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# URBAN CITIZENSHIP

Making places where everyone can belong

## Urban citizenship and undocumented migration

Policy Brief

February 2019



Cities have a distinct and essential role to play in relation to the inclusion, or integration of new comers to the local community. In an age when global connectivity and mobility clash with fears of the impact of migration on communities, cities have been able to suggest strategies which satisfy both the moral and legal obligation to protect human rights, and address these fears.

The Council of Europe and its partner cities have developed and validated an intercultural approach to integration which enables cities to reap the benefits and minimise the risks related to human migration and cultural diversity. Its key elements are:

- creating spaces and opportunities for deep interaction and co-creation between people of different cultural origins and backgrounds, to build trust and realise the creative potential of diversity;
- power-sharing – involving people of diverse origins in decision-making in urban institutions, be they political, educational, social, economic or cultural;
- fostering intercultural competence in public, private and civil-society organisations;
- embracing cultural pluralism and the complexity of identities through leadership discourse and symbolic actions; and
- developing inclusive narratives and managing conflict positively, busting stereotypes and engaging in a debate about the impact and potential of diversity for local development.

These principles are helpful in the inclusion of all types of newcomers (as well as of people of migrant and minority origins) regardless of the reason they have established themselves in the city, the duration of their stay, or their formal status. The intercultural integration approach is rights-based – and human rights belong to all those who reside in states parties to the European Convention of Human Rights, without exception. Intercultural integration is also asset-based – it rests on the conviction that mobility and diversity are resources for human and social development, and should be treated as such by public policy. Policies should seek to enhance the opportunities and minimise the risks related to mobility and diversity, not use them for narrow political purposes.

With the rise in the number of people who reside on a state territory without a formal residence permit, we are beginning to see experimentation by municipal authorities to define alternative polities in which human rights may be guaranteed to all. The ultimate aim of a growing number of cities is to enable undocumented migrants to live dignified lives but also to contribute to the local communities and prepare, as it may be, to perhaps one day to become citizens, or to lead meaningful and productive lives in their future countries of residence, including countries of origin. However, because each are doing this within the specificities of different national jurisdictions as well as different local economic, demographic and political contexts, the routes and methods being adopted are many and varied.

## **Building blocks of urban citizenship policies for undocumented residents**

### **1. Universal access to basic rights and services**

Municipal authorities (and the civil society partners) should acknowledge a statutory and ethical duty to ensure all people within their jurisdiction have access to basic rights and services to ensure that the health and safety of these people and others are not threatened, as well as a pragmatic responsibility to ensure the city functions in an orderly and resource-efficient manner. The presence of large numbers of people who are being denied the basic rights and services needed for survival,

safety and dignity, could be construed by citizens as a threat to public order and safety, and thus dealt with by means of security apparatus; however, in most cases, municipal authorities opt to provide a 'safety net' of basic services in order to fulfill their human rights and humanist duties.

Whilst some national governments deny health care to the undocumented residents, cities take a more pragmatic and compassionate view. For example, it is in the interest of no citizen to allow outbreaks of serious illness in the city because one section of residents have been denied basic hygiene or care. As such many cities now cooperate with public health agencies and NGOs to provide basic services at their own cost.

#### **Health care for the undocumented in Warsaw**

In Poland the health care system is financed from a national insurance programme which excludes undocumented migrants, thus limiting their entitlement to emergency care only. City officials in Warsaw have decided it is not in the wider interest of public health to risk having large numbers of people in a position of health risks; so it has voted public funds to enhance the provision of health services. These grants now fund 40% of the activities of an NGO, Doctors of Hope, which operates a health clinic with volunteer doctors who in 2015 treated around 8,000 residents who lacked health insurance.

In order to address this challenge, cities are encouraged to provide residents, including those irregularly residing on the national territory, with a formal "token of residency" such as a municipal identity card that can unlock access to city services. Essential services include health and maternity care (regular as well as emergency), shelter and education (until compulsory schooling age). Some cities (such as Utrecht) offer the undocumented residents access to benefits such as language lessons, entrepreneurial classes and general education which, in other parts of the Netherlands, are strictly limited to documented citizens. Other cities include free access to local transport or the right to participate in consultations and cultural activities as a part of the package. Getxo, in the Basque country in Spain, goes even further and provides a minimum income for all residents, documented or not.

