

<b>Institution:</b> University of Oxford		
<b>Unit of Assessment:</b> 22A - Anthropology		
<b>Title of case study:</b> Inclusion of irregular and destitute migrants in European city policies and practices		
<b>Period when the underpinning research was undertaken:</b> 2012 – 2019		
<b>Details of staff conducting the underpinning research from the submitting unit:</b>		
<b>Name(s):</b> Dr Sarah Spencer  Nicola Delvino Jonathan Price Vanessa Hughes	<b>Role(s) (e.g. job title):</b> Senior Fellow, formerly Director of the Global Exchange on Migration and Diversity Senior Researcher Researcher Researcher	<b>Period(s) employed by submitting HEI:</b> 2003 – present  August 2017 – present 2013 – 2016 2009 – 2014
<b>Period when the claimed impact occurred:</b> 2014 – Dec 2020		
<b>Is this case study continued from a case study submitted in 2014?</b> N		
<b>1. Summary of the impact</b> (indicative maximum 100 words)		
<p>Research led by the Centre on Migration, Policy and Society (COMPAS) at the University of Oxford led to the establishment of a knowledge-exchange network with a core group of European cities that has now directly engaged 44 cities in an unprecedented dialogue on a highly sensitive issue: municipal service provision to irregular ('illegal') migrants. The network – the <i>City Initiative on Migrants with Irregular Status (C-MISE)</i> – has published comprehensive guidance and a video documentary, promoted to 47 countries by the Council of Europe and to 140 cities by the Intercultural Cities network. This work has already led to reforms by 8 cities relating to additional provision of healthcare, shelter, legal advice and other services, impacting on migrants and other residents; and to a linked, city-led, parallel initiative in Italy. For the UK, the research directly led to an award-winning, online diagnostic tool, used 39,616 times by local authorities, advice agencies and individuals, to assess eligibility of destitute migrant children for shelter and subsistence support. The EU Victims Strategy (2020) adopted a research recommendation to extend protection to victims with irregular status.</p>		
<b>2. Underpinning research</b> (indicative maximum 500 words)		
<p>The Centre on Migration, Policy and Society (COMPAS) is within the School of Anthropology and Museum Ethnography at the University of Oxford. COMPAS led a research programme on national and municipal responses to irregular ('undocumented' or 'illegal') migrants (2012-2020) consisting of three related studies:</p> <ol style="list-style-type: none"> <li>1. The first study (2012-2018) by Spencer, Hughes and Delvino, investigated national and municipal policy responses to irregular migrants in continental Europe (<b>R1</b>). Irregular migrants are not authorised to be in the country and service provision to them is a sensitive issue. The aim was to investigate the apparent paradox that irregular migrants are provided with some public services while simultaneously subject to removal from the country by immigration authorities. The researchers conducted the first mapping of national legal provisions on access to healthcare and education across the then EU28, revealing a starkly uneven geography of rights and restrictions (<b>R4</b>), including for children (<b>R3</b>). More than 100 interviews with policy makers and civil society representatives in 14 countries were conducted to establish the reasons for provision of services, including access to shelter and legal advice. The study found that a range of economic and social policy imperatives, including public health, tackling homelessness, and child protection, as well as human rights obligations, can require a level of inclusion in services, a need felt most keenly at the local level (<b>R2</b>). Providing access to services can lead to conflict with national governments but elsewhere controversy is avoided by low visibility provision. While city networks regularly discussed policy relating to legally resident</li> </ol>		

migrants, on which guidance on 'best practices' was available, during the research it became apparent that cities had felt unable to discuss this more sensitive issue. They had no opportunity for peer-to-peer learning nor access to research evidence. The research provided a safe context in which that dialogue could take place and, identifying a need for ongoing knowledge exchange, led to the establishment of the *City Initiative on Migrants with Irregular Status* (C-MISE).

2. The second study (2013-2015), by Spencer and Price, investigated UK local authority practices in relation to destitute migrant children and their families who had irregular immigration status (**R6**). It focused on a local authority duty to protect children 'in need', including those who, because of their immigration status, have no right to access welfare benefits ('No Recourse to Public Funds'). It found that the complexity of the law, and resistance by some local authorities, meant some destitute families are turned away by staff without their eligibility for accommodation and welfare support being assessed. For those whose eligibility was assessed, ideas on the relative 'deservingness' of migrant parents and children with irregular status played a part in decision making and outcomes (**R3**). Advice and support from a voluntary organisation was found to increase the chance of a family receiving support, but availability of that expertise was limited in parts of the country; a finding that prompted the researchers' design of an online diagnostic tool.
3. The third study (2018-2020), by Delvino, investigated the ability of irregular migrants to report if they are a victim or witness of crime without risking arrest and deportation, in the USA and Europe (**R5**). It found that there are significant barriers faced by the victims in interacting with police authorities, with negative consequences for crime prevention and detection. Certain legal and policy innovations had been introduced in the USA (where practice is more advanced) and in four European countries to address this. The study identified implications for reform at EU, national and local levels.

