#### **CITY REPORT 2021**

by Christian Jakob



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## 1. Abstract & Takeaways

## Key Takeaways

Zurich shows that even in a conservative environment (namely the canton Zurich), progressive migration policies can not only be pursued, but innovatively conceived and developed. The Zurich City Card has a particularly inclusive concept: It combines access to essential basic services for paperless residents with the possibility for all other city residents to use the card as well. Thus, it is a card for all citizens of Zurich, regardless of their status.

## What is unique about the city?

**Political recognition for all:** Zurich is one of the larger European cities considered as a pioneer of so-called "Urban Citizenship." The programme is an attempt to grant rights to undocumented migrants without national residency rights through creative municipal measures. No other European city has advanced the process of institutionalising rights for Sans Papiers like Zurich. Civil society initiatives are pushing for full political recognition of all those living in the city as equal citizens, and are finding the left-wing state government's ears quite receptive.

## What are the most outstanding results so far?

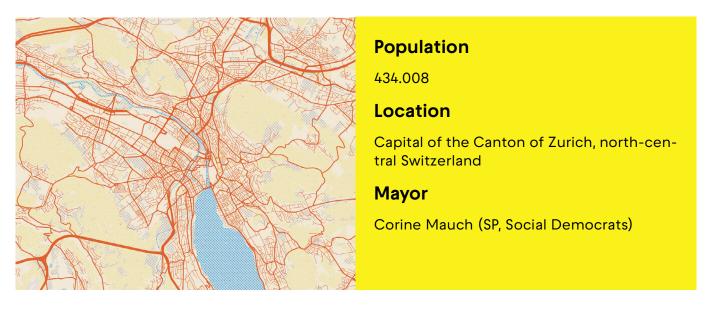
A City ID improving the life of Sans Papiers (undocumented): For years, civil society groups, and most recently, the left-leaning municipal council, have been working on a "City ID" called the "Züri City Card." It works to make life easier for the estimated 10,000 Sans Papiers in one of the richest and most expensive cities in the world. According to a Municipal Council decision at the end of 2020, the legal basis for the so far unique "Zürich City Card" is to be created over the next few years.

## Political activities and advocacy beyond the city level

Zurich, which is governed by a left-wing coalition, is a member of a number of relevant city networks in the anti-racism field: Eurocities, Mayors Migration Council, Solidarity Cities as well as the Cities Coalition against Racism. In each case, Zurich has a special role because of its position as a financial capital and its rather pioneering steps in the field of "Urban Citizenship." In the last years, Zurich supported Thessaloniki in planning informal educational opportunities for unaccompanied minor refugees. Zurich also spoke out politically on the issue of direct admission of refugees from camps at the EU's external borders. After the fire at the Moria camp on the Greek island of Lesbos in September 2020, Zurich's social affairs chief Raphael Golta said "We are ready to take in more refugees."

# "With the introduction of a 'Züri City Card,' we are taking an important step forward so that no one in Zurich has to fear for their existence."

(Tiba Ponnuthrei, executive member of the SP Stadt Zürich)



## 2. Local background and context

For a long time, Zurich's prosperity has attracted migrant workers from all over the world. Zurich today is highly influenced by migration. The proportion of foreigners is around 32 percent – considerably more than in other European capitals. An active network of civil society initiatives provides an array of support for newcomers and has lobbied for the Zurich Card since 2017.

## Living outside the legal system: The Sans Papiers community

In 2014, the Swiss State Secretariat for Migration commissioned an investigation into the situation of Sans Papier in Switzerland. This revealed that around 65,000 undocumented migrants are likely living in Switzerland, almost half of them in the Zurich canton and around a quarter in the city of Zurich itself. Many of them came from Non-EU countries, roughly half of them from Latin America, 10 to 15 per cent<sup>1</sup> from Asia and Africa respectively and around 15 per cent from Eastern and Southeastern Europe, as another study revealed. They live on temporary jobs and generally have no prospect of regular employment in Switzerland, which is usually reserved for high-skilled workers and specialists from

1 https://docplayer. org/183716843-Sans-papiers-im-kanton-zuerich.html third countries outside the EU.<sup>2</sup> Thus, the Sans Papiers live outside the legal system – often for many years and with serious consequences for everyday life. The Anlaufstelle für Sans-Papiers (Contact point for Sans-Papiers) in Zurich pointed out<sup>3</sup> that their access to health care is extremely limited, they cannot take out liability insurance, cannot sign a cell phone contract, cannot open a bank account, cannot rent their own apartment, and they are not entitled to government assistance. If they become victims of violence or exploitation, they cannot file a complaint.

