



Voting rights for foreigners – for or against?

The analysis of the process of
granting voting rights to third country
nationals – selected examples from
across the EU

EDITORS Sławomir Łodziński, Dorota Pudzianowska,
Marta Szaranowicz-Kusz

International Organisation for Migration (IOM)
The Institute of Sociology of the University of Warsaw
Warsaw, October 2014



Voting rights for foreigners – for or against?

The analysis of the process of
granting voting rights to third country
nationals – selected examples from
across the EU

EDITORS Sławomir Łodziński, Dorota Pudzianowska,
Marta Szaranowicz-Kusz

International Organisation for Migration (IOM)
The Institute of Sociology of the University of Warsaw
Warsaw, October 2014

Warsaw 2014

©IOM 2014

ISBN 978-92-9068-700-9

Editors Sławomir Łodziński, Dorota Pudzianowska, Marta Szaranowicz-Kusz

Graphic design Marianna Wybieralska

Translation Piotr Mleczo i Wspólnicy Sp. K.

Publication co-financed from the European Fund for the Integration of Third Country Nationals in the framework of the project "Analysis of migrants' enfranchisement process by example of selected EU countries" implemented by the International Organization for Migration in the partnership with the University of Warsaw and the Ministry of Interior of the Republic of Poland.

The sole responsibility for the content published lies with the authors. The European Commission is not responsible for any use that may be made of the information contained herein.

The content expressed herein does not necessarily reflect the views of IOM or its Member States, the European Commission or other donors or partners of the project but solely that of the authors of the publication.

Table of contents

1. Introduction. The analysis of the process of granting voting rights to third country nationals – selected examples from across the EU 6

- 1.1. Project's targets and objectives 7
- 1.2. The problems of political participation of immigrants in host countries 8
- 1.3. Legal and political conditions for the political participation of foreigners in Poland 11
- 1.4. The size and social nature of the foreign community residing permanently in Poland 14
- 1.5. Analysis of attitudes towards political participation of foreigners in Poland. Description of gathered material and research methods 16

2. "Political" foreigners? Public perception of political participation of immigrants in Poland. Results of quantitative surveys 21

- 2.1. Introduction 22
- 2.2. Theoretical basis and research hypotheses 22
- 2.3. Acceptance of political participation of foreigners who legally reside in Poland Findings of the quantitative survey 24
 - Acceptance of foreigners in immediate neighbourhoods 24
 - Acceptance of various forms of participation of foreigners in public life in Poland 25
 - Criteria of acceptance of foreigners' participation in local elections 27
 - Accepting foreigners as local councillors 30
 - Nationality and cultural origin of a foreign councillor 30
- 2.4. "In the eyes of others". Findings of the survey as assessed by representatives of public administration and NGOs 31
- 2.5. Concluding remarks – the "Rancho" effect? 35

3. The participation of foreigners in the political life of local communities. Obstacles, fears, prospects for development.	
Results of qualitative surveys	37
3.1. Introduction	38
3.2. Public perception of obstacles to political participation of immigrants in Poland	38
3.3. Social fears related to granting foreigners voting rights at the local level	41
3.4. The evolution of the attitude of governmental authorities to the issue of extending voting rights	42
3.5. Growing interest in local political life among immigrants. The case of Lesznowola	44
3.6. The openness of local authorities towards changes in voting legislation illustrated by the case of the Lesznowola municipality	47
3.7. Conclusion	48
4. Political participation and voting rights of third-country nationals in Poland	50
4.1. Introduction	51
4.2. Council of Europe Convention on the Participation of Foreigners in Public Life at Local Level (1992)	52
4.3. The legal situation in Poland – the right to vote and to be elected and the right to participate in a local referendum	54
4.4. Legal situation in Poland – other rights of a political character	58
4.5. Conclusion	60
5. The electoral enfranchisement of third country nationals in Ireland	63
5.1. Introduction	64
5.2. The historical and institutional conditions of foreigners' political participation in local politics in Ireland	64
5.3. The 2004 Irish Citizenship Referendum	68
5.4. Immigrants in recent local elections in Ireland	71
5.5. Local integration initiatives	74
5.6. Conclusion	76

6. Rights only on paper. The process of granting voting rights to third country nationals in Slovakia 78

- 6.1. Introduction 79
- 6.2. Slovakia: migration profile 79
- 6.3. Slovakia's policy towards immigration 81
- 6.4. Legal framework for immigrants' political participation in Slovakia 83
- 6.5. Social and political aspects of enfranchisement of third country nationals 86
- 6.6. Conclusions 90

7. Only for the chosen. The electoral enfranchisement of third country nationals in Hungary 91

- 7.1. Introduction 92
- 7.2. Legal framework for immigrants' political participation in Hungary 92
- 7.3. The issue of immigration in Hungarian politics and public debate 93
- 7.4. Social and political aspects of enfranchisement of third country nationals 94
- 7.5. Conclusion 95

8. Concluding remarks 96

- 8.1. Key conclusions from social studies 97
- 8.2. Social problems related to the electoral enfranchisement of foreigners at the local level 100
- 8.3. Legal problems related to the electoral enfranchisement of foreigners at the local level 101

About the authors 103

Bibliography 106



1 Introduction. The analysis of the process of granting voting rights to third country nationals – selected examples from across the EU

Sławomir Łodziński
Dorota Pudzianowska
Marta Szaranowicz-Kusz

1.1. Project's targets and objectives

The main aim of this publication is to raise awareness on the granting of voting rights to migrants with the aid of an in-depth sociological study conducted in the spring of 2014 as part of the project "The analysis of the process of granting voting rights to migrants – selected examples from across the EU" (*"Analiza procesu przyznawania praw wyborczych migrantom na przykładach wybranych krajów UE"*). The project was carried out by the International Organisation for Migration (IOM) and the University of Warsaw (UW). It was co-financed by the European Fund for the Integration of Third Country Nationals. The study addressed Poland and covered the analysis of the attitude of immigrants and representatives of Polish society to the possibility of expanding voting rights at the local level to foreigners from outside the European Union who have remained, legally and continuously, in Poland for a longer period of time, in particular on the basis of either a permanent residence permit or long-term resident's EU residence permit. Thus, the focus of our interest was not all immigrants in Poland, but third country nationals (TCN) residing permanently in our country. Our study confirms that the situations of foreigners coming to Poland from within the European Union (hereinafter the EU) and of those coming from outside of it are dramatically different.

The study aimed to determine whether public opinion and public administration in Poland are ready for the introduction of new legal solutions in electoral law. We were also exploring the perspective of people from migrant communities themselves, especially the level and ways in which they were interested in gaining such rights. However, in our study we paid more attention to the role of public administration, as it shapes the legal framework of the political participation of foreigners. We compared the results of our study with the practices of other EU Member States that have extended voting rights at the local level to TCNs. This allowed us to place the acquired study data on social attitudes and legal problems in a wider European context. We were also able to compare visions and fears related to the electoral enfranchisement of migrants with the actual process in places where it has already taken place.

Voting rights have generally been regarded as the kind of political rights that should be exclusive privilege of citizens of a given state. However, the relationship between political rights and citizenship is of a political character and has been changing due to migration experiences both in Europe and across the world. The process of granting voting rights to foreigners shows that political rights are not dependent on a citizenship status (Castles, Miller 2011, 346–349; Pudzianowska 2013, 74ff.). In the majority of European countries, permanent residents have the right to participate (both to vote and be elected) in elections at the local level. However, the scope of these rights and the conditions that have to be met by foreigners differ from state to state. The introduction of voting rights for "non-citizens" at the local level is always a "hot" issue, both politically and publically, as it touches on important topics, such as citizenship, state sovereignty,

national identity, civic society, attitude towards foreigners and immigration, and tolerance of other cultures (Groenedijk 2008, 5–6).

The issue of granting voting rights to foreigners is still publically “invisible” in Poland and for this reason it may become an important political and social challenge. Mass immigration in Central and Eastern Europe is still regarded as an issue of the future and it is issues relating to the rights of national and ethnic minorities that have come to the fore here (Modood and Meer 2009, 3). Because of these specific features, the issues of political inclusion of immigrants have not been as dynamically discussed in our region as they have been in western countries. This discussion has, however, started in more recent years and references to the experiences of, and measures adopted by, western states are among its important aspects (Weinar 2006). In our analysis we have included institutional and social experiences of two Central-Eastern European countries (Slovakia and Hungary) and of one western state (Ireland). All three have granted foreigners voting rights at the local level, but the contexts in which the decisions to do so were made were completely different.

As shown in comparative studies conducted in 2008 and 2010, out of 29 analysed European countries, as many as 17 enabled specific categories of residents (both EU citizens and TCNs) to participate in local elections (Groenedijk 2008, 3–4; Lodder 2012, 7–8). They were: Belgium, Denmark, Estonia, Finland, Spain, The Netherlands, Ireland, Lithuania, Luxembourg, Norway, Portugal, Slovakia, Slovenia, Sweden, Switzerland (6 cantons), Hungary and the United Kingdom. These countries provide for the participation of both EU citizens and TCNs in local elections. Five states from the above group (Belgium, Estonia, Luxembourg, Slovenia and Hungary) have only given the right to vote to TCNs, which means that these persons were not granted the right to be elected.

Another 12 countries do not provide for any possibility of third country nationals participating in elections – these are Austria, Bulgaria, Cyprus, the Czech Republic, France, Greece, Latvia, Malta, Germany, Romania, Italy and Poland). In the Czech Republic, Malta and Italy relevant constitutional provisions provide for the participation of TCNs in local elections, but the relevant international conventions have not yet been signed. Neither have national regulations regarding electoral law been changed. This is why foreigners have not yet taken part in local elections in these three states.

1.2. The problems of political participation of immigrants in host countries

The globalisation of migration processes has contributed to deep changes in both the political and public spheres of host countries. It has forced legal and political changes, as well as reactions from public opinion, political parties and civic society organisations to problems relating to the now permanent presence of immigrants in European societies. The change in the attitude towards foreigners has been a long process. At first, worker migrations of the 1950s and 1960s in Western Europe were accepted by political

authorities and public opinion as temporary (Łodziński and Grzymała-Kazłowska 2011, 16). Facilitating access to citizenship for foreigners, and their political empowerment, were not regarded as a political priority for a long time. But the immigrants who were first regarded as only seasonal workers began to settle down permanently and then use legal measures for family reunification. In effect, by the 1980s migrants from colonies and their descendants became clearly visible social groups (Castles and Miller 2011, 140). At that time the issue of the unequal status of permanent residents in host countries was raised for the first time.

An important work in migration studies was Tomas Hammar's "Democracy and the Nation State: Aliens, Denizens, and Citizens in a World of International Migration" (1990). Hammar was concerned about the increase in the numbers of settled immigrants excluded from access to citizenship (denizens). This group is an intermediate category between citizens and foreigners. As long-term residents, denizens have access to the labour market and social and welfare benefits. They do not, however, have political rights. Hammar suggested that the existence of a large group unable to decide on the shape of politics can be detrimental to democracy.

In the 1990s the obvious contradiction between the use of immigrants' potential on the job market and their concurrent exclusion from participation in democracy gradually became noticed (Lesińska 2008, 157). Migration scholars considered the possibility of ensuring the realisation of ideals of democracy, or the participation of all inhabitants of a given territory in making public decisions (Kymlicka 2009, 354). In time, it was appreciated that reaching these ideals in a state with a large number of permanent foreign residents is only possible if the political inclusion of immigrants becomes a priority for a state. This inclusion can be based on either securing voting rights for immigrants or liberalising the naturalisation law, in other words facilitating access to citizenship.

Currently, ensuring the participation of foreigners in political and public life in European host countries takes on three basic forms. The first form is granting foreigners the right to vote and be elected in local and regional elections. The second form is enabling membership of political parties and other associations in the public sphere, or in both these spheres, i.e. in trade unions, works councils, associations or foundations that have a direct influence on decision making processes (Lesińska 2013, 77–78; Gsir 2014, 3–4). The final form of supporting immigrant participation is the promotion of advisory and consultation mechanisms, such as the organisation of permanent consultative bodies or thematic consultation processes that include inhabitants of local communities (European Modules... 2014, 53–55)

The scope and level of political and public activity of immigrants in their host countries is typically varied. Their determinants can be divided into a number of groups (Lesińska 2013, 82–84). Firstly, the **individual characteristics of immigrants** are important.

These are gender, age, educational level, social status, employment, host-country language proficiency, their country of origin and the length of time they spent there, and the perception of their own fate as that of an immigrant settled in a new country. The willingness to become politically active usually depends on the length of stay in the host country and on making the final decision to remain in the host country. What is important is that individual socioeconomic characteristics on participation levels do not only apply to immigrants themselves, but to inhabitants in general. Research shows that the higher the social status of a person, the higher the probability of their political engagement (Kaźmierczak 2013, 14).¹

Secondly, the **characteristics of a given immigrant community** are important. These are: the size of the group, its age structure, the degree of organisation, homogeneity and internal divisions (diversification) within a group (the degree and social importance of group divisions), the role and position of group leaders, the density of social networks and level of social capital, cultural characteristics and the degree of identification and inclusion into the host society (Lesińska 2013, 82–84). Another important factor is the degree of a group's territorial dispersal – a larger and more spatially concentrated group might have a larger political influence. Foreign communities have certain political resources (organisations, financial means, channels of influence and the like) they can use in the fight for their rights and interests. Group leaders play a big part here – they represent their group “on the outside”, in dealing with public authorities, but remain the main link between group members and are their group's stimulating factor.

According to research into the specificities of public participation in Poland, a dense network of social contacts is beneficial for public activity. Persons whose connections include not only their family, neighbours and friends, but also public and/or political officials are much more likely to become involved in the functioning of municipal institutions (Kaźmierczak 2013, 15).

The third type of determinant is connected to a person's **country of origin** (Lesińska 2013, 82–84). Here, traditions of political activity and the support of the state of origin (kin-state) play an important role. Other important factors are varied levels of political culture, including socialisation (permanence) of the political culture of the country of origin, and the level of assimilation of the host country's political culture. Another important role is played by the links with the country of origin (transnational networks) that can have a positive (or negative) influence on the level and character of political participation in a host country (Gsir 2014; Pogonyi 2014, 14–128).

1 It is worth stressing that the stability of stay has basic meaning for the exercising of political rights by immigrants. The stability is especially important to foreigners from outside the EU. Permanent, legal residence is – in most cases – protection against an arbitrary expulsion decision, it also gives security to a person's own legal situation in the new country and also the possibility to realise long-term plans and goals. All this is key in the engagement of foreigners in the public and political spheres (Groenedijk 2008, 4–5; Lesińska 2013, 85–86).

Finally, the **political system of the host country** is important to the degree of political activity of immigrants. It includes the existing institutions, mechanisms and channels of influence, including the rules of association and the participation in organisations, as well as the scope of voting rights (Lesińska 2013, 82–84). Formal regulations are not the only issue at play here. There is also the question of the attitude of administration to the political participation of immigrants, i.e. regarding it as valued and desired. As indicated by scholars and practitioners of civic participation, it is necessary for public authorities to extend a kind of invitation to inhabitants to become involved in participative practices (Kaźmierczak 2013, 16).

It is also worth pointing out the most important arguments that are present in public debates on the participation of foreigners in local elections. They are related and similar across different European countries (Groenedijk 2008, 5–6; Lesińska 2013, 77–78). The main four arguments for granting voting rights to foreigners are as follows. Firstly, granting voting rights ensures the realisation of one of the main rights of an individual within the political framework of liberal democracies. Secondly, granting voting rights to foreigners is a crucial mechanism of political, social and cultural integration of immigrants, which prevents their exclusion from mainstream society and their isolation. Thirdly, it is a supporting mechanism for furthering the immigrants' inclusion – this category of foreigners will remain “permanent” members of a society. Finally, voting rights are the main path towards foreigners obtaining citizenship of their host countries.

One of the main arguments against granting voting rights to foreigners relates to the possibility to transferring (“importing”) political conflicts (e.g. religious or ethnic) by immigrants from their countries of origin. This is also often linked to the fears of the formation of immigrant-style “ethnic parties”. Another fear that is often mentioned in this debate is linked to the lack of sufficient time for an immigrant to form links with their host country and local community. Thirdly, there are fears relating to the loyalty of immigrants towards their host country, as “voting rights for immigrants lead to conflicts of loyalty towards two state entities and may be dangerous to the political system of a host country” (Lesińska 2013, 93). Moreover, another argument often raised claims that voting rights diminish the importance and meaning of the naturalisation process – consequently, immigrants may deliberately waive [the right to] citizenship instead of applying for it. Lastly, there are also fears of the devaluation (erosion) of citizenship, seeing as rights, traditionally linked to citizenship, are now granted to foreigners, which undermines the very essence of state citizenship. Consequently, the traditional “citizen-foreigner” dichotomy is no longer relevant (Pudzianowska 2013, 99).

1.3. Legal and political conditions for the political participation of foreigners in Poland

The possibilities of immigrants' participation in political life in Poland are not well developed and Polish legal provisions in this respect are among the most restrictive in Europe.

Poland did not ratify, and is not planning to ratify, the Convention on the Participation of Foreigners in Public Life at Local Level of 5 February 1992 (ETS No. 144). The Convention includes the right to vote in local elections. Each state party undertakes to grant to every foreign resident the right to vote and to stand for election in local authority elections, provided that they fulfil the same legal requirements as apply to nationals and, furthermore, have been a lawful and habitual resident in the state concerned for the five years preceding the elections (Chapter C, Art. 6). Each state party may stipulate that the residence requirements laid down in Art. 6 are satisfied by a shorter period of residence.

The right to vote and to be elected on the national level is limited to Polish citizens only. Changes in the local electoral system were introduced in 2004 due to the fact that the Polish national law had to comply with the requirements of the EU.² It was then that both the right to vote and the right to be elected in local elections at the level of municipality (*gmina*) were granted to foreigners (EU citizens) who permanently reside on the territory of a given self-governing community. This excluded the right to stand in the local executive elections i.e. in the elections for the post of *wójt*, *burmistrz* or *prezydent miasta*.³

The discussion on the need to change the law in this area and on attitudes towards immigrants in our country began a few years back during public consultations regarding the work on Poland's migration policy. The body responsible for this process was the governmental Committee for Migration (*Zespół do Spraw Migracji*). It was set up in 2007 as an assisting body to the Prime Minister.⁴ It has initiated work on the relevant programming documents. During one of the consultative meetings, organised within the National Platform for Integration (*Krajowa Platforma Współpracy na rzecz Integracji*)⁵, a proposal was put forward to extend voting rights to settled third country nationals.

2 Granting the right to vote in local government elections to this category of persons (who attain 18 years of age on the day of the elections at the latest) is the consequence of Poland's commitment to the Treaty of Accession (signed on 16 April 2003, Journal of Laws 2004 no. 90, item 864) and the Treaty on European Union (with the wording of the Treaty of Maastricht), especially Art. 19(1) of TEC. Pursuant to the provisions of Art. 19(1) of the TEC, citizens of the European Union residing in a member state of which they are not nationals shall have the right to vote and to stand as candidates at local elections in the Member State in which they reside, under the same conditions as nationals of that state. Today, this provision is contained in Art. 20(2b) of the Treaty on the Functioning of the European Union. Additionally, Art. 40 of the Charter of Fundamental Rights also lists this right. These issues are specifically regulated by the Council Directive 94/80/EC of 19 December 1994 laying down detailed arrangements for the exercise of the right to vote and to stand as a candidate in municipal elections by citizens of the Union residing in a Member State of which they are not nationals.

3 More details on the Polish electoral laws can be found further in this publication. For a general overview of electoral rights in Poland, please refer to Pudzianowska, Dorota, and Korzec, Piotr, *Access to Electoral Rights Report. Poland*, RSCAS/EUDO-CIT-ER 2013/17, EUDO Citizenship Observatory, Robert Schuman Centre for Advanced Studies, Badia Fiesolana, San Domenico di Fiesole (FI), Italy, June 2013. The report can be accessed at: <http://eudo-citizenship.eu/admin/?p=file&appl=countryProfiles&f=1317-Poland-FRACIT.pdf>.

4 The tasks of the Committee include the initiation of trends in legislative and institutional changes relating to the issue of migration and the recommendation of these trends to the Council of Ministers. It also gives opinions of long-term and annual national programmes on the use of Community funds in the area of migration (including the European Refugee Fund) and proposes activity lines in terms of the inclusion of foreigners in Poland (*Order No. 12... 2007*).

5 The Platform was set up in 2010 by IOM in partnership with the [Polish] Ministry of Foreign Affairs to serve as a consultative body and as a forum for the exchange of experiences between migrant communities, public institutions, NGOs and other entities that play an important role in the process of the inclusion of migrants into Polish society.

It was seen as worth considering, however priority was given to immigrant community consultation mechanisms and the encouragement of settled immigrants to offer help to their compatriots (VIII spotkanie Krajowej Platformy Współpracy 2011, 6). During further consultation stages, this proposal was recommended in a document adopted by the National Platform for Integration entitled "Cooperation is the Road to Integration. Recommendations for Poland's immigration policy" ("*Współpraca drogą do integracji. Zalecenia dla polityki integracyjnej Polski*") (Współpraca drogą do integracji... 2012, 72).

A report by the [Polish] Institute of Public Affairs published around the same time also pointed to the urgency of taking account of foreigners' voting rights (Kaźmierkiewicz, Frelak 2011). On the one hand, it revealed a lack of understanding for the need to grant political rights to foreigners residing in Poland, especially on the part of politicians (the naturalisation of foreigners is seen as a necessary requirement for their participation in political life) and the media. On the other hand, it contained critical opinions of immigrant groups about the attitude of Polish authorities to the promotion of activity – including political activity – of immigrants.

The need to start a discussion on the introduction of voting solutions for foreigners was also included in the official programming document "Polish Migration Policy – the Current State of Play and Proposed Actions" ("*Polityka migracyjna Polski – stan obecny i postulowane działania*") adopted in July 2012. It also stressed the importance of measures to support immigrant organisations "in terms of active coexistence in civic society (e.g. interest representation, promotion of own community)" (Polityka migracyjna Polski – stan obecny 2012, 74). This document was also accompanied by a special executive document, containing the exact schedule of the implementation of migration policy provisions. As regards voting rights, the document stated that the possibility of granting voting rights at local government level to some foreigners should be discussed with the State Election Commission (*Państwowa Komisja Wyborcza*) and involve local authorities, represented by the Joint Central Government and Local Government Committee (*Komisja Wspólna Rządu i Samorządu Terytorialnego*).

Granting these rights may involve placing an additional, though small, burden on local governments. This would relate to, for example, adding foreigners entitled to vote to electoral registers. Other items discussed were potential costs, their amount and sources of financing. In the end, the official recommendation for implementing the right to vote and to be elected at local government level to foreigners with permanent residence permits in Poland will be included in "Polish Policy for Foreigners' Integration – Presumptions and Guidelines" ("*Polska polityka integracji cudzoziemców – założenia i wytyczne*"). It is estimated that the document will be adopted towards the end of 2014 or in 2015 (Dokument wykonawczy. Plan wdrażania dla dokumentu „Polityka migracyjna Polski” 2013, 88). The final changes to, and updates of the executive document (from May 2014) did not change the provisions in this respect (Dokument wykonawczy. Plan

wdrażania dla dokumentu „Polityka migracyjna Polski” 2014, 93).

Despite the fact that the provisions contained in “Polish Migration Policy...” are being gradually implemented, a public debate (thus far limited) on the aims and measures of migration policy has simultaneously started. It relates to a working document, discussed in December 2013, which is being prepared by the Chancellery of the President of Poland (Dokument wykonawczy... 2013).⁶

It contains an attempt to formulate the migration policy doctrine, as well as its principles, and to spark discussion on the most important elements of the policy. It also describes the principles of Poland's migration policy (including the country's transformation into an immigration-emigration country). Moreover, it points to the need for setting up a relationship between Poland and the Polish diaspora abroad and of activating a broader social discussion on immigrant issues. Despite the fact it gives a lot of attention to challenges related to the inclusion of migrants in our country – by saying it should be regarded as key area of migration policy and one of the decisive factors in the attractiveness of Poland in the eyes of foreigners – it does not contain any proposal to introduce the electoral enfranchisement of foreigners at the local level. It only claims that a mechanism of participation of migrants and their groups should be encouraged in the planning of measures that relate to their communities.

Both the adopted documents and those still under discussion, relating to migration policy of Poland, indicate a certain openness towards the prospect of granting voting rights to foreigners. This is related, among other things, to the attempts to embed migration policy within a broader framework of Poland's demographic and social policies. This could mean that more attention will be paid to migration and issues of foreigners' inclusion in our country.

1.4. The size and social nature of the foreign community residing permanently in Poland

When analysing the possibility of foreigners' political participation in Poland, it is worth briefly determining the size and demographic nature of this community. Immigration into Poland is a relatively new phenomenon. It basically began with the democratic transformation of the system and the development of a market economy at the beginning of the 1990s. Another two important events were Poland's accession to the EU (2004) and its joining the Schengen area (in December 2007). Despite these changes, the size of the influx of foreigners into our country still remains at a low level. We are still a less attractive country of destination than the richer countries in Western Europe.

According to the 2011 Polish National Population Census, only 0.15 per cent (57,500 people) of the entire population were foreigners (described as persons without Polish

⁶ According to information obtained at a meeting of the Polish Academy of Sciences' Committee for Migration Studies (*Komitet Badań nad Migracjami PAN*) of 23 June 2014, the document has been amended and is awaiting its final approval by the President.

citizenship). This figure included 2,000 persons describing themselves as stateless (Nowak 2013, 81–88). Despite its small size, the community is varied in terms of both citizenship and socio-demographic criteria. The highest number of non-Polish citizens residing permanently in Poland are nationals of: Ukraine (24 per cent), Germany (over 9 per cent), Russia (7.6 per cent), Belarus (almost 7 per cent) and Vietnam (4.7 per cent). Citizens of these five states make up over a half of all foreigners residing in Poland. Over 82% of foreigners (i.e. 47,100) were born abroad – these immigrants arrived in Poland and received permanent residence here. In Poland, there are also almost 10,000 foreigners who were born in this country (17.4 per cent of all foreigners in Poland with permanent residence permits).

The majority of foreigners are male (52 per cent), however this percentage varies depending on citizenship. Among the citizens of Ukraine, Russia and Lithuania, females make up around 70 per cent, and for Belarus this figure is 66 per cent. Thirty-five per cent of Germany's citizens in Poland, and only 20 per cent of Italian citizens, are female. The percentage of females amongst the citizens of Tunisia and Egypt are very low (1–2 per cent). The majority of these persons are relatively young and at the height of their professional activity (52 per cent are aged between 18 and 44). Most persons are married (almost 65 per cent) or have not started their families yet (unmarried persons make up over 22 per cent). They are well educated (over 72 per cent completed at least secondary education, including 36 per cent with higher education). They live predominantly in cities (over 75 per cent). The territorial distribution of foreigners' in Poland is also patchy. Most of them (31 per cent) reside in the Mazowieckie Province. Just over 8 per cent of all foreigners in Poland reside in the second-largest province (Dolnośląskie). Eighty-six per cent of all Chinese citizens residing permanently in Poland live in the Mazowieckie Province. Also, 73 per cent of Vietnamese citizens, 42–44 per cent of citizens of India, the United Kingdom and France and approx. 30 per cent of Ukrainian and Russian citizens reside in the Mazowieckie Province.

The size and nature of this community did not change in the years 2012–2013. By the end of 2013 the number of foreigners living in our country temporarily or permanently reached 121,000. Half of this number resided here temporarily and 42 per cent had permission to settle. Citizens of Ukraine (31 per cent), Vietnam (11 per cent), Russia (10 per cent), Belarus (9 per cent), China and Armenia (4 per cent each), Turkey, India and the USA (2 per cent each) and South Korea (1.5 per cent) had the highest number of valid residence cards. The largest numbers of EU citizens in Poland come from Germany, Italy, France, the United Kingdom, Bulgaria and Spain.

The number of foreigners from outside the EU residing permanently in Poland who could potentially exercise the right to vote and to be elected is relatively low. It is between 40,000–45,000 people. Most of them are immigrants of European origin from neighbouring and culturally related countries who have good integration prospects. The

Vietnamese – the only larger immigrant group of non-European origin – is regarded as a community that adapts well into Polish society.

1.5. Analysis of attitudes towards political participation of foreigners in Poland.

Description of gathered material and research methods

Within our project, sociological studies on Poland included: a public opinion survey on the attitude of Polish society regarding the possibility of granting voting rights on the local level to foreigners who reside permanently in Poland; focused interviews with three groups of “stakeholders” (i.e. representatives of administration, NGOs supporting immigrants, and migrant communities); a case study of the Lesznowola municipality, the aim of which was to analyse the level of political activity of foreigners within the local community.

The study was designed to connect two research perspectives: the study from the perspective of immigrants themselves and their organisations (associations) (bottom-up approach), and from the perspective of wider society (public opinion) and the host country (top-down approach). The results of both of these perspectives are intended to enable the precise social determination of “the structure of political possibilities”, which can decide on and influence the degree of political participation of immigrants in Poland (Lamprianou 2013, 21–42). This term is used to describe those institutions and political and legal procedures that can help or even encourage foreigners to become more politically active, or can, on the contrary, block and discourage these attempts. State authorities create specific legal mechanisms (e.g. guarantee freedom of association, voting rights, etc.) and appoint bodies (e.g. various consultative structures) that support and develop the political activity of immigrants by enabling them to obtain their own political representation (Lesińska 2013, 41–42, 82–83).

The project also includes a legal review report on granting the right to vote and be elected in Polish local elections also to third country nationals. Its aim was to juxtapose the recommendations arising out of social studies with current institutional and legal conditions in Poland. Moreover, the case of Poland was considered against the background of experiences of selected European countries, which were described in three foreign reports containing legal, sociological and political considerations based on the review of national legacy data. We have presented a detailed description of all the elements of the analysis below.

Public opinion survey. The public opinion survey entitled “The Attitude of the Polish Society Regarding the Possibility of Granting Voting Rights on the Local Level to Foreigners who Reside Permanently in Poland (the results of quantitative research for IOM Warsaw)” was carried out by the Public Opinion Research Centre (CBOS) between 5 and 12 March 2014 on a national, random and representative sample (N=1098 interviews)

in the form of face-to-face interviews (computer-assisted – CAPI). The study was to show the attitudes of public opinion and factors that would determine the possibility of granting local voting rights to foreigners permanently residing in Poland. Respondents answered four questions.

The first question related to the acceptance of the participation of immigrants in public life. Respondents considered whether foreigners legally residing in Poland should have the right to do the following: set up their own associations to represent their interests; lodge petitions and open letters defending the interests of their own group; actively protest and demonstrate in order to defend their interests; join Polish trade unions; join Polish political parties; vote in local elections; stand in local elections; participate in local referenda; vote in parliamentary elections; vote in presidential elections.

