GOOD PRACTICES IN MIGRANT INTEGRATION: TRAINEE'S MANUAL

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FOREWORD

The migration of people is a timeless phenomenon integral to human society. Whether motivated by the need to flee conflict, or by the desire to seek a better quality of life elsewhere, the movement of people across national borders is inevitable. Usually migration brings a range of positive benefits, both for countries of origin and of destination. However, the process of adapting to life in a new country, particularly for those who may have had difficult journeys, is not always easy. The integration of migrants into society should be seen as a two-way process, involving efforts by the migrants themselves and those in destination host countries.

OSCE participating States have recognized the need for such a two-way process. In a range of commitments from 1975 onwards, participating States agreed that national institutions should undertake measures to support integration, ensure equality of employment rights and encourage language learning (Helsinki 1975). Subsequently, the scope of such agreements has been expanded, to include issues such as facilitating family reunification, ensuring access to education for migrants' children (Vienna 1989) and addressing issues of discrimination (Moscow 1991).

These commitments are ever more important in the context of the 2015 migration and refugee flows, which has brought many new people to the OSCE region, as was recognized at the OSCE Ministerial Council meeting in Hamburg in 2016.

ODIHR undertakes a range of work to support participating States in implementing their human dimension commitments related to migration. This publication is intended to augment our capacity-building efforts by providing an open resource with guidance covering all stages of the migrant integration process. We hope that this publication will strengthen government and civil society efforts to promote migrant integration and raise awareness of the multi-faceted nature of the migrant integration process, which involves a wide range of stakeholders – not least, migrants themselves.

Ingibjörg Sólrún Gísladóttir,
Director of the OSCE Office for Democratic Institutions and Human Rights

ACKNOWLEDGMENTS

INTRODUCTION TO THE MANUAL

Target audiences

This training manual is intended for use during training courses for government officials; members of parliament; representatives of national, regional and local authorities; social partners and civil society actors involved in developing, implementing and reviewing migrant integration policies in the OSCE region.

Aims and objectives

The overall aim of this manual is to support OSCE participating States in implementing policies and practices that meet relevant OSCE commitments and international legal standards in the field of migrant integration. It does so by building the capacity and raising the awareness of those involved in migrant integration policies and processes.

The more specific objectives of the training course and materials are as follows:

- To increase awareness of existing international legal standards, OSCE commitments and good practices related to migrant integration among national authorities and civil society actors working on migrant integration;
- To increase the capacity of national authorities to develop and/or implement migrant integration policies and practices that are in line with relevant international legal standards, OSCE commitments and national good practices; and
- To increase awareness among relevant civil society actors of issues relating to migrant integration, and inform them of the appropriate domestic policies and practices that are in line with international legal standards, OSCE commitments and national good practices.

Training course duration and structure

This training manual comprises ten modules focusing on different aspects of the migrant integration process in receiving countries. The modules contain sessions of varying length, with each module lasting approximately half a day, so that the complete "standard" training course can be delivered within five full days. Estimated times for each module and their sessions are provided below. OSCE participating States are encouraged to tailor the curriculum and the training materials to their particular audiences and country contexts.

Although the training manual has been designed as a "ready to go" product and the content of each module covers the most important elements and aspects of migrant integration, the training workshop may be adapted for a particular audience or country context by changing the modules' duration and/or by selecting the appropriate modules and topics of discussion. In consultation with national counterparts and partners, trainers may also select or omit sessions from each of the modules. In planning each workshop, the needs of the target audience and the objectives of the training activity should be carefully considered, and the proposed Training Evaluation Form (Annex 1) should be adapted as appropriate to assess whether the defined objectives have been achieved.

Methodological approach

It is advised that the training course is made as interactive and participatory as possible. To enhance learning results, trainers should use different techniques to encourage participants' active participation, including asking them to share personal experiences, posing additional questions and presenting them with dilemmas. Materials such as case studies, quizzes, success stories and group work have been included in the modules to foster positive learning outcomes. Of course, it is important that trainers use their judgement and take into account cultural norms and practices or levels of seniority for each group of participants before applying participatory approaches.

Training materials and supporting information

Each module contains a detailed description of the learning process, with the aims, instructions and guidelines that will help trainers to facilitate each session. *Trainer's Instructions* include references to background materials and the handouts, quizzes and other materials prepared to support learning in each module. These materials are designed to be used in conjunction with the PowerPoint presentations (PPTs) provided in separate files. The *Trainee Guidance Booklet* is structured according to the numbered module and includes a narrative summary of key learning objectives for each module, and also includes a list of background resources. The booklet can be used to support the sessions or as a stand-alone resource for those interested in gaining an understanding of migrant integration.

SUGGESTED TRAINING COURSE AGENDA

DAY ONE

Module	Duration	Time	Content of sessions
Introduction to the training course	45 min. 45 min.	09:00–10:30	Session 1: Overview of the training course Session 2: Key terms and facts
COFFEE BREAK	30 min.	10:30–11:00	
Module 1: **Migrant integration concepts and OSCE commitments**	60 min. 30 min.	11:00–12:30	Session 1: The main concepts relating to migrant integration Session 2: ODIHR and migrant integration
LUNCH BREAK	60 min.	12:30–13:30	
Module 2: **Institutional, legal and policy frameworks for migrant integration**	60 min.	13:30–14:30	Session 1: Overview of the rights and obligations of migrants
COFFEE BREAK	15 min.	14:30–14:45	
Module 2: **Institutional, legal and policy frameworks for migrant integration**	40 min. 65 min.	14:45–16:30	Session 2: Institutional frameworks in receiving countries and the responsibilities of national and local-level authorities Session 3: Key principles for policies on migrant integration policies
Q&A SESSION	30 min.	16:30–17:00	Questions and answer session Wrapping up day one

DAY TWO

Module	Duration	Time	Content of sessions
Module 3: **Migrant status in relation to integration measures, including access to long-term residence and citizenship**	60 min.	09:00–10:00	Session 1: Long-term residence
COFFEE BREAK	30 min.	10:00–10:30	
Module 3: **Migrant status in relation to integration measures, including access to long-term residence and citizenship**	60 min. 60 min.	10:30–12:30	Session 2: Family reunification Session 3: Citizenship and naturalization
LUNCH BREAK	60 min.	12:30–13:30	
Module 4: **Facilitating the civic and linguistic integration of migrants**	75 min.	13:30–14:45	Session 1: Information provision, language learning and civic orientation measures for migrants
COFFEE BREAK	15 min.	14:45–15:00	
Module 4: **Facilitating the civic and linguistic integration of migrants**	45 min. 45 min.	15:00–16:30	Session 2: Supporting the development of migrants' mother tongue language skills Session 3: Promoting contacts and intercultural understanding among receiving and migrant populations
Q&A SESSION	30 min.	16:30–17:00	Questions and answer session Wrapping up day two

DAY THREE

Module	Duration	Time	Content of sessions
Module 5: **Migrants' access to the labour market and migrant entrepreneurship**	90 min.	9:00–10:30	Session 1: Access to vocational and language training and recognition of migrants' academic and professional qualifications
COFFEE BREAK	30 min.	10:30–11:00	
Module 5: **Migrants' access to the labour market and migrant entrepreneurship**	60 min. 30 min.	11:00–12:30	Session 2: Overview of labour market integration measures for migrants, and relevant good practices Session 3: Migrant self-employment, and potential barriers and measures to facilitate migrant entrepreneurship
LUNCH BREAK	60 min.	12:30–13:30	
Module 6: **Migrants' access to housing and social services**	75 min.	13:30–14:45	Session 1: The right to housing and forms of discrimination in the context of housing and social services
COFFEE BREAK	15 min.	14:45–15:00	
Module 6: **Migrants' access to housing and social services**	90 min.	15:00–16:30	Session 2: Experiences of housing and the role of social services in migrant integration
Q&A SESSION	30 min.	16:30–17:00	Questions and answer session Wrapping up day three

DAY FOUR

Module	Duration	Time	Content of sessions
Module 7: **Preventing and addressing racism, xenophobia, discrimination and hate crime against migrants**	45 min. 45 min.	9:00–10:30	Session 1: Racism, xenophobia and discrimination Session 2: Manifestations of racism, xenophobia and discrimination affecting migrants
COFFEE BREAK	30 min.	10:30–11:00	
Module 7: **Preventing and addressing racism, xenophobia, discrimination and hate crime against migrants**	45 min. 45 min.	11:00–12:30	Session 3: Hate crime Session 4: Preventing and addressing racism, xenophobia, discrimination and hate crimes targeting migrants
LUNCH BREAK	60 min.	12:30–13:30	
Module 8: **Migrant education and the integration of children and youth**	60 min.	13:30–14:30	Session 1: Children, migration and education
COFFEE BREAK	15 min.	14:30–14:45	
Module 8: **Migrant education and the integration of children and youth**	50 min. 55 min.	14:45–16:30	Session 2: Types of education for migrant children and youth Session 3: Integration measures and types of support for migrant children and youth in education
Q&A SESSION	30 min.	16:30–17:00	Questions and answer session Wrapping up day four

DAY FIVE

Module	Duration	Time	Content of sessions
Module 9: **Migrant healthcare**	90 min.	9:00–10:30	Session 1: Migrants' rights and access to healthcare
COFFEE BREAK	30 min.	10:30–11:00	
Module 9: **Migrant healthcare**	75 min.	11:00–12:15	Session 2: Good practices in migrants' access to healthcare in receiving countries
LUNCH BREAK	60 min.	12:15–13:15	
Module 10: **Civic and political participation of migrants at the local and national levels**	105 min.	13:15–15:00	Session 1: Forms of migrant engagement in the civic and political life of receiving countries
COFFEE BREAK	30 min.	15:00–15:30	
Q&A SESSION	30 min.	15:30–16:00	Questions and answer session Wrapping up day five
Closing the training	60 min.	16:00–17:00	Closing the training course Questions and answer for all modules Evaluation

TRAINING MODULES

This training course includes the following ten thematic modules on good practices in migrant integration:

- Introduction to the training course
- **Module 1**: Migrant integration concepts and OSCE commitments
- **Module 2**: Institutional, legal and policy frameworks for migrant integration
- **Module 3**: Migrant status in relation to integration measures, including access to long-term residence and citizenship
- **Module 4**: Facilitating the civic and linguistic integration of migrants
- **Module 5**: Migrants' access to the labour market and migrant entrepreneurship
- **Module 6:** Migrants' access to housing and social services
- **Module 7**: Preventing and addressing racism, xenophobia, discrimination and hate crime against migrants
- **Module 8**: Migrant education and the integration of children and youth
- **Module 9**: Migrant healthcare
- **Module 10**: Civic and political participation of migrants at the local and national levels

INTRODUCTION
TO THE TRAINING COURSE

About ODIHR

The OSCE Office for Democratic Institutions and Human Rights (ODIHR) is based in Warsaw, Poland. As part of its work in the field of migration and freedom of movement, ODIHR works to:

• Assist participating States in assessing, formulating and implementing migration policies and legislation to the benefit of both the receiving society and the migrants themselves;
• Promote the protection of human rights of migrants;
• Apply a holistic approach to the integration of migrants, drawing on the expertise of all specialist departments within ODIHR.

Since 2013, ODHIR has provided training courses on "Good Practices in Migrant Integration in Line with OSCE Commitments". At the request of OSCE participating States, ODIHR regularly organizes training workshops that benefit some 175 participants each year. The main aim of this activity is to raise awareness, build capacity and promote the exchange of good practices on migrant integration in the OSCE region.

In light of the increasing number of requests to provide such training, it was decided to consolidate the existing ODHIR materials and to develop this publication on *Good Practices in Migrant Integration: a Training Manual*, which draws on OSCE commitments and international standards in this field. This manual has been developed to enhance the knowledge of and share practical solutions with government officials, members of parliament, representatives of national, regional and local authorities, social partners and civil society actors involved in developing, implementing and reviewing migrant integration policies in the OSCE region.

Objectives of the course

The main aim of this training course is to support OSCE participating States in developing, improving and implementing migrant integration policies, legislation and practices.

By developing this manual and delivering training courses for policymakers and others involved in migrant integration, ODIHR hopes to assist participating States through:

• Increased awareness among national authorities and civil society actors of the existing international legal standards, OSCE commitments and good practices relating to migrant integration;
• Increased capacity of the range of the national authorities responsible to develop and/or implement migrant integration policies and practices that are in line with the relevant international legal standards, OSCE commitments and national good practices; and
• Increased awareness among civil society actors of issues relating to migrant integration and of appropriate domestic policies and practices that are in line with the international legal standards, OSCE commitments and national good practices.

This training manual is structured in ten modules, as follows:

• **Module 1:** Migrant integration concepts and OSCE commitments
• **Module 2:** Institutional, legal and policy frameworks for migrant integration
• **Module 3:** Migrant status in relation to integration measures, including access to long-term residence and citizenship
• **Module 4:** Facilitating the civic and linguistic orientation of migrants
• **Module 5:** Migrants' access to the labour market and migrant entrepreneurship

- **Module 6:** Migrants' access to housing and social services
- **Module 7:** Preventing and addressing racism, xenophobia, discrimination and hate crime against migrants
- **Module 8:** Migrant education and the integration of children and youth
- **Module 9:** Migrant healthcare
- **Module 10:** Civic and political participation of migrants at the local and national levels

MIGRATION TERMS GLOSSARY[1]

Asylum-seeker – An asylum-seeker is a person who is seeking international protection as a refugee, but whose claim has not yet been determined. Asylum-seekers are entitled to certain protections under international refugee law. From the perspective of international law, any person who falls within the refugee definition is considered to be a refugee, whether or not they have been formally recognized as having that status.

Border management – The facilitation of authorized flows of persons – including business-people, tourists, migrants and refugees – across a border, and the detection and prevention of irregular entry of non-nationals into a given country. Measures to manage borders include the imposition by states of visa requirements, carrier sanctions against transportation companies bringing irregular migrants to the territory and interdiction at sea. International standards require a balancing between facilitating the entry of legitimate travellers and preventing that of travellers entering for inappropriate reasons or with invalid documentation.

Circular migration – The fluid movement of people between countries, including temporary or long-term movement that may be beneficial to all involved if it occurs voluntarily and is linked to the labour needs of countries of origin and destination.

Country of origin – The country that is a source of migratory flows (regular or irregular).

Emigration – The act of departing or exiting from one state with a view to settling in another.

Facilitated migration – Fostering or encouraging of regular migration by making travel easier and more convenient. This may take the form of a streamlined visa application process or efficient and well-staffed passenger inspection procedures.

Forced migration – a migratory movement in which an element of coercion exists, including threats to life and livelihood, whether arising from natural or man-made causes (e.g., movements of refugees and internally displaced persons, as well as people displaced by natural or environmental disasters, chemical or nuclear disasters, famine or development projects).

Freedom of movement – a human right comprising three basic elements: freedom of movement within the territory of a country (Art. 13(1), Universal Declaration of Human Rights, 1948: "Everyone has the right to freedom of movement and residence within the borders of each state."), the right to leave any country and the right to return to his or her own country (Art. 13(2), Universal Declaration of Human Rights, 1948: "Everyone has the right to leave any country, including his own, and to return to his country"). See also Article 12 of the International Covenant on Civil and Political Rights. Freedom of movement is also referred to in the context of freedom of movement arrangements between states at the regional level (e.g., the European Union).

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1 Unless another source is named, these key terms have been taken from International Organization for Migration (IOM), "Key Migration Terms", <https://www.iom.int/key-migration-terms>.

Immigration – a process by which non-nationals move into a country for the purpose of settlement.

Integration – This is a complex process defined differently by different organizations:

- The International Organization for Migration (IOM) uses the following definition: Integration is "the process by which immigrants become accepted into society, both as individuals and as groups. The particular requirements for acceptance by a receiving society vary greatly from country to country; and the responsibility for integration rests not with one particular group, but rather with many actors: immigrants themselves, the host government, institutions and communities". *(Source: IOM Handbook on Migration Terminology, Moscow, 2011)*
- The United Nations High Commissioner for Refugees (UNHCR) uses the following definition: Integration "is understood as a dynamic and multifaceted two-way process with three inter-related dimensions: a legal, an economic and a social-cultural dimension. Integration requires efforts by all parties concerned, including preparedness on the part of refugees to adapt to the host society without having to forego their own cultural identity, and a corresponding readiness on the part of host communities and public institutions to welcome refugees and to meet the needs of a diverse population. At the core of UNHCR's definition is the concept of integration as a two-way process and this is premised on "adaptation" of one party and "welcome" by the other. It does not however require the refugee to relinquish their cultural identity and integration therefore differs from assimilation". (*Source: UNHCR, Conclusion on Local Integration, 7 October 2005, No. 104 (LVI) – 2005, at:* <http://www.refworld.org/docid/4357a91b2.html>)

Internally Displaced Persons (IDPs) – IDPs are persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized state border ("Guiding Principles on Internal Displacement", UN Doc E/CN.4/1998/53/Add.2.).

Irregular migration – This is the movement of persons that takes place outside the regulatory norms of the sending, transit and receiving countries. There is no clear or universally accepted definition of irregular migration. From the perspective of destination countries it is entry, stay or work in a country without the necessary authorization or documents required under immigration regulations. From the perspective of the sending country, the irregularity is, for example, seen in cases in which a person crosses an international boundary without a valid passport or travel document or does not fulfil the administrative requirements for leaving the country. There is, however, a tendency to restrict the use of the term "illegal migration" to cases of smuggling of migrants and trafficking in persons. It is also preferred to use the term irregular migrant or undocumented migrant to describe a migrant without the appropriate permission to reside.

Labour migration – The movement of persons from one State to another, or within their own country of residence, for the purpose of employment. Labour migration is addressed by most states in their migration laws. In addition, some states take an active role in regulating outward labour migration and seeking opportunities for their nationals abroad.

Migrant – The International Organization for Migration defines a migrant as any person who is moving or has moved across an international border or within a state away from her/his habitual place of residence, regardless of (1) the person's legal status; (2) whether the movement is voluntary or involuntary; (3) what the causes for the movement are; or (4) what the length of the stay is.

Migration – The movement of a person or a group of persons, either across an international border or within a state. It is a population movement encompassing any kind of movement of people, whatever its length, composition and causes. It includes the migration of refugees, displaced persons, economic migrants and persons moving for other purposes, including family reunification.

Migration management – a term used to encompass numerous governmental functions within a national system for the orderly and humane management for cross-border migration, particularly managing the entry and presence of foreigners within the borders of the state and the protection of refugees and others in need of protection. It refers to a planned approach to the development of policy, legislative and administrative responses to key migration issues.

Mixed flows – These have been defined as "complex population movements including refugees, asylum seekers, economic migrants and other migrants". Unaccompanied minors, environmental migrants, smuggled persons, victims of trafficking and stranded migrants, among others, may also form part of a mixed flow.

Orderly migration – The movement of a person from his or her usual place of residence to a new place of residence, in keeping with the laws and regulations governing exit from the country of origin and travel, transit and entry into the destination or host country.

Push-pull factors – Migration is often analysed in terms of the "push-pull model", which looks at the push factors that drive people to leave their country (such as economic, social or political problems) and the pull factors attracting them to the country of destination.

Receiving country – The country of destination or a third country. In the case of the return or repatriation, the receiving country is also the country of origin. It is also a country that has accepted to receive a certain number of refugees and migrants on a yearly basis by presidential, ministerial or parliamentary decision.

Refugee – a person who, "owing to a well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinions, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country." ("Convention relating to the Status of Refugees", Art. 1A(2), 1951 as modified by the 1967 Protocol). The 1984 Cartagena Declaration states that refugees also include persons who flee their country "because their lives, security or freedom have been threatened by generalized violence, foreign aggression, internal conflicts, massive violations of human rights or other circumstances which have seriously disturbed public order."

Statelessness – In international law, a stateless person is someone who is "not considered as a national by any state under the operation of its law". Some stateless persons are also refugees. However, not all refugees are stateless, and many persons who are stateless have never crossed an international border and thus cannot claim refugee status.

Student migration – This is the movement of students who study outside their country of birth or citizenship for a period of 12 months or more.

REFUGEES AND MIGRANTS: FREQUENTLY ASKED QUESTIONS[2]

1. Are the terms "refugee" and "migrant" interchangeable?

No. Although it is becoming increasingly common to see the terms "refugee" and "migrant" used interchangeably in media and public discussions, there is a crucial legal difference between the two. Confusing them can lead to problems for refugees and asylum-seekers, as well as misunderstandings in discussions of asylum and migration.

2. What is unique about refugees?

Refugees are specifically defined and protected in international law. Refugees are people outside their country of origin because of feared persecution, conflict, violence, or other circumstances that have seriously disturbed public order, and who, as a result, require "international protection". Their situation is often so perilous and intolerable, that they cross national borders to seek safety in nearby countries, and thus become internationally recognized as "refugees" with access to assistance from states, UNHCR, and relevant organizations. They are so recognized precisely because it is too dangerous for them to return home, and they therefore need sanctuary elsewhere. These are people for whom denial of asylum has potentially deadly consequences.

3. How are refugees protected under international law?

The specific legal regime protecting the rights of refugees is referred to as "international refugee protection". The rationale behind the need for this regime lies in the fact that refugees are people in a specific predicament which calls for additional safeguards. Asylum-seekers and refugees lack the protection of their own country.

Article 14 of the Universal Declaration of Human Rights asserts the right of everyone to seek and enjoy asylum. However, no clear content was given to the notion of asylum at the international level until the 1951 Convention relating to the Status of Refugees (the "1951 Convention") was adopted, and UNHCR was tasked to supervise its implementation. The 1951 Convention and its 1967 Protocol, as well as regional legal instruments, such as the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa, are the cornerstone of the modern refugee protection regime. They set forth a universal refugee definition and incorporate the basic rights and obligations of refugees.

The provisions of the 1951 Convention remain the primary international standard against which any measures for the protection and treatment of refugees are judged. Its most important provision, the principle of *non-refoulement* (meaning no forced returns) contained in Article 33, is the bedrock of the regime. According to this principle, refugees must not be expelled or returned to situations where their life or freedom would be under threat. States bear the primary responsibility for this protection. UNHCR works closely with governments, advising and supporting them as needed, to implement their responsibilities.

4. Does the 1951 Convention need to be revisited?

The 1951 Convention and its 1967 Protocol have saved millions of lives and, as such, are one of the key human rights instruments that we rely upon today. The 1951 Convention is a milestone

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2   United Nations High Commissioner for Refugees (UNHCR), "'Refugees' and 'Migrants' – Frequently Asked Questions (FAQs)", 16 March 2016, <http://www.unhcr.org/news/latest/2016/3/56e95c676/refugees-migrants-frequently-asked-questions-faqs.html>.

of humanity, developed in the wake of massive population movements that exceeded even the magnitude of what we see now. At its core, the 1951 Convention embodies fundamental humanitarian values. It has clearly demonstrated its adaptability to changing factual circumstances, being acknowledged by courts as a living instrument capable of affording protection to refugees in a changing environment. The greatest challenge to refugee protection is most certainly not the 1951 Convention itself, but rather ensuring that states comply with it. The real need is to find more effective ways to implement it in a spirit of international co-operation and responsibility-sharing.

5. Can "migrant" be used as a generic term to also cover refugees?

A uniform legal definition of the term "migrant" does not exist at the international level.[3] Some policymakers, international organizations and media outlets understand and use the word "migrant" as an umbrella term to cover both migrants and refugees. For instance, global statistics on international migration typically use a definition of "international migration" that would include many asylum-seeker and refugee movements.

In public discussion, however, this practice can easily lead to confusion and can also have serious consequences for the lives and safety of refugees. "Migration" is often understood to imply a voluntary process, for example, someone who crosses a border in search of better economic opportunities. This is not the case for refugees who cannot return home safely, and accordingly are owed specific protections under international law.

Blurring the terms "refugees" and "migrants" takes attention away from the specific legal protections refugees require, such as protection from *refoulement* and from being penalized for crossing borders without authorization in order to seek safety. There is nothing illegal about seeking asylum – on the contrary, it is a universal human right. Conflating "refugees" and "migrants" can undermine public support for refugees and the institution of asylum at a time when more refugees need such protection than ever before.

We need to treat all human beings with respect and dignity. We need to ensure that the human rights of migrants are respected. At the same time, we also need to provide an appropriate legal and operational response for refugees, because of their particular predicament, and to avoid diluting state responsibilities towards them. For this reason, UNHCR always refers to "refugees" and "migrants" separately, to maintain clarity about the causes and character of refugee movements and not to lose sight of the specific obligations owed to refugees under international law.

6. Do all migrants really always "choose" to migrate?

The factors leading people to move can be complex. Often the causes are multifaceted. Migrants may move to improve their lives by finding work, or in some cases for education, family reunion, or other reasons. They may also move to alleviate significant hardships that arise from natural disasters, famine, or extreme poverty. People who leave their countries for these reasons would not usually be considered refugees under international law.

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3   For a definition of the term "migrant worker", see the 1990 UN Convention on the Protection of the Rights of All Migrant Workers and Members of their Families. See also: Article 11 of the 1975 ILO Convention Concerning Migrations in Abusive Conditions and the Protection of Equality of Opportunity and Treatment of Migrant Workers (No. 143); Article 11 of the 1949 ILO Migration for Employment Convention (No. 97); and Article 1 of the 1977 European Convention on the Legal Status of Migrant Workers.

7. Don't migrants also deserve protection?

The reasons why migrants may leave their countries are often compelling, and finding ways to meet their needs and protect their human rights is important. Migrants are protected by international human rights law. This protection derives from their fundamental dignity as human beings.[4] For some, failure to accord them human rights protection can have serious consequences. It may result in human rights violations, such as serious discrimination; arbitrary arrest or detention; or forced labour, servitude, or highly exploitative working conditions.

In addition, some migrants, such as victims of trafficking or unaccompanied or separated migrant children, may have particular needs for protection and assistance, and have the right to have those needs met. UNHCR fully supports approaches to migration management that respect the human rights of all people on the move.

8. Are refugees "forced migrants"?

The term "forced migration" is sometimes used by social scientists and others as a general, open-ended term that covers many kinds of displacement or involuntary movement—both across international borders and inside a single country. For example, the term has been used to refer to people who have been displaced by environmental disasters, conflict, famine, or large-scale development projects.

"Forced migration" is not a legal concept, and similar to the concept of "migration", there is no universally accepted definition. It covers a wide range of phenomena. Refugees, on the other hand, are clearly defined under international and regional refugee law, and states have agreed to a well-defined and specific set of legal obligations towards them. Referring to refugees as "forced migrants" shifts attention away from the specific needs of refugees and from the legal obligations the international community has agreed upon to address them. To prevent confusion, UNHCR avoids using the term "forced migration" to refer to refugee movements and other forms of displacement.

9. So what is the best way to refer to mixed groups of people on the move that include *both* refugees and migrants?

UNHCR's preferred practice is to refer to groups of people travelling in mixed movements as "refugees and migrants". This is the best way to allow for acknowledgement that all people on the move have human rights that should be respected, protected, and fulfilled, and that refugees and asylum-seekers have specific needs and rights which are protected by a particular legal framework.

Sometimes in policy discussions, the term "mixed migration", and related terms such as "mixed flows" or "mixed movements", can be useful ways of referring to the phenomenon of refugees and migrants (including victims of trafficking or other vulnerable migrants) travelling side-by-side along the same routes, using the same facilitators.

On the other hand, the term "mixed migrant", which is used by some as a shorthand way of referring to a person travelling in a mixed migratory flow whose individual status is unknown or who may have multiple, overlapping reasons for moving, is unclear. It is not recommended,

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4   For example, the Universal Declaration of Human Rights; the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, as well as other important international and regional treaties, recognize that all people, including migrants and refugees, have human rights.

as it can cause confusion and mask the specific needs of refugees and migrants within the movement.

10. What about refugees who leave one host country and enter another? Aren't they actually best described as "migrants" if they travel onward from the first country they stayed in?

A refugee does not cease to be a refugee or become a "migrant" simply because they leave one host country to travel to another. a person is a refugee because of the lack of protection by their country of origin. Moving to a new country of asylum does not change this, so it does not affect a person's status as a refugee. a person who meets the criteria for refugee status remains a refugee, regardless of the particular route they travel in search of protection or opportunities to rebuild their life, and regardless of the various stages involved in that journey.

UNHCR
15 March 2016

About UNHCR's mandate[5]

UNHCR (the UN Refugee Agency) has been mandated by the United Nations General Assembly to provide international protection to refugees and to work with governments to develop permanent solutions to the challenges facing refugees. For the majority of refugees, including those in the OSCE region, integration is the most relevant durable solution. In fulfilling its mandate, UNHCR draws on Article 34 of the 1951 Convention relating to the Status of Refugees (the "1951 Convention"), which sets out that states shall, as far as possible, facilitate the integration and naturalization of refugees. It also draws on a number of soft law and policy documents related to integration, such as UNHCR's ExCom Conclusion No. 104 on Local Integration (2005) and the 2009 Note on Combating Racism, Racial Discrimination, Xenophobia and Related Intolerance through a Strategic Approach.

The 1951 Convention is predicated on the idea that, over time, refugees should be able to enjoy a wider range of rights as their association and ties with the receiving state grow stronger. In this sense, the 1951 Convention provides refugees with the opportunity to progressively restore the social and economic independence needed to get on with their lives. UNHCR's ExCom Conclusion No. 104 thus calls on states to facilitate, as appropriate, the integration of refugees and recalls that special efforts may be necessary to do so.

Source: UNHCR, "UNHCR's mandate for refugees, stateless persons and IDPs", <https://emergency.unhcr.org/entry/113370/ unhcrs-mandate-for-refugees-stateless-persons-and-idps>.

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5   *A New Beginning: Refugee Integration in Europe* (UNHCR, 2013), <http://www.unhcr.org/52403d389.pdf>.

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- UNHCR, "Persons in need of international protection", 2017, <http://www.refworld.org/docid/596787734.html>.
- UNHCR, "'Refugees' and 'Migrants': Frequently Asked Questions (FAQs)", 2016, <http://www.unhcr.org/news/latest/2016/3/56e95c676/refugees-migrants-frequently-asked-questions-faqs.html>.
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MODULE 1:
MIGRANT INTEGRATION CONCEPTS AND OSCE COMMITMENTS

CORE CONCEPTS

Migration is a complex process of spontaneous or forced interactions between individuals and groups. These contacts are often between people who identify themselves as different from each other and who really are culturally distinct.

States and institutions can apply a range of different policies to the societal diversity resulting from migration. While in the past migrants were often expected to assimilate, with national institutions doing little to facilitate the relationships between migrants and receiving societies, the importance and benefits of policies that promote integration are now widely accepted. More recently, studies have been done on multiculturalism and interculturalism that reflect on the multiple identities that people in diverse societies often have, and the policies and processes that can shape such societies.

Type of government policy to address the diversity resulting from migration	Summary
Multiculturalism	Emphasises equal rights and opportunities for all cultural groups, with almost no dominant culture
Assimilation	"When in Rome, do as the Romans do, or suffer the consequences".
Integration (and interculturalism)	A policy situated between multiculturalism and assimilation that entails a give and take between state institutions, receiving societies and migrants, and implies rights and duties on all sides (Integration can also include intercultural approaches that support cross-cultural dialogue based on a recognition of both the differences and similarities between cultures.)
Segregation	This involves the marginalization of migrants, their physical separation from the receiving society and the ignoring of their needs. This policy does not demand anything of migrants, but also does not provide them with any support.

MIGRANT INTEGRATION CONCEPT

The concept of "integration"

The concept of integration is difficult to define as there is no legally binding and universal definition of the term. Integration policies can range from a "close-to-assimilation" model to a multiculturalism model, as countries differ in their migratory traditions and/or government approaches to integration. The practical interpretations and social connotations of integration may differ significantly across countries.

The IOM and UNHCR have developed comprehensive definitions of integration.

Definitions of integration

IOM: Integration is "the process by which immigrants **become accepted** into society, both **as individuals and as groups**. The particular requirements for acceptance by a receiving society vary greatly from country to country; and the responsibility for integration rests not with one particular group, but rather with many actors: immigrants themselves, the host government, institutions and communities".

Source: Handbook on Migration Terminology, IOM, 2011.

UNHCR: Integration is "understood as a dynamic and multifaceted two-way process with three interrelated dimensions: a legal, an economic and a social-cultural dimension. Integration requires efforts by all parties concerned, including preparedness on the part of refugees to adapt to the host society without having to forego their own cultural identity, and a corresponding readiness on the part of host communities and public institutions to welcome refugees and to meet the needs of a diverse population. At the core of UNHCR's definition is the concept of integration as a two-way process and this is premised on "adaptation" of one party and "welcome" by the other. It does not, however, require the refugee to relinquish their cultural identity and integration therefore differs from assimilation".

Source: UNHCR's Executive Committee Conclusion on Local Integration, 2005.

The world was and sometimes still is perceived as being made up of different communities with distinct nationalities and territories. Within this framework, international migration can be perceived as a threat and an "anomaly", and migrants seen as "strangers" or "others" who do not belong to the community. Such constructions highlight the differences between migrants and the local community based on appearance, religion, world-view or values, to name a few. They may be used for political ends by anti-migration movements and to justify defensive and reactive migration policies centred on control, or indeed the failure to develop migration policies. Such positions can lead to the segregation and exclusion of migrants and discrimination against them based on ethnic, religion or other grounds, as well as a weakening of social cohesion.

As the number of migrants in many OSCE participating States increases, there is a need for more comprehensive, consistent and transparent migration policies that take account of migrants' diversity and adopt more structured integration approaches that involve all stakeholders. For this, it is crucial to understand what integration is.

In the process of integration, migrants stimulate change and development in receiving societies, resulting in greater diversity. Acknowledging diversity becomes a crucial part of the integration process. It often requires changes to fundamental concepts about the state, reflected in how policies and programmes are implemented; simultaneously, it also requires changes to migrants' mind-sets and identities. Therefore, integration is best understood as a multi-layered and two-way process based on the migrants' approaches and motivations, as well as the receiving society's attitudes and integration measures.

The two parties involved in the integration processes – migrants and the receiving society – determine its direction and final outcome. Integration depends on many different groups of people within society: migrants, politicians, members of parliament, civil servants, non-governmental activists, journalists and people representing various other professions and communities. All parties play an important role both as individuals – in terms of their personal interactions with migrants – and also as members of a group, as they contribute to a general climate of acceptance or exclusion and can shape specific integration measures and arrangements.

Reasons for migration can be categorized as internal and external: migrants take decisions based on their internal motivation to migrate, but are pushed to leave their home country or remain abroad because of external reasons that are out of their control. Both situations can lead to migrants' successful integration, but internal motivations tend to facilitate the process (as exemplified in many of the "I am a migrant" case stories, https://iamamigrant.org/). Individual factors that can facilitate migrants' integration include their personalities, individual efforts, world views, knowledge and skills.

The process of integration starts the moment migrants arrive in a new country. Migrants are more often than not willing to acquire a place in that new society. They are usually most concerned with meeting their primordial needs – safety, food and housing – and subsequently look to fulfil their social, cultural and political needs. Both their individual and community needs can be fulfilled by being accepted into the receiving society. Through integration, they become involved in different areas of life, including work, education, housing and political and cultural activities, among others. At the community level, migrants' integration is often shaped by cultural, religious and social organizations, although receiving society communities (such as sporting and artistic societies, etc.) can also act as vectors for integration.

While integration depends on migrants' attitudes and actions, it relies equally on the receiving society, including the government's approach to integration, the institutional arrangements made and the reception migrants receive from members of the public.

Integration policies are shaped by each country's socio-economic context, as well as their experience of migration, history and institutional arrangements, all of which can lead to the creation of different integration solutions at the community and individual levels.

Each member of the receiving society, both individually and at a collective level, may respond differently to migrants, depending on their country's laws and regulations, as well as unwritten cultural rules and practices. Integration depends on a range of policies that address migrants' needs and their situation, but which also offer all parties a framework for thinking and acting in a way that strengthens the social cohesion of diverse societies.

Individual and institutional factors

Individual factors can make a great difference to integration outcomes. Integration depends on the support and involvement of many people who directly or indirectly influence a migrant's situation. Key groups include members of the migrant community, including their own diaspora (other migrants with similar experiences and an understanding of the situation, and who can offer solutions based on their knowledge and networks), migrants' family and friends in their country of origin and the migrants themselves.

There are also groups in the receiving country that play a crucial role in migrants' integration, including those with the motivation and resources (their own or public ones) who can offer help in the form of housing, a job, access to services, information, advice and a social network, as well as those who create the institutional arrangements that can lead to a migrant's inclusion or exclusion.

There are usually two types of **institutions**: (1) those dedicated to issues specific to migrants and their stay in the receiving country (this includes religious and cultural institutions, as well as immigration offices and refugee camps and centres, among others); and (2) general public institutions that assist with education, employment, healthcare and housing, among other services. The functioning of these institutions is shaped by laws and regulations, as well as by unwritten practices that may facilitate or impede equal access to services and public goods.

The role of these institutions in the integration process is crucial, and very often they must adjust to respond to an increasingly diverse society.

Challenges

The main challenges migrants face can be divided into two main types:

- Internal challenges, such as psychological reactions to the experience, sometimes called "culture shock"; and
- External challenges, such as barriers in accessing goods and services or expressions of exclusion from receiving communities.

Culture shock is a set of emotional reactions to a sudden or unexpected change. It occurs when a person no longer enjoys the support of significant members of their own culture and is exposed to new cultural stimuli that are of little or no meaning to them. This can result in misunderstanding and increased stress levels.

Migrants must overcome:

- A range of psychological, cognitive and behavioural adaptations because of the cultural and organizational differences in the receiving country;
- The absence of significant people and a loss of their status, professional identity and possessions;
- Confusion about their identity and roles;
- Changes in their sense of control, coping skills and self-image; and

Migrants also risk rejection by the receiving country, as well as discrimination or xenophobia that might lead to:

- Under-employment;
- Educational underachievement;
- Material deprivation, poverty and social exclusion;
- Housing issues (from overcrowded households to homelessness); and/or
- Abuse, verbal and physical violence, acts of hate speech and hate crimes.

Benefits of migration for receiving countries and countries of origin

Migration can benefit receiving countries in a number of ways:

- Increases and diversifies the labour force, especially in sectors and occupations where there is a shortage of workers;
- Increases the gross domestic product of the receiving country;
- Can generate additional employment opportunities for existing workers;
- Can help to ease the pressure on pension systems in ageing societies; and
- Facilitates the exchange of perspectives and ideas that lead to innovation in all sectors.

Migration can also benefit migrants' countries of origin:

- Contributes to the economy by sending remittances;
- Leads to improvements in the welfare and human development of migrants' families, including income, education and health;
- Reduces unemployment and underemployment, contributing to the reduction of poverty;

- Results in the transfer of skills, knowledge and technology; and
- Fosters reconstruction and recovery in post-conflict areas.

Measuring integration

Measuring migrant integration is a complex task due to the multifaceted nature of integration processes. The main tools in current use include: MIPEX (see below), the European Union's Eurobarometer on integration and the National integration Evaluation mechanism (NIEM, http://www.forintegration.eu/).

Migrant integration methods are in the process of constant development for various reasons, including:

- The growing body of knowledge on good practices in the area of migrant integration;
- The adoption of new international and regional legal instruments and policy documents;
- The adoption of new national strategic and policy planning instruments;
- Case law of the international and national courts; and
- The development of new technologies to assist in migration integration (e.g., language learning technology).

ODIHR co-operates with the independent think tank Migration Policy Group in using the MIPEX methodology to assess national integration policies and facilitate the implementation of OSCE commitments across the OSCE region.

The Migrant Integration Policy Index (MIPEX)

MIPEX as a unique tool that measures migrant integration policies in 40 OSCE participating States (all European Union Member States plus Armenia, Bosnia and Herzegovina, Canada, Iceland, Kazakhstan, the former Yugoslav Republic of Macedonia, Moldova, Norway, Serbia, Switzerland, Turkey and the United States), as well as Australia, Japan, New Zealand and South Korea.

As part of MIPEX, 167 policy indicators have been developed to create a rich, multidimensional picture of migrants' opportunities to participate in society. The index is a useful tool to evaluate and compare what governments are doing to promote the integration of migrants in all the countries analysed.

The MIPEX policy indicators cover eight areas: labour market mobility, healthcare, family reunion, education, long-term residence, political participation, access to nationality and anti-discrimination.

The project engages key policy actors and informs them about how to use the indicators to improve integration governance and policy effectiveness.

MIPEX enables integration policies to be measured at the national level and allows for comparisons of countries at the international and regional levels, including in different areas of policy and over time.

MIPEX assessment criteria reflect OSCE commitments and are anchored in the standards of the Council of Europe and the European Union, as well as relevant UN and ILO conventions.

For more information, see: http://www.mipex.eu/what-is-mipex.

THE OSCE/ODIHR AND MIGRANT INTEGRATION

1. About ODIHR

> The **OSCE Office for Democratic Institutions and Human Rights (ODIHR)** provides support, assistance and expertise to participating States and civil society to promote democracy, rule of law, human rights and tolerance and non-discrimination. ODIHR observes elections, reviews legislation and advises governments on how to develop and sustain democratic institutions. The Office conducts training programmes for government and law-enforcement officials and non-governmental organizations on how to uphold, promote and monitor human rights.
>
> For more information, see: http://www.osce.org/odihr

Based in Warsaw, Poland, ODIHR is the OSCE's principal institution to assist participating States "to ensure full respect for human rights and fundamental freedoms, to abide by the rule of law, to promote principles of democracy and (...) to build, strengthen and protect democratic institutions, as well as promote tolerance throughout society" (1992 Helsinki Summit Document). This is referred to as the OSCE human dimension.

ODIHR was created as the Office for Free Elections at the 1990 Paris Summit and started operating in May 1991. One year later, the name of the Office was changed to reflect an expanded mandate to include human rights and democratization. Today it employs over 180 staff.

ODIHR is the lead agency in Europe in the field of **election observation**. Every year, it coordinates and organizes the deployment of thousands of observers to assess whether elections in the OSCE region are conducted in line with OSCE Commitments, other international obligations and standards for democratic elections and with national legislation. Its unique methodology provides an in-depth insight into the electoral process in its entirety. Through assistance projects, ODIHR helps participating States to improve their electoral framework.

The Office's **democratization** activities include: rule of law, legislative support, democratic governance, migration and freedom of movement, and gender equality. ODIHR implements a number of targeted assistance programs annually, seeking to develop democratic structures.

ODIHR also assists participating States' in fulfilling their obligations to promote and protect **human rights** and fundamental freedoms, consistent with OSCE human dimension commitments. This is achieved by working with a variety of partners to foster collaboration, build capacity and provide expertise in thematic areas including human rights in the fight against terrorism, enhancing the human rights protection of trafficked persons, human rights education and training, human rights monitoring and reporting, and women's human rights and security.

Within the field of **tolerance** and **non-discrimination**, ODIHR provides support to the participating States in strengthening their response to hate crimes and incidents of racism, xenophobia, anti-Semitism and other forms of intolerance. ODIHR's activities related to tolerance and non-discrimination are focused on the following areas: legislation; law enforcement training; monitoring, reporting on, and following up on responses to hate-motivated crimes and incidents; as well as educational activities to promote tolerance, respect, and mutual understanding.

ODIHR's Contact Point for Roma and Sinti Issues reviews and supports the implementation of OSCE commitments to promote the inclusion of Roma and Sinti in societies in the OSCE region and to combat racism and discrimination against them. ODIHR monitors the human rights situation of Roma and Sinti, focuses on enhancing safety and security for Roma and Sinti communities and works to increase the participation of Roma and Sinti in public and political life. ODIHR also focuses on the active participation of Roma and Sinti women and youth. All ODIHR activities are carried out in close co-ordination and co-operation with OSCE participating States, OSCE institutions and field operations, as well as with other international organizations.

More information is available on the ODIHR website: http://www.osce.org/odihr.

2. ODIHR and migrant integration

In line with its mandate and relevant OSCE commitments, ODIHR works to assist participating States in assessing, formulating and implementing migration policies and legislation to the benefit of both the receiving society and the migrants. The enhanced protection of human rights of migrants is a key element of this work. ODIHR applies a holistic approach to the integration of migrants, drawing on its expertise in all programmatic activity areas, and from other OSCE executive structures and, where appropriate, OSCE field operations. The OSCE also has long-standing co-operation with relevant international organizations, particularly UNHCR, the IOM, the ILO and UN Women. ODIHR participates in the Frontex Consultative Forum on Fundamental Rights and in the Council of Europe Committee of Experts on Administrative Detention of Migrants, which is in the process of developing the European Rules on the Administrative Detention of Migrants. ODIHR also co-operates with academia, think tanks and civil society organizations working on migration issues.

1. OSCE commitments relevant to migrant integration

Since the 1975 Helsinki process, OSCE participating States have noted that increasing legal migration in the OSCE region has been beneficial both for receiving countries and migrants, while also giving rise to a number of economic, social, human and other challenges.[6] Gradually, OSCE participating States acknowledged that some of those challenges should be addressed by means of special migrant integration policies, and adopted commitments on different aspects of migrant integration accordingly.

Over more than 40 years, OSCE participating States have agreed to a number of commitments in the field of migrant integration. These commitments in the so-called human dimension of the OSCE are contained in an ever-growing set of documents adopted at OSCE summits and other political forums.

