



# Policy Formation and Citizenship Practices: Germany's Regions as Laboratories for Immigrant Integration

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## Abstract

Over the past 20 years, Germany's regions have developed distinct policy regimes at the subnational level, driven by divergent socio-economic realities, constellations in competitive party politics, and modes of including civil society stakeholders into the governance process. The article argues that policies of immigrant integration have been substantially decentralized empowering *Länder* and leading to a subnationally shaped, albeit regionally distinctive set of policies and administrative practices. This hypothesis is discussed with respect to the evolving role of regions as policy entrepreneurs in immigrant integration and a comparative analysis of Germany's largest immigrant receiving *Länder*, North Rhine Westphalia and Bavaria. From a theoretical perspective, the findings contribute to conceptualizing the dynamic of multi-level governance policy formation in the field of immigrant integration.

**Keywords** Immigrant integration · Germany · Governance · Decentralization · Policy formation

## Introduction

Federal states develop intricate multi-level governance practices specific to particular fields of public policy making. With a view to German federalism since 1949, Kaiser and Vogel (2019) describe a perennial trend of centralization shaping the division of competences between the federal and regional level. As far as the admission of immigrants and naturalization rules are concerned, this general trend also holds with

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respect to Germany's evolving migration policy. Selecting those who can come permanently into the country and granting them citizenship rights is still a core prerogative of the sovereign nation-state and thus kept under federal jurisdiction.

Yet, when it comes to promoting the settlement and integration of newcomers, Germany as a federal state demonstrates a high degree of shared legislative and administrative responsibility across different levels of government—municipal, regional, and federal. This trend towards decentralization allows regions to take on greater competence and agenda setting capacity. Over the past two decades, the lack of effective leadership from the federal government in this policy domain has opened an opportunity for Germany's *Länder* to become policy entrepreneurs, to drive innovation, and to develop more robust administrative capability (Joppke and Seidle 2012; Thränhardt 2013).

The increasingly more significant governance role and gradual empowerment of the subnational level has also been driven by the nature of the new societal problem and policy challenge posed by immigration. At its core, integration is a place-based practice that is shaped by territorially specific social, political and cultural environments (Bradford 2005). In this respect, this article adopts an interpretative lens that challenges the traditional disproportionate focus on national models and accommodation of diversity in migration research (Joppke and Seidle 2012; Thränhardt 2013). My working hypothesis is that Germany as a federal country has gradually developed particular policy regimes and approaches to immigrant integration at the regional level (see: Adam and Hepburn 2018; for the Swiss context: Manatschal and Stadelmann-Steffen 2014). While the legal framework stipulating the role of *Länder* in this policy area is uniform across the country, the way in which policy guidelines are interpreted and implemented in governance practice varies considerably from *Land* to *Land*. Addressing migration in systems of multilevel governance, the regional context provides a particular political setting for the debates on immigration and how the need for integration is translated into concrete programs and initiatives (see Bertossi and Duyvendak 2012; Caponio and Jones-Correa 2018; Schmidtke 2014a).

In the original iteration of the multi-level governance (MLG) concept, Hooghe and Marks (2001) developed two types of how the diffusion of authority and a multi-layered form of collective decision making challenges the exclusive authority of the nation-state: type I MLG describes clearly demarcated and exclusive jurisdictional boundaries between government levels. This type depicts the form of jurisdictional authority established, for instance, in federal systems. In contrast, type II MLG is characterized by territorially overlapping jurisdictions that involves a greater degree of negotiation and coordination across different governance levels. The argument of this article builds on the claim that the integration of immigrants has evolved as a policy field that has been subject to, as Hooghe and Marks (2001:4) put it, “a complex, fluid patchwork of innumerable overlapping jurisdictions.” Building on this conceptual framework, I will focus on the actors and negotiation processes that have redefined the boundaries between federal, regional and municipal jurisdictions in the field of integration policies and program development (see also: Scholten and Penninx 2016; Panizzon and van Riemsdijk 2019; Zapata-Barrero et al. 2017).

In the first part of the article, I provide a brief record of how the field of integration policy has emerged in Germany since the turn of the century. The focus in this section is on the competing and complimentary policy objectives that federal and regional

authorities have developed respectively. From this overview, I move to explaining how Germany's regions have addressed the task of integrating newcomers with a divergent set of policy priorities and governance practices. This reflection is based on an analysis of how the integration of immigrants poses momentous challenges and opportunities to individual regions. In the second part of the article, I focus on the difference between two *Länder*, namely Bavaria and North Rhine Westphalia (NRW), where the immigration policies have taken particular trajectories with a view to the programs established, the governance structure of this policy field, and the underlying—administrative and political—understanding of the policy challenge at hand.

### **Immigrant integration in Germany's system of multi-level governance: the role of the *Länder***

Germany's *Länder* have played a peculiar role in the emerging policy field of governing migration. At first glance, the country's federal system seems to preclude *Länder* from taking on any important responsibility in this context (von Blumenthal 2012). Issues of immigration are squarely in the competence domain of the federal government, while local municipalities are widely expected to implement integration programs given that this task is essentially place-based and rooted in community practices (Bauder 2013; Borkert and Bosswick 2007; Siemiatycki 2012). Yet, as I will argue below, the specific dynamic of this policy field, the nature of Germany's federal system, regionally distinct political priorities, and the dynamics of competitive party politics, have carved out important political opportunities for *Länder* to shape approaches to and outcomes of integration policies.

