

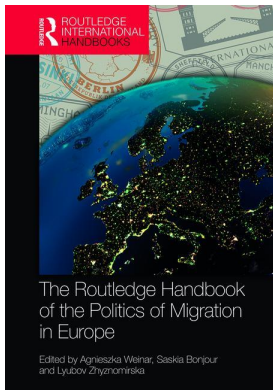
This article was downloaded by: 10.2.97.136

On: 22 Sep 2023

Access details: *subscription number*

Publisher: *Routledge*

Informa Ltd Registered in England and Wales Registered Number: 1072954 Registered office: 5 Howick Place, London SW1P 1WG, UK



The Routledge Handbook of the Politics of Migration in Europe

Agnieszka Weinar, Saskia Bonjour, Lyubov Zhyznomirska

The participation, mobilization and political representation of migrants in Europe

Publication details

<https://test.routledgehandbooks.com/doi/10.4324/9781315512853-13>

Pierre Monforte, Laura Morales

Published online on: 09 Jul 2018

How to cite :- Pierre Monforte, Laura Morales. 09 Jul 2018, *The participation, mobilization and political representation of migrants in Europe from: The Routledge Handbook of the Politics of Migration in Europe* Routledge

Accessed on: 22 Sep 2023

<https://test.routledgehandbooks.com/doi/10.4324/9781315512853-13>

PLEASE SCROLL DOWN FOR DOCUMENT

Full terms and conditions of use: <https://test.routledgehandbooks.com/legal-notices/terms>

This Document PDF may be used for research, teaching and private study purposes. Any substantial or systematic reproductions, re-distribution, re-selling, loan or sub-licensing, systematic supply or distribution in any form to anyone is expressly forbidden.

The publisher does not give any warranty express or implied or make any representation that the contents will be complete or accurate or up to date. The publisher shall not be liable for an loss, actions, claims, proceedings, demand or costs or damages whatsoever or howsoever caused arising directly or indirectly in connection with or arising out of the use of this material.

11

THE PARTICIPATION, MOBILIZATION AND POLITICAL REPRESENTATION OF MIGRANTS IN EUROPE

Pierre Monforte and Laura Morales

Introduction

Although immigration is not a recent phenomenon in Europe, it is only since the 1990s that European scholars have begun to explore the role and representation of migrants in politics. The late emergence of this field (Bevelander and Spång 2014) was driven by the prior assumption that migrants who arrived in Europe in the 1950s and 1960s were just guest workers, and the late realization that they settled, and therefore aimed to participate politically. By contrast, the American scholarship identified as early as in the 1960s–1970s that migrants and ethnic minorities' participation is a crucial issue in US politics (Browning, Marshall and Tabb 1984; Dahl 1961).

Migrants and ethnic minorities in Europe participate in politics in different ways, through voting (Tillie 1998), involvement in civil society organizations (Morales and Pilati 2011) or collective contentious action (Koopmans *et al.* 2005). Also, they are increasingly represented in parliaments and local councils across Europe (Bird, Saalfeld and Wüst 2011). In doing so, they aim to have input in the political process, and they demonstrate their political agency.

European scholars have explored the role of migrants in politics through different questions, which relate to different approaches. Three questions in particular can be highlighted: what is the extent of migrants' civic and political participation at the individual level (e.g. voting or involvement in civil society organizations); how do they participate as communities in particular in contentious politics (collective action); and what is the extent of their political representation? Although these questions have been analysed separately, they relate to the same general perspective: revisiting the idea that migration policy and politics is a primarily 'elite' driven process. The common underlying objective is to understand the role of migrants in the process of shaping migration policies, as well as in the process of participating in the public sphere more generally.

The theories and approaches that have dominated the American literature on migrants' political participation – in particular Resource Mobilization Theory (focused on organizational strategies to recruit participants) and the emphasis on identity politics (exploring the processes of construction of collective identities) – have influenced European scholars working on these issues. However, the key contribution to this field of the European literature is the consideration of 'contextual' factors at the local, national or supranational as drivers of migrants' political

participation. As we will develop in this chapter, this perspective stems from an empirical observation: the variation in political opportunities, migration policies, integration regimes and other contextual factors across European settings influence the political participation of migrants.

In this chapter, we briefly review the European scholarship on the political participation of migrants through three different (but related) dimensions: the civic and political participation of migrants and ethnic minorities; their mobilization in contentious action; and their political representation at the institutional level.

The civic and political participation of migrants in Europe

The study of migrants' civic and political participation has been approached from two analytical perspectives in Europe. On the one hand, the early studies focused on migrants as a *group* or as a set of *groups*; that is, on the aggregate or collective level. These early studies focused on collective action and group dynamics of political integration into local and national-level politics, as well as on the transnational political engagement of migrant communities (Rath 1988; Hargreaves 1991; Hargreaves and de Wenden 1993; Sagar 1993; Ireland 1994; Fennema and Tillie 1999; Martiniello 2000; Garbaye 2002).

On the other hand, since the 2000s scholars have started to analyse the civic and political participation of migrants with individual-level data. Since the mid-2000s, a number of specialized surveys have targeted migrants and their descendants to better understand their individual political behaviour. National elections studies – in, e.g. Britain, Germany and Norway – have started to produce boost samples or parallel samples of ethnic and migrant minorities. At the same time, European research programmes have enabled scholars to launch ambitious comparative surveys targeting only migrant groups – e.g. 'The Integration of European Second Generation' (TIES), the Localmultidem, the Eurislam or the Immigrant Citizens Surveys. Findings point in a common direction: migrants of various national origins tend to show lower levels of interest in politics, less information about politics and less inclination to participate in associations or in various forms of political action. The next section focuses on group-level participation and collective action – primarily protest. Here we focus on the key findings of research in Europe focusing on the individual level.

Focusing first on associational involvement, multiple studies have shown that migrants in Europe are less inclined to join associations than the majority population (Jacobs, Phalet and Swyngedouw 2004; Strömblad, Myrberg and Bengtsson 2011; Manatschal and Stadelmann-Steffen 2014). This finding is consistent across a number of definitions of associational involvement and across different types of organizations. The evidence also suggests that participation in organizations that connect migrants to their countries of origin or ancestry through transnational practices is not as common as might be expected (Morales and Morariu 2011).

Some studies have suggested that migrants' lower levels of associational involvement are due to a reduced access to the resources that are linked to participation in associations as well as the time it takes to integrate in the country of settlement (Aleksynska 2011; Voicu and Șerban 2012). Equally, a number of aspects relating to the experience and timing of migration have also been shown to be important, such as the length of period of settlement in the country, whether individuals hold the nationality of the country of settlement, and whether they are first or second generation migrants (Morales and Pilati 2011; Heath *et al.* 2013). All these studies indicate that the more settled migrants are in the country of reception, the more likely they are to become involved in associations.

Other studies (Voicu 2014) show that migrants' associational involvement follows a pattern of partial assimilation to the country of settlement, which suggests that the context of reception

is critical. Similarly, Pilati *et al.* (2016) show that how much the native population joins associations is the single most important contextual factor in shaping migrants' associational involvement, and Pilati and Morales (2017) show that involvement in pan-immigrant associations is considerably affected by the place of settlement.

