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City Initiative on Migrants with Irregular Status in Europe (C-MISE)

Zurich Meeting June 2021: Report of the online conference

Thursday 10 June (afternoon) and Friday 11 June (morning) ([Agenda](#)). Organised by "Global Exchange on Migration & Diversity" (COMPAS, University of Oxford) and the City of Zurich Integration Office

A regular dialogue about the experiences, strategies and practical measures relating to appropriate handling of migrants with irregular status has been held since 2017 in the framework of C-MISE. 11 cities from 10 countries have taken part in the C-MISE dialogues during the initial project phase to 2019. Several meetings have taken place during the second project phase, from 2020 to 2021, now engaging some 50 cities from 18 countries, and various specialist articles have been published. The international conferences in Amsterdam (March 2021), Zurich (June 2021) and Barcelona (September 2021) have been (or will be) held online because of the pandemic.

The four key themes of the Zurich conference were addressed in a long presentation, followed by small-group discussions (breakout sessions) and a panel preceded by brief inputs from the speakers, during each of the two half-day sessions. It was attended by 30 people, including representatives from 14 cities.

I. Who are migrants with irregular status?

a) Sans Papiers in Zurich – dates and facts, Adamo Antoniadis, City of Zurich

In Switzerland, migrants who do not have a regulated residence permit are referred to as "Sans Papiers". On the basis of a study commissioned by the canton of Zurich in March 2020, it is assumed that an estimated 20,000 Sans Papiers live in the canton of Zurich. Some half of them (approx. 10,000) reside in the City of Zurich. These can be roughly divided into three groups: *Primary Sans Papiers* (approx. 7,750) is the term applied to people who have travelled to Switzerland as tourists, with or without a visa, and remained here. *Overstayers* (approx. 1,050) are people who have lost their residence permit, but who have not emigrated. Finally *Sans Papiers who are asylum seekers* (approx. 825) are those who, despite legally enforceable expulsion and an obligation to emigrate, have not emigrated and do not claim emergency aid.

Most Sans Papiers in Zurich are single, have been in Switzerland for many years and many have a family that they support financially in their country of origin. The biggest group is made up of women from Latin America. Almost all adults work, and their working conditions are often precarious (very low wages, no social insurance, notice periods or compensation in the event of illness, etc.). A large proportion (approximately one third) are employed in private households. Other important areas of employment are in the construction and allied trades,

small businesses, such as hairdressers, beauty salons, cleaning and removal firms, and the hospitality industry. The high demand in the above sectors for labour that will work in very poor conditions is the main pull factor for Sans Papiers. Their accommodation situation is often very bad too and does not correspond to the conditions customary in Switzerland. Most Sans Papiers sublet a room (frequently in poor condition and very expensive) that they sometimes have to share with their families or with other adults.

What is rarely seen in Zurich are homeless Sans Papiers. The risk of being caught and expelled would be too great here. Not included in this overview, but no less important when recording the situation of Sans Papiers in Zurich, are the challenges and difficulties of daily life: the fear of being checked by the police and expelled, the daily struggle to stay hidden and to avoid the public sphere. The impossibility of opening a bank account, claiming one's rights, or taking part in political and cultural life. Whilst access to compulsory education or basic healthcare in Zurich is fundamentally good, access to justice or to post-compulsory education is poor. ([Presentation](#); [Sans-Papiers in the canton of Zurich \(2020 study\)](#))

b) Small group discussions

The subsequent *breakout session* discussions confirmed that the situation can differ greatly not only from country to country, but also from city to city. Whilst Sans Papiers in Geneva may have a similar profile to those in Zurich, in France, for example, there are larger groups of Roma from Latin America and North or West Africa, depending on the city. Unlike in Switzerland, in the Netherlands expelled asylum applicants without accommodation in particular are classed as Sans Papiers. It was also striking that it is smaller cities that have less information about Sans Papiers, but that there are also support services. Other points for discussion were health problems (in particular mental health), as well as the situation of young people after finishing compulsory schooling.

II. City Cards: an improvement for migrants with irregular status?

The input from the five guest speakers was the starting point for the second subject block. The following discussion was moderated by Nicola Delvino from the University of Oxford.

Christof Meier, head of the City of Zurich Integration Office provided an overview of the *Züri City Card's* current status. The City Council (government) intends to introduce such a card and, in autumn 2020, applied to the Parliament for a preparatory budget allocation for this purpose. The intention is that this card should basically be aimed at the population as a whole. It should officially confirm the identity and Zurich residence of anyone living here (and therefore Sans Papiers too). It would not, however, affect their security of residence. Instead, local authorities would continue to be bound by the appropriate national laws and would have to implement these. The City Card is not, therefore, the perfect solution for *Sans Papiers*, but it is what the City can do. The road is still long and complicated, but the Council is convinced that the card can strengthen cohabitation and participation for everyone. A decision of the municipal parliament on the City Card is expected at the beginning of September. ([Presentation](#)); latest information on the *Züri City Card*: www.stadt.zuerich.ch/sanspapiers)

