How Does Policy Change at the Street Level? Local Knowledge, a Community of Practice and EU Visa Policy Implementation in Morocco

Federica Infantino
FNRS/Université Libre de Bruxelles

federica.infantino@ulb.ac.be

Institut de Sociologie
Avenue Jeanne, 44.
1050, Brussels
Belgium
+3226503928

Twitter: @Infantinofed
ORCID: 0000-0002-7116-2248

Short Bio:

Federica Infantino is a research fellow at FNRS/Université Libre de Bruxelles. She holds a PhD in political and social sciences from the Université Libre de Bruxelles and a PhD in political science, comparative political sociology, from Sciences Po Paris. Her research focuses on migration and border control in practice. She analyses actors and organizations that put control into action by paying particular attention to the circulation of knowledge across levels of policy-making, transnational actors and transnational dynamics of policy change, the involvement of non-state actors in the functions of governments. She has recently published the book ‘Schengen Visa Implementation and Transnational Policymaking’, Palgrave Macmillan. She is also the author of the book ‘Outsourcing Border Control. Politics and Practice of Contracted Visa Policy in Morocco’, Palgrave MacMillan, the co-editor of the 2014 Security Dialogue’s special issue ‘Border Security as Practice’ and the author of several articles about the day-to-day filtering work of borders that is achieved via visa issuing.
Abstract

Built on a comparative case study of the ‘street-level implementation’ of EU visa policy in the consulates of Belgium, France and Italy in Casablanca, the focus of this article is on decision-making on Schengen visa applications. Drawing on in-depth fieldwork, I show that, although common and legally binding acts regulate EU visa policy, cross-national differences persist. However, these diminish when EU visa policy is put into practice thanks to the informal interactions of implementing personnel. A shared understanding of the migratory ‘risk’ is emerging. That is the ‘risk of lawful settlement’ rather than the risk of undocumented migration, despite the claims that visa policy’s objective is stemming irregular migration and although evidence suggests that undocumented migrants are mostly visa over-stayers. Because national state actors share a concern about the border controls that granting visas achieves, and because they confer with one another, the adoption of EU visa policy has transformed them into a ‘community of practice’ and, in the process, they develop and learn ‘local knowledge’ – the specialist expertise that underlines policy implementation. Unlike the link between expert knowledge, epistemic communities and policy formulation, the relationship between local knowledge, inter-organizational communities of practice and policy implementation remains largely understudied.

Keywords: Community of Practice – Policy Learning – Policy change – EU Visa Policy – Implementation – Policy Transfer

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Number of words: 9002
Introduction

In this article, I address the ‘street-level implementation’ of EU visa policy in a comparative perspective – a term that I use to avoid any confusion with implementation that has been associated with the legal transposition of EU directives (see Sverdrup 2007). Street-level implementation is a distinct and crucial level of policymaking. Policymaking does not end with the design, although it can if the policies are purely symbolic. Implementation shapes policy outcomes more than design. Collectively interpreting the goals of policies, laws, and organizations is a complex activity. Those who put policies into practice determine ‘who gets what, when, why’ (Lasswell 1936); they therefore act as de facto policymakers (Lipsky 1980). As Freeman (2006, 376) notes, ‘implementation [is] the process by which agencies and employees learn how to deliver [policy].’ In the following analysis, I cast light on the often-obscure implementation process by investigating decision-making on Schengen visa applications.

EU visa policy is a ‘Europeanized’ policy instrument of an old strategy that Zolberg (1999) termed as ‘remote control’, mainly because it seeks to pre-empt the arrival of undesirable travellers before the borders (Guiraudon 2003; Fitzgerald 2019). One uniform legal framework regulates that policy whereas national consulates put it into practice. Visa policy has likewise changed in relation to legislative policymaking for Schengen signatory states, all of which have adopted legally binding and self-executing EU acts: the list of countries whose nationals must meet visa requirements; the regulation providing for the visa format; the most recent Community Code on Visas (henceforth Visa Code) – the regulation that controls procedures and conditions for issuing visas. This article offers a view ‘from within’ of cross-national differences in implementation practices that exist despite such a hard law framework.
It points out that most cross-national differences arise from policy legacies (Brubaker 1992) and path dependency (Pierson 2000). History leaves an imprint and we cannot expect all countries to interpret, translate, and adopt EU legislation in the same way. But, this article also argues something different. Whereas some cross-national differences are to be expected, my research shows not only unexpected harmonization but also that uniform regulations are not directly responsible for similar implementation practices. Although binding, the legislative provisions are not directly usable to carry out decision-making. Through their informal interactions with one another, the practitioners develop and learn the knowledge required to put visa policy into practice that standardizes decision-making on Schengen visa applications and challenges the national paths of organizational action. Informal exchange among the local ‘community of practice’ (Wenger 1998) is the process whereby learning occurs and triggers policy change from below.

The analysis builds on a comparative case study: the street-level implementation of EU visa policy by Belgium, France and Italy in a same third country – Morocco. The article replies to two main research questions: how are visa decisions made? How does ‘learning from abroad’ affect policy implementation? In order to develop my arguments, the article proceeds as follows: I provide some clarifications on this work’s distinct approach, the selection of the comparative case study and the methodology. Then, to assess whether the EU legal framework is sufficiently clear to prevent divergent implementation, I examine changes in EU visa policy formulation and, in the process, show that law is a source of discretion. I continue by analysing the ways in which decision-making is carried out and, then, I point out both the historically rooted national paths of organizational action and the similarities in practice. I show that learning of practitioners change the policy by reducing cross-national differences in implementation practices and outcomes. Finally, I discuss how national consular officers and
consuls-general acquire knowledge and why the adoption of EU visa policy has turned them into a ‘community of practice’.

