

Fostering migrants' participation in policymaking processes at the EU level

A critical analysis of the European Commission's Expert Group on the views of migrants

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ABSTRACT

As of January 2023, the EU had 27.3 million non-EU migrants, 6.1% of its population, yet they lack voting rights for the European Parliament, raising questions about the democratic legitimacy of EU governance and representation. To respond to this democratic deficit, in 2020, the European Commission (EC) established the 'Expert Group on the views of migrants' to involve migrants and their representative organisations in the design and implementation of EU policy on migration, asylum, and integration. This paper investigates how the EC's Expert Group fosters migrants' political participation in EU policymaking. It found that while the Expert Group facilitates participation when members' views align with the EC, it constrains participation on sensitive topics. The findings indicate that the Expert Group supports EC priorities over migrants' needs, contradicting its representative mission. The paper concludes by emphasising the need to reimagine migrants' political participation to enable them to genuinely shape policies affecting them.

Keywords: Migrants' political participation; EU policymaking; Migrants Representation; Democratic legitimacy.

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1. Introduction

As of January 2023, the European Union had 27.3 million non-EU migrants, constituting 6.1% of the EU's total population, residing in its Member States (Eurostat, 2023). Despite their considerable size within European societies, non-EU migrants are systematically excluded from participating in the electoral process for the European Parliament. This lack of voting rights limits their direct participation in shaping EU policies and decision-making processes, raising fundamental questions about the democratic legitimacy of EU governance and the representation of non-EU citizens in democratic processes.

In 2020, the EC acknowledged that for its policies to be more effective and legitimate, it needed to include migrants in the decision-making processes.² With the EU increasingly promoting equal rights and opportunities for minority groups, the inclusion and participation of migrants in policymaking processes has become a policy priority (European Commission, COM (2020) 758, p.20). The EC has noted that involving migrants in consultative bodies could contribute to more effective policies that reflect their realities on the ground (European Commission, COM (2020) 758, p.20) and in that context, in 2020 it appointed, for the first time, an Expert Group composed predominantly of members with a migration background. In addition to aiming for better migration policies, the EC announced that through the Expert Group, it intended to foster migrants' participation in policy processes by consulting them and organisations representing their interests in the design and implementation of future EU policies in the fields of migration, asylum, and integration (European Commission, COM (2020) 758, p.20).

Despite the consensus among political scientists on the value of enhancing participation and inclusive practices for the democratisation of societies, the political integration and participation of immigrants remained understudied in Europe until the late 1980s, as migrants were not considered political actors in their temporary host countries (Bauböck et al., 2006). As migration dynamics evolved, migrants became permanent residents and gradually relevant to the political affairs of their host countries (Bauböck et al., 2006, p.67).

The question of migrants' political participation naturally leads to that of political inclusion. One side of the literature sees political inclusion as a process, while the other views it as an outcome (Morales, 2011). As Morales (2011, p.22) notes, migrants' political inclusion is "the process of gaining a secure position in the political process [or] system responsiveness to the interests of the groups and their representation in policymaking." With Europe's increasing migrant population, their political inclusion influenced the support for implementing advisory bodies to engage migrants without voting rights in political processes (Martinello, 1999 & 2006). Advisory bodies are defined as "deliberative forums created by governments to involve immigrants and their organisations in decision-making" (Nyseth & Ventura López, 2021, p.1). Metz (2015, p.4) describes EC Expert Groups as "advisory bodies affiliated to the European Commission, lending their expertise throughout the policy process – from policy initiation to formulation, implementation, monitoring, and evaluation." While these bodies do not formally

¹ European Commission (2020. Informal commission expert group on the views of migrants in the field of migration, asylum and integration", *Terms of reference*. P.0. Available on: [European Commission, Expert Group-TermsOfReference](#)

make policy decisions and are regarded as ‘inherently technocratic’ (Metz, 2015), they play an influential role in EU governance (Christiansen & Larsson, 2007; Gornitzka & Sverdrup, 2008; Hartlapp et al., 2014; Metz, 2015).

Among researchers of migrants’ political inclusion, there is a consensus that advisory bodies are mechanisms for democratic institutions to facilitate migrant participation in decision-making processes (Schiller et al., 2020; Takle, 2015). Although they are said to enhance institutional democratisation, political scientists debate whether indirect participation can compensate for the lack of direct participation (Però & Solomos, 2010; Nyseth & Ventura López, 2021). One side suggests that advisory bodies deny full political rights to non-citizens while giving the illusion of inclusion (Martinello, 2006; Güntner & Stanton, 2013) and consequently missing the opportunity to consider immigrants’ perspectives. Institutionalised advisory bodies tend to have a ‘token nature,’ failing to meet immigrants’ needs and demands (Però, 2007). Migrant participation is often performative and symbolic, serving as a ‘moral legitimacy’ label for institutions (Ramazani, 2022, p.12). Moreover, as these bodies are institutionally initiated, their funding depends on government interests, limiting immigrants’ influence on policies (Huddleston & Scholten, 2022, p.341). Besides ‘tokenism,’ advisory bodies can contribute to the ‘othering’ of migrants, constructing them as second-class political subjects and isolating them further (Però, 2007, p.278).

The opposing view claims that advisory bodies allow immigrants without voting rights to share their needs and interests with policymakers, reducing the democratic deficit (Takle, 2015). Establishing permanent advisory bodies fosters democratic values (Gundelach et al., 2017) and provides a participatory space for immigrants to engage in policymaking (Takle, 2015).

While there is no consensus on the impact of advisory bodies on policymaking and local democracy, they are seen as potential democratising tools ‘if given the power to do so’ (Nyseth & Ventura López, 2021, p.7). Current literature primarily focuses on immigrants’ political participation through advisory bodies at local and national levels (Grillo, 1985; Koopmans et al., 2005; Però, 2002 & 2007; Takle, 2015; Van Puymbroeck, 2016; Nyseth & Ventura López, 2021), as integration is mainly a local affair (Nyseth & Ventura López, 2021). This focus has led to national context-limited integration models, with little understanding of supra-national dynamics (Pisarevskaya & Scholten, 2022).

