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The Making of Social Cohesion: A Critique of Migration Law and Practices in Switzerland

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'Integration' and 'social cohesion' have various meanings in public, academic and political debates. While both terms generally remain ambiguous, 'integration' becomes a distinctive reality when used by state officials who grant or deny rights. By reviewing recent developments in Swiss migration law, this blog post discusses critically the underlying ideas of 'social cohesion' and imaginations of 'society', and their implications for state

practices and discourses regarding the requirement of 'being integrated'.

An analysis of the admission criteria for foreign nationals offers insights into what is considered a threat to the Swiss nation state and subsequently, how the Swiss society and its cohesion are imagined. Historically, until 2007, the former ANAG (Federal Law on the Residence and Settling of Foreigners) specified in art. 16 para. 1 that "in its decisions, the authorizing body must take into account the intellectual and economic interests and the degree of 'overforeignisation' (Überfremdung) of the country" (all quotes translated by the authors). This article, regulating the admission of foreign nationals, was transposed into the current FNIA (Federal Act on Foreign Nationals and Integration), replacing the expression Überfremdung with 'demographic and social development' (art. 3 para. 3) and 'cultural and scientific needs' (art. 3 para. 1) of Switzerland.

Moreover, the FNIA uses the term 'integration' repeatedly to specify how social cohesion should be fostered, thereby stating a particular relationship between social cohesion and integration. The cantonal governments and the predecessor institution (BFM) of today's State Secretariat for Migration SEM establish this reference even more explicitly by arguing that "successful integration of foreign nationals will have a decisive influence on social cohesion and the future of Switzerland as a business location" in a joint policy paper (BFM and KdK 2011, 1).

The Imaginary of the 'Perfect Integration'

"Obtaining the Swiss passport should be the last step in a longer phase of integration, the so-called icing on the cake. To receive the red passport, a foreigner should practice, strive for it, learn and fight, in order to be perfectly integrated when passing the finish line of naturalization, just like a sportsperson." (Thomas Minder, Swiss MP, authors' translation)

Thomas Minder refers to the imaginary of the 'perfect integration' of a foreign national as the precondition for his or her naturalization. This idea is also enshrined in Swiss law through the newly introduced integration stage model. Minder also implies but does not explicitly mention another imaginary: the one of social cohesion, provided and secured through the perfectly integrated person, who is granted access to the Swiss society. Yet, it remains somewhat elusive and contested into what specific social entity a person is supposed to integrate.

The completely revised Swiss Citizenship Act (SCA), in force since 1st January 2018, and the partially revised Foreign Nationals and Integration Act (FNIA), in force since 1st January 2019, further consolidate these conceptualizations of integration and social cohesion. Both laws mention specific integration criteria that must be

met to be categorized as "integrated". Furthermore, the FNIA identifies foreign nationals 'in need of specific integration measures' (art. 53a and 55a) and allows for downgrading permanent residence permits (art. 58a, art. 63 para 2) and revoking residence permits (art. 62 para. 1 lit. g, art. 63 para. 2) in case of failure to meet an integration requirement.

In the quote above, Thomas Minder refers to these multiple options the new 'integration stage model' introduces for governing the admission of foreign nationals. It guarantees that only 'perfectly integrated' foreigners are granted access to Swiss nationality, while the undeserving lose their right to reside in Switzerland altogether – much like a sportsperson who does not reach the finish line.

This short excursus on Swiss migration law reveals a circular relationship between arguments about how 'social cohesion' can be guaranteed and 'integration' achieved. First, we find that the idea behind the different laws has remained the same, despite replacing expressions like 'overforeignisation' with more liberal sounding terms like 'participation' (art. 4 para. 2 FNIA). Secondly, the law foregrounds a perception of social cohesion (viz. 'Zusammenleben', Art. 4 para. 1 FNIA) that is destabilized or threatened by migration and promotes the effective 'integration' of foreign nationals to stabilize it. Lastly, social cohesion is both presented as the prerequisite for 'integration' – based on a notion of Swiss society as a clearly identifiable social entity – and as the result of a 'successful integration' (see art. 34 para. 6 FNIA) of foreign nationals, leading to an 'integrated society'.

Social Cohesion and Constructive 'Others'

Scrutinizing how the idea of 'social cohesion' enters the drafting and enactment of laws reveals the underlying logics of migration management and control, and is related to imaginaries of society. Furthermore, investigating the framing of 'social cohesion' facilitates an understanding of state attempts to govern (im)migration, as attempts of (re)gaining control over society as a whole and beyond the migrant subject. This approach is in line with van Houtum's and van Naerssen's (2002, 134) observation that 'others' are needed and continuously (re)constructed to achieve cohesion of the national society. Hence, understanding current developments in migration lawmaking as an attempt to govern social cohesion allows for a critical view of government practices, policies and legislation – a perspective often neglected in current debates and literature on social cohesion (but see Yuval-Davis et al. 2005).

In the Swiss case, social cohesion is mobilized to legitimize restrictions on (unwanted) migration. In this sense, social cohesion is viewed as an essential prerequisite of a peaceful cohabitation within a (national) society, and the official quest becomes one of how to increase 'contact' and decrease 'differences' (Yuval-Davis et al. 2005, 524). However, to individualize integration conceals and depoliticizes inequalities and different impediments, which are created and appear

on a structural, rather than an individual level. It is, therefore, essential to investigate the discursive 'production of a constructive Other' (Barsky 1994) in the political, legal and academic practices and discourses, surrounding and expressed through the imaginaries of social cohesion.

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References:

Barsky, Robert F. (1994) _Constructing a Productive Other: Discourse Theory and the Convention Refugee Hearing._ Amsterdam/Philadelphia: John Benjamin Publishing Company.

Houtum, Henk van and Ton van Naerssen. (2002) 'Bordering, Ordering, and Othering'. _Tijdschrift voorEconomische en Sociale Geografie_ 93(2):125–36.

Yuval-Davis, Nira, Floya Anthias, and Eleonore Kofman. (2005) 'Secure Borders and Safe Haven and the Gendered Politics of Belonging: Beyond Social Cohesion'. _Ethnic and Racial Studies_ 28(3):513–35.

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