Not surprisingly, the electoral participation of migrants in Europe has attracted more attention than any other form of political participation. Yet, even in this domain the data coming from surveys is still scarce. Research has been more abundant for the British (e.g. Studlar and Welch 1992; Saggat 2000; Heath *et al.* 2013) and Scandinavian cases (e.g. Soininen and Bäck 1993; Togeby 1999; Bergh and Björklund 2010; Wass *et al.* 2015), but gradually research has emerged in other places, such as Germany (e.g. Wüst 2000) and elsewhere in Europe (e.g. Méndez 2010; Morales *et al.* 2010; Strijbis 2014). All these studies point to considerably lower turnout rates among migrants and their descendants when compared to majority or native populations. There is also consistent evidence that naturalization and the ease of access to nationality is of primary importance both for the turnout patterns of migrants and for those of their descendants (González-Ferrer 2011; González-Ferrer and Morales 2013; Hainmueller, Hangartner and Pietrantuono 2015). Easier access to naturalization increases the pool of migrants who can run for office and mobilize other migrants into voting, and affects how migrants perceive whether they are welcome new citizens of the polity. As voting is transmitted inter-generationally within migrant homes (Spierings 2016), naturalized parents are more likely to instill in their children the habit of voting.

Beyond voting, research has focused on a wide range of forms of non-electoral participation of migrants in Europe. With survey data from the Localmultidem project across ten cities and 28 migrant groups, Morales (2011) shows that across various forms of political action (contacting, party activity, protest action and consumer action) migrants participate less in politics than the majority population, with very few exceptions. De Rooij (2012) confirms this finding and points to different patterns of political participation among migrants and the majority population: migrants' political action is more interdependent and when they participate in one form they participate in several others.

However, socio-economic resources are not enough to explain the differences in participation between migrants and the majority population. Other factors specific to the migrant population need to be taken into account, such as the ability to speak the dominant language in the country of settlement (Morales and Pilati 2011; Heath *et al.* 2013), or having the citizenship of the country (Just and Anderson 2012).

Beyond individual attributes and processes, European scholarship has pioneered research on the role of organizational structures and political opportunities in shaping migrants' political participation patterns. Fennema and Tillie (1999, 2001; Fennema 2004) show that wide and strong networks of ethnic organizations lead to high levels of political participation among immigrant-background residents. Similarly, Jacobs *et al.* (2004), Tillie (2004) and van Heelsum (2005) find a positive link between ethnic associational involvement and political participation. Nevertheless, other studies yield mixed findings, suggesting that it may depend on the ethnic group (Togeby 2004) or on the form of political engagement (Berger, Galonska and Koopmans 2004). The few existing comparative studies indicate that the effect of engagement in ethnic associations on mainstream political engagement across European settings is either negative or nil (Pilati and Morales 2016; Morales and Pilati 2011).

The focus has expanded from an emphasis on the role of 'ethnic' organizations to a wider consideration of the various types of associations depending on their membership composition. All case studies agree in finding that migrants' involvement in associations primarily formed by the native or majority population fosters their political participation (e.g. Berger, Galonska and

Koopmans 2004; Pilati 2016). Similarly, Pilati and Morales (2016) show that while migrants' individual involvement in ethnic organizations fosters their political participation, this effect mostly pertains to political action on immigration-related issues; whereas involvement in native and pan-immigrant associations has a spillover effect on various forms of political action and for both mainstream and immigration-related issues.

The mobilization by and in support of migrants in Europe

The previous discussion focuses on participation as an individual behaviour, but the collective dimension of migrants' engagement in the political process has received separate attention among European scholars. Although migrants have organized and engaged in collective action since the 1960s–1970s in Europe (Ireland 1994) it is since the 1990s that their mobilization has gained visibility on a regular basis. A number of movements and cycles of mobilization have attracted wide media attention and elicited political responses in Europe: the squats and sit-ins of the 'sans-papiers' in France in 1996, the mobilizations for the regularization of undocumented migrants in Italy and Spain in the mid-2000s; the activist networks in Calais and in Greece in the context of the 'refugee crisis' in 2015–2016. These movements make claims related to the cultural integration of migrants and minorities, their formal access to the rights granted to citizens, or against the border control policies of European states. It is in the 1990s also that a literature focusing on the mobilization by and in support of migrants emerges in Europe. The forms, levels and determinants of these protests have been analysed through different angles. Three different questions in particular – each addressed through distinct approaches – can be highlighted.

First, scholars have focused on the movements constructed by migrants themselves – particularly undocumented migrants – and on how the specificities of their protest can be explained. Directly or indirectly inspired by Resource Mobilization Theory, they show how the lack of material and symbolic resources as well as the precarious condition of migrants (relating to residence status, employment or housing) renders difficult the construction of collective identities and stable support, which are considered necessary for mobilization (Siméant 1998; Laubenthal 2007). In particular, these movements – like other movements 'of the weak' (Guiraudon 2001) – have to rely on the strategic support of established organizations that can give them visibility and channels of access to power holders (Pilati 2016). Also, these studies show that, due to the fact that they often live at the margins of society, migrants (specifically undocumented migrants) tend to choose forms of protest such as hunger-strikes, occupations and long-term marches that enable them to become visible in public space (Monforte and Dufour 2013) and to reveal their vulnerability (Edkins and Pin-Fat 2005). These specific dynamics of protest have led European scholars to show the similarities with other movements of excluded groups such as unemployed or poor people (Chabanet and Royall 2010).

At a more theoretical level, this line of enquiry about the specificities of migrants' movements connects with recent studies in Europe, North America and Australia inspired by the concept of 'acts of citizenship' (Isin and Nielsen 2008). Focusing on how migrants' mobilizations challenge the limits of citizenship through protests that enact their 'right to have rights' (Arendt 1951), these studies underline their potential for social transformation (Oliveri 2016). Studies relying on this approach show how, in sites such as Calais (McNevin 2006) or in the Mediterranean Sea (Monforte 2016; Stierl 2016) migrants and their supporters construct contentious and visible protests in order to demonstrate their political subjectivity and so challenge traditional lines of exclusion (Nyers 2003; Rygiel 2011; Squire 2011).

Although migrants' protests have a set of features that are specific to their movements, the evidence suggests that their collective actions also vary across contexts: migrants (and their

advocates) do not mobilize in the same ways and through the same claims in Britain and in Germany for example (Koopmans and Statham 1999). To analyse these questions, several scholars have carried out cross-national comparisons of migrants' movements (Giugni and Passy 2004; Koopmans *et al.* 2005), analysing variations in terms of their emergence and significance, repertoires of action, claims and networks.

In line with approaches inspired by the Political Opportunity Structure perspective, in Europe these studies emphasize how these variations are accounted for by factors such as citizenship regimes (the formal and informal access to rights and the cultural recognition of minorities), the resonance of pro-migrants' discourses, the availability of networks of support, or the strength of far-right parties. Thus, in their study of the claims over migration and ethnicity in five European countries, Koopmans *et al.* (2005) show how national citizenship regimes have a direct influence on the number of public claims made by migrants as well as on the nature of these claims. For example, in comparison with countries that have civic models of citizenship (France, the UK, Netherlands), the number of claims made by migrants living in citizenship regimes based on ethnic conceptions (Germany, Switzerland) are lower and more often directed towards the countries of origin.

