Urban Policies in Support of Irregular Migrants in Geneva and Zürich

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Abstract

Cities worldwide develop a variety of urban policies in support of irregular migrants. By doing so, cities intervene in a policy-making realm that is commonly perceived as the prerogative of national states. We compare policy-making in support of irregular migrants in the two biggest Swiss cities (Geneva and Zürich). Whereas Genevan authorities and local societal actors established a regularization program, actors in Zürich are struggling to create an urban ID card program. The institutional setting of the two cities (as a city-state or a city in a state), the presence or absence of multilevel governance networks as well as the different venue shopping strategies of societal actors can explain these different urban policy-making processes. In its essence, this article is a documentation and explanation of how cities contest national state sovereignty over irregular migration and it thereby calls for an urbanization of migration theory and practice.

Introduction

Cities are places of migration and mobility. This function leads to the formulation of a variety of urban policies in support of migrants. At the same time, national states adhere to their sovereignty over immigration and citizenship by trying to manage and control migration. These different goals can create conflicting policy priorities between the regulatory policies of the national state and the more inclusive policy-making of cities (de Graauw 2014) because the city is "a space that challenges the exclusion perpetrated at the level of the nation-state" (Darling and Bauder 2019, 4). This tension is especially evident in policy-making that targets irregular migrants.[1] In times of stricter national policies towards irregular migrants in the Global North (de Haas et al. 2016), cities are developing a variety of policies and practices in support of irregular migrants (Darling and Bauder 2019; Kaufmann 2019).

Irregular migrants tend to live in dense urban areas that grant better opportunities for finding a job and a suitable accommodation, accessing relational, ethnic, social or cultural networks, and providing greater anonymity (Lee 2017). Many city governments feel a certain immediacy to protect irregular migrants because they perceive them as regular participants in their communities and not as abstract illegal constructs (Varsanyi 2006, 240). In other words:

> [Irregular migrants] are *de facto* members of the community—they work in the city, pay local taxes, are homeowners, tenants, or landlords in the city, send their children to local schools, attend city churches, shop in the city, etc.— (de Graauw 2014, 312)

Cities see themselves as an alternative locus for the economic, social, and political membership of all residents based on the concept of *jus domicili*, which bases membership upon residence (Varsanyi 2006). Although cities do not formally possess the legal power to expand the *de jure* rights of irregular migrants, many city governments engage in the formulation and implementation of a variety of migration and citizenship policies towards them (Darling and Bauder 2019; Kaufmann 2019). There are as well cities that adopt restrictive local policies in order to repel irregular migrants, or they passively comply with or support national immigration enforcement agencies (Bauder and Landau 2018).

By trying to anchor membership for irregular migrants to the city level, cities challenge the national state as the only regulatory body over immigration and citizenship. Examples include the more than 100 socioeconomically diverse cities across the United States (U.S.) that have declared themselves as sanctuary cities (Ridgley 2008; Collingwood and O'Brien 2019), cities including New York and Vienna that issue urban ID cards (de Graauw 2014),

Spanish cities that facilitate the provision of a local residency status to irregular migrants (Gebhardt 2016), or Southern European cities that stretch, counter, or circumvent exclusive national policies towards migrants (Bazurli 2019). A central concern for European cities is finding policy solutions for the many forced migrants whose asylum application were denied but who nevertheless stay in European cities. The malfunctioning of the Common European Asylum System continually produces new irregular migrants who mostly live in precarious situations in cities (Lutz et al. 2020; Kaufmann 2020). As we argue in this article, a major consequence of this urban migration policy-making is that cities position themselves as explicit or implicit alternative loci of membership, thereby challenging the primacy of the national state over immigration and citizenship both in theory and practice.

We study the policy endeavors in support of irregular migrants in the two biggest Swiss cities of Geneva and Zürich. Whereas Geneva formulated and implemented a regularization strategy called *Operation Papyrus*, the city of Zürich was unable to regularize irregular migrants due to the resistance of the canton of Zürich. Instead, societal actors in Zürich are now pushing for an urban ID card program, called the *Züri City Card* (*Züri* is the Swiss-German name of the city and the canton), which is in conceptual terms a mix of a local bureaucratic membership and sanctuary city strategy. We find that a favorable institutional setting (of a city-state) and the existence of a well-functioning multilevel governance network explain Geneva's regularization program. NGOs and social movements appear as the central actors as they engage in venue shopping (both vertical and horizontal) to push for more inclusive policies for irregular migrants.

On a theoretical note, the multilevel governance concept turns out to be suitable for analyzing policy-making in support of irregular migrants. Within multilevel governance networks, societal actors make use of different policy-making access points in different policy venues (Baumgartner and Jones 1993; Bazurli 2019) that can occur within the same level of government (horizontal venue shopping) or across different levels of government (vertical venue shopping) (Princen and Kerremans 2008). Societal actors are able to mobilize the interests of irregular migrants who are excluded from policy-making processes (Monforte and Dofour 2011; Nicholls 2016).

