



Utrecht

Local innovations that influence national law

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1. Abstract & Takeaways

Wichtigste Erkenntnisse

1

All of the city's migration policies seek to facilitate an early and promising start for refugees. They are also tailored to the individual needs and ambitions of refugees.

2

With its Plan Einstein Project, Utrecht developed an entirely new approach to refugee reception, geared towards "context-sensitive asylum centres" that are more inclusive and benefit refugees and other neighbourhood residents through a shared social ecosystem, collective spaces, and activities based on equality and shared interests.

3

Utrecht successfully combines local innovation on inclusion measures for irregular migrants with strategic advocacy work on the national level, to amplify its impact on migration policy beyond the city level.

What is unique about the city?

Longstanding partnerships with civil society: Utrecht has been at the forefront of developing inclusion measures for refugees, asylum seekers, and irregular migrants for decades. As the first Dutch city to offer legal support on top of emergency social assistance to irregular migrants, the municipality has longstanding partnerships with civil society and refugee solidarity organisations. What sets Utrecht apart from other progressive Dutch municipalities, is that it has also developed policies for asylum seekers and irregular migrants. City actors have also brought "human rights home," linking them to local issues.

What is the focus of local migration policies?

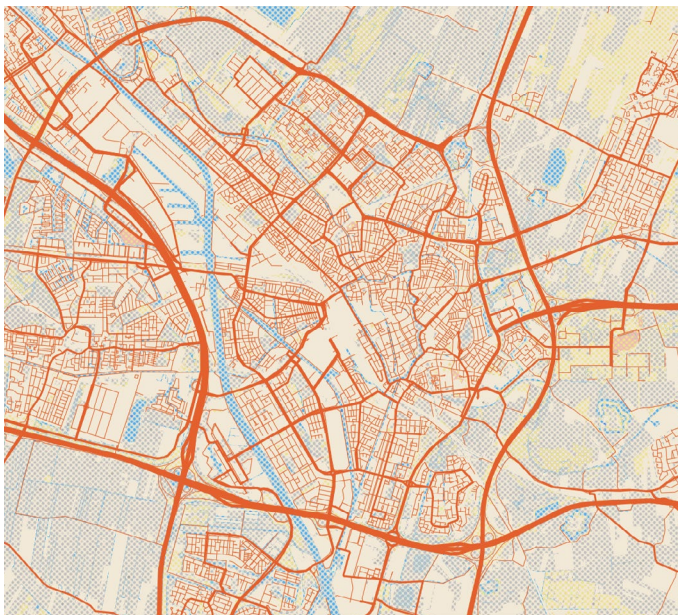
Reinventing asylum centres as social neighborhood hubs: In 2015, the municipality seized a unique opportunity in the Dutch national policy context to develop its own innovative, alternative approach to asylum and refugee reception. For this project, the municipality applied for EU UIA funding and received European recognition. An exemplary feature of this "Plan Einstein" project involves the context-sensitive approach to creating a new type of urban collective space mutually beneficial to both refugees and neighbourhood residents. This emphasis on a shared ecosystem, through shared living or learning, has been an effective method of building and sustaining local social support for asylum centres.

What are the most outstanding results so far?

A very high success rate in resolving the status of ‘irregular’ migrants: Scholars and experts have recognised Utrecht’s approach and its over 90% **success rate** for this problem-solving approach to resolving the irregular status of approximately 900 people in the last ten years. Between 2002-2019, this resulted in legalised stay for 59% of cases. Only 8% were “lost” to undocumented stay. This success rate is considerably higher than the national average, and Utrecht’s policy advisors often credit the expertise of local NGOs for this success.

Political activities and advocacy beyond the city level?

The strength of Utrecht’s advocacy approach lies in the strategic use of different forms of advocacy and ways of positioning itself vis-à-vis the central government. Underpinning the city’s different migration policies is a carefully developed approach that draws primarily on human rights and pragmatism, while only to a lesser extent on humanitarian principles. Utrecht’s policymakers emphasise that approaches to asylum and refugee integration are developed to resonate with differing political agendas. Utrecht also participates in various national and international municipal networks working on progressive migration policies.



