

City Responses to Irregular Migrants

16 – 17 October 2014, Barcelona, Spain

Summary

A round-table seminar “City Responses to Irregular Migrants” was organised by Barcelona City Council and the Centre on Migration, Policy and Society at the University of Oxford, in partnership with Eurocities. The aim was to discuss the challenges European cities face in responding to the needs of irregular (undocumented) migrants, to share experiences and ideas that could inform future practices, and to consider whether there would be value in taking forward this learning and dialogue in some form.

The seminar was hosted by Barcelona City Council and supported by funding from the Open Society Fellowship programme, Open Society Initiative for Europe and ESRC Impact Acceleration Account.

Municipal authorities from a number of other European cities had indicated that they would have liked to participate but for different reasons could not attend. This report is also intended to brief those who were interested in discussing the issues and the main findings of the debate.

The participants, including representatives from 11 cities in eight European countries, discussed the challenges and practices municipal authorities have experienced in relation to the provision of services to irregular migrants. The participating cities were Barcelona, Brighton and Hove, Brno, Frankfurt, Genoa, Ghent, Helsinki, The London Borough of Islington, Milan, Terrassa and Utrecht. Over two days, the discussions focused on different aspects of service provision including the implications of exclusion from services, legal challenges, cooperation with non-governmental organisations, coordination with national and European policies, resources and the need for further evidence, data and learning exchange. The discussion of the representatives of municipal authorities was supported by contributions from academic researchers, a representative from an NGO, PICUM, and a legal expert in the field of economic, social and cultural rights. A summary of the presentations and issues raised by participants in discussion, prepared by Nicola Delvino, is attached.

In the final session of the Roundtable it was agreed by the participating cities that further discussion and collective action was needed in order to raise awareness of the challenges that cities face in relation to the presence of irregular migrants in their communities and to help cities to address those challenges.

To that end it was agreed that they would seek to establish a working group - as a sub-group, if agreed, of the Eurocities Working Group on Migration and Integration - with a remit to:

- i) Build a stronger body of evidence on irregular migrants in cities, on the impacts of exclusion from services and of inclusionary measures
- ii) Share learning on promising practices and policy frameworks in relation to local service provision, focusing in particular on health care, shelter, protection of victims of crime and the particular needs of children
- iii) Work towards the mainstreaming of irregular migrants within relevant areas of European Union policy and funding.

Shared learning between cities could extend to learning from North American cities that have addressed similar challenges.

It was agreed that it would be desirable for the group to have a means to engage with external stakeholders and experts.

At an early stage the group would agree on the intended outputs of its work across the three arms of its remit.

The group would need to seek funding to facilitate its work.



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ATTENDEE LIST

| | | |
|-----------------------|---------------------------------|---|
| Vladimir Adam | Brno | Head of Social & Cultural section |
| Jan Braat | Utrecht | Senior Policy Advisor |
| Lucy Bryson | Brighton & Hove | Community Safety Manager, Refugees & Migrants |
| Nicola Delvino | COMPAS, University of Oxford | Roundtable Note-taker |
| Dirk Gebhardt | Universitat Pompeu Fabra | Marie Curie Researcher |
| Gemma Garcia | Terrassa | Head of Citizenship and Civil Rights |
| Nazia Hussain | OSIFE | Open Society Initiative for Europe |
| Stanislav Jaburek | Brno | |
| Jelle Klaas | Fischer Advocaten | Legal Expert |
| Michele LeVoy | PICUM | Director |
| Niene Oepkes | Utrecht | Policy Advisor |
| Danilo Parodi | Genoa | Directorate for Social Policy |
| Jonathan Price | COMPAS, University of Oxford | Research Officer |
| Olli Salin | Helsinki | Head of Social Emergency & Crisis Support Services |
| Ramon Sanahuja Velez | Barcelona | Director of Immigration and Interculturality |
| Jana Sancova | Brno | |
| Caterina Sarfatti | Milan | Project Manager, Mayor's Office |
| Sarah Spencer | COMPAS, University of Oxford | Director, Global Exchange on Migration and Diversity |
| Henry St Clair Miller | Islington | Manager, No Recourse to Public Funds Team |
| Petra Tiarks-Jungk | Frankfurt Am Main | Doctor, Local Health Department |
| Anja Van den Durpel | Ghent | Head of Department, Integration Services |

Venue: Barcelona City Council, Passeig Sant Joan 75, Barcelona, Spain

Thursday 16 October

BARCELONA CITY'S EXPERIENCE

The seminar opened with a presentation on the experience of Barcelona City Council's responses to irregular migration and its Special plan on the irregular settlement of Calle Pugcerdá. The presentation was introduced by Ramon Sanahuja, Director of the Department on Immigration and Interculturality of the City of Barcelona.

International immigration is a relatively new phenomenon for the City of Barcelona which has been experiencing immigration flows only for the last 12-15 years. The main nationalities of foreigners living in Barcelona are Pakistani, Italian, Chinese, Ecuadorian, Bolivian and Moroccan.

Migrants staying in Barcelona are mostly economic migrants. As the Spanish asylum legislation is very restrictive, migrants tend not to apply for asylum. Nevertheless, because of the economic crisis, a series of public budget cuts have been implemented by the government and the unemployment rate is very high. These problems are felt particularly strongly by migrants – who nevertheless still keep on coming to the country – and led many of them to work in the informal sector, which exacerbates their segregation. This is particularly true for irregular migrants.

Barcelona's approach towards irregular migration might be summarized by the approach of its Mayor, Xavier Trias, in essence that: *"It does not make sense that persons are left in the streets of Barcelona by the State without any document, jeopardizing their future and the cohesion of the city. Everybody should at least have a temporary resident permit"*.

A key element for migration city governance in Spain is the local administrative register called "*Padrón*". The Spanish law states that any person living in a Spanish city, including Spaniards and foreign nationals, should be registered in the *Padrón*, irrespective of legal status. The registration does not provide any legal status to those who register other than the administrative status of "neighbor". The only conditions that are required for registering to the *Padrón* are holding an identity and an address. Homeless people can register without a specific address and in Barcelona 3.000 people are registered without a specific address. Migrants are normally informed on the need to register to the *Padrón* by NGOs who distribute welcoming booklets to newly arriving migrants.

Registering to the *Padrón* is particularly important. Thus with the aim of generating trust towards the *Padrón* Spanish law protects irregular migrants from the risk of being reported to the police. Municipal authorities are in most circumstances forbidden to pass on migrants' details to the police.

The *Padrón* is important for public authorities because it enables them to know the exact number of migrants living in the city. It is important for irregular migrants because according to national legislation they can obtain regularisation if they can show that they have been living in Spain for at least 3 years. The *Padrón* enables migrants to show their residence in Spain for this purpose. Once registered, migrants have access to social services, including language courses, sport classes, libraries, and most importantly education, some social emergency benefits and health care. They do not have access to benefits like pensions or training courses financed by the EU. In their experience migrants do not come to the city for the purpose of accessing welfare support. Their aim is to work.

Barcelona's municipality manages a one stop shop called SAIER which provides public services to all migrants. 50% of those requesting services at SAIER are in an irregular situation. SAIER provides a wide range of services consisting mainly of legal advice and information on e.g. the city, access to services, refugee law, social emergencies and validation of degrees. SAIER cooperates with a network of 120 NGOs which provide information and advice.

The idea behind Barcelona's approach towards service provision to irregular migrants is that those who are irregular migrants today may be regular migrants in the future. Some may be expelled but most regularise after three years from their arrival in the country. With the aim of avoiding segregation, municipal authorities in Barcelona consider it important to start working towards equality and implementing social integration measures as soon as possible. This is why Barcelona feels the need to provide public services to irregular migrants. Moreover, public opinion towards immigration in Barcelona is not as negative as it is in other cities of Europe.

Some of the main challenges for the municipality of Barcelona in providing services to irregular migrants are related to the lack of financial resources. No national funding is provided to the City of Barcelona on this issue and the region of Catalonia only provides one million Euros, which is not enough to ensure the integration and the provision of services for irregular migrants in the city. The budget in the area of services for migrants in 2014 consisted of 1.8 million Euros. No funding was provided to Barcelona by the State or the EU.

