IMMIGRATION AND HOMELESSNESS IN THE EUROPEAN UNION

ANALYSIS AND OVERVIEW OF THE IMPACT OF IMMIGRATION ON HOMELESS SERVICES IN THE EUROPEAN UNION

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1. Explanatory Note

Immigration has recently turned into a rising concern for homeless service providers. The growing number of homeless immigrants among their clients and the lack of efficient policies to address the situation have put immigration and homelessness high on the agenda of the homeless services sector. The need to look closely at the linkages between immigration and homelessness was made clear by FEANTSA members’ choice of it as the core theme of FEANTSA’s work programme for 2002.

This report reflects an analysis of the 15 national reports submitted by the FEANTSA representatives in all EU Member States. As part of FEANTSA’s current work programme, all members of FEANTSA’s Administrative Council were asked to produce a national study on the relationship between immigration and homelessness, with a special focus on how immigration impacts homeless services. The FEANTSA secretariat compiled a questionnaire to give a framework to the report, and provided methodological support in conducting the study.

It is important to bear in mind what the national reports set out to do: to assess the extent and real dimension of immigration; to elicit the link if any between immigration and homelessness; and to put forward suggestions for improving the situation. By seeking answers to these questions from organisations that work directly with the homeless, we gained a clearer and more pragmatic insight into the situation.

The national reports clearly point up the between-country variations. The feeling in most countries was that reliable data and information on the issue were lacking, so these 15 reports are a major source of information and analysis, which will enable FEANTSA to play an increasingly important role in this area and give valid policy input to both the national and European debates on immigration.

It is important to stress the wide level of consultations on which the national reports are based in several countries.

In Greece, FEANTSA member ARSIS called together 10 NGOs working with homeless immigrants and refugees to work on the national study and brought the theme "immigration and homelessness" to the 7th Anti-Racism Festival (jointly organised by a network of NGOs and immigrant communities) where an open debate was held.

In Spain, FEANTSA’s 11 member organisations held a meeting to discuss the topic and prepare the national study. They decided, together with the Spanish correspondent of the European Observatory on Homelessness, to extract selected questions from the questionnaire for inclusion in a survey to be sent out to most organisations working with the homeless in Spain. (The findings will supplement the Spanish report).

In France, the issue was handled by the committee on refugee issues set up by FNARS, FEANTSA’s French member.

In Italy, FEANTSA member FIO.psd set up a working group specifically on the issue of immigration and homelessness, which was composed of NGO representatives, public/government officials and the Italian national correspondent of the European Observatory on Homelessness. To strengthen the reliability of their findings, FIO.psd carried out a survey in seven different cities, chosen for their representativeness in terms of size, location and extent of the problem. The seven cities are: Bari, Bergamo, Bolzano, Livorno, Milan, Rome and Turin. A representative from each city collected information from all the public and voluntary agencies providing at least one of the following services: night shelters, secondary reception/accommodation centres, day centres, mobile outreach units, health care centres and/or meal centres. The data was then collated by the Italian member of the Observatory and checked by the other members of the working group. This data will be the basis of further analysis.

In the countries where FEANTSA’s members are umbrella organisations, like Germany, the Netherlands, Belgium, and the United Kingdom, the report was compiled in close cooperation with the respective national member associations.

The national reports represent a major effort of information gathering and analysis, and a valuable contribution to on-going debates on the issue of immigration.
2. Introduction

Immigration is a very complex and wide-ranging issue. The main focus of this report is its relationship with homelessness and its effects on homeless services. Narrowing the scope of analysis to how these two realities connect inevitably restricts the focus to just some aspects of the immigration issue, leaving aside other important but less immediately relevant questions.

This report represents an overview of the situation in the European Union based on the daily experiences and practical observations of homeless service providers. It is not based on scientific research, but brings together the most accurate data available on the linked issues of immigration and homelessness.

Immigration is an issue of major political, economic and social concern at both European and national levels. Despite wide variations in the extent of the problem between the 15 EU Member States, one thing is certain: homeless services recognise the specific attributes of immigrants as a group exposed and vulnerable to homelessness and social exclusion. Moreover, their homelessness is particularly disturbing, as most immigrants are not entitled to the same benefits and help as native homeless persons. Homeless immigrants therefore face major obstacles to overcoming their plight. All Member States recognise that this situation has only got worse over the past decade and the trend is clearly on the rise.

The link between homelessness and immigration assumes different shapes and patterns within the EU. Immigrants may be asylum seekers, refugees, undocumented immigrants and economic or labour migrants. Each of these sub-groups has access to different social rights and faces different problems.

In some EU countries, the situation has reached particularly disturbing proportions with hostels and other homeless services reporting high intakes of undocumented migrants and asylum seekers. Homeless immigrants often have nowhere else to turn for help other than the voluntary sector, which is usually only able to offer the most basic emergency services. This situation is particularly striking in France, Portugal, Spain, Italy, Greece, the Netherlands, Belgium, Germany and Austria.

In other countries, asylum seekers and refugees are provided with very substandard and inadequate housing. Alternatively, they are given accommodation, but have no say in the place, city or region where they will live. If they do not accept what may be unacceptable conditions, they are left without support. This happens in the United Kingdom, Ireland, Sweden, and Denmark.

A common challenge for all countries relates to the difficulties immigrants face in gaining access to the housing market due to widespread discrimination by private landlords and/or neighbours. No less alarming is the exploitation of immigrants in the housing market. Unscrupulous landlords take advantage of their situation to charge high rents for unacceptable accommodation. Such situations add to the vulnerability of immigrants and must be clamped down on.

