

EXECUTIVE SUMMARY: LOCAL RESPONSES TO MIGRANTS WITH PRECARIOUS STATUS: A COMPARATIVE REPORT ON FRAMES, STRATEGIES AND EVOLVING PRACTICES IN EUROPE



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In collaboration with:



Introduction

This is the executive summary of a report¹ in which we compare the findings and analysis from research on access to services for migrants with a precarious status in three European cities: Cardiff, Frankfurt am Main and Vienna. It is the concluding report of an 18-month study, *Local Responses to Precarious Migrants: Frames, Strategies and Evolving Practices in Europe (LoReMi)*, carried out in 2021–2022.

The aims of the project were to investigate the ways in which local authorities provide access to basic social services to residents whose immigration or residence status is precarious and, in that context, to explore their cooperation with public and civil society organisations. It included a particular focus on issues relating to women. Previous research has established that, for local authorities in Europe, the exclusion of a section of local residents from public services can pose challenges in relation to achieving their policy goals, such as public health and crime prevention, and reducing street homelessness and domestic violence. Some local authorities have responded with initiatives designed to ensure that basic service needs are met, whether by municipal services directly or through partnering with a non-governmental organisation (NGO). The LoReMi project set out to consider the ways in which each local authority frames its approaches towards precarious migrants and to examine the actual policies and practices in place in relation to key services such as health, education, accommodation and legal advice.

Migrants with Precarious Status in Europe

Migrants in European countries, especially those with a precarious immigration or residence status, regularly experience restrictions on their entitlements to access public services. Third country nationals who have an irregular status (through overstaying their visa, for instance, or unauthorised entry to the country) have legally and practically the most limited entitlements. The focus of the LoReMi study has been on this group of people, but also included are those who are at risk of losing their status, e.g. spouses who would lose their right of residence if they leave the marriage due to domestic violence or EU citizens who risk losing their right to reside in another EU member state if they are deemed inactive and unable to support themselves. "Migrants with precarious status", are defined in this study as individuals who lack regular 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 most basic social rights and access to services.

The people who fall within this definition, and any entitlements they have to access services, vary between countries. In essence, it encompasses:

- Third country nationals without regular status (irregular or "undocumented" migrants)
- Third country nationals who have a regular status 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 when trying to access services that

¹ This project has received funding in the framework of the Joint Programming Initiative Urban Europe. The full comparative report as well as the three city reports, which form the basis for the comparison, can be found on the LoReMi project's website: <https://www.compas.ox.ac.uk/project/loremi>

require entitlements to social welfare benefits; or, in the UK (now a non-EU country), EU citizens who have not been granted settled status

- Third country nationals with temporary residence status subject to conditions they no longer meet or are in danger of losing
- Rejected asylum seekers²

Contextualising the three Cities

Austria, Germany and the UK have long, yet distinct histories of migration. The three cities, too, are strongly influenced by migration as reflected in their diverse populations. It is difficult to estimate the number of migrants who have precarious status, as pathways to precarity are fluid, and irregular migrants usually desire to remain undetected and therefore are not fully accounted for in official statistics. It is generally assumed that there is a correlation between the size of particular migrant communities and the number of migrants with precarious status. The three municipalities have different approaches to precarious migrants, affecting differing populations, and influenced by the respective contexts. These differ with regards to governance arrangements, national politics, legal and policy frameworks, political leadership, and the local authority's general framing.

Cardiff is the capital city of Wales, a nation within the United Kingdom. Immigration policies are under UK Home Office responsibility and have seen a progressive hardening of provisions restricting access to services and welfare support. Many precarious migrants are subject to a 'no recourse to public funds' (NRPF) rule, preventing access to some but not all services and welfare benefits, which can lead to destitution. Wales takes a more inclusive approach, to the extent possible within UK law. It is a 'Nation of Sanctuary' with a strategy to improve outcomes for refugees and asylum seekers and some recognition of the need for inclusion of precarious migrants. For persons without entitlement, the local authority must conduct a human rights assessment and provide the service if exclusion would infringe the individual's rights under the European Convention on Human Rights. Cardiff has been a 'City of Sanctuary' since 2014 and frames itself as inclusive, with a commitment to community cohesion and to equality of opportunity for *all*; explicit references are restricted to asylum seekers, refugees and EU nationals, though. Some support services were extended to irregular migrants during the coronavirus pandemic.

