

# Action for Inclusion in Europe City Working Groups

Homelessness and Destitution  
Amongst Excluded Migrants

Destitute Migrants, Future  
Citizens in the Human  
Rights City of Utrecht

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## Relevant Contextual Information: The Context, the Nature of the Problem

Utrecht is Holland's fourth biggest city with a current population of 335,000. 33% of the total population have a migrant background (108,714 people), coming from 140 countries. The biggest groups are from Morocco and Turkey, and migrants with a refugee background are increasing, especially those from Syria and Eritrea. The migrant population in the city is increasing and over half of young people have a migrant background. The unemployment rate is relatively low and the population of the city are highly skilled. The main industries in the city are services, banking and IT.

Utrecht is a 'human rights city' and this creates significant challenges for the municipality who must deal with the fall out of national immigration policy. It is central government policy to force refused asylum seekers and undocumented migrants into destitution to encourage them to return to their countries of origin, however many choose to stay in Utrecht and this has increased the level of homelessness and destitution amongst migrants in the city.

Brief description of the action plan and objectives:

Utrecht's City Action Plan aims to find solutions to three problems identified in the area of homelessness and destitution amongst excluded migrants. Firstly, identifying a more effective way of providing shelter to undocumented migrants; secondly finding a way of ensuring refused asylum seekers have access to basic services; and thirdly exploring improved reception facilities for asylum seekers awaiting a decision on their asylum claim so that they can begin the integration process from day one.

Beneficiaries of the project will include undocumented migrants, refused asylum seekers and asylum seekers. It is hoped the new services will improve community safety in the city, and improve relations between new and settled residents.

### Objectives

1. To develop an improved process for making decisions about the eligibility of undocumented migrants to homeless shelters in the city, in partnership with local NGOs.

Few undocumented migrants and refused asylum seekers have been entitled to access shelters during the day, and this creates barriers to accessing case working support to help resolve their situation. A new process will create greater access to the services in the shelter, with the aim of providing more sustainable solutions to those without regular status.

2. To reach a human rights-based agreement with national government on the provision of "food, shelter and clothes" for refused asylum seekers.

In November 2014, the European Committee on Social Rights (ECSR) of the Council of Europe ruled that every person has the right to "food, shelter and clothes," irrespective of their legal status. Then in March 2015, the Committee of Ministers of the Council of Europe decided that the Government of the Netherlands can interpret the ECSR judgment. This led to a political crisis because the Liberal and Social Democratic parties in parliament held opposing views on the matter. Eventually the national government decided in April 2015 to reach an agreement with municipalities about shelter, guidance and solutions for refused asylum seekers. It is the intention of The City of Utrecht that the agreement meets international human rights standards.

3. To develop 'Refugee Launch Pad', a new, innovative local model to support the reception and integration of asylum seekers, based on the 'future citizens' principle.

The Utrecht Refugee Launch Pad (which may also become known as plan Einstein because the asylum centre is on Einsteindreef street) aims to begin the process of integration for asylum seekers from day one. Currently, they are limited in the activities they are able to participate in whilst awaiting their asylum claim, which creates barriers to their integration. This project seeks to promote the self-sufficiency of asylum seekers, and operates on the assumption that many residents will stay in Holland and in Utrecht for the foreseeable future, and so activities and services available to residents aim to be useful for their future successful integration. Further, the model aims to be inclusive, so all the activities are also open to other residents within the community so that they too can benefit from the Refugee Launch Pad.

Activities to be held as part of the Refugee Launch Pad include courses in (international) business, courses in (business) English, and peer-to-peer coaching with members of the local business community. The centre will have space for 400 asylum seekers and it will include 35 temporary housing units for local residents. The pilot will begin in Autumn 2016 and it will be monitored and evaluated. Lessons will be learnt and shared with cities across Europe. The Refugee Launch Pad or plan Einstein was agreed in Spring 2016 and will commence in Autumn 2016.

## Consultation

A broad range of Utrecht's NGOs were consulted as the City Action Plan was being developed, including the city's refugee and migrant, and homelessness organisations. We also worked in partnership with the four other largest cities in The Netherlands (Amsterdam, Rotterdam, The Hague and Eindhoven) and with the national organisation of municipalities (representing 380 municipalities) in our negotiations with central government. Several other big cities were also consulted, in addition to an academic specialising in migration and a human rights lawyer. The consultations made it clear to us that local government must address the underlying causes of destitution amongst migrants to reach sustainable solutions, either via regularisation or return.

In developing the Refugee Launch Pad we consulted non-traditional organisations, both within and outside the city's refugee and migrant sector. These included the Utrecht School of Economics, the University of Utrecht, the People's University, the social impact factory, a social housing developer, the Refugee Council and Oxford University, who will monitor and evaluate the model to determine whether it is transferable to other European cities.