The second question regarded socially desirable criteria for the right to vote in local elections. Respondents were asked to assess how important it would be for them that a foreigner residing legally and permanently in Poland met specific requirements in order to be able to vote in local elections.⁷ Fourteen different traits were assessed: formal possession of citizenship; informal (but objectively verifiable) “determinants of Polishness” (Polish language proficiency, knowledge of Polish culture and history, having been born in Poland, the length of stay in Poland, starting a family in Poland); informal “determinants of Polishness”, objectively unverifiable or such that could only be assessed subjectively (respect for Polish law and political institutions, personal sense of national belonging, respecting Polish customs, having obtained special merit from the Polish nation); the Catholic faith, which can be considered either separately from the “determinants of Polishness” or as one of the traits that constitute a person’s nationality; physical traits (gender, race).

The third question regarded accepting foreigners as local councillor (*radny*). Here, respondents considered whether they would agree to a foreigner residing legally and permanently in Poland becoming a councillor in their municipality or town. Finally, the respondents answered the fourth question about whether they agreed (or disagreed) with the following statement: it is good to have as neighbours foreigners who reside legally and permanently in Poland and whose tradition and culture is different to Polish tradition and culture.

Focused interviews. Three groups of stakeholders participated in focused interviews. The first group were representatives of the part of administration that deals with issues of immigration, the inclusion of foreigners, and citizenship. The second group were representatives of Polish NGOs supporting immigrants, offering legal aid to migrants or

⁷ This was answered by persons who, in the previous question, said they would grant foreigners the right to vote in local elections (on the municipality level); N=745 persons.

carrying out other integration programmes and activities. The third group were active representatives and leaders of immigrant associations and communities in Poland. NGOs supporting immigrants often believe that they represent immigrants in public debate. Our aim was to investigate whether foreigners and Polish NGOs really share a similar stance as regards political the participation of foreigners and them being granted voting rights.

The interviews were conducted in two stages. The first stage was carried out in March 2014. Three focused interviews were conducted, one with each of the groups listed above. The aim of the first round of interviews was to discuss the possibilities of public participation of migrants in Poland. The participants assessed the current degree of political activity of foreigners and formulated demands as to its desired form. Next, they considered the obstacles that were hindering third country nationals' participation in public life in Poland. The final part of the survey was the consideration of attitudes towards local voting rights. Both the benefits of extending these rights as well as related social fears were considered.

During the second stage of focused interviews, in April 2014, two rounds of interviews took place. Representatives of public administration took part in one of the rounds. The second one covered representatives of NGOs and immigrant communities together. Putting these two groups together was deliberate – it provided an impetus to exchange perspectives and to become involved in in-depth consideration. The discussion during the second round predominantly revolved around the results of the public opinion survey and the legal review of the situation in Poland regarding the possibility of extending voting rights.

The Lesznowola case study. Wólka Kosowska is a small town located in the Lesznowola municipality – a rapidly growing rural municipality in Poland. The municipality is located in the Piaseczno District (*powiat*), Mazowieckie Province, in immediate proximity of Warsaw's Ursynów metropolitan district. To the north-west it borders the Raszyn and Nadarzyn municipalities; to the south-east it borders the Piaseczno municipalities and to the south it borders the Tarczyn municipality. Lesznowola covers an area of 69.17 square kilometres and is inhabited by 22,548 persons (*Ludność, stan i struktura w przekroju terytorialnym 2013*, 74), of which nearly 10 per cent are foreign nationals (including one of the biggest Asian communities in Poland, i.e. 1199 Chinese and 708 Vietnamese) (*Dane Urzędu Gminy Lesznowola 2014*).

This large proportion of immigrants makes Lesznowola an interesting research object. In this municipality all issues related to the integration of a multicultural community come into perfect focus. For this reason the research of the attitudes of a local community towards the possibility of granting local voting rights to foreigners with permanent residence permits was carried out in Wólka Kosowska. Due to some limitations of the project, only one immigrant group was picked for research, namely the Vietnamese, whose

economic and, most of all, social activities are clearly visible in Lesznowola. Moreover, we focused on reaching opinion leaders in our study. In immigrant groups these were representatives of Vietnamese organisations and Vietnamese persons working at higher levels of businesses. In the Polish community these were the activists from NGOs supporting immigrants, and also local government representatives. The last group was fairly numerous and included councillors and municipality council staff. An important part of the survey was to indicate the attitude of current local political elites towards possible legal changes that would lead to granting foreigners (third country nationals) the right to participate in local elections.

The Lesznowola case study was carried out with the use of qualitative research tools. Individual in-depth interviews formed the basis of this analysis. There were three interviews carried out with representatives of Polish NGOs, two interviews with representatives of immigrant organisations, two interviews with employees of the Municipal Cultural Centre (*Gminny Ośrodek Kultury*), eight interviews with representatives of the Lesznowola municipality and two with researchers of the Vietnamese community in Poland. The study was supplemented with two mini focused interviews with representatives of NGOs – one representative was Polish, the second representative was an immigrant. In total there were 19 interviews conducted. 22 people participated in these interviews: 4 immigrants, 16 representatives of the Polish community and 2 experts. Also, samples from the local press were analysed.

Legal review of the situation in Poland. A legal review of the possibility of extending local voting rights in Polish local elections to third country nationals was prepared on the basis of legal acts and other materials. The review focused on the identification of potential legal obstacles to the extension of voting rights and other political rights to TCNs. Conclusions and recommendations on the proposed legal changes relate to third country nationals and also include a more detailed analysis of the shortcomings in current legislation on foreigners' (EU citizens) right to vote at municipality level. As mentioned above, the existing legislation provided input for the discussions in the second level of focused interviews.

Reviews of the cases of Ireland, Slovakia and Hungary. The aim of the foreign reviews was to consider the Polish debate on electoral enfranchisement against the backdrop of experiences of other states which have already introduced such changes. Three factors were taken into consideration in the selection process of countries to be analysed (Table 1). Firstly, the region of Europe was important. A decision was made to select two Central and Eastern European states, as states in the region have similar experiences in terms of migration and the issue of the inclusion of foreigners. A Western European state whose migration history is quite similar to the rest of the presented cases completes the

analysis. Secondly, the differences in electoral laws regarding the right to vote and be elected were considered. Of particular interest to us was the question of what conditions were decisive in making it (im)possible for a foreigner to stand in local elections. The third factor was citizenship legislation. There is an important issue of whether expanding voting rights complements the inclusion of migrants into political life or whether it compensates for their difficult access to citizenship.

The criteria of selecting states for comparative analysis

table 1

State	Region of Europe	Local elections: the right to vote and be elected	Citizenship policy
Slovakia	Central and Eastern	Right to vote and be elected	Liberal
Hungary	Central and Eastern	Right to vote	Restrictive
Ireland	Western	Right to vote and be elected	Change from liberal to restrictive

In their well-known book on migration, Stephen Castles and Mark J. Miller wrote that “the lack of political rights for foreigners who are not citizens of democratic societies they live in has long been seen as a problem” (Castles, Miller 2011, 346). The aim of this research project was to initiate an informed debate on the topic of foreigners’ (third country nationals with the right of permanent residence in Poland) political participation, especially in the context of granting them voting rights at the local level. A consideration of the attitudes of the main groups interviewed and of public opinion in Poland, as well as the practices in other countries may initiate or facilitate this discussion. We hope that this publication will also contribute to the management of integration policies in Poland.

The order of the publication is as follows. Firstly, we present the results of a public opinion survey and qualitative research (focused interviews and the Lesznowola case study). Next, we discuss in detail the legal regulations in Poland. Then we discuss voting experiences relating to the participation of foreigners at the local level in the above-mentioned three countries. Finally, we summarise our considerations. The publication also contains a List of References and an Annex with Polish regulations that should be changed in order to ensure the wider political participation of foreigners in our country.



2 **“Political” foreigners? Public perception of political participation of immigrants in Poland.**

RESULTS OF QUANTITATIVE SURVEYS

Sławomir Łodziński
Dorota Anna Zielińska

2.1. Introduction

This part of the paper aims to present the results of a survey into the Polish public's perception of various forms of political participation of foreigners who legally reside in Poland⁸. Other questions asked within the survey related to the role of the "nationality" of a foreigner who stands as a candidate in local council elections and the social and cultural criteria that should be met by a foreigner wanting to vote in local elections. We were also interested in the more general attitudes of the surveyed group towards foreigners residing in their immediate neighbourhood who are from different cultures and have different traditions. We were not the only group to have interpreted the findings of the survey. They were also used at the second stage of the focused interviews carried out with representatives of public administration responsible for foreigners' stays in Poland and representatives of associations of foreigners and non-governmental organisations concerned with these issues. We treated the survey's results as a kind of "stimulus" for initiating a dialogue on the specific possibilities for, and obstacles to, the participation of foreigners in public life in Poland.

Our findings are of vital importance as they testify to the readiness of Polish society to accept foreigners in local public life and the political need to effect foreigners' access to voting in local elections. The questions raised in this part will be discussed in the following order: Firstly, we will present the research assumptions and hypotheses. Next, we will move on to discuss the findings of the survey and look into the results of the focused discussions. Last but not least, we will try to point out the main conclusions of our analysis.

2.2. Theoretical basis and research hypotheses

Attitudes of acceptance or non-acceptance towards the political activity of foreigners stem from approaches towards migration and foreigners and also the very traditions of political activity in a given country. In general, studies on attitudes towards immigration and foreigners show that immigrants are perceived as a threat from the perspective of both the surveyed participants and society as a whole. The former see them as competitors on the labour market, whereas the latter consider them a threat to values and cultural traditions of their host country. This approach towards immigrants never has a socially unanimous orientation. It differs by factors such as the origin and social status of the participants surveyed. Other differentiating factors include: sex (men more often than women see foreigners as a threat because, among other things, they may feel more affected by the increased competition from foreign workers); age (there are fewer "cultural traditionalists" among younger people who are less prejudiced and therefore may see foreigners as less of a threat than older people do); education (persons with higher education are more open to immigration and more willing to accept foreigners,

⁸ For a full description of the surveys and stages of the focused research see the Introduction.

for reasons connected to their higher professional qualifications and cultural competencies); and political orientation (those who support parties of the left and centre are more open to immigration and foreigners than those who identify with right-wing parties). The issue of the ethnic (cultural) origin of immigrants is also important – that is, which groups are treated in a given country as closer and “like us” and which are seen as more distant and “foreign” (Keller 2012, 168–170).

Other factors that play a significant role in shaping an individual's attitude towards foreigners are their own experiences of contact with foreigners, especially having foreign acquaintances, and the tradition of maintaining contact with foreigners. As suggested by the relevant literature, countries with a higher proportion of immigrants, and who have more experience of contact with immigration groups, more rarely see immigration as a threat – and always as a less serious one – than countries with less contact of this kind. However, in recent years Western European countries have undergone substantial changes due to increased migration in the wake of EU enlargement, the growth of immigrant communities from outside of Europe and the concomitant difficulties with their adaptation, as well as a heightened sense of threat related to terrorist attacks (Grzymała-Kazłowska 2012, 136–137).

All of the factors and correlations mentioned above may not only affect attitudes towards foreigners, but may also determine the level of acceptance of their political activity in a host country. While discussing the situation in Poland, it is important to remember that foreigners are a small group of the Polish population who are diversified in terms of their ethnic origin, cultural and religious backgrounds, social status and the type of work they perform (as has already been mentioned in the Introduction). Of vital importance is the limited range of personal contact Poles experience with immigrants.

A number of studies carried out within the last ten or so years show that of those surveyed, only one in four (26 per cent) personally know a national of a different country who resides in Poland (Praca cudzoziemców w... 2010, 1–3). Most respondents (6 per cent) stated that they knew a Ukrainian national living in Poland. Markedly fewer of the surveyed participants claimed to know a person of Russian or Belarusian origin or a national of another former Soviet state (2 per cent for each of the above). Three per cent of the adults participating in the survey stated they knew foreigners of Arab or Asian, mostly Vietnamese, origin residing in Poland. The figure is slightly lower for nationals of the United States, personal acquaintance with whom is declared by 2 per cent of the respondents. Having a foreign acquaintance is more widespread among younger people, including school pupils and university students – those who reside in the largest cities, have a higher level of education and higher income levels. In consequence, for most of Polish society the attitude towards immigrants is an abstract notion not backed up with any real life experience. Therefore, the attitude towards the public activity of foreigners may depend on the stereotypical knowledge of our respondents about the ethnic and

cultural origin of immigrants (the more they resemble Poles, the better they can be assessed by them) and their perceived wealth (the more affluent, the better).

Let us note that in terms of attitudes towards foreigners, the Polish people do not stand out negatively among other European countries – this is shown by studies by the European Value System (EVS). Poland is, rather, to be seen as a society that is “moderately tolerant towards immigrants”, but at the same time being one of the more open countries in Central and Eastern Europe (Grzymała-Kazłowska 2012, 146; Wenzel 2009, 3–6, 170).

The reasons for this include integration efforts related to the country’s membership of the European Union, a strong pro-European discourse employed by Poland, and the improved economic situation.

However, when looking into the level of acceptance of the political participation of foreigners in Poland, one must bear in mind not only the specific features of the immigrant community in Poland (and how these communities are perceived), but also Polish traditions of local political activity. Recent surveys on this topic show a declared increase in local community activity, both individual and social, across various civic organisations and public institutions (*Aktywność społeczna...* 2014, 13). Scholars studying these issues underline the fact that society is less often inclined to treat the notion of “local government” as a synonym for “local authorities” (and elections thereto). Instead, this former term is increasingly more often associated with the concept of a “local (self-governing) community”, that is, with all the residents of a given region (Agnieszka Maszkowska, Katarzyna Sztop-Rutkowska 2013, 5).

2.3. Acceptance of political participation of foreigners who legally reside in Poland.

Findings of the quantitative survey

Acceptance of foreigners in immediate neighbourhoods. Firstly, we would like to discuss the answers to the question about acceptance of foreigners in the immediate (local) neighbourhoods of the respondents. The question was worded as follows: is it good to have neighbours who are foreigners residing legally and permanently in Poland who come from a different culture and different traditions?

The opinions of the respondents were split into three unequal parts. Nearly half of the surveyed (48.9 per cent) answered the question in the affirmative; more than one quarter (27.8 per cent) disagreed; whereas one in five persons did not have a specific opinion on this topic (22.7 per cent). 0.7 per cent of the respondents refused to answer the question. The answers show moderate but positive openness to members of immigrant cultures at the local level.

The factor most conducive to this openness is age – it was the youngest respondents, especially those in the 18–24 age brackets who expressed the greatest acceptance of foreigners. The level of acceptance decreases with age. What increases instead is opposition, which reaches its highest level in people over 65 years of age. Residents

of large cities show far more openness to immigration. One in five respondents in this group would strongly approve a person from a different culture or different traditions in their immediate neighbourhood. Equally open are persons who do not practice any religion, two thirds of whom would accept a foreigner. Political views were not a factor affecting the opinions of the respondents.

Acceptance of various forms of participation of foreigners in public life in Poland. The survey's results indicate a generally high and evenly distributed level of acceptance of the participation of foreigners residing in Poland in various aspects of public life. These were very broad in scope, ranging from the right of foreigners to set up their own associations (to represent their interests); through the rights to lodge petitions and open letters addressed to authorities, to actively protest and demonstrate in the streets and join Polish trade unions and political parties; to what is the most important factor for our survey, namely the right to vote in local elections and referenda (i.e. at municipality level) and to stand as a candidate for a local council; and concluding with fundamental political rights, such as the right to vote in parliamentary and presidential elections. Some of these forms of participation are well-rooted in Polish law, such as the right of foreigners to set up their own associations – though this applies only to those who reside in Poland, the right to organise and participate in public assemblies, and the right to associate in trade unions.

Table 2 shows the hierarchy of acceptance of the participation of foreigners residing legally in Poland in various aspects of public life in Poland (based on the percentage of “decisively yes” answers). For all possible forms of public activity of foreigners, there are more answers in the affirmative than in the negative, with these positive responses accounting for close to or above 60 per cent of the total in each case. Even in the case of, relatively speaking, the least socially acceptable right – the right to “actively protest and demonstrate in order to defend one’s own interests”, answers favourable to foreigners outnumber the unfavourable ones (with 46.9 per cent “yes” answers and 42.3% “no” answers)⁹. We were most interested in the high level of acceptance (the highest in this table) of the right of foreigners to vote in local elections (69.7 “yes” answers in total) and the high level of acceptance (seventh position in the table) of the possibility to stand in such elections (57.6 per cent “yes” answers).

This high level of acceptance is defined, however, by a predominance of moderate answers. With regard to all the forms of the political participation of foreigners included in the question, there was a predominance of “soft” statements, such as “I suppose yes” or “I suppose no”, in answers that expressed both acceptance and opposition. This may

⁹ This may be related to the fact that at present the most acceptable forms of protest are those that are the softest and that least “interfere” with society (e.g. public collection of signatures for petitions, organising happenings or events to bring the public’s attention to a problem or situation affecting a given social group) (Potencjał niezadowolenia społecznego... 2013, 4–5).

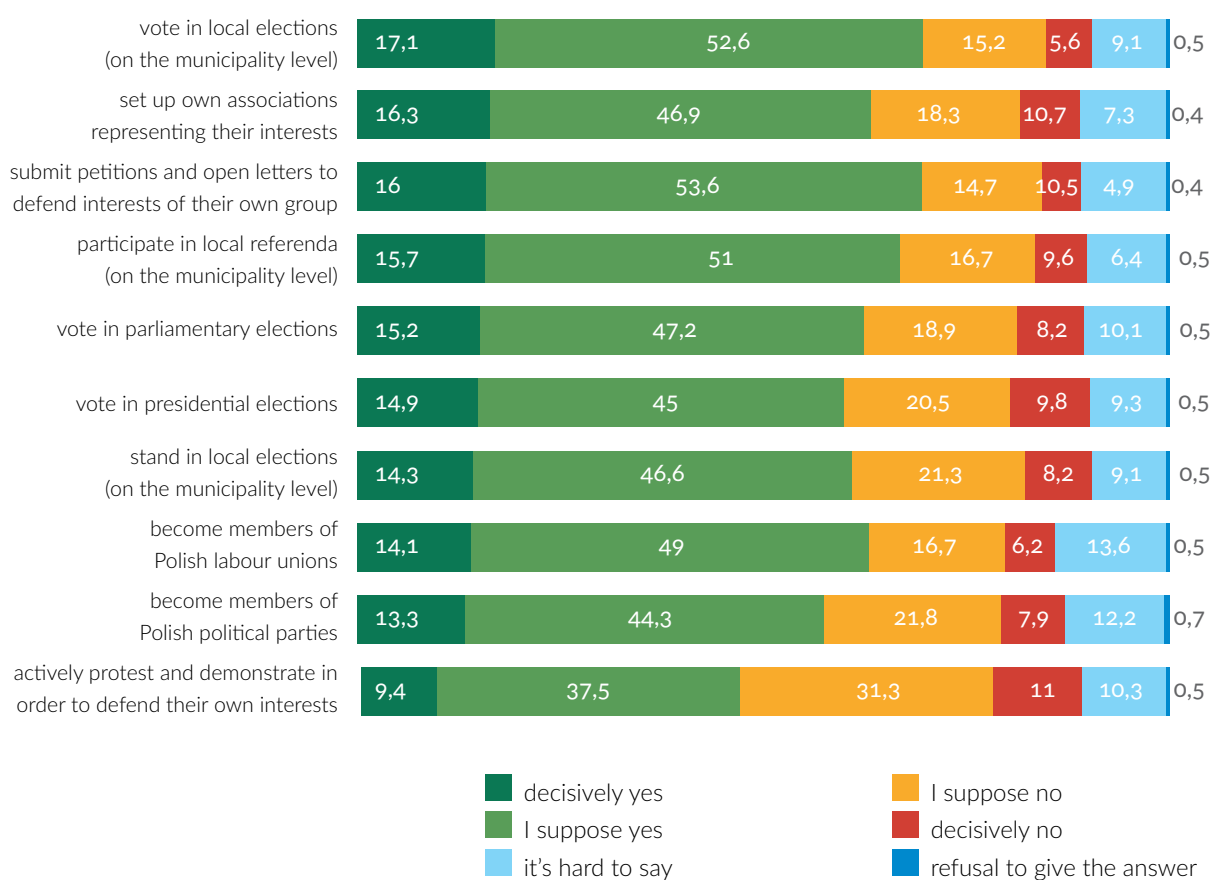
suggest that many respondents have no definite opinion on an issue due to, for instance, no personal experience of contact with foreigners that reside legally in Poland – something to which only one quarter of the surveyed participants admitted. Another reason for this may be a tendency to give politically correct answers.

Support for the participation of foreigners in public life in Poland was more often expressed by younger persons who were residents of large cities, had a minimum of secondary education and did not practice any religion. There was also a correlation between the expressed acceptance of various forms of political participation of foreigners and the respondents' attitude towards the presence of foreigners in their immediate neighbourhood. This was especially evident in the category of participation in local elections at the level of municipality, and also that of standing in these elections as a potential councillor (the Pearson correlation coefficients stood at 0.427 and 0.441, respectively).

Acceptance of participation of foreigners who legally reside in Poland in various forms of public activity

table 2

Question: Do you think that foreigners who reside legally and permanently in Poland should have the right to:



Source: *The attitude of Polish society to the issue of granting local voting rights to migrants who permanently reside in Poland. Public Opinion Research Center (CBOS), Results of quantitative research for IOM Warsaw (Warsaw: 2014), 6.*

Criteria of acceptance of foreigners' participation in local elections. Another question that we presented to the surveyed participants regarded their assessment of the significance of conditions to be met by a foreigner legally residing in Poland in order to participate in local elections¹⁰. The respondents were asked to assess fourteen (14) such criteria on the scale from “1” (“totally insignificant”) to “7” (“very significant”). The higher the average rating of a given criterion was, the greater its social significance was.

According to the majority of the respondents, a foreigner who legally resides in Poland deserves to be granted local voting rights, provided specifically that they respect Polish law and political institutions (average score 5.82) and have Polish citizenship (average score 5.33), though in this latter case they are in fact no longer foreigners in the legal sense (see Diagram 1). These two criteria, of a legal and territorial nature, remain decisive for the surveyed.

The second most significant group are criteria of “cultural ties”, with average scores between 4.0 and 5.0. Among these criteria the most essential ones are proficiency in the Polish language (average score of 4.94), knowledge of Polish culture and history (4.91), a personal sense of national belonging (4.9), respecting Polish customs (4.87) and having obtained special merit from the Polish nation (4.2). The Catholic faith (being Catholic) is the only of these criteria that was of no particular importance (2.05). Less significant (in the sense of lower average scores), though still important, are “territorial criteria”, such as the length of stay in Poland (4.49), having been born in Poland (4.2) and starting a family in Poland (3.91). The least important are “anthropological criteria”, such as gender and racial origin – the answers of the surveyed participants indicate that when it comes to granting foreigners legally residing in Poland the right to vote in local elections, the least important features are race (2.05) and gender – for men (1.61) and for women (1.59).

Generally, this is a positive result, as the fulfilment of legal requirements and the existence of cultural ties (notably, proficiency in the Polish language) play the most important role. It is worth noting that the criteria of “being Catholic” and “race” have only negligible social significance. However, this “legal and territorial” understanding of the political adaptation of a foreigner varies according to socio-demographic features of the respondents. The following regularities can be identified: the older the respondent is, the smaller the town or city they reside in and the more right-wing their political views, the higher their resistance is in this area (i.e. for this group all criteria included in the survey are relatively more significant than average scores for the whole surveyed population). The factor which most clearly distinguishes the views of the respondents on the issue in question is their declared frequency of religious practice: the higher this is, the higher

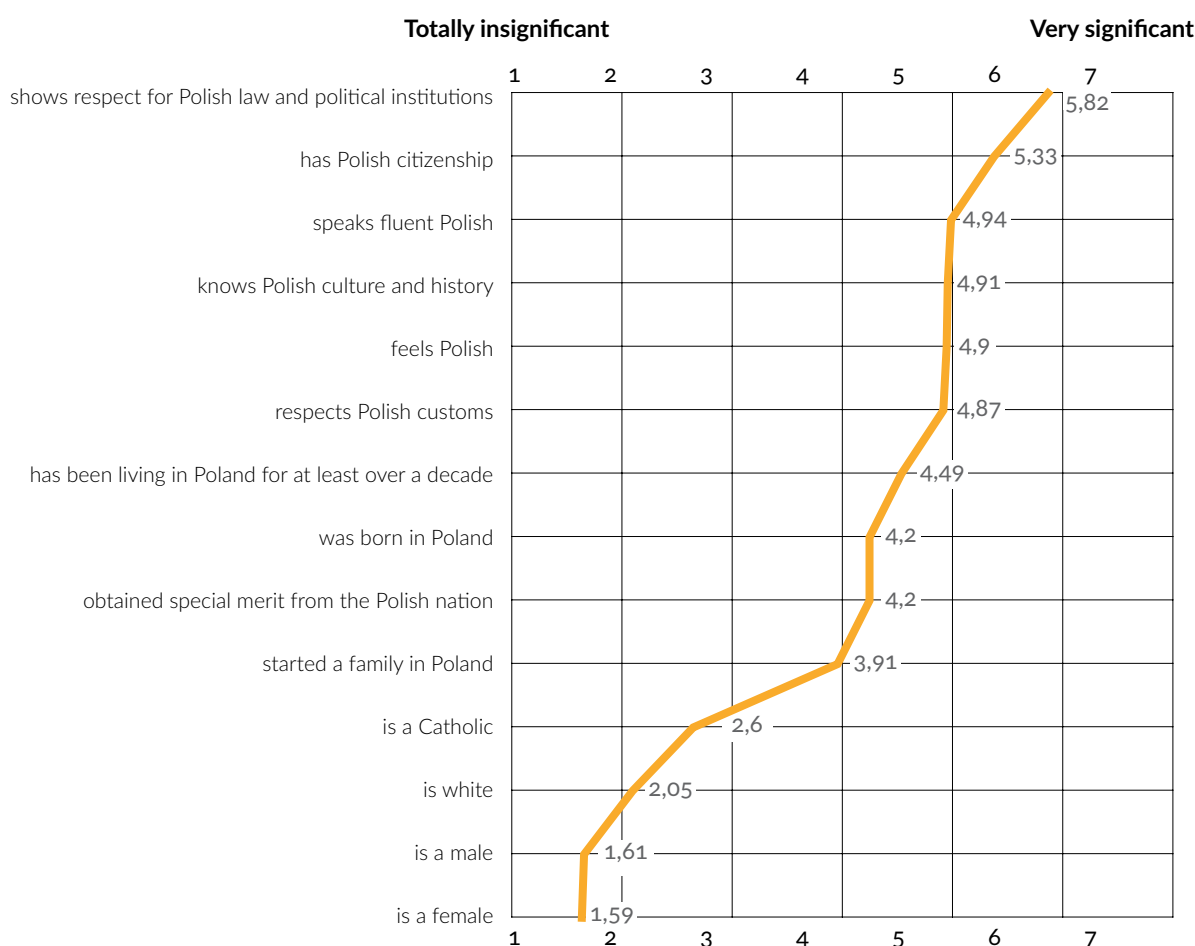
¹⁰ This question was answered by persons who, in the previous question, said they would grant foreigners the right to vote in local elections (on the municipality level); N=745 persons.

the level of their resistance is. The greatest discrepancy of opinion relates to the issue of the Catholic faith as a factor determining the possibility of a foreigner voting in local elections (among non-practising Catholics the average score for this criterion was 1.42, whereas among frequently practising Catholics it was 4.13).

Social criteria concerning a foreigner's right to vote in local elections

diagram 1

Pytanie: please tell me how important it would be for you that a foreigner who resides legally and permanently in Poland meets the following conditions before they are allowed to vote in local elections in your municipality (town)? Please rate your answer on the scale where 1 means "totally insignificant" and 7 "very significant".



Source: *The attitude of Polish society to the issue of granting local voting rights to migrants who permanently reside in Poland*. Public Opinion Research Center (CBOS), *Results of quantitative research for IOM Warsaw* (Warszawa: CBOS, 2014), 8.

Factor analysis revealed that the respondents combine the criteria named in the question into three broader groups (factors) with the following headings: “cultural ties”, “gender and race” and “legal and territorial”.¹¹ The first group includes the following features: a sense of national belonging, respecting Polish customs, having obtained special merit from the Polish nation, proficiency in the Polish language, knowledge of Polish culture and history, and the Catholic faith; the second group consists of: gender criteria (male or female) and race; the third includes having Polish citizenship, respecting Polish law and political institutions, having been born in Poland, the length of stay in Poland and having started a family in Poland. The factor of “gender and race” is, relatively speaking, the least significant and is, to a large extent, independent of the remaining two (it is loosely linked to cultural criteria), whereas the “cultural ties” and “legal and territorial” factors are largely independent of one another.

Factor analysis showed two prevailing structures of thinking about the participation of a foreigner in local elections. The first one states that a foreigner has to become someone like us – feel Polish, speak Polish, know our cultural customs and generally be “culturally similar to us”. The second one focuses on legal and territorial criteria, which are strongly connected with the length of stay and a “rootedness” in the territory of Poland. This connection shows that the respondents combined in their thinking the legal criteria with the sense of a foreigner’s integration in Poland – “he has already become one of us”, though he does not need to be culturally similar to us.

The “cultural ties” factor is relatively more often cited by older people (aged over 55) with a primary or basic vocational level of education, most often residing in villages and small towns and with moderate income levels (up to PLN 750 per person in a household); they consider their own financial situation as average, are religious – devout practising Catholics (they take part in religious practices as often as several times a week), and more often have right-wing political views. This factor is also cited by respondents who have an unfriendly attitude towards foreigners living in their immediate neighbourhood.

The “legal and territorial” factor, on the other hand, is more often cited by educated persons (persons with a higher level of education) who hold managerial positions, are religious, though moderately practising Catholics (take part in religious practices a few times a year), and have moderate political views. The choice of this factor is not determined by age.

The “gender and race” factor was important in particular for older men with a primary or basic vocational level of education, who receive disability or retirement pensions, have rather moderate incomes and consider their own financial situation as bad, are deeply religious practising Catholics, though have either left-wing or right-wing political views.

¹¹ Factor analysis is a statistical method used to identify certain broader “structures” in a set of observed variables (random variables in a given group – “factors” are, to some degree, dependent on each other). Factor extraction method: Oblimin rotation with Kaiser normalization.

For persons who chose this factor, it was also more common not to accept a foreigner as a local councillor.

Accepting foreigners as local councillors. The last issue raised in the survey was that of accepting a foreigner as a local councillor. In answering the question “would you agree to a foreigner residing legally and permanently in Poland becoming a councillor in your municipality or town?”, the decisive majority, that is two-thirds of the respondents, stated they would not object to having such a councillor (66.2 percent). Such a prospect aroused opposition in slightly more than one quarter of the surveyed participants (26.5 per cent), whereas 6.6 per cent of the respondents were indecisive and replied “it’s hard to say”.

