Sanctuary Cities in Europe? A Policy Survey of Urban Policies in Support of Irregular Migrants

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A Policy Survey of Urban Policies in Support of Irregular Migrants

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Abstract: Irregular migrants tend to live in dense urban settings. Cities therefore formulate various policies in support of irregular migrants. Given the US phenomenon of sanctuary cities, the study of these policies has been rather US-centric so far. This letter examines urban policies in support of irregular migrants in Europe's 95 largest cities. Only 27 % of European cities formulate these types of policies. We discovered two relevant policy categories: status and services. Only five cities formulate policies that aim to award irregular migrants with a (more) secure status and 24 cities formulate policies that facilitate access to city services. Our mixed-method analysis suggests that status policies take advantage of policy-making discretion whereas service policies hinge on the availability of local resources. Yet, there are no simple explanations for the observed policy diversity that is the product of place-based policy-making idiosyncrasies.

Introduction

Cities are at the forefront of formulating policies that aim to improve the precarious situation of irregular migrants.[1] These urban policies are mostly discussed under the label of sanctuary cities, although sanctuary cities are a particularity of United States (US) federalism because US local governments are not obliged to cooperate with federal immigration authorities (e.g., Mancina 2016, Collingwood and Gonzalez O'Brien 2019). Yet, the urgency for cities to provide a sanctuary for irregular migrants resonates with cities worldwide (e.g., Bauder 2017; Darling and Bauder 2019; Kaufmann and Strebel 2020). This letter geographically expands sanctuary city research by comparatively examining how European cities address the precarious situation of irregular migrants. So far, these urban policies and practices in Europe have merely been examined through case studies of different European cities (e.g., Ataç et al. 2020; Kaufmann and Strebel 2020) or through policy reports that compare selective cities (e.g., Delvino 2017). We present a systematic collection and descriptive analysis of urban policy in support of irregular migrants in Europe's 95 largest cities.[2]

Irregular migrants tend to live in dense urban settings because of the higher likelihood of finding jobs and suitable accommodations, better access to relational, ethnic, social, or cultural networks,

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[1] We use the term "irregular migrants", however, the phrase "migrant in a situation of administrative irregularity" would be more precise (Moffette 2018, 13). "Irregular" is used in the literature and practice alongside terms such as "undocumented," "unauthorized" or "illegalized" migrant. We are aware these terms carry normative assumptions with them.

[2] Due to data availability, we only included European cities in OECD countries (see section A1 in the appendix).

and greater anonymity (Spencer 2020). Therefore, there is an immediacy for city governments to support and protect irregular migrants (Varsanyi 2006; de Graauw 2014, Bauder 2017), and the city can become "a space that challenges the exclusion perpetrated at the level of the nation-state" (Darling and Bauder 2019, 4). In practice, cities employ a variety of urban policies and practices that support irregular migrants (Kaufmann 2019). By doing so, cities challenge the national state as the only regulatory body over immigration and citizenship policy.

We define irregular migrants as migrants who never obtained any sort of residence status or who had a status and who later fell out of that status or allowed their status to lapse. UN OHCHR (2014) estimates that 30–40 million migrants live in an irregular situation worldwide. Twelve million live in the US (Gonzalez O'Brien et al. 2019) and 2.9-3.8 million live in Europe (Pew Research Center 2019).

In the European context, cities are not only seeking solutions for migrants that never obtained a residence status; they are mostly confronted with migrants whose asylum applications were denied but who nevertheless stay (Ataç et al. 2020). For example, following the so-called "refugee crisis" of 2015/2016, European countries refused the applications of more than a million asylum seekers, but their rate of return was well below 50 % (Spencer and Delvino 2019). Some European cities directly oppose the increasingly restrictive national policies towards irregular migrants and rejected asylum seekers[3] (Mayer 2018, Garcés-Mascareñas and Gebhardt 2020).

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[3] While migration policies became more liberal in the Global North, policies towards irregular migrants are the only migration policy category that has constantly became stricter over the last thirty years (see De Haas, Natter, and Vezzoli 2016).