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6   See section on Economic and social aspects of migrant labour, "Final Act of the Conference on Security and Co-operation in Europe", Helsinki, 1975, <https://www.osce.org/helsinki-final-act?download=true>.

The OSCE commitments were developed jointly and adopted unanimously by all participating States. They establish expectations and requirements for all participating States in their treatment of migrants and of all individuals within their territories. a summary of the different areas covered by OSCE commitments is noted below (more details and relevant excerpts are provided in Module 2)

Aspects of migrant integration mentioned in OSCE commitments:
Adjusting national migration practices to OSCE commitments and international standards
Combating discrimination, intolerance and xenophobia towards migrants and their families
Facilitating migrants' participation in society (familiarization with the state language and culture)
Promoting the integration of migrant workers in receiving societies
Respecting cultural and religious diversity
Promoting and protecting human rights and fundamental freedoms
Facilitating dialogue, partnership and co-operation on migration-related issues among OSCE participating States
Elaborating and strengthening national strategies and programmes for migrant integration
Promoting equality of opportunity with respect to working conditions, education, social security, healthcare, housing, access to trade unions and cultural rights

MODULE 1:
BACKGROUND RESOURCES

- United Nations Development Programme, "Contribution to the fifteenth co-ordination meeting on international migration", 8 February 2017, <http://www.un.org/en/development/desa/population/migration/events/coordination/15/documents/papers/9_UNDP.pdf>.
- European Commission, "European Web Site on Integration: Migrant Integration Information and Good Practices", <https://ec.europa.eu/migrant-integration/home>.
- Migration Policy Group, "European Web Site on Integration: Presentation", <http://www.migpolgroup.com/diversity-integration/european-web-site-on-integration/>.
- Yue, Y. and Le, Q., "From 'Cultural Shock' to 'ABC Framework': Development of Intercultural Contact Theory", *International Journal of Innovative Interdisciplinary Research*, Issue 2, 2012.
- International Organization for Migration (IOM), "I am a migrant", <https://iamamigrant.org>.
- Penninx, R., "Integration: The Role of Communities, Institutions, and the State" Migration Policy Institute (MPI), 1 October 2003, <https://www.migrationpolicy.org/article/integration-role-communities-institutions-and-state>.
- Eurostat, "Migrant integration statistics", <http://ec.europa.eu/eurostat/statistics-explained/index.php/Migrant_integration_statistics>.
- "Chapter 1 – Report overview: making sense of migration in an increasingly interconnected world", *World Migration Report 2017*, IOM, http://www.iom.int/wmr/chapter-1>.
- OSCE/ODIHR webpage on migration, <https://www.osce.org/odihr/migration>.

MODULE 2:
INSTITUTIONAL, LEGAL
AND POLICY FRAMEWORKS
FOR MIGRANT INTEGRATION

RIGHTS AND OBLIGATIONS OF MIGRANTS

Rights of migrants

There is no single distinct category of "migrant rights". Rights enjoyed by migrants have been formulated within human rights law, refugee law, migrant workers law and humanitarian law. This section will first discuss the international and regional legal framework on the rights of migrants and then present an overview of the main rights of migrants guaranteed by international legal documents.

International legal instruments

The **Universal Declaration of Human Rights**,[7] adopted in 1948, is non-binding, but most of its provisions are generally recognized as constituting International Customary Law. It covers a wide range of human rights, including:

The **International Covenant on Economic, Social and Cultural Rights (ICESCR)8** and the **International Covenant on Civil and Political Rights (ICCPR)**[9] (1966) provide legal grounds for the Declaration and apply to all people, including migrants.[10]

The **International Convention on the Elimination of All Forms of Racial Discrimination** (CERD)[11] (1965) condemns racial discrimination defined as "any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life" (Article 1.1). However, it also reaffirms the state's right to distinguish between its citizens and non-citizens.

The **United Nations Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishmen**t[12] (1984) extends the principle of *non-refoulement*[13] to all cases where there are substantial reasons to believe that a person would be tortured if returned to his or her country.

The **Convention on the Elimination of All Forms of Discrimination against Women** (CEDAW)[14] (1979), apart from obliging states to fight discrimination against all women, including migrant women, calls on states to take "all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women" (Article 5).

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7   UN General Assembly, "Universal Declaration of Human Rights" (UDHR), 10 December 1948, <http://www.un.org/en/udhrbook/pdf/udhr_booklet_en_web.pdf>.

8   UN General Assembly, "International Covenant on Economic, Social and Cultural Rights" (ICESCR), 16 December 1966, <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx>.

9   UN General Assembly, "International Covenant on Civil and Political Rights" (ICCPR), 19 December 1966, <https://treaties.un.org/doc/publication/unts/volume%20999/volume-999-i-14668-english.pdf>.

10   Both the ICCPR and ICESCR have been ratified by nearly all OSCE participating States, with the exception of Andorra (has signed the ICCPR but not ratified it, and not signed or ratified the ICESCR), the Holy See (has not signed or ratified the ICCPR or the ICESCR), and the United States (has signed but not ratified the ICESCR).

11   UN General Assembly, "International Convention on the Elimination of All Forms of Racial Discrimination" (ICERD), 21 December 1965, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CERD.aspx.>

12   UN General Assembly, "Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment", 10 December 1984, <http://www.un.org/ga/search/view_doc.asp?symbol=a/res/39/46>.

13   *Non-refoulement* is the principle of not forcing refugees or asylum seekers to return to a country in which they are liable to be subjected to persecution.

14   UN General Assembly, "Convention on the Elimination of All Forms of Discrimination against Women" (CEDAW), 18 December 1979, <http://www.ohchr.org/Documents/ProfessionalInterest/cedaw.pdf>.

The **International Convention on the Rights of the Child** (CRC)[15] (1989) refers to the rights of children below 18 years of age and sets the standards regarding rights to health, family, education and an adequate standard of living, among others. Article 2 prohibits discrimination and stipulates that whatever benefits are given by the state to its child citizens must also be given to all children, including migrants and refugees.

The 1990 **International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families** (ICRMW – the Migrant Workers Convention)[16] is the only United Nations convention of direct relevance to various categories of migrants. It does not create any new rights for migrants but aims to guarantee equality of treatment and the same working conditions for migrants as for nationals. The Convention attempts to reaffirm basic human rights norms and establish a legal instrument in relation to migrants and their families, including undocumented migrants (a group recognized to be often the most vulnerable and unprotected). Apart from reaffirming the rights specified by the Human Rights Declaration, it also contains provisions for:

- Respecting Remuneration And Other Working Conditions (Article 25);
- Equality in the area of urgent medical assistance (Article 28) and access to education (Article 30);
- Preventing inhumane living and working conditions, physical and sexual abuse, and degrading treatment (Articles 10–11, 25 and 54);
- Guaranteeing migrants' rights to freedom of thought, expression and religion (Articles 12–13); and guaranteeing migrants' access to information on their rights (Articles 33 and 37);
- Ensuring their right to legal equality, which implies that migrants are subject to correct procedures, have access to interpretation services and are not sentenced to disproportionate penalties such as expulsion (Articles 16–20 and 22);
- Guaranteeing migrants' access to educational and social services (Articles 27–28, 30, 43–45 and 54);
- Ensuring that migrants have the right to participate in trade unions (Articles 26 and 40); and
- Guaranteeing the right of migrant workers to be informed by the state of origin, employment or of transit of "the conditions of their admission, their rights and obligations under the law and practice" (Article 30). This entails taking "all measures [deemed] appropriate to disseminate the said information or to ensure that it is provided by employers, trade unions or other appropriate bodies or institutions."

The Migrant Workers Convention has been ratified by several OSCE participating States, including Albania, Azerbaijan, Bosnia and Herzegovina, Kyrgyzstan, Tajikistan and Turkey, and signed, but not ratified by Armenia. Notably, no OSCE participating State in Western Europe or North America has ratified the Convention.

The **United Nations Convention against Transnational Organized Crime** (UNTOC)[17] is a United Nations-sponsored multilateral treaty against transnational organized crime. The Convention was adopted in 2000 by a resolution of the United Nations General Assembly and is also referred to as the "Palermo Convention". Two out of its three protocols are relevant to the rights of migrants, namely the Protocol to Prevent, Suppress and Punish Trafficking in

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15 UN General Assembly, "Convention on the Rights of the Child" (CRC), 20 November 1989,
    <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx>.
16 UN General Assembly, "International Convention on the Protection of the Rights of All Migrant Workers and
    Members of Their Families" (ICRMW), 18 December 1990,
    <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CMW.aspx>.
17 UN General Assembly, "Convention against Transnational Organized Crime" (UNTOC), 15 November 2000,
    <https://www.unodc.org/unodc/en/organized-crime/intro/UNTOC.html>.

Persons, especially Women and Children, and the Protocol against the Smuggling of Migrants by Land, Sea and Air.

There are two main **International Labour Organization** (ILO) instruments that apply directly to migrant workers, including refugees and irregular migrants in employment: the **Migration for Employment Convention**,[18] (1949) and the **Migrant Workers (Supplementary Provisions) Convention**[19] (1975), as well as their accompanying recommendations. Nineteen OSCE participating States have ratified at least one of these documents.[20] These Conventions provide guidance on the basic components of a comprehensive labour migration policy, the protection of migrant workers and measures to facilitate and control migration movements. They contain provisions for the management of labour migration, as well as for combating irregular migration and labour trafficking and detecting the illegal employment of migrants. Moreover, they contain special provisions on access to social services, medical services and adequate housing. They also outline measures relating to the provision of free services and information to assist migrants, steps to tackle misleading information about migration, as well as provisions on the transfer of earnings, family reunification and appeals against unjustified termination of employment or expulsion. These instruments also call for equality of treatment and opportunity for regular migrants and nationals in terms of accessing employment, remuneration, employment taxes, social security, accessing legal proceedings, trade union rights, cultural rights and individual freedoms.

The **1951 Convention relating to the Status of Refugees**[21] is the key legal document that defines the term "refugee" and outlines the rights of the displaced and the legal obligations of states to protect them. The core principle is that of *non-refoulement*, which asserts that a refugee should not be returned to a country where they face serious threats to their life, including torture, or freedom (this principle is now considered a rule of customary international law). The Convention also provides for:

- The right not to be expelled, except under certain, strictly defined conditions (Article 32);
- The right not to be punished for illegal entry into the territory of a contracting state (Article 31);
- The right to work (Articles 17–19);
- The right to housing (Article 21);
- The right to education (Article 22);
- The right to public relief and assistance (Article 23);
- The right to freedom of religion (Article 4);
- The right to access the courts (Article 16);
- The right to freedom of movement within the territory (Article 26); and
- The right to be issued identity and travel documents (Articles 27 and 28).

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18 International Labour Organization (ILO), "Migration for Employment Convention", 1 July 1949, <http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:312242>.

19 ILO, "Migrant Workers (Supplementary Provisions) Convention", 24 June 1975, <http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C143>.

20 The OSCE participating States to have ratified the Migration for Employment Convention (C97) and/or the Migrant Workers (Supplementary Provisions) Convention (C143) are: Albania (C97), Armenia (C97/C143), Belgium (C97), Bosnia and Herzegovina (C97/C143), Cyprus (C97/C143), France (C97), Germany (C97), Italy (C97/C143), the former Yugoslav Republic of Macedonia (C97/C143), Moldova (C97), Montenegro (C97), the Netherlands (C97), Norway (C97/C143), Portugal (C97/C143), San Marino (C143), Serbia (C97), Slovenia (C97), Spain (C97), Sweden (C143) and the United Kingdom (C97).

21 UN General Assembly, "Convention and Protocol Relating to the Status of Refugees", 28 July 1951, <http://www.unhcr.org/3b66c2aa10.pdf>.

The **1967 Protocol** broadens the applicability of the 1951 Refugee Convention, which initially was restricted to persons who became refugees due to events occurring in Europe before 1 January 1951.

Regional legal instruments

Apart from the abovementioned UN and ILO instruments, there are a number of regional legal instruments relevant to those OSCE participating States that are also members of other regional organizations, including the Council of Europe and the European Union.

Council of Europe legal instruments

The E**uropean Convention on the Protection of Human Rights and Fundamental Freedoms** (ECHR)[22] (1950) applies to all persons, including migrants, regardless of their legal status. Migrants have also received remedies in protection of their right to respect for family life (Article 8 of the ECHR) and the non-discrimination principle (Article 14) from the European Court of Human Rights under its case law.

The **European Social Charter** (ESC) (1961) and its **Additional Protocol** (1988), as well as the **Revised European Social Charter**[23] (1996), are relevant to migrants who are nationals of Council of Europe Member States, although their application is conditional on reciprocity.[24] These instruments cover the right to engage in gainful employment in another Council of Europe state, the responsibility of states to facilitate the migration process, including providing information to migrant workers, ensuring equality of treatment of nationals and non-nationals in employment, protecting the right to family reunification and providing guarantees against expulsion, among other provisions (Articles18 and 19).

The **European Convention on the Legal Status of Migrant Workers**[25] (1977) includes provisions on recruitment, medical examinations, vocational tests, travel, residence and work permits, family reunion, housing, conditions of work, the transfer of savings, social security, social and medical assistance, the expiry of employment contracts, dismissal and re-employment, and preparation for migrant workers' return to the country of origin. However, the Convention relates only to migrant workers coming from contracting parties, and only eight OSCE partici-pating States have ratified this Convention.[26]

The **Council of Europe Convention on Action against Trafficking in Human Beings**,[27] is relevant to migrants who are identified as victims of trafficking in human beings. Article 12 of the Convention requires states to provide assistance to victims of trafficking, including through appropriate and secure accommodation, emergency medical services, translation and interpretation services, legal assistance and education for children. Furthermore, it prohibits the expulsion of the victim on any grounds during a 30-day reflection period, and calls upon parties to give victims residence permits in light of their personal situation or to allow them to co-operate with authorities in criminal proceedings against traffickers (Article 14), as well

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22 Council of Europe, "European Convention on the Protection of Human Rights and Fundamental Freedoms", 3 September 1953, <https://www.echr.coe.int/Documents/Convention_ENG.pdf>.

23 Council of Europe, "European Social Charter (Revised)", 3 May 1996, <https://rm.coe.int/168007cf93>.

24 This provision has been challenged by the European Committee of Social Rights.

25 Council of Europe, "European Convention on the Legal Status of Migrant Workers", 24 November 1977, <https://rm.coe.int/1680077323>.

26 Namely: France, Italy, the Netherlands, Norway, Portugal, Spain, Sweden and Turkey. The Convention has been signed by Belgium, Germany, Greece, Luxembourg, Moldova and Ukraine.

27 Council of Europe, "Convention on Action against Trafficking in Human Beings", 16 May 2005, <https://rm.coe.int/16800&371d>.

as afford them compensation and legal redress (Article 15). Importantly, it contains a non-punishment provision (Article 26) according to which states can waiver penalties for any unlawful activities that victims have been compelled to do, such as crossing a border illegally. Finally, in 2008 a monitoring mechanism in the form of a group of experts (GRETA) was set up to evaluate the implementation of the Convention by states.

European Union legal instruments

In 1989, all European Union Member States, with the exception of the United Kingdom, adopted the **Community Charter of the Fundamental Social Rights of Workers**. This document established the major principles of the European Union's labour law model and, in the following decade, shaped the development of the European Union's social model, which was further expanded on in the **European Union Charter of Fundamental Rights**.[28] However, the Charter provisions cannot expand the scope of European Union law, and very few social rights under the Charter are guaranteed to all individuals, such as the right to education (Article 14). Moreover, most of the rights protected by the Charter are restricted to citizens and/or those who are lawfully resident.

The European Union legal framework differentiates between European Union citizens and various categories of third-country nationals. Moreover, different provisions apply to third-country nationals who are family members of European Union citizens, as well as to citizens of Iceland, Lichtenstein, Norway and Switzerland.[29] Special provisions for each specific category are regulated by secondary European Union law.

Excerpts and selected OSCE commitments pertaining to the rights of migrants

In addition to specific commitments on migration, the OSCE commitments reaffirm many international conventions concerning the basic rights of migrants. The 1975 Helsinki Final Act acknowledges that the general rules of international law applied to all OSCE participating States, including the Universal Declaration on Human Rights. Furthermore, the ICCPR and the ICESCR were endorsed by OSCE participating States in Madrid in 1983 and Vienna in 1989, while the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment was affirmed at the Copenhagen Conference on the Human Dimension in 1990. At the Copenhagen Conference, participating States were also encouraged to adopt the ECHR and the ICCPR, while the 1999 Istanbul Charter for European Security saw OSCE participating States affirm their commitment to respect the right to seek asylum and ensure international protection of refugees as set out in the 1951 Refugee Convention. OSCE participating States have further reiterated their commitments in this area through the OSCE Action Plan on Trafficking in Human Beings, which refers to the UNTOC and its Supplementary Protocol on trafficking in persons, and to the Council of Europe Convention on Action against Trafficking in Human Beings.

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28 European Parliament (et al.), "Charter of Fundamental Rights of the European Union", 18 December 2000, <http://www.europarl.europa.eu/charter/pdf/text_en.pdf>.

29 *Handbook on European law relating to asylum, borders and immigration* (Belgium: European Union Agency for Fundamental Rights, 2015), <http://fra.europa.eu/en/publication/2013/handbook-european-law-relating-asylum-borders-and-immigration>.

The following are excerpts of key OSCE commitments related to migrants and migrant integration:

Helsinki 1975 (Co-operation in the Field of Economics, of Science and Technology and of the Environment)

The participating States,

Considering that the movements of migrant workers in Europe have reached substantial proportions, and that they constitute an important economic, social and human factor for host countries as well as for countries of origin,

Recognizing that workers' migrations have also given rise to a number of economic, social, human and other problems in both the receiving countries and the countries of origin,

Taking due account of the activities of the competent international organizations, more particularly the International Labour Organization, in this area, are of the opinion that the problems arising bilaterally from the migration of workers in Europe as well as between the participating States should be dealt with by the parties directly concerned, in order to resolve these problems in their mutual interest, in the light of the concern of each State involved to take due account of the requirements resulting from its socio-economic situation, having regard to the obligation of each State to comply with the bilateral and multilateral agreements to which it is party, and with the following aims in view:

- to encourage the efforts of the countries of origin directed towards increasing the possibilities of employment for their nationals in their own territories, in particular by developing economic co-operation appropriate for this purpose and suitable for the host countries and the countries of origin concerned;
- to ensure, through collaboration between the host country and the country of origin, the conditions under which the orderly movement of workers might take place, while at the same time protecting their personal and social welfare and, if appropriate, to organize the recruitment of migrant workers and the provision of elementary language and vocational training;
- to ensure equality of rights between migrant workers and nationals of the host countries with regard to conditions of employment and work and to social security, and to endeavour to ensure that migrant workers may enjoy satisfactory living conditions, especially housing conditions;
- to endeavour to ensure, as far as possible, that migrant workers may enjoy the same opportunities as nationals of the host countries of finding other suitable employment in the event of unemployment;
- to regard with favour the provision of vocational training to migrant workers and, as far as possible, free instruction in the language of the host country, in the framework of their employment;
- to confirm the right of migrant workers to receive, as far as possible, regular information in their own language, covering both their country of origin and the host country;
- to ensure that the children of migrant workers established in the host country have access to the education usually given there, under the same conditions as the children of that country and, furthermore, to permit them to receive supplementary education in their own language, national culture, history and geography;
- to bear in mind that migrant workers, particularly those who have acquired qualifications, can by returning to their countries after a certain period of time help to remedy any deficiency of skilled labour in their country of origin;
- to facilitate, as far as possible, the reuniting of migrant workers with their families;

(...)

Madrid 1983 (Co-operation in the Field of Economics, of Science and Technology and of the Environment)

In the context of the provisions of the Final Act concerning migrant labour in Europe, the participating States note that recent developments in the world economy have affected the situation of migrant workers. In this connection, the participating States express their wish that host countries and countries of origin, guided by a spirit of mutual interest and co-operation, intensify their contacts with a view to improving further the general situation of migrant workers and their families, *inter alia* the protection of their human rights including their economic, social and cultural rights while taking particularly into account the special problems of second generation migrants. They will also endeavour to provide or promote, where reasonable demand exists, adequate teaching of the language and culture of the countries of origin.

Vienna 1989 (Co-operation in the Field of Economics, of Science and Technology and of the Environment)

(40) The participating States emphasize the need for effective implementation of the provisions of the Final Act and the Madrid Concluding Document relating to migrant workers and their families in Europe. They invite host countries and countries of origin to make efforts to improve further the economic, social, cultural and other conditions of life for migrant workers and their families legally residing in the host countries. They recommend that host countries and countries of origin should promote their bilateral co-operation in relevant fields with a view to facilitating the reintegration of migrant workers and their families returning to their country of origin.

(41) The participating States will (...) consider favourably applications for family reunification as well as family contacts and visits involving migrant workers from other participating States legally residing in the host countries.

(42) The participating States will ensure that migrant workers from other participating States, and their families, can freely enjoy and maintain their national culture and have access to the culture of the host country.

(43) Aiming at ensuring effective equality of opportunity between the children of migrant workers and the children of their own nationals regarding access to all forms and levels of education, the participating States affirm their readiness to take measures needed for the better use and improvement of educational opportunities. Furthermore, they will encourage or facilitate, where reasonable demand exists, supplementary teaching in their mother tongue for the children of migrant workers.

(44) The participating States recognize that issues of migrant workers have their human dimension.

Copenhagen 1990

(22) The participating States reaffirm that the protection and promotion of the rights of migrant workers have their human dimension. In this context, they

(22.1) – agree that the protection and promotion of the rights of migrant workers are the concern of all participating States and that as such they should be addressed within the CSCE process;

(22.2) – reaffirm their commitment to implement fully in their domestic legislation the rights of migrant workers provided for in international agreements to which they are parties;

(22.3) – consider that, in future international instruments concerning the rights of migrant workers, they should take into account the fact that this issue is of importance for all of them;
(…)

Paris 1990 (A New Era of Democracy, Peace and Unity)

We recognize that the issues of migrant workers and their families legally residing in host countries have economic, cultural and social aspects as well as their human dimension. We reaffirm that the protection and promotion of their rights, as well as the implementation of relevant international obligations, is our common concern.

Moscow 1991

(38) The participating States recognize the need to ensure that the rights of migrant workers and their families lawfully residing in the participating States are respected and underline their right to express freely their ethnic, cultural, religious and linguistic characteristics. The exercise of such rights may be subject to such restrictions as are prescribed by law and are consistent with international standards.

(38.1) They condemn all acts of discrimination on the ground of race, colour and ethnic origin, intolerance and xenophobia against migrant workers. They will, in conformity with domestic law and international obligations, take effective measures to promote tolerance, understanding, equality of opportunity and respect for the fundamental human rights of migrant workers and adopt, if they have not already done so, measures that would prohibit acts that constitute incitement to violence based on national, racial, ethnic or religious discrimination, hostility or hatred.

(38.2) They will adopt appropriate measures that would enable migrant workers to participate in the life of the society of the participating States.

(38.3) They note that issues which concern the human dimension of migrant workers residing on their territory could, as any other issue of the human dimension, be raised under the human dimension mechanism.

Helsinki 1992 (Decisions: VI. The Human Dimension)

The participating States:
(…)

(36) Restate that human rights and fundamental freedoms are universal, that they are also enjoyed by migrant workers wherever they live and stress the importance of implementing all CSCE commitments on migrant workers and their families lawfully residing in the participating States;

(37) Will encourage the creation of conditions to foster greater harmony in relations between migrant workers and the rest of the society of the participating State in which they lawfully reside. To this end, they will seek to offer, *inter alia*, measures to facilitate the familiarization of migrant workers and their families with the languages and social life of the respective participating State in which they lawfully reside so as to enable them to participate in the life of the society of the host country;

(38) Will, in accordance with their domestic policies, laws and international obligations seek, as appropriate, to create the conditions for promoting equality of opportunity in respect of working conditions, education, social security and health services, housing, access to trade unions as well as cultural rights for lawfully residing and working migrant workers.

Budapest 1994 (Decisions: VIII. The Human Dimension)

28. The participating States reconfirm that human rights are universal and indivisible. They recognized that the protection and promotion of the rights of migrant workers have their human dimension. They underline the right of migrant workers to express freely their ethnic, cultural, religious and linguistic characteristics.

The exercise of such rights may be subject to such restrictions as are prescribed by law and consistent with international standards.

29. They decided that appropriate measures should be taken to better prevent racist attacks and other manifestations of violent intolerance against migrant workers and their families.

30. They reconfirm their condemnation of all acts of discrimination on the ground of race, colour and ethnic origin, intolerance and xenophobia against migrant workers. They will, in conformity with domestic law and international obligations, continue to take effective measures to this end.

31. They will continue to promote the integration of migrant workers in the societies in which they are lawfully residing. They recognize that a successful process of integration also depends on its active pursuit by the migrants themselves and decided therefore to encourage them in this regard.

Istanbul 1999 (Charter for European Security: III. Our Common Response)

22. We reject any policy of ethnic cleansing or mass expulsion. We reaffirm our commitment to respect the right to seek asylum and to ensure the international protection of refugees as set out in the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol, as well as to facilitate the voluntary return of refugees and internally displaced persons in dignity and safety.

Maastricht 2003 (Decisions: Decision No. 4/03 on Tolerance and Non-discrimination)

The Ministerial Council
(...)

11. Undertakes to combat discrimination against migrant workers. Further undertakes to facilitate the integration of migrant workers into the societies in which they are legally residing. Calls on the ODIHR to reinforce its activities in this respect;

12. Undertakes, in this context, to combat, subject to national legislation and international commitments, discrimination, where existing, against asylum seekers and refugees, and calls on the ODIHR to reinforce its activities in this respect;
(...)

Sofia 2004 (Decisions: Annex to Decision No. 12/04 on Tolerance and Non-discrimination;

Permanent Council Decision No. 621: Tolerance and the Fight against Racism, Xenophobia and Discrimination)

The participating States commit to:
(...)

Take steps, in conformity with their domestic law and international obligations, against discrimination, intolerance and xenophobia against migrants and migrant workers;

Consider undertaking activities to raise public awareness of the enriching contribution of migrants and migrant workers to society;
(...)

Ljubljana 2005 (Decisions: Decision No. 2/05 on Migration)

The Ministerial Council,

Reaffirming the commitments related to migration, and in particular regarding migrant workers, and other relevant commitments (...),

Recognizing the increasing importance of migration, as well as the challenges and opportunities that it presents to participating States,

Further recognizing that migration is becoming a more diverse and complex phenomenon, which needs to be addressed in a comprehensive manner and therefore requires a cross-dimensional approach at the national, regional and international levels,

Recognizing that all States should adopt effective national frameworks in order to manage migration,

Underlining that migration is inherently a transnational issue requiring co-operation between States,

Acknowledging that migration constitutes an important economic, social and human factor for host countries as well as for countries of origin,

Acknowledging also that successful integration policies that include respect for cultural and religious diversity and promotion and protection of human rights and fundamental freedoms are a factor in promoting stability and cohesion within our societies,
(...)

Considering that the OSCE, within its comprehensive approach to security, could contribute, *inter alia*, by:

- Working in synergy and developing a stronger partnership with international bodies having a specific focus on migration,
- Facilitating dialogue and co-operation between participating States, including countries of origin, transit and destination in the OSCE area, as well as the OSCE Partners for Co-operation and Mediterranean Partners for Co-operation,
- Assisting the participating States, upon their request, to develop effective migration policies and to implement their relevant OSCE commitments,

- Inviting participating States to consider becoming parties to relevant international Instruments,

Madrid 2007 (Decisions: Decision No. 10/07 on Tolerance and Non-Discrimination: Promoting Mutual Respect and Understanding)

The Ministerial Council,
(...)

Recognizing that manifestations of intolerance and discrimination can undermine the efforts to protect the rights of individuals, including migrants, refugees and persons belonging to national minorities and stateless persons,
(...)

7. Calls on participating States to protect migrants legally residing in host countries and persons belonging to national minorities, stateless persons and refugees from racism, xenophobia, discrimination and violent acts of intolerance and to elaborate or strengthen national strategies and programmes for the integration of regular migrants, which also requires active engagement of the latter;
(...)

Athens 2009 (Decisions: Decision No. 5/09 on Migration Management)

The Ministerial Council,
(...)

Acknowledging the increasing importance of and the benefits stemming from effective migration management for the socio-economic development, social cohesion, security and stability in all countries including those of origin, transit and destination, and fully recognizing the human rights of migrants and their family members,

Underscoring the importance of mainstreaming migration policies into economic, social, environmental, development and security strategies and addressing migration management through co-operative, comprehensive and cross-dimensional approaches,

Underlining the need to facilitate legal migration and fight illegal migration,

Bearing in mind the different approaches to migration issues by the OSCE participating States, and drawing on their experiences and best practices,

Stressing the need to deepen dialogue and co-operation at all levels within and between all States, as well as with all relevant stakeholders, including social partners, business community, civil society and academia, to effectively address the opportunities and challenges related to comprehensive migration management,

Confirming that co-operation, dialogue and exchange of good practices and information on migration management issues remain an important component of the OSCE's comprehensive concept of security, supported as appropriate and within the respective mandates, capacities and resources in all three dimensions,

1. Encourages the participating States to continue to work on migration management by:
   - Paying particular attention to addressing the root causes of migration;
   - Ensuring that their national migration practices comply with their respective international obligations and OSCE commitments;
   - Further elaborating and enhancing implementation of comprehensive and effective national migration policies and action plans as appropriate;
   - Improving the collection of comparable data on migration, in order to facilitate dialogue and exchange of best practices at the OSCE level;
     (...)
   - Respecting the human rights of migrants and increasing efforts to combat discrimination, intolerance and xenophobia towards migrants and their families;
     (...)

5. Tasks the Permanent Council, its informal subsidiary bodies and the OSCE executive structures, in accordance with their respective mandates across all dimensions, within the Organization's comprehensive concept of security and within existing resources to *inter alia*:
   - Provide a broad regional platform for dialogue on migration and security issues, both among OSCE participating States and between participating States and Partners for Cooperation, with the involvement of other relevant stakeholders in full conformity with the OSCE Rules of Procedure;
   - Continue working on gender aspects of migration;
   - Assist participating States, upon their request, to improve migration legislation and to elaborate and implement effective national policy frameworks, by providing advice and training, in co-operation with relevant international and regional organizations;
     (...)
   - Continue to assist the participating States, upon their request, to promote effective migration management, including exchange of best practices, and to facilitate legal migration and fight illegal migration, while paying particular attention to bilateral and multilateral co-operation in this field.

Kyiv 2013 (Decision No. 4/13 Enhancing OSCE Efforts to Implement the Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area, with a Particular Focus on Roma and Sinti Women, Youth and Children)

The Ministerial Council, (...)

Calls on participating States to: (...)

2. Prevent further marginalization and exclusion of Roma and Sinti and address the rise of discrimination and violent manifestations of intolerance against Roma and Sinti, including against Roma and Sinti migrants,

Hamburg 2016 (Decisions: Decision No. 3/16 on OSCE's role in the governance of large movements of migrants and refugees)

The Ministerial Council,

Recognizing that the benefits and opportunities of safe, orderly and regular migration are substantial and often underestimated, whilst noting that irregular migration in large movements often presents complex challenges, and recognizing the substantial economic and social contribution that migrants and refugees can make for inclusive growth and sustainable development,

Recognizing the leading role of the United Nations, Commending efforts made since 2015 by the Serbian and German OSCE Chairmanships to address issues related to the governance of these movements more effectively in the OSCE, Acknowledging the many specific activities linked to migration and refugees already undertaken by OSCE executive structures, within existing mandates, as well as by participating States, based on existing OSCE commitments, relevant United Nations documents and national policies,

Building on in-depth discussions conducted at the OSCE, especially during the hearings of the Informal Working Group Focusing on the Issue of Migration and Refugee Flows in spring 2016 and during a special meeting of the OSCE Permanent Council held on 20 July 2016,

1. Acknowledges the work of the Informal Working Group Focusing on the Issue of Migration and Refugee Flows and the output discussed at the special meeting of the OSCE Permanent Council of 20 July 2016;

2. Encourages the OSCE executive structures, within existing mandates and available resources, to continue their work on the issue of migration, including by reinforcing activities leading to the exchange of best practices and enhancing dialogue and co-operation with Partners for Co-operation, in a manner that complements the activities undertaken by other relevant international organizations and agencies;

3. Encourages participating States also to use the OSCE platform, including appropriate OSCE working bodies, to continue addressing migration-related issues where the OSCE has developed its expertise, and improve dialogue on migration-related matters with regard to developing possible effective measures and common approaches to address them.

Overview of the selected rights of migrants

All migrants possess fundamental and inalienable human rights and freedoms that are protected by human rights instruments and customary international law. The core human rights standards apply equally to nationals and migrants, regardless of their legal status in a country, and prohibit discrimination on the basis of national origin. International humans rights law also provides for certain exceptions, however, that permit states to treat citizens and non-citizens differently if the difference in treatment serves a legitimate state objective and is proportional to its achievement.[30] For example, as mentioned below, the right to *non-refoulement* may be restricted on the basis of threats to national security and public order. Moreover, migrants' rights are further regulated by national legislation, which varies considerably across the OSCE area.

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30 See, for example, Committee on Elimination of Racial Discrimination, "CERD
    http://www2.ohchr.org/english/bodies/cerd/docs/cerd-gc30.doc", 1 October 2002,
    <http://www.refworld.org/publisher,CERD,GENERAL,,45139e084,0.html>.

> **The core minimum rights which apply to all people, including all categories of migrants:**
>
> - Right to life, liberty and security of person
> - Right to self-determination
> - Right to respect for private life, family, home and correspondence
> - Right to freedom of thought and freedom of expression
> - Right to human treatment as a detainee
> - Right to equality before law
> - Right to non-discrimination
> - Right to leave any country and return to one's own country
> - Prohibition against slavery/the slave trade
> - Prohibition against torture or other cruel, inhuman or degrading treatment
> - Prohibition against arbitrary prolonged detention
> - Prohibition against retroactive penal measures
> - Principle of non-refoulement

Right to life

The right to life is a fundamental right that applies to all people. No migrant can be arbitrarily deprived of this right, including during a migrant's journey from the country of origin to the country of destination, and vice versa (see Article 6 of the ICCPR and Article 9 of the ICRMW). States should prosecute right to life violations, including extrajudicial killings.[31] This also includes the right to humanitarian assistance during transit between countries.

Equality and non-discrimination

International human rights law guarantees freedom from discrimination in the enjoyment of human rights for all people, including migrants. For example, Article 2(2) of the ICESCR states that States Parties "undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status." a similar provision is contained in Article 2(1) of the ICCPR.

The equality and non-discrimination provisions contained in CEDAW, the CRC and the ICERD also apply to migrants belonging to these groups. Moreover, the ILO Declaration on Fundamental Principles and Rights at Work[32] advocates for non-discrimination in the workplace, in addition to other rights. In the European Union, the principle of non-discrimination is laid out in the chapter on equality of the European Union Charter of Fundamental Rights, and there are several European Union Directives dealing with equality, including the Racial Equality Directive[33] and the Equality in Employment Directive.[34]

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31   See also UN General Assembly, Resolution 23/20, "Human rights of migrants", 26 June 2013, para. 4(c), <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G13/151/86/PDF/G1315186.pdf?OpenElement>.

32   ILO, "Declaration on Fundamental Principles and Rights at Work", 18 June 1998, <http://www.ilo.org/declaration/lang--en/index.htm>.

33   European Council, "Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin", <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32000L0043:en:HTML>.

34   European Council, "Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation", <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32000L0078&from=EN>.

Protection against arbitrary arrest and detention

Article 16(4) of the ICRMW specifically protects migrant workers and their families from individual or collective arbitrary arrest or detention. Moreover, the ECHR (Article 5) and the ICCPR (Article 9) protect all individuals, including migrants, from arbitrary arrest or detention. Article 9 of the ICCPR also stipulates that the state must prove that detention is not arbitrary by showing that other less intrusive measures besides detention have been considered and found to be insufficient. According to a ruling by the European Court of Human Rights (*Saadi v. the United Kingdom),* holding a migrant for an unreasonably long period of time without informing them of the reason for their detention violates the ECHR.[35]

Protection against torture or inhuman treatment

The prohibition of torture is a peremptory norm of international law.[36] It is prohibited even under exceptional circumstances, including war or a public emergency (Article 2(2) of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment; also Article 7 of the ICCPR and Article 3 of the ECHR). Migrants' right to be free from torture and cruel, inhuman or degrading treatment is also guaranteed under Article 10 of the ICRMW, while the right to humane treatment during detention is protected by Article17(1) of the ICRMW.

Non-Refoulement

Article 3 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment guarantees the right of a person not to be forcibly removed to territories where they face persecution, unless "dictated by national security or public order". The non-refoulement principle also prohibits returning a refugee or asylum seeker to "the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership in a particular social group or political opinion" (Art. 33(1) of the Convention on Refugees).

Prohibition against collective expulsion

Article 22(1) of the ICRMW also prohibits the collective expulsion of migrants and requires states to decide each migrant worker's case individually. Additionally, many of the major human rights instruments prohibit the collective expulsion of aliens.[37]

Freedom of movement

In line with the right to freedom of movement, while migrants do not have the right to enter any state, they are guaranteed unrestricted movement within the territory of the state in which they are located, the right to leave a state and the right to return home to their own state (ICCPR, Article 12; ICRMW, Article 39; CRC, Article 10(2); and ICERD, Article 5). Any restrictions to this principle must be must be provided by law and necessary to achieve a legitimate aim.

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35 *Saadi v. United Kingdom*, 13229/03, Council of Europe: European Court of Human Rights, 29 January 2008, <http://www.refworld.org/cases,ECHR,47a074302.html>.

36 According to international law, a "peremptory norm" is a norm from which no derogation is permitted.

37 Council of Europe, "https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId =090000168006b65cights and Fundamental Freedoms", 16 September 1963, <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168006b65c>.

Right to primary education

States have an obligation to provide free and compulsory primary education at public institutions for all children (CRC, Article 28(1)(a); ICESCR, Articles 13.2(a) and 14), including the children of irregular migrants (ICRMW, Article 30). Moreover, the Committee on Migrant Workers has noted that schools should not be forced to share information about the migrant status of students' parents with the authorities, and that immigration enforcement operations should not be conducted on or near school property.[38] For more information on migrants' right to education see Module 8.

At the regional level this right is also guaranteed under the ECHR (Protocol 1, Article 2 on the right to education) and the ESC (Article 19 on the right of migrant workers and their families to protection and assistance). The European Union legal framework also guarantees the right to education for everyone under the Charter of Fundamental Rights (Article 14); to children of migrants in an irregular situation under the Returns Directive (Article 14(1)),[39] and to children of asylum applicants under the Reception Conditions Directive (Article 14).[40]

Economic and labour rights

The right to work is not an absolute right to employment, and states may restrict migrants' access to the labour market (ICESCR, Article 6(1)). However, migrants have the right to fair remuneration (ILO Protection of Wages Convention No. 95), just and favourable conditions of work (ICESCR, Article 7(d)) and freedom of association in labour rights (ICCPR, Article 22; ICESCR, Article 8 (1); ILO Migration for Employment Convention (Revised), Nr. 97 (1949), Article 6 (1)(a)(ii); and 1951 Refugee Convention, Articles 17 to 19).

Slavery and servitude are prohibited by Article 8 of the ICCPR and Article 11 of the ICRMW, which also explicitly prohibits forced labour, as do Articles 3 and 5 of the UNTOC's Palermo Protocol. The ILO Forced Labour Convention (No. 29) also prohibits the use of illegal confinement and withholding travel documents as a means to force migrants into compulsory labour.[41]

With respect to migrant children, the Committee on the Rights of the Child has recommended that states develop labour and migration policies in accordance with the conventions of the Committee and the ILO.[42] Across the OSCE area the usual minimum age for employment is between 15 and 16.

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38 UN Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, "General comment No. 2 on the rights of migrant workers in an irregular situation and members of their families", 28 August 2013, <http://www2.ohchr.org/english/bodies/cmw/docs/CMW_C_GC_2_ENG.PDF>.

39 European Parliament and Council, "Directive 2008/115/EC on common standards and procedures in Member States for returning illegally staying third-country nationals", 16 December 2008, <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32008L0115&from=EN>.

40 European Parliament and Council, "Directive 2013/33/EU on laying down standards for the reception of applicants for international protection (recast)", 26 June 2013, <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013L0033&from=EN>.

41 ILO, "Forced Labour Convention", 28 June 1930, <http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C029>.

42 See, for example: ILO, "Convention concerning Minimum Age for Admission to Employment", 26 June 1973, <http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C138>; ILO, "Worst Forms of Child Labour Convention ", 17 June 1999, <http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C182>; and ILO, Domestic Workers Convention", 16 June 2011, <http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C189>.

Where non-nationals, including migrant workers, have contributed to a social security scheme, they should be able to benefit from that contribution or retrieve their contributions if they leave the country, and should be able to access non-contributory schemes for income support, affordable access to healthcare and family support (ICESCR, Article 2(2)). Furthermore, according to Article 27 of the ICRMW, all migrant workers and their families, regardless of their status, have the right to receive the same treatment as nationals "insofar as they fulfill the requirements provided for by the applicable legislation of that State and the applicable bilateral and multilateral treaties".

The European Union's Charter of Fundamental Rights also provides for freedom of assembly and association (Article 12), freedom to choose an occupation and the right to engage in work (Article 15(1)), freedom to conduct a business (Article 16), the right of collective bargaining and action (Article 28), the right of access to placement services (Article 29), protection in the event of unjustified dismissal (Article 30), fair and just working conditions (Article 31) and the prohibition of child labour and protection of young people at work (Article 32). Access to the labour market is regulated by secondary European Union law for each specific category. For more information on labour migration, see Module 5.

Family rights

A number of international human rights instruments that also apply to migrants underscore the importance of protecting family life, including that of migrant families (Articles 10(1) and 12 of the UDHR; Article 23(1) of the ICCPR; Article 10(1) of the CRC; and Article 16 of CEDAW). In line with a number of international human rights norms, states are obliged to consider migrants' family life and their family members in decisions regarding their admission, detention or expulsion. For example, according to the ICRMW (Article 44(1)), "States Parties, recognizing that the family is the natural and fundamental group unit of society and is entitled to protection by society and the State, shall take appropriate measures to ensure the protection of the unity of the families of migrant workers." At the regional level, Article 19 of the ESC obliges states "to facilitate as far as possible the reunion of the family of a foreign worker permitted to establish himself in the territory", and the European Union's Reunification Directive regulates the issue further. For more information on migrants' family rights, see Module 3, Session 2 on family reunification.

Right to highest attainable standard of physical and mental health

Article 12 of the ICESCR establishes the right to attain the highest standard of health for all persons. Under Article 28 of the ICRMW, states are only required to provide migrant workers and their families with medical care that is urgently needed to save their lives on the same basis as nationals. Unaccompanied and separated children, as well as refugee children, enjoy special protection under international law and should be treated as children who are nationals in their access to healthcare.[43] Migrants' right to healthcare is also guaranteed by the ESC (Article 13 on the right to social and medical assistance), and the European Union Charter of Fundamental Rights (Article 35 on healthcare). Healthcare is also regulated by the secondary law of the European Union. For more information on migrants' rights to healthcare, see Module 9.

Civic, political and cultural rights of migrants

International legal standards guarantee all migrants, including undocumented migrants, access to nearly all civic and political rights, including the rights to freedom of expression, assembly,

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43   See Committee on the Rights of the Child, "http://www2.ohchr.org/english/bodies/crc/docs/GC6.pdf", 1 September 2005, <http://www2.ohchr.org/english/bodies/crc/docs/GC6.pdf>; and UNHCR, "http://www.unhcr.org/excom/exconc/3ae68c68c/refugee-children-adolescents.htmls", 17 October 1997, paragraph (a)(iii), <http://www.unhcr.org/excom/exconc/3ae68c68c/refugee-children-adolescents.html>.

association and trade union membership (ICCPR and ICRMW). However, these conventions al-low for restrictions with regard to electoral rights in migrants' country of origin or residence. For more information on migrants' civic and political rights, see Module 10.

Under the ICCPR (Article 27), all migrants who belong to an ethnic, religious, or linguistic minority group are guaranteed the right to enjoy, practice and use their culture, religion and language together with other members of their community. According to the interpretation of the Human Rights Committee, this right applies to all individuals within a territory, irrespective of their residency status. Moreover, states have a positive obligation to protect this right and the identity of the minority group through policy initiatives. [44]

Right to access justice

Migrants share the same right to access justice as any other legal person. In many cases, however, migrant status can negatively affect their enjoyment of this right.

The right to access justice without discrimination is enshrined in a number of core human rights documents, including the ICCPR (see above), and is applicable in all OSCE participating States. Additionally, OSCE commitments recognize access to justice and equal treatment in the administration of justice as key elements of the rule of law.

In practice, this means that participating States should take steps to ensure that migrants' rights are protected and that they can participate effectively in legal proceedings. This may involve the provision of legal aid, which may be essential for migrants lacking financial resources or knowledge of the host country's legal system or traditions.[45] Translation and/or interpretation services may also be essential to ensure that migrants involved in legal proceedings are able to fully understand and effectively participate in those processes – a key element of fair trial rights.

