

Migrants with Irregular Status in Europe: Guidance for Municipalities

Executive Summary

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**Global
Exchange**
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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.

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.



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.

‘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’).

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 report: Delvino, N. (2017). European Cities and Migrants with Irregular Status: Municipal initiatives for the inclusion of irregular migrants in the provision of services.

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



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