

Migrants with Irregular Status in Europe

GUIDANCE FOR MUNICIPALITIES

Nicola Delvino
Dr Sarah Spencer
Dr Myriam Cherti

March 2024

Migrants with Irregular Status in Europe: Guidance for Municipalities

March 2024

Authors

Nicola Delvino, Dr Sarah Spencer, and Dr Myriam Cherti

On behalf of **The City initiative on Migrants with Irregular Status in Europe** (C-MISE),

Part of the Global Exchange on Migration & Diversity,

At the Centre on Migration, Policy & Society (COMPAS),

University of Oxford.



Funding / acknowledgement / disclaimer

COMPAS does not have a Centre view and does not aim to present one. All views expressed in the document are solely those of the authors and do not necessarily reflect the views of funders, those providing feedback, COMPAS or the University of Oxford. *Competing interests: The author(s) declare none.*

Acknowledgements

This guidance has been produced under the auspices of the **City Initiative on Migrants with Irregular Status in Europe** (C-MISE), a city-led knowledge-exchange programme supporting European and non-European cities in sharing knowledge on city practices and policies responding to the presence of migrants with irregular status in their territory. This document does not necessarily signify the approval of any individual city for each aspect of the guidance.

The project is funded by the **Open Society Initiative for Europe** and facilitated by the **Global Exchange on Migration and Diversity** ('The Global Exchange'). The Global Exchange is the knowledge-exchange arm of the **Centre on Migration, Policy and Society** (COMPAS) at the **University of Oxford**. The Guidance was written initially by Dr Sarah Spencer, Director of the Global Exchange, and Senior Researcher Nicola Delvino. This new edition of the Guidance has been updated by Dr Myriam Cherti, the Principle Investigator of CMISE.

The project developed from earlier dialogue between researchers at COMPAS and the Eurocities Working Group on Migration and Integration, in the context of research funded by the Open Society Fellowship Programme. The contribution of Vanessa Hughes to that research is gratefully acknowledged. The C-MISE Working Group was adopted as a sub-group of the Eurocities Working Group on Migration and Integration at the first meeting of C-MISE in June 2017.

The authors would like to express their gratitude to C-MISE Steering Group Members: Jan Braat (Chair) City of **Utrecht**; Katrien Van Gelder, City of **Ghent**; Katharina Bamberg, Eurocities; Lefteris Papagiannakis, City of **Athens**; Ramon Sanahuja Vélez, City of **Barcelona**; Christof Meier, City of **Zurich**; Michele LeVoy, Platform for International Cooperation on Undocumented Migrants (PICUM); Niene Oepkes, City of **Utrecht**; Guido Acquaviva, City of **Milan**, Charlott Posch, City of **Berlin**; Monika Popow, City of **Gdańsk**; Mathieu Garabedian, City of **Villeurbanne**; Jacqui Broadhead and Marie Mallet-Garcia, COMPAS.

Thanks are also due to all those who provided much helpful feedback on this updated guidance: Jacqui Broadhead, Sarah Spencer, Michelle LeVoy, Katrien Van Gelder, Adamo Antoniadis, and Nathan Grassi, for assistance with copy-editing.

Contents

How to use this Guidance.....	5
List of boxes.....	6
Executive Summary.....	7
Part 1: Aims and context of the guidance.....	11
1.1 Introduction	11
1.2 Estimates of irregular migrants	13
1.3 Changing global and EU policy frameworks.....	15
1.4 National legal frameworks	18
1.5 Why municipalities facilitate access to some services.....	21
Part 2: Guidance on Governance.....	26
2.1 Governance, Coordination and Consultation.....	26
2.2 What can be done by local authorities?	28
Part 3: Guidance on service provision: general principles	38
3.1 General principles on providing access to services.....	38
3.2 In Focus: Provision through or in partnership with NGOs.....	40
3.3 In Focus: Handling of personal data (and the concept of 'firewalls')	42
3.3.1 Legal and policy background.....	44
3.3.2 What can be done by local authorities?.....	46
Part 4: Guidance on specific areas of service provision.....	48
A brief overview of the types of urban policies.....	48
4.1 Terminating irregularity: facilitating the regularisation and promoting the return of migrants with irregular status	50
4.1.1 Why local authorities get involved.....	51
4.1.2 Legal and policy background	51
4.1.3 What can be done by local authorities?	53
4.1.4 Temporary measures as part of COVID-19 response.....	59
4.2 Providing accommodation: shelters and support for housing needs.....	61
4.2.1 Why local authorities get involved.....	62
4.2.2 Legal and policy background	63
4.2.3 What can be done by local authorities?	64
4.2.4 Temporary measures as part of COVID-19 response.....	71
4.3 Ensuring justice and protection for victims of crime with irregular status	72
4.4 Facilitating access to healthcare	79

4.4.1 Why do local authorities get involved?.....	81
4.4.2 Legal and policy background.....	82
4.4.3 What can be done by local authorities?.....	83
4.4.4 Temporary measures as part of COVID-19 response	91
4.5 Access to schools, education, and training	92
4.5.1 Why local authorities get involved?	93
4.5.2 Legal and policy background	94
4.5.3 What can be done by local authorities?	96
4.5.4 Temporary measures as part of COVID-19 Response	100
Part 5: Guidance on practices addressing general barriers to accessing services.....	101
5.1 Promoting awareness of migrants' rights and orientation of newcomers	101
5.2 Facilitating access to documentation and issuing local 'civic cards'.....	105
5.3 Addressing irregular migrants' fear of being apprehended at service providers	110
5.4 Lessons from cities' responses to Covid-19	112

How to use this Guidance

The first part of this guidance is introductory and addresses the issues for municipalities raised by the presence of migrants with irregular status. The second part is dedicated to general guidance on governance, coordination and consultation. The third part presents general principles on providing access to services for migrants with irregular status. The fourth part looks at specific areas of service provision including: immigration counselling and support for voluntary returns (section 4.1); accommodation support (section 4.2); access to justice and protection for victims of crime (section 4.3); healthcare (section 4.4); educational services (section 4.5). The fifth part is dedicated to local practices that aim to reduce the barriers migrants commonly encounter when accessing services.

Each section of the guidance stands alone. The reader can use the Contents page to find the information he or she needs. Where further information is provided in another section, this is indicated in the text.

The guidance is accompanied by a short video documentary that highlights the approach taken in a number of European cities, with commentary by city officials and Deputy Mayors. It can be accessed here: <https://www.youtube.com/watch?v=bдохxNnIN-M>

List of boxes

Box 1:	Research can identify need for action and inform next steps	26
Box 2:	Ghent's Municipal Steering Committee on Migrants with Irregular Stay	29
Box 3:	Oslo's Reference Group with External Stakeholders	31
Box 4:	Municipal agreement reached with government to provide shelter and advice	34
Box 5:	Zurich's City Council approves plan of action in 2018	36
Box 6:	Barcelona: Ensuring access to services and regularisation through the municipal register	39
Box 7:	Firewalls and safe reporting in the US	43
Box 8:	A one-stop-shop for migration-related services: Barcelona's Services Centre of Assistance to Immigrants, Emigrants and Refugees (SAIER)	58
Box 9:	Shelters for migrants with irregular migration status in Utrecht	68
Box 10:	Local LVV pilot programme– in five Dutch municipalities	70
Box 11:	A problem-solving approach: matching shelters with immigration counselling	71
Box 12:	The FRA guideline to Member States on access to justice	75
Box 13:	The 'free in, free out' policy in Amsterdam	76
Box 14:	Outreach activities in New York	77
Box 15:	Municipal initiatives for victims of crime with irregular status in the USA	78
Box 16:	Municipalities supporting extended access to care for irregular migrants in Norway	86
Box 17:	Regional regulations expanding irregular migrants' entitlements to health care	90
Box 18:	The 'Rossinyol project' in Catalonia	99
Box 19:	The UN Global Compact for Migration on access to information for migrants	101
Box 20:	Language classes for irregular migrants in Barcelona	102
Box 21:	The UN Global Compact for Migration on migrants' documentation	106
Box 22:	Municipal ID cards in the USA – the IDNYC card	109

Executive Summary

The purpose of this guidance is to assist municipal authorities in responding appropriately to the presence in their areas 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 intended primarily 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 twenty 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 level.

Definition and context

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

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 are risking 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, and 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 towards migrants with irregular status who live in their communities.

Part 1: Aims and context of the guidance

1.1 Introduction

This is an updated edition of the [C-MISE guidance](#) published in 2019. The primary purpose of this guidance is to assist municipal authorities in Europe and beyond to provide appropriate access to services for migrants with irregular status. It provides information on municipal policies and practices across a range of service areas, and on governance and administration, as an evidence base upon which municipalities can develop their own approach. The guidance is primarily intended for municipalities, whether cities or smaller local authorities, but is also aimed at the public bodies which work with them, including police forces, healthcare providers, and housing and education providers.

The Covid-19 pandemic, as well as the war in Ukraine, have brought new challenges to cities and municipalities over recent years. While some exceptions have been made as a result of these events, cities within each European country continue to be governed by different laws regarding access to services for different categories of irregular migrants. This guidance does not provide municipalities with details of the legal provisions within each country. Rather, it provides general guidance which municipalities can consider within the context of relevant national and regional legal frameworks.

Municipalities across Europe differ in the specific range of services for which they are responsible. Nevertheless, they all bear responsibility for the general welfare of residents in their area. Municipalities provide services such as housing, social services and education to a wide range of people with differing needs, while bearing a broader responsibility for maintaining social cohesion and public health and safety, including combatting racism. Their role in promoting sustainable development and tackling poverty is also increasingly recognised at the national and international level.

Among those living in local communities are people whose immigration status is irregular, limiting their entitlement to work and to use public services. National legal frameworks are largely restrictive (see Section 1.4), providing 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 a range of guidance materials on approaches they can take in relation to migrants who are authorised to reside there, guidance on how to address the challenges raised

by the presence of irregular migrants has not been readily available. The aims of this guidance are therefore threefold: first, raise awareness of the particular challenges municipalities face in relation to this group of residents; second, showcase innovative practices across municipalities; and third, facilitate dialogue within and between authorities at all levels of governance on effective approaches they can take.

Who are migrants with irregular status?

In this guidance, 'migrants with irregular status' refers to 'third country nationals' – individuals from outside of the European Union (EU) and the European Economic Area (EEA) – who either have entered a European country without authorisation ('irregular entrants') or who entered with a valid entry permit but whose rights to stay have lapsed ('overstayers'). The latter include individuals who have not complied with the conditions of their visa or temporary residence permit, including: unaccompanied children who have reached 18 years of age; asylum seekers whose application has been refused; labour migrants following the loss of official employment; and family migrants following the end of a spousal relationship. Children may be 'born with an irregular immigration status' if they inherit the immigration status of their parents. Among irregular migrants, immigration status may vary considerably,¹ and migrants may have differing entitlements to services. The term 'irregular migrant' here is used only to refer to third country nationals, not to 'mobile EU citizens' who are in situations of irregularity vis-à-vis the conditions for free movement within the EU.

This guidance tends to use the term 'irregular' in preference to 'undocumented' (as some of those whose immigration status is irregular have documentation, such as a passport), but where used in this guidance, the term 'undocumented' is meant as a synonym of 'irregular'. This guidance, however, does not use the term 'illegal migrants' to avoid unwanted connotations stigmatising migrants as criminals (irregular entry and/or stay per se are not criminal offences in many countries); to ensure legal accuracy (where the act of entering and staying without authorisation is illegal, and not the perpetrators themselves); and to conform to the terminology favoured by many international institutions.²

¹ Kraler, A. & Ahrens, J. (2023). Conceptualising migrant irregularity for measurement purposes. MIrreM Working Paper No.2. Krems: University for Continuing Education Krems (Danube University Krems). DOI: 10.5281/zenodo.7868237

² PICUM. (2015). *Why 'undocumented' or 'irregular'?*, Brussels: Platform for International Cooperation on Undocumented Migrants, available at: www.picum.org/Documents/WordsMatter/Words_Matter_Terminology_FINAL_March2017.pdf

A study of migrant irregularity in Italy and the Netherlands considers registration of residence as an additional defining feature of migrant irregularity, alongside legal status under migration law and rights to employment.³ Research into ‘status mobility’ and ‘migrant categories’ has ALSO highlighted how migrants can shift across different legal statuses and migrant categories over the duration of their migration project.⁴ Nonetheless, from a legal perspective, migrant irregularity remains clear cut, given that the state can only assign a migrant to one particular status at any given time. Although, many asylum seekers can remain in a legal limbo while waiting on decisions on their applications, exacerbating their precarity. The defining feature of migrant irregularity within national legal frameworks generally is irregular stay. This refers both to situations where individuals lack a valid visa or residence permit and importantly, where individuals breach the conditions of their stay, such as being employed even though their permit does not allow them to work or being engaged in informal employment. Whether breaches of residence conditions are sufficient to lead to a termination of residence, however, is subject to considerable variations in both law and law-in-practice and additionally is constrained by human rights law and related jurisprudence. In both cases – migrants without any authorisation to stay and migrants breaching conditions of their stay – migrants whose residence is terminated usually will be issued with an order to leave or are forcibly returned to their country of origin – or a previous ‘safe country’ of stay.⁵

1.2 Estimates of irregular migrants

Estimating the number of irregular migrants involves numerous methodological challenges and constraints imposed by limitations of the available data.⁶ Consequently, all estimates come with considerable uncertainty and caveats, and they are influenced critically by how and how well these methodological challenges and data limitations have been addressed.

³ Belloni, M., Pastore, F., & Roman, E. (2023). The irregularity maze: Investigating asymmetries and discontinuities in the interaction between migrants’ geographic mobility and regulatory framework. In I. van Liempt, J. Schapendonk, & A. Campos-Delgado (Eds.), *Research Handbook on Irregular Migration* (pp. 153–167). Edward Elgar Publishing.

⁴ Crawley, H., & Skleparis, D. (2018). Refugees, migrants, neither, both: Categorical fetishism and the politics of bounding in Europe’s ‘migration crisis’. *Journal of Ethnic and Migration Studies*, 44(1), 48–64. <https://doi.org/10.1080/1369183X.2017.1348224>

⁵ Kraler, A. & Ahrens, J. (2023). Conceptualising migrant irregularity for measurement purposes. MlrreM Working Paper No.2. Krems: University for Continuing Education Krems (Danube University Krems). DOI: 10.5281/zenodo.7868237

⁶ See, for example, Jandl (2011) “Methods, Approaches and Data Sources for Estimating Stocks of Irregular Migrants.” *International Migration* 49: 53-77.

The most recent officially accepted estimate for EU countries suggests that in 2008 there were an estimated 1.9 to 3.8 million irregular migrants living in the EU, less than 1 percent of the population of the then EU27,⁷ ⁸ and between 2.8 and 3.7 million in 2017.⁹ ¹⁰ Most migrants reside in cities and other urban areas, and those with irregular status follow this trend. Only 21% of migrants who irregularly enter the European Union go back to their countries of origin, even if they receive a negative decision on their asylum request by a member state, according to the European Commission.¹¹ Many of these migrants will remain living within the EU. Because of the lack of data on this population at country and municipal level, the European Commission funded a new Horizon Europe project called Measuring Irregular Migration (MIrreM).¹² The results and accompanying new estimates are expected around 2025.

City level estimates of irregular migrants have been limited because of the same challenges faced in producing national estimates. However, there have been some sporadic attempts by some cities such as London. Gordon et al. (2009)¹³ for example, estimated that at the end of 2007, there were 442,000 undocumented people in the capital, of whom 61,000 were UK-born. More recently, Thomas and Jolly (2018)¹⁴ adopted a Delphi model¹⁵ to estimate the number and distribution of undocumented children in London. The study provided final estimates of the number of undocumented children aged up to 18 ranging from 80,000 to 100,000, with mean and median estimates of 90,000.

⁷ European Commission. (2010). *Report from the Commission to the European Parliament and the Council: First Annual Report on Immigration and Asylum, 2009*. Brussels: European Commission.

⁸ Kovacheva, V., & Vogel, D. (2009). The size of the irregular foreign resident population in the European Union in 2002, 2005 and 2008: Aggregated estimates. Hamburg Institute of International Economics.

⁹ Pew Research Centre. (2019). <https://www.pewresearch.org/global/2019/11/13/europesunauthorized-immigrant-population-peaks-in-2016-then-levels-off>

¹⁰ This estimate was a revised estimate from the one initially published by Pew which was 3.9 million -4.8 million and which included asylum seekers with a pending application. For more information see <https://www.pewresearch.org/global/2019/11/13/europes-unauthorized-immigrant-population-peaks-in-2016-then-levels-off/>

¹¹ <https://www.euronews.com/my-europe/2023/01/24/brussels-unveils-plan-to-boost-returns-of-irregular-migrants>

¹² <https://irregularmigration.eu/>

¹³ Gordon, I., Scanlon, K., Travers, T. and Whitehead, C. (2009) Economic impact on the London and UK economy of an earned regularisation of irregular migrants to the UK. London: LSE

¹⁴ Thomas, S. and Jolly, A. (2018) The Emotional Health and Wellbeing of Undocumented Children in London: Interim Report. Unpublished report, University of Birmingham/Barnardo's

¹⁵ The Delphi Model has been recognised by Pinkerton et al. (2004) and Gordon et al. (2009) as a possible and widely investigated way of quantifying the undocumented population. Delphi involves bringing together a panel of experts with professional or personal experience relating to seek consensus on the numbers and distribution.

The population of irregular migrants is diverse in terms of country of origin, faith, gender, age and education. People with irregular status may in practice be employed, living with family or friends, and have few needs for municipal service provision. Others are, or become, destitute. Some irregular migrants are known to immigration authorities but are in practice 'non-removable' for reasons that include lack of travel documents, the security situation in their country of origin, or need for medical treatment.¹⁶

According to Pew research in 2017,¹⁷ three-in-ten irregular migrants were estimated to be from Asia-Pacific countries, including Afghanistan and Pakistan, while an estimated 23% were from European countries outside of the EU and European Free Trade Association, including Russia and Turkey.¹⁸ Some 21% were from countries in the Middle East and North Africa region, such as Syria and Iraq. Meanwhile, 17% were from sub-Saharan African countries, such as Nigeria and Eritrea, and 8% were from countries in the Americas.

1.3 Changing global and EU policy frameworks

At the highest level, following 18 months of consultation and negotiation, the Global Compact for Safe, Orderly and Regular Migration (GCM) was adopted by the majority of United Nations (UN) member states and endorsed by the UN General Assembly at the end of 2018. The GCM aims to support international cooperation on the governance of international migration; provide a comprehensive menu of options for states from which they can select options to address some of the most pressing issues around international migration; and give states the space and flexibility to pursue implementation based on their own migration realities and capacities.¹⁹

Some argue that because its contents are non-binding and the product of compromises reached between nations with very different experiences and politics of migration, the GCM is of limited

¹⁶ European Migration Network. (2016). *The Return of Rejected Asylum Seekers: Challenges and Good Practices*. Brussels: European Commission. Available at: https://emnbelgium.be/sites/default/files/publications/emn-studies-00_synthesis_report_rejected_asylum_seekers_2016.pdf

¹⁷ <https://www.pewresearch.org/global/2019/11/13/the-origins-time-in-country-and-demographics-of-unauthorized-immigrants-in-europe/>

¹⁸ Specific country examples are drawn from the top nationalities in each region using data representing asylum seekers with pending decisions – a group that makes up large shares of unauthorized immigrants in many European countries. Specific nationality data for unauthorized immigrants not waiting on an asylum claim is unavailable in the survey data used to develop the estimates.

¹⁹ <https://www.iom.int/global-compact-migration>

practical value.²⁰ Others contend that its attempt at comprehensiveness undermines the value it can add in terms of policy coherence.²¹

Notwithstanding such critiques, the GCM does bring the global and the local a step closer. The GCM is a strong endorsement of the importance of municipal provision to irregular migrants, of the municipal role, and voice. It commits under Objective 23 that states will *'involve and support local authorities in the identification of needs and opportunities for international cooperation for the effective implementation of the Global Compact and integrate their perspectives and priorities into development strategies, programmes and planning on migration, as a means to ensure good governance as well as policy coherence across levels of government and policy sectors, and maximize the effectiveness and impact of international development cooperation'* (para 39). Objective 15 of the GCM, to provide access to basic services, states: *'We commit to ensure that all migrants, regardless of their migration status, can exercise their human rights through safe access to basic services. We further commit to strengthen migrant inclusive service delivery systems, notwithstanding that nationals and regular migrants may be entitled to more comprehensive service provision, while ensuring that any differential treatment must be based on law, proportionate, pursue a legitimate aim, in accordance with international human rights law'*. The countries that adopted the GCM commit to work with local authorities, among other stakeholders, in its implementation (para 44).²²

Most recently, following the first International Migration Review Forum in 2022, which was convened to assess progress worldwide against the GCM's objectives, the Global Forum for Migration and Development's Mayors Mechanism launched a report in which 47 local and regional governments from 33 countries made their own explicit pledges to expedite GCM implementation.²³

At the European level, the New Pact on Migration and Asylum is an ongoing process of regulation and policymaking to create a fairer, more efficient and more sustainable migration and asylum process for the European Union. The Pact, proposed in September 2020, has the objective to

²⁰ Pécoud, A. (2021) Narrating an ideal migration world? An analysis of the Global Compact for Safe, Orderly and Regular Migration, *Third World Quarterly*, 42:1, 16-33, DOI: 10.1080/01436597.2020.1768065

²¹ Vitiello, D. (2022). Comprehensive Approaches in the Global Compact for Migration and the EU Border Policies: A Critical Appraisal. *Laws* 11: 78. <https://doi.org/10.3390/laws11050078>

²² Global Compact on Migration (2018): <https://www.iom.int/resources/global-compact-safe-orderly-and-regular-migration/res/73/195>

²³ Localizing the Global Compacts: First Report on Local Action for Migrants and Refugees — MAYORS MIGRATION COUNCIL <https://www.mayorsmigrationcouncil.org/news/localizing-the-global-compacts-2022>

manage and normalise migration for the long term, providing certainty, clarity and decent conditions for people arriving in the EU. It also seeks to establish a common approach to migration and asylum that is based on solidarity, responsibility and respect for human rights.²⁴ The European Parliament and Council have declared their intention that proposals under the new Pact be adopted by the end of the current legislative period, with negotiations to be concluded by February 2024. The Pact has been criticised as lacking ambition, tinkering at the edges of migration policy rather than grappling with the continent's underlying political gridlock on the issue which stands to stymie real progress.²⁵ Civil society organisations have consistently opposed²⁶ the approach taken in the new Pact proposals and warned²⁷ that developments in the negotiations might lead to a deterioration²⁸ of the conditions for migrants and asylum seekers in the EU.

The EU's governance arrangements for migration have also been shaped of late by the significant external shock posed by the Russian invasion of Ukraine in early 2022. With the war under way and an exodus of Ukrainian civilians leading rapidly to a significant number of migrants in multiple European countries, the EU for the first time activated its Temporary Protection Directive (TPD), which had been developed at the turn of the millennium, at the end of a decade of conflict in the former Yugoslavia. The TPD provides an exhaustive legal framework for the social protection for people displaced against their will.²⁹ While the directive excludes certain categories of migrants, and while sustainably financing the implementation of its provisions remains a challenge, its activation has facilitated a significantly smoother reception in Europe for Ukrainian refugees than that sometimes afforded their predecessors from elsewhere. In addition, some

²⁴ https://home-affairs.ec.europa.eu/policies/migration-and-asylum/new-pact-migration-and-asylum_en

²⁵ Abdou L, *From the migration crisis to the new pact on migration and asylum: the status quo problem*

²⁶ Joint statement on the impact of the new Pact on Migration and Asylum on children in migration: <https://static1.squarespace.com/static/5e60f6d23a934b793314f68d/t/6017e5d699cc3e5941a61531/1612178903430/Joint+statement+on+Pact+-+pic.PDF>

²⁷ PICUM (2020) More detention, fewer safeguards: the new EU Pact on Migration and Asylum ignores human rights: <https://picum.org/blog/more-detention-fewer-safeguards-new-pact-migration-asylum-ignore-human-rights/>

²⁸ European Council on Refugees and Exiles (2023) NGOs call on Member States and European Parliament: Go no Lower: Reject the Use of Legal Loopholes in EU Asylum Law Reforms: <https://ecre.org/joint-statement-ngos-call-on-member-states-and-european-parliament-go-no-lower-reject-the-use-of-legal-loopholes-in-eu-asylum-law-reforms/>

²⁹ Notte-Baumvol, Mont'Alverne and Guimaraes, *Extending social protection for migrants under the European Union's Temporary Protection Directive: lessons from the war in Ukraine*.

European states have invoked their own new domestic legislation to ensure the wave of refugees fleeing Russian aggression are properly provided for, such as Slovakia's so-called *Lex Ukraine*.³⁰

1.4 National legal frameworks

National legal and policy frameworks provide for limited but varying access to public services for irregular migrants across Europe. Greater access is sometimes permitted for children. In 2011, an EU Fundamental Rights Agency (FRA) study reported entitlements to a range of services, including shelter and social assistance.³¹ A later mapping of entitlements to healthcare and education across the EU28 (2015) showed that all EU governments allow access to emergency health care; that ten countries provide some access to primary and secondary care; and that eight countries permit healthcare for children to the same level as for nationals. As regards education for children of school age, some states' laws require all children to attend, but require a residence permit to do so (thus excluding undocumented children in practice). In ten countries the entitlement is explicit in law, and in thirteen it is implicit in a universal entitlement from which these children are not excluded.³² There are instances of national rules being reformed to allow greater access (as in relation to healthcare and education in Sweden in 2013), but also instances of tightening restrictions (as in relation to rented accommodation in the UK in 2014).

The provision in national laws for a level of access to services acknowledges that people with irregular status should not be excluded from all welfare provision. Access has been provided in part because exclusion can conflict with national policy priorities such as protection of public health (such as access to treatment for HIV/AIDS) and in measures to enable victims of domestic violence to approach the police without fear of deportation.³³ In some European nations, relatively inclusive measures exist for irregular migrants' social protection. For example, Finland's constitution guarantees adequate social, health and medical services for everyone in the country

³⁰ Deliu N, (2022) *Ukraine crisis implications on EU migration policy and security*.

<https://think.visegradfund.org/wp-content/uploads/Ukraine-crisis-implications-on-EU-migration-policy-and-security.pdf>

³¹ FRA. (2011). *Fundamental Rights of Migrants in an Irregular Situation in the European Union*. Vienna: EU Fundamental Rights Agency.

³² Spencer, S. & Hughes, V. (2015). *Outside and In: Legal Entitlements to Health Care and Education for Migrants with Irregular Status in Europe*. Oxford: COMPAS. Available at: https://www.compas.ox.ac.uk/wp-content/uploads/PR-2015-Outside_In_Mapping.pdf. The Annex to the report provides information on the entitlements in each Member State.

