

Consultative bodies and dialogue platforms for immigrant communities: lessons from three EU countries

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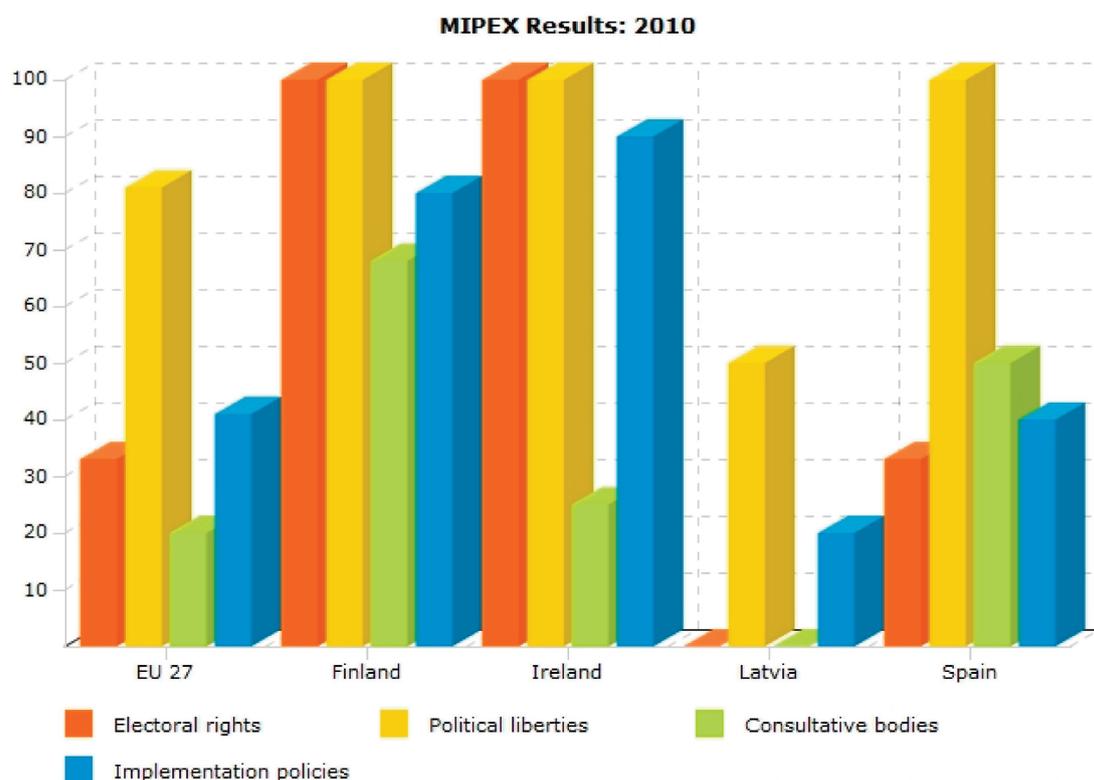
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Introduction

Participation in public policy is a crucial way in which individuals can contribute their ideas, visions and proposals to the development of societies they live in. While citizens holding the legal nationality of the European Union (EU) country they live in have many ways to influence public policy, not least through elections, there are fewer opportunities for immigrants who do not have legal citizenship status to do so. One of the ways to ensure the participation of immigrants in public policy is provided in some EU member states through national-level consultative bodies.

Latvia has 14.5% non-citizens and about 2% of its population are third country nationals. Very few forms of political participation are accessible to these groups in accordance with Latvian laws and policies. Thus, according to Migrant Integration Policy Index (MIPEX III¹), in all four dimensions of political participation (electoral rights, political liberties, consultative bodies and implementation policies) Latvia lags behind the EU average (see chart below).



Since Latvia does not accord the right to participate in municipal elections to permanent residents, it is especially important to create alternative channels for political participation for non-citizens and third country nationals. While not substituting for other, more direct forms of participation (such as electoral rights), a national-level consultative body and/or dialogue platform may serve to establish structured dialogue between immigrant groups and the Latvian Government.

¹ Huddleston, T. et al (2011). Migrant integration policy index. British Council, Migration Policy Group.

Policy document “Basic Principles on National Identity, Civil Society and Integration Policy for 2012–2018” adopted by the Latvian government in October 2011² includes an aim to establish a national consultative council with the participation of immigrants and NGOs representing this group, as well as representatives of ministries and municipalities in 2012. Hence, the Centre for Public Policy PROVIDUS (Latvia) has commissioned this paper in order to analyse and describe good practices of establishing and running consultative bodies and dialogue platforms for immigrants in other EU member states, to learn from the experience of other countries when establishing a consultative mechanism in Latvia.

This paper looks at the experience of national-level consultative bodies and dialogue platforms for immigrants in those EU and European Economic Area (EEA) member states where they exist, with the purpose of summarising good practices regarding structural arrangements and institutionalisation, representation, leadership, scope of involvement in policy processes and forms of interaction with government. The first part summarises the normative perspective on consultative bodies, and enumerates the criteria and recommendations for consultative bodies developed by experts. The second part of the paper looks closely at the national-level consultative bodies in three countries: Spain, Finland and Ireland. These countries have been chosen for the good (better than EU-average) evaluation of their consultative mechanisms for immigrant integration according to the Migrant Integration Policy Index (see the chart above). The case studies are based on documents regarding the three countries’ consultative bodies available online, but also on interviews with three country experts.³ Conclusions and recommendations following from the analysis of these case studies are developed specifically for the future dialogue platform and consultative body in Latvia, but can be of interest also to other EU countries planning to establish a new national-level consultative body for immigrants.

