

Building Inclusive Cities Case Study

Inclusion of Migrants with Irregular Status

By: Sarah Spencer, Director, Global Exchange on Migration and Diversity, COMPAS, University of Oxford

Sarah Spencer explains why cities in Europe, like their North American counterparts, are increasingly exploring ways to enable irregular ('undocumented') migrants to have access to essential services, and tells us some of the creative ways that they have found to do so. She draws on the work of the <u>City Initiative on Migrants with Irregular Status in Europe</u>, a two-year learning-exchange project involving 11 European cities, chaired by the City of Utrecht, which she facilitates with her Oxford colleague, Nicola Delvino.

Why cities reach out to migrants with irregular status

There is a widespread expectation that cities will take steps to ease the integration of migrants who have a legal right to stay. The invaluable guidance that Cities of Migration has drawn together in this Building Inclusive Cities initiative rests on the premise that cities both can and ought to use their influence to do so. Discuss these issues with city policy makers in North America and the conversation will invariably extend to migrants with irregular status. The social and economic exclusion of these residents often presents some of the toughest issues that cities have had to face. Yet in Europe cities have only recently begun to talk to each other, and in private, about the challenges they face in relation to this group of people. In the polarized, heated discourse on migration taking place in Europe, in which 'illegal' immigrants are negatively portrayed, the idea that cities are taking steps to foster their inclusion would surprise and shock many, in equal measure. So why are cities taking this step and increasingly wanting to learn from others how to navigate this particularly difficult policy arena?

It is rarely acknowledged by European governments that they have themselves recognized a need to permit irregular migrants a minimal level of inclusion in essential services. Mapping national provisions on health care for instance reveals that all <u>EU states allow access to emergency care</u> (albeit in some cases for

payment) and a minority of states allow irregular migrants to have access to some primary and secondary health services. Most states allow children with irregular immigration status to attend school. Access to shelter is limited, but provision is made in some states to ensure victims of domestic violence can approach the police for help without risk of deportation; or, for instance, to allow new parents to apply for a birth certificate. There are even examples of recent reforms to extend access to services, as in Sweden in relation to access to health care and education in 2013.

The City Initiative on Migrants with Irregular Status in Europe (C-MISE) is a working group of cities meeting over two years to learn from each other and to publish guidance for municipalities across Europe on responding to irregular migrants in their area. The guidance, to be published in Spring 2019, will cover a wide range of services from legal advice and education through health care, shelter, and support for victims of crime.

The cities involved are Athens, Barcelona, Frankfurt, Ghent, Gothenburg, Lisbon, Oslo, Stockholm and Utrecht, with Zurich and Helsinki as Associate Members.

Yet the overall picture is highly restrictive. Irregular migrants are largely excluded as a matter of national law from work, welfare support and services.

There is no recent estimate of the number of irregular migrants in Europe. The last officially accepted estimate suggested it was between 1.9 and 3.8 million in 2008, some 0.4 - 0.8% of the population of the then EU 27 Member States.² Nothing more definite is known about numbers in cities but research has suggested that they comprise between 3% and 6% of the population in cities like Ghent, Genoa and Rotterdam.³ The recent 'refugee crisis' is expected to add to those numbers when many of those who applied for asylum are refused but do not leave. The rate of returns is currently well below 50%.4 Yet, pending detection and removal, they are living in Europe's cities and present challenges which cities cannot ignore.

Costs of exclusion for cities

Many migrants with irregular status do not come to the attention of the authorities unless a child needs to attend school or medical care is required. Others become destitute when they lose their source of income and, if no one can provide them with accommodation, become homeless. Street homelessness, encampments in green spaces or abandoned industrial buildings are one major challenge for cities, and the social problems to which they can lead including poor health and substance abuse. Exploitation by unscrupulous employers and landlords of those desperate for work or shelter can raise issues of child protection and violence against women. People who fear detention and removal will not approach the police if they are the victim of a crime or have information on criminal or terrorist activity on which the police should be informed. Visible destitution and street prostitution arouse public concern and hostility, and are not conducive to a city's image as a tourist destination.