Germany is a relative latecomer to the introduction of comprehensive integration policies. Since the turn of the century, the country has launched a process that has followed a particular trajectory propelled by strong regional leadership. Until the early 2000s, approaches to integration used to be a patchwork of initiatives at the regional and local levels of government in Germany (Löffler 2011). Given the—relative—void of federal leadership and the unwillingness of the government in Berlin to take on this task at the time, there was a plethora of initiatives across the country with a highly diverse set of guiding principles and policy designs. *Länder* and cities were the policy makers by default (even at a small scale) considering that some of the issues related to integrating immigrants for instance into the labor market or the educational system were the most pressing issues on the ground. Before the start of the new millennium, the lack of national leadership and the pragmatic challenges propelled the subnational level of governance into the role of policy entrepreneurs.

While a decisive move away from the claim not to be a country of immigration had dominated the political agenda until the end of Helmut Kohl's chancellorship in 1998 (Klusmeyer and Papademetriou 2009; Schmidtke 2017), the 2000s saw a paradigmatic change in Germany's citizenship and immigration policies. With this change, several key policies were introduced: The new Citizenship Law (2000) and the Immigration Law (2005) set the agenda for developing a nationally designed and implemented integration strategy. The former Federal Office for Refugees morphed into the *Bundesamt für Migration und Flüchtlinge* (BAMF; Federal Office for Migration and Refugees), which established a federal institution with a comprehensive mandate to

regulate integration and an administrative apparatus to oversee its implementation (the BAMF has offices all across Germany). In 2007, a National Integration Plan (*Nationaler Integrationsplan*) and a National Action Plan on Integration (*Nationaler Aktionsplan Integration*) established the framework for a national strategy.<sup>1</sup> In the wake of the massive influx of refugees over the past years, Germany passed its first Integration Law in 2016 that outlines expectations towards and support for newcomers (centrally directed at labor market inclusion) in a comprehensive policy approach.

Furthermore, the BAMF as a federal agency has taken over the responsibility to fully fund and administer some of the key initiatives in this policy field such as language training, orientation, and civic education courses (*Integrationskurse*).<sup>2</sup> In delivering these programs, the federal government has regularly worked directly with national social welfare organizations and denominational NGOs (such as the *Arbeiterwohlfahrt*, *Deutscher Paritätischer Wohlfahrtsverband*, *Caritas*, *Diakonie*, *Zentralwohlfahrtsstelle*, and the German Red Cross) at times circumventing regional and local authorities (Heckmann 2015). The reason for this arrangement was also political: When the Red Green government pushed for an ambitious Immigration Law in 2005, the *Länder* under Christian Democratic governments resisted in particular the drive towards far-reaching legislation in the field of immigrant integration (essentially refusing to pay for such programs). Thus, to some degree, party politics has played a key role in the centralized development of integration policies under the leadership of the federal government in Germany over the past 15–20 years.

At the same time, German *Länder* have gradually taken on an increasingly important role in determining what integration as a field of public policy making means on the ground. First, when launching the National Integration Plan in 2007, the federal government explicitly invited both municipal and regional authorities to join in a partnership designed to address the policy issues of migration and diversity.<sup>3</sup> According to the modus operandi of Germany's federalism, *Länder* have the task to administer and implement federal laws. In this context, it is noteworthy that integration policy improvements have been directly linked to wider concerns with the German educational system and the labor market (Nohl et al. 2014). Accordingly, with integration posing challenges for policy domains with a shared regional-federal authority such as education or economic development, the subnational level has gained considerable flexibility in defining integration on the ground and in developing its own policy approaches.

Second, the integration of immigrants is an emerging and contested policy field whose fundamental objectives are accepted but whose scope and practical implications

<sup>1</sup> The National Integration Plan and the so-called Integration Summits leading up to the Plan's launch in 2007 indicate a robust effort to promote the integration of newcomers into German society. Even if, as critics point out, Germany is still far from implementing a comprehensive national integration policy, this policy field has seen far more dynamic development than observers would have predicted in 1998 at the end of Chancellor Kohl's period in office. (SVR 2014)

<sup>2</sup> The language and orientation courses include a 900-hour language course and 30-hour integration course available for each newcomer.

<sup>3</sup> The national Integration Plan states explicitly: 'The immediate or residential environment has a key role to play in the integration process. This environment will decide on the success of integration in the everyday coexistence of people of different origins. Cities, counties and municipalities are aware of their crucial responsibility for integration.' See [http://www.coe.int/t/dg4/youth/Source/Resources/Forum21/Issue\\_No10/N10\\_National\\_integration\\_plan\\_en.pdf](http://www.coe.int/t/dg4/youth/Source/Resources/Forum21/Issue_No10/N10_National_integration_plan_en.pdf) (accessed June 28, 2019)

across different areas of public policy making is still characterized by a notable ambiguity. For obvious political reasons, the approach of the federal government has often been timid and void of concrete legislative prescription (for instance programs to fight racial discrimination, promoting the labor market inclusion of immigrants, etc.). With respect to the material organization of integration policies, their application in particular spatial contexts and the socio-economic preconditions to secure their effectiveness, *Länder* have taken on a critical role.

This indirect empowerment of the subnational level has also led to institution-building, which in turn has developed its own feed-back loop in terms of an expanding policy competence. Individual *Länder* moved towards establishing Ministries for Migration and Integration defining their own priorities and programs in particular in those areas in which they have constitutionally backed competence most notably in the educational field.<sup>4</sup> Gesemann and Roth describe this institutional logic as follows:

In order to become more effective, numerous federal states have created new institutions or upgraded existing ones. These institutional policy achievements are most visible when countries create their own ministries of integration with a comprehensive responsibility for this new policy area. Institutions do not guarantee a successful integration policy, but they create important prerequisites for the implementation of ambitious programs. (Gesemann and Roth 2015, pp. 5-6; translation by author)

A central component of this institution-building process are the integration laws that have been established in five *Länder* this far (Berlin 2010, NRW 2012, *Baden-Württemberg* 2015, Lower Saxony and Bavaria 2016, and Schleswig Holstein has developed but not yet passed such a law). The primary objective of these integration laws is to provide a greater sense of urgency in policy and administrative practices. Critically important, *Länder* have the legal prerogative to develop new initiatives for immigrant integration in those policy arenas in which they have primary jurisdiction (such as education, culture, and religion). Integration laws at the regional level open new avenues for policy making and, similarly important, room for interpreting federal guidelines and initiatives in terms of their mode of implementation. For instance, through legal provisions, *Länder* can provide strategies for mainstreaming issues of immigrant integration across different policy areas (integration as a “*Querschnittsaufgabe*,” a task that straddles different policy domains; see on the idea of mainstreaming this task: Scholten et al. 2017).

