

## INTERNATIONAL WORKSHOP

# Housing and Homelessness of Undocumented Migrants in Europe: Building Alliances and Developing Strategies

**Brussels, Friday 28 June 2013**

*Venue: International Auditorium, 5 Boulevard du Roi Albert II, 1210 Brussels (Metro: Rogier)*

*Working languages: English, French and Spanish and Portuguese as a passive language*

**This is a public event**

### Co-hosted by

***PICUM – the Platform for International Cooperation on Undocumented Migrants  
FEANTSA - the European Federation of National Organisations Working with the Homeless  
EAPN - European Anti-Poverty Network***

### Background

Undocumented migrants across Europe are excluded from state-subsidised housing or support due to their lack of a residence permit, and are thus relegated to the margins of the private market through their economic and social conditions. However, due to legal, economic and social constraints, they often pay above market rates for inadequate accommodation. In the absence of formal work permits and without access to social protection, undocumented migrants overwhelmingly work in the informal labour market to provide for themselves and their families, where they routinely experience underpayment, exploitation and abuse. Poor economic conditions have a dramatic impact on their living conditions.

In the private market, undocumented renters are very vulnerable, have very little bargaining power and are restricted from accessing complaints mechanisms and redress in cases of exploitation and other violations of their rights as tenants. Their position is further compromised in some countries, where a residence permit is required to legally rent on the private market and where people may face sanctions for renting to undocumented migrants. In these contexts, many undocumented migrants endure poor, overcrowded and substandard housing conditions at exploitative rates. Further, housing is insecure and many undocumented migrants and their families are at a high risk of losing a regular, safe and secure home, have to move frequently, and at times rely on friends and family, stay in squats or find themselves without accommodation.

Access to homeless shelters is not guaranteed for undocumented migrants in most countries, but is an increasing concern as service providers across Europe see growing numbers of undocumented migrants reaching out to their services. Belgian organisations have reported that around 80-90 per cent of users of winter shelters in Brussels are undocumented. State run long-term shelters often set

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conditions such as regular residence status or social security registration to allow access. In a similar vein, private facilities are also reluctant to accept undocumented homeless migrants for long-term shelter programmes.<sup>1</sup> Possibilities for undocumented migrants to access emergency night shelters do exist in many countries although many obstacles remain. In many countries the obligation to share data with immigration authorities and detection practices that undermine fundamental rights continue to be among the difficulties faced both by undocumented migrants and service providers.

Despite child rights policies and safeguarding duties on public authorities in most EU countries, the situation differs little when undocumented families have children. A few European countries have possibilities to provide temporary shelter for undocumented families who have an on-going application with the immigration authorities, but these arrangements remain very restricted, and are often unsuitable for children.

Undocumented migrant women are at particular risk of gender-based violence and are often denied access to specialised shelters and services for women survivors of violence. Across Europe, the severe lack of such specialised shelters in a number of countries force women who are escaping violent situations to find protection in homeless shelters<sup>2</sup>.

Migrants whose irregular status prevents them from accessing emergency shelters and other temporary housing solutions are often faced with no other solutions but sleep in public parks and on the streets. The gravity of such situations in which entire undocumented families sleep rough, prompted civil society organisations in the Netherlands in recent years to challenge Dutch authorities. Several landmark cases have been made towards the European Social Charter concerning access to housing for undocumented migrants.

## **Main objectives of the workshop**

The right to housing is a comprehensive right encapsulating access to appropriate, secure, and sustainable accommodation. This must be distinguished from the right to shelter which is an interim solution of temporary accommodation.

The workshop aims to strengthen dialogue amongst service providers, anti-poverty organisations, migrants' organisations, local authorities and policy makers, by focusing on the following sectors and thematic issues:

### **1. Legal entitlements**

What does the right to housing entail for undocumented migrants in law and practice?

Private sector:

- What are the key difficulties for undocumented migrants in the private rental market?
- How to strengthen access to tenants' rights procedures and complaints mechanisms?
- What are good practices in enforcing the right to housing for undocumented migrants and improving their living conditions?

Shelters:

- What are key barriers in accessing long-term and emergency shelters?
- What are main concerns identified by service providers and service users?
- What are good practices in overcoming barriers to accessing shelters?

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<sup>1</sup> European Union Agency for Fundamental Rights, *Fundamental Rights of Migrants in an Irregular Situation in the European Union*, 2011, p.64.

<sup>2</sup> In their 2010 Country Report, the WAVE network reports that only six countries in the EU provide an adequate number of women's shelter places, in four countries there is a severe lack of shelter places and extremely poor service provision and in three countries no specialized services at all.

[http://78.142.150.50/sites/wave.local/files/WAVE\\_COUNTRY%20REPORT%202010\\_NEU.pdf](http://78.142.150.50/sites/wave.local/files/WAVE_COUNTRY%20REPORT%202010_NEU.pdf)

## **2. Tools and strategies to increase accountability**

- Legal strategies (Council of Europe, national level)
- Political strategies (United Nations, European Union)
- Strategic alliances (tenant's associations, service providers, local authorities)

### **Participants**

Local authorities, policy makers, civil society organisations, service providers, EU institutions, academics, professional organisations, service users, migrants' organizations.