### 3. References to the research (indicative maximum of six references)

**R1:** Delvino, N.(2017). *European Cities and Migrants with Irregular Status: Municipal initiatives for the inclusion of irregular migrants in the provision of services*. Oxford:

COMPAS. <https://www.compas.ox.ac.uk/2017/european-cities-and-migrants-with-irregular-status/> [output type: U]

**R2:** Spencer, S. and Delvino, N. (2019). 'Municipal activism on irregular migrants: the framing of inclusive approaches at the local level'. *Journal of Immigrant & Refugee Studies*.

<https://doi.org/10.1080/15562948.2018.1519867> [output type: D]

**R3:** Spencer, S. (2016). 'Postcode Lottery for Europe's Undocumented Children: unravelling an uneven geography of entitlements in the European Union'. *American Behavioral Scientist*.

60(13): 1613-1628. <https://doi.org/10.1177/0002764216664945> [output type: D]

**R4:** Spencer, S. and Hughes, V. (2015). 'Fundamental rights for irregular migrants: legal entitlements to healthcare and school education across the EU28'. *European Human Rights Law Review* (6), 604-616. [output type: D]

**R5:** Delvino N. (2020), *Safe reporting of crime: Research Highlights and Learnings for the EU Victims Strategy*, Oxford: COMPAS.

<https://www.compas.ox.ac.uk/wp-content/uploads/Safe-reporting-project-Research-Highlights-and-Learnings-for-the-EU-Victims-Strategy-Final.pdf> [output type: N]

**R6:** Price, J. & Spencer, S. (2015). 'Safeguarding children from destitution: Local authority responses to families with 'no recourse to public funds''. Oxford: COMPAS

[https://www.compas.ox.ac.uk/wp-content/uploads/PR-2015-No\\_Recourse\\_Public\\_Funds\\_LAs.pdf](https://www.compas.ox.ac.uk/wp-content/uploads/PR-2015-No_Recourse_Public_Funds_LAs.pdf) [output type: U]

**Funded by:** Open Society Foundations Fellowship, Spencer (2012-2015); Open Society Foundations (PIs Spencer and Delvino, *City Initiative on Irregular Migrants in Europe (C-MISE)*, USD156,887, 2017-2019; PI Delvino, Co-I Spencer, Phase 2, *C-MISE*, USD199,179.20 2020-21); Foundation to Promote Open Society (PI: Delvino, *Safe reporting of crime for migrant victims and witnesses*, USD84,983, 2018-2019; PIs: Spencer and Delvino, C-MISE dissemination grant,

USD39,923, 2019-2021); Nuffield Foundation (PI Spencer, *Support for children and families with 'no recourse to public funds'*, GBP100,966, 2013-2015); Legal Education Foundation (PI Spencer, *Developing an Online Tool to Assess the Eligibility of Destitute Families*, GBP58,000 2016-2019); Research England Strategic Priorities Fund (SPF) QR allocation (PI: Delvino, *Safe reporting of crime for victims and witnesses with irregular migration status in Europe and the United States* GBP12,839).

#### 4. Details of the impact (indicative maximum 750 words)

##### *Forming the City Initiative on Migrants with Irregular Status (C-MISE)*

The first study, on national and municipal policy responses (**R1, R2, R3, R4**) led Europe's network of major cities, Eurocities, to partner with Spencer (and COMPAS' knowledge exchange arm, the Global Exchange on Migration and Diversity (GEM) which she led) and Barcelona City Council in the first meeting of European cities to discuss provision of services to irregular migrants (2014). That dialogue, and the expectation that the refugee crisis (2015-2016) would lead to a rise in the number of residents with irregular status, led to GEM securing funds to establish (2017) the *City Initiative on Migrants with Irregular Status (C-MISE)*. Initially a working group of 11 cities in 10 countries, chaired by the City of Utrecht, its aim was to build a stronger body of evidence and share learning on city practices in relation to migrants with irregular immigration status; disseminate guidance on key areas of service provision; and develop a shared, city perspective on relevant reforms in EU policy agendas.