Frankfurt is located within the German federal state of Hessen. Immigration and asylum policy is a federal competence in Germany. Since the 1990s, in addition to some liberalisation (e.g., right to stay regulations), there have been tightening measures. Numerous complex regulations govern restrictions and entitlements of migrants with precarious immigration status, including provisions that exempt unemployed EU

citizens who have been in Germany for less than five years from social welfare benefits. The exemption from welfare support effectively restricts the possibility of migrants with precarious status to access basic services such as homelessness shelters or shelters for victims of violence. The Hessian government does not take a more inclusive approach. Frankfurt, due to the principle of municipal autonomy, acts as a sub-state administrative authority in relation e.g. to social affairs and health care. Responsibility for decisions regarding residence are delegated to municipal immigration authorities that have to follow the national Residence Act. Frankfurt has an Office for Multicultural Affairs, attached to its Department for Integration, to ensure equal opportunities to participate in public life. It is committed to find solutions to mitigate social problems arising from irregular status, and to resolve irregular status where possible. There is however, no comprehensive approach towards addressing the needs of those with a precarious status. There are some strong examples of good practice especially in relation to healthcare, while for other services high access barriers remain.

Vienna is not only the capital of Austria but has the status of a federal province with the city council also fulfilling the function of a provincial government. Immigration and asylum laws have been tightened since the 1990s, aggravating further with a right-wing national government coalition from 2017 to 2019, which also reversed integration policies, while increasing integration requirements for individuals. The national authority processes asylum claims, while federal provinces are responsible for providing welfare, checking entitlements as well as processing applications and extensions of residential status for foreign residents, in accordance with national law (NAG). Besides asylum, employment is the primary path to acquiring nationally defined entitlements to health insurance and social benefits. This leads to significant constraints on what services can be provided by public bodies. There are differences in implementation practices at the federal level, with Vienna being more inclusive on certain aspects than the national government intends.³ Vienna has been a 'Human Rights City' since 2015 with an inclusive narrative. It offers a wide variety of integrational programmes for newcomers. However, the municipality has no strategy when it comes to irregular migrants. Those with a precarious status are excluded from most public services and benefits aimed at ensuring basic social security. Some social services by the municipality such as counselling and homelessness shelters are accessible, however only temporarily.

The three cities differ in the extent to which they have explicitly recognised migrants with a precarious status among the residents to whom they have a responsibility, and in the approach that they take. Legal frameworks governing entitlements to services are complex and contain exclusionary elements, but in each case also leave room for inclusive measures. In all three cities, there are positive examples of

² Although asylum seekers have a temporary immigration status, we did not include them in this study, because asylum seekers have access to basic social services in all of the three case study cities.

³ In Vienna rejected asylum seekers for example continue to receive basic benefits. Vienna has also not fully implemented a change in 2019 in the social benefits law and - in contrast to the proposed exclusion - still grants refugees with subsidiary protection status access to social welfare.

inclusive public policies and practices. All three municipalities do however, also rely heavily on NGOs to fill gaps in service provision to precarious migrants, give legal advice and signpost them to available services.

Health

Although Austria, Germany and the UK have ratified various international agreements that provide for a right to health care regardless of residence status, precarious migrants face various problems in accessing the regular health systems.

To understand the rationales of access to health care, it is first of all important to contextualise the three health systems. Within the Austrian and German insurance based systems the access to statutory health insurance is closely connected either to regular employment or entitlement to social assistance, from which most migrants with precarious status are excluded. Nevertheless, migrants are entitled to emergency care, maternity care as well as to some degree of primary and secondary care – but they may be privately charged for this. While options for reimbursement exist these are bound to some practical barriers, as we will describe below. In the UK, most of the tax-financed services by the National Health Service (NHS) are free to people who are “ordinarily resident in the UK”. Persons considered as “overseas visitors” may be charged for treatment. Exceptions hold for emergency cases. Migrants with irregular status are likely to be treated as overseas visitors.⁴

