

REPORT: HOW TO ENSURE UNDOCUMENTED MIGRANTS' RIGHT TO HOUSING AND SHELTER

BRUSSELS, 6 October, 2014 – On the occasion of World Habitat Day, the Platform for International Cooperation on Undocumented Migrants (PICUM) together with the European Federation of National Organisations working with the homeless (FEANTSA) and the European Anti-Poverty Network (EAPN) launch their new report outlining strategies and good practices to overcome barriers for undocumented migrants to access housing and shelter.

The report, entitled "[Housing and Homelessness of Undocumented Migrants in Europe](#)", which is available in English, French and Spanish, analyses how to ensure undocumented migrants human right to housing. An adequate standard of living is stipulated in the Universal Declaration of Human Rights (UDHR) and the International Covenant of Economic Social and Cultural Rights (ICESCR). However, there is a gap between legal entitlements and actual policies in most countries. Restrictive policies at national level and discrimination prevent undocumented migrants from their right to adequate housing.

Welcoming this report, Ann-Charlotte Nygård of the European Union Agency for Fundamental Rights (FRA) highlighted that in many EU member states, landlords are criminalised for renting housing to irregular migrants which creates a major barrier for irregular migrants to find housing on the private market:

"Under legislation fighting smuggling, such as rules on facilitation of stay, landlords and those providing housing on a non-profit basis may risk punishment. For such rules to be in line with fundamental rights, exceptions from punishment for facilitation of stay should be made for landlords and non-profit humanitarian assistance, including housing. On the other hand, those who rent accommodation under exploitative conditions to migrants in an irregular situation should of course be punished".

Some landlords deliberately take advantage of the situation of undocumented migrants and rent poor, overcrowded and substandard conditions at exploitative rates. These poor conditions have a direct consequence on other rights such as the right to health, frequently leading to chronic diseases.

Due to their migration status, which places them at risk of arrest if contacting the authorities, undocumented migrants have often no opportunity to access justice and file a complaint against abusive landlords.

If they become homeless, they face significant difficulties to access emergency shelter. In some EU countries, policies require shelters to report undocumented and state funds do not cover costs for undocumented migrants staying in shelters*. The situation of undocumented women escaping violence is of particular concern**. When turned away from emergency women shelters, they are faced with the stark choice of returning to an abusive situation or living on the street, where they risk further violence.

An undocumented mother of four children living in Belgium, said:

"Although I was a victim of domestic violence, I have been turned away from emergency accommodation and been refused housing support. The Belgian authorities threatened to take my children away from me, because I was unable to provide them with adequate living conditions. But despite this, I take good care of them; I take them to school, I clean their clothes, I give them food. Eventually, one association helped me to find accommodation and I am staying there now."

In towns and cities across Europe, anti-poverty organisations, migrants' rights advocates, and representatives of local authorities develop solutions to end discriminatory policies and ensure migrants' right to housing. Good

practices range from civil society cooperation with tenant associations and local authorities, to helping undocumented migrants to file complaints against landlords.

To effectively ensure undocumented migrants' right to housing, there is an urgent need to delink immigration control from the right to housing by removing all legal and administrative restrictions which seek to detect undocumented migrants or curtail their access***. It is essential that organisations and individuals providing shelter and assistance to undocumented migrants should not be subject to penalties, prosecutions or fines.

In case of abuse and exploitative conditions, undocumented tenants must be able to file complaints against unscrupulous landlords and avail of effective grievance mechanisms without fear of immigration enforcement.

Undocumented migrants should also be included in anti-poverty agendas and strategies to fight homelessness on both, the EU and national levels. In this context, anti-poverty policies should address the issue of housing and homelessness of undocumented migrants specifically in light of the EU2020 strategy which aims to lift 20 million people out of poverty until 2020.

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*View [here](#) "FEANTSA position on homelessness among immigrants in the EU".

**View [here](#) PICUM's report "Strategies to End Double Violence Against Undocumented Women. Protecting Rights and Ensuring Justice", 2012.

***To read the European Union Agency for Fundamental Rights' (FRA) guidelines: "Apprehension of migrants in an irregular situation – fundamental rights considerations", click [here](#).

About PICUM

PICUM - the Platform for International Cooperation on Undocumented Migrants, is a non-governmental international organisation (NGO) that promotes respect for the human rights of undocumented migrants within Europe. PICUM provides a direct link between the grassroots level, where undocumented migrants' experience is most visible, and the European level, where policies relating to them are deliberated. PICUM provides regular recommendations and expertise to policy makers and institutions of the United Nations, the Council of Europe and at EU level. In 2009, PICUM was awarded participatory status with the Council of Europe. www.picum.org

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About FEANTSA

FEANTSA is the European Federation of National Organisations working with the Homeless. It is an umbrella of not-for-profit organisations which participate in or contribute to the fight against homelessness in Europe. Established in 1989, FEANTSA represents today more than 150 organisations working with people experiencing homelessness in about 30 European countries which provide a wide range of services to people experiencing homelessness, including housing, health, employment support, social protection, rights and participation. It is the only major European network that focuses exclusively on homelessness at the European level. More information is available at: www.feantsa.org

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About EAPN

The European Anti Poverty Network (EAPN) is the largest European network of national, regional and local networks, involving anti-poverty NGOs and grassroots groups as well as European Organisations, active in the fight against poverty and social exclusion. It was established in 1990.
<http://www.eapn.eu/en>

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