

# Urban Europe

*Fifty Tales of the City*

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AUP

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### Further reading

Bonjour, Saskia et al. 2015. *Open grenzen, nieuwe uitdagingen. Arbeidsmigratie uit Midden- en Oost Europa*. Amsterdam: Amsterdam University Press.

Gijsberts, Mérove & Marcel Lubbers. 2015. *Langer in Nederland. Ontwikkelingen in de leefsituatie van migranten uit Polen en Bulgarije in de eerste jaren na migratie*. The Hague: Sociaal en Cultureel Planbureau.

## 6. Undocumented immigrants

Between exclusion and inclusion

*Blanca Garcés-Mascareñas and Sébastien Chauvin*

Irregular immigration rates high on Europe's political agenda. Southern and Eastern European countries have intensified controls at the external European borders. This means higher and more sophisticated fences, more border patrols and more detentions and repatriations at the border. Border control has also been intensified at European seaports and airports. In this case more border control implies distinguishing tourists from potential immigrants before departure, making airlines and travel agencies responsible for checking passengers' identities, and identifying foreigners by new technological means and a European network of immigration databases. The awareness that borders alone do not halt irregular migration has led to increased internal controls too. This includes more surveillance by the police, the increasing incarceration and deportation of irregular immigrants and their gradual exclusion from the labour and housing markets as well as from public services. Exclusion is meant to frustrate the living to such a degree that irregular immigrants who could not be stopped at the border or detained and deported afterwards will be forced to leave anyway.

Despite the serious securitisation of Europe's borders, there are approximately 2-4 million irregular migrants in Europe. They may be detained and deported at any moment, they are not allowed to work, they may face serious difficulties to find housing and they may have restricted access to health care. At the same time most irregular immigrants do work, are entitled to some basic social services and may take part in a myriad of institutions such as schools, churches, ethnic community groups and political associations. More generally, undocumented migrants live, work, shop, walk and drive among the rest of the population.

The incorporation of irregular immigrants takes mostly place at the local level: it's precisely there where they merge and interact with the rest of the population; it's also there where the practices of street-level bureaucrats, the support of non-governmental organisations and the development and implementation of particular local policies counteract the exclusionary effects of immigration policies.

### The local incorporation of irregular immigrants

Research has shown that the local incorporation of irregular immigrants is often a consequence of the humanitarian and professional concerns of street-level bureaucrats, from school teachers and doctors to city council workers and local police. When immigration laws exclude irregular immigrants from accessing particular social services, professionals may adapt the rules. In a study of implementation practices in the Netherlands, Joanne van der Leun (2006) showed that the higher the level of professionalism, the higher the tendency to include irregular immigrants despite immigration laws. Conversely, the lower the level of professionalism, the greater the tendency to comply more rigorously with the law. In comparison with health care professionals and teachers, workers in the domains of social assistance and housing seem to display a much more legalistic attitude, thus accepting the exclusion of irregular immigrants. This seems to suggest that humanitarian concerns are only activated when professionalism is also present.

Social and migrant organisations are also key in the local incorporation of irregular immigrants. They often provide legal assistance, access to medical care and housing and language and vocational courses. This is particularly clear in Eastern and Southern European cities where NGOs and, in particular, Catholic organisations working in the field of social assistance started to accommodate newly arrived immigrants (many of them undocumented) much before the first local policies

were put in place. Most European cities also subsidise NGOs to provide those elementary services to undocumented immigrants when the city itself is not allowed to provide them. For instance, in the recent policy programme for 2014-18 the City of Amsterdam stated that it would make a budget reservation to fulfil their obligation to care for asylum seekers who receive a final negative decision, e.g. introducing a 'bed, bath and bread' arrangement. By financing these programmes, municipalities seek to give response to the need to 'assist' those residing in the city without opposing national laws directly and without bringing it to people's attention or giving rise to political concerns.

But the inclusion of irregular immigrants also results from explicit and formalised local policies. Sometimes these policies are in direct opposition to laws and programmes defined at the national level. In the Netherlands, when in February 2004 the Dutch Parliament accepted the Minister of Immigration and Integration's proposal to expel up to 26,000 rejected asylum seekers over the following three years, several big cities opposed this policy, pointing to their settlement and integration in Dutch society. In France in the mid-2000s, local city councils marked their opposition to the Sarkozy government's repression of undocumented immigrants by organising '*parrainages républicains*' in which an individual French citizen would become the official sponsor of an undocumented migrant from their local community.

