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Europeanization of domestic migration control policies: the case of short-stay visas

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Abstract

This paper investigates to what extent the dismantling of internal frontiers in Europe has resulted in more restrictive external migration control policies. Existing research has put forward claims in support of both a negligent impact as well as a sizable restrictive effect. Methodologically, the analyses have remained mainly explorative. Based on an Europeanization framework, I assess the two contrasting arguments through a quasi-experimental study using the case of visas and data from the 2007 Schengen enlargement. The example enables a comparison of the visa-issuing practice of the new member states before and after they fully joined Schengen, as well as a check against a control-group consisting of existing full and partial participants in the policy. I show that the practice of the new member states became considerably more restrictive after they joined Schengen, although the size of the shift varied. In contrast, the visa policy of the majority of the other participants remained the same or was slightly liberalized in the period. Hence, the data supports the claim that there was a restrictive shift in the new member states and that this was caused by Schengen membership, not other internal or external events. I thus argue that the example of visas shows that the establishment of shared EU migration control policies has had a considerable and restrictive effect on domestic practices.

Contact information

Mogens Hobolth
MPhil/PhD student
European Institute
London School of Economics and Political Science
m.h.hobolth@lse.ac.uk

Introduction

In today's Europe internal border controls have largely been dismantled (Bertozzi 2008).¹ As a result, people can in principle move freely between most European countries.² The states instead share a single external border and have adopted uniform rules and norms for its control. This common free travel area is usually referred to as the Schengen cooperation.

The consequences of the Schengen system for the ability of third country nationals to enter Europe are a topic of debate and concern in the academic literature. Some researchers argue that the internal liberalization has had a considerable and negative effect on the accessibility of Europe (Meloni 2005; van Houtum & Pijpers 2007; Munster 2009; Bigo & Guild 2005: 258). European states have not been able to agree on a new standard of control. They have simply pooled existing entry criteria and thereby cumulated and aggregated their national migration and security concerns. This has had a restrictive effect as member states now not only deny the entry of outsiders for national reasons but also take into consideration the interests of all other European states. Other analysts argue that the impact of the common rules is in practice small (Berg & Ehin 2006; Bigo & Guild 2004: 31). The official rules might appear highly restrictive. But they contain so much flexibility and room for interpretation that the member states are free to pursue their own policies. Common to both arguments is that their methodological basis has so far remained largely explorative lacking an explicit research design and systematic empirical assessment.

The aim of this paper is to contribute to the emerging body of literature exploring the effect of the Schengen cooperation on the openness of Europe's borders to outsiders. I analyse a key element of the common policy: the shared visa legislation setting out which criteria should be applied in assessing applications (Council 2008a; OJEU 2009; Meloni 2009). The question I ask is to what extent, if at all, the shift to shared EU visa-issuing rules and norms have had a restrictive effect at the national level. By restrictiveness I understand increases and decreases in the amount of people refused access relative to those who request to enter.

I address this problem conceptually using an Europeanization framework. The analytical focus of the approach is the impact of EU-integration on domestic politics and policies (Hix & Goetz 2000: 2f; Radaelli & Pasquir 2006: 36). A set of existing studies of EU migration policies have utilized the perspective (Ette & Faist 2007b; Thielemann 2001; Cantero 2011; Lavenex 2001). They have focused on identifying the mechanisms through which EU policies affects the national level. Their starting point has been a European-level initiative, followed by an investigating of the pathways through which it impacts domestically. The methodological basis has mainly been detailed single country case studies.

In this way existing Europeanization research has identified key mechanisms structuring the impact of integration. This includes, for example, discursive framing strategies and membership conditionality (Ette & Faist 2007a; Cantero 2011). It has not, however, assessed in more detail whether or not other causal drivers than European cooperation are more relevant in explaining

¹ All EU-states except the United Kingdom and Ireland take part in the border cooperation. Iceland, Norway and Switzerland also participate even though they are not members of the EU. Denmark is associated on special terms due to its opt-out of all other supra-national justice and home affairs policies. Liechtenstein has requested membership but negotiations have so far not progressed far.

² Whether or not internal movement has become „free“ is contested in the literature. Some analysts argue that with the Schengen cooperation the old, systematic internal border control has merely been replaced with new forms and sites of control, for example inspection of passports at hotels and spot-checks at train stations (Crowley 2001; Atger 2008).

domestic policy changes. The analytical setup has focused on ascertaining how Europe matters, not to what extent it matters compared with other factors (cf. Levi-Faur 2004; Haverland 2006a).

Pursuing the latter line of inquiry is relevant because we ought not to assume in advance that there is a sizable impact of EU level rules and norms. Migration is often a highly salient issue in domestic politics and intertwined with questions of identity and sovereignty (Lapid 2001). Wider processes of globalization as well as armed conflicts and economic crises are also likely to have a major impact on the agendas pursued (Thielemann 2003). If the shared rules are highly flexible, it would seem reasonable to expect that national politics and external events are the most central factor in explaining policy changes and EU-integration only of secondary importance. Most European member states, for example, have seen a restrictive turn in migration debates over the last years. A tendency towards more closed external borders might be primarily a result of this trend and not the internal liberalization. For this reason it seems worthwhile to attempt to focus analytically on identifying the extent to which EU-integration matters, as a supplement to studies detailing the precise causal mechanisms through which it might affect domestic policies.

In order to probe the impact of the EU rules and norms I conduct a quasi-experimental study (Meyers 1995; Shadish, Cook & Campbell 2002). The key idea behind this research design is to assess the causal effect of a factor by making use of real-life scenarios in which a group experienced a change in the variable while another did not. To do this I draw on data from the Eastern enlargement of the Schengen area.

In December 2007 nine new EU member states joined the Schengen area and became full participants in the EU's visa regime. Prior to this they followed the same visa list and issued visas of the same format. But they were free to use different, and perhaps more liberal, criteria for issuing visas as the permits were not valid for travel to the entire Schengen area. When they became full members internal border control was lifted, and they had to shift to the common issuing rules as their visas became valid for travel to the entire of Europe.