Cities cite those reasons as among those leading them to act. In some cases, municipalities have a legal responsibility towards vulnerable people, whether a general duty of care as in the Netherlands or for a particular section of the population, as in the municipal duty in the UK towards children 'in need'. Neglecting those responsibilities, were a child to be hurt for instance, can leave a municipality open to reputational risk, notwithstanding the child's irregular status. Among drivers of action in cities with long experience of migration is also the expectation that in practice the vast majority of those with irregular status will eventually regularize their status and remain. The un-filled vacancies in the local labour market, moreover, often encourage them to stay. A pragmatic response is to recognize this and begin the integration process.

"The exclusion of irregular migrants threatens the city's capacity to fulfil its broader responsibilities - whether ensuring economic prosperity, public health, community safety or cohesion"

For some authorities and the policy makers within them a humanitarian concern, or a professional ethic among those in medical and caring professions, can also motivate the inclusive measures that are taken. Concern for the migrants themselves, however, is not the sole or primary driver. It is the extent to which the exclusion of irregular migrants threatens the city's capacity to fulfil its broader responsibilities - whether ensuring economic prosperity, public health, community safety or cohesion - that stand out in the explanations we have been given in the course of our research and in the working group of European cities we facilitate.

City responses: Barcelona

Cities across Europe have implemented practices which allow a level of access for irregular migrants to health care, education, legal advice, shelter and other services. Reflecting their differing migration histories, they are at different

stages in addressing the challenges posed. In Scandinavia, the experience of irregular migrants seeking public services has been most evident only in the past decade. In parts of Southern Europe there is longer experience and a greater willingness to confront the issues it raises. That process has perhaps gone furthest in Barcelona which recently published a comprehensive Action Plan to address the social condition of irregular migrants in the city.⁵ Its first goal is to ensure universal access to municipal public services. In order to identify which measures should be included in the plan, the Municipality set up a working group headed by the municipal Commissioner for Immigration, Diversity and Interculturality which included representation from the local agencies responsible for employment and social services. The working group then consulted the leading civil society organizations that represent and provide services to this group of residents.

Among the measures Barcelona already had in place was funding for free legal support to migrants for regularizing their status, provided through NGOs that also ensure distribution of information: on how to obtain a health card, for instance, and access to the health system. Advice is also provided on recognition of qualifications and accessing the job market. Barcelona has provided temporary accommodation that enabled occupiers of an irregular settlement, seen as a safety hazard, to leave so that the settlement could be dismantled.

The city facilitates the registration of migrants in the civil register (padrón), including those who have no fixed address, so that it is aware of the number of people living in the area and can plan services accordingly. Registration is the means through which migrants access services such as school places and language courses. The Action Plan includes a leaflet in seven languages on the importance of the register; and establishes information sessions for service professionals whose job brings them into contact with irregular migrants. For the first time Barcelona will have a committee that will monitor irregular migrants'

access to services, to assess the effectiveness of the plan. A final aim is to go beyond impact in the city itself to influence the adoption of inclusive policies at the national and EU level.

"[Barcelona] facilitates the registration of migrants... so that it is aware of the number of people living in the area and can plan services accordingly"

City responses: Utrecht

National governments do not always welcome cities taking inclusive measures and the Dutch government is no exception. The provision of shelter in Utrecht to destitute irregular migrants led to a heated national debate, as yet unresolved, on the extent to which it is appropriate for a city to provide 'Bed, Bath and Bread'. For Utrecht, the impact of street homelessness including the vulnerability of young people on the street had to be addressed.

Significantly, provision of shelter has been combined with provision of advice to address the underlying problem of irregular status: whether by the individual securing a legal permit to stay or assistance with returning home. Provision of shelter provides access to the migrants, and the basis for development of the trust that is needed to explore solutions to their immigration status. Support goes beyond advice to mediation with the national immigration authorities. In the first ten years of the service, a solution has been found in 94% of cases in the form of a residence permit, voluntary return or restoration of the right to care from the central government within the asylum system.