In the following, we review the variety of urban policies in support of irregular migrants, and we discuss how we can use the concept of multilevel governance to examine these policies. In the within-case analyses, we analyze the endeavors of actors in Geneva and Zürich

to formulate and implement urban immigration and citizenship policies. We explore the explanatory factors that can explain the formulation of these two different policies in the cross-case comparison, and we summarize and discuss the key findings in the conclusion.

Varieties of Urban Policies in Support of Irregular Migrants

The etymology of the term 'citizenship' reveals its urban origin (Bauböck 2003). Prior to the French Revolution, citizenship was understood in connection to a city-state, to the cosmopolis, or to religious belonging (Prak 2018). The French Revolution and the concomitant triumph of the nation state tied the concept of citizenship to the nation state. The dominant political and social theories assume that the nation state is the relevant container of society and the natural authority over citizenship and immigration policies (Agnew and Corbridge 1995; Varsanyi 2006). Migration theory is characterized by 'methodological nationalism', as immigration and citizenship policies are seen as the prerogative of the national state (Wimmer and Glick Schiller 2002). Only integration policies are perceived as a multilevel governance task (Penninx et al. 2004) and such policies should only target persons with a formal residency status.

This article challenges this scalar categorization of migration policies by examining urban policies in support of irregular migrants. Immigration policy-making towards irregular migrants occurs at all levels of government (Sidney 2014). Cities, as the most proximate level of government, often see themselves as the relevant actors for ensuring their safety, health, and welfare of all their residents (Varsanyi 2006; Villazor 2008). There are many urban immigration and citizenship strategies and practices towards irregular migrants that exist on the ground. Kaufmann (2019) distinguishes between the normative concept of urban citizenship and the policies and practices of regularizations, sanctuary cities, and local bureaucratic membership.

Urban citizenship is the normative foundation for the other three types of urban immigration and citizenship strategies towards irregular migrants. Urban citizenship considers the city as an alternative locus of membership, regardless of residency status (Bauböck 2003; Varsanyi 2006). It builds upon the Lefebvrian ideal of *inhabitance* (Lefebvre 1968) and proposes an ideal where citizenship is no longer bound to an a priori political community but is instead based upon the mere reality of presence and residence in a place (Varsanyi 2006). In this perspective, the city is not the lowest administrative level of a national state; instead, it is its own polity anchored in the everyday life of its residents (Magnusson 2011).

Regularization programs confer a residency status to irregular migrants. These programs operate within the legal immigration and citizenship framework of the national state. There are various forms of regularization programs in practice (see Apap et al. 2000). Most governments formulate certain criteria in order to limit who is eligible for these programs. As we will show in this article, cities can take an active role in the formulation and implementation phases of these programs. Cities can lobby relevant national governmental actors to establish regularization programs, thereby engaging in vertical venue shopping (Sapotichne and Jones 2012). This means that cities push for immigration and citizenship policy change at higher levels of government. Furthermore, cities make use of their discretional power in implementation by taking a benevolent approach in favor of irregular migrants.

When regularizations are not legally possible or politically feasible, cities often turn to *sanctuary city* and *local bureaucratic membership* policies (Kaufmann 2019). O'Brien et al. (2019, 4) define a *sanctuary city* as "a city or police department that has passed a resolution or ordinance expressly forbidding city or law enforcement officials from inquiring into immigration status and/or cooperation with Immigration and Customs Enforcement". Consequently, city governments protect their employees from the legal consequences of their actions. Thus, a sanctuary city is one that ignores, fails to comply, or does not enforce national immigration law in its jurisdiction (Villazor 2008; Bauder 2017; Collingwood and O'Brien 2019). In its essence, a sanctuary city is a 'regime of practice' that deems residence status as irrelevant in the vast majority of interactions between residents and city employees (Mancina 2016). *Local bureaucratic membership* aims to facilitate irregular migrants' access to city services. As a crucial feature of local bureaucratic membership, the local government can issue urban or municipal ID cards that allow irregular migrants to identify themselves to important local actors, such as frontline city officials, the police, schools, hospitals, libraries or local businesses. These urban ID cards are only valid in the city that issues them, and they do not confer a legal status to the holder, meaning that they cannot be used for permission to work, to drive, or to grant eligibility for any governmental benefits (De Graauw 2014).

Sanctuary city policies and practices and *local bureaucratic membership* policies are often deployed in combination because irregular migrants must trust that the city administration will not inquire into their residency status. Local bureaucratic membership policies are pragmatic urban policies (de Graauw 2014), however, the sanctuary city element adds a more controversial aspect to local bureaucratic membership because it means that a city ignores or does not comply with national immigration and citizenship law (Kaufmann 2019).