The expansion of the visa policy makes for a natural experimental. The effect of the EU rules can be studied by comparing how the new member states' practice potentially altered after they became full participants. This shift can, additionally, be compared with how the visa-issuing practice developed in the other member states which did not shift their rules in the same time period. This includes both existing full participants in the policy such as France and the Netherlands as well as the states which remained only partial members of the visa regime – Cyprus, Romania and Bulgaria. If there was a shift in the practice of the new member after they became members, and it differs systematically from the developments in the other states, this would support the argument that there is an impact of EU integration which cannot be reduced to the effect of other internal or external factors.

Using this research design I show that the visa-issuing practice of the new member states shifted, to a varying extent, in a restrictive direction following their full Schengen membership. In the same period the policy of the existing full and partial members mainly remained the same or was slightly liberalized. Thus, the restrictive shift is unlikely to be due to other factors at play in the same time period as these – seemingly – pulled slightly in the reverse liberal direction. The case thus shows that EU-integration has had a marked restrictive effect on domestic practices and that this effect is not likely to be due to other factors. In this way the analysis supports the thesis that Schengen

cooperation has led to an aggregation of migration and security concerns resulting in more restrictive national external border policies.

The paper is structured as follow. In the next and second section I present the Europeanization framework. The third and fourth sections set outs the research design and data. In the fifth section I conduct the empirical analysis and discuss the impact of the common visa issuing criteria. Finally, I conclude.

Analytical framework: an Europeanization approach

Europeanization is a recent and expanding research agenda in EU studies (Exadaktylos & Radaelli 2009: 508). There is some debate as to what the notion Europeanization more specifically refers to (Radaelli 2003; Börzel & Risse 2003; for a critical overview see Olsen 2002). In the following I understand the concept as denoting “[...] the effects of European integration on domestic polity, politics and policy” (Radaelli & Pasquir 2006: 36; cf. Hix & Goetz 2000: 2f).³ Thus defined the term refers to national changes which are caused by developments at the European level.

Europeanization studies vary with regards to their precise analytical focus. Some conduct careful process-tracings of the causal mechanisms through which European institutions affect national policy and practice (Ette & Faist 2007b; Grabbe 2003; Featherstone & Kazamias 2001). Others stress the need for a comparative perspective testing the causal effect of EU cooperation relative to other domestic and international factors (Levi-Faur 2004; Haverland 2006a; cf. Hix & Goetz 2000). The former strand is the most predominant in the Europeanization literature (Radaelli & Pasquir 2006: 40; Exadaktylos & Radaelli 2009: 526) including studies of EU migration policy.

Research focusing on causal mechanisms usually assumes from the outset that Europe has an important and considerable effect (cf. Vink & Graziano 2006: 3; Caporaso 2006: 27). The focus of the analysis is to identify how the effect works in detail. This approach is illustrated in figure 1:

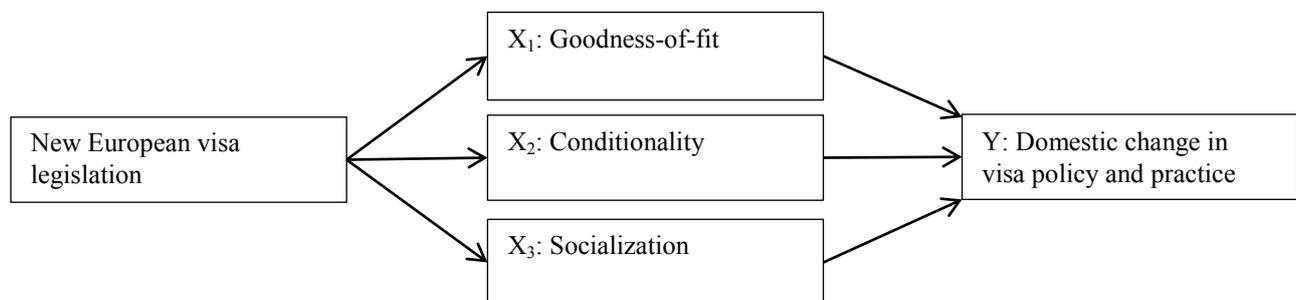


Figure 1: Europeanization-as-causal-mechanisms. The analytical focus is how Europe matters. Developments at the European level are assumed to have a causal effect of relevance, and what needs to be ascertained is how this effect work its way through to the national level.

In this strand of Europeanization research it is analysed in detail through what processes European legislation impacts at the national level. Is, for example, the effect best understood using the lens of rational choice institutionalism (conditionality, legal sanctions) or sociological institutionalism (changes in norms and identities)? If the size of the impact varies nationally can this be accounted

³ Finally, a set of authors see Europeanization as the interplay between the European and domestic level. They thus investigate not only the top-down „download’ of policies but also the previous bottom-up „upload’ (Börzel 2002). The reason for this is the likely linkage between the two processes.

for by the ‚goodness-of-fit‘ between the EU policy and the previous national approach (Börzel & Risse 2003)?

This analytical approach has strong merits. In the area of migration policy, for example, Cantero (2011) has identified how the impact of Europe works through a filtering by national actors. Key domestic players draw upon EU regulation to justify different national agendas. Thus, politicians who wish to cater to business needs for cheap labour without alienating a migration sceptical population can ‚blame‘ EU integration for necessitating a liberal policy. And reversely, national policy makers who wish to restrict migration without inviting criticism from human rights agencies and pro-migrant organisations can refer to the need to adapt to EU standards (cf. Guiraudon 2003).

However, the identification of the precise causal mechanisms would seem the more relevant if we know with some certainty that integration is an overall interesting driver of change. That is, pinpointing precisely how Europe impacts domestically takes on more importance when we can show that national developments are not primarily spurred by other factors. Studying solely the EU-angle might distort the overall picture of the factors at play and put an overemphasis on integration.