Spencer and Delvino have since facilitated a programme of regular two-day workshops where cities exchange knowledge on city practices, with input from the researchers. The research (**R1-R6**) is reaching a wider audience through a key output, C-MISE's 79-page *Guidance for Municipalities* (2019 – **S1**) which used the research to set out the rationales for service provision (**R2**) and practical examples (**R1**) of how to address the service needs of irregular migrants, such as their need for shelter, health care and legal advice. An executive summary is translated into 7 languages. It is accompanied by a video documentary (**S1**) featuring Deputy Mayors and officials explaining why and how services are provided. These have been circulated to the 47 Member States of the Council of Europe by its Congress of Regional and Local Authorities (2019); to the global Cities of Migration network; and to the 140 cities in the Intercultural Cities Network, all of which had formerly focused only on migrants with legal residence.

##### *Changing European cities' approach to practice & policy regarding irregular migrants*

The research evidence (**R1-R6**) and peer-to-peer learning in C-MISE meetings, now directly engaging 44 cities in 17 countries, has led to changes in the practices of the participating cities. The former Chair of Eurocities' Migration and Integration Working Group (from Barcelona, **S8**) says: "*This seminal work was a turning point*" in how cities approach the issue. The City of Utrecht says "*The combination of research of Oxford University and the practices and policy of cities across Europe is a huge step forward... That made it possible for us as a city and other major cities in Holland to have a more practical solution oriented approach.*" (**S2**)

The changes in practice cited here focus on reforms in 8 cities: Athens, Barcelona, Frankfurt, Ghent, Milan, Oslo, Utrecht and Zurich.

- Utrecht reports that the research evidence and broad city membership of C-MISE empowered its negotiators in November 2018 to secure Dutch government agreement and funding to provide a municipal 'Bed, Bath and Bread' service to destitute irregular migrants. Utrecht (estimated irregular migrant population, 3-4,000) also introduced a scheme for irregular migrants to be engaged in voluntary work to enhance their well being: "*The research done the last 9 years by Oxford has helped a lot to reach this point of multi level cooperation so the impact is huge*" (**S2**).
- Ghent (estimated irregular migrant population 4,700 of whom a third are children, and over two thirds are settled residents) has secured approval to set up a Reception and Orientation service providing access to shelter and advice. Legal advice can establish if the individual could secure a right to stay or should return to their country of origin, and the research (**R1**)

found high success rates for this approach: *“the C-MISE guidance, derived from COMPAS's extensive research, was invaluable for us in providing examples of good practices abroad ...relating to shelter and related services, which we are now developing here” (S3)*. Ghent has also agreed a vision statement and strategy for its service provision: *“The evidence and analysis in the research demonstrated the importance of our having clarity on our reasons for service provision and hence contextualising our work within a document of this kind”*. Reporting on C-MISE at the national level, securing the support of national agencies, helped secure a Federal Government commitment to pilot projects providing advice to irregular migrants on asylum residence and return options (S3). The research (R1, R4) and learning from C-MISE dialogues has been used by Frankfurt (estimated migrant population 25,000-40,000): the City Council has used it at its health clinic for irregular migrants as the basis for negotiating agreement with the city's Social Welfare Department to set up a new unit, with a first year budget of EUR10,000, to which patients can be referred for legal advice and signposting to other council services where their eligibility for support will be assessed (S4).

- The research (R6) had demonstrated the important role of voluntary organisations in providing services for irregular migrants, taken forward as a priority in C-MISE. Athens (S5) and Oslo (S6) established advisory groups of voluntary organisations to provide them with advice on this issue, in each case contributing to a review of the city's approach.
- The research (R1) also revealed a lack of data on irregular migrants who are not included in an official census. Zurich carried out a study to establish the number and characteristics of irregular migrants in the city (estimate now confirmed of approximately 10,000 people). This has provided a basis for reforms including a city identity card that would be available to irregular migrants (who may have no other form of identification). It also facilitated provision of financial support to these vulnerable residents during the Covid-19 crisis. (S7)
- Barcelona (estimated migrant population 30,000) credits the research with providing ‘a solid framework’ for its 2017 strategy on irregular migrants, and has since developed, among other reforms, legal counselling for domestic workers, a development *“definitely pushed by the fact that we are in the C-MISE project”* (S8).
- Milan, attributing the effectiveness of C-MISE to its ability *‘to combine the scientific in-depth analysis and the learning process of practical solutions’* consequently decided to strengthen its legal counselling service by locating it within its service for homeless people, the model already effectively used by Utrecht, and decided to open its advice and orientation service to people with irregular status (S9).

The beneficiaries of these reforms are *all* the residents in the municipal areas, through enhancing public health and crime prevention, for instance, not only those with irregular status.