³³ Spencer, S. (2018). *Multi-level governance of an intractable policy problem: migrants with irregular status in Europe*. In *Journal of Ethnic and Migration Studies*, Volume 44 (12); Spencer, S. & Delvino, N. (2019). 'Municipal activism on irregular migrants: the framing of inclusive approaches at the local level'. *Journal of Immigrant & Refugee Studies*. DOI: 10.1080/15562948.2018.1519867

and is backed up by specific care and welfare legislation. In Switzerland, workers' access to social insurance is not constrained by immigration status, although in practice many remain undeclared and therefore unable to access this social security.³⁴

National legal frameworks are nevertheless largely restrictive. Migrants with irregular status are not entitled to access most public services. They are also not permitted to work in the formal labor market or access welfare benefits. The social consequences of this exclusion are felt at the local level. Municipalities respect the role of national governments in managing migration. They find, however, that the exclusion of this section of the population impacts not only the migrants themselves, but also other residents in their area. It can impact negatively on municipalities' capacity to fulfil statutory responsibilities such as addressing homelessness, crime prevention and protecting public health. If municipalities fail to address the challenge that this poses, there can be negative consequences for the whole community. Yet they need to respond to these challenges in ways that do not encroach on the responsibilities of national governments in relation to immigration control. This guidance provides practical solutions that enable municipalities to do so.

The particular case of the UK

The national legal framework for governing migration in the UK has been transformed as a result of the UK exiting the European Union when the Brexit transition period expired at the end of 2020. From that point onwards, some three million EU citizens living in the UK fell under immigration law which had not applied to them before. Now, Freedom of Movement (FOM) protections against expulsion no longer apply to EU citizens in the UK, expanding the list of reasons for which such people can legally be deported. There is some evidence to suggest such deportations are selective, according to factors such as income and housing.³⁵

In July 2023, the legislative landscape for managing migration in the UK was further altered by the passage through parliament of The Illegal Immigration Act. This new legislation was championed by the British Prime Minister and Home Secretary on the basis that it would enable them to 'stop the boats' – a political strapline referring to a promise to end the phenomenon of

³⁴ PICUM, (2022) *A snapshot of social protection measures for undocumented migrants by national and local governments* https://picum.org/wp-content/uploads/2022/08/A-snapshot-of-social-protection-measures-for-undocumented-migrants-by-national-and-local-governments_EN.pdf

³⁵ Radziwinowiczowna, A and Olayinka, L, (2021) *The post-Brexit legal framework for international migration in the UK: differentiated deportability of poor Europeans?*

migrants reaching the UK irregularly on small boats. The Bill extinguishes access to asylum in the UK for anyone who arrives irregularly, having passed through a country – however briefly – where they did not face persecution. It bars them from presenting refugee protection or other human rights claims, no matter how compelling their circumstances. In addition, it requires their removal to another country, with no guarantee that they will necessarily be able to access protection there. It creates sweeping new detention powers, with limited judicial oversight. Senior representatives of the UN have observed that the Act flies in the face of the UK's obligations under both human rights and refugee law.³⁶

Covid-19: temporary national responses across Europe

European nations' reactions to the Covid-19 pandemic, whilst varied, all had implications for their resident populations of irregular migrants. The Netherlands, for example, during the pandemic temporarily abandoned the requirement that irregular migrants prepare for return to their countries of origin in order for them to access homeless shelters.³⁷ Portugal temporarily regularized all migrants, including asylum seekers, who had applied for a residence permit before the declaration of the state of emergency for Covid-19, aiming to ensure migrants' rights, including access to health care and social security.³⁸ Italy also offered temporary regularisation to a subsection of its irregular migrants working in farming and social care.³⁹ The United Kingdom government instructed those working in its National Health Service not to check the immigration status of anybody accessing Covid-19 testing and treatment. The government also asked local authorities in England to "help make sure we get everyone in,"⁴⁰ including those who would not normally be entitled to assistance under homelessness legislation. In response, local authorities across the country sought to ensure that people sleeping rough and in accommodation where it was difficult to self-isolate (such as shelters and assessment centres) were safely accommodated to protect them, and the wider public, from the risks of Covid-19. Spain and Greece both introduced fast-track procedures for irregular migrants to secure work permits in sectors of the economy especially affected by the pandemic. Uniquely among European nations, Ireland

³⁶ UK Illegal Migration Bill: UN Refugee Agency and UN Human Rights Office warn of profound impact on human rights and international refugee protection system | OHCHR, July 2023
<https://www.ohchr.org/en/press-releases/2023/07/uk-illegal-migration-bill-un-refugee-agency-and-un-human-rights-office-warn>

³⁷ Mallet-Garcia M and Delvino N (2021), *Re-thinking exclusionary policies: the case of irregular migrants during the COVID-19 pandemic in Europe*, *Social Policy Review* 33, Policy Press

³⁸ Guadagno L, *Migrants and the Covid-19 pandemic: an initial analysis* (IOM 2020)

³⁹ [Regularisation of undocumented migrants: Portugal and Italy take the first steps... – nvo](#)

⁴⁰ <https://commonslibrary.parliament.uk/research-briefings/cbp-9057/>

established a website to allow workers with irregular status who had lost their job due to Covid-19 to apply for 'Pandemic Unemployment Payment' alongside laid-off workers with regular immigration status.⁴¹ Belgium released an estimated 300 irregular migrants from detention centres during the pandemic. In Slovenia, migrants held pending forced return were released and granted a temporary residence permit valid for up to six months.⁴²

For a period in the early 2020s, nation states across Europe – whether for humanitarian reasons, to safeguard essential supply chains or to protect public health – created more hospitable, less hostile environments for irregular migrants. Many of these more inclusive policies, adopted during the pandemic, have not outlasted it. Nevertheless, they illustrate how national governments do have the power, when they choose to use it, to make policies and pass laws that embrace irregular migrants, rather than exclude them.

1.5 Why municipalities facilitate access to some services

Scholarship on 'urban citizenship' has illustrated how the multi-level governance of migration, involving more than one tier of government, has an impact on migrant irregularity.⁴³ More concretely, the global Sanctuary Cities movement has effectively shown how irregular migrants can benefit from (partial) enfranchisement and access to services at the local level, despite their lack of status at the national level.⁴⁴ Irregular migrants are also consumers, and thus increase demand and generate economic growth through their spending.

Municipalities give the following reasons for facilitating access to some services for people with irregular status.

A. To comply with legal duties

Municipalities are required to provide some services to people with irregular status as a matter of national law. An example in most EU Member States is education for children of school age. Municipalities also have a range of statutory responsibilities which require them to address the

⁴¹ Mallet-Garcia M and Delvino N (2021), *Re-thinking exclusionary policies: the case of irregular migrants during the COVID-19 pandemic in Europe*, *Social Policy Review* 33, Policy Press
<https://bristoluniversitypressdigital.com/display/book/9781447359739/ch012.xml>

⁴² Mallet-Garcia M and Delvino N (2020) *Migrants with irregular status during the COVID-19 pandemic: Lessons for local authorities in Europe*, *CMISE Working Paper*

⁴³ Spencer, S. (2018). *Multi-level governance of an intractable policy problem: migrants with irregular status in Europe*. In *Journal of Ethnic and Migration Studies*, Volume 44 (12)

⁴⁴ Delgado, M. (2018). *Sanctuary Cities, Communities, and Organizations: A Nation at a Crossroads*. Oxford University Press.

needs of all residents in their area, regardless of status. An example is the Dutch municipal 'duty of care.'⁴⁵ Municipalities may also have duties relating to a particular section of the population, such as children. An example is the UK municipal duty to protect a child 'in need',⁴⁶ regardless of immigration status. These duties may conflict with others, for example a requirement on the part of municipalities to pass on details of individuals with irregular status to police or immigration authorities. Municipalities have to find a way to fulfil one statutory duty without breaching another.

Municipalities, as state authorities, are also expected to respect the state's obligations under European human rights standards, including the European Convention on Human Rights (ECHR) and the Council of Europe's European Social Charter.⁴⁷ In addition, the EU Return Directive⁴⁸ includes an obligation to provide basic shelter and care to vulnerable individuals who are in the process of returning but have not yet left the country.

B. To reduce irregularity

Irregularity is a challenge for municipalities. They want to reduce the number of people with irregular status and to prevent a lapse from regular status into irregularity (for instance, when an unaccompanied minor reaches the age of 18). Provision of a service such as shelter or a day centre can provide a means of contact between the municipality and the individual and an opportunity to build trust, whether through direct contact or through a non-governmental organisation (NGO) funded to provide the service. Through associated provision of information and legal advice, the individual may then be assisted in their application to the immigration authorities to resolve their status, or helped to return to their country of origin (see section 4.1).

⁴⁵ Deriving from Articles 21 and 124(1) of the Constitution and Article 2.1.1 of the 'Wet maatschappelijke ondersteuning' (Wmo) - the Dutch Social Support Act (2015).

⁴⁶ In England it is covered under s17 of the Children Act 1989; in Wales, this is provided by the Social Services and Well-being (Wales) Act 2014; in Scotland, this is provided under Section 22 of the Children (Scotland) Act and Section 12 or 13A of Social Work (Scotland) Act 1968; in Northern Ireland, unlike the other UK nations, support is provided through the local health and social care trusts and under Article 18 of the Children (Northern Ireland) Order 1995 or the Health and Personal Social Services (Northern Ireland) Order 1972.

⁴⁷ <https://www.coe.int/en/web/european-social-charter>

⁴⁸ Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals.

C. To achieve municipal social policy objectives

Municipal social policy objectives differ according to the remit of the authority and the particular challenges it faces, but may include:

Community safety – crime prevention and detection

- Municipalities are concerned that all residents, irrespective of their immigration status, should feel able to come forward to the authorities if they have been the victim of or witness to a crime. This is both for their own protection, and for that of other residents. They do not want anyone to be afraid of reporting crime to police. The community has greater protection from crime and security threats if police have access to information from irregular migrants. Municipalities also do not want victims of violence to be forced to remain in violent homes because of a lack of alternative accommodation. For this reason, some municipalities provide places in shelters regardless of immigration status.

Avoiding street sleeping and squatting in abandoned buildings

- A frequent reason for intervention is to avoid visible street homelessness, whether squatting in public places or in abandoned buildings. To be effective, measures to address homelessness cannot exclude a section of the homeless population. Provision of some form of shelter is also necessary to address the consequences of homelessness such as poor health, substance abuse, physical danger associated with sleeping in the street and a negative impact on tourism.

Child protection and welfare

- Protecting children from harm is a legal and/or ethical duty of municipal authorities, and it is felt that children should receive no less protection because of their immigration status or that of their parents. Provision of services can also protect a child's welfare, ensure that decisions are taken in his or her best interests and prevent a 'cliff-edge' wherein a right to receive a service ends when the child reaches 18 years of age but is ineligible to take up an apprenticeship, further education, or employment.

Public health

- Municipalities stress the importance, if faced with a public health emergency, of being able to contact all residents or reach those who have been in contact with someone with

a communicable disease. They also need all children to be offered vaccinations as an effective vaccination programme is dependent upon a high proportion of the population being covered. Municipalities are concerned that anyone who has HIV/AIDS, tuberculosis or hepatitis should feel able to enter a treatment programme, as this is the most effective way to avoid the spread of these conditions. These considerations became especially pressing during the Covid-19 pandemic, when national efforts to mount effective programmes of testing, contact tracing and vaccination all relied upon the inclusion and participation of everyone in the community.

Community cohesion and avoiding segregation

- Cohesion is threatened if a section of the *de facto* population is visibly excluded, cannot speak the language, and does not use the same services and public spaces as other residents. Municipalities are concerned to avoid any section of the population living separately from the rest of the community as this can lead to fear and mistrust.

Addressing exploitation in housing and employment

- For some municipalities, addressing exploitation of tenants by landlords is part of their remit. Irregular status makes individuals vulnerable to exploitation by those able to provide shelter. Women in need of accommodation to avoid sleeping on the street may be particularly at risk. There is also a concern to avoid exploitation by employers of workers who do not want their immigration status to become known. Municipalities also want to limit the informal economy in their area so as to ensure that businesses comply with health and safety standards and employment regulations, and pay local taxes.

D. To ensure the efficient administration of related public services

Municipalities may find that exclusion of one group of residents undermines their ability to run public services efficiently. Provision of birth certificates, and registration of all residents on a municipal register (as in Spain), provides data on population numbers that is used for planning services such as school places and vaccination programmes. Provision of healthcare reduces pressure on emergency health services and on hospitals that prolong 'emergency' treatment because of a lack of entitlement to post-emergency care. Reputational risk is also cited as a reason for protecting vulnerable people regardless of immigration status.

E. To respect professional ethics

Professional staff employed by the municipality, such as doctors, nurses, teachers and social workers, are required to meet the standards of their profession. This may include provision of a service on the basis of need or because it is in the best interests of a child, precluding the withholding of services on grounds of immigration status. Staff need to feel supported by their employer in making a decision that is compatible with the ethics of their profession.

F. To reduce any public concern

Public attitudes can be very negative towards people with irregular status. They can also, however, reflect concern for people who are seen to be vulnerable, such as children and victims of domestic violence. There can be a negative public reaction to the visibility of irregular migrants on the streets or temporary encampments, leading to polarisation of public opinion. Municipalities may feel the need to avoid the most visible manifestations of irregularity, and to protect the vulnerable, so as to avoid negative reactions from across the spectrum of public opinion.

G. To safeguard the public image of the city

Municipalities may want to project an image of the city or town as an open, diverse or human rights city, or as an attractive destination for tourism and investment. Visible signs of exclusion such as encampments can conflict with that goal. The City of Sanctuary accreditation scheme, for example, taps into this desire to be recognized as a place of welcome for people fleeing from danger and persecution.⁴⁹

⁴⁹ <https://cityofsanctuary.org/>

Part 2: Guidance on Governance

2.1 Governance, Coordination and Consultation

Governance in relation to this group of residents raises a number of particular challenges. The municipality may have little data or evidence on the population with irregular status, nor any history of internal or external discussion of the issues it raises. There can be uncertainty regarding the legal responsibilities of service providers and the entitlements of irregular migrants to different services, and few local experts from whom advice can be sought. Research from the LoReMi⁵⁰ project also found that municipal departments have been found to take different approaches towards irregular migrants so that the overall municipal response is fragmented, lack clarity of purpose and coordination. For those reasons, some municipalities start by conducting or commissioning a local study to provide the information they need (see Box 1).

Box 1: Research can identify need for action and inform next steps

The need for action may first be brought to the attention of the municipality by one of its frontline services, or by an NGO. Some municipalities have undertaken or commissioned research to clarify the situation. The City of **Zurich** Integration Delegation set up an interdepartmental working group under the Department of the Mayor to assess the situation of irregular migrants, in the course of which it commissioned a legal opinion from Zurich University on one of the issues it had identified as a problem: the access of 'sans-papiers' to justice. On that issue it wanted to know what scope it had for action given the constraints in the national legal framework. The Working Group report identified a range of problems relating to civil status regulations, health care, social insurance and pensions, education, the labour market, questions of everyday administration, social integration, and access to justice and the courts. It found that while hunger and homelessness were not common because of pragmatic interventions by the administration and high-level civil society involvement, there was exploitation of many irregular migrants and regular violation of their dignity. Lack of information, precarious work and fear of ID controls meant that irregular migrants do not make use of the opportunities open to them. The Working Group report made a series of recommendations, some relating to the need for further information and evaluation of access

⁵⁰ Kirchhoff et al (2022) *Local Responses to Migrants with Precarious Status: A Comparative Report on Frames Strategies and Practices in Europe*, The University of Oxford's Centre on Migration, Policy and Society. United Kingdom.

to services, and was influential in a Position Paper approved by the city council in 2018 (see below). The summary of the preliminary report is available on the website of the City of Zurich.⁵¹

National reports can also be a driver for change. A report from the Scottish Parliament in 2017, *Hidden Lives - New Beginnings: Destitution, asylum and insecure immigration status in Scotland*⁵² led the umbrella body of Scottish Local Authorities, COSLA, to commission and update its practice guidance to local authorities on migrants' entitlements to local authority support, covering social care, children's services, social security, housing and signposting to legal services. It was launched in February 2019 and is available at <http://www.migrationscotland.org.uk>. The committee also recommended that the Scottish Government publish a national strategy to prevent and alleviate destitution among migrants and asylum seekers.

The City of **Munich** commissioned a study of the social problems faced by irregular migrants in 2001. The study involved 84 interviews with irregular migrants, public officials, service providers, trade unions and NGOs to establish issues relating to work and its economic context in the city, accommodation, healthcare and education; the particular vulnerability of women, sources of help and support available, and the potential role of the local authority, within legislative constraints. After discussion among city departments including the Departments of Health and of Social Affairs, the report, with recommendations for action, was published in 2003. Its recommendations related to access to essential services and pathways out of irregular status.⁵³ The study was significant in guiding the action that followed, including the decision that the city health department should make provision for healthcare for people without health insurance, including irregular migrants – a service which combines medical treatment with social and legal counselling (see Section 4.1).

This section provides information on the arrangements municipalities have made to consult, plan, coordinate and administer their work in this area. The practices referred to have been

⁵¹ Available at: www.stadt-zuerich.ch/sans-papiers

⁵² Equalities and Human Rights Committee, Scottish Parliament. (2017). *Hidden Lives - New Beginnings: Destitution, asylum and insecure immigration status in Scotland*. Available at: <https://sp-bpr-en-prod-cdnep.azureedge.net/published/EHRIC/2017/5/22/Hidden-Lives---New-Beginnings--Destitution--asylum-and-insecure-immigration-status-in-Scotland/3rd%20Report.pdf>

⁵³ Anderson, P. (2004). 'Survival on the Margins - Summary of a Research Project on the Undocumented in Munich'. *Journal of International Migration and Integration* 5(1): 53-76.

implemented by European municipalities and may serve as practical examples for municipalities with similar needs in relation to migrants with irregular status.

Liaison can also be necessary with regional and national government departments, where responsibilities overlap, and with civil society organisations. Municipalities have developed a number of approaches to this internal and external dialogue and cooperation, from ad hoc arrangements to formal governance structures. Other cities include irregular migrants within the agenda of meetings addressing broader issues.

In some municipalities there is an administrative arrangement facilitating coordination across departments and related agencies, and/or coordination with NGOs. Municipalities may also discuss with regional, national or federal tiers of government the arrangements they are making, and may secure financial support for those arrangements. In some cases, this has led to changes in policy at national level, which have facilitated the approaches that municipalities wanted to take. This was the case in relation to access to internships for school leavers in the Netherlands and apprenticeships in Finland, for instance, and access to pre-school education in Italy.

2.2 What can be done by local authorities?

2.2.1 Internal and inter-agency consultation, information-sharing and coordination

Issues relating to irregular migrants typically concern a number of municipal departments and other local public agencies, requiring a level of consultation and coordination when action is taken.

This can be on an ad hoc basis, through an inter-departmental group within the municipality or an inter-agency group that facilitates coordination with other public bodies.

- In 2017, the Integration Delegation of **Zurich** City Council set up an interdepartmental working group on irregular migrants (*'sans-papiers'*). The Departments of Security, Health and Environment, School and Sport, and Social Affairs are represented in the working group under the leadership of the Department of the Mayor. The working group reviewed the situation relating to healthcare, education, access to justice, and provision of advice and information, and summarised in May 2018 its assessment and recommendations in a preliminary report (see Box 5). The Integration Office is entrusted with the task of regularly organising interdepartmental networking and exchange meetings in order to discuss

possible improvements in access to fundamental rights and services. Representatives of the canton and civil society may also be invited to take part.

- In **Helsinki**, a working group on asylum seekers and undocumented (irregular) migrants was established by the Mayor in May 2017. The group decided to focus solely on challenges relating to undocumented migrants and their service provision needs, and to make proposals for action, inter alia, on the need for cooperation with metropolitan area cities, NGOs and national institutions. The group met five times during 2017-2018 and finished a report in February 2018. The report tackles the following themes: information advice and service guidance; legal advice; psychosocial support; social benefits; health and well-being; emergency shelter and daytime services; early childhood care; education; security; training and support for the personnel of the city; cooperation with metropolitan Cities of **Espoo** and **Vantaa**; and voluntary return. The report consists of 30 measures to overcome challenges (agreed upon by the City of **Helsinki** departments), as well as service, monitoring and reporting needs. The report was passed to the Helsinki City Board for information in May 2018.
- **Stockholm's** Administration for Social Affairs liaises with departments across the city including its own Social Emergency Support. The latter has outreach units that refer people to the Social Services departments in the city's 14 district councils. The Social Affairs Administration provides guidelines on the limited, short-term financial support offered in some cases by these departments, including in relation to children. It is monitoring how the Social Services departments are using those powers. Social Emergency Support also refers people to civil society organisations and discusses the challenges related to irregular migrants within broader platforms for this collaboration.
- **Florence** is part of a Community Health Partnership (*Società della salute di Firenze*) of municipalities and the local health authority, established in 2004 to improve the integration of social and health services and the inclusion in services for disadvantaged people, including migrants. Services for irregular migrants are included within its agenda.

Box 2: Ghent's Municipal Steering Committee on Migrants with Irregular Stay

Ghent has a Municipal Steering Committee ('*Stedelijke Stuurgroep*') on Migrants with Irregular Stay ('*Mensen Zonder Wettig Verblijf*'), established in February 2016 in anticipation of the 'refugee crisis' leading to 'new' irregular migrants, but now covering all those with irregular status in the city. Membership consists of the city's Asylum and Refugee Policy Service and its Social Welfare Centre (OCMW, responsible for access to health services), as well as collaborators of the Executive Councillors responsible for integration and poverty reduction, and the Mayor.

It also includes two civil society organisations that are providers of information, legal advice and future orientation sessions. In 2017 the Steering Committee approved its terms of reference, which are:

- to have oversight of the number, profile and situation of irregular migrants who are living in Ghent;
- to inform irregular migrants correctly about their future options, and consider the best ways to do this; and
- to safeguard the rights of the migrants.
- to promote and support initiatives (for example the Shelter and orientation projects) that try to work on durable solutions for undocumented migrants (e.g. voluntary return, of obtaining a residence permit).

Among the issues that the Steering Committee discusses are: the limited data available on people with irregular status in the city; how to address issues relating to access to education and health services; and how to advise those intercepted on the way to the UK. One outcome has been the starting of “Shelter and Orientation”. A joint working group between the city and the Social Welfare Centre (‘BBBplus’) exploring the potential for a 24-hour shelter and advice service, based on the Dutch city model, to find a solution to irregularity through regularisation of stay or return. The group has the authority to take decisions on some matters, while others have to be referred to the council’s full Executive Committee.

Ghent also has a biannual Migration Forum at which the Mayor engages with stakeholders on policy and practice issues including on irregular migrants. Originally focusing on refugees, the first meeting with a broader agenda was held in September 2018.

2.2.2 Consultation and coordination with external stakeholders

As many services are provided with or through external partners, some of the arrangements for regular dialogue that are made are inclusive of them. In some cases, membership is inclusive of NGOs that are not funded by the municipality but are knowledgeable on the situation of irregular migrants.

- **Berlin’s** Senate Administration for Health established a roundtable in 2010 to bring together city officials, the local Medical Association and NGOs that provide medical assistance to irregular migrants in the city. City representation included Berlin’s Interior Affairs and Sports Department, the Department for Integration, Employment and Social Affairs, the Regional Office for Health and Social Affairs, and the district health office. The

aim was to explore practical solutions to provision of access to health care within the constraints permitted by national legislation. The roundtable, in which moderation was shared by the State Secretary for Health with representatives of the NGO MediBüro, facilitated a regular exchange of information with civil society organisations that enabled the authorities to assess the medical needs of the city's irregular migrant population and help secure cross-institutional agreement on steps to take.⁵⁴

- The City of **Athens** participates in the ACCMR Access and Legal Rights Working Committee, an external group organised by the Athens Coordination Center for Migrant and Refugee issues (ACCMR). It is a working committee of legal actors who share information and coordinate to assess existing legal services, and build an understanding of legal gaps and challenges. The aim is to provide reliable, up-to-date and consistent information and guidance on legal issues related to asylum and integration of refugees and migrants. The committee is comprised of representatives of legal service providers, as well as representatives of public authorities, community-based organizations, the lawyers' Bar Association and other relevant stakeholders. The Working Committee has a focus on irregular migrants and, in the context of EU and national legal requirements, assesses their access in practice to advice and essential services. In 2018 it has considered recommendations relating to: the issuing of ID cards; de-criminalisation; provision of information, advice and representation; and housing and healthcare.

Box 3: Oslo's Reference Group with External Stakeholders

In **Oslo**, consultation with external stakeholders is undertaken through a Reference Group set up in December 2017. It complements broader city engagement with NGOs in the city in order to focus on this issue. Its terms of reference are:

- to provide feedback on practices and services for irregular migrants;
- to generate ideas on potential areas of reform; and
- to give input to future policy issues for irregular migrants in Oslo.

The Reference Group has met regularly during the project period. Coordinated by Oslo's Department for Primary Health and Social Services, the external participants are organisations

⁵⁴ Former State Secretary for Health, Environment, Agriculture and Consumer Protection of the Berlin Senate, interviewed by Sarah Spencer, September 2013; Berlin Senate's Official, interviewed by Vanessa Hughes, August 2013. NGO representatives, interviewed by Vanessa Hughes, July 2013; Holm A., Lederer K. & Naumann M. (eds.). (2011). *Linke Metropolenpolitik. Erfahrungen und Perspektiven am Beispiel*. Berlin, Münster: Westfälisches Dampfboot, pp. 161-182.

that either undertake particular measures for people with irregular status (some of which are funded by the City) or interact with them, including the Salvation Army, the Health Centre for Irregular Migrants (run by the Red Cross and the Oslo Church City Mission), Humans in Limbo, the Council of Immigrant Organizations and a centre focusing on prostitution. Issues discussed have included access to city services and data protection in relation to personal information. The reference group has made a summary of new short- and long term propositions on services such as legal advice, health care, housing and competence for employees on irregular migrants in Oslo. The summary is based on experiences with irregular migrants and information from other cities in the C-MISE project.

2.2.3 Coordination by municipal umbrella body

Where many municipalities within a country face similar challenges in relation to irregular migrants, their umbrella body may take up the issue to provide guidance or to negotiate on their behalf.

- The Association of Finnish Local and Regional Authorities, the six largest Finnish cities (**Helsinki, Espoo, Vantaa, Tampere, Turku, and Oulu**) and state authorities have formed a group responsible for providing an overview of irregular residence in Finland. In addition to the representatives of the Association and the cities, the group has members from the Ministry of the Interior, the Ministry of Social Affairs and Health, the Ministry of Education and Culture, the Ministry of Economic Affairs and Employment, the Finnish Immigration Service, and the National Police Board. The group promotes the exchange of information between the cities and state authorities on the situation of irregular residents in the cities and across the country. The cities and the Association of Finnish Local and Regional Authorities have had an opportunity to present their views on the services for undocumented migrants and on central government instructions to local authorities.
- The Association of Dutch municipalities, VNG, has played a key role in negotiating with the government on behalf of municipalities on the possibility of providing shelters to irregular migrants and on funding for that provision, on which agreement was reached in the autumn of 2018 (see Box 4).
- The Convention of Scottish Local Authorities (COSLA) has published guidance for Scottish local authorities in 2019 on migrants' rights and entitlements to local authority services and works across Local Government to help to prevent destitution.

