Chapter 8
Conclusion

In this book we have presented findings from a study of the approaches taken in three contrasting European cities, Cardiff (UK), Frankfurt (Germany) and Vienna (Austria), towards one section of their local population: migrants with a precarious status. We defined that group as 'individuals who lack 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.' This concept was deployed to ensure attention to the fluidity between regular and irregular status, in which we anticipated that municipalities might play a role. We set out to explore questions that would address gaps in the existing literature on municipal responses to irregular migrants and to those at risk of lapsing into irregularity.

It was known that many municipalities have initiatives to address the exclusion of this group but not how consistent or fragmented this approach is across each authority. The ways in which municipalities frame their rationale for providing access to a service had similarly been explored but not whether that framing is consistent across an authority and whether it connects, or disconnects, with a municipality's overall branding of its mission. We set out, further, to understand from service providers the nature of the needs of people with precarious status and of women in particular; and the extent of recognition across the municipal authorities of responsibility towards them. We explored the barriers municipalities experience in relation to addressing the exclusion of this group and how they navigate to overcome them; whether any service provision is visible or below the radar; and finally, the nature of relationships between municipalities and non-governmental organisations (NGOs) in this context. In this final chapter we summarise what we have learnt, make observations that reflect questions raised in the research literature, consider gaps in knowledge and analysis that remain for a future research agenda, and set out some suggestions for policy reform at municipal, regional, national and European level.

We saw first the diversity of migrants who have a precarious status. This is not a uniform group but varied not least in legal status and in the entitlements and

restrictions which each status entails. Status is fluid, easily lost—as for EU citizens who cannot find a job, for instance, and those who cannot afford the fees to renew their temporary status; confirming the value of the concept of precarious status to capture the significance of that process.

For individuals, exclusion from services can have serious consequences, from the risk of ill-health becoming life threatening to lost opportunities to regularise their immigration status. Women face particular vulnerability to violence and exploitation; vulnerabilities that are recognised by our three cities but not to an extent proportional to the greater risks women experience, nor with capacity to address the underlying causes of their situation.

For municipalities, the exclusion of any group of residents from access to public services poses a challenge. It undermines their capacity to deliver on key policy objectives including reducing street homelessness, protection of public health and child protection, as well as their responsibilities under international and European human rights law. As a result, some municipalities have taken steps to meet the basic service needs of these individuals, whether by inclusion within municipal services or through funding services provided by NGOs: but the pressures to do so affect some departments more than others. In experiencing this, our cities were no exception. In each case there are departments which are beginning to recognise that precarious migrants are part of the resident population for which they have some responsibilities; but in each city the administration remains highly fragmented in its approach. The study revealed a lack of consistency across each authority. They had no shared vision nor strategy towards this group of residents; or governance mechanisms that ensure shared information and effective forward planning.

A municipality, we argue, thus cannot be seen as either inclusive or exclusive of precarious migrants. Rather, it is an institution which internally can take differing approaches, a fragmentation that needs to be explained. Differing legal frameworks for different services, differing levels of demand and of resources play a part, as do perceptions of the deservingness of this group of people within the organisational culture of each department. The lack of authoritative data on the size or composition of this group of residents, and of administrative data on service users among them, contributes to low awareness of need. Yet staff working with them have no illusion that their presence might simply be a temporary phenomenon. Precarious migrants are not anchored as an interest group in the cities, nor present on any representative bodies where other migrant groups can voice concerns. Nevertheless, there is growing, if fragmented, recognition that residents with a precarious status, with limited entitlements to any means of financial support from work or social welfare, present a long-term challenge to be addressed.

We looked at one explanatory factor for the fragmented internal approaches—the limited interdepartmental coordination in the administration on this issue—through the lens of horizontal governance arrangements. We found, as others have between tiers of government, differing framing of the 'problem' and 'solution' in different departments, and the lack of targeted governance mechanisms to resolve that. In contrast to some of their counterparts in Europe, these city councils have had limited engagement with higher tiers of authority on the need for more inclusive responses to

precarious migrants. This may mean that they have experienced less need to develop arguments which spell out their rationales for them.

