

Headed towards convergence? The development of family migration procedures in the form of ‘pre-entry’ policies



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A comparative case of Germany and The Netherlands

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Summary

In recent years an ever-increasing set of demands regarding integration requirements for family migrants has made its way on the political agenda of European member states such as Germany and The Netherlands. When choosing between either a similar (convergent) or dissimilar (divergent) explanatory framework to assess the extent of progress that has been made on this policy field, as well as to evaluate the similarities between these two countries in their process towards the development of restrictive family migration policies, the convergent model proves to be predominant. In addition, the hypothesis which explores the concept of policy transfer, where best practices regarding migration policies are being exchanged and implemented between member states, provides the best explanatory fit. Throughout this research, it becomes quite clear that Germany and The Netherlands are countries that share a comparable institutional background and a similar set of norms and values, which enables them to learn from each other's policies and sometimes even follow the same line of argumentation as regards to the implementation of new family migration policies with a restrictive character. However, this does not mean that the same means lead to the same ends, as Germany and the Netherlands still maintain some differences in the way they voice their motivations, justifications and preferences as regards to imposing restrictions on the family migration policy agenda. For instance, while Germany focuses more on socio-economic inclusion and making less educated migrants more independent through increasing linguistic proficiency, the Dutch feel that well-developed linguistic skills in combination with knowledge about Dutch society should lead to socio-cultural inclusion, or 'assimilation' of less-advantaged migrant groups. However, due to increased coordination ambitions and cooperation efforts encouraged through the supranational level by EU institutions, it is nonetheless very likely that persistent patterns of divergence will gradually downsize over time, while patterns of convergence will be more apparent.

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1. Introduction

Today, a lot of European countries struggle with increasing numbers of immigrants applying for asylum for political reasons, others are motivated by economic gains and there are also people who pursue requests for citizenship out of family considerations, for instance for the reunification of the basic family structure. The word ‘struggle’ is purposefully chosen to indicate that the political climate of such nation states is not always very resilient when it comes to dealing with public pressures, critique from opposition parties directed towards the government and of course living up to supranational expectations within the framework of common guidelines devised in Brussels. A great deal of those European states have firmly established post admission integration policies, but there is not always sufficient attention for integration initiatives that already start in the country of origin. These so-called ‘pre-entry’ tests have become part of the admission process for many immigrants in European countries such as Germany and The Netherlands. Within the scope of family migration policies, pre-admission requirements have become a real trend in the western European policy discourse. Interestingly, the countries selected for comparison have also been one of the first advocates for implementing pre-entry requirement conditions in integration procedures (European Commission, 2012). To fully understand the scope and implications of family migration policies and specifically pre-entry tests, it is important to explore what forms they have taken on in the selected countries for this research. Are they characterized by distinct national influences, or are cross-European similarities caused by something called ‘Europeanization’ becoming more predominant?

In this research, a problem analysis shall be presented that will strive to answer the main question: *‘What provides the best explanation whether convergence or divergence in pre-entry policies is more predominant for both Germany and The Netherlands?’*. The so-called ‘problem’ that needs to be investigated focuses on the observation that family migration has become part of EU community law, but that it simultaneously brings forward implications for member states who are obligated to sacrifice national sovereignty regarding this matter. Some states show significant coordination ambition, meaning that their efforts are characterized by a high degree of compliance, while other EU countries are a bit more reluctant. In this case, we can speak of states moving either towards ‘convergence or divergence’. It is vital to indicate that both convergence and divergence are not an end in itself. First of all, they are merely the result of a process that has occurred

through the political manoeuvring of European member states within the domain of EU platforms and policy-generating institutions and the process of 'Europeanization', that entailed an intensified sharing of policy competences between the European institutions and its member states.

Characterizations such as witnessing 'convergence or divergence' might serve as an explanation to describe the process and recent progress towards the joint implementation of communized rules and regulations, such as for instance those of family migration policies. During negotiations from the start of the 1990s onwards, European member states discussed the future of migration policies within the institutional context of the European Union. They reached accordance regarding the transformation of domestic family migration policies to making it a common policy competence of the EU, in which the same joint approach, rules, regulations and agreements would apply for each member state.

Such guidelines and agreements surrounding family migration policies are not always compatible with national political preferences, therefore the occurrence of 'policy misfit', which denotes a reluctance of some member states to directly implement all EU agreements within the migration policy agenda at the national level and even implies that they do their utmost to let their own preferences resonate in EU institutions by means of extensive lobbying efforts. The analysis is centred on two EU member states, in this case a cross-comparison will be made between Germany and The Netherlands. The reason that these two countries have been chosen for the case-study in this thesis, is because they share similar institutional traditions and political trajectories regarding past political decision-making surrounding migration policies. Interesting to see, is whether these preconditions also steered them into reaching the same results as regards to their take on family migration policies and the implementation of pre-entry conditions in particular.

For this research, the 'convergence or divergence' process shall be examined by discussing four theoretical concepts that should offer a possible explanation for the developments in this policy area, namely: *'Europeanization, Policy entrepreneurship, Policy Transfer and Policy discretion'*.

These theoretical approaches will be examined in the analysis by means of the hypotheses. The underlying sub-question that applies for each of the four approaches can be formulated as follows: *'Which theoretical approach provides the best explanatory*

framework for ascertaining whether convergence or divergence predominates within the family migration agenda of both Germany and the Netherlands?’

Most importantly, the actual goals of pre-entry tests will be accentuated. This implies that there is significant attention into what context they were shaped and if the process of legitimizing the implementation of such requirements faced much resistance or whether it was in fact welcomed by policymakers? If pre-entry requirements are indeed becoming a trend in European countries, what might explain the rise of such a development; do socio-economical rather than socio-cultural considerations serve as a driving force behind policy shifts? This cross-comparison case-study between Germany and The Netherlands thus places emphasis on the political discourse in particular. Concerning the scope of this thesis, the ultimate goal is to determine what factors are able to explain to what extent Germany and The Netherlands show similarities or dissimilarities, or in other words: ‘converge or diverge’ when it comes to their policy objectives for a more progressive and perhaps even ‘restrictive’ take on migration policies. In addition, we will explore to what measure the supranational character of the European Union influences them and vice versa.

In order to carry out this type of research, the guiding research method will consist of a combination of examining relevant primary and secondary sources, as well as conducting interviews with experts on the field of family migration. To ascertain whether the occurrence of convergence or divergence predominates, certain concepts have been chosen to see whether they are able to explain the presence of convergence. First of all, there is the already described phenomenon of ‘Europeanization’. Secondly, there is the extent of policy transfer, where states learn from each other and exchange best practices. Thirdly, there is the occurrence of policy entrepreneurship, where states try to exert their influence on a supranational scale by convincingly voicing their political preferences. Lastly, an insight in distinct national preferences of both countries will be provided. This is necessary, since it takes into account the possible presence of divergence when comparing their developments on the field of migration policies.

It is not only theoretically relevant to question current developments in the field of family migration policies, it is also significant on a scientific and social level. The ultimate goal of this research is to improve and contribute to the understanding of a scientific and social phenomenon, thus providing scientific value to the already broadly investigated scope of the policy field (Gschwend and Schimmelfennig, 2007, p.3; Lehnert, Miller and Wonka, 2007, p.22). Why is this study able to add value to a better understanding regarding both aspects?

Family migration policies are not only a sensitive subject within EU institutions or a controversial topic that often finds itself on the national political agenda. It also trickles down to other institutional layers. For instance, it is an important part of policy-making within local governments, but also for interest groups or NGO's that are tasked with the practical implementation or monitoring of family migration policies. Naturally, also family migrants themselves experience the consequences of the dynamic developments that occur through the constant shaping and re-shaping of family migration policies. Since supranational and domestic political decision-making regarding family migration policies and specifically pre-entry conditions to which these migrants must adhere to, most certainly affects migrants' chances for family reunification and thus leaves a strong impact on their lives. Such socially relevant research makes it automatically interesting for academic researchers and overall helps to increase understanding of political phenomena such as recent debates and changes in family-migration policies, example hereof being the introduction of pre-entry policies. Further adding to the relevance, is that how to deal with migration related policy issues practically and ethically is currently very much discussed in European societies, especially in countries such as those chosen for this research.

2. Theoretical framework

The aim of this thesis is to assess to what extent ‘convergence or divergence’ actually occurs on the politicized area of migration policies between Germany and The Netherlands on the one hand and the institutional level on the other when including European influences in this matter. In order to make assumptions hereof, we first need to develop a theoretical framework in which a background sketch and theoretical guidelines are presented which are vital to help us explain and comprehend developments that comprise this comparative study. These theories are meant to provide (and serve as) a plausible explanatory framework for our analysis. First of all, we need to grasp the complex scope of this topic by dealing with the information in fragmented steps. Through these steps we will take a brief look at the developments that have occurred in the field of migration policies, seen through the scope of initiatory efforts made by EU institutions. Then we shall move on to proposing the relevant theoretical premises of which the aim is to determine whether the chosen theoretical assumptions are able to provide sufficient clarifications for our research.

2.1 Context: The road to shaping the common character of interior policies

Envisioning family reunification

When delving into the subject of EU family migration policies, it is vital to understand the scope of this specific topic and what policy directions and implications it brings forward for its member states. A quote from the European Commission (2013) states that: *“For the past 20 years, family reunification has been one of the main reasons for immigration to the EU. Without it, family life is impossible for some immigrants. Reunification also helps to create socio-cultural stability, facilitating the integration of non-EU nationals within EU States, thus promoting economic and social cohesion – a fundamental EU objective”*.

Family reunification is described as *“the entry and residence in a member state by family members of a third country national residing lawfully in that member state in order to preserve the family unit, whether the family relationship arose before or after the resident's entry”* (European Council, Directive 2003/86/EC, p.13). The European institutions have developed an elaborate scheme of family migration policies, which would strongly indicate that the EU has steered its member states into the direction of increased cooperation and subsequently, has shifted the common coordination capacities from

highly diversified to similar policy guidelines. In the Stockholm Programme, a five year strategy (2010-2014) that contains guidelines regarding justice and home affairs of EU member states, the European Union laid out some basic standards to which, ideally, all member states should abide by. Among others, it states that immigration and integration policies should pursue a common character which should be swiftly implemented, preferably around 2014 in this case (European Council, 2010/C 115/01, p.30). Concretely speaking, guidelines within this programme come down to proposals for member states such as; developing a better coordination apparatus through which knowledge sharing increases, stressing the implementation of joint integration procedures such as language courses and overall speaking; advocating intercultural dialogue to strengthen universal democratic ideals. Keeping in mind that common policies can prove to be quite a challenge for member states, EU institutions have took over a great deal of the responsibilities regarding the shaping of policy objectives. However, Article 5 of the European Council Directive, that is focused on the right to family reunification, indicates that member states themselves ultimately determine the level of requirements in order to grant residence to migrants. Furthermore, Article 6 of the same mandate stipulates that individual member states may discard family migration applications inasmuch as it is dictated by their public policy (European Council, 2003/86/EC, p.15).

Prior common frameworks: the path that led to collective strategies

The establishment of such ambitious plans and successful coordination protocols was of course preceded by many negotiation efforts and agreements that were anchored into treaties, official regulations and Directives. A consequence of intensified cooperation efforts was that member states have narrowed down their sovereignty for the sake of creating a supranational legislative and political construction. One of the major aims of EU's interior policies was to entrench basic citizenship rights for the inhabitants of its member states. Regarding immigration protocols, this came down to agreements where cooperation between states would be highly intensified, for instance in areas such as judicial provisions or having similar integration facilities for newcomers (Geddes, 2008). This development started in the late 1980s and during the 1990s, due to the global expansion of economic and political rights on the one hand and huge inflows of immigrants due to wars and socio-political unrests on the other. This meant that new immigration policies and social integration arrangements had to be introduced. But most importantly,

the definition of what 'citizenship' actually encompassed had to be redefined (Favell, 2001). An additional effect was that immigration brought about multi-ethnic societies where definitions of social and political rights needed to be reconsidered.

Since European countries were destined to work together on a myriad of policies, it was in their best interest to also join forces on devising common standpoints regarding migration policies. Thus, various political accords laid the foundation for essential citizenship rights, such as the right for residents of member states to move freely and work in other member states (Hix and Høyland, 2011, p.276). The Maastricht Treaty, signed in 1992, added provisions regarding immigration policies, but The Amsterdam Treaty really proved to be a decisive step towards the creation of joint policies. Within this Treaty, cooperation was covered by means of consistent decision-making arrangements, agreed upon by the member states. An indication of this determination became clear in a section within the Amsterdam Treaty which was amended to: *"The Union shall in particular ensure the consistency of its external activities as a whole in the context of its external relations, security, economic and development policies. The Council and the Commission shall be responsible for ensuring such consistency and shall cooperate to this end. They shall ensure the implementation of these policies, each in accordance with its respective powers"* (Treaty of Amsterdam, 1997, p.8).

Nevertheless, nearly all member states have different approaches when it comes to the implementation. Each of them has a unique character of economic, political, social and civil public policies which influence member states' ability to show either high, low or average levels of compliance. Even though individual member states hold authority over deciding who has access to citizenship rights, both the Maastricht and Amsterdam Treaty have realized extensive cooperation by organizing consultation efforts that occur on a regular basis. Furthermore, agreed upon policies about migration moved from being non-binding aims and proposals to becoming rather solidified collective undertakings (Treaty of Lisbon, CIG 14/07, 2007, p.81). Quite swiftly, a supranational character began to unfold, since the European institutions devised a structure in which cooperation could be feasible and properly delegated. To safeguard and invest in a sense of commitment, member states' governments could propose legislation, while the Commission could steer those proposals. Subsequently, the European Council acted under unanimity and ensured a co-decision procedure, meaning that supranational measures would be fortified. In this scenario, the European Parliament also needs to be consulted and the European Court of Justice rules

over cases if, due to the complexity, national legal means do not suffice (Hix and Høyland, 2011, p.284).

It is safe to say that the area of migration policy has truly proven to be one of the most progressive fields of EU policy-making in the last two decades. Even though we have established that member states have retained some sovereignty in this matter, EU institutions have been pushing towards increasing their competences. This is the case, since the issue of especially family migration has become embedded in member states' societies. Being one of the root causes for creating financial and integration-related and social strains to communities, it is important for the entire European Community to properly manage the supranational scope of migration policies. This does not imply that many citizens from various member states weren't deeply concerned about the decrease in national sovereignty that would occur for the sake of limiting immigration by jointly redefining migration policies (Lahav, 2004). However, it was obvious that national immigration policies were not equipped to handle the complex socio-political challenges that lay ahead independently, therefore governments were convinced into settling for collective action solutions. Not only would agreements within a supranational system prove to be more efficient, they would also notably improve the accountability and reliability of EU policy making (Hix and Høyland, 2011, p.296).

2.2 The top-down political approach: Moving towards Europeanization?

Being a member of the political system of the European Union brings forward significant challenges for the development of efficient policies that fit the preferences of as many actors as possible. Achieving a high level of consensus helps to ease the implementation process and thus in achieving desired policy innovations (Dimitrova and Toshkov, 2007, p.961). This implies that even though European states have legislative power and the ability to implement laws within their country, most policies involve common guidelines, which means that coordinated decisions have to be negotiated between European and national institutions (Benz, 2010, p.214). This suggests that both national and supranational policy-making are becoming 'interlocked', which indicates interdependence between the various political EU actors. Because of this intricate power structure, where there are many shared interests, coordination is required. The EU cheered on a rather flexible stance towards cooperation, implying that actors should have sufficient

discretionary power to react to possible constraining consequences of intra-governmental policy developments (Benz, 2010, p.220).

Important to ask ourselves in this respect; what are the major implications of this cooperative and coordinative system managed by the EU? According to Maurer, (2002, p.5) there is a “*visible process of cooperation and integration, which leads to a fusion of national and community institutions, instruments and policy devices*”. The primary goal for political actors is to expand effectiveness when executing common made policy decisions, while also trying to maintain or get hold of a powerful position by proving to be a reliable and participating partner. Olsen (2002, p.922) claims that the term ‘Europeanization’ on itself is rather hollow, it is the dynamic behind it that shapes the political domain of the European Community. The challenge unification presents to member states is to achieve a certain harmony between supranational coordination and maintaining as much local sovereignty as possible. Europeanization could therefore contain both the reinforcement of accommodating collective action possibilities along with progress in creating new common ideas about citizenship (Checkel, 2001, p.180).

What does this mean for the political architecture of states: Do European developments stabilize states or undermine them? Hooghe and Marks (2001, p.2) state that there are two possible approaches. In the first scenario it is believed that European integration does not erode nation states’ autonomy. Indeed, this theory suggests that states do not have to compromise more than they desire and that supranational institutions are in place to assist member states and have limited impact themselves. The second is a perspective where European integration is seen as a policy-generating mechanism. In this case, influence and regulatory powers are shared by both national and supranational institutions. Regarding the current circumstances, it can be argued that at the expense of diminishment of member states’ sovereignty, collective decision-making procedures get the upper hand. Thus, what is taking place is a gradual downsizing of traditional governance structures. This does not mean that the relevance of national actors is entirely dismissed. It simply states that decision-making capacities have moved from being monopolized and dominated by national governments to becoming shared competences within a supranational context. It is quite logical to assume that, since governments have pledged to cooperate on numerous policy issues, it was necessary to divide workload responsibilities and thus supranational representatives had to be deployed. By creating this framework of supranational institutions, or so-called ‘agents’ with both executive and monitoring tasks, it was argued

that higher levels of effectiveness and compliance to agreements could be assured (Hooghe and Marks, 2001, p.10).

2.3 The bottom-up political approach: Vertical venue shopping through policy entrepreneurship

Justifying political decisions is an inherent feature of political decision-making. Nation state officials have the task to determine and define which problems exist within a policy field. Defining what those dilemmas consist of, depends on the interpretation of political actors. They have the continuous task to provide arguments for their implemented policy choices, in order to assure a great deal of political consistency in a setting that is prone to fluctuations (Fischer, 2003, p.183). Whether certain issues within a policy field are regarded as problems, relies on the narratives that serve as platforms for discussion. By framing policies, political actors are able to introduce people to what they perceive as the problem. This can happen through manipulating data concerning a certain policy area, but also through vigorous debating opportunities and making bold political statements. References are likely to be made to a certain country-specific discourse that elaborates on how past practices were conducted. Depending on the success of such a discourse, it will have a durable character and find its way into relevant institutions. If the opposite is the case, opposition inclined actors will find a window to speak against the existing structure and propose new measures they feel are more suitable (Hajer, 1993, p.46).

The term 'discourse' can be portrayed as *"the sum of interactions of individuals, interest groups, social movements and institutions through which problematic situations are converted to policy problems, agendas are set, decisions are made and actions are taken"* (Rein and Schon, 1993, p.145). Therefore, policy development needs to be regarded as a course of action which is in a state of constant motion. Since policies are always situated within specific political, socioeconomic and historical contexts that are subjected to dynamic shifts over time, actors may realize that some approaches are outdated. Thus, above all, policy development should be viewed as a developmental course where political wisdom is gained gradually, stressing the importance of 'learning effects' in this process (Pierson, 1993, p.611). Shifts in policy directions occur frequently, as public policies change and competences of institutions are regularly altered. In the country-case study we will further elaborate how policy entrepreneurs from The Netherlands and Germany have been

able to become rather vocal about their deep-rooted disagreements with policy status quo's that have since went through profound transitional change.

Policy entrepreneurship: how does it work?

As stated before, it is quite clear that general political developments often maintain a stable character, which show signs of incremental or 'slow paced' advancement over time.

