) policy (Andeweg & Irwin, 2009). The UK's unitary structure, and in particular Whitehall's highly centralised management of English local authorities, results in local governments having only limited formal discretion and room to manoeuvre, as their competences are not constitutionally guaranteed (Guderjan, 2015; King, 2015; Lijphart, 2012; Smith & Wistrich, 2014). Moreover, the local level also depends heavily on the central government financially (Lijphart, 2012), although most financial transfers they receive are unconditional (Ladner et al., 2015).

Table 45: Formal competences of the six cities studied with regard to policies on facilitating irregular migrants' access to housing

	Immigration policy	Housing policies	Policies on social assistance to destitute persons	Police enforcement policies
Bonn	No decision-making power No responsibility	Full decision-making power Full responsibility	Partial decision-making power Full responsibility	No decision-making power No responsibility
Berlin (city-state)	No decision-making power No responsibility	Full decision-making power Full responsibility	Partial decision-making power Full responsibility	Partial decision-making power Partial responsibility
The Hague	No decision-making power No responsibility	Partial decision-making power Full responsibility	Partial decision-making power Full responsibility	Partial decision-making power Partial responsibility
Amsterdam	No decision-making power No responsibility	Partial decision-making power Full responsibility	Partial decision-making power Full responsibility	Partial decision-making power Partial responsibility
Stoke-on-Trent	No decision-making power No responsibility	Limited decision-making power Partial responsibility	Partial decision-making power Full responsibility	No decision-making power No responsibility
London (GLA)	No decision-making power No responsibility	Limited decision-making power Partial responsibility	Partial decision-making power Full responsibility	Partial decision-making power Full responsibility

6.3 Are formal competences a determining factor of norm diffusion at the local level?

6.3.1 Bonn's competences regarding facilitating irregular migrants' access to housing in practice

In eight of the 18 interviews (of which two with politicians) it was stated that the Bonn government has no local competences in relation to facilitating irregular migrants' access to housing. They all agreed that "*[i]rregular migrants' access to housing is something the federal government decides on.*" (Interview no. 026). One interviewee added to this, once again, that policy-makers ignore irregular migrants, also from within their powers: "*Access to housing for irregular migrants is not a political topic that is discussed and defined, this group of persons is basically ignored at all levels of government.*" (Interview no. 072). However, nine interviews pointed to specific competences of the Bonn government in the area of housing. For example: "*Housing is determined at the local level, well most part of it, like how many social housing there is, how much is in the hands of big commercial renting firms and so on.*" (Interview no. 060). These interviewees indicated that the local government, together with the regional level, has partial decision-making power within the federal legislation and is responsible for the delivery of certain housing services: "*The regional and local level can make own legislation, in line with the federal laws (…). We have a social housing company (VeboWag) that is in charge of [social housing]. (…) we also have to provide shelter to the asylum seekers that came to Bonn.*" (Interview no. 084). On the other hand, these interviewees clarified that the city government's powers with regard to facilitating irregular migrants' access to housing are very limited: "*(…) the local government can't do anything but enforcing the legislation, punishing slumlords, but then the people who live there will be homeless and evicted as well. So on this matter the city is not doing anything.*" (Interview no. 017). In sum, most interviewees in Bonn concluded that the policies affecting (the facilitation of) irregular migrants' access to housing is determined top-down: "*[M]ost things are decided by the federal government, they tell cities what services refugees and all other groups of migrants are entitled to.*" (Interview no. 057).

Although most interviewees told that "*[t]he local policy-makers cannot go against the national policy and legislation (i.e., Politik Verflechtung) (…).*" (Interview no. 085), they also experienced that some room to manoeuvre is left to Bonn: "*Everything comes together at the local level where the policy is implemented. The people who implement the policy have to be creative, they are assigned more tasks than they can do, than they have budget for, so they use their discretionary room to manoeuvre.*" (Interview no. 084); "*(…) at the local level we try to agree on practical arrangements to make the policy work in practice.*" (Interview no. 029); "*In practice I think much is decided by people working on the ground, they define with whom they can and want to work. Also the city administration has some room to manoeuvre, although they must stay within the boundaries of the federal definitions.*" (Interview no. 084). In addition to the fact that many Bonn actors feel obliged to act within the federal legislation, the lack of sufficient financial resources, transferred from the (sub)national levels to Bonn, was cited several times as a constraint of the room to manoeuvre regarding (facilitating) irregular migrants' access to housing: "*Of course [we] have some room to manoeuvre, although this is strongly limited due to the scarce budget that comes from the federal level. The city has to add own resources to meet the minimum requirements.*" (Interview no. 084); "*(…) in reality, cities cannot make own decisions, because*

they lack the budget, they do not even receive enough money from the federal government to offer all services they have to provide. Also the Länder [regions] could do more to support cities. So there is a big difference between the competences on paper and reality. (…). There is structural underfunding of services." (Interview no. 057).

Especially Bonn politicians have the feeling that they dispose of (almost) no discretion: "*As a politician I'm only a small part of a big structure. I don't have the power to decide on the city's policy all by myself, nobody can do that, that's how democracy works.*" (Interview no. 042). In particular elected politicians belonging to the opposition felt that, within the existing structures, they cannot influence the local policy pursued: "*We also make policy proposals in the city council and in the Integration Council, but often -most of the time- these are overruled by the FDP-Die Grünen-CDU majority. (…) on paper, the Integration Council has quite some power, but the decisions are so easily -and frequently- overruled by 51% of the city council.*" (Interview no. 057); "*(…) in the opposition we cannot weigh enough on the decision-making or the political agenda setting. Therefore I align with organisations, to create a broad platform, bottom-up.*" (Interview no. 084). In addition, reference was made to the mayor's limited discretion: "*[M]ayors (Bärbel Dieckmann (SPD) since the mid-1990s, Jürgen Nimptsch (SPD) between 2009 and 2015, and now Ashok Sridharan (CDU)) are only responsible for the city staff, they cannot overrule decisions of the city council or anything like that. What they can do is influence the city staff and give key positions to the right people.*" (Interview no. 084).
Conversely, all practitioners claimed to have discretion power, which, according to some, is allotted to them by the local policy-makers: "*In Bonn, the politicians follow the German legislation, they don't go against it, but they leave us [NGOs/ CSOs] some room to manoeuvre, to agree on practical things with city staff, with school etc.*." (Interview no. 002). In general, those interviewed believe that city and enforcement staff dispose of the most discretion: "*(…) often decisions are actually taken by the administration, via their procedures (…).*" (Interview no. 084); "*The city's administration has more tools to determine the actual policy (…).*" (Interview no. 017). Nonetheless, also NGOs/CSOs in Bonn experience discretion power, often precisely because they receive no financial resources from the (local) government: "*They don't give subsidies to NGOs, so we are no part of the policy implementation system. That gives us the freedom to advocate for better legislation, to negotiate with the city administration and to help irregular migrants. We are no part of the political system, we are independent. But we are constraint by the lack of money. If we would have the resources, we would do much more to help these people.*" (Interview no. 017). Moreover, due to their (financial) independence from the governments, several NGOs/CSOs see their role as a game to be won against the decided policies: "*Within the restrictive (and increasingly more restrictive) federal framework, we try to be creative, we look for gaps, options, possibilities within the regulations. That is a hard and often frustrating job, but it gives so much satisfaction when you are able to do something for the client within this restrictive framework. Thus, we can take own decisions, we are not machines replicating policy-makers' rhetoric and decisions. We do not receive funding from any tier of government either, it all comes from private actors, also that gives us some extra margins.*" (Interview no. 072).

6.3.2 Berlin's competences regarding facilitating irregular migrants' access to housing in practice

In no less than 15 of the 19 Berlin interviews (of which three with politicians), it was affirmed that Berlin local governments (at district level) have no competences in connection to irregular migrants' access to housing: "*The local level is negligible with regard to these items, they have no power, they are not involved in the policy implementation and enforcement.*" (Interview no. 030). Some of the interviewees argued that the Berlin Senate (being a city-state) keeps the limited, specific local decision-making powers over housing to itself: "*The regional government is responsible for social housing and some other housing issues, but much of their decisions are hampered by federal legislation, for example irregular migrants are not eligible for social housing and everybody who lives in Germany has to be registered in the population register. Keeping track of the population register is the only thing where the district government is accountable for, they have to implement this federal decision.*" (Interview no. 041). Furthermore, the regional government's responsibility for law enforcement was mentioned: "*At the regional level (…) they can take only small initiatives of their own, like giving specific instructions to the police.*" (Interview no. 090). Like in Bonn, the interviewees concluded that "*[t]he policy is very much top-down organised.*" (Interview no. 097), either because "*the local and regional politicians don't have a say*" (Interview no. 090) or, as one interviewee from an NGO/CSO put it, because "*[the] regional and local governments are not strong enough to come up with compensational measures.*" (Interview no. 106).

Like in Bonn, the interviewees in Berlin repeatedly emphasised that "*(…) the lower tiers of government have to stay within the limits of the legislation and that is what they do*." (Interview no. 016). This indicates, as the interviewees also put it, that the policy with regard to irregular migrants' access to housing is running top-down. In addition, some interviewees pointed out that there is little room to influence policy from the bottom up: "*At the federal level we can only influence the policy successfully if we aim for small changes, amendments. Big decisions are beyond our reach.*" (Interview no. 014). Nevertheless, the Berlin city-state has certain room to manoeuvre. In connection to decision-making, it was stated more than once that "*[h]ere and there the regional government can add an extra measure or they have some room to interpret the federal legislation.*" (Interview no. 016). In terms of implementing federal policies it was noted that "*(…) the national policy is implemented in Berlin but the local and regional policy-makers are not always happy with it. For example, they don't hurry to implement certain schemes and procedures.*" (Interview no. 022); "*Within the limits of the federal laws –without making much fuss about it- [the regional government tries] to be creative to support irregular migrants in obtaining a legal residence.*" (Interview no. 074). Despite the room to manoeuvre, which most interviewees signalled from their own perspective, many of them pointed at the same time at obstacles, especially the lack of financial resources, to realise an own complementary local policy and/or compensatory measures: "*[W]e lack the budget to develop a full policy and we often are hindered by obstacles that are created by the federal government.*" (Interview no. 030).

According to many interviewees (politicians, city and enforcement staff, and NGOs/CSOs alike), also local policy-makers have some room to manoeuvre, be it in the delivery of services: "*At district level there is not much we can decide. Here and there we can do something small, like asking NGOs who work with volunteers to organise basic services such as night shelters and health care.*" (Interview no. 014); "*(…) local policy-makers always have some room to interpret the legislation. For example, the*

districts are responsible for the implementation of the homeless services. Here in [name of district] the emergency shelter doesn't ask for people' s residence status." (Interview no. 015); "*Some local policy-makers have creative ideas to circumvent some measures of higher authorities, but they lack (…) the competences to go against decisions from higher authorities.*" (Interview no. 073).
One interviewee summarised Berlin's room to manoeuvre aptly: "*Here in Berlin the local and regional government closely work together. However, they don't have real decision-making power on most issues in relation to housing and immigration. They cannot go beyond the federal legislation, they only can use their limited room to manoeuvre in the implementation of the federal decisions. This means that the regional and local governments sometimes complement federal legislation with by-laws or additional actions or don't give too much priority to implementing or enforcing certain federal decisions. It's kind of a known game between the different tiers of government.*" (Interview no. 107).

Individual policy-makers' discretion seems very limited, and only few interviewees mentioned it. Like in Bonn, especially elected politicians from the opposition felt their opinion and proposals are easy to ignore. Yet, one politician explained how s/he believed policy-makers can be influenced: "*As elect in [name of district] I try to use my influence to persuade the policy-makers to take the right decisions, although I'm not a part of the local government coalition. I'm more or less the expert within the party when it comes to housing and I have quite some influence because I was [function within the party].*" (Interview no. 090). In this context, a remarkable example was cited about the mayor's discretion relative to responsible senators', regarding a proposal from the administration: *[W]hen I started working here (…) I noticed that [name of district] didn't have a counselling centre for homeless people. Back then, Die Linke [Senator Breitenbach] was responsible for social affairs and she didn't agree to start such a counselling centre. The mayor, from SPD [Michael Müller], did agree with our proposal. We still don't have a counselling centre…*" (Interview no. 015). This example seems to indicate that the mayor of Berlin has no say in the policy choices of the relevant portfolio holders.
City and enforcement staff's discretion is seriously hampered by the duty to report irregular migrants (Paragraph 87(2) Residence Act). However, at least in one Berlin district, this obligation is circumvented because "*[o]ur whole department except for our migration & integration services are public bodies, thus civil servants (…). Therefore, we can offer services also to irregular migrants. If it is not relevant in connection to their question to us, we don't ask for people's residence status.*" (Interview no. 073). Since NGOs/CSOs are not bound by the duty to denounce irregular migrants most of them experience having considerable discretion, which is, furthermore, -according to many interviewed NGOs/CSOs- supported by the Berlin governments: "*The regional government doesn't prohibit us anything and we don't have to report irregular migrants because we are not civil servants.*" (Interview no. 016); "*As street-level bureaucrats we have quite some room to manoeuvre, for example we don't have to report our cases. We look for possibilities to regularise the stay of people whom the Immigration Authority turned down and we often get what we aimed for. About 75% of our cases end up with a positive result.*" (Interview no. 041); "*We cannot change the laws of course, but we promote the interpretation of the legislation that offers the most opportunities (…).*" (Interview no. 089). Unlike in Bonn, only one NGO/CSO in Berlin attributed their great discretion to the fact that they are not bound (e.g., by receiving money) to the local or regional government: "*We can take all our decision independent because we don't depend on anyone.*" (Interview no. 037).

6.3.3 The Hague's competences regarding facilitating irregular migrants' access to housing in practice

In six of the 18 interviews it was said that The Hague's local government has no competences regarding (facilitating) irregular migrants' access to housing. However, it was immediately added that the burdens of the national policy often end up at the local level, for example: "*The Hague has no specific policy on irregular migrants, because that's the responsibility of the national government. If the national government fails to take the necessary measures (see Chavez-case[147]), the burden often come down to municipalities.*" (Interview no. 069). Also the ten interviewees who referred to specific local competences made clear that the decision-making power regarding (facilitating) irregular migrants' access to housing lies with the national government, while part of the implementation is left to the local tier. However, it was often added that "*the reality is not that black and white. Often, municipalities, especially the G4[148], are involved in the decision-making process.*" (Interview no. 009). Furthermore, reference was made to the local responsibilities regarding social services for destitute persons, such as homelessness provisions (Interview no.043; 070), which the city not only derives from the national government but also from "*humanitarian considerations as included in international treaties which the Netherlands has approved.*" (Interview no. 069). The most frequently cited local power concerns the mayor's duty to maintain public order and safety, which was usually mentioned together with tackling overcrowding and The Hague's bed-bath-bread (BBB) facility for homeless irregular migrants: "*It's the local government's responsibility to maintain public order and safety. On the basis of this responsibility the local government has implemented our Housing Control Service as well as the BBB facility. The latter will close down [by the end of 2019] as there is now a national solution.*" (Interview no. 061). Indeed, not only specific local competences to facilitate irregular migrants' access to housing, but also to counteract it were brought forward by several interviewees active in The Hague. For example: "*The police and the Housing Control Service enforce the national legislation on overcrowding, the former might as well enforce the immigration legislation, but they don't carry out this assignment actively, only when they come across irregular migrants, they sometimes bring them to a detention centre.*" (Interview no. 009).

Although the interviewees differed in views on the extent to which, they all explained from their particular perspective that The Hague city council has room to manoeuvre: "*[W]hen municipalities implement the national decisions, they usually have some room to manoeuvre, to implement it the way that fits best for the municipality.*" (Interview no. 009); "*[M]unicipalities have room to manoeuvre when it comes to implementing the legislation. For example, (…) the criteria used to give homeless persons and families access to homeless shelters and provisions, or the quality of care and support that can be given by organisations.*" (Interview no. 070). Moreover, most of the interviewed politicians, and city and enforcement staff found that their room to manoeuvre is usually sufficient to elaborate and carry out the desired implementation within the legal framework: "*Most of the time we can work with the*

[147] The Chavez Case concerns the CJEU judgment in case C-133/15 about an irregular TCN responsible for the primary daily care of her minor child with Dutch nationality. The Grand Chamber ruled that the refusal of residence to the single parent implied that the child is also obliged to leave the EU, which is in violation of Article 20 TFEU on EU citizenship. Through this judgment, the EU Member States are obliged to give legal residence to a TCN parent who is responsible for the primary daily care of a child with EU citizenship.

[148] G4 refers to the four largest cities in the Netherlands, to wit: Amsterdam, Rotterdam, The Hague and Utrecht.

decisions taken at the national level, we have enough space to implement the policy in line with our local needs." (Interview no. 012). NGOs/CSOs, on the other hand, mentioned rather which room to manoeuvre the local level has when operating within an undesired national policy framework. For example: "*If municipalities want to go beyond the national policy, they have to create a platform, have to form an alliance with all or the biggest municipalities, like G4 or, better, via VNG [Association of Dutch Municipalities].*" (Interview no. 039). In many interviews in The Hague, not only the room to manoeuvre when implementing national decisions locally was brought up, but also cities' room to be involved in national decision-making processes. For example, several references were made to the Dutch consensus model, the so-called 'Polder model': "*Decisions are taken on the national level, but usually there are negotiations with municipalities and advice from NGOs before decisions are taken.*" (Interview no. 068); "*On paper there is cooperation between the municipalities, the national government and other stakeholders. But in the end it's the national government who takes the decisions and the municipalities who interpret these decisions. So everybody can still do a bit as they prefer.*" (Interview no. 108).

It was raised multiple times: "*No one in The Hague can take decisions on [irregular migrants] by him- or herself. You always need cooperation between the street, administration and policy-maker(s).*" (Interview no. 035). Many interviewees remarked that the individual discretion of politicians is very limited, as it is always exercised in tandem with city and enforcement staff: "*Without agreement between the policy-makers and city administration there is no decision on whatever policy. Policy-makers are tied, on the one hand to the administration, and, on the other hand, to national government decisions. [The city administration] always consults with [the responsible policy-maker(s)]. [Policy-makers] will never take a decision without consulting [the city administration] first. "* (Interview no. 069). Elected opposition councillors felt they weight too little to influence the political agenda, and concluded that "*it's better –more successful- to talk individually with the responsible policy-makers, out of the political spotlights.*" (Interview no. 070). City and enforcement staff, on the other hand, are said to have a great deal of discretion. Within a number of departments this freedom seems to be filled according to the individual civil servant's taste, while other departments use a common assessment framework: "*(…) the division of opinions within the executive board pushes through in the administration, resulting in a loose, non-integrated approach (…).*" (Interview no. 031); "*However, it's still part of [enforcement staff's] individual discretion to arrest or ignore irregular status.*" (Interview no. 068); "*Within the administration we use since many year the Value Triangle: is the policy/ practice good for the targeted persons, for our city services, for The Hague's society? That is how most decisions are taken, together with the responsible vice-mayor(s).*" (Interview no. 009). The discretion experienced by NGOs/CSOs in The Hague, finally, appeared to be strongly related to receiving resources from the local government: "*[W]e don't want any governmental subsidies, because we want to remain independent.*" (Interview no. 010); "*To a limited extent [we have discretion]. However, we depend on funding (…) from the local government.*" (Interview no. 043); "*[W]e [from the administration] will try to convince and persuade these organisations to reduce their [shelter] offer towards irregular migrants, we won't force them. They are free to organise their service the way they want, but the municipality won't give them grants anymore [when het LVV pilot project in Rotterdam starts] for supporting irregular migrants.*" (Interview no. 069).

6.3.4 Amsterdam's competences regarding facilitating irregular migrants' access to housing in practice

Like in The Hague, only in six of the 18 interviews it was said that the local government has no competences in relation to (facilitating) irregular migrants' access to housing. This view was supported more than once by referring to disagreements between the Amsterdam and national government over the enforcement of the country's immigration policy, such as: "*This left-wing coalition stands up against the national government, they openly don't agree, for example they are in a conflict regarding evictions of irregular migrants, something the local government can't act against because they lack the competences to do so.*" (Interview no. 001). Specific local competences were mentioned in the other 12 interviews. The mayor's decision-making power over public order and safety was quoted most often and was seen by many as the legal basis for the Programme Undocumented: "*The whole policy is based on the mayor's duty to safeguard public order and safety (…).*" (Interview no. 036). In this context, one interviewee remembered that the Programme Undocumented is extra-legal beneficiary policy, meaning that the Amsterdam city council has no specific authority and obligation regarding irregular migrants' accommodation, while offering shelter by the city is not prohibited either: "*The BBB shelters from the recent past, as well as the Programme Undocumented is municipal non-statutory policy, which means that [the city council] can introduce these policies as there is no law that prohibits these policies.*" (Interview no. 083). Another specific power of the mayor, to be carried out on the basis of a Mayor's Order, concerns the compulsory admission to a psychiatric institution of mentally ill people living on the street. As one interviewee explained: "*[T]he Custody Act (...) allows forced admission to a mental institution, [via a Mayor's Order, the city] can grant mental ill irregular migrants access to a psychiatric institution (...).*" (Interview no. 083). Furthermore, a couple of other specific local responsibilities concerning the delivery of services were summed up, such as social housing (Interview no. 005) and social assistance to destitute persons (Interview no. 036; 088). Indeed, "*since 2015, municipalities have been responsible for youth care, work and income, and care for the long-term sick and elderly. But the national government is still the sole responsible actor for immigration policy.*" (Interview no. 104). As in The Hague, but in contrast to Bonn and Berlin, only a minority of the interviewees believed that the policies affecting (the facilitation of) irregular migrants' access to housing merely flows top-down onto the local level. Statements such as: "*It is pretty much the national government who decides everything in relation to irregular migrants: they make the laws and they keep the purse.*" (Interview no. 007) contradicted other opinions such as: "*I wonder whether the local policy is really determined top-down, I don't feel it that way at the moment.*" (Interview no. 062).

As in The Hague, all interviewees in Amsterdam experienced room to manoeuvre at the local level with regard to facilitating irregular migrants' access to housing. Often their particular vision on the extent of this room was shaped on the basis of the interviewee's knowledge of the National Aliens Facility (LVV) pilot project that was concluded between the national and local government in 2018 and started in 2019. For example: "*[T]he [LVV pilot] Agreement between Amsterdam and the Secretary of State was bilaterally negotiated. This approach was chosen after numerous attempts to let the cities agree with the national policy vision on the reception of irregular migrants. Only in 2018 (…) did the national government allow for different pilots in different cities, letting the cities try out their solutions to address the national problem.*" (Interview no. 080); "*(…) even the pilot with Dublin claimants had to be negotiated and approved by the national government, although they don't pay for it, it's solely an*

initiative of Amsterdam." (Interview no. 008); "*[M]ost things are discussable with the national government. For example, although the national government doesn't support Dublin claimants, the Amsterdam local government is allowed to set up a specific LVV trajectory with this group.*" (Interview no. 081). As in The Hague, several interviewees referred to Amsterdam's partial decision-making authority as a result of the Dutch Polder model to arrive at consensus-driven policy decisions: "*[T]he national government (…) has to negotiate their policies with the local level because municipalities have to implement their decisions. Both levels need each other, they depend on each other for the realisation of their aims and policies.*" (Interview no. 081). Also concerning Amsterdam's responsibility in the delivery of services to irregular migrants, certain room to manoeuvre within the national legislative framework was reported, for example: "*Here in Amsterdam we offer more services to irregular migrants and refugees and our approach is comprehensive and personal. It's what Amsterdam adds to the national policy, but it doesn't go against the national approach and legislation.*" (Interview no. 034). Nevertheless, some interviewees indicated that this room is hampered by the increasing issue salience regarding irregular migrants and the city's financial dependence on the national government: "*(…) the national government pays more attention to this topic, they influence the public opinion in a negative way. They also become more active in decision-taking on this issue. As a result the Amsterdam government's room to manoeuvre is getting smaller. They are bound by the national legislation and the national government's money.*" (Interview no. 007). One interviewee summarised the three ways in which Amsterdam deals with their room to manoeuvre concerning policies affecting the facilitation of irregular migrants' access to housing as follows: "*Sometimes we don't apply certain policy (like the prohibition to squat), sometimes we stretch the limits (e.g., with the Programme Undocumented through which we also offer non-statutory policy), sometimes we are able to negotiate a compromise with the national government (e.g., the LVV Pilot with Dublin claimants).*" (Interview no. 104).

As in the other cities, Amsterdam politicians are believed to have next to no discretion, especially when they fill the opposition benches: "*The current local coalition has a big majority, they are strongly attached to one another, it's difficult to form an opposition against them, so we have to address them more frequently via the media. The media are a neutral and reliable source of information to the public.*" (Interview no. 081). On the other hand, various issues on which city and enforcement staff decide independently were enumerated, such as type of support given to irregular migrants (Interview no. 034; 083). Finally, the NGOs/CSOs interviewed generally found that they have a lot of discretion, either at the operational level and/or in shaping Amsterdam's policy. While some interviewees' feeling relies on being financially independent from the local government (Interview no. 087; 088), others inferred their great discretion from being involved in decision-making processes at the local level, as this NGO/CSO amply explained: "*We actively participated in the process of drawing (…) the Programme Undocumented. We were given a lot of room to discuss and co-create this Programme. We got a lot of responsibility from the local government to create and implement the Programme Undocumented, this has a democratising effect.*" (Interview no. 101).

6.3.5 Stoke-on-Trent's competences regarding facilitating irregular migrants' access to housing in practice

In 13 of the 17 interviews it was bluntly stated that the Stoke-on-Trent government has no decision-making power at all and has no responsibility over services to irregular migrants, for example: "*All major decisions are taken by the central government. They implement the policy via contracts and the Home Office. There are no other actors involved in the whole policy process.*" (Interview no. 078); "*Local politics isn't important in the UK, because local politicians have nothing to say, they don't have any power or relevant competences.*" (Interview no. 094). The only specific competence of the Stoke-on-Trent authority mentioned, concerns the duty to support destitute irregular migrants with children who have no recourse to public funds (NRPF), so-called Section 17 cases: "*[T]he city council has to execute some decisions regarding NRPF*." (Interview no. 027). Some interviewees added to this that "*[t]he council only has to shelter destitute families temporary when there is a real and short-term perspective on solving their irregular stay, for example if they want to return voluntary to their home country.*" (Interview no. 105). In addition, these interviews usually echoed that "*[t]here are no other statutory duties put on the local government concerning access to housing for irregular migrants.*" (Interview no. 050). In other words, all interviewees agreed that policies affecting (the facilitation of) irregular migrants' access to housing run top-down, as one interviewee recapped: "*The decisions are taken in London by politicians living in London, far away from local reality. They don't interact with local organisations or city councillors.*" (Interview no. 092).

In general, all interviewees in Stoke-on-Trent felt that "*[the] room to manoeuvre regarding housing and sheltering of irregular migrants is very limited.*" (Interview no. 053). Moreover, the prevailing view seemed that the local tier cannot influence the decision-making by the central government and that the city council at most can try to comply with their legal obligations regarding the provision of services for which they have been made responsible: "*We are bound by the central government, there is nothing we can do outside the laws and regulations. (…) we can't do more.*" (Interview no. 048). The most often cited reason for the limited room to manoeuvre is, as in Bonn and Berlin, the lack of financial transfers from the central level: "*All decisions and implementation schemes are (…) made in Whitehall. The implementation is left for the local level, but there is little room to manoeuvre due to the lack of budget.*" (Interview no. 055); "*We don't receive enough money from the central government to deal with the consequences of the dispersal policy [concerning asylum seekers]. The same goes for Section 17 cases. We are obliged to let no one sleep rough, but we don't get enough resources to implement this statement. We have to write our own strategy, taking the available resources into account, which means that there is no room for our own accents, for implementing our own policy priorities. The only thing we can do is try to meet our obligations as good as possible. (…) Last year, an evaluation showed that the support that Stoke gives to [Section 17] children is insufficient. The city council is forced to reverse this practice, but they lack the money to do much more. It's a dilemma for the city: on the one hand there is this legal obligation, but on the other hand there is also the budgetary reality.*" (Interview no. 025). However, not everyone considered the limited financial capacity as (the only) obstacle to the lack of manoeuvring by Stoke-on-Trent's city council. A second reason, also frequently cited -even by politicians- is a lack of expertise (skills and knowledge) at the local level. For example: "*It certainly is true that most policy is London centric, but the city council could be more creative. (…) some [councillors] are on a career ladder: If your income depends on it, it reduces your*

choices to decide freely. We don't challenge the central government enough. However, (…) we need a charismatic leader for that." (Interview no. 025); "*(…) local councils [have] some room to manoeuvre. But as the legislation is very complex and detailed national schemes have to be implemented, the city council is made dependent on experts, which is the local administration, it's them who use the scarce room to manoeuvre.*" (Interview no. 055). Finally, a number of blames and accusations flew back and forth between NGOs/CSOs on the one hand and politicians and city and enforcement staff on the other. Furthermore, a number of politicians, and city and enforcement staff pointed to the local residents to explain their lack of (using the) room to manoeuvre: "*You know it takes a generation to change people's attitudes and the policy. The sad thing is that people's current attitudes, e.g., on Brexit, are not informed. Many Stoke citizens still think the UK is an empire, they deny the reality.*" (Interview no. 025). Some NGOs/CSOs concluded that "*local councillors' power is weak, they don't protest, they don't form a platform to raise their voice against national decisions. Therefore the best way I can describe the organisation of policy on irregular migrants is as disconnect.*" (Interview no. 018).

Like in the other cities studied, it was indicated in Stoke-on-Trent that individual politicians have next to no discretion. But, more than in the other cities, policy-makers seem to heavily depend on the city administration: "*Policy-makers, both coalition members and opposition, can write letters to the city administration and contracted firms to question certain bad practices. (…) the administration plays an important role. The best way of making things done is through good relations between administration and councillors.*" (Interview no. 025). As a matter of fact, all interviewees agreed that city and enforcement staff have the most discretion and claim full power over the local policies and service provisions because they have more expertise than the policy-makers: "*(…) it's the city administration who interprets and sets out the schemes [of the central government] in practice. As far as I'm aware, they are not instructed by the local politicians, these matters are too complex for them, they trust the civil servants.*" (Interview no. 050); "*Here in Stoke the administration works too independent from politics. The administration should advice, the politicians should decide. But there are too many powers delegated to the offices.*" (Interview no. 025); "*(…) the administration is more powerful, unlike politicians they don't come and go, they are experts in their field (…).*" (Interview no. 105). Several NGOs/CSOs perceived civil servants' individual discretion as unjust and explained how they try to counter this, for example: "*I often have arguments with [name of service] (…). Sometimes I win, but not always. There are some good, reasonable people working in the [administration], but some have become immune for the situation these refugees are in.*" (Interview no. 050); "*[The police] sometimes shows up in the church (…) when the food bank is organised. They try to intimidate the asylum seekers. This is uncoordinated, they are not instructed to do so. When this happens, I intervene and try to send them away.*" (Interview no. 091). Nevertheless most NGOs/CSOs experience substantial operational discretion, and freedom in what they advocate for because they do not receive any governmental funding, although the central government imposes, also on them, quite a lot of organisational regulations: "*(…) we don't have to rely on any government money. All the things we do, we do independently, we are free to give our blunt opinion to everybody, free to help (…) as good as we can without having to ask permission to anyone.*" (Interview no. 092); "*(…) we decide autonomously. With regard to sheltering and accommodation irregular migrants we have to rely on our befriended organisations. As a charity organisation we need to comply with a lot of rules, for example, we must have an income for staff for three months on our account, that is not always easy.*" (Interview no. 053).

6.3.6 London's competences regarding facilitating irregular migrants' access to housing in practice

"*With regard to irregular migrants the local council is powerless.*" (Interview no. 100) was expressed in various wordings in 13 of the 20 interviews. However, giving it a second thought and breaking London down into the GLA and the borough councils, most interviewees listed a number of specific competences such as the GLA's power to elaborate the city's policy on rough sleeping (Interview no. 023), the boroughs' competence to decide on by-laws regarding tenancy law (Interviews no. 004; 049; 051; 100), and the boroughs' responsibility to provide social housing services (Interviews no. 082; 099), homelessness services (Interview no. 099), and assistance to destitute irregular migrants with children who have NRPF, the so-called Section 17 cases (Interviews no. 023; 040; 047; 051; 058; 075; 082; 099; 100). Nonetheless, as in Stoke-on-Trent, the London interviewees' overall conclusion was that all policies and all measures to be implemented locally in relation to (facilitating) irregular migrants' access to housing run top-down: "*It is the central government who takes all the decisions and often also sets up implementation schemes for the local councils. They never involve local authorities in their decision-making. The policy is dropped on municipalities top-down.*" (Interview no. 099).

Since the central government was widely perceived as "*the only actor determining the immigration policy for the whole country [England].*" (Interview no. 071) it is no surprise that the GLA's and boroughs' room to manoeuvre was seen by all interviewees as limited: *"At the local level they have to deal with the budget and the policy that is set by the central government, they have almost no room to manoeuvre.*" (Interview no. 111). Although the GLA has been given more rights to consult with the central government through the Localism Act 2011, this was not recognised as such. One interviewee even spoke of sham-power: "*Only once a year all London boroughs together can submit a local Bill to the central government, but only about the issues on which all boroughs agree. This so-called power is a pig in a poke (…) because it doesn't lead to any real powers to make own policies and we always remain bound to the budget that is allocated to us nationally.*" (Interview no. 038). Almost all interviewees imputed London's limited room to manoeuvre -in addition to the lack of decision-making power- entirely to the inadequate financial transfers from the national to the local tiers of government, for example: "*At the local level they are tied with their hands and feet to the policy of the central government, they neither have the power nor the resources to formulate and implement any own policy.*" (Interview no. 013); "*The local authority neither has the power nor the budget to formulate a policy on (irregular) migrants' access to housing. Because of the austerity measures, the central government and the local authority rely more and more on charities.*" (Interview no. 021). The fact that the austerity measures weigh very heavily both on the local governments' responsibility to provide homelessness services, and on support to Section 17 cases was very often discussed at length, as well as the implementation schemes with regard to both duties, which have been elaborated by the central government and on the basis of which the city councils must fulfil their obligations. Both obstacles were, moreover, cited as reasons why local authorities often fail to provide needed services to Section 17 cases: "*Although the council needs to support Section 17 cases, they lack the means to help everyone, that is why they sometimes try to scare of families by suggesting inappropriate accommodation outside London.*" (Interview no. 051); "*At the local level we have to carry out the decisions that are agreed by the central government. With regard to Section 17 cases, we don't receive any budget to implement the legislation, there even isn't a scheme for the correct implementation,*

which makes our job more difficult, that is why we've set up and fund Project 17. We have to be careful with our spending and thus we have to reject quite some cases of people who actually need support." (Interview no. 100).

"*With regard to the implementation at the local level (so everything that is not outsourced by the Home Office) only the administration has some individual discretion. Local councillors have almost no say in the policy decisions from the central government.*" (Interview no. 099). Politicians' very weak discretion was confirmed by the interviewed responsible policy-makers: "*As a politician I always have to convince and persuade the other councillors, I can't take any decision just by myself.*" (Interview no. 100). politicians belonging to the opposition benches admitted that "*my role is limited to representing people's individual cases.*" (Interview no. 082). In contrast, almost all interviewees were convinced that city and enforcement staff have a lot of operational discretion: "*In practice most of the decisions are taken within the administration.*" (Interview no. 004). For example, they decide whether someone is eligible for homelessness provisions and they assess Section 17 cases, although "*they are sometimes overruled by judicial reviews.*" (Interview no.099). In addition, many NGOs/CSOs interviewed indicated that the administration's discretion is not only limited by judicial review, but much more by the lack of financial resources at their disposal. This was said to be far more important than the city and enforcement staff's personal views: "*The administration has a certain degree of discretion, but they can't really use it because they lack the resources to do more than the absolute minimum.*" (Interview no. 047); "*[M]uch of [the administration's] discretion is inspired by practical incentives such as the lack of budget. It is always unclear whether frontline social workers are directed by their supervisor(s) and/ or act from their own beliefs.*" (Interview no. 058). Also NGOs/CSOs explained that they have operational discretion, more than once assuming this is due to their independent structure as a trust or charity: "*Charities and independent organisations however, can stretch the limits a bit, that is why we often use broad terms to disguise a bit the exact target group we work for and with.*" (Interview no. 013); "*[W]e are not bound by any government, we are an independent charity, steered by a board of trusties.*" (Interview no. 071). Nevertheless, also with the NGOs/CSOs available budget as well as legislation play an important role which hampers their discretion: "*Within the limits of our budget and with agreement of our board we are free to take our own decisions. Of course, we also have to take the legislation into account.*" (Interview no. 019). Furthermore, some NGOs/CSOs that receive subsidies from the city council signalled that because of these funds their operational discretion is inhibited by the relevant local government influencing their action radius: "*We receive a limited budget from several city councils to provide legal advice services. But they don't fund us to go against the decisions taken by their administration, the legal review of cases is something organisations and the migrants have to pay for themselves. [However] for us it is important to ask for a review when a case is not assessed correctly (…).*" (Interview no. 075).

6.3.7 Comparison between the competences in daily practice of the six cities studied

The interviewees' input to the question whether formal competences are a determining factor of norm diffusion at the local level did not result in a straightforward yes or no because... . Rather than listing specific local competences, the interviews provided a picture of the local government's room to manoeuvre as well as the discretion available to the three categories of respondents (politicians, city and enforcement staff, and NGOs/CSOs). The interviewees explained how they experience the division of powers on matters that influence facilitating irregular migrants' access to housing at the local tier when legislation and policies are implemented and operate in day-to-day practice. That way, the powers informally appropriated (instead of formally conferred) with regard to irregular migrants' access to housing, and the extent to which these powers are used in each of the six cities studied, could be outlined. Table 46 summarises the decision-making powers and responsibilities to provide services per city, based on the narratives of the interviewees.

Table 46: Competences in the daily practice of the six cities studied with regard to policies on facilitating irregular migrants' access to housing

	Immigration policy	Housing policies	Policies on social assistance to destitute persons	Police enforcement policies
Bonn	No decision-making power No responsibility	Limited decision-making power Limited responsibility	Limited decision-making power Limited responsibility	No decision-making power No responsibility
Berlin (city-state)	No decision-making power No responsibility	Limited decision-making power Limited responsibility	Limited decision-making power Limited responsibility	Partial decision-making power Partial responsibility
The Hague	No decision-making power No responsibility	Partial decision-making power Partial responsibility	Partial decision-making power Partial responsibility	Partial decision-making power Partial responsibility
Amsterdam	No decision-making power No responsibility	Partial decision-making power Partial responsibility	Partial decision-making power Partial responsibility	Partial decision-making power Partial responsibility
Stoke-on-Trent	No decision-making power No responsibility	No decision-making power Limited responsibility	No decision-making power Partial responsibility	No decision-making power No responsibility
London (GLA)	No decision-making power No responsibility	Limited decision-making power Partial responsibility	Limited decision-making power Partial responsibility	Not discussed in the interviews

6.4 Discussion: The importance and role of formal competences on norm diffusion at the local level

6.4.1 Comparison between cities' formal competences and their competences as perceived in daily practice

Part 6.3 revealed that, in the context of facilitating irregular migrants' access to housing, cities' formal competences -defined as the policy areas over which a government has power as laid down in law (Dahl, 1957; Hooghe et al., 2010)- are often not the same as the competences that actors at the local level experience. In other words, there are gaps between the legally assigned competences and the competences as perceived in day-to-day practice by the six cities studied.

Comparing Table 45 (see 6.2.4) with Table 46 (see 6.3.7) shows that these gaps are not situated in the policy areas of immigration (for which none of the six cities is competent and perceives itself to be competent) and police enforcement (for which Berlin, The Hague and Amsterdam have and perceive themselves to have exactly the powers that are granted to them, while Bonn and Stoke-on-Trent have neither decision-making power nor responsibility and both perceive this as such)[149]. In contrast, in the context of facilitating irregular migrants' access to housing, there are clear gaps in the broad policy fields of housing and social assistance to destitute persons. As Table 47 demonstrates, all cities except London experience having less decision-making power and less responsibility on housing than is legally assigned to them. And all cities experience having less decision-making power over social assistance to destitute persons, as well as all cities but The Hague and Amsterdam experience having less responsibility in this policy area than is formally conferred to them.

Remarkably, viewed per country, the two cities feel to have the same degree of competence, except in England. While most interviewees in Stoke-on-Trent perceive having no decision-making power and limited responsibility on housing policies, the interviewees in London felt having more authority in this field, namely limited decision-making power and partial responsibility (which corresponds to their formal competences). Similarly, most interviewees in Stoke-on-Trent experienced having no decision-making power and partial responsibility with regard to assistance to destitute persons, while the London interviewees felt having more authority in this field, namely limited decision-making power and partial responsibility (although both cities formally have partial decision-making power and full responsibility over assistance to destitute persons).

It is thus relevant to look beyond the formal competences to answer the second research question (whether formal competences are a determining factor of norm diffusion at the local level). Just as laws and policies on paper are not the same as policies in practice -as established by many researchers (cf. Düvell, 2006; Garcés-Mascareñas & Penninx, 2016; Guiraudon & Lahav, 2007; Hertogh, 2009)- competences on paper appear not to be the same as the perceived (and deployed) powers at the local level. This aligns with Jordan et al. (2003b), Oomen & Baumgärtel, (2018), and Schweitzer (2019) who distinguish formal (i.e., regulated or permitted) from informal (i.e., daily routines developed against the regulations) discretion. The room to manoeuvre experienced by the interviewees may explain the difference between formal and perceived competences. While Sigona & Hughes (2012) point at two

[149] In London, which formally has partial decision-making power and full responsibility for police enforcement, the interviews did not uncover how the power for this policy area is perceived. Therefore, this aspect is not addressed further in this study.

factors for this, namely the transfer of financial resources to work on the relevant policy locally and the national policy's degree of detail, Lipsky (1980) ascertains that, apart from available resources (time and money), the degree of vagueness, complexity or contradictions in the national laws and regulations is also an explanatory factor. In many interviews, it was discussed extensively what hinders the room to manoeuvre and the discretion of local actors. In Bonn, Berlin, Stoke-on-Trent, and London reference was mainly made to lack of resources transferred from the national to the local level while in Amsterdam it was emphasised that the city is financially too dependent on the national government. Furthermore, in Bonn, Berlin, and Stoke-on-Trent also strict regulations were said to hamper the room to manoeuvre. Finally, obstacles decreasing the room to manoeuvre were also attributed to increasing issue salience at the national tier (Amsterdam) and inadequate expertise at the local level (Stoke-on-Trent).

Table 47: Comparison between cities' formal competences and their competences as experienced in daily practice regarding housing and social assistance to destitute persons

	Housing policies		Policies on social assistance to destitute persons	
	Formal competences	**Perceived competences**	**Formal competences**	**Perceived competences**
Bonn	Full decision-making power Full responsibility	Limited decision-making power Limited responsibility	Partial decision-making power Full responsibility	Limited decision-making power Limited responsibility
Berlin (city-state)	Full decision-making power Full responsibility	Limited decision-making power Limited responsibility	Partial decision-making power Full responsibility	Limited decision-making power Limited responsibility
The Hague	Partial decision-making power Full responsibility	Partial decision-making power Partial responsibility	Partial decision-making power Full responsibility	Partial decision-making power Partial responsibility
Amsterdam	Partial decision-making power Full responsibility	Partial decision-making power Partial responsibility	Partial decision-making power Full responsibility	Partial decision-making power Partial responsibility
Stoke-on-Trent	Limited decision-making power Partial responsibility	No decision-making power Limited responsibility	Partial decision-making power Full responsibility	No decision-making power Partial responsibility
London (GLA)	Limited decision-making power Partial responsibility	Limited decision-making power Partial responsibility	Partial decision-making power Full responsibility	Limited decision-making power Partial responsibility

6.4.2 Comparison between cities' policies and their competences as perceived in daily practice

Part 6.3 divulged that the six cities studied experience having no decision-making power and no responsibility regarding immigration policy. In this field none of the cities, except Stoke-on-Trent that proactively contacts the Home Office, elaborated own policy. Also in other policy areas in which it is felt having at the local level no decision-making power and no responsibility, no local policies have been developed in the cities concerned (this is the case in Bonn and Stoke-on-Trent with regard to police enforcement). However, the interviews also exposed that each local actor decides independently whether and to what extent to comply with the (sub)national immigration and -where relevant- police enforcement policy. In the six cities it was said that politicians, especially those filling the opposition benches, have next to no discretion. City and enforcement staff, on the other hand, are believed to have the most discretion at the local level, except in Berlin where NGOs/CSOs were named as disposing of most discretion. NGOs/CSOs perceive that their degree of discretion is linked to whether or not receiving government support: The greater their financial independence, the more discretion they experienced to have -except in Berlin and Amsterdam where NGOs/CSOs believed having great discretion regardless of the financial support received from the local government.
In the two other, broad, policy areas -housing and social assistance to destitute persons- the six cities developed own policies and practices in accordance with their experienced competences. The cities' policies with regard to facilitating irregular migrants' access to housing (see chapter 4) combined with their perceived competences is presented in the tables below by country to increase transparency and to meet the quality requirements of credibility and transferability. Because the transposition of the Facilitators Package resulted in legislation that differs from country to country, local policy and local perceived competences are indeed not comparable across the three countries involved.

Except with regard to police enforcement, Bonn and Berlin have the same competences. Both cities experience the same (limited) degree of decision-making power and responsibility regarding housing and social assistance to destitute persons. Yet, the local policy and operational practice on facilitating irregular migrants' access to housing differs significantly from each other in both cities. As Table 48 shows, with regard to housing policies the main difference is that in Bonn all housing services exclude irregular migrants, while in Berlin some are inclusive through applying a "don't ask, don't tell" strategy. With regard to social assistance to destitute persons Bonn excludes irregular migrants from the winter and emergency shelters for homeless people (financed) by the local government, while this is not the case in Berlin. Although both the NGOs/CSOs interviewed in Bonn and Berlin provide advice and offer temporary shelter to irregular migrants, this happens more frequently and to a larger group of irregular migrants in Berlin than in Bonn. According to the interviewees in Berlin, this is because they are (financially) and feel (similar vision) supported by the local and state government. In contrast, most NGOs/CSOs in Bonn indicated that they are not supported by the local government (neither financially nor in terms of a parallel vision), leading several of them to see their mission as a game to be won against the implemented policies.

Table 48: Comparison between the local policies in Bonn and Berlin and their competences as perceived in daily practice

Immigration policy		
	Local policies	**Perceived competences**
Bonn	- No local policy (NGOS/CSOs do not refer irregular migrants to official city services due to their duty to report).	No decision-making power No responsibility
Berlin (city-state)	- No local policy (some city services apply a "don't ask/ don't tell" strategy).	No decision-making power No responsibility
Housing policies		
	Local policies	**Perceived competences**
Bonn	- The city's housing services are not inclusive to irregular migrants; - High compliance of landlords' obligation to ensure tenants' registration; - No irregular migrants live in social housing.	Limited decision-making power Limited responsibility
Berlin (city-state)	- Some of the city's housing services are inclusive to irregular migrants; - High compliance of landlords' obligation to ensure tenants' registration; - No irregular migrants live in social housing.	Limited decision-making power Limited responsibility
Policies on social assistance to destitute persons		
	Local policies	**Perceived competences**
Bonn	- Many NGOs/CSOs give advice to irregular migrants; - Some NGOS/CSOs provide temporary shelter to irregular migrants in exceptional cases; - Irregular migrants are excluded from winter and emergency shelters for homeless people (financed) by the local government.	Limited decision-making power Limited responsibility
Berlin (city-state)	- Many NGOs/CSOs give advice to irregular migrants; - Several NGOs/CSOs provide temporary shelter to irregular migrants; - Several churches grant "church asylum" with the authorities understanding; - Irregular migrants have access to winter and emergency shelters for homeless people (financed) by the local government.	Limited decision-making power Limited responsibility

Police enforcement policy		
	Local policies	**Perceived competences**
Bonn	- No local policy (facilitating irregular migrants' access to housing is not actively enforced by the regional police).	No decision-making power No responsibility
Berlin (city-state)	- Facilitating irregular migrants' access to housing is not actively enforced by the police.	Partial decision-making power Partial responsibility

The Hague and Amsterdam have the same competences and both cities experience the same (partial) decision-making power and responsibility regarding police enforcement policies, housing policies, and policies on social assistance to destitute persons. As displayed in Table 49, in both cities, facilitating irregular migrants' access to housing is neither actively enforced by the police nor by the cities' Housing Control Service. Other local housing policies and practices affecting irregular migrants' access to housing are also similar in both cities. Only The Hague's and Amsterdam's local policies and practices on social assistance to destitute persons differ considerably from each other. While some irregular migrants in The Hague may have access to temporary shelter during winter, Amsterdam provides 500 bed-bath-bread plus guidance (BBBB) places for a maximum period of 18 months. In addition, only some NGOs/CSOs and private persons in The Hague, compared to many in Amsterdam, offer temporary shelter to irregular migrants. The main difference between The Hague's and Amsterdam's local policy and practices is thus not law enforcement, but the extent to which is invested to set up local initiatives to facilitate irregular migrants' access to housing. It is clear that both cities differ in their view on supporting irregular migrants: While several interviewed policy-makers in The Hague argued being able to elaborate their vision without problem within the national framework, most interviewees in Amsterdam noted that the local government regularly disagrees with the national policy and (sometimes also publicly) goes against the national government.

Table 49: Comparison between the local policies in The Hague and Amsterdam and their competences as perceived in daily practice

Immigration policy		
	Local policies	**Perceived competences**
The Hague	- No local policy (the police is not informed when sheltering an irregular migrant).	No decision-making power No responsibility
Amsterdam	- No local policy (the police is not informed when sheltering an irregular migrant).	No decision-making power No responsibility

Housing policies		
	Local policies	**Perceived competences**
The Hague	- Facilitating irregular migrants' access to housing is not actively enforced by the Housing Control Service; - Irregular migrants can easily access private housing; - Some irregular migrants (sub-)rent social housing.	Partial decision-making power Partial responsibility
Amsterdam	- Facilitating irregular migrants' access to housing is not actively enforced by the Housing Control Service; - Irregular migrants can easily access private housing; - Some irregular migrants sub-rent social housing.	Partial decision-making power Partial responsibility
Policies on social assistance to destitute persons		
	Local policies	**Perceived competences**
The Hague	- Most city services and many NGOs/CSOs give advice to irregular migrants; - Until May 2019 the city offered free BBB shelter, thereafter referred to LVV Rotterdam; - In winter time, some irregular migrants may have access to temporary shelter; - Some NGOs/CSOs and private persons offer temporary shelter.	Partial decision-making power Partial responsibility
Amsterdam	- Most city services and many NGOs/CSOs give advice to irregular migrants; - The city offers BBBB (replaced by LVV), access to winter shelters, and to other accommodation for very urgent reasons; - Many NGOs/CSOs and private persons offer temporary shelter.	Partial decision-making power Partial responsibility
Police enforcement policy		
	Local policies	**Perceived competences**
The Hague	- Facilitating irregular migrants' access to housing is not actively enforced by the police.	Partial decision-making power Partial responsibility
Amsterdam	- Facilitating irregular migrants' access to housing is not actively enforced by the police.	Partial decision-making power Partial responsibility

Stoke-on-Trent and London have the same competences, except with regard to police enforcement. Nevertheless, both cities perceive the degree to which they have decision-making power and responsibility regarding housing social assistance to destitute persons quite differently. As can be seen in Table 50, the two cities mainly have distinct local policies and practices regarding assistance to destitute persons. As with the two Dutch cities studied, an important difference between Stoke-on-Trent and London concerns the extent to which the local governments and NGOs/CSOs invest in and set up temporary housing initiatives. In Stoke-on-Trent much less such initiatives are offered compared to London. Most interviewees in Stoke-on-Tent attributed this to the lack of sufficient financial resources. However, this argument was also frequently heard in London. The big difference between the two cities, that emerged from the interviews, is that many non-funded NGOs/CSOs in Stoke-on-Trent see their role as a game to be won against the implemented policies (like in Bonn), while NGOs/CSOs in London feel to be supported (financially and/or through a shared vision) by the local government and/or GLA (like in Berlin). In addition, both cities differ significantly in their local immigration policy, an area in which neither city has decision-making power and responsibility. While London has no own immigration policy, public services in Stoke-on-Trent proactively contact the Home Office. This makes Stoke-on-Trent the only one of the six cities studied that, on its own initiative, has elaborated a (restrictive) immigration policy locally.

Table 50: Comparison between the local policies in Stoke-on-Trent and London and their competences as perceived in daily practice

Immigration policy		
	Local policies	**Perceived competences**
Stoke-on-Trent	- Public services ask migrants' ID and proactively contact the Home Office.	No decision-making power No responsibility
London (GLA)	- No local policy (the Home Office is not proactively contacted).	No decision-making power No responsibility
Housing policies		
	Local policies	**Perceived competences**
Stoke-on-Trent	- Irregular migrants can easily access private housing; - Irregular migrants do not live in social housing.	No decision-making power Limited responsibility
London (GLA)	- Irregular migrants can easily access private housing; - Irregular migrants also sub-rent social housing.	Limited decision-making power Partial responsibility

Policies on social assistance to destitute persons		
	Local policies	**Perceived competences**
Stoke-on-Trent	- Not everybody who provides advice is officially authorised to do so; - In some situations, the local government supports Section 17 cases (very narrow application of Section 17); - When SWEP is in effect, some irregular migrants may have access to winter shelters; - Some NGOs/CSOs offer, in certain cases, temporary accommodation.	No decision-making power Partial responsibility
London (GLA)	- Not everybody who provides advice is officially authorised to do so; - Many Section 17 cases are supported by the local governments (varying application of Section 17 per borough); - Irregular migrants have access to various homelessness and emergency shelters organised by both the local government and NGOs/CSOs (varying access to homeless and winter shelters per borough).	Limited decision-making power Partial responsibility
Police enforcement policy		
	Local policies	**Perceived competences**
Stoke-on-Trent	- No local policy (facilitating irregular migrants' access to housing is not actively enforced by the police).	No decision-making power No responsibility
London (GLA)	- Facilitating irregular migrants' access to housing is not actively enforced by the police.	Not discussed in the interviews

6.4.3 Conclusion

The starting point for answering the second research question "Are the formal competences of the government a determining factor of norm diffusion at the local level?" is rooted in the historic institutionalism perspective and is based on the goodness of fit logic. From this logic it was expected that the more the national transposition of the Facilitators Package with regard to irregular migrants' access to housing corresponds to or the better it matches with the competences of the local actors involved, the better it should be implemented and complied with in daily practise (Börzel & Risse, 2000; Falkner et al., 2007; Treib, 2014). Conversely, the less the national transposition corresponds to or the worse it matches with the local competences, the more the implementation should deviate and the less the norm(s) should be complied with in the day-to-day operation (Garcés-Mascareñas, 2014; Hooghe et al., 2010; Jorgensen, 2012; Kagan, 2006; Scholten & Penninx, 2016; Schweitzer, 2019). It soon became clear that this expectation was not confirmed: Part 6.2 demonstrates that Berlin possesses the most and Stoke-on-Trent the least formal powers regarding facilitating irregular migrants' access to housing (see 6.2.4), while the local policy in Berlin deviates significantly from the national framework and Stoke-on-Trent's local policy is closely aligned to the central government's regulations (see 4.7 and 4.10). The expectation turned out not to be simply the reverse either, because although The Hague and Amsterdam, for example, have the same decision-making powers and responsibilities regarding policies that affect the facilitation of irregular migrants' access to housing, both cities have different policies and practices, with Amsterdam being further removed from the national regulations than The Hague.

Since irregular migrants' access to housing often intersects with policy areas like homelessness, childcare, and public order and safety, cities' formal competences on immigration policy, housing policies, policies on assistance to destitute persons and police enforcement policy were mapped in part 6.2. This made clear that relevant powers in the three countries involved are to a greater or lesser extent shared between the (sub)national and local authorities -except in the area of immigration policy-, which leads to layering that can range from virtuous to vicious (Arlotti & Aguilar-Hendrickson, 2018; Bonoli & Champion, 2014; Cajera, 2019; Caponio, 2014; Hooghe & Marks, 2001; Scholten & Penninx, 2016). All interviewees in the six cities studied agreed with Stratham & Geddes' (2007) conclusion that immigration policy is determined top-down. Since none of the six cities has any competence over immigration, none of them, except Stoke-on-Trent, elaborated any local policy in this field. Remarkably, despite the full responsibility lies with the national authorities, neither the German, Dutch and British government actively enforce their immigration policy in the cities studied. With regard to the other three policy areas, most interviewees in Berlin, The Hague and Amsterdam demonstrated that the allocation of responsibilities and resources in the domain of police enforcement is pretty clear, and thus virtuous, as they perceived to have exactly the same powers than formally conferred to them (Bonn and Stoke-on-Trent have neither decision-making power nor responsibility in this area, and in London this topic was not discussed). In contrast, most interviewees in the six cities studied established that the allocation of responsibilities and resources in the broad fields of housing and assistance to destitute irregular migrants is rather unclear, and thus are variations of vicious layering. It was expected that the more local actors experience virtuous layering of competences regarding the Facilitators Package's specifications on facilitating irregular migrants' access to housing, the better each of these local actors implements and complies with the relevant national laws. It is

therefore not surprising that precisely in these two domains, where variations of vicious layering were experienced, cities develop own policies and practices that deviate from the national norms. This prospect was derived from the academic findings that vicious layering increases cities' room to manoeuvre and local actors' discretion, and opens the door to overlapping, lacking or opposing norm diffusion, free riding, blame avoidance and cost shifting strategies (Arlotti & Aguilar-Hendrickson, 2018; Bonoli & Champion, 2014), which may result in decoupling of policies (Scholten & Penninx, 2016). Moreover, part 6.3 contains several examples from all cities, except The Hague, of decisions concluded at state level (principal) that are not followed by the actors who have to implement and/or comply with these decision (agents), which points at principal-agent problems (Dörrenbächer, 2017; Leerkes et al., 2012a; Maynard-Moody & Musheno, 2000).

In summary, this chapter shows that formal competences of the government are not a determining factor of norm diffusion at the local level inasmuch local policies on irregular migrants' access to housing are in the six cities studied based on the perceived local competences. The goodness of fit logic does not hold true: The implementation and operation of the national legislation affecting the facilitation of irregular migrants' access to housing turned out not to be the best in Berlin followed by Bonn, and the least good in Stoke-on-Trent followed by London.

The expectation that the more local actors experience virtuous layering of competences, the better each of these local actors implements and complies with the national norms was not debunked, although this could only be assessed regarding police enforcement policies in Berlin, The Hague and Amsterdam. However, the reverse, namely that the more local actors experience vicious layering of competences, the less well each of these local actors implements and complies with the national legislation, was extensively confirmed in the six cities studied.

The room to manoeuvre and the discretion local actors feel to have could only be compared between cities in the same country because legislation in the three states involved differs considerably from each other. The expectation that the more room to manoeuvre and discretion local actors have, the more opportunities they have to implement and comply with the national transposition of the Facilitators Package was only confirmed in the opposite direction by the interviewees. In all six cities, many interviewees explained extensively which policies and practices they were unable to implement as a result of their room to manoeuvre and discretion being hindered by: 1) The lack of resources transferred from the national to the local level (Bonn, Berlin, Stoke-on-Trent, London); 2) Strict regulations (Bonn, Berlin, Stoke-on-Trent); 3) Issue salience at the national tier (Amsterdam); 4) Inadequate expertise at the local level (Stoke-on-Trent), and; 5) Financial dependence on the national government (Amsterdam).

Finally, in Berlin, Amsterdam and London multiple examples indicating a principal-agent problem between the local and national tier of government were given, while several NGOs/CSOs in Bonn and Stoke-on-Trent demonstrated a principal-agent problem between their organisation and the local and/or national government, as they saw their role as a game to be won against the implemented policies. Such problems were and remain assumed to point to the absence of a correlation between room to manoeuvre and discretion at the one hand and implementation and compliance at the other. In order to ascertain whether this assumption holds true, it is necessary to look beyond multi-level government and consider multi-level governance as well. That is exactly what the next two chapters zoom in on.

Chapter 7: Is the mode of governance that leads to operationalisation a determining factor of norm diffusion at the local level?

To answer the third research question "Is the mode of governance that leads to operationalisation a determining factor of norm diffusion at the local level?", the theoretical framework is outlined in the first part. Firstly, the mode of governance that leads to operationalisation and the aspects closely related to it are defined. This is followed by an overview of relevant academic insights regarding the actors that determine the mode of governance, and on governance principles and mechanisms. Finally, it is outlined how the mode of governance that leads to operationalisation is measured in this study.
On the basis of the interviews, the second part specifies the mode of governance that leads to operationalisation in each of the six cities studied. To this end, the mutual contacts and interactions between city and enforcement staff, NGOs/CSOs, and local politicians are scrutinised as well as the interviewees' experiences and perceptions of the contacts and interactions between these three categories of actors, which are considered to form together the task-specific local governance structure regarding facilitating irregular migrants' access to housing.
The third part examines per city whether the mode of governance that leads to operationalisation is a determining factor of norm diffusion at the local level. The interviewees' views on the local policies' success, the instruments used locally to steer the local governance, and the interviewees' responses regarding local governance changes over time serve as a backbone to address this question.
In the fourth and final part of this chapter, the six cities' mode of governance that leads to operationalisation is compared with their policies on facilitating irregular migrants' access to housing, and with the academic insights on norm diffusion.

7.1 Theoretical framework

7.1.1 Defining the mode of governance that leads to operationalisation

The core of 'mode of governance that leads to operationalisation' is governance, pointing at the joint exercise of political power and the use of institutional resources to achieve binding norms (Gribnau, 2009; Hooghe & Marks, 2003). Operationalisation, in turn, indicates that the governance is situated on the horizontal dimension, specifically the local level, where norms diffuse sideways (Guiraudon & Lahav, 2000; Hooghe & Marks, 2003; Jensen et al., 2014; Van der Leun, 2006). From an intra-territorial approach (i.e., focussing on one particular jurisdiction), the interactions between actors representing the local government and actors representing residents in implementing and developing local policies and day-to-day practices are characteristic of local governance (Andeweg & Irwin, 2009; Hambleton, 2011; Schweitzer, 2016; Smith & Wistrich, 2014). In other words, governance that leads to

operationalisation is in this study understood as the mutual interactive process between elected politicians, city and enforcement staff, and NGOs/CSOs that are active at the local level. The occurrence and nature of the interactions within the local governance structure (i.e., between all actors involved in the facilitation of irregular migrants' access to housing) shape the specific mode of local governance (Caponio, 2014; Hooghe & Marks, 2003; Wolffhardt et al., 2005). Accordingly, the frequency, intensity and way of interacting at the local level, as well as the city resources invested in cooperation, coordination and output delivery must be scrutinised (Harlow & Rawlings, 2007; Schimmelfennig & Sedelmeier, 2004; Skelcher, 2005; Stratham & Geddes, 2007).

The third research question "Is the mode of governance that leads to operationalisation a determining factor of norm diffusion at the local level?" is grounded in multi-level governance, but is also embedded in other perspectives from which Europeanisation is examined. Five of the seven identified aspects that may explain implementation outputs seem relevant to answering this research question, to wit: Issue saliency, administrative capabilities, public opinion, interest groups, and veto-players. Taking those five aspects together, it is reasoned that the more frequent and intensive the interactions, and the more city resources are invested in facilitating irregular migrants' access to housing, the more the operational practice(s) are diffused bottom-up -meaning, uploaded from the street-level to the local government. Conversely, the less frequent and intensive the interactions, and the less city resources are invested, the more the operational practice(s) are diffused top-down -i.e., downloaded from the local government to the operational field.
Issue saliency, administrative capabilities and public opinion are assumed to determine together the frequency and intensity of the interactive process and the investment of resources at the local level (Lahav, 2004; Thierry & Martinsen, 2018; Versluis, 2003). Because irregular migrants is a high salient issue (Cherti, 2014b; Givens & Luedtke, 2005; Jordan & Düvell, 2002; Merlino & Parkin, 2011; Provera, 2015; Triandafyllidou & Bartolini, 2017), it is assumed to generate much (political and public) attention and investment of local resources (Thierry & Martinsen, 2018; Versluis, 2003; Winter, 2014). Administrative capabilities are the resources (money, knowledge and skills) that may be used for cooperation, coordination and output delivery (Matland, 1995; Stråth, 2003; Wolffhardt et al., 2005). Public opinion may influence the way of interacting, although several scholars point at a discursive gap between political statements and the actually implemented policies (de Haas et al., 2014; Hatton, 2015; Penninx et al., 2014). Actors organise as one or more interest groups when the burden(s) and/or benefit(s) are concentrated, which is the case with (facilitating) irregular migrants (Bloch & Chimienti, 2011; Carrera et al., 2018; Chimenti, 2011; Dedja, 2013; Vollmer, 2014). Hence, it is expected that interest groups are present in each of the six cities studied and that these are trying to influence the implementation and operation of policies affecting irregular migrants' access to housing through visible initiatives (Börzel, 2006; Cowles et al., 2001; Treib, 2014). Finally, each local governance structure includes veto-players, i.e., actors whose agreement is necessary to come to a decision (Börzel, 2002; Falkner et al., 2007; Tsebelis, 2002). Because of their extensive knowledge and experience in the field, and because they are necessary actors for the operation of local policies, and, moreover, have discretion (Dörrenbächer, 2017; Ellermann, 2007; Lipsky, 2010; May & Winter, 2009; Maynard-Moody & Musheno, 2000; Thierry & Martinsen, 2018), local practitioners can be stronger veto-players than the local government actors. Consequently, it is anticipated that with regard to irregular migrants' access to housing the operational practice(s) are diffused bottom-up.

7.1.2 Academic insights with regard to the mode of governance that lead to operationalisation

At the local level, where the facilitation of irregular migrants' access to housing ultimately operates, many different actors -each with their own agency and structure(s)- can be identified (Archer, 1982; Cajera, 2019; Schweitzer, 2017). To arrive at a credible and consistent picture of a city's mode of governance, a pressing question is which actors should be considered as the local governance structure. Several academics emphasise that crucial knowledge, such as mutual (power) relations, remains hidden when focussing only on formal institutions (Helmke & Levitsky, 2004; Héritier, 1993; Hooghe & Marks, 2001). With regard to the local level, they point at task-specific horizontal structures, comprising local government and non-governmental actors who are involved in the policy processes because of their expertise, initiative(s) and/or specific function or job (Cajera, 2019; Harlow & Rawlings, 2007; Hooghe & Marks, 2003; Skelcher, 2005). In such a structure, the actors are dependent on each other and the mutual (power) relationships are determined by the actors' relevant expertise (Cajera, 2019; Hooghe & Marks, 2003). A task-specific horizontal structure is often considered to democratise policy processes through participation (Harlow & Rawlings, 2007) and to bring forth innovative and efficient solutions (Cajera, 2019; Maes & Bursens, 2015; Skelcher, 2005). Yet, many scholars note that a task-specific horizontal structure usually consists of several interest-sharing networks or coalitions that either aim for consensus building or for winning the battle from the alleged opponents (Börzel, 1997; Falkner, 2000; Harlow & Rawlings, 2007; Sørensen & Torfing, 2005). In the former case, researchers have documented that NGOs/CSOs tend to collaborate with the local government to gain influence and access to resources (e.g., Cajera, 2019; Schweitzer, 2016; Van der Leun, 2006), while local governments incline to involve non-governmental actors out of a "pragmatic urge", for example to obtain information about migrant groups (Caponio, 2014; Vermeulen et al., 2016; Zapata-Barrero et al., 2017:3). Nevertheless, consensus-oriented actors who compromise on the basis of reciprocity and/or quid pro quo bargaining ('give and take') to protect their own interests often arrive at suboptimal decisions satisfying no one really, which Scharpf (1988; 2006) calls a 'joint decision trap'. In a competitive task-specific horizontal structure, veto-players will pull the decision-taking strings while the actual outputs of a decision may be contradictory, absent, contain gaps, etc. (Börzel, 2002; May & Winter, 2009; Schimmelfennig & Sedelmeier, 2004; Tsebelis & Ha, 2013). In this context, the academic literature agrees that the fewer supportive actors there are in a local governance structure, the higher the need for steering by a formal or empirically accepted legitimate actor to ensure that the decided policy is carried out (Cajera, 2019; Maes & Bursens, 2015; Sørensen & Torfing, 2005). Conflict-oriented actors unwilling to carry out a decision, as well as actors who are not involved in the interaction process, may become alienated from the policy, meaning that they turn away and/or decouple from the norm to be complied with (Ellerman, 2007; Panizzon & van Riemsdijk, 2018; Scholten & Penninx, 2016; Schweitzer, 2016; Spencer, 2018; Tummers, 2011). According to Tummers (2011:562) this policy alienation consists of five dimensions, to wit: "Strategic powerlessness" (i.e., the feeling of not being able to influence decisions and policy content); "Tactical powerlessness" (i.e., the feeling of not being able to influence how decisions and policy content should be implemented); "Operational powerlessness" (i.e., the feeling of not being able to influence how decisions and policies are enforced); "Societal meaninglessness" (i.e., the feeling of not being able to influence public debate and opinion regarding norms, policy frames and discourses), and; "Client meaninglessness"(i.e., the feeling that the addressees of the decision are not taken into account).

Consequently, studying a task-specific horizontal structure is complex, as the interactions and perceptions of the many actors involved in a local policy process must be brought to view. However, focussing only on a task-specific horizontal structure implies excluding actors who are not directly involved in local policy processes, such as non-governmental service providers who stand aloof from local governance. By doing so, the mode of governance that lead to operationalisation would be narrowed down to the specific way in which a local government implements policies (Scholten & Penninx, 2016; Schweitzer, 2016; Spencer, 2018). In order to obtain the fullest possible picture of what actually happens in daily practice, the voices of actors who facilitate irregular migrants' access to housing but who have decoupled from local policies and local governance are also taken into account in this study. Therefore, both politicians, city and enforcement staff, and NGOs/CSOs working with irregular migrants regardless of their interaction with the local government were interviewed to include their views in determining a city's mode of governance that leads to operationalisation.

As well academic insights pertaining to governance as to implementation literature are essential to understand and explicate the mode of governance regarding irregular migrants' access to housing at the level of individual cities. While governance theories shed light on the principles and mechanisms of cooperation, implementation approaches help to get insight in governance patterns, such as actors' strategies, that may explain patterns of governance (Sedelmeier, 2007; Smith & Weber, 2007).
The degree of "good governance", which the European Commission promotes since its 2001 White Paper on European governance (EC, 12/10/2001:7), is generally measured on the basis of five principles: 1) Transparency (clarity of the governance process for both insiders and outsiders); 2) Legitimacy (the degree to which the governance process and its participants are (legally) recognised and accepted); 3) Accountability (the extent to which participants in the governance process (can) take responsibility); 4) Effectiveness (successfulness of the governance process), and; 5) Coherence (consistency of the governance process) (Biermann et al., 2009; Gribnau, 2009; Hamerdinger et al., 2008; Harlow & Rawlings, 2007; Smith & Weber, 2007).
Governance mechanisms, or compliance strategies, are the power and resources that a government deploys to implement and enforce compliance with a norm (Maier & Schimmelfennig, 2007; Mastenbroek, 2005; Thomann & Sager, 2017). As elaborated in chapter 1 (see 1.2.3), governance mechanisms can be divided into three categories: "normative, coercive and remunerative" strategies (Etzioni, 1975:5). Normative strategies rely on normative means, such as a common desired target, to convince or socialise the addressees of a norm to comply (Checkel, 2001; Matland, 1995). Coercive strategies employ coercive means, such as court decisions, to enforce a norm (Blauberger, 2014; Börzel & Risse, 2012; Burley & Mattli, 1993). Finally, reward strategies use incentives to encourage desired behaviour (so-called 'carrots', such as subsidies), or to discourage undesirable behaviour (so-called 'sticks' such as criminal sanctions) (Börzel & Risse, 2012; Pace, 2007; Smith & Weber, 2007). These three strategies complement each other and are often combined by governments (Sedelmeier, 2007).

Governance patterns -such as the strategies that the actors involved in a governance process use to interact with each other, to reach joint decisions, and to achieve compliance- are extensively described in the implementation literature. While most academics agree that the actors involved in a particular local governance structure are interdependent (e.g., Börzel, 1997; Cajera, 2019, Falkner et al., 2007; Jensen et al., 2014; May & Winter, 2009; Pollack, 2005; Thierry & Martinsen, 2018), their views on how

actors interact, and arrive at joint decisions and outputs differ considerably depending on the perspective from which Europeanisation is studied (see Table 4, 1.2.4). Bargaining, voting and delegating are put forward by rational choice scholars as modes of interaction (Falkner et al., 2007; Steunenberg, 2007), while from a multi-level governance and historical institutionalism perspective bargaining, persuasion and deliberation are considered actors' mode of interaction (Axelrod, 1984; Pollack, 2005; Smith & Weber, 2007), and sociological institutionalists focus only on persuasion and deliberation (Checkel 2001; 2003; Diez, 2004). Checkel (2001:563; 2003) has elaborated in particular on argumentative persuasion in governance processes and defines five situations in which an actor is more open to it, to wit, when the actor: Is in a new and unfamiliar environment; Has few deep-rooted own beliefs that are inconsistent with what the persuader states; Considers the persuader as an authoritative person within the governance structure; Regards the persuader as someone who "acts out principles of serious deliberative argument" instead of someone who demands or gives a lecture; Interacts with the persuader 'behind the scenes', i.e., in less public and politicised private environments. Sociological institutionalism, furthermore, pays much attention to power relations between actors. While they consider these as being intersubjective (Diez, 2004; Jorgensen, 2012; Lund 2017), historic institutionalists deem power relations to be hierarchical (Andersson, 2016; Lavenex, 2016; Wolffhardt et al., 2005), rational choice institutionalists as asymmetric (Axelrod, 1984; Börzel, 2002; Schimmelfennig & Sedelmeier, 2004), and multi-level governance scientists as polycentric in a level-playing field (Caponio, 2014; Hooghe & Marks, 2001; 2003; Pollack, 2005). According to rational choice institutionalists, those involved in a governance process arrive at joint decisions based on a logic of consequences (Schimmelfennig & Sedelmeier, 2004). Sociologic institutionalists, on the other hand, believe that joint decisions come about because those involved use a logic of appropriateness (Diez, 2004; Entwistle, 2011; Kemp, 2010). Both visions are reconciled in a multi-level governance perspective, from which it has been established that both logics can be invoked by the actors involved (Börzel & Risse, 2000; Héritier, 1999). Historical institutionalists do not contradict this, but focus instead on two other possible factors that may determine joint decisions, namely path-dependency and spill-over effects (Andersson, 2016; Wolffhardt et al., 2005).

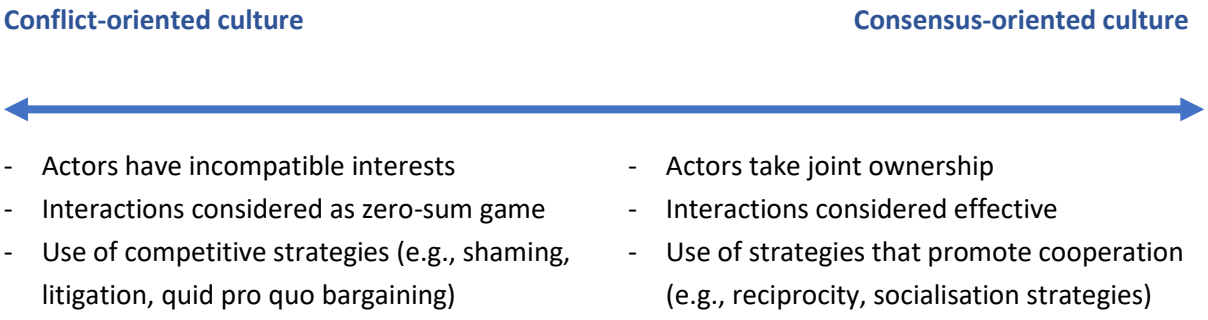
Finally, the four implementation perspectives give different reasons why actors comply with a norm: Rational choice institutionalism regards coercion, cost/benefit calculations and material incentives as effective strategies (Jensen et al., 2014; Mastenbroek & Kaeding, 2006); Sociological institutionalism sees social learning and socialisation as a reason for norm compliance (Checkel, 2001; Finnemore & Sikkink, 1998; Schimmelfennig & Sedelmeier, 2004); Historic institutionalism and multi-level governance perspectives put forward socialisation as an effective compliance strategy, the former in addition to coercion (Smith & Weber, 2007) and the latter next to cost/benefit calculation (Cajera, 2019; Hooghe et al., 2010; Olson, 1993). Joint ownership is often cited as a condition for socialisation to occur, indicating that the actors involved do not aim for a zero-sum game (Sedelmeier, 2007).

7.1.3 Measuring the mode of governance that leads to operationalisation

In each of the six cities studied, the mode of governance that leads to operationalisation is placed on a continuum ranging from a conflict- to a consensus-oriented culture. This continuum is consistent with Börzel (2001), Börzel & Risse (2000), Héritier & Knill (2001) and Lijphart (1999; 2012) who studied the mode of governance of countries. In a conflictive culture, the actors involved have incompatible interests and consider the interactions as a zero-sum game in which they try to get or keep benefits to themselves and push burdens away from them as much as possible (Börzel, 2001; Börzel & Risse, 2000; Lijphart, 1999; Matland, 1995). At the conflictive end of the mode of governance continuum, strategies such as public shaming, litigation, and quid pro quo bargaining are often used (Axelrod, 1984; Börzel, 2001; 2002; Smith & Weber, 2007; Treib, 2014). At the other end of the continuum, in a consensus-oriented culture, the actors involved take joint ownership, and the interactions are seen as an effective way of sharing benefits and burdens (Héritier & Knill, 2001; Lijphart, 1999; Sedelmeier, 2007). In such a culture, mainly reciprocity and socialisation strategies are used to arrive at a consensus or compromise (Axelrod, 1984; Mastenbroek & Kaeding, 2006; Treib, 2014).

However, the classification criteria used by these and other authors are not unambiguous, all the more because they often zoom in on different governance dimensions (Falkner et al., 2007). Therefore, and because local authorities do not have the same governance instruments and power as national governments (Hooghe et al., 2010, Jorgensen, 2012; Ladner, 2016; Schweitzer, 2019), criteria cannot simply be transferred from a national level to outline the mode of governance that leads to operationalisation. Hence, each interviewee was asked about the frequency, intensity and way of interacting with the other categories of actors at the local level[150], as well as the city resources invested in cooperation, coordination and output delivery regarding facilitating irregular migrants' access to housing. Based on these inputs, the mode of governance that leads to operationalisation in a particular city was placed on the continuum ranging from conflict-oriented to consensus-oriented, as is shown in Figure 12.

Figure 12: Continuum of the mode of governance that leads to operationalisation



[150] The three distinguished categories of local actors are: Politicians, city and enforcement staff, NGOs/CSOs.

7.2 The mode of governance that leads to operationalisation in the six cities studied

7.2.1 The mode of governance that leads to operationalisation in Bonn

Only one of the Bonn interviewees belonged to the city and enforcement staff category, through which little information could be collected about the interactions within the Bonn city administration. The interviewed politicians, on the other hand, indicated that they regularly have contact with politicians from other parties and with city and enforcement staff via their involvement in district boards and commissions, such as the Integration Board and the Social Affairs, Migration, Health and Housing Commission. Moreover, these interactions are perceived as positive: "*I have good contacts with many people within the administration.*" (Interview no. 084). According to one interviewee this is due to the biggest government party, CDU, having party pawns in key positions within the administration: "*(…) CDU (…) ha[s] many of their 'friends' in the administration at crucial positions. That way they are able to block all initiatives from e.g., the Integration Council and to push through their own ideas.*" (Interview no. 057).

Although close to Cologne where various services facilitate irregular migrants' access to housing, many NGOs/CSOs aiming to support irregular migrants are present in Bonn as well. Remarkably, as also noted by Schönwälder et al. (2004), especially churches and charities inspired by religious values are committed to improving the situation of the most vulnerable irregular migrants. All interviewed Bonn NGOs/CSOs said to be part of wider (inter)national structures and to be involved in multiple networks. For example, three of the 11 interviewed NGOs/CSOs are affiliated with the Seebrücke bewegung[151] and four participate in Bonn's Working group on irregular migrants (Arbeitskreis Menschen ohne Papiere). Most interviewees claimed that "*(…) we have frequent contacts with a lot of organisations in Bonn. It's easy to find one another, Bonn isn't that big.*" (Interview no. 002). It was indicated that the reasons for having and maintaining contact with each other are twofold: on the one hand to share information and knowledge, and on the other hand to advocate collectively, for example: "*We often talk to each other. We discuss different items, housing is not the most discussed, it is more about health care and the situation of children, but we also talk about housing. (…) we also work together with other organisations to talk with politicians*" (Interview no. 003); "*For us it is important to connect with other organisations, because I think that our voice is better heard when it comes from many mouths, both together and separately. It is also good to hear other organisations, to learn from one another and to be able to refer people (…) to the services they need.*" (Interview no. 017). These contacts and cooperation between the Bonn NGOs/CSOs are often informal and are experienced by all interviewees as constructive, valuable and successful: "*There is no fixed structure in when and how often we meet with other organisations, it's organic. For example, we often meet each other during activities, like tonight and earlier this evening at Münsterplatz*[152]*. (…) we all are on the same page.*" (Interview no. 017).

[151] An international/German citizens movement advocating for solidarity with and freedom of movement for all refugees and those who support them.

[152] On Friday, September 28, 2018, when the interviewer was in Bonn, a public action took place on the Münsterplatz organised by Bonn NGOs/CSOs advocating the right to asylum (Rettet das Recht auf Asyl).

Not all, but most of the interviewed NGOs/CSOs said to have regular contact with city staff (as opposed to enforcement staff, who operate at the regional level): "*The city staff are important partners to me, they coordinate several initiatives and have an overview on the general policy and practices.*" (Interview no. 060); "*We also frequently interact with the city staff. Like politicians, some understand what we tell them, some are conservative.*" (Interview no. 072). In this context, several interviewees pointed at the difference between formal and informal contacts with the city staff: "*In practice, when you talk to city staff or privately with policy-makers (…) they are not against what we are doing, but officially, they pretend that there are no irregular migrants in Bonn.*" (Interview no. 002). Thence, particular strategies are used by NGOs/CSOs to achieve the desired outcome of their interaction with the city administration: "*When we formulate it more general we can get things done through the administration (…). Thus, it is important to play the game along, don't speak about irregular women, but women in general, than we get cooperation.*" (Interview no. 002).

Four of the 11 interviewed NGOs/CSOs stated to have no contacts with the local policy-makers or other elected politicians because "*I'm not into politics. I'm not involved, I don't want to be involved.*" (Interview no. 086). The other seven NGOs/CSOs explained having regular contact with Bonn politicians. On the one hand there is joint interaction between those NGOs/CSOs and the local policy-makers, for example through Bonn's Working group on irregular migrants that meets every two months: "*Via the Working group the organisations can give their signals to policy-makers, share experiences among each other and look together for solutions and common proposals towards policy-makers. Together they form a stronger lobby, they can make a voice. Via the meetings they also share their public activities and events, this also brings the organisations closer together.*" (Interview no. 029). On the other hand, each of these NGOs/CSOs has its own ways of approaching politicians, usually indirectly, about the needs of irregular migrants: "*Next week we have a visit from somebody from CDU. We will have to plea to let us do our work, that it is necessary, valuable.*" (Interview no. 059); "*[T]here are some informal contacts with politicians from CDU, Die Grünen, Die Linke and SPD. We keep them informed, just, you know, so they know what happens on the ground. We don't have specific expectations from such conversations. (…) I have to make a cost/benefit analysis, I have so much work, and lobbying is also a lot of work, I have to consider whether it's worth the effort before I would actively approach them. Right now, and so far, I don't think it's worth the extra work.*" (Interview no. 060). Such invitations and informal conversations where irregular migrants are not directly discussed as such were highly appreciated by most of the interviewed politicians, although also they indicated to contribute little to nothing to the NGOs/CSOs' requests: "*I have lots of respect for what organisations, such as MediNetz are doing, I admire them. (…). These organisations are not hindered by the laws, politicians are, so it are the organisations that take care of the human rights everyone is entitled to.*" (Interview no. 026); "*I know what goes on in this neighbourhood, but we never discuss the residence status of people, we focus on integration, on the job market and social cohesion in the neighbourhood.*" (Interview no. 042). Only two NGOs/CSOs stated to talk straightforward with the local policy-makers about the situation of irregular migrants: "*I talk to all politicians when I have the opportunity, it is informal. I think it is important to tell -and keep on telling- policy-makers about the reality in Bonn. I hope it inspires them to make good decisions.*" (Interview no. 003). From the perspective of the local policy-makers, NGOs/CSOs' lobbying initiatives where often perceived as follows: "*Some NGOs want that all irregular migrants are regularised. That is impossible, never happened in Germany and it won't*

happen now either. Some NGOs ask for smaller things, like children's access to preschool initiatives. That are practical arrangements between organisations and institutions, policy-makers can't help in these things. Of course all people are entitled basic rights, we agree on that." (Interview no. 042).

Only four of the 11 NGOs/CSOs interviewed signalled receiving resources from the local government: Two use a local government building for free, one occasionally receives project subsidies "*but not for doing anything with irregular migrants*" (Interview no.060), and one NGO/CSO clarified that: "*We applied for a small grant to CDU to address women who fled domestic violence. They gave us a little money around Christmas time last year [Weihnachtsgeld]. We didn't have to report about the residence status of the women we helped with this budget.*" (Interview no. 002). Most NGOs/CSOs in Bonn thus "*receive no money from any government. The budget we have all comes from private sponsors. We don't have much money at all.*" (Interview no. 017). As one interviewee summarised: "*All the local practices [concerning support to irregular migrants] come from NGOs/CSOs who do not receive money for it from the government.*" (Interview no. 059). Politicians confirmed that NGOs/CSOs do not receive local resources to explicitly facilitate irregular migrants because "*one cannot give money for "Geists" (Ghosts).*" (Interview no. 026). Yet, some put this into perspective by explaining that: "*There is no budget earmarked specifically for this group, but that is Ok, policy should be inclusive. However, the local government financially supports (…) and organises night shelters for homeless people. Thus, indirect money is granted to support irregular migrants' access to housing, but we can't say how much of the budget is exactly used for this small group.*" (Interview no. 084).

