

# SUMMARY: RESPONSES TO MIGRANTS WITH PRECARIOUS STATUS IN FRANKFURT: FRAMES, STRATEGIES AND EVOLVING PRACTICES

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## Introduction

Migrants, especially those with precarious status, face restrictions in accessing social services in many European countries (von Manteuffel 2018; Dinkelaker & Schwenken 2020; Riedner & Haj Ahmad 2020). Previous studies have found that the exclusion of parts of the population from social services can be a challenge for local authorities in European cities in achieving their political goals, for example related to homelessness, public health, crime prevention, combating domestic violence and child protection (Delvino & Spencer 2019). The international LoReMi project investigated, among other things, how local authorities in Frankfurt am Main provide access to municipal services for migrants who face de jure or de facto difficulties in accessing social benefits due to residence law or social welfare regulations, and how public and civil society organisations cooperate in the provision of services. It also examined the legal, political and practical challenges to providing services to this part of the local population. Special consideration in this regard was given to the situation of women. The main focus was on services in the areas of housing and accommodation, health care, education and protection against violence.

### Migrants with precarious status

The LoReMi study focuses on people who do not have a regular status or are at risk of losing their right to residence or the freedom of movement and who, due to their legal status, have no or severely limited access to most basic social benefits and rights or are at risk of losing them (Hombberger et al. 2022: 7). In Germany, this includes third-country nationals without regular residence status, EU citizens without entitlement to social benefits, third-country nationals with protection status in another EU state, and those with temporary residence permits that are linked to conditions they no longer fulfil or are at risk of losing.

Since the introduction of the "Act on the Regulation of Claims of Foreign Persons in Basic Security for Job Seekers" ("Gesetz zur Regelung von Ansprüche ausländischer Personen in der Grundsicherung für Arbeitssuchende") in 2016, the majority of EU citizens have been excluded from benefits under Book XII of the Social Welfare Code (SGB XII). The exclusion applies, among other things, to non-employed persons if their residence law results solely from seeking work. It ends after five years of

habitual residence on German territory if no loss of freedom of movement has been established during this time. In addition, migrants without a legal residence permit as well as third-country nationals with protection status in another EU member state are excluded from the respective benefits under the Social Welfare Code. In theory, they are entitled to social benefits under the AsylbLG until their obligation to leave the country expires, just like rejected asylum seekers. In practice, however, they are often unable to access even services like these. This is because most authorities, according to the so-called reporting obligation ("Übermittlungspflicht") of § 87 of the Residence Act (AufenthG), are obliged to notify the Foreigners Authority if – while performing their duties – they become aware of persons who do not possess a valid residence title. This obligation does not only apply to police and public authorities, but to social welfare offices as well. This means that people without a legal residence permit cannot claim even basic benefits without risking deportation. For EU citizens, receiving social benefits can lead to the withdrawal of their residence status, meaning that they too are often reluctant to apply for benefits.

## Amount and profile of migrants with precarious status in FFM

Estimates of the size of this population are complicated by the fluidity of the pathways leading into precariousness under residence and social welfare law, and that the relevant transitions are not recorded in official statistics. In the case of EU citizens without German citizenship, whose number in Frankfurt has been estimated at around 155,000 for 2020 (Stadt Frankfurt am Main 2022c: 2), the statistics do not show how many of these people have been in Germany for less than 5 years, are looking for work, and are thus excluded from benefits under social law. Estimates for 2004/2005 range from 25,000 to 50,000 persons without regular residence status in Frankfurt am Main (Krieger et al. 2006: 71–72). Based on this estimate and the increased numbers of EU citizens in the last decade, we assume that people with a precarious status make up a relevant proportion of the city's population. In several interviews with employees of institutions that offer services for this group or more generally for people in precarious living situations, it became clear that they consider the inclusion of this group into the urban society to be feasible – provided that better financial and personnel resources are available.