A group of especially vulnerable migrants in Spain consist of Sub-Saharan who crossed the Spanish southern borders, particularly those who reach Spanish soil in Ceuta and Melilla, the 2 Spanish enclaves in the African continent. Once migrants have managed to jump the fences at the border and reach Spanish soil, they are brought by the Spanish State to mainland Spain. After being hosted at the CETI, an open reception centre in Melilla, migrants are transferred to the detention centres in the mainland (*CIE – Centros de Internamiento de Extranjeros*). Since it is often impossible for the judicial system to enforce the return of those who cannot be identified, irregular migrants are released and are left in the streets of the major Spanish cities. Being homeless, they occupy abandoned industrial areas, sell goods in the streets, squat and create settlements.

The presentation showed pictures and told the story of a large settlement created by homeless people, including regular, irregular migrants and Spaniards in calle Pugcerdá in an industrial area of Barcelona. It was in extremely bad condition for human living and a risk to human safety. The Municipality could not allow such a situation but the area being a private property, they could not do much. The owner of the area started an eviction procedure against the occupiers. The eviction provoked big demonstrations in support of the people living in the settlement which received large media coverage. The city administration came up with a plan to create alternative temporary accommodation, provided legal advice, training courses and support for job placements. By doing this, the administration succeeded in reducing the number in settlements by 36.8%.

The contrasts were stressed between national practices on border management – which lead to 'dumping' irregular migrants in the Spanish major cities like Barcelona – and the funding of cities which do not receive any financial support for receiving those people.

DISCUSSION

The presentation triggered the participants' interest in the Spanish *Padrón*, which was considered as a very useful tool for migration management. Participants indeed asked ample information on the Spanish register, receiving the explanation that:

- Registration is required to those who plan to reside in Spain for not less than 6 months
- Registration is problematic for those migrants who do not present any identity documents. In most of the cases migrants nevertheless find a way to get their passport (*e.g.* asking their families in the countries of origin to send it). If one does not have any document, he or she can be issued a particular document from the national police.
- The administration does not normally check if the passports are false but if there are suspicions, they report that to the police. This approach is considered unusual by other participants whose local administrations are very attentive in checking every document presented by migrants.
- When registered, third country nationals are required to confirm their registration every 2 years and if someone registers in another Spanish city, the registration in the previous city is automatically deleted. These characteristics enable local authorities to know exactly the number of people residing in and departing from the municipal territory at any one time.
- Registration does not provide any employment rights to irregular migrants, who need a regular status to work in Spain. They nevertheless can work as self-employed and the Barcelona City Council promotes the establishment of cooperatives of self-employed migrants.

Although agreeing on the value of registers like the *Padrón*, some participants acknowledged that in their countries it would be difficult to ensure that personal details of irregular migrants are not reported to law enforcement authorities.

It is difficult to decide how far to go in providing services as not everyone can be included. Court cases can clarify what has to be provided and what does not.

The participants also discussed the problems created by the contrasts between national policies and practices in the field of irregular migration and local authorities' needs in migration management. The participants acknowledged this as a common problem in Europe. The voice of local authorities is not being heard by national governments. The Mayor of Barcelona for instance has written a letter to the Spanish Minister of Interior contesting the practice of dumping migrants in the streets of the major cities in mainland Spain, but he has not received any answer yet.

The experience concerning the Puguercadà settlement drew the attention of participants who were interested in the reaction of public opinion to the actions undertaken on that occasion by the City Council. Ramon Sanahuja explained that the municipality was backed by public opinion for two reasons. A minority of the population wanted the city to intervene in support of migrants. The rest was worried by the unrest caused in the district because of the settlement and was in favour of the City tackling the issue in order to support the residents and businesses in the district.

OVERVIEW OF RESEARCH FINDINGS ON CITY RESPONSES

The seminar followed with an overview of the findings of Sarah Spencer's research on local authorities' provision of public services to irregular migrants, part of a larger study. Dr Spencer is at the Centre on Migration, Policy and Society (COMPAS) of the University of Oxford

The first part of this research has looked at the entitlements in law for irregular migrants across the EU28, particularly focusing on access to health care and education. The second part of the research – to be published next year – looks at national, regional and municipal responses in relation to a broader range of services. The study included interviews in 21 cities across 12 EU member states. It found that the presence of irregular migrants is a challenge for many cities all over Europe. This is a phenomenon only at an early stage in Scandinavia and in Central and Eastern Europe, but for some cities in the rest of the EU the residence of irregular migrants is an extremely relevant issue.

Cities with a significant irregular population can feel the need to provide services to irregular migrants, especially if children. This need is felt not only for humanitarian reasons but also on pragmatic policy grounds. That is, services are not only provided to respond to the needs of individuals themselves but also because of the broader responsibilities of authorities towards the rest of the public. These practical grounds are related to public health, crime prevention, social cohesion, public security, reducing street prostitution, avoiding street sleeping and cost efficiency – in some cases it is cheaper to include irregular migrants in the provision of a service rather than excluding them.

A range of services is provided by some cities to irregular migrants, including health care, access to education (mainly primary and secondary, but also pre-school *e.g.* in Italy), shelters for homeless people, services allowing safe reporting for victims of crime, emergency welfare provisions, the issue of birth and marriage certificates and access to food banks. In one Greek city, for instance, where national legislation does not allow providing food for undocumented migrants, the city council found a pragmatic way to overcome this restriction by providing a sufficient quantity of food for some to be left over after those entitled to eat had left, the remainder then available to anyone to take away.

In some cities the duty to report to immigration/police authorities the personal details of irregular migrants presents a significant challenge for service providers wishing to provide a service to irregular migrants. In some cases local authorities find their own solution to overcome this problem: for example in one German city, where officials registering births are required to pass on the details of the parents to the police, the city council had instructed them to do so only after a period of time had passed so that parents could register their babies without fear that it would lead to arrest.

There are many implications for cities in providing services to irregular migrants including their relationship with national governments. Since the consequences of exclusion are most keenly felt at local level, governments and local authorities can hold differing positions regarding access to services, triggering tensions between different levels of governance. The possibilities for cities to provide services can be restricted by national law. In some cases cities are reluctant to comply with national legal requirements (*e.g.* to deny access or pass on details to the police). They may then engage in advocacy at national level or carry out litigation challenging national legislation (Italy is one relevant example of this trend).

There are also examples of national laws requiring local authorities to provide services to irregular migrants, but they are not provided with proper funding to do so. For instance in the UK, national law requires local authorities to support children in need, including irregular minors, but local authorities do not receive national funds to fulfil that responsibility.

Local officers are sometimes willing to talk publicly about this issue, but local politicians and officials can prefer to be less public in the arrangements they make to provide services to irregular migrants. In some cases it is a “non-decision” that enables them not to exclude irregular migrants from a service. In many cases, it is preferred to provide the service through NGOs rather than directly.

The study does not evaluate the actual practices of cities. There could also be a gap between the official position of the authority on what should be provided and what happens in reality.

DISCUSSION

The participants considered the findings of the research very useful for their work. The representatives of local authorities acknowledged that two of the main findings of the research are particularly confirmed in their daily professional experiences: the contrasts between national and local authorities on the ways of tackling irregular migration, and the inclination of local politicians to be hesitant to talk publicly about the need to make some service provision.

Participants felt the need to share experiences and find political arguments that would support the necessary provision of services to migrants in an irregular situation. A series of arguments were discussed. Talking about the needs of victims of human trafficking rather than irregular migrants was considered by some as one way to find more support for service provision. In Italy recognition of issues relating to trafficked people had served to facilitate the regularization of many migrants. Art. 18 of the Italian Consolidated law on Immigration had provided the issue of temporary residence permits for victims of trafficking. This has allowed many undocumented migrants to come out and regularize. In some countries, these sorts of measures have served as a starting point for providing protective measures also to other kinds of victims (e.g. victims of domestic violence). Nevertheless, other participants warned of the risks of such an argument: it could lead to the creation of categories of “good migrants and bad migrants”, “deserving and non-deserving people” which could lead to a bigger exclusion of those not falling within the category of the deserving ones. Participants also argued that specific events can galvanise politics on the need to extend local authorities’ support to all migrants. For instance, the diffusion of infectious diseases - on which the public debate is currently focusing because of the spread of Ebola - may serve as a reason why national authorities should establish a register like the Spanish *Padrón* allowing a better monitoring of the population.

