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Local Policies of Recognition

Comment on Homberger et al. (2022)

I would like to pick up four particular aspects of the excellent overview article on local responses to migrants with a precarious legal status by Homberger et al. (2022).

It strikes me that the concept proposed by the authors is very helpful in that it captures the different legal and personal realities faced by migrants who are at risk of losing their status and access to basic rights and starts from needs and risks rather than just reproducing legal status categories.

Secondly, I would like to join the authors in highlighting the multilevel governance and multiscalar context of local responses, and the potential trap of misconceiving cities as local island-states with more inclusive rules. Here, beyond the different legal competencies held by cities, I consider it important to stress the obvious, that is, that cities operate within different national policy and discursive contexts that exert normative power over the local responses: the scope for local action will depend strongly on whether they operate in a super-exclusionary context, as in the case of the UK government's policy of ›hostile‹ or ›compliant‹ environments, or whether they provide a minimum of recognition, such as the Spanish policy of nearly universal access to local registers (Fanjul and Gálvez-Iniesta 2020). At the very least, all cities in the EU must deal with the concrete consequences (e.g., in using EU funds for migrant integration) that arise from the EU's conception of integration policies targeting ›legally residing third-country nationals‹ exclusively¹, thereby delegitimizing cities' acts of recognition, although many of

¹ This restrictive lens on integration policies exclusively targeting ›legally residing third-country nationals‹ is perhaps not as present as it used to be in EU communication and policy making. But it is still codified in the Lisbon Treaty's mandate for the Parliament and Council ›to provide incentives and support for the action of Member States with a view to promoting *the integration of third-country nationals residing legally in their territories*« (Euro-

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today's migrants with a precarious legal status are known to end up as regular residents.²

Thirdly, given, then, that local policies of recognition often have to operate more or less ›decoupled‹ from other administrations, it is important that the authors look at the potential of city networks. I would argue that such networks (which in this area often include civil society actors in their work) have at least three functions: They provide opportunities for exchanging and coordinating different practices of recognition at a technical level; they offer a platform where cities can symbolically legitimize each other and ›come out‹; and they serve, potentially, as a political instrument for attempting to change national and European frameworks. Initiatives such as C-MISE for European cities (Spencer 2022; Delvino and Spencer 2019) or the Catholic ›Forum Illegality‹ in Germany (Laubenthal and Pielage 2011, p. 18) illustrate this triple role and probably deserve more attention, in particular with regard to their political impact.

Finally, I would like to comment on the identification of foundations (›frames‹) of local policies of recognition with local actors from a methodological perspective. At least where more comprehensive policies of recognition exist, asking city representatives for the concrete rationales behind such policies might hide something bigger, namely the existence of more wide-reaching implicit or explicit ideas of local/urban citizenship qua inhabitation. Exploring the degree to which such more wide-ranging concepts exist, how they developed historically, and who promoted them would be a valuable next step, I believe, when it comes to understanding the emergence of local recognition policies for people with a precarious legal status.

References

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pean Parliament and Council of the European Union 2007, Art 63a, 4.). It is also reflected in the EC-President's introductory quote to the Action Plan on integration (European Commission 2020), which says ›We will make sure that people who have the right to stay are integrated and made to feel welcome‹; and in the regulation of the Asylum and Migration Fund which defines as its objective that ›The Fund should support Member States in setting up [...] policies and measures for *legally staying third-country nationals*‹ (European Parliament and Council of the European Union 2021; all italics DG).

2 According to a personal communication from Ramon Sanahuja of Barcelona City Council, 60 % of migrants who received legal advice from the city council since 2000 eventually regularized their residency status.

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