In sum, NGOs/CSOs have frequent and intensive contact with each other. They regard their mutual interactions as effective, and perceive they are mostly on the same page taking joint ownership. Politicians, in turn, have regular contact with city and enforcement staff and consider these interactions as constructive. The interaction between the three categories of actors is generally conflict avoidant: issues related to irregular migrants, seen as a political taboo, are usually not directly touched upon, and some local government resources can be used inclusive. The strategies of interacting with each other thus are aimed at cooperation. But while all actors are consensus-oriented, there is no joint ownership of all those involved in the task-specific local governance structure in Bonn. In particular, there is a clear divide between practitioners and policy-makers, through which only joint operational decisions are agreed upon -as opposed to decisions about Bonn's policy implementation- which remains an unspeakable political taboo. As visualised in Figure 13, Bonn's local governance culture, i.e., the mode of governance that leads to operationalisation, with regard to facilitating irregular migrants' access to housing therefore seems it must be situated on the right side of the continuum (towards consensus-oriented), not too far from the middle.

Figure 13: Bonn situated on the continuum of the mode of governance that leads to operationalisation



7.2.2 The mode of governance that leads to operationalisation in Berlin

The two Berlin city and enforcement staff interviewed both exclaimed: "*I have many contacts with my colleagues in other districts, I learn a lot from them.*" (Interview no. 015). Yet, none of both mentioned to interact with colleagues from other departments. There is also regular and positively experienced contact between the local policy-makers and city and enforcement staff, whereby it is clear to all those involved in the governance structure that the latter propose policies based on their expertise and the former take decisions, and are accountable for it: "*I write proposals for the politicians to decide on. I explain my opinions and I give advice to the responsible policy-makers. But it are always the politicians who take the decisions and who are accountable for the things we do. I have the impression that they take my advice seriously, I can influence them through our knowledge.*" (Interview no. 015).

All 13 interviewed NGOs/CSOs in Berlin, like their Bonn colleagues, are part of various networks, within and outside their own organisational structure. However, unlike in Bonn, the number of other NGOs/CSOs they have contact with and the frequency of interacting seems related to the own organisation type (volunteers versus paid workers) and the organisation's priorities, as these quotes illustrate: "*We have a lot of contacts with other organisations in Berlin who support irregular migrants. However, we don't have contact with all these organisations, because we are volunteers ourselves and lack the time to go to all meetings.*" (Interview no. 037); "*My job is to network with fieldwork organisation (inward perspective) and with policy-makers (outward perspective).*" (Interview no. 063); "*We sometimes collaborate with other organisations, but not frequent. We have our own services and our own clients. We don't put much effort in aligning with other NGOs as this is not a priority, it doesn't help our clients to take steps forward or to improve their situation.*" (Interview no. 097). The reasons for cooperating with other NGOs/CSOs that were expressed by the interviewees are threefold: Sharing information and knowledge and advocating collectively (like in Bonn), and operational collaboration in particular cases (i.e., regarding one person's or a family's situation). Interestingly, depending on the reason, contact and cooperation with certain other NGOs/CSOs is explicitly sought or avoided, which at least indicates the presence of a wide range of possible partners in Berlin and the existence of different interest groups within the task-specific local governance structure: "*We have a lot of contacts with other organisations here in Berlin. We exchange information and share solutions. We also undertake collective political actions.*" (Interview no. 022); "*With some organisations we can cooperate better than with others, with some organisations we are on the same page, but some organisations have a vision with which we cannot identify. When it comes to operational cooperation, we might set these differences of opinion aside for the best interest of our client. But when it comes to signalling problems and suggesting solutions, we can't collaborate with all the organisations.*" (Interview no. 020).

NGOs/CSOs not only interact with other NGOs/CSOs, but also with city and enforcement staff, for example through working groups facilitated by civil servants operating at local level: "*We cooperate with numerous organisations here in the district (…) such as with the Working group Homeless. We cooperate at the operational level, but we also join our forces to give signals to the policy-makers in this district and to the Berlin [regional] government.*" (Interview no. 020); "*At the local level we participate in the Working group Trafficking of women and in the Working group Migrants (…). In these working groups we discuss very practical and operational things. We never focus on signals and*

bottleneck that irregular migrants are confronted with more in general. It's more analysing a particular complex case and looking together for solutions." (Interview no. 064). Most NGOs/CSOs experienced these contacts as constructive: "*We also have frequent and positive contacts with the local administration.*" (Interview no. 022); "*We have regular contacts with the local government administration, they are close-by and easily accessible for us.*" (Interview no. 037); "*We also get clients via the police, with whom we have good contacts.*" (Interview no. 064). Nonetheless, a number of Berlin NGOs/CSOs and local city and enforcement staff explained not having contact with each other due to the administration's duty to report irregular migrants and the taboo resting on the topic irregular migrants that obstructs talking openly about it: "*We never talk about people's residence status, (…). You know, the civil servants have the duty to report irregular migrants. If we told them that we work with an irregular migrant it would result in our client being detained and probably the administration wouldn't be as helpful to us as they are now.*" (Interview no. 106); "*I do have contact with the administration, (…), but I never discussed irregular migrants' access to housing with them. We never talk about irregular migrants openly, although we all know that these people also live in Berlin.*" (Interview no. 107).

A small number of the interviewed NGOs/CSOs and politicians have no contact with each other, either because the NGO/CSO operates nation-wide from Berlin, or because NGOs/CSOs working with irregular migrants do not appear on the radar of certain politicians, as articulated in this passage: "*I don't have contacts with these organisations. They are not very visible to me, I think they are not activists claiming that everybody should be granted an indefinite leave to remain, no matter who they are and what they do. (…) they don't address me, I don't think they have a political message.*" (Interview no. 090). The perception that NGOs/CSOs targeting irregular migrants work in the quiet and do not lobby with policy-makers was shared by several city and enforcement staff: "*Most migrant organisations, churches, and other NGOs don't make public statements about irregular migrants. They usually claim rights for migrants and refugees more in general, because they know that policy-makers won't listen to their statements when these only concern irregular migrants.*" (Interview no. 073). However, Laubenthal (2012: 1369), who studied the negotiation of irregular migrants' rights in Germany, comes to a much more nuanced conclusion: On the one hand, she confirms that "the degree of politicisation of irregular migration in the public sphere is low", on the other hand she demonstrates that NGOs/CSOs do stand up for irregular migrants' rights, but mainly by framing this from and within the broad human rights perspective that applies to all people, regardless of residence status. This approach was also reflected in most of the interviews with the Berlin NGOs/CSOs: "*(…) we never talked about irregular migrants' access to housing explicitly because this particular group suffers the same problems with housing than other migrants and poor people.*" (Interview no. 016); "*I do have contacts with the local politicians via the Working group Housing needs. (…) we discuss general signals and (consequences of) policy measures. (…) we take positions on combatting poverty and homelessness, and on the inclusion of refugees and migrants. We never explicitly discuss the situation and rights of irregular migrants.*" (Interview no. 022).

Most of the interviewed NGOs/CSOs and politicians did interact with each other. They have frequent and intensive contact with each other, which according to one interviewee depends on "*(…) the extent to which this topic comes to the fore. (…) both (irregular) migrants and housing are again more often discussed in the media, public opinion and political debates.*" (Interview no. 020). Most politicians

considered the interactions with NGOs/CSOs valuable because it addresses a "pragmatic urge" (Caponio, 2014; Vermeulen et al., 2016; Zapata-Barrero et al., 2017:3): "*Of course, we hear each other in meetings such as the ones about the anonymous health card. Sometimes I also receive emails, containing information about a particular case, some problem or an invitation for some event. It is important that we hear these organisations, because they are the experts, they are our eyes and ears in the streets.*" (Interview no. 014); "*We meet these organisations because they have the best knowledge on this group. We want to cooperate, because guaranteeing irregular migrants' access to human rights is part of our coalition agreement.*" (Interview no. 074). Also from the side of NGOs/CSOs, the contacts with politicians are experienced as positive because they feel that the interactions aim at consensus-building, and because the participants in the interaction processes are able to assert their expertise and influence: "*In their election programmes, the left-wing parties Die Linke and Grünen/Bündnis 90 stated that they wanted to introduce an anonymous healthcare certificate to be issued to irregular migrants. When both parties became part of the [regional] coalition, we went lobbying with them to include this promise in the coalition agreement, which they did.*" (Interview no. 037); "*Irregular migration is a complex and political very salient topic. I have to explain the obstacles and suggestions for improvement in a way that all the policy-makers understand it and see the benefit of the suggested improvements.*" (Interview no. 063).

Five of the 13 NGOs/CSOs interviewed receive no resources from the local and/or regional Berlin governments, either because they do not ask for it, but mostly, because they refuse to accept grants from these governments: "*(…) the local government wanted to give us subsidies when they formed a new coalition, but we refused this. We are against this in principle, because we do what we do only because the government is not doing what they should do. Giving us subsidies isn't a solution to the problems irregular migrants face in relation to getting access to the basic human rights. What we want to realise is a real change in politics and political responsibility taking.*" (Interview no. 037); "*The projects that are funded with local budget usually aim at quick wins, they never subsidise a project over a longer period. That makes it impossible to deliver good results, and that's why we don't want local budget.*" (Interview no. 064). All other NGOs/CSOs interviewed receive local resources, usually money from the Berlin regional government. Often these are grants for the provision of services that are not exclusively aimed at irregular migrants. In this way, NGOs/CSOs do not have to report explicitly about irregular migrant service users, and politicians avoid negative comments on their approach and support, which is seen by some (see above) as a lack of taking political responsibility: "*We receive a lump sum from the Berlin regional government. (…) it's easy to report to the regional administration, we don't have to mention the [clients'] residence status.*" (Interview no. 064); "*We don't explicitly give money to organise night shelters for irregular migrants, although we know that they are most often the users of these facilities, as it has the lowest comfort.*" (Interview no. 014); "*We don't give money to anyone to explicitly facilitate irregular migrants, I think that would be against the law. Anyways, we would receive much complaints and negative feedback on it, making it impossible for the organisations to do what they do. It's better sometimes to let them a leeway, away from media attention and political discussions.*" (Interview no. 030).

Thus, most Berlin actors working on irregular migrants have regular contact with each other and experience this as a win-win situation: NGOs/CSOs -which are believed to have most discretion (see

6.3.2)- feel heard and appreciated (amongst others through grants), and policy-makers and the administration see their policies operating. Although the interaction between the three categories of actors is generally consensus-oriented, some NGOs/CSOs deliberately do (partially) not participate in the task-specific local governance structure as they feel strategic powerless (Tummers, 2011). NGOs/CSOs do not all align with each other because they feel that not everyone is pursuing the same goals. Different interest groups are active, which is not immediately noticeable due to the sizable steering (subsidies and the organisation of working groups) that the local city staff and policy-makers deploy. As visualised in Figure 14, Berlin's mode of governance that leads to operationalisation with regard to facilitating irregular migrants' access to housing seems it must be situated on the right side of the continuum, closer towards consensus-oriented than Bonn.

Figure 14: Berlin situated on the continuum of the mode of governance that leads to operationalisation



7.2.3 The mode of governance that leads to operationalisation in The Hague

The interviewed city and enforcement staff in The Hague all indicated that they have frequent and intensive contact with colleagues within and outside their own department, and with their responsible policy-makers: "*I mainly have contact with policy-makers and colleagues in and outside The Hague's city administration.*" (Interview no. 061); "*I have a lot of meetings with other services and the vice-mayors. I'm an in-between for our Sector Workers, other city services and policy-makers.*" (Interview no. 098). All city and enforcement staff and responsible policy-makers interviewed in The Hague pointed out that the interactions between them are both frequent and aimed at consensus-building (so-called Dutch Polder model): "*In The Hague, city staff and politicians cooperate closely. Our relation is aimed at mutual cooperation and coordination. Both 'parties' trust each other. And all but the elected vice-mayor fall under the authority of the municipal Secretary.*" (Interview no. 098). Furthermore, the division of tasks and the sharing of responsibility between city and enforcement staff and the responsible policy-makers seems clear to all, as was explained through many examples such as: "*We always consult with our policy-maker, now it's mostly with Bert van Alphen (GroenLinks) regarding social relief, and with Boudewijn Revis (VVD) regarding housing and use of city premises for organising homeless facilities. But sometimes also the mayor, Pauline Krikke (VVD), is involved. We don't take decisions without their agreement. The same goes for them.*" (Interview no. 069); "*We certainly have some discretion, but mostly I discuss actions targeting irregular migrants with the respective vice-mayors and mayor first. This is because we don't have a formal policy on irregular migrants and because the Polder model of policy-making and implementing, which means looking for consensus.*" (Interview no. 098).

All 10 interviewed NGOs/CSOs said to frequently interact with each other, often through different networks but also informally. Like in Bonn, all actors from NGOs/CSOs seemed to know each other and to aim for mutual consensus: "*We regularly, however informally, have contacts with all local organisations here in The Hague, (…). Throughout the years the organisations got to know each other better, because we all have more experience, are longer in our jobs and in the field. Also social media enhanced our mutual communication. None of this, the improved relationships between organisations, was stimulated or has anything to do with the local policy or politics.*" (Interview no. 010); "*We come across each other frequently, we're a rather small sector. Sometimes we discuss a particular case, we try to help one another, we are not competitors.*" (Interview no. 031). NGOs/CSOs primarily join forces to lobby and advocate for irregular migrants' rights as well as to learn from each other: "*(…) we also lobby at the local level, often in cooperation with other organisations. For example, we sometimes support and initiate political written questions and we distribute press releases.*" (Interview no. 039); "*The Hague always had a rather right-wing local government. This influences of course the playing field for organisations like [ours], (…). For us it implies that we have to have tighter and broader networks to get things done, because we can't that easily address and convince policy-makers just by our self.*" (Interview no. 068); "*Through these contacts we can learn from one another and we can form a platform doing actions together, giving signals to politicians, etc..*" (Interview no. 110).

Remarkably, when asked about their contacts with city and enforcement staff, quite some NGOs/CSOs reported to interact regularly with the local and migrant police AVIM. Moreover, these contacts were perceived as positive because NGOs/CSOs' expertise is asked and used in the police's approach towards irregular migrants: "*We do have contact with the local police, we cooperate with them concerning victims of human trafficking. (…) they sometimes ask us to shelter trafficked women.*" (Interview no. 010); "*The police didn't know how to deal with such cases [of human trafficking] and asked our help. It took them about 10 years before they asked us to cooperate in a more structured way. Now we also give courses (…). We are happy and satisfied with our cooperation with the enforcement services.*" (Interview no. 045); "*I know a lot of police: they know whom I'm working with and they never carry out any checks, they let me do my work because everybody knows that I help preventing societal problems.*" (Interview no. 068). Furthermore, most NGOs/CSOs also have regular contacts with different departments within the city administration via platform meetings in which several NGOs/CSOs and city staff participate simultaneously. None of the interviewees gave examples of one-on-one interactions between an NGO/CSO and a particular civil service. Like the contacts with enforcement staff, these interactions with city staff were considered effective by the interviewed NGOs/CSOs because their input is listened to and leads to desired solutions: "*We also have good contacts with the local administration via meetings organised by networks we take part in, for example on irregular migrants' access to health care. When there is a particular case, we sit down with the responsible services and policy-makers to look for a solution.*" (Interview no. 039); "*I am actively involved in the local platforms on irregular migrants' access to health care and on children's rights. In these platforms some city staff participate, not politicians themselves. This is a more effective way of lobbying and getting things done than doing this as an individual organisation, it's better to join our forces (…).*" (Interview no. 068). A similar voice was heard from the interviewed city staff who likewise experienced the regular contacts with NGOs/CSOs as positive: "*(…) we closely cooperate and the relations are good.*" (Interview no. 069); "*A couple of months ago, when the Sacrament church was*

used to protect an Armenian family we facilitated the conversation between the church and supporting organisations, the family, and the policy-makers." (Interview no. 098).

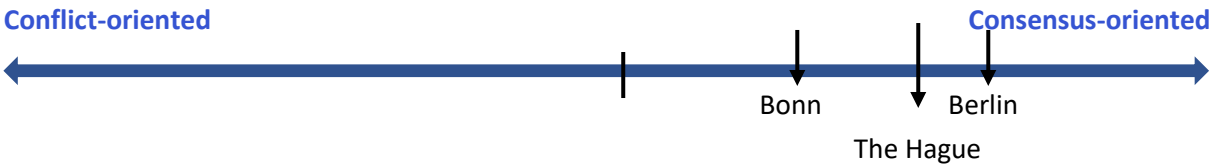
Only one of the 10 NGOs/CSOs interviewed stated: "*It's a conscious decision of us not to contact politicians. We don't want to be used by them, we want to remain independent.*" (Interview no. 010). The other nine NGOs/CSOs indicated to have occasional to regular contact with policy-makers. They often emphasised that they (as an individual organisation) do not seek contact with individual politicians, especially if they belong to the opposition and/or have no responsibility in the policy issue on which they work. Many of their individual contacts with policy-makers are through written requests for information by the responsible policy-maker: "*(…) we stay away, on purpose, from politics. We don't try to arrange things via politics, we don't lobby with opposition parties or whoever is not responsible. (…) we just provide information, (…). Sometimes vice-mayors or their cabinets approach us with a specific question, and then we provide them with the information we have (…) so they can take good decisions.*" (Interview no. 043); "*I never addressed the local government, they address me, when they feel the urge to get into contact, (…).*" (Interview no. 065). In addition, NGOs/CSOs have contact with politicians through platform meetings a few times a year, which is perceived by all actors involved as more effective than advocating on their own: "*A couple of times per year we also have a meeting to discuss (…) the BBB. Then we can give signals to the administration, and the responsible vice-mayor (van Alphen) always attends these meetings.*" (Interview no. 110); "*It's more successful to address politicians with a whole network of organisations than each organisation trying to convince responsible policy-makers separately. So [we add our] voice to that of other organisations or we look for allies before we address a particular politician.*" (Interview no. 068). This is in line with Andeweg & Irwin (2009) who found that interest groups in the Netherlands no longer try to influence policy from the outside, but join their power to participate in the decision-making processes. Policy-makers, in turn, also are consensus-oriented when approaching NGOs/CSOs. Moreover, they see an important role for themselves in bringing together the task-specific local governance structure: "*I know a lot of people working in organisations, politics and the administration. I try to bring them together to look for solutions. Because I always try to bring the street and administration together, I'm sometimes called an activist, but what I do aim for is direct politics. (…) in the example of the occupied church I was an important mediator between the coalition partners on the one hand, and between the migrants, NGOs and other stakeholders, on the other hand.*" (Interview no. 035).

As with the contacts with politicians, one of the 10 interviewed NGOs/CSOs was reluctant to receive government resources: "*(…) we are fully independent. It's why we don't want any governmental subsidies, because we want to remain independent. When you receive money, e.g., from the local government, they always expect certain things from you, we don't want that.*" (Interview no. 010). According to one interviewee "*[t]here are a lot of local organisations who receive some funding. However, the grants from the local government are scattered, resulting in organisations sometime competing with one another to 'win' the scarce money for their organisation. This causes tension and competition between organisations, while they should actually cooperate and conspire.*" (Interview no. 068). Indeed, asking NGOs/CSOs about receiving local funds turned out to be a sensitive topic. A number of NGOs/CSOs receive large sums from The Hague's government, while others get small financial support, either targeted means to deliver a temporary project or a lump sums to keep their

general organisation running: "*We receive a substantial amount of grants from the municipality (…).*" (Interview no. 043); "*For many years my salary was paid from money to support unemployed people. The city has always found a way of funding us and for paying my salary. I didn't need to report anything to prove.*" (Interview no. 068); "*Here and there we receive a little bit of subsidies from the local government, these are project funds to organise activities in the neighbourhood. Most of our budget comes from (…) donations.*" (Interview no. 103).

The Hague's task-specific local governance structure regarding irregular migrants consists of responsible policy-makers, city and enforcement staff and almost all local NGOs/CSOs working with irregular migrants. Politicians having no responsibility on this issue are not involved, and the NGOs/CSOs consider themselves preferably as one actor. Each group of actors has frequent contact with each other and the in-group interactions are consensus-oriented. There is also regular and as fruitful experienced contact between the different categories of actors. Here, everyone's role seems to be clear and all interviewees felt valued in their specific expertise and/or position. Since the interactions between NGOs/CSOs on the one side, and policy-makers and city staff on the other focus only on solving operational problems, policy decisions are not taken together with all actors. This is noticeable when it comes to receiving local resources. Then conflicts seem to arise between NGOs/CSOs. Indeed, the local government allocates most of their resources for irregular migrants' access to housing to implement their own policy priorities, without discussing this within the local governance structure. Because of these hidden conflicts, The Hague's mode of governance that leads to operationalisation with regard facilitating irregular migrants' access to housing seems it must be situated on the consensus-oriented side of the continuum, somewhere between Bonn and Berlin, as displayed in Figure 15.

Figure 15: The Hague situated on the continuum of the mode of governance that leads to operationalisation



7.2.4 The mode of governance that leads to operationalisation in Amsterdam

The 18 Amsterdam interviews contain many examples of the local governance. On the one hand, in-group relations were clearly outlined. City and enforcement staff said to frequently interact with each other, usually through consultations in which at the same time NGOs/CSOs and responsible policy-makers participate: "*I have plenty of contacts with several departments of the city administration.*" (Interview no. 054). Responsible policy-makers explained having numerous and constructive mutual contacts, although it must be noted that all examples cited by this category of interviewees were situated either within their own party or within the city board of which they were part: "*I also hear a lot about what's going on via the elected district managers. They have more frequent contacts with the*

organisations and the city administration. I can say, we cooperate very well." (Interview no. 033). Also NGOs/CSOs have continuous, formal and informal, contacts with each other, which all interviewees described as consensus-oriented: "*(…) for example, we all take part in the LSO [Lokaal Samenwerkings-Overleg (Local Cooperation Consultation)]. But I also have a lot of informal contact with people from the other NGOs (…). Actually, Amsterdam is like a big village, all organisations know each other and know where and when to find one another. There are a lot of short lines between us.*" (Interview no. 080). One specific platform in which only NGOs/CSOs working on irregular migrants come together is the "Gelagkamer" ('Tap Room'), an interest group network that arose a long time ago because "*[i]n the past we often met to prepare actions, we needed to push local governments in the right direction. But this activism has largely stopped, on the one hand because municipalities became more our allies, on the other hand because there is so much day-to-day work that there is almost no time left for organising these actions.*" (Interview no. 088). Since Amsterdam is home to "*(…) many organisations who actively work with irregular migrants and who advocate for their prosperity*" (Interview no. 007), the interviewed NGOs/CSOs explained they learn a lot from each other, share and exchange information, and organise joint activities for the best interest of irregular migrants: "*We cooperate with a lot of organisations to give our clients the best possible care and support.*" (Interview no. 101).

All interviewees spoke, on the other hand, at length about oftentimes sitting around a meeting table with responsible policy-makers, city and enforcement staff, and NGOs/CSOs: "*At the local level we are all involved, meaning NGOs/CSOs, city administration, local policy-makers and even national relevant departments. (…). What immediately struck me when I started working here, was how easily accessible the deputy-mayor responsible for the Programme Undocumented (Groot Wassink] is.*" (Interview no. 006). Almost all actors comprising the task-specific local governance structure interact intensively with each other in a number of meetings. Most of these encounters -such as the Local Cooperation Consultation (LSO)- were founded in the context of the Programme Undocumented or the National Aliens Facility (LVV) Pilot project. The participants and everyone's role in these meeting structures are clear to everyone: "*[M]ost of these contacts are structured via the LVV Steering group now. These meetings are organised on a weekly basis now.*" (Interview no. 083); "*With regard to the implementation of the Pilot, I'm the in-between from the city executive board to the organisations and vice versa. (…) the Undocumented Counter is in the hands of an NGO. This organisation screens the application and sends the candidate's name to GGD [Municipal health Service], AVIM [Aliens Police], and IND [Immigration and Naturalisation Service] for further screening. When the results of these screenings are gathered, the application is discussed in the case-meeting (…). This meeting is chaired by an NGO [Refugee Work] and the group decides on the trajectory of the applicant.*" (Interview no. 062); "*We discuss the experiences of the LVV Pilot and we signal operational bottlenecks and opportunities.*" (Interview no. 101). All interviewees who participated in these interactions experienced them as fruitful. The involvement of all actors working with irregular migrants in Amsterdam's policy-making was at the initiative of Rutger Groot Wassink, immediately after he was elected and became deputy-mayor for (amongst others) irregular migrants: "*He [Groot Wassink] involved the organisations immediately in the policy writing. Together they sought out what the best ways of addressing the different irregular migrant groups could be in Amsterdam. Civil servants, policy-makers and organisations drew the Programme Undocumented together.*" (Interview no. 036); "*We co-created the Programme Undocumented and thus we all agree with the local government's vision.*"

(Interview no. 083). Furthermore, all actors have their own underlying reasons for behaving consensus-oriented: "*Nowadays, the Amsterdam government is an ally, they are closely related to the organisations and their visions. (…) it's worthwhile cooperating with the Amsterdam local government, because the policy-makers have access to the national government, they can get things done from the Secretary of State.*" (Interview no. 088); "*(…) this fits in our approach of connecting with society. I believe this is a successful approach.*" (Interview no. 054); "*For us it is important that there is a good cooperation and knowledge sharing between the policy-makers, (national) services and the NGOs, because the LVV shelters very vulnerable, often very traumatised, persons. We have to prevent that these people stay on the streets as they might pose a threat on public order and safety. Good management of the LVV Pilot is necessary for us.*" (Interview no. 066).
However, not all NGOs/CSOs interviewed participated in meetings related to LVV Pilot project and/or the Programme Undocumented: "*We don't participate in the LVV Steering group and we don't receive municipal subsidies, that reduces our number of contacts with the municipal administration. On the other hand, it increases our independency through which we can freely give them our opinions.*" (Interview no. 007). Although these NGOs/CSOs are suspicious and critical of the local policies, it does not imply that they decoupled from it, for they continue to interact with all Amsterdam actors and are also respected by the other actors in their differences of opinion, as if they have agreed to disagree with each other: "*There are a lot of NGOs in Amsterdam who actively support irregular migrants. These organisations all have different opinions and a different vision on irregular migrants. I have respect for all these opinions, although I do not always agree. The fact is that [our service] and these NGOs have different aims and tasks.*" (Interview no. 054); "*The NGOs have different opinions, (…). Some of the NGOs and CSOs distrust the policy, to the extent that they chose not to receive subsidies to take part in the LVV project. They are very critical for the Pilot, but they stay in contact, they follow-up on the Pilot. We don't have a problem with them.*" (Interview no. 062).

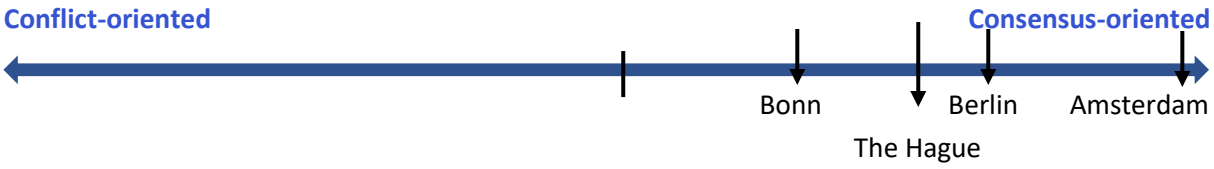
Despite the fact that a limited number of NGOs/CSOs do not want to receive local financing in connection with the LVV Pilot project and/or the Programme Undocumented, most of them do get resources from the Amsterdam government for providing other services to irregular migrants: "*We receive project subsidies from the Amsterdam local government. It's for our consultation hour and for offering specific guidance and support (…). From another budget line, we also receive funds to organise actions (…). For other activities we can apply for municipal project grants.*" (Interview no. 001). A great deal of the considerable local resources allocated to the topic irregular migrants[153] are distributed among a great many different NGOs/CSOs to put jointly agreed policies regarding irregular migrants into operation: "*The budget for the Programme [Undocumented] is scattered over may different budget lines, such as investment credit for properties to organise LVV in, funds for welfare support to irregular migrants, grants for organisations, etc.. I can't tell you which organisation receives how much money from us, and I'm happy with that. I don't want to know how much each organisation receives exactly. My concern is the realisation of the policy, what actions that we, together with the organisations, undertake to realise our policy.*" (Interview no. 036). Unlike in The Hague, the granting of subsidies in Amsterdam is very transparent, for example, the city council annually publishes the Subsidy Scheme Undocumented (Gemeente Amsterdam, 2019d). In Amsterdam, subsidising

[153] For example, the Amsterdam government allocated 17 million euro to the LVV Pilot project for the period 2019-2022 (Gemeente Amsterdam, 2019d).

NGOs/CSOs to implement local policies was, compared to the other cities studied, only rarely considered as what Castañeda (2008) refers to as bypassing the local government's legal obligations and restrictions in favour of a humane local approach towards irregular migrants, because the policies are co-created: "*[T]he shelters and support is all outsourced to NGOs, so we give them subsidies to perform the actions we agreed upon.*" (Interview no. 033); "*(…) it is important to stress that the Amsterdam policy is created together with all local stakeholders. The funds we give them is a means from the city to manage the policy.*" (Interview no. 062).

Amsterdam's task-specific local governance structure regarding irregular migrants consists of responsible policy-makers (like in The Hague), city and enforcement staff (like in all cities studied), and all local NGOs/CSOs working with irregular migrants (like in Bonn). All actors are part of different substructures and have a clear own, by the others respected, agency. Each group of actors has regular and consensus-oriented contact with each other, but more often, the three categories of actors jointly sit around the same meeting tables. Although a handful of NGOs/CSOs prefers to stay away from certain interaction platforms, those involved experienced these frequent encounters as effective. Like in The Hague, everyone's role seems to be clear and all interviewees feel valued in their specific expertise and/or position. Moreover, the interactions focus both on joint local policy-making and policy-implementation from a consensus-oriented attitude, which is also reflected in the local government's subsidy approach. Therefore, as shown in Figure 16, Amsterdam's mode of governance that leads to operationalisation with regard to facilitating irregular migrants' access to housing seems it must be situated on the far end of the consensus-oriented side of the continuum.

Figure 16: Amsterdam situated on the continuum of the mode of governance that leads to operationalisation



7.2.5 The mode of governance that leads to operationalisation in Stoke-on-Trent

In the four interviews with city and enforcement staff in Stoke-on-Trent, it was specified that the different departments and city services do not consult with each other on a structural basis in connection with (facilitating) irregular migrants (their access to housing), but -literally and figuratively- know where to find each other if necessary: "*We have contacts with many departments here in Stoke, e.g., the Housing and Homelessness department and the Social Services. (…). Mostly these contacts start with a particular case, it's mostly reactive, rarely proactive. We don't have regular contacts in the sense of structural meetings, like once a month, it's when there is a case to discuss then we know where to find one another. That way we can arrange a lot of things behind the political curtains and out of the media's view. That is what we prefer.*" (Interview no. 055). Contrarily, the interviewed city and enforcement staff admitted that they only rarely have and/or seek contact with the elected local

policy-makers: "*(…) we focus on politicians at the national and -to a lesser extent- at the local level. At the local level we only react on misinformation through the media, problems at the local level are better solved behind the scene.*" (Interview no. 055). This was also perceived as such by the two other categories of interviewees, who attributed the lack of interaction and cooperation between city and enforcement staff and politicians on the one hand to policy-makers who have relinquished too many responsibilities to the city administration and, on the other hand, to the specificity of the administration's task to scrutinise policy-makers' proposals: "*Here in Stoke the administration (…) works too independent from politics. (…). This coalition delegated too much power to the offices. The best way of making things done is through good relations between administration and councillors.*" (Interview no. 025); "*Sometimes there also is a disconnect between city staff and city councillors, this might have to do with the role of scrutiny committees.*" (Interview no. 018). The latter was endorsed by the interviewed city and enforcement staff through examples such as: "*From our expertise and experiences of other cities, we deemed that [the measure proposed by the elected policy-maker] has no influence or impact (…). As a consequence the idea was not converted into a (…) tool.*" (Interview no. 105).

The 11 NGOs/CSOs interviewed knew all other actors who work with (irregular) migrants in Stoke-on-Trent. A number of them, especially NGOs/CSOs that are not (only) located in this city, have regularly contact with many of their colleagues. Mainly these larger organisations aim at influencing policy (at the national level), setting up and/or participating in campaigns, as a result of which they try to keep their network and knowledge of what is going on in the field up-to-date: "*We work together with a lot of organisations. Sometimes we talk about irregular migrants' access to housing, but this is not the main topic we discuss. When we do, it is about asylum seekers who have to leave the reception shelters, about discrimination by landlords and about homeless (irregular) migrants who need a temporary shelter. We exchange information and knowledge, the organisations try to help one another. For me it is interesting to stay up-to-date, to know what is going on, can be improved, what is working well, etc.. The frequency is often determined by my participation in partnerships and joint projects and campaigns with organisations.*" (Interview no. 032); "*We have many contacts with many organisations here in Stoke. A lot of organisations (…) are looking for collaboration because it increases our joint capacity, knowledge, it broadens our common network, makes our voices better heard, etc..*" (Interview no. 050). Most other, smaller and only locally active NGOs/CSOs, also interact regularly with colleagues, but within a smaller network of organisations that offer similar services. Their contacts are merely focused on operational matters: "*With regard to sheltering and accommodating irregular migrants we have to rely on our befriended organisations.*" (Interview no. 053); "*I regularly do have contact with other, similar organisations in Stoke, (…). We discuss our offer and the needs of the asylum seekers. We don't talk about irregular migrants, we don't use that term. Some of the volunteers here also volunteer in other organisations in the neighbourhood (…).*" (Interview no. 091); "*Temporary shelter for irregular migrants is only discussed with the few organisations that have such an offer. Most of these contacts are via telephone and it always concerns concrete here-and-now cases. We don't discuss the policy on this topic.*" (Interview no. 096). All NGOs/CSOs operating in Stoke-on-Trent strive for consensus within their particular sub-network. However, because there is no formal structure, a single common network in which all relevant actors jointly participate is absent.

Nine of the 11 NGOs/CSOs interviewed illustrated having occasional to regular contact with city and enforcement staff. Most of them mentioned, amongst others, their positive experiences in cooperating with the Citizens Advice Bureau (CAB), an arms-length body working for Stoke-on-Trent's city council[154]: "*They carry out a great job and they work complementary to our service.*" (Interview no. 077). About half of these interviewees explained that their interaction with city and/or enforcement staff is embedded in a particular thematic consultation structure, which they experienced as valuable and constructive: "*A very good example is the Working group on asylum seekers and migrants that is organised by the CAB. It brings so many organisations around the table on relevant subjects. For example, a while back we joined a statement on the Home Office's decision to move their office out of Stoke's police station in Hanley to Manchester.*" (Interview no. 050); "*I'm actively involved in the destitution meeting on housing with the housing providers, organisations, and Stoke police. It's an excellent platform to build out a network with providers of accommodation, to find open minded landlords, to explain people's situation, etc.. I have good contacts through this network.*" (Interview no. 053). But just over half of the NGOs/CSOs interviewed have a negative perception of the city and enforcement staff operating at the local level, and experienced their encounters with them as a game of operational administrative decisions to be won, and/or as a power struggle initiated by authoritarian staff: "*I often have arguments with [the Housing Solutions Team], because they assess the priority category the refugee is in. (…). Sometimes I win, but not always. There are some good, reasonable people working at the Housing Solution Team, but some have become immune for the situation these refugees are in.*" (Interview no. 050); "*Unfortunately, I also have contacts with the police (…). They try to intimidate the asylum seekers. This is uncoordinated, they are not instructed to do so. When this happens, I intervene and try to send them away.*" (Interview no. 091); "*We do have a lot of contacts with the local administration, especially with the Social Services (…). For example, we can challenge city council decisions, we ask for a review and often it's worth the effort.*" (Interview no. 092). City and enforcement staff, in turn, all said to have contacts with many NGOs/CSOs. Especially at the management level, where operational decisions are taken, the picture painted of NGOs/CSOs was repeatedly one of well-intentioned support to irregular migrants, but with insufficient knowledge of the (judicial) complexity of such cases, so that they mainly contact them to implement operational decisions: "*[W]e have a lot of contacts with other migrant supporting organisations. Most organisations just want to help immigrants. As the legislation is so complex, they do not always understand a migrant's particular situation, they just want to help, especially when children are involved they try to shelter and facilitate the migrants who knock at their doors.*" (Interview no. 055); "*We sometimes contact [name of NGO/CSO] when we have a NRPF-family for whom we have no temporary accommodation or for whom there is no short-term solution.*" (Interview no. 105). Given the rather conflict-oriented relationship between city and enforcement staff and NGOs/CSOs, it is not surprising that the latter often refuse the requested operational support: "*Sometimes the council refers people to [our NGO/CSO], but we refuse this, we already have enough people who we try to help and the council has to take up their own responsibility.*" (Interview no. 053).

Seven of the 11 NGOs/CSOs said not to interact with any city councillor, either because "*we don't want to be involved in politics (...)*" (Interview no. 094) and/or because local policy-makers are irrelevant for

[154] Although the content of CAB's advice and campaigns is independent, the vast majority of their income comes from the central government, which also indicates for which specific topics the budget can be used.

them and their irregular migrant clients: "*Honestly, in our job we don't have contacts with local councillors. Although some councillors are great, the complex issues of asylum seekers, refugees, etc. are often too complicated for them. The same goes for housing and homelessness legislation and schemes. Councillors don't make the effort to understand these policies, they rely on the city administration.*" (Interview no. 050); "*(…) there is no benefit in attracting their attention.*" (Interview no. 053); "*(…) the local government is not important. They have no powers on this subject.*" (Interview no. 077). The four other NGOs/CSOs each have contact with one city councillor, either through this person's (former) membership of the NGO/CSO, or through joint participation in a consultation structure. Although both the local policy-maker and the NGOs/CSOs valued these contacts positively, these are not part of the task-specific local governance structure because (policy) regarding (facilitating) irregular migrants (their access to housing) is never discussed during this encounters: "*We also have good contact with a councillor from City Independent, he was for a long time member of [our NGO/CSO] and we keep in touch. However, again, we never talk about irregular stay and also housing is not a topic we discuss.*" (Interview no. 024); "*We both take part in some partnership boards like the destitution meeting on housing (…). Via the partnerships we stay in contact with daily reality, it forms our policy, we need these contacts and reality checks to be able to take the right decisions at the local political level.*" (Interview no. anonymised).

Only three of the 11 NGOs/CSOs interviewed receive resources from Stoke-on-Trent's government. Although, according to one policy-maker, "*[t]hey know about the City's financial situation, caused by the central government's austerity measures. They don't blame us for that.*" (Interview no. 025), most NGOs/CSOs perceived this rather as a lack of appreciation for their work and their role in the local community: "*In the fifties we were given the building by the council, it was an old school that we renovated. Now we receive a small grant from the council to renovate the place. For [our] activities we get 5,000 Pound this year. As all organisations, we have to be self-sufficient.*" (Interview no. 024); "*We don't receive any city council money. Our main source of income is through renting out this building for parties, etc.. It's also hard to receive money via donations, most of our public lack the money to donate something (…). Our building we got from the municipality, that is something useful. However, in return we have to maintain the building ourselves. It's a pity that we don't receive any support from the local government. It sometimes feels like a lack of appreciation and recognition for the valuable work we're doing (…).*" (Interview no. 094). Most NGOs/CSOs that are not granted any local budget explained how they try to manage their operation financially, usually by investing a lot of time and effort in search for donations. Only two NGOs/CSOs were happy not to receive any local resources because it makes them independent from the local government: "*[W]e don't receive budget from any government. We run on donations and trust funds, (…). We pay rent to the city council for this property.*" (Interview no. 053); "*We wouldn't be able to [ask to review cases] if we were funded by the city council. We can help [our clients] better when we are not funded by governmental institutions.*" (Interview no. 092).

In Stoke-on-Trent's task-specific local governance structure regarding facilitating irregular migrants (their access to housing), a lot of space is taken up by city and enforcement staff (much more than in the other cities studied). They only have mutual contact if necessary, interact little with local policy-makers and NGOs/CSOs, and mainly try to "contain" political conflicts that spread in the media (Ellermann, 2007:103). Politicians occupy very little place of significance in the task-specific local

governance structure (compared to the other cities studied). Although the few existing contacts between NGOs/CSOs and politicians were perceived as positive, they do not contribute to local policy-making and its operation. All the NGOs/CSOs interviewed know each other, but their contacts are fragmented and divided into sub-networks. Their mutual interactions, which mainly focus on operational cooperation, were experienced as consensus-oriented. Operational cooperation between NGOs/CSOs and city and enforcement staff was appreciated by the actors participating in certain partnership structures, and by everyone in contact with the CABitizens Advice Bureau. However, most of the interactions between city and enforcement staff and NGOs/CSOs appears to be conflictive, and were seen as a game to be won and/or a power struggle initiated by authoritarian staff. Instead of feeling tactical powerless (Tummers, 2011), NGOs/CSOs often show their 'tactical combativeness'. As displayed in Figure 17, Stoke-on-Trent's mode of governance that leads to operationalisation with regard to facilitating irregular migrants' access to housing clearly must be situated on the conflict-oriented side of the continuum, rather towards the left end.

Figure 17: Stoke-on-Trent situated on the continuum of the mode of governance that leads to operationalisation



7.2.6 The mode of governance that leads to operationalisation in London

The interviewed London city and enforcement staff stated that they frequently have contact with colleagues from other borough services and departments. Moreover, they emphasised that they usually interact respectfully with each other, even when conflicting interests are represented: "*We also come into contact with other departments of the [borough] administration, for example, we support evictions of clients and then we sometimes have to challenge the decision of the Homelessness Service.*" (Interview no. 040). In addition, city and enforcement staff, unlike their counterparts in Stoke-on-Trent, also have regular contact with the local councillors. Although the interviewed London civil servants noted that they have more expertise than politicians and can work independently, they do inform, advise and report to the responsible policy-makers: "*I advise the mayor, I don't take decisions with regard to strategy and policy.*" (Interview no. 023); "*We do have frequent contact with our councillors [from our borough].We and our work is not influenced by the city council. We have more expertise than they have, they don't give us any instructions on how we have to do our job. We inform them about our work, we report to the city council.*" (Interview no. 040).

All 14 NGOs/CSOs interviewed said having many and frequent contacts, both informally and within consultation structures, with other NGOs/CSOs. Most interviewees enumerated a long list of colleague organisations that are active in the same borough, but most also cooperate with specialised London-wide service providers (such as administrative-legal NGOs/CSOs and actors addressing a very specific

target group). The interactions were perceived as consensus-oriented, or as several interviewees put it: "*(…) in the interest of the people who come to us.*" (Interview no. 111). The NGOs/CSOs indicated that they are fond of collaborating for four reasons, to: 1) Share knowledge and information; 2) Advance their clients' situation (complementary function); 3) Establish a strong lobby and advocacy; 4) Carry out common initiatives (usually in their borough): "*We cooperate with other organisations as much as we can, for example, we support joint campaigns, because our collective voice is better heard. We also cooperate with other organisations that address the same target group but are specialised in other topics. Our sector is under-resourced and over-stretched so we need to align and work together, for our clients.*" (Interview no. 013); "*We cooperate with a lot of organisations in [name of borough]. We consult with them and sometimes organise joint activities, or we might collaborate in a project.*" (Interview no. 021); "*In all the work we do, we try to cooperate as much as we can with local organisations. We thus have an extensive network (…).*" (Interview no. 071). One particular structure in which many NGOs/CSOs participate (next to legal specialists) is the Housing and Immigration Group (HIG), organised by the Immigration Law Practitioners' Association (ILPA). The need for such legal technical-strategic knowledge sharing between organisations that advocate for irregular migrants was reported more than once: "*The legislation is very complex because relevant sections are scattered over several immigration and other acts. That is why the HIG meetings are so useful to me. Together we can collect and process more information. We regularly have meetings on how to prepare cases of irregular migrants to support their access to housing and other benefits they are entitled to. We align our strategies to get the best results as possible for the irregular migrants.*" (Interview no. 075).

Most interviewees said that there is regular contact between NGOs/CSOs and city and enforcement staff. Although mainly examples of smooth cooperation between the two were cited, some of them added that they have experienced constructive as well as conflictual interactions: "*Within the administrative departments we have some good contacts and experiences and some bad, it depends on the individual social worker whether we have a shared idea about what the best interest of the migrants is and whether the limited council budget can be used to support a particular case.*" (Interview no. 013). Most contacts in relation to facilitating irregular migrants' access to housing are between NGOs/CSOs and local or GLA Social Services. Remarkably, such a contact seems to start just as much from the Services as from an NGO/CSO. In other words, both categories of actors see advantages in cooperation, and perceive a possible win-win solution for their client(s): "*[W]e do have a lot of contact with different organisations here in [name borough]. We cooperate (…) when someone comes to us with problems one of these organisations is specialised in. We either refer the client or we ask the organisation to come to our office to handle the case jointly. Our cooperation is always operational, to help people, to give them the best services.*" (Interview no. 040); "*We have frequent contacts with the [Borough] council, for example with the Social Services (…). They often refer people to us. We also have some NRPF cases (…). If they qualify for Section 17, we work together with the Social Services. Our contacts are good and constructive, we help each other.*" (Interview no. 051). To maintain good mutual relations, a third, neutral party is sometimes called in when the Social Service and NGO/CSO have major substantive disputes. In this way, compromises on the basis of reciprocity and/or quid pro quo bargaining ('give and take') as well as the joint decision trap (i.e., suboptimal decisions satisfying no one really) are avoided (Scharpf, 1988; 2006): "*We have intensive contacts with the Social Services of the GLA regarding the project [on NRPF]. We discuss each case in detail, we keep each other updated.*

Sometimes it is difficult to find the balance between maintaining good relations with the social workers and advocating for the best support for the family we discuss. When we really have a dispute, I call in a solicitor (…)." (Interview no. 047). Some NGOs/CSOs' interaction with Social Services only starts when they disagree with an administrative decision that has been taken with regard to their client(s). In such cases, the city staff interviewed indicated to understand this, just like they may represent conflicting interests when interacting with colleagues from other city administration services: "*The ones who are critical usually are not against our policy but in specific cases they disagree with a decision from the Social Services. They have a culture of litigating and challenging decisions and they ask for a judicial review of a case against decisions made by the administration.*" (Interview no. 099). In the 14 interviews with NGOs/CSOs and two with city and enforcement staff, one completely different opinion was voiced, based on negative experiences: "*We don't have contacts with the local administration either because our clients come from all over London and the [name borough] administration cannot help us. By the way, the Social Services are terrible, they only focus on returning (irregular) migrants in most boroughs.*" (Interview no. 079).

Three of the 14 NGOs/CSOs interviewed explained that they do not seek contact with politicians, because politics is very sensitive to their target group and/or because they do not (want to) engage in advocacy and lobbying: "*I don't advocate or campaign for irregular migrants, so I don't contact councillors personally. I don't involve with politics, my focus is the field, local reality.*" (Interview no. 047); "*It's a conscious choice not to contact politicians, for [our ethnic community] politics is a sensitive issue, it is important that we are not affiliated or linked to any political party.*" (Interview no. 079). The other 11 NGOs/CSOs expressed that "*[o]ur contacts with the local councillors are frequent and the relations with them are good.*" (Interview no. 111), which was confirmed by all politicians interviewed. Notwithstanding, about half of these interviewees added that their interactions are never about irregular migrants as such, as this is not a local topic for which the local policy-makers are competent: "*[W]e don't discuss access to housing (…). We neither talk about irregular migrants, it's not really a topic here in London, you don't know about immigrants' residence status, you just suspect that some reside illegally in the country. It's nothing the local government can do something about.*" (Interview no. 076). The interviewed politicians affirmed that their responsibility regarding (facilitating) irregular migrants (their access to housing) is virtually non-existent: "*I have a lot of contacts with charities that support immigrants, and thus also irregular migrants. We agree that taking care of irregular immigrants is the responsibility of citizens, not of the local government. (…). I think everybody agrees that no child should sleep in the streets, as a community of citizens we have to take care of these situations.*" (Interview no. 100). The NGOs/CSOs that do address policy-makers straight forward concerning (facilitating) irregular migrants sometimes have ad hoc contact with (some of their) local councillors, but usually have a more structured approach or strategies to attain local policy-makers' attention: "*I do have good contacts with a couple of local councillors here in [name borough] who are concerned with what we do (…). We don't have an active strategy to systematically address the local council, (…).*" (Interview no. 021); "*I also talk with councillors, because they often don't have a clue about the impact of their decisions and about what is happening in the field.*" (Interview no. 075); "*These contacts go via our communications team. They provide local councillors with information, evidence and statements (…). Our communication team is equipped with good strategies to target the local policy-makers, to get their attention and reactions.*" (Interview no. 071); "*(…) we lobbied for a*

long time through regular meetings with the Mayor's Cabinet and the administration. (…). We often address councillor members of the Cabinet (…) to inform them about our activities and people's needs (it's part of our regular mailings to organisations and policy-makers)." (Interview no. 004).

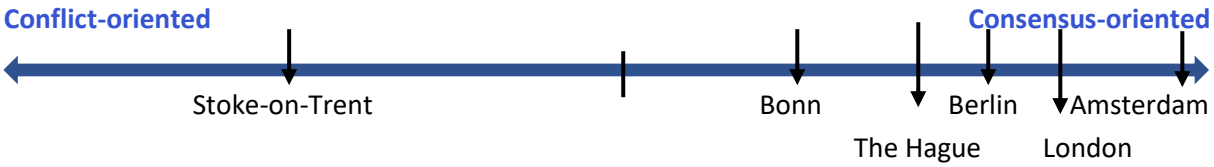
Five of the 14 NGOs/CSOs interviewed did not receive grants from their local council and/or the GLA in 2019. Two interviewees attributed this to their own operation: "*We are a charity and we don't receive any money from the local authority. Our financial means come from donations and trust funds applications.*" (Interview no. 021); "*For us it's better to receive no governmental funding because it allows us to act independently.*" (Interview no. 049). The other three NGOs/CSOs said that they did receive local resources (in the form of grants) in some past years, which was clarified as follows by the London policy-makers and city and enforcement staff: "*Our partners can change from year to year, because they always have to apply for offering certain services and we grant the contract to the organisation that can offer the best services for the best price.*" (Interview no. 023). The nine other NGOs/CSOs interviewed did receive subsidies from their local council and/or GLA in the year they were interviewed. Usually it concerned a small sum, either for carrying out a very specific activity or a more general contribution to the NGOs/CSO's operation: "*We receive a small grant from the local council to organise our activities (…). We don't receive a specific budget to do something with irregular migrants and we neither receive money to work on housing. However, most of our budget comes from campaigning in the community (private sponsors) and from applying at trust funds.*" (Interview no. 051); "*We receive funding from the Greater London Authority (…). However, most of our budget comes from fundraising.*" (Interview no. 058); "*We receive a limited budget from several city councils to provide legal advice services. But they don't fund us to go against the decisions taken by their administration, the legal review of cases is something organisations and the migrants have to pay for themselves.*" (Interview no. 075). Strikingly in comparison to the other cities studied, in London a number of NGOs/CSOs receives grants from borough councils to (also) work with clients who live in other boroughs or for executing initiatives in other London boroughs. The No Recourse to Public Funds (NRPF) Network is the most remarkable example of this: Paid by the Islington local government, the NRPF Network was set up to provide guidance to all English municipalities "*because the central government doesn't provide guidance to municipalities on this*" (Interview no. 018). In 2019, 59 city councils were member of the NRPF Network, of which most London boroughs[155] (NRPF Network, 2019a). But also some other NGOs/CSOs receive subsidies from the local government that they can use more widely than only in their borough and/or for residents of their borough: "*We receive a small grant from [name borough] for the organisation of activities, the groupwork, trainings and advice, although our clients come from all over London. (…). We don't need to report to them to whom we gave advice, so we don't need to tell anything about our clients' residence status.*" (Interview no. 013).

In summary, all interviewed London actors are in one way or another involved in the task-specific local governance structure concerning (facilitating) irregular migrants. Each category of interviewees mutually interacts frequently and constructively with their colleagues, despite different city and enforcement staff sometimes represent simultaneously conflicting interests. Almost all NGOs/CSOs have regular and positive contacts with both city and enforcement staff, and with councillors and GLA

[155] Only City of London, Kingston upon Thames, and Richmond upon Thames are not members.

policy-makers, and occasionally receive a (usually small) subsidy from the local council and/or GLA to operate London's policies. Only one (of the 14) NGO/CSO interviewed decoupled from the local policies based on negative experiences with the borough administration. Curiously, no local structures appear to exist in which the three categories of actors all meet together to take (joint) decisions in relation to (facilitating) irregular migrants (their access to housing). As shown in Figure 18, London's mode of governance that leads to operationalisation with regard to facilitating irregular migrants' access to housing therefore seems it must be situated on the right side of the continuum, between Berlin and Amsterdam.

Figure 18: London situated on the continuum of the mode of governance that leads to operationalisation



7.3 Is the mode of governance that leads to operationalisation a determining factor of norm diffusion at the local level?

7.3.1 Is Bonn's mode of governance that leads to operationalisation a determining factor of norm diffusion at the local level?

Most interviewed politicians and city and enforcement staff in Bonn were convinced that the local policies on (facilitating) irregular migrants (their access to housing) and the way they deal with this topic are successful. Usually initiatives that were approved in the city council were listed, such as efforts to make housing affordable (Interview no. 026; 057; 084). Noteworthy, they rarely referred to their contacts and/or interactions with NGOs/CSOs to arrive at norms supported and complied with by all actors in the field, except for the repeated view that: "*We can't make policy on invisible people, that is simply impossible, because then you don't know what you have to do and what you are paying for. Besides, it would go against the national legislation.*" (Interview no. 042). Most NGOs/CSOs, on the other hand, found Bonn's policies and the local governance less fruitful: "*The politicians deny the reality, they don't talk about irregular migrants and they don't allocate money to do something to the consequences of their policy. The only ones supporting irregular migrants access to decent housing are other private individuals, people going to church. It is something between 'real' humans.*" (Interview no. 003). Nonetheless, some interviewed NGOs/CSOs argued that the lack of local steering also contains advantages: "*[I]t could be better (if they would do what we plea for), it could be worse (if they would do the same as in Bavaria for example). It is the federal politics that must change, but it hasn't changed, just getting more and more strict, tightening the laws.*" (Interview no. 017); "*(…) we are not constrained by it, we can do what our mission asks us to do.*" (Interview no. 085).

The Bonn local government disposes of two formal instruments through which it can shape the local governance regarding (facilitating) irregular migrants' access to housing: the Working Group on irregular migrants and the Integration Board. These instruments attempt to steer norm diffusion in the daily operation. A lot of energy is put into the former by the policy-maker who chairs this platform. However, this Working group is contemplated as an instrument for NGOs/CSOs rather than a tool to arrive at joint policy decisions and norm diffusion that is supported by all actors in daily practice: "*As chair of the working group, I always try to invite politicians, and I follow up on them. It is up to the organisations and participants of the Working group to explain the needs, to tell about the situations they see. My role is that of a broker, I bring the different involved or to be involved parties tighter. I also prepare the meetings very well, I put a lot of time and effort in the Working group, because I think it is important, to give these invisible people a voice and to include also them in our society, they are human beings too.*" (Interview no. anonymised); "*As a member of the Integration Board, I do follow the working group on irregular migrants, but this is a weak structure (…).*" (Interview no. 044). Also the Integration Board was considered by all interviewees who had experience with it as a feeble instrument of local governance that does not lead to common and supported decisions and practices: "*This [Integration] Board meets every two months, like the Working Group [on irregular migrants], but it's not easy to influence the agenda. Actually this Board has no real power, it's more an advisory instrument. When there is a proposal to be decided by the city council, we still have to lobby with all parties, both opposition and majority.*" (Interview no. 017); "*I tried to be part of that system [Integration Board] but it led to nothing.*" (Interview no. 052).

Almost all of those interviewed in Bonn agreed that the local governance has not changed over the past two decades: "*(…) with the city administration we were always able to talk, constructive dialogues. Also that didn't change in the years I work for [name of NGO/CSO].*" (Interview no. 002); "*(…) since our organisation started in 2003 we approach the local politicians. CDU has always been the biggest party since then.*" (Interview no. 017); "*I see a lot of stand-still, no big changes, if anything changes at all.*" (Interview no. 057). Nevertheless, some interviewees mentioned external factors affecting the local governance, namely changes in the public discourse and the decreased resources available for services to migrants: "*(…) years ago it was easier to get public support and help from other organisations, administrations, teachers, etc.. Because of the current public debates and the complexity of our Asylum and Residence Acts, more of them are hesitant to help us, or sometimes they refuse to help us.*" (Interview no. 003); "*The public discourse is getter tougher though, but so far we still can do our work.*" (Interview no. 059); "*(…) there are more asylum seekers to take care of in recent years, while the budget has not increased proportionally. Thus, there are more persons 'fighting' for increasingly scarce resources.*" (Interview no. 072).

All in all, it must be concluded that Bonn's specific mode of governance that leads to operationalisation does determine norm diffusion. Although all actors aim at cooperation and are consensus-oriented, the lack of joint ownership of all those involved in the local governance structure with regard to irregular migrants results in norms not being shared, and norms diffusing neither upwards from the field to the local government nor downwards from the local government to the Bonn operational level.

7.3.2 Is Berlin's mode of governance that leads to operationalisation a determining factor of norm diffusion at the local level?

In 12 of the 19 interviews (with politicians as well as with NGOs/CSOs) the opinion was expressed that Berlin's policy on facilitating irregular migrants' access to housing is and cannot be successful. Only in two interviews was the cause attributed to both Berlin policy-makers and the local governance approach: "*As long as the topic is not openly discussed by politicians, there is no formal policy and there are no structural measures, meaning that the policy can't be successful. It's a pity that all politicians keep ignoring this part of the Berlin reality.*" (Interview no. 020). In all other interviews, the ineffective local policy was blamed on the decisions of the federal government and/or the lack of budget and local competences and/or mismatched party political preferences at the different levels of government: "*[S]ince many years the policy-makers in Berlin are from different parties than on the federal level, they have diverging opinions and aims. I don't think any local government can be successful in this kind of construction.*" (Interview no. 067); "*[T]he local and regional government lack the budget and the power to formulate their own policy, they can't compensate for the federal government's decisions that have a negative effect on all vulnerable people in Germany.*" (Interview no. 106). Those interviewed who found Berlin's policy on facilitating irregular migrants' access to housing fruitful supported their opinion either with the policy vision they shared, or with operational successes achieved through local governance, for example: "*When they come to us, they are homeless, (…). We can give them a document for when they are stopped by the police so that they are not detained. This works pretty well in Berlin.*" (Interview no. 041); "*The Berlin policy is more lenient than the federal policy on irregular migrants, and I'm proud of that. In Berlin we stand for a humanitarian approach.*" (Interview no. 030).

The Berlin local and regional governments use working groups and round tables to steer the operation of the local policies. Unlike Bonn's Working group on irregular migrants, the many Berlin working groups are not organised by the policy-makers for the NGOs/CSOs and fieldworkers, but facilitate joint operational decision-making on (mostly practical) problems that irregular migrants and those facilitating them face, usually through indirectly sharing operational issues to seek common solutions or alternatives with all actors involved: "*(…) a couple of months ago we organised a round table (…) during which we discussed several possible forms of living and sheltering asylum seekers with representatives of the local government.*" (Interview no. 016); "*(…) we organise round tables bringing the organisations and our administrations together.*" (Interview no. 030); "*(…) we are often invited to participate in working groups to advice policy-makers.*" (Interview no. 067). This consensus-oriented mode of governance fosters high compliance with the Berlin policies and an overall sense of shared responsibility among the participants in the task-specific local governance structure: "*I also represent [our NGO/CSO] in the Health & Illegality Working group, which is organised at the regional level. This is a kind of informal coalition with the regional policy-makers to improve the access to healthcare for irregular migrants.*" (Interview no. 097). However, it must be noted that a relatively small number of NGOs/CSOs decoupled from the local policies and governance as they feel strategic powerless.

Only in three of the 19 interviews it was stated that the local governance has changed over the past two decades. In particular, the frequency of interacting between the three categories of actors within the task-specific local governance structure changed in two ways: On the one hand, it was indicated that the number of contacts between politicians and NGOs/CSOs varied over time depending on the individual responsible policy-maker, on the other hand an increase was felt in recent years in the number of contacts between the Berlin city administration and NGOs/CSOs: "*In my first years here [since 2000] I had more contact with the local and regional policy-makers, then the number of contacts decreased and then increased again. (…) it goes up and down. I think it depends on the individual policy-maker, some like to involve you, others rely more on their cabinet.*" (Interview no. 020); "*The administration is focussing more on irregular migrants in recent years because the challenges have grown and the local government wants to act more on this topic now. (…) our contacts with the city staff increased.*" (Interview no. 037). The interviewees who saw no change in the local governance throughout time usually referred to the (limited) number of years they were active in this field and to the administration's duty to report irregular migrants, which was introduced with the Foreigners Act of 1990: "*In the period that I work here nothing changed in the contacts with the policy-makers and administration. We always had committed policy-makers who show interest in our work.*" (Interview no. 016); "*I only work here since 2010 but I didn't see any changes in the way we address each other or the frequency of our contacts. I'm pretty sure that also before 2010 irregular migrants was a topic that was never discussed.*" (Interview no. 107).

Overall, also Berlin's mode of governance that leads to operationalisation determines norm diffusion, albeit only among those participating in the task-specific local governance structure. These involved actors are consensus-oriented and experience joint ownership regarding irregular migrants through which norms are shared at the operational level. Moreover, the norms diffuse upwards from the field to the local government, as NGOs/CSOs' expertise to tackle concrete problems is asked and picked-up by the Berlin policy-makers.

7.3.3 Is The Hague's mode of governance that leads to operationalisation a determining factor of norm diffusion at the local level?

The Hague has no own policy specifically addressing irregular migrants (see 4.6.1), which was seen by some as successful and by a small majority of the interviewees as a sign of the opposite: "*Formulating policy on topics that are not relevant wouldn't be good policy. When problems occur, the local government proved to be successful, as the example of the occupation of the Sacrament church demonstrated.*" (Interview no. 009); "*(…) ignoring problems is never a solution.*" (Interview no. 010); "*Politicians try to ignore [irregular migrants'] presence. They can do that as long as irregular migrants stay invisible (…).*" (Interview no. 065). In contrast to the Bonn NGOs/CSOs, their The Hague counterparts did not consider the fact that irregular migrants is often not openly discussed in local governance as an obstacle: "*Because of the dominant right-wing public opinion, it is often better not to focus on irregular migrants as a topic. Often the problems they face are not mainly the result of their residence status, thus we don't need to focus on the aspect of being undocumented.*" (Interview no. 068). Yet, what was perceived by many (politicians, city and enforcement staff, and NGOs/CSOs) to hinder local governance are the many negative public discourses about irregular migrants in the media: "*Irregular migrants should not be addressed through the media. Policy on this is better elaborated in the lee, because then you can realise more. Once such issues become public, political discourses prevail.*" (Interview no. 035); "*Specific cases are dealt with by the administration in cooperation with the specific vice-mayors. As long as such a case is not in the media, we usually get their joint agreement. Once a case is mediatised, politicians share their party ideologies in the media.*" (Interview no. 069). Nevertheless, several NGOs/CSOs concluded that: "*[I]t doesn't bring you any further when you get angry at politicians' decisions and statements. It is more worthwhile to consider how you can establish positive contacts with them and then, little by little, convince and persuade them to take steps in the direction we want.*" (Interview no. 068). All interviewed policy-makers perceived The Hague's mode of governance as fruitful, as one policy-maker explained how s/he takes decisions: "*Before I take any decision I always extensively consult the administration, and I also test them with organisations. Then I propose the measure to the mayor and/ or involved colleagues. This method may slow down things, but agreed decisions are always better decisions. Of course the proposals I can do always have to lie within the limits of the coalition agreement and the national legislation.*" (Interview no. 012).

The Hague counts several structures in which NGOs/CSOs that work with irregular migrants meet, as well as task-specific platforms organised by city staff and/or policy-makers. Winter et al. (2018) ascertain that in most Dutch municipalities with a BBB facility a local platform operates in which policy-makers, city and enforcement staff and NGOs/CSOs meet periodically to discuss specific issues concerning irregular migrants. With regard to The Hague they note that NGOs/CSOs indicate that the other actors emphasise too much on returning irregular migrants through which they only rarely bring in own cases. The same gist -that policy-makers seem to prioritise only their own policy agenda and aim to getting NGOs/CSOs on board in this- was also heard in relation to other platforms, for example: "*The responsible vice-mayor [Bert van Alphen] wants to meet us -all homelessness initiatives- every six weeks to discuss our work, findings and ideas. It seems nice, to have him involved, but I keep on having the feeling that he wants to get us eating out of this hands, that he wants to convince us about his policy decisions, and that he wants to use us to defend his decisions. The agenda of these meetings is set by him and his advisors, we can add agenda points, but I have the feeling he basically wants to steer*

the agenda, he wants to inform us more than he wants to listen to our grieves and worries. It is always a big struggle to get our agenda points on the table. On the other hand, he does implement our motions that we hand over to the city executive board. These meetings complicate for us our lobbying role. I feel it more difficult to undertake actions against his policy." (Interview no. 031). This consensus-steering mode of governance thus rather arouses unease with the NGOs/CSOs, which neither impacts compliance with The Hague's policies nor enhances a sense of shared responsibility among the participants in the task-specific local governance structure.

10 of the 18 interviewees felt that the local governance has changed over time. Two reasons were put forward for this, namely, the individual approach of responsible policy-makers and national policy changes: "*(…) the frequency of interaction and the specific topics they address us with always depend to a large extent on the individual policy-maker's interests and motivation. The current vice-mayor responsible for homelessness (van Alphen) is personally very concerned with homeless people, while his predecessor wasn't much interested in this topic.*" (Interview no. 043); "*(…) because human trafficking (…) became a priority on the Dutch political agenda. (…) since 2015 we can give advice to the enforcement services and give input for the local policy. Before that, we only sporadically got any question or interest from the city staff, although the problems were bigger and we made our organisation known to them. Since 2015 they are open to our expertise.*" (Interview no. 045); "*The BBB in The Hague was set up in 2007 and substantially reduced in 2014 due to changes in the national policy. The frequency of interacting with the organisations follows these policy changes.*" (Interview no. 069). Especially in the eyes of politicians and city and enforcement staff, the local governance in The Hague did not change over the years: "*I have always been very interested in these issues and I always was in contact with and involved in social organisations.*" (Interview no. 012); "*I've always worked like that.*" (Interview no. 035); "*[W]e only interact when there is a clear problem, and then we aim for pragmatic solutions that work for all involved actors.*" (Interview no. 098). Also the one NGO/CSO that decoupled from local politics did not feel any changes in the mode of local governance throughout the past decades: "*Our contacts with the police started somewhere in the 1990s (…). From the beginning we had a good relation, we still have good relations and understanding of each other's work.*" (Interview no. 010).

Although all actors involved in the relatively small task-specific local governance structure of The Hague are consensus-oriented, three causes seem to obstruct norm diffusion. Firstly, NGOs/CSOs only feel joint ownership regarding operational decisions and not regarding policy decisions, resulting in hidden conflicts related to obtaining local government resources. Secondly and thirdly, consensus-steering by and negative public discourses in the media from policy-makers fuel unease and mistrust among the NGOs/CSOs. Therefore, it seems that The Hague's specific mode of governance that leads to operationalisation determines norm diffusion only to a limited extent. Nonetheless, in general, the interviewees felt that norms diffuse upwards from the field to the local government.

7.3.4 Is Amsterdam's mode of governance that leads to operationalisation a determining factor of norm diffusion at the local level?

While some interviewees indicated that "*[i]t is too early to draw conclusions about the current policy.*" (Interview no. 062), in 12 of the 18 interviews the conviction was expressed that Amsterdam's policy on facilitating irregular migrants' access to housing may be or is successful, precisely because of the consensus-oriented cooperation between all actors involved in the task-specific local governance structure: "*In Amsterdam I think it can be successful, because the civil servants, NGOs and policy-makers cooperate with one another. When civil servants have enough contact with NGOs, they grow towards the organisations. The civil servants than form a bridge between the NGOs and the local policy-makers. The local government in Amsterdam now is an ally of the organisations, the latter don't need to protest anymore against the former, instead they cooperate with one another.*" (Interview no. 088); "*(…) we agree with the current policy of the Amsterdam government. We actively participated in the process of drawing this policy, the Programme Undocumented. it is a success that organisations are more involved in the policy-making and that they can take more responsibilities.*" (Interview no. 101). In this context Andeweg & Irwin (2009) point at the engagement of strong and well-organised interest groups in a consensus-oriented model of policy-making as a prerequisite for successful policy outputs. That staunch and committed NGOs/CSOs are active in Amsterdam's policy-making was affirmed in many interviews: "*We closely cooperate with a lot of organisations, meaning that we agree with one another, even more, NGOs carry out the city policy."* (Interview no. 033); "*(…) the idea behind this [LVV] Pilot in Amsterdam is that cooperation with all involved actors can lead to sustainable solutions for the irregular migrants. The distrust between the NGOs on the one hand, and DT&V and AVIM on the other hand is rather big at this moment, but rapprochement between them can grow."* (Interview no. 062). Yet, a handful of interviewees pointed out the shortcomings of Amsterdam's policies on facilitating irregular migrants' access to housing and on that basis deemed that the local policy is ineffective: "*The local government started in July with the implementation of the LVV Pilot. In total 500 irregular migrants will have access to these facilities, but that is not enough, there are more irregular migrants in Amsterdam. The night shelter during the upcoming winter period will apply stricter rules to exclude more irregular migrants from this provision. Some services offered or paid for by the local government will be stopped soon, and for having access to other services more restrictive criteria will be used. Some irregular migrants will benefit from this project. The sad thing is, that some services for other groups of irregular migrants will be stopped. It will worsen their situation.*" (Interview no. 006); "*The LVV Pilots is something we don't support, because access to accommodation should be unconditioned.*" (Interview no. 088).

In addition to the frequent informal contacts and the formal structures in which one particular category of actors meet, a number of task-specific platforms were mentioned from which the local policy on facilitating irregular migrants' access to housing is steered. Interviewees often described the operation of the Steering group of the LVV Pilot and Programme Undocumented, indicating that the contacts within this platform are consensus-oriented, like most other contacts they have among and with each other: "*I also participate in the LVV Steering group in which many NGOs, several department of the city, DT&V and IND are involved as well.*" (Interview no. 006); "*[T]here is a weekly meeting of the LVV Steering group in which I take part. But next to that, we see and hear each other regularly on different occasions. Usually we don't discuss irregular migrants' access to housing apart from the LVV Pilot.*"

(Interview no. 054). Unlike in the other five cities studied, the steering does not come from the Amsterdam government, since the directing role (including, amongst others monitoring of the Pilot and Programme) has been transferred to NGOs/CSOs since September 2019 (Gemeente Amsterdam, 2020b). However, the local government continues to take up its administrative and legal responsibility by establishing the policy frameworks and budgets in the city council, and remains responsible for communicating with the Amsterdam citizens: "*It is for the first time that the organisations are really in charge of the implementation of the local policy. The role of the local government is to facilitate the Pilot, and of course we take up the judicial responsibility as well.*" (Interview no. 062). Furthermore, as a co-actor, the Amsterdam government is liable for making the required reception locations available (Gemeente Amsterdam, 2020b). In other words, in the Local Cooperation Consultation of the Programme Undocumented (LSO) and in the LVV Steering group, joint decisions are concluded on the basis of consensus, while the operational tasks are clearly divided among the actors involved in the task-specific local governance structure.

In 10 of the 18 interviews, it was said that the local governance changed markedly and positively with the introduction of the Programme Undocumented after the 2018 local elections. While the frequency of interacting decreased according to some actors, others felt it had increased, but they all agreed that the interactions have become better structured and that local policies on facilitating irregular migrants' access to housing have since been the result of true co-creation: "*Since the Programme Undocumented is institutionalised (end 2018) the interaction changed in a good way, it's more structured now. I have contacts with a lot of organisations, although the frequency of interaction lowered thanks to the Programme and its implementation structure.*" (Interview no. 033); "*Our interaction is much more intense now. I know the organisations for a very long time and we were always in contact, but now we co-created the policy and we implement it together, that is a big difference.*" (Interview no. 036); "*(…) the content of the Programme is not new, it grew under previous coalitions. But this coalition introduced a new approach of cooperation, as organisations we have more influence now and also more responsibilities. (…) the current responsible vice-mayor Rutger Groot Wassink is focused on collaboration and direct contact. So we have more frequent contact now.*" (Interview no. 101). Only one interviewee -considering the local governance over a longer period- referred to the changed public discourse about (facilitating) irregular migrants that, driven by national politicians, radiates on the Amsterdam governance: "*Throughout time, the central governments paid more and more attention to irregular migrants, they influence public opinion in a negative way. As a result, discussions, also here in Amsterdam, become more intense. (…) the Amsterdam government's room to manoeuvre is getting smaller.*" (Interview no. 007). In the other seven interviews it was claimed that Amsterdam's governance had not changed throughout time, as NGOs/CSOs always were decisive for the local policies on irregular migrants. The changes these interviewees brought up related to individuals' personal interests, especially those of the competent vice-mayor: "*In the past six years it didn't really change. I think this is due to the many advocacy organisations that push the local government. I always had contacts within the city administration and with the responsible deputy-mayors. The only difference between deputy-mayors is their personal involvement with regard to irregular migrants. Deputy-mayor Groot Wassink is personally involved in this topic and knows already a lot about their situations.*" (Interview no. 087).

Since all NGOs/CSOs, city and enforcement staff, and competent policy-makers are in one or more ways explicitly involved in the Amsterdam's policy-making and policy implementation, the city's mode of governance that leads to operationalisation clearly determines norm diffusion. Despite some differences of opinion, all actors are consensus-oriented and experience joint ownership through which norms are shared and complied with at the operational level. Moreover, the norms diffuse upwards from the field to the local government, as NGOs/CSOs co-create and are responsible for the local policies.

7.3.5 Is Stoke-on-Trent's mode of governance that leads to operationalisation a determining factor of norm diffusion at the local level?

Only one interviewee was convinced that Stoke-on-Trent's local policy is partly successful: "*[The civil servants] do what they can, but they lack financial resources due to the austerity measures from the national government. Some city staff are really great people who want to help. Most city councillors stay away from the subject for the obvious reason that they lack the budget and knowledge to be helpful on these matters.*" (Interview no. 050). All other interviewees took the opposite view and blamed this either on the city staff who are given too much discretion in their opinion, and/or on the policy-makers who have too little knowledge to elaborate a coherent local policy: "*The local policy is set up mainly by the administration, not by elected politicians. But as councillors decide on the budget lines, there often is no money to carry out the policy. With regard to immigrants in general there is no strategy, there is no comprehensive policy and therefore it can't be successful in my opinion.*" (Interview no. 055); "*[O]n paper is looks Ok, as if asylum seekers and irregular migrants have access to all basic rights. But in practice a lot of obstacles are created [by the administration] through which the official policy is not successful at all.*" (Interview no. 032). Particularly in connection with so-called Section 17 cases, i.e., destitute migrants with children who have No Recourse to Public Funds (NRPF), which are dealt with by the Social Services, there was a lot of dissatisfaction among NGOs/CSOs and city staff from other departments. According to Price & Spencer (2015), the performance of the administration in Section 17 cases is determined by three factors: The intrinsic motivation of (the managers of) the competent service, the social workers' perception of Section 17 cases, and the pressure that interest groups can exert on the relevant civil servants. The interviewees identified, in this context, the lack of motivation and a negative perception with regard to Section 17 cases within the Social Services: "*The city council is responsible to take care of destitute irregular migrant families who have NRPF. But often they try to get rid of such cases, they don't want to help these families, because the central government isn't giving any money for this.*" (Interview no. 091); "*There still are a lot of problems with the Social Services. For example, some civil servants still threaten to take away the child(ren) of our clients with NRPF when they go to the Social Services because they are victim of domestic abuse. Some social workers are doing a good job though, but they are instructed by the local government's legal team and their managers who give priority, or have to prioritise, budgetary aspects (…). Some managers really don't seem to care (…).*" (Interview no. 092).

In its Stronger Together Strategic Plan 2016-2020, the Stoke-on-Trent local government prioritises partnerships with local NGOs/CSOs (City of Stoke-on-Trent, 2016b). The importance attached to this

way of working was extensively confirmed by policy-makers and city staff: "*All our policy and programmes are realised in partnership with different stakeholders like NGOs, faith groups and relevant services. Through partnership working we save money, so we can realise more and it removes organisations from their former silo-working approach, it forces all actors to cooperate with one another. Via the partnerships we stay in contact with daily reality, it forms our policy, we need these contacts and reality checks to be able to take the right decisions at the local political level.*" (Interview no. 048); "*We always tried and try to work in partnership with the population and organisations, that's the best way to realise our aims.*" (Interview no. 095). However, only two concrete partnerships were mentioned and discussed in the interviews: Stoke-on-Trent's destitution meeting on housing and the West Midlands Strategic Migration Partnership. The former is organised by the Citizens Advice Bureau and gathers twice per year all social housing and poverty actors, including a number of NGOs/CSOs (City of Stoke-on-Trent, 2017). The latter is hosted by the Birmingham city council and brings around the table the key actors from the 14 upper-tier local authorities in the West Midlands region tasked with asylum applicants (WMSMP, 2019). Although only a number of NGOs/CSOs are involved in the destitution meeting on housing and it only meets twice a year, the interviewed participants were satisfied with this steering by the city administration: "*In the destitution meetings on housing I sometimes sketch a general picture of how destitute migrants are living, I try to explain and gain their compassion.*" (Interview no. 053); "*Since many years we organise twice a year destitution meetings on housing. Some NGOs, (…), are involved in it.*" (Interview no. 105). While they pointed out its past potential, the few interviewees who had experience with the West Midland Strategic Migration Partnership were disgruntled with its governance: "*[In] the West Midlands Strategic Migration Partnership (…) we sometimes discuss the approach towards people with NRPF. However, the operation of this partnership currently is practically silent.*" (Interview no. 032).

Only in three of the 17 interviews it was experienced that Stoke-on-Trent's local governance had changed in the past two decades. The causes of this changes were attributed to resources, to wit: The increased number of NGOs/CSOs targeting (also) irregular migrants, and decreased available financial transfers: "*There are more organisations now then 5 years ago. [Because we are councillors] it's more important for us to regularly hear from them, to get feedback on our policy decisions and proposals.*" (Interview no. 048); "*(…) the services open to irregular migrants have increased and we are better organised now than in the past.*" (Interview no. 096); "*Year after year, the local budget spent on supporting irregular migrants' access to basic rights is reduced. The knock on effect of the tougher policy, both at the national and local level is a consequence of the lack of budget.*" (Interview no. 092). All other interviewees reacted on the question whether the local governance had changed over time with variations of "*No, it always has been this way.*" (Interview no. 050; 053). Their reasoning was based on the quality and results of the interactions, as the following quotes illustrate: "*There are more organisations active now than for instance a decade ago. However our relation didn't change, it's just that our network grew.*" (Interview no. 055); "*The contacts with city councillors always have been few and shallow, we never discussed cases of irregular migrants with them, so it definitely has nothing to do with the constitution of the city coalition.*" (Interview no. 092); "*[Since our city service] was founded in 2002, our relation did not change (…). In recent years there are more charity organisation in Stoke that focus on asylum seekers (…). But, content wise, these relations did not change: we don't give them grants, we only try to refer emergency cases.*" (Interview no. 105).

In sum, it must be concluded that the specific mode of governance that leads to operationalisation in Stoke-on-Trent determines norm diffusion. Yet, like in Bonn, norms are not shared and do not diffuse through the city's local governance approach. This is, firstly, because the different categories of actors have little contact with each other and the interactions are often conflict-oriented. Secondly, there is a lack of joint ownership regarding both the local policy and its operationalisation. And, thirdly, the city lacks a single overarching task-specific local governance structure bringing all local actors together (only a number of sub-structures that usually have little or no contact with each other are present). As a result, norms are not complied with by all local actors and do not diffuse, neither upwards from the field to the local government, nor downwards from the local government to Stoke-on-Trent's daily life.

7.3.6 Is London's mode of governance that leads to operationalisation a determining factor of norm diffusion at the local level?

Most London interviewees distinguished between the local housing policies, the local approach to homelessness and the city administration's dealing with Section 17 cases. The first two policy areas were generally perceived as unsuccessful: "*For social housing and for supporting residents with housing needs (…) the council isn't doing a good job in my opinion. They spend the available budget wrongly, they make wrong choices, making big private companies richer and leaving residents who need support on their own. As a result we witness a lot of gentrification.*" (Interview no. 082); "*(Irregular) homeless migrants compete with UK homeless people over the scarce resources. You know that the council can't help many UK homeless people either, sometimes that is because they are so-called intentionally homeless.*" (Interview no. 040). With regard to supporting Section 17 cases, all interviewees from five of the seven boroughs included in this study[156] agreed that the local government has made progress in this area in recent years, although they are still hampered by central government measures: "*At the local level, the council does what they can, but they are hindered by restrictive legislation and austerity measures.*" (Interview no. 019); "*In Camden they do what they can, I have the feeling that they support us.*" (Interview no. 079). The main difference between the local governance regarding housing and homelessness policies, and Section 17 cases' access to housing is that there are strong, specialised NGOs/CSOs active in London (such as Project 17[157] and the NRPF Network), and that a lot of advocacy work is being done concerning the latter, which, according to Price & Spencer (2015), significantly affects the city administration's performance: "*(…) our volunteers support the clients at the Social Services to help them claim their rights (…).*" (Interview no. 004); "*Although the council needs to support Section 17 cases, they lack the means to help everyone, that is why they sometimes try to scare of families by suggesting inappropriate accommodation outside London. When we support the Section 17 case, that doesn't happen.*" (Interview no. 051). Moreover, also policy-makers advocate for Section 17 cases, which strengthens the task-specific local governance structure: "*Like all councillors, I also advocate individual cases, for example in relation to access to social services.*" (Interview no. 099).

[156] To wit: Hackney, Islington, Tower Hamlets, Camden, Brent. Interviewees from Lambeth and Southwark did not touch upon this specific issue.

[157] The charity, Project 17, has a local office in many London boroughs through which they support Section 17 cases. Aiming to end destitution among migrant families, they furthermore support all actors in England who request their help (amongst them many NGOs/CSOs and city councils) (Project 17, 2020).

Like in Bonn and in Stoke-on-Trent, there are few organised opportunities at London boroughs level where policy-makers, city and enforcement staff, and NGOs/CSOs jointly gather to discuss facilitating irregular migrants' access to housing. The only meeting structure that was brought up by the interviewees was the Housing and Immigration Group (HIG) organised by the Immigration Law Practitioners' Association, in which several NGOs/CSOs, private legal counsellors and barristers (of which some work in or with a borough administration) share their knowledge and legal interpretations. Although this platform is not steered by any borough council or the GLA, the interviewed participants rated these interactions as valuable: "*In these HIG meetings we share our interpretations of the legislation and we agree on common strategies. (…) We align our strategies to get the best results as possible for the irregular migrants.*" (Interview no. 075). Although none of the interviewees referred to it (despite some interviewed NGOs/CSOs being part of it), two platforms addressing migration and (destitute) refugees in London are steered by the GLA, namely: the London Strategic Migration Partnership and the Migrant and Refugee Advisory Panel. This corresponds to Aparicio et al.'s (2010) findings that it is common practice in the UK to consult interest groups, and to include representatives of all parties that should be involved in the task-specific governance structure concerning immigration and refugees in policy decision-making processes. In the London Strategic Migration Partnership representatives of the central, GLA and local governments, and NGOs/CSOs collaborate to develop and maintain a strategic overview of key issues for migrants, refugees and people seeking asylum in London. This Partnership is chaired by GLA's deputy-mayor for Social Integration and meets quarterly (Mayor of London, 2019c). The Migrant and Refugee Advisory Panel advises the work of the London Strategic Migration Partnership and of the GLA's Social Integration Team, and provides information on migration and (destitute) refugees to other GLA administrative departments when relevant (Eurocities, 2018). This Panel, consisting of many local and some nationally organised NGOs/CSOs, meets four times a year, under the auspices of the GLA Social Integration Team (Mayor of London, 2019b).

In 14 of the 20 interviews, it was stated that London's local governance has not changed over time, although it must be noted that part of the interviewees only looked or could look back a few years: "*In the four years I work here, I didn't see or feel big changes. Maybe there are a bit more migrant communities active in recent years (…).*" (Interview no. 040); "*We are a young, but well-known charity (…). Our contacts with the local council have always been positive, we have easy and frequent contact with them.*" (Interview no. 051); "*I always looked for cooperation with organisations. I have respect for their different opinions and I look for compromises.*" (Interview no. 099). In the other six interviews, changes in the local governance were attributed to the central government's austerity measures: "*This cooperation out of necessity/ best interest of our target group started when Cameron introduced this so-called 'Big Society' in 2010. This concept put charities under so much pressure that they couldn't keep up with the work anymore.*" (Interview no. 013); "*Over the years we have seen a couple of changes, like now we see that they use our offer less, probably because it is more expensive than renting accommodation in a B&B. However, these changes (…) [are] the result of the austerity measures imposed on local authorities by the central government.*" (Interview no. 047). One interviewee added to the austerity measures that affect the local governance, NGOs/CSOs' improved reputation as solid partners for the local government: "*The longer we exist, the better our work becomes known and the more boroughs (both policy-makers and the administration) contact us. I guess that is a good sign, they learn about our work and they appreciate our support.*" (Interview no. 004). In short, according to the

London interviewees one major external factor (scaled back financial transfers) ten years ago, led to the task-specific local governance structure evolving towards more and better cooperation.