**A Comparative Implementation Approach**

Visa policies have received much scholarly attention most notably at the level of design. In the case of Europe, scholars have put forward the securitization of visa policy (Guild 2004; Bigo and Guild 2003) and the asymmetry that characterizes the supply of short-stay visa (Finotelli and Sciortino 2013). Large-N data-sets about how visa policies have changed over time have found an increasing discrepancy of mobility rights defined as a ‘global mobility divide’ (Mau et al. 2015) and the overall lack of reciprocity in visa introduction, as countries that face a low number of visa impositions are not among those countries that impose fewer visa restrictions (Neumayer 2006). Thanks to a large-scale analysis of the effects of visa policy on international migration dynamics, Czaika and de Haas (2014) have pointed to a much-needed consideration of policy implementation, given that migration studies have developed around the question of state capacity to control migration and borders. An expanding strand of research has been focusing on the ways in which migration and border control are put into practice (Dörrembäker & Mastenbroek 2017; Ellerman 2009; Eule et al. 2017; Jordan et al. 2003). In the case of visa policy, the day-to-day implementation has been analysed both from the point of view of visa applicants (Jileva 2007; Gaibazzi 2014) and state actors (Satzewich 2015; Scheel 2017; Zampagni 2013). However, this body of works have focused on visa policy implementation of one specific country or compared the same country in two different local contexts (Alpes and Spire 2014). For its comparative implementation approach, my research on Schengen visa policy develops questions on the effects on the ground (who does stay out from the Schengen Area?), the determinants of cross-national differences and, after the ethnographic research, the processes that account for the
diminishing of cross-national variations. By reversing the analytical perspective from policy design to policy implementation, my research fills a gap in the bodies of scientific literatures that focus on policy transfer, policy change, policy emulation not just in visa and migration policy domains. Such a stance adds to the notion of policy transfer that Dolowitz and Marsh (2000) have defined by considering one specific kind of knowledge, that is knowledge about policy practice, the ways in which such knowledge is developed and learnt, and the effects on policymaking on the ground. In the migration policy domain, policy emulation and convergent types of change tend to be studied at the level of design or legislative policymaking (Cornelius et al. 2004; Cook-Martín and Fitzgerald 2019). In the context of Europe, Boswell (2009) has analysed the effects on policymaking of the expert knowledge produced by epistemic communities most notably think tanks and academics. The relation between knowledge of practitioners, communities of practice that extend across the boundaries of national organizations and policymaking on the ground remained largely understudied.

**Case Selection and Methodology**

The comparison follows a case-oriented approach aiming at ‘rich descriptions of a few instances of a certain phenomenon’ (della Porta 2008, 198). I selected cases according to the following criteria: two old (Belgium and France) and one new immigration country (Italy), two original Schengen countries and one newcomer. The third country, Morocco, is a migrant-sending country in which the assessment of the migratory risk is expected to be a salient activity. Because of the comparative design of the research, the migrant-sending country should be a country whose nationals are established in large numbers in more than one European Member State, northern as well as southern countries. Moroccan immigrants
are established in old northern immigration countries but also in southern immigration countries such as Italy and Spain. Table 1 shows the evolution of the stock of Moroccan immigrants in Belgium, France, Germany, the Netherlands, Italy, and Spain from 1968 to 2012.

**Table 1: Evolution of Moroccan-Origin Populations (Registered population, possessing Moroccan citizenship, including second and third generations), 1968-2012**

<table>
<thead>
<tr>
<th></th>
<th>France</th>
<th>Netherlands</th>
<th>Belgium</th>
<th>Germany</th>
<th>Spain</th>
<th>Italy</th>
</tr>
</thead>
<tbody>
<tr>
<td>1968</td>
<td>84,000</td>
<td>13,000</td>
<td>21,000</td>
<td>18,000</td>
<td>1,000</td>
<td>NA</td>
</tr>
<tr>
<td>1975</td>
<td>260,000</td>
<td>33,000</td>
<td>66,000</td>
<td>26,000</td>
<td>9,000</td>
<td>NA</td>
</tr>
<tr>
<td>1990</td>
<td>653,000</td>
<td>184,000</td>
<td>138,000</td>
<td>62,000</td>
<td>59,000</td>
<td>78,000</td>
</tr>
<tr>
<td>2005</td>
<td>1,025,000</td>
<td>316,000</td>
<td>214,000</td>
<td>73,000</td>
<td>397,000</td>
<td>253,000</td>
</tr>
<tr>
<td>2012</td>
<td>1,147,000</td>
<td>363,000</td>
<td>298,000</td>
<td>127,000</td>
<td>672,000</td>
<td>487,000</td>
</tr>
</tbody>
</table>

Source: Hein de Haas, [https://www.migrationpolicy.org/article/morocco-setting-stage-becoming-migration-transition-country](https://www.migrationpolicy.org/article/morocco-setting-stage-becoming-migration-transition-country)

The largest number of Moroccan immigrants is established in France, the Netherlands, Belgium, Spain, and Italy. Spain and the Netherlands have not been selected because of feasibility issues and organizational differences. Therefore, the countries selected are France, Belgium, and Italy. The data about foreign-born populations by country of birth shows that Morocco-born populations are a significant share of the foreign population. From 2009 to 2017, they are the first group of non-EU immigrants in Belgium, the second in both France (data available up to 2013) and Italy².

