



# FEANTSA Report: **Homelessness among Migrant Women in the EU**

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## Homelessness among Migrant Women in the EU

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### 1. Introduction

Comprehensive research, evidence and therefore literature which addresses specifically the needs, experiences, and circumstances of migrant women who experience homelessness across the European Union (EU) is scarce<sup>[1]</sup>. If there is insufficient knowledge about the factors that push migrant women into homelessness, public policies aiming to end homelessness will not be tailored to the needs of migrant women living in exclusion<sup>[2]</sup>. The purpose of this paper is to raise awareness around the insufficient policy attention geared towards migrant women and to investigate the factors that may lead them into homelessness.

Migrant women face multiple disadvantages determined by two aspects that influence the way they are perceived in society as well as their access to social security policies, namely their gender and migrant status. For the purpose of this paper it is relevant to define the two main concepts used in the analysis: the status of migrant women and homelessness. For the former, the definition used will be the one provided by the European Institute for Gender Equality (EIGE): “Non-nationals who have moved (or are endeavouring to move) to a country from another one - often but not necessarily the country of their nationality - and whose presence in the former may or may not be lawful or regular”<sup>[3]</sup>. Nevertheless, this paper will focus on women who migrate from a non-EU country to Europe and will not include information on the “internal” migration of European Union citizens. Instead, when talking about migrant women, we refer specifically to women who are citizens of third countries and move to the EU. The paper also includes information about women who entered the EU through legal means but have been subject to an irregular administrative situation at a later point (for example, undocumented migrant women).

Regarding the definition of homelessness, the one that we will use corresponds to the European Typology of Homelessness and Housing Exclusion (ETHOS)<sup>[4]</sup>. This typology was launched in 2005 by FEANTSA and has been widely used in academia, policy debates and data collection ever since. It defines up to thirteen different typologies of homelessness, grouped in four bigger categories: rooflessness (people living rough or sleeping in night shelters), houselessness (people in homeless hostels, in women’s shelters, etc.), insecure housing (people living under threat of eviction, victims of domestic abuse, among others) and inadequate housing (people living in mobile homes, in dwellings unfit for habitation, etc.).

When focusing on homelessness among migrant women, it is first necessary to consider a gender dimension and the specific needs of women. In general, the lack of access to housing and the issue of homelessness is mostly understood from the dominant perception of street homelessness as a male issue<sup>[5]</sup>. One of the main factors that informs this perception is the more accentuated invisibility of homeless women as a result of their lower presence on the streets. Homelessness among women is more private and hidden, meaning that they are less present in the public space, because women often engage in coping strategies. They tend to rely more on

informal support from their families or friends and seek alternative housing solutions<sup>[6]</sup>. Therefore, in the case of homeless women we are dealing with an invisible residential exclusion that may not be easy to capture in statistics. Hidden homelessness among migrant women (together with other factors that we will analyse in this paper) contributes to the exclusion of migrant women living in homelessness from the policy arena, and therefore it becomes difficult to grasp and adequately address this issue.

According to available data, women usually represent a minority among the homeless population - between 5% and 45% of the total - depending on the definition of homeless population, access to services or other research aspects<sup>[7]</sup>. However, current methodologies are likely to under-represent women in European homelessness statistics<sup>[8]</sup>, due to an androcentric and restricted conception of homelessness. As explained above, women usually experience housing exclusion that is hidden from public spaces and social services. Adopting a broad definition of homelessness to include categories like unfit housing, overcrowded dwellings, threat of partner violence, etc., is key to better grasping the level of homelessness among women and hence, obtaining adequate statistics and implementing effective policies<sup>[9]</sup>. That is the reason why the use of the ETHOS framework (provided by FEANTSA<sup>[10]</sup>) in this paper allows for a wider understanding of the issue.

The second aspect that needs to be considered is the condition of being a migrant. Migrants represent a significant percentage of the homeless people in Europe and they have a distinct profile from the non-migrant homeless population<sup>[11]</sup>. A recurring theme that arises in the stories of those migrants who have experienced homelessness is the lack of regular and secure employment, often caused by discrimination in access to the labour market and lack of equal working conditions. In the absence of work permits and access to the welfare system, migrants cannot have access to a regular and formal income and are sometimes excluded from basic services<sup>[12]</sup> such as food, healthcare, or hygiene facilities. Migrants often face a combination of specific barriers that lead them into a disadvantaged position, such as dependence on their permit of residence, prejudices and racism in a hostile environment or cultural and language barriers. As a result, their housing standards are lowered, and they may find themselves forced to choose between inadequate housing or rooflessness.

Thirdly and most importantly, the analysis in this paper will consider the intersection of both gender and migration when looking at the factors that contribute to migrant women's homelessness. We will explore which factors may push migrant women into homelessness and we will investigate the level of access they have to emergency assistance, such as night shelters. Having an irregular migration status poses a set of additional barriers for those women who are in a vulnerable situation. Being a victim of domestic violence or human trafficking and not knowing about their rights, the lack of established support systems or the lack of knowledge of the language of the country where they live are concerns that cannot be isolated. Migrant women with an irregular or dependent migration status often experience additional hardship when leaving domestic/intimate partner violence. It is therefore crucial to provide undocumented women with effective empowerment and exit strategies from abusive relationships, so that their migrant status does not determine their experiences.

## 2. Executive Summary

The aim of this paper is to raise awareness about the situation of **migrant women who are at risk of becoming homeless or who already live in homelessness within the EU**. The basis for the analysis provided is the existing literature in the field and the expertise of FEANTSA's members and partners who are active in this area. Basing our findings on these sources, we will provide in the following pages an overview of the situation of migrant women who experience homelessness, both from a legislative point of view as well as from a field perspective.

The paper will present the main findings on the needs of migrant women, depending on the diverse situations identified which include women who have entered the EU for purposes of family reunification, migrant women who are victims of domestic violence, or who are domestic or sex workers or women victims of trafficking. The paper will also aim to identify possible solutions and formulate recommendations that will hopefully serve to advance the topic of migrant women living in homelessness and create better solutions for support.

This paper is organised around four main objectives. Firstly, our objective is to **raise awareness of the lack of data regarding migrant women living in homelessness** and to encourage the collection of data for informing policy on this topic. Relevant, measurable, and reliable data are essential for achieving successful policies, hence the lack of data on this topic is a big obstacle to adequately addressing the needs of migrant women within housing policies. We will address this as a cross-cutting issue throughout the paper in the chapter dedicated to legislation as well as in the chapters that analyse the situation in the field.

The second objective is **to provide an overview of the situation of migrant women living in homelessness across the EU, focusing on identifying the main factors contributing to this situation**. Despite the need for more reliable and comparable data, this paper will use the available information to provide an analysis of the causes that may lead migrant women into homelessness. The paper will shed light on three main factors that contribute to homelessness among migrant women in particular: a) the existing legislation to support migrant women in accessing safe and adequate housing when they find themselves in a vulnerable situation; b) gender-based violence and its intersection with the dependency of many migrant women on the husband/partner for a residence permit, linked with Directive 2003/86/EC on the right to family reunification, and lastly c) the main factors of economic and/or social marginalisation of migrant women.

While exploring the barriers and challenges that migrant women face in Europe, as a **third objective in the paper we will also present ideas of good practices and service providers, and NGOs which offer support equally to migrant women, regardless of their administrative status**. This will serve to underline the need of special services, and consequently policies, for migrant women while also highlighting successful practices in this area that could eventually be replicated.

Finally, since we experienced a global health crisis while preparing this paper, we will attempt to produce a short analysis of how the pandemic has impacted migrant women at risk of homelessness or who already experienced homelessness in the EU. Though it might be too soon to draw conclusions on this topic, given that we are currently in the midst of a second wave of the virus, we consider that it is important to include this analysis and to continue following up on how the virus affects the lives of migrant women in the EU.

The paper is structured in accordance with the objectives presented above, which have been addressed through seven chapters. The first chapter is the introduction, which presents the motivation behind this paper and explains the relevant concepts that we use in the analysis, respectively, the status of migrant women and homelessness and the intersection between the two. Chapter 2 is the current executive summary. In Chapter 3

we incorporate a short overview of legislative instruments that are relevant for the analysis on the situation of homeless migrant women, where we include the EU Family Reunification Directive, the CEDAW (UN), the Istanbul Convention and legislation on sex work and human trafficking.

Chapter 4 addresses the main factors contributing to homelessness among migrant women in the EU and it focuses on three specific issues: lack of support in legislation to access housing, gender-based violence and a migration status dependent on the spouse, and economic/social marginalisation. As part of the subchapter on marginalisation, we look at different aspects related to issues that hinder migrant women's access to suitable jobs, and also to situations experienced by domestic workers and sex workers, where we include data on the situation of women who have experienced human trafficking.

Chapter 5 presents several good practices in ensuring that migrant women have access to accommodation and emergency shelters in the EU. Chapter 6 is an exploration of the effects that COVID-19 may have had among migrant women at risk of homelessness in the EU. It is just an exploration since the events are still recent, which makes it difficult to analyse the issue properly. Chapter 7 of the paper contains the main conclusions based on the analysis in the paper. The last chapter also puts forward several recommendations that could serve to improve the circumstances of migrant women living in or who are at risk of homelessness in the EU. Specifically, recommendations refer to improving migrant women's access to housing, removing barriers in accessing emergency housing and support services when they are faced with gender-based violence, and for eliminating economic and social marginalisation of migrant women.

The main conclusion of this paper is that more attention should be given to the situation of migrant women who experience homelessness or who are at risk of becoming homeless. There is a need to address their needs in mainstream policies related to homelessness and at the same time, to create specific policies to ensure support for women who migrate.

One first important step in this direction is to collect comprehensive data on their needs and experiences in order to have a better picture of the life conditions of migrant women in the EU. As quantitative studies might be difficult to engage with, qualitative studies should be realised, and this information should then be utilised to improve policies and legislation targeted at migrant women who are at risk or experiencing poor housing and homelessness within the EU.

In order to improve access to housing, we recommend that the European Commission should coordinate with MS in order to develop a common framework providing a minimum set of rights which includes access to shelter for all regardless of administrative status. Access to adequate and safe housing as a universal human right should always be ensured for migrants within the EU as part of their integration process. Homelessness is a social policy priority of the EU, notably in the context of the European Pillar of Social Rights (priority 19) and part of the commitment to "leave no one behind" in the context of the 2030 sustainable development agenda. The EC should make more efforts in ensuring that women who are migrants in the EU are also targeted by these goals. Furthermore, MS should develop mechanisms through which access to emergency accommodation for all migrants, regardless their administrative status, is ensured. To this end, MS should also avoid criminalisation of those actors in civil society who provide humanitarian support for migrants whose administrative status is uncertain.