Population

352, 866

Location

Provincial capital of Utrecht province

Mayor

Sharon Dijksma (“Partij van de Arbeid”/
Labour Party)

2. Local background and context

*Due to its long-standing history of refugee reception and integration, Utrecht is not a newcomer to progressive migration governance. Some of Utrecht’s projects for irregular migrants and asylum shelters have attracted the **interest** of European policymakers and experts. What sets Utrecht apart from other progressive Dutch municipalities is that the municipality has not only shown extraordinary commitment to develop inclusion measures for recognised refugees, it has also developed policies for asylum seekers and irregular migrants.*

The city's different programmes and projects in the field of asylum, migration, and integration can be grouped into three categories. Firstly, there is the municipal support to irregular migrants colloquially known as the 'Bed, Bath and Bread' shelters and the legal support the municipality offers to irregular migrants. Secondly, there is the approach to asylum shelters the municipality has developed, most notably through the Plan Einstein project. Lastly, and closely linked to the former, is its action plan for (civic) **integration** of recognised refugees.

Facilitating an 'early start' for newcomers

The programmes are closely linked and were developed by the same team of policy advisors. They seek to facilitate an early and promising start for refugees in the city and are premised on a belief, in the merits of support, tailored to individual needs and ambitions of the refugees. This emphasis on an 'early start' is not a cliché, but a hard-fought element of Utrecht's approach. In 2016, Utrecht's policymakers and political officials negotiated an agreement with the Central Agency for Reception of Asylum Seekers (COA) to ensure that the refugees in local asylum centres would benefit sooner from local inclusion measures. A few other Dutch municipalities, such as Amsterdam and Tilburg, have made similar arrangements. The waiting periods for the start of the asylum applications reached a record high in 2020, with many asylum seekers waiting for 1.5 to 2 years to start their procedures. While already important in 2015, this 'early start' has since become even more crucial. Over the years, some municipal councillors and executives have also left their mark on local policies by scrutinising existing programs and proposing various initiatives in the council. In the municipal administration there are dedicated teams working on refugee policies, apart from the core team of senior policy advisors, such as the team for recognised refugees in the department of Work and Income. Some of its team members have a (recent) refugee background and play an important role in the communication between the municipality and local refugee communities.

Close collaboration between the city and civil society

Many of the municipal asylum and refugee integration projects and policies have been developed in close collaboration with civil society organisations and citizen-led initiatives. In the pilot project on the development of National Immigration Facilities for irregular migrants (LVV, "Landelijke Vreemdelingenvoorzieningen") alone, the municipality is working together with 11 NGOs. The following examples offer a glimpse of the broad spectrum of initiatives by residents, refugees and local NGOs supported by the municipality of Utrecht.

Firstly, there are several citizen-led initiatives created in 2015 by the residents and refugees that the municipality supports. For instance, the **Welcome in Utrecht** foundation initially started out as a Facebook community to support and coordinate different welcoming initiatives that emerged in 2015 for the refugees staying in different emergency shelters. Aided by (among others) the financial support of the municipality,

the foundation continues to organise city-wide activities for refugees and residents in the fields of arts, culture, and sports in the city.

There are also neighbourhood-based initiatives that the municipality has (financially) supported, such as **De Voorkamer**, an open meeting space and safe place for new experiences and inter-cultural inclusion. Co-created by refugee newcomers and locals, it is walking distance from the asylum seeker centre.

Utrecht is a university town, and several projects are aimed at students with refugee backgrounds that the municipality is co-sponsoring. An example of such a project is the **InclUUsion** program, which offers newcomers the opportunity to take Utrecht university courses free of costs. The municipality also supports initiatives that work on socio-cultural inclusion of refugee students in student housing through its partnership with the **Student Refugee Community**, a project coordinated by a local social enterprise and a student housing company.