1. The Normative Approach to Integration as a Two-Way Process and the Role of Consultative Bodies

Common Basic Principle 1 of immigrant integration policy in the EU is that integration is a “two-way process”.⁴ As one of the ways in which the process of mutual accommodation between immigrants and the receiving societies in the EU takes place, the Common Basic Principles include the principle of political participation: *“The participation of immigrants in the democratic process and in the formulation of integration policies and measures, especially at the local level, supports their integration.”*⁵

At the same time, not all national integration policies are equally supportive when it comes to the participation of immigrants in public policy. Integration and immigration policies often project a certain distrust towards the capacity of immigrants to participate in the public sphere in a liberal and democratic way. This distrust may stand in the way of building successful strategies of integration as a two-way process. As pointed out in a recent report from the Centre for European Policy Studies, “Integration is

² The document is available (in Latvian) on the website of Latvian Ministry of Culture.

http://www.km.gov.lv/lv/ministrija/integracijas_pamatnostadnes.html (Last visited on 30.05.2012.)

³ For Finland Peter Kariuki, Secretary-General of the Advisory Board for Ethnic Relations ETNO, for Spain Joaquín Arango, former President of the Spanish Forum for the Social Integration of Immigrants, and for Ireland Fidèle Mutwarasibo, Integration Manager of the Immigrant Council of Ireland.

⁴ Council conclusions, 2004, page 19–24. http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/jha/82745.pdf

⁵ Common Basic Principle 9.

only possible if the receiving society allows it. On the one hand, if government policies and rhetoric explicitly identify the presence of immigrants as a problem and a phenomenon to be contained, integration will be made difficult... The multiple integration actors can contribute with an account of a sustainable, experienced understanding of integration. In their capacity as frontline observers of actual needs, their opinions should be acknowledged, valued and properly channelled in the implementation (and evaluation) of public policies on integration.”⁶

One of the ways to ensure that integration policy is based on a “sustainable, experienced understanding of integration”, shared by the immigrant communities, is to establish permanent structures for dialogue. Thus, Common Basic Principle 7 states: *“Frequent interaction between immigrants and Member State citizens is a fundamental mechanism for integration. Shared forums, inter-cultural dialogue, education about immigrants and immigrant cultures, and stimulating living conditions in urban environments enhance the interaction between immigrants and Member-State Citizens.”*

Together, Common Basic Principles 7 and 9 form the basis for supporting the formation of consultative bodies and dialogue platforms for immigrants in Member States which have not so far established such structures.

There is no clear definition of a consultative body, its mandate and functions in the Common Basic Principles or in other policy-level EU documents. The definition of a consultative body at the local level is provided by the Council of Europe in the “Convention and Explanatory Report on the participation of foreigners in public life at the local level”.⁷ It mentions three forms of participation:

1. Participation by representatives of foreign residents in an advisory capacity in the deliberations of local authority committees;
2. Consultative committees with mixed membership comprising members of local authority and representatives of foreign residents;
3. Consultative councils with purely foreign membership.

It is important to note, however, that the emphasis on ‘foreigner’ status is not helpful in many cases, when immigrants, even when naturalised, encounter the same sets of obstacles in public life (such as discrimination) as non-naturalised members of immigrant communities. That is why the national-level consultative bodies often include citizens of immigrant origin as well immigrants who are not naturalised.

The Handbook on implementation commissioned by the Council of Europe’s Congress of Local and Regional Authorities⁸ recommends that consultative bodies should have the following features:

- clearly defined, prioritised, funded and regularly assessed objectives;
- open-ended and differentiated membership, equal representation from migrants and local communities, wide representativeness of migrant membership;
- election by migrant residents or associations, rather than nomination by authorities;
- consultation and promotion of civic and political participation;
- right to initiate consultation and receive a response;
- necessary financial and human resources.

⁶ Carrera, S., and Faure Atger, A. (2011). Integration as a Two-Way process in the EU? Assessing the Relationship between The European Integration Fund and the Common Basic Principles on Integration. Centre for European Policy Studies, page 58.

⁷ Convention and Explanatory Report on the participation of foreigners in public life at the local level, Council of Europe, 1992. <http://conventions.coe.int/Treaty/en/Treaties/html/144.htm> (Last visited on 30.05.2012.)

⁸ Gsir, S., and Martinel Io, M. (2004). Local Consultative Bodies for Foreign Residents, A Handbook. Council of Europe.

In order to evaluate national-level consultative bodies, the following criteria are offered by Migration Policy Group⁹:

- Structural vs. ad hoc consultation of foreign residents;
- Election vs. appointment of members;
- Leadership of body;
- Institutionalisation (rights of initiative and response);
- Representativeness (e.g. nationality, gender).

It follows from these criteria that, like the authors of the Council of Europe Handbook, Migration Policy Group also considers bodies that are set up as permanent structures, with members elected or nominated by the constituency and not appointed individually by public authorities, with the rights of initiative and response and with diverse composition, as the appropriate model of a consultative body.

In this paper, we will look at the way these qualities are reflected in some of the actual consultative bodies functioning in the EU and EEA.

1.1. Consultative bodies and citizenship as participation

“Basic Principles on National Identity, Civil Society and Integration Policy for 2012–2018”¹⁰ accepted by the Latvian Government in 2011 see formal citizenship status (nationality) as the only true basis for political participation in Latvia, and present naturalisation as the main path to participation. This is in line with the political discourse of citizenship-as-status. Meanwhile, given the global migration trends in Europe and the world, it is important to offer forms of participation also to persons who do not intend to naturalise in the country where they settle for a certain period of their lives. Participation for migrants is logical in the world where migration is a norm.

