

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

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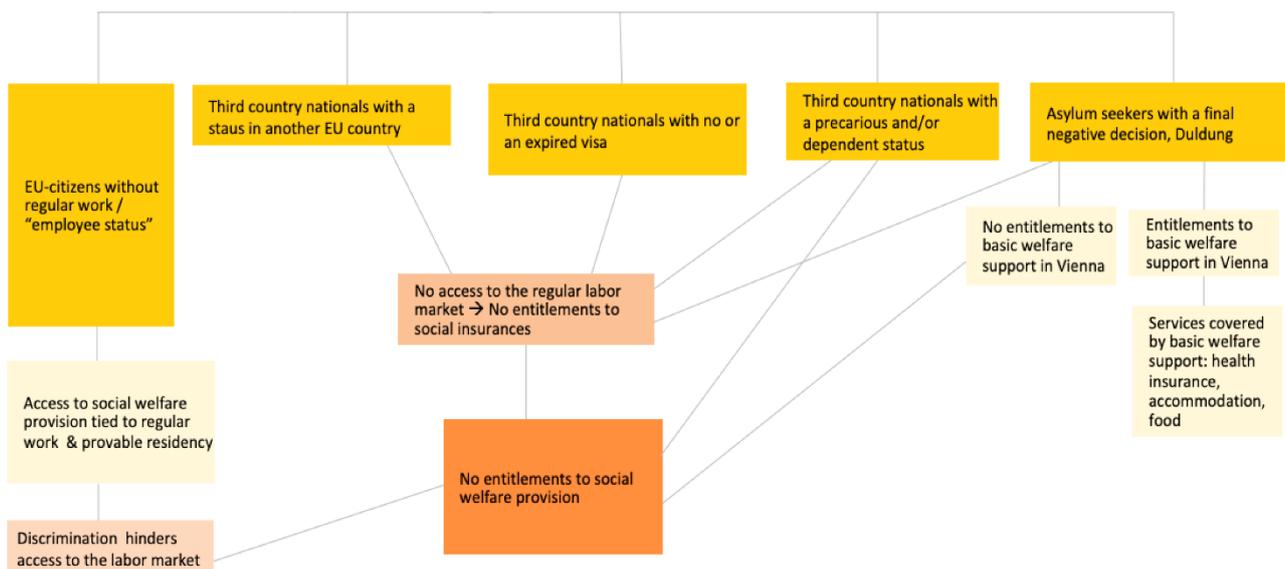
The exclusion of parts of the population from public services poses a challenge for European cities in achieving their policy goals, for example with regards to housing, health and education. In cooperation between city administrations and universities the international research project "Local Responses to Migrants with precarious Status" (LoReMi) examined the local support infrastructure for migrants with precarious status in Frankfurt am Main, Cardiff and Vienna. Special emphasis was placed on the situation of women and children. The main focus was on services in the areas of housing and accommodation, health care, education as well as legal advice and social counselling.

## Persons with precarious status in Austria

In the LoReMi research project, a migrant with precarious status is defined as a person who lacks regular immigration or resident status or, having a conditional or temporary status, is vulnerable to the loss of their legal status, and is therefore deprived of, or runs the risk of losing most basic social rights and access to services.

There are more than 30 different forms of residence permits in Austria, each coming with specific rights and exclusions, for example related to access to the labour market or entitlements to social benefits. Some of these titles are temporary, and numerous factors can lead to people having an insecure status or being denied a residence status. They are subject to very different legal regimes, depending on whether they are EU citizens or third-country nationals, as well as whether they came to Austria as asylum seekers or with a visa (Boztepe, Hammer, and Luger 2020, 41; UNDOK and AK Wien 2019). The following figure provides a schematic overview of the different forms of precarious status.

### Profile of migrants with precarious status in Vienna



## Vulnerabilities

The diversity of migrants with precarious status and their different subjective perspectives and living conditions makes generalised statements difficult. However, it is indubitable that insecure residency status creates difficulties and barriers to securing a livelihood and to social participation – and thus social exclusion. Due to their precarious status, migrants are confronted with numerous challenges, worries about the future and lack of prospects, leading to enormous psychological stress. Without access to regular work, they lead a life in poverty, in addition to experiencing discrimination and racism. As a result, migrants with precarious status often find it difficult to build trust and to make use of support services. Disappointments can easily result in turning away and remaining in precarious and sometimes exploitative conditions. Accordingly, of utmost importance is the support within their communities and intermediaries who convey information, translate and provide real-world, everyday orientation.