- The County Administrative Board in **Stockholm** did a mapping of missing unaccompanied minors 'Lost in Migration' 2016-2017. With the mapping, guidance for regional collaboration was published.⁵⁵
- In addition to communicating multilaterally through umbrella bodies such as those cited above, individual municipalities may also wish to engage in bilateral conversation with other municipalities, for instance regarding the potential interoperability of neighbouring cities' municipal ID cards.

2.2.4 Dialogue with national governments

The significance of national legal and policy frameworks relating to irregular migrants and overlapping responsibilities for policies on access to services can necessitate dialogue between municipalities and national governments. This may be on a bilateral basis where the issue concerns one authority, or involve a number of municipalities. Municipalities also engage with the immigration authorities on individual cases (see Section 4.1).

- In 2017, the **Greater London Authority** (GLA) raised with the UK government the situation of the residents of Grenfell Tower with irregular status who lost their homes in the fire on 14 June that cost 72 lives. It involved letters and meetings to highlight issues and to talk through the Government response in detail. The GLA was one of the voices that influenced government to offer a route to permanent settlement for survivors with insecure immigration status, to extend the deadline to apply to ensure that survivors had more time to come forward, and to make revisions to the policy for family members living overseas to enable them to extend their leave in the UK where they were designated as core participants to participate fully in the subsequent Inquiry.⁵⁶
- In 2012, Dutch municipalities, including **Amsterdam**, were influential in convincing the government that internships should be considered 'education' rather than 'work', so that school students with irregular status might be allowed to undertake them.⁵⁷

Channels for municipalities' considered communication with national governments may help resolve seeming or actual tensions that can arise in the multi-level governance of migration and

⁵⁵ <https://www.lansstyrelsen.se/download/18.570d3e071634a145608677/1526069022760/Rapport%202016-28%20Lost%20in%20Migration.pdf>

⁵⁶ Mayor of London (2017). *Minutes of the London Strategic Migration Partnership*, 7 December 2017. Available at: www.london.gov.uk/sites/default/files/lsmc_minutes_7th_december_draft_update.pdf

⁵⁷ PICUM. (2013). *Bulletin 22 January 2013*. Available at: <http://picum.org/picum-bulletin-22-january-2013/>

migrants.⁵⁸ While the extent of devolved and delegated powers and levels of local government autonomy vary considerably from country to country, this remains a political space in which the limits of subsidiarity can be tested, occasionally with dramatic results, such as the near fall of the Dutch coalition government in 2015. In situations where a local authority makes available to irregular migrants support denied to them by the national government, such as shelter, or refuses to comply with the national state's requirements, for instance for information sharing on irregular migrants, mechanisms for dialogue at an appropriate level can prove helpful. Where local and national governments fail to communicate or coordinate, the public may be unimpressed.

Box 4: Municipal agreement reached with government to provide shelter and advice

In November 2018, the Association of Dutch Municipalities (VNG) secured an agreement⁵⁹ with the Dutch Ministry of Justice and Security on developing a national network of shelter and advice provision (National Immigration Facilities (LVVs)), beginning with several local pilots from early 2019. The scheme is intended, through close cooperation between municipalities and the national government, to find a durable solution for migrants who are not entitled to stay in the country. While the migrants are provided with shelter and care, the aim of guidance will be to secure voluntary repatriation, transit migration or regularisation of status (see Box 9). The agreement states that the operation of the scheme is based on mutual trust between municipalities and government, use of mutual knowledge and skills, and that disagreements will be brought out into the open to be discussed. The implementation of the agreement is largely funded by the national government. An independent evaluation of the programme will be conducted. The findings will form the basis for a final arrangement between the national government and municipalities on this issue.

The agreement follows a long period of negotiation and litigation. **Utrecht**, seeking legal clarity that it could provide shelter, cooperated with a complaint from an NGO against the Dutch state to the European Committee of Social Rights (ECSR), the Council of Europe's body tasked with judging states' conformity in law and practice with the European Social Charter. The ECSR found the Netherlands in breach of the Charter in three different cases (ECSR, 20 October 2009,

⁵⁸ Spencer S, (2020) Cities Breaking the Mould? Municipal Inclusion of Irregular Migrants in Europe https://link.springer.com/chapter/10.1007/978-3-030-34324-8_10

⁵⁹ EMN. (2018). *Bulletin 25th edition December 2018*. Available at: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/00_emn_25th_bulletin_final.pdf. The agreement is available (in Dutch) at: <https://www.rijksoverheid.nl/documenten/kamerstukken/2018/11/29/tk-stand-van-zaken-locaties-vreemdelingen-voorzieningen-lvv>

DCI v. the Netherlands, Complaint No. 47/2008; ECSR, *CEC v. The Netherlands*, Complaint No. 90/2013; ECSR, *FEANTSA v. The Netherlands*, Complaint No. 86/2012). With these cases, the municipality obtained judicial decisions backing the provision of shelter to irregular migrants. As the decisions of the ECSR are not legally binding, litigation continued in the Dutch national courts. In relation to accommodation of children with irregular status, the Dutch Supreme Court (judgment 21 Sept. 2012, ECLI:NL:HR:2012:BW5328) followed the reasoning of the ECSR and established that the Dutch government has a legal obligation to provide adequate facilities and care for children without a residence permit, if the parents do not have the financial resources to do so themselves.⁶⁰

A recent evaluation⁶¹ of the LVV programme, showed that participants who exited the programme by 1 July 2022, a solution has been found for almost 60 per cent of them, of which 41 per cent have a semi-durable solution and 18 per cent a durable solution.

2.2.5 Developing a comprehensive action plan

Some municipalities have an overall plan for their work relating to their residents with irregular status. In other cases, separate initiatives are planned for, or arise separately over time.

- The City Council of **Barcelona** in 2017 adopted a strategy aimed at encouraging regularisations and preventing regular immigration statuses from lapsing.⁶² The strategy is made up of six goals that include ensuring universal access to municipal services for irregular migrants in the city, and encouraging the regularisation of people in irregular situations through provision of information and free legal advice to help people to obtain residence permits. It also aims to prevent irregular migrants losing their residence permits ('lapsed regularity'), for example by creating a protocol for social services to refer people at risk of lapsed regularity (because of a loss of employment) to the local employment agency. This allows early access to job offers before losing a residence permit, access to training, and development of an employment activation plan. Barcelona's plan provides

⁶⁰ Delvino, N. (2017). *European Cities and Migrants with Irregular Status: Municipal initiatives for the inclusion of irregular migrants in the provision of services*. Oxford: COMPAS, available at: www.compas.ox.ac.uk/2017/european-cities-and-migrants-with-irregular-status/

⁶¹ Mack A, Buimer L, Rog J and M Witvliet (2022) Final evaluation of the National Undocumented Migrant Facility, Regioplan <https://cmise.web.ox.ac.uk/files/samenvattingeindrapporteindevaluatielvv-regioplan-executivesummarypdf>

⁶² Barcelona City Council. (2017). *Mesura de govern per afavorir l'accés a la regularitat i prevenir la irregularitat sobrevinguda*. The strategy (with an English translation) can be accessed at: <http://www.bcn.cat/novaciudadania/pdf/mgrregularitat.pdf>

for an information leaflet in seven different languages on access to the municipal register (the pathway to local services) and establishes information sessions and training courses for professionals who engage with irregular migrants in the provision of services. Irregular migrants are included within the training courses and employment plans of the local employment agency, and in language courses, to facilitate their regularisation and social integration. Information initiatives target specific economic sectors and areas with a high presence of irregular workers, such as the domestic employment sector.

Box 5: Zurich's City Council approves plan of action in 2018

Zurich's City Council published a Position Paper on irregular migrants in September 2018 identifying a series of measures to be taken.⁶³ It followed the report (see Box 1) of an inter-departmental working group, 'Sans-Papiers in the City of Zurich: Problem areas and urban policy options'. The Position Paper notes that irregular migrants ('sans-papiers') are a reality in Zurich and part of society with corresponding rights and obligations. It states that those who have lived in the city for several years should be regularised and integrated, that the Council has communicated that position to the Canton and Confederation, and asks meanwhile that they implement relevant improvements to enable them to exercise their basic human rights without risks. The City itself assumes responsibility for the irregular migrants living in the city and is resolved to improve their situation: to ensure they have access to municipal services (and to facilitate that access where monitoring identifies a barrier); to examine how to improve healthcare for those without health insurance; to ensure access to pre-school as well as compulsory schooling and to examine the education position of young people leaving school; to establish in which cases the legal status of foreigners must be ascertained when services are provided and to adapt existing practices accordingly, including seeking a legal opinion to clarify whether and to what extent a municipal identity card could contribute (while expressing reservations on whether that could be the case); to support non-governmental organisations that offer advice and information services; to promote urban citizenship; and to strengthen internal cooperation and exchange with civil society organisations on these issues.

⁶³ Zurich City Council. (2018). *Positionspapier des Stadtrats von Zürich zum Thema Sans-Papiers*. Available at: www.stadt-zuerich.ch/sans-papiers

2.2.6 Allocating a budget

There may be an identified budget for this work with irregular migrants but elsewhere the cost of provision is not identified separately from provision of other services. Alternatively, it can be part of an allocation of funding to NGOs for the services they provide.

- **Gothenburg** has a budget of €3m per annum for provision of shelter for homeless third country and EU nationals, including those with irregular status. Stockholm similarly has a budget for partnerships with NGO's that offer support and shelter to unaccompanied minors who become 18 and are no longer in the asylum system.
- **Barcelona's** 2017 strategy (see above) includes a budget of €341,000 (2018) for delivering the actions identified.
- In 2015, **Düsseldorf's** Committee for Health and Social Affairs agreed an annual budget of €100,000 to provide healthcare to irregular migrants with medical needs (see Section 4.4).⁶⁴
- **Ghent** has a budget set aside to cover unpaid school bills, including those for pupils with irregular status (see Section 4.5)

⁶⁴ PICUM. (2017). *Cities of rights: Ensuring health care for undocumented residents*. Brussels: Platform for International Cooperation on Undocumented Migrants. http://picum.org/wp-content/uploads/2017/11/CityOfRights_Health_EN.pdf

Part 3: Guidance on service provision: general principles

3.1 General principles on providing access to services

Cities' approaches towards irregular migrants are evolving across Europe. They reflect a complex pattern of entitlements and restrictions at European, national and local levels; and the tensions in multi-level governance that can emerge where national, regional and municipal priorities do not coincide.⁶⁵ Some cities have formal policies relating to irregular migrants and a specific budget allocation for relevant services. Others are making adaptations which are less formal in approach, or less coordinated across the authority. While other cities have to yet develop an approach towards its irregular migrant populations.

Access to services is often more extensive for children and vulnerable adults, reflecting national legal frameworks as well as the priorities of the municipality. While some service provision is intended to address the immediate effects of exclusion, in other cases the municipality also seeks to address the underlying problem of irregular status, for example by facilitating access to legal advice.

Municipalities may facilitate access to mainstream services where this is appropriate. Examples include admitting children to mainstream schools and pre-school facilities, or extending the services of social workers dealing with homelessness to homeless migrants with irregular status. A municipality may enable an individual to pay for a mainstream service from which they would otherwise be excluded. In other cases, separate arrangements may be made for irregular migrants, or they may be included within a service provided for other migrants. The service may be provided in whole or part by staff working for the authority or another public sector body. Alternatively, funding may be provided to NGOs to provide the service, in particular where there are restrictions on the municipality providing the service, or concerns about data sharing (see Section 3.3).

In order to ensure that those requiring services feel able to come forward, municipalities need to be able to provide assurances that personal information will not be disclosed to authorities responsible for enforcing immigration laws. There are a number of ways in which such a data 'firewall' can be erected. These options are explored below.

⁶⁵ <https://cmise.web.ox.ac.uk/files/adecadeofcompasresearchandkeonirregularmigrantsoct2022pdf>

Facilitating access to mainstream services with other residents and/or other migrants

Municipalities may facilitate access to an existing service where possible, paying the provider if required. This avoids the development of 'parallel' services, ensuring that standards of service provision are maintained for all service users.

- **Helsinki** provides children and pregnant women with irregular status with the same health services as Finnish nationals in its public clinics and hospitals. Other irregular migrants can receive treatment for a wider range of illnesses than are accessible under national arrangements (see Section 4.4).
- **Barcelona** encourages migrants to access Spanish and Catalan language classes, training and employment services, regardless of immigration status (see Boxes 6 and 18).
- **Ghent** provides an information and advice service for all migrants and for Belgian nationals (see Section 4.1).
- **Liverpool** decided in 2018 to open its night and day shelters to any rough sleeper, regardless of immigration status. This is also the case in **Oslo** (see Section 4.2).

Box 6: Barcelona: Ensuring access to services and regularisation through the municipal register

Under Spanish law, all residents must register in the *padrón*. *Barcelona* is among municipalities that actively encourage and facilitate registration by irregular migrants. It does so by informing them of their obligation to register and allowing the registration of people with no fixed address through the City Council's Social Services Department, thus enabling their access to services such as education. This evidence of residence can also be provided to the immigration authorities if a migrant applies for regularisation of status. Providing such a report is a responsibility of municipalities under Spanish immigration law. In 2010, more than 16,000 people with no fixed address were registered in *Barcelona*, 13,400 of whom were non-EU country nationals. Many had irregular migration status. A monitoring committee on irregular migrants' access to services includes a focus on effective access to the register for people who are unable to show a valid tenancy agreement for their address.

Provide a service for irregular migrants who cannot access a mainstream service

An alternative arrangement is made for situations where it is not possible for irregular migrants to use a mainstream service.

- Cities of **Helsinki** and **Espoo** have created specific units within the department of social services that may provide necessary social services, based on an individual assessment, for any irregular migrant in need in the municipality. This support may include shelter, cash assistance for food and other necessities, a transportation card, and social and legal guidance.
- Five Dutch municipalities (**Amsterdam, Eindhoven, Groningen, Rotterdam** and **Utrecht**) have run a pilot project together with the national government to offer shelter and case management (LVV) to irregular migrants on the condition that they were working towards voluntary return, onward migration or regularisation. Participants receive shelter, counselling and financial support for food and other necessities. During their participation in the programme, people are temporarily protected from detention and deportation.
- In **Malmö**, irregular migrants can apply for emergency assistance, usually in the form of financial assistance for food and medicine and/or a space in a municipal shelter for people experiencing homelessness. When a person does not have a residence permit, the application is examined in relation to the person's need, to prevent danger to life and health. They must show they are staying in the municipality, are in an emergency situation, unable to meet their basic needs, and are not receiving assistance from the Swedish Migration Agency.
- Cities such as **Frankfurt** and **Dusseldorf** established or fund clinics, sometimes in association with NGOs that provide medical care for those without access to the mainstream healthcare system (see Section 4.4).
- Cities such as **Utrecht** and **Helsinki** provide access to legal advice for resolution of immigration status, whether directly or through an NGO (see Section 4.1).
- **Genoa** provides a range of services (including shelter and food) directly to vulnerable irregular migrants, including unaccompanied minors, victims of trafficking and pregnant women (see Section 4.2).

3.2 In Focus: Provision through or in partnership with NGOs

Municipalities may provide a service in partnership with an NGO or may fund, or contribute to the funding of, an NGO service provider.

Why do municipalities work with or fund NGOs to provide services?

- An NGO can be well informed regarding the changing situation of irregular migrants and have the expertise to meet their particular needs

- Irregular migrants may be more confident in approaching an NGO than an official council service
- An NGO may not be bound by any legal duty to transfer personal information on service users to immigration authorities
- Provision through an NGO may be less sensitive politically than direct provision by the council
- Outsourcing a service to an NGO may prove less expensive

What can be done by local authorities?

There are a number of different possible arrangements.

Partner with one or more NGOs to provide a service

- **Düsseldorf** funds an NGO to provide medical consultations and refer patients to specialist doctors, covering the cost of care provided (see Section 4.4).
- **Barcelona**'s SAIER advice service is provided in partnership with six NGOs which together have the necessary expertise to advise on a wide range of issues (see Box 6).
- **Munich** provides healthcare services for people without health insurance in cooperation with an NGO, Café 104, which provides free medical advice as well as advice and representation on immigration status.
- **Zurich** designated funds to various NGOs to provide direct support to their clients to meet basic needs in the form of direct cash payments as well as vouchers for food.
- The Trust for London funds secondments to the **Greater London Authority** for people working in civil society organisations to support migrants.
- The NGO called Greater Manchester Immigration Aid Unit has collaborated closely with local authorities to support migrants with irregular status leaving the councils' care.

Funding NGOs to provide a service or contributing to the cost

This is common practice across a range of services. Examples include:

- The City of **Zurich** created a pilot program that offers "Basic Economic Aid" through civil society organizations to any person without access to traditional forms of social protection. It is based on living in Switzerland for 5 years (of which 2 years in Zurich) and the amounts disbursed are similar to asylum welfare (lower than normal social assistance). The pilot program was suspended by a higher authority, but a project with a similar

approach was submitted by the local parliament in 2023 and is currently being examined by the responsible authorities.

- **Utrecht, Eindhoven and Nijmegen**, where funding to NGOs includes covering the cost of some health services and medicines for which the individuals cannot otherwise receive reimbursement (such as dental care) (see Section 4.4).
- **Stockholm and Gothenburg** provide funding for places in NGO shelters for victims of domestic violence and other irregular migrants who are homeless (see Sections 4.2 and 4.3).
- **Warsaw** provides 40 percent of the funding for a medical NGO that provides services to uninsured residents, irrespective of immigration status (see Section 4.4).
- **Oslo** funds an accommodation centre, managed by the Salvation Army and the Red Cross, which provides overnight stays during the winter for those without rights to other social services (see Section 4.2).
- **Amsterdam** funds an NGO to provide an allowance to irregular migrants in critical need with no means to sustain themselves (but itself authorises each case before payment).
- **Barcelona** works with a network of 120 NGOs and provides funding to advice providers so that they may remain up to date on changes in law and regulations affecting their clients.

Providing other means of support

In addition to or instead of providing funding to an NGO, a municipality can provide other means of support. This might include endorsing an application from an NGO to an external funder, or vouching for the importance of the services the NGO provides.

- **Athens** supports the Melissa Network, an NGO providing a range of services to migrant women, by endorsing the value of its work in funding applications and recommending it as a reliable partner for projects.

3.3 In Focus: Handling of personal data (and the concept of 'firewalls')

Many municipalities take steps to safeguard the personal data of service users from immigration enforcement authorities, while continuing to fulfill their responsibilities under national law. Provision of a service for people with irregular immigration status is only effective if the service users are reassured that their personal details will not be reported to immigration law enforcement authorities. Fear of detection and removal is a significant deterrent to using a service, even where an individual is entitled to do so under national law or municipal policy.

A separation between public immigration enforcement activities targeted at irregular migrants and the provision of services to them is known as a 'firewall'. Firewalls are particularly relevant to such services as healthcare, social services, education and access to the justice system. Firewalls are implemented to ensure that individuals are not deterred from accessing essential services by a fear that doing so could lead to their arrest and deportation.⁶⁶

A legal firewall to prevent disclosure may be provided for by national legislation in relation to particular services to which government considers access important. Municipalities should be informed about the circumstances in which they are, or are not, required to transfer information on service users with irregular status to police or immigration authorities, and about the potential relevance of the General Data Protection Regulation (GDPR) for their handling of this sensitive data.⁶⁷

Box 7: Firewalls and safe reporting in the US⁶⁸

In the United States, the country's federal structure establishes a strict separation between the actors responsible for immigration and criminal law enforcement. These division of competences at different governance levels, and the independence of local authorities from the federal government in regulating their enforcement agencies (constitutionally protected by the Tenth Amendment), have allowed several localities, commonly described as "sanctuary cities," to establish "local firewalls"—with at least a "don't ask," "don't tell," and/or "don't enforce" component.

The term sanctuary often fed the misconception that sanctuary cities provide deportable migrants with a "sanctuary" from any form of immigration enforcement. In reality, sanctuary laws do not prevent in any way federal officials from enforcing immigration rules; they simply restrict the possibilities for local officials to get involved in the enforcement of rules, which fall within the remit of federal authorities.

⁶⁶Crépeau, F. and Hastie, B. (2015). 'The Case for 'Firewall' Protections for Irregular Migrants. Safeguarding Fundamental Rights'. in *European Journal of Migration and Law*, 17: 157-184

⁶⁷ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation). Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016R0679>

⁶⁸ Delvino, N., & González Beilfuss, M. (2021). Latino Migrant Victims of Crime: Safe Reporting for Victims With Irregular Status in the United States and Spain. *American Behavioral Scientist*, 65(9), 1193–1205. <https://doi.org/10.1177/0002764221996773>

3.3.1 Legal and policy background

- The Council of Europe's European Commission Against Racism and Intolerance (ECRI) recommends that governments establish personal data 'firewalls' to prevent certain social service providers from sharing the personal data of irregular migrants for purposes of immigration control and enforcement. General Policy Recommendation 16, 'On safeguarding irregularly present migrants from discrimination' (2016), provides guidance relating to healthcare, education, housing, labour protection, policing and criminal justice, and specialised advice agencies.⁶⁹
- Objective 15 of the UN Global Compact for Migration commits signatory states to: *'Ensure that cooperation between service providers and immigration authorities does not exacerbate vulnerabilities of irregular migrants by compromising their safe access to basic services or unlawfully infringing upon the human rights to privacy, liberty and security of person at places of basic service delivery'* (para 31b).⁷⁰
- The European Commission's proposal for a Directive on combating violence against women and domestic violence (COM (2022) 105 final, 8 March 2022)⁷¹ addresses **safe reporting through Article 16(5) by** foreseeing that competent authorities may transfer information on residence status to migration authorities after the completion of the first individual assessment. However, at no point should a victim's residence status be shared without consent with any stakeholder – including migration authorities. This deters reporting of violence and hinders victims from accessing essential services and support; and violates their fundamental human rights to privacy and data protection, enshrined in Article 7 and Article 8 EU Charter of Fundamental Rights and General Data Protection Regulation (GDPR). **The European Parliament has proposed⁷² to delete the exception proposed by the Commission** and has also proposed **Article 19 paragraph 1a, ensuring that the individual assessment of support needs and the provision of support services are not dependent on the victim pressing charges**, which is crucial for accessing victims support general and specialised services without any barriers.

⁶⁹ ECRI. (2016). *General Policy Recommendation No. 16. On Safeguarding Irregularly Present Migrants from Discrimination*. Adopted on 16 March 2016. <http://hudoc.ecri.coe.int/eng#%7B%22ECRIIdentifier%22:%5B%22REC-16-2016-016-ENG%22%7D>; Summary: <https://www.coe.int/t/dghl/monitoring/ecri/activities/GPR/EN/ENG-Rec%2016%20-%20KeyTopics.pdf>

⁷⁰ Global Compact on Migration. (2018) available at: <https://www.iom.int/resources/global-compact-safe-orderly-and-regular-migration/res/73/195>

⁷¹ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52022PC0105>

⁷² https://www.europarl.europa.eu/doceo/document/A-9-2023-0234_EN.html

- National laws or regulations may, in particular circumstances, explicitly prohibit the transfer of information on immigration status to police or immigration authorities. In many countries, medical professionals and teachers are required to observe confidentiality laws regarding patient and student data. In Spain, this is also the case for data on the municipal register (except in the case of serious crime, where police may gain access). Under Swiss law, there is a firewall between tax and immigration authorities, so that individuals may pay tax without fear of their personal data being accessed for immigration purposes.
- In contexts where there is a general requirement for public servants to report migrants with irregular status, a specific service may be the subject of an exemption. This is the case in Germany with respect to information held by doctors and teachers, and in the UK with respect to patients seeking treatment for a range of conditions including transferable diseases.
- Professional associations may advise their members that transfer of data on service users would breach the ethics of their profession, as recommended by the World Medical Association (WMA). The WMA also urges local authorities to ensure access to adequate healthcare regardless of legal status.⁷³
- National policy may provide for alternative administrative arrangements for service users with irregular status, allowing them to access services for which other residents have an identity code or number. For example, in Italy, where children are entitled to education until age 18, irregular migrants are exempt from the requirement to present the fiscal code of the student, and those of his or her parents, upon registration at a school. Instead, the Ministry of Education has provided a specific mechanism wherein such migrants may obtain a temporary code from the school to be used for the purpose of registration.⁷⁴
- The COVID-19 pandemic also led to the reinforcement of firewalls in some countries, such as Ireland, to ensure that no data is shared between service providers and immigration authorities in compliance with the firewall principle.⁷⁵ Similarly, the UK government has provided guidance to the National Health Service to ensure that no immigration checks are performed for people accessing testing and treatment for COVID-19, which are

⁷³ World Medical Association (2016). *WMA Resolution on Refugees and Migrants 2016*. Available at: www.wma.net/policies-post/wma-resolution-on-refugees-and-migrants/

⁷⁴ Italian Ministry of Education, University and Research. (2014). *Linee guida per l'accoglienza e l'integrazione degli alunni stranieri del febbraio 2014*; Circular letter No. 28 of 10 January 2014.

⁷⁵ Wallis, E. (March 2020). "Which Migrant Services in Europe Are Suspended or Reduced Due to COVID-19?" Info Migrants.

provided for free to all foreigners.⁷⁶ Post-pandemic, however, the new Immigration Act does require from July 2023 some internal reporting within the healthcare system on patients' migration status.

3.3.2 What can be done by local authorities?

There are a number of procedural steps that municipalities can take to ensure that someone with irregular status is confident that they can use a service without immigration authorities being informed.

Not ask service users for information on immigration status

The simplest step that a municipality can take to ensure access to a service is to remove a requirement that the immigration status of the individual is identified to the service provider. Municipalities can also ensure that their services, and those of NGOs that they fund, do not ask for information on immigration status unless they are required to do so as a matter of national law. For many services (such as libraries, social and cultural services, and public transport) there is usually no expectation that individuals will be asked for information that identifies their immigration status. Irregular migrants will therefore feel able to use these services. Where information on immigration status is currently required, municipalities can review whether this is necessary.

- **Zurich** decided to review all relevant services to establish if immigration status is identified and, if so, whether such information is needed. The review will be repeated regularly to identify possible improvements in accessibility.
- **Athens** has a food distribution service which is open to all those in need without questions asked about immigration status.
- **Amsterdam** police initiated the policy (now nationwide) of enabling victims of and witnesses to crime to make reports without reference to their immigration status (see Section 4.3).
- Italian municipalities, including **Turin**, **Florence** and **Genoa**, instructed municipal kindergartens not to require any documentation relating to a regular residence at enrolment (see Section 4.5).

⁷⁶ Mallet-Garcia M and Delvino N (2020) *Migrants with irregular status during the COVID-19 pandemic: Lessons for local authorities in Europe*, CMISE Working Paper

The simplest step that a municipality can take to ensure access to a service is to remove any requirement that the immigration status of the individual is identified to the service provider.

Alternative measures where municipalities are required or need to identify immigration status

If information on immigration status is recorded because relevant for the service, the municipality can adopt a policy not to disclose such information if not required to do so. If national law requires evidence on immigration status before a service is used, funding can be provided to an external organisation to provide the service (usually an NGO). The NGO may either not ask for information on immigration status or, if that information is needed to provide the service, have no duty to disclose it.