## The potential of Hardship Case applications

The canton launched "Project Papyrus"<sup>4</sup> in 2017 in order to regularise the residence of labour migrants who do not have a valid residence permit but are well integrated and have lived in the canton for many years. For them, the canton might submit a so-called Härtefallantrag (hardship case application) to the national State Secretariat for Migration (SEM). The latter examines the hardship cases in accordance with the Aliens Act. The criteria for granting a right of residence are, among others, a residence period of five years for families with school-age children, no claim to social welfare, no criminal record and a knowledge of French at an A2 level. In the first three years after project Papyrus begun, 2,390 people<sup>5</sup> in the liberal-governed canton of Geneva benefited from the project, which is likely to have made up the bulk of Sans Papiers living there.

According to an estimate by the Office of Economics and Labour in the Canton of Zurich, up to 3,700<sup>6</sup> Sans Papiers would meet the requirements for recognition as a hardship case. However, here, such a project is politically unfeasible – the right-wing SVP party that governs the canton opposes the concept. Hence, in 2019 the canton of Zurich issued no more than three hardship permits to Sans Papiers and only 27 to asylum seekers. The low number is probably also related to the fact that many undocumented migrants do not report to the cantonal authorities for fear of deportation – even if they would have a good chance of obtaining legal status.

The labour market in Zurich for Sans Papiers is particularly precarious: "The work of the Sans Papiers is usually only regulated by verbal agreements, poorly paid and the employers expect them to be highly flexible in terms of time and place," a study commissioned by the canton reveals.<sup>7</sup>

The situation of Sans Papiers on the labour market does not correspond to local and industry-standard employment conditions. Specifically, they work without social benefits from the employer and they are rarely insured in accordance with the regulations.

## Welcoming on a local level: Civil Society Initiatives

Civil society and a growing number of city councils publicly declared being open to taking more refugees. But the federal government, i.e. the Eidgenössische Justiz- und Polizeidepartement (EJPD), defined high-

2 https://www.sem.admin.ch/ sem/de/home/themen/arbeit/ nicht-eu\_efta-angehoerige.html
3 https://nccr-onthemove.ch/ blog/die-zueri-city-card-einestaedtische-identitaetskarte-fueralle/?lang=de

4 https://www.sem.admin.ch/ sem/de/home/themen/aufenthalt/sans-papiers/papyrus.html
5 https://www.aargauerzeitung. ch/schweiz/operation-papyrus-2390-sans-papiers-erhalten-ingenf-eine-neue-chance-ld.1196957
6 https://docplayer. org/183716843-Sans-papiers-im-kanton-zuerich.html
7 https://docplayer. org/183716843-Sans-papiers-im-kanton-zuerich.html ly restrictive reception quotas, and neither the regional administration of cantons nor the municipal city councils can force the government to allow more refugees to come.

However, a low five-digit number of refugees manage to arrive in Switzerland annually. In Zurich, they are welcomed by a huge network of solidarity initiatives under the umbrella of "Solinetz Zürich"<sup>8</sup>, which provide an array of support, from a Foodsharing-Tandem, a joint hiking group, German lessons or recreational activities for kids.<sup>9</sup> Approximately 307 volunteers are involved in projects in the city of Zurich and 142 volunteers in the regional groups. Together, they perform about 1,400 hours of volunteer work per week, which corresponds to the equivalent of about 2.2 million Swiss francs in wage costs per year, as Solinetz has calculated.<sup>10</sup> On the political level, Solinetz 2020 intervened, for example, in order to have residents of the collective shelters included in COVID-19 protection measures. They also helped ensure inmates were released from deportation detention, since departures from Switzerland were not possible. The association worked to enable minimal independence in the provision of basic needs and to pay out the so-called "emergency aid money" again. It also fought with refugees for their demand to keep the weekly rhythm of signing in the emergency shelter.