The Multilevel Governance of Urban Migration Policy-Making

We mobilize the concept of multilevel governance to explain the formulation of urban policies in support of irregular migrants. An analysis of urban migration policies should account for top-down institutional constraints as well as bottom-up local opportunity structures (Penninx et al. 2004). The multilevel governance concept provides a theoretical framework for these requirements. It theorizes the decision-making of multiple intervening actors that operate on multiple scales without a structuring authority (Hooghe and Marks 2003). Multilevel governance proposes that governance crosses and intertwines jurisdictions because of complex overlapping networks and an increased participation of non-governmental actors in policy-making (Bache and Flinders 2004). Actors that are involved in policy-making are not necessarily bound to their jurisdictions: instead, they interact in cross-level networks and across state and non-state lines. Given the limitations of the prevailing national level focus in policy studies, the multilevel governance framework has found its way both into the analysis of migration policies (e.g. Pennix and Scholten 2016; Caponio and Jones-Correa 2018), of urban policies (e.g. Horak and Young 2012; Kübler and Pagano 2012; Kaufmann 2018).

Multilevel governance networks operate under institutional constraints while simultaneously acting as vehicles that informally transcend these constraints. The multilevel governance concept accepts policy-making constraints that ensue from formal authority while acknowledging that a variety of actors seek to expand the policy-making scope and work around policy-making constraints by, for example, engaging in venue shopping (Baumgartner and Jones 1993). Thus, the scope of urban policy-making is not determined by supralocal policy-making and formal local autonomy. Local autonomy provides the formal rules of the game under which urban policy-making happens, however, urban policy-makers also try to change, stretch, or ignore supralocal policy-making and local autonomy constraints.

Local NGOs and social movements are especially important actors in the multilevel governance of irregular migrants because they represent the interests of the "excluded among the excluded" who "face structuring conditions of exclusion that limit their access to material resources and constrain their actions" (Monforte and Dofour 2011, 204-205). NGOs and social movements do not only represent migrants' collective interests, they also provide expertise, linkages, and legitimacy to city governments, and they serve as intermediaries between immigrant communities and governments (de Graauw 2016; Bazurli 2019; Mayer 2018). The density of urban environments helps activists and migrants to weave networks of solidarity and facilitates the politization of irregular migrants' interests (Nicholls 2016).

NGOs are able to exploit alternative venues and veto points on different governmental levels (Bazurli 2019). Thus, they are versatile in their ability to target different levels of government when seeking policy change (Sidney 2014).

Case Studies

We compare the urban policies in support of irregular migrants in the two biggest Swiss cities of Geneva and Zürich. The case analysis relies on semi-structured, in-person interviews with 14 interview partners that we triangulate with public documents, evaluations, media reports, and other types of secondary literature. We carefully selected the interview partners in order to ensure sufficient variety within the cases and consistency between them (see Table A1 in the Appendix).

Geneva and Zürich share a similar demographic, political, and economic context, however, as we will outline, they devised different urban policies in support of irregular migrants. The two cities vary in their institutional setting: Whereas the canton of Geneva resembles a city-state, meaning that the city almost constitutes the whole canton, the city of Zürich is embedded within a diverse canton that includes other cities as well as agglomeration areas and rural regions. Geneva's institutional setting provides much more autonomy than Zürich's. Both cities also vary in their networks in support of irregular migrants: A well-functioning and longstanding multilevel governance network has developed in Geneva, whereas Zürich only has a network of societal actors at the city level. These characteristics of the two cases allow us to trace whether the differences in the two proposed explanatory factors can explain their different urban policies in support of irregular migrants (see Table 1).

Table 1: Summary of Selected Cases

Type of Factor	Factor	Geneva	Zürich
Control Factors	Inhabitants	198,979	402,762
	Number of irregular migrants	Around 13,000 More than 8 per 1000 inhabitants	Around 10,000 More than 8 per 1000 inhabitants
	Political ideology[2]		
	of city government	Four left and one moderate-right executive councilors (five executive councilors)	Six left and three moderate-right executive councilors (nine executive councilors)
	of city parliament	54% left parliamentarians	44% left parliamentarians
	of cantonal government	Three left, three moderate-right and one radical right executive state councilors (seven executive state councilors)	Two left, three moderate-right and two radical right executive state councilors (seven executive state councilors)
	of cantonal parliament	34% left parliamentarians	29% left parliamentarians
	Economic specialization	Banking and international organizations	Banking and insurances
Proposed Explanatory Factors	Institutional setting	(Almost) a city-state	City in a state
	Governance network	Multilevel governance network	Urban network of societal actors
Phenomenon of Interest	Urban policies in support of irregular migrants	Regularization program (*Operation Papyrus*)	Local bureaucratic membership and sanctuary city strategy (*Züri City Card*)

Sources: Swiss Federal Statistical Office (2018) for inhabitants in 2016; Morlok et al. (2015) for estimated numbers of irregular migrants.

