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Study on Mobility, Migration and Destitution in the European Union

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The study 'Mobility, Migration and Destitution in the European Union', published in 2014, is an important study. While not without its flaws, such a wide-ranging study allows us to reflect on the common experiences of migration and how this can lead to entrenched experiences of homelessness.

What this report demonstrates is that homelessness in Europe is not discriminatory. Anyone can experience a crisis and that crisis can lead to homelessness. However, the response to homelessness can be exclusionary or discriminatory for some of those who migrate to or within Europe, and the consequence of this is that a crisis that leads to homelessness can be devastating. The report explores a wide range of experiences and although some cohorts such as asylum seekers and refugees are not discussed, the case of undocumented migrants is a part of the research, and this group will likely include those who have sought asylum and been unsuccessful.

The authors did give some consideration to the groups not researched in this study. They outline that the reason asylum seekers are not one of the groups included in the study is that there is a European Directive that deals directly with the minimum reception standards that should be adhered to in this regard, and that there has been an EU evaluation of the implementation of that Directive. The situation of refugees is not mentioned or discussed in the report. Taking account of the focus of the report, it is understandable that this group would not be considered. As refugees, they have access to all the rights that a citizen of the state would have, and if they did experience a period of homelessness, they would have access to the same supports as a national of that country.

This leads us to reflect that the word that is perhaps missing from the descriptive title of the report is 'exclusion'. Across all the study groups, 'exclusion' is the common denominator and there is a concern that this focus could mean that a part of the story is missing. For example, in the context of EU-10 migrants, there is no discussion of the many migrants who, after securing and having had their residency

status recognised, experience a crisis situation and a period of homelessness. These migrants have access to the relevant supports and many can and do move out of homelessness.

In the first part of the study, the authors seek to define the issues of migration and destitution, and in particular the issue of homelessness in the European context. From this scoping exercise, they develop a framework that guides the national studies in the second section of the report. In the second part of the study, they look at the situation of four migrant groups, namely: EU-10 mobile citizens in the UK and Germany; third-country workers in Poland and Spain; undocumented migrants in Greece and Netherlands; and EU mobile citizens of Roma origin in France and Italy. In the third and final part of the report, what is learned from the studies is set out with regard to the initial scoping document, and recommendations are presented with reference both to local case studies and to European Commission competencies.

The report is not without its difficulties, not least of which is the well-documented dearth of reliable statistics on the number of people experiencing homelessness in the first instance and, as an extension, the number of EU and non-EU mobile persons in this group (Pleace, 2010). Perhaps for this reason, the migrant voice is absent from the country-specific reports. Certainly and logically there is a greater clarity in those country reports that have greater data resources.

While the scoping document sets out a framework for the national reports, there seems to be a lack of consistency in terms of some terminology. In one instance, 'indirect discrimination' is defined as discrimination by individual officials etc., meaning that the discrimination is not derived from policy or legislation (p.187), while in most of the report, indirect discrimination is used to mean a policy that treats each individual in the same way but has a disproportionate effect on, in this case, migrants. This is a simple editing issue but there are a number of unfortunate editing issues within the document, which reduces the overall authority of the report. That said, the report remains a useful addition to the lexicon of studies on migration and homelessness. It is likely that the individual country reports, in particular, will be regularly referenced and will serve researchers and research into the future.

One of the most significant issues for this area of research, for services on the ground and for migrants experiencing homelessness, is that the field is constantly moving, particularly from an EU perspective. The current humanitarian crisis in Europe and the struggles of EU Member States in dealing with these issues is the starkest consequence of the underdeveloped and piecemeal nature of national and European policy and legislative provision in this area (Collett, 2015). Even in areas where rights are more certain, such as inter-European migration, there is constant fluctuation. In the French national report in the study, the authors refer

to the poor or late transposition of Directive 2004/38, which relates to the free movement and residency of European citizens. There was a widespread failure to transpose the Directive, with the European Commission finding in 2008, two years after it should have been transposed, that "[n]ot one Member State has transposed the Directive effectively and correctly in its entirety. Not one Article of the Directive has been transposed effectively and correctly by all Member States" (European Commission, 2008, p.3).

This Directive has been directly interacting with Regulation 883/2004 on the coordination of social security rights of persons moving within the Community, particularly in regard to habitual residency and the right to social protection of inactive workers and jobseekers. There has been a significant amount of case-law from the European Court of Justice in this area, and this case-law has been shifting over the last ten years or more. This is due, in part, to the judicial activism (de Waele, 2010) of the Court, particular as it has moved to introduce the concept of European citizenship into such social protection cases (e.g., Teixeira C-480/08) and, more recently, as there has been what some perceive as a rowing back with regard to citizenship, such as in the recent finding of the Advocate General that the UK was permitted to apply a 'right to reside test' to some family benefits.[1]

In relation to the humanitarian crisis, we are seeing the effects in Greece and Italy of the Dublin III Regulations, which stipulate that asylum applications must be dealt with in the first EU country that you enter. The thinking behind the development of this Regulation was to curb 'economic asylum-seeking'. However, the Regulations have proven to be a burden in the context of the humanitarian crisis.