To counteract exclusion from health services, different measures have been taken at the local level. Frankfurt is the only municipality in our sample in which health services are directly offered by the local authority. To enable access to basic health care services for persons without health insurance regardless of their immigration status, the Local Health Authority in Frankfurt offers so-called humanitarian consultation hours together with the NGO Maisha (which successfully advocated for such a service in 2001). Furthermore, several NGOs (among which only one receives partial funding from the local authority) offer central health services to this group in close cooperation with each other as well as with the Local Health Authority. Since 2021, the latter furthermore runs a “Clearing House” that provides advice and support to people to obtain long-term health insurance coverage and thus access to the regular healthcare system.

In Vienna, the local authority itself does not provide any services; here, NGOs have taken over responsibility for providing health care to uninsured people in order to counteract their exclusion. These services receive partial funding from the municipality from the budget of the homeless assistance as well as from the Austrian Health Insurance Fund. Most of the work is done through donations and the work of volunteers.

In Cardiff, NHS Wales runs an integrative health service (called CAVHIS) for migrants with precarious status. This includes free health screening and midwifery services. CAVHIS also supports access to the general NHS. Nevertheless, NGOs, some of which receive partial funding by the Welsh government, also play

an important role in Cardiff in overcoming barriers in the NHS system and minimising risks. For example, NGOs were reported to support pregnant migrants and keep them away from local authorities (and the Home Office) until they are 34 weeks pregnant and therefore not deportable.

Notwithstanding official entitlements and some inclusive responses, several barriers remain that prevent migrants with precarious immigration status from accessing (adequate) health care services. The first deterrent is a lack of information about rights and entitlements. Even in medical emergencies, precarious migrants may avoid hospitals, as they are uncertain of whether they will be treated. Potentially negative consequences are another major barrier. Migrants with precarious status frequently hesitate to seek health care because they fear that their data will be passed on to immigration authorities or the police, and may eventually lead to detention or deportation. In all three countries, there are no effective firewall regulations in place to ensure that existing entitlements to health care can effectively be used without risk (or respective regulations are jeopardised by competing legislation). In addition, access to health care is restricted by the real and perceived costs of treatments. These dissuade migrants from accessing services and – in the case of Germany and Austria – health service providers from providing services. In Frankfurt, hospitals are sometimes left with the cost of emergency treatment if patients are not able to pay and local authorities reject applications for the reimbursement of costs. In the UK, certain unpaid NHS debts are discretionary grounds for the Home Office to refuse immigration applications. Furthermore, in all three cities insufficient and insecure funding poses a major challenge for NGOs offering or providing access to health services. All in all, this leads to limited access to health care for precarious migrants in all three cities including with regards to pre- and postnatal care.

Housing and Accommodation

The three cities have different responsibilities regarding the provision of housing and accommodation for their population in general and for precarious migrants in particular. Migrants with a precarious status are largely excluded by national law from social housing as well as from most of the homelessness services. However, in all three cities there are some accommodation or housing options available to migrants without entitlements. In Frankfurt, anyone – irrespective of status – can stay in emergency shelters for a maximum of 10 days. In Vienna, so-called “opportunity houses” (Chancenhäuser) have been established to provide low-threshold accommodation for people in need for a maximum of three months. In winter, Vienna and Frankfurt offer low threshold emergency shelters, which are open to all, regardless of status. However, the quality of these shelters, especially in Frankfurt, have been criticised by local stakeholders. In Cardiff, the municipality does not have any specific programme that runs in winter, but it can provide emergency accommodation to precarious migrants under specific circumstances. Although these short term housing options are in principle open to everyone, there are informal barriers for migrants with precarious status due to fear of

deportation, loss of freedom of movement, or having children taken into care.

In all three cities, the municipalities rely on NGOs which take care of providing accommodation and housing to precarious migrants. These NGOs often also advocate for more holistic and long-term solutions and offer a variety of different shelters and accommodation, sensitive to the needs of diverse target groups. Where public funds are not available, they fill gaps best as possible through donation-based services and volunteering. In all three cities, NGOs highlight that local authorities could do more and see room for manoeuvre and more inclusive practices. They ascribe the reluctance to a lack of political will and insufficient funding. In Frankfurt, a sign of reluctance is the social welfare office's practice of offering EU citizens tickets to their country of origin and to no longer consider them "involuntarily homeless" if they refuse.

