Chapter 1
Introduction

In cities across the globe there are local organisations and individuals who are working to improve the circumstances of residents in need. Cities and towns are the primary location where policies are implemented, services distributed, and diversity and inclusion critically negotiated. As the populations in cities and towns become more diverse, municipal governments and civil society actors are at the forefront of addressing some needs that are not sufficiently recognised by, nor always seen as the remit of, national governments (Oomen & Baumgärtel, 2018).

Migrants in European countries regularly experience restrictions on their entitlement to access public services (Spencer & Hughes, 2015; Perocco, 2022). Restricted access to welfare support has increasingly been used by national governments as a tool of immigration control, to deter unwanted migrants from entering or remaining in the country (Ataç & Rosenberger, 2019; Hollifield, 2000; Güntner et al., 2016). Those who are living in the country without a regular immigration or residence status, through overstaying their visa, for instance, or unauthorised entry, have the most limited entitlements. For municipal authorities, however, the exclusion of any section of their population from public services poses challenges in relation to achieving their own policy goals. Tackling homelessness, promoting public health, crime prevention, addressing domestic violence and child protection are among the core parts of the municipal mandate that are undermined when one section of the public is excluded. The responsibilities of local authorities as duty bearers under international and European human rights law is also compromised by excluding these migrants (Oomen & Baumgärtel, 2018). The UN Human Rights Council has made clear that, 'while central government has the primary responsibility for the promotion and protection of human rights, local government has an important complementary role to play' (UNHRC, 2019: para 61). The UN Global Compact on Migration, endorsing the importance of the role of municipalities in provision of services to migrants with an irregular status, set that role within the wider context of core social and economic policy objectives (UN, 2018).

In this book we take a new look at local authorities' approaches towards residents who have a precarious immigration status. There is a growing body of literature on

migrants with an 'irregular' status in Europe, a term that embraces people who crossed a border without authorisation as well as visa over-stayers, those who lost their regular status because of unemployment or non-compliance with their conditions of stay, children born to parents with an irregular status, and refused asylum seekers (Spencer & Triandafyllidou, 2022; Schweitzer, 2022; Ambrosini, 2015). Focusing exclusively on migrants with an irregular status, however, overlooks important aspects of local policies and the experiences of migrants themselves. Notably, it does not highlight the transition between regular and irregular status and the policy frameworks that shape that transition. In so doing it can overlook categories of migrants who do not have an irregular status but are at risk of losing their regular status in future, as well as migrants who have a regular status but are limited in their entitlements due to restrictions based on their specific immigration or residence status. For that reason, we take a wider focus on migrants with a precarious status, whom we define as:

> individuals who lack a regular immigration or residence status or, having a conditional or temporary status, are vulnerable to the loss of that status. They are therefore deprived of or run the risk of losing their most basic social rights and access to services. (Homberger et al. 2022: 96)

We explore the concept of precarious status further below.

To pursue their inclusive agendas, some municipalities have taken steps to ensure that the basic service needs of all of their residents are met, notwithstanding ways in which they are constrained to align their approach on inclusion of migrants with national policies. They implement local policies and practices to ease the impact of restrictions on the individuals concerned, and with the further aim of ensuring that their exclusion does not impact on the rest of the local community. Public policy goals addressed by inclusive municipal approaches may range from health and security to human rights and economic concerns, the latter related for example to the impact of street homelessness on tourism and investment (Delvino & Spencer, 2019). The COVID-19 pandemic underlined the importance of local responsibilities for public health and put inclusive access to health care, testing, contact tracing and vaccination on the agenda of municipalities and other healthcare providers (Mallet & Delvino, 2021).

The literature highlights the ways in which some municipalities have thus sought to address the need for inclusion of precarious migrants within their own services or alternatively through funding non-governmental organisations (NGOs) to do so (Delvino & Spencer, 2019; Campomori & Ambrosini, 2020; Potochnick et al., 2017). Some have taken steps to be inclusive without referring to the hostile environment that some national governments foster towards unwelcome migrants, while a minority have sought to position themselves publicly at a distance from such policies (Kaufmann, 2019; Ambrosini & Boccagni, 2015; Flamant, 2020). Some local authorities have developed a corporate strategy setting out their approach. More commonly there are ad hoc initiatives which may not reflect a consistent approach across the local authority.