In many places in the EU municipal and even national policies allow for forms of political participation (citizenship-as-participation) for foreigners resident in the country. Apart from the right to participate in municipal and regional elections, also consultative bodies are a form of citizenship-as-participation. In some cases, municipal consultative bodies clearly define as their goal the involvement of immigrants who have not (yet) attained legal nationality in citizenship-as-participation. An example of that is the Nantes Council for the Citizenship of Foreigners (Nantes, France). The goal of the Council is to ensure the participation of foreigners in the drafting of the town’s municipal policy on integration, equality and the fight against discrimination; and to investigate topics of concern to local residents (e.g. access to employment, health, housing and education policies) and formulate proposals for policies in related areas that could be implemented by the municipality and other public agencies.¹¹

⁹ Huddleston, T. (2010). Consulting immigrants to improve national policies. Migration Policy Group, page 2.

¹⁰ The document is available (in Latvian) on the website of Latvian Ministry of Culture.

http://www.km.gov.lv/lv/ministrija/integracijas_pamatnostadnes.html (Last visited on 30.05.2012.)

¹¹ Carrera, S., and Faure Atger, A. (2011). Integration as a Two-Way process in the EU? Assessing the Relationship between The European Integration Fund and the Common Basic Principles on Integration. Centre for European Policy Studies, page 64.

1.2. The Main Features of Consultative Bodies

1.2.1. Structural versus ad hoc

A clear structural arrangement (statutes or other legal framework agreed to by the government, the presence of a secretariat or responsible officer paid for by public authorities, regular meetings) exists in about half of the countries in the EU that have national-level consultative bodies for immigrants. It has been noted that in many cases, older consultative bodies started off as experiments in the previous decades, but later became permanent, and acquired a new legal framework around 2000.¹²

Of the three case studies analysed in this paper, Spain and Finland have permanent consultative bodies, while it appears that Ireland has a semi-permanent one, lacking some crucial features of a structural consultative body.

In Spain, the Forum for the Social Integration of Immigrants came into existence largely as a result of the changes brought about by the “Plan for Social Integration of Immigrants” (1994). It acquired a different legal status with the Royal Decree 3/2006, defining it as a body for consultation, information and advice on integration affiliated to the Ministry of Labour and Immigration.

In Finland, the Advisory Board for Ethnic Relations ETNO was created initially under the Ministry of Labour, but later transferred to the Ministry of Interior. It has a secretariat run by the Ministry and meets regularly.

In Ireland, the Ministerial Council on Integration was set up in 2010 as a follow-up to the “Migration Nation” policy report. It had been meeting regularly until the change of government in 2011.

1.2.2. Right of initiative and response

In Finland, the Advisory Board for Ethnic Relations ETNO issues statements and drafts initiatives and proposals. It also arranges the annual ETNO Forum in association with the regional ETNOs (Advisory Boards). These functions are seen as a means to achieve one of the goals of ETNO: “to provide the ministries with immigration policy expertise in the interests of furthering an ethnically equal and diversified society”.¹³ One of the functions of the Advisory Board is to provide expert assistance in the development of immigration policy.

In Spain, government requests the Forum’s opinion or reports on any policy drafts that concern issues of social integration. The Forum has also the right to prepare reports, programmes and plans on own initiative for government’s consideration, and to come forward with its own proposals and recommendations.

In Ireland, there is no ‘official mandate’ for the Ministerial Council on integration, though a broad description of its role is outlined in the “Migration Nation” report. The guidelines suggest that the Council’s role is “to reflect the changed dynamic of migration into Ireland” and “to give advice to the Minister directly on issues faced by migrants”. There are no laws requiring public authorities to respond to the recommendations of the Ministerial Council, its role is purely advisory.

¹² Huddleston, T. (2010). Consulting immigrants to improve national policies. Migration Policy Group, page 8.

¹³ Ministry of the Interior of Finland, <http://www.intermin.fi/intermin/home.nsf/pages/A6DAD54E3A9379A2C22573B50030FDAA> (Last visited on 11.05.2012.)

1.2.3. Election versus appointment

In Finland, members of National Advisory Board ETNO are selected through an open call to immigrant-run NGOs that nominate their candidates. The Government then appoints members of ETNO for a period of four years. In Spain, the Forum for the Social Integration of Immigrants consists of a number of representatives of immigrant communities and social support organisations nominated by their organisations and appointed by the Ministry of Labour, and a number of representatives of different levels of government and local authorities. Government representatives, serving as members of the Forum *ex officio*, include representatives of several national ministries, officials from autonomous communities of Spain, and officials from local administrations. The representatives of immigrant and refugees' associations are appointed by their own organisations, after the Ministry has selected representative organisations from among those NGOs and associations that had applied for places.

In Ireland, candidates for places in the Ministerial Council on Integration were also invited to apply through an open call, but unlike Finland and Spain, no priority in the selection process was given to established associations of immigrants. The appointment of Council members was at the discretion of the Minister. In making the appointments, the Minister took into account factors such as country of origin (in order for several immigration communities to be represented), place of residence in Ireland, and gender (in order to have an appropriate gender balance). Nevertheless, the appointments were criticised by established and active immigrant associations which were excluded from the selection in favour of candidates with a lower profile.

A less transparent and less circumscribed system of selection of representatives of immigrant communities for consultative bodies means that the consultative body has less legitimacy and authority in the eyes of its constituencies. More structured representation of various parts of immigrant communities, civil society at large, and various levels of government and local authorities ensures a higher credibility and legitimacy of the consultative body.

1.3. Consulting on What?

As can be seen from the examples above, a common mandate for a consultative body on integration includes consultation on new policies that can have major impact on the consultative body's key stakeholders – immigrants and their organisations. This particularly concerns immigration policy, integration policy, access to work and social benefits, education policy (related to integration and education of students with migration background) and sometimes access to housing.

