

Seminar 21: Migration and Homelessness (Room: AULA)

Chair: Lars Benjaminsen, DK

Dion Kramer, NL: Homelessness and EU Citizenship in a Borderless Europe



Dion Kramer is assistant professor of EU Law at the Vrije Universiteit Amsterdam. After studying international relations and law in Cambridge and Amsterdam, he obtained his PhD (cum laude) at the Vrije Universiteit with a dissertation on EU citizenship, national welfare and the European Court of Justice. His research now focuses on the law and politics of EU free movement more broadly, including the platform economy, posted workers and homelessness. In the academic year of 2022/2023, he founded the EU Citizen Rights Corner at the Vrije Universiteit, a law clinic where master students give advice to NGO's about the social rights of EU citizens.

While the free movement of persons, one of the flagships of European integration, is supposed to improve the living and working conditions and social advancement of EU citizens, the reality is quite different for many. Research shows that in many European cities a structural and significant part of the homeless population consists of EU citizens from other Member States. This presentation will focus on the institutionalised discrimination of EU citizens in the Netherlands as a starting point. Unless EU citizens can prove permanent residence status, Dutch municipalities consider them as *niet-rechthebbenden*, which roughly translates to 'non-rightsholders' or 'those without rights', and refuse access to regular homelessness services. This practice – and accompanying discourse of EU citizens as 'not-entitled' migrants – raises very serious legal, empirical, and normative questions about EU citizenship itself.

This presentation will mainly focus on addressing the fundamental legal questions by extensively researching the relevant (case) law: what rights do people experiencing homelessness derive from their status as EU citizens in other Member States? Under what conditions should EU Member States offer homelessness support to EU citizens and can homeless EU citizens be expelled? However, before answering these legal questions on the basis of, the presentation will also contextualise the social reality of homelessness among EU citizens and situate the phenomenon within the European integration project. After answering the legal questions, the presentation will draw on empirical data collected by means of interviews, participatory (action) research and a law clinic in order to discuss the factors explaining why the institutionalised discrimination of EU citizens can persist in Member States. These include a *de facto* absence of administrative law, the (relative) weakness of legal mobilisation and the outsourcing of decision-making and service provision.

Sophie Samyn, BE: Wandering the city: Local Practices of Bordering and Sanctuary with Homeless Migrants



Sophie Samyn studied media and theatre studies at the Ghent University (Belgium) during which she specialised in Nigerian film making practices by migrants in Europe. As a result of her interest in migration, she worked for a number of years with migrants in Italy and Belgium. After an advanced Masters in Conflict and Development, with final research on the trafficking of Nigerian women to Europe, she conducted a research project with Sarah Adeyinka on the wellbeing of African women working in prostitution in Brussels. She is currently a PhD candidate in the TRAHOME research project, under the supervision of Prof. Koen Hermans, Prof. Martin Wagener and Prof. Griet Roets on the pathways of hidden homelessness in

Belgium.



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The article examines the relation between the Western-European welfare state and its so called 'denizens', namely homeless people without legal residence. These are both EU and non-EU migrants who have limited access to formal social rights because of their (lack of) residence status. Drawing on the concepts of bordering and sanctuary, we examine the nature and logics of social work aimed at these people in the city of Ghent, Belgium. In the absence of national or regional legislation, but faced with this humanitarian reality, local governments develop specific policies and practices to 'support' homeless illegalised migrants, alongside non-state actors. The social workers and volunteers involved are the ideal witnesses of the tensions which arise between these policies and the lives of people concerned. The main research question is how do formal and informal social work practices (un)successfully achieve social justice in the margins of citizenship? The study is based on an extensive ethnography in the city of Ghent, in Belgium, during the period 2020 to 2023. Participant observations were made, walking alongside outreach social workers and volunteering in civil society initiatives which are in contact with homeless people without legal residency. This was complemented by more formal interviews with social workers and policy makers.