In this book we draw on a study of three cities: Cardiff (Wales, UK), Frankfurt (Germany) and Vienna (Austria) to throw light on the differing approaches and rationales adopted by—and within—three contrasting European local authorities. The choice of these cities reflects, first, the importance of national policy frameworks in defining the extent to which, and ways in which, cities can be inclusive of migrants within their service provision. We thus chose cities in three countries with differing policy frameworks, and with differing institutional arrangements for the provision and funding of welfare services. Second, municipal authorities in Europe, while sharing many of the same challenges, have different powers and responsibilities. We chose cities reflecting those differences within a multi-level governance framework. Whilst Vienna and Frankfurt both hold municipal powers within federal states, Vienna has extended competences due to its additional status as a regional authority (province). Cardiff, meanwhile, is a unitary local authority in the devolved nation of Wales within the United Kingdom. Third, while it was important to choose cities which experience similarities in relation to migration, it was important to reflect some of the diversity of city characteristics across Europe, not least in relation to population size and municipal resources. Thus, we focused on cities with a long history of migration, resulting in populations that are in many respects diverse. They differ significantly, however, in the size of their population; in their responsibilities for public services, in the national and regional rules governing migrants' access to services and in their relationships with those higher authorities.

Cardiff, located in the Southeast of Wales, is its capital and largest city. Yet it has a population of a little over 369,000 ((2020) Statistics Wales, 2020, 2021). Frankfurt, in turn, is the fifth largest city in Germany. Located within the German federal state of Hessen it has a population of just over 750,000 (2021).[1] Vienna is by far the largest city in Austria, and its capital, as well as a federal state itself. It has a population of 1.9 million people (Boztepe et al., 2021). Despite those differences, the cities share a notable challenge: how to respond to the presence among local residents of migrants with a precarious status. Focusing on cities which are strikingly different, operating within differing legal and policy frameworks yet with the shared challenge of responding to precarious migrants among their residents, ensures the relevance of our findings for municipalities across Europe.

1.1   Migrants with a Precarious Status

Categorising people is a powerful and consequential undertaking (Hinger et al., 2018; Raghuram, 2021). Our categorisation is based on a precarious immigration or residence status. This enables us to explore the impacts of this precarity on municipalities and on individuals' personal circumstances. An important part of the group

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[1] At the end of 2020, however, 2.4 million people lived in the wider Frankfurt agglomeration and 5.8 million in the Rhine/Main metropolitan region (Regionalverband Frankfurt am Main, 2022).

that we classify as migrants with a precarious status are people who fall into the category of "irregular migrants,"[2] and we therefore draw on the wider literature relating to that group of people. A migrant with an irregular status has been defined as:

> a person who, owing to unauthorised entry, breach of a condition of entry or the expiry of his or her visa, lacks legal status in a transit or host country. (Douglas et al., 2019)

Irregular migrants include those who have never engaged with the authorities in the country in which they reside (Triandafyllidou, 2010; Triandafyllidou & Bartolini, 2020).

The category of precarious migrants includes, additionally, people who have a temporary legal status that grants them some access to social rights, but who are vulnerable to the loss of the status. That may be due to being unable to continue to satisfy the conditions of their immigration status, or not having the funds to extend that status before it lapses. Migrants with precarious status include people who have some access to social rights due to a pending application, but who may lose those rights if their application is denied—as with refused asylum seekers awaiting decisions on an appeal. It also includes migrants whose status cannot be extended—as with unaccompanied children who reach the age of majority (Triandafyllidou & Bartolini, 2020); migrants whose residence status is tied to employment; and migrants who came via their spouse and, due to separation or divorce before they received an unconditional residence permit, could lose their right to stay. The latter is more often the case for women (PICUM, 2012). Within the EU, people from a non-EU country ('third country nationals') have a vulnerability if they have a residence status only in an EU-member state other than the one in which they are living. They can face destitution if they are unable to demonstrate economic self-sufficiency as they have no entitlements to welfare services nor access to the regular labour market in that country and may receive a removal order (Lafleur & Mescoli, 2018).