In this latter respect, governments at the regional level can set the agenda for the range of initiatives targeting immigrant integration, attribute importance to this policy field, and engage stakeholders in the governance community. Along these lines, *Länder* can encourage or, in some instances, mandate the formation of so called foreigners or integration councils (*Ausländer- und Integrationsräte*) in cities and municipalities. Lastly, and surely not less significant, is the ability of *Länder* to set the political-symbolic agenda for immigrant integration (Scholten 2013): This agenda-setting involves the expectations about the reach of policy initiatives, the underlying understanding of what constitutes successful integration and who should legitimately be included

<sup>4</sup> In 2009 only one state - NRW - had a ministry with a term of integration expressed in the name. Meanwhile, however, half of the federal states explicitly have integration ministries. The coordination with the federal level takes place through the integration ministerial conference and *Länder-Länder* coordination bodies in many policy fields, particularly in cultural affairs, in the *Kultusministerkonferenz* (Cultural Ministers' Conference).

**Table 1** Roles of federal and regional level in governing immigrant integration in Germany's federal system

	Federal level	Regional level ( <i>Länder</i> )
Legal competence	Exclusive competence of the federal government: immigration and citizenship Competing legal competence: right of residency, refugee policy, labor market	Primary competence of <i>Länder</i> : education, culture, religion, public security Contribution to federal legislation in upper chamber General regulations for municipalities
Administration and implementation	Integration promoted through the Federal Ministry for Migration and Refugees (BAMF)	Implementation of federal and <i>Länder</i> legislation (Integration Plans at both levels), establishing responsibilities and procedures on the ground
Agenda setting and symbolic politics	Formulation of integration guidelines (high profile politics through parliamentary debates and 'national integration summits')	Addressing integration challenges on the ground (framing the issue), engaging stakeholders and building governance networks

This table is partly based on the categories developed in SVR (2017: 9)

in governing this field of public policy making. Table 1 summarizes the multi-level governance structure in Germany's federal system.

Based on this institution-building, Germany has also experienced an intensifying inter-regional commitment to mutual learning and horizontal cooperation in the field of integration policies. Ministers at the *Länder* level have established regular meetings (*Integrationsministerkonferenz*), working jointly on state-level responsibilities for integration. This policy coordination has had an important standardizing effect not driven by the federal level but by policy innovation and an exchange of best practices at the subnational level. A significant manifestation of this institutional dynamic is a regional *Integration Monitoring and Benchmarking Initiative*. Between 2008 and 2012, the integration ministers of the *Länder* agreed, for the first time, on a list of 40 indicators which serve as a benchmark for the integration of people with a migration background.<sup>5</sup> The indicators are divided into nine areas: general information such as migration and age, legal aspects such as naturalization, language skills and early education, education, housing and working conditions, health, crime and participation in public life. In the spring of 2019, the Integration Ministers' Conference published its most recent report on the state of integration in the *Länder*.<sup>6</sup>

It is worth noting that such a policy divergence at the subnational level is also partly driven Europe's multi-layered governance structures and the avenues it provides for

<sup>5</sup> Germany's Federal Statistical Office defines this group as follows: 'the population group with a migration background consists of all persons who have immigrated into the territory of today's Federal Republic of Germany after 1949, and of all foreigners born in Germany and all persons born in Germany who have at least one parent who immigrated into the country or was born as a foreigner in Germany.' (see: <https://www.destatis.de/EN/FactsFigures/SocietyState/Population/MigrationIntegration/PersonsMigrationBackground/Current.html>; accessed 14 August 2019.

<sup>6</sup> The report and additional statistical material can found at: <http://www.integrationsmonitoring-laender.de/>; accessed 10 September 2019.

program and policy development. For instance, *Länder* have been able to benefit from the programs developed by the European Union in its endeavor to play a more authoritative role in governing migration and integration (Scholten and Penninx 2016). With the European Union creating incentives and the nation-states handing down responsibility in this policy area, the subnational level of governance has taken on an increasingly important role in initiating horizontal and vertical forms of policy coordination. European authorities have also initiated a dynamic policy-learning process across different levels of governance. This practice has critical effects: Most importantly, it grants legitimacy and authority to the efforts of subnational levels of government, whose actions are now, potentially, indirectly sanctioned by the European Union. This development in turn has created commanding expectations for “laggards,” encouraging the development of more comprehensive initiatives in the field of integration. With EU’s funding schemes and benchmarks for successful integration of third-country nationals, Brussels has created new political opportunities emanating from the supranational governance level (Martinelli 2014).

These factors have created new opportunities for subnational levels of governance to establish themselves as significant actors both with respect to the direction of the national debate on migration and policy development in the field. In Germany, there are thus two simultaneous trends that drive the agenda in the field of integration policies: On the one hand, we have seen a certain degree of policy convergence fostered by the increasingly notable leadership of the federal government and its attempt to bring some uniformity to how this issue is tackled across the country. On the other hand, the momentum of developing and implementing policies on the ground has shifted to the subnational level, not least because of the inherently complex, loosely defined, and politically contested nature of immigrant integration as a field of public policy making.

