

Migrants with Irregular Status in Europe: Guidance for Municipalities

The purpose of this guidance is to assist municipal authorities in responding appropriately to the presence 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 may develop their own approach. The guidance is primarily intended for municipal authorities but is also aimed at public bodies which work with them. Working arrangements between public bodies and non-governmental service providers is one of the topics covered.

Among those living in local communities are people whose immigration status is irregular, limiting their entitlement to work and public services. 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, guidance on how to address the challenges raised by irregular migrants has not been 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.

This guidance has been produced by the City Initiative on Migrants with Irregular Status in Europe (C-MISE), a Working Group of eleven cities from ten European countries meeting over a period of two years to share their experience, policies and practices, and to prepare this guidance. This does not necessarily signify the approval of any individual city for each aspect of the guidance. The cities are: Athens, Barcelona, Frankfurt, Ghent, Gothenburg, Lisbon, Oslo, Stockholm and Utrecht. Helsinki and Zurich are Associate Members. The Working Group was adopted as a sub-group of Eurocities' Working Group on Migration and Integration at the first meeting of C-MISE in June 2017.

The C-MISE initiative is funded by the Open Society Initiative for Europe and facilitated by the Global Exchange on Migration and Diversity - the knowledge-exchange arm of the Centre on Migration, Policy and Society (COMPAS) at the University of Oxford. The Guidance has been written for the Working Group by Dr Sarah Spencer, Director of the Global Exchange, and Senior Researcher Nicola Delvino.

Between and within each country 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 and regional 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 promoting tackling poverty is also increasingly recognised at the national and international level.

‘Migrants with irregular status’ refers to ‘third country nationals’ (from outside of the European Union (EU) and the European Economic Area (EEA)) who 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’).

[Aims and context](#)

The 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, coordination and consultation](#)

The second part covers internal and inter-agency consultation, information sharing and coordination; consultation and coordination with external stakeholders; contribution of the municipal umbrella body; dialogue with national governments; developing a comprehensive action plan and allocating a budget.

[General principles on providing access to services](#)

The third part covers ways in which municipalities facilitate access to mainstream services with other residents and other migrants; or provide a service for irregular migrants who cannot access a mainstream service. It explains why and how municipalities work with non-governmental organisations (NGOs) to provide services; and how personal data on irregular migrants can be handled, including the concept of ‘firewalls’.

[Specific areas of service provision](#)

The fourth part covers key service areas: facilitating regularisation and return through provision of immigration counselling and support; accommodation; access to justice and protection for victims of crime; healthcare; and access to schools, language classes and training.

[Local practices that reduce barriers to accessing services](#)

Finally, the fifth part addresses promoting awareness of migrants’ rights; orientation of newcomers; facilitating access to documentation; issuing local ‘civic cards’ facilitating access to services; and fear of being apprehended when accessing a service.

Each section of the guidance stands alone. The reader can use the Contents page to navigate the information needed. Further details of many of the practices and source materials can be found in the C-MISE background paper: Delvino, N. (2017). *European Cities and Migrants with Irregular Status: Municipal initiatives for the inclusion of irregular migrants in the provision of services*.

Centre on Migration, Policy and
Society (COMPAS)

City Initiative on
Migrants with
Irregular Status in
Europe (CMISE)

*Integrating Cities
Conference, Milan
2018*

Jan Braat

Chair, CMISE



11 Cities from 10 European countries

**Athens, Barcelona, Frankfurt, Ghent, Gothenburg, Lisbon,
Oslo, Stockholm and Utrecht (Chair).**

+ Helsinki and Zurich as Associate members

Irregular ('undocumented') migrants

Citizens of non EU countries who have not fulfilled their conditions of entry or stay