This letter provides a descriptive analysis of policies in support of irregular migrants in European cities based on an extensive data collection and data categorization process. The process consists of three steps: initial data collection, standardization, and expert validation. We then analyze the data collected using a mixed-method approach including qualitative case knowledge and logistic regressions. We offer an inductively built policy categorization that distinguishes between urban policies that award a (more) secure *status* and policies that facilitate access to city *services*. We then propose some tentative explanations to make sense of urban policies in support of irregular migrants in Europe.

Different Types of Urban Policies in Support of Irregular Immigrants

Policies in support of irregular migrants are often mobilized by activating the normative concepts of *jus domicili* (membership upon residence) and *urban citizenship*. Both concepts view the city as an alternative locus of membership, regardless of residence status (Bauböck 2003; Varsanyi 2006; Kaufmann 2019).

Few categorizations in the literature elaborate on the diverse urban policies in support of irregular migrants. Kaufmann (2019) distinguishes between regularization, sanctuary cities, and local bureaucratic membership. *Regularization* programs confer national residence status on irregular migrants. Within these programs, cities can make use of their implementation discretion as they sometimes have a role in defining or evaluating regularization criteria. *Sanctuary cities* are cities that have passed a resolution or ordinance expressly forbidding city or local law enforcement officials from inquiring about immigration status and/or cooperating with national enforcement immigration authorities (Collingwood and Gonzalez O'Brien 2019). Sanctuary cities in this definition are a product of US federalism: Given that immigration control is the responsibility of the US federal government, cities cannot be compelled to cooperate with immigration

enforcement. *Local bureaucratic membership* aims to facilitate irregular migrants' access to city services (de Graauw 2014). Buckel (2011) further distinguishes between access to city services based on *parallel* structures, that is services specifically developed for irregular migrants, often in collaboration with non-governmental organizations (NGOs), and *regular* structures that ensure access to city services in the same way other residents access them.

These different policies are not mutually exclusive. They often complement each other, but they can also be incoherent and have contradictory directions and effects (Bauder 2017). Thus, cities often formulate regimes of policies and practices that seek to make residence status irrelevant in most interactions between residents and city employees (Mancina 2016). We attempt to capture this diversity of policies in support of irregular migrants, yet we are also try to compare them and thus we are creating simplifications that are a necessary step of concept building (Goertz 2006).

Research Design

We survey urban policies in support of irregular migrants in all 95 European cities that have more than 350,000 inhabitants. This is a snapshot analysis as the data was gathered from 2018-2020. Data collection represented an intense endeavor. Comprehensive data on urban policy is often extremely difficult and resource-intensive to obtain and maintain (Sumner, Farris, and Holman 2020).

The data collection and data categorization process consisted of three steps (see Figure 1). First, we reviewed available academic articles or (policy) reports before starting an open internet search using a catalogue of search terms in both English and the respective national language(s) (see appendix A.1). As we are interested in how cities are openly active in a policy field that is under the formal authority of national states, we only include policies officially mentioned and

implemented by city governments and that deliberately target irregular migrants. We therefore did not include national policies implemented by cities, not yet implemented policies, nor symbolic declarations. We wrote short city profiles for each city in which we found a policy (see appendix A.3). Second, we categorized these policies. This standardizing exercise was conducted very carefully through multiple rounds of discussions between the participating researchers to preserve place-based policy diversity, while still allowing for the comparison of policies. We also conducted additional investigations into specific cases. Third, 15 experts helped us validate the information in our city profiles. We gave the city profiles to the experts and asked them (1) whether the city profile descriptions were correct and (2) whether they were aware of other policies in this or any other city. We ensured that each city profile was checked by at least one expert. We selected experts that published about irregular migration in the specific cities in question or that work in the city administration (see Table A.1.1. in the appendix). This three-step method constitutes a collaborative process of knowledge generation that enhances the rigor of the collected and categorized data.