Migrants accused of criminal offences or involved in civil and certain types of administrative cases have the right to a fair trial. It is important to note, however, that certain decisions affecting migrants' lives, such as the granting of long-term residency or a family reunification application, may be dealt with under administrative regulations procedures and, as such, may not give them a right to appeal or contest the decision in a court of law.

Migrants' obligations

Migrants have an obligation to respect the national legislative provisions of the receiving country applicable to all, including nationals. However, there are no international legal obligations to compel migrants to learn the language of the receiving country, respect its culture or integrate into society. Although national legislation may place migrants under such obligations – including as a condition for citizenship or permanent residence – under international law they are not obligated to integrate into the receiving society.

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44 The Human Rights Committee has also determined that persons who are not citizens of the country in which they reside can also form part of or belong to a minority in that country. See UN Human Rights Committee, "CCPR General Comment No. 23: Article 27 (Rights of Minorities)", 8 April 1994, <http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2f21%2fRev.1%2fAdd.5&Lang=en>.

45 The UN has found that refugees, asylum-seekers and stateless persons are the third largest group for which these services are provided. UN Development Programme and UN Office on Drugs and Crime, *Global Study on Legal Aid: Global Report* (2016), <http://www.undp.org/content/undp/en/home/librarypage/democratic-governance/access_to_justiceandruleoflaw/global-study-on-legal-aid.html>.

States also preserve the right to determine who can enter and stay on their territory. As such, migrants must comply not only with national legislation applicable to all, including nationals, but also with requirements governing the entry and stay of non-nationals, including visa requirements, registration with competent authorities and work entitlements, and so on. In designing policies that define migrants' obligations, states should not infringe upon migrants' human rights, including the principle of non-discrimination and the right to due process.

The 2016 New York Declaration for Refugees and Migrants[46] reaffirms the obligation of "refugees and migrants to observe the laws and regulations of their host countries" (paragraph 39), as already enshrined in the ICRMW and Article 2 of the 1951 Refugee Convention.

INSTITUTIONAL FRAMEWORKS IN RECEIVING COUNTRIES AND THE RESPONSIBILITIES OF NATIONAL AND LOCAL-LEVEL AUTHORITIES

Migrant integration is a transversal policy field: it cuts across various key socio-economic policy domains like education, health, housing or employment, as well as various levels of government. OSCE participating States have various institutional frameworks to manage migrant integration. In most countries the impetus comes from central government ministries or special agencies under relevant ministries. In the absence of a specialized migration ministry, these are usually ministries of labour and social policy or interior, though occasionally also ministries of culture or justice.

Institutional frameworks for co-ordinating integration policies in selected OSCE participating States – the "lead" ministries:
- Ministry of Labour, Social Affairs and Family and Ministry of Interior – Slovakia
- Ministry of Economic Affairs and Employment – Finland
- Ministry of Social Affairs and Integration – Denmark
- Ministry of Social Affairs and Employment (with slight variations in the titles of the ministries) – the Netherlands, Bulgaria, Latvia, Poland and Estonia
- Ministry of Employment (with a special position for the Minister for Integration) – Sweden
- Ministry of Culture – Latvia and Estonia)
- Ministry of Interior (with slight variations in the titles of the ministries) (Cyprus, Greece, the Czech Republic, France, Germany Hungary, Italy, Moldova, Romania, Slovenia, Ukraine, Austria)
- Department of Justice and Equality (Ireland)
- Ministry for Family and Integration and the Luxembourg Reception and Integration Agency (Luxembourg)
- Governmental Department of Citizenship and Immigration (Canada)

Migrant integration policy mainstreaming

Many countries adopt the practice of mainstreaming migrant integration policy. This entails the mainstreaming of relevant policies and services to the needs of an increasingly diverse population – including those of citizens and migrants – by national, regional and local government actors and other stakeholders. Incorporating migration issues into mainstream policies helps to ensure that various governmental agencies co-operate towards the shared goal of

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46   UNHCR, "The New York Declaration for Refugees and Migrants: Answers to Frequently Asked Questions", 2008, <http://www.unhcr.org/584689257.pdf>.

supporting migrant integration, and also requires the horizontal and vertical co-ordination of actors working on various aspects of migrant integration.

Mainstreaming migrant integration policies

The *mainstreaming of migrant integration policies* means that integration is embedded in a broad range of policy initiatives that target nationals as well as migrants, as opposed to being treated as a stand-alone policy field.[47]

The mainstreaming of migrant integration policies was listed as one of the objectives of the European Union's "Common Basic Principles for Immigrant Integration Policy" in 2004.

The three principles underpinning the mainstreaming process are:
1) All relevant policies and actors should incorporate the migrant integration perspective into their work.
2) All members of increasingly diverse societies, including migrants, should have equal access to the services provided by organizations responsible for addressing the needs of the society as a whole.
3) a mainstreamed approach does not preclude some temporary or permanent targeted measures addressing migrant populations.

Source: Handbook on Integration for policy-makers and practitioners (2nd edition) (Italy: European Commission, 2007), <https://ec.europa.eu/migrant-integration/librarydoc/ handbook-on-integration-for-policy-makers-and-practitioners-2nd-edition>.

Three types of mainstreaming can be identified:

- *Political discourse* mainstreaming: an emphasis on the need for a cross-cutting approach;
- *Governance* mainstreaming: co-ordination between relevant government departments; and
- *Policy* mainstreaming: the implementation of mainstreaming in practice.

In order for migrant integration policy mainstreaming to be successful, all the above elements need to be in place.[48] In other words, authorities need to acknowledge and discuss the importance of mainstreaming migrant integration policies and develop relevant policy documents that reflect this approach. Frameworks and channels of co-ordination between relevant institutions need to be put in place. Finally, policies that take into account the needs of diverse groups, including migrants, need to be introduced, monitored and evaluated at all relevant levels of government.

Mainstreaming through policy involves adapting and reforming existing policies and developing new policies in ways that better correspond to the needs of increasingly diverse populations. *Direct approaches* to mainstreaming through policy are targeted at migrant groups specifically. *Indirect approaches* to mainstreaming through policy focus on the needs of various vulnerable groups, including selected migrant populations. These special needs may be a result of a person's education, employment, income, neighbourhood, gender and/or ethnic/racial backgrounds.

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47 Collett, E. and Petrovic, M., *The Future of Immigrant Integration in Europe: Mainstreaming Approaches for Inclusion* (Brussels: MPI Europe, 2014).
48 *Ibid.*

Migrant integration and the interplay between local and national government

Although migration is traditionally thought of as a movement of people between countries, the reality is that migrants settle into a particular local community. Migrants work, open, businesses, establish themselves in various community structures, access education systems, housing, social care and health services all at the local level. Irrespective of whether migrant integration policies are shaped by the local or central government, they are mainly implemented by local authorities, whose role in migrant integration is increasingly recognized.

Local authorities, even when not directly tasked with the development and implementation of migrant integration policies, need to provide their increasingly diverse communities with adequate services and, as such, must also respond to the needs of migrant groups. Many large cities across the OSCE region adopt robust policies that reflect the diversity of their populations, and which sometimes go against the grain of national approaches to migration and integration. In many OSCE participating States, municipal migrant integration policies predate any structured and long-term national-level policies in response to changes to the local population. Local governments often pioneer and test new measures develop internationally measured migrant integration quality benchmarks and participate in transnational policy learning networks. In order to fully capitalize on local governments' experience and expertise, it is necessary to create forums for dialogue and collaboration and to ensure the availability of adequate funding. National policy documents (such as action plans and strategies) should be underwritten by financial commitments that directly benefit the local level.

Policy areas most prone to decentralization include education (such as in the Netherlands), social housing (such as in Austria) and labour market services (such as in Sweden). In a number of countries, migrant-specific national integration polices focused on language and "citizenship" acquisition are also implemented at the local level. Employment services in several OSCE participating States have also recently taken the lead in co-ordinating and implementing integration measures (such as in Austria, Germany and Sweden), with resounding implications for regional and local governance. Irrespective of states' constitutional set-up, greater recognition of migrant integration as a cross-sectoral challenge translates into greater interconnectedness of the local, regional and national levels of government.

Transnational municipal co-operation on migrant integration.

Cities have long been champions of migrant integration policies and initiatives, and are often ahead of their national governments. Many have also realized the need to learn from others and exchange experiences and good practices. a number of cross-national initiatives in this field have sprung up across the OSCE region, including:

EUROCITIES: This network of major European cities comprises the elected local and municipal governments of major European cities. EUROCITIES was founded in 1986 by the mayors of six large cities: Barcelona, Birmingham, Frankfurt, Lyon, Milan and Rotterdam. The network brings together the local governments of more than 140 large cities in Europe and more than 45 partner cities, which between them govern 130 million citizens across 39 countries. For more information, visit: http://www.eurocities.eu/.

The Intercultural cities programme of the Council of Europe supports cities in re-viewing their policies through an intercultural lens and developing comprehensive intercultural strategies to help them manage diversity positively and realize the advan-tages of diversity. The programme proposes a set of analytical and practical tools to help local stakeholders through the various stages of the process. For more information, visit: https://www.coe.int/en/web/interculturalcities/about.

CLIP network. In 2006, the Congress of Local and Regional Authorities of the Council of Europe, the city of Stuttgart and Eurofound established a "European network of cities for local integration policies for migrants" (CLIP). The network comprises a steering com-mittee, a group of expert European research centres and a number of European cities. In the two years following its creation, the cities of Vienna and Amsterdam joined the CLIP Steering Committee. The network is also supported by the Committee of the Regions and the Council of European Municipalities and Regions. For more information, visit: https://www.eurofound.europa.eu/about-clip.

KEY PRINCIPLES FOR MIGRANT INTEGRATION POLICIES

This section discusses several vital principles for developing successful migrant integration policies. First, while the role of lead institutions – such as ministries or specially designated agencies – is fundamental in shaping and implementing migrant integration policies, it is crucial to involve non-state actors, including civil society organizations and trade unions. Second, with the involvement of a large number of actors, it is essential to put in place effective co-ordination mechanisms. Third, the strategies and goals contained in various policy documents must have financial backing, and effective funding distribution mechanisms are necessary to make sure that those directly responsible for implementing various aspects of migrant integration policy have the funds needed to meet the established objectives. Fourth, successful migrant integration policies need to be inclusive: They need to take into account the varying needs of diverse migrant populations in terms of their countries of origin, education levels, types of employment, position in the labour market and knowledge of national language knowledge, among other factors. Fifth, effective migrant integration policies need to be gender sensitive: They need to take into consideration the needs and interests of migrant men and women, and boys and girls, and make sure that policies benefit them equally. Finally, migrant integration policies need to be subject to regular review and evaluation, with evaluation outcomes shared with all relevant state- and non-state actors.

Building state asylum systems

While national migrant integration systems will cover the integration process, participating States also need to ensure they have effective and rights-based asylum systems in place, and that these systems link effectively with broader integration policies and measures.

Developing a state asylum system involves establishing a legislative framework and related policies, strategies and action plans to enable the government to fulfil its international obligations to asylum-seekers and refugees.

The purpose of this legislative framework is to establish mechanisms that allow access to the territory of the state without discrimination for persons seeking protection, and for the fair and efficient assessment of their asylum claims. Such a mechanism sets out what needs to be in place so that asylum-seekers and refugees can exercise their rights and receive appropriate treatment, including with regard to those with specific needs. Domestic laws and policies on asylum need to be framed fairly, taking into account the diversity of asylum-seeking populations.

The concept of the rule of law is central to a fair and efficient state asylum system. Protection systems grounded in the rule of law offer legal certainty in the application of rules, as well as accountability, equity and transparency. They are built on legal and policy frameworks that meet international standards and are administered by impartial and properly trained officials, supported by a functioning judiciary and other accountability structures. Such systems are especially important in times of crisis.

Source: a guide to international refugee protection and building state asylum systems: Handbook for Parliamentarians N° 27, Inter-Parliamentary Union and UNHCR, 2017, <http://www.unhcr.org/3d4aba564.pdf%20>.

Participatory approaches to migrant integration policies

A participatory approach is essential to shaping and implementing effective and successful migrant integration policies. It requires state authorities to include all relevant stakeholders. In many countries, migrant and mainstream civil society organizations have worked on various aspects of migrant integration long before structured and coherent policies were defined at any level of government. Migrant and mainstream community and voluntary organizations may operate in a number of policy areas relevant to migrant integration and adopt various modes of co-operation with the authorities and public institutions.

Civil society organizations often possess the expertise and experience needed to undertake all or some of the actions contributing to migrant integration, but are usually dependent on public funding. Accessing public funds can, at times, jeopardize the independence required to be critical of state actions and policies. Similarly, in certain OSCE participating States access to foreign and philanthropic funds have in recent years become scrutinized. Legislation prohibiting or limiting access to such funds can have a detrimental effect on the survival of civil society organizations working politically sensitive on topics. There are various ways in which the authorities can work together with migrant and mainstream community and voluntary organizations to promote migrant integration. Non-governmental organizations' engagement in migrant integration can take several forms. Some of the larger non-governmental organizations have their own funds and can define their activity agenda; in this case it is important for the authorities to be aware of how their activities fit into existing migrant-integration policies. Equally, national

and local authorities may subcontract national and local migrant or mainstream organizations to perform certain services, such as language teaching. National and local authorities can also provide general support to the third sector through grant schemes linked to policy priorities, which may include aspects of migrant integration. Moreover, the national, regional and local authorities may establish and fund certain institutions, such as migrant-support centres, and select (through a competitive tender) a non-governmental organization to run such institutions.

What can civil society do to promote migrant integration?

The following non-exhaustive list outlines initiatives that civil society organizations have been engaged in to promote migrant integration, often in co-operation with national and regional government authorities across the OSCE region.

Welcome programmes for new migrants:

- Pre-arrival orientation: providing information to migrants about the receiving country and access to language tuition in the country of origin;
- Provide "civic orientation" information and activities for newly arrived migrants to inform them about the country's history, institutions, society, economy and cultural life;
- Facilitate mentoring initiatives between nationals and migrants and their families; and
- Provide language courses for a range of levels, including courses suitable for workers and parents.

Work with mainstream society:

- Promote intercultural understanding, trust and good relations among local residents;
- Help to make public spaces more open and welcoming to diversity and better serve the needs of the entire population, including migrants;
- Work with local media to promote objective coverage on migration issues, such as by helping to establish professional standards for journalists; and
- Shape public and policy discourse on migration.

Access to employment:

- Train employers on the conditions of employment for migrants;
- Deliver skills and capacity-building training for migrant workers;
- Promote employment opportunities for women and young migrants; and
- Promoting migrant entrepreneurship.

Education:

- Introduce information on diversity and inclusion in local school curricula;
- Reach out to migrant parents with information on accessing public childcare and schools;
- Design school courses on anti-discrimination and diversity and inclusion;
- Work as intercultural assistants at schools; and
- Train school staff, including teachers, on how to work with migrant children.

Facilitating access to public services:

- Make public institutions and spaces welcoming for migrants, such as through employment diversity schemes;
- Provide translation services and information materials in various languages;

- Run "one-stop-shops" for migrants; and
- Organize initiatives aimed at migrant children.

Promotion of civic and political participation:

- Provide information about access to citizenship and courses to prepare migrants for citizenship exams (such as on the state language and culture);
- Support migrant consultative bodies;
- Run internship programmes in public institutions for migrants;
- Enable migrants' participation in developing national policies and responses to migration;
- Promote migrant associations;
- Promote migrant media; and
- Develop programmes to prepare migrants for acquiring citizenship.

Policy planning, monitoring and evaluation:

- Promote the exchange of good practices in migrant integration;
- Undertake needs assessments of various migrant groups, including through consultation or surveys;
- Undertake analyses of migrant integration policy outcomes; and
- Enhance capacities to collect, analyse and disseminate data and information related to migrant integration, including measures of progress.

Non-governmental organizations are not the only actors that can significantly contribute to migrant integration. In particular, in relation to employment and education for employment, trade unions and employers can also play important roles. National and local authorities may reach out to trade unions and employer associations to consult and co-ordinate migrant integration policies and activities. The mainstreaming of migrant integration policies assumes that all institutions providing public services also cater to the needs of migrant populations. Thus, schools, libraries, cultural centres and employment agencies, etc., all have an important role in promoting effective migrant integration.

The importance of co-ordination

Migrant integration policies must involve not only all government levels, but also the various non-governmental actors relevant to the migrant integration process. The effective co-ordination of all of their activities is vital. There are two types of co-ordination: horizontal and vertical co-ordination. These types of co-ordination are not mutually exclusive; on the contrary, both are vital in order to guarantee productive collaboration.

Horizontal co-ordination entails collaboration between institutions at the same level of governance, such as between relevant ministries or between local governments and other relevant actors. a number of OSCE participating States have established cross-departmental bodies responsible for migration and migrant integration policies, for example: the Office for Immigration and Integration (France); the Cross-Departmental Group on Integration (Ireland); the High Commission for Migration (Portugal); the Steering Group to implement the National Strategy and the General Inspectorate for Immigration (Romania); and the Migration Advisory Committee (the United Kingdom). At the local level, there are also various initiatives aimed at the effective sharing of responsibilities and the streamlining of co-operation between stakeholders within a municipality and among local authorities across the country.

Vertical co-ordination entails the sharing of responsibilities and co-operation between authorities across the different various levels of government on a single policy issue. As with horizontal co-operation, a lead institution is usually responsible for channelling the exchange of information and resources among all actors involved. In some cases, the same institutions that oversee horizontal co-ordination are also responsible for ensuring effective vertical co-ordination.

Case studies of migrant integration co-ordination

Poland: Local-level co-ordination

The Gdańsk Immigrant Integration Model, a comprehensive strategy covering all local policy areas relevant to migrant integration, was developed by a cross-sectoral and interdisciplinary task force. The team assessed the available resources and capacities to support migrants in Gdańsk, and identified key needs and problems. Initially, nearly 80 people representing 40 different institutions and organizations volunteered to work on the strategy. As the work progressed, new members joined the team. As a result, the Gdańsk migrant integration model is the result of a participatory process involving over 150 people representing 70 different public institutions and non-governmental organizations; it also involved a group of 20 new residents of Gdańsk from different countries. The task force on the migrant integration model worked between May 2015 and March 2016.

Source: Gdansk City Hall, "Immigrant Integration Model", 2016, <http://www.wup.gdansk.pl/g2/2017_03/2a4585b2e4931df8ecf7e518cdbe3cfc.pdf>.

Sweden: Complex governance centred on the public employment agency

Sweden represents a model of a country that for a long time had a largely decentralized migrant integration system, but which has recently taken steps to re-centralize this system and develop more complex governance of the issue. From the mid-1980s until a reform undertaken in 2010, municipalities were responsible for integration services, including language courses and labour market integration activities. This arrangement reflected Sweden's traits as a unitary state, in which the central government regulates through laws, supervision and fiscal incentives, while the local government exercises strong administrative/fiscal capacities. Co-operation between the different levels of government typically takes place on a voluntary basis. With a renewed focus on labour market integration, the 2010 reform shifted responsibility for introduction programmes to the Swedish Public Employment Service, an agency controlled by the national government. Meanwhile, local government remains responsible for the implementation of services, including language and civic orientation courses, and local branches of the employment service can initiate local multi-stakeholder agreements. While the employment service has primary responsibility for the overall co-ordination of activities, additional co-ordination takes place through the County Administrative Boards, which represent the central state in the regions and are responsible for the health service and migrants' healthcare in particular. Lastly, the "privatization" of key integration services further highlights the networked character of integration governance in Sweden. "Introduction guides" working for publicly funded enterprises provide individual support to migrants and are supervised by the employment service. They guide newly arrived migrants during their first years, support their job search, advise on social matters and provide access to networks. These introduction guide services are contracted out to private organizations or companies to whom the employment service pays a monthly fee, which is supplemented on the basis of the employment results of the programme participant.

Source: OSCE/ODIHR, "Local and central government co-ordination on the process of migrant integration: good practices from selected OSCE participating States", prepared by Alexander Wolfhardt (Migration Policy Group), Warsaw, 2017, <https://www.osce.org/odihr/367041?download=true>.

Portugal: Strengthened national integration frameworks with a local dimension

Since 2007, a structured stakeholder co-ordination mechanism has been at the core of Portugal's national integration policy, which was conceived as a cross-cutting transversal policy as early as 1996. The task of the High Commission for Migration – the lead public institution working in this field – is to co-ordinate, implement and evaluate public policies on migrant integration across different ministries and in line with an intercultural model. The first Action Plan for Immigrant Integration resulted from a broad consultation process that involved migrant associations, social partners and other stakeholders at the local level. Among others initiatives, Portugal has introduced a network of local centres for integration support and "one-stop-shop" integration support centres. More recently, this consolidated governance approach has been applied to integration of refugees, and led to the development of a multi-stakeholder Co-operation Protocol that sets out commitments in this area for the relevant national authorities, the National Association of Portuguese Municipalities, individual cities and key civil society actors.

S*ource:* OSCE/ODIHR, "Local and central government co-ordination on the process of migrant integration: good practices from selected OSCE participating States", prepared by Alexander Wolfhardt (Migration Policy Group), Warsaw, 2017, <https://www.osce.org/odihr/367041?download=true>.

Effective funding mechanisms

The effective implementation of migrant integration policies is not possible without adequate funding. It is not enough to formulate strategies and objectives regarding migrant integration without also allocating sufficient resources to achieve those goals, along with an effective funding distribution mechanism to make sure that actors directly implementing migrant integration policies (including local government, various public institutions and non-governmental organizations) receive adequate and timely funding.

Inclusive approaches to migrant integration

Not all migrants are well-educated, highly-skilled, able-bodied, well-travelled and fluent in many languages. Equally, not all migrants are low-skilled, low-educated, with limited knowledge of the state language. Migrant populations are at least as diverse as the receiving society populations in terms of age, ability, education levels, skills and gender, but it is important to recognize that they also have varied cultural and linguistic backgrounds. When shaping and implementing migrant integration policies, the needs of different migrant sub-groups need to be taken into consideration.

Those working with civil society organizations or other groups representing migrants should be careful to ensure that:

- The engagement is genuine and avoids the "token" inclusion of migrant voices that in fact have little power to affect policies or outcomes, as this is likely to lead to frustration and weaker policies;
- Their choice of partners does not exclude some groups of migrants (i.e., including representatives of migrants from one region or faith and excluding others), or does not strengthen the role of "gate keepers" (i.e., those organizations or individuals who claim to speak for the wider community, and enjoy the status and resources this can bring, but are in fact out of touch and not representative); and

- The civil society organizations that they work with have a shared understanding of key principles important to the policy-making process, such as gender equality, accountability and transparency.

Gender-sensitive approaches to migrant integration

Effective migrant integration policies need to be gender-sensitive. "Gender-blind" or "gender-neutral" policies formally treat both men and women equally; however, in terms of outcomes they may disproportionately disadvantage migrant men or migrant women. For example, migrants with caring responsibilities (typically women) may not have the chance to attend language classes if they are available only in the evenings. For this reason, gender-sensitive policies take into account and address power relations between men and women (including men and women from different sub-sections of the population), gender-specific risks and vulnerabilities and the gendered division of labour.

Gender-sensitive migrant integration policies are not just about migrant women. They take into account the different needs of migrant men and women, and boys and girls in different life situations, such as students, the elderly, workers in various labour market sectors, family members, and so on. The situation of highly-skilled migrant women from one country may be very different from the situation of low-skilled migrant men from another country. These differences, as well as the resulting challenges and needs, should be reflected in the overall approach to migrant integration policy.

In order to analyse to what extent migrant integration policies are gender-sensitive and how to make them more responsive to the needs of various groups of migrant men and women, gender-sensitive indicators need to be developed. These can be quantitative (e.g., the ratio of migrant boys and girls in primary education), or qualitative (e.g., opinions of migrant women on access to health services).

Moreover, when developing and allocating resources for migrant policies, it is necessary to assess whether these funds equally benefit migrant men and women. This approach is known as gender-sensitive budgeting.

Monitoring and evaluation

Monitoring and evaluation is vital to shaping effective migrant integration policies. It is necessary to compare the initial policy goals with actual outcomes and identify the reasons why the intended objectives were not achieved.

It is also very important to collect feedback from the actual beneficiaries of migrant integration policies – the migrants themselves. This can be done using surveys or focus groups in co-operation with migrant associations and community organizations, for example.

The evaluation process should result in concrete recommendations and suggestions for future migrant integration priorities, which should be communicated to all state- and non-state actors working in this field.

MODULE 2:
BACKGROUND RESOURCES

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MODULE 3:
MIGRANT STATUS IN RELATION TO INTEGRATION MEASURES, INCLUDING ACCESS TO LONG-TERM RESIDENCE AND CITIZENSHIP

LONG-TERM RESIDENCE

Basic requirements for long-term resident status in the receiving country

The ease of acquiring the status of a long-term resident is an important factor contributing to migrants' successful integration in the receiving society and an important step towards full citizenship. Migrants may be less willing to invest their time, energy and resources in integration if their residence status is not secure.

OSCE participating States have varied approaches to granting long-term or permanent residence, and there are no established international standards applicable to all OSCE participating States. a number of countries have developed some guidance on this issue which, along with other practices applied in the OSCE region, is outlined below.

Eligibility and requirements

Habitual residence

In OSCE participating States that are also members of the European Union, long-term residence eligibility and requirements are regulated by the European Union's Council Directive 2003/109/EC of 25 November 2003 on the status of third-country nationals who are long-term residents.[49] The Directive prescribes the main criterion for long-term residence as the duration of legal and habitual residence in the country, and long-term residence can be granted to migrants who have resided legally and continuously within a member state's territory for the five years immediately prior to the submission of the relevant application. Not all periods of legal residence can be counted towards the required five-year period. For example, in some countries, there is an exemption for the years spent in the country as a student, and others have different policies regarding the periods of absence allowed before granting long-term resident status. For example, some member states allow long-term residence applicants to have been absent for up to ten non-consecutive months and/or 6 consecutive months, while others require shorter periods of absence.

Moreover, the Directive on long-term residence has been extended to include refugees and other beneficiaries of international protection, for whom at least half of the period between the date on which the application for international protection was lodged and the date on which it is granted should be taken into account when calculating the five-year residence period. In some European Union countries, the long-term residence permit needs to be reviewed every five years, in which case only the travel document and the required fee need to be submitted.

In other OSCE participating States, the residence requirement for the application for long-term or permanent residence may vary from zero (such as in certain cases in the United States) to ten years (such as in Switzerland).

However, in some participating States habitual residence is insufficient grounds for granting long-term residence status, and this rule may apply only to selected categories of migrants, such as highly-skilled workers. Furthermore, fulfilling all the requirements for long-term residence may still be insufficient in those states that have introduced annual quotas limiting the number of people from certain migrant categories who can be granted long-term or permanent residence.

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49 European Council, "Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents", <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32003L0109&from=EN>.

Stable and regular resources

OSCE participating States within the European Union share certain requirements for permanent residents, spelled out in the Directive on long-term residence. The main requirements include providing evidence that the applicants have for themselves and for dependent family members:

(a) stable and regular resources that are sufficient to maintain themselves and the members of their family, without recourse to the social assistance system of the member state concerned.

The level of the required income varies across the European Union and may depend on the level of minimum wages and pensions in a given member state.

(b) health insurance for all health risks normally covered the nationals of the member state concerned.

Moreover, according to this Directive, member states may require migrants from outside the European Union to comply with integration requirements in accordance with national law. Language and integration requirements have also been imposed by some OSCE participating States that are outside the European Union.

Public security

The majority of OSCE participating States have restrictions regarding granting long-term resident status to persons that may be considered a threat to public policy or public security. The notion of public policy may cover a conviction for committing a serious crime, as well as having certain contagious diseases (a requirement for long-term residence in Russia and Kazakhstan, for example), or even suffering from mental health conditions (as in Kazakhstan).[50]

Language and integration requirements

Fifteen OSCE participating States, all in the European Union have introduced language and integration (knowledge of society) tests as a requirement for granting long-term or permanent residence. However, only a few countries also offer free courses that help migrants prepare for these tests. The availability of free courses can considerably improve migrants' knowledge of the national language and society and thus contribute to their integration. Conversely, requiring migrants to pass demanding exams without providing any support may impede their chances of achieving a secure residence status. States that have introduced such tests and exams also usually have exemptions for selected vulnerable groups, including the elderly.

Facilitated access to long-term residence for certain groups of migrants

Some countries also facilitate access to long-term residence, often without prior short-term residence in the country, to their co-nationals who are citizens of other countries. a number of countries guarantee the right to settle to people who can prove that they share the same ethnic/national origin, and some states also have special programmes facilitating their re-settlement (as in Poland).

In selected OSCE participating States, there is also a fast-track path to permanent residence based on investment (including in Bulgaria, the Czech Republic and Malta). In such cases,

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50 See Egov.kz (online portal of the Government of Kazakhstan), "Как получить вид на жительство в Казахстане? (How to obtain a residence permit in Kazakhstan)", <http://egov.kz/cms/ru/articles/vid_na_jitelstvo>.

persons wishing to be granted long-term residence need to invest a given sum of money in business, property or government bonds. The required sums of money vary considerably across the OSCE area.

Security of status

According to the European Union Directive on long-term residence, the status of long-term resident is permanent, and permits should be valid for at least five years. According to the Directive, long-term resident status may be withdrawn in cases of: (a) detection of the fraudulent acquisition of long-term resident status; (b) adoption of an expulsion measure in cases of "actual and sufficiently serious threat to public policy or public security" (Article 12); or (c) absence from the territory of the Community for a period of 12 consecutive months (however, states may apply exceptions in justified cases).

In some OSCE participating States, long-term resident status is considerably less secure and can be withdrawn on economic grounds, such as being unemployed or having insufficient economic resources; the European Union Directive prohibits such economic criteria for the expulsion of long-term residents.

Authorities in most participating States retain discretion to refuse or withdraw a permit even after decades of residence. However, in most states migrants are usually able to appeal such decisions, and personal circumstances may usually be taken into account.[51] These personal circumstances may include personal behaviour, age of the migrant, duration of residence, consequences for both the migrant and their family, existing links to the receiving state, links to the resident's country of origin (including problems of re-entry for political or citizenship reasons) and possible alternative measures (such as downgrading to a limited residence permit).

The rights of long-term residents

The rights of long-term residents also vary across the OSCE region.

According to the European Union Directive on long-term residence, such residents should have equality of treatment with citizens of the member state in a wide range of economic and social matters. These include equal access to: employment and all related conditions; education and vocational training; social security and health insurance; social assistance; social benefits; freedom of movement, especially within the European Union; freedom of association or union; housing; and grants and loans. In practice, however, long-term residents in the European Union may still have their opportunities limited due to, for example, closed job sectors or gaps in the social system.

In some OSCE participating States, such as the United States, newcomers with permanent residence must build their life in the country without full access to the social safety net.[52]

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51   MIPEX, "Permanent Residence", op.cit.

52   *Ibid.*

Access to long-term residence: best case scenario

The following best-case scenario is a composite of practices found in selected states covered by the 2014 MIPEX research:

Soon after arrival, any temporary resident has the right to settle permanently in the country if they secure a basic legal income, obey the law and, if necessary, improve their language skills.

All migrants with the option to apply for permanent residence have access to free language courses and study materials.

For an applicant, the procedure is short and almost free of charge.

In case an application for long-term residence is rejected, the migrant has full rights to appeal.

If accepted, they are secure in their status as a permanent resident, and are treated equally, with the same rights and responsibilities in most areas of life as other nationals.

Source: MIPEX, "Permanent Residence", <http://www.mipex.eu/permanent-residence>.

Family reunification

Family reunification has become one of the major causes for migration in many countries across the OSCE region. Family reunification refers to the situation where family members join another member of the family who is already living and working in another country in a regular situation.[53] Family reunification may be an important factor in migrant integration for a number of reasons, including the following:

- Migrants are particularly vulnerable when separated from their family.
- Separation from family may negatively affect migrants' psychological well-being.
- Family reunification may help migrants develop social contacts with the community and allow migrants to access various social networks, such as by meeting other parents at their children's school.
- Family reunification is important for children's development.
- The possibility to migrate with one's family may help to attract sought-after migrants, such as highly qualified workers.
- The presence of a migrant worker's family may positively affect their working capacity.
- For refugees, family reunification may be the only way for a family to be together.

The international and regional legal framework for family reunification

A number of international human rights instruments underline the significance of the protection of family life and are also applicable to migrant families. Article 12 of the **Universal Declaration of Human Rights** (UDHR) guards against "arbitrary interference" in the family. Article 10(1) of the **International Covenant on Economic, Social and Cultural Rights** (ICESCR) reads: "[t]he widest possible protection shall be accorded to the family, which is the natural and fundamental group unit of society, particularly for its establishment and while it is responsible for the care and education of dependent children." Article 23(1) of the **International Covenant on Civil and Political Rights** (ICCPR) also states that: "The

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53   See OHCHR, "Family Reunification", op.cit.

family is the natural and fundamental group unit of society and is entitled to protection by society and the State."

Moreover, the Convention on the **Elimination of All Forms of Discrimination against Women** (CEDAW) and the **Convention on the Rights of the Child** (CRC) protect the right to family life through protecting women against discrimination in marriage and family relations (CEDAW, Article 16) and ensuring that family is not separated from the child (CRC, Article 9). Article 10(1) of the CRC also reads: "In accordance with the obligation of States parties under article 9, paragraph 17, applications by a child or his or her parents to enter or leave a State party for the purpose of family reunification shall be dealt with by States parties in a positive, humane and expeditious manner. States parties shall further ensure that the submission of such a request shall entail no adverse consequences for the applicants and for the members of their family".

In addition, Article 44(1) of the **International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families** (ICRMW) reads: "States Parties, recognizing that the family is the natural and fundamental group unit of society and is entitled to protection by society and the State, shall take appropriate measures to ensure the protection of the unity of the families of migrant workers."

Article 13(1) of ILO Convention N° 143 (1975) on migrant workers stipulates that "a Member may take all necessary measures which fall within its competence and collaborate with other Members to facilitate the reunification of the families of all migrant workers legally residing in its territory."

OSCE participating States have also committed to promoting the family ties of migrants. In particular, the 1983 **Concluding Document of the Madrid** meeting reads: "The participating States will favourably deal with applications relating to contacts and regular meetings on the basis of family ties, reunification of families and marriage between citizens of different States and will decide upon them in the same spirit." This commitment was also reaffirmed in the **Concluding Document of the Third Follow-up Meeting in Vienna** (1989).

However, despite recognizing the significance of family life for all people, including migrants, family reunification is not acknowledged as a fully-fledged right. National legislation regulating family reunification in different participating States is shaped by competing dynamics: the obligation to respect human rights and protect the family of all people residing on the state's territory, as well as the state's right to determine their immigration laws and border control policies. Most OSCE participating States have some basic provisions for family reunification in their legislation,[54] but often contain various restrictions.

For OSCE participating States that are also in the European Union, the **European Union Reunification Directive**[55] establishes common rules for exercising the right to family reunification in 25 European Union Member States (excluding the United Kingdom, Ireland and Denmark). It allows member states to establish some conditions for family reunification, including adequate accommodation, sufficient resources and health insurance, or waiting periods of no more than two years.

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54 Ibid.

55 European Council, "Directive 2003/86/EC of 22 September 2003 on the right to family reunification", <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32003L0086&from=EN>.

Family reunification provisions: personal scope

The right to reunification is usually reserved to the members of the "nuclear family" (a migrant's spouse and children). However, national policies may introduce certain conditions regulating the exercise of the right to family reunification. Moreover, some states may also extend the right to family members who are not considered part of the "nuclear family".

Spouses and civil partners

Some countries have introduced a minimum age requirement for spouses; for example, in Austria and the Netherlands, spouses need to reach the age of 21 in order to qualify for family reunification. National laws also differ in terms of whether they allow family reunification only to married couples or also extend to registered partners or even unmarried couples who are able to prove they are in a subsisting relationship (such as is the case in the Netherlands and the United Kingdom).

There is also divergence in terms of how same-sex couples are treated. In a number of countries, they have an equal right to family reunification, including Austria, Belgium, Cyprus, the Czech Republic, Finland, Ireland, Luxembourg, the Netherlands, Norway, Slovenia, Sweden and the United Kingdom. While some countries, such as the United Kingdom and the Netherlands, treat all same-sex couples in the same way, irrespective of whether they are married, in a registered partnership or a subsisting relationship, other countries require such couples to be registered in order to qualify for family reunification.

Minor children

Minor children (under the age of 18) – often provided that they are not yet married – are allowed to join their parents.

Adult children

Adult children, however, are granted the possibility to reside with their migrant parents only where there are exceptional circumstances, such as when the child requires long-term personal care that cannot be provided in the country of origin (as is the case in the United Kingdom) or when the child is unmarried, dependent and enrolled in a college or university course in the receiving country (as in Portugal).

Parents (and other family members)

Parents often fall into the same category as adult children. They do not automatically enjoy the right to join their migrant children but may in some cases be allowed to reside with their children, in particular when their dependency on their children can be demonstrated. The dependency principle may be broadened to include other family members in some cases. However, many participating States apply "hardship" standards that often require that there are no family ties in the country of origin and that family reunification is necessary to prevent exceptional hardship (such as in Germany or the Netherlands), but these requirements can be difficult to meet.[56]

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56   For more information, see Nissen, E.J.W., *Family Reunification. a Barrier or Facilitator of Integration? a Comparative Study* (Baden-Baden: Nomos, 2014), <http://repository.ubn.ru.nl/handle/2066/139489>.

Language and integration requirements for family members

Some countries impose a language and/or integration requirement on family members wishing to join their family member living abroad. Only some of these countries provide courses that help family members learn the language and acquire the necessary knowledge. Most commonly, the language proficiency level requirements are A1 and A2, though many participating States allow for exemptions from the language and integration requirement for vulnerable groups (based on age, illiteracy, or a mental or physical disability).

European Union case law on family reunification

Requirements for long-term residence: the case of Minister van Buitenlandse Zaken v. K and A

The court ruled that European Union Member States may require third country nationals to pass a civic integration examination to assess basic knowledge of the state language and society, and which entails the payment of various costs. This examination must be passed before the state will authorize that national's entry into and residence in the territory of the state for the purposes of family reunification, provided that the conditions of application of such a requirement do not make it impossible or excessively difficult to exercise the right to family reunification.

In this case, the ruling found that if states do not allow for special circumstances (objectively forming an obstacle to the applicants passing the examination), and if the fees relating to such an examination are too high, then those conditions make the exercise of the right to family reunification impossible or excessively difficult.

Source: European Database of Asylum Law, "CJEU – C-153/14, Minister van Buitenlandse Zaken v K and A", <http://www.asylumlawdatabase.eu/en/content/cjeu-c%E2%80%9915314-minister-van-buitenlandse-zaken-v-k-and>.

An example of good practice: France's integration contract

Family members wishing to join a long-term resident of France must, on arrival, participate in an integration process by signing an Integration Contract of the Republic (*contrat d'intégration républicaine*, CIR). The CIR commits foreign nationals to "respect the principles and values of French society and the Republic and to follow seriously and diligently the training pre-scribed" for a period of one year. The CIR is presented to foreign nationals during interviews held at the Office for Immigration and Integration after residence permit procedures have been carried out. During the interview, the person's social, professional and language needs are assessed. Compulsory civic training is prescribed to all signatories, along with French language training up to the A1 level of the Common European Framework of Reference for Languages (CEFR), if required. The integration requirement must be verified for the migrant to have access to a ten-year permit or a multi-year permit. It should be noted that the CIR is not required for the family members of refugees, who obtain a residence permit directly.

Source: European Migration Network, *Family Reunification of Third-Country Nationals in the EU plus Norway: National Practices*, 2017, <https://ec.europa.eu/home-affairs/sites/homeaffairs/files/00_family_reunification_synthesis_report_final_en_print_ready_0.pdf>.

Sponsor eligibility conditions

Permanent residence perspective

In OSCE participating States, migrants planning to take up permanent residence are granted the right to bring their family members to their country of residence, subject to various conditions. For example, under German law a sponsor must hold either a permanent, or a long-term or temporary residence permit for the European Union (but only if there is a reasonable prospect of obtaining permanent residence). Some states have introduced minimum residence periods, for example, in Sweden and Bulgaria prospective sponsors need to legally reside in the territory of the country for at least a year before applying for reunification. In other countries, this period may be one-and-a-half years (France), two years (Cyprus, Latvia, Lithuania, Malta and Poland) or even three years (Austria) starting from the moment when the sponsor became a legal resident in the country.

Minimal age requirement

Some states have also imposed a minimum age requirement for a migrant to qualify as a sponsor for the purposes of family reunification; in Austria, for example, migrants and their spouses must be at least 21 years olds to be eligible for family reunification.[57]

Minimal income requirement

A minimum required level of income is another condition in a number of participating States for migrants wishing to bring their family members to their country of residence. While some states require only proof of basic income, others have raised this standard, effectively excluding low-income migrants from exercising their right to reunite with their families.

European Union case law on family reunification

Requirements for long-term residence: the Khachab case

European Union Member States may require that migrants possess stable, regular and sufficient resources (per Article 7(1) of the European Union Directive on family reunification). This allows states to require that the sustainability of these resources is prospectively assessed on the basis of the sponsor's income six months preceding the date of submission of the application. The principle of proportionality still requires that the competent national authorities make a balanced and reasonable assessment of all the interests at play when assessing an application for family reunification.

Source: European Database of Asylum Law, "CJEU: Case C-558/14 Khachab v Subdelegación del Gobierno en Álava", <http://www.asylumlawdatabase.eu/en/content/cjeu-case-c-55814-khachab-v-subdelegaci%C3%B3n-del-gobierno-en-%C3%A1lava>.

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57   For more information, see: Living and Working in Austria, "Family reunification", <https://www.migration.gv.at/en/types-of-immigration/permanent-immigration-red-white-red-card/family-reunification.html>.

Adequate accommodation

Some participating States also expect migrants to prove that they have appropriate housing to accommodate their families in the receiving country.

Information provision

The provision of accessible and comprehensive information on eligibility criteria, requirements and procedures for family reunification are of fundamental importance for ensuring successful family reunification. The majority of OSCE participating States now provide at least some information through official dedicated portals, and often also in foreign languages.

An example of good practice: the provision of user-friendly information on family reunification in Norway

The Directorate of Immigration in Norway has taken several measures to make information about the requirements for exercising the right to family reunification more accessible to sponsors and/or applicants. The Directorate's website contains a checklist with information that can be filtered based on the type of family migration the applicant is applying for, as well as their nationality (http://www.udiregelverk.no), in order to provide applicants with information that is relevant to their individual situation. While information is generally provided in Norwegian and English, brochures in other languages have been developed for topics relating to specific groups of applicants, such as on the right to a residence permit on an independent basis for foreign nationals exposed to domestic violence.

In order to make it easier for applicants to understand why an application has been rejected, the Directorate has changed the structure of its decisions to simplify the content and make the language easier to understand. To this end, decisions begin with a brief paragraph stating why an application has been rejected, followed by a more substantial explanation referencing the relevant provisions.

Source: European Migration Network, *Family Reunification of Third-Country Nationals in the EU plus Norway: National Practices*, 2017, <https://ec.europa.eu/home-affairs/sites/homeaffairs/files/00_family_reunification_synthesis_report_final_en_print_ready_0.pdf>.

Fees

While in some OSCE participating States, fees for the family reunification procedure are comparable to other administrative costs, in a number of countries the family reunification application fees are disproportionately high in comparison to other administrative procedures or the average income, and may be a significant barrier for migrants to exercise their right to family life.

Quotas

Some OSCE participating States also have quotas on the number of family reunification applications that can be submitted or the number of permits that can be issued in a given year, further restricting the prospects of many migrants for family reunification.

Rights of family members

Laws in OSCE participating States also differ in terms of what rights migrant family members enjoy. In the OSCE participating States where the European Union Reunification Directive applies, a sponsor's family members should be entitled to: (a) access to education; (b) access to employment and self-employed activity; and (c) access to vocational guidance, initial and further training and retraining. Some participating States also ensure access to the labour market, although others require family members to obtain a work permit or pass a labour market test. Meanwhile, some states limit access to the labour market for family members of temporary migrants (for example, the United States and Canada).

Security of status and the obligation to co-habit

In many participating States, separation and divorce affect the migrant spouse's right to stay in the country (including in the Netherlands, Switzerland and the United States). In order to counteract "marriages of convenience" (a marriage contracted solely to secure leave to remain in the receiving country), many countries insist that spouses or partners must co-habit for a certain period of time. In case of divorce, the required period of co-habitation after which the permit is not revoked varies from country to country. The European Union Reunification Directive stipulates that an independent residence permit shall be granted to family members after five years of residence. In Spain, the Netherlands and Sweden, the residence permits of migrants' spouses are revoked in case of divorce unless the couple had been living together for the previous two years. In France, permits are revoked when divorce occurs within one year of reunion, and in Switzerland when divorce occurs within five years of reunion. The death of the migrant sponsor is also treated differently in various countries, some participating States choose to implement distinct policies for family members of their nationals as opposed to those applied to the family members of migrants.[58]

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58 Organisation for Economic Co-operation Development (OECD), "Comparative Analysis of the Legislation and the Procedures Governing the Immigration of Family Members in Certain OECD Countries", Part II, <https://www.oecd.org/els/mig/41563157.pdf>.