In the development of inclusive approaches in each of the three cities, the extent to which policy developments are 'bottom-up' is striking: that is, initiated by service providers or those with hands-on responsibility for policy relevant to precarious migrants within a department rather than originating with senior managers or politicians. This is not to argue that individual agency accounts for the approach taken by each department. Rather we find DiGaetano and Strom's (2003) explanatory framework of structural, cultural and individual agency to be entirely applicable here, as well as organisational factors. Structural factors (such as legal frameworks, local housing markets or the shortage of immigration lawyers in Wales) and the culture of each department (prioritising concepts such as public health or finding solutions relative to the perceived deservingness of individuals) are essential contexts in which to explain the contrasting approaches taken.

This bottom-up drive for policy and practice development, coupled with the lack of cross-department governance mechanisms addressing this issue, helps to explain the disconnect between each city's overall framing of its mission and the framing of its varying approaches towards precarious migrants. We found no evidence that a city's framing of its mission, as a human rights city or as inclusive, for instance, is shaping its responses to this group of residents—although, to the extent that that the city's framing impacts on the organisational culture of its departments, it may do so indirectly.

There are limits to which any municipality can meet the needs of precarious migrants because of the overarching framework of national or federal law (notwithstanding any ways in which the restrictions on entitlements they contain may be mitigated by regional measures). Yet it is interesting that none of our cities has been in significant contention with its national counterpart on this issue. Vienna, as a regional as well as municipal authority, has resisted implementing certain federal government restrictions, concerning asylum seekers and. to a limited extent, rejected asylum seekers. Through a vertical multi-level governance lens, however, we can say that these cities are largely operating within the policy framework on precarious migrants set at national level. To the extent that they are pushing the boundaries of restrictions they are doing so with low visibility. During the COVID-19 pandemic, when the cities felt the greatest pressure to be inclusive, relaxation of national rules on eligibility for healthcare and housing enabled them to take the action that they felt was needed without fear of confrontation.

The reliance on NGOs to meet many service needs raises further questions. We used a horizontal governance lens to look at the relationships of the three municipalities with this external group of actors: from a centralist, top-down approach, through co-production of services, to only limited evidence of any decoupling of those relationships: that is, where NGOs and a municipality lack a common perspective on the authority's responsibilities towards precarious migrants and their service needs. In no case was the city a 'battleground' as the research literature has found on other migration related issues.

In each country (and in Germany and Austria in particular) a reliance on NGOs to deliver welfare services is a normal part of the welfare system. Nevertheless, there is a very high degree of reliance in relation to precarious migrants. NGOs are of necessity operating a parallel system to regular services or, as in Cardiff, are vital in facilitating access, where possible, to those services. In each city they are fulfilling these roles with significant capacity issues and funding challenges. The NGOs in turn can be relying on health professionals willing to work without payment. We question the sustainability of this approach which relies, to an extent, on donations from the public and on professionals giving their time free rather than acknowledgement by the state of responsibility for the wellbeing of this section of the population.

While some examples of inclusive practices were found in each city, not least during the COVID-19 pandemic, we found that inclusion of this group of people is at an early stage despite their long histories of migration and differing capacities for inclusion in service provision. This lack of a consistent approach and of clarity on responsibilities has left space for individual departments and staff to use their discretion, to an extent, to adopt inclusive measures. It has also left scope for perceptions of lack of deservingness: to be shaped, for instance, by the migrants' apparent lack of long-term prospects for inclusion so that the scarce resources of a service are considered better allocated elsewhere. Whereas the research literature has identified (Chap. 2) that deservingness may be based on vulnerability, on the one hand, or on the basis of performance (in work, or more broadly through integration), the latter was rarely apparent in the discourse in our cities. Rather, where the long-term prospects of the migrants was a consideration, the criteria could be said to be whether they would be allowed to perform, in future, and thus merit the investment of resources now.