However, even though incremental development is the prevailing trend in bureaucratic arenas, sometimes rigorous steps are taken towards moving away from past policy practices (Baumgartner, Jones and True, 2007, p.155-156). Such actions are bound to happen when political actors attempt to redefine the existing policy discourse. A factor that notably contributes to this course of action is when considerable transitions occur in the existing policy image. This process of transition, or simply put 'changes in the status quo', can ultimately lead to adjustments in the long-term. This is defined as the 'positive feedback process', in which even the smallest developments account for future changes to be magnified. Negative feedback on the contrary secures the continuance of durability in a political system. It generally implies that current policy images are widely approved and can be placed under the wing of an effective policy monopoly (Baumgartner et. al, 2007, p.160). In relation to immigration policies, the process seems to have been characterized by symmetry. Nonetheless, it has experienced some punctuations, meaning that there have been indications that there were sudden shifts towards major policy reversals. However, Scholten and Timmermans (2004) have shown that even though this occurred, the implementation process at the local level or subnational level mostly subdues any large-scale departures from the status quo. Actors obviously also have to keep in mind that 'transaction costs' are attached to making policy decisions. As politicians are constantly occupied by determining what is attainable and presentable depending on the situation, it is obvious that political evaluations precede before any concrete decisions or policy directions are taken. In addition, the legacy of 'path dependencies' also shape the directions that are possible for the future, since political consequences that linger on from the past, limit actors in what they are able to propose. New policy directions are therefore not often seriously considered, until a certain 'sense of urgency' surfaces. Political actors then take advantage of this window of opportunity, which is called 'political entrepreneurship' (Hermerijck and Van Nispen, p.17).

Venue shopping

“Since the beginning of the 1980s, migration and asylum policy in Europe has increasingly been elaborated in supranational forums and implemented by transnational actors” (Guiraudon, 2000, p.251-252). To accompany the previous quote, Guiraudon argues that the ‘venue shopping’ frame of reference is most suitable to clarify the structure, form and timing of European cooperation in this policy field. She explains that migration-related rulings at first originated from the national level of jurisdiction. Migration as a policy area thus primarily had a horizontal character, where policies should be implemented both nationally and locally and could be discussed or perhaps adjusted in accordance with partner states. Agreeing to converge in national strategies and preferences, independent of earlier efforts, was perceived to be a prerequisite of effective cooperation (Moravcsik and Katzenstein, 1998). However, due to the rise of shared policy competences under the watchful (and coordinating) eye of the European institutions, a ‘vertical dimension’ has presented itself.

“Immigration is becoming a distinct field of study in political science and part of the mainstream discipline” (Vink, 2002, p.204). This is true, because from approximately 1994 onwards, immigration regulation and integration of migrants have received a centre position in debates and political campaigns throughout European member states. Guiraudon and Lahav (2006, p.202) add that it is not the nature of immigration policies that has changed so much. Instead, the scope of this policy domain has strongly impacted changes in nation state policies, general migration patterns and the efforts made towards improving the inclusion for migrant populations in the EU. The regulations that shape the manoeuvring capabilities of national governments, ask for the deployment of various kinds of actors. This is the case, since different challenges depend upon a variety of specializations, resources and approaches (Immergut, 1992). Since immigration policies develop in an ever-changing political environment, actors explore strategies and new venues that fit the particular political context of the moment. In this way, they try to navigate towards desired changes within a fixed institutional setting, even if that task consists of framing established policy images.

How can the venue shopping theory be seen in the context of the extensive European cooperation on migration? Interstate cooperation within the EU has come to encompass a collection of flexible agreements. According to Guiraudon (2000, p.267) this interdependent system still shows signs of states who retain considerable sovereignty. This

is the case, since decisions are often non-binding and therefore cooperation is based on the willingness and pragmatism of states. They obviously comprehend that cordial collaboration with their member state partners keeps them from hitting a political dead end. Openings that signal the emergence of political venues become possible, since this kind of flexible political system provides actors with the platform to instigate new policy debates and actively engage in the agenda-setting process. Kaunert, Leonard and Héritier (2003, p.7) provide arguments that are in line with Guiraudon when they claim that policymakers have agreed to work together on EU level, in order to dodge any major pressures at the national level. When regarding the issue of immigration this concretely means that states found it desirable to adopt common policies that also entail common responsibilities.

However, the exploration and increased cooperation on the 'judicial venue' actually caused the issue to be less susceptible to preferences of national actors to impose more constraints (Kaunert et. al, 2003, p.21). Indeed, some member states have been making bold moves to introduce additional constraints that are suited to national preferences, bearing in mind the already existing room for political manoeuvring. This 'race to the bottom' means that some countries were often seeking the limits of minimal compliance regarding certain EU-based agreements such as migration policies, and more specifically pre-entry arrangements. This trend seems to be quite a challenge for EU institutions, since they have to monitor the adherence of common accepted policies that are actually proving to be something of a 'misfit' for countries that deviate in terms of aiming to introduce more extensive limitations on the migration agenda.

There is a broad conception that venue shopping is just a 'vertical' process, where member states attempt to 'upload' their policy ideas during negotiations at the supranational level and simply 'download' the results of those agreements into official policies (Bonjour and Block, 2013, p.210). However, Bonjour and Vink (2013) argue that this perception is a misconception, since it is not able to fully cover the complexity of European migration policies. It is believed that it leaves out the significant part of 'horizontal' interaction between member states, meaning both the exchange of ideas and expertise, as well as the transfer of policy practices among them. This development should therefore not be dismissed, as it serves a crucial role in the policy making process of EU member states.

Summarizing, the venue shopping theory could be categorized in a 'vertical' variant, where EU member states strive to introduce alternative additions and/or restrictions in relation

to agreements that have been set in stone at an EU institutional level, such as binding Directives, laws and regulations. The other type is 'horizontal', where states are exploring possibilities to learn from each other, either through the exchange of expertise or by implementing similar strategies to common policy challenges (Geddes and Scholten, 2013, p.6). In comparison to the former variant, the horizontal variant is based on non-binding policy mechanisms, such as for instance the 'Open Method of Coordination' (OMC), a method set up by EU institutions to encourage member states to cooperate through the exchange of best practices, but with additional conditions such as publicly publishing the results of each member states' progression. This is introduced to foster the aspect of peer pressure which makes states more prone to actually conform to shared agreements.

Even though the short-term successful manoeuvring surrounding the migration policy agenda worked out favourably for countries such as Germany and The Netherlands, the long-term consequences following the establishment of the Family Reunification Directive perhaps proved to limit their political ambitions. In this respect, the vertical venue shopping theory also proves to be a good explanatory model, since these two member states in particular used this method of policy entrepreneurship to lobby for the introduction of further restrictions. By using the basic principles as laid out in the Directive to the strictest extent as possible, they have been able to stretch up the basic rights considerably. In chapter four we shall discuss examples hereof and the extent to which they have been able to push through this 'race to the bottom' of family migration policies. What becomes evident though, is that the Europeanization process cannot be divided in either 'vertical or horizontal' Europeanization. As Block and Bonjour (2013, p.213) put it quite clearly: *"It is neither a case of vertical implementation of binding EU norms, nor of 'horizontal' non-binding coordination and learning. Rather, this is a process of domestic reform triggered by the Family Reunification Directive, a formal and binding piece of EU law, but shaped by the voluntary and strategic choices of member states"*.

Thus, most intriguing to discover is whether the Dutch and German cases show signs of this 'race to the bottom aspect' and whether they have been granted the right to do so, or if they were significantly slowed down or blocked in their attempts to put restrictive measures towards migration policies on the table. For instance, as is seen in current regulations, government actors might not be able to diminish migration related policies that are ratified at EU level, but they can impose stricter conditions for migrants regarding matters such as pre-arrival and citizenship arrangements. What becomes clear is that national political actors face a variety of obstacles that sometimes block them from

achieving their desired goals. An adequate term for this situation derives from the work of Guiraudon and Lahav (2006, p.218) when they speak of a 'multi-levelled policy dynamic'. On the national level, they demonstrate that actors which oppose the status quo may take advantage of a window of opportunity. This can point to a trend that is taking place to shift the policy direction towards a call for more restrictive measures. What becomes noticeable quite quickly, is that the implementation of such proposed changes becomes difficult. Imposing measures that strongly deviate from existing policies and the status quo, can face much resistance. Thus, only under specific circumstances might such ambitions prove successful. While on the other hand, on the supranational level, common agreed upon arrangements and normative guidelines limit the possibilities for far-reaching confrontational interventions.

2.4 The importance of policy transfer

The theory of policy transfer seamlessly corresponds to the previously discussed topic of horizontal venue shopping. A way to determine if states are really moving towards each other within the framework of common EU policy-making efforts, is to take a closer look at the important notion of 'policy transfer'. Evans and Davies (1999, p.376) describe policy transfer networks as remarkable tools for bringing about policy modifications. The underlying motivations for states to take part in transfer networks are diverse and synergetic. For instance, when states face a certain political dilemma, a growing need surfaces to tackle that policy problem. In order to do that, politicians need to acquire relevant expertise and resources. Dolowitz and Marsh (1996) add more significant motivations for political actors to engage in policy transfer. The need for other sources of knowledge or expertise within a certain policy area could be fuelled by: dissatisfaction with existing political approaches, a feeling of having to legitimize certain policy actions, or overall discontent ranging from the public to a wide array of policy makers.

Over the years, it has become quite customary that policies are 'transferred' from one state to the other. Policy transfer can thus best be described as an exchange of institutional and/or political best practices, knowledge, ideas or 'lessons' that states have drawn from each other, which they would subsequently like to implement (Dolowitz and Marsh, 2000, p.12). Moreover, in addition to undertaking affirmative action, or 'positive learning', a form of 'negative lesson learning' can also occur, in which states determine how they would

definitely not like to progress (Radaelli, 2000). The process of drawing lessons and ultimately seeing the exchange of best practices become actual policy depends on certain criteria. First of all, there has to be a desire to attain a firm grasp towards a new policy direction. For instance, this means that past political frameworks of country 'A' would come under scrutiny when comparing them to valuable achievements of country 'B'. The purpose of this, is that country 'A' evaluates, learns and to a certain extent adjusts or implements newfound policy knowledge or practices. Furthermore, we can distinguish between types of policy transfer. Namely, there exists a voluntary or 'horizontal' variant, as described above. The second type involves a vertical form or 'coercive transfer', where supranational political bodies such as the EU strongly incite member state governments to make certain political considerations and eventually adopt policies in line with common norms and agreements (James and Lodge, 2003, p.181-182).

However, such binding forms of adaptation should not automatically be perceived to be contradictory to political interests of states. On the contrary, they might even strategically benefit from such forms of cooperation (Lavenex and Uçarer, 2004, p.420). Stone (2004, p.547) describes that policy transfer signalling increased convergence between states is also highly influenced by certain aspects. Firstly, the existence of strong communication networks in the form of intensified consultation efforts. This could involve meetings set up through EU institutions to further induce viable partnerships. Secondly, states are often swayed into cooperation by states they feel geographically connected to and with whom they share a likeminded political belief system. Lastly, it is often the case that small states follow states with a high level of authority who act as 'pioneers' and thus leave a dominant mark within a certain policy area.

Process of establishing a successful policy transfer network

It is believed that policy transfer is specifically focused on describing a developmental course when illustrating cross-national policy convergence. Holzinger and Knill (2005) argue that policy transfer does not serve the sole purpose of states being able just to mimic policies of other countries that serve as the example. Instead, a thorough reciprocal relationship might occur, where policies actually begin to show substantial similarities and thus show signs of cross-national political convergence.

This process of understanding is perceived to be fostered by member states who exchange expertise through commonly set-up supranational institutions where there is room to negotiate and discuss ideas and developments with political partners who preferably share the same norms and values. Within the scope of policy transfer, a great deal of attention and importance is awarded to the practice of negotiation. Bulmer and Padgett (2005, p.105) describe that negotiations (that might ultimately affect the occurrence of policy transfer) are inherent to institutions such as EU platforms, where the making of agreements that strive towards consensus comes in a variety of shapes and sizes. For instance, this can vary from the creation of formal rules and regulations, to a more informal approach where a certain degree of rapprochement is sought.

The characteristic aspects that could be assigned to the occurrence of policy transfer and ultimately convergence in policies are the following: First of all, Stone (2001, p.7) describes the aspects of 'emulation', where certain expertise or a specific policy approach is implemented by a country who views another states' approach as a leading example. In addition, the aspect of 'harmonisation' occurs. This is seen as a necessary side-effect of pursuing common policy goals, since states are well aware of the downsides of having a divergent attitude. Supranational institutions such as the EU ensure the existence of a successful cooperative framework between EU countries, but this comes with the price of states having to compromise on accepting less political sovereignty. Holzinger and Knill (2005) elaborate by saying that cross-national policy transfer can be a consequence of states trying to find a common response to a certain policy issue. Thus, eventual converging policies are caused by similar reactions to similar policy challenges. In addition, states often do not want to lag behind their peers, meaning that a certain amount of competition amidst states has also raised bilateral conformance between EU countries. As described before, a significant contributing factor to the success of policy transfer is when the countries that are being compared can be attributed with the same amount of cultural and institutional similarity. Researchers should definitely emphasize the socio-political similarities that countries such as Germany and The Netherlands already share, even before they become active actors in the policy transfer networking process. In this sense, one could argue that there is already a solid ground for the idea of convergence between these EU countries.

Thus, a fruitful policy transfer process will exist when policy entrepreneurs feel there is sufficient disapproval of existing policies. Subsequently, this signals the necessity to search for venues to convert undesirable policies belonging to the status quo, to new goals provided by entrepreneurial politicians (Evans and Davies, 1999, p.377). Of course, the amount of adaptation to transferred policies is different, since every member state follows a unique political path, the design, methods and extent of the policies that is mimicked and actually implemented is dependent on institutional circumstances within nation states (Stone, 2001, p.35).

2.5 Policy discretion & the power of domestic politics

It is often quite challenging for member states to participate in EU policy-making. This is the case, considering that what is decided at the EU's institutional level has significant impact on policy directions that have to be taken by individual nation states. It can be said that member states are somehow 'locked into' a constant policy process that demands active participation and interaction from them with their EU partners. There are serious downsides attached to sharing policy competences. For instance, member states can lack the necessary means, authority or administrative traditions to adequately 'download' common regulations or agreements that originate from EU conditions. This is not to mention the factor of support, which suggests how difficult it can be for governments to justify decisions taken in Brussels, at home. Commonly devised political strategies are often very complex in nature and do not provide a perfect 'fit' for every member states' political structure. Therefore, it can be quite hard to match what is desired at national level to what is attainable at the European level (Kassim, 2003, p.87). Contributing factors for member states to implement a fair degree of policy discretion is connected to the amount of domestic institutional preferences that steer towards a reluctant attitude of compliance. In addition, there might also be domestic legal constraints that prohibit nation states to align with EU decision-making on specific policy areas and of course, it could also be the case that national actors with considerable political weight are able to influence or even slow down the implementation process within a certain policy field (Steunenberg and Toshkov, 2009).

The 'convergence/divergence' theorem

Having established the existence of a necessary partnership that can cause considerable strains on member states' governments, we need to turn to explaining whether nation states are actually moving towards each other. If there is an indication of 'convergence', it would mean that states are adopting similar policies or political strategies. If this in reality proves to be the opposite, we would speak of 'divergence'. Kassim (2003, p.89) argues that *'institutions in a shared institutional environment are likely to grow increasingly similar, as they converge around the most efficient organizational form: optimization'*. This is expected to occur as member states tend to reproduce successful political formats or measures that have demonstrated to be fruitful. The consequence of this convergence is that common problems will gradually be dealt with homogenous approaches. Motivations that stimulate the path to convergence can vary from feeling the pressure of coercion from the side of EU institutions, from selecting and implementing successful policies from peers for one's best interest or from association, where profound interactions can lead to fostering shared values and practices.

Kassim's counter-hypothesis is based on a theory of 'continuing divergence' where he claims that nation states' individual systems and values will prevail. This viewpoint is centred on the idea that differences between member states and institutions are likely to endure, even if they are placed in the same conditions. According to Kassim, (2003, p.92) divergences are bound to remain persistent since the coordination ambition of member states differ. Some countries have an extensive cooperative attitude towards creating common policies, others have a more reluctant and selective stance towards sharing competences.

The extent of coordination ambitions is not the only factor determining the amount of willingness that exists for investing in common strategies. Variations in member states' designs are also significantly influenced by institutional and historical-political, or better put: 'path dependent' policies. These factors determine the extent of coordination capacities, as well as the practical implementation possibilities, that differ in each country due to distinct domestic features. Diversified examples of adapting to common policies are likely to persist, since attitudes towards increased institutional development vary in every member state. Therefore, the institutional pressures that drive towards cooperation are perceived differently in each EU nation. Moreover, European states' characters are symbolized by unique histories of state-building and political developments, which have

shaped their modern capabilities and ambitions. While some countries are tenacious in protecting certain areas of their political sovereignty, others are trying to shake off political misfortunes of the past by allocating significant decision-making competences to European institutions. In addition, when considering the aspect of member states being left with considerable policy discretion to implement EU policies individually (as long as their actions do not violate EU mandates) one could argue whether convergence or divergence is generally more favourable within member states (Olsen, 2002, p.936; Rokkan, 1999).

Who influences whom?

As already established, it is up to member states to resolve to what extent they wish and are able to deal with the consequences brought forward by EU participation. However, the 'issue linkages' that have emerged due to the adoption of shared policy competences indicate that free political manoeuvring by member states has decreased. It therefore seems inevitable that the constant interplay and the power transference of the member states to EU institutions will intensify further convergence. Adding to this, member state governments have become exceedingly engaged in EU matters, since they have no other real option if they wish to exert influence over EU decisions. Hence, a convergent strategy might be the 'necessary evil' for EU nation states to help them achieve their political goals. According to Raunio, (1999, p.182) Europeanization is inexorably linked to the amount of consideration that is put into participation strategies, since national actors that have ambitious plans for developing shared competences, will closely connect with EU institutions. Once they do that, a 'fusion' will emerge that allows member states to share best practices and responsibilities with other actors. This might include both 'horizontal efforts', where EU member states intercommunicate and learn from each other, as well as 'vertical efforts', where state actors are inclined to look for partners and use political opportunities to introduce institutional changes on a broad supranational level.

Finally, this process will gradually result in convergence, which points to the formation of a common system based on comparable political aims, standpoints and values. Ladrech (2010, p.22-25) brings up an interesting twist within the evident direction this convergence theory is taking us. Europeanization evokes the idea that primarily top-down influences have shaped the outcomes that brought about changes in domestic political institutions.

However, we must not forget to incorporate the strong likelihood that national actors may also have affected EU based decision-making, thereby speaking of a ‘two way street’ approach. Furthermore, we have to be careful with assuming that convergence is something that, per definition, is greeted with aversion by member states. In reality, it could be the case that governments may actually have had a strong preference for the implementation of a specific policy derived from the EU level. This can certainly be the case when regarding the immigration agenda, which contains considerable challenges that nearly all member states acknowledge and thus strive towards improving together. Important to recognize is the need for fulfilment of a larger goal, namely to establish a high degree of integration and to remove political barriers that stand in the way of reaching common political aims. The crucial decisive factor determining the ‘fit or misfit’ in being able to conform, is the amount of willingness and capacities member states have. Assimilation could reinforce problem-solving capacities of governments, but it could also prove to be too big of a challenge for some states that would face serious difficulties in altering their national institutional frameworks (Scharpf, 1999; Kersbergen and Waarden, 2004, p.158; Ladrech, 2010, p.30).

2.6 Theoretical expectations

To be able to conduct a proper analysis, it is vital to firstly indicate our guiding concepts. Secondly, we need to determine which indicators can be attributed to the key concepts within our conceptual model. Finally, we will be able to deduce hypotheses from this data, which will serve the purpose of either falsifying or accepting certain statements in line with expectations that shall be presented in chapter three. Based on a concise background story of possible theoretical assumptions, existing policy frameworks and common EU regulations, we are thus able to create ‘theoretical tools’ which will guide us through the rest of the research. Generating a clear and consistent theoretical expectation in combination with determining ‘*how*’ we expect this research to take place and explaining ‘*why*’ a certain approach is preferable to another, is essential to satisfactorily test our hypotheses.

Based on the sum of the theory that has been discussed, the key concepts that have been identified are directed towards explaining the phenomena of ‘convergence’ and ‘divergence’ through an analysis of Dutch and German migration policy developments.