Sometimes local policies are more inclusive than national policies but without necessarily opposing them directly. For instance, Barcelona turned the municipal census (called *el padrón*) into the basis of what was defined as *resident citizenship*. The basic idea is that any person registered in the city should be considered a legitimate citizen regardless of his/her legal status. In practice this means that registration in the municipal census, apart from giving right to health care and education (as stated in the law), also gives access to certain municipal services (such as use of public libraries, sports centres, schools and child-care

centres) and social benefits (such as grants funding food in public schools) and turn any foreigner into a target of integration policies. This is not without contradictions: for example, inclusion of undocumented immigrants in employment opportunity courses is difficult to reconcile with the fact that they do not have a work permit, which is the responsibility of the national government, and therefore cannot work legally.

### Why cities are more inclusive

Often in contrast to restrictive immigration policies and highly symbolic debates at the national level, local policies have been characterised by a rather bottom-up place-sensitive approach and a pragmatic logic of problem solving. Whereas this may lead to inclusion in some instances and exclusion in other, several scholars argue that local policies are more likely to provide immigrants with equitable opportunities, accommodate ethnic diversity and work with immigrant organisations, which in turn would facilitate a greater degree of immigrant political participation. In the case of irregular immigration, the inclusive character of local policies results not only from humanitarian concerns but also from placing other policy imperatives beforehand.

In the field of health care, the tension between the national and local levels is also palpable. While several national governments have gradually excluded irregular immigrants from health care services, local authorities tend to be more concerned with the implications that such exclusion could have in public health. This has led many European cities to introduce particular measures to cover irregular immigrants or 'uninsured people' in general. For instance, Düsseldorf and Frankfurt offer anonymous consultation hours to facilitate undocumented immigrants' use of their services. In contrast to other Dutch cities, Rotterdam facilitates the vaccination of children whose parents are not registered by accepting them on referral by midwives, general practitioners or schools.

Manon Pluymen (2008) argues that, in comparison to the national government, local authorities in the Netherlands tend to feel a higher need to provide a safety net for destitute migrants. This is justified by local authorities on the basis of three arguments. The first one is *humanitarian*: moral arguments on the inclusion of those residing in the municipality prevail over national regulations aimed at exclusion. The second argument is in terms of *public health, public order and safety*. In this case, imperatives to prevent the spread of particular diseases, overcrowded housing or urban decay may be of higher priority for local authorities than those related to immigration control. The third argument is *in response to national policies*: feeling burdened with the practical implications of the shortcomings of national migration policy, local authorities protest and try to persuade the government to reverse certain aspects of its migration policy.

Although local actions evoke a picture of protest, Pluymen argues that on closer consideration they show much resemblance and partial compliance to national rules. The reason is simple: municipal measures of inclusion have their limitations too. So as to curtail the number of destitute immigrants, whose numbers increase as national regulations become more exclusionary, municipalities have tended to limit their initiatives to particular target groups. Two main trends can be identified here. On the one hand, cities in countries such as the Netherlands, Belgium, Austria and Germany seem to give priority to (rejected) asylum seekers upon more general undocumented migrants. On the other hand, NGOs in countries such as Italy and Spain do not seem to discriminate between different groups of undocumented migrants: priority is given on the basis of individual vulnerability.

### Exclusion at the local level

Municipalities tend to be more concerned with knowing who resides in the city, incorporating any person into the health care

system or avoiding irregular housing. This has often led to a policy gap between national policies and their implementation locally, or to more direct clashes between formal policies at the national and local levels. However, it would be too simplistic to conclude that national policies exclude while local policies include. National law or national-level court decisions also aim at preventing the exclusion of minors from primary and secondary educational institutions and other provisions guarantee access to some form of health services, and in most European countries labour law protects all workers irrespectively of their legal status. At the same time exclusionary practices have also been identified at the local level. For instance, in Spain several local authorities have jeopardised migrants' legal access to health care and education by refusing registration of irregular immigrants in the municipal census. In Italy some municipalities have excluded foreigners (with a residence permit) from subsidised rent or public housing. Moreover, the growth of anti-immigrant political parties and their presence in numerous municipalities around Europe is increasingly counteracting the alleged inclusive character of local policies.

### The authors

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### Further reading

- Pluymen, Manon. 2008. *Niet toelaten betekent uitsluiten. Een rechtssociologisch onderzoek naar de rechtvaardiging en praktijk van uitsluiting van vreemdelingen van voorzieningen*. Nijmegen: Boom Juridische uitgevers.
- Van der Leun, Joanne. 2006. 'Excluding Illegal Migrants in The Netherlands: Between National Policies and Local Implementation', in: *West European Politics*, 29 (2): 310-326.