- **Rotterdam** asks midwives, general practitioners and schools to refer children for vaccinations regardless of immigration status, so as to avoid these children being excluded from that service.⁷⁷
- **Dusseldorf** externalised reimbursements for medical services offered to irregular migrants to an NGO, which is not bound by a legal duty to report patients with irregular status. Otherwise, local welfare affairs offices reimbursing medical treatments for uninsured patients may be obliged to report those with irregular status (see Section 4.4).
- **Frankfurt** established a local health clinic where irregular migrants can obtain free medical consultations anonymously (see Section 4.4).
- **Munich** set up a mechanism for anonymous immigration case reviews, where irregular migrants, through the mediation of an NGO, can anonymously request an opinion on their chances of regularisation from immigration authorities (see Section 4.1)

If proof of identity, but not of immigration status, is required, municipalities can issue a local civic card that can be accepted as proof of identity or residence in the city when accessing services such as enrolment in a school. Such cards can be issued only to irregular migrants, or alternatively to all local residents so that the card provides no indication of status (a practice widely adopted in the USA) (see Section 5.2).

⁷⁷ Garcés-Mascreñas B. (2014). *Immigrants' equal access and equal use: a review of local policies in the domains of health care, housing, education and the labour market*. KING Project. Social Science Unit Desk Research Paper n. 10/July 2014. Milano: Fondazione ISMU.

Part 4: Guidance on specific areas of service provision

This section provides guidance on specific areas of service provision and is built on the experience of European municipalities which offer services to migrants with irregular status. For each area of service provision, brief information is given on the nature of the service; on why municipalities feel the need to make provision; and on the relevant legal and policy context. Subsequently, information is given on specific arrangements made. The practices presented in this section are initiatives that have been implemented across Europe and may serve as practical examples for other municipalities with similar needs. The aim is to provide practical, sustainable solutions to the different social challenges brought by the presence of irregular migrants.

A brief overview of the types of urban policies

Few categorisations in the literature elaborate on the diverse urban policies in support of irregular migrants. Kaufmann (2019)⁷⁸ distinguishes between *regularisation*, *sanctuary cities* and *local bureaucratic membership*. Regularisation programmes confer national residence status on irregular migrants. Within these programmes, cities can make use of their implementation discretion, as they sometimes have a role in defining or evaluating regularisation criteria. Sanctuary cities – initially and primarily a north American phenomenon – are cities that have passed a resolution or ordinance expressly forbidding city or local law enforcement officials from inquiring about immigration status and/or cooperating with national immigration enforcement authorities.⁷⁹ In this definition, sanctuary cities are a product of US federalism: given that immigration control is the responsibility of the US federal government, cities cannot be compelled to cooperate with immigration enforcement. Local bureaucratic membership aims to facilitate irregular migrants' access to city services. Some of the city services are based on parallel structures (as discussed in section 3.2.), that is, services specifically developed for irregular migrants, often in collaboration with non-governmental organizations (NGOs), and regular structures that ensure access to city services for irregular migrants in the same way other residents access them.

⁷⁸ Kaufmann D (2019) Comparing urban citizenship, sanctuary cities, local bureaucratic membership, and regularizations *Public Administration Review* 79(3), 443–446.

⁷⁹ Collingwood L and Gonzalez O'Brien B (2019) *Sanctuary Cities: The Politics of Refuge*. Oxford and New York: Oxford University Press.

In a study by Kaufmann et al⁸⁰ (2022), the authors surveyed between 2018 and 2020 urban policies in support of irregular migrants in all 95 European cities that have more than 350,000 inhabitants. Below is a table that summarises their findings.

⁸⁰ Kaufmann, D., Räss, N., Strebel, D., & Sager, F. (2022). Sanctuary Cities in Europe? A Policy Survey of Urban Policies in Support of Irregular Migrants. *British Journal of Political Science*, 52(4), 1954-1963. doi:10.1017/S0007123421000326.

Table 1: Overview of urban policies in support of irregular migrants

	No.	Cities
Policies that are more inclusive	5	Amsterdam (Netherlands), Barcelona, Madrid, Malaga, Valencia (all Spain)
<i>An inclusive Padrón Municipal approach to registration</i>	4	Barcelona, Madrid, Málaga, Valencia (all Spain)
<i>Partial non-enforcement of immigration law to enable safe reporting</i>	1	Amsterdam (Netherlands)
Policies that facilitate access to city services	24	<i>Netherlands:</i> Amsterdam, The Hague <i>Spain:</i> Barcelona, Madrid <i>Germany:</i> Berlin, Bochum, Bremen, Cologne, Düsseldorf, Frankfurt, Hamburg, Hannover, Munich <i>Italy:</i> Bologna, Florence, Genoa, Milan <i>Norway:</i> Oslo <i>Sweden:</i> Gothenburg, Malmö, Stockholm <i>Finland:</i> Helsinki <i>Belgium:</i> Liège <i>Austria:</i> Vienna
<i>Legal counselling</i>	5	<i>Netherlands:</i> Amsterdam <i>Spain:</i> Barcelona <i>Germany:</i> Berlin, Hamburg, Hannover
<i>Health care</i>	20	<i>Netherlands:</i> Amsterdam, The Hague <i>Germany:</i> Berlin, Bochum, Bremen, Cologne, Düsseldorf, Frankfurt, Hamburg, Hanover, Munich <i>Italy:</i> Bologna, Florence, Milano <i>Sweden:</i> Gothenburg <i>Finland:</i> Helsinki <i>Belgium:</i> Liege <i>Spain:</i> Madrid <i>Norway:</i> Oslo <i>Austria:</i> Vienna
<i>Housing</i>	6	<i>Netherlands:</i> Amsterdam, The Hague <i>Spain:</i> Barcelona, Madrid <i>Italy:</i> Genoa <i>Sweden:</i> Gothenburg
<i>Welfare</i>	4	<i>Netherlands:</i> Amsterdam <i>Sweden:</i> Gothenburg, Malmö, Stockholm

Source: Kaufmann et al 2022

4.1 Terminating irregularity: facilitating the regularisation and promoting the return of migrants with irregular status

This guidance is based on the premise that an irregular immigration status implies a variety of challenges for both the migrants and the communities they live in. It is recognised that irregularity is never a solution but a condition that should be addressed by facilitating either the

regularisation or the return of migrants with irregular migration status. For this reason, this part of the guidance starts with a section dedicated to the provision of legal advice and counselling aimed at resolving immigration irregularities either by supporting the acquisition of a regular status or by encouraging and supporting the voluntary return of migrants to their countries of origin.

4.1.1 Why local authorities get involved

- The provision of legal advice and counselling to migrants can prove key to terminating a condition of irregularity and, as a consequence, to reducing the social challenges related to the presence of migrants with irregular status. Facilitating regularisations or returns reflects a ‘problem-solving’ approach.
- Supporting migrants in transitioning from irregularity allows for a reduction in the number of individuals living in an irregular condition, which in turn fosters more lawful conditions in the city and provides reassurance to the population regarding migrants’ status.
- The provision of immigration counselling and support for individuals’ efforts to regularise increases migrants’ trust in officials, encourages them to interact with authorities, and ultimately makes them more likely to accept advice on voluntary return.
- Providing advice on, and material support for, voluntary returns encourages more humane return practices. It is also more cost effective as voluntary returns are less expensive than detaining and forcibly deporting a person.
- Combining the provision of a service (e.g. shelter) with the provision of counselling aimed at terminating irregularity (including by encouraging return) is often a way to reconcile a municipality’s inclusive aims with regulations that restrict immigration and funding.

4.1.2 Legal and policy background

- Decisions regarding the regularisation or removal of irregularly-staying third country nationals do not normally fall within the competences of municipalities but are the prerogative of national authorities. Within their limited powers, however, local authorities may facilitate access to regularisation or voluntary departure through counselling and support.
- According to the European Commission: *‘Tailored individual coaching, which empowers the returnee to take in hand his/her own return has proven to be successful. A systematic horizontal coaching of all potential returnees, covering advice on possibilities for legal*

stay/asylum as well as on voluntary/enforced return from an early stage (and not only once forced removal decisions are taken) should be aimed at'.⁸¹

- The Principles and Guidelines on the protection of the human rights of migrants in vulnerable situations (including irregular migrants) developed by the UN Human Rights Office (UN-OHCHR) with the UN Global Migration Group assert that authorities should *'take steps to provide competent, independent, free and confidential legal and other assistance to migrants, including accessible information and interpretation services, enabling them to understand their rights and obligations as well as relevant criminal, administrative, civil and labour justice procedures*'.⁸²
- EU Regulation 516/2014 establishing the Asylum, Migration and Integration Fund (AMIF) provides that the Fund shall support, *inter alia*, the provision of social assistance, information or help with administrative and/or judicial formalities, and information on counselling. The Fund is also intended to support the provision of legal aid and language assistance to irregular migrants, including non-removed migrants. The specifications on how to use the Fund at national level, however, are set in National Programmes that may disregard this opportunity.⁸³
- Assisted Voluntary Return and Reintegration (AVRR) programmes offer logistical, financial and/or material assistance. The European Commission has proposed enhancing voluntary return as a first action to increase the effectiveness of the EU return system.⁸⁴ Similarly, preference for voluntary return has been expressed in the jurisprudence of the Court of Justice of the EU (CJEU),⁸⁵ in line with the Return Directive (Art. 7) which places a general

⁸¹ European Commission. (2015), *Commission Recommendation of 1.10.2015 establishing a common 'Return Handbook' to be used by Member States' competent authorities when carrying out return related tasks – Annex Return Handbook*, C(2015)6250, available at: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/return_handbook_en.pdf

⁸² OHCHR. (2017). *Principles and Guidelines, supported by practical guidance, on the human rights protection of migrants in vulnerable situations*. Geneva: Office of the United Nations High Commissioner for Human Rights (OHCHR).

⁸³ Delvino, N. (2018). *The European Union and migrants with irregular status: opportunities and limitations in EU law and policy for European local authorities providing assistance to irregular migrants*. COMPAS: Oxford, available at: <https://www.compas.ox.ac.uk/2018/the-european-union-and-migrants-with-irregular-status-opportunities-and-limitations-in-eu-law-and-policy-for-european-local-authorities-providing-assistance-to-irregular-migrants>

⁸⁴ European Commission. (2015). *Commission Recommendation of 1.10.2015 establishing a common "Return Handbook" to be used by Member States' competent authorities when carrying out return related tasks – Annex Return Handbook*, C(2015)6250, available at: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/return_handbook_en.pdf

⁸⁵ Delvino N. (2017). *The challenge of responding to irregular immigration: European, national and local policies addressing the arrival and stay of irregular migrants in the European Union*, Oxford:

obligation on Member States to grant a period of 7 to 30 days to allow migrants issued with a return decision to leave voluntarily before enforcement measures are taken. EU Member States had to develop AVRR schemes by 1 June 2017.⁸⁶ The share of voluntary returns among total returns in the EU has gradually increased from 14% in 2009 to around 40% in 2013.⁸⁷

4.1.3 What can be done by local authorities?

Providing information, counselling and support on regularisation

Municipalities may support irregular migrants' efforts to find a solution to their immigration status by providing information and counselling on legal opportunities for regularisation, facilitating mediation between migrants and immigration authorities, and providing support for the voluntary return of those who, through professional counselling, realise they will be unable to regularise their status.

Setting up municipal information or counselling centres on immigration matters

Municipalities may set up dedicated information centres to provide counselling (see Box 8 for Barcelona's SAIER centre).

- The City of **Ghent** set up and manages an 'info-point on migration' (*Infopunt migratie*) that provides general advice and information on immigration matters to all residents of the city, including regular and irregular migrants and Belgian nationals. Irregular migrants can obtain information regarding opportunities and procedures to regularise their status, or can access voluntary return programmes. In addition, migrants receive information on services they can access in the city while their status is irregular (e.g. obtaining a medical card that allows access to a local doctor), and are referred to the relevant municipal departments or local organisations. To increase irregular migrants' trust in municipal employees providing advice, *Infopunt migratie* ensures the confidentiality of data shared and collects only minimal details from clients, including nationality, gender and

COMPAS, available at: <https://www.compas.ox.ac.uk/2017/autumn-academy-2017-report-the-challenge-of-responding-to-irregular-immigration>

⁸⁶ Council of the European Union. (2016). *Council Conclusions of 9-10 June 2016*.

⁸⁷ European Commission. (2015). Communication from the Commission to the European Parliament and to the Council - EU Action Plan on return, COM (2015) 453 final; and, Council of the European Union. (2016). *Council Conclusions of 9-10 June 2016*.

immigration status. A person's name and telephone number is only requested in exceptional circumstances (for example, when a follow-up is needed).

Financially supporting independent organisations providing information or counselling

A municipality may prefer to externalise immigration counselling and advice by providing funding to local NGOs offering such services. There are several reasons for doing this including restrictive national regulations that prevent public officials from interacting with irregular migrants or require public service providers to report clients with irregular migration status. In some cases, outsourcing of services to NGOs is more cost effective, or is aimed at increasing migrants' trust in their advisors so as to render outreach efforts more effective.

- To make sure legal advice reaches the most reluctant migrants, the City of **Ghent**, in addition to its 'info-point on migration', also financially supports an independent organisation providing immigration counselling in its 'Transit-house'.
- To reach the highest number of irregular migrants in the city, **Barcelona** funds a network of 55 non-profit 'social entities' to provide free legal advice on obtaining regular status, renewal of expiring residence permits, and access to services in the city, as well as advice for foreign spouses of Spanish nationals. The social entities also follow the cases of migrants at risk of losing their regular migration status and can mediate on migrants' behalf with the local administration processing immigration cases. To ensure the consistency and efficiency of the service, the municipality established the *Network of Social Entities Offering Legal Advice for Foreigners (XESAJE)*, which facilitates the circulation of information on changes in laws and regulations affecting foreigners. It also organises periodic meetings with institutions to obtain up-to-date information on the most pressing issues for both the administration and users.
- The City of **Stockholm** established partnerships with NGOs offering counselling, legal advice and support to young irregular unaccompanied migrants. The City is further investigating new opportunities for partnerships with a local NGO to provide counselling to asylum seekers and migrants with irregular status.
- In **Helsinki**, the city provides funding to the Refugee Advice Centre to provide legal counselling. The support is considered to be temporary, but there are no specific conditions or maximum amount of time that a person can benefit from it.
- In **Cardiff**, legal assistance for precarious migrants is principally provided through Asylum Justice, the only charity in Wales that does not rely on legal aid and is sufficiently certified to provide both advice and representation. Asylum Justice aids refused asylum seekers

seeking to file new asylum claims, those with deportation notices, and those seeking to secure or extend their immigration status based on personal grounds.⁸⁸

- In **Vienna**, legal assistance is offered by NGOs. There is a range of ‘social counselling’ services that focus on social or labour issues and may cater to migrants with precarious status. Few NGOs specialise in migrant women and provide counselling in specific languages; they mostly provide social counselling and offer support for migrant women who, for example, have to navigate divorce proceedings. Some of these NGOs receive partial funding from various municipal departments, such as the integration and diversity department or the women’s department, as well as funding from the national or EU level. Others are exclusively funded through donations. Caritas runs the “Social and Return Counselling Centre for EU-Citizens” (Sozial- und Rückkehrberatung für EU-Bürger*innen), which assists destitute EU-migrants (rather than third country nationals) with arranging accommodation in emergency shelters, but also, when possible, supports them in claiming social benefits and with other social issues that may arise. It further funds and assists with transportation to the countries of origin, if a migrant desires to return. This service is funded by the municipality. The varying focus areas of the different counselling services can sometimes lead to variability in the attention given to cases, based on the commitment and knowledge of individuals within the counselling services, who may lack the resources or specific expertise needed to refer migrants to a different service.⁸⁹
- In **Frankfurt**, the local authority financially supports various facilities that offer ‘social counselling’ for migrants. In addition, the Women's Department funds counselling services for women who have experienced violence, which are open to women regardless of their residence status. Furthermore, various organisations providing counselling to migrants receive partial funding by the state of Hesse.⁹⁰

Offering mediation mechanisms between migrants and immigration authorities to obtain guidance on regularisation issues

Municipalities (or their partners) can act as intermediaries to facilitate interaction between immigration authorities and individuals who otherwise would not approach authorities. The

⁸⁸ Kirchhoff et al (2022) *Local Responses to Migrants with Precarious Status: A Comparative Report on Frames Strategies and Practices in Europe*, The University of Oxford's Centre on Migration, Policy and Society. United Kingdom.

⁸⁹ Ibid.

⁹⁰ Ibid.

mediation may be conducted by municipal employees if they are not required to report irregular migrants or by a private partner.

- The Social Services Department of the City of **Athens**, when certifying that women with irregular status have been victims of violence, has been negotiating the issuance of humanitarian permits on victims' behalf with the Greek Ministry of Interior.

In countries where public officials are required to report irregular migrants, municipalities may install a system of anonymous individual case reviews.

- The City of **Munich** has entered into partnership with a local NGO to take on cases of irregular migrants living in the city and discuss individual situations in an anonymous manner with immigration authorities. This allows the authority to assess individual situations and either suggest ways to regularise status or state that there is no prospect of an alternative to removal. The NGO thus obtains official individual consultations without having to disclose a migrant's identity and can advise migrants accordingly on their possibilities to regularise, or alternatively encourage them to join programmes of assisted voluntary return.⁹¹

Embedding immigration counselling within local shelters and other facilities providing services

Municipalities may combine the provision of a service with legal counselling on immigration matters.

- The Mayor of **London**, for instance, in association with a charitable foundation (Trust for London) developed a pilot scheme to embed legal support on immigration matters and guidance for children with irregular status in local primary schools.^{92 93}

Professional legal advice on immigration may be offered within a shelter for irregular migrants (see Section 4.2). This solution allows for individual and close follow-up of the immigration cases

⁹¹ Delvino, N. (2017). *European Cities and Migrants with Irregular Status: Municipal initiatives for the inclusion of irregular migrants in the provision of services*. Oxford: COMPAS, available at:

www.compas.ox.ac.uk/2017/european-cities-and-migrants-with-irregular-status/

⁹² Trust for London. (2018). *Citizenship and Integration Initiative: Piloting legal advice in an educational context - Invitation for expressions of interest*, available at: www.trustforlondon.org.uk/news/citizenship-and-integration-initiative/

⁹³ Mayor of London (2020) Social Integration in London: A Snapshot of the Mayor's Approach, Greater London Authority.

of the shelter's residents and builds trust between migrants and legal advisors who ultimately may be able to encourage migrants to accept advice on voluntary return. The provision of legal advice within shelters shapes the practice around a 'problem-solving approach' rather than solely service provision (see Box 9).

- The City of **Utrecht** is funding NGOs to offer shelters for unsuccessful asylum seekers and other individuals with irregular immigration status (see Box 9). Legal advice on immigration cases is offered within the shelter. Legal staff in the shelter advise on asylum appeals and other avenues to obtain a residence permit (e.g. on family or medical grounds). If a chance of regularisation is identified, municipal officers subsequently mediate for individual migrants with national immigration officers to confirm that the solution identified is indeed viable. Legal staff then follow up on the procedure for regularisation. If no chance of regularisation is identified, the migrant is encouraged to participate in a programme of assisted voluntary return (see below).

Developing guidance and outreach activity for residents with irregular status

Municipalities may develop guidance and outreach activities to inform residents with irregular or insecure immigration status regarding the possibility of regularising their status, and on the steps to follow to secure regular status. Several cities such as Ghent and Milan are in the process of putting in place a one-stop-shop, similar to the Barcelona one (see Box 8) on migration related services.

- In the City of **Ghent**, local outreach services work closely together with the federal service Reach Out of Fedasil to find and to inform migrants with irregular migration status about their options.
- The **Greater London Authority** (GLA), in partnership with specialised NGOs and with the support of philanthropic charities, developed two sets of guidance aimed at supporting young Londoners who have been living and growing up in the city with insecure immigration status to secure a legal right to residence in the UK. Both sets of guidance are hosted on the website of the Mayor of London. One set of guidance is aimed at informing young Londoners about their rights and how to receive professional support in London. The other set supports professionals helping young Londoners in changing their immigration status. In addition, the guidance directs irregular migrants to relevant local civil society organisations according to their advice needs. The expertise necessary for developing the guidance was secured through a secondment of civil society experts

within the city administration, funded by philanthropic organisations. In addition, the GLA carried out outreach activities including hosting a ‘Young Londoners Forum’ for young people with insecure status and workshops for the city’s officials and professionals.⁹⁴

Box 8: A one-stop-shop for migration-related services: Barcelona’s Services Centre of Assistance to Immigrants, Emigrants and Refugees (SAIER)

The City of **Barcelona** has developed a one-stop-shop where migrants (including irregular migrants), but also emigrants and refugees, may obtain information and access a variety of migration-related services for free. The goal is to provide comprehensive assistance to migrants and potential emigrants through one integrated structure. SAIER thus provides general assistance on immigration (including on accessing shelters), emigration, asylum and voluntary return.

SAIER’s services to immigrants (regardless of status) include the following: welcome services and general information about the City of Barcelona; immigration legal advice and support for documentation procedures; labour legal advice; orientation for labour insertion; training; provision of information on accessing housing, recognition of foreign qualifications and licenses, and how to access education services and courses on Catalan and Spanish; assistance with voluntary returns; and information on how to access social care for certain categories of socially vulnerable migrants with irregular status.

SAIER is managed by the municipal administration through a system of public-private partnership, with seven NGOs contracted by the city to provide information and services. The interaction of migrants, emigrants and refugees with service providers is structured on three levels to ensure that each user, according to their specific condition, is directed to the relevant service provider. The first level is ‘reception’, where users are welcomed by a desk officer who registers their request. Each user is then directed to the ‘Front office’ where a desk officer identifies the kind of assistance required, provides general information on the assistance the city can offer in relation to the user’s specific needs, and directs the user to the third and final level, the relevant NGO contracted by the municipality to provide the specific service needed by the user.

More information can be found at: www.bcn.cat/novaciutadania/arees/en/saier/saier.html.

⁹⁴ The guidance can be accessed at: www.london.gov.uk/what-we-do/communities/migrants-and-refugees/guidance-young-londoners-citizenship-residence

4.1.4 Temporary measures as part of COVID-19 response

During the COVID-19 pandemic, many EU countries' governments extended short- and long-term residence and work permits for migrant workers.⁹⁵ COVID-19 has shone a light on the fact that migrants, including those employed irregularly, play an important role in the provision of essential services in many European countries and contribute to institutional resilience. Therefore, migrants doing essential work, including those typically considered lower-skilled workers such as care assistants and food processors, have in many countries been declared "key workers", whose employment requires protection and in some cases even expansion. The fact that many "essential workers" are migrants, often employed in lower-skilled jobs and sometimes irregularly, has also received public attention, as evidenced, for example, by the widespread 'clapping for carers' across European countries. Partly as a reflection of this renewed sense of appreciation of the work performed by irregular migrants, a number of EU countries introduced new regularisation programmes for certain categories of migrants working without immigration permissions.⁹⁶

In Italy, for example, the government passed a law on 13 May 2020 allowing for the temporary regularisation of an estimated 200,000 irregular migrants working in the agricultural and caregiving sectors to address likely labour shortages due to the lockdown measures.⁹⁷ Greece also introduced an exceptional fast-track procedure for hiring irregular migrants in the agricultural sector to cover urgent needs, as well as an automatic 6-month extension of work permits granted on an exceptional base to irregular migrants. Similarly, Spain developed a fast-track procedure to grant residence and work permits for precarious migrants with a background in the health sector.⁹⁸

Other countries provided specific grace periods (e.g. France gave a 90-day extension), while others only indicated that they would tolerate late applications for renewal (e.g. Belgium) or offered an extension for a period beyond the end of the state of emergency (e.g. until 10 days after

⁹⁵ Twigg, J., Mathews R. and K. Guadagno 2021. Inclusion of Migrants and Refugees in Preparedness and Response to Biological Disasters: Case Study of the Covid-19 Pandemic. Council of Europe and IOM.

⁹⁶ See, for example, OSCE 2021 reporting of the scheme in France for accelerated naturalisation (after two years of residence rather than five) for those who were 'frontline workers' during the pandemic. See also details of the regularisation programme opened by the Irish Government.

⁹⁷ Palumbo, L. (June 2020). "The Italian Plan for Regularisation: Real Progress for Migrants' Rights?" MPC Blog, <https://blogs.eui.eu/migrationpolicycentre/italian-plan-regularisation-real-progress-migrants-rights/>

⁹⁸ OECD (2020) What is the Impact of the Covid Pandemic on Immigrants and their Children? Paris: OECD.

its end in Estonia, or until 45 days after its end in Hungary).⁹⁹ Prior to the COVID-19 pandemic, no large-scale regularisations had been conducted in EU countries in the last decade, in line with an EU policy line strongly opposed to regularisations, which the EU considered as a ‘pull factor’ for irregular migration.¹⁰⁰

Promoting the return of irregular migrants to their countries of origin

Regardless of what form the provision of legal counselling takes, it may be accompanied by programmes supporting the return of irregular migrants to their countries of origin. For many individuals, returning may not only be the outcome required by immigration law but may also be the best option on a personal level. Legal counselling can play a key role in helping migrants realise that they may be better off returning than continuing in a condition of irregularity. Often, however, migrants who decide to leave may not have the means to do so or may hesitate to return to their countries of origin because of personal challenges, pressures from their communities of origin, or social ties in Europe. Material support and social counselling may strongly support migrants in choosing to cooperate in their return. Voluntary return programmes may be more cost effective as (in addition to being more humane) they are less expensive than detaining and forcibly deporting migrants.

Promoting the voluntary return of irregular migrants through counselling

Offering legal counselling on a potential path to regularisation is key to building migrants’ trust in the officials promoting voluntary return: individuals who have been assisted in seeking a way to regularise (without success) may be more inclined subsequently to accept advice on returning to their country of origin.

- The City of **Barcelona**’s one-stop-shop for Services of Assistance to Immigrants, Emigrants, and Refugees (SAIER - see Box 8) has a desk officer dedicated to providing irregular migrants with information on opportunities for Assisted Voluntary Return programmes in the city and in Spain. Migrants can access SAIER to inquire about a number of immigration matters including regularisation. They may be directed to the relevant desk officer if they express an intention to return or if return is deemed the best

⁹⁹ Ibid.

¹⁰⁰ Mallet-Garcia M and Delvino N (2021), *Re-thinking exclusionary policies: the case of irregular migrants during the COVID-19 pandemic in Europe*, *Social Policy Review* 33, Policy Press.

option for the migrant. SAIER may then refer the migrants to relevant entities providing support for and managing assisted voluntary returns.

Embedding counselling on and support for returns within local shelters and other facilities providing services

Access to shelters for irregular migrants in the City of **Utrecht** is combined with the provision of counselling on immigration matters (see above). If no opportunity to regularise is identified, migrants are advised on opportunities to join programmes for assisted voluntary return. The provision of engaged and trusted counselling showing no realistic chance to obtain a residence permit has been a strong factor in determining a migrant's choice to return voluntarily: about 19% of those who received immigration counselling in the period 2002-2018 decided to return voluntarily to their country of origin (see Box 10).