Levi-Faur’s (2004) analysis of the liberalization of the telecoms and electricity industry in Europe provides an interesting case in point. His article is based on a comparative research design in which the developments in the EU member states are contrasted with a group of other Western and Latin American states. The conclusion he arrives at is that the liberalization process is driven by broader global processes and would likely have occurred even in the absence of European cooperation (Levi-Faur 2004: 4). He emphasises that as policy sectors characterized by a significant transfer of competences to the European level these areas are most-likely cases for an ‚EU-effect‘. Hence, the conclusion might also plausibly hold for other instances of domestic liberalization of industries.

Levi-Faur’s analysis underlines the need to study the impact of integration relative to other likely sources of change. This is even the case in situations where it might seem that this step can be safely overlooked. In the field of migration policy external events such as wars and domestic electoral politics are likely to play a central role. National policy changes could very well have come about without EU cooperation. Thus, in this area it would seem especially warranted to supplement existing studies of causal mechanisms with an assessment of the relative effects of integration.

The analytical starting-point for the comparative approach is, in principle, a domestic development such as the introduction of a new policy or a change in the organization of the national executive. The model is illustrated in figure 1:

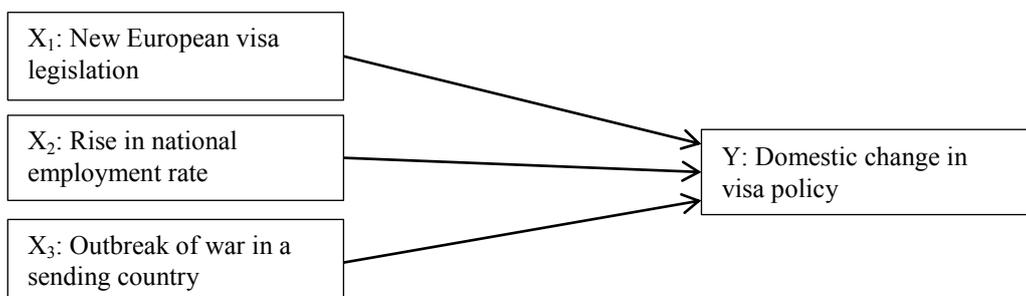


Figure 2: Europeanization-as-causal-effects. The research question asked is whether or not European integration has an effect at the domestic level, or if other factors are better able to explain policy developments.

The central question studied is to what extent EU-integration is the cause of the domestic change. This is assessed by, for example, examining the presence or absence of other relevant factors and whether or not the same development took place in a country not taking part in the European cooperation. If so, this would question the extent to which integration is the main driver. The theoretical perspectives developed in the wider literature on the policy area in question guide the selection of additional variables.

In the next section I set out the research design I use to assess the extent to which EU-integration has caused a restrictive shift in domestic visa policies.

Research design: a quasi-experiment

The main methodological approach in Europeanization research is the study of single cases (Haverland 2006b: 66) – often countries. This is also the road taken in the existing analyses of the area of migration (Ette & Faist 2007b; Cantero 2011; cf. Geddes 2003). It allows for an in-depth assessment and identification of the causal mechanisms at play. The major drawback of the method is the uncertainty about the extent to which the findings also apply in other settings, and that it is not geared at identifying the relative size of the causal effect.⁴

In this paper I make use of a quasi-experimental approach (Meyers 1995; Shadish, Cook & Campbell 2002; Lijphart 1971: 683f; cf. Haverland 2006b: 63).⁵ Shadish, Cook and Campbell (2002: 12) define an experiment as a “study in which an intervention is deliberately introduced to observe its effects”. This can take place in a laboratory or in the field. In social and political science there are often significant practical and ethical barriers to this kind of research and a quasi-experiment can therefore be a good alternative. In the quasi-experiment the researcher lacks the same degree of control over the factor of interest and instead makes use of a „naturally’ occurring development such as a shift in government policy.

The simplest, basic quasi-experimental design involves the study of one group with a measurement conducted before and after the intervention occurs (Meyers 1995: 154). The difference between the two values is then taken to be the result of the policy change. A key weakness of this approach is that it is not possible to rule out that other events in the same time-period influenced the outcome. For this reason most studies also assess events in another similar group which did not experience the same intervention (Meyers 1995: 155ff). If the same development did not take place here, the intervention is very likely to be the cause of the change. As it is very difficult to find perfect control cases, it is important to consider alternative plausible explanations (Shadish, Cook & Campbell 2002: 14).

The 2007 Schengen enlargement provides the material for a quasi-experiment. It allows us to study the effect of EU-cooperation by measuring visa-issuing practices before and after. Any shifts among the new member states can then be compared with the visa practice of the states who participated in the policy throughout the period and those who remained outside.⁶

⁴ Though if the researcher from the outset pays careful attention to and test rival explanations it can to some extent be used to identify the relative causal importance of the key dynamic of interest (Haverland 2006b: 66).

⁵ Meyers (1995) notes that this approach is most often labelled as quasi-experimental in the discipline of psychology whereas the term natural experiment is more often used in economics.

⁶ The use of the differential speed of integration resembles Haverland’s (2006a: 142) suggestion to use the opt-outs and opt-ins of integration to measure the relative effects of EU-cooperation.

There are two main challenges involved in setting up the quasi-experiment. The *first* relates to issues of anticipated implementation. The new members could have altered their practice some time before formally acceding. If so, it would not be possible to fully identify the effect by looking at the period from 2006-7 to 2008-9. However, the new member states have consistently delayed the adoption of the Schengen rules as long as possible mainly to avoid adverse consequences for travel and trade with their Eastern neighbours (Schimmelfennig & Sedelmeier 2004: 672; cf. Lavenex & Ucarer 2004: 431). This aspect should thus not be a concern. The shift ought first to have occurred immediately after their full accession to Schengen.