Challenging the idea of the prevalence of national contexts, a set of studies has highlighted the significance of the supranational context, and in particular the construction of an EU legal and institutional framework on immigration, asylum and anti-discrimination since the 1990s (Soysal 1994). Scholars have asked whether the construction of a common migration policy framework is influencing the strategies of migrants' protest across EU countries (Danese 1998) and whether this framework opens new opportunities for these movements (Geddes 2000). Analysing the differences between advocacy strategies and opportunities at the national and at the EU level, studies have shown that EU institutions offered very little prospects for migrants and their supporters to advance their rights through lobbying in Brussels (Favell 2000; Guiraudon 2001), although some opportunities for advocacy have opened in recent years (Kaunert, Léonard and Hoffmann 2013). However, studies have shown that migrants' movements do not ignore the convergence of migration policies, and in particular border control policies. Since the end of the 1990s, many of these movements are going through transnationalization processes, constructing common networks, collective actions and claims across national contexts (Monforte 2014). Recent transnational solidarity initiatives such as the 'Refugees Welcome' movement in 2015–2016 illustrate these processes.

The representation of migrants' voices and issues at the institutional level

By contrast to the scholarship on individual participation or on the collective mobilization by or in support of migrants, the study of the representation of migrants' voices and issues within elected institutions is much less developed in Europe. This is partly due to the fact that migrants' have started to gain access to elected office at a much later stage in Europe than in North America. The democratic representation of migrants is a logical corollary of their increasing participation and involvement with the political process, as well as a legitimate expectation given their increasing demographic weight in European societies. There is very little systematic evidence, and research has focused on various levels of government – local, regional and national – and has primarily concentrated on two forms of political representation – descriptive and substantive (Pitkin 1967).

Research has increasingly underlined the considerable underrepresentation of ethnic and migrant minorities across Europe (cf., Bird, Saalfeld and Wüst 2011; Bloemraad 2013; Ruedin 2013), at the same time that it has highlighted the significant variation across Europe in the extent to which it adequately reflects the demographic presence of migrant minorities. Studies

show the significant variation in the political parties that serve as vehicles for this descriptive representation, and the stark differences in the spread of migrants' presence depending on the level of government (Schönwälder 2012, 2013; Bloemraad and Schönwälder 2013).

The scholarship has made some inroads into accounting for these variations in descriptive representation. Some have pointed to the relevance of the institutional and party-political setting in which ethnic and migrant minorities operate (Bird 2005; Togeby 2008; Dancygier 2014; Dancygier *et al.* 2015), while others have emphasized the relevance of ethnicity and ethnic mobilization (van Heelsum 2002; Maxwell 2012; Michon and Vermeulen 2013), or of the cultural and attitudinal context (Ruedin 2009; Tiberj and Michon 2013). The role of electoral systems is an obvious suspect to explain cross-national differences, yet the existing evidence relating the prevalence of majoritarian or proportional rules and levels of migrant descriptive representation yields inconclusive findings (Bloemraad 2013; Ruedin 2013).

Many studies point to the critical role of parties as the crucial gatekeepers in this process and hence to the need to understand the structure of incentives that shape their decisions to field (viable) ethnic and migrant minority candidates (e.g. Claro da Fonseca 2011; Celis, Eelbode and Wauters 2013; Sobolewska 2013; Durose *et al.* 2013).

Beyond understanding why polities achieve better or worse outcomes in mirroring the migrant populations in their societies, scholars have asked whether descriptive representation leads to the substantive representation of the preferences, interests and demands of the migrant communities. European scholars have started examining the specific discursive contributions of migrant minority legislators through their activities and speeches in parliament, and how they connect with migrants' preferences (e.g. Bird 2011, 2015; Saalfeld and Bischof 2013; Wüst 2014). With content analysis of the speeches or detailed qualitative analysis of the activities and positions of elected officials of immigrant origin, these studies offer a mixed picture about the extent to which descriptive representation is the primary route to substantive representation. In many cases, ethnic and migrant minorities resist pressure to define their political role narrowly according to their ethnicity and origin. Nevertheless, the overall finding is that increased presence leads to improved substantive representation.

Conclusions

In this review, we have shown that the (political) role of migrants and ethnic minorities has been explored through different questions and levels of analysis in the European scholarship. Studies focusing on the civic and political participation of migrants have largely attempted to explain their comparatively low levels of engagement in politics, in particular through the focus on individual behaviour. Studies on collective actions have focused on the forms, levels and determinants of migrants' protests, exploring in particular their mobilization dynamics. Finally, the emerging literature on the presence of migrants in elected office has explored variations in terms of the extent and the content of their representation.

Although the broader literature on citizenship and political participation shows that these different questions and levels of analysis relate to each other, studies on migrants and ethnic minorities still need to explore how their political participation, mobilization and representation can be analysed in conjunction. In particular, the analysis of how migrants' and ethnic minorities' political representation influences their participation in civil society organizations and social movements has been explored in the US context (Jenkins, Jacobs and Agnone 2003), but less in the European literature.

Despite these differences in terms of focus and levels of analysis, this review has highlighted some general tendencies in the way the European literature has analysed migrants' voices in

politics. The significance given to cross-national comparative approaches is one of the main features that distinguishes it from the North American literature. In particular, the question of how various citizenship regimes translate into migrants' participation, mobilization and representation is of particular interest. Although recent studies have moved in this direction, the comparative analysis of the political role of migrants beyond Europe's traditional countries of immigration (France, Germany, the UK, etc.) is still in its infancy, and the participation and mobilization of migrants in countries of more recent immigration, such as South and Eastern European countries, still needs to be fully examined.

References

- Aleksynska, Mariya. 2011. 'Civic participation of immigrants in Europe: Assimilation, origin, and destination country effects'. *European Journal of Political Economy* 27 (3): 566–585.
- Arendt, Hannah. 1951. *The Origins of Totalitarianism*. New York: Harcourt Brace Jovanovich.
- Berger, Maria, Christian Galonska and Ruud Koopmans. 2004. 'Political integration by a detour? Ethnic communities and social capital of migrants in Berlin'. *Journal of Ethnic and Migration Studies* 30 (3): 491–507.
- Bergh, Johannes and Tor Bjørklund. 2010. 'The revival of group voting: Explaining the voting preferences of immigrants in Norway'. *Political Studies* 59 (2): 308–327.
- Bevelander, Pieter and Mikael Spång. 2014. 'From aliens to citizens: The political incorporation of immigrants'. In *Handbook of the Economics of International Migration: The Immigrants*, edited by Barry Chiswick and Paul W. Miller, 443–487. Oxford and Amsterdam: Elsevier.
- Bird, Karen. 2005. 'The political representation of visible minorities in electoral democracies: A comparison of France, Denmark, and Canada'. *Nationalism and Ethnic Politics* 11 (4): 425–465.
- Bird, Karen. 2011. 'Patterns of substantive representation among visible minority MPs. Evidence from Canada's House of Commons'. In *The Political Representation of Immigrants and Minorities. Voters, Parties and Parliaments in Liberal Democracies*, edited by Karen Bird, Thomas Saalfeld and Andreas M. Wüst, 207–229. London: Routledge.
- Bird, Karen. 2015. "'We are not an ethnic vote!'" Representational perspectives of minorities in the Greater Toronto area'. *Canadian Journal of Political Science/Revue canadienne de science politique* 48 (2): 249–279.
- Bird, Karen, Thomas Saalfeld and Andreas M. Wüst, eds. 2011. *The Political Representation of Immigrants and Minorities: Voters, Parties and Parliaments in Liberal Democracies*. London: Routledge.
- Bloemraad, Irene. 2013. 'Accessing the corridors of power: Puzzles and pathways to understanding minority representation'. *West European Politics* 36 (3): 652–670.
- Bloemraad, Irene and Karen Schönwälder. 2013. 'Immigrant and ethnic minority representation in Europe: Conceptual challenges and theoretical approaches'. *West European Politics* 36 (3): 564–579.
- Browning, Rufus, Dale Rogers Marshall and David Tabb. 1984. *Protest is Not Enough: The Struggle of Blacks and Hispanics for Equality in Urban Politics*. Berkeley: University of California Press.
- Celis, Karen, Floor Eelbode and Bram Wauters. 2013. 'Visible ethnic minorities in local political parties: A case study of two Belgian cities (Antwerp and Ghent)'. *Politics* 33 (3): 160–171.
- Chabanet, Didier and Frédéric Royall. 2010. *Mobilising against Marginalisation in Europe*. Cambridge: Cambridge Scholars Publishing.
- Claro da Fonseca, Sara. 2011. 'New citizens – new candidates? Candidate selection and the mobilization of immigrant voters in German elections'. In *The Political Representation of Immigrants and Minorities: Voters, Parties and Parliaments in Liberal Democracies*, edited by Karen Bird, Thomas Saalfeld and Andreas M. Wüst, 109–127. London: Routledge.
- Dahl, Robert A. 1961. *Who Governs? Democracy and Power in an American City*. New Haven: Yale University Press.
- Dancygier, Rafaela M. 2014. 'Electoral rules or electoral leverage? Explaining Muslim representation in England'. *World Politics* 66 (2): 229–263.
- Dancygier, Rafaela M., Karl-Oskar Lindgren, Sven Oskarsson and Kåre Vernby. 2015. 'Why are immigrants underrepresented in politics? Evidence from Sweden'. *American Political Science Review* 109 (4): 703–724.
- Danese, Gaia. 1998. 'Transnational collective action in Europe: The case of migrants in Italy and Spain'. *Journal of Ethnic and Migration Studies* 24 (4): 715–733.

