



FEANTSA

European Federation of National Organisations Working With the Homeless

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For Immediate Release

FEANTSA Asks for Clearer Rules on Free Movement

Over the last few months, a number of Member States have raised the issue concerning EU citizens who have exercised their right to free movement and found themselves destitute in the host country. Some Member States have expelled, or threatened to expel, such EU citizens without taking into account the procedural safeguards acknowledged by the EU acquis on free movement. FEANTSA asks the EU to set clearer rules which would ensure that no EU citizen is left destitute due to lack of adequate support services or because of access barriers linked to the nationality of the person, and opposes arbitrary repatriations which do not take into account what is foreseen by European law.

Numerous EU citizens have made use of their right to free movement and have successfully built up a new life abroad. However, there is evidence that for some the journey into a better life abroad has been less successful. The Irish Government, for instance, flew 548 destitute EU citizens back to their country of origin in 2010 as unemployment among migrant workers remained at very high levels due to the economic downturn.

Free movement is one of the foundations of the EU as acknowledged by the Treaty (art. 20) as well as by secondary law, notably regulation 1612/68 and directive 2004/38. However, despite being highly regulated and building on extensive case-law, interpretation of residence rights provided by free movement, especially for people who do not have, or no longer have any kind of income, is still unclear. Access to emergency support and accommodation as well as access to social welfare benefits and long-term homeless accommodation differ according to the host Member State.

Many Member States offer as a last resort to pay for the travel back to the country of origin. However, considerable numbers of homeless EU citizens do not wish to return despite their difficult situation. Indeed, a significant proportion of people who were returned ended up in homelessness services with little prospect to quickly secure adequate and affordable housing. As a result, people are forced to adapt to a situation of homelessness and risk accumulating other needs, for example in relation to their mental health.

Moreover, some Member States implemented forced, arbitrary repatriations which do not take into account what is foreseen by EU law. In 2010, the UK Border Agency introduced a pilot scheme to deport Eastern Europeans found sleeping in parts of London, Oxford, Reading and Peterborough. This scheme enables the UK government to deport people forcibly if they have been in the UK for longer than three months and have no prospect of working or studying. The Agency issues individuals with written notices, informing them they must appear at a local police station for an interview to determine whether they have the right to remain in the country.

In Copenhagen, on the night between 7th and 8th December 2010, the Danish police conducted a targeted arrest of 69 homeless people accommodated in a privately-funded shelter for homeless people, specialised in providing assistance to non-Danish citizens. Following this raid, 47 persons were held back for approximately 2 weeks while their cases were under review. 30 of them were EU citizens and all were repatriated, most of them on the grounds that they were not self-sufficient. This fact was also the subject of a written question asked by Swedish MEP Cecilia Wikström.

FEANTSA asks the EU to set clearer rules in order to: better define the sets of criteria to be considered by Member States to ascertain if an EU citizen is an unreasonable burden to the social assistance system; to ensure that no EU citizen exercising his/her right to free movement is left destitute; to guarantee that EU citizens who are not self-sufficient have at least access to emergency accommodation and support; to provide continued support to the person until the individual case regarding his/her residence rights has been assessed,

FEANTSA opposes arbitrary expulsions and calls for the respecting of procedural safeguards as set by the directive 2004/38, which also established that an expulsion measure shall not be the automatic consequence of a Union citizen's recourse to the social assistance system of the host Member State (art. 14) and that, before taking an expulsion decision, the host Member State shall take account of considerations such as how long the individual concerned has resided on its territory, his/her age, state of health, family and economic situation, social and cultural integration into the host Member State and the extent of his/her links with the country of origin (art. 28).

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■ European Federation of National Associations Working with the Homeless AISBL

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Notes for editors: 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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