



FEANTSA

Preventing Destitution of EU Citizens EU must ensure Access to Emergency Support

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FEANTSA, the European Federation of National Organisations Working with the Homeless 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 that focuses on homelessness at the European level. FEANTSA currently has more than 100 member organisations, working in close to 30 European countries, including 25 EU Member States. Most of FEANTSA's members are national or regional umbrella organisations of service providers that support homeless people with a wide range of services, including housing, health, employment and social support. They often work in close cooperation with public authorities, social housing providers and other relevant actors.

■ European Federation of National Associations Working with the Homeless AISBL

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Preventing Destitution of EU Citizens

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The right to free movement is one of the fundamental rights of EU citizens. Numerous people make use of this right every day and many people have permanently established a new life abroad, thus contributing to the wealth and growth of the host society. However, there is a small but significant proportion of EU citizens for whom moving to another Member State has become a poverty trap. They are destitute and homeless and face difficulties in accessing the right support. Their vulnerable situation is closely linked to EU policies and legislation in the area of free movement of citizens as well as internal migration law and its interpretation at national level. Given its responsibility in this field, FEANTSA calls on the EU to guarantee access to emergency accommodation and emergency support to EU citizens who find themselves destitute in another Member State than the Member State of which they hold nationality. This support should be provided until a sustainable solution that ensures dignity of the person and his/her family has been found.

European Context

The right to free movement means that every EU citizen is entitled to travel freely around the Member States of the European Union and to settle anywhere within the EU. This right is in force in every EU Member State and is enshrined in the founding treaties of the EU. In addition, EU citizens can travel freely to Iceland, Norway, Liechtenstein and Switzerland. The right to free movement was originally targeted at workers and their families but has progressively been extended to all EU citizens and non-EU nationals who are long term residents or family-member of EU citizens who have enjoyed freedom of movement.

The European Commission actively promotes the mobility of workers as a means to increase employment levels in Europe. It is committed to tackling existing barriers that make it difficult for people to enjoy their right to free movement and to seek employment abroad. This includes a comprehensive coordination system for social security that ensures that people from Member State A who are working and living in Member State B enjoy the same rights as the nationals of this country B.

Today, 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. Although no full reliable and comparable data exists, there is evidence that in many Member States, EU citizens are now one of the largest growing groups of homeless service users. This problem mainly but not exclusively concerns EU citizens from the Member States that accessed the European Union in and after 2004¹ and who moved to the 'old' 15 EU Member States in order to work or actively seek employment.

In some countries, the problems of people are linked to seasonal or precarious employment. They move in and out of work and usually their accommodation is part of their employment contract, which makes them vulnerable to homelessness. Many jobs are in the informal economy so that it is difficult for people to provide proof of their work history. Proving continuous residence in one country is also difficult for people who moved between different Member States. Some homeless EU citizens, and in particular those who have experienced street homelessness for longer periods of time have already multiple needs, including physical and mental health needs, which impact on their capacity to fully access their rights and provide the necessary documentation for it.

Without sufficient financial resources, a supporting social network or the recognised status as a worker that would include them in the social security system of the host country, a small but significant proportion has become destitute. These EU citizens are turning to homeless services in order to cater for basic human needs such as shelter, food and washing facilities.

¹ The problem in particular concerns EU citizens from the so-called A8 countries (Czech Republic, Estonia, Latvia, Lithuania, Hungary, Poland, Slovakia, and Slovenia) and A-2 countries (Romania and Bulgaria), for which certain restrictions regarding their access to the labour market in the EU-15 applied and/or still apply.

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Given the lack of a common EU response to this emerging phenomenon, Member States policies towards this new group of service users vary. In a number of Member States (e.g. Denmark) no publicly funded shelters are open to EU citizens. In these countries, EU citizens have to rely on very limited privately funded support structures or may even be forced to develop autonomous survival strategies on the streets and in poor quality housing (e.g. overcrowded, damp).