The presentation also triggered a debate on the contrasts between local and national authorities. The participants argued that sometimes local authorities find themselves taking the same political position as supranational authorities, like the EU, the UN or IOM, rather than their national governments. Local authorities might therefore usefully increase their cooperation with such bodies.

SERVICE PROVISION TO IRREGULAR MIGRANTS: THREE CITY EXPERIENCES

The second session focused on the reasons for service provision and the practicalities of providing it including provision through NGOs, handling of personal data on service users, the evidence on need for services and the outcomes of making provision. The discussion included services such as health care, shelter, provision of food banks and emergency welfare payments. Cities were invited to identify the particular challenges they face and how they have tried to overcome them.

The first presentation was by Olli Salin, Head of Social Emergency & Crisis Support Services at the Social Services Department of the City of Helsinki.

Helsinki is a city with 620,000 inhabitants, of whom 75,500 are persons who were born abroad and 78,500 speak native languages other than Finnish or Swedish. The first relevant flows of migration reached Helsinki in the 1990s and consisted of Somali refugees coming through the Soviet Union and Ingrians – a Finnish population that has been living in the area of St. Petersburg since the XVIII century and that had then been expelled from Russia in the 1990s. At that time the Municipality of Helsinki was not prepared for the arrival of tens of thousands of people and thus had to provide ad hoc emergency services. Later, a permanent Immigration Office was created in 1992 and new national legislation was adopted, namely the Foreigners and Immigration Acts.

The full membership of Finland to the EU in 1995 created a new wave of immigration to Helsinki from Eastern Europe and the Baltic states. Since 2007, when Romania and Bulgaria also joined the EU, many Roma people from those countries have been migrating to Finland and the number of arrivals has been increasing until 2012. This last flow of migration proved particularly problematic because the Romanian and Bulgarian states did not issue proper documents for some of their nationals, ethnic Roma, and people were arriving to Finland without even their birth certificates, thus resulting in an irregular situation. The Finnish government thus started a diplomatic dialogue with Romania and Bulgaria through the relevant ambassadors, so that Romania and Bulgaria could manage the problem. Now a cooperation between the Romanian and Bulgarian consulates with the Helsinki Social Department is going on in order to solve this problem and enable Roma people to obtain their birth certificates, work permissions and EU Social Security Card.

In 2007 Finland adopted the Child Welfare Act establishing that emergency services must be provided to anyone in every municipality. The provision of those services is now being reformed in Finland and in 2 years it will become a regional competence. Since the arrival of Somali refugees and Ingrian Finn re-emigrants in the 1990s, the Lutheran Church and several NGOs have been providing food banks to everyone in need, including those who are in an irregular situation, who are not asked for documents.

5 years ago the Lord Mayor's working group for Roma beggars was created as a response to public concern at the significant presence of Roma beggars in Helsinki. The working group discusses issues concerning Roma beggars and gathers representatives of the local police, city departments, NGOs and Roma communities. An outcome of the working group was the establishment of the Hirundo Day Centre where beggars have access to food, showers, internet and other services. About 120 people refer to the Centre every day. This Centre was established by the Helsinki Deaconess Institution and funded by the City Council.

Helsinki and Turku as well as Oulu and Joensuu also have Global Clinics run by voluntary doctors and nurses providing a variety of medical services to irregular migrants, including *e.g.* assistance in pregnancy or minors' care. In 2011 with the adoption of the National Health Services Act, Finnish national legislation established that all emergency treatments, including dental care, must be provided to irregular migrants as well.

The Social Services Department of Helsinki also established the Hietaniemi Centre for homelessness providing 250 beds where homeless people can be temporarily accommodated. In emergency cases, the Social Services Department also provides a living allowance and "crisis support" consisting of food and tickets to the nearest consulate and overnight accommodation at the Hietaniemi Centre for homelessness. When necessary, the department also takes in charge child welfare services, but only 50 cases have been taken by the department since 2007.

As the EU Victims Directive is coming into force next year (2015), the Finnish Government is going to fund and provide national services in support for victims of human trafficking that will be run by the Finnish Immigration Service (MIGRI) and several NGOs (and IOM etc). The State is also going to fund shelters for victims of domestic violence from the 1st of January 2015.

On Health services, the Health department of the City of Helsinki provides the following medical treatments: emergency health services for all patients in the Malmi and Haartman clinics and dental clinic, full health services for children (under 18 years), full health services for pregnant women and new born babies, prenatal and antenatal services, vaccinations and anti-epidemic/Pandemic treatments. Further services are provided by NGOs.

The second city experience was that of Islington, one of London's 32 boroughs, and it was introduced by Henry St Clair Miller who works at Islington Council and manages the No Recourse to Public Funds Network, a UK national network looking at social services responses to migrants.

The speaker's work consists of 3 components:

- 1) Frontline work for Islington council, dealing as referral point for assistance for people living in that area
- 2) Managing the No Recourse to Public Funding (NRPF) network, which provides guidance and training to people operating at local government level on this migration issue.
- 3) In cooperation with the UK Home Office and other local authorities, they have developed a database that collects data on families and individuals supported by local authorities including immigration status, barriers to enforced removal and the cost of accommodation and subsistence support. The database is aimed at helping efficient decisions on whether a foreign national has the right to stay in the UK and benefit from services or if he or she needs to go through a repatriation path. As local authorities, they do not deny the fact that in some cases return might be the best solution.

A particular challenge for local authorities providing services to migrants in the UK arises in those cases where local government may have a legal duty to provide accommodation and subsistent support to migrants, but at the same time national legislation excludes irregular migrants from the welfare state, and in most cases from employment rights. This is a specific area of service provision but it has a connection with the wider topic of immigration policy. Migration policy in the UK is very

restrictive. It limits their access to health care, requires employers to check their documents, and – starting from December – it will require landlords to check the immigration status of tenants. The legislative context in the UK on immigration provides a restriction on irregular migrants from accessing public funds (i.e. welfare state benefits) but regardless of the restriction, in some cases limited social benefits can be accessed. Social service departments, for instance, may owe a duty of care to destitute children and their parents, including children of irregular migrants. Social service departments may also have the duty to support adults with special care needs. This creates a tension between what the situation is on paper and what happens in practice.

On paper, the law compels social services departments to provide a safety net for those who are vulnerable and outside the mainstream services. In practice the area of service provision to migrants provided by social services is not formally recognised nor funded. It is a legislative accident that has a series of positive implications for the central government and a negative burden on local authorities. The existence of the safety net allows the UK to be compliant with human rights and European obligations as well as with domestic duties concerning, for example, destitute children, whilst immigration policy is actually designed to turn off services for migrants. For local authorities, the implication is that they find themselves with no guidelines or standards on how to interpret their own responsibilities and – most importantly – they are left without any funding. NRPF is a network of local authorities, thus it is not a campaigning or lobbying group. It works with government to address this situation.

The UK immigration system consists of the central government deciding the rules on entry and permits to stay for foreign nationals, enforcing those rules and taking the decisions on whether to grant a regular status or not, while local authorities are required to support vulnerable people who temporarily fall out of the welfare or asylum systems and keep children safe. In practice this system is slightly naïve. The immigration system is based on the concept of deterring and preventing irregularity, but this has led to a culture of making it difficult for people to assert their rights particularly as access to legal aid has now been reduced. It is more expensive for the State to enforce removals rather than just impeding migrants to assert their rights so that they are led to return voluntarily to their countries of origin.

The lack of funding for local authorities for providing services to irregular migrants is leading local authorities to adopt excluding arguments similar to those used by the central government. Local authorities ask themselves why they should divert resources to irregular migrants when they are subject to budget cuts. In some cases the similarity of central and local governments' concerns on the "pull factor" argument leads both levels to exclude migrants from services. Compassion towards migrants can fade. Although local authorities could play a significant role in advocating for a better deal for migrants, it is hard to cement consensus on this. It is easy for local authorities to limit their responsibilities concerning the safety net by tightening the conditions for migrants to access services. It is also cheaper for local authorities not to

As of 16 October 2014:

- 26 local authorities are using the database created by the NRPF Network
- Data from the 26 local authorities shows that 1674 migrant households with 2481 dependent children are being financially supported
- This represents £26.5 million per annum in accommodation and subsistence provision
- 80% of those households are families, consisting mainly of *Visa overstayers*
- 55% of children are at least 7 years old (meaning that the family has been in the UK for a long time)

provide a service and to adopt the same sanctioning and enforcement approach as the central government. At the same time this approach undermines the legitimacy of the activities of local authorities towards migrants and avoids dealing with the permanency of many vulnerable migrants.