The opinions of the respondents vary according to socio-demographic factors, mostly education and place of residence, and less so by age. The level of acceptance of a foreigner residing legally in Poland becoming a councillor increases with the level of education and the size of the city a respondent lives in. Those opposed to the election of a foreigner to the office of councillor in their town (municipality) are mostly from the 65-plus age group and groups with the lowest levels of education. Declared political views have little effect on the relevant opinions of the respondents. However, the declared frequency of religious practice is an important modifying factor – as is the case with the previous question, the lowest degree of approval for electing a foreigner to the office of councillor is demonstrated by persons who take part in religious practices more than once a week. There is a strong correlation between accepting a foreigner as a councillor and showing a positive attitude to them as a neighbour (Pearson correlation coefficient is 0.523).

Nationality and cultural origin of a foreign councillor. However, for the respondents who would accept a foreigner in the role of councillor, a foreigner’s nationality and cultural origin would still matter. Among foreigners living in Poland and running for the office of councillor, this group of the respondents (with minimal proportions of those voicing their strong objection) would accept candidates who are EU citizens (88.0 percent of approval against 8.5 percent of no approval) and US nationals (81.4 percent of approval against 14.4 percent of no approval). Lower approval rates would be shown for Belarusians (74.1 percent of approval and 20.2 percent of no approval) and Ukrainians (75.8 percent and 19.0 percent, respectively), though in their cases too approval is greater than objection. Even lower levels of approval have been recorded for another two nations, namely the Vietnamese (65.4 percent of approval and 27.1 percent of no approval) and Africans (66.7 per cent and 25.2 per cent, respectively), whose candidacy in local council elections would be met with the opposition of one quarter of the respondents ready to accept a foreigner as a local councillor. The lowest level of acceptance and, at the same time, the highest level of objection, including strong objection, was recorded in respect

of Arabs. Although more than half (55.2 per cent) of the respondents would be willing to accept a person of Arab ethnicity residing legally in Poland as a councillor in their town (municipality), nearly two fifths of the respondents (37.0 per cent) would oppose it, with more than one in ten respondents saying their opposition would be vigorous.

The opinions of the respondents vary according to socio-demographic factors, mostly education and place of residence, and less so with age. The level of acceptance of a foreigner residing legally in Poland becoming a councillor increases with the level of education of a respondent. A high percentage of declared support (with the lowest level of strenuous objection) is recorded in the largest cities and, given the age factor, the highest relative level of approval with the lowest level of declared objection is typical of persons in the 35–44 age group.

Those opposing the election of a foreigner to the office of a councillor in their town (municipality) are mostly from the 65-plus age group and groups with the lowest levels of education. Declared political views have little effect on the relevant opinions of the respondents. However, the declared frequency of religious practice is an important modifying factor – as is the case with the previous question, the lowest degree of approval for electing a foreigner to the office of councillor is demonstrated by persons who take part in religious practices more than once a week.

Summing up the results of the survey, we would like to underline that the declared level of acceptance of foreigners residing legally in Poland in various forms of social life remains high and evenly distributed (except for “the right to actively protest and demonstrate in order to defend one’s own interests”). In the social outlook expressed by the respondents, a foreigner who legally resides in Poland deserves to be granted local voting rights where they have Polish citizenship and show respect for Polish law and political institutions. Of slightly less importance were “determinants of Polishness”, such as proficiency in the Polish language, knowledge of Polish culture and history, and the respect of Polish customs. The least important factors in this context were the Catholic faith and race, while no importance was attributed to the factor of gender.

2.4. “In the eyes of others”. Findings of the survey as assessed by representatives of public administration and NGOs

The representatives of public administration and NGOs that participated in the second stage of focused discussions were not surprised by the results of the survey presented to them. Of interest here was the difference in interpretations and predicted implications of introducing broader voting rights for immigrants. While the representatives of the first group (public administration) found the presented results to be optimistic and indicative of the willingness of Poles to grant new rights (including voting rights) to foreigners who reside in our country, the representatives of the second group interpreted them the opposite way. They were construed as the manifestation of an aversion of Polish

society to foreigners, and to the extension of foreigners' rights: *I think that it should be summed up with the observation that the results of the survey are more of an incentive to take further actions in this area, and not a warning.* [FGI_faza2_ADM]; *The answers that were given here... age groups and also those related to education, countries of origin... I'm afraid to say, are no surprise to me. Because, to some extent, not only myself, but also my colleagues, have experience with this.* [FGI_faza2_ORG]¹². The representatives of both groups noted the high proportion of undefined answers ("it's hard to say"), which were interpreted as an indication of a limited and poorly articulated knowledge of foreigners' rights in Poland.

In discussing results concerning the attitudes towards foreigners, the representatives of both groups agreed that they show more acceptance for contact with foreigners from EU countries than for those from outside the EU. According to the representatives of NGOs, this indicates the considerable social importance of existing national and racial stereotypes. These were exemplified, in their opinion, by the category of "Africans", which, though not referring to any specific nationality, gave rise to not so obvious associations with black inhabitants of Africa. They concluded further that the lower willingness to accept Arab or African neighbours was easy to explain in light of the strength of the stereotypes mentioned and a media discourse that gives rise to associations with terror activities, social disturbances and threat.

The representatives of NGOs strongly emphasised the fact that Poles are less approving of the political participation of immigrants who are third country nationals than is the case with EU citizens. They also pointed out the varied levels of acceptance of the extension of rights to members of different nations. It came as no surprise that the respondents expressed low approval levels for the granting of voting rights to members of Arab and African communities. What was a surprise, though, was the approach to the Vietnamese, who are a relatively large and well-integrated group of foreigners in Poland, and who are (thought to be) accepted by Poles. Perhaps this position is devoid of a wider context, being focused on e.g. experiences of the respondents residing in Warsaw and the surrounding areas where the Vietnamese are more numerous than in other parts of Poland.

Moreover, the NGO representatives made the point that the discussed results of the survey show Poles have little experience of contact with foreigners. This results in a stereotypical perception of various immigrant groups and also in difficulties in formulating opinions concerning the issues included in the survey. These tendencies are thought to be indicated by the high proportion of "it's hard to say" answers, which do not show a neutrality of approach but an inability to take a position on matters the respondents did

¹² Quotations from focused interviews are marked as follows: ADM refers to public administration, while ORG stands for non-governmental organisations who deal with immigration.

not know much about or considered unimportant: *I mean, this statistic, in this last diagram, shows really well how much contact Poles have with foreigners, and that generally it's hard for them to say if it is good or bad to have neighbours. There is no strong objection from anyone, because they have no real contact. This is not only about having bad experiences, but rather about not having any experience at all in this regard, and I think it illustrates well what follows. This is where we should start our presentation of these surveys, because if we're dealing with a society that has no clue what it'll be talking about next, of which this diagram on neighbours is a prime example, [...].* [FGI_faza2_NGO].

According to the public administration representatives, an optimistic indication was the particularly high approval expressed by the young respondents (18–34 age group) for increasing the participation of immigrants. This may indicate a tendency in Polish society to open up to the cultural differences of immigrant groups: *Let me put it this way: we should be moderately optimistic. Those aged 18–34, that is generations of people that are constantly building something new, are more open; so we may assume that younger people will be even more open, so it's all heading in the right direction.* [FGI_faza2_ADM].

The representatives of NGOs were surprised by no major variations in answers to the question on the acceptance of the political participation of foreigners. They suggested that the respondents failed to give much thought to each of the issues raised in the question but gave answers showing general approval of foreigners. Both groups noted the lowest level of social acceptance for the active participation of foreigners, including the right to actively protest and demonstrate and join trade unions. The rationale behind this, as given by both groups, was fairly similar. They interpreted it either as an expression of fear of the aggressive implications of such actions (a fear stemming mostly from the media) or as the consequence of a general attitude to these forms of participation, no matter who – Poles or foreigners – participate in them.

However, the higher rate of approval for granting passive rights of political participation, such as those connected to forming associations or lodging petitions, were construed differently. In the opinion of the NGOs, this was an expression of the “conservative” approach of Poles, who are more willing to grant foreigners access to such forms of political activity that are seen as having less impact in the public sphere and attract less media attention. Different conclusions were drawn by the representatives of public administration, who consider these results to be an important sign of the social acceptance of the possibility of immigrants associating (establishing non-governmental organisations). Consequently, these conclusions should be important for both Polish NGOs and public administration, in terms of the socially desired direction of legislative changes in the area of the rights of foreigners in Poland.

Criticism was also levelled at the list of possible rights of foreigners that was presented to the respondents. The representatives of NGOs emphasised that it failed to contain any reference to the possibility of foreigners setting up their own churches (the

right to register a religious association) or foundations – foreigners in Poland still do not have the right to do either of these. Another issue that raised controversy and fears was the inclusion of the rights which foreigners in Poland already have, all the more so as Poles assessed some of these rights negatively.

The criteria for foreigners' participation in local elections at the level of municipality were deemed biased. In the opinion of NGOs, answers to this question led to only one conclusion, which is that the more "domesticated" a foreigner seems to be to Poles, the more willing they are to accept them; the term "domesticated" refers here to foreigners who are similar to Poles and rooted in a local community through having stable employment, a family or by paying taxes, etc. These two systems – of emotional comfort of members of a local community and the legitimacy of granting rights – were considered by the NGO representatives to be unreasonable: *What I find interesting is this category "I feel Polish", because [...] a foreigner. Well yes, permanent residence. This question is widely accepted by Polish society. The closer to us they are, the more approval is given. It's understandable from the psychological point of view but it's a question of rights.* [FGI_faza2_ORG]. Objections were again raised against the research tool. The point was also raised that the discussed question did not contain some important criteria, such as "political experience" or "political career", which would be more appropriate to the topic under discussion.

Similarly, the representatives of public administration pointed out that the respondents expected foreigners to assimilate into and not integrate with the state in which they would receive voting rights. They noted that in this context the results show the respondents understood the idea of being a citizen as mostly "feeling Polish", and not only as a set of rights and duties governing the functioning of individuals in the Polish state. Consequently, expectations towards foreigners are greater than a simple knowledge of, and respect for, the law. Also, there is a low acceptance of the idea of automatically granting voting rights to immigrants after they have obtained a specific residence status or have been living in Poland for many years. However, the representatives of public administration believe the results of the survey raised during the focused discussion may be of importance for the authorities as well as for themselves. This is because, if Poles set certain requirements to be met by foreigners, then perhaps the role of the state should be to facilitate their fulfilment. This could take the form of Polish language courses, programmes introducing Polish culture, customs and the like.

The assessment of the answers to the question on expectations concerning criteria enabling foreigners to participate in local elections once again divided the representatives of NGOs and public administration. The former stressed that the presented criteria were not consistent with the issues under review and were "subjective". Both groups referred to the fact that acceptance of the political participation of foreigners increases within the category of "the sense of being a Pole". What seems important is the observation,

made by the public administration representatives, that being a Pole has mostly emotional and not institutional dimensions for the respondents. Nevertheless, as surprising as it may seem, they also concluded that a proper means of increasing the participation of immigrants could be, as was sarcastically suggested by one of the representatives, *a policy of training them to become Poles*. [FGI_faza2_ADM].

To sum up this part of our paper, we should point out the differences between the representatives of public administration and NGOs in the interpretation of the results of the survey concerning various forms of political participation of foreigners. While the former believe these results may become an incentive to initiate actions aimed at granting voting rights to foreigners, the latter understands them as a manifestation of negative attitudes within Polish society towards immigrants and their increased participation in public life.

2.5. Concluding remarks – the “Rancho Effect”?

The participation of foreigners in local political life in Poland is no longer an abstract and distant issue. The likely reason for this may be the continued popularity of the “Rancho” (*Ranczo*) TV series, which has already aired for eight seasons and a total of 100 episodes. One of the main characters in this top Polish series is Lucy, an American of Polish origin (who speaks fluent Polish) who one day becomes the head of the Wilkowyje municipality (*wójt*). The concept of the series is based on a real-life event – the election of the US citizen Beverly Lee Sudrette to the post of a village administrator (*sołtys*) in Kłopotnica near Jelenia Góra, in 2003 (Ms Sudrette no longer holds this post, but she currently sits on the Kłopotnica village council). Thus, popular culture is ahead of legal regulations in Poland. Our respondents share this view.

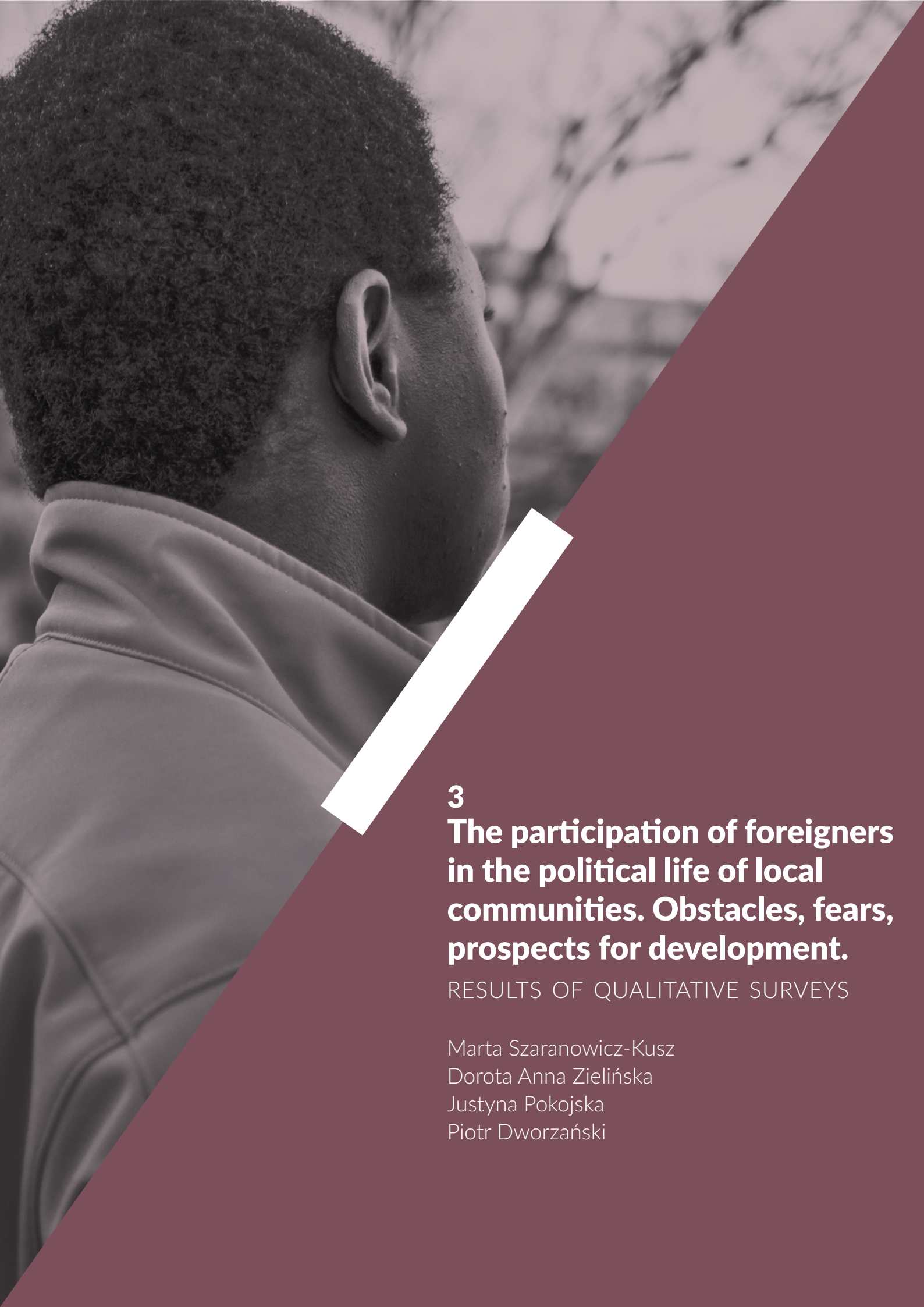
From the perspective of the survey, the declared level of acceptance of the participation of foreigners who legally reside in Poland in various forms of political life is high and evenly distributed. According to the respondents, a foreigner deserves local election rights if they fulfil legal and civic requirements (respect the laws of the political institutions of Poland and receive Polish citizenship) and learn Polish culture (including the Polish language). The least important factors in this context turned out to be the Catholic faith and having “white” skin, whereas no importance was attributed to the factor of gender. However, the respondents raised the issue of the national and cultural origin of a foreign candidate for the position of councillor, as only EU citizens and US nationals are commonly accepted, with foreigners from Arab countries encountering the strongest opposition.

The opinions of the respondents on all these issues varied according to their socio-demographic features, including gender, age, place of residence, education level and their declared frequency of religious practice. In general, more openness and a higher level of acceptance of the participation of foreigners in local political life was shown by

younger persons, residents of large cities with a minimum of secondary level of education who do not practice any religion.

Analysis also showed the presence of two prevailing structures of thinking about the acceptance of the participation of a foreigner in local elections. The first one refers to cultural criteria (a foreigner should be “culturally similar to us”), while the second one focuses on legal and territorial criteria connected with the length of a person’s stay in Poland (a foreigner has become “one of us”). They are, to a large extent, linked with socio-demographic variables – the first structure was more often selected by older, less educated people living in the countryside or in small towns and who are religiously active, whereas the second structure was the first choice of well-educated people in managerial positions who are moderately religious.

The results of the survey employed to trigger the focused discussion led to huge differences of opinion between the representatives of public administration responsible for foreigners, and the representatives of NGOs and foreigners themselves. While the former believe the results are generally positive and may serve as a signal that actions aimed at granting voting rights to foreigners should be taken, the latter assessed them unfavourably as a manifestation of the negative attitude of Polish society towards immigrants and immigration. It seems the perception of foreigners themselves was influenced by their own experiences and struggles with adaptation in Poland. The representatives of NGOs and associations of immigrants believe that in Poland issues of social integration of foreigners, for instance their finding employment and housing, are still more important than increasing their participation in public life.



3

**The participation of foreigners
in the political life of local
communities. Obstacles, fears,
prospects for development.**

RESULTS OF QUALITATIVE SURVEYS

Marta Szaranowicz-Kusz
Dorota Anna Zielińska
Justyna Pokojaska
Piotr Dworzański

3.1. Introduction

In this part of our paper we present the results of a qualitative survey that was conducted as part of the project. The analyses presented here are based on focused group interviews (FGI) with representatives of three interest groups – public administration, NGOs supporting migrants (hereinafter, “NGOs”) and immigrant organisations – as well as a case study of the Lesznowola municipality (*gmina*), where the village of Wólka Kosowska is located. The aim of the qualitative surveys was the reconstruction of obstacles related to the presence of immigrants in public life and of fears related to the extending of local voting rights to foreigners from outside the European Union.

We were also interested in the potential of the development of the participation of third country nationals in public life in Poland. In our work, we focused on three key factors that could lead to a slow increase of this involvement. The first factor is the evolution of the attitude of governmental authorities to the issue of extending voting rights. The second factor is the growing declared interest in public affairs and political life of local communities among representatives of immigrant communities. The third factor is the openness of local governments to changes relating to the inclusion of third country nationals in the electoral process.

3.2. Public perception of obstacles to political participation of immigrants in Poland

Obstacles to the political participation of immigrants in Poland can be considered on many different levels. They occur on the level of cultural, social and legal inclusion. They concern both the attitudes and stereotypes of a host society, and attitudes and beliefs of immigrants, which in part also stem from their countries of origin. The differences in perceived obstacles on the part of public administration, host society and immigrants themselves are worth pointing out.

Obstacles on the part of immigrants. The first obstacle to participation indicated by representatives of immigrant communities who took part in focused interviews was a deficit among immigrants of knowledge and awareness of foreigners’ rights. In this context, the importance of educational activities run by organisations, especially immigrant organisations, was highlighted. These activities are currently insufficient: *I believe that legal provisions for immigrants who are here, legally, even from outside the EU, allow for a lot of options regarding participation. The problem is, though, whether the immigrants themselves can take advantage of them. They don’t know about them. For example, they don’t know they have the right to teach [their] language to their people at school. There are different rights for immigrants, but they don’t use them, because they lack the knowledge. I think this is the problem for immigrants – that they need knowledge, first and foremost [FGI_1etap_IMI].*

The second obstacle indicated by foreigners – immigrants from Africa in particular – was the insufficient representation of immigrants’ interests. Here the problem is that

the immigrants do not speak for themselves, especially third country nationals. It is, for example, NGOs that speak on their behalf. Foreigners do not have sufficient time or financial means and are not substantively prepared to take part in public debate. Selected representatives of public administration also emphasised these issues: *This relates to the Committee for Community Dialogue [Komisja Dialogu Społecznego], which includes very few foreigners. You can also see it during different meetings where documents are consulted, etc., and sometimes you get into a situation where you get the organisations, representatives of organisations, but they're not foreigners, they're not immigrants who could speak, if I may put it this way, from their own experience and say what they'd like there to be [FGI_1etap_ADM].*

Another obstacle was the negative experience of contact with public authorities — for some immigrants the authorities emerge as an oppressive rather than supportive body. One of the reasons for this is the sense of alienation that stems from the exclusion of foreigners from the staff of authorities that deal with immigrant matters: *First of all, the first contact between an institution and an immigrant must be... as has already been settled in the West, that often (...) most of the officials are immigrants too. And they deal with these immigrants and the barriers disappear completely. This kind of contact is much better, you must have someone with this immigrant background [FGI_1etap_IMI].*

Representatives of public administration perceived the issue of negative experiences rather differently. Public administration pointed out that the fear of state surveillance influenced the attitudes of the Vietnamese and Chinese communities in particular. This fear relates to all issues of providing information to official bodies, and also has an impact on the process of legalising a stay and any activities on the territory of the host country which could lead to the notification of the authorities of the country of origin about the current situation and place of residence of a citizen, which could, in turn, lead to negative repercussions against this person or their family remaining in the country of origin.

Obstacles on the part of public administration. In the opinion of immigrant organisations, an important obstacle here is the fact that the state does not show any interest in the participation of foreigners in public life. This is both in terms of the support for immigrant organisations (which receive fewer subsidies than other Polish NGOs) and the lack of integration policies aimed at these communities. It is believed that the state takes up inclusive measures due to its legal obligations rather than for any other reasons. Additionally, an important factor is the small percentage of foreigners in Polish society. This group is not seen as an important political resource. Consequently, it is not included in the political strategies of various political groups or considered by politicians themselves. Some representatives of third country nationals (especially from among African communities) appreciate the importance of lobbying on behalf of their communities, especially in the context of extending political powers: *this is about showing*

Polish politicians that as immigrants we are not on their list of priorities, we are not there. For them we don't exist at all. When they feel the voice of thousand citizens, they count it... . We don't exist for them [FGI_1etap_IMI].

Another example of an obstacle present on the part of public administration that was indicated by the participants of the study was the fact that immigration officers did not communicate to foreigners the rights applicable to persons with different residence statuses. This restrained attitude on the part of officials is interpreted as avoiding the communication of crucial information. Such an attitude, regardless of the reason behind it, may be interpreted as an act of discrimination. It is expected that official bodies fulfil their educational role, especially in the first stages of contact between an immigrant and a host country: they are regarded as the most reliable sources of information. As one of the interviewees said, *the officials must say "you have the right to do this and that"* [FGI_1etap_IMI].

Obstacles on the part of host societies. Another important factor that prevents the participation of foreigners in the political process are the social factors that were pointed out by representatives of public administration and NGOs supporting immigrants. Interestingly, the immigrants themselves did not mention these. The most important factors here are national and racial stereotypes which often determine the perception of immigrants by Poles. After 11 September 2001, religious prejudice — especially the perception of a relationship between Islam and a leaning towards terrorism and violence — is also an important element: *Because I know people who come here, to Poland, and they'd like to study here, progress, work and so on, but they still come across this negative attitude like intolerance linked to their religion or origin, and this is why they're shut away in their own circles* [FGI_1etap_NGO].

Representatives of public administration have noted that this could indirectly cause a decrease in interest in becoming integrated on the part of third country nationals. This leads to isolation-oriented immigration, based on a reluctance towards social contact and to educating children in Polish schools etc. It is also believed that a negative role in the formation of relationships between Poles and selected groups of immigrants is played by historical "grudges" with regard to our relations with, for example, Ukraine, Belarus or Russia: *we are, so to speak, displaying different degrees of prejudice or stereotypical thinking towards some groups. And evidently, we will be more favourable towards, and more likely to accept, as our own, someone who's, say, French or English. But not necessarily someone German, or Russian, because this is where our prejudices already lie* [FGI_1etap_ADM].

Based on these materials, we can identify three types of obstacles to the political participation of foreigners on the part of, respectively: immigrants, public administration and a host society. Many of them were indicated by the representatives of public administration, which would suggest a "self-reflective" attitude of some representatives

of this group. The representatives of NGOs touched on the smallest number of problems, none of which related to obstacles on the part of immigrants. They were attributed to the host society and public administration. On the other hand, immigrants themselves spoke about problems on many different levels and displayed a critical approach to their own groups. They also emphasised the poor representation of their own interests.

3.3. Social fears related to granting foreigners voting rights at the local level

The main worry related to granting third country nationals voting rights at the local level identified by the focused interviews was the fear of a dominance by migrant communities that may lead to the disappearance of the values, culture and religion of the host nation. It is striking that all interviewed groups recalled the same example of the Danish town of Kokkedal, where the Muslim-dominated board of one of the housing estates refused to fund a Christmas tree and a Christmas party for the residents. *I can't remember which country it was, but foreigners, or people of a different nationality, foreigners, who had their local election rights, were able to dominate self-governing bodies so much that they did not allocate any funds from the local budget to pay for a Christmas tree in the town centre [FGI_1etap_ADM]; Unfortunately I can't remember the example, the town where it happened, but there was this situation a few years back that there was supposed to be this Christian holiday in one town, and the Muslims who were in the municipal authority voted against having a Christmas tree and this Christian holiday altogether, because it would offend their religious feelings. I think they acted really stupidly, I'd do anything to stop them. Because if you talk about these worries, then the worries are that suddenly Poland will become a Sharia state [FGI_1etap_NGO].*

The quotes mentioned above are a perfect illustration of this problem's importance – geographical details, or even the exact information about a holiday, are forgotten. The only clear thing that remains are fears of cultural and religious dominance, regardless of the probability of such situations occurring in Poland.

However, in the context of these fears, two mitigating arguments were also raised. Firstly, the interviewees estimated (on a humorous note) that at the current inflow of foreigners into Poland, immigrants will become politically noticeable in about 30 years' time. Consequently, it is difficult to treat "fears" based on experiences known from other countries seriously. Secondly, the interviewees note that the interest in exercising applicable voting rights is not high among immigrants in other countries and, consequently, such situations as the one described above are of marginal relevance.

The possibility of extending local voting rights to TCNs with permanent residence permits in Poland raised emotions among some participants of our study in Wólka Kosowska.¹³ Current councillors shared these fears much more frequently than local authority officials.

¹³ We should remember that approximately 10 per cent of the Lesznów municipality population are foreigners, which makes it an interesting research subject. As part of the study, we conducted a series of interviews there – more on the topic can be found in the text and in the Introduction.

Those who were reluctant to grant voting rights to immigrants argued that third country nationals (in this case — the Vietnamese) come from a totally different culture and will never be completely predictable for us, which makes them “dangerous”. Also, in their opinion the continuity of residence is always less secure in the case of foreigners, which creates the risk of local policies being shaped by people who, shortly after an election, will have moved somewhere else. One of the councillors commented thus: *I cannot imagine going to the States, say, and voting for some president and then suddenly leaving for Poland, and not, excuse my words, giving a damn. So when it comes to a society and the inhabitants, then they should decide for themselves. You can, for example, have 500 Chinese coming over, voting for someone and leaving after six months. This is a bad situation [IDI_13_JST].*

It seems that one of the reasons for this kind of attitude is insufficient knowledge among councillors regarding which third country nationals in particular would be granted voting rights. In other words, the interviewees may have had a problem with differentiating between those immigrants with permanent residence permits and those with temporary permits or even those residing here illegally. However, they perceived the favouring of the two latter groups as dangerous.

One way or another, they regarded the extension of voting rights as potentially adverse, as it could lead to a situation of immigrants seizing power. This could, in their opinion, lead to the needs of Poles being neglected. Contrary to the opinions of the participants of the focused interviews, councillors from the Lesznowola municipality regarded this situation as fairly realistic. They argued that immigrants from Asia are superbly organised and disciplined, which would ensure their strong participation in local elections, while at the same time the turnout of Poles would be low. Officials who were in favour of granting voting rights to foreigners believed that the participation of immigrants in local politics would have a stronger influence on what is discussed at municipal council meetings rather than on actual decisions made at them. In their opinion, the extension of voting rights to TCNs would not lead to a change in who is at the helm of local authorities, but to the recognition of immigrants as an interest group whose voice is heard.

It is worth stressing that the high degree of reluctance among councillors could have resulted from a feeling of insecurity in terms of their own political careers. Councillors were certainly worried that they would not be able to withstand competition from the well-organised, and increasingly numerous, Vietnamese electorate.

3.4. The evolution of the attitude of governmental authorities to the issue of extending voting rights

One of the main factors that could lead to the development of the participation of foreigners in public life in Poland would be an increase in the legal provisions for this

participation. Consequently, the attitude of public administration vis a vis the processes of extending local voting rights to TCNs that are currently taking place in European countries is important.

As was indicated by the focused interviews, public administration still prefers naturalisation as the main way for foreigners to obtain political rights. The interviewees from this group stressed that immigrants – especially third country nationals – have so far not been an important political force that would press forward changes in legislation. In this situation, the status quo in terms of the voting rights of third country nationals has been upheld. A view that is very popular among the representatives of public administration is that the expansion of rights should be the result of public canvassing on this issue.

Regardless of a lack of any activity in this respect, a number of officials showed some change in attitude to the idea of granting voting rights to TCNs. This group of interviewees expressed its consent to separate the right to participate in local democracy from the obtaining of citizenship. One official said: *You cannot expect a foreigner, who has lived here for a number of years, paid their taxes, has had a stable right of residence, and wants to be here, and has their centre of activities here, but doesn't want to change their citizenship, because the Polish state cannot expect it, expect them to change citizenship, to then use it to exercise their right to local democracy. If we're talking about the right to participate in such forms of democracy, then I believe it should be disconnected from citizenship. Otherwise there will be nothing to discuss, because we will only be discussing whether the path to citizenship should be simplified* [FGI_1etap_ADM].

In this context, extending voting rights was regarded as a tool for integration – an incentive for, and method of, building a link with the host country: *when a foreigner comes, they may not feel completely OK, completely at home, but if we give them some way of being able to participate in public life, for example through being able to vote or stand in an election, then this would also be some form of integration* [FGI_1etap_ADM].

The interviewees remarked that being granted local voting rights not only extends the freedom of an individual, but also builds a feeling of responsibility for the host country and allows migrants to feel like co-hosts. Of interest here is the fact that both the representatives of public administration and immigrants themselves pointed to this: *someone who has a permanent residence permit (...) if you give them this possibility, they also think, I have responsibility, I have something too, must do something, be loyal* [FGI_1etap_IMI]; *I believe that even if a person does not exercise their right, they still may, from a logical point of view, feel more a part of a group and perhaps this person will be active in some other areas, because this is also possible. They'll have this sense of empowerment, responsibility, not all Polish citizens go and vote, right? And they don't have to do it. In the same way, someone may want to feel a kind of a valid member of the group, because they have the right to vote. They don't have to exercise it, but they have this right* [FGI_1etap_ADM].