We define irregular migrants as migrants who never obtained any sort of residency status or who had a residency status and then fell out of that status or allowed their status to lapse (Levinson 2005). Approximately 76,000 irregular migrants live in Switzerland. Geneva and Zürich host most irregular migrants of all Swiss municipalities (Morlok et al. 2015).

The Federal Act on Foreign Nationals (142.20) allows cantons to grant residence permits to irregular migrants in the case of serious personal hardship. The cantons are responsible for assessing whether or not an irregular migrant fulfills the criteria of serious personal hardship by considering: the integration of the applicant, the respect for the rule of law, the family circumstances (especially the school enrollment of children), the financial and employment situation, the length of presence in Switzerland, the health condition, and the potential for reintegration in the country of origin. The State Secretariat for Migration (SSM) then has the

final say over cantonal approved petitions. In most instances, the SSM does not challenge approved petitions. Thus, regularization programs are regulated on the federal level but implemented by the cantons. As a consequence of the high discretionary power of the cantons, there is a striking discrepancy in approved hardship petitions. For example, between 2001 and 2017, the canton of Geneva approved 3,001 hardship petitions, whereas the canton of Zürich only approved 22 in the same time frame.

Geneva's Regularization Program

The canton of Geneva is densely populated and highly urbanized. It has the highest ratio of immigrants and the highest ratio of naturalizations in Switzerland. Geneva hosts many international governmental organizations (IGOs) and NGOs as it serves as the European headquarters of the United Nations. Geneva is almost a city-state given that the canton only consists of the city and its inner-ring suburbs. Thus, local and cantonal political institutions are closely intertwined. The city does not have its own immigration office. Instead, the cantonal immigration office (*Office cantonal de la population et des migrations*) is responsible for urban migration issues.

Regularization program: Operation Papyrus

Operation Papyrus was launched at the beginning of 2017 as a two-year program with the goal of regularizing around 2,000 of the 13,000 irregular migrants that are estimated to live in Geneva. *Operation Papyrus* was framed as a humanitarian and economic program and was accompanied by an enormous media echo and actively marketed by the canton of Geneva. It targeted irregular migrants that work as domestics in the many diplomatic and international households. The Genevan authorities were keen to emphasize that it was not a collective regularization program but rather a pragmatic program that operated within the existing legal frameworks. An official from the canton of Geneva states:

> *It is important to note that nothing new has been created here. (…) The laws have only been defined more clearly. This project will be tested over two years and will end this year [end of 2018]. This is followed by an evaluation (…) This program is therefore not an amnesty, not a mass regularization, but a regularization that targets a specific target group by using specific criteria.* (Interview 10)

As an important modification to the permanent regularization program for individuals in Switzerland, *Operation Papyrus* ignored the requirement 'potential for reintegration in the country of origin'. An immigration lawyer explains the reasons behind this omission:

> *This requirement was the most arbitrary one and was often used by the authorities to reject a hardship proposal. (...) we have decided, that if all other criteria are met, (...) that this particular requirement then could be ticked off as well.* (Interview 9).

The Genevan authorities, together with the four NGOs and unions,[3] developed five criteria that define who is eligible for regularization under *Operation Papyrus*. The program was only accessible to irregular migrants who: (1) never obtained any sort of residency status, (2) met the duration of stay criteria (5 years for families with children in a public school and 10 years for all the others), (3) were financially independent and could prove that they were currently employed, (4) were well integrated, meaning that they could prove that they had an at least elementary French language skills, and (5) did not have a criminal record. As a consequence:

> *Some of the irregular migrants that came to the information centers were a bit disappointed, because they do not qualify for Papyrus. (...) If a person once applied for asylum in Switzerland, their case will always be considered under the asylum law. (...) There is no possibility to change the legal framework, unless the person officially leaves Switzerland.* (Interview 8)

Operation Papyrus followed a two-stage-process: The main four immigration-serving NGOs carried out the first 'triage', meaning that they assessed whether an applicant was eligible to file a hardship petition under *Operation Papyrus*. The NGOs only transferred petitions that they recommended for approval to the cantonal authorities. The cantonal authorities checked the applicants' criminal records and their employment status (because the NGOs do not have access to these data) before the cantonal authorities handed the petitions to the SSM (Interview 10).