### **Divergent integration agendas and policy formation: the contrasting cases of NRW and Bayern**

It is important to note that speaking about shifting the momentum to regional policy entrepreneurs does not imply that there is an emerging standardized practice across Germany’s *Länder*. Rather, this shift results in what Schönwälder (2013) calls an “uneven dynamics” in terms of how immigrant integration services have been implemented on the ground. One fruitful analytical lens coming to terms with the regionally specific variation in approaches to integration is to shed light on how the German *Länder* have established distinct policy environments. The way in which the overall decentralizing thrust shaping Germany’s integration policies has materialized in regionally specific governance environments can be demonstrated with respect to two contrasting cases from Germany’s biggest immigrant receiving *Länder*: NRW and Bavaria.<sup>7</sup>

<sup>7</sup> According to the *Statistisches Bundesamt*, NRW has 2.710.795 (15.1%) and Bavaria 1.921.955 (14.6%) foreigners at the end of 2019 (see: <https://www.destatis.de/DE/Themen/Gesellschaft-Umwelt/Bevoelkerung/Migration-Integration/Tabellen/auslaendische-bevoelkerung-bundeslaender.html>).

## The legal environment: integration laws at the Länder level

The integration laws adopted in four of the sixteen German *Länder* are designed to build institutional and coordination capacity when it comes to promoting the inclusion of newcomers. Yet, what one could primarily describe in terms of administrative capacity also conveys a particular understanding of the policy challenges and the governance structure based on which they are meant to be tackled (Thym 2016). In the case of NRW, this law conceives of “integration” as a political task that involves facilitating the equitable “social and political participation” of immigrants and minorities. Based on this principle, the integration law commits to promoting an intercultural opening of the administration (§6) and to establishing so-called *Landesintegrationsräte* (regional integration councils) that actively involve migrant associations and other stakeholders in civil society. In addition, the law develops guidelines for municipal integration centers and establishes a mandatory integration monitoring system (§15). In a nutshell, the integration law creates a comprehensive framework for immigrant integration in the context of which administrative authorities and stakeholders are brought together and provided with specific mandates in a variety of policy domains (most notably, education, and labor market inclusion).

In contrast, the Bavarian integration law does not develop a comprehensive political strategy but instead focuses on the expectations towards individual immigrants and their cultural integration (see SRV 2017). It is worth noting that Bavaria drafted and launched its integration law in direct response to the extraordinarily high number of refugees coming to Germany in 2015/16. The law’s emphasis on security and potential conflict is partly rooted in the turbulent political environment of these years. It is also worth underlining the assimilationist tone of this law by “committing” immigrants to Germany’s *Leitkultur* (leading culture; referenced in Art. 1). The wording of the legal texts strongly suggests that it is the primary task of the regional government to support the “willingness” of the individual immigrant to integrate and, in particular with respect to asylum seekers, to enforce legal rules vigorously (Funke 2017). Unlike in NRW, in Bavaria the guiding principle of an equitable societal participation for immigrants is not endorsed and the integration law is largely void of concrete measures beyond the enforcement of compliance on behalf of the immigrants themselves.

It is worth noting, however, that in December 2019 the Bavaria’s Constitutional Court declared the highly contested 2016 integration law of the *Land* partially non-constitutional following the legal challenge filed by the Social Democrats and Greens. Most significantly, the Court challenged the provision that obligates radio and other media outlets to convey the ‘leading culture’ (*Leitkultur*) and the German language to immigrants. While the governing CSU<sup>8</sup> argued that this concept should serve as “orientation framework” for newcomers and public authorities, the Court considered such a legal commitment as an illegitimate infringement on the media’s freedom of expression. Similarly, the Court questioned the legitimacy of the ‘integration obligation’ stipulated by the integration law based on which immigrants can be forced to take civic education courses teaching the “leading culture.” The decision of the Bavarian

<sup>8</sup> The Christian Social Union (CSU) is the Bavarian sister party of the Christian Democratic Union (CDU).



Constitutional Court<sup>9</sup> underlines the controversial nature of an integration policy that is driven by the regulative idea of a “leading culture” into which newcomers are expected to assimilate.

Even in those areas that are governed by the same federal-legal rules, there are notable differences between the two *Länder* with respect to how they are implemented in practice. For instance, naturalization figures vary widely across Germany. In 2015, the overall naturalization rate was the lowest in Bavaria (1.6%) and the highest in Hamburg (3.5%), with NRW showing a rate of 2.2%.<sup>10</sup> The uneven distribution of EU citizens cannot account for this difference: Bavaria and NRW have similar rates in this respect (41% and 39% respectively). It is noteworthy though that a higher degree of EU citizens have become German citizens in Bavaria (35.5% as compared to NRW 22%). Even if the federal government is primarily responsible for citizenship legislation, the different rates of naturalization show that the *Länder* have considerable scope for implementing these laws including discretionary administrative practices (Henkes 2008; Münch 2016). For instance, targeted information and naturalization campaigns as well as supportive administrations can be instrumental in determining in how many eligible foreigners decide to apply for German citizenship status. Social Democratic and some Christian Democratic *Länder* regularly encourage naturalization and dedicate resources to this task, while others like Bavaria demonstrate a far more restrictive approach and grant citizenship often only as a result to court proceedings (Thränhardt 2008). In addition, some *Länder* such as NRW give public visibility to the naturalization procedure and symbolically recognize its importance in ceremonial acts. Research on the practices on the ground have shown that these initiatives give substance to claims of a genuine welcoming culture (“*Willkommenskultur*”) that inform practices in the administration and offices that deal with migrants in Germany (Föbker et al. 2014).