One point raised by all the national studies is that the statistics say very little about the situation of homelessness among immigrants, and the reports call attention to hidden homelessness in the immigrant community. Visible homelessness among immigrants may be just the tip of the iceberg. This is particularly so for immigrants who lack official papers or a legal status in the host country, and are therefore forced to live on the margins of society.

Politicians and decision-makers cannot ignore these facts. The number of immigrants becoming homeless or being exposed to homelessness is growing. This confirms the lack of adequate and fitting European and national policies that address the various needs of immigrants and contribute to their full inclusion into their host societies. Arguably, in many cases, homelessness is a consequence of failed European and national policies.

Homeless service providers have raised legitimate concerns about the growing vulnerability of immigrants to homelessness and social exclusion. Homelessness among immigrants tends to be overlooked; yet the rising numbers of immigrants accessing services for the homeless is a visible sign of this phenomenon.
In this study, we present the current situation in the European Union based on reports from FEANTSA members. As a European report, it does not describe in detail the situation in individual Member States. It addresses the major trends and dominant issues in the field of homelessness and immigration in the 15 EU Member States, and highlights specific situations in a particular country whenever relevant or to illustrate a specific example or problem.

The report is structured around the main sections of the questionnaire that was sent out to FEANTSA's members. Firstly, it clarifies what is meant by the catch-all term "immigrants". Then, an overview of the extent of the problem in the EU is given through statistics and trends. The report then examines the profile of the homeless immigrant population and analyses the general legal and administrative framework for delivery of services to homeless immigrants. Then, the implications of the admission of homeless immigrants for the organisation of homeless services is discussed. The section on the relationship between immigration and homelessness highlights the major challenges facing the EU and its Member States in this field. Each section covers the areas where the national studies highlighted most concern and gave most information. The last section of the questionnaire on policy recommendations will be dealt with in a separate paper.

3. Immigrants - Who are they?

It is important to distinguish the different groups or categories that make up the broad "immigrant" population. This is necessary, because these groups are treated very differently and have access to different sets of rights and obligations. In the national reports, FEANTSA's members were asked to focus on the most relevant groups in their respective national contexts, those that for one reason or another are more exposed or vulnerable to homelessness.

WHO IS AN IMMIGRANT?

- Asylum seekers
  An asylum seeker is a third country national or a stateless person who has made an application for asylum - which is a request for international protection provided by the Geneva Convention. All the EU Member States have ratified the Geneva Convention and are therefore bound to comply with its obligations. While the asylum application is being processed and until the final decision is taken, the asylum seeker is legally in the country (unless he was not allowed to enter the territory) but does not yet have legal leave to remain. At present, the rights of asylum seekers vary widely from one Member State to the next. Following the conclusions of the Tampere Council, the European Union is working on the implementation of a common immigration and asylum policy, including a Common European Asylum System with common minimum standards for the reception of asylum seekers in EU territory.

- Refugees
  Under the Geneva Convention
  A refugee is a person who fulfils the requirements established by the Geneva Convention\(^1\). A person is awarded refugee status if there is a well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion. They reside legally in the country by reason of their refugee status granted after their asylum requests were positively processed.

Temporary protection

Another scheme exists to cope with mass movements of people fleeing wars and emergency situations. Temporary protection has been developed by several Member States to meet the challenge posed by the mass influx to the asylum system. It includes special provisions to speed up decision-making on temporary admission so as to avoid or defer the application of protracted asylum application procedures. These provisions allow the grant of immediate protection and well-defined rights. Temporary protection is by definition confined to a specified limited period during which the situation in the country of origin is such that the persons concerned cannot return there in adequate conditions of safety and dignity. Systems also vary in terms of the maximum duration of temporary protection (ranging from six months to one, two, three or five years maximum).

Subsidiary Protection
Following their meeting in the Council of Justice Affairs in October 2002, EU Member States came very close to agreeing upon a common definition of a "refugee", and in particular on the definition of a person entitled to subsidiary protection (the latter often referred to as "de facto refugee"). This is an important step forward in trying to build a common European Asylum system. At present, each Member State has its own often different definition of who should be granted subsidiary protection. This lay behind so-called "asylum shopping" within the EU. Subsidiary protection is a form of internationally protected status, separate but complementary to refugee status, granted to a third country national or stateless person who is not a refugee (i.e., not falling within the categories laid down in the Geneva Convention) but is otherwise in need of international protection for a well-founded fear of being subjected to serious and unjustified harm. The European Parliament wants the EU also to grant subsidiary protection where there is a risk of capital punishment or genital mutilation.

The European Parliament takes the view that women facing oppression on account of their sex; people persecuted because of their sexual orientation; and conscientious objectors should all benefit from EU protection.

Territorial asylum
France differentiates between what they call Convention asylum (as established by the Geneva Convention) and territorial asylum created by the 1998 Act for foreign nationals persecuted by non-state agents. They are not granted refugee status but are granted a right of residence in France.

Humanitarian grounds
In some countries, there is another class of migrants allowed entry for humanitarian reasons, but possessing a different refugee status. This is the case in Luxembourg, for instance, with immigrants under temporary protection on humanitarian grounds who have leave to remain in the country for a maximum of three years. In the Netherlands, too, immigrants can be granted residence permits on humanitarian grounds which confers a different refugee status.

- Undocumented immigrants or irregular immigrants
There are many different reasons for immigrants to be in an irregular situation or "without papers" in a host country.

Victims of trafficking and exploitation
Many undocumented immigrants are victims of well-organised criminal networks of smugglers and traffickers who facilitate their entry to the destination countries, often with false promises of well-paid jobs and accommodation in exchange for large payments which often represent their entire life savings. Alternatively, they meet the payment through forced and exploitative labour.

Irregular entry
This includes people who have entered the country without passing through the border controls or with false documents.