The *second* concerns the comparability of the member states. Do the other states provide a good enough comparison group? Are they exposed to similar external events and are they likely to respond in roughly similar ways? Despite substantial differences in wealth, labour markets and welfare regimes all EU countries belong to „the global North’ and are attractive immigration destinations for persons from poorer and less stable states. Migration control is thus arguably a common concern though members may vary in the liberality or restrictiveness of their overall policy. Still, it seems plausible that the ‘old’ member states are generally more well-known as places of refuge. External events such as wars or famine might then trigger a greater „migration fear’ in these countries. The EU’s common asylum policy, however, could even out these differences to a considerable extent. Mutual agreements between the member states ensure that, in principle, it is the first country of entry which has the responsibility to treat asylum cases (Lavenex 2001; Ucarer 2001). This suggests that new as well as old Schengen members have a similar concern with the management of refugee flows.

Data

The data source for the analysis is official EU overviews over the number of visas applied for, issued and refused in the period from 2006 to 2009 (Council 2007a; 2007b; 2007c; 2008b; 2009; 2010). In the period before (2006-7) and after (2008-9) the Schengen enlargement the EU collected visa-issuing statistics from both the existing and new participants in the common policy. This information makes it possible to identify potential changes in the number of received visa applications and refusal rates.⁷

The key dependent variable of the analysis is the visa refusal rate. This I have calculated as the number of refusals divided by the number of applications. In the measurement I take into consideration two potential sources of bias in the visa data.

Firstly, for some member states there can be a discrepancy in the figures: there are more received applications than refused and issued visas. The explanation for this seems to be differences in reporting practices. Some members compile annual statistics without taking into account that not all visa application processes have been terminated at the end of the year. In the case of Denmark, for example, delays appear to arise mainly when consulates have to consult with the national ministries at home over whether or not to issue a visa. Consultation is primarily used in third countries considered a „migration risk’ where applications are more likely to be turned down than in other countries. It is hence important that these cases are included in the analysis. Otherwise, the figures would be skewed in a liberal direction. In the calculation I assume that half of the in-completed

⁷ The European Union did not begin to compile comprehensive visa statistics until 2005. Therefore, it is not immediately possible to conduct the same comparison for earlier Schengen enlargements. Switzerland joined in December 2008 but the Swiss statistics as currently published are too incomplete to allow for analysis.

applications are refused. I assess the implications of this assumption and other possible solutions in the robustness section.

Secondly, a complication arises from the so-called VTL visas. These are visas that a country can issue if it does not consider the EU-criteria to be met, but wish to allow partial entry. VTL permits only give legal access to the territory of the issuing member state. I have included these in the calculation as issued visas. A member state, which makes considerable use of this option, would otherwise appear more restrictive in its practice than it is. I also discuss this further in the robustness assessment.

I have calculated the mean refusal rate for a member state by averaging the value for each third country in which it issued visas. An alternative approach would be to sum up the total number of issued and refused visas and then use this aggregate figure to arrive at a refusal rate. With this method the figure is in general lower. The reason is that most member states receive a very high amount of applications from a key set of countries which also enjoy a privileged low refusal rate. This causes the overall refusal rate to shift downwards. Using an average of the countries' score instead provides a better assessment because it is less influenced by „outlier' key partners (cf. Neumayer 2005: 50f). In the robustness section I evaluate the implications of using the global figure as an alternative measure.

Empirical analysis: The domestic impact of the EU visa cooperation

The EU rules and norms on visa-issuing set out in considerable detail what aspects national public administrations should take into consideration in their assessment of visa applications from citizens of third countries (Council 2004; OJEU 2009; Meloni 2009). The overall aim is to prevent visas from being issued to persons who are likely to be a security or migration „risk' to the member states. Migration risk refers to the likelihood that an applicant intends to violate the terms of the visa by taking up work or overstaying.

The rules set out the visa fee. They specify which supporting documents the member states should take into consideration. This includes, for example, bank guarantees, letters from sponsors, personal interviews and travel insurance details. They also regulate the case management process by requiring the public authorities to check the Schengen Information System (SIS) database of persons not wanted in the EU. A member state can also request to see the applications from certain groups of nationals received by the other EU countries, and recommend refusals where it deems it appropriate.

The EU legislation thus contains a comprehensive set of visa-issuing criteria and policy aims. If a new member state is already focused on avoiding irregular migration and has strict entry requirements the EU criteria need not have a restrictive impact. But if its visa policy were driven by other concerns and its rules were less comprehensive there could well be an effect. The SIS check and the consultation norm in particular seem to point in a restrictive direction. These oblige a member state to take into consideration the concerns of all Schengen participants and could thus lead to a ‚pooling' of security and migration fears (Meloni 2005; Bigo & Guild 2005: 258).

Yet the EU-rules are also flexibly worded and leave room for divergent interpretations by the member states (Meloni 2009; cf. Bigo & Guild 2004: 31). Many of the criteria are of a non-binding nature. They are also non-exhaustive thus not preventing a member state from imposing additional requirements. VTL visa also introduce further flexibility. These could allow a member state to

maintain its existing policy without taking into account the interests of the other participants. The common framework, furthermore, does not specify what overall risk national ministries should attribute to different third countries. Whether or not a group of nationals is overall considered to pose a low, medium or high risk – and consequently how stringently applications are scrutinized – is left for the member states to decide. In this way too the member states can retain some autonomy.

The shift to the EU-wide rules late December 2007 in nine of the new EU member states provides an opportunity to assess the impact of the rules. Was there a restrictive effect? I have structured the discussion in two stages. I start out by providing a descriptive overview of the changes in the new states visa-issuing practice compared with the other full and partial Schengen members. The overall findings of the analysis are then tested statistically.