### **Economic realities and immigrant labor market integration**

The divergent strategies and outcomes regarding the labor market integration of migrants in both regions significantly reflect socio-economic realities on the ground. The active support for migrants' labor market integration is critically driven by the regional strategy for economic development. Strong performers like the economy in Bavaria are magnets for skilled migrants while others, in particular those regions going through structural crises like NRW, attracting migrants and including them successfully into the labor market is a central element in boosting their competitiveness and re-inventing themselves socio-economically in the twenty-first century. In general terms, we can speak about a competition among the German *Länder* for the expertise and talent that in particular well-qualified migrants bring, which takes place against the background of fundamental changes to Germany's labor migration policy (Schultz and Kolb 2018).

In this latter respect, it is importantly a matter of pragmatic concerns regarding the region's economic and administrative capacity to what degree integration measures are

<sup>9</sup> The German press release of the Bavarian Constitutional Court can be found at: <https://www.bayern.verfassungsgerichtshof.de/media/images/bayverfgh/6-viii-17u.a.-pressemitt.-entscheidung.pdf> (accessed 19 June, 2019).

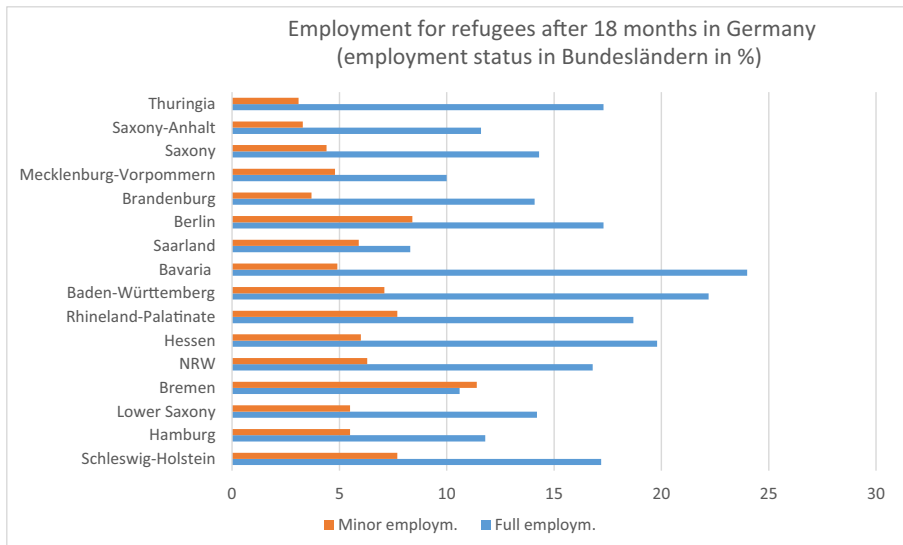
<sup>10</sup> These figures come from the Integration Monitoring report cited in footnote 7. Since then naturalization rates in Bavaria have been rising not least due to the growing desire of EU citizens – most importantly from Great Britain – to become a German citizen.

actually implemented. For example, all German *Länder* support the language acquisition for asylum seekers through their own state programs in addition to the BAMF integration courses. Yet, some of the economically more privileged regions work more immediately with employment agencies, job centers or companies themselves in order to support the direct employment placement of migrants (at the moment mainly refugees). For instance, in October 2015, the Bavarian State Government concluded an agreement with the regional economy and labor administration to support the transition of 60,000 asylum seekers into the labor market (mainly through its “Integration Through Training and Work” program). An additional and important component in facilitating the labor market inclusion of newcomers at the *Länder* level is the recognition of their educational and vocational qualifications: While the EU stipulates the rules for degree recognition across its member states and Germany’s federal government regulates the recognition of qualifications in 60 professional fields, the *Länder* have their own ‘recognition laws’ in particular with a view to their regulatory prerogative for some professions such as architects, engineers, or teachers (Müller-Wacker 2018). Bavaria has been particularly successful in navigating this complex regulatory framework, offering a plethora of services for migrants, and making administrative resources available for the recognition process. Through these measures, Bavaria has been able to take advantage of the influx of qualified immigrants and lately predominantly refugees addressing the chronic labor shortage in its booming economy.

In 2019, Bavaria had the lowest unemployment rate among the *Länder* (2.8%; the average for the entire country was 5% and for NRW 6.5%). The numbers translate into how foreigners are included into the labor market: Persistently over the past decade, Bavaria has the lowest unemployment and the highest labor force participation among immigrants (for instance, in 2015 the labor force participation for people with a migration background was over 71.2% for Bavaria as compared to 60.8% for NRW). This capacity to integrate newcomers swiftly into the labor market also became apparent in the context of the massive influx of refugees in 2015/16. A longitudinal study on the labor market integration of refugees conducted by the German Labour Agency demonstrates how Bavaria has been the most successful region in providing these refugees with employment opportunities (see Fig. 1). In particular, this *Land*’s capacity to generate full-time employment for refugees (24% as compared to the 17.5% for the German average) speaks to the economic vibrancy of the Bavarian labor market and the administrative capacity of the *Land*. In addition, the prosperous economy of Bavaria creates a positive feedback loop: it attracts well-qualified newcomers where the proportion of migrants without some type of degree of higher education is the lowest nationwide (9%).

Unlike Bavaria, NRW is not an economic power house in Germany and it faces the challenges related to long term structural transition away from the once dominating coal and steel industry. In this context, migrants are widely perceived as an integral part of the aspired restructuring and diversification of the regional economy. The attraction and retention of qualified migrants are socio-economic imperatives that also provide notable incentives for policy innovation. These socio-economic pressures have also been important drivers in the developments that have led NRW to be a policy entrepreneur and to launch the first regional integration ministry in Germany.