Overall, the EC should improve how it addresses gender-related issues of housing insecurity, homelessness, access to the labour market or recognition of skills. All EU policies meant to increase the level of integration for third-country nationals should include a gender-based perspective to allow for a better integration of migrant women. We also recommend as a priority during the coronavirus pandemic that MS should ensure adequate

housing for all migrants in need, and tailored housing for migrant women depending on their situations and needs. Temporary regularisation during the pandemic for all migrants should be allowed, in order to facilitate access to safe accommodation and health care as a matter of individual basic human rights as well as public health.

Regarding gender-based violence and dependency status, the EC should coordinate with MS in order to ensure they avoid the *double punishment* of migrant women victims of gender-based violence, by maintaining and increasing the current period of their right of residence or by granting them an independent right of residence for exceptional circumstances. The EC should also develop monitoring mechanisms to ensure that the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (the Istanbul Convention) and the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) are being respected by the national governments. The EC should work with Member States to develop national policies, strategies and action plans that specifically address migrant women who applied for family reunification to facilitate their integration on an individual basis and not on their family status.

For advancing the elimination of economic and social marginalisation of migrant women, MS should develop integrative measures dedicated to migrant women. For example, facilitating their inclusion in the labour market and their access to support programs for learning the national language and improving their skills (e.g.: services that can provide with childcare while mothers participate in such programmes, outreach to migrant women for informing them on their rights and possibilities, multi-linguistic services, etc). MS also need to put more efforts into increasing labour inspection in the domestic work sector and to make sure that migrants who are exploited are not criminalised and faced with deportation if they are found in situations of labour exploitation. In the case of women who are victims of human trafficking, the EU should coordinate with MS and collect reliable data on those migrants and their situations, particularly when they end up in homelessness. These data are important to ensure that migrant women who have been exploited receive adequate support and a safe shelter, as they are one of the most excluded and vulnerable groups of migrant women.

Regarding the methodological aspects of this paper, we combined a desk research approach with semi-structured interviews and data collection through questionnaires from non-profit organisations active in the field as service providers for homeless people. The secondary research involved a review of existing reports, policy papers, legislation, articles, websites of organisations working in the field or other research documents. Most of them concern the relevant topics of this paper: women's homelessness, migrant homelessness, or the intersection between both. Some data may come from statistical sources as well. The insights collected from the secondary research were complemented with data collected from FEANTSA member organisations and partners between the months of March to November 2020. The following organisations have contributed to this end with data on their work and the needs of migrant women who experience homelessness, as they have come to acknowledge it: Ban Ying (Germany), CEPAIM (Spain), Danner (Denmark), Europa Brücke Münster (Germany), European Women's Lobby, Fondation Abbé Pierre (France), Iraqi Women's Association (Finland), La Source asbl (Belgium), National Housing Federation (UK), No Fixed Abode – Vailla Vakinaista Asuntoa RY (Finland), PICUM, Projekt UDENFOR (Denmark), Red Acoge (Spain), Røde Kors – Red Cross (Denmark), Sant Joan de Déu-Serveis Socials (Spain), Simon Community (Ireland), Y-Foundation – Y-Säätiö (Finland). We are very grateful for everyone's contribution.



### 3. Short overview of relevant legislation

#### 3.1 The Family Reunification Directive

The Council Directive 2003/86/EC<sup>[13]</sup> on the right to family reunification is the EU legislation that regulates the procedure for family members of non-EU nationals residing in the EU to join them. The right to family reunification refers above all to the core family, i.e. spouses and registered partners as well as minor children. This Directive determines the common rules for exercising the right to family reunification, establishes procedural guarantees and the rights of the family members concerned. It applies to all Member States except Denmark, and Ireland<sup>[14]</sup>.

Most Member States (Austria, Belgium, Czech Republic, Germany, Estonia, Greece, Spain, Finland, Croatia, Hungary, Ireland, Italy, Lithuania, Luxembourg, Netherlands, Sweden, Slovenia, Slovakia) and the UK recognise the right of migrants who arrived through family reunification to apply for a different type of residence permit if they fulfil the requirements to apply for a change of status<sup>[15]</sup>. The Directive 2003/86/EC stipulates that family members can apply for their own permanent residency status no later than five years after residing in the new country. Moreover, an independent right of residence is granted in some Member States such as Austria and Latvia if migrants who applied for family reunification obtain a permanent residence permit. In other Member States such as Germany, this right is subjected to a period of cohabitation of three years between spouses or registered partners on the territory of the Member State<sup>[16]</sup>.

Only in few Member States do spouses who are allowed to stay via family reunification enjoy the same right to healthcare and social services as other citizens or legally residing third-country nationals. In some others, access to these services is only possible through their partners<sup>[17]</sup>.

In the case of a **breakdown of the relationship**, the Family Reunification Directive states a partner is entitled to an autonomous residence permit:

##### *Art 15.3*

*In the event of widowhood, divorce, separation, or death of first-degree relatives in the direct ascending or descending line, an autonomous residence permit may be issued, upon application, if required, to persons who have entered by virtue of family reunification. Member States shall lay down provisions ensuring the granting of an autonomous residence permit in the event of particularly difficult circumstances.*<sup>[18]</sup>

Despite the existence of a common European framework established by the Directive 2003/86/EC, **family reunification in the EU largely depends on national rules which leads to differences between Member States' policies and practices**. As a rule, across the Member States, a family member's residence permit ends when family ties no longer exist. An autonomous right of residence following divorce or separation may be granted in Austria, Estonia, Finland, Ireland and Poland, whilst in other countries such as Belgium, Germany or Luxembourg it is only available after a minimum number of years of residence following family reunification<sup>[19]</sup>.

In the aforementioned countries, if the "sponsoring" relationship deteriorates before completing the necessary time, the **immigrant spouses are entitled to remain in the country only if they can prove they are victims of domestic violence**. Article 15.3 from the Family Reunification Directive has been transposed by all Member States and it allows a family member who has been exposed to domestic violence to obtain an autonomous



residence permit regardless of whether the minimum number of years of residence has been reached or not<sup>[20]</sup>. The Citizens' Rights Directive also includes some provision related to residence permits for victims of domestic violence with dependent status, but it is only applicable to EU citizens and their family members with a third-country nationality:

*Article 13.2(c)*

*Without prejudice to the second subparagraph, divorce, annulment of marriage or termination of the registered partnership referred to in point 2(b) of Article 2 shall not entail loss of the right of residence of a Union citizen's family members who are not nationals of a Member State where:*

*c) this is warranted by particularly difficult circumstances, such as having been a victim of domestic violence while the marriage or registered partnership was subsisting<sup>[21]</sup>*

### **3.2 The UN Convention on the Elimination of all forms of Discrimination Against Women (CEDAW)**

The UN Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) was established as an international treaty adopted in 1979 by the United Nations General Assembly. This international bill of rights for women has been ratified by 189 states and touches upon a broad range of issues related to women, among which are the rights of political participation, the statehood of women, the rights to non-discrimination in education, employment and economic and social activities, the equal rights and obligations of women and men with regard to choice of spouse, parenthood, personal rights and command over property<sup>[22]</sup>.

The State Parties to the Convention agreed to eliminate all forms of discrimination against women in a comprehensive range of areas, grouped around three main issues: civil rights and legal status, reproductive and family rights, and mandates regarding the cultural practices that inform subsequent discriminations in the political, economic or legal arenas.

It is worthwhile to highlight Art.3 in particular:

*States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.<sup>[23]</sup>*

The Convention underlines the importance for the female half of humanity to fully enjoy their rights, equally with men, not only for their personal well-being, but also for the development of their countries, the welfare of the planet and to achieve peace. **CEDAW establishes that all women should be entitled to access to justice regardless of their residence status.** All Member States are party of the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which includes guarantees to assert this right<sup>[24]</sup>.

### **3.3 The Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention)**

The Istanbul Convention provides a comprehensive legal framework to prevent violence against women, to protect victims and to end with the impunity of perpetrators. One particular measure of the Convention calls on states to take action by providing safe accommodation in specialised women's shelters for all survivors of violence against women and domestic abuse. In the Explanatory Report of the Convention, the minimum

standard recommended is one family place to be available per 10,000 head of population<sup>[25]</sup>.

#### Article 23

*Parties shall take the necessary legislative or other measures to provide for the setting-up of appropriate, easily accessible shelters in sufficient numbers to provide safe accommodation for and to reach out pro-actively to victims, especially women and their children<sup>[26]</sup>.*

Article 4 of the Istanbul Convention<sup>[27]</sup> also states that the regulations made by the Convention apply to all women regardless of their migration status. Article 59.1 mentions that it is essential to maintain the residence permit for those women who already have one or to grant (to those who are still in the process) an autonomous right to stay not dependent on their spouse for those who are victims of domestic violence regardless the duration of the marriage.

#### Article 59.1

*Parties shall take the necessary legislative or other measures to ensure that victims whose residence status depends on that of the spouse or partner as recognised by internal law, in the event of the dissolution of the marriage or the relationship, are granted in the event of particularly difficult circumstances, upon application, an autonomous residence permit irrespective of the duration of the marriage or the relationship<sup>[28]</sup>.*

In November 2020, 34 states had ratified the Istanbul Convention and 12 (including the EU) have signed it<sup>[29]</sup>. Some countries have submitted reservations reneging on certain provisions of the Convention. Amongst others, Armenia, Cyprus, Monaco, Romania, Slovenia and North Macedonia have reserved the right not to apply Article 59, which refers to residence status for victims of gender-based violence or forced marriage. Other countries such as Poland, Latvia and Lithuania have stated that they will apply the Convention in conformity with their national constitutions<sup>[30]</sup>.

Giving independent residence permits to migrant women suffering domestic violence is essential for them to be able to report to the police and leave their violent partner. The **Platform for International Cooperation on Undocumented Migrants (PICUM)** monitored the implementation of Article 59 of the Convention in a recently published report to analyse access to justice for undocumented victims of domestic violence. The study considers EU and international legal frameworks that provide for residence permits for certain victims of crime, and looks at national legislation in ten European countries (Belgium, France, Germany, Greece, Italy, the Netherlands, Poland, Spain, Switzerland and the UK) implementing such measures. This report shows that **half of the countries analysed do not grant secure residence permits to undocumented victims of domestic violence**. Countries failing to provide secure residence permits for victims of domestic violence include Belgium, Germany, Poland, Switzerland, and the UK. **In these countries, undocumented people risk detention and deportation if they report domestic violence to the police.**

Table 1: Overview of Residence Permits Foreseen in Legislation for Different Categories of Victims

Country	Domestic violence		Labour exploitation	Trafficking	
	Regular migrants	Undocumented migrants		Police cooperation	Humanitarian reasons
Belgium	Yes	No	Yes*	Yes	Yes
France	Yes	Yes	No	Yes	No
Germany	Yes	No	Yes	Yes	No
Greece	Yes	Yes	Yes	Yes	Yes
Italy	Yes	Yes	Yes	Yes	Yes
Netherlands	Yes	Yes	Yes	Yes	Yes
Poland	Yes	No	Yes*	Yes	No
Spain	Yes	Yes	Yes	Yes	Yes
Switzerland	Yes	No	No	Yes	Yes
United Kingdom	Yes	No**	Yes	Yes	Yes

Source: PICUM (2020), [Insecure Justice? Residence permits for victims of crime in Europe](#), p.73<sup>[30]</sup>

\*Included in the definition of human trafficking

\*\*Only if a previous residence permit on family grounds has expired because of the domestic violence

### 3.4 Legislation on Sex Work in the EU Member States and the UK

Migrant sex workers are estimated to account for more than 65% of the sex worker population in Western Europe and 16-17% in Central Europe<sup>[31]</sup>. In many countries, without valid residence permits, they are excluded from the private housing market, as well as the public-funded accommodation options (subsidised housing, services for homelessness, emergency shelters, etc.). Even help provided by fellow sex workers to irregular migrants can be interpreted as facilitation of irregular entry and lead to criminal charges<sup>[32]</sup>.