Important to discover, is whether there really is a trend that leans toward the notion that in general convergence seems to gain foothold, while divergence gradually becomes seemingly less and less present. Information that shall be presented in the following chapters, will therefore be crucial to understand whether the specific subject-related data resembles our expectations. When looking at the phenomenon of convergence, the prime concepts that have been discussed in the theoretical overview are: *the top-down political approach of 'Europeanization', the bottom-up political approach of vertical venue shopping (policy entrepreneurship) and the notion of 'policy transfer' between EU member states*. When looking at the issue of 'divergence', the leading concept that has been chosen is: *policy discretion in implementation of policies*. This concept is chosen to assess the persistence of domestic preferences in both Germany and The Netherlands regarding migration policies. To be able to give a detailed account regarding the pre-entry policy trend, we have to examine the social background and political motivations in the countries chosen for this case-study. In other words, to provide the most complete picture, we need to borrow from multiple theoretical perspectives within the scope of data that relates to our above denoted concepts and indicators.

Summarizing, we have already established that changes which occur in member states' policies are often the outcome of increased adjustment towards establishing more overall efficiency in order to meet up to EU standards. However, not only EU pressures are causes of transition in policies. Historical-institutionalist approaches could also be responsible for influencing existing or future policies, since a path dependent political structure may be predominant in certain member states. No institution, organization or political structure is without flaws and therefore it could be argued that policy-shaping institutions are inconsistent by nature, meaning that the occurrence of 'change' is imminent. But we must not forget that institutions prove to be durable, probably because it is in the best interest for member states that they are. Maintaining the status quo within a distinct institutional composition and fostering cooperation is desirable for the grand and intricate framework of EU institutions and its member states. This is the case, since common policy guidelines can be formulated in a way to suit the widespread demands and needs of its member states as much as possible. In addition, a common agreed upon structure of rules and regulations brings with it the obligation to monitor the effectiveness and adherence to agreements. The current political reality regarding this topic is two-fold, since it appears that European integration does not seem to erode nation states' autonomy completely, since the process is seen as a mostly beneficial policy-generating cooperative mechanism.

In this perspective, influence and regulatory powers are shared by national and supranational institutions. At the cost of giving in on sovereignty, collective decision-making procedures get the upper hand. However, the relevance of national actors cannot be entirely dismissed. Evidence hereof regarding bottom-up influences through policy entrepreneurship of member states will elaborately be discussed in the remainder of this research. This is just an example of how two obvious characteristics of both the convergent and the divergent model can be juxtaposed in order to assess whether our expectations should lean more towards a convergent or a divergent theoretical outcome. Since we have established that there is seldom a perfect 'fit' when it comes to the integration process towards increasing shared policy competences, the question is: how has the development played out and to what extent do we witness convergence or divergence? In other words; is convergence or divergence more predominant in the practical sense?

What becomes clear from the discussed literature so far, is that we can already state that the political reality in general is never just a matter of 'black or white'. It should rather be described as a '*grey area*' that is dynamic in nature and prone to fluctuations. Even though it appears that coordination systems such as the EU are moving towards convergent policy patterns, there are sometimes rather limited levels of conformity. Nevertheless, this observation was mostly directed towards general coordination proceedings on multiple policy areas. Whether Kassim's assertion is equipped to be applied to the issue of pre-entry policies and to the alleged convergence patterns of the Dutch and German case, remains yet to be uncovered.

3. Research design

3.1 The purpose of a research design

The first and foremost goal that needs to be fulfilled in a research design, is to make sure that the design is efficient and that it clarifies developments that are yet to be made in this thesis (Maxwell, 2012). This research is built on an explanatory approach, the purpose of which is twofold, namely: there is first of all a strong focus on analysing why and how certain events have taken effect in our case-study countries. Secondly, the ultimate goal is to determine whether a causal relationship exists between the main concepts and its indicators that we have selected for this purpose, which shall shortly be presented in the next subchapter. Because an explanatory method within a qualitative research framework is able to examine things in-depth, it proves to be a remarkable way to understand path dependent histories, certain decisions, attitudes or choices (Ritchie and Lewis, 2003, p.28). Unlocking the meanings and motivations behind these occurrences will add to the explanatory strength, as well as the construction of possible causal links between policy choices and policy consequences in both Germany and The Netherlands.

The approach that is chosen for this design specifically, is the comparative case study. This qualitative method can be interpreted as a means to gain a thorough understanding of a specific topic. Moreover, the ultimate aim of qualitative research is that it tries to resolve dynamic issues by analysing information retrieved from various sources and observations. Thus, the reason why qualitative research has preference over the quantitative method, is because it enables the necessary in-depth glance at this particular case-study (Merriam, 2014). In addition, this research could be characterized by the deployment of a method known as ‘congruence analysis’. The inherent features of the congruence model (CON) that correspond with the way the research in this thesis is conducted, are the following:

- CON-analysis connects abstract theoretical notions (such as the concepts chosen for this research) to specific findings. In addition, this method focuses on the utilization of a variety of theoretical approaches. By deploying a set of different theoretical concepts, a researcher is able to gain insight in relevant theoretical perspectives and ultimately to recognize the most important theoretical notion for his/her research. The aim of this, is to add relevance and reliability to the outcomes of one’s research (Blatter and Blume, 2008, p.326).

- The purpose of making predictions before extensively having consulted the theoretical data adds to the reliability of the research. This is the case, since the formulation of objective predictions are made to serve as guiding principles throughout a research. When coming towards the end of the research, the researcher is able to clearly describe the outcomes of the study (Blatter and Blume, 2008, p.327).

Thus, the goal of CON-analysis is to detect similarities or dissimilarities by linking empirical observations (what is learned from the gathered data) to assumptions and predictions that are made in the thesis beforehand. In this particular case, the expectations are focused on political developments of two EU member states regarding their take on the family migration agenda and which course this has taken on over the years in both countries when looking at pre-entry requirements in particular.

3.2 Overview: Key concepts, definitions, indicators and data sources

In this section we provide an conceptual framework of the concepts and indicators before moving on to formulating the hypotheses. In addition, a column that indicates which data is necessary to conduct the research of the conceptual model, is included.

Table 1: Conceptual model - Convergence

Concepts (Dependent variables)	Definition of the concept	Indicators (Independent variables)	Data sources
Top-down political approach: 'Europeanization'	Europeanization suggests that both national and supranational policy-making are becoming 'interlocked' through intensified coordination ambitions involving member states on the one hand and European institutions on the other, which indicates a high level of interdependence between the various political EU actors (Benz, 2010).	Top-down influencing Bottom-up influencing Transfer of sovereignty Sufficient coordination ambition Sufficient coordination capacity Supranational policymaking Monitoring and enforcing compliance Uploading and downloading of policies Harmonisation	<ul style="list-style-type: none"> • Official policy documents issued by EU institutions (Primary sources) • Official documents issued by case-study country governments or institutions (Primary sources)
Bottom-up political approach: 'Vertical venue shopping'/ Policy entrepreneurship	Policy entrepreneurship or vertical venue shopping occurs when actors find a window within relevant institutions to speak against the existing political structure and propose new measures they perceive to be more suitable (Hajer, 1993). Through bold political manoeuvring, actors explore possibilities to introduce alternative measures at the EU institutional level (vertical) or explore possibilities to learn from each other through platforms designed for the exchange of best practices (Guiraudon, 2000).	Vertical venue shopping Horizontal influencing Politicising sensitive political issues Agenda-setting High politics Agents of reform Policy-trendsetters	<ul style="list-style-type: none"> • Academically relevant books and articles (Secondary sources) • Expert-interviews

Policy transfer between member states	Policy transfer can be described as an exchange of best institutional practices, knowledge, ideas or 'lessons' that states have drawn from each other, which they would subsequently like to implement (Dolowitz and Marsh, 2000).	Sharing similar set of norms and values Policy learning Best practices Exchange of information Policy imitation Diffusion of political practices
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Table 2: Conceptual model – Divergence

Concepts (Dependent variables)	Definition of the concept	Indicators (Independent variables)	Data sources
Policy discretion in policy implementation for member states	Policy discretion occurs when differences between member states and institutions are likely to endure, due to the perception that nation states' individual systems and values will prevail. Divergence is bound to remain persistent, since the coordination ambitions and capacities of member states differ (Kassim, 2003).	Persistence in domestic policies, reluctance to adapt to supranational agreements, maximum use of political manoeuvring, selective implementation, limited coordination ambition, limited coordination capacity	<ul style="list-style-type: none"> • Official policy documents issued by EU institutions (Primary sources) • Official documents issued by case-study country governments or institutions (Primary sources) • Academically relevant books and articles (Secondary sources) • Expert-interviews

Expectational model

Now that we have clearly established a categorization of the concepts and their accompanying definitions, indicators and means of operationalization, it is necessary to further break down these concepts and indicators in a more simplifying manner.

Figure 1: Expectational model - Dynamic process of cross-influencing

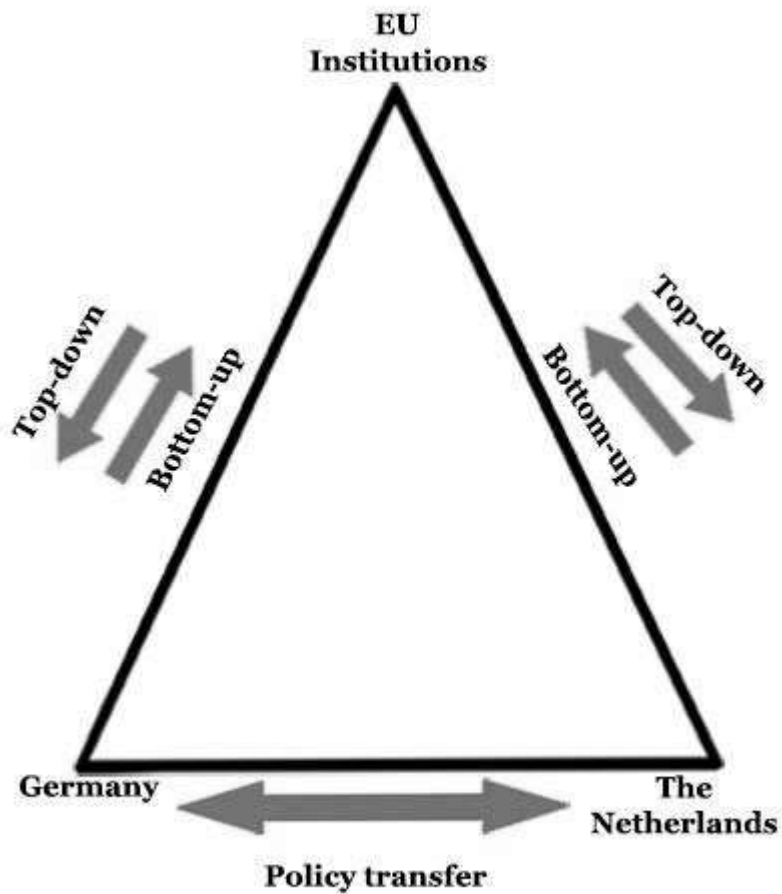


Table 3: Illustration to figure: Concepts & Indicators – Expectations based on the literature review

<i>Convergence</i>		<i>Divergence</i>	
Top-down political approach: <i>‘Europeanization’</i>	Yes/No: YES	Policy discretion in domestic policy implementation for MS	Yes/No: YES
Bottom-up political approach: <i>‘Vertical venue shopping’/Policy entrepreneurship</i>	Yes/No: YES		
<i>Policy transfer</i>	Yes/No: YES		

By means of the above sketched overview, the differences between the two contrasting concepts and their indicators become clearer and the table above thus serves as an additional analytical tool to be revisited again in chapter six, where we will determine whether the discussed indicators (independent variables) have indeed proved to be able to impact the concepts (dependent variables) positively. Subsequently, we shall compare the results of our case-study to the expectations made in this research design. Concretely speaking, the most pressing matters are to determine whether the expectations that were made in this research design have proven to be the case and, most importantly, which trend is predominantly the one that is occurring in the countries chosen for the country case-study comparison; Germany and The Netherlands respectively.

Conceptual models

Figure 2: The concepts on top indicate a causal relationship with the phenomenon of ‘convergence’. For example, this could mean that ‘Europeanization’ has a positive effect on the occurrence of convergence.

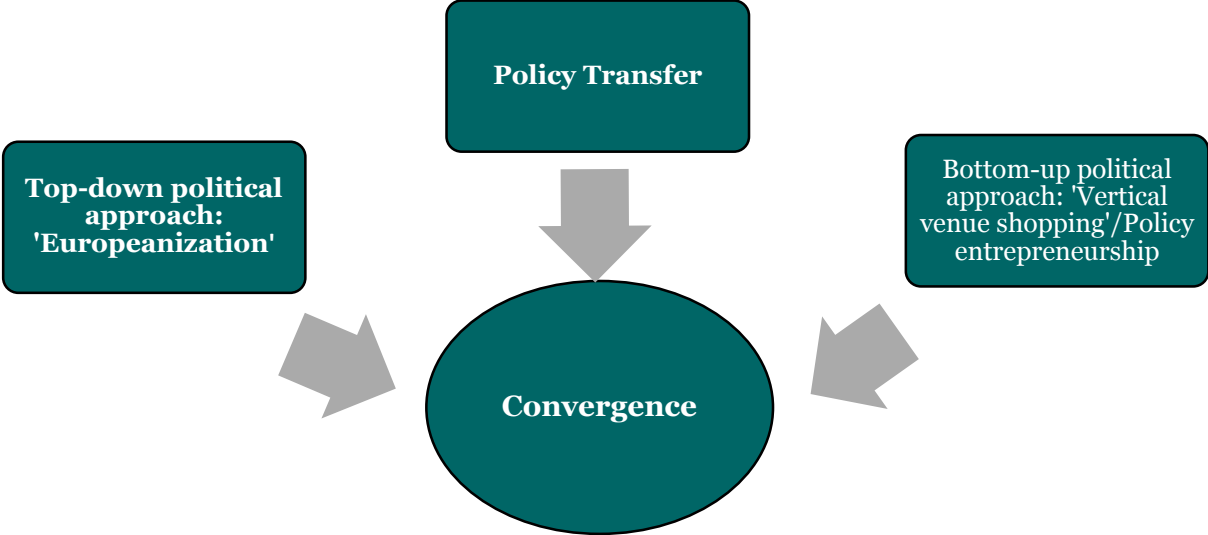
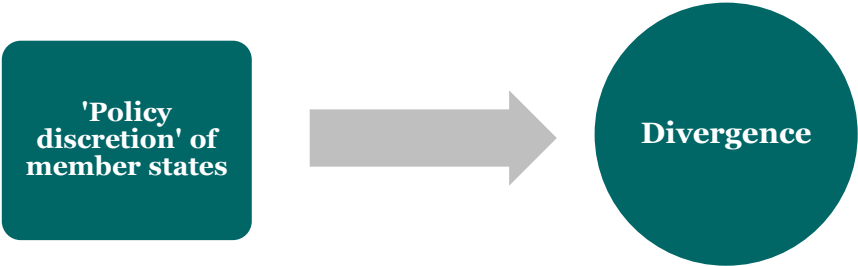


Figure 3: The concept on top indicates a causal relationship with the phenomenon of ‘divergence’. For example, this could mean that ‘policy discretion’ of member states has a positive effect on the occurrence of divergence.



Main question and hypotheses

As already mentioned in the introduction, the main question that we will strive to answer when arriving at the conclusion is as follows: *‘What provides the best explanation whether convergence or divergence in pre-entry policies is more predominant for both Germany and The Netherlands?’*. But before we reach that final point, we first need to formulate our hypotheses that serve as the basis for our explanatory framework. These hypotheses are important tools that reflect what is *expected to occur* in relation to the data that will show *what actually occurred*. In this light, it is important to demonstrate a causal connection between the concepts and their indicators.

Hypotheses serve as propositional statements that are dealt with as ‘sub questions’ for the sake of this research. Their purpose is to increase explanatory power, as well as potentially provide conclusive answers regarding the outcomes and the main question of this research. The hypotheses include the discussed concepts and indicators that embody the topics within the scope of this study.

Convergence

H1. *If top-down Europeanization is able to provide an explanation regarding the debate surrounding family migration in both the Dutch and German case, a convergence of policies will be noticeable.*

H2. *If bottom-up policy entrepreneurship is able to provide an explanation regarding the debate surrounding family migration in both the Dutch and German case, a convergence of policies will be noticeable.*

H3. *If the concept of policy transfer is able to provide an explanation regarding the debate surrounding family migration in both the Dutch and German case, a convergence of policies will be noticeable.*

Divergence

H4. *If the concept of policy discretion is able to provide an explanation regarding the debate surrounding family migration in both the Dutch and German case, a divergence of policies will be noticeable.*

3.3 Methods: Data-collection & Expert-interviewing

Data-collection: How, what, why?

As indicated in the conceptual model, there are a set of data sources that are essential for this research. The primary sources that have been chosen for this research were expert interviews and in particular policy documents of EU institutions as well as those of both case-study countries.

- *Policy documents:* The primary sources that will be used in this research are official documents either deriving from EU institutions or from member states' governments/official institutions from these countries. Additionally, this will not only include commissioned written reports. For instance, it also includes reports that were documented at the exact moment certain political debates have taken place. When regarding The Netherlands for instance, this regards sources with a strong focus on documents or dossiers that contain spoken and written accounts of politicians from the House of Representatives in The Netherlands. These sources will primarily be accessed through official websites and the purpose of these sources is to gain first-hand valuable insight in the policy-making process and political considerations at various moments in time.
- *Academically relevant books and articles:* In addition to primary sources such as policy documents, there are relevant secondary sources. This is the largest data-category within the framework of this thesis, focusing on books and articles that have been written by scholars who conducted extensive research on the theoretical debates surrounding the concepts and indicators that have been selected for this study. Due to their contribution and varying take on what the perceived causes and effects of certain policies entail, it is interesting to read through and be part of the academic debate by discussing and potentially forging existing theories into a new mould that offers a fresh look on the policy issue. These sources will be accessed through scholarly websites and on location: libraries and archives.

Expert-interviewing

The purpose that interviews serve within the scope of this thesis is to provide additional information that perhaps would be overlooked if one would just look at sources such as

policy documents and articles. Because the concepts and indicators that have been chosen to test the occurrence of convergence or divergence already amass an extensive amount of data-sources that can be accessed and processed, it was perceived that conducting a large amount of additional interviews would not be necessary. Since the process of gaining knowledge regarding the research topic was mainly satisfied through the wide array of available data, less external expertise of academics was needed. Nonetheless, interviews and in-depth interviews in particular were considered to contribute to the understanding of the topic and fill certain 'knowledge gaps' with a sharp outlook on the matter at hand. The learning process was strengthened by combining arguments from the theoretical debate with the experience and expertise of other people. Thus, making it possible to gain valuable insight in which meaning they attribute to the phenomenon. Ritchie and Lewis (2003, p.36) additionally argue that conducting individual, or 'face to face' interviews are the most common method in qualitative research. The strengths lie in the capacity to give an elaborate account of people's personal viewpoints. Therefore, it significantly adds to the desired content coverage of the topic.

- *Expert-interviews*: The purpose of expert-interviews is to add an extra dimension to a research that focuses on a policy field that is inherently intricate and constantly in motion. Expert-interviews are meant to 'fill in the theoretical gaps' that were still a bit unclear after having conducted the research into the available and relevant data sources.

Regarding the interview-protocol, no fixed order of questions shall be in place. Since every participant has its own specific area of expertise, it is not perceived to be desirable to make a standardized questionnaire. Instead a semi-structured type of interview shall be implemented with all the respondents. Characteristics of a semi-structured interview include the following: **1.** The interviews are meant as 'research interviews', which implies that the aim is to increase knowledge about the topic one is investigating. **2.** It has to be prepared for like every other type of interview, but nevertheless the planning is only limitedly conducted, hence the name: 'semi-structured'. **3.** The majority of the conversation will consist of an in-depth conversation that is symbolized by an interaction between the interviewer and the respondent. As described in the literature: "*the interview as a whole is meant as a co-production by the interviewer and the interviewee*" (Wengraf, 2001, p.3). As explained earlier, since this topic is subjected to high levels of dynamic, academic experts were asked to shed some light on current developments. The experts were contacted by phone or e-mail and asked to participate in an in-depth interview. The

interview itself would take place in person or through Skype, depending on the distance and availability of the interviewees. Interviews were conducted in the Dutch or English language and were recorded for the sake of efficiently incorporating oral data-elements into a written account within the thesis.