- de Rooij, Eline A. 2012. 'Patterns of immigrant political participation: Explaining differences in types of political participation between immigrants and the majority population in Western Europe'. *European Sociological Review* 28 (4): 455–481.
- Durose, Catherine, Liz Richardson, Ryan Combs, Christina Eason and Francesca Gains. 2013. "'Acceptable difference": Diversity, representation and pathways to UK politics'. *Parliamentary Affairs* 66 (2): 246–267.
- Edkins, Jenny and Véronique Pin-Fat. 2005. 'Through the wire: Relations of power and relations of violence'. *Millennium – Journal of International Studies* 34 (1): 1–27.
- Favell, Andrew. 2000. 'L'européanisation ou l'émergence d'un nouveau 'champ politique': le cas de la politique d'immigration'. *Cultures et Conflits* 38–39 (1): 153–186.
- Fennema, Meindert. 2004. 'The concept and measurement of ethnic community'. *Journal of Ethnic and Migration Studies* 30 (3): 429–447.
- Fennema, Meindert and Jean Tillie. 1999. 'Political participation and political trust in Amsterdam. Civic communities and ethnic networks'. *Journal of Ethnic and Migration Studies* 25 (3): 703–726.
- Fennema, Meindert and Jean Tillie. 2001. 'Civic community, political participation and political trust of ethnic groups'. *Connections* 24 (1): 26–41.
- Garbaye, Romain. 2002. 'Ethnic minority participation in British and French cities: A historical–institutionalist perspective'. *International Journal of Urban and Regional Research* 26 (3): 555–570.
- Geddes, Andrew. 2000. 'Lobbying for migrant inclusion in the European Union: New opportunities for transnational advocacy?' *Journal of European Public Policy* 7 (4): 632–649.
- Giugni, Marco and Florence Passy. 2004. 'Migrant mobilization between political institutions and citizenship regimes: A comparison of France and Switzerland'. *European Journal of Political Research* 43 (1): 51–82.
- González-Ferrer, Amparo. 2011. 'The electoral participation of naturalized immigrants in ten European cities'. In *Social Capital, Political Participation and Migration in Europe. Making Multicultural Democracy Work?*, edited by Laura Morales and Marco Giugni, 63–86. Basingstoke: Palgrave.
- González-Ferrer, Amparo and Laura Morales. 2013. 'Do citizenship regimes shape political incorporation? Evidence from four European cities'. *European Political Science* 12 (4): 455–466.
- Guiraudon, Virginie. 2001. 'Weak weapons of the weak? Transnational mobilization around migration in the European Union', in *Contentious Europeans. Protest and Politics in an Emerging Polity*, edited by Doug Imig and Sidney Tarrow, 163–183. Lanham: Rowman & Littlefield.
- Hainmueller, Jens, Dominik Hangartner and Giuseppe Pietrantuono. 2015. 'Naturalization fosters the long-term political integration of immigrants'. *Proceedings of the National Academy of Sciences* 112 (41): 12651–12656.
- Hargreaves, Alec G. 1991. 'The political mobilization of the North African immigrant community in France'. *Ethnic and Racial Studies* 14 (3): 350–367.
- Hargreaves, Alec G. and Catherine Wihtol de Wenden. 1993. 'The political participation of ethnic minorities in Europe: A framework for analysis'. *Journal of Ethnic and Migration Studies (New Community)* 20 (1): 1–8.
- Heath, Anthony F., Stephen D. Fisher, Gemma Rosenblatt, David Sanders and Maria Sobolewska. 2013. *The Political Integration of Ethnic Minorities in Britain*. Oxford: Oxford University Press.
- Ireland, Patrick. 1994. *The Policy Challenge of Ethnic Diversity*. Cambridge, MA: Harvard University Press.
- Isin, Engin F. and Greg M. Nielsen. 2008. *Acts of Citizenship*. New York: Zed Books.
- Jacobs, Dirk, Karen Phalet and Marc Swyngedouw. 2004. 'Associational membership and political involvement among ethnic minority groups in Brussels'. *Journal of Ethnic and Migration Studies* 30 (3): 543–559.
- Jenkins, J. Craig, David Jacobs and Jon Agnone. 2003. 'Political opportunities and African-American protest, 1948–1997'. *American Journal of Sociology* 109 (2): 277–303.
- Just, Aida and Christopher J. Anderson. 2012. 'Immigrants, citizenship and political action in Europe'. *British Journal of Political Science* 42 (3): 481–509.
- Kaunert, Christian, Sarah Léonard and Ulrike Hoffmann. 2013. 'Venue-shopping and the role of non-governmental organisations in the development of the European Union asylum policy'. *Comparative Migration Studies* 1 (1): 179–200.
- Koopmans, Ruud and Paul Statham. 1999. 'Political claims analysis: Integrating Protest event and political discourse approaches'. *Mobilization: An International Quarterly* 4 (2): 203–221.
- Koopmans, Ruud, Paul Statham, Marco Giugni and Florence Passy. 2005. *Contested Citizenship. Immigration and Cultural Diversity in Europe*. Minneapolis: University of Minnesota Press.