Overstay
This refers to people who have entered the country legally with a tourist visa or as students, but have remained in the country after their visa has expired. It also includes former regular workers whose work permit has expired and who may not be aware of the legal consequences.

Family members of regular immigrants
These are spouses and children who have no personal right of residence; if a family breakdown occurs, they lose their legal status in the host country. It also includes family members who join their relatives living in a regular situation in the host country, but do not acquire a legal status for themselves.

Rejected asylum seekers
This includes failed asylum seekers who have not left the country, as well as those whose applications were rejected but who cannot be returned to their countries of origin because of legal or medical problems or because they have no nationality. Denied any status or opportunities, they become de facto illegalised.
Regular immigrants
Consisting mostly of economic and/or labour migrants, they are legally resident in the host country, holding work and/or residence permits. Depending on national legislation and on the duration of their stay in the country, they may be naturalised or acquire the nationality of the host country. It also includes second-generation immigrants.

A human rights approach to immigration
As the descriptions above suggest, it is nowadays extremely difficult to draw a line between those seeking asylum for political or economic reasons. But they are not treated the same way. Are there legitimate reasons for treating their applications differently? Is political persecution or denial of free speech a more valid reason for leaving one’s country than starvation? A person who is forced to flee their homeland because they cannot live there in security and dignity, be it to escape war, political persecution, hunger, misery or poverty, should be able to find refuge in the wealthier countries. In an era of globalisation, migration to rich countries is normal, inevitable and indeed an economic and demographic necessity. The EU has already benefited considerably both in human and economic terms from the migration flows that have characterised the continent’s history. Europeans have never hesitated to emigrate to other parts of the world when socio-economic conditions in Europe were harsh. It is essential that the fundamental human rights of all people are ensured and protected.

Lack of accurate data
The first thing that stands out from the 15 national reports is the lack of up-to-date, reliable figures on the number and profile of homeless immigrants living in the European Union. The non-existence of substantial, comparable and reliable statistical data on homelessness is not new. But where homeless immigrants are concerned, it is even harder to come up with realistic and comprehensive numbers, as many of them are completely invisible due to their irregular situation. Moreover, many of the homeless facilities they turn to operate on the basis of anonymity, where no personal information or identification documents are asked for from the users.

Statistics from the Member States
In countries where there are national umbrella organisations representing the homeless sector, there are some figures available – although most date from no earlier than 1999 and often provide limited detail from which to draw clear conclusions on the actual relationship between homelessness and immigration. Nevertheless, these statistics do help give an approximate idea of how acutely vulnerable immigrant groups are to homelessness.

This is the case in Austria, where a survey conducted by BAWO (Bundesarbeitsgemeinschaft Wohnungslosenhilfe) showed that in 1998 there were approximately 7000 non-Austrian citizens staying in shelters for asylum seekers and/or immigrants. The same survey revealed around 12000 homeless people of Austrian nationality living in shelters, supported housing or other facilities. The conclusion is that approximately 37% of Austria’s homeless people are of foreign origin.
In Germany, statistics from a survey conducted by BAG Wohnungslosenhilfe in 1998 show that immigrants (foreign citizens and stateless persons) accounted for approximately 10.6% of all users of homeless services, i.e., 12 750 people, of whom 3 600 were EU nationals. But this includes only people who actually received official help, and not, therefore, those entitled to assistance but not claiming it, or those with no entitlement to but in need of social benefits (estimated at several times this number). This is a sharp rise compared to the 1992 figures, when the number of immigrants represented 4.6% (of which 1.5% EU nationals). Since then, the number has risen steadily.

In Italy, the Government estimates that in 2001 there were 17 000 homeless people, 45% of whom were homeless immigrants (FIO.psd argues that these numbers are inaccurate due to unreliable research methods, but they do illustrate the scale of the problem). Of the estimated numbers of homeless immigrants, a large proportion are irregular immigrants.

In France, immigrants represent between 50% and 80% of homeless service users. A sharp rise in the proportion of immigrants in such services has been reported. Some facilities have been particularly affected, such as night shelters for single men and women, as well as meal kitchens.

In the Netherlands, the National Office of Statistics recently estimated the total number of irregular immigrants to be between 46 500 and 116 000. Each year approximately 12 500 are taken into custody by the police, of whom under half are successfully returned to their countries of origin. It was not until the end of the 1990s that shelter organisations reported seeing an increasing number of irregular immigrants. The Federatie Opvang conducted a survey in 2000 on the situation among their service users in 70 of its member organisations. From the answers obtained (a 74% response rate), services reported an intake of 1600 adults and 35 children without residence permits in 1999. This does not include irregular immigrants staying in night shelters, however, whose users are not required to register their legal status. Therefore the real number is probably much higher.

Immigration to the Southern European countries (Portugal, Spain, Italy) is high and there is little or no legislation to meet their needs. As a result, homeless services face a humanitarian challenge as they are overwhelmed by immigrants with nowhere else to turn. These are traditionally "sending" countries, and the influx of immigrants is a relatively new phenomenon, which has risen to huge proportions there over the past 10 years. In Spain, for example, the number of legal immigrants tripled between 1992 and 2002 from 400 000 to 1.2 million (again, this does not include irregular migrants). It is not only undocumented immigrants that are homeless, but also immigrants residing legally in these countries.

In Greece, the situation is also striking. Estimates are that immigrants (all sub-groups together, including refugees) make up two thirds of the homeless population. This trend has been discernible since the early 1990s and numbers have continued to rise.

In countries like Ireland, the United Kingdom, Denmark, Sweden and Finland, the issue of immigration concerns mainly asylum seekers and refugees. Unlike other European States, undocumented immigrants account for a tiny proportion if any of homeless facility users. While immigrant homelessness is a less acute problem in these countries (or at least less visible as suggested in the other reports), it is clearly an area of growing concern as numbers are on the rise.

