

## Asylum seekers as information providers in law-drafting

### Consultation pilot of individuals applying for a residence permit as minors

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This brief focuses on a sub-study of the SILE-research project, which examines the participation and promotion of participation of non-citizens, i.e., individuals without Finnish citizenship, in legislative drafting. The sub-study was conducted by way of a consultation pilot, which examined the views of non-citizens on the residence permit process as well as their consultation in the legislative process.

#### Policy recommendations:

**Individuals without Finnish citizenship should be consulted in the drafting of laws that concern them.** Consulting the target groups of a law can provide information which would not be possible to obtain through any means other than from these individuals themselves.

**Adequate time and resources should be allocated for the planning of consultation.** The method of the consultation should be selected according to the group being consulted. The young participants in the consultation pilot clearly preferred face-to-face consultation to other forms. However, when considering the form of the consultation, the diversity of the participants should be considered: suitable ways of participation may vary between groups and individuals.

**The composition of the groups being consulted should be carefully considered.** Particularly for women who have been in Finland for a shorter period, it might be difficult to participate in discussions in a group that includes men or strangers. The group size should also be relatively small, especially when using an interpreter. The interpreter should be someone who speaks the native language of the participants as their own native language, in the dialect of the participants.

**Creating a confidential atmosphere is essential for the success of the consultation.** The atmosphere can be built by emphasizing both anonymity in relation to the consulting party and the confidentiality of the discussion in relation to other participants. In both prior communication and the consultation, it should be stated clearly which organisation the person carrying it out represents. It should be made clear that this is a consultation, not, for example, an interview with the immigration authorities. Misconceptions may affect the willingness of participants to share their views and experiences.

**The purpose of the consultation and the effective influence of those consulted must be communicated clearly and openly.** The purpose of the consultation should be explained in a concise, plain-language document translated into the participants' native language, even if the participants speak Finnish. After the consultation, it is useful to revise how the views of the participants will be used and how the law-drafting will proceed.



## WHAT IS IT ABOUT?

According to the Finnish constitution, it is the duty of public authorities to promote individuals' opportunities to participate in societal activities and to influence decisions concerning them. The right to participate in decision-making processes that affect oneself is also guaranteed in international treaties (see, e.g., Hämäläinen 2021).

It is common for the impacts on people's everyday lives to be superficially or inadequately assessed in legislative proposals (Rantala 2019; Keinänen & Pajuoja 2020). In legislative drafting, it is essential to ensure that those whom the law being prepared concerns are consulted during the preparatory stage. By consulting the target groups of the law, it is possible to obtain information that could not be obtained by any means other than directly from those individuals themselves. A more comprehensive knowledge base makes preventing unforeseen harms caused by the laws possible. One of the objectives of the SILE-project is to develop approaches that can be applied to the consultation of 'silent agents'. In this context, silent agents refer to those who are excluded from the preparation of laws that concern them, and whose perspectives are not sufficiently taken into account in legislative drafting (Rantala 2022). Other silent groups, such as prisoners, have also been consulted in the SILE-project.

This sub-study examined how individuals without Finnish citizenship could be consulted in legislative drafting. The consultation pilot was planned, and its objectives discussed in collaboration with the ministry of the interior's legislators and a service designer.

The material for the study was collected through interviews, four of which were focus group interviews with 2 to 7 participants each, while one was an individual interview.

A total of 14 individuals participated in the study. The participants were young people between the ages of 15 and 22 who had come to Finland as minors. Some of the participants had come as quota refugees and some with a family member's residence permit. However, the majority had come alone and applied for and received international protection. The residence permit process of some participants was still on-going, but they had already gone through the asylum interview. Most of the participants spoke Finnish but there was an interpreter present in two workshops.

The participants were recruited through partners such as NGOs and educational establishments, who were given a short, plain-language research leaflet to distribute. The leaflet was translated into a few different languages and it described, for example, what would happen in the workshop and the subjects to be discussed.

The interviews were documented as carefully as possible with notes: in most workshops there was a person in addition to the interviewer whose job was solely to write down as much as possible from the discussions that took place.

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We tried to keep the focus groups small, and participants were invited to participate together with someone they know and trust if they so wished. The interviews were held in spaces that the participants would normally visit. Timelines, post-its, and picture cards were used in addition to verbal communication to describe and discuss the residence permit process. Snacks and drinks were available during and after the interview.

We asked the participants about their experiences of the residence permit process, the hearing during the residence permit process, and their suggestions for improving the residence permit process. We also asked for their thoughts on how they could be consulted in legislative processes. Here we focused on the consultation of non-citizens in the legislative process in general. More detailed specifications will be developed in subsequent research articles.

## WHAT DID WE LEARN ABOUT CONSULTATION?

### Planning

**Enough time should be allocated for the planning of consultation.** In the planning of consultation, time should be allocated specifically for the development of materials and translating them into the required languages, for communication, and for reaching out to participants through partners (see. e.g., Stenvall ym. 2021). It is evident that careful planning and execution of consultation requires sufficient time and resources.