- Laubenthal, Barbara. 2007. 'The emergence of pro-regularization movements in Western Europe'. *International Migration*, 45 (1): 101–133.
- Manatschal, Anita and Isabelle Stadelmann-Steffen. 2014. 'Do integration policies affect immigrants' voluntary engagement? An exploration at Switzerland's subnational level'. *Journal of Ethnic and Migration Studies* 40 (3): 404–423.
- Martiniello, Marco. 2000. 'Participation of immigrants in European cities'. In *Minorities in European Cities: The Dynamics of Social Integration and Social Exclusion at the Neighbourhood Level*, edited by Sophie Body-Gendrot and Marco Martiniello, 119–128. Basingstoke: Palgrave.
- Maxwell, Rahsaan. 2012. *Ethnic Minority Migrants in Britain and France: Integration Trade-Offs*. Cambridge: Cambridge University Press.
- McNevin, Anne. 2006. 'Political belonging in a neoliberal era: The struggle of the Sans-Papiers'. *Citizenship Studies*, 10 (2): 135–151.
- Méndez, Mónica. 2010. 'La participación de los extranjeros comunitarios en las elecciones municipales en España: 1999, 2003 y 2007'. In *Sufragio y participación política de los extranjeros extracomunitarios en Europa*, edited by David Moya and Alba Viñas, 503–529. Barcelona: Fundació Carles Pi i Sunyer.
- Michon, Laure and Floris Vermeulen. 2013. 'Explaining different trajectories in immigrant political integration: Moroccans and Turks in Amsterdam'. *West European Politics* 36 (3): 597–614.
- Monforte, Pierre. 2014. *Europeanising Contention: The Protest Against 'Fortress Europe' in France and Germany*. New York: Berghahn.
- Monforte, Pierre. 2016. 'The border as a space of contention: the spatial strategies of protest against border controls in Europe'. *Citizenship Studies* 20 (3–4): 411–426.
- Monforte, Pierre and Pascale Dufour. 2013. 'Comparing the protests of undocumented migrants beyond contexts: Collective actions as acts of emancipation'. *European Political Science Review* 5 (1): 83–104.
- Morales, Laura. 2011. 'Conceptualising and measuring migrants' political inclusion'. In *Social Capital, Political Participation and Migration in Europe. Making Multicultural Democracy Work?*, edited by Laura Morales and Marco Giugni, 19–42. Basingstoke: Palgrave.
- Morales, Laura, Eva Anduiza, Elisa Rodríguez and Josep San Martín. 2010. 'La participación de los inmigrantes en Barcelona y Madrid: comportamiento electoral y acción política'. In *Sufragio y participación política de los extranjeros extracomunitarios en Europa*, edited by David Moya and Alba Viñas, 531–557. Barcelona: Fundació Carles Pi i Sunyer.
- Morales, Laura and Miruna Morariu. 2011. 'Is "home" a distraction? The role of migrants' transnational practices in their political integration into receiving-country politics'. In *Social Capital, Political Participation and Migration in Europe. Making Multicultural Democracy Work?*, edited by Laura Morales and Marco Giugni, 140–171. Basingstoke: Palgrave.
- Morales, Laura and Katia Pilati. 2011. 'The role of social capital in migrants' engagement in local politics in European cities'. In *Social Capital, Political Participation and Migration in Europe. Making Multicultural Democracy Work?*, edited by Laura Morales and Marco Giugni, 87–114. Basingstoke: Palgrave.
- Nyers, Peter. 2003. 'Abject cosmopolitanism: The politics of protection in the anti-deportation movement'. *Third World Quarterly* 24 (6): 1069–1093.
- Oliveri, Federico. 2016. 'Struggles at the boundaries of neoliberal citizenship: Theorizing immigrant-led movements in contemporary Europe'. In *An Anthology of Migration and Social Transformation*, edited by Anna Amelina, Kenneth Horvath and Bruno Meeus. Zurich: Springer International Publishing.
- Pilati, Katia. 2016. *Migrants' Participation in Exclusionary Contexts: From Subcultures to Radicalization, Palgrave Pilot*. Basingstoke: Palgrave.
- Pilati, Katia and Laura Morales. 2016. 'Ethnic and immigrant politics vs. mainstream politics: the role of ethnic organizations in shaping the political participation of immigrant-origin individuals in Europe'. *Ethnic and Racial Studies* 39 (15): 2796–2817.
- Pilati, Katia and Laura Morales. 2017. 'Civic and political engagement by immigrant-background minorities in traditional and new destination European cities'. In *The Politics of New Immigrant Destinations. Transatlantic Perspectives*, edited by Stefanie Chambers, Diana Evans, Anthony M. Messina and Abigail Fisher Williamson. Philadelphia: Temple University Press.
- Pilati, Katia, Morales, Laura, Myrberg, Gunnar and Eggert, Nina. 2016. 'Migrants' engagement in voluntary organizations across European cities', manuscript.
- Pitkin, Hanna. 1967. *The Concept of Representation*. Berkeley: University of California Press.
- Rath, Jan. 1988. 'Political action of immigrants in the Netherlands: class or ethnicity?' *European Journal of Political Research* 16 (6): 623–644.

- Ruedin, Didier. 2009. 'Ethnic group representation in a cross-national comparison'. *The Journal of Legislative Studies* 15 (4): 335–354.
- Ruedin, Didier. 2013. *Why Aren't They There? The Political Representation of Women, Ethnic Groups and Issue Positions in Legislatures*. Colchester: ECPR Press.
- Rygiel, Kim. 2011. 'Bordering solidarities: Migrant activism and the politics of movement and camps at Calais'. *Citizenship Studies* 15 (1): 1–19.
- Saalfeld, Thomas and Daniel Bischof. 2013. 'Minority-ethnic MPs and the substantive representation of minority interests in the House of Commons, 2005–2011'. *Parliamentary Affairs* 66 (2): 305–328.
- Saggat, Shamit. 1993. 'Black participation and the transformation of the "race issue" in British politics'. *Journal of Ethnic and Migration Studies (New Community)* 20 (1): 27–41.
- Saggat, Shamit. 2000. *Race and Representation: Electoral Politics and Ethnic Pluralism in Britain*. Manchester: Manchester University Press.
- Schönwälder, Karen. 2012. 'Cautious steps: Minority representation in Germany'. In *Immigrant Politics: Race and Representation in Western Europe*, edited by Terri Givens and Rahsaan Maxwell, 67–86. Boulder: Lynne Rienner.
- Schönwälder, Karen. 2013. 'Immigrant representation in Germany's regional states: The puzzle of uneven dynamics'. *West European Politics* 36 (3): 634–651.
- Siméant, Johanna. 1998. *La Cause des Sans-Papiers*. Paris: Presses de Sciences Po.
- Sobolewska, Maria. 2013. 'Party strategies and the descriptive representation of ethnic minorities: The 2010 British General Election'. *West European Politics* 36 (3): 615–633.
- Soininen, Maritta and Henry Bäck. 1993. 'Electoral participation among immigrants in Sweden: Integration, culture and participation'. *Journal of Ethnic and Migration Studies (New Community)* 20 (1): 111–130.
- Soysal, Yasemin. 1994. *Limits of Citizenship: migrants and postnational membership in Europe*. Chicago: University of Chicago Press.
- Spierings, Niels. 2016. 'Electoral participation and intergenerational transmission among Turkish migrants in Western Europe'. *Acta Politica* 51 (1): 13–35.
- Squire, Vicki ed. 2011. *The Contested Politics of Mobility: Borderzones and Irregularity*. Abingdon: Routledge.
- Sterl, Maurice. 2016. 'A sea of struggle – activist border interventions in the Mediterranean Sea'. *Citizenship Studies* 20 (5): 561–578.
- Strijbis, Oliver. 2014. 'Migration background and voting behavior in Switzerland: A socio-psychological explanation'. *Swiss Political Science Review* 20 (4): 612–631.
- Strömblad, Per, Gunnar Myrberg and Bo Bengtsson. 2011. 'Optimal opportunities for ethnic organization and political integration? Comparing Stockholm with other European cities'. In *Social Capital, Political Participation and Migration in Europe. Making Multicultural Democracy Work?*, edited by Laura Morales and Marco Giugni, 115–139. Basingstoke: Palgrave.
- Studlar, Donley T. and Susan Welch. 1992. 'Voting for minority candidates in local British and American elections'. In *Ethnic and Racial Minorities in Advanced Industrial Democracies*, edited by Anthony Messina, Luis R. Fraga, Laurie A. Rhodebeck and Frederick D. Wright, 143–157. Westport: Greenwood.
- Tiberj, Vincent and Laure Michon. 2013. 'Two-tier pluralism in 'colour-blind' France'. *West European Politics* 36 (3): 580–596.
- Tillie, Jean. 1998. 'Explaining migrant voting behaviour in the Netherlands. Combining the electoral research and ethnic studies perspective'. *Revue européenne des migrations internationales* 14 (2): 71–95.
- Tillie, Jean. 2004. 'Social capital of organisations and their members: Explaining the political integration of immigrants in Amsterdam'. *Journal of Ethnic and Migration Studies* 30 (3): 529–541.
- Togebly, Lise. 1999. 'Migrants at the polls: An analysis of immigrant and refugee participation in Danish local elections'. *Journal of Ethnic and Migration Studies* 25 (4): 665–684.
- Togebly, Lise. 2004. 'It depends ... how organisational participation affects political participation and social trust among second-generation immigrants in Denmark'. *Journal of Ethnic and Migration Studies* 30 (3): 509–528.
- Togebly, Lise. 2008. 'The political representation of ethnic minorities'. *Party Politics* 14 (3): 325.
- van Heelsum, Anja. 2002. 'The relationship between political participation and civic community of migrants in the Netherlands'. *Journal of International Migration and Integration/Revue de l'intégration et de la migration internationale* 3 (2): 179–200.
- Van Heelsum, Anja. 2005. 'Political participation and civic community of ethnic minorities in four cities in the Netherlands'. *Politics* 25 (1): 19–30.