The City of **Ghent** provides homeless migrants who sign up for return programmes with access to accommodation in a reception centre (called '*De Tussenverdieping*') managed by the municipality. During their stay in the centre they receive basic assistance and professional counselling in planning their return.

Offering material support to returning migrants

- In addition to the above mentioned mediation service, the City of **Munich** (Social Affairs Department) manages the 'Coming Home' project which offers migrants whose immigration case cannot be solved, or who simply declare their interest in returning, the cost of travel and provides a small grant for the re-integration of voluntary returnees in their country of origin.¹⁰¹

4.2 Providing accommodation: shelters and support for housing needs

Irregular migrants are prohibited from working in the formal labor market, and often engage in low-paid work in the informal economy that may not provide them with sufficient means to afford housing. In addition to economic factors, migrants with irregular status face a variety of legal or administrative obstacles in accessing housing, including private rental accommodation, social housing and public shelters for homeless people. These include national legislation

¹⁰¹ Delvino, N. (2017). *European Cities and Migrants with Irregular Status: Municipal initiatives for the inclusion of irregular migrants in the provision of services*. Oxford: COMPAS, available at: www.compas.ox.ac.uk/2017/european-cities-and-migrants-with-irregular-status/

imposing sanctions on landlords for renting to irregular migrants (or requiring landlords to report tenants with irregular status). Access to public shelters or assistance with housing may be hindered by requirements to show a residence permit or other documentation that irregular migrants cannot produce, such as a social security number. Only rarely do state-owned homeless shelters admit migrants in an irregular situation.¹⁰²

Municipalities setting rules on admission to shelters and housing play a key role in facilitating or hindering access to locally-administered shelters. Where national legislation does not explicitly prevent irregular migrants from accessing housing facilities for homeless people, individual organisations managing the facilities may still be reluctant to accept them because they fear their public funding could be jeopardised.¹⁰³ As a consequence, irregular migrants often live in substandard and precarious conditions, are vulnerable to abusive landlords in private sector housing who impose exploitative conditions, or end up homeless in the streets of European cities. This risk is exacerbated for the increasing number of unsuccessful asylum seekers whose stay in accommodation centres may be interrupted abruptly as a consequence of the rejection of their asylum claim.

Municipalities may facilitate access to temporary and night shelters for the homeless but also provide housing facilities on a longer term basis, often accompanied by legal counselling with the aim of finding a solution to migrants' irregularity and related homelessness.

4.2.1 Why local authorities get involved

- Legal duties of care upon municipalities in relation to destitution and homelessness, the need to protect the fundamental rights of all, including rights to housing, and respect for the human dignity of individuals often require local authorities to take action to ensure that all, irrespective of migration status, can access a shelter.
- Providing a shelter is often – especially during the cold winters of Northern Europe – necessary to ensure the life and health of homeless individuals, irrespective of their migration status.

¹⁰² FRA. (2011). *Fundamental Rights of Migrants in an Irregular Situation in the European Union*, Luxembourg: Publications Office of the European Union, available at: <http://fra.europa.eu/en/publication/2012/fundamental-rights-migrants-irregular-situation-european-union>

¹⁰³ PICUM. (2014). *Housing and Homelessness of Undocumented Migrants in Europe: Developing Strategies and Good Practices to Ensure Access to Housing and Shelter*. Brussels: PICUM. Available at http://picum.org/Documents/Publi/2014/Annual_Conference_2013_report_HOUSING_EN.pdf

- Cities can fight homelessness, irregular settlements and squatting by providing alternative accommodation or otherwise supporting irregular migrants' housing needs.
- Reducing the homeless population of a city is an issue of public order, health and safety, irrespective of the migration statuses of the homeless. Other negative consequences of homelessness include street prostitution, substance abuse, crime, and the physical dangers associated with sleeping in the street or in derelict premises.
- A reduction in the homeless population, including irregular migrants, reassures the local population in relation to their security concerns.
- Municipalities aiming to reduce crime and violence in their territory can allow vulnerable individuals in need, including women and children with irregular status and no other accommodation alternatives, to escape situations of crime, including domestic violence, trafficking and sexual exploitation, by providing them with a safe shelter.
- Local authorities may act because they are concerned about the impact homelessness has on the image of their city and the consequences of the visibility of homelessness for tourism.
- Supporting vulnerable migrants' housing needs helps reduce exploitation by abusive landlords.
- Stable accommodation, with counselling and support, is often the first step toward ending a situation of irregularity. It allows migrants to concentrate on their regularisation paths or prospects of returning and also makes it easier for legal staff to follow up on the immigration cases of shelter residents.

4.2.2 Legal and policy background

- The right to housing for all persons regardless of nationality or migration status is recognised by a wide range of international human rights treaties as one of the facets of the right to an 'adequate standard of living', including Article 25(1) of the Universal Declaration of Human Rights and Article 11(1) of the International Covenant of Economic, Social and Cultural Rights.¹⁰⁴
- The European Committee of Social Rights (ECSR) of the Council of Europe has found that the European Social Charter (ESC) recognises the right to shelter of migrants with

¹⁰⁴ However, it remains controversial whether the obligation to fulfil the right to housing also includes the duty of states to provide irregular migrants with basic services such as adequate shelters for destitute individuals; see FRA. (2011). *Fundamental Rights of Migrants in an Irregular Situation in the European Union*, Luxembourg: Publications Office of the European Union.

irregular status. In its (non-binding) decisions, the ECSR held that ‘*States Parties are required [...] to provide adequate shelter to children unlawfully present in their territory*’¹⁰⁵ and that ‘*shelter must be provided also to adult migrants in an irregular situation, even when they are requested to leave the country and even though they may not require that long-term accommodation in a more permanent housing be offered to them*’.¹⁰⁶ On the other hand, the European Court of Human Rights stated that this right is not covered by the European Convention of Human Rights, and that the Convention (Art. 3) does not impose a positive obligation on State Parties to provide emergency social assistance and shelter to unsuccessful asylum seekers if they are not prevented from returning to their country of origin and the hosting state offers accommodation under the condition that the individual cooperates with their return.¹⁰⁷

- National legislation in the majority of EU countries imposes penalties on landlords renting properties to irregular migrants, including fines and imprisonment. Renting to irregular migrants may be explicitly punishable in the law, or a general rule on facilitation of irregular stay may be interpreted to include renting housing to irregular migrants.¹⁰⁸

4.2.3 What can be done by local authorities?

Mainstreaming irregular migrants’ access to municipal shelters and adopting admission procedures that facilitate their access

Where national legislation does not prohibit offering migrants with irregular status access to public shelters, municipalities managing the facility (or the organisations to whom the management is delegated) may nevertheless formally restrict access to the facility to regular migrants only. Alternatively, they may impose admission requirements such as presenting documentation that irregular migrants often lack (a residence permit, an identification

¹⁰⁵ ECSR. (2008). *DCI v. The Netherlands*, Complaint No. 47/2008. Decision on the merits.

¹⁰⁶ ECSR. (2013). *CEC v. The Netherlands*, Complaint No. 90/2013. Decision on the merits.

¹⁰⁷ European Court of Human Rights. (2016) *Hunde v. The Netherlands*, Application No. 17931/16, Decision of 5 July 2016.

¹⁰⁸ FRA reported that, in 2014, all but five EU Member States had laws imposing penalties on landlords renting properties to irregular migrants. Of the remaining five Member States, Ireland does not punish facilitation of stay, and thus does not punish landlords for renting accommodation to irregular migrants. In France and Malta, a punishment is possible, but those who accommodate a close relative are excluded from punishment (although the Maltese exclusion is limited to seven days). Italy punishes landlords for taking unfair advantage by profiting from irregular migrants’ vulnerable situations, but not for renting to them. Belgian law explicitly excludes from punishment assistance provided for humanitarian reasons, which might include providing accommodation. See FRA. (2014). *Criminalisation of Migrants in an Irregular Situation and of persons engaging with them*. Luxembourg: Publications Office of the European Union.

document, or a social security number). Adjusting rules to ensure that admission procedures facilitate rather than exclude access is the first step to including irregular migrants in admission to shelters or other municipal accommodation facilities.

The most straightforward solution is not to require a residence permit as a requirement to access municipal shelters and to refrain from carrying out immigration checks within shelters. This is already being implemented in some cities such as Ghent.

- As Irish national law does not regulate the issue, the City of **Dublin** allows homeless irregular migrants in immediate need access to the city's emergency shelters by avoiding questions about immigration status. Immigration checks may be carried out at a later stage, in part to refer the person towards other services to tackle their condition of homelessness for which they may be eligible.
- The City of **Liverpool** decided to allow access to its night and day shelters to any street sleepers, including unsuccessful asylum seekers and other migrants with no right to access services. This was part of the national COVID-19 response 'everyone in' mentioned above. In addition, the municipality started an outreach campaign named 'Always Room Inside' to make sure that any street sleeper, as well as the wider population, is aware of the possibility of accessing the shelter, regardless of immigration status.¹⁰⁹
- In **Frankfurt**, migrants with precarious status are generally excluded from both social housing and homelessness assistance. Only persons who can prove permanent residence in Germany or have a valid residence permit and have been registered in Frankfurt for at least one year are entitled to social housing. This means that precarious migrants cannot access large parts of the services offered by the homelessness assistance system. However, under the federal state of Hesse's security and public order law, the municipality has the duty to prevent acute risks, such as homelessness, irrespective of the person's residence status. The local authority is thereby obliged to provide shelter to involuntarily homeless persons.¹¹⁰
- **Helsinki** and **Espoo** adopted local practices to provide the possibility for all irregular migrants to receive necessary social assistance, in line with their legal obligations under the Social Welfare Act, and going beyond the social assistance for former asylum seekers

¹⁰⁹ For more information, visit: <https://liverpool.gov.uk/alwaysroominside>

¹¹⁰ Kirchoff et al (2022) *Local Responses to Migrants with Precarious Status: A Comparative Report on Frames Strategies and Practices in Europe*, The University of Oxford's Centre on Migration, Policy and Society. United Kingdom.

that is reimbursed by the national government. Both cities have created specific 'immigration units' within the department of social services. The units consist of social workers, social counsellors, and financial advisors that work with irregular migrants. Both units offer services deemed necessary, based on a needs assessment by a social worker. Available services may include shelter, an income allowance, a transportation card, and social and legal guidance. Single persons are offered a space in a shelter, while families or people with specific medical needs may be offered apartments. In Helsinki, shelter is provided in a local night shelter run by a civil society organization. In this shelter, undocumented migrants have floors designated for them specifically. In Espoo, shelter is offered in a 24-hour municipal shelter.¹¹¹

Some municipalities also prioritise the provision of emergency shelter during the winter period.

- In **Vienna**, The Viennese Assistance for the Homeless (WWH) offers a wide range of services to people affected or threatened by homelessness and is considered innovative in a European comparative perspective. The WWH is organised by the Vienna Social Fund (FSW), a public company owned by the municipality. The FSW has additional criteria of eligibility to receive support from the homelessness assistance, from which migrants with precarious status are usually also excluded. Although there is no legal entitlement to homeless assistance, temporary accommodation options are available for irregular migrants, which are partially funded by the municipality, particularly in the winter months. This is justified on the one hand by the humanitarian obligation to prevent people from dying of cold, and on the other by the fact that the city and its residents benefit from less street homelessness. The FSW funds around 900 beds during the winter in various NGO-run emergency shelters across the city. These beds are available regardless of status and entitlements, and are therefore very often used by migrants with precarious status, mainly from EU-countries. Usually several people share rooms and have access to hygiene products and food there. Additionally, a number of day centres operate in the winter months.¹¹²

¹¹¹ PICUM (2022) A snapshot of social protection measures for undocumented migrants by national and local government https://picum.org/wp-content/uploads/2022/08/A-snapshot-of-social-protection-measures-for-undocumented-migrants-by-national-and-local-governments_EN.pdf

¹¹² Kirchoff et al (2022) *Local Responses to Migrants with Precarious Status: A Comparative Report on Frames Strategies and Practices in Europe*, The University of Oxford's Centre on Migration, Policy and Society. United Kingdom.

- In **Geneva**, there are night shelters run by the city that accept everyone, including irregular migrants, to try to avoid people dying of cold when sleeping on the street. There are also some emergency shelters run by NGOs that receive some local government funding, where people can have their own room, usually with a maximum duration of stay of around three months. Such shelters will also accept undocumented people who have not received a negative decision on an application for international protection and deportation decision, and people do not risk deportation as a result of accessing services. However, the system is often over-subscribed and many people and families are not able to stabilise their situation and find alternative housing within the three months.¹¹³

Where the national legal framework on this issue is unclear, municipalities can choose the most extensive interpretation of the law in relation to access to the service.

- In **Italy**, the City of Genoa backs the provision of shelter and food to vulnerable individuals with irregular migration status (including women, victims and children), by taking advantage of competing frameworks in the national legislation and thus prioritising the implementation of legal duties to assist vulnerable people over limitations imposed by immigration legislation.

Funding or reimbursing NGOs for the provision of shelter to irregular migrants

Municipalities may fund the activities of NGOs to provide shelters to people in need, regardless of migration status.

- In **Oslo**, NGOs run shelters for people needing a place to sleep, regardless of their residence status. In 2018, the City of Oslo provided €600,000 to the shelters. On a regular basis there are 133 beds for overnight stay and legal and medical assistance is provided. During cold winter periods the capacity is increased. The City of **Stockholm** has a similar model.
- In **Ghent**, the city funds a local NGO project Shelter & Orientation for undocumented women. They also we started a Shelter & Orientation project for men that is run by the General Welfare Organisation.

¹¹³ PICUM (2022) A snapshot of social protection measures for undocumented migrants by national and local government https://picum.org/wp-content/uploads/2022/08/A-snapshot-of-social-protection-measures-for-undocumented-migrants-by-national-and-local-governments_EN.pdf

This practice is used in particular in countries where restrictive national legislation prevents direct municipal provision of housing services to irregular migrants, or limits the possibility of accessing national funds to cover the costs of providing shelter. The mediation of an NGO allows indirect provision of shelters. In particular, in national contexts where public officials are bound to report irregular migrants requesting services, the mediation of an NGO can offer a 'firewall' (see Sections 3.2 and 3.3).

Support may take the form of funds provided upfront to manage a facility with the specific goal of providing accommodation for those who cannot access municipal shelters.

- In the Netherlands, where national law strictly limits the provision of services to irregular migrants, the City of **Utrecht** provides funding to NGOs to manage three shelters hosting irregular migrants. Beyond accommodation, NGOs also provide financial, legal and medical assistance in the shelters (see Box 9).
- The City of **Stockholm** has a partnership with a local NGO to offer shelter in family homes to young irregular unaccompanied migrants.

Support may also take the form of reimbursements for organisations that cannot access funds from national governments for the costs of providing shelter to irregular migrants.

- In Sweden, where administrative barriers hinder access to state-funded emergency shelters for people with irregular status, the Cities of **Gothenburg** and **Stockholm** reimburse non-profit shelters for the costs of providing accommodation to women with irregular status escaping situations of violence.

Box 9: Shelters for migrants with irregular migration status in Utrecht

The City of **Utrecht** funds NGOs to manage three support centres providing irregular migrants with, among other services, shelter. One centre is dedicated to women and children, one to homeless adults with irregular migration status and a third is an 'emergency shelter' for unsuccessful asylum seekers. Those who are deemed to be in need of shelter are hosted in small groups in rented apartments made available to the NGOs thanks to the municipality's funding. In 2018, 30-40 such houses offered 225 places. The NGOs are mandated to support migrants' access to the services they need, including education and health, as well as to provide financial, legal and medical assistance. In particular, NGO staff also provide legal counselling within the shelter, which is central to Utrecht's approach of providing services to terminate migrants' condition of irregularity (see Section 4.1 on legal counselling and Box 10, 'A problem-

solving approach'). Incentivising migrants to remain in their irregular condition is not an option that can be pursued by the NGOs. Utrecht's policy to provide shelters to people with irregular migration status was motivated by the need to address the negative impacts in terms of homelessness (and related problems) arising from migrants' exclusion from national shelters. Asylum seekers are required to leave government shelters 28 days after the rejection of their asylum claims and so are youngsters with irregular status after their 18th birthday.

Initiatives supporting irregular migrants' access to the private housing market

Local authorities may implement initiatives supporting irregular migrants' access to rented accommodation and protect them from exploitative renting conditions. This often happens through an NGO.

The mediation by NGOs between landlords and tenants may facilitate access to rented housing for irregular migrants.

- The Autonomous Community of **Madrid** has been supporting an NGO to mediate between prospective tenants and home owners and check housing conditions. The NGO keeps tenants' identities anonymous to the landlord before the conclusion of the leasing agreement in order to prevent discrimination and avoid landlords asking for documents that migrants cannot produce (such as payslips).¹¹⁴

Municipalities may financially support destitute migrants for accommodation purposes.

- The City of **Amsterdam** has been funding an NGO that provides monthly allowances for living expenses and if needed additional accommodation allowances, to migrants with irregular status and no other means to sustain themselves. The city keeps control over the use of funds through a requirement that officials authorise each case before funds are released.

¹¹⁴ PICUM. (2014). *Housing and Homelessness of Undocumented Migrants in Europe: Developing Strategies and Good Practices to Ensure Access to Housing and Shelter*. Brussels: PICUM. Available at http://picum.org/Documents/Publi/2014/Annual_Conference_2013_report_HOUSING_EN.pdf

Box 10: Local LVV pilot programme– in five Dutch municipalities

From 2019, five Dutch municipalities have run a pilot project together with the national government offer in shelter and case management (LVV) to irregular migrants on the condition that they were working towards voluntary return, onward migration, or regularisation. Participants receive shelter, counselling and financial support for food and other necessities. During their participation in the programme people are temporarily protected from detention and deportation. At the end of 2021, the government's coalition agreement included the decision to defund the pilot projects and roll out a nation-wide network of shelters that will focus on return. Funding for the five projects was secured until the end of 2022.

The City of **Utrecht** has also confirmed publicly that their LVV programme will continue regardless of the national government's decision. Of the municipalities participating in the LVV pilot, only Eindhoven has maintained unconditional accommodation support for undocumented residents under the BBB scheme, in the form of a monthly housing allowance of 200 euros, as well as financing an LVV shelter.¹¹⁵

Providing accommodation for irregular migrants cooperating in their return

- In contexts of restrictive national policies, the local need to ensure accommodation for homeless migrants with irregular status can be reconciled with immigration rules on migrants' removal by limiting access to accommodation facilities to migrants agreeing to cooperate in their return. This is the case, for instance, at **Rotterdam's** 'bed-bath-food shelter'.
- The limitations of this approach can include leaving other irregular migrants without shelter, as well as not addressing the situation of non-removable migrants. In **Utrecht**, rather than requiring migrants' agreement on their return, migrants receive legal counselling while in the shelter, which may convince them to participate in programs of voluntary return (see Section 4.1).

¹¹⁵ PICUM (2022) A snapshot of social protection measures for undocumented migrants by national and local government https://picum.org/wp-content/uploads/2022/08/A-snapshot-of-social-protection-measures-for-undocumented-migrants-by-national-and-local-governments_EN.pdf

Box 11: A problem-solving approach: matching shelters with immigration counselling

The provision of shelter or accommodation to irregular immigrants can be and often is accompanied by additional services, including counselling and immigration advice, aimed at supporting immigrants in putting an end to their condition of irregularity. This integrated approach is aimed at eradicating the condition that most often is the main cause of their homelessness and destitution: thus it is aimed at solving the problem for which the services are needed, rather than simply providing the service. In the period from 2002 to 2018, in **Utrecht** this approach delivered a 92% solution rate (from a total of about 1,000 people): about 59% of the local shelters' guests with irregular status managed to obtain a regular residence permit, 19% agreed to return to their country of origin, 13% were readmitted into the asylum accommodation system, and only 8% left the shelters with an irregular status. In *Ghent*, in the period 2011-2018, of the 290 homeless migrants hosted in the '*De Tussenverdieping*' accommodation centre (see Section 4.1 on voluntary return), about 75% returned to their country of origin and 7% received a residence permit. 17% did not return or regularise, finding both options not achievable.

4.2.4 Temporary measures as part of COVID-19 response

The COVID-19 pandemic precipitated a number of responses from both national and local levels in relation to shelter and accommodation.

- **Cardiff** implemented a “No-one left out” approach, which entailed the accommodation of all rough sleepers. The Welsh Government allocated a significant budget to provide shelter, but also to consider long-term housing solutions for all people destitute and homeless. It launched the Private Rented Sector Leasing Scheme Wales, which invites property owners to lease their properties to the local authorities. Recognizing the benefits of the ‘no-one left out’ approach, the Welsh Government intends to keep these provisions for all people affected by homelessness in its post-pandemic policies. Cardiff Council considers its work on homelessness during the pandemic to have been ground-breaking, not least because it ensured provision of legal advice as well as shelter. However, local authorities and NGOs worry that because the Welsh Government must comply with

Home Office legislation, there could be a “U-turn” so that many migrants would become street homeless again.¹¹⁶

- In **Vienna**, a return to pre-pandemic policies is already visible, with only around 270 of the 900 beds (as explained above) are kept open during the summer months of 2022. Civil society actors call for the year-round provision of low-threshold emergency shelters open to all people in need, highlighting the positive effects that could be seen during the past two years not only on migrants with precarious status’ health and wellbeing but also on the staff working in winter emergency shelters and the general public.¹¹⁷

4.3 Ensuring justice and protection for victims of crime with irregular status

Irregular migrants are particularly vulnerable to exploitation and crime including labour exploitation, trafficking and domestic violence, because of their limited ability to obtain support from law enforcement authorities. Beyond cultural and linguistic barriers, victims of and witnesses to crime in an irregular condition refrain from reporting it to the police for fear of being arrested and deported. Irregular migrants thus generally mistrust law enforcement authorities, which translates into high levels of underreporting of crime by migrant victims and witnesses.

Often, in Europe, municipal competences in relation to policing are limited or none, yet in some national contexts municipalities have competences on ‘community safety’ and some oversight on local police bodies. Municipalities can coordinate with local law enforcement to ensure that migrants with irregular status use all available options in law to report crime to the local police without fear of deportation. Municipalities may also engage in outreach and public campaigns informing migrants with irregular status of their entitlements to seek out the help of the local police, where possible without incurring the risk of deportation. The experience of US ‘Sanctuary cities’ may be of interest to European cities (see Box 15).

Why local authorities get involved

- To have a section of the local population refrain from reporting crime entails serious security and public order concerns. Developing practices that enable irregular migrants to reach out to the local police reduces the risk of crime underreporting.

¹¹⁶ Kirchoff et al (2022) *Local Responses to Migrants with Precarious Status: A Comparative Report on Frames Strategies and Practices in Europe*, The University of Oxford's Centre on Migration, Policy and Society. United Kingdom.

¹¹⁷ Ibid.

- Building migrant's trust towards law enforcement authorities increases the police's opportunity to obtain crucial information to tackle crime within diaspora communities. In cities with a significant migrant population, the opportunity to develop interaction between the police and all migrants may be of great support for the police in gathering essential information to prevent and address criminality.
- Allowing irregular migrants to report a crime ensures their access to justice, their protection against violence, and respect of their fundamental rights.
- Facilitating interaction between local police bodies and irregular migrants – beyond allowing access to justice and protection for victims – helps address crime locally, especially in urban realities with a significant migrant population.

Legal and policy background

- In June 2020, the EU adopted its first-ever Strategy on Victims' Rights¹¹⁸ setting out its priorities for the next five years (2020-2025) in this area to reinforce the rights and protections of victims of crime. The strategy focuses on improving coordination among actors that are critical to ensuring victims' protection and safety, and on the need to take specific steps to support victims in situations of vulnerability.
- The FRA¹¹⁹ and the European Commission¹²⁰ have recommended that national authorities adopt practices that ensure irregular migrants can report crime without risking apprehension and removal (see Box 12).
- Directive 2012/29/EU (the 'Victims Directive')¹²¹ sets out rights, support and protection measures that explicitly apply to all victims of crime, irrespective of their residence status. These include e.g. the right of victims to be informed of their rights and their case in a way they understand; to make a complaint in a language they understand; and to access support services in a free and confidential way.

¹¹⁸ https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/criminal-justice/protecting-victims-rights/eu-strategy-victims-rights-2020-2025_en

¹¹⁹ FRA. (2013). *Apprehension of migrants in an irregular situation – Fundamental Rights considerations*. Available at <http://fra.europa.eu/en/theme/asylum-migration-borders/practical-guidance#irregular-migrants>

¹²⁰ European Commission (2015), *Commission Recommendation of 1.10.2015 establishing a common "Return Handbook" to be used by Member States' competent authorities when carrying out return related tasks – Annex Return Handbook*, C(2015)6250. Available at: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/return_handbook_en.pdf

¹²¹ Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime.

- EU Member States' policies show an increasing awareness of the need to ensure irregular migrants are able to report crime and access justice and have been introducing legislation allowing the issuance of special residence permits for victims of certain criminal offences (e.g. domestic violence) who report the crime and/or cooperate with police investigations and prosecutions.¹²² EU law also provides the possibility of issuing special residence permits to victims of trafficking and serious labour exploitation.¹²³
- National reforms inspired by local practices in this area have been introduced in the Netherlands where **Amsterdam** police's 'free in, free out' policy was adopted at national level on the occasion of the transposition into Dutch law of the EU Victims Directive in 2015 (see below and Box 13).
- Some cities such as **Frankfurt**,¹²⁴ use the responsibilities that the Istanbul Convention¹²⁵ puts on State bodies to protect victims of violence leading to an increase in the places of shelter.
- In the UK guidelines were issued by the National Police Chiefs Council (December 2018) to the effect that information on immigration status will no longer be passed automatically to the immigration authorities: *'When someone reports a crime police will always, first and foremost, treat them as a victim ... The police priority is to protect victims and investigate crime, and we are extremely careful about doing anything to deter victims from reporting to us.'*¹²⁶

¹²² Delvino N. (2017). *The challenge of responding to irregular immigration: European, national and local policies addressing the arrival and stay of irregular migrants in the European Union*. Oxford: COMPAS, p. 51, available at: <https://www.compas.ox.ac.uk/2017/autumn-academy-2017-report-the-challenge-of-responding-to-irregular-immigration>

¹²³ PICUM. (2015). *Guide to the EU victims' directive: advancing access to protection, services and justice for undocumented migrants*. Brussels: PICUM, pp. 30-31. Available at: http://picum.org/wp-content/uploads/2017/11/VictimsDirectiveGuide_Justice_EN.pdf

¹²⁴ Kirchoff et al (2022) *Local Responses to Migrants with Precarious Status: A Comparative Report on Frames Strategies and Practices in Europe*, The University of Oxford's Centre on Migration, Policy and Society. United Kingdom.