Figure 1. Data Collection and Data Categorization Process
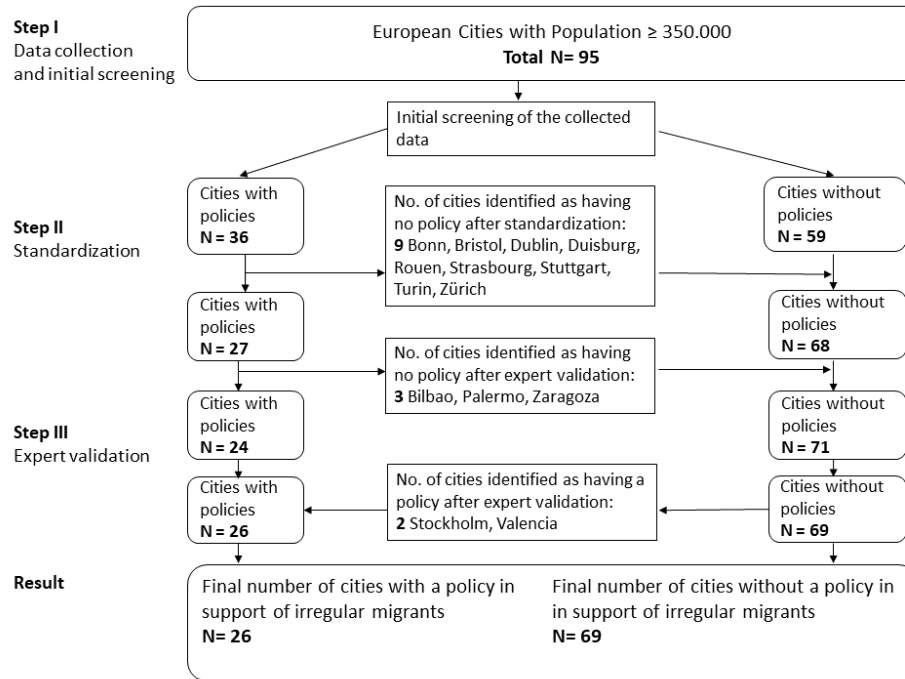
We analyzed the data collected using a mixed-method approach including qualitative case knowledge and logistic regressions. We estimated logistic regressions using cluster robust standard errors (Williams 2000) to control for the importance of national legal immigration frameworks. The regression models include the independent variables of population, GDP per capita in the metropolitan region, share of migrant population, and political ideology of the mayor (see section A.2 in the appendix). We interpret the outcomes of the logistic regression together with qualitative case knowledge given the observed place-specific idiosyncrasies as well as the data limitations of central explanatory factors.

Findings: Status and Service

We distinguish between policies that aim to award a (more) secure status to irregular migrants and policies that facilitate access to city services. The *status* policy category is conceptually related to

the local implementation of regularization programs and sanctuary cities, and the *service* category is conceptually related to local bureaucratic membership.

Out of the 95 cities, five (5.3%) formulate policies that award irregular migrants with a (more) secure status, 24 (25.3%) formulate policies that facilitate access to city services, and 69 (72.6%) formulate neither (see Table 1). Amsterdam, Barcelona, and Madrid are the only cities that formulate policies in both policy categories. Additionally, Amsterdam aims to facilitate access to all four types of city services, which highlights the encompassing nature of its "24-Hour Reception for Undocumented Migrants" plan.[4] Figure 2 shows the spatial distribution of these policies.

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[4] See: City of Amsterdam. 2018. Uitvoeringsplan 24-uursopvang ongedocumenteerden.

https://www.amsterdam.nl/zorg-ondersteuning/ondersteuning/vluchtelingen/24-uursopvang-

ongedocumenteerden/.