It was possible to apply for a regularization under *Operation Papyrus* until the end of 2018. The evaluation of all applications is not finalized yet. The Genevan authorities expect that a total of around 3500 people will be regularized under the program. Around one third of the regularized people were children, around three quarters of the regularized adults worked in households and the largest percentage of them originated from Latin America (République et canton de Genève 2019). *Operation Papyrus* itself will be regularized as the canton of Geneva arranged with the federal authorities that the canton will continue to regularize people under the criteria that were developed for *Operation Papyrus* (Interview 12).

Explaining Operation Papyrus

The development and success of *Operation Papyrus* can be explained by Geneva's institutional setting as a city-state and its well-functioning multilevel governance network. These two reasons are interwoven because actors within the multilevel governance network deliberately used the institutional opportunities available due to Geneva's cantonal status.

Operation Papyrus should be examined as part of the longstanding history of Geneva as an immigration friendly city and canton. The presence of many IGOs and NGOs have made city and canton administrations experienced in interactions with these actors (Interivew 10 and 12). Consequently, there is a dense and well-functioning multilevel governance network in the policy field of immigration. The existence of this multilevel governance network dates back to 2004 when the canton of Geneva attempted to regularize irregular migrants for the first time but was blocked by the federal level (Interview 9 and 12). The main immigrant-serving NGOs and public authorities remained in contact since then. In 2010, an expert group composed of representatives from the four main immigrant-serving NGOs and cantonal organizations was formed to address the matter of irregular migrants (Interview 8).

There was almost no opposition to *Operation Papyrus* from political or societal actors within Geneva. Interview partners stress that this was the case because of the presence of this multilevel governance network and the history of policy formulation:

> *The preparation time for Operation Papyrus took about six years* [2001-2017]. *(...) We had the time to further elaborate our policy proposal and to take into account various potential arguments against such a regularization. (...) this meticulous preparation was very helpful for producing a useful policy solution.* (Interview 8)

These discussions took place behind closed doors, thereby allowing the actors to reach compromises without experiencing public pressure (Interviews: 8, 9, and 10). The expert group also conducted ex-ante evaluations of possible regularization programs. This consistent contact between the actors developed into a relationship of trust in the competences of the other actors (Interview 12). It also ensured that the accumulated knowledge persisted within the network.

In June 2012, the newly elected executive state councilor (*Conseil d'État*), Pierre Maudet, the former mayor of Geneva, became head of the security department (*département de la sécurité*), which oversees the cantonal immigration office. A delegate of an NGO recalls:

> *Maudet called for a meeting with all of the experts involved. He asked us to convince him about our regularization program idea within one hour. We succeeded in convincing him and*

> *afterwards he fully supported the idea – as a middle-right politician – which was an enormous success for our policy idea.* (Interview 8)

At the federal level, the Federal Department of Justice and Police (FDJP) and the SSM came under new leadership in the beginning of the 2010s.[4] The new leadership granted its approval for the *Operation Papyrus* program when the canton of Geneva first approached it with the idea (Interviews: 9 and 10). Thus, there were favorable constellations in the leadership of key cantonal and federal organizations that enabled the formulation and implementation of *Operation Papyrus* (Interviews: 8 and 10).

The institutional opportunity of Geneva as a city-state was for sure a key reason for *Operation Papyrus*. The regularization program was pushed forward under the institutional clout of a canton. Cantonal actors have institutional access to the relevant federal institutions. Given these institutional opportunities, the cantonal authorities were clearly in lead of *Operation Papyrus*. There was a consensus between the city and the canton of Geneva that the canton should take leadership of *Operation Papyrus* and that the city authorities would passively support the cause (Interviews: 10, 11 and 12).

Struggles over Urban Policies in Support of Irregular Migrants in Zürich

The city of Zürich is part of the canton of Zürich, which consists of many other cities, agglomeration areas, and rural regions. It is the most populated Swiss canton. The city and canton of Zürich both have high percentages of immigrants. The canton of Zürich is far more restrictive than the canton of Geneva in approving the hardship petitions of irregular migrants. The cantonal government stated that is does not see the need for a regularization program like *Operation Papyrus* for irregular migrants.[5] Thus, the city of Zürich has to formulate policies towards irregular migrants in a setting in which the canton is not supportive of such policies.

Local Bureaucratic Membership and Sanctuary City Policies: Züri City Card

The city of Zürich is struggling to formulate a policy towards irregular migrants. Societal actors have been pushing for a strategy that would combine local bureaucratic membership (urban ID card) policies with a sanctuary city practice. The city of Zürich is reluctant to support this idea because it fears the legal uncertainties that may result from sanctuary city practices. The strategy, driven by societal actors, has its roots in a local art project called the 'the whole world in Zürich', which took place between 2015 and 2017 (Interview 1). Within this art project, discussions were mainly inspired by practices and struggles in US cities.