Another policy area on which more consultation with immigrant representative bodies is desirable is the programming of the national programmes of European Fund for the Integration of Third Country Nationals (EIF). As pointed out in a recent study by Centre for European Policy Studies, the role of the EIF in integration as a two-way process in the EU should be enhanced, and the programmes of the EIF itself should be subject to discussion involving immigrant organisations as key stakeholders: "The EIF should contribute to establishing a solid partnership between responsible authorities and integration actors, including civil society organisations, migrant representatives and local authorities with a view to:

- commenting on overall issues relating to the implementation of the annual programme;
- participating in the drafting of the annual programme;
- ensuring the transparency of the programme activities;

- assisting in the selection of projects, and
- conducting an (*ex post*) evaluation of the relevance of the projects in light of the purposes of the EIF and Common Basic Principle 1.”¹⁴

With more engagement of immigrants’ consultative bodies, EIF programmes could be better tailored for the needs of integration and help meet the capacity building and participation-related needs of immigrant communities, as well as increase the emphasis on policy areas that are of particular concern to immigrant communities, e.g., family reunification, anti-discrimination, access to labour market.

2. Case Studies from Three EU Member States

2.1. Advisory Board on Ethnic Relations ETNO, Finland

In Finland, the Advisory Board for Ethnic Relations ETNO was transformed from a previous consultative institution, the Advisory Board for Refugee and Migration Affairs PAKSI, in 1998. ETNO is the current stage of a long sequence of consultative bodies for refugees and immigrant affairs. An Advisory Board for Refugee Affairs has existed in Finland since 1981, when many refugees from Cambodia and Chile had arrived there. The first department of refugee and migrant affairs had been established in the early 1990s, and acted as the coordinating body for PAKSI. PAKSI had been set up in 1992, and had been coordinated by the Ministry of Labour before the founding of ETNO, which is now coordinated by the Ministry of Interior.

2.1.1. Structural arrangement

ETNO is coordinated by a permanent Secretariat at the Ministry of the Interior. The selection of candidates for representing minority and immigrant communities is very strict, and the list of persons delegated by selected associations to be the members of ETNO board is submitted by the Minister of the Interior to the government for an official decree. Once the members have been confirmed by government decree, they stay in office as ETNO members for the current term of four years.

Human resources (two employees) and administrative costs of ETNO are covered under the ministry’s budget. Government funds are also used to fund the regional ETNO boards in seven regions of Finland.

2.1.2. Representativity and appointment procedure

As stipulated in the government’s decree on ETNO, its composition is predetermined. The decree states that ETNO is to be comprised of a chairperson and two vice-chairpersons plus a maximum of 33 other appointed members. Every member of ETNO has a designated deputy/substitute. All immigrant and ethnic minority members of ETNO represent associations or societies. The process of selection of representatives is left to the 10 chosen ethnic, migrant or religious society members of ETNO.

Members of ETNO who represent the government are all *ex officio*. The chairperson of ETNO is the current Permanent Secretary of the Ministry of the Interior. One of the two vice-chairpersons is a

¹⁴ Carrera, S., and Faure Atger, A. (2011). Integration as a Two-Way process in the EU? Assessing the Relationship between The European Integration Fund and the Common Basic Principles on Integration. Centre for European Policy Studies, page 61.

member of an ethnic minority or immigrant community, and the other is a representative of one of the political parties currently in Parliament. The members of the Board of ETNO representing five key ministries are appointed from:

- Ministry of the Interior;
- Ministry of Education and Culture;
- Ministry of Foreign Affairs;
- Ministry of Health and Social Affairs;
- Ministry of Labour and the Economy.

Among ETNO *ex-officio* members are also the representatives of 8 political parties currently in Parliament, one representative of the Association of Local Authorities, one representative of employers' association and one representative of the labour unions, and representatives of 7 regional ETNO boards.

To select the ten members that represent ethnic and immigrant minorities, the ETNO Secretariat, under the Ministry of the Interior, organises an open application process with specific application criteria. Applicants have to be registered associations or societies. Non-registered associations or societies can apply only jointly with a registered association or society. Among the criteria for selection is the association's sound legal and administrative management and adherence to democratic principles, but also vulnerability of represented community to discrimination or racism. The shortlist of pre-selected organisations goes through approval process at a number of ministerial levels, before the 10 associations are finally confirmed by the Minister of the Interior. Only after that the Secretariat of ETNO contacts the selected associations to appoint their representatives and deputies. The list of persons is submitted by the Minister to the Government for an official approval and a decree establishing the new composition of ETNO is issued by the Government.

While the representatives of minority and immigrant organisations do not make up the majority of 33 members of ETNO, together with the seven representatives of regional boards they are already in the majority. The diverse representation of government bodies and social partners is designed to mainstream the agenda of ETNO into policy process at various levels and across several policy areas.

2.1.3. Mandate and opportunities to influence policy

ETNO's mandate is clearly stipulated by the government decree that establishes it. ETNO's functions are:

- to promote good ethnic relations and equality among members of all ethnic groups, as well as mutual interaction and cooperation in the various component areas of immigration policy;
- to provide expert assistance in the development of immigration policy;
- to help promote organisational activities among immigrants;
- to provide information about immigration policy and ethnic diversity and increase awareness regarding both issues.

Of the three countries analysed here, Finland's consultative body has the most clear formal features of a dialogue platform, because its mandate includes exchange of information and views and awareness-raising in society and among immigrant communities.