When we looked at the approaches in the cities towards healthcare, provision of accommodation, education, legal advice and counselling, we found a series of barriers to inclusion even where access was permitted. These ranged from the limited, short-term funding available and lack of capacity in the local authorities in relation to data and expertise, to migrants' fears of being reported to the immigration authorities or having their children taken into care. A requirement to transfer information on precarious migrants to the immigration authorities, or more often simply the absence of a firewall preventing that transfer, is a major obstacle in deterring service use. It is striking moreover that it is not only those services in which there *is* a transfer of information in which that fear is a deterrent. Rather, individuals have internalised the fear that it could happen and so self-censor, avoiding any approach to the service they need. Linda Bosniak wrote that, when governments impose restrictions on the entitlements of migrants, 'the border effectively follows them inside' (Bosniak, 2006: 2ff). The fear of detection beyond the actual reality of the threat takes her observation one step further: the border is internalised within the individual her or his self. Only clear, firm, firewalls preventing transfers of data can overcome this barrier to migrants accessing those public services for which access, as a matter of law and policy, is intended.

Much of the service delivery that is available takes the form of meeting basic needs for healthcare, accommodation and education. Each is also fundamental to

resolving other needs, as in the connection between accommodation and health status. It is provision of legal advice and representation, however, that stands out as the means of addressing the underlying problem of precarious status. Provision of the other services plays a vital role in meeting basic needs but does not address the cause of the individual's precarity in their immigration status. Legal advice and representation can do that. Each of the cities recognised provision of legal advice as central to the way forward, but to different degrees lacked the capacity to ensure access to that service, and more broadly to social counselling, for many of those who need it.

8.1   A Future Research Agenda

There nevertheless remains much that we do not know, for a future research agenda. Here we highlight three gaps of which we are particularly aware. First, our study was not able to focus on the population with precarious status itself in any detail. This is a gap in the research literature, but an authoritative database and needs assessment is also urgently needed at municipal level so that these authorities can be sure that they are fulfilling their responsibilities towards these residents and meeting their actual needs. Evidence is needed on the composition of this group, their pathways in to and out of precarious status, their needs, and their experiences of contact with municipal services and with NGOs. Included within this should be data on existing municipal and NGO service users and their experiences. This evidence, as we have seen in other cities and, for instance, in the inclusion of 'undocumented' migrants in Cardiff's 2022 population health needs assessment, would help to focus debate on this group of residents and to build support for a consistent approach across departments.

Second, there is a need to know more about the organisational culture within municipalities to understand the differing approaches that are taken. Why are some departments more resistant to inclusion of precarious migrants than others? Does this reflect their differing mandates, the differing levels of resources required to be inclusive (the cost of an additional house relative to an additional school place?); differing levels of demand from potential service users or differing perceptions of deservingness for instance? Is greater communication and coordination between departments a sufficient means of addressing this fragmentation and, if not, what mechanism is needed to secure change?

Third, we have seen that regional authorities have the capacity to create legislative, policy and funding conditions in which municipalities can be more inclusive but, with limited exceptions (e.g. Piccoli, 2016, in relation to healthcare; Wyn Edwards & Wisthaler, 2023) we know little of what drives their decision to do so, nor how far it could go beyond symbolic policymaking to mitigate national restrictions on entitlements to services. Research could throw light on the differing scope for regional authorities in Europe to create a more inclusive policy framework, the

drivers that have led some to do so, and the opportunities and constraints on taking that approach further.

8.2   Reform of Policy and Practice

Despite significant differences between the size and responsibilities of the cities studied, it is striking that similar issues arose so that it is possible to identify measures that could be taken by municipalities across Europe to address them, as well as by regional, national and European authorities. We conclude with some suggestions which were considered with policy makers during the closing stages of the research, in light of the findings that had emerged.

8.2.1   Clarify Rules on Access to Public Services

The laws and regulations governing migrants' access to public services are complex. Entitlements differ for each immigration status. This poses very significant challenges for service providers and for migrants, unsure if access can and should be permitted. As a result, migrants avoid or find themselves turned away from services to which they are in fact entitled, with negative consequences. Staff, lacking sufficient information on the rules, rely on their discretion to include or exclude.

National governments (or, where appropriate, regional authorities) could map, and clarify, the current entitlements of different categories of migrants and the access rules in relation to each service. This information, regularly updated, could be available for service providers and be the subject of staff training. Where entitlements are thus transparent, the responsibilities of individual departments and service providers would be clearer and reduce the need for staff to rely on their discretion. NGO service providers and advice agencies should equally have access to this guidance so that they can signpost individuals to public services where appropriate. Migrants themselves would benefit from access to clear, understandable, and multilingual information on which services they can access, relative to their status.