Table 1 below illustrates the changes in the member states visa-issuing practice before and after the Schengen enlargement late 2007:

Table 1
Member state visa-issuing practices before and after the Schengen enlargement

	N	Visa applications			Visa refusal rates		
		2006-7	2008-9	Change	2006-7	2008-9	Change (%)
Existing Schengen members							
- Austria	37	329.449	291.702	-37.747	7,8%	8,8%	1,1
- Belgium	45	367.362	376.943	9.581	20,8%	21,2%	0,3
- Denmark	41	150.980	152.569	1.589	15,5%	17,9%	2,4
- Finland	27	1.277.896	1.592.126	314.230	17,4%	17,5%	0,1
- France	98	3.926.048	3.628.410	-297.638	16,3%	10,4%	-6,0
- Germany	86	3.718.263	3.470.926	-247.337	16,7%	14,2%	-2,5
- Greece	40	1.274.355	1.444.015	169.660	17,4%	13,9%	-3,5
- Iceland	1	366	908	542	3,3%	10,2%	7,0
- Italy	69	2.052.603	2.320.902	268.299	6,9%	9,3%	2,3
- Luxembourg	2	8.537	9.273	736	7,9%	4,1%	-3,9
- Netherlands	60	754.508	683.023	-71.485	16,8%	15,1%	-1,8
- Norway	42	109.432	112.166	2.734	20,0%	12,6%	-7,4
- Portugal	31	193.961	226.029	32.068	19,3%	19,5%	0,1
- Spain	54	1.675.235	1.729.383	54.148	15,8%	14,8%	-1,0
- Sweden	41	407.642	410.207	2.565	18,0%	15,4%	-2,6
Partial Schengen members							
- Bulgaria	42	1.024.417	1.241.400	216.983	14,5%	11,5%	-3,1
- Cyprus	24	355.062	340.606	-14.456	8,0%	13,8%	5,8
- Romania	50	349.813	410.561	60.748	13,0%	6,7%	-6,3
New Schengen members							
- Czech Republic	44	1.136.268	1.003.402	-132.866	12,5%	17,3%	4,7
- Estonia	7	223.508	194.320	-29.188	8,0%	18,6%	10,6
- Hungary	33	979.202	598.625	-380.577	8,8%	15,7%	6,9
- Latvia	9	309.109	262.110	-46.999	5,1%	13,8%	8,7
- Lithuania	9	799.063	479.646	-319.417	3,7%	9,5%	5,8
- Malta	6	27.613	57.600	29.987	11,2%	14,1%	3,0
- Poland	47	2.262.706	1.103.365	-1.159.341	8,2%	14,4%	6,2
- Slovakia	22	227.991	144.546	-83.445	7,8%	11,6%	3,7
- Slovenia	11	166.550	210.163	43.613	8,9%	9,0%	0,1

NOTES: See main section on research design.

SOURCE: Schengen Visa Database.

The existing full and partial Schengen member states

Turning first to the existing Schengen members we can see that the size of their visa regime vary considerably. The “N” column contains a count of the third countries in which the member states issued visas both before and after the 2007 Schengen enlargement.⁸ Austria, for example, issued visas in 37 countries whereas France did so in 98. Generally, the larger the EU state the more third countries it is represented in.

⁸ An EU-state can agree to represent one or more of the other members in a third country. Applications to enter Belgium, for example, are in many cases handled by Dutch representations. The member states in general make heavy use of this possibility to enter into mutual representation agreements and only issue visas using their own facilities in a subset of countries.

Iceland and Luxembourg are outliers in this respect since they are only represented in a couple of countries. The two might appear more liberal but this can be put down to the fact that they only issue visas in a few third countries where the other Schengen members also have a relatively lenient policy. Changes over time are also more uncertain as they only pertain to practices in a very limited number of countries. The rest of the Schengen states can more safely be compared as their visa regimes are more comprehensive and span a wider range of countries with varying socio-economics profiles, amount of trade with the EU and levels of armed conflict.

In terms of received applications the visa regimes differ markedly. Again, there seems to be a good correlation between the size of the EU-states and the number of applications, with the larger member states receiving the most entry requests. Finland, however, is an exception to this trend. It received a very high number of applications relative to its size mainly from Russia. The change in the amount of applications in the time-period differs. France, Germany, Netherlands and Austria saw a reduction in numbers. For the remainder there was an increase.

The average visa refusal rate for the majority of the member states falls in the range 15% to 20%. Italy and Austria appears to have a rejection rate at around 9% – somewhat below the main trend. Iceland and Luxembourg also appear liberal, but the underlying data is as mentioned for these cases very limited.

The data shows that the refusal rates remained approximately the same between 2006-7 and 2008-9 in Austria, Belgium, Finland, Portugal and Spain. There was a slight liberalization in Germany, Greece, Luxembourg, the Netherlands, Sweden, Norway and France. In the latter two the drop was sizable. However, for reasons discussed in the robustness section this estimate is somewhat uncertain. Denmark, Iceland and Italy saw an increase in the average refusal rate. For Denmark, though, the rise is somewhat questionable as we shall see below.

As for the partial Schengen members we see an increase in the number of received applications and a drop in refusal rates in Romania and Bulgaria. In the case of Cyprus the reverse pattern is evidenced.

Thus, for the existing full and partial members this period was in general characterized by either little change or a slight drop in refusal rates, and varying shifts in the number of received applications.

The new Schengen member states

Having outlined the overall picture and changes for the existing full and partial participants in the common visa policy, let us turn to the new member states.

The size of their visa regimes also differ considerably. Poland, the Czech Republic, Hungary and Slovakia are represented in several third countries abroad. The remainder only issued visas in 6 to 11 states. Thus, differences in the impact should be interpreted cautiously.

The number of applications received varies between the new members. Poland, the Czech Republic, Hungary and Lithuania in particular handle a large amount. The bulk of the visas were requested by nationals in the Eastern neighbouring countries – Russia, Ukraine, Belarus and Moldova.

There was a considerably decrease from 2006/7 to 2008/9 in the applications received by all the new members but Malta and Slovenia. There was a particularly strong change in Poland where the number of applications dropped to half of the previous figure. This is particularly interesting since the visas issued by the new members in some ways became more ‚attractive’ after 2007 as they were now valid for the entire Schengen territory. This could make them a potential route to establish an irregular presence all over Europe. Entry into one of the new members would enable the holder to cross into a perhaps more attractive final destination in a Western EU country.

