

14 DECEMBER 2017

FEANTSA Welcomes UK High Court Judgement that Deporting EU Rough Sleepers is Unlawful

FEANTSA is delighted to learn that, on 14 December, the United Kingdom High Court ordered the Government to stop deporting homeless EU citizens after ruling that the controversial policy of considering rough sleeping as a misuse of Treaty Rights is unlawful.

Three EEA nationals, Mr Gureckis, Mr Perlinski and Mr Ceilecki, faced removal action by the Home Office because they were sleeping rough in the UK. Their claims against the Home Office were brought by the Public Interest Law Unit and North East London Migrant Action (NELMA). The AIRE centre intervened in the proceedings. The court's ruling found that the Home Office's definition of rough sleeping as an abuse of EU law free movement rights was contrary to EU law. It also found that the Home Office policy was discriminatory and amounted to an unlawful systematic verification of the EEA nationals' rights to reside. These arguments are in line with the object of the complaint that FEANTSA filed before the Commission on the 15th of June and that was included in the documents provided by the Public Interest Law Unit in the application for permission to apply for the judicial review.

A revised policy, which has not yet received ministerial approval, was published shortly before the hearing, on 30 October 2017. We hope that the UK Government will revise this policy as soon as possible, duly taking into account the High Court judgement and stop targeting mobile EU citizens who should be supported rather than criminalised.

In line with recent statements by Commissioner Jourová, who pointed out that homelessness does not affect a EU citizen's right to live in another EU member state, and a spokesman for the Commission who confirmed to The Independent that it is investigating the UK's deportations policy, we call on the European Commission to be vigilant in order to promptly assess if the UK's proposed revised policy is in line with EU law and to prevent such measures being adopted by other EU Member States.

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For comment, please contact
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PRESS RELEASE

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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