To address this gap, this paper aims at analysing the Expert Group participation in policy making at the EU level. To that end, the following research question is formulated:

To what extent does the EC ‘Expert Group on the views of migrants’ foster migrants’ political participation in EU policymaking processes?

To respond to the above, the outline of the paper is as follows. The paper begins with an introduction that provides background context, presents the problem statement, and formulates the research question. The theoretical framework follows, explaining the Political Opportunity Structure and Discursive Opportunity Structure theories and their relevance to the case study. The methodology section presents the case selection, data collection methods, and analytical approach. The results section presents empirical findings and discusses their implications for the Expert Group’s political participation. The discussion section interprets the results, and the paper concludes with a summary of the findings.

2. Theoretical Framework and hypothesis

The public policy literature has studied the relationship between policymakers and their advisors during the policy process through ‘knowledge-utilisation’ approaches (Metz, 2015). The knowledge-utilisation perspective focuses on the use or non-use by policymakers of the knowledge produced by their policy advisors (Neilson, 2001). Although policymakers frequently seek expert knowledge, research suggests that the probability of policymakers using this knowledge is quite low (Neilson, 2001). According to the ‘two communities’ theory by Caplan (1979), this gap can be explained by the different perspectives of policymakers and their knowledge experts, who belong to different realities. While this approach suggests that there is no direct impact of the knowledge produced on policymaking processes (Caplan, 1979; Neilson, 2001; Metz, 2015), others have argued that focusing exclusively on the use or non-use of specific knowledge is simplistic. It ignores that policymakers have access to various diverse knowledge producers who can influence policy content (Weiss, 1979; Webber, 1991). Researchers have argued that policy advisors may not influence policymaking processes in a direct or linear manner but rather through “a gradual shift in conceptual thinking over time” (Neilson, 2001, p.3).

Among researchers in migration studies, there is a clear consensus that the institutional context in a country either facilitates or constrains the political participation of its immigrant population (Ireland, 1994; Koopmans et al., 2005; Koopmans and Statham, 1999). Adopted from social movement studies, Political Opportunity Structure (POS) has been the dominant theory to explain the dynamics behind migrants’ political participation (Ireland, 1994; Koopmans et al., 2005; Morales & Giugni, 2011; Güntner & Stanton, 2013; Takle, 2015). The theory suggests that immigrants’ political participation will be facilitated or constrained within the ‘political boundaries’ defined by governmental institutions (Odmalm, 2005; Koopmans, 2004). Gaining access and engaging with policymakers depend on the availability of opportunities (Koopman et al., 2005). The capacity to participate in politics depends on governmental decisions to include or exclude immigrants in political processes (Martiniello, 2006, p.88). Moreover, POS suggests that institutional opportunities define the frameworks of migrants’ political action (Odmalm, 2005, p.75) and thus impact the form and degree to which migrants participate in political processes (Strijbis, 2015).

Following this institutionalist interpretation, formal institutions are crucial factors influencing political participation as they determine who gets to participate, structure their behaviour, and provide or deny opportunities to participate (Odmalm, 2005, p.79). Accordingly, non-state actors have limited opportunities to influence institutional change, as these opportunities are structurally shaped by institutions (Oldman, 2005, p.82). However, other interpretations have emphasised that while institutions matter, actors interacting with them have agency as they understand how institutions work and know how to manipulate them for their own interests (Oldman, 2005, p.82). Also referred to as the neo-institutionalism approach, POS has been criticised for prioritising ethnicity as the key factor for immigrant mobilisation while overlooking other intersecting social identities that impact immigrants’ mobilisation (Però, 2007). Further, as Bousetta (2000, p.235) notes, by focusing on the role of institutions, POS can contribute to “misrepresenting immigrants’ true role, and instead portraying them as passive agents whose actions are structurally determined by institutional factors.” Noting that political

participation implies any effort to influence political processes (van Deth, 2014), Bousetta (2000) suggests that immigrants become legitimate political actors by their attempt to influence politics, thus validating their political agency.

While the literature on migrant mobilisation argues with clear consensus that the political participation of migrants largely depends on the openness or closeness of institutions (Strijbis, 2015; Odmalm, 2005; Cinalli & Giugni, 2011; Koopmans et al., 2005), recent studies have demonstrated that, in addition to institutional opportunities, discursive opportunities are also important in influencing the degree to which migrants participate in political processes (Cinalli & Giugni, 2011). Introduced by Koopmans et al. (2005), discursive opportunities refer to public discourses that determine what legitimate demands migrants can make, thus defining migrant demands that will likely resonate in the public domain (Koopmans et al., 2005, p.19). This framework suggests that migrants' participation in a policy process will be facilitated where their claims or demands are considered legitimate and resonate within the dominant discourse (Cinalli & Giugni, 2011). For instance, given that in the EU, the dominant institutional discourse around migration is constructed as a security threat (Léonard, 2010), the discursive opportunity framework assumes that the Expert Group's recommendations to tackle irregular migration by introducing more legal pathways will resonate less with the EC compared to recommendations supporting reinforced border controls (see Koopmans et al., 2005). According to the theory, both institutional and discursive opportunities will facilitate migrant mobilisation on specific demands while constraining it on others (Koopmans et al., 2005, p.6). Hence, this paper hypothesises that the more policy recommendations align with institutional discourse, the higher the probability of impacting policy outcomes. Additionally, the political participation of migrants is expected to be facilitated when their demands align with the dominant institutional discourse, while their participation will be constrained when their demands diverge from it.