"Within this group (...) it soon became evident that we need to have something like an urban ID card, which would also be recognized by the city police" (Interview 1).

The art project developed into an association, the *Züri City Card*, in July 2017. The association gathers representatives from all the important local NGOs and institutions that support irregular migrants. It aims to establish an urban ID card for every resident of the city of Zürich. By acknowledging these urban ID cards, city authorities and the city police should refrain from checking residency statuses. The main goals of the *Züri City Card* policy proposal are to ensure irregular migrants' access to basic rights and to facilitate their access to city services (Nideröst 2017). A motion in the city parliament[6] proposing the creation of this *Züri City Card* was approved in October 2018. The city government is now tasked with developing an official proposal for its creation.

Explaining Züri City Card

The institutional constraint of Zürich as a city in a state and its lack of a multilevel governance network explain its struggles to formulate and implement the *Züri City Card* strategy. The *Züri City Card* association is the most important actor. No multilevel governance network operates in Zürich, nor is there a true urban governance network since the city of Zürich and the association are not currently working together towards a common urban policy in support of irregular migrants.

Societal actors launched the *Züri City Card* idea as they have realized that the canton will prevent regularizations of irregular migrants in the years to come (Interviews: 1 and 2). This created distrust between societal and cantonal actors (Interview 5). The *Züri City Card* association is hesitant to cooperate with the canton because the cantonal government perceives the issue of irregular migrants very differently than the association. Thus, the association cooperate mainly with the city of Zürich. Two NGO representatives explain:

> *We are reaching out to the city because there are favorable political conditions in the city government. There is no use talking to the canton, so why try in the first place?* (Interview 2)

> *The city treats the issue of the Sans-Papiers [irregular migrants] quite pragmatically. (...) It is a fact that many Sans-Papiers are living here. A city with a left-green political majority cannot close its eyes to the issue. I expect that the situation for irregular migrants will improve in Zürich.* (Interview 1)

The *Züri City Card* association presented its policy idea to the city government, which established an interdepartmental expert group to review the issue of irregular migrants. Yet,

the city government remains reluctant to support the urban ID card. On the one hand, the city government does not support the association's active and visible agenda-setting (Interview 4 and 7). On the other hand, there are legal uncertainties regarding the role of the city police and the protection of irregular migrants when they access the legal systems:

> *In Zürich, the Police has to automatically report a person without a legal resident status. I do not expect that the city of Zürich will prohibit its employees from transmitting data on immigration statuses to the cantonal authorities. Switzerland is a different context than the US, especially regarding the consequences of deviation from national immigration law.* (Interview 4)

A member of the *Züri City Card* association interprets these legal issues differently:

> *Cantonal and city officials say that these [lack of residency status] are criminal offences. If the police would have to chase each and every one for petty crimes, they wouldn't do much more all day long. Because of the opportunity principle [expediency], they refrain from doing so. (...) this should also be the standard practice with Sans-Papiers [irregular migrants], meaning that if someone does not have a legal residency status, there is no need for an immediate prosecution. (*Interview 2)

Given these disagreements with the city government and the non-cooperation with the canton, the association seeks other political venues for promoting its policy idea. The *Züri City Card* idea was approved in a parliamentary motion. As a consequence, the city government is now tasked with developing an official proposal for establishing such an urban ID card although they are not supporting the idea. The *Züri City Card* idea is likely to end in a referendum on the city level. Members of the association are optimistic about their chances in the city parliament and in a possible referendum (Interview 1). A successful outcome in this political process would substantially enhance the legitimacy of the project and the Members of the association expect that the city government and the city policy would then support the *Züri City Card* idea (Interview 2).

Case Comparison

We find that the variance in the institutional settings (the city as a city-state or a city within a state) and governance networks are key for explaining the different urban policies in Geneva and Zürich (see Table 2). Venue-shopping activities of societal actors seem to be the mechanism that connects the explanatory factors with the policy outcomes.

Table 2: Comparison of Case Studies

	Geneva	**Zürich**
Explanatory Factor: Institutional Setting	(Almost) a city-state	City in a state
Explanatory Factor: Governance Network - *Canton* - *City* - *Societal actors*	Multilevel governance network *- Canton pushes regularization* *- City is passively supportive* *- Societal actors are active in policy formulation and implementation*	Urban network of societal actors *- Canton blocks regularization* *- City is reluctant to support the Züri City Card* *- Only societal actors advocate for Züri City Card*
Mechanism	Vertical venue shopping of societal actors	Horizontal venue shopping of societal actors
Phenomenon of Interest: Urban Policies in Support of Irregular Migrants	Regularization: *Operation Papyrus*	Struggle to formulate a local bureaucratic membership and sanctuary city strategy: *Züri City Card*

Geneva's favorable institutional setting makes it easier for political and societal actors to engage in vertical venue shopping, i.e. to push urban problems to the higher-tier political arena. City-states can leverage the higher political autonomy of subnational political entities (i.e., states/provinces/canton) in order to address specific urban policy issues (such as the uncertain status and precarious situation of irregular migrants). The institutional advantage of being a city-state is not enough to explain the successful regularization strategy in Geneva. The interview partners stressed that the successful formulation and implementation of *Operation Papyrus* was due to the productive cooperation between cantonal decision-makers and local NGOs. In Zürich, reluctant of governmental actors to embrace alternative urban policies have pushed local societal actors to search for alternative political venues in their fight for the rights of irregular migrants.