Some Member States in principle provide unconditional support to all people in need. However, if resources are scarce, this obviously puts a lot of strain on service provider organisations and risks creating a situation where a choice between nationals and non-national service users will have to be made. In addition, many homeless service providers are not sufficiently prepared to deal with this group of new EU service users that have different support needs than the 'local' homeless population. In addition to language barriers, homeless services are less acquainted with the sometimes complex legislation regarding unemployment and welfare payments that apply to EU citizens. This negatively impacts on homeless services capacity in supporting people and helping them to claim their correct benefits and move out of homelessness again.

Many Member States offer as a last solution to pay for the travel back to the country of origin. But a significant proportion of homeless EU citizens do not wish to return despite their difficult situation. There are also ethical questions linked to some of the return procedures where there is no obligation for a Member State to ensure that the person will not just be returned to a situation of destitution in its Member State of origin. A significant proportion of people that 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.

FEANTSA believes that the issue of homeless EU citizens needs to be urgently addressed at EU level as it is closely link to EU policies and legislation in the area of internal migration. The current system includes some significant ethical flaws that put a number of EU citizens at risk of homelessness and destitution. What is more, there is evidence that some Member States authorities do not always correctly interpret the sometimes complex EU legislation in this area, in particular concerning the question of habitual residence and the person's status as a worker. Appealing to decisions is very hard for this group of people that will receive no public support during the period their case is being re-assessed.

The EU has the political responsibility to ensure that people who are making use of their right to free movement have access to their rights to social security and are not discriminated against on the grounds of nationality. While it is understandable that Member States want to prevent people from abusing their social security system, this must not be used as an argument to refuse access to basic services, such as emergency shelters, for EU citizens that have exercised their right to free movement and are faced with poverty and destitution on European Union territory.

A European Legal Framework to prevent Destitution

In light of the increasing numbers of EU citizens who are homeless or at risk of homelessness in many EU Member States, FEANTSA calls on the EU to establish a European legal framework that:

- Ensures that no EU citizen is left destitute within a Member State of the EU due to the lack of adequate support services or access barriers linked to the nationality of the person;
- Guarantees EU citizens who are not self sufficient and therefore might not fulfil residence criteria to have at least access to emergency accommodation and emergency support (food, clothes, necessary health care, including mental health care and psychological support);

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- Provides continued support to the person until the individual case has been assessed and a permanent solution that is in line with the human dignity of the person has been found, either in the host Member States or in the country of origin;
- Ensures that priority is given to the needs and aspirations of the individual in defining a permanent solution. Returning people to their country of origin should only happen with the expressed consent of the person;
- Defines minimum standards for emergency support services targeted at destitute EU citizens;
- Defines and sets up a monitoring mechanism that ensures the correct implementation of the legal framework in the different Member States.

FEANTSA believes that such a legal framework will effectively address some of the ethical flaws in the current system and complement existing coordination of social security systems in Europe. It will ensure a basic level of support for all EU citizens in a situation of social emergency that is independent from the person's status as a worker or recognised habitual resident.

There is a need to legislate now on the issue as the EU grows larger. The more common the movement of EU citizens becomes then the more likely that Member States will legislate to restrict the access to support services.

In a context of free movement of citizens, it will not be a solution to simply return people to their country of origin without people's consent. Evidence from a number of countries suggests that many people develop symptoms of institutionalisation in homeless services or just re-enter the country afterwards, despite their difficult situation.

A legal framework for EU citizens in a situation of social emergency will also create greater legal certainty to people and therefore address some of the remaining barriers to the free movement of EU citizens. It will ensure that people have the opportunity to fully understand the complex EU legislation in the area of social security coordination and appeal to negative decisions regarding their unemployment and welfare payments without risking to become homeless and destitute during the re-assessment period.

Preventing people from destitution will always be the more efficient option for Member States. If people are left destitute and without support for longer periods of time they are likely to develop multiple needs that will be more costly to address than to prevent in the first place.

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