Sarah Schilliger, sociologist at the University of Bern described the situation in Bern. The call for a City Card for Sans Papiers first came from civil society in Bern too. In the meantime, the city government has committed to introduction of a City Card and also included this in the municipal digital strategy, so that digital accessibility has been included from the start. The po-

tential limitations of such a card are, however, already apparent in Bern, as they are in Zurich. The municipal authorities' influence is limited in many important areas (police, justice, health, social welfare, etc.). It is all the more important to conceive of the City Card as a building block on the way to a unified city in the sense of *urban citizenship* and in the process to also collaborate closely with stakeholders from civil society. ([Presentation](#))

Nadja Zink is a lawyer and on the board of the *Verein Züri City Card* (Züri City Card Association), which is promoting the introduction of such a card from the civil society perspective. She introduced the organisation that arose from the 2015 art project, *Die ganze Welt in Zürich/The Whole World In Zurich*, which addressed various models of *urban citizenship*. The purpose of the association is the introduction of a City Card for all the City of Zurich's inhabitants, regardless of their residence status. The card is intended to strengthen the rights and social and political participation of its holders. A Support Card was launched in 2017; buying it supports the association's intentions and its sale is the association's main source of financing, in addition to donations. The association currently has two employees and endeavours to maintain pressure on political organisations and to champion the cause of *Sans Papiers*. ([Presentation](#))

Tess Johnson, co-author of *Municipal ID cards for Inclusion*, provided information about experiences with ID cards in various US cities. Of course, experiences differ greatly in the individual cities. Detroit's City ID, for example, is issued by the Department of Health and only New York has managed (at great expense and using many resources) to achieve around one-fifth of inhabitants being in possession of an *IDNYC*. Basically it can be stated that it is not difficult to introduce a municipal ID card. The greatest effort and the corresponding costs are ascribed to marketing and reaching the target group. Cooperation with local organisations is important for this, as well as during the needs assessment. As there are no national ID cards in the US, use for identification purposes is central. In most cities any additional benefit is limited, as is distribution of the ID among the population. In each case success depends greatly on the respective city's political environment, as well as that at State and Federal level. ([Presentation](#))

Amel Zaazaa, who is responsible for *Sans Papiers* in Montreal's city administration, introduced a Canadian perspective to the discussion. Montreal declared itself to be a *Sanctuary City* in 2017. In 2019 a policy was formulated for access to the authorities without fear, that was to be achieved using an ID card. Discussions were held with more than one hundred organisations during this process. The *Carte de Citoyenneté* has been issued for around a year by *Médecins Sans Frontières* and during that time has been given to 500 *Sans Papiers*. After an in-depth discussion with New York, Montreal explicitly decided not to issue a card to all inhabitants. The very high costs and ultimate limited benefit for *Sans Papiers* were crucial to this decision. The card grants access to various community services, such as swimming pools, libraries and schools. The planned next stage is discussions with private service providers, such as banks and pharmacies. ([Presentation](#))

The (unfortunately brief) final discussion focussed on how greatly everything is dependent on the respective legal and also political circumstances. This concerns the issue of the usefulness of a municipal ID during police checks, for example. As a police check has to be justified in any case and residential status can only be checked if there is a definite suspicion, at least in the long term a local ID could have a corresponding influence. Somewhat more problematic is the area of *safe reporting*. At least in Switzerland, all the parties in a court case entail the risk that the lack of a residence permit will become known during the course of the case and the individual will have to be prosecuted. The panel was, however, in agreement that a City Card can only be one part of the puzzle where improving the circumstances of *Sans Papiers*

is concerned. It is also a question of raising public awareness of the subject. Most problems can only be solved by regularising the residence status of Sans Papiers who have lived and worked in a city for many years.

III. Access to municipal services

a) Access to municipal services, Corine Mauch, Mayor of the City of Zurich.

The second day began with a meeting with the Mayor of the City of Zurich, Corine Mauch. Firstly she summarised the key developments and measures associated with the subject of Sans Papiers in the City of Zurich, then set out in greater detail how Zurich is trying to ensure access for Sans Papiers to municipal services. After the City Council acknowledged Sans Papiers as inhabitants of the City of Zurich in a 2018 position paper and undertook to exercise its responsibility for them, it had all the municipal services checked with regard to whether they were accessible to Sans Papiers or could be made accessible to them. All services had to be checked according to the following criteria in order to accomplish this: are personal details or residence permit details collected? Are these details checked? And if so how and on what legal basis? This leaves more or less room for the City to manoeuvre, depending on the respective answers. Communication can possibly be improved in cases where personal details are not currently requested, in order to make this known. There is no scope to remove a requirement to provide proof of status where a national law mandates that residential status must be checked.