8.2.2   Develop a Council-Wide Vision and Strategy
to Deliver It

Precarious migrants are often at the margins of society and invisible to elected representatives and senior policy makers. Yet these residents face complex and intersecting problems that cut across the differing responsibilities of council departments. In all three cities we observed some inclusive approaches, but each city lacks

an agreed, corporate approach towards this vulnerable group of residents: a vision for their inclusion as urban citizens, and a strategy to deliver that vision: allocating responsibility to achieve it.

Some municipalities have found that a valuable first step is to raise awareness about the presence of these residents, their differing needs and contributions to society as workers and members of the local community. The sensitivity of this topic can otherwise lead to a lack of open discussion and to favour discreet, low visibility provision. Evidence about these residents, their needs, diverse experiences and aspirations, as well as the barriers they face to accessing services and the consequences of their exclusion can help to bring the issues into the open and frame a necessary debate. Research, providing anonymised data, could be commissioned to provide this, to raise awareness and to build confidence to raise issues for debate. Further, municipalities could engage with those living with a precarious status to hear the voices of lived experience in order to ensure that their services are appropriate. Several cities beyond our study, (e.g. Munich, (Anderson, 2003)), used research as their first step towards addressing the needs of this group, the research both providing an evidence base and helping to secure the support necessary for the action to be taken.

Awareness could lead to dialogue on policy objectives. Cities such as Utrecht and Barcelona have a holistic strategy towards inclusion of migrants with a precarious status, moving beyond the ad hoc provision of basic services (Ajuntament de Barcelona, 2017).[1] This approach can help to ensure a consistent approach across municipal departments if the agreed approach is embedded in departmental action plans and within cross-municipal priorities such as ending child poverty, addressing domestic violence and homelessness.

This approach could fit well with the existing framings of many municipalities: as a Human Rights City, for instance, that focuses on the rights of all its residents; as a Global City, like Frankfurt, dedicated to inclusion and recognition of the diversity of its inhabitants, or as a municipality such as Cardiff which frames its priorities in terms of equality and inclusion. The alternative, low visibility provision in relation to this group of migrants has significant disadvantages. It fails to raise the issue within the authority for debate and resolution; it leaves migrants and NGOs unsure whether there is an entitlement and whom in the department to approach; it relies on a few staff working long hours to deliver above and beyond their designated responsibilities; and it may be unsustainable if the size of this section of the population grows.

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[1] Utrecht's Deputy Mayor Rachel Streefland explained in 2022 that the city's offer of services has a broader goal than meeting immediate needs: "We offer shelter, legal advice and all kinds of help to work on their future. The aim is a durable solution which is either a residence permit, return to their country of origin or shelter in the national asylum centre." https://eurocities.eu/latest/interview-with-the-deputy-mayor-of-utrecht-on-the-integration-of-refugees/ . Accessed 24.04.2023.

8.2.3   Ensure Low-Threshold Access to Essential Services

There is a strong case for ensuring that all residents have access to essential services such as healthcare, education, housing and language courses. European municipalities have spelt out the economic, social, legal and administrative efficiency arguments why this is the case.[2] To achieve municipal policy goals and avoid the negative consequences for all local residents of exclusion from basic services, national policies and municipal practices need to ensure a low threshold for access. This means addressing the structural barriers marginalised groups can experience, such as digital exclusion (Ragnedda, 2020). Not all service users can use on-line forms of access. Language barriers are another obstacle. A greater willingness for multilingualism within public authorities and additional resources for interpretation and translation would be beneficial.

As a minimum, municipalities could ensure that, where the law requires or permits, migrants are given access to the services to which they are entitled by law and which meet their needs. Where, further, local authorities have discretion to provide a local service regardless of immigration status, inclusion would contribute to meeting their social policy goals and human rights commitments. Wherever possible, access to services can be through regular channels. Alternatively, services can be targeted at residents experiencing social exclusion, including migrants. That is, services should be 'inclusive by default, targeted when necessary'. For people with special needs, such as those with mental health issues[3] or young care leavers,[4] it is of particular importance to have access to specialised support.