While public authorities are not required by law to follow the recommendations of ETNO, it has become good practice to request the opinion and advice of ETNO on policy issues concerning integration and migration. According to a representative of the Ministry of the Interior (ETNO Secretariat), "It is a matter

of principle for public authorities to take into account what the board says on policy or strategic issues. The fact that public authorities do request ETNO's opinion on policy matters is a good sign. (...) Through the growing credibility of ETNO over the years, the number of consultations by public authorities has increased as well. This also means that public authorities respond to ETNO's recommendations at an increasing rate."¹⁵

Since its foundation, the ETNO secretariat has been a part of the Integration unit in first the Ministry of Labour and the Economy and later in the Ministry of the Interior. It now functions as part of the Legal Affairs unit. Its presence at the core of policy units in the Ministry implies, according to Ministry representatives, that "ETNO has been part of the most important teams in developing Finland's integration policy and strategy". According to some ETNO members, working closely with the Government improves ETNO's credibility, the credibility of the associations represented there and gives them more opportunities to achieve change. It also provides them with networking opportunities and direct communication channels to government institutions and political parties.

As an expert body, ETNO answers to many requests to provide experts for various steering committees, work groups and specialist groups within the Government. Representatives of minority associations are given priority in delegating experts. ETNO members are also delegated to represent it in international networks on integration and migration, like the European Integration Forum¹⁶. Rather than serving only as a dialogue platform, ETNO is also a fully fledged consultative body, even if it has no statutory entitlement to response by government bodies.

2.2. Forum for the Social Integration of Immigrants, Spain

Spain's consultative body of immigrant population representatives – the Forum for the Social Integration of Immigrants – was established in 1994 in the then Ministry of Social Affairs. It was initiated as part of the first national Integration Plan, promoted by the Social-Democratic government then in power, and established together with a Permanent Observatory for Immigration.

Like in Finland, the initial establishment of a consultative body for immigrants was influenced by increasing immigration levels. In the 1990s Spanish society realised that Spain was a country of immigration. The number of immigrants, very small until then, started to significantly increase in the second half of the 1980s. Around 1990, the need to develop an immigration policy became apparent. In that year the Spanish Parliament debated the issue, declared that Spain had become a country of immigration, and instructed the Government to develop an immigration policy.

The political climate in which this policy was developed (and consultation mechanisms were established) was favourable to the recognition of rights and inclusion of immigrants. The political re-socialisation of a large majority of the Spanish society during the transition from Franco's dictatorship to democracy had made democratic, egalitarian, and universalistic values popular among Spanish citizens. While increasing levels of immigration and changes of political climate in the recent years have weakened popular support for immigration, egalitarian values remain strong, and this has an impact on the way participation of immigrants is perceived.

¹⁵ Interview, May 2012.

¹⁶ European Integration Forum <http://ec.europa.eu/ewsi/en/policy/legal.cfm> (Last visited on 30.05.2012.)

2.2.1. Structural arrangement

The status of the Forum for the Social Integration of Immigrants is stipulated in the second Immigration Law passed in 2000 (Law 4/2000). The law defines the Forum for the Social Integration of Immigrants as the official consultative body in matters of immigrant integration, with the functions of consultation, information and advice on matters related to integration. Since 2004, it has been coordinated by the Ministry of Labour and Social Affairs (called Ministry of Labour and Immigration since 2008). Its composition is based on the 'tripartite principle' (representative of immigrant associations, of organisations of social support – including employers' federations and trade unions – and of public authorities).

The day-to-day activities of the Forum and its plenary are organised by the Steering Committee.

2.2.2. Representativity and appointment procedure

The Forum is a tripartite consultative body made up of representatives of major nongovernmental organisations (NGOs), immigrant associations, and public authorities. It is made up by 30 members, plus a President and a secretary:

- ten members are representatives of immigrant and refugees' associations. They are supposed to adequately represent the diversity of the immigrant population in the country, i.e. securing the presence of the major communities from key countries and regions of origin;
- ten members represent major NGOs and organisations of civil society, of which two come from the employers' federations and two from the most representative trade unions (according to the results of the trade unions elections);
- six members are officers appointed by ministries of the national government that have a close relationship with immigration and integration issues;
- two members represent the regions (called Autonomous Communities);
- two members represent local governments.

In addition, the Forum can invite up to three observers representing associations which are deemed of interest for integration matters.

Members of the Forum are appointed for three years. The President of the Forum is appointed by the Minister and selected from among candidates who have recognized public reputation in matters of immigration or integration.

The organisations representing immigrants and refugees as well as other integration NGOs can apply for Forum positions through a call issued by the ministry. The organisations to be represented in the Forum are then selected through a process based on the following strict criteria:

- their statutory objectives, in accordance with the goal of integration;
- a sizable presence in the whole country, or at least in a number of relevant regions;
- experience with projects in matters of integration;
- efficacy and evidence of good management in the case of publicly funded projects;
- adequate structure and management capacity;
- in the case of immigrant and refugee associations, their representativeness taking into account both their weight in the immigrant communities and the pluralism and diversity of the latter. Organisations themselves appoint their representatives to the Forum if selected.

2.2.3. Mandate and opportunities to influence policy

The official mandate of the Forum for the Social Integration of Immigrants in Spain is defined as follows:

- putting forth proposals and recommendations;
- receiving information about planned policies and actions of public authorities that influence, or can influence, integration;
- channelling the proposals and claims of civil society organisations;
- producing reports and assessments of all policy proposals and plans relating to integration, either upon request or at its own initiative;
- producing an annual report on the state of social integration of immigrants and refugees;
- producing an annual report about its activities;
- the Forum's opinion must be heard before any bill on immigration or integration can be adopted by the Government or sent to Parliament.

Like ETNO in Finland, the Forum is also both a consultative body (with clearly defined consultation function) and a dialogue platform, ensuring structured dialogue among immigrant associations, public authorities, social partners (employer associations and labour unions) and local authorities.