When presented with the results of the public opinion survey, the representatives of public administration saw them as a signal to start acting towards granting voting rights to TCNs. It looks, therefore, as if an acceptance of the division between being granted some political rights – at the local level – and having citizenship has emerged among representatives of public administration. What is key here is that when discussing the efforts towards being granted voting rights, immigrants themselves place them in the context of being granted duties and a sense of responsibility for the country they live in. This is convergent with the aims of public administration, which, in extending voting rights to TCNs, would like to see this as a tool for building a link between immigrants and the Polish state.

3.5. Growing interest in local political life among immigrants. The case of Lesznowola

The aim of this section is to attempt to describe the degree of social and political activity at the local level among third country nationals residing in the Lesznowola municipality (including the village of Wólka Kosowska). This large proportion of immigrants makes Lesznowola an interesting research subject. In this municipality all issues related to the integration of a multicultural community come into perfect focus. For this reason the research of the attitudes of a local community towards the possibility of granting local voting rights to TCNs with permanent residence permits was carried out in Wólka Kosowska. Due to some limitations of the project, only one immigrant group was selected for the research, namely the Vietnamese, whose economic and, most of all, social activities are clearly visible in Lesznowola. All interviewees agreed that the presence of immigrants in their municipality has become an everyday occurrence. Poles see people of different origins at work, in their places of residence, in shops and during local events. They attend shared cultural centres and use public services together. According to the interviewed municipal officials, immigrants are accepted by the majority of the local community, but these relations take the form of a polite coexistence of two separate and fairly closed groups.

One of the aims of the study was to analyse the engagement of foreigners in the political life of Lesznowola's local community. The first results mirrored those of other studies of the situation of immigrants in Poland and indicated that political integration is not a priority for them. Similarly, our interviewees believed that the main aim for the Vietnamese residing in Poland is the pursuit of a dignified life and the providing of material security for their families. One interviewee said: *I want honestly for me, for my family, for wife, for son – I do not have greater engagement in politics* [IDI_9_NGO_IMI].¹⁴

However, despite these initial statements, issues of local politics turned out to be the subject of a lively discussion among Vietnamese workers and members of their

¹⁴ The interviews conducted in Wólka Kosowska are marked as IDI and then with successive interview numbers.

cultural societies. Another interviewee said: *we want to become a part of the economy and definitely participate in political life, definitely. We also want our needs, our problems [to be represented] on all levels in the government. Maybe [to have] a deputy in the Parliament. In the future we must have representation in all these government organisations, to make life better. We must prepare foundations for it, legal provisions, prepare all sorts of different things [IDI_6_NGO_IMI].*

The consideration of the need to prepare the ground for a possible political change, namely the inclusion of the Vietnamese into the activities of the municipal council, or even into national politics, is undoubtedly a reflection of a growing involvement of immigrants in public affairs. The interviewed leaders of the Lesznowola Vietnamese community had the impression that they have already met the Polish requirements vis a vis immigrants planning to settle permanently in Poland. This is why they expect to be able to exercise their rights, including voting rights: *If you live permanently in Poland, you must meet the requirements of this country, but it goes both ways. If you have responsibilities, you also have rights, e.g. the right to propose and vote for your representatives. We must have these rights. But at the moment we don't have such possibility. This is only a question of formalities [IDI_6_NGO_IMI].*

For the interviewed immigrants, the possibility of participating in elections was clearly ennobling. In their statements, they spoke of people who have obtained Polish citizenship, and, with it, the right to vote: *Those who have Polish citizenship here, I know, exercise this right and vote, they go to the polls, because they feel here the right to vote and the real election right, they feel appreciated [IDI_7_NGO_IMI].* Moreover, from observing the situation of their compatriots in other European countries, the Vietnamese understand which rights they could be eligible to obtain: *I think, it's a must, why not? Our friends in Czech Republic got minority status. Why can't we get it in Poland? We can, because we have tens of thousands people here. It's beginning to happen slowly, we have got special merit in different areas [IDI_6_NGO_IMI].* The growing legal and political awareness that can be observed among the representatives of the Asian community is key to understanding and foreseeing the next — and perhaps braver — political steps they will most probably undertake in the future.

Both the Lesznowola case study as well as the focused interviews with representatives of immigrant communities have shown that, according to immigrants, Polish public administration does not appreciate the power of the second generation, namely [immigrant] children born, or educated, in Poland. However, according to the interviewees, the second generation not only has a more profound link with the country they were born in, but also their degree of integration and readiness to participate in all aspects of civic life is often much higher than that of the first generation. Members of the Vietnamese community often expect their children to act as mediators between them and the Polish majority. Most probably, these hopes are not in vain, as second-generation Vietnamese

willingly take up jobs, as lawyers, translators or interpreters or social workers, which enable them to help their compatriots. Perhaps in the future these second-generation Vietnamese will also take up jobs as councillors or deputy in the Parliament.

The potential of the second generation is predominantly the effect of the educational process in Polish schools. The youngest foreigners have much less difficulty with integration, they do not see many of the barriers that make communication difficult for adults. This becomes more visible when you take a look at lower levels of the educational system — in nursery children perceive almost no ethnic differences. The owner of one of the nurseries in Lesznowola added: *We have two or three Chinese [in our nursery], but nursery age kids do not differentiate between races. These kids speak excellent Polish* [IDI_13_JST].

According to one of the interviewees, Polish school modifies the cultural habits of pupils of Vietnamese origin, and this can effectively prepare them for a more active civic life. The same interviewee reported that at the beginning Vietnamese students believed *they mustn't disagree with the teacher, treat them like a master you need to bow in front of and not look them in the eye. (...) A Polish pupil behaving like this is perceived as uncommunicative and not very intelligent. We promote pupils who are active, wordy, even if they have an argument with their teacher, then it's great, because they are able to have a discussion, have their reasons* [IDI_3_JST]. According to this interviewee, these visible distinctions began to disappear in time, and the attitude of Vietnamese pupils is now just like the attitude of Polish children.

The interviewed Vietnamese see, in their younger generation, a future electoral power, who — by coming to power — will ensure comfortable living conditions for the Vietnamese community in Poland. However, one interviewee considered whether the young will be interested in political life: *I think so (...) that we need to find someone with Polish citizenship and, secondly, who speaks good Polish, so somebody you can talk to. But at our age this will be difficult, I'm too old already, and the children nowadays don't like politics (...). This is why we'll wait and look for someone who likes politics. But we've already started searching and talking to different people, because it should be a member of some political party* [IDI_8_NGO_IMI].

It seems, therefore, that stronger bonds between immigrants and Lesznowola led to a transformation of this minority, which has been partly marginalised, into a more active and self-conscious socio-political force. According to those concerned, it is only a question of time before the Vietnamese have their representative on the municipal council and in other authorities.

NGO activists who work with the Vietnamese in the Lesznowola municipality confirm their willingness to co-operate and become involved in the life of their municipal community, — and not only as beneficiaries. One NGO activist recalled the following story: *I was approached by this young Vietnamese guy, who was a lawyer and had studied*

in Poland, and he came forward with this proposal to organise training sessions for the Vietnamese who live in Poland, here in Lesznowola, to teach them about Polish culture, through these acculturation training sessions. The very fact that he came forward with this idea was, to me, the greatest proof of openness [IDI_5_NGO].

We can therefore assume that the abovementioned shift in the attitude of the representatives of the Vietnamese community towards their functioning in Poland, manifested in this community's increased engagement in the life of their municipal community, is mirrored in practical measures such as working with NGOs or participating in integration programmes run by these organisations. This also shows a clear evolution of immigrants, who from initially being passive beneficiaries of social projects, are now becoming their part-initiators and, gradually, also independent initiators.

3.6. The openness of local authorities towards changes in voting legislation illustrated by the case of the Lesznowola municipality

In the interviews with the representatives of the Lesznowola municipality it was possible to differentiate between two approaches to the issue of extending voting rights to TCNs. The first approach was represented by municipal councillors, who are elected in local elections and who have to compete fiercely [for their seats] and, consequently, are not sure of their position — all of them were decisively against granting foreigners both the right to vote and to be elected. The second approach was represented by officials who were either employed by the council or have been elected for years and had practically no competition — they perceived granting these rights as something that opened new possibilities for immigrants and Poles alike. The first approach has already been discussed in detail in the section on fears. Let us now examine the approach of those persons who showed a degree of openness to changes in electoral law.

Supporters of voting rights for TCNs argued that — in the spirit of democracy — immigrants should be given the right to decide about the place they chose as their residence. According to one of the interviewees, foreigners, *if they have permanent residence permits, should also have influence on what is going in their place on Earth. I would treat them in the same way as our citizens, yes [IDI_16_JST].*

The statement of this interviewee is an example of a thinking pattern which connects the participation of foreigners in local elections with the meeting of regulatory and territorial criteria, rather than cultural criteria. Those interviewees who accepted the extension of voting rights seemed to already perceive third country nationals living in their municipality as members of the local community. Consequently, they believed that immigrants should have the right to make shared decisions about their community regardless of their actual citizenship. The interviewees stressed that the presence of foreigners in elections would enable more attention to be given to the problems they face and would bring a breath of fresh air to the municipal council. They did not show

any fears regarding the possible cultural dominance of immigrant communities. On the contrary — those supporting voting rights for TCNs would like to see them at a similar level of political activity as Polish citizens. The participants of the study believe that achieving this state of affairs will take at least a few years, if it is possible at all.

Those in favour of granting voting rights to third country nationals also indicated various challenges related to this process. In their opinion, an initial shock and a lack of understanding on the part of the inhabitants of municipalities vis-a-vis these regulations should be factored in. The interviewed officials believed that new regulations should be preceded by a large-scale information campaign that would explain what the changes are about, where they stem from and who they apply to. Such a campaign should also be aimed at immigrant communities in order to increase their interest in participation in elections. When asked about how to encourage immigrants in exercising their voting rights, interviewees predominantly mentioned face to face information meetings and disseminating the topic in foreign press published in Poland (e.g. showing positive examples of immigrants working with Poles or examples of immigrants who are already successful in Polish politics).

The results of our study indicate that in the Lesznowola municipality, where one in ten inhabitants are foreign, one could observe a partial openness on the part of representatives of the local authority to the idea of allowing third country nationals to vote and stand in Municipal Council elections. Only councillors expressed fears about the possible cultural dominance of immigrants. A different vision of a local community, co-created by all of its inhabitants regardless of their citizenship or nationality, manifested itself in the statements of officials and representatives of municipal authorities.

3.7. Conclusion

An important result of the qualitative study is the fact that it was possible to observe the growing interest of immigrants in local political life and the readiness of this group to exercise their voting rights at the level of self-government. Immigrants who participated in the study regarded these rights as a value that could consolidate their communities and have a positive effect on their integration into the host society. Moreover, there was general agreement that such an extension of rights would be an expression of interest on the part of the state in the interests and situation of migrant communities in Poland and also an expression of appreciation of their previous integrative efforts.

In both the focused interviews and the study of the Lesznowola municipality, the situation of the second generation (namely immigrant children who went through the Polish education system and are well-adapted into our society) proved to be incredibly important. The extension of voting rights to TCNs would be especially important to this group of immigrants, because they are equally fluent in Polish and in their mother tongue and could easily take part in local political life.

The qualitative research also indicated that a partial openness towards granting voting rights to foreigners residing permanently in Poland was shown by the representatives of public administration — both at governmental and self-governmental level — in the Lesznowola municipality, whose inhabitants are almost 10% foreign. The indicated circumstances could define a potential path for the development of the participation of foreigners in the life of local communities in Poland. However, the identified obstacles for the participation of immigrants in public life, and also social fears related to extending political rights of third country nationals, should not be forgotten.



4 Political participation and voting rights of third-country nationals in Poland

Dorota Pudzianowska

4.1. Introduction

Differently to other rights of a political character, such as freedom of assembly and of association, the right of a state to determine what, if any, voting rights should be granted to third country nationals residing on its territory is not limited by international law. According to Art. 25 of the International Covenant on Civil and Political Rights (hereinafter the “Covenant”), only citizens have the right to take part in the conduct of public affairs, directly or through freely chosen representatives, and also to vote and to be elected. However, according to Art. 22 of the Covenant, not only citizens, but “everyone” has the right to freedom of association, including the right to form and join trade unions for the protection of their interests.

The case is similar in the EU law. The European Union does not have the jurisdiction to form binding regulations on voting rights of TCNs. This is clearly determined in Art. 79(4) of the Treaty on the Functioning of the European Union. According to this provision, the European Parliament and the European Council may establish measures to provide incentives and support for the action of Member States with a view to promoting the integration of third country nationals residing legally in their territories, excluding any harmonisation of the laws and regulations of the Member States.

At the same time, EU bodies have emphasised their involvement in the strengthening of political rights of all TCNs resident in the EU regardless of their legal status. For example the Common Basic Principles for Immigrant Integration Policy in the EU, which was adopted by the Justice and Home Affairs Council in 2004, says that participation of immigrants in the democratic process and in the formulation of integration policies and measures, especially at the local level, supports their integration. Also the European Parliament works towards granting local and European Parliament voting rights to third country nationals, believing that from the perspective of integration it is clear that granting local voting rights should have its source in residence, not citizenship (Report on the Communication... 2003, 23).

Thus both the European Union and the European Council support granting local voting rights to TCNs. Furthermore, they believe that granting citizenship should be made easier. They are united in stating that granting local voting rights to foreigners on the one hand, and enabling access to citizenship on the other, form two separate instruments which contribute to the strengthening of foreigners’ participation in the political life of the state they reside in. In 1992 the Council of Europe signed the Convention on the Participation of Foreigners in Public Life at Local Level,¹⁵ and it remains an important actor in the work towards the liberalisation of nationality law as a result of its passing of the Convention on Nationality in 1997. In its 2004 Handbook on Integration for Policy-makers and Practitioners, the European Commission promotes the expansion of voting

¹⁵ European Treaty Series no. 144.

rights to long-term residents and simplified naturalisation as important instruments in the integration of immigrants (Handbook on Integration 2007, 38–50).

Eight EU Member States share liberal laws in terms of granting local election voting rights to foreigners. This is the best model according to the “Franchise and Electoral Participation of Third Country Citizens Residing in the European Union and of European Citizens Residing in Third Countries” report by the European Parliament (Franchise and Electoral Participation... 2013). The report states that countries like Poland should be encouraged to introduce reforms to its law. Poland has a very restrictive approach to both of these issues and successfully limits the political integration of foreigners (Ibid.). Experts believe that the conditions set out by the Council Directive 2003/109/EC of 25 November 2003 concerning the status of third country nationals who are long-term residents should constitute the minimum requirements for being granted voting rights. The Directive specifies the criteria that need to be met in order to acquire the status of long-term resident. According to Art. 4(1) of the Directive, Member States shall grant long-term resident status to TCNs who have resided legally and continuously within its territory for five years immediately prior to the submission of the relevant application. The very same condition of a customary five-year residence period is stipulated by Art. 6(1) of the 1997 European Convention on Nationality. However, it is worth mentioning that there are countries that limit this condition to three years (Denmark, Finland, Hungary, Ireland, and Sweden) (Ibid.).

4.2. The Convention on the Participation of Foreigners in Public Life at Local Level (1992)

The Council of Europe is actively involved in the promotion of voting rights for third country nationals. The Convention on the Participation of Foreigners in Public Life at Local Level has so far been ratified by eight countries (five others signed it, but did not ratify it).

The Preamble of the Convention indicates that permanent residence of foreigners is now a long-standing feature of European societies, and that foreigners residing in a given territory have, at local level, the same duties as citizens of that particular country. The rights of foreign nationals residing in a given state to freedom of expression, assembly and association result from Art. 3 of the Convention. States undertake to ensure that reasonable efforts are made to involve foreign residents in public inquiries, planning procedures and other processes of consultation on local matters (Chapter A, Art. 4). According to the Convention, states should remove any obstacles (legal or otherwise) that would prevent local authorities in whose area there is a significant number of foreign residents from setting up consultative bodies or making institutional arrangements designed, for example, to provide a forum for the discussion and formulation of opinions. States should encourage and facilitate the establishment of such consultative bodies (Chapter B, Art. 5).

The Convention also includes the right to vote in local elections. Each state party undertakes to grant to every foreign resident the right to vote and to stand for election in local elections, provided that they fulfil the same legal requirements as apply to nationals and, furthermore, have been a lawful and habitual resident in the state concerned for the five years preceding the elections (Chapter C, Art. 6). Each state party may stipulate that the residence requirements laid down in Art. 6 are satisfied by a shorter period of residence. The provision of Art. 6(2) allows for the adoption of the Chapter C provisions by those states that guarantee the right to vote only in local elections. Moreover, it should be noted that despite widely formulated powers, a given state may decide that it reserves the right not to follow the provisions of Chapter B (Consultative bodies to represent foreign residents at local level) and Chapter C (Right to vote in local authority elections), or both.

The provision of Art. 6(1) does not exclude the option to introduce certain procedural requirements that need to be fulfilled by a foreigner before they are granted voting rights, even though such requirements may not be applicable to citizens of a given state. One such requirement could, for example, be the obligation for a foreigner to register in the local authority electoral register. However, such procedural requirements must not infringe on the essence of Art. 6(1) nor be a serious obstacle in the execution of rights granted to foreigners.¹⁶

When it comes to the required residence period before a foreigner is granted voting rights, it is clear that it should be long enough for the voters to familiarise themselves with their local community and political situation. The introduction of the five-year residence period comes from the fact that it was the longest required period in those states that had already granted voting rights to foreign nationals. The Swiss cantons of Neuchâtel and Jura are an exception and stipulate a ten-year period as to the principle. However, earlier proposals to introduce a ten – or twelve – year residence period as a qualifying period for receiving voting rights were met with opposition as it was pointed out that a period of this length normally qualifies foreigners for obtaining citizenship.

In order to qualify for voting rights in a local election, a foreigner must customarily reside in a given state for a period of five years preceding the election. The expression “customarily” indicates that short periods of absence (holidays, business trips) do not influence the way a residence period is determined. It is in a state’s power to determine whether the five-year period should be calculated up until the date of the election itself, or up until registration in the electoral register. The requirement of a five-year residence period is not fulfilled if the residence occurred in the past or if it is made up of a number of shorter residence periods.

¹⁶ Explanatory report to the Convention on the Participation of Foreigners in Public Life at Local Level, para. 37, document can be accessed at: <http://conventions.coe.int/Treaty/en/reports/html/144.htm>.

At the time when the Convention was being written, questions arose as to whether the qualifying period to obtain voting rights, mentioned in Art. 6(1), should relate to the residence on the territory of a given territorial unit [within a state] in which a foreigner would like to exercise their right. The explanatory report, however, indicates that none of the states that granted voting rights to foreigners require that residence be in a given territorial unit. The residence requirement typically relates to residence in all of a country's territory. Moreover, the requirement of the residence in a sole territorial unit would be difficult to demonstrate in states that do not have internal procedures for residence registration. For the above reasons, it has been decided that the residence period determined in Art. 6 should relate to residence anywhere in a state's territory.

Poland did not ratify the Convention on the Participation of Foreigners in Public Life at Local Level. In its 2010 report, the European Commission against Racism and Intolerance concludes that the Polish authorities are not prepared to ratify or sign the Convention, and, consequently, give voting rights to a broader group of foreigners than just European Union citizens. The Commission recommends that the Convention be ratified and points out that it should be seen as an instrument for the further integration of foreigners in Polish society.

It is worth pointing out that the paper "Polish Migration Policy – the Current State of Play and Proposed Actions", adopted by the [Polish] Council of Ministers on 31 July 2012, postulates "the initiation of a discussion on granting voting rights at the local level to foreigners in the case of persons with indefinite leave to remain on the Polish territory" (this corresponds to Chapter C of the Convention). The paper also postulates "the expansion of the degree of cooperation with immigrant communities and NGOs, for example through consulting actions regarding the integration of foreigners with representatives of these groups" (this corresponds to Chapter B of the Convention).

4.3. The legal situation in Poland – the right to vote and to be elected and the right to participate in a local referendum

The relationship between political rights and citizenship is of a historical character, which means it formed in the course of history and is not a necessary element of citizenship itself. Different countries used different rules in different epochs when it came to granting political rights to foreigners (Pudzianowska 2013, 74).

It is worth pointing out that stateless persons had voting rights in Poland for some time. In accordance with Art. 2(2) in conjunction with Art. 4 of the 1976 Polish People's Republic and National Council Elections Act, the right to vote and to be elected was granted to stateless persons who resided on the territory of the People's Republic of

Poland for at least 5 years.¹⁷ The Municipality Elections Act of 8 March 1990¹⁸ granted voting rights to stateless persons under the condition of permanent residence in Poland for a period of at least 2 years.¹⁹ This right was abolished through an act that came into force in 1998.²⁰

At present the right to vote and to be elected on the national level is limited to Polish citizens only. The right to vote was granted only to foreigners (who are EU citizens). The changes to the local electoral system were introduced in 2004 due to the fact that the Polish national law had to comply with the requirements of the European Union.²¹ In particular, according to Council Directive 94/80/EC of 19 December 1994 laying down detailed arrangements for the exercise of the right to vote and to stand as a candidate in municipal elections by citizens of the Union residing in a Member State of which they are not nationals, any EU citizen who is not a national of his or her Member State of residence, but in any event satisfies the same conditions in respect of the right to vote and to stand as a candidate as those this state imposes by law on its own nationals, has the right to vote and to stand as a candidate in municipal elections in this Member State of residence (Art. 3 of the Directive).

By fulfilling its obligations relating to its EU membership, Poland granted voting rights – in local elections, on the level of municipality (*gmina*) – to foreigners who are EU citizens and permanently reside on the territory of a given self-governing community. Such foreigners can both vote and stand for election to the municipality council (the right to vote and to be elected). However, they can only vote, but not stand for election (the right to vote) in mayoral (*wójt, burmistrz, prezydent miasta*) elections. Voting rights on the level of districts (*powiat*) and provinces (*województwo*) were not granted to foreigners who are EU citizens, because there is no such requirement in the Directive. The Polish legislator implemented the Directive by fulfilling its provisions only to a minimal degree. This could be “assessed negatively, because the participation

17 Polish People's Republic Sejm Elections Act of 1956 and National Council Elections Act of 1957 contained similar legislation. Such solutions were used by Greek refugees who were denied citizenship by the Greek authorities. For more on the relationship between political rights and citizenship see Pudzianowska 2013: 76.

18 Municipality Council Elections Act of 8 March 1990, Journal of Laws 1990 no. 16, item 96.

19 Art. 2.2. The right to vote also applies to persons whose Polish citizenship has not been proved and who are not citizens of another state if they have lived permanently in Poland for at least two years.

20 Municipality Council, District Council and Province Assembly Elections Act of 16 July 1998, Journal of Laws 1998 no. 95, item 602.

21 Granting voting rights to vote for local authority organs to this category of persons (who attain 18 years of age on the day of the elections at the latest) is the consequence of Poland's commitment to the Treaty of Accession (signed on 16 April 2003, Journal of Laws 2004 no. 90, item 864) and the Treaty on European Union (with the wording of the Treaty of Maastricht), especially Art. 19(1) of TEC. Pursuant to the provisions of Art. 19(1) of the TEC, citizens of the European Union residing in a member state of which they are not nationals shall have the right to vote and to stand as candidates at local elections in the Member State in which they reside, under the same conditions as nationals of that state. Today, this provision is contained in Art. 20(2b) of the Treaty on the Functioning of the European Union. Additionally, Art. 40 of the Charter of Fundamental Rights also lists this right. These issues are specifically regulated by the Council Directive 94/80/EC of 19 December 1994 laying down detailed arrangements for the exercise of the right to vote and to stand as a candidate in municipal elections by citizens of the Union residing in a Member State of which they are not nationals.

of such persons in socio-political life would seem expedient, even more so because numerous European states grant rights to take part in local elections at all levels often not only to other EU member state citizens, but to all permanently residing foreigners” (Uziębło 2003).

The question of whether granting voting rights at local level to foreigners is constitutional was examined by the [Polish] Constitution Tribunal (hereinafter the “Tribunal”). There was no evidence of any non-conformity [of this procedure] with the [Polish] Constitution. In this case (Case no. K 18/04), a group of applicants claimed that the right of foreigners to vote in local elections, as provided by the Treaty on European Union, makes “citizens’ rights guaranteed in the Constitution for Polish citizens only ... were unlawfully expanded to other persons, which is an infringement of citizens’ rights guaranteed by the Constitution.” It was alleged that the provisions of the Treaty were incompatible with Art. 1 of the Constitution of the Republic of Poland (“The Republic of Poland shall be the common good of all its citizens”) and Art. 62(1) which provides that Polish citizens have the right to vote for representatives to organs of local government.

The Tribunal stated that Art. 19 of the TEC²² is not incompatible with the specified provisions of the Constitution. In the justification of its decision, the Tribunal found that under the Polish Constitution (Art. 16(1)), a self-governing community is formed in accordance with law by the general population of the units of basic territorial division, and the Constitution does not make Polish citizenship a condition of belonging to a self-governing community. In the Tribunal’s opinion it is “the place of residence (centre of vital activities), which is the basic form of ties in a community, that is decisive in a person’s belonging to a community. With regard to local authority elections (especially in municipalities), it is not solely the exercising of the sovereign rights of a Nation that is at play, but also the exercising of rights of a community of inhabitants – the basic building block of local self-governance. All inhabitants of a given self-governing unit are the community’s members, including those foreigners who are EU citizens.”

In the case of the allegation of incompatibility with Art. 62(1) (“If, no later than on the day of vote, he has attained 18 years of age, Polish citizen shall have the right to participate in a referendum and the right to vote for the President of the Republic of Poland as well as representatives to the Sejm and Senate and organs of local government.”), the Tribunal decided that this provision cannot be understood in such a way that if a particular right was granted to a Polish citizen, then it cannot also be granted to a foreign national. The Tribunal concluded that “this kind of exclusivity of constitutional rights of citizens cannot be explicitly justified in the provisions of the Constitution itself.” Moreover, in its decision in another case (Case no. K 9/05), the Tribunal stressed the importance of equal (“national”) treatment of Polish citizens and

²² See forward footnote.

EU citizens who are not Polish citizens with regard to the right to take part in local elections.

It is also worth remembering that foreigners who are EU citizens and reside in Poland have the right to vote in European Parliament elections on Polish territory. The Constitutional Tribunal also considered the issue of this regulation's constitutionality. In case K15/04, the applicants alleged that granting the right to vote and to be elected in European Parliament elections to EU citizens who are not Polish citizens is an infringement of Art. 4(1) of the Constitution, which expresses the principle of the Nation's sovereignty. The allegation was justified by a statement that, within the meaning of the Constitution, only the citizens of the Republic of Poland are members of the Nation. The Tribunal concluded that the disputed provisions were not incompatible with the Constitution and that the article cited to support the claim was irrelevant. The Constitutional Tribunal stated that Art. 4(1) only governs the distribution of supreme authority in the Republic of Poland. The Constitution lays down the principles and procedures relating to the functioning of the Republic of Poland. These principles cannot be directly transposed onto other structures through which the Republic pursues its interests.

Foreigners who are EU citizens also have the right to take part in local referenda in a municipality. According to Art. 3 of the Polish Local Referendum Act "persons who permanently reside in the area of a given local authority unit, and who have the right to vote in municipal council elections, have the right to participate in a referendum." Consequently, inhabitants who are EU citizens, but who do not have Polish citizenship, have the right to vote in a municipal referendum.

Third country nationals have no voting rights in Poland, nor do they have the right to participate in local referenda. This could give rise to some doubts in the light of Art. 32(2) of the Constitution, which states that no one shall be discriminated against in political, social or economic life for any reason whatsoever (Bodnar and Ploszka 2013, 70). There are, however, no legal obstacles to introducing such regulations. In the light of the Convention on the Participation of Foreigners in Public Life at Local Level it would seem that the requirement for obtaining voting rights should be legal and continuous residence on the territory of a given state for the period of five years.

And so, for example, foreigners with either permanent residence permits or long-term resident's EU residence permits would be able to exercise such rights. Other scenarios (long-term residence on the basis of temporary residence permits) should also be considered. The regulations applicable to TCNs should reflect at least those voting rights (and the right to participate in local referenda) which are now granted to EU citizens. Moreover, it also seems that a wider consideration of foreigners' rights to participate in elections at local level is needed. Also, further reflection on what arguments speak for excluding foreigners from standing in mayoral elections is needed.

4.4. Legal situation in Poland – other rights of a political character

The Polish Constitution reserves some political rights only for Polish citizens. Others, however, apply to “everyone” and, consequently, also encompass foreigners. First and foremost, Art. 58 of the Constitution, which guarantees everyone freedom of association, should be noted. The possibility of association fixed by that provision is the realisation of the systemic principle of a civil society formulated in Art. 12 of the Constitution (Sokolewicz 2005, 8) and is of essential importance for public participation.

“Association” (*zrzeszenie*) in Polish legal language is a general and abstract term. Various types of associations are defined. They come in different legal forms – a trade union, political party and, most commonly, a society (*stowarzyszenie*). Art. 58 of the Constitution applies to all forms of association, except those that were excluded by constitutional legislature with an explicit provision for a separate legal regulation.

Directly, the Constitution only limits the freedom of association in political parties by stipulating, in Art. 11(1), that this freedom is guaranteed to Polish citizens. The justification for this restriction is based on the political parties’ participation in the constitutional setup of the state (Sokolewicz 2005, 29). This restriction is repeated in Art. 2 of the Political Parties Act of 27 June 1997²³ – according to the article, only citizens of the Republic of Poland can be members of political parties. The issue of foreigners not being able to be members of political parties became increasingly valid following Poland’s accession to the European Union. Following the right of EU citizens to participate in local and European Parliament elections, the question of whether they should have the possibility of association in political parties became hugely valid. It is evident that due to the enormously important role played by parties in the political process, it is impossible to effectively exercise election rights in local and European Parliament elections without the possibility of association in political parties. Foreigners (EU citizens) do not have this possibility, which is undoubtedly an obstacle to standing in elections. At this point, it is worth noting a position expressed by the European Commission, according to which the right to stand for election in elections is closely linked to one’s membership of a political party. The Commission believes that depriving foreigners (EU citizens) of the right to join or set up political parties in Member States of their residence may be an obstacle in the effective exercise of their right to stand as candidates in local and European Parliament elections.²⁴ On 16 April 2012 the Commission called Poland to change the existing law so that it would provide foreigners (EU citizens) residing in Poland with the right to join

²³ Uniform text in Journal of Laws 2011 no. 155 item 924.