When in 2001 NRW started to launch its “integration initiatives” with the support of all parties in the regional parliament, the core idea was to promote programs and policies designed to provide migrants with access to and equitable opportunities in the



**Fig. 1** Employment for refugees after 18 months in Germany (employment status in Bundesländern in %). See for the detailed results of the *Bundesagentur für Arbeit*: <https://statistik.arbeitsagentur.de/Statistischer-Content/Grundlagen/Methodik-Qualitaet/Methodenberichte/Arbeitsmarktstatistik/Generische-Publikationen/Methodenbericht-Integration-Fluechtlinge.pdf>

labor market and the educational system. According to a high-ranking administrator in the Ministry for Employment, Integration and Social Affairs, “To support the integration of newcomers is not so much a political preference as a socio-economic necessity. NRW simply needs to attract foreigners and include them into the labour force.”<sup>11</sup> Concerns about the region’s economic competitiveness were of critical importance in developing initiatives on the ground such as promoting German-language courses for immigrants or facilitating migrants’ labor market access through training and additional education programs.

### Education: integration in the school system

Education is a critical area of migrant integration and an area of ongoing policy innovation. Compared to other OECD countries, Germany has traditionally found it challenging to address the negative effects of individuals’ socio-economic and migration background on the performance in the school system or at university (Heimken 2015). Social mobility for disadvantaged groups has been highly restricted; the German educational system has struggled with providing equal opportunities in particular to migrants. As the increasing availability of internationally comparative data (most significantly the OECD’s Programme for International Student Assessment – PISA) caused considerable concern among German policy makers, reforms of the school system has taken on a high priority. In the context of German federalism, education

<sup>11</sup> Translation by author. Interview conducted Ministry for Employment, Integration and Social Affairs in Düsseldorf, April 2017.

falls squarely in the competence area of the *Länder*. Hence migrant integration in this policy area is a regional prerogative.

Bavaria has invested heavily in its primary education system and regularly achieves the highest scores among the German *Länder* in the PISA Study in reading, mathematics and science. The relatively well-funded school system also allows pupils with a migration background to succeed in reaching satisfactory skill levels at a higher rate than anywhere else in Germany (for instance 65.6% of people with a migration background reached this level in mathematics). In comparison, NRW ranks close to the 52.5% German average.

At the same time, the Bavarian school system is organized in a way that makes it structurally open to excluding migrants from equitable access to educational opportunities. Bavaria traditionally has a relatively selective approach to managing Germany's three-tiered school system that forces pupils into an early selection process after grade four. This practice has restricted opportunities for social mobility and directly affected the inclusion of migrants into the school system. For instance, according to the 2019 "education monitor"<sup>12</sup>, Bavaria only had decisively less foreigners successfully completing the university entry qualification ("*Abitur*") compared to NRW (in 2019, 6.4% and 12.1%, respectively). Similarly, Bavaria's rate of foreigners leaving the school system without any school leaving certificate is significantly higher (21%) than in NRW (14.5%). Different from some other German *Länder*, Bavaria has also kept the lowest tier of the school system (*Hauptschule*) that is used by foreign pupils to a considerably higher percentage than by Germans. The difference is clearest in Bavaria, where the proportion of secondary school students among pupils with a non-German citizenship in 8th grade at this school is 70.1%, while the proportion among Germans is 27.5%<sup>13</sup>. In contrast, NRW has switched to a comprehensive school system where this segregating effect is not so pronounced.

In this regard, integration of migrants into the educational system at the regional level reflects particular policy trajectories of individual *Länder*. Bavaria has a well funded school system which translates into a high level of achievement for both the German and foreign born pupils at the most advanced tier of the school system (a well equipped educational system has allowed Bavaria also to offer Islamic religious instruction at over 350 of the *Land's* schools). While rated highly for overall achievement and quality in training pupils, the 'education monitor' ranks Bavaria relatively low with regards to this *Land's* overall integration success and its tendency of excluding migrants from equitable educational opportunities. In contrast, in NRW the overall quality of primary education is lower but its educational system is structurally more open to pupils from less socially privileged and migration backgrounds.<sup>14</sup>

### Engaging migrants themselves—inclusion into the political process<sup>15</sup>

The broader field of providing pathways to political inclusion of migrants and minorities shows similar variations along regional lines: the *Länder* that can claim to have

<sup>12</sup> Conducted by the *Initiative Neue Soziale Marktwirtschaft*: <https://www.insm-bildungsmonitor.de/>

<sup>13</sup> See [https://www.integrationsmonitoring-laender.de/sites/default/files/integrationsbericht\\_2019\\_n2.pdf#page=116](https://www.integrationsmonitoring-laender.de/sites/default/files/integrationsbericht_2019_n2.pdf#page=116)

<sup>14</sup> See the various indicators in the 2019 Integration Monitoring Report, part D.

<sup>15</sup> This section is partly based on a conference presentation by the author: Schmidtke 2014b.

made the most important steps towards actively supporting political integration are those that have passed integration laws at the regional level. In 2012, North Rhine-Westphalia passed a so-called *Participation and Integration Law* whose main aim is to promote active participation and citizenry among migrants in formal political institutions and informally in civil society contexts.<sup>16</sup>

Political inclusion refers to migrants' political participation and advocacy in different forms in the—formal and informal—political process. In this respect, the impact of the German *Länder* is pivotal. Regional authorities set the agenda for those NGOs representing the interests of migrants and minorities. The subnational context plays a crucial role in providing a space for effective political advocacy and inclusion (see Bogumil and Hafner 2017). For instance, NRW has been actively involved in cultivating the political engagement and participation of migrants themselves and their organizational bodies. State agencies in this *Land* have nurtured an infrastructure—partly through the use of material incentives—to support the self-organization of migrants in their communities. At this level of government, commitment to political participation is geared toward grassroots involvement. Similarly, the inclusion of migrants in the political life and state institutions of NRW has recently become more robust (Schönwälder 2013).