3.4 Reliability and validity

In order to meet the qualifications of conducting a good reliable research, the measurement must produce the same result if it should be repeated by someone else (Kellstedt and Whitten, 2007, p.106). Clearly definable concepts that are dissected into variables and indicators, thus contribute to increased levels of consistency in the retrieved data. Subsequently, the reliability factor also rises, since the research becomes suitable for repetition (Burnette, 2007). When regarding our formulation of the concepts and indicators, one could use the same sources, as well as the following codification for the hypotheses.

When regarding the indicators of the discussed concepts in the hypotheses:

A. For *'Europeanization'* one could use indicators such as: 'top-down influencing', 'bottom-up influencing', 'transfer of sovereignty', 'supranational policymaking', 'sufficient coordination ambition', 'sufficient coordination capacities', 'monitoring and enforcing compliance', 'uploading and downloading of policies' and 'harmonisation' as key characteristics.

B. For *'Policy entrepreneurship'* one could use indicators such as: 'vertical venue shopping', 'horizontal influencing', 'politicising sensitive political issues', 'agenda-setting', 'high politics', 'agents of reform' and 'policy-trendsetters' as key characteristics.

C. For *'Policy transfer'* one could use indicators such as: 'sharing similar set of norms and values', 'policy learning', 'best practices', 'exchange of information', 'policy imitation' and 'diffusion of political practices' as key characteristics.

D. For *'Policy discretion'* one could use indicators such as: 'persistence in domestic policies', 'reluctance to adapt to supranational agreements', 'maximum use of political manoeuvring', 'selective implementation', 'limited coordination ambitions' and 'limited coordination capacities' as key characteristics.

Limitations

However, at the cost of generality, qualitative research (such as desk research) an in-depth approach is preferred, while the quantitative design advocates generalizability. In addition, the objective of this thesis has been to provide an explanatory framework to assess how either the phenomena of convergence or divergence have impacted migration policies in both the Dutch and German case. This leaves out other possible contributing factors, such as the impact of the media or the rise of anti-immigrant populist parties that have unquestionably also shaped the recent character of migration policies of both countries. This indicates that future complementary studies regarding this topic have to be conducted in order to paint a more detailed and complete picture.

However, for this research design, where a perceived convergence of two country-related cases was researched, our approach strives towards reaching a high degree of 'concept validity'. This implies that when a researcher focuses on a limited variety of cases and concepts in the hypotheses, all the variables that belong to the hypotheses can be properly assessed on the basis of their relevance (Blatter and Haverland, 2012, p.34). To avoid measurement errors or to counter possible data related bias, 'data triangulation' also had to be applied. This refers to the utilization of multiple data sources to measure the same concept (Blatter and Haverland, 2012, p.68). For instance, this includes a diversified method of including both spoken and written primary sources, as well as relevant secondary sources. If conducted properly, the case-study would prove to be reinforced through those varied data-sources, which would ultimately contribute to a higher validity and reliability of the research (Yin, 2003, p.99). Adding to this, even though the interviews were not based on a standardized pre-selected format, the semi-structured interview model ensured that the respondents could speak freely and extensively considering the casual character of the in-depth interview. Though as much as this could be seen as an indication of substantial reliability, interviews remain products based on subjective opinions. In this respect, the extent of reliability could decline. To counter this however, the structure and content of the questions were kept as clear, neutral and straightforward as possible.

When looking at the issue of validity, it can be characterized as being able to measure what you intended to measure (Neuman, 2007). This notion can be further divided into 'internal validity' on the one hand and 'external validity' on the other. The former requires that a researcher indeed explores what he/she expected to explore, while the latter is more

concerned to what extent the concepts of the conducted research can be generalized, or in other words: can be applied in the practical sense. For instance, within a certain political context, timeframe or population that is affected by the findings of the research (Ritchie and Lewis, 2003, p.273). Concerning the topic in this thesis, it can be argued that what was intended to be measured, indeed was subjected to extensive exploration. This is due to the elaborate implementation of various primary and secondary sources and professional opinions in the form of in-depth interviews. Even though the scope of the case-study was narrowed down to two countries that were the only ones to be extensively investigated it would mean that the impact of this research could not be generalizable to a larger public and would therefore decrease in the amount of external validity. Nonetheless, as regards to the external validity, it can be said that it is quite high, as the results of this research contribute to the knowledge and political debate within this policy field.

4. Exploring migration policies & pre-entry requirements

Providing an EU-level context

In this chapter we will focus on a ‘exploratory process’ that is related to the concepts and indicators as discussed in the preceding chapters. Here, we shall provide descriptive information about the EU context of migration policies and how pre-entry requirements fit in that context. Subsequently, after this general introduction, we move on to a detailed description of the Dutch and the German case-study, where a brief historical-institutional outlook shall be provided. Subsequently, a link will be made between developments in the past and how they might have influenced very recent policies within the area of family migration and pre-entry policies in particular. In the conclusion of this chapter, it will be made clear to what extent and on what areas convergence or divergence occurs between the two selected countries.

Lahav (1999) describes that until the 1980s, family reunification and the issues between conflicting national and supranational interests (that are currently very much debated) were rather trivial. They became relevant when policymakers in EU member states were faced with a diverse array of policy issues and were looking for approaches to deal with problems like: changing migration patterns and migration inflows from the 1990s onwards. These influxes of migrants to EU countries such as Germany and The Netherlands were a de facto significant addition to countries which already had a predominant large minority population due to foreign labour schemes or colonial migration for instance. Motivations behind this growing politically active stance were additionally influenced by anti-immigrant sentiments and most of all, ever-growing critique on gathered results regarding the integration of immigrants (Lahav, 1999, p.353-354). Furthermore, Block (2012, p.5) adds that the rather harsh sentiments connected to family migration were rooted in two main issues, namely: the question whether family migration would harm immigrant integration and secondly the issue of whether family migrants could be seen as benefactors of nation states’ economy or simply as strains on welfare state provisions. Not only are there indications that more restrictive policy regimes have occurred in the last couple of years, countries such as Germany and The Netherlands

have also severely abandoned the idea of fostering multiculturalism. The notion of 'harbouring and fostering' multicultural diversity made way for the idea that migrants should adapt to the prevailing norms and values of the host country, such as being able to communicate, participate and become active members of society. This crucial development in the way of thinking regarding the integration of migrant minorities, was paired with the introduction of basic formal requirements to migrants who wished to reside in Germany or The Netherlands.

Since all of these plans had to be dealt with in a uniform matter, harmonisation was perceived to be necessary. Kofman (2005, p.456) describes that harmonisation in European policy areas was triggered by the Amsterdam Treaty (1997) that made European institutions more directed towards emphasizing coordinated policy directions. Furthermore, due to fluctuating migration patterns, states believed it was necessary to set up a supranational coordinating instrument that would be able to provide a legal and structured form of policy management for this issue. The need for harmonisation was also backed-up by statements made by the European Council, which argued that member state legislations throughout the EU should indeed pursue a collective character regarding the issue of migration policies (Family Reunification Directive, 2003/86/EC). With the establishment of such a unified approach, the amount of resistance and chances of future disputes regarding this matter were perceived to be significantly less. Since the introduction of the Amsterdam Treaty, the EU has made further developments in the area of policy migration through both the Tampere Programme (1999-2004) and the Hague Programme (2004-2009). These five year plans were meant to lay the foundations for strong migration policies. The subsequent Stockholm Programme, adopted in 2009, focuses on the period of 2010-2014, a timeframe in which the major purpose was to create a strong knowledge-based institutional make-up within the EU member states. Concrete examples of this entailed creating fora where a desired exchange of diversified ideas, best practices and potential policies could flourish (European Commission, 2009).

Having outlined the framework surrounding the rise of family migration policies, which are clearly rooted in historically perceived notions of necessity, it is impossible to deny that the EU has steered its member states towards a cooperative model on a myriad of policy issues, but notably within the field of migration policies. European institutions and especially the European Commission is an influential agenda-setting authority. It has been responsible for the introduction of past and current regulations regarding the

communitarian field of migration policy-making. The member states have agreed to this system where common rules and regulations exist to tackle various political challenges, which are all based on shared norms and values. The initial motivations behind the creation of (family) integration policies were to encourage equal treatment, access to education and the labour market and the right to family reunification for newcomers. The most important basic principle that can be derived from this, was that people belonging to the direct family (spouse and children) should have the right to family formation. To get a sense of what member states actually agreed upon in the area of family migration policies, we need to take a look at some agreements in the prime source of legislation regarding this topic; the EU Family Reunification Directive of 2003. The Family Reunification Directive that went into effect in 2003, stipulated minimum norms for member states to implement when faced with third-country nationals that would appeal for family reunification in their country. Already from the start, it was made quite clear that member states would have a fair amount of ‘policy discretion’, thus being allowed to give their own nation-specific interpretation to the basic outlines of the Directive (Schain, 2009, p.100). Concretely speaking this came down to the agreement that they could impose milder conditions, but in any case should not propose more prohibitive measures that would contradict the rules and regulations as agreed upon in the Directive.

A few significant areas of family reunification migration legislation as covered in the Directive and relevant to this research are: *the submission and examination of the application and the requirements for the exercise of the right to family reunification*. Regarding the former, an interesting statement is made in Chapter III, Article 5, Section 1, where it is said that member states decide whether the right to family reunification shall be forwarded to the authorities and subsequently granted to the applicant (Family Reunification Directive, 2003/86/EC). Perhaps more interesting, when regarding the latter, where it is stated in Chapter IV, Article 7, Section 2 that: Member states may oblige applicants from non-EU countries, TCN’s as they are called (Third Country Nationals) to adhere to integration requirements that lawfully correspond with national policies (Family Reunification Directive, 2003/86/EC).

As becomes clear from the Directive as a whole and when taking these Articles into consideration, is that the Directive itself is a framework of basic conditions, rules and agreements. It is stressed that it is up to nation states themselves to implement these measures in national law, yet keeping in mind to do this in a narrow sense with what is

agreed upon in the Directive. However, the findings of a 2008 evaluation by the European Commission of the Directive have indicated that the intended harmonisation of family migration policies in EU member states has proven to be rather modest. Reasons for this appear to be that some EU countries take advantage of, or even misuse the amount of policy discretion the Directive has provided. As a consequence of the limited explicit nature of the Directive, member states made use of the room to manoeuvre and expand the basic conditions and requirements (Evaluation of the Directive, 2008/COM). After this report, a Green Paper was published in 2011 and a public hearing followed in 2012. Green Papers typically involve documents that serve the purpose of invoking discussions by inviting EU actors to engage in debates or consultations regarding certain proposals (EU Glossary, 2015). The results of these discussions and debates brought forward the proposal to keep the existing Directive intact, but with the condition that first of all, a high level of implementation of current agreements should be ensured and secondly, that reported cases of misinterpretations should be clarified through the formulation of clearer instructions for the application of the Family Reunification Directive. For instance:

In **Paragraph 2.3, Article 4, Section 5** where it concerns the minimum age of spouses, it is stated that member states can enforce a minimum age requirement for migrants that wish to join the spouse in the country of application. However, the minimum age is set at 21 years and member states are not allowed to defy this ruling by increasing the age requirement. Furthermore, the Commission has argued that this measure is only meant for the purpose of safeguarding a successful integration process and additionally serving the purpose of averting the practice of forced marriages (Guidance for Application of Directive, 2014/COM). In any case, member state implementations of this measure should not be in violation with the Directive by serving counter purposes.

In **Paragraph 3.1**, where the submission of the application is regarded, it is up to the member state whether it chooses to charge migrants with costs for applications and integration programmes. However, this liberty in charging migrants with migration scheme related fees should by any means not go against the primary aim of the Directive, which is first and foremost to secure migrant's rights to family reunification. Charges that exceed the financial capacities of certain migrant categories are viewed as unreasonable,

as they most definitely negatively affect migrant's right to family reunification (Guidance for Application of Directive, 2014/COM, p.9).

When looking at **Paragraph 4.4, Article 7, Section 1**, it becomes clear that member states are also given the opportunity to demand that the sponsor of the spouse that is applying for family reunification has sufficient income, which would imply he/she is not (and will not be) dependent on welfare benefits of the host state. A clear example of European Court of Justice (ECJ) jurisprudence in this area is the ruling concerning the 'Chakroun-case'. In this matter, The Netherlands wanted to raise the bar on minimum income requirements for migrant sponsors. However, due to a ruling of the ECJ, it became clear that the bearable income requirement margin of member states should not be applied in such a way where the family reunification process would be harmed and thus be in violation of legal rights and principles as agreed upon in the Directive (Guidance for Application of Directive, 2014/COM, p.12).

Paragraph 4.5, Article 7, Section 2 concerning 'Integration measures' acknowledges member states' measures aimed at third country nationals to adhere to country specific requirements for integration. Nevertheless, as stressed before, the ultimate goals of measures like determining eligibility should be for the purpose of facilitating integration, not impeding it (Guidance for Application of Directive, 2014/COM, p.15). In direct relation to this form of policy discretion, member states may assess whether or not requirements are being fulfilled or have been fulfilled by:

- *The sponsor*: This can be done by determining whether he/she has sufficient income to financially support the basic family structure (without relying on social benefits). In addition, the age requirement of the sponsor must be 21 years and nation state requirements may not exceed this age limit.
- *The migrant applying for family reunification*: Just like the sponsor, the migrant must correspond to the minimum age requirement and has to fulfil additional conditions related to his/her ability to show signs of sufficient knowledge as regards to passing pre-entry tests focused on meeting language (sometimes also socio-cultural) requirements.

Without successfully passing these tests, member states may deny the migrant's application for family reunification. However, the Commission yet again stresses that such measures are present to secure a high degree of participation from the migrant which would eventually benefit his/her individual integration process. In any case, migrants should not be obstructed by member states to achieve their goals. For instance, the Commission accentuates that when looking at exams that are in place for the pre-entry requirements, the level of difficulty should be adapted to specific categories of migrants. For example, this token of flexibility could be taken into consideration for women from underprivileged backgrounds, who generally possess low levels of education or literacy (Guidance for Application of Directive, 2014/COM, p.16). In sum, the Commission advocates a more individual assessment of migrants' capabilities and that pre-entry conditions aimed at the integration of migrants should be compatible and flexible enough in order to ensure equal treatment of both educated and less educated family migrants. It even goes a step further in the recommendations when it encourages member states to provide resources for migrants in order for them to integrate properly. This could involve additional integration and language courses in the host country that should ideally be free of charge/or very cheap and suited to specific individual needs. It is believed that the pre-entry conditions, which are aimed at smoothing the integration process, should be followed-up by post-entry integration which would even prove to be more useful, as the acquired information and knowledge can be applied in the direct environment of the host country.

Conclusive remarks

As seen before, it is quite clear that the harmonisation process still has a long road ahead. It can be argued that many states are reluctant to transfer their competences to supranational agents. Having said this, one must not forget that states voluntarily signed up for EU membership after undoubtable thorough cost-benefit analyses, where the pros and cons of EU membership have been weighed. What has become evident is that there is a policy trend on the field of migration policies where some states desire ever more restrictive measures. In this sense, they try to place an emphasis on terms of 'restriction' and 'prevention', rather than adhering to the Directive in the narrow sense of the word, which implies that policies should ideally be focused on improving inclusion and the facilitation of integration of migrants. Even though it is not in line with common EU

arrangements, some states such as The Netherlands, Germany, Austria, Belgium and France, have been pushing the boundaries of EU venues to lobby for more autonomous policy discretion in order to attain their restrictive aims.

But before sovereignty in matters of migration policies were transferred from the national arena to the supranational one in Brussels, and the so-called 'turn towards restriction' took place, migration policies fell under member states' jurisdiction. For a long time, states were thus capable of/and had the opportunity to deal with migration related policy-issues when they were still at their infancy. Since the sole focus of this research lies upon Germany and The Netherlands, the next section of this chapter will consist of a case-study where we will discover three important things, namely: What the socio-political motivations for these two states were to eventually delegate jurisdiction regarding the migration policy agenda to EU institutions. Secondly, why a long period of developmental and revisionary standstill in this area was suddenly marked by significant policy changes in a relatively short amount of time. And lastly, how Germany and The Netherlands have sought to maintain as much policy discretion as possible for the sake of national political manoeuvring, even though they have consciously made the choice to delegate sovereignty of family migration regulations to the field of common EU regulations.

4.1 The Dutch case

Socio-political context rooted in historical developments

In a relatively quick pace, roughly considering the last two decades, the Dutch government has started to actively promote a restrictive political stance towards the area of migration and family migration in particular. How that has occurred can only fully be understood by taking into consideration the most important and recent developments in this nation state's socio-political historic trajectory.

A period when the Dutch state became greatly confronted with the arrival of migrants, was in the economically affluent era of the 1970s. Economically booming and highly industrialized countries such as The Netherlands were in need of foreign labourers that were supposed to pick up the abundance of jobs in the sector of industry and construction, occupations which, back then were not particularly popular among the indigenous population. In addition to labour migration, a surge of colonial migrants appealed for a permanent stay in The Netherlands, as these groups of people, such as for instance the Surinamese or Antillean, enjoyed benefits of political and cultural ties to The Netherlands and were thus relatively easy granted citizenship rights. But a certain deviation from liberal standpoints was already growing in this decade, however it was not perceived to be urgent enough to be placed on the political agenda. Bruquetas-Callejo, Garcés-Mascareñas, Penninx and Scholten (in: Zincone, Penninx and Borkert, 2011, p.158) argue that the 1970s were marked by a form of *ad-hoc policymaking*, which implies that guiding frameworks related to migration policies were not well thought out and unsuitable for the long-term.

This continued throughout the 1980s and slowly but surely began to change from the 1990s, only to rapidly evolve from the 2000s onwards. The topic of immigration was furthermore long defined as a 'non-issue'. It was perceived to be too controversial, and therefore politicization thereof was avoided until the late 1980s. This could be explained by the political structure of 'pillarisation' where striving for consensus was perceived to bring about harmonization in the social, economic and political spheres of society (Bruquetas-Callejo et. al, in: Zincone et al., 2011, p.159; Bonjour, 2009, p.138). This approach was traditionally prevalent up until the late 1980s, until it became clear that it was no longer viable and thus new trends of political decision-making started to occur.

From the 2000s onwards, the once defined 'non-issues' related to migrants' immigration and integration became a matter of heavily debated political issues, in other words: an area of high-politics. Reasons behind this, was that first of all politicians were quite fed up with the fact that political issues such as migration were too easily branded as 'non-debatable' (Poppelaars and Scholten, 2008, p.344). This resulted in situations where policies surrounding it were preferably developed 'behind closed curtains' in the style of the 'pillarisation model', thus leaving little room for discussion, opposition or revisions. In addition, the 1970s-1980s approach that was applied to defining and dealing with migrants' presence, was that migrant ethnic groups were defined as 'minorities' that were part of the multicultural society of The Netherlands.

However, serious problems regarding the multicultural model were surfacing, most notably: segregation of ethnic minority groups in urban areas, relatively higher levels of unemployment of ethnic minority groups in comparison with the native population and a lack of integration concerning these groups, which was perceived to strongly manifest itself in insufficient knowledge of Dutch language and/or cultural norms and values. This eventually led to politicization of the issue in Dutch politics, where it was believed that the permissive character of migration policies should be traded for obligatory participation-focused programmes. At the same time, the idea that multiculturalism had failed and that the facilitating nature of the government towards migrants should be replaced by a stricter and more demanding approach, gained foothold. The former mentioned notion was not accidental. It coincided with changes in the welfare state model, where a neo-liberalist perspective emerged, of which the mantra was that citizens would have to take considerable responsibility in their life and be as self-reliant as possible (Poppelaars and Scholten, 2008, p.340).