²⁴ See: Fifth Report on Citizenship of the Union (1 May 2004 – 30 June 2007), COM (2008) 85 final; Report on the election of Members of the European Parliament (1976 Act as amended by Decision 2002/772/EC, Euratom) and on the participation of European Union citizens in elections for the European Parliament in the Member State of residence (Directive 93/109/EC), COM (2010) 605 final; Report from the Commission to the European Parliament and the Council on the application of Directive 94/80/EC on the right to vote and to stand as a candidate in municipal elections for citizens of the Union residing in a Member State of which they are not nationals, COM(2012) 99 final.

or set up political parties.²⁵ The Legislative Council of the President of the Council of Ministers took a favourable stance on the possibility of introducing such a change, arguing that Art. 11 (1) of the Constitution of the Republic of Poland does not contravene any statutory measure allowing for the membership of political parties for EU citizens residing permanently in Poland.²⁶ The government could not reach a unanimous position on this matter and no legal reform in this area has been introduced so far.

These issues, however, run much deeper. The regulations of the Electoral Code²⁷ regarding the financing of electoral committees of organisations and voters are another problem. According to Art. 132 (3) of the Electoral Code, the financial means of electoral committees of an organisation or a group of voters can only come from donations from Polish citizens who reside permanently in the Republic of Poland, or from bank loans taken solely for the purposes of elections. Consequently, elections are not conducted in accordance with the principle of equal opportunity for all candidates. Restricting the possibility to finance election campaigns by persons who are not Polish citizens, but who have the right to vote, and more importantly, the right to be elected (in the current legal framework this applies to foreigners who are citizens of EU Member States) means that in relation to such persons, this equality is not respected. Depriving such persons of the right to provide funds to electoral committees of organisations and electoral committees of voters means that if they are put forward as candidates by these committees, they will not be able to provide funds for the conduct of the election campaign by electoral committees on their behalf. On the other hand, candidates who are Polish citizens do have such a right.

Financial means are of crucial importance for achieving electoral success. For this reason the introduction of a restriction on obtaining funds to candidates who are not Polish citizens reduces their chances of being elected. It would therefore be appropriate to enable the transfer of funds to electoral committees of organisations and voters by foreigners who have the right to vote in Poland or at least by those foreigners who stand in elections conducted in Poland. (Gąsior 2014, 120). It should also be considered whether foreigners, if they stand in elections on behalf of committees formed by political parties, should have the right to transfer financial means into election funds of the political party that formed the electoral committee from which this person is running. In such a case, they would have the possibility to fund their election campaign if only in an indirect way.²⁸

²⁵ Case 3331/12/JUST.

²⁶ Opinion of the Legislative Council of 14 September 2012 concerning the interpretation of Art. 11 of the Constitution of the Republic of Poland and the possibility of amending the Political Parties Act of 27 June 1997. <http://radalegislacyjna.gov.pl/dokumenty/opinia-z-14-wrzesnia-2012-r-dot-interpretacji-art-11-konstytucji-rzeczypospolitej-polskiej>.

²⁷ Ustawa z dnia 5 stycznia 2011 r. Kodeks wyborczy (*Electoral Code Act*), Journal of Laws 2011 no. 21 item 112.

²⁸ I would like to thank Dr Tomasz Gąsior for this remark.

Pursuant to the Societies Law Act of 7 April 1989,²⁹ foreigners who are resident in Poland have the right to associate in societies in accordance with provisions applicable to Polish citizens (Art. 4(1)). Foreigners without such residence can join societies whose statutes allow for such possibility (Art. 4(2)). Thus, foreigners who are not resident in Poland can only exercise their freedom of association in a limited way, as they cannot form societies and can only join pre-existing societies. This restriction, pursuant to Art. 4(2) of the Societies Law Act makes forming international societies more difficult (Art. 5(1) of the Act), which also indirectly affects Polish citizens and foreigners residing in Poland.

This obstacle is a limitation of the constitutional freedom of association of these persons. It would be difficult to find a substantive justification of such differentiation. If nothing stands in the way of foreigners joining societies once they are registered, what are the arguments against foreigners participating in an association from the very beginning, i.e. its formative stage? Moreover, in the context of EU citizens' rights the restriction expressed in Art. 4(2) of the Act does not comply with the prohibition of discrimination as expressed by Art. 18 of the Treaty on the Functioning of the European Union (formerly Art. 12 of the TEC). It seems, therefore, that we are dealing with the arbitrariness of the legislator, which would be difficult to justify based on a policy purpose (Radwan 2005, 28–29). Changes in this area were supposed to be brought about by a draft amendment to the Societies Law Act of 4 November 2010, which was presented by a group of senators. The draft amendment was later withdrawn by its initiator (Każmierkiewicz and Šeges Frelak 2013, 19).

The issue of limiting foreigners' rights is not present in the case of foundations. Pursuant to Art. 2(1) of the 1984 Foundations Act, foundations can be set up by natural persons regardless of their citizenship and place of residence, or by legal entities established in either Poland or abroad. Similarly, when it comes to freedom of association in trade unions and employers' organisations, all employees have the right to exercise this freedom (pursuant to Art. 2 of the Trade Unions Act). As well as this, everyone may exercise their freedom of assembly. This not only concerns the right to participate in assemblies, but also the right to organise them. According to Art. 3 of the Assemblies Law Act, all persons with full legal capacity have the right to organise assemblies.

4.5. Conclusion

Increasing foreigners' participation in political life at local level is an important instrument in their adaptation to their host society. Both the European Union and the European Council are of the opinion that strengthening foreigners' participation in the political life of the state they live in can be effected in two ways – by granting local voting rights at local level to foreigners, and by facilitating the acquisition of citizenship. Poland has

²⁹ Uniform text in Journal of Laws 2001 no. 79 item 855.

a restrictive approach to both of these issues and consequently is very effective in limiting the political integration of foreigners. Let us summarise the main points with regards to changes in the law that would improve political participation of third country nationals.

There are no legal obstacles to, and especially no constitutional issues that affect the signing and ratifying the 1992 Convention on the Participation of Foreigners in Public Life at Local Level. This view is supported by arguments contained in the decision of the Constitutional Tribunal in case K 18/04. The decision referred to EU citizens who are not Polish nationals and their right to participate in local elections, but the Tribunal's reasoning was of a more general character. Above all, the Tribunal indicated that the provision regarding election rights of Polish citizens cannot be understood in such a way that if a right is granted to a Polish citizen, it cannot be further granted to citizens of other states. Moreover, belonging to a self-governing community is decided on the basis of the place of residence and with regard to local elections, it is not solely the exercising of the sovereign rights of a Nation that is at play, but also the exercising of rights of a community of inhabitants – the basic building block of local self-governance whose members are all inhabitants of a given self-governing unit. Further to this, it should be stressed that different legal regulations for foreigners who are EU citizens and third country nationals is dubious in view of the prohibition of discrimination set forth by Art. 32 (2) of the Polish Constitution.

Granting election rights to TCNs does not require any changes in the Constitution and could take place through the introduction of amendments to the Electoral Code of 5 January 2011. Foreigners (who are EU citizens) and third country nationals should at least be awarded equal voting rights. In order to do this, Art. 10(1)(3a) of the Electoral Code should be changed in such a way that the right to vote and to be elected in municipal council elections and the right to vote in mayoral elections is granted not only to "a Polish citizen or a citizen of the EU who is not a Polish citizen, who, on the day of the election at the latest will attain 18 years of age and who permanently resides within the territory of the given municipality", but also to a foreigner from outside the EU, who has resided legally and continuously within Poland for a minimum of five years (it would be possible to introduce restrictions here regarding a foreigner's residence title, e.g. possession of a permanent residence permit, long-term resident's EU residence permit) and resides permanently within the territory of a given municipality. Such an amendment to Art. 10(1)(3a) of the Electoral Code will involve granting TCNs the right to participate in municipal referenda, since the requirement for acquiring this right is permanent residence within the territory of a given local authority unit and having the right to vote for the municipality council of this unit.

It is to be expected that the potential signing and ratification of the Convention on the Participation of Foreigners in Public Life at Local Level will be met with resistance on the part of some politicians, as has been shown to date with the questioning of voting

rights of foreigners from within the EU before the Constitutional Tribunal. Proper substantive preparation for the discussion on the proposed changes is therefore crucial.

Also, consideration needs to be given to the issue of abolishing legal limitations of the foreigners' right to become members of political parties (and these regarding their participation in the financing of parties and electoral committees) and forming societies. This is a necessary element in making foreigners politically more active. In order to do this, Art. 2(1) of the Political Parties Act would need to be changed so that not only Polish citizens aged 18 or over have the right to be members of political parties, but also specific categories of foreigners (EU citizens and third country nationals who comply with the requirements on the length of legal and continuous residence).

The proposal to abandon limitations in the law on forming societies by foreigners who do not reside in Poland also requires similar consideration. In order to do this, Art. 4 of the Societies Law Act would need to be changed accordingly: "foreigners have the right to associate in societies according to legal provisions applicable to Polish citizens".

It should also be considered whether the issue of limiting the possibility to fund electoral committees of organisations and voters to only Polish citizens residing permanently in Poland is substantively justifiable. If foreigners from within the EU are granted specific voting rights, then they should also be allowed to have some scope to finance campaigns, especially if they exercise the right to be elected. In order to do this, Art. 132(3) of the Electoral Code would have to be amended. In the case of extending local election rights to third country nationals, the possibility of their financing electoral committees should also be considered.



5

The electoral enfranchisement of third country nationals in Ireland

Maciej A. Górecki

5.1. Introduction

The Irish experience with mass immigration is relatively recent, dating back to merely the 1990s. In this respect, the Republic of Ireland (henceforward Ireland or the Republic) stands out among most other Western European states. At the same time, the Irish approach to immigrants' participation in political life, especially at the local level, is affected not only by Ireland's tradition of emigration rather than immigration but also by the more general constitutive aspects of the Irish polity. These include an emphasis on localness as a domain of mainly face-to-face personal contacts as well as some broader historic conditions such as Ireland's relationships with the United Kingdom or even the experience of the partition of the island of Ireland. In this paper, I elaborate on the enfranchisement of immigrants in the Republic, their participation in local politics and on the impact that the various institutional actors (political parties, immigrant associations) exert on the processes of incorporation of immigrants into the political life at the local level.

The paper proceeds as follows. The next section refers to the legal aspects of immigrants' participation in local elections. It emphasises the fact that the decision to give immigrants voting rights at the local level was made before the actual beginnings of mass immigration to Ireland and describes the broader context of that decision. The third section focuses on the 2004 Citizenship Referendum, that is, the first actual occasion on which immigrants and their rights became a subject of public debate. The fourth section depicts various aspects of immigrants' participation and role in the most recent local elections. The fifth section refers to various local integration initiatives that emerged. The last section concludes with recommendations regarding the potential enfranchisement of immigrants in Poland.

5.2. The historical and institutional conditions of foreigners' political participation in local politics in Ireland

Ireland is unique in perhaps the entire Western Europe in that the electoral enfranchisement of immigrants at the local level predates mass immigration to the Republic by at least thirty years. While most countries of Western Europe started to attract immigrants in the 1950s or the 1960s, mass immigration to Ireland started only in the 1990s (Messina 2009, 1–24). Before then, Ireland hosted asylum seekers at various occasions, e.g. after the Hungarian Revolution of 1956, the Chilean coup d'état of 1973 or the Iranian Revolution of 1979, but the numbers of refugees hosted at any of those occasions were quite small and never exceeded 600 (Fanning 2003, 83–99). Until the 1990s, Ireland was actually a country of net emigration and the number of immigrants became roughly equal to the number of emigrants in as late as 1995 (Hughes *et al.* 2008, 217–244). Moreover, even though the number of immigrants increased sharply in the 1990s, most of the incoming people during that period were former Irish emigrants or their offspring. For instance, of the 48.9 thousand persons immigrating to the Republic in 1999, 26.7 thousand (that is,

54.6 per cent) were of Irish descent (Messina 2009, 1–24) and, as such, they were either in a possession of an Irish citizenship or in a position to acquire it nearly instantaneously.

From 2000 onward, the situation changes as the number of non-Irish immigrants had exceeded the number of the returning Irish to increase to the level of above 80 per cent at the end of the first decade of the 21st century (Ibid.). As a result of those processes, the percentage of the ethnically Irish residents of the state dropped from 96.7 per cent in 2000 to just under 87 per cent in 2011 (see Hughes *et al.* 2008, 217–244; This Is Ireland 2012, 37). According to the 2011 census (This Is Ireland 2012, 33), the largest immigrant groups are the citizens of Poland (122,585 persons) and the United Kingdom (112,259). The other numerically significant – that is, comprising over 10,000 persons – groups are nationals of Lithuania (36,683), Latvia (20,593), Nigeria (17,642), Romania (17,304), India (16,986), Philippines (12,791), Germany (11,305), the United States (11,015), China (10,896) and Slovakia (10,801).

The rapid increase in the numbers of immigrants in Ireland has obviously caused a number of problems, magnified by the recent economic downturn. According to the Migrant Integration Policy Index (MIPEX)³⁰, the greatest unresolved issue is restricted access to labour market. The issue goes beyond the purely legal restrictions and encompasses discrimination on the basis of ethnicity and race (with Black people suffering from the greatest disadvantage). All this results in immigrant groups being characterised by increased levels of unemployment. Moreover, immigrants very frequently work below their qualifications (European Commission against Racism... 2013, 19). Research has also demonstrated Irish employers' prevalent prejudices against people with non-Irish names. Such prejudices dramatically limit immigrants' employment prospects (McGinnity *et al.* 2009).

Another area where issues arise is education where the specific needs of immigrants, especially those not fluent in English, are not always addressed effectively. This problem has been intensified in the recent times of economic recession as the funding cuts have caused many language support teachers to disappear from schools.³¹

Further problems concern the granting of long-term residence permits and Irish citizenships. The regulations with respect to the former provide for a highly discretionary procedure and some further vague conditions, such as a requirement of being 'reasonably integrated', were added in the Immigration, Residence and Protection Bill, proposed in 2010 (but not enacted thus far).³² Access to nationality and citizenship might be relatively easy in some cases as Ireland relies partly on the principle of the *jus soli* birth-right citizenship. The extent to which this principle is relied upon has, however,

³⁰ <http://www.mipex.eu/ireland>

³¹ <http://www.mipex.eu/ireland>

³² <http://www.mipex.eu/ireland>

been restricted as a result of the 2004 Irish Citizenship Referendum (see next section for a detailed description). Moreover, the respective regulations allow a considerable degree of discretion in granting citizenships. It is, for instance, required that an applicant is of 'good character'.³³ In addition, application fees are relatively high.³⁴ Against this background, the legal provisions for immigrants' participation in political life at the local level (see next paragraph for details) should be considered very friendly. Although Ireland has not signed, let alone ratifying, the Council of Europe's Convention on the Participation of Foreigners in Public Life at the Local Level³⁵, the regulations with respect to the participation of resident aliens in local elections are very generous. They are also among the world's oldest regulations of this sort.

The above short (and necessarily somewhat simplified) overview of the trends and problems with respect to immigration to Ireland indicate clearly that the political relevance of immigrants in the Republic is a fairly recent phenomenon, in practice a matter of the last ten years. Curiously, however, Ireland introduced resident alien suffrage (at the local level) relatively early, that is, in 1963. This was still the time when it was British citizens that constituted the sole numerically noticeable minority in the country. And indeed, the initiative concerning the local electoral enfranchisement of resident aliens was directed explicitly at the British. More precisely, it was a matter of reciprocity as in 1948 the United Kingdom permitted Irish citizens to vote in British local elections (Rodríguez 2006, 30–49) and did not withdraw these voting rights despite Ireland having left the Commonwealth in 1949. The debate on the local enfranchisement of resident aliens, held in the Seanad (the Irish Senate) on the 10th of July 1963, showed a practically unanimous support for the above regulations, with senators emphasising Britain's generosity as regards giving citizenships to the Irish as well as the fact of the British residents in Ireland experiencing an unfair contradiction between an obligation to pay taxes and the lack of democratic rights (Ibid.)

It should be emphasised here that although the regulations discussed targeted British citizens, voting rights at the local level were granted to all those residing in the Republic for at least six months. Although this universal franchise can be explained with reference to the extremely small numbers of non-British immigrants residing in Ireland at that time and some arguments about the administrative convenience of such a solution were actually raised during the debate in the Seanad, deeper reasons have also been pointed to.

Alexandra Starr (2008) indicates that it was not in any way a mere coincidence that local voting rights were given to the immigrants shortly before the outset of the 'Troubles' in Northern Ireland, that is, the civil war that spanned the period between the late

33 Irish Nationality and Citizenship Act, 1956, Irish Statute Book No. 26/1956.

34 <http://www.mipex.eu/ireland>

35 <http://conventions.coe.int/Treaty/Commun/ChercheSig.asp?NT=144&CM=&DF=&CL=ENG>

1960s and 1998. For one of the reasons behind ethnic tensions and the subsequent civil war in Northern Ireland was the fact that the ruling unionist (pro-British and mostly Protestant) majority severely restricted voting rights of the republican (overwhelmingly Catholic) minority. From this viewpoint, the introduction of a universal local franchise, encompassing all residents, was a signal given by the government in Dublin to the unionist authorities in the North. It meant that voting rights, at least at the local level, were viewed as originating from residence in a given area rather than from factors such as ethnic or religious background. The granting of local voting rights to immigrants can thus be also interpreted as an attempt to exert pressure on the authorities of Northern Ireland in the situation of the permanent partition of the island of Ireland.

Another interesting aspect of the political history of immigration to Ireland is the fact that immigrants' enfranchisement at the local level was never seriously questioned or debated afterwards, even during the public debate preceding the Citizenship Referendum, held in 2004 (see next section). This has certainly been a result of, among others, the sharp distinction drawn within the Irish polity between the domain of local politics and the domain of national politics. The mentioned distinction is, consequently, accompanied by divergent definitions of the local and the national electorate (Rodríguez 2006, 30–49). Local politics is a domain of predominantly personal face-to-face interactions and contacts rather than a sphere where the more abstract national sentiments come into play. In this situation, inclusive local-level institutions do not contradict exclusionary institutions at the national level.

All in all, the decision to grant local suffrage to immigrants in Ireland appears as a fairly unique event in the Western European context. To reiterate what has already been said, the decision predated mass immigration to the country by three decades and it was an attempt to fix a rather small-scale injustice suffered by British citizens residing in the Republic or, perhaps better, to return a favour done to Irish citizens by British authorities. As such, it was a by-product of the Republic's historic relationships with the United Kingdom (and also with Northern Ireland). There was little to no controversy on whether or not the enfranchisement should be introduced and the 'quietness' of the debate was caused partly by the actual absence of larger immigrant groups in the country. Immigration was to cause public controversy forty years after those regulations were introduced. Nonetheless, even at the time when public debate seriously focused on immigration issues – that is, during the campaign before the 2004 Citizenship Referendum – local voting rights for resident aliens remained secure, never having been questioned seriously in public domain.

Although no attempt has ever been made to withdraw local voting rights granted to immigrants, the original law introduced in 1963³⁶ had been subject to subsequent changes. Those changes were in the direction of extending immigrants' rights rather

³⁶ Electoral Act, 1963, Irish Statute Book No. 19/1963.

than limiting them. For instance, the 1963 regulations allowed immigrants only to vote in local elections. The right to stand as candidates for a local office was granted in 1972.³⁷ Furthermore, the six-month residence requirement, included in the 1963 bill, was removed in 1985.³⁸ According to current regulations, all persons who have reached voting age (that is, eighteen) who are permanent residents in a given area on a date when an electoral register comes into effect are eligible to both vote and stand in local elections. In practice, during the registration process an immigrant resident has to attend a local Garda (the Irish Police) station in order to have a registration form stamped to confirm that a given person is residing in the given area.

Another change to the electoral code, introduced by the Electoral Amendment Act, 1985³⁹, drew a distinction between the citizens of the United Kingdom and other non-Irish residents of the state. British citizens were allowed to vote (but not stand) also in the elections to the lower chamber of the Irish parliament (the Dáil). This was done, again, to reciprocate an analogous favour done by British authorities to Irish citizens residing in the United Kingdom. The Amendment also allowed the granting of the right to vote in the Dáil elections to the citizens of other European Union member states, provided that a given member state grants analogous rights to Irish citizens (Shaw 2007). To date, such reciprocal arrangements have not, however, been introduced between Ireland and any European Union country other than Great Britain.

To summarise, current Irish regulations concerning who can vote on which occasion distinguish among four categories of residents (Mutwarasibo 2012, 8). First, the residents who are not citizens of a European Union member state are entitled to vote in local elections only. Second, the residents who are citizens of a European Union country other than Ireland or the United Kingdom may vote in local and the European Parliament elections. Third, the residents who are British citizens have the right to vote in local, the European Parliament and the Dáil elections. They are, however, not entitled to vote in presidential elections and referendums. Finally, Irish citizens are obviously allowed to vote in all types of elections and referendums.

5.3. The 2004 Irish Citizenship Referendum

On the 10th of March 2004 the Minister for Justice, Equality and Law reform, Michael McDowell, proposed that a referendum be held on an amendment to the Irish Constitution. The amendment would abandon the long-time practice of *jus soli* birth-right citizenship, granted to all those born in Ireland, regardless of any other factors. On the 6th of April that same year the cabinet indeed decided to hold a referendum on that matter (Breen *et al.* 2006).

³⁷ Electoral Amendment Act, 1972, Irish Statute Book No. 4/1972, see also Starr 2008.

³⁸ Electoral Amendment Act, 1985, Irish Statute Book No. 12/1985, see also Fidele, Mutwarasibo. 2012. *Diversity in Europe: The Challenge of Dealing with Third Country Nationals' Political Participation*. Warsaw: Institute of Public Affairs, p. 7.

³⁹ Electoral Amendment Act, 1985, Irish Statute Book No. 12/1985.

The reasons why the referendum was important from the viewpoint of the electoral enfranchisement of immigrants are threefold. First, the campaign preceding the ballot was an occasion on which the first serious debate on immigration took place. Second, as stated in the previous section, only the possession of an Irish citizenship guarantees a person unlimited rights to vote in all elections and referendums. Third, the 2004 local election – that is, the first election when the rights granted to immigrants in 1963 were seriously used by them – was held on the same day as the referendum and, as such, was fought in the shadow of the vote on citizenship.

The Citizenship Referendum was held on the 11th of June 2004, together with a local election and an election to the European Parliament. An overwhelming majority of 79.2 per cent voted in support of the government's proposition to abolish the *jus soli* rule that had existed since 1922, that is, nearly since the founding of the Republic. This resulted in a situation where, starting from the 1st of January 2005, an Irish citizenship would be granted automatically to a child born in Ireland only if (at least) one of the child's parents was Irish, or British, or legally entitled to reside in the Republic of Ireland or Northern Ireland (including those with refugee status).⁴⁰ Birth-right citizenship is, however, guaranteed constitutionally only to the first of the above-mentioned categories of children, that is, those with at least one Irish parent.⁴¹ The analogous right of the other above-mentioned categories of newly born babies can be withdrawn by means of the Acts of the Oireachtas (the Irish Parliament).

The reason behind the announcement of the Referendum, as stated by Minister McDowell, was a 'crisis' in Irish maternity services caused by 'baby tourism' whereby non-Irish mothers were coming to Ireland to give birth to their children and thereby secure those children an Irish citizenship (Fanning, Mutwarasibo 2007). During the campaign before the Referendum, the major Irish parties had quite divergent views on the issue. Fianna Fáil, the larger coalition partner, advocated voting 'yes' and thereby terminating the *jus soli* rule. Their campaign was centred around the notion of the so-called 'common-sense citizenship', a concept emphasising the predominantly mono-cultural and mono-ethnic character of 'Irishness'. The campaign by Progressive Democrats, the smaller coalition partner and Minister McDowell's party (formally dissolved in 2009), stressed the above-mentioned arguments on the exploitation of Irish health services by 'baby tourists' (Ibid.). Fine Gael, the largest opposition party at that time, indicated their support for a 'yes' vote but decided not to run any campaign.⁴² The left-wing parties – the Labour Party and Sinn Féin – campaigned for a 'no' vote and thereby for a preservation of the *jus soli* rule (Fanning *et al.* 2010, 420–442).

⁴⁰ Irish Nationality and Citizenship Act, 2004, Irish Statute Book Np. 38/2004.

⁴¹ Twenty-Seventh Amendment of the Constitution Act, 2004, Irish Statute Book, Constitutional Amendments.

⁴² Bryan Fanning and Fidele Mutwarasibo. 2007. "Nationals/non-nationals: immigration, citizenship and politics in the Republic of Ireland." *Ethnic and Racial Studies* 30(3): 439–460.

As regards media coverage of the Referendum campaign, it was somewhat ambiguous. Breen et al. (2006) conducted an in-depth analysis of the coverage of the Referendum campaign in two reputable Irish broadsheets: *The Sunday Times* and *The Sunday Tribune* (the latter ceased to exist in 2011). Both outlets devoted considerable space to the campaign and the explicit position of both, at least as the more in-depth articles and editorials are considered, was in support of a 'no' vote. They emphasised the fact that the Referendum had been called on a short notice and that thus there had been too little time available for a genuine debate to take place. More importantly, it was argued that the health care system as a whole, and specifically maternity services, needed a comprehensive reform and that blaming immigrants for its condition was unwarranted. It was also emphasised that a number of authority figures, including the Archbishop of Dublin Diarmuid Martin, had expressed their opposition to the government's proposal of the constitutional change. At the same time, much of the shorter factual information was presented in a language reproducing Minister McDowell's reasoning. Direct quotations from politicians were used frequently, in many instances unaccompanied by any comment. This distorted the content of the debate as most parties encouraged a 'yes' vote.

At the same time, voices by the representatives of NGOs dealing with asylum seekers were rare and underrepresented. Nonetheless, shortly before the Referendum date the largest of the NGOs representing refugees – the Africa Solidarity Centre (more commonly known as the Africa Centre) – published a report on various aspects of immigrants' social and political integration (Fanning *et al.* 2004). The report expressed concerns that the Referendum campaign had triggered racist and xenophobic attitudes. It also called for a more in-depth debate on the issues of immigration and citizenship. Moreover, the report contained a number of recommendations on how to achieve greater levels of integration of resident aliens with the Irish society. Among others, it was emphasised that both the government and political parties should encourage immigrants to vote in the upcoming local election (see next section for more details).

All in all, the 2004 Citizenship Referendum, the campaign preceding it and the final result of the vote were very indicative when it comes to the approach to immigrants in the Irish society. Arguments appealing to the mono-cultural and mono-ethnic character of the community of the Irish prevailed, despite the elite (mostly media) being partly against the abolition of the *jus soli* rule. Notwithstanding this conservative approach to the nation-level sense of belonging, the right of immigrants to participate in political life at the local level was not questioned. The best evidence of such a dual image of politics, distinguishing between the local and the national, was the fact that before the 2004 local election the Minister for Environment, Heritage and Local Government, Martin Cullen, undertook action that enabled the use of additional types of documents, including Temporary Residence Certificates and Garda National Immigration Bureau cards, as means of

identification of non-citizen residents for electoral purposes. This action partly removed bureaucratic barriers hindering immigrants' electoral participation (Fanning *et al.* 2004, 4). Resident alien suffrage at the local level thus seems to have always been secure as it has never been challenged by any significant 'stakeholders' in the Irish political and social life. The 2004 local election, held on the same date as the Citizenship Referendum, was actually the first one during which immigrants were truly present.

5.4. Immigrants in recent local elections in Ireland

The 2004 local election was the first occasion on which immigrants were a noticeable collective actor in local-level Irish electoral politics. It must be noted, however, that as the electoral registers for that election came into effect before the 2004 European Union enlargement and the enlargement itself occurred just six weeks before the election, immigrants from Central and Eastern Europe were not a relevant group during this particular electoral contest. African refugees and asylum seekers were thus the only significant discernible group of immigrants active during the election.

Six African candidates contested and two of them were elected as town councillors: Taiwo Matthew in Ennis, county Clare (west of Ireland), and Rotimi Adebare in Portlaoise, county Laois (central Ireland). Both of them were Nigerian-born asylum seekers who did not have an Irish citizenship at the time of the election and contested as independent candidates (Fanning *et al.* 2010, 420–442; Fanning, O'Boyle 2010, 417–435). Adebare is renowned for having been elected as Ireland's first Black mayor (elected in 2007 as mayor of Portlaoise). He has meanwhile obtained an Irish citizenship and stood (unsuccessfully) in the 2011 election to the Dáil.

Despite this apparently encouraging initial electoral result, the path to local political integration of immigrants in Ireland was not at all easy (and it certainly still is not). Most importantly, Irish political parties were rather slow and reluctant in reaching out to immigrant communities although certain relevant efforts were made before the 2004 election. These included actions such as translating of campaign materials into community languages, advertising in the minority media and anti-racism training for candidates (Fanning *et al.* 2004, 12). At the same time, another report commissioned by the Africa Centre (Ejorh 2006) indicated that the situation at the level of the electorate had not looked very optimistic. While the overall turnout rate in the 2004 election to town councils reached the level of 58 per cent (Local Elections... 2005), the analogous figure for African immigrants surveyed by the Africa Centre was just about 27 per cent (Ejorh 2006, 24). The most significant reason for such a low level of electoral participation of African immigrants seems to have been misinformation as to the electoral rights of non-citizens. Many African residents of the Republic were simply unaware that they had been eligible to vote in local elections. They were, however, (rare) cases reported of public officers behaving in an unpleasant or extremely rude manner when dealing

with eligible immigrants that tried to register as local government electors. Whether or not these arguably idiosyncratic incidents can be attributed to the atmosphere created in the course of the campaign before the Citizenship Referendum is certainly a relevant question. On the other hand, the African immigrants themselves appeared to be a largely apathetic and politically ignorant group (Ibid.).

It thus seems that the successful campaigns of Taiwo Matthew and Rotimi Adebare were spectacular exceptions rather than events fitting the more general picture of immigrants' participation in the local election of 2004. Although the Africa Centre actively encouraged parties and the government to reach out to the existing immigrant groups and although such efforts were indeed made by those crucial institutional actors (see above), the extremely low turnout rate among immigrants indicates that these actions were only moderately successful, to say the least. The subsequent local election, held in 2009, seemed to have posed even more challenging questions as new significant immigrant communities have meanwhile emerged in the Republic.

The 2009 local election was effectively the first one affected by the 2004 European Union enlargement. Over the five years that have elapsed since that event, thousands of immigrants from Central and Eastern Europe have arrived in Ireland. The most numerically significant group have been Poles who with time have replaced the British in the position of the largest minority (see above). In 2009, the number of immigrant candidates rose to 44 (Fanning, O'Boyle 2010, 417–435). Four of them were elected, including Rotimi Adebare who retained his seat in Portlaoise (Taiwo Matthew, the other Nigerian-born candidate successful in 2004, did not seek re-election in 2009.) The other three successful candidates were Jan Rotte from the Netherlands who ran in Lismore, county Waterford (south of Ireland), on behalf of the Labour Party, a Lithuanian Kristina Jankaitiene who ran in Carrickmacross, county Monaghan (northern end of the Republic), on behalf of the Green Party, and a Russian Anna Rooney who ran in Clones, county Monaghan, on behalf of Fianna Fáil. Curiously, none of the seven Polish candidates running was elected although a respectable number of votes were cast for Anna Michalska, running on behalf of Fianna Fáil in the town of Kilkenny, county Kilkenny (south-central Ireland).