Even though it is difficult to stipulate the kind of impact that migrant organizations actually have on public-policy formation, regional levels have generated some marked opportunities for civil society input and initiatives. For instance, *Länder* are responsible for the legal framework of municipal self-administration. They can and do mandate their cities and counties to create so-called integration councils (*Integrationsräte*) that can help authorities to develop local integration concepts. In this respect, the NRW integration plan established a comprehensive institutional network that has proven to be instrumental in facilitating the implementation of policies in local contexts. These agencies play a dual role as service providers and as an institutional context for collective decision-making and political advocacy.

In a similar vein, a project at the regional level called *MigrantInnenselbsthilfe* (migrant self-support groups) assists migrant organizations with conceptual, legal, economic, and financial issues, and in the area of public relations. In promoting grass root engagement, policy makers can rely on a well-developed network of civil society actors: organizations such as unions or church-based groups had provided basic support for migrant integration long before this objective had slowly taken on the role of a policy priority in Germany in the 1990s. These organizations have recently played a critical role in re-invigorating a bottom-up, place-sensitive approach to facilitating integration. While the formal role of the above mentioned councils does not involve any substantial decision-making power, their inclusion into a consultative process can be instrumental for the formation and success of integration policies on the ground (Blätte 2016).

In a previous study of NRW (see for detailed findings: Schmidtke and Zaslove 2014), we detected a distinct logic of deliberating and politically framing the issue of migration integration at the regional level. In a frame analysis of elite discourse we found a predominantly pragmatic deliberation of migration issues across party lines. In

<sup>16</sup> In terms of promoting the political participation of immigrants the Berlin 'Law for the regulation of participation and integration' (2010) proved to be pioneering.

stark contrast to the highly divisive national debate about alleged threats associated with cultural and religious diversity, the integration discussion in this *Land* is framed in terms of the region's interests and the need to integrate newcomers effectively into the fabric of society. The dynamics of addressing issues of migration and diversity in politics and the strong emphasis on a pragmatic, interest-driven discussion create significant opportunities for innovative policy development at the subnational level. Once entrenched in regional policy making, issues of migration tend to be addressed more firmly under pragmatic auspices and less driven the agenda of populist actors in competitive party politics at the national level.

### **Defining integration in practice: the politics of identity and regional belonging**

An additional factor shaping the intercultural opening and integration policies of regions are distinct forms of collective identity at the regional level. Bavaria sees itself as a region with an outspoken legacy of cultural distinctiveness and political aspirations that in some degree mimic those of other cases of minority nationalism (Hepburn and Zapata-Barrero 2014). In the Bavarian case, the enduring call for greater political autonomy in Germany's federalist order is significantly driven by the *Land's* conservative identity and, as a popular reference point in sustaining this identity, its distinct cultural, linguistic, and religious traditions (most importantly, the prominent role of the Catholic church in public life).

Yet, in terms of its regional plea for more autonomy, the most important fights are rarely over policies designed to protect an indigenous language, dialect, or distinctive cultural institutions. The focus of political disputes between the Bavarian-led regional and the federal government is rather on the reach of regional jurisdiction over key public policies. It is in this context that Bavarian politicians have become the most outspoken advocates of a restrictive immigration policy and an assimilationist integration policy. In particular with respect to migration and refugee related matters, the CSU has challenged the CDU-led government under Angela Merkel as a conservative corrective to the more centrist approach at the national level. Most notably, the CSU has opposed Chancellor Merkel's approach to the refugee issue over the past years. In this latter respect, the CSU's political framing and policy initiatives are both, attempts to establish a Bavarian model based on an assimilationist understanding of integration and political aspirations to change the public debate and policy making at the national scale into a similar direction.

In this respect, migration has become a divisive issue that has proven to be instrumental in defining the conservative political identity of the CSU and the role that Bavarian politicians play in the broader national debate. As a market-oriented party, the CSU has reacted to the increasing pressure from the business community to allow for a more liberal approach to immigration in order to address pressing labor-market shortages. For instance, the abovementioned investment in training refugees and facilitating their labor market inclusion underlines how urgent the Bavarian economy requires the influx of foreign workers.

However, at the same time, the issue of migration and diversity plays a prominent role in the CSU's claim to be the conservative-nationalist corrective to both the leftist reform plans of the Green Party as well as Merkel's attempts to move the Christian Democratic Party closer to a pro-migration stance. In a highly divisive public debate on

multiculturalism, CSU chairman Horst Seehofer was outspoken in his plea for greater restriction on Muslim immigrants depicting them as “difficult to integrate” and representing “foreign cultures” as a genuine threat to German society. Seehofer unambiguously portrayed the CSU as the guardian of a German ‘leading culture’ (*Leitkultur*) and declared migration to be the ‘mother of all political problems in the country’ in 2018.<sup>17</sup> These statements underline that traditionally the Bavarian CSU tends to fall back on employing anti-immigrant rhetoric and articulate a position in competitive party politics that is now more radically claimed by right-wing, populist forces. The CSU’s competing claims to prepare Bavaria for the challenges of a globalized economy on the one hand and to protect the Land’s identity from growing socio-cultural and religious diversity on the other hand shapes the broader political context in which migration and integration policies are negotiated and implemented at the subnational level.

In this regard, identity politics is an important driver of policy formation (see Odmalm 2012). For instance, Bavaria’s strong commitment to its Christian-Catholic identity has shaped the difficult debate about the public accommodation of religious diversity in particular with regard to the *Land’s* Muslim minority. The contested debates on whether to remove crucifixes from school class rooms or whether to allow Muslim women to attend school in a headscarf were in Bavaria regularly shaped by the idea of Christianity as a fundamental to the *Land’s* cultural identity (Carol 2018). Compared to more pragmatic approaches in NRW, the role of Islam in public life has been – in particular during times of electoral campaigns—notably more controversial and politicized in Bavaria.