The refusal rates of short-stay visas shift considerably, as Table 2 shows:
Table 2: Rates of non-issued short-stay visas out of visas applied for (consulate-general of Belgium, France, and Italy in Casablanca, 2009-2017)

<table>
<thead>
<tr>
<th></th>
<th>Belgium</th>
<th>France</th>
<th>Italy</th>
</tr>
</thead>
<tbody>
<tr>
<td>2009</td>
<td>36.8%</td>
<td>8.9%</td>
<td>26.5%</td>
</tr>
<tr>
<td>2010</td>
<td>39.7%</td>
<td>7%</td>
<td>28.4%</td>
</tr>
<tr>
<td>2011</td>
<td>42.1%</td>
<td>8%</td>
<td>23%</td>
</tr>
<tr>
<td>2012</td>
<td>43%</td>
<td>9.2%</td>
<td>24.7%</td>
</tr>
<tr>
<td>2013</td>
<td>42.9%</td>
<td>7.9%</td>
<td>21.2%</td>
</tr>
<tr>
<td>2014</td>
<td>39.5%</td>
<td>6.2%</td>
<td>18.6%</td>
</tr>
<tr>
<td>2015</td>
<td>42.8%</td>
<td>5.9%</td>
<td>21.7%</td>
</tr>
<tr>
<td>2016</td>
<td>43.5%</td>
<td>5%</td>
<td>19.1%</td>
</tr>
<tr>
<td>2017</td>
<td>41.5%</td>
<td>5.6%</td>
<td>29.5%</td>
</tr>
</tbody>
</table>


The statistical differences between the refusal rates suggests that these three Schengen states provided a suitable case to investigate comparatively the filtering work of national bureaucracies in Morocco.
I analysed the three cases in depth, mainly through ethnographic immersion in the organizations that implement visa policy, and gathered the same type of data in the same type of fieldwork setting. I carried out in-depth fieldwork research (interviews and participant observation) in the visa sections of the Belgian, French and Italian consulates in Casablanca for ten months between 2010 and 2013, which was shortly after the Visa Code came into force – an appropriate moment to question change. To assess the reliability of the data, I returned to the same fieldwork setting more than once. Long-time immersion enabled me to crosscheck information, develop a rapport with respondents based on trust, accumulate credibility and prestige, become familiar to those social worlds, and be included in informal settings. The ethnographer’s position as witness (Emerson and Pollner 2001) permits to obtain answers without asking. I analysed the legislative documents in the light of actual practice and using an anthropological approach that is interested in de-masking the framing of public policy questions (Wedel et al. 2005).

The inductive approach played a crucial role in expediting unexpected findings; I did not use fieldwork as the site to test hypotheses. The condition of openness to the unanticipated, which, according to Becker (1996), makes qualitative research epistemologically distinct, allows one to gather surprise data, notably about the relationship between learning from abroad and street-level policy change, in this case of analysis.

**Legislative Policymaking: A Source of Discretion**

Understanding visa policy implementation requires analysing EU legislation to establish to what extent it allows discretion. The Visa Code is our most relevant EU legal document, since it is a council regulation, meaning a legally binding and directly applicable act in its entirety, to which national circulars and daily conversations in the visa offices make reference. ‘Soft
law’, meaning non-legally binding law, as contained in the handbook on processing visa applications, also regulates EU visa policy. However, the consular staff are unaware of the handbook’s existence.

The ambiguous character of laws formulated through inter-state and inter-institutional compromise is often highlighted, especially in the EU context. The Visa Code is not exceptional in this respect, particularly on the examination of visa applications. According to Article 21, the examination of applications consists of

(1) verifying the entry conditions provided for in Article 5 (1) (a), (c), (d) and (e) of the Schengen Borders Code; and
(2) assessing ‘security risks’, the ‘risk of illegal immigration’ or of ‘the applicant’s intention to leave the territory of the Member State before the expiry of the visa applied for’.

Issuing visas is based on the same entry conditions that regulate crossing EU external borders, which were included in the Schengen Borders Code. Nevertheless, EU visa policy aims to control migration away from the edges of the Schengen area and to do so before the arrival of undesired travellers. Pre-emptive risk management is the new rationality of migration policymaking (Rea 2009). Examining visa applications implies not just verifying entry conditions but also assessing the ‘risks’ that any applicant might pose.

Broad discretionary powers emerge from a vague formulation of how to examine visa applications, for the articles covering entry conditions fail to specify how to authenticate them. These include proof that the travel document presented is genuine; an explanation of the purpose and conditions of the applicant’s intended stay and evidence that he or she has sufficient means of subsistence; verification of the authenticity and reliability of the documents submitted, and of the veracity and trustworthiness of the applicant’s statements. The same applies to the assessment of a potential security ‘risk’, as well as to the likelihood of illegal immigration and of the applicant’s return. To make decisions on visa applications,
officers need to interpret the objectives and practical meanings of general, yet vague, regulations. Consequently, discretion is inevitable. Social scientists have extensively documented the ambiguous nature of laws and how this forces those having to implement them to rely on their own discretion. It would be unrealistic to expect rules and instructions to cover every situation encountered on the job (Feldman 1992). Agents in public services have to adapt general rules to fit the specific cases they face (Lipsky 1980). However, as Brodkin (1987) noted, ‘eliminating discretion might not be desirable with respect to flexibility and adaptiveness.’ Social scientists have encouraged a departure from the Weberian view of bureaucracy, according to which there is no need for discretion because the functions that bureaucracies perform are formalized in written rules.