Like in all cities studied, London's mode of governance that leads to operationalisation determines norm diffusion. Although the task-specific local governance structure is very broad and consists of several sub-networks, almost all actors are consensus-oriented and experience partial ownership regarding operational decisions over irregular migrants' situation. That way, certain norms such as regarding Section 17 cases, are shared at the operational level. Moreover, these norms diffuse upwards from the field to the local government, as NGOs/CSOs perceive that their expertise and advocacy leads to desired outputs. However, the different categories of actors have little contact with each other at borough level, which gives NGOs/CSOs the feeling that they have too little shared ownership regarding local housing and homelessness policies. Norms on these topics thus diffuse downwards, yet, not from the local governments to London's daily practice, but from the central government to the London governments and the operational level.

7.4 Discussion: The importance and role of mode of governance that leads to operationalisation on norm diffusion at the local level

7.4.1 Comparison between the mode of governance that leads to operationalisation and norm diffusion at the local level in the six cities studied

Issue saliency, administrative capabilities, public opinion, interest groups, and veto-players -five of the seven identified aspects that may explain implementation outputs- were taken into account to answer whether the mode of governance that leads to operationalisation is a determining factor of norm diffusion at the local level. Issue saliency, public opinion, and administrative capabilities were assumed to determine together the frequency and intensity of the interactive process and the investment of resources at the local level (Lahav, 2004; Thierry & Martinsen, 2018; Versluis, 2003).

Indeed, irregular migrants is a high salient issue (Cherti, 2014b; Givens & Luedtke, 2005; Jordan & Düvell, 2002; Merlino & Parkin, 2011; Provera, 2015; Triandafyllidou & Bartolini, 2017). It was mentioned most explicitly by the interviewees in Amsterdam (see 6.3.4), but plays, together with public opinion (see 5.4.3), a role in the contacts and interactions between all local actors concerned with facilitating irregular migrants' access to housing in the six cities studied. It was assumed that issue saliency would generate much (political and public) attention and investment of local resources (Thierry & Martinsen, 2018; Versluis, 2003; Winter, 2014), but this did not always turn out to be the case. The attention paid to irregular migrants differed considerably from each other in the six cities studied. The first column of Table 51 shows that in Stoke-on-Trent -and to a lesser extent in Bonn, Berlin, London, The Hague- irregular migrants' access to housing is discussed much less often between the actors that together constitute the task-specific local governance structure than in Amsterdam.

Public opinion was expected to affect the way of interacting within the task-specific local governance structure (de Haas et al., 2014; Hatton, 2015; Penninx et al., 2014). But while the interviewees in the six cities studied agreed that public opinion about irregular migrants is generally negative, the way of interacting between the involved actors differed significantly from city to city. As summarised in the second column of Table 51, in The Hague, Amsterdam, and London the interactions between all (categories of) actors are consensus-oriented, while the interactions between NGOs/CSOs and city and enforcement staff are conflict-avoiding in Bonn and Berlin (due to the latter's reporting obligation) and conflict-avoiding between NGOs/CSOs and local policy-makers in Bonn (because irregular migrants is perceived as an unspeakable taboo). On the other hand, in Stoke-on-Trent all interactions, except between NGOs/CSOs, are conflictive or -between NGOs/CSOs and local policy makers- even non-existent. Also the administrative capabilities (money, knowledge and skills) that are used for cooperation, coordination and output delivery differ fairly from each other in the six cities studied. The third column of Table 51 displays that only very little local resources are given to NGOs/CSOs to work with irregular migrants and little steering concerning local policies on irregular migrants is done by the Bonn and Stoke-on-Trent local governments, while sizable local resources and steering comes from the local governments in Berlin and The Hague. Sizable local resources are also granted by the local governments of Amsterdam and London, but while in the former there is co-steering by most actors involved in the task-specific local governance structure, there is no steering from the borough governments and some steering from the GLA. As a result joint operational decisions are made in all cities but Stoke-on-Trent and joint policy decisions are concluded in Amsterdam, and occasionally in Berlin and London, while never in Bonn, The Hague and Stoke-on-Trent.

Table 51: Comparison between cities' frequency and intensity of interacting and the investment of local resources

	Frequency of interacting	Way of interacting	Investment of local resources
Bonn	- Regular contact between city staff and politicians; - Frequent contact between NGOs/CSOs; - Regular contact between NGOs/CSOs and city staff; - Regular contact between many NGOs/CSOs and local policy-makers.	- Consensus-oriented interaction between city staff and politicians; - Consensus-oriented interaction between NGOs/CSOs; - Conflict-avoiding interaction between NGOs/CSOs and city staff; - Conflict-avoiding interaction between many NGOs/CSOs and policy-makers.	- Very little local resources given to NGOs/CSOs for irregular migrants; - Little steering from the local government; - Joint operational decisions; - No joint policy decisions.
Berlin	- Regular contact between city and enforcement staff and policy-makers; - Frequent contact between interest groups of NGOs/CSOs; - Regular contact between many NGOs/CSOs and city and enforcement staff; - Regular contact between many NGOs/CSOs and local policy-makers.	- Consensus-oriented interaction between city and enforcement staff and policy-makers; - Consensus-oriented interaction between interest groups of NGOs/CSOs; - Conflict-avoiding interaction between many NGOs/CSOs and city and enforcement staff; - Consensus-oriented interaction between many NGOs/CSOs and policy-makers.	- Sizable local resources given to NGOs/CSOs for irregular migrants; - Sizable steering from the local and regional governments; - Joint operational decisions; - Occasional joint policy decisions.

The Hague	- Frequent contact between city and enforcement staff and policy-makers; - Frequent contact between NGOs/CSOs; - Regular contact between NGOs/CSOs and city and enforcement staff; - Regular contact between most NGOs/CSOs and local policy-makers.	- Consensus-oriented interaction between city and enforcement staff and policy-makers; - Consensus-oriented interaction between NGOs/CSOs; - Consensus-oriented interaction between NGOs/CSOs and city and enforcement staff; - Consensus-oriented interaction between most NGOs/CSOs and policy-makers.	- Sizable local resources given to some NGOs/CSOs for irregular migrants; - Sizable steering from the local government; - Joint operational decisions; - No joint policy decisions.
Amsterdam	- Frequent contact between city and enforcement staff and policy-makers; - Frequent contact between NGOs/CSOs; - Frequent contact between NGOs/CSOs and city and enforcement staff; - Frequent contact between most NGOs/CSOs and local policy-makers.	- Consensus-oriented interaction between city and enforcement staff and policy-makers; - Consensus-oriented interaction between NGOs/CSOs; - Consensus-oriented interaction between NGOs/CSOs and city and enforcement staff; - Consensus-oriented interaction between most NGOs/CSOs and policy-makers.	- Lots of local resources given to NGOs/CSOs for irregular migrants; - Co-steering by most actors involved in the task-specific local governance structure; - Joint operational decisions; - Joint policy decisions.
Stoke-on-Trent	- Rare contact between city and enforcement staff and policy-makers; - Regular contact between interest groups of NGOs/CSOs; - Occasional to regular contact between NGOs/CSOs and city and enforcement staff; - Rare contact between NGOs/CSOs and local policy-makers.	- Conflict-oriented interaction between city and enforcement staff and policy-makers; - Consensus-oriented interaction between interest groups of NGOs/CSOs; - Consensus- and conflict-oriented interaction between NGOs/CSOs and city and enforcement staff;	- Very little local resources given to NGOs/CSOs for irregular migrants; - Little steering from the local government; - No joint operational decisions; - No joint policy decisions.

		- No interaction between NGOs/CSOs and policy-makers about irregular migrants.	
London	- Regular contact between city and enforcement staff and policy-makers; - Frequent contact between NGOs/CSOs; - Regular contact between most NGOs/CSOs and city and enforcement staff; - Regular contact between many NGOs/CSOs and local policy-makers.	- Consensus-oriented interaction between city and enforcement staff and policy-makers; - Consensus-oriented interaction between NGOs/CSOs; - Consensus-oriented interaction between most NGOs/CSOs and city and enforcement staff; - Consensus-oriented interaction between most NGOs/CSOs and policy-makers.	- Sizable local resources given to NGOs/CSOs for irregular migrants; - No steering from the borough governments, some steering from the GLA government; - Joint operational decisions; - Occasional joint policy decisions.

In contrast to issue saliency and public opinion, which appear not to be linearly related to the local governance -and thus to norm diffusion- in the six cities studied, there was a clear link between the mode of local governance and actors who organise as one or more interest groups when experiencing that burden(s) and/or benefit(s) are concentrated. Regarding (facilitating) irregular migrants, burden(s) and/or benefit(s) are concentrated (Bloch & Chimienti, 2011; Carrera et al., 2018; Chimenti, 2011; Dedja, 2013; Vollmer, 2014). As expected -based on the findings of Börzel (2006), Cowles et al., (2001), and Treib (2014)- interest groups were present in each of the six cities studied, inter alia, attempting to influence the implementation and operation of local policies affecting irregular migrants' access to housing through visible initiatives, except in Stoke-on-Trent. The NGOs/CSOs in Stoke-on-Trent explained not to interact and lobby with local policy-makers because the local councillors have no competences and too little knowledge on the subject matter, and have too little power vis-à-vis the city administration. The first two arguments were also heard in London, and the first argument was also cited by a several interviewees in the other cities, but did not keep the interest group(s) from interacting with local policy-makers and setting up visible advocacy initiatives on irregular migrants at the local level. Due to the non-interaction with policy-makers and the lack of visible lobbying initiatives in Stoke-on-Trent, norms do not diffuse at the local level.

In both Stoke-on-Trent and London different interest groups have formed. The NGOs/CSOs in Stoke-on-Trent that are part of a particular interest group only interact with each other within this group and there is no overarching task-specific local governance structure. In London, on the other hand, NGOs/CSOs typically interact within several interest groups and participate in changing coalitions, as well as they are involved in the overarching local governance structure on (facilitating) irregular migrants. In London, like in Amsterdam, the NGOs/CSOs behave like birds of a feather that flock

together, but, in one or another way, they are all involved in the extensive task-specific local governance structure. As a result of these diversified interactions with policy-makers and various visible lobby activities, norms diffuse upwards in London and Amsterdam. As Table 52 shows, also in Berlin, and to a limited extent in The Hague norms diffuse upwards.

Table 52: The direction in which norms diffuse at the local level in the six cities studied

	Downwards norm diffusion	Upwards norm diffusion	No norm diffusion
Bonn			X
Berlin		X	
The Hague		X	
Amsterdam		X	
Stoke-on-Trent			X
London		X	

London, Amsterdam, Berlin and The Hague have in common that there is an overarching task-specific local governance structure, that there is interaction between NGOs/CSOs and local policy-makers, and that there is visible lobbying in their city. However, these three features also apply to Bonn where norms, like in Stoke-on-Trent, do not diffuse at the local level. Despite the fact that NGOs/CSOs in Bonn, like in The Hague, prefer to be perceived and to interact with local policy-makers as one actor, they fail to upload their norms at the local level, just like the local government (policy-makers and city and enforcement staff) fails to download their norms in daily practices. The clear differences between Bonn and Stoke-on-Trent, on the one hand, and London, Amsterdam, Berlin and The Hague, on the other hand, lie in three variables: 1) The way of interacting between NGOs/CSOs and policy-makers; 2) The size of local resources given to NGOs/CSOs to work with irregular migrants; and 3) The degree of steering by the local and/or regional government. While the interaction between NGOs/CSOs and policy-makers is conflict-avoiding or non-existent in the former two cities, it is consensus-oriented in the latter four cities. Furthermore, in Stoke-on-Trent and Bonn very little local resources are spent on (facilitating) irregular migrants, and there is only little local steering on this topic, unlike in the four other cities. Interest groups thus clearly influence the mode of local governance, particularly regarding the direction in which norms diffuse at the local level, through the frequency and way they interact and lobby with local policy-makers.

However, not only interest groups, but also the local government (policy-makers and city and enforcement staff) influence the mode of local governance and the direction in which norms diffuse at the local level. Like NGOs/CSOs, they have a share in the frequency and way of interacting within the task-specific local governance structure, but they also control most of the local resources. In Bonn and Stoke-on-Trent the local government appears to be the only veto-player, despite all Bonn NGOs/CSOs forming one joint negotiation block and probably thanks to NGOs/CSOs operating in Stoke-on-Trent not presenting themselves and acting as one actor. Since in both Bonn and Stoke-on-Trent the city staff is considered to have the most discretion power (see 6.3), it can be presumed that they

are the real veto-players at the local level. However, it are always the elected politicians who take the policy decisions, and when there is little contact between city staff and the responsible policy-makers and/or when the way of interacting between the two is not consensus-oriented, policy-makers may decide differently than advised by the city administration, as was exemplified in a number of Stoke-on-Trent interviews. In Berlin, The Hague, Amsterdam and London it seems that NGOs/CSOs are the ultimate veto-players, as norms diffuse bottom-up. Indeed, NGOs/CSOs' extensive knowledge and experience is felt to be appreciated by the local government, they are included in the operation of local policies (and to a lesser extent in local decision-making processes, except in Amsterdam where policy decisions are jointly taken by the extensive task-specific local governance structure), and they do have discretion. Through meeting these three conditions the NGOs/CSOs in Berlin, The Hague, Amsterdam and London can be regarded as strong veto-players (Dörrenbächer, 2017; Ellermann, 2007; Lipsky, 2010; May & Winter, 2009; Maynard-Moody & Musheno, 2000; Thierry & Martinsen, 2018).

7.4.2 Comparison between cities' policies regarding (facilitating) irregular migrants' access to housing and norm diffusion at the local level in the six cities studied

The comparison between the local policies regarding facilitating irregular migrants' access to housing (see chapter 4) and the direction in which norms diffuse at the local level of the six cities studied (see Table 52) is made by looking first and foremost at the extent to which the local policies comply with and/or deviate from (through actors using their discretion and/or room to manoeuvre) the national legislation. As in chapter 6, this comparison is presented in a separate table per country, to increase transparency and to meet the quality requirements of credibility and transferability. Because the transposition of the Facilitators Package resulted in legislation that differs from country to country, local policies and are indeed not comparable across the three countries involved. Furthermore, only the domains in which local policy has been concluded have been retained, meaning that immigration policy in all six cities but Stoke-on-Trent, and police enforcement policy in Bonn and Stoke-on-Trent is not included in the tables below.

As already ascertained, the Bonn and Berlin policies comply with the German legislation (see 4.5.3 and 4.8.3). The local and regional Berlin governments apply their room to manoeuvre in a number of relevant areas, which the Bonn local government does not do regarding anything concerning (facilitating) irregular migrants' access to housing. Only in relation to local policies on social assistance to destitute persons Bonn NGOs/CSOs use their discretion, albeit to a limited extent, while their Berlin colleagues use their discretion widely on these matters. Table 53 confirms that in Bonn norms regarding facilitating irregular migrants' access to housing do not diffuse at the local level. Norms do not diffuse top-down, as the Bonn government did not develop own norms that may diffuse downwards. Norms do not diffuse upwards either, as only some NGOs/CSOs provide temporary shelter to irregular migrants in exceptional cases and their operational practice is not followed by the local government, for example through (sometimes, or in certain cases) giving irregular migrants access to winter and emergency shelters for homeless people (financed) by the local government. Table 53 also demonstrates that norms regarding facilitating irregular migrants' access to housing clearly do diffuse at the Berlin tiers, as both NGOs/CSOs have own operational practices in place and the local and

regional governments (policy-makers and city and enforcement staff) implemented own local policies. Furthermore, it is also clear that the different categories of actors stretch the legislation in the same substantive way. However, the direction in which the norms diffuse -from the field to the local and regional governments or the other way around- cannot be deduced from the policy pursued in Berlin. That norms diffuse bottom-up was experienced as such by most of the interviewees, namely those who participate in the task-specific local governance structure.

Table 53: Comparison between the local policies in Bonn and Berlin and the degree of compliance/ deviation with the German legislation

Housing policies		
	Local policies	**Norm compliance**
Bonn	- The city's housing services are not inclusive to irregular migrants; - High compliance of landlords' obligation to ensure tenants' registration; - No irregular migrants live in social housing.	National legal norms are applied.
Berlin (city-state)	- Some of the city's housing services are inclusive to irregular migrants; - High compliance of landlords' obligation to ensure tenants' registration; - No irregular migrants live in social housing.	National legal norms are applied; Limited use of room to manoeuvre by all Berlin governments.
Policies on social assistance to destitute persons		
	Local policies	**Norm compliance**
Bonn	- Many NGOs/CSOs give advice to irregular migrants; - Some NGOS/CSOs provide temporary shelter to irregular migrants in exceptional cases; - Irregular migrants are excluded from winter and emergency shelters for homeless people (financed) by the local government.	National legal norms are applied; Limited use of discretion by NGOs/CSOs.
Berlin (city-state)	- Many NGOs/CSOs give advice to irregular migrants; - Several NGOs/CSOs provide temporary shelter to irregular migrants; - Several churches grant "church asylum" with the authorities understanding; - Irregular migrants have access to winter and emergency shelters for homeless people (financed) by the local government.	National legal norms are applied; Substantial use of room to manoeuvre by all Berlin governments; Wide use of discretion by NGOs/CSOs.
Police enforcement policy		
	Local policies	**Norm compliance**
Berlin (city-state)	- Facilitating irregular migrants' access to housing is not actively enforced by the police.	Substantial use of room to manoeuvre by regional government.

As in Bonn and Berlin, the additional policy measures developed by The Hague and Amsterdam are in line with national legislation, but -in contrast to the two German cities studied- concerning the enforcement of national legislation, both Dutch cities fall short (see 4.6.3 and 4.9.3). As Table 54 shows, with regard to housing policies and police enforcement policy the local governments of The Hague and Amsterdam make extensive use of their room to manoeuvre. Only in terms of irregular migrants' access to temporary housing, the two cities differ significantly from each other: The Hague's local government complies with the national legislation without applying their room to manoeuvre and NGOs/CSOs use their discretion in this context only to a limited extent, in contrast to Amsterdam's local government that makes extensive use of their room to manoeuvre, as do NGOs/CSOs employ their discretion widely to grant irregular migrants access to temporary shelter. The fact that both local governments utilise their room to manoeuvre and that NGOs/CSOs in both cities exercise their discretion power demonstrates that norms on facilitating irregular migrants' access to housing do diffuse at the local level of both cities. Although it can be deduced from Table 54 that the Amsterdam government and the local NGOs/CSOs deviate substantively in the same way from the national legislation (and that the national legislation is stretches more than in The Hague), and that The Hague NGOs/CSOs stretch legislation concerning policies on social assistance to destitute persons more than the local government, the direction in which the norms diffuse in both cities cannot be deduced from their policies pursued. That norms diffuse bottom-up was, like in Berlin, experienced as such by most of the interviewees, namely those who participate in the task-specific local governance structure. Yet, it must be noted that several city and enforcement staff and NGOs/CSOs interviewed in The Hague pointed out that only operational norms diffuse (namely, bottom-up), while policy decisions are taken solely by the local government and do not diffuse (neither top-down, nor bottom-up).

Table 54: Comparison between the local policies in The Hague and Amsterdam and the degree of compliance/ deviation with the Dutch legislation

Housing policies		
	Local policies	**Norm compliance**
The Hague	- Facilitating irregular migrants' access to housing is not actively enforced by the Housing Control Service; - Irregular migrants can easily access private housing; - Some irregular migrants (sub-)rent social housing.	Substantial use of room to manoeuvre by local government.
Amsterdam	- Facilitating irregular migrants' access to housing is not actively enforced by the Housing Control Service; - Irregular migrants can easily access private housing; - Some irregular migrants sub-rent social housing.	Substantial use of room to manoeuvre by local government.

Policies on social assistance to destitute persons		
	Local policies	**Norm compliance**
The Hague	- Most city services and many NGOs/CSOs give advice to irregular migrants; - Until May 2019 the city offered free BBB shelter, thereafter referred to LVV Rotterdam; - In winter time, some irregular migrants may have access to temporary shelter; - Some NGOs/CSOs and private persons offer temporary shelter.	National norms are applied; Limited use of discretion by NGOs/CSOs.
Amsterdam	- Most city services and many NGOs/CSOs give advice to irregular migrants; - The city offers BBBB (replaced by LVV), access to winter shelters, and to other accommodation for very urgent reasons; - Many NGOs/CSOs and private persons offer temporary shelter.	Substantial use of room to manoeuvre by local government; Wide use of discretion by NGOs/CSOs.
Police enforcement policy		
	Local policies	**Norm compliance**
The Hague	- Facilitating irregular migrants' access to housing is not actively enforced by the police.	Substantial use of room to manoeuvre by local government.
Amsterdam	- Facilitating irregular migrants' access to housing is not actively enforced by the police.	Substantial use of room to manoeuvre by local government.

In both Stoke-on-Trent and London, local policies colour outside the lines, and compliance with the central government's legislation regarding irregular migrants' access to housing is low (see 4.7.3 and 4.10.3). Unlike in London where the room to manoeuvre is extensively used to expand irregular migrants' access to housing, Stoke-on-Trent's local government only applies their room to manoeuvre with the aim to restrict this. Only concerning local policies on giving advice and temporary shelter to irregular migrants NGOs/CSOs in Stoke-on-Trent use their discretion, albeit to a limited extent, while their London colleagues use their discretion widely on these matters. From Table 55 it is clear that NGOs/CSOs in Stoke-on-Trent fail to upload their norms to the local government, as the latter adheres to a very strict application of the central government's legislation. As Stoke-on-Trent's local government is the only veto-player, they pull the decision-taking strings and can promote asking migrants' ID and proactively contacting the Home Office. Notwithstanding, their norms are not followed by any other local actor interviewed. Consequently these norms do no diffuse downwards. According to academic findings this is due to the task-specific local governance structure being competitive (Börzel, 2002; May & Winter, 2009; Schimmelfennig & Sedelmeier, 2004; Tsebelis & Ha, 2013) and the local government's steering being low (Cajera, 2019; Maes & Bursens, 2015; Sørensen & Torfing, 2005). Since norms neither diffuse bottom-up nor top-down, norms do not diffuse at all in Stoke-on-Trent. Finally, Table 55 shows that norms regarding facilitating irregular migrants' access to housing clearly do diffuse at the London tiers, as both NGOs/CSOs have own operational practices in place and the local and GLA governments (policy-makers and city and enforcement staff) implemented

own local policies. Yet again, the direction in which the norms diffuse cannot be deduced from the policy pursued in London. That norms diffuse bottom-up was experienced as such by most of the interviewees, namely those who participate in the task-specific local governance structure.

Table 55: Comparison between the local policies in Stoke-on-Trent and London and the degree of compliance/ deviation with the English legislation

Immigration policy		
	Local policies	**Norm compliance**
Stoke-on-Trent	- Public services ask migrants ID and proactively contact the Home Office.	Substantial use of room to manoeuvre by local government.
Housing policies		
	Local policies	**Norm compliance**
Stoke-on-Trent	- Irregular migrants can easily access private housing; - Irregular migrants do not live in social housing.	National norms are applied, but not by landlords.
London (GLA)	- Irregular migrants can easily access private housing; - Irregular migrants also sub-rent social housing.	Landlords do not apply national norms; Substantial use of room to manoeuvre by local governments.
Policies on social assistance to destitute persons		
	Local policies	**Norm compliance**
Stoke-on-Trent	- Not everybody who provides advice is officially authorised to do so; - In some situations, the local government supports Section 17 cases (very narrow application of Section 17); - When SWEP is in effect, some irregular migrants may have access to winter shelters; - Some NGOs/CSOs offer, in certain cases, temporary shelter.	National norms are applied by local government; Limited use of discretion by NGOs/CSOs.
London (GLA)	- Not everybody who provides advice is officially authorised to do so; - Many Section 17 cases are supported by the local governments (varying application of Section 17 per borough); - Irregular migrants have access to various homelessness and emergency shelters organised by both the local government and NGOs/CSOs (varying access to homeless and winter shelters per borough).	Substantial use of room to manoeuvre by local governments; Wide use of discretion by NGOs/CSOs.
Police enforcement policy		
	Local policies	**Norm compliance**
London (GLA)	- Facilitating irregular migrants' access to housing is not actively enforced by the police.	Substantial use of room to manoeuvre by GLA government.

7.4.3 Conclusion

This study made clear that the mode of governance that leads to operationalisation is a determining factor of norm diffusion at the local level of the six cities studied. Moreover, the mode of governance that leads to operationalisation is affected by the deployed administrative capabilities, the present interest groups, and veto-players in the task-specific local governance structure. Issue saliency and public opinion did not appear to be linearly related to the mode of governance that leads to operationalisation in the six cities studied, as the former is high and the latter is negative in all six cities, but does not result in comparable policy outputs and ways interviewees deal with it in their contacts and interactions at the local level. These three aspects explain implementation outputs through influencing the frequency and way all actors that work on irregular migrants interact with each other, and by determining the investment of local resources.

The importance and role of the mode of governance that leads to operationalisation appears to be a determining factor for both norm diffusion as such and for the direction in which norms diffuse at the local level of the six cities studied. This makes sense since only in consensus-oriented (as opposed to no or conflict-avoiding) interactions within the task-specific local governance structure, normative strategies such as convincing and/or socialising may be employed to diffuse norms (Checkel, 2001; Matland, 1995), and since investment of local resources (i.e., a reward strategy) encourages desired behaviour, and thus, norm diffusion (Börzel & Risse, 2012; Pace, 2007; Smith & Weber, 2007). Prior to the interviews with local politicians, city and enforcement staff, and NGOs/CSOs working with irregular migrants in Bonn, Berlin, The Hague, Amsterdam, Stoke-on-Trent and London it was reasoned that the more frequent and intensive the interactions between all relevant local actors, and the more city resources are invested in facilitating irregular migrants' access to housing, the more the operational practice(s) are diffused bottom-up. Conversely, the less frequent and intensive the interactions, and the less city resources are invested, the more the operational practice(s) are diffused top-down. This assumption was found to hold true in the six cities studies and could be refined thanks to the interviewees' extensive input. In the six cities studied, three variables appear to determine norm diffusion at the local level: 1) The frequency of contacts between a significantly large proportion of all actors that should be part of the task-specific local governance structure; 2) The way of interacting between all actors involved in the task-specific local governance structure, and; 3) The investment of local resources regarding facilitating irregular migrants (their access to housing). If there is little or no contact between a significant proportion of all actors that should be part of the task-specific local governance structure, norms do not diffuse at the local level (cf. Stoke-on-Trent). Also, if the way of interacting between all actors involved in the task-specific local governance structure is not consensus-oriented, and/or if the investment of local resources regarding facilitating irregular migrants (their access to housing) is small, norms do not diffuse (cf. Bonn and Stoke-on-Trent). Conversely, if there is regular to frequent contact between a significant proportion of all actors that should be part of the task-specific local governance structure, and/or if the way of interacting between all actors involved in the task-specific local governance structure is consensus-oriented, and/or if the investment of local resources regarding facilitating irregular migrants (their access to housing) is at least sizable, norms diffuse upwards from the field to the local government. The conditions under which norms diffuse downwards could not be determined in this study, as this was not the case in any of the six cities studied.

Chapter 8: Is the mode of governance that leads to implementation a determining factor of norm diffusion at the local level?

To answer the fourth research question "Is the mode of governance that leads to implementation a determining factor of norm diffusion at the local level?", the theoretical framework is outlined in the first part. First, the mode of governance that leads to implementation and the aspects closely related to it are defined. This is followed by an overview of relevant academic insights regarding power relations in a task-specific vertical governance structure, steering by the national government, and compliance and enforcement strategies. Finally, it is outlined how the mode of governance that leads to implementation is measured in this study.

On the basis of the interviews, the second part specifies the mode of governance that leads to implementation for each of the six cities studied. To this end, the mutual contacts and interactions between the local government and representatives of the regional (for Germany) and national government(s) are scrutinised as well as the interviewees' experiences and perceptions of the contacts and interactions between these actors, which are considered to form together the task-specific vertical governance structure regarding facilitating irregular migrants' access to housing.

The third part examines per city whether the mode of governance that leads to implementation is a determining factor of norm diffusion at the local level. To this end, the interviewees' views on the national policies' success and their input with regard to the instruments deployed by the national government to steer the implementation of relevant norms are used.

In the fourth part of this chapter, the six cities' mode of governance that leads to implementation is compared with the cities' policy regarding facilitating irregular migrants' access to housing, and with the academic insights on norm diffusion.

8.1 Theoretical framework

8.1.1 Defining the mode of governance that leads to implementation

The mode of governance that leads to implementation consists of two core elements: governance and implementation. Governance has earlier been defined as the joint exercise of political power and the use of institutional resources to achieve binding norms (Gribnau, 2009; Hooghe & Marks, 2003). Implementation is in this study consistently used to point at the process of translating national legislation up to the local level's formal policy (Berman, 1978; Mastenbroek & Kaeding, 2006; Matland, 1995; Versluis, 2003; 2007). Governance that leads to implementation is thus situated on the vertical dimension of governance, including the different tiers of government within a Member State that are or may be involved in the Europeanisation of the Facilitators Package. Hence, governance that leads

to implementation is given substance as the mutual interactive process between actors representing the local government on the one hand, and actors representing the regional (in the case of Germany) and national responsible authorities on the other. Because decision-making and norm diffusion are two-way processes (Börzel, 2002; Sabatier, 1986; Treib, 2014), the interactions between the involved actors is looked into top-down and bottom-up, as recommended by, inter alia, Cowles et al. (2001), Héritier (1993), Jensen et al. (2014), Sabatier (1986), and Thomann & Sager (2017). Because the specific mode of governance that leads to implementation is determined by the occurrence and nature of the interactions within the vertical governance structure, the frequency, intensity and way of interacting, and the investment of national resources concerning cooperation are scrutinised (Stratham & Geddes, 2007).

The fourth research question "Is the mode of governance that leads to implementation a determining factor of norm diffusion at the local level?" is grounded in multi-level governance, but is also embedded in other perspectives from which Europeanisation is examined. Four of the seven identified aspects that may explain implementation outputs seem relevant to answering this research question, to wit: Issue saliency, public opinion, administrative capabilities, and veto-players. Taking those four aspects together it is reasoned that the more frequent and intensive the interaction process between the different tiers of government regarding facilitating irregular migrants' access to housing is, and the more national and/or regional resources are invested in cooperation with local governments, the more the local implementation of norm(s) on facilitating irregular migrants' access to housing are diffused bottom-up. The reasoning behind this expectation is similar to that regarding the mode of governance that leads to operationalisation (see 2.2.3 and 7.1.1), except that it is anticipated that there are no local interest groups involved in the interaction processes.
Irregular migrants is a high salient issue (Cherti, 2014b; Givens & Luedtke, 2005; Jordan & Düvell, 2002; Merlino & Parkin, 2011; Provera, 2015; Triandafyllidou & Bartolini, 2017), through which it is assumed that much (political and public) attention and investment of supralocal resources will be deployed (Thierry & Martinsen, 2018; Versluis, 2003; Winter, 2014), and that compliance at the local level will be high because stricter implementation guidance is attached to salient norms (Cortell & Davis, 2000; Thierry & Martinsen, 2018; Versluis, 2003). Public opinion is supposed to influence the way of interacting, although several scholars point at a discursive gap between political statements and the actually implemented policies (de Haas et al., 2014; Hatton, 2015; Penninx et al., 2014). Administrative capabilities are the resources (money, knowledge and skills) that may be used for cooperation, which -following the above argumentation- are presumed to be sizable (Stratham & Geddes, 2007). Finally, it is assumed that local governments can be strong veto-players, as they are necessary actors for the implementation of (inter)national norms (Mastenbroek & Kaeding, 2006). Their blocking power does not lie in their room to manoeuvre and/or discretion power (as they have less competences regarding facilitating irregular migrants' access to housing than the regional and/or national government(s)), but in their ability to socialise the higher authorities (Checkel, 2001; Matland, 1995; Tsebelis, 2002; Tsebelis & Ha, 2013).

8.1.2 Academic insights with regard to the mode of governance that lead to implementation

Governance structures on the vertical dimension have in common with local governance structures that they are task-specific (Cajera, 2019; Jorgensen, 2012; Rodriguez, 2017). Notwithstanding, there are two important differences between both types. First, a task-specific vertical governance structure only includes governments and no other actors such as NGOs/CSOs that are part of a policy sector (Berman, 1978; Ladner et al., 2015; Rodriguez, 2017). Second, in a task-specific vertical governance structure there is a fixed formal hierarchy between the actors, based on their competences (Hooghe & Marks, 2003; Matland, 1995; Occhipinti, 2007). Despite the hierarchical power imbalance between the actors of the different tiers of government, scholars agree that all participants in a task-specific vertical governance structure are interdependent (Cajera, 2019; Hambleton, 2011; Jensen et al., 2014; Jorgensen, 2012; May & Winter, 2009; Occhipinti, 2007; Scholten & Penninx, 2016).

From the multi-level governance perspective, it is considered that norm diffusion is most effective when the fixed formal hierarchy shifts to the background, in other words, "when in terms of power a degree of "levelling" takes place" between the different tiers of government (Héritier, 1993; Pollack, 2005; Scholten & Penninx, 2016: 94). Yet, national, regional, and local authority representatives often turn out not to be equally dependent on each other. Many academics have evinced that cities may be heavily dependent, primarily financially, on the allocation of resources by supralocal governments (e.g., Frug & Rosenthal, 1998; Glaeser, 2012; Goldsmith & Klausen, 1997; Peterson, 1981). As elucidated in the previous chapter (see 7.1.1), if actors feel completely dependent they can turn away from cooperation and become alienated from the policy (Scholten & Penninx, 2016; Schweitzer, 2016) -as they feel strategic powerless (unable to influence decisions and norms), and/or tactical powerless (unable to influence how decisions and norms should be implemented), and/or operational powerless (unable to influence how decisions and norms are enforced), and/or societal meaningless (unable to influence public debate and opinion regarding norms, policy frames and discourses), and/or client meaningless (unable to take the addressees' interests into account) (Tummers, 2011). Though, probably just as many researchers have shown that cities, through their creativity and/or pragmatism, may act quite independently of higher government levels, especially when they are (financially) supported by external parties, such as EU funding (e.g., Barber, 2013; Hambleton, 2011; Jorgensen, 2012; Wolffhardt et al., 2005). In this context Guiraudon (2000:251-268, passim) observed that -with regard to European integration and migration policy- cities make use of "venue shopping", which refers to their active entrepreneurial behaviour to advocate their interests vis-à-vis different authorities and tiers of government. In addition, Spencer & Delvino (2019:27-40, passim) introduced the term "municipal activism" to point at, often mitigating, measures that cities take in spite of applicable restrictive norms to facilitate irregular migrants' access to services. National governments, in turn, dispose of compelling tools (i.e., legislation and budget transfers) to influence the implementation of norms (Berman, 1978; Cajera, 2019; Matland, 1995). Nevertheless, several scientists indicate that national authorities need the local level on their side to successfully achieve their policy goals on facilitating irregular migrants' access to housing, as measures in this area are to be implemented and operate locally in people's daily lives (De Graauw, 2014; Gebhardt, 2010; Occhipinti, 2007; Varsanyi, 2006). Consequently, national authorities should not assume that adopted legislation will be implemented as intended by itself, a pitfall which Berman (1978:19) calls "the adoption fallacy".

It is in de hands of the national authority to steer the other involved tiers of government in the desired direction to avoid "the macro-implementation problem" (Berman, 1978:10), i.e., contradictory or mismatching norm diffusion, implementation overlap, and/or implementation gaps (Biermann et al., 2009; Jensen et al., 2014; May & Winter, 2009; Thierry & Martinsen, 2018). Macro-implementation or coordination problems can arise when one or more of the four following challenges remain(s) unresolved: 1) Competing opinions and beliefs about the aims and the way to achieve them; 2) Uncertainties concerning actors' specific competences; 3) Too few resources to implement the norms, and; 4) Communication insufficiencies between the actors involved in the task-specific vertical governance structure (Berman, 1978). Jorgensen (2012:244) elaborated further on competing opinions and beliefs and found three interrelated explanations for its occurrence, to wit: Differences in policy frames and institutional logics used, or, as he puts it "policies are conceived at the national level, but problems are felt at the local level"; Norm diffusion to the local level from outside the task-specific vertical governance structure, and; Adaptation of norms to the local context and wishes.

Although it seems obvious that the implementation of any nationally decided norm is accompanied by strong directions from this level of government, this is not always the case. Several scholars note that the degree of steering by a national government depends on how they deal with the coordination dilemma, which follows this rational choice logic: The more actors that have to implement a norm, the greater the chance of differing practices if there is no clear compliance and enforcement strategy attached to it; But, deploying both a compliance and enforcement strategy becomes more expensive as there are more actors and there is more disagreement about the norm, so that the costs can incur to the point that they are disproportionate to the benefits of a uniform implementation (Axelrod, 1984; Checkel, 2001; Hooghe & Marks, 2003; Moravcsik, 2005). It is thus to the national government to weigh up whether and to what extent it can and wants to direct local authorities to implement norms regarding facilitating irregular migrants' access to housing.

If national steering or coordination (including sufficient allocation of responsibilities and resources) is lacking, this may lead to vicious layering, with each actor trying to avoid costs and blame by shifting them to the others (Arlotti & Aguilar-Hendrickson, 2018; Bonoli & Champion, 2014; Cajera, 2019), free-riding implementation behaviour, and ambiguity regarding the different governments' responsibility and accountability (Caponio, 2014; Hooghe & Marks, 2001). Regarding measures related to irregular migrants, Düvell (2006) found that national governments often tolerate headstrong and deviant local implementation and interpretations (i.e., free-riding), increasing ambiguity about the content of and responsibility for the norms through this laissez-faire approach.

According to rational choice theorists, appropriate steering is when the national government, i.e., the principal, succeeds in maintaining or restoring the cost-benefit balance for the implementers, i.e., the agents (Jensen et al., 2014; Mastenbroek & Kaeding, 2006). To motivate agents to act in the interest of the principal, the national government must apply both a compliance and enforcement strategy that reduces the costs and increases the benefits to agents (Dörrenbächer, 2017; Maynard-Moody & Musheno, 2000). Academics ascertained that the extent to which a legal norm is enforced and complied with largely depends on four determinants: The saliency of a norm, legal design of a norm, institutional legitimacy, and involved actors (Cherti, 2014b; Treib, 2014; Versluis, 2003). The more importance is attached to a norm, the better it is enforced and complied with (Cortell & Davis, 2000; Thierry & Martinsen, 2018; Winter, 2014). The legal design of a norm comprises the detail, interpretation space and clarity of the norm, the number of government tiers involved in the

implementation of the norm, and the number of policy areas the norm touches upon. The more detailed and clearer the legal norm and the less room for interpretation is left to the implementer, the more convergent enforcement and compliance will be at the given tier of government (horizontal dimension). However, the more tiers are involved and the more policy areas the legal norm relates to, the more complicated and difficult enforcement and compliance will be (Versluis, 2003). Institutional legitimacy refers to both the objective authority of the structure(s) behind the implemented norm (i.e., normative legitimacy) and to the subjective degree of authority experienced by the implementers (i.e., empirical legitimacy) (Cajera, 2019; Mastenbroek & Kaeding, 2006; Provera, 2015). According to Gribnau (2009) and Versluis (2003), the greater the normative legitimacy, the better enforcement will be carried out, and the greater the empirical legitimacy, the better the norm will be respected. With regard to the involved actors (enforcers, implementers and addressees of a norm) resources and opinions are considerably influential as effective enforcement and compliance require sufficient money, knowledge and skills, and opinions that are not at odds with the norm (Hartlapp & Falkner, 2008; Treib, 2014; Versluis, 2003).

Compliance literature focuses on both compliance and enforcement strategies (Hartlapp & Falkner, 2008; Treib, 2014). Compliance strategies are means of enforcement to ensure that addressees adhere to the legal norm (Maier & Schimmelfennig, 2007; Mastenbroek, 2005; Thomann & Sager, 2017). As elaborated earlier (see 1.2.3 and 7.1.1), Etzioni's (1975:5) distinction between "normative, coercive and remunerative" compliance strategies is used in this study: Normative strategies rely on persuasion and/or socialisation (Checkel, 2001; Matland, 1995); Coercive strategies on the use of coercive means, such as court decisions (Blauberger, 2014; Börzel & Risse, 2012; Burley & Mattli, 1993), and; Remunerative or reward strategies on so-called 'carrots' to achieve compliance and/or 'sticks' to prevent and tackle unwanted outputs (Börzel & Risse, 2012; Pace, 2007; Smith & Weber, 2007). These strategies are often combined as they may complement each other (Sedelmeier, 2007).
Enforcement strategies that EU Member States use are very well classified by Versluis (2003:324-325). She distinguishes four styles: 1) "Passive enforcement", whereby compliance with the legal norm is only sporadically checked, enforcement officers do not "dare or care" to take action against offenders, so that little to no sanctions are imposed; 2) "Persuasive enforcement", whereby compliance with a legal norm is occasionally checked, enforcement officers primarily support offenders by providing information and seeking solutions together, so that sanctions are only imposed "as a last resort"; 3) "Persistent Enforcement", whereby compliance with a legal norm is regularly monitored, enforcement officers try to convince the offenders first and sanction if they fail; 4) "Legalistic enforcement", whereby compliance with a legal norm is very often checked, and enforcement officers immediately sanction offenders.

8.1.3 Measuring the mode of governance that leads to implementation

Various academics have developed typologies and classifications to map out modes of governance that lead to implementation, allowing for comparison between different modes. For example, both Lijphart (1999; 2012) and Ladner et al. (2015) developed detailed, albeit complex, tools to outline, amongst others, the governance relation between national and local governments. While Lijphart (1999; 2012) calculated the degree of a unitary versus decentralised state on a continuum, Ladner et al. (2015) determined the interactive rule of the local-national government relation by investigating the ways and means by which the local and national levels mutually influence each other. Interactive rule includes three variables to be measured: The extent to which local autonomy is legally protected; The extent to which local governments are supervised by the national level, and; The extent to which local councils have access to the regional and national authorities' policy-making (Ladner et al., 2015).

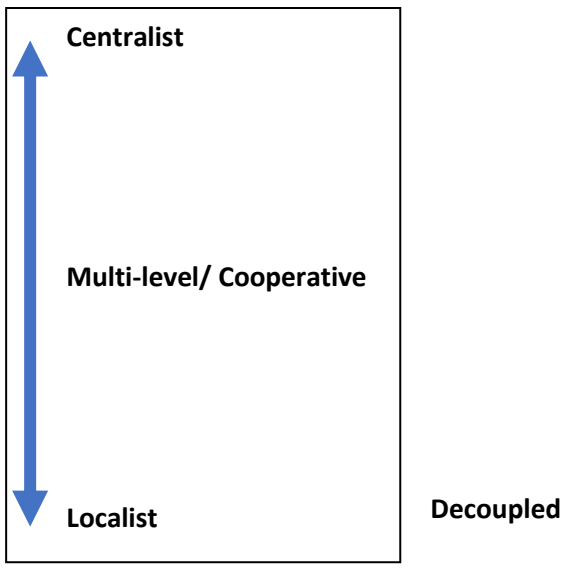
Biermann et al. (2009) designed a typology comprising three degrees of fragmentation in global governance architectures. Although this typology is not limited to governments within a country, but on the one hand extends the vertical axis up to the global level, and, on the other hand, broadens the horizontal axis to include also NGOs/CSOs, this conceptual tool facilitates the mapping of main features of the interactions in one issue area and advances comparison between different degrees and types of fragmentation. This typology focuses on actor constellation (i.e., the number of relevant actors supporting the same relevant institutions), the presence and extent of norm conflicts within the global governance architecture, and fragmentation (i.e., the degree to which institutions are integrated with regard to the policy issue). Biermann et al. (2009) distinguish respectively synergistic, cooperative and conflictive governance architectures, whereby, in brief, the interactions in the former type are the best and the latter type the least well in tune with each other.

Also Rodriguez (2017) developed a valuable typology in relation to this study. She conceptualised the wide range of possible intergovernmental enforcement policies in a two-by-two matrix. By adding local enforcement strategies to regional and national ones, also the interactions in this area between the different tiers of government are captured. The X-axis of the matrix focuses on how the local government deals with supralocal enforcement policies, and ranges from "opposition to federal priorities" to "cooperation with federal priorities". The Y-axis describes how the local government itself enforces immigration, and ranges from "enforcement scepticism" to "diligent enforcement" (Rodriguez, 2017:514). This matrix, which starts from the local government's perception, simultaneously reveals the local position on immigration policy and the relationships between the different levels of government in the field of enforcement.

However, none of the above classifications can be simply copied to analyse the task-specific vertical governance structure with regard to facilitating irregular migrants' access to housing, and to compare the mode of governance that leads to implementation in the six cities studied: The tools developed by Lijphart (1999; 2012) and Ladner et al. (2015) are very complex and aimed at measuring non-task-specific general vertical governance; In the typology of Biermann et al. (2009) the task-specific vertical governance structure covers more actors and levels than are included in this study, and; Rodriguez's (2017) typology only zooms in on the local-national relations concerning enforcement. In contrast, Scholten's (2013; 2016) typology, which distinguishes four different types of relationships between national and subnational governments with regard to migrant policies, is consistent with this study and is therefore transferable. His four ideal types -centralist, localist, multi-level, decoupled- largely correspond to Kagan's (2006:15) four modes of rule application ("legalism", "legal creativity",

"discretionary judgement", and "retreatism"). Scholten's (2013;2016) typology also closely relates to the three models of possible national-local relationships distinguished by Birrell & Gray (2017), namely: Agency model (in which local governments are addressed as agencies delivering services as instructed by national government), autonomous model (in which considerable room to manoeuvre and discretion is left to the local level), and partnership model (in which the national and local governments interact as equal partners), and to the three scenarios of national-local interaction and cooperation (centralist, cooperative, asymmetric) identified by Zapata-Barrero & Barker (2014), who built on Spiro's (2001) seminal work in which three models of immigrant federalism are introduced, to wit: Centralist, cooperative, and devolutionary federalism. Scholten & Penninx (2016:93-94) further refined Scholten's (2013; 2016) typology. They summarise the four ideal modes of vertical in-country governance as: 1) "centralist" mode, in which implementation measures are imposed top-down; 2) "localist" mode, whereby implementation is left to the lowest competent level; 3) "multi-level" mode, in which implementation results from the mutual interactions between all actors involved, and; 4) "decoupled" mode, in which the involved actors withdraw from cooperation and go their own (separate) way. Although often used and/or referred to (e.g., Garcés-Mascareñas, 2014; Panizzon & van Riemsdijk, 2018; Schweitzer, 2019; Spencer, 2018), there is little and only minor criticism on this typology. Spencer (2018:2038) argues that the term multi-level is "problematic" because this concept only indicates the existence of a relationship between different levels of government without including any reference to the effectiveness of the interactions (cf. the distinction used in this study (see 2.1.4) between multi-level government and multi-level governance), and she therefore proposes to replace multi-level with "cooperative". Keeping this remark in mind, Scholten's (2013; 2016) and Scholten & Penninx (2016) ideal modes of cooperation between national and subnational governments are used to measure the mode of governance that leads to implementation with regard to facilitating irregular migrants' access to housing in Bonn, Berlin, The Hague, Amsterdam, Stoke-on-Trent and London. This four ideal modes are visualised in Figure 19.

Figure 19: Scholten (2013; 2016) and Scholten & Penninx (2016) ideal modes of vertical in-country governance with regard to migrant policies



8.2 The mode of governance that leads to implementation in the six cities studied

8.2.1 The mode of governance that leads to implementation in Bonn

Many interviewees in Bonn, especially NGOs/CSOs, had no insight into the relations between the local and the other tiers of German government. Three interviewed politicians and city staff stated having no contact with the regional and federal level because the tasks and responsibilities of each actor are clearly defined: "*Every level does its own work, has its own responsibilities. It is not that the different levels are together in charge of this issue.*" (Interview no. 109); "*(…) most contacts are informal with colleagues of nearby cities, it's much easier to pick up your phone and quickly call a colleague from another city. I think this is normal, everybody stays at their own level of governance, solving their own problems.*" (Interview no. 026). Like many other interviewees, they did not consider irregular migrants as a topic that should, or may be, discussed with the higher authorities: "*(…) the national parliament (…) never discuss about irregular migrants (…). It almost never is about housing and increasing rental prices and discrimination either.*" (Interview no. 044). Six of the 18 interviewees described the way in which the different government levels interact with each other. Although none of these interviewees indicated any frequency of these contacts, they all agreed that the way of interacting is constructive, and that decision-making is consensus-oriented -which, according to Börzel & Risse (2000), is characteristic of the German domestic EU policy implementation: "*(…) at the local level we try to agree on practical arrangements to make the policy work in practice.*" (Interview no. 029). Moreover, they all referred to the political composition of the separate governments as an important feature determining these relations. The fact that the CDU is the largest, and thus leading, party at the three tiers was considered by some as an advantage for establishing constructive relations: "*CDU is since a long time the biggest party in Bonn, and also in the regional and federal government. This is helpful to have a stable and aligned policy. When [the local government] communicate[s] with the different tiers of government, [they] have the same vision, [they] easily understand each other and [they] easily agree with one another.*" (Interview no. 042). Nevertheless, others (interviewees who were not satisfied with the current local policies) perceived this political like-mindedness -in line with Laubenthal's (2011) findings- as an obstacle to policy change in the field of (irregular) migration: "*(…) local politicians cannot make statements in favour of support for irregular migrants, therefore they are too much dependent of the federal policy, it's the CDU's party system, they govern on all German governmental levels, they cannot openly go against each other, because they are from the same party.*" (Interview no. 085).

Birrell & Gray (2017) found that party-political ties between governments at different levels can have a major impact on the relations between them. According to the interviewed politicians in Bonn, this applies to both local majority and opposition parties that have one or more representatives in Bonn's city council, the NRW and/or German parliament: "*All goes via the party structures, it's well organised. We now have [name of party colleague] in the regional government, so we often align to improve the quality of living in Bonn in general. (…). We never had irregular migrants' access to housing on the agenda. We don't discuss on irregular migrants, because we don't have a clear view on that. There are no facts, no problems, so we don't discuss this.*" (Interview no. 042); "*We do have a straight line with [name party colleague] who is elected member in the German parliament. [S/he] is very accessible and*

often is in Bonn." (Interview no. 084). The NRW parliament (Landstag) included at the time of the interviews five elected persons from Bonn: The constituency representatives Guido Déus and Christos Katzidis (CDU), and the elected representatives based on party votes: Andreas Kossiski (SPD), Franziska Müller-Rech (FDP), and Horst Becker (Bündnis 90/Die Grünen). End 2018, four Bonn politicians were part of the federal parliaments (Bundestag and Bundesrat) and/or government: Katja Dörner (Bündnis 90/Die Grünen), Alexander Graf Lambsdorff and Joachim Stamp (FDP), and the directly elected Ulrich Kelber (SPD). So, not all parties had a representative at the higher government levels. Only one interviewee explained not only seeking and having contact with members of the supralocal level from the same party: "*I regularly have the opportunity to talk with politicians from other cities in NRW and Germany through our party structure. But I also spontaneously contact politicians from whatever party when I think it can be valuable.*" (Interview no. 029).

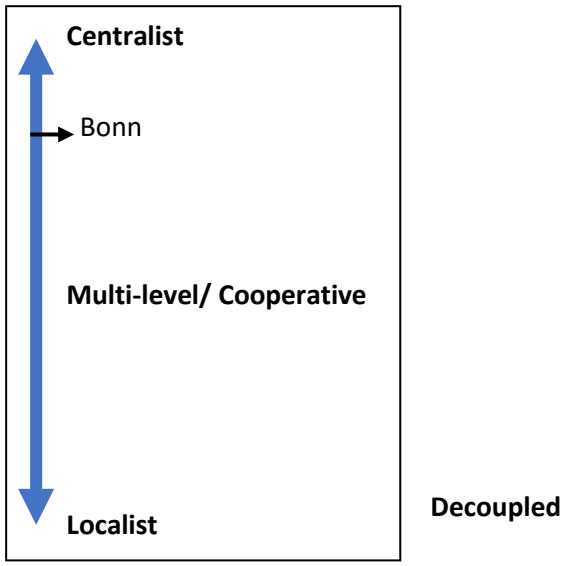
Although no local NGOs/CSOs are involved in the interaction processes within the task-specific vertical governance structure on (irregular) migrants, which contrasts Lijphart's (2012) classification of Germany being corporatist because interest groups are incorporated into the policy-making, six of the 11 interviewed NGOs/CSOs said to have contact -direct or via their nationally organised structure- with policy-makers at the regional and/or federal level: "*[W]e have contact with all Bonn representatives in the regional and federal government. They sometimes come to our activities. We invite them on special occasions and public activities. We don't meet them structurally. (…) we explain our work to them (…). We don't say what their residence status is, they do know that themselves, it is just not discussed, this part of reality is simply ignored. We have to live with that and adapt us to it, otherwise they won't listen anymore. We maintain these contacts (…) although it doesn't result in concrete actions, legislation,… Especially when they are in Berlin, they are too far away from daily practice, they often are in their own bubble.*" (Interview no. 002); "*We have contacts with all parties at all levels. We address them when we think it is useful that they are aware of what is happening in Bonn, when they have to vote on something that has influence on our work or on the lives of irregular migrants.*" (Interview no. 017). The other five NGOs/CSOs interviewed explained having no contacts with regional and/or national policy-makers, mainly due to lack of time: "*We have so much work to do that there is no time left (so far) to actively lobby with politicians of the Land- and/or Bundestag.*" (Interview no. 059); "*I don't have time to follow up on this all myself. (…) I always have to weigh the cost against the benefits. And, as usual, the here and now, the day-to-day things I have to do, are the priority.*" (Interview no. 060).

None of the 11 NGOs/CSOs interviewed reported being funded by the regional and/or federal level to facilitate irregular migrants. Some explained that their national structure (of which the Bonn NGO/CSO is a branch) does receive grants from the federal government to support migrant integration. Also the Bonn government does not receive any resources in relation to irregular migrants. Nevertheless, the regional NRW level co-finances the promotion of social inclusion at neighbourhood level, and from the federal government Bonn receives money for the reception of asylum seekers: "*[W]e receive money from the regional government for the neighbourhood management. We also receive, not enough, money from the federal level to organise reception of asylum seekers.*" (Interview no. 042). As reported by many, and documented by the European Social Network (ESN, 2016), the financial transfers of both governments are disproportionate to the associated tasks and expectations: "*Bonn spends more money on refugee care than it gets back from the federal government. It is a very fundamental problem*

that the federal government transfers more and more tasks to the municipalities while at the same time transfers less and less money. There is structural underfunding of services." (Interview no. 057).

Deduced from the interviews, it looks that there is not much interaction between the Bonn, NRW and federal tiers of government with regard to irregular migrants. Most contacts seem to happen behind the curtains, mainly within each actor's own party structure. Due to the political like-mindedness the interactions between the different authorities are perceived as constructive and consensus-oriented. However, the interviewed Bonn local policy-makers told that they focus only on practical arrangements and that the local level receives too few resources to implement federal migration policies, which indicates that implementation measures are mainly imposed top-down. Although some NGOs/CSOs try to, they are clearly not part of and have no influence on the task-specific vertical governance structure. Therefore, the mode of governance that leads to implementation in Bonn is situated between centralist and cooperative, closer to the former.

Figure 20: The mode of governance that leads to implementation of policies affecting facilitating irregular migrants in Bonn



8.2.2 The mode of governance that leads to implementation in Berlin

One of the 19 Berlin interviewees said to have no insight into the vertical governance relations with regard to irregular migrants, and three interviewees (two NGOs/CSOs and one city and enforcement staff member) stated that there is no task-specific vertical governance structure because migration is not a shared competence: "*The governments of the different tiers don't discuss the immigration legislation with each other, because there is no shared responsibility in this. I think that most of the discussions between the different tiers of government remain within each political party.*" (Interview no. 041). The other interviewees argued that there is no task-specific vertical governance structure specifically on irregular migrants, and each described a number of vertical governance relations of which they were aware. Several times it was put forward that the district and the Berlin State

governments have frequent contact with each other, that these interactions are consensus-oriented, and that the relations between both levels are very cooperative: "*The local and regional level here in Berlin are almost the same (Verpflechtung).*" (Interview no. 014); "*The police department and thus the responsibility to enforce eviction of irregular migrants is with the regional government, (…) we understand each other and we can easily cooperate.*" (Interview no. 074). With regard to the relations between the local and regional Berlin authorities on the one hand, and the German government on the other, it was repeatedly signalled that there is little interaction because the former have little to no decision-making power in the fields of migration and housing. Since national decisions are sometimes not (completely) implemented or with considerable delay, this relationship was -in line with Börzel & Risse (2000) their definition- perceived as rather competitive: "*What we see is that the national policy is implemented in Berlin but that the local and regional policy-makers are not always happy with it. For example, they don't hurry to implement certain schemes and procedures.*" (Interview no. 022); "*Here in Berlin the local and regional government closely work together. Both governments are indirectly involved in the federal decision-making. However, they don't have real decision-making power on most issues in relation to housing and immigration. They cannot go beyond the federal legislation, they only can use their limited room to manoeuvre in the implementation of the federal decisions. This means that the regional and local government sometimes complement federal legislation with by-laws or additional actions, or don't give too much priority in implementing or enforcing certain federal decisions. It's kind of a known game between the different tiers of government.*" (Interview no. 107). Remarkably, although in the vast majority (88 out of 110) of the interviews it was states that party political preferences do not matter with regard to local policy and norm diffusion at the local level and only in eight of the 24 interviews with politicians the reverse was argued, most Berlin interviewees, especially politicians, indicated -as in Bonn- that party political preferences do matter for the contacts and interactions within the vertical governance structure: "*In Berlin, the regional and local government closely work together. This is possible because Berlin is at the same time a city and a region. It also helps that the coalition in both governments are constituted with left-wing parties.*" (Interview no. 037); "*With regard to the Renting Law it's difficult to have access to the [federal] ministry and the minister because of party political differences.*" (Interview no. 090); "*[S]ince many years the policy-makers in Berlin are from different parties than on the federal level, they have diverging opinions and aims.*" (Interview no. 067). In this context, one interviewee let it slip that her/his party tries to avoid the obstacle of differences in party political preferences by: "*(…) at the federal level (…) we try to claim the ministries that have strong relations with the lower tiers of government. That way, we can implement federal legislation that is good for the cities' social and housing policy as well.*" (Interview no. anonymised).

As in Bonn, vertical governance relations often run through the own party structure: "*(…) especially within our party we have lots of contacts with the policy-makers from different tiers of government.*" (Interview no. 074). Of the 69 seats in the federal parliament's Bundesrat, four were taken by representatives of the Berlin regional level at the end of 2018: Michael Müller and Dilek Kalayci (SPD), Klaus Lederer (Die Linke), and Ramona Pop (Bündnis 90/Die Grünen). In 2018, the federal parliament's Bundestag included 25 (on a total of 709) politicians elected in the Berlin electoral districts, of which six from CDU, six from SPD, five from Die Linke, four from Bündnis 90/Die Grünen, three from FDP and one from AfD. Almost every political party (except for some small local parties that did not stand for

the federal elections in 2017, and the Pirate Party) thus has at least one representative at the federal level. In addition, a number of elected politicians use inter-party working groups that take place out of the public's eye to persuade -or as Checkel (1998; 1999; 2001; 2003) calls it socialise- their colleagues from other parties on certain issues and decisions: "*(…) I take part in the national Board Building and Living in which we often discuss solutions over party boundaries. I can persuade many of my colleagues.*" (Interview no. 090).

11 of the 13 NGOs/CSOs interviewed maintained contact with the regional and/or federal government. There appears to be frequent contact with the regional level. Moreover, the examples and descriptions of these interactions resemble those with the local level: "*I do have a lot of contacts with the administration and responsible politicians of the regional government. For example, (…) we will present [our report] to the regional government, and hopefully we can discuss some points with them, (…).*" (Interview no. 016); "*We have similar contacts with the local and regional policy-makers, as they are both active in Berlin. Dependent of the topic and division of political competences, we have contact with either the local and/or the regional policy-makers.*" (Interview no. 020); "*At the regional level we have many contacts with the police. Some of these contacts are structured, but many encounters are random, for example they call us when they have a potential client for us, when they have a specific question (…), etc..*" (Interview no. 064). Furthermore, NGOs/CSOs experienced their interaction with the regional level as constructive: "*Here in Berlin we have positive contacts with the regional government and administration.*" (Interview no. 022); "*We have good contacts with [the regional government] and discuss the health situation of irregular migrants and their access to health care. For example, earlier this year we held a round table conference with the administration of the Senate (…).*" (Interview no. 037). Due to the positive relations and sometimes close ties between NGOs/CSOs and the regional government, they now and then jointly advocate the improvement of irregular migrants' situation at the federal government, sometimes achieving their aim or 'winning the battle', as this example illustrates: "*With regard to the national level we focus on lobbying in coalition with the regional government. For example, as a result of our lobbying (together with a lot of other organisations and the Senate), irregular pregnant women receive a Toleration Certificate 3 months prior to the delivery of the baby up to three months thereafter. This is not anchored in the legislation, but it is common practice that the Immigration Authority hands out this Certificate to pregnant women in Berlin when we request it.*" (Interview no. 037). With regard to the federal government, one NGO/CSO reported to have direct, structural and positively experienced contacts with the relevant administrations through operational working arrangements: "*I have frequently contact with the BAMF, the Federal Office for Migration and Refugees [Bundesamt für Migration und Flüchtlinge] and the national Refugee Coordinator. Since 2015 we have clear agreements with them. For example, there is one person per regional umbrella who is responsible for all the contacts with BAMF. For Berlin this is me.*" (Interview no. 041). One other NGO/CSO stated to be regularly invited to inform policy-makers of certain political parties because of its expertise: "*I'm (…) regularly invited at party conferences and other events for policy-makers. They ask me to give concrete examples, sketch practices and situations of irregular migrants.*" (Interview no. 097). The other nine NGOs/CSOs' contacts with the federal level are highly dependent on their own lobbying initiatives and the response they receive on it from the federal services and/or policy-makers they have addressed, as is the case with most NGOs/CSOs in the other cities: "*The major part of my job concerns lobbying at the federal level. I address ministries and*

policy-makers on different topics. I don't address them straight away with the situation of irregular migrants (…). I describe irregular migrants' situation with regard to a specific topic and I propose measures to improve these situations." (Interview no. 063).

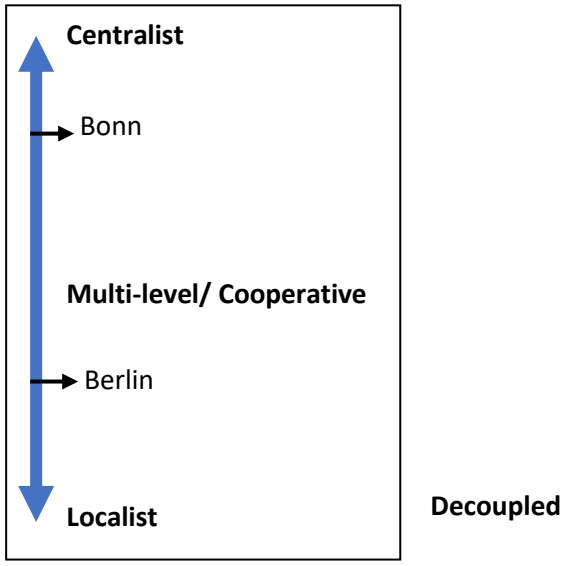
No Berlin local authority received resources explicitly to (not) facilitate irregular migrants, neither from the regional nor from the federal government. However, some politicians interviewed told that certain federal budgets that are transferred to the regional and/or local governments implicitly could be (and sometimes are) spent to also include irregular migrants in the service offer, for example: "*We receive budget for integration measures and sheltering of asylum seekers. As I already told, we include irregular migrants in these initiatives, like access to language courses and sheltering homeless irregular migrants in the centres.*" (Interview no. 074). Moreover, the Berlin State gives significant, versatile resources to the local level for migrant integration, as one interviewee working in a particular district explained: "*We receive about one million euros from the regional government for integration in general. The budget is not really specified or limited with regard to the activities we have to organise or the people we can or cannot include in our services. However, we can't, for example, rent a flat for an irregular family, that would be against the law.*" (Interview no. 015). Unlike in Bonn, a number of interviewed NGOs/CSOs in Berlin received funding from the federal and/or regional government for migrant integration and housing support. Like the district authorities, they sometimes use part of this budget to include irregular migrants in their services: "*Annually we receive 18 million euro from the Feral Ministry Office for Migration and Refugees [BAMF] to advice and support immigrants with regard to housing. Twice a year we deliver statistics, and annually an overview report. We also report about irregular migrants because they sometimes come to us as well and then we support them. That is not a problem for the BAMF.*" (Interview no. 022); "*We receive money from the federal government to (…) prevent and eradicate homelessness (…). We also receive FEAD money*[158] *via the federal level. Furthermore, we get a grant here and there when a [regional] ministry launches a call to implement an action from their programme. These grants are project subsidies (…). None of the budget that we receive from the governments explicitly focusses on irregular migrants.*" (Interview no. 067).

In sum, the local and regional Berlin governments are sometimes seen as one and the same because they have close and constructive contacts with each other. Since both levels closely cooperate within the task-specific vertical governance structure and local level operational proposals are sometimes uploaded, the relationship between these two tiers must be situated between cooperative and localist. Interactions between the Berlin authorities on the one hand and the federal government on the other are much more infrequent, especially regarding negotiability of the topic irregular migrants, and rather conflict-oriented. However, the federal government fails to diffuse their policies on irregular migrants top-down, as the Berlin governments and NGOs/CSOs that receive federal funding often implement them creatively, within the legislation. Furthermore, one NGO/CSO managed to agree operational arrangements with the federal level, (partially) diffusing their norms upwards. The mode of governance that leads to implementation within the task-specific vertical governance structure on the

[158] The EU Fund for European Aid to the Most Deprived (FEAD) financially supports Member States in providing food and assistance (this mainly concerns material support for providing e.g., clothing and hygiene products, but may also include social inclusion measures) to the most destitute persons within the country (Pagnini et al., 2020).

three government layers together therefore seems rather localist towards cooperative, as displayed in Figure 21.

Figure 21: The mode of governance that leads to implementation of policies affecting facilitating irregular migrants in Berlin



8.2.3 The mode of governance that leads to implementation in The Hague

One of the 18 interviewees in The Hague had no idea about the relations between policy-makers within the vertical governance structure, and three of the eight politicians and city and enforcement staff interviewed said to have purposely no relation with the national level about irregular migrants: "*I prefer to stay local, topics like irregular migrants should not be discussed at the national level, because then you only hear ideology and populist discourses, it leads to nothing.*" (Interview no. 035). All other interviewees in The Hague concluded that the relations between the local and national governments are generally very positive. Two arguments were put forward to substantiate this perception. The first, often cited, reason was that both authorities are on the same page regarding their views on irregular migrants and housing policies, for example: "*Here in The Hague the narratives about homeless people are negative, the same as at the other tier of government. When something goes wrong in the city, VVD always blames homeless people for it.*" (Interview no. 031). The second reason, also often expressed, was the application of the Dutch consensus-oriented approach, the so-called Polder model. In this model, the involved parties interact with each other when they deem it necessary and aim to reaching a compromise. In such a "consensus democracy" it is not the frequency of contacts between the actors that is important, but the fact that there are no losers, as a win-win outcome is sought (Andeweg & Irwin, 2009; Bonjour, 2012: 95; Lijphart, 2012): "*The definitions on irregular migrants and the rules about access to housing are set by the national government. The implementation is mainly in the hands of the local level. As long as both levels' definitions and implementation don't clash (too much) both tiers of government leave each other alone. If there is a problem for which both levels are*

needed, we 'll sit down and find a solution." (Interview no. 035); "*(…) we have constructive dialogues on (access to) housing, without having to address irregular migrants as a problem. This is the Polder model, (…) [it] includes, amongst others, that certain illegal practices are tolerated (…). The Polder model is a pragmatic policy approach.*" (Interview no. 098). These examples make at the same time clear that policy decisions are taken by the national government. But unlike in Bonn, where it was felt that decisions were imposed on them top-down, the interviewees in The Hague experienced cooperation because the local level usually is consulted prior to national measures, as one interviewee explained: "*Decisions are taken on the national level, but mostly there are negotiations with municipalities, and advice from NGOs before decisions are taken. Once legislation is agreed, it's up to municipalities to implement the policies and decisions.*" (Interview no. 068). Another specific characteristic of the Dutch vertical governance structure is, according to some interviewed politicians, that only the mayor (instead of all local responsible policy-makers) participate in this structure: "*With the national politicians responsible for housing (D66) and for immigration (VVD) we don't have direct contact. It's only mayors who contact them when there is a local problem that can (only) be solved with the support of national policy-makers.*" (Interview no. 070). Against all these testimonies about the consensus-oriented interactions between the local and national level, one interviewee took a critical look at a number of events related to municipal Bed-Bath-Bread (BBB) facilities for irregular migrants, the predecessor of the National Aliens Facilities (LVV) project: "*(…) the Dutch Polder model is sometimes not working. (…) the structural cooperation between the national and municipal government doesn't always run as smooth as it looks like on paper. In February 2018 the Secretary of State responsible for asylum met with the mayors to discuss the reception of irregular migrants. The initiative for this meeting came from the municipalities but the national government employed power politics, causing the municipalities' trust fade away. They continued their own approaches for sheltering homeless irregular migrants. Only a couple of months later, due to mediation from the Advisory Committee on Aliens Affairs, the national government changed their strategy towards municipalities and were able to get all municipalities back around the table.*" (Interview no. 108). Indeed, the approximately three-and-a-half-year lasting negotiation process about the LVV Pilot project was not a smooth one (see also 4.2.3). Although Secretary of State for Security and Justice Mark Harbers (VVD) stated to parliament, in his letter of 30 March 2018 (par.6) that: "*Municipalities and central government have a joint responsibility for solving the social task on which the LVV programme focuses (...).*" and "*[t]hat is why the programme is jointly funded by the national government and municipalities. I will release 48.5 million euro from the budget for foreigners to fund the programme (…). During the term of the programme and depending on the actual target range, municipalities will bring in 16.5 million euro (…) from the municipal fund.*", his party colleague and predecessor Klaas Dijkhoff emphasised the conflicting relationship and coercive power of the national government: "*In my opinion, municipalities stipulated too much space to be able to continue to offer municipal shelter to rejected foreign nationals in addition to the LVVs."* (MJV, 24/11/2016: par. 7); "*From now on, the government will therefore no longer financially support municipalities in independently housing foreign nationals who are obliged to leave."* (MJV, 24/11/2016: par. 8).

Although not often cited by the interviewed politicians in The Hague, compared to their colleagues in Bonn and Berlin, they too maintain contact with the national level through their party structure: "*[V]ia our party lines we put a lot of pressure on the Rutte Cabinet (…). We prefer to persuade the national*

government with arguments and examples. One of the realisations is the LVVs experiment." (Interview no. 012). In addition, some politicians reported that their contacts via the party structure are not only situated on the vertical but also on the horizontal governance dimension, to exchange knowledge and ideas about local situations and approaches: "*I have contacts with colleagues and like-minded politicians in other cities. I often have contact with politicians in Amsterdam, Rotterdam and Utrecht (…). There were some conversations about the recent church asylum in The Hague, granted to the Armenian family (…).*" (Interview no. 035). Next to through their party lines, the interviewed politicians interact with the national authorities via the intermediary platforms of the G4 (i.e., a consultation structure of the four largest cities in the Netherlands: Amsterdam, Rotterdam, The Hague and Utrecht) and the Association of Dutch Municipalities (VNG) that support them in reaching joint agreements and supported policy-decisions: "*Policy-makers meet each other regularly in e.g., the G4 or via the VNG. Sometimes, through the party political structure.*" (Interview no. 070); "*We can refer between 20-40 persons per annum [to the LVV in Rotterdam]. For that an agreement was reached between all involved parties, including policy-makers and NGOs, at the local and national level. The VNG mediated this agreement.*" (Interview no. 043). Worth mentioning because it demonstrates the comprehensiveness of both platforms, the G4 and VNG not only organise consultations between local and national policy-makers, but also bring together city staff from their member cities to exchange and coordinate local policy practices: "*For example the organisation of the winter shelter is annually discussed with the G4 (…). We align on the dates that the shelter is open and we share information about eligibility criteria, concrete facilities, etc.. The main aim of these meetings is to inform one another and to align our offer as much as possible with one another.*" (Interview no. 069).

Only three of the ten NGOs/CSOs told to have contact with national policy-makers, but as the examples show, this leads to little interaction and takes place completely outside the task-specific vertical governance structure: "*I have good contacts, albeit informally and infrequently, with the Secretary of State who is responsible for homelessness and Welfare [Paul Blokhuis, CU]. I don't have direct contacts with other national politicians, (…).*" (Interview no. 031); "*We have some contacts at the nation level, but not so much, and they are not really interested in irregular migrants these days, (…). (…) we distribute press releases and we can support politicians at all levels with asking and answering political questions. They know where to find us. So far, there never was a question in relation to access to housing for irregular migrants (…).*" (Interview no. 039). In contrast to most NGOs/CSOs' attitude towards local politics (where only one NGO/CSO consciously refrained from participating), seven of the interviewees stated having no time to engage with national policy-makers, and/or that the costs of contacting national policy-makers did not outweigh the benefits, and/or, bluntly, that they did not want to interact with national politicians: "*I don't address national policy makers myself, it's not worth the effort, it's better to join forces (…).*" (Interview no. 068); "*We don't search for contact with national politicians, we don't send them e-mails to invite them to our activities or to lobby for something.*" (Interview no. 110). Some NGOs/CSOs added that they rely on the peak organisations of which they are a member (such as Foundation LOS[159]) to advocate and lobby at the national level: "*There is so*

[159] Two of the NGOs/CSOs interviewed are a member of Foundation LOS (Stichting Landelijk Ondocumenteerde Steunpunt), the Dutch knowledge centre for people and organisations that support irregular migrants which strives for irregular migrants' access to all basic rights on the basis of Article 25 of the Universal Declaration of Human Rights (Abilov, 2017).

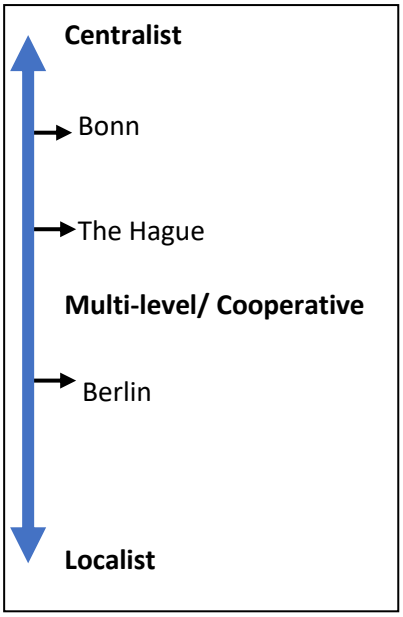
much work to do, day-to-day interaction with clients that there is not enough time left to follow up on national policy. We count on the networks we participate in to take up this work. Sometimes we formulate a joint statement, and then others send it to the national policy-makers." (Interview no. 046).

Although The Hague's local government does not receive any resources from the national level to facilitate irregular migrants, and despite the European Social Network's (ESN, 2016) finding that Dutch cities are seriously hampered by national austerity measures -which in combination with increased decentralisation of social affairs results in less (qualitative) services- none of the interviewees complained about this or even mentioned this context: "*We don't receive money from the national government for irregular migrants, (…). (…) very indirectly, we receive money from them to facilitate irregular migrants' access to housing, although I wouldn't call that official policy and we don't spend the money on irregular migrants, we just ignore their presence in the family when determining the cost sharing norm of their partner or family*[160]*.*" (Interview no. 009); "*As The Hague will not participate in the LVV Pilot project, we won't receive money from the national government in the upcoming years as well for sheltering irregular migrants.*" (Interview no. 069). Also the interviewed NGOs/CSOs received no resources from the national government and did not complain about this. In contrast to obtaining local resources, there was no trace of competition between the NGOs/CSOs to gain national funds.

In sum, it seems that The Hague's local government, mainly the mayor, has contact with the national level when deemed necessary. NGOs/CSOs are far removed from and thus have no influence on the vertical governance structure: None of them receives any subsidies, and most of them (usually for own reasons) have little or no contact with national policy-makers. The interactions between the local and national tiers are perceived as constructive, on the one hand because both parties have consistent visions on the policy aims and implementation measures with regard to irregular migrants, housing and homelessness, and, on the other hand, because of the consensus-oriented approach (the so-called Polder model) in the direct contacts and in the interactions via the intermediary platforms of the G4 and VNG. Despite policy decisions being taken by the national government and no national budget being transferred to the local level for facilitating irregular migrants, the interviewees perceived the mode of vertical governance as cooperative because the local level is usually consulted prior to national measures. Therefore, The Hague's mode of governance that leads to implementation is situated between centralist and cooperative, closer to the latter.

[160] This cost-sharing norm applies to people who receive social security benefits and share their accommodation with person(s) from the age of 21. Reasoning that housing costs can be shared between cohabitants, the social security benefits are reduced corresponding to the number of people with whom the accommodation is shared (Kruis & van Waveren, 2016).

Figure 22: The mode of governance that leads to implementation of policies affecting facilitating irregular migrants in The Hague



8.2.4 The mode of governance that leads to implementation in Amsterdam

In all 18 Amsterdam interviews, the personal perception of the relationships within the task-specific vertical governance structure that explicitly targets irregular migrants was presented, often in detail. Only one of the nine politicians and city and enforcement staff interviewed said to have no contacts with the national level "*because the national government's approach is clear.*" (Interview no. 033). Almost all interviewees pointed to the clearly visible differences in vision between the national and Amsterdam government: "*Before I worked in the national ministry, I already was aware about the disagreements between the Secretary of State and the Amsterdam local government.*" (Interview no. 062); "*The national approach is at odds with Amsterdam's policy, there is constant tension between the policy of both tiers of government.*" (Interview no. 083). Furthermore, most interviewees elaborated on the power ratio between the two authorities. A smaller number were convinced that ultimately only the national government has all decision-making power: "*It is difficult for the local government to go against the national government, although they try. When not all municipalities, or at least the G4, align, Amsterdam alone is not strong enough to go against the national government's decisions.*" (Interview no. 007); "*The policy is basically defined top-down, but after consulting and negotiating with the municipal level. This often goes via the VNG, who acts as a broker between the national level and all the municipalities in the Netherlands. In the end decisions are taken by the Secretary of State responsible for Justice and Safety, they have the power and are accountable for the immigration legislation and policy.*" (Interview no. 083). These perceptions of the national level's preponderance are in line with Andeweg & Irwin (2009:198), who conclude that "Dutch municipalities are tied to the central government by 'golden ropes'.". In this context, one politician explained how the Amsterdam government tries to avoid this dependency with regard to facilitating irregular migrants: "*(…) we allocated much of the city's budget to the Programme Undocumented, because we*

want to be able to remain independent from national decisions. (…) in fact we depend for 90% of our city budget on the national government. A head-on collision probably would have severe consequences, we keep that in mind when we negotiate with the national government, for example, we don't turn the differences of opinion into a campaign, that wouldn't be smart. (…). We look for compromises. So far they tolerate our policy approach, it's clear that they don't like it, but we can do the [LVV] Pilot with Dublin claimants with our own budget, it's part of the Agreement." (Interview no. 036). Nevertheless, most interviewees indicated that the national government needs the local level: "*Mostly, the Secretary of State involves the municipalities, because they are the ones who have to implement the policy. S/he tries to persuade the municipalities, but that doesn't always work. (…) [the Amsterdam government] can get things done from the Secretary of State.*" (Interview no. 088). This belief was often justified by referring to the national authority's approval of Amsterdam's LVV project in which Dublin claimants are allowed to participate (though this part of the project is fully funded by the Amsterdam government), while this goes against the legislation and the national policy preferences (Gemeente Amsterdam, 2019b): "*The only contacts with the national government, by means of the Secretary of State, have to do with the Pilot project. It's clear that we have different opinions, but we were allowed to set up shelters for Dublin claimants with our own resources. I hope this agreement will be preserved under the new Secretary of State*[161]*.*" (Interview no. 033). In addition, one example was given of the local level refusing to implement a national decision, namely the introduction of the squatting ban: "*In 2014, the We are Here movement made the situation of irregular migrants very much visible through their squatting activities. It led to a national change in the legislation on squatting and vacancy, but the Amsterdam government didn't want to apply this legislative change. The current coalition doesn't want to apply this Act either but instead wants to find structural solutions for the group of irregular migrants who squat.*" (Interview no. 104). In general, however, emphasis was placed on dialogue and making compromises that everyone can live with: "*The pollical preferences of the Secretary of State (VVD) and the local government (left wing) are obviously different. However, it is in everybody's interest to find joint solutions with regard to irregular migrants residing in the Netherlands.*" (Interview no. 062); "*The LVV is (…) an interplay between the national and local government, which resulted in an agreement between both parties.*" (Interview no. 054); "*Through dialogue between the national and local level we now have a good local policy, it's in line with the legislation and it allows to take the specific Amsterdam context into account.*" (Interview no. 066). More than once reference was made to the typical Dutch consensus-oriented approach (Bonjour, 2012; Lijphart, 2012), the Polder model: "*In the Netherlands we use the Polder model to discuss these kind of issues, it means that the national government is responsible for the policy and decision-making, but that they have to negotiate their policies with the local level because municipalities have to implement their decisions. Both levels need each other, they depend on each other for the realisation of their aims and policies.*" (Interview no. 081). Also the Amsterdam government underlines in its communication that the Programme Undocumented is the result of constructive cooperation between all actors involved in the task-specific vertical governance structure (Gemeente Amsterdam, 2019a). Yet, one interviewee noted that despite cities' collective disagreement with the national proposals, but due to a lack of consensus among the municipalities, the Polder model could not be used by the national government to reach a joint agreement on temporarily sheltering irregular migrants: "*In practice we apply the Polder model, see*

[161] On 21/5/2019, only a couple of months before the interviews were conducted, Secretary of State Mark Harbers (VVD) stepped down and was replaced by Ankie Broekers-Knol (VDD).

for example how we implement the LVV Pilot [in Amsterdam] in cooperation with AVIM, DT&V and IND. But for the policy-making it works a bit different these days. For example, the Agreement between Amsterdam and the Secretary of State was bilaterally negotiated. This approach was chosen after numerous attempts to let the cities agree with the national policy vision on the reception of irregular migrants. Only in 2018, after many unsuccessful meetings between the local and national governments, did the national government allow for different Pilots in different cities, letting the cities try out their solutions to address the national problem." (Interview no. 080).

As in the other cities studied, except in Stoke-on-Trent, most Amsterdam politicians said to have regular contact with the national tier through their party structure (Interview no. 062; 066), to exchange knowledge "*for example about the effect of the national policy on the Amsterdam practice.*" (Interview no. 066). But more often, the VNG and G4 were mentioned as the possibly strongest brokers between the national and local level, in which many efforts are put to overcome Amsterdam's bilateral disagreements with the national government: "*We have many contacts with other cities, it's important to stay in contact with them to build a platform for irregular migrants' rights and access to shelter. We also need to create a good narrative together, with good/ clear cases -for example about what goes wrong in the asylum procedure- in order to make the point clear at the national level.*" (Interview no. 036); "*[City and enforcement staff] deliver signals out of the field to the local government. It are the local policy-makers who bring these signals to the national level, often via the VNG (…). It works like a cascade, from the bottom upwards.*" (Interview no. 083).

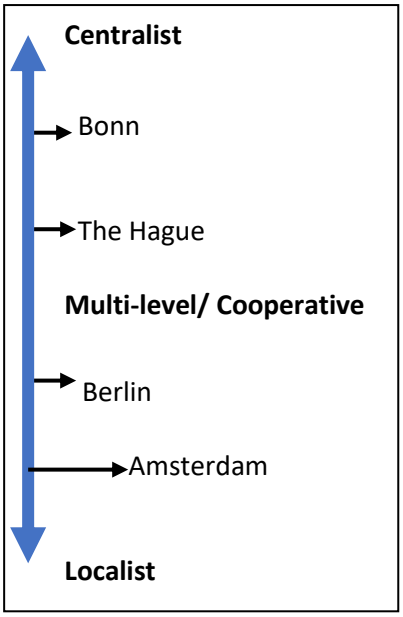
Of the nine NGOs/CSOs interviewed, three had no contact with national politicians because they are "*not a lobby organisation*" (Interview no. 080). The other six indicated to seek only sporadically contact with the national tier because, as experienced by their colleagues in Berlin and The Hague, they see only little return on these investments: "*It's difficult to get access to the national level. We sometimes send them statements, but we only rarely receive any response on these. Therefore, we focus more on national actions and campaigns. (…) we focus more on local politics, e.g., by asking written questions about the local and national policy in the city council.*" (Interview no. 007). Instead, some Amsterdam NGOs/CSOs explained linking their requests to the central government with the local government's lobby through the Fearless Cities strategy, like Berlin NGOs/CSOs collude with their regional government when lobbying at the German federal government. The Fearless Cities strategy means that NGOs/CSOs form a strategic front with the local government to transform national policies without "falling into the trap of particular localism", i.e., without claiming to be different (unique) compared to any other local context (Russell, 2019:989): "*We have some contacts with national politicians, but as I said, we use the method of Fearless Cities: we address the national level mainly via the local government.*" (Interview no. 008); "*There is a big gap between fieldwork and the national government, (…). Our actions don't have any effect on them. Therefore we cooperate with the municipality, they have easier access to the national level. (…) we cooperate with the local politicians in the hope that they can convey our concerns.*" (Interview no. 088).