Women with precarious status often live and work privately and are therefore less visible, making them especially vulnerable to exploitation and violence. Without prospects of a regular residency status, it is difficult for them to access support services and to leave exploitative and violent conditions. Moreover, children are considered a particularly vulnerable group whose rights and welfare should be given greater weight vis-à-vis the right of residence; this applies to adolescents and young adults as well. Other groups particularly affected by an exclusion of benefits are elderly persons in need of care and persons with mental illnesses.

## Vienna, Human Rights City

Since 2015, Vienna is officially a "Human Rights City". The city has an inclusive discourse and is striving for progressive integration policies. With the slogan "Integration from Day One", it offers a wide range of German courses and multilingual information modules for newly arrived migrants and people in the asylum procedure (V17, V26, Menschenrechtsbüro der Stadt Wien 2021). As such, Vienna finances significantly more integration services than stipulated by the federal government, offering a considerable variety of support services, also compared to international standards. And yet, people with precarious status fall through social safety nets.

## Cooperation between the city and civil society

The majority of representatives from the municipality and CSOs interviewed for this research project refer positively to each other and appreciate their respective efforts to provide (more) inclusive services. While there often are good networking structures within the individual fields, this is not always the case between different sectors. Furthermore, information sharing and collaboration takes place informally and through personal relationships, with individuals committed and well-connected acting as both "door openers" and "gatekeepers". As a result, important information may not reach all the relevant actors.

All interview partners also pointed out gaps and shortcomings, especially with regards to groups who are considered particularly vulnerable and who, in their view, should have access to support services. This is particularly the case concerning children and young adults, but also for people affected by illness and/or in need of care, as well as for victims of violence

and exploitation. Exclusions related to the precarious status are largely attributed to national policy frameworks, laws, and discourses. Nonetheless, civil society actors point out that they do not see the political will necessary in certain areas at the municipal level, too, to address shortcomings, to improve the inclusiveness of services or to allocate more resources. This reveals differing, sometimes competing and not always coordinated department-specific approaches within Vienna's municipal administration – as is the case in other large cities (cf. LoReMi Conceptual Paper: Homberger et al. 2022, and DeGenova 2015; Ambrosini 2021).

## The support infrastructure in Vienna

The city is committed to supporting precarious migrants in various areas. For example, in the case of the new "Opportunity Houses" (Chancenhäuser) run by the Viennese Homelessness Assistance, which can be accessed at least temporarily regardless of status. Or with regards to the only partial implementation of the new Basic Act on Social Welfare (Sozialhilfe-Grundsatzgesetz) of 2019, where the city uses its discretionary power in order to ensure continued access to social welfare benefits to holders of subsidiary protection. These inclusive practices are not widely publicised and advertised by the city but can rather be understood as a form of "shadow politics" (Spencer 2014; Ataç et al. 2020). Nevertheless, migrants with precarious status are excluded from numerous support services aimed at ensuring basic livelihoods and remain dependent on donation funded or voluntary services, short-term projects and volunteer work. Care for precarious migrants is therefore highly dependent on dedicated and innovative NGOs and civil society initiatives, who create support services parallel to the regular system. Despite complex legal, social and economic problems, they offer an impressive variety of services which are briefly described below.

### Health care

In Vienna, NGOs have taken over the health care of uninsured people and operate health centres. These services are financed in part by the Vienna Social Fund (FSW), in part by the Austrian Health Insurance (ÖGK), and in part through donations. In addition, cooperation partners such as doctors, laboratories or hospitals provide a large part of medical services pro bono. Nonetheless, there are some gaps in coverage, especially cases involving lengthy cost-intensive treatments, long-term care requirements, or clinical treatments, for example for children. Multilingual social work is crucial in the work of these health centres and are often successful in getting people insured and thus integrated into the regular health system.

### Accommodation

In Vienna, there are accommodation services for homeless people, such as the "Winterpaket" (winter emergency shelter) or in the new "Opportunity houses" (Chancenhäuser), which can be accessed regardless of status for limited time. Facilities such as women's shelters or shelters for trafficked persons are also generally accessible regardless of one's status. However, these services are available for a limited time only, if there are no formal entitlements and no long-term perspectives. A few donation-based NGO projects provide long-term housing irrespective of status, especially for vulnerable persons, but cannot cover the entire need. Accordingly, it can be assumed that the majority of persons with precarious status will, in the

long run, seek accommodation privately. This often involves reports of overcrowded substandard housing.