¹²⁵ <https://www.coe.int/en/web/istanbul-convention/about-the-convention>

¹²⁶ National Police Chiefs' Council. (2018). *New guidance for officers on sharing information with Immigration Enforcement* [online]. Available at: <https://news.npcc.police.uk/releases/new-guidance-for-officers-on-sharing-information-with-immigration-enforcement>; reported in *The Guardian*. (2018). *Victims of crime being handed over to immigration enforcement*. 14 May 2018. Available at: <https://www.theguardian.com/uk-news/2018/may/14/victims-crime-handed-over-police-immigration-enforcement>

Box 12: The FRA guideline to Member States on access to justice

The Fundamental Rights Agency of the EU (FRA) guidelines on the Apprehension of migrants in an irregular situation recommended the following (guideline 9):

'In the interest of fighting crime, Member States may consider introducing possibilities for victims and witnesses to report crime without fear of being apprehended. To this end, the following good practices may be considered:

- *introducing possibilities for anonymous, or semi-anonymous, or other effective reporting facilities;*
- *offering victims and witnesses of serious crimes the possibility to turn to the police via third parties (such as a migrants ombudsman, specially designated officials; or entities providing humanitarian and legal assistance);*
- *defining conditions under which victims or witnesses of crime, including domestic violence, could be granted residence permits building upon standards included in Directive 2004/81/EC and Directive 2009/52/EC;*
- *considering the need for delinking the immigration status of victims of violence from the main permit holder, who is at the same time the perpetrator;*
- *developing leaflets in cooperation with labour inspectorates or other relevant entities to systematically and objectively inform migrants apprehended at their work places of existing possibilities to lodge complaints against their employers, building upon Directive 2009/52/EC, and in this context taking steps to safeguard relevant evidence'.¹²⁷*

What can be done by local authorities? The 'free in, free out' policy

The key element of the 'free in, free out' policy is the choice – formally or informally adopted by police management – to prioritise prosecution of crime over immigration enforcement, by instructing police officers to refrain from investigating the immigration status of individuals reporting a crime and/or apprehending individuals with irregular status reporting a crime, unless suspected themselves of committing a crime. The policy is accompanied by outreach activities in local migrant communities that aim to inform residents of their right to report a crime without risking apprehension and deportation, and to build trust towards law enforcement authorities:

¹²⁷ FRA. (2012). *Apprehension of migrants in an irregular situation – Fundamental Rights considerations*. Available at: <http://fra.europa.eu/en/theme/asylum-migration-borders/practical-guidance#irregular-migrants>

The local police of **Amsterdam** adopted the 'free in, free out' policy in 2013 (see Box 13). Local police officers are instructed not to ask about the immigration status of individuals reporting a crime. A local police officer is charged with ensuring the functioning of the policy and that colleagues in the local police are aware of what is expected of them. Amsterdam's police sought the cooperation of individuals and organisations trusted by the diaspora community (including churches, NGOs, and migrant organisations) to disseminate information on the means of reporting crime and to build trust in the service. Police refrained from patrolling the premises of organisations offering support to irregular migrants (see Section 5.3 on patrolling). They distributed leaflets (see picture), outlining the policy in Dutch and English, which migrants could hand to police officers when reporting a crime to make sure that the officer they interact with is aware of the policy and refrains from apprehending the migrant, and to explain why the migrant cannot show an appropriate identification document.¹²⁸

Box 13: The 'free in, free out' policy in Amsterdam

The 'free in' free out' principle was initially designed by the police of **Amsterdam** with the approval of the Mayor, and was motivated by the need to strengthen the interaction between local police and migrant communities, including the need to strengthen the police's access to intelligence from these communities. The police acknowledged that irregular migrants were a reality in the local population and that their precarious condition made them vulnerable to crime. The policy officially started as a pilot project in 2013 after police senior management sought agreement from the State Secretary of Justice. The pilot project eventually proved successful as the police witnessed increasing trust from migrants and increasing numbers of migrants reaching out to law enforcement authorities. The police also reported an additional positive outcome in terms of the ability to focus on targeting the migrants who committed crime rather than any irregular migrant. In view of these positive outcomes, in 2015 the 'free in, free out' policy was adopted by national authorities on the occasion of the transposition of the EU Victims Directive into national law. The government guidelines on the implementation of the Directive thus extended the application of the practice to police forces across the Netherlands.¹²⁹

¹²⁸ Zwart, M. (Dutch National Police Unit Amsterdam). (2017). *Equal rights without discrimination*, [presentation] in Autumn Academy 2017: Strategic Approaches to Migrants with Irregular Status in Europe, held in Oxford 18-22 September 2017.

¹²⁹ Ibid.

Outreach on the rights of victims with irregular immigration status

Outreach activities are aimed at informing migrants of their rights as victims of crime, including (where existing) their right to report a crime without risking identification for immigration purposes or the right to obtain a special residence permit for victims of certain crimes who cooperate with police investigations or prosecutions. Municipalities may engage in raising awareness of the possibilities offered in the city and by national legislation to increase the reporting of crime by victims of specific crimes with irregular migration status.

Box 14: Outreach activities in New York

In **New York**, the city administration finances outreach activities in relation to the possibilities (provided by national law) of obtaining special residence permits for victims of crime cooperating with the police (the 'U' and 'T' visas). Outreach activities are conducted with migrant communities, advocates and lawyers. The city also created a web-source for the public and funds cultural mediators in police stations informing irregular migrants of their rights when reporting a crime. In 2017 alone over 600 'Know your rights' Forums were carried out by the city administration.¹³⁰

Funding shelters for victims escaping violence

For crimes involving situations of domestic violence, reporting a crime is particularly challenging if the victim does not have access to a safe place to shelter from the perpetrator of the crime. This is particularly true for victims with irregular migration status (or those who might lose their residence permit if they escape from their violent spouse, as their permit is dependent on that relationship), who experience obstacles in accessing state-run shelters.

Municipalities can fund the running of shelters for victims with irregular migration status who need to escape a situation of violence.

In Sweden, the City of **Gothenburg** passed a motion to reimburse non-profit shelters providing a protected space for irregular migrant women escaping violence, with the specific aim of reducing domestic violence in the city. The local Municipal Emergency Shelter for Women has similarly

¹³⁰ Mostofi, B. (2017). *The Right Balance: Smart Policing and Inclusive Immigration Policies in New York City*, [presentation] in Autumn Academy 2017: Strategic Approaches to Migrants with Irregular Status in Europe, held in Oxford 18-22 September 2017.

been instructed to provide other assistance and protection to women in an irregular condition. The City of **Stockholm** has a similar policy regarding shelters for women escaping violence.

- One of **Utrecht**'s shelters for irregular migrants (see Section 4.2) is specifically dedicated to accommodating women and children, as well as providing financial, legal and medical assistance, especially if fleeing violence.¹³¹
- In 2021, the City of **Frankfurt** started to fund some places in women's shelters for victims of domestic violence regardless of their welfare entitlements as part of the Implementation of the Istanbul Convention. In **Cardiff**, Bawso is an NGO particularly active in providing support to ethnic minority women affected by abuse, violence and exploitation. It provides emergency accommodation at refuges and safe houses, as well as a vast array of services including advocacy and advice, outreach services, and empowerment programmes. It works in collaboration with the municipality and local authority staff may refer individuals to them when needed.¹³²
- In **Vienna**, women's shelters as well as flats for victims of human trafficking are open to migrant women with precarious status. However, there is a lack of follow-up options if women are not entitled to homelessness assistance and social housing. The lack of longer-term perspectives may make it hard for women to leave abusive and violent settings.¹³³

Box 15: Municipal initiatives for victims of crime with irregular status in the USA

Cities across the USA have adopted several initiatives with the aim of protecting migrants with irregular status from crime and allowing them to report criminal offences without risking deportation. These include:

Municipal ID Cards allowing self-identification of irregular migrants to police: the lack of identification documents often makes irregular migrants easy targets of theft as they cannot open bank accounts and have to carry cash. At the same time, such migrants refrain from contacting the police as a request to identify themselves would lead to disclosing their

¹³¹ PICUM. (2015). *Guide to the EU victims' directive: advancing access to protection, services and justice for undocumented migrants*. Brussels: PICUM, p. 29. Available at: http://picum.org/wp-content/uploads/2017/11/VictimsDirectiveGuide_Justice_EN.pdf

¹³² Kirchoff et al (2022) *Local Responses to Migrants with Precarious Status: A Comparative Report on Frames Strategies and Practices in Europe*, The University of Oxford's Centre on Migration, Policy and Society. United Kingdom.

¹³³ Ibid.

immigration status. Following an increase of attacks against migrants, in 2007 New Haven (CT) was the first US city to make a city ID card available to irregular migrants with the aim (*inter alia*) of preventing crime against migrants and ensuring migrants are able to identify themselves to local police to report crime. The initiative has been replicated by many municipal administrations in the country including San Francisco, Los Angeles, Washington DC and New York (see more in Section 5.2 and Box 22).

Sanctuary ordinances: several city administrations in the US adopted special ordinances, known as ‘Sanctuary ordinances’, preventing municipal employees from investigating the immigration status of clients they interact with or communicating the immigration details of their clients to federal immigration authorities (unless the individual is suspected of a serious crime). These initiatives allow interaction between municipal authorities and people with irregular immigration status but also have a strong crime prevention and enforcement component as they aim to allow safe reporting of crime for irregular migrants. For example, in San Francisco municipal ordinances are accompanied by the Police Department (SFPD)’s General Order (5.15) preventing police officers from inquiring into an individual’s immigration status unless the individual is arrested for committing certain crimes, or has committed such crimes in the past.¹³⁴ Sanctuary ordinances have been legally possible in the USA as the country’s constitutional framework precludes federal authorities (competent for immigration enforcement) from imposing affirmative actions on state or local authorities for the implementation of federal competences.¹³⁵ It is not yet clear whether similar ordinances could be implemented in the legal framework of European countries.

4.4 Facilitating access to healthcare

Migrants with irregular status face a range of obstacles in accessing medical treatments necessary for their well-being and the public health of the communities they live in. Their entitlement to treatment may be limited by national legislations allowing for only minimal access to public healthcare. In several EU countries, irregular migrants may be entitled to emergency

¹³⁴ Delvino, N. (2017). *European Cities and Migrants with Irregular Status: Municipal initiatives for the inclusion of irregular migrants in the provision of services*. Oxford: COMPAS, available at: www.compas.ox.ac.uk/2017/european-cities-and-migrants-with-irregular-status/

¹³⁵ Kittrie, O. (2006). *Federalism, Deportation, and Crime Victims Afraid to Call the Police*. Kittrie, Orde F., *Federalism, Deportation and Crime Victims Afraid to Call the Police*. Iowa Law Review, Vol. 91, pp. 1449-1508, 2006. Available at SSRN: <https://ssrn.com/abstract=926766>

care but not to primary or secondary care,¹³⁶ nor to the possibility of registering with a general practitioner (GP) and obtaining continuous care. People with irregular status may also not be able to access healthcare they are entitled to because of practical and administrative obstacles related to their immigration status. These include the lack of ‘firewalls’ in national legislation, which exposes migrants attending public facilities to the risk of being reported to the immigration authorities and deters them from seeking medical care. Moreover, in healthcare systems are based on enrolment in a national insurance scheme, irregular migrants may not be able to obtain insurance because of their immigration status. They may thus be prevented from obtaining care because of inaccessible costs or administrative procedures. Uncertainty concerning the medical treatments that irregular migrants can access under national law (or for which they might be eligible to obtain reimbursement) deters patients from seeking care, and medical doctors from providing treatment (due to reluctance to take patients with irregular status or concerns about payment).¹³⁷ The result is that irregular migrants may not seek medical help until their medical condition deteriorates to the point where they need emergency treatment, which carries risks for their life and health and the health of those around them, as well as higher costs for hospitals, which bear the expense of emergency treatment rather than (less costly) preventative care.

An overview of healthcare rights for irregular migrants in EU Member States

The results of a 2021 survey¹³⁸ of all EU Member States by the European Migration Network indicate that in all but two EU countries, irregular migrants have, on paper, the right of access to emergency and basic healthcare services. Only in Bulgaria and Slovakia is irregular migrants’ access to healthcare limited to emergency treatments which is typically defined to include medical attention in childbirth. Fewer than half of EU countries permit migrants access to specialised or secondary healthcare services, and where access is granted this is mostly on a discretionary basis and may be subject to wide variation at regional levels or even local practices within countries. The results of the EMN survey are displayed below in Table 2 and the nature of irregular migrants’ rights is shown in comparison to the rights of migrants with legal status (permission to reside or work) in the Member State.

¹³⁶ Spencer S. & Hughes V. (2015). *Outside and in: Legal Entitlements to Health Care and Education for Migrants with Irregular Status in Europe*. Oxford: COMPAS. Available at: https://www.compas.ox.ac.uk/wp-content/uploads/PR-2015-Outside_In_Mapping.pdf

¹³⁷ OHCHR. (2019). *Promising practices on the right to health for migrants with irregular status at the local level*. Geneva: Office of the United Nations High Commissioner for Human Rights (OHCHR).

¹³⁸ EMN (2021) Responses to Long-Term Irregularly Staying Migrants: Practices and Challenges in the EU and Norway. Brussels: European Migration Network.

Table 2: Healthcare rights of irregular migrants in EU Member States, relative to the rights of migrants with permission to stay and/or work.

	Access is mandatory	Access is discretionary	No access
Emergency healthcare	Less: FI, FR, T, MT, SI Same: AT, BE, BG, CY, CZ, DE, EE, ES, HR, HU, IE, LV, NL, PL, PT, SK, and NO More:	Less: LU, SE Same: More:	
Basic medical care	Less: BE, FR, IT Same: ES, NL, SE (for children) More:	Less: DE, FI, IE, LU, MT, SI, and NO Same: More:	AT, BG, CY, EE, HU, LT, LV, PL, SK
Specialised care	Less: FR, IT, LT Same: ES, NL More:	Less: DE, FI, IE, LU, MT, and NO Same: BE More:	AT, BG, CY, EE, HU, LV, PL, SE, SI, SK
Other healthcare services	Less: SE (childbirth care, abortion, maternity care prevention of spread of contagious diseases) Same: More:	Less: IT, MT (any other necessary healthcare service provided at the discretion of the Medical Officer), NL (no regular healthcare insurance but care providers can appeal for reimbursement) and NO (maternity care) Same: More:	AT, BE, BG, CY, EE, HU, LT, LU, LV, PL, SI, SK

Source: *European Migration Network Study, July 2021*

4.4.1 Why do local authorities get involved?

- Authorities at all levels of governance are legally required to ensure the fulfilment of anyone's right to health as recognised by international human rights law.
- Beyond an obligation under human rights law, providing healthcare for irregular migrants is a humanitarian issue, especially in relation to healthcare for children, pregnant women, the elderly, disabled individuals, and those with chronic diseases and in vulnerable situations. The hardships and destitution often experienced by irregular migrants makes them particularly vulnerable to such conditions.
- Ensuring that there are no segments of society excluded from access to healthcare is an issue of public health and is thus in the interests of the whole community. If migrants fear going to a public health facility, they will not seek the necessary medical treatments they are entitled to and their medical condition will remain unknown.
- It has been shown that facilitating regular access to medical treatments for irregular migrants, including preventative care, is cost efficient for public finances. If migrants avoid

seeking medical help at an early stage they may later require emergency treatments with higher costs for healthcare providers.¹³⁹

- Where irregular migrants needing healthcare have no alternative but to seek emergency services, public hospitals may experience an excess demand on these facilities, with negative consequences for the services offered to the whole population. Municipalities responsible for the management of local hospitals may thus improve the efficiency of healthcare by enabling irregular migrants to obtain non-emergency treatment (e.g. from GPs or pediatricians).

4.4.2 Legal and policy background

- The right of everyone to the enjoyment of the highest attainable standard of physical and mental health ('the right to health') is a well-established human right recognised by a number of international treaties, including in particular Art. 12 of the International Covenant on Economic, Social and Cultural Rights (ICESCR).¹⁴⁰
- The UN Committee on Economic, Social and Cultural Rights (UNCESCR) has clarified in several instances that States have an obligation to ensure that all persons, including migrants regardless of their migration or residence status and documentation, have equal access to preventive, curative and palliative health services.¹⁴¹
- The UN Global Compact for Migration, under the objective to provide access to basic services for migrants (Obj. 15), provides an action point to: *'incorporate the health needs of migrants in national and local health care policies and plans, such as by strengthening capacities for service provision, facilitating affordable and non-discriminatory access, reducing communication barriers, and training health care providers on culturally-sensitive service delivery, in order to promote physical and mental health of migrants and*

¹³⁹ FRA. (2015). *Cost of exclusion from healthcare – The case of migrants in an irregular situation*. Luxembourg: Publications Office of the European Union. Available at:

<http://fra.europa.eu/en/publication/2015/cost-exclusion-healthcare-case-migrants-irregular-situation>.

¹⁴⁰ Universal Declaration of Human Rights (Article 25); International Covenant on Economic, Social and Cultural Rights (Article 12); International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families (article 28); International Convention on the Elimination of All Forms of Racial Discrimination (Article 5), International Convention on the Elimination of All Forms of Discrimination against Women (Article 12); Convention on the Rights of the Child (Article 24). See for regional treaties: Charter of Fundamental Rights of the European Union (Article 35), European Convention on Human Rights and Freedoms (Article 3, as interpreted by the European Court of Human Rights) and the European Social Charter (Article 13).

¹⁴¹ e.g. Committee on Economic, Social and Cultural Rights. (2000). General Comment No. 14, para. 34; and Committee on Economic, Social and Cultural Rights. (2017). Duties of States towards refugees and migrants under the International Covenant on Economic, Social and Cultural Rights, E/C 12/2017/1, para. 5, 6, 9, 11, 12 and 15.

communities overall, including by taking into consideration relevant recommendations from the WHO Framework of Priorities and Guiding Principles to Promote the Health of Refugees and Migrants' (para. 31, let. E).

- National legislation in EU countries generally restricts irregular migrants' access to healthcare to minimal levels. All the 28 Member States of the EU (and Schengen associated countries) recognise in law irregular migrants' right of access to emergency healthcare. In six EU countries, this is the *only* level of care that people with irregular status are entitled to.
- Children with irregular status may be entitled to wider access to healthcare than adults. However, in some EU countries children, like adults, only have the right to obtain emergency healthcare.¹⁴²
- The concepts of 'urgent' or 'necessary' healthcare to which irregular migrants might be entitled are interpreted differently in different countries. The Fundamental Rights Agency has recommended that migrants in an irregular situation should, as a minimum, be entitled to necessary healthcare services, which should include the possibility of seeing a general practitioner and receiving necessary medicines.¹⁴³
- Within the Council of Europe, the ECRI Commission recommended that Member States '*ensure that health service providers do not require documentation relating to immigration or migratory status for registration which irregularly present migrants cannot procure*'.¹⁴⁴

4.4.3 What can be done by local authorities?

Establishing 'firewalls' that prevent migrants seeking healthcare from being reported to immigration authorities by public employees

In most EU countries, medical doctors (including doctors employed by public institutions) have a legal and professional obligation of medical confidentiality that prevents them from reporting irregular migrants to immigration authorities. However, this obligation does not always apply to other public employees in medical facilities, including those in the administrative departments of a hospital, or those working in the local welfare offices responsible for covering the expenses

¹⁴² Ibid.

¹⁴³ FRA. (2011). *Fundamental Rights of Migrants in an Irregular Situation in the European Union*, Luxembourg: Publications Office of the European Union.

¹⁴⁴ European Commission Against Racism and Intolerance (2016), *General Policy Recommendation No. 16 on safeguarding irregularly present migrants from discrimination*.

of medical treatments provided to uninsured patients. Municipalities can develop initiatives that remove the risk of being reported for irregular migrants seeking healthcare, to allow migrants' access to care and concomitantly ensure that their health conditions are known by health authorities.

In countries where national legislation establishes a general obligation on all public officials to report the irregular migrants interacting with them, local authorities managing healthcare may seek the mediation of external actors such as NGOs to provide the services that irregular migrants would not request from public officials.

In Germany, for instance, although doctors are exempted from the general obligation imposed on public officials by national law to report irregular migrants, employees of municipal Welfare Departments, who are responsible for reimbursing the costs incurred by doctors caring for uninsured individuals, may still be obliged to pass on the details of irregular patients to police,¹⁴⁵ nullifying the confidentiality 'firewall' imposed on medical doctors. Several German municipalities have thus found alternative solutions to establish a firewall:

- The City of **Düsseldorf** decided to externalise medical services by funding an NGO (STAY!Medinetz)¹⁴⁶ to act as a GP for irregular migrants, provide medical consultations, manage referrals to hospitals or specialist doctors (including gynaecologists, dentists, ophthalmologists and urologists), and cover the costs of care. By externalising the service, the local Welfare Department does not interact directly with irregular migrants and does not know their names or details, so the obligation of reporting does not apply. As irregular migrants cannot enroll in medical insurance schemes, the municipality has made a budget reservation that the NGO can use to pay doctors' fees (at a previously-agreed reduced cost). The budget of the NGO is also used to cover the costs incurred by hospitals for treatments to irregular migrants in an emergency. The organisation provides irregular migrants with a form that they can hand to hospitals explaining that STAY!Medinetz will reimburse such costs. The NGO also informed the local hospitals that they can refer to STAY!Medinetz instead of the Municipal Welfare Department to ask for reimbursement of

¹⁴⁵ The issue is disputed, as some municipalities have been interpreting differently the rules exempting medical doctors from the reporting obligation, with some municipalities considering the exemption to automatically extend to municipal employees in welfare offices, and others interpreting this extension to be limited to cases of emergency. OHCHR. (2019). *Promising practices on the right to health for migrants with irregular status at the local level*. Geneva: Office of the United Nations High Commissioner for Human Rights (OHCHR).

¹⁴⁶ For more information, visit: www.stay-duesseldorf.de/medinetz/

costs irrespective of whether these were patients initially referred by STAY!Medinetz or not, so that none are exposed to risk of denunciation by municipal authorities.¹⁴⁷

- The City of **Frankfurt**,¹⁴⁸ in cooperation with an NGO (Maisha), has set up its own municipal medical consultation centre, known as 'Humanitarian Consultation Hours' (*Humanitäre Sprechstunde*) where the only public employee is a medical doctor of the local Health Department (not bound by the duty to report), while other staff work on behalf of the NGO (also not duty bound). The centre operates as a GP, can provide medicines, and works in partnership with a network of specialist doctors to refer patients with more serious health concerns.¹⁴⁹ The cost of the activities of the Humanitarian Consultation Hours are financed by Frankfurt's Department of Health and the Department for Women, while the Department of Social Care provides medicines. Healthcare is provided anonymously and is generally free of charge but the centre asks for contributions according to the patient's means.¹⁵⁰

Setting up or supporting medical facilities offering healthcare beyond national entitlements

In national contexts where there is only an entitlement to emergency care, irregular migrants are not able to register with a GP, and children likewise may not enrol with a paediatrician, which often forces migrants to seek care only when their condition requires emergency intervention. Local authorities may set up municipal medical clinics that operate as GPs and paediatricians, providing specialist care or other treatment that is not provided for by national law. Authorities may also support external actors managing health centres that offer such services.

- For a period of time, the City of **Florence** (together with the Tuscan regional government) funded an NGO (Caritas) to manage, in cooperation with municipal officers, a medical facility ensuring continuity of care to irregular migrants following their release from local hospitals. The centre would host patients, post-hospitalisation, and provide them with long and medium-term treatments according to an individually structured care pathway until full rehabilitation. Besides its humanitarian aims, the initiative aimed to avoid the saturation of emergency rooms and long-term hospitalisations in hospitals that previously

¹⁴⁷ OHCHR. (2019). *Promising practices on the right to health for migrants with irregular status at the local level*. Geneva: Office of the United Nations High Commissioner for Human Rights (OHCHR).

¹⁴⁸ Kirchhoff et al (2022) *Local Responses to Migrants with Precarious Status: A Comparative Report on Frames Strategies and Practices in Europe*, The University of Oxford's Centre on Migration, Policy and Society. United Kingdom.

¹⁴⁹ Ibid.

¹⁵⁰ For more information, visit: www.gesundheitsamt.stadt-frankfurt.de

had been delaying the release of irregular migrants from emergency in order to provide them with post-emergency care.¹⁵¹

- The City of **Helsinki** decided to provide, in its public clinics and hospitals, children and pregnant women with irregular migration status with the same health services as Finnish nationals. In addition to the medical services normally accessible in Finland (urgent care), the municipality further decided to offer all irregular migrants treatments for chronic diseases, medicines, medical follow up, vaccinations and dental care.

Box 16: Municipalities supporting extended access to care for irregular migrants in Norway

In Norway, irregular migrants are only entitled to access ‘necessary care’ and not to register with a GP (a *fastlege*). They are also supposed to bear the costs of medical consultations as they cannot be enrolled in the national health insurance scheme. This means that irregular migrants often refrain from seeking help for non-emergency treatments and may not access specialist care. GPs may refuse to care for patients with irregular status and a follow-up on the medical condition of irregular migrants may not be ensured.

- The City of **Trondheim** has set-up its own ‘Refugee Health Team’ with municipally-employed medical staff providing medical consultations and treatments to asylum seekers, as well as to irregular migrants *‘with an asylum background’*. While refugees may register with a GP following a positive asylum decision, those who lose their right to stay following the final rejection of their asylum case can continue accessing the Refugee Health Team as their GP. Services offered by the team include paediatric treatment, mental health support, assistance with pregnancy, medical checks for infectious diseases (such as tuberculosis), and vaccinations.¹⁵²
- In **Cardiff**, the National Health Systems (NHS) runs an inclusive local health service, the Cardiff and Vale Health Inclusion Service (CAVHIS), in order to address access barriers within the larger NHS, including those stemming from charging regulations. As an NHS institution, CAVHIS provides health care to migrants with precarious status. This includes free health screenings, primary care consultations and midwifery services, and provision of help in accessing the wider NHS. CAVHIS is generally recognized as being a welcoming

¹⁵¹ Municipality of Florence. (2011). *‘Marginali e immigrati irregolari, un progetto per garantire l’assistenza anche dopo l’ospedale’* [online press release] 12 September. Available at http://press.comune.fi.it/hcm/hcm58683-1_Marginali-i-e-i-immigrati-i-irregolari

¹⁵² OHCHR. (2019). *Promising practices on the right to health for migrants with irregular status at the local level*. Geneva: Office of the United Nations High Commissioner for Human Rights (OHCHR).

institution for migrants who might be fearful or unsure of how to access healthcare and, ultimately, a means of orienting migrants within the larger NHS.¹⁵³

- The City of **Oslo** contributes financially to the activities of the 'Health Centre for Undocumented Immigrants', a non-profit clinic set up and managed by independent organisations. The Centre provides irregular migrants with a range of medical services for free which they may not be able to access in public clinics or hospitals without paying significant sums up front. These include medical consultations offered by a GP. After the consultation, the Centre refers patients for primary or secondary care treatments (including dental care) to doctors who have previously agreed to treat on a volunteer basis individuals referred by the centre.¹⁵⁴

Providing a safety net for migrants who are excluded from health insurance coverage

In countries where access to healthcare is organised around enrolment in a national health insurance scheme, irregular migrants are often excluded from accessing the mainstream insurance scheme and may not enrol (or be able to afford to enrol) in alternative insurance. This in practice nullifies their right to access care, as they may be expected to pay inaccessible medical fees for treatments they are entitled to, including necessary and emergency care.

Municipalities may make budget reservations and provide funding to cover the expenses incurred by patients and hospitals for treatments offered to uninsured individuals, irrespective of nationality and immigration status, thus forming a safety net for those not covered by national health insurance schemes. This funding can be channelled through the work of public or private organisations managing health services for uninsured people. Such organisations can include within their target groups people with irregular immigration status.