Triandafyllidou and Bartolini conceptualised irregular migration status as "a continuum of grey areas or of degrees and types of irregularity, rather than a clear black and white distinction" (Triandafyllidou & Bartolini, 2020: 13). Using the concept of precarious status highlights the implications of these and broader forms of liminal status. There are many paths that may lead to irregularity and, as is well recorded, migrants may go in and out of irregular status (Düvell, 2011). The diversity of the various policy regimes and the subsequent complexification of legal status render the strict dichotomy between regular and irregular migrants problematic (Chauvin & Garcés-Mascareñas, 2014). Scholars have used a variety of concepts to capture this fluid range of in-between status (Schweitzer, 2017). Cecilia Menjívar (2006) coined the term 'liminal legality', defined as the

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[2] In literature we find a variety of terms, ranging from 'irregular', 'unauthorized', 'undocumented' to 'illegal' migrants. While all but the last term has traditionally been used interchangeably in academia, the latter term has been mostly used in the media - and often derogatively (O'Doherty & Lecouteur, 2007). Some scholars such as De Genova work with the term "illegality" but use quotation marks to denaturalise it (De Genova, 2002).

in-between existence of moving in and out of protective states of administrative grace, to describe the corrosive effects of having temporary legal status. Kubal (2013: 566) uses the concept of semi-legality to describe a "multidimensional space where migrants' formal relationships with the state interact with their various forms of agency towards the law." Just as citizenship is a legal construct employed to delineate the group of people who possess a specified link with the state (Lardy, 1997), precarious status can also be conceived as a "juridical status that entails a social relation to the state" (De Genova, 2002: 422).

The people who fall within this definition of precarious status, as well as any entitlements they are granted to access services, vary between countries. In essence, it encompasses five categories of status:

- Third country nationals without a regular status (irregular or "undocumented" migrants)
- Third country nationals with a temporary residence status subject to conditions they no longer meet or are in danger of being unable to do so
- Third country nationals who have a legal status, but only in another EU country
- EU citizens who have lost or are at risk of losing their freedom of movement (and thus the right to residence) in another EU country by seeking access to services that require entitlements to social welfare benefits; or, in the UK (now a non-EU country), EU citizens who have not been granted settled status
- Rejected asylum seekers.[3]

Conceptualising legal status or the lack thereof within the precarity framework enables us to move further beyond the regular/irregular dichotomy. It additionally allows us to grasp the insecurity of livelihoods that always accompany a precarious status, despite periods of temporary regularity. Since the 1990s precarity has advanced to an important framework within academic thought on social inequalities (Armano et al., 2017; Schierup et al., 2015; Motakef, 2015). Scholars such as Butler (2004) have understood precarity as the very essence of life experiences. The concept is heavily interlinked with postcolonial structures and racialisation, understanding precariousness not just in the context of labour but of life itself. Migration under precarious conditions comes with a loss of both home and protection, placing migrants in situations where they are vulnerable and at risk of exploitation and discrimination.

The conceptualisation of precariousness has contributed significantly to understanding the expansion of insecure work and livelihoods in a globalised world and in neoliberal markets. It was coined "to capture the emergence of a new global norm of contingent employment, social risk and fragmented life situations without security, protection, and predictability" (Schierup et al., 2015: 2). With the advancement of neoliberal capitalism, transnational migrants form a flexible global workforce, kept in

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[3]Asylum seekers have access to basic social services, such as health insurance and accommodation. While their regular status is indeed temporary, their situation and the policy frameworks which shape it are distinct and have been the focus of much research. This book focuses instead on those facing the most restrictions to rights and service access, including asylum seekers whose applications have been refused.