This paper draws from both migration studies and social movement literature by linking the Political Opportunities Structure (POS) theory to Discursive Opportunity Structure (DOS). While POS is relevant in explaining how the European Commission facilitates or hinders the participation of the Expert Group, DOS is useful in analysing what and why certain claims are facilitated while others are constrained.

3. Methodology

3.1. Case selection

This paper examines the European Commission's "Expert Group on the Views of Migrants in the Field of Migration, Asylum and Integration." This group, the only permanent advisory body involving migrants in EU-level policymaking, provides a unique opportunity to analyse migrant political participation beyond voting. Although informal, the Expert Group remains the only structured mechanism that enhance political participation of migrants, including refugees at the EU-level (European Commission, COM (2020) 758). The members (23) were selected through an appointment model for a period of 2 years, with the possibility of extension (Meeting 1). They were tasked with assisting DG HOME and other Directorates-General in policy initiatives and fostering cooperation on migration-related matters.

3.2. Data collection and method analysis

The paper is based on a qualitative document analysis, focusing on 10 archived consultation meeting documents between the EC and the Expert Group, available on the Register of Commission Expert Groups³, as well as EC official documents. Supplementary data was gathered from informal conversations with three Expert Group members during events attended as a Rights Hut asbl representative. These interactions provided valuable context. The analysis covers activities from November 2020 to April 2024, coinciding with the operational period of the advisory body. Data was coded using Atlas.ti.

3.3. Operationalisation of variables

To assess how the Expert Group fosters migrant political participation in EU policymaking, the concepts of political participation, institutional and discursive opportunities were operationalised using below indicators (Table 1.).

Table 1. Operationalisation of concepts and variables

| Concepts | Variables | Operationalisation |
|-----------------------------|--|--|
| Political participation | Attendance in consultation meetings | Presence of members in meetings |
| | Participation in consultation meetings | Level of contributions in recommendations |
| | Policy impact | Identify recommendations proposed by the Expert Group that are reflected in the EC policy proposals. |
| Institutional opportunities | Creation of Participation spaces | Identify area where spaces for participation are constructed/ facilitated. |
| | Selection of members | Selection criteria |
| Discursive opportunities | EG demands | Content analysis of meeting minutes to identify dominant claims or demands. Analysis of EC documents to identify alignment or divergence between EG demands and EC discourses. |
| | Alignment with pre-existing discourse repertoire | Assess alignment by comparing framing of recommendations to official EC documents. |

² Meeting reports of the Expert Group on the views of migrants are available on <https://ec.europa.eu/expert-groups/consultations>

4. Results

4.1. Political participation

4.1.1. Attendance in consultation meetings

To evaluate the extent to which the Expert Group fosters political participation of its members in EU policymaking processes, I operationalised political participation by assessing members' attendance and their contributions through recommendations to the European Commission (EC). To measure attendance (see Table 2), I used the records of 10 meetings available on the register of the European Commission Expert Groups. Each member present was coded with a (1) and each member absent with a (0) per meeting. The attendance rate was calculated by summing the total attendance across the 10 meetings, dividing it by the total possible attendance (23 members \times 10 meetings = 230), and multiplying by 100.

$$\text{Attendance Rate} = \left(\frac{\text{Total Attendance}}{\text{Total possible attendance}} \right) \times 100\% \quad (\text{Eq. 1})$$

The total attendance of the 23 members across the 10 meetings analysed was 202 (see Table 2). Therefore, the Attendance Rate is: $\left(\frac{202}{230} \right) \times 100\% = 87.83\%$.

Table 2. Attendance of members of the Expert Group from Nov 2020 to Oct 2023

| | Member | M1 | M2 | M3 | M4 | M5 | M6 | M7 | M8 | M9 | M10 | Sum |
|--------|--|----|----|----|----|----|----|----|----|----|-----|------------|
| Type A | 1 Fall Abdoulaye | 1 | 1 | 1 | 1 | 1 | 1 | 0 | 0 | 0 | 0 | 6 |
| | 2 Tülay Ates-Brunner | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 10 |
| | 3 Mariaam Bhatti | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 10 |
| | 4 Steve Bazikwinshi Irakoze | 1 | 1 | 1 | 1 | 0 | 1 | 1 | 1 | 0 | 1 | 8 |
| | 5 Marcela Jaramillo Contreras | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 0 | 1 | 9 |
| | 6 Parviz Khyber | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 0 | 1 | 9 |
| | 7 Anila Noor | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 0 | 9 |
| | 8 Santos Wahlgren Juliana | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 10 |
| | 9 Shamla Tsargand | 1 | 1 | 1 | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 5 |
| Type B | 10 Razan Ismail | 1 | 1 | 1 | 1 | 1 | 0 | 0 | 1 | 1 | 1 | 8 |
| | 11 Yonous Muhammadi | 1 | 1 | 0 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 9 |
| | 12 Eunice Wangui Stuhlhofer | 1 | 1 | 0 | 1 | 1 | 1 | 1 | 1 | 0 | 1 | 8 |
| Type C | 13 Bundesverband Netzwerk von Migrantenorganisation | 1 | 1 | 1 | 1 | 0 | 1 | 1 | 1 | 1 | 1 | 9 |
| | 14 European Network of Migrant Women | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 10 |
| | 15 European Council on Refugees and Exiles | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 10 |
| | 16 European Region of the International Lesbian, Gay, Bisexual, Trans and Intersex Association | 1 | 1 | 0 | 1 | 1 | 1 | 1 | 1 | 0 | 1 | 8 |
| | 17 Groupe SOS Solidarités-ASSFAM | 1 | 1 | 0 | 1 | 1 | 0 | 1 | 1 | 1 | 1 | 8 |
| | 18 Italian National Union of Refugees and Exiles | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 10 |
| | 19 Migrant Women Association Malta | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 0 | 9 |
| | 20 Ocalenie Foundation | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 0 | 9 |
| | 21 Moniheli ry | 1 | 1 | 0 | 1 | 1 | 1 | 1 | 1 | 1 | 0 | 8 |
| | 22 Platform for International Cooperation on Undocumented Migrants | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 10 |
| | 23 Save the Children Europe | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 10 |
| | Total | 23 | 23 | 18 | 23 | 20 | 21 | 20 | 21 | 16 | 17 | 202 |

The attendance rate in consultation meetings serves as an indication of the Expert Group's representation in policy discussions and suggests a high level of commitment from its members to actively contribute to policy processes. While the attendance rate highlights the group's

participation in consultation meetings, it does not measure the quality of their recommendations or the extent to which their contributions were reflected in the final policy outcomes. The following section will examine the impact of their recommendations on EC policy proposals.