During the Covid-19-Pandemic all three local authorities opened up emergency shelters or accommodation options to everyone in need, regardless of their legal status and often expanded night shelters to be open 24 hours, and winter shelters to open all year round. The positive outcome this had is widely recognized. There are calls to the municipalities to take responsibility for all people living in their city and to keep services open to improve the situation of migrants with precarious status facing homelessness in the long term. This could be achieved in all three cities through more lump-sum funded places that are available long term and combined with counselling. In Cardiff stakeholders point towards a way forward by increasing collaboration between the local authority and NGOs, but also with other non-governmental actors, such as private landlords, to find housing options for migrants with precarious status.

However, a lack of firewalls to limit the transfer of personal data in housing support and emergency shelters makes it difficult for people who fear detection or deportation to access these services in all three cities. This leaves them highly dependent on the private housing market. Stakeholders in all cities highlighted that most of the migrants with precarious immigration status live in crowded, substandard housing and are vulnerable to discriminatory behaviour as well as exploitation.

Accommodation and Shelters for Women and Protection against Violence

Women are at greater risk of becoming victims of violence, abuse, exploitation or trafficking and have been found to be particularly vulnerable when faced with homelessness. They try to avoid street homelessness for as long as possible and tend to seek accommodation through informal networks, stay with partners, friends or in an accommodation tied to (often informal) employment. Consequently, women are more difficult to reach for public support services. Precarious transgender and intersex persons face similar gendered vulnerabilities. There is a lack of places in women's shelters for precarious migrant victims of domestic violence as well as a lack of follow up options. These should also be tied to counselling to develop prospects for regularisation and housing possibilities.

Low-threshold housing options are indispensable for the prevention of violence and exploitation. However, there are only a few of these for women – and even fewer for women with children. Women in need of protection need housing and shelter where they can seek safety and support, before they become victims of violence or exploitation. These are especially important, as women with children have been found to be reluctant to seek help, as they may fear their children will be separated from them. In Vienna, there is a good-practice example by an NGO providing housing and counselling to single mothers with precarious status and their children. The necessity of a holistic, long-term, cross-disciplinary and departmental approach is necessary in all three cities to combat homelessness, but also exploitation and abuse of migrants with precarious status. In Frankfurt, a cross-departmental approach is currently established in order to implement the Istanbul Convention.

Education

Overall, there is a mixed picture with regard to access to education for precarious migrants in Cardiff, Frankfurt and Vienna. While in the field of primary education, there is comparatively good access for children with a precarious immigration status, barriers exist especially around access to places in day-care centres and to further education.

In Austria, Germany and Wales primary education is compulsory and free of charge for all children over the age of 5, until they are 15 (Frankfurt and Vienna) or 16 (Cardiff) years old. This implicitly includes children with a precarious immigration status. In recent years, access barriers in this field have been reduced due to reforms at the national, state and federal level. In Wales, education is a devolved responsibility. The Welsh Social Services and Well-being Act from 2014 foresees that the local authority has a duty to safeguard children; and guidance on its implementation states that migrant children should be regarded as *children first and migrant second*. In Germany, too, education is a devolved responsibility, whereas Residence Law is under Federal competence. In 2009, the state of Hessen included a provision in its School Act that schools should not report children with irregular immigration status to immigration authorities. Two years later, schools and other educational institutions were exempted from the duty to report through a legislative change in Residence Law at the federal level in 2011. In 2017, the Austrian Federal Ministry of Education explicitly stated in a circular letter to educational and counselling institutions that the right to education must also apply to children with unclear residence status. Despite some described problems like teachers and school administrations lacking sensibility and knowledge of the situation of precarious children, access to primary schools for children with precarious status is rather unproblematic.

More problems were reported with regards to access to pre-schooling. Before the age of 5, securing access to kindergarten or day-care is complicated in Frankfurt, especially due to a general shortage of places. Furthermore, in Vienna and Frankfurt, the cost of meals was described to be prohibitive for destitute families and applications to have these fees waived are complicated or bound to entitlements to social benefits.