Overview of refugee solidarity civil society and citizen-initiatives:

- ◆ **Welcome in Utrecht** – (online) community and civil society organisation set-up by Utrecht residents in the aftermath of the 2015 ‘asylum crisis’ to coordinate bottom-up support to refugees in the city
- ◆ **New Neighbours** – (online) community and civil society organisation created by Utrecht residents in the aftermath of the 2015 asylum crisis to coordinate bottom-up support to refugees in the city
- ◆ **De Voorkamer**: community-based design project and collective space designed for and by refugees and residents
- ◆ **InclUUsion**: project of Utrecht university staff that offers newcomers the opportunity to participate for free in all kinds of courses offered by Utrecht University
- ◆ **New Dutch Connections**: civil society organisation with a focus on socio-cultural inclusion of refugees through arts, theatre, and training programs and workshops; Project: ‘Future Academy’ (Dutch: Toekomst Academie)
- ◆ **STIL**: NGO with over 25 years of experience with organising shelters, social emergency assistance and legal support to irregular migrants
- ◆ **Villa Vrede**: solidarity organisation for refugees and migrants without regularised stay, a place for meeting, relaxing, participation and personal development
- ◆ **SNDVU**: solidarity organisation for refugees and migrants without regularised stay focused on shelter and emergency social assistance
- ◆ **Agnes van Leeuwenberch Foundation** (Dutch: Huize Agnes): offers

temporary shelter and guidance to undocumented women and their children, who find themselves in special and dire circumstances

3. Selected local approaches to migration and inclusion policy

3.1 The development of 'Bed, Bath, Bread' shelters and support in times of a pandemic

Social rights & improvement of residence security of irregular migrants

The municipality of Utrecht is known for its longstanding commitment to finding durable solutions to the social hardships of irregular migrants. While it is not the only Dutch municipality to do so, Utrecht was the first to develop what later became known as 'Bed, Bath and Bread' shelters. Its approach stands out because of its focus on human rights, advocacy and strategic litigation, local collaboration with NGOs, and above all, its focus on durable solutions: improvement of residence security through professional legal support.

Scholars and experts have recognised Utrecht's approach and its **success rate** of over 90% for this problem-solving approach to resolving the irregular status of approximately 900 people in the last ten years¹. Between 2002-2019, in 59% cases this resulted in legalised stay, in 19% in assisted voluntary return, 13% in renewed asylum application and thus stay in regular reception, and only 8% were 'lost' to illegal stay². This success rate is considerably higher than national averages; Utrecht's policy advisors often credit the expertise of local NGOs for this success.

Utrecht's pragmatic local solutions to the hardships faced by undocumented migrants has historically resulted in conflicts with central government actors. At the same time, Utrecht's policy advisors have been at the forefront of national developments and debates, such as on alternatives to immigrant detention. In 2018, after years of municipal lobbying, the Dutch central government reached an agreement with the Dutch Association of Municipalities for the realisation of a nationwide network of shelter and support facilities to be developed through five pilot projects, funded by the central government. The purpose of these National Immigration Facilities (LVV) is to work collectively on sustainable solutions for irregular migrants by guiding them towards an assisted voluntary return, onward migration, or legalisation of residence. These shelters are meant for persons without a right of residence and entitlement to regular reception facilities. Utrecht has been participating in this high-stakes pilot project since April 2019.

Mediating between the central government and local NGOs

For the municipality, the agreement meant recognition from the central government of its key role and an opportunity to work together on durable solutions for complex cases and challenges such as the lack of avenues for regularisation. At the same time, close collaboration with the Immigration and Naturalisation Service (IND) and Repatriation and Departure Service (DT&V) posed a challenge, particularly in getting all local NGOs on board for this pilot. Under the watchful gaze of the municipal council and after close consultations the municipality signed an additional local covenant with the local NGOs. This agreement expressed a commitment to secure the continued implementation of the successful inclusive Utrecht approach. This local covenant and explicit commitment to maintain its inclusive approach sets Utrecht apart from other pilot municipalities. While municipal and civil society actors consider this a success and essential to the overall success of LVV, central government actors are critical of this agreement³.

It is too early to assess whether the LVV's objectives, improved inter-governmental cooperation, and sustainable solutions can be reached through these pilot projects. It is likewise hard to assess the impacts of some promising measures Utrecht is currently developing as part of its participation in the pilot. A first nation-wide evaluation showed that different parties (central government actors, municipalities, and NGOs) continue to have conflicting objectives⁴. One municipal councillor in Utrecht explained that while she was proud of Utrecht's lobby success, its influence on the nation-wide development of the LVV project, and continued cooperation with local NGOs, the pilot is something of a 'tightrope' for the municipality⁵. However, participation in LVV has enabled the municipality to continue to offer professional legal support and develop participatory programs for irregular migrants.