Shelter, including a shelter for women and children, is provided through NGOs and is combined with access to medical care. The municipality covers the cost of some services from which irregular migrants would otherwise

be excluded such as dental care, and the cost of medication. A leaflet 'Without Papers, Not Without Rights!' is circulated to inform irregular migrants of their entitlements in relation to health care, work, education and legal advice.

Utrecht has a public commitment to be a 'Human Rights City', upholding international human rights standards, and that ethos has undoubtedly contributed to its insistence on providing shelter in face of government opposition. The pragmatic need to tackle street homelessness and the social problems to which it gives rise has, however, been the underlying driving force. A recent development is that Utrecht and other Dutch municipalities are in constructive talks with the national government to see if they can reach agreement on a collaborative joint approach.

Inclusive measures by cities

Inclusive measures by cities are not always contrary to the spirit of national policy. Portugal, through its High Commission for Migration, has a regular consultation across public and non-governmental agencies on the content of migrant integration policies, inclusive of those with irregular status. Irregular migrants have had access to local integration services, health care and education since the early 2000s and can seek support through the country's 'One-Stop-Shop' integration centres. A city like Lisbon which provides some assistance to migrants regardless of immigration status is thus in line with the spirit of national policy, not contrary to it.

Elsewhere there is no national nor even a city wide approach but examples of individual services that have reached out to irregular migrants in response to an evident need. One of many examples is provision of health care in Frankfurt. The City's Health Department with the support of the Women's Department has collaborated since 2001 with an NGO to provide consultations and treatment through a clinic called 'Humanitarian consultation hours' (Humanitäre Sprechstunde). The Department of Social Care

provides the medicines needed. The clinic has a network of specialist doctors to whom patients needing additional care can be referred. Care is provided anonymously and without charge except where patients are able to pay. The 'Frankfurt Model' has been influential in the form of care provided in other German cities such as Bremen, Düsseldorf and Munich.⁶

"Cities can rely on civil society organizations to help them provide what is needed"

In each example given here it is clear how strongly cities rely on civil society organizations to help them provide what is needed. This is in part because fearful irregular migrants are more likely to trust a non-governmental organization. It can also be because it is politically easier to make provision at one-remove from the city administration itself. Where services are provided directly by the city it tends to be low visibility, sometimes without a clear budget line or policy mandate. Some cities feel it is time to put this tentative approach behind them, to come out of the shadows and seek national and EU recognition of the challenge they face and the necessity of an inclusive response if the city is not to abandon its core objectives. Other cities are concerned that such transparency will prevent them taking even the modest steps that they are currently able to take.

Political recognition

There are signs on the horizon that greater transparency may be easier in future. At the Mayoral Forum on Mobility, Migration and Development in 2014, mayors adopted a declaration that called on municipalities to assure the same rights, duties and opportunities to all persons living in their territory and to minimize the exclusion of those in an irregular situation.⁷ Opening up municipal services to irregular migrants, it argued, is not only a humanitarian

priority but essential for social cohesion. In 2016, the Council of Europe's commission tackling racism and intolerance, ECRI, urged inclusion in essential services. Reflecting the jurisprudence of the European Committee on Social Rights, it published guidance that calls for a firewall between public services and immigration enforcement so that irregular migrants can access services without fear of discrimination and removal.⁸

Now the UN Secretary General has reiterated the UN's support, arguing that national and subnational authorities need to consider pragmatic and rights-based options for managing irregular migrants within their borders. That, he suggests, may include facilitating access to health, education, housing and other services; issuing temporary stay permits for work, study or humanitarian purposes or longer term routes to permanent residency and citizenship. Acknowledging that such policies can be controversial he argues that they are nevertheless grounded in sound public policy, not least in relation to health and education, and ultimately foster social inclusion and the advancement of the rule of law.9

For cities that are feeling the need to talk about the steps they are taking to bring irregular migrants in from the cold, this endorsement from the Council of Europe and the United Nations that they are right to do so could not have come at a better time.