Alina and Robert – enduring an abusive relationship in order to stay in the country?

Alina met Robert during Robert's Erasmus semester at her home university. They fell in love and were almost inseparable for half a year. They both were devastated when Robert had to leave at the end of his exchange semester. He invited her to stay with him for the summer holidays and proposed to her. During her next visit the couple married and Alina received her family reunification residence permit for two years.

The first six months were bliss. Alina attended a language course and was making a lot of progress. She also developed some new friends. Robert was not too happy when Alina stopped for a coffee with her friends after her language lessons, but she was usually able to cheer him up. After some time, Robert became increasingly controlling, banned Alina from meeting with her friends both before and after classes. He was also against her taking a job, insisting that learning the language should be her main focus. At the same time, he also controlled all her expenses and gave her pocket money only when he felt particularly happy about her behaviour. He did not want her to meet any of her friends anymore. When one day Robert learned Alina went to see one of her female friends despite his request not to, he got so angry that he hit her. With time, Robert was able to find more and more excuses to hit Alina; he also insisted she should not work because he could provide for them both.

Alina wanted to separate from him, but she did not have any money to rent a place on her own. She was also afraid that if she divorced him, she would be sent back to her home country. But nobody was waiting for her there. Her mother had died, and most of her friends had left her home town for the capital or even other countries, leaving her with nobody to turn to in her home country. Her entire life was now centred on Robert's country: She knew the language, she had her friends and her favourite spots in the city she liked to visit so much, and she was sure that with her qualifications she could easily find a job. At the same time, she was so afraid of Robert and his violent outbursts and never having any money even for minor expenses. Alina simply could not go on living like that…

The co-habitation requirement may be particularly challenging when family members experience domestic violence. However, some participating States take into account the special situation of spouses who are victims of domestic violence. In such cases, migrants may be allowed to stay in the country if they can prove that their relationship has ended due to domestic violence.

An example of good practice: Permanent residence for victims of domestic violence in the United Kingdom

Persons on a temporary visa as a partner who can demonstrate that their relationship ended because of domestic violence can settle in the United Kingdom as a victim of domestic violence. The residence permit fee may be waived if they also prove that they do not have sufficient means to cover it.

Source: Gov.uk, "Settle in the UK as a victim of domestic violence: form SET(DV)", <https://www.gov.uk/government/publications/application-to-settle-in-uk-form-setdv>.

Ensuring family reunification for refugees

Beneficiaries of international protection are in an exceptional situation, as they are often unable to enjoy their right family life outside of their receiving country. In view of this, some OSCE participating States apply more favourable rules to refugees and beneficiaries of subsidiary protection. This may include exemptions from the material requirements mentioned above, as well as applying a wider definition of family members. However, many participating States also impose restrictions on the rights of refugees to family life and require detailed application procedures.

Access to citizenship

States' basic right to self-determination in matters of citizenship laws and policies are limited by some international standards developed in international and bilateral treaties, for example: the 1930 Convention on Certain Questions Relating to the Conflict of Nationality Laws;[59] international customary law; the generally recognized principles of law related to nationality; and, in a very few instances, the case law of the international courts.

The process by which non-citizens acquire nationality or citizenship of a given country is referred to as naturalization. Research demonstrates that naturalization improves migrants' socio-economic and political participation and ensures their greater protection from discrimination.[60] Naturalization helps to secure migrants' access to full political, economic, social and cultural rights, and facilitates their integration into society. Citizenship provides opportunities to shape policies affecting people's everyday lives, such as through voting in elections, joining political parties or becoming an elected representative.

Two principles for access to citizenship

Generally, there are two main principles behind citizenship eligibility criteria: the country of birth, or *jus soli* ("the right of the soil"), and parental heritage, or *jus sanguinis* ("the blood right"). According to the first principle, anyone born on the territory of a given state has a right to its citizenship. However, some states have *jus soli* citizenship provisions only for stateless children. According to the second principle, the children of a citizen of a state automatically also become citizens of that state. This principle may be broadened to include people who can demonstrate that their ancestors belong to the state's majority ethnic group, or who were citizens of or lived in the territory of that state in the past. OSCE participating States offering access to citizenship based on this principle include Armenia, Bulgaria, Greece, Italy, Romania and Turkey.

Naturalization of migrant children

These principles determine whether migrants' children are granted or denied access to citizenship. a number of OSCE participating States, including Belgium, Canada, France, Germany, Greece, Ireland, the Netherlands, Portugal, Spain and the United States, provide children born in the country citizenship either at birth or after birth (*jus soli*).[61] However, only the United States and Canada apply this principle unconditionally, so that any child born on their territory is automatically offered citizenship. In most OSCE participating States, this principle is applied conditionally, and is limited to the children of selected groups of residents, usually permanent residents. Other states do not grant migrant children an automatic right to citizenship, but

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59   League of Nations, "Convention on Certain Questions Relating to the Conflict of Nationality Law", 13 April 1930, <https://treaties.un.org/Pages/showDetails.aspx?objid=0800000280046354>.

60   Bauböck, R., et al., *Access to Citizenship and its Impact on Immigrant Integration* (European University Institute), <https://muep.mau.se/bitstream/handle/2043/16098/acit_report_eu%20level%20summary.pdf?sequence=2>.

61   *Ibid.*

require them to apply for citizenship when they come of age through a regular naturalization procedure. This situation may negatively affect the integration of migrant children, who may not know any other country than their country of birth or speak any other language than that of their country of residence, yet do not enjoy the security of status and rights associated with full citizenship. The general tendency across the OSCE region is to move towards the conditional *jus soli* principle with regard to migrant children born or raised in the country.

Regular naturalization eligibility and requirements

Naturalization eligibility criteria usually include a legal residence period, and may also include the following: (a) proof language proficiency; (b) an integration requirement (usually a test of the applicant's knowledge of society); (c) economic requirements; and (d) criminal record requirements. Naturalization fees in some participating States are considerably higher than regular administrative fees.

The required residence period usually ranges from five year (such as the case in Bulgaria, Ireland and Sweden) to ten years (such as in Moldova, Italy, Slovenia and Spain). However, some countries have shorter periods of required residence; for example, Belgium has legal residence requirement of just three years, with no need to continuously reside in the country or fulfil other permanent status conditions.

In other parts of the OSCE region, the required residence for the purposes of naturalisation is only counted after having obtained permanent residency; this is the case of Georgia, Kazakhstan, Turkey and the Russian Federation where you must have at least five years of continuous residence.

Many OSCE participating States offer privileged access to citizenship for certain categories of migrants based, for example, on their family ties (such as being a close family member of a national) or special contributions (such as being a prominent sporting or cultural figure). Such privileged conditions may include shorter or no residence requirements, the suspension of other requirements, such as economic requirements, or reduced fees.

Naturalization entitlement vs. discretionary procedures

A number of OSCE participating States have clearly outlined the criteria for naturalization entitlement. a foreign-born resident who fulfils these criteria is entitled to naturalization as an established practice – for example in Germany, Portugal, Poland and Spain.[62] Many participating States also provide for the right to a reasoned opinion and appeal in case of failed naturalization applications. However, in some states citizenship applications from migrants who meet all the legal requirements may still be rejected due to highly discretionary procedures.

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62   MIPEX, "Access to Nationality", op.cit.

Naturalization entitlement in Germany

In line with section 10 of the German Nationality Act (StAG), a non-national is entitled to naturalization if they:

1) have eight years' legal and permanent residence in Germany;
2) have an unlimited right of residence;
3) adhere to the "free democratic basic order" of the German constitution (*Grundgesetz*);
4) are able to make a living for themselves and their family without claiming social benefits;
5) give up their foreign nationality;
6) have adequate German language skills (B1 level);
7) have knowledge of the German legal and social order, as proven through a citizenship test; and
8) have not been sentenced for committing an unlawful act.

Source: German Federal Ministry of Justice and Consumer Protection, "Nationality Act", <https://www.gesetze-im-internet.de/englisch_rustag%3e/.

Citizenship tests: knowledge of the state language and society

Passing a language and/or civic knowledge test has increasingly become one of the requirements for naturalization procedures in OSCE participating States. The level of required language proficiency (usually at the A2-B1 levels), the expected knowledge of the receiving country's political system, history, culture, values, citizen's rights and obligations, the availability of courses and the costs of such courses and tests vary considerably across the OSCE region. While a few countries offer prospective citizens courses to prepare them for the citizenship test (such as in Portugal and Estonia), a number of states offer them free resources containing the required information. For example, the "Discover Canada" booklet contains information on the rights and responsibilities of citizenship, Canadian history, justice, governance and electoral systems, Canadian Symbols, the economy and geography.[63] Similarly, Denmark provides online resource focusing on the country's history, government and elections, the welfare system and foreign relations.[64]

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63 Government of Canada, "Discover Canada", <https://www.canada.ca/en/immigration-refugees-citizenship/corporate/publications-manuals/discover-canada/read-online.html>.
64 Uim.dk, "LÆREMATERIALE TIL INDFØDSRETSPRØVEN – danske samfundsforhold, dansk kultur og historie (Learning materials for the certificate examination – Danish society, Danish culture and history)", <http://uim.dk/filer/danskuddannelse/Laeremateriale-til-indfoedsretsproeven.pdf>.

Knowledge of the state language and society requirements for naturalization in selected OSCE participating States

Participating State	Language test	Knowledge of society test
Austria	B1	Yes
Albania	Interview	No
Andorra	A1/A2 speaking (Catalan)	No
Belgium	A2	No
Canada	A2 (English or French)	Yes
Czech Republic	B1	Yes
Denmark	B1 (B1+ speaking)	Yes
Estonia	B1	Yes
Finland	B1 (Finnish or Swedish)	No
France	B1 speaking	Interview
Germany	B1	Yes
Greece	A2	Yes
Italy	A2 (permanent residence)	(residence)
Latvia	B1	Yes
Liechtenstein	B1	Yes
Lithuania	A2	Yes
Luxembourg	B1 listening/A2 speaking	No
Moldova	A1/A2	Yes
Netherlands	A2 (without speaking)	Yes
Norway	A2 (oral)	Yes
Portugal	A2	No
Russia	A2	No
Slovenia	A2 (reading, writing, listening) B1 (speaking)	No
Spain	Interview	Interview
Switzerland	A2 (B1 speaking)	Yes
United Kingdom	B1	Yes
United States	A2	Yes

Source: Adapted and updated from "Language tests for access, integration and citizenship: An outline for policy makers" (ALTE: 2016)

Other countries which have language tests but for which a level has not been specified include, Armenia, Georgia, Kazakhstan and Turkey.

An example of good practice: Naturalization Campaign in Germany

The Naturalization Campaign run by the Commissioner for Integration and Migration in Berlin, Germany, aimed to attract the migrant population (especially youth) to apply for German citizenship and enjoy full political and social rights. The advantages of having German citizenship were presented to young migrants through posters in public places, leaflets handed out in the streets and brochures distributed in public institutions, including schools.

Source: European Commission, "Naturalisation Campaign",
<https://ec.europa.eu/migrant-integration/intpract/naturalisation-campaign>.

An example of good practice: Portuguese for all

In Portugal, migrants wishing to be naturalized are required to present a certificate demonstrating their knowledge of the Portuguese language at the A2 level. The PPT (Portuguese for All) programme offers Portuguese language courses at the A2 and B2 levels, as well as courses in technical Portuguese targeted at the migrant population. Courses are offered to all documented migrants residing in Portugal who require language training.

Source: Portugal's High Commissioner for Migration, <http://www.acm.gov.pt/-/como-posso-frequentar-um-curso-de-lingua-portuguesa-para-estrangeiros->.

Access to nationality – MIPEX best-case scenario

All settled residents wishing to become citizens are given fully support in the naturalization process and the opportunity to equally participate in public life.

All citizens can be dual nationals.

A child born in the country to migrant parents is given citizenship of that country at birth (jus soli).

Migrants born abroad become attached to the country after living there for five years.

Such migrants are entitled to apply for citizenship if they meet the legal conditions, such as having no recent criminal record.

The requirement to pass language tests and a citizenship course encourages applicants to succeed through free-of-charge, flexible and professional courses and tests.

New citizens have the same citizenship protections as their fellow nationals.

Source: MIPEX, "Access to Nationality", <http://www.mipex.eu/access-nationality>.

MODULE 3:
BACKGROUND RESOURCES

- Bauböck, R., et al., *Access to Citizenship and its Impact on Immigrant Integration: European Summary and Standards* (European University Institute), <https://muep.mau.se/bitstream/handle/2043/16098/acit_report_eu%20level%20summary.pdf?sequence=2>.
- Parliamentary Assembly of the Council of Europe, Committee on Migration, Refugees and Displaced Persons, "Integration tests: helping or hindering integration?", <http://www.assembly.coe.int/CommitteeDocs/2013/amdoc11_2013TA.pdf>.
- European Migration Network, *Family Reunification of Third-Country Nationals in the EU plus Norway: National Practices*, 2016, <https://ec.europa.eu/home-affairs/sites/homeaffairs/files/00_family_reunification_sr_final.pdf>.
- Fangen, K. et al., "Citizenship Regimes: Consequences for Inclusion and Exclusion of Young Adult Immigrants in Europe", Euromargins Policy Brief No. 2, <https://www.sv.uio.no/iss/english/research/projects/eumargins/policy-briefs/documents/2nd-policy-brief-citizenship-november-3rd-2010-final.pdf>.
- İçduygu, A., Çolak, Y., & Soyarik, N. What is the matter with citizenship? a Turkish debate. *Middle Eastern Studies*, https://www.tandfonline.com/doi/abs/10.1080/0026320990870 1291?journalCode=fmes20
- Intergenerational Family Solidarity Across Europe (Interfasol), <http://www.interfasol.eu/>.
- Interfasol, "Symposium on Intergenerational Family Solidarity and Migration, Centre for Health and Migration", 2018, <http://www.interfasol.eu/wp-content/uploads/2018/05/Ursula-Trummer-Intergenerational-Solidarity-among-migrants-living-in-socio-economic-deprivation.pdf>.
- IOM, "Compendium of Migrant Integration Policies and Practices", <http://rosanjose.iom.int/site/sites/default/files/Compedium_of_Migrant_integration.pdf>.
- OHCHR, "Migration Papers: Family Reunification", 2005, <http://www2.ohchr.org/english/issues/migration/taskforce/docs/familyreunification.pdf>.
- ALTE and Council of Europe, "Language tests for access, integration and citizenship: An outline for policy makers", 2016, <http://www.cvcl.it/MC-API/Risorse/StreamRisorsa.aspx?guid=13636d55-1e07-41be-bf86-513b7581ebbf>.
- Molodikova, I., The Transformation of Russian Citizenship Policy in the Context of European or Eurasian Choice: Regional Prospects, Central and Eastern European Migration Review , 2017, http://ceemr.uw.edu.pl/vol-6-no-1-2017/research-reports/transformation-russian-citizenship-policy-context-european-or

- Pascouau, Y., *Measures and Rules Developed in the EU Member States Regarding Integration Of Third Country Nationals – Comparative Report* (Brussels: European Policy Centre, 2015), <http://www.epc.eu/documents/uploads/pub_6519_reportintegrationschemesfinalversionpdf-en.pdf>.
- Roots, L., "European Union Citizenship or Status of Long-Term Resident: a Dilemma for Third-Country Nationals in Estonia", *Baltic Journal of European Studies*, Vol. 2, No. 1 (11), <http://www.ies.ee/iesp/No11/articles/04_Lehte_Roots.pdf>.
- Sumption, M. and Flamm, S., *The economic Value of Citizenship for immigrants in the United States*, Migration Policy Institute, Washington, 2012: <https://www.migrationpolicy.org/pubs/citizenship-premium.pdf>.
- UNHCR, Nationality Laws of the Former Soviet Republics, 1 July 1993, available at: http://www.refworld.org/docid/3ae6b31db3.html

MODULE 4:
FACILITATING THE CIVIC
AND LINGUISTIC INTEGRATION
OF MIGRANTS

Across the OSCE region, migrants are increasingly expected to acquire at least a basic knowledge of the state language and an understanding of the social and cultural norms of the receiving society. However, in the absence of clear international standards on measures to assist migrant integration, OSCE participating States' policies and practices to support civic and linguistic integration of migrants vary considerably. This module focuses on how migrants' linguistic and civic integration can be promoted through:

- Information provision;
- Language courses;
- Civic orientation courses;
- Support for the development of migrants' mother tongue language skills; and
- Intercultural contacts among the migrant and receiving society populations.

INFORMATION PROVISION, LANGUAGE LEARNING AND CIVIC ORIENTATION MEASURES FOR MIGRANTS

Migrant Integration support: the international and regional legal framework

International and Regional Legal Framework

According to the international legal framework, only refugees and persons under other forms of international protection are entitled to assistance in integrating into the receiving society. Article 34 of the **1951 Convention relating to the Status of Refugees**[65] Article 34: "The Contracting States shall as far as possible facilitate the assimilation and naturalization of refugees. They shall in particular make every effort to expedite naturalization proceedings and to reduce as far as possible the charges and costs of such proceedings." The Statute of the Office of the United Nations High Commissioner for Refugees also calls upon governments to co-operate with the UNHCR by: "(e) Promoting the assimilation of refugees, especially by facilitating their naturalization." It should be noted that the term "assimilation" should not be understood here as forced, but rather as the contemporary notion of integration or inclusion into the economic, social and cultural life of the receiving country.[66]

OSCE commitments on promoting migrant integration

OSCE participating States have also committed to promoting migrant integration in a number of formal documents.

In the **1994 Budapest Concluding Document** (chapter VIII, paragraphs 28–32 and paragraph 40), OSCE participating States committed to "continue to promote the integration of migrant workers in the societies in which they are lawfully residing. They recognize that a successful process of integration also depends on its active pursuit by the migrants themselves and decided therefore to encourage them in this regard."

The **2003 Maastricht Ministerial Council Decision No. 4/03** on Tolerance and Non-discrimination committed participating States "to combat discrimination against migrant

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65   UNHCR, "The 1951 Refugee Convention", <http://www.unhcr.org/1951-refugee-convention.html>.

66   da Costa, R., "Rights of Refugees in the Context of Integration: Legal Standards and Recommendations", UNHCR Legal and Protection Policy Research Series, June 2006, <http://www.unhcr.org/44bb90882.pdf>.

workers [and refugees]. Further undertakes to facilitate the integration of migrant workers into the societies in which they are legally residing. Calls on the ODIHR to reinforce its activities in this respect."

European Union directives on promoting migrant integration

In terms of regional instruments, the **European Council Directive on Minimum Standards**,[67] binding for OSCE participating States that are also European Union Member States, contains an explicit reference to the concept of "a right to integration assistance" for refugees. Article 33 notes: "(1) In order to facilitate the integration of refugees into society, Member States shall make provision for integration programmes which they consider to be appropriate or create preconditions which guarantee access to such programmes. (2) Where it is considered appropriate by Member States, beneficiaries of subsidiary protection status shall be granted access to integration programmes."

Moreover, several European Union directives refer to integration support in the context of the arrival and settlement of some categories of migrants. The **Family Reunification Directive**[68] stipulates that "The integration of family members should be promoted", containing a provision that member states may require third country nationals to comply with integration conditions and measures, in accordance with national law (Article 7 (2)). In order to promote family members' integration, the Directive provides for: granting an independent status from that of the sponsor, in particular in cases of the breakup of marriages and partnerships, and access to education, employment and vocational training on the same terms as the person with whom they are reunited, under relevant conditions.

Article 15(3) of the European Union **Blue Card Directive**[69] allows (but does not require) member states to introduce integration conditions and measures for the family members of a Blue Card holder in case of family reunification. These integration conditions may include exams to test family members' knowledge of the language and society; however, the Directive does not oblige member states to ensure access to programmes that help prepare for such exams. In the same vein, the European Union **Directive on long-term residence** emphasizes that the integration of third-country nationals who are long-term residents in member states is a key element in promoting economic and social cohesion, a fundamental objective of the European Community. According to Article 4 (2): "Member States may require third-country nationals to comply with integration conditions, in accordance with national law (which does not apply to migrants who had to comply with integration measures in order to secure a residence permit in another member state)."

To summarize, the European Union framework obliges member states to facilitate the integration of refugees through integration programmes, and encourages them to establish integration conditions and measures for some other migrant categories, including long-term residents, highly-qualified workers and members of migrants' families who join them in the receiving country.

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67 European Council, "Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted",
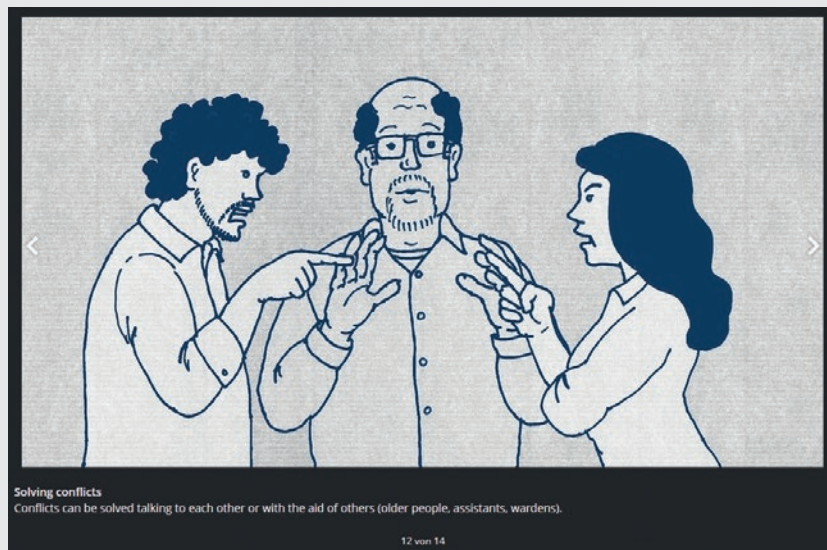   <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32004L0083>.

68 European Council, "Directive 2003/86/EC", op.cit.

69 European Council, "Directive 2009/50/EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment",
    <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32009L0050>.

In short, international legal standards provide for integration assistance measures for the beneficiaries of international protection. In the case of other migrant categories, international and regional standards emphasize the importance of migrant integration, but do not oblige states to provide integration assistance measures. In this situation, there are considerable differences across the OSCE region regarding the measures offered to support migrants' linguistic and civic integration. In addition, some OSCE participating States have introduced integration conditions (e.g., tests of their language skills and knowledge of society), while only some of those have provided migrants with access to state-sponsored programmes to help them prepare for passing those tests.

It should be noted that civic orientation courses and materials often include information on access to the labour market, while in some countries labour market integration programmes often include language and civic orientation training. For more information on the integration provisions for family reunification, long-term residence and naturalization, see Module 3. More information on labour market integration measures can be found in Module 5.

Information provision

Many OSCE participating States have developed information brochures, portals and websites containing information for migrants about everyday life in the country and basic facts about the history, culture, geography and society, including values and traditions.

Information portal about Finland

The information portal about Finland is targeted at pre-arrivals, as well as migrants who are already in the country, and addresses the situation of various categories of migrants. It provides relevant information in 12 languages and covers basic information about settling in

Finland, including access to health, education, work, language courses and housing. It also contains links to the websites of local municipalities that provide more detailed information.

Source: Infopankki, "Moving to Finland", <https://www.infopankki.fi/>.

"Welcome to Germany!": An online guide on norms and customs

Solving conflicts
Conflicts can be solved talking to each other or with the aid of others (older people, assistants, wardens).

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The "Welcome to Germany!" online guide provides information about living in Germany, and has been designed in response to migrants' frequently asked questions. The norms and customs described here are common practice for most residents of Germany. The website covers such topics as public life, personal freedom, community life, equality, environment and ecology, food, drinks, smoking, formalities and emergencies.

Source: Refugee Guide, <http://www.refugeeguide.de/en/>.

Comprehensive information brochures and self-study materials have been developed by a number of OSCE participating States.[70] In Finland, the integration law stipulates that all migrants should receive a copy of the "Welcome to Finland" brochure when receiving a residence permit. The brochure has been translated into in 12 languages and covers basic practical information about living in Finland, including access to integration and language courses, opening a bank account and paying taxes, as well as information on employment, studying, family life, Finland and the Finnish people, health and everyday life.[71]

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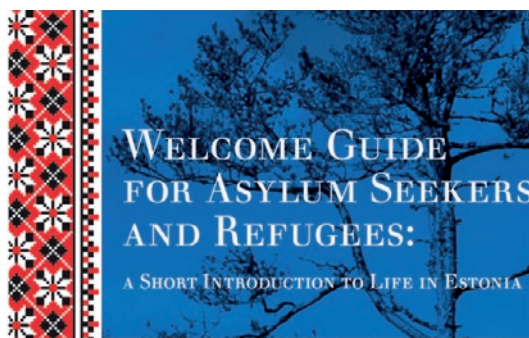
70   See, for example, "Life in Sweden", <https://www.informationsverige.se/Engelska/Samhalle/Documents/Om_sverige_webb_eng_v6.pdf>; "Life in the United Kingdom: a guide for new residents", <https://lifeintheuk-tests.co.uk/study-guide/>; "Welcome to Canada. What you should Know", <http://www.education.gov.yk.ca/pdf/immigration/welcome.pdf>; and the "Welcome Guide for Asylum Seekers and Refugees: a Short Introduction to Life in Estonia", <https://news.err.ee/116952/a-guide-for-asylum-seekers-and-refugees-published-short-introduction-to-life-in-estonia>.
71   "Welcome to Finland", <https://tem.fi/documents/1410877/2888440/SIS_MIN_EN_LoRes-rMvn8JEq.pdf/dae43ea6-59a1-4e98-848a-b2b5d791d84c>.

A growing trend across the OSCE region is to require different categories of migrants (usually those wishing to settle) to take language and knowledge of society tests (see Module 3). While some states also facilitate migrants' access to courses aimed at preparing migrants for these exams, other states only provide self-study materials (as is the case in the Netherlands and the United Kingdom). For example, migrants wishing to join family members in the Netherlands can prepare for a pre-entry exam in basic Dutch (A1) and knowledge of Dutch society by ordering an official self-study pack available online in 33 languages.[72]

Information desks and centres are particularly important during the immediate period after migrants' arrival in the receiving country. Information desks are often placed at migration service or municipality offices, and provide migrants with basic information about relevant national regulations, migrants' rights and available services. Information centres are often run by local authorities, in co-operation with civil society organizations, and provide a wide range of information and services, including counselling.

Integration Centre Prague

The Integration Centre Prague is a public service organization founded by the Magistrate of the City of Prague. It provides a space where migrants can meet, learn, communicate and receive free and quality information. The Centre offers free legal counselling services, the help of intercultural assistants and free Czech language courses for different levels, including specially designed courses for parents with young children (including childcare free of charge). The Centre organizes educational seminars and integration events. Information on the Centre's webpage is available in Arabic, Czech, English, Mongolian, Russian, Ukrainian and Vietnamese.

Source: Integrační centrum Praha (Information Centre Prague), "Educational Seminar", <http://www.icpraha.com/en/vzdelavaci-seminare/>.

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72   Naar Nederland, "Preparation", <https://www.naarnederland.nl/en/the-examination-package>.

Language and civic integration courses

While some OSCE participating States provide free state-sponsored orientation measures (such as language and civic orientation courses) to all regular migrants, others do not ensure access to integration measures even for refugees and persons under other forms of international protection.

As such, the provision of language learning and civic orientation courses across the OSCE region vary considerably in terms of what categories of migrants have access to such courses, whether they are provided free-of-charge, the courses' duration, the level of language proficiency required, the content of the civic orientation courses, whether such courses are obligatory or voluntary and whether migrants are tested and certificates are issued at the end of the course.

Language and civic orientation courses: variation in practices across the OSCE region

- Courses taken pre-arrival vs. courses taken post-arrival
- Obligatory vs. voluntary (and sanctions vs. incentives)
- Needs-based approach (all migrant categories) vs. selected migrant categories
- Free vs. paid by participants, in full or in part
- Exams vs. no exams
- Level of language proficiency: from A1 to B2
- Duration: from 50h to 2400h
- Language and civic orientation combined vs. separate dedicated courses, with civic orientation courses taught in a language that migrants understand
- Language and civic orientation courses as part of a comprehensive integration programme (an individualized integration plan, integration contacts, etc.) vs. separate "free-floating" courses

While the majority of OSCE participating states offer courses to migrants upon arrival, some have also prepared pre-arrival courses. Austria has developed fully sponsored pre-arrival voluntary integration programmes, also called "orientation modules" currently available in Turkey and in Serbia, with plans to extend the list of countries where these measures are offered.[73]

Needs-based approaches to language and civic orientation courses

Few participating States have fully embraced a needs-based approach and opened language and civic orientation courses to all residents with limited language proficiency. In Finland, labour migrants and beneficiaries of international protection in a particular municipality are entitled to follow an individual integration plan and receive specific integration assistance. In Denmark, the local authorities are legally obliged to provide Danish language lessons to all non-nationals residing in the country. Similarly, in Italy, language courses are provided by provincial adult education centres. The courses are free of charge for all foreign citizens with valid permits to reside in Italy. In certain cases, those attending the courses are requested to make a voluntary contribution to partially cover the costs of teaching materials and insurance (between 30 and 60 Euros).[74]

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73 Pascouau, Y., *Measures and Rules Developed in the EU Member States Regarding Integration of Third Country Nationals – Comparative Report* (Brussels: European Policy Centre, 2015).

74 European Migration Network (EMN), "EMN Ad-Hoc Query on Integration measures regarding language courses and civic integration – Part 1", <https://ec.europa.eu/home-affairs/sites/homeaffairs/files/2017.1167_fr_integration_measures_regarding_language_courses_and_civic_integration_-_part_1.pdf>.

In other OSCE participating States, free language and civic orientation courses are only available to selected categories of migrants, and are often limited to beneficiaries of international protection (as is the case in Hungary and Poland).[75] Moreover, while across the OSCE region various integration measures are made available to selected categories of migrants via government and privately funded projects run by non-governmental organizations, these initiatives may be limited in capacity and time and only benefit a share of all migrants interested in participating in such integration measures.

Language classes for all in Denmark

Local authorities (*kommune*) in Denmark are required by law to offer Danish language and culture courses to all resident non-nationals. The local language schools offer courses at all levels for new migrants and refugees. The courses usually consist of 18 lessons a week, although some schools offer more intensive courses or weekend courses. Migrants might be charged a nominal fee for some of the courses. It is possible to enrol in the courses several times a year. Mandatory examinations are held twice a year.

Source: The Official Website of Denmark, "Starting Danish Lessons", <http://denmark.dk/en/meet-the-danes/language/starting-danish-lessons/>.

Free integration courses for asylum applicants in Germany

Asylum procedures can take a long time. Recently, some OSCE participating States have enabled asylum applicants to participate in integration courses soon after they submit their international protection application. Germany's 2016 Integration Act permits the following to attend integration courses: asylum applicants who are likely to remain, persons whose deportation has been temporarily suspended (in accordance with section 60 of the Residence Act) and foreigners who hold a residence permit granted on humanitarian grounds (section 25 of the Residence Act).

Source: German Federal Office for Migration and Refugees, <http://www.bamf.de/EN/Willkommen/DeutschLernen/IntegrationskurseAsylbewerber/integrationskurseasylbewerber-node.html>.

Obligatory and non-obligatory courses, sanctions and incentives

Some OSCE participating States have made participation in these courses obligatory for selected migrant categories, in particular for beneficiaries of international protection. This requirement is often part of a broader integration programme or plan that also includes labour market integration measures. In Demark, orientation programmes are voluntary for migrants in employment, but obligatory for those depending on social welfare. In Finland, a migrant's failure to participate in the integration plan organized by the Employment and Economic Development Office (TE-office), as well as failure to regularly attend Finnish or Swedish language courses or other agreed services provided as part of that plan, may result in restrictions to their right to the labour market subsidy. In Austria, participation in language courses and civic training for persons granted asylum or subsidiary protection is often part of their labour market reintegration measures and, as such, is linked to their access to social benefits, which

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75   Pascouau op.cit.

may be cut in case of non-attendance. Equally, some participating States have also introduced incentives to facilitate migrants' access to these courses.[76]

Incentives: Reimbursement of childcare and transportation costs in Flanders, Belgium

Attending integration courses may be particularly challenging for migrant parents. In the Flanders region of Belgium, where such courses are obligatory, the transportation costs and childcare costs resulting from a migrant's participation in civic integration courses can be reimbursed upon presentation of a proof of the expenses.

Source: European Migration Network, EMN Ad-Hoc Query on Integration measures regarding language courses and civic integration – Part 2, <https://ec.europa.eu/home-affairs/sites/homeaffairs/files/2017.1168_fr_integration_measures_regarding_language_courses_and_civic_integration_-_part_2.pdf>.

Opportunities, not sanctions, for language learning in France

In France, family members applying for long-term family reunification visas need to pass written and oral tests on their knowledge of the French language and French Republic values. The required language level is A1. If an applicant fails to demonstrate a sufficient level of knowledge in either subject, they are invited to attend free sessions in their country of origin. These sessions last for up to two months and include up to 180 hours of language learning. After completing the course, the applicant can retake the tests. If successful, they may be issued a visa and exempted from language lessons upon arrival in France. Otherwise, the applicant is still issued their visa, but is required to attend further instruction sessions in France as part of the orientation contract.

Source: Pascouau, Y., *Measures And Rules Developed in the EU Member States Regarding Integration of Third Country Nationals – Comparative Report* (Brussels: European Policy Centre, 2015).

Required language level and civic integration courses content

While in some OSCE participating States, language and civic orientation instruction are combined in one course, in others these are organized as separate courses, with civic orientation programmes usually taught in the migrants' native language or a language they understand well.

Civic orientation programmes offered across the OSCE region usually contain similar components: information on the practical aspects of living in the country, migrants' rights and obligations, as well as information on the history, culture, values and traditions of the receiving country. However, various programmes may focus more on some aspects than on others, and may differ in the level of detail. For example, the civic orientation programme in France covers two broad topics: "the principles, values and institutions of the Republic" and "living and getting a job in France". The first topic explains concepts such as the rule of law, liberty, equality, fraternity and secularity, as well as the principle of equality between men and women. The second topic is more practical and focuses on the settlement process, access to health services,

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76   *Ibid.*

education, housing, employment and professional activities. In Slovenia, civic orientation forms part of the language training curriculum, so that the beginner's level module includes topics such as public life, history, culture and constitutional arrangements, while the advanced module contains units on Slovenian society, media, Slovenia and the European Union, the legal system, culture, geography, history, traditions and holidays. In the Flanders region of Belgium, civic orientation courses are developed to match participants' needs and depend on their profile. The teacher builds on their existing knowledge and provides them with the information and skills necessary to actively participate in society. Possible subjects covered during such courses include: education, housing, employment, the health system, public transportation, leisure and history, among others. a central element of the course is the norms and values of Belgian society, including freedom, equality, solidarity, democracy, rule of law, respect and active citizenship.[77]

Diversification of courses

There is a growing tendency across the OSCE region to diversify language and civic integration courses, as well as other integration measures, in order to better fit the needs of different categories of migrants. For example, Germany has developed a wide variety of special courses including those focusing on literacy skills; integration courses designed for migrant women, parents and young adults under the age of 27; catch-up courses for migrants who have been living in the country for some years, as well as intensive courses for quick learners. Similarly, Flanders (Belgium) has recently tailored its integration services and programmes, and has introduced civic integration programmes for highly skilled migrants and for low-skilled migrant mothers, and has also varied the duration of language courses. Thus, while a standard course consists of 240 teaching hours, migrants with limited literacy or language skills can also take Dutch language courses consisting of 600 teaching hours, organized by the Centres for Basic Education. More educated migrants or "fast learners" are referred to Centres for Adult Education (CVO) where they can follow a standard course consisting of 120 teaching hours. In France, the language programmes to reach A1 level range from 50 to 200 hours in length, depending on a participant's needs.[78] In Norway, municipalities must provide Norwegian language and social studies tuition to migrants required to participate in such integration measures. The entire programme comprises 550 hours of instruction in the Norwegian language and 50 hours in social studies, as well as up to 2 400 hours of additional tuition if necessary. The municipality is obliged to offer the tuition for a period of five years from the moment the migrant is granted a residence permit.[79]

Language and civic orientation as part of integration contracts and integration plans

Some OSCE participating States, including France and the Netherlands, have introduced "integration contracts". Integration contracts stipulate the migrant's obligations in relation to their integration and afford access to certain services intended to support the integration process. The notion of a "contract" underlines that migrants and other beneficiaries have both rights and responsibilities. For example, integration contracts in France are targeted at refugees and the beneficiaries of subsidiary protection. By signing the *Contrat d'intégration républicaine* (Integration Contract of the Republic), a person commits to participate in the activities described in the contract, including civic training, an information session on life and employment in

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77   EMN Part 1 op.cit.; and EMN, "EMN Ad-Hoc Query on Integration measures regarding language courses and civic integration – Part 2, <https://ec.europa.eu/home-affairs/sites/homeaffairs/files/2017.1168_fr_integration_measures_regarding_language_courses_and_civic_integration_-_part_2.pdf>.

78   EMN Part 2 op.cit.

79   Intercultural Cities, "City of Bergen Intercultural Profile", <https://rm.coe.int/16804828f6>.

France and a French language course. In return, s/he receives access to social support and targeted assistance in relation to accessing employment and housing.[80]

A number of OSCE participating States, including Belgium, the Czech Republic, Finland, Italy, Spain and Sweden, have adopted a highly personalized approach that is tailored to the needs and characteristics of a given migrant. These are known as "individual integration plans".

Individual introduction plans in Finland

In Finland, a personalized integration plan is drawn up for individual migrants and covers the measures and services they can access to acquire a sufficient command of Finnish or Swedish. It also includes measures to develop the knowledge and skills they will require in Finnish society and in the workplace, and to promote and support their opportunity to participate in society.

The integration plan also takes into account measures and services to promote and support the integration of the migrant's family. An integration plan may involve basic education, vocational education, upper secondary education, studies leading to a higher education degree, continuing education or further training.

Source: Finnish Integration Policy, "Act on the Integration of Immigrants and Reception of Asylum Seekers", https://www.finlex.fi/en/laki/kaannokset/1999/en19990493.pdf.

Developing effective civic orientation and language courses

The EUROCITIES Integrating Cities toolkit,[81] developed by migrant integration practitioners from cities across the OSCE region, suggests the following recommendations to help develop effective language and civic orientation courses. The recommendations are addressed to municipal authorities, but are also relevant for other authorities responsible for language and civic orientation courses.

Public commitment: Authorities should show their commitment to supporting orientation activities and language courses. Using public resources to provide courses for migrants may be controversial, and authorities need to explain why this is a priority and support the staff delivering the courses while engaging other stakeholders.

Strategy: The provision of civic orientation and language courses should be part of a clear and explicit strategy backed by sufficient resources.

Co-ordination: In a situation where the responsibility for designing and delivering courses for migrants may be shared across different government levels/departments, it is necessary to clearly define who is responsible for the delivery of such courses and their financing.

Needs assessment: Language and civic orientation courses and materials need to meet migrants' needs and take into account their origins, previous education and experience.

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80 EMN, "Integration of beneficiaries of international/humanitarian protection into the labour market: policies and good practices", <http://www.emn.fi/files/1412/Synteesiraportti_integration_of_beneficiaries_of_international_protection_eu_2015.pdf>.

81 EUROCITIES op.cit.

Facilitating access: Migrants often miss out on available courses due to a lack of information or financial barriers. It is crucial that there is clear information on what different categories of migrants are entitled to in terms of language and civic orientation courses and on provisions facilitating their access, including paid childcare and flexible hours.

Flexibility and responsiveness: Flexible course content and timing are crucial to meet the diverse needs of migrant learners, who are likely to range from the highly educated to those with only a basic level of education, those with additional barriers to learning (such as illiteracy and visual impairment) and those with limited time for study (such as those in full-time employment or with caring responsibilities).

Orientation: Courses should cover information on migrants' rights and relevant local knowledge and should provide language skills relevant for everyday life.

Next steps: Learners should be helped to progress to employment, further language learning or other courses.

Monitoring and evaluation: Courses need to be regularly monitored and evaluated to ensure that they are fit for purpose, benefit participants and demonstrate improvement over time.

Common language proficiency reference levels

A Basic User	A1	Can understand and use familiar everyday expressions and very basic phrases aimed at the satisfaction of needs of a concrete type. Can introduce him/herself and others and can ask and answer questions about personal details such as where he/she lives, people he/she knows and things he/she has. Can interact in a simple way provided the other person talks slowly and clearly and is prepared to help.
	A2	Can understand sentences and frequently used expressions related to areas of most immediate relevance (e.g., very basic personal and family information, shopping, local geography, employment). Can communicate in simple and routine tasks requiring a simple and direct exchange of information on familiar and routine matters. Can describe in simple terms aspects of his/her background, immediate environment and matters in areas of immediate need.
B Independent User	B1	Can understand the main points of clear standard input on familiar matters regularly encountered in work, school, leisure, etc. Can deal with most situations likely to arise whilst travelling in an area where the language is spoken. Can produce simple connected text on topics which are familiar or of personal interest. Can describe experiences and events, dreams, hopes and ambitions and briefly give reasons and explanations for opinions and plans.
	B2	Can understand the main ideas of complex text on both concrete and abstract topics, including technical discussions in his/her field of specialization. Can interact with a degree of fluency and spontaneity that makes regular interaction with native speakers quite possible without strain for either party. Can produce clear, detailed text on a wide range of subjects and explain a viewpoint on a topical issue giving the advantages and disadvantages of various options.
C Proficient User	C1	Can understand a wide range of demanding, longer texts, and recognize implicit meaning. Can express him/herself fluently and spontaneously without much obvious searching for expressions. Can use language flexibly and effectively for social, academic and professional purposes. Can produce clear, well-structured, detailed text on complex subjects, showing controlled use of organizational patterns, connectors and cohesive devices.
	C2	Can understand with ease virtually everything heard or read. Can summarize information from different spoken and written sources, reconstructing arguments and accounts in a coherent presentation. Can express her/himself spontaneously, very fluently and precisely, differentiating finer shades of meaning even in more complex situations.

Source: Council of Europe, "Common European Framework Of Reference For Languages: Learning, Teaching, Assessment", Council of Europe Language Unit, Strasbourg, <https://www.coe.int/t/dg4/linguistic/source/framework_en.pdf>.

SUPPORTING THE DEVELOPMENT OF MIGRANTS' MOTHER TONGUE SKILLS

International and regional standards on migrant integration recognize the importance of the mother tongue and encourage receiving states to promote and facilitate teaching of migrants' native language. The **European Convention on the Legal Status of Migrant Workers**[82] stresses the need to provide mother tongue language courses to the children of migrant workers in order to facilitate their return to their home countries (Article 15). In the **Concluding Document of the Third Follow-up Meeting in Vienna (1989)**,[83] OSCE participating States committed to "encourage or facilitate, where reasonable demand exists, supplementary teaching in their mother tongue for the children of migrant workers". The **European Social Charter** also articulated the necessity to "promote and facilitate, as far as practicable, the teaching of the migrant worker's mother tongue to the children of the migrant worker" (Article 19(12)). [84] While Module 8 discusses education of migrant children in broader terms, this Module covers the policies and practices of OSCE participating States in terms of facilitating the learning of the language of the country of origin by migrant children.

Across the OSCE region there are three main approaches to organizing mother tongue tuition for migrant children:

- Bilateral agreements;
- Tuition funded by the national educational system; and
- Reliance on voluntary and private initiatives.

Bilateral agreements

In selected OSCE participating States, migrants are taught their mother tongue on the basis of bilateral agreements.

The following is a list of selected OSCE participating States that have signed bilateral agreements on mother tongue tuition for migrant students.

Receiving country	Country of origin
French Community of Belgium	Greece, Italy, Morocco, Portugal, Turkey
Flemish Community of Belgium	Greece, Italy, Spain, Turkey
Germany	Croatia, Greece, Italy, Morocco, Portugal, Spain, Turkey
Spain	Morocco, Portugal
France	Algeria, Croatia, Italy, Morocco, Portugal, Serbia, Spain, Tunisia, Turkey
Luxembourg	Portugal
Slovenia	Austria, Bosnia and Herzegovina, Croatia, Germany, Montenegro, Russia, Serbia

Source: European Commission, "Integrating Immigrant Children into Schools in Europe", 2009, <http://eacea.ec.europa.eu/education%20/eurydice/documents/thematic_reports/101EN.pdf>.

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82 Council of Europe, "European Convention on the Legal Status of Migrant Workers" op.cit.

83 Conference on Security and Co-operation in Europe, "Concluding Document of the Third Follow-up Meeting", Vienna, 1989, <https://www.osce.org/mc/40881>.