### Education

In Austria, school attendance is compulsory for children between the ages of 6 and 15. This applies to children regardless of status. School attendance generally appears to be working well, although there are language and poverty related inequalities. Depending on their educational background, length of stay and residence status, it can become significantly more difficult for youths with precarious status to find suitable educational trainings after reaching the age of 15, as for many vocational trainings access to the labour market is required. For adults with precarious status, attending educational opportunities presents even more challenges. On the one hand, subsidised courses and trainings are usually linked to one's residence status and/or regular employment. On the other hand, many precarious migrants simply lack the time and financial resources to take advantage of educational opportunities.

### Legal Advice and Counselling

The extreme complexity of asylum law and law relating to aliens, but also of social law, poses enormous challenges for everyone involved. For migrants with precarious status, this means that they are dependent on professional support in asserting and enforcing claims under social or residence law. In Vienna, there is a wide range of open, low threshold social and legal counselling services, some of which are explicitly aimed at migrants. Most counselling services are provided by NGOs and civil society initiatives, partly on behalf of or with funding from the municipality, partly financed by donations.

The very diverse range of services in Vienna shows that the various stakeholders are aware of the need for professional, independent and reliable information and advice. The complexity of the system and the large number of offers can lead to situations where the people in contact with migrants with precarious status do not know about important services and are unable to refer them. Additionally, scarce resources can cause a lack of responsibility and accountability, resulting in people not reaching the right counselling structure for their concerns or not getting the support they need. Sectoral divisions and insufficient coordination between areas thus create barriers.

## Discussion

*"What [...] all these groups have in common [...] is the fact that they all go to work because they do not have access to social benefits. They're not entitled to social welfare, they're not entitled to unemployment benefits, and they all go to work and sometimes they work two, three different jobs to somehow make ends meet for themselves [...] and for their family and that's really quite impressive." (V6)*

### Importance of the labour market

It must be assumed that the majority of migrants with precarious status work undocumented. This may be due to a lack of access to the regular labour market, structural discrimination and racism that prevent them from gaining a foothold in the regular labour market, or the fact that employers do not register them. This in turn excludes them from asserting numerous social and residence rights and benefits. At the same time, regular employment is one of the most important factors

in avoiding the loss of a residence permit or obtaining a regular permanent status as well as entitlement to support benefits.

### Scope for action

In many cases, it is possible to avoid falling into or remaining in a precarious status, for example through targeted low-threshold and multilingual counselling services that provide information on labour rights and highlight pathways to a regular status. In addition, low-threshold labour market integration services could be a way out of status-based precariousness, especially for precarious EU citizens. Equally important are early measures in order to prevent the consolidation of homelessness or chronic illnesses. Civil society actors in particular are active in this field, developing new services and perspectives.

Some people would be entitled to insurance or social benefits, but they lack a necessary document or have a gap in their social insurance payments. Often this is not the fault of the persons concerned but of the employer; incorrect or false information can also cause problems. Civil society actors emphasise that people are entitled to the protection and assertion of their social and labour rights irrespective of their residence status, and that they should be strengthened and supported in this regard. Competent and professional support in asserting claims is necessary in these cases, as is a sympathetic and solution-oriented approach on the part of the authorities. In many cases there is room for discretion, which, in the spirit of Vienna as Human Rights City, could be used more favourably (cf. LoReMi Conceptual Paper: Homberger et al.; Landolt and Goldring 2015). Overall, there seems to be a need for more accountability and support offers from the authorities aimed at those who would be able to regularise or extend their residence status and gain access to insurance and social benefits.

### Protection of vulnerable persons

For people who are excluded from the labour market because of their status, but also due to illness or age, a way out of precariousness is often almost impossible. The precarious status increases the risk of falling into and remaining in conditions of dependency, as well as becoming victims of labour exploitation or human trafficking. In the absence of prospects or knowledge of possible opportunities for regularisation, remaining in precarious and exploitative working and housing conditions may seem to be without alternative. In addition, the possibility of being reported to the authorities is a major obstacle to looking for and making use of protection and support services. While many civil society support services, such as counselling or health care, can be used anonymously, this is not the case when it comes to claiming rights. Therefore, on the one hand, there is a need for effective protection mechanisms in the enforcement of rights (so-called "firewalls"), and on the other hand more effective means of regularising victims of exploitation, violence and human trafficking.

In particular for vulnerable groups, the development of prospects towards a regular residence status is extremely important. However, they often have to rely on civil society support offers and have few opportunities to access support within the regular social system. For example precarious elderly people who reside in Vienna, but can no longer enter the labour market, have no access to the municipal care system and remain without care. Here, civil society actors call for greater accessibility to the municipal social system, especially for children, young adults, elderly people and other vulnerable persons.

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