Unlike all other cities studied, national resources are transferred to the Amsterdam government explicitly to facilitate irregular migrants' access to housing, due to Amsterdam's involvement in and the Dutch initiative of the LVV Pilot project: "*Thanks to the Pilot project we now receive money from*

the national government to set up shelter for 360 irregular migrants (…)." (Interview no. 033). Some of this money trickles down through the local authority to NGOs/CSOs: "*[W]e receive budget for this shelter from the national government via the municipality (…).*" (Interview no. 101). Furthermore, Amsterdam services receive funds to give irregular migrants the support to which they have access by national legislation: "*All services to which irregular migrants are entitled are directly paid by the national government to the service providers (like basic health care).*" (Interview no. 081). Nevertheless, the Amsterdam government remains largely responsible for facilitating irregular migrants' access to housing by including -with own resources- 140 Dublin claimants in the LVV and by providing additional support through the Programme Undocumented, which is according to some interviewed politicians a conscious choice: "*We spend a lot of our own budget for the shelters and tailored support, the Programme Undocumented is partly subsidised by the national government [to shelter 360 irregular migrants] and partly with local budget.*" (Interview no. 033); "*We receive money for the LVV from the national government, but we add a substantial own budget to it. That way we can remain independent and we also can have our own Pilot with Dublin claimants.*" (Interview no. 036).

So, despite clear differences in opinion between the Amsterdam and Dutch government regarding facilitating irregular migrants' access to housing, both authorities mostly seem to strive for compromises. While some interviewees felt that the national government ultimately predominates, others gave examples of the opposite and of Amsterdam decoupling from the national policy. However, to avoid bilateral head-on collisions and public conflicts between the two tiers, Amsterdam usually tries to form a coalition of like-minded cities within VNG and/or G4 to arrive at implementation decisions, which are accompanied by proportionate means, that are acceptable to all actors of the vertical governance structure. Furthermore, most NGOs/CSOs that are part of the task-specific local governance structure are (indirectly) involved in the vertical governance structure concerning irregular migrants' access to housing, neither by joining peak organisations, nor through their own lobbying, but by applying the Fearless Cities strategy. This way, Amsterdam manages to diffuse many of their local norms sideways and upwards. Therefore, the mode of governance that leads to implementation is situated, like in Berlin, between cooperative and localist. However, Amsterdam's vertical governance structure leans a bit closer to localist than Berlin's because more local norms diffuse bottom-up and, above all, are accompanied by explicit transfers of national resources. Furthermore, the mode of governance that leads to implementation in Amsterdam is positioned in the cooperative-localist-decoupled triangle, as the local government occasionally refuses to implement national legislation (such as the squatting ban).

Figure 23: The mode of governance that leads to implementation of policies affecting facilitating irregular migrants in Amsterdam



8.2.5 The mode of governance that leads to implementation in Stoke-on-Trent

Only one interviewee (from the city and enforcement staff) said to be in contact with the national level, albeit only to discuss operational issues and to make practical arrangements: "*We regularly have contacts with the Home Office administration. Usually it's to discuss particular cases and legal issues, we don't discuss access to housing as the national legislation is fairly clear on this topic.*" (Interview no. 055). In 10 of the 16 other interviews it was stated that there is no relation between the local and national tier of government with regard to facilitating irregular migrants (their access to housing), or even broader, with regard to immigration policy and reception of asylum applicants, although Stoke-on-Trent is an English dispersal area for asylum applicants. From these interviewees, all politicians and city and enforcement staff indicated that they do not interact with the central government because the local level has no power on this topic: "*We don't have contact with (…) the national level, because we are not involved in policy-making (…).*" (Interview no. 027); "*(…) the city council has no say in the immigration and asylum seekers policy. Therefore we don't have contact, we don't cooperate because there is no link between the focus and aims of our assignments. It are two -the local and central level- separate worlds when it comes to asylum seekers.*" (Interview no. 095). Also the interviewed NGOs/CSOs considered the local and central level as two worlds apart, as they did not know about any contact or dialogue between the local and central government in the recent or longer past: "*It often seems that the different tiers are not related at all, there is a strict division between their competences and mostly it's the central government that is in power and sometimes pushes away the implementation to the local level.*" (Interview no. 032); "*[T]he 2016 Immigration Act foresees to omit former Section 4 that gives failed asylum seekers access to accommodation. This has not entered into force yet, but city councillors don't complain about it, they don't protest against the central government's decision. This example shows the disconnect between the local and national*

governmental level. As local councillors' power is weak, and they don't protest, they don't form a platform to raise their voice against national decisions. Therefore the best way I can describe the organisation of policy on irregular migrants is as disconnect." (Interview no. 018).

Like in Bonn and Berlin, and to a much lesser extent in The Hague and Amsterdam, some politicians interviewed in Stoke-on-Trent maintain contacts with the national level through political party structures. However, only three seats are provided in Whitehall for elected representatives from the Stoke-on-Trent constituencies. At the time of the interviews, Jack Brereton (Conservatives), Ruth Smeeth and Gareth Snell (Labour) were the Stoke-on-Trent Members of Parliament (MPs). Since City Independent (the largest party in the city council) does not run in national elections, these councillors do not have direct access to MPs. At most they could make use of the city's representatives in parliament of their coalition partner, Conservatives. In line with the findings of Birrell & Gray (2017), this lack of party political ties at both governmental levels was experienced as a major drag on the local-national relations, as this example shows: "*There is one Stoke MP from the Conservatives, but we don't see him often. In the past few years 4 MPs visited us in Stoke, (…). They were interested in our policy on homelessness and diversity.*" (Interview no. 048). In addition, some interviewed politicians mentioned having occasionally contact with their colleagues in other cities through their party structure, i.e., on the horizontal governance dimension: "*I also have contacts with other local politicians via our political party structures. Through these (…) I meet other local councillors a couple of times a year. (…) most of the discussions are London centric, you can't compare the situation there with the reality here in Stoke. Irregular migrants' access to housing is never an agenda point, we talk more about the central government's decisions in general and the consequences for us at the local level, we don't discuss particular cases.*" (Interview no. 025).

In contrast to NGOs/CSOs' interaction with policy-makers at the local level (where seven of the 11 interviewees indicated not to interact with any city councillor) nine of them regularly contact elected politicians at the national level. Much more often than local politicians, NGOs/CSOs seek contact with MPs, especially with the elected representatives from Stoke-on-Trent. Nearly all of them said to be in touch with one particular politician, Ruth Smeeth (Labour), who holds monthly consultations on Home Office matters. Many of the local NGOs/CSOs visit these consultations or refer their clients to it to discuss an individual case: "*One MP's (Ruth Smeeth) Cabinet we can contact when an application file is blocked. They help us then.*" (Interview no. 053); "*There is an MP representative from Stoke from Labour (Ruth Smeeth) whose staff once a month organises a consultation in the library. We don't contact her ourselves, but sometimes refer a customer to this consultation (…).*" (Interview no. 078). Next to that, like in the other cities studied, some NGOs/CSOs address MPs to inform them about the local situation and/or to advise them when relevant policy decisions are on the table: "*We sometimes contact local MPs and councillors to provide them with our statements, information and signals. We can approach them via e-mail, but we see some of them in partnerships, like the West Midlands Strategic Migration Partnership. (…) foremost, we use MPs, like most organisations, to get practical things moving in the right direction, we make practical agreements and we advocate for asylum seekers' access to all basic rights.*" (Interview no. 032); "*We seek contact with MPs from all parties and the national government when they are preparing new immigration legislation, then it is important for us to inform them about consequences of their proposals. If they don't want to listen, we then*

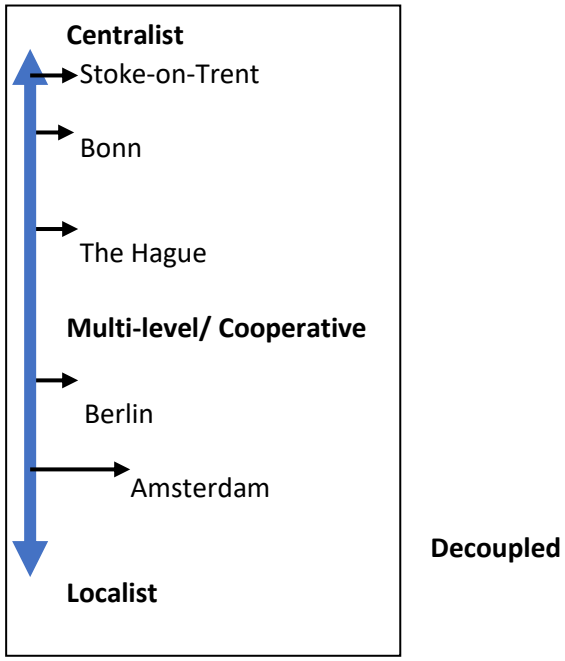
sometimes bring our information via the media. We do this with regard to decisions at the national level, we never use this strategy regarding local policy, because at the local level it would only be counterproductive." (Interview no. 055). It was noticeable that the NGOs/CSOs that contact national elected politicians do so only from within their own organisation, for example, no one referred to joint campaigns or collective lobbying. According to Lijphart (2012) this points at a high degree of pluralism, which clarifies that NGOs/CSOs' actions towards the national level are certainly not part of the task-specific vertical governance structure.

In 2016-2017[162], the city government received a grant allocation from the Homelessness Prevention Fund (managed by the central government's Department for Communities and Local governments) of 616,000 pound to deliver homelessness prevention services (City of Stoke-on-Trent, 2018). A small part of this budget was outsourced to Arch NGO to run Harbour House, an emergency temporary shelter where, amongst others, migrants with NRPF can stay up to four weeks (City of Stoke-on-Trent, 2016a). Furthermore, in return for extensive annual local plans, the city receives a number of budgets from the central government to implement specific national objectives on terrorism prevention, social cohesion and homelessness. Both the interviewed politicians and city and enforcement staff illustrated that these budget transfers are far too small to properly address the central government's goals, and that obtaining these annually fluctuating subsidies entails a lot of administrative burden. Moreover, these resources cannot be used to provide services to irregular migrants, given the detailed reporting obligation at case level: "*Stoke is recognised as a Prevent Terrorism Area through which we receive national and EU budget to work on community cohesion to prevent terrorism. Year after year Stoke also receives more funding for the programme Stoke Up (that is our community cohesion strategy 2016-2020), via which we now have an EU-worker to address EU-citizens residing in Stoke. However, government spending is very specific and reactive. Based on ever-changing criteria, they decide annually whether we qualify as a Prevent Terrorism Area and, if any, how much money we receive to work on it. Our budget thus can fluctuate from year to year. We don't receive any money to work with asylum seekers.*" (Interview no. 095); "*We do receive –a too small- budget to support homeless people. It is because we have a Strategic Plan on preventing and decreasing Homelessness which is successful. The budget we receive is always just for one year. Every year we have to report and apply for the next year's grants, which makes it difficult to set longer-term goals.*" (Interview no. 105). For facilitating irregular migrants' access to housing, the Stoke-on-Trent government receives no central government resources, despite local authorities' obligation to support Section 17 cases. This fact was frustratedly voiced by many interviewed politicians, city and enforcement staff and NGOs/CSOs: "*Municipalities are forced by the national legislation (Child Act) to temporary support NRPF families, regardless of their nationality and residence status, but they didn't give the local level any budget to carry out this obligation.*" (Interview no. 105). Only through an in 2019 new project fund, distributed from the central government via the local police, did the city council receive some money with which it could support irregular migrants: "*Since July 2019 [the city receives] (…) grants from the Fund to Prevent people from falling victim of Modern Slavery (it is for one FTE one day a week). This Fund is distributed by the Police and Crime Commission. With this money (13,000 pounds) we can regularise some failed asylum cases, indirectly we contribute to giving irregular migrants access to housing.*" (Interview no. 055).

[162] These were the most recent data available at the time the interviews were conducted in mid-2019.

All in all, there appears to be no task-specific vertical governance structure between Stoke-on-Trent and the national level, neither on facilitating irregular migrants, nor on the broader topics of immigration or asylum applicants. Moreover, there seems to be none to very little interaction between Stoke-on-Trent and the central government. Some local councillors have contact with the national level through their -or their coalition partner's- party structure and only one city service explained to have contact with the Home Office to discuss practical arrangements. The interviewees also indicated to be granted no money for carrying out the city's obligations towards Section 17 cases, and to receive far too little budget to implement specific central government norms, for which they have to submit detailed plans and reports that create additional administrative burdens. On the other hand, most local NGOs/CSOs reach out to (local) MPs, however, without clearly weighing on national norms, partly because their actions are scattered instead of set up jointly. Thus, the NGOs/CSOs operating in Stoke-on-Trent are not included in the vertical governance structure. Taking all this together -and in line with Birrell & Gray's (2017) findings- it must be concluded that the mode of governance that leads to implementation in Stoke-on-Trent is centralist.

Figure 24: The mode of governance that leads to implementation of policies affecting facilitating irregular migrants in Stoke-on-Trent



8.2.6 The mode of governance that leads to implementation in London

Three of the four politicians interviewed indicated that there is no task-specific vertical governance relation between them and the central government. One of them added that: "*The enforcement of the Immigration legislation throughout the UK is performative, meaning that the enforcement practices in themselves further shape the legislation. Therefore there are many litigations against decisions of local social services. This is how the local policy relates to the national legislation.*" (Interview no. 099).

Indeed, in England many legal reviews of individual cases are requested (Interviews no. 004; 018; 053; 055; 058; 075; 079; 091; 092; 096) as well as lawsuits brought against local implementation of legislation by certain specialised NGOs/CSOs (including in relation to Section 17 cases)[163], compared to the Netherlands where some local authorities (e.g., Amsterdam and Utrecht) support NGOs/CSOs taking national policy to court (Delvino, 2017b; Ederveen, 2019), and to Germany where the strategy of litigation was not mentioned by any of the interviewees nor described in research literature (Gesley, 2017; Schneider, 2012). Only two of the 20 interviewees said that there sometimes is a meeting between representatives of the GLA, (not with councillors and/or city staff of the London boroughs) and central government, concerning homelessness. However: "*(…) we don't discuss irregular migrants' situation with the ministry of Housing and Homelessness.*" (Interview no. 023). Moreover, these interactions are rather strife-ridden, as the mayor openly disagrees with the central government's policy, e.g., that considers EU nationals sleeping rough as possible abusers of the EU freedom of movement, meaning the Home Office may give them an order to leave the territory (Mayor of London, 2018a).

As in Bonn, Berlin and Stoke-on-Trent, most contacts between the London local and central level run primarily through the own party structure. Depending on the specific party, irregular migrants is a topic that may or may not be discussed between councillors and MP representatives. Unlike in Stoke-on-Trent, where policy-makers mainly interact with party colleagues elected from the local constituencies, London councillors' relations include a broader range of MPs from their party and/or other parties: "*I do have a lot of contacts with councillors from [our party] all over the UK and abroad. However, we never discussed irregular migrants' access to housing. The past couple of years most of my relations with other politicians (regardless of party) have to do with Brexit.*" (Interview no. 038); "*I do have contact with some MPs from [name party]. We discuss certain topics on which I can give concrete examples (…), that way we give the MPs evidence and examples of the consequences of the decisions that are on the table of the central government.*" (Interview no. 082). In addition, one particular cities network that focuses on destitute migrants with children who have NRPF, the NRPF network - established by the Islington borough council in 2006-, was named as an effective link between the local and central level (Interviews no. 004; 021; 040; 099). This network has been able to make practical agreements with the Home Office regarding the priority treatment of NRPF cases that are supported by local councils, as a result of which the support period (and therefore the expenditure of local resources) is shorter than usual, namely, in 2018, on average 820 days (NRPF, 2019a; NRPF, 2019b).

Of the 14 NGOs/CSOs interviewed, five explained to keep their focus on the local context only, because the city staff in their borough interacts with the central government services when necessary, for example: "*I have no, to few, contacts with the central government and their services. The contacts with*

[163] E.g., in case no. CO/15518/2013 concerning an irregular migrant child, the Royal Court of Justice ruled that "a child without accommodation cannot normally be reasonably regarded as anything other than a child in need", and thus that accommodation for this Section 17 case must be provided by the London borough council of Newham (RCJ, 2014:par 28). This lawsuit followed several other similar court cases against local governments (see 4.7.2); In case no. CO/7470/2012 (see 1.2.3), the UK High Court of Justice judged that the Essex County Council should not have stopped the accommodation support they gave to an irregular mother with three, in the UK born, children who were refused leave to remain, before the family could have used their right to appeal the Home Office's refusal decision (RCJ, 2013).

the Home Office usually go via the local authority's social services." (Interview no. 047). The other nine interviewees said to search and/or have contact with the central level, either through actively addressing MPs (usually elected from the constituency where they are active) individually, and/or through joint initiatives by a peak organisation (i.e., a specialised and hierarchically structured NGO/CSO, forming an interest group system, that operates nationally through joint cooperation with local partners (Lijphart 2012)): "*I regularly contact MPs, especially the ones who represent the London boroughs. Usually I mail them information and evidence that can help them to take decisions that are on the agenda of the central government. I give this information to all the representatives in the Parliament, regardless of the political party they belong to. Furthermore, we address all MPs through joint campaigns, we usually organise and support a big campaign under the coordination of Crisis before elections*[164]." (Interview no. 013); "*[M]ost of our contacts are indirect. For example, recently we did this campaign "Stop Sharing" to protest against the central government's idea to use GPs as border guards. We also write policy recommendations to MPs to help them taking the decisions that are on the table, we inform and advise them, for example if there is a revision of the Immigration Act being discussed in Parliament.*" (Interview no. 049); "*I often write emails to politicians (…). I have more contacts and responses from Labour MPs (…), for example, I now have a direct line with Jeremy Corbin*[165]." (Interview no. 093).

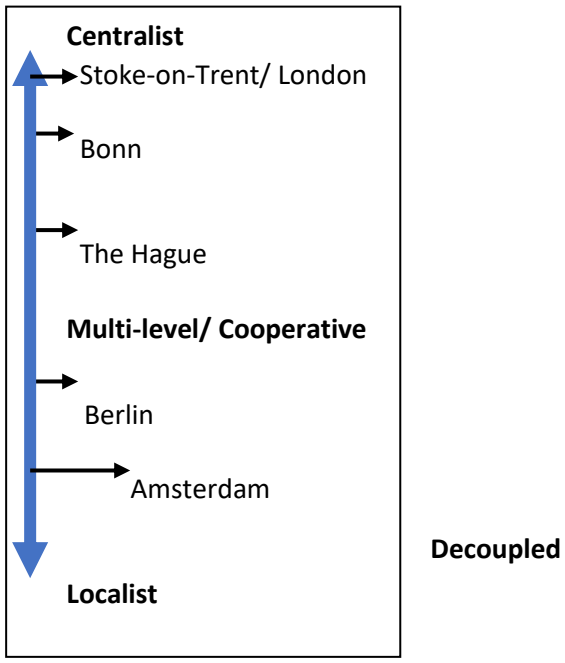
None of the interviewed NGOs/CSOs receives any resources from the central level. All Four politicians interviewed told about the -too little- grants they receive from the central government, mainly to implement homelessness policies: "*We receive some budget from the End Street Homelessness Fund. We also receive some money from the Strategic Legal Fund UK.*" (Interview no. 099); "*[W]e have to implement the national homelessness strategy and the legislation on asylum seekers and Section 17, etc., but we don't receive the necessary budget for doing so.*" (Interview no. 038). Like their colleagues in Stoke-on-Trent, they complained being on the one hand subject to legal obligations from the central government regarding destitute irregular migrants with children, but, on the other, not receiving any funding for implementing these norms: "*We have to allocate our own budget for complying with this legal obligation [of supporting Section 17 cases]. There are some funds available, for example from the Mayor's Office for which charities and other local organisations can apply.*" (Interview no. 100).

The input of the London interviewees is very similar to that of the Stoke-on-Trent ones: In England there appears to be no task-specific vertical governance structure with regard to asylum applicants or immigrants, let alone irregular migrants. Given differences of opinion about what the policy should look like, the few interactions between the London and central government are rather tense. Unlike in Amsterdam, where the open disagreements with the national government usually result in win-win compromises via the consensus-oriented Polder model, there are no policy discussions between the London and central authority. At most, the purpose of meetings between the two actors is to make practical agreements with the Home Office about the centrally established norms that have to be implemented locally. More often and with a wider range than in Stoke-on-Trent, local councillors have

[164] Crisis is a UK-wide peak organisation that strives to end homelessness, amongst others through lobbying at the central (and Scottish and Welsh) parliament.
[165] At the time of the interviews, Jeremy Corbyn was an Islington MP and the leader of the largest opposition party, Labour, in the UK Parliament.

contact with MPs. In addition, the NRPF network was mentioned as intermediary between the two tiers of government, albeit again, only to make practical arrangements with the Home Office. The many London based NGOs/CSOs approaching MPs themselves or through peak organisations fail to weigh on the policies (unless they win a lawsuit against the central government) and thus are clearly not part of the vertical governance structure. Finally, also like in Stoke-on-Trent, neither NGOs/CSOs nor the GLA and/or local government receives resources for carrying out the city's obligations towards Section 17 cases. In other words, the mode of governance that leads to implementation in London, is -like in Stoke-on-Trent and in line with Birrell & Gray's (2017) conclusion- centralist.

Figure 25: The mode of governance that leads to implementation of policies affecting facilitating irregular migrants in London



8.3 Is the mode of governance that leads to implementation a determining factor of norm diffusion at the local level?

8.3.1 Is the mode of governance that leads to implementation a determining factor of norm diffusion in Bonn?

Only two interviewees, both politicians, experienced the federal migration policy as successful. In this context they referred to the often criticised political statements of Chancellor Merkel: "*I understand and support Merkel's statement about "Wir schaffen das". This quote is so often abused. But what she means, and what is true, is that our history shows that we Germans are able to integrate many people (e.g., ethnic Germans who returned to Germany after the wars, the German reunification). If there is one country in the EU who can integrate this many people, it's Germany. It is a big effort, but we'll succeed, we're Germans.*" (Interview no. 042). However, the vast majority of Bonn interviewees argued why they consider Germany's migration policy as unsuccessful. Their reasons can be summarised as deficient administrative capabilities. In particular too small financial transfers from the federal and regional level to Bonn to implement the migration measures, and the lack of knowledge, or more correctly, policy-makers' reluctance to gain knowledge about irregular migrants were presented at length: "*The politicians deny the reality, they don't talk about irregular migrants and they don't allocate money to do something to the consequences of their policy.*" (Interview no. 003); "*People [with a Toleration Certificate] are allowed to stay, because they cannot return, often this is not due to their fault. But with this Certificate, they have no rights, they cannot work, receive social benefits and so on.*" (Interview no. 060).

Following the multiple statements by interviewed Bonn politicians and NGOs/CSOs that policy-makers seem unwilling to discuss issues related to irregular migrants, it is no surprise that there is no steering from the federal and/or regional level with regard to this topic. The only instrument to which one politician referred was in connection with housing policy, about which the NRW government has set up a working group for local policy-makers: "*Since two years we established also a working group on housing at the level of NRW. Through this working group we in Bonn, for instance, were inspired to implement the 30% rule on social housing via private housing building companies.*" (Interview no. 026). On the other hand, a number of the interviewed NGOs/CSOs participated in nationally organised advocacy platforms and/or are a branch of a national organisation that convenes meetings to which also policy-makers are invited. For example: "*[Our NGOs/CSO's] organisational structure is set up in such a way that we have the means to enter into a dialogue with the various policy levels. Through several meetings these contacts are maintained. The information we want to give is gathered through the organisational structure, as is the feedback. These formal meetings are a couple of times a year. For [us] it is important to inform decision-makers, we hope that they will listen to our expertise and make good decisions.*" (Interview no. 072). Although this active entrepreneurial behaviour falls by definition outside the task-specific vertical governance structure, it does allow these NGOs/CSOs to do "venue shopping" to lobby for their interests vis-à-vis different policy-makers and tiers of government (Guiraudon, 2000:251-268, passim). In the same vein, one NGO/CSO explained to deploy a more activist strategy, namely by using the governments' own legislation as a means of pressure against their policies and its implementation (Cajera, 2019): "*In theory, all people have the right to have a decent life, they should have basic rights, but that is not the reality. That is why we advocate for the*

people who can't raise their own voice, because these rights are enshrined in the Basic Law and all governments deny these rights. (…). We base our claims on the Basic Law Paragraph 1, which states that all people in Germany must be able to live in dignity. Irregular migrants must be decriminalised, they didn't commit any crime, especially the children, they are born here." (Interview no. 017).

Taking all interviewees' reflections on the mode of governance that leads to implementation in Bonn together, it becomes apparent that this rather centralist mode of governance determines norm diffusion at the local level, for two reasons that -in line with Berman (1978)- point to macro-implementation problems: Firstly, the lack of any discussion on irregular migrants hinders the implementation of norms, e.g., on facilitating irregular migrants' right on a decent life. Secondly, the resources transferred to the Bonn government are insufficient to implement the national and regional norms. The non-deployment of steering instruments by the supralocal governments was not experienced by the local actors within the task-specific vertical governance structure on migration[166] as influencing norm diffusion, since there is (both upwards and downwards) steering via the CDU party lines. Finally, the uploading initiatives of NGOs/CSOs led at most to venue shopping, as none of the interviewees had examples of scoring a home run with their advocacy initiatives. In accordance with the findings of Andeweg & Irwin (2009), lobbying from the outside thus appears to make little to no difference.

8.3.2 Is the mode of governance that leads to implementation a determining factor of norm diffusion in Berlin?

One Berlin interviewee, a politician belonging to a party of the Merkel IV coalition, had the opinion that the federal policy on irregular migrants contains successful elements. In contrast, nine of the 19 interviewees presented arguments supporting the opposite view. They mainly disagreed with the duty to report irregular migrants (Paragraph 87(2) Residence Act) that is imposed on civil servants, and with irregular migrants' de facto exclusion from basic rights, two issues on which the local and regional authorities felt fully dependent on the federal level: "*Unfortunately we cannot change the federal obligation that city staff have to denounce irregular migrants to the Immigration Office.*" (Interview no. 014); "*The major problem is that public officials have to denounce irregular migrants to the Immigration Authority. Therefore, irregular migrants never go to official services. In practice they don't have any rights (…).*" (Interview no. 106); "*Irregular migrants de facto don't have any housing rights. They can't access any official service without risking to be denounced. When they find accommodation they can't even register in the population register.*" (Interview no. 063); "*Because of the restrictive legislation in Germany, irregular migrants are forced to commit crimes and are driven into the arms of people who exploit them. This makes clear that irregular migrants have no rights at all in Germany, even their basic human rights are ignored. This is a big shortcoming of the federal government.*" (Interview no. 064). Several of these interviewees at the same time argued how the federal policy could be improved, often based on knowledge disseminated by international advocacy organisations and

[166] The task-specific vertical governance structure focuses on the broader topic of migration, as irregular migrants is not considered as a topic to be discussed and around which policy-makers of the different tiers of government should organise themselves.

others with whom they had contact outside the local and vertical governance structures: "*I often cooperate with Picum, and also with IOM, although the latter is not a lobby organisation (and doesn't specifically focus on EU policy). (…) for public officers we want them to have firewalls, they are not immigration law enforcers.*" (Interview no. 063); "*I have some contacts with members of our sister parties in Vienna, Paris and Copenhagen. (…) I talk with them about housing policy in general, (…). In my opinion the legislation on irregular migrants should focus on a humanitarian approach.*" (Interview no. 090). Indeed, the Platform for International Cooperation on Undocumented Migrants (Picum) promotes the incorporation of so-called 'firewalls', i.e., measures to separate public service provisions and immigration enforcement (Crépeau & Hastie, 2015; Delvino & Beilfuss, 2021; Geddie et al., 2014) for years (cf. Picum 2015; 2017a; 2020), and Vienna is an active member of the Human Rights Cities Network since 2014 and has a human rights office (Wiener Stadtrat, 2014) and, like Paris, is a so-called 'frontier city' (Oomen & Baumgärtel, 2018) and 'city of refuge' (Oomen, 2020).

At the Berlin level, the main task-specific vertical governance structure in which irregular migrants may be discussed is centred around migrant integration policies. Although this is a shared competence between all German tiers of government, it is the regional level that steers the district councillors, through the Masterplan Integration and Security. In this Master Plan one chapter is devoted to shelter and housing, and another chapter addresses supporting migrants with an insecure residence status and voluntary return (SAIF, 2016). Some of the politicians interviewed referred to this Master Plan and indicated that they felt supported by it: "*In 2016 the regional government developed the Masterplan Integration, in which a Total Concept was introduced. With this new concept the regional Berlin government has the intention to make the immigration legislation more integration-friendly. Failed asylum seekers is not a priority for the regional government, this topic is only rarely discussed, on the contrary, the search for legal perspectives is the regional government's focus.*" (Interview no. 073). In addition, once a year the regional government brings NGOs/CSOs together to discuss migration and integration issues, and, remarkably because of its explicitness, also once a year the regional government co-organises a Round table exclusively about irregular migrants: "*Once a year we have a two-day meeting with several [regional] ministries and policy-makers (…) to discuss the policy on immigration and integration.*" (Interview no. 063); "*Once a year we do participate in the regional government's Round table on irregular migration.*" (Interview no. 064). Although both initiatives are by definition not part of the vertical governance structure, they contribute to a localist mode of governance that leads to implementation. Based on the Berlin interviews, the German federal government appears to be targeting integration officers and nationally organised NGOs/CSOs rather than local policy-makers, through setting up several specific working groups and Round tables: "*[O]nce a year we have a big meeting with all the German Integration Officers. This is an institutionalised gathering. We never openly talk about irregular migrants, because this particular group is not the core group of our work, we don't have many contacts with them and they don't cause major problems in the local community. They are invisible (…).*" (Interview no. 015); "*As one of the big German (…) organisations, we are often invited to participate in working groups to advice [federal] policy-makers.*" (Interview no. 067); "*We participate in a couple of working groups on homelessness and poverty and through these we can build up contacts (…) with policy-makers of the federal government and their staff.*" (Interview no. 089). With this, the interviewees in Berlin confirmed the input of their Bonn colleagues. However, in some Berlin interviews, reference was also made to the Federal Advisory

Council for Integration: "*I represent the migrant community of Berlin in the German Advisory Council for Integration. The policy-makers often listen to our advice. Most of the advice we give starts from a question of the ministry. We receive these questions before decisions are taken by the federal government.*" (Interview no. 015). This Advisory Council was re-established in 2011 (its predecessor was dissolved in 2006) under pressure from migrant organisations (Sturm, 2010). The Advisory Council comprises 32 representatives from municipal umbrella organisations, employers and trade unions, religiously inspired and migrant NGOs/CSOs, and scientists. In addition, the chairmen of the parliament's Interior Commission and of the Conference of Ministers of Integration, and a representative of the federal Interior ministry are permanent guest members (Mayer et al., 2012). The inclusion of interest groups in the national policy-making through this Advisory Council is, in contrast to Bonn's perceptions about this, in line with Lijphart's (2012) classification of Germany as corporatist, whereby norms may diffuse bottom-up.

In sum, the rather localist mode of governance that leads to implementation in Berlin clearly determines norm diffusion at the local level. Firstly, due to positively appreciated interactions between the regional and district governments, the interviewees experienced no implementation problems on this part of the vertical governance structure, on the contrary the close mutual relations result in joint norms being implemented. Secondly, the governance relation between the federal level on the one hand and the regional and local tiers on the other revealed the macro-implementation problem of competing opinions and beliefs about the aims of the migration policy (Berman, 1978), resulting in certain national norms not, partly, or with delay being implemented. That norms are adapted to the local context and wishes cannot be explained by a lack of steering by the federal government, because although local and regional policy-makers said to have little contact with their national counterparts, a considerable part of Berlin's local governance structure is involved in national steering initiatives such as working groups and Round tables. In line with Jorgensen (2012), this macro-implementation problem appears to be due to differences in policy frames and institutional logics, and to norm diffusion from outside the local and vertical governance structures.

8.3.3 Is the mode of governance that leads to implementation a determining factor of norm diffusion in The Hague?

In six of the 18 interviews (five NGOs/CSOs and one politician from an opposition party) the Dutch policies affecting irregular migrants were assessed as unsuccessful, as they disagreed with its aims and content: "*(…) the discourse is negative, anti-immigrant. I don't see how that helps us any further.*" (Interview no. 012); "*Irregular migrants have no rights in the Netherlands. In theory they just have access to the Basic Rights, but in practice there are a lot of administrative thresholds, for example to get access to a doctor when they can't cover the full costs of the consultation themselves. Of course they can't afford the full costs of a consultation, as they only go to a doctor when they are seriously ill, and thus can't work, and thus don't have an income. The national legislation is as restrictive as to provide only access to temporary shelter to irregular migrants when they are cooperating to return to their country of origin.*" (Interview no. 046); "*People can get married when they are 18, but for family reunification they have to wait until they are 21, this makes no sense.*" (Interview no. 103). While most

interviewees did not comment on their agreement with national policies, two people (of which one politician) considered the national policies fruitful: "*(…) the current national government wants the police to detain less irregular migrants whose only crime is that they are undocumented. This means that irregular migrants' access to private housing is improved.*" (Interview no. 068). None of the interviewees in The Hague referred to the division of powers, interaction, extent of dependency of the relationship between the national and local tiers, and/or the resources that are made available to the local level. Nor did those who were dissatisfied with the policy indicate to oppose or circumvent its implementation.

There are a number of instruments to promote vertical governance in the Netherlands. Cities, including The Hague, organise themselves via the intermediary platforms of the G4 and VNG to coordinate their experiences and opinions with the aim of entering into a dialogue with the national level as one actor. Structural meetings are held on various topics (including housing and homelessness, migration and integration, and social care). Especially in the G4, policy-makers try to form a strong lobby towards the national government (Berg, 2013). However, according to one interviewee, this does not always have the intended effect, unless there is a sudden external shock: "*We also participate in the G4 meetings between the national government and the 4 biggest municipalities. In the previous years (between 2016-2018) the main focus was on reception of asylum seekers. There I noticed that cities try to find a partner in the national government, but their voices aren't always heard, listened to. However, when there is a crisis -like when the first big increase of asylum seekers arrived in the Netherlands- the cooperation between the two levels of government works well in the G4.*" (Interview no. 108). The VNG mainly focuses on knowledge sharing, on the one hand between all Dutch municipalities, and, on the other, between the Dutch municipalities and the national level (VNG, 2020a). Unlike G4, they receive subsidies from the national government[167], amongst others to support the implementation of Agenda City (Agenda Stad) of the Dutch government (VNG, 2020b). This Agenda, implemented since 2015, aims to promote urban economic growth, urban innovation and urban quality of life and is aligned with the Urban Agenda for the EU by means of so-called city deals (de Voogd, 2015). Despite the technical and comprehensive approach by means of Agenda City, the interviewees who had experience with it found that it had no added value for the interactions and relations between the different tiers of government: "*A couple of years ago housing was also a major topic on the 'Agenda Stad'. This Agenda was never linked to irregular migrants (…), and its policy is more on the background now (…).*" (Interview no. 098); "*[D]ue to loose networks –caused by employees changing position- our contacts aren't always that well-structured [within Agenda City]. The success of multi-level governance depends on individuals, (…). In the Netherlands we are good in crisis-management but not in structural cooperation and proactive management.*" (Interview no. 108). This dissatisfaction may relate to what Andeweg & Irwin already stated in 2009, namely that "Dutch governance is increasingly multi-level governance, but it is also increasingly technocratic rather than democratic governance." (p.207). In addition, the national government has set up the Advisory Committee on Aliens Affairs, a ten-member independent body consisting of academics and representatives of migrants(-organisations) that advises the government and parliament (on request and on its own initiative) regarding the Dutch migration policy and law,

[167] In 2019, more than 24% of VNG's total budget (approximately 30,648,000 euros) came from the national government, compared to 59% from all municipalities together (approximately 75,830,027 euros) and 17% from other income sources (VNG, 2020b).

and that assesses policy proposals for legal and policy feasibility and added value (ACVZ, 2020). Since this Advisory Committee consists of experts, who form a network coalition (i.e., private and public actors who cooperate on a particular topic as equals, regardless of their organisational background (Héritier, 1993)), the visions and recommendations of NGOs/CSOs may be picked up (on request or on their own initiative) by this body. A number of interviewed NGOs/CSOs in The Hague told that they have experience with this Advisory Committee: "*[W]e are sometimes asked to give advice on national policy, for example via the Advisory Committee on Aliens Affairs.*" (Interview no. 110). Furthermore, this interviewee considered this way of working as a form of policy participation that is being used more often over the years: "*The national government takes the decisions, but more and more civil society and local governments are involved though giving advice (e.g., via the Advisory Committee on Aliens Affairs) or through collective lobbying, (…).*" (Interview no. 110). Indeed, the (albeit here, indirect) incorporation of interest groups into the policy-making process is often regarded as a characteristic of a corporatist government, as Lijphart (2012) labelled the Netherlands.

Although one third of the interviewees disagreed with the aims and content of the Dutch policies affecting irregular migrants, it cannot be said that there is a macro-implementation problem as described by Berman (1978), because despite almost no one seemed really satisfied, neither nobody seemed so dissatisfied to not implement the national policy and/or to ignore legal norms. This situation resembles very much Scharpf's (1988; 2006) joint decision trap, namely suboptimal outputs due to compromises, with the difference that the national policy-decisions affecting irregular migrants were not taken together with the interviewees. Furthermore, none of the interviewees pointed out having a problem with any of the other factors causing a macro-implementation problem (uncertainties concerning actors' specific competences, too few resources to implement the norms, communication insufficiencies between the actors involved in the task-specific vertical governance structure (Berman, 1978)). The rather cooperative, yet somewhat top-down mode of governance that leads to implementation in The Hague does, however, influence norm diffusion at the local level. For example, there is an important role for intermediary platforms as the in-between of the national and local authorities. On the one hand, these platforms (especially VNG) support municipalities with the implementation of national norms, on the other hand these intermediaries (especially G4) support the member cities to lobby national policy-makers. Despite the use of cooperative instruments in the task-specific vertical governance structure, the national government remains in control by reserving the first and last word for itself, for example in defining the Agenda City and with regard to whether or not following advice from the Advisory Committee on Aliens Affairs.

8.3.4 Is the mode of governance that leads to implementation a determining factor of norm diffusion in Amsterdam?

As in the English cities studied, none of the Amsterdam interviewees thought the national policy on irregular migrants be successful. In eight of the 18 interviews, detailed arguments were given as to why this position was taken: "*We are more open to irregular migrants' needs than the national government. At the national level they are very strict, their focus is mainly on returning irregular migrants.*" (Interview no. 036); "*Irregular migrants who have no right to stay in the country, should be returned [according to the national government]. However, in practice we see that some irregular migrants live here on the streets. This demonstrates that there is a gap between the daily local practice and the national legislation. As being "illegal" is not punishable in the Netherlands, it makes no sense that the police arrests all irregular migrants, it's not a solution.*" (Interview no. 066); "*The problem in the Netherlands is that it takes too long before there is a decision on whether someone can remain legally in the country or not. There are often too many different interests at stake to take fast and correct decisions.*" (Interview no. 081). These examples, all quotes from politicians, point at the one hand at clear differences of opinion about the national norms and, on the other hand, at lacking capacity on the part of the national government to execute their own policy. According to a number of interviewees, both macro-implementation problems (Berman, 1978) continue to exist due to the national government's unwillingness to discuss and find joint solutions for these issues: "*The problems that we see for irregular migrants are rooted in the national policy and legislation, (…). (…) the door of the national government stays closed, not only for Amsterdam but for all cities. It's very difficult to get access from the local up to the national level, not only for [NGOs/CSOs], but also for the local politicians, even for the mayor -the previous one was from VVD. Its' clear for everyone that the national government doesn't want irregular migrants to appear on their political agenda.*" (Interview no. 006). The emphasis in this quote on the mayor's apparent inability to force a dialogue with the national level on this topic is bases on a same-party-ideology logic, as previous Amsterdam mayors Eric van der Burg and Jozias van Aartsen (who, after the death of PvdA mayor Eberhard van der Laan temporarily took over) were VVD party members, like the then competent Secretary of State. Conversely, one might assume that mayors are more likely not to act against the national government, because the latter has appointed them and can discharge them. However, in line with Andeweg & Irwin (2009) who found that mayors stand up for the general interest of their city and do not behave like puppets of the national government, this reasoning does not apply to the Dutch vertical governance structure.

Vertical governance in relation to facilitating irregular migrants' access to housing between the Amsterdam and national tier is steered by the same tools, namely via the intermediary platforms G4 and VNG, as described by the interviewees in The Hague. Only the Advisory Committee on Aliens Affairs was not mentioned by the Amsterdam interviewees as an instrument they use: "*(…) we mostly align with VNG or G4: together we are often ahead of the national government, the local practices are often ahead of national regulations.*" (Interview no. 066). Next to this, the Amsterdam government has bilateral contacts with the national one. In contrast to The Hague, where it was reported that only the mayor may have direct access to the national ministers, this reciprocal interaction takes place between the competent alderman (Rutger Groot Wassink) and the Secretary of State for Security and Justice: "*We heard from Groot Wassink that the new Secretary is more sceptical about the LVV Pilot part for Dublin claimants. He will come to Amsterdam to talk with Groot Wassink on Thursday.*" (Interview no.

006). Furthermore, Amsterdam lobbies its vision through the Local Cooperation Consultation of the Programme Undocumented (LSO), an inverted funnel within the task-specific vertical governance structure, in which -in addition to the many local actors- representatives of the national services Repatriation & Departure (DT&V) and Immigration and Naturalisation (IND) participate: "*Our ideas and knowledge are passed on to the national departments (like DT&V and IND) via the LSO in which all the LVV partners are represented.*" (Interview no. 080). Using this LSO as a lobby instrument is an example of how the Fearless Cities strategy is applied in Amsterdam. Indeed, by colluding and speaking with one voice, local NGOs/CSOs and the Amsterdam government increase their influence on the national actors in the LSO and thus the chance that local norms become uploaded to the national level. In the margin, it is worthwhile to add that Amsterdam's unique Programme Undocumented requires consultation not only with the local and national relevant actors, but also with all other municipalities and their local NGOs/CSOs, as one interviewee made explicit: "*Unfortunately, our local policy also contains a prisoners dilemma. For example, when organisations in, say Utrecht, can't find shelter for one of their irregular migrants, it is easy for them to buy their client a train ticket to Amsterdam. Our previous mayor, Van der Laan, had a wide network and made informal agreements with organisations and other cities about this.*" (Interview no. 033).

The idiosyncratic (not afraid to decouple) rather localist mode of governance that leads to implementation in Amsterdam clearly determines norm diffusion at the local level for three reasons that -in line with Berman (1978)- point to macro-implementation problems: Firstly, both tiers of government have competing opinions about the norms on facilitating irregular migrants' access to housing, resulting in certain national norms not being implemented or being stretched to the limits of what is acceptable for the national government. Secondly, Amsterdam interviewees indicated that the national government disposes of too few resources, in particular skills, to carry out its own policy. And thirdly, it was said that the interactions within the vertical governance structure do not bring about changes in national policy. However, the experienced communication insufficiencies appear to be much more due to the differences in vision between the two parties, since there are bilateral contacts as well as frequent interactions via the G4 and VNG about this topic. Hence, by directing much of its efforts on convincing the other municipalities within G4 and VNG of the Amsterdam vision, and by deploying a strong local lobby by means of the Fearless Cities strategy, Amsterdam seems mainly to aim for uploading the own policy frames and institutional logic or -when this is impossible- to persist its own vision when implementing national norms, two causes that Jorgensen (2012) found for the existence of competing opinions and beliefs.

8.3.5 Is the mode of governance that leads to implementation a determining factor of norm diffusion in Stoke-on-Trent?

12 of the 17 interviewees, including all six politicians and city and enforcement staff, elaborated on the national policies that affect irregular migrants. They all referred to the central government's administrative capabilities to conclude that the national approach is not successful in their view. First, the lack of knowledge and skills -through which policy decisions generate perverse effects in daily practice- was often cited, such as the increase of migrants with an irregular residence status and of irregular migrants who turn to the local government for support: "*[T]he 2016 Immigration Act that prohibits landlords to rent out to irregular migrants, (…) led to a growing number of irregular migrant families with NRPF who appeal on city councils. Thus, as an unintended consequence of the 2016 Immigration Act, city councils have to invest more of their budget to meet their obligation to shelter families with NRPF.*" (Interview no. 018); "*The Windrush case[168] is scandalous in my opinion, it concerns Common Wealth people who live in the UK since the 1950s and 1960s, they are UK citizens who never received proper documents from the central government.*" (Interview no. 094). Second, many interviewees zoomed in on the lack of financial transfers from the central authority to city councils to be able to meet the legal obligations with regard to irregular migrants' access to housing: "*In my opinion the city council doesn't receive enough money to deal with the consequences of the dispersal. Stoke, and the West Midlands as a whole, are abused by the central government.*" (Interview no. 025); "*I'm furious at the minister for Home Affairs: due to the lack of budget we can't always provide qualitative services through which we score low on national quality rankings[169]. They use shame and blame, but we can't do more if the central government doesn't give us the funds we need.*" (Interview no. 048); "*With regard to NRPF (Section 17 of the Children Act 1989) municipalities should temporary shelter destitute families. However, as the city council receives no budget for it, they only rarely use this Section.*" (Interview no. 053).

Wolffhardt et al. (2005) remark that vertical governance in England is complex and blurred as a result of the many reforms following the devolution of competences from the central to lower tiers of government (including through the introduction of specific area-based partnerships) and because of the extensive outsourcing of services since the Blair I government introduced the 'third way'[170] societal organisation. Indeed, interviewees listed several tools that have been set up under the obligation of the central government to steer the implementation of national norms locally. The most often cited instrument in relation to migrant management was the West Midlands Strategic Migration Partnership, bringing around the table civil servants from the Home Office and key actors (both NGOs/CSOs and local councillors) from the 14 upper-tier local authorities in the West Midlands region tasked with asylum applicants (WMSMP, 2019). Although destitute migrants with children who have

[168] In 2018, the Home Office (under Theresa May) began detaining people without legal residence documents who immigrated to the UK before 1973 from the colonies, and their descendants.

[169] In 2018, Stoke-on-Trent was ranked fifteenth most deprived local authority in England, and since 2004, with each update, the city has been declining in this national index's ranking (Noble et al., 2019).

[170] This 'third way' comprised a "new contract for welfare", linking general rights to personal responsibilities with the aim to empower individuals (Jordan & Düvell, 2002:201). Cameron's Coalition government gave further substance to this concept through introducing civic engagement and responsibility, austerity measures (including, amongst others, welfare benefits reform and eligibility to social housing), and a partnership model including businesses, civil society, the state and volunteers (Birrell & Gray, 2017).

NRPF is sometimes an item on the agenda, it was said that this partnership had not met to exchange information and practices since 2018: "*The partnership focuses on communication and information exchange between the local and national level. (…) we sometimes discuss the approach towards people with NRPF. However, the operation of this partnership currently is practically silent.*" (Interview no. 032); "*(…) the city administration is in contact with neighbouring cities via the West Midlands Strategic Migration Partnership. Via this Partnership, we agree on issues to report to the Home Office.*" (Interview no. 048); "*We are involved in the West Midlands Strategic Migration Partnership, (…), we sometimes talk about NRPF migrants. The purpose of this partnership is to learn from each other and to be able to offer the best services in the most efficient way.*" (Interview no. 095). One interviewee referred to Stoke-on-Trent's membership of the Local Government Association, a cross party political organisation (unlike in the Netherlands) that supports and advocates for local authorities in the UK (LGA, 2020). However, this cities platform appears to neither function as a broker between the central and local governments nor as a network through which cities take joint actions: "*City councils are not used to work together, they don't undertake joint actions, they don't form a platform, no united voice.*" (Interview no. 018). Worth mentioning in this context is that some NGOs/CSOs pointed at the Joint Council for Welfare and Immigration. Unlike city councils, that seem completely dependent on the central level, this nationally organised independent immigrant rights advocate manages to oppose central government decisions, inter alia, through using a litigation strategy, as one interviewee explained: "*(…) the Joint Council for Welfare and Immigration has the capacity and opportunity to also sue the national government when they decide on discriminative legislation or decisions that violate international treaties to which the UK is a partner. For example, they sued the national government for installing discrimination in the 2016 Immigration Act via the Section stating that private landlords have to check immigrants' residence documents and have to refuse irregular migrants. It's an interesting case, but there is no final decision yet, we are waiting for a final decision in appeal.*[171]" (Interview no. 055).

In sum, the centralist mode of governance that leads to implementation in Stoke-on-Trent clearly determines norm diffusion at the local level, for the two same reasons as in Bonn, that -in line with Berman (1978)- point to macro-implementation problems: Firstly, the resources transferred to the local level are perceived to be far too little to be able to implement the national norms properly. Secondly, the lack of interaction and the weak deployment of steering instruments by the central government (e.g., the lack of a clear implementation scheme for providing temporary accommodation to destitute migrants with children who have NRPF) hinders its execution. As the Stoke-on-Trent interviewees felt to completely depend on the central level, the strongest counterweight against the latter seems to come from NGOs/CSOs that litigate against certain national norms. Nevertheless, these independent groups remained behind the side-lines of policy-making and are not involved in the task-specific vertical governance structure.

[171] On the first of March 2019, the England and Wales High Court ruled in case NO. CO/598/2018 that the Hostile Environment (i.e., landlords' obligation to control migrants' identity and residence documents and to report irregular migrants to the Home Office) is incompatible with human rights law, through which the central government should repeal this Right to Rent scheme (Sections 39-40, Immigration Act 2016). However, on April 21, 2020, the Court of Appeal upheld the Secretary of State's appeal against the High Court's conclusion.

8.3.6 Is the mode of governance that leads to implementation a determining factor of norm diffusion in London?

None of the London interviewees stated that central governments' policies affecting irregular migrants' access to housing are successful. On the contrary, 15 of the 20 interviewees -including all four politicians- gave reasons why they perceived it as ineffective. Most NGOs/CSOs said they disagreed with the content of the central government's norms and especially opposed the ineffective way in which the government tries to achieve its goals. In particular two examples were repeatedly given: The involvement of landlords in immigration enforcement by requiring them to check the identity and residence documents of prospective tenants and the duty to report irregular migrants to the Home Office, and; The central government's response after the burning down of the Grenfell Tower in the central London Kensington & Chelsea borough: "*A couple of years ago the central government decided to use landlords as an extension for their immigration enforcement. (…), that way the central government removed an important firewall between the Immigration Authority and people's access to basic rights.*" (Interview no. 049); "*(…) private landlords have to refuse them. It means that irregular migrants only can live in with friends and family and people who take care of them. It only fosters irregular migrants to go more underground, making them more vulnerable for exploitation and abuse.*" (Interview no. 075); "*It results in discriminative behaviour by landlords, they either refuse to rent out to immigrants in general or they particularly focus on irregular migrants to exploit them.*" (Interview no. 079); "*Another telling example is the Grenfell Tower in Kensington that burnt down on 14th June 2017. The central government, again Theresa May, promised to relocate all victims, also the many irregular migrants who lived there, but of course they didn't do anything. Most people didn't even receive a relocation proposal, a compensation, or whatever from the central government. All the burden came down on the local council.*" (Interview no. 013). Also politicians and city and enforcement staff referred to these two examples, but criticised other relevant aspects of the housing and homelessness policy as well: "*(…) the right to buy a property (…) was introduced in the late 1970s by the Conservatives (…). You know, all the money from selling council houses under the right to buy returned to the central government, not to the city councils: Half of the money went straight back to the central government, and the other half that stayed at the local level could not be used to reinvest in council housing, central government had decided that this budget had to be used to pay of their debts to the central government.*" (Interview no. 038); "*Housing benefits are a minefield: Resources are cut and thus services are reduced, the level of services is diminished, (…).*" (Interview no. 082); "*In 1996 the Homelessness Act changed enormously, since then we have to apply eligibility criteria with regard to access to housing. It meant that the Homelessness service had to carry out assessments to decide who is included and excluded from services. It results in people in need no longer qualifying for municipal support, especially when the austerity measures were introduced in 2010 we felt the enormous consequences of the UK policy on homelessness.*" (Interview no. 099). Due to the great dissatisfaction with the centrally decided norms they are, like in Berlin and Amsterdam, sometimes not or only partly implemented at the local level.

One of the tools that the central government has created to advance the vertical governance relations between the London and central levels, more specifically to give the London local governments a say in the central policy-making, is the possibility to submit local bills to the parliament in Whitehall. Respectively pursuant Section 77 and 78 of the GLA Act 1999, the GLA has the power to promote or

oppose bills in parliament, and to request provisions in bills promoted by London local authorities. More precisely, once a year all London boroughs together can submit a local bill to the central government about the issues on which all boroughs agree. However, this tool was perceived as sham power, as one politician put it: "*The annual bill we can submit is usually agreed upon, but as I said, it's a pig in a poke because it doesn't lead to any real powers to make own policies and we always remain bound to the budget that is allocated to us nationally.*" (Interview no. 038). Other instruments to advance the interaction between the local and central levels were only mentioned by NGOs/CSOs. In the same vein as their colleagues in Stoke-on-Trent who experienced the lobby of the independent Joint Council for Welfare and Immigration as their best chance to influence central policy-making, London NGOs/CSOs referred to other but similar advocacy organisations, such as Crisis (a peak organisation focussing on ending homelessness), the No Accommodation Network (a UK-wide umbrella organisations that advocates for people's access to housing), and: "*(…) [in] the Refugee Council, (…) irregular migrants is sometimes touched upon as an agenda point, in relation to failed asylum seekers.*" (Interview no. 093). In this regard, most NGOs/CSOs stressed the importance of forming a platform with as many like-minded actors as possible, but -in contrast to the interviewees in Berlin and Amsterdam- no one considered local policy-makers as potential allies. Moreover, they admitted that this approach of formulating joint statements has little impact: "*Most of our lobbying at the central government level is based on the network model: We always try to form an as broad as possible platform with as many organisations as possible to get our common voice heard at Whitehall. However, the downside of this approach is that statements are often formulated more generally and proposals often remain more abstract.*" (Interview no. 058). Notably, unlike those interviewed in the other five cities, none of the London respondents spoke of central government steering, perhaps because of the perceived non-existence of a task-specific vertical governance structure. Furthermore, it was also remarkable that most of the interviewees indicated to have little or no contact with colleagues in other cities, so that the London opinions and beliefs do not diffuse horizontally, like they do not diffuse upwards either: "*We don't have contacts with colleagues in other cities, we are based in London and our most important network is based in [name of borough]. Sporadically I have contact with a colleague (…) in another Borough.*" (Interview no. 040); "*(…) outside [name of borough] we don't have many partners, we don't have time and the need to stay in touch with other organisations.*" (Interview no. 051).

Taken the input from all interviewees together, it seems that the centralist mode of governance that leads to implementation in London determines norm diffusion at the local level. Competing opinions and beliefs -by Berman (1978) defined as a macro-implementation problem- hinder the London governments to implement centrally decided norms as requested. Due to the experienced differences in policy frames and institutional logics, the GLA and local councils, like in Amsterdam, appear to rather adapt the national norms to their local context instead of trying to diffuse their norms sideways or getting inspired by other actors on the horizontal governance dimension. Although there is limited room for the local level to upload their norms (through bills to be approved by the Whitehall parliament), this was not perceived as a real opportunity, mainly because the GLA remains financially dependent on the central government. Like in all five other cities studied, NGOs/CSOs try to diffuse their views bottom-up, with no clear results. As in the other five cities studied, they are not part of the vertical governance structure.

8.4 Discussion: The importance and role of mode of governance that leads to implementation on norm diffusion at the local level

8.4.1 Comparison between the mode of governance that leads to implementation and norm diffusion at the local level in the six cities studied

Issue saliency, administrative capabilities, public opinion, and veto-players -four of the seven identified aspects that may explain implementation outputs- were taken into account to answer whether the mode of governance that leads to implementation is a determining factor of norm diffusion at the local level. Since irregular migrants is a high salient issue (Cherti, 2014b; Givens & Luedtke, 2005; Jordan & Düvell, 2002; Merlino & Parkin, 2011; Provera, 2015; Triandafyllidou & Bartolini, 2017), it was expected that much (political and public) attention and investment of (sub)national resources would be deployed (Thierry & Martinsen, 2018; Versluis, 2003; Winter, 2014). In particular, it was anticipated that: 1) There would be frequent contact between the actors of the task-specific vertical governance structure; 2) The public discourse(s) would be decisive for the way of interacting; 3) Sizable national resources would be invested to steer the implementation of the national norms. On the other hand, it was kept in mind that there might be a discursive gap between political statements and the actually implemented policies (de Haas et al., 2014; Hatton, 2015; Penninx et al., 2014), and that local governments might be strong veto-players, as they are necessary actors for the implementation of (inter)national norms (Mastenbroek & Kaeding, 2006).

Notwithstanding the high saliency of the topic irregular migrants, in the six cities studied this often did not result in frequent contacts on the vertical governance dimension. As displayed in the first column of Table 56, in Stoke-on-Trent, Bonn and London there is no to little interaction between the different tiers of government. In Berlin, there is much interaction between the local and regional authorities, but, like in Bonn, little with the federal level. This lack of interaction was ascribed by many interviewees to the national government's behaviour of not explicitly touching upon this topic, but disguising, or even ignoring it, under the guise of a broader denominator such as migrants in general. It then makes sense that most contacts between the different government levels in these four cities go via the own party structure (which City Independents (the largest party in Stoke-on-Trent's city council) does not have, through which individual local NGOs/CSOs -which are not part of the vertical governance structure- have most, albeit pluralist, contacts with the national level). In The Hague and Amsterdam, on the other hand, there is contact between the local and nation level explicitly on facilitating irregular migrants' access to housing when deemed necessary, which is much more common in Amsterdam than in The Hague. Most interactions are as well bilateral (in The Hague with the mayor, while in Amsterdam with the competent alderman) as go through the cities platforms G4 and VNG.

As visualised in the second column of Table 56, it appears that vertical governance hinges entirely on the national government's willingness to discuss the topic irregular migrants with local authorities. When they are not open for it, there is no task-specific vertical governance structure and, consequently, little or no direct contact about this topic with the other governments within the country. Cities that do not seek explicit contact with their competent national policy-makers, experienced the few interactions as consensus-oriented (Bonn). But cities that try to discuss irregular migrants with their national government but for whom the gates to the relevant policy-makers stay closed, perceived the few interactions as conflict-oriented (Berlin and London). In contrast, when the

national government has set up a task-specific vertical governance structure on irregular migrants (The Hague and Amsterdam), the interactions were discerned as consensus-oriented, regardless of differences of opinion. The interviewees in both cities attributed this positive way of interacting to the customary application of the Polder model. Furthermore, (not) having a task-specific vertical governance structure seems to go hand in hand with the (non-)deployment of national instruments to steer the implementation of norms. For example, the Bonn, Berlin, Stoke-on-Trent and London interviewees considered the national tools as insufficient to upload local norms. Conversely, in both The Hague and Amsterdam, where the interviewees pointed at the presence of a task-specific vertical governance structure on facilitating irregular migrants' access to housing, most saw this as an opportunity to upload local norms through what Checkel (2001) defines as socialising. Finally, at first glance, (not) having a task-specific vertical governance structure seems not to correlate with transferring financial means from the national to the local level. However, that no national resources are transferred from the Dutch government to The Hague, despite there is a task-specific vertical governance structure, is easy to explain since the local government decided not to participate in the LVV project. That there are no money transfers from the German federal government to Bonn and Berlin makes sense given that there is no task-specific vertical governance structure. That national grants to implement norms concerning immigrants in general are used flexible in Berlin, unlike in Bonn, may be a logical consequence of the Berlin governments experiencing their relation with the federal level as rather conflict-oriented, in contrast to Bonn where the relation with the federal government was perceived as consensus-oriented. The same reasoning as in Berlin may apply in London, where there is likewise no task-specific vertical governance structure (resulting in no financial transfers from the central to the local levels), where the relation with the central government was felt as conflict-oriented, and where the local authorities use the general grants to implement wider immigration policies flexible. Once again, the only stranger in the midst appears to be Stoke-on-Trent. Despite the lack of a task-specific vertical governance structure on irregular migrants and of any interaction between the central and local level on this topic, the city does receive (albeit in their opinion too little) financial resources to facilitate (to a limited extent) irregular migrants' access to housing. These funds are obtained on the basis of detailed local plans to be approved by the central government. Considering these local plans as a way of interacting instead of as a mere control tool (as perceived by the relevant interviewees), it becomes plausible that Stoke-on-Trent may upload their local norms in this way.

Table 56: Comparison between cities' way of interacting with supralocal government(s) and supralocal steering of norms on irregular migrants

	Frequency and way of interacting	Investment of national resources
Bonn	- Little interaction; - Consensus-oriented; - Most contacts via own party structure.	- No task-specific vertical governance structure; - No financial transfers; - No other steering instruments deployed by regional and/or federal governments.
Berlin	- Much interaction between local and regional; Little interaction between federal and subnational; - Consensus-oriented between local and regional; rather conflict-oriented between subnational and federal; - Most contacts via own party structure.	- No task-specific vertical governance structure; - No financial transfers, but flexible use of national grants; - Masterplan Integration and Security of regional government; - Federal Advisory Council for Integration.
The Hague	- Interaction when deemed necessary; - Consensus-oriented; - Most contacts via mayor, G4, VNG.	- Task-specific vertical governance structure; - No financial transfers; - Initiatives of G4 and VNG.
Amsterdam	- Regular interaction; - Consensus-oriented; - Mostly bilateral contacts and via G4,VNG.	- Task-specific vertical governance structure; - Substantial financial transfers; - Initiatives of G4 and VNG; - Local Cooperation Consultation of the Programme Undocumented (LSO).
Stoke-on-Trent	- No interaction; - Pluralism of contacts from NGOs/CSOs with MPs.	- No task-specific vertical governance structure; - Too little financial transfers; - West Midlands Strategic Migration Partnership.
London	- Very little interaction; - Conflict-oriented; - Most contacts via own party structure.	- No task-specific vertical governance structure; - No financial transfers, but flexible use of national grants; - Local bills to parliament by GLA.

The mode of governance that leads to implementation -defined as a mutual interactive process between the different tiers of government- is shaped not only by the behaviour of the national government but also by the representatives of the subnational authorities. Analysing cities' actions and opinions, displayed in Table 57, it becomes apparent that local governments that experience the mode of governance that leads to implementation as (rather) centralist and do not discern the norms to be implemented as contradictory or mismatching (Bonn and Stoke-on-Trent), do not go against the top-down diffusion of these norms. In line with the findings of many academics (e.g., Frug & Rosenthal, 1998; Glaeser, 2012; Goldsmith & Klausen, 1997; Peterson, 1981) these cities feel heavily dependent -both financially and with regard to their opportunities to discuss the norms- on their national government, which may result in implementation overlap or implementation gaps (Biermann et al., 2009; Jensen et al., 2014; May & Winter, 2009; Thierry & Martinsen, 2018). In addition, since these cities do not disagree with the norms to be implemented they do not become alienated from the policy (Scholten & Penninx, 2016; Schweitzer, 2016). In the same vein, local governments that experience the mode of governance that leads to implementation as (rather) cooperative and do not discern the norms to be implemented as contradictory or mismatching (The Hague), do not go against the top-down diffusion of the norms. These cities do not feel heavily dependent on their national government and experience no macro-implementation problems, suggesting that the local implementation occurs as envisioned by the national government (Berman, 1978).

Conversely, local authorities that, regardless of how they experience the mode of governance that leads to implementation, disagree with the norms to be implemented (Berlin, Amsterdam and London) do go against the top-down diffusion of the norms. In other words, these cities act as veto-players or 'municipal activists' (Spencer & Delvino, 2019), trying to upload their own norms. Local governments succeeding in diffusing their norms bottom-up are allowed to adapt the national norms to their local context and wishes, which is the case in Amsterdam. Consequently, they do not act independently of the national government, meaning that they may experience other macro-implementation problems too. Nevertheless, these cities perceive the relation with their national government, like the cities that do not disagree with the norms to be implemented, as consensus-oriented. Cities that do not succeed in diffusing their norms bottom-up either adapt the national norms to their local context and wishes (which is the case in London) or complement these with counterbalancing norms that diffuse from outside the local and vertical governance structures (which is the case in Berlin). Consequently, these cities act independently of their national government, to the extent that the compelling tools (i.e., national steering of the legislation and budget transfers) do not force them to do so (Berman, 1978; Cajera, 2019; Matland, 1995). These cities perceive their relation with the national level as conflict-oriented. How far these cities are allowed to go their own way thus depends on how the national level deals with the coordination dilemma, i.e., the costs it is willing to pay for a desired implementation (Axelrod, 1984; Checkel, 2001; Hooghe & Marks, 2003; Moravcsik, 2005).

Table 57: The mode of governance that leads to implementation with its associated macro-implementation problems

City	Mode of governance that leads to implementation	Macro-implementation problems (cf. Berman, 1978)
Bonn	Rather centralist	- Communication insufficiencies between the actors involved in the task-specific vertical governance structure; - Too few resources to implement the norms.
Berlin	Rather localist	- Competing opinions and beliefs about the aims and the way to achieve them (differences in policy frames and institutional logics; norm diffusion from outside the local and vertical governance structures).
The Hague	Rather cooperative	Not applicable
Amsterdam	Idiosyncratic rather localist	- Competing opinions and beliefs about the aims and the way to achieve them (differences in policy frames and institutional logics used; adaptation of norms to the local context and wishes); - Too few resources to implement the norms; - Communication insufficiencies between the actors involved in the task-specific vertical governance structure.
Stoke-on-Trent	Centralist	- Communication insufficiencies between the actors involved in the task-specific vertical governance structure; - Too few resources to implement the norms.
London	Centralist	- Competing opinions and beliefs about the aims and the way to achieve them (differences in policy frames and institutional logics used; adaptation of norms to the local context and wishes).

8.4.2 Comparison between cities' policies regarding (facilitating) irregular migrants' access to housing and norm diffusion at the local level in the six cities studied

Academics ascertained that the extent to which a legal norm is enforced and complied with depends on four determinants: The legal design of a norm, its saliency, institutional legitimacy, and involved actors (Cherti, 2014b; Treib, 2014; Versluis, 2003). The legal design of a norm refers to the detail, interpretation space and clarity of the norm, the number of government tiers involved in the implementation of the norm, and the number of policy areas the norm touches upon. The more detailed and clearer the legal norm and the less room for interpretation is left to the cities who have to implement the norms, the more convergent the implementation outputs of the different cities are. That none of this is the case was already demonstrated in chapter 4: The Facilitators Package leaves significant interpretation space to the Member States (see 4.4), who in turn leave significant room to manoeuvre to the local governments (see 4.5 to 4.7), which results in a plethora of different operational practices (see 4.8 to 4.10). In accordance with Versluis (2003), uniform implementation and compliance with the national norms affecting the facilitation of irregular migrants' access to housing is furthermore complicated by the involvement of several government levels (three in Germany and two in the Netherlands and England), and the fact that these norms touch upon several policy areas, such as immigration, housing, social assistance to destitute persons and police enforcement.

Since more importance is attached to a salient norm, it was expected that the national legislation affecting the facilitation of irregular migrants' access to housing would be accompanied by strict implementation guidelines and strong enforcement strategies (Cortell & Davis, 2000; Thierry & Martinsen, 2018; Versluis, 2003), and, consequently, that cities would highly comply with these norms (Cortell & Davis, 2000; Thierry & Martinsen, 2018; Winter, 2014). However, that no significant steering instruments are deployed by the German and English national governments, in contrast to the initiatives by the Dutch national level, was already concluded in the previous section (see also 8.3). Several academics point out that this lack of national steering may lead to vicious layering, meaning that all actors within the task-specific vertical governance structure try to avoid costs and blame by shifting them to the others (Arlotti & Aguilar-Hendrickson, 2018; Bonoli & Champion, 2014; Cajera, 2019), and/or that local authorities demonstrate free-riding implementation behaviour. That vicious layering does occur, became very apparent in this study. In Bonn and Stoke-on-Trent the lack of steering clearly led to avoiding costs and blame, as the interviewees representing each of these local governments accused their national level of not providing sufficient resources (see 8.4.1, Table 57) and did not invest in own measures to facilitate irregular migrants' access to housing, but instead often referred destitute irregular migrants with housing needs to unsubsidised NGOs/CSOs (see 7.4.2, Tables 53 and 55). In Berlin and London the lack of national steering unmistakably led to free-riding, as both cities did invest in own measures to facilitate irregular migrants' access to housing by using their room to manoeuvre significantly (see 7.4.2, Tables 53 and 56). As already ascertained (see 8.4.1), the main difference between Bonn and Stoke-on-Trent, on the one hand, and Berlin and London, on the other, is that the interviewed representatives in the former two cities agreed with the national norms and perceived their few contacts with the national tier as consensus-oriented, while the interviewed representatives in the latter two cities opposed the national norms and experienced the few interactions with their national government as conflict-oriented. Contrary, the Dutch national

government did set up a task-specific vertical governance structure on irregular migrants' access to housing and deployed substantial steering, through which vicious layering is prevented indeed: Since the implementation of the national norms in both cities is discussed and agreed with the national government, no implementation overlap, implementation gaps, and/or free-riding was found (see 7.4.2, Table 54). Nevertheless, the implementation outputs in The Hague differ considerably from those in Amsterdam. While both local governments experienced their relation with the national government as consensus-oriented, the main difference between both cities is their agreement with the national norms. Consequently, the Amsterdam government persuaded the national level to upload their local norms, in which it succeeded thanks to the existence of a task-specific vertical governance structure.

In contrast to the Dutch government's significant investments in vertical governance regarding facilitating irregular migrants' access to housing, the interviewees in both The Hague and Amsterdam stated that there is no to very little national enforcement of the relevant legal norms (see 4.6). This indicates that the normative legitimacy (i.e., the objective authority of the structure behind the implemented norms) of the Dutch government is low (Gribnau, 2009; Versluis, 2003) and that -as Versluis (2003:324-325) calls it- "Passive enforcement" is carried out, meaning that compliance with the legal norms is only sporadically checked so that little to no sanctions are imposed on local governments. Furthermore, the interviewees in both Dutch cities argued that the compliance of the actors involved in the task-specific horizontal governance structure is quite low (see 4.9). According to Gribnau (2009) and Versluis (2003), this points at a low empirical legitimacy of the national government (i.e., the subjective degree of authority experienced by the implementers). The Dutch national government's overall institutional legitimacy thus appears to be low. While this seems to leave the door open for implementation deemed undesirable by the national government, the existence of a task-specific vertical governance structure appeared to prevent the occurrence of such acts.
In Germany, the legislation affecting the facilitation of irregular migrants' access to housing is enforced by the regional level. While the Bonn interviewees gave many examples of police enforcing the legislation on irregular migrants, their colleagues in Berlin gave far fewer, explaining that this is the regional government's deliberate choice (see 4.5). The normative legitimacy of NRW is therefore high and seems an example of Persistent to Legalistic enforcement, whereby compliance with the legal norms concerning irregular migrants are (rather) frequently controlled and sanctions are (rather) quickly given (Versluis, 2003). The Berlin regional normative legitimacy, on the other hand, seems moderate and based on "Persuasive enforcement", whereby legal compliance is occasionally checked and sanctions are only imposed "as a last resort" (Versluis, 2003:324-325). Furthermore, the interviewees in both German cities explained that their compliance with the national norms is very high (see 4.8), which points at a high empirical legitimacy of the federal government (Gribnau, 2009; Versluis, 2003). The overall institutional legitimacy of the German federal and NRW governments thus seems high, while the Berlin regional level's institutional legitimacy seems rather moderate. Consequently, Bonn implements the legal norms affecting irregular migrants' access to housing strict while Berlin uses its room to manoeuvre to implement these same legal norms, which sometimes leads to free-riding.
The interviewees in both Stoke-on-Trent and London said that there not much police enforcement concerning the legal norms on irregular migrants (see 4.7). Like for the Netherlands, England's

normative legitimacy thus seems low (Gribnau, 2009; Versluis, 2003) which corresponds with "Passive enforcement" being carried out (Versluis, 2003:324-325). Furthermore, the interviewees in both cities indicated that their compliance with the English legal norms on facilitating irregular migrants' access to housing is low (see 4.10), which points at low empirical legitimacy of the central government (Gribnau, 2009; Versluis, 2003).The English central government's overall institutional legitimacy thus appears to be low. As in the Netherlands, this seems to leave the door open for implementation deemed undesirable by the central government, which is the case in both cities. This implementation behaviour can be explained by the lack of a task-specific vertical governance structure on irregular migrants.

With regard to the actors involved in the task-specific vertical governance structure, their capabilities and their views were zoomed in on, as it was assumed that both together would determine effective enforcement and compliance (Hartlapp & Falkner, 2008; Treib, 2014, Versluis, 2003). Investments by national governments have already been discussed in detail in the previous section and paragraphs. Despite the high saliency of the topic irregular migrants, in the view of the cities studied, the German and British national tier spend very little resources to have the norms affecting the facilitation of irregular migrants' access to housing implemented locally as they desire. The Dutch interviewees, on the other hand, indicated that their national government devotes considerable resources to steer the implementation of norms on facilitating irregular migrants' access to housing, although not for the enforcement of it. In line with Düvell (2006), it can thus be concluded that national governments often tolerate -usually by closing their eyes (Germany and England), sometimes through consultation (the Netherlands)- headstrong and deviant local implementation. So there is indeed a discursive gap between the national governments' political statements and the actually implemented policies at the local level (de Haas et al., 2014; Hatton, 2015; Penninx et al., 2014).
Also the capabilities and opinions of the six local governments studied have already been analysed extensively. Based on Rodriguez's (2017) typology of local authorities' behaviour and views on legislation and enforcement concerning irregular migrants in the United States, Table 58 summarises the six cities studied their compliance with and attitudes towards the national norms that affect the facilitation of irregular migrants' access to housing.

Table 58: Cities' compliance and attitudes regarding national norms that affect the facilitation of irregular migrants' access to housing

	Disagreement with national norms	Agreement with national norms
Compliance scepticism	Berlin London	/
Compliance optimism	Amsterdam	Stoke-on-Trent The Hague Bonn

8.4.3 Conclusion

This study demonstrates that the mode of governance that leads to implementation is a determining factor of norm diffusion at the local level of the six cities studied. Issue saliency, administrative capabilities and public opinion were assumed to determine together the frequency and way of interacting and the investment of resources at the local level (Lahav, 2004; Thierry & Martinsen, 2018; Versluis, 2003). However, this appeared not to hold true. Instead, it is the national government's willingness to discuss the topic irregular migrants that is decisive. If they are not open for it, there is no task-specific vertical governance structure, no deployment of national steering instruments, and no financial transfers, and vice versa. The national government thus decides: 1) Whether there is a task-specific vertical governance structure on irregular migrants; 2) Whether and to what extent there is contact between the national and subnational tiers of government on this topic; 3) Whether and to what extent financial resources are made available to local governments to facilitate irregular migrants' access to housing, and; 4) Whether and which steering tools are used to implement the national norms. Local governments, in turn, decide whether or not they agree with the norms and how to implement them. When they do agree, they consider their relation with the national government as consensus-oriented, regardless of the frequency of the interacting, and independent of their opinion on the available resources and steering instruments. But when cities disagree with the national norms, they act as veto-players, trying to upload their local norms. Cities succeeding in doing so (i.e., if there is mutual interaction within a task-specific vertical governance structure on irregular migrants) perceive their relation with the national level as consensus-oriented. In contrast, cities that fail to upload their local norms, experience their relation with the national tier as conflict-oriented and, moreover, go their separate way to the point that they feel blocked by national steering instruments and/or financial transfers.

The different implementation outputs in both cities per country, and their deviancy from the national government's intensions in four of the six cities studied thus cannot be attributed to the saliency of the topic irregular migrants. In contrast, the variance in the cities' implementation outputs can distinctly be ascribed to the legal design of the norms, the national governments' institutional legitimacy and the involved actors' behaviour (i.e., opinions and acts), all components of the mode of governance that leads to implementation. As summarised in Table 59, when there is a task-specific vertical governance structure, cities implement the norms in agreement with the national government (The Hague and Amsterdam); When there is no task-specific vertical governance structure, local governments that agree with the norms, implement them inadequately resulting in implementation gaps (Bonn and Stoke-on-Trent), while local governments that disagree with the norms, implement them in a headstrong way resulting in free-riding behaviour (Berlin and London).

Table 59: Features of the mode of governance that leads to implementation that determine local implementation outputs

	No task-specific vertical governance structure set up by national government	Task-specific vertical governance structure set up by national government
Local government agrees with national norms and experiences relation with national level as consensus-oriented	Implementation gaps	Implementation as agreed by national government
Local government disagrees with national norms and experiences relation with national level as consensus-oriented	N/a	Implementation agreed by national government
Local government disagrees with national norms and experiences relation with national level as conflict-oriented	Free-riding	N/a

Chapter 9: Are cities simply just norm-takers?

To answer the fifth and central research question "Are cities simply just norm-takers?", the theoretical framework is described in the first part. First, the concepts norm-makers and norm-takers are defined. This is followed by an overview of relevant academic insights regarding local governments' and practitioners' power and behaviours in relation to implementing and operating top-down imposed norms. Finally, it is outlined how the degree to which a city is a norm-maker/ norm-taker is measured. On the basis of the interviews and the insights of the previous chapters, the second part determines for each city studied the extent to which it is a norm-maker or norm-taker. Al together, eight factors are taken into account: 1) Interviewees' opinions about the Facilitators Package, its transposition at the national level and its implementation by the local government, and; 2) Party political preferences cover together the local beliefs; 3) Interviewees' motivation to (not) facilitate irregular migrants' access to housing provides insight into how the local normative order is perceived; 4) Local competences; 5) The mode of governance that leads to operationalisation, and; 6) The mode of governance that leads to implementation demonstrate the room for localisation; 7) Interviewees' contacts with norm-makers, and; 8) Interviewees' relations through which they may diffuse their norms are used as indicators of local actors' decisiveness.
The third part of this chapter compares the six cities' norm implementation and operation behaviour and, in the conclusion, proves the added value of scrutinising norm diffusion up to the local level to obtain a good understanding of the complexity and holistic nature of norm diffusion.
The fourth and final part contains the general conclusion of this doctoral research.

9.1 Theoretical framework

9.1.1 Defining norm-makers and norm-takers

The central research question "Are cities simply just norm-takers?" is derived from Checkel (1998), who concludes that countries are norm-makers and cities are norm-takers. Since norms are agreed behavioural standards with regard to what is allowed or prohibited -or concerning rights and obligations- in a particular context (Checkel, 1999; Dimitrova & Rhinard, 2005; Hartlapp & Falkner, 2008), norm-makers are those actors who participate in policy-making and decision-taking processes (Björkdahl, 2008; Checkel, 1998; Jonji´c & Mavrodi, 2012). Norm-takers, on the other hand, refers to those to whom a specific norm applies but are not involved in the policy-making and decision-taking processes (Björkdahl, 2012; Börzel & Risse, 2012; Checkel, 1998). As it is the aim of a decided norm that norm-takers comply with it, this implies its enforcement by (representatives of) the norm-maker(s), indicating a hierarchical power relation between the norm-maker(s) and norm-takers (Axelrod, 1984; Treib, 2014; Versluis, 2003).

In contrast to Checkel's (1998) conclusion and the Council of the European Union's (CEU) premise (e.g., Pact of Amsterdam (CEU, 30/5/2016) and New Leipzig Charter (CEU, 25/6/2020a; 25/6/2020b)) that cities are just norm-takers, this study expects cities to be both norm-takers and norm-makers. Therefore, the rational-choice principal-agent model (applied by the CEU) in which it is presumed that norms are merely transferred from a norm-maker (principal) and are simply accepted by the subordinate agent(s) is not followed. Neither the mainstream constructivist perspectives is taken for granted (cf. Checkel, 1998) in which norm diffusion is understood as hierarchical power distribution whereby subordinates adapt their behaviour to the norms imposed by superiors (Acharya, 2004; Diez, 2004; Lavenex, 2016). On the contrary, this study adopts the position taken by Acharya (2004) and Scholten & Penninx (2016) who point out that the local level responds in various ways to new norms being diffused top-down. This supposition is based on the assumption (see 2.1.2) that both individual agency and collective structure are always at play (including at subnational tiers of government) and are mutually constitutive due to their continuous interaction (Archer, 1982; Cajera, 2019; Risse, 2009; Schweitzer, 2017). Furthermore, several studies have demonstrated that cities are active norm-entrepreneurs (e.g., Curtis, 2016; Jorgensen, 2012; Oomen & Baumgärtel, 2018; Zapata-Barrero et al., 2017) and, moreover, deal differently with EU norms regarding irregular migrants (e.g., CoE, 2019; Delvino, 2017a; Jeffery et al., 2014; Price & Spencer, 2015; Spencer & Delvino, 2019). Therefore, this chapter examines whether and how the aspects of the Facilitators Package concerning irregular migrants' access to housing diffuse sideways and upwards, in addition to downwards.

9.1.2 Academic insights with regard to norm-makers and norm-takers

In his seminal 2004 article on norm diffusion Amitav Acharya introduced the term "localization", which he defined as "the active construction […] of foreign ideas by local actors" (Acharya, 2004:245). Localisation entails certain ways of adapting a new norm imposed from above to the local beliefs and pre-existing local normative order. More specifically, localisation is considered as a norm-making process of local actors using their agency to (re)interpret and/or (re)frame the new norm in order to make it congruent with the local context. According to Acharya (2004), localisation may start with resistance to a new norm. But, if relevant and ample local actors see potential in the new norm, because the existing one(s) is (are) inadequate to meet the current local challenges, the new norm may be (re)framed. If these local actors have enough room to manoeuvre, the new norm may further be redefined and (re)constructed to fit the local context. Finally, the new norm may be amplified if sufficient local practitioners develop new instruments and practices that tie in with both the new and old norms. In that way, localisation includes all behaviours (opinions and actions) in response to a new top-down imposed norm of sufficient and relevant local actors that do not end in resistance (i.e., disputing and rejecting a norm) and/or that do not lead to norm displacement (i.e., transplanting the new tasks and instruments independent of the existing local norms and context) (Acharya, 2004). Thus, to gain insight into whether or not localisation occurs at the local level -so norm-making- not only the local beliefs and local normative order must be scrutinised, but also the extent to which a new norm imposed from above leaves room for localisation, and the decisiveness (i.e., credibility and prestige) of the relevant local actors (Acharya, 2004; Dimitrova & Rhinard, 2005). To this end, eight factors are taken into account in this study: 1) Interviewees' opinions about the Facilitators Package, its

transposition at the national level and its implementation by the local government, and; 2) Party political preferences cover together the local beliefs; 3) Interviewees' motivation to (not) facilitate irregular migrants' access to housing provides insight into how the local normative order is perceived; 4) Local competences; 5) The mode of governance that leads to operationalisation, and; 6) The mode of governance that leads to implementation demonstrate the room for localisation; 7) Interviewees' contacts with norm-makers, and; 8) Interviewees' relations through which they may diffuse their norms are used as indicators of local actors' decisiveness.

Further elaborating on the scholarly work of Boswell (2007), Cornelius (1989; 2001; 2005) and Joppke (1998; 1999; 2001), both Bonjour (2012:110) and Garcés-Mascareñas (2018) emphasise the importance of local beliefs and "ethical considerations" in immigration policy-making, and in its implementation and operation. Their researches demonstrate that neither supranational institutions -in particular the EU- nor court decisions determine national norms on immigration. Instead, structures such as party political preferences and the involved actors' agency appear to be decisive. In line with this, the first research question of this study "Are party political preferences of the government a determining factor of norm diffusion at the local level?" delved into the role and importance of party political preferences and interviewees' perception on this. It was concluded in chapter 5 that party political preferences of the government are: 1) A determining factor of norm diffusion in the six cities studied by means of parties' policy intentions through statements; 2) One possible factor of norm diffusion through local government decisions, such as through the coalition agreement[172]; 3) Not a factor of norm diffusion regarding (facilitating) irregular migrants (their access to housing) at the operational level.
Chapters 7 and 8 include the interviewees' opinions on the Facilitators Package, its national transposition, and its implementation by the local government. Chapter 7 revealed that the perceptions regarding the successfulness and evolution of the local norms affecting (the facilitation of) irregular migrants' access to housing, and the three interviewee categories' (politicians, city and enforcement staff, NGOs/CSOs) perceptions of each other's behaviour seriously influence the mode of governance that leads to operationalisation and thus the extent to and direction in which norms diffuse. Chapter 8 showed that local governments' (dis)agreement with the national norms affecting (the facilitation of) irregular migrants' access to housing co-defines whether and how they implement these norms. When they do agree, they consider their relation with the national government as consensus-oriented, regardless of the frequency of the interactions, and independent of their opinion on the available resources and steering instruments. But when cities disagree with the national norms, they act as veto-players, trying to upload their local norms. However, since it is the national government that decides whether there is a task-specific vertical governance structure, cities only implement the norms in agreement with the national government if there is a task-specific vertical governance structure, and if the local government agrees with the national norms and perceives their relation with the national level as consensus-oriented. In the absence of a task-specific vertical governance structure, local governments that agree with the norms implement them inadequately

[172] Other (co)determining factors that were pointed at are: 1) The composition of the government(s) at the (sub)national level(s); 2) The occurrence of sudden external shocks; 3) Decisions taken by (sub)national government(s); 4) The need for pragmatism at the local level; 5) Societal changes; 6) The local context, and; 7) The lobbying behaviour of NGOs/CSOs at city councillors.

resulting in implementation gaps, while local governments that disagree with the norms, implement them in a headstrong way resulting in free-riding behaviour.