4.1.2. Participation in consultation meetings

From its first meeting in November 2020 until October 2023, different Units under the Directorate-General for Migration and Home Affairs consulted the Expert Group on a total of 12 policy areas (see Table 3). In the Action Plan on Integration and Inclusion, adopted on 24th December 2020, the EC announced its intention in establishing the Expert Group: to “consult it in the design and implementation of future EU policies in the field of migration, asylum and integration.” (European Commission, COM (2020) 758, p.20).

By establishing the Expert Group, the EC introduced a structured way to engage its members in policy consultations on various topics. Although informal, the minutes of the meetings illustrate the extensive recommendations provided by the EG on policy proposals such as the EU Voluntary Return and Reintegration Strategy, the revision of the long-term residents’ directive, and the Action Plan on Integration and Inclusion.

Based on the analysis of the minutes, one can note the high expectation the Expert Group had and the active role it intends to play as expressed in the following extract:

“[The] main aim is to have an impact on the development of migration and integration policies. EG members are well placed to contribute practical insights and solutions, to bring their experience and make recommendations for the policies that concern them, as in the principle ‘nothing about us without us’. The main expectations are to contribute to the drafting and design of policies. The EG is not just a ‘nice to have’.” (Meeting 1, p.5)

Despite high expectations, the initial feedback from the Expert Group members indicated that the creation of the Expert Group was “too little, too late”, but they welcomed the initiative and expressed their intention to encourage similar initiatives (Meeting 1, p.5). When consulted on ways the EU could promote migrant integration, the Expert Group's first recommendation was for more participation and representation of migrants in decision-making processes as formulated in the following extract:

“[There is a] need to signal more clearly that diversity is important at the EU and at national level. Increased representation can enhance a sense of belonging. Involving migrants in the design, preparation and implementation of integration policies is essential. Generally, migrants do not have equal rights to participate. Migrant representatives must really take part in the decisions that concern them, and not be “utilised” as a “token.” (Meeting 1, p.1)

This extract suggests that the Expert Group members are aware their participation could potentially have little impact on decision-making processes, a sentiment echoed in other studies. Researchers on refugee participation have found that while refugees have been part of global

decision-making spaces for some time, their participation has largely been performative and mere tokenism (Però, 2007; Jones, 2021; Milner et al., 2022; Ramazani, 2023).

4.1.3. Impact on policy outcomes

To understand the level of impact the Expert Group has on policy proposals, recommendations made in three main consultations are analysed and compared to the official policy proposals published by the EC after the consultations. The documents analysed include the Action Plan on Integration and Inclusion 2021-2027 (European Commission, 2020), the EU strategy on voluntary return (European Commission, COM (2021) 120), and the Revision of the Long-Term Residents Directive (European Commission, COM (2022) 650).

1) Action Plan on Integration and Inclusion 2021-2027

The first consultation organised by the EC focused on the Action Plan on Integration and Inclusion 2021-2027 (APII). Both the APII and the recommendations of the Expert Group emphasised the need for a two-way process that encourages both host communities and migrants to participate equally in the integration process. Both documents shared a narrative highlighting the benefits of migration for host communities, the negative aspects of racism on society, and education as a tool for integration (European Commission, COM (2020) 758). While integration and inclusion were central to both documents, the Expert Group's recommendations placed more emphasis on the participation and representation of migrants in decision-making processes (Meeting 1). In contrast, the APII focused more on other aspects of integration, such as education and the labour market, with less emphasis on migrants' inclusion in decision-making processes. Furthermore, some of the Expert Group's recommendations were either less explicit or not included in the APII. For instance, the Expert Group suggested that for effective implementation and evaluation of the APII, it should be involved in its implementation and monitoring actions (Meeting 1, p.2). While the APII notes a multi-stakeholder approach to monitor progress, it does not explicitly identify the Expert Group as a stakeholder or assign it a specific role in the evaluation process. Another example is the Expert Group's recommendation to include undocumented migrants in the integration process, whereas the APII limits its definition of disadvantaged groups to characteristics such as gender, racial or ethnic origin, religion or belief, sexual orientation, and disability (European Commission, COM (2020) 758, p.6). The absence of 'migration status' among the characteristics of disadvantaged groups was later expressed as a disappointment by the Expert Group members during the 5th consultation meeting. While there is alignment between the Expert Group's recommendations and the final APII, assessing the Expert Group's contribution to the APII is challenging for several reasons. First, the Expert Group was consulted alongside other organisations like IOM, UNHCR, and OXFAM (European Commission, 2020 report). Second, the public consultation report indicates that 43% of the respondents were NGOs (at least four members of the Expert Group are either employed by or are board members of three of these NGOs), and 15% were from other categories (associations, foundations, religious organisations, etc.), with some recommendations similarly framed as those of the Expert Group (European Commission, 2020 report). Third, the public consultation was open from July to October 2020,

while the Expert Group was only consulted on 12th November 2020, days before the APII was adopted on 24th November 2020. This late consultation suggests that the APII's content could have been finalised before the first meeting between the EC and the Expert Group. Therefore, I argue that the similarity between the Expert Group's recommendations and the APII cannot be solely attributed to the Expert Group's contribution.