**It is advisable to consider the participants' native languages in the consultation,** even if the occasion is conducted in Finnish and the participants speak Finnish. Providing materials, such as leaflets and survey forms, in the native language of the participants is considerate and helps facilitate the beginning of the consultation situation. Most of the participants in our study wished to read the leaflet translated into their native language during the interview, even if they had already received it beforehand. The leaflets translated into participants' native languages also helped to reach participants for the study. It is essential for the discussion that the participants know in advance what subjects will be discussed. It is also important to give an opportunity to ask for further information about the consultation in advance.

**If an interpreter is needed, finding the right one is very important.** The research participants highlighted that the interpreter's native language and dialect can have a significant impact on the quality of the interpretation. For example, words and concepts can have different meanings depending on the dialect (Liamputtong 2011). Some of the participants found remote interpreting (for example, via telephone) difficult. It is essential that the interpreter or bilingual facilitator understands the participants' social context, cultural background, and language to ensure the quality of the data (Liamputtong 2011; Quintanilha et al. 2015).

### Execution

**Careful selection of the method of consultation is important.** Almost all participants preferred face-to-face consultation to other forms both in terms of being motivated to participate and being understood. Having a discussion in a physical space makes it easier to ask for clarification and to use a variety of means to express oneself, even if one cannot find the right words immediately. In group discussions, participants can also

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provide peer support in different ways, for example, by clarifying the meanings of the concepts used (see. e.g., Ganassin & Holmes 2013). For instance, the participants could translate things to each other that someone in the group did not understand. However, although face-to-face consultation was the preferred method for the young participants in this study, it might not be equally suitable for everyone. The form of the consultation should be chosen according to the group being consulted, or an alternative to face-to-face consultation should be provided (see also Stenvall et al. 2021).

**The composition of the group should be considered in advance.** If the consultation takes place in a group, it is important to consider the size of the group in advance, taking into account the subject matter at hand. If interpretation is needed and there are many subjects to be addressed, a small group is preferable to a large one. A good group size might be, for example, 3 to 4 people. The fact that the participants in the group already knew each other was perceived as a positive factor that promoted participation. Participants did not necessarily want to be in the same group with complete strangers. Many participants came together with a friend.

In our study, those who had been in Finland for a longer period often had a more positive attitude toward having participants of different genders in the same group. However, especially women who had been in Finland for a shorter period felt that they cannot or do not want to express their opinion in a group with men. In research literature, it is often suggested that group interviews should be organised separately for different genders, especially in more sensitive subjects (see. e.g., Halcomb et al. 2007; Alasuutari et al. 2008; van Eeuwijk & Angehrn 2017). There is no consensus in the research literature regarding the impact of mixed-gender group dynamics on the participants' opportunities and willingness to engage in the discussion (Hennink 2014). In general, having sufficient commonality among participants can improve group dynamics and promote openness in discussion (Conradson 2005). If a focus group interview is done as a mixed-gender group, the research literature recommends that the distribution by gender in mixed-gender groups should be as even as possible (Morgan 2019). It is generally advisable to avoid compositions where an individual participant is included in a group as the sole representative of their gender, as if they were a quota member (Morgan 2019).

**The stances toward recording consultation interviews varied:** while some participants would have felt comfortable with having the interview video or audio recorded, for some, taking solely written notes of the session felt like a safer alternative. When video or audio recording is not possible, it may be advisable for a bilingual facilitator to take the notes (Morgan 2019).

**It is worthwhile to make an effort to create a confidential atmosphere and to be transparent about effective influence.** The creation of trust has an impact on the willingness to participate. Stenvall et al. (2021) discuss safety as a prerequisite for successful consultation and state that trust can be enhanced for example by emphasizing the voluntary nature of participation. The possibility to remain anonymous was important to many participants in our study, particularly to those whose residence permit process was still on-going. An essential factor for the willingness to participate was the recommendation of a person the participant knew, who emphasised the importance of the matter and encouraged them to participate.

Generally, the participants expressed a willingness to participate and contribute, but doubted that what they said would have an impact or that the information would be used. For consultation to be meaningful, the topics should be chosen in such a way that it is still possible to influence the outcome. It is essential to be open about what the information is

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being used for and what can still be influenced and what cannot (see also Stenvall et al. 2021).

During the consultation, it must be clearly stated which organisation the person carrying it out represents. Misunderstandings may have an effect on participants' willingness to share their perspectives and experiences. It should be made clear to participants that their participation will not affect the decision regarding their residence permit. Especially individuals with a background in seeking asylum may experience mistrust toward authorities due to experiences of persecution and injustice in their countries of origin (Gill et al. 2015), and the structures and operating principles of the Finnish administration and authorities may not be familiar to them.

After the consultation, it is important to explain how the views of those consulted will be used and how the legislative process will proceed. A summary of the information obtained during the consultation should be drawn up, which can be given to the participants.

## FURTHER INFORMATION

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