While Marquis et al. (2007) found in American cities that pressure from the local government level weighs more than the organisational characteristics of NGOs/CSOs for the undertaking of social actions by the latter, Vermeulen et al. (2016) ascertained that in Amsterdam only organisational characteristics and not institutional local features determine whether migrant organisations take social actions. To overcome these ambiguous conclusions all interviewees' motivation to (not) facilitate irregular migrants' access to housing are included in this study to get a view on the local normative order. In the academic literature a distinction is often made between policy-makers' and practitioners' motivation. Through the European-wide cities project City Initiative on Migrants with Irregular Status in Europe (C-MISE), Delvino (2017c) collected the participating cities' reasons to facilitate irregular migrants at the local level. In line with De Graauw's (2014:313) concept of "local bureaucratic membership" in connection to the use of municipal identity cards to include irregular migrants, some cities said to aim at reducing irregularity. Other cities argued to offer (certain) services to irregular migrants to achieve the local goals (e.g., efficient public administration), or as Garcés-Mascareñas (2014:18) calls it to "repair" national contra-productive or perverse policies. Some cities referred to their legal duties to support irregular migrants in certain situations. The involved local governments also pointed to their professional standards, their public image and the wishes or pressure of the citizens. In general, cities' motivations to (not) facilitate irregular migrants is based on one or more of four policy frames: 1) Security frame -or as Romero-Ortuño (2004:266) calls it, "utilitarian frame"- based on arguments to promote the safety and security of all residents; 2) Humanitarian frame in which philanthropic reasons (e.g., meeting the basic needs of all people) are put forward; 3) Human rights frame which relies on all humans' access to the fundamental basic rights, and; 4) Deserving workers frame in which is pointed at irregular migrants' contribution to society (as workers, taxpayers) through which they deserve (certain) social support (Caponio, 2014; Ruiz-Casares et al., 2010; Spencer & Delvino, 2019).
In contrast to policy-makers' motives that are usually only studied from the perspective of the structure(s) they represent, practitioners' rationales are mainly considered from the perspective of their personal agency. For example, Tyler (1990; 2006) distinguishes between instrumental and normative reasons for complying with a norm, with the former referring to motives based on expected punishments and rewards (i.e., logic of consequences) and the latter to personal beliefs about what is just (i.e., logic of appropriateness). Accordingly, Maynard-Moody & Musheno (2000:329) wield the terms "state agent" and "citizens agent", pointing at practitioners using their discretion respectively out of self-interest versus the interest of their clients and/or society. Within the normative motivations, Tyler (1990; 2006) further differentiates between the norm-taker's (dis)agreement with a norm (i.e., morality motives) and her/his (dis)agreement with the legitimacy of the norm-maker (i.e., legitimacy motives). However, practitioners' motivations are situated within the limits of legal and organisational rules and procedures (Hertogh, 2009; Lipsky, 2010; Maynard-Moody & Musheno, 2000), and therefore Immanuel Kant's distinction between natural and moral laws is relevant. After all, the Facilitators Package, its transposition and accompanying implementation measures are natural (i.e., formal) laws. But if practical guidelines to implement the norms are lacking and/or unclear (i.e., hypothetical imperative), Kant (2004) argues that individuals have discretion and will base their behaviours on moral laws or obligations (i.e., categorical imperative). Although norms affecting the

facilitation of irregular migrants' access to housing are natural laws and usually follow an instrumental logic (Leerkes, 2016b), several scholars (e.g., Dörrenbächer, 2017; Hertogh, 2009; Tummers, 2011) ascertain that most practitioners adopt a normative logic based on morality motives when operationalising norms. Engbersen & Van der Leun (2001) also found that street-level bureaucrats are averse to exclude irregular migrants from their service offer.

Local competences, the mode of governance that leads to operationalisation, and the mode of governance that leads to implementation were examined in chapters 6, 7 and 8 respectively. In these three chapters the room for localisation became clear, these are indeed determining factors of norm diffusion. With regard to the local competences it appeared that: 1) Not the formal but the (re)interpreted competences of the local government are a determining factor for norm diffusion at the local level; 2) When local actors experience vicious layering of competences they reframe the national norms, and; 3) The less room to manoeuvre and discretion local actors feel to have, the less they redefine and (re)construct the national transposition of the Facilitators Package, which is the inverse reasoning of Acharya's (2004). The mode of governance that leads to operationalisation proved to be shaped by the deployed administrative capabilities, the present interest groups and veto-players in the task-specific local governance structure. The more frequent and consensus-oriented the interactions between all relevant local actors, and the more city resources are invested in facilitating irregular migrants' access to housing, the more room there is for localisation and, thus, for bottom-up diffusion of operational practices. Conversely, when there is little or no contact between a significant proportion of all actors that should be part of the task-specific local governance structure, and/or when the interactions are not consensus-oriented, and/or when there is too little investment of local resources, norms do not diffuse at the local level since there are not enough opportunities to (re)interpret, (re)frame and redefine the national norms. The mode of governance that leads to implementation turned out to be determined by both the local governments' (dis)agreement with the national norms and the existence of a task-specific vertical governance structure. However, in accordance with Acharya (2004), a local government's disagreement with a national norm does not necessarily result in the norm not being implemented. There occurs to be room for localisation if there is a task-specific vertical governance structure within which the norm can be reframed. There is also scope for localisation if there is no task-specific vertical governance structure, although the norm is then implemented inadequately (when the city council agrees with the norm) or in a headstrong way (when the city council disagrees with the norm).

The local level is evidently crucial for the diffusion of both EU and national norms (Caponio, 2014; Dörrenbächer, 2017). Firstly, street-level bureaucrats -in the definition of Lipsky (2010)- have discretion which they apply within the limits of the structure(s) they operate in (Chauvin & Garcés-Mascareñas, 2012; Lipsky, 2010, Spencer & Delvino, 2019; Van der Leun, 2006). It is therefore inherent in practitioners' job to weigh the natural laws (i.e., formal norms) against their personal moral laws (Lipsky, 1980; Van der Leun, 2006). According to Kagan (2006) there are five ways in which street-level bureaucrat may apply formal norms, to wit: 1) Executing the norms to the letter (i.e., legalism); 2) Executing the norm in accordance to the practitioner (agency and structure) insights (i.e., legal creativity); 3) Executing the norm in accordance to the commonly agreed local context (i.e., discretionary judgement); 4) Withdrawing from the concrete situation (i.e., retreatism), and; 5) Resisting to execute the norms (i.e., rebellion). That way practitioners shape norms through creating

own local practices (Dörrenbächer, 2017; Lipsky, 2010; Maynard-Moody & Musheno, 2000; Thierry & Martinsen, 2018). Usually they solely rely on the national norms to do so, unless these are unclear and/or contradict the EU norms (Dörrenbächer, 2017; Thierry & Martinsen, 2018). In that case Dörrenbächer (2017) found that many practitioners invoke the EU norms or combine them with the national ones. Secondly, local governments have room to manoeuvre (Cajera, 2019; Jorgensen, 2012; Schweitzer, 2019; Spencer & Delvino, 2019). Several academics found that city authorities' reactions on the presence of irregular migrants in their community is rather pragmatic (De Graauw, 2014; De Graauw & Vermeulen, 2016; Gebhardt, 2014; Leerkes et al., 2012a; Price & Spencer, 2015; Schweitzer, 2019) as they lack the competences to deal with the sources of migrants' irregular residence status (Jorgensen, 2012; Schweitzer, 2019). Consequently, local governments' implementation behaviour is shaped by their own institutional logic, that may be influenced or inspired by different actors on as well the vertical as horizontal dimension (Barber, 2013; De Graauw & Vermeulen, 2016; Jorgensen, 2012; Leerkes et al., 2012a). Moreover, cities may act as norm entrepreneurs to diffuse their local norms upwards and/or sideways (Acharya, 2004; Curtis, 2016; Jorgensen, 2012; Penninx et al., 2014).

It is through their contacts and relations with others that local actors may diffuse their local norms and/or are influenced to (re)construct norms in its implementation and operation (Cowles et al., 2001; Héritier, 1993; Marshall, 2005; Thomann & Sager, 2017; Wolffhardt et al., 2005). These contacts and relations may extent the task-specific local and vertical governance structures, both on the horizontal (e.g., via cities networks, umbrella organisations, branched organisational structures, etc.) and on the vertical dimension (e.g., through peak organisations, certain EU (funding) programmes, initiatives such as the EU Urban Partnerships, etc.) (Barrett, 2004; Hooghe & Marks, 2001; Penninx et al., 2014; Sabatier, 1986). In particular, the frequency and way of interacting with others on the horizontal and vertical dimension determines local actors' decisiveness in diffusing their local norms (upwards and/or sideways) and of being influenced (i.e., downwards and/or sideways norm diffusion) concerning the implementation and operation of norms (Acharya, 2004; Cowles et al., 2001; Héritier, 1999; Lipsky, 1980; Penninx et al., 2014). Therefore all interviewees' contacts and relations with colleagues and at the different tiers of government up to the EU-level were included in this study. Chapters 7 and 8 evidenced that consensus-oriented interactions within a task-specific structure result in upwards norm diffusion. Chapter 9 zooms in on the horizontal and vertical interactions outside the task-specific local and vertical governance structures, i.e., the interviewees' contacts with colleagues in other cities and countries (horizontal dimension) and with relevant EU and international actors (vertical dimension). According to social constructivists, especially non-governmental actors play an important role in localising norms because the non-politicised environments in which they interact with others offers more opportunities for social learning (Barrett, 2004; Checkel, 2001; Finnemore & Sikkink, 1998). Nevertheless, also local governments (especially city and enforcement staff) may be involved in (almost) non-politicised environments such as (inter)national city networks where they learn from each other (John, 2001; Panizzon & van Riemsdijk, 2018; Scholten & Penninx, 2016; Wolffhardt et al., 2005). For example, Jorgensen (2012) found that the divergence between national norms on migrant integration and their different local implementation in Danish cities is due to norms diffused from outside the task-specific vertical governance structure, in addition to norms' ambiguity (creating room to manoeuvre) and local governments' disagreement with national norms.

9.1.3 Measuring the extent to which cities are a norm-maker versus norm-taker

Europeanisation research from a top-down dimension usually focuses only on the EU and Member States level (Falkner, 2002; Treib et al., 2007), and if the local level is included, the dominant assumption is that cities are merely norm-takers[173] (e.g., Bache et al., 2011; Checkel, 1998; Schneider, 2012; Valenti & Haywood, 2008). In contrast, Europeanisation research from a bottom-up dimension often shows that cities are active norm entrepreneurs (e.g., Curtis, 2016; Jorgensen, 2012; Oomen & Baumgärtel, 2018; Zapata-Barrero et al., 2017) and norm-makers (e.g., Cajera, 2019; Goldsmith & Klausen, 1997; Guderjan, 2015; Spencer & Delvino, 2019). Yet, none of these scholarly works further elaborates on the extent to which the local level is a norm-maker. In fact, no framework to determine the degree of being a norm-maker could be found within the Europeanisation literature, except for the worlds of compliance, a typology of Member States' behaviours in transposing and complying with EU norms, designed by Falkner et al. (2007) and Falkner & Treib (2008). However, these four worlds -of law observance, domestic politics, transposition neglect, dead letters- cannot simply be copied to this study for two main reasons. Firstly, the distinction between the four types is made on the basis of norm transposition and implementation as written out on paper (policy intentions) and not as they operate in practice (policy outputs). Secondly, this typology only takes formal institutions' behaviour into account (see 1.2.3).

Acharya (2004), in turn, only focusses on the transposition or implementation of norms. With regard to these processes he clarifies what norm-taking and norm-making is (respectively norm-displacement and localisation) and contrasts norm resistance to norm-displacement. However, despite defining techniques such as pruning (i.e., decremental norm transfer) and grafting (i.e., incremental norm transfer) to (re)interpret, (re)frame and/or redefine a norm, he does not mark out degrees of localisation. Kagan (2006), on the other hand, zooms solely in on norm compliance by practitioners and does differentiate between five degrees of norm application, namely: Legalism, legal creativity, discretionary judgement, retreatism, rebellion. Combining Acharya's (2004) and Kagan's (2006) theoretical frames, five modes of treating implementation duties -in analogy with Falkner et al. (2007) and Falkner & Treib (2008), called 'local cultures of norm compliance'- can be constructed to measure the extent to which cities are a norm-maker versus norm-taker. As displayed in Table 60, a local culture of a pure norm-taker means that the relevant local actors do not resist the new norm, that the new norm is implemented without any adjustment, and that practitioners execute the new norm literally without (re)interpreting it. A local culture of an individual norm-maker signifies that one or some relevant local actors initially may resist the new norm, that these individual actor(s) (re)interpret and reframe the new norm to implement it in accordance with their agency and structure(s), and that practitioners execute the new norm creatively. In a local culture of a collective norm-maker, on the other hand, sufficient relevant local actors initially may resist the new norm, (re)interpret, (re)frame, redefine and (re)construct the new norm to implement it in accordance with the local context, through which practitioners execute the new norm as commonly accepted at the local level. In both a norm-fleer and a norm-fighter local culture, sufficient relevant local actors may resist the new norm, but they do not (re)interpret, (re)frame, redefine and/or (re)construct the new norm and the new norm is not implemented and not executed by practitioners. While a norm-fleer withdraws from the situation in which the new norm is applicable, a norm-fighter rebels in that case.

[173] A notable exception to this are Panara & Varney (2013) who found that local authorities are a fourth power in the vertical governance structure of the EU.

Table 60: Local cultures of norm compliance

Local cultures of norm compliance	Cities' implementation behaviour (Acharya, 2004)	Practitioners' operational compliance behaviour (Kagan, 2006)
Pure norm-taker	Transplanting the new norm to the local level (norm displacement)	Executing the norm to the letter (legalism)
Individual norm-maker	(Re)interpreting and (re)framing the new norm when implementing it at the local level (localisation)	Executing the norm in accordance to the practitioner (agency and structure) insights (legal creativity)
Collective norm-maker	Redefining and (re)constructing the new norm when implementing it at the local level (localisation)	Executing the norm in accordance to the commonly accepted local context (discretionary judgement)
Norm-fleer	Rejecting to implement the new norm at the local level (norm resistance)	Withdrawing from the concrete situation (retreatism)
Norm-fighter	Rejecting to implement the new norm at the local level (norm resistance)	Resisting to execute the norms (rebellion)

9.2 Are the cities studied a norm-maker or norm-taker?

9.2.1 The case of Bonn

All 18 Bonn interviewees explained their local beliefs regarding the Facilitators Package, its German transposition and/or its local implementation. As Table 61 summarises, of the ten interviewees who shared their opinion about the national policies on (facilitating) irregular migrants' access to housing only two found it successful versus eight who claimed the opposite. The analysis in chapter 8 revealed that this predominantly negative view is attributed to deficient administrative capabilities. In particular too small financial transfers from the federal and regional level to Bonn to implement the immigration measures, and the lack of knowledge, or more correctly, policy-makers' reluctance to gain knowledge about irregular migrants were elucidated to support their opinion. In the 16 interviews in which the success of the local implementation of policies affecting (the facilitation of) irregular migrants' access to housing was discussed, it was assessed as fruitful only twice versus nine times as fruitless. Reasons for both its success and failure were given five times. The analysis in chapter 7 uncovered that the predominantly negative perception of the local implementation -like the predominantly negative view on the transposition of the Facilitators Package- is ascribed to insufficient administrative capacities, more specifically the lack of openness to discuss these issues and inadequate financial resources to support the local policies. Nevertheless, some interviewees also saw an advantage in this deficient local steering, namely more individual discretion.

Table 61: Local beliefs of the Bonn interviewees on the German transposition and local implementation of the Facilitators Package

	Politicians and enforcement staff	NGOs/CSOs
National policies perceived as successful	2	0
National policies perceived as unsuccessful	1	7
National policies perceived as successful and unsuccessful	0	0
View on the national policies' success not expressed	4	4
Total	7	11
Local policies perceived as successful	2	0
Local policies perceived as unsuccessful	2	7
Local policies perceived as successful and unsuccessful	2	3
View on the local policies' success not expressed	1	1
Total	7	11

Since a majority of the Bonn interviewees disagree with the transposition and implementation of the Facilitators Package concerning irregular migrants' access to housing the top-down imposed norms are -in line with Acharya's (2004) reasoning- resisted, (re)interpreted and tried to (re)frame.
In addition to the interviewees' opinions, also the party political preferences of the local governments reflect the local beliefs. On the basis of local parties' self-positioning on the social-cultural cleavage, the position of the Bonn city councils between 4/10/2004 and 13/9/2020 were classified as social-liberal. The analysis in chapter 5 brought to light that party political preferences determine parties' policy intentions through statements and may be a factor of norm diffusion through local government decisions. Thus, they do play a role in the (re)interpretation phase of the local norm-making process and may play a role in the (re)framing phase. However, as party political preferences are not a determining factor of norm diffusion at the operational level, they do not matter in the redefinition and (re)construction phase of fitting norms into the local context. In accordance with the finding that the policy intentions of (centre-)left governments are more liberal, and those of (centre-)right governments are more restrictive, Bonn's social-liberal governments strive for more restrictive policies compared to the centre-left Merkel III and IV governments (together in force between 17/12/2013 and 26/9/2021), meaning that they resist, (re)interpret and try to (re)frame norms on (facilitating) irregular migrants' access to housing. Taken all local beliefs together, it is clear that the Bonn local level is not a pure norm-taker.

Whether and how top-down imposed norms are (re)framed depends on the one hand on the volume and weight of the actors who engage in (re)framing a norm on the local horizontal dimension (Acharya, 2004; Helmke & Levitsky, 2004; Héritier, 1993; Hooghe & Marks, 2001), and on the other hand on the policy frames and motives (i.e., the perception of the normative order) these actors use. In Bonn, three of the seven interviewed politicians and city and enforcement staff explained why they do not facilitate irregular migrants' access to housing. For this, they used both instrumental arguments (namely legal prohibition) and normative morality motives that are situated in the human rights framework (although irregular migrants are regarded as ghosts instead of humans): "*First of all, we cannot focus*

on this small group because that would mean that we give extra attention to this group only, giving only them extra advantages. It would be discrimination, (…). Second, and in relation to the first argument, irregular migrants are invisible, we cannot establish policy for an invisible group, they are ghosts (…). Third, we have to respect federal legislation." (Interview no. 026). Also the politicians and city and enforcement staff who said to support irregular migrants' access to housing used the human rights framework to motivate their behaviour, for example: "*Everybody has the right to have housing, it is a basic human right, irrespective of their residence status.*" (Interview no. 044). Since the interviewed NGOs/CSOs were selected on the basis of their commitment to irregular migrants, it was obvious that they all explained why they do facilitate irregular migrants. They all claimed to be citizens agents who act out of moral motives, in particular using a humanitarian and/or human rights framework to account for their actions: "*We focus on the human aspects and we want to help all humans to live a decent live. Also irregular migrants have rights. We help people because that is a human thing to do.*" (Interview no. 003); "*[W]e have to help each other. These people are our brothers and sisters, we cannot distinct between legal and illegal.*" (Interview no. 011); "*All people are welcome in [name NGO/CSO], we have an inclusive vision in relation to all human beings regardless of whatever situation. We don't judge, that is God's job, not ours.*" (Interview no. 085). The above makes clear that the Bonn local level is not a norm-fleer and not a norm-fighter. Yet, although the dominant policy frames of the interviewed actors are largely the same (humanitarian and human rights frames), about half of the interviewed politicians and enforcement staff supplemented these frames with instrumental arguments and want to implement restrictive policies regarding facilitating irregular migrants' access to housing. This aspiration is diametrically opposed to the interviewed NGOs/CSOs' operational activities. Which category of actors gains the upper hand and whether the Bonn local level contrives to reach joint norms (i.e., collective norm-making) or gets stuck at individual norm-making is determined by the room for localisation and actors' decisiveness in the redefinition and (re)construction phase.

The analysis in chapter 6 exposed that all Bonn interviewees felt that the local level has less decision-making power and less responsibility on housing and on social assistance to destitute persons than is legally assigned to them. Moreover, all interviewees agreed with Stratham & Geddes' (2007) conclusion that immigration policy is entirely determined top-down, although it was remarked that neither the federal nor the regional NRW governments actively enforce this policy in Bonn. Within the perceived limited local decision-making power and responsibility regarding housing and social assistance to destitute persons, the interviewees nevertheless experienced that the local government has some room to manoeuvre, which was, however, felt to be constraint by the obligation to act within the federal legislation and the lack of sufficient financial resources transferred from the supralocal levels to Bonn. All interviewees also experienced to dispose of discretion power. While politicians claimed to have (almost) no discretion, most interviewees believed that city and enforcement staff have most, which suggests that this category of actors are the real veto-players at the local level. According to Acharya (2004), this limited room to manoeuvre and individual discretion allow the local actors to redefine and (re)construct the top-down imposed norms on irregular migrants' access to housing. However, as chapter 8 demonstrated, the Bonn local government does not seek explicit contact with the competent national and regional policy-makers to argue their preferences. Most contacts go via the own party structure and there is little interaction between the different tiers of

government. The interactions between the levels focus only on practical arrangements and the interviewees also complained that Bonn receives too few resources to implement federal migration policies. Nevertheless, these contacts were appraised as consensus-oriented, resulting in the mode of governance that leads to implementation in Bonn being labelled as rather centralist. This means that the Bonn government fails to upload its own preferences, while the national norms broadly diffuse to the local policy-makers. In contrast, chapter 7 showed that there is regular contact between politicians, city staff, and many NGOs/CSOs who facilitate irregular migrants in Bonn. While the interactions among NGOs/CSOs and between politicians and city staff were experienced as consensus-oriented, the interactions between all three categories of actors are conflict-avoidant as issues related to irregular migrants are a non-discussable political taboo, which also led to only very little local resources being granted to NGOs/CSOs for this. Specifically, there appeared to be a clear divide between practitioners and policy-makers, through which there is no joint ownership of all those involved in the task-specific Bonn governance structure and only joint operational decisions are agreed upon. Consequently, neither the local policy-makers nor the NGOs/CSOs active in Bonn manage to diffuse their norms as there are no opportunities to share them. It thus appears that Bonn is an individual norm-maker, unless either the local government or the NGOs/CSOs accomplish to upload their norms with policy-makers of the supralocal tiers of government before the norms are formally set.

As already elaborated in chapter 8, there is little interaction between the Bonn local government and the other tiers. In contrast, all interviewed Bonn NGOs/CSOs explained to be part of wider (inter)national structures and to be involved in multiple networks to share information and knowledge and to advocate collectively. Six of the 11 NGOs/CSOs said to have contact -direct or via their nationally organised structure- with policy-makers at the regional and/or federal level. However, this active entrepreneurial behaviour led at most to what Guiraudon (2000:251-268, passim) calls "venue shopping", as none of the interviewees had examples of successful advocacy initiatives. Despite being member of international networks, none of the NGOs/CSOs indicated to lobby towards policy-makers at the EU level. They all explained that EU politics is a rather unknown and some far-off thing, for example: "*I don't know them. I don't think EU can do something to change the daily practice of irregular migrants here in Bonn in a good way.*" (Interview no. 003); "*[T]he gap between the operational and European level is too big. We don't speak each other's language, we don't have anything in common. I don't see how they can help us in our work.*" (Interview no. 085). Neither any of the interviewed politicians and city and enforcement staff have contacts with foreign practices and/or policy-makers in the EU institutions. Even though some have party colleagues in the EU Parliament, also for them "*they are too far away*" (Interview no. 057). None of the Bonn interviewed actors is thus decisive with regard to norms on irregular migrants' access to housing.

In sum, although politicians and city and enforcement staff on the one hand, and NGOs/CSOs on the other hand initially both resist the national norms affecting irregular migrants' access to housing, then both (re)interpret the national norms and use the same policy frames trying to (re)frame the norms, they fail to arrive at collectively redefining and (re)constructing of the top-down imposed norms, despite the (albeit limited) room to manoeuvre and the individual discretion they experience. The identified clear divide between practitioners and policy-makers results in Bonn being an individual norm-maker. This means that the national norms are (re)interpreted within the national legislation

when implemented at the local level, but that this (re)interpretation depends in its operation on the individual practitioner's (agency and structure) insights. That this is indeed the case in Bonn is demonstrated in Table 62. Concerning the implementation of norms the German duty to report irregular migrants, the prohibition to provide temporary accommodation and advice to irregular migrants, and the duty to register with the local administration as a tenant (through which irregular migrants have no access to private and social housing) are strictly complied with by the Bonn government. With regard to the Bonn daily practices Table 62 displays that the Bonn government does not enforce the facilitation of irregular migrants' access to housing and giving advice to irregular migrants by NGOs/CSO, and that irregular migrants only have access to temporary housing run by or from NGOs/CSOs and/or private persons.

Table 62: Bonn's implementation and operation of the national norms affecting (the facilitation of) irregular migrants' access to housing

Implementation: strict compliance by Bonn government with	Duty to report irregular migrants	Prohibition to provide temporary accommodation to irregular migrants	Prohibition to provide advice to irregular migrants	Duty to register with the local administration as a tenant
Operation: no enforcement regarding	Facilitation of irregular migrants' access to housing by NGOs/CSOs		Giving advice to irregular migrants by NGOs/CSO	
Operation	Irregular migrants have access to temporary housing run by NGOs/CSOs or from NGOs/CSOs and/or private persons, but not to private and social housing			

9.2.2 The case of Berlin

In two of the 19 Berlin interviews, no local beliefs with regard to the Facilitators Package, its German transposition and/or its local implementation were mentioned. As Table 63 summarises, of the 10 interviewees who shared their opinion about the national policies on (facilitating) irregular migrants' access to housing only one person thought it contains both successful and unsuccessful elements, while the nine others only explained its ineffectiveness. The analysis in chapter 8 revealed that this predominantly negative view is attributed to civil servants' duty to report irregular migrants and to irregular migrants' de facto exclusion from basic rights. In the 16 interviews in which the success of the implemented policies on (facilitating) irregular migrants' access to housing was discussed, it was assessed positively by four and negatively by nine interviewees. Reasons for both its success and failure were given by three interviewees. The analysis in chapter 7 uncovered that the predominantly negative perception of the local implementation is mainly ascribed to the federal government (the content of their decisions, and insufficient transfers of budget and competences to the local level), and/or to mismatched party political preferences at the different tiers. Only two interviewees criticised the Berlin policy-makers and the local governance approach. This is in sharp contrast to the arguments given by the Bonn respondents, who mainly blamed policy-makers' reluctance to discuss the topic and the lack of budget.

Table 63: Local beliefs of the Berlin interviewees on the German transposition and local implementation of the Facilitators Package

	Politicians and enforcement staff	NGOs/CSOs
National policies perceived as successful	0	0
National policies perceived as unsuccessful	2	7
National policies perceived as successful and unsuccessful	1	0
View on the national policies' success not expressed	3	6
Total	6	13
Local policies perceived as successful	2	2
Local policies perceived as unsuccessful	3	6
Local policies perceived as successful and unsuccessful	0	3
View on the local policies' success not expressed	1	2
Total	6	13

Since the majority of the Berlin interviewees disagree with the German transposition and local implementation of the Facilitators Package with regard to irregular migrants' access to housing, the top-down imposed norms are resisted, (re)interpreted and tried to (re)frame. Also the Berlin city councils (in chapter 5 classified as left-wing between 21/10/2001-18/9/2011 and between 19/9/2016-26/9/2021, and as centre-left from 19/9/2011 to 18/9/2016) resist, (re)interpret and try to (re)frame new norms on irregular migrants' access to housing, as they strive for more liberal policies compared to the consecutive federal governments. Berlin is thus, like the city of Bonn, not a pure norm-taker.

For their (re)framing of national norms on (facilitating) irregular migrants' access to housing the Berlin interviewees used several policy frames as well as instrumental motives. Two of the six interviewed politicians and city and enforcement staff explained why they do not facilitate irregular migrants' access to housing. For this, they used instrumental arguments (namely legal prohibition) supplemented by mitigating reasons rooted in the security frame: "*(…) these people don't have a permission to be in the country. But it doesn't mean that we have to chase irregular migrants who are here often for a long time. (…) Irregular migrants do not cause a threat or problems in the Berlin community, we have other priorities on which the police should focus.*" (Interview no. 030). Two other politicians and city and enforcement staff substantiated their preference for supporting the facilitation of irregular migrants' access to housing. One used human rights arguments while the other combined the deserving workers and security frame: "*Housing is a human basic right, it is of higher value than someone's residence status.*" (Interview no. 014); "*Of course, some irregular migrants need to be send back, like real criminals, but all the other people deserve chances, we must give them opportunities because we can (we have the resources and capacity) and we need labour force, although not all immigrants are immediately suitable for the labour market, we have to admit that. In summary, we don't want to send people back as long as they comply with the general rights and obligations.*" (Interview no. 074). The interviewed NGOs/CSOs all explained why they do facilitate irregular migrants. They all claimed to be citizens agents who act out of moral motives. More specifically, they all used the human rights frame to account for their actions, for example: "*[W]e are convinced that everybody,*

regardless of residence status, should have access to the human rights, that is unnegotiable." (Interview no. 063); "*[W]e try to be as inclusive as possible, because we share the views of most organisations that housing is a basic right to which everybody, regardless of residence status, should have access.*" (Interview no. 107). Like Bonn, Berlin is neither a norm-fleer nor a norm-fighter as they do not merely reject to implement the norms at the local level but (re)interpret and (re)frame them. Human rights is clearly the dominant policy frame put forward by the three categories of interviewees. This concurrence indicates that collective norm-making should be possible, provided that Berlin experiences enough room for localisation to redefine and (re)construct the top-down imposed norms affecting (the facilitation of) irregular migrants' access to housing.

The analysis in chapter 6 exposed that all interviewees felt that Berlin has less decision-making power and less responsibility on housing and on social assistance to destitute persons than is legally assigned to them. Moreover, they all concluded -like the majority of interviewees in all six cities studied- that immigration policy is entirely determined top-down. In contrast to the non-existent formal and perceived powers of Bonn with regard to police enforcement policies, the Berlin city-state has formal competences and perceives (as granted to them) to have partial decision-making power and responsibility in this area. Yet, as in Bonn, facilitating irregular migrants' access to housing is not actively enforced by the Berlin police. Within the perceived limited local decision-making power and responsibility regarding housing and social assistance to destitute persons, the interviewees experienced that the Berlin governments have some room to manoeuvre, which was, however, felt to be hindered by the obligation to act within the federal legislation and the lack of sufficient financial resources transferred from the federal level to Berlin. All interviewees also experienced to dispose of discretionary power. While politicians claimed to have only little discretion, most interviewees agreed that NGOs/CSOs have most discretion, as city and enforcement staff are bound by the duty to report irregular migrants. NGOs/CSOs thus are believed to be the real veto-players at the local level. The limited room to manoeuvre together with individual discretion allow the Berlin actors who are involved in the task-specific local governance structure to redefine and (re)construct the top-down imposed norms on irregular migrants' access to housing. In chapter 7 it was demonstrated that there is regular contact between politicians, city staff and many NGOs/CSOs who facilitate irregular migrants in Berlin. While the interactions among NGOs/CSOs, between politicians and city staff, and between politicians and NGOs/CSOs were experienced as consensus-oriented, the interactions between NGOs/CSOs and city and enforcement staff were considered as conflict-avoidant due to the latter's reporting obligation which NGOs/CSOs said strongly to object to. Although some NGOs/CSOs deliberately do (partially) not participate in the task-specific local governance structure as they feel strategic powerless (Tummers, 2011), and NGOs/CSOs do not all align with each other because they feel that not everyone is pursuing the same goals, all interviewees experienced the relations between the three categories of actors as a win-win situation: Policy-makers and the administration see their policies operating and NGOS/CSOs feel heard and appreciated (because they receive substantial grants, there is sizable steering, and operational decisions and -occasionally- policy decisions are taken jointly). As a result, norms affecting (the facilitation of) irregular migrants' access to housing are diffused upwards from the field to the Berlin governments. In the same vein, chapter 8 showed that the local and regional Berlin governments have close and constructive contacts with each other, through which they are sometimes seen as one and the same. That way, operational proposals are sometimes uploaded to the regional level. As the

interactions between the Berlin authorities on the one hand and the federal government on the other are much more infrequent and rather conflict-oriented, the federal government fails to diffuse their policies on irregular migrants top-down, resulting in the Berlin governments and NGOs/CSOs that receive federal funding often implementing them creatively within the legislation (i.e., implementing certain norms not, only partly, or with delay). Since the mode of governance that leads to implementation is rather localist and the mode of governance that leads to operationalisation is consensus-oriented, Berlin is able to redefine and (re)construct the top-down imposed norms on (facilitating) irregular migrants' access to housing.

The fact that the top-down imposed norms in Berlin are creatively applied cannot only be attributed to their room to manoeuvre (since there is also steering by the federal government in which substantial Berlin actors are involved). More influential, this behaviour seems to stem from the in chapter 8 identified macro-implementation problem of competing opinions and beliefs between the federal level on the one hand and the regional and local tiers on the other. It is therefore relevant to take a closer look at which actors develop competing opinions and beliefs, where, and to what extent these actors are decisive. Especially NGOs/CSOs' relations with policy-maker on the different tiers of government are worthwhile scrutinising, because this category of actors are perceived as veto-players by the Berlin interviewees. All interviewed NGOs/CSOs in Berlin, like their Bonn colleagues, are part of various (inter)national networks, within and outside their own organisational structure to share information and knowledge, advocate collectively (like in Bonn), and collaborate operationally in specific cases. Through this sideways diffusion of norms, they can gain ideas and arguments that they want to upload in the horizontal and/or vertical governance structure. No less than 11 of the 13 NGOs/CSOs said to have contacts with policy-makers at the regional and federal level. Due to positive relations and close ties between several NGOs/CSOs and the regional government, resulting from the local arrangements to bypass federal legislation (Castañeda, 2008; Delvino, 2017a; Van der Leun, 2006), they now and then jointly advocate the improvement of irregular migrants' situation at the federal level, sometimes achieving their aim. Thus, unlike their Bonn colleagues, Berlin NGOs/CSOs' active entrepreneurial behaviour does pay off. Six NGOs/CSOs also indicated to lobby towards policy-makers at the EU level. One of them has an own office in Brussels from which meetings with MEPs and officials of the EU institutions are set up. The other five NGOs/CSOs explained having indirect contacts with EU policy-makers through their membership of an international umbrella organisation, notably Picum or Feantsa: "*I don't have structural contacts with the European institutions, but we are a member of Picum and they lobby for organisations like ours in Brussels. They can do this better, because they are closer to the EU politics and as an umbrella organisation they can make a stronger voice when addressing the people in Brussels.*" (Interview no. 064); "*As a member of Feantsa we have indirect contacts with the European level. Sometimes, they invite a MEP at our meetings. It are mostly politicians from the left side that do attend these meetings, (…).*" (Interview no. 089). Also four of the six interviewed politicians and city and enforcement staff have contacts with foreign cities and EU policy-makers, either via European policy networks or Berlin representatives in the EP, through which norms can be diffused: "*I'm involved in the Eurocities WG Migration & Integration where we sometimes discuss the situation of irregular migrants, including their housing situation. (…). I also participate in the EU Urban Partnership on inclusion of migrants and refugees. In some discussions we touched upon the issue of irregular migrants' access to housing (…).*" (Interview no. anonymised); "*I sporadically have contacts*

with [name of party] representatives in the EP. My focus is always and everywhere on housing, for which the EP is not responsible. Therefore my contacts with MEPs are limited (…)." (Interview no. 090). As the above shows, both NGOs/CSOs, politicians and city and enforcement staff have contacts on the inter-territorial horizontal dimension as well as on the vertical dimension up to EU policy level. Consequently, each category of actors can have the knowledge and inspiration to upload own norms. That NGOs/CSOs are perceived to be the decisive actors is determined at the Berlin level through the interactions between the actors that are involved in the task-specific local governance structure.

Due to the non-corresponding local beliefs of the Berlin interviewees and governments with the as too restrictive perceived federal policies, the top-down imposed norms affecting (the facilitation of) irregular migrants' access to housing are resisted, (re)interpreted and (re)framed. Furthermore, Berlin manages to localise (i.e., redefine and (re)construct) the federal norms because both politicians, city and enforcement staff, and NGOs/CSOs: 1) Mainly use the same policy frame and; 2) Have some room to manoeuvre and dispose of discretion, and; 3) Regularly interact with each other in consensus-oriented ways. As NGOs/CSOs' proposals are sometimes rewarded by the Berlin governments, norms diffuse upwards from the field. Moreover, since the Berlin actors sometimes collude against the federal government, they manage to upload the Berlin norms. The inspiration to creatively apply federal norms and the decisiveness to upload the local norms derives from the three categories of interviewees' contacts on the inter-territorial horizontal dimension as well as on the vertical dimension up to EU policy level. Berlin is therefore a clear example of a collective norm-maker. That this is indeed the case is summarised in Table 64. Concerning the implementation of norms, the German duty to report irregular migrants and the prohibition to provide temporary accommodation and advice to irregular migrants are partially complied with. However, the duty to register with the local administration as a tenant (through which irregular migrants have no direct access to private housing and to social housing) is strictly complied with by the Berlin governments. Regarding the daily practices the Berlin government does not enforce facilitating irregular migrants' access to housing and giving advice to irregular migrants by NGOs/CSO and that irregular migrants have rather wide access to local government shelter facilities and temporary housing initiatives of NGOs/CSOs and churches.

Table 64: Berlin's implementation and operation of the national norms affecting (the facilitation of) irregular migrants' access to housing

Implementation: partial compliance by Berlin government with	Duty to report irregular migrants	Prohibition to provide temporary accommodation to irregular migrants	Prohibition to provide advice to irregular migrants
Implementation: strict compliance by Berlin government with	Duty to register with the local administration as a tenant		
Operation: no enforcement regarding	Facilitation of irregular migrants' access to housing by NGOs/CSOs	Giving advice to irregular migrants by NGOs/CSOs	
Operation	Irregular migrants have rather wide access to local government shelter facilities and to initiatives of NGOs/CSOs and churches, but no direct access to private housing and no access to social housing		

9.2.3 The case of The Hague

In three of the 18 interviews in The Hague, no local beliefs with regard to the Facilitators Package, its Dutch transposition and/or its local implementation were mentioned. As Table 65 shows, of the seven interviewees who shared their opinion about the national policies on (facilitating) irregular migrants' access to housing only one thought it was fruitful and one that it contains both successful and unsuccessful elements. The five other interviewees found the national policies ineffective. The analysis in chapter 8 revealed that this negative view was, however, not attributed to any argument pointing at a macro-implementation problem as described by Berman (1978). In the 15 interviews in which the success of the locally implemented policies on (facilitating) irregular migrants' access to housing was discussed, it was assessed positively by six and negatively by seven interviewees. Two respondents believed that some elements of the local policies are fruitful while others are not. The analysis in chapter 7 uncovered that the policies implemented in The Hague were mainly criticised because of the many negative public discourses about irregular migrants that are brought in the media by policy-makers.

Table 65: Local beliefs of The Hague interviewees on the Dutch transposition and local implementation of the Facilitators Package

	Politicians and enforcement staff	NGOs/CSOs
National policies perceived as successful	0	1
National policies perceived as unsuccessful	0	5
National policies perceived as successful and unsuccessful	1	0
View on the national policies' success not expressed	7	4
Total	8	10
Local policies perceived as successful	2	4
Local policies perceived as unsuccessful	2	5
Local policies perceived as successful and unsuccessful	1	1
View on the local policies' success not expressed	3	0
Total	8	10

Since there is not really a majority of The Hague interviewees who either disagree or agree with the Dutch transposition and local implementation of the Facilitators Package with regard to facilitating irregular migrants' access to housing, and none of the interviewees indicated a macro-implementation problem, they do not resist the top-down imposed norms, as one interviewee aptly put it: "*There are not many things we can do outside the existing possibilities. If people rent or sublet a room on the private market, we won't stop them from doing that. However, we can't support them in this because we lack the capacity of doing this.*" (Interview no. 039). However, also the party political preferences of the governing parties are part of the local beliefs (Bonjour, 2012; Garcés-Mascareña, 2018). In chapter 5, all The Hague city councils since 1998 were classified as centre-right on the social-cultural cleavage, signifying that these local governments aim for more restrictive policies regarding (the facilitation of) irregular migrants' access to housing. As the Balkenende I to IV and Rutte I and III cabinets were also classified as centre-right, the governing political parties in The Hague only resisted,

(re)interpreted and tried to (re)frame the norms on irregular migrants' access to housing imposed top-down on them by the Kok I and II (between 22/8/1994-22/7/2002) and Rutte II (5/11/2012-26/10/2017) cabinets. Like Bonn and Berlin, neither The Hague Berlin is thus a pure norm-taker.

For their (re)framing of the national norms affecting (the facilitation of) irregular migrants' access to housing the interviewed politicians and city and enforcement staff invoked human rights arguments such as: "*We want that also this group has access to their human rights, that is not negotiable, human rights is not something you can bargain upon, in line with our city slogan City of Peace and Justice.*" (Interview no. 012). Although none of the interviewed NGOs/CSOs indicated to resist the policies, they do (re)interpret and (re)frame the national norms. Like all interviewed politicians and city and enforcement staff they explained why they do facilitate irregular migrants. To this end, they used the humanitarian and/or human rights policy frames: "*When people agree with the principles of [our NGO/CSO] they are welcome here, we don't exclude on the basis of residence status, because it's irrelevant, people who need our help, get our help.*" (Interview no. 010); "*[We] focus on humanitarian action, we don't do politics.*" (Interview no. 043); "*[W]e strongly believe that anyone should have access to housing and shelter, people should not sleep rough, whether they are documented or not.*" (Interview no. 046); "*In my opinion everybody must have access to housing, to all the fundamental rights, because we are all human beings. People should not be excluded because they lack the required documents. They are here, they are a part of society. I don't say all irregular migrants should be allowed to stay, should all be regularised, but the fact that they are a part of society should be acknowledged, respected, meaning that their access to basic right should be guaranteed.*" (Interview no. 065). The Hague is thus neither a norm-fleer nor a norm-fighter, as they do not merely reject to implement the norms at the local level but (re)interpret and (re)frame them. Like in Berlin, human rights is the dominant policy frame put forward by the three categories of interviewees. This concurrence indicates that collective norm-making should be possible, provided that The Hague experiences enough room for localisation to redefine and (re)construct the top-down imposed norms affecting (the facilitation of) irregular migrants' access to housing.

The analysis in chapter 6 exposed that most interviewees perceive that The Hague has the decision-making powers as granted to them by the national government, but has less (partial instead of the fully given) responsibility on housing and on social assistance to destitute persons. With regard to police enforcement, The Hague -like Berlin and Amsterdam- has and feels to have partial decision-making power and responsibility. In contrast, the local level has no say at all over immigration policy, which was experienced as such. All interviewees explained that the municipality has room to manoeuvre, and some added that The Hague is also involved in national decision-making processes (the so-called Polder model). Moreover, most of the interviewed politicians and city and enforcement staff found that their room to manoeuvre is usually sufficient to elaborate and carry out the desired implementation within the legal framework. All interviewees experienced to dispose of discretionary power. While many NGOs/CSOs claimed that their degree of discretion is inversely proportional to the degree to which they are funded by the local government, it was generally believed that city and enforcement staff have the most discretion as politicians always share theirs with the civil servants. The room to manoeuvre together with the individual discretion allow the actors who are involved in the task-specific governance structure of The Hague to redefine and (re)construct the top-down imposed norms

on irregular migrants' access to housing. In chapter 7 it was demonstrated that there is frequent contact among NGOs/CSOs and between city and enforcement staff and policy-makers, and that there is regular contact between most actors from the three categories. Although all these interactions within the relatively small task-specific local governance structure were experienced as consensus-oriented, three causes seemed to limit norm diffusion. Firstly, NGOs/CSOs only feel joint ownership regarding operational decisions and not of policy decisions, resulting in hidden conflicts related to obtaining local government resources. Secondly and thirdly, consensus-steering by and negative public discourses in the media from policy-makers fuel unease and mistrust among the NGOs/CSOs. Nevertheless, most interviewees believed that norms diffuse upwards from the field to the local government. Chapter 8 showed that The Hague city council and the national government only interact with each other when deemed necessary. Most contacts go via the mayor, G4 and VNG, and are at the local level perceived as constructive as both levels have consistent visions on the policy aims and implementation measures with regard to facilitating irregular migrants' access to housing, and, due to the application of the so-called Polder model. Since the mode of governance that leads to implementation is rather cooperative and the mode of governance that leads to operationalisation is consensus-oriented, The Hague is able to redefine and (re)construct the top-down imposed norms affecting (the facilitation of) irregular migrants' access to housing.

Despite the national norms affecting (the facilitation of) irregular migrants' access to housing are (re)interpreted and (re)framed by all interviewees, and despite The Hague's room and cooperative climate to redefine and (re)construct these norms, the local level does not come across as a strong collective norm-maker, as it goes along with the national norms. This might be due to a vast majority of the local actors effectively agreeing with each other as well as with national policies. However, this was not apparent from the local beliefs, which indicate that the city council aims for more restrictive policies, while about half of the NGOs/CSOs interviewed advocate for more liberal measures. Rather, it seems that a middle ground has been found between all actors of both the task-specific horizontal and vertical governance structure -which resembles very much Scharpf's (1988; 2006) joint decision trap (namely suboptimal outputs due to compromises). This would mean that none of the actors -also not the city and enforcement staff of whom most interviewees were convinced they have the most discretion- behave as a veto-player and that no category is the most decisive. Yet, The Hague's city and enforcement staff have frequent contact with the local policy-makers and participate in initiatives of G4 and VNG, through which they interact with the national level and other Dutch municipalities. However, only one of the five city and enforcement staff interviewed indicated to have contacts with the EU level (in particular the European Commission), to participate in an international network and in international events. The same goes for the politicians interviewed, all three of whom admitted to having no contact at all with the EU level and/or with cities abroad. NGOs/CSOs, on the other hand, have little to no contact with national policy-makers. They are far removed from and thus have no influence on the vertical governance structure. Half of the NGOs/CSOs in The Hague said to be involved in international networks through which norms can diffuse sideways, for example: "*When I was president of the Dutch [name of national umbrella organisation] I had a lot of contact with the other [branches] in the Netherlands and in other countries, like in Germany and the UK. I learned a lot from exchanging information and experiences with them.*" (Interview no. 010). This number of internationally active NGOs/CSOs contrasts significantly with the German NGOs/CSOs interviewed who

all said to participate in at least one international network. However, about an equal share, namely four of the ten, advocate at the EU level. Like in Berlin, this mainly goes via their membership of the international umbrella organisations: "*Via [Picum] I learn how we can deal with similar problems in The Hague, (…). [Picum] knows better who to address with what and when. I don't have time, resources and knowledge to do this myself, and again, it' s better to join forces to make your voice heard, especially on the European level.*" (Interview no. 068). In addition, two NGOs/CSOs illustrated that the interactions with MEPs go through their national organisational structure: "*(…) we have some contacts with MEPs. These contacts mainly go via our national organisation structure.*" (Interview no. 043). While The Hague's city and enforcement staff have the most contacts with policy-makers and other municipalities in the Netherlands, none of the three categories of actors draws much inspiration from practices in other countries. Still, through their membership of international organisations and through their national structure, the NGOs/CSOs interact most (often indirect) with EU policy-makers. As a result, The Hague's local government has the most opportunities to upload its norms to the national level and NGOs/CSOs can possess and use the most inspiration from foreign practices. If everyone's specific expertise is indeed taken into account within the task-specific horizontal governance structure, this may explain why: 1) NGOs/CSOs perceive that their norms diffuse upwards, albeit only with regard to operational decisions (as they lack the contacts with Dutch policy-makers, but have most knowledge of divers practices); 2) Hidden conflicts between the NGOs/CSOs exist (as some of them may be financially more rewarded due to their more extensive knowledge), and; 3) NGOs/CSOs mistrust the local policy-makers (as they have no view on what happens within the task-specific vertical governance structure and merely have to make do with policy-makers' public discourses).

All in all, there is only resistance with the top-down imposed norms on (facilitating) irregular migrants' access to housing by the local government. However, all actors involved in the rather small task-specific horizontal governance structure (re)interpret these norms and (re)frame them, mostly though using a human rights policy frame. Due to the perceived room to manoeuvre and individual discretion, in combination with a consensus-oriented task-specific local governance structure and a cooperative task-specific vertical governance structure, The Hague is able to localise the national norms affecting (the facilitation of) irregular migrants' access to housing. Each of the three categories of actors seems to be able to be decisive on the basis of their specific connections and knowledge, namely the local government with regard to the relations between the local and national level through which norms may diffuse upwards from The Hague city council to the national level, and NGOs/CSOs with regard to foreign local practices through which operational norms may diffuse from the field to the local level. That way, The Hague is a collective norm-maker, reaching suboptimal local outputs due to compromises within the task-specific horizontal governance structure. That this is largely the case is summarised in Table 66. On the one hand, the Hague local government does not enforce the norms that are executed by NGOs/CSOs, to wit: Advising irregular migrants and facilitating their access to (temporary) housing often without registering them as a tenant at the local administration. But, on the other hand, the municipality itself does comply with the restrictive measures regarding the prohibition to provide temporary accommodation and advice to irregular migrants. As a result, irregular migrants in The Hague have limited access to local government shelter facilities, wider access to temporary housing initiatives of NGOs/CSOs and private persons, and easy access to private housing. The odd one out is that irregular migrants have partial access to social housing, which is entirely operated by the

municipal administration. In chapter 4 several interviewees explained that this concerns only old cases of ex-asylum applicants on which the restrictive legislation is not (yet) applied. A similar approach was also found at the national level, that does not apply the duty to report irregular migrants on the request of the Minister for Immigration (Article 107(7) Aliens Act).

Table 66: The Hague's implementation and operation of the national norms affecting (the facilitation of) irregular migrants' access to housing

Implementation: compliance by The Hague local government with	Prohibition to provide temporary accommodation to irregular migrants (strict compliance)		Prohibition to provide advice to irregular migrants (high compliance)
Operation: no enforcement regarding	Facilitation of irregular migrants' access to housing by NGOs/CSOs	Giving advice to irregular migrants by NGOs/CSOs	Duty to register with the local administration as a tenant
Operation	Irregular migrants have limited access to local government shelter facilities, wider access to temporary housing initiatives of NGOs/CSOs and private persons, easy access to private housing, partial access to social housing		

9.2.4 The case of Amsterdam

In one of the 18 interviews in Amsterdam, no local beliefs with regard to the Facilitators Package, its Dutch transposition and/or its local implementation were mentioned. As Table 67 shows, the eight interviewees who shared their opinion about the national policies on (facilitating) irregular migrants' access to housing all believed these are unsuccessful. The analysis in chapter 8 revealed that this negative view was attributed to three macro-implementation problems: Differences of opinion regarding the national norms, inadequate national capacities (too few skills and resources), and communication insufficiencies within the vertical governance structure (due to competing opinions). In the 16 interviews in which the success of the locally implemented policies on (facilitating) irregular migrants' access to housing was discussed, it was assessed positively by seven and negatively by four interviewees. Five respondents believed that some elements of the local policies are fruitful while others are not. The analysis in chapter 7 uncovered that the local policies were mainly found fruitful - in line with Andeweg & Irwin's (2009) reasoning- because of the consensus-oriented cooperation between the many actors involved in the task-specific local governance structure.

Table 67: Local beliefs of the Amsterdam interviewees on the Dutch transposition and local implementation of the Facilitators Package

	Politicians and enforcement staff	NGOs/CSOs
National policies perceived as successful	0	0
National policies perceived as unsuccessful	3	5
National policies perceived as successful and unsuccessful	0	0
View on the national policies' success not expressed	6	4
Total	9	9
Local policies perceived as successful	5	2
Local policies perceived as unsuccessful	2	2
Local policies perceived as successful and unsuccessful	1	4
View on the local policies' success not expressed	1	1
Total	9	9

As the majority of the Amsterdam interviewees disagree with the Dutch transposition of the Facilitators Package with regard to irregular migrants' access to housing, the top-down imposed norms are resisted. On the other hand, the predominantly positive assessments of its local implementation point at the local (re)interpretation and (re)framing of these norms. Also the Amsterdam city councils (in chapter 5 classified as left-wing since 4/3/1998 up to and including the current coalition between 21/3/2018-16/3/2022) resist, (re)interpret and (re)frame new norms on irregular migrants' access to housing, as they strive for more liberal policies than the consecutive centre-right and social-liberal national governments. Amsterdam is thus not a pure norm-taker.

For their (re)framing of the national norms affecting (the facilitation of) irregular migrants' access to housing the interviewed city and enforcement staff referred to instrumental arguments related to the legislation, local agreements, and their available capacity: "*[W]e always respect the legislation (…).*" (Interview no. 034); "*We lack the capacity to do [checks in the streets or at homes] and we agreed not to do this with the Amsterdam local government.*" (Interview no. anonymised). Politicians, in turn, used both a humanitarian and/or security frame to justify why they are in favour of facilitating irregular migrants, for example: "*The group of irregular migrants who cannot return to their home country is considerably large. With our policy we aim to take away their fear for the police and institutions. This policy is much better than chasing these irregular migrants, which would only lead to more crimes, squatting, and thus would require increased police patrols and actions.*" (Interview no. 033); "*[W]e in Amsterdam focus on humanitarian rights.*" (Interview no. 036); "*We have to prevent that these people stay on the streets as they might pose a threat on public order and safety.*" (Interview no. 066). Like all interviewed politicians and city and enforcement staff, the interviewed NGOs/CSOs explained why they do facilitate irregular migrants. To this end, they all used a human rights policy frame: "*The human rights are very important for us. We also think it is important to install and maintain firewalls between access to human rights and residence status.*" (Interview no. 005); "*[W]e strive for equal city rights, meaning that no one should have to sleep in the streets, that everyone should have access to tailored*

24-hour services. We support Pim Fischer[174] in his claims against the national government to point to all human's fundamental right to housing, regardless of residence status." (Interview no. 008). Amsterdam is thus neither a norm-fleer nor a norm-fighter, as they do not merely reject to implement the norms at the local level but (re)interpret and (re)frame them. Like in Bonn, both humanitarian and human rights frames as well as instrumental arguments are put forward. However, a major difference between the two cities is that all interviewees in Amsterdam claimed to (be in favour of) facilitating irregular migrants' access to housing, through which there are no conflicting opinions influencing the operation of the local policies in this area. This concurrence between all actors involved in the task-specific local governance structure indicates that -like in Berlin and The Hague- collective norm-making should be possible, provided that Amsterdam experiences enough room for localisation to redefine and (re)construct the top-down imposed norms on (facilitating) irregular migrants' access to housing.

The analysis in chapter 6 exposed that most interviewees perceive that Amsterdam, like The Hague, has the decision-making powers as granted to them by the national government, but has less (partial instead of the fully given) responsibility on housing and on social assistance to destitute persons. With regard to police enforcement, Amsterdam -like Berlin and The Hague- has and feels to have partial decision-making power and responsibility. In contrast, the local level has no say at all over immigration policy, which was experienced as such. Nevertheless, many interviewees considered the mayor's specific decision-making power over public order and safety as the legal basis for the Programme Undocumented. All respondents illustrated that the municipality has room to manoeuvre by referring to the LVV project. In addition, the Dutch Polder model to arrive at consensus-driven policy decisions was mentioned to exemplify the city's partial decision-making authority. In contrast to politicians, who were generally assumed to have virtually no discretionary power, city and enforcement staff experienced a great deal of discretion. Also the NGOs/CSOs interviewed generally felt to dispose of much discretion, either because they are financially independent from the local government or, conversely, because they are involved in the decision-making processes. The room to manoeuvre together with the individual discretion allow the actors who are involved in Amsterdam's task-specific governance structure to redefine and (re)construct the top-down imposed norms on irregular migrants' access to housing. In chapter 7 it was demonstrated that there is frequent contact among NGOs/CSOs, between city and enforcement staff and policy-makers, and between most actors from the three categories. Despite some differences of opinion, all actors are consensus-oriented and experience joint ownership through which norms are shared and complied with at the operational level. Moreover, the norms diffuse upwards from the field to the local government, as NGOs/CSOs co-create and are responsible for the local policies. Chapter 8 showed that the Amsterdam city council and the national government -as the only one of the six cities studied- regularly interact with each other and that most of these contacts are bilateral, supplemented with contacts via the intermediaries G4 and VNG. Despite the clearly visible differences in vision between both tiers of government, the vertical governance relation within the task-specific structure is perceived as consensus-oriented. Specifically to avoid bilateral head-on collisions and public conflicts, Amsterdam usually tries to form

[174] Pim Fischer heads a law firm specialised in legal aid for irregular migrants' social rights. His office pleaded, inter alia, Complaint No. 86/2012 of the Federation of National Organisations working with the Homeless (FEANTSA) v The Netherlands, and Complaint No 90/2013 of the Conference of European Churches (CEC) v. The Netherlands at the European Committee of Social Rights, leading to the Dutch BBB policy (Fischer, 2019).

a coalition of like-minded cities within VNG and/or G4 to arrive at implementation decisions that are acceptable to all parties involved. Since the mode of governance that leads to implementation is close to localist in the cooperative-localist-decoupled triangle and the mode of governance that leads to operationalisation is consensus-oriented, Amsterdam is able to redefine and (re)construct the top-down imposed norms on (facilitating) irregular migrants' access to housing.

The fact that the top-down imposed norms are applied in an idiosyncratic rather localist way in Amsterdam cannot only be attributed to their room to manoeuvre. The city's pursuit of uploading the own policy frames and institutional logic or -when this is impossible- to persist its own vision when implementing national norms is derived from the local government's efforts to convince the other municipalities within G4 and VNG of the Amsterdam vision, and from the Amsterdam NGOs/CSOs' strong local lobby by means of the Fearless Cities strategy. Like in Berlin -and in line with Jorgensen (2012)-, this behaviour seems to stem from the in chapter 8 identified macro-implementation problem of competing opinions and beliefs between the national and local level. It is therefore relevant to take a closer look at which actors develop competing opinions and beliefs, where, and to what extent these actors are decisive. In contrast to the regular interaction with the national government, Amsterdam politicians and city and enforcement staff have only few contacts with other cities and European policy-makers: "*The only times when we have contact with MEPs, is during the election campaign period.*" (Interview no. 033); "*I have some contacts with other cities in Europe, to learn from their policy and initiatives. For example, we exchanged a lot of expertise with Barcelona, because we also want to introduce a City ID.*" (Interview no. 036); "*[I] never had contacts [at the European level] in the 25 years I work at [name department].*" (Interview no. 054). The reverse is true for NGOs/CSOs' contacts. Although six of the nine interviewed NGOs/CSOs have direct (via the LVV Steering group) or indirect contact with national policy-makers, they are rarely listened to and the desired results of their lobbying are not forthcoming. Therefore, some link their requests to the national government with the city council's lobby through the Fearless Cities strategy (i.e., by forming a strategic front with the local government to transform national policies without claiming that Amsterdam is an exceptional case compared to other Dutch cities (Russell, 2019)). At the same time, these six NGOs/CSOs expressed their positive experiences regarding their interactions at the European level. Most of them have contacts with colleagues in other European cities (via international projects and networks) as well as with European policy-makers, like in the other cities studied via peak organisations such as Picum, for example: "*We don't have direct contact with the EU institutions, but we are a member of Picum, who advocates for irregular migrants at the EU level. Furthermore, we have contacts with some cities in other countries, we regularly meet and have conference calls to exchange information, knowledge and good practices. We are part of an EU project with Belgium and Germany as well, again to join our knowledge and practices.*" (Interview no. 007); "*[Picum] has easier access to the European institutions and MEPs. They bring over our statements and requests. Together with the cities involved in [our] European project we also signal the local needs to the European Commission.*" (Interview no. 008). As a result, the Amsterdam NGOs/CSOs have ample opportunities to upload their norms to the national and European level and to diffuse their norms sideways and to get inspiration from foreign practices. They are thus decisive due to their relations and because they are allowed/ encouraged to behave as such by the Amsterdam government.

Thus, like in Berlin all Amsterdam actors resist the top-down imposed norms on (facilitating) irregular migrants' access to housing as a result of the non-correspondence between the local beliefs and as too restrictive experienced national policies. The national norms are (re)interpreted and (re)framed by the actors involved in the task-specific horizontal governance structure, through using both humanitarian and human rights frames as well as instrumental arguments. Due to the perceived room to manoeuvre and individual discretion, in combination with a consensus-oriented task-specific local governance structure and a cooperative task-specific vertical governance structure, Amsterdam is able to localise the national norms affecting (the facilitation of) irregular migrants' access to housing. Since the local norms on (facilitating) irregular migrants' access to housing are co-created by the Amsterdam policy-makers, city and enforcement staff and NGOs/CSOs, norms diffuse upwards from the field. Moreover, as the Amsterdam actors jointly advocate the local norms at the national level, they manage to upload them. The inspiration to localise national norms and the decisiveness to upload the local norms derives from the many contacts that all local actors together have at the inter-territorial horizontal and vertical dimension. Amsterdam is therefore, like Berlin, a clear example of a collective norm-maker. That this is indeed the case is summarised in Table 68. The Amsterdam government does not enforce the norms that are executed by NGOs/CSOs, to wit: Advising irregular migrants and facilitating their access to (temporary) housing often without registering them as a tenant at the local administration. Furthermore, the municipality itself only partially complies with the prohibition to provide temporary accommodation. They are able to highly comply with the national prohibitions concerning giving advice to irregular migrants as this is taken up by NGOs/CSOs, most of which receive local grants to do so. As a result, irregular migrants in Amsterdam have wide access to local government shelter facilities and temporary housing initiatives of NGOs/CSOs and private persons, easy access to private housing, and partial access to social housing.

Table 68: Amsterdam's implementation and operation of the national norms affecting (the facilitation of) irregular migrants' access to housing

Implementation: compliance by Amsterdam local government with	Prohibition to provide temporary accommodation to irregular migrants (partial compliance)		Prohibition to provide advice to irregular migrants (high compliance)
Operation: no enforcement regarding	Facilitation of irregular migrants' access to housing by NGOs/CSOs	Giving advice to irregular migrants by NGOs/CSOs	Duty to register with the local administration as a tenant
Operation	Irregular migrants have wide access to local government shelter facilities and temporary housing initiatives of NGOs/CSOs and private persons, easy access to private housing, partial access to social housing		

9.2.5 The case of Stoke-on-Trent

In three of the 17 Stoke-on-Trent interviews, no local beliefs with regard to the Facilitators Package, its English transposition and/or its local implementation were mentioned. As Table 69 shows, the 12 interviewees who shared their opinion about the national policies on (facilitating) irregular migrants' access to housing all believed these are unsuccessful. The analysis in chapter 8 revealed that this negative view was attributed to the two same macro-implementation problems as in Bonn, namely the lack of interaction between, and of steering and financial transfers from the central to local government. In the nine interviews in which the success of the locally implemented policies on (facilitating) irregular migrants' access to housing was discussed, it was assessed negatively by eight, and one interviewee believed that some elements of the local policies are fruitful while others are not. The analysis in chapter 7 uncovered that the local policies were mainly found fruitless due to insufficient administrative capacities, more specifically, city staff's too large discretionary power and room to manoeuvre and local policy-makers' too little knowledge to elaborate a coherent local policy.

Table 69: Local beliefs of Stoke-on-Trent interviewees on the English transposition and local implementation of the Facilitators Package

	Politicians and enforcement staff	NGOs/CSOs
National policies perceived as successful	0	0
National policies perceived as unsuccessful	5	7
National policies perceived as successful and unsuccessful	0	0
View on the national policies' success not expressed	1	4
Total	6	11
Local policies perceived as successful	0	0
Local policies perceived as unsuccessful	2	6
Local policies perceived as successful and unsuccessful	0	1
View on the local policies' success not expressed	4	4
Total	6	11

Since all interviewees in Stoke-on-Trent disagree with the transposition and implementation of the Facilitators Package concerning irregular migrants' access to housing the top-down imposed norms are -in line with Acharya's (2004) reasoning- resisted, (re)interpreted and tried to (re)frame. In addition to the interviewees' opinions, also the party political preferences of the local governments reflect the local beliefs. On the basis of local parties' self-positioning on the social-cultural cleavage, the position of the Stoke-on-Trent city councils between 3/5/2000 and 2/5/2019 were classified as centre-right. Since the May II government also had a centre-right view on irregular migrants and the May I and Cameron II cabinets were right-wing (together in force between 8/5/2015 and 23/7/2019), the Stoke-on-Trent coalition from 7/5/2015 to 2/5/2019 does not resist, (re)interpret and (re)frame the norms on irregular migrants' access to housing, as they agree with the central government policies. However, given the interviewees' strong disagreement, it is unlikely that the city is a pure norm-taker.

Indeed, the interviewed politicians and city and enforcement staff only referred to instrumental arguments related to the legislation and their available capacity to frame their implementation behaviour of not facilitating irregular migrants' access to housing: "*The city council is not competent for any policy regarding asylum seekers. (…). If we would have the time and if we really would want to do this, we could gather more information about people's housing conditions, but it's not our job and none of the clients talks about it.*" (Interview no. 027); "*[W]e can't give irregular migrants access to any of our services, like council housing. All these decisions are made for us in London*." (Interview no. 048). The interviewed NGOs/CSOs, on the contrary, motivated why they do facilitate irregular migrants' access to housing. To this end they used, like in The Hague, a humanitarian and/or human rights policy frame: "*[Our NGO/CSO] stands for a humanitarian approach, regardless of political or religious conviction, race, ethnicity, residence status, etc.. Here in the UK, and the West Midlands in particular, we want to guarantee people's access to human rights, such as health care, legal counselling, and housing. All people have the right to a decent life.*" (Interview no. 077); "*Access to housing is a basic right to which also irregular migrant women and men should be entitled.*" (Interview no. 092); "*Our vision is that we have to be kind and compassionate with asylum seekers in Stoke-on-Trent. Asylum seekers are human being who left their lives behind and end up in a strange and often hostile country like the UK. We don't distinct between asylum seekers on the basis of their residence documents. To us, they are all equal, although some need more support than others. We try to help the most vulnerable asylum seekers.*" (Interview no. 096). Of the six cities studied, only in Stoke-on-Trent all politicians and city and enforcement staff interviewed said -in line with the city council's party political preferences- to be state agents who agree with the central government's norms affecting irregular migrants' access to housing. This indicates that the city is neither a norm-fleer nor a norm-fighter, since the top-down imposed norms are not rejected by the local government. However, their beliefs are in sharp contrast to the interviewed NGOs/CSOs', who all claimed to be citizens agents facilitating irregular migrants out of moral motives. Which category of actors gains the upper hand and whether the Stoke-on-Trent local level contrives to reach joint norms (i.e., collective norm-making) or gets stuck at individual norm-making is determined by the room for localisation and actors' decisiveness in the redefinition and (re)construction phase.

The analysis in chapter 6 exposed that all Stoke-on-Trent interviewees felt, like the respondents in Bonn and Berlin, that the local level has less decision-making power and less responsibility on housing and on social assistance to destitute persons than is legally assigned to them. Moreover, like in the six cities studied, they all agreed with Stratham & Geddes' (2007) conclusion that immigration policy is entirely determined top-down. Yet, it are not the police who actively enforce the immigration legislation but the local government services, who ask migrants' ID and proactively contact the Home Office. Consistent with the perception that Stoke-on-Trent has no decision-making power and only has limited responsibility on housing and partial responsibility on social assistance to destitute persons, the interviewees experienced that the local tier is not able to influence the central government's decision-making and at most can try to comply with the legal obligations regarding the provision of services for which they have been made responsible. This limited room to manoeuvre was felt to be constraint by the lack of financial transfers from the central government, like in Bonn and Berlin, and by the inadequate capacities (skills and knowledge) at the local level. Due to the perceived lack of expertise among local policy-makers, all interviewees agreed that the city an enforcement staff have

the most discretion and claim full power over the local policies and service provisions. Nevertheless, most NGOs/CSOs experienced substantial operational discretion and freedom in what they advocate for, like in Bonn and The Hague because they do not receive any governmental funding. The limited room to manoeuvre and, especially, the individual discretion allow the actors who are involved in Stoke-on-Trent's task-specific governance structure to redefine and (re)construct the top-down imposed norms on irregular migrants' access to housing. However, chapter 8 showed that -as the only of the six cities studied- there is no interaction between the Stoke-on-Trent city council and the central government, through which the top-down imposed norms on (facilitating) irregular migrants' access to housing are not redefined and not (re)constructed at the local level. Furthermore, chapter 7 demonstrated that there is only regular contact between interest groups of NGOs/CSOs and occasional to regular contact between NGOs/CSOs and city and enforcement staff. Meanwhile both categories interact only rarely with the local policy-makers. Because the Stoke-on-Trent city and enforcement staff take a lot of space in the task-specific local government structure and because most of the interactions between them and NGOs/CSOs were seen as a game to be won and/or as a power struggle initiated by authoritarian staff, Stoke-on-Trent's mode of governance that leads to operationalisation is rather conflict-oriented. As a result, the norms are not complied with by all local actors and do not diffuse, neither upwards from the field to the local government, nor downwards from the local government to daily practice. It thus appears that Stoke-on-Trent, like Bonn, is an individual norm-maker, unless either the city and enforcement staff or local NGOs/CSOs accomplish to upload their norms with the policy-makers in Whitehall before the norms are formally set.

Just like there is no interaction between the Stoke-on-Trent city and enforcement staff and the central level, the former indicated having no contacts with any actors outside the West Midlands region: "*[A]lthough we follow up on international legislation, also at the European level, we never address MEPs. We never have contact with them (…).*" (Interview no. 055). Also the interviewed politicians explained that they do not seek contact with other policy-makers and/or cities in Europe: "*Brussels is way too far away from the day-to-day reality here in Stoke-on-Trent.*" (Interview no. 025); "*[W]e don't have structural contacts with other politicians or organisations outside England, we focus on Stoke and the West Midlands, that is our territory.*" (Interview no. 048). The local government thus does not try to upload local norms. Some of the NGOs/CSOs active in Stoke-on-Trent, on the other hand, do attempt to influence the central government's decisions through litigating against certain national norms. Nonetheless, these independent groups remain behind the side-lines of policy-making and are not involved in the task-specific vertical governance structure. Of the 11 NGOs/CSOs interviewed, none have (either direct or via their networks) contact with policy-makers within the EU institutions and/or with local practitioners in other European countries. According to all interviewees the EU level does not keep them busy: "*[W]e focus on daily life issues, not on national or European politics.*" (Interview no. 024); "*Outside the UK, I don't have any connection with other organisations working with asylum seekers. I think there must be other [NGOs/CSOs] doing the same as we are doing here, but I don't have the time and the need to look for contact with them.*" (Interview no. 091); "*[H]ere in the UK it's useless to focus on European politics, it's only rare that the UK opts in on European decisions on immigration policy.*" (Interview no. 092). Like the local government, the NGOs/CSOs in Stoke-on-Trent do not attempt to upload local norms. As a result, none of the local actors is decisive, as none of them is

inspired by foreign practices, succeeds in uploading their norms to the higher tiers of government, and diffuses their norms sideways.

Overall, in Stoke-on-Trent it are only NGOs/CSOs that initially resist the top-down norms on facilitating irregular migrants' access to housing (which is the opposite of The Hague). While the interviewed politicians and city and enforcement staff interpret and frame the central government's norms by using instrumental arguments related to their legal duties and available capacity, NGOs/CSOs (re)interpret and (re)frame these norms on the basis of a humanitarian and/or human rights policy frame. The experienced individual discretion (rather than the perceived limited room to manoeuvre), in combination with a rather conflict-oriented task-specific local governance structure and the non-existence of a task-specific vertical governance structure, result in Stoke-on-Trent actors not being able to jointly localise the central government's norms on (facilitating) irregular migrants' access to housing. Since none of the local actors is heard by the central policy-makers as well as none of them has contacts at the EU level, neither the local government nor the NGOs/CSOs are decisive. Consequently, norms do not diffuse (upwards, sideways or downwards) and are implemented inadequately at the local level. Since the NGOs/CSOs in Stoke-on-Trent act -in line with Provera's (2015:34) finding- "in defiance" of the central government by offering irregular migrants support that the government should provide and/or support that is more accessible and anonymous (reducing irregular migrants' risk to be discovered and reported to the Home office), the city is an individual norm-maker. That this is indeed the case is summarised in Table 70. The Stoke-on-Trent government does not enforce the norms that are executed by NGOs/CSOs concerning advising irregular migrants and facilitating their access to (temporary) housing. In contrast, the local government itself complies with both top-down imposed prohibitive norms. Even more, it proactively applies the duty to report irregular migrants. As a result, irregular migrants in Stoke-on-Trent have limited access to local government shelter facilities and wider access to temporary housing initiatives of NGOs/CSOs and private persons. They also have easy access to private housing as there is no obligation in England to register as a tenant and landlords' duty to check migrants' residence status is not enforced. Since housing in the West Midlands region is cheap, irregular migrants do not stay in social housing.

Table 70: Stoke-on-Trent's implementation and operation of the national norms affecting (the facilitation of) irregular migrants' access to housing

Implementation: compliance by Stoke-on-Trent local government with	Prohibition to provide temporary accommodation to irregular migrants (strict compliance)	Prohibition to provide advice to irregular migrants (permissive compliance)	Duty to report irregular migrants (Proactive application)
Operation: no enforcement regarding	Facilitation of irregular migrants' access to housing by NGOs/CSOs		Giving advice to irregular migrants by NGOs/CSOs
Operation	Irregular migrants have limited access to local government shelter facilities and wider access to temporary housing initiatives of NGOs/CSOs and private persons, and easy access to private housing.		

9.2.6 The case of London

In two of the 20 London interviews, no local beliefs with regard to the Facilitators Package, its English transposition and/or its local implementation were mentioned. As Table 71 shows, the 15 interviewees who shared their opinions about the national policies on (facilitating) irregular migrants' access to housing all believed these are unsuccessful. The analysis in chapter 8 revealed that this negative view was ascribed to the same macro-implementation problem as in Berlin and Amsterdam, namely competing opinions and beliefs. In the 16 interviews in which the success of the locally implemented policies on (facilitating) irregular migrants' access to housing was discussed, it was assessed negatively by 11 and positively by four respondents. One interviewee believed that some elements of the local policies are fruitful while others are not. The analysis in chapter 7 uncovered that the local policies were mainly found fruitless -like in Berlin not for reasons attributable to the local government, but- due to insufficient budget transfers from the central to the local governments.

Table 71: Local beliefs of London interviewees on the English transposition and local implementation of the Facilitators Package

	Politicians and enforcement staff	NGOs/CSOs
National policies perceived as successful	0	0
National policies perceived as unsuccessful	4	11
National policies perceived as successful and unsuccessful	0	0
View on the national policies' success not expressed	2	3
Total	6	14
Local policies perceived as successful	1	3
Local policies perceived as unsuccessful	4	7
Local policies perceived as successful and unsuccessful	0	1
View on the local policies' success not expressed	1	3
Total	6	14

Since all interviewees in London disagree with the transposition and implementation of the Facilitators Package concerning irregular migrants' access to housing the top-down imposed norms are -in line with Acharya's (2004) reasoning- resisted, (re)interpreted and tried to (re)frame. Also the London assembly and the seven local authorities included in this study (in chapter 5 all classified as centre-left between 4/5/2000 and 6/5/2021) resist, (re)interpret and (re)frame central government norms on irregular migrants' access to housing, as they strive for more liberal policies compared to the centre-right May II and right-wing May I and Cameron II cabinets (together in force between 8/5/2015 and 23/7/2019). London is thus, like all other cities included in this study, not a pure norm-taker.

For their (re)framing of the national norms affecting (the facilitation of) irregular migrants' access to housing the interviewed politicians and city and enforcement staff used a humanitarian and/or human rights policy frame, for example: "*If people are in need, they should receive support. The tasks of the government, both on national and local level, is to guarantee all people on the territory the right to a free life, the ability to be free. It doesn't mean that everybody should end up equal, but the government*

should provide equal access." (Interview n. 038). Also all interviewed NGOs/CSOs said to be citizens agents facilitating irregular migrants' access to housing out of moral motives rooted in a humanitarian and/or human rights policy frame, such as: "*We believe that every person must have access to the fundamental human rights, like access to housing. However, we understand that no government can guarantee this, because they lack the budget for it. But at least migrants should not be discriminated against British nationals because they are non-nationals or don't have a valid residence permit. Especially children should not be left in need. They are not responsible for their parents irregular stay.*" (Interview no. 013); "*We follow our own vision of humanity, we don't follow the political discourses. (…). We believe that no one should sleep outside, especially vulnerable people should be helped, regardless of residence status.*" (Interview no. 021); "*Our vision is that no one should sleep in the streets, regardless of residence status. Everybody should have a safe sleeping space, with a roof over their head.*" (Interview no. 051). Like in the other five cities studied, London is neither a norm-fleer nor a norm-fighter, as they do not merely reject to implement the norms at the local level but (re)interpret and (re)frame them. Moreover, the motives cited by the three categories of actors to facilitate irregular migrants' access to housing are similar. This concurrence within the task-specific local governance structure indicates that -like in Berlin, The Hague and Amsterdam- collective norm-making should be possible, provided that London experiences enough room for localisation to redefine and (re)construct the top-down imposed norms on (facilitating) irregular migrants' access to housing.

The analysis in chapter 6 exposed that most London interviewees felt that the GLA has the same decision-making power and responsibility on housing, but less decision-making power and responsibility on social assistance to destitute persons than is legally assigned to them. With regard to police enforcement, London has partial decision-making power -like Berlin, The Hague and Amsterdam- and full responsibility. The local actors' perception in relation to this competence was, however, insufficient mentioned in the interviews. Meanwhile, like in the six cities studied, all London interviewees were convinced that immigration policy is entirely determined top-down. Despite having and perceiving to have more competences than Stoke-on-Trent (namely limited decision-making power and partial responsibility on both housing and social assistance to destitute persons), also the London interviewees felt that the room to manoeuvre was limited. Like in Bonn, Berlin and Stoke-on-Trent, the lack of financial transfers from the central government to the local tiers of government was seen as the main cause for this. Many interviewees explained that the London city and enforcement staff have a lot of discretionary power, although it is hampered by judicial reviews and too few financial resources. Also most NGOs/CSOs, stated having operational discretion -like in Bonn, The Hague and Stoke-on-Trent- because they do not receive any governmental funding. The GLA and local policy-makers, on the contrary, perceived having next to no discretion. The limited room to manoeuvre together with the individual discretion allow the many actors in London to redefine and (re)construct the top-down imposed norms on irregular migrants' access to housing. In chapter 7 it was demonstrated that there is frequent contact among NGOs/CSOs, and regular contact between city and enforcement staff and policy-makers, between city and enforcement staff and NGOs/CSOs, and between policy-makers and NGOs/CSOs. Despite it appeared that no local structure exists in which the three categories of actors all meet together to take (joint) decisions in relation to (facilitating) irregular migrants (their access to housing), the interactions between the three categories of actors were experienced as consensus-oriented. That way, certain norms such as regarding Section 17 cases, are

shared at the operational level. Moreover, these norms diffuse upwards from the field to the local government. However, as the different categories of actors have little contact with each other at borough level, norms on housing and homelessness policies diffuse downwards, yet, not from the local governments to London's daily practice, but from the central government to the London governments and the operational level. Chapter 8 showed that the London governments have only little contact with the central level and that these interactions are conflict-oriented due to competing opinions and beliefs. However, as there is no task-specific vertical governance structure on (facilitating) irregular migrants (their access to housing), policy discussions between the London and central authorities are not forthcoming. This centralist mode of governance that leads to implementation in London results in the local governments adapting the national norms to their local context instead of trying to diffuse their norms sideways and/or upwards.

It is thus relevant to look more closely at the extent to which each category of local actors' competing opinions and beliefs are decisive. In contrast to the lack of any interaction between the London governments and the central level, half of the interviewed politicians and city and enforcement staff elaborated on their contacts with representatives of the EU institutions, for example: "*I had some contact with Jean Lambert who is an MEP from London [not re-elected in 2019] but I never discussed EU policy on housing and/ or (irregular) immigrants with her.*" (Interview no. 082); "*Via [my NGO/CSO] I have some contacts with people working in different Directorates-General of the European Commission. (…), these interactions depend on cooperation in specific projects.*" (Interview no. 099). The other three interviewed politicians and city and enforcement staff claimed having no contacts at the EU level and/or with practices abroad because: "*I don't see the point of doing this, they can't do anything to improve the situation of destitute immigrants here In [name borough].*" (Interview no. 100). In contrast to the local governments, some of the London NGOs/CSOs interact with the central government, usually via advocacy and/or peak organisations, but most of them have little or no contact with colleagues in other English cities, and only two of the 14 NGOs/CSOs interviewed have contacts outside England: "*We are member of Picum and Feantsa (…). Sporadically I meet someone who sits in the European Parliament, as some of them sometimes participate in one of our (joint) events. It's them who come to us and sometimes ask questions, I don't actively approach them (…). I gave input to the Council of Europe, a while ago, on irregular migrants' access to services. I hope they share their findings with the MEPs.*" (Interview no. 013); "*(…) we participate in an ESF project with NGOs from other EU countries.*" (Interview no. 093). All other NGOs/CSOs said they focus solely on the local and/or central tiers of government: "*We don't address EU politician or institutions, they are not the scope of [our NGO/CSO]. Our focus is on the local level.*" (Interview no. 004); "*[W]e are bound by the national legislation, the MPs are within our scope, not Brussels.*" (Interview no. 058). The above clarifies that no category of local actors is more decisive, as none succeeds in uploading their norms to the higher policy levels, as well as none is inspired by foreign practices and/or diffuses their norms sideways.

In sum, both the London interviewees and the London governments initially resist the top-down norms on facilitating irregular migrants' access to housing. At the local level they strive for more liberal policies, by using humanitarian and/or human rights arguments to (re)interpret and (re)frame the national norms. Despite the absence of a task-specific local governance structure, the three categories of actors interact with each other in a consensus-oriented way. In contrast, due to competing opinions

and beliefs and the absence of a task-specific vertical governance structure on (facilitating) irregular migrants (their access to housing), the relation between the different tiers of government is conflict-oriented. Added to this actors' experienced individual discretion and the city's little room to manoeuvre, they together succeed in localising the top-down norms of the central government. Certain norms such as regarding Section 17 cases are redefined and (re)constructed at the operational level. Moreover, these norms diffuse upwards from the field to the local government. However, norms on housing and homelessness policies diffuse downwards. Since none of the London actors is decisive at the national and/or EU level, the centralist mode of governance that leads to implementation results in the local governments adapting the national norms to their local context instead of trying to diffuse their norms sideways and/or upwards. Therefore, London is a collective norm-maker. That this is indeed the case is summarised in Table 72. The GLA and borough authorities do not enforce the norms that are executed by NGOs/CSOs concerning advising irregular migrants and facilitating their access to (temporary) housing. Moreover, these governments only partially comply with the prohibition to provide temporary accommodation and permissively comply with the prohibitions to provide advice to irregular migrants themselves. As a result, irregular migrants in London have wider access to local government shelter facilities and to temporary housing initiatives of NGOs/CSOs. They also have partial access to social housing and easy access to private housing as there is no obligation in England to register as a tenant and landlords' duty to check migrants' residence status is not enforced.

Table 72: London's implementation and operation of the national norms affecting (the facilitation of) irregular migrants' access to housing

Implementation: compliance by London governments with	Prohibition to provide temporary accommodation to irregular migrants (partial compliance)	Prohibition to provide advice to irregular migrants (permissive compliance)
Operation: no enforcement regarding	Facilitation of irregular migrants' access to housing by NGOs/CSOs	Giving advice to irregular migrants by NGOs/CSOs
Operation	Irregular migrants have wider access to local government shelter facilities and to temporary housing initiatives of NGOs/CSOs, easy access to private housing, and partial access to social housing.	

9.3 Discussion: The importance and role of being a norm-maker or norm-taker on norm diffusion at the local level

9.3.1 Comparison between the six cities' norm implementation and operation behaviour

Despite significant differences between the six cities studied regarding their party political preferences (chapter 5), competences and perceived powers (chapter 6), modes of governance (chapters 7 and 8) and policy outcomes (chapter 4), their respective culture of norm compliance is quite similar. First and foremost, none of the six cities studied turns out to be a pure norm-taker as none of the local governments merely transplants new norms on facilitating irregular migrants' access to housing to the local level (norm displacement) and executes these norms to the letter (legalism). Instead, the top-down imposed norms are (re)interpreted and/or (re)framed by all interviewed actors. Remarkable in this context is that politicians and city and enforcement staff in all the six cities studied used the same instrumental arguments and/or policy frames for and/or against facilitating irregular migrants' access to housing. Their (re)interpretation and (re)framing is therefore combined in Table 73 (abbreviated as P&S). Second, none of the six cities studied appears to be a norm-fleer or norm fighter, as none of the local governments simply rejects to implement new norms on facilitating irregular migrants' access to housing at the local level (norm resistance) and as the vast majority of practitioners do not either withdraw from the concrete situation (retreatism) or resist to execute the norms (rebellion). Instead, the norms imposed from above are redefined and (re)constructed by the interviewed actors through their interactions within the task-specific local governance structure.

The six cities studied present to be either an individual or a collective norm-makers. As Table 73 shows, the two key differences between Bonn and Stoke-on-Trent, on the one hand, and, Berlin, The Hague, Amsterdam and London, on the other hand are twofold: 1) The mode of governance that leads to operationalisation is conflict-oriented with individual norm-makers while it is consensus-oriented with collective norm-makers; 2) Among the individual norm-makers, the interviewed politicians and city and enforcement staff (re)interpret and (re)frame the top-down imposed norms with arguments against facilitating irregular migrants' access to housing, while the interviewed NGOs/CSOs (re)interpret and (re)frame them with frames for facilitating irregular migrants' access to housing. Both groups of actors' (re)interpretation and (re)framing are therefore not compatible with each other. Although also among the collective norm-makers the interviewed P&S sometimes use different frames and both arguments for and against compared to the NGOs/CSOs' frames for facilitating irregular migrants' access to housing, they jointly agree on the direction of the local policies (namely in favour of facilitating migrants' access to housing). Moreover, often one particular policy frame is dominantly used by all actors (e.g., human rights frame in Berlin and The Hague, and both a human rights and humanitarian frame in London). The perception of the local normative order thus goes hand in hand with the experienced relations within the task-specific local governance structure, which makes sense since they are both part of the same local policy-making process (Matland, 1995; Winter, 2014). Whether or not actors' frames and arguments (i.e., actors' preferences) or the actors' way of interacting are most decisive seems to be a chicken-or-egg issue and cannot be deduced from this study.