2) The EU strategy on voluntary return

The second consultation focused on the EU strategy to increase voluntary returns of undocumented migrants, organised by the 'Irregular Migration and Return Policy' unit. The recommendations from the second meeting show that the Expert Group approached the subject from a human-rights perspective. They called for the EU strategy to maximise the protection of individual rights, consider what is best for vulnerable groups, and suggested the "integration of undocumented migrants as an alternative to voluntary return" (Meeting 2, p.2). The Expert Group noted that the term 'voluntary return' is often used, although migrants are sometimes forced to return. They recommended ensuring that voluntary returns are genuinely voluntary (Meeting 2). Additionally, the Expert Group raised concerns over forced returns to potentially unsafe countries and recommended not proceeding with forced returns to countries unable to respect the rights of returnees (Meeting 2). The Expert Group's position was expected, as at least one member represents PICUM (Platform for International Cooperation on Undocumented Migrants), a large umbrella organisation advocating for the rights of undocumented migrants at the EU level. While the Expert Group advocated for a human-centred approach, the EC spoke from a different perspective. For instance, during a feedback session with the Expert Group, the EC stressed its position on voluntary return, stating: "voluntary return is the preferred option, and this is already enshrined in the Return Directive" (Meeting 4, p.5). Similarly, the EU strategy on voluntary return stated that the main priority was to increase the number of returns and reintegrate migrants in their countries of origin (European Commission, COM (2021) 120). Although the strategy noted that returns must respect fundamental rights, it did not explicitly address concerns over unsafe countries or measures to be taken in such cases. Further, the minutes of the 4th meeting noted that the Expert Group raised concerns over alleged violations of migrants' rights by Frontex⁴ at EU borders. The EC responded in the following terms:

"The Commission took note of the participants' views and concerns regarding Frontex. Allegations regarding Frontex' involvement in alleged pushbacks are examined thoroughly; in principle, however, it should not affect the Agency's capacity to deliver reintegration assistance in individual cases. Frontex' activities in the field of return and reintegration assistance have started well already in the form of a pilot Joint Reintegration Service" (Meeting 4, p.5).

³ Frontex is a European Union agency tasked with the implementation of the European integrated border management, the effective functioning of border control at the external EU borders in coordination with the national authorities of EU Member States and Schengen associated countries (IC, CH, LI and NO) responsible for border management, the internal security within the European Union and migration management, including an effective return policy, while safeguarding the free movement of persons within the Union and full respect for fundamental rights.

The EU strategy on voluntary return and reintegration, as adopted, further expanded Frontex's mandate and called to maximise its capacity to increase the numbers of voluntary returns (European Commission, COM (2021) 120). The minutes suggest that the consultation meeting was driven to meet the EC's priorities rather than addressing the needs of those concerned on the ground. The leading questions of the consultation meeting highlighted the EC's position and expectations from the Expert Group. The formulation of these questions suggests the EC's intention to receive recommendations reflecting its existing stance. The EC's priorities were evident in the following questions: "Which elements of the assisted voluntary return and reintegration programmes would be more likely to increase the rate of participation of irregular migrants and their willingness to cooperate in returns?; How to maximise the involvement and ownership of the migrant in the reintegration projects?; How can the EU promote voluntary returns/what actions at EU level are required?; What are the best channels to inform migrants about the opportunities to return voluntarily?; How could diaspora and consular authorities support voluntary returns?" (Meeting 2, p.2). The consultation on the EU return strategy demonstrates how the participation of the Expert Group was constrained by demands prioritising the rights of undocumented migrants, such as the demand to consider the integration of certain undocumented migrants as an alternative to returns. Given the EC's policy priority to increase returns to countries of origin, one can argue that the Expert Group's demands did not resonate with the EC and have not yet gained legitimacy in the institutional discourse.

3) Revision of the Long-Term Residents Directive

The analysis of the recommendations provided by the Expert Group for the consultation on the revision of the Long-Term Residents Directive revealed clear similarities with the revised directive. Both the Expert Group and the directive shared a common understanding of how to improve the integration process of third-country nationals living in the EU. The main recommendations of the Expert Group were to facilitate easy access to the long-term resident permit (five years of continuous legal residence) by allowing the accumulation of legal stays for third-country nationals, including those on student visas, and to facilitate intra-EU mobility for third-country nationals and their families (Meeting 3). The following extract showcases how these recommendations were reflected in the proposed recast of the directive:

"The proposal aims at making it easier to acquire EU long-term resident status, in particular: by allowing third-country nationals to cumulate residence periods in different Member States in order to fulfil the requirement concerning the duration of residence; and by clarifying that all periods of legal residence should be fully counted, including residence periods as students, beneficiaries of temporary protection, or residence periods initially based on temporary grounds. [...] The proposal also aims to strengthen the rights of long-term residents and their family members. This includes the right to move and work in other Member States, which should be closely aligned to the right that EU citizens enjoy." (European Commission, COM (2022) 650, p.2)

Although the contributions of the Expert Group were clearly considered in the proposed directive, it is important to note that the EC had already published a report (European

Commission, COM (2019) 161) prior to the consultation on 2nd March 2021, suggesting that the EC had a similar position back in 2019. The former directive (Council Directive 2003/109/EC) was evaluated in 2019 under the Fitness Check on legal migration (European Commission, SWD (2019) 1055), which highlighted the shortcomings of the directive's implementation by member states and had already set the objectives to facilitate access to the long-term resident permit for third-country nationals (European Commission, SWD (2019) 1055). This suggests that the Expert Group's recommendations impacted the policy outcome to the extent that its contribution aligned with the institutional discourse repertoire.