There are big variations among EU Member States in terms of their legislation concerning sex work. A large group of countries (twelve out of twenty-eight) criminalise both facilitating and engaging in sex work, but not procurement. A further six countries have stricter measures and criminalise engaging in sex work, as well as facilitation and procurement. On the other hand, there are four countries that have legalised sex work: Germany, the Netherlands, Austria and Greece. The remaining six Member States have their own specific variations of legislation around sex work. Note that the 'facilitation' of sex work means the management or organisation of sex work, which often involves 'third parties' (e. g. managers, receptionists, landlords, hotels who rent rooms to sex workers, etc.). Also, legalisation means that the activity of sex working is regulated, but not that it is fully decriminalised.

To help categorise all the countries, we made this table with information from the Global Network of Sex Work Projects (NSWP). This information reflects legislation as of 31 March 2020, rather than how laws are enforced or the impact they have on sex workers. It is useful, though, to have an overview of the situation of sex workers in the European Union.

Table 2: Overview of the criminalization of sex work in the EU Member States and the UK

Country	Selling	Purchasing	Facilitating	Country	Selling	Purchasing	Facilitating
<b>Belgium</b>	Yes	No	Yes	<b>Lithuania</b>	Yes	Yes	Yes
<b>Bulgaria</b>	Yes	No	Yes	<b>Luxembourg</b>	Legalised	Yes	Yes
<b>Czechia</b>	Yes	No	Yes	<b>Hungary</b>	Yes	No	Yes
<b>Denmark</b>	Yes	No	Yes	<b>Malta</b>	Yes	No	Yes
<b>Germany</b>	Legalised sex work			<b>Netherlands</b>	Legalised sex work		
<b>Estonia</b>	No	No	Yes	<b>Austria</b>	Legalised sex work		
<b>Ireland</b>	Yes	Yes	Yes	<b>Poland</b>	Yes	No	Yes
<b>Greece</b>	Legalised sex work			<b>Portugal</b>	Yes	No	Yes
<b>Spain</b>	Yes	No	Yes	<b>Romania</b>	Yes	No	Yes
<b>France</b>	Yes	Yes	Yes	<b>Slovenia</b>	Yes	Yes	No
<b>Croatia</b>	Yes	No	Yes	<b>Slovakia</b>	No	No	Yes
<b>Italy</b>	Yes	No	Yes	<b>Finland</b>	Yes	Yes	Yes
<b>Cyprus</b>	Yes	Yes	Yes	<b>Sweden</b>	No	Yes	Yes
<b>Latvia</b>	Legalised		Yes	<b>UK</b>	Yes	Yes	Yes

Source: NSWP (2020), [Global mapping of sex work laws](#)

As explained in more detail throughout the next chapters, criminalisation of sex work sets an additional barrier for migrant women to access housing and to integrate in European societies. Being arrested, fined, or banned from practicing sex work may lead to a loss of income, difficulty paying rent and, ultimately, to rooflessness. It can also lead to insecure housing conditions since criminalisation translates into hiding this activity and puts sex workers in a vulnerable position vis-à-vis the lessors.

In addition, it is important to mention the impact of human trafficking on sex work in Europe. It is estimated that 92% of the victims of trafficking for sexual exploitation in the EU are women and girls. Between 2017 and 2018, almost 60% of all registered victims of human trafficking were forced into sexual exploitation<sup>[33]</sup>, but the actual number could be higher because this registration only counts the victims already identified by the police. As an example, in a report published in 2010, the UN Office on Drugs and Crime (UNODC) estimated that 84% of victims of human trafficking in Europe were trafficked for the purpose of sexual exploitation. Also, they highlighted that the variety of nationalities among these victims was the highest in the world<sup>[34]</sup>. This issue will be analysed further in the following paragraphs.

### **3.5 International and European Legislation on Human Trafficking**

#### **a) International Legislation**

On this issue, the main international legal instruments are the UN Convention Against Transnational Organized Crime and its supplementary Protocol, the Protocol to prevent, suppress and punish trafficking in persons, especially women and children (the so-called 'Palermo Protocol'). The protocol defines "Trafficking in persons" as follows:

*Art. 3 (a): "[...] the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs"*

In its chapter II, the Protocol establishes the obligations of State Parties to protect the victims of trafficking in persons. Especially relevant on this matter are articles 6 and 7. Article 6.3 states that measures for the physical, psychological, and social recovery of the victims should be provided to the victims, including appropriate housing, legal counselling, or employment opportunities. Article 7 states that signatories should consider adopting legislative or other appropriate measures that permit victims of trafficking to remain in the territory, temporarily or permanently. Although these measures are recommendations for State Parties and they are not obligations, it is a huge step to put forward this kind of provisions in an international legally binding treaty.

#### **b) European Legislation**

At the European level, there are two main legal instruments concerning victims of human trafficking. Firstly, the Council of Europe Convention on Action against Trafficking in Human Beings, which came into force in 2008. It sets a minimum number of measures to ensure the protection of the human rights of victims, the prevention of trafficking and the prosecution of the perpetrators. It is important as it establishes assistance and protection measures regardless of the person's willingness to cooperate in giving evidence against the traffickers, and ensures a residence permit for the victims under some circumstances. But the major strength of this treaty is the establishment of an instrument to monitor the implementation of the States: The Group of Experts on Action Against Human Trafficking - GRETA. The GRETA group reports periodically about the level of achievement of each State in the area of combating trafficking of human beings, including consultations with NGOs and study visits.

Secondly, at the European Union level, Directive 2011/36/EU of the European Parliament and of the Council on preventing and combating trafficking in human beings and protecting its victims is an important instrument in fighting this phenomenon. This comprehensive Directive covers a wide range of areas, from compensation of victims, to reporting or the creation of an EU Anti-trafficking Coordinator. Article 11(5) of the Directive is the only one that addresses the issue of housing for the victims:

*"The assistance and support measures [...] shall include at least standards of living capable of ensuring victims' subsistence through measures such as the provision of appropriate and safe accommodation and material assistance, as well as necessary medical treatment including psychological assistance, counselling and information, and translation and interpretation services where appropriate."*<sup>[35]</sup>

### 3.6 EU Strategy on Victims' Rights (2020-2025)

On 24 June 2020, the European Commission adopted its first-ever EU strategy on victims' rights, for the period 2020-2025. The EU strategy on victim's rights is relevant for our paper because it addresses the vulnerabilities that undocumented persons face when they are victims of crime. The EU strategy includes some specific measures to ensure that undocumented victims can safely report crimes. Indeed, the EC realises that "recent reports show that **victims of crime still cannot fully rely on their rights in the EU**"<sup>[36]</sup>. It is also relevant that particular attention is paid to the victims of gender-based violence: "The EU will do all it can to prevent and combat gender-based violence and to support and protect victims of such crimes."<sup>[37]</sup>

The strategy focuses on two areas: empowering victims of crime and working together for victims' rights. In the first area, the EC would like firstly to improve communication with victims and ensure a safe environment for them to report crimes. This pertains especially to vulnerable communities or minorities, such as LGBTI+, Black, Muslim or Jewish, since several FRA surveys show a considerable level of under-reporting of crime in these cases. This is the case also for victims of sexual or physical abuse, since it is estimated that only one third of those women contact the authorities.<sup>[38]</sup>

Secondly, the strategy stresses the need for more support and protection of the most vulnerable victims. The impact of COVID-19 pandemic on victims of domestic violence who were more exposed to their abusers is also mentioned. To ensure victims are protected even during crisis, the Strategy calls MS to ensure availability of shelters, helplines, psychological aid or counselling, by declaring those services as essential services, for instance.

Also relating to victims of gender-based violence, the Strategy directs particular attention to victims of human trafficking. As mentioned in the Strategy, in the EU, most victims are women and girls, who are trafficked mainly for sexual exploitation.<sup>[39]</sup>

Lastly, it is important to note that the EC underlines that the risk of being deported for irregular migrants when they report a crime to the police may contribute to an under-reporting of crimes by those who do not have a regularised status. On this issue, the Strategy stresses that, under the Victims' Rights Directive, victims' rights shall apply independently of residence status. The document also states that "the Commission will assess legal and practical tools at EU level to improve reporting of crime and access to support services for migrant victims, independently of their residence status".<sup>[40]</sup>

## 4. Main Factors Contributing to Homelessness among Migrant Women

Women accounted for 51.4% of migrants who lived in Europe in 2019<sup>[41]</sup>. While the number of those migrant women who experienced homelessness at some point while residing in the EU is unknown, we do have knowledge on the factors which may contribute to their exclusion from society and which may push them into homelessness. Multiple aspects from women's lives, administrative or personal, amount to their limited access to adequate and safe housing.

The status of migrants can lead to several difficulties related to job insecurity, poor labour conditions, barriers when trying to access services or welfare benefits (from legality, language, etc.), discrimination in the private rental market or barriers to access jobs, such as not having their educational and professional experience recognised formally in the host country. Secondly, vulnerabilities that are gender specific arise, such as domestic violence, financial or administrative dependence on partners, or worse labour conditions than male counterparts. Finally, there are some factors which are a result of the intersection between being a woman and a migrant, like a higher exposure to human trafficking for sexual exploitation or being an undocumented care worker.

In this section of the paper we will provide an analysis of some of the most important factors that have an impact on migrant women's housing situation. They include a **lack of legislative support to accessing housing, gender-based violence combined with a migration status that is dependent on an abusive partner, barriers in reporting abuse to the police, and several forms of economic and social marginalisation.**

### 4.1 Lack of Support Legislation for Access to Housing

#### *a) Access to housing and emergency accommodation for irregular migrants*

**Irregularly residing migrants are significantly over-represented among people sleeping rough<sup>[42]</sup>**; therefore, access to emergency accommodation is crucial for them. There is no common EU legislation to set minimum standards regarding access to shelters in this case. As a result, the level of access substantially differs between Member States and, sometimes, from region to region.

