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## THE EUROPEAN LABOUR AUTHORITY CAN BE AN OPPORTUNITY TO ADDRESS HOMELESSNESS AMONG EU CITIZENS WHO EXERCISE THE RIGHT TO FREE MOVEMENT

### *FEANTSA REPLY TO THE EUROPEAN COMMISSION CONSULTATION ON THE ESTABLISHMENT OF THE EUROPEAN LABOUR AUTHORITY AND THE EUROPEAN SOCIAL SECURITY NUMBER.*

The search for employment is the main driver of EU citizens moving to another Member State. And yet several factors can jeopardise their journey to a better life. Lack of information before and upon arrival in the host Member State, lack of preparation in terms of job skills, precarious working conditions and job insecurity are some of the main factors making mobile EU citizens vulnerable to destitution, particularly when something unexpected happens. A recurring theme that arises in the stories of mobile EU citizens who experience homelessness is the lack of regular and secure employment. Lack of employment, precarious working conditions and undeclared work are all obstacles to accessing social benefits and, in some Member States, even to accessing emergency social support, such as night shelters. It is therefore important for the European Commission to take into account, in the development of the European Labour Authority, the strong link between employment and homelessness among mobile EU citizens, which is particularly significant in big European cities, such as Brussels, Berlin, London, Stockholm, Copenhagen, Amsterdam and Paris.

Several cases have been recorded of EU citizens being lured into another EU country on a bogus promise of a job. In some cases, these jobs turned out to be linked to criminal activity. Moreover, precarious economic sectors, such as domestic work, the catering industry or construction, tend to rely on workers without an employment contract. Once trapped in an insecure – and sometimes dangerous – working environment, it is difficult to access the right support. Individuals therefore need advice and support regarding administrative procedures and on finding employment before the situation becomes too difficult.

The lack of a stable job might result in the loss of residency rights and, with them, the entitlement to social benefits and support. The European Union has been struggling to solve the contradiction between the concept of European citizenship and the rights attached to it and an EU legislation that allows for divergent interpretation or enforcement of rules regarding access to social benefits, particularly for those mobile EU citizens who are not currently working.

A lack of information is often the main reason for mobile EU citizens not finding the right support which could prevent them from becoming destitute in the host Member State. In certain cases it is because the information is not available in their language, in other cases because the information is not available at all. There are a few examples of services developed over the past 10 years that provide effective and easily understandable information about rights and obligations related to work (see for instance *Crossroads*<sup>1</sup> in a few Swedish cities, *Kompasset*<sup>2</sup> in Copenhagen, *Europa Brücke*<sup>3</sup> in Münster, *Frostschutzengel*<sup>4</sup> in Berlin). These services also help to address administrative obstacles, sometimes by establishing contact with the competent authorities in the host Member State and the State of origin. So far, these services have made clear that in order to fight against social and economic exclusion, it is necessary to develop strategies based on advice and information aiming to ensure that mobile EU citizens' rights are respected and the sustainability of the interventions is maintained through adequate financial resources. In order to effectively tackle employment issues, it is important that the future European Labour Authority builds upon the expertise accumulated by these services.

Unclarity in European law allows Member States to establish criteria that *de facto* prevent mobile EU citizens without resources from accessing social assistance. Homeless people are often considered as a separate issue to the labour market and therefore not a matter of EU law, but a local issue to be tackled according to national law. However, most mobile EU citizens who become homeless have worked for a certain period of time, or at least moved with the intention of finding a job. They recurrently lose their living quarters due to seasonal unemployment, illness or other incidents. They face specific difficulties in proving that they have been actively looking for a job or even that they have worked, due to lack of formal contracts or because of intermittent employment. By doing odd jobs for short periods of time, their access to the social assistance system becomes limited. These challenges urgently need to be addressed through an effective cooperation between national authorities that would strengthen administrative cooperation and mutual trust. The setting-up of the European Labour Authority and of a European Social Security Number could be the opportunity to effectively address homelessness provoked by labour mobility issues through the exchange of information and the streamlining of administrative practices in cross-border situations to provide technical assistance and analytical support. This could also apply within the framework of reconnection programmes, i.e. voluntary return of mobile EU citizens to the Member State of which they are nationals, that need to be properly implemented, in the respect of individuals' will, and monitored at EU level.

Besides adequately addressing the side effects of labour mobility, destitution and precariousness of mobile EU citizens, it is paramount that the European Labour Authority has authority over national authorities to effectively put into practice its objectives and have a concrete impact in terms of simplifying existing processes, raising awareness about EU rules

<sup>1</sup> See <http://nws.eurocities.eu/MediaShell/media/Stockholm.pdf>

<sup>2</sup> See [http://kompasset.kirkenskorshaer.dk/wp-content/uploads/2014/08/Position-paper\\_Preventing-Destitution-of-Homeless-Migrants-in-Denmark.pdf](http://kompasset.kirkenskorshaer.dk/wp-content/uploads/2014/08/Position-paper_Preventing-Destitution-of-Homeless-Migrants-in-Denmark.pdf)

<sup>3</sup> See <http://www.bischof-hermann-stiftung.de/taetigkeitsfelder/europabrueckemuenster/>

<sup>4</sup> See <http://www.frostschutzengel.de/>

and rights, facilitating opportunities to work abroad and enhancing portability of social security rights.

Finally, FEANTSA welcomes the development of the European Labour Authority and the establishment of a European Social Security Number. We recommend that the European Commission puts in place an agency that will also be able to address the specific issues faced by those EU citizens who have become destitute in the exercise of their right to free movement and to involve in the functioning of such an agency social service providers, including those who support homeless mobile EU citizens. FEANTSA, having worked for several years on homelessness among mobile EU citizens, has of a lot of expertise that could be very useful to the functioning of the European Labour Authority.

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