It seems that the Polish candidates' lack of electoral success is mirrored by a very apathetic approach to politics displayed by the vast majority of Polish immigrants. The exact turnout rates are difficult to estimate as the Polish diaspora is extremely fluid, with many immigrants treating Ireland as a place of a short-term stay for work-related purposes only. It is thus difficult to establish who really is and who is not a resident at the election time. However, in-depth interviews with Polish candidates contesting the 2009 election suggest an image of an 'average' Polish immigrant as a politically passive and ignorant person, distrusting politics and unwilling to make an effort to register as a local government elector (Ibid.).

This is entirely unsurprising, given that those immigrants come from a country whose voter turnout levels are among the lowest in the democratic world. Moreover, the Polish diaspora is comprised of mostly young people (30–40 years of age) and young people's electoral participation levels tend to be relatively low in most democratic countries (Blais 2000). At the same time, efforts directed at maximising the Polish diaspora's impact on local-level Irish politics have been made at the elite level. During the campaign before the 2009 election, these efforts were largely coordinated by Forum Polonia, a platform bringing together a number of Polish organisations in Ireland (Fanning, O'Boyle 2010, 417–435). One of the Forum's activities was a mobilisation campaign 'Give a voice', run in 2008 and 2009, aimed at encouraging Polish immigrants to register as local government electors (Fanning *et al.* 2014, 15). The most visible outcome of the activities undertaken by the Forum was the building of relationships with the two largest Irish parties: Fianna Fáil and Fine Gael. Both these parties appointed Polish integration officers, both of whom were also members of the Forum. Fianna Fáil undertook special efforts to mobilise Polish voters, including holding meetings attended by its officials and government ministers, organising social events and maintaining a Polish-language section on the party's website. Polish-language section was also kept on Fine Gael's website and the party's efforts were focused on emphasising common values, especially the Roman Catholic tradition and ethics.

With respect to the African immigrants, the situation had not seemingly changed between the 2004 and the 2009 election. The levels of electoral participation, at least according to a study commissioned by the Africa Centre, remain low. Only one-third of African residents were registered to vote and only 25 per cent actually voted. These figures are not impressive, especially as the overall turnout in Ireland was again at the level of approximately 58 per cent (Okigbo 2012, 15). No progress with respect to turnout rates among Africans in Ireland has thus been made since the 2004 election. At the same time, symptoms of racism displayed by both the Irish electorate and the political elite were pointed to. For instance, an article in *The Irish Times* suggested that racist attitudes might have been the cause of the lack of electoral success of African candidates in Dundalk, county Louth (northern end of the Republic) (see Mac Cormaic 2009). Most notably, a Nigerian-born candidate, Benedicta Attoh, stated there that she had been explicitly denied support on part of her co-partisans from Fine Gael on the grounds that she had allegedly not been a local candidate. It was all despite the fact of Attoh having been living in Dundalk for years before the 2009 election. While Dundalk seems to be somewhat unique in the entire Ireland, being a stronghold of the nationalist Sinn Féin party⁴³, it is quite obvious that parties have not developed a comprehensive approach

43 The role of Sinn Féin in the Irish party system is quite interesting. While the party attracts support of the majority of xenophobic voters, it is in fact programmatically very tolerant. I return to this issue in the Conclusion.

that would allow them to reach out to the Africans residing in Ireland. It is perhaps evident if the approach to the African community is compared to the diverse mobilisation efforts directed at the Poles, described above (Fanning *et al.* 2010, 420–442; Fanning, O’Boyle 2010, 417–435).

All in all, despite the existence of inclusive institutional arrangements, local-level political integration of immigrants in Ireland has thus far been a rather challenging task. The obstacles on the way to greater involvement of minorities in electoral politics at the local level range from simple unawareness of local voting rights to parties’ favouring certain ethnic groups, to the fact of certain incoming groups having been socialised to a passive rather than an active attitude toward politics. A large increase in the number of immigrant candidates between 2004 and 2009 (from six to 44) might have been viewed as but one reason to believe that the situation would change with time. However, fewer immigrants ran in the 2014 local election than did in 2009, the fact attributed partly to ‘growing racism’ (Onyejelem 2013).

According to data collected by Adrian Kavanagh⁴⁴, 30 immigrant decided to contest the election, and the following numbers ran on behalf of the major parties: none on behalf of Fianna Fáil (nine candidates in 2009), two on behalf of Fine Gael (seven in 2009), three on behalf of the Green Party (six in 2009), two on behalf of the Labour Party (four in 2009) and one on behalf of Sinn Féin (none in 2009). Two of them were elected: a Congolese Edmond Lukusa who ran on behalf of Sinn Féin in Mulhuddart (north-west of the city of Dublin) and a Moldovan Elena Secas who ran on behalf of the Labour Party in the city of Limerick (mid-west of Ireland). Interestingly, after two terms in office, Rotimi Adebare lost his council seat in Portlaoise. At the same time, on the 4th of November 2013 the Migrant Voters Registration Information Campaign was launched by the Ministry for Justice and Equality jointly with Dublin City Council (Fanning *et al.* 2014, 2). Hopes for higher turnout among immigrants might thus have been justified, yet more in-depth research efforts are needed to establish how effective this campaign and other similar efforts turned out to be.

5.5. Local integration initiatives

As suggested above, the mere possession of local voting rights does not automatically guarantee that immigrants can exert an impact on policies at the local level. On the contrary, low levels of electoral participation put severe limits on non-nationals’ ability to shape, by purely electoral means, the conditions of their existence in Ireland. Yet, local integration initiatives emerge in virtually all local communities. These actions are inspired and monitored by various NGOs, the most visible of them being the Integration Centre

⁴⁴ See <http://adriankavanaghelections.org/2014/01/02/new-irishnon-irishuk-nationals-candidates-contesting-the-2014-local-elections/>

whose only stated goal is to facilitate integration of people from immigrant backgrounds into the Irish society.

Throughout the period between 2005 and 2013, three main types of actions aimed at local integration could be distinguished (Local Authority... 2014). First, in 20 out of 34 local authority areas permanent integration forums were founded and supported. In mid-2000s – that is, when the presence of larger immigrant groups was still a new phenomenon in Ireland – these forums helped immigrants express their specific needs and experiences to public service providers and the broader community. The forums were important especially in places where the immigrant populations were densely distributed, most notably in Dublin. Second, local authorities in 28 areas applied for central government funding targeted at local integration actions. This funding was mostly used to support local immigrant associations. Finally, following the publication of the national strategy of supporting diversity („Planning for Diversity: The National Action Plan Against Racism”⁴⁵), local authorities were encouraged to develop comprehensive strategic (long-term) plans of promoting diversity and integration. By now, 25 local authority areas have some strategies of this sort and some further local communities declare they will be ready to publish such documents shortly. These integration strategies assume permanent participation of a wide range of local-level institutions. In some areas, special committees were appointed to oversee the implementation of the strategies but obviously the success of the implementation process varies considerably across local authority areas (Ibid.).

To delve deeper into the exact content of local integration strategies, it is worthwhile inspecting one of these more profoundly. The strategy for years 2013–2017, prepared by the South Dublin County Council, seems to be a good case to analyse here (“An Inclusive County: South Dublin County Integration Strategy”⁴⁶). It is so mainly because South Dublin has a large immigrant population (17.1 per cent as of 2013), significantly larger than the analogous figure for the whole Ireland. The percentages of Africans and Poles are also higher than the corresponding country-level figures. The overall number of immigrants equals approximately 45 thousand. The South Dublin’s ‘inclusive county’ plan for the years 2013–2017 comprises a number of actions in several broad areas, from civic participation to housing-related issues, to preventing xenophobic attitudes and behaviours.

A campaign promoting voter awareness and encouraging registration for local government elections is just one component of the plan. There are also, for instance, initiatives encouraging immigrants’ participation in youth clubs and sports associations. The Social Credit Scheme will be available to immigrant groups. The Scheme is there to

45 <http://www.mie.ie/getdoc/52ce1e5a-c95d-4490-b250-da8d97ecb3bd/ActionPlan.aspx>

46 <http://www.sdcc.ie/sites/default/files/publications/sdc-integration-strategy-2013-2017.pdf>

reward all types of initiatives aimed at improving local environment, broadly conceived (e.g. community clean-ups or the maintenance of public gardens). Furthermore, presence of immigrant representatives will be sought in committees organising various local, e.g. cultural, events. In the purely economic domain, the South Dublin County Council plans the promotion of entrepreneurship among resident aliens, including advice and help with respect to self-employment. Employment skills classes and English classes shall also be organised for those immigrants whose proficiency in English is not advanced. Specific activities are also planned at the level of smaller communities within the county, in particular in housing areas. The idea of residents' associations is to be implemented more widely than before, especially in the areas characterised by high ethnic diversity. One goal of these associations is to enable immigrants' specific needs and experiences to be transmitted smoothly to public service providers. Efforts to raise awareness that racist incidents at the local level should always be reported to relevant authorities are planned as well. These efforts will be coordinated by the existing Local Policing Forums and overseen by the Garda.

The above and other planned activities seem to form a comprehensive and coherent integration strategy. At the same time, the authorities appear to be aware of the challenges posed by the actual implementation of this strategy in South Dublin, especially following the economic recession with the associated increase in racist and xenophobic attitudes amongst the native population. Some specific problems of immigrant communities have also not yet been well researched. The issues include, for instance, the impact of the pressures related to relocation to a new country on suicide rates amongst the immigrants. On the one hand, the integration plan analysed here might thus sound like an overly optimistic or ambitious (if not unrealistic) 'maximum plan', especially as it remains to be seen what levels of cooperation on part of both the Irish and the immigrant groups can be secured. On the other hand, it should be emphasised that local authorities in South Dublin tend to recognise the complexity of the situation caused by the rapidly changing ethnic composition of the county's population and react to this situation. Also, some integration initiatives in previous years were highly successful, e.g. the initiative to increase accessibility of various public facilities (libraries, schools, sports facilities) to resident aliens. As long as the county of South Dublin is considered, local authorities can thus be considered an active and fairly efficient agent of integration albeit the long-term outcomes of the efforts described here are certainly hard to predict.

5.6. Conclusion

The Irish experience with immigration is certainly unique in the context of perhaps the entire Western Europe. This is mainly because the presence of large groups of resident aliens has been a relatively recent phenomenon to the Irish social and political landscape. While the local-level incorporation of immigrants into the Irish society has

thus far appeared to be a rather difficult process, progress has certainly been made in a number of relevant areas.

The most important lesson coming from the Irish experience is that, if migrants' enfranchisement is to be considered, local voting rights should ideally be granted to resident aliens before mass immigration even occurs. As the Irish case shows, a debate on the extension of local franchise in the situation of large immigrant groups being actually absent causes little (if any) controversy. In Ireland such controversies have never arisen, even during the time of the strongest politicisation of the immigration issue, that is, during the campaign preceding the 2004 Irish Citizenship Referendum.

Second, a crucial characteristic of the Irish political system is the absence of a significant far-right party (a quality shared with the Polish political system). This does not mean the absence of xenophobic or racist voters. In Ireland, such voters are predominantly supporters of Sinn Féin (O'Malley 2008, 960–977). The current ideological profile and indeed the current leadership of the party have been shaped in the course of the 'Troubles' in Northern Ireland. While the stereotypical image of the party would be largely affected by the obvious links to the Provisional Irish Republican Army and its violent campaigns during the long-lasting civil war in the North, the true picture is much more nuanced. Sinn Féin is a left-wing party and before the 'Troubles' its ideological profile was actually purely Marxist, with a strong emphasis on the economic rather than the ethnic cleavages. While the 'Troubles' have reintroduced a strong nationalist component to the party's ideology, it must be remembered that Sinn Féin has always aimed to represent the republican (Catholic) minority in Northern Ireland, that is, those who were overwhelmingly underprivileged in social, economic and political life in the North. There is thus a nearly natural tendency for Sinn Féin to avoid political arguments directed against underprivileged groups, including immigrants. Sinn Féin's nationalism is paradoxically inclusive, the best evidence for it being the party's opposition against the abolition of *jus soli* rule in 2004. The expression of prejudices held by a part of Sinn Féin's electorate is therefore blocked at the elite level. That is a very fortunate factor improving the political climate during the public debates in which racists or xenophobic arguments may potentially be raised.



6 Rights only on paper. The process of granting voting rights to third country nationals in Slovakia

Katarína MacDonald Tömölová

The chapter edited by S. Łodziński, D. Pudzianowska, M. Szaranowicz-Kusz, D. Gołębiewska based on the expert report titled "Slovakia: voting rights for immigrants" prepared at the request of the IOM.

6.1. Introduction

Over the course of the last two decades, migration flows in Central and Eastern Europe have undergone some significant transformations. Until very recently, the majority of states in the region had been countries of emigration. Now, however, whilst it is true that significant numbers still seek to emigrate, many come to settle in the region. A recent IOM/ European Migration Network report suggested that “Slovakia has been changing gradually from a country of emigration to a country of transit”, and that several experts believe that “it will slowly become a country of destination as well”. (Bachtíková *et al.* 2012, 27). Indeed, World Bank data suggests that the net emigration rate for most countries in the region is slowing considerably, whilst some, including the Czech Republic, Hungary, Slovenia and Slovakia, have actually experienced a net increase in immigration since the mid-1990s (Rovny 2014).⁴⁷ Most immigration to the region is the result of EU citizens exercising free movement rights,⁴⁸ however, important flows also exist from countries on the eastern borders of the EU and from Asia.

6.2. Slovakia: migration profile

As with other countries in the region, the history of the past 200 years on the territory of what is now the Slovak Republic is one of significant net emigration. Migration there in the period preceding 1990 took two main forms. Firstly, there was significant migration internally within the Federal Republic of Czechoslovakia. Secondly, international migration was for the most part outwards, occurring in several waves during the late 19th and early 20th centuries. These outflows were in large part a reaction to the major events that occurred in Europe at that time, such as the First World War, the economic crisis of the 1930s, and the Second World War. It is estimated that during this period almost half a million Slovaks emigrated, for economic reasons, to the USA, with a further 350,000 leaving for Australia, South America or other countries of the ‘New World’ (Divinský 2007, 291). In contrast, the main drivers of emigration in the second half of the 20th century, during the socialist period, were mainly political in nature (persecution, political pressure, disagreement with communist ideology, etc.). Emigration for these reasons accelerated in particular following the military occupation by the armies of the Warsaw Pact in 1968 (*Ibid.*).

Immigration to the territory of the Slovak Republic in the decades preceding 1990 was, on the other hand, a decidedly marginal phenomenon, accounted for by a very small number of either students or workers from countries governed with similar ideological values, such as Cuba, Angola, Ethiopia, Palestine, Afghanistan, Vietnam, Mongolia and Syria

⁴⁷ It is, however, worth noting that at least one leading researcher on migration issues in Slovakia has suggested that, on the basis that recorded emigration figures are much lower than the actual reality, “the officially proclaimed positive net migration in the Slovak Republic is a sheer myth”. See Divinský 2005.

⁴⁸ Treaty on the Functioning of the European Union, 2008 O.J. C 115/47, Article 45.

(Ibid.). In the years between 1990 and 2004 there were a number of important changes, both in the political and economic status of Slovakia and in migration trends. Firstly, there was a shift from the traditional position of negative net migration to one of positive net migration. Secondly, there was significant movement of people between the Czech and Slovak Republics as a result of the separation of Czechoslovakia, which now counted as international migration. In 1993, for example, Slovak nationals represented almost 80 per cent of all immigrants to the Czech Republic, while Czech nationals migrating to Slovakia in that year accounted for almost 99 per cent of its total immigration figure. Thirdly, there was an increase in the prominence of a wide range of phenomena, such as human smuggling, trafficking in persons, and increasing numbers of asylum seekers, etc. – this was coupled with the new regulatory challenges associated with addressing these issues. Lastly, accession to the European Union in 2004 also had a significant impact on the inflow of foreigners – in particular EU citizens – to Slovak territory (Ibid., 46).

The most recent statistics available indicate that in 2013 there were 71,649 foreigners with registered residence living in Slovakia. The majority of these were citizens of EU countries (45,492), with third country nationals making up some 26,157 individuals (Štatistický prehľad... 2013)⁴⁹. More detailed statistics⁵⁰ show that by the end of 2012 there were some 72,925 foreigners with registered residence living in Slovakia.⁵¹ The vast majority (55,909 or 76.7 per cent) of these were EU citizens, primarily nationals of neighbouring countries such as the Czech Republic (14,744), Hungary (9,920), Poland (7,005), Germany (4,415) and Austria (2,308). Moreover, since the accession of Romania to EU in 2007, the number of Romanian migrants has significantly increased: by the end of 2012 there were 5,962 Romanian citizens living officially in Slovakia. In terms of TCNs, the main countries of origin are Ukraine (3,915), the Russian Federation (1,835), Vietnam (1,544), China (875), the USA (861), Serbia (716), the Korean Republic (598), Croatia (465),⁵² and Macedonia (403). In 2013, the majority of migrants in Slovakia were of working age (between 25–64 years) and more than half were male (59.8 per cent).⁵³

The entry of Slovakia into the European Union in 2004 effected a significant transformation on the migration flows into its territory. Since accession, Slovakia has seen a

49 Other groups not mentioned here include, for example, returning Slovak nationals (often included in national immigration statistics) and stateless persons.

50 These detailed statistics are not yet available for 2013.

51 Statistical data available from public sources slightly differ – the Statistical office of the Slovak Republic states that there were 72,925 registered foreigners in Slovakia in 2012, while the Office of Border and Alien Police indicates a slightly lower number – 67,877. See, for the former, the website of the Statistical Office of the Slovak Republic [Štatistický úrad Slovenskej republiky], available at <http://portal.statistics.sk/showdoc.do?docid=79012>; and for the latter, Úrad hraničnej a cudzineckej polície, *supra* n. 8, 9.

52 Of course, on the 1st July 2013 Croatia became the 28th state of the European Union; as such, Croatian immigrants in Slovakia are from that date on to be counted as Union Citizens rather than as TCNs.

53 See the website of the Statistical Office of the Slovak Republic, *supra* n. 13. Interestingly, migrant outflows from Slovakia tend to be dominated by females; see the OECD's *Migration policy and migration statistics: country notes 2013* for Slovakia, available at <http://www.oecd.org/els/mig/SLOVAK%20REPUBLIC.pdf> (part of its *International Migration Outlook 2013*, 292).

steady increase in the total number of legal migrants registering their residence in the country. This figure grew incrementally from 2004 onwards, reaching a peak, in 2008, of 8,765 individuals, of whom 7,415 (some 85 per cent) were foreigners, with returning Slovak nationals accounting for the remainder (Katerinková 2012, 2). This trend was reversed, however, in the years that followed – probably as a direct result of the global financial crisis – with significant decline being noted in levels of both emigration from, and immigration to, Slovakia. In 2012, the number of foreigners registering residence fell to 2,940.⁵⁴ Since Slovakia's entry into the EU, the numbers of TCNs relative to EU citizens has also decreased significantly – while in 2004 the former accounted for more than half of all regular migrants in Slovakia, by 2011 this figure had dropped to 23 per cent (Kodaj, Dubová 2013). It is also important to stress that, despite these important relative changes in migration flows, in absolute terms migration remains a somewhat marginal phenomenon in the Slovak context. Although the total number of foreigners registered in the country has increased significantly over the past decade (from 0.4 per cent of the total population in 2004 to more than 1.3 per cent by 2013),⁵⁵ the overall number of foreign citizens registered as resident in Slovakia remains one of the lowest of any country in the EU (Divinský 2007, 30).

A range of different factors has driven these trends. Firstly, and perhaps most importantly, following its accession to the EU, Slovakia became an attractive country of destination for many migrant workers – this was due to the lifting of restrictions on access to its labour market for EEA citizens, its simplified labour legislation and its relatively fast-growing economy (following an initial period of depression from 1990–1993) (Williams, Balaž 2006, 446). The accession of other states such as Bulgaria and Romania in 2007 have further helped solidify these trends. Other factors have also contributed. There has, for example, been a steady increase in immigration from Asian countries, in particular from China, Vietnam and South Korea (Divinský 2007, 39), driven in part by the growth in certain areas of the manufacturing industry in Slovakia. Moreover, the abolition in 2008 of bilateral quota limitations on migrant workers from Ukraine also led to an increase in the flow of Ukrainian immigrants (*Ibid.*, 54). Increased demand for study places in Slovakia from abroad (*Ibid.*, 56), and requests for residence based on family reunification, have further cemented the trend towards net immigration in the Republic.

6.3. Slovakia's policy towards immigration

Migration-related issues are simply not a major concern for the main Slovak political parties, or indeed for the public more generally. Therefore, in terms of both migration

⁵⁴ See the collated statistics on foreign migration for the years 2008–2013 on the website of the Statistical Office of the Slovak Republic, available at: <http://portal.statistics.sk/showdoc.do?docid=29977>.

⁵⁵ See Statistical Office of the Slovak Republic, The number of the population in the Slovak Republic as of 31 December 2013 <http://tinyurl.com/SlovakPopulationStatistics2013>.

policy development and implementation, Slovakia is widely viewed as lagging behind other EU countries, even among the more recent members.⁵⁶

On 29 January 2014 the Slovak government adopted a new integration policy of the Slovak Republic.⁵⁷ It is intended to “build on”, rather than replace, the existing instruments and policies. Political participation is not, however, an issue in the new 2014 policy. The most relevant of the Common Principles – Principle 9, which states that the participation of immigrants in the democratic process and in the formulation of integration policies and measures, especially at the local level, supports their integration – has no equivalent in the 2014 policy. Detailed attention is paid to housing, social and cultural integration, healthcare, education, employment and citizenship; but political participation does not appear to register as a concern.

It is, of course, far too soon to tell whether the ambitious programme set out in the 2014 Integration Policy can or will be effectively implemented. The Migrant Integration Policy Index (MIPEX) rated Slovakia third bottom of the 31 European countries it analysed in 2010.

In terms of citizenship policy, the general trend has been towards restricting, rather than broadening, access to citizenship, especially with regard to national minorities within Slovakia. Generally, citizenship in Slovakia is based on the use of the *jus sanguinis* principle⁵⁸, which means that children will receive Slovak citizenship as a function of the nationality of their parents, and *not*, under normal circumstances at least,⁵⁹ as a result of having been born on the territory of the Slovak Republic. Thus, the children of even long-term resident TCNs born in Slovakia will have the same citizenship as their parents, and not that of their country of birth and residence.

Greater restrictions have, however, been put in place by amendments to the 1993 Citizenship Acts of 2007⁶⁰ and 2010, both introduced by governments led by Prime Minister Robert Fico’s centre-left SMER party. The 2007 amendments in particular were important for the integration of migrants. The period of permanent, continuous residence required prior to becoming eligible to apply for citizenship was increased from 5 to 8 years; and a range of language and cultural tests were also introduced. Applicants are thus

⁵⁶ See, for example, the 2011 ranking by the Migrant Integration Policy Index, which rated Slovakia as third worst out of 31 European States in terms of the progress it had made in implementing its integration strategies. Available at <http://www.mipex.eu/slovakia>.

⁵⁷ *Uznesenie vlády číslo 45/2014 Návrh Integrovačnej politiky Slovenskej republiky*, <http://www.employment.gov.sk/files/slovensky/ministerstvo/integracia-cudzincov/dokumenty/vlastny-material-integracna-politika-januar-2014.pdf>. An English-language version is available at: http://www.employment.gov.sk/files/slovensky/ministerstvo/integracia-cudzincov/dokumenty/en_eurovkm-preklad-29-integracna-politika-januar-2014.pdf (hereafter “2014 Integration Policy”).

⁵⁸ Act No. 40/1993 Coll. on Citizenship of the Slovak Republic (hereafter “Slovak Citizenship Act”) [Zákon č. 40/1993 Z. z. o štátnom občianstve Slovenskej republiky, v znení neskorších predpisov].

⁵⁹ The exception here is where the child(ren) in question would be rendered stateless if Slovak citizenship is not granted; where, for example, the citizenship law of the parents’ country of nationality functions on a *jus soli*, rather than *ius sanguinis*, basis; see Slovak Citizenship Act, Article 5.

⁶⁰ Act No. 344/2007 Col. [Zákon č. 344/2007 Z. z. Zákon, ktorým sa mení a dopĺňa zákon Národnej rady Slovenskej republiky č. 40/1993 Z. z. o štátnom občianstve Slovenskej republiky].

expected to demonstrate their ability to speak the Slovak language and their knowledge of the region in an interview, during which the applicant's personal circumstances are discussed along with some general topics related to Slovak history or geography; a reading test, in which the applicant must read aloud a short article from a Slovak newspaper shortly after having seen it for the first time; and a writing test, in which the applicant has 30 minutes to summarise the article (Bachtíková *et al.* 2012, 49).

The 2010 amendment, on the other hand, focused on the issue of dual nationality, and stipulated that any Slovak citizen who voluntarily acquired the nationality of another state would be stripped of their Slovak citizenship, a reversal of a long-standing full tolerance of dual citizenship. This was explicitly framed as a response to a decision by Hungary to offer Hungarian citizenship to members of ethnic Hungarian minorities living in other states – around 2.5 million members of ethnic Hungarian minorities living in Slovakia, Romania and Serbia (Bauböck 2010). Hungarians make up by far the largest of Slovakia's national minorities, and at the last census, in 2011, the group was composed of some 458,467 individuals (around 8 per cent of the total population of Slovakia). By February 2014, the Slovak press had reported that some 722 people had lost their Slovak citizenship as a result of this law; although the breakdown suggests that the ramifications of the restriction had been wider than perhaps initially envisaged: of the figure of 722,289 had taken Czech nationality; 143 German; 94 Austrian; 62 UK; and only 47 Hungarian (Terenzani 2014).

Slovakia has still not become a party to the 1992 Council of Europe Convention on the Participation of Foreigners in Public Life at Local Level, and there do not seem to be any more instances of explicit governmental engagement with it. The accession process to the Convention provides a good example of one of the main general challenges facing efforts to increase the integration of migrants in Slovakia: a general lack of interest in, and awareness of, the problem amongst both members of the public and the politicians that represent them. The integration of migrants is, in terms of public or political discourse, marginal at best, and viewed with deep suspicion at worst. Making genuine progress in integrating migrants into Slovak society will be difficult for as long as this situation pertains, as the efforts to ratify the above Convention to date attest.

6.4. Legal framework for immigrants' political participation in Slovakia

Voting rights in general in Slovakia are regulated by a range of different national instruments. According to Article 30(1) of the 1992 Slovak Constitution, "citizens have the right to participate in the administration of public affairs either directly or through the free election of their representatives".⁶¹ This Article was amended in 2001, when the

⁶¹ Article 30(1) of the Slovak Constitution, available in English at: <http://www.nrsr.sk/web/Static/en-US/NRSR/Dokumenty/constitution.doc>.

following sentence was added: “foreigners with permanent residence on the territory of the Slovak Republic have the right to vote and be elected in the self-administration bodies of municipalities and self-administration bodies of higher-level territorial units.”⁶² This refers to elections to municipal councils (the lowest level of local government in Slovakia) and to the institutions of larger self-governing regions.⁶³ This makes Slovakia one of only four countries in Central and Eastern Europe to grant voting rights to TCNs (the others being Hungary, Slovenia and Lithuania).⁶⁴

The first and most important criterion that a TCN must meet to be able to vote is that of permanent residence. The Act on the Residence of Aliens⁶⁵ makes a distinction between three types of permanent residence: permanent residence of 5 years, permanent residence of unlimited duration, and TCNs who are long-term residents under EU law. Those who have already held 5-year permanent residence for four years, or children of TCNs with unlimited permanent resident status, can apply for unlimited permanent residence. TCNs who fall into any of these three categories meet the residence requirement for voting in municipal and regional elections.

The law on permanent residence has been subjected to significant criticism (Kusá 2013, 6). Although detailed, the rules regulating the granting of this status – as noted above, a necessary condition of having voting rights – allow significant room for official discretion, making it hard for migrants to know where they stand on the matter of entitlement. For example, the last of the grounds on which the 5-year status can be granted by a police department is “if this is in the interests of the Slovak Republic” (the others refer to spouses or dependents of Slovak citizens or TCNs with permanent resident status). Moreover, the “Common Provisions on Permanent Residence for Five Years and on Permanent Residence of Unlimited Duration” allow police departments to take into account a range of issues when deciding whether to grant permanent residence, such as public interest and public order, or the level of integration of a TCN into Slovak society. Provisions like these introduce a significant degree of official discretion, and thus applicant uncertainty, into the process of application for permanent residence status. Indeed, the high level of official discretion is one of the most commonly cited obstacles to the integration of migrants in the country. In MIPEX III, for example, it is noted that “discretionary Slovak procedures create more problems than in most countries”.

62 Constitutional Act No. 90/2001, amending and supplementing the Constitution of the Slovak Republic No. 460/1992 Col. [Ústavný zákon č. 90/2001, ktorým sa mení a dopĺňa Ústava Slovenskej republiky č. 460/1992 Zb. v znení neskorších predpisov].

63 The Slovak Republic is divided into 8 self-governing regions: Bratislava, Trnava, Trenčín, Žilina, Nitra, Banská Bystrica, Košice, Prešov.

64 See e.g. the website of the Slovak Human Rights League [Liga za ľudské práva] at: <http://www.hrl.sk/aktuality/diskusia-odbornikov-o-volebnom-prave-cudzincov-v-malmo>.

65 Act no. 404/2011 on Residence of Aliens [Zákon č. 404/2011 Z.z. o pobyte cudzincov, v znení neskorších predpisov.]. An English-language version is available here: http://www.minv.sk/swift_data/source/policia/hranicna_a_cudzinecka_policia/pravne_predpisy/zakony/ACT%20No%20404-2011%20on%20Residence%20of%20Aliens%20and%20Amendment%20and%20Supplementation%20of%20Certain%20Acts.pdf.

Those TCNs that meet the residence requirement are entitled to vote in municipal and regional elections, subject only to the same conditions as Slovak citizens. These conditions are the same for both types of elections.⁶⁶ Firstly, the individual in question must be at least 18 years of age on the day of the election.⁶⁷ Secondly, they must not have had their freedom of movement temporarily restricted on public health grounds.⁶⁸ Thirdly, they must not be in prison⁶⁹ (no individuals serving custodial sentences can vote in municipal or regional elections.⁷⁰ This was also the case for National Council and European Parliament elections until 2009, when this ban was struck out as unconstitutional. At present, only those sentenced for certain serious crimes are unable to vote at the national and European level).⁷¹ Lastly, they must have full legal capacity.⁷²

The conditions for eligibility to stand for election in municipal or regional elections are more or less the same: the individual in question must have the right to vote in the relevant election, and must not be serving a custodial sentence or lack full legal capacity (those who have had their freedom of movement temporarily restricted on public health grounds may still stand).⁷³ To be a candidate in regional elections, or to become mayor of a municipality (or in the case of the cities of Bratislava and Kosice, mayor of a City District), the same conditions apply, with that added condition that the individual in question must be at least 25 years old.⁷⁴

Migrants have some further, albeit often limited, political rights in Slovakia. The right to assembly and association are guaranteed by Article 28 and 29 of the Slovak Constitution⁷⁵ and can often provide a more effective way for migrants to influence political affairs on all levels. However, at present only citizens can establish or become members of political parties.⁷⁶ According to Article 3 of the Act no. 85/2005 Col. on Political Parties and Political Movements,⁷⁷ only citizens of the Slovak Republic over 18 years

66 For municipal bodies, see Act No. 346/1990 Col. on Elections to Municipal Administrative Bodies (as amended) [Zákon č. 346/1990 Zb. o voľbách do orgánov samosprávy obcí, v znení neskorších predpisov] §2. For regional elections, see Act No. 303/2001 Col. on Elections to Regional Self-Governing Bodies [Zákon č. 303/2001 Z.z. o voľbách do orgánov samosprávnych krajov, v znení neskorších predpisov] §2. The text of §2 in each of the Acts is more or less identical.

