

[January 2024]

## **Seminar - Free movement for all: Access to rights for destitute mobile EU citizens**

**5<sup>th</sup> of December 2023 (09:30 – 14:00)**  
**The European Parliament, Room SPAAK 7C50**

**Hosted by MEP Leïla Chaïbi (GUE/NGL)**  
**Chaired by Jules Van Dam, Director De Tussenvoorziening (Utrecht, Netherlands)**

The event opened with a welcoming speech by **MEP Leïla Chaïbi**. She highlighted that despite freedom of movement being a cornerstone of the European Union, there are cases where people's rights are not achieved, leaving them at risk of destitution during their intra-EU migration processes. MEP Chaïbi expressed her support for promoting the rights of destitute mobile EU citizens, as she has done previously in her work regarding access to voting rights, stressing that the Commission and Member States must uphold the fundamental rights of vulnerable citizens and take measures to empower people to exit destitution and homelessness. She also underlined the importance of meeting with civil society and discussing barriers to free movement, which she will make sure to take with her into relevant meetings with the Commission and the Council.

Following MEP Chaïbi's intervention, **Sergio Pérez, Project Officer with FEANTSA**, provided an overview of the project Protecting the Rights of Destitute Mobile EU Citizens (PRODEC). This is a project coordinated by FEANTSA since 2017, on the link between freedom of movement and homelessness. Over the years, the project has worked to improve the situation of mobile EU citizens experiencing homelessness and the service providers supporting them, through a number of activities, such as advocacy, research, capacity building, and strategic litigation. The main challenges at both EU and local levels were also presented.

### **First session: Challenges in Member States**

The first presentation was given by **Fabrizio Vittoria from Momentius LPA**, about the challenges that EU citizens and their families face when registering in Sweden. Among other things, Fabrizio highlighted how the implementation of the EU's directive on free movement of persons in Sweden violates EU law. He underlined the problem with Sweden's so called "one year rule", requiring mobile EU citizens to have a proof of stay for at least one year in order to register and obtain a personal identification number ('personnummer'). Seeing that many newcomers are only able to find short term jobs with contracts for less than one year, they do not have the possibility to obtain the Swedish personal identification number, which in turn excludes them from accessing any type of social rights and from any services while they are in Sweden.

Regarding the proposal made this year by the Swedish authorities to issue a temporary coordination number for those with contracts shorter than one year – Fabrizio underlined that this measure does not solve the problem, because in practice this temporary number can only be used for paying taxes and

it does not allow for opening people's rights in Sweden, leading to exploitation. This issue has been present in Sweden for 13 years now and has been raised in public hearings at the EP. It is well time that the Commission answers the question on why it has not started an infringement procedure against Sweden for incorrect transposition of EU law.



The following presentation was given by **Bert De Bock, DIOGENES (Belgium)** on the importance and difficulty of obtaining and holding an address and a valid residence status in Belgium. Bert started by highlighting that almost 50% of the people they met in 2022 were mobile EU citizens, mostly from Romania and Bulgaria. Among them, people belonging to the Roma minority are faced with the additional burden of discrimination. From all the destitute mobile EU citizens that DIOGENES supported in 2022, 52% had been in Brussels for more than five years and wanted to settle in the European capital, however, they did not have a registration permit and no prospects for change in the short term.

Bert continued by highlighting that having a residence permit is key to access rights and he described the 'Vicious Cycle of structural homelessness': No Right to Residence – No Job – No Income – No Housing – No Address – No Right to Residence. This cycle needs to be broken and people need to be supported with personalised tools in multiple areas of their lives, in partnership and across sectors, to break the vicious cycle of street life. Bert also raised awareness on the importance of having access to a reference address and on disconnecting basic rights and address for all homeless EU-migrants in Member States, as this interlink leads to exclusion of people from support that would allow them to exit homelessness.

**Esmé Wiegman, representing the Dutch umbrella organisation Valente**, explained that many of the 700,000 mobile EU citizens residing in the country experience destitution and have complained about dire housing conditions and exploitation on the labour market. Esmé referred to the Action Plan for mobile EU citizens in homelessness in the Netherlands, which was adopted in 2022 and started being implemented this year. Despite this being the first initiative to target destitute mobile EU citizens at Government level, the plan is lacking a financial backing: while the six cities which started its implementation are using re-allocated money, no new budget has been provided for them. In this context, Valente regrets that the Action Plan was not extended to the entire country and only several cities are working with it, and it doubts it will achieve sustainability given that no financial resources have been assigned for its implementation. Furthermore, Esmé highlighted that more focus should be put on the social protection of workers from their employers, who should not look only for profit.

## Second session: Discussion with panellists

**Freek Spinnewijn, director of FEANTSA**, opened the session by highlighting that the issue of mobile EU citizens in destitution has been in the agenda for almost a decade now. However, this topic continues to be dealt primarily at local level and not at the EU one, despite free movement being a European competence. For example, the periodic Commission reports on free movement do not cover homelessness.

