

Local Responses to Migrants with Precarious Status Frames, Strategies and Evolving Practices in Europe

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LoReMi

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Sozialwesen

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Abstract¹

This conceptual paper maps the field for an upcoming comparative research project on pathways of migrants with precarious status to local welfare services in three European cities: Cardiff, Frankfurt and Vienna. Recently, an increasing number of cities across Europe have developed strategies to include migrants with precarious status, often contrasting with restrictive national policies. They provide access to certain key services, such as education, healthcare, housing, safe reporting of crime or support in the protection of labour rights. While some municipalities actively promote their inclusive approach to all city residents under a variety of brands - ranging from human rights or inclusive cities to welcoming, solidarity or sanctuary cities - others are refraining from highlighting the services provided to precarious migrants or doing so at arms-length through civil society organisations (CSOs).

We anticipate that within municipalities, there rarely is one coherent strategy towards migrants with precarious status; rather, there are different approaches by different municipal service providers that may connect or disconnect with the overall city framing or branding. Our fieldwork will look at the barriers and the varying conflicting and coinciding interests of the many different actors involved in the provision of services to migrants with precarious status, ranging from migrants themselves, to CSOs, municipal administrations and policy makers in different sectors.

1. Introduction

In cities across the globe a wide variety of different local actors, from civil society organisations (CSOs) to grassroots activists, migrant communities, municipal governments and mayors have started to mobilise and introduce activities to improve the circumstances of newcomers in their cities, including migrants and refugees. As the demographics in cities become more diverse, municipal governments and civil society see themselves as in the forefront of a variety of issues not sufficiently recognised by national governments. Cities are the primary location where policies are implemented, services distributed, and diversity and inclusion critically negotiated (Oomen et al. 2018). Particularly since 2015, some (but not all)

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European cities have recognised the necessity to develop policies and practices addressing the specific needs of the rising numbers of refugees and migrants. As a reaction to the hostile environment that a growing number of national governments and some EU actors foster, many progressive city governments feel the urge to position themselves at a distance from such policies (Kaufmann 2019; Ambrosini and Boccagni 2015; Flamant 2020).

While being constrained to align with national policies, local authorities further deal with the growing presence and heightened vulnerabilities of migrants with precarious legal status, which is also mainly felt at the local level (Spencer and Triandafyllidou 2020). Many cities implement local policies and practices designed to ease the impact of restrictions on migrants with precarious status and tackle issues ranging from domestic violence to street homelessness (Delvino and Spencer 2019; Campomori and Ambrosini 2020; Potochnick et al. 2017). Public policy goals addressed by inclusive municipal approaches may range from health to security, to economic concerns, related for example to tourism or social sustainability in the city. The recent COVID-19 pandemic has illustrated distinctly how public health concerns and the containment of the virus have put issues around access to health care, testing and vaccinating, but also contact tracing of all city residents on the agenda of municipalities and other healthcare providers (Delvino and Mallet 2021).

This conceptual paper lays the ground for an upcoming fieldwork on municipal approaches to migrants with precarious status in three European cities: Cardiff, Frankfurt am Main and Vienna.² The research will look at the local strategies and frames that municipal actors deploy in order to legitimise the inclusion or exclusion of migrants with precarious status within their municipal services. A particular focus is on gender related challenges. The fieldwork aims at comprehending the legal, political and practical barriers to inclusion and rights protection for migrants with precarious status in these three cities. It will investigate the ways in which different service providers within these municipalities frame the reasons for their approaches and what actual measures and governance mechanisms there are in relation to this precarious group of residents. A focus lies, in

² The selection of cities is based on the commonalities they share. They are large cities with a long history of migration resulting in populations that are culturally, ethnically and religiously diverse. The cities differ, though, with regards to responsibilities for public services, rules to access services and frames for inclusion.

particular, on inclusive approaches to the provision of key services, such as housing, healthcare, and education and the facilitation of access through various forms of 'firewalls' that prevent the transfer of personal data on service users to immigration authorities; while also identifying barriers to inclusion where they exist. The research will thereby evaluate whether there is a connection or disconnect with the overall city framing of its mission and the services they do or do not provide. In order to do so, we will further look at how governmental and non-governmental bodies cooperate in this context, whether the voices of migrants, including women, are heard and what processes of cooperation and conflict emerge in these interactions.

This paper starts by providing a definition of 'migrants with precarious status' and argues for conceptualising their experiences within the precarity framework. Section 3 then situates these within the relevant national and EU regulations and elaborates on how municipalities act and position themselves in this regard through a vertical multi-level governance approach. Section 4 analyses inclusive policies and different pathways cities create to facilitate access to key services for migrants with precarious status, highlighting the significance of the broader use of firewalls in service provision, where municipalities are not required by law to transfer personal information on service users' immigration status. It provides an overview of the services that municipalities offer, focusing on health care, accommodation and education and ends with a brief explanation of exclusive municipal approaches. Section 5 looks at the variety of actors involved in the provision of services on different municipal scales, their coinciding or conflicting interests, as well as the moral registers and discretionary power that are used when assessing who is included or excluded from services. It further highlights the importance of civil society actors in facilitating pathways to services. Section 6 introduces the brandings and framings that municipalities use to advocate and legitimise their approach towards migrants with precarious status. It explains how cities have organised internationally and formed alliances with other cities in transnational city networks to strengthen their position vis-à-vis the national or federal governments and introduces different concepts and labels cities use to brand their overall inclusive approach towards migrants in general and migrants with precarious status in particular, as well as which framings are used to legitimate inclusion. The paper ends with a summary of the knowledge gaps and opens up the research questions that we aim to address in the upcoming fieldwork.

2. Migrants with precarious status

2.1 Definition

Categorising people, in our case those who are perceived as migrants, is a powerful and consequential undertaking (Hinger and Kirchhoff 2018; Raghuram 2021). For this research project, we propose the ‘precarity’ angle to draw attention to the impact that a particular legal status has on a person’s life circumstances. A ‘migrant with precarious status’, in our heuristic, is a person who lacks regular legal status or 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.

An important part of the group that we classify as migrants with precarious status are people who fall into the category of “irregular migrants”.³ We therefore draw on the wider literature on migrants with irregular status. A migrant with irregular status can be defined as “a person who, owing to unauthorised entry, breach of a condition of entry or the expiry of his or her visa, lacks legal status in a transit or host country” (Douglas et al. 2019). This definition thus covers for instance individuals who have taken up unauthorised employment or are rejected asylum seekers. Children born to parents with irregular status fall into this category as well.

Migrants with precarious status additionally include people who have a temporary legal status that grants them some access to social rights, but who are vulnerable to the loss of the status, if their application is denied, as with asylum seekers,⁴ or not prolonged, as with unaccompanied children who reach the age of majority (Triandafyllidou and Bartolini 2020). Simultaneously, migrants whose residential status is tied to employment or migrants who came via their spouse and due to separation or divorce, lose their right to stay, fall into the category of migrants with precarious status. The latter is particularly often the case for women (PICUM 2012). Furthermore, it includes temporary migrants who may have entered the

³ In literature we find a variety of terms, ranging from ‘irregular’, ‘unauthorized’, ‘undocumented’ to ‘illegal’ migrants. While the first terms have sometimes been used interchangeably in academia, the latter term has been mostly used in the media - and often derogatively (O’Doherty and Lecouteur 2007). Some scholars such as De Genova work with the term “illegality” but use quotation marks to denaturalise it (De Genova 2002).