Review of all municipal services is an ongoing process. If it is a question of improving or facilitating access, of course the relevance of the service in question to the life of Sans Papiers must not be disregarded. In addition to some examples of services to which access can presumably be improved more easily (e.g. childcare), or where the City's scope is minimal due to superordinate law (e.g. post-compulsory education), the Mayor of the City of Zurich drilled down on two areas. Provision for Sans Papiers is already good in the field of health. Nevertheless, the City Council has resolved to undertake a pilot project that optimises cooperation between the various agencies and safeguards financing for the medical services provided to those without health insurance. The coronavirus crisis has also highlighted the fact that Sans Papiers can soon slip into existential hardship, as they do not have access to state social services. The City Council has therefore launched the «Wirtschaftliche Basishilfe» (Essential Economic Assistance) pilot project. It safeguards the existence of people who do not have access to social assistance (such as Sans Papiers), as well as those who do not make use of the access they have for fear of consequences under the law on foreign nationals. ([Presentation](#))

b) Q & A with the Mayor of the City of Zurich

Many participants were impressed by the fact that the City Council is making such a commitment to Sans Papiers and also that the Mayor of the City of Zurich has such a definite opinion on the subject. Specifically, there were some questions about concrete implementation of the essential economic aid, and also regarding support for such projects in the media, from politicians and also from the population. Corine Mauch made it clear that it had not yet been possible to plan detailed implementation. What matters is that it is financial assistance to promote self-help, and that the money would be from the city budget but provided through four NGOs. The question of how to prove residence in the City has not yet been clarified. She further explained that there was very broad support for this policy from the Council, parliament

and the people, even if opposition politicians and the media close to them are against it. Furthermore, of course it is sometimes difficult because the balance of political power is different at cantonal and federal level. In this case it is important to fathom the scope the City has and where it is worth taking advantage of this to the full.

c) Small group discussions

A lively discussion then continued in the group discussions. In addition to access to municipal services, these discussions also addressed the issue of public debate, and which arguments could be used to inform this positively (at local, national and European level). The question of city cards as a potential *pull factor* for irregular migrants to come to the city or remain was also discussed. Moreover, specific pilot projects in individual cities would be important for collating experiences and being able to discuss these with others.

IV. Human rights for migrants with irregular status

The last of the four sessions focused on human rights. The three speakers first contributed their perspectives on human rights and Sans Papiers, reflecting their different roles in municipalities and academia. The following discussion was moderated by Sarah Spencer from the University of Oxford.

Shams Asadi, Vienna's Human Rights Commissioner, explained what it means to Vienna to be a Human Rights City. Human rights are an issue that cuts across all areas of government and politics. This includes the following four buttresses in particular: participating in and access to decision-making processes; non-discrimination and equality; accountability, responsibility and the rule of law, as well as transparency and access to information. The city attaches great importance to reaching all immigrants with essential information (e.g. on the employment market, exploitation, access to housing, health system, etc.), regardless of their status. This indirectly addresses and includes Sans Papiers. Specifically, the Human Rights Office works with the most vulnerable of them - with children, unaccompanied minors and people who have been trafficked. This work also involves other municipal departments and NGOs. Focal themes include access to schooling and education in general, as well as assistance for people affected by human trafficking.

Barbara Oomen, Professor of Law at the University of Utrecht, viewed the human rights issue from a legal perspective and used the Netherlands as an example. In the Netherlands it is primarily the larger municipalities that are seizing the initiative to ensure Sans Papiers have access to human rights (e.g. *Bed, Bath and Bread*, or access to justice). In the process the municipalities often come into conflict with national policy. National programmes, for example, explicitly exclude Sans Papiers from better access to education, health and services that meet basic needs. There are also national court decisions which prevent the municipalities from implementing their initiatives. Frequently the solutions decided at national level are no longer compatible with human rights when implemented locally. There is potential for major political conflict between municipal and national policy here. ([Presentation](#))

As the Coordinator for Social Development in the Gdansk-Gdynia-Sopot metropolitan area, Monika Popow, PhD, is in a difficult position where human rights work is concerned. The network tries to establish trust between migrants with irregular status, the municipal administrations and their services. Even if the municipalities adopt a less strict approach than the national authorities, it is still difficult. Subsidiary protection is basically intended for recognised and provisionally accepted refugees only, and accordingly social workers often ask directly

about immigration status. Nevertheless, the network tries to increase the awareness of these bodies that they should start from the basis of the refugees' needs and not their status. Unfortunately, human rights do not really form part of public and political discourse in Poland in general, which is why that approach cannot play a central role in this discussion either.

In the final discussion, the question once again arose about how to deal with the differing perspectives at national and local level. No agreement was reached on whether it was productive in each context to argue from a human rights perspective in the field of Sans Papiers. It can make sense, however, depending on the local and national context, as well as the specific issue. It is therefore important to adapt the arguments to the respective circumstances, which might be public safety, health or something else, as well as human rights. Thorough prior analysis is required in order to grasp the local circumstances and then to act accordingly. On the other hand, an erosion of human rights has been observed in many countries. This is why it is actually important for cities to lend their weight to this subject and adopt a trailblazing role. In any case, dialogue between cities is important in order for each to develop its own ideas and strategies, as this dialogue is often lacking in a national context.