Scholten (2011, p.78) argues that political actors are sometimes very successful in introducing new modes, or 'frames' within a certain political area. A breakthrough, signaling the rise of the tough political trend occurred after the 'Fortuyn Revolt', named after the late populist politician Pim Fortuyn (S. Bonjour, personal communication, February 12, 2015). He had made some harsh statements in relation to the so-called 'problematic and deviating culture' of migrants as well as confronted the then sitting policy-makers by placing blame on them for problems that existed in migrants' integration progressions. That this breach with 'political correctness' occurred, can strongly be attributed to developments, or better put 'non-developments' in the past. Hammar (1985,

p.263) argues that The Netherlands has long denied being 'a country of immigrants' and as a result of that, was reluctant to develop effective migration policies. Secondly, when immigration quotas increased due to family formation or family reunification, a significant strain was put on social service organizations, that could barely cope with meeting the demand of the ever-growing rise of migrant arrivals. As these minorities were growing in numbers, so also grew concern about how large their integration-related needs and problems would become.

How have migrants been perceived throughout all this? Entzinger (2006, p.11) adds the argument of stagnant economic growth since approximately 2001 that has shaped current sentiments surrounding migrant populations. It is a well-known perception that in times of economic hardship, immigrants often become a target of societal dissatisfaction. Furthermore, this problematic trend was exacerbated through socio-cultural challenges such as: the attacks on 9/11 or the culmination of the assassination of Pim Fortuyn, as a result of the populist right-wing rhetoric in the early 2000s. Equally important in this respect were reports that showed the problems of multicultural integration efforts or the public outrages fueled by frustrations over densely populated, yet often segregated urban ethnic minority areas that were increasing. These arguments strengthened the belief that a majority of the migrants (with a strong focus on the Turks and Moroccans) were potentially perceived to become a cultural liability. This was the case, as their integration showed signs of 'distance from western norms and values'. Adding to this, Scholten and Holzacker (2009, p.96) believe this critique was intensified because there was a decline in 'tolerance towards cultural diversity' and a strong emphasis was placed on the preservation of the national identity. In the end it boiled down to the idea that ethnic minority groups should not just endeavor to show signs of participation in acquiring Dutch language skills, but were de facto pressured to assimilate to the Dutch system of norms, values and dominant social conducts.

When politicians choose not to act, while faced with challenges surrounding political issues (such as migration), they leave a heavy burden on future policy possibilities. Dutch politicians could have affected the outcomes of migration policies, but instead chose to let these matters play out rather loosely, of course with the occasional reactive measures that were only answers to short-term problems. As a result of this, the first discussions about family migration were held as late as the 1990s by members of parliament that were formulating intentions to introduce reforms in coalition agreements. First of all, this

occurred mainly because policymakers were becoming aware of a rise in cultural differences (and the potential implications hereof) between migrant groups and the native population. Secondly, political debates and exposure to the media about what the new political course for the imminent future should be, contributed to the fact that incentives should be built into policies. The clear message of ‘taking up responsibility’ was not just focused on migrants, but was generally applicable to all citizens (Bonjour, 2009, p.154). This new direction implied not only to preferably be an active citizen in society, but to become economically self-reliant and thus to expect less enabling provisions such as financial support from government institutions.

From policy inertia to policy reform

As becomes clear from the previous section, nationwide events and socio-economic developments in the late 1990s/start of 2000s, served as the ultimate breakthrough moments politicians needed to start introducing reforms in the area of migration policies.

Motivations for policy reforms

Duyvendak and Scholten (2011, p.377) have argued that the creation of more severe migration policies can be traced back to the perception of a ‘failed’ framework of multiculturalism. They quote the sociologist Christian Joppke (2007, p.249) when he says that: “*Civic integration is a response to the obvious failure of one of Europe’s most pronounced policies of multiculturalism to further the socioeconomic integration of immigrants and their offspring. The goal of civic integration is migrants’ participation in mainstream institutions*”. Has the multicultural model actually proven to be disappointing to such an extent that stricter requirements could indeed be justified? Findings deriving from the 2004 report of the ‘Blok Committee’, that published its conclusive findings related to either the failure or success of multiculturalism, suggests rather nuanced conclusions. Evaluations from the ‘Blok Committee’ stated that the bad perceptions linked to migrant integration efforts were somewhat unfounded, since it was argued that the Dutch government itself has long failed to introduce effective and coherent measures. This accusation of untimely and inadequate interventions from the side of the government in this matter, is rooted in socio-political considerations from the past.

Indeed, for a long time it was believed that migrants would eventually return, therefore the cultural ties that bound them to their country of origin, should be fostered. Even when it became clear that they were not returning, moreover: that they would start a family/or apply for reunification with their families, the policy of ‘fostering cultural diversity’ persisted and thus a well-developed integration framework remained absent (Commissie Blok, 2004, p.31).

Secondly, as a direct implication of this, the development of a well-structured programme for language education remained insufficiently explored. Even though various coalitions have been informed of the possibilities during the years leading up to the start of reforms at the end of the 1990s, they have not anticipated the sense of urgency and thus failed to respond to needs surrounding the area of integration policies. When regarding the merit of integration facilities in specific, the Commission concluded that language levels remain low under newly arrived migrants, partly because of a lack in customized programmes.

Overall speaking, the Commission felt that the government has severely underestimated the need for well-devised integration measures and had to face the consequences thereof (Commissie Blok, 2004, p.144-145). Even though the results of the Blok Committee findings did not conclude that low standards in acquiring language proficiency (25 % of migrants who aimed for citizenship failed the A2 language level, which still indicates quite basic language proficiency) were the result of involuntary attitudes of migrants. According to the report it was more the meagre offer in integration education that was primarily to blame (Strik, Böcker, Luiten and Oers, 2010, p.23). However, these critiques have been interpreted as ‘naïve’ by the political establishment and there was no denying that a new era in Dutch politics had emerged where elaborate conditions would be set for prospective migration migrants.

Kofman (2005, p.460) argues that the call for more regulations in migration policies were founded in the notion that member states were unfit to successfully manage the increasing immigrant populations, as well as find ways to deal with the cultural diversity they brought with them. However, member states such as The Netherlands have incorporated the integration of migrants within the scope of the neo-liberalist trend that surfaced in Dutch politics from the 1990s onwards. In that new model, measures and requirements for migrants to prove that they could fit into the ‘self-reliant’ nature of Dutch society, were gradually beginning to take shape. What appears from the report ‘*Een beroep op de burger*’ (Veldheer, Jonker, Noije and Vrooman, 2012, p.213) translated: ‘*An appeal to the citizen*’,

is that policy developments that have been made in the last decade have strongly stressed the responsibility of migrants, basically meaning that family migration applicants have to pay and prepare for their integration themselves. This not only involves language and informative courses that can be taken to qualify oneself for living in The Netherlands, but also something called the pre-entry test.

Characteristics of Dutch migration policies: the pre-entry requirements

The idea for pre-entry tests, which imply the implementation of integration requirements for migrants that are started abroad, began to develop in 2002, when it was addressed on the political agenda. Before this period, many European member states such as The Netherlands believed that family migration actually was a positive step in the integration of migrants, since the prospect of reunification with one's spouse would have the favourable impact of making them more willing to be independent and active in society. But soon after the implementation of the EU Family Reunification Directive in 2003, the Dutch government worried that uncontrollable family migration could pose more of 'a threat, instead of a stimulus for integration' (Strik et. al, 2010, p.124).

There was a mutual feeling among politicians that past policies related to integration measures (meaning: policies that preceded integration proposals from the 2000s onwards and the agreements laid down in the Directive) were not living up to the desired standards of achieving better and faster integration results with migrants. Therefore, the notion of somehow combining the aspect of 'immigration' with 'integration requirements' was developed. A clear product of this was a motion that members of parliament filed on November 7, 2002 where they stated that the government should develop integration measures that would already be applicable in the migrant's country of origin. The purpose of this was to endow migrants with a clear sense of which norms and values were predominant in The Netherlands and what attitude was expected from newcomers. Another motion was issued not long afterwards, where this desired development of requirements should preferably be linked to family reunification or formation (Scholten et. al, 2011, p.39-41). Eventually, a coherent formulation of the 'Integration Policy New Style' was defended by former minister of immigration and integration: Rita Verdonk. New policies included the introduction of both pre- and post-entry requirements. These tests were considered a tool to make sure that prospective migrants were able to communicate

to a basic extent and have an understanding of rudimentary Dutch cultural values before they could be granted admission to The Netherlands. This newly devised Civic Integration Abroad Act was finally approved in 2005 by a convincing majority of the ‘Tweede Kamer’ (the Dutch Second House of Parliament) as it received 118 of the 150 votes in favour of the proposal (Scholten et. al, 2011, p.41; Bonjour, 2009, p.256).

Bonjour mentions that the advocating of pre-entry requirements came from a rather unexpected political corner, namely from Christian-Democrats such as Jaap de Hoop Scheffer in the year 2000. Contrary to the beliefs of many, such ideas were not only supported by Conservative-Liberals (VVD) or right-winged populist parties such as later voiced by the Freedom Party (PVV). Instead, they were carried by a broad parliamentary majority, especially because the idea did not fade away after being mentioned in the political arena, but rather increasingly gained foothold (Bonjour, 2009, p.262). The main objective of the Civic Integration Abroad Act was supposedly to create a more ‘efficient and effective’ course of the integration process. In addition, it was regarded as a ‘selection mechanism’, since the responsibility for reaching a positive outcome of the family reunification process was placed on the shoulders of the referent and the spouse. Not being able to meet the demands, would in turn send a signal that a ‘lack of motivation and willingness’ persisted and would ultimately result in a negative outcome of the application process. The Dutch government maintained that this ‘selection mechanism’ was justified, as the pre-entry test was carefully designed in such a way to give every prospective family migrant, and not just higher-educated migrants, equal opportunity to meet the requirements (Bonjour, 2009, p.263).

Jacobs and Rea (2007) have argued that this type of integration measure (where the prospective family migrant is being tested in areas of Dutch cultural and language knowledge in the country of origin before being admitted to The Netherlands) was actually a way to *‘filter out’* underprivileged migrants and de facto ‘select’ migrants with more promising prospects, no matter what the official justifications of government in this respect might be. Strik and Pascouau (2012, p.11 and p.178) add that the introduction of formal integration requirements actually proved to be not so equal, as it was favourable for younger, higher-educated migrants, while results showed that migrants with lower levels of education, migrants from specific countries of origin and elderly people were disadvantaged. The logical consequence of this was that there was a notable decrease in granted visas for family reunification. However, the official explanation of the government

was that a decline in immigration quotas was not a main aim, but an incidental result of this type of integration policies.

Thus, around the year 2000, The Netherlands was the first member state to implement integration requirements abroad that were meant as innovative reforms to previous policies that focused too much on the preservation of multiculturalism, rather than actual integration of migrant groups in society. The Netherlands was the first EU member state to implement a pre-entry test abroad. The Dutch Civic Integration Abroad Act went into effect on 15 March 2006 (Strik and Pascouau, 2012, p.174). The strict requirements of the Dutch model have been used as a leading example for EU member states such as for instance Germany, but countries like Finland, Sweden and especially Denmark were the actual policy pioneers in the area of pre-entry integration requirements. Denmark was considered to be a good example, as Dutch politicians often referred to Danish migration policies, regarding restrictions related to social benefits and age requirements. The Conservative Liberals (VVD), Christian-Democrats (CDA) and right-wing party (PVV) highly advocated such measures, as it was believed that restrictive measures would reduce immigration influxes.

As becomes clear from the literature, motivations that have been the guiding principles behind the implementation of such pre-entry obligations for family migrants were strongly focused on duties and reinforcement of individual capabilities and demanded active engagement. The most important aim that could be deduced from the introduction of pre-entry integration measures was to pave the way for newcomers, in the sense that it would help to avoid social exclusion and increase independency, since migrants would be able to communicate and participate in everyday life (Scholten et. al, 2011; Strik et. al, 2010, p.25). Furthermore, the referent's income requirement has to be a minimum of 100 % of the minimum wage, meaning that the referent should not be dependent on social welfare benefits and is able to support the family formation process. What is also significant, is that both spouses have to be a minimum of 21 years old. The argument that is given for setting the age requirement at this age-level is that it would encourage migrants (especially women) to prolong their studies and consciously think about their choice for marriage migration, all the more to prevent potential forms of abuse, such as the occurrence of forced marriages.

The current level of pre-entry requirements when regarding the language level is set at A1. The level of 'A1', which consists of comprehending basic forms of communication in the

Dutch language must be met by prospective family migration applicants. From November 2014, a few significant changes have occurred:

- The pre-entry exam that has to be taken in official Dutch embassies or consulates will not be taken by means of a telephone, but via a computer.
- Even though the Dutch government does not provide (free) preparatory courses, they initiated publishing examples of previous tests focused on the skills of reading, writing and knowledge of Dutch society. These samples meant for practicing have been placed on the website: www.naarnederland.nl from September 2014 onwards and can be accessed free of charge.

What has remained the same:

- The referent and the spouse have to be at least 21 years old.
- The fee for the pre-entry tests is still set at a total of €350,-.
- There is a follow-up (post-entry) test, where candidates are expected to reach higher levels of language skills, namely: acquiring the A2 level of proficiency (Rijksoverheid, 2015).
- The requirements apply to applicants between the age of 18-65 years old, mostly focused on migrants with a non-western background. An extensive group of migrants that is not required to pass pre-entry tests are: citizens from EU member states and highly-educated/self-employed people from Western countries such as: the United States, Canada, Switzerland, Japan, Australia etc. (Strik et. al, 2010, p.20).

Delegating sovereignty, yet fighting for policy discretion

Migration policies were developed through a common EU framework of rules and agreements that responded to the needs of member states to properly establish and manage a well-structured migration policy agenda, which includes the right on family reunification. But what have been the main motivations of the Dutch governments to delegate a significant amount of sovereignty over this area to the institutional EU-level? Bonjour (2009, p.187-188) argues that the asylum crisis, where a large inflow of refugees arrived to Europe due to civil unrests, was a decisive factor in opting for a joint approach. It was deemed necessary to ensure that migration flows were evenly distributed within the member states. The goal of this collective endeavour was to create harmonisation through

European legislation in the confinements of the migration agenda. The Treaty of Maastricht (1992) marked the start of placing migration-related policies into the domain of EU institutions. However, agreements and regulations after this period were still non-binding and thus not obligatory for member states to follow. The Treaty of Amsterdam that went into effect in 1997, marked a genuine start of shaping common EU asylum and migration policies, since they became directly applicable for member states. This meant that common rules and agreements could be enforced and became concrete rules for member states to adhere to. After much negotiations between the European Commission and delegates of member states, the year of 2003 provided a solid foundation for family reunification law-making; it was the year when the Family Reunification Directive was adopted. This signified the beginning of communitarian policy instruments that were directly binding and were designed to supersede national law, making it a policy area in which the European Court of Justice was given the ultimate authority in jurisprudence surrounding migration matters (Bonjour, 2009, p.318).

After intense debates and the strong motivation of the Dutch government to firmly reform the national migration system, it was hardly no coincidence that the Dutch delegates who were in charge of conducting negotiations surrounding the Directive, aimed at making European migration policies closely fit in with domestic policy preferences. Groenendijk and Minderhoud (2004) have claimed that out of the twenty policy propositions put forward by The Netherlands, seventeen of them had distinct restrictive features. As seen before, the character of the Family Reunification Directive was founded upon the principle of being a guiding legal framework that governments should respect and ideally incorporate in domestic policies as narrowly as possible. However, what became noticeable fairly quickly was that it also left considerable room for interpretation and thus made it quite easy for member states to manoeuvre around undesirable agreements. Even though the Dutch kindly respected the agreed upon binding legal principles, they simultaneously opted for interpreting the Directive in the broadest sense. This implies that they were strongly pushing the boundaries of what was legally permissible to what could become feasible when regarding their requests for increasingly stringent family migration measures. The Dutch accomplished this by recognizing like-minded partners in other member states that were also keen on introducing restrictive policies in their own country. For instance, by aligning itself with EU states such as Austria and Germany, The Netherlands has managed to push through the requirement of the pre-entry test abroad, as well as an increase in the age requirement for spouses, raising it from 18 to 21 years.

Thus, it can be safely stated that The Netherlands have used the venue of EU negotiations on the Directive to implement restrictive measures in the domestic sense, while being able to justify them by referring to the argument that the proposals fit within the boundaries of what is allowed in the Directive (Groenendijk, 2011, p.27).

On the other hand, in the PROSINT report, (Scholten et. al, 2011) mention that The Netherlands has been under scrutiny, not just by the EU institutions, but also by international organisations. The concerns were that the restrictive tendencies of the Dutch family migration policies were perhaps discriminatory towards TCN's. Arguments supporting this claim was that there was a certain selective undertone that was an inherent feature of pre-entry policies and furthermore, due to the time-consuming process of the pre-integration procedures, the right to family reunification was being jeopardized and obstructed (Scholten et. al, 2011, p.45; Bonjour, 2009, p.279). The European court system has in fact rebuffed some of the Dutch restrictive propositions (Strik et. al, 2010, p.17). This was most clearly noticeable in the 'Chakroun-case', where the Dutch government wanted to raise minimum income requirements for the referent to 120 % of the minimum wage. The European Court of Justice rejected this on the grounds of it being in breach with the Directive because of the strain it could place on the right to family reunification, a right that should also be accessible for people with modest financial means. The Dutch have been making such restrictive efforts on a regular basis, but are constantly confronted with the same fact, namely that all member states that have transferred their competences in the field of migration policies to EU institutions, are obligated to stick to the agreements that have been made. Put simply, this concretely means that when family migration applicants meet the requirements of the Directive (and the additional measures member states may require that are within the lines of the Directive) they must be allowed entry in the host country (Bonjour, 2009, p.280). The so-called room for manoeuvring that member states such as The Netherlands still use, will gradually become smaller due to increased EU supervision. Also, the potential penalties which may follow in the form of infringement procedures that can be started against member states in cases of abuses of the Directive, have a deterrent effect. It can be concluded that political room for manoeuvring of the Dutch, when regarding migration policies, has been limited to such an extent where one could say that they reached their maximum of admissible restrictions in policy reforms.

Nevertheless, cooperation on EU level has also had significant benefits. Due to the development of a communitarian approach related to migration policies, states have set

up 'coordination networks' through which they could discuss and exchange information and best practices regarding policy reforms. Furthermore, the presence of such fora for debates inspired member states to look to the accomplishments of their peers, learn from their approaches and sometimes even 'copy' their policies. This learning process was especially valuable for countries such as The Netherlands and Germany, since these two states in particular cross-influenced each other. First of all, Germany adopted the Dutch idea of pre-entry policies, while The Netherlands in turn used the argument of combatting forced marriages by enforcing restrictive measures, as well as justifying the raising of language-levels in the pre-entry test, by referring to Germany as one of the countries that was following the Dutch pioneering role with great conviction (Block and Bonjour, 2013, p.216).

4.2 The German case

In the previous section we concluded with an argument that Germany was one of the countries that followed the Dutch lead in proposing pre-entry requirements for family migrants. Just as in the Dutch case, this political decision was preceded and influenced by country-specific socio-historic developments. In addition, the German case shows its own set of arguments and characteristics which were vital for the formulation of their take on pre-entry policies. Naturally, all these considerations had an impact on German government's stance in the EU negotiations surrounding the development of the Family Reunification Directive. Whether the German case shows much resemblance with the Dutch case or not, shall be explored below.

Socio-political context rooted in historical developments

For a few decades, German politicians have maintained that Germany was not 'a country of immigration' (Hammar, 1985, p.277). However, this was quite an unusual statement, because Germany had its own immigrant category, the so-called 'immigrants of German descent' that were forced to emigrate to other European countries during World War II and in the aftermath of German political dismemberment remained displaced up until the fall of the Berlin Wall in 1989 (Zimmermann, Bonin, Fahr and Hinte, 2007, p.7). Their gradual repatriation to Germany was however combined with other migrant minorities that came to Germany, a country that had a relatively homogenous cultural format up until the mid-1950. Around this time, Germany invited migrants who were mainly admitted for labour recruitment in labour sectors such as the construction, metal or textile industry. Labour in such professions was not too popular under the native population and therefore foreigners took up the jobs. The rationale behind it was that this labour-scheme was only temporarily and that migrants were hosted on 'guest basis'. This implied the expectation that they would eventually return to their home country after the need for foreign labour was fulfilled. The implication of this stance was that 'ad-hoc policies' were the rule instead of the exception and thus no actual policy was developed to cope with the socio-political consequences that incoming migrant minorities in the early 1960 brought with them (Martin, 2002, p.30). This recruitment period, ranging from approximately 1955-1973,

thus ushered in the influx of many migrants deriving from Southern countries such as Italy, but also from Turkey as the demand for foreign labour increased. This 'labour on guest basis' policy basically suggested that Germany employed a significant number of guest workers when they were needed and when the work was done they would return home, with the promise that they could easily come back to Germany when there again would be demands for their labour.