Some enter without permission

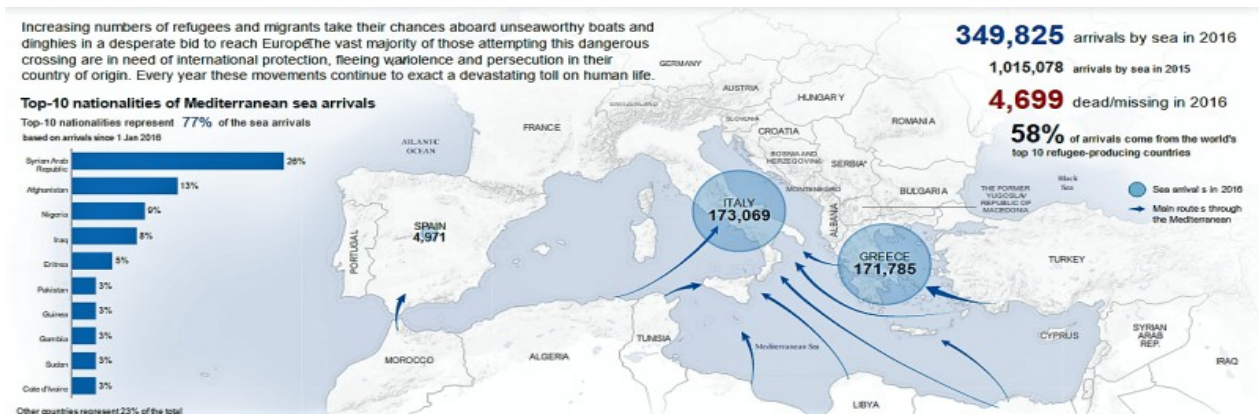
Many enter legally, to work, join family, study or seek refuge, but do not comply with conditions of their visa, or overstay

Most recent estimate?

0.4% - 0.8% of the population of the EU 27 in 2008

Higher proportion of city residents

Recent refugees refused asylum are expected to swell numbers: EU return rate is 36%



A European challenge

Many work or are supported by family and friends. Some become destitute, need shelter and essential services, posing policy challenges for national and local government



Utrecht, 2012



Barcelona, 2013-2014

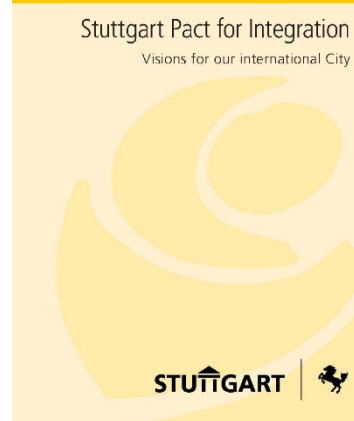


Berlin protest, 2013


Grenfell Tower, London, 2017



Expectation that cities will foster integration of regular migrants




But not those whose status is irregular & subject to enforcement action



EUROCITIES Charter on Integrating Cities

Our commitment to integrating migrants and migrant communities in European cities



European governments do recognise the need for access to some services

- All EU28 allow emergency health care (although some require payment)
- Some allow access to primary care, hospital care, maternity, treatment for infectious diseases, & full care for children
- School: Ten countries granted specific entitlement; law in most states allows 'all' children to attend

Extensions to access:

- Sweden 2013: Health care 'that cannot be postponed' & full access for children to health care & school
- Spain 2011: special residence permits for victims of domestic violence
- UK 2012: Treatment for HIV



But many cities provide services beyond national expectations

- Health care
- Nursery education
- Shelter, accommodation
- Legal advice & representation
- Language classes
- Birth certificates
- Assisting voluntary returns
- Skills training; job search
- Local ID cards
- Safe reporting for victims of crime: 'safe in, safe out'