67 See §2(1) of both Acts, *ibid.*

68 See §2(2)(a) of both Acts, *ibid.*

69 See §2(2)(b) of both Acts, *ibid.*

70 "Volit' môžu len obvinení a nie odsúdení väzni", *Teraz Slovensko*, November 13, 2013, <http://www.teraz.sk/slovensko/voliby-vuc-odsudeni-vazni/63284-clanok.html>.

71 *Nález Ústavného Súdu Slovenskej Republiky sp. zn. PL. ÚS 6/08 z 11 februára 2009*. See also e.g. Isobel White, 'Prisoners' Voting Rights', *Standard Note SN/PC/01764*, September 7, 2011, 46–47, <http://www.parliament.uk/documents/commons/lib/research/briefings/snpc-01764.pdf>.

72 See §2(2)(c) of both Acts, *supra* n. 89. There is a further restriction for individuals doing particular kinds of military service in §2(2)(d) of both Acts, though this is not of particular relevance in the context of TCNs.

73 See Article 3 of both Acts, *ibid.*

74 See Article 4 of both Acts, *ibid.*

75 Constitution of the Slovak Republic No. 460/1992 Col. [Ústava Slovenskej republiky č. 460/1992 Zb. v znení neskorších predpisov].

76 Article 3, Act No. 85/2005 Col. on Political Parties and Political Movements, as amended [Zákon č. 85/2005 Z.z. o politických stranách a politických hnutiach, v znení neskorších predpisov].

77 Zákon č. 85/2005 Z.z. o politických stranách a politických hnutiach, v znení neskorších predpisov.

of age who are permanently resident in the country (and have full legal capacity) can vote and be elected to the bodies of a political party or be members of the preparatory committee or any statutory body of the party. Further, in Slovakia, only citizens can vote in presidential⁷⁸ or national parliamentary elections,⁷⁹ or in national referenda.⁸⁰ Only Slovakian⁸¹ and EU citizens⁸² have the right to vote or to be elected in European Parliamentary elections.

Lastly, some particular restrictions on the freedom of association of one particular religious grouping are worth noting. Islam does not currently feature on the list of officially recognised faiths within the Slovak Republic – this limits, for example, the rights of Muslims to create community organisations, and apply for grants for cultural events, etc. Registration of Islam as an officially recognized faith would require 20,000 signatures. Given the low overall numbers of migrants in Slovakia in general, this arguably constitutes indirect discrimination, at least, with regard to the political rights of Muslims in Slovakia.

6.5. Social and political aspects of enfranchisement of third country nationals

Despite the fact that Slovakia has enshrined the right to vote of TCNs in its national constitution, it is an issue that has received almost no attention from politicians, the media, or the general public. This should not be surprising, given the extremely low profile of migration-related issues in the country in general. One recent report, focusing on the level of public and political debate in relation to migration in 2013 (the year of the most recent regional elections) put the matter somewhat bluntly: “In the debate prior to the elections, the issues of migration and asylum simply did not resonate at all, even in the two regions with the highest numbers of foreigners – Bratislava and Košice. None of the candidates... paid any attention at all to issues of migration or foreigners” (Bachtíková *et al.* 2014, 15).

Although some parties, most prominently those of the centre-right and those that

78 Act No. 46/1999 Col. on Mode of Election of the President of the Slovak Republic, as amended. [Zákon č. 46/1999 Z.z. o spôsobe voľby prezidenta Slovenskej republiky, v znení neskorších predpisov].

79 Act No. 333/2004 Col. on Elections to the Slovak Parliament, as amended. 333/2004 Z.z. [Zákon č. 333/2004 o voľbách do Národnej rady Slovenskej republiky, v znení neskorších predpisov.]

80 Act No. 564/1992 Col. on the Mode of Execution of Referendum, as amended. [Zákon č. 564/1992 Zb.o spôsobe vykonania referenda, v znení neskorších predpisov]

81 Slovak citizens who are 18 or older have full legal personality and are either permanently resident in Slovakia or present in the country at the time of the election can vote and/or stand in European parliamentary elections. See Article 2, Act No. 331/2003 Coll. on the Elections to the European Parliament.

82 Pursuant to Article 2, Act No. 331/2003 Coll. on the Elections to the European Parliament, [Zákon č. 331/2003 o voľbách do Európskeho parlamentu] a EU citizen is entitled to vote in the European parliamentary elections on the territory of the Slovak Republic provided he/she fulfils the following criteria: is at least 18 years old on the polling day, holds a permanent residence permit in the Slovak Republic, and has not been deprived of the right to vote in the Member State of his/her origin. EU citizens who are at least 21 years old, permanently resident in Slovakia and of full legal capacity, and who are not serving a prison sentence or have not otherwise been deprived of the right to stand in Slovakia are eligible to be elected as representatives to the European Parliament.

focus on national minority issues,⁸³ are beginning to explicitly address migration-related issues in general in their election materials, particularly at the national level, this remains a largely superficial engagement (see Kusá 2013). The more specific question of the voting rights of TCNs appears simply to have become a non-issue since its introduction in the constitutional amendment of 2001. This is in part due to the general low level of interest in migration issues in Slovakia, but in part due also to the fact that those elements of the extension of enfranchisement to TCNs that were controversial have become separated from it thanks to EU accession in 2004.

The amendment to Article 30 of the Slovak Constitution in 2001 was in fact only one small element of a major constitutional overhaul undertaken by a coalition of centre-right parties during their first period in power following the separation of Slovakia from the Czech Republic. The 2001 amendment brought about the largest constitutional change to date, and was driven in large part by Slovakia's bid to join the European Union. A further reason was that the parties of the then-governing centre-right coalition had been against the creation of an independent Slovak state in 1992, and had thus refused to participate fully in the constitutional process at that time. They thus saw their time in government as an opportunity to reauthor the constitution to reflect their own interests and aspirations, "rehabilitating" their initial opposition to an independent Slovak state in the process (Chovanec 2003). The enfranchisement of TCNs was one of one hundred and sixty-seven changes to the constitution introduced by Constitutional Act No. 90/2001. Even at the time, it does not appear to have been a particularly controversial one. Moreover, while some elements of controversy remain, these no longer have anything to do with TCNs.

More than two weeks of parliamentary debate were held over the raft of amendments, and involved 113 Members of Parliament, who between them made 1411 oral interventions. Of these, this research has been able to identify only four that focused on the change to Article 30 in any detail. The amendment was proposed by a member of the SMK, then the main party of the Hungarian national minority in Slovakia. Two contributions are worth noting here. One from J. Cuper of HZDS (at the time the main opposition party), and the other from V. Oberhauser, for the Slovak National Party (SNS). Both argued strongly against the amendment. Cuper claimed that the proposed amendment would discriminate against Slovak citizens by allowing foreigners to vote on their affairs, and that only citizens should have the right to decide about matters of public interest. He also suggested that it was an unnecessary and premature attempt to match

83 Rovny suggests that the best predictors of political support for migration issues in Eastern Europe are a centre-right outlook and a focus on national minorities. Slovakia provides some support for his hypotheses, but by no means unambiguously. For example, Rovny suggests that the intensity of interest in migration issues will track the intensity of engagement in national minority politics, but this is simply not borne out in the Slovak context, in which debates surrounding two national minorities – the Hungarians and the Roma – are amongst the most intense that exist in the country (see Rovny 2014).

EU standards in this context, and that allowing foreigners to vote would risk increasing corruption amongst local politicians, who could in effect trade residence permits for votes. Oberhauser criticised the proposed amendment for having being tabled at the last minute, without allowing time – unlike with the other amendments – for sufficient discussion or reflection, and insinuated that the real goal of the amendment was to flood Slovak villages and regional bodies with Hungarian voters and citizens. He also worried explicitly, and with racist overtones, about the types of people the amendment might encourage to come to Slovakia. He supported this with an anecdote from “real life”, in which some citizens requested permanent residence for a newly arrived “member of their tribe”. When the official they were asking hesitated, Oberhauser claimed, the discussion was continued at knifepoint.⁸⁴

Thus, the constitutional enfranchisement of TCNs appears to have been driven by a desire to increase the attractiveness of Slovakia’s application for EU accession, and perhaps also by those concerned for the situation of the Hungarian national minority in the country. It does not appear to have elicited much comment in absolute terms; and where it has, the most controversial aspect seems to have been again the Hungarian question. While, as noted above, this remains very much a live political issue in Slovakia, accession to the EU has divorced it from the question of the voting rights of TCNs. When the Constitutional amendment was passed in 2001, Hungarian citizens living in Slovakia were of course TCNs along with all other foreigners. However, with the accession of both countries to the EU in 2004, they became Union citizens. The controversy over how to deal with Hungarian citizens in Slovakia is no longer part of the question concerning which rights ought to be extended to TCNs.

In terms of actual uptake of the voting rights discussed above, there is relatively little in the way of detailed quantitative data available. There is as yet no in-depth qualitative research on the impact this may have had either on migrants themselves, or on their abilities to shape the normative world around them.⁸⁵ Moreover, those migrants who have been fully integrated – that is, those who have successfully applied for citizenship – tend not to be represented as migrants in the statistics available, meaning that even these might give a misleading picture. There have been some newspaper reports that have sought, anecdotally, to gauge migrants’ interest in exercising the voting rights that

84 MP V. Oberhauser during the parliamentary debate on 22 February 2001, available at: <http://www.dotankoch.sk/talk/display/31175?escape=false>. [*“A zároveň by som chcel povedať niekoľko príkladov zo života, aby sme zase si to ilustrovali, čo sa môže diať v takýchto prípadoch. V istej obci, pre bezpečnosť starostu ju nebudem menovať, prišla skupina občanov za pani starostkou na obecný úrad a žiadala, aby ich novopristahovaného spolupatričného súkmeňovca zapísala na trvalý pobyt. Keďže sa zdráhala, jeden z nich vytiahol nôž a potom, samozrejme, bola veľmi rýchla”*].

85 The Human Rights League in Slovakia is currently engaged in a research project that covers a range of issues that are discussed in this report; unfortunately, the results of this were not publicly available at the time of writing. Project is entitled “Fostering political participation and policy involvement of immigrants in 9 Central and Eastern EU countries”, was funded by the EU, and is being carried out from November 2013 to April 2015 under the lead of the Organization for Aid to Refugees (Czech Republic). More information is available at: <http://www.hrl.sk/aktuality/diskusia-odbornikov-o-volebnom-prave-cudzincov-v-malmo> (Slovak language) and <http://www.opu.cz/en/article/297> (English language).

they have in, for example, regional elections. Those whose views are reported tend to be fairly positive regarding their intention to vote, and on the potential impact this could have (Gyarfašová 2013). As an example, one Japanese citizen with permanent residence reflected his strong interest in the upcoming elections, and his intention to vote in them: “Even though I am not a citizen of the country, I am an inhabitant. And therefore I am not indifferent towards the local elections” (Ibid.).

However, it is impossible to tell from a newspaper report just how representative this view is. At the last regional elections, over 56,000 foreign migrants were entitled to vote, but no statistics are available indicating how many did so. When the Slovak Information Press Agency (SITA) released figures for the numbers of foreigners with permanent residence living in different areas of Slovakia, a glut of articles appeared in the local and regional press with titles like “Foreigners can also vote in the August elections”. However, these near-identical pieces (often, indeed, they simply republished the same press release) were very short and consisted of nothing more than a recounting of the figures released by SITA, with prominence given to the area in which the story appeared, and a reminder of the administrative details of the election (see Šuhajda 2013).

Further confirmation of the general political disinterest and lack of engagement in questions of immigrant participation in public life on municipal and regional levels can be found in a recent study entitled “Migrants in the City: Present and (In)Visible” [*Migranti v meste: Prítomní a (ne) viditeľní*], prepared by the Centre for the Research of Ethnicity and Culture [Centrum pre výskum etnicity a kultúry – CVEK] and the Institute for Public Issues [Inštitút pre verejné otázky – IVO]. The study analyses the integration of migrants in three different municipalities – the towns of Senec (just outside Bratislava), Nové Mesto (a part of Bratislava), and Prievidza. While in the last of these, the issue of migrants’ political participation simply did not feature at all in the report, in the former two certain aspects thereof were discussed with representatives of municipal councils; and the results of these interviews reflect the overall general situation in Slovakia discussed above. To date, in Senec, the presence of migrants and their political potential has not been reflected in the official documents of the municipality whatsoever. This is likely a direct consequence of the lack of any research from the relevant authorities on migrant participation in municipal or regional elections, or on other possible indices of their interest in local politics. Moreover, no migrant has ever been elected to the Town Council; indeed, no migrant has ever stood in such an election (Hlinčíková *et al.* 2014, 47).

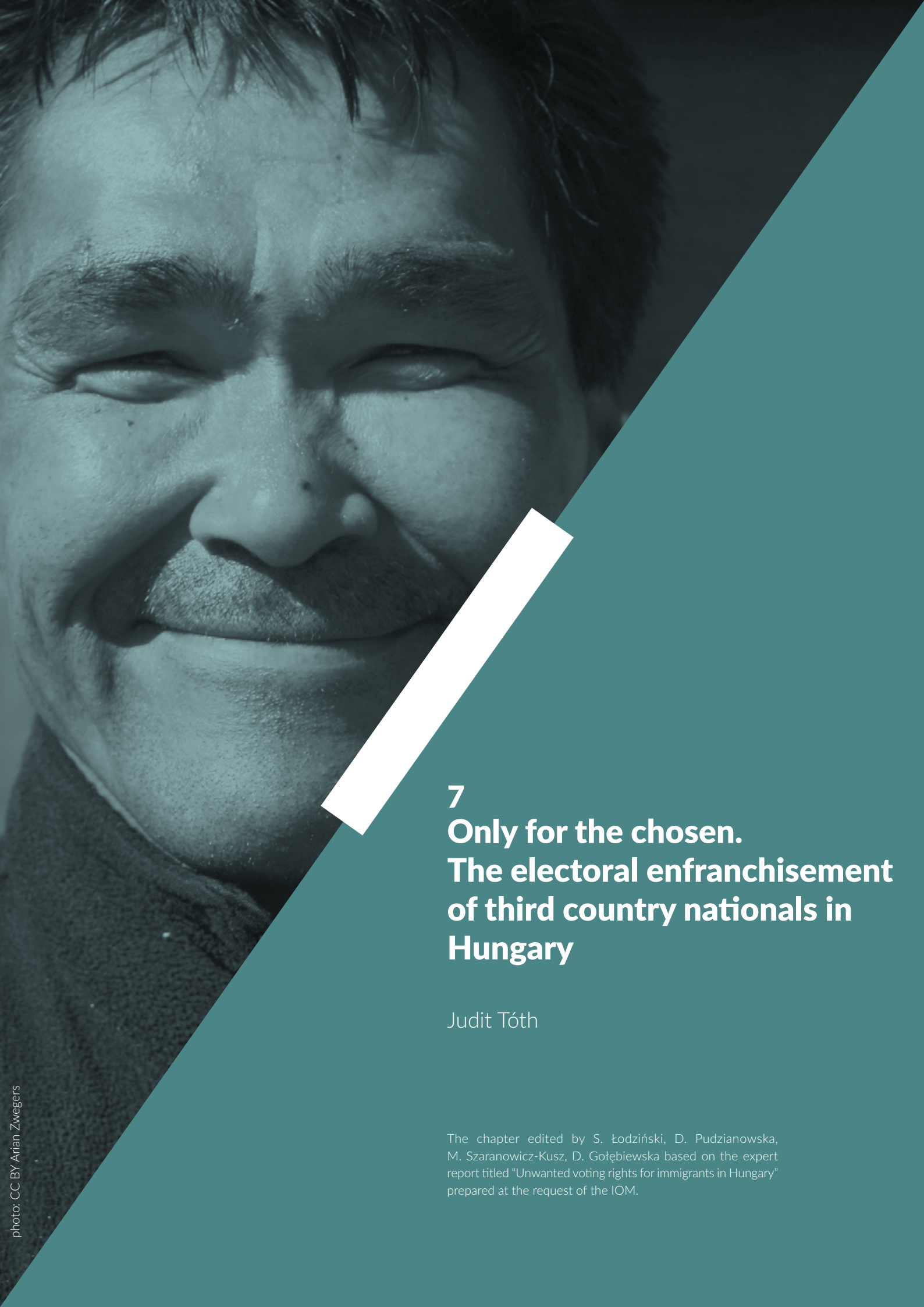
However, it seems possible that this disinterest may be mutual. Migrants themselves seem to be doing very little to accelerate their integration, at least in terms of their participation in public life. The majority of the respondents in the above study reported that they do not pay any specific attention to public affairs and have never voted in

municipal elections; nor were they able to provide any suggestions on how to improve their integration into the municipality (or region) (Ibid., 47–48).

These lax attitudes to improving the level of migrants' political participation were confirmed again on both sides (local administration and the representatives of migrants) during the interviews with residents of Bratislava's Nové Mesto district. Moreover, in this context the general attitudes towards granting rights to minorities again came across. The overall perception is that the granting of rights to a minority group is usually a zero sum game; that is, it automatically means restricting the activities of, or discriminating against, the majority group. Many councillors interviewed in the study were of the opinion that migrants should possess rights only to the extent that those of the majority are not thereby restricted (Ibid., 98).

6.6. Conclusion

Slovakia is unusual in the region of Eastern Europe in that it has granted TCNs the right to vote in municipal and regional elections. Indeed, it has gone so far as to enshrine this right in its Constitution. This means that it can only be amended by a three-fifths majority in the National Council. Slovakia thus provides – and protects – a significant platform for migrants with permanent residence to make their voices heard. What evidence is available suggests that this is appreciated by many. The major lesson to be drawn from the Slovak experience, however, is that securing the right to vote on paper is not the end, but only one step on the path to facilitating the integration of migrants. As the score given by MIPEX III in terms of “implementation” indicators, and the story of the process of accession to the 1992 Convention on the Participation of Foreigners in Public Life at Local Level, amply demonstrate, simple political commitment to adopting measures is not enough. Continued vigilance and monitoring is required to ensure that general pronouncements and aspirational commitments are, firstly, translated into more concrete and readily achievable action points; and secondly, that real action is taken to translate these effectively into practice.



7 Only for the chosen. The electoral enfranchisement of third country nationals in Hungary

Judit Tóth

The chapter edited by S. Łodziński, D. Pudzianowska, M. Szaranowicz-Kusz, D. Gołębiewska based on the expert report titled "Unwanted voting rights for immigrants in Hungary" prepared at the request of the IOM.

7.1. Introduction

Hungary has considered and declared itself a transit country for at least two decades. The size of its resident foreign population in 2001 was about 110,000 and the following census in 2011 showed 143,000 resident non-nationals, including 60,000 third country nationals (3,000 refugees and protected persons, 35,000 fixed residence and labour permit holders and 22,000 long-term migrants with permanent residence permits). TCNs residing in Hungary have higher average income, education and age than local population because the entry and residence conditions of self-sufficiency, employment, stable life and accommodation have been strictly controlled by the authorities (Tóth and Sik 2014).

The outflow of Hungarian workers is growing while immigration is marginal for skilled workers, refugees and foreign students. Ethnic Hungarians are the most important migrant group in Hungary within the framework of the kin-state policy pursued by Hungary. Other minority groups originate mainly from Germany, Russia, China and the USA (Tóth 2009).

7.2. Legal framework for immigrants' political participation in Hungary

Hungary has become a receiving country that provides the right to vote and participate in democratic decisions (to a certain extent) for immigrants independently from migration waves or TCNs' political claims, and despite the fact that it is not a State Party to The European Convention on the Participation of Foreigners in Public Life at the Local Level (1992). Trends in migratory movements cannot alone explain the tacit enfranchisement of immigrants. In fact, this may be attributed primarily to historic developments. There is a huge Hungarian diaspora – the result of both waves of emigration at the turn of 20th century, which saw millions of poor young males move overseas, and the approximately 200,000 emigrants that left the country in 1956 after the Hungarian Uprising and the Soviet invasion of Communist-ruled Hungary. In effect, the vast majority of immigrants coming to Hungary after the fall of the Communist regime have been ethnic Hungarians, who are not really perceived as “true” foreigners.

Resident immigrants are entitled to participate in local political life, with the right to vote in the election of mayors, members of local government representation bodies and in local referenda. Specifically, immigrants with open-ended residence permits (settled foreigners), have had active voting rights in local government elections since 1990.⁸⁶ Active voting rights for members of local government representation bodies and mayors have been in place for immigrants with open-ended residence permits within the Constitution since 1994 (when the immigration permit was introduced).⁸⁷ After accession to the EU (2004) these immigrants were re-named “third country nationals” with long-term

⁸⁶ Act LXIV of 1990

⁸⁷ Act LXI of 1994

(permanent) residence permits. Recognised refugees have had active voting rights for mayors and members of local government representation bodies since the amendment of the Constitution in 2004.⁸⁸ Recognised refugees and immigrants with open-ended residence permits can participate in local referenda.

Resident immigrants' right to association was provided in 1989–2011 with a small limitation (immigrants were prevented from becoming leaders or founders of associations) but the new Act on NGOs⁸⁹ extended this fundamental right to all resident foreigners. Moreover, support to community building from the NGO Fund is available for civil organisations of trans-border kin-minorities (Art 2). The right to establish and to lead political parties is not provided for TCNs. Only resident nationals and EU citizens are eligible to institute a political party and to hold office, if they have a registered address and voting rights in Hungary. Moreover, foreigners cannot financially contribute to political parties, according to the Act on Political Parties⁹⁰ (Art 2 (3) and 4). Even though TCNs cannot establish or lead political parties, they have the right to be members of parties.

7.3. The issue of immigration in Hungarian politics and public debate

Despite initiatives on public discourse on effective integration policy and proper immigration strategy, accompanied by limited integration activities stimulated by the UNHCR, IOM and EU through finance and international co-operation, the attention given to immigration has remained marginal. The fact that contemporary Hungarian society is relatively homogeneous and the great proportion of its immigrants and newly naturalised persons are derived from ethnic Hungarian communities determines current debates on migration to a large extent. Because of the cultural proximity of Hungarian immigrants, the state policy is primarily focused on further enfranchisement of this particular minority (and also on supporting the Hungarian diaspora in neighbouring countries) rather than on developing a clearly defined strategy of immigration and integration of all foreigners (Tóth 2010). Regardless of the negative labour supply and demand balance, neither the national strategic reform for years 2007–2013, nor the national reform programme for 2013 has dealt with national or foreign migrant workers.⁹¹ The *Migration Strategy*, passed in 2013 without much debate, failed to set up a coherent reception and integration system for immigrants.

Immigrants (and their interests) have been almost invisible in the media. If they do appear there at all, they tend to be mentioned in a negative context e.g. as criminals, the homeless, persons in need (Tóth and Sik 2014). Meanwhile, the level of xenophobia

⁸⁸ Act LXI of 2002

⁸⁹ Act CLXXV of 2011

⁹⁰ Act XXXIII of 1989 in a consolidated version

⁹¹ Új Magyarország Fejlesztési Terve: Foglalkoztatás és növekedés (2007–2013) [Governmental Development Strategy: Employment and Growth, May 2007], Magyarország 2013.évi Nemzeti Reform Programja [Governmental Reform Programme, April 2013].

in Hungary has risen from 15% to 40% since 1989 – this involves such forms of prejudice and authoritarianism as anti-Semitism, anti-Roma and anti-democratic sentiments or right-wing extremism. In this context, the high rate of anti-immigrant attitudes is not surprising. For instance, the European Social Survey (ESS 2010)⁹² shows that 52% of respondents believe immigrants have a negative impact on the economy, while only 22% believe the opposite. A prior ESS labelled Hungary as a country with *hostile attitudes to immigration* (Card et. al. 2005).

The absence of political and public debate on the inclusion of immigrants into the political community through extension of political rights can be put down to three factors: 1) decreasing immigration and severe growth of emigration; 2) enfranchisement of immigrants is a part of the kin-state policy because the overwhelming majority of immigrants have been ethnic Hungarians coming from the kin-minority across the borders; 3) involvement of European Union citizens to the voting and political community is a component of the *acquis communautaire*.

Despite the lack of political and public debate, the right to vote for TCNs has been ensured in contemporary Hungary. However, it remains only a formal right because it has not been connected to the integration policy or any anti-discrimination practice.

7.4. Social and political aspects of enfranchisement of third country nationals

The lack of relevant statistical data on the exercise of voting rights by citizens of other countries residing in Hungary is an issue which complicates the assessment of social and political consequences of migrant enfranchisement. In Hungary, the lists of voters, as well as the results of elections and referenda, are unified without being subgrouped by nationality. Thus, statistics on the political activity of immigrants are not known. There are some exceptions, however: the rate of EU citizens participating in EP elections was 0.07% in 2009 and the rate of foreigners taking part in municipal elections was 16% in 2010 (Göncz et al. 2010). According to the data available, formal participation in public matters (e.g. membership of political parties, trade unions, civil organisations, social movements) reached 27% and the informal activities of the population (e.g. signatures on petitions, participation in demonstrations, donations to NGOs) reached at least 25% in the last decade. However, both of these indicators are falling (Angelusz and Tardos 2005).

The *Localmultidem* survey (2008) shows that only ethnic Hungarians (native speakers) are active in local elections (about 70% participate). When the question “have you ever participated in elections in Hungary?” was asked in a survey in Budapest, 80% of ethnic Hungarians responded positively, as did 20% persons coming from Muslim backgrounds, and 3% from those of both Turkish and Chinese ethnic backgrounds.

Among the immigrants who are not ethnic Hungarians interest in public policy is

92 www.europeansocialsurvey.org/data/country.html?c=hungary

not especially common. Among the reasons for not voting, foreigners mentioned that they were not interested in political life, did not support the existing parties, and that they could not tell one party from another. For those who do, though, the data show that right-wing parties are preferred by ethnic Hungarians, Ukrainians and Muslims, while the other immigrant groups, such as the Chinese, Turkish and Vietnamese, prefer left-wing parties. There is a correlation between the intention to vote and to be naturalised, while immigrants expressing indifference to public policy are not interested in the acquisition of Hungarian citizenship – with the exception of the Chinese, who wish to acquire naturalisation without expressing any interest in elections and public life.

The *Immigrant Citizens Survey* (ICS 2012) provides comparative data from six countries and twelve cities with significant migrant populations. Given the lack of direct data, we may use indirect information from the migrant respondents in the survey made in Budapest. When asked whether they would vote if there was a general election tomorrow, 63% of TCN respondents said 'yes' (compared to 70–80% on average for the twelve cities shown in the survey). In the *European Values Survey*⁹³ (2008), 74% of the non-ethnic Hungarian immigrants in Hungary gave positive responses to the same question, while four years later the rate was below 50%. Almost 50% of the respondents would support MPs with an immigrant background (the European average was 75–80%). 3.7% of TCNs in Hungary claimed to be members of a trade union, a political party or other political group (with the rate reaching up to 4.5% in Budapest). Membership of political organisations was low: 2.2% in Budapest, while the rate for Hungary – as shown by the European Values Survey (2008) – was 0.6%. The average rate for membership in immigrant NGOs in the twelve cities was 50%, but in Budapest it was only 6%, while 27% of TCNs there claimed to have some knowledge of these NGOs.

The available data show that the political participation of immigrants is low, particularly among those of non-Hungarian ethnic background.

7.5. Conclusion

Due to decreasing immigration and heavy growth in emigration, discussion on the enfranchisement of third country nationals is marginal. The right to vote for resident foreigners is merely formal, in particular for those of a non-Hungarian ethnic background, and it has not been connected to integration policy, political liberties and anti-discrimination practice. Non-Hungarian immigrants are not interested in public matters and do not exercise their voting rights at the local level. The isolated voting rights can inspire neither intercultural acceptance of immigrants by the host society, nor genuine dialogue among stakeholders and representatives of immigrants. This is the main lesson from the Hungarian case.

⁹³ <http://www.europeanvaluesstudy.eu/>



8 **Concluding remarks**

Sławomir Łodziński
Dorota Pudzianowska
Marta Szaranowicz-Kusz

8.1. Key conclusions from social studies

As suggested by the relevant literature and contemporary studies, the political participation of foreigners with regular status remains in Europe an important and effective way of including settled immigrants into host societies. It speeds up their adaptation and develops a sense of responsibility for their place of residence and local community. States therefore take action to enable immigrants to express their needs and fears and to represent their political interests (European Modules on Migrant Integration 2014, 53). This provides an interesting perspective to look at the outcomes of our studies.

Arguments for and against the political participation of foreigners (including voting rights at the local level). Let us start by addressing the importance of the political participation of immigrants. Representatives of public administration and non-governmental organisations who were interviewed do not perceive the participation of immigrants as a major issue when compared to other integration challenges, primarily those connected with the legalisation of stay and the provision of foreigners with basic means for their independent, social functioning, in particular the opportunity to find legal work and housing. Additionally, the issue of foreigners' political participation is not a particular challenge for public administration because of the still small scale of immigration to Poland and the consistently low interest in public activities among members of immigrant communities.

According to non-governmental organisations and immigrant communities, the above rationale should be considered unjustified as it makes the award of certain rights conditional on a declared interest in such rights or a declared willingness to exercise them. The perspective of foreigners is also different: they argue that it is the Polish state that does not express an interest in their participation in public life. This is true in respect of both the state's support for immigrant organisations and the absence of a political integration policy. Foreigners also think that the state fails to notice the important potential of the "second generation" within immigrant communities who are currently developing aspirations of becoming a more active element in Poland's social and political life.

The question concerning the conditions for foreigners' participation in local elections has become an important problem, especially for members of public administration. It has been considered whether foreigners should first be naturalised, or whether they should be given rights to vote and stand in local elections regardless of their attempts to obtain the Polish citizenship. Representatives of immigrants admitted that some of them were not interested in becoming Polish nationals for sentimental and patriotic reasons, but nonetheless would like to be enfranchised at the local level. Moreover, according to the immigrants surveyed, the naturalisation process in Poland still remains less accessible and more restrictive when compared with similar procedures in other European countries. Consequently, each year of a foreigner's stay in Poland should result in them being granted a more extensive set of public rights. However, for public administration the

only “natural” threshold for awarding such rights to foreigners is still their naturalisation. However, there are public servants who consider the possibility of the simultaneous use of two integration avenues: naturalisation and the enfranchisement. The latter would be an incentive for foreigners and also a method of tightening their bonds with the host country and ensuring their further social integration.