## Achievements, Impact and Experiences

**Objective 1: To develop an improved process for making decisions about the eligibility of undocumented migrants to homeless shelters in the city, in partnership with local NGOs**

A new decision-making process has been agreed and is now clear to all those involved. This has resulted in undocumented migrants now being entitled to access the shelter throughout the day, rather than only at night. Twenty additional 24-hour access spaces will be made available for this group. This improves the ability of NGOs and churches to provide case working support to undocumented migrants to enable them to resolve their situation. Claimants apply for access to the 24-hour shelter to the municipality and a final decision is made jointly by a migration expert, a doctor, nurses and a public health specialist. It is expected that this panel will undertake a thorough investigation of their legal and medical situation and identify the

options available to them. The new process gives a greater degree of freedom to the NGOs, but also more responsibility because they must decide who is eligible and who is not eligible for the shelter. It will

**Objective 3: To develop 'Refugee Launch Pad', a new, innovative local model to support the reception and integration of asylum seekers, based on the 'future citizens' principle**

The Refugee Launch Pad idea has been approved and from Autumn 2016, 400 asylum seekers will be housed alongside 35 temporary accommodation for young, settled residents.

Whilst accommodated as part of the Refugee Launch Pad, residents will be encouraged to follow the Utrecht Refugee Launch Path (URLP) which will seek to build and capitalise on asylum seekers' entrepreneurial qualities, enhancing their skills for their future, either in The Netherlands or in their country of origin. The programme will seek to encourage asylum seekers to be self-sufficient and many activities will be offered with the aim of facilitating the integration process from day one:

- Community housing and shelter, connecting local citizens and asylum seekers;
- International entrepreneurship training;
- Business English courses;
- Peer-to-peer coaching by successful local social entrepreneurs and corporations;
- International incubator space for new business start-ups.

These activities will be delivered by expert partners and will be available to both asylum seekers and settled residents, including young people who are not in education, employment or training. Through their involvement, it is hoped that local residents will be more accepting of the project and of asylum seekers resident there. Living and learning with one another will facilitate intercultural networking, encourage entrepreneurial activity, and facilitate the development of professional networks essential for local labour market participation.

Utrecht sought to communicate the Refugee launch Pad via the media and as a result, the idea received positive coverage in the national press and TV news, including being featured on the front page of a national newspaper on the 27 April 2016. This has encouraged other municipalities in Holland to rethink their own policy and explore whether they can develop a similar idea. Additionally, the state secretary on migration said in parliament that he is supportive of the Refugee Launch Pad idea. A key message was that asylum seekers housed in the centre will be encouraged to be self-sufficient and will be less likely to rely on social benefits if their asylum claim is successful and they move on to more permanent residence in the city.

The impact of the project will be monitored throughout its duration, but there is already considerable local and national interest in the project and a shift towards greater freedom for municipalities to design their own asylum reception programmes in their cities is discernible. Furthermore, an Utrecht councilor is presenting the idea at European Green Parties international conference in Munich in June 2016, having scope for international impact.

## Challenges and Modifications

The main challenges experienced in this project related to Objective 2 - To reach a human rights-based agreement with national government on the provision of "food, shelter and clothes" for refused asylum seekers.

A surprising high court decision in November 2015 was a major blow to Dutch municipalities' "winning by losing" strategy, a mechanism of strategically litigating where local NGOs would take the city to court with its tacit approval, thereby setting precedents that benefit migrants in respect of their situation of destitution. Originally, the courts were ruling that international human rights treaties trumped national law where vulnerable undocumented migrants and refused asylum seekers were destitute. This gave rise to case law in December 2014 in which the preliminary decision of the Dutch High Court on social and administrative matters, ruled that "food, shelter and clothes" should always be provided by local government to refused asylum seekers with no rights to welfare. The high court on immigration overruled this decision in November 2015, stating that a person only could receive support if they were cooperating with arrangements to return to their country of origin.

Some NGOs took the position that the municipality still had to provide unconditional shelter to these groups. The municipality on the other hand felt that it should balance the High Court decisions, the decision of the ECSR, and EU directives which state that vulnerable people should get shelter if they cannot be removed. During this period of uncertainty in the legal framework, the municipality decided that the best way forward would be to make decisions on a case-by-case basis using evidence available to them. Some local NGOs fundamentally disagreed with this solution and made official complaints, which made the relationship with them tense at times.

The negotiations between local and national government on this matter are politically sensitive and the lack of clarity in both national and international case law has delayed the agreement. The fundamentally different perspectives of these arms of government have also become more apparent as we seek an agreement, central government having an enforcement perspective (seeing enforced destitution as a solution to a perceived migration problem) and local government having a human rights perspective. The negotiations are on-going at time of writing.

