



Guidelines for Surveying Ethnic Minorities and Migrants

A Legal Framework for Collecting Data
and Methodological Issues

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INTRODUCTION

Compared to the general population, collecting data about ethnic and migrant minorities (EMMs) presents a range of challenges. There are a number of reasons for this, the principal factor being that EMMs are generally numerically small populations, in relative terms, whose living conditions and legal statuses are often precarious. While there are already publications that examine and address many of the methodological challenges of surveying EMMs, they do not necessarily include discussions about the legal framework for conducting surveys to EMMs. Working Group (WG) 3 of the ETHMIGSURVEYDATA COST Action (CA16111) has therefore produced this guide, for current and future survey data producers and users, to establish the legal and methodological background against which survey data on EMMs are collected in Europe.

This guide is based on a report produced by WG3, *Surveying Ethnic Minorities and Migrants: A Legal Framework for Collecting Data and Methodological Issues*, and aims to: 1) emphasize the relevant legal framework of data collection in the European Union and some of its implications for conducting surveys of EMMs; 2) reflect on the framework's empirical knowledge-base and its concrete practices from the perspective of practitioners; 3) develop an overview of methodological challenges when surveying EMMs, and; 4) alert EMM survey data producers and data users of the range of integration indicators that might inform their future data production and data analysis efforts.

SIX RECOMMENDATIONS FOR SURVEYING ETHNIC MINORITIES AND MIGRANTS

1 Consult and understand the legal framework for data collection in Europe

The legal framework varies depending on the nature of the personal data that you will be collecting. Data referring to country of birth or citizenship/nationality are not subject to specific controls. Data that reveal (or refer to) ethnic and racial origin or religion are formally prohibited but may be collected under the data protection laws when: 1) collection is required by law, 2) tax liabilities and the organization of worship practices make it necessary to record religious affiliation, 3) the concept of *public interest* can be cited to justify an exemption from the prohibition on collecting such data, or 4) explicit consent has been given.

In theory, these conditions are sufficiently broad enough to allow ethnicity data to be collected if policy or a public interest requires it. Moreover, in case-law or adjudication practices by the protection authorities, the two main justifications for collecting ethnicity data are *public interest* and *legal obligation under anti-discrimination law*.

Though the legal framework can be an obstacle for collecting sensitive data, it is not necessarily the case when processing such data. Instead, the main issue is a political one, where it is the context in which racism and discrimination are being assessed that has implications for data processing. For example, in most Council of Europe countries, resistance to processing sensitive data often arises due to a preference for colorblind statistics and a lack of awareness of the role statistics and data play in combating racism and discrimination.

Be mindful of how the legal framework for data collection in Europe is interpreted in your specific country context, as it can influence how data is actually collected

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There are often gaps between what the formal legal framework says about data collection and how data protection authorities and operators (e.g. statistical institutes, survey offices, researchers) actually interpret and implement this framework for data collection. Due to different historical, political and/or sociological reasons, data protection authorities and operators may apply a narrow (i.e. more restrictive data collection) or flexible (i.e. more expansive data collection) interpretation of the formal legal framework.

Recognize that surveys can identify EMMs in different ways

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Surveys can collect information on whether an individual is a first generation immigrant, a descendent of an immigrant, and/or a member of an ethnic minority. Some surveys will include all of these classifications, whereas others will only look at one or some of these classifications.

How the terms *immigrant* and *ethnic minority* are defined can also vary from survey to survey. Therefore, even if two surveys collect information on whether an individual is a first generation immigrant and a member of an ethnic minority, they will not necessarily have a shared EMM definition.

Key terms

(FIRST GENERATION) IMMIGRANT: Someone who is foreign born (i.e. someone who was born in a country other than the one in which they currently reside) and/or someone who is not a national born abroad.

DESCENDENT OF AN IMMIGRANT: Children born to at least one immigrant parent and in the country of immigration of the parent(s).

ETHNIC MINORITY: Rather than having a unified definition, there are multiple variables that are considered to cover dimensions of ethnicity: place of birth, nationality, language, religion, place of birth and/or nationality of the parents, self-identification in ethnic groups or ethnic identity, ancestry, race and color.