In Finland, for example, the indications are that the number of homeless immigrants has increased over the past decade especially in Helsinki and other cities. In 2001, there were approximately 290 homeless immigrants and 210 homeless immigrant families in the Helsinki metropolitan area, and the Helsinki Welfare Office believes this number will only increase.

In Denmark, figures for 1999 show 5-6% of immigrants using homeless services (excluding EU or other Scandinavian nationals). But it is known that 19% of the homeless population are not identified by nationality, and it is likely that immigrants form a part of this group. This figure is still only an estimate, however, and the real total may actually be much higher. As elsewhere, there has been an increase in the share of homeless immigrants using homeless services over the last ten years, and the numbers are still rising.
Legal immigration into the United Kingdom is very low and very restricted, the main channel being through the asylum/refugee route, which is controlled by central government. It appears that irregular immigrants form a very small proportion of service users, although the national report suggested that further research was needed to ascertain whether and how far this might be a hidden homelessness problem. The services consulted did not report homeless immigrants to be a significant element of their work, thus suggesting no particular link between the two realities. However, there are indications that an increasing number of refugees in the UK are facing housing problems and being increasingly forced to turn to homeless services for support.

In Ireland, the proportion of immigrant service users is estimated to be under 10%, although this has reportedly increased in recent years and the share is growing in certain areas.

In Belgium, homeless services report a significant influx of undocumented immigrants to homeless services. In the Flanders region, an estimated 2000 undocumented immigrants are trying to get accommodation in homeless centres.

Immigrant homelessness is not reported to be a particular problem in Luxembourg, despite the fact that 164,700 of its population of 441,300 are foreigners (37.32%). Given this proportion of foreigners in the overall population, it can even be said that the immigrant community is underrepresented among the homeless population. Even so, homeless immigrants do exist, but in quite small numbers.

**Immigrant homelessness: an urban phenomenon.**

The reports were unanimous that homelessness among immigrants is mostly an urban phenomenon, as immigrants tend to congregate in towns and cities where they hope to find more employment opportunities and have easier access to support services like advice centres, counselling, language courses, etc. Cities are also home to the larger, more established ethnic communities, so newcomers and settled migrants who wish to maintain their social network tend to stay in the same places, even though access to housing in the city is normally more difficult.

4.2 PROFILE OF HOMELESS IMMIGRANTS

- **Immigrant women** are acutely at risk of homelessness and make up the largest group in centres for battered women or female victims of domestic violence.

- **Single men aged 20-50** make up most of the homeless immigrant population, although homeless services have seen a sharp rise in immigrant families and unaccompanied children seeking support.

- In the EU, there are also EU nationals in the homeless immigrant community who lack access to homeless support services or welfare benefits.

- **EU countries** exert a pull-factor on immigration due to their economic prosperity and long-established traditions of respect for democracy and liberty. The flows originate almost worldwide, ranging from Africa to Asia, Eastern Europe, South America and other European countries. The dominant streams differ for historical reasons in each Member State and reflect changes in international geopolitics. Most countries have seen a net rise in immigration from Central and Eastern Europe (Poland, Romania, Ukraine, Russia and former Yugoslavia are among those more frequently cited) in the past decade.

**Origin of immigrants**

Immigration into the EU comes from a wide range of sending countries, covering most of the globe, including Africa, Asia, Eastern Europe, South America and other European countries. In the past, specific events like wars or conflicts have been behind mass immigration flows. They have created exceptional circumstances that force people to flee their countries, mostly as refugees. This happened during the 1990s, when many EU countries experienced a sudden influx of refugees fleeing war and persecution in the Balkans.

Other factors are behind the predominance of a particular nationality in each Member State. Dominant
immigration trends evidently bear close links with a country's geopolitical history, such as a colonial past and or domination of, or simply proximity to neighbouring countries.

It must also be stressed that the fall of the Berlin wall in 1989 and the collapse of the Soviet Union in 1991 were followed by a rise in immigration from Eastern Europe, both from the current accession countries as well as the NIS (Newly Independent States) and the Russian Federation.

**EU nationals among service users**

Some national studies raised another problem: the presence of homeless EU nationals among the users of their services. EU law allows free movement of persons within the Union. But this absolutely basic and fundamental freedom of European unity is restricted to those that do not represent an "economic burden to the host State" - a debatable limitation, which clearly discriminates against people on the basis of their resources and adds to the stigmatisation of poverty.

In some countries, EU nationals have no access to homeless services or do not qualify for welfare benefits.

Under EU rules on freedom of movement for persons, EU nationals are entitled to move freely as employees and establish residence in any Member State with the same access to social benefits as nationals. This is extended to spouses, minors, and children over 18 still living in the established employee's household. These family members benefit from the same legal status.

In **Germany**, people without an employment contract are considered employees within the meaning of the EU regulation provided they are actively seeking employment, or if the circumstances indicate that there is a likelihood of them taking up employment. Those entering the country in order to seek work do not need a residence permit for the first three months of their stay. They therefore have a legal right to claim social benefits, even if they are unemployed and homeless, provided they meet the EU regulation criteria. Those who do not satisfy the regulation's requirements have no immediate access to benefits, but are subject to further assessment (obligatory discretion).

In **Luxembourg**, immigrants are admitted by homeless services only in emergencies and only ever for single-night or weekend shelter. EU nationals seeking shelter are referred to their respective embassies. They have no greater right to social benefits than non-EU nationals and cannot be accepted by homeless facilities. Access to such facilities depends on proof of prior legal residence or a right to reside legally in the country.