In such a complex situation for local authorities, the NRP Network decided to work collaboratively across local authorities and the Home Office to build the evidence base so as to better understand and monitor this unique area of service delivery. This is particularly important if the hostile environment approach adopted by central government only serves to increase the number of destitute migrants who may then in-turn look to social services for assistance.

The final intervention of this session was presented by Petra Tiarks-Jungk, a physician employed by Frankfurt City Council responsible for the “Humanitarian Consultations Hours”, a service provided by Frankfurt Health Department in cooperation with an NGO providing health care to irregular migrants. The presentation of Dr Tiarks-Jungk provided an example of cooperation between local authorities and non-governmental organisations for the provision of services to irregular migrants.

African Consultation Hours was the name used to describe the voluntary medical assistance to undocumented African women that was initiated by a Kenyan citizen of Frankfurt. She offered psycho-social help for that group of women and thus saw the necessity of medical help for undocumented Africans. She asked for support from the health department. The African consultation hours was founded to provide health care to undocumented migrants in cooperation with the African NGO called “Maisha”. In 2009 the name of the city programme was changed to “Humanitarian Consultations Hours” since it provides services to people of all nationalities, mainly undocumented migrants but also EU nationals who cannot get an insurance card in Germany (Bulgarians and Romanians). Humanitarian Consultations Hours operates as a General Practitioner for these migrants.

The African Consultations Hours started December 2001 providing medical services to a few women in Frankfurt, but once information on the services had spread, migrants started coming from other cities. There were now so many people requiring medical services that many of them had to queue in the streets, even before the opening time. This led to protests by some employees of the Health Department and to a debate on the consultations hours. The programme of the Health Department first operated in a legal limbo (until 02/2007) and when the service became evident to the public a debate on the financial sources of the organisation started. Nevertheless the organisation keeps on working and the medical consultations are being offered since 2009 twice a week on Mondays and Thursdays.

One of the main challenges that the organisation has faced was due to the fear of undocumented migrants to be detected there – the medical staff has had to advise migrants on how to reach the centre without risking being detected by the police. The medical centre was thus not easy to reach for migrants. Nevertheless, albeit being aware of the services provided in the organisation, the police never went into their offices.

A situation of particular concern was that of undocumented pregnant women who fear to deliver their babies in public hospitals since a mother was deported from a hospital in 2009 after giving birth to her baby. Undocumented migrant women started giving birth at home and in order to avoid this,

an agreement between Frankfurt hospitals was reached allowing undocumented mothers to give birth to their babies in public hospitals for 600 Euro. Sometimes the churches or charities but mainly the African communities provide this sum to those women who cannot afford it. Undocumented women are also provided with a “*Mutterpass*” (mother passport), impeding their deportation in the 3 months before and the 3 months after the birth. The *Mutterpass* allows access to birth registration for babies of irregular migrants. Birth certificates can be requested from the authorities by Frankfurt’s medical staff within 2 days from the birth and thanks to an agreement with local authorities, the medical staff of hospitals requesting a birth certificate is not required to pass on the details of the mother to the police.

“Humanitarian Consultations Hours” also provides children and postnatal healthcare. In particular, since January 2012 a specific “Humanitarian consultations hours service for babies and children” was set up, providing vaccinations and training for new mothers on e.g. hygiene, dental care and nutrition of their babies. Vaccinations are provide for free at Humanitarian Consultations Hours. While in Germany the cost of vaccination is normally covered by the health insurance, the patients of the Humanitarian Consultations hours have no such. Thus they are treated as private patients and doctors often charge for childrens’ vaccination sums up to 130€.

- In 2013, Humanitarian consultation hours had 639 patients and provided 1911 consultations. They act as a General Practitioner, thus a patient normally comes to the centre more than once a year.
- 56 women were assisted with the Ambulant delivery programme, while the Humanitarian consultations hours for children provided 909 consultations to 398 children.

The location and the personnel for the consultation hours are provided by the Health Department while the medical equipment is funded by the Social Services Department of the City of Frankfurt for a cost of 90,000 – 100,000 euro per year. This sum covers basic medical equipment and medications but in cases of particular needs, like treatments for HIV, the organisation networks with clinics or doctors trying to get the relevant medical treatment for those needs.

There are key challenges in their work including the need of coordination between the public hospitals of Frankfurt, the Health Department, NGOs and the student run free clinic (StuPoli) which provides once a week migrants with information and treatments. Medication is provided by a doctor who is always present and supervising the students. . Frankfurt’s Councilor responsible for health has decided to improve this coordination. A second challenge is the need of funds for unexpected treatments. For this reason the organisation is looking at fundraising opportunities.

DISCUSSION

The discussion following the presentations of the experiences of Helsinki, Islington and Frankfurt focused on the important role played by non-governmental organisations and other external stakeholders. It was observed that the inclination of Frankfurt’s Councillors to support the expansion and coordination of medical services to irregular migrants was the consequence of the active engagement of NGOs networking with the municipal Council and gathering evidence on the need to provide health care. In Helsinki, the Finnish Minority Ombudsman played a role in pushing for wider medical care to be ensured to undocumented migrants.

While local authorities may be key players in expanding the provision of services for all migrants beyond national limits, this is not necessarily the official competence of local authorities and it is NGOs' that may have the role of challenging national policies and legislation in support of those local authorities willing to provide more services.

Not all municipal authorities have an inclusive approach to irregular migration: some city councils have very restrictive policies. The case of the UK, where a shift from inclusive policies towards excluding arguments can be observed in local authorities' approach towards irregular migrants is just an example of a phenomenon that can also be observed in other European countries. In these cases, it can be the role of non-governmental organisations to challenge local policies and practices, especially in those cases, like in the UK, where the exclusion might be in contrast with domestic obligations regarding social assistance.

THE LAW: RESPONDING TO OPPORTUNITIES AND CONSTRAINTS IN DOMESTIC AND EUROPEAN LEGAL PROVISIONS

The last session of the day explored the implications of constraints and opportunities in national law, including domestic and Constitutional provisions, and European legislation, including EU law and Council of Europe standards. The session on legal challenges for service provision to irregular migrants was informed by the experiences of Dutch legal experts and local authorities and by the intervention of the director of PICUM, an NGO advocating at European level for the human rights of irregular migrants.

The first presentation was by Jelle Klaas, a Dutch Human Rights lawyer specialising in Social and Economic Rights who works at the *Fischer Advocaten* law firm in the Netherlands.

The Netherlands has very restrictive policies on irregular migration. The '*linkage principle*' established in the Dutch national legislation excludes undocumented migrants from being entitled to social services. A national act of 1998 implemented the exclusion of irregular migrants from basic social and economic Human Rights while asylum seekers only have access to those entitlements in the first phase of proceedings on their asylum application, but lose them afterwards. This vulnerable legal situation is moreover exacerbated by the fact that access to justice for irregular migrants is made difficult because they risk being deported after appearing in national courts.

Fischer Advocaten brought several cases before national and European judicial bodies in support of the rights of irregular migrants to benefit from basic social services. A first case concerned irregular minors in the Netherlands who at that time, once being put out of asylum reception centres, could not receive any economic support from the Dutch state. This case proved particularly important because it represented the first one where a Dutch national judge put aside national legislation in favour of international law by giving priority to the application of the Convention on the Rights of the Child rather than Dutch law. The Dutch government was thus required to reform the law and provide 220 euro a month to minors out of asylum reception centres.