FEANTSA carried out a comparison of national legal frameworks to scope out the level of access to shelters for irregular migrants. Following this analysis among nine Member States, we can state that three do not have specific provisions in national law to indicate whether an irregularly residing migrant has access to publicly funded emergency accommodation. Of the six countries that do have a national framework, four deny access for irregular migrants: Denmark, Italy, Finland, and the United Kingdom. In France and Spain, irregular migrants are entitled to emergency support in accessing housing<sup>[43]</sup>. There are also countries in which it is required to be regularly residing or being registered for social security to be able to have access to homeless shelters. This means that many migrants, because of their migration status, are not entitled to emergency shelters. Many state-run shelters set these conditions for the reimbursement of their services. Some of them are simply at the limit of their capacity and decide to give priority to those who are in possession of a valid residence permit. Shelters which give access to undocumented migrants usually have limited budgets and are based on volunteer work<sup>[44]</sup>.



Irregularly residing migrants are perceived very negatively by society and their pathways and stories of becoming irregular are often omitted from public and political narratives<sup>[45]</sup>. Moreover, there is a clear gender perspective that needs to be considered. Gender vulnerabilities increase the likelihood of migrant women to become undocumented. Many of them arrive in Europe with a regular migration status and as we will explain later in this paper, they become undocumented for reasons that are outside of their control. Those who are undocumented face additional barriers when they want to find accommodation in the private housing market. Because of their irregular status, they have little control over their situation and are often not able to claim their rights in case of exploitation. Consequently, they are relegated to the informal housing market and exposed to exploitation by landlords, who may offer them inadequate dwellings with poor living conditions. It is common to rely on friends and family or to end up in inadequate housing.

In some Member States, national authorities require landlords to check their tenants' immigration status and impose fines or criminal penalties on those renting to undocumented migrants<sup>[46]</sup>. Besides the already mentioned factors, migrants also must deal with the fears of facing a hostile environment. Not only in the labour market, but also in the housing market, where discrimination appears often against people who live in homelessness or have a migrant background<sup>[47]</sup>. A study done in Belgium by Fondation Roi Baudouin based on interviews with women who accessed three homelessness services, **landlord discrimination is one of the barriers mentioned when it comes to accessing housing: either because the potential tenants are beneficiaries of social benefits or for their status as a migrant**. One of the women from the study explained that she no longer makes phone calls for housing announcements because her accent excludes her from the start<sup>[48]</sup>. In Sweden, landlords are free to set their requirements for the new tenants. This can include asking for references, a stable employment record (social security benefits are often not considered as sufficient income) or a proof of positive credit history<sup>[49]</sup>. These conditions, since they are barriers to access affordable and adequate housing, make migrant women more vulnerable to homelessness.

"I left my country because my ex-husband was violent with me and my daughter. Then I travelled all across Europe and arrived in Belgium. Here, I live with a man who does not talk to me nor to my daughter and who is sometimes aggressive. I know it is a bad place for us, but at least we are not on the streets. I try to do my best for my daughter, but it is difficult when you are undocumented. It is always the same problem: I cannot find a public facility willing to host me because I am undocumented, and since I cannot work, I do not have enough money to rent a single room for me and my daughter. Staying with this man is the only option I have."

- Attendee at La Source absi, Brussels

"Since I am undocumented, I am entitled to nothing. Only the shelters of Red Cross and SamuSocial accept undocumented people, but just for one night. Every day you have to call them to know if they will have a bed for you, but you have to call them 200 times because lines are always collapsed... There is not a long-term accommodation option for me at all. How can I plan anything if I don't know whether I will be sleeping on the streets tonight? How will I take care of my daughter? That's why I am living with this man. Despite he is sometimes violent, at least my daughter and I sleep with a roof above our heads."

- Attendee at La Source absi, Brussels

***b) Access to publicly funded shelters for women survivors of domestic violence***

Having access to shelter and support mechanisms is paramount for migrant women who are victims of domestic violence. Shelters that provide not only accommodation, but also specialised support (such as psychological and legal aid) can save their lives. Shelters for women escaping abusive relationships exist but, the conditions to get access to them are not always easy to meet for the victim, especially for those women who are undocumented. As previously mentioned, **legislation in some EU Member States prevents undocumented migrant women from accessing publicly funded homeless services and emergency accommodation**. Many times, structures supporting the rights of undocumented migrants are viewed by the state as encouraging irregular migration<sup>[50]</sup>.

In a report published by PICUM to train women's organisations on supporting undocumented migrants<sup>[51]</sup>, some obstacles were identified regarding access to shelters, advice or other services. Some of them come from legislation, such as laws that directly limit or deny access to these services for undocumented migrant women, or indirectly by restricting funding to women with residence permits only. Other practical obstacles exist as well: poverty, isolation, language, lack of awareness of their rights, lack of legal counsel, etc. However, under the EU Victim's Directive (2012/29/EU), all EU countries (except Denmark) must ensure an individual's protection and safety regardless of migration status. Non-discrimination should be also mandatory in support services, access to protection and participation in their criminal proceedings, especially when those involved are victims of gender-based violence. In practice, national legislation in Member States is often discriminatory, either directly or indirectly, as explained above. Additionally, there are practical obstacles to overcome too (for instance, no interpretation available in the victim's language).

Human Rights Watch research in Belgium indicated that, in some shelters, they often require a financial contribution to their expenses, something that undocumented migrant may not afford, so their access to safe accommodation is prevented<sup>[52]</sup>. Women in this situation become extremely vulnerable and find themselves forced to choose between remaining in an abusive relationship, becoming homeless or living in very poor-quality housing. The only system of support that migrant women can rely on is their social network and on very limited and voluntary support structures which are often private NGOs or charities.

In a quantitative research carried out by the Observatory of SamuSocial in Paris, among the 68 homeless migrant women interviewed, 39 declared not having a valid residence permit. Furthermore, 35% of them found themselves without any kind of housing when they arrived, and directly appealed to emergency accommodation<sup>[53]</sup>. Their situation strongly depends on their migration status which makes them more exposed to a hostile environment. In the UK, those who are not UK citizens cannot access many homelessness services. The "no recourse to public funds"<sup>[54]</sup> is a rule which limits access to state support for those on a spouse dependent visa, visa overstayers and those who are refused asylum. Very few services can cover the housing costs of the stay of people who fall under this regulation; therefore, migrant women are facing huge barriers when accessing an emergency accommodation services. While women on spousal visas can currently apply for the destitute domestic violence (DDV) concession to access financial support, many others (for example those with other kinds of visas, asylum seekers and those with an insecure immigration status) are left with little opportunity to receive support<sup>[55]</sup>. In other countries such as Spain, access to essential services and benefits for foreigners is provided regardless of their administrative status and if an irregularly residing woman declares being a victim of gender-based violence, she can ask for a temporary residence and work authorisation for exceptional circumstances<sup>[56]</sup>.

Women Against Violence Europe (WAVE) has developed **quality standards for women's shelters** based on their rights and needs and on the provision of empowering services. According to these standards, the main aim of

any women's shelter is to support survivors of violence to overcome powerlessness and to empower these women so that they can lead a self-determined life once again<sup>[57]</sup>. Data collected from 46 European countries show that in 2018 there were 1,914 shelters accessible to women survivors of gender-based violence in the 28 EU countries<sup>[58]</sup>. In the WAVE report from 2019 it is shown that in general, in most of the 46 countries studied, accommodation is provided to women victims of domestic violence and specialised support free of charge. ***However, when insufficient beds are available at the shelter, when the shelter is unable to meet the specific needs of a survivor and when the survivor is undocumented or has a precarious migration status, accommodation may be declined.***<sup>[59]</sup> This means that they are failing to address violence and abuse against a big group of women because of their migration status.

WAVE's report also showed that only four (Slovenia, Malta, Latvia and Luxembourg) of the 28 EU countries meet the minimum requirement from the Istanbul Convention to provide at least one shelter bed space for every 10,000 heads of the population<sup>[60]</sup>. **Given this ratio of bed spaces/population, in eight EU countries, up to 50% of shelter places are currently missing** (13 % in Austria, 48% in Belgium, 22 % in Denmark, 43% in Estonia, 23% in Germany, 34% in Portugal, 42% in Spain and 26 % in the United Kingdom). However, the biggest gaps regarding service provision for shelters accessible to women are in European countries outside of the EU, such as Armenia, Azerbaijan, Belarus, Russian Federation and Ukraine, where over 90% of beds are currently missing<sup>[61]</sup>. The WAVE report also mentions that differences exist in the **geographical coverage of services from country to country**. In countries such as Germany, Sweden and Ukraine, women's shelters are available in most cities while Turkey has women's shelters in all cities, Ireland in major cities and in Iceland only in the capital city.

Access to shelter or temporary accommodation is crucial for all women to exit situations of abuse and gender-based violence, and even more so for those who are victims of human trafficking. As is the case for those women who suffer violence from their intimate partners, so too can a fear of rooflessness force victims of human trafficking to remain with the perpetrators. Both the Anti-trafficking Directive and the Victim's Rights Directive include provisions regarding accommodation for victims of trafficking. However, this is not enough. Although it is certainly a strength to make accommodation provision mandatory, **a gender perspective should be considered. To promote a feeling of safety and prevent re-traumatisation, single-gender accommodation is identified as the best practice and, if possible, in shelters run and administered by specialist women's NGOs**<sup>[62]</sup>.

The absence of guidance on gender-specific accommodation is a weakness of both Directives, especially given that the Istanbul convention, the CEDAW (through its General Recommendations) and a study carried out by EC have emphasised its importance<sup>[63]</sup>. Another gap in the Directives is that neither of them consider the risk certain groups of women may face, such as those living in isolated rural areas, disabled women, or mothers of children, including if they are disabled. An example of this weakness is seen in the case *A.T. v Hungary*, which came before the CEDAW Committee. Despite Hungary having met its obligations to provide shelters to victims of domestic violence, A. T. could not access any shelter in the country because none of them were equipped to meet the needs of her disabled child<sup>[64]</sup>.

## 4.2 Gender-based violence and dependent migrant status

### a) Dependent migrant status

Family reunification has been one of the main reasons for immigration into the EU and it accounts for approximately a third of all arrivals of third-country nationals<sup>[65]</sup>. In 2018, family-related motivation was the most common reason for issuing residence permits for migrants in ten Member States and in three of these

— **Belgium, Spain and Italy** — it accounted for more than half of all the permits issued at national level<sup>[66]</sup>. Family-related reasons also accounted for the highest share of permits issued in each of the EFTA countries.<sup>[67]</sup> In 2018, first residence permits issued in the EU-28 granted for family-related reasons accounted for 15.6% of permits issued to women and 12% issued to men. In the same year, the highest number of first residence permits was issued for family-related reasons (915, 000, or 28.4 % of all first permits issued)<sup>[68]</sup>. Germany (191,000), Spain (134,000), Italy (122,000), the United Kingdom (101,000) and France (97,000) were the EU Member States with the highest number of first residence permits for family-related reasons; they accounted for 70% of all residence permits issued in the EU-28 <sup>[69]</sup>.