Despite having a substantial chapter of recommendations and noting the interplay of European legislation on migration, the authors have intentionally stayed away from calling for changes in European law. In setting out their argument for not calling for changes the authors state: "Destitute and homeless migrants are like pawns in a chess game being played simultaneously between a variety of players" (p.336). This is particularly true in the context of the push and pull of national governments, the European Commission and the European Court of Justice. It manifests itself in the changing rules around the right to reside and habitual residency, which can limit access to social protection for migrants.

These shifting sands are significant, not just in the context of understanding the rights of those migrants who are excluded and experiencing homelessness in Europe but also in understanding how we might work to prevent homelessness.

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[1]   European Commission v. United Kingdom of Great Britain and Northern Ireland (2015) [on-line] Available from: http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:62014CC0308&from=EN [06.11.2015].

However, the authors believe that to call for or recommend changes in the European legal framework, at least in the context of the recommendations chapter of the report, is to become "one more player in a multiple chess game" (p.336).

The author's stance does direct us to reflect on the often repeated fact that there is rarely one single reason for why a person will experience homelessness, and that while legal blocks are significant they are only a part of the story. This is even more so when we refer to the most visibly homeless people who are usually those most entrenched in homelessness (Kuhn and Culhane, 1998). The authors recognise the importance of the differing facets of poverty and social exclusion, and they examine them in each of the country reports. They highlight the strong correlation between the two and the fact that poverty leads to social exclusion. However, while the authors, with reason, walk away from making recommendations on European law and instead set out in chapter 17 a limited set of possible protections for those experiencing destitution, this leads to the principal criticism of the report: that it walks them into an academic cul-de-sac.

Their recommendations are "guided by one overall ambition, namely how… services and underlying policies can contribute to the human dignity of those 'outsiders in limbo' identified in this study" (p.336). They have retreated from understanding and addressing the issue and attempt, instead, to deal with the consequences.

If we borrow the analogy of the housing or accommodation ladder, with homelessness being defined as having fallen from the ladder, we could say that migrants with status difficulties are usually on one of the lowest and slippiest rungs. To build on this, perhaps overused, analogy: if we were to develop such a ladder model, a useful place to start to understand the lower rungs would be the European Typology of Homelessness; starting with housing exclusion, we would build up through differing tenures to home owner (without a mortgage) at the top of the ladder, with intermittent rungs based on income attainment. The advantage of the analogy is that it is not necessary to sketch the entire ladder. What is important to acknowledge is that while the further up the ladder you are, the more secure your hold, no rung can provide immunity from experiencing a crisis and a period of homelessness. This is true of everyone, whether native or non-native.

In the process of migration, the migrant is moving from a ladder in his or her original country of residence to one in the destination country. So, factors such as the amount of savings available to pay deposits and to secure accommodation in advance of or on arrival will have a bearing. Educational attainment, local connections and ability to speak the language will also have an impact. Relevant or saleable skills in the destination country will be important. In the German national report, it was noted that the educational attainment of migrants was far in excess of the German population.

It is possible to hypothesise that while, on arrival, migrants might start on a lower rung and be employed below their skills level, the 'migrant experience' might also mean that they are less likely to experience homelessness. Reviewing Polish migration to Ireland, the Migrant Careers and Aspirations project in Trinity College Dublin found that it might better be conceptualised as 'the pursuit of flexible work life pathways…'; [2] this positive and flexible outlook may increase the likelihood of further migration, particularly in the early period of entry into the country when migrants are less likely to have access to social protection payments, which may in turn mean that they might be less likely to experience homelessness.

In support of this thesis is the fact that, in the majority of cases, those who experience homelessness in Ireland come from the private rental market, where, in European terms, there is limited security (Cuerpo *et al.*, 2014). In the last Irish census (2011), 49 percent of households in rented accommodation included a non-Irish national householder, suggesting that non-Irish nationals might be statistically more vulnerable to homelessness, yet migrants are only marginally over-represented in the homeless population. However, EU legislation permitting the exclusion of migrants from social protection can mean that a small number of the homeless population can become entrenched in homelessness due to a lack of means.