The institutional setting seem to shape the composition of multilevel governance networks. Given that cantonal authorities in Geneva are responsible for migration policy-making, there is a long-standing and functioning multilevel governance network between local NGOs and unions with cantonal public actors. These societal actors were part of the policy formulation process and had an important role in the implementation of the regularization program. The interviews revealed that the multilevel governance network in Geneva depended on the agency of several key stakeholders. The same four NGO and trade unions had been active in the multilevel governance network. In addition, the Genevan executive state councilor took ownership of the policy even though he is member of a moderate-right party. Cantonal

politicians used *Operation Papyrus* for 'policy boosterism' (McCann 2013), as they actively market it as an example of Geneva as a progressive international city. The societal actors accepted these self-promotions to not jeopardize the program. In Zürich, local societal actors are the sole key actors in the push for establishing an urban ID card. The canton of Zürich is not interested in addressing the issue of irregular migrants, and the city of Zürich is reluctant to participate in an urban governance network that pushes for alternative and potential conflictual urban policies in support of irregular migrants.

On a theoretical note, urban policy-making in support of irregular migrants appears to be a prime example of multilevel governance. This phenomenon of interest fulfills the three minimum elements of multilevel governance laid out by Caponio and Jones-Correa (2018, 2006):

> "(1) it challenges vertical, state-centred formal hierarchies of distribution of power and responsibility over migration and, (…), horizontal state/society boundaries through the incorporation of nongovernmental actors in policy-making processes; (2) actors in MLG arrangements have to be interdependent in the sense that a certain policy cannot be carried out by just one level of government, but requires the involvement of other tiers and eventually of nonpublic actors; and (3) this interaction should imply some degree of bargaining and negotiation, (…)"

Different types of venue shopping appear as crucial policy-making mechanisms. Whereas NGOs and unions in Geneva have engaged in vertical venue shopping with cantonal authorities in order to exploit the discretionary power of cantons, societal actors in Zürich have opted for horizontal venue shopping by pushing the urban ID card policy on the agenda of the city parliament agenda. Horizontal venue shopping became the political strategy of societal actors in Zürich because the vertical venue shopping option was blocked and the city administration has been reluctant to support the cause. The case studies show that the many venues of politics can indeed work against policy stasis (Baumgartner and Jones 1993). These alternative venues give societal actors "an opportunity to go over the heads of, or around, a policy elite intent on maintaining the status quo" (Pralle 2003, 236). Local NGOs, social movements, unions, and other types of societal actors are crucial in urban migration policy-making as they can strategically assess the institutional context for venue shopping possibilities.

Conclusion

We compare the formulation of urban policies in support of irregular migrants in the two biggest Swiss cities: Geneva and Zürich. In both cities, the city governments as well as societal actors aimed for regularizations of irregular migrants. Whereas Geneva implemented a regularization strategy called *Operation Papyrus*, a possible regularization program in Zürich dashed against the resistance of the canton of Zürich. As an alternative, societal actors in the city of Zürich are trying to formulate a local bureaucratic membership and sanctuary city strategy called *Züri City Card*. The case of Zürich show that the sanctuary city element indeed adds a controversial aspect to the urban ID card policy (Kaufmann 2019).

The institutional setting and the governance networks are interwoven explanatory factors. The institutional setting shapes the composition of the governance networks, whereas well-functioning governance networks enable the exploitation of the favorable institutional setting, i.e., city-state status. However, the institutional setting is not the only explanatory factor, as it also requires the active involvement of governmental and societal actors in multi-level governance networks. NGOs and social movements appear to be the central strategic actors in urban policy-making in support of irregular migrants. Whereas NGOs in Geneva engaged in vertical venue shopping with cantonal authorities, societal actors in Zürich opted for horizontal venue shopping by putting policies in support of irregular migrants on the political agenda of the city parliament.