4.2. Institutional opportunities

4.2.1. Selection of members of the Expert Group

The question of who gets to participate arises from the availability of opportunities to participate. Under the call for applications, the EC announced that the Expert Group would be composed of 20 members (European Commission, 2020 Call for Applications), although 24 members were ultimately selected. The selected members had to meet specific criteria: having a migration background, at least five years of professional experience in migration fields, and a C1 level of English. The EC used an appointment model to select 24 members from 400 applicants for a period of two years, with the possibility of renewal (European Commission, 2020 Call for Applications). During the first meeting, the EC emphasised that the selection process considered the diversity of the group "in terms of age, gender, geographical location, profession, field of expertise, and migration experience" (Meeting 1). Based on the selection criteria, it can be noted that the opportunity to participate was limited to a small group of individuals with a specific profile. The selected members portray a group of highly educated individuals, many working for Civil Society Organisations (some in senior positions) and possessing a high level of English (C1). Although the opportunity to participate was theoretically open to all migrants, including asylum applicants⁵, in practice, it was limited to migrants with a specific profile and certain rights. For instance, during a Q&A with prospective applicants, the EC acknowledged that asylum applicants were eligible candidates for the Expert Group. However, the EC stressed that selected members needed to attend meetings in Brussels and ensure their status allowed them to travel freely within the EU⁶. Given the Directive (2013/32/EU) limits the movement of asylum applicants from one EU country to another during their asylum procedure, their opportunity to participate in the Expert Group was constrained by structural barriers imposed by their migration status.

While it could be argued that for effective participation, the Expert Group needs to be organised with a limited number of participants capable of engaging and contributing to policy discussions, the selection process raises questions about the representativeness and legitimacy of the 23 members in representing other migrants in decision-making processes. Additionally, the fact that the members were selected by the EC, without direct input from the migrant

⁴ The EC notes that the mission of the Expert Group is to provide advice and expertise on policies in the field of migration, asylum and integration of migrants. Actively involving migrants, including asylum applicants and refugees, in the design and implementation of policies in this field is essential to make them more effective and better tailored to the needs on the ground. <https://ec.europa.eu/transparency/expert-groups>

⁵ Q&A session. Available on : <https://ec.europa.eu/transparency/expert-groups-register>

communities they represent, raises questions about the EC's legitimacy in deciding who should represent migrants' views in policymaking processes. Moreover, the appointment model brings into question the transparency of the selection criteria and the alignment of the views of the selected members with those of the broader migrant communities.

4.2.2. Creation of Participation spaces

The EC's initiative to launch a call for an Expert Group composed of members with a migration background in the development and implementation of migration and integration policies suggests institutional opportunities favourable to migrants' inclusion. Establishing the Expert Group signalled institutional openness to facilitating migrants' participation in policy processes. The Expert Group provided its members with opportunities to engage with EU decision-makers, such as Commissioner Ylva Johansson, with whom three consultation meetings were organised (See Table 3). The Expert Group planned to meet three to four times per year, and its permanent status allowed the EC to regularly engage its members in various policy discussions (See Table 3). In addition to structured consultation meetings, the minutes indicate that the EC arranged for the members of the Expert Group to access and participate in external panels and consultation meetings on migration topics. For instance, during the third meeting, the EC announced it would facilitate interested members' participation in a consultation organised by the Council of Europe or contribute to actions on the renewed partnership on the inclusion of migrants and refugees. In the sixth meeting, the EC invited two members of the group to participate in the EASO Expert Platform meeting on safe pathways for Afghans. During the seventh meeting, the Expert Group was invited to a multistakeholder meeting on migration and communication. In the tenth meeting, the Expert Group was invited to meetings on integration with Member States organised by the European Integration Network⁷.

While the Expert Group arguably provides a platform for its members to engage in policy discussions, its operating process raises questions about the degree of their participation. One of the EC's objectives in establishing the Expert Group was to design effective integration policies that reflect the reality of migrants' communities on the ground. Therefore, consulting migrants' representatives (members of the Expert Group) on the needs of those communities was crucial. However, the operating process of the Expert Group defines the EC as the one to set the agenda for all consultation meetings. As noted in the rules and procedures of the Expert Group: "The group shall act at the request of DG HOME. [...] The secretariat shall draw up the agenda under the responsibility of the Chair and send it to the members of the group" (European Commission, 2020, rules of procedure).

On the one hand, the predetermined agenda set by the EC limits the opportunities for the Expert Group to prioritise the needs of the communities they represent. On the other hand, the Expert Group is designed in a way that constrains the scope of discussions and limits its ability to impact policy decisions. Given these constraints, I argue that the Expert Group's mission

⁶ Meetings records of the Expert Group on the views of migrants. Available on: <https://ec.europa.eu/transparency/expert-groups>

contradicts its operating process, as it does not guarantee a space where migrants' needs and demands can be shared and addressed during policymaking processes.

4.3. Discursive opportunities

Prior to the establishment of the Expert Group, the EC launched a public consultation on the APII and a call for applications to establish the Expert Group on the views of migrants. The Vice-President for Promoting our European Way of Life, Margaritis Schinas, noted: “Integration of migrants is in everyone's interest; it promotes strong and harmonious communities and protects against the ills of isolation and segregation. With this consultation and Expert Group, we will ask those most affected by our policies to be involved in policymaking. This is the European Way of Life” (European Commission, 2020 press release). Similarly, the Commissioner for Home Affairs, Ylva Johansson, called for migrants to take part in the public consultation on the integration and inclusion of migrants and people with a migrant background, stating: “I invite all stakeholders, especially migrants, asylum seekers and refugees, to reply to the consultation to help us design future actions on integration that can improve quality of life and make our societies more cohesive and inclusive” (European Commission, 2020 press release). The language used in this communication suggests an institutional context that enabled the creation of the Expert Group and reflects a discourse favourable to migrants’ participation, legitimising their lived experience in policy discussions. While the current discourse in the EC is built around ‘inclusive democracy’ for minority groups (European Commission, 2023 C/2023/8626), migrant groups' demands to be included in democratic processes have become more resonant and legitimate in the institutional discourse. The institutional access provided by the Expert Group opened opportunities for its members to advocate for specific demands in their recommendations. One of the main demands of the Expert Group is for migrants and migrant-led organisations to meaningfully participate in all matters that concern them. As they stressed during the 5th meeting:

“Migrant organisations are still not perceived as relevant actors in many cases and at different levels. They are often not involved at the different stages of an integration policy or project (consultation, implementation, and evaluation). When involved, their expertise is not sufficiently recognised, and their role is limited, including in comparison to other civil society organisations. There should be effective access to EU funding by migrant-led organisations” (Meeting 5, p.4).