Despite the lack of comprehensive data on this topic, it is generally reported that men are those who migrate first, and women follow their partners. Hence, husbands are the sponsors of the applications, and more women than men are at risk of suffering from this dependency on the partner. This plays a very important role in the dynamics of the relationship and it is strongly linked with domestic violence and abuse. In cases of domestic violence, abusive partners may use this situation and refuse to apply for residency on their spouse's behalf <sup>[70]</sup>. **In the case of women who join their husbands, sponsorship rules which require spouses to remain in the relationship for a minimum of years before being granted a residency permit might create an unbalanced power dynamic within the couple, which perpetuates harmful patriarchal models of economic and administrative dependence.**

Having a residence permit which is dependent on sustaining a relationship with the partner is one of the main specific reasons why migrant women become homeless. If a woman coming from a third country decides to leave her spouse, she becomes an irregular resident and, in case of lack of resources, could end up in homelessness. This is specially a problem within abusive relationships, where women can be economically dependent as well. As we explain in the legislation chapter, the Family Reunification Directive foresees a right of residence for victims of domestic violence. However, this right is difficult to exercise because of several reasons which we will analyse in the following section.

#### ***b) Gender-based violence and migrant women***

Discrimination and/or violence against women in different forms and circumstances is present across the world. It is also one of the main reasons why women in general become homeless<sup>[71]</sup>. **1 in 3 women cite domestic abuse as the main cause of their homelessness, translating to a 60% citing domestic abuse as one of the causes of their homelessness<sup>[72]</sup>.** While this is not something specific only to migrant women, gender-based violence has a bigger impact on them when it is combined with a dependency on the abuser for regulating their administrative status in a host country. As we show above, many times migrant women are in a position of choosing between living with abuse or living in homelessness.

There are several reasons why migrant women cannot manage to exit an abusive relationship which are related to a lack of access to information, fear of deportation and the absence of safe-reporting mechanisms. **Standards and procedures to prove domestic violence are, in many cases, extremely difficult for the victim to meet and they differ between Member States.** The conditions of eligibility when claiming for an autonomous right of residence for a person who has suffered domestic abuse usually include proof of violence (such as police or medical reports) which are not always easy for the victim to present<sup>[73]</sup>. Women who put forward a complaint of domestic abuse must provide proof of the violence suffered (previous complaints to the police, detailed medical certificates) in a maximum period of three months since they have filed the complaint<sup>[74]</sup>.

Similarly, the condition regarding the **proof of non-dependence on public funds** to obtain autonomous right of residence is problematic for migrant women victims of gender-based violence. Women in this situation are very

often economically dependent on their spouses and after exiting an abusive relationship they need a reasonable period of time in order to recover from violence and find employment so that they can provide for themselves. Sometimes women are also prevented from working or studying by those abusing them. Consequently, the period of three months granted for them to become financially stable is often insufficient. This period should be increased, as asking for support from public funds is not an option. This can be considered a burden on the state's welfare system and, therefore, could lead to an expelling order from the host country. This is the case in Belgium, for example, where those third country nationals married to Belgians or other EU nationals must show they have sufficient means of subsistence and are covered by medical insurance at all times, including when they cannot rely on their spouse for income any more<sup>[75]</sup>. In Belgium, it is possible to sue the Immigration Office to maintain the right of residence in the event of separation when the reunited has been a victim of domestic violence without considering the numbers of years of residence reached<sup>[76]</sup>. To assert this right, women must respond to a letter from the Immigration Office within around two weeks, which can be considered a relatively short time. In these situations, it is not uncommon for people to not have a fixed address and be residing in emergency shelters, a friend's place or subletting a room. Therefore, in practice it can be very difficult for some to respond to the letter from the Immigration Office and their access to maintaining the residence right can be substantially diminished.

Another indication that this kind of permit might be underused relies on the number of requests. According to CIRÉ and data from the Immigration Office from February 2019, 58 requests to maintain the right of residence on the grounds of family violence were submitted during 2018 in Belgium<sup>[77]</sup>. Given the estimations from EIGE regarding violence from intimate partners, 58 requests might be a low number. To illustrate this, there is available data from 2012. That year, the EIGE estimated that 4.4% of Belgian women had suffered physical and/or sexual violence from their current partner<sup>[78]</sup>. In this country in 2012, 7,825 (approximately) first permits for family reasons were issued to women over 19 years old<sup>[79]</sup>. This would mean that around 344 (4.4% out of 7,825) third-country women coming with family reunification could be possibly suffering physical and/or sexual violence from their spouses. This number is six times higher than the 58 requests stated previously. Even though the available data is not enough to draw solid conclusions on this issue, the existing gap might be an indication that few women who are suffering violence from their intimate partner and who came through family reunification request an independent residence permit.

In a report from 2016, CIRÉ explains that there are also **cases in which victims arrive to Belgium and are kidnapped, isolated and have their documents confiscated by the abusers**. Consequently, they do not have access to the administrative procedures, and they depend totally on their spouse<sup>[80]</sup>. As PICUM relates in its latest report regarding residence permits for victims of crime in Europe, one of the main legislative issues in Belgium is that *the protection clauses do not protect all victims of domestic violence*<sup>[81]</sup>. Belgian law excludes migrants whose request for family reunification has not yet been introduced (for example, those who came with a visa for marriage), whose request is unresolved and those who joined a spouse with a temporary residence permit.

In Germany, migrant women who are victims of domestic violence can get a one-year autonomous residence in case of "particular hardships". Being a victim of domestic violence is considered as such. The main problem is that after one year, the extension of the residence permit may be refused. After this time, the victim must prove that she has been learning German, applying for jobs and is not dependent on social benefits<sup>[82]</sup>. If that is not the case, migrant women have lower chances to get their permit prolonged<sup>[83]</sup>. Reducing violence against migrant women and creating mechanisms of support for survivors is therefore crucial to prevent homelessness among this specific group. In many cases, migrant women become undocumented and face multiple discrimination from a legal, societal, and economic point of view because of their gender, foreign origin and irregular status. Member States must do everything possible to prevent migrant women who suffered from gender-based violence ending up in this situation.



"I had a forced marriage at Morocco when I was 15. I got pregnant and, after some years of extreme violence, I took the courage and ran away from the country with my son. In Belgium, I met another man who was very respectful at the beginning. But later on, he started being violent with me and, when he knew that I was pregnant with a girl, he disappeared. After giving birth to my daughter, he appeared again and wanted to take my daughter away from me. Now I have to stay with him despite his violence because he is the only option I have to obtain a residence permit."

- Attendee at La Source absi, Brussels

### c) *Main barriers to reporting*

#### *Fear of repercussions*

The dependence on the partner is very high and has a huge negative impact on women's lives when they are experiencing gender-based violence. There are many fears that prevent migrant women from reporting and escaping unsafe situations. Leaving an abusive relationship has implications going further than losing their houses. Difficulties in accessing welfare benefits, struggling to get a job or lack of resources are consequences that can follow.

Several organisations working with women who hold an insecure immigrant status and who have experienced violence conducted a study in 2019 within the Step Up Migrant Women Campaign in London. The results of this study show that 54% of the women interviewed stated their perpetrator had told them they would lose their visa if they reported him. Also, **more than half of the women feared that they would not be believed by the police because of their insecure status** (54%). More than half felt that the police or the Home Office would support the perpetrator over them (52%). Likewise, **the most cited factor preventing migrant women from reporting violence against women and girls was fear of deportation**. Among the women who reported their abuse to the police 18% were arrested for immigration issues as a result of reporting<sup>[84]</sup>. Human Rights Watch documented cases in which women who came to Belgium from outside the EU through family reunification received an order of expulsion after they left the abusive partner<sup>[85]</sup>. Abusers use the immigration status as a form of coercive control, threatening to inform the authorities or withholding documentation with regards to their condition.

In Ireland, a biographical study written by the School of Social Work and Social Policy and Children's Research Centre at Trinity College Dublin and involving 60 homeless women included a subsample of migrant women<sup>[86]</sup>. One of the findings from the analysis of the stories of the homeless migrant women is that more than 76% of them had experienced violence or abuse in the context of an intimate partner relationship<sup>[87]</sup>. Women are exposed to different forms of abuse: mental, physical, sexual, economic and material, and in several cases, they are exposed to more than one form of violence at the same time. For migrant women, the effect of the violence is reinforced by the fact that many times **the perpetrator represents at the same time the gate to public authorities, and in some cases has control over the woman's ID as well as bank account**. Abusers are known to use control of money as part of their abusive strategies and manipulate migrant women's dependence. This

coupled with factors such as isolation, language difficulties and lack of knowledge about opportunities for help and rights, make it very difficult for migrant women to get out of unsafe situations.

An additional barrier to report could come from civil servants, too. Employees working in processing undocumented women's claims for residency relief may be influenced by their irregular status. In some cases, **discrimination and bias from staff may lead to suspicions that women claim for domestic violence relief to take advantage of the legislative framework and obtain residency**<sup>[88]</sup>. It is crucial that service providers are aware of all the protection services and procedures with regards to migrant women who are victims of domestic violence. They play an essential role in supporting, protecting and empowering women to take informed decisions about leaving violent domestic situations.

#### *Influence from national or family background*

Domestic violence is an often-taboo issue within some migrant communities and, in general, migrant women tend to hide this situation. **They might feel anxious about approaching homeless or domestic violence services and are confused about their residency rights.** Some women come from countries with male-dominated cultures and traditional gender roles where domestic violence does not have the same legal and cultural consequences. **In these types of communities, abuse may be considered a 'private' matter that should not be addressed outside of the family.** It is therefore crucial and an essential first step towards preventing and resisting gender-based violence that they are well informed about their rights<sup>[89]</sup>.

Homeless women are very much blamed for their situation and they often carry multiple stigmas that makes them afraid of seeking help. The fear of being judged is a pressure that affects especially migrant women; the loss of the respect of their families and the loss of their social network from their countries mean they are at a higher risk of exploitation and become more vulnerable. **Women's experiences in their origin countries influence their perceptions and responses to domestic violence.** The concern for the loss of respect of their relatives from the country of origin is mentioned in some studies such *The right to be believed* conducted within the campaign Step Up Migrant Women established by the Latin American Women's Rights Service (LAWRS). In this report, migrant women claimed that a significant part of the psychological violence experienced was related to the honour-based violence and harmful practices<sup>[90]</sup>. This kind of violence takes place in the framework of a patriarchal family, and its primary justification is the protection of a value system based on norms and traditions concerned with "honour". Issues of shame and honour in specific communities may prevent women experiencing domestic violence from seeking help.