- The City of Düsseldorf – besides providing funding for the management of the health initiative STAY!Medinetz described above – has reserved €100,000 per year to cover the costs of medicines and the fees of doctors and hospitals treating irregular migrants. STAY!Medinetz has agreed with the municipality that they would refer irregular migrants

¹⁵³ Kirchhoff et al (2022) *Local Responses to Migrants with Precarious Status: A Comparative Report on Frames Strategies and Practices in Europe*, The University of Oxford's Centre on Migration, Policy and Society. United Kingdom.

¹⁵⁴ For more information, visit: www.rodekors.no/en/om-rode-kors/lokalforeninger-og-distrikter/oslo/pages-in-englishx/health-centre-for-undocumented-migrants-in-oslo.

only to doctors who have previously agreed that they would bill individuals referred by STAY!Medinetz at minimal cost.¹⁵⁵

- The City of **Vienna**¹⁵⁶ financially supports several NGO-initiatives that aim to form a wide safety net for individuals not covered by mainstream health insurance, including irregular migrants and some EU and Austrian nationals. In particular, Vienna's 'Social Fund' contributes to the funding of *AmberMed*, an NGO-managed health clinic for uninsured individuals. Their target group includes irregular migrants and unsuccessful asylum seekers with no alternative medical insurance. AmberMed acts as a GP and has developed a network of about 80 specialist doctors (and one hospital) to whom uninsured migrants can be referred, and who have agreed to treat AmberMed's referrals for free. Some treatments are directly offered at AmberMed's clinic, including treatment for diabetes. The City of Vienna also funds a health clinic for homeless people who have difficulty accessing mainstream medical services. It is managed by the NGO *Neunerhaus*, which does not differentiate in terms of access to its services by migration status. *Neunerhaus* and *AmberMed* work in close contact to avoid double treatments and refer to each other's medical cases according to the patients' personal situation and the treatment needed. Finally, the Vienna Social Fund supports an NGO-managed mobile clinic (the 'Louise Bus') to reach out to uninsured individuals in night shelters and the city's most sensitive areas. The Louise Bus offers medical consultations and basic treatments, and provides information on the possibilities of obtaining treatment at AmberMed and Neunerhaus.¹⁵⁷
- The City of **Warsaw** offers public grants for providing assistance to its uninsured homeless population. Grants from Warsaw City and Province have been funding 40% of the activities of an NGO (Doctors of Hope) which operates a health clinic with volunteer doctors who in 2015 treated around 8,000 uninsured residents.^{158 159}
- Several municipalities in the Netherlands, including **Eindhoven, Amsterdam, Nijmegen** and **Utrecht**, support local NGOs that provide medical assistance to uninsured migrants

¹⁵⁵ According to the lowest rate of the German Scales of Medical fees – GOÄ – or Fees for Dentists – GOZ.

¹⁵⁶ Kirchoff et al (2022) *Local Responses to Migrants with Precarious Status: A Comparative Report on Frames Strategies and Practices in Europe*, The University of Oxford's Centre on Migration, Policy and Society. United Kingdom.

¹⁵⁷ For more information, visit: www.amber-med.at; www.neunerhaus.at and www.caritas-wien.at/hilfe-angebote/obdach-wohnen/mobile-notversorgung/medizinbus-louise-bus.

¹⁵⁸ PICUM. (2017). *Cities of rights: Ensuring health care for undocumented residents*. Brussels: Platform for International Cooperation on Undocumented Migrants. http://picum.org/wp-content/uploads/2017/11/CityOfRights_Health_EN.pdf

¹⁵⁹ OHCHR. (2019). *Promising practices on the right to health for migrants with irregular status at the local level*. Geneva: Office of the United Nations High Commissioner for Human Rights (OHCHR).

and cover the cost of health services that are not covered by the ‘National Basic Health Insurance’,¹⁶⁰ such as dental care and physiotherapy and fees for pharmaceuticals. Local NGOs also facilitate access to dental services by connecting patients with dentists willing to treat them for a reduced fee.¹⁶¹

Simplifying administrative procedures to access healthcare and refraining from requiring documentation that irregular migrants may not produce

In several EU countries, irregular migrants may need to undergo cumbersome administrative procedures to access the healthcare they are entitled to under national law. These procedures may constitute a significant barrier for migrants who are irregular (especially if they have no fixed address), as they might be required to show documentation that they cannot procure (e.g. related to their residence or a social security number). In addition, irregular migrants may be impeded from accessing medical treatment promptly when urgently needed because of time-consuming administrative processes. Local authorities responsible for the management of healthcare at the local level may develop simplified procedures that take into account the challenges that irregular migrants may face in meeting certain procedural requirements.

In Belgium, for instance, the welfare departments of local authorities verify the requirements¹⁶² to access a dedicated national coverage scheme for patients with irregular status (the AMU/DMH scheme).¹⁶³ While some municipalities have developed complex procedures which are difficult for irregular migrants to meet (including house visits by a social assistant to verify local residency which can last up to one month, irrespective of the urgency of care, and may not be possible for irregular migrants who may not have a stable housing situation), other cities have opted for more simplified procedures that take into account the particular conditions of irregular migrants without documentation:

¹⁶⁰ In the Netherlands, irregular migrants are ineligible for state health insurance and must pay up front for the ‘medically necessary’ care to which they are entitled. Destitute individuals might have the costs of their treatment reimbursed by a public body called ‘CAK’, but only for treatments falling under the ‘National Basic Health Insurance’.

¹⁶¹ PICUM. (2017). ‘*Cities of rights: Ensuring health care for undocumented residents*’. Brussels: Platform for International Cooperation on Undocumented Migrants. http://picum.org/wp-content/uploads/2017/11/CityOfRights_Health_EN.pdf

¹⁶² Which include an irregular status, usual residence in the municipality, a condition of destitution and no alternative social security sources.

¹⁶³ In Belgium, irregular migrants cannot enrol in the mainstream national health insurance, and access to care for irregular migrants is regulated under a separate national insurance scheme known as ‘Aide medicale urgente’ (AMU) or ‘Dringende Medische Hulpverlening’ (DMH).

- The City of **Ghent**, following a recommendation from the Belgian Ministry of Health, has developed a flexible procedure to issue a *medical card* for irregular migrants and has eased requirements and decided to rely on alternative types of evidence to verify them. This includes testimony by trusted local organisations as to a migrant's residence in the city and their condition of destitution. Furthermore, to secure swift payments for doctors (and so avoid reluctance to treat patients with irregular status), the city reimburses doctors immediately for treatments provided to patients holding the card and only later requests reimbursement from the federal government under the AMU/DMH scheme. This reduces the waiting time for payments from six months to one week. Doctors thus trust that they will be reimbursed for treatments offered by people holding Ghent's medical card.
- The municipality of **Molenbeek** (Brussels) arranges (and bears the costs for) an initial medical consultation as soon as an irregular migrant requests medical assistance, without requiring first that the conditions for AMU/DMH eligibility be met. This considerably reduces administrative barriers and allows for rapid detection of serious illness.

In the Netherlands – where destitute irregular migrants may seek reimbursement for the costs of only some treatments (see above) – it can be difficult for health professionals to determine if someone is eligible for reimbursement. Complex bureaucratic systems for reimbursement can make doctors and hospitals reluctant to treat patients with irregular migration status.

- The cities of **Eindhoven, Amsterdam, Nijmegen** and **Utrecht** contribute to the funding of local NGOs that, besides supporting the medical costs for irregular migrants, certify migrants' eligibility for reimbursement and provide them with a note of confirmation to present to hospitals and doctors.¹⁶⁴

Box 17: Regional regulations expanding irregular migrants' entitlements to health care

Regional governments in Europe often have the power to adopt regulations and legislation that can effectively expand the entitlements of irregular migrants regionally – an option often not available to municipalities which have only implementational, organisational and administrative prerogatives in the provision of health services. Several regional governments in Europe have indeed adopted regulations expanding irregular migrants' entitlements to health

¹⁶⁴ PICUM. (2017). 'Cities of rights: Ensuring health care for undocumented residents'. Brussels: Platform for International Cooperation on Undocumented Migrants. http://picum.org/wp-content/uploads/2017/11/CityOfRights_Health_EN.pdf

care. This is the case for several Spanish 'Autonomous Communities' which – in response to a 2012 national reform of the Spanish health system severely restricting access to healthcare for irregular migrants – approved regulations re-expanding migrants' entitlements at regional level. In some regions, including Andalusia or Catalonia, local regulations re-established equality of access to healthcare with Spanish nationals for all migrants, regardless of migration status. In Catalonia, the Autonomous Community ('*Generalitat*') approved several regulations that attached access to universal health care services to registration with the municipal registrars ('*padrón*') of Catalanian cities, rather than to immigration status. Similarly, in Italy, several regions, including Puglia, approved regional legislation allowing irregular migrants to enrol with local GPs. Italian regions also reached an agreement with the Italian government to adopt legislation in each region allowing the registration of irregular migrant children with paediatricians.¹⁶⁵ In Sweden, at least six regions took the opportunity, offered by a national law, to extend access to health services for irregular migrants to the level of Swedish nationals.¹⁶⁶

4.4.4 Temporary measures as part of COVID-19 response

Access to healthcare assumed a completely new relevance during the pandemic in view of the spreading of COVID-19 and cities responded by either extending their already existing measures in the area of healthcare or by adopting new initiatives. Various cities, including the City of **Frankfurt**, allocated a specific portion of their budget to cover the costs incurred by hospitals, pharmacies and local ambulatories to care for people without health insurance, including irregular migrants.¹⁶⁷ Other examples of city initiatives, include the following:

- **Lublin** was the first city in Poland to launch procedures allowing foreigners to obtain a social security number in order to purchase medication in pharmacies and use services provided by the state or local authorities.¹⁶⁸

¹⁶⁵ OHCHR. (2019). *Promising practices on the right to health for migrants with irregular status at the local level*. Geneva: Office of the United Nations High Commissioner for Human Rights (OHCHR);

¹⁶⁶ PICUM. (2017). '*Cities of rights: Ensuring health care for undocumented residents*'. Brussels: Platform for International Cooperation on Undocumented Migrants. http://picum.org/wp-content/uploads/2017/11/CityOfRights_Health_EN.pdf

¹⁶⁷ Mallet-Garcia M and Delvino N (2021), *Re-thinking exclusionary policies: the case of irregular migrants during the COVID-19 pandemic in Europe*, *Social Policy Review* 33, Policy Press

¹⁶⁸ Council of Europe website [https://www.coe.int/en/web/interculturalcities/covid-19-special-page#%2262433518%22:\[2\]](https://www.coe.int/en/web/interculturalcities/covid-19-special-page#%2262433518%22:[2])

- In **Botkyrka**, the Church of Sweden provides counselling for persons who experience difficult situations at their work in meetings with clients who have lost family members or relatives due to COVID-19.¹⁶⁹
- The city of **Frankfurt** relied on its previously established humanitarian medical consultation centre (humanitäre Sprechstunde) to provide healthcare treatments and referrals for COVID-19 treatment for patients with irregular migration status and without health insurance. The centre works in cooperation with NGOs, including Maisha, Malteser Migranten Medicine and Caritas to reach out to irregular migrants and refer them to hospitals in case they test positive for coronavirus. If irregular migrants are hospitalised, the city's Health Department has set a budget to take charge of the costs for people without health insurance, including at least one case of an irregular migrant who was placed in ICU. At the same time, the centre continues its activities to ensure irregular migrants without insurance continue accessing healthcare that is not COVID-19 related.¹⁷⁰
- The City of **Cartagena** in coordination with the Murcia Regional Health Services has facilitated access to healthcare for unregistered people with irregular status (or those who had other documentation impediments accessing care). The city in particular operated to verify the personal situation of migrants whose permits expired during the Spanish state of emergency to check their eligibility for healthcare in the country, with a view to extending access and providing guidance on how to obtain provisional healthcare.¹⁷¹

4.5 Access to schools, education, and training

Although entitled by international human rights law to attend school and access education, children with irregular immigration status in Europe may encounter several barriers impeding their enrolment in and effective attendance of school. Enrolment procedures requiring documentation that irregular migrants are not able to produce (such as a residence proof or a social security number) are one such barrier. Other barriers include students' fear of exposing themselves and their families to detection by immigration authorities when attending public schools. In addition, pupils with irregular status may not receive state support for costs related to their education, which in practice makes it impossible for many in precarious conditions to afford books, school meals, transportation to school, participation in school trips, etc. In some countries

¹⁶⁹ Ibid.

¹⁷⁰ Mallet-Garcia M and Delvino N (2020) *Migrants with irregular status during the COVID-19 pandemic: Lessons for local authorities in Europe*, CMISE Working Paper

¹⁷¹ Ibid.

not all children can attend state schooling free of charge. Depending on how they are funded, local schools may not be reimbursed for costs related to their students with irregular status, as the latter may not feature in the official counts of the school population; this may make school administrators reluctant to accept students with irregular status. Students with irregular status may be unable to take official exams and receive their final school-leaving certificate. Irregular migrants out of schooling age are generally not entitled to attend educational, training, vocational, or life-learning programmes (including language education), while also being officially excluded from the labour market. Their educational or vocational qualifications obtained in their countries of origin might not be recognised in their country of destination. Vocational and training programmes might be out of reach also for adolescents of schooling age as they are often equated with work. Municipal authorities with competency over the administration of schools within their territory may facilitate effective access to education for children in an irregular condition by overcoming many of the barriers they encounter.

Recent research¹⁷² also showed that the Covid-19 pandemic has exacerbated the digital exclusion of irregular migrants. Income loss from the pandemic made internet access unaffordable, and lockdowns in high-density households resulted in sharing devices, interference from family members, and reduced internet speeds. Outside of the home, the pandemic shuttered public libraries, on which a quarter of immigrants report relying on internet access.¹⁷³

4.5.1 Why local authorities get involved?

- Providing access to school (particularly primary school) to everyone irrespective of migration status is the subject of the universal right to education, firmly recognised by international human rights law. Authorities at all levels are required to respect and fulfil this right.
- Local authorities have domestic legal duties of care towards their juvenile population, irrespective of a child's immigration status.
- Access to school helps prevent situations of juvenile anti-social behaviour, such as juvenile criminality, inequality and social exclusion.

¹⁷² Bastick, Z., & Mallet-Garcia, M. (2022). Double lockdown: The effects of digital exclusion on undocumented immigrants during the COVID-19 pandemic. *New Media & Society*, 24(2), 365–383. <https://doi.org/10.1177/14614448211063185>

¹⁷³ Perrin A and Turner E (2019) Smartphones help blacks, Hispanics bridge some – but not all – digital gaps with whites. Pew Research Center. Available at: <https://www.pewresearch.org/fact-tank/2019/08/20/smartphones-help-blacks-hispanics-bridge-some-but-not-all-digital-gaps-with-whites/>

- In the longer term, children have a higher chance of obtaining a regular residence permit for their country of irregular residence, thus early integration is beneficial.
- Addressing administrative issues relating to the presence in local schools of students with irregular status, and supporting the related costs to schools and students, may be more cost effective for schools. For instance, reimbursing local education facilities for costs that are not reimbursed by national schemes supports the sustainability of school budgets. Supporting the costs of school trips for irregular students who may not afford the relevant fee, for instance, allows the school's administration to organise the trip more effectively.
- Access to educational and training programmes that complement the mainstream education system offered by local authorities might have a crucial positive impact on the lives of irregular migrants, including adolescents regularly enrolled in mainstream schools but excluded from traineeships and other vocational education and adults who have particular educational needs, e.g. in relation to language skills.

4.5.2 Legal and policy background

- The right of everyone (irrespective of migration status) and of children in particular to education is a human right firmly recognised by several international human rights treaties, including by Art. 13 of the International Covenant on Economic, Social and Cultural Rights; Art. 23 and 28 of the Convention on the Rights of the Child; Art. 2 of Protocol 1 to the European Convention on Human Rights; and Art. 14 of the Charter of Fundamental Rights of the EU.¹⁷⁴
- The UN Global Compact for Migration, under the objective of providing access to basic services for migrants (Obj. 15), includes an action point to: *'Provide inclusive and equitable quality education to migrant children and youth, as well as facilitate access to lifelong learning opportunities, including by strengthening the capacities of education systems*

¹⁷⁴ ICESCR, art. 13 (2) (a) and (b) and 14; Convention on the Rights of the Child, art. 23(3) and 28; Convention on the Rights of Persons with Disabilities, art. 24; ICMW, art. 30; CRC, general comment No 6, paras 41–43; CRC, general comment No 20, para. 70; CRC, general comment No 7, paras 24 and 36 (c); E/C 12/2017/1, paras 3, 4, 5, 6, 9 and 11; CESCR, general comment No 11 (1999) on plans of action for primary education, paras 6–7; CESCR, general comment No 13 (1999) on the right to education, in particular paras 9, 13, 14, 24 and 34; CESCR, general comment No 20, para 30; CERD, general recommendation No 30, paras 29–30; CMW, general comment No 1, para. 57; CMW, general comment No 2, paras 75, 76 and 79; Declaration of the High-level Dialogue on International Migration and Development, para. 13; 2030 Agenda for Sustainable Development, paras 20 and 25 and Sustainable Development Goals targets 4.1 and 4.5; General Assembly resolution 70/147, para. 5 (i); New York Declaration for Refugees and Migrants, para. 32; Human Rights Council resolution 20/3, particularly paras 2–4; UNESCO, Convention against Discrimination in Education, art 3 (e).

and by facilitating non-discriminatory access to early childhood development, formal schooling, non-formal education programmes for children for whom the formal system is inaccessible, on-the-job and vocational training, technical education and language training, as well as by fostering partnerships with all stakeholders that can support this endeavour' (para. 31, let. F).

- The Principles and Guidelines on the human rights protection of migrants in vulnerable situations developed by UN-OHCHR with the Global Migration Group recommend that states and other stakeholders *'develop procedures, mechanisms and partnerships to ensure that all migrant children enjoy effective access to adequate and appropriate education at all levels, including early childhood, primary education – which shall be free and compulsory, secondary and higher education, as well as vocational and language training, on equal terms with nationals'; and that authorities should 'establish binding and effective firewalls between schools and other education service providers on one hand, and immigration enforcement authorities on the other. Instruct administrators, teachers and parents that they are not required to report or share data on the regular or irregular status of pupils or their parents'*.¹⁷⁵
- In EU law, specific provisions on access to education for children with irregular immigration status are only provided in relation to children whose removal has been postponed, and require that they are provided *'with access to the basic education system for minors subject to the length of their stay'* (Art. 14, para 1, Return Directive).
- The national legislation of 23 EU countries entitle minors in an irregular situation to attend compulsory education (either explicitly or implicitly through a requirement of all children to attend school). In the other Member States,¹⁷⁶ however, national law does not entitle irregular migrant children to attend school, and in practice the decision on whether to admit them is left to the discretion of each school.¹⁷⁷
- Education policy is generally a national competency but local authorities are often responsible for the practical management of schools in their territory. They thus play a crucial role in facilitating effective access to education for irregular migrants.

¹⁷⁵ OHCHR. (2017). *Principles and Guidelines, supported by practical guidance, on the human rights protection of migrants in vulnerable situations*. Geneva: Office of the United Nations High Commissioner for Human Rights (OHCHR).

¹⁷⁶ Bulgaria, Finland, Hungary, Latvia and Lithuania.

¹⁷⁷ Spencer S. & Hughes V. (2015), *'Outside and in: Legal Entitlements to Health Care and Education for Migrants with Irregular Status in Europe'*. Oxford: COMPAS. Available at: https://www.compas.ox.ac.uk/wp-content/uploads/PR-2015-Outside_In_Mapping.pdf

- The Council of Europe ECRI Commission recommended that Member States guarantee access to preschool, primary and secondary education for children with irregular status under the same conditions as nationals of the hosting State; and that they ensure that procedures for enrolment in school do not require documentation relating to immigration status which irregularly present migrants cannot procure.¹⁷⁸

4.5.3 What can be done by local authorities?

Instructing local schools to develop enrolment procedures that do not require documentation which irregular migrants cannot procure

To allow enrolment of children with irregular status, local authorities responsible for the administration of schools in their territory should not require the production of a valid residence permit or other documentation that cannot be procured by families and children with irregular immigration status (including a fixed address, official residence into municipal registrars, or social security numbers) for enrolment in local schools.

- Before the issuance of national guidelines on enrolment procedures for irregular children, the Italian cities of **Turin**, **Florence** and **Genoa** issued local ordinances instructing municipally-managed kindergartens not to require any documentation relating to a regular residence at enrolment.¹⁷⁹
- The City of **Barcelona** applies flexibility in the registration of irregular migrants in its municipal registrar (*padrón*) and actively encourages the registration of irregular migrants. Subsequently, the registration in the *padrón* is made the only essential requirement for irregular children to access municipal schools, with no need to show further documentation.
- Similar to Barcelona, the City of **Madrid**'s decision to issue municipal 'civic cards' to irregular migrants registered in the city's municipal registrar (see Section 5.2) allows children with irregular status to enrol in local school with this municipal card.

¹⁷⁸ European Commission Against Racism and Intolerance. (2016). *General Policy Recommendation No. 16 on safeguarding irregularly present migrants from discrimination*.

¹⁷⁹ National guidance followed instructing all municipalities not to require such documentation. See Delvino, N. and Spencer, S. (2014). *Irregular migrants in Italy: law and policy on entitlements to services*. Oxford: COMPAS, available at www.compas.ox.ac.uk/2014/pr-2014-irregular_migrants_italy

Instructing schools to refrain from reporting students with irregular status to immigration law enforcement authorities ('firewall')

Where national law does not clearly provide for a 'firewall measure' preventing teachers and school staff from passing on the details of students with irregular status, local authorities can instruct local schools and their employees not to report irregular students and their relatives.

- In **Frankfurt**, although there does not appear to have been an information campaign provided to schools regarding a change in the law and the interruption of the reporting obligation, schools seemed to be aware of it and include children regardless of their residence status.¹⁸⁰

Allocating financial resources to cover schools' costs for irregular students

Where schools are not reimbursed by national funds for costs related to students with irregular status (who do not feature in official counts), municipalities can make budget reservations to cover such expenses, support school costs, and thus avoid reluctance to accept irregular students.

- The City of **Ghent** has set up a 'social fund for schools', a budget reservation aimed at covering unpaid school bills of the children of indigent and vulnerable families, including children with irregular status.
- In the municipality of **Sint-Niklaas** in Belgium, a solidarity fund has been established to support schools in running special projects in favour of pupils with irregular migration status. All schools raise funding (through events such as school parties) and contribute to a general fund so that they can support one another.¹⁸¹

Supporting students' expenses for attending school (such as books, transportation and school meals)

Pupils with irregular status are generally excluded from state financial aid for school expenses, including books, transportation and school meals. As irregular migrants cannot officially work, pupils' families may often be destitute and unable to bear these costs, which in practice hinders

¹⁸⁰ Kirchhoff et al (2022) *Local Responses to Migrants with Precarious Status: A Comparative Report on Frames Strategies and Practices in Europe*, The University of Oxford's Centre on Migration, Policy and Society. United Kingdom.

¹⁸¹ PICUM. (2008). *Undocumented Children in Europe: Invisible Victims of Immigration Restrictions*, Brussels: Platform for International Cooperation on Undocumented Migrants.

access to school. Municipalities may allocate financial resources to support migrants' expenses, or support schools or other organisations in covering migrant students' costs.

- The City of **Amsterdam** has been financing a local NGO ('*Leren Zonder Papieren*', or Learning without Papers) that provides financial support to families of children with irregular status for school expenses, including school materials, sport clothes and fees for school trips.¹⁸²
- The City of **Ghent** provides free public transportation to school for all students, including those with irregular status, by reimbursing the costs of a 'bus pass'. To enable students without residence permit to obtain the pass, the city made an agreement with the bus company to allow social assistants within the school to request the pass via a secured/protected platform on the website of the bus company. The latter delivers the passes to the school, which then hands them to the students.
- In **Cardiff**, local authority staff have reported using their discretionary powers to support migrant children, to whom they apply higher eligibility criteria to circumvent their heightened vulnerability. This may translate into providing a free school uniform, free transportation, or cover other basic needs such as a warm coat for the winter. With the support of Cardiff Council, the City of Sanctuary movement initiated a School of Sanctuary offshoot, designed to provide a welcoming and caring environment for those people in need of help.¹⁸³

Including irregular migrants in adult educational services, language classes, training and vocational programmes offered by local authorities outside of the mainstream education system

Municipalities often offer a range of educational opportunities beyond the mainstream educational system. These programmes are often geared toward individuals out of mainstream education, particularly adults and/or foreigners who did not receive official education in the country where they reside, or who have particular education needs, e.g. in relation to language skills. These programmes can offer crucial education for irregular migrants, particularly adults out

¹⁸² PICUM. (2008). *Undocumented Children in Europe: Invisible Victims of Immigration Restrictions*, Brussels: Platform for International Cooperation on Undocumented Migrants; Defense for Children International and Stichting LOS, Schoolfonds Leren zonder Papieren Amsterdam. Available at <http://www.ilegaalkind.nl/?pageAlias=hoofd&mainId=56&id=183&setNivo=3>.

¹⁸³ Kirchoff et al (2022) *Local Responses to Migrants with Precarious Status: A Comparative Report on Frames Strategies and Practices in Europe*, The University of Oxford's Centre on Migration, Policy and Society. United Kingdom.

of schooling age who are not in the official labour market and may not have sufficient skills in the local language.

- A consortium of the City of **Barcelona** with the Autonomous Community of Catalonia offers complementary 'adult education' courses for adults who could not access good-quality education, those who have dropped out of education, or migrants who did not receive education in Spain and who need to learn the language. These courses are open to migrants with irregular status, as long as they can show a passport (also see Box 18).

Municipalities also offer complementary educational services that target the specific educational needs of migrants.

- The City of **Barcelona** funds a network of NGOs ('social entities') to offer programmes in the sphere of education, including training courses and classes in Catalan and Spanish, to migrants regardless of status. The network also provides legal advice on how to obtain recognition of qualifications obtained abroad. Barcelona's SAIER centre (see Box 8) informs irregular migrants of opportunities to access educational and training services offered by the city.

Box 18: The 'Rossinyol project' in Catalonia

About 25 municipalities in Catalonia have joined an innovative 'mentoring' project led by Catalan universities aimed at increasing interactions between migrant children and local university students. The programme matches university students with migrant and refugee children in primary and secondary schools, including children with irregular status. Mentors and mentees meet once a week after school for at least seven months. Mentors are expected to help migrant children practice the Catalan language, but also to discover the city and the leisure and cultural activities it offers. The programme is expected to develop higher educational expectations for the children, help them learn to navigate in the new educational context, and develop their sense of belonging to the city. The programme eventually aims to address social problems faced by recently-arrived migrant children, such as inequality and social exclusion. The programme is based on a 'dual benefits approach' because it also aims to improve the intercultural competencies of university students to help them in their future as professionals in a diverse society. Participating local authorities and universities do not inquire about the immigration status of children signing up to the programme. On the contrary, they and their families are asked to enrol according to a set of criteria (i.e. whether the child would

be the first in their families to reach the university, if they do so; whether they lack a caring environment; etc.).¹⁸⁴

4.5.4 Temporary measures as part of COVID-19 Response

Overall, the COVID-19 pandemic had negative effects on school-aged children. Lockdowns made continued learning particularly difficult for those living in destitution. In Vienna, schools remained open in subsequent lockdowns to help mitigate the disruption to vulnerable children.