84 Council of Europe, "The European Social Charter", <https://www.coe.int/en/web/turin-european-social-charter>.

Teaching Arabic and Portuguese in Spain

In Spain, lessons for pupils of Moroccan origin may be given during regular school hours if the school has a sizeable migrant community. Language lessons given under the bilateral agreement with Portugal have always taken place during usual school hours. At the primary level, either the activities in Portuguese are attended by all pupils, with both a Spanish teacher and a Portuguese teacher present in the classroom, or the Portuguese lessons are given in separate classrooms. At the secondary level, Portuguese is an optional subject. In addition to bilateral agreements, and in line with national recommendations, most of Spain's Autonomous Communities aim to provide teaching in their language of origin for as many migrant pupils as possible.

Source: European Commission, "Integrating Immigrant Children into Schools in Europe", 2009, <http://eacea.ec.europa.eu/education%20/eurydice/documents/thematic_reports/101EN.pdf>.

Central-level regulations or recommendations

A number of OSCE participating States have central-level regulations or recommendations on the provision of mother tongue language tuition for migrant students, including Finland, Germany, Italy, Norway, Spain and Sweden. Such recommendations usually refer to primary and secondary education. In some countries, it is recommended that the mother tongue is taught to migrant students as early as the pre-primary level. The responsibility for, and decision-making on, organizing mother tongue language tuition often lies with local authorities and schools. It is usually dependent on the level of demand, as well as the availability of financial and human resources.[85]

Some states have put a lot of effort into facilitating the acquisition and maintenance of the languages of the migrants' countries of origin, and provide systematic support for migrant mother tongue tuition. For example, in Finland all pupils are entitled to mother tongue education, which is seen as important for functional bilingualism and the identity of migrant pupils: in 2014, over 16 000 pupils participated in mother tongue education in over 53 languages.[86] In other cases, the provision of mother tongue tuition is fragmented and not conducted on a continuous basis.

Mother tongue language tuition can be provided both as part of the standard school curriculum or as an extra-curricular activity. However, according to research on the integration of migrant students, tuition given outside the standard curriculum not only adds to pupils' school hours, but can also lead to feelings of rejection, due to the possible stigmatization that attending such lessons can create.[87] For this reason, including migrant language tuition in the school curriculum is a preferred solution.

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85   European Commission, "National Policies – Eurydice", <https://eacea.ec.europa.eu/national-policies/eurydice/>.

86   European Commission, "Reception of newly arrived migrants and assessment of previous schooling", Brussels, 2016, <https://ec.europa.eu/education/sites/education/files/peer-learning-stockholm_en.pdf>.

87   Portas, M., "Report on the integration of immigrants in Europe via schools and plurilingual tuition", Commission for culture and education, 2005.

Sweden – the living language rule

In Sweden, where the mother tongue language learning is considered an important asset and a right, the Education Act states that pupils of compulsory school and upper secondary school are entitled to study their mother tongue if they have at least one parent with a mother tongue other than Swedish and this language is spoken on a daily basis at home. The responsibility of arranging minority language classes lies with the municipality. The municipality is not obliged to arrange mother tongue tuition if there are fewer than five students using a language or if there is no teacher with relevant language capabilities available.

Source: European Commission, "Reception of newly arrived migrants and assessment of previous schooling", Brussels, 2016, <https://ec.europa.eu/education/sites/education/files/peer-learning-stockholm_en.pdf>.

Mainly voluntary and private initiatives

Irrespective of the level of national authorities' involvement in the provision of mother tongue tuition to migrant students, schools and local authorities can co-operate with migrant associations and migrant parents in order to provide assistance to migrant children in learning and maintaining their mother tongues. For example, schools in the United Kingdom have long been introducing country of origin language courses for migrant children as part of their modern languages curricula. Particularly in the face of limited financial resources, migrant parents may be engaged as volunteers to teach classes in their language of origin to groups of migrant students at the school their children attend.

Closer correspondence between the foreign languages provision and the mother tongues of migrant students in the United Kingdom

In the United Kingdom (England and Wales), schools have been able to offer languages spoken by their pupils within the modern foreign languages curriculum. These measures are intended to make it easier for schools to offer a diverse range of languages reflecting the needs of the local community. In addition, more flexible methods of accrediting pupil attainment have been developed. These methods aim to increase take-up of languages generally, and to provide flexibility for pupils whose ability to speak their home language, for example, may exceed their ability to write it. The traditional form of accreditation for foreign language learning in compulsory education is the GCSE (a qualification in a specific subject typically taken by school students aged 14 to 16), which provides a balanced assessment of the four language skills (speaking, listening, reading and writing). From 2009, short GCSE courses can be taken in either speaking and listening or reading and writing. "Asset Languages" qualifications are even more flexible as they allow for each skill area to be assessed separately and at different levels.

Source: European Commission, "Integrating Immigrant Children into Schools in Europe", 2009, <http://eacea.ec.europa.eu/education%20/eurydice/documents/thematic_reports/101EN.pdf>.

Saturday Armenian School in Kraków, Poland

The Saturday Armenian School in Kraków was established in 2004 and is affiliated with the Armenian Cultural Association. The school runs Armenian language classes, Armenian history and culture classes, Armenia music and dance classes, as well as a theatre circle open to children and youth. The school website also contains links to Armenian music, poetry, animated films, teaching materials online resources.

Source: Szkola Ormianska, "O nas [About us]", <http://szkola.armenia.pl/o-nas/>.
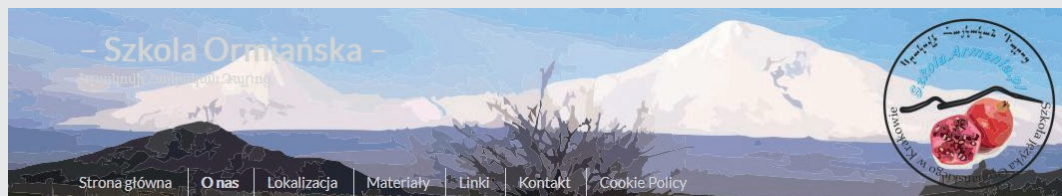
A great role in promoting the languages of migrants' countries of origin is played by migrant associations, as well as minority and diaspora organizations that run Saturday or Sunday schools for children and provide opportunities for migrants to meet with their fellow nationals and participate in various events in their mother tongue.

Migrant and minority associations are also indispensable for promoting the maintenance of mother tongue language skills for adult migrants. They ensure opportunities for meeting and communicating with fellow nationals, provide cultural activities and help develop migrants' mother tongue language skills.

PROMOTING CONTACTS AND INTERCULTURAL UNDERSTANDING AMONG RECEIVING AND MIGRANT POPULATIONS

Contacts between receiving and migrant populations are crucial for promoting mutual understanding, trust and social cohesion. However, not all sorts of contacts are conducive to migrant integration and social cohesion. In order to reduce prejudice and promote mutual acceptance and integration, such contacts need to be interpersonal, egalitarian and meaningful, give people a shared purpose or stake in their community, encourage them to co-operate and not compete, as well as take place in a safe environment. It is also helpful if such contacts are promoted by an authority or institution respected by both migrant and receiving society populations.

Intercultural dialogue can be defined as "a process that comprises an open and respectful exchange of views between individuals and groups with different ethnic, cultural, religious and linguistic backgrounds and heritage, on the basis of mutual understanding and respect."[88]

Intercultural dialogue is not just about contacts between persons from different backgrounds, but about awareness of one's own culture and interest and ability to learn about others' perspectives, convictions, practices and experiences, about recognizing differences, and seeking mutual respect, understanding and co-operation.

The necessary conditions for intercultural dialogue, as defined by the Council of Europe's white paper, "Living Together as Equals in Dignity", include:

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88   Council of Europe, "White Paper on Intercultural Dialogue" op.cit.

- Respect for human rights, democracy and the rule of law;
- Equal dignity and mutual respect;
- Gender equality; and
- Actively seeking to remove barriers to intercultural dialogue, including discrimination and structural inequalities.[89]

These conditions imply that, while it is important to strive for mutual respect and understanding, culture should never be used as an excuse for human rights violations, domestic violence and gender inequality.

The contact hypothesis

According to the theory of Gordon W. Allport, interpersonal contacts between majority and minority group members that take place under appropriate conditions are one of the most effective ways to reduce prejudice. Thanks to such contacts, representatives of both migrant and receiving society populations may see one another through different eyes, discover mutual similarities and develop interest in each other's cultures, experiences and points of view.

The main conditions that need to be fulfilled in order to ensure that such contacts effectively reduce prejudice and promote understanding include:

- **Equal status.** Representatives of both groups need to see themselves as being of equal status.
- **Co-operation and common goals.** Members of both groups need to co-operate towards a shared goal or to solve a common task or problem. This could include preparing an intercultural festival, planning extra-curricular school activities for children or participating in a book club. Friendly and egalitarian relations should be promoted, while competition between groups reduced.
- **Support of authorities.** The contact needs to have the backing of an authority or institution that is recognized by the different groups.
- **Meaningful personal interactions.** Contacts between representatives of the groups need to be informal and sufficiently prolonged in order to give people a chance to develop interpersonal ties.

Sources: Allport, G. W., *The nature of prejudice* (Cambridge, MA: Perseus Books, 1954); Forsyth, D. R., *Group dynamics* (Pacific Grove, CA: Brooks/Cole, 2009); Pettigrew, T. F. and Tropp, L. R., "A meta-analytic test of intergroup contact theory", *Journal of Personality and Social Psychology*, 90(5), 2006, 751–783.

Intercultural contacts and understanding between migrant and receiving societies can be promoted in two broad ways:

- by **adapting the services** of various public institutions to cater for increasingly diverse populations, including by adjusting their staffing policies and broadening cultural opportunities; and
- through **targeted initiatives** aimed at bringing together people from migrant and receiving society populations.

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89 *Ibid.*

A non-exhaustive list of the types of such initiatives and activities includes:

- Public institutions, including libraries, social and cultural centres, sports and youth clubs, volunteer associations and trade unions reaching out to migrant populations and encouraging their membership;
- Organizing events, festivals and parties that bring together receiving and migrant populations;
- Teaching young people intercultural competences as part of civic education at schools, and organizing similar workshops for adults;
- Holding language cafés that give the migrant and receiving populations an opportunity to learn each other's language;
- Organizing hobby groups, such as book clubs or cooking groups, that attract people from different backgrounds;
- Forming community teams comprising migrants and local residents to address various local issues and challenges in the community;
- Holding sporting events with mixed teams;
- Tandem and twinning initiatives, such as linking up schools with a high ratio of migrant students with those where students predominantly represent the receiving society, or by forging contacts between migrant and receiving society families; and
- Conducting media projects in which both migrant and receiving society populations share their experiences of diversity and discuss their aspirations, needs, perspectives on various issues and visions of a shared future.

Many of these and other initiatives aimed at promoting contacts and intercultural dialogue between migrant and receiving society populations can be organized by local authorities in co-operation with migrant associations and non-governmental organizations, public institutions and other stakeholders. However, it is crucial that the central authorities recognize their importance and provide financial backing.

The "Next Door Family" project in the Czech Republic

The "Next Door Family" project aims to address the insufficient communication between migrants and majority communities. The project was first launched in the Czech Republic by the non-governmental organization Word 21, and brought Czech families together with migrant families for a casual lunch in order to encourage (informal) communication and personal friendship ties between native and non-native citizens, and to promote intercultural dialogue. With time, the idea spread to many other countries. By 2012, the project had spread to Belgium, Hungary, Italy, Malta, Slovakia and Spain.

By mediating direct contact between foreign and Czech families, the project contributes to fostering mutual knowledge and understanding. The goal is not only to ameliorate the negative perception of foreigners within society, but also to influence migrants' attitudes towards the majority, who they sometimes perceive as "closed" and "unfriendly". The project derives from the "inclusive neighbourhoods concept", which seeks to promote individual friendship ties.

Source: European Commission, "The Next Door Family Project", <https://ec.europa.eu/migrant-integration/intpract/next-door-family-project-eu>.

Mentoring programme in Portugal

The mentoring programme for migrants is a pilot project co-developed by the High Commission for Migrations and the Group of Reflection and Support to Corporate Citizenship, an organization composed of companies that promote corporate volunteering.

The mentoring managers – representatives of companies, organizations, institutions and municipalities across the country – establish contact among people who otherwise would not meet. In order to participate in the project, mentors and mentees send their application through an online form and are subsequently interviewed about their qualifications, motivations and expectations, etc. Once accepted, mentors and mentees are matched according to the profiles on the database.

Both parties get together to draft a commitment to carry out their duties. During weekly meetings, they also provide access to their professional networks, give advice on job applications and interviews, share information on employment culture, evaluate job possibilities and so on.

The mentoring initiatives not only help migrants in their everyday life, but also contribute to greater openness and understanding on the part of receiving country participants. Both mentors and mentees have defined mentoring as a win-win relationship. Most of the mentees indicate that they improved their situation and feel more integrated, with a more positive image of Portuguese society. Most of the mentors report that they have gained intercultural competences and a more positive image of migrants.

Source: European Commission, "Mentoring Program for Migrants", <https://ec.europa.eu/migrant-integration/intpract/mentoring-program-for-migrants>.

The XEIX project on intercultural co-operation among local businesses in Spain

The XEIX project brought together local retail merchants, including those of a migrant background, with the aim of addressing the challenges faced by local businesses. Though the initial idea was to bring together shopkeepers of diverse backgrounds to foster local development, it has evolved to include partners from other types of organizations such as local migrant organizations, local institutions, non-profit organizations and private enterprises. The project now also works with various city departments and services and has the overall support of the Barcelona City Council.

Local actors come together in the Eix Fort Pienc Retailers Association to foster initiatives, ideas and collaborations. The Association has now become a catalyser for all local initiatives, both of an economic (fairs and shopping campaigns) and cultural (local festivals and exhibitions) nature. Different kinds of social and cultural activities are held in neighbourhoods and promote participation, interaction and mutual acceptance in public spaces, such as a health fair featuring stands on *Ayurveda*, acupuncture, blood donation and herbalism. The Association provides local shop owners an opportunity to access useful information in different languages, advocate on common interests vis-à-vis the administration and receive training to modernize their businesses with new technology, such as websites or e-commerce.

Source: Eix Fort Pienc, <http://www.eixfortpienc.com/>; and European Commission, "Fostering intercultural relations around local business", <https://ec.europa.eu/migrant-integration/intpract/xeix---fostering-intercultural-relations-around-local-businesses>.

UROPA – inclusive contemporary ballet in Denmark

UROPA is a contemporary ballet in which professional ballet dancers and asylum seekers performed together. It was co-produced by the ballet dance lab Corpus, in co-operation with the Copenhagen-based theatre Sort/Hvid, and played at the Royal Danish Theatre and at the Aarhus Theatre.

To avoid yet another story written by those with little knowledge about what it means to be a refugee, the Royal Danish Theatre invited asylum-seekers to be co-creators of the performance. The objective was to portray the destinies of asylum seekers in an authentic manner, and to tell their stories from their own perspective. Another goal was to empower them with an opportunity to work in a professional context and to navigate Danish society through their encounters at the ballet.

The starting point of UROPA was to see asylum-seekers as strong, interesting individuals: artists and not victims. This dignified role implies that they have something to offer to society, which is why organizers designed the project as a cultural product rather than an act of charity. Early on in the artistic process, it was decided that asylum seekers should be on stage together with the ballet dancers; however, during the research phase in early 2015, the theatres found, with the help of the asylum department of the Danish Red Cross, a group of asylum-seekers from different backgrounds who were interested in participating in the performance. The theatres held ongoing meetings with the group in order to match each other's expectations and clarify uncertainties.

Later the same year, a ten-day workshop was held to review material for the performance, including private photos and other personal belongings, as well as to reflect on artistic expressions (music or movies) that could describe the journey from asylum-seekers' home countries to Denmark. The workshop created an open space in which the group experimented and improvised different movements. It also led to emotional moments as some performers experienced flashbacks of war, torture or dangerous journeys to Europe, and a Red Cross psychologist was on hand throughout the workshop.

During the next phase, the group was trained in singing, dancing and performing – experiencing what it takes to be part of a big professional production and a Danish cultural workplace. The show was very well received by audiences: the ballet was sold out and five shows were added to the planned season to meet the demand, selling a total of 2 520 tickets.

Source: European Commission, "Uropa – Inclusive contemporary", ballet <https://webgate.acceptance.ec.europa.eu/migrant-integration/public/intpract/ uropa---inclusive-contemporary-ballet>.

Intercultural dialogue requires the freedom and ability to express oneself, as well as the willingness and capacity to listen to the views of others. By enabling such contacts between migrant and receiving society populations, intercultural dialogue promotes political, social, cultural and economic integration and strengthens the cohesion of culturally diverse societies. In addition to supporting migrant integration overall, intercultural dialogue also fosters equality, human dignity and a sense of common purpose, increasing co-operation and participation and promoting tolerance and respect for the other.[90]

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90 *Ibid.*

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MODULE 5: MIGRANTS' ACCESS TO THE LABOUR MARKET AND MIGRANT ENTREPRENEURSHIP

BARRIERS TO MIGRANT ACCESS TO THE RECEIVING COUNTRY LABOUR MARKET

There are a range of possible obstacles to migrant integration in the labour market of a receiving country. These include:

- Language (including literacy), especially relating to a particular vocation;
- Lack of work experience in the receiving country;
- Lack of employment references in the receiving country;
- Lack of appropriate training and/or recognized educational and professional qualifications;
- Lack of access to networks that would strengthen employment prospects and knowledge of recruitment methods;
- Lack of knowledge/awareness of the required experience for a particular role;
- Lack of understanding of labour and social legislation, receiving country employment culture and job application procedures;
- Cross-cultural misunderstandings causing suspicion or hostility;
- Lack of awareness of cultural nuances and etiquette in the receiving country;
- Labour exploitation;
- Discrimination, harassment, violations of labour and security rights and negative stereotyping that can hinder recruitment and lead to precarious employment;
- Uncertainty (caused by a lack of life and work perspectives);
- Boredom and frustration leading to a loss of self-esteem (caused by the lack of a meaningful occupation, especially for professionals); and
- Threats of termination of employment.

ACCESS TO VOCATIONAL AND LANGUAGE TRAINING AND THE RECOGNITION OF ACADEMIC AND PROFESSIONAL QUALIFICATIONS

Vocational and language training

Designing training strategies that meet the needs of migrant communities is difficult, and no one approach fits all. At the same time, training holds the key to reducing gaps in language proficiency, vocational skills, technical expertise and soft skills. Training courses tailored to migrants can include occupation-specific language instruction – a cost-effective solution at all levels of education. Modular courses and supervised work experience also allow migrants to fill their skills gaps without having to retrain entirely.

In order to address the difficulties in providing intensive and individualized vocational training courses, it is important that employers are involved in the process of integrating migrants into the labour market. Employers can provide on-the-job training, but they must be incentivized to invest in such programmes. For example, a number of practices exist whereby employers receive subsidies for providing work experience, training or language-learning opportunities. The involvement of employers is crucial to ensure that migrants not only access the labour market but also experience upward mobility.

Recognition of migrants' academic and professional qualifications and experience

The validation and certification of both informal and formal skills, together with the recognition of academic and professional qualifications and experience, is one of the main issues affecting migrants' labour market integration. Together with language courses, orientation

courses, vocational education and training, counselling and a guaranteed minimum income, the recognition of migrants' qualifications is a key pre-condition to entering the labour market in the receiving country.

Even when migrants have obtained relevant qualifications and training outside the receiving country, they may find it difficult to demonstrate how their skills and experiences meet an employer's needs. Employers may not trust or understand foreign qualifications and experience, and it is unclear to what extent formal evaluations can mitigate this mistrust. For those in certain occupations, this can block migrants' access to and progression in the labour market, as professional regulations and recruitment practices make certain qualifications a practical or legal pre-requisite.

The two main purposes of this recognition are:

1. **Access to further education and training programmes (academic recognition)**: Academic recognition focuses on recognizing periods of study or qualifications issued by an educational institution for persons wishing to continue or begin studying in a higher education institution or to use an academic title.

2. **Access to the labour market (professional recognition)**: Professional recognition is the official authorization to practice a particular profession. It concerns the assessment of an applicant's knowledge and skills. There are two types of professional recognition:

   i. *De jure* recognition: This refers to the right to work in a specific country in a regulated profession (e.g., medical doctor) in the European Union or European Economic Area.

   ii. *De facto* recognition: This refers to the situation where recognition for professional purposes is unregulated, such as where no national legal authorization to practice a particular profession exists or is required. This is the most problematic area of professional recognition.

The Diploma Supplement model

The Diploma Supplement model was developed by the European Commission, Council of Europe and UNESCO/CEPES (the European Centre for Higher Education).

The purpose of the supplement is to provide sufficient independent data to improve international transparency and promote the fair academic and professional recognition of qualifications (diplomas, degrees, certificates etc.). It is designed to provide a description of the nature, level, context, content and status of the studies that were pursued and successfully completed by the individual named on the original qualification to which the supplement is appended. It provides information in eight sections relating to the holder, the qualification, and the national higher education system.

Source: European Commission/Council of Europe, "Outline Structure for the Diploma Supplement", <http://ec.europa.eu/dgs/education_culture/repository/education/policy/higher-education/doc/ds_en.pdf>.

The German recognition system

Legal Basis

On 1 April 2012, a Federal Recognition Act entered into force that unifies and expands the procedures for evaluating foreign professional qualifications at the federal level. The Act covers dual training occupations, artisan occupations, other further training qualifications and additional occupations regulated by sectoral laws, such as medical doctors and lawyers. The legal provisions simplify the recognition of foreign vocational certificates and promote the integration of qualified migrants into the German labour market, thereby helping to ensure an adequate supply of skilled workers.

Who needs it?

Recognition is mandatory for those applying for a German work visa from outside of the European Union. Anyone seeking to enter a regulated profession (such as doctors) must have their qualifications recognized. There are separate assessments for those seeking to enter regulated and non-regulated professions, as well as different legal implications. In the case of the non-regulated professions, it is possible to apply for jobs and to take up gainful employment without obtaining a formal certificate of equivalence. At the same time, the certificate helps employers to better assess a job applicant's qualification.

The tools

The multilingual "Recognition in Germany" online portal provides information about how to get foreign vocational certificates recognized in Germany. The unique feature of the website is the "Recognition Finder" that allows those seeking advice to identify the competent authority for their application in just a few clicks. In addition, it presents important and concise information about the legal foundations, the recognition procedures for individual occupations and available counselling services, as well as information on language courses.

Support for counselling experts

The portal supports employees of recognition counselling services, job centres and employment agencies in their daily work. They can use the "advanced filter" to comfortably search for competent bodies and occupations. Staff members of the "Integration through Qualification (IQ)" network can also access an internal forum on recognition counselling.

Skills analysis – recognition procedures if documentation is missing or incomplete

For those with missing documents, a skills analysis can be conducted to demonstrate their professional competences by submitting a sample of their or undertaking an interview or test at a company, for example.

A skills analysis is a practical way of demonstrating a person's qualification, but it is not an examination. It offers both the migrant and the employer an ideal way of evaluating professional competences.

Source: Recognition in Germany, <https://www.anerkennung-in-deutschland.de/html/en/>.

OVERVIEW OF LABOUR MARKET INTEGRATION MEASURES FOR MIGRANTS AND RELEVANT GOOD PRACTICES

State institutions may undertake a variety of measures (in addition to the recognition of quali-fications discussed previously) to facilitate migrants' integration into the labour market. These measures may be introduced by the receiving countries and/or by the countries of origin, and/or in co-operation between the two.

There are several ways in which governments can support migrants' labour market integration:

- Establishing national rules/guidelines on fair procedures, timelines and fees;
- Promoting international co-operation in dealing with migration and labour market integra-tion measures;
- Appointing state agencies and information/job centres to promote the recognition of skills and qualifications and to deliver other specific measures;
- Providing information on labour market access requirements, laws and rules, dedicated institutions and profession-based courses and other available measures; and
- Designing services to combat barriers and obstacles to labour market integration.

Such measures might apply to all workers in the country (including migrants), or be dedicated specifically to certain categories of migrants, such as migrants with long-term residence and/or temporary or seasonal workers.

Migration, especially in the case of seasonal workers, is often linked to precarious employment, and migrants in general are more vulnerable to labour exploitation. Migrants' rights protection might, therefore, focus on work-related and social security rights. Special provisions in social security systems can reduce migrants' vulnerability and help them to adequately manage their risks. Similarly, measures such as labour inspection and providing all migrants with access to the labour court may help to tackle the labour exploitation of migrants.

State institutions can take the following measures to support migrants' labour market integration:

- Provide online access to information about the labour market and relevant conditions (such as access, procedures and employment conditions);
- Promote the skills development and vocational training of migrants (this can include lan-guage courses oriented to a particular vocation; orientation courses providing information on culture, the legal system and practical issues; and professional education and training);
- Reduce unemployment/improve the employability of migrants through state programmes, either in the receiving country, in the country of origin or through co-operation between the two countries;
- Equalize the status of migrants and nationals, providing equal access to public services and providing migrants with the right to work and social security; and
- Address the labour market situation of specific groups, such as migrant women, migrant youth, irregular migrants and seasonal migrants.

There are a few factors to consider when developing policies to improve migrants' labour market integration, or when adapting good practices from elsewhere:

- Ensuring co-ordination with existing polices and institutions;
- Accounting for labour market realities in the receiving state;
- Recognizing the local context;

- Ensuring the adequate involvement of different actors (governmental and non-governmental) in a given national and local context;
- Identifying the level of professional expertise needed; and
- Calculating costs and evaluating available financial and other resources.

Good practices in migrants' labour market integration from selected OSCE participating States

Four case studies follow that contain different examples of policies and measures taken to help integrate migrants into the labour market.

GOOD PRACTICE 1

GERMANY: You are the key: Campaign to recruit minority youth into civil service training positions in Bremen

When city officials in Bremen investigated why so few minority youths were applying for the city's many training positions, they learned that this group had few contacts within the city workforce and that civil service jobs were rarely presented as an option. In 2009, the city launched a campaign titled "You are the key…to your future and your city" to recruit more minority youth into the civil service across a wide range of departments, including police, fire-fighters, law enforcement, judicial administration, financial management and general administration. The campaign uses stories, videos and testimonials to advertise career options using local "heroes" as role models to inspire and recruit young people into the city's vocational training programmes. To recruit from the target populations while maintaining the city's commitment to equality, campaign messages use an inclusive approach to reassure minority youth that they are "equal among equals". Clear, accessible information about entry-level positions on a cross-departmental website includes educational requirements, training opportunities and future pay. To make public service employment an attractive career option, the campaign uses a multi-pronged approach, including print and social media, career fairs and outreach to migrant organizations and school cafeterias. Recognizing the role of family in guiding their children's career choices, "You are the key" targets both young people and their families. Within the first year of the campaign, the number of minority youth applicants jumped from 19.6 per cent to 25 per cent. The campaign was also well received by city employees, who felt it strengthened the city's brand as an employer.

This good practice was contributed by Cities of Migration, a programme of the Global Diversity Exchange, Ryerson University (Toronto, Canada). For more information, visit: http://citiesofmigration.ca/good_idea/bremens-key-to-inclusive-hiring/.

Source: City of Bremen, "You are the key: Campaign to recruit minority youth into civil service training positions in Bremen, Germany", <http://www.ilo.org/dyn/migpractice/migmain.showPractice?p_lang=en&p_practice_id=166>.

GOOD PRACTICE 2

SPAIN: Developing financial education training material for migrant workers and their families

Knowledge of financial management is important to ensuring the overall economic welfare of migrants and to maximizing the social benefits that remittances provide a community. As part of the Spanish Government-funded project on "Good migration governance and its links to development", the ILO worked in West Africa (Senegal and Mauritania) to develop a series of financial education tools for migrant workers and their families. Based on studies of migrants' financial behaviour and needs, training manuals were produced both for migrant workers and trainers. The manuals were first developed in Senegal in 2011, and were later adapted to the Mauritanian context in collaboration with the ILO project on "Promoting productive employment and decent work of youth in Mauritania". Their content, which was inspired by training tools produced in Asia, was developed in a participatory manner involving government officials, banks and microfinance institutions, trade unions and diaspora associations. The manuals – which employ cartoons and exercises to convey key messages – cover the setting of financial objectives; sound budget management; financial products and services; financial institutions and funds transfers; and risk management. Following the production of the manuals, over 23 training of trainers (ToT) seminars were held in Africa and Europe (Spain, France and Italy), and over 3 000 migrant workers and their family members were trained by the end of 2013. ILO's project on "Improving the Governance of Labour Migration and the Protection of Migrant Workers' Rights in Tunisia, Morocco, Libya and Egypt" (IRAM) is currently in the process of developing similar training material for Tunisia and Morocco.

Source: International Labour Organization, "Developing financial education training material for migrant workers and their families", <http://www.ilo.org/dyn/migpractice/migmain. showPractice?p_lang=en&p_practice_id=144>.

GOOD PRACTICE 3

CZECH REPUBLIC: Information on access to the labour market and relevant conditions online

The Ministry of Labour and Social Affairs (MoLSA) of the Czech Republic runs an integrated multilingual (in seven languages) portal for international qualified professionals and national employers. The portal provides detailed information about conditions under which foreigners are permitted to work in the Czech Republic, and comprises different sections:

Foreign Employment Matters – Here you can find information and advice on the process of obtaining legal work permission for http://portal.mpsv.cz/sz/zahr_zam/zz_zamest_cizincu/zz_zamest_ciz and http://portal.mpsv.cz/sz/zahr_zam/zz_zamest_cizincu/zz_ziskavani in the Czech Republic.

European Job Mobility Portal – This section informs citizens from European Union and European Economic Area countries about http://portal.mpsv.cz/eures/prace_v_cr/zp_podr in the Czech Republic. The section provides access to the support of http://portal.mpsv.cz/eures/kontakty.

Employment Agencies – Provides support in searching for private employment agencies approved by the MoLSA.

Work for foreigners – This section contains job vacancies aimed at non-nationals where they can *search for vacancies* or *submit their CV*. Foreign job-seekers can search the same job vacancies database as Czech citizens, with adapted default search settings.

Download – This section contains different forms for non-nationals to download when undertaking employment procedures.

Source: Integration Portal of the Ministry of Labour and Social Affairs, <http://portal.mpsv.cz/sz>.

GOOD PRACTICE 4

SWEDEN: The "Support and Matching" service

"Support and Matching" is a service for those who need intensive and individually adapted support in a job search. The service is offered by private service providers contracted by Sweden's Public Employment Agency (*Arbetsförmedlingen*), and offers substantial help for jobseekers. Sweden's Public Employment Agency provides employment services to both jobseekers and employers, prioritizing those who are furthest removed from the labour market; migrants were one of the priority groups in 2017.

This support can include the necessary tools to conduct a job search and help in establishing contacts with employers. a person can choose the service provider that s/he would like to use. The aim of the "Support and Matching" service is to match employees and employers as quickly as possible.

The employment officer decides upon an individual's suitability for the "Support and Matching" scheme and the level of support that they require.

The service has four different levels:
- Basic support and matching:
- Basic support and matching with language support:
- Enhanced support and matching: and
- Enhanced support and matching with language support.

The service provides between 30 to 45 minutes of individual meetings and four hours of activities per week for a period of three months. The support can be delivered in Swedish or in a job-seeker's mother tongue, in another language that the person speaks well, or with the help of an interpreter.

In addition to "Support and Matching" services, the Swedish For Immigrants (SFI) programme is available at the municipal level. The instruction and course literature are free of charge. SFI is also available in a vocational training format, in which language courses are tailored to different occupations such as child care, retail workers or truck drivers.

Sources: https://www.arbetsformedlingen.se/Globalmeny/Other-languages/About-us.html, http://www.stockholm.se/ForskolaSkola/Vuxenutbildning/SFI---Utbildning-i-svenska-for-invandrare/Swedish-for-immigrants-/.

GOOD PRACTICE 5

Facilitating labour mobility in the Eurasian Economic Union

In 2015 the Eurasian Economic Union (Armenia, Belarus, Kazakhstan, Kyrgyzstan and the Russian Federation) introduced a new common labour migration regulatory framework to facilitate the labour market integration of its citizens.

According to the new changes, there is no restriction on the national labour markets of the EAEU member states and workers are no longer required to obtain work permits to enter employment. All work is regulated under employment contracts in accordance with national legislation.

Workers, and family members, are no longer required to register within 30 days of entry and their permission to stay is determined by the validity of the employment contract. They have the same social security entitlements (except pensions) as the nationals of the state where they are working, and medical care is provided by the State free of charge.

Source: Labor market and migration across the Eurasian continent (2016) http://pure.iiasa.ac.at/id/eprint/13964/1/Labor%20market%20and%20migration%20across%20the%20Eurasian%20continent.pdf

MIGRANT SELF-EMPLOYMENT, AND POTENTIAL BARRIERS AND MEASURES FACILITATING MIGRANT ENTREPRENEURSHIP

Migrant entrepreneurship: a success story

Rafael Dos Santos migrated from Brazil to the United Kingdom at the beginning of 2002. He was 21 years old and knew a little English, but wanted to become more fluent. At that point he could not have imagined he would be a successful entrepreneur in just a few years. In telling his story, he underscores that he succeeded not because he was more ambitious than other people, but because no one would give him the job he wanted.

Even though he felt that he was qualified enough to get a good job, he says employers did not recognize his qualifications. Before migrating, he had worked for Microsoft in Brazil and had a technical diploma in website development. But British candidates had experience in the United Kingdom and English as a first language. He was not able to compete with them in the tech industry there.

Although he couldn't find his dream job, he was able to work and earn money to pay his bills. He worked as a kitchen porter, a cleaner and a glass collector, and after some language classes, for a merchandising agency, spraying perfume at department stores and giving away food samples in supermarkets. These were all low-skilled jobs, but he was motivated to achieve something more.

One day he proposed to the landlord of the flat where he was living that he would find tenants to replace those who were leaving and would manage the rent on their behalf. There was a risk that he wouldn't be able to find enough tenants to occupy the rooms and meet the rent deadline each month. But somehow he managed and began to save money and invest it in renting more flats and houses. In 2005, he created a limited company, letting and managing rooms in flatshares. After ten years he had 50 houses, 15 employees and a turnover of £1.2 million.

When he started running his business in the United Kingdom he felt inadequate and out of place because of his accent. Thoughts like "I don't speak English well", "they won't understand me", "they will laugh at me because of the way I speak" occupied his mind all the time. He admits that "public speaking is a fear for many, but as a migrant you have added layers of fear". Language and cultural barriers are the first hurdles when starting a business in a foreign country. After 14 years of living in the United Kingdom, he realized that he has an advantage in speaking three languages, whereas many British people speak only English. But the other barriers still remain. With the aim of helping other migrants to overcome such barriers, he decided to sell the letting agency to a competitor and started a migrant entrepreneur support service.

Rafael Dos Santos became the founder and managing director of http://www.mi-hub.com/ – a co-working space where migrants are able to rent a desk, gain an office address and receive mentoring. He also runs the http://mi-events.com/. He advises migrants who want to start a business in the United Kingdom to first gain experience by working for an entrepreneur and learning how to run a business, and only then to start a business on their own. He also underscores that networking with people in the industry and building a list of contacts are essential to success.

Based on the real story reported in: https://www.theguardian.com/small-business-network/2016/mar/16/migrant-entrepreneur-language-cultural-business-networking

Reasons for promoting migrant entrepreneurship and self-employment include:

- Migrants are often more likely to run their own business than locals.
- Migrants create their "own" jobs: taking the initiative into their hands can give them a sense of empowerment and independence.
- Migrant entrepreneurship provides an income for people with a limited grasp of the state language and other receiving country norms.
- It provides an income for larger families involved in family businesses.
- Migrant entrepreneurship can include the participation of a number of highly-skilled professional migrants whose earnings might be high.
- It can provide opportunities for various people – including clients, officials and business partners – to interact.
- It provides goods and services that might not exist or be otherwise limited.
- It may generate additional employment.
- It can promote business co-operation with countries of origin and globally.

Types of policies and measures to support migrant entrepreneurship

There are two directions that policies and measures to support migrant entrepreneurship can take:

I. Migrant community oriented:

This policy direction focuses on developing skills, capacities and awareness of migrant entrepreneurs, and can include the following measures:

- Conducting needs assessments;
- Matching people and institutions;
- Providing individual support, such as mentoring, coaching and/or group trainings that:
  · Develop migrant entrepreneurs' business skills and knowledge; and
  · Include information on success stories, objectives, success indicators, developing ideas, mobilizing resources, financial literacy, business planning and management, and coping with risks
- Providing networking opportunities;
- Offering legal and regulatory advice;
- Creating feedback and consultation mechanisms;
- Developing language and culture competences; and
- Monitoring and assessing the impact of such measures.

II. Business institution oriented

This policy direction is aimed at making business institutions inclusive and "migrant-friendly", and can include the following measures:

- Liberalizing regulations and procedures;
- Establishing contact institutions and/or units;
- Providing training for business-related institutions;
- Conducting social campaigns to promote migrants' business activities;
- Promoting workplace diversity and diversity management;
- Providing access to finance; and
- Providing facilities.

Evaluating good practices in supporting migrant entrepreneurship: a study by the European Commission

This study gathers data and identifies good practices among initiatives to support migrant entrepreneurship in the European Union and beyond. It disseminates lessons learned from successful initiatives and encourages the replication of good practices. It also provides a self-assessment tool for service providers to assess their services and identify concrete ways to improve them. It enables policymakers to assess the current performance of migrant entrepreneurship support schemes and feed any lessons learned into the next round of decision-making.

Source: Evaluation and Analysis of Good Practices in Promoting and Supporting Migrant Entrepreneurship – Guide book, European Commission (Luxembourg: Publications Office of the European Union, 2016), <http://ec.europa.eu/DocsRoom/documents/18421>.

MODULE 5:
BACKGROUND RESOURCES

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- Organisation for Economic Co-operation and Development, "Migration", <http://www.oecd.org/migration>.
- OSCE, "Migration", <http://www.osce.org/migration>.
- OSCE, "Publications and Tools on Labour Migration Management", <http://www.osce.org/publications/migration>.

To support participating States with formulating labour migration policies and capacity building, the OSCE Office of the Co-ordinator of OSCE Economic and Environmental Activities (OCEEA), together with partner organizations, has produced a number of key tools and instruments.
- *Factsheet: Migration governance* (Vienna: OSCE, 2016), <https://www.osce.org/resources/factsheets/migration>.
- *Towards Evidence-based Migration Policy* (Vienna: OSCE, 2014), <https://www.osce.org/secretariat/133131>.
- *Training Modules on Labour Migration Management – Trainer's Manual* (Vienna: OSCE, 2012), <https://www.osce.org/eea/92572>.
- *Gender and Labour Migration Trainer's Manual* (Vienna: OSCE, 2012), <https://www.osce.org/eea/67967>.

- *Guide on Gender-Sensitive Labour Migration Policies* (Vienna: OSCE, 2009) <https://www.osce.org/secretariat/37228?download=true>.
- *Report: Strengthening Migration Governance* (Vienna: OSCE, 2009), <https://www.osce.org/eea/72021>.
- *Handbook on Establishing Effective Labour Migration Policies, Mediterranean edition* (Vienna: OSCE, 2007), <https://www.osce.org/eea/29630>.
- *Handbook on Establishing Effective Labour Migration Policies in Countries of Origin and Destination* (Vienna: OSCE 2006), <https://www.osce.org/eea/19242>.

MODULE 6: MIGRANTS' ACCESS TO HOUSING AND SOCIAL SERVICES

ADEQUATE HOUSING AS A COMPONENT OF THE RIGHT TO AN ADEQUATE STANDARD OF LIVING, AND THE RIGHT TO NON-DISCRIMINATION

What is the right to an adequate standard of living?

The right to an adequate standard of living is defined and discussed in several instruments of international law. It is defined as the meeting of basic subsistence needs. The actual form that those rights take will depend on the country context and the prevailing conditions in that country.

What does the right to an adequate standard of living mean?

- It means that everyone shall enjoy the necessary subsistence rights: adequate food and nutrition, clothing, housing and the necessary conditions of care when required.
- In material terms, an adequate standard of living implies living above the poverty line of the society concerned, that is, the ability to buy a minimum standard of nutrition and ability to meet the cost of participating in the everyday life of society.
- "Adequate' is context specific – it will be determined by prevailing social, economic, cultural, climatic, ecological and other conditions.

The key references to the right to an adequate standard of living are contained in the following international law provisions including:

Article 25(1) of the Universal Declaration of Human Rights (UDHR):

> "Everyone has the right to a standard of living adequate for the health and well-being of himself and his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control."

Article 11(1) of the United Nations International Covenant on Economic, Social, Cultural Rights (ICESCR):

> "The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent."

The right is protected and referred to in other international human rights treaties that protect groups such as children, persons with disabilities and women.

Protection of the right to housing

The right to an adequate standard of living encompasses a right to adequate housing. Access to secure housing and land is seen as a prerequisite for human dignity.

There are specific and explicit protections of the right to housing in international law, including in Article 25(1) of the UDHR and Article 11 of the ICESCR (see above).

The United Nations Committee on Economic, Social and Cultural Rights (UNCESCR) is an international body of 18 independent experts that monitors the implementation of the ICESCR,

which explicitly protects the right to housing. The Committee also provides guidelines on the scope and application of these economic, social and cultural rights.

In particular, the Committee has recognised that the human right to adequate housing is central to the enjoyment of all economic, social and cultural rights.[91]

The following international human rights instruments also explicitly protect the right to housing: Article 43 of the International Convention on the Protection of the Rights of All Migrant Workers and Their Families (ICRMW); Article 27 of the Convention on the Rights of the Child (CRC); Article 14 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); Article 5 of the International Convention on the Elimination of all forms of Racial Discrimination (CERD); and Article 28 of the Convention on the Rights of Persons with Disabilities (CRPD).

In particular, Article 13 of CEDAW states:

> "States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:
> (a) The right to family benefits;
> (b) The right to bank loans, mortgages and other forms of financial credit;
> (c) The right to participate in recreational activities, sports and all aspects of cultural life."

In addition, Article 14 of CEDAW explicitly recognizes the particular difficulties faced by women in rural areas, and binds State Parties to ensure women in these areas enjoy adequate living conditions, particularly in relation to housing.

There are various provisions that enhance protections of the right to housing for OSCE participating States that are also members of the European Union and/or the Council of Europe. These include:

- Article 34(3) of the Charter of Fundamental Rights of the European Union, which recognizes the right to social and housing assistance.
- Article 31 of the European Social Charter, which protects the right to housing.
- Article 8 of the European Convention on Human Rights, which provides for the right to respect for one's "private and family life, his home and his correspondence", subject to certain restrictions that are "in accordance with law" and "necessary in a democratic society".

OSCE participating States may incorporate protections of the right to housing into domestic legislation. The right is protected in the constitutions of 81 countries around the world and is protected in domestic legislation in several others.

What does the right to housing protect?

The UNCESCR holds that there should be no narrow or restrictive interpretation of the right, which it refers to as the "right to live somewhere in security, peace and dignity".

The ICESCR sets out the obligation on states to develop housing policies that support the progressive realization of the right to adequate housing for all and that address all forms of discrimination. Accordingly, states are obliged to implement measures that are sufficient to

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91 *Ibid.*

realize the right to housing for every person in the shortest possible time and with the maximum available resources.

The UNCESCR recognizes the following seven positive characteristics of the right to housing:

- **Legal security of tenure**: To incorporate a system of property rights that accounts for the various forms of tenure, including rental (public and private) accommodation, co-operative housing, leasing, owneroccupation, emergency housing and informal settlements. All persons should possess a degree of security of tenure that guarantees legal protection against forced eviction, harassment and other threats.
- **Availability of services, materials, facilities and infrastructur***e*: To be adequate and accessible, housing must contain certain facilities, including sustainable access to natural and common resources, safe drinking water, energy for cooking, heating and lighting, sanitation and washing facilities, means of food storage, refuse disposal, site drainage and emergency services.
- **Affordability**: Personal or household financial costs associated with housing should be at such a level that the attainment and satisfaction of other basic needs are not threatened or compromised. The percentage of housingrelated costs should, in general, be commensurate with income levels. ICESCR States parties are expected to establish housing subsidies for those unable to obtain affordable housing, forms and levels of housing finance that adequately reflect housing needs, and protection against unreasonable rent levels or rent increases.
- **Habitability**: Adequate housing must be habitable, with adequate space and protection from cold, damp, heat, rain, wind or other threats to health, structural hazards and disease vectors. The physical safety of occupants must also be guaranteed.
- **Accessibility**: Adequate housing must be accessible to those entitled to it. The UNCESCR explicitly mentions the full and sustainable access to adequate housing of disadvantaged groups. In particular, housing law and policy should take fully into account the special housing needs of disadvantaged groups. Discernible governmental obligations need to be developed aiming to substantiate the right of all to a secure place to live in peace and dignity, including access to land as an entitlement.
- **Location**: Adequate housing must be in a location that allows access to employment options, healthcare services, schools, childcare centres and other social facilities, both in large cities and in rural areas. Housing should not be built on polluted sites or in immediate proximity to pollution sources that threaten the right to health of the inhabitants.
- **Cultural adequacy**: The way housing is constructed, the building materials used and the policies supporting these must appropriately enable the expression of cultural identity and diversity of housing.