Some specific visa policy conditions contribute to the vagueness of the law even further. First, notions such as risk and rules about its assessment must be applied to a wide array of foreign countries and the practical meanings of risks vary from country to country, as between, for example, Morocco and Saudi Arabia. Visa policy has to adjust to local contexts, which means having to tailor controls to particular settings. The regulations cannot cover all situations, for these vary according to the country in question. Second, since national bureaucracies retain a monopoly over passports and visas as ‘legitimate means of movement’ (Torpey 2000), broadly worded definitions of everyday consular tasks leave room for national discretion. Finally, inter-institutional compromises accentuate the lack of specificity about migratory risks. One key informant⁶ – policy officer⁷ of the Visa Unit, Directorate-General Migration and Home Affairs – has revealed that the European Parliament’s involvement in the procedure to adopt the Visa Code⁸ has led to a broadly worded definition of what constitutes a migratory risk. This policy officer stated:
“Sorts of profiles exist. We tried to put something in the Handbook, but we did not dare to [in the Visa Code], because the Parliament has the right of monitoring. Finally, we did not put anything like profiling.”

In short, general conditions, conditions intrinsic to policymaking in the visa domain, as well as conditions that are specific to EU legislative policymaking have all contributed to the ambiguity of EU legal documents, thereby authorizing discretion. Consequently, one cannot expect the reduction of cross-national differences in street-level implementation through the definition of common rules. Rules are not directly applicable: they need to be translated into practical meanings. In effect, fieldwork has shown that written law provides little guidance on how to perform the job. Given that the written law delivers uncertainty rather than a straightforward direction for action, how do consular officers make decisions?

Making Decisions: Local Knowledge and Social Limits to the Uses of Discretion

A look at the similarities between Belgium, France, and Italy gives one a general idea of what skills are required to examine visa applications and how consular officers acquire them. Visa sections operate under conditions of perpetual rotation: some of the officers – the expatriate staff – as well as the heads of visa sections and consuls are always newcomers to the organization and, as such, seek to learn the most appropriate way to perform their job in the consular post to which they are temporarily assigned. This exemplifies both the need to adjust visa policy to local contexts, for skills relate to a particular area, and the fact that neither regulations nor formal training provide the means to acquire those skills.

All the consular officers described the regulations and especially formal training as ‘abstract’ or ‘theoretical’, meaning that it was not directly applicable. They said that each
time they were assigned to a new consular post they had to relearn part of their job and, to do this, they would turn to their colleagues for guidance. In other words, they learned through informal socialization. As Feldman (1992, 177) noted, ‘informal socialization sets social limits regarding the uses of discretion because it imparts the perception of appropriateness concerning behaviours.’ Socialization is the process whereby a person learns to behave in a way that is acceptable in that social context. Organizational socialization is ‘the process by which an individual acquires the social knowledge and skills necessary to assume an organizational role’ (Van Maanen and Schein 1979, 211). In visa services, social interactions rather than texts or formal training limit the uses of discretion by developing the knowledge required to play one’s role.

Participant observation has revealed that officers must specify the unspecified and learn precisely what the regulations fail to detail, which is everything to do with putting visa policy into practice. Officers seek what organizational and policy ethnographers define as ‘local knowledge’. Given that social interaction is crucial to learn how to make decisions, I favour a definition of local knowledge that takes into account both its characteristics and the means by which it is developed and learned. Nicolini, Gherardi and Yanow (2003) emphasize the social character of local knowledge; they see it as a form of ‘social expertise’ developed and learned in action and interaction. The characteristics of local knowledge are the reverse of those of expert knowledge: expert knowledge is evidence-based, scientifically constructed and generalized; local knowledge is practice-based, context-specific and involves practical reasoning. As Yanow (2004, 12) explains, ‘it is the character of “expertise” that is different: local knowledge legitimates the experiential-contextual as a type of specialization equal in value (under certain circumstances) to the scholarly-academic.’ Local knowledge is the specialized, experiential, contextual, and interactively derived expertise that underpins street-level policy implementation.
The crucial role that permanent, locally-employed staff plays in developing and learning local knowledge confirms the legitimacy of a type of specialization that is based on experiential and contextual knowledge. Permanent staff members have a longer experience of the daily work and deeper knowledge of the local context than newcomers. To make decisions, a task that is formally entrusted to the expatriate staff, it is necessary to be familiar with a series of elements that assist judgement formation, such as knowing what constitutes a ‘good’ salary. As the French vice-head of the visa section pointed out:

“When I arrived I used to deny visas to applicants earning 5000 Mad [approximately 500€ in Moroccan dirhams]. Then, colleagues told me that in Morocco 5000 Mad is a good salary level, so I changed.”

The same applies to the reputation of firms, as an Italian officer explained:

“When I examine business visa applications, I need to ask my Moroccan colleagues [the locally employed staff] about the reputations of companies and firms, for they are the only people who have that kind of knowledge.”