At the national level, mainly due to the discursive practices of the conservative parties and in particular the Bavarian CSU, the debate on immigrant integration has become highly divisive and focused on the alleged negative implications of religious and cultural diversity in public life. The latent populist undertone of this debate and the rise of the populist right has left the mainstream parties in a difficult position largely refraining from taking this issue on in their national campaigns. The divisive and partisan public debate on migration and integration at the national level has therefore discouraged many more ambitious goals for integration. At the regional level, however, the populist inclination to mobilize anti-immigrant sentiments is notably less prominent and belligerent; rather, in the subnational context, there is a lasting drive towards more problem-oriented approaches to governing migration and integration (see Schmidtke and Zaslove 2014). As a persistent trend one can observe a pragmatic turn in prioritizing concrete, community-based policy issues and the positive economic impact of migrants over anti-immigrant political rhetoric—or as Poppelaars and Scholten (2008) put it, the issues are driven by the need for ‘keeping things together’).

## Conclusions: decentralization and divergent policy regimes at the regional level

The task of immigrant integration does not unfold based on a unitary national model in Germany. Rather, the conditions under which immigrants seek full and equitable access to the opportunities associated with becoming citizens are territorially specific. As this

<sup>17</sup> See: <https://www.dw.com/en/migration-mother-of-all-political-problems-says-german-interior-minister-horst-seehofer/a-45378092> (accessed 9 September, 2019).

policy domain has evolved in Germany, the evidence of the past 20 years suggests that regions have become important laboratories for deliberating and implementing integration policies. The German *Länder* have started to develop their own space-sensitive approaches to integration. The lack of national leadership and the pragmatic challenges on the ground have propelled the subnational level of governance into the role of—at times hesitant—policy entrepreneurs. *Länder* have engaged in forms of policy coordination and mutual learning with comparable standardizing effects.

Yet, at the same time, Germany's regional governments have developed their own priorities and programs; we witness regionally divergent modes of public policy making in the field of immigrant integration (see Henkes 2008). As the former head of the high-profile bipartisan commission to overhaul Germany's immigration policies (2000), Rita Süßmuth observed: "Despite uniform legal federal regulations, the law is applied differently (across the regions)." (Süßmuth 2012, p. 908, own translation). In this respect, the integration of immigrants constitutes a policy field that is at odds with the general centralizing tendencies in Germany's federalist structure and that has developed a momentous dynamic in shifting leadership in terms of policy innovation to the subnational level.

One key element that could explain this development is the dynamic of the multi-level governance approach that has shaped the formation of integration policies over the past twenty years: Although there was a concerted effort by the federal government to concentrate policy leadership at the national level, political authority in this policy domain has become more diffused and subject to vertical and horizontal cooperation as well as learning across multiple governance levels. In this respect, the evolving field of Germany's policies aimed at integrating immigrants is a case of diffusing political authority and differentiation of governance practices across different territorial levels. Germany's federal order provided a fruitful environment for a 'complex, fluid patchwork of innumerable overlapping jurisdictions' (Hooghe and Marks 2001:4) to emerge and to instigate a decentralized process of agenda setting and policy innovation. Over the past 15-20 years, *Länder* governments have established their own policy priorities and, in a substantive matter, defined what is meant by "integration" through their political, legislative, and administrative practice (see for similar findings from across Europe: Caponio and Jones-Correa 2018; Campomori and Caponio 2017; Scholten 2013, 2016; Zuber 2019. For Canada see: Paquet 2014; Jeram and Nicolaidis 2019).

Based on the evidence of regionally specific policy agendas and approaches to tackling the task of including newcomers into society, can we speak of coherent regional models of immigrant integration? It is worth pointing out that *Länder* can be vanguards when it comes to one dimension of integration, for instance the labor market inclusion of migrants, while they are laggards when it comes to another dimension such as political representation and the public endorsement of cultural diversity or mainstreaming immigrant integration across different policy domains. Bavaria is a prominent example of this constellation. Frequently, pragmatic concerns rather than an articulate paradigm are driving integration efforts and policy formation at the subnational level.

Still, when we consider the social and political reality that newcomers encounter in their integration efforts in two of the main immigrant receiving regions, North Rhine Westphalia and Bavaria, regional variation in this field of public policy making is consequential for how new citizens are being made. One interpretation would be to



suggest that the different economic realities and the regional political culture have been driving the integration agenda. And indeed, the booming economy in Bavaria has created ample opportunities for immigrants in the labor market while practices in the field of cultural accommodation and access to naturalization reflect the exclusionary underpinning of the region's identity and conservative political culture. Considering the dominant political skepticism towards migration and cultural diversity that Bavaria displays forcefully in the broader Germany context, it is worth underlining that, despite some success with respect to economic integration, the socio-cultural integration of immigrants has regularly been undermined by dominant political considerations. The reaction of Bavaria's leading politicians to the massive influx of refugees in 2015/16 provided a vivid illustration of how negative political attitudes towards migration have generated their own exclusionary societal effects on the ground.

Taking into account the development of the policy domain under discussion here, it is worth underlining the path dependency of governance structures and policy priorities over time (see Manatschal and Stadelmann-Steffen 2014). As described in the comparative section on Bavaria and NRW, the contrasting visions of what constitutes successful integration and what it means for governance practices, maps onto a left-right divide (differences between Christian Democratic and Social Democratic governed regions). Partly driven by party agendas and electoral politics, partly by pragmatic concerns about effective policy implementation, regional authorities have developed institutional path dependencies. Once established institutional practices, policy frameworks as well as political cultures develop their own dynamics driving the integration agenda. For instance, North Rhine Westphalia has switched back and forth between governments of the moderate left and right multiple times over the past 20 years. Regardless of changes in government, the commitment to a more inclusionary agenda of promoting immigrant integration has largely remained intact and been based on a broad bipartisan consensus. The role that regions play in promoting immigrant integration can thus be seen to be tied to broader territorially specific socio-political environments, pathways of institution-building, and policy trajectories.

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