place through border practices, security measures and criminalisation, with only limited (if any) access to labour and human rights (Goldring et al., 2009). There is thus no singular interest within a nation state towards residents with precarious status, but a range of often conflicting concerns—in relation to economic competitiveness, for instance (Chauvin & Garcés-Mascareñas, 2014). The connection between precarious labour and migrant "illegality" as an institutionalisation of precarious livelihoods in a globalised marketplace has been scrutinised by many scholars (see e.g. De Genova, 2002; Armano et al., 2017; Schierup et al., 2015; Paret & Gleeson, 2016; Bernards, 2018; Trimikliniotis et al., 2016). Restrictive policies generate' not only irregular status, but also lead to irregular work (Spencer & Triandafyllidou, 2020). Therefore, migrants' precarious status needs to be understood as a political institution tied into a wide variety of implications that need examination.

1.2 Gendered Dimensions of Precarious Status

In all the above-mentioned categories, women experience particular and heightened vulnerability due to their positions within gendered hierarchies before, during and after migration (Jayaweera, 2018; Kofman, 2018). Women with precarious status often arrived in Europe with regular visas through work, family reunification schemes or sponsorships. Such a status may be highly dependent on an employer, spouse or sponsor which makes them vulnerable to violence and exploitation. Women may not feel able to leave abusive situations in work or domestic relationships out of fear of losing their right to stay or child custody, or that they will fall into destitution (PICUM, 2012).

Migrant women form the main work force in the care sector, many working without regular contracts. These women often come through a temporary work scheme that leaves them dependent on the goodwill of their employer, heightening the risk of exploitation (Schilliger & Schilling, 2017). They can be reliant on offers of accommodation that are conditional on personal services unwillingly provided (Price & Spencer, 2015) or forced to accept poor living conditions (McIlwaine & Evans, 2018). Additionally, the loss of their regular status can lie mostly outside of their control (Goldring et al., 2009; PICUM, 2012). While women thus face particular vulnerabilities, they are often also the main breadwinners and caretakers, navigating their family through the social welfare system in the arrival country. This paradoxically exposes them to greater risk of detection and deportation (PICUM, 2012).

1.3 The LoReMi Study

The study on which this book draws was carried out in 2021–2022. The aims, addressing gaps in the literature (explored in the next chapter) were to investigate the ways in which local authorities address the inclusion of migrants with a

precarious status within municipal services; the governance of the issue within the municipal administration; and relationships between governmental and civil society actors. The research set out to consider the ways in which each local authority frames (explains) its approaches in the context of the authority's overall framing of its mission; and to look at its actual policies and practices in relation to key services such as health, education, accommodation and legal advice. It considered the legal and practical barriers to inclusion of this section of the local population, and the forms of communication, cooperation and co-responsibility within the authority, as with its external partners.

As the literature provided a broad picture of evolving approaches in European cities but less depth of analysis, the LoReMi study set out to explore the approach of three city authorities: Cardiff, Frankfurt and Vienna. It focused, in essence, on the following three questions:

1. What is the city's approach to inclusion of precarious migrants within municipal services and, in particular, on access to healthcare, accommodation, education and legal advice? How does it frame the reasons for its approach in each case, and is there a connection or disconnect with the overall city framing of its mission?
2. What actual measures are in place to include precarious migrants in the services provided by the municipality, by related public agencies and by NGOs, including measures of particular relevance to women? What are the barriers to inclusion and rights protection for this section of the population?
3. How and why do governmental and non-governmental bodies relate in this context? Which processes of cooperation and conflict emerge in these interactions?

The study was funded by JPI Urban Europe, a funding consortium of national research councils established to provide a 'knowledge hub for urban transitions.' The aim was thus not only to conduct research but to consider, in the light of the findings and of dialogue with local stakeholders, the scope for policy and practice reforms. For that reason, we include within the concluding chapter of this book some concise policy recommendations that have been the focus of discussion in a series of city and European knowledge-exchange fora.

In each city the study was facilitated by an official within the city council, a formal partner in the project (referred to in our acknowledgements). They briefed the researchers, facilitated communication with relevant staff from departments across the authority and among external partners; and provided insights in relation to the research questions.