Table 1. Overview of Urban Policies in Support of Irregular Migrants

	No. (%)	Cities
Policies that award a (more) secure status	5 (5.3%)	Amsterdam (Netherlands), Barcelona, Madrid, Malaga, Valencia (all Spain)
- An inclusive Padrón, Municipal approach	4	Barcelona, Madrid, Malaga, Valencia (all Spain)
- Partial non-enforcement of immigration law	1	Amsterdam (Netherlands)
Policies that facilitate access to city services	24 (25.3%)	Amsterdam, The Hague (both Netherlands), Barcelona, Madrid (both Spain), Berlin, Bochum, Bremen, Cologne, Düsseldorf, Frankfurt, Hamburg, Hannover, Munich (all Germany), Bologna, Florence, Genoa, Milan (all Italy), Oslo (Norway), Gothenburg, Malmö, Stockholm (all Sweden), Helsinki (Finland), Liège (Belgium), Vienna (Austria)
- Legal counselling	5	Amsterdam (Netherlands), Barcelona (Spain), Berlin, Hamburg, Hannover (all Germany)
- Health care	20	Amsterdam, The Hague (both Netherlands), Berlin, Bochum, Bremen, Cologne, Düsseldorf, Frankfurt, Hamburg, Hanover, Munich (all Germany), Bologna, Florence, Milano (all Italy), Gothenburg (Sweden), Helsinki (Finland), Liege (Belgium), Madrid (Spain), Oslo (Norway), Vienna (Austria)
- Housing	6	Amsterdam, The Hague (Netherlands), Barcelona, Madrid (both Spain), Genoa (Italy), Gothenburg (Sweden)
- Welfare	4	Amsterdam (Netherlands), Gothenburg, Malmö, Stockholm (all Sweden)
No policies	69 (72.6%)	

Figure 2. Map of Policies in Support of Irregular Migrants in European Cities

Urban policies in support of irregular migrants

- ● Status: Policies that award a (more) secure status
    - • An inclusive Padrón Municipal approach
    - ○ Partial non-enforcement of immigration law
- ● City with policies in both policy categories (status and service)
- ▲ City with no policy

- ■ Service: Policies that facilitate access to city services
    - — Legal counselling
    - | Health care
    - ╱ Housing
    - ╲ Welfare

We ran two regression models: Model 1 includes all urban policies in support of irregular migrants as the dependent variable, and Model 2 only includes service policies as the dependent variable (see Table 2). We split both models into two submodels because of multicollinearity problems between the variables of population and GDP per capita. We refrain from estimating a model of status policies because the variance is too low and extremely clustered in Spanish cities. The qualitative case knowledge is better suited to describe and interpret these five cases than a logistic regression.

The logistic regressions reveal a positive statistical association on the 95% confidence interval between GDP per capita and all policies as well as between GDP per capita and service policies. It seems that affluent cities have more resources at their disposal and more capacities to formulate policies in support of irregular migrants. There are no other statistical associations on the 95% confidence interval. The association between the share of migrant population and service policies vanishes in the model that includes GDP per capita. We discuss the null findings in the appendix (see section A.2). We will examine these finding by relying on the gathered qualitative case knowledge.

Table 2. Results of the Logistic Regressions

	Model 1		Model 2	
	All urban policies in support of irregular migrants (0/1)		Urban policies that facilitate access to city *services* (0/1)	
Population	0.235		0.272	
(logarithmized)	(0.327)		(0.357)	
GDP per capita		0.057*		0.077***
(in 1000 USD)		(0.025)		(0.018)
Share of migrant population	0.079	0.007	0.090*	-0.006
(%)	(0.042)	(0.050)	(0.044)	(0.051)
Political ideology of the mayor	-0.179	-0.237	-0.179	-0.252
	(0.149)	(0.158)	(0.162)	(0.191)
(0=Extreme Left, 10=Extreme Right)				
Intercept	-4.395	-2.674	-5.172	-3.570*
	(4.368)	(1.589)	(4.945)	(1.508)
Pseudo R^2	0.063	0.141	0.109	0.194
Wald Chi^2 (3)	8.34	16.21	7.96	29.52
Prob > Chi2	0.040*	0.001***	0.047*	0.000***
N	93	92	93	92

* $p < 0.05$; ** $p < 0.01$; *** $p < 0.001$.
Notes: Standard errors in the parentheses

Status: Policies that Award a (More) Secure Status

We found two types of policies that that fall into our category of awarding a (more) secure status: an inclusive approach to entry into the Spanish *Padrón Municipal* registry and partial non-enforcement of immigration law in Amsterdam. These policies rest upon the policy-making discretion the national legal immigration frameworks grant to cities.