Table 73: Comparison between the six cities' norm implementation and operation behaviour

City's culture of compliance	Resistance	(Re)interpretation and (re)framing	Localisation (redefinition and (re)construction)
Bonn Individual norm-maker	- From interviewees (because of deficient administrative capabilities) - From social-liberal city council	- P&S: instrumental arguments against, and human rights frame for and against - NGOs/CSOs: humanitarian and human rights frames for	- Limited room to manoeuvre - All experience discretion - Conflict-avoidant mode of governance that leads to operationalisation (no norm diffusion) - Centralist mode of governance that leads to implementation (top-down norm diffusion) - Most decisive: no particular category of actors
Berlin Collective norm-maker	- From interviewees (because of competing opinions and beliefs) - From centre-left city council	- P&S: instrumental arguments against, and security, human rights and deserving workers frame for - NGOs/CSOs: human rights frame	- Limited room to manoeuvre - All experience discretion - Consensus-oriented mode of governance that leads to operationalisation (upward norm diffusion) - Rather localist mode of governance that leads to implementation (bottom-up norm diffusion) - Most decisive: NGOs/CSOs
The Hague Collective norm-maker	- Not from interviewees - Not from centre-right city council	- P&S: human rights frame for - NGOs/CSOs: humanitarian and human rights frames for	- Sufficient room to manoeuvre - All experience discretion - Consensus-oriented mode of governance that leads to operationalisation (upward norm diffusion) - Rather cooperative mode of governance that leads to implementation (bottom-up and top-down norm diffusion) - Most decisive: no particular category of actors

City's culture of compliance	Resistance	(Re)interpretation and (re)framing	Localisation (redefinition and (re)construction)
Amsterdam Collective norm-maker	- From interviewees (because of competing opinions and beliefs) - From left-wing city council	- P&S: instrumental arguments, and security and humanitarian frames for - NGOs/CSOs: human rights frame for	- Sufficient room to manoeuvre - All experience discretion - Consensus-oriented mode of governance that leads to operationalisation (upward norm diffusion) - Close to localist mode of governance that leads to implementation (bottom-up norm diffusion) - Most decisive: NGOs/CSOs
Stoke-on-Trent Individual norm-maker	- From interviewees (because of deficient administrative capabilities) - Not from centre-right city council	- P&S: instrumental arguments against - NGOs/CSOs: humanitarian and human rights frames for	- Limited room to manoeuvre - All experience discretion - Conflict-oriented mode of governance that leads to operationalisation (no norm diffusion) - Centralist mode of governance that leads to implementation, but no task-specific local governance structure (top-down norm diffusion) - Most decisive: no particular category of actors
London Collective norm-maker	- From interviewees (because of competing opinions and beliefs) - From centre-left GLA and city councils	- P&S: humanitarian and human rights frames for - NGOs/CSOs: humanitarian and human rights frames for	- Limited room to manoeuvre - All experience discretion - Consensus-oriented mode of governance that leads to operationalisation (upward norm diffusion) - Centralist mode of governance that leads to implementation, but no task-specific local governance structure (partial top-down norm diffusion and partial own local norms) - Most decisive: no particular category of actors

Table 73 furthermore shows that initial resistance regarding the top-down imposed norms on facilitating irregular migrants' access to housing does not affect the further process of norm diffusion, as posited by Acharya (2004). For example, in The Hague both the consecutive local governments and

the interviewees do not resist the top-down imposed norms (as the only one of the six cities studied) while all actors do (re)interpret and (re)frame these norms and, moreover, the actors involved in the task-specific local governance structure jointly redefine and (re)construct them through which norms diffuse upwards, as in the cases of Berlin, Amsterdam and London. In Stoke-on-Trent the local government does not resist the top-down imposed norms on facilitating irregular migrants' access to housing, unlike the interviewees, but they also (re)interpret and (re)frame these norms. However, due to the conflict-oriented mode of governance that leads to operationalisation, the norms are not jointly redefined and (re)constructed within the task-specific local governance structure through which the norms do not diffuse, as is the case in Bonn where both the consecutive local governments and the interviewees initially resist the German norms on facilitating irregular migrants' access to housing.
Also the task-specific vertical governance structure and the mode of governance that leads to implementation do not determine the cities' culture of norm compliance. However, if there is no task-specific vertical governance structure - as in Stoke-on-Trent and London - the mode of governance that leads to implementation is centralist (top-down norm diffusion), but as both cases demonstrate, this has no influence on the local culture of norm compliance. This finding (detailed in 8.4.3) is consistent with Lipsky (1980; 2010), Jorgensen (2012), Thierry & Martinsen (2018), and Winter (2014) who all point at the decisive role of local actors' beliefs, which are not only influenced by the national level and legislation (top-down norm diffusion), but are also shaped by the individual convictions of practitioners' agency and structure (bottom-up norm diffusion), as well as they may be formed by the knowledge of other local practices (sideways norm diffusion).
Finally, also whether one -and if so, which- of the three categories of actors (politicians, city and enforcement staff, NGOs/CSOs) is most decisive, does not influence the cities' culture of norm compliance. For example, in Berlin and Amsterdam NGOs/CSOs were said to be the most decisive category of actors whose norms diffuse upwards, but also in The Hague and London, where no category of actors proved to be decisive, the norms on facilitating irregular migrants' access to housing diffuse bottom up. Furthermore -in line with Dörrenbächer (2017) and Provera (2015)- the local level does not draw on the EU legislation and policies in implementing and operating norms on facilitating irregular migrants' access to housing, as well as most local actors do not put much effort in trying to influence EU policy-making. In none of the six cities studied local actors were encountered who Dörrenbächer (2017:1344) calls "double hatted". This behaviour corresponds with that of the national level when (re)interpreting, (re)framing, redefining and (re)constructing EU immigration policies, as Bonjour (2012) and Garcés-Mascareñas (2018) established in their researches.

Just as relevant norms must be open to interpretation (sufficiently ambiguous legal design) and the local level must have competences in relation to these norms (Matland, 1995), having room to manoeuvre at the local level and having individual discretion as a local actor are conditions to be a norm-maker and thus to (re)interpret, (re)frame, and localise the norms. Perceived as limited, sufficient or great, the degree of freedom experienced by the local level appears to determine the extent to which the norms are localised and deviate from the top-down imposed ones, as was already displayed in Tables 62, 64, 66, 68, 70, 72 (see 9.2) and Tables 17 to 22 (see 4.5 to 4.10). Moreover, in line with Dörrenbächer (2017), Lipsky (2010), Maynard-Moody & Musheno (2000), Thierry & Martinsen (2018) and Van der Leun (2006), especially the discretion exercised informally by practitioners determines to what extent local practices deviate from the formal national norms.

9.3.2 Conclusion

In this chapter it became crystal clear that it is necessary to go beyond 'laws on paper' and to delve into daily practices for a comprehensive and correct understanding of the complexity and holistic nature of norm diffusion (Düvell, 2006; Garcés-Mascareñas & Penninx, 2016; Guiraudon & Lahav, 2007; Hertogh, 2009). First of all, it could be explained in detail that party political preferences of the local government can be (but not necessarily are) a determining factor of norm diffusion, namely: These preferences are one part of the (re)interpretation and (re)framing process following the top-down imposing of norms and of the interactions in the task-specific local governance structure, in addition to those of the locally active NGOs/CSOs (city and enforcement staff' preferences matched those of the interviewed politicians). Party political preferences as such proved not to be decisive in any of the six cities studied, since all interviewees from NGOs/CSOs experienced sufficient discretion to localise the national norms on facilitating irregular migrants' access to housing into their daily operation - whether or not with the agreement and/or support of the local government (i.e., policy-makers and city and enforcement staff). Second, it became apparent that not competences but perceived powers of all local actors determine norm diffusion at the city level in the sense that it are conditions for being able to localise norms. In addition to a sufficient ambiguous legal design, the local level must feel to have competences, room to manoeuvre and individual discretion in relation to the norms concerned to be able to (re)interpret, (re)frame, redefine and (re)construct the norms, thus, to be a norm-maker. Furthermore, the degree of freedom experienced by the local level actors (through which they encounter vicious layering) -especially the discretion exercised informally by practitioners- strongly correlates with the extent to which norms are localised in day-to-day practices and deviate from the top-down imposed ones. Third, the mode of governance that leads to operationalisation appeared to be not just a determining factor, but the most decisive factor of norm diffusion at the local level. In particular the perception of the local normative order (i.e., the interviewees' motivation to (not) facilitate irregular migrants' access to housing) among the actors involved in the task-specific local governance structure substantiates the (re)interpretation and (re)framing and determines the local culture of norm compliance. Only if the vast majority of actors' (re)interpretation and (re)framing is compatible with each other, are the relations within the task-specific local governance structure experienced as consensus-oriented, does the city succeed in being a collective norm-maker, and do norms diffuse upwards. Fourth, the mode of governance that leads to implementation turned out to be a determining factor of norm diffusion up to the local level only to a lesser extent, as it only affects whether or not the national norms are implemented in agreement between the different tiers of government. Obviously, if there is no task-specific vertical governance structure, norms do not diffuse at the local level in agreement with the supralocal governments. Moreover, the lack of a task-specific vertical governance structure leaves the door wide open to principal-agent problems. However, the mode of governance that leads to implementation neither affects a city's culture of norm compliance nor the direction in which norms diffuse. While the former is captured entirely by the mode of governance that leads to operationalisation, the latter is set by the local actors' beliefs. If the city council's local beliefs correspond with the norms imposed on them they implement these norms top-down (albeit unsuccessfully if there is no vertical governance structure, as implementation gaps then occur), but if the city council's local beliefs do not correspond with the norms imposed on them they act as veto-players trying to upload their local norms (resulting in free-riding implementation in the absence of a vertical governance structure).

9.4 General conclusion

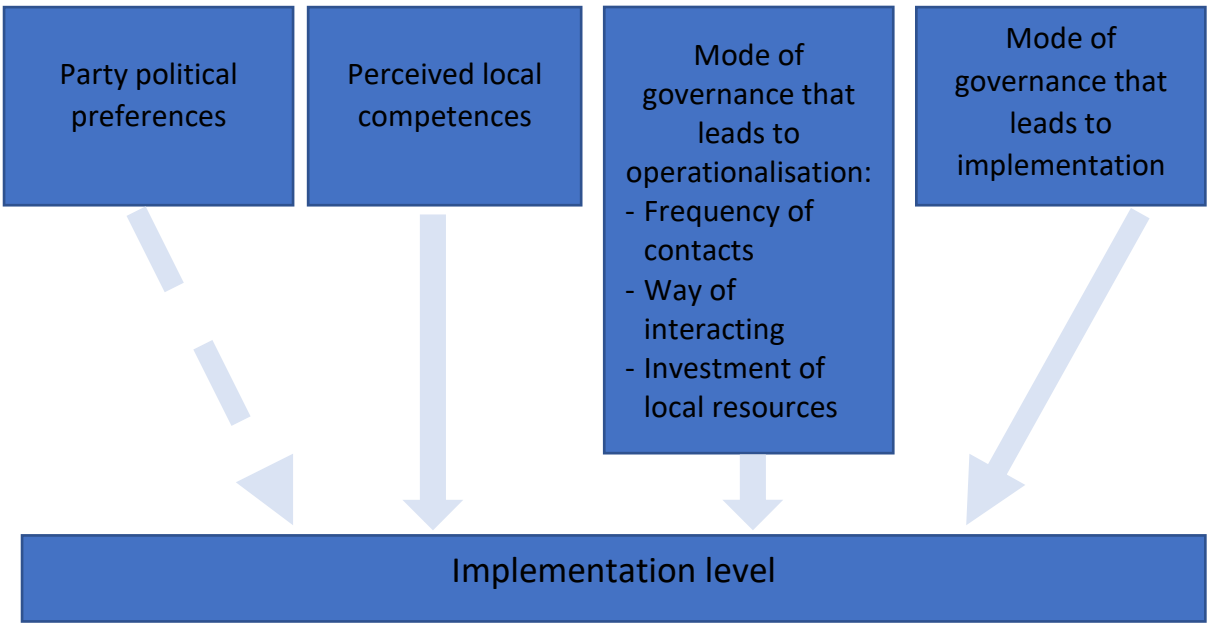
The origin of this doctoral research goes back to 2012, when I considered there is a large implementation gap between 'Brussels' and my job performance at the Ghent Migrant Integration Service with regard to the integration of irregular migrants in local society. I soon learned that the existence of gaps between policy and practice on irregular migrants is widely recognised by policy-makers, academics and practitioners alike (e.g., Carrera et al., 2018; Cornelius et al., 2005; EC, 23/9/2020; Joppke, 1998; Scholten & Penninx, 2016; Zapata-Barrero et al., 2017). However, there was little understanding of the factors leading to this divergence and persistence of the disparities between EU norms and their local operation (Cajera, 2019; Van Der Leun, 2006; Zohry, 2011). Therefore, this study delved into the diffusion of European norms with the aim of identifying determining factors of norm diffusion. More specifically, this study probed the diffusion of the Facilitators Package concerning irregular migrants' access to housing up to the level of (extra) large (Berlin, Amsterdam, London) and medium-sized (Bonn, The Hauge, Stoke-on-Trent) cities to find out whether and how these two European norms (Facilitation Directive 2002/90/EC and Framework Decision 2002/946/JHA) diffuse downwards, sideways and/or upwards. The specific focus on cities was chosen because it is exactly where people's daily lives take place and where the "micromanagement of migrant irregularity" culminates (Caponio, 2014; de Graauw & Vermeulen, 2016; Frug & Rosenthal, 1998; Jorgensen, 2012; Schweitzer, 2019:10). Moreover, local governments appear to have become norm entrepreneurs and active agents in relation to migration policies (Caponio, 2014; Jorgensen, 2012; Oomen & Baumgärtel, 2018; Scholten & Penninx, 2016; Spencer & Delvino, 2019; Zapato-Barrero et al., 2017), while remaining largely invisible to the European policy-makers and institutions (Curtis, 2016; Fernanda, 2017; Guiraudon, 2000). Likewise, local practitioners use their agency and structure(s) when operationalising norms (Dörrenbächer, 2017; Lipsky, 2010; Maynard-Moody & Musheno, 2000; Thierry & Martinsen, 2018). Therefore, an inductive operational research concept was developed to investigate from the vertical and horizontal dimension whether and to what extent the factors: Party political preferences; Formal competences of the local government; Mode of governance that leads to operationalisation, and; Mode of governance that leads to implementation determine EU norm diffusion within the scope ranging between the EU and operational level. To this end, a qualitative research approach was used by means of an abductive logic of inquiry. In concrete terms, the researcher alternated between the existing literature and the input given by 110 interviewees (politicians, city and enforcement staff, NGOs/CSOs) who deal at the local level with irregular migrants' access to housing. Amongst others by carrying out qualitative content analyses and by triangulating the written and oral data, the general quality requirements for qualitative research -transparency, credibility, transferability, intersubjectivity and consistency- were met (Baxter & Jack, 2008; Mohajan, 2018; Schwartz-Shea & Yanow, 2012; Verschraegen, 2018).

Since norm diffusion cannot usually be explained from just one perspective, and since the four prominent perspectives from which Europeanisation is studied do not compete with each other (Börzel, 2002; Checkel, 1999; Versluis, 2003), they were combined. The same goes for the two dominant research strands (implementation and legal compliance research) from which diffusion of European norms is studied: They are not at odds with each other, but are complementary (Mastenbroek, 2005; Treib, 2014; Versluis, 2007). Thus, the multi-level governance perspective, insights from as well the rational choice as historic and sociological institutionalism perspectives were used to formulate the research questions, to wit: "Are party political preferences of the government a

determining factor of norm diffusion at the local level?" (research question 1); "Are the formal competences of the government a determining factor of norm diffusion at the local level?" (research question 2); "Is the mode of governance that leads to operationalisation a determining factor of norm diffusion at the local level?" (research question 3); "Is the mode of governance that leads to implementation a determining factor of norm diffusion?" (research question 4), and the central, overarching research question 5; "Are cities simply just norm-takers?". To answer these questions, seven prevailing aspects from the implementation literature that may explain the implementation outputs of EU directives (issue saliency, party political preferences, veto-players, interest groups, public opinion, goodness of fit, administrative capabilities) were scrutinised alongside the three main elements of analysis within legal compliance research (strategies used to achieve compliance, the extent to and manner(s) in which the legal norm is enforced, the extent to and manner(s) in which addressees comply with the legal norm).

Chapter 5 uncovered that party political preferences of the city council play a role in the creation of the coalition agreement and therefore can be a factor of norm diffusion at the local level (indicated with a broken arrow in Figure 26). Nevertheless, party political preferences of the local government did not appear to be a factor of norm diffusion at the operational level in the six cities studied. Chapter 6 revealed that the formal competences of the government are not a determining factor of norm diffusion at the local level. Instead, it are the perceived local competences that set the local policies on irregular migrants' access to housing in the six cases. That the mode of governance that leads to operationalisation is a determining factor of norm diffusion at the local level became clear in chapter 7. More specifically, in the six cities studied three variables appear to define norm diffusion at the local level: 1) The frequency of contacts between a significantly large proportion of all actors that should be part of the task-specific local governance structure; 2) The way of interacting between all actors involved in the task-specific local governance structure, and; 3) The investment of local resources regarding facilitating irregular migrants (their access to housing). Finally, chapter 8 showed that also the mode of governance that leads to implementation is a determining factor of norm diffusion at the local level. In particular, it is the national government's willingness to discuss the topic irregular migrants that is decisive. While the six cities set whether or not they agree with the national norms and how to implement them, the national governments turned out to decide: 1) Whether there is a task-specific vertical governance structure on irregular migrants; 2) Whether and to what extent there is contact between the national and subnational tiers of government on this topic; 3) Whether and to what extent financial resources are made available to local governments to facilitate irregular migrants' access to housing, and; 4) Whether and which steering tools are used to implement the national norms. The factors under scrutiny that, based on the six cities studied, were found to determine norm diffusion at the local level are visualised in Figure 26.

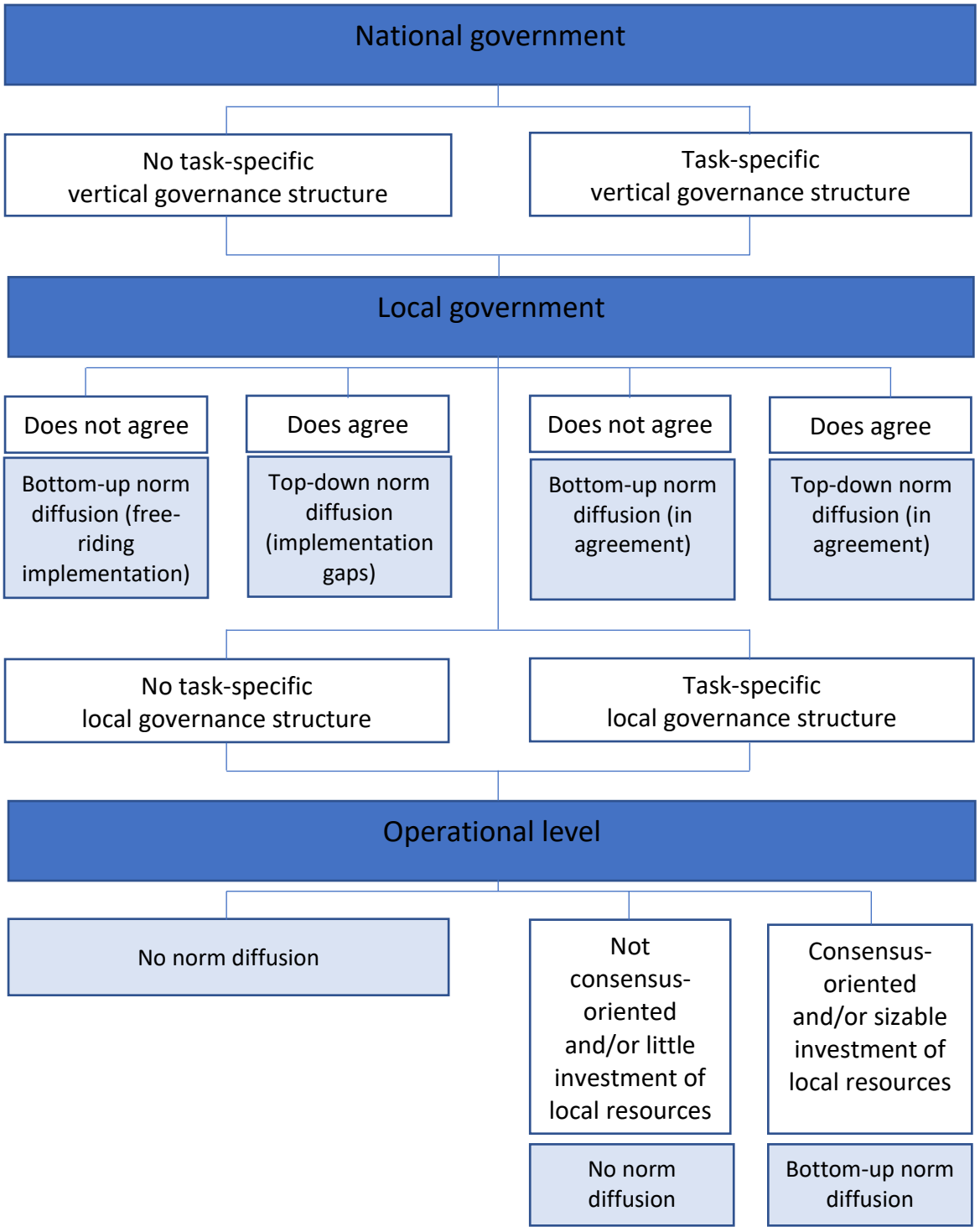
Figure 26: Determining factors of norm diffusion at the local level



As set forth and advocated by Barrett (2004), by zooming in on the frequency and way of interacting between the different actors involved in norm diffusion, and on the city resources invested, chapters 7 and 8 provided insight into the direction in which norms diffuse. The mode of governance that leads to operationalisation was found to clearly affect the direction in which norms diffuse at the local level. In general, the more frequent and intensive the interactions between all relevant local actors, and the more city resources are invested in facilitating irregular migrants' access to housing, the more the operational practice(s) are diffused bottom-up. Conversely, the less frequent and intensive the interactions, and the less city resources are invested, the more the operational practice(s) are diffused top-down. More specifically, this study demonstrated that: 1) If there is little or no contact between a significant proportion of all actors that should be part of the task-specific local governance structure, norms do not diffuse at the local level (cf. Stoke-on-Trent); 2) If the way of interacting between all actors involved in the task-specific local governance structure is not consensus-oriented, and/or if the investment of local resources regarding facilitating irregular migrants (their access to housing) is small, norms do not diffuse (cf. Bonn, Stoke-on-Trent); 3) If the way of interacting between all actors involved in the task-specific local governance structure is consensus-oriented, and/or if the investment of local resources regarding facilitating irregular migrants (their access to housing) is at least sizable, norms diffuse from the field to the local government level (cf. Berlin, The Hague, Amsterdam, London). Also the mode of governance that leads to implementation was found to affect the direction in which norms diffuse up to the local level. However, as displayed in Figure 27, the pattern of influence between the national and subnational tiers of government turned out to differ significantly from the one at the local level: 1) If there is no contact between the different governments concerning the norms on irregular migrants' access to housing (i.e., in the absence of a task-specific vertical governance structure): 1.1) Local governments that agree with the norms download them inadequately -resulting in implementation gaps (cf. Bonn, Stoke-on-Trent)- while; 1.2) Local governments that disagree with the norms implement them in a headstrong way -resulting in free-riding behaviour to the point that they

feel blocked by national steering instruments and/or financial transfers (cf. Berlin, London); 2) If there is a task-specific vertical governance structure, local governments consider their relation with the national government as consensus-oriented (regardless of the frequency of interacting and independent of their opinion on the available resources and steering instruments): 2.1) Local governments that agree with the norms implement them top-down (cf. The Hague), while; 2.2) Local governments that disagree with the norms act as veto-players uploading their local norms in agreement with the national government (cf. Amsterdam).

Figure 27: Direction in which norms diffuse up to the local level



The above findings are in line with Checkel (2001), Matland (1995) and Versluis (2003) who state that only if interactions are consensus-oriented, can normative strategies such as persuasion and/or socialisation be effective in diffusing norms. On the other hand, since providing (at least) sufficient resources enhanced bottom-up norm diffusion in the cases involved in this study, this finding seems the reverse of Börzel & Risse (2012), Pace (2007) and Smith & Weber (2007) who affirm that the use of a reward strategy (such as investment of resources) encourages desirable behaviour, and thus, top-down norm diffusion. However, since the top-down imposed norms on irregular migrants' access to housing are little to not enforced in the six cities studied, and due to the four ascertained conditions for being a norm-maker (sufficient ambiguity of the norms, perception of having competences regarding the norms, experiencing room to manoeuvre, and discretion power) the available resources can be used to comply with the (re)interpreted, (re)framed and localised norms.

Indeed, chapter 9 clearly demonstrated that cities are not simply just norm-takers, but active norm entrepreneurs who (re)interpret, (re)frame and localise the norms that are imposed on them by above local authorities. Since the four ascertained conditions for being a norm-maker are met in the six cities studied, the implemented and operating norms in these six cities deviate from the norms imposed on them by the supralocal tiers of government. Together with the in the task-specific local governance structure involved local actors' behaviour (i.e., their opinions and actions), these four conditions also explain the different implementation outputs in both cities per country, as described in detail in chapter 4. In accordance with several studies on local policies towards irregular migrants (e.g., De Graauw, 2014; Delvino, 2017a; Gebhardt, 2016; Leerkes et al., 2012a; Price & Spencer, 2015; Schweitzer, 2019), various initiatives operate in the six cities studied (with or without local government support) to include the irregular migrants present into the local society up to the limits of what is permitted or not prohibited by national law.

References

Primary sources

International legal sources

Council of Europe, (CoE, 1996). *European Social Charter (Revised), ETS 163*. Council of Europe, Strasbourg.

Council of Europe, (CoE, 2013). *European Convention for the Protection of Human Rights and Fundamental Freedoms, as amended by Protocols Nos. 11 and 14 supplemented by Protocols Nos. 1, 4, 6, 7, 12, 13 and 16*. Council of Europe, Strasbourg.

European Committee of Social Rights, (ECSR, 18/7/2012). European Federation of National Organisations working with the Homeless (FEANTSA) v The Netherlands Complaint No. 86/2012. https://www.coe.int/en/web/european-social-charter/processed-complaints/-/asset_publisher/5GEFkJmH2bYG/content/no-86-2012-european-federation-of-national-organisations-working-with-the-homeless-feantsa-v-the-netherlands?inheritRedirect=false

European Committee of Social Rights, (ECSR, 21/1/2013). Conference of European Churches (CEC) v. The Netherlands Complaint No 90/2013. https://www.coe.int/en/web/european-social-charter/processed-complaints/-/asset_publisher/5GEFkJmH2bYG/content/no-90-2013-conference-of-european-churches-cec-v-the-netherlands?inheritRedirect=false

European Committee of Social Rights, (ECSR, 1/7/2014). Decision on the merits – Conference of European Churches (CEC) v. The Netherlands Complaint No 90/2013. https://www.coe.int/en/web/european-social-charter/processed-complaints/-/asset_publisher/5GEFkJmH2bYG/content/no-90-2013-conference-of-european-churches-cec-v-the-netherlands?inheritRedirect=false

European Committee of Social Rights, (ECSR, 2/7/2014). Decision on the merits – European Federation of National Organisations working with the Homeless (FEANTSA) v The Netherlands Complaint No. 86/2012. https://www.coe.int/en/web/european-social-charter/processed-complaints/-/asset_publisher/5GEFkJmH2bYG/content/no-86-2012-european-federation-of-national-organisations-working-with-the-homeless-feantsa-v-the-netherlands?inheritRedirect=false

European Court of Human Rights (ECtHR; 28/7/2016). ECLI:CE:ECHR:2016:0705JUD001793116. https://www.sdu.nl/content/jv-2016284-ehrm-28-07-2016-ecliceechr20160705dec001793116-1793116

United Nations General Assembly, (UNGA, 2000). *UN Protocol against the smuggling of migrants by land, sea and air, supplementing the United Nations Convention against transnational organized crime*. United Nations, New York.

United Nations General Assembly, (UNGA, 13/09/2016). *New York Declaration for Refugees and Migrants*. United Nations, New York.

United Nations General Assembly, (UNGA, 10-11/12/2018). *Global Compact for Safe, Orderly and Regular Migration*. United Nations, Marrakech.

EU legal sources

Council of the European Union, (CEU, 1/6/2000). Council Decision of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen acquis (2000/365/EC). *Official Journal of the European Communities*, L 131/43-47.

Council of the European Union, (CEU, 5/12/2002). Council Directive 2002/90/EC of 28 November 2002 defining the facilitation of unauthorised entry, transit and residence. *Official Journal of the European Communities*, L328/17-18.

Council of the European Union, (CEU, 5/12/2002). Council Framework Decision of 28 November 2002 on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence (2002/946/JHA). *Official Journal of the European Communities*, L 328/1-3.

Council of the European Union, (CEU, 30/6/2009). Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals. *Official Journal of the European Union*, L 168/24-32.

Court of Justice of the European Union, (CJEU, 13/9/2005). ECLI:EU:C:2005:542. https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A62003CJ0176

Court of Justice of the European Union, (CJEU, 24/11/2006). Action brought on 24 November 2006 — Commission of the European Communities v Federal Republic of Germany (Case C-485/06) (2006/C 326/101). *Official Journal of the European Union*, C 326/49.

Court of Justice of the European Union, (CJEU, 10/5/2017). ECLI:EU:C:2017:354. https://eur-lex.europa.eu/legal-content/NL/TXT/?uri=CELEX%3A62015CJ0133

European Court of Justice, (ECJ, 18/12/2014). ECLI:EU:C:2014:2454. https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A62013CV0002

European Parliament and the Council of the European Union, (EP &CEU, 2008). Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals. *Official Journal of the European Union*, L 348/98.

European Parliament and the Council of the European Union, (EP & CEU, 2009). Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals. *Official Journal of the European Union*, L 168/24.

European Parliament, Council of the European Union, European Commission, (26/10/2012). Charter of Fundamental Rights of the European Union (2012/C 326/02). *Official Journal of the European Union*, C 326/391-407.

European Union, (EU, 24/12/2002). Consolidated versions of the Treaty on European Union and of the Treaty establishing the European Community (2002/C 325/01). *Official Journal of the European Communities*, C 325/1-184.

European Union, (EU, 2012). Consolidated versions of the Treaty on European Union and the Treaty on the Functioning of the European Union - Consolidated version of the Treaty on the Functioning of the European Union - Protocols - Annexes - Declarations annexed to the Final Act of the Intergovernmental Conference which adopted the Treaty of Lisbon, signed on 13 December 2007 - Tables of equivalences. *Official Journal of the European Union*, C 326.

European Union, (EU, 7/6/2016). Consolidated versions of the Treaty on European Union and the Treaty on the Functioning of the European Union (2016/C 202/01). *Official Journal of the European Union*, C 202/1-389.

German legal sources

Bundestag Bundesrepublik Deutschland, (BBD, 1965). Ausländergesetz (AuslG). *Bundesgesetzblatt*, Teil 1, Nr. 19, III 2600-1.

Bundestag Bundesrepublik Deutschland, (BBD, 1990). Gesetz zur Neuregelung des Ausländerrechts. *Bundesgesetzblatt*, Jahrgang 1990, Teil 1, Nr. 34.

Bundestag Bundesrepublik Deutschland, (BBD, 2002). Gesetz zur Bekämpfung des internationalen Terrorismus (Terrorismusbekämpfungsgesetz). *Bundesgesetzblatt*, Jahrgang 2002, Teil I, Nr. 3, p. 361-395.

Bundestag Bundesrepublik Deutschland, (BBD, 2006).Gesetz zur Änderung des Grundgesetzes (Artikel 22, 23, 33, 52, 72, 73, 74, 74a, 75, 84, 85, 87c, 91a, 91b, 93, 98, 104a, 104b, 105, 107, 109, 125a, 125b, 125c, 143c). *Bundesgesetzblatt*, Jahrgang 2006, Teil I, Nr. 41, p. 2034-2038.

Bundestag Bundesrepublik Deutschland, (BBD, 2007). Gesetz zur Umsetzung aufenthalts- und asylrechtlicher Richtlinien der Europäischen Union. *Bundesgesetzblatt*, Jahrgang 2007, Teil I, Nr. 42, p. 1970-2115.

Bundestag Bundesrepublik Deutschland, (BBD, 2008). Bekanntmachung der Neufassung des Aufenthalt Gesetzes. *Bundesgesetzblatt*, Jahrgang 2008, Teil I, Nr. 6, p. 162-214.

Bundestag Bundesrepublik Deutschland, (BBD, 2011). Gesetz zur Umsetzung aufenthaltsrechtlicher Richtlinien der Europäischen Union und zur Anpassung nationaler Rechtsvorschriften an den EU-Visakodex. *Bundesgesetzblatt*, Jahrgang 2011, Teil I, Nr. 59, p. 2258-2271.

Bundestag Bundesrepublik Deutschland, (BBD, 2012). Gesetz zur Umsetzung der Hochqualifizierten-Richtlinie der Europäischen Union. *Bundesgesetzblatt*, Jahrgang 2012, Teil I, Nr. 24, p. 1224-1234.

Bundestag Bundesrepublik Deutschland, (BBD, 2015). Asylverfahrensbeschleunigungsgesetz. *Bundesgesetzblatt*, Jahrgang 2015, Teil I, Nr. 40, p. 1722-1735.

Bundestag Bundesrepublik Deutschland, (BBD, 2016a). Gesetz zur Verbesserung der Registrierung und des Datenaustausches zu aufenthalts- und asylrechtlichen Zwecken (Datenaustauschverbesserungsgesetz). *Bundesgesetzblatt*, Jahrgang 2016, Teil I, Nr. 5, p. 130-155.

Bundestag Bundesrepublik Deutschland, (BBD, 2016b). Integrationsgesetz. *Bundesgesetzblatt*, Jahrgang 2016, Teil I, Nr. 39, p. 1939-1949.

Bundesministerium des Innern, (BMI, 2009). *Allgemeine Verwaltungsvorschrift zum Aufenthaltsgesetz Vom 26. Oktober 2009*. Bundesministerium des Innern.

Bundesministerium der Justiz und für Verbraucherschutz, (BMJV, 2004). *Gesetz über den Aufenthalt, die Erwerbstätigkeit und die Integration von Ausländern im Bundesgebiet (Aufenthaltsgesetz - AufenthG)*. Bundesministerium der Justiz und für Verbraucherschutz (BMJV).

Bundesministerium der Justiz und für Verbraucherschutz, (BMJV, 2012). *Bürgerlichen Gesetzbuch, Buch 2, Abschnitt 8, Titel 5 Mietvertrag, Pachtvertrag (§§ 535-597)*. Bundesministerium der Justiz und für Verbraucherschutz (BMJV).

Bundesministerium der Justiz und für Verbraucherschutz, (BMJV, 2015).*Bundeszentralregistergesetz, Zweiter Teil – Das Zentralregister (§§ 3 - 58), Erster Abschnitt – Inhalt und Führung des Registers (§§ 3-26).* Bundesministerium der Justiz und für Verbraucherschutz (BMJV).

Bundesministerium der Justiz und für Verbraucherschutz, (BMJV, 2018a). *Grundgesetz für die Bundesrepublik Deutschland*. Bundesministerium der Justiz und für Verbraucherschutz (BMJV).

Bundesministerium der Justiz und für Verbraucherschutz, (BMJV, 2018b). *Gesetz über den Aufenthalt, die Erwerbstätigkeit und die Integration von Ausländern im Bundesgebiet*. Bundesministerium der Justiz und für Verbraucherschutz (BMJV).

Ministerium des Innern des Landes Nordrhein Westfalen, (MI NRW, 2003). Polizeigesetz des Landes Nordrhein-Westfalen (PolG NRW). *Gesetz- und Verordnungsblatt NRW*, vol. 57, Nr. 35, p. 410-412.

Ministerium des Innern des Landes Nordrheine-Westphalen, (MI NRW, 2019). *Gesetz zur Änderung des Kommunalwahlgesetzes und weiterer wahlrechtlicher Vorschriften Vom 11. April 2019.* Ministerium des Innern des Landes Nordrheine-Westphalen.

Senatsverwaltung für Inneres und Sport Geschäftsstelle der Landeswahlleiter in Berlin, (SIS GLB, 1987). *Gesetz über die Wahlen zum Abgeordnetenhaus und zu den Bezirksverordnetenversammlungen (Landeswahlgesetz) Vom 25. September 1987*. Senatsverwaltung für Inneres und Sport Geschäftsstelle der Landeswahlleiterin Berlin.

Senatsverwaltung für Justiz, (2006). Allgemeines Gesetz zum Schutz der öffentlichen Sicherheit und Ordnung in Berlin (Allgemeines Sicherheits- und Ordnungsgesetz - ASOG Bln) in der Fassung vom 11. Oktober 2006. *Gesetz- und Verordnungsblatt für Berlin*, 62nd year, no. 34, p. 930-934.

Senatsverwaltung für Wohnen, (2011). Gesetz über den Sozialen Wohnungsbau in Berlin (Wohnraumgesetz Berlin – WoG Bln) Vom 1. Juli 2011. *Gesetz- und Verordnungsblatt für Berlin*, 67th year, no. 17, p. 319-322.

Dutch legal sources

Centrale Raad van Beroep, (17/12/2014). ECLI:NL:CRVB:2014:4178
https://uitspraken.rechtspraak.nl/inziendocument?id=ECLI:NL:CRVB:2014:4178

Centrale Raad van Beroep, (CRvB, 24/2/2016). ECLI:NL:CRVB:2016:622.
https://uitspraken.rechtspraak.nl/inziendocument?id=ECLI:NL:CRVB:2016:622

Centrale Raad van Beroep, (CRvB, 27/7/2016). ECLI:NL:CRVB:2016:3183.
https://uitspraken.rechtspraak.nl/inziendocument?id=ECLI:NL:CRVB:2016:3183

Hoge Raad, (21/9/2012). ECLI:NL:HR:2012:BW5328.
https://uitspraken.rechtspraak.nl/inziendocument?id=ECLI:NL:HR:2012:BW5328

Hoge Raad, (13/11/2012). ECLI:NL:HR:2012:BX5419. http://uitspraken.rechtspraak.nl/inziendocument?id=ECLI:NL:HR:2012:BX5419

Ministerie van Binnenlandse Zaken en Koninkrijksrelaties, (MBZK, 1992). Wet van 14 februari 1992, houdende nieuwe bepalingen met betrekking tot gemeenten. *Staatsblad*, 1992, nr.96.

Ministerie van Binnenlandse Zaken en Koninkrijksrelaties, (MBZK, 2011). Wet van 15 december 2011 tot wijziging van de Vreemdelingenwet 2000 ter implementatie van de richtlijn nr. 2008/115/EG van het Europees Parlement en de Raad van 16 december 2008 over gemeenschappelijke normen en procedures in de lidstaten voor de terugkeer van onderdanen van derde landen die illegaal op hun grondgebied verblijven (Pb EU L 348/98). *Staatsblad*, 2011, nr. 663.

Ministerie van Binnenlandse Zaken en Koninkrijksrelaties, (MBZK, 2013). Wet van 3 juli 2013 tot wijziging van de Kieswet houdende maatregelen om het eenvoudiger te maken voor Nederlanders in het buitenland om hun stem uit te brengen, wijziging van de wijze van inlevering van de kandidatenlijsten, aanpassing van de datum van kandidaatstelling en stemming, alsmede regeling van andere onderwerpen. *Staatsblad*, 2013, nr. 289.

Ministerie van Binnenlandse Zaken en Koninkrijksrelaties, (MBZK, 2014). Wet van 9 juli 2014 tot wijziging van de Wet algemene regels herindeling in verband met het opnemen van een regeling inzake de gevolgen van een wijziging van de gemeentelijke indeling voor de verkiezing van de raden van de daarbij betrokken gemeenten. *Staatsblad*, 2014, nr. 308.

Ministerie van Binnenlandse Zaken en Koninkrijksrelaties, (MBZK, 2018). Grondwet. *Staatsblad*, 2018, nr. 493.

Ministerie van Binnenlandse Zaken en Koninkrijksrelaties, (MBZK, 2019). Wet basisregistratie personen. *Staatsblad*, 2019, nr.24.

Ministerie van Justitie, (MJ, 2000). Wet van 23 november 2000 tot algehele herziening van de Vreemdelingenwet (Vreemdelingenwet 2000). *Staatsblad*, 2000, nr. 495.

Ministerie van Justitie, (MJ, 2004a). Wet van 24 juni 2004 tot wijziging en aanvulling van de Wet op de identificatieplicht, het Wetboek van Strafrecht, de Algemene wet bestuursrecht, de Politiewet 1993 en enige andere wetten in verband met de invoering van een identificatieplicht van burgers ten opzichte van ambtenaren van politie aangesteld voor de uitvoering van de politietaak en van toezichthouders (Wet op de uitgebreide identificatieplicht). *Staatsblad*, 2004, nr. 300.

Ministerie van Justitie, (MJ, 2004b). Wet van 9 december 2004 tot uitvoering van internationale regelgeving ter bestrijding van mensensmokkel en mensenhandel. *Staatsblad*, 2004, nr. 645.

Ministerie van Justitie, (MJ, 2010). Besluit van 23 juni 2010 tot wijziging van het Vreemdelingenbesluit 2000 in verband met het aanpassen van de asielprocedure en vaststelling van het tijdstip van inwerkingtreding van de Wet tot wijziging van de Vreemdelingenwet 2000 in verband met het aanpassen van de asielprocedure. *Staatsblad*, 2010, nr. 244.

Ministerie van Justitie, (MJ, 2018). *Wetboek van Strafvordering (BWBR0001903)*. Ministerie van Justitie.

Ministerie van Justitie, (MJ, 2020). *Wetboek van Strafrecht (BWBR0001854)*. Ministerie van Justitie.

Ministerie van Sociale Zaken en Werkgelegenheid, (MSZW, 2003). Wet van 9 oktober 2003, houdende vaststelling van een wet inzake ondersteuning bij arbeidsinschakeling en verlening van bijstand door gemeenten (Wet werk en bijstand). *Staatsblad*, 2003, nr. 375.

Ministerie van Veiligheid en Justitie, (MVJ, 2012). Besluit van 30 november 2012 tot aanpassing van diverse besluiten aan de Politiewet 2012 (Aanpassingsbesluit Politiewet 2012). *Staatsblad*, 2012, nr. 615.

Ministerie van Volksgezondheid, Welzijn en Sport, (MVWS, 1998). Wet van 26 maart 1998 tot wijziging van de Vreemdelingenwet en enige andere wetten teneinde de aanspraak van vreemdelingen jegens bestuursorganen op verstrekkingen, voorzieningen, uitkeringen, ontheffingen en vergunningen te koppelen aan het rechtmatig verblijf van de vreemdeling in Nederland. *Staatsblad*, 1998, nr. 203.

Ministerie van Volksgezondheid, Welzijn en Sport, (MVWS, 2007). Besluit van 11 december 2007, houdende wijziging van het Besluit maatschappelijke ondersteuning in verband met het verstrekken van stimuleringsuitkeringen. *Staatsblad*, 2007, nr. 539.

Ministerie van Volksgezondheid, Welzijn en Sport, (MVWS, 2014). Wet van 9 juli 2014, houdende regels inzake de gemeentelijke ondersteuning op het gebied van zelfredzaamheid, participatie, beschermd wonen en opvang (Wet maatschappelijke ondersteuning 2015). *Staatsblad*, 2014, nr. 280.

Raad van State, (RvS, 11/2/2016). ECLI:NL:RVS:2016:433. https://www.recht.nl/rechtspraak/?ecli=ECLI:NL:RVS:2016:433

Raad van State, (RvS, 16/3/2016). ECLI:NL:RVS:2016:813. https://uitspraken.rechtspraak.nl/inziendocument?id=ECLI:NL:RVS:2016:813

Raad van State (13/4/2016). ECLI:NL:RVS:2016:1087. https://uitspraken.rechtspraak.nl/inziendocument?id=ECLI:NL:RVS:2016:1087

Rechtbank Alkmaar, (19/3/2008). ECLI:NL:RBALK:2008:BC7327. https://uitspraken.rechtspraak.nl/inziendocument?id=ECLI:NL:RBALK:2008:BC7327

Staatssecretaris van Veiligheid en Justitie, (SVJ, 2014). Regeling van de Staatssecretaris van Veiligheid en Justitie van 27 maart 2014, nummer 496849, houdende wijziging van de Regeling verstrekkingen asielzoekers en andere categorieën vreemdelingen 2005. *Staatscourant*, 2014, nr. 9425.

British legal sources

England and Wales High Court, (EWHC, 2019). *EWHC 452 (Admin), [4 All ER 527, WLR(D) 149, [2019] HLR 35. Joint Council for the Welfare of Immigrants, R (On the Application Of) v Secretary of State for the Home Department*. https://www.bailii.org/ew/cases/EWHC/Admin/2019/452.html

England and Wales Court of Appeal (EWCA, 2020). *EWCA 542 (Civ), [4 All ER 1027, HLR 30, [2020], WLR 1151. Secretary of State for the Home Department v R (Joint Council for the Welfare of Immigrants)*. https://www.bailii.org/ew/cases/EWCA/Civ/2020/542.html

Government of the United Kingdom, (GOV UK, 1970). *Local Authority Social Services Act 1970*. The Stationery Office Ltd. https://www.legislation.gov.uk/ukpga/1970/42/contents

Government of the United Kingdom, (GOV UK, 1971). *Immigration Act 1971*. The Stationery Office Ltd. https://www.legislation.gov.uk/ukpga/1971/77/contents

Government of the United Kingdom, (GOV UK, 1981). *Criminal Attempts Act 1981*. The Stationery Office Ltd. https://www.legislation.gov.uk/ukpga/1981/47

Government of the United Kingdom, (GOV UK, 1989). *Children Act 1989*. The Stationery Office Ltd. https://www.legislation.gov.uk/ukpga/1989/41/contents

Government of the United Kingdom, (GOV UK, 1996a). *Housing Act 1996*. London: The Stationery Office Ltd. https://www.legislation.gov.uk/ukpga/1996/52/contents

Government of the United Kingdom, (GOV UK, 1996b). *Asylum and Immigration Act 1996*. London: The Stationery Office Ltd. https://www.legislation.gov.uk/ukpga/1996/49/contents

Government of the United Kingdom, (GOV UK, 1999a). *Immigration and Asylum Act 1999*. London: The Stationery Office Ltd. https://www.legislation.gov.uk/ukpga/1999/33/contents

Government of the United Kingdom, (GOV UK, 1999b). *Greater London Authority Act 1999*. London: The Stationery Office Ltd. https://www.legislation.gov.uk/ukpga/1999/29/contents

Government of the United Kingdom, (GOV UK, 2002). *Nationality, Immigration and Asylum Act 2002*. The Stationery Office Ltd. https://www.legislation.gov.uk/ukpga/2002/41/contents

Government of the United Kingdom, (GOV UK, 2003). *Extradition Act 2003*. The Stationery Office Ltd. https://www.legislation.gov.uk/ukpga/2003/41/contents

Government of the United Kingdom, (GOV UK, 2004a). *Asylum and Immigration (Treatment of Claimants, etc.) Act 2004*. The Stationery Office Ltd. https://www.legislation.gov.uk/ukpga/2004/19/contents

Government of the United Kingdom, (GOV UK, 2004b). *Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (Commencement No. 1) Order 2004*. The Stationery Office Ltd. https://www.legislation.gov.uk/uksi/2004/2523/article/2/made

Government of the United Kingdom, (GOV UK, 2004c). *Children Act 2004*. The Stationery Office Ltd. https://www.legislation.gov.uk/ukpga/2004/31/contents

Government of the United Kingdom, (GOV UK, 2006). *Immigration, Asylum and Nationality Act 2006*. The Stationery Office Ltd. https://www.legislation.gov.uk/ukpga/2006/13/contents

Government of the United Kingdom, (GOV UK, 2007). *UK Borders Act 2007*. The Stationery Office Ltd. https://www.legislation.gov.uk/ukpga/2007/30/contents

Government of the United Kingdom, (GOV UK, 2009). *Borders, Citizenship and Immigration Act 2009*. The Stationery Office Ltd. https://www.legislation.gov.uk/ukpga/2009/11/contents

Government of the United Kingdom, (GOV UK, 2010). *Child Poverty Act 2010*. The Stationery Office Ltd. https://www.legislation.gov.uk/ukpga/2010/9/contents

Government of the United Kingdom, (GOV UK, 2011a). *Localism Act 2011*. The Stationery Office Ltd. https://www.legislation.gov.uk/ukpga/2011/20/contents/enacted

Government of the United Kingdom, (GOV UK, 2011b). *Police Reform and Social Responsibility Act 2011*. The Stationery Office Ltd. https://www.legislation.gov.uk/ukpga/2011/13/contents/enacted

Government of the United Kingdom, (GOV UK, 2011c). *The Stoke-on-Trent (Electoral Changes) Order 2011 no. 167*. Government of the United Kingdom, Local Government Boundary Commission for England. https://www.legislation.gov.uk/uksi/2011/167/note/made

Government of the United Kingdom, (GOV UK, 2014). *Immigration Act 2014*. The Stationery Office Ltd. https://www.legislation.gov.uk/ukpga/2014/22/contents/enacted

Government of the United Kingdom, (GOV UK, 2016a). *Cities and Local Government Devolution Act 2016*. The Stationery Office Ltd. https://www.legislation.gov.uk/ukpga/2016/1/contents/enacted

Government of the United Kingdom, (GOV UK, 2016b). *Immigration Act 2016*. The Stationery Office Ltd. https://www.legislation.gov.uk/ukpga/2016/19/contents/enacted

Government of the United Kingdom, (GOV UK, 2016c). *Housing and Planning Act 2016*. The Stationery Office Ltd. https://www.legislation.gov.uk/ukpga/2016/22/contents/enacted

Government of the United Kingdom, (GOV UK, 2017a). *Homeless Reduction Act 2017*. The Stationery Office Ltd. https://www.legislation.gov.uk/ukpga/2017/13/contents/enacted

Government of the United Kingdom, (GOV UK, 2017b). *The Regulation of Social Housing (Influence of Local Authorities) (England) Regulations 2017*. The Stationery Office Ltd. https://www.legislation.gov.uk/uksi/2017/1102/contents/made

Royal Court of Justice, (RCJ, 2013). *R (KA) v ESSEX County Council [2013] EWHC 43 (FAM)*. http://www.bailii.org/ew/cases/EWHC/Admin/2013/43.html

Royal Court of Justice, (RCJ, 28/07/2014). [2014] EWHC 2561 (Admin). https://www.gardencourtchambers.co.uk/wp-content/uploads/2014/07/PO-v-London-Borough-of-Newham-2014-EWHC-2561-Admin.pdf

United Kingdom House of Lords, (UKHL, 2005). [2005] *UKHL 66. Judgments – Regina v. Secretary of State for the Home Department (Appellant) ex parte Adam (FC) (Respondent) Regina v. Secretary of State for the Home Department (Appellant) ex parte Limbuela (FC) (Respondent) Regina v. Secretary of State for the Home Department (Appellant) ex parte Tesema (FC) (Respondent) (Conjoined Appeals).* https://www.bailii.org/uk/cases/UKHL/2005/UKHL_2005_66.html

Secondary sources

Abels, G., Behrens, M., (2009). Interviewing Experts in Political Science: A Reflection on Gender and Policy Effects Based on Secondary Analysis. *Bogner, A., Littig, B., Menz, W., (eds.). Interviewing experts*. Springer Open.

Abilov, A., (2017). *Basisrechten van ongedocumenteerden in theorie en praktijk. Een onderzoek naar de ervaringen van ongedocumenteerden met het ROS bij het realiseren van hun basisrechten.* Hogeschool Inholland Rotterdam.

Acharya, A., (2004). How Ideas Spread: Whose Norms Matter? Norm Localization and Institutional Change in Asian Regionalism. *International Organization*, no. 58, p. 239-275.

Adams, W.C., (2015). Conducting semi-structured interviews. *Newcomer, K.E., Hatry, H.P., Wholey, J.S.. Handbook of practical program evaluation*. John Wiley & Sons, Incorporated.

Adviescommissie voor vreemdelingenzaken, (ACVZ, 2020). *Jaarverslag ACVZ 2019*. Adviescommissie voor vreemdelingenzaken.

Ahmad, A.N., (2008). Dead men working: Time and space in London's ("illegal") migrant economy. *Work, Employment & Society*, vol. 22, no. 2, p. 301-318.

Akkerman, T., (2015). Immigration policy and electoral competition in Western Europe: A fine-grained analysis of party positions over the past two decades. *Party Politics*, vol. 21, no. 1, p. 54-67.

Albahari, M., (2018). From Right to Permission: Asylum, Mediterranean Migrations, and Europe's War on Smuggling. *Journal on Migration and Human Security*, vol. 6, no. 2, p.121-130.

Alden, E., (2017). Is Border Enforcement Effective? What we Know and What it Means. *Journal of Migration and Human Security*, vol. 5, no. 2, p. 481-490.

All European Academies, (ALLEA, 2017). *The European Code of Conduct for Research Integrity*. All European Academies (ALLEA), Berlin.

Allianz für Bonn, (AfB, 2014). *Kommunalpolitisches Wahlprogramm für Bonn 2014*. Allianz für Bonn.

Allsopp, J., (2016). The European Facilitation Directive and the Criminalisation of Humanitarian Assistance to Irregular Migrants: Measuring the impact on the whole community. *Carrera, S., Guild, E., (eds.). Irregular Migration, Trafficking and Smuggling of Human Beings: Policy Dilemmas in the EU*. Centre for European Policy Studies (CEPS), Brussels.

Alscher, S., Münz, R., Özcan, V., (2001). *Illegal anwesende und illegal beschäftigte Ausländerinnen und Ausländer in Berlin. Lebensverhältnisse, Problemlagen, Empfehlungen*. Institut für Sozialwissenschaften Philosophische Fakultät III, Humboldt-Universität zu Berlin.

Ambrosini, M., (2011). Undocumented Migrants and Invisible Welfare: Survival Practices in the Domestic Environment. *Migration Letters*, vol.8, no.1, p. 34-42.

Amical, (25/09/2012). *Striving towards a comprehensive local anti-racism strategy within the context of a National and European Migration Policy*. Own notes.

Amt für Statistik Berlin-Brandenburg, (2018). *Fortschreibung des Wohngebäude und Wohnungsbestandes in Berlin am 31. Dezember 2017*. Amt für Statistik Berlin-Brandenburg.

Andersson, R., (2014). Time and the migrant other: European border controls and the temporal economics of illegality. *American Anthropologist*, vol. 116, no.4, p. 795-809.

Andersson, R., (2016). Europe's failed 'fight' against irregular migration: ethnographic notes on a counterproductive industry. *Journal of Ethnic and Migration Studies*, vol. 42, no.7, p. 1055-1075.

Andeweg, R.B., Irwin, G.A., (2009). *Governance and politics of the Netherlands*. Palgrave macmillan.

Andrews, T., (2012). What is social constructionism?. *Grounded theory review*, vol. 11, no. 1., p.39-46.

Antalovsky, E., Dangschat, J.S., Parkinson, M., (eds.), (2005). *Cities in Europe - Europe in the Cities: final report*. New Orientation for Democracy in Europe (NODE) Research Austria.

Aparicio, R., Ruiz de Huidobro De Carlos, J.M., Manchip, C., (2010). *Policies on irregular migrants: Volume IV - Spain and the United Kingdom*. Council of Europe Publishing.

Aranzadi, T.R., (2013). *Study on criminal sanction legislation and practice in representative Member States. Final Report*. European Union, Brussels.

Arbeitskreis Menschen ohne Papiere Bonn, (2018). *Bonner Netzwerk Migration*. https://www.integration-in-bonn.de/fileadmin/user_upload/Redaktion/Migranet_Arbeitskreise/Selbstdarstellung_Arbeitskreis_Menschen_ohne_Papiere_Feb_2015.pdf

Archer, M.S., (1982). Morphogenesis versus Structuration: On Combining Structure and Agency. *The British Journal of Sociology*, vol.33, no. 4, p. 455-483.

Arlotti, M., Aguilar-Hendrickson, M., (2018). The vicious layering of multilevel governance in Southern Europe: The case of elderly care in Italy and Spain. *Social Policy & Administration*, vol. 52, no. 3, p. 646-661.

Audickas, L., Cracknell, R., Loft, P., (2020). *UK Election Statistics: 1918-2019: A Century of Elections*. House of Commons Library.

Axelrod, R., (1984). *The Evolution of Cooperation*. Basic Books, Inc., Publishers, New York.

Bache, I., Andreou, G., Atanasova, G., Tomsic, D., (2011). Europeanization and multi-level governance in south-east Europe: the domestic impact of EU cohesion policy and pre-accession aid. *Journal of European Public Policy*, vol. 18, no. 1, p. 122-141.

Bachtiger, A., Steiner, J., (2005). Special issue: Empirical approaches to deliberative democracy - Introduction. *Acta Politica*, vol.40, no. 2, p. 153-168.

Baldwin-Edwards, M., (2008). Towards a theory of illegal migration: Historical and structural components. *Third World Quarterly*, vol. 29, no. 7, p. 1449-1459.

Baldwin-Edwards, M., (eds.), (2009). *REGINE: Regularisations in Europe. Study on practices in the area of regularisation of illegally staying third-country nationals in the Member States of the EU.* International Centre for Migration Policy Development (ICMPD), Vienna, Austria.

Balleix, C., (2014). From Lampedusa to the Post-Stockholm Programme: Difficult European solidarity in the field of migration. *European Policy Brief*, nr.24. Egmont Institute, Royal Institute for International Relations, Bruges.

Barber, B., (2013). *If Mayors Ruled the World. Dysfunctional Nations, Rising Cities*. Yale, University Press.

Barnard, S., (29/11/2017). Stoke council leader stepping down due to sight loss. *BBC News*.

Barrett, S.M., (2004). Implementation studies: Time for a revival? Personal reflections on 20 years of implementation studies. *Public Administration*, vol. 82, no. 2, p. 249-262.

Baumgartner, F.R., Jones, B.D., (2001). Policy Dynamics. Annual Meeting of the Midwest Political Science Association, Chicago, April 18-21.

Baxter, P. & Jack, S., (2008). Qualitative Case Study Methodology: Study Design and Implementation for Novice Researchers. *The Qualitative Report*, vol. 13, nr. 4, p. 544-559.

Bennett, A., Checkel, J.T., (2012). Process Tracing: From Philosophical Roots to Best Practices. *Simons Papers in Security and Development*, no. 21/2012, p. 1-48.

Berg, A., (2013). *Beter een verre vriend dan een goede buur? Onderzoek naar de betrokkenheid van de G4 bij Europese besluitvorming*. Universiteit Utrecht.

Berman, P., (1978). The study of macro and micro implementation of social policy. *The Rand Paper Series*, Santa Monica, California.

Bicocchi, L., LeVoy, M., (2007). *Undocumented Migrants Have Rights! An Overview of the International Human Rights Framework*. Platform for International Cooperation on Undocumented Migrants, Brussels.

Bienfait, F., Fennema, M., (2010). *Is links beter dan rechts? : over de grote politieke tweedeling*. Ijzer, Utrecht.

Biermann, F., Pattberg, P., van Asselt, H., (2009). The Fragmentation of Global Governance Architectures: A Framework for Analysis. *Global Environmental Politics*, vol. 9, no. 4, p. 14-40.

Bigo, D., (2004). Criminalisation of 'Migrants': The side effects of the will to control the frontiers and the sovereign illusion. *Bogusz, B., Cholewinski, R., Cygan A. and Szyszczak E., (eds.). Irregular migration and human rights: Theoretical, European and international perspectives*. Hotei Publishing.

Bij1, (2018). *Programma Amsterdam Bij1 2018*. Bij1.

Bilgili, Ö., Agimi, I., (2015). *Supporting immigrant integration in Europe. What role for origin countries' subnational authorities?* Migrant Policy Institute (MPI), Washington, DC.

Bink, M., (4/1/1994). Mokum Mobiel '99 is 'geen autopartij'. *Trouw*.

Birrelll, D., Gray, A.M., (2017). *Delivering Social Welfare: Governance & Service Provision in the UK*. Policy Press.

Bjorkdahl, A., (2008). Norm advocacy: A small state strategy to influence the EU. *Journal of European Public Policy*, vol. 15, no. 1, p. 135-154.

Björkdahl, A., (2012). Towards reflexive study of norms, norm diffusion and identity (re)construction: The transformative power of the EU in the Western Balkans. *Canterbury Law Review*, vol. 18, no. 1, p. 79-96.

Black, R., (2003).Breaking the convention: Researching the "illegal" migration of refugees to Europe. *Antipode*, vol.35, no. 1, p. 34-54.

Blauberger, M., (2014). National Responses to European Court Jurisprudence. *West European Politics*, vol. 37, no. 3, p. 457-474.

Bloch, A., (2000). A new era or more of the same? Asylum policy in the UK. *Journal of refugee studies*, vol. 13, no. 1, p. 29-42.

Bloch, A., Chimienti, M., (2011). Irregular migration in a globalising world. *Ethnic and Racial Studies*, vol. 34, no. 8, p. 1271-1285.

Bloch, A., Sigona, N., Zetter, R., (2011). Migration routes and strategies of young undocumented migrants in England: A qualitative perspective. *Ethnic and Racial Studies*, vol. 34, no. 8, p. 1286-1302.

Bondarouk, E., Liefferink, D., (2017). Diversity in sub-national EU implementation: the application of the EU Ambient Air Quality directive in 13 municipalities in the Netherlands. *Journal of Environmental Policy & Planning*, vol. 19, no. 6, p. 733-753.

Bonjour, S., (2012). The power and morals of policy makers. Reassessing the control gap debate. *International Migration Review*, vol. 45, no. 1, p. 89-122.

Bonoli, G., Champion, C., (2014). Federalism and welfare to work in Switzerland: The development of active social policies in a fragmented welfare state. *Publius*, vol. 45, no. 1, p. 77-98.

Boogers, M., Reussing, R., (2019). Decentralisatie, schaalvergroting en lokale democratie. *Bestuurswetenschappen*, vol. 73, no.2, p. 22-46.

Boogers, M., Voerman, G., (2010). Independent local political parties in the Netherlands. *Local Government Studies*, vol. 36, no. 1, p. 75-90.

Börzel, T.A., (1997). What's so Special About Policy Networks? An Exploration of the Concept and its Usefulness in Studying European Governance. *European Integration online Papers*, vol. 1, no. 16.

Börzel, T.A., (2001). Non-compliance in the European Union: pathology or statistical artefact?. *Journal of European Public Policy*, vol. 8, no. 5, p. 803-824.

Börzel, T.A., (2002). Pace-Setting, Foot-Dragging, and Fence-Sitting. Member State Responses to Europeanization. *Journal of Common Market Studies*, vol. 40, no. 2, p. 193-214.

Börzel, T.A., (2006). Participation Through Law Enforcement: The Case of the European Union. *Comparative Political Studies*, vol. 39, no. 1, p. 128-152.

Börzel, T.A., Risse, T., (2000). When Europe Hits Home: Europeanization and Domestic Change. *European Integration online Papers*, vol. 4, no. 15.

Börzel, T.A., Risse, T., (eds.), (2012). *From Europeanisation to diffusion*. Routledge, Oxfordshire and New York.

Boswell, C., (2007). Theorizing migration policy: Is there a third way?. *International migration review*, vol. 41, no. 1, p. 75-100.

Bozeat, N., Petronella, S., Behrens, J., Labayle, M., Nicoletta, R., (2016). *Evaluation and Impact Assessment Study on a proposal for a revision of the EU legal framework related to the facilitation of irregular migration (migrant smuggling)*. European Commission, Brussels.

Braun, D., Trein, P., (2013). Economic crisis and federal dynamics. *Benz, A., Broschek, J., (eds.). Federal dynamics: Continuity, change, and the varieties of federalism*. OUP Oxford.

Breunig, C., Luedtke, A., (2008). What motivates the gate-keepers? Explaining governing party preferences on immigration. *Governance*, vol. 21, no. 1, p. 123-146.

Broeders, D., (2007). The New Digital Borders of Europe. EU Databases and the Surveillance of Irregular Migrants. *International Sociology*, vol. 22, no. 1, p. 71-92.

Bromley, S., (2019). *London rent prices: which areas have the highest and lowest average prices?* Simply Business UK.

Brown, J., (2021). *Policing in the UK. Briefing paper Number 8582, 7 January 2021*. House of Commons Library.

Brubaker, R., (2009). *Citizenship and Nationhood in France and Germany*. Harvard University Press, Cambridge.

Bundesstadt Bonn, (2017). *Bevölkerungsstatistik. Bevölkerung in der Bundesstadt Bonn*. Bundesstadt Bonn.

Bundesstadt Bonn, (2018). *Bonner Mietspiegel 2018*. Bundesstadt Bonn.

Bundesstadt Bonn, (2019). *Dezernate und Ämter der Bundesstadt Bonn*. Bundesstadt Bonn.

Bündnis 90/Die Grünen, (1998). *Grün ist Wechsel. Programm zur Bundestagswahl 1998*. Bundesdelegiertenkonferenz Bündnis 90/ Die Grünen, Magdeburg.

Bündnis 90/Die Grünen, (2002). *Grün wirkt! Unser Wahlprogramm 2002 – 2006*. Bundesdelegiertenkonferenz Bündnis 90/ Die Grünen, Wiesbaden.

Bürger Bund Bonn, (BBB, 2014). *Aktionsprogramm 2014-2020*. Bürger Bund Bonn.

Burgers, J., (1999). De huisvesting van illegalen. *Burgers, J., Engbersen, G., (eds.). De Ongekende Stad 1: Illegale Vreemdelingen in Rotterdam*. Amsterdam: Boom.

Burley, A-M., Mattli, W., (1993). Europe Before the Court: A Political Theory of Legal Integration. *International Organization*, vol. 47, no. 1, p. 41-76.

Cabinet Office, (2011). *The Cabinet Manual: A guide to laws, conventions and rules on the operation of government*. Cabinet Office.

Cairney, P., (2012). Complexity theory in political science and public policy. *Political studies review*, vol. 10, no. 3, p. 346-358.

Cajera, R., (2019). Making good citizens: Local Authorities' Integration Measures Navigate National Policies and Local Realities. *Journal of Ethnic and Migration Studies*, vol. 45, no. 8, p. 1327-1344.

Caponio, T., (2014). *The legal and political dimension of local integration policy. Desk Research Paper n.9 -King project*. ISMU Foundation – Initiatives and Studies on Multiethnicity, Milan.

Carens, J.H., (2008). The Rights of irregular Migrants. *Ethics and International Affairs*, vol. 22, no. 2, p. 163–186.

Carrera, S., Blockmans, S., Gros, D., Guild, E., (2015). *The EU's Response to the Refugee Crisis Taking Stock and Setting Policy Priorities*. Centre for European Policy Studies (CEPS), Brussels.

Carrera, S., Guild, E., Aliverti, A., Allsopp, J., Manieri, M.G., Levoy, M., (2016*). Fit for purpose? The Facilitation Directive and the criminalisation of humanitarian assistance to irregular migrants.* European Parliament, Policy Department for Citizens' Rights and Constitutional Affairs, Directorate General for Internal Policies of the Union, LIBE.

Carrera, S., Merlino, M., (2009). *Undocumented immigrants and rights in the EU. Addressing the gap between social science research and Policy-making in the Stockholm Programme?*. Centre for European Policy Studies (CEPS), Brussels.

Carrera, S., Vosyliute, L., Smialowski, S., Allsopp, J., Sanchez, G., (2018). *Fit for purpose? The Facilitation Directive and the criminalisation of humanitarian assistance to irregular migrants: 2018 Update*. European Parliament, Policy Department for Citizens' Rights and Constitutional Affairs, Directorate General for Internal Policies of the Union, LIBE.

Carvalho, J., Ruedin, D., (2020). The positions mainstream left parties adopt on immigration: A cross-cutting cleavage?. *Party Politics*, vol. 26, no. 4, p. 379-389.

Castañeda, H., (2008). Illegal migration, gender and health care: Perspectives from Germany and the United States. *Schrover, M, Van der Leun, J., Lucassen, L., Quispel, C., (eds.). Illegal Migration and Gender in a Global and Historical Perspective.* Amsterdam University Press.

Castles, S., (2004). The Factors That make and Unmake Migration Policies. *International Migration Review*, vol. 38, no. 3, p. 852-884.

Castles, S., (2006). Guestworkers in Europe: A Resurrection?. *International Migration Review*, vol. 40, no. 4, p. 741-766.

Centraal Bureau voor Statistiek, (2018a). *Gemeentelijke indeling op 1 januari 2018*. https://www.cbs.nl/nl-nl/onze-diensten/methoden/classificaties/overig/gemeentelijke-indelingen-per-jaar/indeling%20per%20jaar/gemeentelijke-indeling-op-1-januari-2018

Centraal Bureau voor Statistiek, (CBS, 2018b). *Bevolkingsontwikkeling; regio per maand*. https://opendata.cbs.nl/statline/#/CBS/nl/dataset/37230ned/table?ts=1521985678582

Chauvin, S., Garcés-Mascarenas, B., (2012). Beyond informal citizenship: the moral economy of migrant illegality. *International political sociology*, vol. 6, no. 3, p. 241-259.

Checkel, J.T., (1998). *Norms, Institutions and National Identity in Contemporary Europe*. ARENA Centre for European Studies, University of Oslo.

Checkel, J.T., (1999). Social construction and integration. *Journal of European Public Policy*, vol. 6, no. 4, p. 545-560.

Checkel, J.T., (2000). Building new identities? Debating Fundamental Rights in European Institutions. ARENA Centre for European Studies, University of Oslo.

Checkel, J.T. (2001). Why Comply? Social Learning and European Identity Change. *International Organization*, vol. 55, no. 3, p. 553-588.

Checkel, J.T., (2003)."Going Native" In Europe?: Theorizing Social Interaction in European Institutions. *Comparative Political Studies*, vol. 36, no. 1-2, p. 209-231.

Checkel, J.T., (2005). *It's the process stupid! Process tracing in the study of European and international politics*. ARENA Centre for European Studies, University of Oslo.

Checkel, J. T., (2006). Tracing causal mechanisms. *International Studies Review*, vol. 8, no. 2, p. 362-370.

Checkel, J.T., Katzenstein, P.J., (2009). The politicization of European identities. *Checkel, J.T., Katzenstein, P.J., (eds.). European identity*. Cambridge University Press. P. 1-28.

Cherti, M., (2014b). *Does Immigration Enforcement Matter (DIEM)? Irregular Immigrants and Control Policies in the UK: The Policy Framework for Immigration Enforcement in the UK. Project Report 4*. Compas, University of Oxford. p. 1-31.

Chimenti, M., (2011). Mobilization of Irregular Migrants in Europe: a comparative analysis. *Ethnic and Racial Studies*, vol. 34, no. 8, p. 1338-1356.

Cho, J.Y., Lee, E-H., (2014). Reducing Confusion about Grounded Theory and Qualitative Content Analysis: Similarities and Differences. *The Qualitative Report*, vol. 19, no. 32, p. 1-20.

Cholewinski, R., (2005). *Irregular migrants: access to minimum social rights*. Council of Europe Publishing.

Christen-Democratisch Appèl, (CDA, 2002). *CDA verkiezingsprogram 2002 – 2006. Betrokken samenleving, betrouwbare overheid*. Christen-Democratisch Appèl.

Christen-Democratisch Appèl, (CDA, 2006). *Vertrouwen in Nederland. Vertrouwen in elkaar. Verkiezingsprogram 2006-2011*. Christen-Democratisch Appèl.

Christen-Democratisch Appèl, (CDA, 2010). *Verkiezingsprogram 2010 – 2015. Slagvaardig en samen*. Christen-Democratisch Appèl.

ChristenUnie, (CU, 2006). *Verkiezingsprogramma ChristenUnie 2006-2010. Duurzaam voor elkaar*. Uniecongres ChristenUnie.

ChristenUnie, (CU, 2016). *Hoopvol realistisch. Voorstellen voor een samenleving met toekomst. Verkiezingsprogramma 2017-2021*. Partijcongres ChristenUnie.

Christlich Demokratische Union Deutschlands, Christlich-Soziale Union, (CDU/CSU, 1986). *Weiter so, Deutschland. Für eine gute Zukunft. Das Wahlprogramm von CDU und CSU für die Bundestagswahl 1987*. Bundesausschuss der CDU.

Christlich Demokratische Union Deutschlands, Christlich-Soziale Union, (CDU/CSU, 2005). *Deutschlands Chancen nutzen. Wachstum. Arbeit. Sicherheit. Regierungsprogramm 2005 – 2009*. Bundesvorstands der CDU und des Parteivorstands der CSU, Berlin.

Christlich Demokratische Union Deutschlands, Christlich-Soziale Union, (CDU/CSU, 2013). *Gemeinsam erfolgreich für Deutschland. Regierungsprogramm 2013 – 2017*. Bundesvorstands der CDU und des Parteivorstandes der CSU, Berlin.

Christlich Demokratische Union Deutschlands, Christlich-Soziale Union, (CDU/CSU, 2017). *Für ein Deutschland, in dem wir gut und gerne leben. Regierungsprogramm 2017 – 2021*. Bundesvorstands der CDU und des Parteivorstandes der CSU, Berlin.

City of Stoke-on-Trent, (2009). *Lord Mayor of Stoke-on-Trent*. Stoke-on-Trent City Council.

City of Stoke-on-Trent, (2013). *Stoke-on-Trent Private Sector Empty Homes Strategy 2014-2019*. Stoke-on-Trent City Council.

City of Stoke-on-Trent, (2015b). *Homelessness Strategy 2016-2020.Putting people's dignity and respect at the heart of all homelessness prevention and support services*. Stoke-on-Trent City Council.

City of Stoke-on-Trent, (2016a). *Strategic Review. People Commissioning Homelessness October 2015 – May 2016.* Stoke-on-Trent City Council.

City of Stoke-on-Trent, (2016b). *Stronger Together Strategic Plan 2016-2020*. Stoke-on-Trent City Council.

City of Stoke-on-Trent, (2017). *Stoke-on-Trent Housing Strategy 2017-2022. Building together for a strong future*. Stoke-on-Trent City Council.

City of Stoke-on-Trent, (2018). *Allocations Policy. Housing Revenue Account Services*. Stoke-on-Trent City Council.

Clandestino project, (2009). *Clandestino Project Final Report*. Athens: Hellenic Foundation for European and Foreign Policy.

Coleman, J.S., (1993). The Rational Reconstruction of Society: 1992 Presidential Address. *American Sociological Review*, vol. 58, no. 1, p. 1-15.

College van burgemeester en wethouders Den Haag, (cbw Den Haag, 2018). *Den Haag, Stad van Kansen en Ambities. Coalitieakkoord 2018 – 2022*. College van burgemeester en wethouders Den Haag.

College van burgemeester en wethouders Den Haag, (cbw Den Haag, 2019a). *SV/2018.673. RIS301208. Antwoord van het college op de vragen van de raadsleden de dames Holman, Drost en Faïd, luidend: "De toekomst van bed-bad-brood in Den Haag"*. College van burgemeester en wethouders Den Haag.

College van burgemeester en wethouders Den Haag, (cbw Den Haag, 2019b). *DSO/2019.84. RIS302513. Voorstel van het college inzake vaststelling van de Huisvestingsverordening Den Haag 2019. Toelichting*. College van burgemeester en wethouders Den Haag.

Collett, E., (2015). The development of EU policy on immigration and asylum. Rethinking coordination and leadership. *Policy Brief Series*, nr. 8. Migration Policy Institute (MPI), Europe.

Commission of the European Communities, (CEC, 1976). *COM (76) 331 final. Proposal for a Council Directive on the harmonization of laws in the Member States to combat illegal migration and illegal employment*. Commission of the European Communities, Brussels.

Commission of the European Communities, (CEC, 1978). *COM (78) 86 final. Proposal for a Council Directive concerning the approximation of the legislation of the Member States in order to combat illegal migration and illegal employment*. Commission of the European Communities, Brussels.

Commission of the European Communities, (CEC, 1992). *Working document V/1020/92. Immigration policies in the member states: between the need for control and the desire for integration*. Commission of the European Communities, Brussels.

Commission of the European Communities, (CEC, 2000). *COM(2000) 757 final. Communication from the Commission to the Council and the European Parliament on a Community Immigration Policy*. Commission of the European Communities, Brussels.

Commission of the European Communities, (CEC, 15/11/2001). *COM(2001) 672 final. Communication from the Commission to the Council and the European Parliament on a common policy on illegal immigration*. Commission of the European Communities, Brussels.

Commission of the European Communities, (CEC, 2002). *COM(2002) 175 final. Green Paper on a community return policy on illegal residents*. Commission of the European Communities, Brussels.

Commission of the European Communities, (CEC, 24/11/2005). *Communication from the Commission to the European Parliament and the Council on the implications of the Court's judgment of 13 September 2005 (Case C-176/03 Commission v Council)*. Commission of the European Communities, Brussels.

Commission of the European Communities, (CEC, 6/12/2006). *COM(2006) 770 final. Report from the Commission based on Article 9 of the Council Framework Decision of 28 November 2002 on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence*. Commission of the European Communities, Brussels.

Commission of the European Communities, (CEC, 17/6/2008). *COM(2008) 359 final. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions of 17 June 2008 – A Common Immigration Policy for Europe: Principles, actions and tools*. Commission of the European Communities, Brussels.

Committee of Ministers, (15/4/2015). *Resolution CM/ResChS(2015)5. Conference of European Churches (CEC) v. the Netherlands, Complaint No. 90/2013*.

Conservative Party, (1970). *The Conservative Manifesto 1970. A Better Tomorrow*. Conservative Central Office, London.

Conservative Party, (1979). *The Conservative Manifesto 1979*. Conservative Central Office, London.

Conservative Party, (1987). *The Conservative Manifesto 1987. The Next Moves Forward*. Conservative Central Office, London.

Conservative Party, (1992). *The Conservative Manifesto 1992. The Best Future for Britain*. Conservative Central Office, London.

Conservative Party, (2010). *The Conservative manifesto 2010. Invitation to join the government of Britain*. Conservative Central Office, London.

Conservative Party, (2015). *The Conservative Party manifesto 2015. Strong leadership, a clear economic plan, a brighter, more secure future*. Conservative Central Office, London.

Conservative Party, (2017). *The Conservative and Unionist Party manifesto 2017. Forward, Together. Our Plan for a Stronger Britain and a Prosperous Future*. Conservative Central Office, London.

Cornelius, W.A., (1989). Impacts of the 1986 US immigration law on emigration from rural Mexican sending communities. *Population and Development Review*, vol. 15, no. 4, p. 689-705.

Cornelius, W.A., (2001). Death at the border: Efficacy and unintended consequences of US immigration control policy. *Population and development review*, vol. 27, no. 4, p. 661-685.

Cornelius, W.A., (2005). Controlling 'unwanted' immigration: Lessons from the United States, 1993–2004. *Journal of Ethnic and Migration Studies*, vol. 31, no. 4, p. 775-794.

Cornelius, J., Rzeznik, J., (2014). *TENLAW: Tenancy Law and Housing Policy in Multi-level Europe. National Report for Germany*. University of Bremen.

Cortell, A.P., Davis, J.W., (2000). Understanding the Domestic Impact of International Norms: A Research Agenda. *International Studies review*, vol. 2, no. 1, p. 65-87.

Council of Europe, (CoE, 2019). *Policy Brief February 2019. Urban citizenship and undocumented migration*. Council of Europe, Intercultural Cities. Strasbourg.

Council of the European Union, (CEU, 19/11/2004). *Press Release 14615/04 (Presse 321). 2618th Council Meeting Justice and Home Affairs*. Council of the European Union, Brussels.

Council of the European Union, (CEU, 30/5/2016). *Urban Agenda for the EU. Pact of Amsterdam*. Council of the European Union, Amsterdam.

Council of the European Union, (CEU, 30/3/2017). *SWD (2017)117 final. Commission Staff Working Document Refit evaluation of the EU legal framework against facilitation of unauthorized entry, transit and residence: the Facilitators Package (Directive 2002/90/EC and Framework Decision 2002/946/JHA)*. Council of the European Union, Brussels.

Council of the European Union, (CEU, 25/6/2020a). *The New Leipzig Charter. The transformative power of cities for the common good*. Council of the European Union, Brussels.

Council of the European Union, (CEU, 25/6/2020b). *Implementing the New Leipzig Charter Through Multi-Level Governance: Next Steps for the Urban Agenda for the EU*. Council of the European Union, Brussels.

Cowles, M.G., Caporaso, J.A., Risse, T., (eds.), (2001). *Transforming Europe: Europeanization and Domestic Change*. Cornell University Press, Ithaca, New York.

Crépeau, F., Hastie, B., (2015). The case for 'firewall' protections for irregular migrants: Safeguarding fundamental rights. *European Journal of Migration and Law*, vol. 17, no. 2-3, p. 157-183.

Cunningham, MJ., (2019). Exploring the lived experience of homelessness from an occupational perspective. *Scandinavian Journal of Occupational Therapy*, vol;26, no.1, p. 19-32.

Curtice, J., Ben, S., Katarina, T., (2008). Do mayoral elections work? Evidence from London. *Political Studies*, vol. 56, no. 3, p. 653-678.

Curtis, S., (2016). Cities and Global Governance: State Failure or a New Global Order? *Millennium: Journal of International Studies*, vol. 44, no.3, p. 455-477.

Cvajner, M., Sciortino, G., (2010). Theorising irregular migration: The control of spatial mobility in differentiated societies. *European Journal of Social Theory*, vol. 13, no. 3, p. 389-404.

Cyrus, N., (2004). *Aufenthaltsrechtliche Illegalität in Deutschland. Sozialstrukturbildung - Wechselwirkungen - Politische Optionen*. EU-Forschungsprojekte IAPASIS und POLITIS, Interdisziplinäres Zentrum für Bildung und Kommunikation in Migrationsprozessen (IBKM) an der Universität Oldenburg-Fakultät I.

Cyrus, N., Vogel, D., (2006). Managing Access to the German Labour Market: How Polish (Im)migrants Relate to German Opportunities and Restrictions. *Düvell, F., (ed.). Illegal Immigration in Europe: Beyond Control?* Palgrave macmillan.

Dahl, R.A., (1957). The concept of power. *Behavioral science*, vol. 2, no. 3, p. 201-215.

Dalton, R.J., (1996). Political cleavages, issues, and electoral change, p. 319-342. *LeDuc, L., Niemi, R.G., Norris Thousand Oaks, P., (eds.). Comparing Democracies: Elections and voting in global perspective 2.* Sage Publications.

DeBono, D., (2016). Returning and deporting irregular migrants: not a solution to the 'refugee crisis'. *Human Geography*, vol. 9, no. 2, p. 101-112.

Dedja, S., (2013). Compelling an aspirant country to curb irregular migration: a particular case of Europeanization outcome? *Southeast European and Black Sea Studies*, vol. 13, no.1, p. 25-45.

de Fijter, N., Kruidhof, J., (30/01/2019). Kerkasiel in Den Haag houdt ermee op nu Armeens gezin in Nederland kan blijven. *Trouw*, p.3.

De Genova, N., (2002). Migrant 'illegality' and deportability in everyday life. *Annual Review of Anthropology*, vol. 31, p. 419-447.

Degner, H., (2019). Public Attention, Governmental Bargaining, and Supranational Activism: Explaining European Integration in Response to Crises. *Journal of Common Market Studies*, vol. 57, no. 2, p. 242-259.

De Graauw, E., (2014). Municipal ID Cards for Undocumented Immigrants: Local Bureaucratic Membership in a Federal System. *Politics & Society*, vol.42, no.3, p. 309-330.

De Graauw, E., Vermeulen, F., (2016). Cities and the politics of immigrant integration: a comparison of Berlin, Amsterdam, New York, and San Francisco. *Journal of Ethnic and Minority Studies*, vol. 42, no. 6, p. 989-1012.

De Grauwe, P., (1985). De politieke economie van de overheidsuitgaven in België (1960-1983). Politiek Jaarboek 1984 Nieuwe reeks, nr. 9, p. 269-286. *Res Publica, Tijdschrift voor Politologie* 1985, bundel XXVII, nr. 2-3.

de Groot, I., Dollen, C., Gioia, G., (01/10/2019). Verdachte wethouders De Mos en Guernaoui treden tijdelijk terug, ontkennen corruptie. *Algemeen Dagblad*.

de Haas, H., Natter, K., (2015). *The determinants of migration policies. Does the political orientation of governments matter? Working Papers, Paper 117. DEMIG project paper 29*. International Migration Institute, Oxford Department of International Development.

de Haas, H., Natter, K., Vezzoli, S., (2014). *Growing restrictiveness or changing selection? The nature and evolution of migration policies. Working Papers, Paper 96. DEMIG project paper 96.* International Migration Institute, Oxford Department of International Development.

de Haas, H., Natter, K., Vezzoli, S., (2015). Conceptualizing and measuring migration policy change. *Comparative Migration Studies*, vol. 3, no. 15, p. 1-21.

Delvino, N., (2017a). *European Cities and Migrants with Irregular Status. Municipal initiatives for the inclusion of irregular migrants in the provision of services. Background paper for the 'City Initiative on Migrants with Irregular Status in Europe' (C-MISE)*. Centre on Migration Policy and Society (Compas), University of Oxford.