He proposed several actions that could be taken, such as:

- Produce more knowledge and data on this target group and disseminate good practices.
- A bigger role of the European Labour Authority in clarifying definitions of 'worker' or 'sufficient resources' and enforcing them at national level.
- Include free movement in the work of EPOCH,<sup>1</sup> exploring an EU framework for rights-based returns, and in the Social Economy Action Plan.
- Propose an enforceable right to shelter at EU level regardless of administrative barriers or migration status. Now, this is recognised only for asylum seekers or women experiencing gender-based violence (after the ratification of the Istanbul Convention), but it should be expanded to other groups.

The second discussant was **Assya Kavrakova, the director of the NGO European Citizen Action Service (ECAS)**. She raised the point of social security coordination, which has been the main issue addressed under the ECAS-run service Your Europe Advice. This has been the most frequently reported problem for many years across all Member States, especially regarding unemployment benefits and pensions. In her view, Member States are resisting free movement and the rights of mobile EU citizens by: a) creating administrative barriers, b) not training those who implement the rules on the ground (like local authorities when registering new arrivals), and c) making online procedures (e.g., to ask for appointments with civil servants) the only available option, since digital exclusion tend to be high among mobile EU citizens in destitution.

Assya advocated for a clear and comprehensive clarification of the main gaps in the free movement legislation, within the upcoming Communication of Directive 2004/38.<sup>2</sup> She also advocated for the Commission to deal with homelessness when chairing the free movement high-level working group with the Council.

The following speaker was **Svenja Ketelsen, coordinator at GEBEWO**, a Berlin-based organisation providing counselling for mobile EU citizens and the services supporting them. Svenja underlined the exclusion of mobile EU citizens from the German welfare system, with municipalities not providing accommodation to those who are entitled to it. Thus, the focus for CSOs should be on making sure that authorities enforce the rights that already exist for mobile EU citizens. Svenja stressed that the new German national plan on homelessness acknowledges mobile EU citizens in this situation but does not include targeted actions. Furthermore, the focus of this plan is on Housing First and other forms of supported housing, which will likely not include mobile EU citizens because of misconceptions from authorities about them not having rights or being too complex cases. Not including mobile EU citizens

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<sup>1</sup> EPOCH stands for European Platform on Combatting Homelessness. More information can be found here:

[https://ec.europa.eu/commission/presscorner/detail/en/IP\\_21\\_3044](https://ec.europa.eu/commission/presscorner/detail/en/IP_21_3044)

<sup>2</sup> This Communication was published on the 6th December 2023, one day after the seminar in the Parliament. For more information : [https://commission.europa.eu/publications/guidance-right-free-movement-eu-citizens-and-their-families\\_en](https://commission.europa.eu/publications/guidance-right-free-movement-eu-citizens-and-their-families_en)

in such measures would be unfortunate, seeing that they are a large part of the population experiencing homelessness in Berlin or Germany, especially in its most visible forms.

The next intervention was made by **Edyta Tuta-Lorenz, who leads the work on migration of the Regional Office for Europe of the UN High Commissioner for Human Rights**. She reminded the audience of the commitments taken by EU Member States under the UN system, concerning the right to adequate housing and the central instrument of the International Covenant on Economic, Social and Cultural rights.

Several entry points to advance the rights of destitute mobile EU citizens in relation to the right to housing were put forward:

- Use of the UN committees and special procedures, such as the rapporteurs on the right to housing and on migration. These bodies need inputs from national level to follow up developments and to push for commitments on implementation.
- The advocacy work that the Regional Office can do towards the upcoming European Commission.
- Break the work on 'silos', both at geographic level (local/national/EU/UN) and thematic level (migration/human rights/social policies).
- Use the Universal Periodic Review mechanism, where countries peer-review each other, to evaluate developments on the right to housing and signal any gaps between what is written in legislation and the actual deprivation of rights.



Finally, the last speaker of the session was **Michele Calandrino, Team Leader on Homelessness within Unit D3 - Disability and Inclusion (DG EMPL, European Commission)**. He framed the topic of the seminar as an issue concerning both social policies and rules on freedom of movement. He considered necessary to improve the legal certainty for mobile EU citizens in destitution, while acknowledging that non-active mobile EU citizens may be refused social assistance in their first five years of residence in a Member State. In his view, a delicate balance should exist between the rights of mobile EU citizens and the rights of Member States considering their public finances and social security systems.

He also mentioned the inclusion of free movement in EPOCH discussions, where this issue has been already raised, and how to improve the labour market integration of destitute mobile EU citizens. At the same time, he stressed this topic concerns both 'sending countries' and 'receiving countries', since this is necessary to understand why some people are experiencing homelessness rather than going back to their countries of citizenship.