**It is preferable to issue (either on an opt-in or an automatic basis) a city residency card to all residents, and not only the undocumented, in order to avoid possible stigma and to ensure that service professionals treat all residents alike.**

#### **The comprehensive approach of Barcelona**

In the European context at least the local authority with the most comprehensive package of policies and measures has been the city of Barcelona, the main features of which are:

- Proactively seeking to register all local residents, regardless of national status, in *El padrón* the population register established at national level.
- Guaranteeing universal access to municipal public services and promoting access to other services.
- Encouraging the regularisation of people in irregular situation living in the city, as soon as possible.
- Detecting and preventing possible situation of lapsed regularisation.
- Vouching for the local ties of residents in Barcelona who are in the process of being interned or deported.
- Promoting amendments to legislation so inclusive policies can be adopted for people in irregular situation, both in the Spanish state and at in the EU.

### **Elm City Residents Card**

The first place to introduce a Residents card was New Haven, Connecticut, in 2007, with the Elm City Residents Card. The city had experienced massive population growth over a short period and the Mayor's primary motivation to set up a resident's card was to discover more about the new demographic character of the population. There was deliberate use of the term 'resident' to forestall any stigma that might be attached to an 'i.d' designed for non-nationals only. From the outset it was promoted through businesses such as corner shops that saw it as a sales advantage. It has become the principal card for school identification but can be used for a wide variety of purposes, including by people released from prison, ranging from car parking and discount at car dealerships. So far, in a city of 131,000, a total of 14,000 cards have been issued.

### **The IDNYC Card**

It was introduced in 2014 by Mayor De Blasio as an accessible and secure document enabling all residents to access City services and grant admission to City buildings, such as schools. In addition, the card can be presented as proof of identification for interacting with the police and is an accepted form of identification for opening a banking account at select financial institutions, and is also accepted at any public library in New York. Furthermore, a number of additional benefits are available to cardholders including the opportunity to sign up for free one-year memberships at 40 of the city's leading museums, zoos, concert halls, and botanical gardens. It also offers discounts on movie tickets, sporting events, prescription drugs, fitness and health centres, supermarkets, and New York City attractions. The card is also accepted at a number of banks and credit unions in the city to open a bank account.

It is currently held by 1.3 million people – or 1 in 8 of the population – and has been taken up by about half a million undocumented migrants. It has also been adopted by many other people with the primary purpose of showing solidarity with migrants. The city is extremely proactive, employing a team of community engagement workers to visit neighbourhoods to encourage take-up. There are 25 languages of preference and 15 local offices where people can enrol.

The card offers a unique identity number, photograph and barcode and has so far been subject to minimal acts of fraud. The programme is not cheap, costing about \$19 million per annum to run, but the city authorities consider this a small price to pay for the high levels of solidarity and participation it engenders.

### **The Paris Citizenship card**

Take-up of the ID card idea is only now starting to gather momentum in Europe. Paris has been first in the field deciding, after the terror attacks of 2015, to put citizen participation at the centre of its mission. Mayor Hidalgo wanted Paris to demonstrate a generosity of spirit in contrast to the anger of the national mood, so a *Carte Citoyenne* was launched as the symbol of a city open to the world – modelled on the IDNYC. Any resident can have one from their 7<sup>th</sup> birthday. It has been promoted primarily for use by school children, then by social housing renters and also by undocumented migrants. So far 200,000 (10% of the population) have taken up the card.

## 2. Sanctuary policies and practices

Access to rights for undocumented residents can only be meaningful if rights users do not fear that in their dealings with institutions such as clinics and hospitals, educational establishments and shelters, they run the risk of their lack of formal residence permit being revealed to the competent authorities.

"Sanctuary city" (the movement and the term were born in the USA and spread to other parts of the world) are jurisdictions which have adopted policies designed to limit local institutions' cooperation with, or involvement in immigration law enforcement actions. In the USA there are now more than 300 state and local jurisdictions that do not honour requests from Immigration and Customs Enforcement to detain individuals. The goal is to protect undocumented immigrants who are not otherwise engaged in criminal activity from being detained or deported.

### **The UK City of Sanctuary movement**

The first place in the UK to declare itself a City of Sanctuary was Sheffield in 2007, with the support of the City Council and of over 70 local community organisations.

Since then, City of Sanctuary UK, the umbrella organisation, has supported the development of a network of over 100 groups, which includes villages, towns, cities and regions across the UK. Its mission is to build a culture of welcome, hospitality and inclusiveness, so that wherever people seeking sanctuary go they will feel safe, find people who welcome them and understand why they are here, and have opportunities to be included in all activities. It draws upon large numbers of individuals prepared to open their homes or organisations to vulnerable people. Its work falls into a series of 'streams', the most active of which are the Arts, Health, Gardens, Maternity, Schools and Universities.