At the same time, studies carried out in Barcelona for example, demonstrated how the need to break with the common spaces and social networks when escaping from an abusive relationship has a huge impact on women's lives. They often find themselves obliged to change the places they usually go to in order to avoid the contact with the abusive partner<sup>[91]</sup>.

### **4.3 Economic and/or Social Marginalisation**

#### **a) Hindered access to (suitable) jobs**

A lack of access to the labour market affects the chances that migrant women have in achieving financial independence. When being in a new country, migrants need to integrate into the new host societies. The labour market is disadvantageous to migrants in general, but particularly for migrant women, whose employment rate is lower than that of women born in that country<sup>[92]</sup>.



Having a good knowledge of the new country's language and accessing its labour market are two key steps of the integration process. Migrant women encounter these obstacles as migrant, while other obstacles are specific to them as women, such as childcare obligations and/or traditional gender roles. These two disadvantages are consistently confirmed by research in the field.<sup>[93]</sup> Consequently, they have worse employment outcomes in comparison with both migrant men and native-born women. But also, in addition, some unfavourable labour market conditions can in part be explained by legal barriers: spouses admitted under family reunification schemes are legally restricted to access the new country's labour market for as long as a year, in some cases<sup>[94]</sup>. Considering that in 2018, just 324,911 first residence permits were issued in 23 EU Member States<sup>[95]</sup> to women on the grounds of family reunification, it is not surprising that this legal barrier has a serious impact on the access to labour market for migrant women.

**Migrant women have limited language proficiency and benefit less from skills assessment, retraining measures, and other integration programmes<sup>[96]</sup>.** This makes them more dependent on the income of their spouse or family members. Thus, they have a higher difficulty accessing the labour market and are **more likely to be employed in insecure and part-time jobs with low salaries and poor working conditions**. Consequently, they have limited access to their rights and protection and they often accept jobs for which they are overqualified. Still nowadays, despite women's rising educational levels and their progressive entry into the labour market, gender segregation is very present in the patterns across Europe<sup>[97]</sup>. It is even more accentuated when it comes to migrant women who - despite having a third-level education attainment rate similar to that of native-born women and migrant men - are more likely to be over-qualified for their job and less likely to be in employment. According to the European Web Site on Integration, **54% of women born outside the EU are employed, which is 14 percentage points less than native women and 19 percentage points less than men born outside the EU<sup>[98]</sup>**. Migrant women are usually confronted with lack of documentation of their education and work experience as well as several difficulties getting their skills recognised. Women in developing countries are more likely than men to have skills that are not formally certified by diplomas. According to the same statistics, **40% of tertiary educated women from non-EU countries are overqualified for their position, compared to 33% of men born outside the EU and 23% of native-born women and 20.5% of native-born men<sup>[99]</sup>**.

Migrant women may experience high levels of poverty and social exclusion despite their high level of education. The gap between the share of employed non-EU women and that of women born in the EU is 8 percentage points larger than the gap among men. This means that **migrant women represent an untapped and under-utilised source of skills, and that their potential is not fully employed<sup>[100]</sup>**. The barriers migrant women face are usually related to their immigration status. While migrant men usually arrive alone, women more often join as a family member, at a later stage, as we have shown in this paper. In this context, migrant women who applied for family reunification are not targeted by integration policies on an individual basis but on their family status<sup>[101]</sup>. **The European Court of Auditors reported that many Member States lack policies that are specifically addressed to migrant women<sup>[102]</sup>**. The EU Fundamental Rights Agency's (FRA) research also reported little evidence of strategies and action plans which are particularly focused on women or gender issues. An FRA report from 2017 mentioned that migrant women usually face discrimination in several areas of their lives including access to employment, education and healthcare<sup>[103]</sup>. Moreover, **they usually find themselves trying to juggle between their needs to learn the host country language and engage in integration activities and their family and childcare responsibilities**. It is often the case that migrant women are not able to begin language courses or employment-related integration activities until they are settled in the country and have found alternative care options for family members.<sup>[104]</sup>

"It is very difficult for undocumented women like me to get a job, not many employers will risk being in trouble with the police... Before the COVID outbreak, I was cleaning in a café, but now I have nothing... And I am entitled to nothing because I am undocumented and I've been working without a formal contract. Only the health emergency ["Aide Médicale Urgente"] and a check of €600 that CPAS ["Centre Publique d'Action Sociale"] gave in March due to the pandemic. And not having any support for conciliation makes it even more complicated, I have to take care of my daughter too. I don't ask for too much, just 4 hours/day while my daughter is at school would be good, but it is almost impossible for me to get a job. My daughter and I are not living, we are just surviving. They should change the laws..."

- Attendee at La Source absl, Brussels

Another barrier to accessing employment for migrant women is related to the attitudes towards working women in the societies where they come from. In many countries of origin, gender inequality is higher compared to the countries of destination and therefore the roles that women are allowed to occupy in everyday life can be limited, bringing negative perceptions on female employment among the migrant communities.

### ***b) Domestic workers***

The International Labour Organisation (ILO) estimates that there are 67.1 million domestic workers in the world. Among these, 11.5 million are international migrants, which represent 17.2% of all domestic workers. **About 74% (or around 8.5 million) of all migrant domestic workers are women**<sup>[105]</sup>. While for many women who migrate, domestic work may not be their first choice, they end up in the sector because there is an increasing demand in higher income countries and no specific certificates are required when applying for domestic work, therefore they are easy to access. Many migrant women in the sector might be overqualified as we showed above, as a result of poor access to the job market and discrimination.

The main factors that create the demand for migrant domestic workers in Europe are: an active policy of encouraging women to integrate into the labour market, ageing, longevity, and the downsizing of the welfare system together with the commodification and marketisation of care work<sup>[106]</sup>. One of the main problems that domestic workers face is that **housing may be tied to employment**. This is confirmed in FRA's report from 2019, where **more than half of the interviewees mentioned housing as a problem, as they lived either at the workplace or in the employer's home**<sup>[107]</sup>. Consequently, they rely on their employer for both employment and housing, which makes them particularly vulnerable to improper housing and even homelessness. This situation has worsened lately: because of the pandemic domestic workers were more exposed to having their contracts terminated and consequently being rendered homeless<sup>[108]</sup>. Migrants, and particularly those who are irregularly residing, may face additional barriers when accessing justice or reporting in the case of abuse. Due to the isolated nature of migrant domestic worker's living and working conditions, they tend to have a limited support network and are often unaware of their rights<sup>[109]</sup>. Domestic work takes place in the private sphere and this group of workers is considered one of the least protected groups of workers under international labour laws, because of the absence of recognition of domestic workers' labour rights by the MS or, in the case these rights exist in legislation, a lack of monitoring mechanisms.

Migrant women who work in personal and household services are specifically vulnerable to gender-based forms of discrimination and violence. They are often not aware of their rights and suffer from very poor working conditions such as long working hours, low salaries or no sick or annual leave. In many cases, the irregular migration status pushes them into precarious jobs in the informal economy where they are less protected in the case of employment abuse. **FRA reported in 2019 that 57% of 237 migrant workers interviewed did not report labour exploitation to the police for fear of losing their jobs, being arrested or deported**<sup>[110]</sup>. It is common that third-country national domestic worker's visas are tied to one specific employer. Consequently, domestic workers often endure exploitative working conditions in order to keep the job which allows them to be regularly residing in the country.

Another problem identified in FRA's study is connected to a lack of labour inspection in the domestic work sector, which exacerbates the social isolation of people living in private homes and without any co-workers. **Work contracts did not exist in approximately half of the cases and**, when there were contracts, in several cases workers were not able to understand them because of language barriers<sup>[111]</sup>. Another relevant information is that **almost two thirds of the interviewees recruited via agencies were later recognised as victims of trafficking in human beings**<sup>[112]</sup>.

### **c) Sex workers**

Migrant sex workers are an extremely marginalised group because of the nature of their job, which exposes them to dangerous situations and to exclusion from society. Moreover, street-based sex workers are one of the most excluded groups among the homeless population<sup>[113]</sup>. Housing is a significant challenge especially for migrant sex workers who often struggle to reside regularly. **In Spain, migrant sex workers reported homelessness as a chronic problem within the community**<sup>[114]</sup>. In England, a study that investigated the experiences of a group of street-based female sex workers revealed that homelessness was a recurrent issue in their lives<sup>[115]</sup>.

Besides the hidden nature of their work, they often face barriers such as lack of language skills, exclusion from social benefits, little to no access to healthcare or lack of knowledge of the national system and their rights. They also encounter barriers when accessing housing because of discrimination, as **landlords often refuse to have migrant sex workers as tenants**. Sex work is still unrecognised and often criminalised in many Member States, as shown in our legislation chapter. This situation keeps sex workers in a constant state of precariousness<sup>[116]</sup>. **Migrant sex workers are estimated to account for more than 65% of the sex worker population in Western Europe and 16-17% in Central Europe**<sup>[117]</sup>. They are a strongly stigmatised group who often encounter struggles to reside and work legally. The Global Network of Sex Work Project (NSWP) states that **"even in countries where sex work is not criminalised, immigration law remains the single largest obstacle to legal residency, which is crucial for accessing basic rights"**.<sup>[118]</sup>

The main reasons for migrating reported by migrant sex workers are related to escaping from punitive laws, stigma and discrimination and to pursue higher incomes and better living standards. **In Spain, 90% of sex workers interviewed by NSWP reported that their main reason for migration was to have better living conditions and, many of them were sending money to their families and children in their countries of origin.**<sup>[119]</sup> The criminalisation of sex work in their home countries is also one of the reasons why sex workers migrate, as stated in the same report.

Migrant sex workers have lower chances of receiving a residence permit and they are often undocumented. Consequently, even though they may have access to some charity or private facilities, their access to publicly funded services is limited, since they are not always recognised as right bearers. Being undocumented means

they are often excluded from state-funded housing support and emergency services. Therefore, they find themselves living in precarious living conditions, overpriced accommodation and at risk of homelessness. Moreover, when sex workers live together for safety concerns and to share costs, police might interpret this as a sign of trafficking and start investigations which can lead to deportation. This happens also when fellow sex workers try to provide help to newly arriving migrant sex workers, which can be interpreted as facilitation of irregular entry <sup>[120]</sup>.

Despite the lack of data on the connection between sex workers in Europe and human trafficking, there are some estimates on the number of victims of human trafficking who are forced into sexual exploitation. These may vary from 60% to 84% in Europe <sup>[121]</sup>, of which 92% are women and girls <sup>[122]</sup>. This is a form of gender-based violence that disproportionately affects women, and a clear example that sex work and human trafficking are extremely intertwined with socially constructed gender roles.