However, this flexible agreement was not bound to last, since the number of immigrants was increasing around the early 1970s, therefore a standstill in the adoption of labour migrants was issued after 1973. Migrants knew that if they were to return to their home countries around this time, a comeback to Germany would not be in the line of expectations. Instead, a large majority of them opted to make their residence in Germany permanent, largely facilitated through the efforts of activists, NGO's and churches that advocated on their behalf (Hansen, 2003, p.25-26). The 'Rückkehrförderungsgesetz' that was adopted in 1983, was a law that was specifically designed to promote the repatriation of foreign labour migrants. It granted subsidies to these migrants in return for their wilful departure. However, this move had hampered success, since only a limited number of migrants (about 250,000) accepted the offer (Borkert and Bosswick, in: Zincone et. al, 2011, p.98). A result of this development was that the men that were granted access to Germany married or wanted to reunite with their families, and so the direct families also applied for citizenship (Castles, 2004, p.205). An additional episode in the migration flow to Germany occurred a while later in the early 1990s when an asylum crisis caused by Euro-regional political unrests, placed an ever bigger strain on the country's capability of dealing with incoming migrants. Gradually a sense of awareness started kicking in, where German policymakers realized that the long-time denial of the idea that Germany was a nation of immigrants, had become untenable. Ill-managed migration policies that were mostly focused on short-term economic goals resulted in an unclear direction of how future (family) migration policies should take shape. The notion that the policies surrounding the migration policy field had failed thus became apparent only after a significant amount of time. However, after this conclusion was drawn, a new-founded determination to reform also emerged. First of all, the 1998 change in government, which henceforth started putting in efforts to reconstruct migration policies, greatly influenced shifts in political preferences. In addition, the process of European unification that was anchored through the Maastricht (1992) and Amsterdam Treaty (1997) motivated Germany to establish itself as a constructive and reliable partner, including that of being an agent of reform in the

reshaping of common migration policies. Lastly, a highly conducive factor throughout this process was the understanding that Germany had been experiencing a changing demographic make-up, in which ethnic diversity became a force to be reckoned with. The combination of these factors stimulated German policymakers to formulate new approaches regarding (family) migration policies (Bruquetas-Callejo et. al, in: Zincone et. al, 2011, p.121). Thus, a change from denial to recognition of the idea that Germany was faced with new challenges caused by the presence of ethnic migrant minorities, occurred. This most significantly happened through a statement of the Süßmuth Commission, a committee that was comprised of government officials and representatives from unions and societal organisations who were tasked with making recommendations about the direction migration policies should steer towards in the near future. On July 4, 2001, they publicly acknowledged that ‘Germany is and has always been a country of immigrants (Castles, 2004, p.853; Martin, 2002, p.4). The suggestions they made included: ‘actively screening migrants that should be capable to integrate to a satisfactory amount. This integration should be ensured by putting emphasis on the acquiring of extensive language and cultural knowledge (Münz, 2004).

From policy inertia to thorough policy reform

As becomes evident from what is discussed earlier, the strides towards recognition of challenges related to migration in 1980s-early 1990s and the culmination of that consciousness in the statements made in the Süßmuth report, marked the start of a new politicised attitude towards migrants in Germany. But which key developments have occurred that might explain the link between the change in political thinking and the actual formulation and implementation of policy reforms?

Motivations for policy reform

Mahnig and Wimmer (2000, p.198) argue that when it became apparent that Germany would define itself as a society of immigrants, frameworks for properly integrating this group of citizens would have to be in place. A crucial aim that was paramount in this respect was to secure better entry possibilities for immigrants into the labour market. Emphasis was placed on this aspect, since increasing independency in this area of

migrant's lives would help them adjust to the German way of life more swiftly. In addition, it was believed that traditionally noticeable side-effects of migration such as social exclusion or dependency on social welfare benefits would be prevented. In the late 1980s/start of the 1990s, a feeling that the state had obligations with regard to the integration of migrants they had admitted in the first place, still existed. It was perceived that at least a form of 'shared responsibility' should be in order (Scholten, 2014, p.3).

In the early 2000s, this was changing due to criticism on the progress of migrants' integration. In addition, it was around this time the Süßmuth report ushered in new possibilities for migration reforms. The tone of political actors also became increasingly demanding in the sense that they expected a pro-active attitude from migrants in their integration process (Süßmuth Commission, 2001). In other words, policymakers were looking for innovative ways to replace the state's approach of being a generous facilitator, to shifting the burden of successfully completing one's integration process to the migrant itself. Scholten (2014, p.6) argues that even though Germany made such changes around this period, it certainly was not a unique case. Rather, it fitted in with the trend of developments that took place in countries such as The Netherlands. The Dutch were also scrutinizing the integration process of migrants and were avid proponents of actively raising the bar of requirements for the purpose of making a distinction between migrants with either good or poor integration prospects.

What makes Germany stand out in this respect, is articulated in an interesting argument brought forward by Michalowski (2010). She argues that even though the development of Germany's integration agenda for migrants has taken quite some time, it has developed itself in a well-proportionate pace of reform, of which the support for its content was carried with unison by German political actors. This implies that the German migration reform was not sparked by the efforts of conservative or populist policy entrepreneurs, but was rather pragmatically placed on the political agenda. This happened because of the perceived need to tackle migration related problems that were broadly interpreted as matters of socio-political urgency. While the aim was to tackle problems related to side-effects of underprivileged categories of migration, such as family reunification, the argument that was presented for the justification of reforms was that Germany needed migrants who were equipped to positively impact the German economy through their contribution on the job market.

Thus, the narrative that predominated in the German case could most likely be interpreted through a socio-economic frame, than that of a socio-cultural motivation. The measures that were presented by the German government to reach these goals involved the implementation of pre- and post-entry integration requirements, inspired by the Dutch example and facilitated by the existing European legislative framework of legal do's and don'ts when manoeuvring around the reshaping of migration policies, also known as the Family Reunification Directive.

Characteristics of German migration policies: the pre-entry requirements

Since the implementation of the Directive, third-country nationals are obligated to meet certain requirements that demarcate the conditions that individual family migrants are subjected to. One of these important measures comprised the pre-entry test abroad, in which the family migration applicant should prove a degree (level A1) of language proficiency. Preceding the voluntary implementation of instituting a pre-entry test within the admissible criteria of the Directive, the German 'Zuwanderungsgesetz' or Immigration Act of 2005 already paved the way for this possibility (Jacobs and Rea, 2007, p.5). This new law, which was supported by the political majority proposed firmer directions that would have to be taken for the sake of integrating foreigners into German society. Strik et al. (2010, p.123) argue that before the 2000s, the granting a permanent stay to migrants was just seen as the final step in the attainment of citizenship rights. However, after the 2000s and through the formulation of legislation such as the Immigration Act, this belief changed towards the notion that citizenship and ultimately naturalisation was something that 'had to be earned'. Thus, through the support of legislative measures in the scope of setting requirements to integration, linguistic proficiency could be required from migrants (Boswell, 2009, p.172). Government approval for this new approach went alongside with political trade-offs. Groenendijk (2011, p.13-14) argues the SPD (Social Democratic Party) in accordance with their coalition partner CDU (Christian Democratic Union) were able to achieve that a group of asylum seekers that were waiting for a pending decision related to their residence in Germany could stay. In return for this, the SPD had to conform to the wishes of the CDU to implement the pre-entry language test abroad. Even though Germany followed the Dutch lead in implementing pre-entry requirements, different reasons were stated.

In the Dutch case, the socio-cultural of good integration was stressed, arguing that immigrants should be well aware and willing to adapt to Dutch norms and values. While in the German case this certainly also plays a role, other significant arguments were given priority. The German government's motivations behind the pre-entry test explicitly stated three prominent goals, the first of which being: to offer women more protection from forced marriages. Secondly, the need for making people independent so dependency on the social welfare system would be avoided and last but not least; not just to encourage, but to demand integration in order to secure a swifter integration of family migrants (Strik et. al, 2010, p.28). Michalowski (2004, p.30) explains that in practice this came down to concrete ambitions, such as: **1.** Develop clear insight and enhance/enforce the then existing programmes for integration and **2.** Make the process of family migration more selective by introducing language requirements. It has to be mentioned that even though selectively dealing with the influx of migrants was a clear side-effect, it was not voiced to be a preferable aim from the start, this is contradictory to the Dutch case, where politicians were considerably less politically sensitive in their statements. The target group to which these measures would apply were people that had been granted citizenship many years ago, but where lacking sufficient integration progress. The second group, perceived to be 'most problematic' in terms of integration, were the family migrants. It has to be noted that especially women deriving from traditional cultures such as Turkey, were targeted.

On the 28th of August 2007, the pre-entry requirements abroad went into effect. The mantra related to the justification of this new measure could in short be summarized to: "Promoting integration, preventing forced marriages" (Strik and Pascouau, 2012, p.323). The most important requirements focused on:

- Making sure that spouses and third-country nationals residing in Germany showed minimum *language proficiency as a basic condition for admission*. The pre-entry test focused on acquiring language skills on A1-level that could be taken by the prospective migrant as often as necessary (Strik and Pascouau, 2012, p.299).

- Michalowski (2004, p.4) argues that through the pre-entry tests some EU member states had the opportunity to stress that the migrants had to *show willingness to also conform to the norms and values of the host countries*. This could be acquired by taking courses (in addition to the preparation for the language test) on the background of historical and socio-political characteristics before arrival.

- Scholten et. al (2011, p.6) argue that the 2007 implementation of pre-entry abroad requirements implied a revision of the 2005 Immigration Act, where the notion of 'shared-responsibility' in the latter was replaced by increased individual responsibility in the former. Even though this shift of responsibilities has taken place to a great extent, *there still exists a sense of support from the government to facilitate the integration process*. An example of this is visible in the presence of the Goethe Institute, a worldwide provider for German language courses and certified examinations. Such state supported institutes offer good possibilities for migrants to prepare themselves for their pre-entry test.

- By setting the common EU age requirement for spouses at 21 years of age, the German government strongly believes it to be a vital measure in the battle against forced marriages. Even though organisations that are entrusted with looking into family migration progressions note that there is a 'discrepancy between what is demanded and knowledge that is actually possessed after the test abroad' (Strik and Pascouau, 2012, p.344). This points in the direction that the skills that are acquired abroad would in any case not be sufficient to actually ensure that women would be self-reliant enough to be independent from their spouses. In addition, there are no concrete proper indicators to assess when marriages are indeed forced, or what the frequency of the occurrence of this practice is.

- The target group of the pre-entry test are thus primarily TCN's applying for migration or spouses that wish to reunite with their partners. A clear distinction is made to whom the pre-entry requirements apply to. Scholten (2014, p.7) indicates that just as in The Netherlands, mainly less educated and migrants from non-western countries are targeted in Germany, while the people with 'erkennbar geringter Integrationsbedarf', meaning migrants that are perceived to be highly self-reliant, are exempted from the pre-entry test.

Just as in The Netherlands, the referent must be in the opportunity to support the basic family structure by having an income that is sufficient enough to not appeal to welfare provisions. After successful completion of the pre-entry test, the migrant has to participate in post-entry integration courses that are the next step in obtaining citizenship rights. The third and final step includes a naturalisation test to officially obtain citizenship. The construction of this full set of procedures reveals a strong link between the formulation of restrictive tendencies in both immigration and integration policy areas (Scholten, 2014, p.8).

Delegating sovereignty, yet fighting for policy discretion

In the section of the Dutch case we have already elaborated on the fact that family migration policies of European member states have been transferred to the joint area of communal EU legislation. After having established the fact that Germany had specific incentives to introduce pre-entry policies in the national implementation of family migration regulations, it is important to understand why German policymakers resorted to the European venue to help make this happen.

The purpose of the ‘Zuwanderungsgesetz’ and the efforts that have since then been made for the sake of furthering migrants’ integration through integration requirements, have basically placed tremendous focus on social incorporation. Most importantly; fostering independency of individual migrants and learning the German language, ensuring that communication in everyday life situations would help migrants function properly in society (Bundesministerium, 2015). Since family migration related legislation has become a matter of the institutional EU framework, it is important to reflect on what has driven Germany to agree to cooperation on this matter. Scholten (2014, p.16) states an important foundation for the German motivation in this respect. It is argued that Germany has a profound tradition of being committed to European integration and thus being broad-minded of the consequences that entails. However, this benevolent attitude towards EU cooperation was certainly not the only stimulus. As argued before, Germany has long denied being a country of immigration. This political demeanour, which in fact was a state of denial, reluctantly tackled challenges in the area of migration policies. This was until 2001, when this mind-set was replaced by recognition of the existing problems and subsequently the preference for a new and strong approach emerged.

With this determined direction towards a new path, the ‘EU venue’ provided the opportunity for German policymakers to prevent domestic political objections and legal limitations on the national level. Thus, Germany opted for the supranational venue to start implementing restrictions migration policy reforms, rationalizing it by stating that other EU countries were doing the same. In reaction to the choice for cooperation regarding the implementation of the Directive in 2007, the Ministry of Migration and Refugees stated the following in its 2012 report: *“Ziel dieser Verordnung ist Verbesserung der Informationen über das Migrationsgeschehen auf Europäischer Ebene und eine verbesserte Vergleichbarkeit der jeweiligen Wanderungsstatistiken durch die*

Verwendung einheitlicher Definitionen und Erfassungskriterien” (Bundesamt für Migration und Flüchtlinge, 2012). Literally translating the scope of the content, implies that the aim of European regulations was to improve the knowledge about migration policies on European level. In addition, by using a common set of criteria and definitions, comparisons among member states could be made. This is vital to take into account, since EU fora designed for discussions and regular meetings between EU states’ delegates, made it possible for Germany to learn about migration policy reforms of other countries. The Süßmuth Commission (2001, p.254) even stated that the Dutch catchphrase of ‘creating opportunities, seizing opportunities’ should ideally be applied to German migration policies as well, in which the responsibilities of the migrants were stressed. Through reflections like these, German policymakers started advocating the model of Dutch pre-entry policies and even ‘copied’ some of its guiding principles. Gradually, even Germany that is habitually inclined to be in line with arguments presented by European institutions, started voicing its migration reform related preferences more boldly. Led by the Dutch and joined by Austria, Germany has extensively been lobbying within the confinements of European institutions to maintain as much policy discretion as possible. An example of this was their successful effort to include the right for implementation of national integration requirements in the Family Reunification Directive (Scholten, 2014; Scholten et. al, 2011, p.25).

In sum, it could be argued that not only the Dutch were responsible for zealously promoting migration reforms, since Germany has also influenced developments in this area on supranational level. In this sense, Block and Bonjour (2013, p.217) describe Germany at times being both a ‘policy imitator and a policy-trendsetter’. On the one hand, Germany was effectively able to normalize and evade national critique of their restrictive turn by pointing at similar developments in other EU member states such as The Netherlands, France or Scandinavian countries. On the other hand, they have influenced other states (such as The Netherlands) through their argumentative justifications for restriction, namely to institute pre-entry requirements for the sake of limiting forced marriages. In any case, even though Germany has been making strides to become a political hardliner with the area of family migration policies, it seems to adhere to the basic guidelines of European family law, since court rulings dated back to 2010 have shown that until that time, Germany has not breached the right to family reunification (Scholten et. al, 2011, p.35).

5. Analyzing the case-study through the hypotheses

After having discussed the highlights of the developments surrounding migration policies in both Germany and The Netherlands, we now turn to answering the hypotheses through impressions we have so far gathered, incorporating the remainder of arguments to be made surrounding the academic debate and of course, reflecting on the valuable insights from experts on the field of migration policies.

H1. *If top-down Europeanization is able to provide an explanation regarding the debate surrounding family migration in both the Dutch and German case, a convergence of policies will be noticeable.*

‘Integration policies abroad would not have been able if it was not for the extent of Europeanized networking and the culmination of those cooperation efforts in the European Directive on Family Reunification that followed suit in 2003. Binding implications of the Directive were not directly noticeable for member states at the beginning. Instead they have gradually increased in importance, since member states have been making moves towards the implementation of restrictive family migration measures such as the pre-entry test. In addition, European institutions are more than ever monitoring the adherence of member states to the agreed upon rules and regulations’ (S. Bonjour, personal communication, February 12, 2015).

In this respect, Europeanization depicts a ‘top-down process’ where member states accustom to standardized EU agreements. The opposite variant of this, is the bottom-up influencing that occurs when member states try to exert influence on communized EU policy-making efforts (Ette and Faist, 2007, p.14). For a long time a reluctant take on reforming migration policies was present in both Germany and The Netherlands, until a cry for reform started to surface. The theory of ‘absorption’ posed by Ette and Faist explains the idea that when shifts in national modes of political thinking occur such as in the Dutch and German case, other venues are explored to implement essential reforms through the aid of another actor (meaning: EU), while preserving some amount of policy discretion to introduce reforms in line with domestic socio-political contexts (Ette and Faist, 2007, p.17-18). Block and Bonjour (2013, p.223) have noticed that countries such as

Germany and The Netherlands both found the 'EU route' (for proposing migration reforms by capturing it in binding forms of legislation such as the Directive) useful at first and therefore agreed to the transfer of sovereignty in this matter. They gave their consent regarding basic agreements for the sake of harmonisation, but showed strong similarities in the sense that they jointly showed signs of minimum adherence to the norms of the Directive; over time indicating preferences for stricter interpretations of the family migration policy agenda.

The space for discussion, opportunity for debates and the exchange of information and learning possibilities for member states were in any case introduced and fostered by EU institutions. In this sense, engaging in a relationship where there is presence of a certain 'two-way street', where member states 'upload' (voice their national preferences at EU level), while also having to 'download' eventual approved EU coordinated policies was a clear side-effect of Europeanization. The supranational features of the EU, according for the top-down characterisation of influencing member states' policies have been significantly widened due to the introduction of legislative documents such as the Family Reunification Directive. This implies that states, that over the years wanted to introduce stricter reforms in this policy area, have in a way experienced 'a blockade' since EU institutions have become tougher in the monitoring of compliance regarding equal implementation of the Directive's provisions. A clear example of this is seen in rulings of the European Court of Justice, an EU institution that has for instance been able to revoke the desire of the Dutch government to raise the income requirements for referents from 100 to 120 % of the minimum income. Thus, such top-down decision-making indicates that the European institutions are able to obstruct member states' ambitions and even start infringement procedures to compel compliance (Scholten et. al, 2011, p.14).

A supplementary argument is added when it is noted that 'the EU has most definitely been able to negatively impact the desired restrictive tendencies by some member states when regarding family migration policies' (T. Strik, personal communication, April 30, 2015). This mainly occurred by blocking an ever growing list of proposed measures for family migration restriction. For instance, raising the minimum age limit (that had already been raised from 18 to 21 years) from 21 to 24 years. This proposal was denied by the European Court of Justice, stating that it would strongly interfere with migrants' right to family reunification. Furthermore, when taking into account the motivations of member states to agree to European cooperation, the following interesting point is made.

Member states such as Germany and The Netherlands have put their signature under the Directive that was a beneficial tool for the enforcement of a straight set of regulations and reforms when they were needed. However, due to a changing political climate in both member states and the increased politicisation of the issue of family migration reform, preferences started to shift from modest adherence to the Directive, to lobbying for/and de facto showing a bare minimum level of respecting the guidelines of the Directive.