In Cardiff, such problems were not reported. This is partially due to the 2010 Welsh Flying Start program, which offers part time childcare for all children under the age of 4 regardless of immigration status, as well as health and language support services.

A major challenge shared in all three cities is the access to further education for migrants with precarious status, when compulsory education ends. One interviewee in Frankfurt described difficulties in continuing to go to school after having graduated. Instead of doing an apprenticeship, she had to start working as a cleaner, in order not to lose her right to freedom of movement. Furthermore, in Austria and Germany, migrants whose legal status excludes them from the labour market are not only ineligible for apprenticeship or vocational programs, but also lack information and financial support. Overall, local authority staff in Cardiff reported that young adults were a group that was particularly vulnerable and difficult to support because pre-existing entitlements from the child and youth support system dry up when they reach the age of majority. Still, there were some cases in which rejected asylum seekers have benefited from discretionary funds to attend university.

Legal Services

Migrants are affected by multiple, complex and continuously evolving areas of law including immigration law, social law, and alien's law. This makes it hard for them as well as for NGO and local authority staff to understand and stay up to date on rights and entitlements. In all three cities, legal assistance is central to address the underlying problem of the migrants' precarious legal status and to ensure that rights and benefits become accessible. Legal expertise is also important for local authorities, who may be able to address issues such as homelessness by enabling access to benefits through social law claims or adjustments of status.

Legal advice is organised very differently in the three cities, partially due to national jurisdiction. In the UK, the provision of immigration advice is regulated and certified by the Office of the Immigration Services Commissioner and it is an offence to provide unregulated advice. Legal aid reforms that discourage lawyers from taking cases relevant to precarious migrants, as well as a general shortage of lawyers, have led to Wales being described as a 'legal advice desert' and in desperate need of more legal assistance. In Germany, in contrast, non-lawyers are allowed to provide free legal services, if a legally qualified person guides the advising persons. A range of different actors, mainly from NGOs, provides legal counselling. This is financed through public funds as well as private donations. In Austria, the provision of legal advice is not regulated. The right-wing government coalition from 2017 to 2019 however, introduced a new state agency that provides legal assistance for asylum seekers, leaving the NGOs who previously had this mandate without funding. Non-governmental legal assistance is provided by a strained voluntary sector, mostly funded through donations and partially working with volunteer staff.

Despite the central importance of legal advice, we found a lack of legal capacity across the cities. This is due principally to financing infrastructures, as legal and social assistance to precarious migrants is largely provided by NGOs, which are

often funded through donations and short-term funds. Due to this lack of resources, counsellors or lawyers sometimes refuse to advise migrants whose cases they do not consider promising enough. Migrants face many obstacles in seeking counselling and often have to ask for help several times from different agencies before they receive it. As a result, there is often a risk that deadlines for submitting applications will expire, and failure to do so will result in migrants losing their status.

In addition to immigration and residence laws, social and labour laws also affect the living situations of migrants. In Cardiff, there is little professional crossover between these areas – because the few lawyers certified in immigration law need to heavily specialise. In contrast, in Frankfurt and Vienna, cross-divisional legal counselling is often provided as a part of 'social counselling', and is sometimes offered by the same staff. Social workers trained in this particular field often provide these services. This allows problems to be addressed in a way that integrates multiple areas of law and social services. The local authority in Vienna and Frankfurt fund counselling centres for precarious EU-migrants, recognising the importance of legal assistance. Still, NGOs providing legal and social counselling in both cities face difficulties in long-term planning due to reliance on short-term and piecemeal funding.

Findings and Discussion

There are numerous examples of successful inclusive practices within each local authority. These include Frankfurt providing healthcare irrespective of legal status, Vienna funding "opportunity houses" that offer shelter and advice, and Cardiff providing school uniforms. At times, inclusive practices are provided through the individual discretion of staff members, rather than as departmental or municipal policy. Regarding accommodation, for example, in Frankfurt only migrants with precarious status who are classified as acutely endangered are granted housing in facilities for the homeless, Cardiff relies on assessments of humanitarian grounds, and Vienna relies on staff impressions of a candidate's future prospects. Assessments of needs, which are mainly based on the personal attitude of the evaluators, can produce uncertainty and be detrimental to universal service access. To be fully inclusive, municipal approaches need political will to design decisive policy, allocate budgets, and ensure the provision of services for its residents regardless of immigration status.