⁴ Although we consider asylum seekers migrants with precarious status, we will not include them in our upcoming research, as in the three case studies, asylum seekers receive basic social services, such as health insurance and housing.

country on a tourist, student or temporary work visa, but breach the visas' conditions, by overstaying, by ending their course of study or losing their employment. In certain countries migrants who cannot be removed might receive a temporary status, such as the "Duldung" in Germany, which though remains highly precarious (Kirchhoff and Lorenz 2018). Similarly, third country nationals who have a residential status in another EU-member state than the one in which they reside may face destitution as they have no entitlements to welfare services or access to the regular labour market in the country they live in (Lafleur and Mescoli 2018). Others who fall within this category may be completely below the radar and have never registered with the state they reside in at all, either because they entered undetected, or with forged documents or assuming a false identity (Triandafyllidou 2010; Triandafyllidou and Bartolini 2020). Another group with precarious status are migrants with EU-citizenship who reside in another EU country or in the UK and are unable to demonstrate economic self-sufficiency. They may therefore have no entitlements to welfare support and receive removal orders (Lafleur and Mescoli 2018).

Table 1: Categorization of migrants with precarious status (Source: authors compilation)

Migrants with precarious status	Routes into precarity	Work permitted	Vulnerable to expulsion/deportation	Access to services (health care, housing, education)?	Pathways to regularisation
Rejected asylum seekers	Rejection of asylum claim	Mostly no, though there are some exceptions in some national contexts	Mostly yes. In cases where deportation is not possible, depending on national context a residency status may be provided	Depending on national and local context. Children mostly are granted access to education	Depending on national context, different residency status based on 'deservingness': economic self-sufficiency, integration or vulnerability
Third country nationals with a status in another EU country or UK	poverty; loss of employment; restrictive policies towards the status they hold	Mostly no, though dependent on national context	Yes	No	Very difficult, depending on the national context
EU-Citizens, who cannot demonstrate economic self-sufficiency	poverty; loss of employment;	Yes	Yes	Usually no, though some local authorities provide emergency support	Demonstration of economic self-sufficiency
Without legal status	undetected entry; entry with false document/ by assuming a false identity loss of status due to separation from spouse (for migrants, whose visa is tied to their spouse); being born as a child of undocumented parents	No - possible, when working under a false identity	Mostly yes. Unaccompanied children are protected from deportation until they reach majority.	Usually no, except emergency healthcare, though some local authorities provide different levels of access Children mostly are granted access to education	Depending on national context, different residency status based on 'deservingness': economic self-sufficiency, integration or vulnerability
Temporary migrants	students, whose course ends; temporary or seasonal workers (e.g. in agriculture, construction, tourism, and in the care sector), Aupairs	Most often limited; Tied to certain employment / work contract	Yes, unless they can access another resident status	Depending on national regulation, work contract or study conditions	Different residential status, based on new employment contract or economic self-sufficiency

2.2 Conceptualising precarious status

As the previous section highlighted, the distinction between a legal status and the lack thereof is far from straightforward. Introducing the concept of precarity aims at highlighting the implications of these various forms of in-between status. Triandafyllidou and Bartolini (2020) conceptualise irregular migration status as “a continuum of grey areas or of degrees and types of irregularity, rather than a clear black and white distinction” (Triandafyllidou and Bartolini 2020:13). Indeed, in practice, there are many paths that may lead to irregularity and migrants may go in and out of irregular status (Düvell 2011). The diversification of the various policy regimes and the subsequent complexification of the legal status render the strict dichotomy between regular and irregular migrants problematic (Chauvin and Garcés-Masareñas 2014). Scholars have used a variety of concepts to capture this fluid range of in-between status (Schweitzer 2017). Cecilia Menjívar (2006) coined the term ‘liminal legality’, defined as the in-between existence of moving in and out of protective states of administrative grace, to describe the corrosive effects of having temporary legal status (Menjívar 2006). Kubal uses the concept of semi-legality to describe a “multidimensional space where migrants’ formal relationships with the state interact with their various forms of agency towards the law” (Kubal 2013:566). Just as citizenship is a legal construct employed to delineate the group of persons who possess a specified link with the state (Lardy 1997), precarious status can also be conceived as a “juridical status that entails a social relation to the state” (De Genova 2002:422).

Conceptualising legal status or the lack thereof within the precarity framework enables us to move further beyond the regular/irregular dichotomy. It additionally allows us to grasp the insecurity of livelihoods that always accompany a precarious status. Since the 1990’s precarity has advanced to an important framework within academic thought on social inequalities (Armano et al. 2017; Schierup et al. 2015; Motakef 2015). Scholars such as Butler (2004) have understood precarity as the very essence of life for the majority of the population in the global south, as well as for the vast majority of transnational migrants. The concept is heavily interlinked with postcolonial structures and racialization, understanding precariousness not just in the context of labour, but of life as such. Migrant livelihoods are often considered precarious per se, as migration comes with a loss of home and citizenship, placing migrants in situations where they are vulnerable and at risk of exploitation, segmentation and discrimination.

The conceptualisation of precariousness has significantly contributed to understanding the expansion of insecure work and livelihoods in a globalised world and in neoliberal markets. It “was coined to capture the emergence of a new global norm of contingent employment, social risk and fragmented life situations without security, protection, and predictability” (Schierup et al. 2015:2). With the advancement of neoliberal capitalism transnational migrants form a flexible global workforce, kept in place through border practices, security measures, criminalisation and illegalisation, with only limited (if any) access to labour and human rights (Goldring et al. 2009). The connection between precarious labour and migrant “illegality” as an institutionalisation of precarious livelihoods in a globalised market place has since been scrutinised by numerous scholars (see e.g. Armano et al. 2017; Schierup et al. 2015; Paret and Gleeson 2016; Bernardis 2018; Trimikliniotis et al. 2016). Restrictive policies ‘generate’ not only irregular status, but also irregular work (Triandafyllidou and Spencer 2020). Therefore, migrant “illegality” needs to be understood as a political institution tied into a wide variety of implications that need examination. At the same time, it is important to keep in mind that there is no singular interest within a nation state towards residents with precarious status, but a range of often conflicting concerns (Chauvin and Garcés-Mascareñas 2014).

2.3 Gendered dimensions of precarious status

In all of the above-mentioned categories, women experience particular and heightened vulnerability due to their positions within gendered hierarchies before, during and after migration (Jayaweera 2017; Kofman 2018). Women with precarious status often arrived in Europe with regular visas through work, family reunification schemes or sponsorships. Such a status may be highly dependent on employer, sponsor or spouse, which makes them particularly vulnerable to violence or exploitation. Women may not leave abusive relationships, in work or relationships if they fear the loss of their right to stay or destitution if they do so (PICUM 2012). Migrant women form the main work force in the care sector, many working without regular contracts. These women often come through a temporary work scheme that leaves them dependent on the goodwill of their employer, heightening the risk of exploitation (Schilliger and Schilling 2017). They can be reliant on offers of accommodation that are conditional on personal services provided (Price and Spencer 2015) or forced to accept poor living conditions (McIlwaine and Evans 2018). Additionally, the loss of their regular status lies mostly outside of their control (Goldring et al. 2009, PICUM 2012). While women face special vulnerabilities, they are often also the main

breadwinners and caretakers, navigating their family through the social welfare system in the arrival country. This paradoxically exposes them to greater risk of detection and deportation (PICUM 2012).

3. Migration policies in the EU between formal exclusion and formal inclusion

3.1 Restrictive migration policies at EU and national level

In recent decades, EU countries have granted selective access to migrants (Moffette 2018; Sohn and Buergenthal 1992). Highly-skilled workers are typically offered more legal opportunities to migrate, while lower-skilled workers are left with little choice but to migrate ‘illegally’ (Weiner 1996). In parallel, legislative trends have attempted to curb the movement of the latter type of migrants through more stringent policies on detention and return as well as increased international cooperation in detecting aspiring migrants at the borders (Castles 2004). To further deter migrants deemed as non-desirable, some EU countries have made irregular entry and or irregular stay a criminal (rather than administrative) offence. This trend of “crimmigration” (Menjivar et al 2018; Van der Woude et al. 2017; Garcia Hernandez 2017) - the intertwining of immigration and criminal law - rapidly developed in the 2000s.⁵ Some countries for example impose penalties on landlords renting to migrants with irregular status (Delvino and Spencer 2019:39-40). Due to the limited deterrent effect of these policies (Anderson 2016), national governments furthermore enacted restrictive policies towards migrants with precarious status that dramatically reduce their access to basic welfare services at the local level, attempting to drive them to return to their home countries⁶ (Ataç 2019; Freeman 1994; Vollmer 2011; Schweitzer 2017; Glennerster and Hodson 2020; De Verteuil 2015).