Direct observation revealed how expatriate staff members learned through their interactions with permanent staff. One excerpt from my fieldwork journal shows a Belgian officer tasked with examining the business visa applications of a musical group asking a locally employed worker, “do you know the group XX? They say they are a group of Chaâbi, have you ever heard of them?” In another, an Italian officer asks his local Moroccan colleague, “if I issue a visa to a policeman, I don’t have to worry that much because in Morocco they are considered military, aren’t they? If they do not come back, will they be considered deserters?”
The above examples show the extent to which local knowledge relates to the local context and that it includes know-how. Local knowledge is also about what features – such as socio-economic conditions, ties in the host and home country, age, sex, and so on – are relevant for categorizing applicants.

Decision-making on visa applications is not an actuarial process. Features of risk are not inferred from any statistics but from organizational learning. Building on Schauer (2003) who draws a distinction between non-spurious and spurious decision-making – that is with or without a sound statistical basis – I argue that decision-making that accompanies visa applications is clearly spurious. Features delineate profiles; in other words, they fall into categories. Decision-making on visa applications is accomplished through a process of categorization, namely generalizing a particular case according to the features it presents. Unlike an individual case-oriented approach, an organizational approach to decision-making looks at categories rooted in the organization (Gilboy 1991). This approach, which tries to establish what underlies the categorization, usually an organization’s concerns and purposes, allows one to uncover why particular categories have emerged and are being used by social control agents (Emerson 1983).

The comparative research underlying this article has revealed the extent to which organizational concerns are state-bound and have historical depth, a finding that emphasizes state-specific categories. However, the research also disclosed unexpected similar categorizations. I discuss both in the next section, which objective is to show the organizational concerns and purposes that build negative categories without digging into variations of individual officers or factors that make issuing a visa – social networks, bribing, anticipation of legal and informal complaints, empathy and so on – although negative categorizations of the applicant and the application.
National Paths and Similarities in Practices

Each country’s own history of introducing visas, its migratory movements, and the nature of its bilateral relationship with Morocco will all have a bearing on how a consulate approaches and processes its visa applications. Bureaucratic officials work within a background understanding of the wider context that conveys sense to organizational action. The organizational setting, understood broadly, makes sense of officials’ work by suggesting the purposes to which their daily action is bent (Lin 2000). Because a country’s history of bilateral relations, migratory movements, and visa introduction, give a national flavour to its visa policy on the ground, ideas about what visa policy should do in Morocco, and what issues are at stake when implementing it there, shift considerably. Organizational purposes and concerns that underline categorizations are inscribed in those national paths.

In an attempt to control Moroccan immigration, Belgium and France introduced visa requirements for Moroccan nationals in 1984 and 1986 respectively. Unlike Belgium and France, Italy introduced visa requirements to Morocco and several other countries in 1991 to comply with European norms following the signing of the Schengen Agreement (Sciortino 1999). Historically, Italy has never used visas as an ‘external mechanism of immigration control’ (Brochmann and Hammar 1999). Belgium and France, two of the five original Schengen signatory states, drafted the Schengen visa policy from which the current legal framework derives. Consular officers now view their work in terms of assessing the ‘risk of illegal immigration’ and of ‘the applicant’s intention to leave the territory of the Member State before the expiry of the visa applied for’. These objectives (included in Article 21 of the Visa Code) stem from the Common Consular Instructions, which the five original Schengen states drew up during the secret negotiations leading to the Schengen Implementing Convention in 1995. Part V, third paragraph of the Common Consular Instructions, states:
“The purpose of examining applications is to detect those applicants who are seeking to immigrate to the Member States and set themselves up there, using grounds such as tourism, business, study, work or family visits as a pretext.”

Fieldwork has shown that the administrative language employed in the visa section of Belgium and France since before the entry into force of the Visa Code reflects those distinct historically rooted uses of visa policy. In the Belgian consulate, the objective of examining visa applications is defined as assessing the probability of ‘procedural abuse’ (détournement de procédure). Interviews with senior officers have revealed that this notion is not novel. Similarly, in the French visa section the objective is usually termed as ‘misusing the purpose of the visa’ (risque DOV, Détournement de l’Objet du Visa). Both notions refer to the possibility that somebody might apply for a short-stay visa with the intention of settling lawfully in the country by getting married or by applying for a residence permit, or with the intention of using the visa for another purpose such as receiving health treatment. These practical meanings of the migratory risk correspond to the framing included in the Common Consular Instructions to which both Belgium and France have contributed. In contrast, the Italian consulate contained no such reference; Italian officers are far more likely to speak of ‘deserving the visa’ (meritare il visto) and tend to understand visa decisions in terms of merit rather than risk management. This notion of merit is unconventional: the Italians do not see applicants as deserving because they tell the truth, are cooperative, or want to pursue an education. They associate merit with being in a good enough economic or professional situation to deserve access to Italian territory. Justifications based on the income do not imply just the fact that they see low income as a ‘push’ factor for migration but also that they associate income with certain kinds of professions and social classes, which deserve merit and respectability, as the examples in Box 1 show:
Box 1: Merit and Decision-Making, Consulate of Italy

Example 1

Officer I1 explains how he makes decisions: “If a person earns 1,500 dirhams in a bakery it’s not even worthwhile opening the file.”

“Usually, I’m very kind with doctors.”

Example 2

Officer I2 examines two applications and explains why he issues the visa: “He works as an engineer and his salary is very high.”