#### *Developing an online diagnostic tool for local authorities in the UK.*

The findings of our UK study on destitute migrants (R6) led us to develop an online diagnostic tool to enable local authorities, advice agencies and migrants to assess eligibility for local authority support, a complex area of law. It *“enables the individual to consider what steps they must take to improve their situation in the UK, whether this is through gaining employment, through accessing legal advice to regularise their immigration status - or by making an informed decision to return to their country of origin” (S10)*. Google-metrics (Jan 2017 to 3 December 2020) showed there had then been 39,616 users of the tool; 79% of whom indicated they were at imminent risk of homelessness. In 2017 this tool won a UK Community Integration Award. We have now licensed the tool to the No Recourse to Public Funds network, housed at the London Borough of Islington, to ensure its long-term sustainability online (S10). The British Red Cross, which assisted in the development of the tool, says (S11) the research (R6): *“was central to identifying the need to better equip practitioners working in this area, and destitute migrant families themselves.....We use the tool interactively in casework sessions to work through a service user's situation and demonstrate their eligibility for assistance...sometimes the only route to ensuring vulnerable children's accommodation and living needs are met”*.

#### *Increasing protection of irregular migrants at national and European level.*

Responding to the need to translate the research into specific national contexts, the Association of Italian municipalities, ANCI, has established a working group of Italian municipalities to facilitate implementation of the C-MISE guidance in Italy. At its first meeting, of 13 cities in

December 2020, it decided to conduct a study of the legal opportunities to provide services and local good practices, to draw up proposals to the national government for reform; and identify methods for quantifying irregular migrants at the local level. (S9)

At European level, the evidence on barriers faced by migrant victims of crime (R5) in accessing safe ways to report crime influenced the content of the recent European Union Strategy on Victims' Rights 2020-2025 (S12, footnote 74, citing R5). For the first time it commits the European Commission (EC) to explore legislative proposals by 2022 on access to support for irregular migrants who are victims of crime; and urges EU Member States 'to ensure that all victims, including migrant victims have access to justice independently of their residence status'. An earlier session with the EC's Directorate-General Home was instrumental in its decision to set irregular migrants as the topic of the next country report of the European Migration Network, the function of which is to support EU policy making.

The Platform for International Cooperation on Undocumented Migrants (PICUM), the highly regarded umbrella body of voluntary organisations across Europe in this field, states C-MISE is "making an impact by strengthening the role played by cities on the policy debates on irregular migrants both on the national as well as EU levels" (S13).

At UN level, our research on access to health (R1, R4) led the UN Office of the High Commissioner for Human Rights to appoint Delvino to report on the municipal contribution to irregular migrants' access to healthcare (2019), and to host a dialogue between international human rights bodies and local authorities for the first time on this issue. This led to the publication of the first UN report, prepared by Delvino, promoting and recommending local practices for the enjoyment of irregular migrants' right to health (S14). The UN office confirmed Delvino's contribution to this report, stating that his 'desk and field research, as well as his contribution to the drafting of the report, proved very valuable. The networks that [he is] involved in further proved an asset for the early identification of promising practices by local authorities and civil society' (S15).

#### 5. Sources to corroborate the impact (indicative maximum of 10 references)

S1. Guidance for Municipalities, C-MISE: <https://www.compas.ox.ac.uk/project/city-initiative-on-irregular-migrants-in-europe-c-mise>

S2: Letter - Senior Policy Advisor, City of Utrecht (& current Chair of C-MISE), -24 Nov 2020

S3: Letter - Deputy Manager, Asylum and Refugee Policy Service, Department of Living Together, Welfare and Health, Ghent City Council, 26 Oct 2020

S4: Email - Medical Director, Humanitarian Consulting Hours, Department of Health, Frankfurt City Council - 22 Oct 2020

S5: Letter - Deputy Mayor, Athens City Council - 27 Feb 2018

S6: Letter - Chief Adviser, Department of Business and Ownership, Oslo City Council - 27 Feb 2018

S7: Website, Department of Urban Development, Zurich: <https://www.stadt-zuerich.ch/prd/de/index/stadtentwicklung/integrationsfoerderung/integrationsthemen/sans-papiers.html>

S8: Letter - Director of Services for Assistance and Immigrant Welcome, Barcelona City Council, 21 Feb 2018; [further information on later changes also available, Corroborator 1].

S9: Letter - Director, Rights Inclusion, City Council of Milan, 29 Jan 2021

S10: Letter - Network Coordinator, No Recourse to Public Funds (London) 28 Feb 2018

S11: Red Cross - Letter from Refugee Support Operations Manager, 28 Feb 2018

S12: EU Strategy on Victims' Rights 2020-2025.

S13. Letter - Director, Platform for International Cooperation on Undocumented Migrants in Europe - 28 Feb 2018

S14: UN Human Rights Regional Office for Europe (2019) *Promising Local Practices for the Enjoyment of the Right to Health by Migrants*.

S15: Letter from UN Human Rights Office of the High Commissioner, 19 Dec 2020