Migration scholars have highlighted that instead of stopping migrants from entering or encouraging them to either return or move onwards, these policies result “in the production of a legally vulnerable, irregular workforce of ‘illegal aliens’” (De Genova 2006:61). De Genova therefore speaks of

⁵ Currently, only three EU countries do not use criminal sanctions (or administrative sanctions replicating criminal punishment) against irregular entrants (Malta, Portugal and Spain) or overstayers (France, Malta and Portugal) (Delvino 2020; FRA 2014).

⁶ In the United Kingdom, for example, the government vowed to “give illegal migrants a really hostile reception” (May 2012) and scholars have confirmed a trend in this direction (Schweitzer 2017; Glennerster and Hodson 2020; De Verteuil 2015).

“inclusion through exclusion” which is “accomplished only insofar as their incorporation is persistently beleaguered with exclusionary campaigns that ensure that this inclusion is itself a form of subjugation” (De Genova 2013:1184). As a case in point, the current COVID-19 pandemic has stressed the profound problems arising from the fact that migrants with precarious status are marginalised even though their labour power is central to many sectors of production and reproduction in Europe (Benson 2021; Guadagno 2020; Tagliacozzo et al. 2020).

3.2 Counter-trend: Formal inclusion of migrants with precarious status

While restrictive policies vis-a-vis migrants with precarious status are the norm, there are some instances when they are permitted a level of access to welfare services by national law (Spencer 2016; Chauvin and Garcés-Mascreñas 2012). This is not limited to, but particularly evident in relation to access to healthcare and education, on which there have been recent extensions of access.⁷ These provisions on the national level are introduced in part to acknowledge obligations resulting from international human rights law or EU Directives but also policy imperatives such as protection of public health.

Spencer and Hughes (2015 a, b) mapped healthcare and education entitlements across the (then) EU28. With regards to education Spencer and Hughes underline that in the majority of EU countries children with precarious status enjoy an explicit or at least implicit right to education, with only five countries⁸ explicitly denying this right to children. In contrast, they found a highly uneven geography of entitlements with regards to health care, identifying a polarisation between countries providing access only to emergency healthcare, for instance, and countries providing access to both primary and secondary care. While children with precarious status are also subjected to restricted access to healthcare services in several countries, in 12 European countries they have wider access. Furthermore, women giving birth are entitled to some degree of maternity care in 21 countries (in three countries, including Austria, this is restricted to birth). National responses to COVID-19, allowing a level of access to testing and treatment, are a current illustration of the willingness of national governments, in some

⁷ see Lundberg and Spång 2017 on reforms in Sweden in 2013

⁸ Bulgaria, Finland, Hungary, Latvia, and Lithuania

circumstances, to permit access to health care services regardless of immigration status (Mallet and Delvino 2021).

Another example for unequal entitlements is the question of accommodation for rejected asylum seekers. Regulations differ among European countries and the UK: In countries such as Austria, Germany or Norway rejected asylum seekers pending deportation are entitled to stay in accommodation centres, which further enables them to access services such as education and health care (Ataç 2019; Heegaard Bausager et al. 2013). In relation to other migrants with irregular status, municipalities in the UK have a duty, for instance, to provide accommodation and limited welfare support to children and their parents if the children would otherwise be destitute (and thus 'in need'), regardless of their immigration status. During the COVID-19 pandemic, the government permitted wider provision of shelter to reduce street homelessness and some municipalities are currently exploring means to maintain this provision (COMPAS 2021).

There are additional examples to be found in EU law of exceptions that are made to protect the rights of migrants with precarious status: e.g. provisions in the Victims Directive (2012/29/EU) that apply regardless of immigration status (PICUM 2015) or basic entitlements to healthcare and education provided in the Returns Directive (2008/115/EC). While the latter includes several safeguards, Lutz (2018) highlights that "these safeguards are not comprehensive as they do not reflect all the human rights to which migrants in an irregular situation are entitled under international law". All in all, migrants with precarious status remain subject to an unequal degree of formal access to basic services, which leads to what Spencer refers to as a "postcode lottery of entitlement across the EU" (Spencer 2016).

4. Responses to migrants with precarious status by local authorities

4.1 Inclusive policies on the local level

In recent years there has been a growing scholarly recognition of a 'local dimension of migration policymaking' (Caponio and Borkert 2010, Flamant 2020). Most interactions between migrants with precarious status and 'the state' occur at the local level. It is where the negative impacts of their formal exclusion from the welfare system is felt. Municipalities all over Europe have therefore developed policies and practices to address the specific needs of migrant populations, including to a growing extent those with precarious status. Delvino and Spencer (2019) give an overview of the wide range of

services provided to the latter at the local level: Some municipalities enable pathways to their mainstream services for migrants with precarious status, others provide alternative targeted services for migrants not entitled to mainstream services, and still others finance or partner with CSOs to provide services for migrants with precarious status in multiple ways (see also Patuzzi 2020).

In doing so several cities explicitly use their mandate under international human rights law to justify the provision of services, when national governments fail to honour their obligation to do so. Oomen and Baumgärtel (2018) have pointed out the increasing importance of local authorities within the multi-layered human rights system in Europe. By invoking responsibilities derived from international human rights law, local authorities have occasionally decoupled their policies from those taken at the national level, a fact that the authors denote as ‘legalisation from below’ (Oomen and Baumgärtel 2018:613). They illustrate this with an example from the Netherlands: In 2012, the Dutch government prohibited irregular migrants’ access to emergency shelters. Following a collective complaint by several civil society groups in front of the European Committee on Social Rights (ECSR), the committee criticised this denial as countering the Dutch obligations under the European Social Charter. When the national government presented a putative compromise – saying access should only be provided for those migrants who cooperated in their own expulsion – local authorities in Utrecht, Amsterdam and other Dutch cities rejected this suggestion by referring to the ECSR’s decision. According to O’Cinneide (2020) this case “shows how even apparently ‘soft’ human rights standards like the ESC framework can be invoked to contest exclusionary policies directed against irregular migrants” (O’Cinneide 2020: 67) and how different actors are involved in these dynamics.

4.2 Local mechanisms facilitating access to services

There are different mechanisms that facilitate pathways to social services for migrants with precarious status on a local level. They range from the establishment of various forms of firewalls that prevent the transfer of personal data to immigration authorities, to the provision of funding to service providers regardless of the individual eligibility under national law of their clients, or allocating a budget to cover for the services of people who are not entitled to national welfare support or insurance. Some municipalities attempt to facilitate access to local services for migrants with precarious status by providing a municipal form of identification, for

example through local civic cards or city IDs or through regularisation schemes.