In sum, it could be argued that Germany and The Netherlands *indeed show signs of moving towards* each other, suggesting the presence of convergence. First of all, this perceived convergence can be noticed in the sense that they: both agreed to cooperate on EU level in order to justify restrictive measures on the domestic level. Secondly, by increased discussions and networking within the European institutions, they jointly started advocating for more stringent requirements in the integration process of family migrants and lastly, they have both experienced the downsides of ‘top-down’ consequences of Europeanization, since some efforts to put extended limits on the right to family reunification have been stonewalled by European institutions.

H2. *If bottom-up policy entrepreneurship is able to provide an explanation regarding the debate surrounding family migration in both the Dutch and German case, a convergence of policies will be noticeable.*

‘The more policymakers are able to evade public scrutiny when initiating ideas of policy reform, the greater the chances are that those reforms are marked by a liberal character. However, the more open the policy arena is, the more likely the choice for stressing the need for restrictive policies’ (S. Bonjour, personal communication, February 12, 2015).

As discussed in the country case study, both Germany and The Netherlands experienced their own domestic route towards the call for imposing stricter migration policies. This was predominantly triggered by ‘policy entrepreneurs’ who insisted on debates which were quite effectively criticizing the government’s inability to tackle challenges resulting from family migration. Moreover, this was supplemented by a public form of scrutiny through exposure in the media which was also encouraging a tougher approach. However, contradictory to what one would expect, the extreme right-wing parties were not the sole proponents of this new policy direction. Instead the parties in the middle of the political spectrum were also forced to slide towards more restrictive policy preferences.

The problem facing the policymakers of the states where the topic of family migration reform became highly politicised, was that even though a political majority was in favour of imposing more restrictive reforms, the opposition that was critical towards these ideas had to be appeased. Both Germany and The Netherlands were thus swayed into engaging in a situation where competences surrounding these policies were transferred from the domestic to the EU-domain. It can thus be argued that for both states the suppressive nature of domestic socio-political constraints proved to be decisive for their willingness to cooperate on the supranational level (Geddes and Scholten, 2013, p.17; Ette and Faist, 2007, p.7). This commitment however also entailed the possibility of nation state policymakers to act as pioneers, by being the leading agents of reform through jointly devising and proposing new frameworks for policy implementation (Guiraudon, 2000, p.265).

When regarding the question if the just mentioned aspect of pioneering evoked a situation where convergence should be expected between Germany and The Netherlands, the answer shows signs of being two-folded. This is the case, since it was mainly The Netherlands that perceived itself to be a leader of policy entrepreneurship. It was the first EU country that lobbied for the introduction of pre-entry tests abroad. It could be argued that the delayed effect of Germany's historical 2001 acknowledgement of its coming to terms with being a country of immigrants and no longer denying the challenges that migration flows have brought forward, caused them to basically tag along with the proposals made by the Dutch. In addition, they have remained more politically sensitive in voicing their side-goals for restriction, whereas the Dutch made it quite clear that underprivileged migrants lacking the capacities to integrate, would almost certainly not be eligible for admission.

H3. *If the concept of policy transfer is able to provide an explanation regarding the debate surrounding family migration in both the Dutch and German case, a convergence of policies will be noticeable.*

In order for policy transfer to ensue, Freeman (2006, p.227) argues that states would have to have undergone similar historical traditions on policy-making as well as have comparable normative cultural viewpoints. In addition, Lavenex and Uçarer (2004, p.421) state that the process related to the transfer of ideas, was “*a result of adaptation initiated*

by a third party to a set of existing or evolving policies although no formalized requirement exists to do so". In this case, they refer to the EU-institutions and the platform this venue provided for member state actors to implement policies deriving from this supranational level, as well as to exchange ideas on how to do so.

'Through the occurrence of policy transfer, states have been able to engage in a form of 'policy learning'. Through this practice, they have been able to exchange and implement each other's ideas. Even though The Netherlands was the first EU member state to introduce pre-entry requirements abroad and influence countries such as Germany, the process of influencing through the transfer of policy ideas, was 'reciprocal in nature' (B. de Hart, personal communication, April 30, 2015).

When looking at the input gathered from the interviews and the course of developments, there appears to be a rather uncontested line of argumentation that policy transfer was a crucial factor in the shaping and reshaping of policies in the Dutch and German case. For instance, by referring to the common developed stance regarding the prevention of forced marriages, which was originally put forward by the Germans and in which the Dutch participated, there is a strong plea for the plausibility of the 'convergence induced by policy transfer' argument. Furthermore, by looking to the similarities regarding political debates for the need of policy reform in both countries and actual implementations, it is more useful to look through the scope of recognizing patterns of parallel developments, instead of focusing so much on what is perceived to be different.

The argument made by Bonjour (Personal communication, February 12, 2015) seems to go along with the idea of policy learning, as she states that Germany and The Netherlands have indeed gone through a process of 'horizontal policy transfer' that occurred in the process of negotiations surrounding the Family Reunification Directive, but also afterwards, when they started looking at each other's progress regarding migration policy reforms. The argument that is made about the motivations for member states to engage in policy transfer seems to be rooted in classic pragmatism. States such as Germany and The Netherlands allegedly began looking beyond domestic borders to evaluate and compare a variety of policies. The purpose of which was to make an assessment of the most justifiable model that would provide the best 'political fit' for the national perspective.

When regarding the factor of policy learning as a condition for the appearance of policy transfer, it is noted that 'convergence' does not always have to follow. After having observed each other, it depends on the preferences of political actors and the nature of the political context of countries which policy directions they eventually choose. Mahnig and Wimmer (2000, p.179) further clarify that argument by saying that researchers should make a clear distinction in the recognition of actual 'convergence' and 'parallel development'. The former indicates that states go through the same type of development and attain the same results, while the second one provides a more nuanced viewpoint by stating that even though states experience similar developmental phases, they do not have to arrive at the same political destination. However, it cannot be denied that the diffusion of policy ideas and the joint motivation of member states such as Germany and The Netherlands that expressed the wish to implement stricter integration requirements through pre-entry tests, attests to the emergence of a convergent pattern. Joppke (2007) adds that the successful implementation of civic integration courses abroad, not just in The Netherlands and Germany, but also in countries such as Austria and France, is evidence of a convergent pattern that will gradually become more predominant throughout the broad spectrum of migration policies in EU member states.

When tasked with answering the question as presented in the hypothesis, it is vital to respect nation-state specific preferences that still persist. It is certainly the case that The Netherlands has been able to influence Germany and vice versa, but it has to be noted that Germany did not follow the exact same trajectory as The Netherlands (T. Strik, personal communication, April 30, 2015). This is important to point out, since it might seem obvious that Germany and The Netherlands as westernized European countries indeed share a same set of cultural norms, values and political preferences, but that one should be contextually sensitive and even careful with comparing two different things, namely: seeing a similar political track record related to policy reforms and the actual identification of identical motivations for the same endgame.

H4. *If the concept of policy discretion is able to provide an explanation regarding the debate surrounding family migration in both the Dutch and German case, a divergence of policies will be noticeable.*

When building forward on the closing argument mentioned in H3, one could state that the concept of divergence still persists to a certain extent. Additionally, it could be argued that the combination of Europeanization and policy transfer has contributed to the establishment of exchange of ideas, best practices and has even encouraged and coerced EU member states to correctly implement commonly shared regulations, such as those on family migration policies. However, the occurrence of political entrepreneurship already showed that states did not lose their ‘rebellious nature’ when referring to their relentless efforts to propose their own domestically devised solutions to the challenge at hand.

This most clearly began to manifest itself after member states put their signature under the Family Reunification Directive and thus almost exclusively transferred sovereignty over this matter to Brussels. When it became clear that ‘the limit to interpreting the Directive as vaguely as possible was reached’ and secondly, that ambitions to restrict only became greater, the awareness of being politically ‘locked-in’ by binding agreements was strongly felt (T. Strik, personal communication, April 30, 2015). Bonjour (Personal communication, February 12, 2015) believes that this realization meant a bigger regression for Dutch migration reform ambitions compared with the German case, since the last decade was marked by a stronger desire from the Dutch political establishment to actively reform. In the end, it can be said that countries that have signed the Directive did so willingly, but if they were aware of the implications it would entail later on, they might not have signed the agreement (B. de Hart, personal communication, April 30, 2015).

Contrary to the idea that states ‘have been held under the thumb’ of European institutions, it can be argued that countries such as Germany and The Netherlands have been rather successful in negotiating the implementation of more restrictive measures regarding family reunification into the Directive (I. Michalowski, personal communication, May 22, 2015). When taking EU pressures out of the consideration and regarding the possibility that divergent patterns are indeed persisting, we come back to this notion of policy discretion, in which it is believed that nation states have been able to attain and exert some influence, resulting in the endurance of specific nation state interpretations of family migration policies. However, this divergent pattern that is supposedly persisting, is of

course dependent on the countries that are taken into consideration when comparing this phenomenon (S. Bonjour, personal communication, February 12, 2015). When regarding the entire scope of the EU, this theory could be plausible. However, when reviewing the Dutch-German example, where similar political trajectories in the area of family migration developments are present and where civic integration policies in recent years are regarded, it is convergence that actually proves to be more apparent.

Although Strik (Personal communication, April 30, 2015) notes that in The Netherlands ‘nothing seems to be taboo’ on this matter, this does seem to be the case in Germany. In Germany it seems that a certain gentlemen’s agreement’ still exists to some extent, which prescribes the unwritten rule for the majority of political actors to not use migrants for the sake of electoral gain. While in The Netherlands there appears to be a great focus on framing the challenges surrounding family migration in a socio-cultural manner, accentuating the importance of assimilation to Dutch norms and values, Germany puts more emphasis on the socio-economic argument. Arguing that the pre-entry language test abroad is a step in the process of inclusion for migrants and in addition prepares them for their prospective contributions in German society.

When revisiting the claim made in this hypothesis, it becomes apparent that the timeframe (early 1990s-start of 2000s) leading up to the enforcement of the Directive in 2003, provided states with all the policy discretion they wanted. In this period, when debates surrounding the migration policy reforms started to slowly heat up, states still had entire sovereignty over this matter and enough room for domestic political manoeuvring (Bonjour, 2009, p.287). However, they were reluctant to take matters into their own hands when they had the full sovereignty to do so.

It has to be said that Germany and The Netherlands have been successful in voicing their proposals for restrictions in the negotiations that culminated in the implementation of the Directive in 2003. When looking at their use of policy discretion, which could be interpreted as ‘the attainment of maximum freedom of loosely interpreting the Directive’, it eventually comes to a halt when the vagueness of policy guidelines cannot be stretched any longer due to court rulings on specific cases and the possibility of sanctions that lingers on in cases of non-compliance. It was thus perceived to be in the best interest to follow the route of jointly coordinated harmonisation, which in turn resulted in the mitigation of future ambitious restrictive policy preferences.

Reviewing the developments: Does convergence or divergence seem to predominate?

The ‘stressing of individual responsibilities’ is not only an inclination that is noticeable on the domain of family migrant’s responsibilities, but over the years rather became something that was to be expected in multiple areas of society and ideally, from all citizens (B. de Hart, personal communication, April 30, 2015). If this perception is applied to family migration policies, the message of governments, and especially that of the Dutch became clear: if someone opted for marrying a spouse from abroad, they would have to be prepared to invest in the preparatory process of integration themselves.

Regarding the literature, it has become evident that for both countries the agenda of migration policies and integration requirements has become increasingly linked. Dutch and German policymakers have attempted to make the pre-entry abroad requirements a means that serves several purposes. This implies that the objectives were not simply to test family migrants’ language skills in order for admission, but by doing so assessing their levels of self-reliance, willingness, motivation and put simply; to exclude migrants who showed a lack of these skills. Indeed, such a skillset is perceived to be necessary when migrating to a western European country, where certain ideas about socio-cultural norms and values are in place. When looking at areas of convergence or divergence, we see the following key developments:

Both countries **converge** in (still) placing great emphasis on integration, especially on encouraging the development of language skills regarding family migrants. In relation to that, they unequivocally stress the ‘individual responsibilities’ of the migrant (Scholten et al, 2011, p.85). Both countries **converge** in having went through the same process of politicisation that sparked the need for pre-entry requirements abroad. Thus, the introduction of this particular policy was a reaction of political actors to appease oppositional political and public pressures to tackle the occurrence of high influxes of immigration, as well as promoting integration for prospective migrants. At the start of the 2000s, the room for manoeuvring on domestic level was rather limited, therefore the EU venue provided a way to introduce reforms that were backed with the justification of operating within acceptable limits of common values and for the sake of furthering European harmonisation. Both countries **converge** in using policy transfer as a means of justifying restrictions for the admission of family migrants. One of these aspects is the argument of wanting to ‘reduce forced marriages’. It was presented as an extra goal for the

empowerment of female migrants. Michalowski (Personal communication, May 22, 2015) perceives this to be quite a 'funny argument', since she feels that it is difficult to believe in this line of reasoning. De Hart (Personal communication, April 30, 2015) also feels that the argument of combatting forced marriages was quite hollow, since concrete evaluations as well as figures regarding the number of forced marriages that have actually been prevented over the years, are insufficiently available.

It appears as if this argument was a highly symbolic attempt to politically 'sell' the selective approach in the admission of non-western family migrants with different traditions. As Michalowski (Personal communication, May 22, 2015) explains, it concerns a group that was generally known for 'not being well liked', because of their general overrepresentation in lacking language and social-participatory skills'. In any case, the argument seems to be more of a way to connect to public sentiments, stressing some kind of 'moral appeal', rather than being a measurable indicator in determining whether pre-entry requirements actually proved to prevent forced marriages (Groenendijk, 2011, p.26). While Germany was the initial proponent of this argument, the Dutch copied it into their line of argumentation surrounding the justification of restrictive measures, it can be said that the exchange-related effects of policy transfer were continued horizontally between states long after the Directive had been implemented. Both countries **converge** in the sense that '*naturalisation became a right, rather than a favour*'; instead of naturalisation being a part of the integration process, it slowly became 'the crown' to the completed process of integration (Strik et. al, 2010, p.100).

However, the countries **diverge** in the way they chose to frame the challenges surrounding family migration. Germany has identified its approach with being a 'social-economic' process, where acquiring language skills was seen as the key factor for good integration. This is also the case for the Dutch, but they additionally stressed the socio-cultural aspect even more, namely: the acquisition of basic knowledge of Dutch life through the pre-entry test.

The countries also **diverge** in a very important indicator that relates to the fact that even though migrants have more responsibilities in their own integration preparation, the member states are free to offer education or courses to migrants related to both language and knowledge about the host society. While in Germany the motto 'promoting and demanding' implies a certain sense of shared responsibility, the Dutch approach has

hardened. For instance, the Dutch report *'Een beroep op de burger'* (Veldheer et. al, 2012, p.227) voices the appeal to people to be highly self-reliant, instead of counting on a nurturing and patronizing role of the government. This is in contradiction to what ideally should be the role of the state when looking at older publications from the WRR government report (2001, p.9) for instance, which argues that even though the state should be 'coercive when it comes to the access and initial equipping of migrants', it should 'otherwise be largely facilitating and encouraging so that migrants can find their way in Dutch society'. The Dutch stance as presented in the literature clearly has shifted away from fostering the notion of 'shared responsibility'. In this respect, Strik et. al (2010, p.25) have stated that the so-called supply-oriented approach of the government was no longer adaptable to the message of individual responsibilities that the government had been sending.

Even though Germany and The Netherlands both place great emphasis on the language level, and apply the same standards in that respect (such as making it possible for the migrant to retake the test as often as required) there is divergence to be noted:

1. Germany only tests knowledge about German language in the pre-entry test, no sufficient knowledge about the society is required, as is the case in The Netherlands.

2. The Dutch approach lacks a worldwide established network of course-provision facilities. This contradicts the German case, since its Goethe Institutes coordinates courses and organizes official tests at 480 places in 108 countries worldwide (Groenendijk, 2011, p.13-14).

3. The fee covering the entire German integration procedure are perceived to be less than half of the amount of the Dutch admission procedure (Strik et. al, 2010, p.14).

What can be said about the measurement and the replicability of this research?

This research has incorporated both primary and secondary sources to investigate the mentioned theories, concepts and indicators that have been used to serve as guiding principles. In order to determine whether the above mentioned theoretical tools provide sufficient explanatory power, in other words: if the chosen concepts and corresponding indicators in the Research Design are able to show a great deal of overlap with the terminology that has come forward within the discussion of both the secondary and primary source material, we can assess whether the same research might be repeated by another researcher and produce similar results. The table below indicates a high amount of overlap between the indicators that were expected to manifest itself during the exploration of the concepts through the use of both the primary and secondary sources. This suggests that this research could indeed be conducted by another researcher and would likely produce the same results, if the same methods should be deployed, the same data would be used and corresponding concepts and indicators would be chosen.

Table 4: Measuring the occurrence of indicators

Concepts and corresponding indicators from hypotheses	Tracing back the indicators in the analysis of the research
<p>1. Europeanization → top-down and bottom-up influencing, transfer of sovereignty, supranational policymaking, sufficient coordination ambition, sufficient coordination capacities, monitoring and enforcing compliance, uploading and downloading of policies, harmonisation</p>	<p>On page (68 and 69), we see evidence of Europeanization through keywords that show high similarity to the indicators:</p> <p><i>Europeanized networking, cooperation efforts, adherence to implementation of policies; monitoring compliance, top-down process, transfer of sovereignty, consent to adherence for the sake of harmonisation, ‘two way street’; vertical as well as horizontal influencing from the side of member states, uploading and downloading of policies, EU being able to obstruct member states; enforcing compliance</i></p>
<p>2. Policy entrepreneurship → vertical venue shopping, horizontal influencing, politicising sensitive political issues, agenda-setting, high politics, agents of reform and policy trendsetters</p>	<p>On page (70, 76 and 77), we see evidence of Europeanization through keywords that show high similarity to the indicators:</p> <p><i>Politicization of migration policies; indication of becoming issue of high politics, occurrence of policy entrepreneurs; policy trendsetters, escape domestic socio-political constraints; venue-shopping, political pioneering through the search for new political venues to introduce reform of migration policies; policy trendsetters, EU venue provided a way to introduce desired reforms; venue-shopping,</i></p>

	<i>oppositional pressures and change in preferences of political actors; presence of agents of reform, exchange related effects of policy transfer continued horizontally between states; horizontal influencing</i>
3. Policy transfer → sharing similar set of norms and values, policy learning, best practices, exchange of information, policy imitation and diffusion of political practices	On page (69, 72 and 76), we see evidence of Europeanization through keywords that show high similarity to the indicators: <i>Exchange of information, horizontal policy transfer; exchange of information and best practices, agenda of integration requirements and migration policies has become increasingly linked; diffusion of political practices</i>
4. Policy discretion → persistence in domestic policies, reluctance to adapt to supranational agreements, maximum use of political manoeuvring, selective implementation, limited coordination ambitions and limited coordination capacities	On page (74 and 75), we see evidence of Europeanization through keywords that show high similarity to the indicators: Relentless efforts to propose own domestically devised solutions to the challenge at hand and limit to interpreting the Directive as vaguely as possible; maximum use of political manoeuvring, endurance of nation state specific interpretations of family migration policies; persistence in domestic policies

The table below (page 82) serves the purpose of providing a reflection on the most important statements that have been made in the conclusive remarks of Chapter 4, as well as incorporating Chapter 5; the analysis of the hypotheses regarding our country case-study. Interesting to see, is where Germany and the Netherlands show similar or dissimilar outcomes regarding the presence of convergence/divergence in the investigated policy field.