- Voicu, Bogdan. 2014. 'Participative immigrants or participative cultures? The importance of cultural heritage in determining involvement in associations'. *VOLUNTAS: International Journal of Voluntary and Nonprofit Organizations* 25 (3): 612–635.
- Voicu, Bogdan and Monica Șerban. 2012. 'Immigrant involvement in voluntary associations in Europe'. *Journal of Ethnic and Migration Studies* 38 (10): 1569–1587.
- Wass, Hanna, André Blais, Alexandre Morin-Chassé and Marjukka Weide. 2015. 'Engaging immigrants? Examining the correlates of electoral participation among voters with migration backgrounds'. *Journal of Elections, Public Opinion and Parties* 25 (4): 407–424.
- Wüst, Andreas M. 2000. 'New citizens-new voters? Political preferences and voting intentions of naturalized Germans: A case study in progress'. *International Migration Review* 34 (2): 560–567.
- Wüst, Andreas M. 2014. 'A lasting impact? On the legislative activities of immigrant-origin parliamentarians in Germany'. *The Journal of Legislative Studies* 20 (4): 495–515.

SECTION COMMENTARY

Institutions

Konrad Pędziwiatr and Witold Klaus

The intensification of migration processes and their resulting issues have, to various degrees, been affecting not only Western Europe but also the Central and Eastern parts of the continent. For example, the growing presence of immigrants has confronted Central and Eastern European (CEE) societies with an entirely new set of social, economic, political and legal issues that are typical for immigration countries, but which do not yet resonate with their popular – and frequently unchallenged – self-image as countries of emigration. Immigrants' access to political communities of the CEE, and to membership in them, is negotiated not only on the societal level but also on the political one. Within the latter dimension, the major focus of academic inquiry has typically been on explaining state (rather than specific political party) responses to increased mobility and processes of integration. This type of analysis is also emerging in the CEE (e.g. Weinar 2006; Matyja *et al.* 2015; Chudinovskikh and Denisenko 2017). However in contrast to Western European countries, the region is often more concerned with the processes of emigration and return migration, as well as with policies of emigration and diaspora engagement (e.g. Lesi ska 2013, 2016; Weinar 2017), than with immigration and the integration of migrants. Many of the countries in the CEE region have yet to develop or implement coherent integration policies. For instance, the Polish policy put in place in 2012 was suspended in 2017, while the Czech policy – as with many others countries in the region – faces certain problems since it is primarily implemented by non-profit organisations and relies heavily on the EU funding (Dusan and Valenta 2014).

The issues raised in the 'institutions' section are highly relevant for the Western European countries that became countries of immigration before 1975 (e.g. France and the United Kingdom) or after 1975 (e.g. Spain and Italy). They are also increasingly important for countries that are still in the process of becoming spaces of net immigration (e.g. Poland or Lithuania), or where the number immigrants has only recently overtaken the number of emigrants (e.g. Czech Republic or Hungary) (Okólski 2007, 2012). As the European migration crisis of 2015–2016 has shown, a given country does not need to experience a growth in the scale of migration inflows in order to see immigration becoming the key subject of the country's political debates and a highly politicised phenomenon that was previously little known to a given political community. For example, in the case of Poland and Slovakia, the overlapping of the parliamentary elections (in October 2015 in Poland, and in March 2016 in Slovakia) with the key months of the migration crisis created a context for the anti-immigrant political challengers to significantly

enlarge their support base and pave the far right's way to the country's parliaments (as part of Kukiz15 in Poland and Kotleba – People's Party Our Slovakia) (Pędziwiatr 2017; Zavis 2017).

In 2016 and 2017, radical right-wing, mainstream right-wing and sometimes even central parties in the CEE strongly contested the EU relocation and resettlement programme, which was launched in 2015 and aimed to relocate 160,000 people in need of international protection from Greece and Italy to the other member states over a two-year period (Pędziwiatr and Legut 2016). In this way, the parties tried to further instrumentalise the social discontent with immigrants in the region and to gain some political capital. The Polish Kukiz'15 party strived to organise a referendum over the issue of acceptance of refugees within the EU scheme, and the Hungarian Fidesz party did organise a referendum over the issue. Although less than 50 per cent of citizens took part in the Hungarian referendum – making it politically invalid – it allowed the ruling party to mobilise its activists and enlarge its support base. Despite an initial but hesitant agreement to the compulsory migrant quota scheme, both Poland and Hungary have failed to relocate a single migrant over the two-year implementation period (by September 2017), whereas the majority of other countries have underperformed on their legally binding commitments by at least 50 per cent. Eventually only 17.5 per cent of eligible people were relocated under the programme (Ardittis 2017).

While until 2015 the CEE's populist radical right emphasised the threat of disunity stemming from their domestic national minorities (Pankowski 2011, Pytlas 2015; Bustikova 2017), in recent years it began to move closer to its sister parties in the West, which heavily politicise the presence of immigrants (often including immigrants from the CEE). Similarly to the Western European populist radical right, many of the CEE parties of that character have also formed ambiguous 'friendships' with Moscow (Shekhovtsov 2017). At the same time, the regional mainstream right-wing parties have been flirting with the far right, similarly to the West, whereas central parties have increasingly been taking positions on multiculturalism and migration that once only characterised the conservative right. Thus, the region has been taking an active part over the last year in a shift in populist mobilisation from nationalism to 'civilisationism' (Brubaker 2017). In a new political context (locally and regionally), Islam has been narrated not only as the most important enemy and key threat to European nations but also to Christian civilization, which non-religious politicians frequently define in non-religious cultural terms. The growth of the Internet and people's reliance on social media as a source of information play a key role in the persistence of these narratives, not only in Western parts of Europe but also in other parts of the continent. In the era of 'alternative facts' and 'fake news', the populist radical right has been very effectively pursuing the strategy of treating the 'fake news' as 'facts', as confirmed by saturation coverage, the usage of bots to spread the 'alternative facts', platform manipulation and information overload (Andrejevic 2013; Gallagher 2017).