There are several factors which could explain the overall fall in the number of applications. The global demand for travel might have dropped as a result of the financial crises. This is suggested by the simultaneous drop in some of the other member states – France and Germany – but is questioned by the increases in several other states.

At the time of the Schengen membership two measures also came into force to ease the flow of persons from the Eastern neighbouring countries: the possibility for visa-free local border traffic and facilitation of visa-issuing (OJEU 2006; Martenczuk 2009: 46f). Both could work to lessen the demand for visas. The number of received applications, however, also dropped in countries not covered by these new instruments. This might partly be due to a general spike in the number of applications in the run up to the shift to Schengen. Third country nationals tried to secure a visa valid at least for the national territories of the states, expecting procedures to be tightened. In some cases visas were also previously issued free of charge making it less of a cost to apply.

The new validity of the visas for the entire Schengen area could also play a role. If, for example, a considerable share of the previous applications to the Czech Republic were by persons who intended to travel also to Poland, then the expansion of the Schengen area would make the application for a separate Polish visa redundant. The visa issued by the Czech consulate would also be valid for the trip to Poland. Finally, it is plausible that a part of the drop is a result of a mechanism of self-selection: applicants choose not to apply anticipating that they will now be refused.

In general, most of the new members had a more liberal visa-issuing practice than the other Schengen states prior to Schengen. Their refusal rates were somewhat lower. The Czech Republic and Malta had a refusal rate slightly above 10%, the rest below or well below this figure. After they became full members the new Schengen countries all shifted towards a more restrictive practice.

The only exception to this pattern of change is Slovenia where the practice remained the same. In this particular case there has probably been prior adaptation to EU norms. When Italy became a member of Schengen in the late 1990s Slovenia also went far to implement similar standards at the borders towards its Balkan neighbours. This was done in an attempt to maintain a mutual liberal practice at the Italian-Slovenian border (Baissero 1998). It is therefore likely that Slovenia also incorporated the Schengen criteria sometime before accession in December 2007.

Figure 3 illustrates the change relative to the other member states:

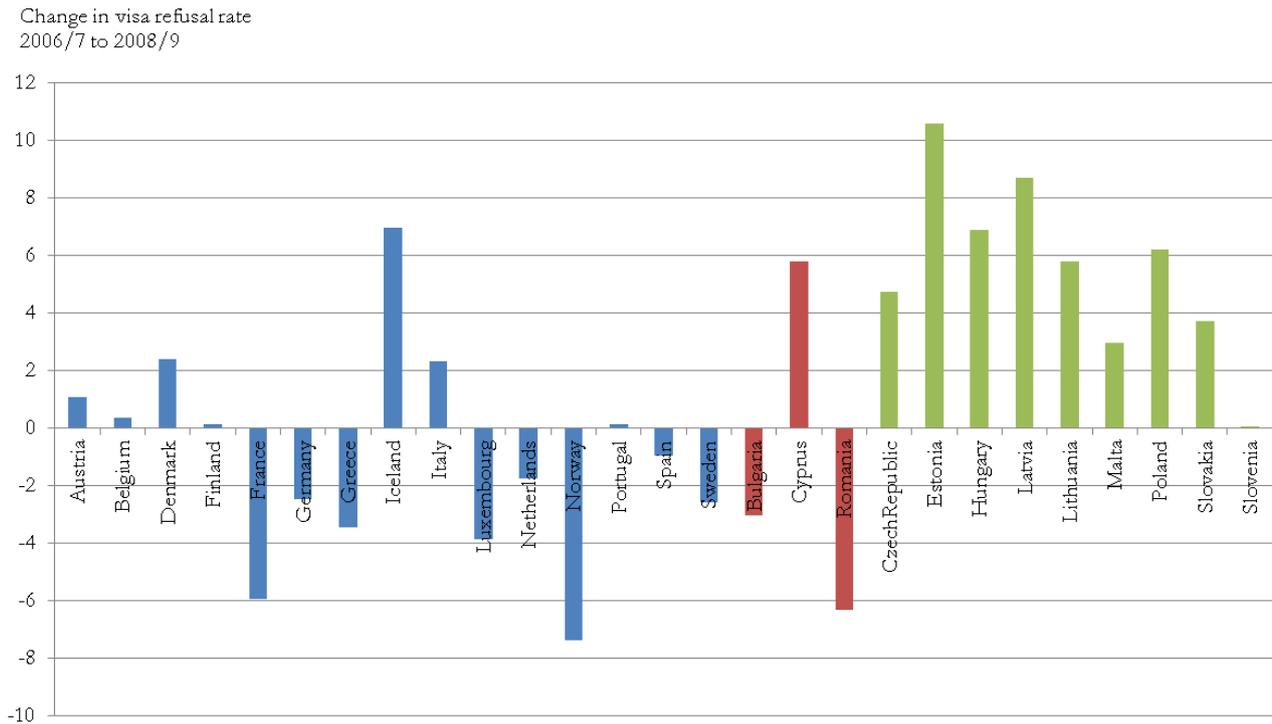


Figure 3: The change in visa refusal rates from 2006/7 and 2008/9 in the new members compared with the other participants in the policy.

Figure 3 shows that the effect of Schengen membership appears to have been most significant in Estonia and Latvia. Here, refusal rates increased with about 10 percentage points. After their full participation the Czech Republic, Estonia, Hungary, Latvia, Malta and Poland joined the main group of more restrictive EU-states; Lithuania, Slovakia and Slovenia the smaller cluster of somewhat more liberal members. Again, because of the small size of some of the new members' visa regimes the differences between them should be compared with caution.