Human trafficking for the purpose of sexual exploitation is far from disappearing in Europe: between 2003 and 2007, only 26% of countries considered there was a decreasing trend in this crime in their country <sup>[123]</sup>. There is also a struggle in detecting the victims of trafficking, which makes it even more difficult to grasp the actual number of victims. For instance, the ILO estimated that in 2005, there were 279,000 victims trafficked for all purposes in Europe and North America. However, in 2006, there were 7,300 victims detected in Western and Central Europe <sup>[124]</sup>. Regarding the countries of origin of the detected victims of human trafficking, around 50% may come from countries in the European Union <sup>[125]</sup>, but again this number may accurately capture reality, since the detected victims are a small portion of the estimated number of victims.

As an example of how legislation applies in the lives of victims of human trafficking, the case of Germany can be shown. In this country, once victims of human trafficking make their first statement to authorities, they are given up to 6 months to decide if they want to report to the police or not. This period is called the stabilisation and reflection time. Meanwhile, they receive the same help and access to services (like housing) as asylum seekers. After these months, if the woman does not want to report to the police, the authorities see no reason for her to stay and send a deportation order. If a woman reports, she is granted a permit at least until the trial is finished. Some organisations complain that this procedure focuses too much on criminalising the perpetrator and not enough on supporting victims <sup>[126]</sup>.

## 5. Good Practices in Securing Access to Housing for Migrant Women

Financial resources from state budget dedicated to support housing for migrants - especially for undocumented migrants, as explained above - are lacking. Shelters who provide services for the homeless do not have this opportunity for funding. Additionally, there is **a lack of specialised shelters that meet the needs of undocumented migrant women**. However, some good practices exist across the EU and we find it useful to present an overview of these services. Across the EU there are multiple examples of housing provision for migrant women, even if they are undocumented, and the ones in this chapter are just a few success stories. We would have liked to include more, but the aim of this chapter is to present an overview of the existing possibilities.

For example, Finland, Italy and Turkey are some of the few countries in Europe that have specific shelters for migrant women. North Macedonia has a shelter for migrant women survivors of violence and Spain has residential services for migrants and asylum-seekers<sup>[127]</sup>. In Slovenia, undocumented migrant women have access to women-only shelters. The feminist women's shelters in Belgium covering Brussels and Wallonia have emergency funds to provide accommodation to survivors of gender-based violence without income, including undocumented migrants<sup>[128]</sup>.

In the Netherlands, the Benefits Scheme for Certain Categories of Foreigners (Regeling verstrekkingen bepaalde categorieën vreemdelingen –Rvb) reimburses shelters hosting undocumented women victims of gender-based violence or provides a monthly income to them. However, the fund only applies if women have submitted an application for residence on grounds of domestic violence, if they are able to prove it and if they are witnesses in court cases related to trafficking, domestic violence or “honour” crimes<sup>[129]</sup>.

A similar project runs in the UK, the Sojourner Project. Established in 2009 following demands from women's and migrants' organisations, this is a government fund to reimburse shelters for those women victims of domestic violence with “No Recourse to Public Funds”. This fund is only available for women who previously held a spouse-dependent visa and apply for an Indefinite Leave to Remain (ILR). As such, the fund is available only for 40 days, of which 20 to apply to ILR and 20 for authorities to review their application<sup>[130]</sup>. Also in the UK, the women's organisation Southall Black Sisters was awarded a grant in 2017 to establish a pilot project to provide temporary housing and subsistence funding to women with No Recourse to Public Funds<sup>[131]</sup>.

In national legislation, the case of the Spanish Organic Law 2/2009 is a good practice. Art. 14(3) says: “Foreigners are entitled to basic services and welfare benefits regardless of their administrative status”<sup>[132]</sup>. Services for women victims of gender-based violence are considered as basic services and, as such, they are accessible to undocumented migrant women.

In other cases, local authorities cover the gap left for undocumented women by national governments. For example, Gothenburg (Sweden) has reimbursed since 2011 all services dealing with undocumented migrants, either in state-funded emergency shelters or in shelters financially supported by the city.<sup>[133]</sup> With this measure, shelters and other organisations working with undocumented women who are victims of gender-based violence do not need to discriminate on the basis of administrative status. In Utrecht (Netherlands), a similar project is funded by the city council.

Barcelona city council has opened in September 2020 its first women-only shelter providing long-term

accommodation. Currently most of the users of the centre La Llabor come from outside the EU, though it is not intended specifically to host migrant women. Among them, there are some undocumented women, too<sup>[134]</sup>.

Apart from those resources made available by public authorities, there are other resources run by civil society organisations which can specifically attend migrant women in homelessness.

In Finland, the women's federation Monika offers specialised services for women with immigrant backgrounds<sup>[135]</sup>. The three main services they provide are: a crisis centre, a shelter and an integration centre. The crisis centre offers crisis aid, psychological support, service guidance, etc. to women who have experienced violence or threats of violence, regardless of their origin or immigration status. In fact, it is available in seven languages. The shelter provides short-term accommodation for victims of domestic and gender-based violence, as well as some support services. Again, it is offered in up to eleven languages to cater for non-Finnish women. Lastly, the integration services are intended specifically for women with immigration backgrounds (although support is offered in Finnish as well) and they consist of individual guidance, group activities and mentoring to make integration and job seeking easier. The integration services are offered in eight different languages.

In Denmark, the organisation Reden International<sup>[136]</sup> together with KFUK social work, offers various services to both Danish and foreign women victims of domestic or gender-based violence: shelters, crisis hotlines, support and guidance from professionals and social workers, etc. Among them, the Social Work Crisis Centre is open to Danish and foreign women who have experienced severe violence. They can bring their children to the shelter too. This centre has a special focus on women subjected to prostitution-related violence, including physical violence, sexual assault, rape or harassment.

In the UK, the Street Legal project tackles rough sleeping by linking specialist immigration advisers with homeless outreach professionals in London. It provides immigration advice and accommodation (where possible) for homeless migrants coming from outside the EEA. This project is a partnership between Praxis Community Projects, Refugee Action and St Mungo's and, though it is not designed to host exclusively migrant women, they also can access this project<sup>[137]</sup>.

Another example of an organization working with migrant women in homelessness or at risk of becoming homeless is the organization "Ban Ying", in Berlin (Germany)<sup>[138]</sup>. As they received a fixed amount of money from public authorities, their shelter is accessible to any migrant woman no matter their administrative status. They receive women coming from multiple backgrounds: care workers, women working in restaurants, victims of human trafficking, victims of domestic violence, women experiencing violence during their migration process, etc. Most of their users come from East Asia and Africa, but the shelter is open to any migrant women regardless of their nationality. They report that most of the women hosted have experienced other forms of homelessness before arriving at their organisation, like staying in a friend's place or in an insecure dwelling, while rooflessness remains secondary. This is in line with the existing research on women's homelessness, as stated in the introduction of this paper.



## 6. Covid-19

At the moment of finalising this paper the second wave of the coronavirus pandemic had started, with higher infection levels occurring globally and many countries closing down for the second time in 2020. Therefore, it is premature to draw conclusions on how COVID-19 has affected the homeless population across the EU, migrant women included, or how the virus has made migrant women more vulnerable to homelessness. However, some information has been collected and is available to present a first overview of the impact of COVID 19 on migrant women.

Lockdown and quarantine have put victims of gender-based violence who suffered abuse from their intimate partners at an even greater risk as they were obliged to remain locked inside with the abuser. The Office of the High Commissioner on Human Rights (UN) published guidance in April 2020 highlighting the threat of the pandemic for these women and identifying best practices in supporting them<sup>[139]</sup>. This guidance also stated that migrant women may face particular hardships resulting from COVID-related restrictions. This is the case for migrant domestic workers, even more if they have an irregular status. There are reports of employers demanding domestic workers to do tasks outside their homes (grocery, running errands, etc.), which puts them at a higher risk of infection.

The European Women's Lobby also highlighted the need to put gender equality at the centre of the response to the COVID-19 pandemic. Particularly, it demanded that states focus on 5 different groups of women "who are made vulnerable by our system"<sup>[140]</sup>: those who are the sole caretaker of their household, those at risk of intimate partner violence or sexual exploitation, those who are living in facilities where self-isolation is not possible (shelters, asylum seeking camps, etc.), those who may already be experiencing exclusion (Roma women, migrant women, homeless women, women with disabilities, etc.) and those women who require care and assistance. As seen previously, very often the migrant population are afraid to reach out to healthcare providers or social services, because of stigma, fear of deportation or other barriers such as language or registration. These obstacles can be a threat not only to their health during the pandemic, but also to public health. The same policy brief also shows that some solutions are possible: in Ireland, the government has promised healthcare and income support to all undocumented migrants if they need it<sup>[141]</sup>.

During Denmark's annual integration meeting, Professor Marie Nørredam from Copenhagen University argued that the virus has affected migrant and minority groups far more than Danish people for the following reasons: firstly, because they are more likely to work in sectors with high exposure to the virus; secondly, migrants are more likely to live in small dwellings (for example, flats instead of houses) with their extended family sometimes; thirdly, they suffer more often from chronic diseases, such as diabetes or heart problems.<sup>[142]</sup>

Also in Denmark, the Red Cross clinics report that migrant population is more vulnerable to coronavirus, including migrant women:

"Some [immigrants] have poor access to healthcare and poor health conditions. Several immigrant women are employed in nursing homes where protective equipment was scarce. Others are employed in supermarkets where they encounter many people. [...] Additionally, many immigrant families live in small, overcrowded apartments with little space to isolate themselves from the rest of the family."<sup>[143]</sup>

The same report also highlights the absence of a plan from Danish authorities to address homeless migrants during coronavirus, neither for the first wave nor for the second one.



In the UK, women with black and minority ethnic background have been disproportionately impacted by the pandemic<sup>[145]</sup>. Rates of domestic violence have escalated and a lack of access to refuge spaces for women with black and minority ethnic backgrounds or for those with the “No Recourse to Public Fund” condition has forced many to choose between rooflessness or their abusive partners. Research has found that black and minority ethnic background women in the UK suffer discrimination and re-victimisation throughout their housing journey, from leaving their abusers to even after being re-housed. Also, for them this journey is slower than for white British women experiencing gender-based violence. Factors like immigration status, language ability or racism can make these women “wait unreasonable lengths of time for responses and decisions, provided with misleading information or are wrongly assessed. [...] As a result, many are forced to live in inadequate, unsafe or temporary accommodation or areas for longer periods”<sup>[146]</sup>. This is even more serious in the context of a lockdown, proving that COVID-19 may become lethal for black and minority ethnic background women.