Delvino, N., (2017b). *The challenge of responding to irregular immigration: European, national and local policies addressing the arrival and stay of irregular migrants in the European Union. Autumn Academy 2017.* Global exchange on Migration & Diversity, Centre on Migration Policy and Society (Compas), University of Oxford.

Delvino, N., (2017c). *European Cities and Migrants with Irregular Status. Municipal initiatives for the inclusion of irregular migrants in the provision of services. Report for the 'City Initiative on Migrants with Irregular Status in Europe' (C-MISE)*. Centre on Migration Policy and Society (Compas), University of Oxford.

Delvino, N., Beilfuss, M.G., (2021). Latino Migrant Victims of Crime: Safe Reporting for Victims With Irregular Status in the United States and Spain. *American Behavioral Scientist*, March 2021.

Delvino, N., Spencer, S., (2017). *The European Union and migrants with irregular status: opportunities and limitations in EU law and policy for European local authorities providing assistance to irregular migrants*. Global Exchange on Migration & Diversity, Centre on Migration, Policy and Society (Compas), University of Oxford.

DEMIG, (2015). *DEMIG POLICY, version 1.3, Online Edition*. Oxford: International Migration Institute, University of Oxford.

Democraten 66, (D66, 1998). *Bewogen in beweging. Verkiezingsprogramma Democraten 66* 1998 – 2002. Democraten 66.

Democraten 66, (D66, 2002). *Toekomst in eigen hand. Verkiezingsprogramma Democraten 66 – 2002-2006. Liberaal van gedachte, sociaal van gevoel*. Democraten 66.

Democraten 66, (D66, 2016). *D66 Verkiezingsprogramma 2017-2021*. Democraten 66.

Denzin, N.K., (2012). Triangulation 2.0. *Journal of Mixed Methods Research*, vol. 6, no. 2, p. 80-88.

De Rooij, R., (2002). The impact of the European Union on local government in the Netherlands. *Journal of European Public Policy*, vol.9, no.3, p. 447-467.

Derrida, J., Dufourmantella, A., (2016). *Gastvrijheid*. Boom; Kleine Klassieken.

de Voogd, J., (2015). *Het ongelijkheidsdebat in land en stad. Een analyse van de maatschappelijke discussie over toenemende verschillen in Nederland*. Ministerie van Binnenlandse Zaken en Koninkrijksrelaties.

Diepenhorst, D., (2012). *Practical measures for reducing irregular migration in the Netherlands*. European Migration Network, Brussels.

Diez, T., (2004). Europe's others and the return of geopolitics. *Cambridge Review of International Affairs*, vol. 17, nr. 2, p. 319-335.

Dijkhoff, K.H.D.M., (2016). *Vreemdelingenbeleid; Brief regering; Stand van zaken bestuursakkoord tussen rijk en gemeenten over uitgeprocedeerde vreemdelingen (kst-19637-2259)*. Tweede Kamer der Staten-Generaal.

Dijkstra, L., Poelman, H., (2012). *Cities in Europe: The new OECD-EC definition*. European Commission, Brussels.

Dimitrakopoulos, D.G., (2001). The Transposition of EU Law: 'Post-Decisional Politics' and Institutional Autonomy. *European Law Journal*, vol. 7, no. 4, p. 442-458.

Dimitrova, A., Rhinard, M., (2005). The power of norms in the transposition of EU directives. *European Integration online Papers*, vol. 9, no. 16.

Dinan, D., (2004). *Europe Recast. A History of European Union*. Palgrave macmillan.

Dittenborn, C.A.S., (2011). *Wir sind keine Fische dieses Ozeans. Eingliederungsprozesse von legalen, legalisierten und "illegalen" Migranten aus der Comunidad Andina in Bonn*. Friedrich-Wilhelms-Universität Bonn.

Dörrenbächer, N., (2017). Europe at the frontline: Analysing street-level motivations for the use of European Union law. *Journal of European Public Policy*, vol. 24, no. 9, p. 1328-1347.

Dossi, S., (2012). Urban Governance Encounters Europeanization: the Case of the Community Initiative URBAN II in Bordeaux and Genoa. *Regional & Federal Studies*, vol. 22, no. 2, p. 159-175.

Düvell, F., (ed.), (2006). *Illegal Immigration in Europe: Beyond Control?*. Palgrave macmillan.

Düvell, F., (2008a). Migrants and Refugees on the Fringes of Europe: Transit Migration, Mixed Flows and New Policy Challenges. *Metropolis World Bulletin*, vol. 8, p. 29-32.

Düvell, F., (2008b). Clandestine migration in Europe. *Social Science Information*, vol. 47, no. 4, p. 479-497.

Düvell, F., (2011). Paths into Irregularity: The Legal and Political Construction of Irregular Migration. *European Journal of Migration and Law*, vol. 13, no. 3, p. 275-295.

Düvell, F., (2014). *Policing, Law Enforcement and Immigration Law Enforcement in the UK: Introduction and Background Project Report 1*. Centre on Migration Policy and Society (Compas), University of Oxford.

Düvell, F., Triandafyllidou, A., Vollmer, B., (2009). Ethical issues in irregular migration research in Europe. *Population, Space and Place*, vol. 16, no. 3, p. 227-239.

Ederveen, R., (2019). *Developments 2015-2019 after the ECSR's decision on the CEC Complaint regarding the European Social Charter (Conference of European Churches vs The Netherlands, Complaint 90/2013)*. Unpublished manuscript.

Edwards, R., Holland, J., (2013). *What is qualitative interviewing?*. Bloomsbury Publishing Plc, London and New York.

Ellermann, A., (2007). Street-Level Democracy: How Immigration Bureaucrats Manage Public Opposition. *Guiraudon, V., Lahav, G., (eds.). Immigration Policy in Europe. The Politics of Control*. Routledge Taylor & Francis Group, London and New York.

Emilsson, H., (2015). A National Turn of Local Integration Policy: Multi-level Governance Dynamics in Denmark and Sweden. *Comparative Migration Studies*, vol. 3, no. 1, p. 1-16.

Engbersen, G., Broeders, D., (2009). The state versus the alien: Immigration control and strategies of irregular migrants. *West European Politics*, vol. 32, no. 5, p. 867-885.

Engbersen, G., Leerkes, A., van San, M., Cruijff, M., van der Heijden, P., (2004). *Beleidssummary 'Wijken voor illegalen'. Over ruimtelijke spreiding, huisvesting en leefbaarheid*. Ministerie van Volkshuisvesting, Ruimtelijke Ordening en Milieubeheer.

Engbersen, G., van der Leun, J., (2001). The Social Construction of Illegality and Criminality. *European Journal on Criminal Policy and Research*, vol. 9, p. 51-70.

Engbersen, G., van San, M., Leerkes, A., (2006). A room with a view: Irregular immigrants in the legal capital of the world. *Ethnography*, vol. 7, no. 2, p. 205-238.

Entwistle, T., (2011). For appropriateness or consequences? Explaining organizational change in English local government. *Public Administration*, vol. 89, no. 2, p. 661-680.

Epstein, L., Mershon, C., (1996). Measuring political preferences. *American journal of political science*, vol. 40, no. 1, p. 261-294.

Etzioni, A., (1975). *Comparative analysis of complex organizations, rev*ised edition. Simon and Schuster.

Eurocities, (2018). *Eurocities Integrating Cities Charter 3 report - Cities and Migrants III. Implementing the Integrating Cities Charter*. Eurocities.

European Anti-Poverty Network, (EAPN, 2016). *Nobody left behind: Ensuring access for all to affordable, quality housing and public health services*. European Anti-Poverty Network, Brussels.

European Commission, (EC, 12/10/2001). COM(2001) 428 final. European governance – A white paper. *Official Journal of the European Communities*, C 287/1-29.

European Commission, (EC, 6/12/2006). *COM(2006). 770 final. Report from the Commission based on Article 9 of the Council Framework Decision of 28 November 2002 on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence*. European Commission, Brussels.

European Commission, (EC, 4/12/2013). *Press release: Lampedusa follow up: concrete actions to prevent loss of life in the Mediterranean and better address migratory and asylum flows*. European Commission, Brussels.

European Commission, (EC, 27/5/2015). *COM(2015) 285 final. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: EU Action Plan against migrant smuggling (2015 – 2020)*. European Commission, Brussels.

European Commission, (EC, 14/10/2015). *Communication from the Commission to the European Parliament, the European Council and the Council. Managing the refugee crisis: State of Play of the Implementation of the Priority Actions under the European Agenda on Migration. COM(2015) 510 final*. European Commission, Brussels.

European Commission, (EC, 22/3/2017). *SWD(2017) 120 final. Commission Staff Working Document. Executive summary of the refit evaluation of the EU legal framework against facilitation of unauthorised entry, transit and residence: the Facilitators Package (Directive 2002/90/EC and Framework Decision 2002/946/JHA)*. European Commission, Brussels.

European Commission, (EC, 23/9/2020). *C(2020) 6470 final. Communication from the Commission. Commission Guidance on the implementation of EU rules on definition and prevention of the facilitation of unauthorised entry, transit and residence*. European Commission, Brussels.

European Council, (15/12/2001). *Presidency conclusions European Council meeting in Laeken 14 and 15 December 2001*. European Council, Laeken.

European Migration Network, (EMN, 2015). *Dissemination of Information on Voluntary Return: how to reach irregular migrants not in contact with the authorities.* European Migration Network, Brussels.

European Migration Network, (EMN, 2016). *Bulletin 17*. European Migration Network, Brussels.

European Parliament, (EP, 4/2/2014). European Parliament resolution of 4 February 2014 on undocumented women migrants in the European Union (2013/2115(INI)). *Official Journal of the European Union*, C 93/53-58.

European Parliament, (EP, 5/7/2018). Resolution of 5 July 2018 on guidelines for Member States to prevent humanitarian assistance from being criminalised (2018/2769(RSP)). *Official Journal of the European Union*, C 118/130-132.

European Social network, (ESN, 2016). *Connecting Europe with local communities. Social services priorities for the European Semester 2017*. European Social Network, Brussels.

European Union Agency for Fundamental Rights, (FRA, 2011a). *Fundamental rights of migrants in an irregular situation in the European Union*. European Union Agency for Fundamental Rights, Vienna.

European Union Agency for Fundamental Rights, (FRA, 2011b). *Migrants in an irregular situation: access to healthcare in 10 European Union Member States*. European Union Agency for Fundamental Rights, Vienna.

European Union Agency for Fundamental Rights, (FRA, 2014). *Criminalisation of migrants in an irregular situation and of persons engaging with them.* European Union Agency for Fundamental Rights, Vienna.

European Union Agency for Fundamental Rights, (FRA, 2017a). *Together in the EU. Promoting the participation of migrants and their descendants.* European Union Agency for Fundamental Rights, Vienna.

Falkner, G., (2000). Policy networks in a multi-level system: Convergence towards moderate diversity?. *West European Politics*, vol. 23, no. 4, p. 94-120.

Falkner, G., (2002). EU treaty reform as a three-level process. *Journal of European Public Policy*, vol. 9, no. 1, p. 1-11.

Falkner, G., (2018). A causal loop? The Commission's new enforcement approach in the context of non-compliance with EU law even after CJEU judgments. *Journal of European Integration*, vol. 40, no. 6, p. 769-784.

Falkner, G., Hartlapp, M., Leiber, S., Treib, O., (2004). Non-compliance with EU directives in the member states: opposition through the backdoor?. *West European Politics*, vol. 27, no. 3, p. 452-473.

Falkner, G., Hartlapp, M., Treib, O., (2007). Worlds of compliance: Why leading approaches to the implementation of EU legislation are only 'sometimes-true theories'. *European Journal of Political Research*, vol. 46, no. 3, p. 395-416.

Falkner, G., Treib, O., (2008). Three worlds of compliance or four? The EU-15 compared to new member states. *Journal of Common Market Studies*, vol. 46, no. 2, p. 293-313.

Finnemore, M., Sikkink, K., (1998). International norm dynamics and political change. *International Organization*, vol. 52, no. 4, p. 887-917.

Fernanda, N., (2017). Invisible cities in Europe. *Fordham International Law Journal*, vol. 35, no. 5, p. 1283-1363.

Fischer, P., (2019). *Reader/ lezing 16 januari 2019*. Fischergroep.

Flynn, M., (2013). *The Hidden Costs of Human Rights: The Case of Immigration Detention. Global Detention Project Working Paper no.7.* Graduate Institute of International and Development Studies, Geneva: Switzerland.

Follesdal, A. & Hix, S., (2006). Why there is a Democratic Deficit in the EU: A Response to Majone and Moravcsik. *Journal of Common Market Studies*, vol. 44, no. 3, p. 533-562.

Ford, R., Goodwin, M.J., (2010). Angry white men: individual and contextual predictors of support for the British National Party. *Political Studies*, vol. 58, no. 1, p. 1-25.

Franklin, A.L., Carberry-George, B., (1999). Analyzing how local governments establish service priorities. *Public Budgeting & Finance*, vol. 19, no. 3, p. 31-46.

Freeman, G.P., (1995). Modes of Immigration Politics in Liberal Democratic States. *International Migration Review*, vol. 29, no. 4,p. 881-902.

Freien Demokratischen Partei Die Liberalen, (FDP, 1986). *Wahlplattform '87. Beschluss des Bundeshauptausschusses der F.D.P*. der Freien Demokratischen Partei, Augsburg.

Freien Demokratischen Partei Die Liberalen, (FDP, 2009). *Die Mitte stärken. Deutschland Programm 2009. Programm der Freien Demokratischen Partei zur Bundestagswahl 2009*. Bundesparteitag der Freien Demokratischen Partei, Hannover.

FRONTEX, European Border and Coast Guard Agency, (2011). *Risk Analysis for 2011*. FRONTEX, Warsaw.

FRONTEX, European Border and Coast Guard Agency, (2015). *Risk Analysis for 2015*. FRONTEX, Warsaw.

FRONTEX, European Border and Coast Guard Agency, (2016). *Risk Analysis for 2016*. FRONTEX, Warsaw.

FRONTEX, European Border and Coast Guard Agency, (8/1/2020). *News Release. FLASH REPORT – Irregular migration into EU at lowest level since 2013*. https://frontex.europa.eu/media-centre/news-release/flash-report-irregular-migration-into-eu-at-lowest-level-since-2013-n5pHiA

FRONTEX, European Border and Coast Guard Agency, (03/2020). Risk Analysis for 2020. FRONTEX, Warsaw.

Frug, G.E., Rosenthal, S.R., (1998). City Services. *N.Y.U. Law Review*, vol. 73, no. 23, p. 23-96.

Furmankiewicz, M., Królikowska, K., Przybyła, K., (2020). Goals of Elites and Local Communities in the European Union Neo-endogenous Development: Differences as the Constraints on Europeanisation?. *Local Government Studies*, vol. 30, no. 1, p. 51-73.

Garcés-Mascareñas, B., (2014). Immigrants' equal access and equal use: a review of local policies in the domains of health care, housing, education and the labour market. *King Project - Social Science Unit*. Desk Research Paper n. 10/July 2014. King, Knowledge for Integration Governance.

Garcés-Mascareñas, B., Penninx, R., (eds.), (2016). *Integration Processes and Policies in Europe. Contexts, Levels and Actors*. Springer Open.

Garcés-Mascareñas, B., (2018). Beyond methodological Western-centrism: The 'control gap' debate reconsidered from a global perspective. *Weinar, A., Bonjour, S., Hyznomirska, L., (eds.). The Routledge handbook of the politics of migration in Europe*. Routledge Taylor & Francis Group New York.

Garzia, D., Trechsel, A., & De Sio, L., (2017). Party placement in supranational elections: An introduction to the euandi 2014 dataset. *Party Politics*, vol. 23, no. 4, p. 333-341.

Gasper, D., (1996). Analysing policy arguments. *The European Journal of Development Research*, vol. 8, no. 1, p. 36-62.

Gebhardt, D., (2010). Irregular migration and the role of local and regional authorities. *Carrera, S., Merlino, M., (eds.)*. Assessing EU policy on irregular immigration under the Stockholm programme. Centre for European Policy Studies (CEPS), Brussels.

Gebhardt, D., (2014). *Building Inclusive Cities. Challenges in the Multilevel Governance of Immigrant Integration in Europe*. Migration Policy Institute (MPI), Europe.

Gebhardt, D., (2016). Re-thinking urban citizenship for immigrants from a policy perspective: the case of Barcelona. *Citizenship Studies*, vol. 20, no. 6-7, p. 846-866.

Geddie, E., Schmidt-Hieber, E., Keith, L., LeVoy, M., (2014). *Housing and Homelessness of Undocumented Migrants in Europe: Developing Strategies and Good Practices to Ensure Access to Housing and Shelter*. Platform for the International Cooperation on Undocumented Migrants (PICUM), Brussels.

Geels, F.W., (2010). Ontologies, socio-technical transitions (to sustainability), and the multi-level perspective. *Research Policy*, vol. 39, no.4, p. 495-510.

Gehne, D.H., Holtkamp, L., (2012). Fraktionsvorsitzende und Bürgermeister in NRW und Baden-Württemberg. *Bogumil, J., Heinelt, H. (eds.). Bürgermeister in Deutschland: politikwissenschaftliche Studien zu direkt gewählten Bürgermeistern (Vol. 102)*. Springer-Verlag. P. 87-142.

Gemeente Amsterdam, (2019a). *Handboek Programma Ongedocumenteerden*. Gemeente Amsterdam.

Gemeente Amsterdam, (2019b). *Voortgang uitvoeringsplan 24-uursopvang ongedocumenteerden*. Gemeente Amsterdam.

Gemeente Amsterdam, (2019d). *Voordracht voor de raadsvergadering van woensdag 23 en donderdag 24 januari 2019. Kennisnemen van het uitvoeringsplan 24-uursopvang voor ongedocumenteerden.* Gemeenteraad Amsterdam.

Gemeente Amsterdam, (2020a). *Huisvestingsverordening Amsterdam 2020*. Gemeente Amsterdam.

Gemeente Amsterdam, (2020b). *Voortgang uitvoeringsplan 24 uurs opvang ongedocumenteerden*. Gemeente Amsterdam.

Gerring, J. (2012). *Social Science Methodology. A Unified Framework*. Cambridge University Press.

Gesley, J., (2017). *Germany: The Development of Migration and Citizenship Law in Postwar Germany*. The Law Library of Congress, Global Legal Research Center.

Geyer, R., Rihani, S., (2010). *Complexity and public policy: A new approach to twenty-first century politics, policy and society*. Routledge Taylor & Francis Group London and New York.

Gillespie, A., Cornish, F., (2010). Intersubjectivity: Towards a dialogical analysis. *Journal for the theory of social behaviour*, vol. 40, no. 1, p. 19-46.

Giordani, P.E., Ruta, M., (2013). Coordination failures in immigration policy. *Journal of International Economics*, vol. 89, no. 1, p. 55-67.

Givens, T., Luedtke, A. (2005). European Immigration Policies in Comparative Perspective: Issue Salience, Partisanship and Immigrant Rights. *Comparative European Politics*, vol. 3, no.1, p. 1-22.

Glaeser, E., (2012). *Triumph of the City: How our Greatest Invention Make Us Richer, Smarter, Greener, Healthier, and Happier*. Penguin Books Ltd, London.

Goldsmith, M.J.F., Klausen, K.K., (1997). *European integration and local government*. Elgar, Aldershot.

Government of the United Kingdom, (GOV UK, 2009). *Explanatory Memorandum to the City of Stoke-on-Trent (scheme of elections) Order 2009 no. 2734*. Government of the United Kingdom, Ministry of Housing, Communities and Local Government.

Grande, E., Schwarzbözl, T., Fatke, M., (2019). Politicizing immigration in Western Europe. *Journal of European Public Policy*, vol. 26, no. 10, p. 1444-1463.

Gribnau, J.L.M., (2009). Legitimiteit, recht en governance. *Essers, P., Raaijmakers, G., van der Sangen, G., Verdam, A, Vermeulen, E., (eds.). Met recht: Liber Amicorum*. Kluwer, Deventer.

Gross, M., (2014). Koalitionsbildung in deutschen Großstädten: Empirische Befunde aus Nordrhein-Westfalen. *Zeitschrift für Politikwissenschaft*, vol. 24, no. 1-2, p. 109-143.

Guderjan, M., (2015). Theorising European Integration of Local Government – Insights from the Fusion Approach. *Local Government Studies*, vol. 41, no. 6, p. 937-955.

Guderjan, M., Verhelst, T., (2021). *Local Government in the European Union. Completing the Integration Cycle*. Palgrave macmillan.

Guentner, S., Lukes, S., Stanton, R., Vollmer, B.A., Wilding, J., (2016). Bordering practices in the UK welfare system. *Critical Social Policy*, vol. 36, no. 3, p. 391-411.

Guild, E., (2010). *Criminalisation of Migration in Europe: Human Rights Implications*. Council of Europe Publishing.

Guillamón, M.D., Bastida, F., Benito, B., (2013). The electoral budget cycle on municipal police expenditure. *European journal of law and economics*, vol. 36, no. 3, p. 447-469.

Guiraudon, V., (2000). European integration and migration policy: Vertical policy-making as venue shopping. *Journal of Common Market Studies*, vol. 38, no. 2, p. 251-271.

Guiraudon, V., Lahav, G., (2000). A Reappraisal of the State Sovereignty Debate: The Case of Migration Control. *Comparative Political Studies*, vol. 33, no. 2, p. 163-195.

Guiraudon, V., Lahav, G., (2007). *Immigration Policy in Europe. The Politics of Control*. Routledge Taylor & Francis Group, London and New York.

Gunlicks, A.B., (2010). *The Länder and German federalism*. Manchester University Press.

Gustafsson, J., (2017). *Single case studies vs. multiple case studies: A comparative study*. Halmstad University, Sweden.

Haagse Stadspartij, (2018). *20 jaar alles voor de stad. Verkiezingsprogramma 2018 – 2022*. Programmacommissie van de Haagse Stadspartij.

Haggerty, K.D., (2004). Ethics creep: Governing social science research in the name of ethics. *Qualitative sociology*, vol. 27, no. 4, p. 391-414.

Hailbronner, K., Jochum, G., (2007). *Directive 2002/90 Facilitation unauthorised entry & stay synthesis report*. Academic Network for Legal Studies on Immigration and Asylum in Europe, Odysseus, Brussels.

Hambleton, R., (2011). Place-based Leadership in a Global Era. *Commonwealth Journal of Local Governance*, no. 8/9, p. 8-32.

Hamedinger, A., Bartik, H., Wolffhardt, A., (2008). The Impact of EU Area-based Programmes on Local Governance: Towards a 'Europeanisation'?. *Urban Studies*, vol. 45, no. 13, p. 2669–2687.

Hammar, T., (1990). *Democracy and the Nation State: Aliens, Denizens and Citizens in a World of International Migration*. Aldershot, Avebury.

Hammar, T., Brochmann, G., Tamas, K., Faist, T., (eds.), (1997). *International Migration, Immobility and Development: Multi-disciplinary Perspectives*. Berg, Oxford, UK.

Harlow, C. Rawlings, R., (2007). Promoting Accountability in Multilevel Governance: A Network Approach. *European Law Journal*, vol. 13; no. 4, p. 542-562.

Hartlapp, M., Falkner, G., (2008). Problems of operationalization and data in EU compliance research. *WZB Discussion Paper*, no. SP|2008-104. Berlin Social Science Centre.

Harvey, W.S., (2010). Methodological approaches for interviewing elites. *Geography Compass*, vol. 4, no. 3, p. 193-205.

Harvey, W.S., (2011). Strategies for conducting elite interviews. *Qualitative Research*, vol. 11, no. 4, p. 431-441.

Hatton, T.J., (2015). Immigration, Public Opinion and the Recession in Europe. *Economic Policy Sixty-first panel meeting Hosted by the Bank of Latvia*, Riga, 17-18 April 2015.

Häusler, A., Peters, J., Sager, T., (2010). *Rechtspopulismus in Gestalt. Einer "Burgerbewegung". Struktur und politische Methodik von PRO NRW und PRO DEUTSCHLAND. Neufassung 2010*. Landesarbeitsgemeinschaft der kommunalen Migrantenvertretungen Nordrhein-Westfalen (LAGA NRW), Düsseldorf.

Heckmann, F., (2006). Illegal migration: What Can We Know and What Can We Explain? *Bodemann, Y.M., Yurdakul, G. (eds.). Migration, Citizenship, Ethnos*. Palgrave macmillan.

Hekwolter, M., Nijskens, R., Heeringa, W., (2017). *The housing market in major Dutch cities*. De Nederlandsche Bank N.V..

Helmke, G., Levitsky, S., (2004). Informal institutions and comparative politics: A research agenda. *Perspectives on politics*, vol. 2, no. 4, p. 725-740.

Hemelsoet, E., (2011). Questioning the homogenization of irregular migrants in educational policy: From (il)legal residence to inclusive education. *Educational Theory*, vol. 61, no. 6, p. 659-669.

Hepburn, E., Zapata-Barrero, R., (eds.), (2014). *The politics of immigration in multi-level states – Governance and political parties*. Palgrave macmillan.

Héritier, A., (1993). Einleitung Policy-Analyse. Elemente der Kritik und Perspektiven der Neuorientierung. *Policy-Analyse*. VS Verlag für Sozialwissenschaften, Wiesbaden.

Héritier, A., (1999). *Policy-making and Diversity in Europe: Escape from Deadlock*. Cambridge: Cambridge University Press.

Héritier, A., Knill, C., (2001). Differential responses to European policies: a comparison. *Windhoff-Héritier, A., Kerwer, D., Knill, C., Douillet, A.C., Lehmkuhl, D., Teutsch, M., (eds.). Differential Europe: the European Union impact on national policymaking*. Rowman & Littlefield. p. 257-321.

Hertogh, M., (2009). Through the eyes of bureaucrats: How Frontline Officials Understand Administrative Justice. *Adler, M. (ed.). Administrative Justice in Context*. Oxford Hart Publishing Ltd.

Hilal, A.H., Alabri, S.S., (2013). Using NVivo for data analysis in qualitative research. *International interdisciplinary journal of education*, vol. 2, no. 2, p. 181-186.

Hix, S., Noury, A., (2007). Politics, Not Economic Interests: determinants of Migration Policies in the European Union. *International Migration Review*, vol. 41, no. 1, p. 182-205.

Hix, S., Noury, A., (2009). After enlargement: Voting patterns in the sixth European Parliament. *Legislative Studies Quarterly*, vol. 34, no. 2, p. 159-174.

Hix, S., Noury, A., (2016). Government-opposition or left-right? The institutional determinants of voting in legislatures. *Political Science Research and Methods*, vol. 4, no. 2, p. 249-273.

Hix, S., Noury, A., (2018). Power versus ideology: Political group switching in the European parliament. *Legislative Studies Quarterly*, vol. 43, no. 4, p. 551-594.

Hofmann, S.C., (2019). The politics of overlapping organizations: hostage-taking, forum-shopping and brokering. *Journal of European Public Policy*, vol. 26, no.6, p. 883-905.

Hollifield, J.F., (1992). *Immigrants, Markets and States: The Political Economy of Post-war Europe*. Harvard University Press, Cambridge.

Hollifield, J.F., (2004). The Emerging Migration State. *International Migration Review*, vol. 38, no. 3, p. 885-912.

Holm, A., Lederer, K., Naumann, M., (eds.), (2011). *Linke Metropolenpolitik: Erfahrungen und Perspektiven am Beispiel Berlin*. Westfälisches Dampfboot.

Holtkamp, L., (2012). Reform der Kommunalverfassungen in den alten Bundesländern - eine Ursachenanalyse. *Bogumil, J., Heinelt, H. (eds.). Bürgermeister in Deutschland: politikwissenschaftliche Studien zu direkt gewählten Bürgermeistern (Vol. 102)*. Springer-Verlag. P. 13-32.

Hooghe, L., Marks, G., (2001). Types of Multi-Level governance. *European Integration online papers*, vol. 5, no. 11., p. 1-32.

Hooghe, L., Marks, G., (2003). Unravelling the Central State, But How? Types of Multi-Level governance. *IHS Political Science Series*, no. 87, p. 1-27.

Hooghe, L., Marks, G., Schakel, A.H., (2010). *The Rise of Regional Authority. A comparative study of 42 democracies (1950-2006)*. Routledge.

Hosken, A.,(2008). *Ken: The Ups and Downs of Ken Livingstone*. Arcadia Books.

Hsieh, H.F., Shannon, S.E., (2005). Three approaches to qualitative content analysis. *Qualitative health research*, vol. 15, no. 9, p. 1277-1288.

Hutton, C., Lukes, S., Petch, H., (2019). *Housing destitute migrants: Lessons from a pilot project 2015-2018 Executive Summary*. Commonweal Housing & Praxis Community Projects.

Huysmans, J., (2000). The European Union and the Securitization of Migration. *Journal of Common Market Studies*, vol. 38, no. 5, p. 751-777.

Investitionsbank Berlin, (IBB, 2018). *2017 IBB Housing market report*. Investitionsbank Berlin.

Irvine, A., Drew, P., Sainsbury, R., (2013). Am I not answering your questions properly? Clarification, adequacy and responsiveness in semi-structured telephone and face-to-face interviews. *Qualitative Research*, vol. 13, no. 1, p. 87-106.

Isin, E.F., (2000). Introduction: democracy, citizenship, sovereignty, politics. *Isin, E.F., (ed.). Democracy, citizenship, and the global city*. Routledge, London. p. 1–21

Jäckle, S., König, P.D., (2018). Threatening events and anti-refugee violence: An empirical analysis in the wake of the refugee crisis during the years 2015 and 2016 in Germany. *European Sociological Review*, vol. 34, no. 6, p. 728-743.

James, P., (2017). *The German electoral system*. Routledge, London.

Jeffery, C., Pamphilis, N.M., Rowe, C., Turner, E., (2014). Regional policy variation in Germany: the diversity of living conditions in a "unitary federal state". *Journal of European Public Policy*, vol. 21, no.9, p. 1350-1366.

Jensen, M.D., Koop, C., Tatham, M., (2014). Coping with power dispersion? Autonomy, coordination and control in multilevel systems. *Journal of European Public Policy*, vol. 21, no. 9, p. 1237-1254.

John, P., (2001). *Sage Politics Texts: Local governance in Western Europe*. SAGE Publications Ltd, London.

Jonji´c, T., Mavrodi, G., (2012). *Immigration in the EU: policies and politics in times of crisis 2007-2012*. EUDO Observatory on Public Opinion, Political Elites and the Media, Florence.

Joppke, C., (1998). Why liberal states accept unwanted immigration. *World politics*, vol. 50, no. 2, p. 266-293.

Joppke, C., (1999). *Immigration and the nation-state: the United States, Germany, and Great Britain*. Clarendon Press.

Joppke, C., (2001). The legal-domestic sources of immigrant rights: The United States, Germany, and the European Union. *Comparative political studies*, vol. 34, no. 4, p. 339-366.

Jordan, B., Düvell, F., (2002). *Irregular Migration. The Dilemmas of Transnational Mobility.* Edward Elgar Cheltenham, UK.

Jordan, B., Strath, B., Triandafyllidou, A., (2003a). Contextualising immigration policy implementation in Europe. *Journal of Ethnic and Migration Studies*, vol. 29, no. 2., p. 195-224.

Jordan, B., Sträth, B., Triandafyllidou, A., (2003b). Comparing cultures of discretion. *Journal of Ethnic and Migration Studies*, vol. 29, no. 2, p. 373-395.

Jorgensen, M.B., (2012). The Diverging Logics of Integration Policy Making at National and City Level. *International Migration Review*, vol. 46, no. 1, p. 244-278.

Kagan, R.A., (2006). The Organization of Administrative Justice Systems. *JSP/ Centre for the Study of Law and Society Faculty Working Papers*, UC Berkely.

Kant, I., (2004). *Kant's Critique of Practical Reasoning. Book I Analytic of Pure Practical Reason. Chapter I On the Principles of Pure Practical Reason*. Project Gutenberg.

Kemp, C., (2010). Building bridges between structure and agency: Exploring the theoretical potential for a synthesis between habitus and reflexivity. *Essex Graduate Journal of Sociology*, vol. 10, p. 149-157.

King, A., (2015). *Who governs Britain?* Pelican, Penguin Random House UK.

Klaassen, N., (27/4/2017). Nieuwe politieke partij: Schevenings Belang. *Algemeen Dagblad*.

Klaassen, N., (22/01/2020). Nieuwe wending in Haagse corruptieaffaire. *Algemeen Dagblad*.

Kjaer, U., & Elklit, J., (2010). Local party system nationalisation: Does municipal size matter?. *Local Government Studies*, vol. 36, no. 3, p. 425-444.

Koppens, S., (2017). *Valse hoop of bittere noodzaak. Opvang van mensen zonder verblijfsrecht*. Amnesty International Nederland – Stichting LOS.

Kothari, C.R., (2004). *Research methodology: Methods and techniques (second revised edition)*. New Age International.

Kovacheva, V., (2010). *Irregular Migration in Germany since the turn of the millennium - development, economic background and discourses. Working Paper no. 5*. Hamburg Institute of International Economics (HWWI).

Kraler, A., Rogoz, M., (2011). *Irregular Migration in the European Union since the turn of the millennium - development, economic background and discourses. Working Paper No.10/2011*. Clandestino, Database on Irregular Migration.

Kriesi, H., Grande, E., Lachat, R., Dolezal, M., Bornschier, S., Frey, T., (2006). Globalization and the transformation of the national political space: Six European countries compared. *European Journal of Political Research*, vol. 45, no. 6, p. 921-956.

Kromhout, M.H.C., Wubs, H., Beenakkers, E.M.T., (2008). *Illegaal Verblijf in Nederland: Een Literatuuronderzoek*. The Hague: Wetenschappelijk Onderzoek- en Documentatiecentrum.

Krouwel, A., Lucardie, P., (2008). Waiting in the wings: New parties in the Netherlands. *Acta Politica*, vol. 43, no.2, p. 278-307.

Kruis, G., van Waveren, B. (2016). (2016). Maatschappelijke en financiële gevolgen van de kostendelersnorm. *Sociaal Bestek*, vol. 78, no. 6, p. 20-21.

Krzyżanowski, M., Triandafyllidou, A., Wodak, R., (2018). The mediatization and the politicization of the "refugee crisis" in Europe. *Journal of Immigrant & Refugee Studies*, vol. 16, no.1-2, p. 1-14.

Kubal, A., (2013). Conceptualizing Semi-Legality in Migration Research. *Law & Society Review*, vol.47, no. 3, p. 555-587.

Kusenbach, M., (2003). Street phenomenology: The go-along as ethnographic research tool. *Ethnography*, vol.4, no. 3, p. 455-485.

Kuzmanić, M., (2009). Validity in qualitative research: Interview and the appearance of truth through dialogue. *Horizons of Psychology*, vol. 18, no. 2, p. 39-50.

Labour Party, (2001). *Ambitions for Britain. Labour's manifesto 2001*. Labour Party.

Labour party, (2005). *Britain forward not back. The Labour Party manifesto 2005*. Labour Party.

Ladner, A., Keuffer, N., Baldersheim, H., (2015). *Self-rule Index for Local Authorities (Release 1.0). Final report*. European Commission, Directorate-General for Regional and Urban Policy, Brussels.

Ladner, A., Keuffer, N., Baldersheim, H., (2016). Measuring Local Autonomy in 39 Countries (1990–2014). *Regional & Federal Studies*, vol. 26, no. 3, p. 321-357.

Ladrech, R.,(1994). Europeanization of Domestic Politics and Institutions: The Case of France. *Journal of Common Market Studies*, vol. 32, no. 1, p. 69-88.

Lahav, G., (2004). Public opinion toward immigration in the European Union: does it matter?. *Comparative Political Studies*, vol. 37, no. 10, p. 1151-1183.

Lahav, G., Messina, A.M., (2005). The limits of a European immigration policy: Elite opinion and agendas within the European Parliament. *Journal of Common Market Studies*, vol. 43, no. 4, p. 851-875.

Lancaster, K., (2017). Confidentiality, anonymity and power relations in elite interviewing: conducting qualitative policy research in a politicised domain. *International Journal of Social Research Methodology*, vol. 20, no. 1, p. 93-103.

Laubenthal, B., (2011). The negotiation of irregular migrants' right to education in Germany: a challenge to the nation-state. *Ethnic and Racial Studies*, vol. 34, no. 8, p. 1357-1373.

Lavenex, S., (2016). Multilevelling EU external governance: the role of international organizations in the diffusion of EU migration policies. *Journal of Ethnic and Migration Studies*, vol. 42, no. 4, p. 554-570.

Lavenex,S., Uçarer, E.M., (2004). The External Dimension of Europeanization: The Case of Immigration Policies. *Cooperation and Conflict*, vol. 39, no. 4, p. 417-443.

Lazowski, L., Wessel, R.A., (2015). *The European Court of Justice blocks the EU's accession to the ECHR*. Centre for European Policy Studies (CEPS), Brussels.

Leerkes, A., (2016a). Back to the poorhouse? Social protection and social control of unauthorized immigrants in the shadow of the welfare state. *Journal of European Social Policy*, vol. 26, no. 2, p. 140-154.

Leerkes, A., (2016b). Managing migration through legitimacy? Alternatives to the criminalisation of unauthorised migration. *Carrera, S., Guild, E., (eds.). Irregular Migration, Trafficking and Smuggling of Human Beings: Policy Dilemmas in the EU.* Centre for European Policy Studies (CEPS), Brussels.

Leerkes, A., Bernasco, W., (2007).Tegen de wetten van de staat, tegen de wetten van de straat?, *Sociologie*, vol. 3, no. 2, p. 168-204.

Leerkes, A., Engbersen, G., van San, M., (2007). Shadow places: Patterns of spatial concentration and incorporation of irregular immigrants in the Netherlands. *Urban Studies*, vol. 44, no. 8, p. 1491-1516.

Leerkes, A., Engbersen, G., van der Leun, J., (2012b). Crime among irregular immigrants and the influence of internal border control. *Crime, Law and Social Change* , vol. 58, no. 1, p. 15-38.

Leerkes, A., Varsanyi, M., Engbersen, G., (2012a). Local Limits to Migration Control: Practices of Selective Migration Policing in a Restrictive National Policy Context. *Police Quarterly*, vol. 15, no. 4, p. 446-475.

Lenz, T., (2012). Spurred Emulation: The EU and Regional Integration in Mercosur and SADC. *West European Politics*, vol. 35, no. 1, p. 155–173.

Leruth, B., Taylor-Gooby, P., (2019). Does political discourse matter? Comparing party positions and public attitudes on immigration in England. *Politics*, vol. 39, no. 2, p. 154-169.

Lesschaeve, C., (2017). The predictive power of the left-right self-placement scale for the policy positions of voters and parties. *West European Politics*, vol. 40, no. 2, p. 357-377.

LeVoy, M., Geddie, E., (2009). Irregular Migration: Challenges, Limits and Remedies. *Journal of Refugee studies*, vol. 28, no. 4, p. 87-113.

Liberal Democrats, (2010). *Liberal Democrat Manifesto 2010. Change that works for you. Building a fairer Britain*. Liberal Democrats.

Lidström, A., (1998). The comparative study of local government systems – a research agenda. *Journal of Comparative Policy Analysis: Research and Practice*, vol. 1, no. 1, p. 97-115.

Lijphart, A., (1999). *Patterns of Democracy. Government Forms and Performance in Thirty-Six Countries*. Yale University Press, New Haven & London.

Lijphart, A., (2012). *Patterns of Democracy. Government Forms and Performance in Thirty-Six Countries, Second edition*. Yale University Press, New Haven & London.

Lilleker, D.G., (2003). Doing Politics. Interviewing the Political Elite: Navigating a Potential Minefield. *Politics*, vol. 23, no. 3, p. 207-214.

Lipsky, M., (1980). *Street Level Bureaucracy: Dilemmas of the Individual in Public Services*. Russell Sage Foundation, New York.

Lipsky, M., (2010). *Street-Level Bureaucracy: Dilemmas of the Individual in Public Services*. Russel Sage Foundation, New York.

Local Government Association, (LGA, 2020). *LGA Business Plan 2019-2022*. Local Government Association.

Local Government Boundary Commission for England, (LGBCE, 2010). *Final recommendations for new local government electoral arrangements for Stoke-on-Trent City Council*. Local Government Boundary Commission for England.

London Elects, (2012). *The voting system*. London Elects, City Hall, The Queen's Walk.

London Elects, (2020). *Statutory notices and elections timetable*. London Elects, City Hall, The Queen's Walk.

London Metropolitan Police, (Met, 2018). *One Met model 2020. Basic Command Unit (BCU) Pathfinder review. Strengthening Local Policing Programme January 2018*. London Metropolitan Police.

Lucardie, A., Voerman, G., (2002). Liberaal patriot of nationaal populist? Het gedachtengoed van Pim Fortuyn. *Socialisme en Democratie*, vol. 59, no. 4, p. 32-42.

Lucassen, L., Renner, G., Schiffauer, W., Straubhaar, T., Thränhardt, D., Wimmer, A., (2005). *IMIS-Beitrage Heft 27/2005*. Instituts für Migrationsforschung und Interkulturelle Studien (IMIS). Universität Osnabrück.

Lukes, S., de Noronha, N., Finney, N., (2019). Slippery discrimination: a review of the drivers of migrant and minority housing disadvantage. *Journal of Ethnic and Migration Studies*, vol. 45, no. 17, p. 3188-3206.

Lund, B., (2017). *Understanding Housing Policy: Third edition*. The Policy Press and the Social Policy Association.

Mack, A., Verbeek, E., Klaver, J., (2020). *Plan- en procesevaluatie Landelijke Vreemdelingen-voorzieningen*. Regioplan Amsterdam.

Maes, F., Bursens, P., (2015). Steering or Networking: The impact of Europe 2020 on regional governance structures. *Politics and Governance*, vol. 3, no. 2, p. 100-116.

Maier, S., Schimmelfennig, F., (2007). Shared values: democracy and human rights. *Weber, K., Smith, M.E., Baun, M., (eds.). Governing Europe's neighbourhood. Partners or periphery?* Manchester University Press. P. 39-57.

Malmberg, G., (1997). Time and Space in International Migration. *Hammar, T., Brochmann, G., Tamas, K., Faist, T., (eds.). International Migration, Immobility and Development: Multi-disciplinary Perspectives.* Berg, Oxford, UK.

Manners, I., (2002). Normative Power Europe: A Contradiction in Terms? *Journal of Common Market Studies*, vol. 40, no. 2, p. 235-258.

Mansley, E., Demšar, U., (2015). Space matters: Geographic variability of electoral turnout determinants in the 2012 London mayoral election. *Electoral Studies*, vol. 40, p. 322-334.

Marquis, C., Glynn, M.A., Davis, G.F., (2007). Community isomorphism and corporate social action. *Academy of management review*, vol. 32, no. 3, p. 925-945.

Marshall, A., (2005). Europeanization at the urban level: Local actors, institutions and the dynamics of multi-level interaction. *Journal of European Public Policy*, vol. 12, no. 4, p. 668-686.

Mastenbroek, E., (2003). Surviving the deadline: the transposition of EU directives in the Netherlands. *European Union Politics*, vol. 4, no. 4, p. 371-395.

Mastenbroek, E., (2005). EU compliance: Still a 'black hole'? *Journal of European Public Policy*, vol. 12, no. 6, p. 1103-1120.

Mastenbroek, E., Kaeding, M., (2006). Europeanization Beyond the Goodness of Fit: Domestic Politics in the Forefront. *Comparative European Politic*, no. 4, p. 331-354.

Matland, R.E., (1995). Synthesizing the Implementation Literature: The Ambiguity-Conflict Model of Policy Implementation. *Journal of Public Administration Research and Theory*, vol. 5, no. 2, p. 145-174.

May, P.J., Winter, S.C., (2009). Politicians, managers and street-level bureaucrats: influences on policy implementation. *Journal of Public Administration Research and Theory*, vol. 19, no. 3, p. 453- 476.

Mayer, M.M., Schneider, J., Müller, A., (2012). *Politikbericht 2011*. Bundesamt für Migration und Flüchtlinge (BAMF).

Maynard-Moody, S., Musheno, M., (2000). State Agent or Citizen Agent. Two Narratives of Discretion. *Journal of Public Administration Research and Theory*, vol. 10, no. 2, p. 329-358.

Mayor of London, (2018a). *Rough sleeping commissioning framework*. Greater London Authority.

Mayor of London, (2018b). *London Housing Strategy*. Greater London Authority.

Mayor of London, (2018c). *All of us. The Mayor's Strategy for social integration*. Greater London Authority.

Mayor of London, (2019a). *Housing in London*. Greater London Authority.

Mayor of London, (2019b). *The Mayor's Migrant & Refugee Advisory Panel (MRAP) meeting of 23 July 2019*. Greater London Authority.

Mayor of London, (2019c). *London Strategic Migration Partnership (LSMP) meeting of 11 September 2019*. Greater London Authority.

Mayor of London, (2020b). *Social integration in London: A snapshot of the Mayor's approach*. Greater London Authority.

Mayring, P., (2014). *Qualitative content analysis: theoretical foundation, basic procedures and software solution*. Klagenfurt, Austria.

McKay, J., (2007). The Berlin land election 2006. *German Politics*, vol. 16, no. 4, p. 518-525.

McKay, J., (2012). The Berlin Land Election 2011. *German Politics*, vol. 21, no. 2, p. 228-238.

Meng-Hsuan C., (2006). *Working paper no. 37.* University of Oxford. Centre on Migration, Policy and Society.

Merlino, M., Parkin, J., (2011). *Irregular Migration in Europe: EU policies and the Fundamental Rights Gap*. Centre for European Policy Studies (CEPS), Brussels.

Ministerium des Innern des Landes Nordrheine-Westphalen, (MI NRW, 1993). *Bekanntmachung der Neufassung des Landeswahlgesetzes vom 16. August 1993*. Ministerium des Innern des Landes Nordrheine-Westphalen.

Ministeriums für Arbeit, Gesundheit und Soziales des Landes Nordrhein-Westfalen, (MAGS NRW, 2019). *Integrierte Wohnungsnotfall-Berichterstattung 2018 in Nordrhein-Westfalen. Struktur und Umfang von Wohnungsnotfällen*. Ministeriums für Arbeit, Gesundheit und Soziales des Landes Nordrhein-Westfalen.

Ministry of Housing, Communities and Local Government, (MHCLG, 2017). *Single departmental plan*. Ministry of Housing, Communities and Local Government.

Mohajan, H.K., (2018). Qualitative research methodology in social sciences and related subjects. *Journal of Economic Development, Environment and People*, vol. 7, no. 1, p. 23-48.

Moir, E., Moonen, T. Clark, G., (2014). *What are future cities? Origins, meanings and uses*. Government Office for Science, London.

Mönchengladbach, (2017). *Stadtteilbeschreibungen Mönchengladbach 2016. Grunddaten zur Bevölkerungs-, Haushalts und Sozialstruktur*. Mönchengladbach.

Money, J., (2010). Comparative Immigration Policy. *Denemark, R*. *The International Studies Encyclopedia*. Blackwell Publishing and Blackwell Reference, New York.

Moravcsik, A., (2005). The European Constitutional Compromise and the neofunctionalist legacy. *Journal of European Public Policy*, vol. 12, no. 2, p. 349-386.

Moravcsik, A., (2014). Transparency: The revolution in qualitative research. *Political Science & Politics*, vol. 47, no. 1, p. 48-53.

Morehouse, C., Blomfield, M., (2011). *Irregular migration in Europe*. Migration Policy Institute (MPI), Europe.

Mortelmans, D., (2013). *Handboek kwalitatieve onderzoeksmethoden*. Acco Leuven/ Den Haag.

Mortelmans, D.,(2017). *Kwalitatieve analyse met Nvivo*. Acco Leuven/ Den Haag.

Mortelmans, D., (2019). Analyzing Qualitative Data Using Nvivo. *Van den Bulck, H., Puppis, M., Donders, K., Van Audenhove, L.. The Palgrave Handbook of Methods for Media Policy Research*. Palgrave macmillan. p. 435-450.

Neue Liberale, (2015). *Freiheit in Verantwortung. Die Beschlüsse des Bundesparteitags*. Die Sozialliberalen.

Niemann, A., Bretherton, C., (2013). EU external policy at the crossroads: The challenge of actorness and effectiveness. *International Relations*, vol. 3, no. 27, p. 261-275.

Niu, J., Hedstrom, M., (2008). Documentation evaluation model for social science data. *Proceedings of the American society for information science and technology*, vol. 45, no. 1, p. 1-11.

Noaks, L., Wincup, E., (2004). *Criminological Research: Understanding Qualitative Methods*. SAGE Publications Ltd.

Noble, S., McLennan, D., Noble, M., Plunkett, E., Gutacker, N., Silk, M., Wright, G., (2019). *The English Indices of Deprivation 2019. Research report*. Ministry of Housing, Communities and Local Government.

No Recourse to Public Funds Network, (NRPF, 2019a). *Annual report 2018-2019: local authority support for people with no recourse to public funds*. No Recourse to Public Funds (NRPF) network.

No Recourse to Public Funds Network, (NRPF, 2019b). *Local authority support for people with no recourse to public funds (NRPF) - Policy recommendations*. No Recourse to Public Funds (NRPF) network.

Obelene, V., (2009). Expert versus Researcher: Ethical Considerations in the Process of Bargaining a Study. *Bogner, A., Littig, B., Menz, W., (eds.). Interviewing experts*. Springer Open.

Occhipinti, J.D., (2007). Justice and Home Affairs: immigration and policing. *Weber, K., Smith, M.E., Baun, M., (eds.). Governing Europe's neighbourhood. Partners or periphery?* Manchester University Press.

Odmalm, P., (2011). Political Parties and 'the Immigration Issue': Issue Ownership in Swedish Parliamentary Elections 1991-2010. *West European Politics*, vol. 34, no. 5, p. 1070-1091.

Oelgemöller, C., (2017). The Illegal, the Missing: an Evaluation of Conceptual Interventions. *Millennium: Journal of International Studies*, vol. 46, no. 1, p. 24-40.

Office for National Statistics, (NOMIS, 2012). *UK Census 27 March 2011, Ethnic group other than white.* https://www.nomisweb.co.uk/query/construct/submit.asp?forward=yes&menuopt=201&subcomp

Oliver, D.G., Serovich, J.M., Mason, T.L., (2005). Constraints and opportunities with interview transcription: Towards reflection in qualitative research. *Social forces*, vol. 84, no. 2, p. 1273-1289.

Olsen, J.P., (2002). The many faces of Europeanization. *Journal of Common Market Studies*, vol. 40, no. 5, p. 921-952.

Olson, M., (1993). Dictatorship, democracy, and development. *American Political Science Review*, vol. 87, no. 3, p. 567-576.

Oomen, B., (2020). Cities of refuge: Rights, culture and the creation of cosmopolitan citizenship. *Buikema, R., Buyse, A., Robben, A., (eds.). Cultures, Citizenship and Human Rights*. Routledge Taylor & Francis Group London and New York.

Oomen, B., Baumgärtel, M., (2018). Frontier Cities: The Rise of Local Authorities as an Opportunity for International Human Rights Law. *European Journal of International Law*, vol. 29, no. 2, p. 607-630.

Orbie, J., (2009). *Theorie van de Europese integratie. Ideeën, belangen en instellingen*. Acco: Leuven/ Den Haag.

Organization for Economic Cooperation and Development, (OECD, 2013). *Trends in immigration and economic consequences*. OECD.

Orrenius, P.M., Zavodny, M., (2016). Irregular Immigration in the European Union. *SIEPS, Swedish Institute for European Policy Studies, European Policy Analysis*, no. 2, p. 1-20.

Otjes, S., (2020). Going Local. Voting for independent local Parties in the Netherlands 1986-2010. *Local Government Studies*, vol. 46, no. 1, p. 91-115.

Pace, M., (2007). People-to-people: education and culture. *Weber, K., Smith, M.E., Baun, M., (eds.). Governing Europe's neighbourhood. Partners or periphery?* Manchester University Press. P.156-175.

Pagnini, C., Giannetto, A., Pugliese, C., Haider, J., (2020). *Study supporting FEAD monitoring: analysis of FEAD annual implementation reports (2018-2019). Detailed report on the Annual Implementation Reports for the Operational Programmes co-financed by the FEAD in 2018.* European Commission, Brussels.

Palidda, S., (2011). *Racial criminalization of migrants in 21st century*. Farnham, Ashgate.

Panara, C., Varney, M.R., (eds.), (2013). *Local Government in Europe: The 'Fourth Level' in the EU Multi-Layered System of Governance*. Routledge Research in EU Law, United Kingdom.

Panizzon, M., van Riemsdijk, M., (2019). Introduction to special issue: migration governance in an era of large movements: a multi-level approach. *Journal of Ethnic and Migration*, vol. 45, no. 8, p. 1225-1241.

Papademetriou, D.G., Banulescu-Bogdan, N., (2016). *Understanding and Addressing Public Anxiety About Immigration*. Migration Policy Institute (MPI), Washington DC.

Papademetriou, D.G., Banulescu-Bogdan, N., (2017). *The Dutch Elections: How to Lose and Still Shape the Direction of a Country- and Possibly a Continent?* Migration Policy Institute (MPI), Europe.

Parkin, J., (2013). *The Criminalisation of Migration in Europe. A State-of-the-Art of the Academic Literature and Research.* Centre for European Policy Studies (CEPS), Brussels.

Parliamentary Assembly, (2006a). *Recommendation 1775. Human rights of irregular migrants*. Council of Europe, Strasbourg.

Parliamentary Assembly, (2006b). *Resolution 1509. Human rights of irregular migrants*. Council of Europe, Strasbourg.

Partij van de Arbeid, (PvdA, 1998). *Een wereld te winnen. Verkiezingsprogramma Tweede Kamer 1998 – 2002*. Partij van de Arbeid.

Partij van de Arbeid (PvdA, 2006). *Samen sterker werken aan een beter Nederland. Verkiezingsprogramma Tweede-Kamerverkiezingen 2006*. Partij van de Arbeid.

Partij van de Arbeid, (PvdA, 2012). *Nederland sterker & socialer. Verkiezingsprogramma Tweede Kamerverkiezingen 2012*. Partij van de Arbeid.

Partij voor de Dieren, (2010). *Recepten voor mededogen en duurzaamheid*. Partij voor de Dieren.

Pascouau, Y., (2014). *The future of the area of freedom, security and justice*. European Policy Centre, Brussels.

Payre, R., (2010). The Importance of Being Connected. City Networks and Urban Government: Lyon and Eurocities (1990–2005). *International Journal of Urban and Regional Research*, vol. 34, no. 2, p. 260-280.

Pazos-Vidal, S., (2019). *Subsidiarity and EU Multilevel Governance. Actors, Networks and Agendas*. Routledge, London.

Peirce, C.S., (1868). Some Consequences of Four Incapacities. *Journal of Speculative Philosophy*, vol. 2, no. 3, p. 140-157.

Penninx, R., Blom, S., Caponio, T., Garcés-Mascareñaz, B., Protasiewicz, P.M., Schwarz, H., (2014). *European Cities and their Migrant Integration Policies. King Project – Social Science Unit Paper n.6/ October 2014*. Knowledge for Integration Governance, Milano.

Penninx, R., Garcés-Mascareñas, B., (2016). The Concept of Integration as an Analytical Tool and as a Policy Concept. *Garcés-Mascareñas, B., Penninx, R., (eds.). Integration Processes and Policies in Europe. Contexts, Levels and Actors*. Springer Open.

Peterson, P.E., (1981). *City limits*. University of Chicago Press.

Pfadenhauer, M., (2009). At Eye Level: The Expert Interview – a Talk between Expert and Quasi-expert. *Bogner, A., Littig, B., Menz, W., (eds.). Interviewing experts*. Springer Open.

Piattoni, S., (2009). Multi-level Governance: A Historical and Conceptual Analysis. *Journal of European Integration*, vol. 31, no. 2, p. 163-180.

Pierson, P., (1996). The Path to European Integration: A Historical Institutionalist Analysis. *Comparative Political Studies*, vol. 29, no. 2, p. 123-163.

Platform for International Cooperation on Undocumented Migrants, (Picum, 2010). *PICUM's Main Concerns about the Fundamental Rights of Undocumented Migrants in Europe*. Platform for International Cooperation on Undocumented Migrants, Brussels.

Platform for International Cooperation on Undocumented Migrants, (Picum, 2012a). *Guaranteed access to services for undocumented migrants in Europe*. Platform for International Cooperation on Undocumented Migrants, Brussels.

Platform for International Cooperation on Undocumented Migrants, (Picum, 2015). *Picum Position Paper. Undocumented Migrants and the Europe 2020 Strategy: Making Social Inclusion a Reality for All Migrants in Europe*. Platform for International Cooperation on Undocumented Migrants, Brussels.

Platform for International Cooperation on Undocumented Migrants, (Picum, 2017a). *Cities of rights: ensuring health care for undocumented residents*. Platform for International Cooperation on Undocumented Migrants, Brussels.

Platform for International Cooperation on Undocumented Migrants, (Picum, 2017b). *Bulletin 14 July 2017*. Platform for International Cooperation on Undocumented Migrants, Brussels.

Platform for International Cooperation on Undocumented Migrants, (Picum, 2020). *Data protection and the "firewall": Advancing the right to health for people in an irregular situation*. Platform for International Cooperation on Undocumented Migrants, Brussels.

Pollack, M.A., (2005). Theorizing the European Union: International Organization, Domestic Polity or Experiment in New Governance? *Annual Review of Political Science*, vol. 8, p. 357-398.

Price, J., Spencer, S. (2015). *Safeguarding children from destitution: local authority responses to families with 'no recourse to public funds'*. Centre on Migration Policy and Society (Compas), University of Oxford.

Project 17, (2020). *Annual Report 2018-19*. Project 17, London.

Provera, M., (2015). *The Criminalisation of Irregular Migration in the European Union*. Centre for European Policy Studies (CEPS), Brussels.

Pryor, J., (2004). What's wrong with Moore's argument?. *Philosophical Issues*, no. 14, p. 349-378.

Radaelli, C. M., (2003). The Europeanization of Public Policy. *Featherstone, K., Radaelli, C., (eds.)*, (2003). The Politics of Europeanization. Oxford University Press.

Radaelli, C.M., Pasquier, R., (2008). Conceptual Issues. *Graziano, P., Vink, M.P., (eds.). Europeanization*. Palgrave Macmillan, London.

Rallings, C., Thrasher, M., (2013). *Local elections in Britain*. Routledge London and New York.

Ratcliffe, J. W., (1983). Notions of validity in qualitative research methodology. *Knowledge*, vol. 5, no. 2, p. 147-167.

Ray, P.G., Ruyssen, I., Standaert, S., (2016). *Measuring and Explaining Cross-Country Immigration Policies*. Institut de recherches Économiques et Sociales de l' Université catholique de Louvain.

Reeve, A., (1997). Community, industrial society and contemporary debate. *Journal of Political Ideologies*, vol. 2, no. 3, p. 211-225.

Regulator of Social Housing, (RSH, 2020). *Annual Report and Accounts*. Regulator of Social Housing.

Rekenkamer Den Haag, (2018). *Van de straat. Onderzoek naar de maatschappelijke opvang in Den Haag*. Rekenkamer Den Haag.

Rhodes, P.J., (2009). Civic ideology and citizenship. *Balot, R.K., (ed.). A Companion To Greek And Roman Political Thought*. Blackwell Publishing Ltd. p. 57-69.

Richards, T., (2002). An intellectual history of NUD* IST and NVivo. *International journal of social research methodology*, vol. 5, no. 3, p. 199-214.

Risse, T., (2009). Social constructivism and European integration. *Wiener, A., Diez, T. European Integration Theory (2nd edition)*. Oxford University Press.

Rodriguez, C., (2017). Enforcement, Integration, and the Future of Immigration Federalism. *Journal on Migration and Human Security*, vol. 5, no. 2, p. 509-540.

Roland, D., Wicks, D.A., (2009). A Conversational Model for Qualitative Research: A Case Study of Clergy and Religious Knowledge. *Australian Academic & Research Libraries*, vol. 40, no. 4, p. 252-265.

Romero-Ortuño, R., (2004). Access to health care for illegal immigrants in the EU: should we be concerned. *European Journal of Health Law*, no. 11, 245-272.

Ron, J., (2017). Introduction to special issue on "Public Opinion Polling & Human Rights". *Journal of Human Rights*, vol. 16, no.3, p. 257-260.

Ruedin, D., Morales, L., (2019). Estimating party positions on immigration: Assessing the reliability and validity of different methods. *Party Politics*, vol. 25, no. 3, p. 303-314.

Ruiz-Casares, M., Rousseau, C., Derluyn, I., Watters, C., Crépeau, F., (2010). Right and access to healthcare for undocumented children: Addressing the gap between international conventions and disparate implementations in North America and Europe. *Social Science & Medicine*, vol. 70, p. 329-336.

Russell, B., (2019). Beyond the local trap: New municipalism and the rise of the fearless cities. *Antipode*, vol. 51, no. 3, p. 989-1010.

Rustenbach, E., (2010). *Sources of Negative Attitudes towards Immigrants in Europe: a Multi-Level Analysis*. Centre for Migration Studies of New York.

Ryan, D., Dooley, B., Benson, C., (2008). Theoretical Perspectives on Post-Migration Adaptation and Psychological Well-Being among refugees: Towards a Resource-Based Model. *Journal of Refugee Studies*, vol. 21, no. 1, p. 1-18.

Ryszard, C., (2005). *Irregular Migrants: access to minimum social rights*. Council of Europe Publishing.

Sabatier, P.A., (1986). Top-down and Bottom-up Approaches to Implementation research: A Critical Analysis and Suggested Synthesis. *Journal of Public Policy*, vol. 6, no. 1, p. 21-48.

Sabatier, P.A., (1998). The advocacy coalition framework: revisions and relevance for Europe. *Journal of European Public Policy*, vol. 5, no. 1, p. 98-130.

Saunders, D., (2011). *Arrival city. How the largest migration in history is reshaping our world*. Windmill books.

Scharpf, F.W., (1988). The joint-decision trap: Lessons from German federalism and European integration. *Public Administration*, vol. 66, no. 3, p. 239-278.

Scharpf, F.W., (2002). The European Social Model: Coping with the Challenges of Diversity. *Journal of Common Market Studies*, vol. 40, no. 4, p. 645-669.

Scharpf, F.W., (2006). The joint-decision trap revisited. *Journal of Common Market Studies*, vol. 44, no. 4, p. 845-864.

Schimmelfennig, F., Sedelmeier, U., (2002). Theorizing EU enlargement: research focus, hypotheses, and the state of research. *Journal of European Public Policy*, vol. 9, no.4, p. 500-528.

Schimmelfennig, F., Sedelmeier, U., (2004). Governance by conditionality: EU rule transfer to the candidate countries of Central and Eastern Europe. *Journal of European Public Policy*, vol. 11, no. 4, p. 669-687.

Schimmelfennig, F., Sedelmeier, U., (2005). Conclusions: the impact of the EU on the accession countries. *Schimmelfennig, F., Sedelmeier, U., (eds.). The Europeanization of Central and Eastern Europe*. Ithaca: Cornell University Press.

Schimmelfennig, F., Sedelmeier, U., (2020). The Europeanization of Eastern Europe: the external incentives model revisited. *Journal of European Public Policy*, vol. 27, no. 6, p. 814-833.

Schinkel, W., (2005). *Aspects of Violence*. University of Rotterdam.

Schneider, J., (2012). *Practical Measures for Reducing Irregular Migration: Research Study in the Framework of the European Migration Network (EMN)*. European Migration Network, Brussels.

Scholten, P.W., (2013). Agenda dynamics and the multi-level governance of intractable policy controversies: The case of migrant integration policies in the Netherlands. *Policy Sciences*, vol. 46, no. 3, p. 217-236.

Scholten, P., (2016). Between National Models and Multi-Level Decoupling: The Pursuit of Multi-Level Governance in Dutch and UK Policies Towards Migrant Incorporation. *Journal of International Migration and Integration*, vol. 17, no. 4, p. 973-994.

Scholten, P., Penninx, R., (2016). The Multilevel Governance of Migration and Integration. *Garcés-Mascareñas, B., Penninx, R., (eds.). Integration Processes and Policies in Europe. Contexts, Levels and Actors*. Springer Open.

Schönwälder, K., Vogel, D., Sciortino, G., (2004). *Migration und Illegalität in Deutschland. AKI-Forschungsbilanz 1*. Arbeitsstelle Interkulturelle Konflikte und gesellschaftliche Integration (AKI), Wissenschaftszentrum Berlin für Sozialforschung (WZB).

Schreier, M., (2012). *Qualitative Content Analysis in Practice*. SAGE Publications Ltd, London.

Schrover, M, Van der Leun, J., Lucassen, L., Quispel, C., (eds.)., (2008). *Illegal Migration and Gender in a Global and Historical Perspective*. Amsterdam University Press.

Schulz, M., (2014). Logic of Consequences and Logic of Appropriateness. *Augier, M., and Teece, D., (eds.). The Palgrave Encyclopedia of Strategic Management*. Palgrave Macmillan.

Schwartz-Shea, P., Yanow, D., (2012). *Interpretive research design. Concepts and processes*. Routledge New York and London.

Schweitzer, R., (2016). Providing public healthcare to irregular migrants. The everyday politics and local negotiation of formal entitlements and effective access in London and Barcelona. *GRITIM Working Paper Series*, no. 29, Autumn 2016.

Schweitzer, R., (2017). Integration against the state: Irregular migrants' agency between deportation and regularisation in the United Kingdom. *Politics*, vol. 37, no.3, p. 317-331.

Schweitzer, R., (2019). *The micro-management of migrant irregularity and its control. A qualitative study of the intersection of public service provision with immigration enforcement in London and Barcelona*. University of Sussex.

Sciortino, G., (2000). Towards a political sociology of entry policies: conceptual problems and theoretical proposals. *Journal of Ethnic and Migration Studies*, vol. 26, no. 2, p. 213-228.

Scott, J. W., (2016). Borders, border studies and EU enlargement. *The Ashgate research companion to border studies*, 123-143.

Sedelmeier, U., (2007). The European Neighbourhood Policy: a comment on theory and policy. *Weber, K., Smith, M.E., Baun, M., (eds.). Governing Europe's neighbourhood. Partners or periphery?* Manchester University Press. P. 195-208.

Sedelmeier, U., (2012). Is Europeanisation through Conditionality Sustainable? Lock-in of Institutional Change after EU Accession. *West European Politics*, vol. 35, no. 1, p. 20-38.

Senatsverwaltung für Arbeit, Integration und Frauen Berlin, (SAIF, 2016). *Masterplan Integration und Sicherheit*. Senatsverwaltung für Arbeit, Integration und Frauen Berlin.

Senatsverwaltung für Inneres und Sport Geschäftsstelle der Landeswahlleiterin Berlin, (SIS GLB, 2006). *Wahlordnung für die Wahlen zum Abgeordnetenhaus und zu den Bezirksverordnetenversammlungen (Landeswahlordnung-LWO) in der Fassung vom 9. März 2006*. Senatsverwaltung für Inneres und Sport Geschäftsstelle der Landeswahlleiterin Berlin.

Sigona, N., Hughes, V., (2012). *No way out, no way in. Irregular migrant children and families in the UK. Research report*. Centre on Migration Policy and Society (Compas), University of Oxford.

Silva, B.C., (2018). Populist radical right parties and mass polarization in the Netherlands. *European Political Science Review*, vol. 10, no. 2, p. 219-244.

Sinn, A., Kreienbrink, A., Dietrich von Loeffelholz, H., Wolf, M., (2005). *Illegally resident third-country nationals in Germany: Policy approaches, profile and social situation*. Federal Office for Migration and Refugees Migration and Integration Research Department, Nürnberg, Germany.

Skelcher, C., (2005). Jurisdictional Integrity, Polycentrism, and the Design of Democratic Governance. *Governance*, vol. 18, no. 1, p. 89 -110.

Skukauskaite, A., (2012). Transparency in transcribing: Making visible theoretical bases impacting knowledge construction from open-ended interview records. *Forum Qualitative Sozialforschung*, vol. 13, no. 1, art. 14.

Slack, E., (2004). *Models of Government Structure at the Local Level. Working Paper 4*. IIGR, Queen's University.

Smeets, S., Beach, D., (2020). When success is an orphan: informal institutional governance and the EU–Turkey deal. *West European Politics*, vol. 43, no. 1, p. 129-158.

Smith, D.M., Wistrich, E., (2014). *Devolution and Localism in England*. Ashgate Publishing Limited.

Smith, M.E., Weber, K., (2007). Governance theories, regional integration and EU foreign policy. *Weber, K., Smith, M.E., Baun, M., (eds.). Governing Europe's neighbourhood. Partners or periphery?* Manchester University Press.

Snower, D., Gros, D., Geddes, A., (eds.),(2017). *2017 MEDAM assessment report on asylum and migration policies in Europe: Sharing responsibility for refugees and expanding legal immigration.* Kiel institute for the World Economy.

Sørensen, E., Torfing, J., (2005). The democratic anchorage of governance networks. *Scandinavian political studies*, vol. 28, no. 3, p. 195-218.

Sozialdemokratische Partei Deutschlands, (SPD, 1998). *Arbeit, Innovation und Gerechtigkeit. SPD Wahlprogramm für die Bundestagswahl 1998*. Parteitages der SPD, Leipzig.

Sozialdemokratische Partei Deutschlands, (SPD, 2002). *Erneuerung und Zusammenhalt – Wir in Deutschland. Regierungsprogramm 2002 – 2006*. Sozialdemokratische Partei Deutschlands.

Sozialdemokratische Partei Deutschlands, (SPD, 2005). *Vertrauen in Deutschland. Das Wahlmanifest der SPD*. Sozialdemokratische Partei Deutschlands.

Sozialdemokratische Partei Deutschlands, (SPD, 2013). *Das wir entscheidet. Das Regierungsprogramm 2013 – 2017*. Sozialdemokratische Partei Deutschlands.

Sozialdemokratische Partei Deutschlands, (SPD, 2017). *Es ist Zeit für mehr Gerechtigkeit: Zukunft sichern, Europa stärken. Das Regierungsprogramm 2017 bis 2021*. Sozialdemokratische Partei Deutschlands.

Sozialdemokratische Partei Deutschlands (SPD), Christlich Demokratische Union Deutschlands (CDU), (2011). *Berliner Perspektiven für starke Wirtschaft, gute Arbeit und sozialen Zusammenhalt. Koalitionsvereinbarung für die Legislaturperiode 2011-2016*.

Sozialdemokratische Partei Deutschlands (SPD), Die Linke, Bündnis 90/ Die Grünen, (2016). *Berlin gemeinsam gestalten. Solidarisch. Nachhaltig. Weltoffen. Koalitionsvereinbarung 2016-2021*.

Spencer, S., (2016). Managing irregular migrants within the EU. *Carrera, S., Guild, E., (eds). Irregular Migration, Trafficking and Smuggling of Human Beings: Policy Dilemmas in the EU*. Centre for European Policy Studies (CEPS), Brussels.

Spencer, S., (2018). Multi-level governance of an intractable policy problem: Migrants with irregular status in Europe. *Journal of Ethnic and Migration Studies*, vol. 44, no. 12, p. 2034-2052.

Spencer, S., Delvino, N.,(2019). Municipal Activism on Irregular Migrants: The Framing of Inclusive Approaches at the Local Level. *Journal of Immigrant & Refugee Studies*, vol. 17, no. 1, p. 27-43.

Spencer, S., Hughes, V., (2016). Fundamental rights for irregular migrants: Legal entitlements to healthcare and school education across the EU28. *European Human Rights Law Review*, no. 6, p. 604-616.

Spendzharova, A., Versluis, E., (2013). Issue Salience in the European Policy Process: What impact on Transposition? *Journal of European Public Policy*, vol. 20, no. 10, p. 1499-1516.

Spiro, P.J., (2001). Federalism and immigration: Models and trends. *International Social Science Journal*, vol. 53, no. 167, p. 67-73.

Staatssecretaris van Justitie en Veiligheid, (MJV, 30/3/2018). *KST2429392. Vreemdelingenbeleid; Brief regering; Plan van aanpak Landelijke Vreemdelingen Voorzieningen*. Ministerie van Justitie en Veiligheid, Nederland.

Staatssecretaris van Justitie en Veiligheid, Vereniging Nederlandse Gemeenten, (MJV & VNG, 30/11//2018). *Samenwerkingsafspraken Landelijke Vreemdelingen Voorziening (LVV)*. https://vng.nl/sites/default/files/brieven/2018/attachments/20181130_getekende-samenwerkingsafspraak-lvv.pdf

Staatssecretaris van Veiligheid en Justitie, (MVJ, 24/11/2016). *KST196372259. Vreemdelingenbeleid; Brief regering; Stand van zaken bestuursakkoord tussen rijk en gemeenten over uitgeprocedeerde vreemdelingen.* Ministerie van Veiligheid en Justitie, Nederland.

Stadt Aachen, (2016). *Statistisches Jahrbuch 2015. Bevölkerungszahlen, Arbeitsmarktdaten und vieles mehr*. Stadt Aachen.

Stadt Augsburg, (2017). *Statistisches Jahrbuch der Stadt Augsburg. Issue 2016.* Stadt Augsburg.

Statistische Bundesamt, (DESTATIS, 2017). *Das Gemeindeverzeichnis. Regional- und Gebietseinheiten. Fläche, Bevölkerung und Bevölkerungsdichte zum 31.12.2016. Städte in Deutschland*. https://www.destatis.de/DE/ZahlenFakten/LaenderRegionen/Regionales/Gemeindeverzeichnis/Administrativ/Aktuell/05Staedte.html

Steunenberg, B., (2007). A policy solution to the European Union's transposition puzzle: Interaction of interests in different domestic arenas. *West European Politics*, vol. 30, no. 1, p. 23-49.

Stråth, B., (2003). *Does Implementation Matter? Informal Administration Practices and Shifting Immigrant Strategies in Four Member-States. Final Report*. European University Institute Florence.

Stratham, P., Geddes, A., (2007). Elites and the 'Organised Public': Who Drives British Immigration Politics and in Which Direction? *Guiraudon, V., Lahav, G., (eds.). Immigration Policy in Europe. The Politics of Control*. Routledge Taylor & Francis Group London and New York.

Sturm, R., (2010). A Fresh Start or More of the Same?. *Bolgherini, S., Grotz, F., (eds.). Germany after the Grand Coalition. Governance and Politics in a Turbulent Environment*. Palgrave Macmillan, New York.

Swedberg, R., (2012). Theorizing in sociology and social science: turning to the context of discovery. *Theory and Society*, vol. 41, no. 1, p. 1-40.

Teeven, F., (2015). *Vreemdelingenbeleid; Brief regering; Uitkomsten van het overleg met de Vereniging van Nederlandse Gemeenten (VNG) over de gevolgen van een voorlopige voorziening van de Centrale Raad van Beroep van 17 december 2014 (kst-19637-1944)*. Tweede Kamer der Staten-Generaal.

't Hart, H., Boeije, H., Hox, J., (2009). *Onderzoeksmethoden*. Den Haag: Boom-Lemma.

Thierry, J.M.S., Martinsen, D.S., (2018). Lost in translation: how street-level bureaucrats condition Union solidarity. *Journal of European Integration*, vol. 40, no. 6, p. 819-834.

Thomann, E., Sager, F., (2017). Moving beyond legal compliance: innovative approaches to EU multilevel implementation. *Journal of European Public Policy*, vol. 24, no. 9, p. 1253-1268.

Timmerman, L.I., Leerkes, A., Staring, R., Delvino, N., (2020). 'Free In, Free Out': Exploring Dutch Firewall Protections for Irregular Migrant Victims of Crime. *European Journal of Migration and Law*, vol. 22, no. 3, p. 427–455.

Tjaden, J.D., (2013). *The story behind the numbers. Why immigrants become citizens in Europe*. Migration Policy Group (MPG), Brussels.

Toms, H., Thorpe K., (2012). *Practical measures for reducing irregular migration*. European Migration Network, Brussels.

Toshkov, D., (2007). In search of the worlds of compliance: culture and transposition performance in the European Union. *Journal of European Public Policy*, vol. 14, no. 6, p. 933-959.

Travis, A., (2013). Immigration bill: Theresa May defends plans to create 'hostile environment'. *The Guardian*, October 10.

Trechsel, A.H., Mair, P., (2011). When Parties (Also) Position Themselves: An Introduction to the EU Profiler. *Journal of Information Technology & Politics*, vol. 8, no. 1, p. 1-20.

Treib, O., (2003). *EU Governance, Misfit, and the Partisan Logic of Domestic Adaptation: An Actor-Centered Perspective on the Transposition of EU Directives*. EUSA 8th Biennial International Conference, Nashville, Tennessee, conference paper.

Treib, O., (2014). Implementing and complying with EU governance outputs. *Living reviews in European Governance*, vol. 9, no. 1, p. 1-47.

Treib, O., Bähn, H., Falkner, G., (2007). Modes of governance: towards a conceptual clarification. *Journal of European Public Policy*, vol. 14, no. 1, p. 1-20.

Triandafyllidou, A., Bartolini, L., (2017). *Autumn Academy 2017. Irregular Migrants and Rejected Asylum Seekers. Conceptual and Policy Challenges for Europe*. Centre on Migration Policy and Society (Compas), University of Oxford.

Trinczek, R., (2009). How to Interview Managers? Methodical and Methodological Aspects of Expert Interviews as a Qualitative Method in Empirical Social Research. *Bogner, A., Littig, B., Menz, W., (eds.). Interviewing experts*. Springer Open.

Trots op Nederland, (TON, 2009). *Partijprogramma vertrouwen en handhaven*. Trots op Nederland.

Trust for London, (2018). Citizenship and Integration Initiative Interim Report. Trust for London.

Tsai, A.C., Kohrt, B.A., Matthews, L.T., Betancourt, T.S., Lee, J.K., Papachristos, A.V., Weiser, S.D., Dworkin, S.L., (2016). Promises and pitfalls of data sharing in qualitative research. *Social Science & Medicine*, no. 169, p. 191-198.

Tsebelis, G., (2002). *Veto players: How political institutions work*. Princeton University Press.

Tsebelis, G., Ha, E., (2013). Coalition theory: a veto players' approach. *European Political Science Review*, vol. 6, no. 3, p. 331-357.

Tummers, L.G., (2011). Explaining the willingness of public professionals to implement new policies: A policy alienation framework. *International Review of Administrative Sciences*, vol. 77, no. 3, p. 555-581.

Tyler, T.R., (1990). *Why People Obey the Law*. New Haven, Yale University Press.

Tyler, T.R., (2006). Psychological perspectives on legitimacy and legitimation. *Annual Review of Psychology*, no. 57, p. 375-400.

Ugba, A., (2010). Irregular Migration in the United Kingdom since the turn of the millennium - development, economic background and discourses. Working Paper no. 9/2010. *Database on Irregular Migration*, Hamburg Institute of International Economics.

Uittenbogaard, T., (2011). *Ik dacht dat een kunstschouw een nep-open haard was. De toespraken van Nelly Frijda namens Red Amsterdam in de Amsterdamse Gemeenteraad 2010-2011*. In woord en beeld uitgeverij.

United Nations Population Division, (UN, 1997). *International Migration and Development. The Concise Report.* United Nations, New York.

United Nations General Assembly, (UN, 2016). *A/71/L.1 New York Declaration for refugees and Migrants*. United Nations General Assembly, New York.

United Nations Population Division, (UN, 2019). *World Urbanization Prospects. The 2018 Revision*. United Nations, New York.

Universiteit Gent, (UGent, 2015). *Policy plan Research Integrity at Ghent University*. Universiteit Gent.

Universiteit Gent, (UGent, 2020). *Framework for Good Research Practice*. Universiteit Gent.

Valenti, S., Haywood, P., (2008). *Protecting the human rights of irregular migrants: the role of national human rights structures. Workshop debriefing paper*. Council of Europe, Padica.

Van Bever, E., Reynaert, H., Steyvers, K., (2011). Together we are strong(er). Cross-border cooperation in a EU multi-level system. *Reynaert, H., Steyvers, K., Van Bever, E., (eds.). The road to Europe : main street or backward alley for local governments in Europe?*. Vanden Broele Academics, Brugge.

Van den Durpel, A., (2017). The Exclusion of Irregular Migrants in Europe: Past, Present and Future. *Artur, P., Kristjan, A., (eds). Racism: Past, Present and Future Perspectives*. Nova Science Publishers, New York.

van den Muijzenberg, E.P., (24/5/2001). Köhler knock-out II. *Zeeburg Nieuws*.

Van Der Beek, H., (20/3/2009). Amsterdam Anders/De Groenen geven op. *Het Parool*.

Van Der Brug, W., Fennema, M., Tillie, J., (2000). Anti-immigrant parties in Europe: Ideological or protest vote? *European Journal of Political Research*, no. 37, p. 77-102.

Van der Brug, W., D'Amato, G., Ruedin, D. and Berkhout, J., (2015). *The Politicisation of Migration*. Routledge, London.

Van der Brug, W., & Van Spanje, J., (2009). Immigration, Europe and the 'new' cultural dimension. *European Journal of Political Research*, vol. 48, no. 3, p. 309-334.

Van der Leun, J., (2006). Excluding illegal migrants in the Netherlands: Between national policies and local implementation, *West European Politics*, vol. 29, no. 2, p. 310-326.

Van Liempt, I., (2008). Gendered borders: The case of 'illegal' migration from Iraq, the Horn of Africa and the former Soviet Union to the Netherlands. *Schrover, M., Van der Leun, J., Lucassen, L., Quispel, C., (eds.). Illegal Migration and Gender in a Global and Historical Perspective*. Amsterdam University Press.

Van Meeteren, M., (2014). *Irregular migrants in Belgium and the Netherlands. Aspirations and Incorporation*. Amsterdam University Press.

van Nijendaal, G.A., (2014). Drie decentralisaties in het sociale domein. *Donders, J.H.M., de Kam, C.A. (red.). Jaarboek overheidsfinanciën 2014*. Wim Drees Stichting voor Openbare Financiën.

Van Parys, R., Verbruggen, N., (2004). *Report on the housing situation of undocumented migrants in six European countries: Austria, Belgium, Germany, Italy, the Netherlands and Spain*. Platform for International Cooperation on Undocumented Migrants (Picum), Brussels.

Varsanyi, M.W., (2006). Interrogating "Urban Citizenship" vis-à-vis Undocumented Migration. *Citizenship Studies*, vol. 10, no. 2, p. 229-249.

Varsanyi, M.W., (2009). *Rescaling the "Alien", Rescaling Personhood/ Neoliberalism, Immigration, and the State. Working Paper 173*. The Centre for Comparative Immigration Studies, University of California, San Diego.

Venturi, E., (2018). *Migration Management and Development Policy. Issue-Linkage in European Union External Relations*. University of North Carolina at Chapel Hill.

Vereniging van Nederlandse gemeenten, (VNG, 2020a). *Jaarverslag 2019. Oog op uitvoering*. Vereniging van Nederlandse gemeenten.

Vereniging van Nederlandse gemeenten, (VNG, 2020b). *Financieel jaarverslag 2019*. Vereniging van Nederlandse gemeenten.

Vermeulen, F., Minkoff, D.C., van der Meer, T., (2016). The Local Embedding of Community-Based Organizations. *Nonprofit and Voluntary Quarterly*, vol. 45, no. 1, p. 23-44.

Verschraegen, G., (2018). *Theory Construction in Qualitative Research. Qualitative Seminar Series 2017-2018 (May 3th – May 22nd 2018)*. University of Antwerp.

Versluis, E., (2003). *Enforcement Matters. Enforcement and Compliance of European Directives in Four Member States*. Uitgeverij Eburon, Delft.

Versluis, E., (2005). *Compliance problems in the European Union. A potential role for agencies in securing compliance?* Paper prepared for the 3rd ECPR General Conference, Budapest, 8-10 September 2005, Panel 3.3: 'Theorizing Regulatory Enforcement and Compliance'.

Versluis, E., (2007). Even rules, uneven practices: Opening the 'black box' of EU law in action. *West European Politics*, vol. 30, no. 1, p. 50-67.

Vogel, D., (2000). Migration Control in Germany and the United States. *International Migration Review*, vol. 34, no. 2, p. 390-422.

Vogel, D., (2015). *Update report Germany: Estimated number of irregular foreign residents in Germany (2014)*. Database on irregular migration.

Volkspartij voor Vrijheid en Democratie, (VVD, 1998). *Investeren in uw toekomst. Verkiezingsprogramma 1998 – 2002*. Volkspartij voor Vrijheid en Democratie.

Volkspartij voor Vrijheid en Democratie, (VVD, 2002). *Ruimte, respect & vooruitgang. Verkiezingsprogramma Volkspartij voor Vrijheid en Democratie 2002 – 2006*. Volkspartij voor Vrijheid en Democratie.

Volkspartij voor Vrijheid en Democratie, (VVD, 2010). *Orde op zaken. Verkiezingsprogramma 2010-2014*. Volkspartij voor Vrijheid en Democratie.

Volkspartij voor Vrijheid en Democratie, (VVD, 2012). *Niet doorschuiven maar aanpakken. Concept-verkiezingsprogramma VVD 2012-2017 Tweede Kamerverkiezingen 12 september 2012*. Volkspartij voor Vrijheid en Democratie.

Volkspartij voor Vrijheid en Democratie, (VVD, 2017). *Zeker Nederland. VVD verkiezingsprogramma 2017 – 2021*. Volkspartij voor Vrijheid en Democratie.

Vollmer, B.A., (2011). *Briefing – Irregular Migration in the UK: Definitions, Pathways and Scale*. Migration Observatory, University of Oxford.

Vollmer, B.A., (2014). *Policy Discourses on Irregular Migration in Germany and the United Kingdom*. Palgrave macmillan.

Vos, H., (2006). *Besluitvorming in de Europese Unie*. Acco Leuven/ Den Haag.