Another important case was *Defence for Children International vs. the Netherlands*, where J. Klaas' law firm brought a complaint before the European Committee of Social Rights, a body of the Council of Europe which monitors the compliance of national legislation and practices with the European

Social Charter. The case concerned once again irregular children who used to be excluded by social protection systems and housing facilities in the Netherlands. Although the European Social Charter does not normally apply to irregular migrants, the Committee held that the Charter is applicable for children and criticised the Dutch government's failure to provide that social support to irregular minors. The European Committee's decisions are nevertheless not legally binding and therefore the Dutch government did not intend to adopt the necessary measures to comply with the ruling. The case was thus brought before Dutch national courts and – on the basis of the conclusions of the European Committee of Social Rights – after 3 years of litigation the Dutch Supreme Court ruled that undocumented children should be provided with social assistance for housing purposes. Although the law was not amended, the existing practices had to change and now irregular minors are provided with housing.

Moreover, the Dutch Highest Administrative Court has decided that all the vulnerable people who are not fit for street living have the right to be provided with shelter and food. The decision relied on Art. 8 of the European Convention on Human Rights.

The difficult situation created by the lack of social assistance to irregular migrants has also triggered civil society's engagement in support of migrants. A particularly relevant example of this is the "We are here" movement which was set up after a Somali migrant in a wheel chair who could not be expelled was put out of a reception centre in 2011 and left at a bus stop. Because of his disability, the Somali could not take any bus or move anywhere and found himself abandoned in the street. When it started snowing, people went out of the reception centre and started helping the man to warm up. The event had a strong media coverage which led to the creation of the movement which now supports the needs of those people who are left without any social assistance.

Fischer Advocaten presented another complaint against the Netherlands before the European Committee of Social Rights on behalf of the Conference of European Churches. This complaint alleged that the Dutch law and practices have failed to comply with the obligations under the European Social Charter concerning the rights of irregular adults to food, clothing and shelter. At the time of the seminar, the case was yet to be decided but the Committee had already issued a decision on temporary and immediate measures that the Dutch government was urged to implement in order to ensure the safety of vulnerable irregular migrants.

In the second part of the session, the participants listened to the experience of the City of Utrecht, through the presentations of Jan Braat and Niene Oepkes, policy officers at the City Council. The presentations focused on the legal strategies used by municipal authorities in support of inclusive policies for irregular migrants.

The City of Utrecht decided to provide shelters to irregular migrants when the situation of homeless people squatting just outside the city became unacceptable. Both EU and non-EU migrants had been living in tents and camps in Utrecht and used to defend their settlements in a violent way. Municipal authorities decided to provide a response to this situation both for the need for public order and security but also for humanitarian reasons. Utrecht has indeed been defined as a "Human Rights City". Shelter to irregular migrants was provided both officially in a structured way, but also – as a concrete measure to combat homelessness – in an informal way through cooperation with NGOs. The idea at the basis of these measures was that the "street and illegality" are never a solution to a

problem. As for Polish homeless people, a successful cooperation was one with the “Barka” association.

After the decision of local authorities to provide shelters to irregular foreign nationals, Utrecht was criticised for challenging national legislation and policy on this issue and defined as a “rebel city”. Local authorities replied to those critics arguing that if they did not provide shelters to everybody the municipality would breach international obligations, such as Art. 3 and 8 of the European Convention on Human Rights, but also the EU Return Directive, particularly Article 3, Preamble 12 and article 9,2.

The speakers explained the legal strategy that the City Council used to seek legal support on its policies for irregular homeless people. They realised that they could “win their case by losing it”. If a judicial decision required local authorities to provide shelter to an irregular migrant, Utrecht policies would be legally backed, albeit in contrast with national legislation. If they rejected a request for shelter from a vulnerable individual they would make that person even more vulnerable and breach his or her human rights. The rejection consisting of a violation of a human right could then be brought before a judicial body and start a legal process. In adopting such a strategy it is crucial to know what human rights treaties establish, so that when challenging the actions of a local authority, the lawyer can lead judges to clarify the local authority’s responsibilities. A clear decision makes it easier for local authorities to act in contrast with national legislation, but in compliance with human rights obligations.

A first complaint against the Dutch state – because of an action of the City of Utrecht – was filed by Defence for Children International and resulted in the European Committee of Social Rights stating that shelter must be provided to undocumented migrants. A second complaint was lodged as well before the European Committee of Social Rights by the Conference of European Churches. The final decision on this case was yet to be defined at the time of the round-table seminar.

The decisions of the European Committee of Social Rights are not legally binding for national governments. In advance of the upcoming decision of the Committee on the complaint brought by the Conference of European Churches, the Dutch national government was looking for political consensus within the Council of Europe not to apply the eventual decision against the state. It was therefore argued that it is necessary to advocate for the decisions to be concretely applied by national governments. For this purpose it is crucial to make alliances with NGOs and lawyers who are expert in social and economic rights.

The last input of the day focused on EU policies and legislation. Michele LeVoy, Director of PICUM (the Platform for International Cooperation on Undocumented Migrants) briefly commented on some possible avenues for advocacy at the European Union for irregular migrants’ entitlements to public services.

The following were indicated as some key avenues for advocacy at EU level that cities can explore:

- Advocacy at the Committee of the Regions; the Committee does not have legislative powers but it is requested to give opinions to the EU institutions in the legislative process.
- Advocacy at the European Commission: the new European Commissioner for Migration and Home Affairs, Dimitris Avramopoulos, had some promising statements concerning the

fundamental rights of all migrants at his hearing before the Committee on Civil Liberties of the European Parliament. As former mayor Athens, he might be sensitive to cities' instances in this field. It would be good to draw budget issues to the attention of the European Commission. There is a New Migration Fund managed by DG Home, but also DG SANCO can provide funding for issues related to health care.

- Advocacy at the European Parliament: the possibility of advocating for the implementation of the FRA guidelines on detection practices that have never been implemented before and that may be of interest to the Parliament.
- Advocacy at the Council of the EU. In this case it was suggested to target Ministers competent for specific issues (e.g. Health or Education Ministries) rather than those generally competent on migration and home affairs.

The importance of implementation of existing legislation should also be stressed, particularly the EU Victims Directive, which is to be implemented by Member States by November 2015. This Directive is applicable to everybody irrespective of migration status and it is thus an open door for advocacy. Cities could intervene at national advocacy level concerning this.

DISCUSSION

Participating cities showed a deep interest in the legal strategies used by the Municipality of Utrecht together with the *Fischer Advocaten* law firm but shared their concerns over triggering a legal action against their own municipality. Participants were interested in knowing whether the strategy of “winning the case by losing it” would be backed by local politicians. The participants who were involved in the legal procedures explained that such a strategy is indeed risky for local authorities, but at the same time it avoids the risk of having to withdraw those inclusive local measures that resulted in tension with national policies. As for politicians, in the case of Utrecht, litigation had political backing, and the positive outcome of the proceedings served to be useful to local politicians to support their arguments concerning service provision to irregular migrants.

Close of the first day

Friday 17 October

SERVICE PROVISION TO IRREGULAR MIGRANTS: TWO CITY EXPERIENCES

The second day of discussions was opened with presentations on the experiences of two other municipalities, namely Milan and Brighton & Hove. The session explored further ways in which cities have addressed the need for particular services.

Caterina Sarfatti, project officer in the Office of the Mayor of Milan, presented the experience of the Lombard capital in dealing with irregular migration and service provision.

There are three main reasons why municipal administrations provide services to irregular migrants:

- 1) A first reason is often used by politicians: the need to respect human rights and the basic principle of human dignity. When an administration decides to provide services to irregular migrants it is not for cost efficiency related reasons but it is because respecting human rights cannot be avoided. That is why Milan's administration decided to abolish an administrative

requirement that prevented irregular children from accessing nursery schools by requiring the exhibition of parents' residence permits for registration purposes. This was considered a violation of human rights and for this reason the municipal authorities repealed that requirement.

- 2) A second reason is related with the need to "create trust, culture and pedagogy". The political choices of local administrations can have an impact on public opinion and the culture on migration. For instance, when Milan's administration decided to increase the number of places provided to homeless people it was also decided not to ask anymore the exhibition of a valid residence permit to those who required a shelter. This was done in order to engender trust in undocumented homeless people, who were nevertheless fearing the possibility of being reported to the police. Local politicians had to go to the accommodation centres to inform of this change in order to create trust for the service. This action had a strong media coverage and a significant impact on public opinion.
- 3) Often cities are at the forefront of being not only humanitarian actors, but institutional and political lobbyists and activists. Therefore Cities may feel the need to make a point to national government on the existence of irregular migrants and that national legislation and guidelines on immigration have failed.