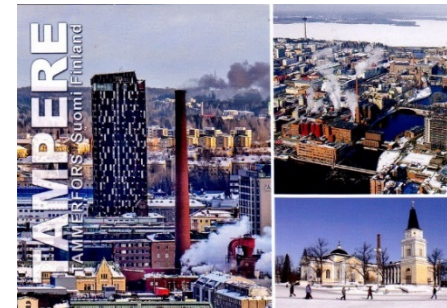
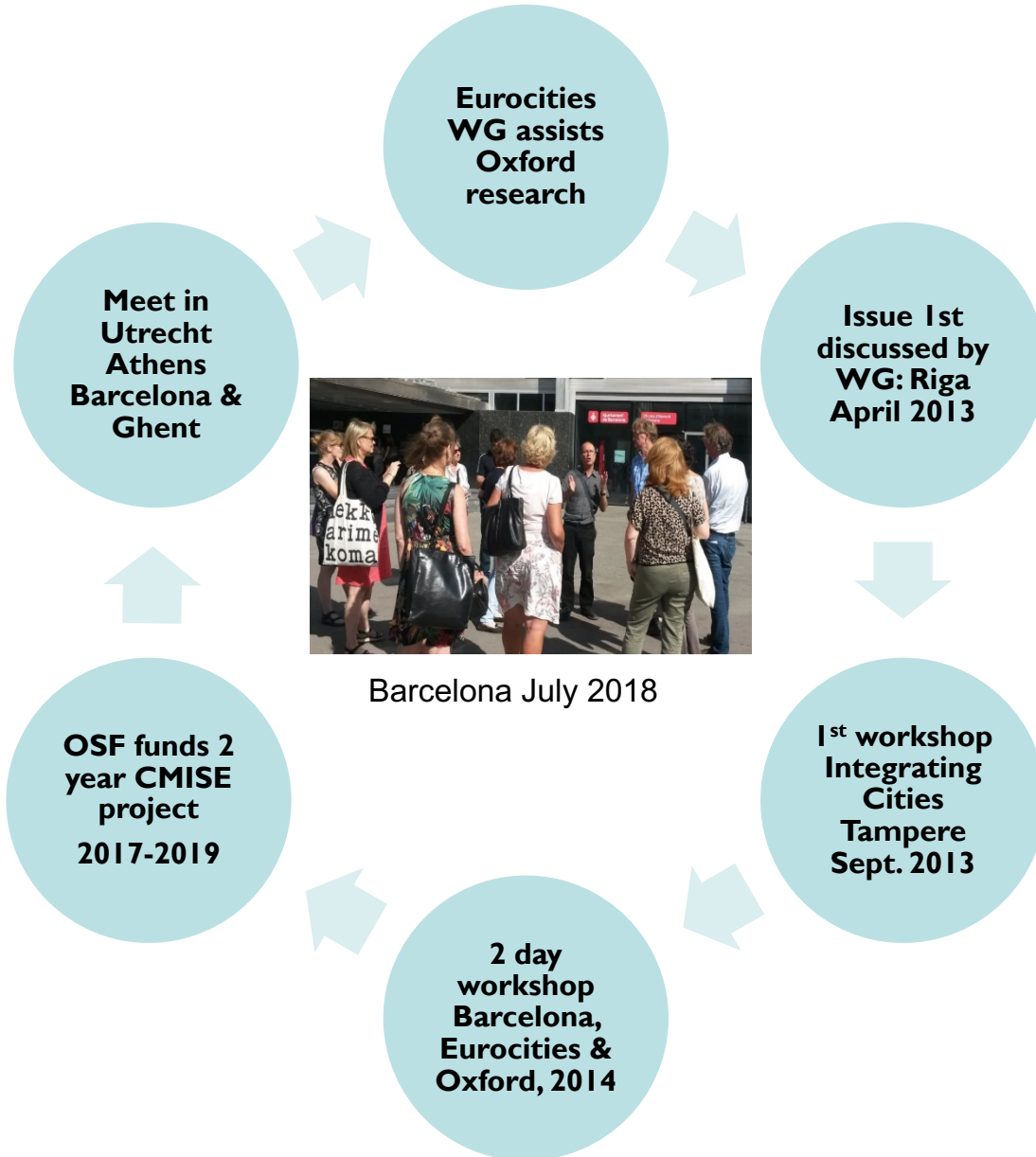
Provided directly by the city or in partnership with an NGO

Why? For many reasons...



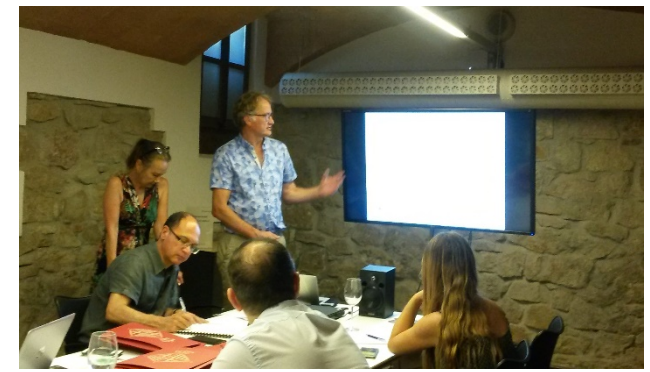
So Cities need to talk and learn from each other