The key role of NGOs and their relationships to local authorities

In all cities, and irrespective of the forms of cooperation with local authorities, NGOs play a central role by providing or facilitating access to services as well as initiating the establishment of new services. Negative interactions with service providers, discrimination, unfamiliarity with local bureaucracy, language, and cultural differences, *inter alia*, can hamper migrants' access to services. Whether in Frankfurt, Vienna, or Cardiff, NGOs are noted for building trust with precarious migrants, supporting them in interacting with public authorities, and facilitating local government outreach. Examples of good practice in the cities include local authorities building NGO capacity; determining optimal divisions of responsibilities; ensuring open communication; setting clear remits and processes; and building formal pathways.

The relationships take different forms. All of the local authorities commission NGOs in what can be classified as close collaboration. Particularly in accommodation, local authorities at least partially fund NGO-managed housing stock or shelters. In this respect, NGOs reported at times struggling with high workloads, administrative requirements of city funding, or communicating openly with local authorities without jeopardising funding. More commonly, NGOs in the cities only collaborate loosely with local authorities, such as through information exchange and informal referrals; as in the human trafficking working group in Vienna, municipality-led working groups on EU citizens and irregular migrants in Frankfurt, and both *ad hoc* (NGO-led) forums and institutionalized meetings in Cardiff (the Wales Strategic Migration Partnership). NGOs in these loose collaborations struggle to secure long-term funding, which increases workloads and limits the forecasting required to establish sustainable solutions. In each city, there are also NGOs with no formal relationships with the local authority, such as Deserters' and Refugees' Counselling in Vienna. In Cardiff, some NGOs send pre (legal) action letters to the City Council to encourage it to revise decisions, especially regarding age assessments.

Frames and Services

In response to immigration, the three municipalities have adopted frames based on concepts of "sanctuary", "diversity", and "human rights". These frames had variable impact on local practices: In Frankfurt and Vienna, interviewees when explicitly asked only mentioned them, and sectoral and professional logic was seen as overriding these frames; while in Cardiff, the importance of sanctuary was frequently raised, and its backing by Welsh Government rhetoric and practice was seen as cementing this importance.

Implications of the COVID-19 Pandemic

The pandemic exacerbated the vulnerabilities of precarious migrants. In all three cities, the exclusion of precarious migrants was aggravated by a shift to online services and halting of immigration processing. At the same time, the pandemic increased awareness of the risks of excluding precarious migrants in both public health responses and essential services. The cities adopted measures including inclusive and free COVID-19 testing and vaccination, expanded accommodation provision, and the provision of IT kits for school children. These measures testify to the increased recognition of the benefits of inclusive policies. However, both NGOs and local authority staff in all cities expressed concern about the discontinuation of inclusive responses to the pandemic.

Ways forward

In the study, we identified challenges that were common across cities, as well as challenges that were unique to some cities and resolved, in part, by effective approaches of other cities. While these are based on Frankfurt, Vienna, and Cardiff, the learnings below can also inform approaches to including precarious migrants in the essential services of other municipalities. In addition, bearing in mind that local authorities operate within larger legislative contexts, municipalities could take stock of the most pressing limitations imposed by these contexts, and

explore means of addressing these through cross-municipal, regional, national, or EU approaches. The following ways forward address potential reforms at the local level.

Clarify entitlements and discretion

In all three cities, legal frameworks governing the entitlements of precarious migrants are complex and include laws on immigration, wellbeing, education, child protection, and accommodation. This leads to a lack of clarity on entitlements for all stakeholders and migrants. Furthermore, where individual discretion is applied, low visibility provision and unpredictability occur, failing to raise the issue within the local 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 staff working long hours to deliver above and beyond their designated responsibilities; and it is unsustainable when demand grows (as is likely in the growth of this section of the population). There is thus an urgent need for clarity on the already existing entitlements of different categories of migrants to different Council services. This would be achievable through a review of provisions, updated on a regular basis and available to service providers. There is equally a need for clarity on the extent of individual discretion to include precarious migrants, so that staff are clear both on what they should and can do in individual cases.