These characteristics, specifically the need for cultural adequacy, affordability and security of tenure, are particularly relevant to migrants. Challenges in realizing the right to housing will differ for men and women, and women are likely to encounter particular difficulties in accessing the right to adequate housing, including land ownership and security of tenure, equality in access to land and tenure, access to credit and finance, inheritance rights and protection from domestic and other gender-based violence.

The right to non-discrimination and housing

The general principle of equality and non-discrimination is a fundamental element of international human rights law.

This protection is clearly articulated in Article 1 of the UDHR:

"All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood."

The international human rights legal framework contains international instruments to combat specific forms of discrimination, including discrimination against indigenous peoples, migrants, minorities, people with disabilities, discrimination against women, racial and religious discrimination, and discrimination based on sexual orientation and gender identity.

International law in relation to economic, social and cultural rights includes a prohibition on discrimination of any kind with regard to access to adequate food, clothing and housing on the grounds of race, colour, sex, language, age, religion, political, or other opinion, national or social origin, property, birth or other status, where the effect is to nullify or impair the equal enjoyment or exercise of the right.

The UNCESCR holds that the right to adequate housing cannot be viewed in isolation from other human rights, in particular the concept of human dignity and the principle of nondiscrimination.

There are various provisions that enhance protections to migrants residing in OSCE participating States that are also members of the European Union. These protections include:

- Article 2 of the Treaty of the European Union sets out the core principle of non-discrimination stating: "The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail."
- European Union Directive 2000/43 (the Racial Equality Directive) prohibits discrimination on the ground of racial or ethnic origin in a broad range of fields including employment, social protection and public goods and services, including housing.
- The Charter of Fundamental Rights of the European Union enshrines the concepts of equality and non-discrimination.
- The European Union's Common Basic Principles for Immigrant Integration Policy oblige member states to ensure non-discriminatory access for migrants to institutions, underscoring that this is critical for integration.

Forms of discrimination

Discrimination takes various forms, and can be overt and easily recognizable as well as subtle and complex. The forms are generally categorized as follows:

- *Direct discrimination:* Where a minority person or household is subject to disadvantaged treatment compared to that of the citizens of a country.
- *Indirect discrimination*: Where regular or normal housing practices, requirements or conditions adversely impact minority households.
- *Structural discrimination*: Structural discrimination refers to rules, norms, attitudes and behaviour in institutions and other societal structures that represent obstacles to certain people achieving the same rights and opportunities that are available to the majority of the population. In relation to housing, this occurs where a disadvantage in some aspect of material conditions or policies adversely impact migrant groups' housing choices and opportunities.

It should be noted that women in all groups are especially vulnerable to discrimination, given the extent of statutory and other forms of discrimination that often apply to property rights (including home ownership), or rights of access to property or accommodation, as well as their particular vulnerability to acts of violence and sexual abuse. Such vulnerability is heightened when migrant women are rendered homeless.

Examples of discrimination in relation to housing are discussed below.

PRIVATE HOUSING AND VARIOUS FORMS OF PUBLIC HOUSING

Private housing

Private housing covers various forms of tenure, including home ownership, which in legal terms is a freehold tenure form of legal ownership. The formality and security of land tenure may vary depending on the specific socio-economic and political context, but home ownership is generally perceived as the most secure form of housing.

Home ownership may require the owner to access financing by way of a mortgage. Research indicates that migrants have a lower share of home ownership than nationals of the country and have difficulties accessing finance.

Private housing also includes more limited forms of tenure, including leasehold or rental through the private rental market. Research indicates this is migrants' main type of housing.

State social assistance may be available to support low-income or qualified persons and households. a government welfare payment or allowance may be available that covers the cost of or subsidises rental payments to a private landlord.

Public housing

Public housing refers to housing provided by the state, usually through local government social housing schemes.

Public housing includes transitional or emergency housing, which may be provided to individuals or households who are homeless or to newly arrived migrants. Such housing may be provided in shelters, hostels or hotels that are leased or owned by the state.

Public housing includes social housing, which is state-owned housing that is usually allocated to individuals and households deemed eligible. Eligibility assessments generally take account of the income of the individual or household, and their level of need. Social housing is often provided by voluntary associations in collaboration with local government.

DISCRIMINATION IN THE ALLOCATION OF HOUSING AND DURING THE OCCUPATION OF HOUSING

Access to adequate housing has been recognized as a key indicator of integration by the Organisation for Economic Co-operation and Development (OECD). Migrants, on grounds of their race or ethnic origin, face disproportionate housing exclusion. Research has shown a widespread incidence of unfair and discriminatory practices affecting housing markets, social rented housing allocation and access to finance or other support.

Migrant vulnerability to housing exclusion

Migrants are particularly vulnerable to housing exclusion and may be impacted negatively by the following factors:

- Migrants are disproportionately dependent on the private rental market, which is less secure and more expensive than public housing.
- Migrants face greater obstacles accessing public housing or housing benefits and specific restrictions may prevent migrants from being eligible for state housing support, including social housing provision and waiting lists.
- Migrants are more likely to be living in substandard, overcrowded and poorly connected accommodation.
- Migrants experience high levels of homelessness, including hidden homelessness.
- Migrants generally have limited economic resources and poor access to finance, which limits their housing options.
- Migrants are more likely to be uninformed of their rights and have difficulty pursuing any redress due to language and related barriers.
- Images and perceptions of minority groups' housing conditions and neighbourhoods, and their perceived links with crime and violence, may create hostility and further forms of exclusion.

Access to adequate housing not only cuts across ethnic lines, but also across class and gender. Migrants may be exposed to several forms of discrimination, including socio-economic and gender discrimination.

Migrant women, in particular, are susceptible to intersectional discrimination, that is, discrimination on the basis of their gender and their migrant status, among other characteristics. Migrant women are likely to encounter gender discrimination in laws, customs and practice related to housing, such as discriminatory practices with respect to property and inheritance. Meanwhile, ethnic segregation is a particular problem in relation to housing. Research has shown that ethnic minority groups are often highly concentrated in metropolitan regions, especially in poorer parts of the social housing sector. There is significant risk of marginalization and stigmatization arising from such segregation. Therefore, when applying quota schemes, particular attention and consideration should be given to how social housing is allocated, with the aim of reducing the risk of marginalization and stigmatization of migrants and specific ethnic minority groups, such as Roma and Sinti, and in order to prevent discrimination.

DISCRIMINATION IN THE ALLOCATION OF HOUSING

As noted above, there are three broad categories of discrimination that manifest in a variety of ways.

Examples of discrimination in migrant access to adequate private housing include:

- Access: The landlord's refusal to accept a migrant as a tenant, or the exclusion by a landlord of migrants citing reasons other than their migrant status.
- Financial: The imposition of additional financial and/or administrative conditions on a prospective migrant tenant that make private rental inaccessible or unaffordable. These have been described as "discriminatory surcharges".
- Standards: The provision of substandard rental accommodation to migrants, thereby exploiting their precarious financial and legal position and their likely limited knowledge of or capacity to pursue any remedies to improve those conditions. Overcrowding also poses a major difficulty.

There can be several barriers to migrants accessing social housing, including in relation to the following:

- *Difficulties in completing a social housing application*: a complete application for social housing may oblige the applicant to provide various official documentation that may not be readily accessible or available to a migrant. The need for official translations of the required documentation may compound these difficulties.
- *Residency requirements*: Generally, to be eligible for inclusion on a social housing list, an applicant must satisfy a residency requirement, that is, have resided in a specific locality for a defined period. Migrants often do not have the sufficient prior residence, or are not in a position to show a connection to a particular area through family or other links, potentially rendering them ineligible for social housing.
- *Time on social housing list*: Priority for social housing is often afforded to applicants who have spent time on the waiting list. Migrants may not be able to get on the social housing list for a considerable period due to residency requirements, and are therefore exposed to longer waiting periods.
- *Prioritization on a social housing list*: Individual migrants or households may have particular vulnerabilities that qualify them for prioritization on the social housing list. However, those without any specific vulnerability are likely to spend a considerable number of years on the waiting list, during which time their housing situation may be precarious. Such instability does not assist with migrants' integration. Priority systems generally fail to recognize the benefit of providing adequate housing to migrants at an early stage to support early integration.
- *Application of a quota policy*: The local authority may apply a quota policy to ensure a mix of applicants from differing social backgrounds are given social housing, such that the proportion of migrants or particular ethnic groups in particular areas of social housing is controlled. This approach is often taken in relation to renewal or regeneration projects. Such a policy may delay the allocation of housing to migrants.
- *Differential provision of homeless or emergency accommodation*: Migrants may not have access to the provision of homeless or emergency accommodation, or may only have access to the substandard or inconsistent provision of such accommodation.

In general, structural challenges that disproportionately affect migrants relate to the availability of finance, as well as broader socio-economic deprivation.

ADDRESSING DISCRIMINATION IN PUBLIC HOUSING

There is much variation in national legal frameworks and public policy responses to discrimination in public housing, as well as a multitude of different social and cultural contexts. As such, policies and approaches must be tailored to the specific national context.

Approach to policy-making

There are several ways in which discrimination and/or harassment in relation to housing can be addressed. It is essential, however, that any strategy is properly informed by reliable data, takes a consultative and participatory approach and sets out clear targets and measurable goals. Given that integration is a two-way process, good practice on migrant integration through housing requires effective communication and interaction between politicians, policymakers, housing practitioners and migrants. a housing strategy should include specific participatory mechanisms to oversee the strategy's implementation, with special attention paid to ensure the participation of vulnerable groups.

It is important to consider what measures are feasible and practicable in different political and cultural settings.

Examples of approaches and measures to address discrimination

Measures to address discrimination against migrants in the allocation of housing and the harassment of migrants during occupancy may be applied at different levels and by various actors, and can include top-down strategies and grass-roots approaches. Some examples of such measures are set out below.

- *Legal or regulatory*:
  - A clear national legal framework that protects the right to housing and the right to non-discrimination in the access to and during occupancy of private and public housing.;
  - Appropriate enforcement mechanisms provided for in legislation, with sufficient penalties, so that enforcement mechanisms are effective deterrents against discrimination in relation to housing;
  - Powers of regulation provided for in the legal framework, and the effective monitoring of the effectiveness of the legal framework;
  - The creation and sufficient financing of an independent regulatory body to monitor and assist in enforcing the legal framework, for example, through the office of the ombudsman, a quasi-judicial tribunal or an appeals body; and
  - Regional co-operation and the formation of regional pacts or declarations to reinforce national legislative commitments to counter discrimination.

- *Government strategy and policy:*
  - Institutional arrangements within government to carry forward policies, such as the creation of a specific government department of integration with a mandate to promote and co-ordinate policy responses across government departments;
  - The preparation of and commitment to a "diversity, equality and inclusion charter" for use across government departments and statutory public bodies, including local government, involved in housing provision and policy implementation;
  - The preparation and dissemination of practical toolkits and codes of practice for use in government departments and statutory bodies involved in migrant integration and housing provision;
  - The training of government and local government staff on the right to non-discrimination and integration, including in relation to housing provision.
  - The creation of migrant policy forums or networks where policymakers can consult with migrants and organizations representing migrants;
  - The decentralization of resources to local government departments responsible for providing migrants with housing, so as to match any devolution of responsibilities from central government related to integration; and
  - Equality-testing of integration and related policies, including those relating to poverty reduction, gender equality and other areas that may intersect with housing.

- *Specific housing projects focused on the provision of housing and improved access*:
  - The provision of multi-lingual information services at the earliest stage of a migrant's integration journey;
  - Campaigns and awareness-raising activities to challenge discriminatory practice and draw attention to the available conditions, rights and opportunities to combat discrimination in relation to housing;
  - Mentoring schemes for newly arrived migrants to assist with their integration and access to appropriate and adequate housing;

- Measures to enhance access to home ownership, including private finance initiatives, affordable housing schemes and measures to prevent housing speculation, for example;
- Measures to address the specificities of homelessness among migrants
- Improving access to rent subsidies and housing allowances for migrants to ensure their provision on a non-discriminatory basis;
- The reduction of discriminatory barriers to equality of access or choice in social housing, including eliminating negative eligibility criteria, so that migrants can access social housing lists;
- The reviewing and re-drafting of prioritization criteria for social housing to expressly promote migrant integration through adequate housing provision;
- The provision of adequate and culturally appropriate short-term or emergency accommodation to migrants, with access to intensive move-on supports and links to other activities that enhance early integration; and
- Expanding social housing provision to include the development of culturally sensitive housing schemes reflecting the distinctive needs of varying migrant groups; the use of renewal or regeneration schemes, mindful of the risk of segregation or marginalization, with a focus on strengthening freedom of choice in migrants' access to adequate housing.

- *Remedies and redress*:
  - The provision of mediation, arbitration or conflict resolution services;
  - Ensuring the availability of intercultural facilitators and accessible interpretation services;
  - Developing an accessible, transparent and fair complaints system that follows a codified procedure; and
  - Enhanced links with other relevant persons/bodies, for example the police, residents' groups, health services, local community groups and social services.

ROLE AND PLACE OF SOCIAL SERVICES IN MIGRANT INTEGRATION

Social services can promote migrants' social inclusion by protecting their social rights, including access to employment, the provision of social security, the protection of the family, providing for adequate living standards, protecting physical and mental health, and ensuring access to education and training, including language classes. An approach that promotes social inclusion will contribute to combating discrimination and harassment, including racial harassment.

Migrants face multidimensional challenges in their integration, with difficulties in accessing adequate housing being just one aspect. An effective integration response must take into consideration the range of needs and types of support that migrants require. Given the particular challenges facing migrant women in accessing adequate housing and social services, a gender-sensitive approach is essential.

Social services are provided by a range of bodies and may include social security, healthcare, childcare, education and training, employment support and community activities. Migrants may face a range of challenges in accessing such services, and their access is often restricted by an inability to meet eligibility criteria as a result of their legal status.

Migrant access to social security

Migrants may be eligible to receive financial support from the state in the form of social security payments. Such payments may be contributory benefits, for which applicants need to have paid tax contributions through employment or self-employment; or non-contributory, meaning that

they are generally accessible but subject to eligibility criteria. a means test, or an assessment of income, usually forms part of the eligibility criteria.

In recent years, there has been a considerable amount of debate in media and political discourse in relation to migrants' use or reliance on social security as compared to the mainstream population. There is no definitive evidence, however, to show that migrants rely disproportionately on social security, and there are substantial variations between countries. What is apparent, however, is that migrants are at greater risk of poverty and social exclusion.

Migrant women are at particular risk of social exclusion, which in turn heightens their vulnerability. a lack of stable housing, the experience of poverty and the absence of social support systems and services put migrant women at increased risk of gender-based violence, including domestic violence, forced sex and transactional sex. It is clear that access to stable housing and social support shortly after arriving in the state reduces migrant women's vulnerability, particularly to gender-based violence.

Migrants face several obstacles in accessing social security. Eligibility rules may directly or indirectly prevent migrants from taking up different types of social security. The following eligibility requirements and processes may negatively impact migrants' access to social security:

- *Minimum residence periods*: Evidence of legal residence (in the form of a valid residence permit) and evidence of the applicant's physical presence in the country is a common eligibility condition for most social security benefits. Migrants may be required to provide evidence of their status as a long-term rather than a fixed-term resident. Absence from the country for long periods or a lack of residence permit may render an applicant ineligible, or lead to the suspension of a benefit.

- *Minimum employment periods*: States may require minimum employment periods for social security applicants, particularly for access to non-contributory benefits.

- *Assessment of applicant's link to the state*: Migrants may be required to prove that they have an established link to the state and an intention to remain in the state in the long term. Certain OSCE participating States have introduced a 'habitual residence test', this considers the length of their residence in the state, the length and purpose of any absence from the state, the nature and pattern of employment, the main centre of interest and future intentions in relation to residence.

- *Discretionary criteria:* Relevant legislation or rules that set out eligibility criteria may allow for an element of discretion to be exercised by the decision maker, so as to allow rules to be applied with some flexibility. Decision makers may be able to waive certain criteria and take into account additional circumstances outside those circumscribed in the rules. While such discretionary provisions may assist migrants as they allow for flexibility and individual consideration of all circumstances, there is a risk of inconsistency in decision-making and of a lack of clarity in how the rules apply.

- *Administrative processes*: Social security systems often evolve separately to immigration procedures and have complex administrative rules and application procedures, which can be unfamiliar and challenging for migrants to navigate.

Applicants for social security payments are likely to have to satisfy a means assessment, which will entail a consideration of the applicant's finances. Relevant considerations in any such assessment will include: personal and/or family income, ownership of property in the state or abroad, health status, employment status, educational status, intention or willingness to work

and any other relevant personal circumstances. Migrants may face difficulties in providing the required documentary evidence, particularly if it must be obtained from their country of origin. In some instances, the documentary evidence requested may not exist in the country of origin in the required format, presenting further difficulties for migrants.

Accessing social security may adversely impact on a migrant's current or future legal status. In several countries, claiming certain social security benefits may adversely impact on a future application for residence permit renewal, naturalization and family reunification. This can deter migrants from accessing social security that they may be entitled to, and puts them at further risk of poverty and social exclusion.

Improving migrants' access to the social security system can facilitate their regular and effective residence. Meanwhile, economic migrants who are integrated into the labour market can contribute effectively to the social security system.

Migrant access to healthcare and other services

Social security systems may include a wide range of healthcare benefits, including primary and secondary care, preventive care, maternity services, dental treatment, medicine and medical equipment.

Access to such services by migrants is likely to depend on fulfilling specific eligibility criteria, and their legal status will be a relevant consideration. Eligibility criteria for accessing healthcare are generally less restrictive as compared to criteria applied to social security access. However, there are certain restrictions that are likely to present obstacles for migrants.

Migrants with fixed-term or limited permission to reside may face particular difficulties in accessing appropriate healthcare. Migrants are often obliged to cover the cost of private medical insurance in order to receive an entry visa or residence permit, which constitutes a financial burden. Migrants may face the imposition of surcharges when accessing healthcare in-country. It may be a requirement that any charges are paid in advance, which can further restrict access.

While migrants may face legal barriers to accessing healthcare, there may also be cultural and language barriers to accessing appropriate care. Health issues may be highly sensitive. In addition, migrant populations may present with specific health needs and the availability of specialist services may be limited.

While access to social security and healthcare are key to facilitating migrants' integration, there are several other services that are also critical. Integration will be enhanced where migrants are able to access appropriate language classes and other training and educational opportunities to equip them to enter the labour market, to engage actively with the community and to effectively access other social services. Support to enter the labour market and/or maintain and progress in their employment is also key.

Access to affordable childcare presents a challenge to mainstream populations, but is a particular challenge to migrants, who are disproportionately affected by poverty. a lack of affordable and accessible childcare risks increasing the social isolation and vulnerability of migrant women, in particular.

On a broader level, community events, groups and activities can also enhance the two-way integration process and increase interaction between migrants and the mainstream population.

The issue of health protection for migrants is dealt in greater detail in Module 9 of this manual.

Overcoming challenges to migrant access to social services

Social services face several challenges in providing such support to migrants. While the central government may be focused on immigration control at a policy level, social services meet the need on the ground and are often the interface between the state and the migrant.

Challenges facing local service providers, particularly social security offices, include: a lack of or limited resources; the absence of experienced and trained staff; the absence of a commitment to or understanding of migrant integration in relation to the provision of services; diverse migrant populations with varying needs; a lack of cultural awareness and understanding; a formulaic and inflexible processes; and complex and time-consuming administrative procedures.

The following approaches may ensure that social services are equipped to support the integration of migrants and improve their access to social services:

- The provision of guidelines, circulars and regulations to assist decision makers in relation to migrants' social security applications, particularly when exercising discretionary powers;
- Training and support for staff, including online resources that are up-to-date and accessible; training to enhance communication skills to ensure communication is culturally appropriate and effective;
- Translation and interpretation services to assist with service provision and practical challenges such as form completion, the translation of official documents and the recognition of professional qualifications and skills;
- Ensuring the availability of application forms in multiple languages and/or accepting forms completed in other languages; information brochures and websites can also be made available in several languages;
- The provision of interpreters, and linguistic and cultural mediators to assist migrants through complex application processes and to support their access to social services;
- The provision of specialist services to meet the needs of vulnerable and minority groups among migrants, in particular those with physical or mental health difficulties, victims of domestic violence, victims of trafficking, unaccompanied and separated children, individuals with a disability and those with literacy issues;
- Strategically locating advice centres and/or the use of outreach clinics in the community to improve the accessibility and visibility of this services; the provision of "one-stop shops" where information and processing in relation to all social services are available;
- Good co-ordination with non-governmental organizations and related services, including educational establishments, childcare facilities and healthcare facilities; and
- Safeguarding confidentiality, particularly with respect of healthcare provision, and applying clear guidelines to ensure adherence to and the proper protection of sensitive personal information and data.

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MODULE 7:
PREVENTING AND ADDRESSING RACISM, XENOPHOBIA, DISCRIMINATION AND HATE CRIME AGAINST MIGRANTS

RACISM, XENOPHOBIA AND DISCRIMINATION

Definitions

Whereas racism usually entails a distinction based on physical characteristics (phenotypes), xenophobia is based on the idea that the other is foreign to or originates from outside the community or nation. These forms of intolerance are often manifested in discrimination and discriminatory practices.

A stereotype is an attitude or belief about a person or persons based on traits or characteristics they have or groups they belong to. Stereotypes affect all of us; some of the most common stereotypes, for example, are based on gender.

Labelling is part of stereotyping and refers to the mental processes whereby people ascribe labels to others without any or little information of that person or group

Racism and xenophobia are often premised upon stereotypes that people hold or perceive of a particular group. These assumptions, based on external signifiers, tend to make people draw conclusions or generalizations that in many cases are wrong and broad oversimplifications.

Legal standards

There are a number of core international standards relating to racism and xenophobia. Since 1945,[92] international human rights law has progressively developed into a comprehensive corpus of legal standards that compels states to transpose and implement these standards into their respective domestic legal frameworks.[93] The **Convention for the Elimination of all forms of Racial Discrimination** (CERD) was established in 1965 and was especially developed to combat racism and xenophobia and to advance the principles of equality and tolerance. These principles were further enhanced in Article 26 of the **International Covenant Civil and Political Rights** (1966).[94] Although CERD largely repeats the discrimination provisions of the covenants, its importance lies in states' recognition that discrimination needed to be addressed as a specific issue. By developing a comprehensive realm of jurisprudence on discrimination, states were provided with a stronger legal mechanism to combat racism, discrimination and xenophobia.

These United Nations conventions combating discrimination are further augmented by regional legislation and conventions, including:

* Article 14 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (1950).
* Article 24 of the American Convention on Human Rights (1969).
* The European Union Directive on Racial Equality (EC/2000/43).

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92 This began with the Charter of the United Nations in 1945 and, more specifically, with the Universal Declaration on Human Rights in 1948.

93 OHCHR, *The Core International Human Rights Treaties* op.cit.

94 Weiwei op.cit.

The Universal Declaration of Human Rights (UDHR) recognizes "the inherent dignity and of the equal and inalienable rights of all members of the human family"; and underscores that:

> "Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."

The International Covenant on Civil and Political Rights (ICCPR) obligates states to investigate violence committed against individuals and to discharge these duties without discrimination.

Article 2 of the ICCPR echoes the same principle of equality contained in the UDHR:

> "Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."

Article 26 requires equality before the law, equal protection of the law and protection from discrimination:

> "All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."

The Convention on the Elimination of all Forms of Discrimination (CERD) represents the international standard for combating discrimination, and in Article 4(a) includes an obligation on states to punish racist violence by declaring:

> "an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof".

The CERD also uses a broad interpretation of the concept of "race" as referring to groups of people considered distinct due to physical characteristics such as skin colour. Many people are unaware that "race" is a social construct, and has no basis as a scientific concept. For that reason, the use of the term "race" remains prevalent, and is used in international and national legal texts.

Where there is no definition of race at the national level, it can be useful to refer to the definitions and explanations provided in international and regional instruments, such as CERD.

Article 1 of CERD defines the related term, "racial discrimination", as follows:

> "[T]he term 'racial discrimination' shall mean any distinction, exclusion, restriction, or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life."

MANIFESTATIONS OF RACISM AND XENOPHOBIA AFFECTING MIGRANTS

Racism and xenophobia can be manifest in several ways. These range from verbal discriminatory insults and comments (hate speech) to the physical targeting of migrants and their communities (discrimination and hate crimes). These manifestations have serious adverse impacts on those targeted by such actions, and can undermine their dignity and quality of life.

DEFINITIONS

- **Intersectionality** is the interconnected nature of social categorizations such as race, class, sexual identity and gender as they apply to a given individual or group, regarded as creating overlapping and interdependent systems of discrimination or disadvantage.
- **Discrimination** refers to "a different treatment to others in a similar position or situation because of a person's attribute or belonging to a certain categorization or social group" This can be a person's race, nationality, religion, sexuality, gender or skin colour, etc. Discrimination can be direct or indirect.
- **Direct discrimination** occurs when one person is treated less favourably that another is has been or would be traded in a comparable situation.
- **Indirect Discrimination** occurs when an apparently neutral provision, criterion or practice places persons of a particular group at a particular disadvantage compared with others, unless that provision, criterion or practice is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary.
- **Institutional Discrimination** refers to the unjust and discriminatory treatment of an individual or group of individuals by society and its institutions as a whole, through intentional or unintentional, unequal selection, targeting or bias.
- **Racial and ethnic profiling** are examples of institutionalized discrimination and refer to the act of targeting a person of a certain group based on a subjective belief or stereotype about their race, ethnicity, nationality and/or religion rather than objective facts, evidence or individual suspicion.

> **Profiling and results**
>
> The Open Society Foundation (OSF) has conducted a number of projects and surveys on ethnic and racial profiling.[95] Their findings show that people from "visible minorities feel that they are being singled out by the police not because of something they have done, but because of the way they look: singled out to be stopped, or checked, or searched. This is ethnic profiling."[96] In addition to perpetuating racist approaches, the OSF research concluded that this was an inefficient policing strategy to combat crime.
>
> *Source:* Open Society Foundations (OSF), "Ethnic Profiling in Europe",
> <https://www.opensocietyfoundations.org/projects/ethnic-profiling-europe>.

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95 OSF, "Ethnic Profiling in Europe" op.cit.
96 OSF, "Equality Under Pressure", op.cit.

HATE CRIMES

All OSCE participating States have laws that can be used to combat hate crimes. Indeed, many do not have a specific corpus of laws described as "hate crimes". However, there are articles in every legal framework that prohibit and punish acts of violence and aggression against persons and properties based on their race, ethnicity, nationality, language, religion and other criteria. Whenever these acts occur, the law considers them to be "aggravated" and therefore, penalties are enhanced to reflect the particular egregiousness of these crimes.

DEFINITIONS

Hate crimes always comprise two elements: a criminal offence committed with a bias motive.

A **hate incident** is any non-crime perceived by the victim or any other person, as being motivated by prejudice or hate.

The first element of a hate crime is that the act committed is a crime according to applicable legislation (such as assault or damage to property). Hate crimes always require a base offence to have occurred. If there is no underlying crime, there is no hate crime.

The second element of a hate crime is that the perpetrator must commit the criminal act with a particular motive, referred to as "bias". It is this element of bias motivation that differentiates hate crimes from ordinary crimes. This means that the perpetrator intentionally chose the target of the crime because of some protected characteristic.

The target may be one or more people, or it may be the property associated with a group that shares a particular characteristic. The perpetrator may target the victim because of an actual or even perceived affiliation with the group. For example, a perpetrator may attack someone because the victim is a migrant. If the victim is not a migrant, the attack can still be prosecuted as a hate crime because the perpetrator selected their victim because of their perceived migration status.

Hate crimes can include murder, an act of intimidation, threats, property damage, assault or any other criminal offence.

A **protected characteristic** is a fundamental or core characteristic shared by a group, such as "race", religion, ethnicity, nationality, culture, language, physical or mental disability or sexual orientation.

The perpetrator chose the **target** of the crime based on one or more **protected characteristics**.

The **target** may be a person, people or property associated with a group that shares a protected characteristic.

Bias indicators are "Objective facts, circumstances, or patterns attending a criminal act(s), which, standing alone or in conjunction with other facts or circumstances, suggest that the offender's actions were motivated, in whole or in part, by any form of bias."[97]

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97 *Hate Crime Data-Collection and Monitoring Mechanisms* (Warsaw: OSCE/ODIHR, 2014), page 15, <https://www.osce.org/odihr/datacollectionguide?download=true>.

Hate versus bias: a hate crime does not require that the perpetrator feels hate. Instead, it requires only that the crime is committed out of bias motivation. Bias means that a person holds prejudiced ideas about a group. Since hate crimes are committed because of what the targeted person, people or property represent, the perpetrator may have no feelings at all about an individual victim.

Hate speech is speech that attacks a person or group on the basis of attributes such as race, religion, ethnic origin, national origin, gender, disability, sexual orientation or gender identity.

The law of some countries describes hate speech as speech, gesture or conduct, writing or display that incites violence or prejudicial action against a protected group or individual on the basis of their membership of the group, or that disparages or intimidates a protected group or individual on the basis of their membership of the group. The law may identify a protected group by certain characteristics.

In some participating States, hate speech is not a legal term. Moreover, in some countries, including the United States, some forms of hate speech are constitutionally protected.

In some participating States, a victim of hate speech may seek redress under civil law, criminal law or both. a website that contains hate speech (online hate speech) may be called a hate site. Many of these sites contain Internet forums and news briefs that emphasize a particular viewpoint.

There has been much debate over freedom of speech, hate speech and hate speech legislation.

What makes hate crimes different from other crimes?

It is widely accepted that hate crimes and hate speech are the most serious manifestations of intolerance and xenophobia. The specific, interlocking aspects of these phenomena represent a wider danger to society and require particularly robust responses. The OSCE has committed resources and efforts to this endeavour precisely because hate crimes differ in several important ways from most other crimes and their cumulative impact can be far greater. Key differences include:

- **Hate crimes continue and escalate if not stopped**: Hate crimes are usually part of a pattern of escalating conduct beginning with non-criminal acts of bias that, if not confronted, end with hate crimes.
- **Hate crimes can threaten community stability**: Hate crimes are often directed at particular ethnic, national or religious groups. When these crimes grow in number, communities can split apart and retaliatory violence may result.
- **Individual hate crimes can have a deeply destructive impact on individual victims**: Hate crimes undermine the sense of security and safety of victims and their family and friends.
- **Hate crimes are one of the few crimes in which the perpetrator's motivation is a critical part of the offence**: In an ordinary assault, the police and prosecutors do not need to establish in court the attacker's motivation. With hate crimes, however, the perpetrator's bias motivation is a critical part of the investigation. Determining whether evidence establishes that the perpetrator acted because of bias is the most significant difference between investigating hate crimes and most other crimes.

Combating anti-migrant hate crimes requires specific skills and sensitivities. This is due to the particularities of migrant communities, who in many instances do not speak the local language, do not share local cultural practices or beliefs and may often view any state agent

or representative with scepticism and mistrust. Consequently, police officers may face multiple barriers to effectively investigating hate crimes, including the failure of victims to report hate crimes and the failure of police officers to record hate crimes. It is important that police identify these barriers so that they can develop and implement strategies to overcome them.

Concern about a rise in hate crimes.During discussions at an ODIHR expert roundtable on "Challenges and Perspectives on Hate Crimes against Migrants", held in London in February 2018, a number of participants mentioned that in recent years they had noticed an increase in hate crimes targeting migrants and other minority communities in their countries , and that this was a major source of concern for migrant communities.

Participants discussed a range of issues and responses, exchanging good practices among government and non-government actors from different OSCE participating States. a report on their discussion and the event's concluding recommendations is available on the ODIHR website.

Source: OSCE/ODIHR, "Challenges and Perspectives on Hate Crimes against Migrants", Meeting Report, 2018, <http://www.osce.org/odihr/379102>.

International obligations and commitments on hate crimes

The **International Covenant on Civil and Political Rights** (ICCPR) obligates states to investigate violence committed against individuals and to discharge these duties without discrimination.

Articles 6 and 7 obligate states to investigate violations of the right to life and inhumane treatment committed by public or private actors.

The **Convention on the Elimination of all Forms of Discrimination** (CERD) represents the international standard for combating discrimination, and (as noted earlier) in Article 4(a) includes the obligation to punish racist violence by declaring:

"an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof".

The **European Commission against Racism and Intolerance** (ECRI) – the Council of Europe body dedicated to addressing issues of racism and intolerance – has issued a number of recommendations relating to combating hate crime.

In its "General Policy Recommendation No. 11: Combating racism and racial discrimination in policing", adopted on 29 June 2007, the ECRI encourages the investigation and recording of racist incidents, as well as the application of a broad definition of such incidents to warrant their recording: "any incident which is perceived to be racist by the victim or any other person."

The following is the relevant except from the recommendation:

"11. To ensure that the police thoroughly investigate racist offences, including by fully taking the racist motivation of ordinary offences into account;

12. To establish and operate a system for recording and monitoring racist incidents, and the extent to which these incidents are brought before the prosecutors and are eventually qualified as racist offences;

13. To encourage victims and witnesses of racist incidents to report such incidents;

14. To these ends, to adopt a broad definition of racist incident;

For the purposes of this Recommendation, a racist incident shall be: "any incident which is perceived to be racist by the victim or any other person".

OSCE commitments on hate crime: The OSCE's Ministerial Council has repeatedly asserted that hate crimes not only affect individual human rights to equality and non-discrimination, but have the potential to lead to conflict and violence on a wider scale. As the OSCE requires consensus for any decisions or commitments, every participating State has actively agreed to abide by these commitments. While OSCE commitments are not legally binding, they form a set of principles that place states under moral obligations to implement them.

Ministerial Council Decision No. 9/09 on Combating Hate Crime remains one of the most comprehensive commitments made by the international community concerning state obligations to address hate crime.

"Participating States, inter alia, committed themselves to:

Collect, and make public, data on hate crimes;

Enact, where appropriate, specific, tailored legislation to combat hate crimes;

Take appropriate measures to encourage victims;

Develop professional training and capacity-building activities for law-enforcement; prosecution and judicial officials dealing with hate crimes;

Promptly investigate hate crimes and ensure that the motives of those convicted of hate crimes are acknowledged and publicly condemned by the relevant authorities and by the political leadership."

Why do hate crimes prosecutions matter?

Promptly and effectively taking legal action against hate crimes is important to help:

- contribute to the deterrent effect that criminal punishment has on the offender and potential offenders;
- send a message to victims, communities and societies that violent manifestations of intolerance will be actively pursued by law enforcement;
- help prevent retaliatory crimes; and
- meet the state's international obligations and commitments to effectively investigate and prosecute hate crimes.

PREVENTING AND ADDRESSING RACISM, XENOPHOBIA, DISCRIMINATION AND HATE CRIMES TARGETING MIGRANTS

The text below provides a short overview of different measures and approaches to prevent and address racism, xenophobia, discrimination and hate crime.

Awareness-raising

Initiatives to raise awareness of racism and xenophobia against migrants aim to bring positive and sustainable change to societies by promoting universally respected values. Their initiators show leadership in condemning racism and xenophobia against migrants and reject generalizations or the stereotyping of individuals and different groups. Awareness-raising is most often realized through the organization of media campaigns, youth camps, neighbourhood encounters, open-door days, marches, tolerance education and public discussions. While these activities are numerous, it is necessary to assess whether their effectiveness can be improved with increased co-operation among all actors and with the involvement of migrant victim groups.

Community liaison

Individual and collective security is a major concern for migrants and their communities. Over the past few years, there have been arson attacks against migrants' homes and their community centres, as well as violent assaults and serious bodily harm. Many of these incidents tend to go unreported owing to the extreme marginalization of these communities in some participating States. Some countries have taken these incidents seriously and have implemented robust law enforcement response programmes and awareness-raising campaigns aimed at encouraging migrant communities to report them to the police.

Community engagement and intercultural communication

Community engagement programmes can help to tackle negative attitudes and build positive relationships and understanding between receiving and migrant communities. As such, they are an important strategy in preventing and responding to racism, xenophobia and hate crime.

Key principles for community engagement include:

- intercultural dialogue (between equals, including men and women from all communities) built on mutual respect; and
- meaningful and purposeful interactions, in which member of different communities come together to achieve a shared goal that benefits the community as a whole, such as developing a new park or organizing litter collection, etc.

Community engagement can include a wide range of innovative activities, often involving civil society and in partnership with public institutions. However, the inclusion of migrant communities can also be facilitated by mainstreaming intercultural communication by adapting public services so that they better serve a diverse population. For more information on community engagement, see Module 4 of this manual.

"Conflict kitchen" (*Kuchnia Konfliktu*) serves international dishes in Poland

This project in Warsaw is an initiative to employ refugees and migrants with the aim of giving them an opportunity to cook their favourite dishes. The result is a restaurant open five days a week serving food from all over the world. They have recently opened a catering service. The aim is to provide refugees and migrants with employment and a vehicle to integration.

Positive action

Positive action includes measures or policies, prescribed by the relevant legislation, aimed at addressing inherent discrimination. These measures are implemented to enable or encourage members of the affected groups to overcome or minimize disadvantage, or to meet the different needs of those groups and enable or encourage their members to properly and fully participate in the pursuit of employment, goods and/or services, among other activities. Such measures are also sometimes referred to as "affirmative action".

Starbucks refugee recruitment programme

Private companies such as Starbucks have implemented specific positive action initiatives aimed at providing employment to refugees and migrants across Europe.[98] This is part of their global programme to recruit as many as 10 000 refugees by 2022.

Positive action in British legislation

In the United Kingdom, including in the 2010 Equality Act, sub-sections 158–159, the term "positive action" is used in the context of employment to allow for the selection of candidates from an "under-represented" group, so long as he or she is no less qualified compared to another potential candidate that is not from the under-represented group. This means that programmes implemented with the specific aim of addressing or preventing discrimination faced by particular groups (such as migrants) should be supported by the relevant state authority. This is not considered "discrimination" per se, since programmes are time-specific and will end once proper and full equality has been attained. Such measures are also referred to as "affirmative action" in the United States and other countries in the OSCE region.

Confidential and third party reporting

It is a widely known fact that the majority of hate crimes and other serious acts of discrimination faced by migrants are not reported to law enforcement or state authorities. This under-reporting is due to a number of factors, including: victims' fear of reprisals, further attacks and unwanted attention; victims' lack of trust in law enforcement officers and other state officials; and migrant victims' fear that they may compromise their legal status if they "make a fuss" or expose their uncertain or undocumented status. These factors make responding to and preventing these incidents particularly difficult.

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98   Starbucks, "Starbucks Makes Global Commitment to Hire 10 000 Refugees by 2022", <https://www.starbucks.com/responsibility/community/refugee-hiring>.

In an effort to encourage the reporting of such incidents to the authorities, in 2015 the Polish Ministry of Interior and a number of non-governmental organizations implemented a programme titled "Name it to fight it", which encouraged migrant victims of hate crimes and other forms of intolerance to report incidents anonymously on a dedicated website. This programme also provided migrants with direct lines of communication to human rights practitioners who could report incidents on their behalf ("third party reporting") and assist them with issues pertaining to their legal status in Poland.

Third party reporting is a practice often used with migrant communities, and examples exist in a number of other OSCE participating States, including the "Tell MAMA" project in the United Kingdom[99] and the Southern Poverty Law Center in the United States.[100] In Germany, the Stiftung EVZ also works collaboratively with other non-governmental organizations in other parts of the OSCE region.[101]

Law enforcement efforts to prevent and respond to hate crimes

In addition to this, several law enforcement agencies across the OSCE region are increasing their efforts to combat racism, intolerance and anti-migrant hate crimes in order to address the security concerns of migrant communities.

Training Against Hate Crimes for Law Enforcement

ODIHR developed a "Training Against Hate Crimes for Law Enforcement" (TAHCLE) Programme to assist participating States in implementing their commitments to promote tolerance and non-discrimination and specifically to combat hate crime.

TAHCLE is a programme aimed at increasing the knowledge and skills of police to investigate hate crimes based on the existing knowledge of law enforcement agencies. It is a short and compact programme. The programme has core components but it is also flexible enough to be adjusted to needs of every country. For example, curriculum and training components are usually adjusted to include specific provisions of the national legislation. Usually ODIHR works on the training-of-trainers basis and the participating State takes the commitment to disseminate the training on hate crimes to all relevant police forces.

For more information: https://www.osce.org/odihr/tahcle.

Many have implemented ODIHR's Training against Hate Crimes for Law Enforcement (TAHCLE) programme, and several have developed their own specific programmes aimed at combating hate crimes in general, and anti-migrants hate crimes in particular.[102] In Belgium, for example, a number of policing jurisdictions have begun to implement policy initiatives such as:

- multiple-community policing;
- police inspectors actively participating in the neighbourhood;
- investing in networks of key local services and figures;
- improving awareness among law enforcement of local cultures and diversity;

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99 Tell Mama op.cit.
100 SPLC op.cit.
101 Stiftung EVZ op.cit.
102 Countries include Albania, Bosnia and Herzegovina, Croatia, Estonia, Finland, Georgia, Hungary, Italy, Latvia, the former Yugoslav Republic of Macedonia, Malta, Poland and Slovakia.

- appointing a point of contact for "nuisance";
- recruiting a non-law enforcement neighbourhood "manager" (a community leader or representative); and
- involving migrants in consultation platforms.

These are just a few examples of the many positive action initiatives aimed at addressing intolerance and discrimination, some of which focus specifically on anti-migrant discrimination.

Summary of a presentation on "Multiple community policing"

Delivered by Didier Demelin, Local police commissioner Denderleeuw/Haaltert, Reference police officer for hate crimes and discrimination (Belgium), at the ODIHR Roundtable on "Challenges and Perspectives on Hate Crimes against Migrants", London, 27–28 February 2018.

The multicultural evolution of society is now an established fact. The "strangeness" of individuals has led to an aversion and aggression against many people in history. Human beings have a natural reaction to everything that is unfamiliar and from which they feel a certain threat, and this natural reflex helps us humans to survive various dangers.

But is this reaction justified to all people with a different skin colour? How do we protect ourselves from falling prey to racism and hatred?

On 4 October 1950, shortly after the horror and racial hatred of the Second World War, all member states of the European Union signed the European Convention for the Protection of Human Rights and Fundamental Freedoms. It was clear that we all had to protect ourselves from this reflex to distinguish between people on the basis of race, origin, colour or faith.

In Belgium, the time when the police force was founded on "law and order" came to an end in 1998, when the police were discredited in the eyes of the public with the law enforcement failings evident in the Dutroux case, the terror group Communist Combatant Cells, the Heysel Stadium disaster and the unsolved crimes of the Bende van Nijvel gang. a similar process occurred throughout Europe, with governments taking a different course and opting for a policy of community policing. They realized that the role of police is more than just catching criminals and fighting crime.

A modern police force is one that is present in the community and pays special attention to the places and people that can create a nuisance or commit a crime. Problems are tackled together with people in the community, enabling the police to prevent nuisance or crimes from being repeated. The local authorities, including the office of the mayor, often have extensive powers to implement numerous measures to limit such incidents and undertake initiatives to promote integration.

The following recommendations can help municipalities improve police work towards minorities. These measures will require concurrent municipal policies aimed at ensuring the cohesiveness of a multicultural community in which everyone is offered the same opportunities.

Having the police inspector play an active role in the neighbourhood. The inspector is "present" in the neighbourhood and constantly seeks to get to know the community better, especially those who are not typically the object of police assignments. This approach also benefits the police force by expanding its local contacts. The main challenge for police is to build a sustainable anchor in vulnerable neighbourhoods. In order to respond to incidents in an

appropriate way, the police must first build a sustainable relationship with the neighbour-hood and its residents, and then become better acquainted with the people and their lives. In this regard, the presentation theory of Professor Baert clarifies the role of the police in vulnerable neighbourhoods.

Investing in a broad network of key figures and services. The network must have an active role in integrating, addressing issues and mediating among young people, including at the police stations where young adults are often held.

By building up a strong network based on mutual accountability, interventions in the field can be facilitated and cultural barriers can be eliminated. This helps the neighbourhood become more self-regulating and encourages people to talk to each other about problems facing the community. Involving the right people is essential to ensuring the effectiveness of such a network.

Familiarizing police officials with cultural differences. Police officers working in such environ-ments must have an understanding of the culture and know which services are active in the neighbourhood. The various support services that facilitate integration can also benefit from receiving training in cultural differences, thereby improving future communication between the police and support services.

Appointing a contact person for "nuisance" problems in every police force and municipal support service. Appointing a contact person in each service facilitates the quick exchange of informa-tion. This makes the work of those providing such services more effective in the field, as it allows solutions to be identified more easily and appropriate measures implemented. When committed individuals act alone they can often become frustrated; conversely, establishing a network for co-operation empowers all services.

Including the integration of minorities in policy plans. For integration to succeed, the police and government must make a conscious choice that is then translated into policy plans and implemented by all services and in consultative forums. The local government must also demonstrate its active engagement on the issue by endorsing and shaping integration measures. Promoting equal rights and obligations for all gives everyone an opportunity to build a liveable community.

Recruiting a neighbourhood manager. Given the vulnerability of the neighbourhood, a neigh-bourhood manager can provide a strong added value, especially if he or she comes from the same background as a significant minority. This person can be an active link between the minority and different municipal services. For example, the youth service must approach young people in an appropriate way, and the neighbourhood manager can help the youth ser-vice reach out to young people. The neighbourhood manager can also be engaged as a police volunteer and later as a police officer in order to make the police force more representative of the society it serves.