Further examples needed

Cities and smaller municipalities in Europe with examples of initiatives they have taken in relation to irregular migrants that could be cited in the guidance being prepared are asked to get in touch with the author: Sarah.spencer@compas.ox.ac.uk

About the Author



Dr Sarah Spencer is Director of the Global Exchange on Migration and Diversity, the learning-exchange arm of Oxford University's Centre on Migration, Policy and Society. Prior to Oxford, Sarah was Deputy Chair of the Commission for Racial Equality and Chair of the network of equality and human rights organizations, the Equality and Diversity Forum. Her research has focused on integration and, under the auspices of an Open Society Fellowship, on national and city responses to irregular migrants in Europe. As Director of the Global Exchange, Sarah is responsible for the City Initiative on Migrants with Irregular Status in Europe with her colleague Senior Researcher Nicola Delvino.

End Notes

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- ⁸ ECRI General Policy Recommendation No.16: Safeguarding irregularly present migrants from discrimination Adopted on 16 March 2016
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Building Inclusive Cities Good Ideas

Inclusion of Migrants with Irregular Status

Cities of Migration shares innovative and inspiring integration practices and policy solutions from cities around the world. Stories about local governments, public institutions, grassroots organizations, businesses, employers, neighbours and ordinary people who are working together to build open, inclusive cities and spaces of opportunity. Cities that view diversity, equity and inclusion as core values and assets in today's global economy.

Cities are at the forefront of a growing movement to reinvigourate democratic societies through local policies and action that prioritize community voice, participation and representation, whatever the background or status. In Sarah Spencer's study of *The Inclusion of Migrants with Irregular Status*, our distinguished contributor draws on the rich work of the C-MISE Project to show us principled, pragmatic local responses to the public service challenges posed by people sans papier. The following selection of Good Ideas for the inclusion of irregular migrants includes examples from the C-MISE cities of Barcelona, Frankfurt and Utrecht as well as international examples from the Cities of Migration collection. All these profiles of municipal leadership and community action can be viewed in full at www.citiesofmigration.org.

Status: Neighbour

Ajuntament de Barcelona

Universal access to city services starts with the civil register (padrón)



For the full story, contact information, and related resources, see the <u>Good Idea profile at Cities</u> of Migration

Barcelona, Spain

In Barcelona, registration in the civil register, known as *padrón*, enables all residents to access local services including sports, public facilities, libraries, schools, language classes and healthcare. Even residents who have difficulty demonstrating where they live, or have no fixed address, are eligible to register. Since 2015, this policy has included people without documents or with irregular status. Registering gives irregular migrants the status of 'Neighbour'.

The city facilitates registration in the *padrón* to obtain more accurate data about its residents and plan services accordingly. To build trust among the homeless or undocumented the register is protected and police access is restricted. Other measures include funding for free legal support to migrants for regularizing their status, orientation to city services and help with emergencies.

In 2017 Barcelona formalized its position with a comprehensive Action Plan to address the social condition of irregular migrants in the city. A working group headed by the municipal Commissioner for Immigration, Diversity and Interculturality works with representatives from city services and civil society leaders to monitor and assess the effectiveness of the Action Plan. A network of 120 community agencies works together to to ensure access to city services is inclusive of all residents, including refugees and asylum-seekers. Looking forward, the city hopes to see the adoption of inclusive policies at the national and EU level.

Frankfurt, Germany

Every Person's Health

Stadt Frankfurt am Main

Providing health services to all residents through humanitarian consultation hours



For the full story, contact information, and related resources, see the <u>Good Idea profile at Cities of Migration</u>

Being 'undocumented' often means being excluded from access to medical care and healthcare systems. For irregular migrants, fear of being identified, arrested or deported can be life threatening in an emergency situation, when disease or infirmity goes untreated, or is treated too late. In recognition of the increasing reality of this humanitarian catastrophe in the making, a growing number of cities are developing strategies to ensure the medical officer's 'duty of care' can be legally and responsibly extended to all residents.

Since 2001, the city of Frankfurt's Health Dept. and Women's Dept. have collaborated with a local NGO to provide medical consultation and treatment through a clinic offering 'Humanitarian Consultation Hours' (Humanitäre Sprechstunde). Care is provided anonymously (to men and women) and without charge except where patients are able to pay. Language support is available for non-German speakers, and special hours are set aside for children's healthcare needs.