### **Outputs**

- Comprehensive written report with key recommendations.

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## PROGRAMME

<b>8:30 – 9:00</b>	<b>Registration</b>
<b>9:00 – 9:45</b>	<p><b>INTRODUCTION</b></p> <ul style="list-style-type: none"> <li>• <b>Welcome</b>  <i>Michele Levoy</i>, Director, PICUM  <i>Sonia Olea Ferreras</i>, Chair of FEANTSA Working Group on Migration  <i>Fintan Farrell</i>, Director, EAPN</li> <li>• <b>Introductory presentation: Housing and Shelter Situation of Undocumented Migrants in Europe</b>  <i>Ann-Charlotte Nygard</i>, Programme Manager, European Union Agency for Fundamental Rights (FRA)</li> </ul>
<b>9:45 – 11:00</b>	<b>PLENARY 1: Access to Emergency Accommodation for Undocumented Migrants</b>
	<ul style="list-style-type: none"> <li>• <i>André Gachet</i>, Policy Adviser, FAPIL-Fédération des Associations et des Acteurs pour la Promotion et l'Insertion par le Logement, France</li> <li>• <i>Thomas Maesele</i>, Ghent City Social Service, Belgium and <i>Thijl Meheus</i>, Street Corner Work, City of Ghent, Belgium</li> <li>• <i>Adrian Berry</i>, Barrister, Garden Court Chambers, United Kingdom (tbc)</li> </ul> <p><i>Discussion</i></p> <p><b>Moderator:</b> <i>Karima Delli</i>, Member of the European Parliament, Group of the Greens/European Free Alliance (tbc)</p>
<b>11:00 – 11:30</b>	<b>Coffee Break</b>
<b>11:30- 13:00</b>	<b>PLENARY 2: Housing for Undocumented Migrants in the Private Sector</b>
	<ul style="list-style-type: none"> <li>• <i>Xavi Pastor Villa</i>, Federation of Social Housing and Neighbourhood Associations in Catalonia (FAVIBC) /International Association of Tenants, Spain</li> <li>• <i>Nicolas Bernard</i>, Housing Rights Watch, Professor at Université Saint-Louis Brussels, Belgium</li> <li>• <i>María José Aldanas</i>, Provivienda, Spain</li> <li>• <i>Edgar Legaspi</i>, TRUSTED, The Netherlands</li> </ul> <p><i>Discussion</i></p> <p><b>Moderator:</b> <i>Paul D'Auchamp</i>, Deputy Regional Representative, Office of the UN High Commissioner for Human Rights (OHCHR) in Brussels (tbc)</p>
<b>13:00 - 14:30</b>	<p><b>Lunch</b></p> <div style="text-align: center;">  </div> <p>13:30-14:00 Screening of PICUM's web documentary "<u>Undocumentary</u>" in the plenary room.</p>

<b>14:30-16:30</b>	<b>PARALLEL WORKING GROUPS</b>
Working languages: English and	<p><b>1. Undocumented Migrants, Housing and Homelessness in the Anti-Poverty Agendas on National and EU Level</b></p> <p><b>Moderator:</b> Vincent Caron, Policy Officer, EAPN Europe</p> <p><b>Presenters:</b> Graciela Malgesini, EAPN Spain Dominique Laurent, Belgian Ministry for Migration and Social Integration (tbc) Gregory Cremmerye, Brussels Anti-Poverty Platform, Belgium (tbc)</p> <p><b>Rapporteur:</b> Kadri Soova, Advocacy Officer, PICUM</p>
Working language: English	<p><b>2. Homelessness of Undocumented Migrants and Access to Emergency Accommodation</b></p> <p><b>Moderator:</b> Rian Ederveen, Stichting Los, The Netherlands</p> <p><b>Presenters:</b> Wayne Stanley, Research and Policy Analyst, Focus Ireland Bo Jochimsen, Outreach worker, Projekt Udenfor, Denmark</p> <p><b>Rapporteur:</b> Mauro Striano, Policy Officer, FEANT SA</p>
Working languages: English and French with Portuguese in passive	<p><b>3. Housing for Undocumented Migrants in the Private Sector</b></p> <p><b>Moderator:</b> Jean Demars, Praxis Community Projects, UK</p> <p><b>Presenters:</b> Abraco, Belgium Angèle Ngo Moussi, Lawyer, AFVS, The Association of Lead Poisoned Families, France</p> <p><b>Rapporteur:</b> Lilana Keith, Programme Officer, PICUM</p>
16:30-17:00	Coffee break
<b>17:00-17:30</b>	<p><b>Reporting Back</b></p> <p><b>Chair:</b> Sheena McLoughlin, Programme Manager, European Programme for Integration and Migration</p>
<b>17:30- 18:00</b>	<p><b>Closing Remarks</b></p> <p>Don Flynn, PICUM Chair</p> <p>Discussion</p>
<b>18:00</b>	<b>END OF WORKSHOP</b>