**The gender dimension of immigrant homelessness**

In all the countries, most homeless immigrants are young/middle-aged single men, but the reports also noted a rising proportion of families and/or women with children and unaccompanied children among the homeless immigrant population.

In some countries, however, the situation of homeless immigrant women is particularly acute, as their migrant status and inability to access certain rights have a specific impact on their vulnerability to homelessness:

- In **Germany**, services for homeless women report a high percentage of immigrant women among their users - up to 35%. Among this group, the relatively high percentage of Turkish women suggests that these are often young women fleeing traditional family structures or possibly domestic violence. In large cities like Berlin, Hamburg and Munich the proportion of immigrant women in women's refuges amounts to 50–80%. The first women's refuge exclusively for immigrant women in Berlin was created in 2002. Many female immigrants who turn to homeless services are young women often fleeing their families or (immigrant or German) husbands living in Germany to escape domestic violence but who have no residence permits in their own right.

- In the **Netherlands**, a survey conducted by Federatie Opvang in 2001 revealed that single women and women with children suffering domestic violence from their partners and fathers make up a sizeable share of homeless service users without residence permits. The situation mirrors that in Germany, in that their leave to remain is dependent on the husband or father's residence permit. They have no independent rights to housing or social security. Having left home, often their only alternative is a women's shelter or crisis centre. They are called "clients with uncertain resident status".
Among this group, 15% are of Moroccan origin and 11% of Turkish origin (these two nationalities also being the largest immigrant communities in the Netherlands). Many Moroccan and Turkish women come to the country through marriage. If the marriage fails within three years, the wife has no right to independent resident status. Even in domestic violence situations, a woman has no rights other than those derived from marriage and her husband’s residence status.

The stark reality is that even with the awareness of the risk of becoming illegal by fleeing domestic abuse, a high proportion of immigrant women are still seeking refuge in women’s shelters. Most have grown up in their native country and married a fellow countryman in the Netherlands. They lead isolated lives, do not speak the language, and are often uneducated. Some of these cultures do not allow wife-initiated divorce or separation in the event of marital difficulties. As a result, these women’s social networks tend to be very limited, leaving them nowhere else to turn but to women’s shelters or other voluntary- and church-run support schemes.

In such cases, services take legal steps to secure a regularised status for users. Such procedures may lead to the grant of a residence permit on humanitarian grounds, creating a passport to access housing, social security and health insurance. But women whose applications fail must return to their countries of origin or seek shelter with churches or charity organisations. In 2002, the Dutch Minister of Welfare said that women who are victims of domestic violence have a right to shelter and help (in line with the UN Women’s Treaty) regardless of their residence status. Whether they have a right to social assistance and housing is still unclear, however.

In Denmark, the proportion of immigrants in homeless services is especially high in centres for battered women, where they account for 15% of users. This is due to wide differences between the normative systems and cultural traditions of Denmark and their countries of origin concerning the roles of men and women in the family structure. Unlike their homelands, Denmark gives an individual right to financial support. Therefore these women realise they are no longer dependent on men as marital and family providers. This encourages women living in unacceptable relationships to leave their husbands or partners and seek help from homeless women services.

Another specific gender dimension of immigrant homelessness relates to immigrant women who are victims of trafficking and sexual exploitation. In most cases, their irregular situation in the country leaves them very exposed, with only voluntary provision to rely on for refuge and protection. The threat over these women often prevents them from seeking help for fear of persecution. They are often forced to live in very bad housing conditions.

4.3 LEGAL AND ADMINISTRATIVE FRAMEWORK: DIFFERENT RIGHTS FOR DIFFERENT IMMIGRANTS

- The national reports suggest that public authorities in most countries are not shouldering their full responsibilities by providing sufficient and adequate accommodation and support services for immigrants at risk of or enduring exclusion. This has forced the voluntary sector to fill the support gap by providing assistance to homeless and excluded immigrants. It is clear that an adequate system must be put in place by the public authorities, who have the necessary resources to ensure the dignity of vulnerable immigrants. This includes not only appropriate reception facilities and accommodation provision for asylum seekers and refugees, but also appropriate policies that take this vulnerability into account and enable full integration of immigrants in the host societies.

- There is a lack of coordination and cooperation between the immigration and homelessness sectors, which prevents the needs of the homeless immigrant population from being adequately addressed.

- In some countries, members of staff working in the voluntary and health sector may be prosecuted for providing assistance to people at risk.
In some countries, the right of access to emergency shelter and medical care is not guaranteed for everyone.

In most countries, the right to work and to education for asylum seekers is not recognised.

In some European countries, the rights of immigrants have been restricted by legislation. This represents a danger that only increases the vulnerability of immigrants to social exclusion.

EU immigration and asylum policies

There are wide variations between Member States’ practice on immigrants’ rights (whether asylum seekers, refugees, labour migrants or irregular immigrants). With the definition of an EU asylum and immigration policy, EU Member States will progressively move towards coordinated practices in this field. The Tampere European Council of October 1999 said that a common European asylum system must be based on the full application of the Geneva Convention, maintaining the principle of non-refoulement.

A common EU asylum system will contain the following elements:

- A clear determination of the State responsible for the examination of an asylum application;
- Common standards for a fair and efficient asylum procedure as well as common minimum conditions of reception of asylum seekers;
- Approximation of rules on the recognition and content of refugee status, completed by measures on subsidiary forms of protection offering an appropriate status to any person in need of such protection.

In the long-term, Community rules should lead to a common asylum procedure and a uniform status for successful asylum seekers valid throughout the European Union.

The legal and administrative framework for service provision to homeless immigrants varies considerably from country to country. It depends largely on how the homelessness and immigration systems are organised and interconnect.