Regarding access to healthcare for migrant and refugee populations in Europe, the Regional Director of the WHO Europe warned about the great vulnerabilities of these groups during the pandemic<sup>[147]</sup>. In an article published in The Lancet, he argues that “evidence shows that this vulnerable population has a low risk of transmitting communicable diseases to host populations in general”, but overcrowded facilities without basic sanitation may put refugees at more risk. The author is very critical towards refugee camps in particular, given the overcrowded conditions, shortages of medicines, lack of healthcare facilities, absence of basic amenities such as clean running water and soap, difficulties in maintaining social distancing and hand hygiene or several administrative, financial, legal and language barriers. The article also states that **COVID-19 may exacerbate existing vulnerabilities for migrants and refugees** as they are over-represented among the homeless population in most Member States. Some were also rendered homeless amid the first wave of the pandemic, as it happened in May 2020 in Greece. The government of this country sent eviction orders to refugee camps in order to move those who had been granted international protection out of the camps and create space for asylum seekers. However, little support was given to them, so after leaving the camps they were forced to live in the streets<sup>[148]</sup>. Finally, the Regional Director of the WHO Europe stated that “Refugees and migrants must be included in national public health systems, with no risk of financial or legal consequences for them. This approach is of the utmost importance, as there can be no public health without refugee and migrant health”<sup>[149]</sup>.

## 7. Conclusions and recommendations

Homelessness among migrant women in the EU is a reality that needs to be better documented and addressed by both Member States and the European Commission. After careful consideration of the relevant legislation and after having consultations with professionals working to support migrant women as service providers or through advocacy, we conclude that there is a need to collect comprehensive data on their needs and experiences. As quantitative studies might be difficult to engage with, for a better picture of the life conditions of migrant women in the EU, qualitative studies can be carried out. Furthermore, this information should then be utilised to improve policies and legislation, to allow for better support for migrant women who are at risk of or experiencing poor housing and homelessness within the EU.

We have seen that at the level of 2019, women accounted for 51.4% of migrants who lived in Europe. Some came as migrant workers, such as domestic workers, others came under the family reunification framework, joining a partner/spouse while there are also situations of women from third countries who are exploited and trafficked into the EU. Among these migrant women, several challenges to inclusion can be observed, depending (among other factors) on their administrative status, personal experiences, the way they entered the EU and what support network they have in the new host state. These aspects of women's lives can eventually push them into unsafe housing situations or to sleeping rough.

In this paper, we identify as main factors that can push migrant women into homelessness the **a) lack of legislative support to accessing housing, b) gender-based violence combined with a dependent migration status on an abusive partner** and **c) several forms of economic and social marginalisation**.

Access to housing for migrants is hindered by more general obstacles, such as the lack of affordable housing within the EU, but also specific obstacles that have to do with communication, as it might be hard to find a common language to communicate with landlords or other services. Discrimination is also an important barrier, as it is increasingly affecting migrants, including refugees, asylum seekers and women. Accessing housing for irregular migrants is particularly problematic and legislation regulating this across the MS is different. According to an analysis prepared by FEANTSA in 2019 across nine MS, three of these MS do not have specific provisions in national law to indicate whether an irregularly residing migrant has access to publicly funded emergency accommodation. Of the six countries that do have a national framework, four deny access for irregular migrants (Denmark, Italy, Finland, and the United Kingdom) while France and Spain allow irregular migrants to access emergency support in accessing housing. Since access to emergency shelter is connected to regular residency, many migrants, because of their migration status, are not entitled to emergency shelters. This legislation affects particularly migrant women who have an irregular status in MS and who may experience also other practical obstacles in accessing housing, such as poverty, isolation, language, lack of awareness of their rights, lack of legal counsel, etc. Furthermore, access to safe housing for migrant women who are victims of gender-based violence or other type of abuse (e.g.: human trafficking) is problematic, as women are required to fulfil conditions that are hard to meet and the migration aspect is not always considered in the formulation of policies which aim at securing housing for women victims. A first step has been taken in the European Strategy for Victim's Rights adopted this year by the EC, where undocumented migrants are included as a specific focus in securing that victims have access to safe shelter: "rights shall apply to victims in a non-discriminatory manner, independently of their residence status". Combined with the focus on victims of gender-based violence of the new strategy, we hope this will lead to better support measures for migrant women implemented by MS in the field.

When migrant women are victims of gender-based violence their access to justice and support measures is also

difficult to realise. As many of them have joined their partner for the purpose of family reunification, they find themselves in a dependency situation and migrant women are definitely more exposed to vulnerability as they are often in a situation where they have to choose between living with abuse or becoming homeless and irregular. We also identify that migrant women suffering from gender-based violence face different barriers to non-migrant women in reporting to the police. They fear repercussions that reporting might bring, such as not being believed by the police because of their insecure status. Discrimination and bias on the part of police or social services staff may lead to suspicions that women claim for domestic violence relief to take advantage of the legislative framework to obtain residency and in general the fear of being issued a deportation order (as explained, because of their dependency on their partner's residence permit). Even when migrant women decide to report domestic abuse, they are faced with other challenges that might lead to the same unwanted result – deportation or losing residence permit and becoming irregular. The conditions for eligibility when claiming an autonomous right of residence on the grounds of domestic abuse include proof of violence (such as police or medical reports), which is not always easy for victims to present. The support system for victims is also limited to a specific period of time, too short for a woman who is a migrant and who has experienced trauma for a long period of time to be able to fully recover and become financially independent. After this period, they need to show proof that they do not depend on public funds to obtain autonomous right of residence, which is problematic for migrant women victims of gender-based violence in such a short time.

Other types of factors that affect migrant women and obstruct them from obtaining financial independence and a regular status are related to exclusion on economic grounds and social marginalisation. A lack of access to suitable jobs is observed in the case of migrant women, as many times they are overqualified for the jobs they can access, and their education or experience cannot be easily recognised in a host MS. Other barriers are derived from the responsibilities that migrant women have at home, such as caring for children or for the household. Migrant women's domestic workload can sometimes be informed by traditional views of the working woman. This might impede migrant women in accessing language education or programmes that would ease their access to the labour market. Furthermore, legislative restrictions are also an important factor as spouses admitted under family reunification schemes legally have their access to the new country's labour market restricted for as long as a year, in some cases. For women who work in specific areas such as the domestic workers, where about 74% of all migrant workers are women, one of the main problems they face is that housing may be tied to employment.

All these factors make people dependent on their employer for both employment and housing, which makes them particularly vulnerable to improper housing and even homelessness. Migrant women who work in personal and household services are specifically vulnerable to gender-based forms of discrimination and violence. They are often not aware of their rights and suffer from very poor working conditions such as long working hours, low salaries or no sick or annual leave. Even if they might be overqualified for this work, they are pushed into accepting it, as a result of poor access to the job market and discrimination. Problems with informal work are also signalled in this area, as well as a high level of human trafficking. People are being trafficked to the EU from third countries also for the purpose of sex work. Migrant sex workers are an extremely marginalised group because of the nature of their job, which exposes them to dangerous situations and to exclusion from society. Moreover, street-based sex workers are one of the most excluded groups among the homeless population. Problems with a short period for stabilisation and a lack of a support system for a longer period of time which focuses on the victim are also flagged by organisations active in this field.

For the purpose of improving support mechanisms and legislation in order to prevent migrant women from becoming homeless and helping them to exit vulnerable situations, FEANTSA formulates the following recommendations for the European Commission and Member States:

### *Access to housing*

1. The European Commission should ensure that a common framework providing a minimum set of rights, including access to shelter for all regardless of the administrative status, is adopted by all Member States. Access to adequate and safe housing as a universal human right should be ensured for migrants within the EU at all times, as homelessness is a social policy priority of the EU, notably in the context of the European Pillar of Social Rights (priority 19) and part of the commitment to “leave no one behind” in the context of the 2030 sustainable development agenda.
2. Member States should develop mechanisms through which access to emergency accommodation for all migrants, regardless their administrative status, is ensured. MS should work with authorities and NGOs at national, regional and local level to make sure that everyone has access to safe housing and to avoid criminalisation of those actors in civil society who provide humanitarian support for migrants.
3. We recommend that the EC improve its treatment of gender-related issues of housing insecurity, homelessness, access to the labour market and recognition of skills. All EU policies meant to increase the level of integration for third-country nationals should include a gender-based perspective to allow for a better integration of migrant women.
4. Both the EC and MS should support civil society organisations working for the right to housing and women’s and migrants’ rights, including through facilitating their access to financial resources at local, national and EU level.
5. As a priority, during the coronavirus pandemic MS should ensure adequate housing for all migrants, and tailored housing for migrant women depending on their situations and needs. Temporary regularisation during the pandemic for all migrants should be allowed, in order to facilitate access to safe accommodation and health care as a matter of individual basic human rights as well as public health.
6. Finally, the EC should promote the analysis and exchange of good practices among the MS regarding the integration of migrant women who face several barriers in their integration process (economic and residence dependency on their partner, irregular status, gender-based violence, homelessness, human trafficking for sex work or domestic work and abuses faced in all these situations).

### *Gender-based violence and dependency status*

7. MS should adopt the recommendations that the European Commission puts forward in the EU Strategy on Victims’ Rights for the period 2020-2025 and ensure especially during the pandemic availability of shelters, helplines, psychological aid and counselling, by declaring those services as essential services.
8. The EC should coordinate with MS in order to ensure they avoid the *double punishment* of migrant women victims of gender-based violence by maintaining and increasing the current period of their right of residence or by granting them an independent right of residence for exceptional circumstances.
9. The EC should develop monitoring mechanisms to ensure that the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (the Istanbul Convention) and the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) are being respected by the national governments.
10. MS should develop safe reporting mechanisms for migrant women who live with domestic abuse and should train police officers to consider the gender aspect when they are faced with these situations as well as develop anti-discrimination training for officers.
11. The EC should work with Member States to develop national policies, strategies and action plans that

are specifically geared towards migrant women who applied for family reunification to facilitate their integration on an individual basis and not on their family status.

12. MS should create safe spaces for migrant women where they can feel protected and learn about their rights and domestic violence laws. The professionals working in these services should be trained on gender-based violence.

*Eliminate economic and social marginalisation of migrant women*

13. MS should develop integrative measures dedicated to migrant women for facilitating their inclusion in the labour market and their access to support programs for learning the national language and improving their skills (e.g.: services that can provide childcare while mothers participate in such programmes, outreach to migrant women to inform them of their rights and opportunities, multi-linguistic services, etc).
14. MS should increase labour inspection in the domestic work sector and make sure that migrants who are exploited are not criminalised and faced with deportation if they are found in situations of labour exploitation.
15. The EU should coordinate with MS and collect reliable data on migrant women who experience human trafficking and their situation, particularly when they end up in homelessness. These data are important to ensure that migrant women who have been exploited receive adequate support and a safe shelter, as they are one of the most excluded and vulnerable groups.
16. Efforts should be made to remove legislative restrictions for migrant women admitted under family reunification schemes and to allow them access to the new country's labour market as soon as possible.

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