In 2020, 70 irregular migrants participated in vocational courses and activities. Courses focus on 'future free' skills, such as computer and literacy training or the English language. Activities include sports, swimming and music lessons, and a community garden project organised by **Vil-la Vrede**, a local NGO that offers people without a residence permit a place for meeting, relaxing and personal development. The municipality also took out a liability insurance policy for all LVV residents.

Compared to other pilot municipalities, Utrecht's approach also stands out because of the relatively long period of legal support, use of decentralised accommodation for shelters, and lack of a maximum period of stay⁶. The use of decentralised accommodation also meant that irregular migrants that stay in LVV facilities have not been as affected by the pandemic as others elsewhere. That said, NGOs have raised concerns over the plight of irregular persons who cannot or can no longer stay in LVV facilities, particularly during the pandemic. In November 2020, NGOs appealed to the municipal council to re-open the temporary 24-hour shelters for all homeless people that were operational during the most restrictive period of the lockdown in accordance with nation-wide regulation. On the 5th of November, the municipal council voted in fa-

¹ Spencer, S. (2020). Cities breaking the mould? Municipal inclusion of irregular migrants in Europe. In *Migrants with Irregular Status in Europe* (pp. 187-205). Springer, Cham.

² J.Braat (2019) *Presentation* at International Conference: Effective Alternatives to the Detention of Migrants City of Utrecht and C-MISE project

³ *Regioplan* (2020) and *In-between evaluation* (2021)

⁴ *Regioplan* (2020)

⁵ Interview for Cities of Refuge 2019

⁶ *Regioplan* (2020), p.54, 61, 68, 69

your of an amendment to lobby for a review of this national regulation and to re-open the shelters, irrespective of restrictive measures/lockdown. This example points toward the strong local NGO support for inclusive measures for irregular migrants and the complex ongoing dynamics between Utrecht's local approaches and national regulations.

New pathways to regularisation

While the Dutch central government therefore pursues a restrictive policy of discouragement towards irregular migrants, excluding them from all sorts of entitlements, Utrecht continues to build different pathways to inclusion within the LVV project and beyond. Still, this restrictive national context means that there are very few pathways to status ratification for irregular migrants in comparison to other EU countries, as ratification is only used sparingly and exclusively on humanitarian grounds⁷. Utrecht's policy advisors are aware that employment or integration prospects of irregular migrants are taken into consideration in ratification policies in other EU countries, albeit restrictively, such as in Germany. They are therefore also investigating if 'shortage occupations' can also offer an (indirect) pathway to regularisation for irregular migrants, such as refused asylum seekers in the Netherlands. Examples of 'shortage occupations', (jobs for which there is a growing demand in the Netherlands) are teaching or medical professions. Although asylum seekers face various labour market restrictions, they are allowed to take up temporary work in shortage occupations. While such pathways to regularisation for irregular migrants and pathways to earlier labour market inclusion for asylum seekers are yet to be developed into a policy proposal or project by Utrecht's municipal team, there have already been some promising cases.

Utrecht's inclusionary measures for recognised refugees also appear to indirectly benefit the inclusion and regularisation of undocumented migrants in the city. As one of Utrecht's former policy advisors explains, a recognised refugee who participated in an entrepreneurship program for recognised refugees at Utrecht's innovative asylum seeker centre at 'Plan Einstein' (see 3.2) eventually opened two restaurants in the city. He then provided a work opportunity for another former resident and active community member of the Plan Einstein shelter, a young Pakistani man whose asylum application was rejected by the Dutch immigration authorities. By inviting his Pakistani friend to work in his restaurant, the latter's irregular status was resolved, not through a formal humanitarian regularisation program or renewed asylum application, but because he received a work permit. This is just one example that highlights the importance of social networks that stretch both between and beyond inclusionary initiatives.

3.2 Plan Einstein Overvecht: the first project

Utrecht developed a new model for context-sensitive asylum centres that are more inclusive and benefit refugees and other neighbourhood residents alike. In the pilot project that started in 2017 young locals

⁷ For a comparative perspective, see Albert Kraller (2019) Regularization of Irregular Migrants and Social Policies: Comparative Perspectives, *Journal of Immigrant & Refugee Studies*

and refugees shared ‘free’ open spaces and common areas. In doing so, the project aimed to better integrate the asylum centre within the neighbourhood and to enable encounters based on equal footing, such as those based on shared interests, that mutually benefit refugees and other locals.