Disseminating information among young people in co-operation with the municipal and local services. Young people in particular need information provided in an appropriate way and delivered in phases. The abovementioned network of key figures and services, together with the neighbourhood manager, is an ideal information channel with which to reach the com-munity. It is important that the community understands the added values of multiculturalism, and this must be communicated in an open manner. It is a good idea for law enforcement to partner with the communication department of the local municipality to achieve this aim.

Source: OSCE/ODIHR, "Challenges and Perspectives on Hate Crimes against Migrants", Meeting Report, 2018, <http://www.osce.org/odihr/379102>.

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MODULE 8:
MIGRANT EDUCATION AND THE INTEGRATION OF CHILDREN AND YOUTH

CHILDREN, MIGRATION AND EDUCATION

INTERNATIONAL STANDARDS RELATING TO THE EDUCATION OF MIGRANT CHILDREN

The Convention on the Rights of the Child

The following is a summary describing key articles contained in the Convention on the Rights of the Child relating to the education of migrant children.[103]

Article 1 (Definition of the child): The Convention defines a "child" as a person below the age of 18, unless the laws of a particular country set the legal age for adulthood younger. The Committee on the Rights of the Child, the monitoring body for the Convention, has encouraged States to review the age of majority if it is set below 18 and to increase the level of protection for all children under 18.

Article 2 (Non-discrimination): The Convention applies to all children, whatever their race, religion or abilities; whatever they think or say, whatever type of family they come from. It doesn't matter where children live, what language they speak, what their parents do, whether they are boys or girls, what their culture is, whether they have a disability or whether they are rich or poor. No child should be treated unfairly on any basis.

Article 22 (Refugee children): Children have the right to special protection and help if they are refugees (if they have been forced to leave their home and live in another country), as well as all the rights in this Convention.

Article 28 (Right to education): All children have the right to a primary education, which should be free. Wealthy countries should help poorer countries achieve this right. Discipline in schools should respect children's dignity. For children to benefit from education, schools must be run in an orderly way – without the use of violence. Any form of school discipline should take into account the child's human dignity. Therefore, governments must ensure that school administrators review their discipline policies and eliminate any discipline practices involving physical or mental violence, abuse or neglect. The Convention places a high value on education. Young people should be encouraged to reach the highest level of education of which they are capable."

Article 29 (Objectives of education): Children's education should develop each child's personality, talents and abilities to the fullest. It should encourage children to respect others, human rights and their own and other cultures. It should also help them learn to live peacefully, protect the environment and respect other people. Children have a particular responsibility to respect the rights of their parents, and education should aim to develop respect for the values and culture of their parents. The Convention does not address such issues as school uniforms, dress codes, the singing of the national anthem or prayer in schools. It is up to governments and school officials in each country to determine whether, in the context of their society and existing laws, such matters infringe upon other rights protected by the Convention.

Article 30 (Children of minorities/indigenous groups): Minority or indigenous children have the right to learn about and practice their own culture, language and religion. The right to practice one's

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103 UNHCR, "Convention on the Rights of the Child: a Summary", <https://www.unicef.org/easterncaribbean/children_23539.html>.

own culture, language and religion applies to everyone; the Convention here highlights this right in instances where the practices are not shared by the majority of people in the country.

Article 31 (Leisure, play and culture): Children have the right to relax and play, and to join in a wide range of cultural, artistic and other recreational activities.

Article 42 (Knowledge of rights): Governments should make the Convention known to adults and children. Adults should also help children learn about their rights.

OSCE commitments on migrants' access to education

Vienna 1989 (Co-operation in Humanitarian and Other Fields):

(63) [The participating States] will ensure access by all to the various types and levels of education without discrimination as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Helsinki 1975 (Co-operation in Humanitarian and Other Fields):
(b) [...]

The receiving participating State will take appropriate care with regard to employment for persons from other participating States who take up permanent residence in that State in connection with family reunification with its citizens and see that they are afforded opportunities equal to those enjoyed by its own citizens for education [...]

Helsinki 1975 (Co-operation in the Field of Economics, of Science and Technology and of the Environment):

The participating States,
[...] having regard to the obligation of each State to comply with the bilateral and multilateral agreements to which it is party, and with the following aims in view:
[...]

- to regard with favour the provision of vocational training to migrant workers and, as far as possible, free instruction in the language of the host country, in the framework of their employment;
- to confirm the right of migrant workers to receive, as far as possible, regular information in their own language, covering both their country of origin and the host country;
- to ensure that the children of migrant workers established in the host country have access to the education usually given there, under the same conditions as the children of that country and, furthermore, to permit them to receive supplementary education in their own language, national culture, history and geography;
  [...]

Vienna 1989 (Co-operation in the Field of Economics, of Science and Technology and of the Environment):

(43) Aiming at ensuring effective equality of opportunity between the children of migrant workers and the children of their own nationals regarding access to all forms and levels of education, the participating States affirm their readiness to take measures needed for the better use and improvement of educational opportunities. Furthermore, they will encourage or facilitate, where reasonable demand exists, supplementary teaching in their mother tongue for the children of migrant workers.

Helsinki 1992 (Decisions: VI. The Human Dimension):

(38) [The participating States] Will, in accordance with their domestic policies, laws and international obligations seek, as appropriate, to create the conditions for promoting equality of opportunity in respect of [...] education [...] as well as cultural rights for lawfully residing and working migrant workers.

Key excerpts from the 2018 OECD assessment on *The resilience of students with an immigrant background*

- "The ability of societies to maintain social cohesion in the presence of large migration flows depends on their capacity to integrate immigrants. Education can help immigrants acquire skills and contribute to the host-country economy; it can also contribute to migrants' social and emotional well-being and sustain their motivation to participate in the social and civic life of their new communities." (p. 13)

- "Education systems, schools and teachers can play a significant role in helping students with an immigrant background integrate into their communities, overcome adversity and build their academic, social, emotional and motivational resilience." (p. 14)

- "Students with an immigrant background tend to underperform in school. This is particularly true of first-generation immigrant students (foreign-born students of foreign-born parents). On average across OECD countries, as much as 51% of first-generation immigrant students failed to reach baseline academic proficiency in reading, mathematics and science, compared to 28% of students without an immigrant background who failed to reach that level. Similar differences are observed in most other well-being outcomes as well: 41% of first-generation immigrant students reported a weak sense of belonging, compared to 33% of students without an immigrant background who so reported; 31% of first-generation immigrant students reported low life satisfaction, compared to 28% of students without an immigrant background; and 67% of first-generation immigrant students reported high schoolwork-related anxiety, compared to 61% of students without an immigrant background." (p. 13)

Source: The resilience of students with an immigrant background (Paris: OECD publishing, 2018), <http://www.oecd.org/education/the-resilience-of-students-with-an-immigrant-background-9789264292093-en.htm>.

TYPES OF EDUCATION FOR MIGRANTS

INCLUSION AND EXCLUSION – ORGANIZATIONAL APPROACHES TO THE EDUCATION OF MIGRANT CHILDREN AND YOUTH

There are currently three major organizational models for the education of newly arrived migrant students.[104] Of all the models, research has shown that the direct immersion model has the most positive outcomes if accommodated to meet children's other needs.

Separate site model

In this model, newly arrived students are placed in separate schools for migrant children for varying periods of time. The major argument in favour of this model is that the necessary support services to facilitate students' language learning and stress-free adaptation can be gathered in one place. According to advocates of this model, it allows students to forge peer relationships with other children sharing the same language and experiences, while purportedly preventing discrimination and racism against them.

In contrast, critics argue that having separate schools for newly arrived migrants amounts to segregation and exclusion. They say that such schools deprive newly arrived students access to social relations with native speakers, and point to a great deal of research that shows how such schools fuel the achievement gap between migrant and non-migrant students. Thus, such segregated educational settings (including infrastructure, teaching staff, etc.) often lead to lower educational outcomes.

Direct immersion model

The direct immersion model involves placing migrant children in mainstream schools and is practiced in most countries, especially for younger children (up to 10 years old). As part of this model, support services are provided, either in the classroom (through the presence of a multilingual teacher or through the two-teacher system) or outside of the classroom (through shorter "pull-out" classes or extra-curricular activities). In some countries, such as Italy and the United Kingdom, this is the only model available. According to the literature, other countries leave the question of whether to apply the direct immersion model to the discretion of local school authorities and/or principals. Advocates of this model posit that migrant children's inclusion in mainstream schooling is a prerequisite for successful education. They also argue that the direct immersion model gives migrant students the opportunity to communicate with native speakers and to develop social relations that will introduce them to the school culture, thereby providing them with the necessary information and socio-emotional support.

One of the main counterarguments is that the schools where newly arrived migrant children are often enrolled are already highly segregated, with no or few native speakers. The model's detractors also argue that migrant children are not provided with adequate, if any, support in mainstream classes; that no extra resources are allocated to schools to support such children; that teachers lack an understanding of the students' situation and how to integrate content and language learning; and that the children are exposed to discrimination, bullying and racism. The overall critique is that children may be physically included in a common space, but socially, and with respect to learning opportunities, they are completely excluded.

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104 For more details, see Bunar op.cit.

Separate class model

According to the literature, the separate class model is the model applied most frequently. Such classes are also known as introductory, pull-out, preparatory, multicultural, welcoming and international classes. The model is based on the notion that newly arrived students should be placed in ordinary schools, but for a certain initial period they should receive education primarily in classes composed exclusively of other newly arrived students. The time period may vary from a couple of weeks to several years. The argument is that the students will have the opportunity to interact with other non-migrant students during breaks, lunchtime and leisure activities. The migrant students can also take part in some mainstream classes for which knowledge of the language is less vital, such as sports, music, arts and crafts classes. At the same time, the separate classes for migrant children can include the provision of multilingual services and experienced language teachers. Such classes also allow children to support each other in identity development, and since all students are in a similar situation, it is expected that no child will be marginalized owing to insufficient language skills. Advocates argue that this model reduces the risks of segregation and social exclusion, which are prominent in the separate site and direct immersion models.

Critics, on the other hand, have argued that students tend to get stuck in separate classes much longer than their needs require. They also argue that these classes are stigmatizing, that the level of education is lower and that newly arrived students fail to gain access to social networks with other non-migrant children. They also cite the issue of the transition from separate to mainstream classes, arguing that this is often poorly arranged. In particular, teachers in mainstream classes are often insufficiently equipped to recognize migrant students' educational needs, strengths and challenges. Instead, the needs of migrant students are seen as "someone else's problem" and they are expected to be fully prepared once they transfer to mainstream classes.

Promising practice on handling school bullying based on actual or perceived race, ethnicity, national origin or migration

In the United States, MALDEF – a non-profit civil rights organization focused on the Latino community – has developed a list of frequently asked questions on the rights of persons who experience bullying or harassment, together with advice on what can be done to address the problem. The document produced gives guidance on how to document and address experiences of bullying. It outlines the rights of students, the roles of educators and school employees and the obligations of school institutions in providing a school environment free from bullying and harassment

For more information, the document can be consulted here: MALDEF, "School Bullying and

Harassment Based on Actual or Perceived Race, Ethnicity, National Origin, or Immigration Status FAQs for Students, Educators, and Social Service Providers", http://maldef.org/assets/pdf/21317_MALDEF_NEA_on_Bullying_Schools.pdf

MONOCULTURAL, MULTICULTURAL OR INTERCULTURAL – PEDAGOGICAL APPROACHES TO THE EDUCATION OF MIGRANT CHILDREN AND YOUTH

Three basic approaches to the integration of migrant students in education are presented below, based largely on the work of the Swedish educational scholar, Pirjo Lahdenperä.[105]

Monocultural integration in schools has been likened to assimilation policies in society. It means that migrants are expected to blend into the dominant culture by adopting its language, values, norms and traditions, while either minimizing or completely renouncing their own culture and language. In schools, this approach perceives migrant students' differences as something to be corrected, and is accompanied by a discourse of deficiency, with migrant students "lacking" certain qualities necessary for educational achievement and to become like "everybody else". Students' language(s) and cultural background are not taken into consideration; on the contrary, they are seen as obstacles to their ability to learn the majority language and adopt to the "normal" way of being and behaving.

Multicultural integration is based on the idea that society and schools are becoming more culturally diverse (multicultural) due to increased migration, and that this multiculturalism should be embraced in policy documents as something positive. Critics of this approach raise two crucial points: first, that it presents cultures as monolithic and static entities and, second, that celebrations of multiculturalism often reduce cultures to their symbolic components, such as flags, food and national costumes, etc. In other words, the concept of multiculturalism does not sufficiently address the power imbalances between different groups and cultures or ensure the equal recognition of minority cultures, including that of migrants. Moreover, the concept of multiculturalism is usually only applied to schools where migrant students are in a majority, while the concept is deemed irrelevant to schools with just a few migrant students. Moreover, schools where migrants are in the majority are often presented as underachieving and struggling, leading to a negative discourse about the success of multiculturalism in schools. Additionally, such schools tend to focus on only teaching their students subjects deemed "essential" to success in society, such as the state language, culture and values. When practiced this way, multicultural education conceived is reduced to replicating the practices of monoculturalism.

Intercultural integration in schools fosters interactions, communication, social relations and the mutual recognition of different cultures and languages as equally valued sources of identity, learning and pride. As Lahdenperä outlines:

> "Interculturalism can thus be considered both as a framework and a methodology for developing schools based on the diversity of students, parents and staff. Diversity is considered a resource, asset or a positive challenge for development. This development concerns the school's various activities such as leadership, education, assessment, cooperating with parenting, health care, counselling, school development and staff competence
> [...]

> "One of the fundamental ideas for work with integration is that the wide diversity that existed in different social institutions, the inclusion of the differences, all what is perceived as being different, should be taken advantage of when planning measures and training initiatives. Here interculturality can increase the integration of the differences
> [...]

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105 Lahdenperä op.cit.

"Cultural and ethnic diversity can thus be a major asset for society and education, but can also cause dilemmas, tensions, disagreements and social conflicts in the absence of a desire to create meeting places for interaction, cooperation and participation. Cultural conflicts must be confronted by reassessing ideas, beliefs and perceptions. There is a challenge to create an intercultural learning environment where curiosity and communication are encouraged, and where openness towards trying new ways of thinking and ideas is premiered. According to both research and policy documents, interculturalism is something that is seen both as a means and as a goal for development of society and education based on diversity. a success factor for the development of the language, knowledge and identity of students is that they can use all their linguistic resources in school tasks, where teachers with immigrant background constitute an important intercultural resource."

INTEGRATION MEASURES AND TYPES OF SUPPORT FOR MIGRANT CHILDREN AND YOUTH IN EDUCATION

This section considers six types of measures and support considered most effective in the integration of migrant students in schools. These measures are discussed in more detail in "Education – hope for newcomers in Europe".[106]

1. Compulsory mapping

Carefully assessing migrant students' knowledge and skills is an essential step in facilitating their educational integration and successful outcomes.

- For example, the Swedish National Agency for Education (*Skolverket*) has co-operated with universities to produce materials for mapping migrant students' prior knowledge and experiences. The mapping tool assesses migrant students' skills, such as basic literacy and numeracy, mother tongue and acquisition of the state language, as well as how they learn, their favourite and least favourite subjects, as well as their competency in various subjects. a portfolio is then created for each student, based on which their education is organized. Students' development is tracked through discussions and observations and the portfolio is updated. a video about the initiative is available at: https://www.youtube.com/watch?v=KJEIkg6IKN0.

2. Mother tongue and bilingual classroom assistance

Bilingual classroom assistance is a type of additional support intended to assist in students' learning, with an initial focus on numeracy and literacy and other subjects added later on, while also supporting their progress in developing their mother tongue or any other language that they speak. Thus, the role of the assistants is to support the further development of migrant students' mother tongue by gradually introducing new concepts and deepening their under-standing of already familiar concepts. Bilingual classroom assistants are expected to play an active role in the learning process, as opposed to merely translating the content of classes and books. This assistance must be tailored to the individual circumstances, needs, strengths and challenges of each student.

3. Welcoming climate and a whole school approach

Schools must make sure that they are environments free from discrimination and bullying, organized around the idea of inclusion and intercultural integration. It is important that all teachers – and not just language teachers – work with migrant students, especially those who are newly arrived in the country. See the example of *"La Petite École",* below.

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106 Bunar op.cit.

Belgium: *La Petite École* **helps newly arrived children get back to school**

The journeys of forcibly displaced children may last several years before they settle in their final destination country with their family. Once they have attained this goal, getting enrolled in school may not be an absolute priority, as they will have many other pressing issues such as administrative procedures, securing accommodation and healthcare, among others.

As a consequence, for those children who have been outside the classroom for a long time, the path to returning to school is by no means straightforward. And very often, these children leave school not long after they return to it.

To prevent these situations, two Belgian teachers, Marie Pierrard and Juliette Pirlet, created *La Petite* École (the Little School), a project to support children and their families in the education integration process. *La Petite* École goes beyond getting children enrolled in school, but aims to help them to succeed. It offers them a smooth transition period in which they get used to being away from their families, learn the language and, above all, learn about social rules and the conduct expected of children in school. It also helps them to build the self-esteem needed to take up this new challenge. The project is very much oriented towards developing an individual approach for each child, and prioritizes building a solid trust-based relationship between the school and parents that is key to the academic success of the newly enrolled students.

La Petite École has run since February 2016, and hosts in two classes an average of 12 children aged from 6 to 15 from multiple countries (including Guinea, Morocco, Senegal and Syria, among others). Several institutions collaborate with the initiative and offer them a broad range of support activities, including sports, psychological assistance and artistic activities.

The length of a child's transition period at *La Petite* École is decided on a case-by-case basis depending on when the children and their families are ready. The project's team accompanies the children during the enrolment process by contacting the schools, presenting the child's situation and introducing them to the school, etc.

In January 2017, the *La petite* école *des devoirs* (the little school of homework) was created to provide homework support to and maintain contact with the children and families that used to be involved in the *La Petite* École project.

Source: Teachers for Migrants' and Refugees' Rights, "In Belgium, La Petite Ecole helps newly arrived children to get back to school", <http://www.education4refugees.org/updates/365-in-belgium-la-petite-ecole-helps-newly-arrived-children-to-get-back-to-school>.

4. State language acquisition

Acquisition of the state language is obviously extremely important in facilitating migrant students' educational achievements and integration into wider society. There are many models for language development; the following videos contain just two examples of how students' language acquisition can be supported:
- Example from Croatia (8 minutes): http://naos.risbo.org/wp-content/uploads/2017/05/PortoNAOS.mp4).
- Example from Norway (6.5 minutes): https://www.youtube.com/watch?v=u9HoTvvmLb4).

5. Professional development of teachers

Ensuring teachers have the right skills to engage with and educate migrant children is, of course, a crucial element to securing migrant students' access to education.

- Example from the Netherlands on developing a professional learning community in a "super-diverse" environment (5.5 minutes): https://www.youtube.com/watch?v=XsacHNoRKfY&feature=youtu.be).

Refugee Support Teachers in the United Kingdom

Refugee Support Teachers are specialists employed by the local council to work with refugee children whose needs go beyond that of learning English, such as those requiring specialist psychological help or with learning difficulties. Since 2004, Refugee Support Teachers have been called New Arrivals Teachers, due to the arrival of large numbers of migrant children from new member states of the European Union. Many Refugee Support Teachers/New Arrivals Teachers also help schools and local governments to develop their own good practice and policy statements. The teachers frequently also develop new initiatives, such as programmes to support the needs of children experiencing psychosocial difficulties or strategies to support groups of children who are underachieving. They have also provided a very important link between schools and national organizations. In England and Wales, their work is funded by the central government with local government contributions.

Another strategy has been for a local authority to employ an induction teacher/worker who helps find a school place for a child, settles the child in and then hands over responsibility for that child to the school and English language support staff.

Lastly, another option involves employing a refugee advisor who provides information to teachers and other professional groups about refugee issues and support strategies, but does not undertake any casework or give direct support to children.

Source: Nonchev, A. and Tagarov, N., Integrating refugee and asylum-seeking children in the educational systems of EU member states (Sofia: Center for the Study of Democracy, 2012), <http://www.csd.bg/fileadmin/user_upload/INTEGRACE_handbook.pdf>.

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6. Support to migrant teachers

Many European schools are facing a shortage of teachers, especially bilingual teachers. Among those migrating to Europe, there are a number of professional teachers who, with the appropriate and targeted support, could find a way back to the teaching profession. See the example of the professional integration of refugee teachers in Sweden (below).

Sweden: Programmes for the professional integration of refugee teachers

One particularly interesting initiative in Sweden is aimed at supporting migrant teachers on their path back to the teaching profession. There are currently two major initiatives at the national level. The first one, "Continuing education for migrant teachers" (*Utländska lärares vidareutbildning,* or ULV), has been in place since 2007, with Stockholm University as a national co-ordinator. This scheme means that newly arrived migrants who worked as certified teachers in their home countries can apply to a unique two-year university programme, which includes in-service practical training. The aim is to prepare them to work as teachers in the Swedish pedagogical and social context. Another admissions requirement is advanced knowledge of the Swedish language, as proven by a degree in the Swedish 3 or Swedish as a Second Language 3 course (corresponding to a degree from a national upper-secondary programme) or by taking the Swedish language proficiency exam, Tisus. The Swedish Council for Higher Education (*Universitets-och högskolerådet,* or UHR) has also received resources in order to more effectively assess university degrees from other countries.

The second initiative is "Fast Track" (*Snabbspår*). This was introduced in 2016 as: – a response to the general shortage of teachers in Swedish schools; – the answer to the search for first language teachers and bilingual classroom assistants, especially in the Arabic language; – an attempt to expedite the teacher certification process; and – a labour market measure aimed at employing at least some refugees who were granted asylum in the last few years.

The Fast Track prepares teaches through courses organized at six universities and lasting 26 weeks, including in-service training in schools and preschools. The language requirement applied to the ULV programme has been dropped for the Fast Track programme and education is organized in Arabic or in Arabic and Swedish simultaneously. The idea behind this project is to allow newly arrived migrants with teacher education and experiences to re-enter the teaching profession as quickly as possible. After the course, each student receives an individualized action plan based on the course results, identified strengths and weaknesses, a validation by the Swedish Council for Higher Education of their university diploma from their home country and the Swedish National Agency for Education's response to their request for a teacher certificate.

Source: Nihad Bunar (ed.). "Education – hope for newcomers in Europe", (Brussels: Education International, 2018).

Best- and worst-case scenarios in migrant students' education

The following scenarios are a compilation of national policies taken from the MIPEX assessment of 38 countries conducted in 2014.

Best case

All children are given the opportunity to learn – from kindergarten to university – and to achieve the best they can, regardless of their migrant status or ethnic, socio-economic or other background. If a child has different needs because of her or his families' migration experience, then the child benefits from additional support. The child's teachers are trained to recognize those needs and to set equally high expectations for her or him as demanded of other children. She or he is entitled to extra courses and teaching to catch up on and master the state language. The child's parents play an active role in her education, and the school involves them at every step of the way. The child and parents also bring new opportunities to her school. All students can enrol in classes about her families' language and culture. The school uses an intercultural approach in its curriculum, textbooks, schedule and hiring practices. The child, along with all students and staff, learns how to live and learn in a diverse society.

Worst case

The school does not facilitate migrant students' integration. Many children in the country do not even enjoy their right to a full education. Only a few schools or *ad hoc* projects deal with integration. Most of the time, a migrant child is treated like all children of his age. Worse still, the child's teachers may only see him as a problem. They have no way to reach out to parents like these, who speak different languages and come from different backgrounds. The child never properly learns her or his mother tongue or the language of the receiving society because language support is inadequate or non-existent. He or she ends up with other migrant students in an underperforming school. Teachers and staff members are not representative of the diverse student body and cannot handle this diversity. The students themselves do not learn to respect and work together with people of diverse backgrounds.

Source: MIPEX, "Education", <http://mipex.eu/education>

GOOD PRACTICES IN THE INTEGRATION OF MIGRANT CHILDREN AND YOUTH IN EDUCATION

The following is an overview of relevant good practices in the integration of migrant children and youth in education based on assessments by the Organisation for Economic Co-operation and Development (OECD).[107]

1. **Support migrant students' sense of belonging at school:**
   · The psychological well-being of migrant students is affected not only by differences between their country of origin and receiving country, but also by how well the schools and local communities in their receiving country help them to overcome the myriad obstacles they face in succeeding at school and building a new life.

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107 OECD 2015 op.cit.

2. **Tackle the concentration of disadvantage in schools hosting migrant students:**
   - Provide information to migrant parents on the schooling options available for their children; this can help overcome the financial and/or logistical barriers to accessing the school of their choice.
   - Limit the extent to which advantaged schools can select students based on socio-economic status by providing financial incentives for over-subscribed schools to enrol migrant students.
   - Retain and attract more advantaged students in schools that also host migrant students. For example, schools in disadvantaged areas can make their curricula more appealing to students from across the socio-economic spectrum by offering special mathematics, science and/or art courses.

3. **Prioritize tackling language barriers and performance penalties for migrant students:**
   - Integrate language and subject learning from the earliest grades. Integrating migrant children into mainstream classes from the beginning of their schooling is associated with better outcomes than enrolling them first in preparatory language classes and delaying entry into mainstream courses. While language training is essential, it should be offered in addition to, not instead of, regular course work.
   - Help teachers to identify students who need language training. Some countries, including Denmark and Germany, systematically assess children of preschool age in their language abilities. Strategies and pedagogies for developing second-language skills should be covered in both initial and in-service training for teachers who work with migrant students.

4. **Promote the advantages of early learning programmes:**
   - Expand access to high-quality early childhood education and care programmes to encourage entry at the youngest possible age.
   - Tailor programmes to the needs of pre-school migrant children, in particular by offering language-development activities.
   - Reach out to migrant parents to raise their awareness of the learning programmes available for their children and how they can enrol their children in these programmes.
   - Monitor the quality of early childhood education and care programmes. The quality of these programmes is not only measured by whether or not they comply with regulations, but by whether instructors are well-trained in working with young children and by whether the children's individual needs have been identified and are being met.

5. **Address the drawbacks of grade repetition and early tracking for migrant students:**
   - Reduce or eliminate the use of ability grouping and grade repetition. Instead, identify struggling students early on and offer them extra support. For migrant students, identify language-training needs early on, since proficiency in reading is key to all learning.
   - Avoid placing migrant students on an educational track early on. Both academic and vocational programmes can help students to acquire the skills they need to contribute to society and participate fully in the economy. Give migrant students enough instructional time to realize their full potential before assigning them to any particular programme of study.

6. **Teach multicultural classes:**
   - Provide specific, formal training on diversity, intercultural pedagogy and language development for school leaders and teachers, in both initial and in-service training programmes.
   - Train teachers in formative assessments, through which teachers track students' progress and adjust their teaching to meet the individual needs of students.

· Offer incentives for teachers and school leaders to work in disadvantaged schools. These can include specialized initial and in-service training, mentoring for teachers beginning work in these schools, financial rewards and professional recognition.

7. **Capitalize on migrants' high aspirations – and their willingness to work to achieve them:**
    · The OECD's Programme for International Student Assessment has found, for example, that the parents of migrant students in Belgium, Germany and Hungary are more likely to expect that their children will earn a tertiary degree than the parents of students without a migrant background. This is remarkable, given that migrant students in these countries do not perform as well as, and their families are more socio-economically disadvantaged than, non-migrant students.

Two key learning points:

A child's first language should be acknowledged and valued as an important vehicle for learning and identity development. It also promotes diversity and strengthens cohesion, since well-integrated children with a positive future outlook contribute to the public good. The presence of language support teachers (cultural and linguistic mediators or bilingual classroom assistants) and the support from inside the school for their work is indispensable.

The professional development of teachers in the areas of language and content integrated learning, intercultural pedagogy, and multicultural classrooms must be a national priority in every country. a well-designed plan must be produced in every school, preferably in co-operation with universities, on how to create a learning community and support teachers' peer-learning. As long as migrant students are treated solely as language learners and students with whom teachers in second language acquisition primarily work, they will face unnecessary barriers. The whole-school approach is the only workable model.

FOSTERING GOOD RELATIONS BETWEEN SCHOOLS AND MIGRANT STUDENTS' FAMILIES

A parent's guide to schooling in the United Kingdom

Funded by London councils, the Action for Social Integration, a non-governmental organization, teamed up with Middlesex University to produce a *Guide to the British Educational System*, which is aimed at parents of "black and minority ethnic" children, including newly arrived migrants and refugees. Published in December 2010, the guide is based on research conducted with parents, teachers and others involved in education, and identifies the key facts parents need to know about the school system in Britain.

It highlights some of the major differences between the education system in the United Kingdom compared to other countries. It also outlines the key features of the education system, such as compulsory schooling (both primary and secondary) for children aged between 5 and 16, as well as the entire process of schooling, from finding a place at primary school to the examinations a child must take before leaving school. The final section gives information about other important issues that parents need to be made aware of, such as the expected conduct of children in schools.

Source: Nonchev and Tagarov (2012), pages 322–323.

Involving parents through support and "parent champions" in the United Kingdom

Refugee and migrant parents often experience problems with integration, knowledge and attaining proficiency in the English language, and these can impact on their children and their ability to learn effectively and make progress at school. To address this issue, many schools provide information to such parents either through a dedicated staff member or through a refugee co-ordinator who assists them in overcoming their problems in accessing housing and benefits. Such work involves helping parents to gain access to healthcare, better housing and English language lessons – similar to the support a social worker would offer. In some instances, the refugee co-ordinator helps families find a lawyer to assist with their asylum application and appeals.

Children's centres working with Somali families provide an example of a different approach. Such centres identify Somali families through referrals from health visitors and other health workers, refugee community organizations, door-to-door calls in specific areas and by identifying and approaching the parents on the street. Somali parents of young children are then invited to come to an open day and stay for a taster session in the children's centre.

In at least two parts of the United Kingdom, "Sure Start" centres for children have employed "parent champions" from among the Somali community to encourage families to take up free nursery provision. Most parents place greater weight on informal face-to-face advice and this underpins the work of parent champions. Somali parents who have experience of formal early childhood education are recruited by the children's centres to engage other parents and direct them to taster sessions at the nurseries of children's centres.

The Somali parent champions are carefully selected, as the Somali community in the United Kingdom is divided along clan and regional lines. It is essential that parent champions are able to communicate to all sections of the Somali community. Parent champions usually receive a small payment or vouchers for their work. An evaluation of the parent champion programme has shown that it is an effective way of getting refugee families to take up the offer of free part-time nursery places. Parent champions need to be selected carefully, however, and by people who understand the Somali community. Outreach also needs to be planned and continually evaluated for it to be successful.

Source: Nonchev and Tagarov (2012), page 327.

Key learning points on this topic include the following measures to improve the academic success and well-being of students with a migrant background:[108]

- Educational needs are approached individually (no one-size-fits-all strategies).
- Students' previous knowledge is assessed, understood and recognized.
- Targeted language training is provided.
- Students' first language is acknowledged and valued.
- Students are taught by highly skilled professionals who are actively involved in the community.
- There are natural zones of inclusion with non-migrant students.
- Additional support is offered to disadvantaged students (such as by language support teachers) and schools ensure the availability of and participation in extracurricular activities.
- An ethos of inclusion, a whole school approach and zero-tolerance of discrimination and bullying lie at the heat of the school's culture.
- Parents are provided platforms for their active involvement and a tangible opportunity to advocate for their children's educational rights

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108 OECD 2018 op.cit.

MODULE 8:
BACKGROUND RESOURCES

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Useful websites:
- TES, "Teachers TV: Refugee Kids", <https://www.tes.com/teaching-resource/teachers-tv-refugee-kids-6047898>.
- UNHCR, "Teaching Resources", <http://www.unhcr.org/teaching-resources.html>.
- MIPEX, "Education", <http://mipex.eu/education>.
- European Commission, "School education for migrants", <https://ec.europa.eu/education/policy/migration/schools_en>.
- Migrant Rights Centre Ireland, "Migrant Education Access", <http://www.mrci.ie/tag/migrant-education-access/>.
- Migrant Rights Centre Ireland, "Young People and Education", <https://www.mrci.ie/our-work/young-people-education/>.

MODULE 9:
MIGRANT HEALTHCARE

MIGRANTS' RIGHTS AND ACCESS TO HEALTHCARE

HEALTH, HUMAN RIGHTS AND MIGRATION

Health is integral to well-being and affects the degree to and manner in which a person engages with society as a whole. Healthier migrants are able to work and earn more and can build broader social networks. In turn, fuller integration improves health outcomes, as migrants increasingly have the ability to seek healthcare when needed.

As migrants generally have to be in good health to be able to migrate, they tend to be healthier than non-migrants – the so-called "healthy migrant effect" – but this effect fades with the length of time spent in the receiving country. The quality of life in the country of origin, the migration process itself and working and living conditions in the receiving country also affect migrants' health outcomes. The migratory experience itself can cause stress, which may affect migrants' health outcomes in different ways later on, depending on the socio-economic and health conditions in the country of origin and how well they settle into the receiving country.[109]

Health is enshrined as a human right in various supranational documents:

- Internationally, it was first articulated in the 1946 http://www.who.int/governance/eb/who_constitution_en.pdf (WHO).
- Article 25 of the 1948 http://www.un.org/en/universal-declaration-human-rights/ mentions health as part of the right to an adequate standard of living.
- Article 12 of the http://www.ohchr.org/Documents/ProfessionalInterest/cescr.pdf recognizes the right to health as a human right.
- The adoption of http://apps.who.int/iris/bitstream/handle/10665/23533/A61_R17-en.pdf;jsessionid=54FFCD2C42239ED1AC16745525B3E8DA?sequence=1 during the 2008 World Health Assembly reaffirmed the need for a rights-based, equity-driven and multi-sectoral approach that strengthens health systems.
- Article 35 of the http://www.europarl.europa.eu/charter/pdf/text_en.pdf states that "Everyone has the right of access to preventive health care and the right to benefit from medical treatment under the conditions established by national laws and practices."
- Article 13(2) of the Parliamentary Assembly of the Council of Europe's 2006 http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=17456&lang=EN names access to emergency care as a minimum standard to ensure the fundamental right to healthcare.

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109 OECD, *Indicators of Immigrant Integration* op.cit.

Overview of International Law concerning migration and the right to health

N°19 — **International Migration Law**

Migration and the Right to Health: A Review of International Law

ICM International Organization for Migration
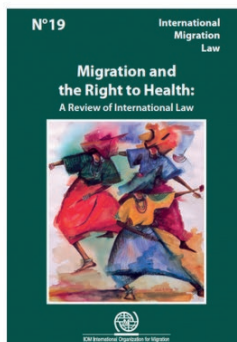
International Migration Law N°19 - Migration and the Right to Health: A Review of International Law

Author/s: Paola Pace
Year: 2009
Language: English
Publication Type: Reports (External)

Download this Publication

Description:
The objective of this publication is primarily to promote respect by the State for the right to health for all those who migrate. Secondly, the publication aims more generally at guiding the reader through the myriad of norms and principles contained in international instruments impacting on migrating persons' right to health. Finally, considering the importance of the application *de iure* and *de facto* of the human rights norms which are at the core of migrating persons' protection, examples of compliance or non-compliance by States with relevant articles of human rights instruments have been added. It is hoped that this publication brings us one step closer in ensuring implementation of the law by way of policies, programmes and projects that are respectful of the human rights of all, including those who migrate.

Source: Migration Health Research, "Overview on International Law concerning migration and the right to health", <https://migrationhealthresearch.iom.int/international-migration-law-n%C2%B019-migration-and-right-health-review-international-law>.

Key facts on human rights and health

The following are key facts developed by the World Health Organization (WHO) on government policies and practices relating to the right to health:[110]

- "The WHO Constitution (1946) envisages '...the highest attainable standard of health as a fundamental right of every human being.'
- "Understanding health as a human right creates a legal obligation on states to ensure access to timely, acceptable, and affordable health care of appropriate quality as well as to providing for the underlying determinants of health, such as safe and potable water, sanitation, food, housing, health-related information and education, and gender equality.
- "A state's obligation to support the right to health – including through the allocation of "maximum available resources" to progressively realize this goal – is reviewed through various international human rights mechanisms, such as the *Universal Periodic Review*, or the *Committee on Economic, Social and Cultural Rights*. In many cases, the right to health has been adopted into domestic law or constitutional law.
- "A rights-based approach to health requires that health policy and programmes must prioritize the needs of those furthest behind towards greater equity, a principle that has been echoed in the recently adopted *2030 Agenda for Sustainable Development* and Universal Health Coverage.
- "The right to health must be enjoyed without discrimination on the grounds of race, age, ethnicity or any other status. Non-discrimination and equality requires states to take steps to redress any discriminatory law, practice or policy.
- "Another feature of rights-based approaches is meaningful participation. Participation means ensuring that national stakeholders – including non-state actors such as non-governmental organizations – are meaningfully involved in all phases of programming: assessment, analysis, planning, implementation, monitoring and evaluation."

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110 WHO, "Human rights and Health: Key Facts" op.cit.

WHO Knowledge Hub on Health and Migration

The Knowledge Hub on Health and Migration is a joint effort of the WHO/Europe, the Ministry of Health of Italy, the Regional Health Council of Sicily and the European Commission. The partnership is committed to building expertise and competency on the public health aspects of migration, and to making knowledge and information in this area widely available. The Knowledge Hub was launched in November 2016 in response to the need for a single institution devoted to migration and public health in the region. It provides a forum for sharing scientific knowledge, building capacity and informing policy-making in this context. The platform works across five priority areas, including strengthening knowledge on migration and health, a webinar series, a summer school, policy dialogues and high-level summits.

Source: Knowledge Hub on Health and Migration, <http://www.euro.who.int/en/health-topics/health-determinants/knowledge-hub-on-health-and-migration>.

SOCIAL DETERMINANTS OF HEALTH AND EQUITY IN HEALTH

The social determinants of health are the conditions in which people are born, grow, live, work and age. These circumstances are shaped by the distribution of money, power and resources at global, national and local levels. The social determinants of health are mostly responsible for health inequities – the unfair and avoidable differences in health status seen within and between countries.[111]

Social inequalities in health arise from inequalities in the conditions of daily life and the fundamental drivers that give rise to them: inequities in power, money and resources. As WHO has noted, "Social injustice is killing on a grand scale".[112] Because these inequalities are deemed to be unfair they are known as "inequities".[113] As the product of societies, these inequities can be reversed by implementing the appropriate policies.[114]

The **European Union** has confirmed that the reduction of inequity in health is of special importance for migrant groups, including irregular migrants.[115] As noted in the European Parliament Resolution of 8 March 2011: "Universality, access to high-quality care, equity and solidarity are common values and principles underpinning the health systems in the EU Member States".

The **OSCE participating States** have also recognized these issues and the importance of migrants' equal access to healthcare, as highlighted in the commitment made in the **1992 Helsinki Declaration**.

The **WHO Declaration of Alma-Ata** (1978) is a milestone in the debate on equity in health.[116] It expressed the need for urgent action by all governments, health and development workers, and the world community to protect and promote the https://en.wikipedia.org/wiki/Health of all people. It was the first international declaration to underline the importance of https://en.wikipedia.org/wiki/Primary_health_care, emerging as a major milestone of the twentieth century in the field of public health.

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111 WHO, "Social determinants of health" op.cit.
112 *Closing the gap in one generation*, WHO op.cit.
113 Kawachi et al. op.cit.
114 Dalgren and Whitehead op.cit.
115 European Parliament, "Report on reducing health inequalities in the EU" op.cit.
116 "WHO called to return to the Declaration of Alma-Ata" op.cit.

MIGRANT HEALTH AND VULNERABILITIES

There are two social determinants of health that relate specifically to migrants:

- Migrants may be in a less favourable social position in terms of the availability of power, money and resources; and
- Migration itself may be a social determinant of health.[117]

Poverty and migrant status can affect migrants' access to healthcare. Possible drivers of migrants' vulnerability and barriers to accessing healthcare can include:[118]

- Low socio-economic status
- A lack of knowledge about the healthcare system in the receiving country
- A lack of knowledge about their legal entitlements to healthcare
- False expectations due to limited experience
- Limited proficiency of the local language
- Risk of discrimination
- For migrants with an irregular status, restricted entitlements to access services

Migration, mental health and well-being

Studies indicate that migration is associated with the deterioration of mental health and well-being:

- A comparative study conducted in the European Union has found that migration experiences may cause depression and psychosis.[119]
- Refugees have a higher risk of traumatization and post-traumatic stress disorders.
- For migrants receiving psychiatric treatment and psychotherapy, cultural and communicative sensitivity are of special importance.

Gender aspects of migrant health

National surveys indicate that migrant status is a significant predictor for lower self-rated health for migrant women. Surveys have also found that migrant women are challenged by conflicting cultural norms and expectations from their home and receiving societies, which has considerable consequences for their physical and mental well-being.[120]

Access to and quality of care for migrant women is negatively influenced by the insufficient consideration given to their lower educational and literacy levels and the problems they experience related to their lower socio-economic status. Compared to the average population, migrant women were found to receive inadequate prenatal and postnatal care more frequently.[121]

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117 Karl-Trummer and Sardadvar op.cit.

118 Rechel op.cit.

119 Levecque, K. and Van Rossem, R., "Depression in Europe: does migrant integration have mental health payoffs? a cross-national comparison of 20 European countries", *Ethnicity and Health*, 20:1, 2015, pp.49–65.

120 See Karl-Trummer and Sardadvar op.cit.

121 Trummer, U. et al., "Subproject B: Migrant-friendly information and training in mother and child care", MFH, November 2003, <http://mfh-eu.net/public/files/experiences_results_tools/spb_motherchild/01_SPB_fact_

MHADRI Migration Health Research Portal

The migration health research portal is a repository of the United Nations Migration Agency's (IOM) migration and health publications, projects, academic partnerships, bulletins, guidelines and tools. In 2016, IOM's Migration Health Division (MHD), in conjunction with a number of academic institutions and partner agencies, launched the Migration Health and Development Research Initiative (MHADRI). The network was formed to respond to the need to build a global alliance of migration health researchers and scholars to provide a platform to share, collaborate, develop, advocate and disseminate research at the nexus of health and migration. Participation and support of research from countries in the global south is a key priority for MHADRI. IOM was appointed by members as the secretariat of the network in 2017, and plays a role in supporting network communication, developing a member repository and providing administrative support. The network is not owned by any one organization. Academic independence and participatory engagement are key principles of MHADRI.

Source: MHADRI Migration Health Research Portal, <https://migrationhealthresearch.iom. int/mhadri>.

MEASURING THE INTEGRATION OF MIGRANTS INTO NATIONAL HEALTHCARE SYSTEMS

The integration of migrants into national healthcare systems can be measured, and one major instrument for doing so is the Migrant Integration Policy Index (MIPEX, introduced in Module 1). The **MIPEX health strand** is a questionnaire designed to supplement the existing seven strands of MIPEX, which in its latest edition (2015) monitors policies affecting migrant integration in 38 different countries. The health strand questionnaire is based on the "Recommendations on Mobility, Migration and Access to Health Care" adopted by the Council of Europe in 2011, which in turn were based on a consultation process that lasted two years and involved researchers, intergovernmental organizations, non-governmental organizations and a wide range of specialists in healthcare for migrants. The work formed part of the EQUI-HEALTH project carried out by the International Organization for Migration (IOM) from 2013 to 2016, [122] in collaboration with the Migration Policy Group (MPG) and the European Co-operation on Science and Technology (COST) action on Adapting European health services to diversity (ADAPT).[123]

The questionnaire measures the equitability of policies in four areas:

A. Migrants' entitlements to health services;
B. Accessibility of health services for migrants;
C. Responsiveness to migrants' needs; and
D. Measures to achieve change.

Summary of MIPEX results[124]

Section A, on "Migrants' entitlements to health services", covers legal entitlements to healthcare coverage for migrants, also taking into account the administrative barriers that often make it difficult for migrants to actually obtain this coverage. a score of 100 on this section

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sheet_final.pdf>.

122 Equi-Health op.cit.

123 COST, ADAPT op.cit.

124 *Summary Report on the MIPEX Health Strand and Country Reports*, International Organization for Migration (IOM) Migration Research Series No 52 (Geneva: IOM, 2016).

would represent complete parity with nationals. Migrant workers score 71 on this scale, while asylum-seekers score 60. The research found that for migrant workers, requirements related to employment or length of stay often obliged them to take out private insurance or pay their own medical bills. Asylum-seekers were seldom entitled to the complete basket of healthcare services.

Scores on section B, on "Accessibility of health services", also showed that countries differed greatly in the efforts that were made to inform migrants about their rights to healthcare and how to exercise them, as well as other measures to help them access care. Often, health workers appeared to be as badly informed about entitlements as migrants themselves.

Scores in section C, on "Responsiveness to migrants' needs", showed the widest variations between countries: Eight countries take no measures whatsoever to meet the special needs of migrants, while only six have scores above 70.

Scores in Section D, on "Measures to achieve change", showed that the data collection, research, planning, consultation and co-ordination that are needed to develop good policies existed in only a few countries.