Table 5: Reflection through collecting key characteristics of convergence and divergence

Case study countries	Characteristics of convergence or divergence by looking at the concepts and indicators
<i>The Netherlands</i>	<p>When regarding the concept of ‘<i>Europeanization</i>’, it can be argued that the Netherlands as an EU member state, was ‘locked into’ both coercive and voluntary cooperation. <i>Coercive</i> meaning: Political room for manoeuvring gradually became limited. In other words, at some point, the maximum of admissible restrictions regarding policy reforms on the domestic level had been reached, since it was made clear that the Directive may not be overruled. <i>Voluntary</i> meaning: States know there is much to gain from cooperation. The Dutch government has a long tradition of commitment to EU integration and can be characterized as having strong cooperation ambitions.</p> <p>When regarding the concept of ‘<i>Policy entrepreneurship</i>’ or ‘<i>venue shopping</i>’, it can be argued that the Dutch agreed to the rules and agreements as presented in the Family Reunification Directive, but later opted for interpreting them in the broadest sense. The Dutch thus used the venue of EU negotiations on the Directive to voice their concerns about family migration and suggested more restrictions, especially in the pre-entry admission requirements which in particular apply to third-country family migrants that wish to join their spouse in an EU host country. In addition, the Dutch government acted as a pioneer in this area by becoming the largest advocate in proposing more restrictive family migration policies and has been successful in establishing partnerships with countries such as Germany, Denmark and Austria that roughly speaking shared the same objectives.</p> <p>When regarding the concept of ‘<i>Policy transfer</i>’, it can be argued that EU established platforms for negotiation, discussion and knowledge-sharing laid the foundation for the creation of similar political justifications regarding the need for reform. In the Netherlands, there was a cry for reform regarding migration policies starting from the end of the 1990s onwards. This issue made its way on the political agenda and brought with it a backlash, involving both public and politically oppositional scrutiny of past developments regarding the family migration policy-agenda. In short, a breach from the status quo was demanded and instead of ‘ad-hoc policymaking’, the Dutch had to develop durable policies that would fit the character of a country that has for decades faced an inflow of migrants and thus had to declare itself ‘a country of immigration’.</p> <p>When regarding the concept of ‘<i>Policy discretion</i>’, it can be argued that the Netherlands has initiated its own domestic route for imposing stricter migration policies. It still has its own approach in deciding how nation state preferences could be implemented, while respecting EU laws and regulations (as regards to imposing requirements for pre-entry policies, for instance demanding that migrants should provide a fair degree of knowledge of Dutch language and socio-cultural values). Nevertheless, over the years it has become clear that in the domain of the family migration policy agenda, the Dutch had to hand in a great deal of sovereignty over to EU institutions.</p>

Case study countries	Characteristics of convergence or divergence by looking at the concepts and indicators
Germany	<p>When regarding the concept of <i>'Europeanization'</i>, the same can be argued for Germany. This EU member state was also 'locked into' both coercive and voluntary cooperation. In addition, Germany has also proved to be a very cooperative partner in the EU integration process. Just as with the Dutch case, Germany is known for showing strong coordination ambitions.</p> <p>When regarding the concept of <i>'Policy entrepreneurship'</i>, Germany also agreed to adhere to the principles of the Family Reunification Directive, but with the encouragement of the Dutch to join forces regarding formulating proposals for stricter family migration requirements, it has opted for interpreting the Directive in the broader sense of the word. Thus, it becomes clear that the German government used the venue of EU negotiations on the Directive as an 'escape-route' to have the opportunity to jointly propose stricter measures on family migration on the domestic level, while using the EU venue as a means of justification; referring to it in the national political arena as measures that were permissible and fitted within the boundaries of the Directive.</p> <p>When regarding the concept of <i>'Policy transfer'</i>, it can be argued that similar motivations steered Germany towards engaging in the transfer and adoption of policies that indicated a good fit as regards to the preferences and possibilities for the own nation-state setting. Just like in the Netherlands, this need for increasing knowledge about other policies and possibly implementing new ones to replace the old, followed after critique on past practices regarding the domestic family migration agenda. A difference between Germany and the Netherlands was that the turning point in this way of thinking (following the official announcement of 'being a country of immigration' and subsequently devising strategies that fitted this claim) became present a significant while later in the German case.</p> <p>When regarding the concept of <i>'Policy discretion'</i>, it can be argued that Germany also initiated its own domestic route for imposing stricter migration policies. Germany has its own approach in deciding how nation state preferences should be implemented, while respecting EU laws and regulations. However, when regarding the 'turn to restriction' it shows great overlap with 'the perceived need to reform', that was also present in the Dutch argument to impose stricter policies within the scope of the family migration policy-agenda. Nevertheless, even though there is great overlap between the two countries, Germany has its own motivations regarding the requirements for pre-entry policies. For instance, while the Dutch advocate a strong socio-cultural outlook on migrant integration, the German stance puts more emphasis on the socio-economical independency and preparation for the German labour market.</p>

In short, what can be derived from the table in addition to their separate reflections:

- Both states benefited from the 'coordination networks' within EU context and through which policy learning was made possible.
- For both countries policy transfer was a crucial tool to have the opportunity to develop a common stance towards individual nation state problems with family migration policies, such as for instance: lack of language proficiency, lack of cultural knowledge or devising justifications for perceived problems, most prominently: dealing with the problem of forced marriages.
- Both countries quite pragmatically engaged in this process of policy learning. Since this process involves '*lesson learning*', Germany as well as the Netherlands first looked at what might be good policies for them to implement (have the right 'fit') and which policies would not be suitable for implementation in the specific nation-state setting (misfit).
- Both countries show signs of being both '*policy imitators and policy trendsetters*', since they both borrowed ideas or inspiration from each other's best practices.

6. Discussion and Conclusive Remarks

Divergence, convergence or a case of parallel development?

As already stated in the theoretical framework, researchers should emphasize the socio-political similarities that are present when cross-comparing the Dutch and German case. Most notably, this is focused on taking into account their resemblance in the approaches toward family migration policies and their motivations to participate in the networking process of policy learning and policy implementation. In this section we shall revisit the most important key developments that have occurred in the case-study by differentiating between convergent and divergent patterns. Additionally, we will assess to what extent the theoretical models have proven to be of value regarding their explanatory effect on the convergence/divergence issue of the Dutch-German country case-study. Through this, we shall ultimately strive to answer the main question: *‘What provides the best explanation whether convergence or divergence in pre-entry policies is more predominant for both Germany and The Netherlands?’*.

Reflection

Key developments indicating a convergent pattern

Throughout this thesis we have extensively discussed the developments surrounding the challenges that European integration has brought forward. When determining the impact of this process, we can say that both Germany and The Netherlands have in fact compromised more than they eventually desired as regards to policy manoeuvring and implementing communitarian family migration agreements. This indicates the major dynamical power behind the ‘Europeanization’ explanatory framework, since national and supranational policy-generating agendas have become ‘interlocked’ due to increased coordination and cooperation efforts.

Another theoretical assumption supporting the claim of convergence between these two countries, is the occurrence of a 'positive feedback process'. As explained in the literature, it concerns a process of transition, where small, but significant changes in the existing political status quo eventually lead to future policy alterations. In both country cases, the voicing of concerns related to the inflow and integration of family migrants had been subdued for a number of decades and thereby the shaping of successful plans failed to materialize. Discontent hereof mounted to such an extent, that the topic found its way on the political agenda from the late 1990s-start of 2000s onwards and has remained a rather highly politicized issue ever since. This goes together with the convergent pattern of both countries when it becomes clear from the information presented in this thesis, that they have agreed to supranational cooperation. The theory of Guiraudon proves to be very appropriate when considering both the vertical and horizontal types of policy-influencing. Supplemented by Bonjour and Vink, it is vital to stress both types of interaction. This makes the explanatory power behind the complexity of interstate cooperation on family migration policies, more comprehensible and reliable.

In both countries, a pragmatic drive for cooperation, individual and joint initiatives on policy entrepreneurship and cross-national policy transfer were a direct result of the need for finding a common response to the issue of introducing more restrictive measures within the family migration policy agenda. Both states have also showed sufficient motivation to lobby in EU institutions (vertical variant) and to learn/'copy' from each other's justifications to achieve the desired aim of restricting policies for family migrants. When regarding the argument of cross-influencing (horizontal variant) it can be argued that Germany and The Netherlands can be characterized as being both 'policy trendsetters' as well as 'policy imitators'. In the end, the primary aim of each member state is to pursue the implementation of the most efficient types of policy frameworks. Revisiting the claim of Kassim regarding the convergent model, it was stated that 'institutions in a shared political environment (such as the member states in the European Union) are likely to grow increasingly similar as they converge around the most efficient organizational form: 'optimization'. This implies that in this particular scenario, states are likely to produce and reproduce a political format that has proven its success as regards providing a sufficient 'fit'. In the case of the migration policy agenda and when speaking of Germany and The Netherlands, this points towards a good combination of restrictive aims, while respecting specific nation state settings and thus allowing a significant level of flexibility as regards to the implementation.

Key developments indicating a divergent pattern

Whereas in the previous section the convergent theory implies the enabling for member states such as Germany and The Netherlands to create a solid ground for the implementation of similar political strategies, the divergence theory suggests the opposite. In this case, the communitarian approach to certain political strategies, such as for instance migration policies, does not provide the best 'fit' for some member states, in which case they show reluctance in increasing the extent of required coordination efforts within a certain policy field. In the case of both Germany and The Netherlands, a so-called 'race to the bottom' has become present in the downloading aspect of supranational family migration policies. This trend was visible right after the adoption of the Family Reunification Directive, in which both case-study countries, believed that limitations had to be placed on migration, in order to relieve strains on national welfare institutions as well as make it more challenging for low educated migrants to be granted citizenship. The concept of policy discretion manifests itself clearly in the way that the Directive was interpreted in the broadest and most restrictive sense of the word.

Quite remarkably, both countries went through a similar neo-liberalist shift in policy thinking, as this approach was gradually making its way into social fabrics of society in recent years. Despite this, the countries' take on how this should affect family migrants differed. While in the Dutch case there was a primary focus on endowing the family migrants with individual responsibility in learning the language, gaining knowledge about Dutch cultural norms and values and becoming socially and economically independent, the German government placed less emphasis on the cultural aspect of integration, but rather on making immigrants economically self-reliant and well equipped for entry into the labour market. However, when applying the 'convergence or divergence' theory to family migration policies and regarding it specifically from the viewpoint of the Dutch-German case comparison, there does not seem to be sufficient evidence that the aspect of divergence will have a durable and thus persisting character for the future. Thus, the idea of pursued policy discretion in member states is bound to increasingly fade away. This is because EU institutions have augmented their scope of supervision regarding adherence to agreements made in the Directive and are becoming more vocal in deterring member states from pushing the limits of what is legally permissible within the confinements of the Directive. Furthermore, the aforementioned argument denotes the coercive side, yet the voluntary aspect of increased coordination should not be dismissed. All member states and

especially traditionally reliable EU partners such as Germany and The Netherlands still choose to adapt to EU guidelines and legislative rulings surrounding the Family Reunification Directive. Further indicating an absence of the so-called continuation in divergence, is the evidence of remarkable similarities in the approach of both countries towards the shaping and re-shaping of family migration procedures. Nonetheless, this does not mean their progression has followed an identical course, that is why some nuance essentially needs to be in place when reflecting on the developments of these countries. The argument of Mahnig and Wimmer is therefore crucial to bear in mind, namely: states may take on the same means for an end ('approach') while the practical application of those means can differ, resulting in highly similar, yet distinct nation-state specific outcomes.

Which explanatory model derived from the hypotheses suits us best?

As aforementioned, there seems to be enough evidence to believe that there is a significant amount of linkage when it comes to dealing with family migration policies in both Germany and The Netherlands. By analyzing and reflecting on the data, as well as acknowledging the contributions of all concepts dealt with in the hypotheses, the strongest explanatory framework has been identified. The most enlightening factor for establishing whether or not convergence is gaining more foothold in the family migration policies of both Germany and The Netherlands, is the notion of 'policy transfer'. An important condition that is a prerequisite for the occurrence of policy transfer, and has occurred in both countries, is the determination to work towards a new type of policy direction. From the information gathered in this thesis and applying to both of the case-study countries, it has become clear that this new political course introduced a restrictive turn within the field of migration policies.

Adding to the relevance of the policy transfer model, is that it also provides an explanation regarding the actual steps made towards increased patterns of similarity between Germany and The Netherlands. For instance, a provision that should be in place to induce cooperation within the scope of policy transfer, is the presence of a strong system of communication. In this case, it is made possible by EU platforms, where frameworks for discussions, debates and consultations are created and encouraged for the sake of investing in viable state-to-state partnerships. A second important feature is

present in the sense that a western European country like Germany will be more inclined to cooperate with a geographically approximate state such as The Netherlands, that additionally shares a similar set of socio-cultural and politically-ideological traditions.

In addition, two possible approaches are provided which are inherent to the concept of policy transfer and have both proven to be important steps in the gradual process towards increased similarity between the case-study countries. First of all, policy transfer has a 'horizontal' perspective, or a so-called type of 'voluntary transfer'. This phenomenon has been initially made possible by the EU, that has created several platforms, creating opportunities for intensified negotiation efforts, extensive cooperation and knowledge-sharing. Thus, Germany and The Netherlands have been able to gain more insight about each other's progression in policy choices and eventually learn or implement similar policy strategies.

Secondly, there is the 'vertical' perspective of 'coercive transfer', where it is the EU that actually encourages member states to devise and implement common policies that are in line with overall EU standards and regulations. Regarding this aspect, it has been argued that indeed both countries have made strategical use of this 'EU venue'. This type of vertical policy transfer affected them positively at first, since they were able to justify and push through migration policy reforms on the national level, which were accorded through agreements on the supranational level, the prime example being the Family Reunification Directive. Even later on, after the implementation of the Directive, Germany and the Netherlands chose to continue their cooperation by jointly lobbying for more restrictive reforms on the family migration policy agenda. This last line of argumentation again fits the characteristics of policy transfer, since both countries have pragmatically speaking been very successful to identify the advantages of cooperating on the institutional EU-level, as well as supporting and implementing each other's pioneering efforts for introducing more restrictive measures within the area of family migration policies.

Conclusive Remarks

On the one hand, this research has pointed towards understanding the highly dynamic and complex nature of the reciprocal relationship between two EU member states with their own socio-political trajectories and preferences and on the other; the European institutions who desire an ever increasing commitment to communitarian approaches of their nation-state partners. Yet, coordination ambitions and coordination capacities are not the only decisive matters in determining the ability of member states to adhere to common regulations. Path-dependent policies or nation-specific limitations, may also influence to what extent a nation state is able and willing to implement newly designed policies, certainly if those policy directions prove to undermine their sovereignty.

When having to decide whether a convergent or divergent pattern is present regarding family migration policies and pre-entry requirements in particular, it is argued that the convergent mode of policy-thinking clearly predominates, while the divergent hypothesis of policy discretion shows signs of diminishment. Even though the convergent pattern suits the relationship between Germany and The Netherlands best within the scope of reformative similarities on the migration policy agenda, a remark has to be placed. Namely, a recognizable distinction should be made in whether similar policy developments actually indicate convergent outcomes, or just a chain of parallel developments. The transference of sovereignty in the matter of (family) migration policies from the national domain to the supranational arena have paved the way for the intensification of further convergence in the upcoming years. This is further fuelled by voluntary pragmatism, since member states such as Germany and The Netherlands are active partners in discussions and debates, seeing this is the only way they are still able to voice their preferences and ideas for reform.

Nation states will long retain a perceived divergent need for the sake of regaining some sovereignty in certain matters and harmonisation between EU partners still needs more encouraging. However, through deploying the strategy of convergence it has become clear that a dynamic conceptual interplay of: Europeanization, policy entrepreneurship and policy transfer as the main explanatory proponent, have led to a strong combination of sufficient explanatory power and have fulfilled the aim of closing as much knowledge gaps as possible. Stressing the practical relevance these concepts had during the shaping and re-shaping of family migration policies in both countries, definitely supports the claim that

a convergent type of policy mode is 'an eminent way forward' for EU nation states in order to achieve their political goals.

Recommendations

What general lessons and recommendations can be deduced from this research?

It is vital to indicate the lessons that can be drawn if a researcher would opt to focus on another issue instead of family migration policies, but take the same theoretical concepts from the hypotheses into account. The concepts that have been dealt with in this thesis could be applied to another issue within a different type of policy field and by selecting other case-study countries to see whether it would render the same results. The general insights that can be deduced from this thesis are the following:

First of all, it is very difficult to capture developments that are characterized by high levels of dynamic, patterns of cross-influence and involve multiple layers of actors into either being one thing or another. When dealing with a variety of political actors and institutions, a researcher must have a critical viewpoint and a keen eye for being able to separate main issues from side issues. This is necessary, since with this variety comes a myriad of different policy preferences, limitations and specific political settings that directly or indirectly influence the process of the subject that is being explored.

Secondly, instead of emphasizing the differences in developments that occur in cross-country comparisons, researchers ought to focus more on uncovering the similarities. This is especially the case when regarding EU member states. Researchers should build forward on the notion that gradually over the years, but certainly in the future, countries within the confinements of the EU will grow increasingly similar in their policy approaches. This expected process, suggesting the predominance of the convergent model will probably involve a fusion between increased voluntary coordination ambitions and enforced cooperation efforts with a coercive character.

As already mentioned, it is also very unlikely that the complexity of certain policy issues can be reduced to resorting to a single explanatory framework. Therefore, researchers must always keep in mind to avoid the pitfall of making one-sided conclusions but should

instead try to balance their outcomes. This can be done by applying a fair degree of nuance in their work and remain as context-sensitive as possible. In this way, it can be assured that the unique process of political developments involving distinct socio-cultural backgrounds, specific intuitional developments and individual path-dependent trajectories of member states, is respected.

Finally, it is recommended that researchers take into account developments within as many institutional layers as possible when conducting a cross-comparison between states and supranational institutions. Naturally, this recommendation depends on the desired scope and to what extent elaboration is permissible. Unfortunately, due to a fixed length of words in this thesis, it was not possible to take into account the role local policy actors or public organisations have played. However, it is preferable for future attempts, since it adds to the explanatory strength and understanding of what impact highly politicized policies might have on a broader scale.

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Appendix A: List of interviewees

Respondent	Occupation	Contact data	Date of conversation	Location of conversation
1. Dr. S.A. (Saskia) Bonjour	Assistant Professor of Political Science at the University of Amsterdam	E-Mail: S.A.Bonjour@uva.nl Phone number: +31 6 15 54 93 06	February 12, 2015	The Hague, The Netherlands
2. Dr. mr. M.H.A. (Tineke) Strik	Member of the Dutch Senate and Assistant Professor of Migration Law at the Radboud University Nijmegen	E-Mail: t.strik@jur.ru.nl Phone number: +31 24 361 55 33	April 30, 2015	Nijmegen, The Netherlands
3. Prof. dr. mr. B. (Betty) de Hart	Professor of Migration Law at the Radboud University Nijmegen and the University of Amsterdam	E-Mail: b.dehart@jur.ru.nl Phone number: +31 24 361 29 40	April 30, 2015	Nijmegen, The Netherlands
4. Dr. I. (Ines) Michalowski	Research Fellow at the Berlin Social Science Centre	E-Mail: ines.michalowski@wzb.eu Phone number: +49 302 549 14 55	May 22, 2015	(Skype interview) Rotterdam, The Netherlands

Appendix B: Guideline for the interview

Prior to the interview a few announcements directed towards the respondent were made, such as: explaining the purpose of the research and asking permission to record what was discussed during the interview. At the end, the respondent was given the opportunity to potentially bring in a non-discussed topic that he/she deemed to be relevant, he/she was allowed to ask questions and finally, the interviewer illustrated what would happen to the data retrieved from the interview; data was processed in the thesis as an ‘expert-interview input’. Since the interview protocol that was used for expert-interviewing consisted of a semi-structured approach due to the varying areas of expertise of the respondents, a standardized questionnaire was not made. Instead, several questions that were based on the concepts from the hypotheses served as guiding principles.

Questions

Q1: How strong is the influence of the European Institutions on migration policy agenda of member states such as Germany and The Netherlands in your opinion?

Q2: Which political venues have member states such as Germany and The Netherlands explored to introduce changes within the field of family migration policies?

Q3: Which motivations served as the ‘founding principles’ behind the notion of establishing ‘pre-entry’ policies in both countries?

Q4: When regarding the idea of policy transfer; Do you believe there is a noticeable trend which indicates a high level of increased similarities in Dutch and German family migration policies?

Follow up **Q4:** Do you think that the policies of these countries are actually moving towards each other, or do you believe that divergent patterns persist?

Q5: When regarding the policy discretion that member states have; To what extent have both countries made use of political manoeuvring regarding national policy preferences to introduce their own measures within the area of family migration policies (and pre-entry policies in specific)?