In many ways, asylum seeker centres pose a conundrum to Dutch municipalities. From the latter’s point of view, hosting an asylum seeker centre enables a more direct involvement in refugee reception and an earlier start of integration programmes, apart from financial or economic benefits.⁸ However, local authorities often also face concerns or even hostile reactions of local communities about potential risks and burdens. In the Netherlands, asylum seekers stay in large-scale asylum centres for the entire duration of their asylum procedures.

Utrecht’s senior policy advisors have described regular asylum seeker centres as ‘border camps’, and as ‘states within the city’ that defy municipal influence and efforts towards more inclusive approaches. One municipal councillor in Utrecht stated that underpinning Utrecht’s approach is a critical take on the national asylum policy and the idea that

“distributing and dislocating people like packages, until they receive a positive asylum decision, whether that takes weeks or years, has little to do with human rights. That is, the human rights of refugees as well those of other locals”.

It is against this backdrop that Utrecht’s efforts to develop an inclusive approach to refugee reception with the Plan Einstein project should be understood. EU funding and recognition of the project enabled a very rare opportunity in the highly centralised Dutch asylum governance context for the municipality to become directly involved and to develop an alternative approach to asylum.

Context-sensitive asylum centres

In 2017, Utrecht municipality started the implementation of this innovative project, the Utrecht Refugee Launchpad, also known as ‘Plan Einstein’⁹. When the municipality announced its plans to open the refugee centre in the Overvecht district of the city, many residents were deeply concerned and mobilised against it. The municipality therefore sought a more inclusive and context-sensitive approach to reception. Underpinning the project was the effort to create a context-sensitive asylum centre that benefits refugees and other neighbourhood residents. In the district of Overvecht, this search for a common ground resulted in a shared learning and living environment for refugees and local youth. ‘Shared living’ in Plan Einstein Overvecht meant that 38 young locals lived in a building of the Socius housing company adjacent to the asylum centre that over the course of the project housed 400 refugees. Both groups shared free open spaces such as common areas. ‘Shared learning’ refers to the fact that the project offers ‘future-proof skills

⁸ Such as extra funds from the central government to invest in (municipal) educational facilities and indirect economic effects.

⁹ For more information, see the [Plan Einstein website](#), the [Summary \(2019\) of the Independent Evaluation of Plan Einstein: Utrecht’s Urban Experiment on Asylum Seeker Reception](#) and [final evaluation report](#).

training' (in English) to all residents and other neighbourhood residents in Overvecht. In doing so, the project aimed to better integrate the asylum centre into the neighbourhood, and to enable encounters based on equal footing, such as shared interests, that mutually benefit refugees and other locals. The project was documented extensively on the project webpage of the **Urban Innovative Action Fund** and was independently evaluated by an **international research team**. While the lease of the building where the initial project was located (Einstein Overvecht) ended in November 2018, the municipality continued this approach in follow-up projects (**Plan Einstein Hadyn** & Plan Einstein Hub).

Politicians in Utrecht, such as its deputy mayors, have described Plan Einstein as a solution to the protests and complaints that the municipality faced when it communicated initial plans for an asylum centre in the district of Overvecht. While perceptions of the potential burdens and benefits certainly shaped local responses and the approach of the municipality, this emphasis on positive and negative frames only captures part of the story. Utrecht also faces the challenge of developing its own approach towards the restrictive national asylum regime.

Vision: a 'municipal open space'

One of the project coordinators at Utrecht municipality describes Plan Einstein as a 'municipal open space' that offers respite from asylum procedures and an entry into an inclusive world based on equality and shared interests¹⁰. This emphasis on free open spaces within the otherwise restrictive asylum regimes has a concrete dimension. The communal spaces of Plan Einstein were redesigned and refurbished to make the space more welcoming to the neighbourhood, a process involving participants from the asylum centre, Socius residents in Overvecht and in both Overvecht and Haydn projects, and the neighbourhood.

The future-proof skills training, such as professional English and entrepreneurship courses, is organised to mutually benefit refugees, residents, and the neighbourhood. This means that the courses offer training that is useful to the participants' professional future, regardless of the country they will ultimately reside in. This pragmatic approach stands in a stark contrast with integrationist and assimilationist thinking that is common in many Dutch municipalities and recognises the increasing mobility of urban populations.