In Greece, for instance, social support and social welfare in general are minimal – as is the homelessness sector itself. The main dedicated homeless service in Athens is run by the city council and does not admit immigrants. This led NGOs to develop their own services, covering the needs for medical examinations, shelter, legal advice, counselling and job search. At present immigrants (undocumented immigrants, asylum seekers, refugees and legal immigrants) are provided with the following services by NGOs: medical/health services, family reunion, voluntary repatriation, social support and food. On top of this, refugees and asylum seekers also have access to accommodation, legal support and counselling, psychological support for torture victims and access to public services.

It is clear that immigrants have to rely heavily on the voluntary sector for survival, as public authorities assume no responsibility for their most basic needs and rights. Greece may be an extreme example of public authorities accepting no responsibility towards the immigrant community, but the situation in many other countries is far from satisfactory.

In Portugal, the sudden influx of immigrants especially from Eastern Europe caught Portuguese society and public authorities unawares. With the odd exception, such as the reception of refugees fleeing the war in the Balkans, there are few if any state-run accommodation centres for immigrants including refugees and asylum seekers. The sector is not organised and there is a lack of legislation to regulate social support to immigrants. Faced with the imperative need for prompt action, the voluntary sector took the lead in providing shelter, food, legal advice and job guidance for both legal and irregular entrants. The immigrants’ main needs are support in legalising their status and finding work.

Recently, Portugal’s new centre-right government passed a law under the new National Plan for Immigration aimed at limiting the pressure caused by immigration in the country over the past ten years. The law restricts immigration to an annual quota of 27 000 entrants, sets new eligibility rules for visas, and stricter rules for family reunification. To discourage immigration, permits will be granted only to those who first applied in their own country. A new regularisation pro-
gramme is also being run to issue temporary residence permits to third-country nationals who entered the country before 30th November 2001 and can produce proof of employment. The law has been highly criticised by the Church and voluntary agencies, who have warned of the danger of further excluding immigrants from Portuguese society and pushing them into illegality by reducing their opportunities for remaining in the country legally.

Portugal's new legislation follows a recent tightening up of immigration laws in other European countries, where the trend is towards restricting the existing rights of immigrants and putting further curbs on entry. Governments argue that these measures are needed on security grounds and to exert better control on immigration flows, but the reality is that they mostly raise further obstacles to inclusion of ethnic communities into the host societies.

In Denmark, the government endorsed the stricter immigration laws across Europe. Immigration is restricted, social assistance to refugees cut, and a residence permit requires a minimum of 7 years residence in the country. Family reunification is also made more difficult, and general social support to immigrants is reduced.

In Italy, only immigrants with a contract of employment are granted leave to enter and remain in the country, and must register their fingerprints with the Foreign Nationals Service. Their permit is valid for 2 years. A person who has previously been removed and tries to re-enter the country may be imprisoned for up to 4 years. One who facilitates irregular immigration may be imprisoned for up to 12 years and fined 15 000 euros for each irregular immigrant.

In Spain, the government aims to restrict immigration through tighter laws on family reunification. As in other countries, it wants to step up border controls and introduce a quota system.

Finally, the United Kingdom government argues that irregular immigrants should be removed to their country of origin or the last safe country. It also wants stricter European border controls.

- Undocumented immigrants

In all EU Member States, their irregular situation disqualifies undocumented immigrants from claiming public (national/federal or local) benefits or assistance. Likewise, they are not eligible for any temporary or supported accommodation measure. The only facilities accessible to this group of immigrants are those based on anonymity, like drop-in centres, advice centres, night shelters, meal kitchens, medical outreach teams, etc.

- Some countries have gone a step further towards criminalisation of assistance provided to undocumented immigrants: in Greece, anyone providing shelter or work to undocumented immigrants may face imprisonment. In the summer of 2000, the Ministry of Health issued a directive requiring public hospital staff to report all irregular immigrants to the police. This measure provoked further fear, mistrust and exclusion among immigrants.

- In Germany, it is not only illegal for official agencies to assist undocumented immigrants, they must also inform the authorities when such people come to their notice.

The criminalisation of assistance to immigrants is unacceptable and at odds with respect for the fundamental human rights of people in need. It also further endangers undocumented immigrants, forcing them into hiding and to living in total invisibility, increasing their vulnerability to all forms of exploitation and denying them basic human rights.

- In Italy, by contrast, the government provides free emergency treatment under the national health system (while other medical treatment is entrusted to NGOs).

- Belgium provides universal access to emergency health care regardless of legal status. Undocumented children also have access to education, since it is illegal to remove youngsters under 18.

Undocumented homeless immigrants are entirely dependent on the voluntary sector for survival. In line with the universal right to a life of dignity, "everyone has the right to a standard of living adequate for the health and well-being of himself and of his family,"
including food, clothing, housing, and medical care and necessary social services (…)." The EU and its Member States need to revise their legislation in line with a human rights approach to immigration.

- **Asylum seekers and refugees**

As discussed earlier, notwithstanding between-country differences in practice on rights, **asylum seekers and refugees are provided with (or at least are entitled to) some sort of accommodation by public authorities** in many EU countries and so – at least on arrival – are less exposed to homelessness in the strict sense. In most countries, once refugee status has been granted, **refugees are entitled to the same or equivalent rights and benefits as national citizens.**

However, there are some situations that must be highlighted:

Asylum application processing times are scandalously long in most countries. Whether accommodated in reception centres or elsewhere, asylum seekers in many countries do not have the right to work. The protracted delays in processing applications often leave applicants in unbearable forced idleness. For those not provided with accommodation and other social support it is a serious threat to their survival. This is a key demand on behalf of asylum seekers: to be given the right to work in order to be able to lead a decent and dignified life.