Overview of the MIPEX health strand

More information, including specific country reports, can be found on the MIPEX website.
- Country reports: https://publications.iom.int/books/mrs-no-52-summary-report-mipex-health-strand-and-country-reports.
- The MIPEX health strand: http://www.mipex.eu/health.

The MIPEX assessment framework can help to generate definitions of best- and worst-case scenarios on policies towards migrants' healthcare, as follows:

Best-case scenario in migrants' healthcare:

All residents have the same healthcare coverage as nationals in law and in practice. To access their entitlements, all residents can receive information in various languages and via different methods, including cultural mediators. Healthcare providers are informed of these entitlements, allowed to serve all residents and equipped to meet their needs through training, various interpretation methods, adapted diagnostic methods and a diverse staff. Health policies support these changes and also respond to the needs of an increasingly diverse society.

Worst-case scenario in migrants' healthcare:

Regular migrants, asylum-seekers and undocumented migrants cannot access the healthcare system, except perhaps emergency care. Even then, their access may depend on providers' discretion and burdensome documentation. Migrants do not know how to access the healthcare system or address major health issues. Service providers are forced to report undocumented migrants and are sanctioned for serving them. Providers do not have the training or staff to serve migrant clients and their health needs. Policy hinders any improvements, as migrants are ignored in health policy, data and research, while healthcare is ignored as an area of integration policy.

The OECD's framework for measuring health system performance

Another system for measuring healthcare for migrants and other residents has been developed by the Organisation for Economic Co-operation and Development (OECD). The model identifies the core elements of quality of care as being:

- Accessibility
- Affordability
- Effectiveness
- Safety
- Responsiveness (patient-centred care).

All these elements may need specific attention when serving migrant patients.

Source: OECD, "Data for Measuring Health Care Quality and Outcomes", <http://www.oecd.org/els/health-systems/health-care-quality-indicators.htm>.

GOOD PRACTICES IN MIGRANTS' ACCESS TO HEALTHCARE IN RECEIVING COUNTRIES

Accessing relevant healthcare information is particularly challenge for migrants, and that is why many good practices focus on information provision for migrants. Key issues include:

- Language problems and a lack of professional interpreters in healthcare settings.
- Cultural differences and, in some cases, an unwillingness on both sides to engage in inter-cultural communication.
- A lack of knowledge of the receiving country's healthcare system among migrant patients, including on where to find appropriate information.

The following paragraphs outline three good practices to ensure migrants' access to healthcare.

Codes of conduct/ethics: a good practice to ensure professionalism

Codes of conduct or codes of ethics are written policies that define and guide professional behaviour for a particular role. For medical doctors, they are developed by medical associations with the (limited) involvement of stakeholders.

Typically, such codes of conduct consist of three elements:

1. An introductory statement detailing who the code is aimed at, how it was developed and its ethical basis;
2. The code's principles, such as valuing patient autonomy and informed decision-making; and
3. Guidelines concerning the implementation of principles, such as how to ensure informed decision-making.

Important elements of codes of conduct for healthcare professionals include how to communicate with patients and how to be respectful of their values and beliefs. This is particularly relevant for engaging with migrant patients, who may have limited knowledge of the local language and a different values system to that of the local community.

Most codes of conduct for medical doctors provide guidance on communicating with patients and conveying information properly. Some also refer explicitly to migrant patients and the challenges of language barriers and cultural diversity.

Good practice example: The Canadian Code of Ethics

The following are relevant excerpts of the Canadian Code of Ethics:

17. In providing medical service, do not discriminate against any patient on such grounds as age, gender, marital status, medical condition, national or ethnic origin, physical or mental disability, political affiliation, race, religion, sexual orientation, or socioeconomic status.

22. Make every reasonable effort to communicate with your patients in such a way that information exchanged is understood.

Source: Canadian Medical Association (CMA), "Policy Code of ethics of the CMA", 2004, <https://www.cma.ca/Assets/assets-library/document/en/advocacy/policy-research/CMA_Policy_Code_of_ethics_of_the_Canadian_Medical_Association_Update_2004_PD04-06-e.pdf>.

The Migrant Friendly Hospital initiative: a good practice for healthcare organizations

The European project "Migrant Friendly Hospitals" (MFH), co-funded by the European Commission's Directorate-General for Health and Consumer Protection (SANCO), brought together hospitals from 12 member states of the European Union, as well as experts, international organizations and networks, and appointed a scientific institution as the initiative's co-ordinator. These partners agreed to ensure that migrant-friendly, culturally competent healthcare and health promotion were placed higher on the European health policy agenda, and to provide support to other hospitals by compiling practical knowledge and instruments. As part of the initiative, three sub-projects were conducted in selected European hospitals in order to test the feasibility of making hospitals more migrant-friendly and culturally competent. The sub-projects were implemented and financed locally but supported by the European benchmarking process.

Migrant Friendly Hospitals, sub-project A: Improving interpretation in clinical communication

Patients from migrant populations or ethnic minority groups are often not able to communicate effectively with their clinicians. Clinical staff are often not able to understand the patients' needs or to elicit other relevant information from them. Language and communication is regarded as the most prevalent problem area when dealing with migrant populations and ethnic minorities.

As part of this sub-project, nine pilot hospitals (in Denmark, Greece, Spain, Finland, Ireland, Italy, Netherlands, Sweden and the United Kingdom) participated to improve clinical communication with migrant/ethnic minority patients by implementing four measures:
1. Professional interpreter services should be made available whenever necessary to ensure good communication.
2. Patients should be informed about the language services that are available and about how to obtain them.
3. Clinical staff should be empowered to work competently with interpreters.
4. Education materials for patients should be made available in non-local languages.

Materials relating to this project are all available online at: http://www.mfh-eu.net/public/experiences_results_tools/interpreting.htm

The results of a needs assessment showed that the most important measures to improve migrants' access to healthcare are:

- providing professional interpretation services to facilitate communication with migrant patients;
- providing patient information and education materials in appropriate formats, taking into account language, culture and literacy levels; and
- training hospital staff on how to act in a culturally sensitive manner and how to use interpretation services.

As a result of this initiative, a set of European recommendations on policies for hospitals and other stakeholders were developed. The Amsterdam Declaration towards Migrant Friendly Hospitals in an ethno-culturally diverse Europe was launched at a conference on "Hospitals in a Culturally Diverse Europe" in Amsterdam, December 2004.[125]

The Amsterdam Declaration 2004

The Amsterdam Declaration towards Migrant Friendly Hospitals in an ethno-culturally diverse Europe contains recommendations on policies for hospitals and other stakeholders. It was launched at a conference on "Hospitals in a Culturally Diverse Europe" in Amsterdam, December 2004.

In addition to other more specific recommendations, the Amsterdam Declaration outlines four crucial points for the successful development of hospitals' services and organizational cultures:
- Developing a migrant-friendly hospital is an investment in more individualized and more person-oriented services for all patients and clients, as well as their families.
- Increased awareness of migrant population experiences and existing health disparities and inequities is needed, including those that are gender-related, and will lead to changes in communication, organizational routines and resource allocations.
- Focusing on ethno-cultural diversity implies the risk of stereotyping; however, migrant status, ethnic descent, cultural background and religious affiliation are just a few of the many dimensions of the complexity of human beings.
- Developing partnerships with local community organizations and advocacy groups who are knowledgeable about migrant and minority ethnic group issues is an important step that can facilitate the development of a more culturally and linguistically appropriate service delivery system.

Source: Migrant Friendly Hospitals, "The Amsterdam Declaration Towards Migrant-Friendly Hospitals in an ethno-culturally diverse Europe", Amsterdam, 2004 (in English), <http://www.mfh-eu.net/public/files/european_recommendations/mfh_amsterdam_declaration_english.pdf>.

The ZANZU platform: using technology to make culturally sensitive information easily accessible to migrants

Providing appropriate and easily accessible information for migrant groups is essential to the integration of migrants into healthcare systems. This information must take into consideration

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125 MFH "The Amsterdam Declaration" op.cit.

migrants' language skills and literacy levels, as well as the possible existence of cultural barriers to accessing or discussing sensitive information, such as about reproductive and sexual health.

The ZANZU website and app helps to meet these challenges by creating a multilingual platform. The platform provides information on sexual and reproductive health to migrants in 13 languages and pictographs, and is available here: https://www.zanzu.de/en/#lang=select.

Zanzu was created by the German Federal Centre for https://www.zanzu.de/en/dictionary/letter/health-1/ Education (*Bundeszentrale für gesundheitliche Aufklärung*, or BZgA), and http://www.sensoa.be/, the Flemish Expertise Centre for Sexual Health. BZgA is a specialist department within the German Federal Ministry of Health, and is responsible for health education and health promotion activities on behalf of the Federal Government. BZgA is also a World Health Organization (http://www.euro.who.int/collaborating centre for sexual and reproductive health. Sensoa is the official https://www.zanzu.de/en/dictionary/letter/partner-4/ organization of the Flemish Ministry of Welfare, Public Health and Family, and implements the Flemish Government's policy on sexual health. The content on the website was approved by an international advisory board of European experts in the field of sexual and reproductive health, including representatives of the WHO.

MODULE 9:
BACKGROUND RESOURCES

- MHADRI Migration Health Research Portal, <https://migrationhealthresearch.iom.int/mhadri>.
- WHO, "Declaration of Alma-Ata", 1978, <http://www.who.int/publications/almaata_declaration_en.pdf>.
- Migration Health Research, "Overview on International Law concerning migration and the right to health", <https://migrationhealthresearch.iom.int/international-migration-law-n%C2%B019-migration-and-right-health-review-international-law>.
- MIPEX, "MRS No. 53 – Summary Report on the MIPEX Health Strand and Country Reports", <https://publications.iom.int/books/mrs-no-52-summary-report-mipex-health-strand-and-country-reports>.
- Equi-Health, "Milestones and Deliverables", <http://equi-health.eea.iom.int/index.php/migrant-health/milestones-and-deliverables-mh>.
- International World Medical Association, "Good Practice Examples for International and National Codes of Conduct for Medical Doctors", <https://www.wma.net/policies-post/wma-international-code-of-medical-ethics/>.Canadian Medical Association (CMA), "Policy Code of ethics of the CMA", 2004, <https://www.cma.ca/Assets/assets-library/document/en/advocacy/policy-research/CMA_Policy_Code_of_ethics_of_the_Canadian_Medical_Association_Update_2004_PD04-06-e.pdf>.
- (Muster-)Berufsordnung für die in Deutschland tätigen Ärztinnen und Ärzte in der Fassung des Beschlusses des 118 Deutschen Ärztetages 2015 in Frankfurt am Main [(Sample) professional order for physicians working in Germany in line with the decision of the 118th German Medical Conference in Frankfurt am Main, 2015], <http://www.bundesaerztekammer.de/fileadmin/user_upload/downloads/pdf-Ordner/MBO/MBO_02.07.2015.pdf>.
- General Medical Council (United Kingdom), " Ethical guidance", <https://www.gmc-uk.org/publications/standards_guidance_for_doctors.asp>.
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- The Migrant Friendly Hospitals Initiative (MFH), <http://www.mfh-eu.net>.
- MFH, "The Amsterdam Declaration Towards Migrant-Friendly Hospitals in an ethno-culturally diverse Europe", Amsterdam, 2004 (in 11 languages), <http://www.mfh-eu.net/public/european_recommendations.htm>.
- MFH, "The Amsterdam Declaration Towards Migrant-Friendly Hospitals in an ethno-culturally diverse Europe", Amsterdam, 2004 (in English), <http://www.mfh-eu.net/public/files/european_recommendations/mfh_amsterdam_declaration_english.pdf>.

- Trummer, U. et al., "Subproject B: Migrant-friendly information and training in mother and child care", MFH, November 2003, <http://mfh-eu.net/public/files/experiences_results_tools/spb_motherchild/01_SPB_fact_sheet_final.pdf>.
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- *Closing the gap in one generation: health equity through action on the social determinants of health* (Geneva: WHO, 2008), <http://apps.who.int/iris/bitstream/handle/10665/43943/9789241563703_eng.pdf;jsessionid=67C0D0DF98223FC60A0B6158B1E0ACF1?sequence=1>.
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- ZANZU webpage, <https://www.zanzu.de/en/#lang=select>.

MODULE 10:
CIVIC AND POLITICAL PARTICIPATION OF MIGRANTS AT THE LOCAL AND NATIONAL LEVELS

Migrants' active participation in the civic and political life of the receiving country is an important dimension of their integration. It gives migrants a sense of agency and belonging to the receiving society and strengthens social cohesion. Access to full civic and political rights is usually associated with citizenship. However, non-nationals also enjoy considerable political rights and obligations in a number of countries across the OSCE region.

The three main forms of civic and political participation available to migrants are:

1. Participation in voluntary associations and civil organizations, trade unions and political parties;
2. Electoral participation – the right to vote in national, regional and local elections, and the right to stand in local elections; and
3. Participation in consultations of the state authorities with the population at national, regional or local levels.

INTERNATIONAL AND REGIONAL LEGAL STANDARDS

International legal standards guarantee all migrants, including undocumented migrants, access to nearly all civic and political rights, including the rights to freedom of expression, assembly and association, as well as trade union membership (namely, the International Covenant on Civil and Political Rights and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families). However, international standards also allow for restrictions on electoral rights, either with regard to elections in migrants' country of origin or in their receiving country.

In terms of regional instruments, the European Convention on Human Rights reinforces the right to freedom of assembly and association, freedom of thought, conscience and religion, and freedom of expression, but permits certain restrictions on the "political activities of aliens" (Article 16). Moreover, the 1992 Council of Europe Committee of Ministers' Convention on the Participation of Foreigners in Public Life at Local Level (ETS No. 144)[126] deals with: (1) freedom of speech, assembly, association and the right to be involved in local public inquiries, planning procedures and consultation procedures; (2) the obligation to encourage and facilitate local consultative bodies of foreign residents; (3) the right to vote at the local level after a maximum of five years' residence (including the possibility to run for public office, at the discretion of signatory states). As of April 2018, the following OSCE participating States had ratified this Convention: Albania, the Czech Republic, Denmark, Finland, Iceland, Italy, the Netherlands, Norway and Sweden, while Cyprus, Lithuania, Slovenia and the United Kingdom are signatories to the Convention. It should be noted, however, that the states that ratified the convention already had in place policies that meet its minimum standards.[127]

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126 Council of Europe, "Convention on the Participation of Foreigners in Public Life at Local Level", 5 February 2002, <https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/144>.

127 Waldrauch, H., "Electoral rights for foreign nationals: a comparative overview of regulations in 36 countries", National Europe Centre Paper No. 73 (Vienna: European Centre for Social Welfare Policy and Research, 2003), <https://openresearch-repository.anu.edu.au/bitstream/1885/41780/3/waldrauch_paper.pdf>.

The Congress of Local and Regional Authorities of the Council of Europe specifically addressed migrant consultative bodies in Resolution 141 (2002) On the Participation of Foreign Residents in Local Public Life: Consultative Bodies[128] and Recommendation 115 (2002) that also addresses migrant consultative bodies.[129]

The 1977 European Convention on the Legal Status of Migrant Workers obliges signatories to grant migrant workers the same rights as nationals to organize in order to protect their economic and social interests, as well as to facilitate their equal participation in the affairs of an enterprise (Articles 28 and 29). As of April 2018, the following OSCE participating States have ratified this Convention: Albania, France, Italy, Moldova, Netherlands, Norway, Portugal, Spain, Sweden, Turkey and Ukraine, while several others have signed it, namely: Belgium, Germany, Greece and Luxembourg.[130]

With regard to OSCE participating States that are also members of the European Union, the Charter of Fundamental Rights and other European Union instruments also confirm political rights for all European Union residents under Article 11 (freedom of expression and information) and Article 12 (freedom of assembly and of association). Moreover, the Long-term Residents Directive (2003/109/EC),[131] prescribes that holders of single work or residence permits (Directive 2011/98/EU[132] and holders of the Blue Card (Directive 2009/50/EC)[133] must also be granted the same rights as nationals of members states to freedom of association and representation in unions and professional organizations. In terms of migrants' voting rights, European Union citizens residing in another member state also have the right to vote and stand as candidates in local and European elections in their country of residence (Article 22 of the Lisbon Treaty).[134]

OSCE participating States have committed to migrant integration and non-discrimination in order to facilitate the participation of migrants in the life of the society. Although there are no OSCE commitments relating specifically to migrants' political participation, some OSCE participating States have made general reference to the participation of regular migrant workers. In the 1991 Moscow Document (Article 38.2), participating States committed to adopting "appropriate measures that would enable migrant workers to participate in the life of the society of the participating State". In the 1992 Helsinki Decision on the Human Dimension, participating States committed to the following:

> "(38) [Participating States] Will, in accordance with their domestic policies, laws and international obligations seek, as appropriate, to create the conditions for promoting equality of opportunity in respect of […] access to trade unions […] or lawfully residing and working migrant workers."

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128 Congress Of Local And Regional Authorities Of Europe, "Resolution 141 (2002) on the Participation of Foreign Residents in Local Public Life: Consultative Bodies", <https://rm.coe.int/168071a2f9>.

129 Congress Of Local And Regional Authorities Of Europe, "Recommendation 115 (2002) on the participation of foreign residents in local public life: consultative bodies",< https://rm.coe.int/1680718c06>.

130 Council of Europe, "European Convention on the Legal Status of Migrant Workers" op.cit.

131 European Council, "Directive 2003/109/EC" op.cit.

132 European Parliament and Council, "Directive 2011/98/EU of 13 December 2011 on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State", <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32011L0098>.

133 European Council, "Directive 2009/50/EC" op.cit.

134 European Union, "Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community", 13 December 2007, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:12007L/TXT>.

Moreover, OSCE Human Dimension Seminars have recommended that participating States enfranchise migrants and promote their civic and political participation, calling on states to:

- "co-operate closely with migrant interest groups for the purposes of awareness-raising on specific issues, capacity-building and consultation in decision-making on issues related to migrants" (Human Dimension Seminar on Migration and Integration, Warsaw, 11–13 May 2005); and
- "provide migrants legally residing in host countries with opportunities for participation in public life, such as voting rights in municipal elections, representation in consultative/advisory bodies, and membership in trade unions" (Human Dimension Seminar on Effective Participation and Representation in Democratic Societies, Warsaw, 16–18 May 2007).

EXAMPLES OF MIGRANT CIVIC AND POLITICAL PARTICIPATION ACROSS THE OSCE REGION

Freedom of association, trade unions and political parties

In the majority of OSCE participating States, migrants enjoy basic civic and political liberties, including the right to petition, assemble, demonstrate, found an association and join a trade union or political party. a number of participating States still deny migrants the right to join a political party or found a political association (Poland, Turkey and Hungary). Migrants across the OSCE region can join sports and other recreational organizations, service clubs, environmental groups, heritage associations, neighbourhood associations and international solidarity groups. Such activities contribute to their interaction with their receiving society, promoting greater integration and social cohesion.

Germany: volunteering as "giving back to the community"

There are many examples of migrants and refugees who decide to volunteer for various social initiatives, including charity organizations, soup kitchens, orphanages and old people's homes as a way of "giving back" to their receiving community. This video tells the story of Alex Assali, a refugee from Syria who was granted refugee status in Germany and who decided to distribute food he prepares himself to homeless people in Berlin.

https://www.youtube.com/watch?v=ozTiYT5dxPo

Migrants are often willing to take an active part in the civic and political life of their receiving countries, but do not have or know about opportunities to do so. It is important that mainstream non-governmental organizations, associations and clubs, etc., broaden their appeal to an increasingly diverse population and reach out to potential migrant members, promote their participation and employ them as staff.

Ireland: Intern scheme for migrants and naturalized citizens from outside the European Union

Endorsed by the Taoiseach (Prime Minister), the "Opening Power to Diversity" scheme matches volunteer migrants and new Irish citizens with members of the Oireachtas, the Irish parliament. Over a six-month period, participants of the scheme obtain a unique and valuable experience and insight into how politics works in Ireland by observing and assisting Teachtaí Dála, members of the lower chamber, or Senators, in their daily work. The participants follow the work of the member of parliament during the day and participate in the activities of her/his office, attend various meetings, observe Committee meetings and Dáil (lower chamber) sessions and get involved in work at the constituency level. Participants are also expected to keep a weekly diary of their experiences and participate in review exercises. Orientation and ongoing support is provided by the Crosscare Migrant Project. The scheme aims to generate greater understanding and interest in politics among people of migrant backgrounds. The programme promotes diversity among politicians, the political establishment and society at large.

Source: Living in Ireland, "Opening Power to Diversity", <http://www.livinginireland.ie/en/opening_power/>.
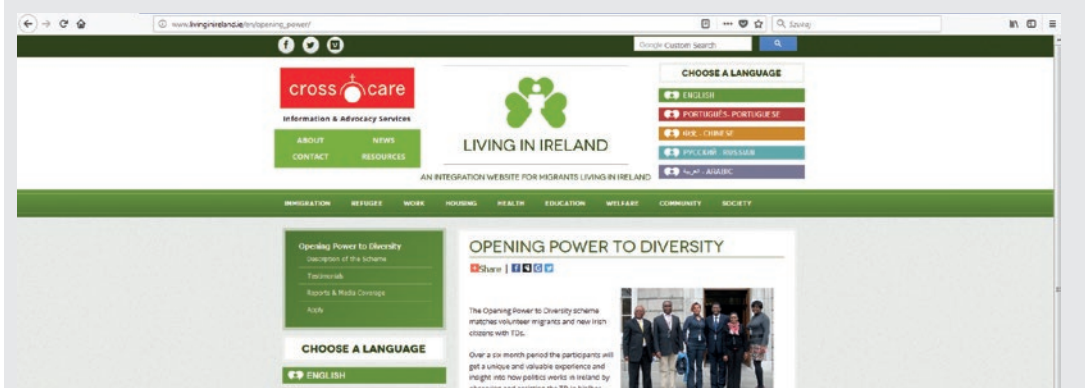
Norway: Promoting integration through sports clubs

The Norwegian multisport club Holmlia SK uses sport to manifest the motto "we shall be proud of ourselves" in the local community. The area was struggling with a bad reputation due to a racially motivated murder.[135] The aim of Holmlia SK is to contribute to helping "voluntary organizations support participation, dialogue and co-operation in the local community and improve public health, particularly among the immigrant population." The club participates in the larger *Vær stolt festival* (Be proud festival), which underpins the importance of the identity of the local community. The club attempts to keep low prices and enables the renting of sports equipment to enhance sports participation among migrants.

Source: Holmlia SK Fotball, <http://holmlia-sk-fotball.idrettenonline.no/>.
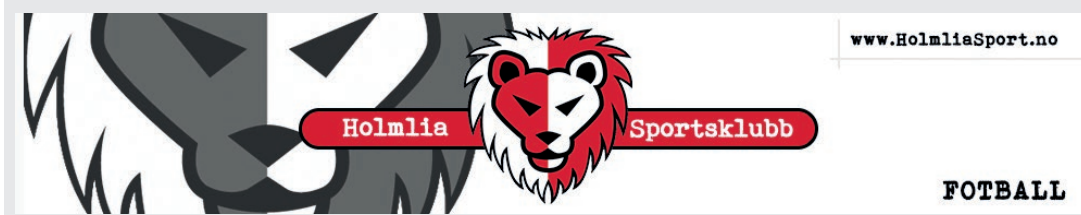
135 Piątkowska, M. et al., "Promoting Social Integration and Volunteering in Sports Clubs", University of Southern Denmark, 2017, <http://tf.hu/files/docs/sportmenedzsment-tanszek/SIVSCE_kutat%C3%A1si_jelent%C3%A9s_1.pdf>.

There are a large number of migrant organizations across the OSCE area, most of which usually focus on celebrating and promoting their national language and culture, as well as promoting migrants' rights and opportunities. Migrant associations play a number of important functions. First of all, they serve migrants' cultural and associational needs – providing space and opportunities for interaction and bonding with fellow nationals, nurturing migrants' culture and languages and familiarizing mainstream society with migrants' culture. They also promote migrant integration by providing migrants with information about the receiving society in their first languages and helping them access public services and the labour market, etc. Moreover, migrant associations represent and promote migrant populations' interests vis-à-vis the state authorities. They may inform the authorities about migrants' particular needs, lobby for legislative changes and can be a stepping stone for migrants' further political participation. They may also support wider cultural, business and educational co-operation and people-to-people contacts between the receiving country and the country of origin.

Poland: the Ukrainian House in Warsaw

The Ukrainian House in Warsaw is run by the "Our Choice" Foundation, established by migrants from Ukraine and Polish nationals. The Ukrainian House is a hub for Ukrainian and Polish cultural events, Polish language courses and migrant consultations. It houses the Ukrainian Saturday school for Ukrainian migrant children, the Club of Ukrainian Women, a migrant information point, a literary club, a film club and a Ukrainian choir. The members of the "Our Choice" Foundation also take part in municipal policy consultations and conduct advocacy activities aimed at facilitating migrants' access to the Polish labour market.

Source: Ukrainski Dom (Ukrainian House), <https://uk.ukrainskidom.pl/>.
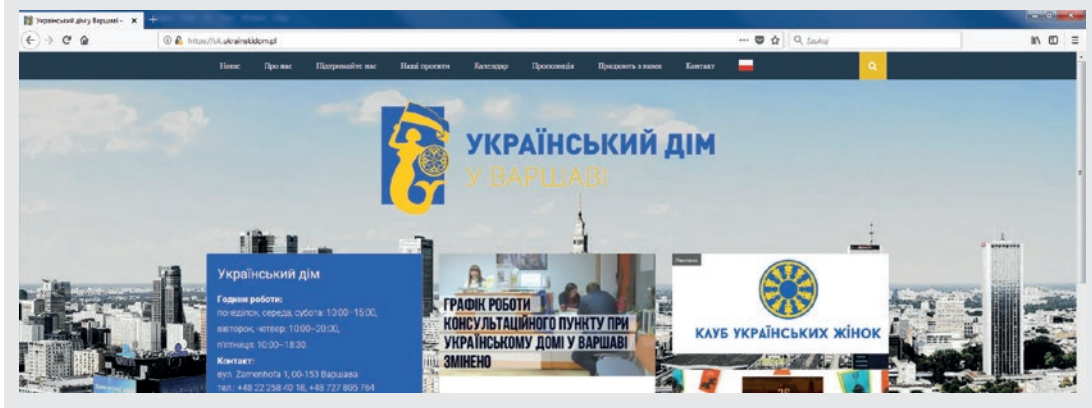
Migrant civic and political participation depends largely on the opportunities provided by the receiving society, including: funding, information and outreach initiatives; platforms and opportunities for networking and exchanging ideas; inclusive membership and staff recruitment policies; capacity building, including teaching migrants the necessary skills for civic and political activity in their receiving communities; and assisting the integration of other migrants. a number of migrant associations and mainstream associations working on migrant integration issues focus on promoting leadership skills among migrant communities' representatives, with a special focus on migrant women and youth. One example of such programmes is the Women Empowered to Lead (WE Lead) Program run by the National Partnership for New Americans in co-operation with other partners.

United States: Women Empowered to Lead (WE Lead) Program

The National Partnership for New Americans (NPNA) in the United States, in collaboration with the Jones Day Law Firm and Cities for Citizenship (C4C), launched the WE Lead Community Navigator Training Program to train "community navigators", empower migrant women and their communities and expand legal services for migrants.

This programme has funded seven NPNA partners in seven cities with the goal of establishing a replicable model for legal services and training partnerships between community-based organizations, local law firms, municipal partners and local donors. NPNA works with participating partners to develop their programmes, co-ordinate national actions and elevate the profile of this programme so that more cities and donors will adopt similar funded partnerships across the country.

Source: Partnership for New Americans, "Women Empowered to Lead Program", <http://partnershipfornewamericans.org/portfolio/women-empowered-to-lead-we-lead-program/>.

Trade unions in some OSCE participating States actively reach out to migrant workers and encourage them to join, organize trainings and help migrant workers defend their rights. Such steps help to protect migrant workers' rights while also tackling prejudice against them.

United Kingdom: Trade Union handbook for migrant workers

The British trade union UNISON developed a special handbook on organizing migrant workers that discusses migrant workers' rights, ways of reaching out and engaging migrant workers, tackling myths about migrant workers, addressing language barriers and other ways UNISON can assist migrant workers.

Source: Organising migrant workers. a Unison Branch Handbook, UNISON, 2013, <https://www. unison.org.uk/content/uploads/2013/06/On-line-Catalogue173513.pdf>.
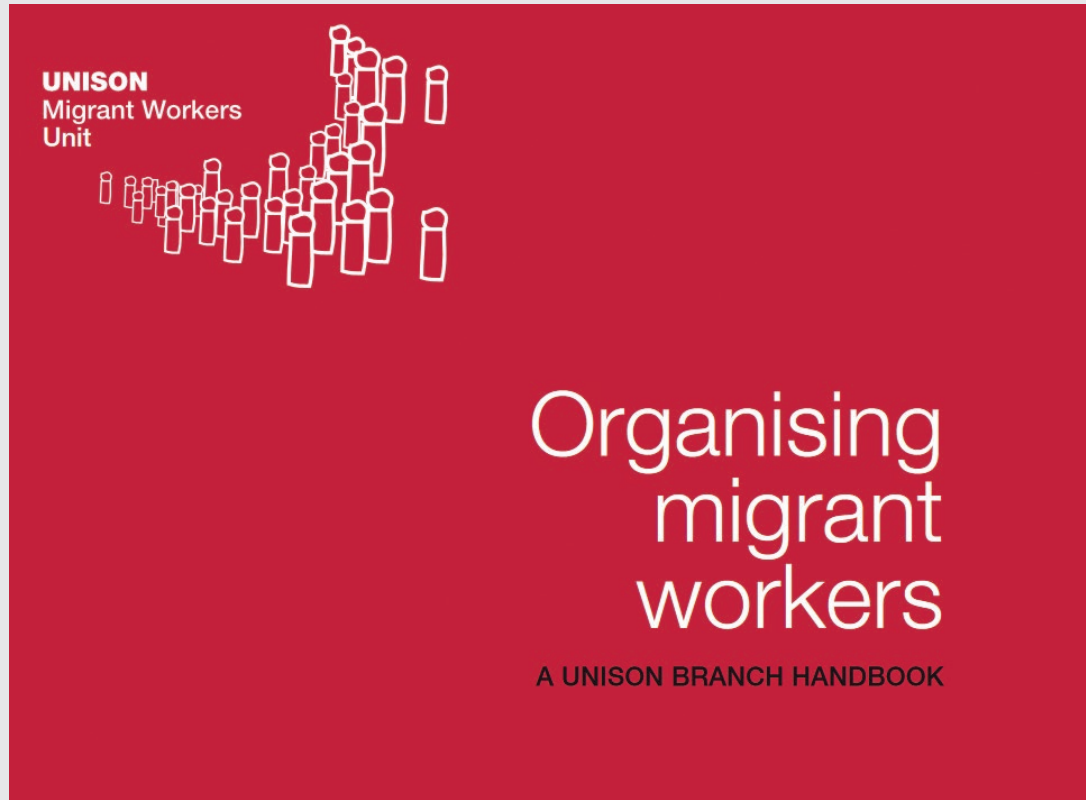
Political parties

In a number of OSCE participating States, migrants are allowed to join political parties: Austria, Belgium, Canada, Cyprus, Denmark, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Luxembourg, Malta, the Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, the United Kingdom and the United States. Other participating States restrict political party membership to citizens only.

Political parties can often act as gatekeepers and drivers of the political participation of migrants. In certain cases, political parties have adopted measures to increase diversity among their membership, such as voluntary quotas. An example of this is the Social Democratic Party of Sweden (*Socialdemokraterna*, or SAP), where quotas for non-Nordic migrants were introduced and resulted in one out of every four candidates on its list in the Stockholm district having a migrant background. Similarly, in Finland, the National Coalition Party created an affiliated branch, the National Coalition of Immigrants, with the aim of enhancing the political participation of migrants.

MIGRANT VOTING RIGHTS IN THE OSCE REGION

Electoral rights – the right to vote in elections and the right to be elected – are at the core of political participation. Extending them to migrants gives the migrant population a greater stake in the local community, and the opportunity to shape and determine policies that have a direct impact on their lives, including migrant integration policies. This is particularly true for local level elections, where political decisions affect the everyday lives of increasingly diverse populations.

In terms of voting rights for migrants, OSCE participating States can be divided into four categories:

1) States that grant non-nationals both the right to vote (active voting right) and the right to run as a candidate (passive voting right);
2) States that grant migrants only the right to vote, but not to be elected;
3) States that limit voting rights to migrants from selected countries, usually based on the principle of reciprocity (typically for migrants from countries with colonial ties to the receiving country); and
4) States that do not grant any voting rights to non-nationals.

Since 1992, European Union citizens residing in another member state have the right to vote and stand as candidates in local and European Parliament elections in their country of residence.

A number of OSCE participating States have extended the right to vote and to be elected to migrants, including Denmark, Finland, Iceland, Ireland, Lichtenstein, Lithuania, Luxembourg, the Netherlands, Norway, Slovakia, Sweden and Switzerland (in eight cantons).[136] Several more States grant voting rights to migrants from selected countries, usually on the principle of reciprocity (Portugal, Spain and the United Kingdom). The required duration of residence to be entitled to vote in local elections varies from three months (Ireland) to five years (Belgium, Luxembourg and the Netherlands). Belgium, Estonia, Hungary and Slovenia, as well as three cities in the state of Maryland in the United States, have granted migrants the right to vote but not the right to run in elections.

However, the actual level of migrant electoral participation is still relatively low, even in states with generally inclusive approaches. For example, in the 2014 Irish elections there were 31 non-Irish candidates out of 2 036 (1.5 per cent of total candidates).[137] The biggest barrier to migrant electoral participation in the countries where migrants can vote has been identified as their lack of awareness of their voting rights.[138] This challenge can be addressed through awareness-raising campaigns about migrants' political rights and opportunities, as well as voter registration facilitation. Research shows that migrants are more likely to take part in elections when there are candidates with migrant backgrounds.[139]

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136 Arrighi, J-T and Bauböck, R., "Migrants' voting rights in national and local elections", *European Journal of Political Research,* Vol. 56 (3), 2017, pp. 619–39.

137 Irish Elections: Geography, Facts and Analyses, "New Irish (Non-Irish/UK nationals) candidates contesting the 2014 Local Elections", <https://webmail.osce.org/owa/redir.aspx?C=JWNz_jR6ARY09B87XrX6_b7PQt35PkBz6-ZHFjVSdjloMJkvyabVCA..&URL=https%3a%2f%2fadriankavanaghelections.org%2f2014%2f01%2f02%2fnew-irishnon-irishuk-nationals-candidates-contesting-the-2014-local-elections%2f>.

138 Ahokas, L., *Promoting Immigrants' Democratic Participation and Integration* (Tampere: European Commission, 2010).

139 *Ibid.*

Finland: mobilizing migrants with the "iCount" project

The "iCount" project run by the Helsinki-based Network of Multicultural Associations, "Moniheli", a network of more than 100 member organizations, focused on improving dialogue among migrant residents, authorities and political parties. Project activities included: awareness-raising activities and campaigns (in particular the 2017 municipal election campaign, "Our elections"); cross-sectoral co-operation; creating forums for discussion among different stakeholders and bringing people together; and teaching relevant skills during courses, workshops and seminars. Project workers were present in four different cities in Finland.

Source: "Moniheli" Network of Multicultural Associations, <http://www.moniheli.fi/>.

Luxembourg: "I can vote" campaign to encourage migrant participation

Since 2005, foreign nationals in Luxembourg are allowed to vote in municipal elections, so long as they are aged 18 or older on the day of the municipal elections and have been resident for at least five years in the Grand Duchy at the time of their registration on the electoral lists.

In preparation for the 2017 communal elections, Luxembourg's Ministry for Family Affairs, Integration and the Greater Region launched a public awareness and information campaign to encourage foreign nationals to sign up to the electoral register. This campaign was co-ordinated by the Luxembourg Reception and Integration Agency (OLAI) and involved a range of information and awareness-raising tools, including information leaflets in ten languages, posters in five languages and information kits.

Source: The Official Portal of the Grand Duchy of Luxembourg, <http://www.luxembourg. public.lu/en/actualites/2017/01/19-elections/index.html>.

> **Ireland: migrant candidates in local elections**
>
> Elena Secas is the first person of a different nationality to be elected as a local councillor in Limerick, Ireland. She got involved in politics in Ireland in 2006. At the time, she did not have Irish citizenship and could only participate in local elections. She stood for the first time in the 2009 local election and was very close to winning a seat. She stayed actively involved as a Local Area Representative and ran again in the 2014 local election, when she was elected to the Limerick City and County Council.
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>
>
> *Source:* The Labour Party Ireland, "Elena Secas", <https://www.labour.ie/elenasecas>.

MIGRANTS' CONSULTATIVE BODIES

While consultative bodies may have a limited direct impact on policies, they are an important avenue of migrant civic and political participation and can be very influential. They give representatives of migrant communities a voice and the opportunity to engage in dialogue with authorities and other relevant stakeholders, thereby helping to shape policies that affect migrants' lives. Consultative bodies should not be seen as a substitute for other political rights, including electoral rights, but they may serve as a springboard for further civic and political engagement.

Three main forms of migrants' participation in consultative bodies can be identified:[140]

1) Consultative bodies with exclusively non-national members;
2) Consultative bodies with mixed membership of foreign residents and nationals; and
3) The participation of representatives of migrant populations in an advisory capacity in local authority committees.

The competent authorities of every state must determine whether representatives of non-nationals should be directly elected or nominated by the relevant organizations. Many OSCE participating States have established migrant consultative bodies at the national and/or the local level, usually, but not only, in major cities.

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140 Council of Europe, "Explanatory Report to the Convention of Council of Europe on the Participation of Foreigners in Public Life at Local Level", 5 February 1992, <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680 0cb5e1>.

Examples of national and local consultative bodies in selected OSCE participating States

	Name of national consultative body	Name of consultative body in cities
Austria	N/A	Foreigners' Advisory Boards (Graz and Linz)
Belgium	Consultative Council of Foreigners	CBOE (Brussels), *Minderhedenforum* (Flanders)
Czech Republic	N/A	Migrant Platform (Prague), Commissions for Integration (Mlada Boleslav, Plzen)
Denmark	Council for Ethnic Minorities	Citizenship Committee (Aarhus)
Estonia	Roundtable of Nationalities	N/A
Finland	Advisory Board for Ethnic Relations (ETNO)	Municipal-level ETNOs
France	N/A	Citizenship Council of non-European Union Parisians, CCPNC and Consultative Citizenship Councils of Foreigners (Grenoble, Lille, Strasbourg and Toulouse, among others)
Germany	Integration Advisory Board of Federal Commissioner	Foreigners' Advisory Boards
Greece	N/A	Councils for Migrants' Integration
Iceland	N/A	Intercultural Council (Reykjavik)
Ireland	N/A	NCP Integration Forums
Italy	N/A	Elected Foreigners' Advisors and Foreigners' Consultative Bodies
Lithuania	Consultative Forum of Integration	N/A
Luxembourg	National Council of Foreigners (CNE)	Consultative Councils of Foreigners
Netherlands	N/A (previously *Landelijk Overleg Minderheden*, or LOM)	Advisory Council on Interculturalization (Utrecht), Foreigners' Advisory Commission (Nijmegen), Participation Council (Haarlem)
Norway	Annual Dialogue Conference (replaced Contact Committee for Immigrants and Authorities)	Council of Immigrant Organisations (Oslo), Minorities Council (Drammen)
Portugal	Council for Migrations	City Council for Interculturalism and Citizenship (Lisbon), Consultative Council of Communities (Porto), etc.
Spain	Forum for Social Integration of Immigrants	Integration Forums
Sweden	N/A (support for Cooperation Group for Ethnic Associations in Sweden, SIOS)	N/A
Switzerland	Federal Commission for Foreigners	Integration Consultative Commissions (Bern and Geneva, among others)
Turkey	N/A	Foreign Citizens' Council (Alanya)
United Kingdom	N/A	Migrant and Refugee Advisory Panel (London), Cross-Party Group on Racial Equality (Scotland), All Party Group on Ethnic Minority Communities (Northern Ireland)
United States	N/A	Councils for New Americans (in the states of Illinois, Massachusetts, Maryland, New York and Washington)

Source: MIPEX, 2015, <http://www.mipex.eu/%3e.

Iceland: Multicultural Council of Reykjavik

The Reykjavík Multicultural Council is a consultation platform for foreign citizens of Reykjavik, migrant organizations, the labour market and city representatives. It acts as an advisory body to the Municipal Human Rights Council and other city departments dealing with migration issues. The Council is actively participates policy-making concerning non-nationals. The Multicultural Council advises the City of Reykjavik in relation to migrant issues and, in co-operation with City Service Centres, supports the empowerment of social capital and promotion of city institutions to non-nationals. It aims to:

- provide advice on migrant issues to Reykjavik City Council and other councils and committees in Reykjavík;
- work for migrant interests in Reykjavik;
- promote information and co-operation between the City of Reykjavik and migrant interest groups;
- make proposals to the City Council on migrant issues and related policy;
- connect migrants with Icelandic society and build bridges between migrants and locals;
- and promote migrant issues and support a peaceful, multicultural society.

The Council consists of five members and five alternates. Two members are nominated by the City Council and the remaining three members and deputies are directly elected for a four-year period by participants of Reykjavík's Multicultural Congress, a larger representative body of local residents of foreign origin that meets much less frequently. The City Council elects the Multicultural Council's chair, but the Multicultural Council chooses its own vice-chair and engages in the Council's work in other areas.

Fjölmenningarráð Reykjavíkurborgar

Source: Reykjavik City Council, "Multicultural Council" (in Icelandic), <http://reykjavik.is/radognefndir/fjolmenningarrad>; and Multicultural Council of Reykjavik (booklet in English and Icelandic), <https://reykjavik.is/sites/default/files/fjol_rad_baeklingur052015_0.pdf>.

Portugal: the Council for Migration

The Council for Migration is the body responsible for defining the main activities of the High Commissioner for Migration (ACM) through consultation, support and participation. Its governing council ensures the participation and collaboration of public and private entities in defining and implementing migration policies.

The Council's role is to:

- advise on legislation relevant to the rights of migrants;
- advise on issues related to public policies, including cross-sectoral and relevant policies on social inclusion, citizenship and rights acquisition, and the integration of migrants;
- participate in developing measures and actions for migration policies and formulate proposals for their promotion;
- advise on any obstacles preventing a swift and effective response from the public administration to problems related to migrant integration; and
- advise on issues put to it by the High Commissioner.

Members include:

- the High Commissioner, who chairs the Council;
- a representative of each of the migrant communities from Portuguese-speaking countries, according to the associations recognized by the ACM;
- one representative from each of the other three most numerous migrant communities not from Portuguese-speaking countries, according to the associations recognized by the ACM;
- a representative of associations not affiliated to the abovementioned migrant communities and recognized by the ACM;
- three representatives of institutions with an interest in the area of migration, as appointed by the ACM;
- two Portuguese or foreign citizens of recognized merit appointed by the ACM; and
- representatives of all relevant ministries and public agencies.

Source: High Commission for Migration, "Advice for Migrants" (in Portuguese), <https://www.acm.gov.pt/-/conselho-para-as-migracoes-cm>.

Reviewing the effectiveness of migrant consultative bodies

A review of practices in different countries reveals that some migrant consultative bodies are established but have little impact. It is important to ensure that migrants' participation in consultative bodies is a meaningful experience both for migrants and the wider community. In their Handbook on *Local consultative bodies for foreign residents*, Sonia Gsir and Marco Martiniello present several recommendations to improve the effectiveness of migrant consultative bodies:[141]

- Objectives need to be clearly defined, prioritized, funded and assessed.
- Membership needs to be open-ended and differentiated, with the equal representation of migrant and local communities, and the broad representation of migrants from different groups.
- Members should be elected by migrant residents or associations, rather than nominated by the authorities.
- The activities of such bodies should include consultation and the promotion of migrants' civic and political participation.
- Consultative bodies should have an official mandate to be informed and consulted, initiate consultations and receive a response, and should receive necessary and financial and human resources.

KEY CONCLUSIONS FOR MIGRANTS' CIVIC AND POLITICAL PARTICIPATION

In sum, migrants' civic and political participation is an important aspect of migrant integration, and the many forms of such engagement can be grouped into three categories: those related to exercising the freedom of association; passive and active electoral rights; and participation in public consultations. The opportunities for and rates of participation of migrants in the civic and political life of their receiving countries vary across the OSCE region.

Four key steps to promoting migrants' civic and political participation are:

- Guaranteeing the civic and political rights of migrants in the constitution;
- Raising awareness about migrants' right to participate in the civic and political life of their receiving country among migrant communities, mainstream society, relevant organizations and political parties, among others;
- Eliminating the barriers migrants may face in exercising their civic and political rights, including through special targeted actions; and
- Building migrants' capacity and equipping them with the skills needed to exercise their civic and political rights, in particular those migrant groups that are often excluded or under-represented in civic and political life, such as youth and women.

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141 Gsir, S. and Martiniello, M., "Local consultative bodies for foreign residents" (Council of Europe, 2004), <https://book.coe.int/eur/en/making-democratic-institutions-work/2969-local-consultative-bodies-for-foreign-residents.html>.

MODULE 10:
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