CMISE project: how it happened



What we are doing

- Working group meeting over 2 years (2017-2019)
- Facilitated by the Global Exchange on Migration & Diversity, University of Oxford
- Adopted as Working Group by Eurocities



Four aims:

- Build a stronger body of evidence on city practices
- Share experience & ideas
- Produce guidance & video on key areas of service provision for municipalities across Europe
- Develop a shared, city perspective on ways irregular migrants could be mainstreamed into EU policy agendas

Drawing on Oxford's research



- Spencer, S. (2017). 'Multi-level governance of an intractable policy problem: migrants with irregular status in Europe'. *Journal of Ethnic and Migration Studies*
- 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'.
<http://www.compas.ox.ac.uk/event/autumn-academy-2017-strategic-approaches-on-irregular-migrants-in-europe/>
- Delvino, N. (2017). European Cities and Migrants with Irregular Status: Municipal initiatives on the inclusion of irregular migrants in the provision of services. COMPAS report for C-MISE project.
<http://www.compas.ox.ac.uk/2017/european-cities-and-migrants-with-irregular-status/>
- Spencer, S. (2016). 'Postcode Lottery for Europe's Undocumented Children: unravelling an uneven geography of entitlements in the European Union'. *American Behavioural Scientist*.
- Price, J. & Spencer, S. (2015). 'Safeguarding children from destitution: Local authority responses to families with 'no recourse to public funds''. Oxford: COMPAS report. https://www.compas.ox.ac.uk/media/PR-2015-No_Recourse_Public_Funds_LAs.pdf
- Spencer, S. & Hughes, V. (2015). 'Fundamental rights for irregular migrants: legal entitlements to healthcare and school education across the EU28'. *European Human Rights Law Review* (6), 604-616); and full report: https://www.compas.ox.ac.uk/media/PR-2015-Outside_In_Mapping.pdf
- Delvino, N. & Spencer, S. (2014). 'Irregular Migrants in Italy: Law and Policy on Entitlements to Services.' 10
http://www.compas.ox.ac.uk/media/PR-2014-Irregular_Migrants_Italy.pdf

Guidance for municipalities: Spring 2019

To cover:

- Why cities facilitate access to services
- Governance arrangements
- Budgets
- Handling personal data
- Working with NGOs

Information on services including:

- Information, advice & representation
- Accommodation
- Protection for victims of crime
- Health care
- Education

With accompanying video

& Paper on implications for EU policy in preparation



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Webinar: Inclusion of Migrants with Irregular Status: a Role for Cities

April 12, 2018

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Why should cities reach out to migrants with irregular status? A growing number of cities in Europe, like their North American counterparts, are taking steps to connect irregular ('undocumented') migrants and their families to essential services. Sarah Spencer, Global Exchange on Migration and Diversity, COMPAS, University of Oxford, draws on the work of the C-MISE Project (City Initiative for Migrants with Irregular Status in Europe) to explain why and share some of the creative ways that local authorities have found to provide services, protect the vulnerable and build more inclusive cities for everyone.

Join **Sarah Spencer, Director of the Global Exchange on Migration and Diversity (Oxford), and Jan Braat, Senior Policy Advisor, Migration and Integration, City of Utrecht** to learn about C-MISE findings, recommendations, and to explore the specific example of the City of Utrecht's public commitment to be a 'Human Rights City' and the inclusive policies and practices it has developed to ensure undocumented residents have access to 'Bed, Bath and Bread' as well as health care, employment, education and legal advice. The C-MISE Project is a two-year learning exchange project involving 11 European cities, chaired by the City of Utrecht.



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Diversity Drives Prosperity



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See project website

<https://www.compas.ox.ac.uk/project/city-initiative-on-irregular-migrants-in-europe-c-mis/>

Cities of Migration Webinar

<http://citiesofmigration.ca/webinar/webinar-inclusion-of-migrants-with-irregular-status>

Recent coverage in *Financial Times*

[Migration: the riddle of Europe's shadow population](#)

Financial Times | 7 Oct 2018

