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## City Responses to Migrants with Irregular Status

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These observations arise from a study on responses by national, regional and municipal government in the European Union to the service needs of migrants with irregular status. The study, still in progress, set out to establish what level of access to health care and education is provided across the EU as a matter of national law; how policy on these and other services varies regionally and locally; and why this provision is made. It has, to date, involved 74 interviews across 13 EU states and 20 cities. This briefing focuses on some emerging findings on experiences at city level. The quotes are from city policy makers and service providers.

1. **City responses are constrained by national laws** which exclude irregular migrants from most but not all services, in terms which can be complex and unclear. Entitlements may be explicit in law or implicit - where irregular migrants are not excluded from an inclusive entitlement to use the service.
2. **City priorities can differ from those of the national government** because of their differing responsibilities and need to respond to the immediate situation on the ground.  
*These people are here, some in desperate need, dying on the streets or involved in crime. The national government does not have to bother with the problems we have every day* (Rotterdam)
3. **Beyond national requirements in relation to health and education, cities also variously provide a range of other services including:**
  - Access to the municipal register as a local resident
  - Information and advice services
  - Shelter for the homeless
  - Pre-school education and adult language classes
  - Services for street prostitutes including health care, language tuition and skills training
  - Safe reporting for victims of crime
  - Food bank and emergency welfare payments
  - Access to registration certificates for birth, marriage and death
4. **A range of reasons are given by city officials and politicians for providing services**  
**Legal duty:** Whether European human rights law or a domestic municipal duty of care. This may be in anticipation of legal action if the service is not provided or because a court ruling requires it.  
**Humanitarian or ethical concern**  
*...everyone gets treated, every medical emergency gets treated, because of the medical ethics. This point is also in the end decisive for the fact that such a service exists. It is not about asking 'why are you here' and 'what is your legal status'* (Bremen)  
*Greeks are a compassionate people and hospitality is part of Greek culture, we like to help people. It is also part of social cohesion – not to have poor people who are hungry* (Athens)  
**Necessary to achieve the city's policy goals** including cohesion, public health, crime prevention, reducing street sleeping, prostitution and domestic violence.  
*The underlying reason why we are involved in these activities with irregular migrants is that we don't want trouble, social disorder.... For politicians in the city, though, the humanitarian reason for helping irregular migrants is the most important* (Amsterdam)  
*The objective of clearing the streets to make them suitable for all residents and to make the city attractive for tourism is still part of the reasoning [for services to street prostitutes]* (Barcelona)  
*Child protection is another imperative. If there is a child protection issue, period. End of discussion. They must be helped* (Utrecht)

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**Necessary for the efficient management of public services** including accurate statistics, reducing pressure on emergency services and cost effectiveness.

*This [registration in the municipal register] is essential so that the municipality has information on the people in their area and can plan services accordingly – like the number of school places they will need, and doctors (Barcelona)*

*The Federal Ministry money is given to us because it is cheaper for them to provide this continuous treatment than to have to treat people in hospital... they don't want the local commune to have to pick up the costs for emergency care that would otherwise have to be provided (national and city funded NGO service provider, Vienna)*

#### 5. Service provision to irregular migrants can be openly discussed in some cities, less overt in others

*We talk openly with the Aldermen about what we are doing. It is all written down and we evaluate outcomes so that we can defend the approach (Utrecht)*

*It is a gentlemen's agreement. Understood but not written down. That means there is no guarantee that every officer will take this approach... (Amsterdam police, on safe reporting on crime)*

That ambiguity can provide a space in which it is possible to provide services, but a shift in political or economic climate can make the lack of an explicit entitlement problematic and life difficult for the staff involved.

*You can see that it is all ad hoc rules here, with nothing written down, and we may not want to change that, in some ways. We operate in the grey zone where we know, after years of doing this, who to contact and who to avoid. But it is becoming more difficult... (NGO advice provider, Dublin)*

*There is no policy. We have tried to be acknowledged but while everyone in the city administration knows the two of us and the work we are doing there is no visible recognition of it.... This is the biggest challenge in my job, acceptance and non acceptance (Danish city)*

#### 6. Many factors influence the way in which a city responds, resulting in differing approaches by cities within each country. Some factors that have contributed to a decision to provide a service are:

- Stark evidence on the consequences of exclusion (a report or tragic case)
- The strength of the municipal tier of government
- Pressure from those working directly with migrants, including health professionals, churches and NGOs
- If the issue is framed as an emergency, as existing practice, or as a technical change
- Existing examples of provision that provide a model
- Capacity to provide

*Where cities differ in their responses it may not be a matter of policy differences but of competency and capacity. We have been addressing this issue of homelessness since the 2000s and we have considerable capacity to provide emergency shelter and work with people to resolve their issues. It would be very much more difficult if we were just coming to it now, given the economic crisis (Dublin)*

#### 7. A requirement to pass on details of service providers to the immigration authorities, or lack of rules preventing this, can act as a barrier to take up of services. In some cases cities have been in the forefront of resisting disclosure provisions or finding ways to avoid it

*Of course if the data was transferred people would not come to school, and it could be very difficult to survive in that climate of fear. No teacher in any school in [this city] would have transferred that information because we really believe in the education of children from when they are very little (Italian city)*

#### 8. Services may be provided directly by the city, but there can be advantages in funding an NGO provider. It distances controversy and the personal data of users from the authority, and it need not be explicit that irregular migrants are among the beneficiaries.

*NGOs are so helpful, enabling us to provide services in a grey area where not too many people are aware of it. If it is not too visible it is ok (Amsterdam)*

*When the NGO came to us for funding they underlined that the service would only be for legal residents but I said that our condition would be that they don't ask about immigration status. Why? Because the number of undocumented people is growing and the existing services are not enough (Helsinki)*

#### 9. No city reported that more irregular migrants had been seen to come to the city as a result of services provided, though concern that this could arise remained an issue in any debate.

#### 10. City practices have shifted policy at the national level (in The Netherlands on access to apprenticeships, for instance, and in Italy on access to nursery education).