### How the municipal administration is working

On the administrative side, the Department of Social Affairs maintains a unit called the Asylum Organization<sup>11</sup> (AOZ), which is responsible for support like language courses and labour market assistance, social assistance, and other services. Here, among other things, refugees who come to Switzerland with informal professional knowledge are offered extensive assistance in entering the labour market and having their skills formalised. For the city of Zurich, the AOZ provides all services in the asylum and refugee sector to which the city is obligated. The AOZ provides other services for the federal government, the cantons, and other municipalities at a cost-covering rate. As a rule, it applies for the corresponding contracts within the framework of invitations to tender. In 2020, AOZ had a sales volume of CHF 288.4 million, of which 106.6 million was attributable to the city of Zurich and 181.8 million to contracts awarded by other local authorities.<sup>12</sup>

## Civil society initiatives working together with the city administration or city government

- Solinetz Zürich
- Sans-Papiers Anlaufstelle Zürich SPAZ
- Flüchtlingen Helfen
- Equippers Friedenskirche

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- 8 https://solinetz-zh.ch/projekte/ befreundete-projekte/
- 9 https://solinetz-zh.ch/projekte/
- befreundete-projekte/
- 10 Jahresbericht 2020 11 https://www.stadt-zuerich.ch/
- content/aoz/de/index/aoz/organisation.html
- 12 aoz Annual Report 2020

## Creative municipal responses to the federal Asylum Law reform

The Züri City Card debate came at a time when the conservative national government was striving to remove, as far as possible, responsibility for housing refugees during asylum procedures. In March 2019, a reform of the asylum law came into force, according to which all procedures should be completed within 100 to 140 days (Dublin cases). Asylum seekers have since been housed in newly established "federal asylum centres" (BAZ) for the duration of the expedited procedure, instead of the municipal facilities they were previously housed in.

In Zurich, this reorganisation led to the establishment of a BAZ for 360 asylum seekers. Unlike other Swiss municipalities, the municipality decided to be present with its own services within the BAZ if possible - and thus also to secure political influence. And so the communal AOZ made a successful effort to obtain the contract from the State Secretariat for Migration (SEM) for the care of residents. In addition to learning and recreational opportunities, a meeting space for contact with Zurich's civil society was created in the BAZ, in cooperation with the Zurich Community Centres Foundation. Residents are also offered job opportunities with municipal companies in the city of Zurich.

This gave the city a standing for political interventions, which was used, for example, by social councillor Raphael Golta, who criticised "non-humane conditions"<sup>13</sup> at the BAZ in February 2020 due to rigid security measures. Afterwards, the SEM expressed some self-criticism. The security staff, on the other hand, had initially taken their task "a little too seriously," said a spokesman. "We have corrected that." The security guards now show "more tact" and children are only checked visually.

# 3. Selected local approaches to migration and inclusion policy

## 3.1 City-ID Card: A document that benefits everyone

The idea of a city ID card is one of the innovative ways in which the access to rights is granted to everyone living in a city, regardless of their status. It shows a way of providing essential basic services to those who are not covered by national or regional legislation, while avoiding the risk of being 'discovered' and deported.

The city government of Zurich is left-green controlled and open to regularisation efforts, although it has hardly any relevant competencies. In 2017, civil society groups and churches founded the association "Züri City Card." It has been campaigning for the introduction of an identity card based on the US Sanctuary Cities model and their Municipal ID Cards. After the association collected around 8,400 signatures, the City

13 https://www.limmattalerzeitung.ch/limmattal/zuerich/ nach-harscher-kritik-im-bundesasylzentrum-auf-dem-duttweiler-areal-gibt-es-mehr-fingerspitzengefuhl-ld.1400738 Council decided to introduce the "Züri City Card" in November 2020. Two legal assessments had come to the conclusion that this is legally permissible.

### Learning from New York: Access to municipal services

In New York, for example, the municipal ID card was introduced in 2015. This came about as a result of pressure from citizens movements on the mayor. The ID identifies holders as city residents, entitled to municipal services. The police acknowledge it as an identification document. The "Züri City Card"-association sees this model as creating "residence security in the urban space," and a support to Sans Papiers in "claiming their rights." Following the US example, the association set out to develop a "pragmatic solution" to improve the situation of Sans Papiers.

In order to prevent the card from being handed out exclusively to undocumented migrants and thus making them directly identifiable, the Züri City Card is to be offered to the entire population of the greater Zurich urban area. In order to give inhabitants with residence status an incentive to take it as well, it will provide a whole range of additional functions, for example as a discount card in cafés, museums, and stores. In this way, carrying the Züri City Card does not automatically indicate a status as Sans Papiers – but it does give those non-discriminatory access to public and private services.