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Understand the main errors and biases that can arise in the design, collection, processing, and analysis of survey data

Surveys to EMMs are particularly sensitive to errors and biases that can arise in the design, collection, processing, and analysis of survey data. The following is a checklist for detecting the main survey errors and biases that survey data producers and users need to be aware of:

VALIDITY: How well the survey measures what it was built for

COVERAGE: How well the list of all units that form the target population is built

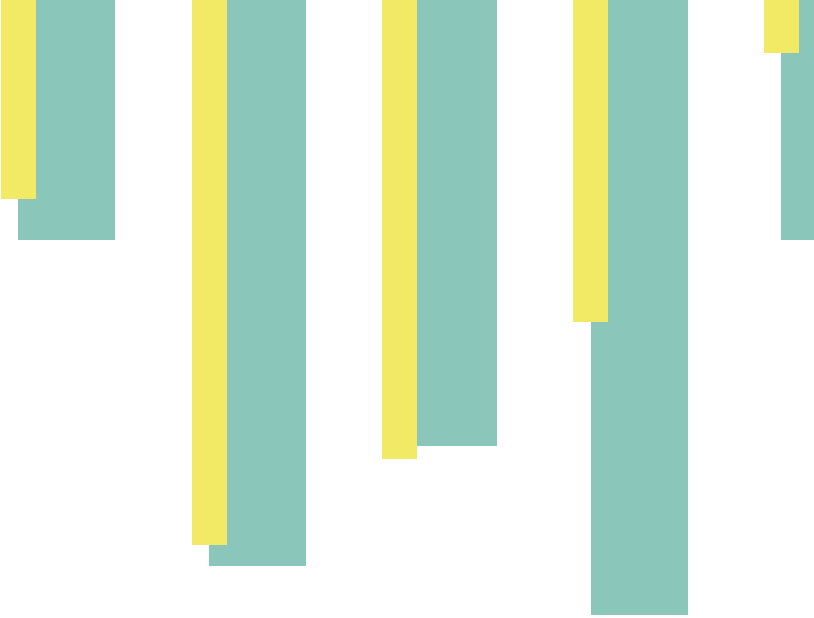
NON-RESPONSE: How much the total number of survey participants who do not participate in the survey and/or who do not answer certain survey questions biases the data collected

MEASUREMENT: How well the survey responses capture the actual values

PROCESSING: How well the collected survey data is processed (entered, manipulated, analyzed) by the survey producer

SAMPLING: How much the survey estimates vary from the population parameters due to the fact that a sample rather than the population was surveyed

When any of these errors and biases are present, it can have implications on the quality and use of the survey data. Therefore, for data producers, it is especially important to minimize the presence of these errors.



5 Be precise and clear about what the survey is about and how, why, and when it was conducted

Whether you are producing or using survey data on EMMs, it is essential to provide correct and complete information about the survey. This includes disclosing: 1) who sponsored and funded the survey; 2) who designed and executed the survey; 3) when and why the survey was developed; 4) who was surveyed and how this sample was selected; 5) how the survey questionnaire was constructed, what specific questions were asked, and what responses were provided; and 6) what concerns (if any) exist in terms of how the survey was designed and how the data was collected, processed, and analyzed. When information is omitted, partially disclosed, or poorly presented, it can lead to incorrect understandings of the survey itself and its findings.

6 Appreciate that integration is multi-dimensional and can be defined and measured in different ways

Integration captures the different life experiences and outcomes (e.g. economic, social, political) of EMMs. Different surveys will have different integration dimensions and/or indicators (i.e. survey questions that aim to measure specific integration outcomes), depending on what the priorities or interests of the researcher are. Hence, when examining and using survey data on EMMs' integration, it is important to reflect on how integration has been defined and how it is being measured.



ABOUT THE AUTHORS

This guide was produced by members of the ETHMIGSURVEYDATA COST Action, a research network that brings together researchers, policy makers, and survey data producers to improve the access, usability, dissemination and standards of quantitative survey data studying ethnic and migrant minorities (EMMs). The main goal of this research network is to produce a web-based platform or Data Hub that improves how data producers and users can deposit, access, engage with and learn from EMM data across Europe.

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