Apart from successes and innovations, the municipality and an independent team of researchers also identified challenges, shortcomings and lessons. The independent team of researchers at the **Oxford Centre of Migration Policy and Society (COMPAS)** noted the short timeframe of the project which was largely outside the partnership's control¹¹. They also highlighted how some project partners were critical of the emphasis on exchange of best practices and the celebration of Plan Einstein's positive story, as these may inhibit critical self-reflection¹².

¹⁰ Interview Niene Oepkes, Humanity House February 2020

¹¹ The Utrecht Refugee Launchpad Final Evaluation Report November 2019, p.45

¹² Ibid, p.124

3.3 Plan Einstein Haydn & the Einstein Hub

Communal reception of refugees & intercultural inclusion

One of the main challenges faced by innovative projects generally is their sustainability in the long run. Utrecht's policy advisors recognised this challenge early on, so that the impact of Plan Einstein continued after the project and its funding ended. Utrecht's municipal actors sought to transfer key principles of the Plan Einstein centre to the regular asylum seeker centre run by the centralised reception agency (COA). One way to reach a sustainable structure is to strengthen collaborations with like-minded local partners, such as arts and culture organisations.

In 2018, when the project was transferred from the initial location (Overvecht) to the regular asylum seeker centre (Haydn), old ideological differences resurfaced. The opening of a common space, a living room for shared activities and encounters, became a contested matter. The Dutch Centralized Reception Authority (COA) preferred it to be a commercial venture, “run under their jurisdiction by a professional barista, where asylum seekers were working for small payments. The local government wanted a freely accessible and open place where coffee could be offered for free” (Oliver, Dekker, and Geuijen, 2020, p.128)¹³. The negotiation deteriorated into a conflict in 2019, and while the cooperation continues, the municipality opted for a pragmatic solution. It continues its activities in a new ‘open space’ in an adjacent building rented from the church. Refugees, residents, and local community actors, such as designers and artists from the neighbourhood, were all involved in the design and decoration of this common space and the organisation of social activities and workshops.

The involvement of local arts, culture and design initiatives, and neighbourhood community organisations in Plan Einstein Haydn is part of a conscious effort to adapt the project to a new neighbourhood context. As one of Utrecht (former) policy advisors explains, the city's regular asylum shelter ASC Hadyn was opened in one of the city's richest neighbourhoods over 25 years ago. The challenge in this neighbourhood is not to build social support for a new facility, but to facilitate social networks and links between the existing centre and the rest of the neighbourhood to avoid socio-spatial exclusion of refugees.

The advantages of locally embedded centres

In response to these ideological differences and in search for a new common ground, Utrecht's policymakers are now strengthening collaborations with like-minded local partners, such as arts and culture organisations, in a follow-up project, Plan Einstein Hub. The idea is to collaborate with several organisations and venues in the neighbouring area to build a network of welcoming spaces for intercultural inclusion. These local ‘hubs’ will include community initiatives such as ‘De Voorkamer’,

¹³ In one of this study's interviews, an Utrecht policy advisor explained that this coffee venture contracted by COA is a profit-organisation that employs asylum seekers at 0.56€ per hour.

community arts centres such as the ‘Wilde Westen’ and local faith-based organisations that also provide support to irregular migrants. What sets Utrecht apart from other progressive Dutch municipalities that also recognise the important role of arts and culture organisations for refugee arrivals and inclusion is a clear commitment to long-term secure and sustainable inclusive approaches. As one (former) policy advisor explains, these collaborations between the municipality, civil society, and citizen-initiatives make inclusionary measures for refugees less susceptible to changing political climates or developments (e.g. after elections).

The municipality has also secured its approach by developing Plan Einstein into a new policy framework for future asylum seeker centres in the city, which was approved by the municipal council in September 2020. While it is too early to assess its implications, the municipality has committed to several very promising initiatives, such as the establishment of representative advisory boards that give asylum seekers an active role in the organisation of future asylum centres.