#### How to convince the council

Since 2015, the association has been discussing this idea with the city government of Zurich. The city council commissioned a legal assessment on the possible introduction of a municipal identity card. In 2018, the city government acknowledged its responsibility also for city residents without regular residence permits, and announced the examination of further steps for the city identity card: "The city council supports the regularisation of Sans Papiers who have been living here for several years and is committed to ensuring that they have secure access to the core basic and human rights to which they are entitled."<sup>16</sup> On October 31, 2018, the city council asked its administration to submit a concrete proposal for the introduction of the City Card.

### How to implement the City ID

For the extensive organisational, technical and legal preparations, the city council applied for a framework credit of 3.2 million francs. The actual costs, however, would likely be much higher. A municipal council position paper states that after the introduction, "considerable recurring personnel and material costs" are to be expected, as well as "expenses for the direct and indirect financial benefits that are to make the use of the card attractive for the population."

14 https://www.stadt-zuerich.ch/ prd/de/index/stadtentwicklung/ integrationsfoerderung/integrationsthemen/sans-papiers.html The municipal council is expected to decide on the framework credit in 2021. The distribution of the cards is expected to begin at the earliest in 2024.

It remains to be seen what concrete benefits the cards will have for the Sans Papiers. Unlike New York, which as a "sanctuary city" is legally able to prohibit its employees from assisting national immigration authorities with deportations and expulsions, Zurich is fundamentally bound by the overarching federal law on foreigners and migration. The city council's position paper therefore states that the direct benefit for Sans Papiers will remain limited. They would be able to prove their identity and residence to authorities. However, the lack of residence status would not change.

### **Right-wing backlash and legal controversies**

Shortly after the city council's decision, the right-wing SVP asked the Swiss federal government for its position on the planned City ID. In response, the government council explained that the "City Card" could only be used where a person's residency status was not necessary to be proven, such as in health care or leisure activities like libraries or museums. The Federal government stated that it does not regard the "City Card" as an official identification document. It would therefore not be accepted during a police check. It believes that the "city card" does not legalise the stay of illegalised persons, not even partially. And so police officers would presumably continue to clarify a person's residency status, even if they identify themselves with the city ID. If a police officer were to accept this card as identification, he or she would be liable to prosecution for "favouritism," according to the government.

Access to law and justice, such as the possibility to file a complaint as a victim, also remains only theoretically open to Sans Papiers, as it would remain associated with the risk of deportation. Hence, according to this federal government assessment, the "Züri City Card" would not provide the Sans Papiers with the right to marry, rent an apartment, or receive social welfare benefits.

The Züri City Card association, however, rejects this assumption in part. It refers to the city council legal assessment commission that states "in all clarity" that the Züri City Card "is sufficient as proof of identity for police checks." Only the cantonal police are exempt from this, even if they operate on city ground, for example at Zurich's main train station. The city police, however, could also carry out checks under the aliens law in the future, but would need a particular suspicion of a crime to do so. "This is not given when a Züri City Card is presented." The legal dispute will probably drag on for a while.

All in all, the idea of the city ID card provides an inspiring approach to show local solidarity in cases where national legislation is hostile, or when the process for residency status is slow. At the same time, introducing it in practice has proven to be a challenge in Zurich's case. The cost, preparation time, and support on a range of government levels requires stamina from activists.

# 3.2. Healthcare for undocumented migrants

People without valid papers are dependent on living in hiding and not attracting attention. This makes them vulnerable and precarious. In addition to the fear of controls, the lives of the undocumented are often characterised by sheer existential hardship. In Zurich, people have been looking for ways to create health care services for the paperless that can help them deal with their residence situation. The COVID—19 crisis proved how essential such offers are - not least for vaccinating the Sans-Papiers.

After three years of preparation and campaigning, amongst others by the Sans Papier Anlaufstelle Zürich, in November 2020 the Zürich Municipal Council commissioned a pilot project to provide medical care to undocumented migrants without regular health insurance. Even if the Sans Papiers are in "administrative conflict with the authorities," the state must provide for the health of these people according to international law, states a city council resolution. It assumes the so-called "general insurance obligation" of the Swiss health insurance law also applies to those who are officially not allowed to be in the country, However, they are entitled to health insurance benefits in case of illness, accident, and maternity.