8.2.4   Build Internal Municipal Capacity to Deliver These Services

Capacity challenges are found at all levels: shortages of evidence (addressed above), of administrative data, of legal expertise, and of staff and resources to provide the services needed. In relation to data, some English local authorities have created a network that provides support on collection of data, information sharing and training in relation to this group of residents. The NRPF Network,[5] coordinated by a London local authority, also runs an online tool through which local authorities, NGOs and migrants can assess eligibility for support for a particular provision: accommodation

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[2] See Delvino & Spencer, 2019 section 1.3 on the full range of reasons cities have given for their need to provide a level of services regardless of immigration and residence status.

[3] For further policy recommendations on mental health see: https://picum.org/wp-content/uploads/2022/02/Insecure-residence-status-mental-health-and-resilience_EN.pdf

[4] For further policy recommendations on young adults: https://picum.org/wp-content/uploads/2022/04/Turning-18-and-undocumented_Executive-summary_EN-1.pdf

[5] see https://nrpfnetwork.org.uk

and subsistence for children in need, regardless of status. It also created NRPF Connect which enables local authorities to liaise more effectively with the immigration authorities on resolution of immigration status. These models may be valuable to consider elsewhere.

8.2.5   Build Long Term Collaborations with External Providers

Where inclusion in municipal services is not possible, funding can be provided to NGOs to provide services regardless of status. This can be with the aim of signposting individuals into regular services whenever possible to avoid the creation of a parallel welfare system.[6] NGOs are undoubtedly essential, complementary actors in providing and facilitating low-threshold access to services. In some cases, they have greater access to, and capacity to build trust with, precarious migrants. They may have particular expertise on issues relating to this group, may find it easier to provide services anonymously and can provide services beyond the statutory remit of public bodies. Collaboration with NGOs is therefore key in delivering an inclusive local approach (while respecting that some NGOs may prefer to remain financially independent and prioritise an advocacy role). Employers, trades unions, private and social landlords are also potential partners in a holistic approach to inclusion. NGOs should not, however, be a substitute for a municipal service because individuals are unnecessarily being excluded.

Existing cooperation is often ad hoc rather than based on a long-term strategy. While in some service areas communication channels between municipalities and NGOs can be well established, elsewhere networks and the transfer of knowledge and information is often informal and clusters around a few committed individuals. This can lead to a situation where employees, but also volunteers who are in contact with precarious migrants, are not aware of other important services and are unable to refer them. It is desirable to provide information within organisations in a systematic way and to strengthen networking within and beyond the individual service sectors. This can help to ensure that long-term working relationships between organisations remain consistent regardless of staff turnover and provide a safe space for mutual NGO and municipal feedback and suggestions.

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[6]For further discussion on this relationship see Spencer, S., & Delvino, N. (2018). 'Cooperation between government and civil society in the management of migration: Trends, opportunities and challenges in Europe and North America'. Background paper for the Autumn Academy 2018. Oxford: COMPAS.

8.2.6   Refrain from Unnecessary Data Collection and Install 'Firewalls'

In most European countries there is no broad, statutory duty to inform the immigration authorities about service users. Germany is an exception to this, but it has already removed that requirement for education, recognising that it deterred take up of that essential service. Unless there is a duty to transfer data on immigration or residence status, service providers can refrain from collecting that information unless it is needed by the local authority itself (that is, 'don't ask, don't tell').

Municipal authorities could take the essential first step of clarifying if there are any circumstances in which they have a statutory duty to transfer information on a service user to the immigration authorities. A simple review can then be conducted of each service to establish whether information on status is collected, as Zurich City Council has done.[7] Where information on status is needed by the municipality but does not have to be transferred, a data 'firewall' can be put in place to prevent sharing of that data.[8] Staff can be advised that it is council policy that no transfer should be made (with any necessary exceptions in relation, for instance, to non-immigration related criminal offences).

Where reporting obligations exist, as in Germany, they could be reviewed to consider if they are proportional, given the negative impacts not only on individuals but on local communities and municipal objectives. As a minimum it could be entirely abolished in health care in order to ensure risk-free access to health for all patients, regardless of their residence status. German Länder, and cities, could come together—the latter within the German Association of Cities and Towns ("Deutscher Städtetag") for instance—to propose such reforms. In addition, and independently of legislative change at the federal level, cities could clarify whether it would be legally permissible to issue an official instruction to the social welfare offices that no data collected in connection with health care services be forwarded in future to the foreigners' authority.