- **In France,** NGOs have condemned the unacceptable human tragedy forced on **refugees and asylum seekers.** In 2001, around 78 000 asylum seekers arrived in the country. Reception conditions are frankly insufficient and unsatisfactory. The rise in asylum applications added to the protracted processing times and led to the complete saturation of national accommodation facilities – where there are only 9 300 available places. Moreover, an increasing number of asylum applications are refused (80%). With nowhere else to turn for shelter and food, these groups are forced to seek voluntary provision, which does not have the capacity to meet the demand.

- **In Austria,** there is no **legal obligation for the federal or regional governments to provide accommodation for asylum seekers.** Access to social services and social benefits may differ between regions since it is a regional responsibility (of the 9 regions in Austria). Almost all exclude or limit immigrants’ access to such benefits and services. In Austria, too, therefore, immigrants depend on charity. Furthermore, the homeless services in almost all regions of Austria are funded by welfare benefits, to which non-EU nationals have only limited access. These restrictions mean that homeless services in some regions are not allowed to provide immigrants (all categories, including refugees) with a satisfactory level of support.

A very recent directive issued by the Ministry of Interior on October 1st further undermines the situation of refugees by disentitling asylum seekers from specific countries to federal care. NGOs warn that this will lead to mass homelessness.

- **In Germany,** the complexity of the legal framework for providing support to immigrants creates deep inequalities among people in need. **Legal refugees with a regular residence permit** are classed together with **irregular immigrants** as having no legal claim for support from homeless service providers.

As can be seen from the above specific examples, homeless services face an immense challenge in providing adequate support and meeting the multiple needs of the homeless immigrant population.

### 4.4 CONSEQUENCES FOR HOMELESS SERVICE PROVIDERS

It is clear from the 15 national reports that the growing numbers of immigrants seeking help from homeless service providers has had a particular impact on the following areas:

- **(Re) Organisation of Services**

Services in some countries have been forced to reorganise their internal structures in order to better address the needs of homeless immigrants. This includes hiring extra staff who can speak other languages, and developing specific new areas of provision, like counselling, legal advice, language courses and housing mediation services. The national reports all stress that finding employment is the key aim for most immigrants. This has led many organisations to develop support in this area and to bet-
ter coordinate their efforts with other institutions more experienced in this field so as to provide better, more targeted support. Other smaller, but no less important, changes relate to the specific dietary requirements of some immigrant groups in terms of both the food provided and mealtimes. Cultural differences demand heightened sensitivity to the problems of homeless immigrants from staff of service providers.

- **Lack of Financial Resources**

  The lack of public funding to support the work of homeless service providers with homeless immigrants creates the greatest challenge in some countries. Organisations that are dependent on public funding are very restricted in how they can respond to the problem, despite being witness to the acute humanitarian crisis threatening immigrant communities. The consequences for providers if their funding does not cover assistance to immigrants are very severe, not to say life threatening.

  The specific needs of homeless immigrants vary considerably from the needs and profile of the traditional homeless. Most immigrants come to a new country to make a fresh start, resolved to do what it takes to improve their lot in life. The most immediate challenges an immigrant faces on arrival in a new country are: communication, employment and housing. One argument is that immigrants are not exactly homeless, but are effectively houseless – because on arrival, what they lack is often simply a roof, while the traditional homeless person has undergone an entire process of serious exclusion (unemployment, break-up of relationship, ill-health, debt problems, etc) before losing their home and ending up on the street. Immigrants need a different kind of social support to the traditional homeless. Obviously, this applies to immigrants who have not followed the same path into homelessness as the traditional homeless. There are also immigrants who may face the same type of breakdown in their lives, who therefore need the same support as traditional homeless persons. But they are very much the exception.

  Another consequence referred to in several reports was violent conflict between the traditional homeless and immigrants sharing the same facilities. Several instances were reported of racist and xenophobic behaviour towards homeless immigrants by traditional homeless persons who felt threatened by what they saw as immigrant newcomers taking their beds and jobs.

In view of:

- the specific characteristics and different needs of homeless immigrants;
- service providers’ lack of expertise in meeting their needs, and the resulting need to hire extra specialised human resources;
- the lack of human and financial resources;
- the assumption that it is the state’s responsibility to ensure the protection of the most vulnerable groups; and
- the conflicts that arise between traditional and immigrant homeless populations sharing the same facilities,

Some countries suggest that there should be separate, publicly-funded provision made at national, regional or local level to meet the needs of the immigrant homeless.

But a note of caution must be sounded, since such segregation may contribute to the further stigmatisation of the immigrant community and further impede their full integration into society.

Also immigrants in an irregular situation would not be able to access this provision without running the risk of deportation.

- **Italian** providers favour the development of services dedicated to the needs of temporarily unemployed or homeless immigrants as a more efficient way of addressing their specific needs. They would use the services for a shorter period of time, which would accelerate the integration process. Other arguments suggest that "language/ job training for immigrants does not form part of the remit of homeless services and risks trapping the immigrant
in a vicious circle of welfare”. It also drains resources from these homeless services.

Another example can be taken from Luxembourg, where there are completely separate structures to deal with immigrants and the traditional homeless. Immigrants who cannot prove previous residence in the country have no right to access homeless services. This applies to both EU nationals and third-country nationals (housed in specific immigrants’ centres). At the end of the 1990s, the Luxembourg government asked homeless service providers to stop admitting immigrants, apart from emergencies, and in that case only for a single-night or weekend shelter. Instead services must refer them immediately to the Ministry of Justice (which handles asylum applications), the Ministry for Family Affairs (which has emergency accommodation and reception centres for asylum seekers), and the relevant Embassy for EU migrants.