- In **Cardiff**, COVID-19 raised awareness of the heightened vulnerabilities of migrant children. During the pandemic, Education Services were judged to have tried as best they could to support families, regardless of status. Schools were able to provide additional help to families struggling with lack of food or digital exclusion. They knocked on families' doors to check on people and be better able to provide individualised support, and to ensure that their basic needs were covered. However, with schools reopening, this support has been withdrawn and some families have begun struggling again with digital deprivation.¹⁸⁵

¹⁸⁴ For more information, visit: www.projecterossinyol.org

¹⁸⁵ Kirchhoff et al (2022) *Local Responses to Migrants with Precarious Status: A Comparative Report on Frames Strategies and Practices in Europe*, The University of Oxford's Centre on Migration, Policy and Society. United Kingdom.

Part 5: Guidance on practices addressing general barriers to accessing services

In this section, rather than addressing one specific area of service provision, this guidance looks at local initiatives aimed at addressing general barriers that prevent migrants with irregular status from accessing any type of service provision, including previously-mentioned services. The practices showcased in this section can therefore be key to overcoming general obstacles, including migrants' lack of documentation and fear of authorities, and newcomers' general lack of knowledge of their rights, the local language and services offered locally.

5.1 Promoting awareness of migrants' rights and orientation of newcomers

A main challenge for ensuring effective access to any service offered is making sure that the end users are aware of the services they can access in the city. Regardless of the existence in law and practice of opportunities for irregular migrants to access a service, irregular migrants, and particularly newcomers without knowledge of their host society and the local language, may often be unaware of such opportunities and fearful of interacting with local authorities. In Section 4.1, this guidance has dealt with legal counselling in relation to immigration matters. This section instead looks at initiatives aiming to provide wider information to newcomers, regardless of migration status, on their rights and obligations in the city and local society, and access to basic services.

Box 19: The UN Global Compact for Migration on access to information for migrants

The UN Global Compact for Migration set an objective to *'provide accurate and timely information at all stages of migration'* (Objective 5), and the Member States of the UN committed to *'provide newly arrived migrants with targeted, gender-responsive, child-sensitive, accessible and comprehensive information and legal guidance on their rights and obligations, including on compliance with national and local laws, obtaining of work and resident permits, status adjustments, registration with authorities, access to justice to file complaints about rights violations, as well as on access to basic services'*.

Several initiatives by local authorities can facilitate migrants' orientation and provide them with relevant information on their rights, opportunities and obligations.

Offering orientation and language courses for newcomers, regardless of status

Municipalities may offer orientation programmes for newcomers to help them become familiar with the local society and understand their opportunities and obligations in the city. Orientation courses focus on practical information, such as how to enrol children in school, to access local hospitals or to report a crime, but also provide information on special services offered to irregular migrants, including legal counselling. Such courses may be open to all migrants, regardless of status.

- The Spanish town of **Olot** offers migrants (regular and irregular) the possibility of enrolling in a ‘welcoming programme’. Civil servants interview migrants when they register in the local municipal registrar (which is open to irregular migrants) and inform them about the town and the public services available locally that are relevant to the migrant’s personal and familial condition. Migrants are then offered the opportunity to participate in two courses of 10 sessions (for a total of 30 hours) on social services, cultural aspects, the labour market, and immigration legislation. The programme also offers a basic course in Catalan and Spanish (90 hours for an A1 or A2 level), and a certification from the municipality and the Catalan government, as language training is understood as a key tool for orientation in the local community.¹⁸⁶
- Through its SAIER centre (see Box 8) the City of **Barcelona** offers language courses in Spanish and Catalan (see Box 20); orientation for labour insertion; training; provision of information on access to housing; validation of foreign degrees and licenses; information on how to access education services and language courses; assistance with voluntary returns; and information on access to social care for certain categories of socially vulnerable migrants with irregular migration status.

Box 20: Language classes for irregular migrants in Barcelona

The City of Barcelona, in its strategy on irregular migrants (see Section 2.1), made a commitment to guaranteeing access to language-learning for people in irregular situations who are registered in the municipal registrar (*padrón*). The City Council aims to provide

¹⁸⁶ Casademont Falguera X. (2018). *Local municipal practices relating to irregular migrants in Catalonia*. Email to the authors, 14 June 2018, personal communication.

immigrants with access to language-learning from the moment of their arrival and irrespective of their immigration status.

Barcelona allows irregular migrants to access the many courses of Catalan and Spanish offered by the municipality: these include access to the courses (free for initial learning) offered by the *Barcelona Language Normalisation Consortium*; the courses are specifically designed for migrants and are intended also to inform about the city and local society. In addition, the municipality contributes to the funding of a network of NGOs (*Coordinadora de la llengua*) that offer courses in Spanish and literacy for foreigners. Finally, irregular migrants can also access 'adult education' courses (including language classes) offered by a consortium of the City of **Barcelona** with the Autonomous Community of Catalonia.¹⁸⁷

Offering courses in the local language is an important service in tackling marginalisation of non-native speakers. As Barcelona's strategy specifies '*knowledge of Barcelona's official languages is key to ensuring immigrants are able to enjoy better work, educational, relational and social opportunities*'. In addition, in Spain knowledge of local languages is an important factor in obtaining regularisation, as migrants who demonstrate particular social ties to the country can obtain a regular status through the national legal institute of the '*Arraigo social*' after living a period of time in the country and meeting other requirements.

Conducting information campaigns and outreach activities targeting irregular migrants

Outreach to migrant communities is key to ensuring that a service offered by local authorities is known to and understood by those migrants who interact least with authorities. Often the provision of a specific service needs to be accompanied by a specific information campaign or other outreach activity to ensure that the service is used. Several examples of specific outreach activities are offered in the relevant sections of this guidance (see, for instance, Amsterdam's outreach activities on the reporting of crime described in Section 4.3). In other cases, local initiatives aim to raise migrants' awareness of their rights more broadly.

- The City of **Utrecht** in 2012 carried out an information campaign targeting the local population of irregular migrants. The municipality distributed leaflets titled '*Without papers, not without rights*', which provided information on irregular migrants' rights.

¹⁸⁷ For more information, visit: www.bcn.cat/novaciudadania/arees/en/llengues/llengues.html

- In the City of **Ghent** The Shelter and orientation projects receive some financial support from the national government through the agency Fedasil. Because of this, a close collaboration on the pilot project Shelter and orientation of Ghent was set up between the Belgian Foreign Office, Fedasil and the City of Ghent, and the CONEX-network (network of cities and Fedasil on voluntary return and on informing irregular migrants).
- The City of **Madrid** – following national reforms of the Spanish health care system that impacted on irregular migrants' access to care – carried out the public campaign '*Madrid sí cuida*' ('Madrid does look after you'). The campaign provided information for irregular migrants on their avenues to access healthcare in the city and on how to report and seek help if improperly denied access to care, and encouraged all migrants to register with local health units.¹⁸⁸
- The Mayor of **London** supported the publication and distribution of a leaflet informing irregular migrants how to access primary care and register with a GP in London. The campaign aimed to tackle migrants' and professionals' lack of awareness of migrants' rights, increase registrations with GPs and avoid migrants being wrongly turned away.¹⁸⁹
- In the field of education, the Mayor of **London**, in cooperation with civil society organisations, also developed guidance for young Londoners with 'insecure citizenship status' explaining how their immigration status might impact their ability to access higher education. The Mayor developed a web portal where young Londoners can access the guidance as well as information on obtaining legal support for accessing colleges and universities.¹⁹⁰

Offering training and guidance to public employees and service providers on the rights of irregular migrants

Municipal authorities may develop training and guidance for their employees and partners on the entitlements of users with irregular migration status, and on how to assist them to access services effectively. These practices are particularly important in contexts where there are

¹⁸⁸ For more information, visit: <https://si-cuida.madrid.es>

¹⁸⁹ OHCHR. (2014). *The Economic, Social and Cultural Rights of Migrants in an Irregular Situation*, p. 45, Geneva: Office of the United Nations High Commissioner for Human Rights (OHCHR). available at: www.ohchr.org/Documents/Publications/HR-PUB-14-1_en.pdf

¹⁹⁰ For more information, visit: www.london.gov.uk/what-we-do/communities/migrants-and-refugees/guidance-young-londoners-citizenship-residence/education

widespread misconceptions about the entitlements of irregular migrants, as in periods of legislative change or where a local regulation differs from national standards.

- The local health unit of the Province of **Bari** (Italy) distributed internal letters to all local health providers explaining that irregular migrants in the provincial territory should be allowed access to healthcare services and registration with GPs. This followed regional legislation in the Region of Puglia which extended access to care beyond national standards (see Box 17).¹⁹¹
- The City of **Barcelona**, together with the Autonomous Community of Catalonia, adopted a series of initiatives to address widespread misunderstanding among health providers regarding irregular migrants' entitlements to healthcare under regional legislation (see Box 17).¹⁹² To ensure that irregular migrants were not improperly denied access to care in Barcelona, the municipality carried out training sessions for employees of local health centres and information campaigns targeting health professionals and service users on the entitlements of irregular migrants under regional regulations; prepared and distributed informative leaflets on requirements and procedures to follow to access care; and cooperated with local NGOs in identifying cases of improper denial of care, so as to resolve individual cases, identify noncompliant health centres, and promote training.¹⁹³

5.2 Facilitating access to documentation and issuing local 'civic cards'

Holding an identification document is a particularly critical issue for irregular migrants and for children who are born abroad to parents without a regular migration status. Irregular migrants may be prevented from obtaining IDs, birth certificates and other identification documentation because they lack any previous documentation or because they fear approaching authorities due to the risk of being reported for deportation purposes. Lacking documents proving one's identity is a barrier to accessing any services that require identification of those seeking provision. Therefore, practices facilitating the issuance of such documentation can facilitate access to a broader spectrum of basic services.

¹⁹¹ OHCHR. (2019). *Promising practices on the right to health for migrants with irregular status at the local level*. Geneva: Office of the United Nations High Commissioner for Human Rights (OHCHR).

¹⁹² Misconceptions were mainly provoked by a series of national and regional reforms which respectively restricted irregular migrants' entitlements to care and re-extended equal access to care for irregular migrants as Spanish nationals at the regional level of Catalonia.

¹⁹³ OHCHR. (2019). *Promising practices on the right to health for migrants with irregular status at the local level*. Geneva: Office of the United Nations High Commissioner for Human Rights (OHCHR).

Box 21: The UN Global Compact for Migration on migrants' documentation

In the UN Global Compact for Migration, the Member States of the UN committed *'to ensure, through appropriate measures, that migrants are issued adequate documentation and civil registry documents, such as birth, marriage and death certificates, at all stages of migration, as a means to empower migrants to effectively exercise their human rights'* (para. 20). Amongst the actions envisaged to fulfil this commitment, the UN Member States propose to: *'Review and revise requirements to prove nationality at service delivery centres to ensure that migrants without proof of nationality or legal identity are not precluded from accessing basic services nor denied their human rights'* (para. 20, let. g).

The Global Compact then mentions the role of local authorities, thus confirming the centrality of practices adopted by municipalities in issuing crucial documentation, including *'registration cards'*. The Compact (Para. 20, let. g) indeed proposes building *'upon existing practices at the local level that facilitate participation in community life, such as interaction with authorities and access to relevant services, through the issuance of registration cards to all persons living in a municipality, including migrants, that contain basic personal information, while not constituting entitlements to citizenship or residency'*.

Issuing birth certificates to children born with an irregular immigration status

Irregular migrants may experience serious challenges in obtaining a birth certificate for their newborns. Migrants who are *'undocumented'* might be required to present identity documents when registering their babies. Irregular migrants may fear approaching authorities for the risk of being detected, especially in countries where public officials are required to report them to immigration authorities.

Birth registration is a fundamental right recognised by the International Covenant on Civil and Political Rights (Art. 24, para. 2) and the Convention on the Rights of the Child (Art. 7). Moreover, lacking birth registration unduly impacts on children's enjoyment of a number of human rights, particularly in relation to protection, nationality and access to basic social, health and education services.¹⁹⁴ Several cities in Europe have thus adopted practices to overcome the practical challenges of registering children of irregular migrants. These include adapting registration

¹⁹⁴ OHCHR. (2014). *Birth registration and the right of everyone to recognition everywhere as a person before the law - Report of the Office of the United Nations High Commissioner for Human Rights*. (UN doc A/HRC/27/22). Available at: <http://undocs.org/A/HRC/27/22>

procedures to the specific conditions of irregular migrants who lack relevant documentation: for example, adopting practices that do not require specific details of parents, or removing procedures that cannot be met by migrants without documents and a fixed residency.

- The City of **Berlin** accepts registration requests from local hospitals where the children were delivered (rather than from the parents), accompanied by records that do not display any personal details of the new-born's mother.

Issuing local 'civic cards' giving access to services

Inspired by the example of the municipal 'ID cards' issued by several cities across the USA (see Box 22), some European municipalities have created their own 'civic cards'. While in the USA municipal IDs were intended to, among other things, provide a substitute for national identification cards for migrants who lack documentation (or who would generally be reluctant to show a passport so as not to display their lack of a regular status), the European initiatives have not so far offered a substitute for identification purposes (a passport is still needed to obtain a civic card in Madrid, for instance). The intent has rather been to facilitate access to certain services for the card holders, regardless of migration status.

There are several reasons for municipalities to establish a local 'civic card' programme. If the card is accepted as a proof of identity or residence in the city, it may open the door to a range of services that require identification and local residency (but not proof of a regular residence permit). This could facilitate access to essential services offered by the municipality (for instance, enrolment in schools) and its partners (e.g. museums, as in Paris; or banks, as is often the case in the USA). In this way, municipalities could solve administrative hurdles, facilitate access to services, increase a sense of belonging to the local community, and favour social cohesion and inclusion. In some national contexts (as in Spain), the possession of civic cards can favour regularisations for migrants who can show ties to the local community through their cards. In the USA, where the local cards can be used for identification with the local police or to open bank accounts, the issuance of ID cards has also been associated with the need to ensure greater safety (see Box 22). Local cards can be issued to irregular migrants only (as in Barcelona or Madrid) or to all local residents, regardless of migration status (as in Paris). Having the card be available to all residents (and making it the means of access to attractive services, such as free cultural activities) is also a way of avoiding a situation wherein holding a card is a mark of one's irregular migration status.

- In Spain, where irregular migrants are allowed to register in municipal registrars (the *padrón* - see Box 6), the cities of **Madrid** and **Barcelona** have started issuing 'local residency cards' (*tarjetas* or *documentos de vecindad*) to demonstrate, in a reliable and immediate way, migrants' registration in the local registrar. The cards thus allow easy access to all services connected to the registration, including local social services, health care, education, language training, and cultural and sport activities offered by the city. The card is also used to show the holder's continued residency in the city, which could facilitate their regularisation in Spain. In Barcelona, the *documento de vecindad* issued by the municipality is also aimed at providing migrants with a document recording their particular integration in the city (including, for instance, information on whether the card holder has done language training, has an income, or has relatives in the city) which could help them resist deportation. The local cards do not operate as a substitute to official ID cards, and indeed an official identification document is needed to register.¹⁹⁵
- The City of **Paris** has adopted the 'Paris citizen card' (*'Carte citoyenne/citoyen de Paris'*) which can be requested by anyone residing in Paris '*without conditions related to nationality*' and is automatically issued to any student enrolled at an institution in Paris. The Paris citizen card mostly allows its holders to access cultural and communal activities and services (e.g. cultural events, access to libraries, training) offered in the French capital for free, and is not a substitute for an identification card.¹⁹⁶ The card was in part inspired by the New York City card (see Box 22), and was introduced in a strategy adopted following the 2015 Paris terror attacks to increase a sense of belonging to the city and reduce segregation of the most marginalised social groups, including irregular migrants.¹⁹⁷
- The City of **Utrecht** has developed two cards: the U Card for anyone receiving social assistance and the BBB Card for irregular migrants. The former confers access to social security, cultural institutions and sports activities. The latter primarily provides access to Bed, Bath and Bread facilities which offer food, a shower and shelter people to homeless migrants who have been refused asylum.¹⁹⁸
- While the City of **Nantes** has issued a local Carte Blanche to vulnerable members of its population, including irregular migrants, granting access to culture, sports and leisure

¹⁹⁵ For more information on Madrid's *tarjeta de vecindad*, visit: <https://sede.madrid.es> For Barcelona's *documento de vecindad*, visit: www.bcn.cat/novaciutadania/arees/es/veinatge.html.

¹⁹⁶ For more information, visit: www.paris.fr/cartecitoyenne.

¹⁹⁷ Apolitical. (2016). 'New York helps Paris integrate vulnerable migrants after terror attacks'. Available at: https://apolitical.co/solution_article/new-york-paris-municipal-id-terror-attacks/

¹⁹⁸ ANVITA. (2022). Municipal ID Card – towards inclusive urban citizenship (ANVITA).

activities, as well as financial assistance for language classes. In order to extend the scheme's reach, the cards have since 2021 been distributed not only by the city hall and the Social Action Communal Centre but also by neighbourhood and local socio-cultural centres.¹⁹⁹

Box 22: Municipal ID cards in the USA – the IDNYC card

Several cities in the USA (including New York, Los Angeles, San Francisco, Chicago, and Washington DC, as well as smaller towns such as New Haven) have adopted 'Municipal ID cards' for their residents and allowed irregular migrants to obtain such cards. Municipal ID cards serve a number of goals and were initially motivated by the need to ensure greater safety of local communities. US cities aimed to overcome migrants' fear of being detected as having irregular immigration status when contacting the authorities. Allowing irregular migrants to identify themselves with the police and medical professionals, so as to assist in crime prevention and detection and improve access to medical assistance, was one of the main goals of municipalities. The cards indeed constitute an alternative form of identification for irregular migrants who can use them to identify themselves with the police when reporting a crime or to open bank accounts. This helped to tackle the phenomenon of robberies against migrants who, lacking bank accounts, were known to be carrying significant amounts of cash on payday. Unlike passports, municipal ID cards convey no information about one's country of origin and imply nothing about migration status.²⁰⁰

The City of **New York** has developed the US's largest municipal ID programme with the adoption of the 'IDNYC card'.²⁰¹ By August 2016, the city had issued more than 863,464 cards. Success factors for New York's IDNYC card included:

- Developing partnerships with diverse public and private actors, including the local police (NYPD), banks, hospitals, and museums. Through these partnerships, the city administration made sure that partners would accept the IDNYC card as a reliable form of

¹⁹⁹ Ibid.

²⁰⁰ De Graauw E. (2014). 'Municipal ID Cards for Undocumented Immigrants: Local Bureaucratic Membership in a Federal System', in *Politics & Society*, Vol. 42(3) 309–330. Available at: <http://www.ilo.org/dyn/migpractice/docs/203/Article.pdf>; Maytree Foundation & Cities of Migration. (2012). *Good Ideas from Successful Cities: Municipal Leadership on Immigrant Integration*. Toronto: Maytree Foundation. Available at: http://citiesofmigration.ca/wp-content/uploads/2012/03/Municipal_Report_Main_Report2.pdf

²⁰¹ For more information, visit: www1.nyc.gov/site/idnyc/index.page

identification, sufficient to, for example, open a bank account, report a crime, or register to access health services. With this aim, the city engaged and invested resources in producing a tamper-proof document.

- Making the IDNYC card available to all New Yorkers (not only to residents with irregular status) and attaching benefits to the card to incentivise the registration of all residents. The city, for instance, attached to the card free membership of some 40 cultural institutions, discounts at pharmacies or for groceries and other numerous benefits. The IDNYC card proved popular among all New Yorkers. It therefore is not held only by those with irregular immigration status, avoiding a situation where possession of a card exposed irregular migrants to detection (which would have discouraged the use of the card).
- Promoting the card with extensive outreach and advertising. Outreach activities were crucial in determining the success of the IDNYC programme and in advertising the benefits for both migrants and the native population.²⁰²

In Europe, the idea of an inclusive ID card signifying local citizenship for all the residents of a municipality is closest to realisation in Switzerland. There, in both **Zurich** and **Bern**, progress is being made towards adopting and adapting the kind of model developed in New York. Indeed, the prospect of three million Swiss francs of funding for Zurich's City Card was put to a successful local referendum, setting plans for its implementation in motion.²⁰³

5.3 Addressing irregular migrants' fear of being apprehended at service providers

Irregular migrants may fear approaching public service providers, which in practice nullifies their entitlement to access a service (especially when hesitation is justified by a real risk of being apprehended by, or reported to, immigration authorities). Such migrants may be particularly deterred from approaching facilities that specifically serve irregular migrants (for example, information centres on immigration issues, shelters or clinics for irregular migrants), unless they are confident that attending such a facility will not require them to reveal their immigration status to enforcement authorities. To ensure the effective functioning of service provision to irregular migrants, it is therefore crucial to instill trust that users with irregular status will not be apprehended or reported. Local authorities may establish 'firewalls' preventing the denunciation

²⁰² Daley, T. C., et al. (2016). *IDNYC: A Tool of Empowerment – A Mixed-Methods Evaluation of the New York Municipal ID Program*. Rockville: Westat, Inc. Available at: https://www1.nyc.gov/assets/idnyc/downloads/pdf/idnyc_report_full.pdf.

²⁰³ ANVITA (2022) Municipal ID Card – towards inclusive urban citizenship (ANVITA) and stadt-zuerich.ch/city-card

of users (see Section 3.3), inform migrants of their right to access a service without risking apprehension (see Section 5.1), and ensure that immigration enforcement authorities do not target facilities providing services when carrying out patrolling and apprehending activities.

The FRA has found that '*detections at or next to public institutions such as schools, hospitals or courts, as well as reporting or exchange of personal data between these institutions and immigration law enforcement bodies may create a general atmosphere of fear among migrants in an irregular situation, deterring them from accessing such institutions and thus disproportionately interfering with their fundamental rights*'.²⁰⁴ FRA's guidelines to immigration law enforcement bodies on apprehension practices recommend that migrants in an irregular situation should not be apprehended at or next to medical facilities, schools, religious establishments, facilities providing birth certificates or offering health care, trade unions, and entities offering legal aid.²⁰⁵

Ensuring that facilities providing essential services are not specifically targeted in patrolling and immigration enforcement activities

To instill trust and ensure the effective provision of services to irregular migrants, municipalities within their competences may instruct local police bodies not to patrol or apprehend (for non-criminal purposes) migrants seeking medical, educational, legal or other assistance at or next to facilities established to provide such services. Where law enforcement bodies are not under the control of the municipality, local authorities may coordinate and mediate with the relevant authorities to ensure that patrolling and immigration enforcement activities are not carried out at or next to the above-mentioned facilities.

- The local police of **Amsterdam** are instructed not to patrol around a local organisation (the '*Wereldhuis*') providing legal counselling and other assistance to irregular migrants. This practice was based on an informal decision of the police's senior management and a 'gentlemen's agreement' with the Mayor.²⁰⁶

²⁰⁴ FRA. (2012). *Apprehension of migrants in an irregular situation: Fundamental rights considerations*. Available at: <http://fra.europa.eu/en/theme/asylum-migration-borders/practical-guidance#irregular-migrants>

²⁰⁵ Ibid.

²⁰⁶ Delvino, N. (2017). *European Cities and Migrants with Irregular Status: Municipal initiatives for the inclusion of irregular migrants in the provision of services*. Oxford: COMPAS, available at: www.compas.ox.ac.uk/2017/european-cities-and-migrants-with-irregular-status/.

- The local police of **Munich** are instructed not to patrol around the area where a local NGO offers mediation on regularisation issues to irregular migrants on behalf of the city.²⁰⁷
- The local police of **Utrecht** have agreed not to enforce apprehensions in the municipal shelters for irregular migrants (see Section 4.2) for reasons of public order, thus respecting mayoral instructions. In addition, guests of the shelters are provided with proof of their stay, which they can show to police officers should they be apprehended when outside the shelter. The police have agreed not to apprehend people with such proof, so as not to disrupt the work being done to regularise the migrant or assist in his or her voluntary return.

5.4 Lessons from cities' responses to Covid-19

Cities across Europe responded to the unprecedented circumstances of the Covid-19 pandemic in the early 2020s with innovation. Their ingenuity showed how it was possible – indeed beneficial – to include vulnerable communities, not least irregular migrants, in local initiatives.

Bilbao in Spain took its Anti-Rumour Network online during the period of confinement brought on by Covid-19, turning a health pandemic into an opportunity to develop the digital area of their work to tackle racism and hate speech in the city, including against irregular migrants. **Reggio Emilia** in Italy produced information on services available to local residents during the pandemic in twelve different languages to ensure vulnerable communities, including irregular migrants did not miss out.²⁰⁸

Frankfurt in Germany reached with relevant NGOs into irregular migrant communities in the city to encourage them to come forward for treatment for Covid-19 and a budget was identified to fund any resulting hospitalisations. Meanwhile, **Milan** in Italy teamed up with NGOs collecting pharmaceuticals and providing healthcare to secure medical assistance for rough sleepers, including irregular migrants.²⁰⁹

Some of the lessons from these novel local practices, born of necessity, can still be applied now and in the future, outside of a time of crisis.

²⁰⁷ Ibid.

²⁰⁸ [Intercultural Cities: COVID-19 Special page - Intercultural cities programme \(coe.int\)](#)

²⁰⁹ Mallet-Garcia M and Delvino N (2020) *Migrants with irregular status during the COVID-19 pandemic: Lessons for local authorities in Europe*, CMISE Working Paper

CITY INITIATIVE ON MIGRANTS WITH IRREGULAR STATUS IN EUROPE (C-MISE)

C-MISE is a city-led knowledge-exchange programme supporting European cities in sharing knowledge on city practices and policies responding to the presence of migrants with irregular status in their territory. The aims of C-MISE are to: engage cities and towns in knowledge-exchange on migrants with irregular status; disseminate C-MISE guidance materials throughout Europe; share expertise in national, European and international policy debates; and mainstream C-MISE' issue of focus within city networks focusing on migration. The short video documentary on the right explains why cities consider it important to take action in relation to irregular migrants.

C-MISE is chaired by the City of Utrecht and facilitated by researchers at the University of Oxford's Centre on Migration, Policy and Society (COMPAS). Since 2017, approximately 50 cities across 18 countries engaged in C-MISE dialogues.

cmise.web.ox.ac.uk

THE GLOBAL EXCHANGE ON MIGRATION AND DIVERSITY

The Global Exchange on Migration and Diversity is an ambitious initiative at the Centre on Migration, Policy and Society (COMPAS) opening up opportunities for knowledge exchange and longer-term collaboration between those working in the migration field.

www.compas.ox.ac.uk/global-exchange

ABOUT

This briefing was authored by Nicola Delvino and Dr Sarah Spencer (2019) and Myriam Cherti (updated and revised 2024)

CONTACT

For more information contact Dr Myriam Cherti:

myriam.cherti@compas.ox.ac.uk