A few months before the presentation of this new policy framework, the municipality and COA faced protests and concerns from locals about another new asylum facility for unaccompanied minors in another part of the city. News of the COA planning and purchasing a local building for this purpose travelled via neighbourhood WhatsApp groups before the municipal communication and start of participatory procedures/public consultations. This antagonised the already concerned residents and ultimately the municipal executive (alderman) apologised for this ‘false start’. These affairs stand in stark contrast with the core principles and proven methods of Plan Einstein. This discrepancy shows that Utrecht’s approach to asylum is still a work in progress, that it is not a done deal, and that the story thus continues.

4. Advocacy and network activities

The strength of Utrecht’s advocacy approach lies in the strategic use of different forms of advocacy and ways of positioning itself regarding the central government, and the development of innovative programmes and projects. Underpinning the city’s migration policies is a carefully developed approach that draws primarily on human rights and pragmatism, while only to a lesser extent on humanitarian principles. Utrecht’s policymakers emphasise that approaches to asylum and refugee integration must be developed to resonate with different political agendas. Utrecht also participates in various national and international municipal networks working on progressive migration policies.

The municipality of Utrecht has much experience with advocating for human rights-based migration policy. Recently its innovative approach to asylum shelters, the Plan Einstein project, garnered the **attention** of scholars and policy-makers internationally. Many of Utrechts projects, such as the shelter and support it offers to irregular migrants, predate

the ‘long summer of migration’ of 2015. Utrecht’s road to becoming a progressive city on migration policies cannot be traced back to a single defining moment or declaration of solidarity. The municipality’s programmes and advocacy efforts are often a direct response to the implementation of more restrictive national legislation (the Dutch Linkage Act 1997), shortcomings of this legislation (the Dutch Integration Act 2013) or lacking or pending legislation (newly proposed Act on Statelessness 2019).

“If we work on something, we always try to get it done at a national level. Meanwhile, we do what is necessary with Plan Einstein asylum shelter or the Bed, Bath and Bread shelters. These projects show what is possible and that there are other, alternative approaches. All this strengthens the lobby at the national level”.

Jan Braat, senior policy advisor Utrecht.

Talk the talk, while walking the walk

Utrecht’s senior policy advisors and political officials stress that their policies are in line with international human rights law, and have occasionally also stated their ambition to do more than what domestic laws prescribe. They work towards durable solutions and support for irregular migrants and refugees. The city’s opposition to specifics of national legislation has historically resulted in strained relations with the central government. Utrecht’s policymakers, however, also point to what they consider important victories and milestones. In 2018, for instance, the national government recognised the municipalities’ directing role in ‘Bed, Bath and Bread’ shelters for irregular migrants. This recognition came after almost two decades of municipal advocacy in which Utrecht played a key role.

A focus on Human Rights and pragmatism

Underpinning the city’s migration policies is a carefully developed approach that draws primarily on human rights and pragmatism, while only to a lesser extent on humanitarian principles. Utrecht’s policymakers emphasise that approaches to asylum and refugee integration are developed to resonate with different political agendas. They also point towards Utrecht’s longstanding engagements with human rights, its position as the first Dutch ‘human rights city’, and pragmatic concerns over public order and safety to justify municipal support for irregular migrants.

The strength of Utrecht’s advocacy approach lies in the strategic use of different forms of advocacy and ways of positioning itself regarding the central government, and the development of innovative programs and projects. Municipal actors explicitly frame Utrecht as a progressive

human rights city with statements on platforms such as the municipality's website and social media, and by signing various solidarity declarations. Utrecht is a signatory to the Charter of Volterra (2007) and the Integrating Cities Charter (2010). It has contributed to and signed Eurocities' (2015) Statement on Asylum in Cities and its Statement on Vulnerable Children in the refugee situation in Greece (2020). In March 2020, Utrecht was one of the first Dutch cities to join a 'Coalition of the Willing' and to declare its willingness to contribute to the relocation of young unaccompanied refugees from camps in Greece to the Netherlands. That said, much of the city's cross-local political activities rely on silent diplomacy and negotiations that unfold out of public view, within multi-level governance structures and networks. One of Utrecht's senior policy advisors explained that the municipality is involved in various municipal campaigns, but added that "declarations often reflect a high degree of powerlessness".