The only occasion when immigrants have made up a significant share of the homeless was during the war in Kosovo and during the Balkan conflicts. Lacking trained staff (notably the language barrier) and material resources, all these services could offer these refugees was bed and board but not the essential psychological support they so desperately needed. Cultural clashes also emerged between the immigrant and traditional homeless populations. As a result of these experiences, the government opted for strict segregation and strengthened the existing separate facilities to accommodate the immigrant population. This solution is generally welcomed by all the services and people concerned.

The lack of global or more structural solutions that take into account the needs and rights of all the subgroups that form the homeless immigrant population means that some NGOs have to struggle on a daily basis for the resources needed to help these people. Sometimes they have to turn them away in the knowledge that this only deepens their exclusion. It is therefore fundamental that public funding be provided to enable these services to fulfil their role by providing all-comers with the necessary support to allow them to live their life in dignity in the full enjoyment of their basic human rights.

4.5 THE RELATION BETWEEN IMMIGRATION AND HOMELESSNESS

It is clear that immigrants are vulnerable to homelessness. This can occur immediately on arrival in the host country, or later, after the immigrant is already settled.

Homelessness is, to a great extent, the result of flawed national policies that fail to promote full inclusion for immigrant citizens into the host society. In most European countries, there is regrettable lack of responsible and adequate immigration policies. Governments seek to stop immigration flows, but sometimes do not fully respect the protection of the fundamental human rights of the immigrants. They also do very little to prevent the segregation of immigrants and the discrimination they face in many aspects of their lives which leads to social exclusion.

In the 1970s, many European countries called a halt to immigration; the only routes of entry were thus either as refugees or through family reunification. While the authorities are aware of the presence of many undocumented immigrants, they tend to turn a blind eye rather than address the issue. One solution that arose later was regularisation campaigns, which are a pragmatic measure but no substitute for an appropriate policy that fully addresses the needs of the most vulnerable segments of the immigrant population.

This "eyes wide shut" policy encourages illegality and increasing vulnerability to exploitation and discrimination both in employment and in the housing market. With scarce resources and difficulties in accessing the housing market, some immigrants end up in homelessness.

Discrimination and exploitation in the housing market

A common theme through all the reports is the discrimination immigrants face in the housing market. Discriminatory and racist attitudes of landlords go so far as placing advertisements saying, "no foreigners please". Other forms of discrimination come from neighbours who object to the presence of immigrants in their residential areas. It was also reported that immigrants are frequently charged higher rents for smaller houses of a lower standard compared to the native population. This is not only exploitation but also discrimination, which cannot be tolerated.
The exploitation that many immigrants experience on the labour market normally results in insecure employment and lower pay for immigrant workers compared to nationals in the same jobs. Low incomes further restrict their access to housing.

A shortage of rented and/or affordable housing forces immigrants to seek accommodation with friends, relatives or others in their social network, often in overcrowded and insecure housing. If this avenue fails, they become homeless.

Another striking example of housing exploitation is the spreading practice of renting “hot beds” in totally inappropriate premises or renting beds in shifts at clearly exploitative prices.

Homeless service providers face the growing desperation of these groups daily, trying with very finite resources to provide the assistance they need. Homelessness among immigrants is a fact which must be addressed.

While there is an undoubted link between illegality and homelessness (undocumented immigrants may find it harder to get work and housing because of their irregular status), it must also be stressed that there are many legal and established immigrants in extremely insecure housing who are very exposed to homelessness.

As demonstrated in earlier sections of this report, refugees and asylum seekers are also extremely exposed to homelessness, either on entry if they are not provided with housing or accommodation, or at a later stage of their stay. In some countries, refugees have no choice as to the place of residence - not even in terms of geographical area. Refusing the accommodation provided may lead to homelessness, therefore if obliged to stay in the accommodation provided for a fixed period, they often move back to the larger towns as soon as possible. But access to housing tends to be more difficult in big cities, and so they may not find accommodation, and so end up homeless. Often a refusal to accept the offered accommodation or the decision to move stems from a desire to remain close to their network of relatives or compatriots. They also expect to find more employment opportunities in the larger cities.

In the UK, a recent report by Shelter suggests that asylum seekers are becoming more vulnerable to homelessness and that they are very badly housed and often cannot stay in the accommodation provided.

Failed asylum seekers are also in an extremely vulnerable situation. At the end of what may be a several months’ or years’ wait for a decision, they end up remaining in the country in an irregular situation - with no rights - and are often dependent on the homeless services for their survival.

5. Conclusion

In conclusion, despite being a process integral to the history of Europe, immigration into the European Union has not yet been satisfactorily addressed by the EU Member States. More must be done to ensure full integration of immigrants into the host societies. EU governments must not be misled by the negative guilt-by-association linkage made by some media and public opinion that immigration equals crime and dilution of national culture, which is often a cloak for dangerous racist and xenophobic tendencies.

The growing number of immigrants who are homeless or exposed to homelessness points up the lack of adequate and appropriate European and national policies that address the various needs of immigrants and contribute to their full integration in their host countries. In many cases, homelessness is a consequence of failed EU and national policies, which focus primarily on controlling and halting migration flows. Immigrants who are forced to flee their homelands to seek asylum or a better life elsewhere must be equally protected against homelessness. The right of access to resources, housing, health care and social inclusion must be guaranteed to everyone. Everyone has the right to a life in dignity.
FEANTSA’s immigration report can also be found on-line at www.feantsa.org (under the heading Immigration). In addition, you can also read country reports on all 15 EU Member States drafted by the national correspondents from FEANTSA’s European Observatory on Homelessness.

To order additional copies and more information please visit the website or contact FEANTSA at: office@feantsa.org