What the report does really well is illustrate the difficulties that migrants have when they become entrenched in homelessness. The French report highlights the difficulties experienced in the movement to a 'Housing First' approach; pioneered in the USA, this is a model of service that focuses on moving people into housing with supports as necessary rather than moving them into traditional hostel-type accommodation. This model of service provision is growing in popularity in Europe as it is shown to be both successful and cost-effective (Busch-Geertsema, 2014). We need to understand the effect of these changes, as people with no social welfare entitlements can be locked out of even the most basic of provisions – ironically because of the reduction of traditional, low threshold, emergency accommodation on foot of success in dealing with homelessness

Beyond the housing ladder analogy, we need to build a more layered understanding of the experience of migration as a process. It is recognised in the scoping section of the report that gender will have an impact on women's experience of homelessness, particularly with reference to gender-based violence (p.30). It is unfortunate that it was not possible to develop this area of research within the country reports. Again, this seems in large part to be because of the shortage of research in this area.

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2   Migrant Careers and Aspirations Project (2008) *MCA Newsletter No.1 Migration and Recession* [on-line] Available from: http://www.tcd.ie/immigration/css/downloads/MCANewsletter1.pdf [16.11.15].

More broadly, we will need to examine the personal experience of migration and concepts such as Anwar's (1979) 'myth of return', which sets out that the mythology of the migrant experience helps to protect them but also inhibits integration and interaction with the host society. In the Polish country report, reference is made to qualitative research that shows that "in the case of illness, third-country workers (both documented and undocumented) procrastinate until the last minute and do not go to the doctor unless they have to" (p.161). Similar behaviour has been noted in Irish migrants in Britain (Greenslade, 1997). Understanding these phenomena is crucial to developing policies that will help to prevent homelessness.

There will, of course, be those who are treated shockingly in their country of residence and in the destination country. The country reports looking at the treatment of Roma mobile citizens make for very grim reading. Interestingly, in the French report, the treatment of indigenous Roma or traveller citizens is not discussed. Comparisons are made in the Italian study and it is clear that the housing situations of Italian Roma is far better than that of other EU Roma. However, Italian Roma do not fare as well as non-Roma migrants (p.191). The lack of such a comparison in the French case is unfortunate for the building of understanding. The authors leave the 400,000 French Roma as a footnote (p.222). Given the universally poor treatment of Roma and traveller citizens in Europe (a 2010 Irish study (McGreil, 2010) found that almost one in five people would deny citizenship to indigenous travellers), this seems to be a significant omission from the French country report.

In the conclusion to the Italian report on mobile EU Roma, the authors reference the imagined communities noted by Benedict Anderson and note how such frameworks contribute to the exclusion of Roma in Italy**.** Clearly, the phenomenon is not limited to Italy. In Europe, we have seen a softening of the attitudes of some, and perhaps large numbers of political leaders in relation to what would previously have been described as prejudice or even racism. Now, 'legitimate concerns' are acknowledged, allowing hostility towards the 'other' to be repackaged as protectionism.

This political drift has been driven by nationalist parties such as BNP and UKIP in the UK and the National Front in France – paradoxically, as they have softened their rhetoric. Simply put, their argument is: 'we' have a culture; 'they' have a culture; all 'we' are saying is that 'our' culture is equally valid and requires 'protection' in 'our' country.

The definition of racism has also narrowed and is articulated by Fredrickson (2002, p.6), who set out that in order for something to qualify as racism it "either directly sustains or proposes to establish a *racial order*". He also noted that the concept was exclusively the invention of Western Europe. It is important to raise this because

whatever the definition of racism that you might choose, what is experienced by mobile and indigenous Roma and Traveller people *is* racism and it needs to named and dealt with as such.

The political drift noted above has consequences for all migrant populations, as it has a direct effect on European migration policy. Gilroy (2000), writing about race and European racism, has stated that through the creation of racism, Europe has despoiled "humanity of its elemental unity as a species" (p.71). Our treatment of migrants – and most particularly our treatment of asylum seekers and the undocumented that are the subject of this report – is in no small part a consequence of that legacy. This will also need to be named and dealt with as such. To work toward a more complete understanding of migration and homelessness, we need to understand the political and sociological developments of migration policy.

This was perhaps beyond the scope of this report but the retreat from addressing the social, political and historical causes of the issues the report has worked to outline in the recommendations leaves the authors and, in part, the report at sea. By retreating into 'safe' recommendations, they disengage from robust analysis. And robust, balanced, ideologically honest analysis is the role of research. While the latter point is a strident criticism of the final trajectory of the report, there remains much to recommend, particularly in the scoping documents and the country reports. I would reiterate that this report it is a valuable contribution that will be regularly quoted. However in the final analysis, for the reason outlined above, because of the lack of a developed holistic framework taking account of migrants as actors, the report may be considered to be less than the sum of its constituent parts.

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