Whilst one of its most important roles is to lobby Parliament and politicians it has not engaged directly in trying to redefine the legal status of undocumented migrants at the local level. The limited powers of British municipalities and the widespread acceptance of a highly-centralised state have so far determined that urban citizenship has not yet been a priority for discussion within the movement thus far.

Many cities now employ teams of specialist immigration lawyers to defend undocumented residents, challenge government policies and procedures, and to seek legal loopholes.

### **Utrecht**

The city of Utrecht prides itself on its record of protecting its undocumented migrant residents from forced deportation, but also for providing support for reconnecting with countries of origin. Over the period 2002-2018 the city reports a 92% solution rate, as follows:

- 59% legalised migrants and integrated into Utrecht society
- 19% voluntarily reconnected to their countries of origin
- 13% given the right of shelter in a national asylum centre.
- 8% declared illegally residing, and forcibly deported.

### 3. New institutions

A new urban citizenship approach to undocumented migration requires the formation of new institutions or the reformatting of old ones.

For example, asylum centres have often been portrayed in negative terms as places to be kept separate from mainstream society, where people are 'warehoused' in a state of limbo until their future is decided. A new breed of centres is now emerging in some cities which aim to dissolve barriers of status and timescale as much as possible and to build trusting and inter-reliant relationships between old and new citizens.

#### **Plan Einstein**

At this centre in the Overvecht district of Utrecht, refugees live together with young people from the neighbourhood. Both asylum seekers and local residents can take courses and activities in business, English language and international entrepreneurship together. They cooperate on planning their professional future, regardless of which country that future eventually resides. They get help starting a company, gaining entrepreneurial skills, and expanding their professional network. Refugees thus put their waiting time to good use and resume their lives and local residents also take a step further in their future. They also eat or exercise together with the locals, helping to form lasting friendships.

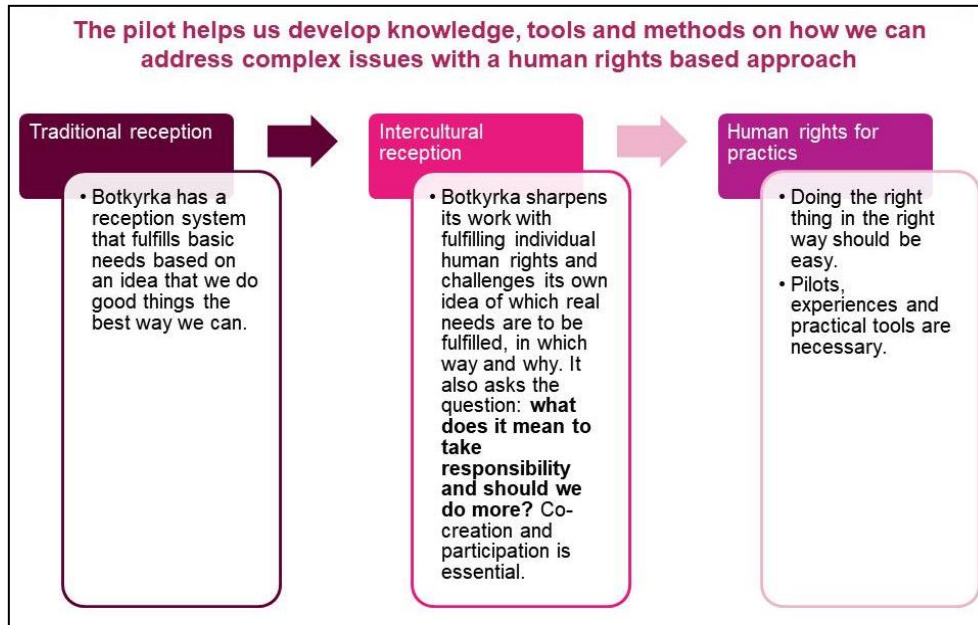
#### **Montréal**

The City of Montreal has declared itself a Committed and Responsible city, expressing the will to be a welcoming and inclusive city for all, and offer protection and access to services adapted to the most vulnerable populations with various precarious migration statuses. The undocumented residents of Montréal are estimated at around 50.000.

What the city can offer is limited without necessary changes to provincial and federal policies and without federal financial support for the front-line community network to welcome and serve these populations. However, based on a detailed analysis of the services offered and the risks for people without legal status to access these services, and an inclusive consultation process, an action plan was adopted by the municipality. Several initiatives have been funded since 2017, in particular to support these populations in their access to health care and legal assistance for the regularisation of their status. An organisation providing training and information for the front-line workers (both in the services of Ville de Montréal and in the networks of partners) was also funded. Besides, as the second most important city in Canada in terms of immigration, Montréal participates and shares its expertise and know-how with all the levels of government that seek to include those without legal status.