Crépeau and Hastie (2015) emphasise the importance of establishing so-called firewalls at the local level, which ensure “the separation of immigration enforcement activities for public service provision” (Crépeau and Hastie 2015:158), to safeguard precarious migrants' fundamental rights as well as broader public interests. While academic discussions on the concept of firewalls have so far been rather limited, policies on the national, regional and local level that resemble firewalls are being discussed within academic debates on sanctuary cities (Hermansson et al. 2020: 4). Crépeau and Hastie (2015) as well as Delvino and Spencer (2019) explicitly focus on and document different firewall practices of local and regional authorities throughout Europa, the United States and Canada. In Berlin and Hamburg, parents' associations and other civil society activists mobilised against data collection in educational institutions and subsequently many school authorities revised their data collection practices. Furthermore, the Hessen region in Germany allowed children to enrol in schools without any residence proof from 2009 (Crépeau and Hastie 2015:178-179), sometime before the duty to report was abolished in 2011 on the federal level (Spencer and Hughes 2015: 24). Delvino and Spencer note that for firewalls to work effectively, some cities have instructed “local police bodies not to patrol or apprehend [...] migrants seeking medical, educational, legal or other assistance at or next to facilities established to provide such services” (Delvino and Spencer 2019: 70).

An example of policies removing the need for firewalls is the so-called “Don't ask, don't tell” (DADT) policy, where no information is sought from service users on immigration status, which for example has been introduced in Toronto following mobilizations by a broad alliance of local actors since 2004. Reflecting on the implementation of this DADT policy, Schilliger (2019) underlines the need to generate awareness for the new policy guidelines both among migrants with precarious status and administrative staff: “After all, the knowledge of and ability to assert these rights are not automatically instilled upon the city's inhabitants. In the form of multilingual flyers, posters and community workshops, the Solidarity City Network activists spread information about municipal services throughout the city, and a hotline was set up where people could report cases where access was not adequately provided” (Schilliger 2019:103). This also points to the need to inform migrants about their rights at any stage of the migration process, which has been highlighted in the UN Global Compact for Migration (UN 2018).

While Delvino and Spencer (2019) emphasise the importance of firewalls to enable migrants with irregular status to access basic social services, the authors argue that the simplest way, however “to ensure access to a service is to remove a requirement that the immigration status of the individual is identified to the service provider” (ibid.: 29), as in the DADT approach. Another measure used to facilitate access to services by some municipalities is the introduction of local civic cards. Inspired by the municipal ID cards that have been issued in several cities across the USA, some European cities (like Barcelona, Zurich or Paris) have or are in the process of creating their own ‘civic cards’ that enable migrants to identify themselves to different service providers without exposing their residence status (Delvino and Spencer 2019: 67-68; Morawek 2019). Another alternative is successful regularisation programmes like the operation Papyrus in Geneva, where the city authority together with local CSOs and unions lobbied the Swiss federal government to agree to a regularisation scheme that operated within the existing Swiss regularisation framework. They framed it as a humanitarian and labour market regularisation program, formulating five criteria that defined who was eligible for regularisation under this program (Kaufmann and Strebel 2020).

4.3 Pathways to key services

Municipalities offer services in different key areas, such as providing access to shelter, healthcare and education. Further, some offer legal aid to facilitate regularisation, access to labour rights, to voluntary return, or to ensure pathways to justice and protection for victims of crime. To explore how municipalities use their power as service providers, we focus below on three fields of welfare services: a) health care, b) accommodation and c) education.

a) Health care

Besides restrictions to mainstream health care services through national policies, administrative and practical barriers can also prevent access to health services for migrants with precarious status. They themselves are often reluctant to use health care services, either because they fear being exposed to the immigration authorities and subsequently deported, or because they are anxious about receiving bills for the treatment that they are not able to pay. Another obstacle may be that administrative personnel deny access, if they are not aware of the rights that migrants with precarious status do have. Apart from human rights considerations, this is problematic for those cities that are healthcare providers as it runs counter to public

health concerns (Spencer and Hughes 2015a), not least in responding to the COVID-19 pandemic (Mallet and Delvino 2020).

At a municipal level, local authorities have implemented measures to facilitate access to health care, with firewalls being among the most important ones. While medical doctors are generally obliged to respect medical confidentiality, administrative staff of welfare and social departments who are responsible for reimbursement, are not. To avoid administrative staff having to report to the Immigration office when encountering migrants with irregular status, the City of Düsseldorf externalises medical services to a CSO (STAY!Medinetz) that receives general funding for treating migrants with precarious status without insurance. Frankfurt together with a CSO (Maisha) has installed a municipal consultation centre, “where the only public employee is a medical doctor of the local Health Department (not bound by the duty to report), while other staff work on behalf of the CSO (also not bound)” (Delvino and Spencer 2019: 52).

Furthermore, local authorities can set up or support medical facilities that offer additional health care for those people whose entitlements are restricted to emergency care (Delvino and Spencer 2019:52-53), or reserve parts of the municipal budget to cover costs for the treatment of people without health insurance (Delvino and Spencer 2019:53-54). To decrease administrative barriers both for migrants who want to access health care services and for doctors and medical staff who treat migrants with precarious status, some municipalities (like the City of Ghent and Berlin) have issued medical cards. Several Dutch cities work with CSOs, which not only provide medical care but also issue confirmations to hospitals and doctors that medical cost for the treatment will be reimbursed (Delvino and Spencer 2019:55).

b) Accommodation/Housing

Migrants with precarious status face various difficulties related to housing. They often lack the economic means to afford private housing and are not entitled to public accommodation in most countries. Access to public shelters for homeless people is often hindered by the necessity to show a residence permit or another document proofing their entitlement to this service. Some municipalities like the City of Dublin and the City of Liverpool mainstream their services for homeless people and facilitate access to night and day shelters by refraining from checking the legal status of the visitors of municipal shelters, at least initially. Other municipalities like the City of

Oslo and the City of Stockholm fund CSOs which provide shelter to anyone in need regardless of legal status. Often the provision of shelter to migrants with precarious status is accompanied by additional services such as legal advice. There are also initiatives supporting access to private housing markets, e.g. through mediation between landlords and tenants as in the case of the Autonomous Community of Madrid (Delvino and Spencer, 2019: 40-44).

Women experiencing violence should have a human rights-based entitlement to access women's shelters and thus accommodation, regardless of their residence status. This has been underlined by the Istanbul Convention ratified by most EU States. However, in the case of Germany, Dinkelaker and Schwenken (2020) found that women's shelters often remain barred to women with precarious status, especially in municipalities where shelters are financed through daily rates. The Job Centre or the Social Welfare Office pays the daily rates - rent, ancillary costs and heating costs as well as care services - for women entitled to social benefits. For women without such entitlements, this poses a practical barrier, as they need to cover the daily fees themselves (Dinkelaker and Schwenken 2020:163-164). In contrast, women's shelters which receive a fixed amount of public funding may accept women regardless of their legal status, as examples from several German municipalities show (Frisius 2020). Delvino and Spencer (2019: 47-48) found a similar approach of facilitating access in the Swedish cities of Gothenburg and Stockholm, which reimburse non-profit shelters for women escaping violence.

c) Education

Even though international human rights law (e.g. Art. 13 of the International Covenant of Economic, Social and Cultural Rights; Art. 14 of the Charter of Fundamental Rights of the EU; Art. 14, para 1, Returns Directive) and national regulations in most European countries entitle children regardless of their residence status to access education either explicitly or implicitly (Spencer and Hughes 2015), children with precarious status may encounter various barriers to attending school. Obstacles can be registration procedures that are difficult to fulfil or financial requirements that cannot be met in case of tuition fees or other expenses. Migrants who fear exposing their immigration status may refrain from sending their children to school. Even if school can be attended, they may not be able to take official exams. Additionally, a person with irregular residence status who is beyond school age is often not entitled to attend further education or training and language classes (Delvino and Spencer 2019: 56).