Based on the interviews and reports of these institutions, it can also be concluded their clientele is a heterogeneous group. They are diverse in terms of professional background, current occupations and length of stay in Frankfurt. The group is also mixed in terms of age, gender and country of origin. Overall, the interviews with migrants themselves showed clearly that they are exposed to a wide range of different precarious living situations and problem areas. The reason that many of them stay in Frankfurt in spite of the poor conditions is often due to the fact that, among other things and for the time being, they have little hope for a better future elsewhere.

## Findings on the municipal approach to migrants with precarious status

While some of the services aimed at migrants (with precarious status) or people in need of assistance, regardless of their residence status and/or entitlement to social benefits, are explicitly offered by municipal institutions in Frankfurt, the majority of support services are provided by non-municipal institutions. Some of the facilities receive financial support for their services from the City of Frankfurt or from other public bodies (European, federal, state ("Land")), while others are financed by the providers' own funds and private donations. Numerous interviews indicated that there was a lack of sufficient and, above all, permanent resources to be able to deal with all enquiries and to sustainably improve the situation of those affected. Especially for legal and social counselling as well as language mediation, there is a need for more and longer-term funding. Beyond these cross-sectoral findings, the different areas showed a mixed picture. So far, there is no consistent municipal approach to this group of people.

## Health

The strongest approaches to an inclusive urban response so far are in the area of health care. The humanitarian consultation hours offered by the Local Health Authority in cooperation with Maisha since 2001 play a central role here. Another building block is the clearing house, which is still being set up. The municipal offer of basic medical care is internationally

regarded as a best-practice mode (see Delvino & Spencer 2019: 51) The Local Health Authority considers the provision of health care to people without health insurance as a task for the public health service. Other offices such as the Youth and Social Welfare Office support these efforts by providing financial resources. However, the support infrastructure is not only based on municipal services. For the provision of health care to people without health insurance, regardless of their residence status and social welfare entitlements, additional services offered by non-governmental actors are crucial: these include the Elisabeth streetwork health centre ("Elisabeth-Straßenambulanz"), the Malteser Medicine for People without Health Insurance and the student polyclinic ("StuPoli"), as well as the informal networks with specialists and hospitals that have been built up and maintained over many years. These services are largely built on the dedicated work of volunteers and full-time staff and are only partially funded by the city. The well-functioning division of labour and close cooperation between the Local Health Authority and the aforementioned civil society organisations strengthens the municipality's capacity to improve access to health care for people without health insurance. Nevertheless, several problems remain (see below).

## Accommodation/ Housing

Much more exclusive responses are revealed with regards to housing and accommodation of homeless persons. The city only funds short-term emergency accommodation for people without entitlements under the Social Welfare Code. In addition, there are low-threshold offers in winter for all persons who acutely need a place to sleep. These two forms of short-term accommodation are provided under public order law, which obliges municipalities to avert acute risks such as homelessness by providing accommodation to involuntarily homeless persons. The Youth and Social Welfare Office interprets this obligation restrictively. For example, if a person refuses the offer of a ticket to the place of their last registered address, the office assumes that the homelessness is not involuntary and that the municipality of Frankfurt is thus exempt from the obligation to provide accommodation. This interpretation is controversial (Ruder 2015; Riedner & Haj Ahmad 2020).

Medium- and long-term accommodation options are therefore denied to the majority of migrants with precarious status, as they are tied to the receipt of social benefits. The Corona pandemic saw, at least temporarily, the implementation of more inclusive measures, although some of these have been cancelled again. The coalition agreement of 2021 also provides for some inclusive measures, but their implementation is still pending.

## Education

The responses in the area of education include inclusive but also some exclusive elements. Since 2010, the city of Frankfurt has explicitly committed itself to providing access to regular schooling for all children, regardless of their residence status. The abolition of the reporting obligation for educational institutions in 2009 and 2011 has had a positive effect in this respect. The end of day-care fees is a significant inclusive measure in recent years. However, this measure alone is not sufficient to ensure access to kindergarten care for children with precarious status. Further significant obstacles arise from a lack of places overall as well as additional fees that have to

be paid. With regard to further education, there is a general lack of inclusive measures that would be necessary to enable persons with precarious status to overcome the existing high access barriers.