As announced in the Montréal inclusive action plan 2018-2021, several new projects are under development, for example the creation of an Intervention and Protection Unit which, by guaranteeing client confidentiality, will support immigrant victims and their relatives of abuse or crime; a policy on access to services for all residents, regardless of their status; a Municipal identity card, etc.

**Botkyrka** (Greater Stockholm area) is taking an action learning approach to evolving methods and institutions. Within the Swedish national context it has encouraged other cities to join in the setting up of the Unesco LUCS pilotproject on intercultural refugee reception. The group of cities engaged is also the basis of a newly-formed Swedish national network of Intercultural Cities. The heart of their joint learning process is to imagine how an intercultural and human rights-led approach will transform traditional models of reception, as follows:



#### 4. Local political rights regardless of formal citizenship status

There is a vigorous debate in the United State over whether undocumented migrants should have any right to participate in local electoral processes. Though it remains illegal for any non-citizen to participate in federal and state elections, federal law leaves it up to the states to decide who can vote in local or special elections. Non-citizens currently can vote in some local elections in 11 states. To date, there is no record of an undocumented immigrant who has recently crossed the border and cast a vote in one of these elections. However, there is a campaign for allowing undocumented immigrants to vote in school board elections, arguing they have a right because it affects their children's futures, or that those on a path towards citizenship should be encouraged to feel themselves part of their local community.

Besides, participatory budgeting is now a common feature of municipalities around world, and is considered to be a democratically inclusive and resource-efficient way of deciding upon the allocation of public resources. Some cities are now taking this a stage further arguing that undocumented migrant residents should also have the right to participate in the process.

#### **PBNYC Participatory Budgeting of New York City**

Through Participatory Budgeting community members have, since 2011, been able to directly decide on how to spend at least \$1,000,000 of public funds per annum. The public can propose and vote on projects like improvements to schools, parks, libraries, public housing, and other public or

community spaces. Over that period participation by foreign-born residents has steadily increased, to 28% of all PB voters by 2017. Although there are no actual data on the number of these who are undocumented, the City Council is determined to promote it to this group as it is seen as a positive way to build trust and local belonging.

## 5. Technological innovation

We should not only look to local government and NGOs for policy innovation in this field. The domains of private enterprise and tech also have a valuable contribution to make. We live in an increasingly data-driven world and the ways in which data is gathered, classified and utilised will have an increasing influence upon matters of identity and legitimacy.

### **Blockchain and resilient identification**

Tykn is a Dutch data company founded by Tey El-Rjula, a former refugee who found himself unable to re-establish himself back into a normal life as all form of documentary identification had been taken from him. During several years living in refugee camps he gathered 14kg of paperwork to support his quest for identity, to no avail. However, he realised that the Bitcoin he held would enable him to buy food or hire an Uber car. He realised there is a problem that centralised, paper-based ID systems such as birth certificates, drivers licenses and degrees can easily be lost, forged or misused, so he began a search for more 'resilient' forms of documentation, particularly through breakthroughs in technology. Using blockchain-based technology, Tykn is trialling the use of digital identity cards with Rohingya refugees in Malaysia, Bangladesh and Saudi Arabia, enabling them to access services such as banking and education.

## 6. Other policy steps

Cross-border mobility is likely to increase in the coming years. To ensure all residents in a territory can live a fulfilling productive life, free from abuse and the violation of their human rights, municipal authorities will need to formulate explicit policies and a clear plan of action which include, in addition to the elements above, additional steps to ensure comprehensive and sustainable outcomes. Some ideas below:

1. Building alliances with NGOs, businesses, and citizen groups to provide basic services, build diversity competence and foster joint action on a large scale.
2. Gathering reliable data on the numbers of undocumented migrants and their conditions - for the sake of service delivery but also for advocacy purposes.
3. Developing systems and platforms for policy co-design and participatory democracy such as participatory budgeting, citizens' juries, and crowdsourcing of policies, open to all residents.
4. Developing horizontal and vertical partnerships to share knowledge and act for political mobilisation *vis-a-vis* national governments.
5. Strategies for informing the public of the reality of undocumented people in their city, alongside myth-busting programmes and local sanctuary networks.
6. Continuous dialogue with national authorities to foster inclusive integration policies, including for the undocumented.