

# Migrants with Irregular Status in Europe: Guidance for Municipalities

## EXECUTIVE SUMMARY

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April 2024



The purpose of this guidance is to assist municipal authorities in responding appropriately to the presence in their locality of migrants with irregular status, including through facilitating their access to some local services. It provides information on municipal policies and practices as an evidence base upon which cities and towns can develop their own approaches. This second edition of the guidance also draws on lessons learned from cities' responses during the COVID-19 pandemic. The guidance is primarily intended for municipal authorities but is also aimed at public bodies which work with them. Working arrangements between public bodies and non-governmental service providers is one of the topics covered.

This guidance has been produced by the City Initiative on Migrants with Irregular Status in Europe (C-MISE), which was initially made up of eleven cities (Athens, Barcelona, Frankfurt, Ghent, Gothenburg, Lisbon, Oslo, Stockholm, Utrecht, Helsinki and Zurich). During the COVID-19 pandemic, the network shifted to online meetings, which contributed to expanding the network to more than 55 cities from 20 European countries. The cities meet on a regular basis to share their experiences, policies and practices, and to prepare this guidance. This does not necessarily signify the approval of any individual city for each and every aspect of the guidance.

National legal frameworks provide minimal or no access for irregular migrants to most services. This can lead to social problems at the local level, including homelessness and destitution, which municipalities find they need to address. While Europe's municipalities have benefitted from guidance on policies and practices in relation to migrants who are authorised to reside there, guidance on how to address the challenges raised by irregular migrants has not been readily available. One aim of this guidance is to raise awareness of the particular challenges municipalities face in relation to this group of residents. It is hoped that this will facilitate dialogue within and between authorities on effective approaches they can take.

Between and within countries, the law on access to services can vary for different categories of irregular migrants. This guidance does not provide municipalities with details of the legal provisions within each country. It provides general guidance, illustrated with practical examples, which municipalities can consider within the context of relevant national legal frameworks.

While immigration control is primarily a matter for national governments, responsibility for public services is a shared competence. Municipalities across Europe differ in the range of services for which they are responsible but all have responsibility for the general welfare of residents in their area.

Municipalities provide services such as healthcare, policing, housing, social services and education to people with differing needs, while bearing a broader responsibility for maintaining social cohesion and public safety. Their role in tackling poverty is also increasingly recognised at the national and international levels.

### Definition and context

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The first part of the guidance begins with defining the term 'migrants with irregular status', explaining why it is preferred over other available descriptors. It then covers the methodological challenges posed by estimating the number of irregular migrants living in an area. Having established those caveats, it then shares some relatively recent estimates of the numbers of irregular migrants living in Europe. Next, an update is provided on the evolving policy frameworks for the governance of migration at global and European levels. In the context of these supranational agreements, the guidance then touches upon the mostly restrictive nature of national legal frameworks in relation to irregular migrants. Mention is made of the particular situation in the UK, post-Brexit. This updated guidance provides also an overview of how the COVID-19 pandemic – and governments' responses to it – temporarily affected countries' approaches to irregular migrants in Europe. Lastly, this first part of the guidance explains the challenges posed for municipalities by the presence of migrants with irregular status and sets out the reasons why they facilitate access to some services: to comply with legal duties; reduce irregularity; achieve a range of municipal social policy objectives (such as public health and crime prevention); ensure the efficient administration of public services; respect professional ethics; reassure public opinion; and safeguard the public image of the city.

### Governance and coordination

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The second part of the guidance begins with the observation that some municipalities commission research on the irregular

migrant population in their area to allow for better informed policymaking. It provides some examples of working groups and inter-departmental arrangements set up by local authorities to ensure coordinated interaction with irregular migrants. Next, information is included on inter-agency fora, where public bodies come together across organisational boundaries to exchange information on approaches to irregular migrants. The guidance then covers national umbrella bodies which represent municipalities and which sometimes form a committee or working group which focuses on policy towards irregular migrants. Irregular migration can prompt dialogue between local authorities – bilaterally or collectively – and national government. Different models for such dialogue are presented. Lastly, a case is presented for a municipality developing a comprehensive strategy for how it relates to irregular migrants, with its delivery supported by a dedicated budget.

## General principles on providing access to services

The third part of the guidance covers ways in which municipalities facilitate access to services for irregular migrants or their children. This can mean accessing mainstream services, rather than necessarily having to develop separate, parallel service provision. Where access to mainstream services is not possible, the provision of distinct services for irregular migrants – or some subset of them – is sometimes possible. Some examples of this approach are cited. Next, the guidance covers some of the ways in which local authorities can fund or collaborate with non-governmental organisations which operate in their area to provide services for irregular migrants when direct service provision by the local authority may be less desirable or less possible. Part Three closes with a thorough treatment of the concept and reality of ‘firewalls’ which preclude the sharing of sensitive information about irregular migrants between departments or organisations. It is understood that irregular migrants may fear that, in taking up an offer of public service provision, they risk being discovered by or reported to immigration authorities who may look to detain or deport them. The guidance presents a raft of ways local authorities can limit this risk, especially through the creation of and respect for effective ‘firewalls’.

## Specific areas of service provision

The fourth part of the guidance begins with an overview of urban policies in support of irregular migrants, before treating each policy area in turn. It considers how local authorities can assist the termination of migrants’ irregular status by supporting their regularisation or their voluntary return to their country of origin. This may be through the provision or funding of advice or counselling, including through dedicated

information centres. A wide range of examples from cities across Europe is provided. The prospect of municipalities or their proxies mediating between irregular migrants and immigration authorities to help bring about regularisation is mentioned. We also rehearse some of the forms of effective part-regularisation temporarily applied during the COVID-19 pandemic. The guidance then covers key public service areas, beginning with the provision of housing, directly or indirectly, including through access to shelters, to prevent destitution and homelessness. The guidance covers some of the ways that municipalities can ensure irregular migrants are not victimised and have access to justice. Like everybody else, irregular migrants need to be able to access healthcare: the guidance details approaches taken by cities to make sure they can. Here, the importance of firewalls is revisited. Lastly in Part Four, the guidance considers irregular migrants’ rights to access to education and how those rights are exercised. As with other policy areas, key in relation to schools is minimising inappropriate or unnecessary bureaucratic hurdles to access. The guidance also considers adult irregular migrants’ access to language classes, training and further education. Regarding each service area, there is a section on temporary measures taken by cities during the COVID-19 pandemic to highlight the innovative approaches taken by municipalities.

## Local practices that reduce barriers to accessing services

Finally, the fifth part of the guidance addresses general (rather than service-specific) approaches to including irregular migrants. These include the production and dissemination (through communication campaigns and outreach activity) of information which promotes awareness of migrants’ rights, not only among migrants themselves but also, for instance, among public sector workers. It can mean the provision of language classes, orientation sessions or critical paperwork such as birth certificates for children. The guidance explains how some municipalities in Europe have developed ‘civic cards’ which grant access to certain services in the area, following the example of Municipal ID cards in parts of the USA. Lastly, Part Five considers how local authorities can minimise the risk that irregular migrants accessing public services are reported to or picked up by immigration enforcement, and how they can reassure irregular migrants on this front.

It is hoped that municipalities throughout Europe and even beyond will find this guidance useful in developing their own local approaches to migrants with irregular status who live in their communities.

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