Municipal network activities

Utrecht's policymakers and public officials participate in various national and international networks dealing with (undocumented) migration such as the G4 network, a partnership of the four largest Dutch municipalities, working groups of the Dutch Association of Municipalities (VNG), and the LOGO network. For many years, Utrecht and other Dutch cities worked on negotiating an agreement with the central government on emergency social assistance and legal support to irregular migrants. In the years leading up to 2018, Utrecht policy-advisors, for instance, gave their input on 47 versions of a (ultimately unsigned) draft agreement between the central government and municipalities on shelters for undocumented migrants. It was only in November 2018, after 18 years of advocacy and with a different cabinet, that the parties reached an agreement for a national network of shelters to be developed through five local pilot projects.

Between 2009-2016, Utrecht was also involved in strategic litigation, a legal case concerning emergency social assistance for irregular migrants before the European Committee of Social Rights (ECSR). Utrecht's municipal actors sought legal clarity that the city could offer shelter and assistance to irregular migrants, and therefore cooperated with a complaint from an NGO against the Dutch state to the European Committee of Social Rights (ECSR). The ECSR found the Netherlands in breach of the Charter; this judicial decision backed Utrecht's provision of shelter to irregular migrants, although litigation continued in domestic Dutch courts¹⁴. Utrecht is, finally, also an active member of the EUROCITIES working group on Migration and Integration and European knowledge exchange initiatives (e.g. chair of **C-MISE**).

¹⁴ For more information see Delvino and Spencer's Municipal Guide (2019) <https://www.compas.ox.ac.uk/wp-content/uploads/CMISE-Migrants-with-Irregular-Status-in-Europe-Guidance-for-Municipalities.pdf>, p.21 (Retrieved in 2021) and <https://www.compas.ox.ac.uk/wp-content/uploads/City-of-Utrecht.pdf>

¹⁵ <https://plan-einstein.nl/en/locations/pahud-de-mortanges-dreef>

¹⁶ “Their application for a residence permit was granted, they were accompanied in their independent return to their country of origin or there was further migration to another country” (<https://www.wodc.nl/actueel/nieuws/2022/11/25/pilot-landelijke-vreemdelingenvoorzoningen-vond-voor-18-van-deelnemende-migranten-bestede-oplossing>)

¹⁷ «They have submitted a new asylum application. This was possible because, for example, something has changed in the participant's personal situation or in the country of origin, or there is a postponement of departure for medical reasons.» (<https://www.wodc.nl/actueel/nieuws/2022/11/25/pilot-landelijke-vreemdelingenvoorzoningen-vond-voor-18-van-deelnemende-migranten-bestede-oplossing>)

¹⁸ <https://www.wodc.nl/actueel/nieuws/2022/11/25/pilot-landelijke-vreemdelingenvoorzoningen-vond-voor-18-van-deelnemende-migranten-bestede-oplossing>

¹⁹ Unfortunately, however, in May 2023, central government unexpectedly stopped paying municipalities for LVV accommodations (<https://nl.times.nl/2023/05/09/govt-stop-paying-municipalities-sheltering-rejected-asylum-seekers>). NGOs and civil society in the municipalities voiced harsh criticism towards the decision.

5. Update: What is new in 2023?

- ◆ In February 2023, the ‘Plan Einstein’ project was expanded by **Plan Einstein Pahud**. Part of the project is a studio on the premises of the Asylum Centre (AZC) Utrecht Overvecht, where 30 young people from Utrecht live and can meet with the residents of the centre at workshops. A special focus of the programme is to promote job opportunities for refugees and to build social networks.¹⁵ Here, once again, the long-term and sustainable nature of the integrative approach emphasised by the city of Utrecht stands out.
- ◆ The pilot phase of the LVV project (Landelijke Vreemdelingenvoorzoningen, English: national immigration facilities) for people without residence permits and without entitlement to accommodation in regular reception facilities was successfully completed in 2022. According to the final **evaluation** of the project, a ‘permanent solution’¹⁶ was found for 18% of the participants and a ‘semi-permanent solution’¹⁷ for 41% for their precarious residence status. In addition, the programme has had a positive impact on the mental well-being of the participants through individual support.¹⁸ Subsequently, the central government examined whether the project could be rolled out throughout the Netherlands and decided in the coalition agreement of 2022 to expand this type of reception nationwide.¹⁹

The **Moving Cities** project provides an in-depth research of progressive cities in Europe, exploring their most inspiring and successful approaches to migration policies. Find more city reports at www.moving-cities.eu/en.

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