8.2.7   Reduce Fear-Based Barriers

Beyond internal communication on firewalls, the evidence suggests that local authorities need to provide unequivocal assurance to migrants, and to the NGOs that advise them, on which services can safely be accessed so that unnecessary fears

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[7] See Zurich report section 4.2, Access to Municipal Services (p. 16) in https://www.stadt-zuerich. ch/content/dam/stzh/prd/Deutsch/Stadtentwicklung/Publikationen_und_Broschueren/ Integrationsfoerderung/themen_a-z/Sans%20Papiers/Report_Zurich-City-Card_E.pdf

[8] For further policy recommendations on this issue see: https://rm.coe.int/ecri-general-policy-recommendation-no-16-on-safeguarding-irregularly-p/16808b5b0b

are assuaged. This would ensure that, where the law and the municipality intend access, that aim is not undermined.

For some parents, the fear of detection is combined with fear that their destitution will lead to their children being taken into local authority care. Where services can be accessed without fear of child separation, of removal or withdrawal of the right of free movement, this should be transparent. Again, an unequivocal statement by the local authorities could be made, to clarify the position. There could be no justification for allowing the fear to remain, in circumstances where it would never be used, in order to deter parents from asking the authority for a service to which they are entitled.

8.2.8 Provide Access to Legal Advice, Information and Counselling

We saw that legal advice is pivotal in addressing the underlying problem. Limited access to advice is a clear factor in the loss of status ('lapsed regularity') and in prolonging irregularity due to incorrect applications and missed deadlines. Access to wider information and advice ('social counselling') can help further to clarify entitlements, signpost individuals to services available to them, and support them with immigration applications. Despite its great importance, legal advice and social counselling frequently lack adequate and stable public funding. NGOs, the main providers, provide it with short-term, insecure and fragmented project funds.

A problem-solving approach requires that all tiers of authority take steps to promote ready access to legal advice, in particular. The establishment of formal pathways between the local authority and third-party providers of legal services can aid migrants and local authority departments in reducing demand for their services. Funding requirements for advice services should be inclusive of people regardless of status and reflect the need to take account of migrants' varied and complex situations. National governments could be pragmatic in ensuring that the cost of applications for change of status is not so high that migrants are deterred from making an application and thus lapse into irregularity.

For those who are entitled to work, not least EU citizens in EU countries, there is a need for low-threshold labour market integration services. This could prevent people from slipping into or remaining in conditions of precarious residence.

8.2.9 Prioritise Inclusive Approaches on Gender-Based Vulnerabilities

Women with a precarious migration status often work or find accommodation in private households where they are especially prone to exploitation and abuse. Those

who are pregnant or have young children are particularly at risk.[9] While there are some important efforts being made to provide and facilitate access to health services for pregnant women, we saw that many problems remain including fees associated with childbirth and a lack of female interpreters.

There is also a lack of sufficient shelter places for victims of gender-based violence. Alternative accommodation options are necessary to prevent this. National and Local authorities need to ensure that victims of domestic violence can access women's shelters by decoupling the financing of this accommodation from migration status or social benefit entitlements. Protection also requires sufficient funding of gender sensitive counselling and support, where necessary with female interpreters. To ensure effective protection against violence, in accordance with the Istanbul Convention (Art 4), all victims of violence need to be able to obtain protection regardless of status. It is also necessary to create the possibility for victims of violence to obtain an independent residence status. Cities within a country could work with other municipalities to make the case for the necessary changes at the federal/national level.[10]

8.2.10   Capture and Build on Good Practice

The COVID-19 pandemic highlighted the vulnerability of marginalised groups, including those with precarious status. The need to ensure that everyone had access to testing and treatment for COVID-19 led national governments to ensure that individuals could access this care without fear that their details would be transferred to the immigration authorities. The need to avoid street homelessness during this period led municipalities to implement inclusive accommodation programmes, in some cases coupled with access to legal advice. Further measures included provision of home-schooling IT equipment regardless of status.