Increase capacities for legal assistance

Limited access to legal advice and representation is a factor leading to precarious status and prolonging it. Within the local authorities, there is a need for increased legal expertise on immigration law and social law and its applicability to public service provision. In Cardiff, there is a severe lack of legal capacity, but also in Vienna and Frankfurt more legal advice is desired. In all cities, NGOs are the key providers of legal assistance to precarious migrants falling outside of the asylum system. There is a need for increased capacity in all three cities. Local authorities have recognized the importance of legal advice. They could establish formal pathways for legal advice and aid in securing funding.

Reduce fear-based barriers

Precarious migrants sometimes fear that accessing services may lead to child separation, removal, or withdrawal of the right of free movement. Local authorities could make unequivocal statements when these fears are unsubstantiated, so that migrants and the NGOs supporting them can be confident in the security of accessing these services. There is an urgent need to review and to clarify the circumstances under which there is a statutory duty to alert the immigration authorities and the room for manoeuvre that councils have to consider additional measures to be taken. A review could be conducted of each service to see whether information on legal status is currently collected and remove that requirement if unnecessary. Where there is no statutory duty to inform the immigration authorities but data on status is needed, a 'firewall' can be put in place: informing staff that it is council policy that no transfer should be made (with exceptions in relation to non-immigration related criminal offences).

Strengthen professional interpretation

In all three cities, language barriers were perceived to limit service access. There is a need for professional interpretation, and particularly for female interpreters, and increased awareness of the importance of professional interpretation rather than informal interpretation (e.g. through family or friends). Additionally, there is a need for local actors to increase staff awareness of the challenges of precarious migrants.

Increase measures for women

Female precarious migrants face distinct vulnerabilities, including forms of sexual abuse, domestic control, trafficking, and female genital mutilation. There is a need to ensure care for pregnant women, including accounting for any charges for delivery as well as pre- and post-natal care. Furthermore, access to women's and emergency shelters should be ensured regardless of immigration status.

Expand collaboration and information flows within local authorities

Local authorities have limited staff time to provide services or explore cases thoroughly, leading to over-reliance on a small group of committed people. This is furthered by a lack of shared institutional knowledge on precarious migrants and their needs across local authorities in all cities. Cross-departmental meetings, as were held by Cardiff Council during the pandemic, can reduce fragmentation within the authorities. The lack of interdisciplinary teams that can adopt linked approaches to assess and support migrants in legal precarity was frequently mentioned, and could be addressed. Local authorities should explore methods of collecting and sharing

information between departments as far as is necessary and with strong data protections.

Strengthen cooperation between local authorities and NGOs

In all three cities, there is variation in networking between the local authority departments and civil society actors. Where informal cooperation has emerged, through staff initiatives and personal relationships, these could be institutionalised so that they endure throughout staff indisposition or turnover. In all three cities, there is inconsistency as to whether migrants reach the appropriate contact points or services. NGOs and local authority departments should communicate their service offerings so that they may be aware of each other's services, and there should be clear referral processes between actors. A lack of long term funding has been identified as making additional service provision in some fields, and any long term planning, very challenging.

Need for political vision and council-wide approach

In all three cities, we observed inclusive responses to exclusive national regulations on migration and social welfare. What all three cities lack, though, is an agreed, corporate approach towards this group. The cities need a vision for the inclusion of precarious migrants, as local residents, and a strategy to deliver that vision: allocating responsibility and with clear steps identified to achieve it. The narrative of the vision would fit well with the existing framings of the municipalities: Vienna as a Human Rights City that focuses on the rights of all its residents, Frankfurt as a Global City dedicated to inclusion and recognition of the diversity of its inhabitants, and Cardiff as a City of Sanctuary which also prioritises equality and inclusion.



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LOCAL RESPONSES TO PRECARIOUS MIGRANTS: FRAMES, STRATEGIES AND EVOLVING PRACTICES IN EUROPE (LOREMI)

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