This means that the institutional settings do not determine urban policies in support of irregular migrants, but they enable or constrain the opportunities of purposive actors that operate within these institutional settings. These actors can search for alternative political venues to transcend the institutional constraints. This article finds elements of local agency in the strategic venue shopping actions of NGOs and societal actors to overcome policy stasis. This means that the simultaneity and interplay of structure and agency should be taken seriously when analyzing urban policies and that urban actors indeed challenge national state sovereignty over immigration and citizenship.

Policy developments in the other three big Swiss cities (Basel, Bern and Lausanne) corroborate the importance of a city's status as a city state. In the city-state of Basel (*Kanton Basel Stadt*), there are parliamentary discussions about developing a regularization program like *Operation Papyrus*. In contrast, there are political discussions about introducing urban ID cards and sanctuary city practices in Bern and Lausanne (Swiss cities in large and populous

cantons). Thus, there is some support for the external validity of favorable institutional settings. The importance of functioning multilevel governance networks, however, is hard to assess without performing in-depth case studies. While it remains to be seen which policies or practices are finally adopted in Zürich, the case of Zürich may be important for cities that have to deal with unfavorable institutional settings. There is a chance that Zürich could serve as a rare example of a city where societal actors were able to push an urban policy-making agenda in support of irregular migrants despite all institutional difficulties.

This article demonstrates how cities intervene in the policy field of irregular migration, which is commonly assumed to be in the realm of the national state. Both cases reveal how local actors exert political agency in order to expand the policy-making scope of cities and how they try to overcome institutional constraints. On a theoretical level, it is a way to de-center the national state from (migration) policy analysis and to offer an urbanized understanding of migration policy. Urban scholars call such a critical realignment of political theories 'seeing like a city' (Magnusson 2011; Enright 2020; Kaufmann and Sidney 2020). Such a project involves examining the variety of grounded urban political processes, practices, and policy-making endeavors that incrementally or radically challenge the status quo (Enright 2020).

By seeing cities as more than just the lowest policy-making level, this article aims to strengthen 'the urban' as the relevant object of investigation for researchers who want to understand how contemporary societal processes unfold on the ground. The 'urban' does not have to be a location or the city, but it is rather a condition where many contemporary societal issues are problematized and performed (Magnusson 2011; Boudreau 2016; Kaufmann and Sidney 2020). Crucial socioeconomic and societal transformations and problems are prone to first manifest themselves in dense urban settings. Therefore, such documentations of urban agency and insurgent urban policy-making are important beyond the very policies under scrutiny.

Notes

1. We use the term irregular migrants, but there are different terms in the literature and in practice, such as 'undocumented', 'unauthorized', 'illegalized', and 'illegal' migrants or *sans-papiers*. We are aware that all these terms carry certain normative assumptions with them.

2. To operationalize political ideology, we use the categorization by Kriesi et al. (2008), which differentiates between left, moderate right, and radical right Western European parties.

3. These four organisations are *Collectif de soutien aux sans-papiers* (CSSP), *Centre Social Protestant* (CSP), *Syndicat SIT* (SyS), and *Centre de contact Suisses-Immigrés* (CCSI).

4. Simonetta Sommaruga, from the Social Democratic Party of Switzerland, was head of the Federal Department of Justice and Police from 1 November 2010 to the end of 2018. She appointed Mario Gattiker, a former immigration lawyer, as the new head of the SSM in January 2012.

5. For the response of the governing council of the canton of Zürich to the parliamentary interpellation (KR-Nr. 89/2017) see: http://www.kantonsrat.zh.ch/Dokumente/Dbc3d5efe-f7ed-4d02-aa52-43a370666775/R17089.pdf#View=Fit.

6. For the text of the parliamentary motion (278/2018) see: http://www.gemeinderat-zue-rich.ch/geschaefte/detailansicht-geschaeft?gId=528687b6-4732-44ac-bf71-6552faab3053.

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Appendix

Table A1: Summary of Interview Partners

Number	Case	Type of actor	Organization
Interview 1	Zürich	Immigration organization representative	*Züri City Card* Association
Interview 2	Zürich	Immigration organization representative	*Züri City Card* Association
Interview 3	Zürich	Immigration organization representative	Protestant city church *Open St. Jakob*
Interview 4	Zürich	Public official	City of Zürich
Interview 5	Zürich	Public official	Canton of Zürich
Interview 6	Zürich	Public official	Foreigners Advisory Board
Interview 7	Zürich	Public official	City of Zürich
Interview 8	Geneva	Immigration organization representative	Support Collective for Sans-Papiers
Interview 9	Geneva	Immigration organization representative	Social Protestant Center
Interview 10	Geneva	Public official	Canton of Geneva
	Geneva	Public official	Canton of Geneva
Interview 11	Geneva	Public official	City of Geneva
Interview 12	Geneva	Immigration organization representative	Centre de Contact Suisses-Immigrés Genève
Interview 13	-	Policy expert	Federal Commission on Migration