The Challenge: Enabling access to health insurance for Sans Papiers The problem so far has been that a billing address must be provided in order to take out health insurance, so many undocumented migrants ultimately fear deportation and refrain from doing so. In addition, most Sans Papiers do not have the financial resources to pay for health insurance, which costs between 300 and 2.500 francs per person per month in Switzerland. Hence, the council estimates that only five percent of Sans Papiers in Zurich take out health insurance. The rest, it says, rely on charitable services and are "clearly medically underserved."

Until now, medical care for undocumented migrants without health insurance has essentially been provided by the Sans-Papiers-Anlaufstelle (SPAZ) and the "Meditrina"<sup>15</sup> office of the Swiss Red Cross. Even with acute health problems, many Sans Papiers often do not dare to go to the doctor – for fear of being discovered and deported, as the Red Cross emphasises. Therefore "Meditrina" is registered as a family doctor's practice, clients are examined and counselled confidentially, medication is dispensed and rapid HIV tests are performed.

## Institutional Support and a three-stage care model

The Zurich municipality is now looking to strengthen the "Meditrina" structure institutionally. It is intended to benefit all people who have their centre of life in the city of Zurich but no health insurance, including sex workers and people without permanent residence. However, the municipal council estimates that the largest group are and will be the Sans Papiers. The project is inspired by the Geneva project CAMSCO ("Consultations Ambulatoires Mobiles des Soins Communautaires").

**15** https://www.srk-zuerich.ch/ fuer-sie-da/vorsorge-gesundheit/ meditrina-medizinische-anlaufstelle-fuer-sans-papiers A three-stage care model is therefore set up: First, those seeking help approach the Meditrina. The latter will initially receive around 470,000 francs per year until 2023, when the pilot phase finishes.

In return, it offers daily consultation with six hours of opening time, providing free primary health care. In cases requiring a more specialised medical examination, the Sans Papiers are referred to a public hospital in a second step. For this purpose, the two public hospitals Waid and Triemli officially become the "treatment hospital for Sans Papiers" with their centre of life in the city of Zurich. In this second step, diagnostic and therapeutic measures can be carried out, which are covered by the health insurance law. The Sans Paper must contribute 10 percent of the costs, to a maximum of 1.000 francs/year. Step three: If an inpatient stay is necessary, the patient is registered with a health insurance company, whereby the federal government and the canton take over the insurance contribution.

If it does not make sense to take out health insurance because the costs are within the deductible but cannot be borne by the patient, the municipality steps in for this. A total of around 1.5 million francs per year is initially earmarked for the three strands of measures.

## 4. Advocacy and network activities

## A pioneer of Urban Citizenship: "We are ready to take in more refugees"

Zurich, which is governed by a red-green coalition, is a member of a number of relevant city networks in the anti-racism field: Eurocities, Mayors Migration Council, Solidarity Cities as well as the Cities Coalition against Racism. In all cases, Zurich has a special role because of its position as a capital and its rather pioneering steps in the field of "Urban Citizenship".

Mayor Corine Mauch is a member of the board of the "Mayors Migration Council" (MMC), a network of cities funded by Switzerland and the Open Society Foundation, which aims to make the voice of municipalities heard in multilateral organisations in the area of migration. This came to fruition, for example, at the UN Conference on the acclamation of the Global Compact on Migration (GCM) in December 2018 in Marrakech, Morocco. There, the MMC presented a declaration underlining the responsibility of municipalities to implement the GCM as well as the Global Compact for Refugees (GCR). Among other things, the municipalities therein committed themselves to "provide migrants with safe access to essential services" and "guaranteeing residents' equal access to city services regardless of migration or legal status."<sup>16</sup> Especially for this passage, Zurich's commitment to establish a "City ID" could serve as a model. As a board member on the MMC, Mauch and other mayors have repeatedly pointed to the role of cities in coping with the global refugee burden<sup>17</sup> during UN assemblies. Municipalities are "advocates

16 https://www.mayorsmigrationcouncil.org/s/Marrakech-Mayors-Declaration.pdf
17 https://www.mayorsmigrationcouncil.org/news/mmc-july-leadership-board-meeting for new ways of partnering across borders to solve global challenges," they stated, remembering that the work cities are doing in welcoming migrants was "creating a solid foundation for better coordination and cooperation with national governments and other stakeholders." This is significant in that municipalities could become a quasi-diplomatic actor in negotiations on resettlement, which have so far been conducted exclusively between the UNHCR and nation states.<sup>18</sup> Nation states tend to mostly take a much more cautious line on the issue of refugee admission than many municipalities.