Corresponding to these challenges, local administrations in several European cities have introduced different measures in order to ensure the universal right to education. Besides this rights-based reasoning, such measures are also seen to prevent juvenile criminality and social exclusion and to increase chances for regularisation of the respective migrants as evidence of 'integration'. They include ordinances instructing kindergartens not to require any documentation of regular residence.⁹ In Barcelona and Madrid everyone can register irrespective of their official legal status. A proof of this registration is sufficient to be enrolled in a local school (Delvino and Spencer 2019:58). The city of Ghent has reserved a part of its municipal budget to cover unpaid school bills so that schools do not refrain from accepting pupils with precarious status and provides free public transportation for all students (for more details see Delvino and Spencer 2019:59). Besides these attempts to mainstream access to educational services, some municipalities offer additional educational programmes for migrants with precarious status. About 25 municipalities in Catalonia/Spain started a mentoring programme to support migrant and refugee children, including those with an irregular status, in 2009/2010. The City of Barcelona furthermore offers and funds complementary adult education programmes such as language classes, open to all migrants regardless of their status (Delvino and Spencer 2019:60).

4.4 Exclusive policies at the local level

Not all cities take an inclusive stance towards migrants and refugees. Besides those cities that restrain from any explicit engagement with regards to migrant inclusion and thus implicitly align with restrictive national migration policies, other municipalities have explicitly aimed to create hostile environments for migrants. Ambrosini (2013) found different kinds of exclusionary mechanisms that have been taken on the local level in the Northern Italian province of Lombardy in 2008/2009. In many municipalities, city leaders and councils introduced deterrent measures that go beyond the national ones in attempting to keep migrants out of their municipalities. They pursued a discourse that framed migrants as a security threat and implemented policies to discourage migrants from settling in their city. These ranged from intensified controls to identify irregular migrants, to additional requirements when registering in the

⁹ E.g. in Turin, Florence and Genoa before these had been introduced on the national level.

municipality, to restrictions when accessing different social services (Ambrosini 2013:144-147).

However, such practices do not remain uncontested by civil society actors as well as within the municipalities (Ambrosini 2013; Lebuhn 2013; Ambrosini and Boccagni 2015; Caponio and Cappiali 2018). Several restrictions introduced on the municipal level had to be withdrawn following successful legal interventions of CSOs and other pro migrant actors (Ambrosini 2013: 149). Therefore, Ambrosini (2021a, b; Campomori and Ambrosini 2020) proposes to conceptualise asylum (and immigration) policies as a 'battleground', building on approaches that have pointed to the importance of 'border struggles' (De Genova 2015).

As these examples show, cities do not per se take more inclusive approaches towards migrants than nation states. In our upcoming research we shall investigate why local approaches towards migrants with precarious status differ. We furthermore propose that a municipality should not be seen as either inclusive or exclusive, as most literature tends to suggest, but rather we aim to explore whether, and if so why, departments within a city may pursue different courses.

5. Multi-level governance and multi-scalar city making

5.1 Tensions and alliances in multi-level governance

The concept of *vertical* multi-level governance has been particularly useful to analyse the role of local authorities in migration policies that support the inclusion of migrants with precarious status (Caponio and Jones-Correa 2018; Ataç et al. 2020; De Graauw 2020). Municipalities across Europe have differing levels of responsibility for services, and differing degrees of autonomy in delivering them; hence the degree of overlap with national government authorities for policies relevant to the governance of migration and migrants varies. Cities that have the status of a federal state, such as Berlin, Hamburg, and Vienna, have vastly greater autonomy than cities in an unitary state, where limited powers are devolved, such as in Ireland.

While being constrained to align with national policies, some local authorities argue that their responsibilities for economic and social policies mean they must take account of the practical needs of migrants with precarious status. Cities in particular have provided a level of access to services that stretches the limits of their authority, mitigating to a degree the impact of national restrictions (Potochnick et al. 2017; Schweitzer 2017;

Doomernik and Ardon 2018; Campomori and Ambrosini 2020). Where municipalities have stretched their authority to be more inclusive of migrants with precarious status, their practices may increase tensions between governance levels as they encroach on a policy area typically under national purview (Campomori and Ambrosini 2020; Villazar 2010) leading in some cases to litigation, but in others to negotiated solutions (Spencer 2018). A case in point is the way in which the COVID-19 pandemic highlighted the importance of including migrants with precarious status into health care, leading national governments to build stronger ties with local authorities on issues such as contact tracing, vaccinations, and shelter for those released from migration detention (Mallet and Delvino 2021). This represents a double innovation - a 'local turn' in multi-level migration governance (Zapata-Barrero et al. 2017) and an increased integration between governance levels.

Municipal objectives may therefore not be as much in conflict with national government objectives as some tensions suggest. Rather, their contribution to regularisation of status and voluntary return, e.g. through provision of legal advice, contributes to the effective management of migration; while their contribution to the protection of public health and to crime prevention are also in line with national goals (Spencer 2020). Lebuhn situates these developments within local border management. With the signing of the Schengen Agreement over 20 years ago, external nation state border enforcement has mostly been eliminated in parts of Europe, while borders are increasingly enforced inside the states, including at the local level. New actors are involved in the process of border and immigration management, including semi-public and private actors. The checking of identity documents and legal status has become a practice that is no longer merely associated with border crossing. They are often checked in cities, for example by different welfare agencies, municipal administrations, local police, universities, hospitals and banks as a prerequisite to the entitlement or denial of services and access to public goods (Ataç 2019; Fauser 2017; Lebuhn 2013; Schilliger 2020). Glick Schiller and Çağlar coined this development 'the local turn of migration management' (Glick Schiller and Çağlar 2009).

Other studies have explored municipalities' *horizontal* multi-level governance relationships, with other cities and with civil society. Ataç et al. (2020) for instance found that the relationships that Amsterdam, Stockholm, and Vienna have with CSOs influence the scope of services provided; and that alliance-building between cities is critical for strengthening their political standing (as Caponio 2018 and Oomen 2019a

found in relation to cities' migrant policies more generally). Analysing Milan and Barcelona, Bazurli (2019) stressed the importance of alliance-building as a strategy to promote inclusive local practices and policies within an otherwise unreceptive, hostile context. We suggest that the concept of horizontal multi-level governance may also be relevant for relations *within* municipalities where the differing approaches of departments towards precarious migrants may equally give rise to tensions which governance mechanisms may or may not resolve. This conceptual development is one that we shall explore in the project.

Çağlar and Glick Schiller (2011; 2018) further introduced the concept of multiscalar city-making to grasp the role of migrants in urban development: "We trace social processes as they are constituted, noting their interconnectedness through both institutionalised and informal networks of differential economic, political and cultural power. We use the term "multiscalar" as shorthand to speak of sociospatial spheres of practices that are constituted in relationship to each other and within various hierarchies of networks of power" (Çağlar and Glick Schiller 2018: 8). This concept not only allows for the inclusion of a multitude of power dynamics in conceptualising the relationship between different actors within the process of city making, but also situates networks and a variety of different socio-political stakeholders therein. This contributes to an understanding of the complexity and the many different actors involved in providing opportunities, facilitating pathways and access to rights at certain times for specific groups.

5.2 Multi Actor Governance at the local level

While the literature has identified many ways in which municipalities take an inclusive approach towards precarious migrants, it is in fact often only one or more of its services that do so rather than a policy adopted by the city council as a whole. Cities such as Barcelona, which has a published strategy setting out its approach across council services (Ajuntament de Barcelona 2017) are the exception, not the rule. While one department takes an inclusive approach, another may be noticeably more resistant, as Price and Spencer (2015) found in relation to municipal responses towards destitute migrant families with precarious status in the UK. Authorities which do adopt a cross-municipality approach may set up an inter-departmental committee to facilitate that, whether on a permanent basis (as e.g. in Ghent) or to address a particular issue (as in Zurich in 2017 under the Mayor's department), to review and report on the situation relating to healthcare, education, access to justice, and provision of legal advice and

information to migrants with precarious status or to inform its policy development (Delvino and Spencer 2019: 17).