Four Spanish cities openly formulate an inclusive approach to registration in the *Padrón Municipal,* an administrative municipal record in Spain. Spanish law obliges everyone residing in

Spain to register in the *Padrón Municipal* without excluding irregular migrants.[5] Registration makes a person eligible for public services, and it can substitute an identity card, when, for example, opening a bank account or issuing a library card. In addition, the *Padrón Municipal* becomes important as a proof of residence and social integration within Spain's permanent regularization mechanism (*arraigo*). Thus, the *Padrón Municipal* simplifies access to city services in the short term and, in the long term, it facilitates regularization.

Spanish municipalities enjoy very high administrative discretion regarding the documents that they require for registration as well as when assessing irregular migrants' social integration as part of the regularization process (Delvino 2017, 5-6; Moffette 2018). For example, Barcelona and Madrid accept affidavits from social workers and religious figures to confirm a person's identity (Moffette 2018, 140). Moreover, Barcelona and Valencia encourage residents to register, even if they do not have an official address (Delvino 2017, 32). In contrast, other Spanish municipalities obstruct the registration of irregular migrants by requiring minimum living standards or even residence permits (Delvino 2017, 32; Moffette 2018, 140). We only include Spanish cities in our survey if we found official policies that facilitate an inclusive approach to entry into the *Padrón Municipal*.

Amsterdam developed the *"free in, free out"* policy that guarantees irregular migrants the right to freely enter and leave a police station to report a crime, be it as victims or witnesses. The police of Amsterdam *Zuid-Oost* piloted this program in collaboration with local migrant support organizations and with the consent of the Dutch Ministry of Justice and Security (Delvino 2017, 35-36; Timmerman et al. 2019). After the successful test in Amsterdam, other Dutch cities can

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[5] See: Ley Orgánica 4/2000 (BOE-A-2000-544). https://www.boe.es/buscar/act.php?id=BOE-A-2000-544.

also implement this practice as it was formally introduced as national policy in 2015. It "has been recognized by various migrant and human rights observers as a European 'best practice' in the area of safe reporting for irregular migrant victims of crime" (Timmerman et al. 2019, 18). This policy therefore shares some similarities with sanctuary cities, however, it only guarantees the non-enforcement of immigration law in specific circumstances (i.e., when reporting crime).

Service: Policies that Facilitate Access to City Services

Policies that facilitate irregular migrants' access to city services resemble what Els de Graauw (2014) calls *local bureaucratic membership*. Cities try to ensure basic services for all people in precarious situations by making residence status irrelevant when accessing city services (Buckel 2011; Spencer 2020).

Legal counselling is one such service that is available in many cities. These services are crucial given that the irregular migrants' precarious situation stems from national immigration legislation. City governments invest in legal counselling to inform irregular migrants about pathways out of irregularity. Legal counselling is mostly done by NGOs themselves through so-called parallel structures because irregular migrants may perceive them as being more trustworthy than city governments. Our survey only incorporates examples of cities that officially fund these services.

Ensuring access to health care is the most frequent policy in our survey (n=20). There is a cluster of German cities (nine out of 20 cases) that set up Clearing Offices that assess whether it is possible to refer patients to the public health care system or that set up local medical consultation centers that provide anonymous medical consultation and basic health services (Delvino 2017, 26). These health care policies specifically target irregular migrants without health insurance. Helsinki provides an interesting case as the city provides free health care for all irregular migrants that live

in the city, and it developed an internationally recognized best practice protocol (PICUM 2017, 17).

Six cities formulate policies that facilitate access to housing. Gothenburg funds several shelters that are explicitly open to irregular migrants. Amsterdam and Madrid financially support NGOs that mediate between tenants who are irregular migrants and landlords. However, these housing programs have also become conflictual because the national policy of many European states aim to "encourage" the "voluntary return" of rejected asylum seekers by deteriorating their living conditions. The city of Amsterdam, for example, explicitly and openly challenges this national strategy and emphasizes the city's responsibly to guarantee basic needs (including housing) for all people who live in the city (Ataç et al. 2020, 123-124).

Irregular migrants can access welfare provisions in four cities. Most notably, all large Swedish cities offer welfare for families that have children and who are in an irregular situation. Swedish cities do not have to pay benefits to people without a residence status, but they can do so if they wish (Ataç et al. 2020). Amsterdam provides monthly allowances to irregular migrants who lack sufficient funds. Again, these welfare provisions lead to conflicts with the Dutch government (Ataç et al. 2020, 122-123).