While public authorities are not required by law to respond to the recommendations of the national consultative body on policy drafts affecting social integration, at least since 2004 they still usually respond to the recommendations and concerns voiced by the Forum. Public authorities (at the national and regional level) have generally been inclined to take into consideration the recommendations of national consultative body on draft policy documents or laws affecting the social integration of immigrants, although not always these recommendations have been accepted and corresponding changes made in policy documents. On the whole, according to the Spanish expert interviewed for this study, "cooperation with public authorities and their responsiveness has been satisfactory... this is true of the period until 2000, and in the years since 2004, though much less in the period 2000–2004", when conservative government was in power.

2.3. Ministerial Council on Integration, Ireland

In Ireland, Ministerial Council on Integration was founded in 2010. It has not met since the new Government came into office in 2011.

The Council was formed following Ireland's integration strategy "Migration Nation" published by the Office of the Minister for Integration in 2008. This policy document stated that a Ministerial Council on Integration will be established to give advice to the Minister directly on issues faced by migrants, with the Minister chairing the meetings of the Council.

Long before the Council was established, several civil society organisations in Ireland had seen it as their role to engage in policy dialogue on integration issues and meaningful involvement of migrants in policy making in the areas of integration, equality and social cohesion. In the run up to the 2007 general elections, the Immigrant Council of Ireland (an NGO) ran a campaign calling for joined-up leadership on immigration and integration issues. In a report published as part of the campaign, entitled "Coordinating Immigration and Integration: Learning from the International Experience", the NGO called for the establishment of a national integration forum. Other mainstream NGOs and migrant-led organisations made similar calls.

2.3.1. Semi-structural arrangement

The Ministerial Council was established by ministerial decision and its structure and mandate are not established by law. It has to be chaired by the Minister and its meetings have to take place two to three times per year.

2.3.2. Representativity and appointment procedure

Members of the Council were selected by the then Minister on the basis of a call for applications and appointed for a period of five years. In making the appointments, the Minister, according to official information, took into account factors such as the need to have a balance between countries of origin, places of residence in Ireland and the desirability of having an appropriate gender balance. Applicants for appointment to the Council were required to have been legally residing in Ireland for more than two years or to have acquired citizenship. Applicants for asylum or subsidiary protection were not eligible to apply for places in the Council. According to the Ministry, just fewer than 500 valid applications were received in the Office of the Minister for Integration before the closing date of the 7th July 2010.

The composition of the Ministerial Council was based on regional representation, seeking to include representatives of regional integration forums from four areas: Dublin, the rest of Leinster, Munster and Connacht/Ulster. **Each regional forum was to be composed of 15 to 20 members and its members attended meetings in the region in which they resided.**

Civil society organisations representing immigrant communities expressed concern that their representatives were not selected for the Council. Instead, persons not affiliated to active NGOs were selected. Five immigrant NGO activists who were unsuccessful in their application for appointment to the Ministerial Council told the advisor on the Irish case study that “in their view, they had been excluded because they were familiar with the system, and civil servants felt that they could have been difficult to handle as they would not have been happy with tokenism”. In their view, the Minister’s preference for seeking out “normal migrants” to sit on the Council meant that priority was given to “those who would be less likely to ask hard questions”.

2.3.3. Mandate and opportunities to influence policies

A broad description of the Council’s role was outlined in integration strategy “Migration Nation” (2008):
“...a Ministerial Council on Integration to give advice to the Minister directly on issues faced by migrants will be appointed. The Minister will chair meetings of the Council. The Council will be made up of 40 members. Members of the Council will be appointed for a period of five years. The members of the Council will be migrants. In appointing members, account will be taken as far as possible of the need to have a balance between countries of origin, number of migrants from particular countries, places of residence in Ireland and the need to have appropriate gender balance. Council meetings will be convened by the Minister and will normally be held 2 or 3 times a year. Meetings of the Council will normally be held in Dublin. However, in order to reflect the fact that migrants live in all parts of the country occasionally meetings will be held outside Dublin. Meetings of the Council will be private. In order to ensure the maximum degree of transparency a press statement giving details of the matters discussed will be issued after each meeting.”¹⁷

¹⁷ Policy Statement “Migration Nation” (2008), page 39. <http://www.integration.ie/website/omi/omiwebv6.nsf/page/aboutus-migrationnation-en> (Last visited on 30.05.2012.)

As can be seen from this outline, the Ministerial Council is purely advisory. It has no special legal status requiring official authorities to respond to recommendations of the Council. As a result, it is subject to fluctuations of the political situation.

The Council has not met since the new Government took office in March 2011. However, the role of advocacy, consultation and information bodies for Ireland's immigrant community has been and is successfully performed by civil society organisations. According to the secretary general of the Immigrant Council of Ireland, Fidele Muturwarasibo:

"In a wider context, civil society in Ireland has been responding to the challenges faced by the migrants. The Immigrant Council of Ireland, the Migrant Rights Centre Ireland, Doras Luimni, Crosscare, the Integration Centre (resulting from the merger between the Refugee Information Service and Integrating Ireland), Cairde, the Vincentian Refugee Centre (which recently merged with Crosscare, Spirasi, the Irish Refugee Council, The Irish Immigrant Support centre) NASC, the Jesuit Refugee Service and other NGOs have been providing services to migrants including: information, advice, support and in some cases legal representation. Migrant-led organisations such as the New Communities Partnership, the African and Migrant Women Network – AKIDWA, the Africa Centre, have also been active in promoting social, cultural and political integration. A number of NGOs have also been commissioning research projects aimed at documenting the experiences of migrants in Ireland in the last number of years. The NGO sector has also been involved in advocacy work and the implementation of projects aimed at promoting Integration, anti-racism and diversity. Since the National Consultative Committee on Racism and Interculturalism ceased trading in 2008, the civil society has done some work to address racism in Ireland: organisations such as the Irish Network Against Racism (ENAR Ireland), the Immigrant Council of Ireland, Anti-Racism Ireland – ARN, the NGO Alliance Against Racism among others have been advocating on the issue. Civil society has addressed some of the challenges faced by the migrants but the sustainability of the sector is a constant battle."