Further, the Expert Group used the opportunity to position itself as the legitimate actor who should be in the room when discussing migration-related matters (Meeting 1). From this perspective, fifteen members of the Expert Group sent a request to the EC, asking to include members of the Expert Group who are refugees in the official delegation of the EC to the Global Refugee Forum (GRF), organised in Geneva by UNHCR and the Government of Switzerland in December 2023. Additionally, the Expert Group requested to take part in drafting the EC’s contribution to the GRF (Meeting 10). When I attended the 8th European Migration Forum organised by The European Commission and the European Economic and Social Committee

(EESC), a member of the Expert Group confirmed during an informal discussion that it was neither the intention of the EC to include members of the Expert Group in its delegation to Geneva nor to consult the Expert Group on the EC's contribution to the GRF. Eventually, the EC invited two members of the Expert Group to be part of its delegation to Geneva.

While there are discursive opportunities that favour the participation of the Expert Group in migration-related discussions, the meaning of participation seems to differ between the EC and the Expert Group. From the EC's perspective, participation involves including migrants in policy consultations and having them represented in migration policy discussions. From the Expert Group's perspective, participation means not only taking part in policy consultations on matters that concern them but also having the ability to impact policy outcomes while participating in those consultation meetings. The EC focuses more on procedural aspects of participation, while the Expert Group emphasises the substantial impact of their participation.

5. Discussion

The history of migrant participation in decision-making processes has often been symbolic rather than meaningful (Però, 2007). Researchers have found that migrant participation has largely been performative and tokenistic (Jones, 2021; Milner et al., 2022; Ramazani, 2023). This paper investigates the extent to which the EC's 'Expert Group on the Views of Migrants' fosters migrants' political participation in EU policymaking processes using a qualitative analysis method.

My findings reveal institutional and discursive opportunities for minority inclusion in democratic processes, which explain how the EC legitimised engaging the Expert Group in policy discussions and representing 'migrants' views' externally. However, these opportunities facilitated participation only when the group's views aligned with those of the EC. For instance, recommendations framed in EC's language, such as intersectional approaches and minority rights, were reflected in policy proposals. In contrast, sensitive topics like the rights of undocumented migrants were sidelined.

The participation of the Expert Group members was mainly limited to providing information without decision-making power. For example, consulting on the EU voluntary return strategy did not constitute genuine participation in decision-making but rather involvement in implementing pre-decided actions. The Expert Group's recommendation to consider integrating undocumented migrants as an alternative to voluntary return was not aligned with the directive's priorities (Meeting 4, p.5). These findings suggest that the political participation of the Expert Group members was constrained, reflecting the EC's political position rather than migrants' needs. The European Commission's intention in consulting the Expert Group seemed to be to legitimise predetermined outcomes rather than genuinely incorporating migrant perspectives. Cornwall (2008, p.270) argues that such consultation is often a means of legitimising already-taken decisions. The EC's approach to setting the agenda and controlling consultation topics further undermines the legitimacy and impact of the Expert Group. Consultations driven by the EC's priorities rather than migrant communities' needs undermine the ability of the Expert Group to influence policy outcomes effectively. The selection process for the Expert Group excluded certain migrant groups due to factors such as migration status and English proficiency, raising questions about the legitimacy and representativeness of the group. The literature on

migrants' participation suggests that advisory bodies do run the risk of excluding voices that are mostly affected by policies (Ramazani, 2023, p.16). Furthermore, the name 'Expert Group on the Views of Migrants' implies a homogeneity of migrant views, which is inherently contradictory given the diverse social, economic and political identities among migrants.

Additionally, the findings reveal a gap between the notions of participation held by the Expert Group and the EC. For the Expert Group, participation means being involved in policy discussions and impacting outcomes, while for the EC, it means engaging the group to represent migrants' views without necessarily influencing policy decisions. Perhaps, for genuine representation, participation spaces must enable the Expert Group to inform policymakers about community priorities and present recommendations to address identified needs.

To improve migrant participation in democratic processes, it is crucial to implement systems that reduce barriers and ensure value-based engagement in decision-making. Current participatory methods need assessment from a radical change perspective, focusing on addressing power relations in political processes. We need representative and participatory models that explicitly address structures of dominance and facilitate genuine, emancipatory engagement. This involves designing systems that promote critical awareness among participants, enabling them to recognise and challenge the power dynamics shaping their involvement. Such models should also address the relationship between discourse, power, and migrant participation, examining how language and narratives influence participation and representation. These frameworks should prioritise inclusive dialogue, collective decision-making, and the equitable distribution of power within the decision-making process, ensuring migrant communities' participation is substantial and impactful. To borrow Edward Saïd (2001) words: "what we must eliminate are systems of representation that carry with them the authority which has become repressive because it doesn't permit or make room for interventions on the part of those represented."