“I’ll issue the visa to this one, he travels alone, but he has a good salary.”

Example 3

Officer I3: “I’m sorry for those who are polite but don’t deserve it.”

Interviewer: “What do you mean by ‘don’t deserve it’?”

Officer I4: “They don’t deserve it because they don’t have any money.”

Example 4

Officer I2: “You see, I would like to help this one but she has nothing.”

Source: field journal

In the case of Belgium, the ‘problem’ of migration dates back to a drop in demand for the Moroccan workers who used to service the booming Belgian economy in the 1960s. With a long history of migration from Morocco to Belgium, many Moroccans had established permanent settlement in that country. Consequently, applications for Schengen visas are frequently for ‘family visit’, the category that also receives the most rejections. Officers who suspect ‘procedural abuse’ from a Moroccan national are concerned that short-stay visa applicants might apply for a residence permit or Belgian citizenship and then claim welfare benefits, especially unemployment benefits and health care (Infantino and Rea 2012). Such
concerns are related to legal mechanisms that can be activated through a family tie with a Belgian national or lawfully resident non-Belgian, as exemplified by officers B1 and B2:

Officer B1: “Somebody holding a short-stay visa can go to the town hall in Belgium, register there and then receive welfare benefits. Elderly people have the right to stay whenever they declare ’I’m the mother or the father of...’ The town hall may deliver a residence permit. The citizenship comes later.”

Officer B2: “I would like that welfare benefits remain for my children.”

Consular officers used to blame on the one hand, ‘lax’ Belgian law that, in their view, open the doors to immigrants while allowing several benefits and, on the other hand, the ways in which law is enforced in local administrations (Immigration Office and Town Halls) that are deemed insufficiently restrictive.

Because Morocco was a French protectorate between 1912 and 1956, the migratory concerns it presents to France are the same as for any other former French colony. History can be said to confer empirical appropriateness to the organizational purpose of stemming migration. The protectorate is associated to ‘migratory pressure’, as exemplified by Officer F1 who explains the issues at stake in deciding upon visa applications in Morocco:

“In a country previously under the Protectorate, there is the migratory pressure”

‘Migratory pressure’ is a negative designation about Moroccans who settle in France lawfully, either through marrying or acquiring residence permits. French visa officers are also
forever alert to the possibility that visa applicants might look for health treatments. The head of the French visa section explained:

“There exists the risk of misusing the purpose of the visa: tourism but actually they receive medical treatments; friends or family visits but actually they want to get married.”

Finding features that fall in the organizational negative categories of the ‘risk of marriage’ or the ‘risk of applying for a residence permit’ informs decision-making, as shown by Officer F1 who explains features of risk:

“First application, young lady, good-looking, unmarried...she could get married; a widow whose entire family lives in France”.

The ‘risk of applying for residence permits’ of parents is a main concern. Routine questions that are asked through verbal probing or one questionnaire seek specific information (such as the countries of residence of all children) to assess that risk.

For Italy, there is one specific negative category, namely young Moroccans who are suspected of travelling to work in Italy at the invitation of Italian nationals and about whom the officers learn through interacting with the applicants or their Italian sponsors, as shown in the following example in which the conversation with a sponsor reinforces the appropriateness of the negative category:

Officer I1 is speaking on the phone with an Italian citizen who wants some explanation about the denial of one tourism visa application lodged by a young girl. The Italian citizen explains that the girl has some relatives in Italy and that he has the opportunity to find her a
job and an apartment. Thus, Officer I1 says: “So, you are confirming that our assessment was right (...)

The category of the risk of applying for jobs is specific to the Italian context, as it is based on knowledge developed and learned during interactions with applicants, which is of considerable value to the organization. It builds the negative categories.

Although organizational action is state-bound and follows a path inscribed in historical policy legacies, it has been possible to note some convergence in the categorizations that the different consulates employ, even in a very different case like that of Italy. These include the category of the risk of lawful settlement through marriage or acquisition of residence permits. Therefore, certain profiles such as young Moroccans in relationships with Italian citizens and old parents visiting their children begin to fall in negative categories, as the following excerpts of my field journal show:

Officer I2 is worried about one visa application: a young male employed in a prestigious Moroccan Foundation who has a letter of invitation from the mother of his Italian fiancée. They gathered this information through verbal probing at the window, as Officers I1 and I2 have introduced routine questions that aim at determining the relationship with the person inviting the applicant. Officer I2 states: “This case is almost a textbook example, he has done this on purpose, he has taken these salaries only to apply for the visa, he wishes to get married and live with this woman (in Italy).”

For parents visiting their children, suspicion towards the intention of applying for residence permits on the basis of family reunification rights has constituted the motivation of many refusals, as exemplified in the following field journal excerpts:
Locally-employed officer I2 puts the negative symbol on the file of an old couple. He writes: they want to reunify with their son.

Another application is denied. The motivation on the file says: documentation seems to be intended for family reunification.