The 'Frankfurt Model' has been influential in other German cities such as Bremen, Düsseldorf and Munich. New initiatives like the "anonymous health card" are being piloted nationally, and the German Medical Association has published guidance for medical practitioners on treating "Patients without Legal Residence Status in Hospitals and Practices" that addresses sensitive issues of medical confidentiality vis-à-vis the social welfare offices and immigration authorities, and reimbursement.

Municipal Identification Cards

New Haven Mayor's Office

New Haven, United States

A passport to city services provides secure access for all residents, regardless of status



For the full story, contact information, and related resources, see the <u>Good Idea profile at Cities</u> of Migration

Going to a pharmacy to fill a prescription, opening a bank account, using any public service -- from a library card to registering children at school–requires identification, something many immigrants don't have. To facilitate access to essential city services, in 2007 the City of New Haven implemented America's first-ever municipal ID card for all city residents, including undocumented migrants. Further, the city took measures to protect the records of cardholders from federal immigration authorities.

Undocumented residents face many problems uniquely tied to their lack of status, including access to financial institutions. Most banks require formal ID that cannot be obtained by non-citizens. Ironically, fear of local authorities also deters many irregular migrants from reporting crimes or using emergency services even though they are disproportionately victimized by theft since they are frequently paid in cash but have nowhere to deposit their earnings ("walking ATMs").

The success of New Haven's municipal ID is being widely replicated, the most impressive example of which is New York City where the IDNYC program has issued more than 1 million cards since 2015, connecting New Yorkers to services, programs, and benefits, regardless of immigration status, homeless status, or gender identity. Accepted by the Police Department in reporting crimes, it represents an important step towards regularizing the lives of the undocumented.

Bank On San Francisco

San Francisco, United States

City of San Francisco, Office of Financial Empowerment

provides banking services to the financially excluded



For the full story, contact information, and related resources, see the Good Idea profile at Cities of Migration

A local government partnership San Francisco Bay Area has welcomed 1.4 million immigrants over the years, about 40% of them undocumented. As a sanctuary city, San Francisco legally protects its undocumented residents but many barriers to economic security persist for immigrants and are more acute for those sans papier. In 2005 the city learned that 20% of the adult population (and half of the city's Blacks and Latinos) did not have bank accounts. Many paid steep fees to predatory lenders and cheque-cashing services or became victims of crime ("walking ATMs").

> Research shows a strong correlation between financial exclusion and limited access to jobs, housing, education and health care. A bank account is a critical part of financial empowerment. With an account, people save more and can access financial services that are essential for home ownership, business investment or long-term planning. In 2006, San Francisco's Office of Financial Empowerment launched Bank On San Francisco to introduce the "unbanked" to mainstream financial services. Participating banks and credit unions allow individuals with no or poor banking history to start low-fee accounts, and gain access to financial counseling, college savings accounts and responsible payday loans. Mexican Matricula and Guatemalan Consular ID cards are accepted as primary identification. The city aimed to reach 10,000 "unbanked" families. Today, more than 75,000 accounts are active in San Francisco, and the "Bank On" movement has launched the Cities for Financial Empowerment Fund nation-wide.

Access Without Fear

Toronto, Canada

City of Toronto

Shifting policy to practice to safeguard the rights of irregular immigrants



For the full story, contact information, and related resources, see the Good Idea profile at Cities of Migration

In 2013, Toronto became the first Canadian municipality to formally provide sanctuary for non-status or undocumented immigrants. While the City of Toronto had long had an informal Don't Ask, Don't Tell policy, the new policy provides access to city services irrespective of immigration status by removing identification requirements to core service areas, such as healthcare, education, income support programs, employment protection, affordable housing, settlement services, social assistance and legal services. Community support for the policy was led by the Solidarity City Network, an informal collective of Toronto residents who argued that undocumented people need access to services to reduce fear, increase public health and safety, and contribute fully to the city. After all, most of them pay taxes.

The challenge for the City of Toronto is how to implement the decision: how will the city's 60,000+ employees be trained on the policy? Are dedicated resources and funding available to roll out, enforce and monitor the policy? Toronto City Council requested the Federal government establish a regularization program for undocumented residents, as well as access to funded provincial services, such as healthcare and housing. A recent Ryerson University study, however, suggests the roll-out of Toronto's sanctuary policy may be stalled at all levels. With cities like Hamilton, Vancouver, Kingston, Regina and Montreal, following Toronto's lead, it's time for the city to shift good policy into action.