6. Conclusion

This paper investigated the extent to which the EC ‘Expert Group on the views of migrants’ fosters migrants’ political participation in EU policymaking processes. By drawing on migration studies and social movements literature, it examined the role and operation of the Expert Group, contributing to the understanding of the challenges and opportunities related to migrants’ engagement in EU policymaking. The paper hypothesised that recommendations’ impact on policy outcomes depends on their alignment with institutional discourse, and that migrants’ political participation is facilitated when their claims resonate within this discourse. The findings confirmed that recommendations framed using the same discourse as the EC were reflected in policy proposals. The political participation of the Expert Group members was facilitated when their demands aligned with the institutional discourse but constrained when they diverged from it. A key finding is the institutional openness to participation on less sensitive topics and the closeness on more sensitive issues. Moreover, there is a significant gap between the mission of the Expert Group to involve migrants in policymaking processes and its actual ability to represent diverse migrant interests. As the EC sets the agenda for all consultation meetings, it limits the opportunities for the members of the Expert Group to address issues prioritised by their communities. This difference in perception of participation between the EC and the Expert Group highlights a divergence in interests, suggesting that identifying these interests is crucial for achieving genuine participation. The appointment model raises questions about the legitimacy of the EC and the Expert Group in deciding who should represent migrants’ views. The operating process questions the representativeness of the Expert Group. Consequently, the Expert Group risks failing to truly represent migrants in policy processes, as it does not embody the diversity of migrants’ views nor respect the principle of representation.

I conclude that the EC Expert Group on the views of migrants fosters the political participation of its members to the extent that their views align with the dominant institutional discourse. This paper provides insights into the institutional and discursive opportunities that shape the Expert Group’s engagement in policymaking and highlights the importance of creating genuine spaces for migrants’ participation. The findings underline the lack of political rights for non-EU migrants in the EU and its consequences for their political participation and the democratic legitimacy of EU governance. The significance of this paper extends beyond the specific context of the EC Expert Group to broader issues of democratic governance and political inclusion within the EU. Future research should explore alternative methodologies to improve the participation of minority groups in democratic processes with the potential to address power dynamics and foster critical consciousness among participants.

Annex

Table 3. Policy Consultations organised by the EC between Nov 2020 – Oct 2023

| Meeting no. | Policy Consultation | EC Units |
|-------------|--|--|
| 1 | Action Plan on Integration and Inclusion 2021-2027 | <ul style="list-style-type: none"> ° Commissioner Ylva Johansson ° Representatives of Unit C2 (Legal Pathways and Integration) |
| 2 | EU Voluntary Return and Reintegration Strategy | <ul style="list-style-type: none"> ° Head of Unit C.2: Legal Pathways and Integration ° Directorate C: Migration, Protection and Visa ° Unit C.1: Irregular Migration and Return Policy |
| 3 | <ul style="list-style-type: none"> ° Talent Partnerships ° Revision of the Long-Term Residents Directive ° Revision of the Single Permit Directive | <ul style="list-style-type: none"> ° Commissioner Ylva Johansson ° Representatives of Unit C2 (Legal Pathways and Integration) |
| 4 | <ul style="list-style-type: none"> ° Digitisation and Artificial Intelligence in Asylum procedures and migration forecasting ° EU Voluntary Return and Reintegration Strategy ° Communication on the implementation of the Employers Sanction Directive | <ul style="list-style-type: none"> ° The head of the 'Asylum' Unit ° The European Asylum Support Office ° Unit C.1: Irregular Migration and Return Policy ° Unit F.2: Situational Awareness, Resilience and Data Management |
| 5 | The implementation of the Action Plan on inclusion and integration 2021-2027 | Representatives of Unit C2: Legal Pathways and Integration |
| 6 | <ul style="list-style-type: none"> ° The EU Afghan support package ° The Support Scheme for Afghans | <ul style="list-style-type: none"> ° Commissioner Ylva Johansson ° Head of the Unit C.2: Legal Pathways and Integration |
| 7 | <ul style="list-style-type: none"> ° The EU policy response to the reception and integration of people fleeing Russia's invasion of Ukraine ° Awareness raising campaign on migration | <ul style="list-style-type: none"> ° Head of the Unit C.2: Legal Pathways and Integration ° Head of the Unit A.2: Communication |
| 8 | The implementation of the Action Plan on inclusion and integration 2021-2027 | <ul style="list-style-type: none"> ° The Director of 'Migration, Asylum and Visa' ° Representatives from unit C2: Legal pathways and integration |
| 9 | <ul style="list-style-type: none"> ° EU Talent Pool initiative ° Trafficking in human beings: Challenges for migrants and EU action | <ul style="list-style-type: none"> ° The EU Anti-trafficking Coordinator (ATC) ° Representatives of Unit C.2: Legal Pathways and Integration |
| 10 | <ul style="list-style-type: none"> ° Communication on migration and DG HOME awareness-raising campaign ° Assisted voluntary and reintegration strategy | <ul style="list-style-type: none"> ° The Director of Directorate C (Migration, Protection and Visa) ° A representative of Unit A2 (Communication) ° Representatives of Unit C2 (Legal Pathways and Integration) ° Representatives of Unit C1 (Irregular Migration and Return Policy) ° Frontex ° International Centre for Migration Policy Development (ICMPD) |

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2. Meeting reports of the Expert Group on the views of migrants are available on <https://ec.europa.eu/expert-groups/consultations>
3. Frontex is a European Union agency tasked with the implementation of the European integrated border management, the effective functioning of border control at the external EU borders in coordination with the national authorities of EU Member States and Schengen associated countries (IC, CH, LI and NO) responsible for border management, the internal security within the European Union and migration management, including an effective return policy, while safeguarding the free movement of persons within the Union and full respect for fundamental rights.
4. The EC notes that the mission of the Expert Group is to provide advice and expertise on policies in the field of migration, asylum and integration of migrants. Actively involving migrants, including asylum applicants and refugees, in the design and implementation of policies in this field is essential to make them more effective and better tailored to the needs on the ground. <https://ec.europa.eu/transparency/expert-groups>
5. Q&A session. Available on : <https://ec.europa.eu/transparency/expert-groups-register>
6. Meetings records of the Expert Group on the views of migrants. Available on: <https://ec.europa.eu/transparency/expert-groups>

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