Practical meanings of the migratory risk in term of lawful settlement and their profiles are neither learned from interactions with clients nor based on organizational concerns specific to Italy that are rooted in pre-Schengen Italian visa policy. Officers employ ‘acontextual generalizations’, generalizations devoid of any context (Schauer 2003) that consist of unwritten profiles of the migratory risk to Europe. It is most interesting to note that instead of being associated to undocumented migration, the migratory risk is seen mainly as a risk of lawful settlement. Although institutional studies (European Commission 2008) and scientific literature (de Haas 2007; Düvell 2007; Triandafyllidou 2010) suggest that most undocumented migrants are visa over-stayers rather than clandestine border-crossers, this analysis of actual practice shows that the fight against irregular migration is not set as a priority. Bureaucratic action is rather concerned with the potential use of the ‘juridical capital’ of candidates to mobility. Drawing on Bourdieu’s (1984) definition of social capital, the juridical capital can be characterized as the ability of mobilizing laws, and if necessary courts and jurisprudence, to obtain the right to residency, nationality and/or to enjoy welfare benefits in a foreign country. The unwritten profiles of the risk of lawful settlement and the knowhow of how to detect them are actually converging. Thus, the targets of the filtering work of borders that is achieved via visa granting become more and more similar. The process that accounts for this policy change from below is a specific process of learning – what Wenger (1998) sees as the informal interactions of the ‘community of practice’.
Learning within the Community of Practice

The consuls-general and the various consulates’ expatriate officers in Casablanca constitute a community of practice through which they learn and develop local knowledge. A ‘community of practice’ is a group of people who share a concern or passion for something they do and consider regularly interactions as a means to learn how to do it ‘better’. Unlike networks, communities of practice not only share knowledge but also apply it (Freeman 2006). The community forms a social locus for learning. This approach consists of a social theory, for it locates knowledge and learning within social interactions (Duguid 2005). The consular community of practice produces and uses knowledge about policy implementation that standardizes practice despite diverging national paths.

Organizational studies that engage with knowing and learning allows for shedding light on the micro-processes that account for isomorphism, the paradoxical result of efforts at changing organizations that actually result in making them more similar (DiMaggio and Powell 1983). This sustains the argument of organization theorists that according to Powell and DiMaggio (1991, 10) ‘prefer models not of choice but of taken-for-granted expectations, assuming that “actors associate certain actions with certain situations by rules of appropriateness”’ (March and Olsen 1984, 741) absorbed through socialization, education, on-the-job learning, or acquiescence to conviction’. Rather than through employee transfer, turnover or consulting firms, this mimetic modelling happens through coming together. Informal interactions are the means by which consuls-general and expatriate officers develop and learn their local knowledge. They share the tricks of their trade, their knowledge about how to manage the visa application process and what pitfalls to guard against; together they try to make sense of their work; and they pick up the unwritten profiles of the migratory risk.
Local knowledge is a way of coping with the uncertainty about how to carry out decision-making and solves the problem of implementing visa policy in local settings. As Freeman (2006, 377) noted, ‘solving problems is an embedded, social process as much as a rational, scientific one’, and within the frame of informal exchange local implementers learn how others approach their tasks. They engage in organizational learning beyond the boundaries of their organizations.

Consuls-general schedule informal meetings in their consulates while the typical setting for an officer’s interaction with foreign colleagues is a telephone call, usually made to establish the real reason for another consulate’s refusal to issue a visa. By glancing through the pages of an applicant’s passport, officers realize whether that applicant has ever applied for a Schengen visa. A stamp in the passport signifies that a visa application has been lodged. If the passport lacks a visa sticker, this means that no visa was issued. Officers make telephone calls to verify if some unnoticed element provoked that previous refusal. During these conversations, they exchange their expertise on features arousing suspicion and the operational meanings of risks embodied by visa applicants begin to emerge.

Leisure activities provide another typical learning environment for expatriate officers. In fact, I carried out part of my fieldwork through attending weekly dinners at a Casablanca restaurant with Belgian, French, Italian, and Spanish expatriate staff members. There, they would discuss their jobs, anticipate the strategies of Moroccan travellers, argue about what demands Moroccan travellers might place on the welfare states of their respective countries, chat about the consequences of applying for residence permits and exchange their unwritten observations about the dangers of migration. The officers placed a high value on having personal connections with colleagues in other consulates with whom they could exchange ideas and information. Parties provided ideal settings for establishing informal ties with other Schengen consulates. Developing personal connections to help implement EU visa policy was
even recommended at the *journée diplomatique* – a one-day formal training held in Brussels for all the Belgian visa agents. The head of the short-stay visa bureau started his talk by encouraging informal exchange, stating that:

“*Local consular cooperation is an important form of collaboration, also if informal and outside formal contacts.*”

State officials saw exchanging ideas with other Schengen consulates such a crucial aspect of implementing visa policy. Why should national consulates need to confer with other nations to enact their own sovereignty? Why do the representatives of mutually exclusive nation-states become a community of practice?

**The EU Effect: Why Sovereign Nation-States Give Birth to Local Community of Practice**

It is interesting to note how the Casablanca consular community of practice assembles around specific concerns linked to putting EU visa policy into action. Their concerns, which provide the incentive to seek help from others, stem from three elements in particular: these are interdependency; the subjective representation of migration as a threat to Europe; and the communitarization of all aspects of visa policy, implying that EC decision-making rules are what establish the latter.

First, the visas the national consulates issue authorize entry to, and free movement within, both the state they represent and all the other states in the Schengen area, which have lifted their internal frontiers. As a result, with a view to preventing applicants engaging in so-called ‘visa shopping’, namely taking strategic advantage of national inconsistencies, the consulates
try to diminish any cross-national differences in visa policy. Because of the interdependency this creates, interacting in order to learn ‘how the others do it’ as well as exchange ideas and knowledge become an important element in implementing visa policy.