The case of Ireland illustrates the unstable situation of a consultative body that does not have a statutory role and is thus not entitled to regular consultations by government institutions. In Ireland, a robust civil society successfully fulfils the role of advocate for migrant communities, and the interaction between government and immigrant communities will not cease because of the current inactive state of the Council. But in other countries, where immigrant civil society has not yet established itself as a strong dialogue partner of the government, a weak legal status and uncertain mandate of the consultative body may mean that no platform for communication exists.

Conclusions

The following conclusions summarise the most pertinent features of the analysed cases of consultative bodies for immigrants.

Structural bodies

The above studies illustrate that in countries where consultative bodies for immigrants have existed for a long time without interruption (Finland and Spain), they tend to be:

- structural, i.e., institutionalised by government decrees or/and laws, attached to one of the central government ministries, and served by a permanent secretariat (sometimes also with a steering committee and working groups created in order to organise the work of the consultative body);

- permanent, i.e., with a secure legal and/or political status, with members appointed by a government decree for a number of years, not to be dissolved or re-appointed by a new government mid-term because of a different outlook on integration policy, and with a fixed schedule of meetings decided by either the steering committee or the plenary, not convened by the government ministry at its discretion.

A less permanent body with an uncertain legal status is more dependent on the vicissitudes of political life, and may fall prey to neglect by new governments, as the case of the Irish consultative body currently shows.

Representative bodies with a democratic selection procedure

While in all three cases analysed here, the responsible government ministry has a say in which organisations will be represented on the consultative body, the extent to which immigrant associations represented derive their legitimacy from their constituency differs considerably. In Spain, it is the established immigrant associations with clear administrative capacity and transparent and democratic structure, representing larger immigration communities that have more chances according to the criteria on which the selection is based. The situation in Finland is somewhat similar, though selection criteria include also vulnerability to the threat of discrimination, and traditional minorities can be represented on par with immigrant communities. Both countries respect the principles of regional representation.

So does Ireland, but in its case, stronger immigrant associations were not selected to be represented on the Council, and nominations were individual, rather than based on existing structures of immigrant civil society. It is exactly the principle of selecting organisations, which then elect and appoint their own representatives, that makes the selection procedure in Finland and Spain more representative of immigrants as a constituency.

It can be concluded that a strong and representative consultative body and dialogue platform consists of members who are:

- nominated by associations of immigrants and minorities, not appointed directly by the minister;
- organisations selected for the consultative body have to be representative of immigration communities and of all regions of the country;
- selection process has to be based on clear criteria, including the organisation's transparent and democratic structure, vulnerability of represented community to threats of discrimination, and organisation's sound administrative capacity;
- the selection has to be initiated through an open call issued by the government, not through nomination by the ministry.

A discretionary and individual system of selection of representatives of immigrant communities for consultative bodies means that the consultative body has less legitimacy and authority in the eyes of its constituency, and its members are dependent solely on political appointment. A more structured representation of various immigrant associations, civil society at large, and various levels of government and local authorities ensures a higher credibility and legitimacy of the consultative body.

The presence of representatives of government ministries, employers' and employees' organisations, social support NGOs and local authorities on the consultative bodies is desirable, because it ensures the function of a dialogue platform, and makes direct channels for communication between the immigrants, the government and the larger civil society.

Consultations and dialogue, habit of response

In the cases of older and more established consultative bodies (Finland and Spain) the functions of consultation (on evolving policies and laws) and the functions of dialogue (between immigrant communities and the rest of civil society, social partners, local authorities, and central government) are clearly established both in the mandate of the consultative bodies and in their practice. In Ireland, due to a less prominent status of the Ministerial Council (advising the Minister of Integration and not the government at large, no permanent structure for interventions), neither of the functions is fully effective when compared to the policy and dialogue capacity of bigger civil society organisations.

One of the features that the Finnish and the Spanish consultative arrangements for immigrants have in common is that, despite the absence of a legal obligation for public authorities to respond to the recommendations of consultative bodies, there is a culture or a 'habit' of taking these recommendations into consideration. This does not mean that the recommendations are always followed, but nor does it mean that they are politely acknowledged and swept aside.

It follows that an effective consultative body has the following features:

- regular communication with different ministries and branches of government about policies concerning immigrants, with substantial expertise in the development of new policies provided by the consultative body;
- habit of response to the recommendations of the consultative body by public authorities.

To function as an effective dialogue platform,

- the representation of several branch ministries dealing with various aspects of policy that have impact on immigrants' lives in the country is desirable (limiting the presence of government institutions to one 'responsible' ministry may make the discussion parochial and irrelevant for the rest of public administration);
- the presence of other segments of civil society (social partners, social support organisations, possibly other NGOs working with integration issues, e.g. anti-racism organisations) is desirable, in order to make communication between immigrant civil society and the rest of civil society more direct and pluralistic;
- the members of consultative body/dialogue platform have to be free to propose the agenda for consultations, and to involve other social and political actors, in order to make the concerns and initiatives of the immigrant community and its contributions to public policy agenda, heard in society.