Vossen, K.P.S.S., (2017). Een paradijs voor partijen. Nederland en zijn kleine partijen. *Wielenga, F., Baalen, C., van Wilp, M., (eds.), Een versplinterd landschap. Bijdragen over de geschiedenis en actualiteit van Nederlandse politieke partijen*. Amsterdam University Press.

Waever, O., (2011). Politics, Security, Theory. *Security Dialogue*, vol. 42, no. 4-5, p. 465-480.

Wainwright, H., Little, M., (2009). *Public Service Reform: But not as we know it*. Picnic Publishing: Hove.

Walgrave, S., Varone, F., Dumont, P., (2006). Policy with or without parties? A comparative analysis of policy priorities and policy change in Belgium, 1991 to 2000. *Journal of European Public Policy*, vol. 13, no. 7, p. 1021-1038.

Weber, K., Smith, M.E., Baun, M., (eds.), (2007). *Governing Europe's neighbourhood. Partners or periphery?* Manchester University Press.

West Midlands Strategic Migration Partnership, (WMSMP, 2019). *Regional Context and Overview of Migration in the West Midlands*. West Midlands Strategic Migration Partnership.

Widodo, H.P., (2014). Methodological considerations in interview data transcription. *International Journal of Innovation in English Language Teaching and Research*, vol. 3, no. 1, p. 101-107.

Wiener Stadtrat, (2014). *Declaration "Vienna - city of human rights"*. Wiener Stadtrat.

Wilcke, H., (2018). *Illegal und Unsichtbar? Papierlose Migrant*innen als politische Subjekte*. Transcript Verlag, Bielefeld.

Willen, S.S., (2007). Exploring "illegal" and "irregular" migrants' lived experiences of law and state power. *International Migration*, vol. 45, no. 3, p. 2-7.

Winter, S.C., (2014). Implementation Perspectives: Status and Reconsideration. *Peters, G., Pierre, J., (eds.). The SAGE Handbook of Public Administration (second edition)*. Sage publications Ltd, London.

Winter, H., Bex-Reimert, V., Geertsema, B., Krol, E., (2018). *Rapportage Onderdak en opvang door Rijk en gemeenten van vertrekplichtige vreemdelingen en de invloed daarvan op terugkeer*. Justitie Wetenschappelijk Onderzoek en Documentatiecentrum.

Wolffhardt, A., Bartik, H., Meegan, R., Dangschat, J.S., Hamerdinger, A., (2005). Explaining the European engagement of cities – factors, motivations and effects on local governance. *Antalovsky, E., Dangschat, J.S., Parkinson, M., (eds). Cities in Europe - Europe in the Cities: final report*. New Orientation for Democracy in Europe (NODE) Research Austria.

World Population Review, (WPR, 31/12/2017). *Population of cities in the United Kingdom*. http://worldpopulationreview.com/countries/united-kingdom-population/cities/

Wukovitsch, F., (2010). Varieties of Download Europeanization: Post-URBAN Regeneration in Berlin and Vienna. *Hamedinger, A., Wolffhardt, A., (eds). The Europeanization of Cities. Policies, Urban Change & Urban Networks*. Techne Press Amsterdam.

Yilmaz, K., (2013). Comparison of quantitative and qualitative research traditions: Epistemological, theoretical, and methodological differences. *European Journal of Education*, vol. 48, no. 2, p. 311-325.

Zanfrini, L., Kluth, W., (2008). *Policies on irregular migrants: Volume I - Italy and Germany*. Council of Europe Publishing.

Zapata-Barrero, R., Barker, F., (2014). Multilevel governance of immigration in multinational states: 'Who governs?' reconsidered. *Hepburn, E., Zapata-Barrero, R. (eds). The Politics of Immigration in Multi-Level States*. Palgrave macmillan.

Zapata-Barrero, R., Caponio, T., Scholten, P., (2017). Theorizing the 'local turn' in a multi-level governance framework of analysis: A case study in immigrant policies. *International Review of Administrative Sciences*, p.1-6.

Zeegers, M., (2016). *Ik was een van hen. Drie jaar undercover onder moslims*. Uitgeverij Podium: Amsterdam.

Zerbinati, S., (2004). Europeanization and EU funding in Italy and England. A comparative local perspective. *Journal of European Public Policy*, vol. 11, no.6, p. 1000-1019.

Zohry, A., (2011). A Proposed Framework for the Study of Illegal Migration. *Egyptian Society for Migration Studies*, Working paper series, no. 2011/01, p.1-13.

Zwart, M., (2017). *Equal rights without discrimination*. Dutch National Police Unit Amsterdam.

Annex 1: Interview guide for politicians in German

Ihre Stadt – Ihre Rolle	
1)	Wie ist die typische Wohnsituation von Menschen ohne legalen Aufenthalt in Ihrer Stadt?
2)	In Ihrer Meinung, was sollte die lokale Politik auf Menschen ohne legalen Aufenthalt ihre Zugang zu Wohnraum beinhalten? Warum?
3)	Haben Sie Beispiele von wie der Stadt das Politik auf Personen ohne legalen Aufenthalt ihre Zugang zu Wohnraum durchführt?
4)	Was ist Ihre Rolle dabei?
5)	Wie stellen Sie sich gegenüber das Lokale Politik auf Personen ohne legalen Aufenthalt ihre Zugang zu Wohnraum? Warum?
6)	Können Sie eigenen Entscheidungen treffen in Bezug auf das Politik auf Personen ohne legalen Aufenthalt ihre Zugang zu Wohnraum?
Kommunalverwaltung	
7)	Für welche Aspekte von das Politik auf Personen ohne legalen Aufenthalt ihre Zugang zu Wohnraum ist die Kommunalverwaltung zuständig?
8)	Macht die Zusammensetzung der Kommunalverwaltung / lokalen (Partei-) Politik einen Unterschied in Bezug auf den Zugang von irregulären Migranten zu Wohnraum?
9)	Gibt es kommunale Haushaltsmittel um das Politik auf Personen ohne legalen Aufenthalt ihre Zugang zu Wohnraum zu implementieren?
10)	Erhält die Stadt (finanzielle) Ressourcen, um das Politik auf Personen ohne legalen Aufenthalt zu implementieren? Wenn ja, von wem erhalten Sie Ressourcen? Welche (Art / Größenordnung) Ressourcen betrifft es? Wofür werden die Ressourcen verwendet?
11)	Gibt die Stadt (finanzielle) Ressourcen an Organisationen, die die Interessen vertreten von Personen ohne legalen Aufenthalt um das Politik auf Personen ohne legalen Aufenthalt durch zu führen? Wenn ja, wem geben Sie Ressourcen? Welche (Art / Größenordnung) Ressourcen betrifft es? Wofür können die Ressourcen verwendet werden?
Verfügen Sie über (Haushalts-, politische) Dokumente, Verordnungen und / oder politische Erklärungen, die dies unterstützen?	
Beziehung ihrer Abteilung– NROs/ ZGOs	
12)	Was ist nach Ihrer Erfahrung die Vision der NROs/ZGOs in Bezug auf das Politik auf Personen ohne legalen Aufenthalt ihre Zugang zu Wohnraum?
13)	Haben Sie Kontakt mit NROs/ZGOs die die Interessen von Personen ohne legalen Aufenthalt vertreten? Warum? Wenn ja, was ist der Zweck? Wie oft gibt es Kontakt? Mit wem gibt es Kontakt? Welche Themen werden besprochen?
14)	Hat sich die Interaktion zwischen Ihnen und NROs/ ZGOs im Laufe der Zeit (seit 2000) verändert? Wenn ja, wie kommt es?

Beziehung Kommunalverwaltung – Regional – Bundesregierung -Europäische Regierung
15) Haben Sie Kontakt mit Politiker aus anderen Städten über den Zugang zu Wohnungen für Menschen ohne legalen Aufenthalt? Warum? Wenn ja, was ist der Zweck? Wie oft gibt es Kontakt? Mit wem gibt es Kontakt?
16) Haben Sie Kontakt mit Vertreter der regionalen oder/und nationalen Regierung über den Zugang zu Wohnungen für Menschen ohne legalen Aufenthalt? Warum? Wenn ja, was ist der Zweck? Wie oft gibt es Kontakt? Mit wem gibt es Kontakt?
17) Haben Sie Kontakt mit der europäischen Institutionen über den Zugang zu Wohnungen für Menschen ohne legalen Aufenthalt? Warum? Wenn ja, was ist der Zweck? Wie oft gibt es Kontakt? Mit wem gibt es Kontakt?
18) Wie ist die Politikdefinition und -umsetzung für den Zugang irregulärer Migranten zu Wohnraum zwischen den verschiedenen Regierungsebenen organisiert? Und wie sind die beteiligten Akteure?
Haben Sie Dokumente zu diesem Thema, die ich lesen kann?
Beziehung lokalen – regionalen – nationalen – Europäischen Politik und Rechtsvorschriften
19) Wie bezieht die lokale Politik sich auf der regionalen, nationalen und europäischen Politik in Bezug auf den Zugang zu Wohnungen für Menschen ohne legalen Aufenthalt?
20) Wie haben Sie das gehört / gelernt?
21) Wie bezieht die lokale Politik sich auf der nationalen und europäischen Rechtsvorschriften in Bezug auf den Zugang zu Wohnungen für Menschen ohne legalen Aufenthalt?

Annex 2: Interview guide for politicians in Dutch

Jouw stad – jouw rol
1) Wat is de typische woonsituatie van mensen zonder verblijfsvergunning in de stad?
2) Wat zou het lokale beleid inzake toegang tot wonen voor mensen zonder verblijfsvergunning volgens jou moeten omvatten? Waarom?
3) Heb je voorbeelden van hoe het beleid inzake toegang tot wonen voor mensen zonder verblijfsvergunning geïmplementeerd wordt in de stad? (Wat is het lokale beleid?)
4) Wat is jouw rol hierbij?
5) Wat vind je van het lokale beleid inzake toegang tot wonen voor mensen zonder verblijfsvergunning? Waarom?
6) Kan je eigen beslissingen nemen inzake toegang tot wonen voor mensen zonder verblijfsvergunning?
Lokale overheid
7) Voor welke aspecten inzake toegang tot wonen voor mensen zonder verblijfsvergunning is de lokale overheid bevoegd?
8) Maakt de samenstelling van de lokale overheid/ lokale (partij) politiek een verschil inzake toegang tot wonen voor mensen zonder verblijfsvergunning?
9) Heeft de stad budget beschikbaar om het lokale beleid inzake toegang tot wonen voor mensen zonder verblijfsvergunning te implementeren?
10) Krijgt de stad (financiële) middelen om het beleid inzake toegang tot wonen voor mensen zonder verblijfsvergunning te implementeren? Indien ja, van wie? Welke (types/ grootteorde) middelen betreft het? Waarvoor worden de middelen gebruikt?
11) Geeft de stad (financiële) middelen aan organisaties om het beleid inzake toegang tot wonen voor mensen zonder verblijfsvergunning uit te voeren? Indien ja, aan wie? Welke (type/ hoeveelheid) middelen betreft het? Waarvoor kunnen de middelen gebruikt worden?
Heb je (beleids-/ budgettaire) documenten, ordonnanties, en/of politieke statements die dit ondersteunen?
Relatie lokale overheid – NGOs/CSOs
12) Vanuit jouw ervaring, wat is de visie van het middenveld (actoren die mensen zonder verblijfsvergunning vertegenwoordigen) inzake het faciliteren van toegang tot wonen voor mensen zonder verblijfsvergunning?
13) Heb je contact met organisaties die de belangen behartigen van mensen zonder verblijfsvergunning? Waarom? Indien ja, wat is het doel? Hoe frequent is er contact? Met wie is er contact? Welke topics worden besproken?
14) Is de interactie tussen jou en organisaties die de belangen behartigen van mensen zonder verblijfsvergunning veranderd doorheen de tijd (sinds 2000)? Indien ja, hoe komt dit?

Relatie lokale – (regionale –) nationale – Europese regering
15) Heb je contacten met politici in andere steden over mensen zonder verblijfsvergunning hun toegang tot wonen? Waarom? Indien ja, wat is het doel? Hoe frequent is er contact? Met wie heb je contact?
16) Heb je contacten met (vertegenwoordigers van) de nationale overheid in verband met mensen zonder verblijfsvergunning hun toegang tot wonen? Waarom? Indien ja, wat is het doel? Hoe frequent is er contact? Met wie heb je contact?
17) Heb je contacten met de Europese instellingen in verband met mensen zonder verblijfsvergunning hun toegang tot wonen? Waarom? Indien ja, wat is het doel? Hoe frequent is er contact? Met wie heb je contact?
18) Hoe is de beleidsdefinitie en -implementatie inzake mensen zonder verblijfsvergunning hun toegang tot wonen georganiseerd tussen de verschillende overheidsniveau 's? Welke zijn de betrokken actoren?
Heb je documenten betreffende dit thema die ik kan lezen?
Relatie lokaal- (regionaal –) nationaal – Europees beleid en wetgeving
19) Hoe verhoudt het lokale beleid zich tegenover het nationale en Europese beleid inzake toegang tot wonen voor mensen zonder verblijfsvergunning?
20) Hoe heb je dit vernomen/ geleerd?
21) Hoe verhoudt het lokale beleid zich tegenover de nationale en Europese regelgeving inzake toegang tot wonen voor mensen zonder verblijfsvergunning?

Annex 3: Interview guide for politicians in English

Your city – your role	
1)	What is the typical housing situation of irregular migrants in the city?
2)	In your opinion, what should the local policy on irregular migrants' access to housing contain? Why?
3)	Do you have examples on how your city implements the policy on irregular migrants' access to housing? (What is the local policy?)
4)	What is your role in this?
5)	How do you feel about the local policy on irregular migrants' access to housing? Why?
6)	Can you take own decisions regarding irregular migrants' access to housing?
Local government	
7)	For which aspects regarding irregular migrants' access to housing is the local government competent?
8)	Does the composition of the local government/ local (party) politics make a difference regarding irregular migrants' access to housing?
9)	Is there municipal budget available to implement the local policy on irregular migrants' access to housing?
10)	Does the city receive (financial) resources to implement the policy on irregular migrants' access to housing? If yes, from whom? Which (type / magnitude) resources does it concern? What are the resources used for?
11)	Does your city give resources to others to implement the policy on irregular migrants' access to housing? If yes, to whom? Which (type / magnitude) resources does it concern? What can the resources be used for?
Do you have any (policy/ budgetary) documents, ordinances, and/or political statements supporting this?	
Relation local government – NGOs/CSOs	
12)	From your point of view, what is actors representing irregular migrants' (NGOs'/CSOs') vision on facilitating irregular migrant's access to housing?
13)	Do you have contacts with actors representing irregular migrants? Why? If yes, with whom? Frequency of interaction? Aims of the interaction? Which topics are discussed?
14)	Did the interaction between you and actors representing irregular migrants change over time (since 2000)? If yes, how comes?

Relation local – (regional –) national – European government
15) Do you have contacts with politicians from other cities on irregular migrants' access to housing? Why? If yes, what is the purpose? What is the frequency? With whom is there contact?
16) Do you have contacts with (representatives of) the national government on irregular migrants' access to housing? Why? If yes, what is the purpose? What is the frequency? With whom is there contact?
17) Do you have contacts with the European institutions on irregular migrants' access to housing? Why? If yes, what is the purpose? What is the frequency? With whom is there contact?
18) How is the policy definition and implementation on irregular migrants' access to housing organised among the different tiers of government? Which actors are involved?
Do you have any documents on this that I can read?
Relation local – (regional –) national -European policy and legislation
19) How does the local policy relate to the national and European policy on irregular migrants' access to housing?
20) How did you learn about this?
21) How does the local policy relate to the national and European legislation on facilitating irregular migrants' access to housing?

Annex 4: Interview guide for city and enforcement staff in German

Ihre Abteilung – Ihre Rolle	
1)	Wer ist die Zielgruppe Ihrer Abteilung?
2)	Mit wem / mit welcher Zielgruppe haben Sie am häufigsten Kontakt?
3)	Haben Sie Beispiele von wie Ihre Abteilung das Politik auf Personen ohne legalen Aufenthalt durchführt?
4)	Was ist Ihre Rolle dabei?
5)	Können Sie eigenen Entscheidungen treffen in Bezug auf das Politik auf Personen ohne legalen Aufenthalt ihre Zugang zu Wohnraum?
6)	Wie ist die typische Wohnsituation von Menschen ohne legalen Aufenthalt in Ihrer Stadt?
7)	Erhält Ihre Abteilung (finanzielle) Ressourcen, um das Politik auf Personen ohne legalen Aufenthalt zu implementieren? Wenn ja, von wem erhalten Sie Ressourcen? Welche (Art / Größenordnung) Ressourcen betrifft es? Wofür werden die Ressourcen verwendet?
8)	Gibt Ihre Abteilung (finanzielle) Ressourcen an Organisationen um das Politik auf Personen ohne legalen Aufenthalt durch zu führen? Wenn ja, wem geben Sie Ressourcen? Welche (Art / Größenordnung) Ressourcen betrifft es? Wofür können die Ressourcen verwendet werden?
Verfügen Sie über (Haushalts-) Dokumente, die dies unterstützen?	
Kommunalverwaltung	
9)	Was ist das lokale Politik auf Personen ohne legalen Aufenthalt?
10)	Haben Sie das Gefühl, das die Zusammensetzung der Kommunalverwaltung/ lokalen (Partei-) Politik einen Unterschied macht in Bezug auf den Zugang von irregulären Migranten zu Wohnraum?
11)	Aus Ihrer Erfahrung, Denken Sie, das der Ansatz der lokalen Regierung erfolgreich ist? Warum?
12)	Für welche Aspekte von das Politik auf Personen ohne legalen Aufenthalt ihre Zugang zu Wohnraum ist die Kommunalverwaltung zuständig?
Verfügen Sie über politische Dokumente, Verordnungen und / oder politische Erklärungen, die dies unterstützen?	

Beziehung ihrer Abteilung – NROs/ ZGOs
13) Was ist nach Ihrer Erfahrung die Vision der NROs/ZGOs in Bezug auf das Politik auf Personen ohne legalen Aufenthalt ihre Zugang zu Wohnraum?
14) Hat Ihre Abteilung / haben Sie Kontakt mit NROs/ZGOs die die Interessen von Personen ohne legalen Aufenthalt vertreten? Warum? Wenn ja, was ist der Zweck? Wie oft gibt es Kontakt? Mit wem gibt es Kontakt? Welche Themen werden besprochen?
15) Hat sich die Interaktion zwischen Ihnen / Ihrer Organisation und die NROs/ ZGOs im Laufe der Zeit (seit 2000) verändert? Wenn ja, wie kommt es?
Haben Sie Dokumente zu diesem Thema, die ich lesen kann?
Beziehung Kommunalverwaltung – Regional- und Bundesregierung – Europäische Regierung
16) Hat Ihre Abteilung/ haben Sie Kontakt mit Beamten aus anderen Städten über den Zugang zu Wohnungen für Menschen ohne legalen Aufenthalt? Warum? Wenn ja, was ist der Zweck? Wie oft gibt es Kontakt? Mit wem gibt es Kontakt?
17) Hat Ihre Abteilung/ haben Sie Kontakt mit Vertreter der regionalen oder/und nationalen Regierung über den Zugang zu Wohnungen für Menschen ohne legalen Aufenthalt? Warum? Wenn ja, was ist der Zweck? Wie oft gibt es Kontakt? Mit wem gibt es Kontakt?
18) Hat Ihre Abteilung/ haben Sie Kontakt mit Vertreter der europäischen Institutionen über den Zugang zu Wohnungen für Menschen ohne legalen Aufenthalt? Warum? Wenn ja, was ist der Zweck? Wie oft gibt es Kontakt? Mit wem gibt es Kontakt?
19) Wie ist die Politikdefinition und -umsetzung für den Zugang irregulärer Migranten zu Wohnraum zwischen den verschiedenen Regierungsebenen organisiert? Wie sind die beteiligten Akteure?
Haben Sie Dokumente zu diesem Thema, die ich lesen kann?
Beziehung lokalen – regionalen– nationalen – Europäischen Politik und Rechtsvorschriften
20) Wie bezieht die lokale Politik sich auf der regionalen, nationalen und europäischen Politik in Bezug auf den Zugang zu Wohnungen für Menschen ohne legalen Aufenthalt?
21) Wie haben Sie das gehört / gelernt?
22) Was sind die nationalen Rechtsvorschriften in Bezug auf den Zugang zu Wohnungen für Menschen ohne legalen Aufenthalt?
23) Gibt es in Ihrer Abteilung/ Stadt jemanden, der spezialisiert ist auf die Rechtsvorschriften in Bezug auf den Zugang zu Wohnungen für Menschen ohne legalen Aufenthalt?

Annex 5: Interview guide for city and enforcement staff in Dutch

Jouw afdeling – jouw rol
1) Wie is de doelgroep van je dienst?
2) Met wie/ welk doelgroep heb jij het meest frequent contact?
3) Heb je voorbeelden van hoe jouw dienst het beleid inzake toegang tot wonen voor mensen zonder verblijfsvergunning implementeert?
4) Wat is jouw rol hierin?
5) Heb je het gevoel dat je zelf beslissingen kan nemen m.b.t. het beleid inzake toegang tot wonen voor mensen zonder verblijfsvergunning?
6) Wat is de typische woonsituatie van mensen zonder verblijfsvergunning in de stad?
7) Krijgt jouw dienst (financiële) middelen om het beleid inzake toegang tot wonen voor mensen zonder verblijfsvergunning te implementeren? Indien ja, van wie? Welke (type/ hoeveelheid) middelen betreft het? Waarvoor worden de middelen gebruikt?
8) Geeft jouw dienst (financiële) middelen aan organisaties om het beleid inzake toegang tot wonen voor mensen zonder verblijfsvergunning uit te voeren? Indien ja, aan wie? Welke (type/ hoeveelheid) middelen betreft het? Waarvoor kunnen de middelen gebruikt worden?
Heb je (budgettaire) documenten die dit ondersteunen?
Lokale overheid
9) Wat is het lokale beleid inzake toegang tot wonen voor mensen zonder verblijfsvergunning?
10) Heb je het gevoel dat de samenstelling van de lokale overheid/ lokale (partij) politiek een verschil maakt inzake toegang tot wonen voor mensen zonder verblijfsvergunning?
11) Vanuit jouw ervaring, vind je dat het lokale beleid succesvol is? Waarom?
12) Voor welke aspecten betreffende toegang tot huisvesting voor mensen zonder wettig verblijf is de lokale overheid bevoegd?
Heb je beleidsdocumenten, lokale regelgeving en/of politieke statements die dit ondersteunen?
Relatie jouw afdeling – NGOs/CSOs
13) Vanuit jouw ervaring, wat is de visie van het middenveld inzake het faciliteren van toegang tot wonen voor mensen zonder verblijfsvergunning?
14) Heeft je dienst/ heb jij contact met organisaties die de belangen behartigen van mensen zonder verblijfsvergunning? Waarom? Indien ja, wat is het doel? Hoe frequent is er contact? Met wie is er contact? Welke topics worden besproken?
15) Is de interactie tussen jou/ jouw dienst en organisaties die de belangen behartigen van mensen zonder verblijfsvergunning veranderd doorheen de tijd (sinds 2000)? Indien ja, hoe komt dit?
Heb je documenten betreffende dit thema die ik kan lezen?

Relatie lokale – (regionale –) nationale – Europese overheid
16) Heeft je dienst/ heb jij contact met medewerkers van andere steden over toegang tot wonen voor mensen zonder verblijfsvergunning? Waarom? Indien ja, wat is het doel? Wat is de frequentie? Met wie is er contact?
17) Heeft je dienst/ heb jij contact met vertegenwoordigers van de nationale overheid over toegang tot wonen voor mensen zonder verblijfsvergunning? Waarom? Indien ja, wat is het doel? Wat is de frequentie? Met wie is er contact?
18) Heeft je dienst/ heb jij contact met vertegenwoordigers van de Europese instelling(en) over toegang tot wonen voor mensen zonder verblijfsvergunning? Waarom? Indien ja, wat is het doel? Wat is de frequentie? Met wie is er contact?
19) Hoe is de beleidsdefinitie en –implementatie inzake toegang tot wonen voor mensen zonder verblijfsvergunning georganiseerd tussen de verschillende overheidsniveau 's? Welke actoren zijn hierin betrokken?
Heb je documenten betreffende dit thema die ik kan lezen?
Relatie lokaal – (regionaal –) nationaal – Europees beleid en wetgeving
20) Hoe verhoudt het lokale beleid zich tegenover het nationale en Europese beleid inzake toegang tot wonen voor mensen zonder verblijfsvergunning?
21) Hoe heb je dit vernomen/ geleerd?
22) Wat is de nationale regelgeving inzake toegang tot wonen voor mensen zonder verblijfsvergunning?
23) Is er iemand binnen de dienst/ Stad gespecialiseerd in de regelgeving inzake toegang tot wonen voor mensen zonder verblijfsvergunning?

Annex 6: Interview guide for city and enforcement staff in English

Your department – your role
1) Who is the target group of your department?
2) With whom/ which target group do you have contact most frequently?
3) Can you give examples on how your department implements the policy on irregular migrants' access to housing?
4) What is your role in this?
5) Can you take own decisions regarding the policy on irregular migrants' access to housing?
6) What is the typical housing situation of irregular migrants in the city?
7) Does your department receive (financial) resources to implement the policy on irregular migrants' access to housing? If yes, from whom? Which (type / magnitude) resources does it concern? What are the resources used for?
8) Does your department give resources to others to implement the policy on irregular migrants' access to housing? If yes, to whom? Which (type / magnitude) resources does it concern? What can the resources be used for?
Do you have any (budgetary) documents supporting this?
Local government
9) What is the local policy on irregular migrants' access to housing?
10) Do you have the feeling that the composition of the local government/ local (party) politics make a difference regarding irregular migrants' access to housing?
11) From your experience, do you think the local policy is successful? Why?
12) For which aspects regarding irregular migrants' access to housing is the local government competent?
Do you have any policy documents, ordinances, and/or political statements supporting this?
Relation your department – NGOs/CSOs
13) From your point of view, what is actors representing irregular migrants' (NGOs'/CSOs') vision on facilitating irregular migrants' access to housing?
14) Do you/ your department have contacts with actors representing irregular migrants? Why? If yes, with whom? Frequency of interaction? Aims of the interaction? Which topics are discussed?
15) Did the interaction between you/ your department and actors representing irregular migrants change over time (since 2000)? If yes, how comes?
Do you have any documents on this topic that I can read?

Relation local – (regional –) national – European government
16) Do you/ your department have/ has contacts with civil servants from other cities on irregular migrants' access to housing? Why? If yes, what is the purpose? What is the frequency? With whom is there contact?
17) Do you/ your department have/ has contacts with (representatives of) the national government on irregular migrants' access to housing? Why? If yes, what is the purpose? What is the frequency? With whom is there contact?
18) Do you/ your department have/ has contacts with European institutions on irregular migrants' access to housing? Why? If yes, what is the purpose? What is the frequency? With whom is there contact?
19) How is the policy definition and implementation on irregular migrants' access to housing organised among the different tiers of government? And which actors are involved?
Do you have any documents on this topic that I can read?
Relation local – (regional –) national – European policy and legislation
20) How does the local policy relate to the national and European policy on irregular migrants' access to housing?
21) How did you learn about this?
22) What is the national legislation on irregular migrants' access to housing?
23) Is someone within the department/ city specialised in the legislation regarding irregular migrants' access to housing?

Annex 7: Interview guide for NGOs/CSOs in German

Ihre Organisation – Ihre Rolle	
1)	Wer ist die Zielgruppe Ihre Organisation?
2)	Mit wem / mit welcher Zielgruppe haben Sie am häufigsten Kontakt?
3)	Wie ist die typische Wohnsituation von Menschen ohne legalen Aufenthalt in Ihrer Stadt?
4)	Haben Sie Beispiele von wie Ihre Organisation Personen ohne legalen Aufenthalt ihre Zugang zu Wohnraum unterstützt?
5)	Was ist Ihre Rolle dabei?
6)	Hat Ihre Organisation eine klare Vision / Meinung über (Unterstützung von) Personen ohne legalen Aufenthalt ihre Zugang zu Wohnraum?
7)	Können Sie/ Ihre Organisation eigenen Entscheidungen treffen in Bezug auf Unterstützung von Personen ohne legalen Aufenthalt ihre Zugang zu Wohnraum?
8)	Erhält Ihre Abteilung (finanzielle) Ressourcen, um das Politik auf Personen ohne legalen Aufenthalt zu implementieren? Wenn ja, von wem erhalten Sie Ressourcen? Welche (Art/ Größenordnung) Ressourcen betrifft es? Wofür werden die Ressourcen verwendet?
Verfügen Sie über (Haushalts-) Dokumente, die dies unterstützen?	
Kommunalverwaltung	
9)	Aus Ihrer Erfahrung, was ist das lokale Politik auf Personen ohne legalen Aufenthalt ihre Zugang zu Wohnraum?
10)	Haben Sie das Gefühl, das die Zusammensetzung der Kommunalverwaltung / lokalen (Partei-) Politik einen Unterschied macht in Bezug auf den Zugang von irregulären Migranten zu Wohnraum?
11)	Aus Ihrer Erfahrung, Denken Sie, daß das lokale Politik erfolgreich ist? Warum?
Beziehung ihre Organisation - Kommunalverwaltung	
12)	Hat Ihre Organisation/ haben Sie Kontakt mit die Kommunalverwaltung bezüglich Personen ohne legalen Aufenthalt ihre Zugang zu Wohnraum? Warum? Wenn ja, was ist der Zweck? Wie oft gibt es Kontakt? Mit wem gibt es Kontakt? Welche Themen werden besprochen?
13)	Hat sich die Interaktion zwischen Ihnen / Ihrer Organisation und die Kommunalverwaltung im Laufe der Zeit (seit 2000) verändert? Wenn ja, wie kommt es?
Haben Sie Dokumente zu diesem Thema, die ich lesen kann?	

Beziehung ihre Organisation – Regional – National – Europäische Regierung
14) Hat Ihre Organisation/ haben Sie Kontakt mit andere NROs/ ZGOs über den Zugang zu Wohnungen für Menschen ohne legalen Aufenthalt? Warum? Wenn ja, was ist der Zweck? Wie oft gibt es Kontakt? Mit wem gibt es Kontakt?
15) Hat Ihre Organisation/ haben Sie Kontakt mit Vertreter der regionalen oder/und nationalen Regierung über den Zugang zu Wohnungen für Menschen ohne legalen Aufenthalt? Warum? Wenn ja, was ist der Zweck? Wie oft gibt es Kontakt? Mit wem gibt es Kontakt?
16) Hat Ihre Organisation/ haben Sie Kontakt mit Vertreter der europäischen Institutionen über den Zugang zu Wohnungen für Menschen ohne legalen Aufenthalt? Warum? Wenn ja, was ist der Zweck? Wie oft gibt es Kontakt? Mit wem gibt es Kontakt?
17) Wie ist die Politikdefinition und -umsetzung für den Zugang irregulärer Migranten zu Wohnraum zwischen den verschiedenen Regierungsebenen organisiert? Wie sind die beteiligten Akteure?
Haben Sie Dokumente zu diesem Thema, die ich lesen kann?
Beziehung lokalen -regionalen – nationalen – Europäische Politik and Rechtsvorschriften
18) Wie bezieht die lokale Politik sich auf der regionalen, nationalen und europäischen Politik in Bezug auf den Zugang zu Wohnungen für Menschen ohne legalen Aufenthalt?
19) Wie haben Sie das gehört / gelernt?
20) Was sind die nationale Rechtsvorschriften in Bezug auf den Zugang zu Wohnen für Menschen ohne legalen Aufenthalt?
21) Gibt es in Ihre Organisation jemanden, der spezialisiert ist auf die Rechtsvorschriften in Bezug auf den Zugang zu Wohnungen für Menschen ohne legalen Aufenthalt?

Annex 8: Interview guide for NGOs/CSOs in Dutch

Jouw organisatie – jouw rol
1) Wie is de doelgroep van jouw organisatie?
2) Met wie heb je het meest frequent contact?
3) Wat is de typische woonsituatie van mensen zonder verblijfsvergunning in de stad?
4) Kan je voorbeelden geven van hoe jouw organisatie de toegang tot wonen voor mensen zonder verblijfsvergunning ondersteunt?
5) Wat is jouw rol hierbij?
6) Heeft jouw organisatie een uitgesproken visie op/ mening over (het faciliteren van) de toegang tot wonen voor mensen zonder verblijfsvergunning?
7) Kan jij/ jouw organisatie eigen beslissingen nemen inzake het ondersteunen van toegang tot wonen voor mensen zonder verblijfsvergunning?
8) Krijgt jouw organisatie (financiële) middelen van de overhead om toegang tot wonen voor mensen zonder verblijfsvergunning te bevorderen? Indien ja, van wie? Welke (type/ grootteorde) middelen betreft het? Waarvoor worden de middelen gebruikt?
Heb je (budgettaire) documenten die dit ondersteunen?
Lokale overheid
9) Vanuit jouw oogpunt, wat is het lokale beleid inzake toegang tot wonen voor mensen zonder verblijfsvergunning?
10) Heb je het gevoel dat de samenstelling van de lokale overheid/ lokale (partij) politiek een verschil uitmaakt inzake toegang tot wonen voor mensen zonder verblijfsvergunning?
11) Vanuit jouw ervaring, vind je dat het lokale beleid succesvol is? Waarom?
Relatie jouw organisatie – lokale overheid
12) Heb jij/ heeft jouw organisatie contact met de lokale overheid over toegang tot wonen voor mensen zonder verblijfsvergunning? Waarom? Indien ja, met wie? Frequentie van interactie? Doel van interactie? Welke topics worden besproken?
13) Is de interactie tussen jou/ jouw organisatie en de lokale overheid veranderd doorheen de tijd (sinds 2000)? Indien ja, hoe komt dit?
Heb je hierover documenten die ik kan lezen?

Relatie jouw organisatie – (regionale –) nationale – Europese overheid
14) Heb jij/ heeft jouw organisatiecontacten met andere NGOs/CSOs over toegang tot wonen voor mensen zonde verblijfsvergunning? Waarom? Indien ja, wat is het doel? Wat is de frequentie? Met wie is er contact?
15) Heb jij/ heeft jouw organisatie contacten met (vertegenwoordigers van) de nationale overheid over toegang tot wonen voor mensen zonder verblijfsvergunning? Indien ja, met wie? Frequentie van interactie? Doel van de interactie?
16) Heb jij/ heeft jouw organisatie contacten met de Europese instellingen over toegang tot wonen voor mensen zonder verblijfsvergunning? Indien ja, met wie? Frequentie van interactie? Doel van de interactie?
17) Hoe is de beleidsdefinitie en –implementatie inzake toegang tot wonen voor mensen zonder verblijfsvergunning georganiseerd tussen de verschillende overheidsniveau 's? Welke actoren zijn hierin betrokken?
Heb je hierover documenten die ik kan lezen?
Relatie lokaal – (regionaal –) nationaal – Europees beleid en wetgeving
18) Hoe verhoudt het lokale beleid zich tegenover het nationale en Europese beleid inzake toegang tot wonen voor mensen zonder verblijfsvergunning?
19) Hoe heb je dit vernomen/ geleerd?
20) Wat is de nationale regelgeving inzake toegang tot wonen voor mensen zonder verblijfsvergunning?
21) Is er iemand binnen jouw organisatie gespecialiseerd in de regelgeving inzake toegang tot wonen voor mensen zonder verblijfsvergunning?

Annex 9: Interview guide for NGOs/CSOs in English

Your organisation – your role
1) Who is the target group of your organisation?
2) With whom do you have contact most frequently?
3) What is the typical housing situation of irregular migrants in the city?
4) Can you give examples on how your organisations facilitates irregular migrants' access to housing?
5) What is your role in this?
6) Does your organisation have an outspoken vision/ opinion on (facilitating) irregular migrants' access to housing?
7) Can you/ your organisation take own decisions on facilitating irregular migrants' access to housing?
8) Does your organisation receive any governmental (financial) resources to facilitate irregular migrants' access to housing? If yes, from whom? Which (type / magnitude) resources does it concern? What are the resources used for?
Do you have any (budgetary) documents supporting this?
Local government
9) From your point of view, what is the local policy on irregular migrants' access to housing?
10) Do you have the feeling that the composition of the local government/ local (party) politics make a difference regarding irregular migrants' access to housing?
11) From your experience, do you think that the local policy is successful? Why?
Relation your organisation – local government
12) Do you/ your organisation have/ has contacts with the local government regarding irregular migrants' access to housing? Why? If yes, with whom? Frequency of interaction? Aims of the interaction? Which topics are discussed?
13) Did the interaction between you/ your organisation and the local government change over time (since 2000)? If yes, how comes?
Do you have any documents on this topic that I can read?

Relation your organisation – (regional –) national – European government
14) Do you/ your organisation have/ has contacts with other NGOs/CSOs on irregular migrants' access to housing? Why? If yes, what is the purpose? What is the frequency? With whom is there contact?
15) Do you/ your organisation have/ has contacts with (representatives of) the national government on irregular migrants' access to housing? If yes, with whom? Frequency of interaction? Purpose of the interaction?
16) Do you/ your organisation have/ has contacts with the European institutions on irregular migrants' access to housing? If yes, with whom? Frequency of interaction? Purpose of the interaction?
17) How is the policy definition and implementation on irregular migrants' access to housing organised among the different tiers of government? And which actors are involved?
Do you have any documents on this topic that I can read?
Relation local – (regional –) national – European policy and legislation
18) How does the local policy relate to the national and European policy on irregular migrants' access to housing?
19) How did you learn about this?
20) What is the national legislation on irregular migrants' access to housing?
21) Is someone within your organisation specialised in the legislation regarding irregular migrants' access to housing?

Annex 10: Code book interviews

Name	Description
Facilitating irregular migrants' access to housing	
Advocating	The interviewee(s) indicate(s) to stand up for irregular migrants' access to housing in general and/or to defend and/or plea individual cases' access to housing with other NGOs-CSOs/ staff/ policy-makers.
Giving advice	The interviewee(s) indicate(s) to advise irregular migrants and/or other NGOs-CSOs/ staff/ policy-makers with regard to irregular migrants' access to housing.
Motivation to facilitate irregular migrants' access to housing	Reason(s) that the interviewee(s) indicate(s) for facilitating irregular migrants' access to housing.
Motivation to not facilitate irregular migrants' access to housing	Reason(s) that the interviewee(s) indicate(s) for not facilitating irregular migrants' access to housing.
No	The interviewee(s) indicate(s) not to facilitate irregular migrants' access to housing.
Providing temporary accommodation	The interviewee(s) indicate(s) to (sometimes) provide temporary accommodation to (some) irregular migrants.
Referring	The interviewee(s) indicate(s) to refer irregular migrants to other NGOs-CSOs/ staff/ policy-makers in connection with facilitating irregular migrants' access to housing.
Interviewee(s)'s affiliation	
Contact at (sub)national level(s)	Contact between the interviewee(s) and/or their organisation and policy-makers/ staff/ NGOs-CSOs at the regional and/or national level that has no influence on the relationship between the local and (sub)national government(s).
Contact at EU-international level(s)	Contact between the interviewee(s) and/or their organisation and policy-makers/ staff/ NGOs-CSOs at the European and/or international level that has no influence on the relationship between the local and (sub)national government(s) + interviewee(s)'s knowledge about EU legislation, in particular the Facilitators Package.

Target group and internal operation	Specific information about irregular migrants with whom the interviewee(s) has (have) contact or whom the interviewee(s) has (have) a view on + information about how the interviewee(s) deal with irregular migrants within the interviewee(s)'s organisation/ party/ department/ service.
Local competences	
Discretion power politician	The freedom left to an individual politician/ party to judge and act independently with regard to irregular migrants' access to housing.
Discretion power city staff	The freedom left to an individual officer/ city staff to judge and act independently with regard to irregular migrants' access to housing.
Discretion power NGO	The freedom left to (an individual within) a NGO-CSO/ advisory board to judge and act independently with regard to irregular migrants' access to housing.
No local competence	The local government has no power to take own decisions but does have room to interpret the decision of (sub)national government(s) when executing it, so that the local government can influence irregular migrants' access to housing.
Room to manoeuvre	Examples and influencing factors of the room for interpretation that the local government has with regard to facilitating irregular migrants' access to housing.
Specific local competence - duty	A particular power and/or assignment through which the local government can take own decisions and interpret existing regulations, so that the local government can influence irregular migrants' access to housing.
Top-down policy definition and implementation	The local government has no power to take own decisions and has no room to interpret the decision of higher authorities when executing it, so that the local government cannot influence irregular migrants' access to housing.
Local governance	
Contact between city staff	The interviewee(s) indicate(s) that there is contact between city staff at the local level.
Contact between NGOs	The interviewee(s) indicate(s) that there is contact between NGOs-CSOs at the local level.
Contact city staff and NGOs	The interviewee(s) indicate(s) that there is contact between NGOs-CSO and city staff at the local level.
Contact politicians and city staff	The interviewee(s) indicate(s) that there is contact between politicians and city staff at the local level.

Contact politicians and NGOs but not on irregular migrants' access to housing	The interviewee(s) indicate(s) that there is contact between politicians and NGOs-CSOs at the local level, albeit not regarding irregular migrants' access to housing.
Contact politicians and NGOs on irregular migrants' access to housing	The interviewee(s) indicate(s) that there is contact between politicians and NGOs-CSOs at the local level regarding irregular migrants' access to housing.
Give no resources to local organisations	The interviewee(s) indicate(s) that the own organisation/ party/ department/ service does not give any financial or other means to carry out any operational activity.
Give resources to local organisations	The interviewee(s) indicate(s) that the own organisation/ party/ department/ service does give financial or other means to carry out (a) specific operational activity(ies).
Local governance changed over time	The interviewee(s) indicate(s) that he frequency and/or intensity of the mutual interactive process between actors representing the local government (i.e. policy-makers and/or city staff) and actors representing residents (i.e. NGOs-CSOs) did change in the period of which the interviewee(s) has (have) knowledge.
Local governance did not change over time	The interviewee(s) indicate(s) that the frequency and/or intensity of the mutual interactive process between actors representing the local government (i.e. policy-makers and/or city staff) and actors representing residents (i.e. NGOs-CSOs) did not change in the period of which the interviewee(s) has (have) knowledge.
No contact with politicians	The interviewee(s) indicate(s) that there is no contact between politicians and NGOs-CSOs at the local level.
Receive local resources	The interviewee(s) indicate(s) that the own organisation/ department/ service does receive financial or other means from the local government to carry out (a) specific operational activity(ies).
Receive no local resources	The interviewee(s) indicate(s) that the own organisation/ department/ service does not receive any financial or other means from the local government to carry out any operational activity.
Opinion about implementation-operation Facilitators Package	
Links local to EU policy	The interviewee(s) perception of the relation between the EU Facilitators Package and its national transposition/ implementation and local operation.
Local is more liberal than national-other cities	The interviewee(s) indicate(s) that the local operation of (a specific aspect of) the Facilitators Package is less restrictive than the national legislation/ policy and/or than the legislation/ policy in other cities in the country.

Local is not successful	The interviewee(s) indicate(s) that the local operation of (a specific aspect of) the Facilitators Package is not successful and/or is something not agreed with.
Local is stricter than national-other cities	The interviewee(s) indicate(s) that the local operation of (a specific aspect of) the Facilitators Package is more restrictive than the national legislation/ policy and/or than the legislation/ policy in other cities in the country.
Local is successful	The interviewee(s) indicate(s) that the local operation of (a specific aspect of) the Facilitators Package is successful and/or something agreed with.
National is more liberal than EU-other countries	The interviewee(s) indicate(s) that the national implementation of (a specific aspect of) the Facilitators Package is less restrictive than the EU legislation/ policy and/or than the legislation/ policy in other EU Member States.
National is not successful	The interviewee(s) indicate(s) that the national implementation of (a specific aspect of) the Facilitators Package is not successful and/or something not agreed with.
National is stricter than EU-other countries	The interviewee(s) indicate(s) that the national implementation of (a specific aspect of) the Facilitators Package is more restrictive than the EU legislation/ policy and/or than the legislation/ policy in other EU Member States.
National is successful	The interviewee(s) indicate(s) that the national implementation of (a specific aspect of) the Facilitators Package is successful and/or something agreed with.
Stricter throughout time	The interviewee(s) indicate(s) that the implementation of the Facilitators Package by the (sub)national government(s) and/or the operation of the Facilitators Package by the local government has become more restrictive in the period of which the interviewee(s) has (have) knowledge.
Party political preferences matter	
Don't know	The interviewee(s) indicate(s) not to know whether party political preferences influence the policy pursued concerning irregular migrants' access to housing.
No	The interviewee(s) indicate(s) that party political preferences do not influence the policy pursued concerning irregular migrants' access to housing.
Party political discourse	The interviewee(s) point(s) at the occurrence of party political discourse(s) with regard to (irregular) migrants (' access to housing).

Yes	The interviewee(s) indicate(s) that party political preferences do influence the policy pursued concerning irregular migrants' access to housing.
Policy on irregular migrants' access to housing	
Content local policy	Examples of the content of local policy/ regulations regarding irregular migrants' access to housing.
Content national policy	Examples of the content of the national policy/ legislation regarding irregular migrants' access to housing.
Content regional policy	Examples of the content of regional policy/ regulations regarding irregular migrants' access to housing.
Relation city-national government	
Constructive relation	The interviewee(s) indicate(s) that there is a relationship between the local and national government, with the aim of cooperation and/or alignment and/or compromise and/or agreement and/or understanding.
Destructive relation	The interviewee(s) indicate(s) that there is a relationship between the local and national government, with the aim of opposing and/or out-arguing and/or blaming and/or combatting the other.
No idea	The interviewee(s) indicate(s) to having no idea about the relation between the local and national government with regard to irregular migrants' access to housing.
No relation	The interviewee(s) indicate(s) that there is no relation between the local and national government with regard to irregular migrants' access to housing.
Receive national resources	The interviewee(s) indicate(s) that the own organisation/ department/ service and/or the local government does receive financial or other means from the national government to implement (a) specific activity(ies).
Receive no national resources	The interviewee(s) indicate(s) that the own organisation/ department/ service and/or the local government does not receive any financial or other means from the national government to implement any activity.
Via others	The interviewee(s) indicate(s) that there is a relationship between the local and national government through intermediaries.
Typical housing situation irregular migrants	
Abuse and-or exploitation	Examples and/or situations of abuse and exploitation of irregular migrants in the context of irregular migrants' access to housing.

Bad quality housing	Examples and/or situations of the poor quality of the accommodation in which irregular migrants live.
Find accommodation on private market	Examples of and/or situations in which irregular migrants find independently accommodation on the private housing market.
Find accommodation via employment	Examples of and/or situations in which irregular migrants find accommodation through their employment and/or employer(s).
Find accommodation via own networks	Examples of and/or situations in which irregular migrants find accommodation through their own network of friends and/or an ethnic, national, religious or other group to which they belong.
General	General information on irregular migrants and/or on housing in the city.
Homeless	Examples and/or situations of homeless irregular migrants.
Living in with partner-family	Examples and/or situations in which irregular migrants find accommodation through their own (core and/or kin) family network.
Offered accommodation via local actors	Examples and/or situations in which irregular migrants are offered accommodation by local organisations/ departments/ services.
Social housing	Examples and/or situations of irregular migrants who have accommodation in social housing.
Squatting	Examples of and/or situations in which irregular migrants find accommodation through squatting a premise.
Sub-renting	Examples of and/or situations in which irregular migrants find accommodation through sub-renting.

Annex 11: Coding of German governments parties' electoral programmes

The codes were allotted based on a checklist concerning statements about irregular migrants which were to be found in the election manifestos of parties participating in the relevant government. These are statements about: Regularisation; Access to basic rights; Detention and return. Positioning and labelling of each government on the socio-cultural cleavage was done by calculating the mean of the involved parties' score (see 5.1.3), as visualised in the third column.

Statements about	Quotes from party manifesto	Code
Kohl III (12/3/1987-18/1/1991): CDU/CSU – FDP (– DSU)		**0**
Kohl III: CDU/CSU		
Regularisation	"(…) dass die Zahl der Ausländer nicht weiter zunimmt" ((...) that the number of foreigners will not increase any further) (CDU/CSU, 1986:3); "Um dieses Recht [auf Asyl] auch für die Zukunft zu sichern, muss sein missbrauch verhindert werden." (In order to secure this right [to asylum] in the future too, its abuse must be prevented.) (CDU/CSU, 1986:4).	-1
Access to basic rights	N/a	0
Detainment and return	N/a	0
Kohl III: FDP		
Regularisation	"(…) der illegalen Zuwanderung entgegenzutreten." ((...) to counter illegal immigration.) (FDP, 1986:13).	-1
Access to basic rights	"Die Liberalen setzen sich überall für die Menschenrechte ein (…)." (Liberals stand up for human rights everywhere (...).) (FDP, 1986:2).	+2
Detainment and return	N/a	0
Schröder I (27/10/1998-22/10/2002): SPD – Bündnis 90/ Die Grünen		**+3.5**
Schröder I: SPD		
Regularisation	N/a	0
Access to basic rights	"Das Ausländerrecht ist human und sozial auszugestalten." (Legislation with regard to foreigners must be human and social.) (SPD, 1998:44); "Bildung für alle." (Education for all.) (SPD, 1998:50); "Sicherung der Grund- und Bürgerrechte." (Securing basic and civil rights.) (SPD, 1998:62).	+2
Detainment and return	N/a	0

Schröder I: Bündnis 90/ Die Grünen		
Regularisation	"Wiederherstellung der Grundrechts auf Asyl." (Restoration of the fundamental right to asylum.) (Bündnis 90/Die Grünen, 1998:117); "Im Ausländergesetz sollte geregelt werden, dass die Bundesländer für gefährdete Gruppen und die Kommunen für humanitäre Einzelfälle eigenständig ein dauerhaftes Bleiberecht erteilen können." (The Aliens Act should regulate that the federal states can independently grant permanent right to stay for groups at risk ,and that the municipalities can independently grant permanent right to stay for individual humanitarian cases.) (Bündnis 90/Die Grünen, 1998:119); "(…) die Möglichkeit eine Abschiebestopp nach §54 Ausländergesetz zu erlassen, muss voll ausgeschöpft werden." ((...) the possibility of issuing a ban on deportation as foreseen in Paragraph 54 of the Aliens Act must be fully exploited.) (Bündnis 90/Die Grünen, 1998:119).	+1
Access to basic rights	"Menschenwürdige Mindeststandards, wie Zugang zu Gesundheitsversorgung, Schule und Ausbildung, müssen allen Menschen gewährt werden, unabhängig von ihren Aufenthaltsrecht." (Decent minimum standards, such as access to health care, school and training, must be granted to all people, regardless of their right of residence.) (Bündnis 90/Die Grünen, 1998:119); "(…) das Recht auf Bildung für alle in allen Lebensphasen (…)." ((...) the right to education for everyone in all phases of life (...).) (Bündnis 90/Die Grünen, 1998:123).	+2
Detainment and return	"(…) gegen die gesellschaftliche Ausgrenzung und Illegalisierung sowie für einen effektiven Schutz von Flüchtlingen ein." ("(...) against social exclusion and illegalisation as well as for an effective protection of refugees.) (Bündnis 90/Die Grünen, 1998:118); "Wir lehnen die Praxis der Ausweisung als zusätzliche De-facto-Strafe ab. Es ist ein besonderer Skandal, wenn hier geborene und aufgewachsene Jugendliche abgeschoben werden." (We reject the practice of expulsion as an additional de facto penalty. It is a particular scandal when young people born and raised here are deported.) (Bündnis 90/Die Grünen, 1998:119).	+2
Schröder II (22/10/2002-22/11/2005): SPD – Bündnis 90/ Die Grünen		**3.5**
Schröder II: SPD		
Regularisation	N/a	0
Access to basic rights	"(…) eine wertorientierte Politik, die Freiheit, Gerechtigkeit und Solidarität verbindet (…)." ((...) a value-oriented policy that combines freedom, justice and solidarity (...).) (SPD, 2002:9).	+2
Detainment and return	N/a	0

Schröder II: Bündnis 90/ Die Grünen		
Regularisation	"Den Vorschlag aus der katholischen Kirche, in einem einmaligen Akt Illegale („sans papiers") zu legalisieren, halten wir für unterstützenswert." (We consider the proposal from the Catholic Church to legalise illegals ("sans papiers") in a one-off act as worthy of support.) (Bündnis 90/Die Grünen, 2002:63); "Wir setzen uns für eine durch Toleranz und Menschlichkeit geprägte Altfallregelung für Flüchtlinge mit langjährigem Aufenthalt ein." (We advocate an old case regularisation for refugees with long-term residence that is characterised by tolerance and humanity.) (Bündnis 90/Die Grünen, 2002:63); "Zeuginnen, die den Mut aufbringen gegen die Täter auszusagen, brauchen ein sicheres Aufenthaltsrecht in Deutschland." (Witnesses who have the courage to testify against the perpetrators need a secure right of residence in Germany.) (Bündnis 90/Die Grünen, 2002:75).	+2
Access to basic rights	"Illegalisierten Menschen dürfen elementare Rechte wie z. B. die medizinische Versorgung und der Schulbesuch der Kinder nicht länger vorenthalten werden." (Irregular migrants are entitled to basic rights such as medical care and school attendance of the children, these should no longer be withheld from them.) (Bündnis 90/Die Grünen, 2002:63).	+2
Detainment and return	"Menschen, die in Deutschland aufgewachsen sind, hier ihren Lebensmittelpunkt haben und hier straffällig geworden sind, dürfen nicht abgeschoben werden (…)." (People who grew up in Germany, have their life here and have committed criminal offenses here, may not be deported (…).) (Bündnis 90/Die Grünen, 2002:63).	+1
Merkel I (22/11/2005-28/10/2009): CDU/CSU – SPD		**+1**
Merkel I: CDU/CSU		
Regularisation	N/a	0
Access to basic rights	"Gleiche Bildungschancen für alle Kinder (…)." (Equal educational opportunities for all children (...).) (CDU/CSU, 2004); "Medizinischer Fortschritt für alle (…)." (Access to medical care for all (…).) (CDU/CSU, 2004:25).	+1
Detainment and return	N/a	0
Merkel I: SPD		
Regularisation	N/a	0
Access to basic rights	"Wir wissen: Es ist immer der Mensch, der dem Menschen Schutz und Hilfe gibt. Etwas Besseres gibt es nicht. Aus dieser Gewissheit wächst Solidarität. " (We know: it is always the person who gives people protection and help. There is nothing better. Solidarity grows from this certainty.) (SPD, 2005:10).	+1
Detainment and return	N/a	0

Merkel II (28/10/2009-17/12/2013): CDU/CSU – FDP		+0.5
Merkel II: CDU/CSU		
Regularisation	N/a	0
Access to basic rights	N/a	0
Detainment and return	N/a	0
Merkel II: FDP		
Regularisation	N/a	0
Access to basic rights	"Wir brauchen die Rückkehr zu einer grundrechtsorientierten Innen- und Rechtspolitik." (We need a return to a domestic and legal policy based on fundamental rights.) (FDP, 2009:26).	+1
Detainment and return	N/a	0
Merkel III (17/12/2013-14/03/2018) CDU/CSU – SPD		**+2**
Merkel III: CDU/CSU		
Regularisation	"Dabei setzen wir uns auch für neue Formen des Schutzes ein, wie der Aufnahme von Flüchtlingen aus Drittstaaten, wenn ihnen eine baldige Rückkehr in das Herkunftsland nicht möglich ist oder wenn sie nicht dauerhaft in das Land, das sie zuerst aufgenommen hat, eingegliedert werden können." (We also advocate new forms of protection, such as accepting refugees from third countries if they cannot return to their country of origin soon or if they cannot be permanently integrated into the country that first took them in.) (CDU/CSU, 2013:46).	+1
Access to basic rights	"(...) der herausragenden Rolle, die die christlichen Kirchen und ihre Wohlfahrtsverbände in vielen Bereichen unserer Gesellschaft spielen. Dies gilt nicht zuletzt im Bildungs-, Gesundheits- und Sozialbereich, bei der Betreuung, Pflege und Beratung von Menschen sowie in der Kultur. (...) Zugleich unterstützt unser Staat zu Recht diese kirchlichen Dienste umfangreich." ((...) the prominent role that the Christian churches and their charities play in many areas of our society. This applies not least to the education, health and social sectors, to the care, care and advice of people and to culture. (...) At the same time, our state rightly supports these church services extensively.) (CDU/CSO, 2013:109).	+1
Detainment and return	N/a	0

Merkel III: SPD		
Regularisation	N/a	0
Access to basic rights	"Wir wollen allen Bürgerinnen und Bürgern den Zugang zu guter medizinischer Versorgung ermöglichen, unabhängig vom Wohnort, der sozialen Lage oder dem Versichertenstatus." (We want to give all citizens access to good medical care, regardless of their place of residence, social situation or insured status.) (SPD, 2013:74); "Menschenrechte sollen unser Handeln in allen Politikfeldern bestimmen." (Human rights should determine our actions in all political fields.) (SPD, 2013:111).	+2
Detainment and return	N/a	0
Merkel IV (14/03/2018-26/9/2021): CDU/CSU – SPD		**+1**
Merkel IV: CDU/CSU		
Regularisation	"Mit einer klug gesteuerten und begrenzten Einwanderungspolitik (…)verringern [wir] spürbar die Attraktivität von illegaler Einwanderung und Migration." (With a cleverly managed and limited immigration policy (...) [we] noticeably reduce the attractiveness of illegal immigration and migration.) (CDU/CSU, 2017:11).	-1
Access to basic rights	N/a	0
Detainment and return	"(…) abgelehnte Bewerber konsequent zurückführen." ((...) consistently reduce rejected applicants.) (CDU/CSU, 2017:62).	-1
Merkel IV: SPD		
Regularisation	"Wer illegale Migration eindämmen will, muss legale Einwanderungsmöglichkeiten schaffen." (Anyone who wants to curb illegal migration must create legal immigration opportunities.) (SPD, 2017:59).	+1
Access to basic rights	"Menschenrechte werden geachtet und die Genfer Flüchtlingskonvention wird eingehalten." (Human rights are respected and the Geneva Refugee Convention is observed.) (SPD, 2017:59)	+2
Detainment and return	"Wir wollen die Zahl der freiwilligen Rückkehrer unter den abgelehnten Asylbewerbern erhöhen. (...). Wir werden keine Menschen in Perspektivlosigkeit und Lebensgefahr abschieben. Außerdem werden wir eine Altfallregelung schaffen, sodass Menschen, die seit mindestens zwei Jahren in Deutschland leben, hier nicht straffällig geworden sind und Arbeit haben oder zur Schule gehen, nicht abgeschoben werden." (We want to increase the number of voluntary returnees among the rejected asylum seekers. (...). We will not deport people into a lack of perspective and life in danger. In addition, we will create an old case regulation so that people who have lived in Germany for at least two years, have not committed offenses here and have work or go to school, are not deported.) (SPD, 2017:60).	+1

Annex 12: Coding of Dutch governments parties' electoral programmes

The codes were allotted based on a checklist concerning statements about irregular migrants which were to be found in the election manifestos of parties participating in the relevant government. These are statements about: Regularisation; Access to basic rights; Detention and return. Positioning and labelling of each government on the socio-cultural cleavage was done by calculating the mean of the involved parties' score (see 5.1.3), as visualised in the third column.

Statements about	Quotes from party manifesto	Code
Kok II (3/8/1998-22/7/2002): PvdA – D66 – VVD		**0**
Kok II: PvdA		
Regularisation	"Illegaal verblijf in Nederland moet worden tegengegaan." (Illegal residence in the Netherlands must be prevented.) (PvdA, 1998:63); "Uitgeprocedeerde asielzoekers -die reeds lang in Nederland zijn en buiten hun schuld niet (kunnen) worden uitgezet, kunnen alsnog voor een (tijdelijke) verblijfstitel in aanmerking komen." (Failed asylum seekers who are in the Netherlands for a long time and who, through no fault of their own, cannot be deported, may still be eligible for a (temporary) residence permit.) (PvdA, 1998:63).	0
Access to basic rights	"De overheid moet in haar uitzettingsbeleid meer rekening houden met de rechten van kinderen." (The government must take the rights of children more into account in its deportation policy.) (PvdA, 1998:63).	+1
Detainment and return	"Het (…) initiatief om tot een serieuze invulling van een terugkeerbeleid te komen dat vooraf dient te gaan aan een verwijderingsbeleid moet thans met grote prioriteit gestalte krijgen (…)." (The (…) initiative to seriously implement a return policy that must precede an expulsion policy must now be given shape with great priority (…).) (PvdA, 1998:63).	-1
Kok II: D66		
Regularisation	"(…) het recht van gezinshereniging ook voor anderen dan A-statushouders erkennen." ((…) Recognise the right of family reunification also for persons other than A status holders.) (D66, 1998:29).	+1
Access to basic rights	N/a	0
Detainment and return	"Als asielzoekers niet worden toegelaten staat vrijwillig vertrek, zo nodig met overheidssteun voorop. Gedwongen vertrek is legitiem als de procedure zorgvuldig is gevoerd en de rechter het asielverzoek heeft afgewezen. Hoger Beroep dient in de Vreemdelingenwet te worden ingevoerd zonder de procedure onaanvaardbaar te verlengen." (If asylum seekers are not admitted, voluntary departure, if necessary with government support, is paramount. Forced departure is legitimate if the proceedings have been conducted	+1

	carefully and the court has rejected the asylum application. Higher Appeal should be introduced into the Aliens Act without unacceptably extending the procedure.) (D66, 1998:29).	
	Kok II: VVD	
Regularisation	"(…) beperken van immigratie (…)" ((…) limiting immigration (…)) (VVD, 1998:35); "Economische vluchtelingen krijgen geen toegang tot Nederland." (Economic refugees are not allowed access to the Netherlands.) (VVD, 1998:36).	-1
Access to basic rights	N/a	0
Detainment and return	"(…) stimuleren van remigratie." ((…) stimulating re-migration.) (VVD, 1998:35); "Illegalen die in Nederland verblijven, moeten het land verlaten." (Illegals residing in the Netherlands must leave the country.) (VVD, 1998:36); "Voorkomen moet worden dat afgewezen asielzoekers in de illegaliteit verdwijnen." (It must be prevented that rejected asylum seekers disappear into illegality.) (VVD, 1998:36).	-1
Balkenende II (27/5/2003-7/7/2006): CDA – VVD – D66		**-2**
	Balkenende II: CDA	
Regularisation	"Ongedocumenteerden worden niet toegelaten tot de [asiel] procedure, tenzij zij een controleerbare reden daarvoor kunnen aangeven en identificeerbaar zijn." (Undocumented persons are not admitted to the [asylum] procedure unless they can provide a verifiable reason for this and are identifiable.) (CDA, 2002:39); "Illegaal verblijf wordt strafbaar gesteld." (Illegal residence will be punishable.) (CDA, 2002:40).	-2
Access to basic rights	N/a	0
Detainment and return	"Dublin claimanten hebben altijd recht op een "verwarmde huiskamer"." (Dublin claimants are always entitled to a "heated living room".) (CDA, 2002:39); "Uitgeprocedeerde asielzoekers die geen recht hebben op een verblijfsvergunning moeten ons land ook daadwerkelijk verlaten. De overheid moet hierop streng toezien en mensen uitzetten." (Failed asylum seekers who are not entitled to a residence permit must actually leave our country. The government must monitor this closely and deport people.) (CDA, 2002:39).	-1
	Balkenende II: VVD	
Regularisation	"Strikte handhaving van de Vreemdelingenwet is noodzakelijk. Iedere afwijking daarvan doet afbreuk aan de doelstelling van restrictieve toelating." (Strict enforcement of the Aliens Act is necessary. Any deviation from this affects the objective of restrictive admission.) (VVD, 2002:43); "Een asielaanvraag wordt afgewezen indien de betrokkene op enigerlei wijze tegenwerkt of niet volledig meewerkt." (An application for asylum will be rejected if the person concerned in any way opposes or does not fully cooperate.) (VVD, 2002:44).	-1
Access to basic rights	"De gratis rechtshulp voor asielzoekers wordt beperkt tot één beroepsprocedure." (Free legal aid for asylum seekers is limited to one appeal procedure.) (VVD, 2002:44).	-1

Detainment and return	"Het terugkeerbeleid voor afgewezen asielzoekers moet streng en consequent worden uitgevoerd. Gemeenten mogen geen vervangende opvang bieden. Afgewezen asielzoekers die niet vertrekken, worden in bewaring genomen tot gedwongen uitzetting mogelijk is." (The return policy for rejected asylum seekers must be implemented rigorously and consistently. Municipalities are not allowed to offer substitute shelter. Rejected asylum seekers who do not leave will be detained until forced expulsion is possible.) (VVD, 2002:44); "Illegaal verblijf wordt op geen enkele wijze gedoogd. Illegalen die niet uit zichzelf vertrekken worden consequent tot ongewenst vreemdeling verklaard en vervolgens in vreemdelingenbewaring gesteld tot uitzetting mogelijk is." (Illegal residence is not tolerated in any way. Illegals who do not leave voluntarily are consistently declared undesirable aliens and subsequently placed in aliens detention until deportation is possible.) (VVD, 2002:44).	-2
Balkenende II: D66		
Regularisation	"Als een asielzoeker na een definitieve afwijzing van het verzoek kan aantonen dat buiten zijn schuld terugkeer naar het land van herkomst nog niet mogelijk is, zorgt de overheid voor tijdelijke opvang." (If an asylum seeker can demonstrate after a final rejection of the application that it is not his fault that return to the country of origin is not yet possible, the government will provide temporary shelter.) (D66, 2002:22).	+1
Access to basic rights	N/a	0
Detainment and return	N/a	0
Balkenende IV (22/2/2007-14/10/2010): CDA – PvdA – CU		**+2.3**
Balkenende IV: CDA		
Regularisation	"(…) aan mensen, voor wie geen documenten verkregen kunnen worden, waardoor zij niet uitgezet kunnen worden, een voorlopige verblijfstatus gegeven worden." ((…) People for whom no documents can be obtained, so that they cannot be deported, are given temporary residence status.) (CDA, 2006:40);	+1
Access to basic rights	N/a	0
Detainment and return	"Kinderen horen niet in vreemdelingenbewaring thuis." (Children do not belong in immigration detention.) (CDA, 2006:39); "Goed terugkeerbeleid vergt dat de samenleving in onderhavige gevallen in haar geheel meer gericht meewerkt aan het feitelijk vertrek van uitgeprocedeerde asielzoekers en illegale vreemdelingen. Dat vergt enerzijds een goede samenwerking tussen overheid en non-gouvernementele organisaties en kerken." (In these cases, a good return policy requires society as a whole to cooperate more specifically in the actual departure of rejected asylum seekers and illegal aliens. On the one hand, this requires good cooperation between government and non-governmental organisations and churches.) (CDA, 2006:40)	+1

Balkenende IV: PvdA		
Regularisation	"(…) een generaal pardon voor asielzoekers die onder de oude Vreemdelingenwet een verblijfsvergunning hebben aangevraagd." ((…) A general pardon for asylum seekers who have applied for a residence permit under the old Aliens Act.) (Pvd1, 2006:75).	+2
Access to basic rights	"Kinderen van illegaal verblijvende ouders mogen niet de dupe worden van het feit dat hun ouders geen verblijfstatus hebben. Onderwijs kan een kind (tot 18 jaar) nooit ontzegd worden. Ook medisch noodzakelijke hulp binnen de gezondheidszorg moet voor hen die hier onrechtmatig verblijven te allen tijde beschikbaar blijven." (Children of illegally residing parents should not suffer from the fact that their parents do not have a resident status. A child (up to the age of 18) can never be denied education. Also medically necessary help within healthcare must remain available at all times to those who are staying here unlawfully.) (PvdA, 2006:77).	+1
Detainment and return	"Gezinnen worden niet gescheiden uitgezet, kinderen worden niet opgesloten in de cel (…)." (Families are not deported separately, children are not locked up in the cell (…).) (PvdA, 2006:76); "De vrijwillige terugkeer van afgewezen vreemdelingen wordt vergroot door het bieden van perspectief in het land van herkomst (financiële middelen voor de opbouw van een nieuw bestaan, individuele begeleiding, werkmogelijkheden, onderwijs ter voorbereiding van terugkeer)." (The voluntary return of rejected foreign nationals is enhanced by offering perspective in the country of origin (financial resources for building a new life, individual guidance, job opportunities, education in preparation for return). (PvdA, 2006:76). "We willen een lokaal georganiseerd maatwerk, via bijvoorbeeld 25 steunpunten, opzetten voor de terugkeer van afgewezen vreemdelingen en illegalen." (We want to set up a locally organised customised [support], via for example 25 support points, for the return of rejected foreign nationals and illegal aliens.) (PvdA, 2006:76).	+1
Balkenende IV: CU		
Regularisation	"Vreemdelingen die al langdurig in Nederland verblijven, geen strafblad hebben en waarvan terugkeer redelijkerwijs niet meer te vragen is, komen in aanmerking voor een pardon." (Foreign nationals who are already residing in the Netherlands for a long time, have no criminal record and whose return cannot reasonably be requested, are eligible for a pardon.) (CU, 2006:37); "Uitgeprocedeerde asielzoekers mogen geen slachtoffer worden van de weigering van hun land van herkomst hen weer op te nemen. Ze hebben op humanitaire gronden recht op een verblijfsvergunning." (Failed asylum seekers should not become victims of the refusal of their country of origin to reintroduce them. They are entitled to a residence permit on humanitarian grounds.) (CU, 2006:39).	+1

Access to basic rights	"Voor gezinnen met kinderen en voor andere schrijnende gevallen geldt een bijzondere zorgplicht, ook als het uitgeprocedeerde asielzoekers betreft." (A special duty of care applies to families with children and other compassionate cases, even if it concerns asylum seekers who have exhausted all legal remedies.) (CU, 2006:39).	
Detainment and return	"In het geval van gedwongen terugkeer dient de overheid zich ervan verzekerd te hebben dat in het land van herkomst fundamentele mensenrechten, (…), niet worden geschonden." (In the case of forced return, the government must ensure that fundamental human rights, (…), are not violated in the country of origin.) (CU, 2006:37).	-1
Rutte I (14/10/2010-5/11/2012): VVD – CDA		**-3**
Rutte I: CDA		
Regularisation	"(…) het terugdringen van herhaalde aanvragen worden voortvarend ingevoerd." ((…) The reduction of repeat applications is being implemented vigorously.) (CDA, 2010:16).	0
Access to basic rights	N/a	0
Detainment and return	"Terugkeer vormt een integraal onderdeel van het asiel- en migratiebeleid." (Return is an integral part of asylum and migration policy.) (CDA, 2010:17).	0
Rutte I: VVD		
Regularisation	"De VVD wil illegaliteit - en het in staat stellen tot illegaal verblijf - strafbaar stellen." (The VVD wants to make illegality - and enabling illegal residence - a criminal offense.) (VVD, 2010:36); "(…) dat het generaal pardon wordt uitgebannen (...)." ((...) that the general pardon is banned (...).) (VVD, 2010:37).	-2
Access to basic rights	"Gemeenten dienen de opvang van uitgeprocedeerde asielzoekers en/of illegalen, in welke vorm dan ook, te beëindigen." (Municipalities must end the reception of rejected asylum seekers and/or illegal immigrants, in whatever form.) (VVD, 2010:36); "Europese afspraken en (onderdelen van) internationale verdragen moeten het restrictieve Nederlandse beleid ondersteunen, niet tegenwerken. Onnodige of verouderde afspraken of regels moeten daarom worden herzien." (European agreements and (parts of) international treaties must support, not oppose, the restrictive Dutch policy. Unnecessary or outdated agreements or rules must therefore be revised.) (VVD, 2010:37).	-2
Detainment and return	"[VVD] is voorstander van een actief opsporings- en uitzettingsbeleid waarbij de prioriteit moet liggen bij illegale, criminele vreemdelingen." ([VVD] is in favour of an active investigation and deportation policy whereby the priority must lie with illegal, criminal aliens.) (VVD, 2010:36).	-2

Rutte II (5/11/2012-26/10/2017): VVD – PvdA		-1
Rutte II: VVD		
Regularisation	"De VVD wil illegaliteit - en het in staat stellen tot illegaal verblijf- strafbaar stellen." (The VVD wants to make illegality - and enabling illegal residence - a criminal offense.) (VVD, 2012:50); "(…) dat het generaal pardon wordt uitgebannen (...)." ((...) that the general pardon is banned (...).) (VVD, 2012:50).	-2
Access to basic rights	"Gemeenten dienen de opvang van uitgeprocedeerde asielzoekers en/of illegalen, in welke vorm dan ook, te beëindigen." (Municipalities must end the reception of rejected asylum seekers and/or illegal immigrants, in whatever form.) (VVD, 2012:50); "Europese afspraken en (onderdelen van) internationale verdragen moeten het restrictieve Nederlandse beleid ondersteunen, niet tegenwerken. Onnodige of verouderde afspraken of regels moeten daarom worden herzien." (European agreements and (parts of) international treaties must support, not oppose, the restrictive Dutch policy. Unnecessary or outdated agreements or rules must therefore be revised.) (VVD, 2012:50).	-2
Detainment and return	"[VVD] is voorstander van een actief opsporings- en uitzettingsbeleid waarbij de prioriteit moet liggen bij illegale, criminele vreemdelingen." ([VVD] is in favour of an active investigation and deportation policy whereby the priority must lie with illegal, criminal aliens.) (VVD, 2012:50).	-2
Rutte II: PvdA		
Regularisation	"In Nederland gewortelde kinderen van asielzoekers en alleen staande minderjarige asielzoekers zetten we niet uit. Als het de overheid door fouten of traag handelen niet lukt om asielzoekers binnen 5 jaar duidelijkheid te bieden over hun ver blijf, mogen kinderen daar niet de dupe van worden." (We do not deport children of asylum seekers rooted in the Netherlands and unaccompanied minor asylum seekers. If, due to mistakes or slow action, the government is unable to provide asylum seekers with clarity about their stay within 5 years, children should not suffer as a result.) (PvdA, 2012:34); "(...) draaien strafbaarstelling van illegaal verblijf (via het inreisverbod) terug." ((...) reverse criminalisation of illegal stay (via the entry ban).) (PvdA, 2012:63).	+1
Access to basic rights	"Sociaaldemocraten hebben altijd geknokt voor gelijke rechten en kansen voor iedereen (…), fundamentele burgerrechten voor iedereen." (Social Democrats have always fought for equal rights and opportunities for all (…), basic civil rights for all.) (PvdA, 2012:29); "Mensenrechten zijn universeel en onvervreemdbaar: zij gelden overal ter wereld, voor iedereen." (Human rights are universal and inalienable: they apply all over the world, to everyone.) (PvdA, 2012:63).	+2
Detainment and return	"(…) de politiek [moet] de politie niet belasten met illegalenquota (…)." ((…) Politics [should] not burden the police with illegal aliens quotas (…).) (PvdA, 2012:37).	+1

Rutte III (26/10/2017-17/3/2021): VVD – CU – CDA – D66		-0.75
Rutte III: VVD		
Regularisation	"(...) willen we de regeling kinderpardon afschaffen." ((...) we want to abolish the children's pardon scheme.) (VVD, 2017:19).	-1
Access to basic rights	"Gemeenten die uitgeprocedeerde asielzoekers en illegalen toch opvang bieden en daarmee deze mensen valse hoop geven moeten hiervoor een boete krijgen." (Municipalities that still offer asylum seekers and illegal immigrants shelter and thus give these people false hope must be fined for this.) (VVD, 2017:18); "(...) willen we illegaal verblijf - en het faciliteren daarvan - strafbaar stellen." ((...) we want to make illegal residence -and the facilitation of it- a criminal offense.) (VVD, 2017:19).	-2
Detainment and return	"Wij willen ervoor zorgen dat (...) mensen die hier illegaal verblijven ook echt ons land verlaten." (We want to ensure that (...) people who reside here illegally actually leave our country.) (VVD, 2017:19).	-1
Rutte III: CU		
Regularisation	"(...) verruiming van de mogelijkheid om ook bij sepot van aangifte mensenhandel in aanmerking te kunnen komen voor verblijfsvergunning." ((...) Broadening the possibility to qualify for a residence permit even in the event of a dismissal of a human trafficking report.) (CU, 2016:29); "Verruiming van het kinderpardon." (Broadening of the child Excuse) (CU, 2016:29); "(...) verblijfsvergunning na een jaar wanneer iemand aantoonbaar heeft gewerkt aan vertrek naar land van herkomst en "buiten schuld" toch niet kan terugkeren." ((...) Residence permit after one year if someone has demonstrably worked on departure to the country of origin and is unable to return "through no fault of his/her own".) (CU, 2016:31).	+1
Access to basic rights	"Bed-bad-broodvoorziening met begeleiding en 24-uursopvang voor uitgeprocedeerde vreemdelingen." (Bed-bath-bread facility with guidance and 24-hour reception for rejected foreign nationals.) (CU, 2016:30).	+1
Detainment and return	"Wanneer is besloten (en door rechters getoetst) dat iemand niet in Nederland mag blijven, dan dient die beslissing te worden geëffectueerd." (When it has been decided (and assessed by judges) that someone is not allowed to stay in the Netherlands, that decision must be enforced.) (CU, 2016:30); "(...) samenwerken met andere Europese landen om verplichte terugkeer naar meer landen van herkomst mogelijk te maken." ((...) Cooperate with other European countries to facilitate mandatory returns to more countries of origin.) (CU, 2016:30).	-2
Rutte III: CDA		
Regularisation	N/a	0
Access to basic rights	N/a	0
Detainment and return	N/a	0

Rutte III: D66		
Regularisation	N/a	0
Access to basic rights	"D66 vindt het belangrijk om uitgeprocedeerde asielzoekers naast bed, bad en brood ook begeleiding geboden wordt, zodat hen een toekomstperspectief wordt geboden voor terugkeer naar het land van herkomst en hen een kans wordt geboden om een menswaardig bestaan te leiden." (D66 believes it is important to offer asylum seekers who have exhausted all legal remedies guidance in addition to bed, bath and bread, so that they are offered a future perspective for returning to their country of origin and a chance to lead a decent life.) (D66, 2016:140); "Kleinschalige opvang waarbij ongedocumenteerden ook begeleiding krijgen, biedt perspectief op een daadwerkelijke toekomst in Nederland of het land van herkomst en daarom mogen gemeenten dit blijven aanbieden." (Small-scale reception where undocumented migrants also receive guidance offers prospects for an actual future in the Netherlands or the country of origin, which is why municipalities may continue to offer this.) (D66, 2016:141).	+1
Detainment and return	"D66 wil geen kinderen in de cel, grensdetentie afschaffen, geen isolatie tenzij strikt noodzakelijk en geen visitatie." (D66 is against children in prison, wants to abolish border detention, is against isolation, unless strictly necessary, and visitation.) (D66, 2016:141); "D66 wil dat het kabinet meer werk maakt van de terugkeer van uitgeprocedeerde asielzoekers, in Nederland en in Europees verband. Dit betekent dat de bed-, bad- en broodvoorziening gekoppeld moet worden aan begeleiding die toewerkt naar een toekomstperspectief in land van herkomst voor uitgeprocedeerde asielzoekers." (D66 wants the cabinet to do more work on the return of rejected asylum seekers, in the Netherlands and in a European context. This means that the provision of bed, bath and bread must be linked to guidance that works towards a future perspective in the country of origin for rejected asylum seekers.) (D66, 2016:141).	0

Annex 13: Coding of British governments parties' electoral programmes

The codes were allotted based on a checklist concerning statements about irregular migrants which were to be found in the election manifestos of parties participating in the relevant government. These are statements about: Regularisation; Access to basic rights; Detention and return. Positioning and labelling of each government on the socio-cultural cleavage was done by calculating the mean of the involved parties' score (see 5.1.3), as visualised in the third column.

Statements about	Quotes from party manifesto	Code
Heath (19/6/1970-4/3/1974): Conservative		**-2**
Regularisation	"(…) we will ensure that there will be no further large scale permanent immigration (Conservative Party, 1970:6); "We will establish a new single system of control over all immigration from overseas. (…) for the future, work permits (…) will be limited to a specific job in a specific area for a fixed period, normally twelve months. (…). These policies mean that future immigration will be allowed only in strictly defined special cases. There will be no further large scale permanent immigration." (Conservative Party, 1970:20).	-1
Access to basic rights	N/a	0
Detainment and return	"We will give assistance to Commonwealth immigrants who wish to return to their countries of origin, but we will not tolerate any attempt to harass or compel them to go against their will." (Conservative Party, 1970:20).	-1
Thatcher I (4/5/1979-9/6/1983): Conservative		**-4**
Regularisation	"But firm immigration control for the future is essential if we are to achieve good community relations." (Conservative Party, 1979:13).	-2
Access to basic rights	N/a	0
Detainment and return	"We shall take firm action against illegal immigrants and overstayers and help those immigrants who genuinely wish to leave this country, but there can be no question of compulsory repatriation." (Conservative Party, 1979:13).	-2

Thatcher III (11/6/1987-28/11/1990): Conservative		-4
Regularisation	"Firm but fair immigration controls (…). We will tighten the existing law to ensure that the control over settlement becomes even more effective. We now require visas for visitors from the Indian sub-continent, Nigeria and Ghana, both to protect genuine travellers and to guard against bogus visitors seeking to settle here illegally." (Conservative Party, 1987:37).	-2
Access to basic rights	N/a	0
Detainment and return	We are tackling the problem of those who fraudulently pose as refugees and who seek to exploit Britain's long tradition of giving refuge to the victims of persecution." (Conservative Party, 1987:37).	-2
Major II (9/4/1992-30/4/1997): Conservative		**-2**
Regularisation	"We will work to strengthen the external frontiers of the Community whilst maintaining the checks needed at our own borders against illegal immigration, (…)." (Conservative Party, 1992:4); "Finger-printing will be introduced for asylum applicants, to prevent multiple applications and fraudulent benefit claims." (Conservative Party, 1992:26).	-1
Access to basic rights	N/a	0
Detainment and return	"We will provide a fair and expeditious system for examining claims for refugee status. (…) those with manifestly unfounded claims will be returned quickly to their own country or to the country they came from. (Conservative Party, 1992:26).	-1
Blair II (7/6/2001-4/5/2005) Labour		**+2**
Regularisation	N/a	0
Access to basic rights	"refashion[ing] the welfare state on the basis of rights and responsibilities" (Labour Party, 2001:3); "(…) to do everything it can to help ensure that no individual and no community is left behind" (Labour Party, 2001: 31).	+2
Detainment and return	N/a	0
Blair III (6/5/2005-27/6/2007)/ Brown (27/6/2007-11/5/2010): Labour		**+3**
Regularisation	N/a	0
Access to basic rights	"The UN Charter proclaims the universal principles of human rights (…). (…) they are not only right in principle, they are important guarantees of our national security and prosperity too." (Labour Party, 2005:85).	+2
Detainment and return	"Where there has been evidence of abuse from particular countries, the immigration service will be able to ask for financial bonds to guarantee that migrants return home." (Labour Party, 2005:52).	+1

Cameron I (11/5/2010-5/8/2015) Conservative – Liberal Democrats		+0.5
Cameron I: Conservative		
Regularisation	"But immigration today is too high and needs to be reduced. (…). So we will take steps to take net migration back to the levels of the 1990s – tens of thousands a year, not hundreds of thousands." (Conservative Party, 2010:21); "Extremists, serious criminals and others find our borders far too easy to penetrate. That is why we will create a dedicated Border Police Force, (…), to enhance national security, improve immigration controls, and crack down on the trafficking of people, weapons and drugs." (Conservative Party, 2010:57).	-1
Access to basic rights	N/a	0
Detainment and return	N/a	0
Cameron I: Liberal Democrats		
Regularisation	"We will allow people who have been in Britain without the correct papers for ten years, but speak English, have a clean record and want to live here long-term to earn their citizenship." (Liberal Democrats, 2010:76).	+1
Access to basic rights	N/A	0
Detainment and return	"Incorporate the UN Convention on the Rights of the Child into UK law, ending the detention of children for immigration purposes." (Liberal Democrats, 2010:50); "End deportations of refugees to countries where they face persecution, imprisonment, torture or execution and end the detention of individuals for whom removal is not possible or imminent, except where there is a significant risk of absconding." (Liberal Democrats, 2010:77).	+1
Cameron II (8/5/2015-13/7/2016)/ May I (13/7/2016-10/6/2017): Conservative		**-4**
Regularisation	"(…) clamp down on illegal immigration. (…) enhance our border security and strengthen the enforcement of immigration rules." (Conservative Party, 2015:29)	-1
Access to basic rights	"(…) implement the requirement for all landlords to check the immigration status of their tenants." (Conservative Party, 2015:30-31)	-1
Detainment and return	"(…) we will continue to strengthen our borders, improve the enforcement of our immigration laws and act to make sure people leave at the end of their visas. (…). We have introduced a 'deport first, appeal later' rule for foreign national offenders. We will now remove even more illegal immigrants by extending this rule to all immigration appeals and judicial reviews, including where a so-called right to family life is involved, apart from asylum claims. We will also implement a new removals strategy to take away opportunities for spurious legal challenge and opportunities to abscond. We will introduce satellite tracking for every foreign national offender subject to an outstanding deportation order or deportation proceedings." (Conservative Party, 2015:30).	-2

May II (11/6/2017-13/12/2019): Conservative		-2
Regularisation	"We will reduce and control immigration." (Conservative Party, 2017:7); "We will increase the earnings thresholds for people wishing to sponsor migrants for family visas. We will toughen the visa requirements for students, to make sure that we maintain high standards. Overseas students will remain in the immigration– in line with international definitions – and within scope of the government's policy to reduce annual net migration." (Conservative Party, 2017:54-55).	-1
Access to basic rights	N/a	0
Detainment and return	"(...) students to leave the country at the end of their course (...)." (Conservative Party, 2017:54).	-1