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Interdepartmental working group of the City of Zurich on Sans-Papiers

## **Sans-Papiers in the City of Zurich**

### **Problem areas and urban policy options**

#### Summary report on the proceedings and assessments of the working group

##### **Introduction**

The city of Zurich has inhabitants who live and work here although their stay is not validly regulated under immigration law. These sans-papiers either never possessed a regulated residence status («primary sans-papiers») or have lost it as a result of a rejected asylum application, divorce or loss of employment («secondary sans-papiers»).

Persons from EU states who are seeking employment in Switzerland and asylum seekers whose asylum applications have been rejected but who are still officially present and receive emergency aid from the canton are not classified as sans-papiers. It should be noted that these distinctions are not used uniformly. For example, European discussions on sans-papiers frequently refer to «migrants with irregular status», and rejected asylum seekers are often included in that category.

We do not know how many men, women and children are living in the city of Zurich as primary or secondary sans-papiers. Federal authorities estimate their number at over 10,000. Irrespective of the precise number, however, the state bears a responsibility with regard to central basic and human rights. The focus is on issues of education, health and access to justice and the courts.

In 2017, the Integration Delegation of the City Council set up an interdepartmental working group on sans-papiers. The Departments of Security, of Health and Environment, of School and Sport and of Social Affairs are represented in this working group under the leadership of the Department of the Mayor. The working group has taken stock of the situation and summarizes its assessments and recommendations in this brief report. It does not take into account issues of residence law which are outside the competence of the municipalities and on which the City Council has already expressed its political views.

##### **Problem areas, assessments and recommendations**

The vast majority of the sans-papiers living in Zurich work, behave as inconspicuously as possible and move in very small social networks. For better or for worse, these networks are the decisive factor for their quality of life. Although they generally prevent existential hardships such as hunger or homelessness, they also lead to the exploitation of many sans-papiers and the regular violation of their dignity and integrity.

The problem areas identified by the working group in the everyday life of sans-papiers concern many different areas of life. Specifically, they are related to civil status regulations, health care, social insurance and pensions, education, the labour market, questions of everyday administration, social integration, access to justice and the courts, and intra-urban cooperation.

The working group identified a contradictory overall situation. On the one hand, thanks to the pragmatic work of the administration and the high level of civil society involvement in various areas, the city of Zurich has well-established procedures and regulations that enable sans-papiers to gain access to certain basic rights and benefits. On the other hand, superordinate laws or private responsibilities make access to important basic rights and everyday services more difficult or impossible. In addition, insufficient information, the precarious work situation and the ever-present fear of ID controls contribute to the fact that sans-papiers do not make use of the opportunities open to them.

Based on its assessments of the individual problem areas, the working group has formulated a number of recommendations. In doing so, it had to take into account the fact that the scope for urban action is very limited due to existing provisions of cantonal and national law (as well as given private competences). The following points, among others, are of importance:

- **Health care.** Thanks to the great commitment of civil society organisations and private individuals as well as the pragmatic work of the public health institutions, the city of Zurich has relatively good health care for sans-papiers. However, it is not officially established and is fraught with uncertainty for the future. In the context of an in-depth analysis of health care for those without health insurance, it must be examined how the structures that have proven themselves in the city can be maintained and safeguarded.
- **Education.** The right to education for sans-papiers is well established and is assured by the compulsory education system. In addition, there are regulations in the city of Zurich that enable all pre-school children to have access to extra-familial care services. The situation with regard to vocational education and training is less clear and made more difficult by different parties being responsible. In this respect, the working group recommends additional evaluations from which concrete recommendations and/or requirements may be derived if necessary.
- **Justice and the courts.** The legal opinion commissioned from the University of Zurich confirms the working group's assessment that sans-papiers also have a right to legal protection and access to justice. However, as the use of this right is associated with a very high risk of expulsion due to superordinate provisions, it is hardly ever exercised in practice. Ultimately, access to justice and the courts remains merely theoretical and, in the working group's view, would not be improved with a «City Card». By contrast, questions of identity verification could be examined in the context of an intra-urban exchange. In addition, a discussion should be launched to improve this problematic human rights situation, possibly from the point of view of victim protection.
- **Advice and information.** It needs to be examined in depth whether and how the City of Zurich can support (protected) advisory and information services in favour of sans-papiers. These can be aimed at improving access to basic rights in the areas of health, education and justice, but also at administrative issues, social insurance, housing and employment, or social integration.
- **Coordination and exchange of experience.** The Integration Office of the City of Zurich shall be entrusted with the task of regularly organising interdepartmental networking and exchange meetings in order to discuss possible improvements concerning the access of sans-papiers to fundamental rights and services relevant to everyday life. Representatives of the canton and civil society interested in these meetings may also take part, if required.