Overall, Schengen membership thus entailed a shift towards a more restrictive approach. For all but Slovenia the common visa-issuing rules had a restrictive impact on the domestic visa refusal rates, albeit it varied slightly. Thus, the data evidences an overall exclusionary effect of the common visa-issuing rules but with some room for domestic discretion over magnitude. Figure 4 maps out this picture:

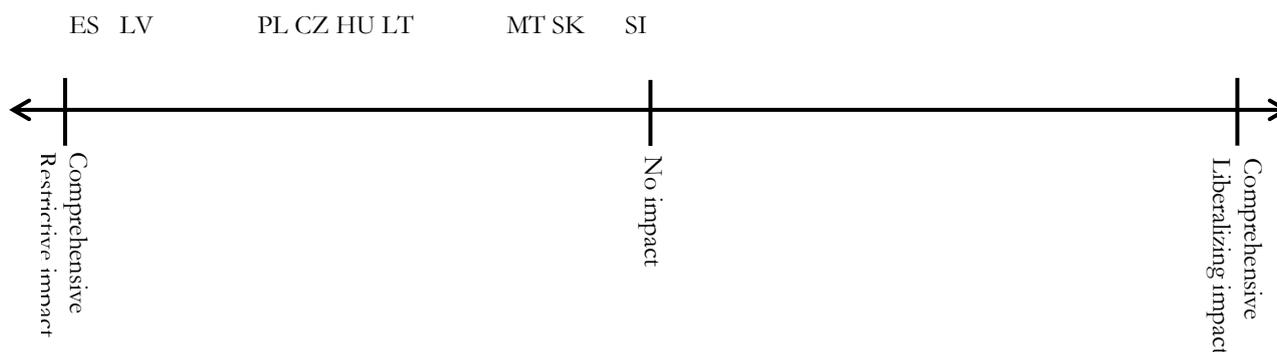


Figure 4: The scope and direction of the domestic impact of the EU visa-issuing rules. Because of the small size of some of the new member states' visa regimes the differences in the impact should be interpreted cautiously.

The descriptive overview indicates that there is a considerable restrictive impact of the shift to the common visa-issuing rules. To further probe the extent to which this effect is at work I ran a statistical test comparing mean changes in the number of received applications and refusal rates. The unit of analysis is country dyads. For example, Czech visa practices in Turkey constitute one case in the dataset. The dependent variables measure the change in visa-issuing practice between the period before full Schengen membership and after. I assess both the change in the number of received applications and in refusal rates. In total, the dataset includes 978 cases. For the purposes of the analysis I grouped the full and partial participants together.⁹

The null hypothesis is that there is no difference between the mean change in the group of new members and the other participants in the policy. The contrasting working hypothesis is that there is a significant difference between the two. To assess the hypotheses and compare the means between two groups I conducted an independent samples t-test (Agresti & Finlay 1997).

The main statistics for the two groups are reported in table 2:

Table 2
The impact of the common visa-issuing rules: Group Statistics

Variables	Groups	N	Mean	Std. Deviation	Std. Error Mean
Change in visa refusal rates from 2006-7 to 2008-9 (‰)	New Schengen members	188	5,5	8,4	0,6
	Existing full/partial Schengen members	790	-1,9	10,1	0,4
Change in number of received visa applications from 2006-7 to 2008-9	New Schengen members	188	-11.054,4	59.097,2	4.310,1
	Existing full/partial Schengen members	790	615,5	15.716,3	559,2

NOTES: N=893. Existing full/partial Schengen members: AT, BE, BG, CY, DK, FI, FR, DE, EL, IS, IT, LU, NL, NO, PT, RO, ES, SE. New Schengen members: CZ, EE, HU, LV, LT, MT, PL, SK, SI.

SOURCE: Schengen Visa Database.

⁹ Because of the small size of the visa regime of several of the member states it is not possible to conduct a robust statistical test of the differences between the individual member states. I have tried to use a standard ANOVA analysis to identify statistically significant differences in the mean values of different groups. But with the low sample size it was not possible to identify any solid patterns. Whilst a varying impact of Schengen was in practice observed between 2006-7 and 2009-9 this conclusion cannot be supported by a statistical test.

Table 2 illustrates the considerable difference between the two groups also found in the descriptive analysis. Within the cluster of existing full and partial Schengen members the visa refusal rate on average dropped with 1.9 percentage points between 2006-7 and 2008-9. This is the slight liberalization of the visa policy in the period discussed above. The number of received applications was roughly identical in the periods with only a minor average increase of approximately 600. As discussed, however, this average is a result of some seeing a considerable decrease and others an increase.

In contrast, the visa refusal rate of the new Schengen members increased with 5.1 percentage points and the number of received applications dropped by about 11.000. The statistics thus also suggests that the visa policy of the new members became considerably more restrictive after they fully joined the Schengen cooperation. Table 3 contains the result of the independent samples t-test:

Table 3
The impact of the common visa-issuing rules: Independent Samples T-Test

		Levene's Test for Equality of Variances		t-test for Equality of Means						
		F	Sig.	t	df	Sig. (2-tailed)	Mean Difference	Std. Error Difference	95% Confidence Interval of the Difference	
									Lower	Upper
Change in visa refusal rates from 2006-7 to 2008-9 (%)	Equal variances assumed	0,1	0,7	9,3	976,0	0,00	7,4	0,8	5,8	8,9
	Equal variances not assumed			10,4	326,8	0,00	7,4	0,7	6,0	8,8
Change in number of received visa applications from 2006-7 to 2008-9	Equal variances assumed	48,6	0,0	-4,9	976,0	0,00	-11.669,9	2.391,9	-16.363,8	-6.976,1
	Equal variances not assumed			-2,7	193,3	0,01	-11.669,9	4.346,2	-20.242,0	-3.097,8

NOTES: See table 4. For visa refusal rates equal variation can be assumed (H0 sig 0.7) and the row with 'equal variances assumed' should thus be used. The reverse is the case for visa applications (H0 sig 0.0) and hence the row with 'equal variances not assumed' contains the results.

SOURCE: Schengen Visa Database.

Focusing first on visa refusal rates the test results indicate that the difference is statistically significant at the 1% level. The mean difference between the two groups is 7.4%. At a 95% confidence interval the difference is between 6 and 9%. For visa applications the difference is also significant at the 1% level with a mean difference between the two groups of about -12.000 applications. The confidence interval is, however, wide indicating that the size of this difference is more uncertain.