To understand the differing policies adopted by, and within, municipal authorities it is helpful to consider the wide assemblage of actors involved on various scales, governance levels and sectors. Internally, there are elected representatives and officials, including appointed bureaucrats and career civil servants, along with a wide variety of different agencies responsible for services, such as health, education, employment or public order, like police or prisons, to name a few. They may all influence how local policies look at and act towards migrants with precarious status. Externally, there is a wide field of civil society actors, in this context principally non-profit organisations, including migrant-led organisations, along with labour unions, neighbourhood and faith-based organisations, communities and grassroots activists as well as external experts. To this we can add the courts, to which municipalities turn, seeking support for their position, but where they are also subject to litigation challenging their decisions. Additionally, the horizontal and vertical multi-level governance relationships to which we have referred above are not only relevant for governmental actors, but also for CSOs who find themselves positioned within these various governance levels (De Graauw and Vermeulen 2016; 2021; Flamant 2020).

While there might seem to be a straightforward separation between the political, decision making sphere of the elected representatives and the implementation role of the administration, the dynamic of these relationships is complex (Caponio 2010). Politicians set the overarching policy frame, but that may not be consistent between policy arenas. Officials operate within that inconsistent space, but also develop policy from the bottom up, in response to the challenges that they face in their jobs, and the vision that they bring to their job of what they want to achieve and their own role within it (Schiller 2016; Hoekstra 2018; Flamant 2020). Understanding a city's immigration and migration policy history may further explain the wide variety of local responses, frames and discourses (Gebhardt 2016). Flamant (2017; 2020) highlights the importance of scrutinising the curricula and biographical aspects of elected officials, as they might contribute to significant turns in the policy process. Politicians, Caponio (2010) finds, are more likely to pursue consensus building measures that are in line with their perception of their electorates' interests and preferences; while officials are more likely to have goals shaped by their particular role and the organisational culture in which they have been socialised in the workplace. Understanding organisational cultures is thus crucial to understanding the approaches that are taken.

5.3 Discretionary power and the idea of ‘deservingness’

Agency, discretion, and deservingness also play crucial roles in the organisation and negotiation of access to welfare services. Landolt and Goldring (2015) show that local access to welfare services for migrants with precarious status is not only defined through formal regulations but effectively also through the discretionary power of street-level bureaucrats (Landolt and Goldring 2015; Chauvin and Garcés-Mascreñas 2012). Lipsky (1980) discusses the term ‘street-level bureaucrat’, exploring how institutional gatekeepers decide on access to certain services case by case and may thereby also impact the policy outcome, which may not always correspond with the aims of legislators (see also Ambrosini 2013). The street-level application of immigration policies leads to diverging outcomes across welfare services (Spencer 2017). Decisions by sympathetic service providers may thus run counter to, rather than in line with, official policies (Van der Leun 2006).

As governmental and non-governmental actors funded by municipalities offer welfare services to migrants with precarious status, multiple actors in various institutions are endowed with the responsibility of policy implementation. Local government departments are functionally differentiated and their actions are based on different policy problems, priorities and values. While welfare departments often employ social workers, whose orientation is aimed towards the welfare of their clients, migration department’s employees are often orientated towards migration law enforcement (Vogel 2015: 334). The organisational culture as well as whether a migrant is perceived as threatening or deserving, may impact on the scope of services and who gets what under which conditions. “In this respect, social recognition also affects the work of public institutions and their staff, influencing the effective application of rules” (Ambrosini 2017: 1824).

Willen defines deservingness as articulated in a moral register that relates to specific situations and to presumed characteristics and behaviour of the individual concerned (Willen 2011 in Spencer 2016:1615). It plays a role in determining national and local policies and their implementation towards different categories of migrants: children, for instance, may be seen by policy makers as more deserving than their parents because of their greater need and because they are not considered responsible for their irregular situation, and hence are granted greater access in law to welfare services (Spencer 2016). Chauvin and Garcés-Mascreñas (2014) highlight two groups of irregular migrants that are deemed deserving. On the one hand,

deservingness may result from a perceived vulnerability – due to persecution in their home country, being minors, or in need of medical assistance (see also Ataç 2019). Through their presumed vulnerability, some groups ‘deserve’ social care and support for better societal inclusion. The debates in the context of human trafficking show in a similar way the production of ‘deserving and undeserving’ victims, which is also highly gendered. On the other hand, other groups are deemed ‘deserving’ by demonstrating their willingness to contribute either as good citizens, through their ‘integration level’ or by demonstrating cooperation, as in the case of rejected asylum seekers. This is discussed as ‘performance-based deservingness’ which works as a tool to enable access to welfare services (Ataç 2019).

Who is deemed ‘deserving’ and receives access to public services is not only based on the choices of individual decision makers, but is also the result of organisational and contextual factors. Moreover, gender plays a decisive role in relation to being perceived as ‘deserving’. Ambrosini elaborates how irregular women working in domestic care in Italy are perceived as useful and necessary workers and therefore separated from the otherwise imagined threatening male migrants. This allows women specific access and agency, despite their insecure and possibly exploitative circumstances (Ambrosini 2015).

5.4 Civil Society Actors as intermediaries

Municipalities can depend on CSOs to provide services and/or as sources of information and expertise that they need. The extent to which CSOs are mobilised around precarious migrants depends, in part, on the model of welfare provision in that country, and the role that CSOs play in the provision of welfare services in a particular municipality (Caponio 2010). It further depends on the bargaining processes between CSOs and governmental bodies, which are mostly taking place behind the scenes. Where cities value having active citizens, activist groups play an important role in negotiations with city councils, especially in cities with progressive local governments (Holm and Lebhun 2020). Nicholls and Uitermark (2016) critically note that CSOs thereby also serve as an extension of the local government and can become part of a web of governance “rather than an uncontrollable and tangled site that nourishes multiple resistances” (Nicholls and Uitermark 2016:32). Politicians and CSOs, where they share a concern for migrants, can be part of solidarity movements which work together to make the municipal area more inclusive. These movements operate at two levels, aiming to shift the narrative at EU and national level as well as within the

city itself, in each case acting as ‘discursive counterweights’ to right wing voices promoting a security narrative. That can turn the political sphere of the city into a ‘battlefield’ (Wenke and Kron 2019:7; Ambrosini 2021b).

The role played by CSOs as advocates for individual services has been found to be a significant factor by a number of scholars in whether a municipality is responsive to the needs of migrants with precarious status (de Graauw 2016; Price and Spencer 2015). They form a vital and multilayered part of the city infrastructure. There is a great diversity of actors, there being CSOs with different missions, liberties, funds and relationships to government actors. It is crucial to systematically determine which organisations are activated in regards to precarious migrants, why and how they relate to each other and with different governmental actors. Local governments may be selective in their relations with CSOs and prioritise organisations with whom they can build reliable relations. This may depend on the expertise they have that cities rely on, along with their own relationships within vertical multi-level governance structures and on funding that may put certain CSOs in more powerful positions to bargain for their respective approach towards migrants with precarious status (Nicholls and Uitermark 2016; Ataç et al. 2020; De Graauw 2016; De Graauw and Vermeulen 2021; Holm and Lebuhn 2020).

Independent CSOs offer important services outside of the governance mechanisms of municipal policies and sometimes counter to the expressed municipal interests. These organisations nevertheless constitute a vital part of the city’s support infrastructure for precarious migrants without being commissioned by the municipality (Ataç et al. 2020). Schilliger emphasises that civil society actors also negotiate for migrants, sometimes case by case, sometimes strategically: They know the moral frames (e.g. deservingness) and can anticipate how to persuade officials into expanding access to services. They thereby play a central role in creating pathways for migrants with precarious status. Even if city councils are inclusive towards migrants with precarious status, they rely on CSOs to support migrants on their path to accessing services. They thereby play the role of gatekeepers and intermediaries, raising awareness among migrant communities about their rights as well as services accessible to them. Often, it is only through relationships of trust that migrants with precarious status may dare to seek support from municipal services. These mediation efforts by civil society actors can be understood as a form of relational work and a form of care work which, as often with care work, remains largely invisible, but it is central to creating an ‘infrastructure of solidarity’ (Schilliger 2019; 2020).