The LoReMi study was carried out by three research teams working closely together over the 2 years of the project: In Austria, Professor Dr Simon Güntner and Adrienne Homberger, at the Faculty of Architecture and Planning, Centre for Sociology, Technische Universität Wien; in Germany, Professor Dr. Ilker Ataç and Dr. Maren Kirchhoff, at the Social Welfare Department, Hochschule Fulda University of Applied Sciences; and in the UK, Dr. Sarah Spencer, Dr. Marie Mallet and Dr. Zach Bastick, at the Centre on Migration, Policy and Society, University of Oxford.

The method of the study in each city was threefold:

- Background research on the national and regional legal and policy frameworks, on the city's remit, structure and approach, and on what is known about its residents with precarious status
- Convening of public and NGO stakeholders on three occasions: before the fieldwork began; later to consider emerging findings; and finally, to consider potential implications for policy and practice
- 20–30 interviews in each city with local authority and other public sector staff; with non-governmental organisations; and where possible with migrants with a precarious status. Interviews are referred to in the text with an abbreviation indicating the city (that is, C, F or V) followed by a number. The stakeholder meetings held in each city are similarly referenced with the abbreviation SC, SF and SV followed by a number. An anonymized list of the interviews conducted in each city and of the stakeholder meetings can be found in the appendix. Interviews in Frankfurt and Vienna were mainly conducted in German. Because of the COVID-19 pandemic, some of the interviews and stakeholder meetings were carried out online. Quotations from German texts and interviews conducted in German that are included in this text have been translated into English by one of the interviewers. We received approval from the Research Ethics Board of Oxford University to conduct these interviews.[4]

Qualitative analysis of interview material, for each city and to facilitate comparison between them, was conducted using qualitative software with open coding and a set of joint codes. Beforehand, relevant topics were identified jointly by the three research teams in order to ensure the comparability of the findings. Each team analysed the interviews from their respective city using the agreed codes to identify the sections and statements relevant to the individual topics and to make them available for later comparative analysis. At the same time, it was important for us to consider the different contexts of the three cities in the evaluation and to allow room for insights, framings and perspectives that were not anticipated in advance. For this purpose, the city teams also had the opportunity to code inductively. In order to ensure thematic consistency between the sites, the results were discussed and analysed together. The hybrid method of linking inductive and deductive coding allowed us to focus on the set questions while understanding the unique context and challenges at each site. Reports on each city, which can be retrieved from the LoReMi project website,[5] formed the basis of a comparative report, discussed at a European conference held in Frankfurt in September 2022, organised in cooperation

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[4]University of Oxford Research Ethics Approval reference number: SAME_C1A_21_99.

[5]The LoReMi website contains all of the outputs of the project: https://www.compas.ox.ac.uk/project/loremi/

with the City Initiative on Migrants with Irregular Status in Europe (C-MISE) (Spencer, 2022).[6]

The next chapter sets out the context for the study in the tension between exclusion and inclusion in European, national, regional and municipal policy frameworks. It explores the drivers of inclusive measures at municipal level and the tensions with higher tiers of governance to which that can give rise; and introduces the civil society actors who along with the municipalities are key players in this story. Chapter 3 contextualises the three cities, comparing the national and regional policy frameworks to which they are subject and their differing governance arrangements after setting out what is known about migrants with a precarious status in each country. Chapters 4, 5 and 6 explore the situation in Cardiff, Frankfurt and Vienna respectively. The chapters look at each city's overall approach towards precarious migrants before looking in more detail at healthcare, accommodation, education and access to legal advice, highlighting the key findings from the study. In Chap. 7 we compare and contrast those findings—the challenges and approaches that are common to each city and the issues that are distinct. Finally, in the conclusion, we draw together and make further observations on the central arguments of the book, reflecting back on their implications for the research literature, raise issues for a future research agenda, and conclude with suggestions for policy and practice reforms at municipal, regional, national and European level.

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[6] A network of European cities focusing since 2017 on migrants with an irregular status: https://cmise.web.ox.ac.uk/#:~:text=C%2DMISE%20is%20a%20city,irregular%20status%20in%20their%20territory

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