The second challenge was in relation to Objective 3 - To develop 'Refugee Launch Pad', a new, innovative local model to support the reception and integration of asylum seekers, based on the 'future citizens' principle. It is the view of central government that the integration of asylum seekers should not begin from day 1. Nonetheless, they wait months or years for a decision on their claim and this is a waste of the potential contribution they could make to the community and economy. The central government reception agency was at first unsure about the reception model we were proposing, and were generally concerned as a result of the protests which took place outside an asylum reception centre near Utrecht, but due to the high demand for reception places, they were more inclined to take up our offer. The positive press we received, in addition to the innovative model of providing housing to young, settled residents also help to get them on side. The national reception agency is now a stakeholder of the project and we have received the political backing of the relevant secretary of state.

## **Modifications**

As a result of the protests which took place outside an asylum reception centre near Utrecht, we redesigned the project such that additional housing would be provided to settled residents as part of the reception centre. As part of this, a new model of integration is being piloted where settled residents provide support to asylum seekers, and asylum seekers have the opportunity to undertake voluntary work. Those who are granted refugee status also become part of the project to provide support to those still in the system. In addition to this, residents will be involved in an anti-rumour campaign, and volunteers will be trained to provide a counter narrative to anti-migration perspectives by participating in discussions across the city.

## Progress Update Spring 2017

**First objective:** an improved process for decision making about the eligibility of undocumented migrants to homeless shelters.

Since 1 March 2017 a new process of decision making for entry into 24-hour shelters is in place. All the new applicants will have to apply with the help of a local Utrecht NGO to the INLIA Foundation, a church related organization. They will advise the municipality and if a positive decision, the NGO's which are organizing the shelters will decide in which shelter the undocumented migrant can best be placed. Together with this process we decided to form a working group on complex cases to be solved, to ensure that there will be available beds in the future for new cases. Also we decided to have some extra places for vulnerable homeless undocumented women. This new process was co-designed with the local NGO's in the city of Utrecht.

**Second objective:** reach a human rights-based agreement between national government and municipalities on the provision of "food, shelter and clothes" for refused asylum seekers.

The discussion took place between April 2015 and November 2016. The last proposal was scheduled for a meeting between the State secretary on asylum from national government, representatives of the union of municipalities and of the eight larger cities in Holland on 21 November 2016. The day before, on Sunday 20 November 2016, the State secretary of the national government stopped the negotiations and declared that will be no deal and the final meeting was cancelled. Also the State secretary decided that the money the municipalities received, from earlier court decisions in 2014, will be stopped.

The central focus point of the discussion was: Is it still possible to organise specific shelters by the municipalities to shelter refused asylum seekers? The national government wanted to organise extra shelters in which, for a certain period, refused asylum seekers can work on their return to their home country. The condition was that all municipalities will shut down their specific "bed, bath, bread" shelters. The municipalities said that because of public order and human rights based consideration, and that the results of these new shelters is unsure, they still need to have these local specific shelters. In the end no agreement was reached. After the elections of 15 March 2017 a new Dutch government will be formed. At the moment it is uncertain what the consequences of this new political landscape will be for the discussion on "bed, bath, bread" shelters for refused asylum seekers.

**Third objective:** develop the Refugee Launch pad. In Dutch we call it: "Plan Einstein" for a new innovative local model to support the reception and integration of asylum seekers.

This project is funded by the European Commission through the budget line of "urban innovative action". It was 1 out of 18 projects which received grants, out of a total 378 applicants. The project started 1 November 2016 and is based on the principal to activate asylum seekers from day 1 in a future freeway, so that the activities can be useful for integration in Dutch society or for building a future in the home country.

The courses in business English are given by the people from the university and the courses in entrepreneurship, by the University of Utrecht. These courses are not only "future free" but also "inclusive" because local people can also take part in these courses. The courses take place in part of the asylum centre: the international incubator space. There is the opportunity with the Social Impact Factory (an organisation which is in contact with many local social entrepreneurs) to receive peer to peer coaching and to get in contact with social entrepreneurs to develop start-up businesses. The asylum seekers who have been granted stay in Holland will be housed in Utrecht because of the principle of the ongoing line. That



gives the municipality the opportunity to invest in this group earlier in their stay in the asylum centre in Holland so that the integration process later on will be accelerated. In the attached infographic the Utrecht Refugee Launch Pad is summarized.

Since November 2016, 38 young people with ties to the neighbourhood get temporary housing in part of the building of the asylum centre. They can reach out to the neighbourhood and make contact with the asylum seekers. At the moment, 30 asylum seekers are living in the asylum centre. In March 2017 the first 3 courses of (business) English on different levels started. The entrepreneurship course also started and in both courses asylum seekers and local people are participating. In May/June 2017 the rest of the asylum centre will be ready to receive the other asylum seekers, so that the project then will be in full swing.

Oxford University in collaboration with Roehampton university is monitoring and evaluating the project where asylum seekers, local (young) people are living together and learning together and together work on a better future.