The bad functioning of national – and supranational – migration management and policies have serious implications on local authorities. This is particularly evident in the case of Syrian asylum seekers who arrive to the southern shores of Italy (mostly in Sicily) and then move to Milan. After a short period in northern Italy, they try to go to Europe's northern countries and apply for asylum there. For this reason, Syrians tend not to lodge asylum applications in Italy, as this would prevent them seeking asylum in other EU countries according to the Dublin regulation. Accordingly, these asylum seekers present in Italy as irregular migrants. Only 47 people applied for asylum in Milan in 2014. The Italian government's "non decision" has been not to identify (and fingerprint) these people, so that they could go abroad. This situation sees the involvement of criminal organisations smuggling migrants up to northern countries from Milan. Milan thus represents a transit hub for migration flows within Europe and in one year about 40, 000 people arrived in the city, while Italy's reception centres provide accommodation for only up to 20,000 people. This situation clearly represents a difficult context to manage for local authorities.

A special convention that provides the City of Milan with national funding necessary to receive these people (who officially present as undocumented) was reached with the Italian Ministry of Interior. The City Council started an informal registration of Syrian migrants in Milan and established reception centres managed by a network of NGOs where migrants could sleep for 2-3 weeks. These organisations are providing shelters thanks to the funding the City Council has received from the Ministry of the Interior but this is being done out of any legal framework or directive, in a paradoxical situation for a Municipal administration, which is a public institution that has to act in such a way to offer a public service.

The situation is going to change in the near future because, after pressures from northern European countries on the Italian government, Italian authorities have stopped this practice and now every migrant needs to be identified and fingerprinted. This will create a situation where groups of people who have been staying in the same place, like Milan, for a long period will have to ask for asylum if they do not want to be deported as irregular migrants.

Criminalisation of irregular migrants was absurd. The city did not hand over the details of service users to the police. Criminalisation put pressure on NGOs and municipalities because anyone who provided a service could be accused.

Lucy Bryson presented her experience as a Community Safety Manager for Refugees & Migrants at the City Council of Brighton and Hove.

Brighton & Hove has a population of 280,000 people, with a Third Country National migrant community consisting mainly of Arabic speakers - Northern Africans and Middle Easterners as well as a good-sized Chinese community. The Municipality suspects there are irregular migrants but does not have an idea of how many they are. Whilst migration is a particularly debated issue at a national level in the UK, local authorities' actions towards migrants are often grouped within other concepts like equality or race equality, which means that an understanding of the particular needs of migrant communities can get lost. Migration and migrants are terms that are normally not mentioned in local policies nor, for instance, in a recent report containing data on the local community which looks at the needs of the local Black & Minority Ethnic communities but does not particularly focus on migration status and history as a factor. There are two universities in the area so that student over-stayers are likely to be among those with irregular status.

Children and Adult Social Services of the City Council has the duty to support some destitute people and provides universal services to the community within the limits of national regulations (see the report above from the London Borough of Islington for more detail). One of the speaker's roles is to facilitate a network of NGOs and public services with an interest in provision for refugees and migrants generally. Some of these NGOs provide assistance in those cases where Social Services cannot intervene. Members of this Refugee & Migrant Forum include mainstream services, including housing, education and health care providers to some extent. Forum meetings are well attended, particularly by NGOs and community groups who can sometimes do what the local Council cannot do because of national legal limitations. The network includes representatives from the UK National Health Service, NGOs such as the Red Cross and organisations which represent the city's Black and Minority Ethnic communities, including some migrant groups. In order to support this 'Safety Net' the City Council carries out activities of empowerment for NGOs and local communities so that they are enabled to assist their members. Through the network's forum, migrants are provided with information on training opportunities, solidarity events and changes in legislation. The meetings cover information on asylum and migration policies and legislation, including irregular migration. An important outcome of these meetings is that they serve to create trust in migrant communities towards local authorities. The migrant communities may feel more able to seek help if one of their members is in an irregular situation and is, for example, facing destitution.

There is a special doctor's practice providing health care to homeless people in Brighton & Hove. A specialist health practitioner is in charge of providing health care for those who are homeless, including migrants. The physician does not ask any question concerning their patients' residence permits and operates with a holistic approach in order to instill trust in migrants over this service. However, there is anecdotal evidence that migrants are not always comfortable using this practice because of the high levels of substance misuse amongst the indigenous street community and their resulting behavior.

Brighton & Hove is the only City Council administrated by the Green Party in the UK. Brighton & Hove has a reputation of being a very open city and there are a number of initiatives being taken by Brighton & Hove City Council to counter the worst excesses of the anti-immigration and xenophobic discourse present within the national media.

DISCUSSION

The particular experiences of the City Councils of Milan and Brighton & Hove triggered a lively debate which in a first moment focused on the European migration and asylum legal framework, which although being to some extent a common European system creates different challenges for Southern and Northern European countries.

Participants from Central and Northern Europe showed a particular interest in the situation in Milan as it helped understanding of the path followed by migrants who end up in their countries. In some cases, that path is indeed the cause of migrants' irregular status or lack of entitlements in central and northern Europe. Refugees who obtained asylum in *e.g.* Southern Europe but then move to a Northern European member State for economic reasons do not enjoy in the last country the same level of entitlements they would enjoy in the country that offered asylum. This is due to the lack of mutual recognition of positive asylum decisions in Europe, which entails that refugees can travel in the EU but cannot move and live in other EU member States. In other cases, particular humanitarian permits are released on the basis of peculiar national provisions, like *e.g.* Art. 18 of the Italian Consolidated Law on Immigration. This kind of permit is not valid throughout Europe, this meaning that if a refugee moves to an EU member State other than that which issued the residence permit, he or she would result in an irregular situation. The lack of a real Common European Asylum System was criticised by the participants as a deficiency of European migration and asylum policies and an engine of irregularity. Besides provoking a problematic situation for refugees, it creates particular problems for local authorities, especially for those in Northern and Central Europe which have to deal with individuals who result in an irregular situation although being entitled to asylum in other EU Member States.

The bad functioning of the system is currently exacerbated by the current economic crisis of Southern Europe which is leading many migrants and refugees to move from Italy, Spain, Greece or Portugal to Northern Europe. Many of them are not aware of the functioning of the European asylum system and find themselves in a condition they did not expect when they left southern Europe. The economic crisis is also representing a significant engine of irregularity because many migrants who used to be in a regular condition are now losing their jobs and subsequently their residence permits. Nevertheless it was emphasised that across Europe most irregular migrants arrive legally but over-stay their visas.

Although local authorities from the North and the South of Europe have different challenges and interests caused by the current functioning of the European asylum system and may sometimes find themselves on opposite opinions and interests on how Southern and Northern national governments should tackle this issue, the participants saw a common need to advocate together at EU level for reform of the system and a common European solution to the problems it causes.

Participants also agreed on the need to focus on the various engines of irregularity, like the case of foreign students who find themselves in an irregular situation after the completion of their studies.

Advocacy at EU level should also be carried out with an aim of expanding the legal entitlements of irregular migrants. Nevertheless, it was observed that such an advocacy work should not aim at an EU directive on access to services for irregular migrants because this would probably provide the lowest possible level of access. Cities' advocacy should focus on the inclusion of irregular migrants in mainstream services, specifically on *e.g.* children's care, students, health services and education.

The presentation on Brighton and Hove sparked debate on the choice of terminology when speaking about irregular migration and its implications for public opinion. It was questioned whether the terms "regular" and "irregular" properly fit the realities of migration and the purposes of local authorities in the area of service provision to regular migrants. The terms regular and irregular do not reflect the fact that vulnerable persons share the same needs regarding social services, irrespective of their legal condition, and suggested the need to address the different needs of people rather than their regularity.

Some argued that local authorities should openly speak about irregularity because if they do not, they leave the debate on irregular migration at the disposal of the xenophobic political forces. Local authorities should not be scared of speaking of irregular migration and of what they do to provide services to undocumented migrants, but they should present the issue under a different approach, with the pragmatic point of view of local administrators. Providing a service should be presented as a practical solution to a practical problem. Local authorities should not only talk about the humanitarian reasons for providing services, but should also explain the practical rationales related to *e.g.* public order or public health.