Conclusion

Out of the 95 largest European cities, only about 27% formulate policies in support of irregular migrants. Around 5% of these cities formulate policies that award a (more) secure status to irregular migrants and around 24% formulate policies that facilitate access to city services. These numbers are rather low compared with the US where more than 100 cities have passed sanctuary laws (Collingwood and Gonzalez O'Brien 2019). The main reason for this transatlantic difference

lies in the different institutional settings of European national states. It is also necessary to interpret this low number of policies in European cities cautiously because many urban policies in support of irregular migrants are often provided through a web of parallel structures via civil society organizations (Buckel 2011; Mayer 2018; Spencer 2020). Cities may also choose to strategically engage in low-visibility forms of support for irregular migrants to prevent conflicts with national governments (Delvino 2017; Spencer 2020).

This letter provides an empirical contribution to the study of irregular migration and sanctuary cities and a methodological contribution to the study of comparative urban policy. Empirically, we provide a descriptive overview as well as a conceptual distinction between urban policies that aim to award a (more) secure status to irregular migrants and urban policies that facilitate access to city services. Status policies are prone to provoking conflicts with the national level because they contest the primacy of the nation state in immigration and citizenship policy-making (Kaufmann 2019). Few cities implement status policies, and those that do take advantage of their policy-making discretion. National migration laws set the scope of discretion for status policies. Within this scope, discretion allows urban policy-makers to formulate bottom-up policy responses even though they might be decoupled from national (migration) policies (Sager et al. 2019). Similar to actor-centred institutionalism (Scharpf 1997), urban policy-making in support of irregular migrants depends on purposive actors that are constrained but not determined by national migration laws.

Service-oriented policies are more pragmatic measures (de Graauw 2014), but they can also lead to intergovernmental conflicts as European states try to harshen the life of irregular migrants to "incentivize" their return (Ataç et al. 2020). Cities have more autonomy when establishing service policies than when establishing status policies. The regression results show that GDP per capita

correlates with service policies, suggesting that more affluent cities have more resources for funding service policies. Thus, cities have policy-making autonomy in service policies, yet they are costly and also controversial.

Methodologically, we demonstrate that our data collection and data categorization process produces meaningful and reliable data about comparative urban policy. We developed this extensive and collaborative process because urban policies in support of irregular migrants are products of complex policy formulation processes in which institutional opportunities, political agency, and the resources of local actors result in often rather idiosyncratic policies (Kaufmann and Sidney 2020). Studying comparative urban policy is a balancing act that requires paying close attention to path-dependent and place-specific idiosyncrasies while searching for and identifying commonalties. We believe that by engaging local experts and by relying on a mixed-method analysis, we have developed a rigid process for conducting large scale, comparative urban policy analysis.

This letter advances sanctuary city research outside of the US. Our analysis could be improved with better data about irregular migrants, yet the absence of reliable (local) data on the presence of irregular migrants is a key limitation for studies on irregular migration (Spencer and Delvino 2019). Future analyses could benefit from more fine-grained city level data about relevant urban policy-making actors. Studies on local legislative bodies might be interesting as they can play a key role in advancing urban policies in support of irregular migrants (for example, in the case of Zürich; Kaufmann and Strebel 2020). Additionally, immigrant-serving NGOs play a crucial role in pushing policy-making in this field (e.g., Mayer 2018; Kaufmann and Strebel 2020, Spencer 2020), however there is no reliable comparative city-level data that represents this activity. Case studies could accompany our comparative research to account for in-depth and path-dependent

policy-formulation processes, as we only compare these policies in space, not in time. Despite these limitations, we show that a rigorous data collection process and careful mixed method research can provide meaningful comparative urban policy findings in an important and contested policy field with limited available data.

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Data Availability Statement

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Supplementary Material

The online appendix consists of three different parts. A.1 provides information about the data collection and data categorization process. A.2 describes the data, the operationalization and descriptive statistics of the variables, and the logistic regression models. A.3 provides the city profiles of all European cities with over 350,000 inhabitants in that we found a policy in support of irregular migrants.

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Conflicts of Interest

No conflicts of interest.