Second, within the frame of the construction of the Schengen Area, the lifting of inter-state frontiers has been implying pooling both sovereignty and the fear of threats from beyond the borders of the European Union\textsuperscript{11}, thereby constructing a ‘them’ as opposed to an ‘us. National state actors rely on ‘other Europeans’ to develop and learn knowledge about the most appropriate ways of securing Europe.

Finally, the communitarization of all components of EU visa policy – especially conditions and procedures associated with delivering visas and organizing consulates’ visa sections – provides an important incentive to interact with other Schengen states, which have a strong interest in presenting a united front to counterbalance the Commission’s power. The civil servants responsible for implementing visa policy in the Schengen states view EU regulations as intrusive and costly, and tend to avoid the more formal meetings of Local Schengen Cooperation at which representatives of EU delegations rank consulates according to their compliance with time frames for instance and, in other words, ‘name and shame’ them, ostensibly to achieve Commission-led harmonization. Informal interactions among the local community of practice are better at achieving the national consulates’ objectives. The community of practice is a good way of learning about policy implementation, whereas the meetings of Local Schengen Cooperation mainly imply supranational constraints.

In sum, consuls-general and officers from other national consulates comprise the ‘Schengen peers’ who make up the novel community of practice. The informal interactions of the communities of practice, which is how learning and developing local knowledge occurs, are responsible for policy change from below. Policy change from below, in turn, challenges path dependency, which leads to state-specific visa processes and decisions.
Conclusions and Directions for Future Research

In the analysis of the relation between policy learning and policy change, the perspective of policy implementation is less investigated. However, policy implementation is a process of ad hoc and collaborative learning (Freeman 2006). Implementing policies entails learning, through social processes, how to solve problems associated with delivering them. This article has shown that learning happens across borders of polity and change policy-making at the street-level, for the knowledge about the appropriate ways of using discretion is developed with practitioners from other states. Communities of practice are effective in changing policy at the street level since communities produce and apply knowledge. Communities of practice learn ‘how’ rather than ‘that’. This kind of knowledge influences change in implementation settings. Participant observation provides not just compelling support for learning hypotheses but also evidence of how people learn through their informal social interactions.

My case study reveals that the adoption of unwritten profiles of the migratory risk, as well as a shared understanding of the issues at stake in granting visas, leads to uses of discretion that standardize policy outcomes while according a different meaning to EU visa policy objective - stemming lawful settlement - rather than fighting against irregular migration.

Since the specific domain of my research into visa policy was confined to the consulates of three Schengen signatory states in one foreign country, I know little about other contexts. Therefore, the only way of establishing whether my research findings might have wider applications is to test them in other local settings.
Further research should take into account the possibility that a group of actors might include non-state implementers. Policy change from below could also come from non-state actors implementing border and migration control on governments’ behalf who need to rely on local knowledge, such as the employees of visa application centres, managers of detention centres, or escorting agents who enforce deportation orders. In fact, some states are delegating more and more of their governmental responsibilities, especially in the area of migration and border controls, to non-state actors. We need to learn more about how state/non-state communities of practice develop local knowledge and its effect on policy outcomes. Moreover, some transnational corporations providing implementing services are global players. Further research should investigate their shaping of policy outcomes and their role in policy change at the street level by diffusing ‘ways of doing things’ among the multiple governments they work for.

Underlying this article is a call to pay academic attention to what happens to policymaking at the street level. This does not mean that those who execute the policy should be blamed or held responsible for any controversial issues that might arise during the implementation phase, like translating the assessment of the migratory risk into pre-empting lawful settlement. On the contrary, it should encourage politicians to re-examine the idea that migration as such is a problem, an idea that consular officers translate into practice.
References


3 Consulate of Belgium - Interviews: 4 out of 5 expatriate officers, 10 out of 12 locally-employed workers, head of the visa section, head of the citizens service, Consul General, Consul.

Consulate of France - Interviews: 10 out of 11 expatriate officers, 10 out of 14 locally-employed workers, head of the visa section, head of the citizens section, Consul General.

Consulate of Italy - Interviews: 4 out of 5 expatriate officers, 3 out of 6 locally-employed workers, head of the visa section, head of the citizens section, Consul General, Consul.

In the three consulates: Observations of processing, examining practices and of interviews with applicants.


6 This person has been involved in EU visa policy legislative policymaking for 15 years and several colleagues have described her/him as a crucial resource for this policy area.

7 A policy officer is a highly ranking permanent official of the European Commission who plays a key role in the EU’s legislative and budgetary processes.

8 The Visa Code is a regulation adopted through ordinary legislative procedure. The Commission submitted the legislative proposal. After the debate in Council, the European Parliament Committee on Civil Liberties, Justice and Home Affairs amended the proposal, before adoption by the Parliament itself.

9 In 1985, in the city of Schengen, the Kingdom of Belgium, the Federal Republic of Germany, the French Republic, the Grand Duchy of Luxembourg, and the Kingdom of the Netherlands signed the Schengen Agreement on the free movement of goods, persons and services.


11 Historical examples of border-free regions, like the Benelux Economic Union, shows that free movement has not always resulted in the strengthening of external borders as a necessary counterpart.

12 Major examples are transnational corporations like G4S, Serco, VFSGlobal, GEO etc.

13 For some examples on diffusion of practices and work routines notably in visa policy implementation, see: Infantino 2016.