The participants agreed on the importance of sharing arguments and experiences among local authorities throughout Europe. Listening to the challenges faced by local authorities in other areas of Europe is useful for identifying common challenges and arguments, but also for getting knowledge of new arguments and circumstances. That knowledge was considered extremely useful for backing their policies and daily work. As an example of this, administrators from northern countries confronted those from southern Europe explaining that in their countries they find themselves in a difficult position when they need to reply to anti-migration arguments stating that southern Europe is not doing enough for receiving migrants and refugees and that northern countries should not take a further "burden" because of that. Northern policy officers explained that, after the seminar, they know better the additional responsibilities that southern countries are accomplishing: like Italy in rescuing migrants at sea with the *Mare Nostrum* Operation. This knowledge will prove useful to northern administrators in the debates in their countries.

The participants finally observed that cooperation with NGOs proves key for service provision to irregular migrants and shared their concerns over the crisis of the welfare state in Europe.

IRREGULAR MIGRANTS: FRAMING THE DISCUSSION

This session addressed ways in which decisions on provision are framed and discussed within the city administration, with regional and national governments and with civil society and the public.

As the Head of the Department for Integration services of the City of Ghent, Anja Van den Durpel, spoke of the consultation mechanism that has been developed in Ghent to frame local policies tackling migration in the city.

What makes it easier for a local administration like Ghent to deal with irregular migration is having a strong and well known Mayor who easily makes people understand his point over a contested issue like migration. There have been various statements of Ghent's Mayor on irregular migrants. For instance, he openly stated that "excluding children from school is an outrage" or that the "Secretary of State for Asylum and Migration targets families rather than criminals".

Ghent is described as "an open society of solidarity". The administration wishes to do what is necessary to provide what is needed to ensure the respect of the human rights of migrants within the limits imposed by the national law. Local measures are also limited to the municipal territory though and other cities in Belgium show a very different approach towards irregular migrants. Two main principles guide Ghent's policies on irregular migration: 1) Solidarity and integration. However this does not work if only operated in one city. It cannot receive everyone. So there also needs to be 2) 'Enforcement' of rules in order to tackle abuses.

Since migration is a sensitive topic for local communities, Ghent has developed a particular system of public consultations on the management of migration. This structure was created step by step starting in 2008 when a significant flow of Bulgarians, Romanians and particularly Slovaks from a specific region moved to Ghent. Migrants started squatting and the people of Ghent felt worried about this. As a measure to support solidarity, the Mayor created the 'Permanent Consultation Committee' gathering the Mayor, the Chief of local police, the head of the Population Service and head of the Integration Service together with their respective vice-mayors and aldermen in a Steering Committee at the top of a consultation structure. At lower levels working groups gathering professionals, volunteers and NGOs have been organised, thus involving a wider public in the debate. The themes being discussed in the Committee and the working groups concern issues like employment, education, housing and health care for migrants. The results of the discussions are then examined by the steering committee in advance of a political decision. In the beginning, the Committee was created to deal with "intra-European migration" but it also covers irregular migration (the city estimating that almost half of the number of irregular migrants are EU-citizens).

Anja Van den Durpel stressed on the importance of getting in contact with the countries of origin of migrants to stress their liability on the inhumane stories migrants had to go through in their countries. For instance, Ghent contacted the ambassadors and the regional authorities of the countries of origin of Ghent's migrants asking for explanations on the reasons why migrants are driven to leave their countries. In some cases, the answer simply was that they did not want Roma people to be there and thus led them to go elsewhere.

The last experience reported at the seminar was that of the City of Genoa by Daniilo Parodi from the Directorate for Social Policy of the local City Council.

Official figures on the number of irregular migrants in Italy do not exist, but reports of the Italian Caritas estimate that irregular migrants might be between the 10-15% of the foreign regular population, that is to say about 500,000 people.

An overview of the Italian legislation on immigration was provided starting from the *Martelli* Law of 1991 which closed Italian borders to foreign nationals in search of employment in Italy. Nevertheless, a significant number of migrants still enters the Italian territory every year with tourist visas and over stays the expiration of the touristic permit seeking employment. If they eventually find it, they wait for the next regularisation procedure. Italian governments have been carrying out regularisations every 4-5 years through the so called Amnesties and every year through *decreti flussi* ("flow decrees"). Since 1998, annual flow decrees have been allowing a number of migrants to enter the country for seasonal or stable work. This number has varied from 38,000 in 1998 to about 800,000 in 2006 and 50,000 in 2013. The flow decrees are actually destined to foreign nationals who are already on the Italian territory and known for being "masked amnesties" for irregular migrants. 7 official amnesties have been carried out so far and about 2.5 million people obtained a residence permit in this way. The largest regularisation was carried out in 2002 by a right wing government. Irregularity is thus considered in Italy as a temporary condition described as "*a sort of price you have to pay to join a subaltern integration*" (quote of the Italian Sociologist Maurizio Ambrosini).

During the past 25 years, migration flows to Genoa mainly consisted of North African and Albanian men first, and South American women afterwards. Men easily found jobs in construction and trade, while South American women as domestic workers for elderly people and housekeepers.

In Genoa there is a widespread consensus among the population on the need to assist irregular migrants; the population considers the need for solidarity stronger than the concerns over security for several reasons: Genoa is a city with a history of working class' struggles and solidarity among workers. It has been administrated by left-wing parties for a long period and a number of parties, trade unions and civil society organisations are active on the territory operating in support of migrants. Moreover, Genoa's approach towards irregular migration has been considering irregular migrants as people that would sooner or later regularise and become Italian citizens. For these reasons, local authorities in Genoa have been operating as social operators and service providers for any people in need, including those in an irregular situation, since the early '90s.

There have been two consultative bodies for migration related issues in Genoa;

- The "Coordination of associations of migrants and their families" (*Coordinamento delle associazioni degli immigrati e delle loro famiglie*) - active from 1986 to 1992 – and the Migrants' Forum (Forum dei migranti) – active during the 90s. When the "Coordination of associations of migrants and their families" collapsed, due to internal problems, a group of its former members with the support of the "Regional Federation for Solidarity and Employment" (*Federazione Regionale Solidarietà e Lavoro*) a local consortium which gathers organizations and associations, including charities, trade unions, and employers organizations in support of migrants' integration - gave birth to a centre (Centro Servizi per Immigrati) that, since 1992, has been managing services for migrants (regardless of their status) with the Municipality's financial support.
- The "Regional Federation for Solidarity and Employment" (*Federazione Regionale Solidarietà e Lavoro*) which gathers organizations and associations, including charities, trade unions, and employers organisations in support of migrants' integration. Since 1992, the federation has been managing services for migrants (regardless of status) with the Municipality's financial support.

The reasons for the Municipality to intervene in support of irregular migrants are related to the need for social cohesion, child protection and the need to protect human rights. It is important to have social cohesion for all people on the territory; and to give priority to child protection – municipalities are responsible in law for minors. If you find a woman living in the street with a child you must intervene. The Municipality provides services such as shelter and food directly through its offices to e.g. unaccompanied minors, pregnant women, victims of trafficking, asylum seekers, irregular elderly people or undocumented Roma.

The municipality of Genoa provides services to irregular migrants through two levels of intervention:

- Irregular migrants' basic needs are satisfied in accordance to national legislation
- The complexity of the Italian immigration legislation allows the Municipality to find further ways to provide additional services for people who are in an irregular condition and helps them out in achieving a regularisation path.

In some cases the Municipality of Genoa decided to provide services to irregular migrants in contrast with national rules on immigration. For instance, in 2006, after the shutdown of the city's camp for Bosnian Roma, the Municipality decided to provide those Roma families with social housing, irrespective of regular status. In 2004, the Municipality of Genoa also tried to change its Statutes in order to give voting rights to regular migrants, but the national government cancelled that Act.

The Municipality of Genoa is an active member of ANCI – the National Network of Italian Municipalities – which undertakes several activities in support of migrants, including advocating for national legislation on citizenship to be reformed to provide citizenship to any baby born in Italy, regardless of the nationality and the irregular condition of his or her parents; advocating for enabling Municipalities – instead of the Ministry of Interior – to handle the issue of residence permits; advocating for unaccompanied minors to receive a stable permit of stay after they become adults.