The statistical test thus allows us to reject the null and hypothesis of no difference and supports the working hypotheses that there is a significant discrepancy between the mean changes of the two groups. The visa-issuing practices of the new Schengen members in general became considerably more restrictive after the shift to the common EU rules late December 2007.

Robustness checks

I have tested the stability of the patterns in the data using a series of alternative models. The visa-issuing statistics covers several third countries, member states and years and there are thus reasons to expect accuracy and consistency problems.

The first issue I tried to address was the influence of outlier third countries where the statistics indicate that only a few persons tried to apply. In these cases even minor shifts in the numbers can change the refusal rate considerably. This aspect mainly influences the statistics from the smaller member states. I ran a series of assessments where I excluded, respectively, third countries in which fewer than 10, 30, 50, 100, 500 and 1000 applied. This did not alter the results for the new and partial participants. As for the existing members the restrictive shift in Denmark was reduced after the first test and disappeared entirely in the subsequent. Other than this the picture was constant.

The second aspect I considered was the effect of the data observations with an inaccuracy between the number of visas issued, refused and applied for. How these cases are treated have an impact on the figures from Norway, Denmark, Sweden, Spain and Portugal. If the cases are excluded these states appear overall more liberal, but it does not alter the direction of change in visa refusal rates in the time period. The statistics from the other member states are not significantly affected.

The third element I assessed was the visas with limited territorial validity. I included these in the calculations above and checked to see if it made a difference. Excluding the VTL visas does not alter the overall picture nor change the statistics from the new members. The only effect is that the size of the liberal shift in France is reduced markedly. French policy may have altered in the period, but there could also have been a change in how they report their use of VTL visas.

Finally, I ran the analysis calculating the refusal rate not as an average of the third countries but as a global figure for each member state – all refusals divided by all applications. This has a major effect on rejection rates. The key reason for this is that most member states receive a very large amount of applications at especially their Russian consulates and in general only refuse a few of them. In the global calculation the somewhat smaller countries are thereby „crowded out’ and the overall refusal rate drops significantly. Even with this model, however, the overall trend is still confirmed. The data still shows a stable or a slightly liberalizing practice in the existing full and partial members, and a restrictive shift in the new member states. But the size of the change is reduced considerably.

In sum, the different robustness checks do not challenge the overall pattern identified. They revealed some uncertainty in the estimated change for especially Denmark and France in the time-period. The checks had no impact on the figures from the new member states. Shifting to global figures the pattern in the data is the same, but the size of the Schengen membership effect is reduced because of the crowding effect of especially Russian applications.

Alternative explanations

Are there other likely explanations of the pattern? Domestic politics does not appear able to account for the systematic difference between the new and old members. In a number of western European countries immigration policy generally continued an on-going development in a restrictive direction. But their visa-issuing practice was not apparently affected. It might be that new member states were merely late-comers to this trend explaining their restrictive turn. But it does not seem likely that such a shift should occur so drastically and uniformly from one year to another.

External shocks are not an adequate explanation either. If the restrictive shift in the new Schengen states were due to a drastic increase in, for example, refugee flows there should also have been an upward trend in the visa-issuing pattern of the old members. What about the global financial crisis? In member states where business rely heavily on irregular labour immigrants, the economic downturn might trigger a restrictive shift to protect domestic workers. This could explain the restrictive trend in Italy. Similarly, in many of the new member states a significant number of workers left for other EU-countries before the crisis. Increased unemployment abroad might have led to their return. This again could reduce the need for international migrant labour in their home countries. But if economic factors were the main driver we should also see significant restrictive shifts in countries such as Spain and Greece, and this is not the case. Hence, even if the economic shock is part of the explanation more is clearly at stake. The data thus clearly evidences the existence of an important EU-effect.

5. Conclusion

The dismantling of internal frontiers throughout most of Europe has been accompanied by intensive efforts to harmonize and coordinate external migration control policies. This development has been met with some concern in the academic literature. Although movement might have become free on the inside, this could have led to a considerable reduction in the ability of outsiders to enter into Europe.

Opinions have, however, remained divided over the consequences of the internal liberalization. Some have identified a considerable flexibility in the common rules suggesting little impact in practice. Others have found reasons for a restrictive effect, primarily due to intensive consultation arrangements and comprehensive EU entry criteria. Existing research has not, however, provided a systematic empirical assessment of the rival arguments put forward.

In this paper I have sought to contribute to the debate by analysing to what extent, if at all, the shift to shared EU visa-issuing rules and norms has had a restrictive effect at the national level. I did so based on an Europeanization framework and a quasi-experimental study using data from the 2007 Schengen enlargement. I compared the member states' visa-issuing practice in the period before and after the enlargement to assess whether or not their practice altered and became more restrictive.

I showed that the visa-issuing practice of the new members became more restrictive following Schengen accession. Their refusal rates increased markedly. This was not the case for existing full and partial members. With a few exceptions the practice of these „control' countries remained unchanged or moved in a slightly liberal direction. I discussed alternative explanations such as domestic electoral politics and external shocks, and concluded that neither can fully account for the systematic difference.

The quasi-experimental study thus strongly supports the argument that the EU-cooperation has a restrictive impact on domestic migration control policies. The shared criteria and the need to consult with the other EU-members entail a more restrictive national practice than would otherwise be the case.

Further studies could probe the wider applicability of this conclusion. It would be interesting to see, for example, if a similar effect is found in the case of the Nordic Schengen enlargement. The impact of the EU standards for territorial border control is also worth investigating. Has there been a similar restrictive shift here? Having identified a sizable causal effect of EU-cooperation in visa

policy, the precise causal mechanisms at work ought also to be analysed in greater detail. This would call for the use of other research designs and data investigating one or a few cases.

The analysis provided in this paper highlights the restrictive „costs’ of EU-integration. Open borders within the EU do seem to come at the price of more closed borders externally. The extent to which this is necessary and justifiable should also be explored further, as part of the growing normative literature on borders and migration control.

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