Although migration has gradually become the subject of political debates outside of Western Europe – earlier in some countries and only recently in others – the political participation of migrants in the CEE is still quite rare and even less frequently researched. This has to do not only with the lower percentage of migrants within the region's societies but also with unfavourable regulations that limit their access to the political sphere. As the Migrant Integration Policy Index shows, the countries of the CEE continue to receive the lowest scores of analysed countries for conditions that support immigrants' political participation. In the region, immigrants' electoral rights, political liberties and prospects for being consulted on some aspects of state policies or their implementation are the highest in Hungary and Slovenia (scoring 23 and ranking 27th out of 38) and the lowest in Poland and Romania (scoring 6 and 0 respectively, and ranking 37th and 38th out of 38 – MIPEX 2015¹). At the same time, there is often a sharp difference, in terms of access to the political sphere and funding opportunities, between the

so-called ethnic-immigration comprised of the members of the historic state-recognised ethnic/national minorities in the region, and those who do not relate to a historic presence in the region. (e.g. the difference between Ukrainians and Vietnamese in Poland – Brzozowski and Pędziwiatr 2014).

The legal framework on migration in the CEE countries has been shaped by the rules and policies of the EU during the accession process. The candidate countries had to accept and fully implement the solutions elaborated by the EU-15 (Vermeersch 2005), which were the result of experiences and the challenges related to immigration that these countries were facing at the time. Securitisation of immigration was the constant feature of these laws. In fact, the European legal framework on migration constantly favours immigration control over the human rights; the desire to curb immigration through security measures has been given paramount importance (Douglas-Scott 2017; Herlin-Karnell 2017). The institutions of the EU operate within this same framework and find it difficult to change or liberalise this approach to migration in their everyday practice (Mitsilegas 2013). This approach and attitude have been translated to the CEE candidate countries, as ready templates for migration policymaking.

The role of European regulations on the development of migration law in CEE countries has been twofold. On the one hand, preoccupied with securitisation, they tightened migration laws with regard to the entry of foreigners and the legality of their stay. On the other hand, they were establishing the asylum system and increasing guarantees for asylum seekers, while also building legal foundations for integration (Weinar 2006). Ensuring foreigners' access to the labour market was outside the remit of the EU, which for instance allowed Poland to create a simplified system of entry that was unique on the European scale (Duszczuk 2012; Kindler, Kordasiewicz and Szulecka 2016: 15–17). The existence of such a system enabled the country in 2016–2017 to become a local leader of short-term and 'shuttle' economic immigration (in the first half of 2017 alone, 947,000 simplified work permits had been issued to foreigners – PMoLFSP 2017).

Similarly, the CEE countries have never been active players on the EU level in terms of drawing up new migration laws. Since migration was not an important political issue for them, they would even accept solutions that were inconvenient from their perspective (e.g. the Dublin Regulation, which affected border EU Member States most acutely), without any attempt to introduce more favourable amendments when the opportunity arose. Another example of regulations which completely fail to account for the needs and challenges of CEE countries are the regulations of the so-called Employer's Sanctions Directive (2009/52/EC). They aim to deal with undocumented migrants by punishing their employers in order to sabotage migrants' access to workplaces. At the same time, undocumented migrants have been granted some minimal laws, which paradoxically render their situation marginally better than that of illegally working legal migrants, who can be stripped of their right to legal residence (if the illegal employment is discovered). The target group of the Directive, i.e. employers of undocumented migrants is irrelevant in the CEE context: there are maybe a handful undocumented migrants in CEE countries. However, the illegal employment of legally staying foreigners (e.g. visitors or students) poses a serious issue, which the EU-level directives fail to address (Słubik 2014).

The relatively small number of migrants in CEE countries has prevented migration case law from developing, since few lawyers have dealt with the subject, mainly those involved in civil society organisations for the protection of human rights.

Also worth bearing in mind is the specificity of justice systems in CEE countries, which, despite having undergone profound reforms in the 1990s, has not been fully able to liberate itself from the communist legacy. Looking at Polish judges, one cannot help but notice a very high level of legal conservatism and rigidity with regard to legal standards, as well as a reluctance to employ more general norms and interpret the law in the context of its compatibility with

human rights. Hence the infrequent reference to ECtHR (European Court of Human Rights) or CJEU (Court of Justice of the European Union) rulings (Matczak 2007) in Polish case law. It is also exceptional for the CEE countries to appeal to the CJEU with prejudicial questions. Therefore, there are few CJEU rulings concerning the challenges ensuing from the application of migration laws in these countries.

On balance, Central European judges succeed in resisting the pressure of public opinion, which at the moment takes issue with migrants (Klaus *et al.* 2018). On the other hand, in matters pertaining to security, judges allow uninformal service to retain a wide range of discretionary rights. For instance, the Polish Supreme Administrative Court (SAC) passed a judgement in 2016 (cases II OSK 2554/14 and II OSK 61/15) which negated standards defined in international case law that ensure external evaluation by an independent body on the advisability of applying the safeguarding clause and classifying reasons for the removal of a foreigner on security grounds (*Chahal v. UK*, App. no. 22414/93; joined cases C-402/05 and C-415/05 *Kadi and Al Barakaat International Council Foundation v. Council of the European Union*). The SAC ruled that since the judges were allowed insight into classified evidence, this constituted enough of a protection of the foreigner's rights against removal. Similarly, the rulings of Hungarian judges have yet to question the legality of new measures against refugees introduced by the authorities. They continue to participate in their application, in a way legitimising their legality (Nagy 2016), even though ECtHR has deemed many of the solutions to be violations of international law (e.g. *Ilias and Ahmed v. Hungary*, App. No. 47287/15 – the ruling has been challenged before the Grand Chamber of the ECtHR). Tellingly, there have also been cases of rulings in line with the political agenda, e.g. one by the Supreme Court of Hungary, in which the judges failed to question the legality of the xenophobic referendum announced by the Hungarian government against the reception of refugees (Nagy 2016, 2017).

In summary, despite the fact that courts try to prevent abuses of executive power, they limit themselves to applying the existing law and do not challenge the migration laws adopted in a given country, even if they violate the standards of international law.

It would be difficult to underestimate the positive influence of international courts in this respect, especially in the context of the ever-tightening asylum policy applied by the increasingly authoritarian governments of Poland and Hungary. The ECtHR plays a particularly crucial role, albeit with limited impact on the current situation due to lengthy proceedings. Another obstacle might be the refusal to submit to the ruling of the Court. This precedent was already set in the summer of 2017, when Poland refused to comply with a series of decisions by the ECtHR issued under Rule 39 (Klaus 2017). This may spell a loss of influence of the Court's rulings on the actual change of the legal standards. It is also clear that the activities of other EU institutions (such as the European Commission, the European Parliament or the CJEU) have little influence on counteracting CEE country violations of EU laws that pertain to migration. A case in point is the refusal of CEE countries to participate in the relocation scheme (with Poland and Hungary even closing their borders to the inflow of refugees). Due to either lack of will or capability, European institutions have yet to address these governments' illegal practices. (Nagy 2017; Klaus 2017).