Some developments in the Italian national legislation have made it harder for Municipal authorities to provide services for irregular migrants. In particular the speaker mentioned the “*security package*” adopted by Berlusconi's last government which introduced the “crime of irregularity” and required public operators to report irregular migrants to the police. The reform provoked immediately the reaction of regional authorities¹ that opposed this reform (the security package finally introduced an exemption for health care workers). Many discussions about this topic have been held in the Municipality of Genoa, but no one has ever denounced an irregular migrant. Public social workers and the police have instead continued to focus together on how to provide residence permits to irregular elderly people, pregnant women, unaccompanied minors and so forth. Genoa's approach did not change over the years, notwithstanding those recent legal developments.

Criminalisation was not a good policy. When someone was rescued at sea a judge had to open a case for criminal prosecution. At city level it was difficult for staff who had to consider the status of the person. The police did not want to enforce it. No one wanted to expel someone. Certainly not a woman and child.

DISCUSSION

¹ Health care is administrated at regional level in Italy.

The participants had a short discussion concerning the different arguments used in different countries by local authorities to support the extension of integration policies and service provision to irregular migrants. Northern cities observed that the idea of undocumented migrants as future regular migrants or even EU nationals is missing in their countries, while discussants from Southern Europe mentioned this argument in their presentations. Moreover, the need of social cohesion was considered a relevant argument that cities could use more widely. It can be easiest to secure recognition of the particular needs of children and unacceptability of excluding them from basic services and shelter. The implications for public order are also important if people are homeless and can only get food if they steal. But municipal authorities should also not be afraid to emphasise their responsibility to help vulnerable people. On the other hand the potential for removal and return has to be kept on the table: a more nuanced discussion is needed than just to say that people cannot return, as cities which participate in return programmes have found.

Participants reiterated the important role of municipal authorities in shifting the debate on irregular migration from the sceptical national background towards an approach of inclusion. Cities can play a role in gathering evidence to rearticulate national discourses based on the idea that migration is linked to welfare abuse.

THE WAY FORWARD

The last session considered the opportunity of further cooperation between cities on the issue discussed.

Participants voiced positive opinions on what they had gained from the roundtable and discussed whether it should be the starting point of further discussion and cooperation. The roundtable had proved useful for the participants in identifying the importance of sharing learning in order to identify common approaches to address the issue of irregular migration from the point of view of local authorities. The presence of irregular migrants with their social needs in the municipal territory is a relevant issue for all the local authorities that were represented at the seminar. At the same time, this issue is particularly challenging because of the sensitive policy debate over irregular migration. Local authorities present at the roundtable feel the need to take an active part in that debate by showing their particular point of view: that of those who operate on the ground and have a direct contact with the irregular population, know the social needs of these people and the difficulties local authorities face in giving a response to those needs. Identifying common policy arguments and having a common voice was considered a priority as they felt that this would make it much easier for local authorities to be heard in the debate and to challenge national and European policies on this issue. Local authorities need to discuss widely the issue at stake to identify common positions also for making their point at European level: to advocate at the European Institutions for the specific needs and challenges that municipal authorities experience in responding to irregular migration. Common arguments would also provide a strong support to local policies on service provision to irregular migrants and against the excluding policy arguments. The participants stressed the need to work in cooperation with NGOs to change the public perception of irregular migration

and to build political consensus over the provision of services to migrants on the basis of their needs, irrespective of their regular condition.

Together with the need of sharing arguments, the participants identified the need to share experience. Learning good practices from others was considered extremely useful. The interests of local officers in *e.g.* the experience of the Spanish *Padrón* or the legal strategies used by Dutch local authorities was reiterated and described as a source of inspiration for future work. Moreover, it was acknowledged that listening to the experiences of other cities across Europe helped the participants to better frame the European dimension of the problems faced in their work. The debate on the different positions of Northern and Southern European countries over the issue of irregular migration proved useful to local authorities from both the South and the North of Europe. It helped the participants to recognise the need for advocating jointly for a new common European response to the issue of irregularity and to the problems faced by local authorities when dealing with irregular migration. It further allowed local authorities to figure out the implications and problems caused by the different national applications of EU legislation on immigration and asylum.

Advocacy at the European level was indeed identified as one of the main objectives of continuing the cooperation and the discussion on city responses to irregular migration. Advocating jointly at the European Union would prove essential for European cities for a number of reasons. It would for instance, support local actions and opinions against national policies on migration management. The contrasts between local and national policies on irregular migration were one of the main challenges for City Councils. Supranational organisations were thus identified as potential allies of local authorities in supporting the service provision to irregular migrants. The participants felt the need to have a direct contact with European authorities for exposing the bad functioning of European and national legislation and policies on migration and for making the European Institutions consider the local dimension when framing their migration policies.

A very significant goal of joint advocacy at the EU is seeking EU funding for ensuring service provision to irregular migrants. The lack of financial resources for the provision of services to irregular migrants was identified as an extremely relevant challenge for City Councils. Participants agreed on the need to advocate making EU funding become available for the integration of irregular migrants too.

Any advocacy work should draw the attention of European Institutions to the social needs of the irregular population. It was agreed that local authorities should show the need to include more widely irregular migrants in the provision of the mainstream services. The discussants decided that the advocacy strategy should not aim at an EU legislation dealing specifically on service provision to irregular migrants since it would be expected to provide the lowest level of access to services. Advocacy should instead aim at making EU legislation on specific services, like *e.g.* health care, education or protection of victims, be extended to irregular migrants. The participants also identified the specific areas of services that they feel advocacy work should start focusing on: health care, shelter and protection of children and victims, as these are the social needs of irregular migrants that emerged most often during the two-days of discussion. Also, the specific situation of Bulgarian and Romanian nationals and more generally of challenges caused by EU Mobility should be further discussed; that is, the paradox of EU citizens without legal residence in another EU Member State.

Another relevant aim of further cooperation on city responses to irregular migration is filling the evidence gap in this area. Local authorities need to share information and experience to substantiate their policies with evidence. Irregular migration is a debated topic and it is not an easy area to discuss and to collect official data on. Local authorities need to cooperate with representatives of academia and non-governmental organisations focusing on service provision to undocumented migrants. Filling the evidence gap requires a multi-stakeholders approach. Finally, the participants agreed on identifying a concrete tool to become the outcome of further cooperation. Collecting data, sharing experiences and information are not only needed to build up political arguments, but also to produce a deliverable output e.g. good practices of local measures and policies to tackle the presence of irregular migrants into local communities. This document should also be used as a tool for other cities across Europe wishing to provide responses to the social need of their irregular migrant communities. It was observed that a number of further cities were interested in taking part in discussions on this issue, although they could not participate to the seminar but could be invited to participate in these next steps. Any tool produced should be made available to any city interested in responses to irregular migrants.

After identifying the objectives and benefits of discussing and cooperating on the issue of city responses to irregular migrants, the participants addressed the practical and structural aspects of building a framework for cooperation. The cities agreed on the intention to create an ad hoc working group where municipal authorities, with a potential contribution from external representatives of academia, NGOs and other stakeholders, could meet and discuss the issues. The remit of the group should address the identified objectives and benefits of cooperation, namely building a strong body of evidence on irregular migrants in cities and the impacts of their inclusion in or exclusion from services; sharing learning on promising practices and policy framework in relation to local service provision and building common political arguments; advocating for the mainstreaming of irregular migrants within relevant areas of EU policy and funding.

The participating cities agreed that it would be potentially be desirable to establish the group as a sub-group of Eurocities' Working Group on Migration and Integration, if agreed. Eurocities was considered a good platform for establishing the group because of its European dimension and its contacts with the European Institutions. Participants hoped that EURO CITIES, which has raised this issue in the past, would welcome this new approach to an issue of significant relevance for cities across Europe.

Participants finally recognised the need to secure funding for the work of the group and discussed options for where that support might be found. The City of Utrecht was nominated to take forward the idea to establish a subgroup on irregular migration. A proposal would be taken to the next Working Group on Migration and Integration meeting in March 2015.

Close of the roundtable