Another category of civil society actors are external experts, brought in to advise or carry out research. An example in this field is the study commissioned by the City of Munich of its precarious migrant population; a report then used as the basis of the approach it adopted (Anderson 2003). Experts' evidence-based approach can conflict with politicians' orientation towards responding to their electorate's concerns; concerns which may not reflect those facts (Caponio 2010). On the other hand, a timely report highlighting the consequences of destitution can help to create the political space in which to take the action that has been deemed necessary. A further example of experts' involvement is the role of academics in facilitating knowledge-exchange between cities, as in the *City Initiative on Migrants with Irregular Status in Europe* ([C-MISE](#)) (Delvino and Spencer 2019).

6. City brands and framings of approaches to precarious migrants

This section provides a general overview of municipal activism and strategies to address a variety of different issues, as well as how cities strengthen their position by organising in transnational city networks (TCNs). This provides the bases for understanding migrant related brands that municipalities adopt to welcome newcomers and facilitate the arrival of migrants and refugees in their cities. Section a) gives a brief overview of European city brands, section b) then looks at the sanctuary city branding related specifically to migrants with precarious status, mainly in North America. The last section then situates the frames local officials use when explaining their inclusive approach towards migrants with precarious status.

6.1 Municipal brands and transnational city networks (TCN)

The increasing tensions between governance levels contributes to a trend by municipalities to adopt different brands, concepts and labels to advocate for the implementation of local policies and practices, advocating for a variety of social issues. In recent years cities have taken a lead in pushing for change on a local level, with topics ranging from climate goals, to struggles for affordable rent and housing opportunities, to the inclusion of marginalised and vulnerable groups. Civil society as well as municipal actors are using concepts such as 'spatial justice' or 'right to the city' to organise and mobilise for their goals on a local level (Oomen et al. 2018; Oomen 2019b; Schilliger 2019).

These debates are inspired by Lefebvre's famous "right to the city" essay of 1968. The process of urbanisation opened up the questions of social inclusion, social rights and justice within public space. This widely used and conceptualised claim to the city can be summarised as a demand for urban democracy and participation by many different interest groups of urban citizens (Oomen and Baumgärtel 2014). This poses the question of citizenship anew, which has primarily been the monopoly of the national state. There is a lively discussion around the meaning of 'urban citizenship'. The debates and social movements relating to this concept vary widely depending on the national and local context, as well as changing policies and legal frameworks. Urban or regional forms of citizenship emerge when local policy instruments are introduced that guarantee or extend social participation not only for citizens, but for all people living in a city. Furthermore, the focus is on the political and social struggles through which recognition, rights and access to resources are claimed. Different municipalities and social movements rely on the concept of urban citizenship when advocating for greater inclusion of migrants and for the implementation of certain local policies such as City IDs (Baubock 2003; Varsanyi 2006; Lebuhn 2013; Blokland et al. 2015; Schwiertz and Schwenken 2020; Gebhardt 2016).

Cities' frustration with national policies that neglects their needs, has simultaneously led to a trend towards the internationalisation of local politics. One of the tools cities use to advocate for their goals is the participation in transnational city networks (TCNs). Local officials started to organise in TCNs with other municipalities advocating for the same cause. In many cases, civil society actors are the driving force in organising and pushing municipalities to focus on a particular issue, e.g. ease access to certain services or create more inclusive policies. One of the functions of these networks can be to strengthen the position of municipalities internationally and provide them with more leverage in regards to their national governments.

One transnational network has grown around the label 'Human Rights Cities', which started in the 1990's and focused on a variety of topics, ranging from women's to children's and more recently minority rights. They have since developed different strategies to ensure and safeguard human rights within their city, but also advocate for human rights externally. The City of Vienna for example adopted the brand 'Human Rights City', under which it is advocating in relation to a variety of issues and groups, such as human trafficking or children's rights (Menschenrechtsbüro der Stadt Wien 2021).

6.2 The proliferation of migration related city brands and networks

Especially since 2015/16 municipalities have increasingly been advocating for a welcoming approach towards refugees and other migrants in their cities. Some municipalities have adopted official brands, ranging from 'welcoming' to 'solidarity or 'open', along with 'diverse', 'cosmopolitan', and 'inclusive cities', under which they develop approaches to support and include refugees and migrants in general. A rather large number of TCNs have also emerged around different issues related to migration. They engage with a variety of topics, ranging from reception on arrival, to equal access to education or other municipal services, to integration and the safeguarding of basic rights: for instance, networks such as 'Intercultural Cities', which is a program that supports over 140 cities across Europe and beyond, to devise strategies to reduce conflict and maximise the potential of diversity among their populations; or 'Eurocities', which is a network of 190 cities in 39 countries. Its working group on 'Migration and Integration' fosters knowledge-exchange and helps cities to promote migrant inclusion (Fourot et al. 2021, Gebhardt and Guntner 2021). These networks allow them to share information, to showcase their best practices, to create a positive narrative and branding as well as to seek international political and financial support (Oomen et al. 2018; Spencer, forthcoming, on the *City Initiative on Migrants with Irregular Status in Europe*). Another example is the 'Inclusive City' label, which has been advocated by international bodies such as the UN-Habitat (2019). Many city councils across Europe and particularly in the UK are using this brand and are advocating for diversity, equal opportunity and the elimination of discrimination (Broadhead and Kierans 2019).

The proliferation of these migration related city networks in the last years attests to the growing need for cities to find a platform to promote the inclusion of migrants. As such, the Global Compact on Migration symbolises a paradigm shift in the governance of migration, as it recognizes the involvement of local governments in this process and the need for policies to take account of their role in managing migration (UN 2018). It is argued that national policies equally need to be informed by what is happening at the local level (e.g. Spencer 2018; Kaufmann and Strebel 2020; Cvajner and Sciortino 2020).

a) Solidarity Cities in Europe

Across Europe, many municipalities have been inspired by the practices of solidarity with migrants. In 2013 after the drowning of over 4000 migrants off the coast of Sicily, the mayor of Palermo, Leoluca Orlando, declared his

city as a 'Welcoming City' for all arriving refugees. Ada Colau, the Mayor of Barcelona, is another outspoken advocate for the integration of migrants within the city. Coming from a 'right to the city' movement, she actively campaigns for the advancement of the social rights of migrants in European cities and declared Barcelona a 'Refugee City' (Agustín and Jørgensen 2019). Barcelona also hosted the 'fearless cities summit' with participants from across the globe, advocating for a new, global municipalist movement that shares a commitment to progressive urban politics (Russell 2019). After the sharp increase of arrivals in 2015, different mayors of the Eurocities-Network launched the 'Solidarity Cities' Network in Europe (Wenke and Kron 2019). The network found common ground in denouncing EU member states' failures in responding to the refugee reception crisis and its asylum policies generally. As part of an established TCN the network could claim authority and was heard by the European Commission and Parliament. They actively advocated for the admission and inclusion of the arriving migrants and refugees and asked the EU to allocate a bigger budget for those cities that host most newly arrived migrants (Gebhardt and Güntner 2021; 'Solidarity Cities' n.d.).