Note

1 www.mipex.eu/.

References

- Andrejevic, M. (2013). *Infoglut: How Too Much Information Is Changing the Way We Think and Know* (1 edition). New York: Routledge.
- Ardittis, S. (2017, September 26). Live and let die? The end of the EU migrant relocation programme. Retrieved 10 November 2017, from www.opendemocracy.net/can-europe-make-it/solon-ardittis/live-and-let-die-end-of-eu-migrant-relocation-programme.
- Bustikova, L. (2017). The radical right in Eastern Europe, in: Jens Rydgren (ed.), *The Oxford Handbook of the Radical Right*. New York: Oxford University Press.
- Brubaker, R. (2017). Between nationalism and civilizationism: the European populist moment in comparative perspective. *Ethnic and Racial Studies*, 40(8), pp. 1191–1226. <https://doi.org/10.1080/01419870.2017.1294700>.
- Brzozowski, J., Pędziwiatr, K. (2014). Analiza procesu integracji imigrantów w Małopolsce, in: *Imigranci w Małopolsce: między integracją, asymilacją, separacją i marginalizacją* (pp. 117–290). Kraków: Akademia Ignatianum w Krakowie.
- Chudinovskikh, O., Denisenko, M. (2017, May 16). Russia: A migration system with Soviet roots. Retrieved 11 November 2017, from www.migrationpolicy.org/article/russia-migration-system-soviet-roots.
- Douglas-Scott, S. (2017). Human rights as a basis for justice in the European Union. *Transnational Legal Theory*, 8(1), pp. 59–78.
- Dusan, D., Valenta, O. (2014). *Building on Integration System: Policies to Support Immigrants' Progression in the Czech Labor Market*. Washington DC and Geneva: Migration Policy Institute and International Labour Office.
- Duszczyk, M. (2012). *Polska polityka imigracyjna a rynek pracy*. ASPRA-JR: Warsaw.
- Gallagher, E. (2017, 13 May). Automating hate. Retrieved 11 November 2017, from https://medium.com/@erin_gallagher/automating-hate-ba9c09f0a5b4.
- Herlin-Kamell, E. (2017). The domination of security and the promise of justice: on justification and proportionality in Europe's 'Area of Freedom, Security and Justice'. *Transnational Legal Theory*, 8(1), pp. 79–102.
- Kindler, M., Kordasiewicz, A., Szulecka, M. (2016). *Care Needs and Migration for Domestic Work: Ukraine-Poland*. Geneva: International Labour Organization.
- Klaus, W. (2017). Closing gates to refugees. The causes and effects of the '2015 migration crisis' on border management in Hungary and Poland. *Yearbook of the Institute of East-Central Europe* 15(3), pp. 11–34.
- Klaus, W., Lévay, M., Rzeplińska, I., Scheinost, M. (2018). Refugees and asylum seekers in Central-European Countries – reality, politics and the creation of fear in societies. In: H. Kury, S. Redo, eds. *Refugee Law and Policy. Challenges and Opportunities for Global Civic Education*. Cham: Springer.
- Lesińska, M. (2013). The dilemmas of policy towards return migration. The case of Poland after the EU accession. *Central and Eastern European Migration Review*, 2(1), pp. 77–90.
- Lesińska, M. (2016). Upolitycznienie emigracji i diaspory. Analiza dyskursu politycznego w Polsce w latach 1991–2015. *Studia Migracyjne – Przegląd Polonijny*, 3(161), pp. 11–30.
- Matczak, M. (2007). *Summa Iniuria. O błędzie formalizmu w stosowaniu prawa*. Scholar: Warsaw.
- Matyja, R., Siewierska-Chmaj, A. and Pędziwiatr, K. (2015). *Polska polityka migracyjna*. [Polish Migration Policy] Warszawa, Rzeszów: Wydawnictwo Uniwersytetu Warszawskiego.
- MIPEX (2015). Migrant Integration Policy Index available at www.mipex.eu/.
- Mitsilegas, V. (2013). The changing landscape of the criminalisation of migration in Europe: The protective function of European Union law. In: M.J. Guia, M. van der Woude, J. van der Leun, eds. *Social Control and Justice. Crimmigration in the Age of Fear*. The Hague: Eleven, pp. 87–113.
- Nagy, B. (2016). Hungarian asylum law and policy in 2015–2016: Securitization instead of loyal cooperation. *German Law Journal*, 17(6), pp. 1033–1082.
- Nagy, B., (2017). *Sharing the Responsibility or Shifting the Focus? The Responses of the EU and the Visegrad Countries to the Post-2015 Arrival of Migrants and Refugees*. Budapest: Central European University.
- Okólski, M. (2007). Europe in movement: Migration from/to Central and Eastern Europe. *CMR Working Papers*, (22/80).
- Okólski, M. (2012). Transition from emigration to immigration. In M. Okólski, ed., *European Immigrations. Trends, Structures and Policy Implications*. Amsterdam: Amsterdam University Press, pp. 23–44.
- Pankowski, R. (2011). *The Populist Radical Right in Poland: The Patriots* (1st edition). London: Routledge.
- Pędziwiatr, K. (2017). Islamophobia in Poland: National Report 2016. In: F. Hafez, E. Bayrakli, eds. *Euro-pean Islamophobia Report 2016*. Istanbul: SETA, pp. 411–443.

- Pędziwiatr, K., Legut, A. (2016). Polish governments on the European strategies of dealing with migration crisis. (Polskie rządy wobec unijnej strategii na rzecz przeciwdziałania kryzysowi migracyjnemu) In: J. Wojtaszczyk, J. Szymańska, eds. *Refugees in Europe (Uchodźcy w Europie – uwarunkowania, istota, następstwa)*. Warsaw: Warsaw University Press.
- PMoFLSP. (2017). Data retrieved from statistics published by Polish Ministry of Family, Labour and Social Policy. Retrieved 15 November 2017, from www.mpips.gov.pl/gfx/mpips/userfiles/_public/1_NOWA%20STRONA/Analizy%20i%20raporty/cudzoziemncy%20pracujacy%20w%20polsce/Oswiadczenia%20-%20I%20polrocze%202017%20r._po%20korekcje.xlsx.
- Pytlas, B. (2015). *Radical Right Parties in Central and Eastern Europe: Mainstream Party Competition and Electoral Fortune* (1st edition). London and New York: Routledge.
- Shekhovtsov, A. (2017). *Russia and the Western Far Right: Tango Noir*. London: Routledge.
- Słubik, K., ed. (2014). *Unprotected. Migrant workers in an irregular situation in Central Europe*. Warsaw: Association for Legal Intervention.
- Vermeersch, P. (2005). EU enlargement and immigration policy in Poland and Slovakia. *Communist and Post-Communist Studies*, 38, pp. 71–88.
- Weinar, A. (2006). *Europeizacja Polskiej Polityki Wobec Cudzoziemców: 1990–2003*. Warsaw: Wydawn. Naukowe Scholar.
- Weinar, A. (2017). From emigrants to free movers: whither European emigration and diaspora policy? *Journal of Ethnic and Migration Studies*, 43(13), pp. 2228–2246.
- Zavis, M. (2017). Islamophobia in Slovakia: National Report 2016, in: E. Bayraklı, F. Hafez, eds. *European Islamophobia Report 2016*, Istanbul, SETA, 2017.

PART III

Integration



Taylor & Francis

Taylor & Francis Group

<http://taylorandfrancis.com>