Recommendations

Establishing a new consultative body and dialogue platform

In view of the conclusions summarised above, it follows that in order to establish a new consultative body and dialogue platform in an EU country where no permanent consultation structures for immigrants have existed so far (this is the case of Latvia) the central government has to:

- appoint a responsible government institution that would develop the proposals for the structure, the funding mechanism and the legal status of the consultative body and would later 'host' the

secretariat of the consultative body. The current government body responsible for integration policy in Latvia is the Ministry of Culture. It has exercised this function since 1 April 2011. The previous responsible bodies have included Secretariat of the Special Assignment Minister for Social Integration (2003–2009), the Ministry of Children and Family Affairs (2009), and the Ministry of Justice (2009–2011). The frequent change of responsible ministry (caused by the highly politicised nature of integration policy, and dependent on the persons of ministers involved in successive governments) suggests that it would be unwise to attach the consultative body to any line ministry. It would rather make sense to host the consultative body either at the Office of Citizenship and Migration Affairs (OCMA), which exercises essential functions regarding immigration and naturalisation, and is somewhat removed from the politicised agenda of ‘integration via culture’, or at the State Chancellery, which coordinates the policy process in the government and thus deals with inter-ministerial issues;

- ensure that the mandate of the consultative body includes the responsibility and the right to comment on all government policies that have major impact on integration and immigration, and to issue recommendations regarding the implementation of existing policies and the development of new policies, including the programming of the national programmes of the European Fund for the Integration of Third Country nationals (EIF). In order to make feasible the involvement of immigrants’ consultative body in the programming of the annual and multi-annual action plans for the EIF, it is important to make the process of programming more open and inclusive, by providing online access to first drafts and collecting proposals about the content of action plans before first drafts are put together by the responsible ministry;
- ensure that government institutions have to provide the consultative body on request with the information necessary to perform its functions. While the circulation of draft policy documents in Latvia is rather transparent once they have been released by responsible ministry, access to information about policies still in the process of development inside a ministry is more limited, with information shared among the members of responsible working groups, but not with the wider public. The members of the consultative body should have access to information about any planned policies concerning integration and immigration while they are still being developed by a responsible ministry, as well as to other information on the situation of immigrants in the country (e.g. statistics on access to the labour market, education, housing and health services);
- ensure that a responsible minister organises a strict and transparent selection procedure among immigrants’ associations and other NGOs dealing with integration issues. The selection procedure has to be based on a call for nominations, for organisations rather than individuals. In selecting the organisations to be represented on the consultative body, the government has to ensure that they adequately represent immigrant constituency (larger communities of immigration, regional representation, considerable weight among the constituency), that they are democratic and transparent, have sufficient capacity to be regularly present at the meetings and to make substantive contributions to policy consultations and dialogue;
- provide sufficient resources for the secretariat and running expenses of the consultative body;
- ensure that the consultative body has an accessible and effective website, where its initiatives and proposals could be shared with its constituency and the wider public, and where internet resources for participation of immigrants can be located;

- ensure that total number of central government and local government representatives on the consultative body does not outnumber the representatives of immigrant associations and related NGOs. The presence of representatives of government ministries, employers' and employees' organisations, social support NGOs and local authorities on the consultative bodies ensures the function of a dialogue platform, and makes direct channels for communication between the immigrants, the government and the larger civil society.

Selection criteria and capacity building

In the case of Latvia, where the core of the larger part of immigration community consists of first- and second-generation immigrants from the former USSR, many of whom still do not have legal citizenship, with new immigrants often coming from the same countries of origin, establishing a dialogue platform that would represent the voices of both old and new immigrants is essential. It is also important to promote and support the participation of immigrant associations that are transparent (also in as far as their sources of funding are concerned) and democratic in their principles and structure. This is no easy task. The majority of Russian-speaking new immigrants from Russia, Ukraine, Belarus and other CIS countries either do not join any associations or join various national culture societies and sometimes Russian diaspora organisations established by 'old' immigrants. The policy capacity of the few distinctly 'new' immigrant association is limited. As was stated in a recent study, "[T]here are only a few organizations that directly represent the interests of immigrants or provide services to third country nationals in Latvia. Some of them – like Afrolat, Arab cultural centre and the Latvian-Lebanese society – have worked on combating intolerance and discrimination, while state funding priorities have inclined them more towards cultural activities. They have also been engaged in consultative political discussions which indirectly affect the issues of immigration, but overall the self-organization of the non-governmental organizations dealing with immigration is rather weak and their political and social participation is not noticeable."¹⁸

Among other obstacles to political participation of immigrants – negative attitude of the political elite, negative public opinion, negative coverage of immigrants in the media, and language barrier – some experts have named also immigrant associations' limited administrative capacity and the need for more organisations where immigrants themselves would participate and set the agenda: "It is not only the willingness to engage in a dialogue of state and municipality representatives that is important. Also the capacity and self-organization of immigrant NGOs is important – they need to define their interests, their goals and know how to reach them." (Latvian Centre for Human Rights)¹⁹

The relatively low administrative and policy capacity of immigrant associations in Latvia means that the new consultative body would have to be supported by a capacity building programme for its members. The logical source of funding for such capacity building is the European Fund for the Integration of Third Country nationals.

Possible forms of capacity building for immigrant associations to be organised by the consultative body and its secretariat include trainings and workshops to improve understanding of policy process and

¹⁸ Akule, D. (2011). Political Participation of Third-country Nationals on National and Local Level: Latvian country report. Centre for Public Policy PROVIDUS, page 16.

¹⁹ Ibid., page 23.

access to participation, facilitation of networking between experts in integration policies and immigrants' associations, and providing necessary resources for organisational learning, such as handbooks and studies of good practices.

The consultative body can also become the hub of expertise on integration policy issues and serve as a convener of wider public discussions about relevant policies (including the debate about the nature of the nation state, which has been hitherto monopolised by politicians and lawyers). In order to do so, it has to have sufficient resources and a highly effective secretariat.

Finally, it is important to ensure that the consultative body is represented in all relevant European and international integration fora and other platforms for communication and exchange of experience among immigrant organisations across national borders. It is also important to provide links to EU-based and international fora on integration and immigration on the consultative body's website.

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