Porta Palazzo Market

Città di Torino

Local action to regularize the status of unlicensed vendors creates economic vitality



For the full story, contact information, and related resources, see the <u>Good Idea profile at Cities</u> of Migration

On a typical Saturday in the city of Turin, 100,000 visitors descend on Porta Palazzo, Europe's largest open-air market. With over 1,000 merchants and 700 street vendors, Porta Palazzo is a commercial hub whose opportunities have always attracted newcomers to the city. In 2000, over 45 nationalities lived in this densely populated neighborhood where unemployment is double the city average and barriers to formal entry in the labourforce often push immigrants into illegal or informal work. Unique to the market is its mix of registered, formal and informal vendors. Since 1935 irregular migrants have had the right to 'exchange' goods on the market by a special city statute. However, in 2001, that right was temporarily withdrawn over a dispute about space and sanitation, threatening the commercial vitality of the market and revitalization efforts by Porta Palazzo's "Living not Leaving" campaign.

Through a participatory process involving informal and formal leaders (including the Deputy Mayor on Economic Development and the Municipal Police), the local economic development agency succeeded in creating a regulated zone and legal status for unlicensed merchants as "non-commercial vendors." Formal legal status (and protection) led to an immediate decrease in problems, greater security and increased cooperation with local authorities. To maintain this productive private public partnership, a collective body, VIBALON, was created to represent informal leaders, and to keep vendors and traders up to date on municipal decisions.

Bed, Bath and Bread

Gemeente Utrecht

A human rights approach to public services helps build safe, inclusive cities



For the full story, contact information, and related resources, see the <u>Good Idea profile at Cities</u> of Migration

Utrecht, The Netherlands

The provision of shelter to destitute irregular migrants in the Dutch city of Utrecht led to a heated national debate on the city's right to provide 'Bed, Bath and Bread'. However, the impact of street homelessness including the vulnerability of families and young people on the street had to be addressed.

Working through local NGOs, the City of Utrecht provides shelter and access to medical care, including funds to support dental and pharmacare. Safe spaces and trusted community partners make it easier to address underlying issues of irregular status, such as how to secure a legal residence permit, or assistance with returning home. Services also support mediation with national immigration authorities. In their first ten years, Utrecht found solutions in 94% of cases in the form of a residence permit, voluntary return or restoration of the right to care within the federal asylum system.

Utrecht became one of Europe's first 'Human Rights City' in 2013 when it adopted the universal standard in honour of the 300th anniversary of the Treaty of Utrecht. That ethos informs the city's position on providing shelter in face of government opposition. However, the pragmatic need to tackle street homelessness and the social problems to which it gives rise is the driving force. Today Utrecht and other Dutch municipalities are in constructive talks with the national government to find a joint solution to homelessness, whatever the resident status.

About Us

Cities of Migration showcases good ideas in immigrant integration and innovative practices and policy solutions that promote diversity, inclusion and urban prosperity. Activities include an internationally recognized collection of promising practices, city-to-city learning exchange (webinars), international conferences and a growing network of thought leaders. Cities of Migration is a program of the Global Diversity Exchange and Ryerson International at Ryerson University.

Building Inclusive Cities aims to bring the super-diversity of today's cities out of the margins and into the mainstream of urban experience and prosperity. The Building Inclusive Cities Project explores the complex and interconnected factors that contribute to open, inclusive cities in an era of global migration. Through a web-based program of activities that includes the My City of Migration Diagnostic and international best practices and expertise the project provides a dynamic learning platform to help city and community stakeholders assess the quality of inclusion across the urban landscape and gain better understanding of the conditions that can enhance (or inhibit) the integration and inclusion of newcomers in cities.

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> Ryerson University 350 Victoria St Toronto, ON M5B 2K3

citiesofmigration@ryerson.ca citiesofmigration.org



Bertelsmann **Stiftung**







