

15 JUNE 2017

## DESTITUTE EU MOBILE CITIZENS SHOULD BE SUPPORTED, NOT CRIMINALISED

### FEANTSA, Migrants' Rights Network and Praxis file a complaint before the European Commission against the UK

On 15 June 2017, [FEANTSA](#) along with [Migrants' Rights Network](#) and [Praxis](#) have filed a complaint before the European Commission concerning the alleged infringement by the United Kingdom of art. 35 of directive 2004/38. The object of the complaint is the new European Economic Area (EEA) Regulations adopted by the UK and the guide published by the UK Home Office on the administrative removal of EU citizens and their family members, whereby rough sleeping may be intended as misuse of the right to reside. Under the guide, the Home Office established that rough sleeping alone is enough to make someone a possible target for administrative removal. According to this approach, mobile EU citizens who are working or seeking work in the UK, or even who have been in the UK for less than 3 months, may be subject to administrative removal solely because they are sleeping rough.

Rough sleeping of EU citizens, even as a consequence of exercising EU free movement rights, cannot justify the adoption of a measure founded on considerations of general prevention of homelessness and specifically targeting a certain category of EU citizens. The complainants believe that UK Home Office policy is justifying the removal of rough sleepers on the basis of article 35 of Directive 2004/38, which entitles Member States to adopt necessary measures in cases of abuses of rights. However, the complainants consider that an interpretation of the notion of abuse of rights, whereby rough sleeping is a form of misuse of a right to reside under the guide, is not in line with the notion of abuse of rights existing at EU level under Directive 2004/38. Therefore, the United Kingdom, by considering rough sleeping as a practice that constitutes misuse of a right to reside, is failing to properly implement at national level article 35 of the Directive.

*"The impact of this interpretation upon destitute mobile EU citizens and their family members, including minors, is that they are significantly vulnerable to be expelled just because they do not have sufficient resources to afford adequate accommodation and are bound to sleep rough,"* says FEANTSA director Freek Spinnewijn, who adds that *"according to the UK, when you are a mobile EU citizen who moved to the UK, being a rough sleeper is not a terrible experience to go through but rather a way to take advantage of the system. This is a bizarre and cruel interpretation of an individual crisis"*.

FEANTSA, Migrants' Rights Network and Praxis are confident that the European Commission will undertake all necessary steps to clarify the UK's policies targeting some of the most vulnerable people in our society - people who should be supported, not criminalised – by starting investigations and launching a formal infringement procedure.

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**Notes for editors:**

1. **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. It is the only major European network focusing exclusively on homelessness at European level