We therefore consider important the finding that members of public administration have initially approved the de-coupling of the possibility of awarding foreigners some voting rights from them having the status of Polish citizen. This is an interesting conclusion, since the belief that further enfranchisement of foreigners would diminish the prestige and importance of the naturalisation process, or even debase the meaning of citizen status, is an argument often raised in public debate across Europe (Lesińska 2013, 93). The surveyed public servants did not express any concerns related to the lack of loyalty among foreigners’ towards the Polish state. Immigrants themselves emphasised that they manifested their loyalty on a daily basis, by permanently living in Poland, working in the country, paying taxes and taking part in the life of local communities.

Focused interviews allowed to determine that the single most important argument against enfranchisement of foreigners at the local level was the fear that immigrant communities would come to dominate local communities. This was said to be potentially detrimental to Polish cultural and religious values. Similar concerns were observed in the case study of the municipality of Lesznowola, where local councillors argued that enfranchisement might lead to foreigners (immigrants) “taking over power”, which could result in the needs of the native Polish local residents being neglected.

For public administration, institutional difficulties are also an important issue. According to some officials, any implementation of the reform of election laws is currently impossible due to the lack of proper legislative, executive and financial means.

On the other hand, the survey revealed that benefits flowing from local enfranchisement of immigrants were mentioned more frequently than respective concerns. According to the members of non-governmental organisations, the acquisition of voting rights does not only expand the area of individual freedom, but also creates among foreigners a sense of responsibility for their host country – in other words, enfranchisement enables immigrants to become “hosts” themselves. Supporters of voting rights for foreigners argued that – in the spirit of democracy – this group should be given the right to decide about the place they chose as their residence. According to NGO activists, the enfranchisement of foreigners could indeed constitute an incentive for them to come and stay in Poland, and subsequently to develop bonds with their local community. All our interviewees noted that the presence of foreigners in local elections and in local government would enable them to draw attention to the problems they face. Such enfranchisement would not lead to a change in the local authorities; instead it would result in the recognition of immigrants as an important stakeholder group whose voice should be heard.

Electoral enfranchisement would be especially important for the second-generation – immigrant children who have passed through the Polish education system, fully integrating with their local communities in the process. For this generation, fluent Polish speakers, the political and social scene has already opened up.

Finally, the advantages and concerns brought up by our interviewees in relation to foreigners' participation in local elections (or, more broadly, their local political participation) should be once more confronted with those presented nowadays in topical debates held across Europe. Here, the democratic value of the very participation of foreigners in public life has been emphasised. This argument has been raised in particular by members of immigrant communities and NGO activists, who also add that this may be an effective mechanism for foreigners' adaptation to, and functioning in, Polish society, the latter being a perspective more shared by public administration. Virtually nobody brought forward the argument that electoral enfranchisement may be a step on the path to acquiring Polish citizenship (naturalisation). The issue of the second-generation immigrants has remained a "Poland-specific" argument. As regards concerns, the study revealed a range of "imaginative" arguments relating to the possible cultural domination by immigrants, in part generated by media reports on integration problems that appear in other countries. Still, in practice, just in the case of the Lesznowola municipality, the suggestion of enfranchising foreigners at local elections was rejected by a group of the interviewees (local councillors) who feared the appearance of a competitive and disciplined group of "other" voters.

The arguments presented for and against the electoral participation of foreigners were, as a rule, similar to those currently used across Europe. Yet Poland's general migration situation, characterised by a low number of migrants settled in the country, remains a decisive factor, although there may be a discrete number of municipalities and local communities in which the problem becomes more clear and of practical importance.

Public opinion approach. The findings of a national survey on the political participation of foreigners in Poland must also be regarded as important. The Poles participating in the survey declared a high and uniform acceptance for the participation of foreigners legally residing in Poland in various aspects of public life. According to the respondents, a foreigner deserves local voting rights if they fulfil legal and territorial requirements (if they respect the laws of the political institutions of Poland and receive Polish citizenship) and learn Polish culture (including the Polish language). The Catholic faith and "white" skin colour appeared to have been the least important features.

Analysis also showed the presence of two prevailing mindsets concerning the issue of participation of foreigners in local elections. The first one refers to cultural criteria (a foreigner has to feel Polish, speak Polish, know our cultural customs and be "culturally similar to us"), while the second one focuses on legal and territorial criteria connected

with the length of a person's stay in Poland. The presence of these two outlooks was also visible in the focused and individual interviews conducted in the Lesznowola municipality.

The discussed findings of the survey therefore indicate the positive response of public opinion in Poland to the political activities of foreigners and their participation in local elections. They also show that Polish society increasingly more often views the foreigners settled in Poland from the legal and territorial rather than cultural perspective. Moreover, the survey reveals a strong relationship between the degree of positive response to foreigners' participation in public life and interviewees' general approach (either positive or negative) towards the prospect of immigrant presence in Poland.

8.2. Social problems related to the enfranchisement of third country nationals at the local level

The introduction of voting rights for third country nationals should be considered in the context of Poland's present immigration situation, since the obtained research findings suggest that such enfranchisement will not cause any widespread social protests or become a political topic exploited by more populist political groupings. The experience of Ireland, a country where the local enfranchisement of foreigners took place many years before a surge in immigration and has never caused any controversy, testifies to the benefits of this solution. Slovakia and Hungary, for their part, are enlightening examples of states where the enfranchisement of immigrants was more related to international politics and the status of the nations' "own" diasporas in neighbouring countries than to a search for a solution to the problem of immigrant integration. In consequence, the experiences of these countries show that the enfranchisement of third country nationals will translate into their broader participation in public life only if accompanied by well-thought out supporting actions. In the absence of such actions, the enfranchisement laws will remain defunct instead of becoming a measure for political integration.

In the Polish context, the introduction of such voting rights would be a response to the raising of political awareness of certain immigrant circles, which have been closely connected with Poland and Polish local communities for more than a decade but express no interest in naturalisation for sentimental and patriotic reasons. Enfranchisement would be an important gesture for the second-generation immigrants – immigrant children, born or raised in Poland, and who have passed through the Polish education system.

Respondents note that Poland may sign and ratify the Council of Europe's 1992 Convention on the Participation of Foreigners in Public Life at Local Level, but expect a clear political stimulus for this to be the case. A number of sources of such stimulus were named: foreign communities themselves, local authorities and the Human Rights Defender.

The introduction of new electoral solutions would also require addressing the above-mentioned obstacles to the political participation of TCNs. According to the respondents, new electoral regulations should be accompanied by an educational and informational

campaign, designed both for immigrants and local communities in which they live (such as the municipality of Lesznowola). The objective of the campaign would be to alleviate social concerns connected with the reform of election laws. As the research shows, such concerns are, to a significant extent, the result of respondents being unaware which foreigners would have the right to vote. Therefore, a special information campaign should be launched to raise their awareness of the fact that voting rights are available.

More active educational activities should also be considered. They may include initiatives like voluntary courses in civic education or advanced classes in Polish for immigrants who hold the right to vote. Furthermore, a number of actions may be taken in order to increase immigrants' participation in public life in Poland at the level of local consultative processes, and in elections (if and when the new law is adopted and enters into force). Such actions may be performed by non-governmental organisations as part of delegated public initiatives, but also within the framework of EU programmes.

8.3. Legal problems related to the electoral enfranchisement of third country nationals at the local level

There are no legal obstacles to, and especially no constitutional issues affecting, the signing and ratifying the 1992 Convention on the Participation of Foreigners in Public Life at Local Level. This view is supported by arguments raised in the judgement of the Polish Constitutional Tribunal in case no. K 18/04. Although the decision referred to EU citizens and their right to participate in local elections, the Tribunal's line of reasoning was of a more general character. The Tribunal held that the provision regarding voting rights of Polish citizens cannot be understood in such a way that if a right is granted to a Polish citizen, it cannot be further granted to citizens of other states. Constitutional Tribunal went on to argue that the membership of a self-governing community is decided on the basis of a place of residence and in relation to local elections, it is not solely the exercising of the sovereign rights of a Nation that is at play, but also the exercising of rights of a community of inhabitants – the basic building block of local self-governance whose members are all inhabitants of a given self-governing unit. Further to this, it should be stressed that different legal regulations for foreigners who are EU citizens and third country nationals is dubious in view of the prohibition of discrimination set forth by Art. 32(2) of the Polish Constitution.

The award of voting rights to TCNs does not require any changes in the Constitution and could take place through the introduction of amendments to the Electoral Code of 5 January 2011. As suggested, a minimum version of the reform would be to grant to third country nationals the same voting rights as those enjoyed by foreigners who are EU citizens. In order to do this, Art. 10(1)(3)(a) of the Electoral Code should be changed in such a way that the right to vote and to be elected in municipal council elections and the right to vote in mayoral elections is granted not only to "a Polish citizen or a citizen

of the EU who is not a Polish citizen, who, on the day of the election at the latest will attain 18 years of age and who permanently resides within the territory of the given municipality”, but also to a foreigner from outside the EU, who has resided legally and continuously within Poland for a minimum of five years (it would be possible to introduce restrictions here regarding a foreigner’s residence title, e.g. possession of a permanent residence permit, long-term resident’s EU residence permit) and resides permanently within the territory of a given municipality. The above mentioned amendment to the wording of Art. 10(1)(3)(a) of the Electoral Code will result in granting to third country nationals the right to participate in municipal referenda.

It is to be expected that the potential signing and ratification of the Convention on the Participation of Foreigners in Public Life at Local Level would be met with resistance on the part of some politicians, as has been shown to date with the questioning of voting rights of foreigners who are EU citizens before the Constitutional Tribunal. Proper substantive preparation for the discussion on the proposed changes is therefore crucial.

Serious consideration needs to be given to the proposal to abolish the limitation of a foreigner’s right to become members of political parties (and those regarding their participation in the financing of parties and voting committees) and to create societies. This is a necessary element in making foreigners politically more active. In order to do this, Art. 2(1) of the Political Parties Act would need to be changed so that not only Polish citizens aged 18 or over have the right to be members of political parties, but also specific categories of foreigners (EU and third country nationals who comply with the requirements on the length of legal and continuous residence). Article 4 of the Societies Law Act should also be amended so that the right to create societies be available to all foreigners, and not only those residing in the territory of Poland.

In summing up this presentation of our research and its findings, we would like to make another reference to Magda Lesińska’s important paper on the political inclusion of immigrants in contemporary Europe. As she wrote in the final part of that paper, “Poland will soon face similar dilemmas related to its transformation into an immigration country ... in developing one’s own model of immigrant inclusion, one should more than ever look at the path taken by other countries and analyse solutions existing there, so as to prevent migrants from becoming an excluded and marginalised group, a source of conflict and division, and make their presence a positive element that brings a value to our reality” (Lesińska 2013, 195). We hope that this publication will play its part in developing such an approach.



About the authors

Piotr Dworzański A graduate and PhD student of the Institute of Sociology at the Philosophy and Sociology Department, University of Warsaw. A member and Secretary of the Chair of General Sociology. He specialises in the sociology of migration and queer sociology.

E-MAIL pdworzanski@gmail.com

Sławomir Łodziński PhD, Associate Professor of the Institute of Sociology, University of Warsaw. The main areas of his professional interests are the sociology of ethnicity, protection of the rights of national and ethnic minorities in Poland, state policy towards minorities and foreigners (immigration policy), as well as the issues of multiculturalism.

E-MAIL s.lodzinski@uw.edu.pl

Justyna Pokojka A sociologist, PhD student of the Institute of Sociology and the Centre of Migration Research, University of Warsaw. She has been twice awarded a scholarship of the Minister of Science and Higher Education. Her main scholarly interests centre around the problems of cultural and ethnic minorities, relations in frontier communities, and revitalisation of regional cultures and languages.

E-MAIL pokojka@is.uw.edu.pl

Dorota Pudzianowska a holder of a PhD degree in law, sociologist, Assistant Professor at the Faculty of Law and Administration of the University of Warsaw. Since 2006, she has been collaborating with the Helsinki Foundation for Human Rights as the leader of a legal programme focusing on discrimination. In 2008-2012 she was a deputy member of the Board of the European Union Agency for Fundamental Rights (FRA). She is also an expert in the Council of Europe. Dr Pudzianowska is a laureate of the President of the Council of Ministers Prize for the Doctoral Dissertation and the F. Znaniecki Prize awarded by the Polish Sociological Association. She specialises in human rights law, administrative law and migration law. She is involved in a number of research programmes: she works with the European University Institute in Florence, Maastricht University and Wissenschaftszentrum Berlin für Sozialforschung and other scientific institutions.

E-MAIL d.pudzianowska@uw.edu.pl

Marta Szaranowicz-Kusz A holder of a PhD degree in sociology, Assistant Professor at the Institute of Sociology, University of Warsaw. Her primary professional interests are immigration and multiculturalism, as well as citizenship and civic participation. A co-founder and member of the Board of The Field of Dialogue Foundation (Fundacja Pole Dialogu), whose mission is to support the participation of citizens in public life and create means for a thorough public consultation and dialogue among citizens.

E-MAIL marta.szaranowicz.kusz@gmail.com

Dorota Anna Zielińska A sociologist and PhD student of the Institute of Sociology at the University of Warsaw. Society and marketing researcher, specialising in qualitative research methods. Her main research interest is in social inequalities, in particular issues of disability. She also scientifically explores the areas of the labour market and education, as well as cultural and ethnic minorities.

E-MAIL pracownia.zielinska@gmail.com



Bibliography

Bibliography

- „VIII spotkanie Krajowej Platformy Współpracy na rzecz Integracji” (2011), 18 April, Warsaw.
- „Aktywność społeczna Polaków” (2014), Warsaw: Centrum Badania Opinii Społecznej.
- Angelusz Róbert, Tardos Róbert (2005), „Választási részvétel és politikai aktivitás”, w: Angelusz Róbert i Tardos Róbert (eds.), „[Törések, hálók, hidak. Választói magatartás és politikai tagolódás Magyarországon]”, Budapest: Demokrácia Kutatások Magyar Központja Alapítvány.
- Bachtíková Ivana, Bergerová Zuzana, Gulčová Mária Grethe (2012), „Organisation of Asylum and Migration Policies in the Slovak Republic”, Bratislava: International Organization for Migration / European Migration Network, http://www.emn.sk/phocadownload/emn_studies/emnsk_study_on_organiz_of_migr_asylum_policy_sr_en_v-july-2012.pdf.
- Bauböck Rainer (2010), „Dual citizenship for transborder minorities? How to respond to the Hungarian-Slovak tit-for-tat”, <http://eudo-citizenship.eu/commentaries/citizenship-forum/citizenship-forum-cat/322-dual-citizenship-for-transborder-minorities-how-to-respond-to-the-hungarian-slovak-tit-for-tat?showall=&limitstart=>.
- Bellamy Richard (2008), „Citizenship – A Very Short Introduction”, Oxford: Oxford University Press.
- Blais André (2000), „To vote or not to vote? The merits and limits of rational choice theory”, Pittsburgh: University of Pittsburgh Press.
- Bodnar Adam, Płoszka Adam (2013), „Rozszerzenie czynnego i biernego prawa wyborczego w wyborach samorządowych na osoby nieposiadające obywatelstwa Unii Europejskiej”, *Samorząd Terytorialny* nr 9.
- Bodnár Eszter (2014), „A választójog alapjogi tartalma és korlátai”, Budapest: HVG-Orac Kiadó.
- Bodnár Eszter (2013), „A választójog az alkotmánybírószág gyakorlatában – az Alaptörvény hatályba lépése előtt és után”, *Alkotmánybírószági Szemle* 2, p. 93–108.
- Bozóki András (2013), „Access to Electoral Rights in Hungary”, San Domenico di Fiesole: EUDO Citizenship Observatory.
- Breen Michael, Haynes Amanda, Devereux Eoin (2006), „Citizens, loopholes and maternity tourists: media frames in the Citizenship Referendum”, w: Mary P. Corcoran i Michel Peillon (eds.), „Uncertain Ireland: A Sociological Chronicle 2003–2004”, Dublin: IPA.
- Card David, Dustman Christian, Preston Ian (2005), „Understanding attitudes to immigration: The Migration and the minority module of the first European Social Survey”, CREAM Discussion Paper, No. 03/05, pp. 45.
- Castles Stephen, Miller Mark J. (2011), „Migracje we współczesnym świecie”, Warsaw: Wydawnictwo Naukowe PWN.
- Chovanec Jaroslav (2003), „Novelizácia Ústavy Slovenskej republiky”, *Dotyky* 3–4, <http://www.dotyky.net/?p=1733>.
- „Dane Urzędu Gminy Lesznowola z I kwartału 2014 roku” (2014), Lesznowola: Urząd Gminy.
- Divinský Boris (2005), „Zahraničná migrácia v Slovenskej republike – Stav, trendy, spoločenské súvislosti”, Bratislava: Friedrich Ebert Stiftung.
- Divinský Boris (2007), „Slovakia”, w: Anna Triandafyllidou i Ruby Gropas (eds.), „European Immigration: A Sourcebook”, Farnham: Ashgate.
- „Dokument wykonawczy. Plan wdrażania dla dokumentu pt. *Polityka migracyjna Polski – stan obecny i postulowane działania* Wersja stanowiąca załącznik do uchwały Zespołu do Spraw Migracji z dnia 18 grudnia 2013r.”, (2013), Warsaw: Departament Polityki Migracyjnej MSW.
- „Dokument wykonawczy. Plan wdrażania dla dokumentu pt. *Polityka migracyjna Polski – stan obecny i postulowane działania*” (2014), Warsaw: Departament Polityki Migracyjnej MSW.
- „European Modules on Migrant Integration” (2014), Strasbourg: European Commission.
- „European Commission against Racism and Intolerance”, ECRI Report on Ireland (2013), Strasbourg: European Commission..
- Ejorh Theophilus (2006), „Inclusive Citizenship in 21st Century Ireland. What Prospects for the African Immigrant Community?”, Dublin: Africa Solidarity Centre.
- Fanning Bryan (2001), „Reluctant hosts: Refugee policy in twentieth-century Ireland”, *Administration-Dublin* 48 (4), p. 83–99.
- Fanning Bryan, Howard Kevin, O’Boyle Neil (2010), „Immigrant candidates and politics in the Republic of Ireland: racialization, ethnic nepotism, or localism?”, *Nationalism and Ethnic Politics* 16 (3–4), p. 420–442.
- Fanning Bryan, Mutwarasibo Fidele (2007), „Nationals/non-nationals: immigration, citizenship and politics in the Republic of Ireland”, *Ethnic and Racial Studies* 30 (3), p. 439–460.
- Fanning Bryan, Mutwarasibo Fidele, Chadamoyo Neltah (2004), „Negative Politics, Positive Vision: Immigrants and the 2004 Elections”, Dublin: Africa Solidarity Centre.
- Fanning Bryan, O’Boyle Neil (2010), „Immigrants in Irish politics: African and East European candidates in the 2009 local government elections”, *Irish Political Studies* (25), p. 417–435.
- Fanning Bryan, O’Boyle Neil, Di Buccianico Viola (2013), „Inclusive Politics for a Diverse Republic”, Dublin: University College Dublin i Forum Polonia.
- „Franchise and Electoral Participation of Third Country Citizens Residing in the European Union and of European Citizens Residing in Third Countries” (2013), Brussels: European Parliament.
- Gąsior Tomasz (2014), „Kontrola finansowania komitetów wyborczych. Zagadnienia prawnoadministracyjne”, unpublished PhD dissertation, Warsaw: University of Warsaw.
- Groenendijk Kees (2008), „Local voting rights for non-Nationals in Europe: what we know and what we need to learn”, Washington DC: Migration Policy Institute.
- Grzymała-Kazłowska Aleksandra (2012), „Paradoksy polskiej tolerancji. Postawy wobec mniejszości i imigrantów w Polsce na tle Europy”, w: Aleksandra Grzymała-Kazłowska (eds.), „Wartości i zmiany. Przemiany postaw Polaków w jednoczącej się Europie”, Warsaw: Wydawnictwo Naukowe SCHOLAR.

- Gsir Sonia (2014), *Civic Participation and Integration: A Country-of-Origin Perspective*, „INTERACT Research Report”, p. 1–22.
- Gyarfašová Soňa (2013), „Volit' do žúp môžu aj cudzinci s trvalým pobytom na Slovensku”, *sME*, <http://www.sme.sk/c/6999356/volit-do-zup-mozu-aj-cudzinci-s-trvalym-pobytom-na-slovensku.html>.
- Hammar Tomas (1990), „Democracy and the Nation State. Aliens. Denizens and Citizens in a World of International Migration”, Aldershot: Avebury.
- Hlinčíková Miroslava, Chudžíková Alena, Gallová Kriglerová Elena, Sekulová Martina (2014), „Migranti v meste: Pritomní a (ne) viditeľní. Centrum pre výskum etnicity a kultury”, Bratislava: Inštitút pre verejné otázky.
- Hughes Gerard, McGinnity Frances, O'Connell Philip, Quinn Emma (2008), „The impact of immigration”, Dordrecht: Springer Netherlands.
- “Handbook on Integration for Policy-makers and Practitioners” (2007), Strasbourg: European Commission, http://ec.europa.eu/ewsi/UDRW/images/items/docl_1214_371021031.pdf
- Każmierczak Tomasz (2013), „O czynnikach warunkujących partycypację publiczną i strategiach jej podnoszenia”, w: Anna Olech (ed.), „Partycypacja publiczna w praktyce. Dwa modele zwiększania uczestnictwa mieszkańców w podejmowaniu decyzji”, Warsaw: The Institute of Public Affairs.
- Kazmierkiewicz Piotr, Frelak Justyna (2011), „Political participation of third country nationals on a national and local level”, Warsaw: The Institute of Public Affairs.
- Kazmierkiewicz Piotr, Šeges Frelak Justyna (2013), „Partycypacja publiczna i prawa polityczne obywateli państw trzecich na szczeblu krajowym i lokalnym”, w: Justyna Šeges Frelak, Karolina Grot (eds.), „W poszukiwaniu nowych wzorów integracji cudzoziemców”, Warsaw: The Institute of Public Affairs.
- Katerinková Maria (2012), „Zahraničné sťahovanie a cudzinci v SR v roku 2011”, Bratislava: Štatistický Úrad SR.
- Kodaj Daniel, Dubová Alexandra (2013), An overview of the migration policies and trends – Slovakia, <http://www.migrationonline.cz/en/an-overview-of-the-migration-policies-and-trends-slovakia>.
- Kovács Mária, Tóth Judit (2009), „Kin-state responsibility and ethnic citizenship: The Hungarian case”, w: Rainer Bauböck, Bernhard Perchinig and Wiebke Sievers (eds.) „Citizenship Policies in the New Europe. Expanded and Updated Edition”, Amsterdam: Amsterdam University Press.
- Kusá Dagmar (2013), „Naturalisation Procedures for Immigrants: Slovak Republic”, San Domenico di Fiesole: EUDO Citizenship Observatory.
- Kymlicka Will (2009), „Współczesna filozofia polityczna”, Warsaw: Aletheia Wydawnictwo.
- Lamprianou Iasonas (2013), „Contemporary Political Participation Research: A Critical Assessment”, w: Demetriou Kyriakos (red.), „Democracy in Transition. Political participation in the European Union”, Berlin-Heidelberg: Springer.
- Lesińska Magdalena (2013), „Inkluzja polityczna imigrantów we współczesnej Europie”, Warsaw: Wydawnictwo Naukowe Scholar.
- “Local Authority Area Integration Initiatives (2005–2013)” (2014), Dublin: Integration Centre.
- “Local Elections 2004, Volume 1” (2005), Dublin: Department of Environment, Heritage and Local Government.
- “Localmultidem – Multicultural Democracy and Immigrants' Social Capital in Europe” (2007), <http://www.um.es/localmultidem/projectoutputs.php?type=R>.
- Lodder Gerrie (2012), „Voting rights in Europe”, Forum Institute for Multicultural Affairs.
- “Ludność, stan i struktura w przekroju terytorialnym. Stan w dniu 30.06.2013” (2013), Warszawa: Główny Urząd Statystyczny.
- Łodziński Sławomir, Grzymała-Każłowska Aleksandra (2011), „Koncepcje, badania i praktyki integracji imigrantów. Doświadczenia polskie w europejskim kontekście”, *Studia Migracyjne – Przegląd Polonijny*, nr 2, s. 11–39.
- Mac Cormaic Ruadhán (2009), „Reality check for immigrant election hopefuls”, *Irish Times*, <http://www.irishtimes.com/newspaper/ireland/2009/0615/1224248849432.html>.
- Maszkowska Agnieszka, Sztop-Rutkowska Katarzyna (2013), „Wprowadzenie”, w: Agnieszka Maszkowska, Katarzyna Sztop-Rutkowska (eds.), „Partycypacja obywatelska – decyzje bliższe ludziom”, Białystok: Laboratorium Badań i Działań Społecznych.
- McGinnity Frances, Nelson Jacqueline, Lunn Pete, Quinn Emma (2009), „Discrimination in Recruitment – Evidence from a Field Experiment”, Dublin: The Equality Authority and The Economic and Social Research Institute.
- Mutwarasibo Fidele (2012), „Diversity in Europe: The Challenge of Dealing with Third Country Nationals' Political Participation”, Warsaw: The Institute of Public Affairs.
- Messina Anthony M. (2009), „The Politics of Migration to Western Europe: Ireland in Comparative Perspective”, *West European Politics*, vol. 32.
- Modood Tariq, Meer Nasar (2009), „Multicultural Citizenship in Europe: The State We Are In. Working Paper (WP7)”, http://emilie.eliampep.gr/wp-content/uploads/2009/11/emilie_wp7_2009.pdf.
- Nowak Lucyna (red.) (2013), „Ludność. Stan i struktura społeczno-demograficzna. Narodowy Spis Powszechny Ludności i Mieszkań 2011”, Warsaw: Główny Urząd Statystyczny.
- O'Malley Eoin (2008), „Why is there no radical right party in Ireland?”, *West European Politics*, 31(5), p. 960–977.
- Okigbo Emmanuel (2012), „Immigrant Political Integration in Ireland: Unpacking the Puzzle”, Luxembourg: Consortium for Comparative Research on Regional Integration and Social Cohesion.
- Onyejelem Chinedu (2013), „Growing racism keeps immigrants out of Irish politics”, *Irish Times*, <http://www.independent.ie/irish-news/politics/growing-racism-keeps-immigrants-out-of-irish-politics-29489422.html>
- Pogonyi Szabolcs (2014), „Four patterns of Non-resident Voting Rights”, *Ethnopolitics*, nr 2, vol. 12, p. 122–140.
- “Polityka migracyjna Polski – stan obecny i postulowane działania” (2012), Warsaw: Departament Polityki Migracyjnej MSW.
- “Polityka migracyjna Polski. Zasady i rekomendacje (projekt)” (2013), Warsaw: Kancelaria Prezydenta Rzeczypospolitej Polskiej, Zespół ds. Rozwiązań w Zakresie Migracji i Polityki Migracyjnej.
- “Potencjał niezadowolonego społecznego – stosunek do różnych form protest” (2013), Warsaw: Centrum Badań Opinii Społecznej.
- “Praca cudzoziemców w Polsce” (2010), Warsaw: Centrum Badań Opinii Społecznej.
- Pudzianowska Dorota (2013), „Obywatelstwo w procesie zmian”, Warsaw: Wolters Kluwer.

- Radwan Arakadiusz (2005), "Wolność zrzeszania się cudzoziemców według prawa polskiego, wspólnotowego oraz postulatów polityki prawa", *Państwo i Prawo* z. 5.
- "Report on the Communication from the Commission on immigration, integration and employment from the European Parliament" (2003), Brussels: European Parliament.
- Rovny Jan (2014), "The Other 'Other': Party Responses to Immigration in Eastern Europe", http://www.rovny.org/Site/Publications_files/Rovny%20The%20Other%20Other.pdf.
- Rodríguez Cristina M. (2010), Noncitizen voting and the extraconstitutional construction of the polity, „International Journal of Constitutional Law” 8 (1), p. 30–49.
- Shaw Jo (2007), "EU citizenship and political rights in an evolving European Union", *Fordham Law Review* 75, p. 2549–2578.
- Smith Keller Carolyn (2012), "Imigranci jako zagrożenie: płeć a zróżnicowanie opinii elit politycznych", w: Włodzimierz Wesołowski, Kazimierz M. Słomczyński (eds.), "Tożsamość, zaufanie, integracja. Polska i Europa", Warsaw: Wydawnictwo Instytutu Filozofii i Socjologii PAN.
- Sokolewicz Wojciech (2005), "Komentarz do art. 58", Warsaw: Wydawnictwo Sejmowe.
- Starr Alexandra (2008), "Europe deals with immigration", *Slate*, http://www.slate.com/articles/news_and_politics/how_they_do_it/features/2008/europe_deals_with_immigration/ireland_transformed.html.
- "Štatistický prehľad legálnej a nelegálnej migrácie v Slovenskej republike", (2013), Bratislava: Úrad hraničnej a cudzineckej polície.
- Šuhajda Tomáš (2013), "Vo voľbách nerozhodujú len Slováci: V Humennom môže voliť aj 285 cudzincov", *Dnes24*, <http://humenne.dnes24.sk/vo-volbach-nerozhoduju-len-slovaci-v-humennom-moze-volit-aj-285-cudzincov-161963>.
- Terenzani Michaela (2014), "722 people lose Slovak passports due to controversial Citizenship Act", *The Slovak Spectator*, http://spectator.sme.sk/articles/view/52986/10/722_people_lose_slovak_passports_due_to_controversial_citizenship_act.html.
- "This Is Ireland: Highlights from Census 2011, Part 1" (2012), Dublin: Central Statistics Office.
- Tóth Judit (2010), "The Impacts of EU Enlargement on Nation-building and Citizenship Law", w: Elspeth Guild, Kees Groenendijk and Sergio Carrera (eds.), "Illiberal Liberal States – Immigration, Citizenship and Integration in the EU", Ashgate.
- Tóth Judit (2010), "Hungary – Country Report in Project on developing information for migrant workers through transnational trade union cooperation", March 20–21, Conference in Budapest.
- Tóth Judit, Sik Endre (2014), "Hungary", w: Anna Triandafyllidou, Ruby Gropas, (eds.), "European Immigration – A Sourcebook", Ashgate.
- Uziębło Piotr (2007), "Ustawa o referendum lokalnym. Komentarz do art. 3", Warsaw: LEX.
- Weinar Agnieszka (2006), "Europeizacja polskiej polityki wobec cudzoziemców 1990–2003", Warsaw: Wydawnictwo Naukowe Scholar.
- Wenzel Michał (2009), "Stosunek do obcokrajowców w Polsce", Warsaw: The Institute of Public Affairs.
- Williams Allan, Balaž Vladimír (2006), "What Human Capital, Which Migrants? Returned Skilled Migration to Slovakia From the UK", *International Migration Review* 39.
- "Współpraca drogą do integracji. Zalecenia dla polityki integracyjnej Polski" (2012), Warsaw: Ministerstwo Spraw Wewnętrznych – Międzynarodowa Organizacja do spraw Migracji.