## Protection against violence

In the area of protection against violence, the city of Frankfurt am Main has been pursuing an increasingly inclusive approach in accordance with the Istanbul Convention at least since 2020. The creation of 37 women's shelters financed by the municipality on a lump sum basis, which is currently still being implemented with some delay, is an important step towards providing migrant women with precarious status with more effective access to protection against violence. The proposed switch to full lump-sum funding mentioned in the budget proposal of February 2020 is another sensible improvement that could contribute to an inclusive approach. This is because the main problem at the moment, apart from the lack of preventative accommodation, is still that there are too few lump sum funded places in women's shelters.

## Conclusion

The urban responses showed a mixed picture concerning the different areas. The strongest approaches to an inclusive urban response so far are in the area of health care, while responses related to housing for homeless people are much more exclusive. In both fields we can observe that the city administration plays a key role in access to social benefits. Overall, the study showed that the contribution of civil society organisations and activist groups, volunteers as well as private supporters is of crucial importance in overcoming the numerous challenges that migrants with precarious status are confronted with in the various areas in Frankfurt am Main. Good cooperation between municipal authorities and non-governmental actors is essential to improve the living conditions of Frankfurt's residents with precarious status.

The LoReMi project confirms the findings of earlier studies that precarious under residence law

and limited entitlements to social welfare benefits have serious impacts on the living conditions of third-country nationals and EU migrants who cannot prove economic independence. Interview partners working in the health sector reported that patients often only seek out the low-threshold services available when illnesses are far advanced. Interviewees working in legal aid and social counselling as well as migrants affected described that the latter sometimes remain for years in precarious, and at times exploitative, working and living conditions due to a lack of alternative accommodation. In addition, it became clear that exclusion is detrimental to the possibilities of violence prevention and effective protection after initial experiences of violence. These are just some of the remaining problems that are presented in the case study on the situation in Frankfurt am Main.

## Recommendations

The limitations arise on the one hand from explicit exclusions from regular social welfare entitlements. The municipality of Frankfurt could counteract this in part by pursuing a more extensive interpretation of public order law in the area of accommodation. On the other hand, implicit barriers impede access even to the kind of benefits to which people are entitled. First and foremost in this regard is the fear of being found out.

People affected fear that claiming certain benefits may lead to deportation, the loss of freedom of movement or that their children will be taken into care. Where such options for access already exist or are being created, they must always be explicitly communicated in order to dispel unnecessary fears and create clarity for migrants and the institutions that support them. In accordance with the city's integration and diversity concept, it should be identified and legally clarified which local measures can be taken to ensure that social services, which are to be provided regardless of status to meet basic social needs, can be accessed at low thresholds. This also means not only considering the individual social services separately, but that the interconnections between access to housing, health care, education and protection against violence should be into account. Key actors in all these areas must be involved. This requires an approach encompassing all offices and departments, as it is currently developed with respect to the implementation of the Istanbul Convention.

The study shows various concrete options on how to improve the situation in the individual areas:

- Better and permanent funding of existing counselling services
- Funding for interpretation services and multilingual offers by public authorities
- Information services on rights that apply irrespective of residence status, both for those affected and for NGO and administrative staff
- Establish better communication structures between counselling centres, institutions and municipal offices
- Adequate and sustainable funding for health services for people in precarious situations
- Consolidation and expansion of the staffing and funding of the clearing house
- Regulation for emergency treatments between hospitals and the youth and social welfare office
- Introduction of a treatment fund at municipal (or state) level
- Abolition of the reporting obligation § 87 AufenthG in the health care sector
- Expansion of day-care places and non-bureaucratic exemption from fees
- Better access to further education by decoupling freedom of movement from working status
- Expand medium- and long-term options for accommodation without entitlements
- Create adequate, medium-term accommodation to ensure recovery
- Expand emergency shelters for undocumented migrants
- More lump-sum funded emergency sleeping places
- Create dedicated facilities for this group (e.g. boarding house or house for Roma)
- More lump-sum funded places in women's shelters and lump-sum funded counselling
- Preventing violence through better access to facilities providing assistance to the homeless
- Create residency options for victims of violence

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# URBAN EUROPE

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