All tiers of authority could ensure that the gains from these measures, which extended well beyond public health protection, are maintained in the long term. National policy and local practice changes could be mainstreamed, and funding made available to ensure sustainable.

Municipalities that can demonstrate good outcomes or show that they are prevented from doing so by restrictive national policy frameworks, could propose reforms which would facilitate their approach. National as well as transnational municipal networks may help to raise awareness, share expertise, build confidence

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[9] See also https://www.ohchr.org/en/press-releases/2019/10/widespread-violence-and-mistreatment-women-childbirth-are-human-rights

[10] See also https://rm.coe.int/168008482e

and add authority to the case for reforms in law, policy and funding restrictions, at national and European level (Spencer, 2022).[11]

8.2.11 Use Existing Policy Levers at National and European Level

It will be clear that access to basic services and protection of fundamental rights irrespective of legal status cannot be achieved solely at the local level. A sustainable solution requires reforms in regional legislative frameworks, in countries with regional authorities, and at the national and European levels.

At the national level, access is already provided by law in Europe to some services regardless of status, such as (in most cases) education for children and healthcare for communicable diseases and emergencies. Permitting greater access would facilitate a proportional response to these migrants at the local level and enable municipal authorities to fulfil their responsibilities. Where access is permitted, removing any requirement to inform the immigration authorities, and encouraging the adoption of effective firewalls that prevent unnecessary disclosures, would increase take up of services. Clear pathways for migrants to regularise their status would reduce the number of residents with a precarious status; as the Portuguese government did in its response to the COVID-19 pandemic (Mazzilli, 2022).

At European level there are also immediate steps that could be taken. The Council of Europe could draw greater attention at municipal level to ECRI's guidance on firewalls[12] and to the relevance of the Istanbul Convention of protection from violence regardless of migration and residence status. EU institutions likewise could encourage good practice regardless of status, as in the EU's legal and policy framework on protection of victims, and on funding to prevent child poverty for all children, regardless of status, as foreseen in the Child Guarantee.[13] Funding of municipal practices related to migrants should always permit the option of inclusion regardless of status, so that municipalities can take the steps they see as necessary according to the situation on the ground. The European Commission could introduce or support a platform for shared learning and the development of constructive approaches that improve access to services for these most vulnerable residents.

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[11] Many European cities are part of C-MISE, *the City Initiative on Migrants with Irregular Status in Europe*, which provides access to information and guidance, and platforms to discuss challenges and policy and practice solutions. See: https://www.compas.ox.ac.uk/project/city-initiative-on-irregular-migrants-in-europe-c-mise/

[12] See https://rm.coe.int/ecri-general-policy-recommendation-no-16-on-safeguarding-irregularly-p/16808b5b0b

[13] See https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32021H1004&qid=1624453987845

8.2.12   Creating Prospects for a Sustainable Future

For all of those with a precarious status, the future is uncertain and fraught. If there was a realistic alternative in another country they would not remain in their vulnerable situation, with the hardship and risks it entails. For people who are not only excluded from the labour market but also experiencing challenges from illness or age, a way out of residence-related precariousness is particularly difficult. In the absence of prospects or the knowledge of possible opportunities for regularisation, remaining in precarious and exploitative working and housing conditions may seem to be without alternative.

There is a need to consider the sustainability of an approach to these residents in which local authorities try to alleviate the impact of exclusion that largely derives from restrictions imposed by national governments. Is this an appropriate long-term approach which contributes towards the management of migration, enables municipalities to fulfil their economic and social responsibilities, and meets the basic needs of migrants—if indeed these should be the criteria on which sustainability is judged—or could a more efficacious approach be developed?

There is a need for national governments to ensure that any restrictions on access to services and welfare support are proportional; and that there are clearer pathways for those with an irregular status to regularise their position. This is not only in the interests of the individuals concerned but of the wider community, and for local authorities to achieve their policy goals. Meanwhile, steps at national/federal level could include recognising apprenticeships as part of education, not employment, thus enabling those with a precarious status to continue their learning after the end of compulsory schooling. For EU citizens in the EU, apprenticeships could be recognised as a justification for continued freedom of movement.

Our study has thus identified many practical steps that could be taken to help municipalities respond effectively to their residents with precarious status and, of the greatest long-term importance, to address the underlying causes of that precarity itself.

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