In 2017 civil society actors and grassroots activists across Germany along with Italy and other parts of Europe similarly announced a European 'solidarity city network'. Different actors and organisations engaged their local authorities to take in refugees from the hotspots in Greece and Italy, but also for the establishment of citizen asylum to support migrants who are threatened by deportations (Kron and Lebuhn 2018; Wenke and Kron 2019; 'A City for All' n.d.). Similarly, the recently launched 'Europe Welcomes network' advocates for open and inclusive municipalities across Europe, despite national policies leaning in the opposite direction ('EUROPE WELCOMES - Solidarity Is Very Much Alive' n.d.). The cities rallying under 'Solidarity City' brands are mostly concerned with newly arriving people. However, more recently there is a tentative extension of their focus on migrants with precarious status within their cities.

b) Sanctuary Cities in the UK and North America

In 2005 Sheffield announced itself the first 'City of Sanctuary' in the UK. Since then, over 60 municipalities have developed local sanctuary initiatives across England and Ireland, a movement that is however CSO rather than city-led. Unlike in the US, they do not primarily target migrants with precarious status, but strive for a broader culture of hospitality towards asylum seekers and try to include many different actors within the city, such as local businesses and civil society. They aim to intervene in the increasingly

hostile discourse on refugees and transform the way inhabitants think about their city as a cosmopolitan and inclusive space and actively encourage refugees to participate in the urban community (Bauder 2017).

The concept of 'Sanctuary Cities', however, is older and first appeared in the US in the 1980s, with San Francisco declaring itself 'City of Refuge' and prohibiting municipal spending that would aid federal immigration enforcement (Bauder 2017; de Graauw 2020). 'Sanctuary Cities' substantially developed and gained new momentum with the election of Donald Trump in 2016. They pioneered a broader international trend towards the inclusion of migrants with precarious status (Lambert and Swerts 2019). While the concept of 'Sanctuary City' lacks a commonly accepted definition, in the US it usually refers to cities that introduced DADT policies, denying cooperation with the federal immigration authorities (Blokland et al. 2015; Bauder 2017). Many local governments in North America have adopted this label since and introduced regulations to protect their residents with precarious status, often through the establishment of firewalls (Crépeau and Hastie 2015) and/or by introducing City IDs. Municipalities thereby support the enactment of citizenship not based on legal status but on the presence and residence in the city (Kaufmann 2019). These practices have also found resonance in Canada (Delvino and Spencer 2019). However, sanctuary politics have been criticised for creating a false sense of security and inclusion, while not addressing the root of the problem, leaving migrants with precarious status vulnerable to detection and deportation (Bauder 2017).

Bauder has outlined the different aspects of urban sanctuary or levels, which these different concepts target: legal, discursive, identity formative and scalar. Municipalities may strive to change the municipal legislative body (e.g. the city council), by for example introducing DADT policies as many cities in the US have done. In the UK, the focus lies on a discursive shift, aiming at creating a more welcoming narrative towards migrants and refugees. Additionally, most of the mentioned municipalities seek to increase the identity formative level of all people living in the city as being part of a collective urban community and thereby, to a certain extent, call upon the idea of urban citizenship. The fourth aspect is the one of scale: cities attempt to re-scale migration policies and practices mostly in regards to a more restrictive national level and take control of the arising issues themselves (Bauder 2017).

6.3 Inclusive framings and rationales by municipal actors

Municipalities (or departments within them) which pursue an inclusive attitude towards migrants with precarious status, use different discursive framings to explain their approach. Many rely on the different ideas of deservingness, as introduced in section 5.3. Spencer and Delvino (2019) investigate the differing frames and reasons local policymakers give for following certain inclusive approaches towards migrants in precarious situations. They found six frames that municipal actors argue in regard to the inclusion of migrants with precarious status. By an 'inclusive security frame', city officials argued for the increase of security to prevent crime and disorder, mainly however to protect vulnerable migrants regardless of status, not as one might anticipate, the local population form an unwanted migrant community (Caponio 2014). With a 'humanitarian frame', Delvino and Spencer follow Caponio's finding that there is a concern with the health and wellbeing of all local residents, stressing particular vulnerabilities and therefore deservingness of children. Similarly, a 'human rights frame' was brought forward by some city officials, also referring to a general or national human rights ethos. For the acknowledgment of the economic contribution of migrants with irregular status, city officials used the frame relating to migrant workers as 'deserving workers', who should have access to basic rights and services. Some, explaining that the city's economy, tourist industry and image would be harmed if migrants with precarious status were excluded, put a 'socio-economic frame' forward. They fear that exclusion would threaten not only public cohesion but also public health and undermine the municipal efforts to address issues such as homelessness or street prostitution. An 'efficiency frame' implied by some, argues that it is more cost-effective and efficient to administer migrants with irregular status when they are included in municipal registration processes and services, then when they are excluded (Spencer and Delvino 2019).

These frames identify different rationales, arguments and narratives deployed by municipal actors to legitimise action and mobilise resources to provide different services for migrants with precarious status. With the broad scope of local actors involved in the provision of services within a municipality, it is evident that not all officials may follow the same (inclusive) approach towards migrants with precarious status. What is widely missing is an analysis of the connection and disconnect between a city's overall approach and branding, the various frames and practices of different service providers within a municipality in relation to migrants with precarious status, and the pathways to services that are actually created for migrants

with precarious status. How this is negotiated by different city actors within the respective national government frame needs further scrutinising. There is no existing research that looks at the rationales in the context of cities' overall branding of their approaches, and those frames used in regard to migrants with precarious status, a research question we shall address. Additionally, a particular note on the frames and rationales relating to women is absent in the literature.

7. Conclusion: Knowledge gaps and research questions

As we have illustrated above, national governments in Europe are often restrictive when it comes to migrants with precarious status. However, they do variously allow inclusion on some level, a recent example being the easing of access to health care treatment and testing in the wake of the Covid-19 pandemic. National policies are nevertheless largely restrictive, a tendency that has increased with the refugee reception crisis in 2015/2016. Hence European cities are developing different concepts and frames to make some of their key services more accessible to migrants in general and recently to migrants with precarious status in particular. In that process, cities rely on networks and concepts that are long established and lend authority to their approaches, but likewise develop new ones.

What has become apparent is a lack of empirical research that provides an in-depth understanding of how cities navigate their ways within, and in opposition to, national legal frameworks. As the national frameworks are diverse and cities have different ways to implement support and provide pathways, while relying on a wide variety of actors, it remains difficult to draw generalised conclusions. We now have the opportunity to conduct an in-depth analysis of Cardiff, Frankfurt and Vienna, investigating whether and how these three cities' respective framings contrast with their national government's (and where relevant with their regional government's) approach and to analyse how these cities navigate the connection and disconnect between national policies and their respective frames and brands. Additionally, we will look at the coherence between each cities' overall approach and their actual inclusive practices: the granting and facilitating of pathways for migrants with precarious status to the cities' support infrastructures.

A further knowledge gap is evident when it comes to understanding the wide variety of approaches towards migrants with precarious status within a city's different municipal authorities and service providers. Working with a multi-scalar and a multi-level governance approach may enable an

understanding of the different forms and scales of inclusive and exclusive approaches within a municipality. We thereby aim to identify in detail the frames and rationales that different service providers use to facilitate or hinder access to their services for migrants with precarious status, as well as how they explain their stance, be it in line or conflict with the city's overall approach and branding (if indeed there is an overarching brand in place). A focus will lie on different forms of firewall mechanisms facilitating pathways to three key services: healthcare, housing, and education. Additionally, access to information, legal advice and support in the protection of labour rights will be considered. Building on the conceptualization of deservingness we aim to scrutinise particular characteristics, such as gender, age, or vulnerability that a certain group may possess that provides them with a selected access to certain services, whether as a matter of policy or service providers' discretion. Particular attention will be put on the frames and rationales relating to the inclusion or exclusion of women.

We expect to find a wide variety of local responses that are not distributed equally to all precarious migrants alike, but rather that different services are provided to some of the above-mentioned groups, while others are excluded. Equally important factors apart from gender and vulnerability may be the individual economic contribution and the judgement over the level of integration. Understanding the frames, approaches and practices but also the barriers in three specific contexts, set within differing national frameworks and migration histories, will enable us to draw overall conclusions that may be of value to other municipalities.

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