### Solidarity with cities in Greece

In the "Solidarity Cities" network, Zurich, together with the City of Amsterdam, supported the Greek city of Thessaloniki in planning informal educational opportunities for unaccompanied minor refugees.<sup>19</sup> The background here was that municipalities in Greece have no mandate for formal education. This lies with the national government, which also receives rather lavish EU aid funds for this, but in fact hardly makes any offers. Thessaloniki therefore looked for ways to close this gap with its own informal education offerings for young refugees – and received support for this from Zurich, among others, via the Solidarity Cities network.

Zurich also spoke out politically on the issue of direct admission of refugees from camps at the EU's external borders. After the fire at the Moria camp on the Greek island of Lesbos in September 2020, Zurich's social affairs chief Raphael Golta said "We are ready to take in more refugees."<sup>20</sup> The social affairs department called on the Swiss government to "immediately convene a national conference on the direct admission of refugees." In June 2020, Zurich had already signed a corresponding appeal by the eight largest cities in German-speaking Switzerland. It said that the cities, as "traditional arrival points for many migrants," were prepared to take in refugees "beyond their existing obligations." However, the Swiss federal government rejected this. "There is currently no legal basis for directly taking in refugees," said Federal Councillor Karin Keller-Sutter. Instead, she announced further financial support and assistance on the ground. Switzerland would also examine whether it could contribute to EU support measures.

#### For an everyday life without fear

"For an everyday life without fear"<sup>21</sup> or "a piece of plastic brings Zurich's paperless out of anonymity"<sup>22</sup> wrote newspapers about the Zurich City Card project. This had taken concepts from North American cities as a model – and could now in turn serve as a model for other cities in Europe. It should help that Switzerland in general and Zurich in particular are regarded as the epitome of seriousness and functionality. What is permissible and helpful here can hardly be dismissed as illusory or half-silly in other metropolises. After all, the city itself is spreading the word about its pilot project, and not without pride. And so the city's aristocratic reputation could help it serve as a role model for progressive movements in other parts of Europe - as long as the populist forces in Switzerland do not succeed in overturning the City Card.

18 https://ecdpm.org/ great-insights/navigating-euau-post-covid/mayors-migration-change-narrative/ 19 https://solidaritycities. eu/press/92-thessaloniki-receives-support-from-asterdam-and-zurich-on-informal-education-for-refugees 20 https://www.tagesanzeiger.ch/ zuerich-will-fluechtlinge-aus-lesbos-aufnehmen-691196208826 21 https://www.fr.de/zukunft/ storys/migration/stadt-und-migration-fuer-einen-alltag-ohneangst-90029006.html 22 https://www.bluewin.ch/de/ news/schweiz/zueri-city-cardchance-oder-risiko-166620.html

## 5. Update: What is new in 2023?

- Despite a counter-campaign by right-wing parties, in the referendum on the 'Züri City Card' in May 2022, the majority of Zurich's city population voted in favour of funding in the amount of CHF 3.2 million for the elaboration of the project. The city council also had the feasibility of the Züri City Card legally examined by the University of Zurich and thus assured - contrary to the argumentation of right-wing conservative parties - that it neither violates federal law nor is it legally possible for the city of Zurich to introduce a city card.<sup>23</sup>
- The pilot project for regulated health care for Sans Papiers was launched in 2021 with a project budget of 4.6 million Swiss francs. Since then, people without health insurance have been able to receive treatment free of charge in two specialised city hospitals. For major procedures, people are helped to join a statutory health insurance scheme.<sup>24</sup>
- The association Solinetz Zurich, which cooperates with the city of Zurich, launched the 'Kombi Project' in 2023 for and with people affected by a negative asylum decision. It is intended to contribute to the solidarity-based networking and inclusion of people in the so-called emergency assistance system, most of whom are very isolated.

23 https://www.zuericitycard.ch/ 24 https://sans-papiers-zuerich. ch/wp-content/uploads/2023/06/ SPAZ\_bulletin\_23\_55\_WEB.pdf

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 <u>www.moving-cities.eu</u>.

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